

Attachment E

REPORT OF PLANNING COMMISSION ACTION February 7, 2019

ITEM NO: 7	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-69-18-7
Location:	Southwest corner of 103rd Avenue and Broadway Road
From:	RE-43 and S-1
To:	R1-8
Acreage:	103.29
Proposal:	Single-family residential subdivision
Applicant:	Richard Jellies, The Lead Group, LLC
Owner:	MHale Family, LLP
Representative:	Jorge Villasenor, EPS Group, Inc

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Estrella 1/15/2019 No Quorum.

Planning Commission Recommendation: Approval, per the Addendum A Staff Report, with modified and additional stipulations as read into the record.

Motion Discussion: Mr. Jellies requested to modify two stipulations. Stipulation No. 1 regarding open space. The project originally had 20 percent open space on the site plan, but due to the addition of Mobile Lane, it now only has 15 percent open space. Mr. Jellies requested to modify the open space requirement to 15 percent.

Stipulation No. 2 deals with detached sidewalks. Mr. Jellies stated that the project consists of 45 and 55-foot wide lots which don't leave a lot of room for the trees. His concern is that putting trees 20 foot on center on a 45-foot lot with a 16-foot drive on both sides of the sidewalk only leaves two feet between the trunks and roots. This will cause cracks in the sidewalks, problems with the street lights, and over-trimming of the trees.

Mr. Jellies stated that he has been working with the Estrella Village Planning Committee despite not having a quorum at the last meeting. His plan proposes three two-inch caliper trees per lot, per a master tree plan, as approved by the Planning and Development Department. They will be planted within 5 feet of the sidewalk, shade the sidewalk, and not impede traffic. These additions are listed in the exhibit in the pedestrian plan.

Commissioner Glenn asked if open space means common area, and if the applicant would conform to the 5% common area requirement.

Mr. Jellies clarified that open space is defined as usable open space and doesn't include the buffer. He confirmed that the site plan is over the 5% common area requirement.

Chairman Johnson asked staff to clarify the modifications to stipulations.

Ms. Escolar stated that staff is supportive of the changes to Stipulation No. 1 replacing the 20 percent with 15 percent and also replacing open space with common area.

Ms. Escolar stated that staff recommends maintaining Stipulation No. 2, but also reference the Pedestrian Connectivity Exhibit, date stamped February 7, 2019 and remove the specific number of trees and tree calipers. She recommended creating a separate stipulation to address the trees, per the applicant's request. She reread the modified and additional stipulations as follows:

1. A minimum of 15% of the gross project area shall be retained as common area, as approved by the Planning and Development Department.
2. The developer shall provide detached sidewalks as depicted on the Pedestrian Connectivity Exhibit, date stamped February 7, 2019 with a minimum 5-foot wide landscape strip located between the sidewalk and back-of-curb, as approved by the Planning and Development Department.
14. The development shall provide for a minimum of three two-inch caliper trees in each front yard, with two of those trees planted within five feet of the sidewalk and placed no more than 20 feet on center. The developer will provide a master tree plan with a species theme for each street, as approved by the Planning and Development Department.

Motion details: Commissioner Howard made a MOTION to approve Z-69-18-7, per the Addendum A Staff Report, with modified and additional stipulations as read into the record.

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

Findings:

1. The request is not in conformance with the General Plan Land Use designation; however, the requested zoning district is consistent with the traditional lot housing type. Residential rezoning requests that do not change from one type of residential product to another do not require a General Plan Amendment.
2. The proposed development is appropriate at this location and is consistent with the scale and character of the existing zoning in the surrounding area.
3. The proposed shading and sidewalks are consistent with the goals outlined in the Tree and Shade Master Plan as well as the Complete Streets Guide.

Stipulations:

1. A minimum of ~~20~~15% of the gross project area shall be retained as ~~open space~~ COMMON AREA, as approved by the Planning and Development Department.
2. The developer shall provide detached sidewalks, AS DEPICTED ON THE PEDESTRIAN CONNECTIVITY EXHIBIT, DATE STAMPED FEBRUARY 7, 2019 with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb, ~~and shall include minimum 2-inch caliper shade trees planted a minimum 20 feet on center, or equivalent groupings, along both sides of the sidewalk,~~ as approved by the Planning and Development Department.
3. The portion of Broadway Road adjacent to this development shall comply with the Estrella Village Arterial Landscaping Program, as approved by the Planning and Development Department.
4. The developer shall construct a 10-foot wide public multi-use trail (MUT) within a 30-foot wide multi-use trail easement (MUTE) as indicated in Section 429 of the City of Phoenix MAG Supplement, along the west side of 103rd Avenue, as approved by the Planning and Development Department.
5. Right-of-way totaling 55 feet shall be dedicated for the south half of Broadway Road, as approved by the Planning and Development Department.
6. Right-of-way totaling 30 feet shall be dedicated for the west half of 103rd Avenue. At the intersection of Broadway Road, 40 feet of right-of-way shall be dedicated for the west side of 103rd Avenue for 150 feet south of the intersection. A right-of-way taper shall be dedicated for 125 feet between the 40 foot and 30 foot dedications, as approved by the Planning and Development Department.
7. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the southwest corner of 103rd Avenue and Broadway 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, streetlight, 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 applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department prior to final site plan approval. This form is a requirement of the EPA to meet clean air quality requirements.
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 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 PROVIDE FOR A MINIMUM OF THREE TWO-INCH CALIPER TREES IN EACH FRONT YARD, WITH TWO OF THOSE TREES PLANTED WITHIN FIVE FEET OF THE SIDEWALK AND PLACED NO MORE THAN 20 FEET ON CENTER. THE DEVELOPER WILL PROVIDE A MASTER TREE PLAN WITH A SPECIES THEME FOR EACH STREET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
14. 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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