



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-55-22-8**  
**December 8, 2022**

**Laveen [Village Planning Committee](#) Meeting Date:** December 12, 2022

**[Planning Commission](#) Hearing Date:** January 5, 2023

**Request From:** [R1-18](#) (Single-Family Residence) (36.64 acres) and [R1-8](#) (Single-Family Residence) (19.35 acres)

**Request To:** [R1-18 Hillside DNS/WVR](#) (Single-Family Residence, Hillside Density Waiver) (58.99 acres)

**Proposed Use:** Single-family residential with a hillside density waiver

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

**Owner/Applicant:** Virtua 35th, LLC, Felipe Zubia

**Representative:** Kurt Waldier, Beus Gilbert McGroder, PLLC

**Staff Recommendation:** Approval, subject to stipulations

<b><a href="#">General Plan Conformity</a></b>	
<b><a href="#">General Plan Land Use Map Designation</a></b>	<p>Current: Residential 0 to 1 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre and Parks/Open Space – Future 1 dwelling unit per acre</p> <p>Proposed (GPA-LV-2-22-8): Residential 1 to 2 dwelling units per acre</p> <p>Staff Recommended (GPA-LV-2-22-8): Residential 1 to 2 dwelling units per acre and Mixed Use (Parks/Open Space – Future 1 dwelling unit per acre/Residential 1 to 2 dwelling units per acre)</p>

<u>Street Map Classification</u>	35th Avenue	Arterial Scenic Drive	Varies from 33-foot to 50-foot west half street
	Carver Road	Local Street	Varies, 35 to 56.6-foot northwest half street

***CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; DESIGN PRINCIPLE: Promote neighborhood identity through planning that reinforces the existing landscaping and character of the area. Each new development should contribute to the character identified for the village.***

As stipulated, the development will promote neighborhood identity by incorporating density and building height limitations, landscape enhancements, and large perimeter lots, among other enhancements. These will also promote the agrarian character of the area and vision of the Laveen Southwest Growth Study.

***CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.***

The proposal for a single-family detached residential community would allow development of a housing product that is consistent with other single-family uses in the area. As stipulated, the development will incorporate wide perimeter lots, enhanced landscaping and height restrictions, which will also help to provide a transition from the proposed development to adjacent residential properties and to respect local conditions.

***BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.***

The proposal will be required to provide shade along the adjacent public sidewalks and pedestrian pathways located within or adjacent to development. This will help to encourage walking and to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the project vicinity. Furthermore, a large portion of the site will remain undeveloped open space.

<b>Applicable Plans, Overlays, and Initiatives</b>
<a href="#"><u>Laveen Southwest Growth Study</u></a> : See Background Item No. 4.
<a href="#"><u>Tree and Shade Master Plan</u></a> : See Background Item No. 10.
<a href="#"><u>Complete Streets Guidelines</u></a> : See Background Item No. 11.
<a href="#"><u>Monarch Butterfly</u></a> : See Background Item No. 12.
<a href="#"><u>Zero Waste PHX</u></a> : See Background Item No. 13.
<a href="#"><u>Housing Phoenix</u></a> : See Background Item No. 14.

<b>Surrounding Land Uses and Zoning</b>		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant	R1-8 and R1-18
<b>North</b>	Single-family residential and vacant	R1-18 and S-1
<b>South</b>	Vacant	R1-18
<b>East (across 35th Avenue and Carver Road)</b>	Agricultural and large-lot single-family residential	RE-35 and R1-18 RUPD (Unincorporated Maricopa County)
<b>West</b>	Single-family residential and vacant	RU-43 (Unincorporated Maricopa County)

<b>R1-18 Hillside DNS/WVR – Single-Family Residential, Hillside Density Waiver (Planned Residential Development Option)</b>		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the proposed site plan</u>
Gross Acreage	-	58.99 acres
Total Maximum Number of Units	121 units, up to 138 with bonus	65 units (Met)
Maximum Density	2.05 dwelling units per acre, up to 2.34 with bonus	1.10 dwelling units per acre

<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the proposed site plan</u>
Minimum Lot Width	None	50 feet (Met)
Minimum Lot Depth	None	110 feet (Met)
Maximum Building Height	2 stories and 30 feet	Not specified**
Maximum Lot Coverage	25 percent, up to 30 percent including attached shade structures	Not specified*
<b>MINIMUM BUILDING SETBACKS</b>		
Perimeter Streets: (35th Avenue and Carver Road)	20 feet	35th Avenue: 80 feet (Met) Carver Road: 50 feet (Met)
Interior Perimeter Property Lines: (Side and Rear)	15 feet	Not specified*
<b>MINIMUM LANDSCAPE SETBACKS AND STANDARDS</b>		
Adjacent to street (35th Avenue and Carver Road)	20 feet	35th Avenue: 80 feet (Met) Carver Road: 50 feet (Met)
Minimum Common Area	5% of gross site area	63.4% (Met)

\*Variance or site plan revision required.

\*\*Staff recommends Stipulation No. 5 to limit the maximum building height in the development to one story and 20 feet within 100 feet of a perimeter street or two stories and 30 feet, depending on the location of the lot.

### **Background/Issues/Analysis**

#### SUBJECT SITE

1. This request is to rezone 58.99 acres located at the northwest corner of 35th Avenue and Carver Road from R1-18 (Single-Family Residence) and R1-8 (Single-Family Residence) to R1-18 Hillside DNS/WVR (Single-Family Residence, Hillside Density Waiver) for single-family residential.

