

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION August 4, 2022

ITEM NO: 12	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-30-22-1 (Companion Case GPA-DV-1-22-1)
Location:	Approximately 330 feet south of the southwest corner of the I-17 Freeway and Pinnacle Peak Road
From:	C-1 DVAO, CP/BP DVAO, CP/GCP SP DVAO, and RE-43 DVAO
To:	R-3A DVAO
Acreage:	24.88
Proposal:	Multifamily residential
Applicant:	Brennan Ray, Burch & Cracchiolo, PA
Owner:	P.P. & L. Investments, LLLP, et al.
Representative:	Brennan Ray, Burch & Cracchiolo, PA

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Deer Valley** 7/14/2022 Approval, per the staff recommendation. Vote: 7-4.

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Johnson made a MOTION to approve Z-30-22-1, per the Deer Valley Village Planning Committee recommendation.

Maker: Johnson  
Second: Simon  
Vote: 9-0  
Absent: None  
Opposition Present: None

#### **Findings:**

1. The requested R-3A zoning district is consistent with the Residential 15+ dwelling units per acre General Plan Land Use Map designation requested in the companion case GPA-DV-1-22-1.
2. The proposal is appropriately located along an existing freeway and within an employment center and within close proximity to major employment centers.
3. As stipulated, the proposed development will improve recreational opportunities in the area by constructing a multi-use trail along the western portion of the site adjacent to Kuttu Peak.

Stipulations:

1. No development shall occur above the 10 percent slope line as determined by a slope analysis approved by the Planning and Development Department.
2. The building height shall not exceed a maximum of 40 feet.
3. A minimum 20-foot-wide landscape setback shall be provided along the I-17 frontage.
4. The required landscape setback along the Interstate 17 freeway frontage shall be landscaped with minimum 50 percent 2-inch caliper and 50 percent 3-inch caliper single-trunk large canopy drought-tolerant shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. A perimeter wall no less than 6 feet in height shall be provided along the Interstate 17 freeway, except where carriage houses are provided as shown on the site plan date stamped April 6, 2022. This wall shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
6. A minimum of 10 percent open space shall be provided, as approved by the Planning and Development Department.
7. A minimum of six amenities shall be provided, which may include but not be limited to barbeques, ramadas or pools, and distributed throughout the site, as approved by the Planning and Development Department.
8. All uncovered surface parking lot areas shall be landscaped with minimum 2- inch caliper large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
9. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) as shown on the site plan date stamped April 6, 2022 and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved by the Planning and Development Department and/or Parks and Recreation Department. The developer shall work with the Site Planning section on an alternate design for this requirement through the technical appeal process.
10. The developer shall construct right-of-way improvements along the Interstate 17 frontage road for the limits of the subject site including sidewalks, as determined, and approved by the Arizona Department of Transportation.
11. The developer shall obtain appropriate ingress/egress easements from the State of Arizona to gain access from Pinnacle Peak Road.
12. The developer shall provide documentation of ADOT review and approval of a traffic study prior to preliminary site plan approval.

13. Bicycle parking spaces shall be provided per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
14. 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.
15. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1280 M of the Flood Insurance Rate Maps (FIRM) dated September 18, 2020. The following requirements shall apply, as approved by the Planning and Development Department:
  - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
  - b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
  - c. FEMA approved CLOMR-F or CLOMR is required prior to issuance of a Grading and Drainage permit.
16. The property owner 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.
17. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department. 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.
18. The developer shall provide Avigation Notice consistent with Section 658.D, Deer Valley Airport Overlay District, of the Phoenix Zoning Ordinance, prior to final site plan approval.
19. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchasers which discloses the proximity of the Phoenix Deer Valley Airport (DVT) and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.

20. Prior to occupancy, the developer must provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.
21. 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.
22. 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.
23. 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.
24. 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.

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