



## Village Planning Committee Meeting Summary Z-77-22-8

<b>Date of VPC Meeting</b>	August 14, 2023
<b>Request From</b>	S-1
<b>Request To</b>	R1-8
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Approximately 40 feet north of the northwest corner of 27th Avenue and Harvest Groves Lane
<b>VPC Recommendation</b>	Continued
<b>VPC Vote</b>	7-0

### **VPC DISCUSSION:**

*Two members of the public registered to speak on this item.*

### **Staff Presentation:**

**Nayeli Sanchez Luna**, staff, stated that the applicant for Z-77-22-8 has requested a continuance.

### **Applicant Presentation:**

None.

### **Questions From Committee:**

None.

### **Public Comments:**

**Phil Hertel** noted that the applicant has worked with the Laveen Citizens for Responsible Development (LCRD) and is supportive of the continuance.

**Stephanie Hoffman** stated that she did not support the rezoning request. Ms. Daley noted that the proposed request was not compatible with the surrounding large lot houses and agrarian land uses. Ms. Daley concluded her comment by stating that Laveen needs large agrarian properties.

**Applicant Response:**

None.

**Committee Discussion:**

None.

**Motion:**

**Jennifer Rouse** motioned to continue Z-77-22-8 to the September meeting. **Vice Chair Stephanie Hurd** seconded the motion.

**Vote:**

**7-0**, Motion to continue passed, with Committee Members Barraza, Nasser-Taylor, Ortega, Rouse, Rubio-Raffin, Hurd, and Abegg in favor.

**Staff comments regarding VPC Recommendation:**

None.

## Village Planning Committee Meeting Summary Z-77-22-8

<b>Date of VPC Meeting</b>	September 11, 2023
<b>Request From</b>	S-1
<b>Request To</b>	R1-8
<b>Proposal</b>	Single-family residential
<b>Location</b>	Approximately 40 feet north of the northwest corner of 27th Avenue and Harvest Groves Lanes
<b>VPC Recommendation</b>	Approval, per the staff recommendation with modifications and additional stipulations.
<b>VPC Vote</b>	7-1

### **VPC DISCUSSION:**

*Nineteen members of the public registered to speak on this item, in opposition. Six members of the public donated their time.*

### **Staff Presentation:**

**Nayeli Sanchez Luna**, staff, presented an overview of Z-77-22-8. Mrs. Sanchez Luna discussed the location of the site, the requested zoning designation, the surrounding land uses, and the General Plan Land Use Map designation. Mrs. Sanchez Luna provided an overview of the proposed development including the site plan and elevations. Mrs. Sanchez Luna concluded the presentation by summarizing the staff findings, providing the staff recommendation and proposed stipulations.

### **Applicant Presentation:**

**Wendy Riddell**, representing the applicant with Berry Riddell LLC, provided an overview of the proposed case. Ms. Riddell displayed the site plan and stated that they had additional stipulations that would address the community's concerns. Ms. Riddell noted that the new proposal would be gated, limited to 33 single-family houses, and a disclosure would be required regarding agricultural uses and the event venue to the south. Ms. Riddell added that the proposal consisted of approximately 30% open space and that the development would have detached sidewalks for extra safety. Ms. Riddell concluded the applicant presentation by displaying the proposed elevations and summarizing the proposed modifications to existing stipulations and proposed stipulations.

**Questions from the committee:**

**Patrick Nasser-Taylor** asked if the previous landowner was located on the adjacent houses along 27th Avenue. **Ms. Riddell** stated that the original property owner was gone. **Mr. Nasser-Taylor** asked what additional meetings were held regarding the rezoning case. **Ms. Riddell** noted that they held several meetings and went door to door. Ms. Riddell added that the redlined stipulations addressed concerns heard from the community.

**Rebecca Perrera** asked for more information regarding the impact fees because the property is both in Maricopa County and the City. **Ms. Riddell** noted that the 27th Avenue right-of-way belongs to Maricopa County and that the Streets Transportation Department had indicated that the right-of-way would be annexed into the City. Ms. Riddell stated that the proposal is located within the City and as a result impact fees would go to the City and not Maricopa County.

