



City of Phoenix

Staff Report: PHO-2-23--Z-73-01-6(8)

- APPLICATION #:** PHO-2-23--Z-73-01-6(8)
- LOCATION:** Approximately 275 feet south of the southwest corner of 32nd Street and Baseline Road
- EXISTING ZONING:** MUA BAOD
- ACREAGE:** 4.6
- REQUEST:**
- 1) Request to modify Stipulation 1.a regarding general conformance with the site plan dated August 27, 2001.
 - 2) Request to modify Stipulation 1.b regarding a detached sidewalk.
 - 3) Request to delete Stipulation 1.c regarding commercial building height.
 - 4) Request to modify Stipulation 1.d regarding a Homeowners Association.
 - 5) Request to modify Stipulation 1.f regarding interior perimeter walls.
 - 6) Request to delete Stipulation 1.g regarding parking stalls.
 - 7) Request to delete Stipulation 2.1a regarding commercial building elevations.
 - 8) Request to modify Stipulation 2.2a regarding one-story houses.
 - 9) Request to modify Stipulation 2.2b regarding floor plans.
 - 10) Request to delete Stipulation 3 regarding Streets and Rights-of-Way.
 - 11) Request to modify Stipulation 4.a regarding a 25-foot easement on the west side of 32nd Street.
 - 12) Technical corrections to Stipulation 4.b.
 - 13) Request to modify Stipulation 5.a regarding South Mountain Village Planning Committee notification.
 - 14) Request to delete Stipulation 5.b regarding construction commencement.

APPLICANT: Baseline & 32nd, LLC/CG6, LLC

OWNER: Baseline & 32nd, LLC/CG6, LLC

REPRESENTATIVE: William F. Allison, Withey Morris Baugh, PLC

STAFF RECOMMENDATION

Denial as filed, approval with modifications and additional stipulations, as recommended by the Planning Hearing Officer (PHO).

PLANNING HEARING OFFICER RECOMMENDATION

The Planning Hearing Officer heard the request on December 20, 2023, and recommended denial as filed, approval with modifications and additional stipulations.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The South Mountain Village Planning Committee (VPC) reviewed the request on December 12, 2023. The VPC recommended approval with a modification and additional stipulations by a vote of 11-0.

BACKGROUND/ANALYSIS

The subject site consists of 4.6 gross acres located approximately 275 feet south of the southwest corner of 32nd Street and Baseline Road and is zoned MUA BAOD (Mixed Use Agricultural District, Baseline Area Overlay District). A 10-lot single-family residential subdivision is proposed on the site. The applicant is requesting the following modifications:

- Modification of Stipulation 1.a regarding general conformance with the site plan dated August 27, 2001. Commercial development was proposed on the subject site on the originally stipulated site plan. The applicant's narrative (Exhibit B) notes that the modification would continue to support the stipulated open space requirements and some open space elements are not applicable to this case.
- Modification of Stipulation 1.b regarding a detached sidewalk. The modification would provide a detached sidewalk on one side of the private streets. The applicant's narrative (Exhibit B) notes that the size and shape of the parcel limits the ability to provide detached sidewalks on both sides of the private street and all homes will have easy access to the proposed detached sidewalk.
- Deletion of Stipulation 1.c regarding commercial building height. The narrative (Exhibit B) notes that the stipulation is not applicable to the parcel.

- Modification of Stipulation 1.d regarding a Homeowners Association. The narrative (Exhibit B) notes the Homeowners Association will maintain all common areas for the development.
- Modification of Stipulation 1.f regarding interior perimeter walls. The applicant's narrative (Exhibit B) notes the modification is tailored to the subject parcel and removes items that are not applicable.
- Deletion of Stipulation 1.g regarding parking stalls. The applicant's narrative (Exhibit B) notes the stipulation is not applicable to the parcel.
- Deletion of Stipulation 2.1a regarding commercial building elevations. The applicant's narrative (Exhibit B) notes the stipulation is not applicable to the parcel.
- Modification of Stipulation 2.2a regarding one-story houses. The applicant's narrative (Exhibit B) notes the stipulation addressed the now built neighborhood on the east side of 32nd Street. The proposed development will be subject to the revised stipulation and design guidelines of the MUA and BAOD Districts. The narrative states elevations will be presented to the VPC for review before preliminary site plan approval.
- Modification of Stipulation 2.2b regarding floor plans. The applicant's narrative (Exhibit B) notes the stipulation addressed the now built neighborhood on the east side of 32nd Street. The proposed development will be subject to the revised stipulation and design guidelines of the MUA and BAOD districts. The narrative states elevations will be presented to the VPC for review before preliminary site plan approval.
- Deletion of Stipulation 3 regarding Streets and Rights-of-Way. The applicant's narrative (Exhibit B) notes the stipulation is not applicable to the parcel.
- Modification of Stipulation 4.a regarding a 25-foot easement on the west side of 32nd Street. The applicant's narrative (Exhibit B) notes the modification removes "Baseline Road" from the stipulation, as the subject parcel has no Baseline Road frontage.
- Technical Correction for Stipulation 4.b to correct a department name.
- Modification of Stipulation 5.a regarding VPC notification. The applicant's narrative (Exhibit B) notes the variance process is quasi-judicial and not available for VPC review or comment.

- Deletion of Stipulation 5.b regarding construction commencement. The applicant's narrative (Exhibit B) notes the development of the neighborhood on the east side of 32nd Street satisfied Stipulation 5.b.

On December 21, 2023 the PHO recommendation was appealed by a community member, Trent Marchuk (Exhibit A). The appellant requested that Stipulation 8, recommended at the December 12, 2023 VPC meeting (Exhibit H), be reinstated. He argues that precedence exists for making specific presumptions listed in Section 649 of the Zoning Ordinance as stipulated requirements. He argues if stipulation language must be altered, it shall retain the intention of preserving the aesthetics and character of the MUA District.

PREVIOUS HISTORY

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

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

NEIGHBORHOOD CONCERNS

Public Correspondence

- No public correspondence was received for this case.

GENERAL PLAN LAND USE MAP DESIGNATION

Mixed Use Agricultural

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	MUA BAOD	Vacant land
North: (Adjacent)	MUA BAOD	Vacant land (proposed commercial development)
East: (Across 32nd Street)	MUA BAOD	Single-Family Residential
South: (Across Harwell Road)	R1-14 BAOD	Single-Family Residential
West: (Adjacent)	R1-10 BAOD R1-14 BAOD	Single-Family Residential

PLANNING HEARING OFFICER FINDINGS

- 1) The request for modification of Stipulation 1.A regarding general conformance to a conceptual site plan is recommended to be approved with a modification. The request for review and approval of conceptual site plan per Stipulation 1 has been complied with and text was eliminated that pertained to the previously approved plan. The recommendation is therefore to approve the plan and modify the existing Stipulation 1 to replace the existing language with a standard language general conformance stipulation to the site plan. At the request of the South Mountain Village Planning Committee, the PHO has also added general conformance to the landscape plan. The site plan and landscape plan are date stamped November 1, 2023. The reason for the addition of the landscape plan is in response to the Committee’s concerns that the high quality landscaping shown at the hearing would not be submitted during the site pan review.

- 2) The request to Modify 1.B is approved with a modification. This stipulation is now written with updated language and location specificity. The small size and irregular shape of the subject parcel limits the ability to provide, and need for, detached sidewalks on both sides of the private street. All homes will have easy access to the detached sidewalk proposed for the east portion of the project to access the open space area and to exit the neighborhood to 32nd Street.

- 3) The request to delete Stipulation 1.c regarding the height of commercial buildings is approved. This Stipulation is no longer pertinent considering the new Site Plan and residential nature of the project.

- 4) The request to modify Stipulation 1.d is approved. An HOA will be responsible to maintain all common areas on site, which are different than those installed in the neighborhood across 32nd Street and listed in stipulation 1.a.
- 5) The request to modify Stipulation 1.f is approved with a modification. This modification specifies the location of solid walls as it pertains to this request. The modification also removes the language referencing the previous zoning case.
- 6) The request to modify Stipulation 1.g regarding parking stalls is actually a request to delete the stipulation in its entirety. This request is approved due to the fact that the specific number of parking stalls is a leftover from the previous zoning case.
- 7) The request to delete Stipulation 2.1a regarding commercial building elevations is approved as it is not applicable to this proposal.
- 8) The request to modify Stipulation 2.2a regarding one-story houses is approved. The intent of the stipulation was to prepare for the neighborhood being built to the south by staggering the height of the houses, however, the neighborhood is already built.
- 9) The homes will be subject to the proposed, revised stipulation and to design guidelines of the MUA and BAO districts. The owners will not develop elevations for the project until this application is concluded and the applicant agrees the Village Planning Committee needs the opportunity to review the elevations before preliminary site plan approval.
- 10) The request to delete all of Stipulation 3 is denied as filed. Staff recommends the Stipulation 3.f. remain as written due to it being a standard stipulation for all rezones requiring all streets within and adjacent to a development, both public and private, be constructed to City of Phoenix and ADA standards. The stipulation still applies to this site as it requires all streets needing to be built with this development to be constructed to City of Phoenix standards. Stipulation 3.f will become 3.a.
- 11) The request to modify Stipulation 4.a regarding a 25-foot easement on the west side of 32nd Street is approved. The location of the easement has been specified to the current project.
- 12) The technical correction to remove the Library Department from the stipulation has been approved.
- 13) The request to modify Stipulation 5.a regarding South Mountain Village Planning Committee notification is approved.
- 14) The request to delete Stipulation 5.b regarding construction commencement is approved.

- 15) An additional Stipulation was added at the request of the South Mountain Village Planning Committee to provide pedestrian access to the development to the north. This is intended to connect the two developments.
- 16) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.
- 17) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	<u>Site Planning:</u>	
	a.	<p>That The development shall be in general conformance with the site plan and landscape plan dated STAMPED NOVEMBER 1, 2023 August 27, 2004, AS APPROVED OR MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA as may be approved by DSD, and represented by:</p> <ul style="list-style-type: none"> • A circular open space tract in the residential area. • Linear pedestrian tracts in the east and south connecting to adjacent properties. • A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.
	b.	<p>A DETACHED SIDEWALK, SEPARATED FROM THE CURB BY landscaped tree lined strips that run SHALL BE PLACED along both sides ONE SIDE of all local THE PRIVATE STREETS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.</p>
	c.	<p>That the height for commercial buildings be limited to one story along Baseline Road, as specified on the site plan.</p>

	d. c.	That A Homeowners Association (HOA) be created to maintain all COMMON areas specified in 1.a).
	e. d.	That A design for the gated entry for the residential area shall be provided to the PHO for review prior to Preliminary Site Plan approval.
	f. e.	That Solid walls SHALL be allowed on the interior perimeter walls BUT (east and south) not the walls along 32nd Street. or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.
	g.	That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.
2.	<u>Building Design:</u>	
	2.1 Commercial Buildings	
	a.	That the applicant shall submit detailed elevations of the commercial buildings detailing the open areas between the buildings. These connections shall be made through “transparent” type of architectural elements working as shading devices. These elements may include arcades, ramadas, isolated decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan approval.
	2.2 2.1 Residential Buildings	
	a.	That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.
	b.	The DESIGN OF THE HOMES SHALL floor plans shall be consistent with the elevations that reflect a rural design AND SHALL BE REVIEWED AND APPROVED BY THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE BEFORE PRELIMINARY SITE PLAN APPROVAL based on the “Tuscan Architecture” style illustrated by the applicant.
3.	<u>Streets and Rights-of-Way:</u>	

	a.	That a right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.
	b.	That right-of-way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 foot of right-of-way planned for 32nd Street on the south side of Baseline. Additional improvements may be required to accommodate left turn access to the proposed driveways.
	c.	That a 21 foot by 21 foot right-of-way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.
	d.	That sufficient right-of-way shall be dedicated to accommodate a bus bay (Detail P-1256) on Baseline Road east of 32nd Street (new realignment).
	e.	That rights-of-way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.
	f. a.	That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
	g.	The applicant shall complete and submit the Developer Project Information form for the MAG Transportation Improvement Program to the Street Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clean air quality requirements.
	h.	That sufficient right-of-way must be provided for a underground tunnel crossing Baseline Road running on the west side of the 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right-of-way should be approximately 100 feet by 50 feet from the right-of-way of Baseline Road, at the southwest corner of Baseline Road and 32nd Street (realignment).
4.	ARCHAEOLOGY:	

	a.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
	b.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
	c.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
4. 5.	<u>Trails:</u>	
	a.	That a 25 foot easement shall be provided on the west side of 32nd Street and along Baseline Road to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, Recreation and Library Department for final approval.
	b.	That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be used across the entire width of the street or driveway. The alternative paving material and the material used at the street/trail interface shall be acceptable to the Parks, AND Recreation and Library Department and Street Transportation Department.
5. 6.	<u>Other Issues:</u>	

	a.	That upon approval of this request by City Council, the South Mountain Village Planning Committee will be notified of any subsequent modifications and/or deletions of stipulations and/or variances.
	b.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
	b.	That the development shall commence construction with 24 months of the rezoning request approval by City Council.

Exhibits:

- A- Appeal Document (8 pages)
- B- Applicant's Narrative date stamped November 1, 2023 (24 pages)
- C- Aerial Map (1 page)
- D- Zoning Map (1 Page)
- E- Approval Letter from Rezoning Case No. Z-73-01-8 (3 pages)
- F- Sketch Map from Rezoning Case No. Z-73-01-8 (1 page)
- G- South Mountain VPC Summary from December 12, 2023 (10 pages)
- H- PHO Summary for PHO-2-23—Z-73-01-6(8) from December 20, 2023 (9 pages)
- I- Stipulated Site Plan dated August 27, 2001 (1 page)
- J- Proposed Site Plan date stamped November 1, 2023 (2 pages)

EXHIBIT A
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"

Reason for Appeal

PHO-2-23--Z-73-01-6(8)

- The substance of stipulation #8 is requested to be reinstated
 - Precedence exists for making specific Presumptions listed in Section 649 as stipulated Requirements; this practice has existed in the MUA District for years, has been approved by City Council, and even been built accordingly. For example:
 - GPA-SM-1-15-8 "The Arbors", and related cases
 - Z-50-16n "Gardener's Enclave", and related cases
 - GPA-SM-1-20-8 "The Sanctuary", and related cases
 - ZA-209-21, "Dunkin' Donuts", and related cases
 - If stipulation language must be altered to retain the intention of preserving the aesthetics and character of the MUA, please stipulate to suitable alternative language

PHO hearing today

Wed, Dec 20, 2023 at 12:08 PM

mib@cardof.com, smib@cardof.com, [Trent Marchuk \(trentchristopher@gmail.com\) <trentchristopher@gmail.com>](mailto:Trent Marchuk (trentchristopher@gmail.com) <trentchristopher@gmail.com>), Regena Custalson <RegenaCustalson@leannormortgage.com>, Tamala Daniels <hastophdiving@gmail.com>, Ad Greathouse <greathouse@megaloscapital.com>, adgreathouse@megaloscapital.com

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

To summarize:




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

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

Marcia Busching

(602) 980-2362

3 attachments

-  **Village approved Stips for Starbucks property 11-14-23.pdf**
59K
-  **Village approved stips for residential 32nd street MUA BAOD property 12-12-23.pdf**
161K
-  **Notice of PHO hearing 12-20-23.pdf**
171K

development team can commit to coming back to the VPC to allow them to influence the final design of the elevations.

Committee Member Marchuk stated that he would like to work collaboratively with the development team on getting the elevations to comply with MUA design requirements when they come back, stated that the VPC should add a stipulation to elevate all presumptions in 649.J to requirements, and stated if there are any presumptions the development team wants to strike they can be negotiated when the development team comes back for approval of the elevations. **Mr. Baugh** stated that he has not analyzed all of the presumptions in 649.J and stated that the code uses presumptions and requirements because every presumption may not make sense with every circumstance. **Committee Member Shepard** asked if Committee Member Marchuk was suggesting to elevate every presumption in the MUA district to a requirement and stated the presumptions that apply to the elevations should be elevated to requirements. Committee Member Marchuk stated that he is suggesting that only the presumptions in the design section of MUA district be elevated to requirements and agreed that only the presumptions applicable to elevations should be elevated to requirements. **Committee Member Brownell** stated that this would be a good compromise. Mr. Baugh stated that he does not think the elevation of all presumptions in 649.J should be put on the project without doing the proper analysis. Committee Member Marchuk stated that the VPC should have had the actual proposed elevations before the development team ever came to the VPC.

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

MOTION

Committee Member Busching made a motion to recommend approval of PHO-2-23--Z-73-01-6(8) with a modification and additional stipulations. **Committee Member Shepard** seconded the motion.

VOTE

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

VPC RECOMMENDED STIPULATIONS:

- 1.a. The development shall be in conformance with the site plan dated stamped
Nov 11 _____ August 27, 2001, with specific regard to areas to be counted towards
approximation of the 50% open space requirements in the MUA, as may be
approved by the PLANNING & DEVELOPMENT DEPARTMENT, and
represented by:

- ~~A circular open space tract in the residential area.~~

- ~~Linear pedestrian tracts in the east and south connecting to adjacent properties.~~
- ~~A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.~~

OK

upgraded
10/11/11

1.b. A DETACHED SIDEWALK SEPARATED FROM THE CURB BY A LANDSCAPED landscaped-tree lined strips SHALL BE PLACED ~~that run~~ along ONE ~~both~~ sides of THE ~~all~~ PRIVATE local streets, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT ~~in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.~~

OK

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

OK

1.d. That a Homeowners Association (HOA) be created to maintain all COMMON areas specified ~~in 4A.~~

1.e. That a design for the gated entry for the residential area shall be provided to the PHO for review prior to preliminary site plan approval.

OK

1.f. That solid walls be allowed on the interior perimeter walls (east and south) ^{but} not the walls along 32nd Street or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.

OK

1.g. That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.

OK

2.1.a. That the applicant shall submit detailed elevations of the commercial buildings detailing the open areas between the buildings. These connections shall be made through "transparent" type architectural elements working as shading devices. These elements may include arcades, ramadas, isolated decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan Approval.

OK

2.2.a. That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.

OK

2.2.b. The DESIGN OF THE HOMES SHALL floor plans shall be consistent with the elevations that reflect a rural design, AND SHALL BE REVIEW AND APPROVED BY THE SOUTH MOUNTAIN VILLAGE PLANNING

And design
guidelines
of BOAA
& MUA

COMMITTEE BEFORE PRELIMINARY SITE PLAN APPROVAL based on the "Tuscan Architecture" style illustrated by the applicant.

- 3.a. That a right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.
- 3.b. That right-of-way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 foot of Right-of-Way planned for 32nd Street on the south side of Baseline. Additional improvements may be required to accommodate left turn access to the proposed driveways.
- 3.c. That a 21 foot by 21 foot right of way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.
- 3.d. That sufficient right of way shall be dedicated to accommodate a busbay (Detail P-1256) on Baseline road east of 32nd Street (new realignment).
- 3.e. That rights-of-way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.
- 3.f. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the city. All improvements shall comply with all ADA accessibility standards.
- 3.g. The applicant shall complete and submit the Developer Project Information form for the MAG Transportation Improvement Program to the Street Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clean air quality requirements.
- 3.h. That sufficient right of way must be provided for a underground tunnel crossing Baseline Road running on the west side of the 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right of way should be approximately 100 feet by 50 feet from the right of way of Baseline Road, at the SWC of Baseline Road and 32nd Street realignment.
- 4.a. That a 25 foot easement shall be provided on the west side of 32nd Street and along Baseline Road to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, Recreation and Library Department for final approval.

ok to others

keep in

30' wide
10' wide
Make
Add in

4.b. That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be used across the entire width of the street or driveway. The alternate paving material and the material used at the street/trail interface shall be acceptable to the Parks, Recreation and Library Department and Street Transportation Department.

OK

5.a. That upon approval of this request by City Council, the South Mountain Village Planning Committee will be notified of any subsequent modifications and/or deletion of stipulations and/or variances.

OK

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

OK

6. ACCESS TO THE PROJECT TO THE NORTH SHALL BE REQUIRED SUBJECT TO ADA STANDARDS.

OK

7. THE LANDSCAPING FOR THE PROJECT SHALL BE EQUAL TO OR BETTER THAN THE LANDSCAPE DESIGN SHOWN ON THE LANDSCAPE PLAN DATED AUGUST 7, 2023, OR AS REQUIRED BY OTHER CITY CODE, WHICH EVER IS GREATER.

Open conform. laws instead

8. ALL THE PRESUMPTIONS OF ~~MIXED USE AGRICULTURAL DISTRICT~~ SECTION 649.J BE CHANGED TO REQUIREMENTS, AS APPLICABLE TO THE ELEVATIONS.

Residential

No

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

VPC PROPOSED STIPULATION NO. 6

PEDESTRIAN ACCESS SHALL BE PROVIDED TO THE DEVELOPMENT TO THE NORTH, SUBJECT TO ADA STANDARDS AND AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.

Staff comment: The intention of the Village Planning Committee (VPC) was to require a pedestrian access point to the development to the north in alignment with the VPC recommended stipulation on PHO-1-23--Z-73-01-6(8). The applicant sited concerns about being able to provide and ADA accessible path due to the grade difference of the subject site and site to the north.

VPC PROPOSED STIPULATION NO. 7

THE LANDSCAPING FOR THE PROJECT SHALL BE EQUAL TO OR BETTER THAN THE LANDSCAPE DESIGN SHOWN ON THE LANDSCAPE PLAN DATED

Arch. stip.

Prop Dist

AUGUST 7, 2023, OR AS REQUIRED BY OTHER CITY CODE, WHICH EVER IS GREATER.

Staff comment: The intention of the stipulation was to require general conformance with the landscape plan dated August 7, 2023 unless the underlying zoning requirements are greater. The MUA zone requires the following planting standards:

Streetscape standards:

- Min. 2-inch caliper (50% of required trees)
- Min. 3-inch caliper or multi-trunk tree (25% of required trees)
- Min. 4-inch caliper or multi-trunk tree (25% of required trees)

Perimeter property lines (not adjacent to a street):

- Min. 2-inch caliper (60% of required trees)
- Min. 1-inch caliper (40% of required trees)

Adjacent to a building:

- Min. 2-inch caliper (60% of required trees)
- Min. 1-inch caliper (40% of required trees)

VPC PROPOSED STIPULATION NO 8.

ALL PRESUMPTIONS APPLICABLE TO THE ELEVATIONS IN SECTION 649.J OF THE ZONING ORDINANCE SHALL BE ELEVATED TO REQUIREMENTS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Staff comment: The VPC wanted to ensure that any applicable presumptions regarding the design of the elevations were not overcome administratively.

EXHIBIT B
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"



WITHEY
MORRIS
BAUGH

CITY OF PHOENIX

NOV 01 2023

Planning & Development
Department

October 31, 2023

VIA HAND DELIVERY

Byron Easton
Phoenix Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: Stipulation Modification Request - Z-73-01 - South of the SWC 32nd Street and Baseline Road

Dear Planning Hearing Officer Easton:

This firm represents Baseline & 32nd, LLC, and CG6, LLC, the "Owners" of a 4.62 gross acre parcel approximately 300 feet south of the southwest corner of 32nd Street and Baseline Road, Phoenix. Although no address is associated with the parcel, it is known as Maricopa County Parcel No. 301-23-119A (the "Property"), which is highlighted on the aerial parcel map attached at **Exhibit A**. The Owners propose to develop the Property with a 10 lot, detached single family neighborhood, which requires modification of stipulations from rezoning case Z-73-01, as explained below.

