



## Village Planning Committee Meeting Summary

**Z-18-23-8**

### INFORMATION ONLY

<b>Date of VPC Meeting</b>	July 11, 2023
<b>Request From</b>	C-2, R1-6 and P-1
<b>Request To</b>	PUD
<b>Proposed Use</b>	Multifamily residential with ground-floor commercial
<b>Location</b>	Southeast corner of 34th Street and Thomas Road

### VPC DISCUSSION

*One member of the public registered to speak on this item.*

### APPLICANT PRESENTATION:

**Mike Maerowitz** with Snell and Wilmer, L.L.P. introduced himself and provided a summary of the 34th+Thomas proposal, the background and the zoning application that was submitted. Mr. Maerowitz noted the outreach and information that had been presented to the community around the proposed site. Mr. Maerowitz displayed conceptual project plans, the location, details of design and the traffic flow of the adjacent roadways and residential developments. Mr. Maerowitz discussed the zoning, current condition of the site, the streetscape and absence of development and underutilization. Mr. Maerowitz noted that the proposed development would be high quality, stepped back from existing residences, and will include amenities, mixed uses and sufficient parking. Mr. Maerowitz discussed buffers, screening, setbacks circulation and the responses they received from adjacent residents. Mr. Maerowitz presented numerous conceptual renderings to demonstrate the details that will be included in the project design. Mr. Maerowitz displayed the responses and outreach that was conducted and the strategy that was used for to provide information to the community.

### QUESTIONS FROM THE COMMITTEE:

**Mr. Grace** noted that the proposal would be a significant project on Thomas Road, and residential areas are setback from the busy streets and that the larger retail stores are part of larger established developments at Tower Plaza. Mr. Grace stated he was concerned with the single-family neighborhood immediately adjacent to the proposed development and asked what screening measures are included. **Mr. Maerowitz** responded that the step-down design provides a limited view to adjacent neighbors and

there has been some analysis on site line views and there will be hedges that will be installed. **Chair Swart** asked if the five neighbors to the east were notified about the proposed views. **Mr. Maerowitz** responded they have been contacted and are supportive of the proposal.

**Tom O'Malley** asked about the loading zone for residents and commercial parking and how will it be arranged on the site. **Mr. Maerowitz** identified the parking locations and the access routes from the adjacent streets.

#### PUBLIC COMMENTS:

**Jill Blewett** introduced herself as a resident of the Rudyville Neighborhood and stated support for the proposal as presented. Ms. Blewett discussed the developers, the Empire Group's outreach and information presented to the adjacent neighbors. Ms. Blewett described the information provided, the interactive format and responsiveness of the applicant. Ms. Blewett discussed the current site and the proposed streetscape improvements, traffic access, safety, and aesthetic quality of the design. Ms. Blewett noted the proposed street level unit configurations, street parking is suitable with the existing neighborhood to the south. Ms. Blewett provided a list of neighbors who were opposed to the first-floor ground access and commended the Empire Group for their work on this proposal.

#### APPLICANT RESONSE:

None.

#### FLOOR/PUBLIC DISCUSION CLOSED: COMMITTEE DISCUSSION:

**Mr. Paceley** asked how soon will the project proceed. **Mr. Maerowitz** responded as soon as we can get a decision from the Committee.

**Chair Swart** asked if there was any remaining research or information to be obtained for the proposal.

**Mr. Paceley** noted that proposal looks nice overall but there is a concern that a project gets built and makes changes at a later date. Mr. Paceley stated he would like to see the developer's portfolio of other projects to see how they have turned out. **Chair Swart** asked to see any projects that Empire has done and those that are underway. Chair Swart mentioned that outreach to the neighborhoods is important and was pleased to see that the applicant took those steps to obtain that information.

## **Village Planning Committee Meeting Summary**

### **Z-18-23-8**

<b>Date of VPC Meeting</b>	September 5, 2023
<b>Request From</b>	C-2, R1-6 and P-1
<b>Request To</b>	PUD
<b>Proposed Use</b>	Multifamily residential with ground floor commercial
<b>Location</b>	Southeast corner of 34th Street and Thomas Road
<b>VPC Recommendation</b>	Approval, per the staff recommendation, with a deletion and modifications.
<b>VPC Vote</b>	13-0

#### **VPC DISCUSSION:**

#### **STAFF PRESENTATION:**

**John Roanhorse**, staff, provided an introduction and overview of the rezoning request, describing the location, general plan designation, existing and proposed zoning districts, and the surrounding uses. Mr. Roanhorse displayed maps, the proposed site plan and conceptual information to show the details of the proposed development. Mr. Roanhorse presented the project details noting the building height, parking, traffic flow and proposed landscape plans. Mr. Roanhorse discussed the review process, the report analysis, findings, and stipulations. Mr. Roanhorse noted the Planned Unit Development process and the next step in the review of the proposal.

