

PLEASE RESPOND ELECTRONICALLY TO JULIANNA PIERRE 2ND FLOOR, 602-262-4544



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned
From: Alan Stephenson
Planning & Development Department Director
Date: February 9, 2021
Subject: **P.H.O. APPLICATION NO. PHO-4-21--Z-81-05-7(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 **March 17, 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 **February 16, 2021**.

DISTRIBUTION

Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Matthew Heil), 11th Floor
Aviation (Sheldon Daisley)
CED (Michelle Pierson), 20th Floor
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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, Julianna Pierre), 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-4-21--Z-81-05

Council District: 7 8

Request For: Stipulation Modification

Reason for Request: Modification of Stipulation 1 regarding general conformance to the site plan date stamped September 23, 2005. Modification of Stipulation 1.b limiting the maximum number of lots to 59. Modification of Stipulation 2 regarding general conformance to elevations date stamped May 26, 2005. Modification of Stipulation 2.a requiring homes to include covered entrances. Modification of Stipulation 4 requiring a landscaped entry feature. Modification of Stipulation 5 regarding side yard setbacks on Lots 31 and 32. Modification of Stipulation 6 regarding a 12-inch roof overhang. Deletion of Stipulation 18 regarding right-of-way and a transit pad along Southern Avenue. Deletion of Stipulation 19 regarding right-of-way and a transit pad along 35th Avenue. Deletion of Stipulation 20 regarding right-of-way and a bus-bay along Southern Avenue. Modification of Stipulation 22 limiting minimum lot width to 50 feet. Technical corrections to Stipulations 3, 8, 9, and 16.

Owner	Applicant	Representative
All Other Property LLP/ETAL 3719 East Baseline Road Phoenix AZ 85042 (602) 230-0600 adam@withey Morris.com	Adam Baugh, Withey Morris, PLC 2525 East Arizona Biltmore Circle, A-212 Phoenix AZ 85016 (602) 230-0600 adam@withey Morris.com	Adam Baugh, Withey Morris, PLC 2525 East Arizona Biltmore Circle, A-212 Phoenix AZ 85016 P: (602) 230-0600 F: (602) 212-1787 adam@withey Morris.com

Property Location: Approximately 170 feet east of the southeast corner of 35th Avenue and Southern Avenue

Zoning Map: <u>D-6</u>	Quarter Section: <u>2-21</u>	APN: <u>105-88-981</u>	Acreage: <u>8.69</u>
Village: <u>Laveen</u>			
Last Hearing: <u>CC RATIFICATION</u>			
Previous Opposition: <u>No</u>			
Date of Original City Council Action: <u>10/19/2005</u>			
Previous PHO Actions: <u>02/05/2014 05/31/2017 09/19/2018</u>			
Zoning Vested: <u>C-2</u>			
Supplemental Map No.: <u>1119</u>			
Planning Staff: <u>078321</u>			

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
\$1,725.00	\$0.00	01/29/2021	21-0008149	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>03/17/2021 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	



PHONE: 602-230-0600

FAX: 602-212-1787

2525 E. Arizona Biltmore Circle, Suite A-212, Phoenix, AZ 85016

February 4, 2021

Via Hand Delivery

Adam Stranieri
City of Phoenix
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: East of the southeast corner of 35th Avenue and Southern Avenue, Phoenix, AZ / Z-81-05

Dear Adam:

The subject parcel for this Planning Hearing Officer application is approximately 8.74 gross acres located east of the southeast corner of 35th Avenue and Southern Avenue in Phoenix, AZ as shown on the Aerial Map attached at **Tab 1** (the "Property"). The Property is currently zoned C-2, as shown on the Zoning Map attached at **Tab 2**.

When this area was being planned in the 1990's and early 2000's, land use trends and planning principles encouraged commercial zoning at major arterial intersections. Thus, when zoning was approved in 2005, it seemed prudent for all four corners of the intersection to offer commercial zoning.

The challenge with the current state of zoning in 2021 is the oversupply of commercial land uses and zoning at this intersection. While it made perfect sense to commercially zone all four corners of this arterial intersection decades ago, it makes less sense today when retail uses have shifted primarily online. Given that 3 of the 4 corners have already developed commercial, the likelihood of this site also being developed commercial is much less. Further, because of the Wal-Mart anchored center across the street, it's virtually impossible to attract another new anchor tenant to this corner, and without a credit anchor tenant, developers cannot obtain financing for speculative commercial development.

This case provides a wonderful opportunity to right-size the commercial inventory in this area and bring a new residential townhome rental community use that is needed in Laveen.

Prior History

In 2005, the Property was rezoned to C-2 as part of a larger 22-acre rezoning case (Z-81-05). See rezoning stipulations at **Tab 3**. The rezoning approval is subject to 25 stipulations. While some of the land in the old zoning case has developed with commercial uses, this Property has remained vacant. The

developments that have occurred on the larger rezoning site went through the PHO process in order to delete and modify stipulations to allow their developments.

Proposal

Fourplex Investment Group proposes to construct a new townhome development which is allowed in the C-2 zoning district per R-3 density and standards. The proposed rental community will offer 133 townhomes with ample shared amenities including a children’s play structure (tot lot), ramadas, a pool and deck, cabana, and leasing office with restrooms, and landscaped areas around the Property. See site plan at **Tab 4** and conceptual landscape plan at **Tab 5**. The proposed townhome use is an appropriate land use transition to buffer the commercial to the west and the single-family homes to the east of the site.

General Plan

This type of use is supported by the goals and policies outlined in the Phoenix General Plan, including the following:

- **DIVERSE NEIGHBORHOODS**. Land Use Goal: Include a mix of housing types and densities where appropriate within each village that support a broad range of lifestyles.
 - The proposal provides attainable housing for folks who live and work in the Laveen Village. While there are many residential subdivisions, there are few townhome developments, and even less which provide rental opportunities like this. This fills an underserved land use category in Laveen.
- **OPPORTUNITY SITES**. Land Use Goal: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.
 - This Proposal provides a compatible house development that is a good transition between the commercial corner and the single-family homes behind it. Smart transitions and land use buffers help make a mix of housing possible and provide residential living closer to commercial areas.

Southwest Growth Study/Laveen

The Property is within the Laveen Village and the development meets many of the *Laveen Southwest Growth Study* design items for multifamily development such as:

- Open space is placed in a central location that is accessible to all and not clustered in the middle of buildings.
- Parking occurs internal to the site and not at the perimeter as the buildings will be located along the street frontage to provide a welcoming atmosphere.
- Smaller parking areas are scattered throughout the development and not located in one area on the site.

Housing Phoenix Plan

The proposal is also consistent with the Housing Phoenix Plan adopted in 2020. The plan identifies that the City of Phoenix has a significant housing shortage and establishes the goal of creating or preserving 50,000 homes by 2030. This residential proposal provides a step in the right direction to provide new housing in the City of Phoenix.

Stipulation Modification

To allow the proposed development of the Property, we propose the following deletions/modifications to the original rezoning stipulations:

General Conformance

1. That development shall be in general conformance to the site plan date stamped ~~September 23, 2005~~ **X, 2021** as modified by the following, and as approved or modified by the ~~Development Services Department~~ **PLANNING AND DEVELOPMENT DEPARTMENT**.
 - a. That a shaded walkway shall be incorporated into the parking lot with alternative paving materials where walkways cross drive aisles;
 - b. That the **SINGLE-FAMILY** residential portion not exceed 59 lots.

RATIONALE: The site plan approved in 2005 was a commercial shopping center that was never developed on the site. Given the amount of commercial uses and zoning in the immediate area, this site is prime for development such as multifamily. In addition, the stipulation 1b from the original rezoning case is only applicable to the single-family development that was proposed with the rezoning case.

Residential

2. That development shall be in general conformance to the residential elevations date stamped ~~May 26, 2005~~ **X, 2021**, as modified by the following, and as approved or modified by the ~~Development Services Department~~ **PLANNING AND DEVELOPMENT DEPARTMENT**.
 - a. That all **SINGLE-FAMILY RESIDENTIAL** homes shall include covered entrances, such as porches, archways, or landscaped courtyards;
 - b. That the elevations shall incorporate four-sided architecture.

RATIONALE: The residential elevations that were in general conformance were intended for the single-family residential development. We are proposing a general conformance stipulation to our proposed elevations that are submitted with this application. In addition, for stipulation 2a, we wanted to add clarification that stipulation is intended for the single-family residential development only, as this would be difficult to meet with a multifamily development product.

3. That the common open space area shall provide active recreational elements, such as a tot lots and ramadas, as approved by the ~~Development Services Department~~ **PLANNING AND DEVELOPMENT DEPARTMENT**.

RATIONALE: Technical change. No longer Development Services Department, but rather Planning and Development.

4. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided on both sides of the main entry into the **SINGLE-FAMILY** residential development, as approved by the ~~Development Services Department~~ **PLANNING AND DEVELOPMENT DEPARTMENT**.

RATIONALE: The landscape feature is intended for the single-family residential development with the original rezoning case. In addition, we changed Development Services Department, to the more current Planning and Development.

5. That the side yard on Lots 31 and 32, **OF THE SINGLE-FAMILY RESIDENTIAL DEVELOPMENT**, provide a minimum of 20 feet between buildings.

RATIONALE: Lots 31 and 32 are applicable to the single-family residential development with the original rezoning case.

6. That all **SINGLE-FAMILY RESIDENTIAL** buildings have a minimum 12-inch roof overhang.

RATIONALE: This stipulation is intended only for the single-family residential development on the site and not for a multifamily product.

Commercial

7. That the commercial buildings elevations shall be approved through the Planning Hearing Officer process prior to preliminary site plan approval, with specific regard to the following.
 - a. That the commercial structures shall have pitched roofs or pitched roof elements. **NO CHANGE**.
8. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided at the two ingress/egress points furthest from the intersection of 35th Avenue and Southern Avenue, as approved or modified by the ~~Development Services Department~~ **PLANNING AND DEVELOPMENT DEPARTMENT**. The enhanced landscape feature shall include a turf area and provide plant types from the following list:
 - a. Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees;
 - b. Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, AZ yellow bells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs;
 - c. Accents: deer grass, wild sunflowers, penstemon, golden columbine, or other similar accents;
 - d. Vines: White Lady Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine, or other similar vines.

RATIONALE: We changed Development Services Department to the more current Planning and Development Department.

9. That the retention area located at the southeast corner of the commercial portion of the site incorporate an offset double row of 3 and 4-inch caliper trees, spaced 20-feet on center, as approved by the ~~Development Services Department~~ **PLANNING AND DEVELOPMENT DEPARTMENT**.

RATIONALE: We changed Development Services Department to the more current Planning and Development Department.

10. That a landscape plan and a lighting plan shall be brought back to the Laveen Village Planning Committee (LVPC) for review and comment prior to City approval. **NO CHANGE.**
11. That development shall be subject to a comprehensive sign plan in accordance with Section 705. The LVPC shall have the opportunity to review the plan prior to the public hearing. **NO CHANGE.**

Street Transportation

12. That right-of-way totaling 55 feet shall be dedicated for the south half of Southern Avenue. **NO CHANGE.**
13. That right-of-way totaling 55 feet shall be dedicated for the east half of 35th Avenue. **NO CHANGE.**
14. That a 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 35th Avenue and Southern Avenue. **NO CHANGE.**
15. That sufficient right-of-way shall be dedicated to accommodate a bus-bay on Southern Avenue at 35th Avenue. **NO CHANGE.**
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 ~~Development Services Department~~ **PLANNING AND DEVELOPMENT DEPARTMENT**. All improvements shall comply with all ADA accessibility standards.

