

PLEASE RESPOND ELECTRONICALLY TO JAZMINE BRASWELL 2ND FLOOR, 602-495-7602



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned **Date:** December 20, 2018
From: Alan Stephenson
Planning & Development Department Director
Subject: **P.H.O. APPLICATION NO. Z-47-17-8** – Notice of Pending Actions by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at its meeting on **January 16, 2019**.
2. Information about this case is available for review at the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Please indicate your course of action, sign and return copy of this notice to the City of Phoenix Planning and Development Department, Zoning Division, 200 West Washington Street 2nd Floor, Phoenix, AZ 85003 by **December 27, 2018**.
 - Will arrange to review case file no later than _____
 - Will resolve problems with the owner and contact you no later than _____
 - We do not anticipate any problems in connection with the cases listed on this subject notice.

Signature

Date

DISTRIBUTION (Electronically):

Mayor's Office (Seth Scott) - 11th Floor
Council District Office (Penny Parrella) – 11th Floor
Aviation (Randy Payne, Molly Monserud, Aviation Planning) – 3400 E. Sky Harbor Blvd
City Manager's Office (Kevin Weight) – Historic Preservation Office
Community & Economic Development (Eric Johnson) – 20th Floor
Fire Prevention (Brent Allsopp) – 2nd Floor
Finance Admin (Barry Page) – 251 W. Washington – 8th Floor
Neighborhood Services (Gregory Gonzales) – 4th Floor
Parks & Recreation (Natasha Hughes) – 16th Floor
Public Transit (Jorie Bresnahan) – 302 N. 1st Ave., Ste 800
Public Transit/Light Rail Project (Mailen Pankiewicz/*Special TOD Only*) – 411 N. Central #200
Public Works (Kristina Jensen, Roxanne Tapia, Ray Dovalina, Rudy Rangel) – 5th Floor
Water Services (Don Reynolds) – 8th Floor
Planning and Development (Alan Stephenson, Joshua Bednarek) – 3rd Floor
Planning and Development/Information Services (Ben Ernyei) – 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri) – 2nd Floor
Planning Commission Secretary (Amanda Murrietta) – 2nd Floor
Village Planner (Elyse DiMartino, South Mountain)
Village Chair (Dr. George Brooks, South Mountain)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-18--Z-47-17

Council District: 8

Request For: Stipulation Modification

Reason for Request: Modification of Stipulation No. 3 regarding the timing of the elevation review by the South Mountain Village Planning Committee.

Owner	Applicant	Representative
19th Ave Partner, LLC & Wireless Devices 7201 E Camelback Rd, Suite 210 Scottsdale AZ 85251 (480) 235-1144 rjellies@citycitycre.com	Richard Jellies, The Lead Group 7201 East Camelback Road, #210 Scottsdale AZ 85251 (480) 235-1144 rjellies@citycitycre.com	David Bohn, Westwood Professional Svcs 6909 East Greenway Parkway, #250 Scottsdale AZ 85254 P: (480) 840-7715 F: rjellies@citycitycre.com

Property Location: Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane

Zoning Map: D-7 Quarter Section: 01-24 APN: 300-17-004L Acreage: 10.56

Village: South Mountain

Last Hearing: CC HEARING

Previous Opposition: No

Date of Original City Council Action: 01/10/2018

Previous PHO Actions: _____

Zoning Vested: R1-10 PRD

Supplemental Map No.: _____

Planning Staff: 065957

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,080.00	\$0.00	11/05/2018		Original Filing Fee

Signature of Applicant: [Signature] FOR RECEIPT DATE: 11/5/18

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>01/16/2019 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	
Action: _____	Action: _____	Action: _____

Project Narrative and Request

Planning Hearing Officer Request:

Bella Rosa is a proposed 32 lot subdivision in the South Mountain Village of the City of Phoenix.

This is a request to modify stipulation 1 associated with Zoning Case Z-47-17-8 as reflected in Zoning Ordinance G-6405 to allow home elevations to be approved prior to final site plan. Since developer is not a home builder, and since getting a builder to commit to a site without civil drawings which will help establish development requirements and costs, developer desires to be able to continue processing civil engineering plans. Not being able to move forward with civil reviews creates an untenable situation whereby the project cannot proceed in any direction.

