



Village Planning Committee Meeting Summary

Z-SP-2-23-2

Date of VPC Meeting	June 8, 2023
Request From	C-2 M-R NBCOD (1.86 acres)
Request To	C-2 SP NBCOD (1.86 acres)
Proposed Use	Self-service storage warehouse, and all other underlying uses
Location	Approximately 375 feet south of the southwest corner of North Valley Parkway and Sonoran Desert Drive
VPC Recommendation	Denial
VPC Vote	3-1-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Four members of the public registered to speak on this item, two in opposition and two in support.

Staff Presentation:

Adrian Zambrano, staff, provided an overview of the request including the location of the request, surrounding land uses and zoning, and the General Plan Land Use Map designation. Mr. Zambrano displayed the site plan, landscape plan and elevations for the proposed project and shared that the proposal has received three letters of support and 33 letters of opposition to date. Mr. Zambrano shared the staff findings and stated that staff recommends approval subject to stipulations.

Applicant Presentation:

Paul Gilbert, representative with Beus Gilbert McGroder, LLC, introduced himself and his team. Mr. Gilbert noted that the property is in the Village Core and that the property is entitled with C-2 zoning, which permits self-service storage warehouses with a Special Permit. Mr. Gilbert noted that they are not requesting to change the C-2 zoning. Mr. Gilbert shared that the storage facility will have about 3,000 storage units. Mr. Gilbert added that C-2 zoning within the Village Core allows 56 feet in height and the proposed building height is 33 feet, which is less than the maximum height allowed. Mr. Gilbert added that the building height of 33 feet was chosen after negotiations with the neighbors abutting their property, noting that the height of the tallest home in the adjacent subdivision is 33 feet. Mr. Gilbert displayed the site plan and elevations and noted that they have made changes per the requests of staff and neighbors. Mr. Gilbert

stated that they will have one story underground which does not require blasting and that they agreed to add a stipulation that there will not be blasting on the site. Mr. Gilbert noted that none of the traffic will go into the adjacent neighborhood and that all traffic will come from North Valley Parkway. Mr. Gilbert stated that the driveway to access the adjacent Circle K property is right along the backyards of the eight abutting single-family homes. Mr. Gilbert stated that after two years of meeting with the abutting neighbors, they have agreed to remove that driveway and that they have gotten approval from Circle K to remove that driveway. Mr. Gilbert noted that 369 vehicles traverse the driveway each day and that they will be eliminating the traffic that currently abuts adjacent homes to the south and west. Mr. Gilbert stated that the self-service storage warehouse use would produce less traffic than almost any other use permitted under C-2 zoning. Mr. Gilbert stated that they have a petition of support signed by all eight abutting neighbors. Mr. Gilbert added that there was only one crime reported between three storage facilities nearby between April 2022 to April 2023, noting that self-service storage warehouses are not a crime-producing use. Mr. Gilbert shared safety measures being taken. Mr. Gilbert reiterated that the proposed use would not produce a lot of traffic. Mr. Gilbert shared neighborhood stipulations, noting that they have agreed that they will comply with all of the stipulations.

Questions from the Committee:

Vice Chair Ricart asked when the petition was signed with the eight abutting neighbors. **Mr. Gilbert** responded that it was signed within the last 10 days. **Vice Chair Ricart** stated that Mr. Gilbert had mentioned that they had been working with these neighbors for several years and noted that there were several changes of ownership within the last few years. **Mr. Gilbert** responded that they waited for the abutting neighbors to sign the petition within the last 10 days for that reason. Mr. Gilbert added that there are neighbors present that signed the petition that could answer further questions. **Vice Chair Ricart** stated that she attended the neighborhood meeting and felt that it was more threatening to the neighbors as to what could be built on the property with the existing zoning entitlements. Vice Chair Ricart noted that per the tax records, there are a majority of single-story homes in the subdivision. **Mr. Gilbert** responded that he does not disagree but noted that there are 20 homes that are 33 feet tall and that other uses on the property are allowed to be up to 56 feet tall by right. Mr. Gilbert added that the property is also currently zoned Mid-Rise District, which would allow building heights over 100 feet. Mr. Gilbert stated that they are requesting the Mid-Rise District to be removed from the property. **Vice Chair Ricart** responded that the Committee is aware of the allowed heights in the Village Core. Vice Chair Ricart asked if there were still other commercial pads north of the subject site. **Mr. Gilbert** responded affirmatively, adding that the storage facility would act as a buffer between more intense commercial uses to the north and the adjacent single-family homes.

