



## Village Planning Committee Meeting Summary

### PHO-1-21—Z-14-19-8

<b>Date of VPC Meeting</b>	July 12, 2021
<b>Planning Hearing Officer</b>	July 21, 2021
<b>Hearing Date</b>	
<b>Request</b>	<ol style="list-style-type: none"> <li>1) Modification of Stipulation 2 regarding general conformance to the site plan and elevations date stamped May 3, 2019</li> <li>2) Modification of Stipulation 2.c regarding a maximum of 249 units.</li> </ol>
<b>Location</b>	Approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road
<b>VPC Recommendation</b>	Approval with a modification
<b>VPC Vote</b>	5-3-1

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

**Sofia Mastikhina**, staff, provided an overview of the request, including its location, zoning, surrounding land uses, and proposed stipulation modifications. She then presented the stipulated site plan and elevations, and the proposed site plan and elevations. She explained that the new site plan incorporates five additional acres that were not part of the original rezoning case and are part of the previous agenda item, Rezoning Case No. Z-22-21-8.

**Benjamin Tate**, representative with Withey Morris, explained that this request is to update the site plan to account for the additional five acre parcel that has been incorporated into the development and was the subject of the previous agenda item (Z-22-21-8). The additional acreage resulted in a reconfiguration and addition of residential units, additional open space, and an overall lower density than what was approved in 2019. He then presented the proposed site plan and elevations.

#### **COMMITTEE QUESTIONS & COMMENTS**

**Carlos Ortega** asked if this case will now be denied since Z-22-21 was denied, and it was tied to the same site plan. **Mastikhina** explained that these two cases are independent of each other, so the committee is not obligated to provide the same recommendation as the previous agenda item. **Ortega** asked if there is an increase in number of units on the originally approved portion of the development. **Tate** explained that yes, the additional five acres resulted in an increase in the number of units however, with the increased open space and how the units are arranged, the overall density is now lower than what was originally approved. **Ortega** noted that the committee could have approved the request for the additional five acres (Z-22-21-8) and

limited the number of units so that the overall development still has the same number of units that was originally approved in Z-14-19-8 but with more open space from the additional acreage.

**Vice Chair Abegg** asked if the site plan is now feasible since the five acres were denied by the committee. **Tate** replied that the proposed site plan likely wouldn't work without the entitlement for the additional five acres. **Vice Chair Abegg** noted that the motion for this subject case should then be a denial.

### **PUBLIC COMMENT**

**Dan Penton** stated that this decision would be a great disservice to the community, as denying it would result in five acres of land being left vacant. This project could provide an appealing streetscape and entrance on Elliott Road. Further, a standalone five-acre parcel has limited development opportunities and will likely result in development of uses that the community does not want, such as drive-thru restaurants.

**Phil Hertel** expressed his concern with the committee's vote to deny the previous and, possibly, this case, as they can continue to move through the entitlement process. The denial will not survive the process. He also stated that he agrees with the committee's opposition to additional multifamily units in Laveen, but that this may not be the project to take a stand. He asked that the committee reconsider the previous vote with additional stipulations, as he does not believe a motion to deny will be upheld at the Planning Commission hearing.

### **COMMITTEE QUESTIONS & COMMENTS**

**Robert Branscomb** reminded the committee that they have previously discussed the implications of a denial recommendation when a case progresses through the public hearing process. He stated that his biggest concern with this case is the height, and that he'd like to include a maximum height restriction of 30 feet.

**Ortega** stated that he thinks most committee members voted to deny as they were influenced by the public comment provided at the start of the meeting regarding the community's frustration with the increasing number of multifamily units in Laveen.