ORIGINAL STIPULATION 1

Request: **Modify Stipulation 3 as follows. All other stipulations remain unchanged:**

1. The development shall be in general conformance with the site plan date stamped July 28, 2017, as modified by the following stipulations and approved by the Planning and Development Department.
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 ~~preliminary~~ **FINAL** site plan approval.
4. Conceptual elevations shall be reviewed and approved for consistency with the Rio Montana 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.
5. 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 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.
6. 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.
7. 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.

8. 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.

9. 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.

10. 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.

ORDINANCE G-6405

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-47-17-8) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT), R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT), AND R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of an approximately 11.15 acre property located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane in a portion of Section 1, Township 1 South, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District), "R1-10" (Single-Family Residence District), and "R1-18" (Single-Family Residence District) to "R1-10" (Single-Family Residence District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B".

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

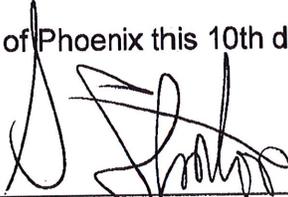
1. The development shall be in general conformance with the site plan date stamped July 28, 2017, as modified by the following stipulations and approved by the Planning and Development Department.
2. All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk 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 preliminary 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.
5. 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 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.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.

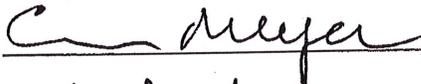
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 10th day of January, 2018.



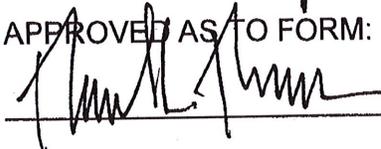
MAYOR

ATTEST:



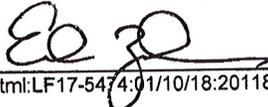
City Clerk

APPROVED AS TO FORM:



Acting City Attorney pm

REVIEWED BY:



City Manager

PL:tml:LF17-5474:01/10/18:2011886v1

Exhibits:

- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-47-17-8

PARCEL NO. 1: (Tax Parcel 300-17-004L)

THE NORTHERLY 396.52 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SOMETIMES DESCRIBED AS THE EAST HALF OF FARM UNIT "H", ACCORDING TO THE FARM UNIT PLAT;

EXCEPT THE EAST 33 FEET THEREOF, AS TO CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2: (Tax Parcel 300-17-004M)

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST HALF OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;