BACKGROUND

The City Council approved rezoning of the Property from S-1/Suburban Ranch to Mixed Use Agriculture on October 31, 2001. At that time, the Property was part of a 30.2 acre parcel at the southeast corner of 32nd Street and Baseline Road; the city corrected the Baseline offset of 32nd Street after 2001, which relocated a portion of 32nd Street south of Baseline Road to its current alignment. The official rezoning case map and a 2023 Maricopa County aerial photograph of the land included in Z-73-01 are shown in attached **Exhibit B**. To date, the only development in the area included in the rezoning case is the neighborhood directly east of the Property.

The site plan presented and approved with Z-73-01, attached at **Exhibit C**, anticipated realignment of 32nd Street and proposed office, restaurant, and retail uses along Baseline Road and west of 32nd Street. Although developers have floated various commercial proposals for the land addressed in the initial zoning case, none of those projects has come to fruition. As noted, the only development completed pursuant to Z-73-01 is the gated community across 32nd Street from the Property, which is known as Village at South Mountain.

Just over one week after the City Council approved Z-73-01, the Zoning Adjustment Hearing Officer heard and approved a series of variances for the land covered in the rezoning case. As the Hearing Officer did not tie his approval to a stipulated site plan, the variances apply to the entire area considered in the rezoning and zoning adjustment cases. Three of the approved variances are important and applicable to the proposed residential development of the Property, as follows:

P: 602.230.0600
F: 602.212.1787

wmbattorneys.com
info@wmbattorneys.com

2525 E Arizona Biltmore Circle, Suite A-212
Phoenix, AZ 85016

- Density of 2.25 du/acre is allowed.
- Residential side and rear setbacks no less than the building and garage setbacks of the R1-10 district apply.
- Maximum 35 percent lot coverage allowed on all residential lots.

The approval, findings, and hearing summary for ZA-690-01-6 are attached at **Exhibit D**.

PROPOSAL

The Owners propose to develop 10 homes along a private street with access only to 32nd Street on the Property. After 22 years of inaction on the site, the time is right to consider and pursue options other than restaurant, retail, and office uses. As the applicant noted in ZA-690-01, the site as a whole presented development challenges, particularly with the realignment of 32nd Street. The tear drop shape of the Property and the open space proposed for the site are, frankly, less challenging for a residential development, albeit with the approved variances from standards.

The Owners are designing the neighborhood to fall within the parameters of the Z-73-01 and ZA-690-1 approvals as follows. The proposed site plan, which memorializes these items, is attached at **Exhibit E**.

- Density, with 10 lots on 4.62 gross acres, is 2.16 du/acre – within the 2.25 limit shown on the approved site plan.
- Open space of 33,100 square feet – within 105 square feet of the approved open space for the Property and in roughly the same configuration.
- At least 30 percent of the homes shall be single-story – as stipulated in 2001.
- Home elevations shall be reviewed by the South Mountain Village Planning Committee.
- No solid fencing shall be placed along 32nd Street – as stipulated in 2001.
- The neighborhood gate shall be subject to PHO review – as stipulated in 2001.
- An alternative paving/dustproofing surface shall be provided where the private street for the Property crosses the equestrian trail – as stipulated in 2001.

The only significant change proposed for the new site plan is the replacement of commercial buildings with residential lots.

STIPULATIONS

The Owners propose the following modifications of the stipulations from case Z-73-01 only as they apply to the Property.

1. Site Planning

- a) That the development shall be in general conformance with the site plan dated stamped [REDACTED], 2023 August 27, 2001, with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA, as may be approved by the PLANNING & DEVELOPMENT

DEPARTMENT DSD, and represented by:

- ~~A circular open space tract in the residential area~~
- ~~Linear pedestrian tracts in the east and south connecting to adjacent properties~~
- ~~A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.~~

Rationale: *This application requests approval of a revised site plan for the subject property south of the SWC of 32nd Street and Baseline Road. The new site plan retains the open space shown on the August 27, 2001 approved site plan and will continue to support the stipulated open space from case Z-73-01. However, the specified open space elements addressed in the dot points are in the now-built residential project on the east side of 32nd Street and have no applicability to the parcel under this application.*

- b) ~~A DETACHED SIDEWALK SEPARATED FROM THE CURB BY A Landscaped, tree lined strips SHALL BE PLACED that run along ONE both sides of THE all PRIVATE local streets, AS APPROVED BY THE PLANNING & DEVELOPMENT DEPARTMENT in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.~~

Rationale: *The small size and irregular shape of the subject parcel limits the ability to provide, and need for, detached sidewalks on both sides of the private street. All homes will have easy access to the detached sidewalk proposed for the east portion of the project to access the open space area and to exit the neighborhood to 32nd Street.*

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

Rationale: *This stipulation is not applicable to the subject parcel under the revised site plan.*

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

Rationale: *An HOA will be responsible to maintain all common areas on site, which are different than those installed in the neighborhood across 32nd Street and listed in stipulation 1.a.*

- e) ~~That a design for the gated entry for the residential area shall be provided to the PHO for review prior to Preliminary Site Plan approval.~~

Rationale: *No change proposed.*

- f) ~~That solid walls be allowed on the interior perimeter walls (east and south) not the walls along 32nd Street or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.~~

Rationale: *This modification tailors the stipulation to the subject parcel and removes items applicable to other portions of the original zoning approval.*

- g) ~~That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.~~

Rationale: *This stipulation is not applicable to the subject parcel.*

2. Building Design

2.1 Commercial Buildings

- a) ~~That the applicant shall submit detailed elevations of the commercial buildings detailing the open areas between the buildings. These connections shall be made through "transparent" type of architectural elements working as shading devices. These elements may include arcades, ramadas, isolated decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan Approval.~~

Rationale: This stipulation is not applicable to the subject parcel.

~~2.2 Residential Buildings~~

- a) ~~That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.~~
- b) ~~The DESIGN OF THE HOMES SHALL floor plans shall be consistent with the elevations that reflect a rural design, AND SHALL BE REVIEWED BY THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE BEFORE PRELIMIARY SITE PLAN APPROVAL based on the "Tuscan Architecture" style illustrated by the applicant.~~

Rationale: This stipulation addressed the now built neighborhood on the east side of 32nd Street. The modification tailors it to the subject site. The homes will be subject to the proposed, revised stipulation and to design guidelines of the MUA and BAO districts. The Owners will not develop elevations for the project until this application is concluded; however, it agrees the Village Planning Committee needs the opportunity to review the elevations before preliminary site plan approval.

~~3. Streets and Rights-of-Way~~

- a) ~~That a right of way totaling 60 feet shall be dedicated for the south half of Baseline Road.~~
- b) ~~That right of way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 feet of right of way planned for 32nd Street on the south side of Baseline. Additional improvements may be required to accommodate left turn access to the proposed driveways.~~
- c) ~~That a 21 foot by 21 foot right of way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.~~
- d) ~~That sufficient right of way shall be dedicated to accommodate a busbay (Detail P 1256) on Baseline Road east of 32nd Street (new alignment).~~
- e) ~~That rights of way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.~~
- f) ~~That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the city. All improvements shall comply with all ADA accessibility standards.~~
- g) ~~The applicant shall complete and submit the Developer Project Information form for the MAG~~

Transportation Improvement Program to the Street. Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clean air requirements.

- ~~h) That sufficient right-of-way must be provided for an underground tunnel crossing Baseline Road running on the west side of 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right of way should be approximately 100 feet by 50 feet from the right of way of Baseline Road at the SWC of Baseline Road and 32nd Street realignment.~~

Rationale: This stipulation does not apply to the subject parcel.

4. Trails

- a) That a 25 foot easement shall be provided on the west side of 32nd Street ~~and along Baseline Road~~ to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, ~~Recreation and Library~~ Department for final approval.
- b. That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be used across the entire width of the street or driveway. The alternate paving material and the material used at the street/trail interface shall be acceptable to the Parks, ~~Recreation and Library~~ Department and Street Transportation Department.

Rationale: This modification removes Baseline Road as the subject parcel has no Baseline frontage and updates the reference to the Parks Department.

5. Other issues

- a) That upon approval of this request by the City Council, the South Mountain Village Planning Committee shall be notified of any subsequent modifications and/or deletions of stipulations ~~and/or variances.~~
- ~~b) That the development shall commence construction within 24 months of the rezoning request approval by City Council.~~

Rationale: The variance process is quasi-judicial and not available for village planning committee review or comment. Notices of any zoning adjustment cases will, as required, be sent to property owners within 150 feet of the zoning adjustment site and to neighborhood organizations within one mile of the site that are registered with the Neighborhood Services Department to receive notices. Development of the neighborhood on the east side of 32nd Street satisfied stipulation 5.b; for that reason, it is removed.

We look forward to discussing the case with you.

Thank you.

Very truly yours,

WITHEY MORRIS BAUGH P.L.C.

By 
William F. Allison

EXHIBIT A



EXHIBIT A
APN 301-23-119A

EXHIBIT B

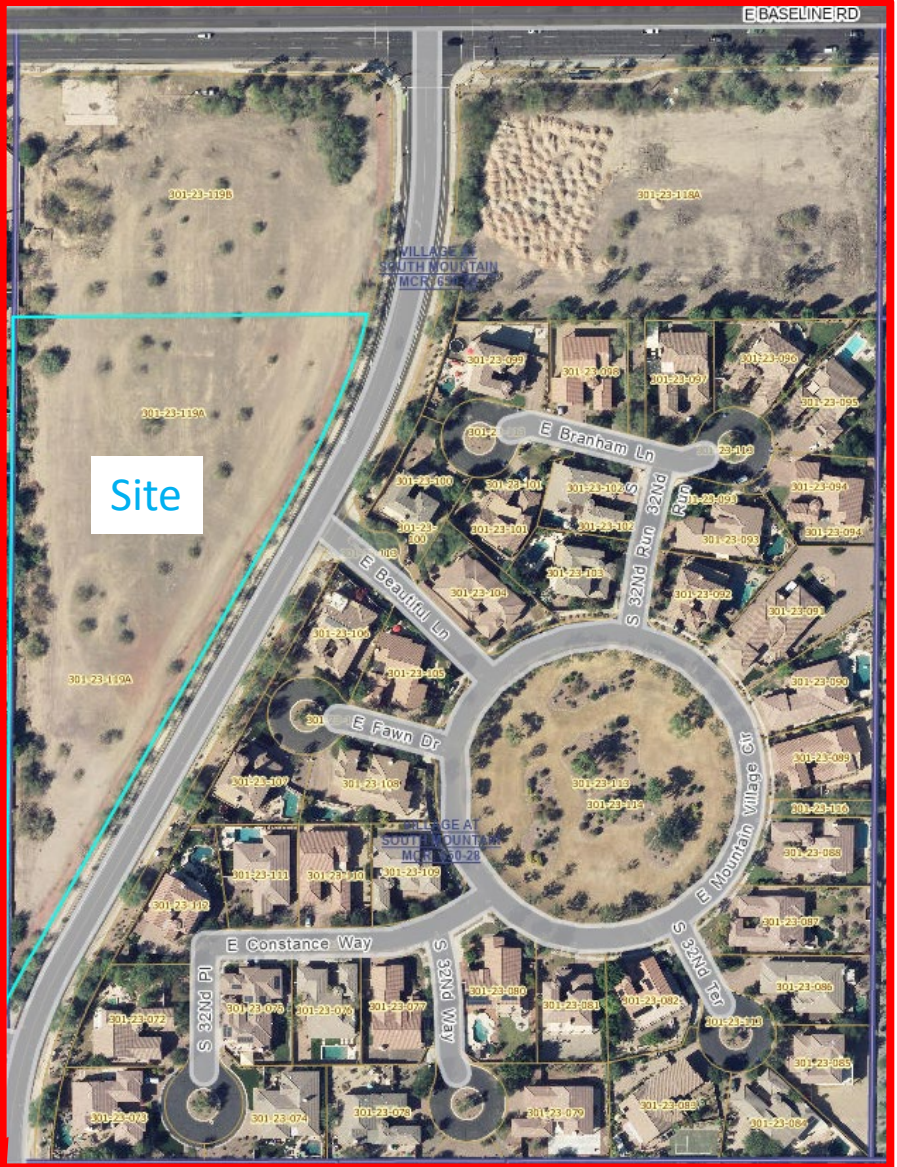
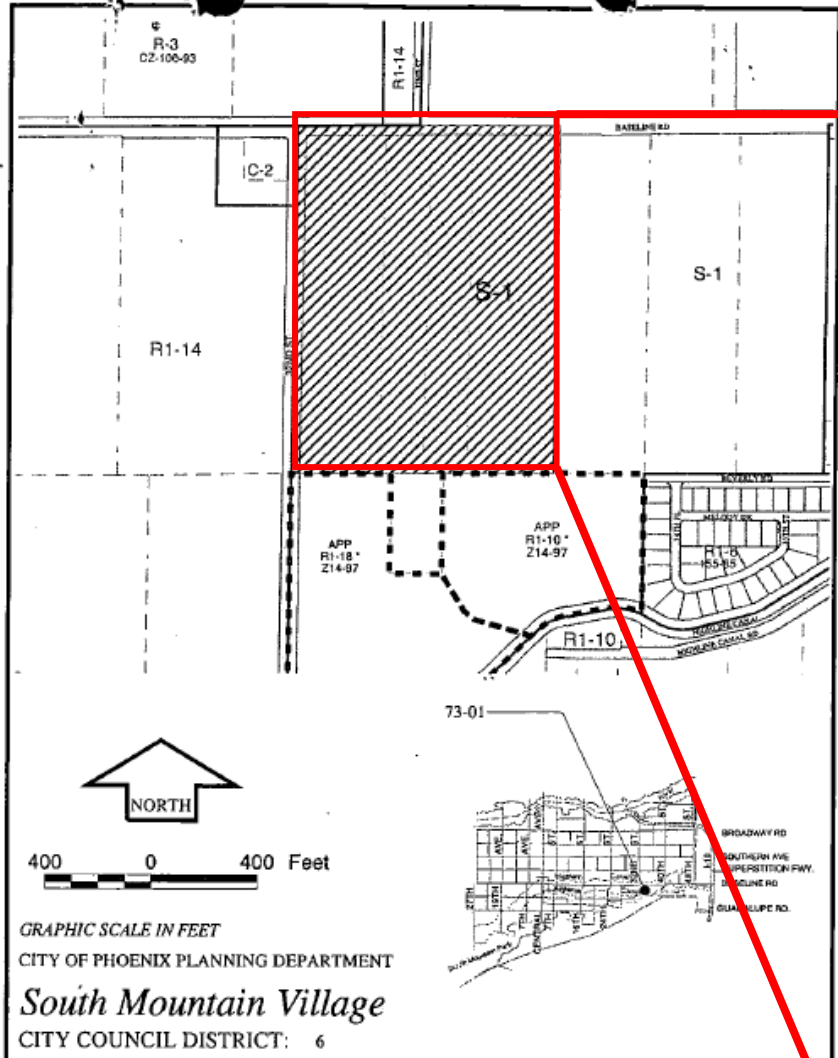


EXHIBIT B
Rezoning Case Z-73-01
Boundary

APPLICANT'S NAME: MAKAI DEVELOPMENT SERVICES INC., MICHAEL C		REQUESTED CHANGE:	
APPLICATION NO. 73-01	DATE: REVISION DATE:	FROM: S-1	TO: MUA
GROSS AREA INCLUDING 1/3 STREET AND ALLEY DESIGNATION IS APPLICABLE. 30.2 Acres	AERIAL PHOTO & QUARTER SEC. NO. 01-35	ZONING MAP D-10	
MULTIPLES PERMITTED	UNITS STANDARD OPTION	* UNITS P.R.D. OPTION	

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

EXHIBIT C



EXHIBIT C – Part 1/2
Rezoning Case Z-73-01
Approved Site Plan
(Subject Site Highlighted)

KEYED NOTES

1. LANDSCAPE AND VIEW CORRIDOR
2. LAWN / RETENTION
3. SALES ENTRY
4. PAV. DRIVE
5. ONROAD / RETENTION
6. LAWN SWAY-TOW PARKING
7. 2-STORY BUILDING 15,800 S.F. FT
8. 2-STORY BUILDING 15,800 S.F. FT
9. SINGLE STORY BUILDING 10,100 S.F. FT
10. PARKWAY
11. MAX. 9' USE 2.5' PAV.
12. SINGLE STORY BUILDING 4,100 S.F. FT
13. SINGLE STORY BUILDING 10,500 S.F. FT
14. SINGLE STORY BUILDING 4,800 S.F. FT
15. OPEN SPACE RETENTION
16. PLUMB
17. UNBUILT 2.0' SWAY PARK
18. UNBUILT 2.0' SWAY PARK
19. UNBUILT 2.0' SWAY PARK
20. UNBUILT 2.0' SWAY PARK

RESIDENTIAL - CLUSTER DEVELOPMENT PHASE II

GROSS SITE AREA	18.16 AC
2,240' ST. R.O.W. (20' 1/2 ST. R.O.W.)	0.77 AC
PRIVATE ST. R.O.W. (20' R.O.W.)	2.26 AC
NET SITE AREA	15.13 AC
LOT COUNT	41
DENSITY	2.26 DLU/AC
Avg. LOT SIZE	12,374 S.F.
RESIDENTIAL OPEN SPACE TOTAL	5.41 AC
RETENTION OPEN SPACE	2.25 AC
TRACT OPEN SPACE	0.31 AC
SEWMASS FACILITY OPEN SPACE	2.23 AC
SEWBACK OPEN SPACE	0.72 AC

SITE DATA

GROSS SITE AREA (INC. R.O.W.)	30.25 AC
SITE AREA (MINUS EXIST. 27' BASELINE R.O.W.)	25.40 AC
OVERALL SITE OPEN SPACE	11.08 AC
% OF NET SITE AREA	45%
VERTICALLY	7,128 S.F.
HORIZONTAL	1,258 S.F.
BASE PATH	5,219 S.F.
EXISTING ZONING	3-1
PROPOSED ZONING	MUA
ZONING CASE #	2-73-01-B
SERV #	010219
RVA #	01-19834
ASSESSOR'S PARCEL #	391-23-006A
	391-23-006B
	301-23-014/301-23-08
WATER	CITY OF PHOENIX
SEWER	CITY OF PHOENIX
REFUSE COLLECTION	CITY OF PHOENIX
FIRE PROTECTION	CITY OF PHOENIX
ELECTRIC	SAFETY RIDGE PROJECT
TELEPHONE	QUEST COMMUNICATIONS
STREET MAINTENANCE	CITY OF PHOENIX / PRIVATE

COMMERCIAL - OFFICE PHASE II

GROSS SITE AREA	12
2,240' ST. R.O.W. (20' 1/2 ST. R.O.W.)	1
BASELINE RD. R.O.W. (20' 1/2 ST. R.O.W.)	1.08 AC
NET SITE AREA	9.67 AC
COMMERCIAL OPEN SPACE TOTAL	5.47 AC
% OF COMMERCIAL NET SITE AREA	57%
RETENTION OPEN SPACE	0.56 AC
TRACT OPEN SPACE	1.04 AC
SEWBACK OPEN SPACE	2.27 AC
GREEN PARKING OPEN SPACE	0.60 AC
BUILDING COVERAGE (3 STORY UNLESS NOTED)	72,000 S.F.
TOTAL BUILDING AREA	37,400 S.F.
BUILDING HEIGHT ONE STORY	7'5" MAX.
TWO STORY	30' MAX.
PARKING REQUIRED AT 1:250	146
PARKING PROVIDED	196

EXPLANATORY STATEMENT

The Village at South Mountain is a 30.25 acre mixed-use development of residential homes and office, restaurant and retail outlets. Zoning requested is MUA. The residential portion contains 41 lots with an average lot size of 12,373 sq. ft.

VICINITY MAP



CONCEPTUAL SITE PLAN



COTMAN CLARK
ARCHITECTS
 1011 WEST GRAND AVENUE
 SUITE 100
 PHOENIX, ARIZONA 85001
 TELEPHONE: 480.771.1100
 FACSIMILE: 480.771.1000

EXHIBIT C – Part 2/2

EXHIBIT D

Application #: ZA-690-01-6 APPROVED/STIPULATIONS
Existing Zoning: S-1 (Appr. MUA)
Location: SEC of 32nd Street & Baseline Road
Block Location: 3200 E. – 7600 S.
Quarter Section: 01-35
Proposal: Variances to: 1) allow a density of 2.25 dwelling units per acre - development not to exceed 2 dwelling units per acre; 2) allow a deviation from the open space requirement of 50% - 50% open space required; 3) allow residential rear and side setbacks, that on a lot by lot basis, are no less than the building & garage setbacks of R1-10 – 30-foot side and 30-foot rear setbacks required; 4) allow 35% maximum lot coverage on all residential lots - maximum 20% lot coverage allowed; 5) allow parking or maneuvering areas within the western perimeter setback of the commercial component of the development - no parking or maneuvering areas in the perimeter setback; 6) allow vines & shrubs to not be planted on the exterior of the solid masonry fence on the south & east perimeters of the residential development - vines & shrubs to be provided on the exterior of all perimeter fences; 7) allow development within the required setback on the west side of 32nd Street adjacent to the land that will be dedicated for the construction of an equestrian trail underpass - 30-foot side and rear setback required; and 8) apply the special standards and uses of Section 649.J, except for the maximum acreage, to the commercial component of the property - site to be located at the intersection of two arterial streets.
Ordinance Sections: 649.C.7.a, 649.I.3.a, 649.G.2.b & c, 649.G.3.a, 649.I.2.a, 651.E.3.a.(2), 649.G.2.b & c, 649.J
Applicant: Burch & Cracchiolo
Representative: Ed Bull
Owner: Village People c/o Kimo Seymour, Makai

Hearing Officer: John R. Verdugo

Planner: Donna Behm

Speaking in support of this request was Ed Bull.

DECISION: These requests for variances to: 1) allow a density of 2.25 dwelling units per acre; 2) allow a deviation from the open space requirement of 50%; 3) allow residential rear and side setbacks, that on a lot by lot basis, are no less than the building & garage setbacks of R1-10; 4) allow 35% maximum lot coverage on all residential lots; 5) allow parking or maneuvering areas within the western perimeter setback of the commercial component of the development; 6) allow vines & shrubs to

Application ZA-690-01-6

not be planted on the exterior of the solid masonry fence on the south & east perimeters of the residential development; 7) allow development within the required setback on the west side of 32nd Street adjacent to the land that will be dedicated for the construction of an equestrian trail underpass; and 8) apply the special standards and uses of Section 649.J, except for the maximum acreage, to the commercial component of the property are all approved with the following stipulation:

The applicant shall have one year to obtain preliminary site plan approval.

FINDINGS OF FACT: The mixed use district did not anticipate the variety of uses that this project proposes. The combination of commercial and residential uses combined with the realignment of 32nd Street creates unusual property shapes and conditions. While many of the specific zoning standards can not be met by this project, the intent of those district requirements has been achieved. Substantial open space and landscaping is provided throughout the site. Although lot coverage is increased in the clustered residential area, this type of development can not be constructed without benefit of variance relief. The unusually shaped commercial portion of the site causes a hardship that precludes reasonable development of the property. Approval of all the requested variances is warranted.

SUMMARY: Note: ZA 690-01-6 and ZA 689-01-6 were heard together.

