



## Village Planning Committee Meeting Summary

### Z-45-22-8

<b>Date of VPC Meeting</b>	August 8, 2022
<b>Request From</b>	S-1 (Approved C-2 HGT/WVR PCD)
<b>Request To</b>	C-2 HGT/WVR DNS/WVR
<b>Proposed Use</b>	Mixed-use development
<b>Location</b>	Southeast corner of 59th Avenue and Dobbins Road
<b>VPC Recommendation</b>	Approval, per Addendum A dated July 8, 2022, with modifications and an additional stipulation
<b>VPC Vote</b>	6-3

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

1. *Two members of the public requested to speak on this item.*

**Chair Tonya Glass** requested that the applicant ask for a continuance to work through community concerns about the project. Chair Glass stated that since the last meeting the applicant has worked with committee members regarding the project, but the outreach to the community was not done. Chair Glass added that there are still concerns with the 3-story apartment buildings along Dobbins Road and the applicant should reach out to residents of the single-family development to the north since they would be directly impacted by increased height.

**Ben Tate**, representative with Withey Morris, PLC, stated that a significant amount of work was done over the past month to revise the proposal to address concerns and comments. Mr. Tate stated that per the Committee's direction, since the last meeting they have engaged more with the community and anyone who had concerns. Mr. Tate added that the case was noticed appropriately, and the applicant had conversations with adjacent residents.

**Chair Tonya Glass** stated that some community members may not have fallen within the required notification radius, but they should still be contacted. Chair Glass stated that she wants to ensure the community has the information they need and that she had reservations about how the commercial component will be secured. Chair Glass stated that she understood if the applicant wanted to move forward without the continuance.

**Ben Tate** stated that he would like to move forward without the continuance and present the proposal with the updated plans.

#### **STAFF PRESENTATION**

**Julianna Pierre** reviewed the request, location of the site, adjacent zoning and uses, and general plan designation. Ms. Pierre stated that at last month's VPC meeting, the item was continued to allow time for the applicant to work with the Committee and community regarding the proposal. Ms. Pierre added that the applicant also asked for a continuance at the August 4th Planning Commission hearing. Ms. Pierre stated that taking into consideration the revised plan, staff is recommending approval, per Addendum A dated July 8, 2022, with modifications. Ms. Pierre reviewed the modifications, which included updates to the date stamp date for the site plan, open space percentages, and maximum unit numbers.

### **APPLICANT PRESENTATION**

**Ben Tate**, representative with Withey Morris, PLC, provided information regarding the site location and noted that the defunct Laveen Town Center Planned Community District (PCD) is no longer supported. Mr. Tate added that the density and height for the new proposal matches that of the PCD and the proposal is an adaptation of what was proposed in 2004. Mr. Tate stated that this site is the last privately owned parcel in the PCD, and the City owns the 40 acres to the south, which is planned for a park and elementary school. Mr. Tate added that the developer has agreed to contribute \$300 per unit to the Laveen Elementary School District. Mr. Tate then reviewed the proposal, specifically describing key information regarding Lots 1, 2, and 3. Mr. Tate displayed the conceptual site plan, elevations, and various renderings and described the modifications made to the site plan including: increased commercial square footage of Lot 1, increased number of commercial pads, increased size of the Town Center, increased height of residential buildings along Dobbins Road, increased setbacks in Lot 2, and reduction of units in Lot 3.

Mr. Tate proposed an additional stipulation to address the Town Center improvements:

Improvements for the Town Center, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any Certificate of Occupancy for the last phase of residential development (Lot 2 or Lot 3). Improvements shall include all streets and parking around the Town Center, all common landscape, walkway landscape furniture and common area features, and a minimum of three amenities (which may include, but is not limited to open seating, interactive water feature, and kids playground with shade structure), but excluding the two commercial buildings and their supporting features such as leased outdoor dining areas and their hardscape and landscape features, as approved by the Planning and Development Department.

Mr. Tate stated that this stipulation ensures that the Town Center's open space would be developed prior to the last phase of residential development.

### **QUESTIONS FROM COMMITTEE**

**Committee member Stephanie Hurd** stated that the applicant has made improvements to the proposal including more open space and additional commercial pads. Ms. Hurd stated that some may not like the three-story residential buildings along Dobbins Road, but as a tradeoff the setback was increased. Ms. Hurd expressed concerns about the commercial not being built but hoped that a stipulation or agreement could be reached to ensure the commercial development.

