

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION March 6, 2025

ITEM NO: 7	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-112-24-1 (Roers Companies Deer Valley Apartments PUD) (Companion Case GPA-DV-2-24-1)
Location:	Northwest corner of 30th Avenue and Deer Valley Drive
From:	R-4A (Approved CP/GCP)
To:	PUD
Acreage:	4.99
Proposal:	Planned Unit Development (PUD) to allow multifamily residential
Applicant:	Michael Buschbacher, II, AICP, Earl & Curley, P.C.
Owner:	Bryan Mar, Deer Valley Development, LLC
Representative:	Michael S. Buschbacher, II AICP, Earl & Curley, P.C.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Deer Valley 10/15/2024 Information only. No quorum.

Deer Valley 2/18/2025 Approval, per the staff recommendation. Vote: 7-3.

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

Motion Discussion: N/A

Motion details: Commissioner Hu made a MOTION to approve Z-112-24-1, per the Deer Valley Village Planning Committee recommendation.

Maker: Hu

Second: Jaramillo

Vote: 7-0

Absent: Gorraiz, Read

Opposition Present: No

Findings:

1. The proposal is compatible with the existing land use pattern and is consistent with the proposed General Plan Land Use Map designation.
2. The proposal contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The proposal will provide increased shade which will help to reduce the urban heat island effect.
3. The proposal will diversify the land use mix and provide the opportunity for affordable housing in the area.

Stipulations:

1. An updated Development Narrative for the Roers Companies Deer Valley Apartments PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped January 16, 2025, as modified by the following stipulations:
 - a. Front Cover, add “City Council adopted: [Insert Adoption date]”
 - b. Insert a new page after the cover page and add the following text: A Planned Unit Development (“PUD”) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the Phoenix Zoning Ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies Phoenix Zoning Ordinance regulations and does not modify other City Codes or requirements.
 - c. Throughout the entire document and exhibits, update any instances of “Deer Valley Road” to “Deer Valley Drive”.
 - d. Page 13, C. List of Uses: delete “The proposed PUD does not seek to increase the list of uses allowed within the zoning district.” and replace with “The Zoning Administrator may issue interpretations for land uses that are analogous to those listed in C. List of Uses as authorized by Phoenix Zoning Ordinance Section 307.A.3.”
 - e. Page 13, D. Development Standards, Table 3 – Development Standards, Row 2, Column 1: Add the word “Minimum” in front of Building Setbacks.
 - f. Page 13, D. Development Standards, Table 3 – Development Standards, Row 2, Column 2: Rewrite as follows:

Deer Valley Drive: 20 feet
30th Avenue: 20 feet
West: 5 feet
North: 140 feet

Note: Carports, parking stalls, pedestrian plaza and associated amenities (structures) are allowed within the building setbacks along the north and east (30th Avenue) property lines.
 - g. Page 15, D. Development Standards, Table 4 – Landscape Standards, Row 1, Column 1: Delete Deer Valley Drive, 30th Avenue, Interior West Lot Line, Interior North Lot Line.
 - h. Page 15, D. Development Standards, Table 4 – Landscape Standards, Row 1, Column 2: Rewrite as follows:

Deer Valley Drive: 20 feet
30th Avenue: 20 feet¹
West: 5 feet
North: 0 feet²

1. Up to three parking spaces (or portion(s) thereof) and a pedestrian plaza (or portion thereof) may be located in the northernmost 99 feet of the landscape setback adjacent to 30th Avenue.
 2. Landscaping in the wash area may be preserved in its natural vegetative condition.
 - i. Page 17, D. Development Standards, Table 5 – Parking Standards, Row 2, Column 2: Remove the word “provided”.
 - j. Page 25, E. Design Standards and Guidelines, G. Sustainability, Water Consumption Section: Remove “A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.” and place the language under the “Site Shading” row, second column, on page 15, Table 4, D. Development Standards, Table 4 – Landscape Standards.
 - k. Page 27, I. Comparative Zoning Standards, Row 3, Column 3: Revise maximum density to 29.46 du/ac.
 - l. Page 29, I. Comparative Zoning Standards, Row 2, Columns 1: Update text to “Minimum Landscape Setbacks”.
2. A minimum 30-foot wide Multi-Use Trail Easement (MUTE) shall be dedicated adjacent to the Scatter Wash.
 3. A minimum of one enhanced pedestrian connection shall be provided to allow for direct pedestrian access to the Scatter Wash Trail. An 8-foot-wide shaded pedestrian pathway shall be constructed with decorative material such as brick, pavers or an alternative material, as approved by the Planning and Development Department.
 4. All mitigation improvements shall be constructed and/or funded as identified in the accepted Traffic Impact Analysis dated August 6, 2024.
 5. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
 6. All streets within and adjacent to the development shall be constructed 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.
 7. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.
 8. This parcel is in Special Flood Hazard Areas (SFHA) called Zone AE and Zone AE floodway, on panel 1290M of the Flood Insurance Rate Maps (FIRM) revised

September 18, 2020. The following requirements shall apply, as approved by the Planning and Development Department:

- a. The Architect and Engineer is required to show the floodplain boundary limits on the Site Plan and 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 shall be submitted to the Floodplain Management section of Office of the City Engineer for review and approval of Floodplain requirements.
 - c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
9. 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.
 10. Prior to final 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 Saneeya Mir at 602-686-6461, saneeya.mir@phoenix.gov, TTY: Use 7-1-1.