

# Attachment C

## REPORT OF PLANNING COMMISSION ACTION May 7, 2020

|                 |   |
|-----------------|---|
| ITEM NO: 10     |   |
|                 | 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"><li>• Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007</li><li>• Modification of Stipulation No. 7 regarding the landscape setback adjacent to 35th Avenue</li><li>• Deletion of Stipulation No. 19 regarding conditional development approval</li><li>• Modification of Stipulation No. 27 regarding height of terraced berms along the quarry cut slope base</li><li>• Modification of Stipulation No. 31 regarding raised, vertical curbs within the R1-18 portion of the site</li><li>• Modification of Stipulation No. 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site</li><li>• Deletion of Stipulation No. 39 regarding one-story homes along 35th Avenue</li><li>• 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</li></ul> |
| 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: Continuance to the June 4, 2020 Planning Commission hearing, without fee.

Motion Discussion:

Commissioner Gorraiz made a MOTION to table the item to an undetermined time to allow the applicant to work on a compromise with the community. Then they can bring the case back when they are ready.

Commissioner Gorraiz stated that he would be more likely to support the side that has seemed to work out the issues and would not support the side that is not willing to work it out. That would not be reasonable.

Chairman Johnson clarified the motion. Commissioner Gorraiz moved to continue PHO-1-19--Z-165-06-7(8) to the next meeting.

Commissioner Gorraiz responded that he does not want a set time limit.

Chairman Johnson recommended that it be moved to the next agenda and it could always be continued again.

Commissioner Gorraiz agreed to modify his motion to continue the item for one month.

Commissioner Shank asked if the motion could include a continuance without fee.

Commissioner Gorraiz agreed.

Chairman Johnson clarified the motion. Commissioner Gorraiz moved to continue PHO-1-19--Z-165-06-7(8) to the next meeting, without fee. He asked if there was a second to the motion.

Commissioner Gaynor seconded the motion.

Racelle Escolar verified that the the next Planning Commission hearing is June 4th.

The motion passed by an 8 to 0 vote.

Motion details: Commissioner Gorraiz made a MOTION to continue PHO-1-19--Z-165-06-7(8) to the June 4, 2020 Planning Commission hearing, without fee.

Maker: Gorraiz  
Second: Gaynor  
Vote: 8-0  
Absent: Montalvo  
Opposition Present: Yes

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