



## Village Planning Committee Meeting Summary Z-21-18-8

<b>Date of VPC Meeting</b>	July 10, 2018
<b>Request From</b>	S-1
<b>Request To</b>	R1-6
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Approximately 320 feet east of the northeast corner of 41st Street and Southern Avenue
<b>VPC Recommendation</b>	Approval per staff recommendation, with a modification and five additional stipulations
<b>VPC Vote</b>	11-6 (Brennan, Campbell, Castello, Ealim, and Monge dissenting)

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

*This item was continued from the June 12, 2018 agenda.*

*14 speaker cards were submitted in opposition to the item.  
1 card was submitted expressing no position.*

**Adam Stranieri** provided an overview of the request including aerial photographs, General Plan Land Use maps, and zoning maps. He discussed the conceptual site plan noting the circulation pattern, open space, lot layout, and landscaping. He provided an overview of recommended staff stipulations including requirements for general conformance to the site plan, vehicular connections to adjacent streets, detached sidewalks, shading in open spaces, and street dedications.

**Patrick Brennan** asked if there are existing water and sewer connections on the subject property that could potentially impact alternative layouts for the site. **Mr. Stranieri** stated that he did not have that information and explained that the location of these connections would be reviewed by staff during plan review.

**Thomas Galvin**, representative for the applicant with Rose Law Group, provided an overview of the request including aerial photographs, General Plan Land Use maps, zoning maps, and photographs of existing site conditions. He noted that the property has been blighted and that neighbors on adjacent properties had worked to clean and maintain the property. He reviewed public outreach to adjacent neighbors since the June 12, 2018 meeting and noted that they had worked with City staff to review

proposals from neighbors. He stated that these proposals included eliminating connections to Sunland Avenue and Huntington Drive, shifting lots to the east side of the property, restricting building height on lots 22-24 along the north property line to one story, and installing mature evergreen trees on the west perimeter of the site. He stated that staff expressed concerns regarding eliminating street connections and proposed pursuing signage to deter cross-traffic. He stated that staff did not support shifting the lots due to drainage conditions and radii requirements for the intersecting streets. He stated that the applicant would agree to stipulations that addressed concerns regarding building height and landscaping and proposed additional stipulations as follows:

- **Proposed Stipulation #1:** Lots #22-24 adjacent to the north property line shall be limited to a maximum of 20 feet in height (single-story), as approved by the Planning and Development Department.
- **Proposed Stipulation #2:** A minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper or multi-trunk and minimum 25% 4-inch caliper or multi-trunk-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the west property line of lots 1-3, 4, and 6-21 to serve as a visual buffer to adjacent properties, as approved by the Planning and Development Department. Trees shall be selected from the Mixed Use Agricultural plant palette.

**Barbara Kutnick** asked if there were overhead power lines on the subject property that could impact the proposal. **Larry Cuzzocrea**, a member of the public speaking in opposition to the item, stated that there are no power lines on the subject property.

**Mr. Brennan** stated that there are drainage problems on the site that may impact alternative designs that shift lots to the east side of the site. He asked if the applicant considered an S-shaped driveway on Southern Avenue that could accommodate an alternative design. **Alisse Caton**, planner with Rose Law Group, stated that the width of the site was insufficient to allow an S-shaped driveway. She stated that reviewed drainage issues and City Code requirements for cul-de-sac length and determined that it is not feasible to reverse the layout. She reiterated that City staff would not support eliminating proposed connections to Sunland Avenue and Huntington Drive.

**Cloves Campbell** noted that the property was once owned by a Baptist church. He noted that he heard concerns from residents in the surrounding area regarding the sale of the property. He asked if the property had been legally acquired and is legally owned by the applicant in the case. **Mr. Stranieri** explained that as part of the rezoning application, a notarized affidavit of authorization from the property owner was filed. He stated that the owner on this affidavit matched ownership records obtained from the Maricopa County Assessor website.

**Shelly Smith** asked for clarification regarding the maintenance of proposed trees along the western perimeter property line. **Mr. Galvin** stated that the homeowner's association would be required to maintain the trees.

**David Castello** expressed concern that the applicant had not adequately explored alternative driveway designs along Southern Avenue that would allow the reorientation or redesign of the lots. **Ms. Caton** stated that it would benefit the applicant if Sunland Avenue and Huntington Drive were not connected because it may allow more lots. She noted that the City Code and Zoning Ordinance required these connections. **Mr. Castello** asked for clarification regarding the City's response to the alternative designs. **Ms. Caton** responded that moving lots to the east would impact an existing right-of-way easement, drainage, street curb returns, and radii for streets.