**Carlos Ortega** asked how the development would handle traffic along 27th Avenue during and after construction. **Ms. Riddell** noted that the 27th Avenue right-of-way would be annexed into the City and would be developed to City standards. **Mr. Ortega** asked for more information regarding emergency services. **Ms. Riddell** noted that they have contacted the Fire Department and they have confirmed that they would be able to provide emergency services. **Mr. Ortega** asked why one-story houses were located predominately on the south side. **Ms. Riddell** noted that to the south is the Harvest Groves community and they had concerns regarding the proposed height along the south side of the proposal. **Mr. Ortega** noted that he would like to hear from Harvest Groves and how the proposal would affect their community. **Ms. Riddell** noted that he proposed stipulation addressed the concerns with the proposed height and that both the south and north side of the proposal included a landscape buffer.

**Vice Chair Stephanie Hurd** noted that she agreed with Committee Member Ortega's concerns.

**Chair Linda Abegg** noted that she would like to find a compromise regarding the proposed height. Chair Abegg noted that she wanted the public comment to voice their opinion regarding two-stories vs. one-story and if they favored 27 single-family residential units rather than the proposed 33.

**Public Comment:**

**Clifford Mattice** noted that he belonged to the Harvest Groves community and their community also consisted of approximately seven acres but with 15 houses rather than the proposed 33. Mr. Mattice noted that their community had extensive landscaping and that the proposal was not consistent with the General Plan Land Use Map designation and that they should be required to file for a General Plan

Amendment. Mr. Mattice noted that the current zoning already allowed for eight houses. Mr. Mattice added that the rezoning sign was difficult to read due to the vegetation on the site. Mr. Mattice stated that he was opposed to two-story houses on the south side of the development and that he only agreed to 16 total single-family houses. Mr. Mattice added that he would like a stipulation to cap the density and prevent property owners from renting.

**Bridget Daley** stated that Arizona has been losing farmland at an alarming rate. Ms. Daley noted that she purchased the property to the north to start a community garden and give back to her community. Ms. Daley added that she was opposed to the proposed height and had concerns of two-story houses looking over into per property. Ms. Daley noted that the applicant has not addressed the concerns and that the proposal would cause significant noise and traffic; furthermore, she had concerns with pollution runoff from the proposed development. Ms. Daley added that emergency services response time is not adequate within Laveen. Ms. Daley concluded her comment by stating that the proposal will devalue her property and that the applicant should conduct an environmental impact study. **Chair Abegg** asked if Ms. Daley was opposed to mixing one-story and two-story houses. **Ms. Daley** stated that she would like to see two-story houses more to the west and the end of her property. **Chair Abegg** asked if she was opposed or in favor of 27 single-family houses. **Ms. Daley** was opposed.

**Alexandria Hoffman** stated that she opposed the proposal.

**Stephanie Hoffman** stated that she lived along the west side of the property and that the current S-1 zoning is appropriate for the surrounding neighborhood. Ms. Hoffman stated that the current vacant property serves numerous desert wildlife, and the proposal would negatively affect the established landscaping and ecosystem. Ms. Hoffman noted that the existing zoning preserves farm and agricultural uses within Laveen. Ms. Hoffman added that a petition will be provided to staff and that members of the community were unaware of the proposed rezoning case.

**Elena Hoffman** stated that she was opposed to the proposed rezoning case and the removal of large vacant land. Ms. Hoffman stated that Laveen has been moving away from its agricultural roots. Ms. Hoffman reiterated that she was opposed to the proposal and that Laveen should preserve their agricultural land.

**Margie Colio** stated that the rezoning sign was not visible and was hidden behind overgrown vegetation. Ms. Colio stated that she was opposed to the development and that people are unaware of the proposal.

**Ravi Arora** stated that on-street parking within the development would not allow the Fire Department to provide adequate services.

**Tracie Riggs** asked if a traffic study has been conducted. **Ms. Riddell** stated that one has been submitted but is still under revision. **Ms. Riggs** stated that the proposal

should not be approved without a completed study. Ms. Riggs added that right-in and right-out is not enough to prevent traffic congestion and that the site plan might be modified to reflect the results from the traffic study.

