



Village Planning Committee Meeting Summary

PHO-2-21—Z-63-05-8

Date of VPC Meeting	July 13, 2021
Planning Hearing Officer	July 21, 2021 (Continued)
Hearing Date	
Request	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped February 19, 2016.2) Request to delete Stipulation Nos. 2 and 3 regarding maximum access points on 25th Street and cross access to the commercial site along the west.
Location	Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road.
VPC Recommendation	Denial as filed, approved with modifications.
VPC Vote	10-2-1 , motion passed; Members Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. Members Larios and Said in dissent. Member Monge Kotake abstained.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Cases PHO-2-21—Z-63-05-8, PHO-1-21—Z-59-18-8, and PHO-1-21—Z-10-18-8 were heard concurrently.

One member of the public registered to speak on this item during the public meeting.

Enrique Bojórquez, staff, introduced himself and provided a presentation regarding each of the three PHO cases. He discussed the location of the overall project site and individual PHO cases. The requested stipulation modifications by the applicant were shown for each case. He also showed previously approved site plans and/or building elevations, in addition to the new proposed site plan for the overall project site and building elevations.

Greg Brownell asked if staff provides a recommendation on the requested modifications. He prefers that no drive-throughs are approved for the site.

Mr. Bojórquez responded that staff does not provide recommendation on Planning Hearing Officer (PHO) cases.

Chairwoman Daniels asked why no building elevations were provided for the commercial phase of the project.

Mr. Bojórquez responded that the applicant can address this question.

Marcia Busching asked if a detailed review of the plans has been conducted.

Mr. Bojórquez responded that usually a development services pre-application meeting is conducted by the applicant to gather technical review comments on the site plan proposed and that PHO staff review the documents once submitted.

Martin Hayime Monge Kotake lives east of the proposed development. Currently, the 27th Street alignment is dangerous and prefers that the street alignment remains as shown in the site plan approved in 2018.

Gene Holmerud discussed the 27th Street and Baseline Road alignment involving the topographical survey of the area.

Trent Marchuk asked about the conformance to the Baseline Area Overlay District (BAOD) in the site plan and referenced several potential conflicts. The drive-throughs should be eliminated and prefers that the pitched roofs stay in the stipulations.

Muriel Smith discussed the 27th Street alignment and previous concerns raised then about this.

Mr. Bojórquez responded that the applicant might be able to address questions about their current layout and why it changed from the 2018 site plan.

Chairwoman Daniels discussed several aspects of the proposed stipulations pertaining to:

- New site layout is an improvement, as it is adding new housing units to the area;
- Discussed the public access and the changes to the overall site plan;
- Pedestrian access for the multifamily should be provided to commercial areas;
- 25th Street no longer being a public street, now proposed as a private drive;
- Pitched roof elements should be kept;
- Equestrian corral area was discussed;
- Would love to see Walkable Urban code elements added to the project;

Mr. Bojórquez responded that the multifamily portion of the site could be a gated community, as shown in the site plan provided by the applicant. Furthermore, that 25th Street is no longer proposed as a public street, but rather a private drive.

Paul Gilbert, with Beus Gilbert McGroder PLLC, introduced himself as the representative of the developer and introduced the project. The proposed site plan meets all of the required standards, while exceeding some standards such as open space, where 30-percent open space is provided to account for water retention. He introduced the project team, PHO case boundaries and discussed the conceptual site plan for the entire site. He showed the commercial and multifamily residential phases of the conceptual site plan. One-hundred thirty-eight total units are proposed with a maximum density of 16.99 dwelling units per acre. The site plan complies with the BAOD requirements and discussed the amenities proposed, including the corral area. He discussed the stipulation modification language proposed for each of the 3 PHO cases and stated that drive-through facilities are needed. The 27th Street alignment was addressed, adding that no traffic signal was warranted based on the traffic statement conducted. An overview of the enhanced notification and outreach was provided. Other aspects of the project such as pathways, health-safety enhancements, architecture and walls were discussed. He no longer is requesting modification of Stipulation No. 2.a on case PHO-1-21—Z-10-18-8 pertaining to pitched roof elements.

Carl Starry, with LG Acquisitions LLC, introduced himself as the developer for the residential phase of the project. He gave an overview of different multifamily development projects built in other cities. He reviewed the three lists created by the South Mountain Village Planning Committee and discussed why this property was selected. He discussed amenities, layout, access, public art, and the clubhouse.

Mr. Holmerud asked whether the multi-use trail along Baseline Road had been constructed. He asked for clarification on the electric charging station proposed.

Mr. Gilbert responded that the multi-use trail along Baseline Road will be provided.

Mr. Starry discussed the electric charging outline and possible locations for this within the community.

Twanna Ray asked for clarification on the number of individuals that were spoken to regarding this project.

Mr. Gilbert stated that within an 850-foot radius, over 600 people were contacted, and no issues were raised on the project. Approximately 2.5 weeks were spent doing the outreach.

Lee Coleman asked why some of the setbacks were not being met.

Cassandra Ayres, with Beus Gilbert McGroder PLLC, introduced herself and stated that they are asking for some of the parking to be allowed within the front setback along Baseline Road. Thus, a variance is proposed to be requested to address this aspect of the site plan.

