




City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: January 30, 2018

From: Alan Stephenson 
Planning and Development Director

Subject: ITEM XX ON THE FEBRUARY 7, 2018, FORMAL AGENDA –STIPULATION
MODIFICATION REQUEST FOR PHO-2-17—Z-152-03-7(8) –
APPROXIMATELY 995 FEET WEST OF THE SOUTHWEST CORNER OF 43RD
AVENUE AND BASELINE ROAD.

Item XX, Planning Hearing Officer Application PHO-2-17--Z-152-03-7(8), is a request to modify stipulations of entitlement for a 76.86-acre site located approximately 995 feet west of the southwest corner of 43rd Avenue and Baseline Road.

This memo provides an update on discussions with the community, Laveen Village Planning Committee members and the applicant since this case was withdrawn from the City Council agenda on January 10, 2018.

The applicant has agreed to modify their request to place further restrictions on the development. The applicant has continued to work with community stakeholders on their ongoing desire to address a variety of concerns relating to lot widths, the location of the 45-foot wide lots, open space, the location of the open space, and landscaping. A new site plan date stamped January 30, 2018, has been submitted to reflect these changes.

Below is a summary of those changes:

- The residential lot width percentage for 45-foot wide lots was decreased so that the development will have 50%, 45-foot wide lots. This is addressed in Stipulation No. 22.
- The remainder of the residential lots will be a minimum of 55-foot wide. This is addressed in Stipulation No. 23.
- The location of the 45-foot wide lots will only be located north of the Beverly Road alignment. This is addressed in Stipulation No. 6.
- The minimum open space percentage will be increased to 18%. This is addressed in Stipulation No. 6.

- There will be an equitable distribution of open space between the portion of the neighborhood with 45-foot wide lots (north of the Beverly Road alignment) and the portion with a minimum of 55-foot wide lots. This is addressed in Stipulation No. 6.
- Increased tree plantings will be provided adjacent to the northernmost lots in the development to provide screening of the homes from Baseline Road. This is addressed in Stipulation No. 33.

The new language as recommended by the applicant is CAPITALIZED and in **RED BOLD** to call attention to the changes. In the event of approval, staff recommends the following stipulations:

COMMERCIAL DEVELOPMENT

1. That the commercial portion of the site plan and elevations shall be reviewed and approved administratively by the Planning Hearing Officer.
2. That street entry ways at Baseline Road and 43rd Avenue, neighborhood parks, perimeter fencing and other appropriate public areas shall follow the guidelines outlined in the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, updated September 30, 2008, as approved or modified by Planning and Development Department.
3. That four-sided architecture of the commercial buildings shall include architecturally articulated facades such as offsets, recesses, textural changes, window fenestrations, pilasters, and shadow boxes as approved by the Planning and Development Department.
4. That a minimum 75-foot by 75-foot landscaped entry feature, or equivalent area, shall be provided with a 3-dimensional art feature that exemplifies the rural/agricultural character of Laveen at the entrance to the commercial development from Baseline Road as approved by the Planning and Development Department. The proposed art feature shall be shown to the Laveen Village Chairperson or his/her representative for approval. The enhanced landscape feature shall include a turf area and provide plant types from the following list:
 - a) Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees.
 - b) Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, AZ yellowbells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs.
 - c) Accents: deer grass, wild sunflowers, superb, canyon and firecracker penstemon, golden columbine or other similar accents.
 - d) Vines: White Landy Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine or other similar vines.

5. The location of any gasoline pumps shall be located at the east end of the property along Baseline Road and away from residential lots.

RESIDENTIAL DEVELOPMENT

6. The development shall be in general conformance to the site plan date stamped May 2, 2013, **AUGUST 4, 2017 JANUARY 30, 2018**, and shall have a maximum 3.5 dwelling units per acre, with specific regard to **street layout. THE FOLLOWING, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:**
 - A) STREET LAYOUT;**
 - B) THE LOCATION OF THE 45-FOOT WIDE LOTS SHALL BE LOCATED NORTH OF THE BEVERLY ROAD ALINGMENT;**
 - C) OPEN SPACE SHALL BE A MINIMUM OF 18% AND SHALL SUPERCEDE THE OPEN SPACE PERCENTAGE IDENTIFIED IN STIPULATION 24.**
 - D) OPEN SPACE AREAS SHALL BE DISTRIBUTED BETWEEN THE NORTHERN AND SOUTHERN PORTIONS OF THE DEVELOPMENT.**
7. That residences along 43rd Avenue, Baseline Road, and the southern boundary of the property shall have a building height of one level no greater than 24 feet for a minimum of 50% of the lots.
8. That a minimum 800 square feet landscaped entry feature shall be provided on both sides of the main entry into the residential development located along 43rd Avenue as approved by the Planning and Development Department.
9. That adjacent to each residential street curb shall be a consistent tree pattern design as approved by Planning and Development Department. The trees shall be a minimum 1½" caliper and selected from the Acceptable Plants for Sonoran and Vegetative Areas as described in the February, 2004 draft Laveen Residential Design Guidelines for the Preservation of Rural Character, if approved. The homebuilder will be responsible for installation of the trees and the home buyer shall be responsible for maintaining the trees.
10. That a 9-foot wide landscaped tract containing a minimum of 1½ inch caliper shade tree and five shrubs shall be provided at an average of 20 feet on center along the street of each corner lot. The home builder shall be responsible for installation, and the homeowner association shall be responsible for maintenance of the common landscaped area.
11. All residential perimeter fencing shall follow the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, the Planning and Development Department. The residential perimeter fencing along 43rd Avenue shall be offset 2 feet for a minimum of every 250 feet.
12. That the visible portion of houses on lots adjacent to Baseline Road and 43rd Avenue shall be designed in general conformance with the rural character from the draft Laveen

