

## ATTACHMENT C

### REPORT OF PLANNING COMMISSION ACTION February 1, 2024

ITEM NO: 7	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-23--Z-73-01-6(8)
Existing Zoning:	MUA BAOD
Location:	Southwest corner of 32nd Street and Baseline Road
Request:	<ol style="list-style-type: none"><li>1) Request to modify Stipulation 1.a regarding general conformance with the site plan dated August 27, 2001.</li><li>2) Request to delete Stipulation 1.b regarding landscape strips.</li><li>3) Request to delete Stipulation 1.d regarding creation of a Homeowners Association.</li><li>4) Request to delete Stipulation 1.e regarding Planning Hearing Officer review of gated entry design.</li><li>5) Request to delete Stipulation 1.g regarding alternative paving materials for parking stalls.</li></ol>
Acreage:	3.64
Applicant:	Tim Rasnake, Archicon LC
Owner:	Zanbour, LLC
Representative:	Tim Rasnake, Archicon LC

#### **ACTIONS:**

##### Village Planning Committee (VPC) Recommendation:

**South Mountain** 8/8/2023 Continued, with direction. Vote: 9-1.

**South Mountain** 11/14/2023 Approval, with modifications and additional stipulations. Vote: 14-0.

Planning Hearing Officer (PHO) Recommendation: On November 15, 2023, the Planning Hearing Officer recommended a continuance to the December 20, 2023 PHO Hearing. The Planning Hearing Officer heard the request on December 20, 2023 and recommended approval with a modification and additional stipulations.

Staff Recommendation: Approval, with a modification and additional stipulations, per the PHO recommendation.

Planning Commission Recommendation: Approval, per the PHO recommendation, with a deleted stipulation and additional stipulations.

Motion Discussion: N/A

Motion details: Vice-Chairperson Busching made a MOTION to approve PHO-1-23--Z-73-01-6(8), per the Planning Hearing Officer recommendation with the changes as set forth and presented (per appellant request).

Maker: Vice-Chairperson Busching  
Second: Gorraiz  
Vote: 8-0  
Absent: None  
Opposition Present: Yes

Findings:

1. The request for modification of Stipulation 1.A regarding general conformance to a conceptual site plan is recommended to be approved. 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.

Furthermore, pedestrian connection and site walkability will be ensured through the Site Plan approval process. The proposed stipulated plan shows the provision of open space, with a sidewalk between the buildings.

2. The request to delete the language in Stipulation 1.B is approved. This stipulation is not pertinent to the new design as there is no residential development proposed.
3. The request to delete Stipulation 1.d regarding creation of a Homeowners Association is approved. There is not residential development.
4. The request to delete Stipulation 1.e regarding Planning Hearing Officer review of gated entry design is approved. This is not a residential development and there will be no gated entry.
5. The request to delete Stipulation 1.g regarding alternative paving materials for parking stall is approved as it was written. The original stipulation will be replaced with the stipulation regarding alternative materials that was recommended by the South Mountain Village Planning Committee.

Village Recommended Stipulations:

1. The South Mountain VPC recommended 17 stipulations at the November 15<sup>th</sup> hearing. 7 of the stipulations were recommended to be added at this hearing. The ones that were omitted were either part of the existing Zoning Ordinance requirements for the MUA zoning district or were not candidates for stipulation based on the passive nature of the language therein. In addition, the vague nature of the design-based stipulations made them contradictory to the existing language in the Zoning Ordinance. The findings for the recommended stipulations are below.

2. The request for a minimum of 10% of the required parking spaces shall be level 2 or greater EV ready is approved. This request is clear and does not contradict other stipulations or the Zoning Ordinance.
3. The request for a minimum five bicycle spaces is approved. The following details are clear and do not contradict other stipulations or the Zoning Ordinance.
4. The request for the surface of parking stalls shall be composed of an alternative to asphalt or concrete has been implemented by modifying the existing Stipulation 1.g.
5. The request that 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) has been approved.
6. The request for pedestrian access to be provided to the development to the south is approved. The developer has agreed to work with the residential developer to the south to provide access.