Jeff Johnson asked if the air conditioning units will be roof mounted or on the ground. **Andrew Lasich**, Senior Development Director with Leitbox Portfolio Partners, responded that they will be ground mounted. **Mr. Johnson** asked how many air conditioning units there will be.

Robert Kubicek, CEO of RCAA Architects, Inc., responded that there would be approximately 10 air conditioning units.

Mr. Johnson asked if they would be located behind the building. **Mr. Lasich** responded affirmatively, noting that they would be within the landscape buffer.

Chair Read asked if the adjacent neighbors are homeowners or renters. **Mr. Gilbert** responded they are all homeowners or family members of homeowners.

Chair Read asked if there were any changes that were made since the neighborhood meeting. **Mr. Gilbert** responded that the primary changes were to the elevations. **Chair Read** asked what the changes were. **Mr. Gilbert** responded that they reduced the metal and changed some colors.

Mr. Lasich stated that they added more articulation, noting that the building was more of a square look before. Mr. Lasich noted that canopies were also added for shading requirements and to add some features to the building as well.

Chair Read asked if the applicant followed up with the neighbor concerned about dark sky compliant lighting during the neighborhood meeting. **Mr. Lasich** responded that they did not talk to her after the meeting but did talk to her during the neighborhood meeting to address her concerns.

Mr. Gilbert stated that all the lighting will be shielded and reflected downward.

Chair Read asked about a question at the neighborhood meeting regarding trees. **Mr. Lasich** responded that the question was asking if they could use different species of trees, noting that the selected tree species comply with City landscape requirements.

Chair Read clarified that the question was related to a tree species that was more invasive.

Mr. Gilbert responded that the invasive tree species was changed.

Laura French asked about the hours of operation. **Mr. Lasich** responded that there would be limited hours per the neighborhood agreement, noting that it would not be 24 hours.

Chair Read asked how deep the dig for the basement will be. **Mr. Lasich** responded that it would be about 10 feet. **Chair Read** asked if that is the deepest or if a further dig would be needed for the foundation and pipework. **Mr. Lasich** responded that it would probably be 12 feet deep at the most. **Chair Read** asked how deep a dig would have to be for a swimming pool for comparison.

Mr. Kubicek responded that a diving pool with a depth of nine feet would usually require a dig of about 10 feet to lay the foundation.

Chair Read asked if this would be considered a hard dig. **Mr. Lasich** responded that it would not be.

Vice Chair Ricart stated that swimming pool contractors oftentimes say it will not be a hard dig and then find out after digging that it is a hard dig. **Mr. Lasich** responded that he is a licensed professional engineer in the State of Arizona and 40 other states with about 30 years of experience. Mr. Lasich stated that there can always be something to run into, noting that it is not an exact science. Mr. Lasich stated that more standard commercial equipment can handle this type of digging.

Mr. Gilbert reiterated that they agreed that there will be no blasting.

Chair Read asked what determines whether or not it is a hard dig. **Mr. Lasich** responded that it would be a hard dig if there are boulders that have to be broken up with a hammer. Mr. Lasich stated that they have not done a geotechnical report just yet.

Chair Read asked if the applicant brought samples of the proposed building materials. **Mr. Gilbert** responded that they did not but noted that there is a material legend provided in the presentation.

Mr. Johnson asked if the applicant considered having only two stories above ground and two stories below ground. **Mr. Kubicek** stated that it is more expensive to go down two stories than it is to go down one story, indicating that expense was the main reason they could not build two stories below ground.

Vice Chair Ricart asked why the applicant did not work as much with other neighbors within the adjacent neighborhood as much as they did with the abutting neighbors. **Mr. Gilbert** responded that they did reach out to other neighbors but that they put more emphasis on the abutting neighbors since they would be the ones most affected by the project. **Vice Chair Ricart** stated that she wished the other neighbors would have been included just as much.