EXCEPT THE NORTHERLY 396.52 FEET; AND

EXCEPT THE SOUTH 590.28 FEET; AND

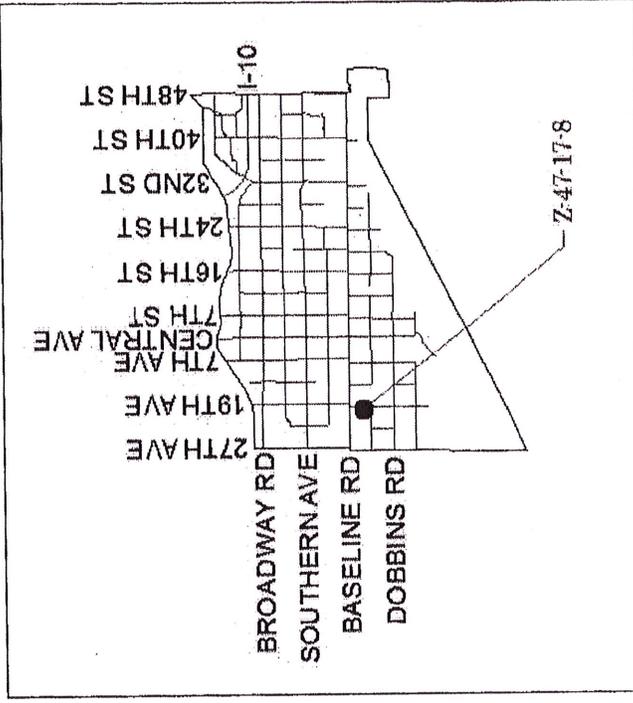
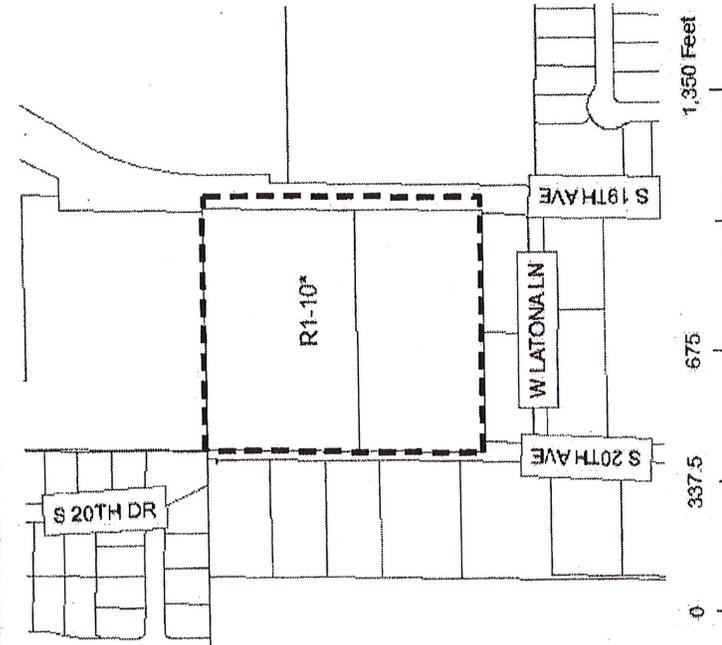
EXCEPT THE EAST 33 FEET AS CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXHIBIT B

ORDINANCE LOCATION MAP

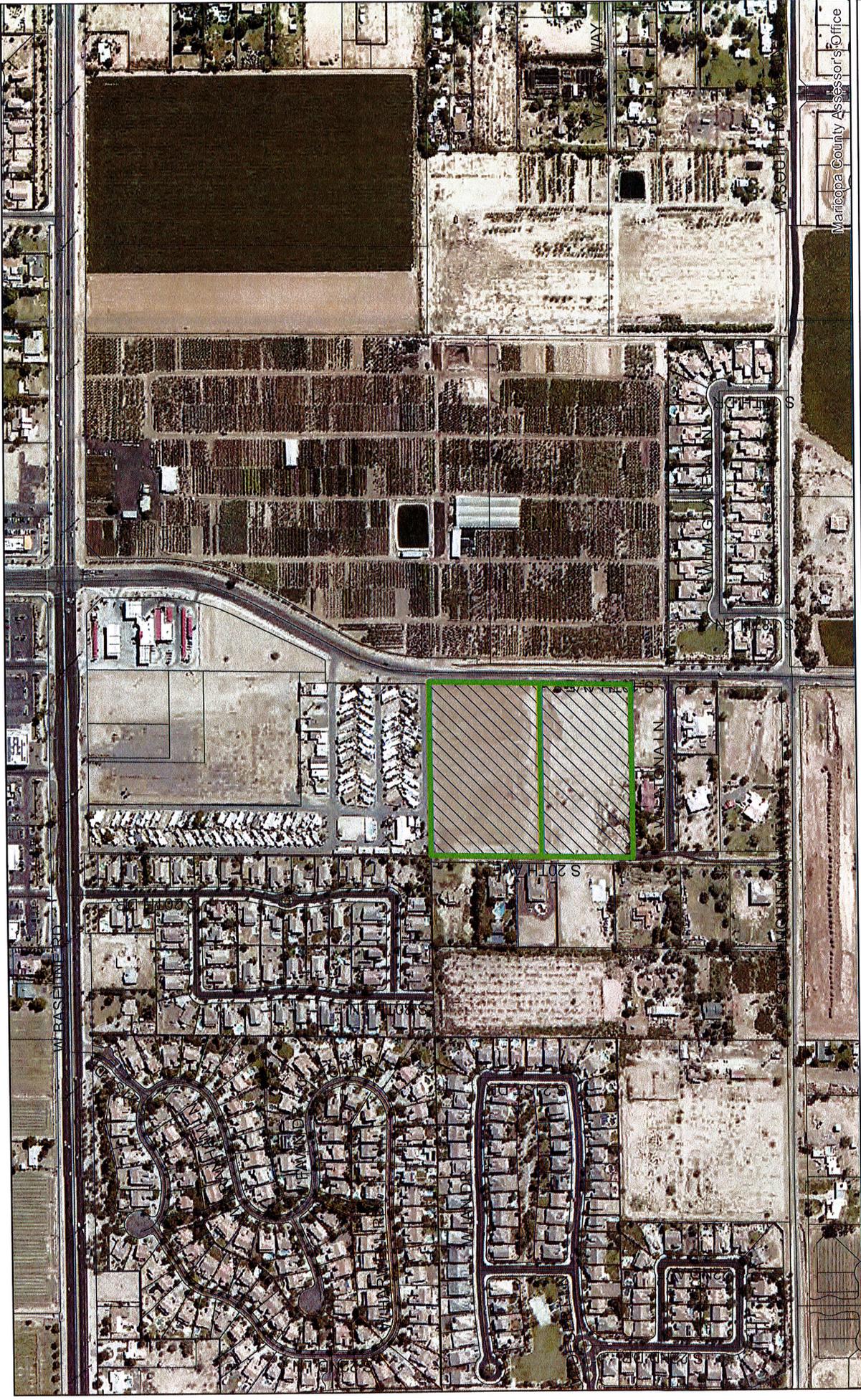
Zoning Case Number: Z-47-17-8
Zoning Overlay: N/A
Planning Village: South Mountain