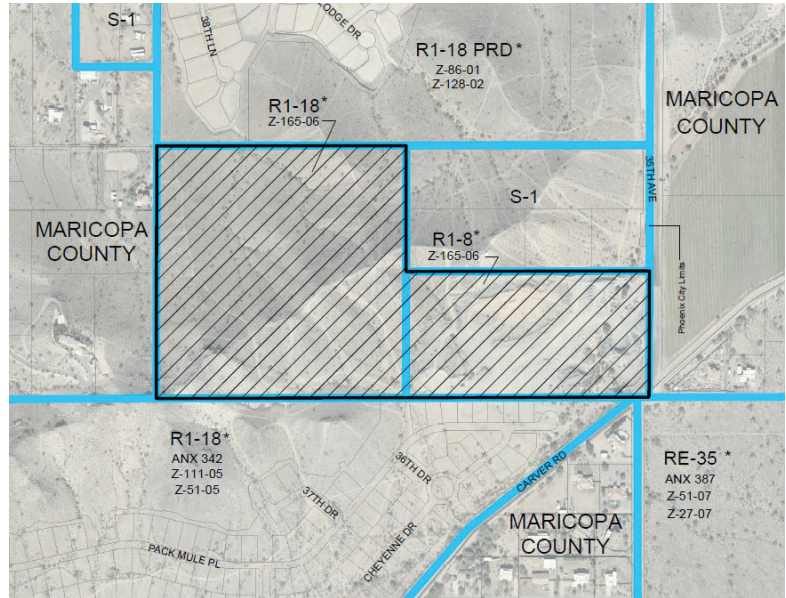
### SURROUNDING LAND USES AND ZONING

- The surrounding area contains a variety of agricultural and residential zoning districts including S-1 (Ranch or Farm Residence), RE-35 (Single-Family Residence), and R1-18 (Single-Family Residence). Properties north of the site are zoned S-1 and R1-18. A similar residential subdivision is located along the northern most property line.

The property south of the site is zoned R1-18, approved for a similar residential subdivision.

Southeast of the site, across Carver Road, is vacant land zoned RE-35. West, across 35th Avenue is vacant land located in Unincorporated Maricopa County and zoned R1-18 RUPD.

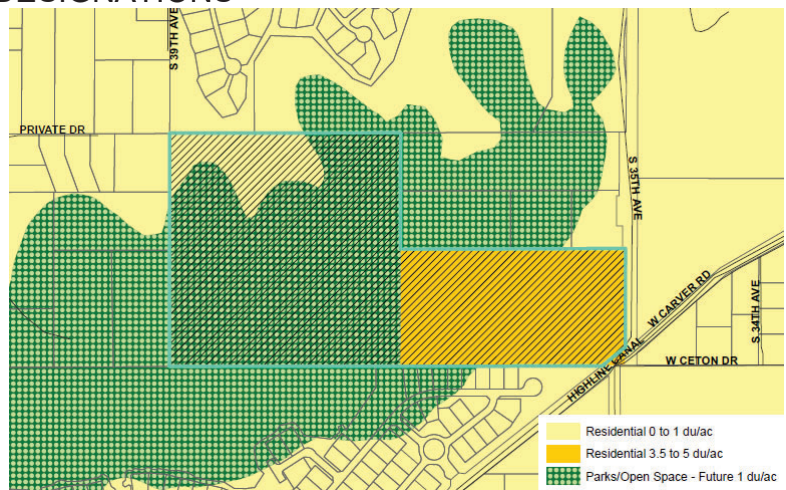
West of the site is land zoned RU-43 located in Unincorporated Maricopa County.



Zoning Aerial Map, Source: Planning and Development Department

### GENERAL PLAN LAND USE MAP DESIGNATIONS

- The General Plan Land Use Map designation for the subject site is Residential 0 to 1 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre, and Parks/Open Space – Future 1 dwelling unit per acre which is not consistent with the proposed R1-18 Hillside DNS/WVR zoning district. Thus, a concurrent Minor General Plan Amendment case GPA-LV-2-22-8 proposes to change the land use map designation to Residential 1 to 2 dwelling



General Plan Land Use Map, Source: Planning and Development Department

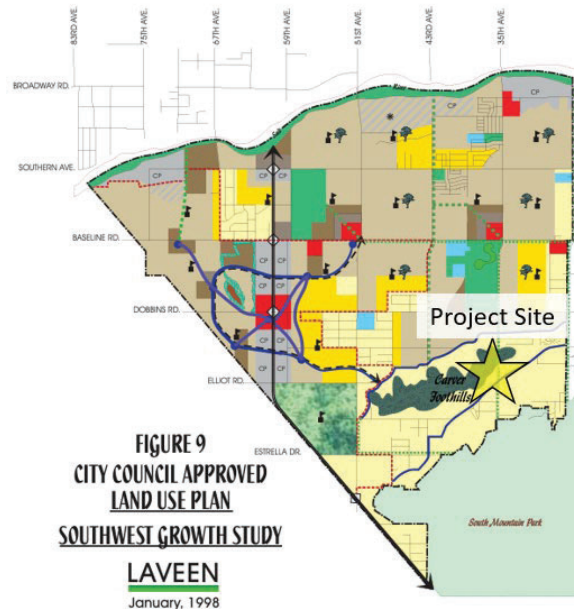


units per acre. However, staff recommends a land use map designation of Residential 1 to 2 dwelling units per acre / Mixed Use (Residential 0 to 1 dwelling units per acre and Parks/Open Space – Future 1 dwelling unit per acre). North, south, and west of the site is designated as Residential 1 to 2 dwelling units per acre and Parks/Open Space – Future 1 dwelling units per acre. East of the site is designated Residential 0 to 1 dwelling units per acre.

4. **Laveen Southwest Growth Study**

The site is located within the boundaries of the Laveen Southwest Growth Study, which was developed in 1997 to analyze the existing conditions of the Laveen Village. It provides a land use and design planning framework to help shape the growth in Laveen, while accounting for newly annexed farmland as well as the future development of the South Mountain Freeway Loop, which has since been completed.

This plan designates the project as Residential 0 to 1 dwelling units per acre, thus not consistent with the Laveen Southwest Growth Study Land Use Plan.



