

## Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION  
Adam Stranieri, Planner III, Hearing Officer  
Julianna Pierre, Planner I, Assisting

October 21, 2020

ITEM NO: 3

DISTRICT 5

SUBJECT:

Application #: PHO-6-20--Z-50-08-5  
Zoning: R-3A  
Location: Approximately 780 feet east of 23rd Avenue and Butler Drive  
Acreage: 8.55  
Request: 1) Modification of Stipulation 1 regarding Planning Hearing Officer review of residential elevations.  
2) Modification of Stipulation 1.a regarding orientation of building entries.  
3) Modification of Stipulation 2 regarding general conformance to the site plan date stamped August 29, 2008.  
4) Modification of Stipulation 2.b regarding residential building design and a Tree Preservation Plan.  
5) Modification of Stipulation 2.c regarding a maximum of 11.12 dwellings per acre.  
6) Technical corrections to Stipulations 3, 5, 6, 7, and 8.  
Applicant: Trillium Residential SFR  
Owner: West Royal Development III, LLC  
Representative: Trillium Residential SFR

### **ACTIONS**

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

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee heard this case on September 16, 2020 and recommended approval by a 14-0 vote.

### **DISCUSSION**

*This case was heard concurrently with Item #4, PHO-7-20—Z-50-08-5.*

Rick Labonte, representative with Trillium Residential SFR, provided information about the existing conditions of the site and the surrounding area. He also described amenities that will be offered by the residential development. He

stated that the design of the community is based on a small footprint, modern, efficient standalone home design. He added that the units are in a duplex configuration with attached garages and private backyard courtyards.

Adam Stranieri stated that during the North Mountain Village Planning Committee meeting, Dick Lerner, president of El Caro Villas HOA, had concerns about headlights and light pollution. He asked for clarification regarding how the proposal would mitigate these concerns. Mr. Labonte explained that there were concerns about car headlights along the main north-south circulation drive shining into the El Caro Villa units. Ken Losch, representative with Trillium Residential SFR, added that there would be a combination of opaque walls and landscaping that will mitigate light pollution from headlights. He added that residents will not be permitted to reverse into assigned parking spaces. Mr. Stranieri asked how this would be enforced. Mr. Labonte stated that there will be signs posted and the requirement will be in the lease.

Mr. Stranieri asked for clarification about the elevation difference between El Caro Villas and Trillium Residential. Mr. Labonte stated that the elevation is similar, but the 50-foot landscape setback along the shared property line will have an undulating topography. He added that there were concerns about the steepness near the condos, but that civil engineers and landscape architects are working to ensure there are no issues throughout this location.

Mr. Stranieri began discussion regarding the requests in PHO-6-20—Z-50-08-5. Concerning Stipulation 1, regarding Planning Hearing Officer review of residential elevations, and Stipulation 1.a, regarding orientation of building entries, he noted that creating driveways in an east west grid pattern would be difficult given the narrow width of the north portion of the site. He added that the site plan depicts all units adjacent to pathways that provide connectivity to common areas and open space. He stated that the intent of Stipulation 1 and its sub-stipulations were met by the applicant's design. However, he noted that Stipulation 1.a was better moved to a sub-stipulation regarding the site plan given that this orientation was solely depicted on that plan.

Mr. Stranieri stated that he did not have concerns regarding Stipulation 2, regarding general conformance to the site plan date stamped August 29, 2008, since the proposed massing, density, and layout are similar to other approved projects in the area.

Mr. Stranieri stated that the original intent of Stipulation 2.b, regarding residential building design and a Tree Preservation Plan, was to preserve the existing onsite landscaping on the prior golf course. Over the years, the landscaping fell into disrepair and some trees no longer existed on the site while others may not be salvageable. He stated that with the use changing from a golf course to residential, it would not be feasible to maintain the original layout of all the trees

within the golf course and simultaneously create a sensible layout for a residential subdivision. He stated that the new tree preservation plan will show how the relocations and replacements to the original tree preservation plan can be done. He added that replacements shall provide a tree or trees of an equal caliper size. He provided the example of a 16-inch caliper tree, which could be replaced with four 4-inch caliper trees, two 8-inch caliper trees, or one 16-inch caliper tree. He clarified that both the quantity and caliper have to be considered when replacing a tree.

