



Village Planning Committee Meeting Summary Z-23-23-7

Date of VPC Meeting	August 14, 2023
Request From	S-1 (Approved C-2 or CP/GCP) (22.03 acres) and S-1 (0.34 acres)
Request To	C-2 HGT/WVR DNS/WVR (22.37 acres)
Proposed Use	Commercial and multifamily residential
Location	Approximately 70 feet north of the northwest corner of 59th Avenue and Elliot Road
VPC Recommendation	Approval, per the staff recommendation (Addendum A) with modifications and an additional stipulation
VPC Vote:	7-0

VPC DISCUSSION:

Four members of the public registered to speak on these items.

Staff Presentation:

Nayeli Sanchez Luna, staff, presented an overview of Z-23-23-7. Mrs. Sanchez Luna discussed the location of the site, the requested zoning designation, the surrounding land uses, and current General Plan Land Use Map designation. Mrs. Sanchez Luna provided an overview of the proposed development including the site plan and elevations. Mrs. Sanchez Luna concluded the presentation by summarizing the staff findings, providing the staff recommendation and proposed stipulations.

Applicant Presentation:

Manjula M. Vaz, representing the applicant with Gammage and Burnham, provided an overview of the proposed case. Ms. Vaz provided an overview of Vintage Partners, and Liv Communities. Ms. Vaz summarized the rezoning request and noted that both uses complied with the General Plan Land Use Map designation and compatible with surrounding land uses. Ms. Vaz displayed the site plans for the commercial portion and the multifamily portion of the site and noted the enhanced architectural elements. Ms. Vaz concluded the presentation by summarizing the staff recommendation and requesting the modification of three Street Transportation Department stipulations.

Questions from the committee:

Mixen Rubio-Raffin asked if the proposed site plan depicted a 55-foot easement or a

75-foot easement. **Ms. Vaz** noted that the proposed site plan depicted a 55-foot-wide easement. **Ms. Rubio-Raffin** asked for the width of the sidewalks and if it would be a meandering sidewalk.

Carlos Ortega asked for the number of proposed units. **Ms. Vaz** noted that the site plan depicted 362 units. **Mr. Ortega** stated that the number of bicycle parking was not sufficient for the multifamily. Mr. Ortega asked if the proposal would have a total of six bicycle parking spaces or six bicycle stations. Mr. Ortega stated that there should be more commercial. Mr. Ortega added that the commercial uses would serve the multifamily development and not the village. Mr. Ortega asked for the proposed height. **Ms. Vaz** noted that the proposed height is three stories. Mr. Ortega noted that he had concerns with the proposed height and suggested a stepback provision.

Jennifer Rouse asked for the number of parking spaces. **Ms. Vaz** provided the number of parking spaces for the multifamily and noted that the commercial portion of the site did not have a definite number of parking spaces. **Ms. Rouse** noted that she had concerns with the number of proposed parking, asked about the lighting, and agreed with Committee Member Ortega's comments regarding height.

Patrick Nasser-Taylor asked if the commercial walkways would connect to the south part of the commercial area along Elliot Road. Mr. Nasser-Taylor asked for the reasoning behind the increase in density and height. Mr. Nasser-Taylor noted that the new subdivision would not have scenic views and asked about the notification and neighborhood meetings. Mr. Nasser-Taylor asked if the development could apply for the 50 percent parking reduction if Text Amendment Z-TA-8-23-Y is adopted.

Vice Chair Stephanie Hurd noted that the proposal was compatible with the surrounding land uses including the Loop 202. Vice Chair Hurd noted that she was confident that the future commercial development would be adequate for the Village. Vice Chair Hurd asked if there would be a proposed sound wall. **Ms. Vaz** confirmed. **Vice Chair Hurd** noted that the community had voiced a desire for a trail along the freeway and more bicycle stations for residents and the community.

Chair Linda Abegg thanked the applicant for having slides that confirmed the characteristics that the Village wants regarding development. **Chair Abegg** noted that she supported mixed use and was supportive of the development. Chair Abegg asked regarding the type of amenities and if the reduction to a 55-foot right-of-way would prevent a right turn. **Ms. Vaz** stated that a right turn lane would be achievable with a 55-foot right-of-way.