LEGEND	
0-1 DU/ACRE	PARKS/OPEN SPACE
0-2 DU/ACRE	CONSERVATION COMMUNITY
2-5 DU/ACRE	SCHOOL
5-10 DU/ACRE	WATER COURSE/MULTI-USE TRAIL
10-15 DU/ACRE	PARKWAY
COMMERCIAL	PLANNED COMMUNITY
COMMERCE PARK	MULTI-USE TRAIL
PUBLIC/QUASI-PUBLIC	Existing Sand & Gravel to transition to Residential
HILLSIDE	OPEN SPACE FEATURE

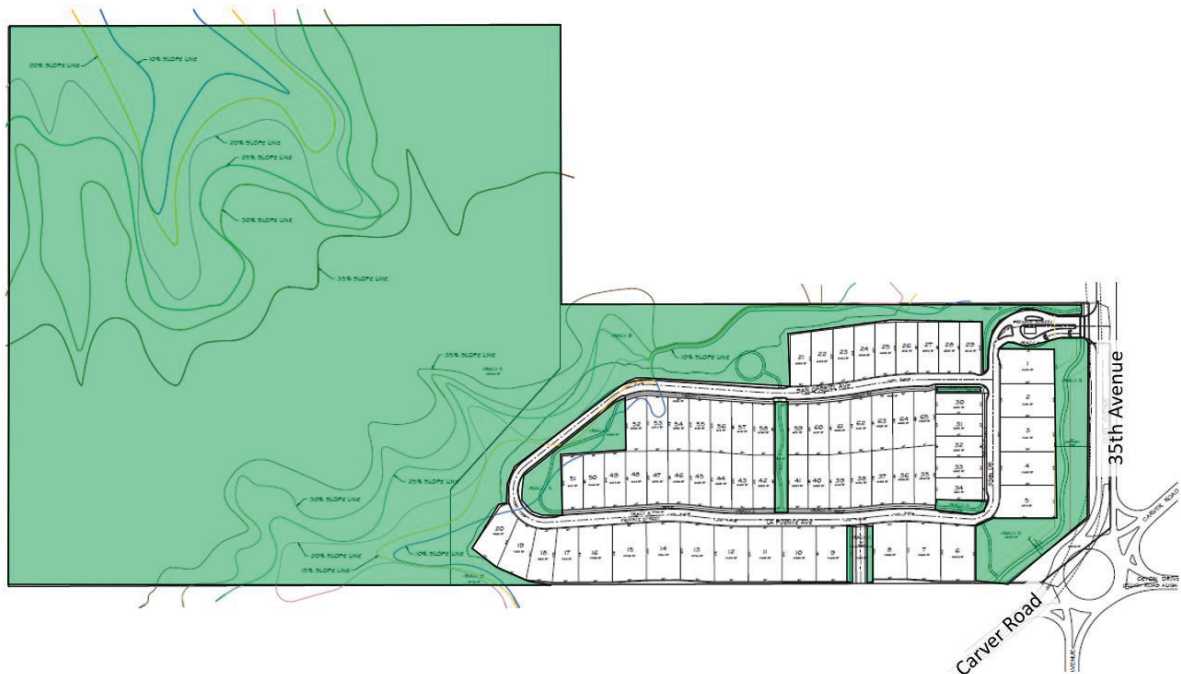
\* See current adopted General Plan for revised land use plan.

Laveen Southwest Growth Study,  
 Source: Planning and Development Department

However, the proposal is consistent with development patterns in the area and as stipulated, incorporates several elements from the study to promote the character of the area.

**PROPOSAL**

- The proposal is to develop a 65-lot, single-family detached residential subdivision with a street access point along 35th Avenue. A density of 1.10 dwelling units per acre is depicted in the proposed site plan, which also depicts a variety of lot widths ranging from 50 feet to 80 feet in width.



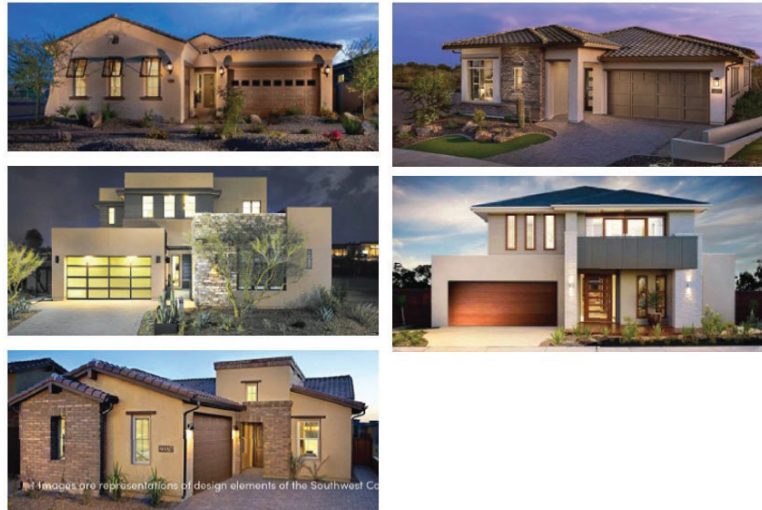
Conceptual Site Plan with Planning and Development Department annotations,  
Source: Land Development Engineering, LLC.

Conformance to the conceptual site plan provided by the applicant is not recommended by staff given that a technical hillside review is required for the hillside portion of the site at the time of site plan review in accordance with [Section 710](#) of the Zoning Ordinance. However, staff recommends several stipulations to ensure that:

- The number of lots is limited to a maximum of 65 lots (Stipulation No. 1);
- A minimum lot size of 6,000 square feet in size (Stipulation No. 2);
- A minimum side building setback of 3 feet and 13 feet total for both sides (Stipulation No. 3);
- No access shall be provided along 39th Avenue (Stipulation No. 4);
- Building heights do not exceed 2 stories and 30 feet, except structures within 100 feet from perimeter streets shall not exceed 1 story and 20 feet (Stipulation No. 5);
- Eighty-foot-wide perimeter lots are provided along the south and east (Stipulation No. 6);
- Eighty-foot-wide landscape setback is provided along 35th Avenue (Stipulation No. 7);
- Fifty-foot-wide landscape setback is provided along Carver Road (Stipulation No. 8); and

- A minimum of three usable or improved open space areas are provided within the development for future resident use (Stipulation No. 13).

6. No conceptual building elevations were submitted by the applicant, but renderings of housing design elements envisioned on this site were submitted. These renderings depict a variety of architectural styles, with various colors and textures proposed. These renderings also show one and two-story housing products.



