

Attachment D

REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 18	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	PHO-1-20--Z-28-14-2
Location:	Northeast corner of 43rd Street and Lone Mountain Road
Request:	Request to review and approve proposed modifications to a conceptual site plan (building footprint) that does not meet the criteria for administrative review per Section 671.E.3.b
Acreage:	5.0
Applicant:	Rose Law Group
Owner:	Green Thumb Nursery, LLC
Representative:	Court Rich, Rose Law Group

ACTIONS:

Staff Recommendation: Approval with an additional stipulation, as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:
Desert View 11/3/2020 Denial. Vote: 6-2.

Planning Hearing Officer Recommendation:
11/18/2020 Approval, with an additional stipulation.

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation.

Motion Discussion: N/A.

Motion details: Commissioner Busching made a MOTION to approve PHO-1-20—Z-28-14-2, per the Planning Hearing Officer recommendation.

Maker: Busching
Second: Howard
Vote: 9-0
Absent: None
Opposition Present: Yes

Findings:

1. The applicant's request is to modify the conceptual site plan in the Lone Mountain Senior Living PUD Development Narrative. Section 671.E.3.b of the Zoning Ordinance states that the Planning Hearing Officer may approve modifications to conceptual site plans that do not meet the criteria for Planning and Development Department administrative review. Section 671.E.3.a

establishes the criteria for administrative review, which includes Section 671.E.3.a.(6) regarding modifications that result in an “an increase in building footprint less than five percent.” Because the applicant’s proposed conceptual site plan represents a greater than five percent increase above that shown on the conceptual site plan in the Development Narrative, Planning Hearing Officer approval of the request is required.

2. The Lone Mountain Senior Living PUD was approved by the Phoenix City Council on July 1, 2015. The PUD established development standards, design guidelines, permitted land uses, and other related standards associated with the proposed development of a residential assisted living center. The conceptual site and landscape plan in the approved Development Narrative (Section B) depicted an ‘L-shaped’ building at the southwest corner of the subject site. The proposed building was 27,421 square feet, which constituted approximately 14.9% lot coverage based on the net site area of approximately 4.24 acres. However, the development standard for maximum lot coverage in the approved Development Narrative (Section G.1) was a maximum 40% net lot area. This development standard was also included on the conceptual site and landscape plan.
3. The proposed conceptual site plan depicts a rectangular building located at the southwest corner of the site. The specific square footage is not depicted on the plan; however, the applicant narrative indicates that the design is intended to “establish the maximum buildable area as the 40% lot coverage”. That standard is depicted on the site plan. The site plan is consistent with the existing development standards in the PUD Development Narrative and does not necessitate a major amendment per Section 671.E.1 of the Zoning Ordinance. The site plan is compatible with the intent of the PUD to establish a residential assisted living center and does not deviate from the proposed land uses, design guidelines, or sustainability guidelines approved by the City Council.
4. Approval of the proposed modification to the conceptual site plan is recommended. Consistent with this recommendation of approval, modification of Stipulation 1 is recommended to require the applicant to submit an updated Development Narrative which replaces the conceptual site plan and updates references to building square footage and lot coverage per the modified site plan. Previously stipulated edits to the Development Narrative are recommended for deletion as these were complied with following the City Council’s original approval of the PUD. The referenced date stamped date of “October 20, 2020” reflects the current, approved draft of the PUD, per the approval of the January 16, 2018 PUD Minor Amendment.
5. 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. An updated Development Narrative for the Lone Mountain Senior Living PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped OCTOBER 20, 2020 ~~May 8, 2015~~, as modified by the following:
 - a. PAGE 13, SECTION B, LAND USE PLAN: REPLACE "CONCEPTUAL SITE AND LANDSCAPE PLAN FOR LONE MOUNTAIN SENIOR LIVING" WITH THE "LONE MOUNTAIN ILLUSTRATED SITE PLAN" DATE STAMPED SEPTEMBER 22, 2020.

~~Page 11, Section B Land Use Plan, The fourth paragraph shall read: "This includes a 25-foot heavily landscaped streetscape tract along Lone Mountain Road, which includes indigenous plant material. Likewise, 43rd Street has a 25-foot right of way and a 28-foot building setback. This building setback includes a 25-foot heavily landscaped streetscape, which includes a generous amount of indigenous plant material."~~
 - b. UPDATE ALL TEXT REFERENCES TO BUILDING SQUARE FOOTAGE AND LOT COVERAGE PER THE "LONE MOUNTAIN ILLUSTRATED SITE PLAN" DATE STAMPED SEPTEMBER 22, 2020.

~~Page 19, Existing Land Summary Table row 4 column 2 General Plan Land Use Classification, in line with South Direction and Desert Willow Elementary School Existing Use shall read: "Public/Quasi Public".~~
 - c. ~~Page 19, Existing Land Summary Table row 4 column 3 Existing Zoning, in line with South Direction and Desert Willow Elementary School Existing Use shall read: "R1-6 PCD".~~
2. A 10-foot sidewalk easement shall be dedicated along the north side of Lone Mountain Road, as approved by the Planning and Development Department.
3. The developer shall construct all streets 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 Department. All improvements shall comply with all ADA accessibility standards.
4. 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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