



## Village Planning Committee Meeting Summary

### Z-89-22-2

<b>Date of VPC Meeting</b>	March 6, 2023
<b>Request From</b>	R1-14
<b>Request To</b>	R1-6
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Approximately 140 feet north of the northeast corner of 34th Street and Tierra Buena Lane
<b>VPC Recommendation</b>	Approval, per staff recommendation, with a modification
<b>VPC Vote</b>	15-1

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

*Committee member Karen DeMoss joined the meeting during this item, bringing the quorum to 16 members.*

*Two members of the public registered to speak on this item, in opposition.*

#### **Staff Presentation:**

**Adrian Zambrano**, staff, provided an overview of rezoning case Z-89-22-2, describing the location, request, surrounding land uses, existing and surrounding zoning, and General Plan Land Use Map designation. Mr. Zambrano provided background on adopted policy plans and goals of those plans that the proposal would further. Mr. Zambrano then described the proposal, discussing the proposed site plan and elevations. Mr. Zambrano noted that there was one letter of opposition received and summarized the concerns in the letter of opposition. Mr. Zambrano concluded by sharing the staff findings, recommendation of approval and the recommended stipulations.

#### **Applicant Presentation:**

**Shelby Duplessis**, representing the applicant with Diversified Future, introduced herself and noted two main points that the developer has agreed to, including reducing the maximum building height to 1-story and 20 feet and providing more than triple the minimum required open space. Ms. Duplessis stated that the request for R1-6 would be a good transition from the R1-14 zoning to the west and south to the R1-6 zoning to the east and north. Ms. Duplessis noted that the main concern they heard was regarding the maximum building height. Ms. Duplessis stated that Stipulation No. 15 should be

removed since the Proposition 207 Waiver was already submitted and that she would like to go back and look at Stipulation No. 8 regarding the detached sidewalk along 34th Street, since the sidewalk to the north and south are attached.

### **Questions from the Committee:**

**Mr. Goodhue** asked if there were any concerns with the density and building setback for the properties to the south. **Ms. Duplessis** responded that there were not and added that only one letter was received that stated the density would be okay as long as the applicant agreed to a maximum building height of 1-story.

**Abram Bowman** asked about the history of the property. **Ms. Duplessis** responded that the site has never been developed and that nothing has ever happened on this site.

### **Public Comment and Applicant Response:**

**Jon Baker** introduced himself as an adjacent neighbor and stated that 20 feet stills seems like a tall height and that there are still some concerns related to the building height. Mr. Baker asked what the procedure would be to review the height. **Chair Popovic** directed the question to Mr. Zambrano. **Mr. Zambrano** responded that if there is still concern relating to 20 feet in height, then the Committee can recommend modifying the stipulation to reduce that height. **Mr. Baker** asked if 1-story is typically 10 feet in height and stated that if so, then 20 feet in height would potentially be a 2-story building. **Mr. Zambrano** responded that the building elevations submitted by the applicant were showing between 15 to 16 feet in height. **Mr. Baker** asked if any concerns should be voiced at the public hearing in April. **Chair Popovic** responded that if there were concerns, they can be voiced at this meeting and a vote will be taken on the case by the Committee. Chair Popovic asked staff to confirm. **Mr. Zambrano** responded affirmatively, stating that the Committee could modify any of the staff recommended stipulations or can add additional stipulations and their recommendation will be forwarded to the Planning Commission, who will either approve the Committee's recommendation, modify stipulations or add additional stipulations. **Mr. Baker** stated that the neighbors would be opposed to anything over 15 feet since it would be getting closer to a 2-story building at 20 feet in height. **Ms. Duplessis** responded that a typical 1-story home ranges from 15 to 20 feet in height and a 2-story home would go up to 30 feet in height. Ms. Duplessis clarified that the stipulation would be reducing the maximum building height allowed by 10 feet. Ms. Duplessis added that the architectural plans are still in draft form and that they would be happy to work with the neighbors before Planning Commission to reduce the height as much as possible. **Mr. Baker** thanked Ms. Duplessis and stated that he will do his part to ensure his neighbors are all involved as well. Mr. Baker asked if the Committee does not vote on the stipulation at this meeting if it would be voted on at a later time. **Mr. Zambrano** responded that the Committee would take a vote to either continue the case to the next Committee meeting, to approve it either with modified or additional stipulations, or to deny it. **Mr. Baker** asked if that was the route Ms. Duplessis was trying to take. **Ms. Duplessis** responded that she would like the Committee to make a recommendation and have the stipulation worked out before going to Planning Commission, so they do not have a continuance. **Mr. Baker** stated that 15 feet in height seems like a good midpoint and

asked if the applicant would agree to 15 feet. **Ms. Duplessis** stated that she could agree to 16 feet, just to be safe. **Mr. Baker** agreed. Mr. Baker asked about the building setback. **Ms. Duplessis** responded that the minimum required building setback would be 15 feet for a 1-story building.