Conceptual Building Renderings, Source: Not specified

Staff does not recommend conformance to these building renderings, as details of building materials and other design elements were not included. However, staff recommends that all lots, including 80-foot-wide lots, be subject to the Single-Family Design Review standards outlined in [Section 507 Tab.A. II.](#) of the Zoning Ordinance to ensure that various elements are included in the building elevations. Furthermore, staff recommends that the Planning Hearing Officer review and administratively approve the building elevations prior to final site plan approval, to ensure that various materials, colors, and textures are incorporated into the building elevations. These are addressed in Stipulation Nos. 12 and 13.

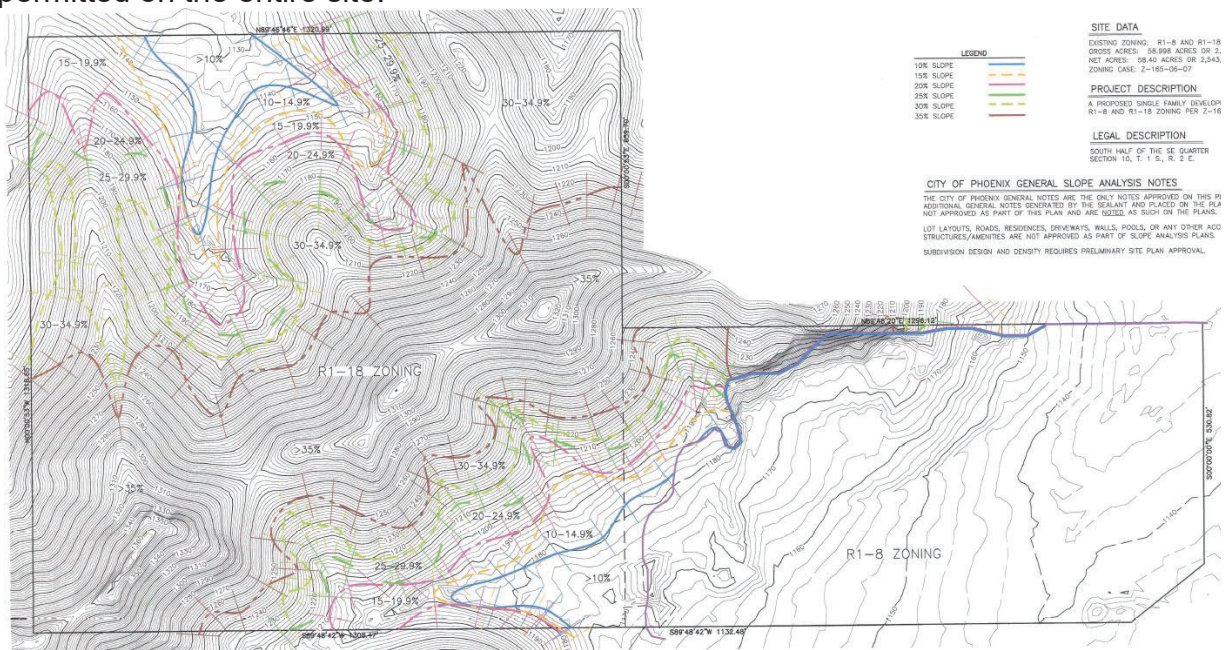
#### HILLSIDE REQUIREMENTS

7. Properties (or portions thereof) that have a slope of 10 percent or greater are subject to the Hillside Development standards outlined in [Section 710](#) of the Phoenix Zoning Ordinance. These regulations are intended to preserve the visual integrity and character of hillside areas, while allowing reasonable development which is both safe and functional.

A significant portion of the property (approximately 38 acres) is designated as a hillside area, which has more restrictive density limitations than non-hillside portions of the site. Although, the R1-18 zoning district allows a density of 2.05 dwelling units per acre, up to 2.34 units per acre with bonus points, the hillside requirements would limit the density to a range of 0.20 to 1.80 dwelling units per acre depending on the slope of the terrain.



The proposal involves a request to waive the density requirements on the hillside portion of the site to allow an additional 8 lots for a total of 65 lots or 1.10 dwelling units per acre. Without a Hillside Density Waiver, approximately 57 lots would be permitted on the entire site.



Approved 2019 Slope Analysis, Source: Clouse Engineering Inc.

Waivers to the density provisions may be requested and considered by the Planning Commission and City Council where such waivers would be in furtherance of the purposes of the Hillside Ordinance and where there exist unusual conditions relating to the property such as drainage or flood hazards, peculiarity of the size or shape of the site, or geology, and where approval of the waivers would promote the general welfare of the neighborhood.

Upon review of the application materials, staff finds that a hillside density waiver is appropriate on this site given that a significant portion of the site is undisturbed hillside area, which the applicant proposes to protect. Furthermore, the applicant proposes to shift the additional lots requested via the Hillside Density Waiver from the higher slopes to the lower slopes of the property to protect the integrity of the area, including views to the mountain from adjacent properties.

Additionally, staff recommends Stipulation No. 15 to require that a minimum of 37 acres be maintained as undeveloped open space to provide an additional protection and ensure that a large portion of the hillside will remain undisturbed. A technical review of the site plan will be required to address Hillside requirements including those in Zoning Ordinance Section 507.Tab. A., Section 710 and Section 32-32 of

the City Code during the Site Plan review process.

8. Staff recommends various perimeter enhancements such as larger trees, entryway landscaping and paving to provide screening of this development and keep the natural feel of the area. Entryway enhancements help accentuate the entry to the development along 35th Avenue, a Scenic Arterial Street. These are addressed in Stipulation Nos. 9 and 11.
9. The conceptual site plan also depicts various open space areas distributed throughout the development for future residents to enjoy. Staff is recommending Stipulation Nos. 14 and 16 to ensure that a minimum of three usable open space areas are provided in the development, in addition to a minimum of four amenities, which will promote the health of future residents by providing recreational opportunities, allowing the enjoyment of sunlight, and having a communal space that enables social interactions.

#### STUDIES AND POLICIES

10. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Staff is recommending several stipulations designed to provide trees and enhance shade within the development.