Chair Read asked if the petition of support was signed without any sort of compensation. **Mr. Gilbert** responded affirmatively, noting that they only agreed to the negotiated stipulations with the abutting neighbors.

Vice Chair Ricart stated that she was surprised to see a name of a resident that was very against the proposed project years ago. **Mr. Gilbert** responded that the neighbor Vice Chair Ricart was referring to was a neighbor that spent a considerable amount of time in his office writing the stipulations that they agreed to.

Public Comments:

Ken MaGee introduced himself as a resident from the La Solana subdivision, located across from Fry's Marketplace, opposed to the project. Mr. MaGee expressed concerns with the proposed building blocking mountain views. Mr. MaGee stated that other storage facilities he has seen are not located adjacent to single-family residential homes. Mr. MaGee suggested that the storage facility be located adjacent to multifamily residential in the nearby area. Mr. MaGee expressed concerns with traffic and safety if the existing access to the adjacent Circle K property along North Valley Parkway is removed. Mr. MaGee stated that it is sometimes hard to get out of their subdivision due

to traffic. Mr. MaGee reiterated that the storage facility should be located adjacent to apartments.

Lydia Kimmens introduced herself as a neighbor from the adjacent Sonoran Commons subdivision, opposed to the project. Ms. Kimmens expressed concerns with traffic. Ms. Kimmens stated that there is not a yellow light at the traffic signal at the intersection which causes a long wait at the traffic signal. Ms. Kimmens stated that traffic oftentimes goes through Sonoran Commons to avoid the traffic signal. Ms. Kimmens stated that these vehicles speed through her neighborhood and expressed concerns with this problem being exacerbated by the proposed storage facility. Ms. Kimmens asked why the other residents of Sonoran Commons did not get the same treatment as the residents abutting the commercial property. Ms. Kimmens stated that she believes it is discrimination that the applicant worked more with the abutting neighbors than the rest of the neighborhood. Ms. Kimmens asked if the building will be access-controlled by scanning a card before 6:00 PM as well. Ms. Kimmens stated that the area is getting very populated and that a lot of homes are planned for the area, reiterating her concerns with traffic. Ms. Kimmens stated that the applicant should go back to work with all the residents of Sonoran Commons equally, noting that the other residents may want to add other stipulations. Ms. Kimmens expressed concerns with the building height, noting that only three of the eight abutting homes are two-story and a majority of homes in the subdivision are one-story. Ms. Kimmens suggested that the building height be reduced.

Dean Grissom introduced himself as a neighbor abutting the commercial property, in support of the project. Mr. Grissom clarified that the access to the adjacent Circle K property is not being removed and that it is just being relocated so it is not right behind the abutting homes. Mr. Grissom stated that he was a former member of the Sonoran Commons HOA and was a member when a driver using the access road to Circle K drove through the wall of an abutting home to this property. Mr. Grissom stated that this happened to his neighbor whose children may not be alive today if they were outside in their backyard when this occurred. Mr. Grissom stated that the abutting neighbors deal with health and safety issues constantly on that road. Mr. Grissom stated that the opposed neighbors get to enjoy health and safety factors that abutting neighbors of the commercial property do not get to enjoy. Mr. Grissom stated that crime and traffic have come to the area as a result of more apartments being built in the area. Mr. Grissom stated that they deal with crime and nuisances along the access road 24 hours a day. Mr. Grissom stated that they are tired of the crime and nuisances along the access road. Mr. Grissom then read his letter that he sent to City staff.

Buddy Schultz, former President of the Sonoran Commons HOA, introduced himself as a neighbor from the adjacent Sonoran Commons subdivision, in support of the project. Mr. Schultz stated that that he wrote a letter of support to the City Council. Mr. Schultz read his letter that he sent to the City Council. Mr. Schultz displayed a picture of the broken wall that the vehicle drove into adjacent to the property. Mr. Schultz noted that many other buildings around the area are taller than the proposed storage facility. Mr. Schultz stated that the opposed neighbors were present at the neighborhood meeting and had opportunities to collaborate with the applicant. Mr. Schultz stated that

they have already gone over all these issues and took a lot of time to work with the applicant to come up with a compromise in the best interest of everyone. Mr. Schultz stated that if the storage facility is built, it will help to protect the abutting homes, which will then be able to sell and will raise everyone's property values. Mr. Schultz stated that leaving it vacant would not help anyone.

