



Village Planning Committee Meeting Summary

Z-53-24-7

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| Date of VPC Meeting | November 13, 2024 |
| Request From | S-1 and R1-6 |
| Request To | R-4 |
| Proposal | Multifamily residential |
| Location | Southwest corner of 69th Avenue and Thomas Road |
| VPC Recommendation | Approval, per the staff recommendation, with an additional stipulation |
| VPC Vote | 10-1 |

Item No. 4 (GPA-MV-1-24-7) and Item No. 5 (Z-53-24-7) are companion cases and were heard together.

5 members of the public registered to speak on this item.

3 members of the public registered to speak on this item, in support.

2 members of the public registered to speak on this item, in opposition.

Staff Presentation:

Matteo Moric, staff, presented an overview of the general plan amendment and companion rezoning case. Mr. Moric identified the size and location of the site, the requested General Plan Land Use Map and zoning designations, the surrounding uses and zoning, and the proposal. Mr. Moric explained the site was the property with the densely populated trees at the southwest corner of 69th Avenue and Thomas Road. Mr. Moric then noted there was one correspondence in opposition received on this item. Mr. Moric summarized the staff findings of each case and provided the staff recommendations and identified the staff recommended stipulations.

Applicant Presentation:

Benjamin Tate, with the law firm of Withey Morris Baugh, PLC, represented the applicant, The NRP Group. Mr. Tate indicated the site is a little over 10 acres requiring the general plan amendment. Mr. Tate noted the S-1 zoning is the portion of the site where the farmstead is located, and the undisturbed areas of the property were zoned R1-6. Mr. Tate stated the farmstead residence was built around 1915, and the Historic Preservation Office felt it did not have historical value that needed to be preserved. Mr. Tate displayed aerial photos of property and highlighted how residential subdivisions

surrounding the property were mainly built in the 1970's and 80's. Mr. Tate explained the history of the mesquite trees and said there were over 2,000 of them. Mr. Tate explained that many of the mesquite trees would need to be salvaged, and noted typically with trees they would reuse them onsite, but with so many they are working with the City of Phoenix to get direction on what to do with them.

Mr. Tate emphasized that the current condition of 69th Avenue is one lane and dangerous, because it is narrow. Mr. Tate added that with this project they would build another lane to include improvements such as a 25-foot-wide half street, curb, gutter, sidewalk, and landscaping. Mr. Tate said the site is challenged because an odd shape and everything other than multifamily development would be difficult to land plan around. Mr. Tate said they are proposing a 288-unit garden style multifamily project. Mr. Tate said they were limiting the development to 3-stories and indicated there would be a landscape tract with private yards on the south side. Mr. Tate added they limited the building sizes and would be stipulated to plant mature evergreen trees to add a green screen and buffer properties to the south and west.

Mr. Tate noted that there was a proposed secondary access but that could only be used by the fire and police for emergency services. Mr. Tate said they would install detached sidewalk and shade trees and provided a rendering of more modern style architecture. Mr. Tate stated the development company does quality work and described the many amenities within and outside of the proposed units.

Mr. Tate added the City is working on creating a redevelopment zone in the area which would allow the City to approve a Government Lease Excise Tax (GPLET). Mr. Tate stated this would allow the City to purchase the property and lease back the property as a ground lease to The NRP Group and give them a break on property taxes. Mr. Tate added there could be a development agreement to allow a significant rent reduction which would allow half the units to be offered as affordable of 80% or less of the Area Median Income (AMI).

Mr. Tate stated there were many violations on the property over the years since it did not develop. Mr. Tate said this is quality multifamily housing project in an area that has not seen development for a long time. Mr. Tate emphasized they oriented the buildings to not be intrusive and considered the neighbors privacy.

Questions from Committee/Applicant Response:

Patricia Jimenez asked about the house on the property. **Mr. Tate** explained the owner lives in the house and he is the one wanting to sell it.

Ken DuBose questioned the amount of public outreach that had taken place in the community. **Mr. Tate** identified as part of process a neighborhood meeting and mailing notices were sent out to property owners within 600 feet and neighborhood associations within one mile.

