



Village Planning Committee Meeting Summary

Z-80-22-5

Date of VPC Meeting	February 28, 2023
Request From	PSC TOD-1
Request To	WU T5:5 SL
Proposed Use	Multifamily Residential
Location	Northwest corner of 15th Avenue and Montebello Avenue
VPC Recommendation	Approval, per staff recommendation, with modifications
VPC Vote	11-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee Member Christian Solorio joined during this item bringing quorum to 14 members

At the time of the vote Members Solorio and Camp were not able to participate in the vote due to technical issues bringing quorum to 12 members.

One member of the public registered to speak on this item. One member of the public registered in support, not wishing to speak.

STAFF PRESENTATION

Mr. Nick Klimek, staff, reviewed the surrounding land uses, zoning designations, zoning history, the Solano TOD Policy Plan, and 19North TOD Policy Plan. Mr. Klimek displayed the proposed site plan, elevations and concluded with staff findings, recommended stipulations, and changes to the stipulations requested by the applicant.

QUESTIONS FROM THE COMMITTEE

Committee Member Leblanc asked for more information about the raised bike lane and expressed concerns about mixing height and bicycles. **Chair Bryck** explained that question is better suited for Mr. Earl.

Committee Member Adams asked if this rezoning was a portion of the site plan seen in larger rezoning case the committee had seen in 2021. **Mr. Klimek** confirmed Z-80-22-5 is proposing a portion of the site plan seen in Z-10-21-5 but utilizing the Walkable Urban Code rather than the Planned Unit Development tool proposed in Z-10-21-5. Committee Member Adams asked if the rezoning allowed for buildings up to ten-stories. Mr. Klimek explained that the policy allows applicants to request additional height entitlements if the applicant provides elements such as additional open space or a notable amount of affordable housing, but the applicant had not made any requests. Committee Member Adams expressed concerns about the impact of affordable housing on property values. Mr. Klimek clarified that the provision of affordable housing was not a part of the proposal presented.

Chair Bryck clarified the Village Planning Committee would be voting on entitling a five-story building with Z-80-22-5. **Committee Member Adams** asked if the pedestrian paseo replaced the spine road from the Z-10-21-5 site plan. Mr. Klimek explained the spine road was proposed outside Z-80-22-5 boundaries and does not replace the proposed spine road. Committee Member Adams expressed concerns about the issue of individuals experiencing homelessness in Solano Park.

APPLICANT PRESENTATION

Mr. Taylor Earl, representing the applicant with Earl & Curly, presented information on KIMCO Realty, other projects they have developed, and an overview of previous redevelopment efforts with the PUD zoning case Z-10-21-5. Mr. Earl then described how the proposal is supported by the policies in the Phoenix General Plan, the Solano TOD Policy Plan, and the 19North Policy Plan. Mr. Earl described the existing conditions, how the proposal will be supported by the nearby light rail stop, displayed the site plan, renderings, and elevations. Mr. Earl concluded by giving an overview of the outreach and responses.

QUESTIONS FROM THE COMMITTEE

Chair Bryck reiterated Committee Member LeBlanc's previous question regarding raised bike lanes. **Mr. Earl** explained the raised bike lane was request by the City of Phoenix Street Transportation Department and elevates the bike land to the sidewalk's height as to separate the bike lane from the vehicular travel lane.

Committee Member Keyser complemented the proposal's height step backs and phasing and explained the importance of achieving a critical mass of live, work, and play in an urban environment. Committee Member Keyser commented on the adjacent park and explained in other locations the provision of park activities and events, such as a free movie in the park night, had influenced better behavior from individuals experiencing homelessness. Committee Member Keyser explained he supports the request to not require the open space be on the corner of 15th Avenue.

Committee Member Fitzgerald asked where parking for the Harkins movie theater would be during the proposal's construction. **Mr. Earl** explained that the phasing of the project would allow a portion of the Harkins parking to be available throughout construction.

Committee Member Crystal Carrillo expressed support for the bicycle infrastructure included in the proposal and stated there had been comments about the proposed units not being affordable and asked what average rent is estimated to be. **Mr. Earl** explained that the bike lane is not proposed to be phased but will be built with phase two. Mr. Earl explained he could only speculate the actual cost of the proposed units, but the units would be market rate, the current market rate is \$2 per square foot, so an 800 square foot unit would cost \$1,600, but he expects prices to come down as Phoenix adds to its housing stock.

Committee Member David Krietor expressed support for the project and stated he is not concerned about the open space requirement due to the proposal's activation of the adjacent Solano Park.

Committee Member Christian Solorio explained the City of Phoenix has program where development funds are funneled into other affordable housing projects and encouraged the developer to participate. Mr. Solorio added that this area is a prime location for affordable housing due to the proximity of light rail, libraries, and schools.

Committee Member Dina Smith asked where the parking would be for the two-story portion of the development and if there is proposed street parking on Montebello. **Mr. Earl** explained the City will not permit parking on Montebello Avenue and residents in the two-story portions of the development would park in the structured parking lot.

Chair Bryck stated that there is a Walmart loading dock adjacent to several of the two-story units and asked if there is any proposed mitigation. **Mr. Earl** explained the design is preliminary and developer had not gotten into that level of detail, but it is an import consideration as the developer moves forward.

