



Village Planning Committee Meeting Summary

Z-104-23-8

Date of VPC Meeting	February 13, 2024
Request From	R1-6 BAOD (Approved R1-10 BAOD), S-1 BAOD (Approved R1-10 BAOD), and S-1 BAOD
Request To	R1-6 BAOD
Proposal	Single-family residential
Location	Northeast corner of 36th Street and Beverly Road
VPC Recommendation	Approval, per the staff recommendation, with modifications and additional stipulations
VPC Vote	13-0-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

STAFF PRESENTATION

Samuel Rogers, staff, presented the request, the location of the subject site, the surrounding context, the General Plan Land Use Map designation, the policy plans in the area, the site plan, proposed elevations, the staff recommendation, the staff findings, and concluded by presenting the proposed stipulations.

Committee Member George Brooks asked about the number of shrubs that would be required to be milkweed or other native nectar species and asked about maintenance. **Mr. Rogers** explained that a minimum of ten percent of the required shrubs would be required to be milkweed or other native nectar species and stated that the landscape ordinance requires that landscape plans be enforced. **Committee Member Greg Brownell** asked about the enforcement of the landscape ordinance. **Mr. Rogers** explained that the landscape ordinance enforcement is complaint driven. **Committee Member Brooks** explained that he disliked that enforcement of the landscape ordinance is complaint driven.

Committee Member Lee Coleman asked for clarification on what a WaterSense inspection entails. **Mr. Rogers** explained Stipulation No. 11. **Committee Member Coleman** stated that single-family residential homes do not require a Certificate of Occupancy. **Committee Member Tamala Daniels** explained that a Certificate of Occupancy is required for single-family homes.

Committee Member Brownell asked that Stipulation No. 8 be updated to require the maintenance of the required milkweed or other native nectar species shrubs. **Mr.**

Rogers stated that when writing stipulations there should be a comfort level of compliance by preliminary approval.

Committee Member Gene Holmerud asked about people covering up view fencing. **Mr. Rogers** explained that several lots had been excluded from the view fencing requirement to avoid privacy concerns.

Committee Member Viera asked how the plan is related to Climate Action Plan and heat mitigation goals. **Mr. Rogers** explained the water consumption, shading, and pedestrian accessibility stipulations.

Committee Member Brownell asked if there could be stipulation regarding the elimination of invasive species.

APPLICANT PRESENTATION

Adam Baugh, representing the applicant with Withey Morris Baugh, PLC., presented the development team, the subject site, the General Plan Land Use Map designation, the surrounding zoning, the proposal, alignment with City of Phoenix policy plans and requirements, the project amenities, proposed elevations, neighborhood outreach, and project benefits.

QUESTIONS FROM THE COMMITTEE

Committee Member Brownell asked to stipulate that walls shall be made of the same materials as South Mountain. **Mr. Baugh** asked about the type of stone, explained that the development is proposing a block wall, and stated that the stone could be incorporated into the wall columns, monument signs, and retaining wall.

Committee Member Brooks asked about the maintenance and number of the required milkweed or other native nectar species shrubs. **Mr. Baugh** suggested updated language for Stipulation No. 8 to require maintenance of the shrubs. **Mr. Rogers** explained that a minimum of ten percent of the required shrubs would be required to be milkweed or other native nectar species and stated five shrubs are required per tree.

Committee Member Kay Shepard asked why the project is proposing R1-6 rather than R1-10. **Mr. Baugh** explained that the proposal is for R1-6 because the proposed lot sizes. **Chair Trent Marchuk** asked if the project would be different if it was R1-10 versus R1-6 and asked if the applicant would be willing to consider R1-10. **Mr. Baugh** explained that he would have to do an analysis before committing to changing to R1-10 and stated he is willing to do the analysis.

Committee Member Holmerud asked about a 1950s Lincoln Continental that was on the site. **Mr. Baugh** stated it had been removed.

Committee Member Busching stated that she would like to discuss the additional stipulations that had discussed with the applicant. **Mr. Baugh** summarized the additional stipulations.

Committee Member Busching stated that the development should be limited to 61 lots and explained the need for a public pedestrian bridge across the Highline Canal. **Mr. Baugh** stated that the canal is managed by SRP.

