



Village Planning Committee Meeting Summary

Z-1-19-8

Date of VPC Meeting	March 12, 2019
Request From	R1-6
Request To	CP/GCP
Proposed Use	Distribution warehouse
Location	Southwest corner of 32nd Street and Roeser Road
VPC Recommendation	Approval per staff recommendation
VPC Vote	9-2 (Members Brooks, Brownell, Castello, Daniels, Ealim, Kotake, Kutnick, Shepard, Vera in favor. Members Aguilar Larios opposed)

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Ms. Mailen Pankiewicz provided an overview of the request including aerial photographs, zoning maps, site plan, and elevations. Finally, Ms. Pankiewicz described the staff findings to recommend approval and provided an overview of recommended staff stipulations which included removing the driveway access from Roeser Road.

Mr. David Richert, representative, provided an overview of the request and displayed the site map. Mr. Richert detailed the proposed site plans and elevations. Additionally, he noted that he had engaged the neighbors most affected by the new development and they had helped in the design of driveway locations and widths, wall heights and setbacks. He stated that a driveway along Roeser Rd. would be necessary to accommodate truck traffic. He emphasized that in his meetings with residents the driveway was not a concern of theirs.

Dr. George Brooks arrived at 6:27pm, bringing the quorum up to 11 members.

Ms. Barbara Kutnick asked if Roeser Rd. would be widened or repaved to accommodate the truck traffic. **Mr. Richert** stated that the road had been recently improved and the only modification would be the curb modification for the desired driveway. He stated that the bus stop adjacent to the site would be modified, but due to the low levels of truck traffic the development was expected to generate, approximately 43 per day, this would not warrant an improvement of the roadway.

Ms. Barbara Kutnick stated that even with a low number of trucks, the development would increase traffic and activity, particularly during rush hours, from 3pm to 6pm. **Mr.**

Richert stated that the site design would help with noise and activity, given that the loading bays were placed behind the building. He stated that trucks are usually not scheduled to make deliveries at the time mentioned and assured members that the trucking industry standard aims to avoid rush hour times.

Mr. David Costello asked what kind of business would operate from the site. **Mr. Richert** stated that it would be different kinds of distribution businesses and all materials would be contained. **Mr. David Costello** asked if a traffic impact study had been conducted. **Mr. Richert** replied that the levels of traffic that would be generated did not meet the minimum traffic threshold to trigger a study.

Dr. George Brooks asked if indeed there were different uses on the site, how the off-peak schedule of deliveries mentioned could be maintained. **Mr. Richert** replied that the standard in the trucking industry is to arrange for off peak deliveries anyway to maximize efficiency and avoid delays. **Dr. George Brooks** then asked a community impact study had been conducted and if Mr. Richert had worked with the community. **Mr. Richert** replied that he had worked with the Broadway Heritage Neighborhood group and had held a neighborhood meeting where neighbors attended and showed support for the site plan and elevations.

Mr. Perry Ealim asked what kind of businesses would operate on the site and stated concerns regarding fire hazards from storage of chemicals. He referenced previous fires that in South Phoenix residents die 14 years earlier and he found it odd that land currently designated as residential would be rezoned to provide more industrial uses.

Ms. Mailen Pankiewicz explained the difference between current zoning and General Plan designations and stated that most likely, this remaining piece of property was designated with the same Commerce Park designation as the properties west to prevent disparities in the small remaining residential piece. She explained that per the Zoning Ordinance, Commerce Park designations are less intense than industrial ones. **Mr. Joel Carrasco** explained the difference between current zoning designations and General Plan designation. **Mr. Joseph Larios** replied that there was no engagement done with health authorities to understand the impact of the development.

Mr. David Vera commented that the stipulations recommended by staff seemed pertinent, yet the applicant disagreed with them, and he still had questions regarding what would be in the warehouses. He stated that he felt the recommended stipulations protected the neighborhood, given that there was no guarantee that businesses in the proposed development would not come in and out or change.

Dr. George Brooks explained that he recalled the fires Mr. Ealim mentioned in other parts of the village and that he saw how they affected the whole community.

Mr. Greg Brownell emphasized that the committee's task is to provide recommendations regarding the proposed change in zoning and evaluate the site plans being proposed. He reminded members that if someone applies for a "dangerous" use, that triggers other

actions related to safety, but this is not the main purpose of the committee. He stated that he would be happy to request for city staff to present on safety and fire issues and that the committee could use this as an initiative, however, the main task of the committee is to provide recommendations related to zoning and building layout.