Residential Design Guidelines for the Preservation of Rural Character February, 2004.

STREETS

13. That right-of-way totaling 65 feet shall be dedicated for the south half of Baseline Road, or as may otherwise be modified by the Planning and Development Department.
14. That right-of-way totaling 50 feet shall be dedicated for the west half of 43rd Avenue, or as may otherwise be modified by the Planning and Development Department.
15. There shall be no vehicular access to South Mountain Avenue along the southern boundary of the development as approved by the Planning and Development Department because there is 33 feet of land that is not owned by the applicant. South Mountain Avenue may be built between 43rd Avenue and 45th Avenue as a public right-of-way by the city or others in the future.
16. That 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 City. All improvements shall comply with all ADA accessibility standards.
17. That the applicant shall complete and submit the Developer Project information Form for the MAG Transportation Improvement Program and Street Transportation Department, (602) 262-6193. This form is a requirement of the EPA to meet clean air quality requirements.

TRAILS

18. Dedicate a 30-foot multi-use easement and construct a 10-foot wide multi-use trail along Baseline Road in accordance with city of Phoenix MAG Supplemental Specifications Section 429, as approved by the Parks and Recreation Department.
19. THE DEVELOPER SHALL EXTEND TRACT D FROM THE ADJACENT SUBDIVISION ON THE WEST FROM 45TH DRIVE TO 43RD AVENUE.

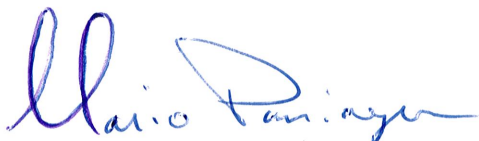
LAVEEN VILLAGE PLANNING COMMITTEE ADDITIONAL STIPULATIONS

4920. That the applicant agrees to the ordinance requirement of 15-foot rear yard setbacks and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along South Mountain Avenue.
2021. That the applicant agrees to the ordinance requirement of 15-foot rear yard setbacks, and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along 43rd Avenue.
2422. That 45-foot wide lots shall not exceed 45% ~~45%~~ **60% 50%** of the residential lots.
2223. The remaining lots shall be a minimum of ~~60-feet~~ 55-FOOT lot width.
2324. That the minimum open space for the development shall be a minimum of 14.8%.
2425. That the minimum landscape setback along any wall on 43rd Avenue shall be 25 feet.

2526. That the commercial property shall be in specific conformance to the site plan dated September 17, 2004 (attached) as approved by the Planning and Development Department. The developer shall provide vehicular access from 45th Avenue to the commercial site.
2627. That the final residential plat shall be reviewed as part of the Planning and Development Department process.
2728. That the final commercial plat and elevations shall be reviewed as part of the Planning and Development Department process.
2829. That the final landscape package shall be reviewed as part of the Planning and Development Department process.
2930. That the chairperson of the Laveen Village Planning Committee shall be asked as part of the Planning Hearing Officer (PHO) process if the Village Planning Committee would like to review the request prior to the PHO hearing.
3031. That the elevations, site plan, perimeter fence plan, landscape plan, and comprehensive trail plan shall be provided to the Laveen Village Planning Committee for review and comment prior to administrative approval by the Planning Hearing Officer.
32. THE DEVELOPER SHALL RECORD A NOTICE TO PROSPECTIVE PURCHASERS OF PROXIMITY TO AIRPORT IN ORDER TO DISCLOSE THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT (PHX) TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.
- 33. THE DEVELOPER SHALL PROVIDE MINIMUM 2-INCH CALIPER TREES PLANTED 20 FEET ON CENTER, OR IN EQUIVALENT GROUPINGS IN THE OPEN SPACE AREA ADJACENT TO BASELINE ROAD TO PROVIDE SCREENING OF THE RESIDENCES FROM THE STREET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

Exhibits

Laveen Village Planning Committee Summary
Planning Hearing Officer Summary
Planning Commission Summary
Site Plan Date Stamped January 30, 2018



1/31/18



Village Planning Committee Meeting Summary

PHO-2-17—Z-152-03-7(8)