RATIONALE: We changed Development Services Department to the more current Planning and Development Department.

17. That the applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements. **NO CHANGE.**

Transit

18. ~~That right-of-way shall be dedicated and a transit pad constructed (Detail P1261) along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.~~
19. ~~That right-of-way shall be dedicated and a transit pad constructed (Detail P1262) along northbound 35th Avenue, north of Alta Vista Road, as approved by the Public Transit Department.~~
20. ~~That right-of-way shall be dedicated and a bus-bay (Detail P1257) constructed along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.~~

RATIONALE: These bus bays have already been installed with previous development.

Other

21. That prior to final site plan approval, the property owner shall record documents that disclose to the purchasers of the property within the development(s) the existence and operational

characteristics of Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney. **NO CHANGE.**

22. That the minimum lot width **FOR SINGLE-FAMILY RESIDENTIAL** be 50 feet.

RATIONALE: This stipulation is intended only for the single-family residential development on the site and not for a multifamily product.

23. That residential elevations be brought back to the Laveen Village Planning Committee for review and comment. **NO CHANGE.**

24. That one of the amenities shall be a club house or ramada, with lights and seating for use by the Home Owners Association (HOA) for meetings. **NO CHANGE.**

25. That any request to change or modify the stipulations or site plan, be brought back to the Laveen Village Planning Committee for review and comment prior to approval by the City. **NO CHANGE.**

Conclusion

Approval of the requested stipulation modifications will allow the applicant to construct a high-quality townhouse development on a site that has been vacant for years. The development is consistent with the goals in the Laveen Southwest Growth Study, Phoenix General Plan, and the Housing Phoenix Plan. The townhome proposal provides a variety of housing options for the Laveen Village and its residents. The result is a residential development that will complement its surroundings and have a positive impact on the community.

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

Sincerely yours,
WITHEY MORRIS, P.L.C.

By
G. Adam Baugh

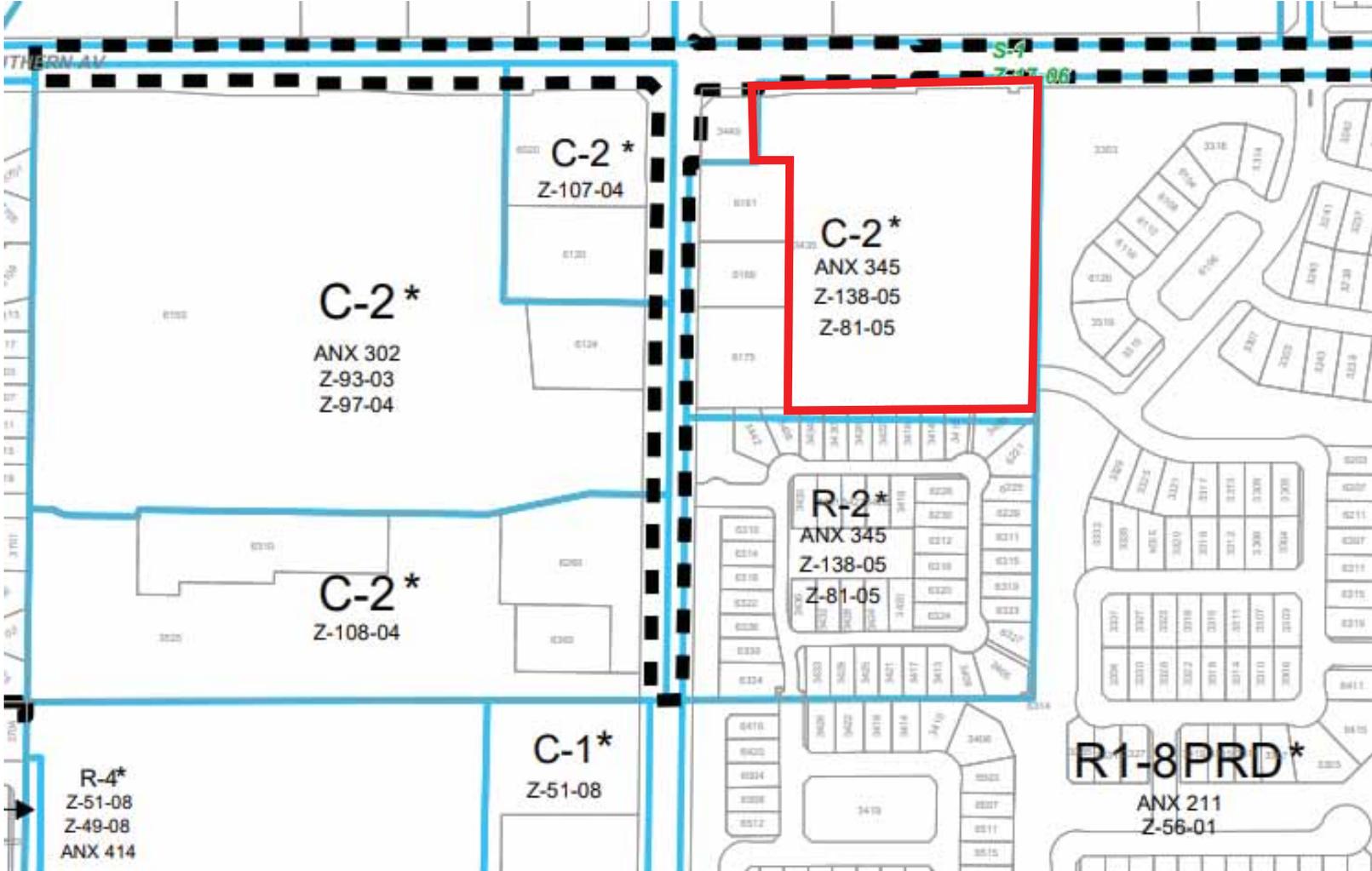
TAB 1

Aerial Map



TAB 2

Zoning Map



TAB 3

the process over a six month period They changed and improved the site plan a number of times The latest site plan was voted on at the village and additional stipulations were worked on with the village members He recommended adopting all the village stipulations as presented except for stipulation number eight, which talked to the density of the project The application was to keep the density as it was when it was filed which was a 5.88 dwelling units per acre He wanted to make sure that any stipulation that referred to the site plan would refer to the most recent site plan which was date stamped September 23, 2005

Mr Phil Hertel, 4532 West Dobbins Road stated he represented the Laveen VPC on this case He requested that stipulations 18, 19, 22, 27, 28, and 29 remain intact The stipulations as written bring them back to the village for review as opposed to the village having to go downtown and go to a PHO hearing

Mr Steven Klein, 6820 South 66th Avenue stated this was a situation where the community worked with the applicant with a lot of give and take His exception was with staff's recommendation to delete the stipulations concerning notification and return to the community

Mr Keuth made a MOTION to approve application Z-81-05-7 subject to the addendum plus stipulations 18, 19, 22, 27, 28, and 29 and delete stipulation 8

Mr Amery SECONDED

There being no further discussion, Chairman Ford called for a vote and the MOTION PASSED by a vote of 8-0 (Felts absent)

* * * * *

STIPULATIONS

GENERAL CONFORMANCE

- 1 That development shall be in general conformance to the site plan date stamped September 23, 2005 as modified by the following and as approved or modified by the Development Services Department
 - a That a shaded walkway shall be incorporated into the parking lot with alternative paving materials where walkways cross drive aisles
 - b That the residential portion shall not exceed 59 lots

RESIDENTIAL

- 2 That development shall be in general conformance to the residential elevations date stamped May 26, 2005 as modified by the following and as approved or modified by the Development Services Department

- a That all homes shall include covered entrances such as porches, archways or landscaped courtyards
 - b That the elevations shall incorporate four-sided architecture
- 3 That the common open space area shall provide active recreational elements such as tot lots and ramadas, as approved by the Development Services Department
- 4 That a minimum 40 foot by 40-foot landscaped entry feature shall be provided on both sides of the main entry into the residential development, as approved by the Development Services Department
- 5 That the side yard setback on lots 31 and 32 provide a minimum of 20 feet between buildings
- 6 That all buildings must have a minimum 12 roof overhang

COMMERCIAL

- 7 That the commercial buildings elevations shall be approved through the Planning Hearing Officer process prior to preliminary site plan approval with specific regard to the following
- a That the commercial structures shall have pitched roofs or pitched roof elements
- 8 That a minimum 40 foot by 40-foot landscaped entry feature shall be provided at the two ingress/egress points furthest from the intersection of 35th Avenue and Southern Avenue as approved or modified by the Development Services Department The enhanced landscape feature shall include a turf area and provide plant types from the following list
- a Trees pecan Arizona ash, evergreen elm heritage live oak sycamore or other similar canopied trees
 - b Shrubs myrtle (true dwarf and/or twisted) pomegranate AZ yellow bells bush lantana Mexican honeysuckle primrose jasmine or other similar shrubs
 - c Accents deer grass, wild sunflowers penstemon golden columbine, or other similar accents
 - d Vines White Lady Banks Rose common trumpet creeper coral vine pink trumpet vine and primrose jasmine or other similar vines
- 9 That the retention area located at the southeast corner of the commercial portion of the site incorporate an offset double row of 3 and 4-inch caliper trees spaced 20 feet on center as approved by the Development Services Department

- 10 That a landscape plan and a lighting plan shall be brought back to the LVPC for review and comment prior to City approval
- 11 That development shall be subject to a comprehensive sign plan in accordance with Section 705 The LVPC shall have the opportunity to review the plan prior to the public hearing

STREET TRANSPORTATION

- 12 That right-of-way totaling 55 feet shall be dedicated for the south half of Southern Avenue
- 13 That right-of-way totaling 55 feet shall be dedicated for the east half of 35th Avenue
- 14 That a 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 35th Avenue and Southern Avenue
- 15 That sufficient right-of-way shall be dedicated to accommodate a bus-bay on Southern Avenue at 35th Avenue
- 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 Development Services 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 to the Street Transportation Department This form is a requirement of the EPA to meet clean air quality requirements

TRANSIT

- 18 That right-of-way shall be dedicated and a transit pad constructed (Detail P1261) along eastbound Southern Avenue east of 35th Avenue, as approved by the Public Transit Department
- 19 That right-of-way shall be dedicated and a transit pad constructed (Detail P1262) along northbound 35th Avenue north of Alta Vista Road as approved by the Public Transit Department
- 20 That right-of-way shall be dedicated and a busbay (P1257) constructed along eastbound Southern Avenue east of 35th Avenue as approved by the Public Transit Department