**Jorge Enriquez** stated that he had concerns with the Fire and Police Department providing adequate service. Mr. Enriquez noted that he opposed the elevations and the proposal. Mr. Enriquez added that he opposed renting these properties but that he would support 16 single-family houses with a maximum height of one-story.

**Edward Olaya** stated that he was the business owner of the venue to the south and that he was opposed to the proposed density. Mr. Olaya stated that he had concerns with the proposed quality of the development and traffic congestion. Mr. Olaya noted that the number of houses would increase on-street parking and increase traffic congestion and safety concerns. Mr. Olaya added that he was opposed to the configuration of the site.

**Robert Branscomb** noted that the applicant has worked with the Laveen Citizens for Responsible Development (LCRD) and that they approve of the size and proposed lots. Mr. Branscomb added that he would like to see enhanced garage doors and prohibit street parking. Mr. Branscomb encouraged the applicant to continue working with the community to address any other concerns.

**Dan Penton** stated that another development with Laveen had been pushing for a similar product and it turned into rental properties. Mr. Penton stated that the community had valid concerns regarding the proposal and wanted to prevent a rental community. Mr. Penton stated that he wanted a way to ensure that the proposal would not be converted to rental properties and that he was in favor of 16 lots.

**Phil Hertel** noted that he was opposed to recommending R1-10 zoning as it would allow for group homes. Mr. Hertel stated that the rezoning case was not properly advertised and that the developer has not created this type of housing product before. Mr. Hertel added that he agreed with all the other comments made by the community.

#### **Applicant Response:**

**Ms. Riddell** stated that the applicant has proposed a stipulation to ensure quality elevations along the street frontage. Ms. Riddell noted that the developer would be required to salvage mature trees and that a 60-foot buffer would be provided along the south side. Ms. Riddell added that they continue to work with Maricopa County and the City to improve 27th Avenue. Ms. Riddell stated that a stipulation is proposed to ensure that the venue is not affected by the development and that the development will be platted to prevent rental properties. Ms. Riddell added that a stipulation was proposed to prohibit accessory dwelling units.

**Mixen Rubio-Raffin** stated that the development will be gated and walled due to community's concerns; however, this could affect wildlife. Ms. Rubio-Raffin stated that

she had concerns regarding the properties to the north and south.

**Ms. Perrera** asked for more information regarding runoff and irrigation for the proposed development. **Ms. Riddell** stated that the proposal is required to meet 100-year flood requirements through the site planning process. **Ms. Perrera** asked if the development is required to conduct a study regarding salvaging wildlife. **Ms. Riddell** stated that mature landscaping must be salvaged through the site planning process; however, wildlife is not part of the process.

**Vice Chair Hurd** asked the applicant if they could do an environmental study regarding wildlife. **Ms. Riddell** stated that they could explore the idea but could not commit to an added stipulation requiring an environmental study.

**Mr. Ortega** stated that he was glad to see the community involved in the proposed development. Mr. Ortega spoke about a past case and how the community was not involved in the process. Mr. Ortega noted that the density should be reduced and something to protect the community from rentals. Mr. Ortega added that he wants future homeowners to be aware of the venue to the south. **Ms. Riddell** noted that a stipulation has been proposed that would disclose the venue to the south.

**JoAnne Jensen** asked for more information regarding the traffic study and if the development would allow for on-street parking. **Ms. Riddell** noted that 27th Avenue is an arterial that can handle up to 50,000 vehicular trips. Ms. Riddell added that the traffic study was conducted when 40 lots were proposed and that they agreed to prohibit on-street parking. **Ms. Jensen** asked if proposal would include a two-car garage. **Ms. Riddell** confirmed.

**Francisco Barraza** stated that he agreed with the committee's concerns and that he encourages the applicant to continue to work with the community.

**Chair Abegg** stated that property owners have the right to sell their land.

### **Committee Discussion:**

**Mr. Barraza** noted that the biggest concern was the proposed density.

**Ms. Jensen** stated that change is inevitable, but the committee could shape the change to be respectful to the surrounding land uses and established neighborhoods. Ms. Jensen stated that she supported prohibiting on-street parking, reducing the density, and a maximum height of one-story.

**Mr. Ortega** agreed that density is a concern and that he would like to see a variation between one-story and two-story houses.

