

PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

From: Alan Stephenson
Planning & Development Department Director

Date: July 19, 2021

Subject: **P.H.O. APPLICATION NO. PHO-2-21--Z-165-06-7(8)** – Notice of Pending Actions by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **August 18, 2021**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **July 26, 2021**.

DISTRIBUTION

Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Matthew Heil), 11th Floor
Aviation (Sheldon Daisley)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Aaron Conway), 2nd Floor
Light Rail (Joel Carrasco/Special TOD Only)
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Natasha Hughes), 16th Floor
Public Transit (Kathryn Boris)
Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor
Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor
Village Planner (Sofia Mastikhina, Laveen Village)
Village Planning Committee Chair (Tonya Glass, Laveen Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-21--Z-165-06

Council District: 7 8

Request For: Stipulation Modification

Reason for Request: Deletion of Stipulation 19 regarding conditional development approval. Technical corrections to Stipulations 1, 4, 5, 6, 7, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 36, 37, 38, and 40.

Owner	Applicant	Representative
Virtua 35th LLC	Felipe Zubia, Beus Gilbert McGroder PLLC	Paul Gilbert, Beus Gilbert McGroder PLLC
7600 North 15th Street, Suite 150-19 Phoenix AZ 85020 (480) 429-3065 fzubia@beusgilbert.com	701 North 44th Street Phoenix AZ 85008 (480) 429-3065 fzubia@beusgilbert.com	701 North 44th Street Phoenix AZ 85008 P: (480) 429-3000 F: pgilbert@beusgilbert.com

Property Location: Northwest corner of 35th Avenue and Carver Road

Zoning Map: C-6 Quarter Section: 04-19 APN: 300-11-008X Acreage: 59.48

Village: Laveen

Last Hearing: CC HEARING

Previous Opposition: No

Date of Original City Council Action: 10/31/2007 0300 PM

Previous PHO Actions: 06/02/2021 230 PM

Zoning Vested: R1-8, R1-18

Supplemental Map No.: _____

Planning Staff: 080534

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,080.00	\$0.00	06/24/2021	21-0058530	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>08/18/2021 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	
Action: _____	Action: _____	Action: _____

BEUS GILBERT MCGRODER

PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
FAX (480) 429-3100

Felipe A. Zubia
DIRECT (480) 429-3065
E-Mail Address: fzubia@beusgilbert.com

FILE NUMBER

100479-000001

June 24, 2021

VIA HAND-DELIVERY

City of Phoenix
Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, AZ 85003

Re: *Stipulation Modification Request for APN# 300-11-008X*

This application seeks to delete stipulation No. 19 from Z-165-06-07 for the property located at the northwest corner of 35th Avenue and Carver Road.

Request:

Stipulation No. 19 – Deletion – “~~That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.~~”

Rationale:

The site in question is impacted by a number of factors including prior mining activity and hillside terrain. As a result, significant planning and engineering efforts are underway to mitigate past impacts and reduce development impacts on the natural terrain. Consequently, the design and development process will take more time than any reasonable time stipulation could contemplate; therefore it is requested that this stipulation be deleted in its entirety.

Conclusion:

The Applicant thanks you for your time and consideration of this request and look forward to an open dialogue regarding this application.

The proposed zoning stipulation modification is accompanied by the following documents:

1. Application Fee;
2. Ownership Verification Form;
3. Information Form and Property Information Form;
4. Parcel map with project area identified;
5. Legal Description;
6. Property Owner Notification Requirements;
7. CD with electronic copies of submittal

Please feel free to contact the undersigned if you have any questions, or if you need any additional information.

Sincerely,

BEUS GILBERT McGRODER PLLC



Felipe A. Zubia, AICP
Planning Consultant

FAZ:wmp
Enclosures as stated.

ORDINANCE G-5020

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-165-06-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO R1-18 (SINGLE FAMILY RESIDENCE) AND R1-8 (SINGLE FAMILY RESIDENCE)

WHEREAS, on December 15, 2006, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from LVA Urban Design Studio, having authorization to represent the owner, Steven Follmer of an approximately 59 acre property located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on June 13, 2007, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and

WHEREAS, the City Council, at their regularly scheduled meeting held on October 10, 2007, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 59 acre property located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "R1-18" (Single Family Residence) and "R1-8" (Single Family Residence) and that the Planning Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

General

1. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.
2. That development of the R1-18 portion of the site shall not exceed 22 lots.
3. That development of the R1-8 portion of the site shall not exceed a density of 99 lots.

Site Design

4. That unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the Development Services Department.
5. That no solid wall in excess of three feet in height, as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the Development Services Department:
 - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
 - b. Retaining wall.
6. That no more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the Development Services Department.
7. That a 235-foot (average), 200-foot (minimum) landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.
8. That a 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the Development Services Department.

9. That those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the Development Services Department.

Disclosures

10. That 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.

Parks and Recreation

11. That the developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

12. That the applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

Street Transportation

13. That right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
14. That right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

15. That a traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to Development Services Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the Development Services Department.
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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
17. That 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.
18. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the Development Services Department and Planning Department for the case files.
19. That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.

Neighborhood

20. That building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the Development Services Department.
21. That all two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area, as approved by the Development Services Department.

22. That concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Development Services Department.
23. That the use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
24. That washes with a one hundred year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the Development Services Department.
25. That lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the Development Services Department.
26. That on non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the Development Services Department.
27. That a minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall be 8 feet tall, minimum, and shall be plated with a staggered combination of 2-inch and 4-inch caliper, drought-resistant, deciduous trees at 25 feet center to center, as approved by the Development Services Department.
28. That solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the Development Services Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
29. That the entire 60 acre site shall have no perimeter fencing, as approved by the Development Services Department.

30. That private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the Development Services Department.
31. That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.
32. That all HVAC units shall be ground mounted.
33. That all street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the Development Services Department.
34. That bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the Development Services Department. Photovoltaic energy sources for bollard lighting shall be provided.
35. That any request to delete or modify these stipulations be preceded by presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:
 - a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
 - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
 - c. Judy Brown, P.O. Box 41234, Mesa, 85274
 - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
 - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
 - f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041
 - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
36. That the following individuals shall be notified of any and all Development Services Department (DSD) meetings which are open to the public. The applicant shall be responsible for notification to

the following via a first class letter to be mailed at least two weeks prior to the DSD meeting(s):

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
 - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
 - c. Judy Brown, P.O. Box 41234, Mesa, 85274
 - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
 - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
 - f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041
 - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
37. That all sidewalks, within the R1-8 portion of the site, shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum rate of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners association.
38. That a mix of two- and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the Development Services Department.
39. That only one-story homes shall be located along 35th Avenue.
40. That a detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the Development Services Department.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

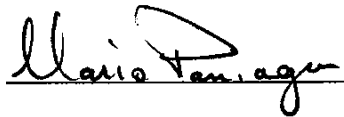
decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 31st day of October, 2007.

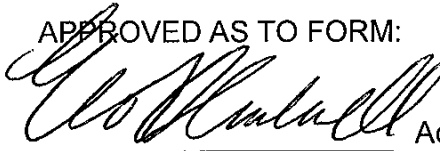


MAYOR

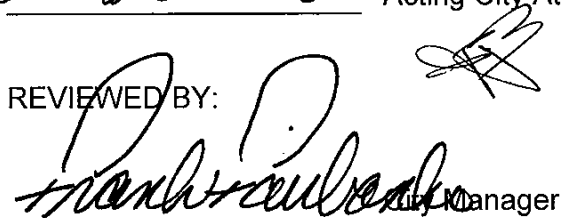
ATTEST:

 City Clerk

APPROVED AS TO FORM:

 Acting City Attorney

REVIEWED BY:

