

## Attachment D

### REPORT OF PLANNING COMMISSION ACTION May 2, 2019

ITEM NO: 6	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-3-19-1 (19th Avenue & Rose Garden Lane PUD)
Location:	Northwest corner of 19th Avenue and Rose Garden Lane
From:	IND. PK. DVAO
To:	PUD DVAO
Acreage:	5.50
Proposal:	PUD to allow industrial uses
Applicant:	Withey Morris, PLC, William F Allison
Owner:	Rose Garden Phoenix, LLC
Representative:	Withey Morris, PLC, William F Allison

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Deer Valley** 2/21/2019 – Information Only.

**Deer Valley** 4/18/2019 – No quorum.

Planning Commission Recommendation: Approval, per the staff recommendation with an additional stipulation.

Motion Discussion: Commissioner Winger made a MOTION to approve Z-3-19-1, per the staff recommendation, with the additional staff recommended standard Proposition 207 waiver of claims stipulation.

Motion details: Commissioner Winger made a MOTION to approve Z-3-19-1, per the staff recommendation, with an additional stipulation as read into the record.

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

#### **Findings:**

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

3. The development will provide continued employment opportunities within an existing employment center.

Stipulations:

1. An updated Development Narrative for the 19th Avenue and Rose Garden 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 March 29, 2019, as modified by the following stipulations:
  - a. Front Cover: Remove "Submittal" dates and revise to add the following: City Council adopted: [Add adoption date]. Correct location to read "Northwest corner of 19th Avenue and Rose Garden Lane."
  - b. Page 4: Correct language to read: "Provisions not specifically regulated by this PUD are governed by the Phoenix Zoning Ordinance, including the Deer Valley Airport Overlay (DVAO) District. If there are conflicts between specific provisions of this PUD, and the Phoenix Zoning Ordinance or design guidelines, with the exception of the provisions of the DVAO, the terms of this PUD shall apply."
  - c. Page 5: Correct C.1 language to read: This PUD allows all uses permitted in the CP/GCP and A-1 zoning districts of the Phoenix Zoning Ordinance, except the following uses in C.2, which shall be prohibited. Add new section heading and introduction sentence for C.2 Prohibited Uses.
  - d. Page 7: Change section subheading from C.2 to C.3. Change section subheading from C.3 to C.4.
2. 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.
3. The subject site is within DVAO "Area 1", development must provide Avigation Notice consistent with DVAO part 658.D.
4. 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. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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.