**Vice Chair Linda Abegg** stated that she was excited to have a mixed-use development in this area because often the Committee has been told that mixed use is not a

possibility. Vice Chair Abegg expressed concern that the Town Center open space would not be developed. Vice Chair Abegg stated that stipulation language could be workshopped to ensure that is completed. She added that the intent should be specific because the intent may not be honored in future process unless clearly stated.

**Chair Tonya Glass** stated that at least one commercial building should be built as part of the second phase to facilitate support for the rest of the community.

**Ben Tate** stated that the commercial buildings were intended to be built as the market dictates. Mr. Tate added that the priority was to ensure that the open space portion of the Town Center be built along with the residential phases to provide space for the community.

**Chair Tonya Glass** stated that it would not be unreasonable for the stipulation to ensure at least one of the commercial spaces be built, which would support the open space and residents.

**Committee member JoAnne Jensen** stated that this is the third plan she's seen for the site and this iteration is the best. Ms. Jensen expressed concern about stipulating that a commercial building be completed when the tenant is unknown, and development may not meet a vendor's requirements. Ms. Jensen added that it may be beneficial to understand what a tenant wants before building. Ms. Jensen stated that there should be language that ensures the Town Center open space would be developed.

**Chair Tonya Glass** explained that residents to the north may have concerns with the three stories along Dobbins Road as it obstructs their view. Chair Glass added that the proposed height is not conducive adjacent to the scenic corridor. Chair Glass recommended that the two-story building be adjacent to Dobbins Road and three-story buildings interior to the site.

**Vice Chair Linda Abegg** asked if all the garden style apartments will be three stories.

**Ben Tate** stated that the apartments adjacent to Dobbins Road are three stories and all the other buildings are two stories. Mr. Tate stated that the height of the buildings along Dobbins Road was increased because the northwestern most residential building was deleted for an additional commercial pad.

## **PUBLIC COMMENTS**

**Dan Penton** stated that there have been improvements to the development, but he still had concerns about the size of the Town Center open space. Mr. Penton also expressed concerns with the increased number of parking spaces and location of the additional commercial pad. Mr. Penton stated that the VPC has been adamant about nothing in excess of two stories along Dobbins Road because it is a scenic corridor, so there are concerns about allowing three stories. Mr. Penton added that residents across Dobbins Road may have their view obstructed by buildings at that height. Mr. Penton also asked if there was any way to work with the City to have the proposed park directly south of this development. Mr. Penton stated that no matter what stipulations are applied to the property, if a new developer comes along and wants to redevelop, they can apply for the Planning Hearing Officer (PHO) process to modify stipulations to accommodate a new proposal. Mr. Penton expressed concerns that nothing can ensure the developer will build out the proposal as currently depicted.

**Phil Hertel** stated that fifteen to twenty years ago the site of the Town Center was envisioned to be a community center and gathering place for residents. Mr. Hertel stated that the proposal needs more creativity to truly be a gathering place. Mr. Hertel stated that the site should be reorganized to have the single-family portion adjacent to Dobbins Road and the three-story residential on the southern portion of the site. Mr. Hertel stated that it seems as though the developer is going to flip the site rather than build what is proposed. Mr. Hertel suggested an additional stipulation ensuring that no stipulations for the rezoning case could be modified in the future to ensure the development is built as currently proposed.

**Committee member Stephanie Hurd** expressed concern with the possibility of the site being sold and redeveloped with a different proposal.

### **APPLICANT RESPONSE**

**Ben Tate** discussed the modifications to the plan. Mr. Tate stated that there was a decrease in leasable outdoor square footage in order to allow an increase in the Town Center open space. Mr. Tate added that because there was an addition of another commercial pad, the parking had to increase in order to meet the City's minimum parking requirements. Mr. Tate stated that the location and density of the three-story residential use is warranted given the proximity to an arterial-to-arterial corner near the Loop 202 Freeway and Village Core. Mr. Tate added that the site was already approved with a height waiver permitting 3-stories and they are not asking for any additional height. Mr. Tate added that discussion regarding the location of the park and school south of the site is between the City of Phoenix and Laveen Elementary School District. Mr. Tate agreed that it would be preferable to have the park directly to the south rather than the school. Mr. Tate stated that the stipulations for the case would also be applicable to a subsequent purchaser.

### **COMMITTEE DISCUSSION**

**Chair Tonya Glass** expressed concerns with last minute changes being made to the plan, which made it difficult to review appropriately. Chair Glass added that the applicant has not provided any guarantees about future commercial.

