ATTACHMENT B



Staff Report Z-85-24-3 October 7, 2024

North Mountain Village Planning October 16, 2024

Committee Meeting Date:

Planning Commission Hearing Date: November 7, 2024

Request From: R-3 (Multifamily Residence District)

(1.26 acres)

Request To: R-3 Hillside DNS/WVR (Multifamily

Residence District, Hillside Density

Waiver) (1.26 acres)

Proposal: Hillside Density Waiver for single-family

residential

Location: Approximately 170 feet east of the

northeast corner of 13th Avenue and

Peoria Avenue

Owner: Empire J Properties, LLC

Applicant: Ty Utton, Rose Law Group, PC

Representative: Jon Gillespie, Rose Law Group, PC

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity					
General Plan Land Use Map Designation		Residential 10 to 15 dwelling units per acre and Parks / Open Space-Publicly Owned			
Street Map Classification	Peoria Avenue	Collector	33-foot north half street		

CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; DESIGN PRINCIPLE: Promote neighborhood identity through planning that reinforces the existing landscaping and character of the area. Each new development should contribute to the character identified for the village.

As stipulated, the proposal will promote neighborhood identity by incorporating density limitations, landscape enhancements, and architectural design requirements. These will also promote the visual integrity and character of the hillside area.

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CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposal for a single-family detached residential community allows for a housing product consistent with other single-family developments in the area. As stipulated, the project will incorporate enhanced landscaping, shaded detached sidewalks, and architectural design requirements to ensure seamless integration with the surrounding neighborhood.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, includes enhanced landscaping along Peoria Avenue. This will create a comfortable pedestrian environment along Peoria Avenue by reducing the urban heat island affect and making the walk to nearby destinations safer and more comfortable.

Applicable Plans, Overlays, and Initiatives

Housing Phoenix Plan: Background Item No. 6.

Conservation Measures for New Development: Background Item No. 7.

Tree and Shade Master Plan: Background Item No. 8.

Complete Streets Guidelines: Background Item No. 9.

Zero Waste PHX: Background Item No. 10.

Phoenix Climate Action Plan: Background Item No. 11.

Surrounding Land Uses and Zoning				
	Land Use	<u>Zoning</u>		
On Site	Vacant	R-3		
North	North Mountain Shaw Butte Mountain Preserve	R-3		
West	Vacant	R-3		
East	Multifamily and single- family residential	R-3		
South (across Peoria Avenue)	Multifamily and single- family residential	R-3		

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R-3 Multifamily Residence District (Table A: Single-Family Detached Development, Planned Residential Development Option)

Subject to Hillside Development Standards

The site will be governed by the R-3 (Multifamily Residence District) and Section 710 (Hillside Development Standards). The below table includes both minimum requirements. The more restrictive standard shall apply.

Standards	R-3 PRD	Hillside	Provisions on the		
<u>Standards</u>	Requirements	Requirements	Proposed Site Plan		
Gross Acreage		-	Total: 1.26 acres Under 10%: 0.44 acres 10%-14.9%: 0.42 acres 15%-19.9%: 0.34 acres 20%-24.9%: 0.06 acres		
Maximum Number of Units	8; up to 15 with bonus	Under 10% Slope: 3; 5 with bonus 10% - 14.9%: 1 15% - 19.9%: 0	4 units (Met with Density Waiver)		
Maximum Density (units/gross acre)	6.5; 12 with bonus	Under 10% Slope: Same as R-3 10% - 14.9%: 1.80 15% - 19.9%: 1.10	3.17 (Met with Density Waiver)		
Maximum Lot Coverage	50%, with an additional 10% for an ADU and/or attached shade structure	Maximum of 25% of the hillside portion of the lot.	10% (Met)		
Minimum Buil	Minimum Building Setbacks				
Perimeter Streets	15 feet (in addition to landscape setback)	As required by zoning district	Not Specified		
Perimeter Property Lines	Rear 1-story building: 15 feet 2-story building: 20 feet	As required by zoning district	Rear 20 feet (Not Met) Side Not Specified		
	Side 1-story building: 10 feet 2-story building: 15 feet				

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Interior Property Lines	Front 10 feet Side None Rear None	Front and Rear As required be zoning district Side 10 feet	Front 10 feet (Met) Side Not Specified
Minimum Lan	dscape Setbacks		
Perimeter (Adjacent to street)	15 feet average, 10 feet minimum	N/A	15 feet (Met)
Maximum Building Height	2 stories and 30 feet, 3-story buildings up to 30 feet are permitted with Design Advisor approval for enhanced architecture	2 stories and 30 feet, not to exceed 30 feet above the natural grade of the lot or parcel at any section through the structure.	2 stories and 26.5 feet (Met)
Common Areas	Minimum 5% of gross area	N/A	Not Specified
Minimum Parking Standards	8 spaces	N/A	8 spaces (Met)