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



Drawn Date: 12/13/2017

M:\S_Team\Core_Functions\Zoning\SuppMaps_Ord\Map2017_Ord1-10-13\Z-47-17-8.mxd



Maricopa County Assessor's Office

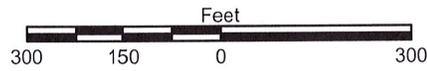
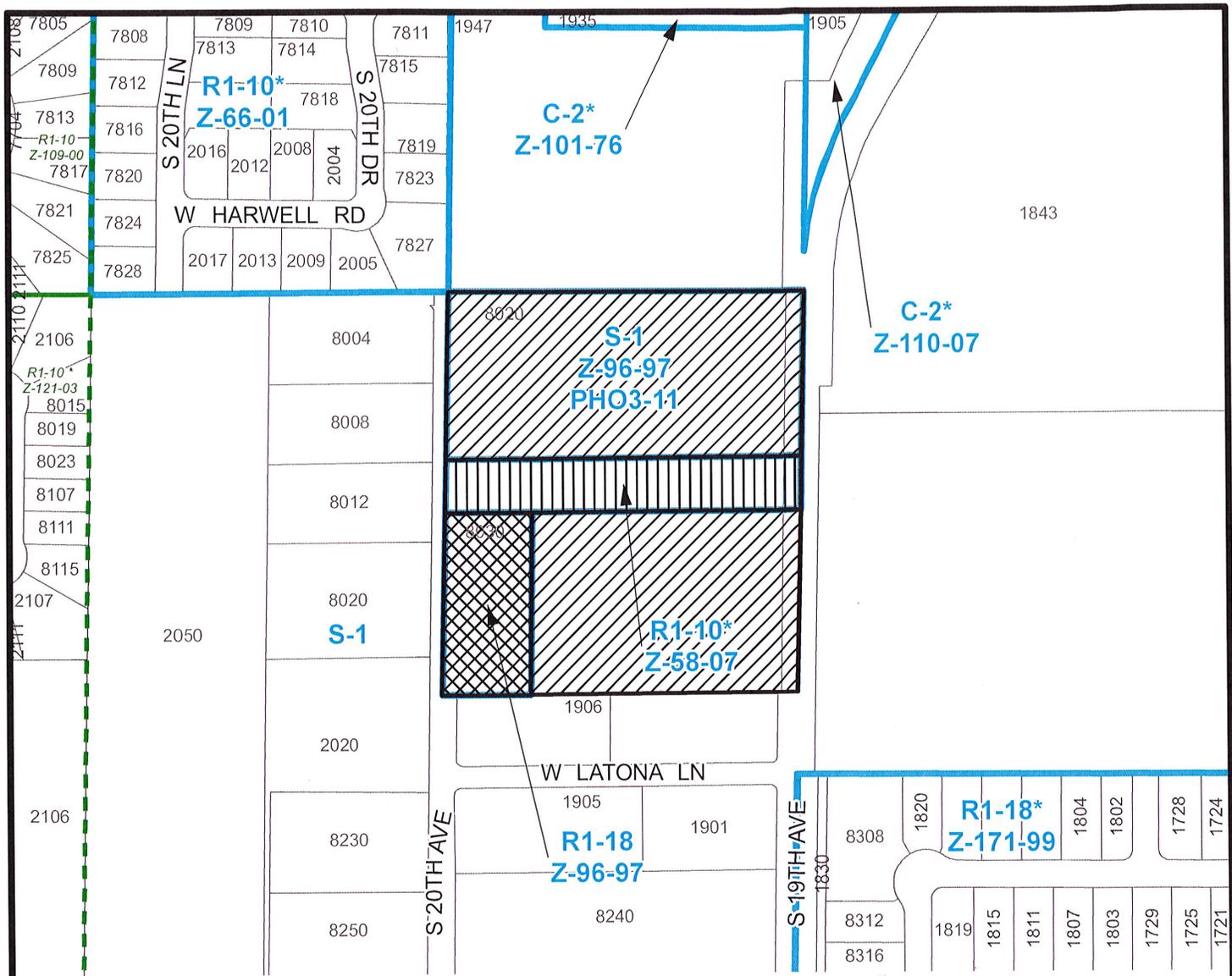
PHO-1-18--Z-47-17-8

Property Location: Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT





SOUTH MOUNTAIN VILLAGE

CITY COUNCIL DISTRICT: 8



Z-47-17

APPLICANT'S NAME: Richard Jellies, The Lead Group

APPLICATION NO. Z-47-17

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

11.15 Acres

MULTIPLES PERMITTED

S-1, R1-10, R1-18
R1-10

DATE: 08/11/2017

REVISION DATES:

AERIAL PHOTO & QUARTER SEC. NO. QS 01-24

ZONING MAP D-7

CONVENTIONAL OPTION

8, 5, 2
39

REQUESTED CHANGE:

- FROM:
- S-1 (8.41 a.c.)
 - R1-10 (1.49 a.c.)
 - R1-18 (1.25 a.c.)

TO: R1-10 (11.15 a.c.)

*** UNITS P.R.D. OPTION**

N/A, 6, 3
50

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



City of Phoenix

**EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY**

PARCEL NO. 1: (Tax Parcel 300-17-004L)

THE NORTHERLY 396.52 FEET OF THE FOLLOWING DESCRIBED PROPERTY: THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SOMETIMES DESCRIBED AS THE EAST HALF OF FARM UNIT "H", ACCORDING TO THE FARM UNIT PLAT; EXCEPT THE EAST 33 FEET THEREOF, AS TO CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2: (Tax Parcel 300-17-004M)

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST HALF OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; EXCEPT THE NORTHERLY 396.52 FEET; AND EXCEPT THE SOUTH 590.28 FEET; AND EXCEPT THE EAST 33 FEET AS CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

No one in attendance wished to provide testimony on Items 133 or 134.

Mayor Stanton closed the Public Hearing from Items 133 and 134.

The hearing was held. A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that this item be adopted per the Planning Commission recommendation.

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 0

134 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-47-17-8 - Approximately 130 Feet North of the Northwest Corner of 19th Avenue and Latona Lane (Ordinance G-6405)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-47-17-8 and rezone the site from S-1, R1-10, and R1-18 to R1-10 for single family residential.

