

**REVISED**

## Village Planning Committee Meeting Summary

### Z-35-23-8

<b>Date of VPC Meeting</b>	August 8, 2023
<b>Request From</b>	S-1, R1-6, R-4 and C-1
<b>Request To</b>	C-1
<b>Proposal</b>	Convenience store, gas station, and retail
<b>Location</b>	Northeast corner of 27th Avenue and Southern Avenue
<b>VPC Recommendation</b>	Approval, per the staff recommendation, with modifications
<b>VPC Vote</b>	8-2

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

*Three members of the public registered to speak on this item, one in favor and two opposed.*

#### **STAFF PRESENTATION**

**Samuel Rogers**, staff, presented the request, the location of the subject site, the surrounding context, the General Plan Land Use Map designation, the Rio Montaña Area Plan, the site plan, proposed elevations, the staff recommendation, the staff findings, and concluded by presenting the proposed stipulations.

**Committee Member Holmerud** asked about the stipulation requiring pavement treatments for pedestrian paths that cross vehicular paths. **Mr. Rogers** explained that the stipulation can be accomplished through the use of decorative pavers, stamped or colored concrete, or other pavement treatments.

**Committee Member Brooks** stated concerns about the building pavement materials. **Mr. Rogers** stated that the question would be better suited for the applicant.

**Committee Member Marchuk** asked if there is a specific amount of EV parking spaces required. **Mr. Rogers** explained that Stipulation No. 11 requires 10 percent of the required parking to be EV Ready.

**Committee Member Greg Brownell** asked about the stipulation requiring general conformance to the elevations. **Mr. Rogers** explained that staff is recommending general conformance to the elevations with specific regard to the building materials.

#### APPLICANT PRESENTATION

**Jason Morris**, representing the applicant with Withey Morris Baugh, PLC, presented an overview of the site, the General Plan Land Use designations, the subject site's zoning districts, and the request. Mr. Morris spoke about the history of the site's zoning, the purpose of the request, and the option to develop the site without rezoning. Mr. Morris spoke about the site plan, landscaping, enhanced setbacks/buffers to the adjacent SFR developments, and the renderings.

#### QUESTIONS FROM THE COMMITTEE

**Committee Member Brooks** asked if alternate building material that reduce the urban heat island could be used. **Mr. Morris** stated that the applicant is open to alternative materials.

**Committee Member Brownell** stated that Stipulation No. 11 should require 50% or 100% of the required parking spaces be EV Ready and stated that Stipulation No. 7 should require the streetscape be done in compliance with the cooperative extension agency and their Master Gardener Program called Right Plant, Right Place.

**Committee Member Holmerud** echoed Committee Member Brownell's statement regarding EV Parking, explained the difference between Level 1, Level 2, and Level 3 chargers, and stated that minimum Level 2 chargers should be stipulated.

**Committee Member Busching** asked about a wall shown on the site plan near the Multi-Use Trail and asked about the separation between the street and the Multi-Use Trail. **Mr. Morris** stated that the development will accommodate the Multi-Use Trail as stipulated and explained that the Multi-Use Trail will not be separated from the street at the bus bay location. Committee Member Busching asked about the location of the Rio Montaña Area Plan gateway feature on the site plan. **Mr. Rogers** explained that site plan was submitted prior to staff stipulating a Rio Montaña Area Plan gateway feature and spoke about the requirements of the gateway feature in the Rio Montaña Area Plan.

**Committee Member Marchuk** asked for a summary of the outreach and feedback. **Mr. Morris** explained that the neighborhood meeting had been held at a local school and explained the feedback had been to show the location of other C-stores, what can be done if a rezoning is not approved, and how the neighborhoods are buffered. Committee Member Marchuk asked if the C-1 portion of the site would be developed if the rezoning request is not approved. Mr. Morris explained that the site would use an alternative site plan to develop the gas station if the rezoning request is unsuccessful.

**Chair Daniels** asked about hazardous waste. **Mr. Morris** reviewed the ADEQ requirements.

**Committee Member Marchuk** asked who the potential user would be of the drive-through pad. **Mr. Morris** stated there is not a potential user at this time.

**Committee Member Roque** asked for more information regarding the public outreach. **Mr. Morris** explained that notices of the meeting were sent out by mail and explained about 7-10 people attended the meeting. Committee Member Roque asked how many residents are in the area. Mr. Morris explained there about 650 homes in the area. Committee Member Roque stated concerns about lack of awareness of people in the area regarding the rezoning, stated concerns about hazardous waste, and asked what time the meeting was held. Mr. Morris stated that meeting was held from 5:30 to 7:00. **Stephanie Watney**, with the development team, stated that 186 addresses had been noticed of the public meeting. Committee Member Roque asked about the safety of those unsheltered and the safety of the community. Mr. Morris explained that the L shape of the development ensures that all activity takes place in the front of the development near the intersection.