Mr. Bull explained that this project had been supported throughout the rezoning process and they were now in the process of finalizing the request. He stated this was a mixed-use project with a mix of commercial and single family. He pointed out the relocation of 32nd Street, the pedestrian connections and the equestrian trails, etc. had made this development a challenge. He noted that while 32nd Street south of Baseline is not considered an arterial street by the minimum right of way standards map, the reality of the project is that it functions as an arterial. He stated the project requires 32nd Street at the intersection to be a fully improved arterial intersection. He added they wanted to provide the type of commercial uses wanted by the area as part of the project.

Mr. Bull explained that throughout the rezoning process, the Village Planning Committee, Planning Commission and City Council were aware a number of variances would be needed and everything being requested had been supported by the site plan. He stated the project had plenty of open space and landscaping, but needed a slight variance to achieve the desired density.

Mr. Verdugo stated he had thoroughly reviewed this request with staff and was aware of the issues.

Application ZA-690-01-6

Mr. Bull stated he felt they had honored the intent of the MUA zoning district. He explained the use permits being requested were to allow for the outdoor dining with service of alcohol as part of the dining experience. He added he believed all the requirements of the use permit had been met.

Mr. Verdugo stated this was a unique property and staff and the neighborhood had worked to get the project going and in order to make the project work variances were needed. Mr. Verdugo approved the variances requested, noting MUA was a new zoning district and staff were still learning the implementation process. Mr. Verdugo approved the use permits, noting the uses being requested were appropriate for the project and should have no negative impacts on the surrounding area.

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, audio tape or computer diskette. Contact Theresa Damiani, 262-6368/v or 534-5500 TDD.

Village at South Mountain

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1;

THENCE SOUTH 01 DEGREE 05 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 32.38 FEET;

THENCE SOUTH 88 DEGREES 54 MINUTES 06 SECONDS EAST, A DISTANCE OF 33.00 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89 DEGREES 59 MINUTES 09 SECONDS EAST (MEASURED) SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (RECORD), ALONG A LINE 33.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 966.37 FEET (MEASURED) 966.48 FEET (RECORD);

THENCE SOUTH 01 DEGREES 02 MINUTES 23 SECONDS WEST (MEASURED) SOUTH 01 DEGREES 02 MINUTES 26 SECONDS WEST (RECORD), A DISTANCE OF 1287.18 FEET (MEASURED) 1286.68 FEET (RECORD);

THENCE NORTH 89 DEGREES 44 MINUTES 10 SECONDS WEST (MEASURED) NORTH 89 DEGREES 45 MINUTES 46 SECONDS WEST (RECORD), A DISTANCE OF 967.61 FEET (MEASURED & RECORD);

THENCE NORTH 01 DEGREES 05 MINUTES 54 SECONDS EAST (MEASURED) NORTH 01 DEGREES 05 MINUTES 38 SECONDS EAST (RECORD), ALONG A LINE 33.00 FEET EAST OF AND PARALLEL THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1282.99 FEET (MEASURED) 1282.70 FEET (RECORD) TO THE **POINT OF BEGINNING**.

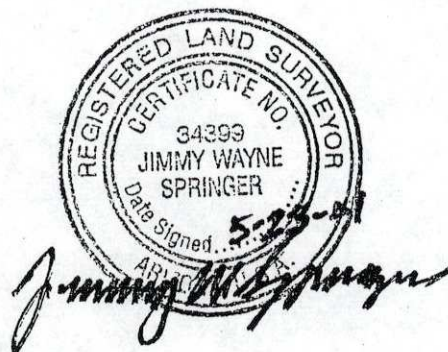


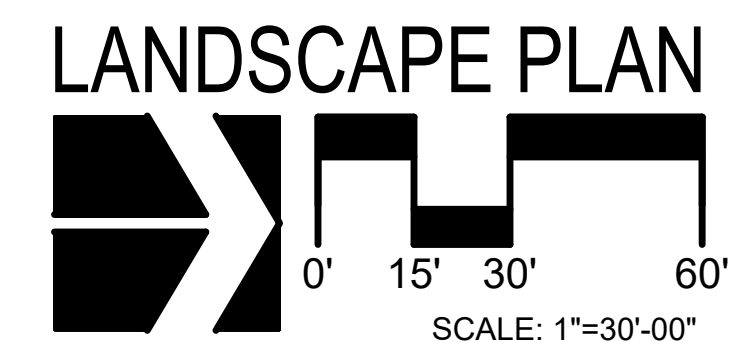
EXHIBIT E

EXHIBIT E



LANDSCAPE LEGEND

- | | | | | | | | |
|--|---|--|--|--|--|--|---|
| | CERCIDIUM 'HYBRID'
DESERT MUSEUM PALO VERDE
2" CALIP., 6.5T, 4.5W | | CAESALPINIA MEXICANA
MEXICAN BIRD OF PARADISE
5 GALLON | | DASYLIION WHEELERII
DESERT SPOON
5 GALLON | | ACACIA REDOLENS
'DESERT CARPET' fm
5 GALLON |
| | PISTACIA X 'RED-PUSH'
RED PUSH PISTACHE
2" CALIP., 6.5T, 4W | | DODONEA VISCOSA
GREEN HOP BUSH
5 GALLON | | AGAVE DESMETTIANA
SMOOTH AGAVE
5 GALLON | | BOUGAINVILLEA 'BARBARA KARST'
BOUGAINVILLEA
5 GALLON |
| | PROSOPIS 'RIO-SALADO'
HYBRID THORNLESS MESQUITE
1.5" CALIP., 6T, 3.5W | | LEUCOPHYLLUM FRUTESCENS
'GREEN CLOUD'
5 GALLON | | LANTANA MONTEVIDENSIS
'GOLD MOUND'
1 GALLON | | 1/2" SCREENED ROCK PROS CARMEL
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS |
| | OLNEYA TESOTA
IRONWOOD
2" CALIP., 5T, 3.5W | | HESPERALOE PARVIFLORA
RED YUCCA
5 GALLON | | LANTANA MONTEVIDENSIS
TRAILING PURPLE
1 GALLON | | |
| | CAESALPINIA CACALACO
CASCALOTE
1.5" CALIP.(MULTI) 4T, 3.5W | | HESPERALOE PARVIFLORA
YELLOW YUCCA
5 GALLON | | CONVOVULUS CNEORUM
BUSH MORNING GLORY
5 GALLON | | |

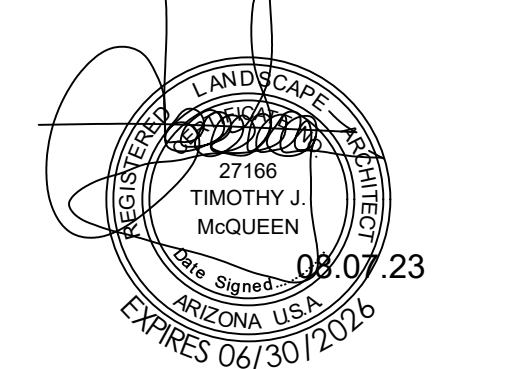


KIVA NO:
PAPP NO:
SDEV NO:
LSPL NO:
Q-S NO:

T&M ASSOCIATES
T.J. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING
10450 N. 74th Street, Suite 120
Scottsdale, Arizona 85258
P. (602)265-0320
EMAIL: timmcqueen@tjmia.net

NEW SUB-DIVISION 32ND STREET AND BASELINE PHOENIX, ARIZONA

NUMBER	REVISION	DATE



SHEET TITLE: LANDSCAPE

ISSUE DATE: 08.07.23

DRAWN BY: STAFF

CHECKED BY: TJMCO

PROJECT No.: 23228

SHEET:

La.01

NOTES

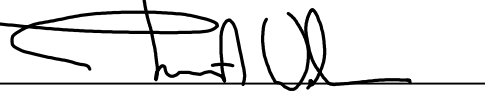
DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE-FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.

OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY, OR A PROPERTY OWNER'S ASSOCIATION, WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.

ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN

ADDITIONAL INDIVIDUAL LOT REQUIREMENTS (I.E. SETBACKS, WALL ELEVATIONS) ARE LOCATED ON THE APPROVED FINAL SITE PLAN

I CONSENT TO THE REPRODUCTION OF THIS SITE PLAN PROVIDED THAT IF MODIFICATIONS ARE MADE, THE PROFESSIONALS WHO MAKE SUCH CHANGES ASSUME FULL RESPONSIBILITY AND LIABILITY FOR THE MODIFIED PORTIONS OF THE PLAN.

 07-26-23
SIGNATURE OF COPYRIGHT OWNER DATE

THOMAS A. WEBER 07-26-23
PRINT NAME OF COPYRIGHT OWNER DATE

STIPULATIONS FOR ZONING CASE #Z-73-01-6

- SITE PLANNING:**
 - THAT THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATED AUGUST 27, 2001, WITH SPECIFIC REGARD TO AREAS TO BE COUNTED TOWARDS APPROXIMATION OF 50% OPEN SPACE REQUIREMENTS IN THE MUA, MAY BE APPROVED BY DSD, AND REPRESENTED BY:
 - A CIRCULAR OPEN SPACE TRACT IN THE RESIDENTIAL AREA
 - A LINEAR PEDESTRIAN TRACTS IN THE EAST AND SOUTH CONNECTING TO ADJACENT PROPERTIES
 - A PEDESTRIAN LINK FROM THE RESIDENTIAL TO THE COMMERCIAL AREAS IN THE NORTH AND CROSSING 32ND STREET
 - LANDSCAPED-TREE LINED STRIPS THAT RUN ALONG BOTH SIDES OF ALL LOCAL STREET IN THE RESIDENTIAL AREA, THIS LANDSCAPED STRIP SHALL INCLUDE A MEANDERING SIDEWALK AS SHOWN ON SITE PLAN.
 - THAT A HOME OWNERS ASSOCIATION (HOA) BE CREATED TO MAINTAIN ALL AREAS SPECIFIED IN 1. a).
 - THAT A DESIGN FRO THE GATED ENTRY FOR THE RESIDENTIAL AREA SHALL BE PROVIDED TO PHO FOR REVIEW PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
 - THAT SOLID WALLS BE ALLOWED ON THE INTERIOR PERIMETER WALLS (EAST AND SOUTH) NOT THE WALLS ALONG 32ND STREET OR BASELINE ROAD. THESE SOLID WALLS MUST INCORPORATE CONTROLLED GATES WHERE THEY INTERSECT THE LINEAR PEDESTRIAN TRACTS IN THE EAST AND SOUTH THAT CONNECT ADJACENT PROPERTIES SO PEDESTRIAN CONNECTIONS WITH FUTURE ADJACENT DEVELOPMENT IS ALLOWED.
- BUILDING DESIGN:**
 - RESIDENTIAL BUILDINGS**
 - THAT ONLY ONE-STORY HOUSES SHALL BE BUILT ON THE SOUTH OF THE PROPERTY AND 30% OF THE OVERALL UNITS SHALL BE ONE-STORY.
 - THE FLOOR PLANS SHALL BE CONSISTENT WITH THE ELEVATIONS THAT REFLECT A RURAL DESIGN BASED ON "TUSCAN ARCHITECTURE" STYLE ILLUSTRATED BY THE APPLICANT.
- STREETS AND RIGHTS-OF-WAY:**
 - THAT A RIGHT-OF-WAY TOTALING 60 FEET SHALL BE DEDICATED FOR THE HALF OF BASELINE ROAD.
 - THAT RIGHT-OF-WAY FOR 32ND STREET REALIGNMENT SHALL BE DEDICATED AS PER PLANS APPROVED BY THE CITY OF PHOENIX. THE FUTURE INTERSECTION FOR 32ND STREET AND BASELINE ROAD SHALL BE FLARED TO MATCH THE EXISTING IMPROVEMENTS ON THE NORTH SIDE. ADDITIONAL IMPROVEMENTS MAY BE REQUIRED TO ACCOMMODATE LEFT TURN ACCESS TO THE PROPOSED DRIVEWAYS.
 - THE A 21 FOOT BY 21 FOOT RIGHT OF WAY TRIANGLE SHALL BE DEDICATED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF 32ND STREET AND BASELINE ROAD.
 - THAT SUFFICIENT RIGHT-OF-WAY SHALL BE DEDICATED TO ACCOMMODATE A BUSBAY (DETAIL P-1256) ON BASELINE ROAD EAST OF 32ND STREET (NEW REALIGNMENT).
 - THAT RIGHTS-OF-WAY DEDICATIONS AND STREET ALIGNMENTS FOR LOCAL STREETS WITHIN THE SUBDIVISION WILL BE DETERMINED BY DSD AT THE TIME OF PRELIMINARY SUBDIVISION PLAT REVIEW.
 - THAT THE DEVELOPER SHALL CONSTRUCT ALL STREETS WITHIN AND ADJACENT TO THE DEVELOPMENT WITH PAVING, CURB, GUTTER, SIDEWALKS, CURB RAMPS, STREELIGHTS, MEDIAN ISLANDS, LANDSCAPING AND OTHER INCIDENTALS AS PER PLANS APPROVED BY THE CITY. ALL IMPROVEMENTS SHALL COMPLY WITH ALL ADA ACCESSIBILITY STANDARDS.
 - THE APPLICANT SHALL COMPLETE AND SUBMIT THE DEVELOPER PROJECT INFORMATION FORM FOR THE MAG TRANSPORTATION IMPROVEMENT PROGRAM TO THE STREET TRANSPORTATION DEPARTMENT (602-262-6193). THIS FORM IS A REQUIREMENT OF THE EPA TO MEET CLEAN AIR QUALITY REQUIREMENTS.
 - THAT SUFFICIENT RIGHT-OF-WAY MUST BE PROVIDED FOR AN UNDERGROUND TUNNEL CROSSING BASELINE ROAD RUNNING ON THE WEST SIDE OF 32ND STREET (REALIGNMENT) AS MAY BE APPROVED BY THE PARKS, RECREATION AND LIBRARY DEPARTMENT AND STREET TRANSPORTATION DEPARTMENT. THIS RIGHT-OF-WAY SHOULD BE APPROXIMATELY 100 FEET BY 50 FEET FROM THE RIGHT-OF-WAY OF BASELINE ROAD, AT SWC OF BASELINE ROAD AND 32ND STREET (REALIGNMENT).
- TRAILS**
 - THAT A 25 FOOT EASEMENT SHALL BE PROVIDED ON THE WEST SIDE OF 32ND STREET AND ALONG BASELINE ROAD TO INCORPORATE A MULTI-USE TRAIL AS INDICATED ON THE SOUTH MOUNTAIN VILLAGE/LAVEN VILLAGE TRAIL SYSTEM MAP. PLANS MUST BE SUBMITTED TO THE PARKS, RECREATION AND LIBRARY DEPARTMENT FOR FINAL APPROVAL.

- OTHER ISSUES:**
 - THAT UPON APPROVAL OF THIS REQUEST BY THE CITY COUNCIL, THE SOUTH MOUNTAIN VILLAGE PLANNING WILL BE NOTIFIED OF SUBSEQUENT MODIFICATIONS AND/OR DELETIONS OF STIPULATIONS AND/OR VARIANCES.
 - THAT THE DEVELOPMENT SHALL COMMENCE CONSTRUCTION WITHIN 24 MONTHS OF THE REZONING REQUEST APPROVAL BY CITY COUNCIL.
- VARIANCES AND USE PERMIT PER ZONING CASE #ZA-690-01-6

- VARIANCES**
 - TO ALLOW A DENSITY OF 2.25 DWELLING UNITS PER ACRE.
 - TO ALLOW LESS THAN THE REQUIRED 50% OPEN SPACE IN THE AMOUNTS DEPICTED ON THE SITE PLAN DATE AUGUST 27, 2001.
 - TO ALLOW RESIDENTIAL REAR AND SIDE SETBACKS THAT, ON A LOT-BY-LOT BASIS, ARE NO LESS THAN THE BUILDING AND GARAGE SETBACKS OF THE R1-10 ZONING DISTRICT.
 - TO ALLOW 35% MAXIMUM LOT COVERAGE ON ALL RESIDENTIAL LOTS.
 - TO ALLOW PARKING OR MANEUVERING AREAS WITHIN THE WESTERN PERIMETER SETBACK OF THE COMMERCIAL COMPONENT OF THE DEVELOPMENT.
 - TO PERMIT VINES AND SHRUBS TO NOT BE PLANTED ON THE EXTERIOR OF THE SOLID MASONRY FENCE ON THE SOUTH AND EAST PERIMETERS OF THE RESIDENTIAL DEVELOPMENT
 - TO ALLOW DEVELOPMENT WITHIN THE REQUIRED SETBACK ON THE WEST SIDE OF 32ND STREET ADJACENT TO THE LAND DEDICATED FOR CONSTRUCTION OF AN EQUESTRIAN UNDERPASS.
 - TO PERMIT THE APPLICATION OF THE SPECIAL STANDARDS AND USES OF SECTION 649(J) EXCEPT FOR THE MAXIMUM ACREAGE REQUIREMENT, TO THE COMMERCIAL COMPONENT OF THE PROPERTY.

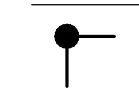

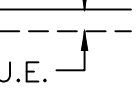
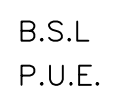
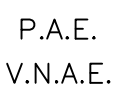


- USE PERMITS**
 - TO ALLOW OUTDOOR DINING WITHIN 300 FEET OF A RESIDENTIAL ZONE OR USE.
 - TO ALLOW OUTDOOR CONSUMPTION OF ALCOHOL.

**PRELIMINARY SITE PLAN
FOR
BASELINE 32**

"A MIXED USED AGRICULTURAL (M.U.A.) PLANNED RESIDENTIAL DEVELOPMENT"

SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 3 EAST, OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGEND

-  INDICATES SUBDIVISION CORNER
-  INDICATES FIRE HYDRANT
-  INDICATES PUBLIC UTILITY EASEMENT AT ALL LOT FRONTAGE UNLESS OTHERWISE NOTED
-  B.S.L. INDICATES MINIMUM BUILDING SETBACK LINES
-  P.U.E. INDICATES PUBLIC UTILITY EASEMENT
-  P.A.E. INDICATES PUBLIC ACCESS EASEMENT
-  V.N.A.E. INDICATES VEHICULAR NON ACCESS EASEMENT

SITE DATA

EXISTING ZONING: M.U.A.
PROPOSED ZONING: M.U.A.
GROSS ACRES: 4.6222 ACRES OR 201,344 S.F.
NET ACRES: 3.9815 ACRES OR 173,433 S.F.
TOTAL NUMBER OF LOTS: 10
PROPOSED DENSITY: 2.16 D.U. PER ACRE
DENSITY CALCULATION: (# OF LOTS/GROSS ACRES - 10/4.62=2.16)
TYPICAL LOT SIZE: 70'x110'
BUILDING HEIGHT: 2 STORIES AND 30'
LOT SALES: YES
COMMON RETENTION
APN: 301-23-119A
WATER, SEWER, AND SANITATION SERVICES BY THE CITY OF PHOENIX.
ELECTRIC SERVICE BY S.R.P.
GAS SERVICE BY SOUTHWEST GAS CORPORATION.
TELEPHONE SERVICE BY CENTURYLINK
CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENT SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING.
ALL UTILITIES AND SINGLE PHASE ELECTRIC LINES ARE TO BE INSTALLED UNDERGROUND.
40" MAXIMUM HEIGHT FOR TRANSFORMERS, CABINETS, AND OTHER EQUIPMENT WITHIN PERIMETER STREET FRONTAGES.

LOT COVERAGE

CALCULATION:

$$\frac{\text{MAX. COVERAGE (\%)} \times \left(\frac{\text{NET AREA} - \text{STREET AREA}}{\text{#OF LOTS (PLUS 1 FOR OPEN SPACE)}} \right)}{11} = \frac{0.35 \left(\frac{3,9815 - 0.6814}{43,560} \right)}{11} = 4,574 \text{ S.F. MAXIMUM ALLOWABLE AREA PER LOT}$$

OPEN SPACE

NET ACRES: 3.9815 AC. OR 173,433 S.F. X .21* = 36,421 S.F. REQUIRED
34,471 S.F. PROVIDED

* PER APPROVED FINAL SITE PLAN (KIVA #01-19634)

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1 TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHWEST SUBDIVISION CORNER AS SHOWN IN THE PLAT OF "VILLAGE AT SOUTH MOUNTAIN", ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 650 OF MAPS, PAGE 23, FROM WHICH THE PLATTED INTERSECTION OF BASELINE ROAD AND 32ND STREET BEARS SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 465.00 FEET;

THENCE SOUTH 01 DEGREES 05 MINUTES 34 SECONDS WEST, A DISTANCE OF 340.64 FEET TO THE NORTHWESTERLY PROPERTY CORNER ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 445.58 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 75 DEGREES 14 MINUTES 10 SECONDS WEST A DISTANCE OF 787.48 FEET, SAID POINT ALSO BEING ON THE MONUMENT LINE OF 32ND STREET;

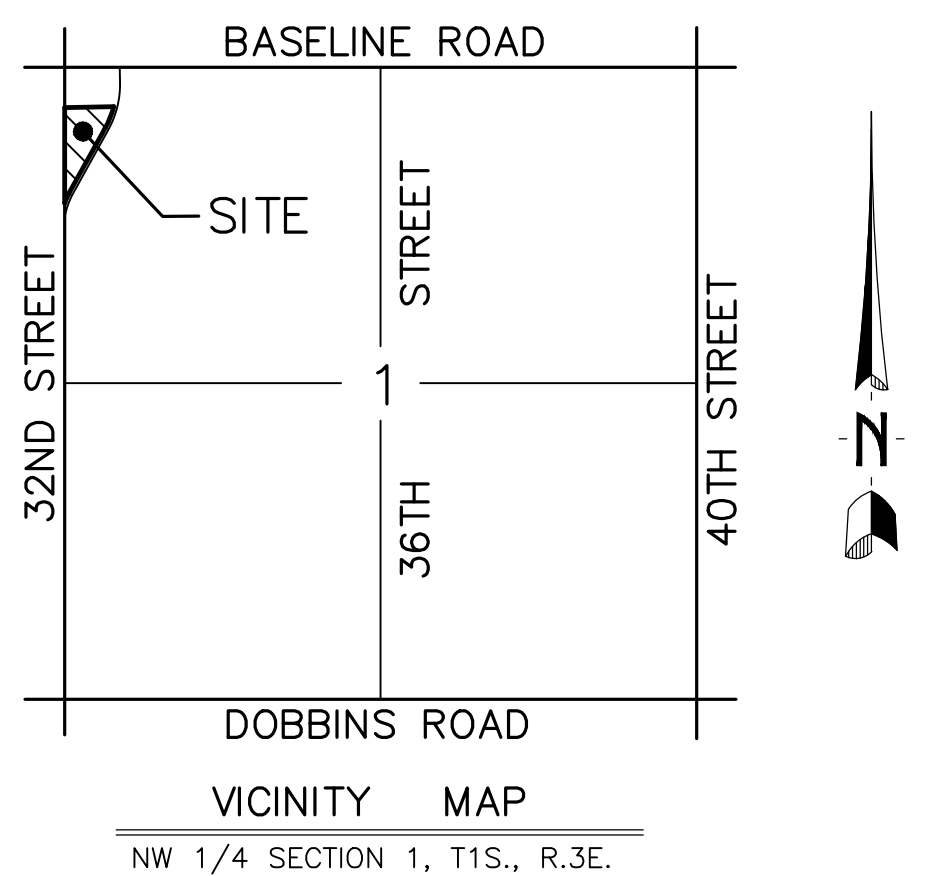
THENCE CONTINUING ALONG SAID MONUMENT LINE OF 32ND STREET THROUGH A CENTRAL ANGLE OF 15 DEGREES 21 MINUTES 30 SECONDS AND AN ARC LENGTH OF 211.09 FEET, THE CHORD OF WHICH BEARS SOUTH 22 DEGREES 26 MINUTES 35 SECONDS WEST, A DISTANCE OF 210.45 FEET TO A POINT ON SAID MONUMENT LINE;

THENCE CONTINUING ALONG SAID MONUMENT LINE, SOUTH 30 DEGREES 07 MINUTES 25 SECONDS WEST, A DISTANCE OF 630.65 FEET TO THE BEGINNING OF A TANGENT CURVE WHOSE CENTER BEARS SOUTH 59 DEGREES 52 MINUTES 35 SECONDS EAST A DISTANCE OF 500.00 FEET;

THENCE CONTINUING ALONG SAID MONUMENT LINE THROUGH A CENTRAL ANGLE OF 09 DEGREES 39 MINUTES 13 SECONDS AND AN ARC LENGTH OF 84.25 FEET, THE CHORD OF WHICH BEARS SOUTH 25 DEGREES 17 MINUTES 48 SECONDS WEST A DISTANCE OF 84.15 FEET TO A POINT ON SAID MONUMENT LINE;

THENCE NORTH 69 DEGREES 31 MINUTES 48 SECONDS WEST A DISTANCE OF 30.02 FEET;

THENCE NORTH 01 DEGREES 05 MINUTES 34 SECONDS EAST, A DISTANCE OF 805.71 FEET TO THE TRUE POINT OF BEGINNING.