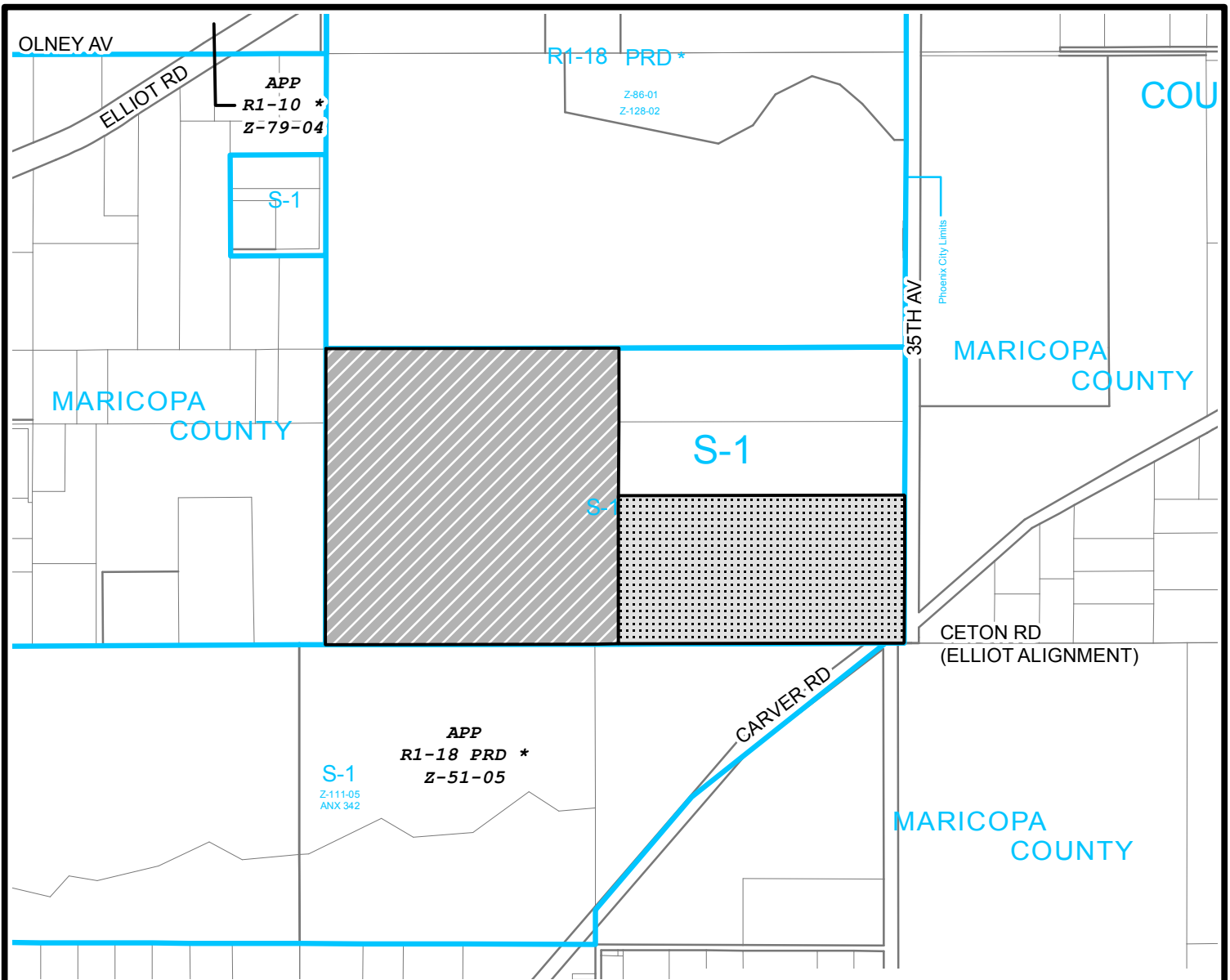
 City Manager

MLW:cz:714477v1
10/31/07:CM#59

CITY CLERK DEPT.
2007 OCT 29 AM 10:27

Attachments:

- A - Legal Description (1 Page)
- B - Sketch Map (1 Page)

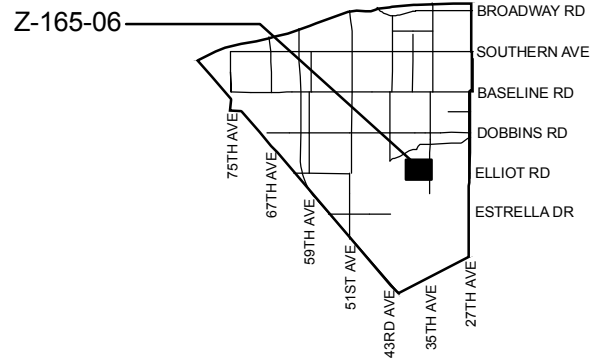


700 350 0 700 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

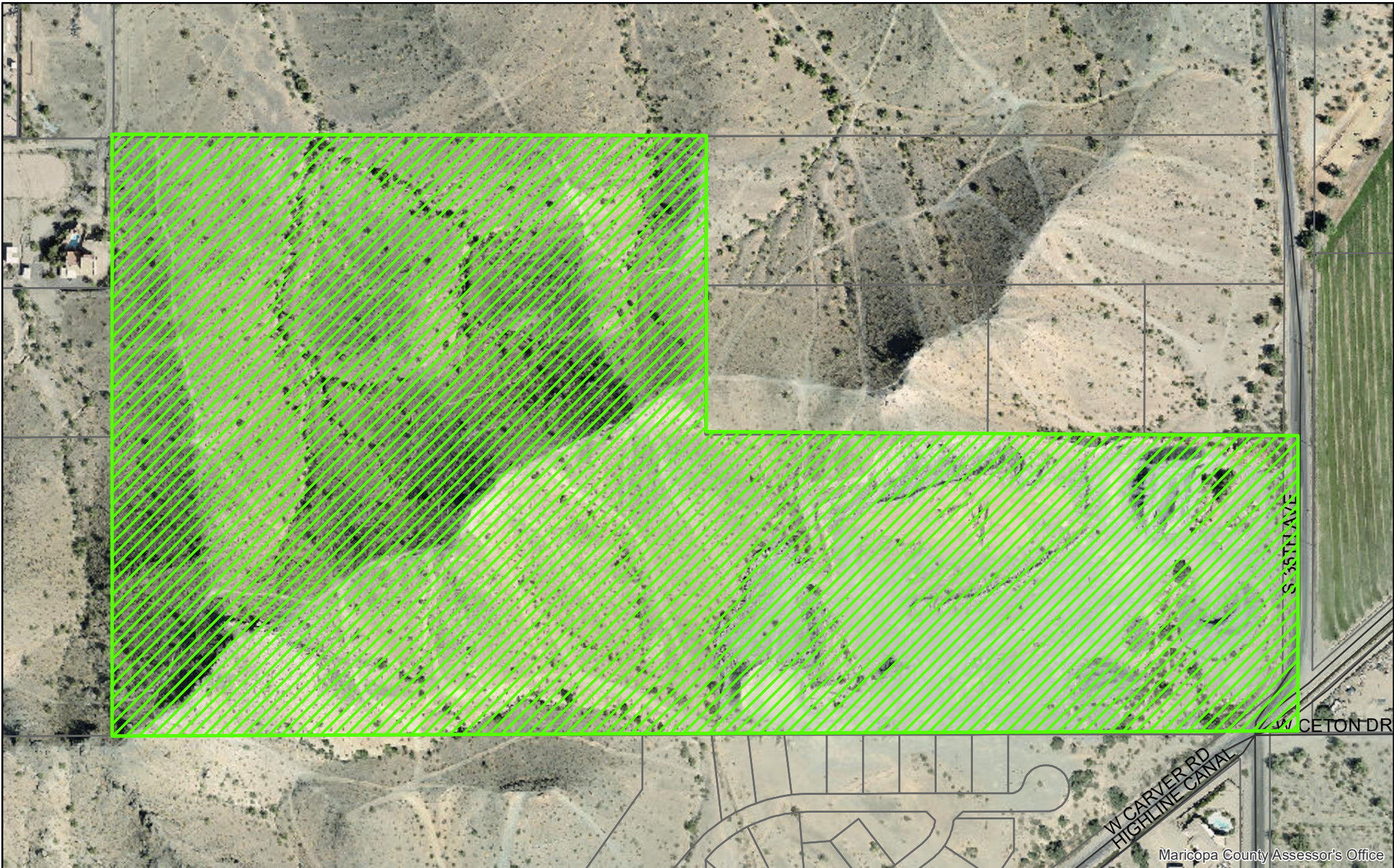
LAVEEN VILLAGE

CITY COUNCIL DISTRICT: 7



APPLICANT'S NAME: LVA URBAN DESIGN STUDIO - ALAN BEAUDOIN		REQUESTED CHANGE: FROM: S-1 (59.0 ac)	
APPLICATION NO. Z-165-06	DATE: 04-10-2007	REVISION DATES:	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 59 Acres	12-21-2006 10-09-2007	TO:	
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> Q04-20	<small>ZONING MAP</small> C6	R1-8 (19.4 ac)	R1-18 (39.6 ac)
MULTIPLES PERMITTED S-1 R1-8 / R1-18	CONVENTIONAL OPTION 59 77 / 77	* UNITS P.R.D. OPTION N/A 100 / 92	

* Maximum Units Allowed with P.R.D. Bonus



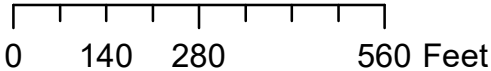
Maricopa County Assessor's Office

PHO-2-21--Z-165-06-7(8)

Property Location: Northwest corner of 35th Avenue and Carver Road



Planning & Development Department



R1-18 PRD*

R1-18*

S-1

R1-8*

R1-18*

RE-35

S 35TH AVE

W CARVER RD
W CETON DR

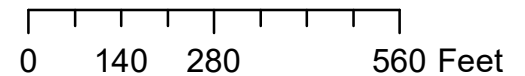
HIGHLINE CANAL

PHO-2-21--Z-165-06-7(8)

Property Location: Northwest corner of 35th Avenue and Carver Road



Planning & Development Department



October 10, 2007

19. That the applicant shall submit an archaeological survey for review and approval by the City Archaeologist, (602) 495-0901.
20. That the developer shall obtain any necessary 404 permits through the Army Corp of Engineers and shall attach any permit conditions to this report.