Date of VPC Meeting	September 11, 2017
Request	<ol style="list-style-type: none">1) Modification of Stipulation 6 regarding general conformance to site plan date stamped May 2, 2013;2) Modification of Stipulation 8 regarding a minimum 800 square foot landscaped entry feature on both sides of the main entry along 43rd Avenue;3) Modification of Stipulation 21 regarding 45-foot wide lots not exceeding 15 percent of the residential lots4) Modification of Stipulation 22 regarding remaining lots be a minimum of 60-feet in width
Zoning/ Proposed Use	S-1, Approved R1-8/ Single-Family Residential
Location	Approximately 995 feet west of the southwest corner of 43rd Avenue and Baseline Road
VPC Recommendation	Approval with modifications
VPC Vote	8-3

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Mr. Reid Butler, the applicant, provided the Committee with a handout outlining his stipulation modification requests and detailed the requests in a brief presentation. He explained he was requesting the following changes to Stipulations 6, 8, 21, and 22:

- Modify site plan date stamped date to August 4, 2017
- Modify the location of the 800 square foot from both sides of the entryway to a single location
- Modify the number of 45-foot wide lots from 15% to 60%
- Modify the width of the remaining lots from 60 feet to 55-foot wide lots

Mr. Butler noted that while he was requesting narrower lots, the density would remain at 3.5 dwelling units per gross acre. Further, he believes 45-foot wide lots are appropriate and consistent with properties along Baseline Road. He explained that in a competitive market, homebuilders are looking for a mix of lot sizes including 45 and 55-foot wide lots. He further explained that he presented to the Laveen Citizens for Responsible Development (LCRD) board and received feedback that would limit the 45-

foot wide lots to the northern portion of the site and allow the 55-foot wide lots to be located toward the southern end of the site.

Mr. Phil Hertel, member of the public, provided the Committee with a handout outlining the LCRD requested language. He confirmed Mr. Butler's account of his meeting with the LCRD; however, he explained that after looking at the property further, the LCRD's proposed stipulations would not work. He further explained that it would be preferable to use a percentage to restrict the 45-foot wide lots rather than restrict them to a specific location. **Mr. Hertel** stated that the revised LCRD recommendation would be to restrict the maximum number of 45-foot wide lots to not exceed forty-five (45) percent and that all remaining lots shall not exceed 55 feet wide. He noted that this language allows flexibility and a mix of lot sizes.

Ms. Tonya Glass stated she would prefer to see the 45-foot wide lots south of the elementary school where there is more open space being provided at the southern end of the subdivision.

Ms. Stephanie Hurd asked where other 45-foot wide lots have been previously approved. **Chairman Ricardo Cortazar** stated that the VPC approved 45-foot wide lots along Baseline and 35th Avenue earlier in the year.

Ms. Hurd stated that 45-foot wide lots are not appropriate but it seems that they are being requested more and more often.

Mr. Branscomb stated he does not want small homes and lots to be packed onto small properties.

Mr. Butler explained the 3.5 dwelling units per gross acre will not be increased per this PHO request. He further explained that 45-foot wide lots are being requested because of the market demand. Since the last PHO case in 2013, there has been no interest from home builders due to the restrictive approved stipulations. Today, there are two home builders interested in the property but they would like to see more 45-foot wide lot homes. He noted that mix is consistent with the price range for the proposed homes is \$200-300,000.

Mr. Carlos Ortega asked what the existing approved stipulation is. **Mr. Butler** stated, in 2013, the stipulation was approved to allow 15%, 45-foot wide lots with the remaining lots limited to a minimum of 60 feet wide.

Mr. Ortega stated he would want to make a motion to retain the approved stipulations regarding lot widths.

Mr. Butler reiterated that the density will not be increased as a result of modifying the lot width stipulations.

Ms. Elyse DiMartino offered to display the approved and proposed site plans for the Committee should they need clarification.

MOTION:

Mr. Carlos Ortega made a motion to deny the request, **Ms. Wendy Ensminger** seconded the motion.

Ms. DiMartino clarified for the Committee and audience that the motion made was to deny the PHO request in its entirety.

DISCUSSION

Ms. Linda Abegg asked the applicant if changing the percentage from 60/40 to 55/45 makes a significant difference in marketability. **Mr. Butler** stated it does not make a significant difference. He explained that home builders have requested a more balanced mix of 50/50, or a mix close to that range. A 55/45 distribution of lot widths would be very close.

Chairman Cortazar agreed that a 55/45 percentage would be appropriate.

Ms. Hurd asked why 45-foot wide lots are appropriate in this location. **Chairman Cortazar** explained that 45-foot wide lots have been approved in Laveen near this location.

Chairman Cortazar stated to the Committee that it is important the Committee to compromise and work with the developers who want to locate their projects in the Laveen Village.