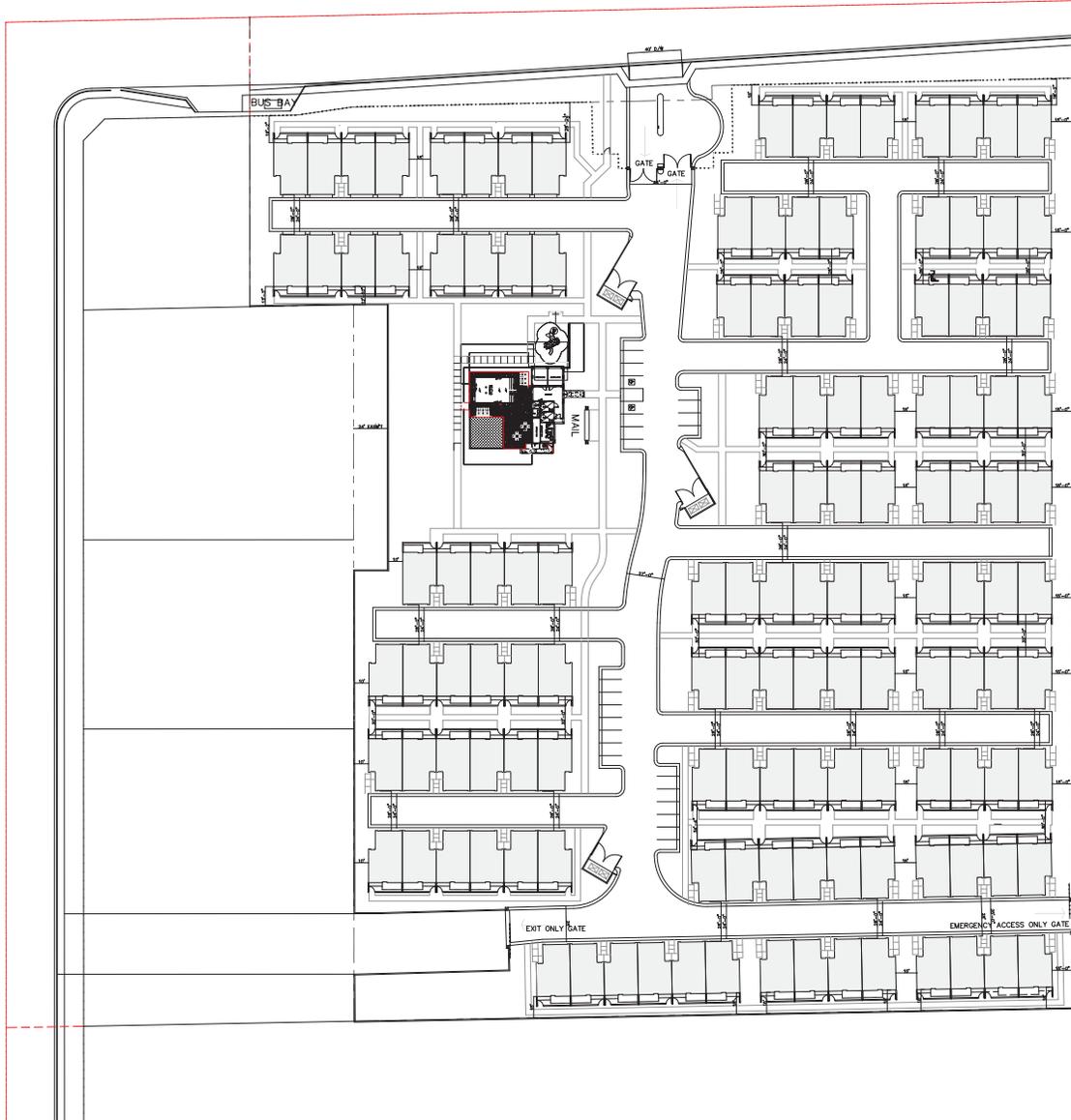
OTHER

- 21 That prior to final site plan approval the property owner shall record documents that disclose to the purchasers of property within the development(s) the existence and operational characteristics of Sky Harbor International Airport The form and content of such documents shall be reviewed and approved by the City Attorney
- 22 THAT THE MINIMUM LOT WIDTH BE 50 FEET
- 23 THAT RESIDENTIAL ELEVATIONS BE BROUGHT BACK TO THE LVPC FOR REVIEW AND COMMENT
- 24 THAT ONE OF THE AMENITIES SHALL BE A CLUB HOUSE OR RAMADA WITH LIGHTS AND SEATING FOR USE BY THE HOA FOR MEETINGS
- 25 THAT ANY REQUEST TO CHANGE OR MODIFY THE STIPULATIONS OR SITE PLAN BE BROUGHT BACK TO THE LVPC FOR REVIEW AND COMMENT PRIOR TO APPROVAL BY THE CITY

TAB 4

W. SOUTHERN AVENUE

S. 35TH AVENUE



LAND USE INFORMATION

LOCATION: 35TH AVENUE AND SOUTHERN AVENUE
PHOENIX, ARIZONA

SITE AREA:
1 PARCELS-TOTAL
7.8686 NET ACRES
8.7425 GROSS ACRES

TOWNHOUSES-

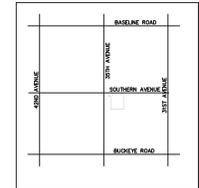
- TOWNHOUSES - 2-STORY
- 1,205 S.F. - 3 BR/2.5 BATH
- 2-CAR GARAGE
- 133 UNITS
- 133 UNITS TOTAL

DENSITY (GROSS) = 15.21 UNITS/ACRE

PARKING: PARKING SPACES REQUIRED - CITY OF PHOENIX
2 SPACES PER DWELLING UNIT (SINGLE FAMILY ATTACHED)
120 TOWNHOUSES = 240 PARKING SPACES
VISITOR PARKING SPACES=100 = 24 SPACES
264 SPACES REQUIRED

PARKING SPACES PROVIDED:
120 2-CAR GARAGES=240 SPACES
39 GENERAL VISITOR ON SITE SPACES
279 PARKING SPACES PROVIDED
INCLUDES 2 ACCESSIBLE VAN SPACES

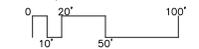
OPEN SPACE: TOTAL NET SITE AREA=342,756 S.F. (7.8686 ACRES)
TOTAL BUILDING COVERAGE - 816 S.F. (133)=108,028 S.F.
31.82%
TOTAL PAVED AREA - 82,464 S.F.
24.0%
TOTAL LANDSCAPED OPEN SPACE - 182,420 S.F.
53.22%
(INCLUDES AMENITIES, PRIVATE PATIOS, AND WALKS.)



VICINITY MAP
NO SCALE



CONCEPTUAL
SITE PLAN
1" = 40'



W. NANCY LANE

CITY OF PHOENIX

JAN 29 2021

Planning & Development
Department

35 SOUTHERN TOWNHOMES PHOENIX, ARIZONA
PHOENIX, ARIZONA

PRO No. 114
DATE: 8/13/20
DRAWN BY: FEW
REVISIONS:
11/19/20
12/9/20
1/19/21

PG DEVELOPMENT
35 SOUTHERN TOWNHOMES
35TH AVENUE AND SOUTHERN AVENUE PHOENIX, ARIZONA

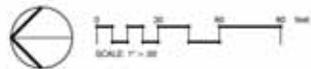
WOODS ASSOCIATES
ARCHITECTS, LLC

3519 E. MCDOWELL RD.
MESA, ARIZONA 85215
(480) 962-7672

A-0

TAB 5

W. SOUTHERN AVENUE



PLANT SCHEDULE

TREES	BOTANICAL COMMON NAME
	<i>Calliandra</i> Texas Mountain Laurel
	<i>Passiflora</i> + <i>Desert Museum</i> Desert Museum Passiflora
	<i>Quercus virginiana</i> 'Heritage' Heritage Southern Live Oak
	<i>Washingtonia</i> <i>Milne</i> California Fan Palm
	+ <i>Chitalpa</i> <i>torreanensis</i> + <i>Pine Deer</i> Pine Deer Chitalpa
SHRUBS	BOTANICAL COMMON NAME
	<i>Agave</i> <i>desertiana</i> Desert Century Plant
	<i>Agave</i> <i>parviflora</i> Century Plant
	<i>Bougainvillea</i> + <i>Barbary</i> <i>Kand</i> Barbary Kand Bougainvillea
	<i>Ceanothus</i> <i>macrocarpa</i> 'Blossomed Beauty' Beauty Natal Plum
	<i>Ceanothus</i> <i>macrocarpa</i> 'Green Capri' Green Capri Natal Plum
	<i>Chrysantha</i> <i>missouriensis</i> Daisies
	<i>Cycas</i> <i>revoluta</i> Sago Palm
	<i>Echinocactus</i> <i>setispinus</i> Toothed Desert Spoon
	<i>Echinopsis</i> <i>viridica</i> 'Purpurea' Purple Leaved Hoopwood Bush
	<i>Hebe</i> <i>parviflora</i> Red Hebe
	<i>Lantana</i> <i>canadensis</i> Mexican Honey-suckle
	<i>Lantana</i> <i>macrocarpa</i> 'New Gold' Trailing Lantana
	<i>Schizanthus</i> <i>capensis</i> 'Royal Mail' TM Royal Mail Pink Multi-Flower
	<i>Phoenix</i> <i>coluboides</i> Pinyon Date Palm Multi-Flower
	<i>Ruellia</i> <i>peruviana</i> Wild Petunia
	<i>Ruellia</i> <i>aquatilis</i> Prostrate Plant
	<i>Tournefortia</i> <i>stans</i> <i>argentea</i> Yellow Bell
GROUND COVERS	BOTANICAL COMMON NAME
	<i>Cynodon</i> <i>dactylon</i> 'Mikano' Bermuda Grass

CITY OF PHOENIX
 JAN 28 2021
 Planning & Development
 Department

BFH
 3707 EAST SOUTHERN AVENUE
 MESA, ARIZONA, 85206
 PHONE: 480.734.1146

VILLAS AT 35TH AVENUE
 CITY OF PHOENIX, AZ

PROJECT:

SHEET NO.

JOB NO.
 21002

PRELIMINARY
 LANDSCAPE PLAN

SHEET NO.

1 OF 1

NOT APPROVED FOR CONSTRUCTION



City of Phoenix

CITY CLERK DEPARTMENT

DATE: October 28, 2005
TO: City of Phoenix
Planning Commission
FROM: Cris Meyer
Acting City Clerk *CW*
SUBJECT: Application Z-81-05

The Phoenix City Council, at its meeting held October 19, 2005, considered a request to rezone approximately 22.02 acres from Country Rural-43 (Pending S-1) to R-2, C-2 located approximately 173 feet east of the southeast corner of 35th Avenue and Southern Avenue for Single-Family Residential and Community Commercial Center.

The Council granted this request per the recommendation of the Planning Commission subject to stipulations in the staff report addendum and six additional Laveen Village Planning Committee stipulations.

Stipulations

General Conformance

1.

That development shall be in general conformance to the site plan date stamped September 23, 2005, as modified by the following, and as approved or modified by the Development Services Department:

- a. That a shaded walkway shall be incorporated into the parking lot with alternative paving materials where walkways cross drive aisles;
- b.** That the residential portion shall not exceed 59 lots.

Residential

2.

That development shall be in general conformance to the residential elevations date stamped May 26, 2005, as modified by the following, and as approved or modified by the Development Services Department:

- a. That all homes shall include covered entrances, such as porches, archways, or landscaped courtyards;
- b. That the elevations shall incorporate four-sided architecture.

TC 3. That the common open space area shall provide active recreational elements, such as tot lots and ramadas, as approved by the Development Services Department.

4. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided on both sides of the main entry into the residential development, as approved by the Development Services Department.

5. That the side yard setback on Lots 31 and 32 provide a minimum of 20 feet between buildings.

6. That all buildings must have a minimum 12-inch roof overhang.

Commercial

7. That the commercial buildings elevations shall be approved through the Planning Hearing Officer process prior to preliminary site plan approval, with specific regard to the following.

- a. That the commercial structures shall have pitched roofs or pitched roof elements.