MOTION was made by Mr. Stanton, **SECONDED** by Mr. Siebert, that Item 38 be withdrawn. **MOTION CARRIED UNANIMOUSLY.**

<u>ITEM 39</u>	DISTRICT 7	<u>ZONING HEARING -</u> Z-165-06-7 - 35TH AVENUE AND CARVER ROAD APPLICANT: ALAN BEAUDOIN - LVA URBAN DESIGN STUDIO, LLC OWNER: STEVEN FOLLMER - GSG LLC LAND DEVELOPMENT REPRESENTATIVE: ALAN BEAUDOIN - LVA URBAN DESIGN STUDIO, LLC
-----------------------	-------------------	---

Application:	Z-165-06-7 - (Companion case to GPA-LV-2-06-7) - Continued from June 6 and July 2 Recessed, and September 19, 2007 Formal Meetings - Appealed by Opposition
From:	S-1
To:	R1-18 (39.6 acres) and R-2 (19.4 acres)
Acreage:	59
Location:	Northwest corner of 35th Avenue and Carver Road
Proposal:	Single-Family Residential
3/4 Vote Required:	Yes
Staff:	Approved.
VPC Action:	<u>Laveen</u> - April 9, 2007 - Denied as filed and approved R1-18 on the entire 59 acre site, with staff's recommended Stipulations 10 through 17 and one additional stipulation. Vote 8-0
PC Action:	May 9, 2007 - Continued to June 13, 2007, with fee. Vote 8-0 June 13, 2007 - Approved, subject to staff stipulations and two additional stipulations. Vote 7-1

- 174 -

October 10, 2007

The above information reflects this item exactly as it appeared before City Council on June 6, 2007, with the exception of the appeal, the 3/4 vote requirement, and the Planning Commission action of June 13, 2007. Listed below for reference purposes are the stipulations related to this item as granted by the Planning Commission on June 13, 2007:

Stipulations

General

1. That development shall be in general conformance with the site plan and elevations date stamped February 20, 2007, as modified by the following stipulations and as approved by the Development Services Department.
2. That development of the R1-18 portion of the site shall not exceed 22 lots.
3. That development of the R-2 portion of the site shall not exceed a density of 7.1 dwelling units per acre.

Site Design

4. That unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R-2 portions of the site shall be provided, as approved by the Development Services Department.
5. That no solid wall in excess of three feet in height, as measured from the finished grade, shall be located on the site (either in private lots or common tracts) unless the wall is utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive, as approved by the Development Services Department.
6. That no more than 30,000 square feet of natural turf area shall be located within the common areas of the R-2 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the Development Services Department.

October 10, 2007

7. That a 75-foot (average), 50-foot (minimum) landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.
8. That a 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the Development Services Department.
9. That those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-18 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the Development Services Department.

Disclosures

10. That 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.

Parks and Recreation

11. That the developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

12. That the applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

Street Transportation

13. That right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department.

- 176 -

October 10, 2007

14. That right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department.
15. That a traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to Development Services Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the Development Services Department.
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 Street Transportation Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
17. That 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.
18. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS UTILIZING THE PROVIDED TEMPLATE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND A COPY SHALL BE PROVIDED TO THE DEVELOPMENT SERVICES DEPARTMENT AND PLANNING DEPARTMENT FOR THE CASE FILES.
19. THAT THE R-2 ZONING BE INITIATED FOR REVERSION IF THE PRELIMINARY SITE PLAN IS NOT APPROVED WITHIN THREE YEARS OF ORDINANCE ADOPTION.

Mayor Gordon wished to address the audience prior to putting a motion on the table.

Mr. Lingner thanked Mayor Gordon for the meetings he conducted with the community and developer for a hopeful resolution.

October 10, 2007

Mayor Gordon conveyed this case required a 3/4 vote of the Council. He was not present when this item was previously presented to Council and was of the impression his vote would be the deciding factor on this case. He spoke with representatives of the neighborhood communities and the developer and asked that there be a compromise. He appreciated the community and staff for working on the case. Due to legal constraints this case did not have the potential for consensus, but he believed his vote would have swung the outcome at the previous meeting. He asked the developer and community to understand his choice was between movements that were not going to make everyone content and movements from where the case began.

MOTION was made by Mayor Gordon, **SECONDED** by Mr. Lingner, that Item 39 be granted as filed subject to stipulations contained within staff's memo dated October 9, 2007, as follows, noting that only one-story homes shall be located along 35th Avenue:

General

1. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.
2. That development of the R1-18 portion of the site shall not exceed 22 lots.
3. That development of the R1-8 portion of the site shall not exceed a density of 99 lots.

Site Design

4. That unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the Development Services Department.
5. That no solid wall in excess of three feet in height, as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the Development Services Department:
 - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.

- 178 -

October 10, 2007

b. Retaining wall.

6. That no more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the Development Services Department.
7. That a 235-foot (average), 200-foot (minimum) landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.
8. That a 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the Development Services Department.
9. That those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the Development Services Department.

Disclosures

10. That 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.

Parks and Recreation

11. That the developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

October 10, 2007

Archaeology

12. That the applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

Street Transportation

13. That right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
14. That right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
15. That a traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to Development Services Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the Development Services Department.
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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
17. That 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.
18. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the Development Services Department and Planning Department for the case files.

- 180 -

October 10, 2007

19. That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.

Neighborhood

20. That building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the Development Services Department.
21. That all two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area, as approved by the Development Services Department.
22. That concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Development Services Department.
23. That the use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
24. That washes with a one hundred year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the Development Services Department.
25. That lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the Development Services Department.
26. That on non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the Development Services Department.

October 10, 2007

27. That a minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall be 8 feet tall, minimum, and shall be planted with a staggered combination of 2-inch and 4-inch caliper, drought-resistant, deciduous trees at 25 feet center to center, as approved by the Development Services Department.
28. That solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the Development Services Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
29. That the entire 60 acre site shall have no perimeter fencing, as approved by the Development Services Department.
30. That private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the Development Services Department.
31. That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.
32. That all HVAC units shall be ground mounted.
33. That all street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the Development Services Department.
34. That bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the Development Services Department. Photovoltaic energy sources for bollard lighting shall be provided.
35. That any request to delete or modify these stipulations be preceded by presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

- 182 -

October 10, 2007

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
 - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
 - c. Judy Brown, P.O. Box 41234, Mesa, 85274
 - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
 - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
 - f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041
 - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
36. That the following individuals shall be notified of any and all Development Services Department (DSD) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first class letter to be mailed at least two weeks prior to the DSD meeting(s):
- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
 - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
 - c. Judy Brown, P.O. Box 41234, Mesa, 85274
 - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
 - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
 - f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041
 - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
37. That all sidewalks, within the R1-8 portion of the site, shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum rate of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners association.

October 10, 2007

38. That a mix of two- and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the Development Services Department.
39. That only one-story homes shall be located along 35th Avenue.
40. That a detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the Development Services Department.

Mayor Gordon stated R1-8 zoning afforded a lower density and larger lot than the traditional single-family residential zoning district. R1-8 zoning was an acceptable residential density for the area given the site's development constraints, specifically the previous mining activity which had occurred on the site. He remarked R1-8 zoning would ensure the developer provided a considerable amount of open space.

Mayor Gordon explained the developer originally wanted commercial and multifamily, but the neighborhood wanted single-family detached. The developer had compromised by significantly reducing the density of the project by 40 lots, providing tree-shaded terraced berms along the scar, large open space within the site, large landscaped perimeter setbacks, and the entire development was single-family residential. He conveyed this was accomplished through the neighborhood involvement process. He understood this was not part of the previous discussions, but was a resolution he could support.