Staff is recommending stipulations for enhanced landscaping and shaded sidewalks along the perimeter property lines as follows:

- Sixty-percent two-inch caliper and 40-percent three-inch caliper trees within the required landscape setbacks (Stipulation No. 9);
- Shaded detached sidewalks along internal streets via minimum 2-inch caliper trees planted between the back of curb and sidewalk (Stipulation No. 19);

The sidewalk along 35th Avenue is required to be detached as permitted by the Maricopa County Department of Transportation (MCDOT) per Stipulation No. 20, and is encouraged to be shaded per MCDOT requirements.

11. **Complete Streets Guidelines**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an

accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. This development will help to pedestrianize 35th Avenue and internal streets by providing shaded detached sidewalks and providing a pedestrian connection to 35th Avenue via the primary entrance and another to Carver Road. Furthermore, the development immediately south of the subject site is required to provide a connection to this proposed development. Staff recommends that the developers of both projects coordinate the street connection to allow vehicles and pedestrians to connect between both projects.

This development will also be constructing a multi-use trail plus dedicating a multi-use trail easement along 35th Avenue and Carver Road to promote recreation in the area. This development will construct a segment of an existing trail alignment that will help to link other parts of the Laveen Village in the future.

All of the above elements are addressed in Stipulation Nos. 17 through 21.

12. **[Monarch Butterfly](#)**

In April 2021, Mayor Kate Gallego signed the [National Wildlife Federation's Mayor's Monarch Pledge](#). This pledge commits the city to take action to support the monarch butterfly population. In the United States, loss of milkweed habitat is a major factor in the decline of the monarchs. Arizona has at least 29 species of milkweed native to the state. Adult monarchs feed on the nectar of many flowers, but they breed only where milkweeds are found. To support the monarch butterfly population, Stipulation No. 10 addresses the planting of milkweed shrubs, or other native nectar plant species, on the subject site.

13. **[Zero Waste PHX](#)**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The City of Phoenix offers recycling containers on residential properties.

14. **[Housing Phoenix](#)**

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing

units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant land in a more sustainable fashion.

Stipulation No. 1 would allow the developer to construct up to 65 single-family detached homes. If this development is approved, it would allow further diversity in housing products within the area and new housing choice for existing and new residents.

#### COMMUNITY INPUT SUMMARY

15. To date, staff has received 8 letters of support on this project from community members. The letters of support reference the proposed density and open space, plus voluntary deed restrictions as a positive aspect of this development.

#### INTERDEPARTMENTAL COMMENTS

16. The Street Transportation Department provided comments pertaining to detached sidewalks along 35th Avenue, as allowed per MCDOT. Other comments provided pertained to adjacent right-of-way dedication and street improvements along 35th Avenue and Carver Road as required per MCDOT, given that these roadways are under MCDOT control. These are addressed in Stipulation Nos. 19, and 22 through 25, which also include general street requirements.
17. The Fire Department indicated there are no problems anticipated with the case and that the site and/or buildings shall comply with the 2018 International Fire Code with Phoenix Amendments. Further, the Department commented that they do not know the water supply at this site and noted that additional water supply may be required to meet the required fire flow per the Fire Code.
18. The Water Services Departments commented that water and sewer main extensions will be required for this developed. Furthermore, capacity is a dynamic condition that can change over time due to a variety of factors. The City intends to provide water and sewer service, requirements and assurances for which are determined during the site plan review process. For any given property, water and sewer requirements may vary over time to be less or more restrictive depending on the status of the City's water and sewer infrastructure.
19. The Floodplain Management division of the Public Works Department and the Public Transit Department did not have any comments on this case.



#### OTHER

20. The subject site is within close proximity to properties used for agricultural uses and active aviation uses within the Hanger Haciendas subdivisions located approximately 2,300 feet east of the site in Maricopa County, thus potentially leading to dust, odors, noise or other impacts to future residential uses on the site. Stipulation Nos. 24 and 25 would require disclosure of the existence and operational characteristics of both agricultural and active aviation uses to purchasers of property and tenants within the development.
21. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. This is addressed in Stipulation Nos. 28.
22. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 29 through 31.
23. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 121131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 32.
24. The developer shall provide a hydraulic/hydrologic analysis of offsite storm water flows, when present, at the time of preliminary site plan submittal for verification of required infrastructure regarding lot space and density.
25. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit to conduct the proposed outdoor use in this zoning district. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be



required.

### **Findings**

1. This proposed development is consistent with the staff recommended General Plan Land Use map designation requested with concurrent case GPA-LV-2-22-8.
2. As stipulated, the proposed development will promote the preservation of a large portion of the site as undisturbed hillside area, while allowing new housing options primarily in the disturbed portions of the site along lower slopes.
3. As stipulated, the proposed development will promote the identity of the area by providing large perimeter lots, wide street landscape setbacks, and limiting building height along perimeter streets.

### **Stipulations**

1. The development shall not exceed 65 lots.
2. Each individual lot shall be a minimum of 6,000 square feet in size.
3. A minimum side yard building setback, except along streets, of 3 feet and 13 feet combined for both sides shall be provided.
4. There shall be no vehicular access to the development along the 39th Avenue alignment.
5. The maximum building height shall not exceed 2 stories and 30 feet, except that buildings located on lots within 100 feet of 35th Avenue and Carver Road shall not exceed a height of 1 story and 20 feet.
6. Lots within 100 feet of 35th Avenue and Carver Road shall maintain a minimum lot width of 80 feet.
7. A minimum 80-foot-wide landscape setback shall be provided along 35th Avenue.
8. A minimum 50-foot-wide landscape setback shall be provided along Carver Road.
9. The required landscape setbacks shall be planted with minimum 60-percent 2-inch caliper and 40-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the

developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

10. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
11. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
  - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.
  - b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet in width. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live coverage at maturity.
  - c. A mix of ornamental trees, shrubs (no less than five five-gallon shrubs per tree) and/or flower beds that will provide a variety of texture and color throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.
  - d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
12. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to Planning and Development Department final site plan approval with specific regard to the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
  - a. The primary building material shall not exceed 75 percent of all front elevations.
  - b. Each home will include two alternative building materials in addition to the primary building material for architectural elevations, plus garage enhancements such as window panels, color, added materials surrounding door, and trellises.