Jon Hanna, with Triac Design, noted that the proposed detached sidewalks would be 6 feet wide and contain a 10-foot landscape strip between the sidewalk and curb. Mr. Hanna noted that the development proposes 30 bicycle parking spaces in six corrals but that they were willing to provide more bicycle parking. Mr. Hanna added that residents would keep their bicycles in their unit or balcony.

Ms. Vaz noted that the 50 percent reduction would only apply to areas of the Walkable Urban Code and the Downtown Code. **Ms. Sanchez Luna**, staff noted that the 50 percent reduction would apply to affordable housing development. **Ms. Vaz** noted that the multifamily development would not be affordable housing. **Vice Chair Hurd** asked if the parking would be modified. **Ms. Vaz** stated that parking would not be reduced. **Mr. Nasser-Taylor** noted that there were concerns with parking areas being converted to additional buildings.

Chair Abegg asked if the 12 percent common space included hardscape. **Ms. Vaz** confirmed. **Ms. Sanchez Luna**, staff, noted that it would not include buildings. **Ms. Vaz** confirmed.

Mr. Ortega asked if the splash pad was the only amenity for children. **Mr. Hanna** noted that there was a playground on site. **Mr. Ortega** voiced his concerns of apartment units not having east access to amenities for children.

Dawn Cartier, with the applicant's team, noted that the right turn lane could be built with a 55-foot right-of-way. Ms. Cartier stated that the existing roads have dead ends and lead to the Loop 202. Ms. Cartier added that having right turn lanes discourage pedestrians from crossing the street. Ms. Cartier noted that the traffic study didn't warrant a right turn lane. **Ms. Sanchez Luna** noted that the Streets Transportation Department did not support the requested changes to the stipulations. Ms. Sanchez Luna noted that the reduction of the right-of-way would not guarantee a right-turn lane, median breaks are utilized for future traffic lights, and safety, and utilities are expected to be relocated. Ms. Sanchez Luna reiterated that the Streets Transportation Department doesn't support the proposed changes.

Mr. Nasser-Taylor asked if there would be two lanes and if Streets is requesting a right-turn lane. **Ms. Cartier** confirmed. Ms. Cartier noted that the concern would be the 55-foot right-of-way but that the applicant would move the sidewalk to an additional easement to ensure the right-turn lane. **Ms. Vaz** noted that they hosted a neighborhood meeting and contacted anyone who had questions. **Mr. Nasser-Taylor** noted that he was not contacted and that he had concerns with the proposal. **Ms. Vaz** noted that the proximity to the Loop 202 made it compatible.

Walter Crutchfield, with the applicant's team, noted that this location would be ideal for multifamily because it would be next to the Loop 202 freeway. Mr. Crutchfield noted that they wanted to provide mixed use and concluded that a horizontal approach would best. Mr. Crutchfield noted that they are working on making the commercial portion an entertainment center. Mr. Crutchfield noted that the multifamily development would increase the population and attract more business and services.

Ms. Raffin-Rubio asked what the rental rates would be for the multifamily development. **Ms. Vaz** noted that the multifamily development is at market rate. **Ms. Raffin-Rubio** asked for the market rate. **Beath Heath**, with the applicant's team, stated that rental rates have not been established. Ms. Heath noted that the rental

rates would range from \$1,400 to \$2,200 a month. **Ms. Raffin-Rubio** asked if the studio apartment included a room. **Vice Chair Hurd** stated that a separate bedroom is not provided.

Chair Abegg asked if the applicant could provide two stories along 59th Avenue. **Ms. Heath** noted that they have done that in the past but noted that there would be a large setback including the street and landscape setbacks. **Chair Abegg** asked what the setback would be and stated that the multifamily on Dobbins Road is three-stories in height. **Rob Lane**, with the applicant's team, noted that the setback would be 21 feet in addition to the landscaping.

Mr. Crutchfield noted that the majority of residents would serve individuals looking for a house.

Mr. Ortega asked if there would be a donation to Laveen schools. **Ms. Vaz** stated that the applicant would donate a portion to the Laveen District. **Mr. Ortega** noted that some community members have stated that a payment has been made. **Chair Abegg** noted that the committee could not stipulate to a donation.

