



## Village Planning Committee Meeting Summary Z-28-22-8

<b>Date of VPC Meeting</b>	August 9, 2022
<b>Request From</b>	S-1
<b>Request To</b>	R1-8
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Northwest corner of 23rd Avenue and Baseline Road
<b>VPC Recommendation</b>	Approval, per the staff recommendation with additional stipulations
<b>VPC Vote</b>	7-4

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS**

*Three members of the public registered in opposition to this item.*

#### **STAFF PRESENTATION**

**Elias Valencia**, staff, provided a presentation for rezoning case Z-28-22-8. Mr. Valencia noted that the case was continued from the previous month mainly regarding Stipulation Nos. 7 and 20 regarding building elevations and 23rd Drive connectivity or an alternative. **Mr. Valencia** presented different circulation layouts including what the terminated 23rd Drive would look like with a cul de sac, how it would look if it connected without access to 24th Avenue, and how it would look if there were two culs de sac, one to terminate 23rd Drive and one to not connect to 24th Avenue. As proposed the applicant would connect to 24th Avenue and leave 23rd Drive in its current state without a cul de sac. **Mr. Valencia** stated that the alternate layout options would result in less open space and circuitous routes, however the stipulation to connect to 23rd is being stipulated because of the Street Transportation Department and the subdivision ordinance. **Mr. Valencia** showed a vicinity map to highlight how ingress and egress to the site from 24th Avenue could occur.

**Mr. Valencia** addressed some safety concerns that were brought up from the previous month regarding ingress and egress onto 24th Avenue and explained that the developer will be constructing the half street for the full frontage of the property abutting 24th Avenue. Mr. Valencia added that there are also traffic control devices on 24th Avenue that will minimize speeding impacts.

## APPLICANT PRESENTATION

**Lou Turner**, with Hillstone Homes agreed with staff comments regarding the site ingress and egress. Conceptual elevation renderings were shared, and **Mr. Turner** explained actual elevations for the site were being refined and could be shared with the Committee once they are completed. **Mr. Valencia** stated that the single-story and two-story elevations showed a variety of materials, pitched roofs, architectural embellishments, a side loaded garage option, and porches. **Mr. Valencia** reminded the Committee that there was a stipulation regarding porches with specific requirements since dimensions were not shown on the renderings.

## QUESTIONS FROM THE COMMITTEE

**Committee member Lee Coleman** asked why the applicant couldn't just abandon the right-of-way for the cul de sac. **Mr. Valencia** answered that the cul de sac was never mapped as right-of-way, so it is not necessary to abandon it, instead it requires a technical appeal to not have to provide the cul de sac. **Mr. Valencia** added that the applicant will also need a technical appeal to not connect to 24th Avenue if that was an option the Committee was considering.

**Councilmember Marcia Busching** asked if the subdivision requires single-family design review. **Mr. Valencia** answered that it does. **Marcia Busching** asked if there have been any discussions regarding the street layout since last month's meeting. **Mr. Valencia** said the applicant met with Street, Fire, and Planning staff to discuss the proposed and alternate layouts. **Mr. Valencia** mentioned that Fire was acceptable to any configuration, Streets is requesting the cul de sac because of the subdivision ordinance. **Marcia Busching** asked if there was any reason why both streets didn't just connect. **Lou Turner** replied that the cul de sac is problematic because it would be walled off and the neighborhood would have no access to it yet be required to maintain it, and 24th is being gated off so that it continues to control traffic. **Marcia Busching** stated that this subdivision is a case that shows why maybe subdivisions should not be gated off.

**Dr. Emma Viera** expressed frustration with rezoning cases and discussions that have focused on density rather than looking at how to cool the climate and combat the heat island effect, and would like to see more from the city being done. **Dr. Viera** said she would like to see cool pavement incorporated in the project, tree shaded sidewalks, and electric vehicle chargers for visitors and residents. **Mr. Valencia** mentioned that the developer is stipulated to enhanced tree caliper sizes to get more shade faster and has provided double the open space from what is required. **Mr. Valencia** added that having developers provide consumers with options is a start and agreed with Dr. Viera that there need to be more policies and regulations to be able to enforce things like cool pavement.

**Gene Holmerud** brought up that California is now requiring solar panels on all roofs.

**Francisca Montoya** shared her experience living in a tree lined neighborhood and lauded the community value of tree lined streets from reduced heat, walkability, and improved property values.