TC 8. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided at the two ingress/egress points furthest from the intersection of 35th Avenue and Southern Avenue, as approved or modified by the Development Services Department. The enhanced landscape feature shall include a turf area and provide plant types from the following list:

- a. Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees;
- b. Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, AZ yellow bells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs;

- c. Accents: deer grass, wild sunflowers, penstemon, golden columbine, or other similar accents;
- d. Vines: White Lady Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine, or other similar vines.

TC 9. That the retention area located at the southeast corner of the commercial portion of the site incorporate an offset double row of 3 and 4-inch caliper trees, spaced 20-feet on center, as approved by the Development Services Department.

- 10. That a landscape plan and a lighting plan shall be brought back to the Laveen Village Planning Committee (LVPC) for review and comment prior to City approval.
- 11. That development shall be subject to a comprehensive sign plan in accordance with Section 705. The LVPC shall have the opportunity to review the plan prior to the public hearing.

Street Transportation

- 12. That right-of-way totaling 55 feet shall be dedicated for the south half of Southern Avenue.
- 13. That right-of-way totaling 55 feet shall be dedicated for the east half of 35th Avenue.
- 14. That a 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 35th Avenue and Southern Avenue.
- 15. That sufficient right-of-way shall be dedicated to accommodate a bus-bay on Southern Avenue at 35th Avenue.

TC 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 Development Services 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 to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

Transit

18. That right-of-way shall be dedicated and a transit pad constructed (Detail P1261) along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.
19. That right-of-way shall be dedicated and a transit pad constructed (Detail P1262) along northbound 35th Avenue, north of Alta Vista Road, as approved by the Public Transit Department.
20. That right-of-way shall be dedicated and a bus-bay (P1257) constructed along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.

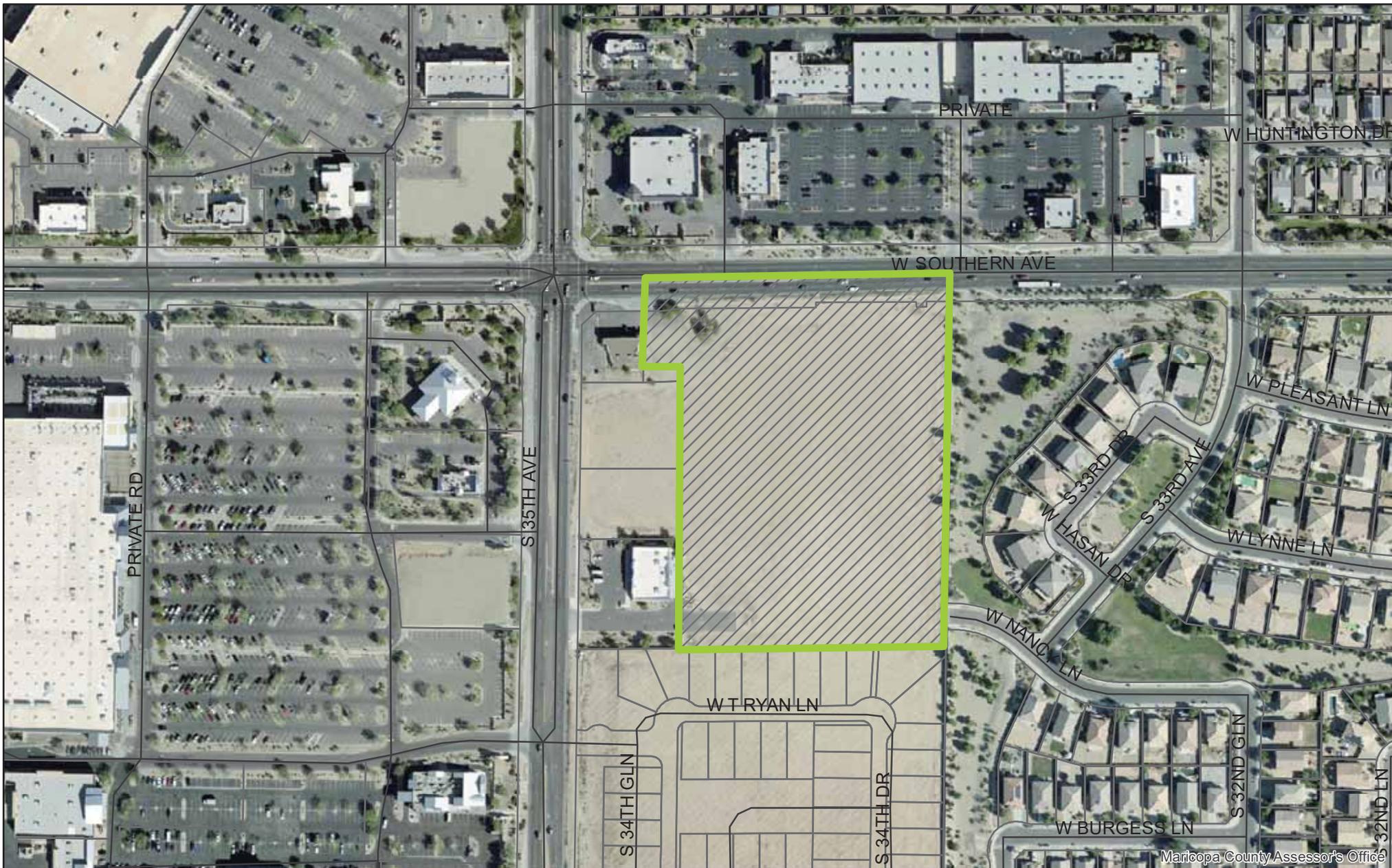
Other

21. That prior to final site plan approval, the property owner shall record documents that disclose to the purchasers of property within the development(s) the existence and operational characteristics of Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.
22. That the minimum lot width be 50 feet.
23. That residential elevation be brought back to the Laveen Village Planning Committee for review and comment.
24. That one of the amenities shall be a club house or ramada, with lights and seating for use by the Home Owners Association (HOA) for meetings.
25. That any request to change or modify the stipulations or site plan, be brought back to the Laveen Village Planning Committee for review and comment prior to approval by the City.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

VM/em/Item2D

cc: Planning Department
Development Services – John Parks
Street Transportation
Official Records
Ernest M Lisenmeyer & Sandra L Ramsey, 3719 E Baseline Rd, Phx AZ

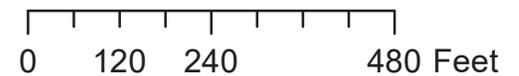


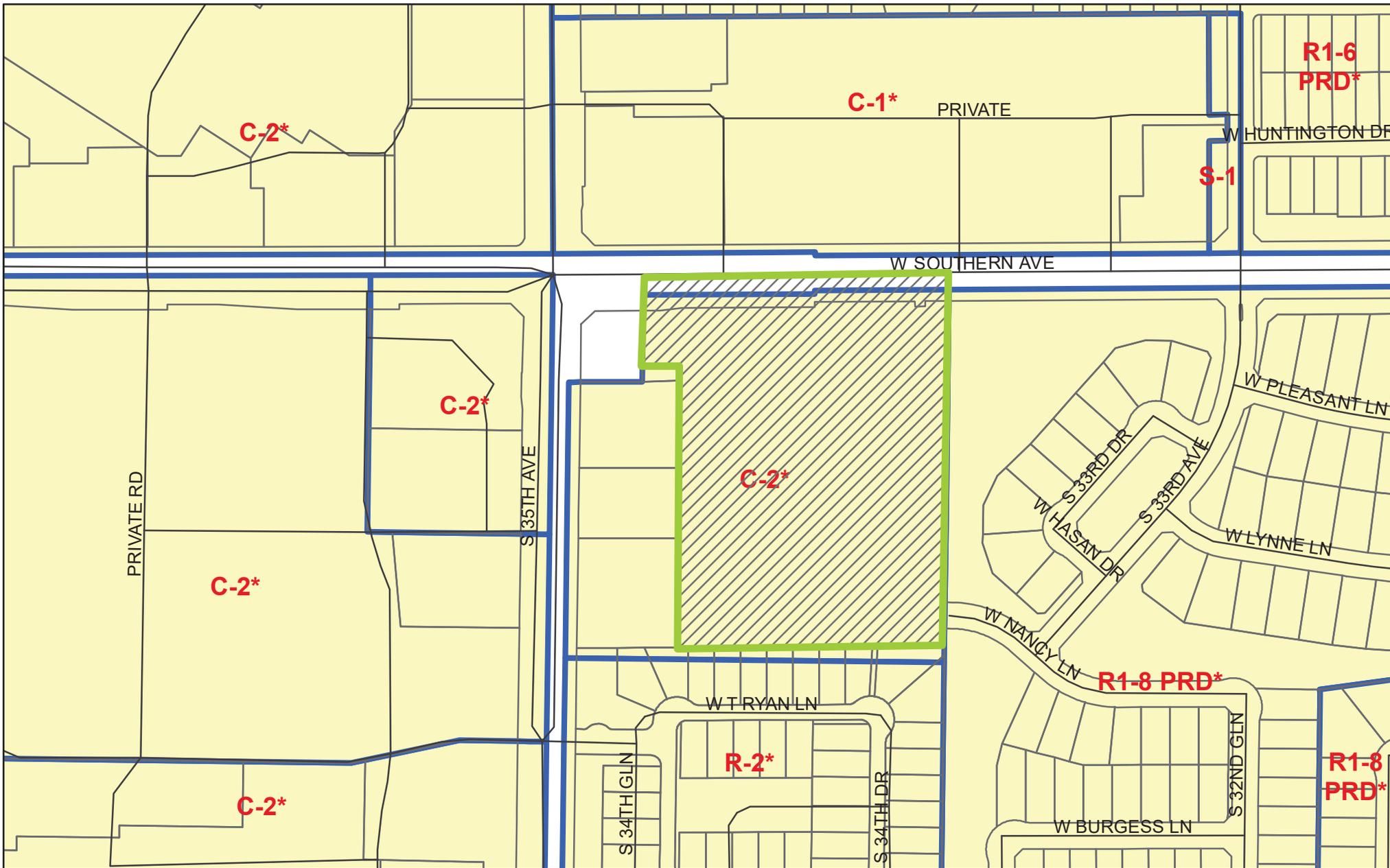
PHO-4-21--Z-81-05-7(8)

Property Location: Approximately 170 feet east of the southeast corner of 35th Avenue and Southern Avenue