**Ms. Perrera** stated that there is a lot of disagreement between the community and the applicant. Ms. Perrera suggested that the concerns be addressed prior to the case

moving forward and that she favored a mix of one-story and two-story houses rather than one-story houses along the south and two-story houses along the north.

**Ms. Rubio-Raffin** stated that she was not opposed to the proposed density. Ms. Rubio-Raffin stated that agricultural property owners should have a positive relationship with their neighbors.

**Mr. Nasser-Taylor** stated that he did not want the venue to the south to close due to the new development. **Mr. Barraza** agreed and added that the business should be protected.

**Vice Chair Hurd** stated that even though the site has been zoned S-1 for numerous years, the community's concerns are valid and taken into consideration. Vice Chair Hurd noted that she understood that agricultural land has been reduced, but the committee can not prevent a property owner from selling their land. Vice Chair Hurd noted that the committee continues to work with the community and developers to ensure a proper development.

**Chair Abegg** noted that all the proposed modifications and additional stipulations are address community concerns. Chair Abegg noted that they have had discussions with the developer, Planning Commission, and City Council in order to find a compromise. Chair Abegg added that a community concern has been wildlife and possibly requiring an animal or wildlife survey. **Mr. Penton** stated that a stipulation could be added to require an environmental study. **Chair Abegg** supported an added stipulation to address the environmental impacts on established wildlife. **Ms. Jensen** noted that she did not support a stipulation that could not be enforced. **Ms. Riddell** stated that she understood the community concern but that she could not agree to an environmental study. **Ms. Daley** asked for more outreach between the applicant and the community regarding a study. **Ms. Riddell** agreed to continue the discussion.

**Chair Abegg** stated that she would like an added stipulation limiting the development to 27 lots. Chair Abegg noted that additional housing is a priority within the City.

**Mr. Nasser-Taylor** recommended doubling the landscaping to cover the community. **Vice Chair Hurd** stated that a 60-foot landscape buffer is provided along the south side. Vice Chair Hurd stated that she would like to further buffer the north property line.

**Chair Abegg** noted that there should be a mix of one-story and two-story houses.

**Ms. Jensen** stated that a stipulation requires landscaping on the buffer.

**Mr. Ortega** stated that the south side of the development got a buffer, and one should be added to the north.

**Ms. Perrera** stated that mixed comments have been heard from the community

regarding the proposed height. **Vice Chair Hurd** proposed a stipulation that would vary the one-story and two-story houses throughout the development.

**Motion:**

**JoAnne Jensen** motioned to recommend approval of Z-77-22-8 per the staff recommendation with the modifications to Stipulation Nos. 1 and 4 (2) regarding building elevations and number of lots and the following additional stipulations:

- The developer shall provide a secure and gated development, as approved by the Planning and Development Department.
- A minimum lot width of 50 feet shall be provided, as approved by the Planning and Development Department.
- The number of two-story homes shall be limited to a maximum of 40% with the homes abutting existing homes to the east (lots 1 and 33) to be one story in height with no more than three adjacent two-story homes.
- The developer shall plat individual lots.
- The property owner shall record documents that disclose the operational characteristics of the existing agricultural and commercial uses adjacent to the site.
- Accessory dwelling units shall not be permitted within the development.
- Each individual front building plane shall have articulation or staggering a minimum of 5ft in depth as approved by the Planning and Development Department.
- Street parking shall be prohibited.

**Carlos Ortega** second the motion.

**Vote:**

**7-1**, Motion passed with Committee Members Barraza, Jensen, Nasser-Taylor, Ortega, Perrera, Hurd, and Abegg in favor, and Committee Member Rubio-Raffin in opposition.

**VPC Recommended Stipulations:**

1. All building elevations shall contain architectural features that reflect modern farmhouse architecture including, but not limited to, detailing such as pitched roofs, variation in window size, overhang canopies and exterior accent materials such as board and batten siding, stone, brick veneer, and ~~carriage style~~ **UPGRADED** garage doors, as approved by the Planning and Development Department.

