




City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: May 5, 2021

From: Alan Stephenson 
Planning and Development Director

Subject: ITEM 72 ON THE MAY 5, 2021 FORMAL AGENDA –
REZONING APPLICATION Z-35-20-8 - APPROXIMATELY 340 FEET WEST OF
THE SOUTHWEST CORNER OF 40TH STREET AND SOUTHERN AVENUE
(ORDINANCE G-6841)

Item 72, rezoning application Z-35-20-8, is a request to rezone 17.27 acres located approximately 340 feet west of the southwest corner of 40th Street and Southern Avenue from S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District) and C-2 BAOD (Intermediate Commercial, Baseline Area Overlay District) to PUD BAOD (Planned Unit Development, Baseline Area Overlay District) to allow residential (including multifamily) and other permitted uses in the Mixed Use Agricultural (MUA) Zoning District. This request is a companion case to GPA-SM-1-20-8 (Item 71).

On March 9, 2021 the South Mountain Village Planning Committee recommended denial of the request by a vote of 12 to 7.

On April 1, 2021 the Planning Commission recommended approval, per the staff recommendation, with an additional stipulation, by a vote of 6 to 2.

The Planning Commission recommendation was appealed, and a three-quarter vote petition was submitted on April 8, 2021. A three-quarter vote is required.

At the direction of Vice Mayor Garcia, the applicant has continued to analyze their proposal for potential changes that could address comments and concerns from the adjacent residential neighborhood to the south of the subject site and the broader area. As a result of the Vice Mayor's direction, the applicant worked with the Planning and Development Department to propose modifications and additions to the Planning Commission approved stipulations. Several modifications to Stipulation No. 1 and Stipulation No. 5 are proposed that make changes to the PUD Narrative's development standards and update disclosure requirements. Below is a summary of the proposed changes:

- Modification of the maximum dwelling unit density from 11.2 dwelling unit per acre to 9.62 dwelling units an acre. This modification results in a decrease of 27 dwelling units permitted in the PUD boundary (from 193 to 166 dwelling units).
- Addition of a new building height maximum standard for administrative offices of

1 story and 20 feet.

- Increase of the required width of the landscape setback along the southern and western perimeters and along 40th Street and Southern Avenue.
- Clarification that trees provided on site shall be "shade trees."
- Addition of minimum distance requirements for dog parks, dog washing areas, community gardens or trash / recycling dumpster facilities from the south and west property lines.
- Reinforcement of parking lot lighting shielding standards.
- Update of the PUD Narrative's definition of "open fencing."
- Addition of a requirement for fencing to be installed along the southern and western perimeters to serve as an access barrier to and from the adjacent Bartlett Heard Ranch neighborhood.
- Addition of disclosure requirements for area radio transmission towers.

The modified and additional stipulations are listed below in **bold** text. Staff recommends approval per the modified and additional stipulations and adoption of the related Ordinance.

1. An updated Development Narrative for the Sanctuary at South Mountain PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped January 22, 2021, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information to add the City Council adoption date.
 - B. **PAGE 9, 1. DEVELOPMENT STANDARDS TABLE AND PAGE 27, COMPARATIVE ZONING TABLE, MAXIMUM DENSITY: REPLACE "11.2 DWELLING UNITS PER GROSS ACRE" WITH 9.62 DWELLING UNITS PER GROSS ACRE OR 166 UNITS.**
 - b. C. Page 9, 1. Development Standards Table, Minimum Building Setbacks, add letter "s" at the end of "Interior Property Line..." in reference to interior property lines adjacent to the existing Walgreens.
 - D. **PAGE 9, 1: DEVELOPMENT STANDARDS TABLE AND PAGE 27, COMPARATIVE ZONING TABLE, MAXIMUM BUILDING HEIGHT, ADD: ADMINISTRATIVE OFFICES SHALL NOT EXCEED A HEIGHT OF ONE STORY OR 20 FEET IN HEIGHT.**
 - e. E. Page 10, under Open Space, add "...of gross site acreage." at the end of the first sentence.
 - F. **PAGE 10, 2. LANDSCAPE STANDARDS TABLE, GENERAL REQUIREMENTS-MULTIFAMILY RESIDENTIAL-MINIMUM LANDSCAPE SETBACKS: CHANGE 40TH STREET "35 FEET AVERAGE" TO "40 FEET**