**Dr. Brooks** shared that five years ago the committee was more particular to sustainability and encouraged the committee to refocus on the importance of sustainability.

**Chair Tamala Daniels** asked what the HERS rating was for the proposed homes. **Lou Turner** answered that they are rated 55-65 HERS which is more energy efficient than energy star. **Chair Daniels** asked if the elevations that were presented were for a different (Hillstone Homes) community. **Lou Turner** answered they were but could also be used for this community if they met the stipulations.

#### PUBLIC COMMENT

**Erin Hegedus** stated that the current location is an active irrigated S-1 property which lends itself to cooling that area. Ms. Hegedus said what is being proposed looks very desert landscape and would like to see as areas transition from irrigated S-1 that the lush cooling irrigation brings be incorporated into new proposals. Ms. Hegedus expressed concerns that the cooling effect will be lost in the neighborhood as irrigated lots continue to be lost.

#### APPLICANT RESPONSE TO PUBLIC COMMENT

**Mr. Turner** rebutted that the amount of open space being supplied will be more than double the required and the products being designed and proposed are going above and beyond what they had to do.

#### COMMITTEE DISCUSSION

**Chair Daniels** asked Marcia Busching what she had asked earlier about the elevations. **Marcia Busching** said she asked if it was going to be subject to Single Family Design Review which is a site development review outside of Village and PHO. **Chair Daniels** said she would like to see the elevations come back for Village approval. Marcia Busching agreed given that the project is in the Rio Montana Area Plan. **Chair Daniels** recommended that the elevations come back to the Village for approval and also that the developer set aside funds for a roundabout at 23rd Avenue and Vineyard to remediate speed. **Mr. Valencia** stated that would require additional collaboration with the Street Transportation Department and can continue to be worked out as the project continues forward. **Mr. Turner** stated they had not had those discussions with the Street Transportation Department yet and would be happy to have those discussions.

**Fatima Muhammad Roque** asked if there were additional options as part of this project to help maintain the cooling effect of irrigated lots as brought up by the public comments. **Mr. Turner** stated that the large caliper trees and tree-lined streets would be at a great expense. **Mrs. Muhammad Roque** asked if there were any other options the developer was considering. **Mr. Valencia** stated that other options regarding unique irrigation lot circumstances would require coordination with the utility companies that exceeds what can be done from the long range staff level. **Mr. Valencia** encouraged

discussions at higher levels to look at ways to offset liability concerns with open channels and the benefits of cooling it brings to areas.

### **MOTION – Z-28-22-8**

**Kay Shepard** motioned to approve Z-28-22-8 with added stipulations to come back for review and comment by the South Mountain Village Planning Committee on elevations prior to final site plan approval, and to set aside funds for traffic calming devices on 23rd Avenue.

**Francisca Montoya** seconded the motion.

### **VOTE – Z-28-22-8**

**7-4**; committee members Alvarez, Brooks, Coleman, Montoya, Shepard, Marchuk, and Daniels in favor. Busching, Holmerud, Muhammad Roque, Viera, opposed.

**Marcia Busching** stated the subdivision should not be gated since it requires two technical appeals. She added that the appeals would not be required if the streets were to be connected as the Rio Montana Area Plan requires. **Mr. Holmerud** stated the subdivision should not be gated as small as it is.

### **RECOMMENDED STIPULATIONS**

1. The development shall not exceed a maximum of 55 lots.
2. A minimum of 10% of the gross site area, exclusive of required landscape setbacks, shall be provided as open space, as approved by the Planning and Development Department.
3. A minimum landscape setback of 20 feet shall be provided along 23rd and 24th Avenues. The landscape setback may be reduced to 17 feet for up to 50% of this frontage for the purpose of staggering setbacks for the perimeter theme wall, as approved by the Planning and Development Department.
4. A minimum landscape setback of 50 feet shall be provided along Baseline Road. The landscape setback may be reduced to 47 feet for up to 50% of this frontage for the purpose of staggering the perimeter theme wall and screening utility boxes, as approved by the Planning and Development Department.
5. All required landscape setbacks shall be planted with minimum 75-percent 2-inch caliper and 25-percent 3-inch caliper large canopy drought-tolerant trees, planted 25 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.