Mayor Gordon stated the following speaker comment cards were submitted in opposition, but did not wish to speak:

Ms. Nancy Harris
Mr. Peter Buehlmann
Ms. Christine Dicken
Mr. Rob Hargreaves
Mr. Tom Russell
Ms. Janet Russell
Mr. Michael Craig
Ms. Jane Craig
Ms. Mildred Strauss

- 184 -

October 10, 2007

Mr. Harry Strauss
Mr. Jon Kimoto
Ms. Judy Brown
Mr. Norman Lemke

Mr. Lingner offered the following e-mail submitted Mr. Steven Klein in his absence:

"10.10.07 CC meeting/case Z-165-06-7 for immediate distribution

Dear Mayor Gordon, Councilman Lingner, and Members of the Council:

I am unable to arrange to be away from work to attend this hearing. I wish to comment on the above-captioned case and ask that this be read into the minutes and made part of the record.

As you are well aware, this case has been troublesome and contentious. This is a matter in which the community has pledged to work with the applicant to reach a compromise, yet has been rebuffed. We are still willing to work with the applicant to reach a compromise. At this time, we request a continuance so that we may reach an agreement. We are still willing to work towards that end. If the applicant refuses to work in good faith with the community, then we leave the compromise to you.

The stipulations proposed for the case need to be clarified and one stipulation added. Stipulation 19 needs clarification. Approved by whom? A stipulation, in keeping with all the other cases in Laveen, needs to be added. "That elevations for the non-custom homes, the site plan, and landscaping plan be presented to the LVPC for review and comment prior to submission to the appropriate City of Phoenix department for approval."

The applicant has steadfastly stuck to an extremely high density not appropriate for the area. The community has suggested a number more in keeping with the area and other approved cases. The applicant has proposed an R1-8 concept with 99 units. The community has proposed an R1-35 or R1-18 concept with 46 units. Both parties have moved from their original plans. R1-10 with a cap of 60 to 65 units would be somewhere in the middle. I doubt anyone would be truly happy with that, however, there would be no big winner or big loser. The applicant gets density and the community gets a few less units in an area that may not be able to handle what has already been approved. To grant density based on the applicant's financial hardship(s) whether real, imagined, or self-inflicted is NOT a valid reason.

October 10, 2007

Respectfully submitted,
Steven Klein
Vice President
Laveen Citizens for Responsible Development"

Mr. Wes Lines spoke on behalf of the Laveen Village Planning Committee in opposition. He conveyed there was an opportunity to send this case back to the Laveen Village Planning Committee. Although the Village was experiencing issues in getting a quorum, he said the Village would meet with the applicant, who was cooperative with the neighborhood, and come to a resolution at the Village level. He noted the Laveen Village Planning Committee voted for R1-18 zoning for the entire project which was two dwelling units per acre. He wished to see the densities lower than other projects in Laveen.

Ms. Cyd Manning was a resident of Laveen and spoke in opposition. The community had compromised from the original request of RE-35 zoning with fourteen lots to R1-18 PRD zoning with approximately 46 lots which was about 1.4 dwelling units per acre. She indicated R1-18 was appropriate for the area and was commiserate with parcels on the Carver foothills that were adjacent to this property.

Ms. Manning stated the neighborhood concerns were based on data and sound zoning, planning, and land use principles and practices. The community group conducted themselves with the utmost integrity, pro-activeness, and respect for the client and the rest of the community. She appreciated all of the work that Council had done with the community, but she represented 200 residents that signed a petition opposed to this case. She requested Council support the community's proposal as their issues had been with density, lot size, number of lots, and zoning classification which were extremely important. As a representative of 200 residents, she could not support the motion for R1-8 zoning, but stressed multifamily was not appropriate for the site.

Ms. Meg Schrader was a resident of Laveen and spoke in opposition. She attended all of the meetings regarding this development since February 2007 and went to the recent meeting led by the developer concerning their changed plan. She was distressed about the developer's concern regarding the length of time this case had taken since its initiation. The City established processes that developers were supposed to follow and she felt the developer had not gone through the process. She conveyed if the developer had come to the neighborhoods at the beginning with this development then the case might have had resolution and the developer would not have lost time.

- 186 -

October 10, 2007

Ms. Schrader pointed out the Mark Williams property located at the southeast corner of Carver Road and 35th Avenue was filed after this case and was approved. The Garretson property at the base of South Mountain at 35th Avenue and the Carver Road alignment, which was filed at the beginning of summer, was approved by the Laveen Citizens for Responsible Development (LCRD) and the Village, and was moving forward through the process. She reiterated if the developer had approached the neighborhoods at the beginning of the process then all parties could have worked together for a resolution.

Mr. Michael Nowakowski was a resident of Laveen and spoke in opposition. He thought there was a lack of communication between the community and developer. The main concerns for residents in Laveen were control of smart development and communication. He believed the citizens of Laveen wanted a 30-day extension to arrange communication between all parties which would bring a win-win resolution for both sides. He requested Council allow the community to have input into the outcome.

Mr. Phil Hertel was a resident of Laveen, submitted a document to Council, and spoke in opposition. The community had asked for the opportunity to work toward a resolution on this case and the applicant implied there was no more time which he thought was unfortunate. If a decision was to be made, he requested Council find common ground between where the two sides currently stood on this case. He stated this case did not have the participation and good-faith negotiations by the applicant nor the consideration of the community's input. Furthermore, the case did not have the appropriate stipulations that were typical of developments in Laveen. He asked that the following stipulations be included regardless of the outcome:

- specify the maximum number of lots allowed; and
- prior to this case being submitted to the Development Services Department that a detailed site plan, detailed landscaping plan, building elevations, perimeter fence or wall plan, detailed lighting plan, and entry monument elevations be submitted to the Laveen Village Planning Committee for review and comment.

Mr. Hertel requested the additions be made so this case was consistent with other cases in Laveen. He noted the document submitted earlier listed the stipulations.

October 10, 2007

Mr. Jason Morris represented the applicant and spoke in favor. He conveyed this case was not the same as originally filed over a year ago and had been under planning for over two years. The comments made by the opponents were important for several reasons. Mr. Lines mentioned there was an opportunity to send this case back to the Laveen Village Planning Committee. Mr. Morris noted the Village voted for R1-18 zoning or no more than two units per acre. He referred to an exhibit he submitted to Council which showed less than two units per acre in that, overall on 60 acres, the proposal stipulated 1.98 units per acre. The former mining site was a bit higher but the proposal was less than the General Plan designation on the site which was five to ten dwelling units per acre.

Mr. Morris recalled Ms. Manning mentioned allowing the proposal to have community input. Mr. Morris thanked those that met with him since the filing of this case. Although this case did not have neighborhood support, the group was open to communication throughout the process. He added while the applicant did not agree with LCRD's recommendation that this site be all large lot custom homes, the plan showed that forty acres or the majority of the site was low density. He conveyed the neighborhood did support their proposal of half a unit per acre custom home hillside community, but the applicant was unable to extend the zoning to the mining site.

Mr. Morris referred to the mining site throughout the case because that was the distinction between this property and others in the area that the LCRD and the community group were concerned with in terms of future development. He stated this case could not replicate itself for several reasons. His first point was the majority of the land use was what was requested and desired by the community in that it was primarily a large lot residential case. When this case was continued at the July 2, 2007 Council meeting due to lack of support, he was given direction to give a last best effort to get support of the community. He conveyed because of that effort the entire plan on the mining site was changed to remove multifamily from the site and made it a single-family site under R1-8 zoning.

Mr. Morris emphasized this was the community process and while everyone could not agree at every level, the end result was less density than the recommendation of the R1-18 maximum density made by the Laveen Village Planning Committee. He recalled two other cases were mentioned by community members. The Mark Williams case was supported by the entire community because of efforts made to reduce density and had an appropriate site plan. He noted Mr. Williams was his client and was able to successfully work

- 188 -

October 10, 2007

to a conclusion on the case which did not include a mine site. The Garretson property was represented by the same planner as the current case. He appreciated the efforts of the community and believed this had gone through the process and urged the Council to support the motion.

In response to Mayor Gordon, Mr. Morris stated the maximum number of lots was 121 as reflected in the revised site plan. Mayor Gordon recalled a request that prior to being submitted to Development Services Department (DSD) a detailed site plan, detailed landscaping plan, building elevations, perimeter fence or wall plan, detailed lighting plan, and entry monument elevations be submitted to the Laveen Village Planning Committee for review and comment. Mr. Morris confirmed the applicant would submit to going back to the Village to have all of the plans reviewed prior to preliminary site plan approval by DSD. Mayor Gordon requested this be included in the motion with Mr. Lingner's concurrence.

Planner III Alan Stephenson suggested that Stipulation 3 be changed to read "shall not exceed a density of 99 lots" instead of "shall not exceed a density of 4.95 dwelling units per acre." Mr. Stephenson explained this would achieve Mr. Hertel's goal as Stipulation 2 read "shall not exceed 22 lots" which would bring the total lots for the site to 121 lots.