PUBLIC COMMENT

Ms. Erika Vargas explained that she is excited to see the development move forward as neighbor.

APPLICANT RESPONSE

Mr. Earl thanked Ms. Vargas for attending the meeting and expressing her support.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

Committee Member Keyser stated that he would like to discuss the changes to the draft Stipulation No. 2 to remove the open space's location requirement. **Mr. Klimek**

presented the revised Stipulations No. 2 and 3 from the staff presentation and explained that the revised stipulations would allow for flexibility in the open space and pedestrian paseo's locations. **Committee Member Solorio** explained he is in support of striking Stipulation No. 2 in its entirety.

MOTION:

Committee Member Keyser motioned to recommend approval of Z-80-22-5 with modification to Stipulation Nos. 1 and 2 to allow for flexibility in the open space and pedestrian paseo's locations as modified and approved by the Planning and Development Department. **Committee Member Adams** seconded the motion.

2. A minimum 10,000 square foot public open space area shall be provided ~~in close proximity to the northwest corner of 15th Avenue and Montebello Avenue and shall be directly accessible~~ **NEARBY** from the streetscape along Montebello Avenue **STREETSCAPE** and/or 15th Avenue **STREETSCAPE**, **as approved by the Planning and Development Department.**
3. A minimum of two **NORTH TO SOUTH ORIENTED** paseos **PER SECTION 1304.H OF THE ZONING ORDINANCE** shall be provided, **ONE OF WHICH SHALL BE GENERALLY ALIGNED WITH THE MOVIE THEATER AND THE BACK ENTRANCE OF THE INDOOR MALL, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT** ~~in the approximate areas identified in the site plan date stamped February 22, 2023.~~
 - a. ~~The area in Block B labeled pedestrian accessway~~
 - b. ~~The drive aisle area between the building of Phase 1 and Phase 2 generally aligned with the movie theater and the back entrance of the indoor mall.~~

VOTE:

11-1, motion to recommend approval of Z-80-22-5 with modifications passes, with committee members Adams, Carrillo, Fitzgerald, Harris, Keyser, Krietor, LeBlanc, Sanchez, Smith, Shore, and Bryck in favor, and committee member Williams opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

1. A building setback regime shall be implemented along 15th Avenue as follows:
 - a. No structure taller than 24 feet or two stories shall be permitted within 60 feet of the 15th Avenue right-of-way line.

- b. No structure taller than 36 feet or three stories shall be permitted within 150 feet of the 15th Avenue right-of-way line.
 - c. No structure taller than 48 feet or four stories shall be permitted within 210 feet of the 15th Avenue right-of-way line.
 - d. Maximum building height permitted under Walkable Urban Code T5:5 shall be permitted beyond 210 feet of the 15th Avenue right-of-way line.
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3. A minimum of two **NORTH TO SOUTH ORIENTED** paseos **PER SECTION 1304.H OF THE ZONING ORDINANCE** shall be provided, **ONE OF WHICH SHALL BE GENERALLY ALIGNED WITH THE MOVIE THEATER AND THE BACK ENTRANCE OF THE INDOOR MALL, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT** ~~in the approximate areas identified in the site plan date stamped February 22, 2023.~~
 - a. ~~The area in Block B labeled pedestrian accessway~~
 - b. ~~The drive aisle area between the building of Phase 1 and Phase 2 generally aligned with the movie theater and the back entrance of the indoor mall.~~
4. The developer shall construct a minimum 6-foot-wide sidewalk and minimum 7-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Montebello Avenue and the west side of 15th Avenue, as approved by the Planning and Development Department.
5. On-site pedestrian pathways shall be shaded to 50% by vegetative methods, as approved by the Planning and Development Department.
6. The developer shall deposit \$200,000.00 in an escrow account to the Street Transportation Department to fund a pedestrian crossing of Montebello Avenue between 15th and 17th Avenue, prior to final site plan approval during the second phase of development. Improvements may consist of additional curb, traffic control devices, signing and striping or as otherwise approved by the Street Transportation Department. If the funds are not used after 5 years of certificate of occupancy for the second phase, the developer may request that the funds be returned from the Street Transportation Department.
7. The developer shall construct a minimum 6-foot-wide concrete raised bike lane, separated from the pedestrian sidewalk by a landscape strip, along the north side

of Montebello Avenue to delineate vehicular and bicycle traffic extending from 15th Avenue to 17th Avenue during phase two of development, as approved by the Street Transportation Department.

8. The developer shall dedicate a minimum 8-foot-wide sidewalk easement along the north side of Montebello Avenue, as approved by the Planning and Development Department.
9. The developer shall replenish the existing streetscape along 15th Avenue with shade trees, as approved by the Planning and Development Department.
10. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
11. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
12. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - c. A bicycle repair station ("fix it station") shall be provided and maintained by the developer near a secure bicycle parking area.
13. 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.
14. A minimum of one milkweed shrub, or other native nectar species, shall be planted for every required tree in addition to the required shrubs, and shall be planted in groups of three or more, as approved by the Planning and Development Department.

15. 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 has no comment.