

Attachment B



City of Phoenix

Staff Report: PHO-1-23--Z-73-01-6(8)
*REVISED February 1, 2024

APPLICATION #: PHO-1-23--Z-73-01-6(8)

LOCATION: Southwest corner of 32nd Street and Baseline Road

EXISTING ZONING: MUA BAOD

ACREAGE: 3.64

REQUEST:

- 1) Request to modify Stipulation 1.a regarding general conformance with the site plan dated August 27, 2001.
- 2) Request to delete Stipulation 1.b regarding landscape strips.
- 3) Request to delete Stipulation 1.d regarding creation of a Homeowners Association.
- 4) Request to delete Stipulation 1.e regarding Planning Hearing Officer review of gated entry design.
- 5) Request to delete Stipulation 1.g regarding alternative paving materials for parking stalls.

APPLICANT: Tim Rasnake, Archicon LC

OWNER: Zanbour, LLC

REPRESENTATIVE: Tim Rasnake, Archicon LC

STAFF RECOMMENDATION:

Approval with a modification and additional stipulations, as recommended by the Planning Hearing Officer (PHO).

PLANNING HEARING OFFICER 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.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The South Mountain Village Planning Committee (VPC) reviewed the request on August 8, 2023. The VPC recommended a continuance with direction by a vote of 10-0. The VPC reviewed the continued request on November 14, 2023 and recommended approval with modifications and additional stipulations by a vote of 14-0.

BACKGROUND/ANALYSIS

The subject site consists of 3.64 gross acres located at the southwest corner of 32nd Street and Baseline Road and is zoned MUA BAOD (Mixed Use Agricultural District, Baseline Area Overlay District). A commercial development, consisting of a drive-through coffee shop, is proposed on the site.

The applicant is requesting the following modifications:

- Modification of Stipulation 1.a. regarding general conformance with the site plan dated August 27, 2001. The modification would require the open space between buildings for public use to count towards the open space requirements. The applicant's narrative (Exhibit B) notes that a pedestrian link to the west of the development is not possible as there is no easement to gain access to residential street right-of-way. The adjacent site to the west is developed with a single-family residential subdivision and the single-family lots back up to the subject site.
- Deletion of Stipulation 1.b. regarding landscape strips. The applicant's narrative (Exhibit B) notes there is no residential development proposed.
- Deletion of Stipulation 1.d regarding creation of a Homeowners Association. The narrative (Exhibit B) notes there is no residential development proposed.
- Deletion of Stipulation 1.e regarding Planning Hearing Officer review of gated entry design. The narrative (Exhibit B) notes there is no residential development proposed.
- Deletion of Stipulation 1.g regarding alternative paving materials for parking stalls. The applicant's narrative (Exhibit B) notes that alternate pavement material parking spaces are not practical.

On December 21, 2023 the PHO recommendation was appealed by a community member, Trent Marchuk (Exhibit A). The appellant requested that:

- Stipulations 6-13, recommended at the November 14th VPC meeting (Exhibit H), be reinstated. Precedence exists for making specific presumptions listed in Section 649 of the Zoning Ordinance as stipulated requirements. If stipulation language must be altered, it shall retain the intention of preserving the aesthetics and character of the MUA District.
- Stipulation 14 be reinstated to require the owner to maintain all landscaping.
- Stipulation 15 be reinstated to promote walkability and neighborhood cohesion.
- Stipulation 17 be reinstated as it is considered a pedestrian safety measure in connection to Stipulation 15.

PREVIOUS HISTORY

On October 31, 2001, the Phoenix City Council approved Rezoning Case No. Z-73-01-8, a request to rezone approximately 30.2 acres located on the southeast corner of 32nd Street and Baseline Road (Exhibit E). The request was to rezone 30.2 acres from S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District) to MUA BAOD (Mixed Use Agricultural District, Baseline Area Overlay District) (Exhibit F), subject to stipulations (Exhibit E).

The proposed development was intended to provide a mix of single-family residential, retail, restaurant, office, and commercial space. Per the proposed conceptual site plan (Exhibit K), the minimum building setbacks for the site were 50 feet along Baseline Road, 20 feet (single-family residential) and 30 feet (commercial) along the east side of the development, and 20 feet (single-family residential) along the south side of the development. The landscape setback for the site was 30 feet along 32nd Street. The proposed maximum number of dwelling units was 41. The proposed maximum building height was 30 feet. Proposed design guidelines included requirements for agricultural design, common open space, pedestrian focused walkways, bike paths, and horse trails. The project design was intended to be consistent with the goals in the Baseline Area Master Plan.

NEIGHBORHOOD CONCERNS

Public Correspondence

- No public correspondence was received for this case.

GENERAL PLAN LAND USE MAP DESIGNATION

Mixed Use Agricultural

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	MUA BAOD	Vacant land
North: (Across Baseline Road)	R1-14 and R-3 BAOD R-3 BAOD	Vacant land Multifamily Residential (Condominiums)
East: (Across 32nd Street)	MUA BAOD	Vacant land and residential subdivision open space
Southeast: (Across 32nd Street)	MUA BAOD	Single-Family Residential
South: (Adjacent)	MUA BOAD	Vacant land (proposed single-family residential subdivision)
West: (Adjacent)	R1-10 BAOD	Single-Family Residential

PLANNING HEARING OFFICER 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 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 14th hearing. Seven 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 percent 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.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	<u>Site Planning:</u>		
	a.	That The development shall be in general conformance with the site plan dated STAMPED OCTOBER 6, 2023 August 27, 2001 , 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. b.	That the height for commercial buildings be limited to one story along Baseline 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. c.	That solid walls be allowed on the interior perimeter walls (east and south) not 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. d.	THE SURFACE OF PARKING STALLS SHALL BE COMPOSED OF AN ALTERNATIVE TO ASPHALT OR CONCRETE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. That 84 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.	<u>Building Design:</u>	
	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.
		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.		<u>Streets and rights-of-way:</u>
	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.	<u>ARCHAEOLOGY:</u>	
	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. 5.	<u>Trails:</u>	
	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-

		<p>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.</p> <p>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.</p>
	b.	<p>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.</p>
5.	<u>Other issues:</u>	
6.		
	a.	<p>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.</p>
	b.	<p>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.</p>
	b. c.	<p>That the development shall commence construction within 24 months of the rezoning request approval by City Council.</p>

Exhibits:

- A- Appeal Document (5 pages)
- B- Applicant's Narrative date stamped October 6, 2023 (3 pages)
- C- Aerial Map (1 page)
- D- Zoning Map (1 Page)
- E- Approval Letter from Rezoning Case No. Z-73-01-8 (3 pages)
- F- Sketch Map from Rezoning Case No. Z-73-01-8 (1 page)
- G- South Mountain VPC Summary from August 8, 2023 (4 pages)

- H- South Mountain VPC Summary from November 14, 2023 (9 pages)
- I- PHO Summary for PHO-1-23—Z-73-01-6(8) from August 16, 2023 (5 pages)
- J- PHO Summary for PHO-1-23—Z-73-01-6(8) from December 20, 2023 (10 pages)
- K- Stipulated Site Plan dated August 27, 2001 (1 page)
- L- Proposed Site Plan date stamped October 6, 2023 (1 page)

EXHIBIT A



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

DEC 21 2023

**Planning & Development
Department**

The **PLANNING HEARING OFFICER** agenda for December 20, 2023 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on January 24, 2023 Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on December 27, 2023. (There is a **\$630 fee** for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on December 27, 2023.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