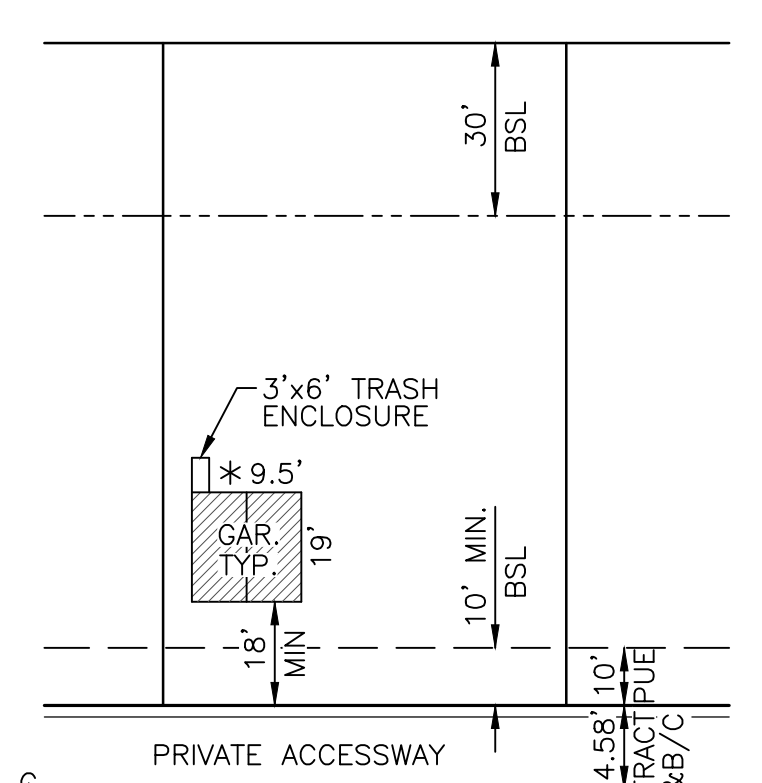
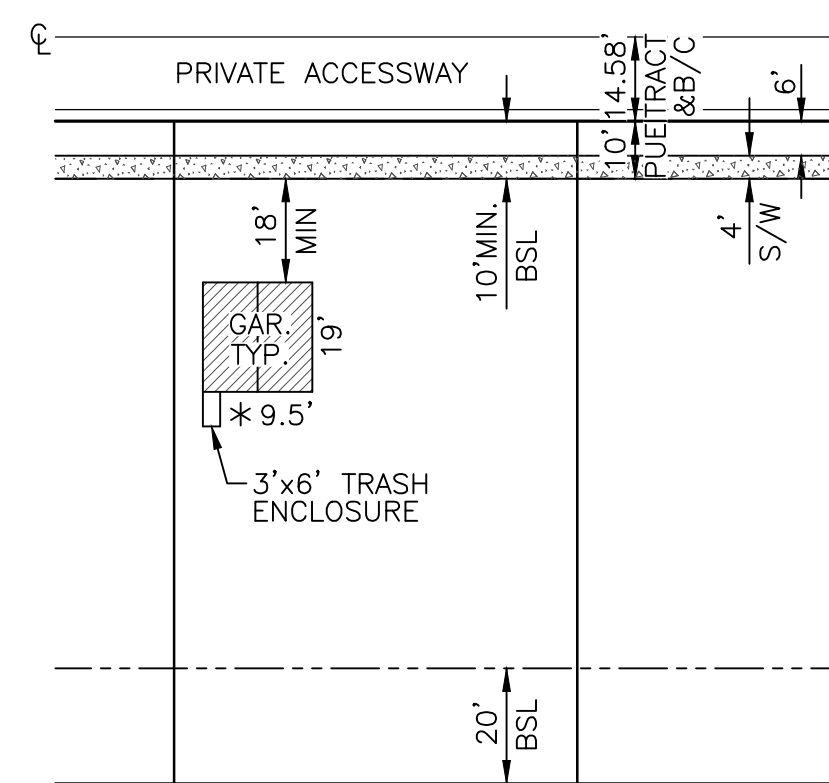
ENGINEER
 CLOUSE ENGINEERING, INC.
 5010 E SHEA BLVD, #110
 SCOTTSDALE, AZ 85254
 (602) 395-9300
 CONTACT: TOM WEBER

DEVELOPER
 88 VENTURES LLC
 3521 E INDIAN SCHOOL ROAD
 PHOENIX, AZ 85012
 (480) 619-3664
 CONTACT: RANDY ROCHFORD

PROJECT DESCRIPTION
 A 10 LOT SINGLE-FAMILY DEVELOPMENT WITHIN THE M.U.A. ZONING DISTRICT.

PARKING CALCULATIONS
 EACH LOT PROVIDED WITH A TWO (2) CAR GARAGE AND MINIMUM 18' DEEP DRIVEWAY

TRACT TABLE		
TRACT	AREA	USE
"A"	29,682 SF. 0.6814 AC.	PRIVATE ACCESSWAY, PUBLIC WATER & SEWER, DRAINAGE, REFUSE COLLECTION, AND EMERGENCY AND SERVICE VEHICLE.
"B"	34,471 SF. 0.7913 AC.	LANDSCAPING, PEDESTRIAN ACCESS, P.U.E., RETENTION AND OPEN SPACE
"C"	5,071 SF. 0.1164 AC.	LANDSCAPING, PEDESTRIAN ACCESS, P.U.E.
"D"	1,029 SF. 0.0236 AC.	LANDSCAPING, PEDESTRIAN ACCESS, P.U.E.
TOTAL	70,253 SF. 1.6127 AC.	



ZONING #Z-73-01-6
 KIVA #21-4580
 SDEV #1900338
 PAPP #1904506
 Q.S. #01-35

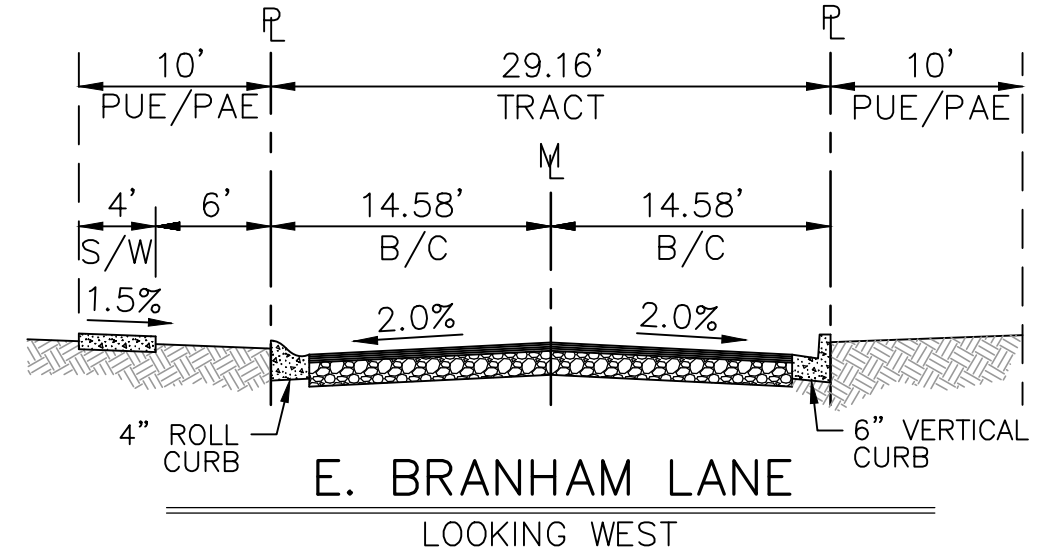
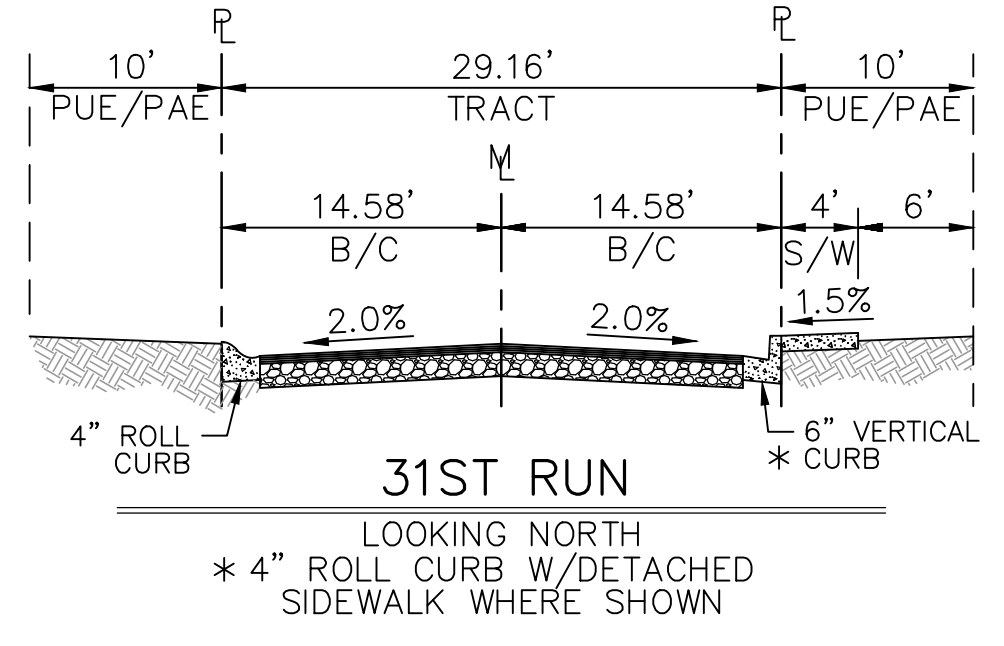
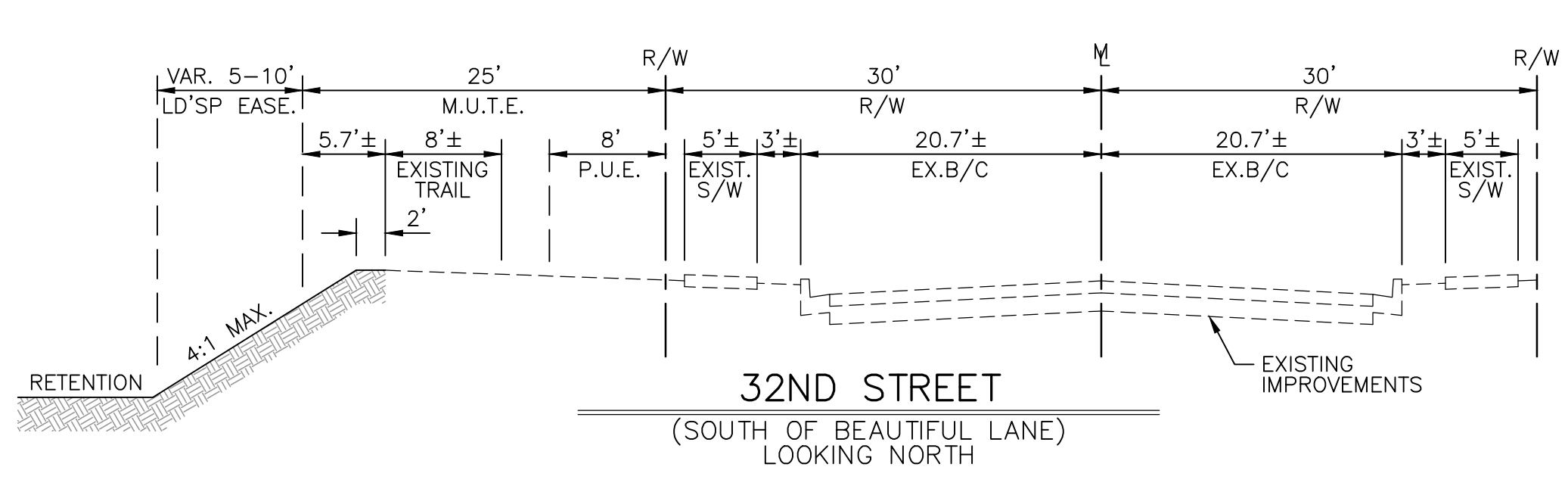
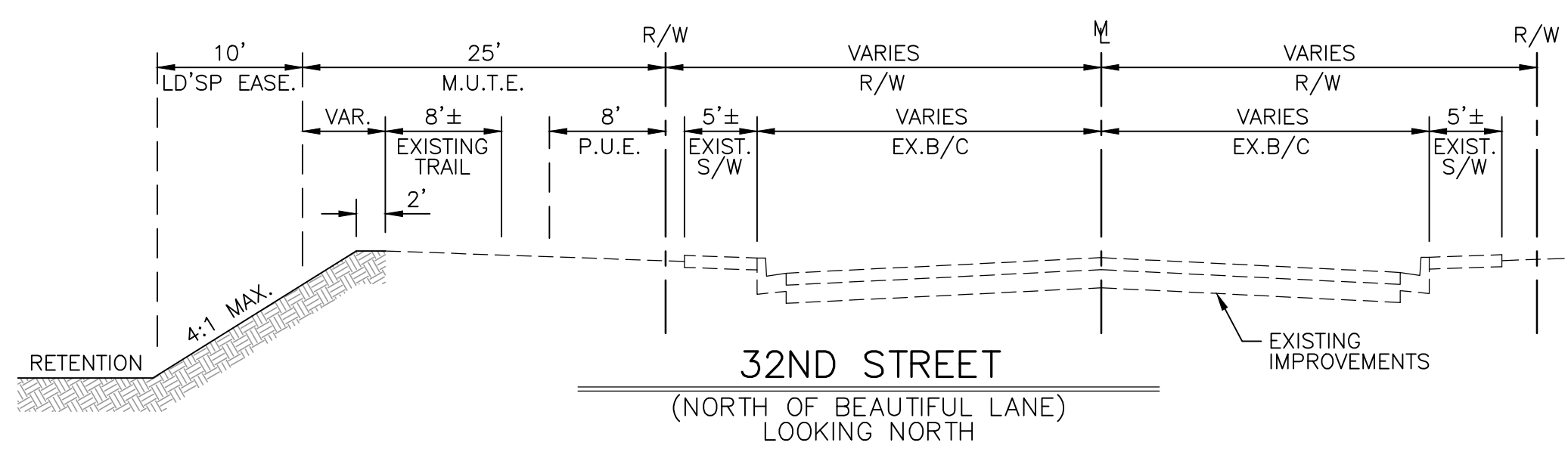
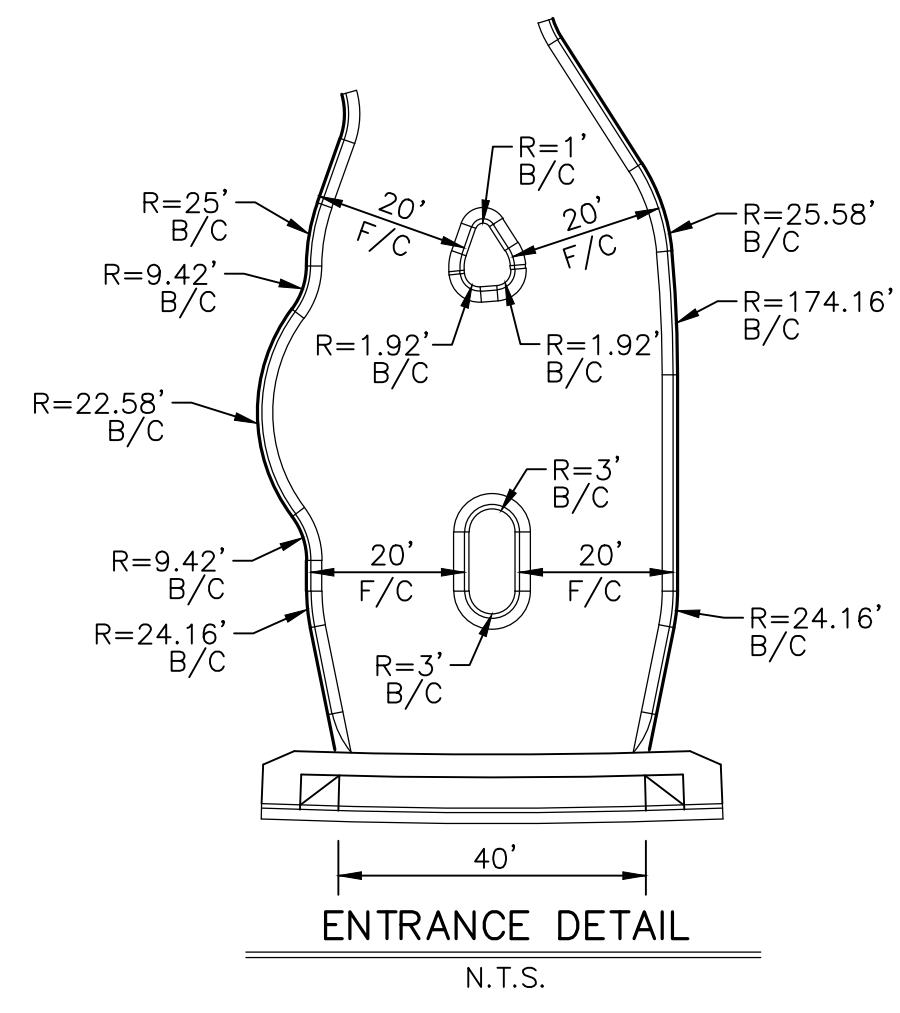
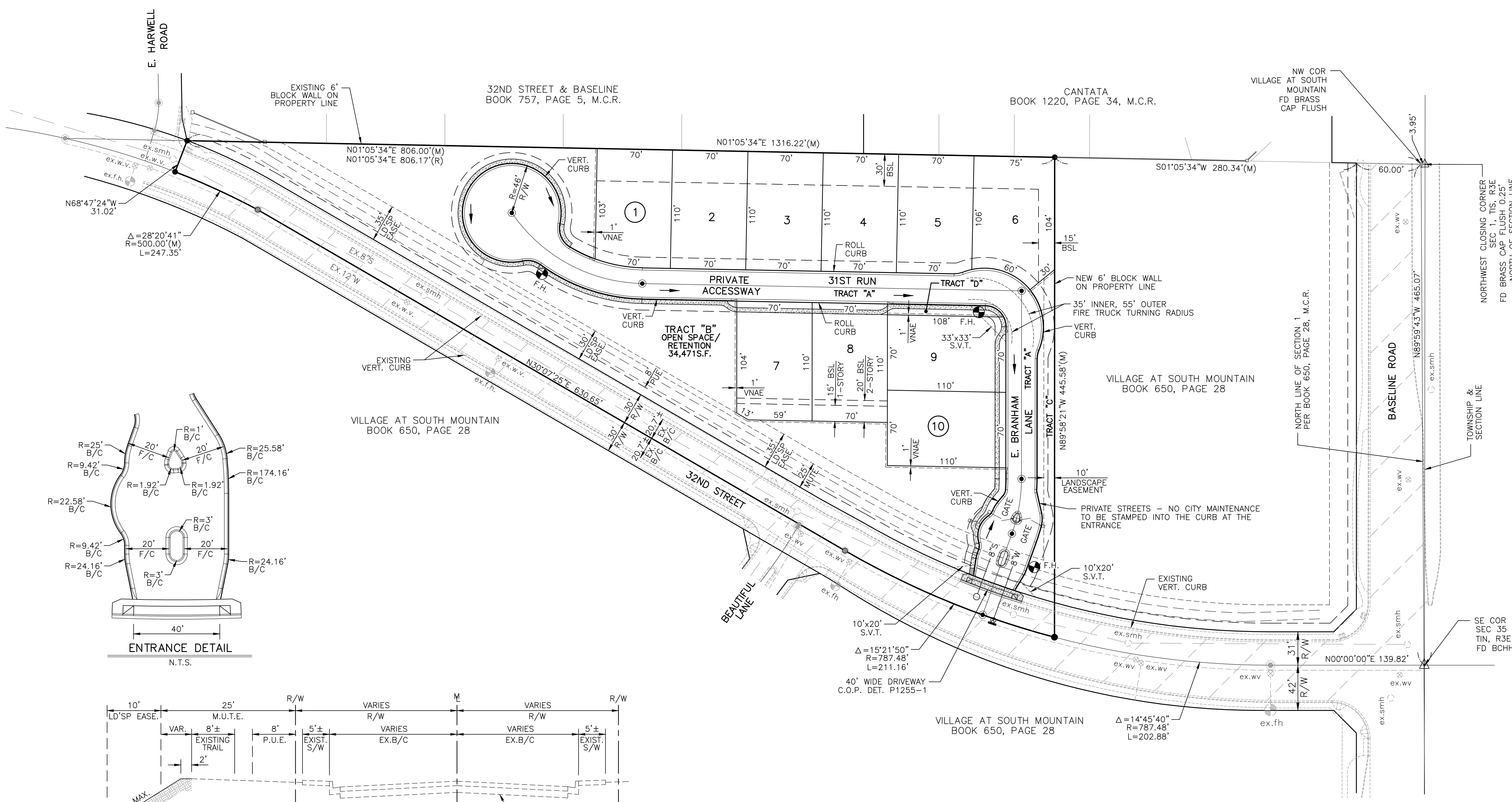
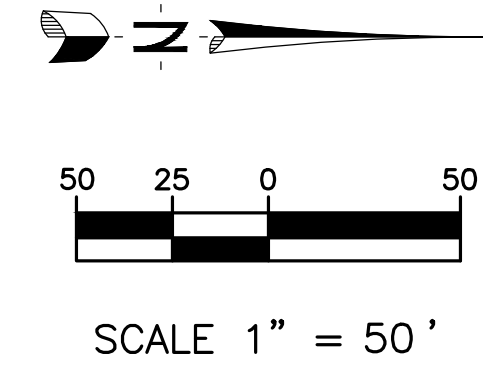
Clouse Engineering, Inc.
 ENGINEERS & SURVEYORS
 9010 E. Shea Blvd Suite 110 Scottsdale, AZ 85254
 Tel 602-395-9300 Fax 602-395-9310

**PRELIMINARY SITE PLAN
BASELINE 32
"AN M.U.A. PLANNED RESIDENTIAL DEVELOPMENT"**

Revised
7-19-23

Date
5-8-23

As-Built
Job No.
210901



ZONING #Z-73-01-6
 KIVA #21-4580
 SDEV #1900338
 PAPP #1904506
 Q.S. #01-35

Revised
 7-19-23

Date
 5-8-23
 As-Built

Job No.
 210901

EXHIBIT F

Open Space: 33,205 sq.ft.