Mr. Lingner thought it was important to recognize there were cases Council had seen where issues were not resolved as part of the public process. He knew Laveen was a tough Village and was proud to be a resident. He referred to the exhibit submitted by Mr. Morris that portrayed why this case presented specific challenges. This was not a typical site for hillside and was impossible for any other process to mirror because there was a mine on the site. He urged the Council to support the motion, especially given the fact that the developer agreed to go back to the Laveen Village Planning Committee.

MOTION CARRIED, with Mr. Johnson casting the dissenting vote.

Mayor Gordon temporarily left the voting body. Vice Mayor Siebert assumed the Chair.

Application #: **Z-165-06-7** (Companion case to GPA-LV-2-06-7)
(Continued from May 9, 2007)
From: S-1
To: R1-18
R-2
Acreage: 59
Location: Northwest corner of 35th Avenue and Carver Road
Proposal: Single Family Residential
Applicant: LVA Urban Design Studio / Alan Beaudoin
Owner: Steven Follmer / GSG LLC Land Development
Representative: LVA Urban Design Studio / Alan Beaudoin

Ms. Michelle Dodds presented Z-165-06-7 (Companion case to GPA-LV-2-06-7), a request for R1-18 and R-2 zoning on 59 acres at the northwest corner of 35th Avenue and Ceton Drive for the purpose of developing a mixed single-family and multi-family residential development. The Laveen VPC reviewed this request on 4/9/07 and recommended denial as filed and approval of R1-18 on the entire site with staff's recommended stipulations 10 through 17 and one additional stipulation. Staff recommends approval as requested with stipulations from Addendum 1 to the staff report and the standard 207 waiver stipulation.

Chairman Keuth asked if the Village representative wished to speak on the zoning case.

Mr. Wes Lines, 5141 W. Estrella, Laveen, AZ 85339, stated this case was taken under careful consideration and the Committee felt R1-18 was an appropriate use for this property and recommended this density with a vote of 8-0. He respectfully asked the Commission to take this recommendation into consideration.

Mr. Jason Morris, 2525 E. Arizona Biltmore Circle, on behalf of the applicant. Before providing details of the zoning case, Mr. Morris contended that this is not about rescuing a developer. He had hoped that he made it clear that the developer was moving forward with their forty acre parcel long before the mine site became available and was essentially willing to work on the mine site as a partnership with the City of Phoenix in order to take care of the existing condition of the mine, to remedy the existing condition for 35th Avenue and finally to address the intersection of Carver Road, Ceton Drive and 35th Avenue. This is not about a rescue. A rescue attempt is someone who has gone in over their head without doing their homework first and is relying upon the City to save them. Instead, what we have here is an opportunity to remove something that is a danger to the community, which is why staff is supporting this application, but would not support it or support similar densities on site immediately adjacent to this site. His office represented the R1-18 communities that were ultimately established on those areas north and south of this site. The twenty acres at issue, is an entirely different animal, and can only be addressed by a land owner

who has an interest in making this site better. Frankly, if this site was of such value, and had such marketability, then in fact it would not have been in bankruptcy. Instead, it would have saved the owner; he would have sold it at a premium and walked away. Instead they abandoned the site. It was left in a condition where it could not be developed. The partners' obligation is to bring forward the technical expertise and the dollars, he would be happy to discuss the dollars, although what he will be talking about would be the broad range of dollars involved. The detail of the exact cost will not be available until they are able to move forward with construction documents. The opposition group is well aware that this is how virtually every case proceeds.

Just using today's dollars, the removal of hazardous debris, the importation of dirt in the thousands of linear feet to try to bring some sort of level to this site and then ultimately the infrastructure improvements. This includes the roadway, sewer, and water, which are necessary because all of the other development that has occurred, virtually all of the members of the community that are standing before you today, did not have that obligation when they built on their lots. This is wonderful on a small scale basis, but it cannot be continued and the City of Phoenix does not recognize that as a development pattern that they want to see on a continuing basis. The City of Phoenix is demanding subdivisions be developed, not individual lots. And those subdivisions are responsible to bring the infrastructure. There is a reason this area has not developed any other way thus far, and that is because there has not been an individual who is willing to take the risk of creating a subdivision and developing in the shadow of a mining site. So it is this applicant who is moving forward as that partner and taking that obligation and spending literally for total build-out, tens of millions of dollars. But before development can occur, three to five million dollars to repair the site of what has been done previously, which is why the City in this single instance is recommending approval of the general plan amendment and ultimately the zoning case that is the companion case because the fear is, without some form of motivation, this site will remain as is. Some claim that it is quaint and charming. The reality is it is a mining site that cannot be stepped on and should be avoided. That is not something that the City of Phoenix wants as a long term use in this area. Instead, what they are proposing is a combination of uses, as can be seen from the site plan shown. The neighbors are supportive of this use. This is an R1-18 development, and it is very sensitive to the surrounding properties. The issue is, and always has been, this site, which is the mine site. The presentation began with what the site looks like today. That site will be improved and developed as two different zoning types; the villa units and the town-home units. There is a significant setback which pushes all the developments back so that virtually all that can be seen from 35th Avenue is three or four homes along 35th Avenue setback in excess of 75-100 feet. So it is essential the type of development pattern that is being requested by the neighbors. One unit, the town-home, is a great house concept which means that the home looks like a large single family dwelling, when it is in fact three units that are attached. The reason this unit was selected, is because the

neighborhood has expressed its desire to keep the number of individual rooftops to a minimum, so they are looking at instead, a larger home. It mirrors many homes that are developed on County lots, the same that is being discussed by the opposition.

The General Plan promotes a diversity of unit types. There needs to be a diversity and there needs to be other options within this area that are in keeping with the overall development and sensitive to the development type, which he believes is based upon the other lot sizes that are allowed within this area, and the fact that they are surrounded by already planned and approved areas with smaller, more traditional lots.

These are high-end units and there should be a place for luxury units that are not on acre lots but add to the community. That is exactly what is being proposed here, and the desire is to cover the scar, to repair the overall transportation system. That can only occur with this density; otherwise it is just not feasible. The plan that is being promoted by the neighborhood group, thirty-eight lots, can never be built. He stated that is not a negative to the neighborhood group, as the Commission has heard, they are fine with the existing condition. They are not looking for change and he respects that; he understands that change is difficult. The change here would be a benefit to the larger community, rather than those who develop in the County. The Village fully understood the impact of approving an R1-18 category over the entire sixty acres; it was essentially trying to create a compromise, regardless of the development standards. The reality is the R1-18 that was approved by the Village would in fact permit over 120 units on this same property, based upon the density that is allowed in the R1-18 category. He is asking for approval of 153 units. There is not a tremendous gulf between what was approved by the Village and what is requested by the applicant.

All of the arguments have been discussed in regards to the General Plan in that traffic is an issue, this project is not in character, when in fact, the character that exists today is a mining site, and that this density feels like it does not belong. Within this area, many of those who participated tonight live in this area, this 60 acre site is not visible from 35th Avenue or driving southbound, it is through a mountain pass. The General Plan amendment allows density, but allows density that is half of what already exists on the two properties to the north. It is completely out of character when these two properties are roughly five or four and a half units per acre. What is being offered this evening through the General Plan amendment and through the zoning case is appropriate density given the condition of the land. It will benefit not only the city of Phoenix, but the surrounding communities as the other properties develop and rely on 35th Avenue as their arterial gateway. Yet it has been designed in a manner that has the least possible impact on surrounding properties.

Commissioner Gallegos asked about the property directly adjacent to the north, how many dwelling units were approved?

Mr. Morris responded that immediately north is roughly 1.2 units per the acre, 148 lots, to the south, 135 lots, when developed, will also be R1-18.

Commissioner Gallegos asked about the density of the projects to the north and the success of the "triplets" project approved a few years ago, and how are the access issues being addressed for the people that live along Carver Road that use the canal road as their only access in and out of their homes.

Mr. Morris responded that it has been tremendously successful because it allowed for development of what was prior to that an SRP access easement that has been turned into a roadway. In the instance of the access for residents on Carver Road, the area along 35th Avenue is not only being improved, but as this case develops, they will be required to improve Carver Road. This same development team will be responsible for the improvement that will allow a secondary access to open, ultimately all the way out to Dobbins Road.

