



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### **ADDENDUM A** **Staff Report: Z-19-18-8** June 6, 2019

<b><u>Village Planning Committee</u> Meeting Date:</b>	May 7, 2019
<b><u>Planning Commission</u> Hearing Date:</b>	June 6, 2019
<b>Request From:</b>	R1-6 (0.08 acres) C-2 (1.76 acres) C-2 SP (0.09 acres)
<b>Request To:</b>	PUD (1.93 acres)
<b>Proposed Use:</b>	Planned Unit Development to allow mixed uses
<b>Location:</b>	Northwest corner of 41st Place and McDowell Road
<b>Owner:</b>	Michael Allayev, Real Estate & More, LLC
<b>Applicant/Representative:</b>	Rodney Q. Jarvis, Earl, Curley & Lagarde, PC
<b>Staff Recommendation:</b>	Approval, subject to stipulations

The Camelback East Village Planning Committee heard the request on May 7, 2019. The Committee recommended approval of Z-19-18-8 per the staff recommendation and deletion of Stipulation No. 3, modification of Stipulation No. 5, and three additional stipulations by a vote of 13-0. Stipulation No. 3 was requested by the Street Transportation Department for a 10-foot sidewalk easement to be dedicated on the north side of McDowell Road and Stipulation No. 5 was requested by the Public Transit Department to require retention of right-of-way and construction of a new bus stop pad along McDowell Road.

The Street Transportation Department concurred with the recommendation of the Village Planning Committee to remove Stipulation No. 3. The Public Transit Department has indicated concerns with the modified language of Stipulation No. 5 as recommended by the Camelback East Village Planning Committee. The Public Transit Department therefore has recommended modified language in the memo dated June 4, 2019 for the construction of a bus stop pad on McDowell Road.

Staff has no concerns regarding the proposed revisions or additional stipulations and recommends approval per the revised stipulations below.

### **Revised Stipulations**

1. An updated Development Narrative for the 40 East 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 April 22, 2019, as modified by the following stipulations:
  - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date]
  - b. Page 18, G. Development Standards, Landscape Standards: Revise the Landscape Setback Standards Exhibit to depict a minimum landscape setback of 5 feet along the north property line adjacent to the pool amenity area.
  - c. All references to commercial parking requirements shall be revised to be in compliance with Section 702 of the Phoenix Zoning Ordinance.
2. The developer shall submit a Traffic Impact Statement to the City prior to preliminary approval of plans, as approved by the Planning and Development Department.
- ~~3. The developer shall dedicate a 10-foot wide sidewalk easement on the north side of McDowell Road for the length of the property except for the approximately 155-foot distance where the existing building is located, as approved by the Planning and Development Department.~~
3. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN IN THE PUD DEVELOPMENT NARRATIVE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. ANY REQUESTS TO MODIFY OR DELETE STIPULATIONS SHALL BE PRESENTED BEFORE THE CAMELBACK EAST VILLAGE PLANNING COMMITTEE PRIOR TO THE PLANNING HEARING OFFICER HEARING.
5. A MINIMUM OF 20 BICYCLE PARKING SPACES SHALL BE PROVIDED AND MORE IF THE OWNER CAN ACCOMMODATE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- 4.6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and

Development Department. All improvements shall comply with all ADA accessibility standards.

~~5.7. IF THE BUS PAD IS MOVED FROM IT'S CURRENT LOCATION, the developer shall retain right-of-way and construct one new bus pad on the westbound McDowell Road west of 41st Place which shall be compliant with the City of Phoenix Standards Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of McDowell Road and 41st Place according to City of Phoenix Standard Detail P1258, as approved by the Public Transit AND PLANNING AND DEVELOPMENT DEPARTMENT.~~

7. PUBLIC TRANSIT DEPARTMENT WILL REQUIRE DEDICATION OF RIGHT-OF-WAY AND NEW CONSTRUCTION OF ONE BUS PAD ON WESTBOUND MCDOWELL ROAD WEST OF 41ST PLACE. THE BUS STOP PAD SHALL BE COMPLIANT WITH CITY OF PHOENIX STANDARD DETAIL P1260 AND THE LOCATION SHALL BE APPROVED BY THE PUBLIC TRANSIT DEPARTMENT.

