

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION September 1, 2022

ITEM NO: 13	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	Z-3-22-3 (12th & Greenway PUD)
Location:	Approximately 175 feet north of the northwest corner of 12th Street and Greenway Parkway
From:	C-2 and C-2 HGT/WVR DNS/WVR
To:	PUD
Acreage:	9.50
Proposal:	PUD to allow multifamily residential
Applicant:	Nick Wood, Esq., Snell & Wilmer, LLP
Owner:	Donald Valk
Representative:	Nick Wood, Esq., Snell & Wilmer, LLP

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Deer Valley 4/14/2022 Information only.

Deer Valley 8/11/2022 Approval, per the staff recommendation with additional stipulations.
Vote: 11-0.

Planning Commission Recommendation: Approval, per the staff memo dated September 1, 2022.

Motion Discussion: N/A

Motion details: Commissioner Gaynor made a MOTION to approve Z-3-22-3, per the staff memo dated September 1, 2022.

Maker: Gaynor
Second: Vice Chair Mangum
Vote: 7-0
Absent: Busching and Simon
Opposition Present: No

Findings:

1. The request is consistent with General Plan Land Use Map designation and several General Plan goals and principles.
2. The proposed development is appropriate at this location and is consistent with the scale and existing uses in the surrounding area.

3. The proposal will provide residential development on an underutilized parcel and will facilitate pedestrian-oriented design and promote a safer walking environment.

Stipulations:

1. An updated Development Narrative for the 12th and Greenway 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 July 21, 2022, as modified by the following stipulations:
 - a. Front Cover: Remove "Submittal" dates and revise to add the following: City Council adopted: [Add adoption date].
 - b. Page 10, Development Standards, D1:Development Standards Table, Section D1.e Maximum Building Height: Update the header to, "Starting from the West Property Line".
2. The developer shall replenish the existing median island along Greenway Parkway with trees, as approved by the Street Transportation Department. The developer will be responsible for submitting median island landscape drawings separately to the Street Transportation Department for review and approval. Coordinate submission with Erik Wilson, Horticulturist, at 602-534-9898 or erik.wilson@phoenix.gov.
3. The developer shall dedicate a sidewalk easement for any streetscape area that falls outside of dedicated right-of-way, as approved by the Planning and Development Department.
4. The applicant shall submit a Traffic Impact Study to the City for this development. The TIS shall include signal warrant analysis for the intersection of 12th Street and Greenway Parkway. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
5. 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.
6. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.
7. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form

7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.

8. 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.
9. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. 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.
10. ~~UPON ISSUANCE OF THE FIRST BUILDING PERMIT, AND FOR A PERIOD OF FIVE YEARS THEREAFTER, THE DEVELOPER SHALL PROVIDE, AT THEIR EXPENSE, A "CLEAN-UP" OF ANY LITTER AND GARBAGE IN THE WASH CORRIDOR (LOCATED IN PUBLIC RIGHT OF WAY ON THE SOUTH SIDE OF GREENWAY PARKWAY) BETWEEN 9TH STREET ON THE WEST AND 12TH STREET ON THE EAST AT LEAST ONCE A CALENDAR QUARTER, TO BE COORDINATED WITH THE NEIGHBORHOOD SERVICES DEPARTMENT.~~

PRIOR TO FINAL SITE PLAN APPROVAL, THE DEVELOPER SHALL COMPLETE AN AGREEMENT/CONTRACT WITH THE STREET TRANSPORTATION DEPARTMENT TO FACILITATE CLEAN-UP OF THE WASH CORRIDOR LOCATED IN THE AREA SOUTH OF GREENWAY PARKWAY, FROM THE 9TH STREET TO THE 12TH STREET ALIGNMENTS, AT THE DEVELOPER'S EXPENSE FOR A MINIMUM OF FIVE YEARS, AS MODIFIED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

11. ~~UPON ISSUANCE OF THE FIRST BUILDING PERMIT, THE DEVELOPER SHALL CONTRIBUTE FUNDS TO INSTALL GRATES (OR OTHER APPROPRIATE PHYSICAL FEATURE) TO PREVENT ACCESS TO THE EXISTING CULVERT CROSSING(S) UNDER 7TH STREET AT GREENWAY PARKWAY, UP TO A MAXIMUM OF \$50,000, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.~~

PRIOR TO FINAL SITE PLAN APPROVAL, THE DEVELOPER SHALL COMPLETE AN AGREEMENT/CONTRACT WITH THE STREET TRANSPORTATION DEPARTMENT TO INSTALL PHYSICAL FEATURES TO DETER UNAUTHORIZED ACCESS TO THE EXISTING CULVERT CROSSING(S) UNDER 7TH STREET AT GREENWAY PARKWAY UP TO A MAXIMUM OF \$50,000, AS MODIFIED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.