



Village Planning Committee Meeting Summary

Z-60-20-8

INFORMATION ONLY

Date of VPC Meeting	December 14, 2020
Request From	R1-8 (Single-Family Residence District) (19.35 acres)
Request To	PUD (Planned Unit Development) (19.35 acres)
Proposed Use	Planned Unit Development to allow single-family residential
Location	Northwest corner of 35th Avenue and Carver Road

VPC DISCUSSION:

Mr. Paul Gilbert, representative with Beus Gilbert McGroder, introduced the property owner, Jeremy Hall, and explained that the company has held this property for four years, and that it had existing entitlements for 99 residential units. The current proposal of 61 units is a significant compromise from the original approval. The site in questions is a former sanding gravel quarry and approved for 19 acres of R1-8 zoning and 40 acres of R1-18 zoning. He explained that the proposed PUD will only affect the R1-8 portion of the property. Prior to applying for the PUD zoning, the property owner had applied for modification of stipulations through the Planning Hearing Officer (PHO) hearing process, which included the reduction of residential units from 99 units to 63 units in response to community concerns, then a further reduction to 61 units offered by the applicant. The PHO approved the request with several modifications and additional stipulations, and the Planning Commission upheld the PHO recommendation. In October, the City Council continued the request so that the applicant could submit a request for a PUD, which is why they are here tonight. **Mr. Gilbert** then presented an aerial view and zoning map of the property, outlining the surrounding zoning designations, and claimed that there is much denser zoning in the vicinity than what is being proposed here. He then provided a comparison between the 1998 Laveen Southwest Growth Study Land Use Map and the current General Plan Land Use Map, highlighting how much the land use designations have changed over time, especially the increased density for the subject property, which is now Residential 3.5 to 5 dwelling units per acre. The proposed density of this PUD is substantially under what is allowed by this designation. He then outlined the main elements of the proposed PUD, including permitted uses, accessory uses, design standards, open space, setbacks, and the proposal to revegetate the former quarry area so that it blends into the natural desert environment. He then addressed concerns regarding the safety of the intersection of 35th Avenue and Carver Road, stating that the applicant will be working with the Street

Transportation Department to develop a design that will improve the safety conditions there.

Mr. Carlos Ortega asked what the dimensions of the proposed lots will be. **Mr. Gilbert** replied that they will primarily be 60 feet by 120 feet, with the flexibility for narrower lots where needed due to the configuration. **Mr. Ortega** praised the proposed lot size, as many recent developments have provided much narrower lots. He then asked what the average square footage for these homes will be, and what the expected price point will be. **Mr. Jeremy Hall** replied that it will depend on how many one-story and two-story homes will be on the site, but that they can provide a better answer at the next hearing. The approximate price range will be from the high three-hundred-thousands to the low four-hundred-thousands.

Ms. Cinthia Estela thanked the applicant for working with the community to compromise on the proposed density and expressed her excitement for this project.

Ms. Jennifer Rouse asked if there is already a builder for this property. **Mr. Gilbert** replied that there is not. He explained that Virtua is the property owner and that they will be selling the property to a builder once the entitlements are in place. **Ms. Rouse** then expressed her concern with the safety of the intersection, as there have been many accidents there and the addition of more housing will certainly lead to more safety issues.

Ms. Sharifa Rowe asked if there will be any limitations on the number of two-story homes allowed on the property, as this is a very scenic area and too many two-story homes could block the views. **Mr. Gilbert** explained that the only restriction on two-story homes is along 35th Avenue. All the other lots are up to the ultimate homebuyer.

Ms. Stephanie Hurd asked what the average square footage of a one-story home and a two-story home will be. **Mr. Hall** replied that he would guess that the homes would range from 800 square feet to 2600 square feet.

Ms. Linda Abegg asked that the applicant stipulate to a minimum 60 feet by 120 feet lots, or a minimum square footage, so that the builder cannot divide the property into 45-foot-wide lots, which is what is permitted in the R1-8 zoning district. She also asked if attached single-family homes will be prohibited in their permitted uses list. **Mr. Gilbert** replied that yes, all homes permitted in the project must be detached. **Ms. Abegg** then emphasized that the stipulations that were crafted for the PHO case should be incorporated into this development narrative.

Vice Chair Tonya Glass asked if the committee will only be reviewing and commenting on this case or if there will be a vote at some point. **Ms. Sofia Mastikhina** explained that this is a request to rezone to a PUD, which follows a similar process as any other standard rezoning case, with an additional hearing before the Village Planning Committee for information only. The applicant will be required to return to the VPC for a recommendation and a vote before they can move on to Planning Commission. **Vice Chair Glass** stated that, in a meeting with the applicant, they had discussed providing a centralized open space that connects to the mountain, which would also remove a couple of the houses from the proposal. She asked if any further thought had been given to that discussion. **Mr. Gilbert** replied that the applicant had already done enough by removing 38 houses and providing 26 percent open space on the site.