Stipulation 2.c, stipulated the applicant to a maximum of 11.12 dwelling units per gross acre. Mr. Stranieri noted a discrepancy between the proposed density in the applicant's narrative and conceptual site plan and asked if 11.55 dwelling units per gross acre was the density requested for the northern portion of the site. Mr. Labonte confirmed that the 11.55 dwelling units per gross acre figure was correct.

Mr. Stranieri then addressed the applicant's requests regarding PHO-7-20—Z-50-08-5. He stated that the rationale for modifications of Stipulation 1, regarding Planning Hearing Officer review of residential elevations, Stipulation 1.a, regarding orientation of building entries, and Stipulation 2.b, regarding residential building design and a Tree Preservation Plan, was the same as Stipulations 1, 1.a, and 2.b for PHO-6-20—Z-50-08-5.

Mr. Stranieri stated that Stipulation 2, regarding conformance to site plans date stamped August 29, 2008 and January 31, 2013 and January 20, 2016, references site plans for off-site properties and other locations within the original rezoning case, some of which have already developed subject to their own approval letters and PHO actions. He explained that the prior plans do not need to be retained in the stipulation language since they are off-site. He clarified that the applicant would still have specific regard to the existing sub-stipulations.

Mr. Stranieri stated that Stipulation 2.c restricted the site to a maximum of 11.12 dwelling units per acre. He asked for clarification about the requested density for the southern portion of the site. Mr. Stranieri and the representatives discussed the necessary gross acreage and density of the site to accommodate the proposed site plan. Mr. Stranieri and the representatives confirmed that the stipulated density for the southern portion should be 16.84 dwelling units per acre.

## **FINDINGS**

- 1) The subject property in this application is currently subject to the stipulations of the base Rezoning Case No. Z-50-08-5. There is a concurrent PHO request on this agenda (Item 4 – PHO-7-20—Z-50-08-5) for adjacent property to the south. The subject property in that request is

currently subject to the stipulations of PHO-3-15—Z-50-08-5. The applicant and the proposed development is the same in both cases.

- 2) Stipulation 1 regarding elevations for the residential portion of the site requires Planning Hearing Officer approval with specific regard to building orientation towards common areas and pathways and the configuration of garage servicing driveways in an east-west grid pattern. The applicant consulted with staff prior to this hearing and determined that the driveway grid configuration conformed to the stipulation and no modification of that sub-stipulation was necessary.

Regarding building orientation towards common areas and pathways, the proposed conceptual site plan does depict all units adjacent to pathways that provide connectivity to common areas and open space. However, there are no units that directly front common areas or open space. The applicant's proposed modification to Stipulations 1 and 1.a clarify that the units fronting the interconnected network of pedestrian pathways meet the intent of the stipulation, which is to provide direct and easy access to common areas and open space throughout the development. Further, this language will provide consistency with other approved stipulation language on properties in the surrounding area.

However, this condition is depicted on the site plan and not the building elevations. Therefore, the applicant's request for modification is recommended for approval, however the stipulation should be relocated as a new sub-stipulation of Stipulation 2 regarding the site plan.

- 3) The stipulated site plan referenced in Stipulation 2 includes multiple properties in the surrounding area, originally comprising the El Caro Golf Course and other adjacent properties. Many of these properties have subsequently been redeveloped over the years following the original rezoning action.

The proposed conceptual site plan depicts 96 single-family attached units at a density of 11.55 dwelling units per gross acre and approximately 21.3% open space. The density represents a modest increase above the stipulated maximum 11.12 dwelling units per acre in Stipulation 2.c. The potential impacts of the density are also offset by the considerable percentage of open space. The building massing, layout, and density is similar to other existing and approved projects in the surrounding area. The site plan also retains many of the features of the original approved master plan including enhanced perimeter setbacks along the east property line and the enhanced open space amenity along the west property line which connects to additional open space on adjacent properties and provides a buffer from the El Caro Villas community to the

west. General conformance to the proposed conceptual site plan and the modification to maximum density is recommended.

