

## Attachment D - Planning Commission Summary

### REPORT OF PLANNING COMMISSION ACTION October 4, 2018

ITEM NO: 11	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-46-18-8
Location:	Southwest corner of 55th Avenue and Elliot Road
From:	S-1
To:	R1-8
Acreage:	39.78
Proposal:	Single-family residential
Applicant:	Chris Colyer, Snell and Wilmer, LLP
Owner:	Northside Hay Company, Inc.
Representative:	Chris Colyer, Snell and Wilmer, LLP

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Laveen** 8/13/2018 Information Only.

**Laveen** 9/10/2018 Approval with modifications and additional stipulations. Vote: 8-0.

Planning Commission Recommendation: Approval, as recommended by the Laveen Village Planning Committee, with modifications to stipulations and additional stipulations.

Motion Discussion: Commissioner Katsenes proposed some modifications to stipulations.

She asked that the detached sidewalk stipulation and the open space stipulation have more specific language to make sure the development retains these features.

Commissioner Katsenes also asked that the overhangs stipulation be relaxed from 18 inches to 12 inches so that models without overhangs aren't affected by the stipulation.

Ms. Escolar verified that some models don't have overhangs, such as the Spanish-style and Sante Fe-style. The way the stipulation is written, all homes must have 18-inch or 12-inch overhangs. Ms. Escolar asked for clarification to confirm that only homes with overhangs will be affected by the change.

Commissioner Katsenes confirmed that the stipulation language would only include homes with overhangs.

Commissioner Katsenes spoke about the strong need for \$294,000 entry-level homes in the City so that first-time buyers have a product. She would like to see the stipulation regarding lot widths relaxed, and that adjacent subdivisions have similar lot widths. She also indicated that this price point would not lead to more crime in the neighborhood.

Commissioner Winger stated that the Tierra Montaña development original request was to have minimum lot widths of 50 feet for the single-family home zoning designation of R1-6 or larger. Units 6 and 9 would be permitted to have lot widths of 45 feet. She stated that a mix would be

supported, but she wouldn't feel comfortable taking the entire development down to 45 feet. Commissioner Wininger also stated that she can't make a correlation between home price and crime because she lives in a historic neighborhood with prices higher than \$294,000 and has seen an influx of crime.

Commissioner Katsenes asked Commissioner Wininger what percentage she would like to see in the stipulation.

Commissioner Wininger replied that she wanted to see a minimum of 50% of lots be at 50 feet width or greater.

Mr. Colyer stepped away from the podium to discuss the feasibility of this with his client.

Commissioner Glenn stated that he wanted to honor the VPC recommendation, but also come to a compromise. Rezoning to R1-8 and then stipulating to 50-foot lots would in effect be R1-10 zoning with R1-8 density.

Chairman Johnson asked staff to clarify if the zoning would change at City Council.

Ms. Escolar stated that moving forward the zoning district wouldn't change.

Mr. Colyer came back to the podium and stated that this stipulation would be difficult for his client and he would be comfortable with 25% of the lots at 50 feet or higher with everything else at 45-foot lot widths for the project to be financially feasible.

Commissioner Shank thanked Mr. Colyer for working with the neighbors on this and thinks that 25% is a good compromise.

Commissioner Katsenes moved to approve Z-46-18-8, as recommended by the Laveen Village Planning Committee, with the exception of the deletion of Stipulation No. 15 and modifying it to read as follows, "Detached sidewalks shall be provided in locations generally conforming to the conceptual landscape plan date stamped September 10, 2018. The sidewalks shall be detached with the minimum 5-foot-wide landscape strip located between the sidewalk and the back curb and shall include a minimum of 2-inch caliper shade trees planted a minimum of 20 feet of the center or equivalent groupings as approved by the Planning and Development Department."

Commissioner Katsenes added a modification to Stipulation No. 22 to read as follows, "The developer shall provide open space that is evenly distributed throughout the development, as generally conforming to the Conceptual Landscape Plan date stamped September 10, 2018, and as approved by the Planning and Development Department."

Commissioner Katsenes added a modification to Stipulation No. 18 which pertains to the overhangs to require a minimum of 12-inch roof overhangs with the exception of the models that do not have overhangs.

Commissioner Katsenes added a modification to Stipulation No. 17 to change the 22-foot driveways and modify that language to 20-foot driveways.

Commissioner Glenn asked for clarification on Stipulation No. 17 regarding the 22-foot driveways to confirm if that number is referring to driveway width or depth.

Ms. Escolar confirmed that it is 22-foot driveway depth and Commissioner Katsenes agreed.

Commissioner Katsenes clarified the modification to Stipulation No. 17 to change the 22-foot driveway depth and modify that language to 20-foot driveway depth.

Commissioner Katsenes added a modification to Stipulation No. 21 to require 25% of the lots be a minimum of 50 feet or greater.

Ms. Escolar verified the stipulations as follows, "Stipulation No. 15: "DETACHED SIDEWALKS SHALL BE PROVIDED IN LOCATIONS GENERALLY CONFORMING TO THE CONCEPTUAL LANDSCAPE PLAN DATE STAMPED SEPTEMBER 10, 2018. ~~ALL~~ THE sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb, and shall include a minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings, as approved by the Planning and Development Department."

