



Village Planning Committee Meeting Summary Z-8-21-8

Date of VPC Meeting	May 11, 2021
Request From	R1-6
Request To	R-3
Proposed Use	Multifamily residential townhome community (condominiums)
Location	Approximately 100 feet north of the northwest corner of 36th Street and Wayland Drive
VPC Recommendation	Approval per staff recommendation presented in the staff report with modification to Stipulation Nos. 5 and 15.
VPC Vote	11-0 Motion passes; with members Aldama, Alvarez, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, M. Smith, Viera and Daniels in favor; None in dissent.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

8 requests to speak in support from members of the public were received regarding cases GPA-SM-1-21-8 and Z-8-21-8. Two other members of the public registered their support but did not wish to speak.

Enrique Bojorquez, staff, introduced himself and provided a joint presentation for companion cases GPA-SM-1-21-8 and Z-8-21-8. He discussed the location of the site, noting surrounding land uses including a public park, various schools and commercial services including a grocery store and urban farm. He discussed the existing General Plan Land Use map designation and the requested Land Use map amendment. He discussed the surrounding zoning districts in the area, Esteban Park Area Plan, and other policy documents including the General Plan. The conceptual site plan was shown, indicating the vehicular access points, open space, perimeter landscape areas, amenities, density proposed and shown, and lot coverage. The conceptual building elevations and materials were discussed. He concluded the presentation by providing a staff recommendation on the case and describing the proposed stipulations, as presented in the staff report.

Andrew Biskind, with Avenue North, introduced himself and the project.

Benjamin Tate, with Withey Morris PLC., introduced himself and discussed the subject site and site conditions. An overview of the proposal and site plan was

provided, followed by renderings of the proposed development. He discussed community open space areas and the pedestrian seating node located north of the site. An overview of neighborhood outreach including adjacent neighbors, businesses, Parks and Recreation Department and other community groups. The three community benefits were addressed per the General Plan, including goals and policies. Various letters of support were received, and an overview of this project addressed various priorities listed by the South Mountain VPC. An example of another project along 16th Street was provided and concluded the presentation by requesting approval of both cases.

Greg Brownell asked the following questions:

- Have you considered imposing a limit on the number of homes that can be owned by investors as part of this development?
- Will VA and FHA loans be available?
- Have you considered changing the term “community garden” to “garden area” referenced in the stipulations?

Mr. Biskind responded that it is difficult to restrict qualified buyers but do intend to prohibit short-term rentals in this community.

Mr. Tate responded that they can consider CC&R restrictions that could limit the number of units owned by a single individual or entity within this community. The ability to offer FHA and VA loans will be applied for and is intended to be provided.

Kassandra Alvarez asked for clarification on the lighting provided within this development.

Mr. Tate responded that pedestrian-scale lighting is proposed along pedestrian paths, including along Esteban Park.

Kay Shepard asked the following questions:

- What is the density proposed?
- How many uncovered parking stalls are provided?
- Why are palm trees proposed within landscape areas?
- What is the size of each residential unit?

Mr. Tate responded that 192 units are proposed and that there was a discrepancy on the number of units within this development. Excess parking stalls are distributed throughout the site, and palm trees were conceptually depicted but may not be ultimately chosen. The community will be comprised of 2 and 3-bedroom units.

Mr. Marchuk asked if there is a community benefit agreement proposed? And why the R-2 zoning district was not selected if the project can fit within that density permitted?

Mr. Tate responded that no community benefit agreement is proposed at this time, and the R-2 zoning district was not selected originally since the density in the site plan changed following a revision during the rezoning process.

Mr. Bojorquez responded that the R-2 zoning district allows the envisioned project density but could require a landscape setback modification.

Mr. Tate responded that a site plan revision at this moment would be very difficult due to all the engineering that has been done so far.

Ms. Busching asked if the applicant would be willing to reduce the number of units referenced in Stipulation No. 5 to not exceed 192 units total. Also, adding the word “public” to Stipulation No. 15, in order to allow the pedestrian seating node to be publicly accessible.

Mr. Tate responded that he would support those proposed stipulation modifications.

Gene Holmerud asked for clarification on perimeter setbacks and access along 36th Street.

Mr. Tate discussed the orientation of units and street improvements along 36th Street.

Mr. Holmerud stated that bike lockers are needed and discussed the building elevations proposed.

Mr. Tate discussed the bicycle amenities provided within the pedestrian seating node.

Muriel Smith asked for clarification on dustproofing requirements along Esteban Park.

Mr. Tate responded that there were ongoing discussions with Council District 8 to consider relocating the green waste area along Esteban Park to another location.

Chairwoman Daniels asked the following questions:

- Will this project change from lot sales to unit rentals in the future?
- What will be the HOA fees?
- What is the price-point for these new homes?

