

Attachment C

Planning Hearing Officer Summary of February 20, 2019
Application Z-108-05-8
Page 1

REPORT OF PLANNING HEARING OFFICER ACTION Adam Stranieri, Planner III, Hearing Officer Sofia Mastikhina, Planner I, Assisting

February 20, 2019

ITEM 3

DISTRICT 8

SUBJECT:

Application #: Z-108-05-8 (PHO-2-18)
Zoning: R1-10 HP
Location: Approximately 735 feet west of the southwest corner of 7th Avenue and South Mountain Avenue
Acreage: 8.3
Request: 1) Modification of Stipulation No. 1 regarding general conformance to site plan date stamped May 5, 2017.
2) Modification of Stipulation No. 2 regarding general conformance to elevations date stamped July 18, 2005.
3) Modification of Stipulation No. 4 regarding 1 story homes on lots 19, 20 and 21.
4) Modification of Stipulation No. 5 regarding external and internal sidewalks shall conform with the May 5, 2017 street sections.
5) Deletion of Stipulation No. 6 regarding no metal roofs or reflective materials on the roofs.
6) Deletion of Stipulation No. 8 regarding moving the retention basins and adding more citrus trees.
7) Technical correction to Stipulation No. 7
Applicant: Mak Construction
Owner: Dos Palmas South Mountain LLC
Representative: Mark Dorflein/Shawn Kaffer

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: At its February 12, 2019 meeting, the South Mountain Village Planning Committee recommended approval by a 16-1 vote.

DISCUSSION

Shawn Kaffer, applicant with Mak Construction, stated that this property was an existing project that his company had taken over six months ago. Mr. Kaffer noted that the project surrounds an existing historical home (Stoughton Estate) with an entry feature and pilasters that the Historic Preservation Division has deemed to be significant. He presented photographs of the current conditions on the site and the previously approved

site plan, which had 24 lots, two retention basins and a citrus tree orchard on the northern portion of the site. He explained that the new plan will retain 24 lots, will have an internal green belt, that the orchard will be incorporated into the retention basins, and that the entry drive has been reoriented to preserve the historic pilasters. He presented conceptual renderings of the project, which incorporate the historic pilasters, edible landscaping throughout the interior of the site, and the use of decomposed granite paths instead of concrete sidewalks.

Melissa Britain stated that she is the owner of the historic property that this project surrounds. Ms. Britain inquired how this new project will affect access to her property. She asked Mr. Kaffer to explain the changes in access now that the retention basins have been redesigned, where the orchard will be located, and whether the new plan will have fencing to separate her property from the rest of the project.

Mr. Kaffer explained the redesign of the retention basins, which will also serve as the area for the citrus tree orchards. He explained that the entrance was moved to provide a more continuous streetscape and to preserve the historic features along South Mountain Avenue. He also noted that the project will be gated, but that the gate and walls will be set back significantly behind the historic pilasters, per Historic Preservation Office recommendations. He pointed out that the only fencing that will be present adjacent to South Mountain Avenue will be split-rail fencing.

Ms. Britain asked for clarification regarding which homes on the site plan will be restricted to one-story. Mr. Kaffer identified the three homes on the plan that will have this restriction, which are the homes directly to the east, west, and south of the Stoughton Estate property. He further noted that the selection of the lots was reviewed by the Historic Preservation Office, which sought to preserve the property's view corridors. Ms. Britain asked if one more home could also be restricted to one-story to preserve her views.

Mark Dorflein with Mak Construction asked if it would be possible to revise the stipulation modification request to remove one of the one-story restricted lots and substitute another lot, per Mr. Britain's concerns.

Adam Stranieri explained that he was willing to add another lot to the one-story restriction stipulation, however he would not eliminate the restriction for any lots that were recommended by the Historic Preservation Office.

Scott Murray, a property owner who lives south of the proposed subdivision, stated that he built his house fourteen years ago prior to the rezoning cases. He stated that he chose that location to build his home, which has nine north-facing windows. He has concerns that now there will be two-story homes backing all the properties along the southern perimeter of the subject site and that views to the historic home will be obstructed. Mr. Murray stated that all the homes in the new project should be restricted to single-story to preserve the neighbors' views.