Open Space: 33,100 sq.ft.

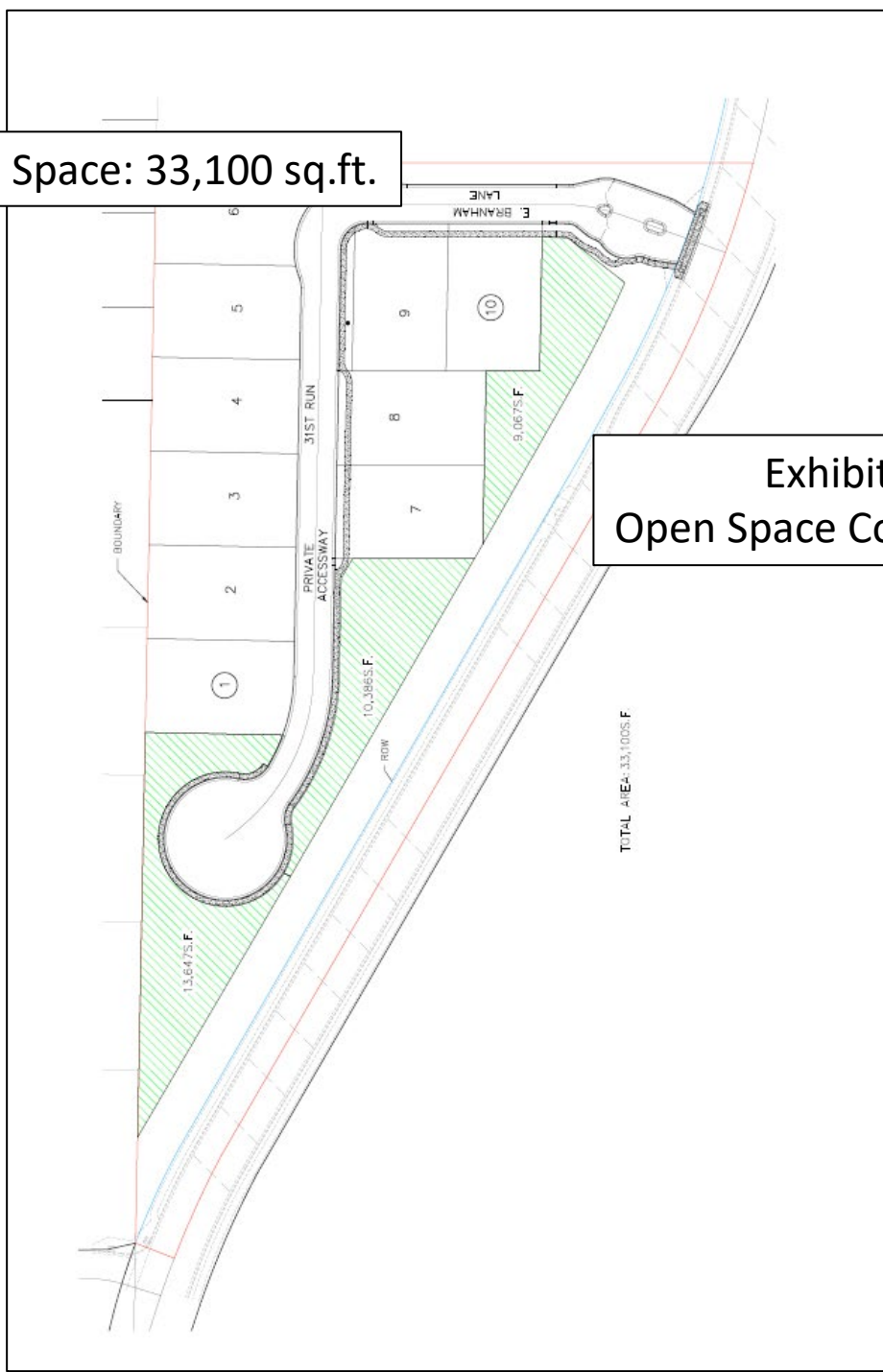
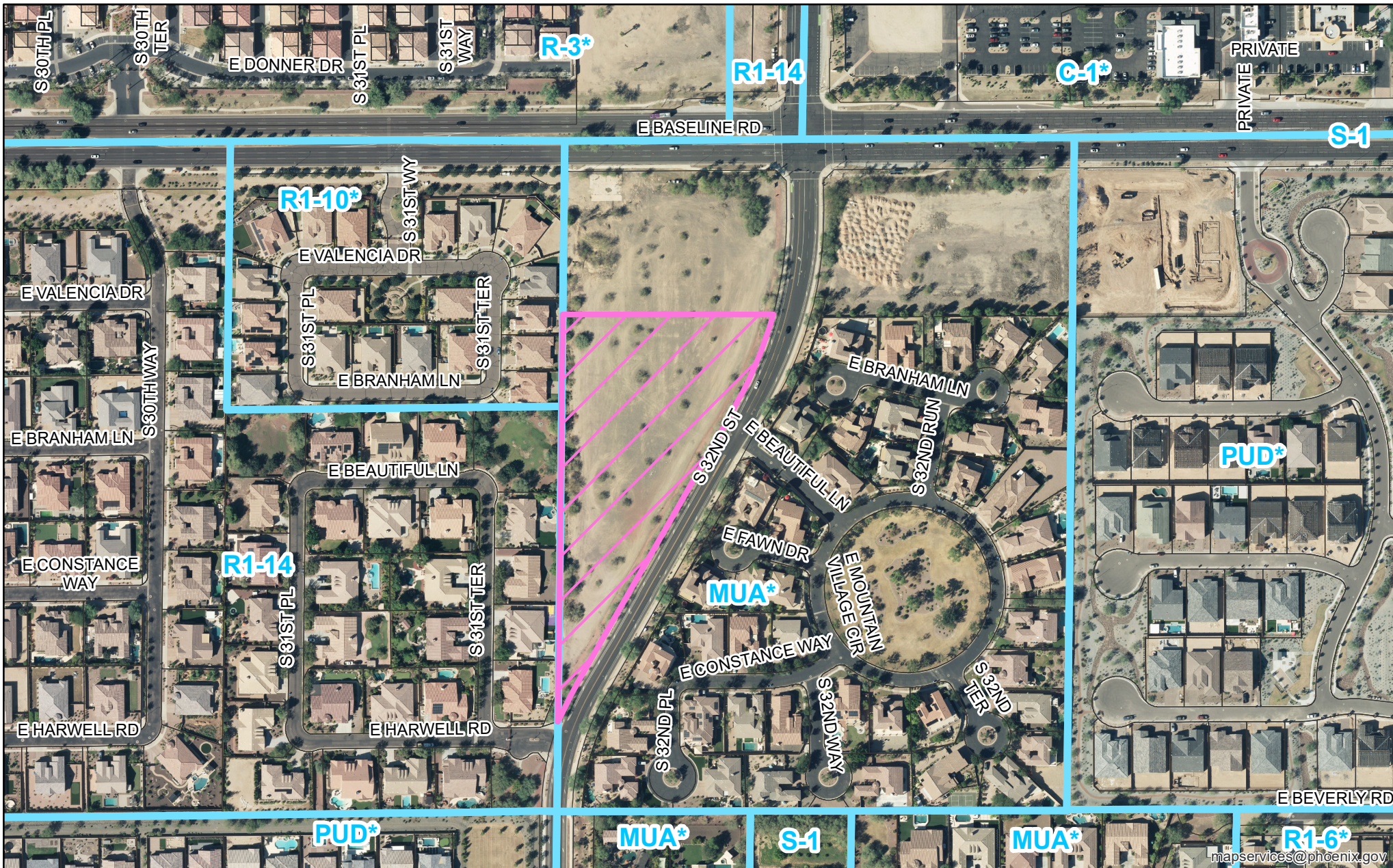


Exhibit F
Open Space Comparison

EXHIBIT C
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"



mapservices@phoenix.gov

PHO-2-23-Z-73-01-6(8)

Property Location: Approximately 275 feet south of the southwest corner of 32nd Street and Baseline Road



Planning & Development Department

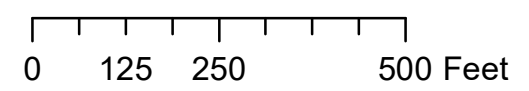
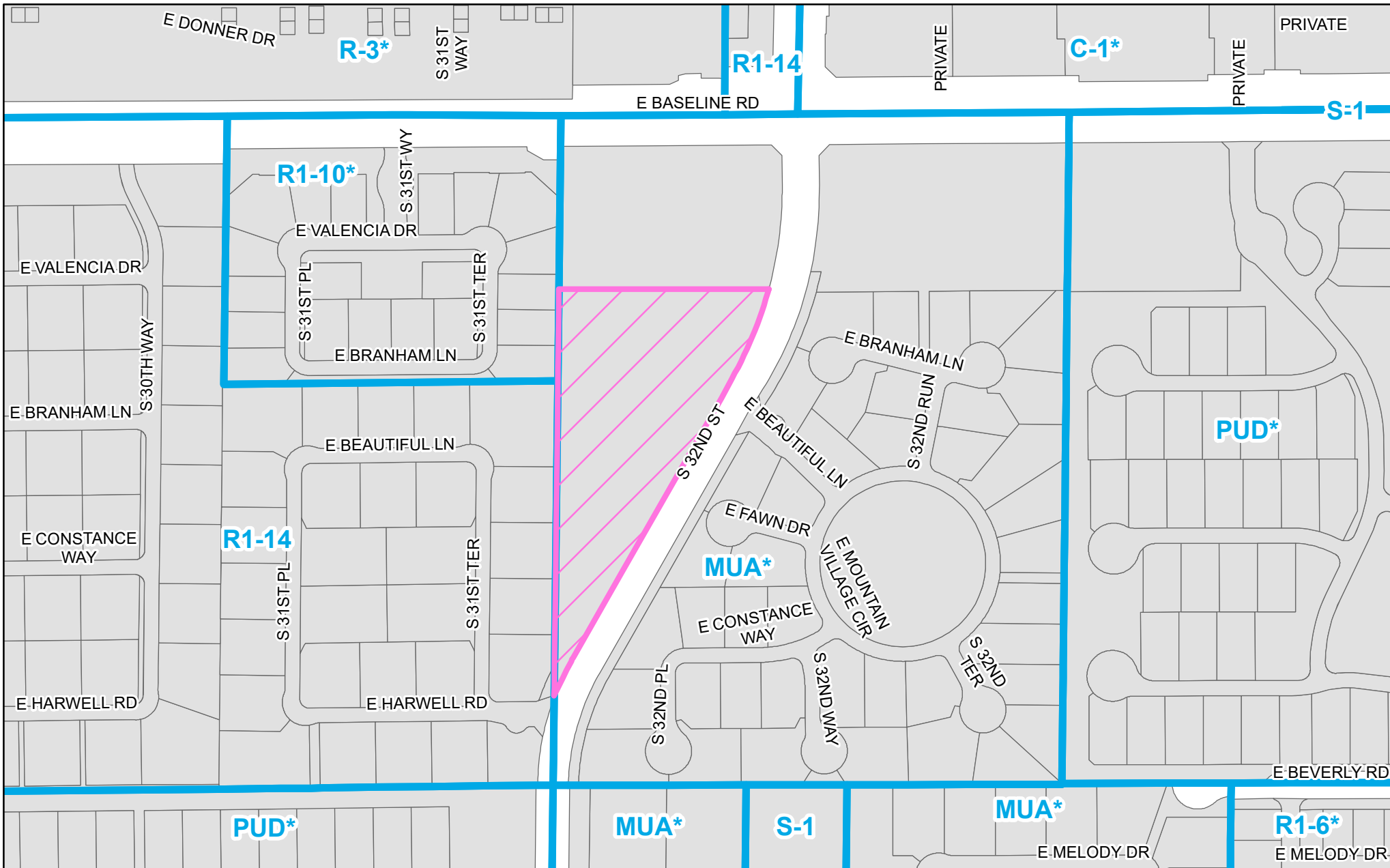


EXHIBIT D
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"



PHO-2-23--Z-73-01-6(8)

Property Location: Approximately 275 feet south of the southwest corner of 32nd Street and Baseline Road



EXHIBIT E
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"



City of Phoenix

PLANNING DEPARTMENT

November 1, 2001

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

Dear Village People Limited Partnership:

RE: Z-73-01-8

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

STIPULATION

1. Site Planning:

- Mod** **a)** That the development shall be in general conformance with the site plan dated August 27, 2001, with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA, as may be approved by DSD, and represented by:
- A circular open space tract in the residential area
 - Linear pedestrian tracts in the east and south connecting to adjacent properties
 - A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.
- Mod** **b)** Landscaped-tree lined strips that run along both sides of all local streets in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.
- Del** **c)** That the height for commercial buildings be limited to one story along Baseline Road, as specified on the site plan.
- Mod** **d)** That a Homeowners Association (HOA) be created to maintain all areas specified in 1. a).
- e)** That a design for the gated entry for the residential area shall be provided to the PHO for review prior to Preliminary Site Plan approval.

- Mod f) That solid walls be allowed on the interior perimeter walls (east and south) not the walls along 32nd Street or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.
- Del g) That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.

2. Building Design:

2.1 Commercial Buildings

- Del a) That the applicant shall submit detailed elevations of the commercial buildings detailing the open areas between the buildings. These connections shall be made through "transparent" type of architectural elements working as shading devices. These elements may include arcades, ramadas, isolated-decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan Approval.

2.2 Residential Buildings

- Mod a) That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.
- Mod b) The floor plans shall be consistent with the elevations that reflect a rural design based on the "Tuscan Architecture" style illustrated by the applicant.

3. Streets and rights-of-way:

- Del a) That a right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.
- Del b) That right-of-way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 foot of Right-of-Way planned for 32nd Street on the south side of Baseline. Additional improvements may be required to accommodate left turn access to the proposed driveways.
- Del c) That a 21 foot by 21 foot right-of-way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.
- Del d) That sufficient right-of-way shall be dedicated to accommodate a busbay (Detail P-1256) on Baseline road east of 32nd Street (new realignment).
- Del e) That rights-of-way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.
- Del f) That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the city. All improvements shall comply with all ADA accessibility standards.

- Del g) The applicant shall complete and submit the Developer Project Information form for the MAG Transportation Improvement Program to the Street Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clean air quality requirements.
- Del h) That sufficient right-of-way must be provided for a underground tunnel crossing Baseline Road running on the west side of the 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right-of-way should be approximately 100 feet by 50 feet from the right-of-way of Baseline Road, at the SWC of Baseline Road and 32nd Street realignment).

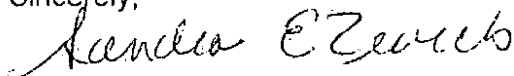
4. Trails:

- Mod a) That a 25 foot easement shall be provided on the west side of 32nd Street and along Baseline Road to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, Recreation and Library Department for final approval.
- TC b) That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be used across the entire width of the street or driveway. The alternate paving material and the material used at the street/trail interface shall be acceptable to the Parks, Recreation and Library Department and Street Transportation Department.

5. Other issues:

- Mod a) That upon approval of this request by City Council, the South Mountain Village Planning Committee will be notified of any subsequent modifications and/or deletions of stipulations and/or variances.
- Del b) That the development shall commence construction within 24 months of the rezoning request approval by City Council.

Sincerely,

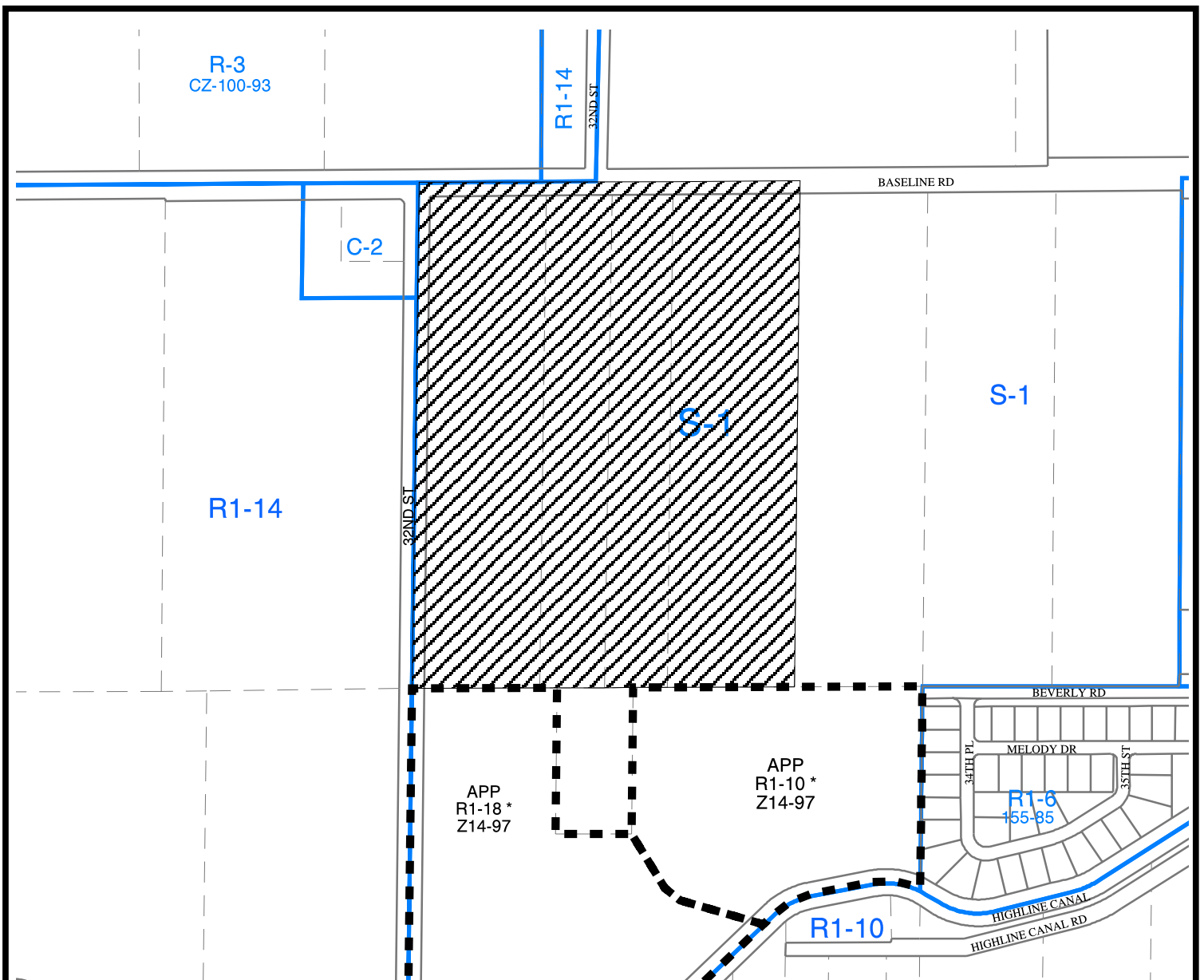


Sandra E. Zwick
Planner III

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

- | | |
|---|--|
| C: City Clerk | Jay Neville (sent electronically) |
| Files | Karen Stovall |
| Tammy Henry (sent electronically) | Dave Barrier, DSD, (sent electronically) |
| E. J. Hyncik, Public Transit (sent electronically) | Miguel Victor (sent electronically) |
| Book | Lynn West (sent electronically) |
| Ed Bull, Burch & Cracchiolo PA, 702 East Osborn Road, Suite 200, Phoenix, AZ, 85014 | |
| Makai Delompnt. Services Inc., Michael C, 1820 West Drake Drive, #108, Tempe, AZ, 85283 | |

EXHIBIT F
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"

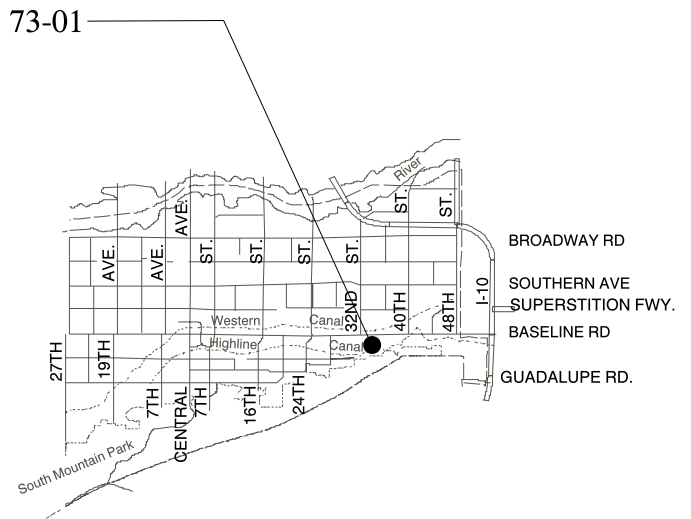


GRAPHIC SCALE IN FEET

CITY OF PHOENIX PLANNING DEPARTMENT

South Mountain Village

CITY COUNCIL DISTRICT: 6



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

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

EXHIBIT G
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"



Village Planning Committee Meeting Summary

PHO-2-23--Z-73-01-6(8)

Date of VPC Meeting

December 12, 2023

Request

- 1) Request to modify Stipulation No. 1.a regarding general conformance with the site plan date stamped August 27, 2001
- 2) Request to modify Stipulation No. 1.b regarding a detached sidewalk
- 3) Request to modify Stipulation No. 1.d regarding a HOA
- 4) Request to modify Stipulation No. 1.f regarding interior perimeter walls
- 5) Request to modify Stipulation No. 1.g regarding parking stalls
- 6) Request to modify Stipulation No. 2.2a regarding one-story homes
- 7) Request to modify Stipulation No. 2.2b regarding floor plans
- 8) Request to modify Stipulation No. 4.a regarding a 25-foot easement on the west side of 32nd Street
- 9) Request to modify Stipulation No. 5.a regarding a South Mountain Village Planning Committee notification
- 10) Request to delete Stipulation No. 1.c regarding commercial building height
- 11) Request to delete Stipulation No. 2.1a regarding commercial building elevations
- 12) Request to delete Stipulation No. 3 regarding Planning Hearing Officer review of a gated entry design Streets and Rights-of-Way

13) Request to delete Stipulation No. 5.b regarding construction commencement

VPC Recommendation Approval with a modification and additional stipulations
VPC Vote 11-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

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

STAFF BACKGROUND PRESENTATION

Samuel Rogers, staff, provided a presentation highlighting the request, subject site, surrounding area, the original 2001 rezoning case and stipulations, and the request.

APPLICANT PRESENTATION

Adam Baugh, with Withey, Morris, Baugh, PLC, provided a presentation on the subject site context, history of subject site, the site plan, the request, the conceptual landscape plan, the conceptual elevations, and the conceptual renderings.

