



Village Planning Committee Meeting Summary

PHO-1-21—Z-47-07-1

Date of VPC Meeting	April 13, 2021
Planning Hearing Officer	April 21, 2021
Hearing Date	
Request	<ol style="list-style-type: none"> 1) Review of conceptual site plan and elevations by the Planning Hearing Officer per Stipulation 1. 2) Modification of Stipulation 2 regarding approval of a comprehensive sign plan.
Location	Approximately 775 feet north of the northwest corner of I-17 and Old West Trail
VPC Recommendation	Denial
VPC Vote	4-2

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

1 person in opposition indicated that they wished to speak.

Julianna Pierre provided information regarding the location of the site and the surrounding zoning. She indicated that the original commercial development proposed in 2007 was intended to provide a buffer between the interstate and residential development to the west. She noted that there were no specific plans in 2007 and a stipulation was included requiring conceptual site plans and elevations to be reviewed and approved through the Planning Hearing Officer (PHO) process. She stated that the proposed development is a 191-unit, gated, casita-style residential community. She noted that primary access would be from 43rd Avenue and secondary access from the Interstate-17 (I-17) frontage road. She added that the development will provide three main styles for their elevations.

Julianna Pierre stated that in addition to submitting plans for review and approval, the applicant is requesting to modify Stipulation 2, regarding approval of a comprehensive sign plan.

Brennan Ray, representing NexMetro Communities, stated that the current zoning permits the proposed multifamily use and that the project was going through the PHO process to comply with a stipulation and request a modification. He added that he was aware of community concerns and held a neighborhood meeting on March 31, 2021 to discuss the project. He added that during the meeting there were general questions about the development, traffic, and the intersection of 43rd Avenue and Anthem Way.

Brennan Ray provided a summary about the type of residents that the community will attract. He stated that most will be older, single residents who previously lived in a single-family home. He added that, on average, there would be two children per ten households. He clarified that this information was based on the almost 2,000 units that NexMetro has constructed in Maricopa County.

Brennan Ray stated that there would be a courtyard layout with one, two, and three-bedroom units. He added that units would have private, landscaped backyards. He stated that there would be a total of 191 residences with a central amenity area, primary access from 43rd Avenue, and secondary access from the I-17 frontage road. He stated that the development would have three architectural styles, which are all consistent with Stipulation 1, regarding review and approval of a site plan and elevations. He added that the development has taken the Rio Vista Design Guidelines into account. He stated that the development meets specific guidelines, citing desert tone colors, more than one point of ingress and egress, large building setbacks from I-17, decorative walls, four-sided architecture, varying rooflines, and multiple floorplans with various façades. He stated that there are various amenities throughout the development that are connected by sidewalks. He stated that information will be provided to residents notifying them that Anthem facilities are private.

Brennan Ray stated that the right-of-way at 43rd Avenue and Anthem Way has been acquired and improvements are planned to begin in May or June of 2021. He added that the development will have little to no impact on the level of service at the intersection of 43rd Avenue and Anthem Way.

Brennan Ray discussed the emergency response times for both police and fire services. He stated that a mutual aid policy exists between the Maricopa County Sheriff Office and the Phoenix Police Department and both provide emergency assistance to each other along the jurisdictional borders. He added that primary emergency response to fires in the north Phoenix area is provided by the Daisy Mountain Fire District based on an automatic aid agreement that includes twenty different fire departments and districts valley wide. He stated that the Phoenix Fire Department anticipates a new fire station in the 43rd Avenue and Circle Mountain Road area. He added that the proposed development will generate approximately \$1.5 million in impact fees, some of which will be distributed to fire, police, and parks.

Judy Lorch stated that the development will have some children. She asked where the children would be attending school. **Brennan Ray** stated that there have been no discussions with the school district, and he was unsure of which school children would attend. **Judy Lorch** asked about access via the I-17 frontage road. **Brennan Ray** stated that northbound travel is permitted from Anthem Way to Old West Trail and north and southbound travel is permitted north of Old West Trail.

Loyd Nygaard stated that he was thankful that the developer researched and attempted to meet the desires of the Village. He added that if he were to vote on this item, he would require additional direction discussing the need for improvements for the frontage road west of I-17, the intersection of Anthem Way and 41st Drive, and Old West Trail. He clarified that all these locations create tremendous traffic hazards.

Brennan Ray stated that the site did go through the development preapplication process and did not receive any major comments related to traffic. He reiterated that the City is intending to make improvements to 43rd Avenue beginning in May or June 2021. He added that the proposed residential use would also generate less traffic than a commercial use.