- 4) Stipulation 2.b states that residential buildings shall be designed to maintain mature trees per a Tree Preservation Plan (dated August 29, 2008). However, since the original rezoning approval, the prior golf course was in disrepair and some trees depicted on this plan are no longer present on the site. Other trees may not be salvageable. Therefore, the applicant submitted a revised Tree Preservation Plan (date stamped August 25, 2020) that depicts the current condition and/or proposed replacements or relocations for all of the mature trees identified in the original case's stipulated Tree Preservation Plan.

Maintaining the original locations of all prior trees, originally planted to landscape the golf course, may make development of the site untenable given all the features and infrastructure demanded by a residential subdivision. Therefore, the applicant's request to modify the stipulation to allow relocations per this revised plan is recommended for approval. Additional language is recommended to note that all replacements or relocations provide at a minimum a tree or trees of an equal caliper size. This is also consistent with the City's standard requirements during the inventory and salvage and landscape plan review process.

**DECISION:** The Planning Hearing Officer recommended approval with modifications and an additional stipulation.

**STIPULATIONS**

1.	<p><del>That the elevations for the residential portions of the site shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department.</del></p> <p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 24, 2020, WITH SPECIFIC REGARD TO THE FOLLOWING AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:</p>
a.	<p><del>Building entries shall be oriented towards common areas/pathways.</del></p>

	A. <del>b.</del>	Where possible, garage servicing driveways shall be configured in an east/west grid to minimize east/west surface exposure, unless tree preservation requires an alternative.
2.		<del>That</del> The residential portion of the site shall develop in general conformance to the site plan date stamped AUGUST 24, 2020 <del>29, 2008</del> , WITH SPECIFIC REGARD TO THE FOLLOWING AND as approved by the PLANNING AND Development Services Department, with specific regard to:
	A.	BUILDING ENTRIES SHALL BE ORIENTED TOWARDS COMMON AREAS, PATHWAYS, OR SIDEWALKS THAT PROVIDE ACCESS TO COMMON OR ACTIVE OPEN SPACE AREAS.
	B. <del>a.</del>	Provision of a major shaded pedestrian route (8'-10' wide) that conveniently and directly connects open space areas to Butler Drive, 23rd Avenue and the southeast portion of the site, as shown on Exhibit A, Conceptual Pedestrian Connection Plan. The pedestrian plan shall adhere to the identified cross sections A-A, B-B and C-C.
	C. <del>b.</del>	The <del>residential buildings</del> -SITE PLAN shall be designed so that the mature trees identified on <del>Exhibit B</del> , THE Tree Preservation Plan DATED AUGUST 29, 2008 will remain in place as an integral part of the site design, AS MODIFIED BY THE PROPOSED TREE RELOCATIONS DEPICTED ON THE TREE PRESERVATION EXHIBIT DATE STAMPED AUGUST 25, 2020, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL TREE RELOCATIONS AND REPLACEMENTS SHALL PROVIDE AT A MINIMUM A TREE OR TREES OF AN EQUAL CALIPER SIZE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
	D. <del>e.</del>	The <del>number of units shall be a</del> maximum DENSITY FOR THE PROJECT SHALL NOT EXCEED <del>of 11.12</del> 11.55 dwellings UNITS per acre.
	E. <del>d.</del>	<del>That</del> The developer shall provide a par exercise course as an amenity within the designated major pedestrian route.
3.		<del>That</del> The commercial portion of the site shall develop in general

