

Attachment D

REPORT OF PLANNING COMMISSION ACTION October 3, 2019

ITEM NO: 3	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-6-19-1
Location:	Approximately 2,640 feet north of the northeast corner of 51st Avenue and Tonopah Drive
From:	RE-43 (Pending RE-35) and RE-35 (Pending RE-35)
To:	RE-35 Hillside DNS/WVR
Acreage:	60.50
Proposal:	Single-family detached residential
Applicant:	Rose Law Group
Owner:	Camis, Inc.
Representative:	Rose Law Group

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Deer Valley 9/19/2019 Approval, per the staff recommendation. Vote: 6-0 (2 abstained).

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Shank made a MOTION to approved Z-6-19-1, per the Deer Valley Village Planning Committee recommendation with an additional stipulation as read into the record.

Maker: Shank
Second: Johnson
Vote: 8-0
Absent: Montalvo
Opposition Present: No

Findings:

1. As stipulated, the proposed development is compatible with the character of existing development in the surrounding area.
2. The development will follow Section 710, Hillside Development, and is generally compatible with the intent of the section.

3. As stipulated, the proposed development will permanently preserve approximately 59 percent of the total site area including a significant amount of hillside and natural desert.

Stipulations:

1. There shall be a maximum of 32 dwelling units.
2. There shall be a maximum overall building envelope disturbance area of 400,000 square feet, as approved by the Planning and Development Department.
3. There shall be no more lots, dwelling units, or building envelopes created than permitted by the slope categories provided below, except that lots or dwelling units not placed in a slope category may be placed in a lower slope category so long as the total number of lots or dwelling units in the hillside development area does not exceed 32 units, as approved by the Planning and Development Department.

Slope Category	Units Permitted Per Slope Category
Less than 10%	1 lots
10% to 14.9%	2 lots
15% to 19.9%	3 lots
20% to 24.9%	7 lots
25% to 29.9%	7 lots
30% to 34.9%	9 lots
35% and over	9 lots

4. There shall be no grading permitted at an elevation of 1,610 feet above mean sea level or above. The remainder of land shall remain undisturbed and be preserved as natural desert open space, as approved by the Planning and Development Department.
5. The color and material palette for the buildings shall be determined at site plan review with specific regard to colors being muted and blending with, rather than contrasting strongly, with the surrounding desert environment, as approved by the Planning and Development Department.
6. The applicant shall provide the Planning and Development Department with proof of legal access between the development and a public right-of-way prior to final plat approval. This access shall be sufficient to service a subdivision in accordance to the Subdivision Code in Chapter 32 of the City Code, as approved by the Planning and Development Department.
7. Roadway and drainage improvements pertaining to 47th Avenue shall conform to the design presented to the Army Corps of Engineers for application of the Section 408 permit, as approved by the Planning and Development Department.

8. The use of blasting, both on-site and off-site, for grading and construction shall be subject to the City of Phoenix Implosion/Demolition Policy (TRT 00590) and the Implosion/Demolition Checklist (TRT 00591) with specific regard to those sections related to blasting, as approved by the Planning and Development Department.
9. The use of blasting during on-site or off-site construction shall be subject to the review and approval by the City of Phoenix Water Services Department, and their regulatory agency Arizona Department of Water Resource. The developer shall provide evidence of this review and approval to the Planning and Development Department prior to the issuance of any blasting approvals on the site.
10. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property, as approved by the Aviation Department.
11. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
12. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
13. 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.
14. 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.

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