Vice Chair Arthur Greathouse III asked about the proposed square footage and price range of the homes. **Ryan Larsen**, with Porchlight Homes, described the proposed square footage of the homes and explained the homes cost between \$560,000 and the low \$600,000s. **Vice Chair Greathouse** asked about studies on the surrounding area. Mr. Larsen confirmed that a market analysis had been completed.

Committee Member Brooks asked where the flood water will go once it leaves the property. **Jeff Giles**, with Clouse Engineering, explained City of Phoenix requirements and explained the water flow. Committee Member Brooks asked how many cubic feet of water is a 100 year flood. **Mr. Giles** stated that it is somewhere in the range of 400 CFS. **Committee Member Brownell** stated that there had been issues on another development with flooding and asked if Baseline Road has the stormwater capacity to take on all the water if the Highline Canal overflows. Mr. Giles explained that preliminary grading and drainage had been done, but the full engineering of the site had not been completed. Committee Member Brownell asked if any water is planned to be retained on individual lots. Mr. Giles explained water is proposed to be retained in retention basins. **Chair Marchuk** asked about any proposed stipulations. Committee Member Brooks explained his main concerns regarding flooding. Chair Marchuk stated that the drainage plan could be required to focus on Baseline Road.

Committee Member Fatima Muhammad Roque asked about the grading and drainage of Lot 27. **Mr. Baugh** explained that Lot 27 would not be altered. **Mr. Giles** explained that water will flow from Lot 27 to the north.

Committee Member T. Daniels explained that homes had been built on 24th Street adjacent to Highline Canal needed a flood wall and asked if a flood wall was proposed. **Mr. Giles** explained that the need for a flood wall will be determined during the site planning process. **Committee Member Busching** suggested some potential language for a stipulation regarding the Grading and Drainage report.

Chair Marchuk asked about Stipulation No. 8. **Mr. Baugh** explained that 36th Way would be closed and the stipulation allows for flexibility in the placement of the gate. **Mr. Rogers** explained the requirements to terminate public streets

PUBLIC COMMENT

Mark Wright explained he lives adjacent to the development, stated he met with the applicant team, thanked the applicant team for working with the community, stated he is in favor of the project, stated he has lived in the area for 20 years, stated there had been problems with the vacant property, explained his concerns about the stipulation requiring a public bench, stated concerns over the enforcement of what time construction is allowed to occur, and explained that a light will be needed on Baseline Road.

Russel Varone stated that the closure of the driveway that had been historically used to access Lot 27 will be a problem and asked about pedestrian access at the 36th Way gate. **Mr. Baugh** stated there would be pedestrian access at the 36th Way gate. **Committee Member Busching** stated that the HOA of Mr. Varone's subdivision should give the accessway to the adjacent homeowners. **Committee Member Coleman** asked about easements over the accessway. Mr. Baugh explained that the HOA owns the land and there is an existing access easement.

Robert Dotterer explained that he had spoken to six of his neighbors, stated they are opposed to developments that will diminish their property values, and stated that if the development diminishes property values the homeowners should be compensated. **Committee Member Coleman** asked if the list of addresses Mr. Dotterer has supplied all opposed the development. Mr. Dotterer explained that the list contains the homeowners in his subdivision. **Committee Member Darlene Jackson** asked how much property values would be diminished. Mr. Dotterer explained the cost of his home versus homes on Baseline. **Committee Member Busching** stated that mountain views are not guaranteed and asked if the applicant how many homes would have their mountain views affected. **Mr. Baugh** explained how the development team had considered preserving views of the mountain. Mr. Dotterer stated that the home had not gone up in value since he purchased, but the home value had doubled since the original construction.

Vice Chair Greathouse asked if the property could appreciate in value due to the new development. **Committee Member T. Daniels** stated that Mr. Dotterer's opinion is flawed, echoed Committee Member Busching's statement that mountain views are not guaranteed, stated when homebuyers pay premiums, explained she can see the mountain from her property further north and with two-story homes in the subdivision, and stated that the home price would appreciate due to the new development.

Mr. Dotterer asked if any restrictions on height could be placed on the homes adjacent to the Grove subdivision. **Mr. Larsen** explained that he does not want to dictate what homes are built. **Chair Marchuk** stated that he would advocate for lower homes along the Grove subdivision if there was not a larger landscape buffer proposed adjacent to the Grove subdivision.

Committee Member T. Daniels asked about the proposed elevations. **Mr. Baugh** explained that there are three elevations for each proposed floor plan.