6. 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.
7. A minimum of 75 percent of the standard building elevations provided shall include a covered front porch in the front yard with a minimum of 60 square feet in area and a minimum depth of 6 feet. No porch shall terminate within the plane of a door or window, as approved by the Planning and Development Department.
8. Fences and walls shall be in general conformance with the wall plan and wall details (wall elevations) date stamped April 1, 2022, as modified by the following stipulations, and approved by the Planning and Development Department:
  - a. Partial view fencing, which may include solid columns up to 24 inches in width, shall be utilized where walls are proposed around open space areas, the partial view fencing shall be a maximum 3-foot solid wall and 3-foot view fencing.
  - b. Perimeter walls bounding the rear or side yard property lines of residential lots along 23rd Avenue, 24th Avenue, and Baseline Road shall include minimum three-foot offsets, and material and textural differences, such as stucco, and/or split face or slump block or a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
  - c. The wall layout depicted in the wall details (wall elevations) plan shall be modified where necessary to accommodate site layout changes that avoid conflicts with the Zoning Ordinance or City Code requirements.
9. Project entry/exit drives along 23rd and 24th Avenues shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
10. Project entry/exit drives along 23rd and 24th Avenues shall incorporate enhanced landscaping on both sides planted with a variety of at least three plant materials, as approved by the Planning and Development Department. Each landscaped area shall be a minimum of 250-square feet.
11. A tot lot with shade equipment shall be provided in the central/primary open space amenity area, as approved by the Planning and Development Department.

12. The following shall be provided in each open space amenity area, as approved by the Planning and Development Department: Modify
- a. One picnic area with a barbeque grill, shade ramada, and a picnic table;
  - b. Two benches or seating features; and
  - c. A minimum of 6 bicycle parking spaces shall be provided through inverted U, and/or artistic racks. The racks shall be shaded by a tree or structure and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan, as approved by the Planning and Development Department.

13. All sidewalks along 23rd Avenue and 24th Avenue shall be a minimum of 5 feet in width and detached with a minimum 5-foot wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted to provide a minimum of 75% shade, at maturity.
- b. Drought tolerant vegetation to achieve 75% live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

14. All sidewalks along Baseline Road shall be a minimum of 6 feet in width and detached with a minimum 11-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 75% 2-inch caliper single-trunk large canopy drought-tolerant shade trees, and minimum 25% 3-inch caliper single-trunk large canopy drought-tolerant shade trees.
- b. Drought tolerant vegetation to achieve 75% live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

15. All sidewalks within the development shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall

include minimum 2-inch caliper single trunk shade trees planted at a rate of one tree per lot.

- a. Where adjacent to open space areas, trees shall be planted a minimum of 20 feet on center or in equivalent groupings.
- b. Drought tolerant vegetation to achieve 75% live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

16. The developer shall dedicate a multi-use trail easement (MUTE) along the north side of Baseline Road and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved by the Planning and Development Department. The developer shall work with the Site Planning section on an alternate design for this requirement through the technical appeal process.
17. The developer shall dedicate a minimum of 30 feet of right-of-way and construct the west side of 23rd Avenue, as approved by the Planning and Development Department.
18. The developer shall dedicate 25 feet of right-of-way for the east side of 24th Avenue, as approved by the Planning and Development Department.
19. The existing irrigation facilities along 23rd Avenue are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and or civil plan review approval.
20. The developer shall connect to 23rd Drive, or dedicate a 50-foot radius cul-de-sac and construct a 45-foot turning radius on site at the termination of 23rd Drive, as modified and approved by the Planning and Development Department.
21. 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.
22. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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.

23. 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.
24. 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
25. 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.
26. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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.
27. **BUILDING ELEVATIONS SHALL BE PRESENTED FOR REVIEW AND COMMENT TO THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE PRIOR TO FINAL SITE PLAN APPROVAL.**
28. **THE DEVELOPER SHALL SET ASIDE FUNDS FOR TRAFFIC CALMING DEVICE/S ON 23RD AVENUE.**

#### **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS**

Funding for traffic calming devices on 23rd Avenue will require additional input from Street Transportation Department. Staff recommends modifying this added stipulation to require that the developer work with the neighborhood and the Street Transportation Department to pursue a traffic calming solution.