Background/Issues/Analysis

SUBJECT SITE

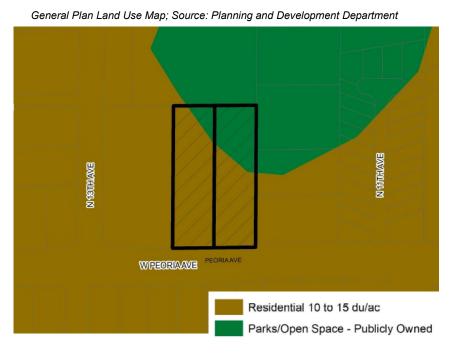
1. This request is to rezone 1.26 acres located approximately 170 feet east of the northeast corner of 13th Avenue and Peoria Avenue from R-3 (Multifamily Residence District) to R-3 Hillside DNS/WVR (Multifamily Residence District, Hillside Density Waiver) for a Hillside Density Waiver for a single-family residential subdivision. The subject site is currently vacant.

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GENERAL PLAN

The subject site is designated as Residential 10 to 15 dwelling units per acre and Parks/Open Space – Publicly Owned. The areas to the north and east are designated Residential 10 to 15 dwelling units per acre and Park/Open Space - Publicly Owned. The areas to the south (across Peoria Avenue) and west are designated

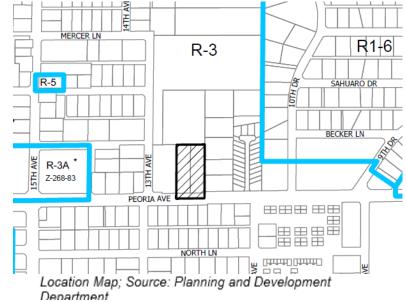


dwelling units per acre. The proposed R-3 Hillside DNS/WVR zoning district is consistent with the General Plan Land Use Map designation.

SURROUNDING LAND USE AND ZONING

3. To the north and west is vacant land zoned R-3 and to the south (across Peoria Avenue) and east are multifamily and single-family homes zoned R-3.

Residential 10 to 15



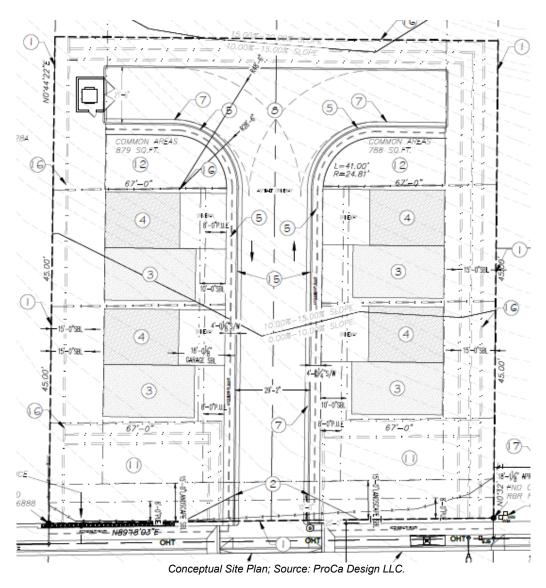
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PROPOSAL

4. Site Plan

The proposal is for a four-lot subdivision in a hillside area. The conceptual site plan, attached as an exhibit, depicts the site layout including the location of the proposed homes and their associated garages, the hillside contours, landscape area, pedestrian pathways, common areas, vehicular circulation, and trash enclosure. The site will have one point of ingress/egress on Peoria Avenue.



A Hillside Density Waiver will be required to permit the proposed number of units. Properties (or portions thereof) that have a slope of 10 percent or greater are subject to the Hillside Development standards outlined in Section 710 of the

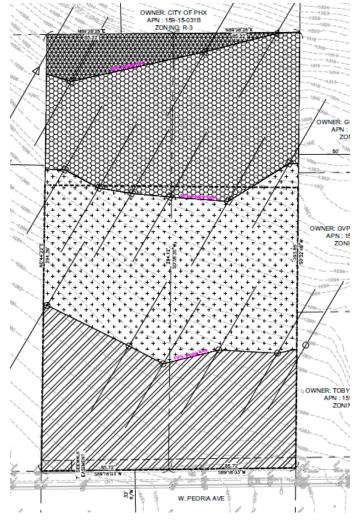
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Phoenix Zoning Ordinance. These regulations are intended to preserve the visual integrity and character of hillside areas, while allowing reasonable development which is both safe and functional.