<u>PHO-1-23-2-73-01-6(8)</u>	<u>32nd St / Baseline</u>
APPLICATION NO.	LOCATION OF APPLICATION PROPERTY
<u>Trent Marchuk</u>	<input checked="" type="checkbox"/> OPPOSITION <input type="checkbox"/> APPLICANT
NAME (PLEASE PRINT)	
<u>3731 E Saint Anne Ave</u>	<u>trentchristopher@gmail.com</u>
STREET ADDRESS:	EMAIL:
<u>Phoenix, AZ 85042</u>	<u>(602) 499-9594</u>
CITY, STATE AND ZIP CODE	TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM <u>December 20, 2023</u>	PHO HEARING TO <u>2124</u>	PC HEARING
DATE	DATE	

SIGNATURE: Trent Marchuk DATE: 21 Dec 23

REASON FOR APPEAL:
see attached "Reason for Appeal"

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: _____

Copies to: Case File PHO Planner – Teresa Garcia PHO Secretary – Vikki Cipolla-Murillo

Reason for Appeal

PHO-1-23--Z-73-01-6(8)

- The substance of stipulations #6-13 requested to be reinstated
 - Precedence exists for making specific Presumptions listed in Section 649 as stipulated Requirements; this practice has existed in the MUA District for years, has been approved by City Council, and even been built accordingly. For example:
 - GPA-SM-1-15-8 "The Arbors", and related cases
 - Z-50-16n "Gardener's Endave", and related cases
 - GPA-SM-1-20-8 "The Sanctuary", and related cases
 - ZA-209-21, "Dunkin' Donuts", and related cases
 - If stipulation language must be altered to retain the intention of preserving the aesthetics and character of the MUA, please stipulate to suitable alternative language
- Stipulation #14 requested to be reinstated
 - Is the substance of the stipulation exacted through another medium? If not, please reinstate the requirement for the owner to maintain all landscaping, as approved by Planning and Development Department
- Stipulation #15 requested to be reinstated
 - Making the city more walkable is a stated city goal
 - The Baseline Area Master Plan, from which is derived Section 649 (MUA) and Section 651 (BAOD), focuses attention on pedestrian convenience and comfort.
 - A stated goal of the South Mountain Village Character Plan is to "promote walkability" and "create cohesion within neighborhoods".
 - Walkability is part of the Walkable Urban (WU) Code (Chapter 13).
 - The City of Phoenix proposed to take the WU Code citywide, but it was expanded (for now) to just the Transit Oriented Communities
 - The 2025 General Plan Update envisions greater walkability throughout the City of Phoenix
 - Adding pedestrian access from the northeast corner of the property to the east of the building will materially and positively impact the walkability and neighborhood cohesion of this property relative to the nearby neighbors and other residents of and visitors to South Phoenix.
- Stipulation #17 requested to be reinstated
 - This is standard language provided by the SMVPC Village Planner taken from other approved cases.
 - It is considered to be a pedestrian safety measure in connection with Stipulation #15 that has already been implemented in other parts of the City of Phoenix.

PHO hearing today

Wed, Dec 20, 2023 at 12:08 PM

cc: [REDACTED]
to: "Trent Marchuk (trentchristopher@gmail.com)" <trentchristopher@gmail.com>
cc: Regena Gustafson <Regena.Gustafson@ednamortgage.com>; Jamala Daniels <bestophxliving@gmail.com>; AJ Great House <ajgreathouse@megaloscapital.com>; <ajgreathouse@megaloscapital.com>

Attached are 3 documents regarding the PHO hearing pertaining to the 2 properties on 32nd Street south of Baseline. I'm copying Regena on this email as she lives in the housing across the street and asked about it this morning.

To summarize:

1. As to the Starbucks property, the PHO:
 - a. Approved #1-5;
 - b. claimed that 6-14 attempted to make 'P' in the BAOD into 'R' and was not permitted (although he didn't say that directly, but rather as part of his general comments);
 - c. denied #15;
 - d. approved #16, subject to ADA standards;
 - e. denied #17;
 - f. added a stip for the current multi-use trail standards;
 - g. added 3 archaeological stips; and
 - h. added a Prop 207 stip.
2. As to the residential property south of Starbucks, the PHO:
 - a. Approved the requested changes for 1.a, 1.b, 1.c, 1.d, 1.e, 1.f (but changed "east and south" to 'but'), 1.g
 - b. Approved changes to 2.1.a, 2.2.a, 2.2.b (but added language that said "and the design guidelines of BOAD and MUA")
 - c. Approved the deletions in 3.a, 3.b, 3.c, 3.d, 3.e, 3.g, 3.h. He kept in 3.f.
 - d. Updated 4.a to the current multi-use trail standards of 30' wide with 10' MUTE; approved the change in 4.b
 - e. Approved the changes in 5.a and deletion of 5.b
 - f. Approved the new #6
 - g. Changed the new #7 to provide general conformance language pertaining to the August 7 landscape design and said that if it was insufficient per city code, the site reviewer would require conformance with the Code.
 - h. Denied new #8. The applicant was ok with it as passed by the Village, except wanted the words "Mixed Use Agricultural District" changed to "Residential".


All of these comments should tract my notes on the attachments. Call me if you have questions.


Marcia Busching

(602) 980-2362

3 attachments

 Village approved Stips for Starbucks property 11-14-23.pdf
59K

 Village approved stips for residential 32nd street MUA BAOD property 12-12-23.pdf
161K

 Notice of PHO hearing 12-20-23.pdf
171K

From: Samuel S. Rogers, samuel.rogers@phoenix.gov
Sent: Tuesday, December 5, 2023 12:08 PM
To: mjb.cartof.com
Cc: Byron Easton, Teresa R. Garcia
Subject: Re: 32nd St and Baseline

Good morning Marcia,

This case is managed by our Planning Hearing Officer (PHO) group with our zoning team and final stipulations will ultimately be decided by the PHO. I have copied Byron Easton, the PHO, and Teresa Garcia, a Planner with the PHO group, for your convenience. @Byron Easton or @Teresa R Garcia, can either of you provide an update on this case to Committee Member/Commissioner Busching?

The stips I gave to PHO per the Village recommendation are below:

Already have

1. The development shall be in conformance with the site plan dated October 6, 2023, as approved by the Planning and Development Department, and represented by:
 - a. Open space between the buildings for public use
 - +1/6 b. There shall be a pedestrian link to the development to the south
2. A minimum of 10% of the required parking spaces shall be level 2 or greater EV ready. *ok*
3. Five bicycle spaces shall be provided on the site through 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. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. *ok*
4. The surface of parking stalls shall be composed of an alternative to asphalt or concrete, as approved by Planning and Development Department *ok*
5. 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), as approved by Planning and Development Department *ok*
6. A combination of the following building materials shall be incorporated into commercial buildings, as approved by Planning and Development Department:
 - a. Board and batten
 - b. Clapboard siding
 - c. Wood/heavy timbers

*Don't
skip pre-symphony
design stps.*

- d. Adobe
 - e. Stone or stone veneer
 - f. Stucco, not to exceed 70% of the exterior wall surface area
7. Barrel tile roofs shall be prohibited, as approved by Planning and Development Department.
 8. Pitched roof elements should be encouraged for commercial buildings, as approved by Planning and Development Department.
 9. If flat roofs are proposed for commercial buildings a false front parapet should be included, as approved by Planning and Development Department.
 10. Overhanging wooden eaves and exposed rafters should be encouraged, as approved by Planning and Development Department.
 11. Commercial and office buildings should incorporate architectural elements that emphasize horizontal plains, such as overhangs, projections, alcoves, varied roof-plains, and building offsets that are designed to minimize mass and volume of the structure, as approved by Planning and Development Department.
 12. Changes in facade, such as, material, window design, facade height or decorative details should be expressed so that the composition appears to be a collection of smaller buildings, as approved by Planning and Development Department.
 13. Solid fences and walls should be prohibited on the perimeter of a lot or development except for screening of parking or mechanical equipment, as approved by Planning and Development Department.
 14. The owner shall ~~be~~ maintain all landscaping, as approved by Planning and Development Department.
 15. Pedestrian access shall be provided from the northeast corner of the property to the east building, as approved by Planning and Development Department. *NO*
 16. Pedestrian access shall be provided to the development to the south, as approved by Planning and Development Department. *subject to ADA stds* *OK*
 17. 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 contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.