Ms. Abegg considered making a substitute motion to recommend approval of the following:

- Stipulations 6 and 8: Approve as requested.
- Stipulation 21: Modify the applicant's request for 60%, 45-foot wide lots to approved 45%, 45-foot wide lots.
- Stipulation 22: Deny the applicant's request and retain the approved stipulation requiring the remaining lots to be 60-foot wide.

Mr. Ortega stated his support of Ms. Abegg's substitute motion.

SUBSTITUTE MOTION:

Ms. Linda Abegg made a substitute motion to approve the request with modifications, **Ms. Tonya Glass** seconded the motion.

Ms. DiMartino clarified for the Committee and audience that the amended motion made is to approve Stipulations 6 and 8 as requested, modify Stipulation 21 to allow 45%, 45-foot wide lots, and retain Stipulation 22.

VOTE:

8-3 – Motion to approve with modifications passes.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

The VPC recommended stipulations are as follows:

6. The development shall be in general conformance to the site plan date stamped ~~May 2, 2013~~, AUGUST 4, 2017, and shall have a maximum 3.5 dwelling units per acre, with specific regard to street layout.
8. That a minimum 800 square feet landscaped entry feature shall be provided ~~on both sides of~~ AT the main entry into the residential development located along 43rd Avenue as approved by the Planning and Development Department.
21. That 45-foot wide lots shall not exceed ~~45%~~ 45% of the residential lots.
22. The remaining lots shall be a minimum of 60-foot width. (The Committee retained this stipulation)

REPORT OF PLANNING HEARING OFFICER ACTION
Teresa Hillner, Planner III, Hearing Officer
Cerelia Torres, Planner I, Assisting

September 20, 2017

ITEM 4

DISTRICT 7

SUBJECT:

Application #: Z-152-03-7(8)
Zoning: S-1, Approved R1-8
Acreage: 76.86
Location: Approximately 995 feet west of the southwest corner of 43rd Avenue and Baseline Road.
Proposal: 1) Modification of Stipulation No. 6 regarding general conformance to site plan date stamped May 2, 2013.
2) Modification of Stipulation No. 8 regarding a minimum 800 square foot landscaped entry feature on both sides of the main entry along 43rd Avenue.
3) Modification of Stipulation No. 21 regarding 45-foot wide lots not exceeding 15 percent of the residential lots.
4) Modification of Stipulation No. 22 regarding remaining lots be a minimum of 60-feet in width.
Applicant: Reid Butler, Butler Housing Company, Inc
Owner: Wells -85 LLC - Dr. R. Lines
Representative: Reid Butler, Butler Housing Company, Inc

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case out from under advisement on October 9, 2017 and recommended approval with modifications and additional stipulation.

Village Planning Committee (VPC) Recommendation: At their September 11, 2017 meeting, the Laveen Village Planning Committee recommended approval with modifications by an 8-3 vote.

DISCUSSION:

Mr. Reid Butler briefly explained the previous case that was presented before the Planning Hearing Officer in 2013, which focused on density. Mr. Butler explained that he was not there to revisit the same proposal and explained that he and his team were asking to modify the lot size percentages. Since 2013, his team had worked with various home builders, the current home builders had asked for a more balanced mix in lot sizes. The applicant requested 60 percent of the lots to be 45 feet in width and the remaining 40 percent of the lots, 55 feet in width. In addition to the exhibits which

showed the density in the area, Mr. Butler presented an exhibit depicting the housing development to the west (Cheatham Farms) which have 43, 45 and 55-foot-wide lots. The applicant noted that Cheatham Farms had a total of 895 lots, 539 of them being 43 feet and 45 feet wide, totaling 60 percent.

Mr. Butler requested support from the Planning Hearing Officer to allow his team to develop a similar product to that of Cheatham Farms, stating his proposal was identical.

Ms. Teresa Hillner asked the applicant if he would like to discuss his public outreach.

Mr. Butler explained that he had mailed out 220 pieces of mail, twice, due to neglecting the village committee. The applicant presented before the LCRD (Laveen Citizens for Responsible Development) as well as the Laveen Village Planning Committee, where they were approved with slightly different approaches to what the lot mix should be. The applicant stated that he would like to find a middle ground, but had not found it yet.

Ms. Hillner asked the applicant to discuss his reasons for modifying the remaining requests.

Mr. Butler stated that he had asked to modify stipulation number 6 due to a new site plan proposal. Stipulation number 8 was added after staff found a landscape feature to not be in conformance, which after discussion with the LCRD (Laveen Citizens for Responsible Development) and village committee, would be withdrawn.