Mr. Stranieri stated that the Stoughton Estate property is an important architectural feature that has had Historic Preservation status since the 1990s. In 2005, a rezoning case removed the Historic Preservation designation from the southern portion of the property, just south of the historic home, and from the western perimeter of the site. In the proposed subdivision plat for this case, the parcel lines associated with the Stoughton Estate property and the orchards were modified and left out the two historic palm trees ("Dos Palmas") and an outbuilding from the historic designated area. The zoning action taken in 2010 adjusted the boundaries of the historic overlay in order to recapture the outbuilding and the two palm trees. He explained that some of the stipulations in the 2005 zoning case address portions of the property that are outside the boundaries of the zoning case. He reiterated that the current request does not include the historic portion of the site, including the historic retention basins.

Mr. Stranieri asked Mr. Kaffer if the new proposed plat follows the historic property lines of the Stoughton Estate, including the outhouse and the historic palm trees. Mr. Kaffer replied yes.

Mr. Stranieri stated that the first request for stipulation modification is for general conformance to a site plan, however, this stipulation also refers to a historical site plan and landscape elevations. He stated that the historic site plan is off-site to the subject property, so he has no problem with removing that reference from the stipulation. He stated that no landscape plans or landscape elevations were submitted to replace the original documents, so he is not inclined to remove this portion of the stipulation at this time. He explained that the applicant will be required to work with the Historic Preservation Office on developing this property, so he will add a requirement for administrative approval of landscape plans for consistency with the Historic Preservation Office's approval landscaping in the right-of-way. He approved the new site plan stipulation request, with the modification that the reference to the landscape elevations be placed in a new stipulation.

Mr. Stranieri addressed the request to modify a stipulation regarding general conformance to elevations, noting that the applicant submitted conceptual renderings, which lack the detail of architectural elevations. He stated that he will add a stipulation for administrative review and approval of elevations in specific regard to some of the elements that were included in the conceptual renderings. He explained that the conceptual renderings capture the intended agrarian character of the properties in this area and in the Rio Montaña Area Plan. He outlined the specific elements that will be incorporated in the new stipulations, which include references to building materials, architectural elements, covered front porches, decorative garage treatments, window styles, and roof design.

Mr. Stranieri reiterated that he will not remove the reference to the stipulated lot numbers that the Historic Preservation Office had reviewed for restriction to one-story height. He stated that he will approve the request for the stipulation modification, with an additional reference to the date stamped site plan.

Mr. Stranieri addressed the proposed decomposed granite sidewalks proposed in the street sections, noting that this request may conflict with ADA requirements, which requires concrete sidewalks for single-family home subdivisions. He explained that this proposal may require a technical appeal to the Subdivision Ordinance.

Mr. Stranieri asked if the open space areas indicated on the site plan in front of the individual lots are a common landscape tract. Mr. Kaffer replied that they are privately held landscape areas for each individual lot. Mr. Stranieri expressed concern that these areas are labeled as agricultural areas to be communally harvested and used as common space in the subdivision. He noted that portions of a private residential lot may not be considered community open space. He explained that there are multiple technical aspects of the proposed site plan that may require further public hearings or technical appeals, thus, he will not approve the request to remove the reference to the street sections. Mr. Stranieri recommended future review, pending the outcomes of the applicant's discussions with the Development Services Division.

Mr. Stranieri stated that the original intent of the stipulation regarding metal roofs was concerns about reflectivity, specifically because of the view corridors towards South Mountain. He stated that the new proposal maintains the character that is sought in the Rio Montaña Area Plan for this neighborhood. Mr. Stranieri denied the request as filed but approved with modifications so that reflective or shiny materials on roofs shall be prohibited.

Mr. Stranieri outlined the concerns that the Historic Preservation Division had regarding the use of gabion walls around the retention basins and the proposed density of citrus trees. He explained that the gabion walls are considered a modern design feature not in keeping with the historic character of the area and that they should be replaced with a more rural wall design. He further that the Historic Preservation Division would like more trees to be incorporated into the retention basins.