## Village Planning Committee Meeting Summary Z-28-22-8

<b>Date of VPC Meeting</b>	July 12, 2022
<b>Request From</b>	S-1
<b>Request To</b>	R1-8
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Northwest corner of 23rd Avenue and Baseline Road
<b>VPC Recommendation</b>	Continued to August 9, 2022
<b>VPC Vote</b>	11-0

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS**

#### **STAFF PRESENTATION**

**Mr. Valencia**, staff, provided a presentation rezoning case Z-28-22-8. The location of the site and the existing General Plan Land Use map designations. Mr. Valencia explained that a General Plan Amendment was not required because a portion of the site was designated as “traditional lots” making the request less than 10 acres. Mr. Valencia gave a context of the surrounding zoning and went over the 26 stipulations in the report.

#### **APPLICANT PRESENTATION**

**David Maguire**, with Land Solutions, Inc., gave a presentation on the project. Mr. Maguire. Mr. Maguire gave some history on the site and 23rd Avenue and mentioned that the irrigation ditch on the site is a fee title piece that will require coordination with SRP and the Federal Government to move it out of the right of way so that the remaining half street can be dedicated and paved. The subdivision will be gated with entrances and exits on 23rd Avenue and 24th Avenue. There will be open space and tot lot amenities. Mr. Maguire presented elevation renderings and noted that some adjustments necessary to accommodate the porches that were stipulated. Mr. Maguire summarized the neighborhood outreach. There were 2 virtual neighborhood meetings, and they were attended by seven people. There have been 2 phone calls received. Notices were mailed out 600 feet for the first meeting and an enhanced 1200 feet radius for the second meeting. Mr. Maguire brought up stipulation No. 23 regarding connectivity to 23rd Drive. The stipulation requires either a cul de sac to terminate 23rd Drive, or connecting to it. If a cul de sac was to be constructed it would create a walled off situation where the HOA for this project would be responsible for maintaining a cul de sac solely accessible by the property to the south. Connecting through would create maintenance issues between the project’s HOA and the property to the south. In

addition, the proposed project is gated while the property to the south is not. Mr. Maguire went over the drainage and retention on the site and showed how all water would be retained onsite and how the overflow would function in the event of a super storm event. Mr. Maguire concluded by asking if the stipulation regarding view fencing could be removed due to privacy concerns.

#### QUESTIONS FROM THE COMMITTEE

**Gene Holmerud** asked if the irrigation will be piped underground.

**Mr. Maguire** answered that it would be piped underground in its own 20-foot-wide federally owned piece of property outside of the right of way.

**Fatima Muhammad Roque** asked how maintenance of the pipe would occur and the impact on surrounding residents if it were to break.

**Mr. Maguire** responded that maintenance would be the responsibility of SRP and that hopefully the pipe wouldn't break as it would be brand new and installed according to the utility specifications. The street will be built so that drainage would flow back onto and be retained on the site.

**AJ Greathouse** asked what the home price range would be.

**Lou Turner** answered home sizes would be from 1500 to 2875 square feet and prices are estimated to be in the \$400-\$500K range.

**Fatima Muhammad Roque** asked what the projects full density is and what the project density is.

**Mr. Valencia** answered that under R1-8 the max density is 4.5 units per acre. The project density for 55 proposed units is 4.28 units per acre.

**Vice Chair Marchuk** asked why a General Plan Amendment is not being required for this project since it is greater than 12 acres.

**Mr. Valencia** replied that there are 2 different product types under the General Plan Designation for the site. Because a portion of the site is currently under the traditional lot category the overall area changing classifications is less than the 10 acres that would trigger the General Plan Amendment.

**Mr. Marchuk** asked how homes along 23rd Avenue and Baseline will be fronting the street.

**Mr. Valencia** explained that the lot rears would be toward those streets and a staggered perimeter themed wall along with landscaping and a multi-use trail on Baseline would be required.

**Mr. Marchuk** had concerns with walled in subdivisions and what the Rio Montana Area Plan strives to achieve.

**Mr. Maguire** mentioned that there will be wall articulation as well as added depth because of the 20-foot-wide fee title land for undergrounding the irrigation out of the right of way.

**Marcia Busching** stated that 23rd drive should not be terminated so that the neighborhoods can be more integrated and less isolated.

**Chair Daniels** asked if the applicant had a color palette they could share.

**Mr. Maguire** responded there are 7 different paint schemes and 3 elevations per plan.

**Chair Daniels** stated she would like to see actual renderings of what is being proposed to better see the product design and style.

**Mr. Maguire** stated they would have to redesign some of these elevations to meet the stipulation regarding porches.

**Chair Daniels** mentioned that there are community concerns with ingress and egress to 24th Avenue. Ms. Daniels said that 24th Avenue cannot be expanded and that there is a potential for accidents based on the exit location. There is also a (retaining) wall on 24th Avenue all the way to Baseline.

