

## Attachment E

### REPORT OF PLANNING COMMISSION ACTION May 6, 2021

|                 |   |
|-----------------|---|
| ITEM NO: 16     |   |
|                 | DISTRICT NO.: 8   |
| SUBJECT:        |   |
| Application #:  | <b>Z-60-20-8 (Carver Canyon PUD)</b>                        |
| Location:       | Northwest corner of 35th Avenue and Carver Road             |
| From:           | R1-8  |
| To:             | PUD   |
| Acreage:        | 19.35   |
| Proposal:       | Planned Unit Development to allow single-family residential |
| Applicant:      | Virtua 35th, LLC  |
| Owner:          | Virtua 35th, LLC  |
| Representative: | Paul E Gilbert, Beus Gilbert, McGroder                      |

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Laveen** 12/14/2020 Information only.

**Laveen** 4/12/2021 Approval, per the staff recommendation with additional stipulations.  
Vote: 5-2 (1 abstained).

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

Motion Discussion: Commissioner Busching made a MOTION to approve Z-60-20-8, per the Laveen Village Planning Committee recommendation with a modification to Stipulation No. 16 to add "as approved by the Planning and Development Department" and a modification to Stipulation No. 1.f. to modify the side yard setbacks to a minimum combined setback of 13 feet with a minimum of six feet, instead of three feet.

Commissioner Perez made a second to the motion and asked if Commissioner Busching would accept a friendly AMENDMENT to the motion to require that the site plan go back to the Laveen Village Planning Committee prior to final site plan approval for review and comment. Commissioner Busching accepted the amendment. Commissioner Perez made a second to the amended motion. There was discussion about the amendment. Commissioner Johnson explained that he did not support the amendment and discussed modifying the number of lots. Commissioner Busching reconsidered the amendment. Chairperson Shank also expressed that she did not agree with the amendment and would be open to modifying the number of lots. Commissioner Perez stated that she would be happy to withdraw her amendment. Commissioner Busching also agreed with WITHDRAWING THE AMENDMENT to the motion.

There was discussion about the potential for the property to develop with 99 lots under the current zoning entitlement. Ms. Racelle Escolar (staff) explained that it is possible for

the applicant to withdraw this rezoning request and use the current zoning. However, she explained that there are several stipulations related to the current zoning that may not work for the development, in particular there is a time stipulation that would have to be addressed.

Chairperson Shank asked for a vote. The motion failed with a 3 to 6 vote (Gaynor, Gorraiz, Johnson, Mangum, McCabe, Shank).

Commissioner Johnson made a MOTION to approve Z-60-20-8, per the Laveen Village Planning Committee recommendation with a modification to Stipulation No. 16 to add “as approved by the Planning and Development Department”, a modification to Stipulation No. 1.f. to modify the side yard setbacks to a minimum combined setback of 13 feet with a minimum of six feet, and a modification to 56 units. Commissioner Gorraiz made a second to the motion.

Motion details: Approval, per the Laveen Village Planning Committee recommendation with a modification to Stipulation No. 16 to add “as approved by the Planning and Development Department”, a modification to Stipulation No. 1.f. to modify the side yard setbacks to a minimum combined setback of 13 feet with a minimum of six feet, and a modification to Stipulation No. 1.d. to change the number of lots from 46 to 56.

Maker: Johnson  
Second: Gorraiz  
Vote: 5-4 (Busching, Perez, Howard, Shank)  
Absent: None  
Opposition Present: Yes

Findings:

1. The proposed PUD is consistent with the General Plan Land Use Map designation of 3.5 to 5 dwelling units per acre.
2. The maximum permitted density within this proposal is significantly less than what is permitted by right under the site’s current zoning designation.
3. The proposal effectively solidifies the development standards that were developed as a collaboration between the applicant and members of the community over a year-long PHO process.

Stipulations:

1. An updated Development Narrative for the Carver Canyon PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped April 5, 2021, as modified by the following stipulations:
  - a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: April 5, 2021; City Council adopted: [Add adoption date].