13. All homes within the development shall be subject to Single-Family Design Review, as approved by the Planning and Development Department.
14. A minimum of three usable open space areas of 6,000 square feet each shall be provided and dispersed throughout the development, as approved by the Planning and Development Department.
15. A minimum of 37 acres shall remain undeveloped open space.
16. A minimum of four amenities shall be provided such as a tot lot, ramada, or similar elements, as approved by the Planning and Development Department.
17. A minimum of one pedestrian pathway shall be provided from the development to Carver Road, as approved by the Planning and Development Department.
18. Pedestrian and vehicular access shall be provided from this development to the future development on the adjacent property to the south, as approved or modified by the Planning and Development Department.
19. All sidewalks within the development shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees planted at a rate of one tree per lot or a minimum of 20 feet on center, or in equivalent groupings where adjacent to open space areas, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
20. The developer shall construct a detached sidewalk along 35th Avenue as approved and required by Maricopa County Department of Transportation.
21. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 35th Avenue and along the north side of Carver Road and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department.
22. The developer shall dedicate right-of-way and construct improvements along the west side of 35th Avenue as required and approved by Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.

23. The developer shall dedicate right-of-way and construct improvements along the north side of Carver Road as required and approved by MCDOT. The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal.
24. The developer shall dedicate additional right-of-way and provide improvements to the 35th Avenue and Carver Road intersection as per the geometric design approved by the Maricopa County Department of Transportation (MCDOT). The developer shall provide verification of MCDOT review and approval to the City of Phoenix Street Transportation Department prior to preliminary site plan submittal. The design will need to provide access to 35th Avenue south of Carver Road, and Carver Road east of 35th Avenue.
25. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
26. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
27. 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 reviewed and approved by the City prior to recordation.
28. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. 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.

29. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
30. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
31. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
32. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

**Writer**

Enrique Bojórquez Gaxiola

December 8, 2022

**Team Leader**

Racelle Escolar

**Exhibits**

Zoning sketch map

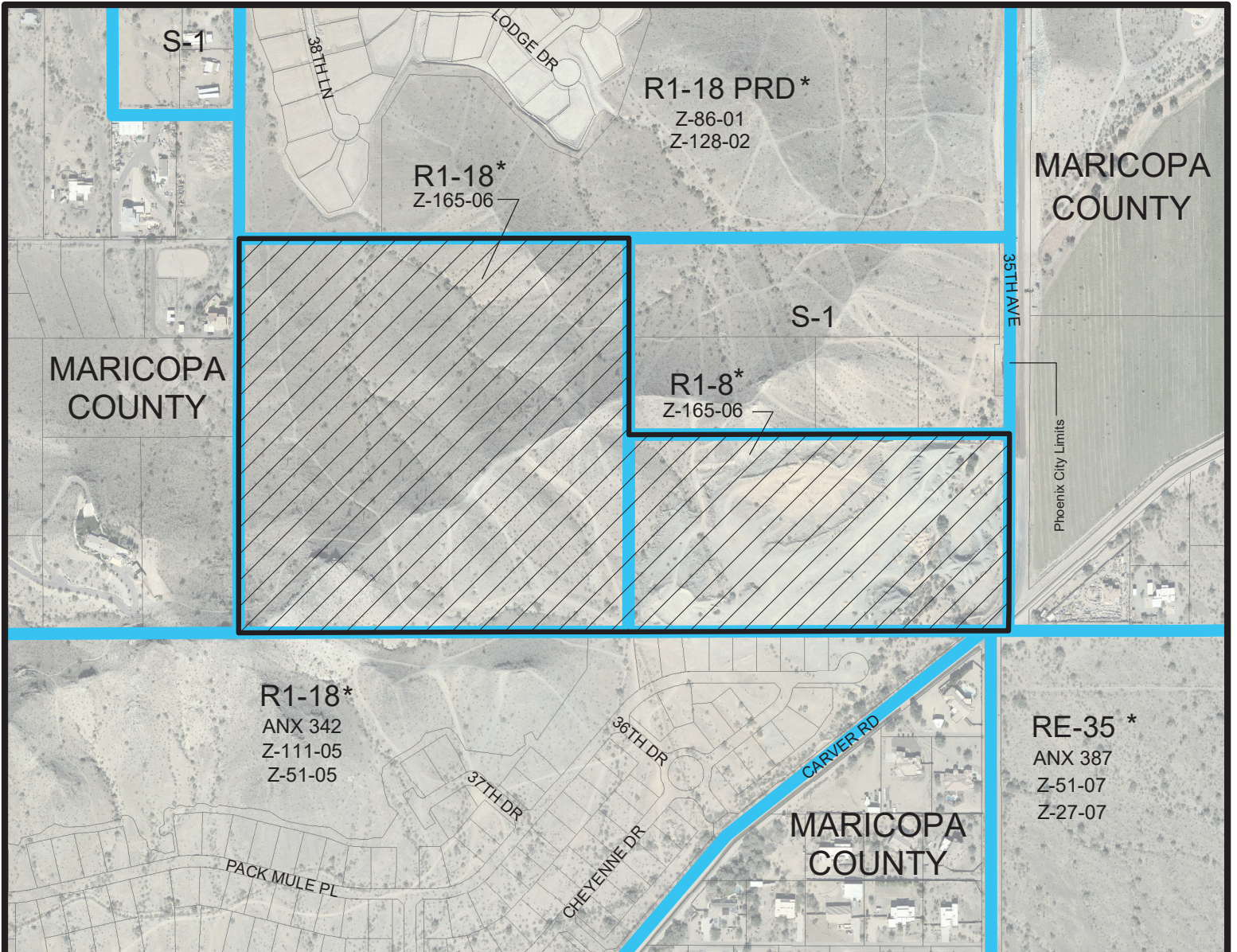
Aerial sketch map

Conceptual Site Plan date stamped November 10, 2022

Conceptual Building Renderings date stamped November 10, 2022

Community Correspondence (8 pages)





Miles



**LAVEEN VILLAGE**

CITY COUNCIL DISTRICT: 8



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: Virtua 35th LLC/Felipe Zubia

APPLICATION NO. Z-55-22

DATE: 8/4/2022  
REVISION DATES:  
11/21/2022

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

58.99 Acres

AERIAL PHOTO & QUARTER SEC. NO. QS 04-20  
ZONING MAP C-6

**REQUESTED CHANGE:**

FROM: R1-18 ( 39.64 a.c.)  
R1-8 ( 19.35 a.c.)