The slope analysis classifies the site into slope categories and applies a density

multiplier to determine the number of units permitted in each category. The intent is to encourage greater density in the lower slope categories by applying a higher density multiplier; conversely, a lower multiplier applies to areas with more severe slopes to discourage development. Per the Zoning Ordinance, residential units permitted in higher slopes are permitted to be shifted in lower slopes. However, residential units permitted in lower slopes, are not allowed to be shifted in higher slopes without a hillside density waiver.

The proposal includes constructing a portion of two units and the entirety of one unit within the 10 to 15 percent slope area. According to Section 710.C.1, the maximum allowable density in this slope area is 1.80 dwelling units per acre. To achieve the proposed density, the applicant is pursuing a Hillside Density Waiver.



Slope Analysis Plan; Source: Kimley-Horn and Associates, INC.

Staff recommends Stipulation No. 1 to limit the development to a maximum of four units to ensure the site develops as proposed. To promote enhanced walkability and shade, Stipulation No. 2 requires enhanced landscape setback planting standards, and Stipulation No. 3 requires a shaded detached sidewalk along Peoria Avenue. To preserve the visual integrity and character of the hillside area, Stipulation Nos. 4 and 6 require that no structures be built above the 15 percent

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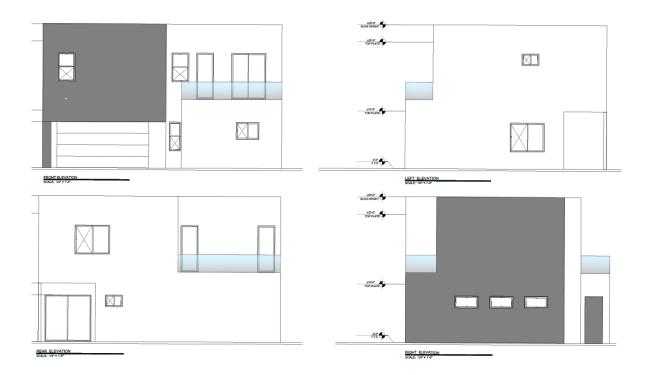
slope line, and that all disturbed areas not covered by structures or paving be revegetated with plant species from the Sonoran Desert Plant List found in the adjacent undisturbed areas.

5. <u>Conceptual Building Elevations</u>

The conceptual building elevations, included as an exhibit, illustrate the proposed single-family homes. The plans feature two distinct architectural styles, each with multiple windows, front and rear balconies, and a garage. Staff recommends Stipualtion No. 5 to require the materials, colors, textures and finishes of all structures to match and blend with the surrounding undisturbed area.

Conceptual Building Elevations; Source: ProCa Design LLC.

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STUDIES AND POLICIES

6. Housing Phoenix Plan:

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with the vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing.

The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by providing housing that will address the supply shortage at a more rapid pace while using vacant or underutilized land in a more sustainable fashion.

7. Conservation Measures for New Development

In June 2023, the Phoenix City Council adopted the Conservation Measures for New Development policy as part of a resolution addressing the future water consumption of new development (Resolution 22129). This resolution addresses the future water consumption of new development to support one of the City's Five Core Values in the General Plan which calls for Phoenix to - Build the Sustainable Desert City. The Conservation Measures for New Development policy includes

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direction to develop standards for consideration as stipulations for all rezoning cases that will address best practices related to water usage in nine specific categories. This is addressed in Stipulation Nos. 7 through 11.

8. Tree and Shade Master Plan

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontage should be detached from the curb to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. The proposal, as stipulated, will create a comfortable streetscape environment with an enhanced landscape setback and a shaded detached sidewalk along Peoria Avenue. These are addressed in Stipulation Nos. 2 and 3.

9. Complete Streets Guidelines

The City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The proposed development, as stipulated, will support walking, bicycling, and transit use by including a shaded detached sidewalk along Peoria Avenue. This is addressed in Stipulation No. 3.

10. Zero Waste Phoenix PHX

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs.

Recycling services are provided by the city for all single-family residential developments.

11. Phoenix Climate Action Plan

In October 2021, the Phoenix City Council approved the Climate Action Plan. The Climate Action Plan will serve as a long-term plan to achieve greenhouse gas emissions reductions and resiliency goals from local operations and community activities as well as prepare for the impacts of climate change. This plan contains policy and initiatives regarding stationary energy, transportation, waste management, air quality, local food systems, heat, and water. Goal W2 (Water), Action W2.4, pertains to the implementation of the <u>Greater Phoenix Metro Green Infrastructure (GI) and Low Impact Development Details for Alternative Stormwater Management</u> to benefit the environment, promote water conservation, reduce urban heat, improve the public health, and create additional green spaces. This

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goal is addressed in Stipulation No. 9, which requires a minimum of one GI technique for stormwater management to be implemented in this development.

