



Village Planning Committee Meeting Summary

Z-62-18-2

Date of VPC Meeting	April 5, 2022
Request From	S-1 (Ranch or Farm Residence), S-1 DCOD (Ranch or Farm Residence, Desert Character Overlay District), and RE-35 DCOD (Single-Family Residence District, Desert Character Overlay District)
Request To	PUD DCOD, Pending PUD (Planned Unit Development, Desert Character Overlay District, Pending Planned Unit Development) and PUD (Planned Unit Development)
Proposed Use	Single-family residential
Location	Southwest corner of the 24th Street alignment and Sonoran Desert Drive
VPC Recommendation	Approval, with modifications and additional stipulations
VPC Vote	10-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Cases Z-TA-5-18-2, Z-75-18-2, GPA-DSTV-1-18-2, and Z-62-18-2 were heard concurrently.

Five requests to speak in favor and five requests to speak in opposition were made for this request.

Committee member Reginald Younger joined during this item, bringing quorum to 10.

Committee member Jill Hankins joined during this item, bringing quorum to 11.

Committee member Mark Warren joined during this item, bringing quorum to 12.

Committee member Reginald Younger left during this item, bringing quorum to 11.

Staff Presentation

Julianna Pierre, staff, provided a combined presentation for companion cases Z-TA-5-18-2, Z-75-18-2, GPA-DSTV-1-18-2, and Z-62-18-2. Ms. Pierre reviewed the history of the Desert Character Overlay District (DCOD) and the alignment of Sonoran Desert

Drive. She explained that staff recommends a more limited area to be removed from the DOCD, as shown on the map in the staff report. She explained that the Z-75-18-2 case mirrors the text amendment case, updating the zoning designation to remove the overlay district, and that staff recommends denial as filed, approval of the staff recommended area. Ms. Pierre went on to review the General Plan Amendment, describing the history and purpose of the designations, noting that staff recommends approval. She then provided an overview of the PUD proposal in Rezoning Case Z-62-18-2, reviewing the land use proposal and site plan, connectivity proposal, open space provisions, and amenities. She discussed the community input that has been received and summarized written materials. Finally, she noted that staff recommends approval with stipulations.

Applicant Presentation

Susan Demmitt, representative with Gammage & Burnham, summarized the history of the site and planning efforts for the proposed project. She stated that the subject site is private property and has never been designated to be part of a preserve area. She reviewed the surrounding area, summarized the applicant's proposal, and discussed new proposed stipulations that she suggested the committee incorporate into its approval. She summarized the purpose of the Desert Character Overlay District and stated that the impact of removing the overlay would allow a master planned community with density spread to the whole site.

Alex Stedman, representative with RVi, discussed the design approach and relationship to the surrounding open space, including the partnership with the National Wildlife Federation. He shared a map that indicated the proposed certified habitat open spaces within the site, discussed the proposed landscape palette and plant list, and stated that the Mesquite Wash would serve as a connector between the north and south portions of the preserve. He reviewed the edge openness plan and the design of open edges with public trail access points. Finally, he described the elements of the DCOD that have been incorporated into the design of the development.

Susan Demmitt described the additional stipulations – which include a reduced density limit, elimination of the smallest lot size, an additional open space buffer along the eastern property line, public access easements at certain locations, and a multi-use trail easement along the wash corridor – proposed by the applicant and requested that the committee incorporate the additional stipulations into their approval. Additionally, she stated that the subject site has always been designated for development in the City's General Plan and the proposed density is within the limits of the designation and that the applicant hopes to set a good example of appropriate development in this corridor.

Committee Questions

Vice Chair Lagrave asked about the designation of 3.5 to 5 dwelling units per acre in the General Plan Amendment, which is not necessary to facilitate the proposed project. He further asked about the southeast corner and if it would make sense to donate the land to the Parks and Recreation Department.

Susan Demmitt replied that the applicant would be open to removing the General Plan classification of 3.5 to 5 dwelling units per acre and that the applicant would be willing to

work with the Parks and Recreation Department on a dedication of the southeast corner of the site if it was of interest to the City.

Committee Member Nowell asked about the development parcel allocation table in which the numbers for individual parcels do not add up to the total for the full site. **Ms. Demmitt** replied that the individual parcels have flexibility in the unit totals, but the overall total cannot exceed the maximum for the full site.

Mr. Nowell asked if homeowners would be prohibited from planting non-native plants. **Mr. Stedman** replied that individual homeowners would be required to follow the plant list for the PUD. **Committee Member Reynolds** added that rear yard plant prohibitions are possible and are done in other communities, asking further if fruit trees will be prohibited in the community. **Mr. Stedman** replied that the applicant team would explore the idea.

Mr. Nowell asked how many lots would be affected by the base flood elevation and how much those houses would need to be elevated.

Nguyen Lam, representative with Hilgart Wilson, replied that it would primarily be lots fronting on the Mesquite Wash, but they don't have a precise number since the parcels haven't been finalized. He added that they would raise the houses to 1 foot above the base flood elevation.