**Gene Holmerud** noted that the existing street stubs on Sunland Avenue and Huntington Drive west of the subject property were clearly constructed to promote connections to future development.

**Ms. Kutnick** expressed concern that City staff had not worked with the applicant adequately to explore alternative street designs.

**Carlita Carey**, a member of the public expressing no position, asked what the square footage and home prices would be. **Mr. Galvin** stated that floor plans may range from 1200-1500 square feet and prices may be between \$250,000 and \$325,000. **Ms. Caton** stated that there is no builder attached to the project yet.

**Wendy Noble**, a member of the public speaking in opposition to the item, stated that she lives west of the property and has concerns regarding speeding cars and pedestrian safety. She expressed concern that adding more homes would exacerbate these problems.

**Ann Smith**, a member of the public speaking in opposition to the item, stated that she lives near 41st Street and Huntington Drive and owns other property in the area. She stated that she opposes any two-story homes as they are not consistent with the surrounding neighborhoods. She stated that the applicant should build out their central street as a cul-de-sac and eliminate proposed connections to Sunland Avenue and Huntington Drive.

**Diana Jones**, a member of the public speaking in opposition to the item, distributed research on crime rates in the surrounding area to the Committee. She stated that 754 crimes were recorded in the neighborhood's crime grid and that only four crimes were located in this neighborhood. She stated that limiting the number of streets would maintain the low crime rate. She noted planning studies that suggested increased building separation and height limitations to promote safety.

**Donell Jones**, a member of the public speaking in opposition to the item, stated that more street connections would contribute to higher crime rates and reduce public safety.

**Tressia Contreras**, a member of the public speaking in opposition to the item, stated that she is a long-term resident in the area and does not support connecting Sunland Avenue or Huntington Drive. She stated that the surrounding community agrees and

that she is organizing a petition. She stated that she would not oppose the case if the street connections were eliminated.

**Morgan Winburn**, a member of the public speaking in opposition to the item, stated that she is speaking on behalf of her father and that her family lives in a multi-generational household in the neighborhood. She stated that her community is unique and vibrant. She expressed concern that the projected home prices would alter and gentrify her community.

**Mr. Cuzzocrea** stated that the public speakers indicated an organized community who had engaged in the planning process. He stated that he had visited the subject property and that there are no drainage or right-of-way issues as identified by the applicant.

**Thomas Melkonich**, a member of the public speaking in opposition to the item, stated that he is a long-term resident and is worried about increased crime. He stated that the City should not require the street connections and that the existing stubbed streets may have been built at a time when conditions on the subject property were different. He stated that the property is primarily flat and has no drainage issues. He stated that the community is willing to continue to work with the applicant to revise the plan.

**Mr. Galvin** thanked the community for their comments and stated that he appreciates their working to develop additional stipulation language.

**Dr. Brooks** asked if staff had any comments regarding the applicant's proposed stipulations. **Mr. Stranieri** stated that staff did not have concerns regarding the proposed building height restriction. He stated that staff did have concerns regarding proposed tree standards for lots along the western property line. He noted that staff stipulation #1 required general conformance to a site plan that identifies residential lots along the western property line. He noted that staff does not support stipulating landscaping requirements on privately owned residential parcels. He suggested that the Committee consider additional landscaping requirements on open spaces, tracts, and adjacent to right-of-way.

**Mr. Brennan** asked why the applicant had suggested limiting the height only for lots along the north property line. He suggested that the applicant consider restricting all lots to single-story. He also asked if the applicant had considered eliminating vehicular access from Southern Avenue and instead providing access via existing local streets in the adjacent subdivision to the west. Numerous community members stated that they would not support this proposal.

**Greg Brownell** stated that he was inclined to make a motion that includes the applicant's proposed additional stipulations. However, he expressed concern that the Planning Commission would remove these. He stated that the Committee should remember that some of the alternative designs discussed may require further review processes, including technical appeals by the Subdivision Committee or others.

**Perry Ealim** stated that he supported the applicant continuing to work with staff and the community on alternative designs.

**Tamala Daniels** stated that the Committee is charged with considering the outcomes of planning decisions on the future and that market trends indicate that there is a demand for two-story homes and increased connectivity between neighborhoods.

