

## Attachment D

### REPORT OF PLANNING COMMISSION ACTION April 1, 2021

|                 |   |
|-----------------|---|
| ITEM NO: 10     |   |
|                 | DISTRICT NO.: 4                                   |
| SUBJECT:        |   |
|                 |   |
| Application #:  | Z-67-20-4   |
| Location:       | Northwest corner of 2nd Street and Catalina Drive |
| From:           | C-O TOD-1   |
| To:             | WU Code T6:15 MT                                  |
| Acreage:        | 2.10  |
| Proposal:       | Multifamily Residential                           |
| Applicant:      | Dan Duffus, 3010 Westmount, LLC                   |
| Owner:          | 3010 Westmount, LLC                               |
| Representative: | Taylor Earl, Earl & Curley, P.C.                  |

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Encanto** 3/1/2021 Approval, per the staff recommendation. Vote: 10-1.

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

Motion Discussion: N/A

Motion details: Commissioner Howard made a MOTION to approve Z-67-20-4, per the Encanto Village Planning Committee recommendation, with the additional stipulation as read into the record.

Maker: Howard

Second: Gaynor

Vote: 8-0

Absent: Johnson

Opposition Present: Yes (May have registered in error)

#### **Findings:**

1. The proposal is consistent with the General Plan Land Use Map designation of Commercial, the TOD Strategic Policy Framework Regional Center Place Type, and the recommended Transect contained in the Midtown TOD Policy Plan.
2. The development advances the vision and recommendations contained in the Midtown Transit Oriented Development Plan and will support pedestrian oriented development near the light rail.

3. The proposal will create additional housing options for the significant number of residents in the Midtown TOD District.

Stipulations:

1. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalks, as approved by the Planning and Development Department.
2. The developer shall provide and maintain the following bicycle parking as described below and as approved by the Planning and Development Department.
  - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
  - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance.
3. 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.
4. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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.
5. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
6. 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.
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.
8. 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  
Angie Holdsworth at (602) 495-5622, TTY use 7-1-1.