

Attachment E

REPORT OF PLANNING COMMISSION ACTION June 4, 2020

ITEM NO: 18	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-19--Z-165-06-7(8)
Location:	Northwest corner of 35th Avenue and Carver Road
Request:	<ul style="list-style-type: none">• Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007• Modification of Stipulation No. 7 regarding the landscape setback adjacent to 35th Avenue• Deletion of Stipulation No. 19 regarding conditional development approval• Modification of Stipulation No. 27 regarding height of terraced berms along the quarry cut slope base• Modification of Stipulation No. 31 regarding raised, vertical curbs within the R1-18 portion of the site• Modification of Stipulation No. 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site• Deletion of Stipulation No. 39 regarding one-story homes along 35th Avenue• Technical corrections to Stipulation Nos. 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38 and 40
Acreage:	59.48
Applicant:	Jennifer Hall, Rose Law Group
Owner:	Virtua 35th, LLC
Representative:	Tom Galvin, Rose Law Group

ACTIONS:

Staff Recommendation: Denial as filed and approval with modifications and additional stipulations as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:

Laveen 1/13/2020 Denial. Vote: 11-0.

The Laveen Village Planning Committee motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

Planning Hearing Officer Recommendation:

January 15, 2020 The Planning Hearing Officer took this case under advisement.
February 13, 2020 The Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Planning Commission Recommendation: Approval, per staff memo dated June 4, 2020 with a modified stipulation and direction for the applicant to modify the application prior to the City Council meeting.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve PHO-1-19--Z-165-06-7(8), per staff memo dated June 4, 2020 with a modification to Stipulation No. 6 to reduce the useable open space from 12% to 8% and direction for the applicant to modify the application prior to the City Council meeting to modify Stipulation No. 5 to reflect the number of lots on the site plan.

Maker: Busching
Second: Shank
Vote: 8-0
Absent: Howard
Opposition Present: Yes

Findings:

1. The subject property of this request includes the entire 59 acres that comprised the original rezoning case. However, the applicant only submitted plans addressing the approximately 19.4 acres of R1-8 zoned property on the eastern portion of the site, adjacent to 35th Avenue. Modifications are recommended to the applicant's request to ensure that the existing stipulations on the approximately 39.6 acres of R1-18 zoned property on the western portion of the site are not modified or deleted. Additionally, the applicant did not submit elevations with the request. The original stipulations included a general conformance requirement for building elevations. A modification is recommended to the applicant's request to require a future Planning Hearing Officer application for review of conceptual building elevations.
2. The stipulated site plan depicted 99 detached single-family units arranged in clusters of two and four, oriented towards common courtyards. There are also seven free-standing units depicted at the northwest corner of the site partially in the hillside-designated area. The proposed conceptual site plan depicts 92 units in a similar cluster-style arrangement. However, the units have been shifted east on the property, reducing the total massing of development in the designated hillside areas. Additionally, the homes are not oriented towards courtyards and instead include larger private driveways in the front yards. There is more open space preserved in the hillside area in the northwest portion of the site. There is also more open space adjacent to the private accessways (Tract "A") which separates the homes from the streets. Because the homes are closer to 35th Avenue, there is less open space provided along the east property line. See Finding #3 for a more detailed description of the recommendation for minimum open space and Finding #4 regarding the landscape setback on 35th Avenue.
3. An additional stipulation is recommended to require the developer provide a minimum of 26% open space, of which a minimum of 12% shall be usable open space. The conceptual site plan depicts 40.47% open space. However,

there is no open space exhibit and the applicant indicated that a recalculation was necessary to adequately represent provided open space in the hillside area, setbacks, and other locations. The provision of 26% open space is compatible with the rural character of the surrounding area, consistent with other recent zoning actions in the Village, and significantly exceeds existing Ordinance standards.