Summary

Application: Z-47-17-8

Current Zoning: S-1, R1-10, and R1-18

Proposed Zoning: R1-10

Acreage: 11.15 acres

Proposal: Single-family residential

Owner: 19th Ave Partner, LLC & Wireless Devices

Applicant: Richard Jellies, The Lead Group, LLC

Representative: David Bohn, Westwood Professional Svcs.

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The South Mountain Village Planning Committee heard the case on Nov. 14, 2017 and recommended approval per the staff recommendation with two additional stipulations by a 14-0 vote.

PC Action: The Planning Commission heard the case on Dec. 7, 2017 and recommended approval per the South Mountain Village Planning Committee recommendation by a 6-0 vote.

Location

Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
Council District: 8
Parcel Addresses: 8020 and 8030 S. 19th Ave.

Discussion

See Item 133.

The hearing was held. A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that this item be adopted per Planning Commission recommendation.

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 0

135 Consideration of Citizen Petition Related to Election Dates

This report provides the City Council with information in response to a citizen petition submitted by Marcus Huey at the Dec. 13, 2017, Formal City Council meeting regarding the dates on which city elections are held (see Attachment A).

Summary

The petitioner requests that "the City Council take action to amend the Charter to comply with the City's current election schedule and relevant state laws."

In 1996, the State Legislature enacted a change to State law specifying the dates on which elections can be held (A.R.S. section 16-204).

According to State law, all elections in Arizona must be conducted on one

Planning Commission Minutes for December 7, 2017

Item #: 5
Application #: Z-47-17-8 (Companion case GPA-SM-3-17-8)
From: S-1
R1-10
R1-18
To: R1-10
Acreage: 11.15
Location: Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
Proposal: Single-family residential
Applicant: Richard Jellies, The Lead Group, LLC
Owner: 19th Ave Partner, LLC & Wireless Devices
Representative: David Bohn, Westwood Professional Svcs.

Ms. Racelle Escolar presented items 4 and 5, and stated that they are related cases and can be heard together, but separate motions are required.

Item #4 is GPA-SM-3-17-8, a request to amend the General Plan Land Use Map for 11.15 acres located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane. The request is to change the land use map designations from Residential 1 to 2 dwelling units per acre to Residential 2 to 3.5 dwelling units per acre.

Item #5 is Z-47-17-8, a request to rezone 11.15 acres located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane. The request is to rezone from S-1 (Ranch or Farm Residence District), R1-10 and R1-18 (Single-Family Residence Districts) to R1-10 to allow single-family residential.

The South Mountain Village Planning Committee recommended approval of the General Plan amendment with a 12-2 vote, and approval, per the staff recommendation and two additional stipulations for Z-47-17-8 with a 14-0 vote. The additional stipulations are for general conformance to the site plan and for elevations to be presented to the village for review and comments prior to preliminary site plan approval.

She stated that staff recommends approval of both GPA-SM-3-17-8 and Z-47-17-8 per the recommendation of the South Mountain Village Planning Committee.

Mr. Richard Jellies stated that the stipulation was for general conformance.

Ms. Escolar stated that the revised site plan recommended by the Village was date stamped July 28, 2017.

Mr. Jellies stated there is a revised site plan date stamped for December 7, 2017.

Ms. Escolar stated that staff has not reviewed the revised site plan date stamped December 7, 2017.

Chairman Johnson explained if the case moved forward it would be based on the existing site plan that the Planning Commission reviewed.

Mr. Jellies explained that the site plans look the same, the first one was a first rough conceptual plan. It was adjusted to the general conformance, and indicated that it be plus or minus 5%. It was suggested to refine the math. Other than that, everything was the exact same with the open space and number of lots. It was a more accurate site plan.

Ms. Escolar stated that staff has concerns with stipulating to the revised site plan since they have not had the opportunity to evaluate it.

Chairman Johnson confirmed that the applicant stated the new site plan was not much different than the prior one, if the case moved forward with the approval of the current site plan, with only a 5% change, it will not impact the overall site plan.

