

Attachment B

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

October 21, 2020

ITEM NO: 7

DISTRICT 8

SUBJECT:

Application #: PHO-3-20--Z-121-03-7(8)

Zoning: S-1 (Approved R1-10)

Location: Approximately 660 feet east of the northeast corner of 23rd Avenue and South Mountain Avenue

Acreage: 10.0

Request:

- 1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped January 7, 2004.
- 2) Deletion of Stipulation 1.A regarding parking between Pad B, Baseline Road, and 27th Avenue.
- 3) Deletion of Stipulation 1.B regarding general conformance with open space as shown on the site plan dated January 7, 2004.
- 4) Modification of Stipulation 3 limiting the development to a maximum of 562 dwelling units.
- 5) Modification of Stipulation 3.E limiting Parcel 8 to 21 dwelling units.
- 6) Technical corrections to Stipulations 2, 2.A, 2.B, 4, 5, 6, 7, 9, 10, 17, 18, 19, 20, 22, 23, and 28.

Applicant: Casey Wollschlager, Summergate Companies

Owner: The Cheryl B. Larkey Trust

Representative: Adam Baugh, Withey Morris, PLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee opted not to hear this request.

DISCUSSION

Adam Baugh, representative with Withey Morris PLC, provided history regarding the site and the original rezoning case. He stated that he is requesting modification to Stipulations 1, 3, and 3.E and deletion of Stipulation 1.A and 1.B

to allow for development of a 33-lot single family detached residential community. He noted that the layout is similar to the approved 2004 plan with lots along the perimeter boundary and central open space for retention and as a community amenity. He stated that the proposed plan will add a second driveway, remove private gates, and move the open space tracts.

Adam Stranieri stated that no correspondence was received regarding the case and the South Mountain Village Planning Committee opted not to hear the case. Mr. Baugh stated that he spoke with Patti Trites, Chairperson of the South Mountain VPC, and answered questions she had regarding the project.

Mr. Stranieri stated that the original rezoning case exceeded 215 acres and the site plan presented in that case lacked detail. He stated that the site of the PHO is Parcel 8 of the original request. He stated that he had no concerns with the change in number of units from 21 to 33 considering the proposed unit count remains lower than what is permitted in the zoning district and is compatible with existing developments in the surrounding area. He added that removing the gate, adding an additional point of access, and adding retention areas are beneficial to the layout. He added that the configuration of the open space provides more equitable access to all residents.

Mr. Stranieri stated that Stipulation 1.A, regarding parking between Pad B, Baseline Road, and 27th Avenue, references an off-site location and he had no issue recommending deletion of the stipulation.

Mr. Stranieri stated that Stipulation 1.B, regarding general conformance with open space as shown on the site plan dated January 7, 2004, was not clear in its intent. He stated that stipulated site plan did not give specific calculations for open space either by parcel or for the entire rezoning area. He added that he had no concern recommending deletion of the stipulation.

Mr. Stranieri and Mr. Baugh discussed the maximum number of units in the development. Mr. Stranieri stated that PHO-2-10—Z-121-03 modified the number of units in Parcel 9 and the maximum number of units in the development. He stated that even though Parcel 9 is off-site, he would change the number of units to ensure that the sum in Stipulation 3 is accurate and depicts what is currently permitted on the surrounding parcels. Mr. Baugh stated that he had no concerns with the change.

Mr. Stranieri stated that a multi-use trail was identified for the site, but that the trail was already required in Stipulation 14. He stated that the stipulation did not have the current MAG supplemental details, but the applicant could work with the Parks and Recreation Department to determine what the requirements for a trail in that location would be.

Mr. Stranieri stated that the site is archaeologically sensitive and additional stipulations were warranted to address City requirements for archaeological data testing and surveying.

FINDINGS

- 1) The stipulated site plan included conceptual subdivision layouts for ten development parcels located throughout the approximately 215.58 acres of the original rezoning case subject property. Because of the much larger extent of the original case area, the conceptual plan lacked significant detail regarding the individual planned communities. The subject property of this request is solely Parcel 8 (as depicted on the original stipulated plan). Parcel 8 was depicted containing 21 single-family residential lots in a gated subdivision with a ring-road and a central open space located to the south of the central lots. The proposed conceptual site plan depicts 33 lots in a similar configuration. Modifications include removing the gated entry, an additional point of access on South Mountain Avenue, shifting the open space to the western side of the central lots, and new retention basins on the east, west, and south perimeters. The proposed unit count remains below the maximum permitted by the base R1-10 zoning (33 units vs. 45 units). Further, the modifications represent improvements to access, circulation, greater equity regarding proximity and access to open spaces, and increased overall open space. General conformance to the proposed plans is recommended.
- 2) Stipulation 1.a refers to an off-site location within the larger original rezoning area and is not necessary to be retained. Deletion as requested by the applicant is recommended.
- 3) Stipulation 1.b requires general conformance to the stipulated site plan regarding open space. It is unclear what the intent of this stipulation originally was as open space is identified as a key design element for review of general conformance per the definition of this term in Section 202 of the Zoning Ordinance, which was separately stipulated. Further, there were no percentages for open space depicted for individual development parcels or for the overall site on this plan. Given the recommendation for modification of Stipulation 1 described above, deletion of this sub-stipulation as requested by the applicant is recommended.
- 4) The subject property of this request is currently subject to the stipulations of the base rezoning case. However, two prior PHO actions have been approved to this case since the original approval. PHO-1-07—Z-121-03-7(8) modified stipulations regarding elevations and building height for a parcel at the southeast corner of 23rd Avenue and South Mountain

