



Village Planning Committee Meeting Summary

Z-3-22-3

Date of VPC Meeting	August 11, 2022
Request From	C-2 and C-2 HGT/WVR DNS/WVR
Request To	PUD
Proposed Use	Multifamily residential
Location	175 feet north of the northwest corner of 12 th Street and Greenway Parkway
VPC Recommendation	Approval, per the staff recommendation with additional stipulations
VPC Vote	11-0

VPC DISCUSSION

Four members of the public spoke in opposition to the item and one member of the public spoke in support of this item.

STAFF PRESENTATION

Racelle Escolar, staff, provided an overview of the request including the location of the request, existing and proposed zoning districts and surrounding land uses. **Ms. Escolar** displayed the site plan and elevations for the multifamily project and described community input received. **Ms. Escolar** shared the staff findings and stated that staff recommends approval subject to stipulations.

APPLICANT PRESENTATION

Nick Wood, with Snell & Wilmer LLP, introduced himself on behalf of the applicant, Embry. Mr. Wood displayed the subject site and informed the committee that the request reduces both the height and number of uses that is currently allowed on the site. Mr. Wood shared that the applicant has received nine letters of opposition, 190 written letters of support, and 51 verbal positions of support. **Mr. Wood** detailed the project site plan, development standards, and conceptual renderings. **Mr. Wood** shared that the applicant wished to add two stipulations, one regarding cleanup of the wash corridor directly to the south of the site and a second one regrading the installation of grates for flood control.

QUESTIONS FROM THE COMMITTEE:

Ozzie Virgil asked about grading and drainage on the site. **Mr. Wood** replied that he was uncertain of existing grading issues though onsite retention would be required for the issuance of a grading permit.

Trilese DiLeo asked if this project was under the same ownership as the previous rezoning case on the site which proposed an assisted living facility. **Mr. Wood** confirmed that he was familiar with the previous rezoning case, though he was not certain if this request came from the same property owner because the property was to be sold upon rezoning approval.

Trilese DiLeo asked about the installation of a traffic light at 12th Street. **Mr. Wood** informed the Committee that the submitted traffic study does warrant a traffic light at 12th Street and Greenway.

Ricardo Romero asked if the project would need a variance for height. **Mr. Wood** displayed the existing zoning and clarified that the PUD as proposed would limit the site to multifamily use at a height lower than what was previously approved.

Mr. Romero mentioned opposition to height and density and pointed out a project to the east of the site that was three stories in height and asked **Mr. Wood** to address these concerns. **Mr. Wood** shared that the letters of opposition received were in fact on the grounds of height, but that the applicant had assured community members that the proposal was lower in height than the previously approved project from 2017. **Mr. Wood** also relayed the project's unit mix and parking provisions, as well the significant distance from the nearest single-family homes. **Mr. Romero** shared that he is familiar with the area, echoes the need for a traffic light, and grateful for the stipulation regarding cleanup of the wash.

Mark Lewis echoed **Mr. Romero's** comments about vehicle speed and the need for a traffic light at 12th Street as he is also familiar with the area. **Mr. Lewis** asked if there would be access to the site via 12th Street; **Mr. Wood** affirmed that there would not be vehicular access at 12th Street. **Mr. Lewis** asked if the 48-foot height including the parking garage; **Mr. Wood** affirmed this. **Mr. Lewis** asked about the estimated rents for the units; **Mr. Wood** informed the committee that the units would range from \$1,600-\$2,900 a month in rent.

Trilese DiLeo asked how many units were in the multifamily complex adjacent to the east. **Ricardo Romero** responded with 270 units.

PUBLIC COMMENT

Sid Bailey introduced himself as a neighborhood of Greentrails HOA to the south of the project. **Mr. Bailey** shared that he had collected 80 signatures for a petition an opposition of the project that were submitted to the Village Planner and Council District 3. **Mr. Bailey** believes that the project was misrepresented and that most of the members of his HOA oppose the project. **Mr. Bailey** expressed serious concerns for the increase in traffic and density as the area is already congested, as well as concerns for vandalism and increased foot traffic in the neighborhood he represents.

Dennis Rucker introduced himself as a neighbor also in the Greentrails HOA. **Mr. Rucker** expressed his opposition on the grounds of increased noise and crime he has

seen in a nearby multifamily development. **Mr. Rucker** encourage the committee to take the neighbors point of view into consideration.

Committee Member Mark Lewis shared that he lives nearby in the Moon Valley area and that he is familiar with some of the crime and homelessness that occurs in the wash. Mr. Lewis stated that he believes the development as proposed will rather alleviate these issues in the area given their agreement to quarterly cleanup of the wash, and that the wash and amenity areas make for a substantial buffer between the single-family residential and the proposed project.

Enza Ciolino introduced herself as the owner of a retail development to the north of the project, describing ongoing issues with homelessness and substance abuse that have been seen in the area. **Mrs. Ciolino** shared that the developer has worked closely with the property owners and that the residential use will help upgrade the area and alleviate some of the issues they have seen therefore she is in support of the project.