The following cards were submitted in opposition and wished to defer their speaking time to the Laveen Neighborhood Committee members:

Michael Dicken, 10827 S. 30th Avenue, Laveen, AZ
Michael Nowakowski, 6813 S. 40th Drive, Phoenix, AZ
Roberta Jordan, 3603 W. Shawnee Drive, Laveen AZ
Tom Russell, 10826 S. 29th Avenue
Janet Jensen, 10826 S. 29th Avenue
David Baker, 11908 S. 41st Avenue, Laveen, AZ
Maureen HelmKay, 11215 S. 27th Drive, Laveen, AZ 85339
Rob Hargreaves, 3102 W. Ceton Drive, Laveen, AZ 85339
Meg Schrader, 11424 S. 35th Avenue, Laveen, AZ 85339
Millie Strauss, 3007 W. Ceton, Laveen, AZ 85339
Joan Craig, 2905 W. Ceton Drive, Laveen, AZ
Michael Craig, 2905 W. Ceton Drive, Laveen, AZ
Aurora Hernandez, 11218 S. 35th Avenue
Jim Hill, 18839 30th Avenue, Laveen, AZ
Jon J. Taylor, 3816 W. Carver Road
Peter Buehlmann, 3026 W. Ceton Drive, Laveen, AZ
Ruth Kennedy-Iwai, 3412 W. Ansell, Laveen, AZ
Lu Yto, 5116 W. Fawn Drive, Laveen, AZ 85339
Terry Araman, 1805 W. McNiel Street
Jen Leitch, 10109 S. 29th Drive, Laveen, AZ 85339
Judy Brown, 3220 W. Ceton Drive, Laveen, AZ 85339

Ms. Cyd Manning, 3220 W Ceton Drive, Laveen, AZ. Re-read the Laveen Study in regards to the density it proposed. The zoning request for this specific case of R-2 does not come close in consideration of the zoning history of the site and adjacent parcels. It does not consider the projects relationship to the surrounding land use. And it definitely does not reflect the lot size and quality of

the surrounding developments. It will not be heard from any member of the community that they do not know that change is coming. They all acknowledge change and that this area is going to be developed. They want responsible development and adherence to the general plan of 0-1 dwelling units per acre.

Ms. Manning showed examples from the power point presentation of the quality and lot sizes of the surrounding area. Shown were views of the quarry, stated there are plenty of ways, besides density, to hide that development. She suggested the community's site plan be approved which consists of landscaping and terracing. Although the project was designed to look like single family homes, they resemble "big boxes". Comments were read from neighbors that attended the Village meetings. Since this project started, many people, publicly and privately, asked the applicant to work with the community. Being refused requests to work together does not help in bringing something to the community that wants to work with the developer to make this a win-win situation.

Jon Kimoto, 3216 W Ansell Road, Laveen, AZ 85339, spoke in regards to the average density approved in the four Carver Mountain subdivisions of 1.4 dwelling units per acre. The applicant is asking for 2.56 overall. The 7 dwelling units per acre on a 20 acre parcel should not be allowed to stand. The concept of providing 2-story villas and condominiums as a tool to camouflage the scar area does not cut it. The units themselves only cover one third of the base, the remaining will still be there. Proposed as an alternative, building up a series of terraces at the base of the escarpment and profuse planting with a row of trees on each of the subsequent steps as it meets the base of the escarpment. He feels the plan is consistent with the proposal and the General Plan.

Ms. Ruth Franklin, 3143 W Avion Way, Laveen, AZ 85339, will not reiterate what was brought up earlier, she doubts the City is going to partner with this developer. However, even if there is one, it is not contingent upon this density. Anything that develops in this area is going to have to deal with the mine and if there is an environmental hazard there, it has not killed anyone yet. Density is unrelated to the need to do those kinds of things that the applicant is trying to point out that can only be done through density. Their plan has low density and will beautify character of the quarry.

Christine Dicken, 10827 S. 30th Avenue, Laveen, AZ 85339, stated that when she and her spouse helped in working on this plan, they felt they were creating a wonderful community. When the focus groups started to meet, she met an individual by the name of Carol Pacey who lives in one of the high density areas. When she became a victim of a crime she started to research crime in the Laveen area. Ms. Dicken reported a 621% increase in crime from 1999. 2003 to 2004 it increased by 115%. From 2004 to 2005, it increased 50% and from 2005 to 2006 it increased 74%. According to the statistics, violent crime has increased by 133% since 1999, 34% from 2004 to 2005, and 78% from 2005 to 2006. Property crimes increased 756% since 1999. Laveen does not have a police

station and does not feel they have people to help them be a safe neighborhood. She requested that as it is looked upon to approve development, that also somehow, the City start looking at providing the community with a police sub-station in the core of Laveen that will help them be a safe community.

Mr. Steven Klein, 6820 S. 66th Avenue, Laveen, AZ 85339, stated that the 40 acre component of this land is a great use, it fits the area, and it is the 20 acre plan that is troublesome. The scar cannot be hidden by putting something worse around it. There are other ways of fixing the scar without putting inappropriate density up to it. There will be opportunities, farther to the west of this project, for higher density apartments and buildings. He clarified the 120 units allowed by R1-18 would be on the whole 60 acres, not on the 20 acres. In closing, they support the Village's proposal to deny as filed and to allow for the lesser density in accordance with the current General Plan.

Mr. Phil Hertel, 4532 W Dobbins Road, stated he will not go into detail on what is wrong with this application, this case. Laveen has become a community that is unique to the city of Phoenix. It is through hard work, dedicated committee members and intense but reasonable negotiations that Laveen has been able to develop with such high standards. It is often that anywhere from four to six, even ten meetings with developers are held as they come forward and try to develop in this community. He feels that the applicant has completely ignored this process. At every community meeting, he was asked to sit and negotiate. Answers and issues were never resolved. He just became aware a few minutes ago that the developer that was supporting this project, the president of the company, just passed away in the past week or so. He just spoke to the vice-president of the company and they have pulled support from this project; pulled it out of escrow. There is no developer for this project.

Chairman Keuth asked Mr. Hertel if he had a letter to that affect, and expressed that was "over the top".

Commissioner Gallegos asked about the crime statistics as they relate to population grown because of the huge percentage change in the numbers.

Ms. Dicken responded that those numbers were not made part of her presentation, but she will make sure the information is given at a later time.

Commissioner Gullett asked those in opposition if they are prepared to live with the undeveloped site if the request is denied.

Ms. Cyd Manning answered for the group that yes, they believe the exposed rock left from the mining site is a unique feature of Laveen.

Commissioner Gallegos asked Mr. Morris to address the issue of the interaction between the neighbors and the lack of coming together by the developer.

Mr. Morris stated that the interaction was limited. It was primarily due to the fact that there was no common ground between the two. At each hearing they were asked to lower the density and accept a different plan. The applicant was not willing to do that. The applicant was at 153 units and in fact, the plan has changed, units have been dropped. The reality is the picture that has been presented. The site can not be used for anything, and the reason for that is there are unexploded materials on this site. They did not come in with this plan to intentionally upset the neighbors of this community. This was and remains, the only way to make this a viable development site. It is an attempt to meet the goals and criteria established by the City for the development of the site.

Commissioner Amery questioned the potential for contamination of adjacent sites, in particular when the project site is being used for dirt biking and other dust causing uses.

Mr. Morris responded that such uses as dirt biking disturb the ground, causing several of the hazardous materials left from the former mining site to become airborne and spread onto adjacent properties.

Commissioner Gullett asked Mr. Morris if they did not have the zoning for the 20 acres, would they continue to move ahead on the 40 acres.

Mr. Morris stated at this time the 40 acre plan is now integrated into the entire 60 acres. The 40 acre plan was a stand-alone plan and was moving forward, that was the intent. It still remains unchanged. There is a commitment to that.

Commissioner Gallegos commented that several of the same Commissioners were here six years ago when the case was heard about the mining permit. She remembers at the time, there was a lot of discussion from the neighboring community about this scarred site, the safety hazard and the blight. The story is much different now, whether it is because the neighbors are different or it is because what is going to happen is what is different. She feels this is a small compensation in regards to the entire project and what she feels is allowable.

Additional discussion among the Commissioners included funding of infrastructure and partial development of the site. Staff suggested an additional stipulation that would address a last minute concern raised by a resident of the developer pulling out of the deal. Specifically the stipulation would allow the City to initiate the reversion of the R-2 zoning if the preliminary site plan is not approved within three years.

Commissioner Gallegos made a MOTION to approve Z-165-06-7 subject to staff stipulations and two additional stipulations

Commissioner Awai SECONDED.

There being no further discussion, Chairman Keuth called for a vote and the MOTION PASSED 7-1 (Gullett) (Shields absent).

* * * *

Stipulations

GENERAL

1. That development shall be in general conformance with the site plan and elevations date-stamped February 20, 2007 as modified by the following stipulations and as approved by the Development Services Department.
2. That development of the R1-18 portion of the site shall not exceed 22 lots.
3. That development of the R-2 portion of the site shall not exceed a density of 7.1 dwelling units per acre.