Joe Barba asked about the letter of opposition. **Mr. Tate** noted it was in the back of the staff report and no specific concerns were raised about the project other than the person was in opposition and wanted to know what they would need to do so it does not pass. Mr. Barba asked about the neighbors' concerns at the neighborhood meeting. Mr. Tate stated the neighbors' concerns were traffic and the desire to limit access with cars into neighborhood and building height. Mr. Tate also stated they designed the site so the orientation of the buildings would be less intrusive to the surrounding neighborhood, and they limited access on 69th Avenue which would reduce the amount of cut-through traffic.

Chris Demarest asked about the number of parking spots. **Mr. Tate** said there were 432 proposed parking spaces.

Jennifer Fostino had concerns with the material changes of the buildings and felt it was needed to be high-end. **Mr. Tate** said there would be material and architectural changes to create visual interests. Jennifer Fostino asked about the width of landscape required by the City between multifamily and single-family residential. **Mr. Moric** responded there is a required 5-foot landscape setback in those situations, but the building setback is required to be greater. Jennifer Fostino clarified where she wanted to see more landscape buffers.

Meli Acevedo wanted to get clarity on the sale of the property to the City of Phoenix. **Mr. Tate** and **Austin Kates**, with The NRP Group, clarified the process to take advantage of a GPLET. Ms. Acevedo also had concerns about the trees which provided shade and she wanted to see if there was an ability for residents to re-purpose shade trees since she felt they were badly needed in the area. Mr. Tate explained they wanted to keep as many for their own project and salvage the remaining trees.

Joe Barba wanted to make the trees available to Maryvale residents.

Cindy Alonzo wanted to know what the rates of rent would be for the project.

Chair Derie wanted to see if he understood the proposal correctly and described it as a private property owner who wished to sell the land so 288 units could be built on it. **Mr. Tate** explained if the GPLET would not be involved the applicant would still move forward with the project, but qualified people would not be able to benefit because of the reduced rent rate. Chair Derie expressed he thought the applicant was trying to be a good neighbor to allow the units to be at a more affordable rate. Mr. Tate emphasized the importance of establishing a redevelopment area in this part of the city and to be able to utilize the GPLET.

Warren Norgaard asked about the project's timeline. **Mr. Tate** and **Mr. Kates** described the timeline.

Meli Acevedo mentioned she saw on The NRP website that they develop and manage properties. **Mr. Tate** said the plan is to manage the property too. Ms. Acevedo asked if

The NRP Group had developed other projects in Phoenix. Mr. Tate said they developed properties in Phoenix in the past and would be doing more.

Chris Demarest asked of the likelihood of the development backing out. **Mr. Tate** indicated that they were working so closely with the Economic Development Department and with the GPLET a development agreement would be needed, identifying a timeline.

Mr. Demarest also had a question about the access to 69th Avenue. **Mr. Tate** said the only people who would have access to open the gate would be the property management, fire and police departments.

Mr. Barba loved the fact they were keeping some of the landscaping and would love to see an approach to see if can offer trees to residents. **Mr. Tate** said they were working with upper management for guidance on this.

Lupita Galaviz felt this project would be good for Phoenix and the community.

Chair Derie asked about the bus pad. **Mr. Tate** described the location of the bus pad and how it would have direct access for people living at the project.

Public Comments:

Teresa Vazquez noted she was a neighbor of the property and indicated she was happy they would widen the road. Ms. Vazquez expressed concerns with problems of scorpions and snakes and was concerned what will happen with them when the development commences. Mr. Tate said they could do some level of pest control before the landscape and salvage takes place. Ms. Vazquez recommended approval of the project.

Angel Colin, neighbor, said all his questions were answered.

Valeria, neighbor, shared concerns with the proposed building height and privacy. Mr. Tate said the front doors of the units would face inward on the property and there would be no balconies. Valeria also asked about access from 69th Avenue. Mr. Tate said it would only be used for emergency purposes.

Floor/Public Discussion Closed: Committee Discussion and Vote:

Motion:

Joe Barba motioned to recommend approval of Z-53-24-7, per the staff recommendation with an additional stipulation that prior to initiating landscape inventory and salvage the applicant shall complete pest control and mitigation on the subject site. **Warren Norgaard** seconded the motion.

