



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### ADDENDUM A

Staff Report: PHO-1-19--Z-165-06-7(8)

June 25, 2020

- LOCATION:** Northwest corner of 35th Avenue and Carver Road
- APPLICANT:** Jennifer Hall, Rose Law Group
- REPRESENTATIVE:** Tom Galvin, Rose Law Group
- OWNER:** Virtua 35th, LLC
- REQUEST:**
- 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007.
  - 2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.
  - 3) Deletion of Stipulation 19 regarding conditional development approval.
  - 4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.
  - 5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.
  - 6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.
  - 7) Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.
  - 8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.
  - 9) Modification of original Stipulation 3 (proposed Stipulation 5) regarding maximum number of lots in the R1-8 portion of the site.
- STAFF RECOMMENDATION:** Approval, per the Planning Commission recommendation with a modification.

On January 13, 2020, the Laveen Village Planning Committee recommended denial of the request by an 11 to 0 vote. Their motion also included a request that the Planning Hearing Officer (PHO) recommend to the Planning Commission to initiate a zoning reversion for the site.

On January 15, 2020, the PHO took this case under advisement. On February 13, 2020, the PHO took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

On May 7, 2020, the Planning Commission continued the request to the June 4, 2020 Planning Commission hearing by an 8 to 0 vote. The continuance was granted to allow the applicant to work on a compromise with the community.

The applicant met with community members and revised their plan from 92 lots as shown on the site plan date stamped November 21, 2019 to 63 lots as shown on the site plan date stamped May 26, 2020. The changes on the revised site plan required modifications to the stipulations recommended by the PHO.

A staff memo was issued prior to the Planning Commission hearing that addressed the revised site plan and recommended modifications to Stipulation No. 1 regarding general conformance to a site plan and Stipulation No. 47 regarding specific lots to be limited to a maximum of 20 feet in height. The modification to Stipulation No. 1 requires that the R1-8 portion of the development be in general conformance with the revised site plan date stamped May 26, 2020. The modification to Stipulation No. 47 updates the specific lot numbers that are to be limited to 20 feet in height.

On June 7, 2020, the Planning Commission recommended approval, per the staff memo dated June 4, 2020 with a modified stipulation by an 8 to 0 vote. Commissioner Busching, who made the motion, also directed the applicant to modify the application prior to the City Council meeting to modify Stipulation No. 5 (originally Stipulation No. 3) to reflect the number of lots on the revised site plan. Her motion included a modification to Stipulation No. 6 to reduce the useable open space from 12 percent (which was recommended by the PHO) to 8 percent to reflect the open space provided on the revised site plan.

The applicant has revised their application to modify Stipulation No. 5 (originally No. 3) as directed by the Planning Commission. The stipulation currently limits the number of units on the R1-8 portion of the site to 99 lots. The applicant is now requesting to modify the stipulation to limit the number of lots to 63 to be consistent with their revised site plan.

Staff is supportive of this modification and recommends approval of the PHO request per the Planning Commission recommendation with the modification as requested by the applicant. The stipulations below reflect the revised staff recommendation.

## STIPULATIONS

### 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.~~

1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:

A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. THE R1-18 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 APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~2.~~ 4. That development of the R1-18 portion of the site shall not exceed 22 lots.

~~3.~~ 5. That development of the R1-8 portion of the site shall not exceed a density of ~~99~~ **63** lots.

6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 12.8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

#### Site Design

- ~~4.~~ 7. ~~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 PLANNING AND Development Services Department.
- ~~5.~~ 8. ~~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 PLANNING AND Development Services Department.
  - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
  - b. Retaining wall.
- ~~6.~~ 9. ~~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 PLANNING AND Development Services Department.
- ~~7.~~ 10. ~~That~~ a 235-foot (average), 200-foot (minimum) THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE adjacent to 35th Avenue shall be provided, as approved by the PLANNING AND Development Services Department.
- ~~8.~~ 11. ~~That~~ a 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development Services Department.
- ~~9.~~ 12. ~~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 PLANNING AND 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.
- 13.
14. 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 AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

## Parks and Recreation

- ~~14. 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.
- 15.