Applicant Response to Public Comment:

Mr. Gilbert stated that the facility is only accessed from North Valley Parkway; thus, the storage facility's traffic would not be going through the adjacent neighborhood. Mr. Gilbert stated that 369 vehicles use the access road each day. Mr. Gilbert noted that the access road to Circle K will still remain and will just be relocated so it is not abutting the adjacent single-family homes. Mr. Gilbert noted that many self-service storage companies have requested to locate on this site and that this is an ideal site for a storage facility. Mr. Gilbert stated that the proposal would be much safer for children than the existing conditions. Mr. Gilbert reiterated that the proposal will not cause traffic to go through the neighborhood and is limited to North Valley Parkway. Mr. Gilbert noted that the site is located in the Village Core, and with C-2 zoning, could result in much more intense uses than what is being proposed, in terms of traffic and height. Mr. Gilbert concluded that the project is compliant with adopted plans, overlays and initiatives, per the staff report, in addition to the General Plan Land Use Map designation. Mr. Gilbert shared staff findings as written in the staff report.

Discussion:

Mr. Johnson stated that if the proposal was compliant with the plans, overlays and initiatives as mentioned, the applicant would not need to come to the Village Planning Committee. Mr. Johnson stated that the proposal is not compliant with something, which is why the applicant is present. Mr. Johnson asked about access. **Mr. Gilbert** responded that the staff report says that the proposal complies with all those plans and that even though they comply with all those plans, a Special Permit still requires public hearings. Mr. Gilbert stated that the access road would still allow access to the north property to access Circle K.

Chair Read stated that the way it is drawn on the photo, it appears as if the access road is closed. Chair Read added that the photos included in the packets that were sent to the Committee came out grainy and were hard to read.

Mr. Johnson asked for clarification that the access road coming across their property would never be gated or closed off. **Mr. Lasich** responded affirmatively. **Mr. Johnson** asked for clarification if vehicles accessing Circle K would have to be driving across their property every day. **Mr. Lasich** responded affirmatively, noting that if it became a problem, they could put in speed bumps or other traffic calming measures.

Mr. Grissom stated that the vehicles are driving across their property now with the existing access road.

Vice Chair Ricart asked how the relocated driveway would protect the corner property adjacent to North Valley Parkway. **Mr. Lasich** responded that there will be a retention area there that a vehicle would have to drive through first.

Vice Chair Ricart asked why the applicant did not work with the property owner on the corner at 2522 West Brisa Drive. **Mr. Grissom** responded that at the neighborhood meeting, Vice Chair Ricart complained about including them on the list since their property is not fully adjacent to the site.

Mr. Gilbert stated that the property owner was invited to the original neighborhood meetings that they had.

Mr. Grissom stated that the property also had a change of ownership.

Vice Chair Ricart stated that the property has been marketed as a storage facility and has not allowed the opportunity for other uses to be proposed. **Mr. Grissom** responded that there has been more than one instance that the landowner has been approached by other entities, which were then presented to the adjacent homeowners, but the buyers backed out.

Chair Read asked if there was someone present that represents the property owner. **Mr. Gilbert** responded that he represents the property owner.

Chair Read asked about the loading bays. **Mr. Lasich** responded that there are three interior loading docks. **Chair Read** asked for clarification that vehicles utilizing the loading docks would not block the access road to Circle K. **Mr. Lasich** responded that it is possible to happen but would be frowned upon since it would block vehicular access. **Chair Read** asked if there is a parking space planned for the loading vehicles. **Mr. Lasich** responded that the building was designed so that those types of vehicles would be able to fit inside the garage. **Chair Read** stated that the Circle K building was previously the Corner Store, which was a quaint, community-centered gathering space. Chair Read stated that if it was originally a Circle K, she believes there would have been a lot of community pushback, since they are more notorious for crime. Chair Read asked if the stipulations would still be in place if there was a change in ownership.

Mr. Gilbert responded that the stipulations are part of the rezoning application and run with the land, and whoever purchases the property would need to comply with the stipulations. Mr. Gilbert added that the only way the stipulations could be changed would be to come back through the public hearing process and that the adjacent neighbors are also very active and would ensure the stipulations are complied with.

