

# Attachment E

## REPORT OF PLANNING COMMISSION ACTION

March 7, 2019

REVISED March 20, 2019

ITEM NO: 5	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-82-18-1 (Companion case GPA-DV-2-18-1)
Location:	Approximately 477 feet south of the southeast corner of 23rd Avenue and Alameda Road
From:	A-1 DVAO
To:	R-3A DVAO
Acreage:	16.78
Proposal:	Multifamily residential
Applicant:	Erin Conway, Continental Fund 481
Owner:	Walter Cale, Roy's Deer Valley Nursery, LLC
Representative:	Stephen C. Earl; Earl, Curley & Lagarde, PC

### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:  
**Deer Valley** 1/17/2019 Denial. Vote: 3-2.

\* Planning Commission Recommendation: Approval, per the Addendum A Staff Report, with an additional stipulation as read into the record and a modified stipulation.

Motion Discussion: N/A

\* Motion details: Commissioner Glenn made a MOTION to approve Z-82-18-1 per the Addendum A Staff Report, with an additional stipulation as read into the record and a modification to Stipulation No. 15 to add "or architect's" after "engineer's".

Maker: Glenn  
Second: Howard  
Vote: 6-1 (Heck)  
Absent: Shank, Gorraiz  
Opposition Present: No

### **Findings:**

1. The proposal does not conform to the current General Plan Land Use Map designation. However, General Plan Amendment (GPA-DV-2-18-1) is being requested concurrently with this rezoning request.
2. The proposed rezoning is in conformance with several General Plan goals and policies and will serve to provide additional housing choices for those who work in the area.

3. The proposed project will develop a vacant lot that is currently underutilized and as stipulated, the project is compatible with other multifamily projects in the area.

Stipulations:

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN DATE STAMPED MARCH 6, 2019, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. AN 8-FOOT HIGH NOISE MITIGATION WALL SHALL BE CONSTRUCTED ALONG THE SOUTH PROPERTY LINE ADJACENT TO THE APSM SYSTEM PROPERTY.
43. The maximum building height shall be a maximum of 35 feet.
24. The development shall be limited to 298 units.
35. A minimum of 15 percent of the gross project area shall be retained as open
46. A minimum 15-foot landscape setback shall be provided along the southern property line, as approved by the Planning and Development Department.
57. The developer shall install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for guests located near entrances to the buildings and installed per section 1307.H., as approved by the Planning and Development Department.
68. Right-of-way totaling 55 feet shall be dedicated for the east half of 23rd Ave, as approved by the Planning and Development Department.
79. All sidewalks along 23rd Avenue and Alameda Road shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb, and shall include minimum 3-inch caliper drought tolerant shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
810. 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.
911. The subject site is within DVAO "Area 1", development must provide Avigation Notice consistent with DVAO part 658.D.
- 40  
12. Development must provide an avigation easement to the City prior to construction permit approval.
44. Development must file FAA Form 7460 and provide City FAA's no hazard

13. determination prior to construction permit approval.
42. Prior to occupancy, development must erect signage within the development's
14. sales/leasing office (or equivalent signage) that is visible to prospective renters or purchases and which discloses the proximity of Deer Valley Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.
- \* 43. Prior to occupancy, development must provide City a qualified engineer's OR
15. ARCHITECT'S report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.
44. In the event archaeological materials are encountered during construction, the
16. 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.
17. 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.

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