

Attachment B

Planning Hearing Officer Summary of November 20, 2019
Application Z-6-03-7
Page 1

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Julianna Pierre, Planner I, Assisting

November 20, 2019

ITEM 6

DISTRICT 7

SUBJECT:

Application #: Z-6-03-7 (PHO-2-19)
Zoning: R1-8
Location: Southeast corner of 91st Avenue and Illini Street
Acreage: 67.55
Request:

- 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped March 21.
- 2) Modification of Stipulation 3 regarding recreation and open space areas.
- 3) Modification of Stipulation 4 regarding detached sidewalks and landscape strips.
- 4) Modification of Stipulation 5 regarding landscape tracts along the street side of corner lots.
- 5) Modification of Stipulation 7.d regarding a multi-use trail on the east side of 87th Avenue.
- 6) Technical corrections to Stipulations 6, 8, 10.c, 11.h, 13 and 15.

Applicant: Sara Andrews, Meritage Homes
Owner: PTH Properties
Representative: Jorge Villasenor, EPS Group, Inc.

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with modifications and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on November 19, 2019 and recommended approval with a modification by a 5-0 vote.

DISCUSSION

Carolyn Oberholtzer, with BFSO Law and representing Meritage Homes, stated that their application is requesting to update the site plan and several stipulations to facilitate a new single-family residential development. She provided background regarding the case and rationale for the modification of stipulations.

Adam Stranieri asked about the language for Stipulation 1, specifically why the request added language about the densities on the site plan. Ms. Oberholtzer clarified that the language was added to ensure that the site plan referenced was the plan date stamped October 23, 2019. Mr. Stranieri asked if the reference to density was in regard to the specific location of various lot sizes. Ms. Oberholtzer stated that it was not. She continued, stating that the language regarding densities was only to show that the applicant understood they would be under a Planned Residential Development (PRD) option. Mr. Stranieri stated that he was inclined to remove the language because there could be confusion regarding the density requirements of general conformance, the location of specific lot sizes, and the density transition over the site. He added that removing the language would allow for more flexibility regarding the final placement of the lots.

Mr. Stranieri inquired about Stipulation 3, regarding recreation and open space areas. He asked if the site planning process would prevent the applicant from placing recreational facilities in the retention basins if not stipulated. Ms. Oberholtzer clarified that only the stipulation would limit the placement of the recreational facilities. Mr. Stranieri stated that he did not find any discussion in the staff report from the original zoning case giving rationale for these particular amenities. Since recreational amenities are typically permitted in retention basins, he stated that he was inclined to approve the request.

Mr. Stranieri stated that he had concerns with the proposed modification for Stipulation 4, regarding detached sidewalks and landscape strips. He stated that the original stipulation's intent was to provide detached sidewalks through the entire subdivision. He asked Ms. Oberholtzer to clarify what limitations the applicant found in providing detached sidewalks along the lots' front yards. Ms. Oberholtzer clarified that the sidewalks negatively impacted the proposed driveway length and limited the size of the rear yards. She stated that detached sidewalks are primarily to promote pedestrian safety and that the subdivision would be somewhat secluded and would have limited vehicular traffic. Mr. Stranieri asked if the Estrella Village Planning Committee discussed this stipulation. Ms. Oberholtzer stated that they did not. Mr. Stranieri stated that he was understanding of the applicant's desire to promote a larger lot size and enhance rear yards within the subdivision.

Mr. Stranieri noted that Stipulation 4 also discussed the planting area. He stated that current Ordinance planting standards require minimum two-inch caliper trees, while the stipulation required one-inch caliper trees. Ms. Oberholtzer stated that they had no issues changing the stipulation to reflect the required minimum. Mr. Stranieri stated that he would not recommend stipulating to an Ordinance standard. He recommended that the planting standard be enhanced to require 50% three-inch and 50% two-inch caliper shade trees. He stated that enhancing the planting standard for pedestrian comfort within the landscape strips was an appropriate tradeoff for limiting the locations of the strips.

Mr. Stranieri stated that Stipulation 5, regarding landscape tracts along the side street of corner lots, would be modified to reflect standard language and meet current requirements.