	conformance to the elevations date stamped August 1, 2008 and site plan date stamped August 29, 2008 as may be approved by the PLANNING AND Development Services Department, with specific regard to the following for the portion of the site east of 21st Avenue (Definitions in the following stipulations are as noted in Section 662 of the Phoenix Zoning Ordinance.):	
a.	Placement of buildings close to Northern Avenue, providing parking on the interior and between buildings.	
b.	<del>That b</del> Buildings along Northern Avenue shall be no greater than 180 feet of frontage without provision of a walkway/passageway to the interior of the commercial site.	
c.	Provision of walkways/passageways between buildings from Northern Avenue to the interior of the commercial site.	
d.	A minimum of 50% of the lot frontage on Northern Avenue shall contain building frontage.	
e.	All structures except where residential uses are on the ground floor, shall utilize clear windows. A clear window is a window that will allow a minimum of 75% of the visible light (as specified by the manufacturer) to be visible on either side of the window. Clear windows shall encompass, at a minimum, 60% of the building facade length fronting onto a street within the area from 3 feet to 6 feet-8 inches above adjacent interior finished floor and adjacent sidewalk grade. Blank walls without doors and windows shall not occupy over 30% of the principal frontage for non-residential buildings and 50% for residential buildings, and a section of blank wall shall not exceed 20 linear feet without being interrupted by a window or entry.	
f.	The frontage shall include shading along its entire right-of-way frontage, excluding driveways, loading and service berths.	
g.	The frontage shall include a minimum of one (1) or a combination of the following shading methods. A minimum of 75% of the sidewalk or pedestrian way shall be shaded.	
	(1)	Arcades, awnings, trellises or covered walkways

			attached to the primary building shall be a minimum of 12 feet in depth, measured from any point of ground floor facade to the exterior column or vertical plane of the overhang. The maximum head clearance shall not exceed 20 feet, measured from finish grade. Landscaping shall include a row of trees (a minimum of 50% 2-inch caliper and 50% 3-inch caliper) placed 20 feet on center and run parallel with the arcade or awning.
		(2)	Detached shade structures shall be a minimum of 12 feet in depth and 15 feet in height and should incorporate architectural elements and design of the primary structure. Landscaping shall include a row of trees (a minimum of 50% 2-inch caliper and 50% 3-inch caliper) located or spaced 20 feet on center and run parallel with the arcade or awning.
		(3)	A double row of trees a minimum of 50% 2-inch caliper and 50% 3-inch caliper spaced 20 feet on center shall be provided. The rows shall be placed parallel on either side of the sidewalk as required in section 662.i.1 of the zoning ordinance. The rows shall be staggered to provide maximum shading.
	h.		Open space shall be a minimum of five percent (5%) of the gross commercial site area. A combination of types of areas is allowed. Areas may include the following:
		(1)	Courtyards (limited access/semi-private and common).
		(2)	Outdoor seating areas (plazas, ramadas, landscaped areas with turf, etc.).
	i.		Bicycle parking shall be provided at 1 space per 2,000 square feet of tenant leasable floor area, with a maximum of 50 spaces.
4.			<del>That</del> The mature trees identified on Exhibit B, Tree Preservation Plan, shall be continuously maintained (e.g. watering, trimming) by the owner prior to development of the property and <del>that</del> maintenance shall be a requirement of the future residential



	development.
5.	<del>That a</del> A 10 foot sidewalk easement shall be dedicated along the north side of Northern Avenue, as approved by the PLANNING AND Development <del>Services</del> Department.
6.	<del>That t</del> 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 approved by the PLANNING AND Development <del>Services</del> Department. All improvements shall comply with all ADA accessibility standards.
7.	The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of site plans shall be granted until the study is reviewed and approved by the City. Contact Ms. Sara Elco, (602) 495-0575, to set up a meeting to discuss the requirements of the study. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by THE PLANNING AND Development <del>Services Department</del> and the Street Transportation DepartmentS.
8.	<del>That t</del> The applicant shall construct a view fence along the shared eastern border of the Greens Apartment complex no closer than 15 feet to the Greens Apartment complex buildings as approved by the PLANNING AND Development <del>Services</del> Department.
9.	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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