Thank you,

Samuel Rogers, AICP
Village Planner II*
City of Phoenix Planning and Development Department
200 West Washington Street, 3rd Floor

*Mult. use
3 arch. stip.
Prop 209*

EXHIBIT B



ARCHICON ARCHITECTURE & INTERIORS, L.C.

PROJECT NARRATIVE

PHO 1.23.Z.73.01.6(8)

Retail Development
S.W.C. of S. 32nd Street and E. Baseline Road
Phoenix, AZ 85042

The proposed project consists of two new ground-up buildings.

Pad A will be a professional office building, 5,250 sf., and 32 parking spaces.

Pad B will be a restaurant (Starbucks) with a drive-through service, 2460 sf, 500 sf patio, and 26 parking spaces.

Both buildings will be single story with a maximum building height of 28 feet.

The existing parcel number is 301-23-119B.

The site is currently zoned MUA, Mixed-use Agricultural.

The proposed uses for this site will be Permitted Primary Uses for this zoning.

The site will be accessed from two new 30 foot wide driveways, one from Baseline Road, and one from S. 32nd Street.

A 20 foot wide fire lane will cross the property with access from Baseline Road and S. 32nd Street.

An multi-use path will run parallel to and south of Baseline Road from the west side of the property to S. 32nd Street. The path will continue parallel to and west of S. 32nd Street from Baseline Road to the southeast corner of the site.

Pedestrian access will be provided to the site from existing sidewalks along both Baseline Road and S. 32nd Street.

CITY OF PHOENIX

OCT 06 2023

**Planning & Development
Department**



ARCHICON ARCHITECTURE & INTERIORS, L.C.

June 27, 2023

To: City of Phoenix, AZ
Planning and Development Department
Zoning Section

Re: 32nd and Baseline Retail Development
APN: 301-23-119B

This is an application to the Planning Hearing Officer to request modification to Stipulation No. 1, listed below, to the 'Village at South Mountain' development, dated August 27, 2001, a copy of which is attached to this application.

HISTORY:

The 'Village at South Mountain' development is an approximately 30.25 acre development on the south side of the intersection of 32nd Street and Baseline, Phoenix, AZ. The development includes approximately forty single-family residential lots and two commercial developments, one east and one west of the corner of 32nd and Baseline Road. The original plat is dated August 27, 2001. Subsequent to approval, which was granted on November 1, 2001, only the residential lots have been fully developed. The commercial lots have not yet been developed.

A portion of the original westernmost tract of the commercial development, now named "Highline Marketplace" was divided into two lots with a Minor Land Division plat, dated September 27, 2017. This development will occupy all of Lot 1, the northernmost property. A copy of the land division is attached to this application.

The original stipulation applied to the entire development, including both residential and commercial areas. As such, much of the original stipulation does not apply to this development. The original development, and requested modifications are:

1.0 SITE PLANNING:

A. THAT THE DEVELOPMENT BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATED AUGUST 27, 2001, WITH SPECIFIC REGARD TO AREAS TO BE COUNTED TOWARDS APPROXIMATION OF THE 50% OPEN SPACE REQUIREMENTS IN THE MUA, AS MAY BE APPROVED BY THE DSD, AND REPRESENTED BY:

- ~~A CIRCULAR OPEN SPACE TRACT IN THE RESIDENTIAL AREA.~~
- ~~LINEAR PEDESTRIAN TRACT IN THE EAST AND SOUTH CONNECTING TO ADJACENT PROPERTIES.~~
- ~~A PEDESTRIAN LINK FROM THE RESIDENTIAL TO THE COMMERCIAL AREAS IN THE NORTH AND CROSSING SOUTH 32ND STREET~~
- **OPEN SPACE BETWEEN THE BUILDINGS FOR PUBLIC USE**

RATIONALE: There is no residential development in this application. A pedestrian link to the west of the development is not possible as there is no easement to gain access to the residential

street right of way. In the spirit of the original development, we are providing open space, with a sidewalk, between the buildings.

- B. ~~LANDSCAPED TREE-LINED STRIPS THAT RUN ALONG BOTH SIDES OF ALL LOCAL STREETS IN THE RESIDENTIAL AREA. THE LANDSCAPED STRIP SHALL INCLUDE A MEANDERING SIDEWALK AS SHOWN ON THE SITE PLAN.~~

Rationale: There is no residential development as part of this application.

- C. THAT THE HEIGHT FOR COMMERCIAL BUILDINGS BE LIMITED TO ONE STORY ALONG BASELINE ROAD.

- D. ~~THAT A HOMEOWNERS ASSOCIATION (HOA) BE CREATED TO MAINTAIN ALL AREAS SPECIFIED IN 1A.~~

Rationale: There is no residential development as part of this application.

- 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.~~

Rationale: There is no residential development as part of this application.

- F. THAT SOLID WALLS BE ALLOWED ON THE INTERIOR PERIMETER WALLS (EAST AND SOUTH) NOT THE WALLS ALONG 32ND STREET OR BASELINE ROAD. THESE SOLID WALLS MUST INCORPORATE CONTROLLED GATES WHERE THEY INTERSECT LINEAR PEDESTRIAN TRACTS IN THE IN THE EAST AND SOUTH THAT CONNECT TO ADJACENT PROPERTIES SO PEDESTRIAN CONNECTIONS WITH THE FUTURE ADJACENT DEVELOPMENTS IS ALLOWED.

- G. ~~THAT 81 PARKING STALLS BETWEEN THE RESIDENTIAL AND COMMERCIAL USE SHALL BE BUILT WITH AN ALTERNATIVE PAVING MATERIAL~~