4. The proposed reduction of the landscape setback on 35th Avenue from 235 feet (average) to minimum 100 feet accommodates the relocation of some residential units out of the designated hillside areas, consistent with the City approved slope analysis. The preservation of the hillside area will contribute to the rural character of the site and maintain this unique natural feature of the property. See Finding #9 regarding the restoration of the disturbed area on the abandoned gravel mine that occupies a portion of the remainder of the site.
5. Approximately 2,300 feet to the east of the subject property are the Hangar Hacienda Units One, Two, and Three subdivisions. These properties are in Maricopa County jurisdiction. These communities are oriented around an air strip utilized by residents who own private aircraft. Based on comments from a resident in this community, the typical flight path runs directly over the subject property of this request. An additional stipulation is recommended regarding notification of the aviation uses on these properties for future residents.
6. The subject property is archaeologically sensitive. Three additional stipulations are recommended which outline the City's requirements regarding data testing, data recovery, and archaeological assessments and survey.
7. The public right-of-way along 35th Avenue and a small portion along Carver Road is in Maricopa County Department of Transportation (MCDOT) jurisdiction. There is also an active drainage project along the roadway. Therefore, additional stipulations are recommended to acknowledge that MCDOT shall determine the final width and dedications needed for the portion of right-of-way adjacent to the subject property. City of Phoenix Street Transportation staff noted that in discussions with MCDOT staff, MCDOT does not have immediate concerns regarding the location of proposed retention areas shown on the conceptual site plan in regard to the drainage project.
8. Original Stipulation 19 states that approval shall be conditioned upon the development commencing within 48 months of the City Council approval. For properties with similar stipulations, the Planning and Development Department has required that a Planning Hearing Officer (PHO) action be pursued to modify or delete these conditions at the time that development is proposed, if the proposed development has exceeded the timeframe identified in the stipulation. The applicant is pursuing this process through their request for deletion of the stipulation. The modification or deletion of this stipulation through a PHO action is unrelated to the zoning reversion process which is a separate public hearing process that is described in Section 506 of the Zoning Ordinance.

The applicant's request for deletion of original Stipulation 19 is recommended for approval. The current proposal is consistent with the City Council's original

intent to see the subject property redevelop with a single-family residential land use in the R1-8 zoning district. Additionally, the request is consistent with City Council approved General Plan Amendment GPA-LV-1-08-7, which established a Residential 3.5 to 5 dwelling units per gross acre land use designation on the approximately 19.35 acres that comprises the R1-8 zoned portion of the property. Both the proposed conceptual site plan, as modified by this recommendation, and the existing R1-8 zoning designation are consistent with this land use designation.

9. Original Stipulation #27, requiring terraced berms planted with deciduous trees, may result in an environment that contrasts with the natural landscape of the existing hillside in the surrounding area. The stipulated terraced berm configuration is not consistent with the irregular natural landscape of the existing hillside in the surrounding area and there are no deciduous trees on hillside locations in the immediate vicinity. Proposals for fill are commonly intended to continue and promote a natural slope line, rather than creating terracing and other unnatural finishes.

There are a variety of alternatives to the stipulated requirement for terraced berms that may be considered for the site that would result in a more natural aesthetic to the restored hillside. These include chemical treatments and coloration to remove or camouflage scarring, hydroseeding of the slope to provide a mixture of natural grasses and plants which may also stabilize the slope, and roughening the cut or restored slope to integrate pockets for additional native landscaping.

Modified stipulation language is recommended to allow the applicant to work with City staff on an alternative approach to restoring the quarry cut slope base to promote a more natural landscape along the hillside.

10. The provision of detached sidewalks is consistent with numerous City policy plans. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the City's planning and development process. Additionally, the City Council adopted Guiding Principles for Complete Streets seeks to make Phoenix more walkable by promoting a safe and inviting pedestrian environment that encourages walkability and thermal comfort. These principles are also expressed and expanded upon throughout the 2015 General Plan.

Therefore, the applicant's request to delete this requirement and instead stipulate a 5-foot sidewalk width is recommended for denial. However, the street layout on the proposed conceptual site plan may require the utilization of both private drives (between units) and private accessways (Tract "A"). There are different technical requirements and cross sections for these street types and it may be difficult to integrate detached sidewalks along both sides of private drives.

A modification of the applicant's request is recommended to require that detached sidewalks shall be provided, as originally stipulated, along all streets that are developed as public streets or private accessways.

11. The Street Transportation Department noted that both original Stipulation 31 and the applicant's proposed modified language may create conflicts if the development is to include both attached and detached sidewalks. The City of Phoenix standard detail for detached sidewalks along private accessways requires vertical curbs. Attached sidewalks may be permitted to provide rolled curbs. Deletion of the stipulation will allow the appropriate detail to be utilized based on the final configuration of sidewalks at appropriate locations throughout the development.
12. Original Stipulation 39 required that homes along 35th Avenue would be limited to one-story. The stipulation did not specify a maximum building height. Additionally, it is unclear whether the stipulation was intended to apply to the individual units located closest to 35th Avenue or the entire clusters. The original stipulation may permit a variety of building heights and locations for height-restricted lots.

However, the intent of the stipulation was to mitigate the impacts of building height for units closest to 35th Avenue and would have impacted homes at approximately 235 feet (the stipulated average setback in original Stipulation 7). This remains a valid concern and consistent with the design of other recent projects in the Village. Therefore, the applicant's request for deletion of this stipulation is recommended for denial. An alternative stipulation is proposed that limits maximum building height to 20 feet for the 12 lots that are located within approximately 235 feet of 35th Avenue. This recommendation is intended to clarify the limitation on building height and identify the specific lots impacted.

