

## Attachment E

### REPORT OF PLANNING COMMISSION ACTION January 6, 2022

ITEM NO: 7	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-48-21-1 (Lumara PUD)
Location:	Approximately 270 feet north of the northeast corner of 19th Avenue and Happy Valley Road
From:	C-O/M-O and County RU-43 (Pending S-1)
To:	PUD
Acreage:	13.48
Proposal:	Planned Unit Development to allow multifamily residential.
Applicant:	Toll Brothers
Owner:	Happy Valley 19, LLC
Representative:	Nick Wood, Esq., Snell & Wilmer, LLP

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Deer Valley** 9/9/2021 Information only.

**Deer Valley** 12/9/2021 Approval, per the staff recommendation. Vote: 10-0 (1 abstained).

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

Motion Discussion: N/A

Motion details: Commissioner Johnson made a MOTION to approve Z-48-21-1, per the Deer Valley Village Planning Committee recommendation, with the additional stipulation as read into the record, and a modification to Stipulation No. 3 per the applicants request.

Maker: Johnson  
Second: Gorraiz  
Vote: 6-2 (Bushing and Perez)  
Absent: Shank  
Opposition Present: Yes

#### **Findings:**

1. The site is located at the intersection of two arterial streets and in close proximity to an employment center west of 19th Avenue. The proposed standards in the PUD provide a transition from more intense development on the west side of 19th Avenue to undeveloped property to the east of the subject site.
2. The proposed development will provide diverse housing options in the area within close proximity to designated employment centers.
3. The Development Narrative contains standards that exceed ordinance requirements

including enhanced setbacks along three sides of the site as well as enhanced landscape standards.

Stipulations:

1. An updated Development Narrative for the Lumara 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 November 22, 2021, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: July 7, 2021  
2nd Submittal: September 10, 2021  
3rd Submittal: October 07, 2021  
Hearing Draft: November 22, 2021  
City Council adopted: TBD
  - b. Page 9; The streetscape adjacent to 19th Avenue requires the A Street Section. An A section requires detached sidewalks where a minimum 5-foot-wide sidewalk is required, and a minimum 13-foot-wide landscape area is required.
  - c. Page 8; add Minimum, 15 percent open space to development standards table.
2. 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.
3. The developer shall construct and landscape a 24-foot-wide median in 19th Avenue~~;~~. ~~for the full limits of the project~~ **THE MEDIAN SHALL BE DESIGNED TO PROVIDE FOR FULL MOVEMENT (NORTH/SOUTH/EAST/WEST) AT 19TH AVENUE AND DESERT HOLLOW DRIVE**, as approved by the Planning and Development and Street Transportation Departments.
4. Full access-control to the site shall only be permitted at 19th Avenue and the Desert Hollow Drive alignment, as approved by the Planning and Development Department.
5. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
6. The property owner shall record documents that disclose the existence, and operational characteristics of the 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.
7. The developer shall provide documentation to the City of Phoenix 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.

8. 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.
- 9 **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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