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

Committee Member Busching summarized the stipulations that should be modified and added.

Committee Member T. Daniels stated concerns with applicants not presenting the proposed elevations when the proposals come in front of the committee. **Chair Marchuk** stated that a previous case had been required to come back to committee for review of the elevations. **Mr. Rogers** provided some possible stipulation language.

Chair Marchuk asked about a possible stipulation regarding requiring the materials of South Mountain in the walls. **Mr. Brownell** explained that he would like the materials stipulation on the columns of the walls.

MOTION

Committee Member Marcia Busching made a motion to recommend approval of Z-104-23-8 per the staff recommendation with modifications and additional stipulations. **Committee Member Greg Brownell** seconded the motion.

VOTE

13-0-1, motion to recommend approval of Z-104-23-8 per staff recommendation with modifications and additional stipulations passed with Committee Members Aldama, Brooks, Brownell, Busching, Coleman, F. Daniels, T. Daniels, Holmerud, Jackson, Muhammad, Shepard, Viera, and Greathouse in favor and Chair Marchuk abstained.

STAFF COMMENTS REGARDING VPC RECOMMENDATION AND STIPULATIONS:

1. Tracts "C", "H", "I", and "G", as generally depicted on the site plan date stamped January 17, 2024, shall be reserved for open space, as modified by the following stipulations and approved by the Planning and Development Department.
2. The undisturbed hillside area (above 10% per the approved Slope Analysis) shall remain undisturbed and be dedicated with a preservation easement except for Lot 27 and development of private accessways as generally depicted on the site plan date stamped January 17, 2024, as approved by the Planning and Development Department.
3. The existing home on Lot 27 shall remain and any improvements to this lot shall be reviewed and approved through a Hillside/Grading and Drainage Plan by the Planning and Development Department.

4. A physical feature (such as retaining wall, rock wall, etc.) shall be provided along the west and south portions of Tract "J", as generally depicted on the site plan date stamped January 17, 2024, to protect the undisturbed hillside area, as approved by the Planning and Development Department.
5. A minimum of three distinct exterior accent materials for each required standard plan within the subdivision shall be provided, as approved by the Planning and Development Department.
6. If fencing is proposed along the perimeter of the site, the fencing shall be a minimum of 75% view fencing, except on Lots 1, 50, 51, 52, and 53 as depicted on the site plan date stamped January 17, 2024, as approved by the Planning and Development Department. Any perimeter fencing requirement adjacent to the Highline Canal is subject to review and approval of SRP.
7. All landscape setbacks shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
8. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more **AND MAINTAINED**, as approved by the Planning and Development Department.
9. The sidewalk along 36th Street shall be a minimum of five feet in width and detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

10. Prior to preliminary plat approval, documentation shall be provided that demonstrates participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, as approved by the Planning and Development and Water Services departments.

11. A WaterSense inspection report from a third-party verifier shall be submitted that demonstrates successful participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, prior to certificate of occupancy, as approved by the Planning and Development Department.
12. **IN ADDITION TO THE Only** landscape materials listed in the Baseline Area Master Plan Plant List **CERCIDIUM HYBRID (DESERT MUSEUM PALO VERDE), QUERCUS VIRGINIANA (LIVE OAK), AND PISTACIA X 'RED-PUSH (RED PUSH PISTACHE), MAY BE PERMITTED AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT AND** shall be utilized throughout the subdivision including the front, side, and rear yards of individual residential lots. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
13. Landscaping in common areas shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (Smart Controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
14. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
15. Natural turf shall only be utilized on individual single-family lots (behind the front yard); required retention areas (bottom of basin), and functional turf areas within common areas, as approved by the Planning and Development Department.
16. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
17. Swimming pools on individual single-family lots shall be limited to 600 square feet in size.
18. A public connection to the existing 36th Way stub street shall be provided or the existing 36th Way right-of-way shall be terminated per the City of Phoenix termination standards, as required by the Street Transportation Department.
19. An enhanced connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent Highline Canal. The developer shall construct an 8-foot-wide shaded pedestrian pathway consisting

of decorative material such as brick, pavers or alternative material providing at the entryway, as approved by the Planning and Development Department.