PUBLIC COMMENT

Ms. Cyd Manning stated that this proposal is a simple repackaging of the underwhelming proposal that had come previously through the Planning Hearing Officer process. She stressed that the applicant is planning to entitle the property and immediately sell it off, and that they are not interested in investing in the community. She then pointed out that the zoning classification of R1-8 and the General Plan Land Use Map designation of Residential 3.5 to 5 dwelling units per acre should have been reverted back to S-1 zoning and Residential 0 to 1 dwelling units per acre, respectively, as was stipulated in the original approval letter. The proposed density for this project is completely incompatible with the surrounding area, and the zoning map that the applicant presented even showed that the nearest equivalent zoning was some way to the north, closer to Laveen's center. She explained that, at the City Council hearing, Councilmember Garcia had requested that the applicant file for a rezoning to downzone the property to be more compatible with the community – which this proposal is not. Further, the community has negotiated at length with the applicant, coming up with an executable site plan with R1-18 zoning, which is more compatible with the area. The applicant has not been willing to meet them halfway, and this PUD proposal is inferior to a conventional zoning case. Further, the stipulations from the PHO case have not been incorporated into the development narrative, nor have the Laveen residential design guidelines or any guidelines that take into account the topographical features of the site. She urged that this proposal be denied.

Mr. Dan Penton asked for clarification on the proposed lot sizes, as the applicant stated they would be 60 feet by 120 feet, yet the development narrative lists them as 55 feet by 110 feet. He then pointed out that the maximum building height was agreed to be two stories and 20 feet, yet the narrative lists 30 feet. It had also been agreed that the development would have 12 of the 26 percent of open space be usable. He then asked if the developer will be conducting a traffic impact study, as this is an area that will be highly affected by even a slight increase in residents.

Mr. Phil Hertel expressed his confusion with this presentation, as it was his understanding that the zoning reversion was still pending. He stated that this matter should be resolved before moving forward with any new entitlements on the property. He also stated that the open space should be more evenly distributed throughout the property.

Ms. Darcy Meyer stated that she and her family live within walking distance of this property, and that this part of Laveen is very different from the rest of the rapidly developing areas of Laveen. She stated that all the homes in this area are at least one acre in size, and very different from the other, more dense subdivisions elsewhere. She also pointed out that the comparable communities that Mr. Gilbert suggested are in close vicinity to this site are separated by Carver Mountain, which is a significant physical barrier. She stated that the applicant has not been willing to meet the community in the middle and compromise to a development that is agreed upon by everyone. Further, the applicant has used multiple continuances between hearings to discourage the public from opposing this, and the City Council has been refusing to act on the zoning reversion. She stressed that the proposal is incompatible with the surrounding area and expressed her concern with the increase in traffic at an intersection that is already very dangerous.

Mr. John Bizdel expressed his concern with this proposal being used as a way to circumvent the conventional zoning process and blindsight the community, especially given that it has no discernible benefits to the community.

Mr. Scott Johnson stated that he resides less than a half mile from the site, and that his back yard view is of the quarry, which is by no means blighted. He stated that this is the same plan that the committee heard in January, and that the proposal is just a different path to achieve the same goal. The zoning reversion should have already been processed in 2011, per the approved stipulations of the case, so Mr. Gilbert's assertion that this will be a downzoning from 99 lots to 63 is misleading, as it should be much lower than that per the zoning reversion. He urged that the committee deny this application when it comes back for a vote, as it has not changed in any way from when they denied it in January.

Mr. Tom Kingston agreed with the previous speakers' comments regarding this proposal and stated that this property is natural and beautiful, not blighted in any way, and that he does not understand the urgency to build something there, where it is not compatible.

Ms. Charla Fogle stated that the proposed lot sizes are not compatible with the area, and expressed her concern with this development posing potential drainage issues in an area that is already prone to flooding.

Mr. Mark Fogle expressed his concern with the traffic safety along 35th Avenue and Carver Road, stressing that no amount of street redesigning will make this stretch of road safer. Adding a development like this to the area will surely make matters even worse.

Ms. Lisa Vializ stated that the matter of the zoning reversion must be clarified before moving forward with this case, and that the proposed zoning is incompatible with the area. The proposal does not incorporate all of the stipulations that were agreed upon, and it is simply a different way to try to approve the same plan which the community has been consistently opposing for 12 months, and their position has not changed. She then stated that Mr. Gilbert's presentation was inaccurate, stating that there are no comparable neighborhoods in the area, and that all of the lots south of the mountain are acre lots. The proposed lot sizes of 60 feet by 120 feet are incompatible with the character in this area. She then explained that Councilman Garcia had repeatedly stated that he would not be supportive of an increase in density here. She urged that they move forward with the original zoning case and withdraw this PUD, as it is not in the best interest of the community.

