

Attachment E

REPORT OF PLANNING COMMISSION ACTION November 5, 2020

ITEM NO: 10	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-6-20-2 (Optima 15615 PUD)
Location:	Approximately 750 feet north of the northeast corner of 71st Street and Kierland Boulevard
From:	C-2 PCD
To:	PUD
Acreage:	1.51
Proposal:	Planned Unit Development to allow multifamily residential and commercial.
Applicant:	Optima
Owner:	Phoenix 71st Street, LLC
Representative:	Nick Wood, Esq., Snell & Wilmer, LLP

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Paradise Valley 6/1/2020 Information only.

Paradise Valley 10/5/2020 Approval, per the staff recommendation. Vote: 12-3.

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

Motion Discussion: N/A.

Motion details: Commissioner Shank made a MOTION to approve Z-6-20-2, per the Paradise Valley Village Planning Committee recommendation, with the additional stipulation as read into the record.

Maker: Shank
Second: Montalvo
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. The proposed development is in conformance with several General Plan goals and policies that will result in more housing choices within an employment center which will help to support the nearby employment centers.

2. The proposed development is compatible with the existing land use pattern in the area and is designed to enhance a walkable environment along 71st Street where there are other multifamily developments nearby and bike lanes to encourage an active frontage.
3. The development will provide additional housing opportunities in the area.

Stipulations:

1. An updated Development Narrative for the Optima 15615 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 August 20, 2020, 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: January 24, 2020
2nd Submittal: June 15, 2020
Hearing Draft: August 20, 2020
City Council adopted: TBD
 - b. The west landscape setback in the development narrative shall be changed from 20 feet to 10 feet.
 - c. Remove footnote 7 on page 9 of the development narrative.
 - d. Add the word "the" on page 10, second sentence from the top of the development narrative.
 - e. Add landscape setbacks to landscape standards table on page 10 of the development narrative.
 - f. Page 12, Section D4: Fence and Walls, add "along 71st Street" in the second sentence related to 4-foot high fencing.
 - g. Update west landscape setbacks in comparative zoning 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 submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.

4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) 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 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.
6. 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.
7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. 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.
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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