



Village Planning Committee Meeting Summary Z-60-20-8

Date of VPC Meeting	April 12, 2020
Request From	R1-8 (Single-Family Residence District) (19.35 acres)
Request To	PUD (Planned Unit Development) (19.35 acres)
Proposed Use	Planned Unit Development to allow single-family residential
Location	Northwest corner of 35th Avenue and Carver Road
VPC Recommendation	Approved with additional stipulations
VPC Vote	5-2-1

VPC DISCUSSION & RECOMMENDATION:

Ms. Sofia Mastikhina, staff, provided an overview of the request, including its location, current zoning and General Plan Land Use Map designation, and surrounding conditions. She outlined the zoning history of the site, explaining that it had been rezoned to R1-8 in 2007 as part of a larger rezoning case (Z-165-06-07). The original stipulated site plan depicted 22 one-acre lots on the R1-18 portion of the site and 99 single-family detached units on the R1-8 portion, which now corresponds to the boundaries of the proposed PUD. In 2019, a request for modification of stipulations of entitlement (PHO) was submitted, with a site plan depicting 92 single-family detached units. After considerable community concerns surfaced, the applicant revised and submitted a new site plan depicting 63 single-family residential lots. On October 7, 2020, the City Council continued the PHO case for six months to allow the applicant to pursue a “downzoning” of the site and reduce the maximum permitted density. Ms. Mastikhina then outlined the development standards, landscape development standards, and design guidelines in the proposed PUD development narrative. She presented staff’s findings, recommendation for approval, and the recommended stipulations of approval, per the staff report. She noted that one additional stipulation is being proposed by staff to address any potential conflicts between the proposed development standards within the PUD and the City’s Hillside Ordinance. She explained that staff is recommending that a statement be added to the development narrative to clarify that the city’s hillside requirements supersede any of the standards contained within the development narrative.

Mr. Paul Gilbert, representative with Beus Gilbert McGroder, provided an overview of the request and history of the site, explaining that the subject site is a former mining quarry. He listed nearby residential developments that have lot sizes comparable to what is being proposed in this PUD. He then explained that the current zoning of the

property is R1-8, and that it's had this designation since 2007. The maximum density that is allowed under the zoning designation is 99 units, and the PUD proposes 61. Combined with the R1-18 site to the west, a total of 121 units are proposed, which corresponds to a density of 2.05 dwelling units per acre. He pointed to the General Plan Land Use Map designation of Residential 3.5 to 5 dwelling units per acre, stating that the proposal is not only consistent with this designation, but is lower. Then, he listed some of the elements included in the proposed PUD development narrative that have been directly pulled from the Laveen Southwest Growth Study. He explained that this is one of the reasons why this PUD is not a simple repackaging of the previous Planning PHO case, as enhanced standards are being proposed. He also listed the elements that have been incorporated as requested by members of the Laveen Village Planning Committee and the community, such as the prohibition of multifamily or single-family attached products, internal complete streets design enhancements, no two-story homes along 35th Avenue, enhanced open space areas, and increased setbacks. He added that the hillside that has been scarred by the mining operation will be restored using Eonite or Permeon to achieve a natural appearance, and that the applicant's team is also working with the Maricopa County Department of Transportation to address the redesign and street dedications of 35th Avenue and Carver Road. He asked for the committee's approval, per the staff recommendation.

Ms. Sharifa Rowe asked why the applicant can't achieve the unit count of 46 lots that the community is asking for. **Mr. Gilbert** replied that they have already decreased the unit count from 99 to 61 units, and that they can't go any lower than that. **Ms. Rowe** asked if this is because a further reduction in the density would mean the loss of a profit margin, given the cost to develop this land with all proposed and required improvements. **Mr. Jeremy Hall**, the property owner's representative, explained that the challenges of developing this site necessitate a minimum number of lots in order to be financially feasible.

Mr. Robert Branscomb stated that, although the originally approved plan depicted 99 lots, this density would not be able to be achieved as the original case had not included a slope study, which limits the density that is possible on the site. He explained that the property owner had conducted a slope analysis and that this is why they had pursued the PHO with a new plan. He asked why they are not keeping the R1-8 zoning, with the reduced number of lots per the slope study. **Mr. Gilbert** explained that one of the community's chief concerns was the R1-8 zoning designation on the property and the precedent it could set for future developments in this area. The second reason is that the PUD gives the property owner the ability to increase the quality of the design. **Mr. Branscomb** then expressed concern with the proposal to plant one tree per one thousand square feet of open space, as this seems very sparse. **Mr. Gilbert** explained that the trees are required to be clustered to provide shade in the active open space areas, where seating and a tot lot are located. He noted that the PUD also required one tree per residential lot along the street, which the conceptual landscape plan does not depict. The large setbacks along 35th Avenue and Carver Road have their own landscaping standards, which are much more robust than the interior landscaping requirements. Further, the open space areas along the hillside will be revegetated to their natural state.