Ms. Reynolds asked if the natural preservation areas will be marked so the community knows where they are. **Mr. Stedman** replied that they have discussed signage with the NWF and there are opportunities to do signage. **Ms. Demmitt** added that the applicant wants the public to recognize that these are public benefits.

Committee Member Kollar asked for clarification on the DCOD removal area. **Ms. Pierre** replied that staff is recommending only the Verdin site be removed from the DCOD at this time and any other sites would need to be evaluated on a case-by-case basis. **Ms. Demmitt** added that the package of commitments from the specific PUD justifies the removal of the DCOD.

Mr. Nowell asked for clarification on making motions with amendments. **Vice Chair Lagrave** replied that the committee can make the appropriate amendments in their motions.

Public Comments

Gary Kirkilas introduced himself and provided a history of the DCOD, noting that its purpose was to maintain the Cave Creek Wash. He stated that the entire Cave Creek Wash needs to be protected and that the DCOD boundaries should be at the Dynamite Boulevard alignment, not moved to the north. He further stated that DCOD only applies to one-third of the property, allowing the developer to build on the site without removing the DCOD. He stated that he believes the committee should vote yes on development but keep the DCOD in place.

Donald Bessler introduced himself and stated that he believes this is a property rights issue and that more housing should be built, adding that he supports the proposal and believes it will be a good product.

Susanne Rothwell introduced herself and stated that the Desert View Village Planning Committee voted in favor of the DCOD when it was originally written. She stated that everyone was in favor of it at the time and it was a great piece of planning and legislation.

Brian Sullivan introduced himself, noting that he has worked and spent much time in the preserve area, and stated that there are maps that show this area designated for acquisition and preservation. He stated that minimizing density would limit the impact to wildlife and that preserving the flats is important.

Sue Pierce introduced herself and stated the concern that the work that goes into making plans can be easily reversed by a developer who doesn't have a full understanding of the issues.

Kara Nicholls introduced herself and stated that Phoenix needs attainable housing because of its rapid growth rate. She noted that people are having trouble finding homes in the area and that the developer has done a great job with the proposed development.

Jennifer Ruby introduced herself and stated that the proposed development is a great opportunity for the community and that it would provide housing for all the new jobs coming to the north Phoenix area.

Cynthia Weiss introduced herself and stated that she supports the proposal because there are other active families that want to live in this location near all of the open space amenities.

James Gaston introduced himself and stated that he does not agree with removing the DCOD and believes one home per acre is appropriate. He further noted that there is academic research, stating concerns about groundwater issues in regard to overdevelopment.

Sara Altieri introduced herself and stated that she knew the area would change over time when she bought a home nearby. She stated that the development incorporates sensitivity to natural wildlife.

Applicant Response

Susan Demmitt stated that she feels the applicant has addressed the concerns and would be happy to discuss any follow up questions.

Committee Discussion

Vice Chair Lagrave stated that he was originally in favor of the R1-10 designation and that he is concerned about keeping the DCOD in the northern portion because it would push more density into the southern portion. He stated that he believes the development will allow wildlife to flourish and that he supports the project.

Committee Member Israel asked if there is a current allowance for housing on the site. **Vice Chair Lagrave** replied that there is.

Committee Member Powell stated that this site is far from the 101 and I-17 freeways and should be the lowest density. He stated the concern about other sites along the corridor seeking higher densities, adding that he doesn't believe the request is in character and is not in favor of moving the DCOD line. He further stated that the homes in this development will not be affordable or attainable and that there is room in other parts of the village that could be developed at higher densities, closer to the freeway.

Committee Member Santoro stated that the PUD is very thorough and thoughtful and that she appreciates the reduction in density. She stated that she does not agree with the current alignment of the DCOD line and that the majority of the property is in alignment with the DCOD guidelines.

Committee Member Nowell stated that he believes the proposal is a good compromise, even though it is not perfect, adding that he would like to see the approved plant include particular restrictions in the back yards of individual homes.

Chair Bowser stated that it is important to remember that the proposal is to eliminate the DCOD at the site in exchange for an entire new set of rules outlined in the PUD. He further stated that one house per acre is not a desirable type of development, noting the downsides to one-acre lot development, including that it's not walkable and people do not know their neighbors.

Committee Member Hankins stated that she would be in favor of the development if it were closer to existing infrastructure and that she is concerned about the costs of infrastructure driving up home prices.

Vice Chair Lagrave stated that affordable housing is typically found in other parts of the city and that he believes that infrastructure costs will be lower for future developments.