## 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.
- 16.
17. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
18. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.

19. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

#### Street Transportation

- ~~13.~~ ~~That r~~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.
- 20.
- ~~14.~~ ~~That r~~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.
- 21.
22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- ~~15.~~ ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND 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 PLANNING AND Development ~~Services~~ Department.
- 24.
- ~~16.~~ ~~That t~~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.
- 25.
- ~~17.~~ ~~That t~~The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation
- 26.

Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.

- ~~18.~~ ~~That p~~Prior to preliminary site plan approval, the landowner shall execute a  
27. 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 PLANNING AND Development ~~Services~~ Department for the case files.
- ~~19.~~ ~~That approval shall be conditional upon the 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 the building walls on site.~~

#### Neighborhood

- ~~20.~~ ~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and  
28. treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~21.~~ ~~That a~~All two story homes, within the R1-18 portion of the site, shall be  
29. 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 does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~22.~~ ~~That c~~Concrete channels shall be designed to look natural in the desert setting  
30. through color, texture, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~23.~~ ~~That t~~The use of riprap and engineered culverts shall be minimized and, where  
31. utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND 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 w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall  
32. 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 PLANNING AND Development ~~Services~~ Department.
- ~~25.~~ ~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be  
33. designed with obtuse angles, rather than right angles or acute angles, as

approved by the PLANNING AND Development ~~Services~~ Department.

~~26.~~ ~~That o~~On non-hillside lots within the R1-18 portion of the development, all  
34. 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 PLANNING AND Development ~~Services~~ Department.

~~27.~~ ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed  
35. along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be 8 feet tall, minimum,~~ and shall be PLANTED ~~planted~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center,~~ as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~28.~~ ~~That s~~Solid block walls, except for retaining walls or privacy fencing on  
36. individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND 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 t~~The entire 60-acre site shall have no perimeter fencing, as approved by  
37. the PLANNING AND Development ~~Services~~ Department.

~~30.~~ ~~That p~~Private roadways within the R1-18 portion of the site shall be provided  
38. with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.

~~31.~~ ~~That private roadways within the R1-8 portion of the site shall be provided with~~  
39. ~~a raised, vertical curb, as approved by the Development Services Department.~~

~~32.~~ ~~That a~~All HVAC units shall be ground mounted.  
40.

~~33.~~ ~~That a~~All street lighting and wall mounted security fixtures shall be full cut off  
41. 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 PLANNING AND Development ~~Services~~ Department.



- ~~34.~~ ~~That b~~ Bollards shall be used for accent lighting at the primary access, entry  
42. monument, driveways, and trail crossings, as approved by the PLANNING  
AND Development ~~Services~~ Department. Photovoltaic energy sources for  
bollard lighting shall be provided.
- ~~35.~~ ~~That a~~ Any request to delete or modify these stipulations SHALL be preceded  
43. by A 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~~ 2845 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
- ~~36.~~ ~~That t~~ The following individuals shall be notified of any and all PLANNING AND  
44. 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~~ 2845 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
- ~~37.~~ ~~That a~~ All sidewalks, within the R1-8 portion of the site, WHICH ARE  
45. DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR  
PRIVATE ACCESSWAYS 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 IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND 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  
46. 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 PLANNING AND Development Services Department.
- ~~39.~~ That only one-story homes shall be located along 35th Avenue.  
47. LOTS ~~52-61 AND 82-83~~ 1-7, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- ~~40.~~ That a detailed site plan, landscaping plan, elevations, perimeter fence or  
48. 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 PLANNING AND Development Services Department.

