

Attachment D

REPORT OF PLANNING COMMISSION ACTION October 7, 2021

ITEM NO: 8	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	Z-46-21-4
Location:	Approximately 240 feet west of the southwest corner of 7th Street and Palm Lane
From:	C-O and P-1
To:	WU Code T4:3 MT
Acreage:	1.03
Proposal:	Single-family detached residences
Applicant:	David Kitnick, Rosewood Homes, LLC
Owner:	Goldwater Institute
Representative:	George Pasquel, III, Withey Morris, PLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Encanto 10/4/2021 Approval, per the staff recommendation with direction. Vote: 11-0.

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-46-21-4, per the Encanto Village Planning Committee recommendation, with the additional stipulation as read into the record.

Maker: Howard
Second: Johnson
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. The proposal is compatible with the context of the area in terms of its height, setbacks, and landscape character.
2. The development advances the vision and recommendations contained in the Midtown TOD Policy Plan by proposing a transect consistent intensity range contained in the adopted Place Type.

3. The proposal will create additional housing options in line with the Housing Phoenix Plan's goal of preserving or creating 50,000 housing units by 2030.

Stipulations:

1. The mature California Fan Palms shall be preserved within the Palm Lane right-of-way, as approved or modified by the Planning and Development Department Landscape Architect. This stipulation shall not preclude the relocation of mature California Fan Palms within the right-of-way.
2. The developer shall pave the alley per the local street standards from western project boundary to 7th Street, as approved by the Planning and Development Department.
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.**

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