Planning & Development Department



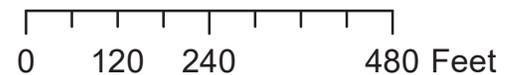


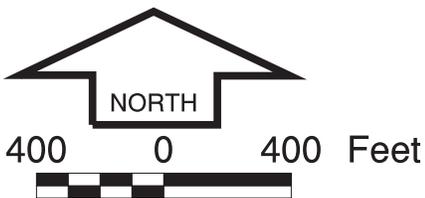
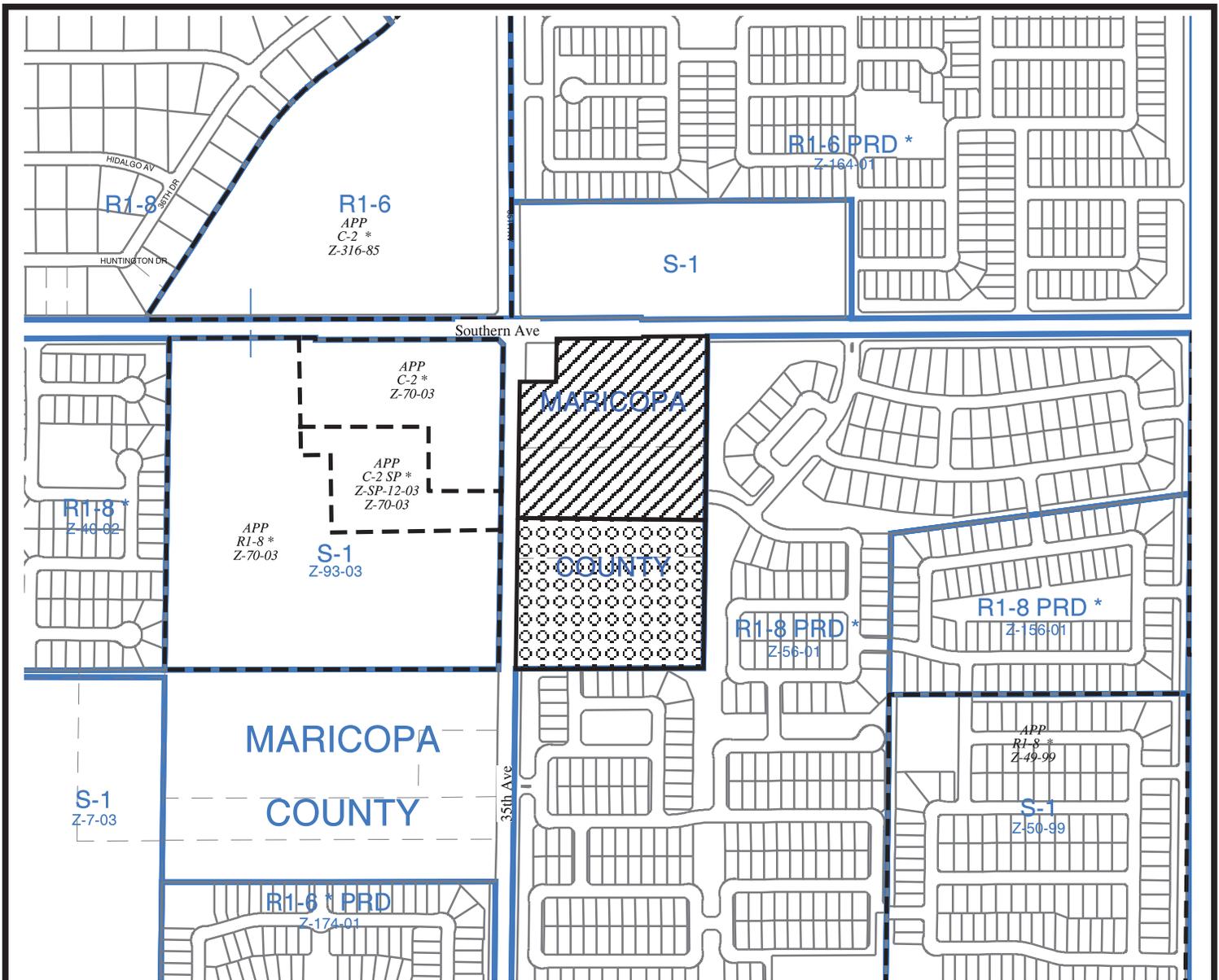
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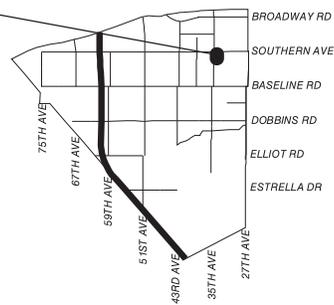


Planning & Development Department





Z-81-05



CITY OF PHOENIX PLANNING DEPARTMENT

Laveen Village

CITY COUNCIL DISTRICT: 7

APPLICANT'S NAME: Trimark Homes, Brian Hardy, President		REQUESTED CHANGE:	
APPLICATION NO. Z-81-05	DATE: 6-3-2005 REVISION DATES: 9-12-2005	FROM: Rural-43 (Pending S-1)	TO: C-2 (11.36 ac) R-2 (9.49 ac)
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 20.85 Acres	AERIAL PHOTO & QUARTER SEC. NO. Q2-21	ZONING MAP D6	
MULTIPLES PERMITTED Rural-43 (Pending S-1) C-2, R-2	CONVENTIONAL OPTION 21 N/A / 95	* UNITS P.R.D. OPTION N/A N/A / 99	

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

Proposed Site Plan

Hearing Date: March 17, 2021

LAND USE INFORMATION

LOCATION: 35TH AVENUE AND SOUTHERN AVENUE
PHOENIX, ARIZONA

SITE AREA:
1 PARCELS-TOTAL
7.8686 NET ACRES
8.7425 GROSS ACRES

TOWNHOUSES-
TOWNHOUSES - 2-STORY
1,205 S.F. = 3 BR/2.5 BATH
2-CAR GARAGE
133 UNITS
133 UNITS TOTAL

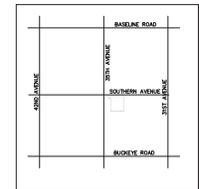
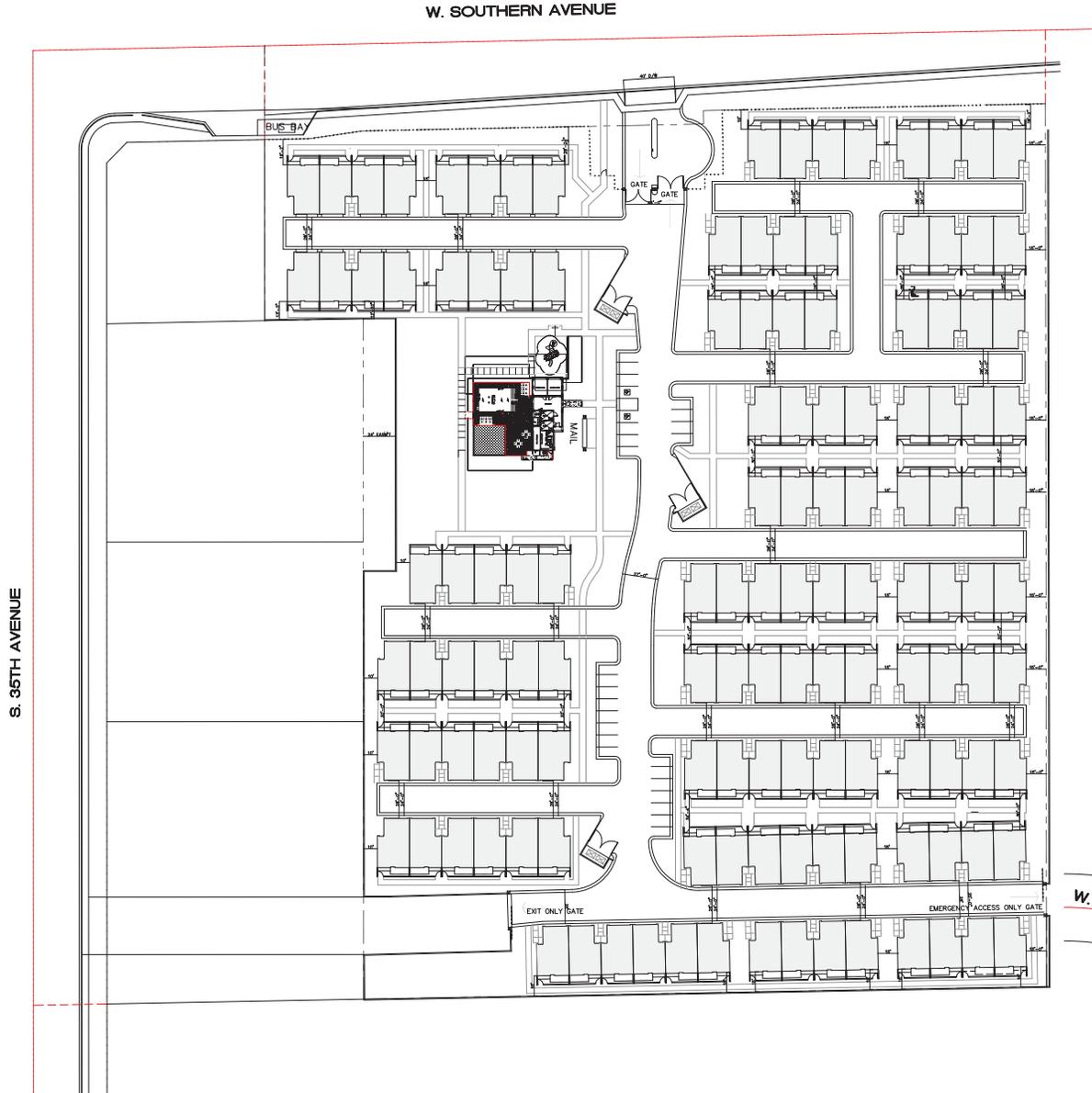
DENSITY (GROSS) = 15.21 UNITS/ACRE

PARKING: PARKING SPACES REQUIRED - CITY OF PHOENIX
2 SPACES PER DWELLING UNIT (SINGLE FAMILY ATTACHED)
120 TOWNHOUSES = 240 PARKING SPACES
VISITOR PARKING SPACES = 24 SPACES
264 SPACES REQUIRED

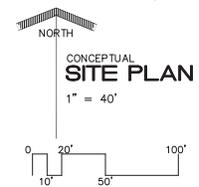
PARKING SPACES PROVIDED:
120 2-CAR GARAGES = 240 SPACES
39 GENERAL VISITOR ON SITE SPACES
279 PARKING SPACES PROVIDED
INCLUDES 2 ACCESSIBLE VAN SPACES

OPEN SPACE: TOTAL NET SITE AREA = 342,756 S.F. (7.8686 ACRES)
TOTAL BUILDING COVERAGE = 816 S.F. (133) = 108,028 S.F.
31.82%
TOTAL PAVED AREA = 82,464 S.F.
24.0%
TOTAL LANDSCAPED OPEN SPACE = 182,420 S.F.
53.22%
(INCLUDES AMENITIES, PRIVATE PATIOS, AND WALKS.)