SITE DESIGN

4. That unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R-2 portions of the site shall be provided as approved by the Development Services Department
5. That no solid wall in excess of three feet in height, as measured from the finished grade, shall be located on the site (either in private lots or common tracts) unless the wall is utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive, as approved by the Development Services Department.
6. That no more than 30,000 square feet of natural turf area shall be located within the common areas of the R-2 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the Development Services Department.
7. That a 75-foot (average), 50-foot (minimum) landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.
8. That a 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the Development Services Department.

9. That those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-18 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the Development Services Department.

DISCLOSURES

10. That 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.

PARKS AND RECREATION

11. That the developer shall dedicate a multi use trail easement and construct a multi use trail, per adopted standards, along the north side of Carver Road as approved by the Parks and Recreation Department.

ARCHAEOLOGY

12. That the applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

STREET TRANSPORTATION

13. That right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue as approved by the Street Transportation Department.
14. That right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road as approved by the Street Transportation Department.
15. That a traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to Development Services Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommend by the traffic impact study shall be installed by the developer as approved by the Development Services Department.
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 Street Transportation Department. 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. This form is a requirement of the EPA to meet clean air quality requirements.
18. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS UTILIZING THE PROVIDED TEMPLATE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND A COPY SHALL BE PROVIDED TO THE DEVELOPMENT SERVICES DEPARTMENT AND PLANNING DEPARTMENT FOR THE CASE FILES.
19. THAT THE R-2 ZONING BE INITIATED FOR REVERSION IF THE PRELIMINARY SITE PLAN IS NOT APPROVED WITHIN THREE (3) YEARS OF ORDINANCE ADOPTION.

Laveen residents **Phil Hertel** and **Steven Klein** stated that the location is appropriate for higher density development.

Committee member **Rasheda Worthy** asked about plans for rental versus owner-occupied communities for this project. Would the applicant consider having owners sign a 2-year agreement that homes will be owner-occupied and not rentals. Mr. **Jellies** stated that the applicant would not want to do that.

Laveen resident **Phil Hertel** stated that the gated aspect of the proposal addresses some of the concern about the potential for crime.

Committee member **Michael Norton** motioned to approve the request with modifications of staff's recommended stipulations and additional stipulations as follows:

1. Stipulation #1 be modified to reflect the revised site plan and landscape plan date stamp.
2. Stipulation #3 be modified to reflect the renumbering of lots along 47th Avenue; Lots 240, 243, 245, 248, 250, and 251 as shown on the revised site plan.
3. Stipulation #7 be deleted and replaced by the following – "That development of Lots 1 through 21 shall not exceed a building height of 20 feet, as approved by the Development Services Department."
4. Stipulation #8 be deleted.
5. That the minimum lot width shall be 30 feet.
6. That any request to modify these stipulations be presented to the Laveen Village Planning Committee prior to Planning Hearing Officer review.

Committee member **Jessica Theobald** seconded the motion. The motion was approved by a vote of 6-1, with Committee member **Lisa Ponzio-Doromal** dissenting; and Committee member **Rasheda Worthy** abstaining.

6. **Presentation, discussion, and possible recommendation on GPA-LV-2-06-7, a request to amend the General Plan Land Use Map from Residential 0-1 du/acre and Parks/ Open Space – Future 0-1 du/acre to Residential 5-10 du/acre on 19.35 acres located at the northwest corner of 35th Avenue and Carver Road. Presentation by Jason Morris, Withey, Anderson & Morris, PLC. The Planning Commission will consider this request May 9, 2007.**

Items #6 and #7 were considered together.

Approximately 60 residents attended the meeting to oppose GPA-LV-2-06-7 and Z-165-06-7, of which 9 spoke for the record citing specific issues related to compatibility, crime, traffic, policy implications, and quality of life.

39 speaker cards were submitted for agenda items #6 and #7. All were opposed to both proposals. For the record, the list of those opposed is as follows:

David Baker	11908 S. 41st Avenue	602-237-2186
Judy Brown	3220 W. Ceton Road	602-237-3242
B. Buehlmann	3026 W. Ceton Drive	602-284-5432
Peter Buehlmann	3026 W. Ceton Drive	602-237-8585
Sophia Combs	4647 W. Gumina	602-237-7667
Michael Craig	10433 S. 27th Avenue	602-323-3935
Christine Dicken	10827 S. 30th Avenue	602-237-4502
Diane Durso	3506 W. Sunburst Lane	602-605-8059
Sal Durso	3506 W. Sunburst	602-605-8059
Gordon Dysthe	11601 S. 28th Avenue	602-237-2525
Janie Dysthe	11601 S. 28th Avenue	602-237-2525
Ruth Franklin	3143 W. Avion Way	602-459-0323
Gary Gentry	2924 W. Cheyenne Drive	602-237-3553
Jeanne Gentry	2924 W. Cheyenne Drive	602-237-3553
Nancy Harris	2910 W. Ceton Drive	602-237-2095
Aurora Hernandez	11218 S. 35th Avenue	602-237-9889
M. Helmkey	11215 S. 27th Drive	602-237-3656
Phil Hertel	3200 W. Broadway	602-276-3200
Lyda Jeurink	2844 W. Cheyenne Drive	602-237-4009
Jon Kimoto	3216 W. Ansell Road	602-237-3138
Steven Klein	6820 S. 66th Avenue	602-237-2965
Roy Kruegel	4427 W. Calle Poco	602-237-2429
Jen Leitch	10109 S. 29th Drive	602-237-1758
Ting Li	10433 S. 27th Avenue	602-323-3935
Cyd Manning	3220 W. Ceton Drive	602-237-3242
Donald Miller	P.O. Box 379, Laveen 85339	602-237-4417
Linda Murphy	3048 S. Spruce Street	602-750-2630
Mike Murphy	3048 S. Spruce Street	602-750-2630
Barbara Nerison	3124 W. Avion Way	602-276-7540
Jim Nerison	3124 W. Avion Way	602-276-7540
Carol Pacey	4332 W. Carson Road	602-237-4668
Tom Russell	10826 S. 29th Avenue	602-506-7848
Barbara Sherman	2530 W. Elliot Road	602-708-2434
Millie Strauss	3007 W. Ceton Drive	602-237-2124

Tom Strong	3002 W. Ceton	602-237-0185
Elizabeth Taylor	1829 W. Lydia Lane	602-243-9882
Jon Taylor	3816 W. Carver Road	602-237-3277
Amy Weibel	11908 S. 41st Avenue	602-237-2186
Stephen Williams	3029 W. Avion Way	602-237-4401

Jason Morris, Withey, Anderson & Morris, presented the request citing the visual blight on the property, the unsafe intersection adjacent to the site, and the costs of extending city services as factors in the request for R-2 on 20 of the site's 60 acres. Mr. **Morris** stated that correction of the off set intersection at Carver Road and 35th Avenue will cost both land and money. The vehicle of payment lies in increasing the density of the proposed project. In order to redevelop 35th Avenue and widen the intersection at Carver Road, the applicant is requesting a density of .56 du/ac for 40 acres of the site, with the eastern 20 acres of the development carrying a density of 7.1 du/ac.

Village Planner **Jordan Feld** reiterated Mr. **Morris'** justifications for the request, noting that the overall project density was around 2.5 dwelling units per acre and that surrounding development was around 1 dwelling unit per acre. All projects represent some type of compromise and this particular request offered major improvements to infrastructure and existing visual blight for the price of 1.5 dwelling units per acre more than what's allowed under existing zoning.

Committee member **Michael Norton** stated the Subcommittee did not support the request, as it was too dense and obviously inconsistent with neighborhood goals for the property.

Chairman **Luke Schlosser** and Committee member **Wes Lines** also expressed disappointment in the request and the applicant's unwillingness to compromise.

Committee member **Wes Lines** asked if other site plans had been done, perhaps with fewer lots, and stated that he didn't feel the applicant has really tried to work with the community, but rather has decided that this density is what he wants to build, so that is that.

Mr. **Morris** stated that the baseline cost of redevelopment of the mining site is prohibitive, which is a large part of the reason density on the developed portion of the site is so high, to finance redevelopment of the mine site.

Laveen resident **Cyd Manning** distributed copies of a 15-page document entitled, "NWC 35th Avenue & Ceton Drive Alternative View" to the Committee, presenting the community's desired site plan and stipulations. Ms. **Manning**

stated that a GPA is not needed and that the community asks the Committee to deny both the GPA and the rezoning requests put forth by the applicant.