Vice Chair Linda Abegg stated that she had discussed some changes to the PUD narrative with Mr. Gilbert, which she read into the record and requested confirmation of the applicant's agreement to incorporating them into the narrative:

- That a minimum of three building materials be used on the exterior walls instead of two, with a minimum of 25 percent non-stucco material;
- That the required trees along 35th Avenue and Carver Road be a minimum of two-inch caliper, and that at least 40 percent of all trees be minimum three-inch caliper in size;
- That the minimum side yard setback for individual lots be three feet, with minimum combined side yard setback of 13 feet. This is to ensure all residences will be detached.

Mr. Gilbert confirmed that they are agreeable to these changes.

Chair Glass applauded the applicant's efforts to engage the community and the superior design standards that have been proposed in this PUD. She then expressed concern with traffic safety at the intersection of 35th Avenue and Carver Road, as well as the stormwater drainage from the mountain and through the proposed development, and its impact on surrounding properties. Further, the split of jurisdictional responsibilities on the site between the City of Phoenix and Maricopa County poses an additional challenge when addressing streets and drainage. She explained that the City of Phoenix had not made any changes to its hillside or grading and drainage requirements since the floods of 2014 impacted the community. She asked that the developer inquire further into these matters to ensure that neighboring properties are not negatively impacted by this development. **Mr. Gilbert** addressed the traffic safety concerns, stating that the already existing issues will not be significantly impacted by the addition of 61 single-family units, as this is very miniscule compared to the existing traffic. He added that, as part of the development requirements and as stipulated by staff, the developer will be required to submit a Traffic Impact Report, which will address any traffic issues. Regarding the stormwater management, the development will also be required to submit very detailed grading and drainage plans, which the city will review thoroughly. He also proposed that the project engineer review the city's standards and, if he finds them inadequate, the project will propose enhanced drainage mitigation standards.

PUBLIC COMMENT

Mr. Scott Johnson, president of the Hangar Haciendas Homeowners Association, expressed his opposition to the project. He explained that their community operates a private airport that has existed since 1978, and that the flight path of these private aircrafts is right over the proposed project site, so proper notice of these activities should be provided to potential buyers. He then urged the committee to deny this application, as they months ago. In 2011, the city failed to revert the zoning per Stipulation No. 19, and continues to refuse to do so, even with Councilman Garcia's and the community's support for the reversion. Had the zoning been rightfully reverted, the maximum number of lots permitted would have been 20, so the proposed 61 units is an increase of over 300 percent. The community's proposal of 46 lots, in contrast, is an increase of 130 percent, which is a reasonable increase. He again asked that the committee deny this application and recommend that the zoning be reverted.

Ms. Lisa Vializ stated that this property should have long ago been reverted to its original S-1 zoning, and that the fact that the property had not been developed in the timeframe stipulated remains an open issue. She explained that the applicant is still providing misleading density calculations by including the adjacent R1-18-zoned 40-acre property to lower their overall proposed density figure. Further, the applicant has

not been responsive to the community's and councilmember's attempts to reach a reasonable compromise, which is to zone the property as R1-18, with a maximum of 46 lots – a proposal that is supported by Councilman Garcia. She expressed her hope to work with a developer who will build something that matches the surrounding community, which has not been the case with this project. She asked that the committee deny this application, as it will set a very bad precedent for the undeveloped land in the area.

Mr. Jon Kimoto praised the applicant for incorporating tremendous attributes such as the upgraded site enhancements for drainage ways, building pads, open space, and the high quality of the proposed landscaping and high design standards. However, the main issue is that the designation of Residential 3.5 to 5 dwelling units per acre is not at all compatible with the approved Land Use Plan in the 1998 Laveen Southwest Growth Study, which designated all existing low density neighborhoods between the Carver Mountains and South Mountain as Residential 0-1 dwelling units per acre. He stressed that the preservation of the desert landscape and the agrarian environment is of utmost importance. He then presented an exhibit showing the proposed site plan and the community designed site plan, which depicts 46 lots. He stated that the PUD site plan is not much different from what was approved by the Planning Hearing Officer and thus is not an improvement on the old plan. The community's plan provides a better layout which considers the unique contours of the site and provides a better landscape buffer for the property to the south. He also suggested that final site plan, building elevations, landscape plan, perimeter walls and fences plan, lighting plan, and sign plan be required to come back to the committee for review approval prior to final City of Phoenix approval.