PROJ. NO. 114
DATE: 8/13/20
DRAWN BY: FEW
REVISIONS:
11/19/20
12/9/20
1/19/21



VICINITY MAP
NO SCALE



CITY OF PHOENIX

JUN 18 2021

Planning & Development
Department

35 SOUTHERN TOWNHOMES PHOENIX, ARIZONA
PHOENIX, ARIZONA

PROJ. DEVELOPMENT
35 SOUTHERN TOWNHOMES
35TH AVENUE AND SOUTHERN AVENUE PHOENIX, ARIZONA

WOODS ASSOCIATES
ARCHITECTS, LLC

3519 E. MCDOWELL RD.
MESA, ARIZONA 85215
(480) 962-7672

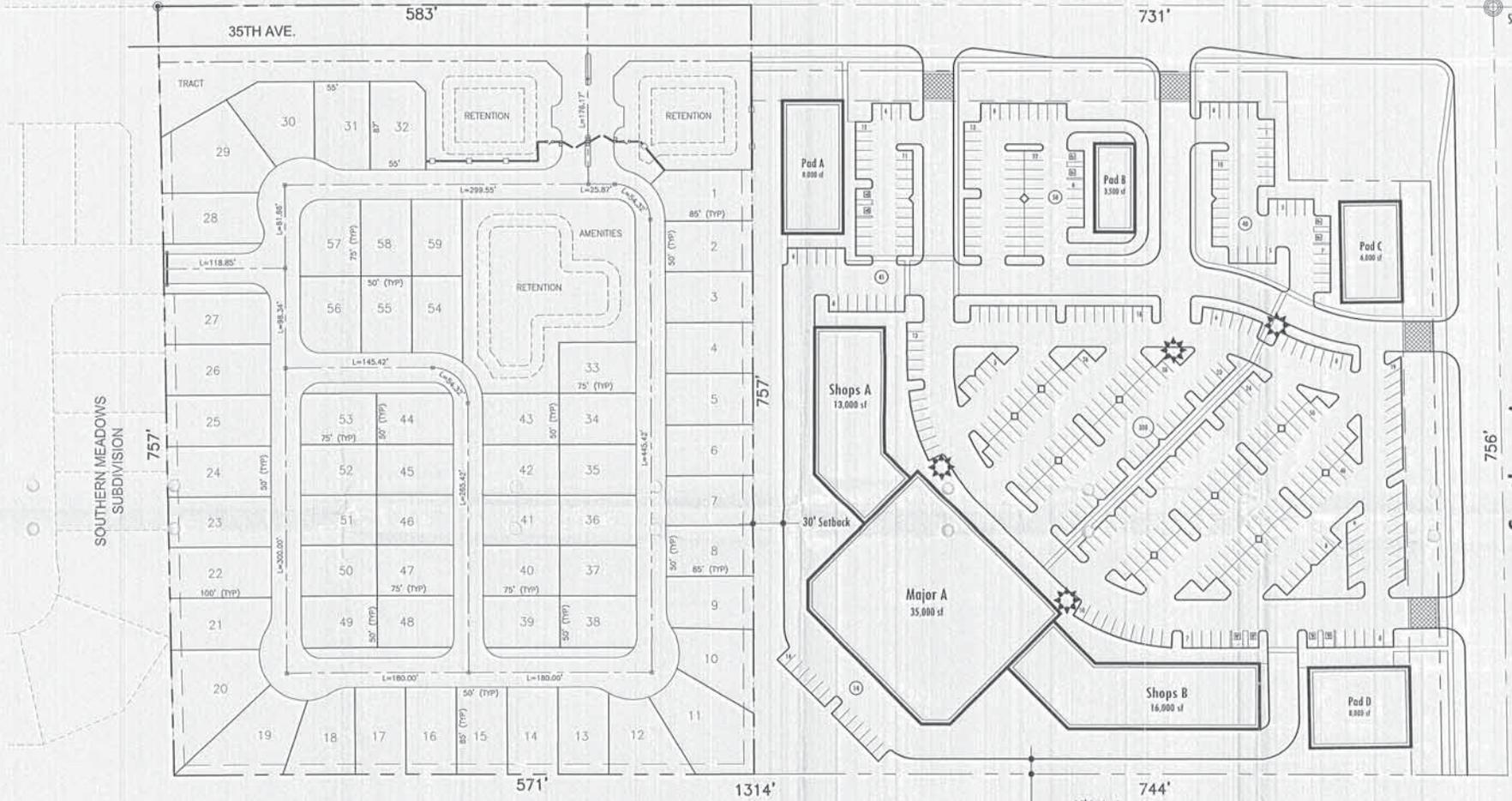


A-0

UNSUBDIVIDED
FUTURE WAL-MART

35th Avenue

Signal



PROJECT DATA

COMMERCIAL

GROSS AREA = 10.51 ACRES
BUILDING AREAS:
MAJORS = 35,000 SF
SHOPS = 29,000 SF
PADS = 25,500 SF
TOTAL = 89,500 SF
LOT COVERAGE = 19.6%
PARKING REQUIRED = 358 SP
PARKING PROVIDED = 454 SP

RESIDENTIAL

GROSS AREA = 10.0 ACRES
TOTAL LOTS = 59
RESIDENTIAL DENSITY = 5.88 DUA
EXISTING ZONING = R-43
PROPOSED ZONING = R-2 PRD
OPEN SPACE REQUIRED = 0.5 AC
OPEN SPACE PROVIDED = 1.2 AC



CONCEPTUAL SITE PLAN

SOUTHEAST CORNER OF 35TH AVE & SOUTHERN

THE LEAD GROUP



PLAN DATE: SEPTEMBER 12, 2005





PATIO ELEVATION



GARAGE / ENTRY ELEVATION

CITY OF PHOENIX
 112 23 207
 Planning & Development
 Department

W WOODS ASSOCIATES ARCHITECTS LLC
 3319 E MCDOWELL RD MESA, ARIZONA
 85213
 (480) 962-7672

35TH AVE AND SOUTHERN
 FIG DEVELOPMENT



SIDE ELEVATION

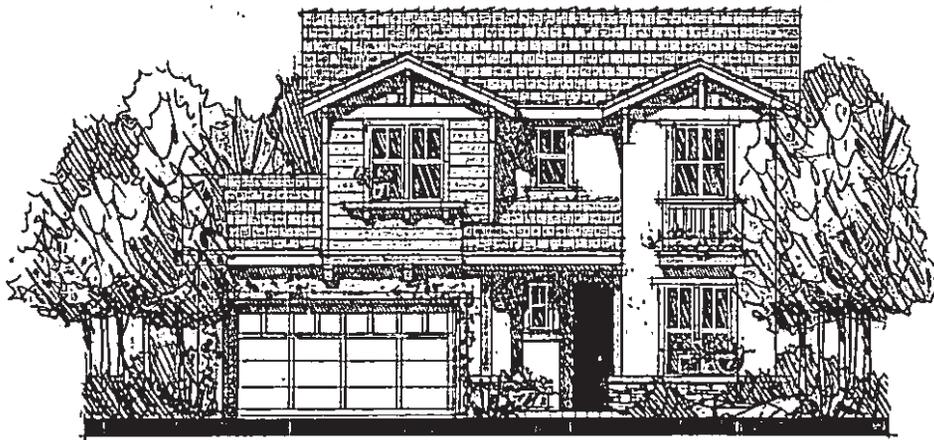


SIDE ELEVATION

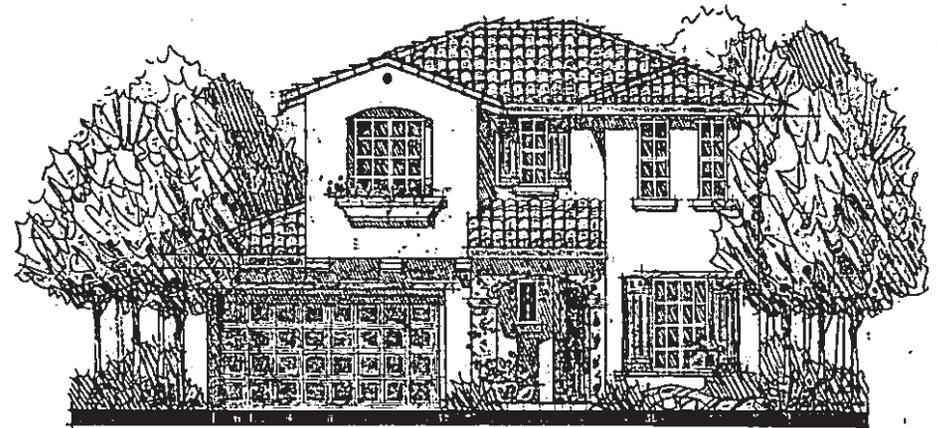
CITY OF PHOENIX
 1100 #3 2021
 Planning & Development
 Department

W WOODS ASSOCIATES ARCHITECTS LLC
 3319 E MCDOWELL RD MESA, ARIZONA
 85213
 (480) 962-7672

35TH AVE AND SOUTHERN
 FIG DEVELOPMENT

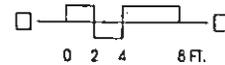


1A



1B

Plan 1 - Conceptual Front Elevations



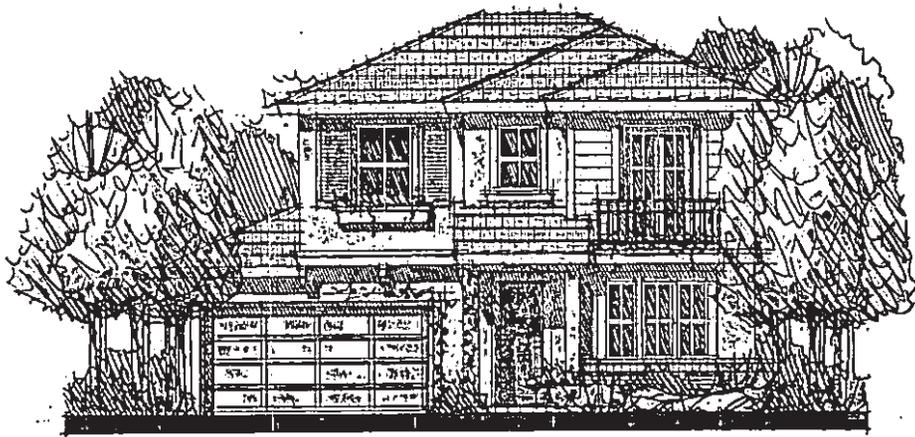
Silverstone
Homes

Fairway Villas

Mesa, Arizona

 robert k. davis & associates
architecture & planning
38231 Coltrane Loop
Murietta, Calif. 92562
tele: (925) 996-4780 fax: (925) 996-4107

MAY 26 REC'D

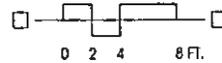


2A



2B

Plan 2 - Conceptual Front Elevations



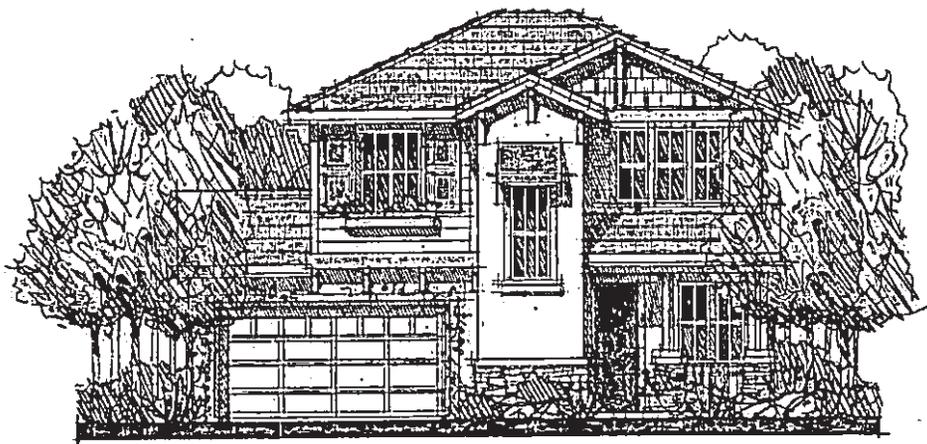
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MAY 26 REC'D

