

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION February 1, 2024

ITEM NO: 8	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-2-23--Z-73-01-6(8)
Existing Zoning:	MUA BAOD
Location:	Approximately 275 feet south of the southwest corner of 32nd Street and Baseline Road
Request:	<ol style="list-style-type: none">1. Request to modify Stipulation 1.a regarding general conformance with the site plan dated August 27, 2001.2. Request to modify Stipulation 1.b regarding a detached sidewalk.3. Request to delete Stipulation 1.c regarding commercial building height.4. Request to modify Stipulation 1.d regarding a Homeowners Association.5. Request to modify Stipulation 1.f regarding interior perimeter walls.6. Request to delete Stipulation 1.g regarding parking stalls.7. Request to delete Stipulation 2.1a regarding commercial building elevations.8. Request to modify Stipulation 2.2a regarding one-story houses.9. Request to modify Stipulation 2.2b regarding floor plans.10. Request to delete Stipulation 3 regarding streets and rights-of-way.11. Request to modify Stipulation 4.a regarding a 25-foot easement on the west side of 32nd Street.12. Technical corrections to Stipulation 4.b.13. Request to modify Stipulation 5.a regarding South Mountain Village Planning Committee notification.14. Request to delete Stipulation 5.b regarding construction commencement.
Acreage:	4.60
Applicant:	Brian Stillman, Baseline & 32nd, LLC/CG6, LLC
Owner:	Brian Stillman, Baseline & 32nd, LLC/CG6, LLC
Representative:	William F. Allison, Withey Morris Baugh, PLC

ACTIONS:

Village Planning Committee (VPC) Recommendation:

South Mountain 12/12/2023 Approval, with a modification and additional stipulations. Vote: 11-0.

Planning Hearing Officer (PHO) Recommendation: The Planning Hearing Officer heard the request on December 20, 2023, and recommended denial as filed, approval with modifications and additional stipulations.

Staff Recommendation: Denial as filed, approval with modifications and additional stipulations, per the PHO recommendation.

Planning Commission Recommendation: Approval, per the PHO recommendation with modifications and additional stipulations.

Motion Discussion: N/A

Motion details: Vice-Chairperson Busching made a MOTION to approve PHO-2-23--Z-73-01-6(8), per the Planning Hearing Officer recommendation with additional stipulations and modifications as requested by the applicant and appellant.

Maker: Vice-Chairperson Busching

Second: Gorraiz

Vote: 8-0

Absent: None

Opposition Present: No

Findings:

1. The request for modification of Stipulation 1.A regarding general conformance to a conceptual site plan is recommended to be approved with a modification. The request for review and approval of conceptual site plan per Stipulation 1 has been complied with and text was eliminated that pertained to the previously approved plan. The recommendation is therefore to approve the plan and modify the existing Stipulation 1 to replace the existing language with a standard language general conformance stipulation to the site plan. At the request of the South Mountain Village Planning Committee, the PHO has also added general conformance to the landscape plan. The site plan and landscape plan are date stamped November 1, 2023. The reason for the addition of the landscape plan is in response to the Committee's concerns that the high quality landscaping shown at the hearing would not be submitted during the site plan review.
2. The request to Modify 1.B is approved with a modification. This stipulation is now written with updated language and location specificity. The small size and irregular shape of the subject parcel limits the ability to provide, and need for, detached sidewalks on both sides of the private street. All homes will have easy access to the detached sidewalk proposed for the east portion of the project to access the open space area and to exit the neighborhood to 32nd Street.
3. The request to delete Stipulation 1.c regarding the height of commercial buildings is approved. This Stipulation is no longer pertinent considering the new Site Plan and residential nature of the project.
4. The request to modify Stipulation 1.d is approved. An HOA will be responsible to maintain all common areas on site, which are different than those installed in the neighborhood across 32nd Street and listed in stipulation 1.a.
5. The request to modify Stipulation 1.f is approved with a modification. This modification specifies the location of solid walls as it pertains to this request. The modification also removes the language referencing the previous zoning case.