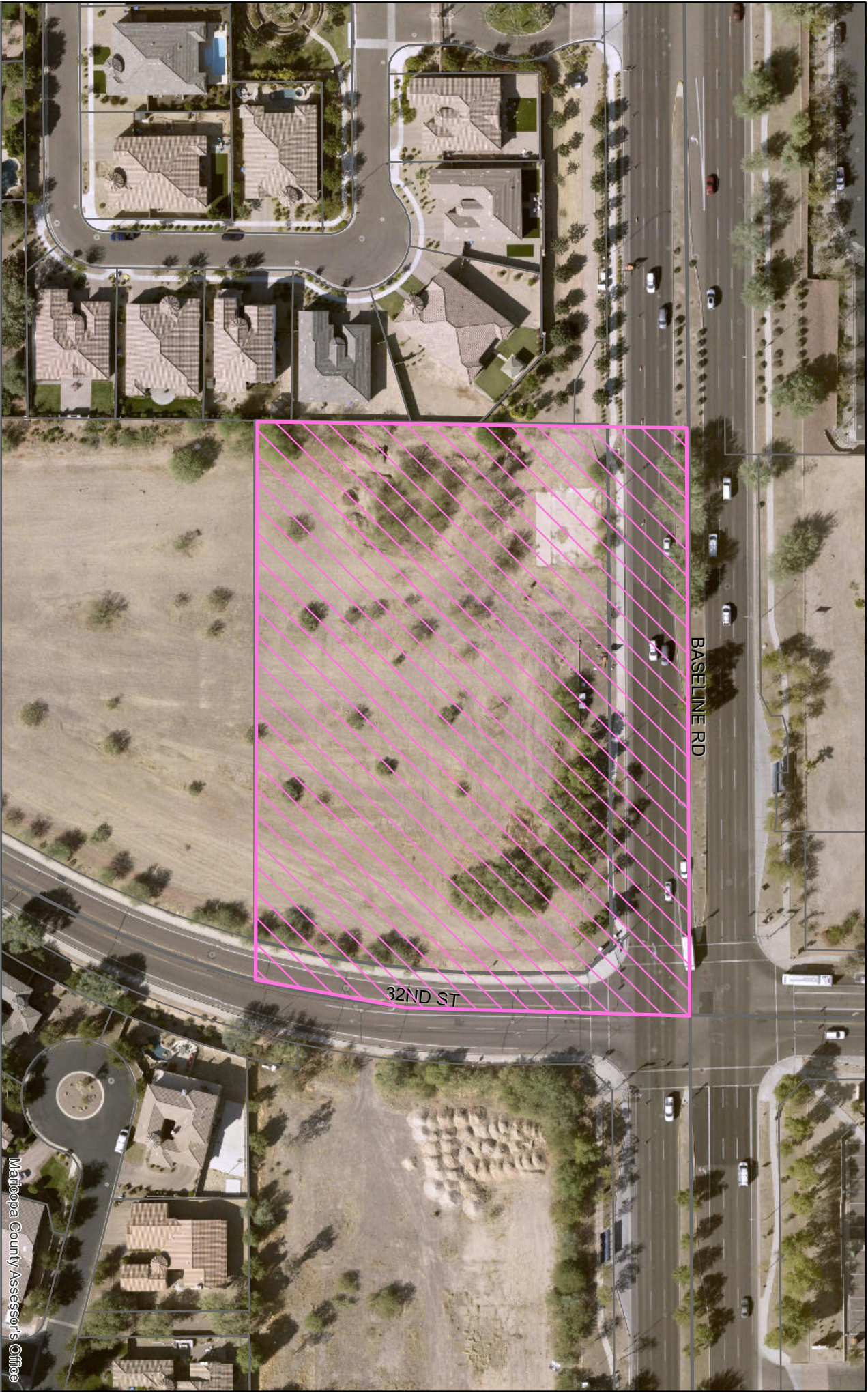
Rationale: Alternate pavement material parking spaces are not practical for this application.

Submitted:

Tim Rasnake
Archicon Architecture and Interiors, LC

Encl: Application
Site Plan (8.5" x 11"; 24" x 36")
Original Development, The Village at south Mountain,
with Subject Property outlined
Original Approval Letter, The Village at South Mountain
Minor Land Division Plat

EXHIBIT C



Maricopa County Assessor's Office

PHO-1-23--Z-73-01-6(8)

Property Location: Southwest corner of 32nd Street and Baseline Road

Planning & Development Department



EXHIBIT D

R-3*

R1-14

G-1*

BASELINE RD

32ND ST

MUA*

R1-10*

R1-14

Maricopa County Assessor's Office

PHO-1-23--Z-73-01-6(8)

Property Location: Southwest corner of 32nd Street and Baseline Road

EXHIBIT E



City of Phoenix

PLANNING DEPARTMENT

November 1, 2001

Village People Limited Partnership
1820 West Drake Drive, #108
Tempe, AZ 85283

Dear Village People Limited Partnership:

RE: Z-73-01-8

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on October 31, 2001, concurred in the recommendation of the Planning Commission and has approved, with modified stipulations application Z-73-01-8 for MUA, for approximately 30.2 acres located on the southeast corner of 32nd Street and Baseline Road.

STIPULATION

1. Site Planning:

Mod a)

That the development shall be in general conformance with the site plan dated August 27, 2001, 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.

Del 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.

c) That the height for commercial buildings be limited to one story along Baseline Road, as specified on the site plan.

Del d)

That a Homeowners Association (HOA) be created to maintain all areas specified in 1. a).

Del 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.

Del g)

- f) That solid walls be allowed on the interior perimeter walls (east and south) not 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) That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.

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.

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. 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 busbay (Detail P-1256) on Baseline road east of 32nd Street (new realignment).
- 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 a 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 SWC of Baseline Road and 32nd Street realignment).

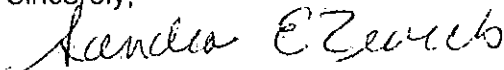
4. Trails:

- a) 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:

- 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) That the development shall commence construction within 24 months of the rezoning request approval by City Council.

Sincerely,



Sandra E. Zwick
Planner III

H:\data\hearings\pc\rat\Z-73-01-7

C: City Clerk

Files

Tammy Henry (sent electronically)

E. J. Hyncik, Public Transit (sent electronically)

Book

Ed Bull, Burch & Cracchiolo PA, 702 East Osborn Road, Suite 200, Phoenix, AZ, 85014

Makai Delopmnt. Services Inc., Michael C, 1820 West Drake Drive, #108, Tempe, AZ, 85283

Jay Neville (sent electronically)

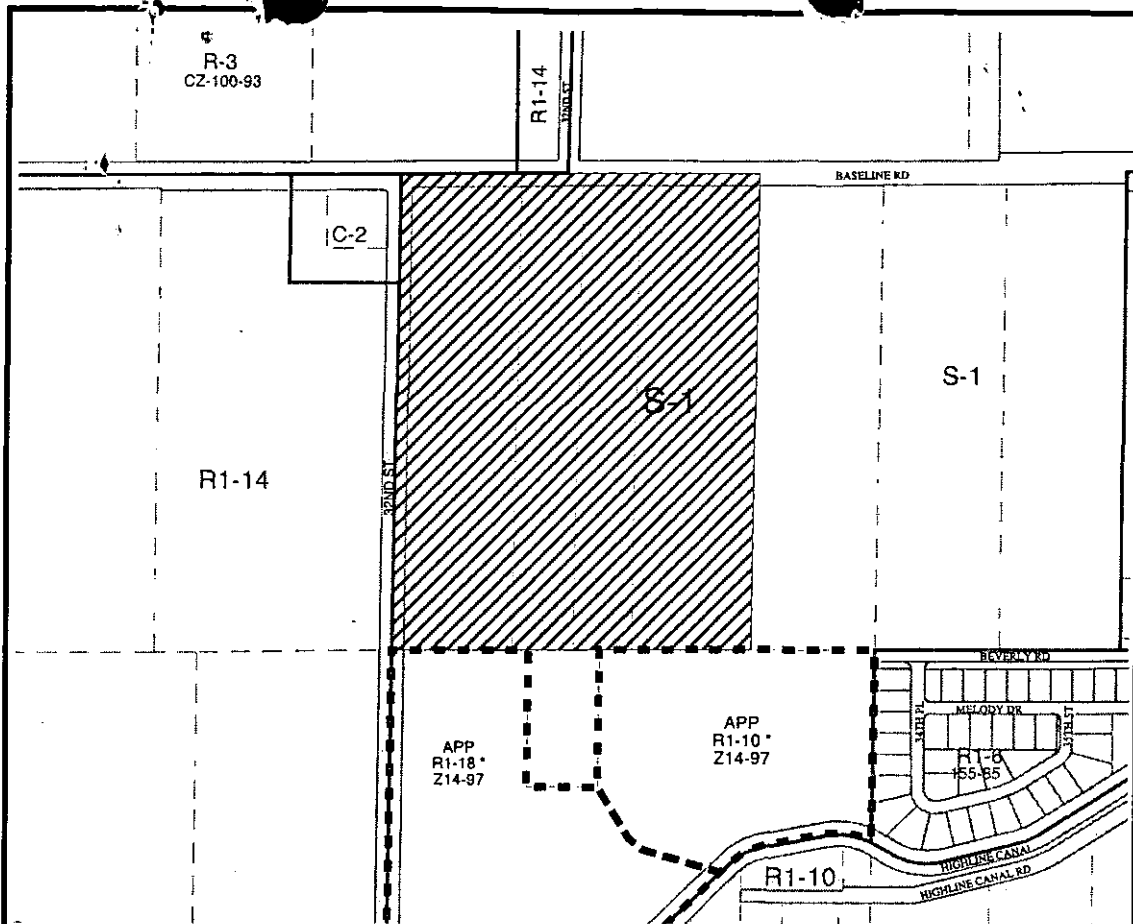
Karen Stovall

Dave Barrier, DSD, (sent electronically)

