

## ATTACHMENT D



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** City of Phoenix Planning Commission **Date:** January 4, 2024

**From:** Racelle Escolar, AICP  
Principal Planner

**Subject:** ITEM NO. 7 (Z-48-22-7) – APPROXIMATELY 300 FEET NORTH OF  
THE NORTHWEST CORNER OF 35TH AVENUE AND MINTON STREET

The purpose of this memo is to recommend modified stipulations in response to the Laveen Village Planning Committee (VPC) recommendation.

Rezoning Case No. Z-48-22-7 is a request to rezone 5.40 acres of County RU-43 (Pending S-1) (One Acre Per Dwelling Unit, Pending Ranch or Farm Residence District) to R-2 (Multifamily Residence District) to allow multifamily residential.

The Laveen VPC heard this request on December 11, 2023 and recommended approval, per the staff recommendation with a modification and an additional stipulation, by a vote of 7-0.

The VPC recommended modifying Stipulation No. 4 to increase the tree sizes throughout the landscape setbacks on the site. Staff has no concerns with the modified stipulation. The VPC also recommended adding Stipulation No. 5 that would require minimum three-inch caliper trees on the southeast portion of the landscape setback. The intent of the stipulation was to create an enhanced buffer adjacent to County residents to the south. Staff recommends modifying the language of Stipulation No. 5 to clarify the area to be planted with all three-inch caliper trees.

Staff recommends approval, per the modified stipulations in **bold** font below.

1. The development shall be in general conformance with the site plan date stamped October 31, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped July 14, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
3. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks, as approved by the Planning and Development Department.
4. The required landscape setbacks AND THROUGHOUT THE SITE shall be landscaped with 25% 3-INCH CALIPER TREES AND 75% 2-inch caliper single-trunk large canopy drought-tolerant shade trees, planted 20 feet on

center or in equivalent groupings, as approved by the Planning and Development Department.

5. **THE WEST 350 FEET OF THE SOUTH PERIMETER SOUTHEASTERN HALF OF THE LANDSCAPE SETBACK SHALL BE PLANTED WITH 100% MINIMUM 3-INCH CALIPER, SINGLE TRUNK, LARGE CANOPY, DROUGHT-TOLERANT, SHADE TREES, PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- ~~5.~~ 6. 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.
  - c. A minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, and minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
  - 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.~~ 7. If fencing is proposed, open view fencing or a combination of maximum two feet of solid masonry topped by open view fencing shall be utilized along the north and east perimeter, as approved by the Planning and Development Department.
- ~~7.~~ 8. A perimeter wall no less than 6 feet in height shall be provided along the southern and western portion of the site, as approved by the Planning and Development Department.
- ~~8.~~ 9. A minimum of 15% of the gross site area shall be retained as open space.
- ~~9.~~ 10. All uncovered surface parking lot area shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.

- ~~40.~~ 11. 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 contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
- ~~41.~~ 12. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
- ~~42.~~ 13. A minimum of three pedestrian connections shall be provided from the development to the sidewalk along Carter Road, as approved by the Planning and Development Department.
- ~~43.~~ 14. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department.

  - a. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
  - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces, located near building entrances and within amenity areas.
  - c. All bicycle infrastructure shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
  - d. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. 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, but not be limited to 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.
  - e. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.

- 14. A minimum of 10% of the required parking spaces shall be EV Ready.
- 15.
- 15. The developer shall dedicate 25-feet of right-of-way and construct the south
- 16. side of Carter Road, as approved by the Planning and Development Department.
- 16. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-
- 17. wide landscape strip shall be constructed along the south side of Carter Road, adjacent to the development, planted to the following standards and maintained with a watering system, as approved by the Planning and Development Department.
- a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- b. Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage at maturity.

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

- 17. The developer shall close the existing median opening adjacent to the site and
- 18. construct a new median opening at 35th Avenue and Carter Road, as approved by the Planning and Development and Street Transportation Departments.
- 18. The developer shall construct all streets within and adjacent to the
- 19. 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.
- 19. The property owner shall record documents that disclose the existence, and
- 20. 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.
- 20. Prior to final site plan approval, the property owner shall record documents that
- 21. disclose to purchasers of property within the development(s) the existence and operational characteristics of nearby existing ranchettes and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities 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. The disclosures shall be noted in the CC&Rs in a section titled "nuisances".

- ~~24.~~ If determined necessary by the Phoenix Archaeology Office, the applicant shall
- ~~22.~~ 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.
- ~~22.~~ If Phase I data testing is required, and if, upon review of the results from the
- ~~23.~~ 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.
- ~~23.~~ In the event archaeological materials are encountered during construction, the
- ~~24.~~ 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.
- ~~24.~~ Prior to preliminary site plan approval, the landowner shall execute a
- ~~25.~~ 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.