



## Village Planning Committee Meeting Summary

PHO-2-24--Z-58-19-7

<b>Date of VPC Meeting</b>	January 14, 2025
<b>Date of Planning Hearing Officer Hearing</b>	January 15, 2025
<b>Request</b>	Delete stipulation number 6 regarding undergrounding and relocation of existing irrigation facilities
<b>Location</b>	Northeast corner of 6th Avenue and Broadway Road
<b>VPC Recommendation</b>	Deny as filed, approved with a modification
<b>VPC Vote</b>	11-3

### VPC DISCUSSION & RECOMMENDED STIPULATIONS:

*Kassandra Alvarez and Tremikus Muhammad joined the meeting during this item bringing quorum to 15 members (ten needed for a quorum).*

*One members of the public registered to speak in opposition to this item.*

### STAFF PRESENTATION

**Samuel Rogers**, staff, provided an introduction and overview of the proposal, identifying the location, zoning, adjacent land uses, and General Plan Land Use Map designation. Mr. Rogers discussed the PHO (Planning Hearing Officer) process, history of the site, and explained the requested stipulation deletion.

### APPLICANT PRESENTATION

**Prince Twumasi**, representing the applicant provided an introduction of the project, introduced the project team, provided an overview of the subject site, provided a progress update, presented the history of the project, and described the request.

### QUESTIONS FROM THE COMMITTEE

**Committee Member Gene Holmerud** inquired about assurance that the canal will be undergrounded if the stipulation is removed and expressed concern that applicants have previously reneged on promises made to the VPC in the past. **Mr. Twumasi** Confirmed that a review process will oversee any changes to the plans.

**Committee Member Lee Coleman** echoed Committee Member Holmerud's concerns regarding the city's leverage post-Certificate of Occupancy (CofO) issuance and asked

if the City of Phoenix has any authority over the canal. **Mr. Twumasi** clarified that the canal is: owned by the Bureau of Reclamation and managed by SRP. **Committee Member Trent Marchuk** asked staff if city processes will review changes to the plans. **Mr. Rogers** confirmed the city will review any changes to the plans, stated the development design includes buildings and parking lots where the existing canal is located, explained phase 2 cannot proceed unless the canal is capped, highlighted the development's multiple funding sources limiting flexibility, and explained that the PUD includes specific design requirements. Mr. Twumasi confirmed that improvements must adhere to contracts with funding sources.

**Committee Member Marchuk** asked if this issue is about timing rather than changes to plans. **Mr. Twumasi** confirmed the request it is strictly a timing issue, shared the timeline requiring the development to be on the market by March, and stated that the plans are already approved and submitted to the City

**Committee Member Marcia Busching** stated that she recalls arguments for undergrounding the canal for safety reasons and asked how the safety hazards will be addressed if they obtain a CofO. **Mr. Twumasi** described plans to incorporate a fence around the site, explained they would provide temporary access to the site, and offered to provide plans via email or at the next meeting. Committee Member Busching asked if the plans are finalized or conceptual. Mr. Twumasi stated that the focus has been on phase 1, stated that he believes SRP requires fencing, and suggested further consideration of additional safety measures.

**Committee Member Busching** asked if the development is senior housing or general occupancy and expressed concerns about the canal being an attractive nuisance, particularly for small children. **Mr. Twumasi** confirmed the development is general occupancy and stated that his team would get back to Committee Member Busching with how the site will be kept safe. Committee Member Busching explained that she is opposed to deleting the stipulation, proposed postponing improvements to Phase II, and recommended fencing off the site until the canal is undergrounded. **Chair Arthur Greathouse III** noted the applicant will return next month and highlighted the importance of addressing safety concerns. Committee Member Busching stated the PHO hearing is scheduled for the following day.

**Committee Member Kassandra Alvarez** asked if timeline delays would impact unit pricing. **Mr. Twumasi** explained that failing to meet the March deadline could jeopardize funding, potentially affecting unit rates or the project's viability.

**Committee Member Kassandra Alvarez** asked if the community is still planned to be walkable. **Mr. Twumasi** confirmed walkability requirements are included in the PUD and stated that examples include activating the Broadway Road frontage.

**Committee Member George Brooks** asked if the attractive nuisance issue has been discussed with SRP and mentioned SRP's negative views on fencing canals due to public use, such as fishing.