Mr. Stranieri stated that the Parks and Recreation Department supported the proposal to simplify the reference to the location of the multi-use trail because they may want to base the final location on their plans with the City of Phoenix owned property to the north of the site. He added that Parks and Recreation staff also recommended a stipulation requiring the multi-use trail (MUT) to be located within a 30-foot multi-use trail easement (MUTE) per City standards. Mr. Stranieri also stated that the current stipulated 8-foot width of the trail was below the minimum 10-foot width required by the MAG supplemental detail. Ms. Oberholtzer expressed concern that it may not be possible to provide a 30-foot MUTE or enhance the width of the trail because it would be in direct conflict with a Salt River Project (SRP) Fee Title Easement and existing or proposed infrastructure on the site. The applicant and Planning Hearing Officer discussed the placement and size of the MUT and MUTE. Ms. Oberholtzer requested to withdraw her request for modification of the stipulation and retain the original language. She stated that the existing stipulation included the language “as approved by the Parks and Recreation Department” which would allow her to continue working with Parks and Recreation Department staff to determine the final conditions of the trail and easement issues. Mr. Stranieri agreed that it allowed this flexibility, however he noted that since he could not predict the final decision, a future PHO action may still be required.

FINDINGS

- 1) The conceptual site plan depicts 341 single-family detached units at approximately 5.1 dwelling units per gross acre. Lot sizes range from 40x115 feet to 45x120 feet. The housing type, density, and lot sizes are consistent in scale and character with existing residential development and zoning designations in the surrounding area. The proposal includes 8% open space, which exceeds the Ordinance requirement for a minimum 5% of the gross area to be reserved as required common open space.
- 2) Original Stipulation 4 included the requirement to develop detached sidewalks throughout the development. The applicant noted that the proposed modification would adjust this requirement to require detached sidewalks to be provided along all tracts and open space, which would include the north perimeter along Illini Street. The only locations that would not have detached sidewalks would be along the internal streets where front property lines of residential lots abut public streets. They noted that the adjustment would allow them to maximize the total area of private rear yards and allow longer driveway lengths. The recommended modifications to the applicant's language include adding a reference to the provided trail and circulation plan to identify the locations of detached sidewalks, removing the reference to the minimum sidewalk length to allow this to be discussed in plan review, enhancing the minimum required planting requirements for trees and shrubs in the landscape strips, as well as introducing language to allow the applicant to work with staff to address potential utility conflicts with required planting standards.

- 3) The Parks and Recreation Department requested a modification to Stipulation 7.d to establish a requirement for a 30-foot multi-use trail easement to contain the stipulated multi-use trail. Additionally, they noted that they supported the proposed modification regarding the location of the trail, given that they may want to alter the final location based upon the proximity and future plans for the City of Phoenix owned potential future park site north of the subject property. Finally, the stipulated 8-foot width of this trail is below the minimum width in the City of Phoenix MAG Supplemental Detail 429 for multi-use trails which requires a minimum 10-feet in width. The applicant expressed concern regarding these recommendations due to issues with USA fee title land that exists within the boundaries of the subject property, the potential relocation of some infrastructure on the site, and ongoing discussions regarding interface with the adjacent property at the northeast of the site which is a component of the Durango Regional Conveyance Channel. They requested to withdraw their request for modification of Stipulation 7.d to allow them to continue working with the Parks and Recreation Department regarding the final configuration of this trail. Therefore, the request was denied as filed and the original language was retained at the applicant's request.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with modifications and an additional stipulation.

STIPULATIONS

Site Plan	
1.	That the single-family THE development shall be in general conformance to WITH the site plan date stamped March 24 OCTOBER 23, 2019 as approved or modified by THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department.
2.	That a A minimum 40 by 40 foot triangular landscape entry area shall be provided to the main entrance either at the 87th Avenue or Lower Buckeye Road entrance.
3.	That a Active recreation/open space areas, such as tot lots, ramadas, basketball or other play courts , BBQ areas and similar activities, shall be high and dry under the 100-year two-hour storm event.
4.	That all sidewalks, except those adjacent to side yards on corner lots, shall be detached and a 6-foot wide landscaped strip shall be located between the 4-foot wide sidewalk and back of vertical curb on all local and perimeter streets as approved by Development Services Department. The planting area shall have at a minimum one-inch caliper theme tree placed 20 feet on center, and ground cover. The home-builder shall be responsible for installation and the homeowner association shall be responsible for maintenance.