Mr. Ivan Vializ stated his opposition to this proposal, as it undermines all the work that has been done by the community.

Mr. Gilbert stated that he will formulate responses to some of the more detailed questions for the next hearing but will provide responses to some of the questions and comments posed tonight. He explained that the current zoning on the property allows for 99 lots, and that the current site plan shows those 99 lots. Further, staff has provided a list of the stipulations from the PHO case to be incorporated into the PUD narrative, which the applicant is willing to do. Some of the speakers stated that the applicant is not

willing to meet the community in the middle, but the applicant is reducing the number of lots from the approved 99 to 61, which is a significant compromise. He then addressed the comments regarding incompatibility, stating that the proposal is consistent with the General Plan Land Use Map designation and, in fact, is much lower than the density allowed by it. The envisioned lot size will be 60 feet by 120 feet, and the reason that the PUD narrative lists 50 feet by 110 feet is so there is some flexibility for those lots that will have an irregular configuration. Other comments were made regarding the lack of benefit to the community, whereas the proposal will be covering up rock scarring from the gravel mining operation, revegetating the quarry and the trails on the property, and providing 26 percent open space on the site.

Ms. Rowe asked for clarification regarding the boundaries of the proposal, as Ms. Manning had alluded to a larger area. She also asked for clarification regarding the zoning reversion. **Ms. Mastikhina** explained that the original PHO case included 20 acres of R1-8-zoned property, as well as 60 acres of R1-18-zoned property, which is immediately to the west of the site. This PUD covers only the 20 acres of R1-8 zoning. **Chairman Branscomb** explained that the original case was stipulated to be built within 4 or 5 years of approval and, if nothing had been built by then, the zoning would have to be reverted back to S-1, as a safeguard for the community.

Vice Chair Glass asked that Ms. Mannin provide the committee with the items that the community had negotiated with the developer, so that they may review and take into consideration.

Ms. Hurd stated that it was her understanding that the city cannot process a zoning reversion. She then asked Ms. Manning what she thought about the developer meeting the community in the middle, as the Planning Commission may decide that the developer did indeed meet them in the middle and reach a compromise agreed upon by all. **Ms. Manning** reiterated that the approved ordinance from the original zoning case lists the provision for the zoning reversion, which should have been done in 2011 and continues to be an open action to be resolved by the city. She explained that the negotiations that have occurred between the community and the developer were done in good faith with the previous representative from Rose Law Group. The community was negotiating up from a density of 0 to 1 dwelling units per acre, while the applicant was negotiating down from their approved 99 lots. She stated that they had reached an agreement to follow R1-18 standards, which would provide for 80- by 130-foot lots, which is more compatible with the area and would also be executable by the developer. **Ms. Hurd** stressed that she wants to support the community, and also stressed that the traffic safety matter must be thoroughly addressed.

Ms. Abegg stressed that the commitments made by the developer during the PHO case should be included in the PUD, and that the committee make sure that the best possible plan is being moved forward through the process. She pointed out that the PHO case is still active and asked how the hearing process for this PUD will align with the PHO case, as it is unusual to have two active entitlement cases on the same property. **Ms. Mastikhina** explained that the PHO case has been continued by the City Council until April, and that the intent of this PUD is to get through the hearing process so that the City Council date aligns with the PHO case and a decision can be made on which one is the best course of action. **Ms. Abegg** then asked if the PUD will go on to the Planning Hearing Officer or Planning Commission after the Village Planning Committee. **Ms. Mastikhina** explained that it will first come back to the Village Planning Committee for a

recommendation and a vote, after which it will move on to Planning Commission and ultimately City Council.

Ms. Rowe asked if the R1-18 portion of the property is still moving forward, or if it is no longer being considered as part of the development proposal. **Ms. Abegg** stated that the original zoning case included larger lots on the R1-18 portion and small condos on the R1-8 portion. The R1-18 portion is not being changed, just the area that allows smaller units. **Ms. Rowe** asked for future clarification on why the discussion is focused on the R1-8 portion of the property if the community had negotiated in the R1-18 portion.

Vice Chair Glass requested that staff bring in the Maricopa Department of Transportation and the Phoenix Street Transportation Department to discuss the traffic safety issues on 35th Avenue and Carver Road.

Chairman Branscomb urged that the entire committee thoroughly read the proposed development narrative before this case comes back for a vote, as that is where all of the development and design standards for this property will be outlined.