Avenue. PHO-2-10—Z-121-03-7(8) modified stipulations regarding site plan conformance, the maximum unit count (562 to 574), and the unit count for Parcel 9 (55 to 67).

The applicant's written request in this case regarding Stipulation 3 and 3.e incorrectly utilized stipulation language on unit counts from PHO-2-10—Z-121-03-7(8) rather than Z-121-03-7(8). The subject property of this current request is limited to the approximately 10 acres located approximately 660 feet east of the northeast corner of 23rd Avenue and South Mountain Avenue. However, while the subject property of this case does not include Parcels 2, 3, 4, 7, 9, or 10, it is recommended that the applicant's request be approved as filed in order to ensure that the unit count accurately reflects the previously approved unit counts in other development areas from these aprior PHO actions, both for consistency with these cases and so that the sum total in the resulting stipulation makes sense. One additional modification is therefore necessary and recommended in order to achieve this, which is to update the Parcel 9 unit count from 55 to 67.

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

STIPULATIONS

Site Plan		
1.	That d THE Development shall be in general conformance with the site plan date stamped SEPTEMBER 2, 2020, January 7, 2004; as approved or modified by the following stipulations and/or APPROVED BY the PLANNING AND Development Services Department.	
	A.	That only one row of parking shall be allowed between Pad B, Baseline Road and 27th Avenue.
	B.	That residential subdivision open space shall be in general conformance with the site plan dated January 7, 2004.
2.	That THE development shall be in general conformance with the elevations date stamped October 17, 2003, as modified by the following stipulations and/or the PLANNING AND Development Services Department.	
	A.	The commercial elevations shall be reviewed and approved through the Planning Hearing Officer process, prior to preliminary

		site plan approval with the PLANNING AND Development Services Department.
	B.	That The commercial parcel elevations shall incorporate a comprehensive design theme prior to preliminary site plan approval of the first building utilizing unifying material finishes and color schemes for elements such as signage, street lighting, fencing, site furniture, entry statements and paving treatments. Four sided architecture and roofline treatments shall be architecturally finished to minimize visual impact to adjacent residential districts, as approved or modified by the PLANNING AND Development Services Department.
3.		That THE development shall be limited to a maximum of 562 586 dwelling units; allocated in the following manner:
	A.	Parcel 2 shall be limited to 127 dwelling units.
	B.	Parcel 3 shall be limited to 152 dwelling units.
	C.	Parcel 4 shall be limited to 68 dwelling units.
	D.	Parcel 7 shall be limited to 97 dwelling units.
	E.	Parcel 8 shall be limited to 24 33 dwelling units.
	F.	Parcel 9 shall be limited to 55 67 dwelling units.
	G.	Parcel 10 shall be limited to 42 dwelling units.
4.		That aA 50-foot scenic corridor setback shall be provided along Baseline Road and developed in accord with the Baseline Scenic Drive Section. 651.E.1.a of the Zoning Ordinance as approved or modified by the PLANNING AND Development Services Department.
5.		That Landscaped entry areas on Baseline Road, 27th Avenue and 19th Avenue shall contain a minimum of 250 square feet of landscaping and shall be maintained with a variety of at least four plant materials, one of which shall be Penstemon as approved by the PLANNING AND Development Services Department. The landscaped area may be split into two areas per entry, if two entry signs are provided.

