

## ATTACHMENT C

### REPORT OF PLANNING COMMISSION ACTION October 6, 2022

ITEM NO: 17	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-2-22--Z-47-17-8
Location:	Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
Request:	1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped July 28, 2017. 2) Review of conceptual elevations by the Planning Hearing Officer per Stipulation 4.
Acreage:	5.12
Applicant:	Terrascape Consulting, LLC
Owner:	Bella Rosa Partners, LLC
Representative:	Terrascape Consulting, LLC

#### **ACTIONS:**

Village Planning Committee (VPC) Recommendation:  
**South Mountain** 8/9/2022 Approval. Vote: 7-4.

Planning Commission Recommendation: Approval with modifications and additional stipulations.

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

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

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve PHO-2-22--Z-47-17-8, per the Planning Hearing Officer recommendation.

Maker: Busching  
Second: Vice-Chair Mangum  
Vote: 7-2 (Gorraiz and Perez)  
Absent: None  
Opposition Present: Yes

#### **Findings:**

1. The South Mountain Village Planning Committee heard two agenda items regarding this case at their August 9, 2022 meeting. The first (Agenda Item #7) was the PHO request itself. The second (Agenda Item #8) was for review and comment on architectural elevations per the requirements of Stipulation 3. Note that Stipulation 3 is redundant of, and less restrictive than, the requirement for PHO review of conceptual elevations required by Stipulation 4. However, during the review and comment item, the VPC made two recommendations regarding the provision of staggered front setbacks and front porches. These recommendations are addressed in these findings

along with the consideration paid to the VPC's discussion during the PHO request itself.

2. The request to modify Stipulation 1 regarding general conformance with the site plan is recommended for approval with modifications to provide more standard conformance language and to add a new sub-stipulation requiring staggered front setbacks.

The subject property includes only the southern 5.12 gross acres of the 11.15 gross acres rezoned in the original case. The stipulated site plan depicted a 32-unit single-family subdivision at approximately 3.03 dwelling units per gross acre and approximately 13.9% open space. Units were arranged around four cul-de-sacs oriented north/south, with most of the open space along the west property line. The street running east/west through the site terminated in an emergency gate along the west property line.

The proposed conceptual site plan depicts an 18-unit single-family subdivision at approximately 3.51 dwelling units per gross acre, with approximately 9% open space. Units are arranged along a street running east/west through the site. The street terminates in a cul-de-sac along the west property line. Most of the open space is along the west property line. The proposal is substantially similar to the stipulated site plan, with the caveat that it is designed with less than half of the original area. The density remains below, and the open space above, Ordinance standards. The proposal is compatible with existing development in the surrounding area.

A new sub-stipulation is recommended requiring staggered front setbacks. This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with design recommendations in the Rio Montaña Area Plan (Page 39, Figure 71).

3. The applicant submitted conceptual elevations for review and approval per the requirements of Stipulation 4. The stipulation has been complied with and is recommended to be deleted and replaced with a standard language stipulation for general conformance to the elevations provided. Stipulation 4 states that the elevations submitted should be consistent with recommendations in the Rio Montaña Area Plan. The elevations depict a variety of building materials (stone façade, composite siding, wood elements, brick veneer), multiple building colors, variation in roof design, and multiple architectural features (wood posts, gable ornamentation, varied window sizes, decorative garage panels). This diversity is consistent with the Rio Montaña Area Plan and many of the design choices are compatible with the rural and agricultural character described in the plan.
4. An additional stipulation is recommended to require front porches to be provided per the requirements of the Baseline Area Overlay District (651.E.3.b.(4)). This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with the Rio Montaña Area Plan (Page 22; Page 23; Page 44, Figures 97 and 100) and the intent of Stipulation 4.
5. The Street Transportation Department recommends one additional stipulation addressing required dedications, detached sidewalks, and landscaping along 19th Avenue. This stipulation is recommended for inclusion.

19th Avenue is identified on the City Council Approved Street Classification Map as a D-Section Arterial roadway. This cross section requires a total right-of-way dedication of 50-feet where the last 10-feet may consider a 10-foot-wide sidewalk easement.

Within the ROW/sidewalk easement, an 11-foot-wide landscape strip located between back of curb and sidewalk is required to create a separated detached sidewalk and allow planting space for trees to mature and to adequately shade the sidewalk.

While Stipulation 2 (not a part of this request) addresses detached sidewalks, requiring a minimum 5-foot-wide landscape strip between back of curb and sidewalk, this does not override the City Council approved Street Classification Map. While all other detached sidewalks within the development may allow the 5-foot-wide landscape strip, 19th Avenue cannot and shall comply with the recommended stipulation as described.

6. 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. The development shall be in general conformance with the site plan date stamped JUNE 30, 2022 ~~July 28, 2017~~, as modified by the following stipulations and approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE FOLLOWING:
  - A. THE SITE PLAN SHALL DEPICT STAGGERED FRONT SETBACKS FOR COVERED BUILDING ELEMENTS, SUCH THAT ANY TWO ADJACENT LOTS SHALL PROVIDE A MINIMUM VARIATION IN FRONT SETBACK OF 4 FEET.
2. All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.
3. Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to final site plan approval.
4. ~~Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.~~  
THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 17, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5. COVERED PORCHES A MINIMUM OF SIXTY SQUARE FEET IN AREA AT A DEPTH OF AT LEAST SIX FEET SHALL BE PROVIDED IN THE FRONT YARD OF FIFTY PERCENT OF THE HOMES IN A SUBDIVISION. NO PORCH SHALL TERMINATE WITHIN THE PLANE OF A DOOR OR WINDOW.
6. The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as
- 5.

stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.

7. Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.
- ~~6.~~
8. THE DEVELOPER SHALL DEDICATE MINIMUM 50-FEET OF RIGHT-OF-WAY ALONG THE WEST SIDE OF 19TH AVENUE. IMPROVEMENTS SHALL INCLUDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK AND MINIMUM 11-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. LANDSCAPE STRIP PLANTING REQUIREMENTS TO BE APPROVED BY PLANNING AND DEVELOPMENT.
9. The developer shall dedicate right-of-way totaling 25 feet for the east half of 20th Avenue, as approved by the Planning and Development Department
- ~~7.~~
10. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- ~~8.~~
11. 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.
- ~~9.~~
12. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
- ~~10.~~
13. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, [leslie.scott@phoenix.gov](mailto:leslie.scott@phoenix.gov) or TTY: Use 7-1-1.