Mr. Phil Hertel representing the LCRD (Laveen Citizens for Responsible Development) stated that at meetings, when information is being changed, it becomes difficult to accurately calculate the density and lot size so that it all works. He added that typically, they put in things to get a conceptual idea. They had been told that the homebuilders were not fond of larger lots while they had also heard people moving to Laveen seek larger lots. Mr. Hertel said there were three things one will likely never hear, the first, someone saying, "hand me that piano", the second, a man on his dying bed saying "I wish I would not have spent so much time with my family and friends", and the third, a mother telling her children "gee, I wish you had a smaller lot so you could not go out and play". Mr. Hertel added that he would like to work towards attaining larger lots, he addressed Mr. Butler's earlier comment and agreed that he was right, there are several small lots all around, however, the lots that sell first happen to be the larger lots. He stated that the demand in Laveen, although it did not match the national demand, was for larger lots. Mr. Hertel stated that he made a motion at the LCRD (Laveen Citizens for Responsible Development) to change the concept of percentages, yet after the meeting realized that it would not work. The intent was 45 percent 45-foot-wide lots and 55 percent 55-foot-wide lots with the 55-foot-wide lots placed along Baseline Road. He stated they were in support of the remaining stipulation changes. Mr. Hertel reiterated the Village Committee's recommendation of 45 and 60-foot-wide lots, was due to them not wanting small lots either. He said if that was the case, they should revisit the stipulations. He suggested maybe 55 and 60 foot lots.

Mr. Jon Kimoto representing the Laveen Village Planning Committee noted he was in front of the Planning Hearing Officer to reinforce the reasons why the applicant's request was not supported. He stated that the amount of 45-foot-wide lots was at an overabundance. The number of 45-foot-wide lots proposed in Laveen is contrast to the feel and appropriateness of Laveen. If there were going to be an increase in 45-foot-wide lots, he asked to balance it with the 60-foot-wide lots.

Ms. Lori Gonzalez representing the LCRD (Laveen Citizens for Responsible Development) would like to see larger lots, she added that they have had applicants come before them willing to include 65-foot-wide lots. There exists a mixture of lots at Woodside Homes, the Colvin Park Ranch and no lot is less than 50 feet wide. She added that the claim made by the applicant that 45-foot-wide lots are trending is not entirely true. She stated that it included lots of 75 feet. Ms. Gonzalez would like to see larger lots that blend into the area, protect the rural feel that they have.

Ms. Gonzalez stated another problem, the school situation, she noted current traffic at Baseline Road and 43rd Avenue. Ms. Gonzalez feels we should be careful with how much we add to that. It has been said that that is an educational corridor, while most students could walk to school, their parents would still be driving, which would add the parents to approximately 800 students.

Ms. Hillner asked the applicant if he had anything to add.

Mr. Butler stated that the home builders who are interested in the site are focused on the mix of lot sizes that had being proposed. If the homebuilders had asked for something different, they would be proposing that. He appreciated the respectful disagreements they have had with the Laveen members; it was not taken for granted. He emphasized that the perimeter condition stipulation which limits 50 percent of homes to two-story, which helps creates a condition of not quite as dense, would not be modified. Stipulation number 30, which asks to bring plans back to the village, also will not being changed. His last point was to address the dividing line, if there were a dividing line, the line would be south of Beverly Road as opposed to north of Beverly Road as suggested by Mr. Hertel. He stated that he felt they did not yet have a solution but were close.

Ms. Hillner noted the recommendations made by both the LCRD (Laveen Citizens for Responsible Development) and the Laveen Village. Pointing out that the village committee was willing to give a significant percentage than originally approved, she asked what that did with the marketing of the property.

Mr. Butler responded by saying that that would not work with the home builders.

Ms. Hillner stated that there were new projects coming in with a variety of lot sizes, she wanted to take time to evaluate the nearby projects therefore taking the case under advisement.

FINDINGS:

1. The proposed request for lot width modification is consistent with the surrounding single family subdivisions. The zoning district and development option does allow 45-foot wide lots. The developed single-family residential subdivision to the east and west both have a mixture of lot widths throughout them.
2. The applicant is proposing to keep the density of the overall development as approved with the 3.5 dwelling units per acre from the last stipulation modification request. The intensity of the development will be harmonious with the adjacent subdivisions.
3. The applicant has maintained the entry feature stipulation for both sides of the entrance to the residential subdivision to continue the character of the Laveen area.

DECISION:

The Planning Hearing Officer recommended took the case out from under advisement on October 9, 2017 and recommended approval with modifications and additional stipulations.

STIPULATIONS:

COMMERCIAL DEVELOPMENT	
1.	That the commercial portion of the site plan and elevations shall be reviewed and approved administratively by the Planning Hearing Officer.
2.	That street entry ways at Baseline Road and 43rd Avenue, neighborhood parks, perimeter fencing and other appropriate public areas shall follow the guidelines outlined in the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, updated September 30, 2008, as approved or modified by Planning and Development Department.
3.	That four-sided architecture of the commercial buildings shall include architecturally articulated facades such as offsets, recesses, textural changes, window fenestrations, pilasters, and shadow boxes as approved by the Planning and Development Department.
4.	That a minimum 75-foot by 75-foot landscaped entry feature, or equivalent area, shall be provided with a 3-dimentional art feature that exemplifies the rural/agricultural character of Laveen at the entrance to the commercial development from Baseline Road as approved by the Planning and Development Department. The proposed art feature shall be shown to the Laveen Village Chairperson or his/her representative for approval. The enhanced landscape feature shall include a turf area and provide plant types from the following list:

	a)	Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees.
	b)	Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, AZ yellowbells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs.
	c)	Accents: deer grass, wild sunflowers, superb, canyon and firecracker penstemon, golden columbine or other similar accents.
	d)	Vines: White Landy Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine or other similar vines.
5.	The location of any gasoline pumps shall be located at the east end of the property along Baseline Road and away from residential lots.	
RESIDENTIAL DEVELOPMENT		
6.	The development shall be in general conformance to the site plan date stamped May 2, 2013 , AUGUST 4, 2017, and shall have a maximum 3.5 dwelling units per acre, with specific regard to street layout.	
7.	That residences along 43rd Avenue, Baseline Road, and the southern boundary of the property shall have a building height of one level no greater than 24 feet for a minimum of 50% of the lots.	
8.	That a minimum 800 square feet landscaped entry feature shall be provided on both sides of the main entry into the residential development located along 43rd Avenue as approved by the Planning and Development Department.	
9.	That adjacent to each residential street curb shall be a consistent tree pattern design as approved by Planning and Development Department. The trees shall be a minimum 1½" caliper and selected from the Acceptable Plants for Sonoran and Vegetative Areas as described in the February, 2004 draft Laveen Residential Design Guidelines for the Preservation of Rural Character, if approved. The homebuilder will be responsible for installation of the trees and the home buyer shall be responsible for maintaining the trees.	
10.	That a 9-foot wide landscaped tract containing a minimum of 1½ inch caliper shade tree and five-shrubs shall be provided at an average of 20 feet on center along the street of each corner lot. The home builder shall be responsible for installation, and the homeowner association shall be responsible for maintenance of the common landscaped area.	
11.	All residential perimeter fencing shall follow the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, the Planning and Development Department. The residential perimeter fencing along 43rd Avenue shall be offset 2 feet for a minimum of every 250 feet.	

12.	That the visible portion of houses on lots adjacent to Baseline Road and 43rd Avenue shall be designed in general conformance with the rural character from the draft Laveen Residential Design Guidelines for the Preservation of Rural Character February, 2004.
STREETS	
13.	That right-of-way totaling 65 feet shall be dedicated for the south half of Baseline Road, or as may otherwise be modified by the Planning and Development Department.
14.	That right-of-way totaling 50 feet shall be dedicated for the west half of 43rd Avenue, or as may otherwise be modified by the Planning and Development Department.
15.	There shall be no vehicular access to South Mountain Avenue along the southern boundary of the development as approved by the Planning and Development Department because there is 33 feet of land that is not owned by the applicant. South Mountain Avenue may be built between 43rd Avenue and 45th Avenue as a public right-of-way by the city or others in the future.
16.	That 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 City. All improvements shall comply with all ADA accessibility standards.
17.	That the applicant shall complete and submit the Developer Project information Form for the MAG Transportation Improvement Program and Street Transportation Department, (602) 262-6193. This form is a requirement of the EPA to meet clean air quality requirements.
TRAILS	
18.	Dedicate a 30-foot multi-use easement and construct a 10-foot wide multi-use trail along Baseline Road in accordance with city of Phoenix MAG Supplemental Specifications Section 429, as approved by the Parks and Recreation Department.
19.	THE DEVELOPER SHALL EXTEND TRACT D FROM THE ADJACENT SUBDIVISION ON THE WEST FROM 45 TH DRIVE TO 43 RD AVENUE.
LAVEEN VILLAGE PLANNING COMMITTEE ADDITIONAL STIPULATIONS	
20.	That the applicant agrees to the ordinance requirement of 15-foot rear yard setbacks and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along South Mountain Avenue.
21.	That the applicant agrees to the ordinance requirement of 15-foot rear yard setbacks, and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along 43rd Avenue.

22.	That 45-foot wide lots shall not exceed 15% 45% of the residential lots
23.	The remaining lots shall be a minimum of 60-foot 55-FOOT lot width.
24.	That the minimum open space for the development shall be a minimum of 14.8%.
25.	That the minimum landscape setback along any wall on 43rd Avenue shall be 25 feet.
26.	That the commercial property shall be in specific conformance to the site plan dated September 17, 2004 (attached) as approved by the Planning and Development Department. The developer shall provide vehicular access from 45th Avenue to the commercial site.
27.	That the final residential plat shall be reviewed as part of the Planning and Development Department process.
28.	That the final commercial plat and elevations shall be reviewed as part of the Planning and Development Department process.
29.	That the final landscape package shall be reviewed as part of the Planning and Development Department process.
30.	That the chairperson of the Laveen Village Planning Committee shall be asked as part of the Planning Hearing Officer (PHO) process if the Village Planning Committee would like to review the request prior to the PHO hearing.
31.	That the elevations, site plan, perimeter fence plan, landscape plan, and comprehensive trail plan shall be provided to the Laveen Village Planning Committee for review and comment prior to administrative approval by the Planning Hearing Officer.
32.	THE DEVELOPER SHALL RECORD A NOTICE TO PROSPECTIVE PURCHASERS OF PROXIMITY TO AIRPORT IN ORDER TO DISCLOSE THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT (PHX) TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.