Ms. Tamala Daniels asked what the design of the building would be like. **Mr. Richert** explained that the elevations for the building were included in the packet forwarded to the committee. He re-emphasized that he had worked with the community of residents living directly near the proposed development on the design of the building. He reiterated that the proposed development would benefit from an access point on Roeser, and in his work with the community, the design of the building was more important than the access on Roeser.

Mrs. Kay Shepard asked about the Industrial Park zoning of the property west of the proposed development. **Mr. Joel Carrasco** explained it was an old designation for Commerce Park and read from the Commerce Park section of the Zoning Ordinance, which explained that property previously zoned Industrial Park, would be classified as Commerce Park.

Mr. Greg Brownell stated that the committee is always concerned about applicants working with the community and he felt it was good that Mr. Richert had worked with the residents nearby. In the history of the village, at 40th St and Broadway and at 16th St and Roeser that he felt had severe consequences for residents. **Mr. Richert** stated that he would relate the concern to the person buying the property and explained that the fire department would have to sign off to approve the storage of chemicals.

Mr. Matthew Aguilar asked if a traffic study would be necessary for Roeser Rd. given that the proposed development would incorporate 3-4 businesses. **Mr. Richert** replied that based on traffic standard calculations for the kind of development, which include the retail component to the development, the only traffic during peak hours would be minimal and generated by the staff working at the location, additional traffic would not be an issue given that retail would occur at off-peak times. **Mr. Matthew Aguilar** asked about the potential of the future businesses on the site to transport toxic materials through the residential neighborhoods nearby. **Mr. Richert** replied that there are many definitions for “toxic” material, but ultimately, given the size of the proposed building, it would be difficult for toxic material to be stored there.

Mr. David Costello asked what kinds of uses would be at the property. **Mr. Richert** replied that it would be a manufacturing and distribution center where some businesses may have a sample and sales floor.

Mr. Joseph Larios expressed concerns related to the health impacts of the development to the community, stating that industrial uses have traditionally been applied to segregate people. He emphasized that there’s a disparity of health outcomes in South Phoenix when compared to other areas of town. He asked who was engaged in the process to better understand health impacts. **Mr. Richert** explained

that the Commerce Park designation was done through the city's General Plan, which involved residents. **Mr. Joseph Larios** replied:

Ms. Mailen Pankiewicz provided an overview of the request including aerial photographs, zoning maps, site plan, and elevations. Finally, Ms. Pankiewicz described the staff findings to recommend approval and provided an overview of recommended staff stipulations which included removing the driveway access from Roeser Road.

Mr. David Richert, representative, provided an overview of the request and displayed the site map. Mr. Richert detailed the proposed site plans and elevations. Additionally, he noted that he had engaged the neighbors most affected by the new development and they had helped in the design of driveway locations and widths, wall heights and setbacks. He stated that a driveway along Roeser Rd. would be necessary to accommodate truck traffic. He emphasized that in his meetings with residents the driveway was not a concern of theirs.

Dr. George Brooks arrived at 6:27pm, bringing the quorum up to 11 members.

Ms. Barbara Kutnick asked if Roeser Rd. would be widened or repaved to accommodate the truck traffic. **Mr. Richert** stated that the road had been recently improved and the only modification would be the curb modification for the desired driveway. He stated that the bus stop adjacent to the site would be modified, but due to the low levels of truck traffic the development was expected to generate, approximately 43 per day, this would not warrant an improvement of the roadway.

Ms. Barbara Kutnick stated that even with a low number of trucks, the development would increase traffic and activity, particularly during rush hours, from 3pm to 6pm. **Mr. Richert** stated that the site design would help with noise and activity, given that the loading bays were placed behind the building. He stated that trucks are usually not scheduled to make deliveries at the time mentioned and assured members that the trucking industry standard aims to avoid rush hour times.

Mr. David Costello asked what kind of business would operate from the site. **Mr. Richert** stated that it would be different kinds of distribution businesses and all materials would be contained. **Mr. David Costello** asked if a traffic impact study had been conducted. **Mr. Richert** replied that the levels of traffic that would be generated did not meet the minimum traffic threshold to trigger a study.

Dr. George Brooks asked if indeed there were different uses on the site, how the off-peak schedule of deliveries mentioned could be maintained. **Mr. Richert** replied that the standard in the trucking industry is to arrange for off peak deliveries anyway to maximize efficiency and avoid delays. **Dr. George Brooks** then asked a community impact study had been conducted and if Mr. Richert had worked with the community. **Mr. Richert** replied that he had worked with the Broadway Heritage Neighborhood group and had held a neighborhood meeting where neighbors attended and showed support for the site plan and elevations.