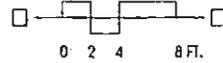


3A



3B

Plan 3 - Conceptual Front Elevations



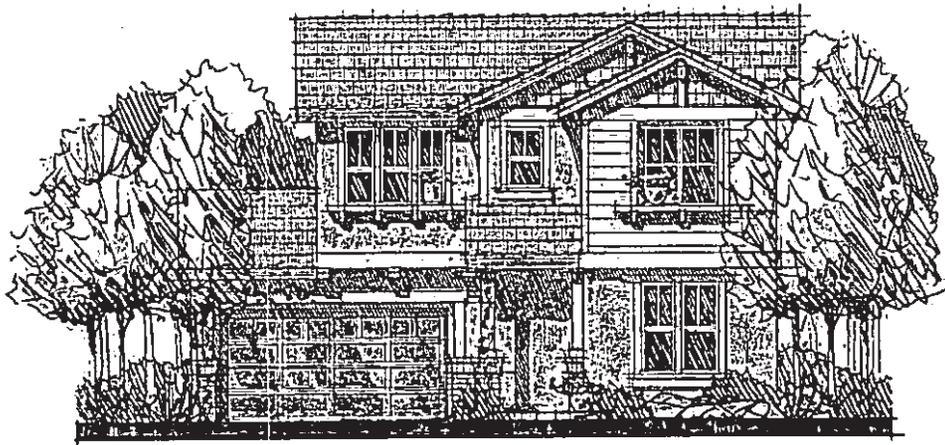
Silverstone
Homes

Fairway Villas

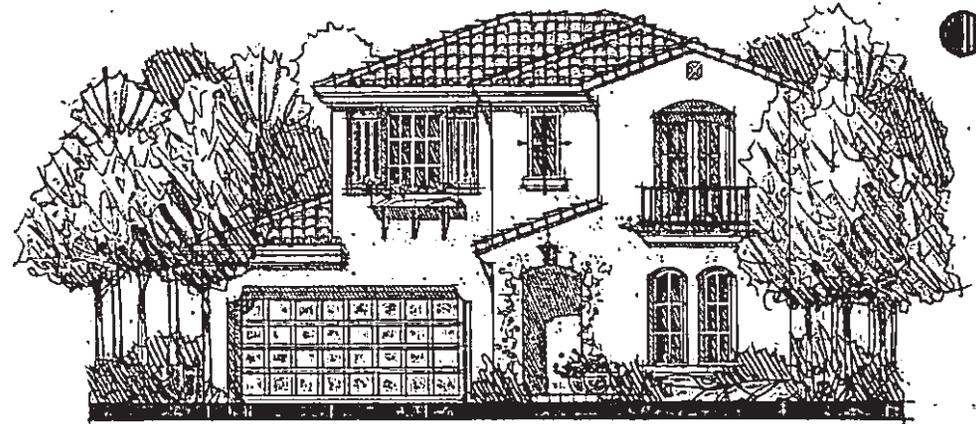
Mesa, Arizona


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 38231 Oaktree Loop
 Murietta, Calif. 92562
 phone: (951) 696-4280 fax: (951) 696-4177

MAY 26 REC'D

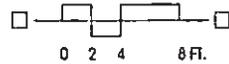


4A



4B

Plan 4 - Conceptual Front Elevations



Silverstone
Homes

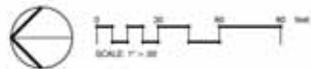
Fairway Villas

Mesa, Arizona

robert k. davis & associates
architects & planning
38231 Oaktree Loop
Munich, Calif. 92052
tel: (761) 698-4780 fax: (761) 698-4107

MAY 26 REC'D

W. SOUTHERN AVENUE



PLANT SCHEDULE

- | | |
|----------------------|---|
| TREES | BOTANICAL COMMON NAME |
| | <i>Calliandra</i> - 'Desert Museum' Desert Museum Palo Verde |
| | <i>Quercus virginiana</i> - 'Heritage' Heritage Southern Live Oak |
| | <i>Washingtonia</i> - 'Majesty' California Fan Palm |
| | <i>Cholla</i> - 'Desert Museum' Pine Deer Five Deer Cholla |
| SHRUBS | BOTANICAL COMMON NAME |
| | <i>Agave americana</i> - 'Desert Century' Plant |
| | <i>Agave geminifera</i> - 'Century' Plant |
| | <i>Bougainvillea</i> - 'Bougainvillea' Bougainvillea |
| | <i>Carex macrospora</i> - 'Blossom Beauty' Beauty Natal Plum |
| | <i>Carex macrospora</i> - 'Green Carpet' Green Carpet Natal Plum |
| | <i>Chrysanthemum</i> - 'Innocence' Innocence |
| | <i>Cycas revoluta</i> - 'Sago' Palm |
| | <i>Echinocereus</i> - 'Toothless' Toothless Desert Spoon |
| | <i>Echinocereus</i> - 'Purple' Purple Leaved Hoopoe Bush |
| | <i>Hebe</i> - 'Hill' Hill |
| | <i>Jatropha</i> - 'Mexican' Mexican Honeycreeper |
| | <i>Lantana</i> - 'New Gold' 'Trailing Lantana' |
| | <i>Schizanthus</i> - 'Royal Mail' 'TM Royal Mail Pink Multi-Flower' |
| | <i>Phoenix</i> - 'Catalina' Pinyon Date Palm Multi-Flower |
| | <i>Ruellia</i> - 'Wild' Wild Petunia |
| | <i>Ruellia</i> - 'Prostrata' Prostrata Plant |
| | <i>Taxodium</i> - 'Angustifolia' Yellow Sals |
| GROUND COVERS | BOTANICAL COMMON NAME |
| | <i>Cynodon</i> - 'Bermuda' 'Bermuda' Bermuda Grass |

CITY OF PHOENIX
 JAN 28 2021
 Planning & Development Department

BFH
 3707 EAST SOUTHERN AVENUE
 MESA, ARIZONA, 85206
 PHONE: 480.734.1446

VILLAS AT 35TH AVENUE
 CITY OF PHOENIX, AZ

PROJECT: **VILLAS AT 35TH AVENUE**

JOB NO. 21002
 PRELIMINARY LANDSCAPE PLAN
 SHEET NO. 1 OF 1

NOT APPROVED FOR CONSTRUCTION

October 19, 2005

Mayor Gordon noted for the record the following Citizen Speaker Card had been submitted for Item 2C:

Donald R. Miller
P.O. Box 379
Laveen, AZ 85339-0379

MOTION was made by Mr. Johnson, **SECONDED** by Mr. Lingner, that **Items 2A, 2B, 2C and 2D be granted per Planning Commission**, noting Item 2B included the attachment submitted to Council with Planning Commission recommended stipulations as follows:

Stipulations

1. That development shall be in general conformance to the site plan and elevations date stamped September 9, 2005 as approved or modified by the Development Services Department.
2. That the owner shall bring a revised site plan to the Planning Hearing Officer to obtain approval for the site plan to include development being contemplated for the vacant portion of the site.
3. That the property owner shall record documents that disclose to the purchasers of property within the development the existence and operational characteristics of Phoenix Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.

MOTION CARRIED UNANIMOUSLY.

ITEM 2A

CITYWIDE

**TEMPORARY FENCING
TEXT AMENDMENT
APPLICANT: PLANNING
COMMISSION**

Application: Z-TA-13-05
Request: Text Amendment
Proposal: Amend Zoning Ordinance Sections 202, 703, and 507.II.Tab A. to provide standards for erecting temporary fencing
Staff: Denied as filed, approved with modified text amendment and rezoning applicability. (See background Item 1, in staff's report.)

October 19, 2005

Staff: Approved.
VPC Action: Laveen – Did not review.
PC Action: October 5, 2005 - Approved. Vote 8-0

ITEM 2D

DISTRICT 7

**APPROXIMATELY 173 FEET
EAST OF THE SOUTHEAST
CORNER OF 35TH AVENUE
AND SOUTHERN AVENUE
APPLICANT: BRIAN HARDY -
TRIMARK HOMES
OWNER: ERNEST
LISENMEYER
REPRESENTATIVE:
JASON MORRIS -
WITHEY, ANDERSON AND
MORRIS**

Application: **Z-81-05-7**
From: Country Rural-43 (Pending S-1)
To: R-2, C-2
Acreage: 22.02
Location: Approximately 173 feet east of the southeast corner of 35th Avenue and Southern Avenue
Proposal: Single-Family Residential and Community Commercial Center
Staff: Approved subject to stipulations.
VPC Action: Laveen - September 12, 2005 - Approved with stipulations. Vote 9-0
PC Action: October 5, 2005 - Approved subject to stipulations in staff report addendum and six additional Laveen Village Planning Committee stipulations. Vote 8-0

Stipulations

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1. That development shall be in general conformance to the site plan date stamped September 23, 2005, as modified by the following, and as approved or modified by the Development Services Department:

October 19, 2005

- a. That a shaded walkway shall be incorporated into the parking lot with alternative paving materials where walkways cross drive aisles;
- b. That the residential portion shall not exceed 59 lots.

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October 19, 2005

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- 216 -

October 19, 2005

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October 19, 2005

- 25. That any request to change or modify the stipulations or site plan, be brought back to the Laveen Village Planning Committee for review and comment prior to approval by the city.

ZONING CASES SCHEDULED FOR PUBLIC HEARING

Item 9A held its place on the agenda and was heard after Item 9B.

<u>ITEM 9B</u>	DISTRICT 2	SOUTHEAST CORNER OF THE BLACK CANYON FREEWAY AND CAREFREE HIGHWAY APPLICANT: PLANNING COMMISSION OWNER: ARIZONA STATE LAND DEPARTMENT REPRESENTATIVE: S. ANDERSON - GAMMAGE AND BURNHAM, PLLC
-----------------------	-------------------	--

Application:	Z-SP-8-05-2
From:	S-1 PCD NBCOD
To:	C-2 PCD NBCOD
Acreage:	101.51
Location:	Southeast corner of the Black Canyon Freeway and Carefree Highway
Proposal:	Amendment to Z-1-04 Sub Area A of the Arizona State Land Department PCD to allow for commercial uses.
Staff:	Denied as filed and approved C-2 NBCOD for entire parcel, and C-2 SP for only the southern 1,200 feet with stipulations.
VPC Action:	<u>North Gateway</u> – July 14, 2005 - Denied as filed to approve entire site for C-2 NBCOD FH PCD NBCOD, subject to staff stipulations and an additional stipulation. Vote 8-0-1
ZHO Action:	July 18, 2005 - Denied as filed, approval of C-2 NBCOD for entire parcel and C-2 SP NBCOD for south 1,200 feet portion, subject to staff, Village Planning Committee and additional stipulations.
PC Action:	October 5, 2005 – Denied. Vote 7-1

Application #: Z-138-05-7
From: County Rural-43
To: S-1
Acreage: Approximately 20.85
Location: Approximately 173 feet east and 205 feet south of the southeast corner of 35th Avenue and Southern Avenue
Proposal: Establish equivalent City of Phoenix zoning per Annexation #345 (G-4727)
Applicant: Planning Commission
Owner: Ernest M Lisenmeyer & Sandra L Ramsey
Representative: Planning Commission

Application #: **Z-81-05-7**
From: County Rural-43 (Pending S-1)
To: R-2, C-2
Acreage: 22.02
Location: Approximately 173 feet east of the southeast corner of 35th Avenue and Southern Avenue
Proposal: Single Family Residential and Community Commercial Center
Applicant: Brian Hardy/Trimark Homes
Owner: Ernest Lisenmeyer
Representative: Jason Morris/Withey, Anderson & Morris

Ms. Michelle Dodds presented application Z-138-05-7, a request for equivalent zoning near the southeast corner of 35th Avenue and Southern. State Law required establishment of equivalent zoning, S-1 in this case.

Mr. Keuth made a MOTION to approve application Z-138-05-7.

Mr. Hart SECONDED.

There being no further discussion, Chairman Ford called for a vote and the MOTION PASSED by a vote of 8-0.

