

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION January 5, 2023

ITEM NO: 6	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-55-22-8 (Companion Case GPA-LV-2-22-8)
Location:	Northwest corner of 35th Avenue and Carver Road
From:	R1-8 and R1-18
To:	R1-18 Hillside Density Waiver
Acreage:	58.99
Proposal:	Single-family residential with a Hillside Density Waiver.
Applicant:	Felipe Zubia, Virtua 35th, LLC
Owner:	Felipe Zubia, Virtua 35th, LLC
Representative:	Kurt Waldier, Beus Gilbert McGrider, PLLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Laveen 12/12/2022 Approval, per the staff recommendation with a modification. Vote: 9-0.

Planning Commission Recommendation: Approval, per the Laveen Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Perez made a MOTION to approve Z-55-22-8, per the Laveen Village Planning Committee recommendation.

Maker: Perez
Second: Gaynor
Vote: 8-0
Absent: Mangum
Opposition Present: No

Findings:

1. This proposed development is consistent with the staff recommended General Plan Land Use map designation requested with concurrent case GPA-LV-2-22-8.
2. As stipulated, the proposed development will promote the preservation of a large portion of the site as undisturbed hillside area, while allowing new housing options primarily in the disturbed portions of the site along lower slopes.
3. As stipulated, the proposed development will promote the identity of the area by providing large perimeter lots, wide street landscape setbacks, and limiting building height along perimeter streets.

Stipulations:

1. The development shall not exceed 65 lots.
2. Each individual lot shall be a minimum of 6,000 square feet in size.
3. A minimum side yard building setback, except along streets, of 3 feet and 13 feet combined for both sides shall be provided.
4. There shall be no vehicular access to the development along the 39th Avenue alignment.
5. The maximum building height shall not exceed 2 stories and 30 feet, except that buildings located on lots within 100 feet of 35th Avenue and Carver Road shall not exceed a height of 1 story and 20 feet.
6. Lots within 100 feet of 35th Avenue and Carver Road shall maintain a minimum lot width of 80 feet.
7. A minimum 80-foot-wide landscape setback shall be provided along 35th Avenue.
8. A minimum 50-foot-wide landscape setback shall be provided along Carver Road.
9. The required landscape setbacks shall be planted with minimum 60-percent 2-inch caliper and 40-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
10. 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, as approved by the Planning and Development Department.
11. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
 - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.
 - b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet in width. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live coverage at maturity.
 - c. A mix of ornamental trees, shrubs (no less than five five-gallon shrubs per tree) and/or flower beds that will provide a variety of texture and color throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.
 - d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.

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.
13. All homes within the development shall be subject to Single-Family Design Review, as approved by the Planning and Development Department.
14. A minimum of three usable open space areas of 6,000 square feet each shall be provided and dispersed throughout the development, as approved by the Planning and Development Department.
15. A minimum of 37 acres shall remain undeveloped open space.
16. A minimum of four amenities shall be provided such as a tot lot, ramada, or similar elements, as approved by the Planning and Development Department.
17. A minimum of one pedestrian pathway shall be provided from the development to Carver Road, as approved by the Planning and Development Department.
18. Pedestrian and vehicular access shall be provided from this development to the future development on the adjacent property to the south, as approved or modified by the Planning and Development Department.
19. All sidewalks within the development shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees planted at a rate of one tree per lot or a minimum of 20 feet on center, or in equivalent groupings where adjacent to open space areas, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
20. The developer shall construct a detached sidewalk along 35th Avenue as approved and required by Maricopa County Department of Transportation.
21. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 35th Avenue and along the north side of Carver Road and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department.
22. The developer shall dedicate right-of-way and construct improvements along the west side of 35th Avenue as required and approved by Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review

and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.

23. The developer shall dedicate right-of-way and construct improvements along the north side of Carver Road as required and approved by MCDOT. The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.
24. The developer shall dedicate additional right-of-way and provide improvements to the 35th Avenue and Carver Road intersection as per the geometric design approved by the Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal. The design will need to provide access to 35th Avenue south of Carver Road, and Carver Road east of 35th Avenue.
25. 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.
26. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
27. 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 reviewed and approved by the City prior to recordation.
28. The property owner shall record documents that disclose the existence, and operational characteristics 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.
29. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
30. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.

31. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
32. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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.

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