17. THE DEVELOPER SHALL PROVIDE A MINIMUM ~~22~~20-FOOT DRIVEWAY DEPTH FOR EACH HOME WITHIN THE DEVELOPMENT.
18. EACH HOME WITH ROOF OVERHANGS WITHIN THE DEVELOPMENT SHALL HAVE A MINIMUM OF ~~18~~12-INCH ROOF OVERHANGS.
21. ~~ALL LOTS MUST~~ A MINIMUM OF 25% OF LOTS SHALL BE A MINIMUM OF 50 FEET WIDE, ~~50% OF WHICH MUST BE 55 FEET WIDE OR GREATER.~~
22. THE DEVELOPER SHALL PROVIDE OPEN SPACE THAT IS EVENLY DISTRIBUTED THROUGHOUT THE DEVELOPMENT, AS GENERALLY CONFORMING TO THE CONCEPTUAL LANDSCAPE PLAN DATE STAMPED SEPTEMBER 10, 2018, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Ms. Escolar asked if the Proposition 207 Waiver stipulation could be added as well.

Commissioner Katsenes agreed.

Chairman Johnson recommended stipulating a percentage, maybe 20%, of the houses to have roof overhangs.

Mr. Colyer stated he was fine with having the 12-inch overhangs applying to all the homes.

Ms. Escolar confirmed that they are replacing 18-inch with minimum 12-inch overhangs.

Mr. Colyer stated he has a concern with the multi-use trail stipulation. He requested a shared-use path on 55th Avenue.

Ms. Escolar confirmed that the Parks and Recreation Department has no concerns with the shared-use path at 10 feet wide replacing the multi-use trail in Stipulation No. 8.

Mr. Colyer confirmed that there is a multi-use trail planned on the east side along 55th Avenue. There will also be a multi-use trail on this property along Elliot Road as well.

Ms. Escolar recommended leaving Stipulation No. 8 as is due to the width of the proposed easement possibly not being wide enough. She recommended keeping the shared-use path in Stipulation No. 8 and creating a new stipulation for the 10-foot-wide public multi-use trail within the 30-foot wide easement on Elliot Road.

Commissioners Katsenes and Shank agreed to modify Stipulation No. 8 for a shared-use path and add a stipulation for a multi-use trail on Elliot Road.

Motion details: Commissioner Katsenes made a MOTION to approve Z-46-18-8, as recommended by the Laveen Village Planning Committee, with the exception of the deletion of Stipulation No. 15 and modifying it to read that DETACHED SIDEWALKS SHALL BE PROVIDED IN LOCATIONS GENERALLY CONFORMING TO THE CONCEPTUAL LANDSCAPE PLAN DATE STAMPED SEPTEMBER 10, 2018. ~~ALL~~ THE sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb, and shall include a minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings, as approved by the Planning and Development Department.

And modifications to Stipulations:

8. The developer shall construct a 10-foot wide public ~~multi-use trail (MUT)~~ SHARED USE PATH within a ~~30-foot wide multi-use trail~~ easement (MUTE) as indicated in ~~Section 429 of the City of Phoenix MAG Supplement~~, for the west side of 55th Avenue, as approved or modified by the Planning and Development Department and the Parks and Recreation Department.
- ~~47~~18. THE DEVELOPER SHALL PROVIDE A MINIMUM ~~22~~20-FOOT DRIVEWAY DEPTH FOR EACH HOME WITHIN THE DEVELOPMENT.
- ~~48~~19. EACH HOME WITH ROOF OVERHANGS WITHIN THE DEVELOPMENT SHALL HAVE A MINIMUM OF ~~48~~12-INCH ROOF OVERHANGS.
- ~~24~~22. ~~ALL LOTS MUST A MINIMUM OF 25% OF LOTS SHALL BE A MINIMUM OF 50 FEET WIDE, 50% OF WHICH MUST BE 55 FEET WIDE OR GREATER.~~
- ~~22~~23. THE DEVELOPER SHALL PROVIDE OPEN SPACE THAT IS EVENLY DISTRIBUTED THROUGHOUT THE DEVELOPMENT, AS GENERALLY CONFORMING TO THE CONCEPTUAL LANDSCAPE PLAN DATE STAMPED SEPTEMBER 10, 2018, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

And additional stipulations:

24. 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, FOR THE SOUTH SIDE OF ELLIOT ROAD, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND THE PARKS AND RECREATION DEPARTMENT.
25. 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.

