

Attachment D

REPORT OF PLANNING COMMISSION ACTION September 2, 2021

ITEM NO: 11	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-24-21-7
Location:	Northeast corner of 51st Avenue and Southern Avenue
From:	S-1
To:	R-2
Acreage:	15.43
Proposal:	Multifamily Residential Development
Applicant:	Brennan Ray, Burch & Cracchiolo P.A.
Owner:	R&J Farm, LLC c/o Empire Group, Shelby Duplessis
Representative:	Brennan Ray, Burch & Cracchiolo P.A.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation: **Laveen** 8/9/2021 Approval, per the staff recommendation with additional stipulations. Vote: 11-0.

Planning Commission Recommendation: Approval, per the Laveen Village Planning Committee recommendation, with a modification and an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve Zm24-21-7, per the Laveen Village Planning Committee recommendation, with the modification of Stipulation No. 28 to add, "and which discloses the proximity of the Phoenix Sky Harbor International Airport and increased frequency of overflight and related aircraft noise, as approved by the Planning and Development Department", and with the additional stipulation as read into the record.

Maker: Busching
Second: McCabe
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. The proposal will allow for additional residential development that is appropriately located at the intersection of two arterial streets which offer alternative transportation options connecting to the Loop 202 freeway and other parts of the Laveen Village.
2. This proposed development provides a new housing option with a similar scale for future and existing residents in an area that has predominantly developed with single-family detached product.

3. The development, as stipulated, will improve connectivity in the area by improving the adjacent street rights-of-way, 51st Avenue and Southern Avenue, in addition to constructing a publicly accessible multi-use trail along 51st Avenue.

Stipulations:

1. The development shall be in general conformance with the site plan date stamped July 26, 2021, with specific regard to the following elements, as approved by the Planning and Development Department:
 - a. A minimum 25-foot-wide landscape setback shall be provided along 51st Avenue and Southern Avenue.
 - b. A minimum building setback of 20 feet shall be provided along the eastern property line.
2. The development shall be in general conformance with the building elevations date stamped April 30, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
 - A. FRONT ELEVATIONS SHALL CONTAIN MINIMUM 25 PERCENT NON-STUCCO ACCENT MATERIAL SUCH AS STONE OR TEXTURED BRICK.
3. The required landscape setbacks shall be planted with minimum 50-percent 2-inch caliper and 50-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
4. The required landscape setback along the eastern property line shall be planted with evergreen trees, as approved by the Planning and Development Department.
5. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
 - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.
 - b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet each. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.
 - c. A mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five five-gallon shrubs per tree) and flower beds that will maintain a constant bloom throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.

- d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
- 6. Open view fencing or a combination of maximum two feet of solid masonry topped by open view fencing shall be utilized along perimeter pedestrian and vehicular entryway areas, as approved by the Planning and Development Department.
- 7. Perimeter walls along public streets shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
- 8. Decorative rail or similar fencing elements shall be provided along 51st Avenue and Southern Avenue, as approved by the Planning and Development Department.
- 9. A central amenity and open space area shall be provided within close proximity to the primary vehicular entrance into the development and include the following amenities at a minimum, except as noted herein, as approved by the Planning and Development Department:
 - a. Swimming pool.
 - b. Clubhouse.
 - c. Two picnic areas, each with one barbecue grill, shade ramada and a picnic table.
 - d. Three benches or seating features that may be distributed throughout the development within shaded areas. One of the benches or seating features shall be located within close proximity to the primary entryway along 51st Avenue.
- 10. No more than 50 percent of the landscape areas within common areas or 10 percent of the net development area whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department. This requirement does not apply to landscaping located within private yards in individual units.
- 11. A system of pedestrian thoroughfares shall be provided at a minimum, as described below and as approved or modified by the Planning and Development Department:
 - a. A minimum of two pedestrian paths connecting to the sidewalk along 51st Avenue. One of the pathways shall provide a connection to the intersection of 51st Avenue and Southern Avenue via the most direct route.
 - b. A minimum of one pedestrian path connecting the sidewalk along Southern Avenue.