Mr. Jellies stated that was correct.

Ms. Escolar stated that general conformance was typically a 10% change.

Commissioner Glenn asked, for future reference, could the difference be worked out between Planning Commission and the Council Hearing.

Ms. Escolar responded yes, that was correct and staff will have the opportunity to view the site plan after the Planning Commission hearing and potentially create a memo or addendum to update the site plan. However, the Planning Commission decision would have to be appealed in order to be heard at the City Council hearing.

Commissioner Heck made a MOTION to approve Z-47-17-8 as recommended by the South Mountain Village Planning Committee.

Commissioner Winger SECONDED.

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 6-0 (Katsenes, Shank absent.)

* * *

Stipulations:

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED JULY 28, 2017, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

42. 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 PRELIMINARY SITE PLAN APPROVAL.
24. 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.
35. 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 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.
46. 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
57. 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.
68. 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.
79. 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.

810. 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.



Village Planning Committee Meeting Summary Z-47-17-8

Date of VPC Meeting	November 14, 2017
Request From	S-1 (8.40 acres) R1-10 (1.49 acres) R1-18 (1.25 acres)
Request To	R-10 (11.15 acres)
Proposed Use	Single-family residential
Location	Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
VPC Recommendation	Approval, per staff recommendation and two additional stipulations
VPC Vote	14-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Adam Stranieri provided an overview of Rezoning Case No. Z-47-17-8 including zoning maps, aerial photographs, and the conceptual site plan. He noted that the conceptual site plan consisted of 32 lots arranged on four cul-de-sacs, with ingress and egress to the community provided on a local street intersecting 19th Avenue. He noted that open space is planned along the western boundary and is intended to provide a buffer between existing single-family homes to the west. He noted that staff stipulations include requirements for detached sidewalks, a landscape strip, Planning Hearing Officer review of conceptual elevations, perimeter fencing consistent with the design guidelines in the Rio Montana Area Plan, and right-of-way dedications.

Richard Jellies, applicant with the Lead Group, presented a conceptual landscape plan, site plan, aerial photographs, and context photographs. He noted that the proposal would allow the redevelopment of a vacant parcel with blighted conditions. He stated that the site would create a visual buffer for existing homes in the surrounding area from blighted properties to the north. He stated that the proposed site plan would allow a variety of lot sizes and varied lot orientation, which would add to the visual interest of the site.

Patrick Brennan asked if the conceptual site plan had changed since the initial application submittal. **Mr. Jellies** stated that the site plan had not changed since submittal of the application, however it did reflect numerous revisions to earlier versions made in response to public comments gathered before filing the application.

Marcia Busching noted that the property is adjacent to a mobile-home subdivision to the north and asked for an overview of City regulations regarding this land use. **Mr.**

Stranieri responded that the majority of mobile-home subdivisions in the City of Phoenix were either constructed before annexation into the City or have Special Permits allowing their continued operation. He stated that they are no longer permitted uses in any zoning district and that existing developments are subject to Zoning Ordinance standards regarding legally non-conforming uses.

Sara Christopherson asked for clarification regarding whether the applicant would be able to utilize the density bonus provision in the R1-10 zoning district. **Mr. Stranieri** responded that they would be able to utilize this if the project was developed as a Planned Residential Development (PRD). He noted that density bonuses require the provision of select design elements identified in the Zoning Ordinance.

Mr. Brennan asked if the internal streets would be public or private and if a non-vehicular access easement (NVAE) would be recorded on the west property line. **Mr. Jellies** stated that the streets would be public and that there was not a current plan to record an NVAE.

Mr. Jellies stated that the project would be designed to incorporate design elements from the Rio Montana Area Plan, including those elements called for in staff stipulations.

Barbara Kutnick asked if the project would utilize block walls for perimeter fencing. She stated that block walls are not aesthetically pleasing and that she would prefer the use of alternative fencing as required by the design guidelines in the Mixed-Use Agricultural zoning district. **Mr. Jellies** stated that perimeter fencing around the open space area would be view fencing or have a rural and agricultural character as required by staff stipulations. He noted that perimeter fencing on 19th Avenue and on shared interior property lines would be block.