6.	That a All landscaped entries shall contain a mix of plant materials, including minimum 1.5-inch caliper trees(s) and Penstemon as approved by the PLANNING AND Development Services Department.
7.	That t There shall be detached sidewalks with five-foot wide landscaped strips located between the sidewalk and back of curb from the entrances of the subdivision and adjoining major arterial/arterial streets for a distance of 120-feet within the residential development. The landscaped area shall be planted with minimum 1.5-inch caliper trees spaced 20-feet on center or in equivalent groupings with ground cover as approved by the PLANNING AND Development Services Department.
8.	That a Any landscaped medians, traffic mitigation islands, or open space/retention areas shall use Penstemon (if permitted in the right-of-way) as one of the plant materials.
9.	That t The applicant shall develop an architectural theme for the residential development that shall apply to all four sides of the homes. The theme shall assure that exterior accent materials (e.g., brick, stone), exterior detailing (stucco recesses, pop outs), and a street appurtenance package (such as, but not limited to, benches, ramadas and signage) convey a sense of continuity throughout the area north of South Mountain Avenue. The theme shall be approved by the PLANNING AND Development Services Department prior to or concurrent with preliminary site plan approval for the first parcel.
10.	That a A minimum of two elevations for each floor plan shall have a covered front porch measuring at least 60 square feet in area with a depth of at least six feet as approved or modified by the Single Family Design Advisor in the PLANNING AND Development Services Department.
11.	That a All residential lots within 100 feet of Baseline Road shall be restricted to single-story (20 feet) homes. That a All residential lots along the northern property line of Parcel 7 shall be restricted to single-story (20 feet) homes. That 50% of the residential lots within 60 feet of 27th Avenue, South Mountain Avenue, 23rd Avenue and 19th Avenue shall be restricted to single-story (15 feet) homes.
Parks and Recreation	
12.	That a A 7.5-acre neighborhood park site shall be reserved, as shown on the site plan, as approved by the Parks and Recreation Department.

13.	That a A 10-foot public multi-use trail shall be constructed in accordance with City of Phoenix standard trail detail along Baseline Road and 27th Avenue as approved by the Parks and Recreation Department.
14.	That a An 8-foot public multi-use trail shall be constructed in accordance with City of Phoenix standard trail detail along the north side of South Mountain Avenue and the east side of 23rd Avenue as approved by the Parks and Recreation Department.
ARCHAEOLOGY	
15.	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.
16.	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.
17.	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.
Other	
18. 15-	That p Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and potential nuisances of the horse and farming operations in close proximity to the site. The form and content of such documents shall be reviewed and approved by the City Attorney.
19. 16-	That a A minimum 7.5-acre elementary school site shall be reserved at the location shown on the site plan per the Roosevelt Elementary School

	District, unless otherwise waived. This site shall be reserved for one year from final approval for the adjacent phase two subdivision.
Streets and Transit	
20. 17.	That Right-of-way totaling 60 feet and a 10-foot sidewalk easement shall be dedicated for the south half of Baseline Road, or as modified by the PLANNING AND Development Services Department.
21. 18.	That Right-of-way totaling 50 feet shall be dedicated for the east half of 27th Avenue, or as modified by the PLANNING AND Development Services Department.
22. 19.	That Right-of-way totaling 50 feet shall be dedicated for the west half of 19th Avenue, or as modified by the PLANNING AND Development Services Department.
23. 20.	That Right-of-way totaling 30 feet shall be dedicated for the east and west halves of 23rd Avenue, or as modified by the PLANNING AND Development Services Department.
24. 21.	That a 21-foot by 21-foot right-of-way triangle, shall be dedicated at all comers of arterial/arterial and arterial/collector street intersections.
25. 22.	That a Additional right-of-way shall be required for flares at intersections and traffic calming devices as approved or modified by the PLANNING AND Development Services Department.
26. 23.	That t 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 Services Department. All improvements shall comply with all ADA accessibility standards.
27. 24.	That t The applicant shall complete and submit the Developer Project Information for the MAG Transportation Improvement Program to the Street Transportation Department (602) 262-6193. This form is a requirement of the EPA to meet clean air requirements.
28. 25.	That r Right-of-way shall be dedicated along with a bus bay (P-1262) and transit pad (P-1261) constructed along Baseline Road east of 27th Avenue as approved by the Public Transit Department.

29. 26.	That Right-of-way shall be dedicated and transit pad (P-1262) shall be constructed at the following locations as approved by the Public Transit Department.
	A. Eastbound Baseline Road, east of 25th Avenue.
	B. Southbound 19th Avenue, south of South Mountain Avenue.
	C. Northbound 27th Avenue, north of Olympic Drive.
30. 27.	That Approval shall be conditioned upon development within 18 months of final City Council approval of this request.
31. 28.	That All lots backing up to open space within the community shall utilize view fencing (maximum 3-foot decorative block), except adjacent to the property at 2050 West South Mountain Avenue, which shall be composed of a solid wall, as approved by the PLANNING AND Development Services Department.
32. 29.	That Vesting shall not occur until a traffic study is submitted by the applicant and approved by the Street Transportation Department.
33. 30.	That Lots in Parcels 2, 3 and 4 shall be a minimum of 55 feet in width.
34. 31.	That The applicant shall provide traffic signal lights at the intersection of 27th Avenue and Baseline Road at the time traffic signal warrants are met, as approved by the Street Transportation Department, with consideration of design and/or development constraints.
35. 32.	That Properties south of South Mountain Avenue shall not prohibit an equestrian lifestyle (horses on 10,000 square foot lots).
36.	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.

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, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.