QUESTIONS FROM THE COMMITTEE

Committee Member Marchuk asked about the proposed modification to Stipulation 2.2b that requires that the design of the proposed homes come to the Village Planning Committee (VPC) before preliminary site plan approval and asked if the VPC would be able to add additional stipulations when the design of the proposed homes comes in front of the VPC. **Mr. Rogers** stated that he has never dealt with this situation and does not know if the VPC would be able to add additional stipulations when the design of the proposed homes comes in front of the VPC. **Mr. Baugh** stated that the VPC would be able to provide comments, direction, and guidance to the applicant on how to adjust and change the design of the proposed elevations. Committee Member Marchuk asked for confirmation that the VPC would not be voting when they review the design of the proposed elevations. Mr. Baugh stated that the elevations would have to go to the PHO again and explained that the PHO would implement the VPC recommendation through adding additional stipulations.

Chair Daniels asked why the final elevations were not presented and asked if providing elevations is a requirement of the PHO application. **Mr. Baugh** stated that the elevations had not been created yet, explained that the site already has the proper zoning for the proposed use, stated that the applicant is changing the site plan, and explained that there is still more work to do. **Mr. Rogers** stated that elevations are required for rezonings, but stated he would have to check the PHO process packet to see what the submittal requirements are. Chair Daniels explained that the VPC votes

based on what they see, not on what something could possibly look like. Mr. Baugh explained that the elevations provided were submitted as a part of the application and stated that the VPC can change stipulations, stipulate to the elevations, or move forward with the elevations. Chair Daniels reiterated that Mr. Baugh stated in his presentation that the elevations had been from another project. Mr. Baugh explained that the builder is comfortable with the proposed elevations and explained that the stipulation requiring review of the elevation designs was proposed so that the VPC could guide the elevations to be more acceptable to the VPC. Mr. Rogers stated that elevations are required as a part of the PHO application.

Committee Member Brownell asked if the homes would be for sale or for rent. **Mr. Baugh** stated that the homes would be for sale.

Committee Member Marchuk stated that Starbucks development to the north set an important precedent when the applicant continued the case and brought revised elevations that were specific to the MUA back to the VPC two months after their original VPC hearing. **Committee Member Brownell** echoed Committee Member Marchuk's comments and stated his biggest concern was regarding whether the homes would be for sale.

Committee Member Marcia Busching stated that the stipulation requires that the applicant return to the VPC with elevations, stated that the VPC should approve the request, and stated that the VPC should state that the elevations are not being approved as a part of the motion. **Committee Member Arthur Greathouse III** stated that the VPC will be able to add stipulations when the elevations come back to the VPC for review, but not stop the project. Committee Member Busching stated that the proposed stipulation requires the applicant to come back with elevations. **Mr. Baugh** stated that the proposed Stipulation No. 2.2b could be amended to require the elevations be reviewed and approved by the VPC and explained he would like to not continue the case because there are contractual timeline obligations with the escrow agreement.

Committee Member Busching stated that it looks like the development is proposed to be gated, stated that she is not a fan of gated communities, and stated that she would like to add a stipulation requiring that the development not be gated. **Chair Daniels** stated she likes that it is a gated community, stated that she does not live in a gated community, and explained that part of having housing diversity means having some gated communities. **Mr. Baugh** stated that a 10-lot subdivision development like this is more of an enclave that is appropriate for gating. Chair Daniels stated that an enclave is a large, gated subdivision.

Committee Member Marchuk stated that VPC had stipulated a pedestrian connection to this development on the to the proposed development to the north, stated that a pedestrian connection to the north could be stipulated on this project, and asked if the open space on the south portion of the property could be open to the public. **Mr. Baugh** stated that the open space area is intended to be for retention. **Chair Daniels** stated that the homeowners who live in the community pay for the gate and any liability that

comes with it. Committee Member Marchuk asked if the pedestrian connection would be controlled access. Chair Daniels stated that normally residents would have a key to access the pedestrian gate.

Mr. Baugh stated that the development team is not opposed to a pedestrian gate, but there may be some ADA compliance issues with the slope and stated that the pedestrian connection stipulation should be subject to ADA to compliance. **Committee Member Busching** stated that the subject site is very flat. **Tom Webber**, with the development team, stated that the subject site appears flat, but explained that there is two to three feet of elevation difference between the two properties, stated that there may not be enough space to provide adequate sloping, and stated he does not think the development team can ask Starbuck to put the ADA ramp on their property. **Committee Member Kay Shepard** asked if the gate would have to be ADA compliant and stated at the nearby Safeway there is a pedestrian access to another property that is not ADA compliant. Mr. Webber stated he is not familiar with the Safeway property, stated he wonders when the Safeway development was built, and stated that he has always had to provide ADA compliant paths. Committee Member Shepard stated that the Safeway pedestrian connection had been built in the last three years.

Committee Member Marchuk asked if the developer would be required to conform to the landscape plan and asked if the developer should be stipulated to conformance with the landscape plan. **Mr. Rogers** stated that the VPC can stipulate general conformance to the landscape plan. **Committee Member Brownell** asked if 25 percent shade coverage could be stipulated. **Mr. Baugh** stated that the MUA district and the Baseline Area Overlay District may require more than 25 percent shade coverage.

Chair Daniels stated that the VPC still needs to figure out what to do about the design of the proposed elevations, stated that in the previous PHO case the VPC had required that the applicant come back to the VPC with updated elevations, reiterated that elevations are required as a part of the PHO packet, stated it is the VPC's responsibility to the community approve what they see, and stated that in the past developers had made promises to the VPC that were not help up. **Mr. Baugh** stated that the proposed stipulation could be modified to require the approval of the elevations by the VPC.

Committee Member Marchuk asked if staff could confirm if Stipulation 2.2b was modified to require approval of the elevations, the VPC would have the opportunity to vote and add stipulations. **Mr. Rogers** stated that he has never dealt with this situation and could not speak definitively and stated that the PHO has some latitude on how he deals with PHO cases. Committee Member Brownell stated that the VPC can approve, but not accept the elevations, stated that the City will not have elevations so the development team will have to come back and seek VPC approval of the elevations. **Chair Daniels** asked for confirmation that MUA district has design requirements. Committee Member Marchuk stated that some of the MUA district design requirements are presumptions or considerations and stated that some of the presumptions and considerations should be stipulated.

Committee Member Busching stated that if she were to make a motion she would motion to recommend approval of PHO-2-23--Z-73-01-6(8) as requested by the applicant with a modification to Stipulation 2.2b to require VPC approval of the design of the homes prior to preliminary site plan approval and with additional stipulations to require a pedestrian access point to the development to the north, subject to ADA standards, and to require general conformance to the landscape plan or City Code, whichever is greater. **Committee Member Marchuk** stated that the PHO has some level of latitude to make decisions and asked what uncertainty that latitude would add to the situation. Committee Member Busching stated that her understanding is that the PHO has latitude to adopt, modify, or deny VPC recommendations and stated that it does not make much of a difference whether the applicant continues the case and comes back to the VPC with elevations or if the applicant goes to the PHO now and then comes back to the VPC for approval of the elevations because the PHO will have the right to agree or disagree with the VPC recommendation at either time. Committee Member Marchuk asked if it would be easier for the PHO to disagree with sending the elevations back to the VPC for approval versus continuing the case and requiring the applicant to come back to the VPC. Committee Member Busching stated that if the VPC continues the case, there is no guarantee that the applicant will request a continuance at the PHO hearing. **Chair Daniels** asked if the applicant would commit to requesting a continuance at the PHO hearing. **Mr. Baugh** stated that that the development team would rather have to VPC recommend denial than have the case continued. Chair Daniels asked when the application was submitted. **Mr. Rogers** stated that the application date should be in the packet and stated that to ensure the case is continued at the PHO hearing the applicant would have to request a continuance. **Committee Member Shepard** stated she would prefer to go forward with Committee Member Busching's potential motion.

Committee Member Darlene Jackson asked if it would be a bad thing if the developer goes forward with the elevations presented. **Chair Daniels** stated that it would not necessarily be a bad thing if the development team goes forward with the elevations shown, explained that applicant had stated that elevations were from another project and not designed specifically for this site, and stated that the VPC cannot analyze the proposal properly without the actual elevations. **Committee Member Brownell** stated that one of the elements that is missing from the discussion is that this is only a 10-lot subdivision and stated it would not be the worst thing in the world if the applicant moves forward with the elevations presented. Chair Daniels stated that it does not matter how large or small the subdivision is, stated that she asked when the application was submitted because the applicant should have been told that they need elevations for the proposed project, stated that it feels like emotional blackmail when the applicant says they have deadlines but they did not follow the requirement to submit elevations for the proposed project, and stated she is in support of requiring the elevations to come back to the VPC for approval. **Mr. Baugh** stated that the subject site is within the MUA district, stated that the MUA district has design standards, stated that the modified Stipulation No. 2.2b requires that the design of the homes reflect a rural design, explained that the stipulation requiring VPC approval of the elevations is a great tool for the VPC, stated that his team does not control the buyer's timeline, and stated the

development team can commit to coming back to the VPC to allow them to influence the final design of the elevations.

Committee Member Marchuk stated that he would like to work collaboratively with the development team on getting the elevations to comply with MUA design requirements when they come back, stated that the VPC should add a stipulation to elevate all presumptions in 649.J to requirements, and stated if there are any presumptions the development team wants to strike they can be negotiated when the development team comes back for approval of the elevations. **Mr. Baugh** stated that he has not analyzed all of the presumptions in 649.J and stated that the code uses presumptions and requirements because every presumption may not make sense with every circumstance. **Committee Member Shepard** asked if Committee Member Marchuk was suggesting to elevate every presumption in the MUA district to a requirement and stated the presumptions that apply to the elevations should be elevated to requirements. Committee Member Marchuk stated that he is suggesting that only the presumptions in the design section of MUA district be elevated to requirements and agreed that only the presumptions applicable to elevations should be elevated to requirements. **Committee Member Brownell** stated that this would be a good compromise. Mr. Baugh stated that he does not think the elevation of all presumptions in 649.J should be put on the project without doing the proper analysis. Committee Member Marchuk stated that the VPC should have had the actual proposed elevations before the development team ever came to the VPC.

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

MOTION

Committee Member Busching made a motion to recommend approval of PHO-2-23--Z-73-01-6(8) with a modification and additional stipulations. **Committee Member Shepard** seconded the motion.

VOTE

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

VPC RECOMMENDED STIPULATIONS:

- 1.a. The development shall be in conformance with the site plan dated stamped _____ ~~August 27, 2001~~, with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA, as may be approved by the PLANNING & DEVELOPMENT DEPARTMENT, and represented by:

- ~~A circular open space tract in the residential area.~~

- ~~Linear pedestrian tracts in the east and south connecting to adjacent properties.~~
 - ~~A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.~~
- 1.b. A DETACHED SIDEWALK SEPARATED FROM THE CURB BY A LANDSCAPED landscaped-tree lined strips SHALL BE PLACED that run along ONE both sides of THE all PRIVATE local streets, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.
 - 1.c. ~~That the height of the commercial buildings be limited to one story along Baseline Road as specified on the site plan.~~
 - 1.d. That a Homeowners Association (HOA) be created to maintain all COMMON areas specified in 1A.
 - 1.e. That a design for the gated entry for the residential area shall be provided to the PHO for review prior to preliminary site plan approval.
 - 1.f. That solid walls be allowed on the interior perimeter walls (east and south) not the walls along 32nd Street or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.
 - 1.g. ~~That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.~~
 - 2.1.a. ~~That the applicant shall submit detailed elevations of the commercial buildings detailing the open areas between the buildings. These connections shall be made through "transparent" type architectural elements working as shading devices. These elements may include arcades, ramadas, isolated decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan Approval.~~
 - 2.2.a. ~~That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.~~
 - 2.2.b. The DESIGN OF THE HOMES SHALL floor plans shall be consistent with the elevations that reflect a rural design, AND SHALL BE REVIEW **AND APPROVED** BY THE SOUTH MOUNTAIN VILLAGE PLANNING

COMMITTEE BEFORE PRELIMINARY SITE PLAN APPROVAL based on the "Tuscan Architecture" style illustrated by the applicant.

- 3.a. ~~That a right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.~~
- 3.b. ~~That right-of-way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 foot of Right-of-Way planned for 32nd Street on the south side of Baseline. Additional improvements may be required to accommodate left turn access to the proposed driveways.~~
- 3.c. ~~That a 21 foot by 21 foot right-of-way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.~~
- 3.d. ~~That sufficient right-of-way shall be dedicated to accommodate a busbay (Detail P-1256) on Baseline road east of 32nd Street (new realignment).~~
- 3.e. ~~That rights-of-way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.~~
- 3.f. ~~That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the city. All improvements shall comply with all ADA accessibility standards.~~
- 3.g. ~~The applicant shall complete and submit the Developer Project Information form for the MAG Transportation Improvement Program to the Street Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clean air quality requirements.~~
- 3.h. ~~That sufficient right-of-way must be provided for a underground tunnel crossing Baseline Road running on the west side of the 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right-of-way should be approximately 100 feet by 50-feet from the right-of-way of Baseline Road, at the SWC of Baseline Road and 32nd Street realignment.~~
- 4.a. ~~That a 25 foot easement shall be provided on the west side of 32nd Street and along Baseline Road to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, Recreation and Library Department for final approval.~~

- 4.b. That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be used across the entire width of the street or driveway. The alternate paving material and the material used at the street/trail interface shall be acceptable to the Parks, Recreation and Library Department and Street Transportation Department.
- 5.a. That upon approval of this request by City Council, the South Mountain Village Planning Committee will be notified of any subsequent modifications and/or deletion of stipulations ~~and/or variances.~~
- 5.b. ~~That the development shall commence construction within 24 months of the rezoning request approval by City Council.~~
6. **ACCESS TO THE PROJECT TO THE NORTH SHALL BE REQUIRED SUBJECT TO ADA STANDARDS.**
7. **THE LANDSCAPING FOR THE PROJECT SHALL BE EQUAL TO OR BETTER THAN THE LANDSCAPE DESIGN SHOWN ON THE LANDSCAPE PLAN DATED AUGUST 7, 2023, OR AS REQUIRED BY OTHER CITY CODE, WHICH EVER IS GREATER.**
8. **ALL THE PRESUMPTIONS OF MIXED USE AGRICULTURAL DISTRICT SECTION 649.J BE CHANGED TO REQUIREMENTS, AS APPLICABLE TO THE ELEVATIONS.**

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

VPC PROPOSED STIPULATION NO. 6

PEDESTRIAN ACCESS SHALL BE PROVIDED TO THE DEVELOPMENT TO THE NORTH, SUBJECT TO ADA STANDARDS AND AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.

Staff comment: The intention of the Village Planning Committee (VPC) was to require a pedestrian access point to the development to the north in alignment with the VPC recommended stipulation on PHO-1-23--Z-73-01-6(8). The applicant site concerns about being able to provide an ADA accessible path due to the grade difference of the subject site and site to the north.

VPC PROPOSED STIPULATION NO. 7

THE LANDSCAPING FOR THE PROJECT SHALL BE EQUAL TO OR BETTER THAN THE LANDSCAPE DESIGN SHOWN ON THE LANDSCAPE PLAN DATED

AUGUST 7, 2023, OR AS REQUIRED BY OTHER CITY CODE, WHICH EVER IS GREATER.

Staff comment: The intention of the stipulation was to require general conformance with the landscape plan dated August 7, 2023 unless the underlying zoning requirements are greater. The MUA zone requires the following planting standards:

Streetscape standards:

- Min. 2-inch caliper (50% of required trees)
- Min. 3-inch caliper or multi-trunk tree (25% of required trees)
- Min. 4-inch caliper or multi-trunk tree (25% of required trees)

Perimeter property lines (not adjacent to a street):

- Min. 2-inch caliper (60% of required trees)
- Min. 1-inch caliper (40% of required trees)

Adjacent to a building:

- Min. 2-inch caliper (60% of required trees)
- Min. 1-inch caliper (40% of required trees)

VPC PROPOSED STIPULATION NO 8.

ALL PRESUMPTIONS APPLICABLE TO THE ELEVATIONS IN SECTION 649.J OF THE ZONING ORDINANCE SHALL BE ELEVATED TO REQUIREMENTS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Staff comment: The VPC wanted to ensure that any applicable presumptions regarding the design of the elevations were not overcome administratively.

EXHIBIT H
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"

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

December 20, 2023

ITEM NO: 2	
	DISTRICT NO. 8
SUBJECT:	
Application #:	PHO-2-23--Z-73-01-6(8)
Location:	Approximately 275 feet south of the southwest corner of 32nd Street and Baseline Road
Zoning:	MUA BAOD
Acreage:	4.6
Request:	<ol style="list-style-type: none"> 1) Request to modify Stipulation 1.a regarding general conformance with the site plan date stamped August 27, 2001. 2) Request to modify Stipulation 1.b regarding a detached sidewalk. 3) Request to delete Stipulation 1.c regarding commercial building height. 4) Request to modify Stipulation 1.d regarding a Homeowners Association. 5) Request to modify Stipulation 1.f regarding interior perimeter walls. 6) Request to delete Stipulation 1.g regarding parking stalls. 7) Request to delete Stipulation 2.1a regarding commercial building elevations. 8) Request to modify Stipulation 2.2a regarding one-story houses. 9) Request to modify Stipulation 2.2b regarding floor plans. 10) Request to delete Stipulation 3 regarding Streets and Rights-of-Way. 11) Request to modify Stipulation 4.a regarding a 25-foot easement on the west side of 32nd Street. 12) Technical corrections to Stipulation 4.b. 13) Request to modify Stipulation 5.a regarding South Mountain Village Planning Committee notification. 14) Request to delete Stipulation 5.b regarding construction commencement.
Applicant:	Baseline & 32nd, LLC/CG6, LLC
Owner:	Baseline & 32nd, LLC/CG6, LLC
Representative:	William F. Allison, Withey Morris Baugh, PLC

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee reviewed the request on December 12, 2023. The VPC recommended approval with a modification and additional stipulations by a vote of 11-0.

DISCUSSION:

Bill Allison, representative of Withey Morris Baugh, PLC, gave an overview of what occurred at the South Mountain VPC meeting. He gave an overview of the proposed site and proposed stipulation modifications. He stated no elevations were created by the applicant yet but would provide them to the VPC for review when ready.

Marcia Busching, village planning committee member, thanked the applicant for providing their recommendations to the VPC. She stated the recommendations were a “win-win” for everyone involved.

Byron Easton, Planning Hearing Officer, stated he did not have any questions and the requests were straightforward. He stated there was no public correspondence for the case. He recommended approval with a modification for Stipulation 1.a regarding general conformance with the site plan. He recommended approval with a modification for Stipulation 1.b regarding a detached sidewalk. He recommended approval for Stipulation 1.c regarding commercial building height. He stated since the development is no longer a commercial development, the stipulation was not needed. He recommended approval for Stipulation 1.d regarding a Homeowner’s Association. He recommended approval with a modification for Stipulation 1.f regarding interior perimeter walls. He stated there was an error in advertising for Stipulation 1.g, indicating the original request was to request a deletion instead of a modification. He recommended approval for Stipulation 1.g, indicating that the specific number of parking stalls is left over from the previous zoning case and would not make sense for a residential development. He recommended approval for Stipulation 2.2a regarding one-story houses. He recommended approval for Stipulation 2.2b regarding floor plans. He recommended denial as filed for Stipulation 3 regarding Streets and Rights-of-Way. He stated the applicant revised the request to reflect comments given by the Street Transportation Department, including keeping Stipulation 3.f as originally written. He recommended denial for Stipulation 4.a regarding a 25-foot easement on the westside of 32nd Street. He stated the stipulation would be deleted instead of modified because the previous case (Item No. 1) referenced a 30-foot wide MUTE and a 10-foot wide MUT, exceeding the

25' easement requirement. He recommended approval for Stipulation 4.b regarding a technical correction. He recommended approval for Stipulation 5.a regarding South Mountain Village Planning Committee notification. He recommended approval for Stipulation 5.b regarding construction commencement. He recommended adding Stipulation 6, recommended by the VPC, regarding pedestrian access. He recommended adding Stipulation 7, recommended by the VPC, regarding landscape design, but did not agree with the wording. He stated general conformance language will be used for the stipulation. He recommended not adding Stipulation 8, recommended by the VPC, regarding presumptions applicable to residential elevations. He stated presumption language cannot be stipulated. He stated archaeological stipulations and a Prop 207 stipulation would be added for this case.

Mr. Allison stated he agreed with Mr. Easton's recommendations.

Ms. Busching stated she was frustrated. She stated that there have been a few situations regarding new development presumptions in the BAOD that have been overlooked by site planners. She stated the VPC was trying to add a stipulation to reenforce presumptions so they will not be disregarded. She stated no one told the village that presumptions cannot be included in the requirements.

Mr. Easton stated you cannot legally stipulated presumptions. He stated if the village would like to submit a text amendment to alter the language of presumptions in the Zoning Ordinance, they are welcome to. He stated he would speak with the South Mountain village planner to see if an educational session can be created between the city and the VPC to help better understand what can be stipulated. He stated that he already approved a stipulation regarding the design of the homes will be reviewed and approved by the South Mountain VPC before preliminary site plan approval. He stated they will be given the opportunity to see the elevations and if a preliminary review is approved by the VPC, the site planner will have clear direction on the design of the homes.

Ms. Busching stated she agreed with Mr. Easton and did not realize the VPC has the right to approve prior to preliminary site plan approval.

FINDINGS:

- 1) The request for modification of Stipulation 1.A regarding general conformance to a conceptual site plan is recommended to be approved with a modification. The request for review and approval of conceptual site plan per Stipulation 1 has been complied with and text was eliminated that pertained to the previously approved plan. The recommendation is therefore to approve the plan and modify the existing Stipulation 1 to replace the existing language with a standard language general conformance stipulation to the site plan.

- 2) The request to Modify 1.B is approved with a modification. This stipulation is now written with updated language and location specificity. The small size and irregular shape of the subject parcel limits the ability to provide, and need for, detached sidewalks on both sides of the private street. All homes will have easy access to the detached sidewalk proposed for the east portion of the project to access the open space area and to exit the neighborhood to 32nd Street.
- 3) The request to delete Stipulation 1.c regarding the height of commercial buildings is approved. This Stipulation is no longer pertinent considering the new Site Plan and residential nature of the project.
- 4) The request to modify Stipulation 1.d is approved. An HOA will be responsible to maintain all common areas on site, which are different than those installed in the neighborhood across 32nd Street and listed in stipulation 1.a.
- 5) The request to modify Stip 1.f is approved with a modification. This modification specifies the location of solid walls as it pertains to this request. The modification also removes the language referencing the previous zoning case.
- 6) The request to modify Stipulation 1.g regarding parking stalls is actually a request to delete the stipulation in its entirety. This request is approved due to the fact that the specific number of parking stalls is a leftover from the previous zoning case.
- 7) The request to delete Stipulation 2.1a regarding commercial building elevations is approved as it is not applicable to this proposal.
- 8) The request Request to modify Stipulation 2.2a regarding one-story houses is approved. The intent of the stipulation was to prepare for the neighborhood being built to the south by staggering the height of the houses, however, the neighborhood is already built.
- 9) The homes will be subject to the proposed, revised stipulation and to design guidelines of the MUA and BAO districts. The Owners will not develop elevations for the project until this application is concluded and the applicant agrees the Village Planning Committee needs the opportunity to review the elevations before preliminary site plan approval.
- 10) The request to delete all of Stipulation 3 is denied as filed. Staff recommends the Stipulation 3.f. remain as written due to it being a standard stipulation for all rezones requiring all streets within and adjacent

to a development, both public and private, be constructed to City of Phoenix and ADA standards. The stipulation still applies to this site as it requires all streets needing to be built with this development to be constructed to City of Phoenix standards.