Mr. Dorflein explained that they are working with farm consultants to maximize the number of citrus trees that will be incorporated into the retention basins and, further, that his engineering team had determined that the gabion walls will not be necessary due to the depth of the retention basins.

Mr. Stranieri thanked Mr. Dorflein for the clarification and added that the Historic Preservation Division has concerns with the proposed three-foot depth of the sunken orchards, and that they would prefer a gradual slope into the basins. He noted that the stipulation regarding retention basins is not written as a stipulation but rather as an observation, so he would like to delete the stipulation altogether as this portion of the property is off-site to the zoning case and is subject to Historic Preservation approval.

Mr. Stranieri denied the request as filed and approved with modifications and additional stipulations.

FINDINGS

- 1) The proposed site plan is consistent with the total number of lots (24) proposed on the Dos Palmas conceptual site plan approved in PHO-1-17--Z-108-05 and includes an enhanced primary entry and centralized open space (Tract E). The historic site plan includes property off-site to the subject area of rezoning case no. Z-108-05. The boundaries of the historic overlay adjacent to the site were established in rezoning case no. Z-19-10. The removal of the reference to the historic site plan acknowledges the distinction between the subject area of these two cases and the fact that any development within the boundaries of the historic overlay is subject to approval by the Historic Preservation Office. The applicant will need to obtain a Certificate of No Effect or Certificate of Appropriateness from the Historic Preservation Office for all proposed work in the HP overlay.
- 2) The applicant submitted conceptual renderings with the request that lack the detail required of architectural building elevations. Therefore, building elevations are stipulated to administrative approval prior to final site approval for consistency with design elements expressing agrarian character as depicted on the conceptual renderings.
- 3) The applicant did not submit landscape elevations with the request. Therefore, landscape plans will be stipulated to administrative approval prior to final site plan approval for consistency with approved landscape plans for the adjacent historic property. The historic property contains the majority of the site's South Mountain Avenue frontage, the historic retention basins, and most of the project's primary entry. The intent of this stipulation is to provide consistency for landscaping on the entirety of the project site.
- 4) The specific lots identified for single-story height restriction were reviewed by the Historic Preservation Office to maintain view corridors for the Stoughton Estate property and the surrounding area.
- 5) The original intent of the stipulation prohibiting metal roof materials was to limit reflectivity and glare and mitigate impacts on view corridors from surrounding properties. The conceptual renderings depict the use of metal roof materials in a way that is consistent with the desired rural and agricultural character as expressed in the Rio Montaña Area Plan. Therefore, the stipulation is modified to permit the use of metal roof materials while prohibiting reflective or shiny surfaces.
- 6) The historic retention basins are not located within the area of rezoning case no. Z-108-05. However, the deletion of the stipulation regarding these basins is made with the acknowledgement that these basins are within the historic overlay established in rezoning case no. Z-19-10. The design, slopes, and landscaping of these basins is subject to approval by the Historic Preservation Office. The applicant will need to obtain a Certificate of No Effect or Certificate of

Appropriateness from the Historic Preservation Office for all proposed work in the HP overlay.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