Carol McCaig introduced herself as a resident of Greentrails and echoed the comments of Mr. Bailey. **Ms. McCaig** expressed her concern about increased traffic and her opposition to the traffic light being proposed at 12th Street as well as her opposition to the density as it relates to traffic congestion. **Ms. McCaig** stated that she was not informed of the rezoning request by the applicant.

Sarah Gagnon introduced herself as a neighbor in opposition of the request. **Ms. Gagnon** believes that the project will exacerbate congestion and car accidents in the area, as well as safety concerns after incidents in the nearby park.

APPLICANT RESPONSE

Mr. Wood addressed the issue of notification of property owners by displaying a map showing distances from the subject site stating that owners within a 700-foot radius were contacted as well as neighborhood associations within a mile of the subject site. **Mr. Wood** stated that the future traffic signal will rather alleviate the concerns of speeding and traffic accidents on Greenway Parkway. **Mr. Wood** reiterated the agreement to cleanup and the need for multifamily housing along major arterials.

FLOOR/PUBLIC DISCUSSION CLOSED

Racelle Escolar, staff, requested clarification from the applicant regarding their last-minute stipulation additions, specifically one in which a grate would be installed in the culvert under 7th Street. **Mr. Wood** clarified that the grate serves to control water flow and not pedestrian access.

MOTION

Will Novak made a motion to approve Z-3-22-3, per the staff recommendation with additional stipulations as requested by the applicant. **James Sutphen** seconded.

VOTE

11-0; Motion to approve Z-3-22-3 per the staff recommendation with additional stipulations passed with Committee Members Davenport, DiLeo, Field, Herber, Lewis, Novak, Romero, Sutphen, Virgil, Kenney, and Grossman in support.

RECOMMENDED STIPULATIONS

1. An updated Development Narrative for the 12th and Greenway 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 July 21, 2022, as modified by the following stipulations:
 - a. Front Cover: Remove “Submittal” dates and revise to add the following: City Council adopted: [Add adoption date].
 - b. Page 10, Development Standards, D1:Development Standards Table, Section D1.e Maximum Building Height: Update the header to, “Starting from the West Property Line”.
2. The developer shall replenish the existing median island along Greenway Parkway with trees, as approved by the Street Transportation Department. The developer will be responsible for submitting median island landscape drawings separately to the Street Transportation Department for review and approval. Coordinate submission with Erik Wilson, Horticulturist, at 602-534-9898 or erik.wilson@phoenix.gov.
3. The developer shall dedicate a sidewalk easement for any streetscape area that falls outside of dedicated right-of-way, as approved by the Planning and Development Department.
4. The applicant shall submit a Traffic Impact Study to the City for this development. The TIS shall include signal warrant analysis for the intersection of 12th Street and Greenway Parkway. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
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 Deer Valley 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. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a “No Hazard Determination” from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a “No

Hazard Determination” obtained prior to the construction start date.

8. 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.
9. 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.
10. **UPON ISSUANCE OF THE FIRST BUILDING PERMIT, AND FOR A PERIOD OF FIVE YEARS THEREAFTER, THE DEVELOPER SHALL PROVIDE, AT THEIR EXPENSE, A “CLEAN-UP” OF ANY LITTER AND GARBAGE IN THE WASH CORRIDOR (LOCATED IN PUBLIC RIGHT-OF-WAY ON THE SOUTH SIDE OF GREENWAY PARKWAY) BETWEEN 9TH STREET ON THE WEST AND 12TH STREET ON THE EAST AT LEAST ONCE A CALENDAR QUARTER, TO BE COORDINATED WITH THE NEIGHBORHOOD SERVICES DEPARTMENT.**
11. **UPON ISSUANCE OF THE FIRST BUILDING PERMIT, THE DEVELOPER SHALL CONTRIBUTE FUNDS TO INSTALL GRATES (OR OTHER APPROPRIATE PHYSICAL FEATURE) TO PREVENT ACCESS TO THE EXISTING CULVERT CROSSING(S) UNDER 7TH STREET AT GREENWAY PARKWAY, UP TO A MAXIMUM OF \$50,000, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.**

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

The Street Transportation Department needs to provide feedback on both recommended stipulations since they are responsible for maintenance of the wash area and the culvert.



Village Planning Committee Meeting Summary

Z-3-22-3

INFORMATION ONLY

Date of VPC Meeting	April 14, 2022
Request From	C-2 and C-2 HGT/WVR DNS/WVR
Request To	PUD
Proposed Use	Multifamily residential
Location	175 feet north of the northwest corner of 12th Street and Greenway Parkway

VPC DISCUSSION:

Nick Wood, representing the applicant with Snell & Wilmer, introduced himself, and displayed aerial images of site, noting its distance to the single-family residences to the south. Mr. Wood displayed a site plan showing the townhomes and apartments, landscape plan, and renderings, and concluded with an overview of the outreach done to date and the support they have received.

Questions from the committee:

Chair Joseph Grossman commented that the site looks good, and they are doing something positive with the parcel.