David Castello asked if the open space area would be accessible to residents on adjacent properties. **Mr. Jellies** stated that the proposed design of the open space area would be accessible to residents of the property as well as from adjacent homes. He stated that in compliance with staff stipulations, fencing in this area would include view fencing. He noted that the community would not be gated and would include development of public streets.

Ms. Christopherson asked for clarification of current grading on the site and expressed concern that the site may be higher than surrounding properties. **Mr. Jellies** stated that the subject site is graded slightly higher than properties to the west and is comparable in grade to the adjacent mobile home park and properties to the east and south.

Mr. Brennan asked if the City's floodplain reviewers had evaluated the request. **Mr. Jellies** stated that they had reviewed the rezoning case and that the project would comply with all City requirements for conveying water and retention.

Mr. Brennan asked if the project could be developed in a layout that varied from the presented site plan. He asked why staff had not recommended general conformance

with the site plan. **Mr. Stranieri** noted that staff typically stipulates general conformance to a site plan if there are unique design considerations that exceed Zoning Ordinance requirements. He stated that staff's recommendation in this request is to stipulate specific design elements. He stated that if the request is approved per the staff recommendation, the applicant could redesign the site layout in compliance with Zoning Ordinance standards. **Mr. Brennan** expressed concern that the layout could vary dramatically from the presented plan. He asked if the Committee could stipulate general conformance to the site plan. **Mr. Stranieri** responded that the Committee could motion to recommend adding this requirement as an additional stipulation.

Ms. Busching asked if the staff's recommendation regarding Planning Hearing Officer review of conceptual elevations would require a hearing by the Village Planning Committee. **Mr. Stranieri** stated that Planning Hearing Officer cases are routed to the Chair of the applicable Village Planning Committee who have the discretion to determine if the case should be heard by the Committee. **Ms. Busching** asked if the Committee could recommend an additional stipulation requiring the applicant to present conceptual elevations to the Village Planning Committee for review and comment. **Mr. Stranieri** responded that they could.

Dr. George Brooks stated that he appreciated the attempt to incorporate different lot sizes on the site plan and provide adequate fire truck access to the site. He suggested that the applicant consider opportunities to employ sustainable development methods in developing the site.

Tanis Earle, a member of the public expressing no position on the request, asked if the applicant would be required to underground existing utilities on the site. She also asked that the applicant consider retaining any existing water or irrigation rights on the property. **Mr. Jellies** responded that they would be required to underground all 12kv lines and an SRP ditch per City requirements. He stated that another City regulation required him to cede water rights to the City as a condition of receiving City service. **Ms. Earle** stated that not relinquishing water rights would benefit the sustainability of the property.

MOTION

Gene Holmerud made a motion to recommend approval of the request per the staff recommendation. **Stephen Glueck** seconded the motion.

Patrick Brennan offered a friendly amendment to the motion to add two additional stipulations as follows:

- 1) The development shall be in general conformance with the site plan date stamped July 28, 2017, as modified by the following stipulations and approved by the Planning and Development Department.
- 2) Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to preliminary site plan approval.

Gene Holmerud accepted the friendly amendment. **Stephen Glueck** seconded the amended motion.

VOTE

14-0 Motion to recommend approval of the request per the staff recommendation with two additional stipulations passes unanimously.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Staff has no concerns regarding the recommendation and recommends the following stipulation language and order:

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED JULY 28, 2017, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. All sidewalks shall be detached with a minimum 5-foot wide landscaped strip
~~4.~~ 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 PRELIMINARY SITE PLAN APPROVAL.
4. Conceptual elevations shall be reviewed and approved for consistency with the
~~2.~~ 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.
5. The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot
~~3.~~ offsets at a minimum spacing of every 50 feet and material and textural differences, such as 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.
6. Fence and wall materials adjacent to common areas and open space as
~~4.~~ 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

7. 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.
8. 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.
9. 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.
10. 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.