Ms. Cyd Manning stated that she has been a resident of the community for twenty-one years, and that she has led the community fight against development on this property since the original rezoning case in 2007. She reminded the committee of the overwhelming community opposition to the PHO case and presented a photo of the January 2020 Laveen Village Planning Committee meeting, which was attended by over 140 members of the public. She also presented a photo of community members gathered at the project site to protest the development. These exhibits were shown to illustrate the community's strong opposition to a proposal that is entirely incompatible with the surrounding area. She presented an exhibit depicting the General Plan Land Use Map, pointing out that a large swathe of land, from around the Carver Mountains, down to South Mountain Preserve, and stretching east to 27th Avenue, is designated Residential 0 to 1 dwelling units per acre. She explained that the only reason the quarry site has Residential 3.5 to 5 dwelling units per acre is because of a former Councilmember that refused to support the community when voting on the 2007 Rezoning and General Plan Amendment case. Per the stipulations of this case, the zoning of the property should have been reverted to S-1, and the General Plan Land Use Map designation also reverted to reflect this density restriction. However, the city has not enforced its own ordinance requirements. Ms. Manning moved on to address the current proposal, stating that the plan has not changed substantially from the previous case, and that it still fails to address the core issue of zoning and density. She explained that Laveen lacks diversity in large lots, and that this is the area where they exist. She presented a zoning map of the area and pointed out that all adjacent properties, including the subject site, are between zero to two dwelling units per acre, which is why the community is specifically asking for 46 lots, as it corresponds to the highest end of the R1-18 district. She pointed out that the applicant is running both the

PHO and the PUD cases concurrently, and that the latter serves to mask the real issue of density by providing some additional elements such as trees, side-entry garages and a community garden. However, the same elements can be included as stipulations to an R1-18 zoning entitlement. She then pointed out that the proposed site plan assumes a flat site, when in fact there is a lot of topography there and the applicant's proposed layout does not work with the hillside contours. She further stated that the applicant points to the Laveen Southwest Growth Study to bolster their argument for approval, yet this study clearly stated that the 0 to 1 dwelling units per acre designation was placed on properties adjacent to the Carver Foothills and South Mountain park, and that this area is appropriate for low density development due to the topography of slopes and washes. The R1-18 zoning is supposed to act as a buffer between this low-density area and the higher density developments to the north. She reiterated that this PUD is equivalent to R1-8 zoning, which is incompatible with the area, and urged that the committee recommend approval of the community proposal of 46 lots. **Chair Glass** asked if the community is standing firm on 46 lots, or if they would be willing to consider adding a few lots. **Ms. Manning** stated that they are firm on 46 lots, that this is the highest possible density allowed under R1-18 zoning, and that this number is extremely important to them.

Mr. Dan Penton stated that people are drawn to Laveen by the sunshine, cultural heritage, climactic diversity, open space, and unique geographic features that provide access to recreational opportunities in the desert mountain landscape. He explained the many features in Arizona which have contributed to rapid population growth and explosive sprawl of the built environment, which creates issues such as traffic congestion, pollution, and reduction of the state's natural beauty. The rapid influx of new residents contributes to higher housing costs, increased consumption of potable water and energy resources, as well as environmental impacts such as urban heat island effect, diminished air quality, fragmentation of the natural habitat, loss of streams and river beds, loss of grasslands, and the introduction of invasive species. Although there have been mixed successes of growth, this type of growth has become unsustainable. The Laveen Southwest Growth Study states that the bulk of 0 to 1 dwelling units per acre development should be south of Dobbins Road, especially around the Carver Foothills. He asked the applicant to demonstrate how the proposed R1-8 plan will be an asset to the community and will not contribute to the deterioration of the area. He also asked why they have consistently avoided the R1-18 plan, when that is the zoning that is widely present in the surrounding area. Mr. Penton agreed that this plan has gone through a lot of changes through the public hearing processes, but stated that the layout has remained the same and lacks a sense of vision and thoughtful design, it does not incorporate the agricultural heritage of the area, and is not consistent with a sustainable development that would be expected in this environmentally sensitive area. He stated that the development can be achieved in a more sustainable manner, per Ms. Manning's and the community's suggested plan.

Mr. Phil Hertel expressed his concern with the two entitlement cases, the PHO and the PUD, being heard separately, as this creates the chance that something will get overlooked and one of the plans will get approved. He asked that the committee continue this case instead of denying it to allow for further community engagement on the matter.

Ms. Irma Cazarez stated that she has been a resident on Laveen for over fifteen years and has lived south of the subject site since 2008. She explained that what drew her

and her family to the area was the open space, low density, and its true connection to nature. The proposed development is completely incompatible for the area, and if it were to get approved, it would remove the area's true character. She urged the committee to deny this case and approved the plan of 46 lots that is being proposed by the community.