#### PUBLIC COMMENT

**Hemanth K**, stated that he had attended the public meeting and asked may questions and stated that the community is happy that the site is becoming a commercial zone.

**Mr. Rogers** read two emails from the community regarding blight within the community and concerns about the negative impact of gas stations on the adjacent neighborhood.

**Rita Jensen** stated concerns about accidents, traffic, and pedestrian safety at the intersection, explained that encampments will show up if there are benches and shade, and stated that there has been over 37 calls to the gas stations at 19th and Southern between January and July.

#### APPLICANT RESPONSE

**Mr. Morris** stated that traffic is a legitimate concern and the turning movements in and out of the site are being limited, stated that more uses keep more eyes, management, and activity on the site, and stated that the property manager will need to police the site.

#### FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

#### MOTION

**Committee Greg Brownell** made a motion to recommend approval of Z-35-23-8 per the staff recommendation with a modification to Stipulation No. 7 to add a requirement

for the streetscape to be in compliance with the Cooperative Extensions Plan for Right Tree, Right Place and a modification to Stipulation No. 11 to require a minimum 50% of required parking spaces include Level 2 or greater EV Ready infrastructure. **Committee Member Holmerud** seconded the motion.

**Committee Member Aldama** asked about the rationale behind requiring 50% of the required parking spaces include EV infrastructure and the percent of households with electric vehicles in the area. **Committee Member Brownell** explained that the Economist magazine, the American Planning Association, and Arizona Chapter of the American Planning Association all support a move to EV Ready sites.

**Chair Daniels** asked how many parking spaces are proposed on the site. **Mr. Morris** stated that there are 61 spaces proposed.

**Committee Member Shepard** asked if people pay when they use EV charging stations. **Mr. Morris** confirmed that EV charging stations generally cost money to use.

**Committee Member Brooks** asked if EV parking spaces are reserved for electric vehicles only. **Mr. Rogers** explained the difference between EV Capable, EV Ready, and EV Installed infrastructure and stated that the proposed spaces would not include EV installed infrastructure. **Elias Valencia**, staff, explained that required parking spaces are open to everyone.

**Committee Member Marchuk** asked if the developer would be amenable to the providing 50% of the required parking with EV Ready infrastructure. **Mr. Morris** explained that the developer is open to future proofing the site but mentioned concerns about the electric load of the EV spaces.

### **VOTE**

**8-2**, motion to recommend approval of Z-35-23-8 per the staff recommendation with modifications passed with Committee Members Brooks, Brownell, Busching, F. Daniels, Holmerud, Marchuk, Shepard, and T. Daniels in favor, and Committee Members Aldama and Roque opposed.

**Committee Member Aldama** explained he voted against the motion because he feels that the requirement for 50% of the required parking spaces to include EV Ready infrastructure is too high.

**Committee Member Marchuk** stated he normally sides with the community, stated that the site will be a gas station regardless, and stated the site will provide a better project if the rezoning goes through.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION AND STIPULATIONS:**

1. The development shall be in general conformance with the elevations date stamped May 31, 2023 with specific regard to the brick veneer and synthetic stucco building material, as approved by the Planning and Development Department.
  2. 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.
  3. Eight bicycle spaces shall be provided on the site through Inverted U and/or artistic racks located near the building entrances or in a secure location inside the building and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
  4. A minimum of two of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
  5. Bicycle parking spaces shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide a minimum of 75% shade, measured at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
  6. A gateway feature announcing entry into the Rio Montaña Area shall be provided on the southwest corner of the site, as approved by the Planning and Development Department.
  7. Existing streetscape beginning at back of curb shall be replenished with trees and ground cover along Southern Avenue, as specified below and approved by the Planning and Development Department.
    - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
    - b. Shrubs, accents and vegetative groundcovers maintained to a maximum height of 24 inches to achieve a minimum of 75% live coverage at maturity.
- C. THE STREETScape SHALL BE IN COMPLIANCE WITH THE COOPERATIVE EXTENSIONS PLAN FOR RIGHT TREE, RIGHT**

**PLACE.**

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

8. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the east side of 27th Avenue and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
9. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide a minimum of 75% shade, measured at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
10. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
11. A minimum of ~~40%~~ **50%** of the required parking spaces shall be **LEVEL 2 OR GREATER** EV Ready.
12. Access along Southern Avenue shall be located at the easternmost limits of the parcel and shall be restricted to right-in / right-out only.
13. Access on 27th Avenue shall be located at the northernmost limits of the parcel and shall be restricted to right-in / right-out only.
14. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
15. The bus bay on northbound 27th Avenue shall be retained, as approved by the Planning and Development Department.
16. 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.

17. 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.
  
18. 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.
  
19. 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.

Staff has no comments.