Miguel Victor (sent electronically)

Lynn West (sent electronically)

EXHIBIT F



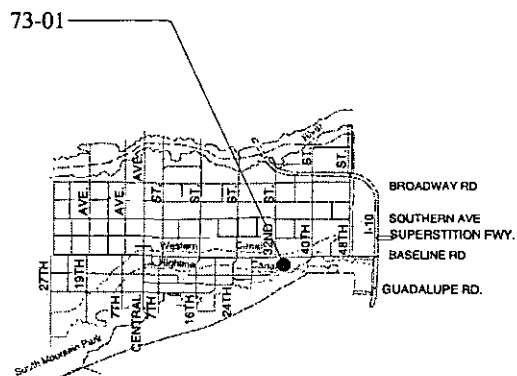
400 0 400 Feet

GRAPHIC SCALE IN FEET

CITY OF PHOENIX PLANNING DEPARTMENT

South Mountain Village

CITY COUNCIL DISTRICT: 6



APPLICANT'S NAME: MAKAI DEVELOPMENT SERVICES INC., MICHAEL C		REQUESTED CHANGE:	
APPLICATION NO. 73-01	DATE: 6-1-2001 REVISION DATES:	FROM: S-1	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 30.2 Acres	AERIAL PHOTO & QUARTER SEC. NO. 01-35	ZONING MAP D-10	TO: MUA
MULTIPLES PERMITTED	UNITS STANDARD OPTION		* UNITS P.R.D. OPTION
_____ _____ _____	_____ _____ _____		_____ _____ _____

* Maximum Units Allowed with P.R.D. Bonus

EXHIBIT G

Village Planning Committee Meeting Summary
PHO-1-23--Z-73-01-6(8)

Date of VPC Meeting	August 8, 2023
Request	<ol style="list-style-type: none">1) Request to modify Stipulation 1.a regarding general conformance with the site plan date stamped August 27, 2001.2) Request to delete stipulation numbers 1.b regarding landscape strips.3) Request to delete stipulation 1.d regarding the creation of a Homeowners Association.4) Request to delete stipulation 1. e Planning Hearing Officer review of a gated entry design5) Request to delete stipulation 1.g regarding alternative paving materials for parking stalls.\
VPC Recommendation	Continued with direction
VPC Vote	9-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

No members of the public registered to speak on this item.

STAFF PRESENTATION

Samuel Rogers, staff, explained the process of a Planning Hearing Officer (PHO) case and provided a presentation regarding the subject site location, surrounding zoning and land uses, the original rezoning case, the request, and next steps.

APPLICANT PRESENTATION

John Duensing, representing the applicant Archicon Architecture & Interiors, L.C., presented the site context and history, the original rezoning case, the request, the conceptual site plan, and the conceptual renderings.

QUESTIONS FROM THE COMMITTEE

Committee Member Marcia Busching asked if the applicant had a lease agreement with Starbucks. **Mr. Duensing** explained that the applicant had a letter of intent from Starbucks. **Committee Member Busching** stated that there are two other Starbucks locations nearby. **Chair Tamala Daniels** stated that there is a Dunkin Donuts and a Human Bean coffee shop in the area.

Committee Member Fred Daniels asked how drainage retention will be addressed. **Mr. Duensing** stated that a drainage study is required and stated that most of the water would likely be collected and remain on site.

Committee Member Trent Marchuk asked about existing and proposed fencing and the fencing materials. **Mr. Duensing** confirmed that there is existing fencing to the west, stated that fencing is proposed around the parking areas and the menu boards, and stated that fencing will be concrete block.

Committee Member George Brooks asked what would happen if water cannot be retained on site, stated concerns about traffic coming and going from the site, and asked about the garden to the south that was proposed in the original rezoning case. **Mr. Duensing** stated that the drainage study will be reviewed by the City of Phoenix and the developer would work with City of Phoenix if water cannot be retained on site, explained that a traffic study would be completed and the drive through provides many stacking spaces, and explained that the property to the south is not owned by the developer but the developer is willing to work with the property owner to the south.

Committee Member Gene Holmerud stated that he could see east bound traffic along Baseline Road using the Baseline entrance and driving around Pad A to reach Pad B. **Mr. Duensing** agreed with Committee Member Holmerud and stated that the development had mimicked the egress and ingress locations of the site plan associated with the original rezoning.

Committee Member Greg Brownell stated concerns about eastbound traffic along Baseline caused by individuals turning into the subject site and stated he would like feedback from traffic police regarding the traffic study. **Mr. Duensing** stated that he is not sure if police will review the traffic study, but they do review the site plan and stated that there are not often deceleration lanes along Baseline Road.

Committee Member Fatima Muhammad Roque stated concerns about the site's proximity to the Desert Marigold School and the Farm at South Mountain and the danger of increased traffic for children. **Mr. Duensing** stated he was not sure if the school and the Farm were captured in the traffic study, but he would pass the concerns on to the development team.

Committee Member Marchuk stated the importance of the Mixed-Use Agricultural (MUA) zone and requested that building materials, roof structures, and window aspects that fit into the MUA district be used in the building designs. **Mr. Duensing** explained

that the development team had not gone through the design process yet and explained that on previous projects with Starbucks he had some freedom with the building design.

Committee Member Brooks asked what was being decided on and asked if the Village Planning Committee would hear this project again. **Chair Daniels** explained that stipulations from the original rezoning case were requested to be removed. **Mr. Rogers** explained that the case could be heard again if it is continued and explained what could be changed as a part of the PHO process.

Committee Member Brooks stated that the entire project could change. **Mr. Duensing** stated that the next step would be to pursue building permits and asked if staff if the case would come back for the drive through Use Permit. **Mr. Rogers** explained that Use Permits are not heard by the Village Planning Committee.

Chair Daniels stated that the proposal does not show how the site will comply with architectural details required by the MUA district and explained the site's development plan history that included a mixed-use development and a garden that would supply sit-down restaurants. Chair Daniels stated that this proposal does not give a full picture of the proposal without the traffic study, open space, building elevations that match the MUA district, provisions for walkability, and maintenance of landscaping. Chair Daniels stated she is confused why Starbucks would open a location so near other coffee shops. Chair Daniels stated that the development team should come back with an architectural and landscape plan, a traffic study, and a plan for landscape maintenance.

Committee Member Kay Shepard asked about a sign posting. **Mr. Duensing** explained that his team had not posted a sign but there is a subdivision coming in nearby. **Mr. Rogers** explained that a sign posting is not required as a part of the PHO process.

Chair Daniels asked if there had been any meetings with the surround community. **Mr. Duensing** stated that there had not been any public meetings. **Mr. Rogers** clarified the PHO process.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

MOTION

Committee Member Brooks made a motion to recommend a continuance of PHO-1-23--Z-73-01-6(8). **Committee Member Holmerud** seconded the motion.

Committee Member Busching stated that it is not wise to continue the case because the PHO may make a decision without the Village planning Committee's input and stated that the committee should approve the case with additional stipulations. **Chair Daniels** stated that the proposal does not show enough information on the architectural plans, landscape plans, or a traffic study. **Committee Member Brooks** stated that they are talking about traffic accidents and millions of dollars and stated that there are no guarantees about what the site will look like.

Committee Member Busching stated she is open to a continuance if the applicant is open to committing to a continuance at the PHO hearing and asked if the applicant would commit to a continuance. **Mr. Duensing** agreed to come back to the VPC with another presentation.

