

Attachment D

REPORT OF PLANNING COMMISSION ACTION June 2, 2022

ITEM NO: 13	
	DISTRICT NO.: 5
SUBJECT:	
Application #:	Z-11-22-5
Location:	Northeast corner of 107th Avenue and Missouri Avenue
From:	RE-35
To:	R1-18
Acreage:	20.16
Proposal:	Single-family residential
Applicant:	Lou Turner, Hillstone Homes
Owner:	MPAAL, LLC
Representative:	David Maguire, Land Solutions Inc.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Maryvale 5/11/2022 Approval, per the staff recommendation with a deleted stipulation.
Vote: 5-1-1.

Planning Commission Recommendation: Approval, per the Maryvale Village Planning Committee recommendation with a modification.

Motion Discussion:

Ms. Racelle Escolar (staff) presented a modification of Stipulation No. 9 requested by the Street Transportation Department regarding the dedication of right-of-way on 107th Avenue. She explained that the City does not need 40 feet dedicated as originally requested and recommends modifying the stipulation to allow flexibility with the amount to be dedicated.

Motion details: Commissioner Gorraiz made a MOTION to approve Z-11-22-5, per the Maryvale Village Planning Committee recommendation, with the modification as read into the record.

Maker: Gorraiz

Second: McCabe

Vote: 7-0

Absent: Howard and Johnson

Opposition Present: Yes (possibly in error)

Findings:

1. The proposal will develop a vacant property and as stipulated, will be compatible with surrounding land uses.
2. As stipulated, the requested R1-18 zoning is consistent with the General Plan Land Use Map designation, and the R1-18 zoning would act as a transition from the RE-35 zoning to the north, south, and east and the R1-10 zoning to the west.

3. The proposal will allow for additional housing opportunities in the Village and will help alleviate the housing crisis.

Stipulations:

1. The development shall be in general conformance with the conceptual site plan date stamped February 22, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. All lots in the development shall be subject to Single-Family Design Review.
3. The maximum building height shall be 21 feet.
4. The landscape setback along 107th Avenue and Missouri Avenue shall be planted with a minimum 75% 2-inch caliper trees and minimum 25% 3-inch caliper or multi-trunk trees, as approved by the Planning and Development Department.
5. A minimum of 10% percent of the gross site area shall be retained as common area, as approved by the Planning and Development Department.
6. The common open space area shall provide a minimum of 3 active recreational elements, such as, but not limited to, playground sets, ramadas, or a barbeque area, as approved by the Planning and Development Department.
7. All sidewalks shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees, as approved by the Planning and Development Department.
8. The developer shall construct all streets within and adjacent to the 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.
9. The developer shall dedicate ~~minimum~~ 40-feet of right-of-way and construct the east side of 107th Avenue, as approved **OR MODIFIED** by the Planning and Development Department.
10. The developer shall dedicate minimum 30-feet of right-of-way and construct the north side of Missouri Avenue, as approved by the Planning and Development Department.
11. The developer shall underground existing electrical utilities within the public right-of-way that are impacted or those that require relocation as part of the project. The developer shall be responsible for coordinating with affected utilities for review and permitting.
12. The developer shall underground all existing irrigation facilities along 107th Avenue outside of City of Phoenix right-of-way. The developer shall contact SRP to identify existing land rights and establish the appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
13. ~~A bus stop pad shall be constructed along northbound 107th Avenue. The design shall be according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and~~

~~located from the intersection of Missouri Avenue according to City of Phoenix Standard Detail P1258.~~

- 14.13. Prior to final site plan approval, the property owner shall record documents that 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".
- 15.14. The developer shall provide a No Hazard Determination for proposed development for the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to Planning and Development Department's preliminary plat approval.
- 16.15. The developer shall dedicate to the City of Phoenix an avigation easement for the site, per the form and content prescribed by the City Attorney, prior to Planning and Development Department preliminary plat approval. The developer shall also dedicate and record an avigation easement in favor of the City of Glendale in the form submitted to the City of Phoenix. The avigation easements shall be noted in the CC&Rs in a section titled "airport nuisances".
- 17.16. The property owner shall record documents that disclose the existence, and operational characteristics of Glendale Airport to future owners and 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, and in accordance with State law requiring airport disclosure.
- 18.17. The developer's engineer of record shall certify and note on the preliminary and final plats as well as relevant construction drawings that the proposed residential construction shall achieve a maximum interior noise level of 45 decibels (DNL).
- 19.18. 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.
- 20.19. 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.
- 21.20. 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.
- 22.21. Prior to preliminary 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.

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