

# Attachment D

## REPORT OF PLANNING COMMISSION ACTION December 5, 2019

ITEM NO: 3	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-78-C-88-1
Location:	Southwest corner of 35th Avenue and Hackamore Drive
From:	S-1 (Approved C-2 PCD)
To:	R-4 PCD
Acreage:	13.09
Proposal:	Multifamily residential development
Applicant:	Pederson Group, Inc.
Owner:	Arizona State Land Department
Representative:	Bergin, Frakes, Smalley & Oberholtzer

### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Deer Valley** 11/21/2019 Approval, per the staff recommendation with modified stipulations. Vote: 7-2.

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

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve Z-78-C-88-1, per the Deer Valley Village Planning Committee recommendation with an additional stipulation as read into the record and a modification to Stipulation No. 5 as requested by the applicant.

Maker: Busching  
Second: Montalvo  
Vote: 9-0  
Absent: None  
Opposition Present: Yes

### **Findings:**

1. The proposal does not conform to the current General Plan Land Use Map designations, however a companion General Plan Amendment (Case No. GPA-DV-3-19-1) is being requested for the property.
2. The proposed zoning and related development plans are consistent with several goals and policies of the General Plan.

3. The proposed number of units does not exceed the maximum allowable units permitted by the PCD.
4. The proposal will allow for additional housing choices in the area in close proximity to commercial development and the Deer Valley Major Employment Center.

Stipulations:

1. The development shall be in general conformance with the site plan date stamped November 6, 2019 as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall be limited to a maximum of 325 units.
3. The maximum building height shall be limited to 40 feet.
4. All sidewalks adjacent to public rights-of-way shall be detached with a minimum 5-foot-wide landscaped area located between the sidewalk and back of curb and shall include minimum 3-inch caliper, single trunk, large canopy shade trees planted a minimum of 20 feet on center or equivalent groupings, except where utility and engineering constraints exist; and minimum five-gallon shrubs ~~with a maximum mature height of 2 feet~~ providing 75% live cover shall be provided, as approved by the Planning and Development Department.
5. A minimum 20-foot landscape setback shall be required along Hackamore Drive and 35th Avenue and shall include large canopy, single trunk, shade trees 20 feet on center or in equivalent groupings. ~~75 50~~ **TWENTY FIVE** percent of the trees shall be minimum 3-inch caliper and ~~seventy-five 50~~ **75** percent of the trees shall be minimum 2-inch caliper. Five 5-gallon shrubs per tree shall be provided, and additional shrubs or live groundcover shall provide minimum 75% live cover at mature size, as approved by the Planning and Development Department.
6. A 6-foot high decorative perimeter wall or view fence shall be constructed adjacent to Hackamore Drive, 35th Avenue, the private street to the south and the west property boundary. If a solid perimeter wall is constructed, it shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, green screens, or stamped designs, as approved by the Planning and Development Department.
7. The developer shall install secured bicycle parking at 0.25-spaces for each residential unit with a maximum of 50 spaces and a minimum of four inverted U-bicycle racks for guests located near building entrances per Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
8. The developer shall install traffic calming devices along the driveways of the property so that vehicles exercise caution prior to crossing the sidewalk when exiting and entering the property, as approved by the Planning and Development Department.

9. Pedestrian connections shall be provided on the south and west portions of the site to connect to the commercial developments to the south and to the west, as approved by the Planning and Development Department.
10. The developer shall provide clearly defined, accessible pathways, constructed of decorative pavers, stamped or colored concrete, or other decorative pavement that visually contrasts with the adjacent parking and drive aisle surfaces. The developer shall connect all building entrances and exits, and all vehicular entry and exit points, to/from the public sidewalks and to the existing commercial development to the west utilizing the minimum possible distance and providing the most direct route, as approved by the Planning and Development Department.
11. 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.
12. ~~The developer shall dedicate a 10-foot sidewalk easement along the southside of Hackamore Drive for the length of the property, as approved by the Planning and Development Department.~~ ALL SIDEWALKS SHALL BE CONSTRUCTED WITHIN DEDICATED RIGHT-OF-WAY, OR A SIDEWALK EASEMENT SHALL BE DEDICATED TO INCLUDE THE FULL EXTEND OF THE SIDEWALK ADJACENT TO A PUBLIC RIGHT-OF-WAY.
13. 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.
14. 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.
15. 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.
16. 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.

### PCD Stipulations

The following stipulations have been brought forward from the original PCD zoning case, and subsequent amendments, with limited modifications:

- ~~16.~~ An updated General Development Plan for the Stetson Hills PCD reflecting the
- ~~17.~~ changes approved through this request shall be submitted to the Planning and Development Department, as well as any other Master Plans that may be required through the site plan review process.
  
- ~~17.~~ Development shall be limited to a maximum of 4,000 dwelling units under this
- ~~18.~~ development proposal for the Planned Community District.
  
- ~~18.~~ Water retention areas shall be designed and treated in a fashion that will blend
- ~~19.~~ with the surrounding environment and be architecturally sensitive to adjacent land use, as approved by the Planning and Development Department.
  
- ~~19.~~ Water conservation facilities, equipment and techniques shall be utilized within
- ~~20.~~ each development unit and throughout the PCD.
  
- ~~20.~~ The developer(s) will be financially responsible for the proportional cost of any
- ~~21.~~ other new signals, signal modifications, and improvements (to be determined at the time of the development site plan review process) related to site traffic.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.