Committee Member Marchuk asked if the applicant can request a continuance at the PHO hearing. **Mr. Rogers** explained that an applicant can request a continuance at the PHO hearing.

Committee Member Shepard asked if there is fee associated with a PHO continuance request. **Mr. Rogers** confirmed that there is a \$830 fee when an applicant requests a continuance at the PHO hearing. **Chair Daniels** asked if the continuance fee can be waived, explained the committee's responsibility to represent the community and ensure that the committee is not approving projects based on promises from the development team that may or may not come true, stated that the committee needs plans to stipulate conformance too, and stated that the committee would request the continuance fee to be waived. **Mr. Duensing** stated that he has no objection to coming back and presenting to the committee again.

Committee Member Brooks withdrew the motion.

Motion

Committee Member Busching made a motion to recommend a continuance of PHO-1-23--Z-73-01-6(8) with direction to the applicant to return to the Village Planning Committee with information regarding design, landscaping, wall and fences, traffic, and water retention. **Committee Member Brooks** seconded the motion.

VOTE

9-1, a motion to recommend a continuance of PHO-1-23--Z-73-01-6(8) with direction to the applicant to return to the Village Planning Committee with information regarding design, landscaping, wall and fences, traffic, and water retention passed with Committee Members Brooks, Brownell, Busching, F. Daniels, Holmerud, Marchuk, Roque, Shepard, and T. Daniels in favor and Committee Member Aldama opposed.

Committee Member Edward Aldama explained he voted against the recommendation to continue the case because the request was to remove stipulations regarding a residential development.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None

EXHIBIT H

Village Planning Committee Meeting Summary

PHO-1-23--Z-73-01-6(8)

Date of VPC Meeting	November 14, 2023
Request	<ol style="list-style-type: none">1) Request to modify Stipulation 1.a regarding general conformance with the site plan date stamped August 27, 2001.2) Request to delete stipulation numbers 1.b regarding landscape strips.3) Request to delete stipulation 1.d regarding the creation of a Homeowners Association.4) Request to delete stipulation 1. e Planning Hearing Officer review of a gated entry design5) Request to delete stipulation 1.g regarding alternative paving materials for parking stalls.
VPC Recommendation	Approval with modifications and additional stipulations
VPC Vote	14-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

No members of the public registered to speak on this item.

STAFF BACKGROUND PRESENTATION

Samuel Rogers, staff, provided a presentation highlighting the request, subject site, surrounding area, the original 2001 rezoning case and stipulations, the request, and design requirements in the Mixed Use Agricultural (MUA) zoning district.

Committee Member Greg Brownell asked what landscaping is requested to be eliminated. **Mr. Rogers** explained that the requirement for landscaped tree line strips along local streets in the residential area is proposed to be eliminated because there is no residential component as a part of the proposed development. **Committee Member Marcia Busching** asked if the stipulation could be modified to eliminate the reference to the residential area and still require landscaped tree line strips along local streets. Mr. Rogers confirmed that the stipulation could be modified.

Committee Member Emma Viera asked how the proposal aligns with the General Plan's five Core Values, with specific regard to the "Build the Sustainable Desert City core value. **Mr. Rogers** explained that village planning staff does not analyze PHO requests and stated that the applicant should be able to speak to Committee Member Viera's inquiry.

Chair Tamala Daniels asked if this was a rezoning because there was already an approved plan and explained that the committee had asked to applicant to come back to present to the committee to provide more information and details base on the previously approved plan. **Mr. Rogers** explained any analysis would be done by the Zoning Team, who run PHO cases, and stated that the proposed uses are already allowed by right in the MUA zoning district and the request is to modify or remove stipulations of the original rezoning case.

Committee Member Trent Marchuk asked about the slides in the staff presentation on the MUA zoning district design requirements and asked if it is staff's commentary that the elevations meet those requirements. **Mr. Rogers** explained that he provided those design requirements in the slide deck at the request of Chair Daniels and stated that site review staff will evaluate the proposal for compliance with the design requirements. Committee Member Marchuk asked about stipulating the presumptions that the committee wants to ensure are applied to the project. Mr. Rogers explained that the committee can elevate presumptions to requirements by stipulating them.

Committee Member George Brooks stated he is looking forward to the applicant presentation to see how the proposal aligns with the General Plan's Core Values

APPLICANT PRESENTATION

Mitchell Mastrin, with Archicon Architecture & Interiors, L.C., provided a presentation on the subject site context, history of subject site, the site plan, the request, the conceptual landscape plan, the conceptual elevations, and the conceptual renderings.

QUESTIONS FROM THE COMMITTEE

Committee Member Brownell stated that not all the stipulations being modified or removed are regarding residential development and explained that the stipulation requiring alternative paving materials in the parking area is proposed to be removed. **Mr. Mastrin** explained that the development is proposing an asphalt parking area. Committee Member Brownell explained that an asphalt parking lot is not desired, stated he would like to see a permeable parking surface, and stated that the plans do not show a percentage of shade proposed. Mr. Mastrin explained he was not requested to have the percentage of shade and pointed out the location of the proposed landscaping. Committee Member Brownell stated that temperatures in South Phoenix have gone up due to the loss of vegetation and the urban heat island effect and explained he would like the development to do what it can to make the proposed development cooler temperature wise. Mr. Mastrin pointed out the proposed planting materials as shown on

the landscape plan. **Committee Member Viera** stated that the City of Phoenix has a list of trees that are heat and drought resistant. **Committee Member Kay Shepard** stated that the MUA zoning district has its own list of allowed plant materials. Committee Member Brownell stated that some of the allowed drought resistant trees do not provide much shade. **Chair Daniels** asked what should be stipulated to limit the allowed plant materials. **Committee Member Marchuk** stated that the MUA district has a presumption that states planting materials should be limited to the Sonoran Plant List.

Chair Daniels asked the applicant to speak on the items the committee had asked the applicant to address at the last meeting. **Mr. Mastrin** presented 3D renderings and explained how the design had been altered to comply with MUA design requirements. Chair Daniels asked if outdoor seating is proposed and asked about the design out of the office building. Mr. Mastrin pointed out the location of 800 square feet of outdoor seating and explained that the office building had not yet been designed, stated the office building would match the style of the proposed coffee shop illustrated in the 3D renderings, and explained that he would like to see the office building become an urgent care. Mr. Mastrin explained that the Rick Engineering drainage letter shows that there will not be issues with water retention and detention.

Committee Member Busching explained that there is no direct route from the crosswalks at the corner of Baseline Road and 32nd Street to the proposed structures and stated there should be a pedestrian path at the northeast corner of the site to cross the landscape area. **Mr. Mastrin** stated they would likely want to bring a walkway further south than the northeast corner to avoid having a pedestrian pathway cross a drive isle. Committee Member Busching stated that the pedestrian path can include a pavement treatment that visually contrasts parking and drive aisle surfaces.

Committee Member Marchuk asked if there is a fence or wall proposed around the drive-through area and stated that a portion of the wall should not be built where the northeaster pedestrian access will be placed. **Mr. Mastrin** stated that a low wall is proposed around the drive-through and agreed that the wall should not block the pedestrian pathway.

Chair Daniels stated that the community has been dealing with flooding, stated that the committee has been asking development teams to look at the flood zone map, asked if the site's drainage will flood adjacent developments, and asked if the development team had looked at the flood map. **Mr. Mastrin** explained that flood zone map is shown as a part of the Rick Engineering drainage letter. Chair Daniels asked about other items that the development team had been asked to address in the previous VPC meeting. Mr. Mastrin explained that the development team had also asked about a traffic study and read a summary of the study's findings that concluded the additional traffic would have minimal traffic related impacts on the existing roadway network and surrounding area.