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REPORT OF PLANNING COMMISSION ACTION
December 7, 2017

ITEM NO: 13	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-2-17-8--Z-152-03-8
Location:	Approximately 995 feet west of the southwest corner of 43rd Avenue and Baseline Road.
Request:	Modification of stipulation no. 6 regarding general conformance to site plan date stamped May 2, 2013; modification of stipulation no. 8 regarding a minimum 800 square foot landscaped entry feature on both sides of the main entry along 43rd Avenue; modification of stipulation no. 21 regarding 45-foot wide lots not exceeding 15 percent of the residential lots; and modification of stipulation no. 22 regarding remaining lots to be a minimum of 60-feet in width Acreage: 76.86
Applicant:	Reid Butler, Butler Housing Company, Inc
Owner:	Dr. R. Lines, Wells-85, LLC
Representative:	Reid Butler, Butler Housing Company, Inc

ACTIONS:

Staff Recommendation: Approved, with modifications and an additional stipulation as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:

Laveen 9/11/2017 Approved, with modifications. Vote: 8-3.

Planning Commission Recommendation: Approved as recommended by the Planning Hearing Officer, with a modification.

Motion discussion:

Commissioner Glenn made a MOTION to approve PHO-2-17-8--Z-152-03-8 as recommended by the Planning Hearing Officer, with a modification to Stipulation 22 (previously 21) to allow 60% 45-foot wide lots.

Commissioner Montalvo seconded the motion.

Motion details – Commissioner Glenn made a MOTION to approve PHO-2-17-8--Z-152-03-8 as recommended by the Planning Hearing Officer, with a modification to Stipulation 22 (previously 21) to allow 60% 45-foot wide lots.

Maker: Glenn

Second: Montalvo

Vote: 6-0

Absent: Katsenes and Shank

Opposition Present: No

Findings:

1. The proposed request for lot width modification is consistent with the surrounding single family subdivisions. The zoning district and development option does allow 45-foot wide lots. The developed single-family residential subdivision to the east and west both have a mixture of lot widths throughout them.
2. The applicant is proposing to keep the density of the overall development as approved with the 3.5 dwelling units per acre from the last stipulation modification request. The intensity of the development will be harmonious with the adjacent subdivisions.
3. The applicant has maintained the entry feature stipulation for both sides of the entrance to the residential subdivision to continue the character of the Laveen area.

Stipulations:

COMMERCIAL DEVELOPMENT

1. That the commercial portion of the site plan and elevations shall be reviewed and approved administratively by the Planning Hearing Officer.
2. That street entry ways at Baseline Road and 43rd Avenue, neighborhood parks, perimeter fencing and other appropriate public areas shall follow the guidelines outlined in the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, updated September 30, 2008, as approved or modified by Planning and Development Department.
3. That four-sided architecture of the commercial buildings shall include architecturally articulated facades such as offsets, recesses, textural changes, window fenestrations, pilasters, and shadow boxes as approved by the Planning and Development Department.
4. That a minimum 75-foot by 75-foot landscaped entry feature, or equivalent area, shall be provided with a 3-dimensional art feature that exemplifies the rural/agricultural character of Laveen at the entrance to the commercial development from Baseline Road as approved by the Planning and Development Department. The proposed art feature shall be shown to the Laveen Village Chairperson or his/her representative for approval. The enhanced landscape feature shall include a turf area and provide plant types from the following list:
 - a) Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees.
 - b) Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, AZ yellowbells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs.
 - c) Accents: deer grass, wild sunflowers, superb, canyon and firecracker penstemon, golden columbine or other similar accents.

- d) Vines: White Landy Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine or other similar vines.
- 5. The location of any gasoline pumps shall be located at the east end of the property along Baseline Road and away from residential lots.