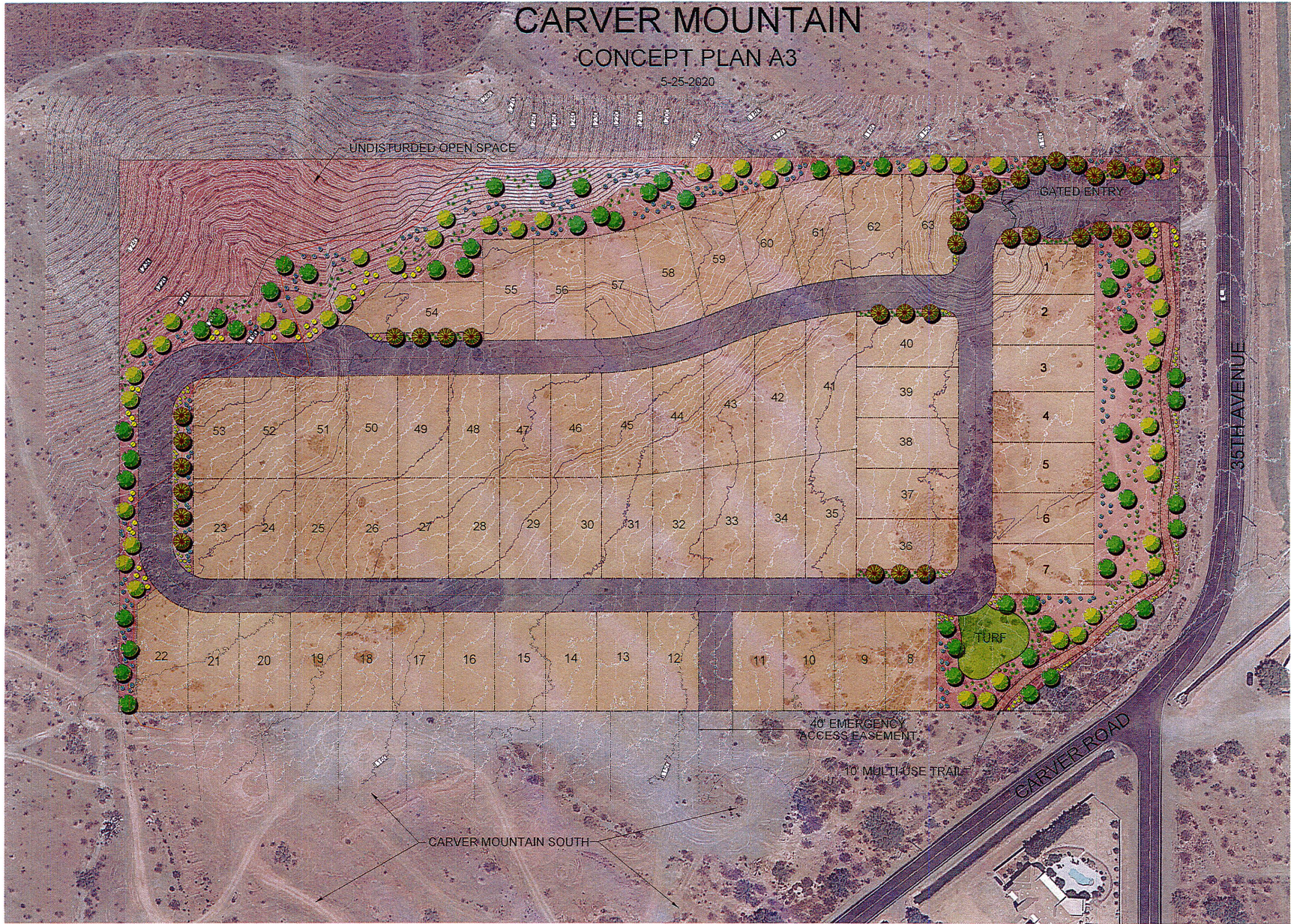
**Exhibit**

Site Plan date stamped May 26, 2020

# CARVER MOUNTAIN

## CONCEPT PLAN A3

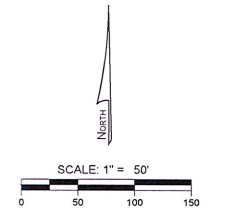
5-25-2020



CITY OF PHOENIX

MAY 26 2020

Planning & Development  
Department



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