TO: R1-18 Hillside DNS/WVR ( 58.99 a.c.)

**MULTIPLES PERMITTED**

R1-18, R1-8  
R1-18 Hillside DNS/WVR

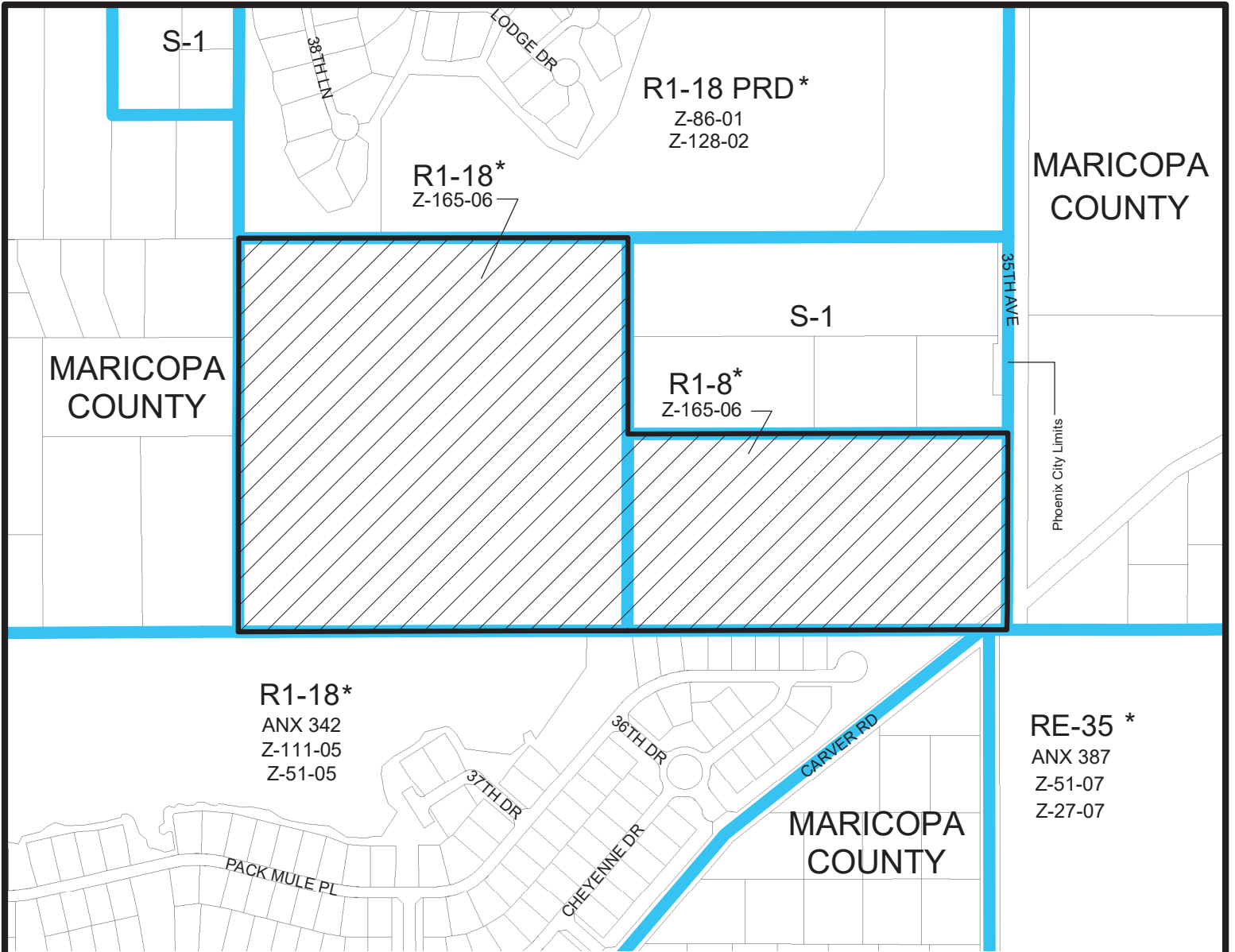
**CONVENTIONAL OPTION**

77, 83  
115

**\* UNITS P.R.D. OPTION**

93, 106  
138

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



Miles

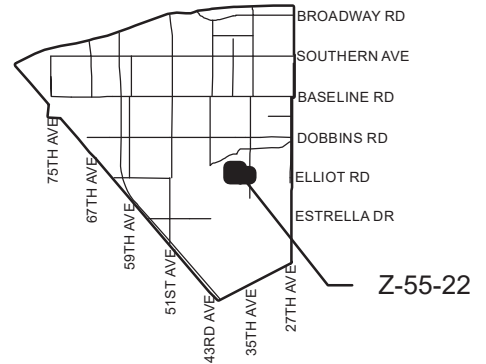


**LAVEEN VILLAGE**

CITY COUNCIL DISTRICT: 8



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



<b>APPLICANT'S NAME:</b> Virtua 35th LLC/Felipe Zubia		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-55-22		<b>FROM:</b> R1-18 ( 39.64 a.c.) R1-8 ( 19.35 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>58.99 Acres</b>		<b>TO:</b> R1-18 Hillside DNS/WVR ( 58.99 a.c.)	
<b>DATE:</b> 8/4/2022 <small>REVISION DATES:</small> 11/21/2022		<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 04-20 <b>ZONING MAP</b> C-6	
<b>MULTIPLES PERMITTED</b> R1-18, R1-8 R1-18 Hillside DNS/WVR		<b>CONVENTIONAL OPTION</b> 77, 83 115	
<b>* Maximum Units Allowed with P.R.D. Bonus</b>		<b>* UNITS P.R.D. OPTION</b> 93, 106 138	





# CARVER CANYON

Examples of Southwest Contemporary Architecture\*

Inspired by traditional southwest designs of ranch, prairie, pueblo and Spanish styles in a present day interpretation.