**Mr. Maguire** stated that part of the reason the subdivision was designed with that exit was because the City required 2 ingress and egress points as well as alignment to the street on the west side of 24th Avenue and for pedestrian connectivity to the sidewalk on the west side of the street. The major entrance will be on 23rd Avenue, and it is not anticipated to much traffic will enter or exit onto 24th.

**Chair Daniels** responded that 24th Avenue will not be expanded and that will create a bottleneck situation.

**Mr. Maguire** Traffic impact Statement shows that everything is safe to have the access point at the 24th avenue location.

**Chair Daniels** asked about the neighborhood meeting participation and their concerns.

**Mr. Maguire** mentioned there were dust concerns, concerns with 2-story homes, noise concerns, and vandalism/theft and rental concerns. Mr. Maguire stated they would be adhering to County dust control requirements, they want 2-story homes just like the other subdivisions adjacent to their site, noise will occur during the construction process, the community would be gated immediately for everyone's safety, and that Hillstone homes has written in the sales contract that they reserve the right to buy back

any home they find out is being rented. No one brought out access concerns to 24th Avenue.

**Emma Viera** asked about heat mitigation strategies that would be utilized by the project.

**Mr. Maguire** replied that there are stipulations requiring landscaping.

**Mr. Valencia** added that stipulations were created to address a more enhanced tree canopy through spacing and caliper size as well as with ground vegetation requirements. Items such as being energy star compliant are also being proposed but are non-enforceable by the City.

**Emma Viera** asked if there would be any cool pavement.

**Mr. Maguire** mentioned there will be enhanced entrances with decorative pavers but was not sure about cool pavement.

**Emma Viera** recommended that the developer learn about cool pavement for heat mitigation.

**Fatima Muhammad Roque** asked if there would be any children playgrounds in the open space areas or other gathering areas for residents of the community.

**Mr. Maguire** mentioned that there are stipulations for amenities in each of the open space areas.

**Gene Holmerud** expressed concerns with the multiuse trail on Baseline and obstacles like standpipes in the right of way.

**Mr. Maguire** answered that they are not far enough in the process yet to know exactly where the pipe will be required to be located but that they would work in alignment with the stipulations and the relocation requirements.

**Chair Daniels** brought up that when Lennar built their community, they had to set aside funds for traffic calming on 23rd Avenue and if the developer would be doing the same.

**Mr. Maguire** mentioned that they would be building the remaining half street and that they would most likely have to install the traffic calming devices and anything Streets would require further along the development review process.

**Mr. Valencia** cautioned the committee about stipulating to any traffic control devices or monetary amounts at this stage due to a recommended device being inappropriate for a location or for amounts being less than what would actually be required and instead to allow those items to be worked out further in the review process.

**Marcia Busching** asked for clarification on why drainage would be retained offsite.

**Mr. Maguire** stated that there is an outfall in the event of a super storm event just like the subdivisions around them do as well.

#### PUBLIC COMMENT

**Erin Hegedus** spoke against rezoning S-1 property that has active irrigation. She asked what the developer was doing to mitigate the heat island effect and clarified that the site is not abandoned in the sense that it is still actively irrigated and a lush site that cools the area.

#### APPLICANT RESPONSE TO PUBLIC COMMENT

**Mr. Maguire** replied that the north portion of the site does not have irrigation, and that irrigation only works for lots an acre or more in size. City and utility requirements make irrigation go away when new development is constructed, but the tradeoff is more opportunities for people to live in.

#### COMMITTEE DISCUSSION

**Vice Chair Marchuk** recommended that the site plan should have a connected 23rd Drive and remove vehicular ingress and egress from 24th Avenue while still allowing for public pedestrian access.

**Kay Shepard** asked what the advantage would be to connect 23rd Drive.

**Mr. Valencia** explained that the current stub out on 23rd drive is required by the subdivision ordinance to either connect or properly terminate in a cul de sac and not just abruptly end like it is now and asked if the applicant could be permitted to speak on the technical appeal.

**Chair Daniels** gave history on why the Prevalent Homes subdivision south of the site doesn't have access to 24th Avenue due to retaining wall, the non-expansion of the street, and the choker which combined cause traffic and safety concerns for additional traffic onto 24th Avenue.