**Sharifa Rowe** stated that this process has been frustrating and that her vote was not influenced by the public comment. She noted that she has been on the committee for six months and it seems that these cases move through the process regardless of what the committee and the community want. She expressed her frustration with being forced to approve a case just because a denial would get disregarded by the next hearing body. **Vice Chair Abegg** explained that other hearing bodies may not necessarily understand the context of the Laveen Village Planning Committee's recommendation and stated that she always attends the next hearings for each case to provide public comment and explain that context. She noted that the other hearing bodies are very responsive to that follow through and urged other committee members to do the same so ensure that the community's voice is heard as cases move through the process. **Chair Tonya Glass** agreed with the Vice Chair's comments and noted that great successes have come from committee and community members attending and providing the local perspective at subsequent hearings.

**Stephanie Hurd** stated that the committee needs to take a harder stance on incoming multifamily projects so that developers start bringing projects that the community

actually wants. She expressed frustration with the community's long-term vision for Laveen, such as keeping a rural aesthetic south of Baseline Road and south of Dobbins Road, having been dismissed. She pointed out that the committee's strategy for recommendations on these cases has not gotten them anywhere.

**Ortega** shared that a few years ago, the committee had almost unanimously voted yes on a project he didn't believe was right for Laveen, with his being the only dissenting vote. He had attended the subsequent meetings to express his concerns and was able to guide the hearing bodies towards a denial. This is an example of the importance of attending hearings after this one.

**Chair Glass** asked if there is a way for the committee to revisit the previous agenda item (Z-22-21-8). **Mastikhina** explained that a committee member who originally voted against the agenda item would have to make a motion to reconsider it. The motion would need a second, and a vote would not be needed to reconsider. Typically, this is done at a subsequent meeting and the agenda item is scheduled for a future meeting for reconsideration but, since all interested parties are still present, they could do so at this same meeting.

**Cinthia Estela** made a motion to reconsider Z-22-21-8. **Rowe** seconded the motion. *Agenda Item No. 5, Z-22-21-8, was reconsidered and recommended for approval with a modification and additional stipulations.*

**Hurd** asked for clarification on how the committee can reduce the proposed density. **Mastikhina** explained that the committee can vote to deny the request as filed and approve with a modification to the requested number of residential units.

**Tate** stated that the developer cannot accommodate a reduction in density as they are already staying within the approved 10 dwelling units per acre, which was critical to maximize in order to maintain financial viability of the project. **Hurd** replied that the committee hears this every time a project comes through.

**Ortega** asked for clarification regarding the discrepancy in number of units being requested in this case (264 units) and the number of units shown on the proposed site plan (299). **Tate** explained that the 299 units reflect the overall site plan, which includes the additional five acres of Rezoning Case No. Z-22-21-8. There will be 35 units on that portion of the site. The site subject to this PHO case will have a total of 264 if approved. This brings the overall total to 299 units.

## **MOTION**

**Vice Chair Linda Abegg** made a motion to approve the request as filed. **Hurd** requested to amend the motion to limit the development to 255 units. **Robert Branscomb** seconded the motion.

**Rowe** asked for clarification regarding the relationship between the additional five acres and the additional 50 units being proposed. **Vice Chair Abegg** explained that a portion of the open space area from the original approved site plan was moved to the five-acre parcel, which resulted in a new configuration of the units and more units being moved into the original rezoning case boundary, as opposed to just being added in the five-acre parcel. She also stated that this area will have more traffic in the future due to rapid

development and that she would prefer to see the additional entrance on Elliott Road to help the flow of traffic.

**Rowe** asked if this project is receiving any subsidies. **Tate** replied that this is a completely privately funded development. He also clarified that the additional five acres were always intended to be included in the original rezoning case in 2019. However, the developer and the owner of the five-acre property were not able to come to terms in time for the entitlement process, so the parcel was left out of that rezoning case. It was not until a couple of years later that the property owner was ready to reach an agreement, which is why the entitlement is being requested separately.

**VOTE:**

**5-3-1:** Motion passes with committee members Glass, Abegg, Branscomb, Estela, and Ortega in favor, committee members Knight, Rouse, and Rowe in opposition, and committee member Hurd abstaining.