- 11) The request to modify Stipulation 4.a regarding a 25-foot easement on the west side of 32nd Street is approved. The location of the easement has been specified to the current project.
- 12) The technical correction to remove the Library Department from the stipulation has been approved.
- 13) The request to modify Stipulation 5.a regarding South Mountain Village Planning Committee notification is approved.
- 14) The request to delete Stipulation 5.b regarding construction commencement is approved.

STIPULATIONS:

1.	<u>Site Planning:</u>	
	a.	<p>That The development shall be in general conformance with the site plan dated STAMPED NOVEMBER 1, 2023 August 27, 2004, AS APPROVED OR MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA as may be approved by DSD, and represented by:</p> <ul style="list-style-type: none"> • A circular open space tract in the residential area. • Linear pedestrian tracts in the east and south connecting to adjacent properties. • A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.
	b.	A DETACHED SIDEWALK, SEPARATED FROM THE CURB BY landscaped, tree-lined strips SHALL BE PLACED that run ALONG ONE both SIDE OF THE all PRIVATE local STREETS, AS APPROVED BY THE PLANNING AND DEVELOPMENT

		DEPARTMENT in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.
	c.	That the height for commercial buildings be limited to one story along Baseline Road, as specified on the site plan.
	c. d.	That a Homeowners Association (HOA) be created to maintain all COMMON areas. specified in 1.a)
	d. e.	That a design for the gated entry for the residential area shall be provided to the PHO for review prior to Preliminary Site Plan approval.
	e. f.	That solid walls SHALL be allowed on the interior perimeter walls BUT (east and south) not the walls along 32nd Street. or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.
	g.	That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.
2.	<u>Building Design:</u>	
	2.1 Commercial Buildings	
	a.	That the applicant shall submit detailed elevations of the commercial buildings detailing the open areas between the buildings. These connections shall be made through "transparent" type of architectural elements working as shading devices. These elements may include arcades, ramadas, isolated decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan approval.
	2.1 2.2 Residential Buildings	
	a.	That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.
	b.	The DESIGN OF THE HOMES SHALL floor plans shall be consistent with the elevations that reflect a rural design AND SHALL BE

		REVIEWED AND APPROVED BY THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE BEFORE PRELIMINARY SITE PLAN APPROVAL based on the “ Tuscan Architecture ” style illustrated by the applicant.
3.	<u>Streets and Rights-of-Way:</u>	
	a.	That a A right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.
	b.	That Right-of-way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 foot of right-of-way planned for 32nd Street on the south side of Baseline. Additional improvements may be required to accommodate left turn access to the proposed driveways.
	c.	That a A 21 foot by 21 foot right-of-way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.
	d.	That Sufficient right-of-way shall be dedicated to accommodate a bus bay (Detail P-1256) on Baseline Road east of 32nd Street (new realignment).
	e.	That Rights-of-way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.
	f.	That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
	g.	The applicant shall complete and submit the Developer Project Information for the MAG Transportation Improvement Program to the Street Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clean air quality requirements.
	h.	That Sufficient right-of-way must be provided for an underground

		tunnel crossing Baseline Road running on the west side of the 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right-of-way should be approximately 100 feet by 50 feet from the right-of-way of Baseline Road at the southwest corner of Baseline Road and 32nd Street (realignment).
4.	<u>Archaeology:</u>	
	a.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
	b.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
	c.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
5.	<u>Trails:</u>	
	a.	That a 25 foot easement shall be provided on the west side of 32nd Street and along Baseline Road to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, Recreation and Library Department for final approval.
	b.	That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be

		used across the entire width of the street or driveway. The alternative paving material and the material used at the street/trail interface shall be acceptable to the Parks, Recreation and Library Department and Street Transportation Department.
5.	<u>Other Issues:</u>	
	a.	That upon approval of this request by City Council, the South Mountain Village Planning Committee will be notified of any subsequent modifications and/or deletions of stipulations and/or variances.
	b.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
	c.	That the development shall commence construction with 24 months of the rezoning request approval by City Council.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Teleia Galaviz at teleia.galaviz@phoenix.gov or (602) 291-2559 or TTY: 7-1-1.

EXHIBIT I
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"

EXHIBIT J
of "Staff Report
for PHO-2-23--
Z-73-01-6(8)"

NOTES

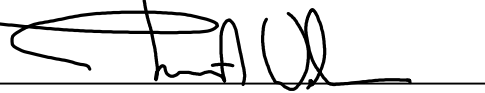
DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE-FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.

OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY, OR A PROPERTY OWNER'S ASSOCIATION, WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.

ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN

ADDITIONAL INDIVIDUAL LOT REQUIREMENTS (I.E. SETBACKS, WALL ELEVATIONS) ARE LOCATED ON THE APPROVED FINAL SITE PLAN

I CONSENT TO THE REPRODUCTION OF THIS SITE PLAN PROVIDED THAT IF MODIFICATIONS ARE MADE, THE PROFESSIONALS WHO MAKE SUCH CHANGES ASSUME FULL RESPONSIBILITY AND LIABILITY FOR THE MODIFIED PORTIONS OF THE PLAN.

 07-26-23
SIGNATURE OF COPYRIGHT OWNER DATE

THOMAS A. WEBER 07-26-23
PRINT NAME OF COPYRIGHT OWNER DATE

STIPULATIONS FOR ZONING CASE #Z-73-01-6

- SITE PLANNING:**
 - THAT THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATED AUGUST 27, 2001, WITH SPECIFIC REGARD TO AREAS TO BE COUNTED TOWARDS APPROXIMATION OF 50% OPEN SPACE REQUIREMENTS IN THE MUA, MAY BE APPROVED BY DSD, AND REPRESENTED BY:
 - A CIRCULAR OPEN SPACE TRACT IN THE RESIDENTIAL AREA
 - A LINEAR PEDESTRIAN TRACTS IN THE EAST AND SOUTH CONNECTING TO ADJACENT PROPERTIES
 - A PEDESTRIAN LINK FROM THE RESIDENTIAL TO THE COMMERCIAL AREAS IN THE NORTH AND CROSSING 32ND STREET
 - LANDSCAPED-TREE LINED STRIPS THAT RUN ALONG BOTH SIDES OF ALL LOCAL STREET IN THE RESIDENTIAL AREA, THIS LANDSCAPED STRIP SHALL INCLUDE A MEANDERING SIDEWALK AS SHOWN ON SITE PLAN.
 - THAT A HOME OWNERS ASSOCIATION (HOA) BE CREATED TO MAINTAIN ALL AREAS SPECIFIED IN 1. a).
 - THAT A DESIGN FRO THE GATED ENTRY FOR THE RESIDENTIAL AREA SHALL BE PROVIDED TO PHO FOR REVIEW PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
 - THAT SOLID WALLS BE ALLOWED ON THE INTERIOR PERIMETER WALLS (EAST AND SOUTH) NOT THE WALLS ALONG 32ND STREET OR BASELINE ROAD. THESE SOLID WALLS MUST INCORPORATE CONTROLLED GATES WHERE THEY INTERSECT THE LINEAR PEDESTRIAN TRACTS IN THE EAST AND SOUTH THAT CONNECT ADJACENT PROPERTIES SO PEDESTRIAN CONNECTIONS WITH FUTURE ADJACENT DEVELOPMENT IS ALLOWED.
- BUILDING DESIGN:**
 - RESIDENTIAL BUILDINGS**
 - THAT ONLY ONE-STORY HOUSES SHALL BE BUILT ON THE SOUTH OF THE PROPERTY AND 30% OF THE OVERALL UNITS SHALL BE ONE-STORY.
 - THE FLOOR PLANS SHALL BE CONSISTENT WITH THE ELEVATIONS THAT REFLECT A RURAL DESIGN BASED ON "TUSCAN ARCHITECTURE" STYLE ILLUSTRATED BY THE APPLICANT.
- STREETS AND RIGHTS-OF-WAY:**
 - THAT A RIGHT-OF-WAY TOTALING 60 FEET SHALL BE DEDICATED FOR THE HALF OF BASELINE ROAD.
 - THAT RIGHT-OF-WAY FOR 32ND STREET REALIGNMENT SHALL BE DEDICATED AS PER PLANS APPROVED BY THE CITY OF PHOENIX. THE FUTURE INTERSECTION FOR 32ND STREET AND BASELINE ROAD SHALL BE FLARED TO MATCH THE EXISTING IMPROVEMENTS ON THE NORTH SIDE. ADDITIONAL IMPROVEMENTS MAY BE REQUIRED TO ACCOMMODATE LEFT TURN ACCESS TO THE PROPOSED DRIVEWAYS.
 - THE A 21 FOOT BY 21 FOOT RIGHT OF WAY TRIANGLE SHALL BE DEDICATED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF 32ND STREET AND BASELINE ROAD.
 - THAT SUFFICIENT RIGHT-OF-WAY SHALL BE DEDICATED TO ACCOMMODATE A BUSBAY (DETAIL P-1256) ON BASELINE ROAD EAST OF 32ND STREET (NEW REALIGNMENT).
 - THAT RIGHTS-OF-WAY DEDICATIONS AND STREET ALIGNMENTS FOR LOCAL STREETS WITHIN THE SUBDIVISION WILL BE DETERMINED BY DSD AT THE TIME OF PRELIMINARY SUBDIVISION PLAT REVIEW.
 - THAT THE DEVELOPER SHALL CONSTRUCT ALL STREETS WITHIN AND ADJACENT TO THE DEVELOPMENT WITH PAVING, CURB, GUTTER, SIDEWALKS, CURB RAMPS, STREELIGHTS, MEDIAN ISLANDS, LANDSCAPING AND OTHER INCIDENTALS AS PER PLANS APPROVED BY THE CITY. ALL IMPROVEMENTS SHALL COMPLY WITH ALL ADA ACCESSIBILITY STANDARDS.
 - THE APPLICANT SHALL COMPLETE AND SUBMIT THE DEVELOPER PROJECT INFORMATION FORM FOR THE MAG TRANSPORTATION IMPROVEMENT PROGRAM TO THE STREET TRANSPORTATION DEPARTMENT (602-262-6193). THIS FORM IS A REQUIREMENT OF THE EPA TO MEET CLEAN AIR QUALITY REQUIREMENTS.
 - THAT SUFFICIENT RIGHT-OF-WAY MUST BE PROVIDED FOR AN UNDERGROUND TUNNEL CROSSING BASELINE ROAD RUNNING ON THE WEST SIDE OF 32ND STREET (REALIGNMENT) AS MAY BE APPROVED BY THE PARKS, RECREATION AND LIBRARY DEPARTMENT AND STREET TRANSPORTATION DEPARTMENT. THIS RIGHT-OF-WAY SHOULD BE APPROXIMATELY 100 FEET BY 50 FEET FROM THE RIGHT-OF-WAY OF BASELINE ROAD, AT SWC OF BASELINE ROAD AND 32ND STREET (REALIGNMENT).
- TRAILS**
 - THAT A 25 FOOT EASEMENT SHALL BE PROVIDED ON THE WEST SIDE OF 32ND STREET AND ALONG BASELINE ROAD TO INCORPORATE A MULTI-USE TRAIL AS INDICATED ON THE SOUTH MOUNTAIN VILLAGE/LAVEN VILLAGE TRAIL SYSTEM MAP. PLANS MUST BE SUBMITTED TO THE PARKS, RECREATION AND LIBRARY DEPARTMENT FOR FINAL APPROVAL.

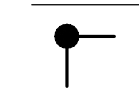

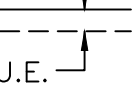
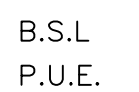
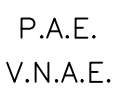


- OTHER ISSUES:**
 - THAT UPON APPROVAL OF THIS REQUEST BY THE CITY COUNCIL, THE SOUTH MOUNTAIN VILLAGE PLANNING WILL BE NOTIFIED OF SUBSEQUENT MODIFICATIONS AND/OR DELETIONS OF STIPULATIONS AND/OR VARIANCES.
 - THAT THE DEVELOPMENT SHALL COMMENCE CONSTRUCTION WITHIN 24 MONTHS OF THE REZONING REQUEST APPROVAL BY CITY COUNCIL.
- VARIANCES AND USE PERMIT PER ZONING CASE #ZA-690-01-6

- VARIANCES**
 - TO ALLOW A DENSITY OF 2.25 DWELLING UNITS PER ACRE.
 - TO ALLOW LESS THAN THE REQUIRED 50% OPEN SPACE IN THE AMOUNTS DEPICTED ON THE SITE PLAN DATE AUGUST 27, 2001.
 - TO ALLOW RESIDENTIAL REAR AND SIDE SETBACKS THAT, ON A LOT-BY-LOT BASIS, ARE NO LESS THAN THE BUILDING AND GARAGE SETBACKS OF THE R1-10 ZONING DISTRICT.
 - TO ALLOW 35% MAXIMUM LOT COVERAGE ON ALL RESIDENTIAL LOTS.
 - TO ALLOW PARKING OR MANEUVERING AREAS WITHIN THE WESTERN PERIMETER SETBACK OF THE COMMERCIAL COMPONENT OF THE DEVELOPMENT.
 - TO PERMIT VINES AND SHRUBS TO NOT BE PLANTED ON THE EXTERIOR OF THE SOLID MASONRY FENCE ON THE SOUTH AND EAST PERIMETERS OF THE RESIDENTIAL DEVELOPMENT
 - TO ALLOW DEVELOPMENT WITHIN THE REQUIRED SETBACK ON THE WEST SIDE OF 32ND STREET ADJACENT TO THE LAND DEDICATED FOR CONSTRUCTION OF AN EQUESTRIAN UNDERPASS.
 - TO PERMIT THE APPLICATION OF THE SPECIAL STANDARDS AND USES OF SECTION 649(J) EXCEPT FOR THE MAXIMUM ACREAGE REQUIREMENT, TO THE COMMERCIAL COMPONENT OF THE PROPERTY.
- USE PERMITS**
 - TO ALLOW OUTDOOR DINING WITHIN 300 FEET OF A RESIDENTIAL ZONE OR USE.
 - TO ALLOW OUTDOOR CONSUMPTION OF ALCOHOL.

**PRELIMINARY SITE PLAN
FOR
BASELINE 32**

"A MIXED USED AGRICULTURAL (M.U.A.) PLANNED RESIDENTIAL DEVELOPMENT"
SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 3 EAST, OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGEND

	INDICATES SUBDIVISION CORNER
	INDICATES FIRE HYDRANT
	INDICATES PUBLIC UTILITY EASEMENT AT ALL LOT FRONTAGE UNLESS OTHERWISE NOTED
	B.S.L. INDICATES MINIMUM BUILDING SETBACK LINES
	P.U.E. INDICATES PUBLIC UTILITY EASEMENT
	P.A.E. INDICATES PUBLIC ACCESS EASEMENT
	V.N.A.E. INDICATES VEHICULAR NON ACCESS EASEMENT

SITE DATA

EXISTING ZONING: M.U.A.
PROPOSED ZONING: M.U.A.
GROSS ACRES: 4.6222 ACRES OR 201,344 S.F.
NET ACRES: 3.9815 ACRES OR 173,433 S.F.
TOTAL NUMBER OF LOTS: 10
PROPOSED DENSITY: 2.16 D.U. PER ACRE
DENSITY CALCULATION: (# OF LOTS/GROSS ACRES - 10/4.62=2.16)
TYPICAL LOT SIZE: 70'x110'
BUILDING HEIGHT: 2 STORIES AND 30'
LOT SALES: YES
COMMON RETENTION
APN: 301-23-119A
WATER, SEWER, AND SANITATION SERVICES BY THE CITY OF PHOENIX.
ELECTRIC SERVICE BY S.R.P.
GAS SERVICE BY SOUTHWEST GAS CORPORATION.
TELEPHONE SERVICE BY CENTURYLINK
CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENT SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING.
ALL UTILITIES AND SINGLE PHASE ELECTRIC LINES ARE TO BE INSTALLED UNDERGROUND.
40" MAXIMUM HEIGHT FOR TRANSFORMERS, CABINETS, AND OTHER EQUIPMENT WITHIN PERIMETER STREET FRONTAGES.

LOT COVERAGE

CALCULATION:
MAX. COVERAGE (%) X (NET AREA - STREET AREA) = MAX. ALLOWABLE AREA
#OF LOTS (PLUS 1 FOR OPEN SPACE) UNDER ROOF PER LOT

$(0.35) \left(\frac{3.9815 - 0.6814}{11} \right) (43,560) = 4,574$ S.F. MAXIMUM ALLOWABLE AREA PER LOT

OPEN SPACE

NET ACRES: 3.9815 AC. OR 173,433 S.F. X .21* = 36,421 S.F. REQUIRED
34,471 S.F. PROVIDED

* PER APPROVED FINAL SITE PLAN (KIVA #01-19634)

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1 TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHWEST SUBDIVISION CORNER AS SHOWN IN THE PLAT OF "VILLAGE AT SOUTH MOUNTAIN", ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 650 OF MAPS, PAGE 23, FROM WHICH THE PLATTED INTERSECTION OF BASELINE ROAD AND 32ND STREET BEARS SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 465.00 FEET;

THENCE SOUTH 01 DEGREES 05 MINUTES 34 SECONDS WEST, A DISTANCE OF 340.64 FEET TO THE NORTHWESTERLY PROPERTY CORNER ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 445.58 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 75 DEGREES 14 MINUTES 10 SECONDS WEST A DISTANCE OF 787.48 FEET, SAID POINT ALSO BEING ON THE MONUMENT LINE OF 32ND STREET;

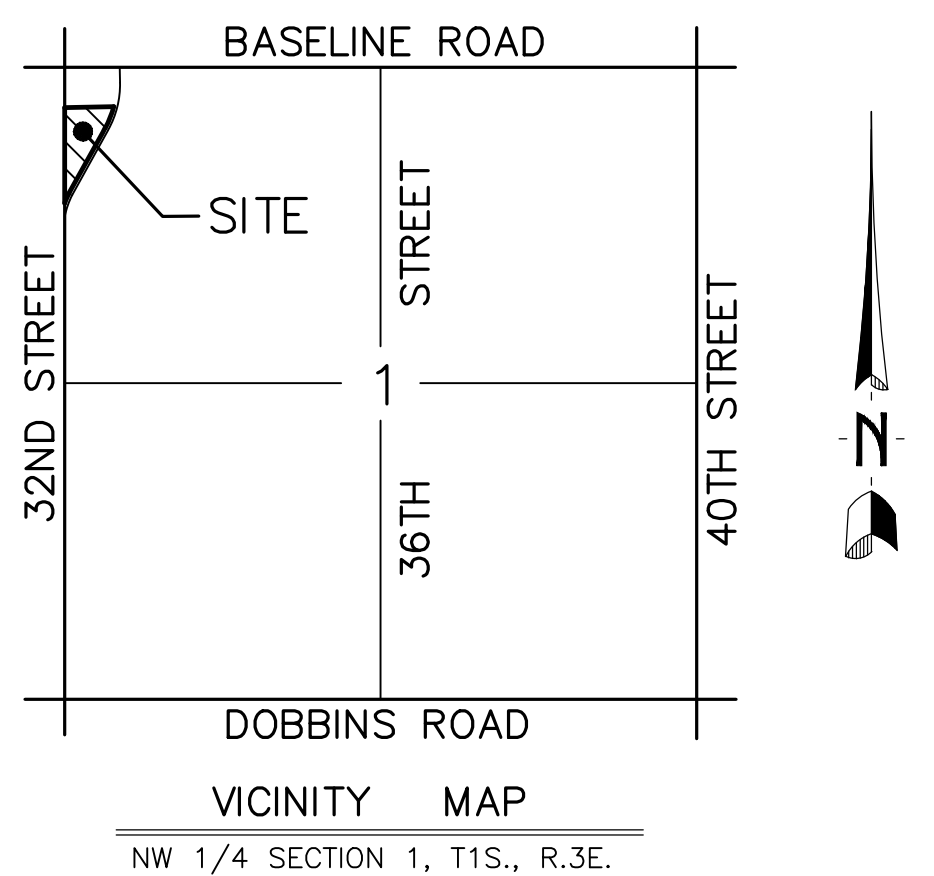
THENCE CONTINUING ALONG SAID MONUMENT LINE OF 32ND STREET THROUGH A CENTRAL ANGLE OF 15 DEGREES 21 MINUTES 30 SECONDS AND AN ARC LENGTH OF 211.09 FEET, THE CHORD OF WHICH BEARS SOUTH 22 DEGREES 26 MINUTES 35 SECONDS WEST, A DISTANCE OF 210.45 FEET TO A POINT ON SAID MONUMENT LINE;

THENCE CONTINUING ALONG SAID MONUMENT LINE, SOUTH 30 DEGREES 07 MINUTES 25 SECONDS WEST, A DISTANCE OF 630.65 FEET TO THE BEGINNING OF A TANGENT CURVE WHOSE CENTER BEARS SOUTH 59 DEGREES 52 MINUTES 35 SECONDS EAST A DISTANCE OF 500.00 FEET;

THENCE CONTINUING ALONG SAID MONUMENT LINE THROUGH A CENTRAL ANGLE OF 09 DEGREES 39 MINUTES 13 SECONDS AND AN ARC LENGTH OF 84.25 FEET, THE CHORD OF WHICH BEARS SOUTH 25 DEGREES 17 MINUTES 48 SECONDS WEST A DISTANCE OF 84.15 FEET TO A POINT ON SAID MONUMENT LINE;

THENCE NORTH 69 DEGREES 31 MINUTES 48 SECONDS WEST A DISTANCE OF 30.02 FEET;

THENCE NORTH 01 DEGREES 05 MINUTES 34 SECONDS EAST, A DISTANCE OF 805.71 FEET TO THE TRUE POINT OF BEGINNING.