Will Holton asked for clarification regarding the name of the development. **Brennan Ray** clarified that the name was Avilla Vista Norte and Avilla was intended to be short for "a village".

Ozzie Virgil asked if the property was under escrow. **Brennan Ray** stated that NexMetro is in escrow to acquire the property. **Ozzie Virgil** asked if NexMetro intended to acquire other properties in the area. He added that the Village was trying to create a balance between high and low density in the area. **Brennan Ray** stated that NexMetro did not intend to purchase other properties or build similar projects in the area.

Steven Scharboneau asked if both points of ingress and egress would be accessible to residents at all times. **Brennan Ray** stated that both entrances would be gated, but accessible to residents twenty-four hours, seven days a week.

Terry Mullarkey, executive director for the Anthem Community Council, stated that Anthem is opposed to the development. He added that he was disappointed that the multifamily development does not comply with the Rio Vista Village Design Guidelines. He stated that from experience he knew that the impact fees would not be seen north of Happy Valley Road. He added that the I-17 frontage road does not go north or south, but dead ends in both directions. He clarified that traffic exiting the proposed development would need to exit 43rd Avenue. He also expressed concerns regarding 43rd Avenue and stated that the planned improvements would not be adequate. He added that emergency access would also be an issue unless the I-17 frontage road was improved.

Brennan Ray stated that the Rio Vista Village Design Guidelines do not have specific parameters for hybrid developments that fall between traditional multifamily and traditional single-family. He stated that the guidelines were reviewed, and the developer attempted to satisfy those design guidelines to the best of their ability. He reiterated that this item is a PHO request and that the development meets the applicable stipulations.

Brennan Ray stated that the City did not ask the developer to contribute to the widening or improvements at 43rd Avenue and Anthem Way because the funding was met through a prior case. He added that 43rd Avenue did have an appropriate level of service, despite perhaps having a few seconds added to wait times. He stated that in an emergency the I-17 frontage road can allow for two-way traffic per ADOT mandate. He added that local law enforcement would control the two-way traffic.

Steven Scharboneau stated that he understands that this is not a rezoning case, but the density is not what the community wants to see in this area. He added that it would be important for the Village Planning Committee to create guidelines for developments that fall between traditional multifamily and traditional single-family. **Will Holton** agreed with **Steven Scharboneau**. He added that the development is too dense.

Ozzie Virgil stated that this type of development is not what was envisioned for the area. He reiterated that there needs to be a balance of high and low density in the Village. He stated that the development will exacerbate existing issues in the area. He clarified that he is not anti-development, but feels any proposed development needs to be sensible.

Loyd Nygaard stated that while he had issues with the density, he believed that this was a PHO case and should be voting on whether the proposed development meets the appropriate stipulations. **Chair Massimo Sommacampagna** clarified that this not a rezoning case or a land use issue. He stated that they should determine whether the elevations and site plan conform to the listed stipulations. He added that multifamily is permitted in the C-2 zoning district. **Steven Scharboneau** stated that their recommendation is based on community input and that recommendation will be provided to the PHO. **Will Holton** stated the Village Planning Committee (VPC) is the voice of the community and their comments and concerns should be considered.

MOTION: **Judy Lorch** made a motion to approve PHO-1-21—Z-47-07. The motion was seconded by **Chair Massimo Sommacampagna**.

VOTE: 2-4 with Committee Members Sommacampagna and Lorch in favor and Committee Members Scharboneau, Holton, Nygaard, and Virgil in opposition. This motion failed.

Will Holton asked for clarity on the semantics of the motion. **Steven Scharboneau** asked whether the intent behind the recommendation is forwarded with the recommendation. **Samantha Keating** clarified that the recommendation from the committee would include a summary of the commentary.

Will Holton stated that the motion should include language that requires less density and input from the City, Maricopa County, and ADOT regarding traffic issues. **Steven Scharboneau** and **Ozzie Virgil** agreed that this was outside the purview of the Committee. **Samantha Keating** clarified that the applicant is proposing review of the site plan and elevations, so the committee can make additional modifications within that context. **Brennan Ray** clarified that the stipulations focus primarily on design. **Will Holton** stated that the design does not meet Rio Vista's Design Guidelines.

MOTION: **Steven Scharboneau** made a motion to deny PHO-1-21—Z-47-07. The motion was seconded by **Will Holton**.

VOTE: 4-2 with Committee Members Scharboneau, Holton, Nygaard, and Virgil in favor and Committee Members Sommacampagna and Lorch in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.