### **MOTION**

**Sara Christopherson** made a motion to recommend approval of the request per the staff recommendation and two additional stipulations as proposed by the applicant.

**Tamala Daniels** seconded the motion.

**Greg Brownell** proposed a friendly amendment to add an additional stipulation to prohibit connecting Sunland Avenue and Huntington Drive. **Sara Christopherson** did not accept the friendly amendment.

**Patrick Brennan** proposed a friendly amendment to modify the applicant's additional stipulation regarding building height on lots 22-24 to apply to all lots along the western boundary of the site. **Mr. Stranieri** noted that the current motion on the floor included a staff stipulation for general conformance to a site plan and that this stipulation may have the effect of limiting building height for all lots in the development. **Sara Christopherson** did not accept the friendly amendment.

**Sara Christopherson** asked the applicant whether they had considered restricting building height to single-story for all lots. **Ms. Caton** responded that this would likely kill the project. She stated that the applicant wished to retain the right to build two-story homes which is also permitted by the zoning on adjacent properties to the east and west of the subject site.

**Marcia Busching** proposed a friendly amendment to add an additional stipulation requiring public notification of future zoning actions for any resident that indicates a desire to be included in the stipulation. **Sara Christopherson** accepted the friendly amendment. **Tamala Daniels** seconded the amended motion.

**Shelly Smith** stated that he agreed with staff's concerns regarding stipulating trees on privately owned residential properties and does not support this component of the motion.

### **VOTE**

**7-10 (Brooks, Brownell, Campbell, Castello, Ealim, Fosenburg, Glueck, Kutnick, Mims, and Shelly Smith dissenting)** Motion to recommend approval of the request per the staff recommendation with two additional stipulations as proposed by the applicant and an additional stipulation requiring public notification of future zoning actions to specified residents fails.

### **MOTION**

**Greg Brownell** made a motion to recommend approval of the request per the staff recommendation with two additional stipulations as proposed by the applicant and two additional stipulations requiring public notification of future zoning actions to interested residents and prohibiting the connection of Sunland Avenue and Huntington Drive. **Kay Shepard** seconded the motion.

**Marcia Busching** proposed a friendly amendment to add an additional stipulation requiring a pedestrian connection to connect the property with the neighborhood to the west. **Greg Brownell** accepted the friendly amendment. **Kay Shepard** seconded the amended motion.

**Adam Stranieri** noted that that the proposed additional stipulation prohibiting the connection of Sunland Avenue and Huntington Drive directly conflicts with the recommended staff stipulation #1 which requires general conformance with specific regard to the provision of these connections. He also noted that prohibiting these street connections directly conflicts with street design and street layout standards in the Subdivision Ordinance in the Phoenix City Code.

**Greg Brownell** proposed an amendment to his motion to delete staff stipulation #1. **Kay Shepard** seconded the amended motion.

**Patrick Brennan** proposed a friendly amendment to add an additional stipulation limiting building height to one-story for all lots. **Greg Brownell** did not accept the friendly amendment.

**David Castello** proposed a friendly amendment to require that no more than 600 feet of public right-of-way be permitted without a 45-degree angle realignment of the right-of-way. **Greg Brownell** did not accept the friendly amendment.

**Kenneth Mims** asked that the Committee consider alternative approaches to limiting the building height.

### **VOTE**

**11-6 (Brennan, Campbell, Castello, Ealim, and Monge dissenting)** Motion to recommend approval of the request per the staff recommendation with a modification to delete staff stipulation #1 and add five additional stipulations passes.

### **Additional Stipulations**

- Lots #22-24 adjacent to the north property line shall be limited to a maximum of 20 feet in height (single-story), as approved by the Planning and Development Department.
- A minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper or multi-trunk and minimum 25% 4-inch caliper or multi-trunk-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the west property line of lots 1-3, 4, and 6-21 to serve as a visual buffer to adjacent properties, as approved by the

Planning and Development Department. Trees shall be selected from the Mixed Use Agricultural plant palette.

- The connection of Sunland Avenue and Huntington Drive on the subject property shall be prohibited.
- A pedestrian connection shall be provided to connect the property with the neighborhood to the west.
- The developer shall provide public notification of future zoning actions to interested residents.