Chair Daniels stated that the MUA does a lot regarding things like horse trails and stated it seems like the development is cutting out some landscaping. **Mr. Rogers** pointed out that the site plan does show a multi-use trail alignment along both Baseline

Road and 32nd Street. Chair Daniels asked for clarification on the request to eliminate the requirement for tree lined streets on all local streets. Mr. Rogers explained that there is a hierarchy of streets ranging from the most intense streets like major arterials down to local streets, stated that Baseline Road is likely a major arterial, 32nd is likely a collector, and local streets would be the streets within a subdivision or low capacity road, and explained that the development is proposing accessways, but not local streets.

Committee Member Viera asked if the two building are connected by a landscape area. **Mr. Mastrin** stated that there is a landscape area between the buildings.

Chair Daniels stated that landscaping dying and not being replenished on commercial projects has been a problem in the past and stated that there should be a requirement for an HOA to maintain the landscaping. **Committee Member Viera** stated that maintenance of landscaping is required by the City of Phoenix. **Mr. Rogers** stated that it is his understanding is that landscape plans used to be not be required but they are required now and explained that if a site is not complying with their landscape plan then the Neighborhood Services Department can go out and issue a violation.

Committee Member Marchuk summarized the discussion and listed the possible stipulations that include pedestrian access, driveway materials, landscaping, building materials, fencing, roofs, and building orientation.

Committee Member Gene Holmerud asked about bicycle parking and electric vehicle (EV) charging. **Mr. Mastrin** stated that bike parking is proposed, stated that EV charging has not been proposed, and asked if there is a percentage of EV parking the committee would like to stipulate. Committee Member Holmerud stated that he would like to see two percent level two EV chargers.

Committee Member Darlene Jackson stated concerns about the driveway getting backed up onto 32nd Street. **Mr. Mastrin** explained that he had fought with Starbucks to provide two driveway lanes to prevent traffic from getting backed up.

Chair Daniels asked how many EV spaces should be stipulated. **Mr. Rogers** explained that the three types of EV chargers that can be provided are “ready”, “capable”, and “installed” and explained that a level two charger is in reference to the how quickly an EV charger can a full charge. **Committee Member Holmerud** stated that there should be 10 percent EV ready installed. **Committee Member Shepard** asked if the EV spaces would count towards the required parking and asked if nonelectric vehicles can park in EV spaces. Mr. Rogers stated that the EV spaces would count towards the required parking and explained that the EV spaces can be used by anyone.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

MOTION

Committee Member Busching made a motion to recommend approval of PHO-1-23--Z-73-01-6(8) with modifications and additional stipulations. **Committee Member Shepard** seconded the motion.

VOTE

14-0, motion to recommend approval of PHO-1-23--Z-73-01-6(8) with modifications and additional stipulations passed with Committee Members Alvarez, Brooks, Brownell, Busching, Coleman, F. Daniels, Holmerud, Jackson, Marchuk, Roque, Shepard, Viera, Greathouse, and T. Daniels in favor.

VPC RECOMMENDED STIPULATIONS:

- 1.a. The development shall be in conformance with the site plan dated ~~August 27, 2001~~ **OCTOBER 6, 2023**, with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA, as may be approved by the DSD, and represented by **AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, 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.~~
 - OPEN SPACE BETWEEN THE BUILDINGS FOR PUBLIC USE
 - **THERE SHALL BE A PEDESTRIAN LINK TO THE DEVELOPMENT TO THE SOUTH**
- 1.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.~~
- 1.c. That the height of the commercial buildings be limited to one story along Baseline Road as specified on the site plan.
- 1.d. ~~That a Homeowners Association (HOA) be created to maintain all areas specified in 1A.~~
- 1.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.~~

- 1.f. That solid walls be allowed on the interior perimeter walls (east and south) not 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.
- ~~1.g. That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.~~
- 2.1.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 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.
- 2.2.a. That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.
- 2.2.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.a. That a right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.
- 3.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. Additional improvements may be required to accommodate left turn access to the proposed driveways.
- 3.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.
- 3.d. That sufficient right of way shall be dedicated to accommodate a busbay (Detail P-1256) on Baseline road east of 32nd Street (new realignment).
- 3.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.

- 3.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.
- 3.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.
- 3.h. That sufficient right-of-way must be provided for a 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 SWC of Baseline Road and 32nd Street realignment.
- 4.a. 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.
- 4.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.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 deletion of stipulations and/or variances.
- 5.b. That the development shall commence construction within 24 months of the rezoning request approval by City Council.
- 6. **A MINIMUM OF 10% OF THE REQUIRED PARKING SPACES SHALL BE LEVEL 2 OR GREATER EV INSTALLED.**
- 7. **FIVE BICYCLE SPACES SHALL BE PROVIDED ON THE SITE THROUGH 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. OF THE PHOENIX ZONING ORDINANCE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

8. THE SURFACE OF PARKING STALLS SHALL BE COMPOSED OF AN ALTERNATIVE TO ASPHALT OR CONCRETE, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT
9. 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), AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT
10. A COMBINATION OF THE FOLLOWING BUILDING MATERIALS SHALL BE INCORPORATED INTO COMMERCIAL BUILDINGS, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT:
 - A. BOARD AND BATTEN
 - B. CLAPBOARD SIDING
 - C. WOOD/HEAVY TIMBERS
 - D. ADOBE
 - E. STONE OR STONE VENEER
 - F. STUCCO, NOT TO EXCEED 70% OF THE EXTERIOR WALL SURFACE AREA
11. BARREL TILE ROOFS SHALL BE PROHIBITED, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.
12. PITCHED ROOF ELEMENTS SHOULD BE ENCOURAGED FOR COMMERCIAL BUILDINGS, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.
13. IF FLAT ROOFS ARE PROPOSED FOR COMMERCIAL BUILDINGS A FALSE FRONT PARAPET SHOULD BE INCLUDED, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.
14. OVERHANGING WOODEN EAVES AND EXPOSED RAFTERS SHOULD BE ENCOURAGED, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.
15. COMMERCIAL AND OFFICE BUILDINGS SHOULD INCORPORATE ARCHITECTURAL ELEMENTS THAT EMPHASIZE HORIZONTAL PLAINS, SUCH AS OVERHANGS, PROJECTIONS, ALCOVES, VARIED ROOF-PLAINS, AND BUILDING OFFSETS THAT ARE DESIGNED TO MINIMIZE

**MASS AND VOLUME OF THE STRUCTURE, AS APPROVED BY
PLANNING AND DEVELOPMENT DEPARTMENT.**

- 16. CHANGES IN FACADE, SUCH AS, MATERIAL, WINDOW DESIGN, FACADE HEIGHT OR DECORATIVE DETAILS SHOULD BE EXPRESSED SO THAT THE COMPOSITION APPEARS TO BE A COLLECTION OF SMALLER BUILDINGS, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.**
- 17. SOLID FENCES AND WALLS SHOULD BE PROHIBITED ON THE PERIMETER OF A LOT OR DEVELOPMENT EXCEPT FOR SCREENING OF PARKING OR MECHANICAL EQUIPMENT, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.**
- 18. THE OWNER SHALL BE MAINTAIN ALL LANDSCAPING, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.**
- 19. PEDESTRIAN ACCESS SHALL BE PROVIDED FROM THE NORTHEAST CORNER OF THE PROPERTY TO THE EAST BUILDING, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.**
- 20. PEDESTRIAN ACCESS SHALL BE PROVIDED TO THE DEVELOPMENT TO THE SOUTH, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.**
- 21. 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 CONTRASTS PARKING AND DRIVE AISLE SURFACES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

EXHIBIT I

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Chase Hales, Planner I, Assisting

August 16, 2023

ITEM NO: 3	
	DISTRICT NO. 6
SUBJECT:	
Application #:	PHO-1-23--Z-73-01-6(8)
Location:	Southwest corner of 32nd Street and Baseline Road
Zoning:	MUA BAOD
Acreage:	3.64
Request:	1) Request to modify Stipulation 1.a regarding general conformance with the site plan dated August 27, 2001. 2) Request to delete Stipulation 1.b regarding landscape strips. 3) Request to delete Stipulation 1.d regarding creation of a Homeowners Association. 4) Request to delete Stipulation 1.e regarding Planning Hearing Officer review of gated entry design. 5) Request to delete Stipulation 1.g regarding alternative paving materials for parking stalls.
Applicant:	Tim Rasnake, Archicon LC
Owner:	Zanbour, LLC
Representative:	Tim Rasnake, Archicon LC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended a non-date specific continuance.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard the request on August 8, 2023 and recommended the case be continued with direction.

