



Village Planning Committee Meeting Summary

Z-55-22-8

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| Date of VPC Meeting | December 12, 2022 |
| Request From | R1-18 and R1-8 |
| Request To | R1-18 Hillside DNS/WVR |
| Proposed Use | Single-family residential with a hillside density waiver |
| Location | Northwest corner of 35th Avenue and Carver Road |
| VPC Recommendation | Approval, per the staff recommendation with a modification |
| VPC Vote | 9-0 |

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Item No. 7 (GPA-LV-2-22-8) and Item No. 8 (Z-55-22-8) are companion cases and were heard together.

3 members of the public registered to speak on this item.

STAFF PRESENTATION:

Enrique Bojórquez, staff, provided an overview of the rezoning proposal, including the companion minor General Plan Amendment case GPA-LV-2-22-8, describing the location of the requests, the existing and proposed zoning districts and land use designations and the proposed use. Mr. Bojórquez explained that staff offers a recommendation in the staff report which differs from the applicant's request on GPA-LV-2-22-8 and explained the reasons for this. Mr. Bojórquez discussed the zoning history on the property, including an active PHO case and a rezoning case which was withdrawn. Mr. Bojórquez reviewed the surrounding zoning districts and land uses and described the proposed site plan plus building elevations. Mr. Bojórquez listed several policy plans and described how these are furthered by this proposal. Mr. Bojórquez stated that staff has received 17 letters in support and none in opposition regarding these requests. Mr. Bojórquez provided staff findings, followed by the staff recommendation of approval on each case, and discussed the stipulations as presented in the staff report for case Z-55-22-8.

APPLICANT PRESENTATION:

Paul Gilbert, representing the applicant with Beus Gilbert McGroder PLLC, introduced himself and the single-family residential project. Mr. Gilbert stated that this project has gathered significant support from neighbors after years of deliberation. Mr. Gilbert discussed the location of the site, surrounding zoning districts, and land use map designations. Mr. Gilbert is not necessarily opposed to the staff recommendation outlined in the staff report for case GPA-LV-2-22-8. Mr. Gilbert has agreed to provide a deed restriction on the hillside portion of the site which is controlled by the neighbors. Mr. Gilbert discussed the proposed site plan, open space, and requested hillside density waiver, noting that 5 lots would be partially within the hillside portion of the site. Mr. Gilbert requested a recommendation of approval on both cases.

QUESTIONS FROM COMMITTEE:

Chair Glass applauds the efforts from the neighbors over many years and appreciates the compromise reached with the applicant.

PUBLIC COMMENTS:

Cyd Manning introduced herself and stated that she would be impacted by this development. Ms. Manning supports approving both cases as proposed by the applicant. Ms. Manning stated that density was an issue since the case was approved in 2007 and remained an issue in 2011 when the City did not execute a zoning reversion. Ms. Manning supports the proposed project now and would prefer a true 1 dwelling unit per acre project, but this is a compromise plan between the applicant and the neighbors. Ms. Manning supports the proposed density reduction, open space, and deed restriction. Ms. Manning thanked the community, Council District 8, Laveen Village Planning Committee, and the applicant. Ms. Manning requested approval of both cases per the staff recommendation.

Sandy Hamilton with Laveen Citizens for Responsible Development (LCRD) introduced himself and stated that both cases were heard recently by the LCRD in December of 2022. The LCRD recommends approval of both cases.

Jon Kimono stated that this project was well worth the effort and thanked everyone involved. Mr. Kimono supports the reduction from 121 to 65 lots, including wide perimeter lots. Mr. Kimono added that this is the best plan everyone could achieve and supports this project.

Phil Hertel stated that the original approval dates back 15 years and was initially approved by a former applicant and Councilman for the area. Ms. Manning has been very involved every step of the way, including many others. Mr. Hertel thanked Mr. Gilbert for his commitment, congratulated the applicant and thanked everyone involved.

Dan Penton stated that the community has legal binding interest on the property now and this is now a monument case. Mr. Penton suggested that the City should use this as a model to preserve open space and develop a similar site. Mr. Penton added that the quality of life will be greatly improved now as the community did not give up at the City's negation to revert the approved zoning on the site. Mr. Penton gives kudos to Ms. Manning and Mr. Gilbert.

APPLICANT RESPONSE:

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

Mr. Ortega congratulated everyone involved and added that the Village needs support from Ms. Manning to avoid single-family developments with 45-foot-wide lots.

Vice Chair Abegg recommended a modification to Stipulation No. 12 to ensure that building elevations include additional building materials. **Mr. Gilbert** agreed with the stipulation modification but asked for clarification. **Vice Chair Abegg** responded that the intent is for 25% of the front home elevations to have alternative building materials.

Mr. Gilbert expressed concern with Stipulation No. 24 and wants to ensure that his client does not have to contribute 100 percent of the cost to build a roundabout along 35th Avenue and Carver Road. Mr. Gilbert did not have concerns with the staff recommendation on GPA-LV-2-22-8.

MOTION (Z-55-22-8):

Chair Glass motioned to approve Z-55-22-8 per the staff recommendation with a modification to Stipulation No. 12. **Jennifer Rouse** seconded the motion.

Approved modification of Stipulation No. 12:

12. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to Planning and Development Department final site plan approval with specific regard to the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
 - a. The primary building material shall not exceed 75 percent of all front elevations.
 - b. Each home will include two alternative building materials (in addition to the primary building material for architectural elevations) **TO MAKE UP 25% OF THE FRONT ARCHITECTURAL ELEVATIONS**, plus garage enhancements such as window panels, color, added materials surrounding doorS, and trellises.

VOTE (Z-55-22-8):

9-0; motion to recommend approval of Z-55-22-8 per the staff recommendation with a stipulation modification passes with Committee Members Barraza, Chiarelli, Hurd, Jensen, Ortega, Perrera, Rouse, Abegg and Glass in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS

None.