For the record, the text of the "NWC 35th Avenue & Ceton Drive Alternative View" follows below:

**LVPC DAR & LVPC
GPA-LV-2-06-7 and Z-165-06-7
NWC 35th Avenue & Ceton Drive
Alternative View**

**Presented by Cyd Manning
April 4 & 9, 2007**

GPA-LV-2-06-7

- **The vision of the General Plan (GP) states:**
"Phoenix will remain a large and growing City with a dynamic stable economy. The City adapts and preserves its Sonoran Desert environment and preserves and promotes its diverse cultural heritage, job opportunities and lifestyle choices. Strong public involvement will preserve a sense of community."
- **Elements of the GP vision include:**
"Managed growth that promotes quality of life and minimizes negative impacts;"
"Neighborhood stability that is consistently maintained, with identity and cohesiveness;"
- **"Use elements within the GP include:**
"...protect residents from incompatible land uses."
"...ensure that new development in or adjacent to neighborhoods is compatible."
"...retain and enhance the unique character of each urban village."
- **Laveen community work in 1987 & 1998 on the General Plan generated these specific comments:**
Do not want high density on the south side of South Mountain Park
 - **Limits access to South Mountain Park**
 - **Cuts off existing topography and drainage****Wants low density on the north side of South Mountain Park north to the Carver Foothills to avoid these issues**
- **The primary reason developers propose high density projects:**
\$\$ - totally un-related to land use principles specified in the General Plan and design guidelines
Aesthetics -not the sole reason to approve a project
- **This General Plan Amendment request should be denied:**
Residential 5-10 du/acre on 19.35 acres is NOT even closely compatible with the GP classification of the area (Residential 0-1 and Parks/Open Space)
Not an effective transition between the existing, abutting areas
Not compatible with land use elements specified in the General Plan
The developer has other density options without applying for a GPA
- **Application Procedures for General Plan Text, Land Use and Street Classification Map Amendments:**
 - **"The value of any plan depends on its stability and predictability. Both the business community and the general population of Phoenix benefit from clear guidelines to direct and protect investments"**

- ***This GPA request must consider impact on:***
 - *Effect on the village concept of greater intensity in cores – doesn't comply*
 - *Impact on village land use and character – negative impact*
 - *Availability for other sites for the use proposed – other options exist*
 - *Alternate uses for the site – alternative proposal presented*
 - *Traffic generation in the larger area – large, negative impact*
 - *Effect on recreation and open space, schools and infrastructure availability – large, negative impact*
 - *Drainage, topography, air and water quality impacts – negative impact*

Request denial of this GPA application

Z-165-06-7

- ***Zoning request for R2 does not:***
 - Concentrate intensity in village cores***
 - Consider the zoning history of the site and adjacent parcels***
 - ***It will seriously compromise the rural heritage and large lot homes that is the character of Laveen***
 - Consider the proposal's relationship to surrounding land uses and zoning patterns***
 - ***It does not reflect the lot size and quality of surrounding development***
 - Consider the impacts of traffic, height, environment, character and lifestyle***
 - ***It will create undesirable traffic congestion and light pollution***
- ***High density in this area will not attract the type of income bracket/tax base that will improve our community***
- ***Several alternatives for high density housing already exist in Laveen and the surrounding area***

Request denial of this re-zoning application as filed & support of our alternative plan

Alternative Plan to Z-165-06-7

- ***Meets the requirement, spirit and intent of the General Plan***
- ***Embellishes the heritage of the community***
- ***Ensures higher revenues per home***
- ***Increases tax base for the City of Phoenix***
- ***Reflects the historical/current zoning and existing development of the surrounding area***

* * *

Laveen resident **Phil Hertel** stated that the applicant has heard the same concerns and arguments from the community month after month and asked that the Committee continue, rather than deny, both cases to allow the applicant time to consider the alternative site plan proposed by the community. Mr. **Hertel** asked that the applicant return with a new site plan that could justify the request

as the current site plan does not. Mr. **Hertel** also submitted a prepared list of suggested items for the applicant to work on in the event of a continuance of items #6 and #7 for the record as follows:

Z-165-06-7

There should be a motion to continue this case to allow time for the applicant to address the following issues,

The applicant should also seriously consider the alternate site plan offered by the community as a foundation to generate a new site plan to replace the higher density twenty acres of the current application, AND, OR

- a) *That the minimum lot size be 18,000 square feet and that there be a maximum of 10 of those lots.*
- b) *That there be no more than 10 lots of 24,000 square feet.*
- c) *That the minimum lots size beyond those 20 be 35,000 square feet or larger.*
- d) *That no lots of less than 35,000 square feet be located on the perimeter of the development.*
- e) *That the lot line setback along 35th Avenue be a minimum of 75 feet. (not an average of 75 feet as the City has proposed).*
- f) *That the developer provide a detailed plan to treat the scar with stains or other materials to blend the scar into the mountainside to mitigate the visual impact.*
- g) *That the developer meet with the community and community driven committees to open dialog to address neighborhood concerns and issues.*
- h) *That the plan be revised to eliminate roads, streets, and driveways that go over the peak of Carver Mountain.*
- i) *That the developer come back with a new site plan to justify the request of a GPA. If the request is justifiable, then and only then would a GPA be considered.*

The community, community groups, neighbors, and the concerned public have all expressed a desire to try to work this case out and create an acceptable solution to the opposition. We would urge the applicant to work in good faith and make every reasonable effort to create a plan that is more consistent with the area.

* * *

Laveen resident **Steven Klein** stated that 35th Avenue was never intended to be an arterial. Mr. **Klein** asked the Committee to deny both the GPA and the rezoning requests, adding that the city is not obliged to provide financial incentives to developers to rehabilitate their real estate investments.

Laveen resident **Jon Taylor** stated that he believes that the applicant paid \$225,000 per acre for the quarry. Mr. **Taylor** stated that the applicant needs to investigate what density the sewer system can support and suggested that a fire station should be put right in the pit to ensure services were available.

Laveen resident **Roy Kruegel** stated that because there is no infrastructure in place to support the proposed density and only two through routes in and out of Laveen, approval of this proposal would only make a challenging situation in this area even worse and would not be in the best interests of the community. Infrastructure **must** be in place before anything is built; highways, police substations, water and sewer.

Laveen resident **Christine Dicken** stated that the city needs to look at the overall picture as it develops, rather than considering proposals only on a case-by-case basis. None of these projects go up in isolation. Ms. **Dicken** asked the Committee to deny both the GPA and zoning requests, and encouraged members of the community to call, write and email Mayor **Gordon** and Councilman **Lingner** and to keep showing up. Ms. **Dicken** also complimented the Mayor's office for taking a special interest in the community's concerns.

Laveen resident **Ruth Franklin** stated that she moved out to Laveen specifically because of the 1 house per acre zoning. Approval of the applicant's proposal would mean going from 1 du/ac to 7 du/ac, where is the transition in that? Further, what kind of precedent would that set? Laveen is a community that is based on seeking the lifestyle that accompanies the density of 1 du/ac. To change that to accommodate the applicant's request would be totally unfair to the community.

Laveen resident **Sophia Combs** noted that less than a year ago the VPC requested the Planning Commission to downzone properties, in the vicinity of the site, with existing multi-family entitlements

Chairman **Schlosser** closed public testimony.

Committee member **Michael Norton** motioned to deny the GPA request as filed. Committee member Wes Lines seconded the motion. The motion to deny passed unanimously by a vote of 8 to 0.

7. Presentation and discussion regarding **Z-165-06-7**, a request to rezone 59 acres, located at the northwest corner of 35th Avenue and Carver Road from S-1 to RE-35 and R-2, to allow the development of single and multi family residential. Presentation by Jason Morris, Withey, Anderson & Morris, PLC. The Planning Commission will consider this request May 9, 2007.

Items #6 and #7 were considered together.

Committee member **Michael Norton** made a motion to deny as filed, and approve R1-18, on the entire 60-acre site, with staff's recommended stipulations #10 - #17 and one additional stipulation as follows:

1. That a site plan for the entire 60 acre site be reviewed by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval.

Committee member **Jessica Theobald** seconded the motion. The motion passed unanimously by a vote of 8 to 0.

8. Future Agenda Items:

- A. Policy Subcommittee Update
- B. GPA-1-07 (Citywide Trails Map Amendment)
- C. GPA-LV-1-07-7 (swc 51st Avenue and Baseline Road)
- D. Z-23-07-7 (swc 51st Avenue and Baseline Road)
- E. Z-25-07-7 (nec 43rd Avenue and Baseline Road)
- F. Z-27-07-7 (sec 35th Avenue and Ceton Drive)
- G. Z-SP-32-06-7 (Cesar Chavez High School)

9. Adjournment.

Chairman **Schlosser** adjourned the meeting at 8:59 pm.

The next meeting of the Laveen Village Planning Committee is scheduled for Monday, May 14, 2007.