



VILLAGE PLANNING COMMITTEE



Village Planning Committee Meeting Summary

Z-74-22-8

Date of VPC Meeting	February 13, 2023
Request From	S-1
Request To	R1-10
Proposed Use	Single-family residential
Location	Approximately 340 feet north of the northwest corner of 27th Avenue and Baseline Road
VPC Recommendation	Approval, per staff recommendation, with modifications to Stipulation Nos. 1 and 3.
VPC Vote	7-0

VPC DISCUSSION:

Twelve members of the public registered to speak on this item. Six of the members donated their time.

STAFF PRESENTATION:

Enrique Bojórquez, staff, provided an overview of the rezoning proposal, describing the location of the request, the existing and proposed zoning districts and land use designation. Mr. Bojórquez listed several policy plans and described how these are furthered by this proposal. Mr. Bojórquez discussed the proposal, including the site plan, elevations, landscape plan, and monument sign entry. Mr. Bojórquez stated that staff did receive one letter of opposition regarding this request. Mr. Bojórquez provided staff findings, followed by the staff recommendation of approval, and discussed the stipulations as presented in the staff report for case Z-74-22-8.

APPLICANT PRESENTATION:

Francisco Badilla, representing the applicant, introduced himself and the proposed project. Mr. Badilla described the site location and the proposed 16-lot subdivision. Mr. Badilla stated that future homes will be sold in the low \$1 million and envisioned to include flood irrigation, plus an HOA. Mr. Badilla discussed the conceptual building elevations, addressed community concerns raised at the neighborhood meeting and described the proposed street cross-section. Mr. Badilla requested a recommendation of approval on the case.

QUESTIONS FROM COMMITTEE:

Carlos Ortega asked for clarification on the site plan, specifically on the lots to the east of the site.

JoAnne Jensen asked for clarification regarding the proposed access and why this is not along 27th Avenue for 15 of the lots proposed.

PUBLIC COMMENTS:

Erin Hegedus is pleased to hear that the lots will be flood irrigated and wants to see other similar development in the area. Ms. Hegedus would like to see other adjacent properties incorporated into this development.

Lidia Dickinson is a property owner in the subject site now and will be a future homeowner on this development. Ms. Dickinson stated that this is the type of community where she wants to live in.

David Matranga stated that the adjacent HOA is not happy that the only street access to this project is along Ellis Street. Mr. Matranga stated that the adjacent HOA has worked in the past with other builders to gate the street access along their development to avoid funneling vehicular traffic through their subdivision streets. Mr. Matranga is fine with the proposed project but feels that this development should have acquired more land to gain access to other adjacent streets and avoid through access via the adjacent subdivision.

Dan Penton has concerns with the proposed access along Ellis Street but acknowledges that this condition exists already in other parts of the Laveen Village. Mr. Penton discussed the proximity of the project to Corona Ranch and feels that exposed canals and ditches help keep the character of Laveen. Mr. Penton would like to see a row of trees planted along the perimeter of this development to buffer the site and create a unique enclave here. Mr. Penton would like to see what the adjacent streets look like and if this subdivision will be gated. Mr. Penton stated that this development will generate some traffic through the adjacent subdivision.

APPLICANT RESPONSE:

Mr. Badilla stated that the adjacent properties to the south are commercially zoned and access is not feasible because those properties are under separate ownership. Mr. Badilla stated that a 50-foot-wide street will be constructed in this development and the proposed flood irrigation will have underground lines. Mr. Badilla stated that this subdivision is proposed to use the conventional development option and will have a six-foot-tall wall along the perimeter. Mr. Badilla discussed the proposed landscaping on the site.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

Chair Abegg asked for clarification on Stipulation No. 3 regarding the review of building elevations. **Mr. Bojórquez** responded that Stipulation No. 3 required the review and comment of elevations and other plans by the Laveen Village Planning Committee, while the Planning Hearing Officer (PHO) would administratively review the building elevations.

Chair Abegg asked if the Street Transportation Department had responded to the inquiry regarding the street access from this development to 27th Avenue. **Mr. Bojórquez** responded that the Street Transportation Department is not opposed to having the primary access for this development be located along 27th Avenue but was informed that this did not appear feasible due to an existing home in the southeast portion of the site and a new home permit on Lot 16 as shown in the proposed site plan. **Chair Abegg** does not particularly like the access for this development along Ellis Road but believes that traffic impacts would be minimal on the adjacent subdivision.