- AVERAGE”; CHANGE SOUTHERN AVENUE FROM “35 FEET” TO “40 FEET AVERAGE”; CHANGE SOUTH PERIMETER PROPERTY LINE FROM “25 FEET” TO “40 FEET MINIMUM”. CHANGE WEST PERIMETER PROPERTY LINE (ADJACENT TO 39TH STREET) FROM “20 FEET” TO “30 FEET AVERAGE”**
- G. PAGE 10, 2 LANDSCAPE STANDARDS TABLE, GENERAL REQUIREMENTS-MULTIFAMILY RESIDENTIAL- PLANTING STANDARDS. CHANGE ALL REFERENCES OF “TREES” TO “SHADE TREES.”**
- d. H. Page 12, Plant Lists, change the bold subheading “Plant Lists” from the right-hand side of the table to the center-top above the reference to plant materials. Also add the word “Zoning” after “Mixed Use Agricultural...”.
- e. I. Page 14, 5. Amenities, shift “b. Outdoor Amenities:” to the following page.
- f. J. Page 15, 6. Open Space, align the formatting of the text in the second paragraph.
- K. PAGE 15, 5. AMENITIES, ADD: “D. ANY DOG PARKS, DOG RINSE/BATHS AREA, OR COMMUNITY GARDENS SHALL BE LOCATED A MINIMUM OF 200 FEET FROM THE SOUTH AND WEST PROPERTY LINES. TRASH/RECYCLING DUMPSTER FACILITIES SHALL BE LOCATED A MINIMUM OF 150 FEET FROM THE SOUTH AND WEST PROPERTY LINES.**
- g. L. Page 16, 7. Shade, edit the last sentence to the following: “c. Shade requirements shall be calculated on a Summer Solstice at 12:00 noon.”
- h. M. Page 17, second paragraph, revise the second sentence to state “c. Connections shall be provided from and between the following elements via the most direct route using pathways a minimum of 4 feet in width.” and revise the alignment at the bottom of the page starting with “d. Traffic calming...”.
- X. N PAGE 18, 11.A. LIGHTING, ADD: PARKING LOT SHALL HAVE LOW-LEVEL SHIELDED LIGHTS. THAT PARKING LIGHT POLES SHALL BE LIMITED TO 25 FEET IN HEIGHT AND THAT POLES WITHIN 150 FEET OF ANY RESIDENTIAL ZONING DISTRICT SHALL BE NO TALLER THAN 15 FEET. THAT NO MORE THAN ONE-FOOT CANDLE OF LIGHT BE DETECTABLE AT THE PROPERTY LINE. THAT POLES ALONG ABUTTING RESIDENTIAL DISTRICTS SHALL HAVE HOUSE SIDE SHIELDS.”**
- i. O. Page 19, E. Design Guidelines, change subheading from “1. Multifamily Residential” to “1. General Standards”.
- j. P. Page 19, E. Design Guidelines, under 1. Multifamily Residential, change to: “e. All of the residential units adjacent to 39th Street shall contain covered back patios at a minimum of 200 square feet in area at a depth of at least six feet, if the front of residential units is not oriented towards 39th Street.”

- k. Q. Page 19, E. Design Guidelines, under 1. Multifamily Residential, remove sentence starting with "f. A minimum of two pedestrian gates..."

 - R. **PAGE 20, 4.A. FENCES AND WALLS. MODIFY LAST SENTENCE TO READ AS FOLLOWS: FENCING SHALL BE CONSIDERED OPEN IF THERE IS NO MORE THAN ONE-FOOT HEIGHT OF SOLID MASONRY AND VIEW PORTION PROVIDES A MINIMUM 90 PERCENT VISIBILITY.**
 - S. **PAGE 20, 4.D. FENCES AND WALLS. CHANGE FROM "...THREE FEET OF SOLID MASONRY..." TO "...ONE-FOOT OF SOLID MASONRY..."**

 - T. **PAGE 21, NEW 4.H. ADD: OPEN FENCING OR WALLS SHALL BE INSTALLED ALONG THE SOUTHERN AND WESTERN PERIMETERS TO SERVE AS A BARRIER FOR ACCESS TO AND FROM THE ADJACENT BARTLETT HEARD RANCH PROPERTIES.**

 - f. U. Page 21, 5. Building Orientation and Massing, revise the second sentence to "b. Residential units adjacent to 39th Street which are not fronting onto 39th Street, shall incorporate back patios oriented towards 39th Street to reinforce community orientation and place eyes on this street."

 - m. Page 22, 10. Other Design Elements, please align the subheading.
 - V.

 - n. Page 25, H. Complete Streets, change the word "ROW" to "right-of-way".
 - W.

 - e. X. Page 26, I. Infrastructure, 1. Circulation, lower case the word "Pedestrian".

 - p. Y. Page 27, J. Comparative Zoning Table, update the Proposed PUD standards to match with the rest of the PUD document.

 - Z. **EXHIBIT 2, CONCEPTUAL SITE PLAN: UPDATE CONCEPTUAL SITE PLAN EXHIBIT TO REFLECT DEVELOPMENT STANDARD CHANGES FROM STIPULATION NO. 1.**
2. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.

 3. The developer shall dedicate a one-foot Vehicular Non-Access Easement (VNAE) along Southern Avenue, as approved by the Planning and Development Department.

4. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
5. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property and tenants within the development the existence and operational characteristics of **THE RADIO TRANSMISSION TOWER SOUTHWEST OF THE SITE AS WELL AS EQUESTRIAN AND agricultural uses IN THE AREA**. The form and content of such documents shall be reviewed and approved by the City Attorney.
6. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
7. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
8. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
9. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.

Approved: _____



Mario Paniagua, Deputy City Manager