Public Comment:

Phil Hertel asked for confirmation if the landscaping was going to be 25% 2-inch and 25% 3-inch caliper trees. **Ms. Sanchez Luna**, staff stated that the landscaping would be 25% 2-inch and 75% 3-inch caliper size trees. **Mr. Hertel** stated that the commercial development needed a landscape plan and that he opposes the density and height waiver. Mr. Hertel agreed that a stipulation could not be added regarding a school donation. Mr. Hertel added that the project was conceptual and that details should be provided.

Jon Kimoto noted that he was supportive of the proposal. Mr. Kimoto noted that the increase in hardscape has resulted in high temperatures and requested twice as much landscaping. Mr. Kimoto requested a softer asphalt to reduce the temperature. Mr. Kimoto noted that the commercial component needed more defined stipulations and that the building elevations needed more detail. Mr. Kimoto requested more parking stalls and parking landscaping.

Jim La Salvia asked for a clarification on the acreage because there were different values in the application, site plan, and Maricopa County. Mr. Salvia also asked why it stated that they were exempt from taxes.

Jack Purvis asked for the projected number of residents and if 59th Avenue would be a four-lane road. **Dawn Cartier** confirmed. **Mr. Purvis** asked if the dog park would be private or public. **Ms. Vaz** stated that it would be private. **Mr. Purvis** asked if the proposal would include billboards. **Chair Abegg** noted that they are not requesting a zoning designation that allows billboards. **Mr. Purvis** asked if the proposal would have noise mitigating walls. Mr. Purvis noted that there has been issues with homelessness

and he supported multifamily development rather than commercial. Mr. Purvis also asked if a truck stop would be proposed. **Chair Abegg** noted that would be on the Gila Foothills PUD but not this site. **Vice Chair Hurd** asked if Mr. Purvis was in favor or opposed to the proposal. **Mr. Purvis** noted that he was in favor of the multifamily development.

Chair Abegg noted that on slides 15 and 16 of the PowerPoint listed all the architectural elements that Laveen always requested. Chair Abegg asked if the applicant would be willing to add these statements as part of Stipulation No. 2 regarding general conformance to the proposed elevations. **Ms. Vaz** noted that she supported the modification.

Applicant Response:

Ms. Vaz stated that the city has the gross acreage that is why the acreage is different from the Maricopa County's website. **Ms. Vaz** noted that they are expected to have about 500 residents.

Committee Discussion:

Vice Chair Hurd asked if the applicant would consider having two stories along 59th Avenue. **Ms. Vaz** stated that that would cause issues with the proposed density. **Chair Abegg** asked if 50 percent of the buildings along 59th Avenue could be two-stories. **Mr. Ortega** stated that he approved of the two-story limitation on 59th Avenue. **Ms. Raffin-Rubio** stated that she didn't oppose the two stories, but a configuration could allow for open space along 59th Avenue and a larger building setback. **Ms. Vaz** stated that they were open to discussion and if they could allow for some flexibility.

Vice Chair Hurd asked for the proposed height of the self-storage warehouse across the street. **Mr. Ortega** noted that it was almost two stories. **Mrs. Sanchez Luna**, staff, displayed the zoning map and demonstrated where the self-storage warehouse would be located. **Mr. Nasser-Taylor** noted that everything north of the primary entrance could be two-stories.

Mr. Nasser-Taylor stated that 59th Avenue would act as a main entrance to the single-family multifamily project across the street and any development on the east portion of the site. Mr. Nasser-Taylor stated that he wanted to ensure a right-turn lane with the applicant's modifications. **Chair Abegg** confirmed.

Chair Abegg asked staff if they could do a stepback provision that before a certain amount of feet the height would have to be two stories. **Ms. Sanchez Luna**, staff, confirmed. **Mr. Nasser-Taylor** stated that he would prefer the buildings that are adjacent to 59th Avenue and north of the primary entrance. **Chair Abegg** agreed.

Motion:

Patrick Nasser-Taylor motioned to recommend approval of Z-23-23-7 per the staff recommendation (Addendum A) with the modifications to Stipulation Nos. 2, 23, 27, 28 regarding general conformance to the elevations and street improvements and the following additional stipulation:

- Any buildings north of the primary entrance as shown on the conceptual site plan submitted by the applicant shall be limited to two stories or 30 feet.

Jennifer Rouse seconded the motion.

Vote:

7-0, Motion passed with Committee Members Barraza, Nasser-Taylor, Ortega, Rouse, Raffin-Rubio, Hurd, and Abegg in favor.