Dean Chiarelli is concerned with increasing the traffic along the adjacent subdivision but would recommend having the same HOA as the adjacent subdivision to the east manage this new subdivision. **Chair Abegg** agrees with Mr. Chiarelli.

Carlos Ortega asked if Lot 16 would be part of the HOA on this new subdivision. **Mr. Badilla** responded that this lot would also be part of the HOA.

Chair Abegg asked for a motion on the case.

MOTION (Z-74-22-8):

Rebecca Perrera motioned to approve Z-74-22-8 per the staff recommendation with a modification to Stipulation Nos. 1 and 3. **Francisco Barraza** seconded the motion.

Modified Stipulations:

1. The maximum density for the project shall not exceed ~~two dwelling units per acre~~ 16 LOTS.
3. ~~The developer shall present the~~ THE conceptual building elevations, landscape plan, wall plan, and signage for monument and entryway SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS, INCLUDING REVIEW BY THE LAVEEN VILLAGE PLANNING COMMITTEE, FOR STIPULATION MODIFICATION ~~to the Laveen Village Planning Committee for review and comment prior to preliminary site plan approval through the Planning and Development Department. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval,~~ with specific regard to the following elements. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - a. The elevations shall incorporate four-sided architecture, and exterior accent materials, detailing, and color palette, with a modern farmhouse design, that conveys a sense of continuity throughout the development.

VOTE (Z-74-22-8):

7-0; motion to recommend approval of Z-74-22-8 per the staff recommendation with stipulation modifications, passes with Committee Members Barraza, Chiarelli, Jensen, Ortega, Perrera, Hurd and Abegg in favor.

VPC RECOMMENDED STIPULATIONS:

1. The maximum density for the project shall not exceed ~~2 dwelling units per acre~~ **16 LOTS.**
2. A minimum 22-foot garage setback for front-loaded garages, measured from the back of sidewalk, shall be provided for each home in the development, as approved by the Planning and Development Department.
3. ~~The developer shall present the conceptual building elevations, landscape plan, wall plan, and signage for monument and entryway to the Laveen Village Planning Committee for review and comment prior to preliminary site plan approval through the Planning and Development Department. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval, with specific regard to the following elements.~~ **SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS, INCLUDING REVIEW BY THE LAVEEN VILLAGE PLANNING COMMITTEE, FOR STIPULATION MODIFICATION to**
THE PLANNING HEARING OFFICER PRIOR TO PRELIMINARY SITE PLAN APPROVAL, WITH SPECIFIC REGARD TO THE FOLLOWING ELEMENTS. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - a. The elevations shall incorporate four-sided architecture, and exterior accent materials, detailing, and color palette, with a modern farmhouse design, that conveys a sense of continuity throughout the development.
4. Partial view fencing, which may include solid columns up to 24 inches in width, shall be utilized where walls are proposed adjacent to the open space and trail to the west, as approved by Planning and Development Department.
5. Project entry/exit drives shall incorporate enhanced landscaping with a variety of at least three plant materials, with a minimum landscape area of 250 square feet, as approved by the Planning and Development Department.
6. All street improvements outside of Phoenix City limits along 27th Avenue shall be reviewed and approved by Maricopa County.
7. The developer shall construct a minimum 6-foot-wide detached sidewalk with a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the west side of 27th Avenue, planted to the following standards, and as approved by the Planning and Development Department and Maricopa County Department of Transportation.

- a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees, planted 20 feet on center or equivalent groupings, to provide a minimum of 75% shade, at maturity. Shade calculations shall be based on summer solstice at noon as shown on a shading exhibit.
- b. Drought tolerant shrubs, accents, and vegetative groundcovers to provide a minimum of 75% live coverage, at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department and Maricopa County Department of Transportation on an alternative design solution consistent with a pedestrian environment.

8. The developer shall dedicate a minimum of 25 feet of right-of-way for the south half of Ellis Street, as approved by the Planning and Development Department.
9. The developer shall dedicate a minimum of 50-feet of right-of-way for all local public streets within the development, as approved by the Planning and Development Department.
10. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, detached sidewalks, 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.
11. The property owner shall record documents that disclose the existence, and operational characteristics of the City of Phoenix Sky Harbor International Airport (PHX) 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.
12. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of nearby existing ranchettes, animal privilege private properties and rodeo private properties that may cause adverse noise, odors, dust, and other externalities. The form and content of such documents shall be reviewed and approved by the City Attorney. Additionally, the disclosures shall be noted in the CC&Rs in a section titled "nuisances".
13. 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.
14. 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.

15. 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.
16. 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.