RESIDENTIAL DEVELOPMENT

- 6. The development shall be in general conformance to the site plan date stamped ~~May 2, 2013~~, AUGUST 4, 2017, and shall have a maximum 3.5 dwelling units per acre, with specific regard to street layout.
- 7. That residences along 43rd Avenue, Baseline Road, and the southern boundary of the property shall have a building height of one level no greater than 24 feet for a minimum of 50% of the lots.
- 8. That a minimum 800 square feet landscaped entry feature shall be provided on-both sides of the main entry into the residential development located along 43rd Avenue as approved by the Planning and Development Department.
- 9. That adjacent to each residential street curb shall be a consistent tree pattern design as approved by Planning and Development Department. The trees shall be a minimum 1½" caliper and selected from the Acceptable Plants for Sonoran and Vegetative Areas as described in the February, 2004 draft Laveen Residential Design Guidelines for the Preservation of Rural Character, if approved. The homebuilder will be responsible for installation of the trees and the home buyer shall be responsible for maintaining the trees.
- 10. That a 9-foot wide landscaped tract containing a minimum of 1½ inch caliper shade tree and five-shrubs shall be provided at an average of 20 feet on center along the street of each corner lot. The home builder shall be responsible for installation, and the homeowner association shall be responsible for maintenance of the common landscaped area.
- 11. All residential perimeter fencing shall follow the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, the Planning and Development Department. The residential perimeter fencing along 43rd Avenue shall be offset 2 feet for a minimum of every 250 feet.
- 12. That the visible portion of houses on lots adjacent to Baseline Road and 43rd Avenue shall be designed in general conformance with the rural character from the draft Laveen Residential Design Guidelines for the Preservation of Rural Character February, 2004.

STREETS

- 13. That right-of-way totaling 65 feet shall be dedicated for the south half of Baseline Road, or as may otherwise be modified by the Planning and Development Department.
- 14. That right-of-way totaling 50 feet shall be dedicated for the west half of 43rd Avenue, or as may otherwise be modified by the Planning and Development Department.

15. There shall be no vehicular access to South Mountain Avenue along the southern boundary of the development as approved by the Planning and Development Department because there is 33 feet of land that is not owned by the applicant. South Mountain Avenue may be built between 43rd Avenue and 45th Avenue as a public right-of-way by the city or others in the future.
16. That 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 City. All improvements shall comply with all ADA accessibility standards.
17. That the applicant shall complete and submit the Developer Project information Form for the MAG Transportation Improvement Program and Street Transportation Department, (602) 262-6193. This form is a requirement of the EPA to meet clean air quality requirements.

TRAILS

18. Dedicate a 30-foot multi-use easement and construct a 10-foot wide multi-use trail along Baseline Road in accordance with city of Phoenix MAG Supplemental Specifications Section 429, as approved by the Parks and Recreation Department.
19. THE DEVELOPER SHALL EXTEND TRACT D FROM THE ADJACENT SUBDIVISION ON THE WEST FROM 45TH DRIVE TO 43RD AVENUE.

LAVEEN VILLAGE PLANNING COMMITTEE ADDITIONAL STIPULATIONS

- ~~19~~20. That the applicant agrees to the ordinance requirement of 15-foot rear yard setbacks and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along South Mountain Avenue.
- ~~20~~21. That the applicant agrees to the ordinance requirement of 15-foot rear yard setbacks, and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along 43rd Avenue.
- ~~24~~22. That 45-foot wide lots shall not exceed ~~15%~~ 45% 60% of the residential lots.
- ~~22~~23. The remaining lots shall be a minimum of ~~60-feet~~ 55-FOOT lot width.
- ~~23~~24. That the minimum open space for the development shall be a minimum of 14.8%.
- ~~24~~25. That the minimum landscape setback along any wall on 43rd Avenue shall be 25 feet.
- ~~25~~26. That the commercial property shall be in specific conformance to the site plan dated September 17, 2004 (attached) as approved by the Planning and Development Department. The developer shall provide vehicular access from 45th Avenue to the commercial site.
- ~~26~~27. That the final residential plat shall be reviewed as part of the Planning and Development Department process.
- ~~27~~28. That the final commercial plat and elevations shall be reviewed as part of the Planning

and Development Department process.

- 2829. That the final landscape package shall be reviewed as part of the Planning and Development Department process.
- 2930. That the chairperson of the Laveen Village Planning Committee shall be asked as part of the Planning Hearing Officer (PHO) process if the Village Planning Committee would like to review the request prior to the PHO hearing.
- 3031. That the elevations, site plan, perimeter fence plan, landscape plan, and comprehensive trail plan shall be provided to the Laveen Village Planning Committee for review and comment prior to administrative approval by the Planning Hearing Officer.
- 32. THE DEVELOPER SHALL RECORD A NOTICE TO PROSPECTIVE PURCHASERS OF PROXIMITY TO AIRPORT IN ORDER TO DISCLOSE THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT (PHX) TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.

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REPORT OF PLANNING COMMISSION ACTION
December 7, 2017

ITEM NO: 14	
	DISTRICT NO.: City Wide
SUBJECT:	
Request:	A request to initiate a Text Amendment to the Zoning Ordinance to update regulations related to group homes.

ACTIONS:

Staff Recommendation: Initiate as proposed.

Village Planning Committee (VPC) Recommendation: N/A

Planning Commission Recommendation: Initiated.

Motion discussion: N/A

Motion details – Commissioner Glenn made a MOTION to initiate a text amendment to the Zoning Ordinance to update regulations related to group homes.

Maker: Glenn
Second: Heck
Vote: 6-0
Absent: Katsenes and Shank
Opposition Present: No

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