Maker: Katsenes  
Second: Shank  
Vote: 5-2 (Wininger, Glenn)  
Absent: Montalvo, Whitaker

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 compatible 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. Conceptual elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to single-family design review. The elevations shall incorporate A FRONT PORCH OR SEATING AREA, four-sided architecture, and exterior accent materials, detailing, and color palette, that conveys a sense of continuity throughout the development, as approved by the Planning and Development Department.
2. The developer shall provide a 55-foot landscape setback along Elliot Road, with a minimum of two rows of 50% minimum 2-inch caliper shade trees and a minimum of 50% 3-inch caliper shade trees, 30 feet on center or equivalent groupings, as approved by the Planning and Development Department.
3. The developer shall provide minimum 300 square foot landscaped entry features located on each side of the north entrance on Elliot Road and the east entrance on 55th Avenue. The entry features should include a mix of mature trees, shrubs, and flower beds, as approved by the Planning and Development Department.
4. The developer shall construct a minimum 10-foot pedestrian pathway within a minimum 30-foot centralized open space tract that connects from Elliot Road to the southern boundary of Tract G as depicted on the site plan date stamped July 11, 2018, as approved by the Planning and Development Department.
5. The developer shall provide a minimum of 18% open space, as approved by the Planning and Development Department.
6. The perimeter walls adjacent to 55th Avenue shall include minimum three-foot ~~v-shaped~~ offsets at a minimum interval of every four lots. Additionally, materials and textural differences such as stucco and/ or split face block, decorative concrete, brick, and stone, or a combination of these materials with block stucco walls shall be incorporated, as approved by the Planning and Development Department.
7. Lots located adjacent to 55th Avenue and Elliot Road shall be limited to a maximum of 50% two-story homes, with no more than two, two-story homes built adjacent to each other, as approved by the Planning and Development Department.
8. The developer shall construct a 10-foot wide public ~~multi-use trail (MUT)~~ SHARED USE PATH within a ~~30-foot wide multi-use trail easement (MUTE)~~ as indicated in ~~Section 429 of~~ the City of Phoenix MAG Supplement, for the west side of 55th

Avenue, as approved or modified by the Planning and Development Department and the Parks and Recreation Department.

9. Right-of-way totaling 30 feet shall be dedicated for the ~~east~~ WEST half of 55th Avenue, as approved by the Planning and Development Department.
10. Right-of-way totaling 55 feet shall be dedicated for the south half of Elliot Rd, as approved by the Planning and Development Department.
11. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the southwest corner of Elliot Road and 55th Avenue, as approved by the Planning and Development Department.
12. The applicant shall submit paving plans for all arterial streets within and adjacent to the development, to the Street Transportation Department for review prior to preliminary site plan approval.
13. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
14. The street access to the development on 55th Avenue shall align with West Pack Mule Place dedicated on the east side or be off-set by a minimum of 125 feet, as approved by the Planning and Development Department.
- ~~15. All sidewalks shall be detached with a minimum five-foot wide landscaped strip~~  
~~15. located between the sidewalk and back of curb, and shall include a minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings, as approved by the Planning and Development Department.~~

DETACHED SIDEWALKS SHALL BE PROVIDED IN LOCATIONS GENERALLY CONFORMING TO THE CONCEPTUAL LANDSCAPE PLAN DATE STAMPED SEPTEMBER 10, 2018. THE SIDEWALKS SHALL BE DETACHED WITH A MINIMUM FIVE-FOOT WIDE LANDSCAPED STRIP LOCATED BETWEEN THE SIDEWALK AND BACK OF CURB, AND SHALL INCLUDE A MINIMUM TWO-INCH CALIPER SHADE TREES PLANTED A MINIMUM OF 20 FEET ON CENTER OR EQUIVALENT GROUPINGS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- ~~16.~~ The developer shall construct all streets within and adjacent to the development with  
~~15.~~ paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping  
~~16.~~ and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- ~~17.~~ In the event archaeological materials are encountered during construction, the  
~~16.~~ developer shall immediately cease all ground disturbing activities within a 33-foot  
~~17.~~ radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- ~~17.~~ THE DEVELOPER SHALL PROVIDE A MINIMUM ~~22~~ 20-FOOT DRIVEWAY DEPTH  
~~18.~~ FOR EACH HOME WITHIN THE DEVELOPMENT.
- ~~18.~~ EACH HOME WITH ROOF OVERHANGS WITHIN THE DEVELOPMENT SHALL

19. HAVE A MINIMUM OF 4812-INCH ROOF OVERHANGS.
19. WHERE TWO, TWO-STORY HOMES ARE BUILT ADJACENT TO EACH OTHER,
20. THE SAME ELEVATION SHALL NOT BE UTILIZED IF BOTH HOMES SHARE THE SAME COLOR SCHEME AND FLOOR PLAN.
20. A HALF CHOKER SHALL BE INSTALLED BETWEEN LOTS 32 AND 33, LOCATED
21. ON THE EAST SIDE OF THE MOST WESTERN NORTH/SOUTH STREET.
21. ~~ALL LOTS MUST~~ A MINIMUM OF 25% OF LOTS SHALL BE A MINIMUM OF 50
22. ~~FEET WIDE, 50% OF WHICH MUST BE 55 FEET WIDE OR GREATER.~~
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23. DISTRIBUTED THROUGHOUT THE DEVELOPMENT, AS GENERALLY CONFORMING TO THE CONCEPTUAL LANDSCAPE PLAN DATE STAMPED SEPTEMBER 10, 2018, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
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