Mr. Tate responded that the community will not change from lot sales to rentals. It is too early at this time to project HOA maintenance costs and actual project costs. The price of the homes is projected to be in the mid-\$300,000 range.

Chairwoman Daniels is pleased to encourage homeownership in this community. She opened the public comment portion of the meeting.

Dr. Bruce McHenry works in South Mountain Community College (SMCC) and discussed the classroom engagement by the applicant, Andrew Biskind and Ryan, who reached out to him years prior and provided a presentation to students at SMCC regarding entrepreneurship. He supports the developer and this new project.

Darren Chapman, with Tiger Mountain Foundation, introduced himself and discussed his 15 years of experience with community gardens. He was contacted by the developer who is engaged with the community. His experience will help keep up and ensure that the community garden can last. He supports the developer, who has been amazing to work with.

Cristian Perez, soccer coach with a soccer club at Esteban Park, introduced himself and discussed the reutilization of the current green waste area, transforming this into usable open space. He likes the project's architecture and discussed how the developer has approached him. The project will allow for first-time home buyers and others to continue to live in South Phoenix and is pleased with this development.

Jimmy Scroggins is a motivation speaker and is pleased to see this community develop. He discussed the youth in the area and applauds the type of development that adds value to the Esteban Park area for the South Phoenix community.

Timothy Hills, Nate, Wendy and Chris registered to speak in support of these two cases but were not connected during the meeting or could not be identified by staff.

Committee member Lee Coleman left the meeting at 9:15pm bringing the quorum to 11 members.

Chairwoman Daniels asked for discussion or a motion on both cases.

MOTION – Z-8-21-8

Ms. Busching made a motion to approve case Z-8-21-8 per the staff recommendation in the staff report with modifications to Stipulation Nos. 5 and 15. **Ms. Shepard** seconded the motion.

VOTE:

11-0 Motion passes; None in dissent.

APPROVED STIPULATIONS:

1. Building elevations shall be developed to the following standards, as approved by the Planning and Development Department:

- a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.
 - b. Building elevations adjacent and oriented to public streets and the public park, shall contain a minimum of 25 percent brick, masonry, stone or another exterior accent material that exhibits quality and durability.
 - c. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, pitched roofs and/or overhang canopies, as approved by the Planning and Development Department.
2. Building height shall be limited to two stories and 30 feet.
3. There shall be no balconies on the upper floors of residential dwellings adjacent or oriented toward single-family residential homes not part of this development.
4. The required landscape setbacks shall be planted to the following standards, as described below and as approved or modified by the Planning and Development Department:
 - a. Large canopy evergreen trees 20 feet on center, or in equivalent groupings, shall be planted where residential units are adjacent or oriented towards single-family residential homes not a part of this development;
 - b. Large canopy drought-tolerant trees 20 feet on center, or in equivalent groupings, shall be utilized unless otherwise stated;
 - c. 50 percent 2-inch caliper, 40 percent 3-inch caliper and 10 percent 4-inch caliper trees shall be utilized;
 - d. Five 5-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover 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.

5. The development shall be limited to a **MAXIMUM** density of **192 DWELLING UNITS** ~~42-50 dwelling units per gross acre~~.
6. The development shall provide a primary and secondary vehicular access to the site along 36th Street. The secondary access point may serve as vehicular ingress and egress, or limited to vehicular egress and emergency access only, as approved or modified by the Planning and Development Department.

7. Individual dwelling units adjacent to 36th Street and Esteban Park shall provide an entryway that is either elevated, depressed or includes a feature such as a low wall not exceeding 40 inches in height to accentuate the primary entrance, plus oriented towards the public street or public park, as approved by the Planning and Development Department.
8. The primary entrance to the development from 36th Street shall include the following elements, as approved by the Planning and Development Department:
 - a. Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular entryway into the development.
 - b. The pedestrian pathways shall be detached from the primary vehicular entryway with a minimum 5-foot wide landscaped accent area provided on both sides of the entryway into the development. The landscaped accent areas shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.
 - c. A median island of no less than 5 feet in width shall be located centrally within the vehicular entryway into the development and accented by a minimum of three drought-tolerant trees, and drought-tolerant, ornamental, flowering shrubs to provide a minimum 75 percent live cover. Twenty five percent of the required live cover may be ground cover plants.
 - d. The driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
9. Perimeter walls adjacent to the public park shall be limited to open view fencing or a combination of maximum three feet of solid masonry topped by open view fencing, as approved by the Planning and Development Department.
10. All perimeter walls visible from a public street shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
11. The development shall include the following amenities and elements at a minimum, distributed between the open space area(s) throughout the site, as approved by the Planning and Development Department:
 - a. Swimming pool.
 - b. Clubhouse.
 - c. Two picnic areas, each with one barbecue grill, shade ramada and a picnic table.