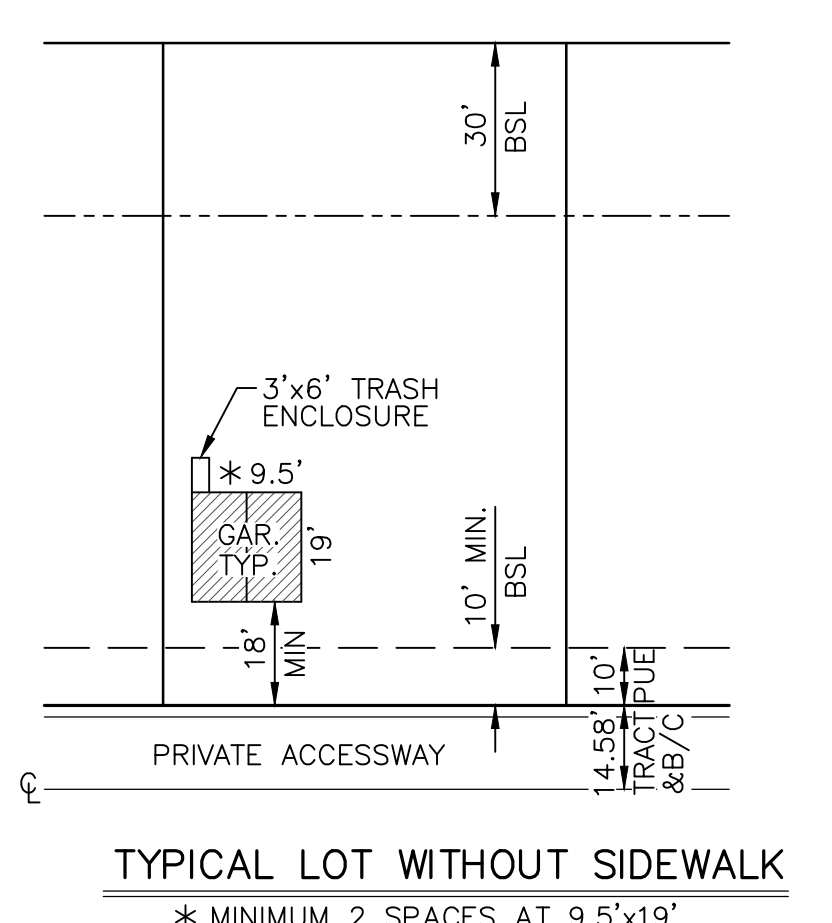
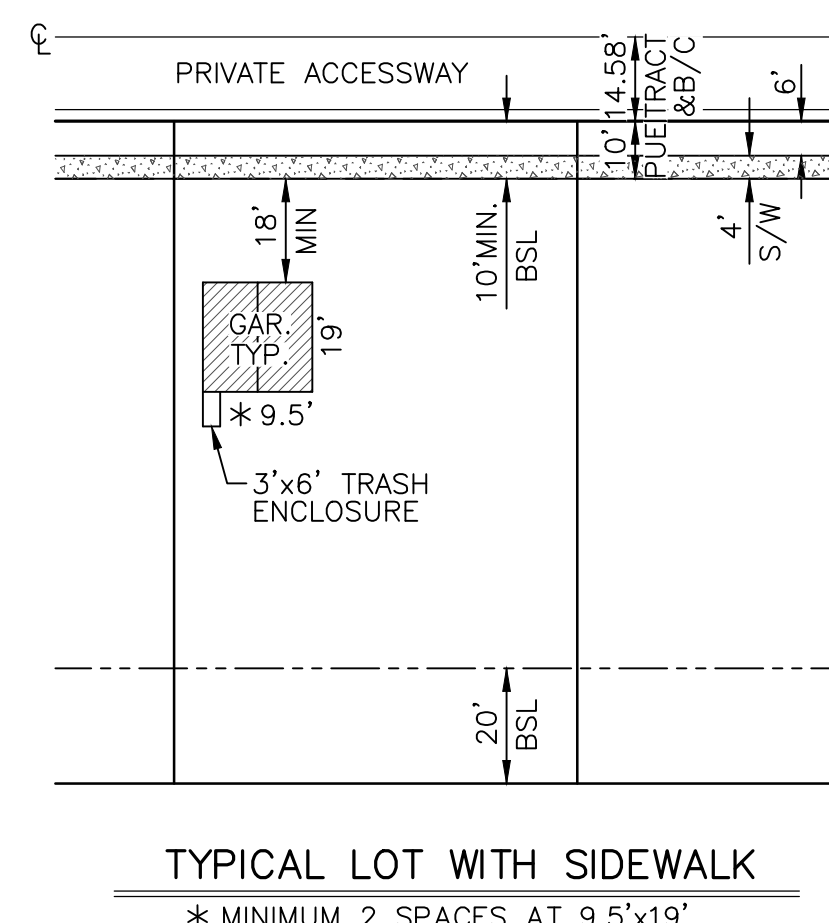
ENGINEER
CLOUSE ENGINEERING, INC.
5010 E SHEA BLVD, #110
SCOTTSDALE, AZ 85254
(602) 395-9300
CONTACT: TOM WEBER

DEVELOPER
88 VENTURES LLC
3521 E INDIAN SCHOOL ROAD
PHOENIX, AZ 85012
(480) 619-3664
CONTACT: RANDY ROCHFORD

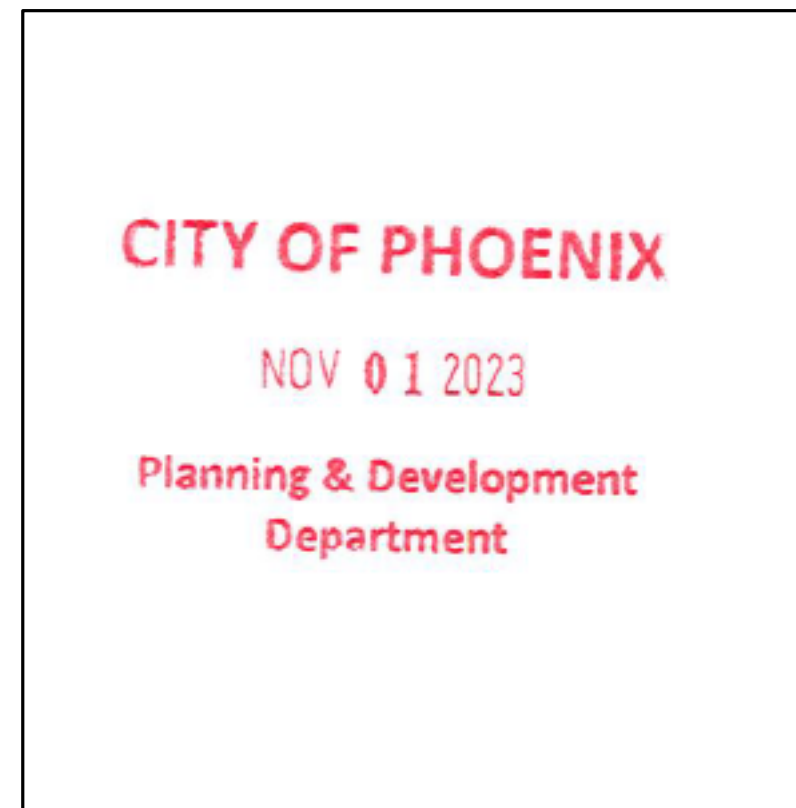
PROJECT DESCRIPTION
A 10 LOT SINGLE-FAMILY DEVELOPMENT WITHIN THE M.U.A. ZONING DISTRICT.

PARKING CALCULATIONS
EACH LOT PROVIDED WITH A TWO (2) CAR GARAGE AND MINIMUM 18' DEEP DRIVEWAY

TRACT TABLE		
TRACT	AREA	USE
"A"	29,682 SF. 0.6814 AC.	PRIVATE ACCESSWAY, PUBLIC WATER & SEWER, DRAINAGE, REFUSE COLLECTION, AND EMERGENCY AND SERVICE VEHICLE.
"B"	34,471 SF. 0.7913 AC.	LANDSCAPING, PEDESTRIAN ACCESS, P.U.E., RETENTION AND OPEN SPACE
"C"	5,071 SF. 0.1164 AC.	LANDSCAPING, PEDESTRIAN ACCESS, P.U.E.
"D"	1,029 SF. 0.0236 AC.	LANDSCAPING, PEDESTRIAN ACCESS, P.U.E.
TOTAL	70,253 SF. 1.6127 AC.	



ZONING #Z-73-01-6
KIVA #21-4580
SDEV #1900338
PAPP #1904506
Q.S. #01-35



Clouse Engineering, Inc.
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PRELIMINARY SITE PLAN
BASELINE 32
"AN M.U.A. PLANNED RESIDENTIAL DEVELOPMENT"
ARIZONA

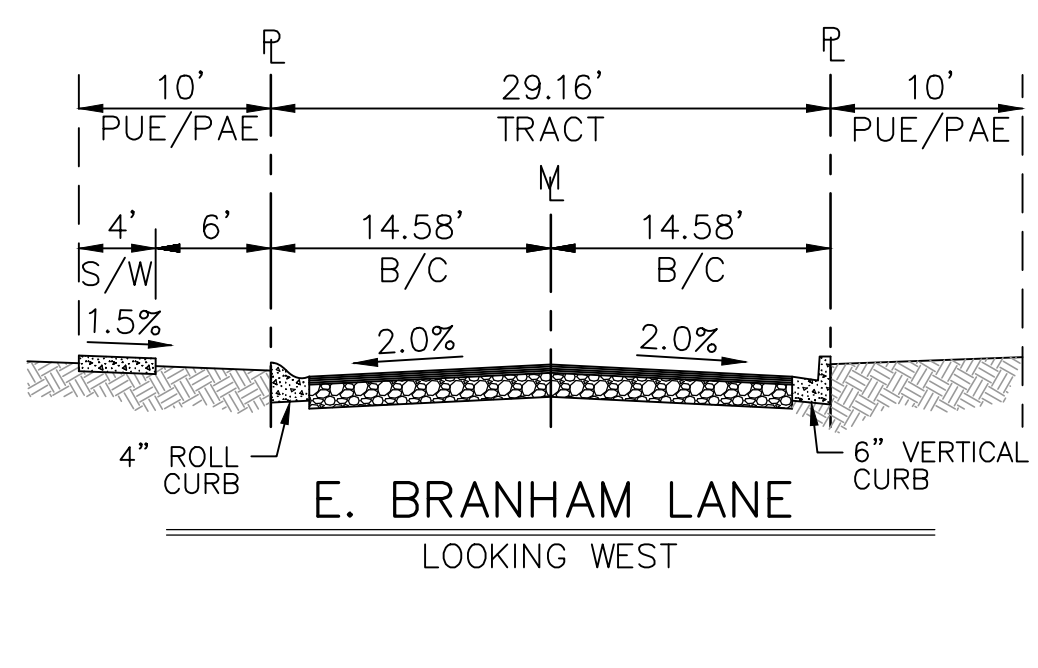
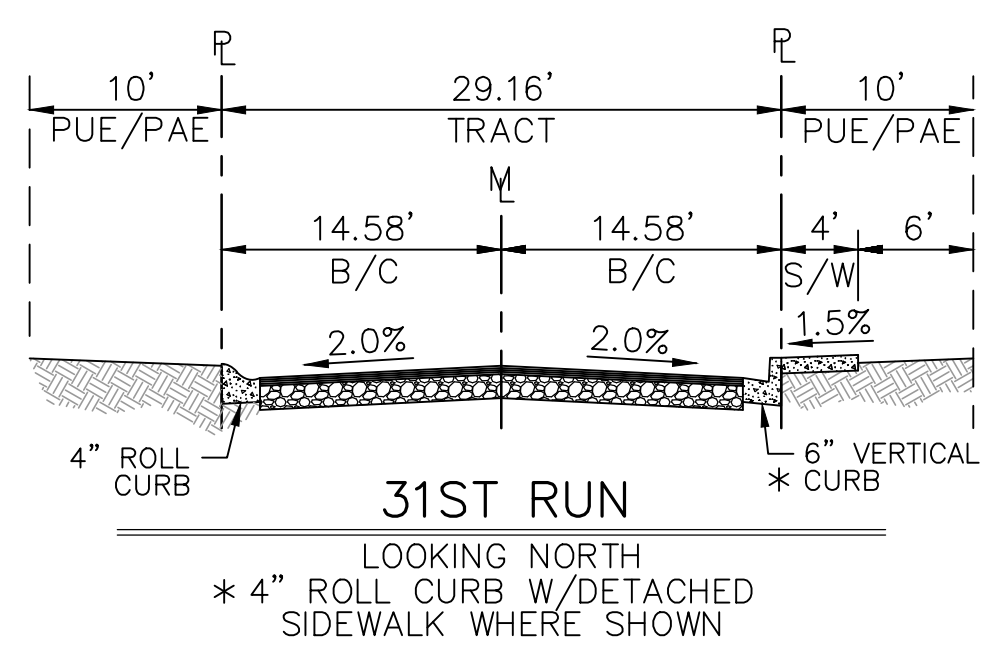
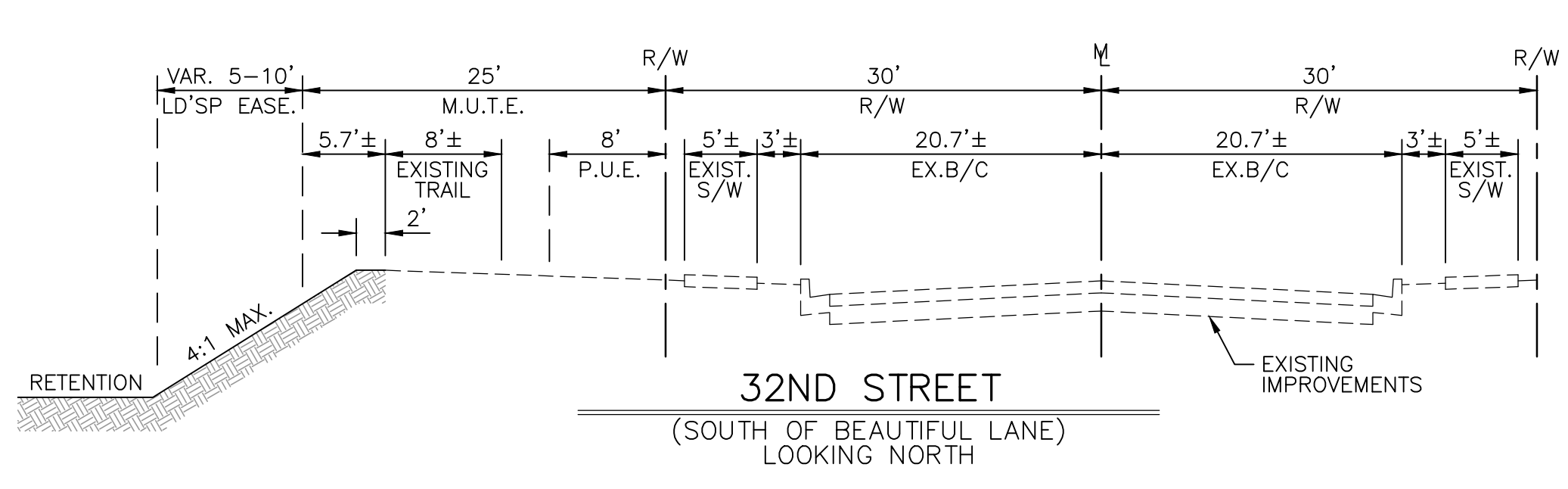
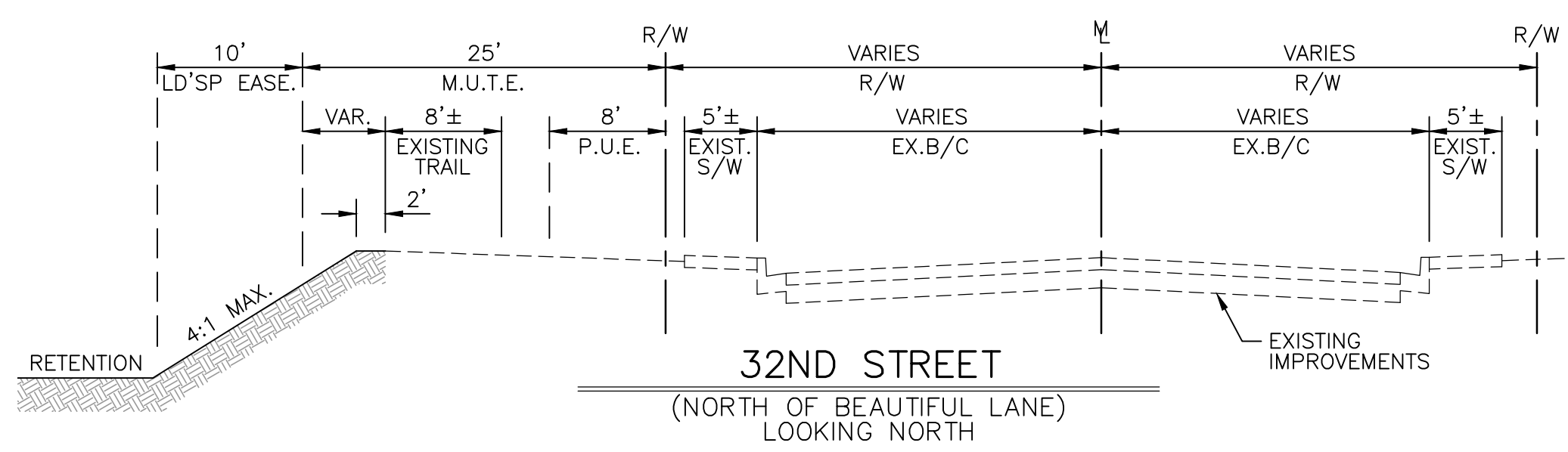
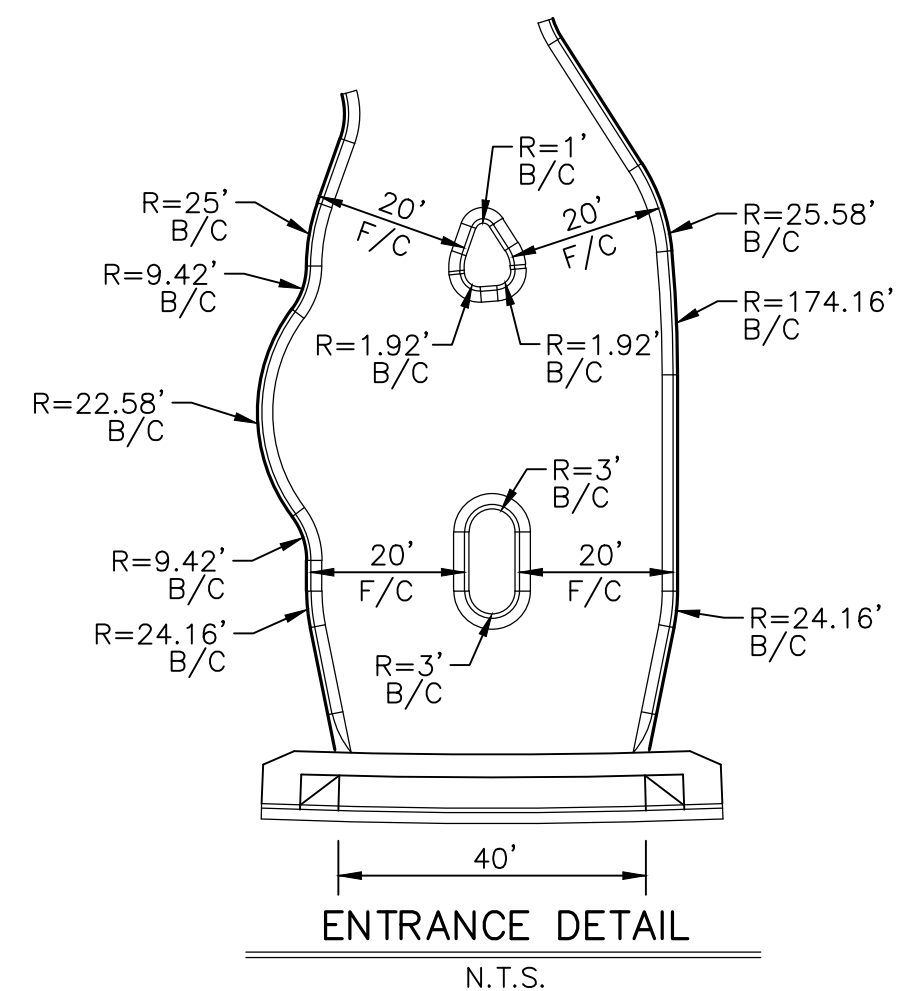
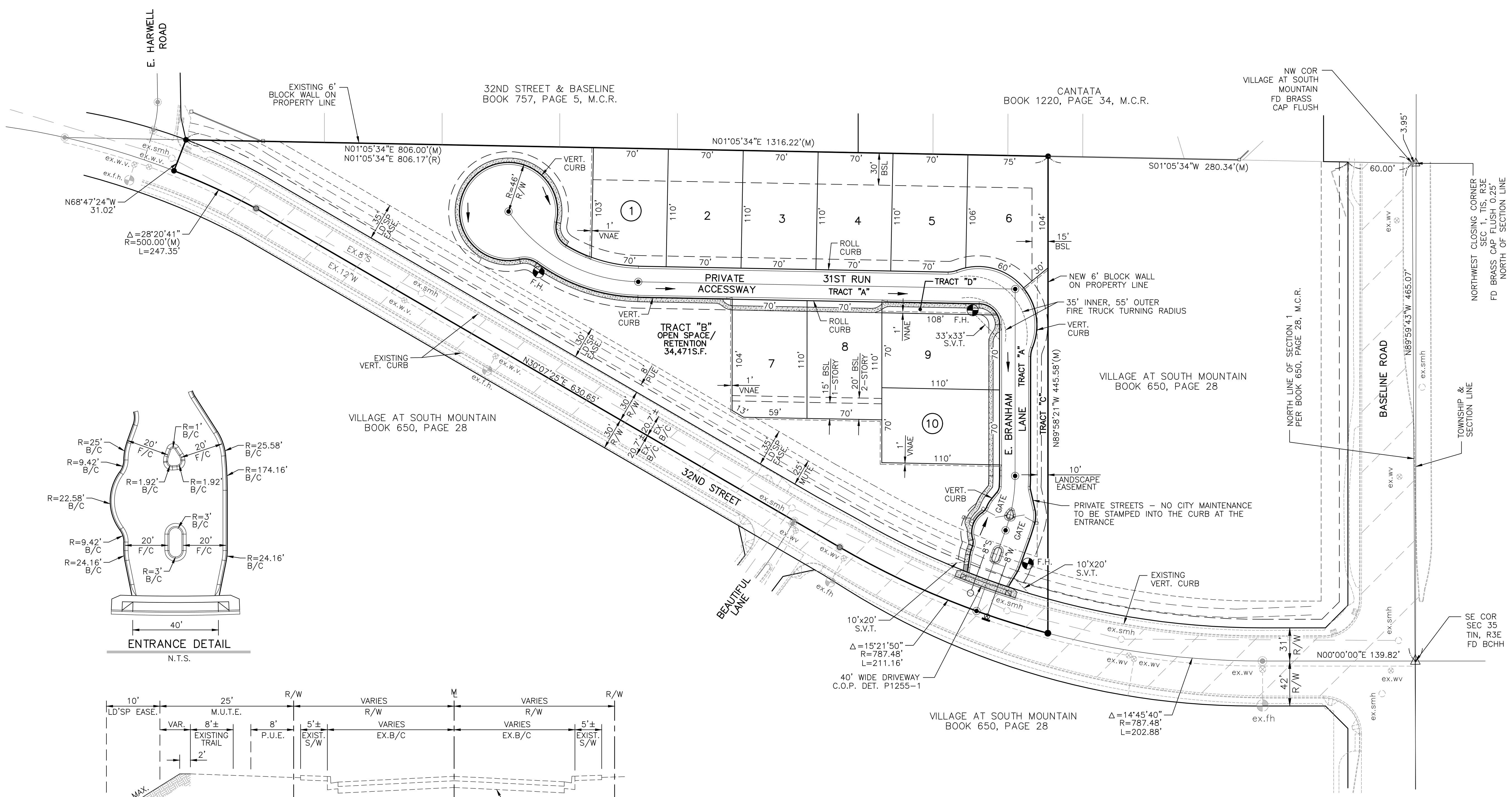
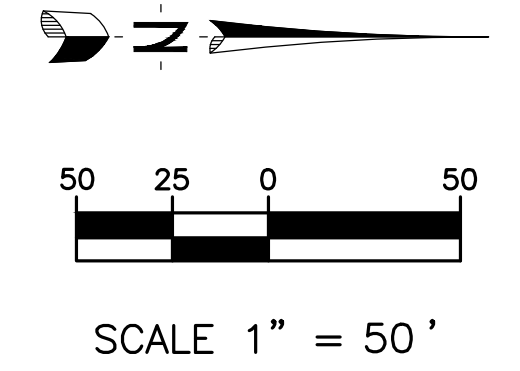
Revised
7-19-23

Date
5-8-23

As-Built

Job No.
210901

1 OF 2



ZONING #Z-73-01-6
 KIVA #21-4580
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