Ms. Regina Abbott agreed with the comments made by all other community members in that this proposal is not compatible with the area. She stated that she and her family moved to the area to be close to nature, enjoy the wide-open spaces and the rural character of Laveen. The community proposal of 46 lots would be preferable, and the PUD as proposed would likely bring more of the same type of development, which would eliminate the country feel.

Ms. Darcy Meyer explained that this is a very quiet area which provides a safe escape from the city. This proposal would drastically change the look and feel of this side of the Carver Mountains. She explained that there are two sides to this: those who will profit from it, and the community that is opposed to it. The former will collect their check and the latter will have to live with it. She urged the committee to preserve and protect this community.

Mr. Gilbert stated that this site is already zoned for a maximum of 99 units, and that the reversion stipulation has been in place for many years, but the city is not going to act on it. He further explained that the General Plan allows the proposed density, and that the project provides high quality design. He reiterated that the site has already been zoned, so the community's argument that they have compromised from the S-1 zoning up to 46 lots is incorrect, as it is not a compromise. The property owner would be able to develop an R1-18 development without the entitlement change. The property owner has compromised, bringing the unit count down from 99 to 61 units, as well as complied with several of the committee's and community's requests and stipulations. He then explained that the Land Use Plan in the Laveen Southwest Growth Study preceded the Phoenix General Plan, so it is outdated, and the current General Plan applies to the site. He noted staff's recommendation for approval and asked the committee to also provide a recommendation for approval.

MOTION

Vice Chair Abegg agreed with the community's comments and stated that this area of Laveen is indeed very special and unique, and that the zoning is not compatible with what is in the area. She stated that the current entitlement does allow more density, but that the rezoning case had the stipulation for the zoning reversion back to low density. Although the applicant has agreed to many of the community's requests, the issue of the density incompatibility remains. She made a motion to approve the request, with the additional staff recommended stipulations, as well as the following stipulations for changes in the PUD narrative:

- Each home will include two alternative building materials in addition to the primary building material for architectural elevations, plus garage enhancements such as window panels, color, added materials surrounding door, and trellises;
- The primary building material shall not exceed 75 percent of all front and exposed side elevations and street facing elevations;
- Trees along the arterial roads, Carver Road and 35th Avenue, will have a minimum tree size of two-inch caliper, and a minimum of 40 percent of all trees

- must be minimum three-inch caliper;
- Minimum 3-foot side yard setback for individual lots, with a combined setback for 13 feet for both sides;
- A maximum of 46 residential units;
- A minimum lot size of 8,700 square feet.

Chair Glass seconded and asked to amend the motion to include the requirement for an enhanced drainage survey and hillside review that goes above and beyond the city requirements. **Vice Chair Abegg** accepted the amendment.

Ms. Stephanie Hurd made a competing motion to the deny the case as filed. **Ms. Jennifer Rouse** seconded the motion.

Chair Glass stated that this is a very emotional and contentious project and that, although the committee cannot vote to approve an R1-18 zoning district, they can try to enhance and incorporate as much of the community's desires as they can as this project moves forward. She explained that the committee is very cognizant of the importance of this project, as it has gone on for several years, and expressed her fear that if they do not move forward with creating a very dynamic narrative that will also include the community's preferred maximum lot count, the community's fight against this proposal may be even harder. She further explained that a recommendation with these changes is merely a mechanism for the committee to ensure that the community is heard, and urged the members of the public present to continue to be outspoken through the remainder of the process so that Planning Commissioners and City Councilmembers know how passionate they are about this.

VOTE TO DENY

2-5-1: Motion fails with committee members Hurd and Rouse in favor, committee members Branscomb, Estela, Flunoy, Abegg and Glass opposed, and committee member Rowe abstaining.

VOTE TO APPROVE WITH ADDITIONAL STIPULATIONS

5-2-1: Motion passes with committee members Glass, Abegg, Branscomb, Estela and Flunoy in favor, committee members Hurd and Rouse opposed, and committee member Rowe abstaining.

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 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 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.

STAFF COMMENTS REGARDING VPC RECOMMENDED STIPULATIONS

Staff is not supportive of Stipulation No. 16, which was recommended by the Laveen Village Planning Committee. Grading and drainage requirements are a very technical matter that go beyond the scope of an entitlement case and should be analyzed during the Plan Review process once engineering documents for a specific development have been submitted. Further, per Background Item No. 21 of the staff report, the city shall require the developer to submit a hydraulic/hydrologic analysis of offsite storm water flows for verification of required infrastructure in regard to lot space and density. Staff believes this is sufficient to address the committee's concerns.