**Mr. Maguire** stated that they are being required to connect to 24th and have submitted a traffic impact statement that supports that connection, and that it doesn't seem fair to have to provide a cul de sac on their property to fix a situation that maybe shouldn't have occurred. Mr. Maguire added if connectivity to 24th then it becomes a very circuitous route. Also, as a gated subdivision it creates HOA and maintenance issues with the subdivision to the south. Mr. Maguire finished his reply by asking if the committee would take emergency access only into consideration, or if they would consider modifying the stipulation language to allow them to work out a solution further along the development services review as it may be too early to make that determination at this meeting without the technical expertise.

**Marcia Bushing** stated that she agrees with Vice Chair Marchuk's recommendation and is not in favor of the project as proposed.

**Kay Shepard** asked for clarification of the discussion on the table.

**Vice Chair Marchuk** summarized that there is community concerns with vehicular access to 24th Avenue and the stub out on 23rd Drive. Mr. Marchuk said he liked what the applicant suggested about making 23rd Drive emergency access and maintaining public pedestrian access through the subdivision despite it being gated for vehicular access, and to keep the 2 ingress egress points onto 23rd Avenue.

**Mr. Valencia** asked the applicant for clarification on the ingress and egress points to 23rd avenue as one of the ingress egress points is labeled as emergency access only and if they would consider making it full access.

**Mr. Maguire** answered that they were told by the City's review team that the location is too close to Baseline Road to provide full access.

**Chair Daniels** asked if the entrance location could be shifted so that it could be allowed as an entrance and exit point.

**Mr. Maguire** replied that he was unsure and that the entrances were aligned with the entrances of the project on the other side of the street. The City requires a significant distance from an arterial so it may require relocating both entrances. Mr. Maguire then shared a concern with eliminating access to 24th Avenue because Streets or Fire may say no to that option and they would be left with a site plan they can't build. Mr. Maguire restated that he hopes this issue could be allowed to be worked out further in the review process with the development services team.

**Chair Daniels** mentioned that the subdivision on the other side of 23rd Avenue has 2 entrance and exit points on 23rd Avenue so this project could just align to those.

**Mr. Maguire** replied that it is possible that was the only avenue for that subdivision since there was no other street to connect to for them.

**Chair Daniels** stated that 23rd Avenue is safer and more convenient than connecting to 24th Avenue because there are multiple ways the traffic can flow versus having only Baseline to go to.

**Mr. Valencia** mentioned to the committee that eliminating access to 24th Avenue will also trigger a technical appeal and that would also impact the site greatly as well as the stipulations regarding number of lots and open space percentages.

**Vice Chair Marchuk** recommended a continuance due to the uncertainty in the layout and lack of elevations and the design guidelines for the project.

**Lee Coleman** asked if the cul de sac was a requirement from the streets.

**Mr. Valencia** answered yes.

**Mr. Coleman** stated that's a City imposed hardship.

**Mr. Valencia** answered the stipulation was written so the developer could connect to 23rd Drive if they did not want to do the cul de sac.

**Mr. Coleman** said there are about 16 lots that are close to the 24th Avenue exit and that at most half of those would use that exit with most of the subdivision more than likely choosing the 23rd Avenue exit.

**Chair Daniels** said the cul de sac was required based off the proposal which shows a connection on 24th avenue and suggested more time so that a different layout could be considered such as a second entrance and exit onto 23rd Avenue.

#### **MOTION – Z-28-22-8**

**Kay Shepard** motioned to continue the case to the August Steering Committee Meeting and expressed that it is very unfair for the City to require the developer to put a cul de sac in to fix someone else's error. Ms. Shepard added that conversations with Streets and Fire regarding alternate entrances should be had by the developer and that elevations including color palettes be brought to the next meeting.

**Mr. Coleman** seconded the motion.

**Mr. Valencia** clarified to the applicant that the motion is to continue the project to August 9th, but that it would be very beneficial to the applicant to have conversations with Streets and Fire on alternate layouts as well as to bring elevations and color palettes to the August 9th meeting for the committee to see.

#### **VOTE – Z-28-22-8**

**11-0**; motion to continue case Z-28-22-8 to the August 9th South Mountain Village Planning Committee passed with committee members Alvarez, Busching, Coleman, Greathouse, Holmerud, Muhammad, Muhammad Roque, Shepard, Viera, Marchuk, and Daniels in favor.