- b. Page 8, Delete “Churches/Places of Worship (pursuant to the restrictions of Section 608.E.1 of the Phoenix Zoning Ordinance; including, Pocket Shelters shall not be permitted)” from the Prohibited Uses list.
  - C. PAGE 11, HILLSIDE TREATMENT: INCLUDE THE FOLLOWING STATEMENT AT THE BOTTOM OF THIS SECTION: “THIS PUD IS SUBJECT TO ALL CITY OF PHOENIX HILLSIDE DEVELOPMENT STANDARDS, INCLUDING BUT NOT LIMITED TO DENSITY RESTRICTIONS, WHICH MAY REQUIRE DEVIATIONS FROM THE INCLUDED EXHIBITS THAT HAVE NOT BEEN REVIEWED FOR HILLSIDE COMPLIANCE. ALL HILLSIDE STANDARDS AND REQUIREMENTS SHALL OVERRIDE ALL ZONING STANDARDS, INCLUDING CONFLICTS WITH ANY OF THE PUD STANDARDS INCLUDED WITHIN.”
  - D. PAGE 8, DEVELOPMENT STANDARDS TABLE: MODIFY MAXIMUM NUMBER OF LOTS TO **46 56** LOTS TOTAL.
  - E. PAGE 8: DEVELOPMENT STANDARDS TABLE: MODIFY INDIVIDUAL LOT DIMENSIONS TO REFLECT A MINIMUM LOT SIZE OF 8,700 SQUARE FEET.
  - F. PAGE 9, DEVELOPMENT STANDARDS TABLE: MODIFY MINIMUM INDIVIDUAL LOT SETBACKS FOR SIDE YARD AS FOLLOWS: “**3-FOOT 6-FOOT** MINIMUM, 13 FEET COMBINED MINIMUM”.
  - G. PAGE 12, LANDSCAPE STANDARDS TABLE, ARTERIAL ROAD PLANTINGS: MODIFY ITEM NO. 3 TO REQUIRE THAT ALL TREES SHALL BE MINIMUM 2-INCH CALIPER, AND A MINIMUM OF 40 PERCENT OF ALL TREES SHALL BE MINIMUM 3-INCH CALIPER.
  - H. PAGE 14, EXTERIOR WALLS: MODIFY FIRST BULLET SO THAT EACH HOME SHALL INCLUDE TWO ALTERNATIVE BUILDING MATERIALS IN ADDITION TO THE PRIMARY BUILDING MATERIAL ON ALL ARCHITECTURAL ELEVATIONS, PLUS GARAGE ENHANCEMENTS SUCH AS WINDOW PANELS, COLOR, ADDED MATERIALS SURROUNDING DOOR, AND TRELLISES; AND THAT THE PRIMARY BUILDING MATERIAL SHALL NOT EXCEED 75 PERCENT OF ALL FRONT AND EXPOSED SIDE ELEVATIONS AND STREET FACING ELEVATIONS.
2. Carver Road and 35th Avenue are under MCDOT jurisdiction, the applicant shall submit verification of MCDOT approval for improvements prior to preliminary site plan approval.
  3. The developer shall dedicate minimum 55-feet of right-of-way for the west half of 35th Avenue, as approved by the Planning and Development Department.
  4. The developer shall dedicate minimum 40-feet of right-of-way for the north half of Carver Road, as approved by the Planning and Development Department.

5. The developer shall dedicate additional right-of-way and provide improvements to the 35th Avenue and Carver Road intersection as per geometric design approved by the Maricopa Department of Transportation. Provide approved design and verification of approval to the City of Phoenix, Street Transportation Department prior to preliminary submittal. The design will need to provide access to 35th Avenue south of Carver Road.
6. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss the requirements of the study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Development Coordination Section.
7. The applicant shall complete and submit the Developer Project 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.
8. 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.
9. Clearly defined, accessible pedestrian pathways shall be provided to connect building public sidewalks and community amenities using the most direct route for pedestrians, as approved by the Planning and Development Department.
10. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. THE DEVELOPER SHALL COMPLETE AN ENHANCED DRAINAGE SURVEY AND HILLSIDE REVIEW THAT GOES ABOVE AND BEYOND THE CITY REQUIREMENTS, **AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

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