



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** City of Phoenix Planning Commission **Date:** March 6, 2024

**From:** Racelle Escolar, AICP  
Principal Planner

**Subject:** ITEM NO. 11 (Z-104-23-8) – NORTHEAST CORNER OF 36TH STREET  
AND BEVERLY ROAD

The purpose of this memo is to recommend modified stipulations in response to the South Mountain Village Planning Committee (VPC) recommendation.

Rezoning Case No. Z-104-23-8 is a request to rezone 0.83 acres of R1-6 BAOD (Approved R1-10 BAOD) (Single-Family Residence District, Baseline Area Overlay District, Approved Single-Family Residence District, Baseline Area Overlay District); 6.74 acres of S-1 BAOD (Approved R1-10 BAOD) (Ranch or Farm Residence, Baseline Area Overlay District, Approved Single-Family Residence District, Baseline Area Overlay District); and 10.95 acres of S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District), to R1-6 BAOD (Single-Family Residence District, Baseline Area Overlay District) to allow single-family residential.

The South Mountain VPC heard this request on February 13, 2024, and recommended approval, per the staff recommendation, with modifications and additional stipulations, by a vote of 13-0-1.

Staff has no concerns on the proposed modifications for Stipulation Nos. 8 and 12 and added Stipulation No. 33 (updated to 32).

Staff recommends the following modifications:

- Stipulation No. 28 be modified to ensure consistency with standard stipulation language.
- Stipulation No. 29 be deleted because stipulations cannot eliminate City requirements for sidewalks on private streets. Chapter 32 of the City Code requires sidewalk to be constructed along public streets and private accessways.
- Stipulation No. 30 (updated to 29) be modified to reference specific lot numbers on the site plan for a locational reference and that the approving department be listed to allow for interpretation.
- Stipulation No. 31 (updated to 30) be modified to incorporate technical corrections and additional language for collaborating with the HOA to the north, as they own the land stipulated for the wall installation.
- Stipulation No. 32 (updated to 31) be modified to better achieve the intent of the Village Planning Committee recommended stipulation and for consistency with the standard Traffic Impact Analysis stipulation.
- Stipulation No. 34 (updated to 33) be modified to address maintenance and to eliminate the requirement for a developer contribution because there is not a current program that is implements crossings over SRP canals.

- Stipulation No. 35 be deleted because the review of Grading and Drainage reports is done by City reviewers that are reviewing against specific codified requirements.
- Stipulation No. 36 (updated to 34) be modified to provide technical corrections and to make the requirement apply to open space areas. The stipulation is limited to apply to open space areas because the City does not review lighting on private streets or on individual single-family lots as part of the site plan review process.
- Stipulation No. 37 (updated to 35) be modified for clarity and consistency with the City of Phoenix processes.
- Stipulation No. 38 (updated to 36) be modified to prohibit invasive species rather than removal should they occur on the site.
- Stipulation No. 39 (updated to 37) be modified to clarify where the materials are required, provide flexibility on the materials required, and that the approving department be listed to allow for interpretation.

Staff recommends approval, per the modified stipulations in **bold** font below:

1. Tracts "C", "H", "I", and "G", as generally depicted on the site plan date stamped January 17, 2024, shall be reserved for open space, as modified by the following stipulations and approved by the Planning and Development Department.
2. The undisturbed hillside area (above 10% per the approved Slope Analysis) shall remain undisturbed and be dedicated with a preservation easement except for Lot 27 and development of private accessways as generally depicted on the site plan date stamped January 17, 2024, as approved by the Planning and Development Department.
3. The existing home on Lot 27 shall remain and any improvements to this lot shall be reviewed and approved through a Hillside/Grading and Drainage Plan by the Planning and Development Department.
4. A physical feature (such as retaining wall, rock wall, etc.) shall be provided along the west and south portions of Tract "J", as generally depicted on the site plan date stamped January 17, 2024, to protect the undisturbed hillside area, as approved by the Planning and Development Department.
5. A minimum of three distinct exterior accent materials for each required standard plan within the subdivision shall be provided, as approved by the Planning and Development Department.
6. If fencing is proposed along the perimeter of the site, the fencing shall be a minimum of 75% view fencing, except on Lots 1, 50, 51, 52, and 53 as depicted on the site plan date stamped January 17, 2024, as approved by the Planning and Development Department. Any perimeter fencing requirement adjacent to the Highline Canal is subject to review and approval of SRP.

7. All landscape setbacks shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
8. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more AND MAINTAINED, as approved by the Planning and Development Department.
9. The sidewalk along 36th Street shall be a minimum of five feet in width and detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
  - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage at maturity.

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

10. Prior to preliminary plat approval, documentation shall be provided that demonstrates participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, as approved by the Planning and Development and Water Services departments.
11. A WaterSense inspection report from a third-party verifier shall be submitted that demonstrates successful participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, prior to certificate of occupancy, as approved by the Planning and Development Department.
12. IN ADDITION TO THE ~~Only~~ landscape materials listed in the Baseline Area Master Plan Plant List CERCIDIUM HYBRID (DESERT MUSEUM PALO VERDE), QUERCUS VIRGINIANA (LIVE OAK), AND PISTACIA X 'RED-PUSH (RED PUSH PISTACHE), MAY BE PERMITTED AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT AND shall be utilized throughout the subdivision including the front, side, and rear yards of individual residential lots. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
13. Landscaping in common areas shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (Smart

Controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.

14. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
15. Natural turf shall only be utilized on individual single-family lots (behind the front yard); required retention areas (bottom of basin), and functional turf areas within common areas, as approved by the Planning and Development Department.
16. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
17. Swimming pools on individual single-family lots shall be limited to 600 square feet in size.
18. A public connection to the existing 36th Way stub street shall be provided or the existing 36th Way right-of-way shall be terminated per the City of Phoenix termination standards, as required by the Street Transportation Department.
19. An enhanced connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent Highline Canal. The developer shall construct an 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material providing at the entryway, as approved by the Planning and Development Department.
20. A sidewalk easement shall be dedicated over a clearly defined pedestrian pathway(s) providing a public connection through the site from the existing 36th Way access point on the northern site boundary to the Highline Canal and the adjacent wash/trail system, as approved by the Planning and Development Department.
21. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
22. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards

23. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
24. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
25. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
26. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
27. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
28. BENCH SEATING SHALL BE PROVIDED NEAR THE WESTERN PEDESTRIAN CONNECTION, LOCATED BETWEEN LOTS 39 AND 50, **AS DEPICTED ON THE SITE PLAN DATE STAMPED JANUARY 17, 2024, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- ~~29. A SIDEWALK SHALL NOT BE REQUIRED ALONG OPEN SPACE TRACT D.~~
- ~~30.~~ **29. AT LEAST 50% OF THE RESIDENTIAL HOMES ABUTTING THE CANAL (LOTS 28 THROUGH 39, AS DEPICTED ON THE SITE PLAN DATE STAMPED JANUARY 17, 2024) SHALL BE A MAXIMUM OF ONE STORY OR 15 FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- ~~31.~~ **30. THE APPLICANT DEVELOPER SHALL PROVIDE EVIDENCE OF UNDERTAKING REASONABLE EFFORTS TO WORK WITH THE ADJACENT HOMEOWNERS ASSOCIATION TO THE NORTH, TO CLOSE OFF THE FORMER ACCESS DRIVE EAST OF THE GROVES AT BASELINE SUBDIVISION BY INSTALLING A SOLID 4-FOOT TALL BLOCK WALL WITH A 2-FOOT VIEW FENCE ATOP, AT THE NORTHEAST CORNER OF THE PROPERTY SITE AND AT THE DRIVEWAY ENTRANCE ALONG BASELINE**

ROAD, WITH A LOCKED ACCESS GATE ON THE SOUTH END FOR MAINTENANCE AS NEEDED.

- ~~32 THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY TO THE  
31. PHOENIX STREETS AND TRANSPORTATION DEPARTMENT TO  
DETERMINE THE SCOPE OFFSITE IMPROVEMENTS REQUIRED AT 36th  
STREET AND BASELINE ROAD.~~

A TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE SUBMITTED TO THE CITY FOR THIS DEVELOPMENT. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE ANALYSIS IS REVIEWED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. THE TIA SHALL INCLUDE SIGNAL WARRANT ANALYSIS FOR 36TH STREET AND BASELINE ROAD. IF THE APPROVED TIA DETERMINES THAT A SIGNAL IS WARRANTED AND IS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT FOR INSTALLATION, THE DEVELOPER SHALL BE RESPONSIBLE FOR THE FUNDING AND CONSTRUCTION OF ALL RECOMMENDATIONS OF THE ANALYSIS.

- ~~33 THE SUBDIVISION SHALL HAVE NO MORE THAN 61 LOTS.  
32.~~

- ~~34 EITHER THE DEVELOPER SHALL UNDERTAKE REASONABLE EFFORTS  
33. TO WORK WITH SRP TO INSTALL AND MAINTAIN A PUBLIC  
PEDESTRIAN BRIDGE ~~SHALL BE INSTALLED~~ ACROSS THE HIGHLINE  
CANAL AT THE PUBLIC SIDEWALK NEAR 36TH STREET, SUBJECT TO  
APPROVAL BY SRP AND THE CITY OF PHOENIX, OR \$50,000 SHALL BE  
DEPOSITED WITH THE CITY OF PHOENIX TO SUPPORT THE CITY'S  
CANAL BANK GUIDELINES ENCOURAGING PUBLIC PEDESTRIAN  
BRIDGES ACROSS THE CANAL.~~

- ~~35. ANY GRADING AND DRAINAGE PLAN SHALL CONSIDER THE IMPACT  
OF A POTENTIAL BREACH OF THE HIGHLINE CANAL.~~

- ~~36 OUTSIDE HOUSE LIGHT BRIGHTNESS SHALL NOT EXCEED 3,000  
34. LUMENS PER FIXTURE.~~

ON-SITE LIGHTING WITHIN OPEN SPACE AREAS SHALL BE ACCOMPLISHED WITH LOW LEVEL, UNIFORM LIGHTING FIXTURES DISPERSED THOROUGHOUT THE SITE WITH A LUMEN RATING OF 3,000 OR LESS.

- ~~37 THE CONCEPTUAL ELEVATIONS FOR FUTURE DEVELOPMENT (NEW  
35. HOMES) SHALL BE REVIEWED AND APPROVED, WITH SPECIFIC  
REGARD TO THE SINGLE-FAMILY DESIGN REVIEW GUIDELINES, BY  
THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING  
PROCESS, INCLUDING REVIEW ~~AND APPROVAL~~ BY THE SOUTH~~

MOUNTAIN VILLAGE PLANNING COMMITTEE, FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING HEARING OFFICER, THE PLANNING AND DEVELOPMENT DEPARTMENT, ~~AND THE GUIDELINES OF SINGLE-FAMILY DESIGN REVIEW.~~

- 38** ANY INVASIVE PLANTS SHALL ~~NOT BE ALLOWED BE REMOVED BY THE~~  
**36.** ~~DEVELOPER AND ANY HOMEOWNERS ASSOCIATION.~~
- 39** NATIVE MATERIALS, **OR SIMILAR MATERIALS**, SHALL BE USED FOR ALL  
**37.** **EXTERIOR PERIMETER WALL COLUMNS AND WALLS, AS APPROVED**  
**BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**