




City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: September 3, 2019

From: Alan Stephenson 
Planning and Development Director

Subject: ADDITIONAL INFORMATION ON ITEM 44 – PUBLIC HEARING AND
ORDINANCE ADOPTION – AMEND CITY CODE – REZONING APPLICATION
Z-25-19-1 – SOUTHEAST CORNER OF 39TH AVENUE AND THE DYNAMITE
ROAD ALIGNMENT (ORDINANCE G-6625) ON THE SEPTEMBER 4, 2019
FORMAL AGENDA

Item 44 is a request to rezone a 29.17-acre site located at the southeast corner of 39th Avenue and the Dynamite Road alignment from S-1 (Ranch or Farm Residence District) to R1-18 (Single-Family Residence District) to allow for a 43-lot single-family residential subdivision with a density of 1.47 dwelling units per acre.

The Deer Valley Village Planning Committee (VPC) reviewed this request at their meeting on July 18, 2019 and recommended approval by a 5-3 vote per the staff recommendation with a modified stipulation and additional stipulations. The VPC modified Stipulation No. 8 to clarify that an equestrian trail and access shall be provided. The VPC added stipulations Nos. 15 and 16 regarding the applicant pursuing relief from street lighting standards, and that requests to modify or delete stipulations would be required to come before the VPC for review and a recommendation. Staff noted at the meeting that eliminating the requirement for street lighting would be difficult for staff to support given the potential for safety issues. Staff recommends alternative language that will require any street lighting installed to comply with the city's low-level lighting standards for low-density residential development.

Regarding Stipulation No. 16, staff explained at the meeting that the VPC has the opportunity to review all requests to modify or delete stipulations. The current practice is that requests to modify or delete stipulations are reviewed by the VPC at the discretion of every VPC Chair. Stipulation No. 16 would eliminate this opportunity for discretion by the VPC Chair should such a request be made. Staff has added language to this stipulation to clarify that any such request to modify or delete stipulations for this case will be presented to the VPC for a possible recommendation.

The Planning Commission denied the request by a 7-0 vote at their August 1, 2019 hearing. Since the Planning Commission hearing, the applicant has made modifications to the proposal to address the concerns of nearby residents. The applicant has submitted an updated site plan that provides an additional vehicular access point at the southwest corner of the site via 39th Avenue.

A stipulation (No. 17) has been added to the request to require general conformance to the site plan date stamped August 30, 2019, which shows vehicular access off 39th Avenue and 37th Avenue.


In addition to the updated site plan, the applicant has offered two additional stipulations aimed at enhancing the proposal's compatibility with the surrounding area. Stipulation No. 18 restricts the height of accessory structures on all the lots to a maximum of 1 story and 15 feet. The Zoning Ordinance allows for greater height for accessory structures outside of the lot's building setbacks and a building height greater than 15 feet via a use-permit when within the rear building setback. Stipulation No. 18 is more restrictive than the Zoning Ordinance standard. Stipulation No. 19 provides additional shielding and orientation standards for outdoor residential lighting fixtures on the home.

Staff recommends approval per the modified stipulations below.

1.	The project shall not exceed 43 lots.
2.	The maximum building height shall not exceed 1 story and 24 feet.
3.	There shall be a minimum of 20% common open space provided, exclusive of required landscape setbacks. The location of open space areas shall be in general conformance with the conceptual site plan date stamped June 26, 2019, as approved by the Planning and Development Department.
4.	There shall be a minimum of one private open space amenity area. The area shall provide, at a minimum, two of the following active amenity elements or other similar elements, as approved by the Planning and Development Department:
	a. Fire Pit
	b. Barbecue and Picnic Area
	c. Pavilion or Ramada
5.	The development shall be in general conformance with the conceptual elevations date stamped June 14, 2019 with specific regard to the use of desert colors and quality of architectural embellishments, as approved by the Planning and Development Department.
6.	The development shall be in general conformance with the wall plan date stamped June 26, 2019 with specific regard to view fencing along open space areas, as approved by the Planning and Development Department. Publicly visible walls shall be integrally colored block or painted to blend with the natural desert environment.