Dr. George Brooks asked if the applicant met individually or as a group with surrounding neighbors, and if a neighborhood meeting was held.

Susan Bitter Smith, with Technical Solutions, introduced herself as part of the development team. Her group knocked on doors and assisted with the outreach for this project.

Mr. Bojórquez added that no neighborhood meeting is required as part of PHO applications.

Mr. Marchuk asked if the site plan will need to comply with BAOD standards. He is concerned that some of the standards are not being met.

Mr. Bojórquez responded that the site plan will have to comply with the BAOD standards.

Mr. Starry stated that their project will comply with BAOD standards, including walkways.

Mr. Gilbert responded that they will review the Zoning Ordinance once again.

Mr. Monge Kotake asked if a traffic statement will be required for this project and stated that his household was contacted, but no information about the project was left for him to follow up on.

Mr. Gilbert stated that the city did not require a traffic report, but one was conducted anyway about a year ago.

Mr. Bojórquez stated that he did not observe a stipulation from the 2018 rezoning case requiring a traffic statement to be submitted to the city at a later date.

Mr. Coleman discussed the intersection at 27th Street and Baseline Road.

Chairwoman Daniels allowed Ms. Jones to provide public comment on the cases.

JoLouise Jones, member of the public, introduced herself as a resident in the area and stated that traffic is bad along this intersection now. Traffic will worsen if this project is approved. The 27th Street alignment was approved in 2018 with the intent to develop a traffic signal light.

Mr. Gilbert stated that the current site plan reduces traffic counts as there is a reduction of commercial uses.

Mr. Monge Kotake stated that the traffic report is from a year ago and thus outdated now.

Mr. Coleman stated that aligning both sides of 27th Street north and south of Baseline Road would be challenging.

Chairwoman Daniels asked why the stipulation pertaining to 27th Street was added in the 2018 rezoning case.

Mr. Bojórquez responded that the 2018 rezoning case minutes are included in the packet sent to all VPC members but cannot identify a specific reason while browsing the minutes from 2018.

Kassandra Alvarez asked if the applicant had spoken with the Street Transportation Department regarding the traffic.

Mr. Gilbert responded that he had contacted the traffic section and no traffic signal was required.

Ms. Busching would like to stipulate several elements including:

- Cross-access agreement between the commercial and residential phases, plus the property along the west;
- Maximum of one drive-through facility;
- Applicant to work with the Planning and Development Department, Street Transportation Department and the community on the 27th Street alignment, thus keeping Stipulation No. 1.b on PHO-1-21—Z-10-18-8;
- Keep Stipulation No. 2.a on case PHO-1-21—Z-10-18-8;

Greg Brownell, Kay Shepard and **Kassandra Alvarez** support these stipulations.

Mr. Gilbert would like flexibility to work out these issues with city staff.

Ms. Busching is concerned that the requested changes will not be addressed.

Mr. Holmerud is opposed to aligning 27th Street.

Mr. Marchuk agrees on aligning 27th Street and adding language pertaining to berms and the BAOD.

Mr. Brownell and **Ms. Busching** agree with Mr. Marchuk's comments.

Mr. Holmerud disagrees with Mr. Marchuk on aligning 27th Street.

Lee Coleman and Shelly Smith left the meeting at 10:10pm, bringing the quorum to 14 members.

MOTION – PHO-2-21—Z-63-05-8:

Ms. Busching motioned to deny case PHO-2-21—Z-63-05-8 as filed, approve with modifications. **Ms. Shepard** seconded the motion to approve.

Stipulation modifications approved for PHO-2-21—Z-63-05-8:

- Stipulation No. 1: That the ~~subject property~~ DEVELOPMENT shall be ~~developed~~ in general conformance to WITH the CONCEPTUAL site plan and elevations date stamped ~~February 19, 2016~~ MAY 28, 2021, as modified by the following stipulations and as approved by the PLANNING AND DEVELOPMENT DEPARTMENT, **EXCEPT THAT NO MORE THAN ONE DRIVE-THROUGH FACILITY SHALL BE PROVIDED. THE DRIVE-THROUGHS SHOULD BE SCREENED FROM VIEW OF THE PERIMETER STREET WITH A LANDSCAPED BERM OR A COMBINATION OF A WALL A LANDSCAPED BERM AT LEAST FOUR FEET IN HEIGHT.**
- Stipulation No. 2 was deleted.
- Stipulation No. 3: **THERE SHALL BE VEHICULAR AND PEDESTRIAN CROSS ACCESS EASEMENTS FOR ALL COMMERCIAL PAD SITES AS WELL AS THE MULTIFAMILY PORTION OF THE DEVELOPMENT. A PEDESTRIAN AND VEHICULAR CROSS ACCESS EASEMENT SHALL BE PROVIDED ALONG THE COMMERCIAL PAD SITES WEST OF THE DEVELOPMENT IN ORDER TO CONNECT TO THE ADJACENT COMMERCIAL PROPERTY WEST OF THE PROJECT SITE.**

VOTE – PHO-2-21—Z-63-05-8:

10-2-1, motion passed; Members Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. Members Larios and Said in dissent. Member Monge Kotake abstained.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.