Stipulations:

General

- ~~4. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~
1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ **MAY 26, 2020**, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:
 - A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO

THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- ~~2.~~ 4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.
- ~~3.~~ 5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of 99 lots.
6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 42 8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Site Design

- ~~4.~~ 7. ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development Services Department.
- ~~5.~~ 8. ~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development Services Department.
 - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
 - b. Retaining wall.
- ~~6.~~ 9. ~~That n~~No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf

recreation area, as approved by the PLANNING AND Development Services Department.

7. ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE adjacent to 35th Avenue shall be provided, as approved by the PLANNING AND Development Services Department.
8. ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development Services Department.
9. ~~That~~ Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development Services Department.

Disclosures

10. ~~That p~~Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. 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.
13. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. 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.

Parks and Recreation

14. ~~That~~ The developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

15. ~~That~~ The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

17. 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.
18. 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.
19. 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.

Street Transportation

- ~~13.~~ ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
- ~~20.~~
- ~~14.~~ ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
- ~~21.~~
22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- ~~15.~~ ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~24.~~

16. ~~That t~~The developer shall construct all streets within and adjacent to the
25. development with paving, curb, gutter, sidewalk, curb ramps, streetlights,
median islands, landscaping, and other incidentals, as modified by these
stipulations, and as approved by the Street Transportation Department. All
improvements shall comply with all AmericanS with Disabilities Act accessibility
standards.
17. ~~That t~~The applicant shall complete and submit the Developer Project
26. Information Form for the Maricopa Association of Governments Transportation
Improvement Program. This form is a requirement of the Environmental
Protection Agency to meet clean air quality requirements.
18. ~~That p~~Prior to preliminary site plan approval, the landowner shall execute a
27. Proposition 207 waiver of claims utilizing the provided template. The waiver
shall be recorded with the Maricopa County Recorder's Office and a copy shall
be provided to the PLANNING AND Development Services Department for the
case files.
19. ~~That approval shall be conditional upon the development commencing within
48 months of the City Council approval of this change of zoning in accordance
with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation,
development shall commence with the issuance of building permits and
erection of the building walls on site.~~

Neighborhood

20. ~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and
28. treated with a stain, gunnite, or equivalent finish, as approved by the
PLANNING AND Development Services Department.
21. ~~That a~~All two story homes, within the R1-18 portion of the site, shall be
29. designed in a manner such that the square footage of the second story floor
area does not exceed 66 percent of the first story floor area does not exceed
66 percent of the first story floor area, as approved by the PLANNING AND
Development Services Department.
22. ~~That c~~Concrete channels shall be designed to look natural in the desert setting
30. through color, texture, landscaping, or other means, as approved by the
PLANNING AND Development Services Department.
23. ~~That t~~The use of riprap and engineered culverts shall be minimized and, where
31. utilized, shall be integrated with the desert setting through color, texture, soil
plating, landscaping, or other means, as approved by the PLANNING AND
Development Services Department. To the extent possible, culverts shall be
undersized to allow minor flows (10 cfs or smaller) to cross roadways in their
natural condition.
24. ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall
32. be preserved and enhanced with native vegetation as described in Appendix A,
Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines,
as approved by the PLANNING AND Development Services Department.

- ~~25.~~ ~~33.~~ That ~~l~~ Lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~26.~~ ~~34.~~ That ~~e~~ On non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~27.~~ ~~35.~~ That ~~a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum,~~ and shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center,~~ as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- ~~28.~~ ~~36.~~ That ~~s~~ Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
- ~~29.~~ ~~37.~~ That ~~t~~ The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~30.~~ ~~38.~~ That ~~p~~ Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~31.~~ ~~39.~~ That ~~private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.~~
- ~~32.~~ ~~40.~~ That ~~a~~ All HVAC units shall be ground mounted.
- ~~33.~~ ~~41.~~ That ~~a~~ All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~34.~~ ~~42.~~ That ~~b~~ Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING

AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.

~~35.~~ ~~That a~~Any request to delete or modify these stipulations SHALL be preceded
43. by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
- b. Cyd Manning, P.O. Box 41234, Mesa, 85274
- c. Judy Brown, P.O. Box 41234, Mesa, 85274
- d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
- e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
- f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
- g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~36.~~ ~~That t~~The following individuals shall be notified of any and all PLANNING AND
44. Development ~~Services~~ Department (~~DSD~~) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
- b. Cyd Manning, P.O. Box 41234, Mesa, 85274
- c. Judy Brown, P.O. Box 41234, Mesa, 85274
- d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
- e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
- f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
- g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~37.~~ ~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE
45. DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of 20~~ feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

38. ~~That a~~A mix of two and three-inch caliper trees shall be provided within all
46. required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.
39. ~~That only one-story homes shall be located along 35th Avenue.~~
47. LOTS ~~52-61 AND 82-83~~ **1-7**, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ **MAY 26, 2020**, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
40. ~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall
48. plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.