7.	Shade trees shall be planted adjacent to sidewalks, outside any public utility easements, at a rate of a minimum of one, two-inch caliper or greater shade tree provided at a spacing of 20 to 30 feet on center, depending on species, within the front yard of each residential lot and where sidewalks are adjacent to common area tracts, provided that no more than three trees shall be required adjacent to sidewalks on any individual residential lot and such trees may be planted in a non-linear staggered fashion, as approved or modified by the Planning and Development Department.
8.	The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the northwest corner of the property, adjacent to the 39th Avenue alignment connecting to the CAP Canal and State Land trails. The developer shall construct a 10-foot wide multi-use trail (MUT) (for an equestrian trail and access) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
9.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter sidewalk, curb ramps, driveways, 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.
10.	The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property, as approved by the Aviation Department.
11.	Prior to final plat recordation, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural and equestrian uses. The form and content of such documents shall be reviewed and approved by the City Attorney.
12.	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.
13.	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.

14.	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.
15.	The developer shall petition the Street Transportation Department to eliminate the requirement for street light infrastructure requirements for the subdivision in an effort to protect dark skies. ALL STREET LIGHTS IN THE SUBDIVISION SHALL BE IN COMPLIANCE WITH THE CITY OF PHOENIX LOW LEVEL LIGHTING STANDARD FOR LOW-DENSITY RESIDENTIAL DEVELOPMENT AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT AND THE PLANNING AND DEVELOPMENT DEPARTMENT.
16.	Any Planning Hearing Officer submittal shall go before the Village Planning Committee FOR REVIEW AND A POSSIBLE RECOMMENDATION prior to being heard in front of THE HEARING BY the Planning Hearing Officer.
17.	DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN DATE STAMPED AUGUST 30, 2019 AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
18.	ALL DETACHED ACCESSORY STRUCTURES SHALL BE LIMITED TO 1-STORY AND 15-FEET.
19.	ALL OUTDOOR RESIDENTIAL LIGHT FIXTURES SHALL BE FULLY SHIELDED WITH THE LIGHT SOURCE DIRECTED DOWNWARD SUCH THAT THE BULB OR LIGHT SOURCE FROM THE FIXTURE IS NOT VISIBLE FROM AN ADJOINING PROPERTY OR FROM THE ADJACENT STREET AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Approved: 
Mario Paniagua, Deputy City Manager

Attachment: Site Plan – Date Stamped August 30, 2019



A map of the Project Site area. The map shows several streets: 35th Ave, 33rd Ave, 31st Ave, 29th Ave, 27th Ave, 25th Ave, 23rd Ave, 21st Ave, 19th Ave, 17th Ave, 15th Ave, 13th Ave, 11th Ave, 9th Ave, 7th Ave, 5th Ave, 3rd Ave, 1st Ave, and 0th Ave. The Project Site is located between 35th Ave and 33rd Ave, and between 27th Ave and 25th Ave. The map also shows the location of the Project Site relative to the 17th Ave and 15th Ave. The map is oriented with North at the top.

[illegible][illegible]

MR. ALLOWED/PROPOSED: PRIMARY STRUCTURE NOT
 INCLUDING AIR-COOLING SHADE
 STRUCTURES: 23% TOTAL: 50%
 (PRO CALCULATION METHOD)
 COMMON AREA REQUIRED: 5% OF GROSS AREA (A) 533 sq
 COMMON AREA PROVIDED: 22% EXCLUDING PAVEMENT 548

PROJECT DESCRIPTION: PROPOSED

CROSS-SECTION A:

100

THE
JOURNAL
OF
THE
ROYAL
ANTHROPOLOGICAL
INSTITUTE

OT-PTO-EMK

AUG 30 2019

CITY OF PHOENIX

AUG 30 2019

Planning & Development

Department

Kimley»Horn

39TH AVE. & DYNAMITE BLVD.
REZONING APPLICATION
CONCEPTUAL SITE PLAN PHOENIX, AZ

DATE: 04/19/2019

PROJECT NO.
181069040.2.030
DRAWING NAME
CON. SITE PLAN
1 OF 1