COMMUNITY CORRESONDENCE

12. As of the writing of this report no letters of support or opposition have been received for the request.

INTERDEPARTMENTAL COMMENTS

- 13. The Street Transportation Department requested a detached sidewalk be provided along Peoria Avenue, which is addressed in Stipulation No. 3. Additionally, Stipulation No. 12 requires the dedication of Peoria Avenue and Stipulation No. 13 requires that the developer replace and construct all improvements in the right-of-way with all required elements and to ADA standards.
- 14. The Hillside review team within the Site Planning Division of the Planning and Development Department has requested that no structures be built above the 15 percent slope line; that the materials, colors, textures and finishes of all structures match and blend with the surrounding undisturbed area; and that all disturbed areas not covered by structures or paving be revegetated with plant species from the Sonoran Desert Plant List found in the adjacent undisturbed areas. Stipulation Nos. 4, 5, and 6 address these requirements.

OTHER

- 15. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation 14.
- 16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval. This is addressed in Stipulation No. 15.
- 17. Development and use of the site are subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments may be required.

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Findings

- 1. The proposal is consistent with the General Plan Land Use Map designation of Residential 10 to 15 dwelling units per acre and with the surrounding land uses.
- 2. The proposal, as stipulated, will promote the visual integrity and character of the hillside area.
- 3. The proposal as stipulated, will incorporate landscaping and shading that will enhance the location, consistent with General Plan goals and principles.

Stipulations:

- 1. The development shall be limited to a maximum of four units.
- 2. All landscape setbacks shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant trees, 20 feet on center, or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.
- 3. The sidewalk along Peoria Avenue shall be a minimum of 6 feet in width and detached with a minimum 5-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, 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 vegetation to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

- 4. No structure shall be built above the 15% slope line per the approved Slope Analysis, as approved by the Planning and Development Department.
- 5. The materials, colors, textures and finishes of all structures (including architectural elements, walls, fences and retaining walls) shall match and blend

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with the adjacent surrounding undisturbed area, as approved by the Planning and Development Department.

- 6. All disturbed areas not covered by structures or paving must be revegetated with plant species from the Sonoran Desert Plant List that exists in the adjacent undisturbed area, as approved by the Planning and Development Department.
- 7. Only landscape materials listed the Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines (Section 507 TAB II of the Zoning Ordinance) shall be utilized within the landscape areas and improved common areas, as approved or modified by the Planning and Development Department.
- 8. Natural turf shall not be utilized on individual single-family lots (including the side and rear yards). This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
- 9. A minimum of one green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
- 10. Participation in the City of Phoenix Homeowner's Association Water Efficiency Program shall be incorporated into to Covenants, Conditions, and Restrictions for the subdivision, prior to final site plan approval.
- 11. Swimming pools on individual single-family lots shall be limited to 600 square feet in size.
- 12. A minimum 40 feet of right-of-way shall be dedicated and constructed for the north side of Peoria Avenue.
- 13. All streets within and adjacent to the development shall be constructed 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.
- 14. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-

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foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

15. Prior to final site plan approval, the landowner shall execute a 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.