MOTION – Z-62-18-2

Vice Chair Lagrave made a motion for approval with modifications to Stipulation 1, regarding an updated development narrative, and the following additional stipulations:

1. Modify the Verdin PUD document as necessary to reflect a maximum overall unit count of 1,250 units and a maximum overall density of 2.6 units per acre.
2. Modify the Verdin PUD document as necessary to remove the Small Lot (SFR-3) Land Use District.
3. A minimum 25-foot open space tract shall be provided along the eastern boundary of the Verdin property to provide a transition to the Cave Creek Wash corridor. The open space tract shall be considered a Certified Area Type "B" – Natural Revegetated Area with plant materials from the Verdin PUD Plant List: Green List.
4. The developer shall work with the City of Phoenix Parks and Recreation Department to provide public trail access easement for the Mesquite Wash Corridor Trail and Community Paseo Paths that provide connection to the Sonoran Preserve as depicted in Exhibit 6, Pedestrian Circulation Plan, in the PUD document. The public access shall be designed to restrict unauthorized motor vehicle access, as approved by the parks and recreation department. The location and design of trail connections shall be coordinated with the City of Phoenix.

5. A minimum 12-foot wide multi-use trail (MUT) shall be constructed within an average 30-foot-wide multi-use trail easement (MUTE) along the Mesquite Wash in accordance with Section 429 of the City of Phoenix MAG Supplemental Details, as approved by the Planning and Development Department.

Committee Member Warren seconded the motion.

VOTE

10-1, the motion for approval with modifications and additional stipulations passed; Members Dean, Hankins, Israel, Kollar, Nowell, Reynolds, Santoro, Warren, Lagrave, and Bowser in favor; Member Powell against.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

The VPC recommended approval with modifications and additional stipulations. Per that recommendation, the stipulations for the case are as follows:

Recommended Stipulations:

1. An updated Development Narrative for the ~~Sendero Foothills~~ **VERDIN** PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped ~~November 29, 2021~~ **MARCH 3, 2022**, as modified by the following stipulations:
 - a. **MODIFY THE VERDIN PUD DOCUMENT AS NECESSARY TO REFLECT A MAXIMUM OVERALL UNIT COUNT OF 1,250 UNITS AND A MAXIMUM OVERALL DENSITY OF 2.6 UNITS PER ACRE.**
 - b. **MODIFY THE VERDIN PUD DOCUMENT AS NECESSARY TO REMOVE THE SMALL LOT (SFR-3) LAND USE DISTRICT.**
 - c. **MODIFY THE VERDIN PUD DOCUMENT AS NECESSARY TO REFLECT A MINIMUM 25-FOOT OPEN SPACE TRACT PROVIDED ALONG THE EASTERN BOUNDARY OF THE VERDIN PROPERTY TO PROVIDE A TRANSITION TO THE CAVE CREEK WASH CORRIDOR. THE OPEN SPACE TRACT SHALL BE CONSIDERED A CERTIFIED AREA TYPE "B" – NATURAL REVEGETATED AREA WITH PLANT MATERIALS FROM THE VERDIN PUD PLANT LIST: GREEN LIST.**
 - d. Page 23, Section 1.d.Accessory uses.(1): Revise to read, "permanent and/or temporary alcoholic beverage and/or food sales and/or consumption;"
2. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The TIS shall provide signal warrant analysis for development access points along Sonoran Desert Drive as well as 7th Street and Dove Valley Road. The developer will be responsible for all additional dedications and/or roadway and signal improvements as identified by the approved study.

3. The developer shall submit Master Street Design and Phasing Plans for each Development Unit, as required by Section 636, Planned Community District (PCD), of the Phoenix Zoning Ordinance.
4. All designated public roadways shall meet the City of Phoenix Storm Water Design Manual Standards for wash crossings.
5. 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.
6. **THE DEVELOPER SHALL WORK WITH THE CITY OF PHOENIX PARKS AND RECREATION DEPARTMENT TO PROVIDE PUBLIC TRAIL ACCESS EASEMENTS FOR THE MESQUITE WASH CORRIDOR TRAIL AND COMMUNITY PASEO PATHS THAT PROVIDE CONNECTION TO THE SONORAN PRESERVE AS DEPICTED IN EXHIBIT 6, PEDESTRIAN CIRCULATION PLAN, IN THE PUD DOCUMENT. THE PUBLIC ACCESS SHALL BE DESIGNED TO RESTRICT UNAUTHORIZED MOTOR VEHICLE ACCESS, AS APPROVED BY THE PARKS AND RECREATION DEPARTMENT. THE LOCATION AND DESIGN OF TRAIL CONNECTIONS SHALL BE COORDINATED WITH THE CITY OF PHOENIX.**
7. **A MINIMUM 12-FOOT-WIDE MULTI-USE TRAIL (MUT) SHALL BE CONSTRUCTED WITHIN AN AVERAGE 30-FOOT-WIDE MULTI-USE TRAIL EASEMENT (MUTE) ALONG THE MESQUITE WASH IN ACCORDANCE WITH SECTION 429 OF THE CITY OF PHOENIX MAG SUPPLEMENTAL DETAILS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
8. 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.
9. 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.
10. 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.