	ALL SIDEWALKS ADJACENT TO OPEN SPACES OR TRACTS, CONSISTENT WITH THE TRAIL AND CIRCULATION PLAN DATE STAMPED OCTOBER 4, 2019, SHALL BE DETACHED WITH A MINIMUM FIVE-FOOT WIDE LANDSCAPE AREA LOCATED BETWEEN THE SIDEWALK AND BACK OF CURB AND PLANTED WITH A MINIMUM 50% 3-INCH CALIPER SHADE TREES AND 50% 2-INCH CALIPER SHADE TREES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. WHERE UTILITY CONFLICTS EXIST, THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT ON ALTERNATIVE DESIGN SOLUTIONS CONSISTENT WITH A PEDESTRIAN ENVIRONMENT.	
5.	That an A MINIMUM 8-foot wide landscape tract containing a minimum of one 15-gallon TWO-INCH CALIPER shade treeS and five 5-GALLON shrubs PER TREE shall be provided an average PLACED 20 feet on center OR IN EQUIVALENT GROUPINGS along the street side of each corner lot. The homebuilder shall be responsible for installation and the homeowner association shall be responsible for maintenance.	
6.	That t The developer of this property shall participate in the Estrella Village Arterial Street LANDSCAPING Landscape Program for designated street trees and plants along 91 st Avenue.	
7.	That t The following shall be provided as approved by the Parks and Recreation Department:	
	A.	A 10-foot multi-use trail and an exercise course shall be provided along the Elwood Road/future Durango Area Drainage Channel/WAPA Utility corridor.
	B.	A 10-foot multi-use trail shall be provided on the north side of Broadway Road.
	C.	An 8-foot multi-use trail shall be provided along the south side of Lower Buckeye Road.
	D.	An 8-foot multi-use trail shall be provided at the mid-section line east side of 87th Avenue south of the utility corridor based on the Estrella Multi-Purpose Trail Plan.
8.	Should an Intergovernmental Agreement be formed in the future to facilitate the construction of the Durango Area Conveyance Channel, the developer agrees to coordinate in the design of the drainage way through this project. The developer shall submit to the PLANNING AND Development Services Department a design that shows the clean take line and the adjacent land uses including school, park and subdivision plats. Once an intergovernmental agreement is completed, the developer agrees to coordinate with the City and the County for temporary improvements. The property owner agrees to dedicate only the property where the drainage way is located under the power line corridor and provide temporary	

	landscaping improvements to the county drainage way. The City shall not own or maintain common private retention areas. Final ownership and maintenance responsibilities for the drainage way will be determined between the City and the Maricopa County Flood Control District.	
9.	That The property owner shall record documents that disclose to purchasers of the property within the development the existence and potential characteristics of the dairy operations and 91 st Avenue Wastewater Treatment Plant. The form and content of such documents shall be reviewed and approved by the city attorney.	
Commercial		
10.	That if THE commercial portion of the request is approved the following conditions shall be included:	
	A.	The parcel shall be limited to two detached pads along each arterial street. General conformance to the conceptual site plan, concept 2 date stamped January 13, 2003.
	B.	An average 75' by 75' landscape entry feature shall be provided at the southeast corner of 91st Avenue and Lower Buckeye Road.
	C.	General conformance to the rendering date stamped February 5, 2003, as approved or modified by the PLANNING AND Development Services Department.
	D.	Pedestrian connection shall be provided to the residential portion through the open space locations.
Street Improvements		
11.	That The following right of way shall be provided:	
	A.	Right of way totaling 55 feet shall be dedicated for the east half of 91st Avenue.
	B.	Right of way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road.
	C.	Right of way totaling 55 feet shall be dedicated for the north half of Broadway Road.
	D.	A 21 foot by 21 foot right of way triangle shall be dedicated at the northeast corner of 91st Avenue and Broadway Road.
	E.	A 21 foot by 21 foot right of way triangle shall be dedicated at the southeast

		corner of 91st Avenue and Lower Buckeye Road.
	F.	Sufficient right of way shall be dedicated to accommodate a far-side bus bay (Detail P-1257) on Lower Buckeye Road at 91st Avenue.
	G.	Sufficient right of way shall be dedicated to accommodate a far-side bus bay (Detail P-1257) on 91st Avenue at Broadway Road.
	H.	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 Services Department. All improvements shall comply with all ADA accessibility standards.
	I.	The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
12.	That	The traffic analysis report submitted with the request shall be subject to review and changes recommended by the Street Transportation Department.
13.	That	The applicant shall submit to Development Services Department, prior to preliminary site plan approval, a conceptual street plan showing street connections to neighboring properties.
14.	That	A minimum 25-acre school site as shown on the map "Hurley Ranch Conceptual Site Plan" (1/13/03) in the document Rezoning Exhibits for Hurley Ranch, unless otherwise waived, shall be reserved for one (1) year from the date of final site plan approval.
15.	That	The Planning Hearing Officer shall review elevations and the site plans, through the hearing process on the C-1 portion, prior to PLANNING AND Development Services Department preliminary site plan review.
16.		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.

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. Please contact the

Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648
or TTY use 7-1-1.