**A. ALL STREET FACING ELEVATIONS SHALL HAVE A MINIMUM OF 25% EXTERIOR ACCENT MATERIALS, NOT INCLUDING STUCCO, AS NOTED ABOVE.**

- B. ALL REAR FACING SINGLE-STORY ELEVATIONS SHALL CONTAIN AT LEAST TWO OF THE FOLLOWING ARCHITECTURAL EMBELLISHMENTS AND DETAILING: TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND OVERHANG CANOPIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
  - C. ALL REAR FACING TWO-STORY ELEVATIONS SHALL CONTAIN AT LEAST THREE OF THE FOLLOWING ARCHITECTURAL EMBELLISHMENTS AND DETAILING: TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND OVERHANG CANOPIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
  - D. ALL GARAGE DOORS SHALL HAVE DECORATIVE EMBELLISHMENTS SUCH AS WINDOW PANELS, ADDED MATERIALS SURROUNDING THE DOOR, OR TRELLISES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- 2. EACH INDIVIDUAL FRONT BUILDING PLANE SHALL HAVE ARTICULATION OR STAGGERING A MINIMUM OF 5 FEET IN DEPTH AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- 3. THE NUMBER OF TWO-STORY HOMES SHALL BE LIMITED TO A MAXIMUM OF 40% WITH THE HOMES ABUTTING EXISTING HOMES TO THE EAST (LOTS 1 AND 33) TO BE ONE STORY IN HEIGHT WITH NO MORE THAN THREE ADJACENT TWO-STORY HOMES.**
- ~~2.~~ The project shall not exceed ~~36~~ **27** lots.
- ~~4.~~
- 5. THE DEVELOPER SHALL PLAT INDIVIDUAL LOTS.**
- 6. A MINIMUM LOT WIDTH OF 50 FEET SHALL BE PROVIDED, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- ~~5.~~
- ~~7.~~ **THE DEVELOPER SHALL PROVIDE FOR A SECURE AND GATED DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- ~~3.~~
- 8. A minimum 60-foot-wide open space buffer shall be provided along the south perimeter of the site.**

- 4. The open space buffer along the south perimeter of the site shall be planted
- 9. with minimum 25% 2-inch caliper and minimum 75% 3-inch caliper large canopy, drought tolerant trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
- 5. A minimum 22-foot garage setback for front-loaded garages, measured
- 10. from the back of sidewalk, shall be provided for each home in the development, as approved by the Planning and Development Department.
- 6. A minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide
- 11. landscape strip between the back of curb and sidewalk shall be provided within the development, planted to the following standards and as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper drought-tolerant, large canopy, single-trunk shade trees planted 20 feet on center or in equivalent groupings.
  - b. Drought-tolerant shrubs, accents and vegetative groundcovers to achieve a minimum of 75 percent live coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

**12. ACCESSORY DWELLING UNITS SHALL NOT BE PERMITTED WITHIN THE DEVELOPMENT.**

- 7. A total of 65 feet of right-of-way shall be dedicated for the west half of 27th
- 13. Avenue or as approved by Maricopa County.
- 8. Street improvements to 27th Avenue are outside of Phoenix City Limits and
- 14. shall be reviewed and approved by Maricopa County. Documentation of the county review and approval shall be provided prior to Preliminary Site Plan approval.

**15. STREET PARKING IS PROHIBITED.**

- 9. All streets within and adjacent to the development shall be constructed with
- 16. paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department and Maricopa County. All improvements shall comply with all ADA accessibility standards.
- 10. The property owner shall record documents that disclose the existence, and
- 17. operational characteristics of Phoenix Sky Harbor Airport to future owners

or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

**18. THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE THE OPERATIONAL CHARACTERISTICS OF THE EXISTING AGRICULTURAL AND COMMERCIAL USES ADJACENT TO THE SITE.**

- ~~41.~~ 19. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
- ~~42.~~ 20. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
- ~~43.~~ 21. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- ~~44.~~ 22. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

**Staff Comments Regarding VPC Recommendation and Additional Stipulations:**

Staff does not recommend the addition of Stipulation No. 12. If the rezoning request is approved, all allowable uses within the R1-8 zoning district will be permitted on site.

The Street Transportation Department does not recommend the addition of Stipulation No. 15 as the development proposes a private accessway in a gated subdivision that meets city requirements to allow on-street parking.