Writer

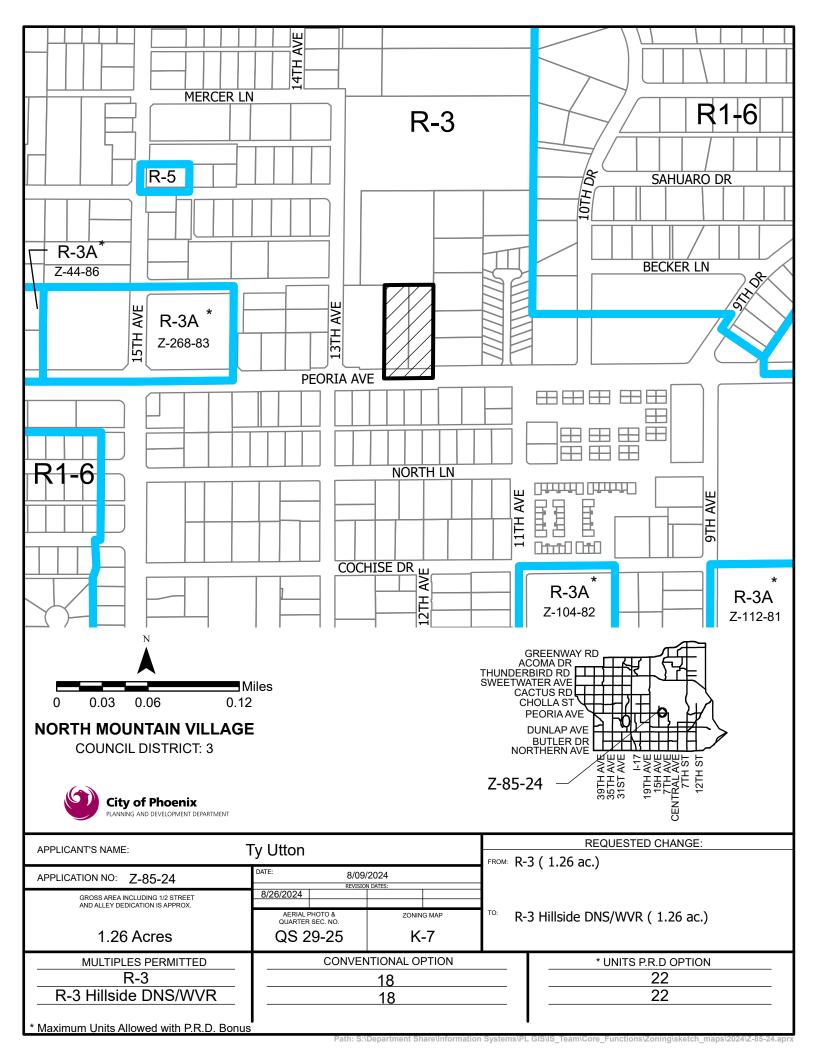
Samuel Rogers October 7, 2024

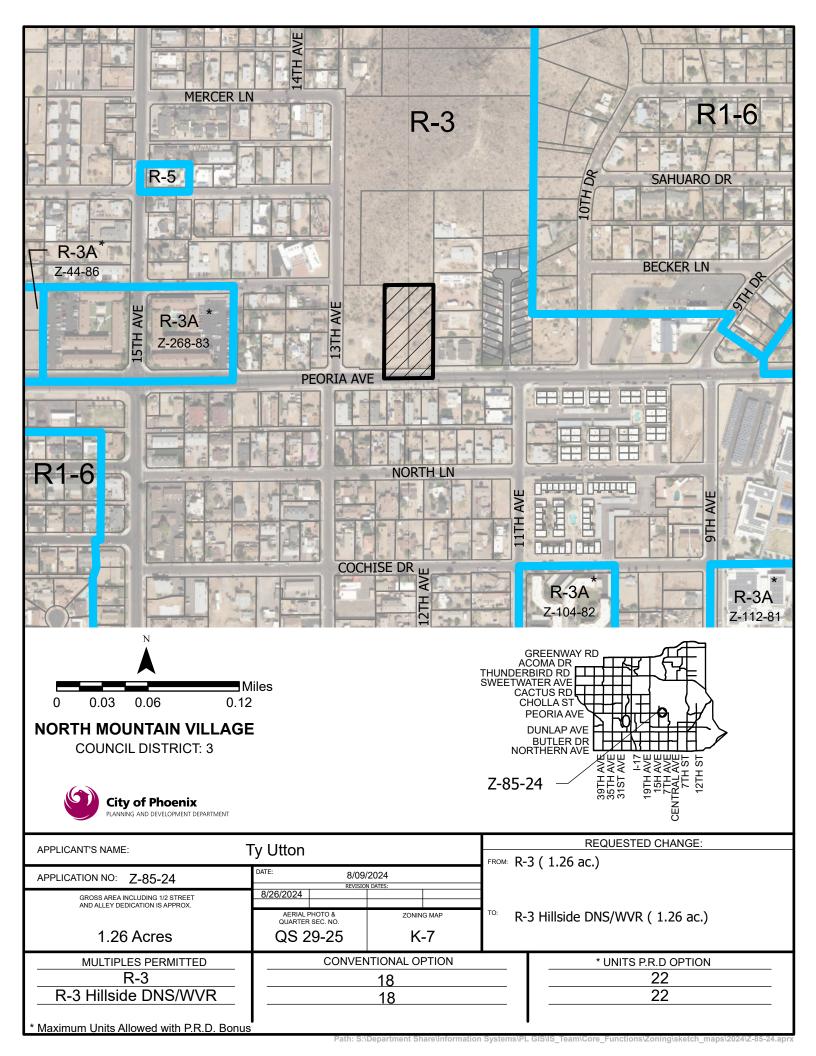
Team Leader

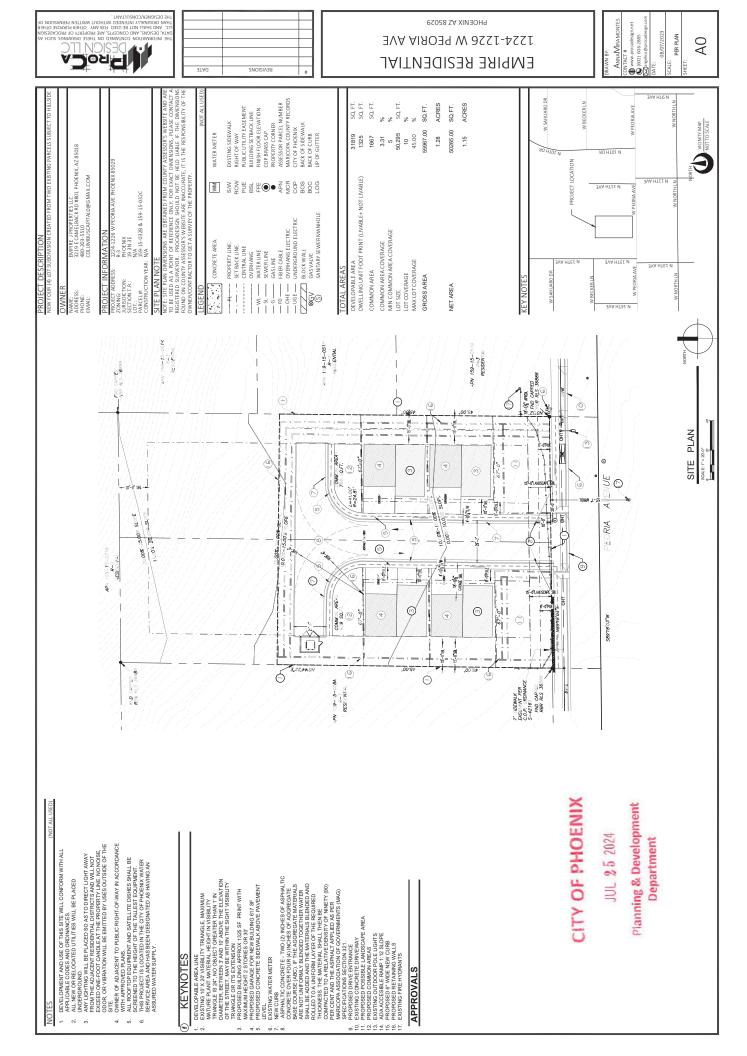
Racelle Escolar

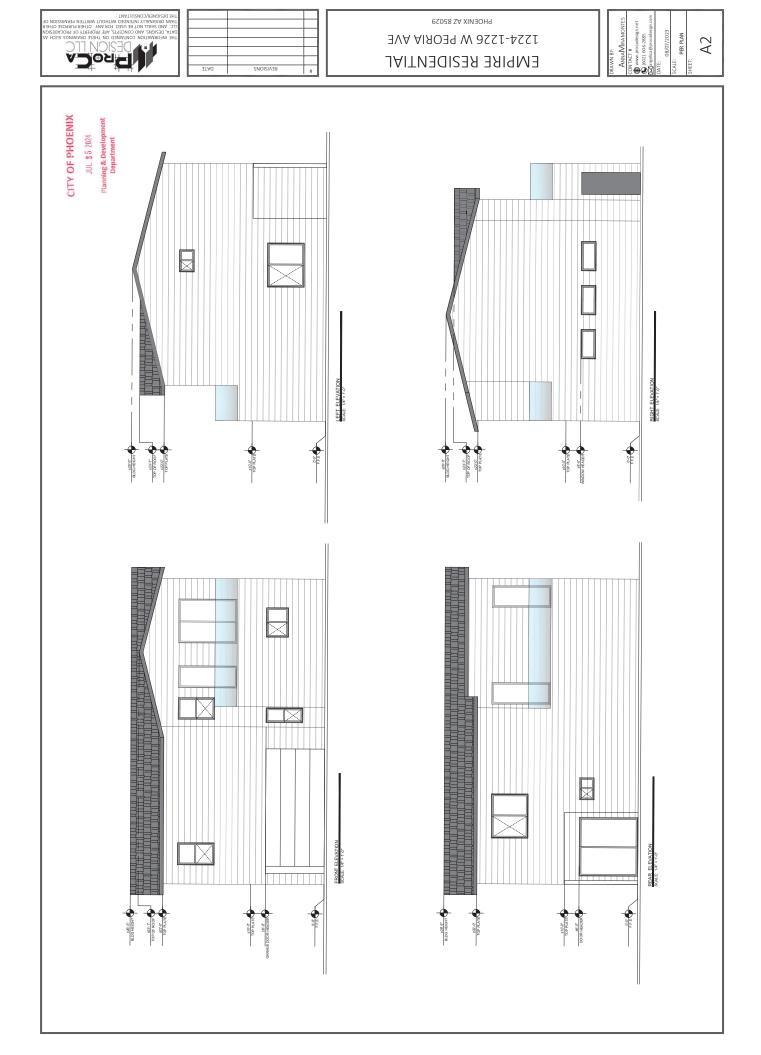
Exhibits

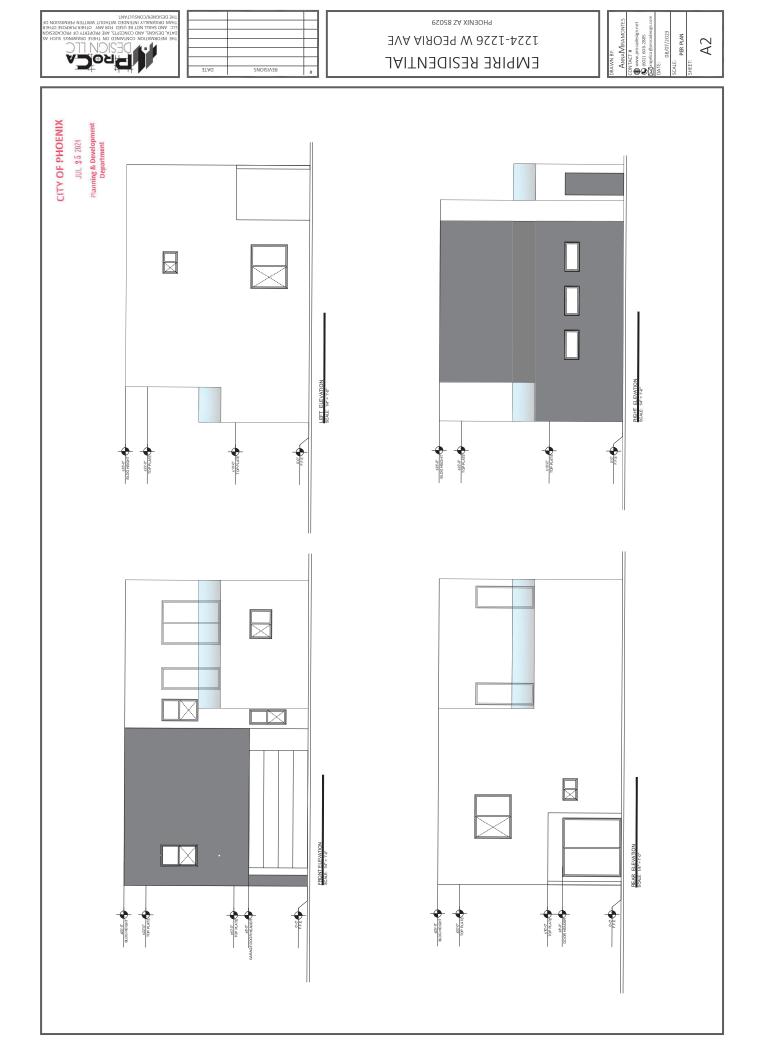
Zoning sketch map
Aerial sketch map
Conceptual Site Plan date stamped July 25, 2024
Conceptual Elevations date stamped July 25, 2024 (2 pages)
Slope Analysis Plan date stamped July 2, 2024 (2 pages)











City of Phoenix Plan #: 2207465-LSLO Date: 11/01/22

CACTUS ROAL

SCALE (H): 1"=21 SCALE (V): NONE DRAWN BY: BMW DESIGN BY: BMW CHECK BY: BMW

Conji Conji Segual

Kimley» Horn Sasz ralet-Horn wa assocites, inc. 1001 rest south bestig (140) 207-2866 wesa, articola bestig (140) 207-2866

SITE

HTE! 3VA

VICINITY MAP

PEORIA AVENUE

1226 W PEORIA AVE, PHOENIX, AZ 85029 A PORTION OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA SLOPE ANALYSIS PLAN

SITY OF PHOENIX GENERAL SLOPE ANALYSIS NOTES:

THE CITY OF PHOENIX GENERAL NOTES ARE THE ONLY NOTES APPROVED ON THIS PLAN, INDICAVAL GENERAL NOTES GENERALD BY THE SEALANT MAD PLACED ON THE PLANS ARE NOT APPROVED AS PART OF THIS PLAN AND ARE NOTED AS SUCH ON THE PLANS.