**Vice Chair Linda Abegg** expressed concerns with the site being sold and redeveloped as another use. Vice Chair Abegg added that the Committee has specific concerns with that issue because it has happened at other locations in the Village. Vice Chair Abegg stated that a stipulation modification through the PHO process would be easier than if the site were rezoned as a PUD and a subsequent amendment need to be made.

**Committee member JoAnne Jensen** expressed concern that if this proposal is not approved, nothing will develop on the site. Ms. Jensen stated that the developer has worked to incorporate comments and concerns by revising the proposal.

**Chair Tonya Glass** stated that she would feel comfortable approving the proposal if there was language in a phasing stipulation to ensure the Town Center open space and at least one commercial building were to be developed.

**Committee member Rebecca Perrera** stated that if the idea of needing residential prior to commercial is not based on one parcel. Ms. Perrera stated that increased residential throughout the community can support the proposed commercial. Ms.

Perrera stated that she would like to see language ensuring the commercial will be developed.

**Committee member Francisco Barraza** stated that he was okay with the three-story residential since there is an increased setback from Dobbins Road.

**Committee member Carlos Ortega** stated that he was okay with three stories along Dobbins Road. Mr. Ortega added that he would like to come to an agreement on stipulation language so the Committee could move forward and vote.

### **MOTION**

**Vice Chair Linda Abegg** made a motion to approve Z-45-22-8, per Addendum A dated July 8, 2022, with modifications and an additional stipulation stating:

Improvements for the Town Center, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any (including temporary) Certificate of Occupancy for any development in the second residential lot developed (either Lot 2 or Lot 3), whichever is developed later. Improvements shall include all streets and parking around the Town Center; all common landscaping, walkway landscape furniture, and common area features; and a minimum of three amenities, which may include, but are not limited to open seating, an interactive water feature, and kids' playground with shade structure; but excluding the two commercial buildings and their supporting features such as leased outdoor dining areas and their hardscape and landscape features, as approved by the Planning and Development Department.

Vice Chair Abegg clarified that the intent was to ensure that the Town Center open space improvements (excluding commercial buildings) were made prior to the last phase of residential development. The motion was seconded by **Committee member Carlos Ortega**.

**Chair Tonya Glass** made a substitute motion to approve Z-45-22-8, per Addendum A dated July 8, 2022, with modifications and an additional stipulation stating:

Improvements for the Town Center, as identified on the site plan date stamped August 8, 2022, shall be completed prior to the issuance of any (including temporary) Certificate of Occupancy for any development in the second residential lot developed (either Lot 2 or Lot 3), whichever is developed later. Improvements shall include all streets and parking around the Town Center; all common landscaping, walkway landscape furniture, and common area features; a minimum of three amenities, which may include, but are not limited to open seating, an interactive water feature, and kids' playground with shade structure; and at least one of the commercial buildings, as approved by the Planning and Development Department.

Chair Glass stated that the intent was to ensure that both the Town Center open space and commercial space improvements were made prior to the last phase of residential development. The motion was seconded by **Committee member Rebecca Perrera**.

### **VOTE**

**6-3**, motion to approve Z-45-22-8, per Addendum A dated July 8, 2022, with modifications and an additional stipulation passed; with Committee members Glass,

Barraza, Knight, Ortega, Perrera, and Rouse in favor and Committee members Abegg, Hurd, and Jensen in opposition.

## **RECOMMENDED STIPULATIONS**

1. The development shall be in general conformance with the site plan date stamped ~~June 30, 2022~~ ~~JULY 7, 2022~~ **AUGUST 8, 2022** and elevations date stamped ~~May 27, 2022~~ ~~AND JULY 8, 2022~~, as modified by the following stipulations and approved by the Planning and Development Department.
2. **IMPROVEMENTS FOR THE TOWN CENTER, AS IDENTIFIED ON THE SITE PLAN DATE STAMPED AUGUST 8, 2022, SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF ANY (INCLUDING TEMPORARY) CERTIFICATE OF OCCUPANCY FOR ANY DEVELOPMENT IN THE SECOND RESIDENTIAL LOT DEVELOPED (EITHER LOT 2 OR LOT 3), WHICHEVER IS DEVELOPED LATER. IMPROVEMENTS SHALL INCLUDE ALL STREETS AND PARKING AROUND THE TOWN CENTER; ALL COMMON LANDSCAPING, WALKWAY LANDSCAPE FURNITURE, AND COMMON AREA FEATURES; A MINIMUM OF THREE AMENITIES, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO OPEN SEATING, AN INTERACTIVE WATER FEATURE, AND KIDS' PLAYGROUND WITH SHADE STRUCTURE; AND AT LEAST ONE OF THE COMMERCIAL BUILDINGS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
2. The primary entryway to Dobbins Road shall include a minimum of 250 square feet
3. of enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year.
3. A minimum of one milkweed shrub, or other native nectar species, shall be planted
4. 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.
4. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE)
5. along the east side of 59th Avenue and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and
6. minimum 11-foot-wide landscape area located between the back of curb and sidewalk along the south side of Dobbins Road, as approved by the Planning and Development Department.
  - a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum

mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

- c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- ~~6.~~ The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 57th Avenue with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
- 7.**
- a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 50% live coverage at maturity.
  - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- ~~7.~~ The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of 59th Avenue with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department:
- 8.**
- a. Minimum 3-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
  - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
- ~~8.~~ The developer shall dedicate a minimum of 55-feet of right-of-way and construct the south side of Dobbins Road, as approved by the Planning and Development Department.
- 9.**
- ~~9.~~ The developer shall dedicate a minimum of 30-feet of right-of-way and construct the west side of 57th Avenue connecting at the 56th Glen alignment, as approved by the Street Transportation Department.
- 10.**
- ~~10.~~ The developer shall dedicate a minimum of 55-feet of right-of-way and construct the east side of 59th Avenue, as approved by the Planning and Development Department.
- 11.**

- ~~11.~~ The developer shall submit a Traffic Impact Study to the City for this development.
- ~~12.~~ No preliminary approval of plans shall be granted until the study is approved. Signal warrant analysis shall be included for 59th Avenue and Dobbins as part of the Study. The developer shall be required to provide a minimum 25% contribution towards future traffic signal if not warranted for construction by the TIA.
- ~~12.~~ Existing irrigation along Dobbins Road are to be undergrounded and relocated outside City of Phoenix right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
- ~~13.~~ 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.
- ~~14.~~ The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along eastbound Dobbins Road, as approved by the Planning and Development Department.
- ~~15.~~ The right-of-way shall be dedicated, and a bus stop pad (City of Phoenix Standard Details P1258 and P1260) constructed along northbound 59th Avenue, as approved by the Planning and Development Department.
- ~~16.~~ 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.
- ~~17.~~ 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.

#### **LOT 1 (TOWN CENTER AND RETAIL PLAZA)**

- ~~18.~~ The maximum building height shall be 30 feet.
- ~~19.~~
- ~~19.~~ A minimum of ~~25%~~ 28% of the gross area of Lot 1 shall be retained as open space, as approved by the Planning and Development Department.
- ~~20.~~ All uncovered surface parking lot areas for employees and customers shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve minimum 25% shade at maturity, as approved by the Planning and Development Department.
- ~~21.~~
- ~~24.~~ A minimum of 14 bicycle parking spaces shall be provided through Inverted U



- 22.** and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

## **LOT 2 (MULTIFAMILY APARTMENTS)**

- ~~22.~~ The development shall adhere to the R-3A zoning district standards, as modified  
**23.** by the following stipulations and approved by the Planning and Development Department.
- ~~23.~~ Lot 2 shall be limited to a maximum of ~~207~~ **214** units.  
**24.**
- ~~24.~~ A minimum of ~~9%~~ **10%** of the gross area of Lot 2 shall be retained as open space,  
**25.** as approved by the Planning and Development Department.
- ~~25.~~ A minimum of 10 bicycle parking spaces shall be provided through Inverted U  
**26.** and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

## **LOT 3 (HORIZONTAL MULTIFAMILY)**

- ~~26.~~ The development shall adhere to the R-3 zoning district standards, as modified by  
**27.** the following stipulations and approved by the Planning and Development Department.
- ~~27.~~ Lot 3 shall be limited to a maximum of ~~497~~ **181** units.  
**28.**
- ~~28.~~ A minimum of ~~12%~~ ~~43%~~ **11%** of the gross area of Lot 3 shall be retained as open  
**29.** space, as approved by the Planning and Development Department.
- ~~29.~~ A minimum of 10 bicycle parking spaces shall be provided through Inverted U  
**30.** and/or artistic racks located near building entrances, amenities, and/or open space and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

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

The intent of Stipulation No. 2 is to ensure that the Town Center is developed after the first residential lot (Lot 2 or Lot 3) and before the last residential lot (Lot 2 or Lot 3). Within the stipulation, the Village Planning Committee provided a list of all the expected improvements to the Town Center.