### **VPC RECOMMENDED STIPULATIONS & STAFF COMMENTS**

- ~~1. The development shall be in general conformance with the site plan date stamped March 22, 2018 with specific regard to maintaining vehicular access to the adjacent subdivision to the west by connecting to Sunland Avenue and Huntington Drive, as approved by the Planning and Development Department.~~
  - **Staff has no concerns regarding the deletion of Staff Stipulation #1. The proposed vehicular access to be provided by the connection of Sunland Avenue and Huntington Drive is required by the regulations regarding street design and layout in the Subdivision Ordinance within the Phoenix City Code. In order to eliminate these connections, a technical appeal is required by the Subdivision Committee.**
1. LOTS #22-24 ADJACENT TO THE NORTH PROPERTY LINE, AS DEPICTED ON THE SITE PLAN DATE STAMPED MARCH 22, 2018, SHALL BE LIMITED TO A MAXIMUM OF 20 FEET IN HEIGHT (SINGLE-STORY), AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
  - **Staff has no concerns regarding the proposed building height restriction.**
2. A MINIMUM 50% 2-INCH CALIPER TREES, MINIMUM 25% 3-INCH CALIPER OR MULTI-TRUNK AND MINIMUM 25% 4-INCH CALIPER OR MULTI-TRUNK-INCH CALIPER TREES SHALL BE PLACED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS ALONG THE WEST PROPERTY LINE OF LOTS 1-3, 4, AND 6-21 TO SERVE AS A VISUAL BUFFER TO ADJACENT PROPERTIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. TREES SHALL BE SELECTED FROM THE MIXED USE AGRICULTURAL PLANT PALETTE.
  - **Staff does not support the proposed landscaping restriction. The stipulation requires specific planting requirements that could be applied to privately owned residential parcels. The Planning and**

**Development Department does not review landscaping plans for individual residential parcels. Therefore, the City does not have a mechanism to regulate or enforce landscaping on individual residential lots.**

3. THE DEVELOPER SHALL PROVIDE A PEDESTRIAN PATHWAY THAT CONNECTS TO THE SUBDIVISION TO THE WEST, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- **Staff has no concerns regarding a requirement to provide a pedestrian pathway. In the event that Sunland Avenue and Huntington Drive are built and connected, this stipulation could be met through the provision of required public sidewalks along these streets.**

- ~~2.~~ 4. The sidewalk along the Southern Avenue frontage shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and required trees be planted on both sides of the sidewalk, as approved by the Planning and Development Department.

- ~~3.~~ 5. A minimum 25 percent of the required open space shall be shaded using trees or structures, as approved by the Planning and Development Department.

6. THE CONNECTION OF SUNLAND AVENUE AND HUNTINGTON DRIVE AND THE CONSTRUCTION OF ANY PORTION OF THESE RIGHT OF WAYS SHALL BE PROHIBITED, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- **Staff does not support the proposal to prohibit the connection of Sunland Avenue and Huntington Drive. These street connections are required by the regulations regarding street design and layout in the Subdivision Ordinance within the Phoenix City Code. This stipulation directly conflicts with these requirements and a technical appeal would be required by the Subdivision Committee. The existing stubbed streets west of the subject property were designed with the intention of providing connectivity. Provision of these street connections reflects multiple planning goals in the City of Phoenix General Plan including those of the *Connected Oasis*, predictability in the street grid, and the creation of healthy and connected neighborhoods.**

- ~~4.~~ 7. Right-of-way totaling 50 feet shall be dedicated for 41st Place, as approved by the Planning and Development Department.

- ~~5.~~ 8. Right-of-way totaling 50 feet shall be dedicated for Huntington Drive and Sunland Avenue between the existing street to 41st Place, as approved by the



Planning and Development Department.

9. A 10-foot sidewalk easement shall be dedicated on the north side of Southern Avenue.
10. A 20-foot right-of-way radius shall be dedicated at the northeast and northwest corners of 41st Place and Southern Avenue.
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. The property owner shall record a Notice to 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. The form and content of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.
13. 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.
14. THE DEVELOPER SHALL NOTIFY THE FOLLOWING INDIVIDUALS AT A MINIMUM 10 CALENDAR DAYS PRIOR TO ANY PLANNING HEARING OFFICER REQUEST TO MODIFY OR DELETE STIPULATIONS OR REZONING ACTION. THE NOTICE SHALL INCLUDE THE DATE, TIME AND LOCATION OF THE HEARING.
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- **Staff has no comments regarding the proposed additional notification.**