**Judy Moler** stated she had sent an email to the Planning Commission and the City Council District's office. Ms. Moler stated the concerns she had were what everyone else was concerned about. Ms. Moler asked if the rear yard wall would be the same existing wall behind the existing homes. **Ms. Duplessis** responded affirmatively, stating that it would be a shared wall, and added that the homes would be located 15 feet or more from the existing wall. Ms. Duplessis stated they would only need to consider doing a dual wall or replacing the wall if grading and drainage design or other requirements cannot be met. Ms. Duplessis added that if that happened, there would be a discussion between the applicant and the affected neighbors to ensure a consensus can be made. **Ms. Moler** asked if the applicant would consider adding a second layer to the wall. **Ms. Duplessis** responded that they usually cannot do that due to structural capability and integrity of the wall and explained that it may end up being too much for the footer that was originally designed and installed, and the wall could fall over. **Ms. Moler** asked if the applicant would be landscaping the homes. **Mr. Duplessis** responded that the developer would be landscaping the open space areas and the homeowners would landscape their yards. **Ms. Moler** asked what caliper meant when referring to a tree. **Ms. Duplessis** responded that it refers to the size of the tree. **Ms. Moler** asked what the Proposition 207 Waiver of Claims was. **Ms. Duplessis** responded that it is a required form for the City stating that the City would not be held responsible for any kind of diminished value of the subject property by going through the process requested by the applicant to rezone the property. **Ms. Moler** asked if the back of the houses would be 15 feet away from the wall. **Ms. Duplessis** responded that they would be a minimum of 15 feet away from the wall and that many of the homes would be located further than that, including covered patios.

**Ms. Duplessis** stated that this discussion was a good demonstration of the ongoing collaboration and discussions the applicant has had with the neighbors and that it has been very productive.

**Mr. Goodhue** asked if the building elevations were close to the final product or if they would be modified. **Ms. Duplessis** responded that they would be modified and that the building elevations presented were put together pretty quickly in order to present a draft of the building elevations to the Committee. **Mr. Goodhue** stated that building height is measured to the midpoint of a gable roof and that there would be an additional 3 to 4 feet in height above that. Mr. Goodhue stated that if the Committee votes on this item, he will make a recommendation for the stipulation regarding building height to not be taller than 16 feet at the peak of the roof.

#### **MOTION – Z-89-22-2:**

**Mr. Goodhue** motioned to recommend approval of Z-89-22-2, per the staff recommendation, with a modification to Stipulation No. 2. **Diane Petersen** seconded the motion.

**VOTE – Z-89-22-2:**

**15-1;** motion to recommend approval of Z-89-22-2, per the staff recommendation, with a modification to Stipulation No. 2, passes with Committee members Balderrama, Bowman, Bustamante, DiMassa, Goodhue, Gubser, Petersen, Schmidt, Sepic, Soronson, Sparks, Ward, Mortensen and Popovic in favor and Committee member Cashman opposed.

**VPC RECOMMENDED STIPULATIONS:**

1. The development shall be in general conformance with the site plan date stamped February 22, 2023, with specific regard to the open space provided, as modified by the following stipulations and as approved by the Planning and Development Department.
2. The maximum building height shall be 1-story and ~~20~~ **16** feet, **MEASURED TO THE PEAK OF THE ROOF.**
3. Improved open space areas shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as shown on a shading study, as approved by the Planning and Development Department.
4. Landscape areas within retention areas and open space areas shall be planted with shrubs, accents and vegetative groundcovers to provide a minimum of 75% live coverage at maturity, as approved by the Planning and Development Department.
5. A minimum of two shaded active recreation amenities, such as a tot lot, picnic area, seating feature, garden amenity, or similar amenity, shall be provided within the open space area, as approved by the Planning and Development Department.
6. A minimum of five bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near improved open space areas 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.
7. The perimeter landscape setback adjacent to the public street shall be planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 50% 2-inch caliper and 50% 3-inch caliper, large canopy, drought-tolerant shade trees, planted 20 feet on center or in equivalent groupings.

- b. Shrubs, accents, and vegetative groundcovers to provide a minimum of 75% live coverage at maturity.
- 8. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide landscape strip between the back of curb and sidewalk along the east side of 34th Street, planted to the following standards and as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper drought-tolerant, large canopy, single-trunk shade trees planted 20 feet on center or in equivalent groupings.
  - b. Drought-tolerant shrubs, accents and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.

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

- 9. The developer shall dedicate a sidewalk easement for any streetscape area (detached sidewalk and landscape strip) that falls outside of dedicated right-of-way along the east side of 34th Street, as approved by the Planning and Development Department.
- 10. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide landscape strip between the back of curb and sidewalk for internal public and/or private sidewalks within the development, including along the perimeter of Tract B and Tract C, as depicted on the site plan dated December 20, 2022, planted to the following standards and as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper drought-tolerant, large canopy, single-trunk shade trees planted 20 feet on center or in equivalent groupings.
  - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.

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

- 11. 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.
- 12. A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.

13. The property owner shall record documents that disclose the existence, and operational characteristics of the Deer Valley Airport (DVT) 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.
14. 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.
15. 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.