DISCUSSION:

Mr. Easton stated that there was no representative present at the hearing to discuss the case. He stated that with no request from the applicant, however they are requesting a continuance. He stated he would recommend continuance of the case with a non-specific date.

FINDINGS:

STIPULATIONS:

1.	SITE PLANNING	
	a.	That the development shall be in general conformance with the site plan dated August 27, 2001, 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:
	1)	A circular open space tract in the residential area.
	2)	Linear pedestrian tracts in the east and south connecting to adjacent properties.
	3)	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.
	c.	That the height for commercial buildings be limited to one story along Baseline 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 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.	That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.
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.
	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 or 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 clear 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.	TRAILS	
	a.	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 Parks, Recreation and Library Department and Street Transportation Department.
5.	OTHER ISSUES	
	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.	That the development shall commence construction within 24 months of the rezoning request approval by City Council.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Angie Holdsworth at angie.holdsworth@phoenix.gov or (602) 329-5065 or TTY: 7-1-1.

EXHIBIT J

REPORT OF PLANNING HEARING OFFICER ACTION
Mr. Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

December 20, 2023

ITEM NO: 1	
	DISTRICT NO. 8
SUBJECT:	
Application #:	PHO-1-23--Z-73-01-6(8) (Continued from November 15, 2023)
Location:	Southwest corner of 32nd Street and Baseline Road
Zoning:	MUA BAOD
Acreage:	3.64
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1.a regarding general conformance with the site plan dated August 27, 20012) Request to delete Stipulation 1.b regarding landscape strips.3) Request to delete Stipulation 1.d regarding creation of a Homeowners Association.4) Request to delete Stipulation 1.e regarding Planning Hearing Officer review of gated entry design.5) Request to delete Stipulation 1.g regarding alternative paving materials for parking stalls.
Applicant:	Tim Rasnake, Archicon LC
Owner:	Zanbour, LLC
Representative:	Tim Rasnake, Archicon LC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee reviewed the request on August 8, 2023. The VPC recommended continuance with direction by a vote of 10-0. The VPC reviewed the continued request on November 14, 2023. The VPC recommended approval with modifications and additional stipulations by a vote of 14-0

DISCUSSION:

Mitchell Mastrin, representative of Archicon LC, gave an overall summary of the stipulations the South Mountain VPC recommended at the November 14 meeting. He stated the VPC asked for alternative paving materials and more trees on the proposed site to reduce the urban heat island effect. He stated the VPC asked for the applicant to add a pedestrian walkway on the northeast

corner. He gave an overview of the items that were discussed at the November 15 PHO hearing and mentioned that they were awaiting the new recommendations from the Planning Hearing Officer.

Byron Easton, Planning Hearing Officer, stated he remembers everything that was mentioned at the last PHO hearing and was prepared to talk about the stipulations the VPC recommended.

Marcia Busching, village planning committee member, asked Mr. Easton if he was opposed to any of the stipulations the VPC recommended. She stated one of the stipulations was duplicated and the duplicate language was not needed.

Mr. Easton stated he did not have any questions regarding the VPC's recommended stipulations. He stated he spoke to the village planner regarding what occurred at the last PHO hearing and discussed what is appropriate for stipulating from the list of recommendations. He stated presumptions and design guidelines are not stipulated. He stated site planners are the ones who review those based on Mixed-Use Agricultural District (MUA) and Baseline Area Overlay District (BAOD) standards. He reiterated anything that the Zoning Ordinance already covers will not be stipulated in a PHO hearing. He stated he agreed with some of the VPC recommended stipulations and gave an overview of them. He stated a pedestrian connection is needed between the proposed residential development to the south (Item No. 2) and the proposed commercial development for this case and recommends adding a stipulation regarding the connection. He stated a Parks and Recreation stipulation, archaeological stipulations, and a Prop 207 stipulation would be added to this case.

Teresa Garcia, Planning Hearing Officer assistant, stated that the applicant submitted a Prop 207 waiver, and a stipulation was not needed.

Mr. Easton removed the Prop 207 stipulation.

Mr. Mastrin asked for clarification on Stipulation 6 regarding the multi-use trail (MUT).

Mr. Easton clarified it was a 30-foot wide multi-use easement (MUTE) and a 10-foot wide trail MUT.

Ms. Busching stated she was concerned about human nature regarding people cutting through the property at the northeast corner. She stated she understands the applicant is proposing an accessway to the south but thinks they should be required to have the accessway at the northeast corner.

Mr. Easton stated there is a drainage area that people will have to pass through and would be difficult to have the connection come from the northeast corner. He

stated the city can work with the applicant to bring the connection more north of the site.

Ms. Busching stated that human nature would still be a concern if placed at the north side of the site due to people cutting through from the west side.

Mr. Easton stated a designated pathway from the northeast corner is feasible. He asked Mr. Mastrin if it was possible to move the access point further north.

Mr. Mastrin stated that moving it would be asking people to walk right through the queuing lanes of the drive-through, which they feel it is not safe. He stated the northern connection shown on the site plan is for employees only. He stated the southern accessway is for people coming from the sidewalk and the bus area on 32nd Street.

Mr. Easton asked what the distance from the access point and the intersection.

Mr. Mastrin stated approximately 210 feet. He stated he does not think it is unreasonable to have people walk on the sidewalk, however based on human nature, people may jump over the screen wall.

Mr. Easton asked if Mr. Mastrin was averse to having the connection at the northeast corner.

Mr. Mastrin stated he did not know how it would be done and is averse to having the connection at the northeast corner.

Mr. Easton stated based on his calculations, it is not worth the engineering and cost to save someone 60 steps and is going to recommend his original recommendation to omit that connection requirement.

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 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 15th 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.	<u>Site Planning:</u>	
	a.	That The development shall be in general conformance with the site plan dated STAMPED OCTOBER 6, 2023 August 27, 2001, 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:
		1) A circular open space tract in the residential area.
		2) Linear pedestrian tracts in the east and south connecting to adjacent properties.
		3) 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.
	b. e.	That the height for commercial buildings be limited to one story along Baseline 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.
	c. f.	That solid walls be allowed on the interior perimeter walls (east and south) not 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.
	d. g.	THE SURFACE OF PARKING STALLS SHALL BE COMPOSED OF AN ALTERNATIVE TO ASPHALT OR CONCRETE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. That 84 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.	<u>Building Design:</u>	
	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.
	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.	<u>Streets and rights-of-way:</u>	
	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 or 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 clear 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.	<u>Archaeology:</u>	
	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.
5.	<u>Trails:</u>	

	a.	<p>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.</p> <p>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.</p>
	b.	<p>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 Parks, Recreation and Library Department and Street Transportation Department.</p>
5.	<u>Other issues:</u>	
	a.	<p>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.</p>
	b.	<p>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.</p>
	c. b.	<p>That the development shall commence construction within 24 months of the rezoning request approval by City Council.</p>

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the

following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Teleia Galaviz at (602) 291-2559 or TTY: 7-1-1.

EXHIBIT K



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VICINITY MAP

CONCEPTUAL SITE PLAN



EXHIBIT L