LOT LAYOUTS, ROADS, RESIDENCES, DRIVEWAYS, WALLS, POOLS, OR ANY OTHER ACCESSORY STRUCTURES/AMENITIES ARE NOT APPROVED AS PART OF SLOPE ANALYSIS PLANS.

JONATHAN LEVINE
EMPIRE J PROPERTIES LLC
3219 E CAMELBACK ROAD #801
PHOENIX, RAZZONA 85018
EMAIL: COLUMBUSCAPITALOGGMALLCOM

KWLEY-HORN AND ASSOCIATES, INC.
1001 W, SOTTERN AND ASSOCIATES, INC.
1007 W, SOTTERN AND ASSOCIATES, INC.
1007 W, SOTTERN ASSOCIATES, INC.
1007 M, SOTTERN AND ASSOCIATES, INC.
1007 M, SOTTERN AND

CIVIL ENGINEER

REECE A UBBEN, R.L.S.
DMS SURVEY, LLC
15582 W SHANGRI LA RD
PEDRIA, ARIZONA 65345
PH: (623) 703-0399
FAX: (623) 975-3516

AND SURVEYOR

. SUBDIVISION DESIGN AND DENSITY REQUIRES PRELIMINARY SITE PLAN APPROVAL

CERTIFICATION:

10' 20' ADJACENT TO PUBLIC STREETS 15' ADJACENT TO PROPERTY LINE

45% 35% for Hillside

LOT COVERAGE: ALLOWED SETBACKS: FRONT SIDE REAR

1226 W. PEORIA AVE PHOENIN, A 2 85029 159-15-0328 159-15-032 2.0 ACRES / 86,935 SF R-3 CITY OF PHOENIX, ARIZONA

PROJECT INFORMATION
PROJECT ADDRESS: ASSESSOR'S PARCEL NUMBER: LOT AREA: EXISTING ZONING: JURISDICTION:

> CORTENT MAT HE REFERENCES AND SANS COMPATURE ALL ALPOPLOGUES CITY PRONANCES MOST STANDARD THE REFERENCE STATE AND COUNTY EXCORPORATION ON SECURITY THAT HE PROCESSES THE NOWERS OF SESSIONS ALL TIMES LEEDS ARE PROCESSED. LONGESSED, HOWERS AND THAT IF FAIL DOORSES ALL PROJECTE TELES NO THAT THE TABLE OF THE PROPERTY ADDRESSED. LONGESSED, WITHOUT ANY TOWN, REVEW BEING PROPERTY AND THE CONTROL THE PLANS MAY PE INMEDIATELY PROPERTY ANY TOWN THE CONTROL THE PROPERTY ANY TOWN THE PROPERTY ANY TOWN THE PROPERTY ANY THE WARD THE PROPERTY ANY TOWN THE PROPERTY ANY TOWN THE PROPERTY AND TH DATE: 10/24/2022 BRYAN WRIGHT DESIGNER'S SIGNATURE: DESIGNER'S NAME:

City of Phoenix

PROPERTY UNE
RIGHT OF WAY LINE
STREET CENTERLINE

LEGEND

PLANNING & DEVELOPMENT DEPARTME This set of plans has been reviewed by the City of Phoenix Plans & Bovelighment Department of compilations with applicable City Codes and ordinances and shell be kept at the construction side. Scart review shall not person requiring correction errors in the plans where such errors are debegarding found to in violating or any code, law, ordinance, health, safety, or other delegin feasors. LANDSCAPE - Michael Eagan 602-262-6086

HILLSIDE PRESERVATION# +##22033

CITY QUARTER SECTION# 29-26 CURRENT ZONING : R-3 KIVA# 15-1218 LSLO# 2207465

CITY OF PHOENIX

Planning & Development Department JUL 0 2 2024

Central abuses int at least has full writing days before according to the following th

City of Phoenix Plan #: 2207465-LSLO Date: 11/01/22

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LEGAL DESCRIPTION

CITY OF PHOENIX APPROVAL SIGNATURE BLOCK:

BRASS CAP FLUSH LOCATED AT THE INTERSECTION OF 15TH AVENUE AND VOGEL. ELEVATION EQUALS 1240,807" NGVD 29, CITY OF PHOENIX DATUM.

BENCHMARK

10.31.2022

SLOPE ANALYSIS APPROVAL, CITY OF PHOENIX HILLSIDE SLOPE LINES/CATEGORIES ONLY APPROVED

Michael S. Eagan RLA

Date: 11/01/22

Plan #: 2207465-LSLO

City of Phoenix