20. A sidewalk easement shall be dedicated over a clearly defined pedestrian pathway(s) providing a public connection through the site from the existing 36th Way access point on the northern site boundary to the Highline Canal and the adjacent wash/trail system, as approved by the Planning and Development Department.
21. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
22. All streets within and adjacent to the development shall be constructed 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
23. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport 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.
24. 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.
25. 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.
26. 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.
27. Prior to final 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.

28. **BENCH SEATING SHALL BE PROVIDED NEAR THE WESTERN PEDESTRIAN CONNECTION, LOCATED BETWEEN LOTS 39 AND 50 ON THE SITE PLAN DATE STAMPED JANUARY 17, 2024.**
29. **A SIDEWALK SHALL NOT BE REQUIRED ALONG OPEN SPACE TRACT D.**
30. **AT LEAST 50% OF THE RESIDENTIAL HOMES ABUTTING THE CANAL SHALL BE A MAXIMUM OF ONE STORY OR 15 FEET IN HEIGHT.**
31. **THE APPLICANT SHALL CLOSE OFF THE FORMER ACCESS DRIVE EAST OF THE GROVES AT BASELINE SUBDIVISION BY INSTALLING A SOLID 4-FOOT TALL BLOCK WALL WITH A 2-FOOT VIEW FENCE ATOP, AT THE NORTHEAST CORNER OF THE PROPERTY AND AT THE DRIVEWAY ENTRANCE ALONG BASELINE ROAD, WITH A LOCKED ACCESS GATE ON THE SOUTH END FOR MAINTENANCE AS NEEDED.**
32. **THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY TO THE PHOENIX STREETS AND TRANSPORTATION DEPARTMENT TO DETERMINE THE SCOPE OFFSITE IMPROVEMENTS REQUIRED AT 36th STREET AND BASELINE ROAD.**
33. **THE SUBDIVISION SHALL HAVE NO MORE THAN 61 LOTS.**
34. **EITHER A PUBLIC PEDESTRIAN BRIDGE SHALL BE INSTALLED ACROSS THE HIGHLINE CANAL AT THE PUBLIC SIDEWALK NEAR 36TH STREET, SUBJECT TO APPROVAL BY SRP, OR \$50,000 SHALL BE DEPOSITED WITH THE CITY OF PHOENIX TO SUPPORT THE CITY'S CANAL BANK GUIDELINES ENCOURAGING PUBLIC PEDESTRIAN BRIDGES ACROSS THE CANAL.**
35. **ANY GRADING AND DRAINAGE PLAN SHALL CONSIDER THE IMPACT OF A POTENTIAL BREACH OF THE HIGHLINE CANAL.**
36. **OUTSIDE HOUSE LIGHT BRIGHTNESS SHALL NOT EXCEED 3,000 LUMENS PER FIXTURE.**
37. **THE CONCEPTUAL ELEVATIONS FOR FUTURE DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS, INCLUDING REVIEW AND APPROVAL BY THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE, FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT**

STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING HEARING OFFICER, THE PLANNING AND DEVELOPMENT DEPARTMENT, AND THE GUIDELINES OF SINGLE-FAMILY DESIGN REVIEW.

38. **ANY INVASIVE PLANTS SHALL BE REMOVED BY THE DEVELOPER AND ANY HOMEOWNERS ASSOCIATION.**
39. **NATIVE MATERIALS SHALL BE USED FOR ALL COLUMNS AND WALL.**

Staff has no comments on Stipulation Nos. 8, 12 and 33.

Staff recommends the following modifications:

- Stipulation Nos. 28, 30, 31, 37, 38, and 39 be modified for clarity and technical corrections.
- Stipulation No. 29 be deleted because stipulations cannot eliminate City requirements for sidewalks on private streets.
- Stipulation No. 31 be modified to incorporate technical corrections and additional language for collaborating with the HOA to the north, as they own the land stipulated for the wall installation.
- Stipulation No. 32 be modified to better achieve the intent of the Village Planning Committee recommended stipulation and for consistency with the standard TIS stipulation.
- Stipulation No. 34 be modified to eliminate the requirement for a developer contribution because there is not a current program that implements crossings over SRP canals.
- Stipulation No. 35 be deleted because the review of Grading and Drainage reports is done by City reviewers that are reviewing against specific codified requirements.
- Stipulation No. 36 be modified to provide technical corrections and to make the requirement apply to open space areas. The stipulation is limited to apply to open space areas because the City does not review lighting on private streets or on individual single-family lots as part of the site plan review process.