Strong massing and geometry  
free of arches



Muted colors and textures  
echo the natural environment



Understated elegance  
without the superfluous ornamentation.



Varied roof systems and massing to  
avoid a monolithic appearance



**CITY OF PHOENIX**

NOV 1.0 2022

Planning & Development  
Department

\* Images are representations of design elements of the Southwest Contemporary vernacular, not actual homes to be built at Carver Canyon.

**From:** [Donis Canisales](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22  
**Date:** Wednesday, December 7, 2022 9:27:52 AM

---

LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22

LVPC Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. **Finally**, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

The General Plan reduction from 3.5 to 5 du/a to 1-2 du/a is finally compatible with the area. The zoning case for all 60-acres at R1-18 with 65 lots for an overall density of 1.11 du/a is finally compatible with this area. Again, the General Plan designation and Zoning densities have always been the issue.

The applicant's plan includes other elements, in addition to the GPA and zoning, that are beneficial to the area:

- They are combining the 20 and 40-acre portions into a single parcel and site plan with one zoning level of R1-18
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- They are creating a deed restriction on the entire 60-acres that runs with the land in perpetuity to cap total lots at 65 and preserve the large designated open space.

Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Donis and Frank Canisales, Jr  
Frank and Esperanza Canisales, Sr  
Francisco, III and becca canisales  
Sent from my iPhone



**From:** [Cyd Manning](#)  
**To:** [PDD Long Range Planning](#); [Enrique A Bojorquez-Gaxiola](#)  
**Cc:** ["Manning, Cyd"](#); [PDD Laveen VPC](#)  
**Subject:** LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22  
**Date:** Wednesday, December 7, 2022 9:30:07 AM  
**Importance:** High

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LVPC Members and Planning Staff,

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Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Cyd Manning  
3220 W. Ceton Drive  
480-747-0769  
[sweetbeat@q.com](mailto:sweetbeat@q.com)  
[cyd.manning@honeywell.com](mailto:cyd.manning@honeywell.com)

**From:** [David Baker](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#); [pdd.longrange@phx.gov](mailto:pdd.longrange@phx.gov)  
**Subject:** LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22  
**Date:** Wednesday, December 7, 2022 9:38:24 AM

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LVPC Members and Planning Staff,

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Best regards,  
David Baker  
11908 S 41<sup>st</sup> Ave  
Laveen Az 85339

David Baker  
Keller Williams Realty Phoenix  
Cell:602.373.6345  
E-mail: [david@beinPhoenix.com](mailto:david@beinPhoenix.com)

**Visit my websites at**

<http://www.PhoenixLaveenHomes.com> [[phoenixlaveenhomes.com](http://www.PhoenixLaveenHomes.com)]

<http://www.LaveenRealEstate.co> [[laveenrealestate.co](http://www.LaveenRealEstate.co)]

<http://www.LaveenAz85339.com> [[laveenaz85339.com](http://www.LaveenAz85339.com)]

<http://www.CasasLaveen.com> [[casaslaveen.com](http://www.CasasLaveen.com)]

<http://www.Laveenhomesforsale.net> [[laveenhomesforsale.net](http://www.Laveenhomesforsale.net)]

**From:** [Donna Snow](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Cc:** [Donna Snow](#)  
**Subject:** LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22  
**Date:** Wednesday, December 7, 2022 9:58:44 AM

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LVPC Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. **Finally**, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Donna Snow  
6806 W Desert Lane  
Laveen, AZ 8539

**From:** [John Knight](#)  
**To:** [PDD Long Range Planning](#); [Enrique A Bojorquez-Gaxiola](#)  
**Cc:** [Cyd Manning](#); [Dean D.](#); [Dean G Fairchild](#); [John Nicholas](#)  
**Subject:** Fwd: Action by 12/9 - Quarry Cases Cases-Z-55-22 & GPA-LV-2-22-8 and LVPC Meeting on Dec. 12  
**Date:** Wednesday, December 7, 2022 9:33:50 AM  
**Importance:** High

---

LVPC Members and Planning Staff,

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Best regards,

**John Knight**  
**VP Integrated Solutions**  
**P:** (602) 237-4915  
**C:** (602) 549-1885  
**E:** [john.knight@aircomm.com](mailto:john.knight@aircomm.com)  
**W:** [www.aircomm.com](http://www.aircomm.com) [[aircomm.com](http://aircomm.com)]

**From:** [Steven Dougherty](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#); [PDD Long Range Planning](#)  
**Cc:** [Steven Dougherty](#)  
**Subject:** LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22  
**Date:** Wednesday, December 7, 2022 10:33:39 AM

---

LVPC Members and Planning Staff,

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Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Sincerely,  
Steven Dougherty  
11222 S 39th LN Laveen AZ 85339  
[Steven@StevenDougherty.com](mailto:Steven@StevenDougherty.com)  
480-430-6130 Cell

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**From:** [Suzanne Kingston](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#); [PDD Long Range Planning](#)  
**Subject:** Subject: LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22  
**Date:** Thursday, December 8, 2022 9:29:19 AM

---

LVPC Members and Planning Staff,

I have been significantly involved in opposing every iteration of this case since 2007 when incompatible high density GPA and zoning cases were unfortunately approved despite the large outpouring of community opposition. Density has always been the #1 issue. **Finally**, the applicant has heard the community and worked with us on a plan I support with cases GPA-LV-2-22-8 and Z-55-22.

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Therefore, I support these cases. I respectfully request that the LVPC support the community by recommending approval of GPA-LV-2-22-8 and Z-55-22.

Best regards,

Suzanne Kingston  
11820 S. 38<sup>th</sup> Ave.  
Laveen, AZ 85339

Sent from [Mail \[go.microsoft.com\]](mailto:Mail[go.microsoft.com]) for Windows

**From:** [Kingston, Tom](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#); [PDD Long Range Planning](#)  
**Subject:** LVPC Meeting 12/12/22 and Cases GPA-LV-2-22-8 and Z-55-22  
**Date:** Thursday, December 8, 2022 11:38:19 AM

---

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Best regards,  
Tom Kingston  
11820 S. 38<sup>th</sup> Ave. Laveen