**Committee Member Kay Shepard** echoed Committee Member Busching's concerns about the canal as an attractive nuisance and expressed desire for safety measures to be in place.

**Committee Member Fatima Muhammad Roque** inquired about the location of the proposed fence. **Mr. Twumasi** displayed the fence location on an aerial map

**Committee Member Gene Holmerud** asked how often SRP uses the canal. **Mr. Twumasi** stated he could provide the information at a later date.

**Committee Member Brooks** asked if it is a Hohokam canal and referenced potential historical significance. **Fidelis Garcia**, with applicant team, confirmed it is one of the original canals connecting Phoenix to Tempe and stated the canal is rarely used. **Mr. Twumasi** shared that an evaluation found no historical significance and offered to discuss further after the meeting. Committee Member Brooks clarified that he was mistaken and had believed a larger canal was being discussed.

**Committee Member Holmerud** suggested SRP's interest in undergrounding indicates its importance for flow maintenance. **Mr. Twumasi** highlighted the significance of government-owned land, noting it is a substantial process for the government to allocate land.

**Committee Member Marchuk** asked for clarification on the request and what influences the timeline. **Mr. Twumasi** explained that funders have a deadline for Chicanos Por La Causa (CPLC), shared that temporary access will be provided after obtaining a CofO, and explained that the timeline is contingent on capping the canal. **Mr. Rogers** clarified that the current stipulation requires relocating irrigation facilities by Phase 1 CofO and explained that the irrigation facilities are primarily located on Phase 2.

**Committee Member Marchuk** stated that he agrees with Committee Member Busching's comment that irrigation facilities should be relocated by the Phase II CofO.

**Committee Member Mark Beehler** stated that he had visited the site and asked if Phase 1 and Phase 2 are fenced separately. **Mr. Twumasi** confirmed that Phase 1 and 2 are fenced separately. Committee Member Beehler questioned the need for additional fencing if Phase 2 is already fenced. **Committee Member Holmerud** clarified that the question relates to the canal off of Broadway. Mr. Twumasi confirmed SRP requires Phase 2 to be fenced. Committee Member Beehler suggested this could negate the

need for a conversation about safety since Phase 2 is already fenced. Mr. Twumasi acknowledged the concern and noted the need to ensure site safety for all residents.

**Committee Member Coleman** asked about the possibility of issuing a temporary CofO. **Mr. Rogers** stated that a temporary CofO is not appropriate for this site due to irrigation facilities being on Phase 2 while the developer seeks a CofO for Phase 1. Committee Member Coleman inquired if lenders would accept a Certificate of Completion (CofC). **Mr. Twumasi** stated that lenders require a full CofO and will not accept a temporary CofO or CofC.

**Committee Member Marchuk** stated that modifying the stipulation to require relocation of irrigation facilities by Phase II CofO and proper mitigation of the attractive nuisance has been proposed and asked who would determine if the nuisance has been mitigated and who would enforce it. **Mr. Rogers** explained that inspectors would check for fencing during inspections and explained that active construction sites must be fenced. Committee Member Marchuk emphasized the need to ensure safety for children living in Phase I.

**Chair Greathouse** asked about the factors influencing the need to modify the timeline. **Mr. Twumasi** explained that the undergrounding process took longer than anticipated. Chair Greathouse requested staff to read a letter summarizing SRP's requirements. **Mr. Rogers** stated he could retrieve and share the letter from SRP.

**Committee Member Darlene Jackson** asked for an estimate on how much longer the project will take after moving to Phase II, highlighted concerns about a fence being in front of the property for years, and noted the development is affordable housing. **Mr. Twumasi** shared the timeline for undergrounding the canal, stated that the process began two years ago, explained the application will go to the Bureau of Reclamation within a month, and stated that the process will take approximately another year and a half.

**Mr. Rogers** read a letter from SRP outlining their review timeline. **Mr. Twumasi** noted the timeline does not account for any potential revisions.

**Committee Member Beehler** asked if Phase II is separately fenced from Phase I, highlighted that the canal is currently within a fence, and asked for confirmation that the fence will remain until Phase II is built. **Mr. Twumasi** confirmed Committee Member Beehler's question.