Application **Z-81-05-7** was a request for R-2 and C-2 zoning near the southeast corner of 35th Avenue and Southern. The Laveen Village Planning Committee (VPC) recommended approval subject to staff stipulations and additional stipulations. Subsequent to the village meeting, the applicant amended their application to include a revised site plan. Staff revised the stipulations to reflect the new site plan and responded to the additional stipulations from the village planning committee in the addendum.

Speaking in support:

Mr. William Liley, with the law firm of Withey, Anderson; and Morris, representing Trimark Homes, stated he met with the LCRD and the village many times throughout

the process over a six month period. They changed and improved the site plan a number of times. The latest site plan was voted on at the village, and additional stipulations were worked on with the village members. He recommended adopting all the village stipulations as presented except for stipulation number eight, which talked to the density of the project. The application was to keep the density as it was when it was filed, which was a 5.88 dwelling units per acre. He wanted to make sure that any stipulation that referred to the site plan would refer to the most recent site plan which was date stamped September 23, 2005.

Mr. Phil Hertel, 4532 West Dobbins Road, stated he represented the Laveen VPC on this case. He requested that stipulations 18, 19, 22, 27, 28, and 29 remain intact. The stipulations as written bring them back to the village for review as opposed to the village having to go downtown and go to a PHO hearing.

Mr. Steven Klein, 6820 South 66th Avenue, stated this was a situation where the community worked with the applicant with a lot of give and take. His exception was with staff's recommendation to delete the stipulations concerning notification and return to the community.

Mr. Keuth made a MOTION to approve application Z-81-05-7 subject to the addendum plus stipulations 18, 19, 22, 27, 28, and 29 and delete stipulation 8.

Mr. Amery SECONDED.

There being no further discussion, Chairman Ford called for a vote and the MOTION PASSED by a vote of 8-0 (Felts absent).

* * * *

STIPULATIONS:

GENERAL CONFORMANCE:

1. That development shall be in general conformance to the site plan date stamped September 23, 2005, as modified by the following, and as approved or modified by the Development Services Department:
 - a. That a shaded walkway shall be incorporated into the parking lot with alternative paving materials where walkways cross drive aisles;
 - b. That the residential portion shall not exceed 59 lots.

RESIDENTIAL

2. That development shall be in general conformance to the residential elevations date stamped May 26, 2005, as modified by the following, and as approved or modified by the Development Services Department:

- a. That all homes shall include covered entrances, such as porches, archways, or landscaped courtyards;
 - b. That the elevations shall incorporate four-sided architecture.
3. That the common open space area shall provide active recreational elements, such as tot lots and ramadas, as approved by the Development Services Department.
 4. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided on both sides of the main entry into the residential development, as approved by the Development Services Department.
 5. That the side yard setback on lots 31 and 32 provide a minimum of 20 feet between buildings.
 6. That all buildings must have a minimum 12" roof overhang.

COMMERCIAL

7. That the commercial buildings elevations shall be approved through the Planning Hearing Officer process prior to preliminary site plan approval, with specific regard to the following.
 - a. That the commercial structures shall have pitched roofs or pitched roof elements.
8. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided at the two ingress/egress points furthest from the intersection of 35th Avenue and Southern Avenue, as approved or modified by the Development Services Department. The enhanced landscape feature shall include a turf area and provide plant types from the following list:
 - a. Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees;
 - b. Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, AZ yellow bells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs;
 - c. Accents: deer grass, wild sunflowers, penstemon, golden columbine, or other similar accents;
 - d. Vines: White Lady Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine, or other similar vines.
9. That the retention area located at the southeast corner of the commercial portion of the site incorporate an offset double row of 3 and 4-inch caliper trees, spaced 20-feet on center, as approved by the Development Services Department.

10. That a landscape plan and a lighting plan shall be brought back to the LVPC for review and comment prior to City approval.
11. That development shall be subject to a comprehensive sign plan in accordance with Section 705. The LVPC shall have the opportunity to review the plan prior to the public hearing.

STREET TRANSPORTATION

12. That right-of-way totaling 55 feet shall be dedicated for the south half of Southern Avenue.
13. That right-of-way totaling 55 feet shall be dedicated for the east half of 35th Avenue.
14. That a 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 35th Avenue and Southern Avenue.
15. That sufficient right-of-way shall be dedicated to accommodate a bus-bay on Southern Avenue at 35th Avenue.
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 Development Services 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 to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

TRANSIT

18. That right-of-way shall be dedicated and a transit pad constructed (Detail P1261) along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.
19. That right-of-way shall be dedicated and a transit pad constructed (Detail P1262) along northbound 35th Avenue, north of Alta Vista Road, as approved by the Public Transit Department.
20. That right-of-way shall be dedicated and a busbay (P1257) constructed along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.

OTHER

21. That prior to final site plan approval, the property owner shall record documents that disclose to the purchasers of property within the development(s) the existence and operational characteristics of Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.
22. THAT THE MINIMUM LOT WIDTH BE 50 FEET.
23. THAT RESIDENTIAL ELEVATIONS BE BROUGHT BACK TO THE LVPC FOR REVIEW AND COMMENT.
24. THAT ONE OF THE AMENITIES SHALL BE A CLUB HOUSE OR RAMADA, WITH LIGHTS AND SEATING FOR USE BY THE HOA FOR MEETINGS.
25. THAT ANY REQUEST TO CHANGE OR MODIFY THE STIPULATIONS OR SITE PLAN, BE BROUGHT BACK TO THE LVPC FOR REVIEW AND COMMENT PRIOR TO APPROVAL BY THE CITY.

Village Planner **Karen Craver** stated that the Planning Department recommended approval of the rezoning subject to the stipulations contained in the staff report. **Bill Lally** of Withey, Anderson & Morris presented the application on behalf of Estrella Mountain Village, LLC, requesting the rezoning in order to develop a Purcell Tire facility on the site. Vice Chair **Phil Hertel** stated that the Development Application Review Subcommittee recommended approval with minor stipulations, and LCRD representative **Steven Klein** stated that the LCRD recommended approval with stipulations as well.

Vice Chair **Phil Hertel** motioned to approve as presented with the following stipulations:

That the address be added to the front of the building below the sign;
That it remain in general conformance with site plan dated 8/26/05 and elevations dated 8/29/05;
That additional architectural features be added to the front (North) side of the building;
That if the site plan, elevations or user change, that such a change would be presented to the LVPC for review and comment prior to the City hearing for the request; and
That the use of animated or moving or reader board L.E.D signs will be prohibited.

By a vote of 9 to 0, with one member declaring a conflict of interest, the Committee voted to recommend approval of the rezoning subject to staff stipulations and subcommittee recommended stipulations.

9. **Presentation, discussion, and possible recommendation on Z-81-05-7, a rezoning from Rural-43 (Pending S-1) to C-2 and R-2 on 22.02 acres at the SEC of 35th Avenue and Southern Avenue. The Planning Commission will hear the case on October 5, 2005.**

Committee member **John Williams** left prior to the beginning of the item.

Village Planner **Karen Craver** stated that the Planning Department recommended approval of the rezoning subject to the stipulations contained in the staff report. **Bill Lally** of Withey, Anderson & Morris presented the application on behalf of Trimark Homes, requesting the rezoning in order to develop a community commercial center and a single family residential development. Vice Chair **Phil Hertel** stated that the Development Application Review Subcommittee recommended approval with stipulations, and LCRD representative **Steven Klein** stated that the LCRD recommended approval with stipulations as well.

Mr. Lally stated that the parcel had been split into two portions and that the applicant anticipated the units would be all 2-story on the residential portion of the project with density at 5.88 du/ac.

Committee member **Doris French** stated that she would like to see the density reduced below 5 and return to the Committee; Vice Chair **Hertel** stated that he would either like to see the density reduced, or the density increased and an attached product provided; Committee member **Mark Williams** stated that he thought the location across 35th Avenue from the future Wal-Mart would be a good opportunity for a high density development; Committee member **Luke Schlosser** stated that he thought the requested density was appropriate given the location.

Vice Chair Phil Hertel motioned to approve as presented with the following stipulations:

Commercial

There was only a conceptual site plan presented at the time of this application with no details. As a result, it was conditionally approved with the following stipulations:

That the site plan filed for development, if different than the site plan dated 9/12/05, including the inclusion of the out-parcel in the NWC of this property, into the site plan, be brought back to the LVPC for review and comment prior to City approval.

That building elevations be brought back to the LVPC for review and comment prior to City approval.

That a comprehensive landscape and a comprehensive sign, and comprehensive light package be brought back to LVPC for review and comment prior to City approval.

Residential

The consensus at LVPC subcommittee was to either reduce the density for single family units or raise the density and offer attached housing.

That the site remain in general conformance with the site plan dated 0/12/05;

That the minimum lot width be 50';

That the side yard set backs on lots #31 and #32 provide a minimum of 20 feet between the buildings.

That all buildings must have a minimum 12" roof overhang.

That the maximum density be no greater than 4.8 du/ac for single family residents.

That if a higher density is sought that subdivision shall use town homes, or courtyard type homes with an increased density, and that site plan must be brought back to LVPC for review and comment prior to approval by the City.

That residential elevations be brought back to LVPC for review and comment.
That one of the amenities shall be a clubhouse or Ramada, with lights and seating for use by the HOA for meetings.
That any request to change or modify the stipulations, or site plan, be brought back to the LVPC for review and comment prior to approval by the City."

The motion was seconded by Committee member **Don Miller**. The Committee voted to recommend approval of the rezoning subject to staff stipulations and subcommittee recommended stipulations by a vote of 9 to 0. The applicant will make a decision regarding changing the product type and density request prior to the Planning Commission hearing.

10. Presentation, discussion, and possible recommendation on Z-51-05-7, a rezoning from Rural-43 (Pending S-1) to R1-18 on 96.74 acres at the NWC of 35th Avenue and Carver Road. The Planning Commission will hear the case on September 14, 2005.

Committee members **John Williams** and **Mark Williams** declared conflicts of interest and did not participate in the discussion or vote.

Village Planner **Karen Craver** stated that the Planning Department recommended approval of the rezoning subject to the stipulations contained in the staff report. **Jason Morris** of Withey, Anderson & Morris presented the application on behalf of Stewart RPH, LLP, requesting the rezoning in order to develop a single-family residential development. Vice Chair **Phil Hertel** stated that the Development Application Review Subcommittee recommended approval with stipulations, and LCRD representative **Steven Klein** stated that he emotionally agreed with the neighbors who were in opposition to the development, but that rationally it's a little more difficult, and that with stipulations from the Committee the case should move forward. Committee member **Don Miller** stated that he thought the case being on the Development Application Review Subcommittee agenda the same night as a neighborhood meeting on the case was a scam to divide and conquer.

Mr. Morris reminded the Committee that the case was on the LVPC July agenda and had already been reviewed and approved by the Subcommittee, but could not be heard due to a lack of a quorum. The parcel is 100 acres just south of the illegal mining operation on 35th Avenue, initially 162 units but fewer now with density currently 1.3 with no lot less than 10,000 square feet. Only 2 lots are adjacent to Carver Road. 50' between homes and 1.3 du/ac overall density demonstrated that the lots are not on top of each other, as per complaints **Mr. Morris** said he has heard. There is a stipulation that no 2-story homes can be adjacent to another 2-story home on the perimeter lots. Approximately half of the site is open space that will not be developed. Grading of the site is such that a