Vice Chair Ricart asked why the other homes were not as involved, noting many recent home sales. **Mr. Grissom** responded that none of the other neighbors have had vehicles crash through their walls or have had to deal with other nuisances associated with living adjacent to the Circle K access road. Mr. Grissom stated that the abutting homes to this property act as a buffer between the crime and nuisances associated with the access road and the other homes within the subdivision.

Mr. Johnson asked how long Mr. Grissom has lived at his property. Mr. Grissom responded that he has lived there for seven years. **Mr. Johnson** asked how long the road has been there. **Mr. Grissom** responded that the road was there when he moved in. Mr. Grissom added that he sat on the road and counted the number of vehicles that used the road before he bought his property, noting that the traffic count was only 29 vehicles back then during the day.

Ms. Simon asked if a professional traffic study has been done. **Mr. Grissom** responded that they did not believe it was necessary since he provided them with his video camera footage of the traffic.

Ms. Simon reiterated her question if a professional traffic study has been done. **Mr. Gilbert** responded that there has not been one done. **Ms. Simon** stated that the Core has been changing and is not shaping to be as it was originally planned. Ms. Simon acknowledged the need for storage facilities but noted that she does not believe it should be located on a main thoroughfare in the community. Ms. Simon added that if the storage facility was located behind another commercial use, she would be more supportive of it. Ms. Simon stated that she also believes the access road cutting through their parking lot would set up that corner for more issues later on. Ms. Simon concluded that while she understands there is a need for storage facilities, she does not agree with this particular location.

Mr. Johnson concurred.

Ms. French asked if the City of Phoenix has an issue with locating a storage facility at this location. **Chair Read** responded that they do not since it is zoned C-2 for commercial uses.

Mr. Zambrano added that a storage facility is a permitted use in the C-2 zoning district, subject to obtaining a Special Permit, which requires the same public hearing process as a regular rezoning case.

Chair Read stated that she does believe there is a need for more storage facilities in this area with the number of homes planned for the area. Chair Read stated that the Committee had brought up in the past a plan to designate what areas they would be supportive of certain types of uses being located in, such as retail and self-service storage facilities. Chair Read stated that although the law and policy states that something should be a certain way, it does not necessarily mean that it should happen. Chair Read stated she gives more credit to land use attorneys and developers that go the extra mile by reaching out further to the community rather than the minimum notification radius required. Chair Read stated that the Committee is tasked with representing the community as a whole. Chair Read added that multifamily residential is being built, not necessarily because residents want apartments, but rather because there is a housing shortage and because of the Taiwan Semiconductor Manufacturing Company (TSMC) facility that has thousands of employees that need places to live. Chair Read stated that the Committee cares about many different details of projects and wants to be proud of how their community is shaped in the future. Chair Read stated

she would hope that there be no loitering signs placed along the property, if approved. Chair Read added that she does not agree that this is a proper location for a storage facility but noted that there are no hard facts that indicate that it should not be located there, and that it is a personal opinion. Chair Read recommended the developer conduct a proper traffic study to have that data. Chair Read added that she would like to ensure the majority of the Sonoran Commons community supports the project. Chair Read stated that if she was on the Committee in the past, she would not have voted to approve of the Sonoran Commons subdivision, because it is located in the Village Core and is not a proper placement of that type of land use.

Ms. French asked what the vote of the Committee would do. **Chair Read** responded that the vote from the Committee would be a recommendation to the Planning Commission, which the Planning Commission would then look at to see what the community wants. Chair Read added that the City Council would also look at the recommendation, and that regardless of how the Committee votes, the Planning Commission and City Council could still decide to vote differently. Chair Read stated that historically, the only other case that the Committee did not approve, the City Council had sent them back to the Committee to get a recommendation of approval.

MOTION – Z-SP-2-23-2:

Ms. Simon motioned to recommend denial of Z-SP-2-23-2. **Mr. Johnson** seconded the motion.

VOTE – Z-SP-2-23-2:

3-1-1; motion to recommend denial of Z-SP-2-23-2 passes with Committee members Johnson, Simon and Ricart in favor, Committee member Read opposed, and Committee member French abstained.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.