STIPULATIONS

1.	That the development shall be in general conformance with the May 5, 2017 site plan DATE STAMPED DECEMBER 12, 2018, historic site plan and landscape elevations as modified by the following stipulations from AND APPROVED BY the Planning and Development Department and as approved by the Historic Preservation Office.	
2.	<p>That the development shall include a mix of elevations with all houses to include front porches and that the development shall be in general conformance with the architectural elevations dated July 18, 2005, as modified by these stipulations and as approved by the Planning and Development Department.</p> <p>CONCEPTUAL BUILDING ELEVATIONS SHALL BE ADMINISTRATIVELY APPROVED BY THE PLANNING HEARING OFFICER PRIOR TO PLANNING AND DEVELOPMENT DEPARTMENT FINAL SITE PLAN APPROVAL WITH SPECIFIC REGARD TO THE INCLUSION OF THE BELOW ELEMENTS, AS DEPICTED ON THE CONCEPTUAL RENDERINGS DATE STAMPED FEBRUARY 6, 2019. THIS REVIEW IS FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>	
	A.	BUILDING MATERIALS SHALL EXPRESS AN AGRARIAN CHARACTER AND MAY INCLUDE, BUT ARE NOT LIMITED TO, BOARD AND BATTEN, CLAPBOARD SIDING, WOOD/HEAVY TIMBER, ADOBE, AND STONE OR STONE VENEER.
	B.	ALL ELEVATIONS OF THE BUILDING SHALL CONTAIN ARCHITECTURAL EMBELLISHMENTS AND DETAILING SUCH AS TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND/OR OTHER OVERHANG CANOPIES.
	C.	COVERED PORCHES A MINIMUM OF 60 SQUARE FEET IN AREA AT A DEPTH OF AT LEAST SIX FEET SHALL BE PROVIDED IN THE FRONT FAÇADES OF ALL HOMES IN THE SUBDIVISION.
	D.	DECORATIVE GARAGE TREATMENTS, INCLUDING BUT NOT LIMITED TO, WINDOWS, RAISED OR RECESSED PANELS, ARCHITECTURAL TRIM, AND/OR SINGLE GARAGE DOORS.

	E.	WINDOWS SHALL INCLUDE DIVIDED LITE OR DOUBLE HUNG STYLES.
	F.	ROOF DESIGNS SHALL EXPRESS AN AGRARIAN CHARACTER AND MAY INCLUDE, BUT ARE NOT LIMITED TO, PITCHED ROOF ELEMENTS, OVERHANGING WOODEN EAVES AND EXPOSED RAFTERS.
3.		CONCEPTUAL LANDSCAPE PLANS SHALL BE ADMINISTRATIVELY APPROVED BY THE PLANNING HEARING OFFICER PRIOR TO PLANNING AND DEVELOPMENT DEPARTMENT FINAL SITE PLAN APPROVAL FOR CONSISTENCY WITH LANDSCAPING PLANS FOR THE ADJACENT HISTORIC PROPERTY AS APPROVED BY THE HISTORIC PRESERVATION OFFICE. THIS REVIEW IS FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. 3.		That The two palm trees shall be preserved in place.
5. 4.		That Development on Lots 19, 20 and 21 1, 18, AND 19 shall be restricted to one story AS SHOWN ON THE SITE PLAN DATE STAMPED DECEMBER 12, 2018 AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT
6. 5.		That the required external and internal sidewalks shall conform with the May 5, 2017 street sections and as approved by the Historic Preservation Office and Planning and Development Department. INTERNAL AND EXTERNAL STREET SECTIONS SHALL BE ADMINISTRATIVELY APPROVED BY THE PLANNING HEARING OFFICER PRIOR TO PLANNING AND DEVELOPMENT DEPARTMENT FINAL SITE PLAN APPROVAL FOR CONSISTENCY WITH APPROVED STREET SECTIONS FOR THE ADJACENT HISTORIC PROPERTY AS APPROVED BY THE HISTORIC PRESERVATION OFFICE. THIS REVIEW IS FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
7. 6.		That no metal roofs or other reflective roofing materials shall be used on the roofs of the new residences. REFLECTIVE AND SHINY ROOF MATERIALS SHALL BE PROHIBITED, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
8. 7.		That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans to be approved by the Historic Preservation Office and PLANNING AND Development Services Department and as shown on the submitted street sections for Tract A (10th lane) and South

	Mountain Avenue. All improvements shall comply with Americans with Disabilities accessibility standards.
8.	The retention basins proposed have been redesigned and integrated more sensitively with the historic setting by moving the retention south closer to Lots 1 and 24 and by adding more rows of citrus trees.
9.	The Citrus trees along South Mountain Avenue and the historic site shall retain its flood irrigation system, subject to an acceptable technical solution approved by the Historic Preservation Office and the Planning and Development Department staff.
10.	The developer shall record a notice to prospective purchasers of proximity to airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotope or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.