Mr. Perry Ealim asked what kind of businesses would operate on the site and stated concerns regarding fire hazards from storage of chemicals. He referenced previous fires in the history of the village, at 40th St and Broadway and at 16th St and Roeser that he felt had severe consequences for residents. **Mr. Richert** stated that he would relate the concern to the person buying the property and explained that the fire department would have to sign off to approve the storage of chemicals.

Mr. Matthew Aguilar asked if a traffic study would be necessary for Roeser Rd. given that the proposed development would incorporate 3-4 businesses. **Mr. Richert** replied that based on traffic standard calculations for the kind of development, which include the retail component to the development, the only traffic during peak hours would be minimal and generated by the staff working at the location, additional traffic would not be an issue given that retail would occur at off-peak times. **Mr. Matthew Aguilar** asked about the potential of the future businesses on the site to transport toxic materials through the residential neighborhoods nearby. **Mr. Richert** replied that there are many definitions for “toxic” material, but ultimately, given the size of the proposed building, it would be difficult for toxic material to be stored there.

Mr. David Costello asked what kinds of uses would be at the property. **Mr. Richert** replied that it would be a manufacturing and distribution center where some businesses may have a sample and sales floor.

Mr. Joseph Larios expressed concerns related to the health impacts of the development to the community, stating that industrial uses have traditionally been applied to segregate people. He emphasized that there’s a disparity of health outcomes in South Phoenix when compared to other areas of town. He asked who was engaged in the process to better understand health impacts. **Mr. Richert** explained that the Commerce Park designation was done through the city’s General Plan, which involved residents. **Mr. Joseph Larios** replied that in South Phoenix residents die 14 years earlier and he found it odd that land currently designated as residential would be rezoned to provide more industrial uses.

Ms. Mailen Pankiewicz explained the difference between current zoning and General Plan designations and stated that most likely, this remaining piece of property was designated with the same Commerce Park designation as the properties west to prevent disparities in the small remaining residential piece. She explained that per the Zoning Ordinance, Commerce Park designations are less intense than industrial ones. **Mr. Joel Carrasco** explained the difference between current zoning designations and General Plan designation. **Mr. Joseph Larios** replied that there was no engagement done with health authorities to understand the impact of the development.

Mr. David Vera commented that the stipulations recommended by staff seemed pertinent, yet the applicant disagreed with them, and he still had questions regarding what would be in the warehouses. He stated that he felt the recommended stipulations protected the neighborhood, given that there was no guarantee that businesses in the proposed development would not come in and out or change.

Dr. George Brooks explained that he recalled the fires Mr. Ealim mentioned in other parts of the village and that he saw how they affected the whole community.

Mr. Greg Brownell emphasized that the committee's task is to provide recommendations regarding the proposed change in zoning and evaluate the site plans being proposed. He reminded members that if someone applies for a "dangerous" use, that triggers other actions related to safety, but this is not the main purpose of the committee. He stated that he would be happy to request for city staff to present on safety and fire issues and that the committee could use this as an initiative, however, the main task of the committee is to provide recommendations related to zoning and building layout.

Ms. Tamala Daniels asked what the design of the building would be like. **Mr. Richert** explained that the elevations for the building were included in the packet forwarded to the committee. He re-emphasized that he had worked with the community of residents living directly near the proposed development on the design of the building. He reiterated that the proposed development would benefit from an access point on Roeser, and in his work with the community, the design of the building was more important than the access on Roeser.

Mrs. Kay Shepard asked about the Industrial Park zoning of the property west of the proposed development. **Mr. Joel Carrasco** explained it was an old designation for Commerce Park and read from the Commerce Park section of the Zoning Ordinance, which explained that property previously zoned Industrial Park, would be classified as Commerce Park.

Mr. Greg Brownell stated that the committee is always concerned about applicants working with the community and he felt it was good that Mr. Richert had worked with the residents nearby.

Mr. Perry Ealim asked how many jobs would be created through the proposed development, whether local contractors would be used and if they would be local jobs. **Mr. Richert** stated that approximately 9-10 jobs would be created per business, totaling approximately 50 per building. He explained that he would be open to hiring local but, in reality, it is difficult to stipulate for these kinds of things through a land use process. **Mr. Perry Ealim** asked what the tax abatement of the development would be. **Mr. Richert** replied that he did not know that information.