**Committee Member Marchuk** asked about the southeast corner of the site and whether a portion of the canal is undergrounded or temporarily undergrounded. **Mr. Twumasi** displayed an aerial photograph and confirmed that a portion of the canal is in Phase I.

**Committee Member Alvarez** asked about access. **Mr. Twumasi** explained there is limited access on Pueblo Avenue to minimize neighborhood intrusion and stated that a temporary access easement will be provided on City-owned land to the east. Committee Member Alvarez inquired whether delaying the project due to safety concerns could jeopardize it. Mr. Twumasi confirmed delaying the project could jeopardize it.

**Chair Greathouse** asked if the canal could be temporarily filled. **Mr. Garcia** explained the canal cannot be touched, described cleaning efforts at the site, and explained his team is in weekly communication with SRP.

**Committee Member Alvarez** asked if SRP could block access to the entire site. **Mr. Garcia** explained that such actions would be under SRP's authority as the land is federally owned.

**Vice Chair Emma Viera** described the request, highlighted the canal will be undergrounded, emphasized the importance of safety, and proposed adding a stipulation requiring the site to be secured. **Mr. Rogers** confirmed that such a stipulation could be added but noted it would depend on SRP's approval.

**Committee Member Shepard** suggested modifying Stipulation No. 6 to require undergrounding the canal by Phase II CofO.

**Committee Member Alvarez** asked if adding a stipulation would delay the timeline. **Mr. Twumasi** stated that failure to delete Stipulation No. 6 could jeopardize the project.

#### PUBLIC COMMENT

**Sandra T. Jones** identified herself as a nurse, raised concerns about safety and questioned SRP's slow response, asked for definitions of affordable housing and advertisement plans, and inquired about parking and whether construction will continue while Phase I is occupied.

#### APPLICANT RESPONSE

**Mr. Garcia explained** that Phase I will have no further construction once occupied, except for undergrounding the canal, stated that temporary access will be provided, and emphasized the importance of site safety, including fencing as defined by SRP.

#### FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

**Committee Member Coleman** stated the City does not have jurisdiction over canal fencing and explained that SRP does not fence canals.

**Committee Member Beehler** expressed support for approving the proposal as requested.

**Committee Member Petra Falcon** highlighted the project's long history and stated the project always seems to be up against a deadline.

### **MOTION**

**Committee Member Marcia Busching** made a motion to recommend denial as filed, approval with a modification of PHO-2-24--Z-58-19-7. **Committee Member Kay Shepard** seconded the motion.

**Committee Member Marchuk** asked for clarification on the motion and if there are any conflicts with fencing the irrigation facilities. **Committee Member Busching** clarified that fences cannot be within SRP's easement but can be placed on the property. **Mr. Garcia** stated SRP requires 24-hour access to the canal. Committee Member Busching explained SRP would lock the site and provide the combination to the applicant team. Mr. Garcia reiterated SRP must approve the fencing.

**Chair Greathouse** emphasized safety as the Committee's primary concern.

**Mr. Rogers** suggested adding "as approved or modified by SRP or the Bureau of Reclamation" to Stipulation No. 6.

**Committee Member Busching** requested an amendment to the motion to add "as approved or modified by SRP or the Bureau of Reclamation" to Stipulation No. 6.

**Committee Member Kay Shepard** agreed.

### **VOTE**

**11-3**, motion to recommend denial as filed, approved with a modification of PHO-2-24--Z-58-19-7 passed with Committee Members Alvarez, Brooks, Busching, Falcon, Holmerud, Jackson, Marchuk, T. Muhammad, F. Muhammad Roque, Shepard, and Greathouse in favor and Committee Members Beehler, Coleman, and Viera in opposition.

### **VPC RECOMMENDED STIPULATION:**

Existing irrigation facilities along 6th Avenue and Broadway Road are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate facilities. Relocations that require additional dedications or land transfer require completion prior to obtaining a Certificate of Occupancy for **PHASE 2 OF** the development.  
**FURTHERMORE, THE DEVELOPER SHALL FENCE THE IRRIGATION FACILITIES**

**AS TO PROTECT THEM FROM PHASE 1, AS APPROVED OR MODIFIED BY SRP  
AND/OR THE DEPARTMENT OF RECLAMATION.**

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

None.