

Attachment D- Planning Commission Summary

REPORT OF PLANNING COMMISSION ACTION

August 02, 2018

ITEM NO: 7	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-78-B-88-1
Location:	Northeast corner of 39th Avenue and Happy Valley Road
Request:	From: C-2 PCD, C-2 SP PCD To: C-2 SP PCD Acreage: 22.25
Proposal:	Massage establishment and all underlying C-2 uses
Applicant:	Stephen C. Earl; Earl, Curley & Lagarde, PC
Owner:	J and R Holdings XII, LLC and Arizona State Land Department
Representative:	Stephen C. Earl; Earl, Curley & Lagarde, PC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Deer Valley 7/19/2018. No Quorum.

Planning Commission Recommendation: Approval, per the staff recommendation.

Motion Discussion: N/A

Motion details – Commissioner Glenn made a MOTION to approve Z-78-B-88-1, per the staff recommendation.

Maker: Glenn

Second: Whitaker

Vote: 5-0

Absent: Johnson, Wininger, Katsenes

Opposition Present: No

Findings:

1. This request is not in compliance with the General Plan Land Use Map Residential designation, however, a General Plan Amendment is not required since the land use is only being modified to add a Special Permit use. The request is to add an additional commercial use with no proposed changes to the existing shopping center.
2. The proposal will provide a specialized commercial service that caters to the diverse needs of the community within an existing shopping center.

3. The proposal will allow massage establishment operators the flexibility to locate within the shopping center without the need to acquire a Special Permit for a specific suite.

Stipulations:

1. All stipulations from Rezoning Case Nos. Z-131-05 and Z-78-88 shall apply unless otherwise modified below, as approved by the Planning and Development Department.
2. No more than 5,000 square feet shall be used for massage establishments, as approved by the Planning and Development Department.
3. 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.
4. 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. 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~~
5. 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.
6. 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.
7. 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.

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