Mr. Greg Brownell explained that a motion needed to be made for recommendation and explained the options to the committee: approve with staff recommended stipulations, approve with developer recommended stipulations or propose additional stipulations.

MOTION

Mr. Perry Ealim made a motion to approve as recommended by staff.

Mr. David Castello seconded the motion.

DISCUSSION

Mr. Joseph Larios explained that he was against the motion to rezone the subject property from housing to business commerce because it was dysfunctional. He stated that the property should be zoned to agricultural and it was a dysfunction in government to talk about initiatives to protect water and agricultural land and to support rezonings like this one.

Mrs. Kay Shepard expressed frustration with the fact that although with staff stipulations there would not be access on Roeser Rd, trucks would still drive on Roeser Rd.

VOTE

4-7- Motion failed. Members Ealim, Shepard, Vera in favor. Members Brooks, Aguilar, Castello, Daniels, Kotake, Kutnick, Larios opposed. Brownell abstained.

MOTION

Mr. Joseph Larios made a motion to refer the project back to the city to look at a health impact assessment and affordable housing as an option.

Mr. Matthew Aguilar seconded the motion.

Mr. Joel Carrasco explained that this committee is a recommending body and encouraged the committee to make a recommendation that communicates support, opposition, or modifications to the development proposal and rezoning request that would better inform Planning Commission to make their own recommendation.

Mr. Greg Brownell explained that the motion on the floor needed clarity.

Mr. Joseph Larios clarified his motion to refer the case back to the Planning Department to see how it integrates the local food initiative and to work with organizations doing affordable housing and with health agencies to assess health impacts.

VOTE

5-6 - Motion failed. Members Brooks, Aguilar, Daniels, Kutnick, Larios in favor. Members Brownell, Castello, Ealim, Kotake, Shepard, Vera opposed.

MOTION

Mrs. Kay Shepard made a motion to accept applicant's stipulations for the development.

Mr. Greg Brownell seconded the motion.

DISCUSSION

Mr. Greg Brownell explained that motions need to be pertinent to land use regulations. He explained that he consistently sees how the committee requests that applicants do neighborhood outreach and that Mr. Richert had done so.

Mr. Perry Ealim said that Mr. Richert had just referenced speaking with 2 people and 2 people did not comprise the entire South Mountain Village for outreach.

Mr. David Richert explained that he followed and exceeded notification procedures covering over 15 neighborhood associations. He emphasized that as a previous planning director it was important for him to bring quality into the neighborhood.

VOTE

2-9 - Motion failed. Members Brownell, Castello in favor. Members Brooks, Aguilar, Daniels, Ealim, Kotake, Kutnick, Larios, Shepard, Vera opposed.

MOTION

Dr. George Brooks made a motion to reconsider approval as recommended by staff.

Mr. Perry Ealim seconded the motion.

DISCUSSION

Mrs. Barbara Kutnick requested that when staff writes their staff report they need to emphasize how the committee feels about the proposed developments.

Mr. Greg Brownell explained that part of the charge of being in a village planning committee is for members to make this known at the Planning Commission.

Dr. George Brooks agreed with Mr. Brownell and urged members to attend Planning Commission.

Mr. Joel Carrasco clarified that the minutes from the Village Planning Committees are written and forwarded to the members of the Planning Commission prior to their meetings.

Ms. Mailen Pankiewicz explained that staff reports are analyses of the subject properties and proposed rezonings, which are forwarded to the Village Planning Committee for review prior to the Village Planning Committee date. She reminded members that the Planning Commission date when a case will be heard is listed on the agenda that members also receive prior to village planning meetings as part of their packet.

Ms. Tamala Daniels stated that developments should give back to the community.

Mr. Matthew Aguilar stated that there are a lot of unknowns in the proposed development regarding use.

Mr. Joseph Larios stated that he does not get quality engagement from the Planning Department to talk about health.

Mr. Greg Brownell reminded committee members to read their packets prior to the meetings and to raise objections in writing. **Mr. Joseph Larios** stated that he did this often but did not receive responses. **Mr. Greg Brownell** asked city staff if they were responsive when objections were received. **Mr. Joel Carrasco** stated that staff always strived to respond.

Mr. Perry Ealim stated that he writes to city staff often and staffs always respond to his concerns promptly.

VOTE

9-2 - Motion passed. Members Brooks, Brownell, Castello, Daniels, Ealim, Kotake, Kutnick, Shepard, Vera in favor. Members Aguilar, Larios opposed.

VPC RECOMMENDED STIPULATIONS & STAFF COMMENTS

None.