#### **APPLICANT PRESENTATION:**

**Nicholas Wood**, representing the applicant with Snell & Wilmer, LLP introduced himself and stated his experience in working with development cases and noted that zoning is not a right but a privilege. Mr. Wood discussed his approach in working with development projects stating how zoning is earned and the importance of including a quality developer. Mr. Wood stated the Empire Group the developer for the proposal has a long history of quality projects all over the city. Mr. Wood stated that the developer approaches projects by engaging neighbors and involved parties to create design solutions. Mr. Wood displayed projects that the Empire Group has in progress and some that have been completed. Mr. Wood said the Empire Group evaluates the need for the type of projects they pursue, and this is one reason they engage in residential projects. Mr. Wood stated that multifamily residential projects belong on major arterials because it generates traffic and managing it is an important part of the

design development. Mr. Wood stated the importance of looking at a project and what has been done to mitigate the impacts to the surrounding area. Mr. Wood referenced the current proposed site and noted the location, delivery area and the condition of the buildings. Mr. Wood said the site location is surrounded by a neighborhood and in their plan, they sought to engage with the residents to talk about the project. Mr. Wood stated that there is a design approach for every issue presented and they knocked on doors and made connections to get positive results. Mr. Wood explained how the neighborhood outreach was initially conducted and displayed the number of responses they received. Mr. Wood stated initially there was not much support for the proposal and residents in the adjacent neighborhood expressed concern and were cautious. Mr. Wood stated that the feedback obtained from the neighbors was helpful in preparing the design solution for the proposal. Mr. Wood displayed a diagram to show the locations and responses neighbors had in the outreach process. Mr. Wood described the proposal's development standards noting the building height, the number of units and the availability of various sized units in response to the range of residential needs. Mr. Wood noted the range of amenities, the inclusion of retail and the availability of parking for residents. Mr. Wood stated the amount of provided parking will prevent visitors from parking in the adjacent neighborhood. Mr. Wood noted that the proposed parking would include EV availability as part of the design. Mr. Wood described the proposed site plan noting the centralized parking, the automobile entry location, and a ride/service share delivery location to reduce traffic impacts. Mr. Wood described the measures to reduce traffic on 34th Street and 35th Street and the installation of a traffic signal light on Thomas Road to allow west and east automobile access. Mr. Wood discussed centralizing the residential amenity areas which would reduce noise impacts outside the development. Mr. Wood expressed the location and maneuvering space for delivery and service vehicles. Mr. Wood displayed landscape designs for screening and privacy. Mr. Wood discussed the building height, step backs, setbacks, and the architectural concept as a response to the adjacent neighborhood concerns. Mr. Wood displayed conceptual building designs to show streetscapes, building views and other specialized architectural features. Mr. Wood stated that they are requesting a modification of three stipulations and the deletion of one. Mr. Wood noted the stipulated building height and said it will not work and request it be deleted. Mr. Wood noted the minimal landscape standards would include a 5-foot landscape strip along the property lines and asked that the language be changed. Mr. Wood stated the stipulated 10-foot sidewalk easement conflicts with the property line and requests changing the language. Mr. Wood stated SRP has irrigation lines in the street and the city prefers to have them in the private development and requested that the stipulation language be changed. Mr. Wood concluded his presentation and noted the hard work that has been done to get the proposal prepared for the Committee.

#### QUESTIONS FROM THE COMMITTEE:

**Committee Member Grace** asked where parking for the proposed commercial development be on the site. **Mr. Wood** responded that there would be dedicated parking in the garage depending on the type of retail and the demand.

**Committee Member Eichelkraut** commented that the Committee had received a letter of opposition and asked if the applicant has received the message. **Chair Swart** responded that the Committee did receive the correspondence.

