

## Attachment E - Planning Commission Summary

### REPORT OF PLANNING COMMISSION ACTION December 6, 2018

ITEM NO: 2	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	Z-51-17-6
Location:	Approximately 125 feet north of the northwest corner of 52nd Street and Virginia Avenue
From:	R1-6
To:	PUD
Acreage:	1.98
Proposal:	Planned Unit Development to allow multifamily residential
Applicant:	Dennis Newcombe, Beus Gilbert, PLLC
Owner:	Jeff Hanrath, ACG-Arancia, LLLP
Representative:	Paul E. Gilbert, Beus Gilbert, PLLC

#### **ACTIONS:**

**Staff Recommendation:** Approval, per the staff memo dated December 5, 2018.

**Village Planning Committee (VPC) Recommendation:**

**Camelback East** 3/6/2018 Information Only.

**Camelback East** 11/13/2018 Approval, per the staff recommendation. Vote: 11-4.

**Planning Commission Recommendation:** Approval, per the staff memo dated December 5, 2018, with additional stipulations.

**Motion Discussion:** Commissioner Shank stated that she understood the concerns of single-family neighborhoods affected by adjacent R-3 zoning districts, but the General Plan calls for such density in that area. She stated that she is in support of the project, but with two additional stipulations: the removal of the 31st lot, as well as individual garbage bins for each unit.

Mr. Gilbert stated that he is agreeable to both stipulations.

Commissioner Howard commented that he is sympathetic to the concerns the residents of the single-family neighborhood have brought up, but that their objections have more to do with the current R1-6 zoning than the PUD zoning. The developer is already allowed to build up to 30 feet with 10 to 15 dwelling units per acre by right. The developer is requesting slight deviations from the current allowed development standards and have worked hard with the neighborhood to come to a compromise. Commissioner Howard stated on the record that he supports the project and encourages his fellow commissioners to support it as well.

Commissioner Shank then made a MOTION to approve Z-51-17-6, per the staff memo dated December 5, 2018, with the additional Proposition 207 waiver stipulation as read

into the record, with two additional stipulations: removing the northeastern most lot or 31st unit, and providing each unit with individual garbage.

Ms. Escolar clarified the first additional stipulation to read, "Revise the PUD narrative to remove the unit at the northeast corner of the site."

Commissioner Shank agreed with Ms. Escolar's version and restated the second stipulation to have individual garbage bins.

Ms. Escolar stated that individual garbage bins may not be possible due to the Public Works Department, but recommended directing staff to work with the Solid Waste staff to determine if individual waste receptacles per unit are a valid option.

Chairman Johnson asked Ms. Escolar to leave the individual garbage bins as a stipulation and have staff work on it with City Council because it gives more assertiveness to the request.

Chairman Johnson asked Mr. Gilbert if he could work to move the two trash enclosures to another part of the site, if staff is unable to approve the individual waste receptacle per unit stipulation.

Mr. Gilbert responded that he would be happy to do that.

Chairman Johnson thanked Mr. Gilbert and closed the motion discussion.

Motion details: Commissioner Shank made a MOTION to approve Z-51-17-6, per the staff memo dated December 5, 2018, with additional stipulations.

Maker: Shank  
Second: Wininger  
Vote: 7-0  
Absent: Glenn, Heck  
Opposition Present: Yes

Findings:

1. The proposal is not consistent with the General Plan Land Use Map designation of Residential 10 to 15 dwelling units per acre, however no General Plan Land Use Map amendment is required as the site is less than 10 acres and does not represent a change in residential product type.
2. The proposal includes certain development standards and design guidelines that exceed conventional Zoning Ordinance standards and are compatible with the character of the surrounding area.
3. The proposed development standards will ensure consistency in scale and character with the surrounding land use pattern.

Stipulations:

1. An updated Development Narrative for the 52nd Street Condominiums PUD reflecting

the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 22, 2018, as modified by the following stipulations.

- A. UPDATE ALL REFERENCES TO THE PROPERTY OWNER TO REFLECT CURRENT OWNERSHIP.
  - B. PAGE 10, SECTION B.1, BULLET POINT #5: UPDATE REFERENCE TO WEST BUILDING SETBACK TO MINIMUM 25 FEET.
  - C. REVISE THE PUD NARRATIVE TO REMOVE THE UNIT AT THE NORTHEAST CORNER OF THE SITE.
- 2. Right-of-way totaling 40 feet shall be dedicated for the west half of 52nd Street, as approved by the Planning and Development Department.
  - 3. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
  - 4. The property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
  - 5. PROVIDE EACH UNIT WITH INDIVIDUAL GARBAGE.
  - 6. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

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