Recommended Stipulations:

Multifamily Development

1. Residential development shall comply with the maximum density requirement of the R-3A PRD development standards.
2. The multifamily development shall be in general conformance with the elevations date stamped April 21, 2023, as approved by the Planning and Development Department, **WITH SPECIFIC REGARD TO THE FOLLOWING:**
 - **PITCHED OR HIPPED ROOFS**
 - **TREE PLANTING AND OPEN SPACE EXCEEDING CITY STANDARDS**
 - **ALL ELEVATIONS CONTAIN AT LEAST THREE OF THE FOLLOWING ARCHITECTURAL EMBELLISHMENTS AND DETAILING: TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND ROOF OVERHANGS**
 - **ELEVATIONS CONTAIN MATERIAL AND TEXTURAL DIFFERENCES, SUCH AS STUCCO AND/OR SPLIT FACE BLOCK WITH A DECORATIVE ELEMENT, SUCH AS TILE, TILE INSETS OR STAMPED DESIGNS**
 - **ELEVATIONS INCORPORATE A MINIMUM OF THREE OF THE FOLLOWING MATERIALS: NATIVE STONE, BURNT ADOBE, TEXTURED BRICK, WOOD (WHEN SHADED BY OVERHANDS OR DEEP RECESSES), SLUMP BLOCK, TILE (MATTE FINISH) STUCCO AND EXPOSED AGGREGATE CONCRETE**
 - **WELL CONNECTED ON-SITE AND OFF-SITE PEDESTRIAN**

NETWORK/ACCESS

- **PERIMETER-FACING BUILDING FACADES WITHIN PERIMETER DESIGN CORRIDOR (AREA OF SITE WITHIN 100 FEET OF 59TH AVENUE FRONTAGE) LIMITED TO 75% STUCCO COVERAGE**
- **PRIMARY BUILDING COLORS LIMIT REFLECTIVITY**
- **BUILDING TRIM AND ACCENT AREAS FEATURE DIFFERENT MATERIALS AND COLORS**
- **BUILDING MASSING REDUCED THROUGH VARIATION IN ROOFLINE AND FORM, INCLUSION OF PROTECTED AND RECESSED ENTRANCES, USE OF FOCAL POINTS AND VERTICAL ACCENTS, USE OF PRONOUNCED WALL PLANE OFFSETS AND PROJECTIONS, AND PROVISION OF WINDOWS FACING STREET AND PEDESTRIAN AREA**
- **BUILDING FACADES GREATER THAN 60 FEET IN LENGTH PROVIDE A MINIMUM OF TWO OF THE FOLLOWING AT APPROPRIATE INTERVALS: TEXTURE AND MATERIAL CHANGES, OFFSETS, REVEALS, ARCHWAYS OR PROJECTING RIBS, WALL PLANE PROJECTIONS OR RECESSES, VARIATION IN WINDOW SYSTEMS, VERTICAL LANDSCAPE FEATURE, AND PUBLIC ART.**

3. ANY BUILDINGS NORTH OF THE PRIMARY ENTRANCE AS SHOWN ON THE CONCEPTUAL SITE PLAN SUBMITTED BY THE APPLICANT SHALL BE LIMITED TO TWO STORIES OR 30 FEET.

- ~~3.~~ Prior to final site plan approval, the developer shall include with the building
4. plans submitted for Phoenix Building Construction Code compliance review certification by a registered Professional Engineer or registered Professional Architect in the State of Arizona demonstrating the average indoor noise levels of the residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department.
- ~~4.~~ A minimum of six amenities shall be provided, which may include but is not
5. limited to barbecues, ramadas, and pools, and the amenities shall be distributed throughout the site, as approved by the Planning and Development Department.
- ~~5.~~ The entry drives shall incorporate enhanced landscaping on both sides,
6. planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
- ~~6.~~ A minimum of 12% ~~percent~~ of the gross site area shall be retained as common
7. area, as approved by the Planning and Development Department.
- ~~7.~~ Perimeter fencing or walls within 50 feet of a public street shall be a minimum

8. of 50% open view fencing, as approved by the Planning and Development Department.
- ~~8.~~ Required multifamily landscape setbacks shall be planted with minimum 25% 2-inch caliper and 75% 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with one 5-gallon shrub per tree, as approved by the Planning and Development Department.
- ~~9.~~ The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
10.
 - a. A minimum of 30 bicycle parking spaces shall be provided on the multifamily development through inverted U and/or artistic racks dispersed throughout the site or in a secured room and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - b. A bicycle repair station ("fix it station") shall be provided on the multifamily development. The station shall include but not 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.
 - c. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.