6. The request to modify Stipulation 1.g regarding parking stalls is actually a request to delete the stipulation in its entirety. This request is approved due to the fact that the specific number of parking stalls is a leftover from the previous zoning case.
7. The request to delete Stipulation 2.1a regarding commercial building elevations is approved as it is not applicable to this proposal.
8. The request to modify Stipulation 2.2a regarding one-story houses is approved. The intent of the stipulation was to prepare for the neighborhood being built to the south by staggering the height of the houses, however, the neighborhood is already built.
9. The homes will be subject to the proposed, revised stipulation and to design guidelines of the MUA and BAO districts. The owners will not develop elevations for the project until this application is concluded and the applicant agrees the Village Planning Committee needs the opportunity to review the elevations before preliminary site plan approval.
10. The request to delete all of Stipulation 3 is denied as filed. Staff recommends the Stipulation 3.f. remain as written due to it being a standard stipulation for all rezones requiring all streets within and adjacent to a development, both public and private, be constructed to City of Phoenix and ADA standards. The stipulation still applies to this site as it requires all streets needing to be built with this development to be constructed to City of Phoenix standards. Stipulation 3.f will become 3.a.
11. The request to modify Stipulation 4.a regarding a 25-foot easement on the west side of 32nd Street is approved. The location of the easement has been specified to the current project.
12. The technical correction to remove the Library Department from the stipulation has been approved.
13. The request to modify Stipulation 5.a regarding South Mountain Village Planning Committee notification is approved.
14. The request to delete Stipulation 5.b regarding construction commencement is approved.
15. An additional Stipulation was added at the request of the South Mountain Village Planning Committee to provide pedestrian access to the development to the north. This is intended to connect the two developments.
16. The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.
17. The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

Stipulations:

1. Site Planning:

- a. ~~That The development shall be in general conformance with the site plan and landscape plan dated STAMPED NOVEMBER 1, 2023 August 27, 2001, AS APPROVED OR MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA as may be approved by DSD, and represented by:~~
- ~~• A circular open space tract in the residential area.~~
 - ~~• Linear pedestrian tracts in the east and south connecting to adjacent properties.~~
 - ~~• A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.~~
- b. A DETACHED SIDEWALK, SEPARATED FROM THE CURB BY landscaped tree lined strips ~~that run~~ SHALL BE PLACED along both sides ONE SIDE of all ~~local~~ THE PRIVATE STREETS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT in the residential area. This landscaped strip ~~shall include a meandering sidewalk as shown on the site plan.~~
- c. ~~That the height for commercial buildings be limited to one story along Baseline Road, as specified on the site plan.~~
- d. That A Homeowners Association (HOA) be created to maintain all COMMON areas specified in 1.a).
- e. That A design for the gated entry for the residential area shall be provided to the PHO for review prior to Preliminary Site Plan approval.
- f. That Solid walls SHALL be allowed on the **NORTH AND WEST** interior perimeter walls **BUT** (east and south) **WHERE ADJACENT TO SINGLE FAMILY LOTS. A SOLID not the walls SHALL NOT BE ALLOWED along ANY OTHER PERIMETER. 32nd Street.** or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.
- g. ~~That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.~~

2. Building Design:

2.1 Commercial Buildings

- a. ~~That the applicant shall submit detailed elevations of the commercial buildings~~

~~detailing the open areas between the buildings. These connections shall be made through “transparent” type of architectural elements working as shading devices. These elements may include arcades, ramadas, isolated decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan approval.~~

~~2.2~~

2.1 Residential Buildings

- a. ~~That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.~~
- b. ~~The DESIGN OF THE HOMES SHALL floor plans shall be consistent with the elevations that reflect a rural design AND SHALL BE REVIEWED AND APPROVED BY THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE BEFORE PRELIMINARY SITE PLAN APPROVAL based on the “Tuscan Architecture” style illustrated by the applicant.~~
- c. **BARREL TILE ROOFS SHALL BE PROHIBITED.**
- d. **OVERHANGING WOODEN EAVES AND EXPOSED RAFTERS, OR SIMILAR, SHALL BE INCORPORATED INTO ONE OR MORE OF THE RESIDENTIAL ELEVATIONS AS A DESIGN OPTION.**
- e. **ALL ELEVATIONS OF THE HOMES SHALL CONTAIN A MINIMUM OF THREE OF THE FOLLOWING ARCHITECTURAL EMBELLISHMENTS AND DETAILING: TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, OVERHANG CANOPIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- f. **ALL ELEVATIONS SHALL INCORPORATE A MINIMUM OF THREE OF THE FOLLOWING BUILDING MATERIALS: NATIVE STONE, BURNT ADOBE, TEXTURED BRICK, WOOD (WHEN SHADED BY OVERHANGS OR DEEP RECESSES), SLUMP BLOCK, CERAMIC TILE (MATTE FINISH), STUCCO (MAXIMUM 70% OF ANY WALL), AND EXPOSED AGGREGATE CONCRETE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

