

Attachment D

REPORT OF PLANNING COMMISSION ACTION September 2, 2021

ITEM NO: 14	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-34-21-7
Location:	Approximately 1,130 feet south of the southeast corner of 39th Avenue and Miami Street
From:	A-1 and A-2
To:	A-2
Acreage:	1.90
Proposal:	Truck Repair
Applicant:	Brad Pilon-Design Barbarians Architects
Owner:	Carmen Haugan
Representative:	Brad Pilon-Design Barbarians Architects

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Estrella 8/17/2021 Approval, per the staff recommendation. Vote: 8-0.

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

Motion Discussion: N/A

Motion details: Commissioner Howard made a MOTION to approve Z-34-21-7, per the Estrella Village Planning Committee recommendation, with the additional stipulation as read into the record.

Maker: Howard
Second: Johnson
Vote: 8-1 (Perez)
Absent: None
Opposition Present: Yes

Findings:

1. The proposed zoning is consistent with the General Plan Land Use Map designation of Industrial.
2. The proposed use is consistent with the development patterns in the area.
3. The proposed development, as stipulated, will maintain an appropriate scale plus character of the area and prevent visual impacts to the shared use path along the Rio Salado.

Stipulations:

1. The maximum building height shall be limited to 30 feet.
2. The developer shall pave 39th Avenue per the collector street standards starting at the entrance of the subject site and terminating 310 feet north of the subject site along 39th Avenue, as approved by the Planning and Development Department.
3. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Sky Harbor International Airport (PHX) 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.
4. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for all development required by the FAA to file this form, 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, as required by the FAA, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
5. 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.
6. **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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