- c. Pathway illuminated by pedestrian scale lighting per Section 1304(H)5 connecting the southwest portion of the site through the central amenity area to the residential buildings along the northeast portion of the site.
- d. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.
- e. Connections to/between:
 - (1) All buildings on site.
 - (2) All active open space areas.
 - (3) Adjacent public sidewalk.
 - (4) Intersection of 51st Avenue and Southern Avenue.
 - (5) Bus pad along 51st Avenue.
- 12. Active open space areas shall be shaded a minimum of 50 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
- 13. Pedestrian paths within the site and connecting to the public sidewalk shall be shaded to a minimum of 50 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
- 14. The bus stop pad shall be shaded to a minimum of 50 percent using shade trees at full maturity, as approved by the Planning and Development Department.
- 15. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
- 16. The multi-use trail along 51st Avenue shall be shaded to a minimum of 50 percent using shade trees at full maturity, as approved by the Planning and Development Department.
- 17. The public sidewalks along 51st Avenue and Southern Avenue shall be detached following the most recent Street Classification Map Cross Section and planted to the following standards, as approved by the Planning and Development Department:
 - a. Minimum 2-inch caliper large canopy drought-tolerant shade trees placed a minimum of 25 feet on center or in equivalent groupings.
 - b. Drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage.

- c. The public sidewalks shall be shaded to a minimum 75 percent by vegetative shade at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

- 18. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Minimum of four bicycle parking spaces via inverted U-bicycle racks, artistic style bicycle racks or “Outdoor/Covered Facilities” shall be located near each of the vehicular entryways into the development or amenity areas. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.
 - b. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to the primary vehicular entryway to the development or amenity areas. The bicycle repair station (“fix it station”) shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
- 19. The developer shall dedicate a 25-foot-wide multi-use trail easement (MUTE) along the east side of 51st Avenue, and shall construct a 10-foot-wide multi-use trail (MUT) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved or modified by the Planning and Development Department.
- 20. The developer shall provide traffic calming measures at all vehicular points of ingress and egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
- 21. The right-of-way and bus bay shall be retained for the bus stop pad along northbound 51st Avenue north of Southern Avenue. The bus bay shall be compliant with City of Phoenix Standard Detail P1256, while the bus stop pad shall be compliant with City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet, as approved by the Planning and Development Department.
- 22. The developer shall construct the north half of Southern Avenue to City of Phoenix CM Cross Section standards with a 14-foot-wide landscaped median island, as approved by the Planning and Development Department.
- 23. The developer shall modify the existing 14-foot-wide landscape median along 51st Avenue to add a left turn pocket, as approved by the Street Transportation Department.
- 24. The developer at their expense, shall be responsible for all required modifications to the existing traffic signal at 51st Avenue and Southern Avenue, as approved by the Street Transportation Department.

25. The developer shall underground all existing electrical utilities within the public right-of-way that are impacted or need to be relocated as part of this project, as approved by the Planning and Development Department. The developer shall coordinate with the affected utility company for their review and permitting.
26. 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.
27. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of industrial (non-residential) uses along the eastern property line of the site. The form and content of such documents shall be reviewed and approved by the City Attorney.
28. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchasers which discloses the existence and operational characteristics of industrial (non-residential) uses along the eastern property line of the site, **AND WHICH DISCLOSES THE PROXIMITY OF THE PHOENIX SKY HARBOR INTERNATIONAL AIRPORT AND INCREASED FREQUENCY OF OVERFLIGHT AND RELATED AIRCRAFT NOISE**, as approved by the Planning and Development Department.
29. 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.
30. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
31. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
32. **STREETSCAPE LANDSCAPING ALONG 51ST AVENUE AND SOUTHERN AVENUE SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR ANY RESIDENTIAL BUILDING.**
33. **THE DEVELOPMENT SHALL HAVE DECELERATION LANES AT THE 51ST AVENUE AND SOUTHERN AVENUE VEHICULAR ENTRY DRIVES, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.**
34. **PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. 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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