**Chair Swart** commented that a letter of support was received from Mr. Giovanni Canez during the meeting.

**Committee Member Schmieder** asked about the SRP irrigation lines and if they do not have approval what happens. **Mr. Wood** responded that nothing happens to the irrigation lines, and it is the City's intention to move the lines to the private side and what happens is the developer will need to get approval from SRP.

**Vice Chair Fischbach** asked if the irrigation lines had to be relocated would the disruption be minimal to the neighborhood. **Mr. Wood** responded yes, any disruption would be minimal.

**Vice Chair Fischbach** asked about the stipulation request. **Mr. Wood** responded that the minimum 10-foot right-of-way or sidewalk easement would require a dedication and that would conflict with the required setback.

APPLICANT RESONSE:  
None.

Z-18-23-8 MOTION:

**Committee Member Kitty Langmade** made a motion to recommend approval of Z-18-23-8 per the staff recommendation with the removal of Stipulation No. 1.b. and modification of Stipulations Nos. 1.c., 2 and 4. **Committee Member Dan Rush** seconded the motion.

Z-18-23-8 VOTE:

**13-0;** motion to recommend approval of Z-18-23-8 per the staff recommendation with the removal of the removal of Stipulation No. 1.b., and modification of Stipulation Nos. 1.c., 2 and 4 passes with Committee Members Augusta, Bayless, Czerwinski, Eichelkraut, Grace, Jurayeva, Langmade, Miller, Rush, Schmieder, Sharaby, Fischbach and Swart in favor.

VPC RECOMMENDED STIPULATIONS:

1. An updated Development Narrative for the Thomas + 34th PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 25, 2023, as modified by the following stipulations:

- a. Front cover: Revise the date information on the cover page to the following:  
  
City Council Adopted: [Add Adoption Date]
  - b. ~~Page 9, Development Standards, d. Building Height: Add a provision to limit the building height to 35 feet within 52 feet of the southernmost property line in Section "A".~~
  - c. Page 12, and all related exhibits, Development Standards, Minimum Landscape Standards, c. Landscape Zone 3 (South): Update to include a minimum 5-foot-wide landscape setback immediately adjacent to the property line **WITH ALLOWANCES TO PERMIT FIRE LANE TURNING RADII TO ENCROACH WITHIN THE SETBACK AREA AT CORNERS WHERE APPLICABLE.**
  - d. Update the exhibits and other sections to accommodate and reflect the maximum height provided in Stipulation 1.b above.
2. A minimum 10 feet of right-of-way **AND/OR SIDEWALK EASEMENT** shall be dedicated, totaling 50 feet for the southern half street of Thomas Road, adjacent to the development, **AS APPROVED BY THE STREETS TRANSPORTATION DEPARTMENT.**
  3. A traffic signal shall be installed at Thomas Road and 34th Place. The developer shall fund 100 percent of the cost and install the traffic signal at the intersection as a four-legged intersection with the development's driveway. Signalized driveway access on Thomas Road shall be designed to a typical public street intersection for roadway design and ADA compliance, as approved by the Street Transportation Department.
  4. **SUBJECT TO SRP APPROVAL**, existing irrigation facilities along Thomas Road are to be relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
  5. 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.
  6. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed

and approved by the City Attorney.

7. 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.
8. 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.
9. 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.
10. 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 COMMENTS REGARDING VPC RECOMMENNDATION AND STIPULATIONS:**

Stipulation No. 1.d should be deleted as it refers to Stipulation No. 1.b, which the Village Planning Committee recommended to be deleted.

Staff recommends that Stipulation Nos. 2 and 4 remain as originally written in the staff report and not be modified, at the request of the Street Transportation Department.

The Street Transportation Department commented that for Stipulation No. 2, while the Street Transportation Department is granted the ability to accept up to a 10-foot sidewalk easement in lieu of right-of-way for certain roadway cross-sections for properties encumbered by a hardship outside the property owner's control, this provision is not intended to allow unencumbered properties a way to subvert the setback requirements set forth in the City of Phoenix Zoning Ordinance to maximize the useable area of a property.

The Street Transportation Department commented that for Stipulation No. 4, all infrastructure owned by another Arizona entity must be located outside the City's right-of-way, and it is the purview of the Street Transportation Department, Utilities Section to require SRP relocation. In the event that there is a technical issue that cannot be overcome, as determined by the Utilities Section, the applicant can seek approval to maintain irrigation in the right-of-way.