6.8. The developer shall record a Notice to Perspective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.

7.9. 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.

### **Additional Exhibits**

Public Transit Memo dated June 4, 2019

Revised Street Transportation Comments dated June 6, 2019



**City of Phoenix**  
PUBLIC TRANSIT DEPARTMENT

**To:** Maja Brkvoic  
Racelle Escolar  
Samantha Keating

**Date:** June 4, 2019

**From:** Kathryn Boris  
Planner II

**Subject:** Z-19-18 (41ST PLACE AND MCDOWELL ROAD) TRANSIT STIPULATION

Public Transit Department staff recommends the following revisions for stipulation 5:

Public Transit Department will require dedication of right-of-way and new construction of one bus stop pad on westbound McDowell Road west of 41st Place. Bus stop pad shall be compliant with City of Phoenix Standard Detail P1260. Location to be approved by Public Transit Department.

The bus stop located at 41st Place and McDowell Road is of significance for public transit riders in the City of Phoenix. An estimated seventy-seven boardings occur at this stop each day, a significant number for daily bus stop use. There are three to five bus passengers that utilize mobility devices at this location each week. The current condition of this stop poses problematic for these riders, as detailed below.

The bus stop pad at this location is constructed of multiple different small pads of concrete, also referred to as a non-monolithic pour. Non-monolithic pads are highly prone to long term damage, lifting, and cracks. These defects will result in an inaccessible bus stop that violates the requirements outlined in the Americans with Disabilities Act. A new construction bus stop pad that complies with City of Phoenix Standard Detail P1260 is recommended.

Retention of right-of-way allows for public use of the bus stop, protects City interests, and allows City staff to maintain the bus stop. Staff recommends retaining current right-of-way with an additional dedication to encompass the entirety of the bus stop pad.

**RESPONSE TO PENDING REZONING ACTIONS**

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**Date:** June 6, 2019  
**To:** Planning Department  
**From:** Matthew Wilson  
**Department/** Street Transportation  
**Company Name:** \_\_\_\_\_  
**Case #:** Z-19-18-8 PUD  
**Location:** NWC of 41st Place & McDowell Road

**Please indicate your comments and return electronically to [zoning@phoenix.gov](mailto:zoning@phoenix.gov) and the Village Planner listed on the distribution list in bold or you may provide hardcopies to both at the Planning Department, Zoning, 2nd floor.**

**No Comment**

**Comments:** See comments below  
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TO: Maja Brkovic  
Planning Department

DATE: June 6, 2019

FROM: Matthew Wilson  
Street Transportation Department

SUBJECT: REZONING CASE # [Z-19-18-8 PUD](#)

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Upon review of this rezoning request, the Street Transportation Department has the following comments:

1. ~~A 10 foot sidewalk easement shall be dedicated on the north side of McDowell Road.~~ [Streets concurs with removal of this stipulation upon request of the Village Commission.]
2. The applicant shall submit a Traffic Impact Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Matthew Wilson (602) 262-7580 ~~Mr. Mani Kumar, (602)495-3697,~~ to set up a meeting to discuss the requirements of the study.
3. The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.

Should you have any questions, please contact me at (602) 262-7580.

attachments

**FILE**  
**Q.S. 13-37**

TO: File  
Street Transportation Department

FROM: Alan Hilty, Plan Review Coordinator  
Street Transportation Department

SUBJECT: REZONING CASE # 19-18-8 PUD  
NWC of 41st Place & McDowell Rd

DATE: June 6, 2019

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Upon review of this rezoning request, the Street Transportation Department has sent the attached comments via e-mail.

Kiva: 99-35955

Rezoning change: R1-6, C-2, C-2 SP to PUD

Attachments