Commercial Development

- ~~40.~~ Commercial development shall be limited to a maximum building height of 35 feet.
- ~~11.~~
- ~~44.~~ The building size and layout of the commercial development portion shall be in general conformance with the site plan date stamped June 22, 2023, as modified or approved by the Planning and Development Department.
- ~~12.~~
- ~~42.~~ Conceptual commercial building elevations shall be reviewed and approved by the Planning Hearing Officer (PHO) through the public hearing process for stipulation modification prior to preliminary site plan approval. This PHO review is a legislative review for the conceptual building elevations only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.
- ~~13.~~
- ~~43.~~ The sidewalks along Elliot Road shall be detached with a minimum landscaped strip located between the back of curb and sidewalk and planted to the following standards, as approved by the Planning and Development Department.
- ~~14.~~

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees to provide a minimum 75% shade.
- b. Drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity

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

- ~~44.~~ A minimum of six bicycle parking spaces shall be provided on the commercial development through Inverted U and/or artistic racks located near the building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, and as approved by the Planning and Development Department.

Overall Development

- ~~45.~~ A perimeter wall no less than 6 feet in height shall be provided along the Loop 202 freeway. This wall shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped design, as approved by the Planning and Development Department.
- ~~46.~~ 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 contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
- ~~47.~~ At least one pedestrian pathway shall be provided to connect the proposed multifamily development to the proposed commercial development, as generally depicted on the site plan dated June 20, 2023, as approved by the Planning and Development Department.
- ~~48.~~ 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.
- ~~49.~~ All uncovered surface parking lot area 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 25% shade at maturity, as approved by Planning and Development Department.
- ~~20.~~ A minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape strip between the back of curb and sidewalk shall be provided along the west side of 59th Avenue, planted to the following standards, as approved

by the Planning and Development Department

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees to provide a minimum 75% shade.
- b. Drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity

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

- ~~24.~~ 22. A minimum of 10% of the required parking spaces shall include EV Capable infrastructure.
- ~~22.~~ 23. Right-of-way shall be dedicated and two bus stop pads shall be constructed, one westbound on Elliot Road and the other on southbound 59th Avenue. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad on Elliot Road shall be spaced from 59th Avenue according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.
- ~~23.~~ 24. A ~~minimum 70-foot flared intersection tapering to a~~ minimum 55-foot right-of-way for the west half of 59th Avenue shall be dedicated, adjacent to the development. The improvements shall be consistent with the arterial CM cross section including the 59th Avenue median and a minimum 6 feet wide detached sidewalk separated by a minimum 10 feet wide landscape strip located between the back of curb and sidewalk.
- ~~24.~~ 25. A 20-foot right-of-way radius at the northwest corner of 59th Avenue and Elliot Road shall be dedicated.
- ~~25.~~ 26. The developer shall deposit 25% of the cost of the future traffic signal in an escrow account to the Street Transportation Department, prior to final site plan approval.
- ~~26.~~ 27. Roadway improvements along Elliot Road shall comply with the Tierra Montana Master Street Plan, ~~or as approved by the Street Transportation Department.~~
- ~~27.~~ 28. Prior to the final site plan approval of the subject site, median openings in the 59th Avenue right-of-way shall align with full access drives located on the east side of 59th Avenue that have received approval, **AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

- ~~28.~~ Existing SRP facilities along Elliot Road are to be relocated outside of City
29. 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, **AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- ~~29.~~ The developer shall construct all streets within and adjacent to the
30. 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.
- ~~30.~~ In the event archaeological materials are encountered during construction, the
31. 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.
- ~~34.~~ Prior to preliminary site plan approval, the landowner shall execute a
32. 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 comments regarding VPC Recommendation:

Staff recommends clarifying the language for Stipulation No. 2 regarding general conformance and Stipulation No. 3 regarding building height along 59th Avenue. The Streets Transportation Department has indicated that they are not supportive of the proposed changes to Stipulation Nos. 23, 27, and 28.