- d. Five benches distributed throughout the development, including one bench located within close proximity to 36th Street.
 - e. Turf area(s) of no less than a combined 1,000 square feet.
 - f. Community garden area(s) of no less than a combined 1,000 square feet that will each include a garden tool library, irrigation, and one bench or seating feature.
- 12. Open space areas shall have a minimum 50 percent shade, including amenity and seating areas, and a minimum of 50 percent live vegetative cover (shrubs, grasses, or groundcover plants), as approved by the Planning and Development Department.
- 13. Pedestrian paths shall be shaded to a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.
- 14. The developer shall provide a system of pedestrian thoroughfares, as described below and as approved or modified by the Planning and Development Department:
 - a. Direct connection to the sidewalk along 36th Street for individual dwelling units adjacent to this street.
 - b. The developer shall provide a minimum of two pedestrian paths connecting to the sidewalk along 36th Street, exclusive of pedestrian connections along vehicular entryways.
 - c. Illuminated by pedestrian scale lighting per Section 1304(H)5 for a pathway connecting 36th Street along the primary entrance, passing through a central amenity area, and terminating at the west property line.
 - d. Where pedestrian paths and vehicular crossings exist, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.
 - e. Connections to/between:
 - (1) All residential dwellings;
 - (2) All amenity facilities and active open space areas;
 - (3) The sidewalk along 36th Street;
- 15. The development shall provide a minimum 1,000 square foot **PUBLICLY ACCESSIBLE** pedestrian seating node and amenity area along the most northern portion of the development adjacent to the western edge of 36th Street (future cul-de-sac portion) to

include the following elements at a minimum, as approved by the Planning and Development Department:

- a. Two benches or seating features;
 - b. Bicycle repair station (“fix it station”) provided and maintained in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - c. Amenity area that includes either/or combination of a community garden, art feature, nature walk, natural features such as boulders or fountains, or other uniquely identifying features;
 - d. A landscaped accent area, exclusive of perimeter landscaping and right-of-way, planted and maintained with at least three plant materials including a series of annuals that will each maintain a constant bloom throughout the year;
16. The public sidewalk along 36th Street shall be detached with a minimum five-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:
- a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings to provide shade to a minimum 75 percent of the sidewalk.
 - b. Drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage.

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

17. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near each vehicular point of ingress or egress 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.
18. The developer shall provide traffic calming measures at all vehicular points of ingress / egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.

19. The developer shall dedicate a minimum of 5 feet of right-of-way for a total 30-foot half-street right-of-way, and construct the west half of 36th Street, as approved by the Planning and Development Department.
20. The developer shall complete the 50-foot radius cul-de-sac termination at 36th Street, as approved by the Planning and Development Department.
21. Existing irrigation facilities along 36th Street are to be undergrounded and/or relocated outside of City 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.
22. 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.
23. The developer shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
24. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
25. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

During the May 11, 2021 South Mountain Village Planning Committee meeting, committee member Trent Marchuk asked staff whether the conceptual site plan submitted by the applicant and attached to the staff report, could be developed using the R-2 (Multifamily Residence) District. Staff responded that a landscape setback modification could be required.

After a closer evaluation of the conceptual site plan submitted by the applicant, date stamped April 6, 2021, staff has determined that the proposed site plan meets the development standards of the R-2 zoning district. The site plan standards are provided below:

**R-2 – Multifamily Residence District
(Planned Residential Development Option)**

<u>Standards</u>	<u>R-2 Requirements</u>	<u>Provisions on the proposed site plan</u>
Gross Acreage	-	18.41 acres
Total Maximum Number of Units	193 units, 221 with bonus	192 units (Met)
Maximum Density	10.5 dwelling units per acre, 12 with bonus.	10.43 dwelling units per acre (Met)
Maximum Lot Coverage	45%	28% (Met)
Maximum Building Height	<p>2 stories and 30 feet for first 150 feet; 1-foot in 5-foot increase to 48 feet high and 4 stories.</p> <p>There shall be a 15-foot maximum height within ten feet of a single-family zoned district, which height may be increased one foot for each additional one foot of building setback to the maximum permitted height.</p>	Maximum of 2 stories and 25 feet. (Met)
MINIMUM PERIMETER STANDARDS		
Adjacent to a public street (36th Street)	20 feet	20 feet (Met)
Other perimeter property lines (North, South and West)	North: 10 feet	North: 15 feet (Met)
	South: 10 feet	South: 10 feet (Met)
	West: 10 feet	West: 15 feet (Met)

MINIMUM LANDSCAPE SETBACKS AND STANDARDS		
Front (36th Street)	20 feet	20 feet (Met)
Sides and Rear (North, South and West property lines)	North: 5 feet	North: 5 feet (Met)
	South: 5 feet	South: 5 feet (Met)
	West: 5 feet	West: 5 feet (Met)
Minimum Open Space	5% of gross site area	6.4% (Met)