Chair Derie noted the total would now be 36 stipulations.

Vote:

10-1, Motion to recommend approval of Z-53-24-7, per the staff recommendation with an additional stipulation passed with Committee Members Alonzo, Barba, Demarest, DePascal, DuBose, Fostino, Galaviz, Norgaard, Jimenez, Derie in favor; and Acevedo in opposition.

VPC RECOMMENDED STIPULATIONS:

1. The landscape setbacks along 69th Avenue and Thomas Road shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.
2. Evergreen trees shall be planted within the west landscape setback, adjacent to Building No. 7 and Building No. 9, and the south landscape setback adjacent to Building No. 9, as depicted on the site plan dated October 24, 2024.
3. A minimum 30-foot building setback shall be provided for the first floor, exclusive of carports, with a minimum 40-foot building setback for floors above the first floor, for the west portion of Building No. 7, and west and south portions of Building No. 9, as depicted on the site plan dated October 24, 2024.
4. A minimum of 7% of the gross project area shall be retained as open space, as approved by the Planning and Development Department.
5. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
6. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
7. Existing SRP facilities along Thomas Road are to be relocated outside of City right-of-way, unless otherwise approved by the Street Transportation Department. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
8. A minimum 65-feet of right-of-way shall be dedicated and constructed for the south side of Thomas Road. Right-of-way construction shall include the extension of the existing median to the 69th Avenue intersection, as approved by the Street Transportation Department.

9. The existing attached sidewalk shall be detached and constructed with a minimum 6-foot-wide sidewalk separated by a minimum 10-foot-wide landscape area on the south side of Thomas Road, adjacent to the development. The landscape area shall be planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, and shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

10. A minimum 25-feet of right-of-way shall be dedicated and constructed for the west side of 69th Avenue.
11. A minimum 5-foot-wide detached sidewalk shall be constructed on the west side of 69th Avenue, adjacent to the development, and separated by a minimum 5-foot-wide landscape area. The landscape area shall be planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, and shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

12. An enhanced pedestrian connection shall be provided on the northern site boundary, adjacent to Thomas Road, to allow for direct pedestrian access to the adjacent transit bus stop, as approved by the Planning and Development Department.
13. The median islands within Thomas Road, adjacent to the development, shall be replenished with the approved landscaping and trees, as approved by the Planning and Development Department.
14. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
15. All streets within and adjacent to the development shall be constructed 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.

16. A bus pad shall be constructed that is 40 feet long and 10 feet wide, conforming with City of Phoenix Standard Detail P1260, on eastbound Thomas Road. The pad should be located at least 50 feet west of 69th Avenue, as approved by the Planning and Development Department.
17. Bicycle parking shall be provided at a minimum rate of 0.25 spaces per unit, up to a maximum of 50 spaces to be provided through Inverted U and/or artistic racks and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, or through secure parking storage area/s, or a combination thereof, 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.
18. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
19. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not be limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
20. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
21. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure and a minimum of 3% of the required parking space shall include Electric Vehicle (EV) Ready Infrastructure, as approved by the Planning and Development Department.
22. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
23. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
24. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.
25. A leak detection device shall be installed for the irrigation system within any open space area larger than 10,000 square feet, as shown on the site plan

dated October 24, 2024.

26. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
27. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
28. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
29. Provide a landscape irrigation plan that includes zones to establish the amount of irrigation to apply based on maturity and type of the landscaping. Irrigation should be applied efficiently based on the maturity and need for the vegetation.
30. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Checkup Program for a minimum of 10 years, or as approved by the Planning and Development Department.
31. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
32. 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.
33. 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.
34. 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.
35. Prior to final 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.

36. PRIOR TO INITIATING LANDSCAPE INVENTORY AND SALVAGE THE APPLICANT SHALL COMPLETE PEST CONTROL AND MITIGATION ON THE SUBJECT SITE.

STAFF COMMENTS REGARDING VPC RECOMMENDATION AND STIPULATIONS:

Staff recommends that Stipulation No. 36 be removed due to the lack of enforceability. The Landscape Team with the Planning and Development Department commented that they do not have inspection staff to verify if the stipulation had been completed prior to approving and permitting the inventory and salvage plan.