Additional Stipulations:

7. The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.
8. 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 dated STAMPED OCTOBER 6, 2023 ~~August 27, 2004~~, 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. ~~Landscaped tree lined strips that run along both sides of all local streets in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.~~

- e. That the height for commercial buildings be limited to one story along Baseline
- b. Road, as specified on the site plan.
- d. ~~That a Homeowners Association (HOA) be created to maintain all 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 be allowed on the interior perimeter walls (east and south) not
- c. the walls along 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. THE SURFACE OF PARKING STALLS SHALL BE COMPOSED OF AN
- d. ALTERNATIVE TO ASPHALT OR CONCRETE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ~~That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.~~
- e. A MINIMUM OF 10% OF THE REQUIRED PARKING SPACES SHALL BE LEVEL 2 OR GREATER EV READY.
- f. A MINIMUM FIVE BICYCLE SPACES SHALL BE PROVIDED CONSISTING OF INVERTED U AND/OR ARTISTIC RACKS LOCATED NEAR THE BUILDING ENTRANCES OR IN A SECURE LOCATION INSIDE THE BUILDING AND INSTALLED PER THE REQUIREMENTS OF SECTION 1307.H., AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- g. 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).
- h. **~~ACCESS TO THE PROJECT TO THE SOUTH SHALL BE REQUIRED SUBJECT TO ADA STANDARDS.~~**

## 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.

- b. **THE BUILDING ELEVATIONS SHALL BE IN GENERAL CONFORMANCE WITH ELEVATIONS DATE STAMPED JANUARY 31, 2024, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- c. **ANY BUILDING NOT REFLECTED IN THE ABOVE REFERENCED ELEVATIONS SHALL BE PRESENTED FOR REVIEW AND COMMENT TO THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE PRIOR TO PRELIMINARY SITE PLAN APPROVAL.**
- d. **ALL BUILDING ELEVATIONS SHALL INCLUDE SIMILAR BUILDING MATERIALS AND HAVE A SIMILAR OR COMPATIBLE DESIGN AS THE ELEVATIONS DATE STAMPED JANUARY 31, 2024, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

## 2.2 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 floor plans shall be consistent with the elevations that reflect a rural design based on the "Tuscan Architecture" style illustrated by the applicant.

## 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 Road. Additional improvements may be required to accommodate left turn access to the proposed driveways.
- c. 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 alignment).
- 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 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 an 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. A 30-FOOT-WIDE MULTI-USE TRAIL EASEMENT (MUTE) SHALL BE DEDICATED ALONG THE SOUTH SIDE OF BASELINE ROAD AND THE WEST SIDE OF 32ND STREET AND A MINIMUM 10-FOOT-WIDE MULTI-USE TRAIL (MUT) SHALL BE CONSTRUCTED WITHIN THE EASEMENT IN ACCORDANCE WITH THE MAG SUPPLEMENTAL DETAIL AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.  
~~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, 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 alternate paving material and the material used at the street/trail interface shall be acceptable to the Parks, 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.~~
- c. That the development shall commence construction within 24 months of the rezoning request approval by City Council.
- d. **PEDESTRIAN ACCESS SHALL BE PROVIDED TO THE DEVELOPMENT TO THE SOUTH, SUBJECT TO ADA STANDARDS AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- e. **THE AMOUNT OF CUT AND FILL SHALL BE THE MINIMUM AMOUNT NECESSARY TO ACCOMMODATE SITE INFRASTRUCTURE AND THE ACCESSIBLE PEDESTRIAN PATHWAY CONNECTING TO THE DEVELOPMENT TO THE SOUTH, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- f. **ON-SITE LIGHTING SHALL BE ACCOMPLISHED WITH LOW LEVEL, UNIFORM LIGHTING FIXTURES DISPERSED THROUGHOUT THE SITE WITH A LUMEN RATING OF 3,000 OR LESS.**
- g. **THE LANDSCAPING FOR THE PROJECT SHALL BE EQUAL TO OR BETTER THAN THE LANDSCAPE DESIGN SHOWN ON THE LANDSCAPE PLAN PRESENTED TO THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE BY THE APPLICANT ON NOVEMBER 14, 2023, OR AS REQUIRED BY OTHER CITY CODE, WHICH EVER IS GREATER.**

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