

# Attachment D

## REPORT OF PLANNING COMMISSION ACTION April 4, 2019

ITEM NO: 4	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-79-18-7
Location:	Northeast corner of 39th Avenue and Vineyard Road
From:	S-1
To:	R1-6
Acreage:	11.20
Proposal:	Single-family residential
Applicant:	John Fox and the William Seymour Co. Inc
Owner:	W6, LLC
Representative:	John Fox and the William Seymour Co. Inc

### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Laveen** 3/18/2019 Approval, per the staff recommendation with modified and additional stipulations. Vote: 10-1.

Planning Commission Recommendation: Denial as filed, approval with R1-8 zoning with the Laveen Village Planning Committee recommended stipulations; and a modified and deleted stipulation, and additional stipulations.

Motion Discussion: Commissioner Glenn made a MOTION to deny Z-79-18-7 as filed, and approve with R1-8 zoning with the additional stipulation as read into the record and the Laveen Village Planning Committee recommended stipulations; modifying Stipulation No. 4 from 15% open space to 10% open space with the justification that the requirement is 5% open space and doubling the requirement is sufficient, adding stipulations for a minimum lot width of 45 feet and that trees along 39th Avenue shall be a mix of 50% 2-inch caliper and 50% 3-inch caliper shade trees, planted 20 feet on center or equivalent groupings, and deleting Stipulation No. 13 regarding minimum dwelling units per acre.

Motion details: Commissioner Glenn made a MOTION to deny Z-79-18-7 as filed, and approve with R1-8 zoning with the additional stipulation as read into the record and the Laveen Village Planning Committee recommended stipulations; modifying Stipulation No. 4 from 15% open space to 10% open space, adding stipulations for a minimum lot width of 45 feet and that trees along 39th Avenue shall be a mix of 50% 2-inch caliper and 50% 3-inch caliper shade trees, planted 20 feet on center or equivalent groupings, and deleting Stipulation No. 13 regarding minimum dwelling units per acre.

Maker: Glenn  
Second: Gorraiz  
Vote: 8-1 (Heck)

Absent: None  
Opposition Present: Yes

Findings:

1. The request is consistent with the General Plan Land Use Map designation of Residential 3.5 to 5 dwelling units per acre.
2. The proposed development is appropriate at this location and is consistent with the scale and existing zoning in the surrounding area.
3. As stipulated, the proposal is consistent with the character of existing development in the surrounding area.

Stipulations:

1. Building elevations shall meet the following design criteria, as approved by the Planning and Development Department:
  - a. All roof materials shall be flat clay or concrete tile or other similar materials. No asphalt shingles, shakes or metal shingles are allowed.
  - b. All exterior walls of the dwelling units shall utilize stucco, stone and/or masonry. No wood or aluminum sidings are allowed. At least ~~40%~~ 20% of the total surface area of the street elevation shall consist of stone veneer. Stone shall be natural and the color must mimic a natural desert motif. Synthetic stone can be used as long as the color and textures reflect organic material.
  - C. THE DEVELOPER SHALL PROVIDE 18-INCH ROOF OVERHANGS FOR EACH HOME WITHIN THE DEVELOPMENT.
  - D. THE STREET FACING SIDES OF THE TWO-STORY HOMES SHALL HAVE ENHANCED ARCHITECTURE
2. Trees along the perimeter of the subdivision shall be consistent with existing trees adjacent to subdivisions at the southeast and southwest corners of 39th Avenue and Vineyard Road.
3. All sidewalks shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper 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.
4. The developer shall provide a minimum of ~~40%~~ 15% 10% open space, as approved by the Planning and Development Department.
5. Right-of-way totaling 30-feet shall be dedicated for the north half of Vineyard Road for the entire length of the property, as approved by the Planning and Development Department.
6. Right-of-way totaling 40-feet shall be dedicated for the east half of 39th Avenue for the entire length of the property, as approved by the Planning and Development Department.

Department.

7. A 15-foot by 15-foot right-of-way triangle shall be dedicated at the northeast corner of 39th Avenue and Vineyard Road, as approved by the Planning and Development Department.
8. 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.
9. The property owner shall record documents that disclose the existence, and operational characteristics of 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.
10. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
11. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
12. 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.
- ~~13. THE DEVELOPMENT SHALL BE LIMITED TO 4.5 DWELLING UNITS PER ACRE.~~
14. THE DEVELOPER SHALL PROVIDE A MINIMUM 22-FOOT DRIVEWAY FOR EACH HOME WITHIN THE DEVELOPMENT.
- ~~15. LOTS ON THE PERIMETER OF THE SUBDIVISION SHALL BE LIMITED TO ONE STORY IN HEIGHT.~~
16. THE CONCEPTUAL SITE PLAN, LANDSCAPE PLAN, LIGHTING PLAN AND BUILDING ELEVATIONS SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
16. MINIMUM LOT WIDTHS SHALL BE 45 FEET.
17. THE TREES ALONG 39TH AVENUE SHALL BE A MIX OF A 50% MINIMUM 2-INCH CALIPER AND 50% MINIMUM 3-INCH CALIPER SHADE TREES, PLANTED A MINIMUM OF 20 FEET ON CENTER OR EQUIVALENT GROUPINGS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

18. 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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