3. Streets and Rights-of-Way:

- a. ~~That a right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.~~
- b. ~~That right-of-way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 foot of right-of-way planned for 32nd Street on the south side of Baseline. Additional improvements may be required to accommodate left turn access to~~

~~the proposed driveways.~~

- ~~e. That a 21 foot by 21 foot right of way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.~~
- ~~d. That sufficient right of way shall be dedicated to accommodate a bus bay (Detail P-1256) on Baseline Road east of 32nd Street (new realignment).~~
- ~~e. That rights of way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.~~
- ~~f. That The developer shall construct all streets within and adjacent to the~~
 - ~~a. development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.~~
- ~~g. The applicant shall complete and submit the Developer Project Information form 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 quality requirements.~~
- ~~h. That sufficient right of way must be provided for a underground tunnel crossing Baseline Road running on the west side of the 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right of way should be approximately 100 feet by 50 feet from the right-of-way of Baseline Road, at the southwest corner of Baseline Road and 32nd Street (realignment).~~

4. ARCHAEOLOGY:

- a. 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.
- b. 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.
- c. 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.

4. Trails:
5.

- a. That a 25 foot easement shall be provided on the west side of 32nd Street ~~and along Baseline Road~~ to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, **AND** Recreation ~~and Library~~ Department for final approval.
- b. That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be used across the entire width of the street or driveway. The alternative paving material and the material used at the street/trail interface shall be acceptable to the Parks, **AND** Recreation ~~and Library~~ Department and Street Transportation Department.

5. Other Issues:
6.

- a. That upon approval of this request by City Council, the South Mountain Village Planning Committee will be notified of any subsequent modifications and/or deletions of stipulations ~~and/or variances~~.
- b. 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.
- ~~b. That the development shall commence construction with 24 months of the rezoning request approval by City Council.~~
- c. **PEDESTRIAN ACCESS SHALL BE PROVIDED TO THE DEVELOPMENT TO THE NORTH, SUBJECT TO ADA STANDARDS AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- d. **THE LANDSCAPING FOR THE PROJECT SHALL BE EQUAL TO OR BETTER THAN THE LANDSCAPE DESIGN SHOWN ON THE LANDSCAPE PLAN DATED AUGUST 7, 2023, OR AS REQUIRED BY OTHER CITY CODE, WHICH EVER IS GREATER.**
- e. **THE LANDSCAPING SHALL BE LIMITED TO THE SONORAN PLANT LIST WITH THE ADDITION OF CERCIDIUM HYBRID (DESERT MUSEUM PALO VERDE), QUERCUS VIRGINIANA (LIVE OAK), AND PISTACIA X 'RED-PUSH (RED PUSH PISTACHE), AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.**
- f. **A MINIMUM OF FIVE PERCENT OF THE LANDSCAPED COMMON AREA SHALL BE PLANTED IN FLOWERS.**

- g. THE AMOUNT OF CUT AND FILL SHALL BE THE MINIMUM AMOUNT NECESSARY TO ACCOMMODATE SITE INFRASTRUCTURE AND ACCESSIBLE PEDESTRIAN PATHWAYS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- h. ON-SITE LIGHTING SHALL BE ACCOMPLISHED WITH LOW LEVEL, UNIFORM LIGHTING FIXTURES DISPERSED THOROUGHOUT THE SITE WITH A LUMEN RATING OF 3,000 OR LESS.**
- i. THE SURFACE OF INDIVIDUAL DRIVEWAYS SHALL BE COMPOSED OF AN ALTERNATIVE TO ASPHALT OR CONCRETE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THIS RESTRICTION SHALL BE INCLUDED IN THE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE SUBDIVISION.**

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