



## Village Planning Committee Meeting Summary

### GPA-DV-2-24-1

<b>Date of VPC Meeting</b>	February 18, 2025
<b>Request From</b>	Commerce/Business Park
<b>Request To</b>	Residential 15+ dwelling units per acre
<b>Proposal</b>	Minor General Plan Amendment for multifamily residential
<b>Location</b>	Northwest corner of 30th Avenue and Deer Valley Drive
<b>VPC Recommendation</b>	Approval, per the staff recommendation
<b>VPC Vote</b>	8-2

#### **VPC DISCUSSION:**

*Item No. 4 (GPA-DV-2-24-1) and Item No. 5 (Z-112-24-1) are companion cases and were heard together.*

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

#### **STAFF PRESENTATION**

**Robert Kuhfuss**, staff, presented an overview of the general plan amendment and rezoning requests. Mr. Kuhfuss discussed the location of the site, the requested zoning designation, the surrounding land uses, and the proposed General Plan Land Use Map designation. Mr. Kuhfuss displayed the site plan and elevations and noted the proposed development standards including density, height, setbacks, and the location of the trail and open space. Mr. Kuhfuss concluded the presentation by providing the staff findings, the recommendation, and summarizing the proposed stipulations.

#### **APPLICANT PRESENTATION**

**Taylor Earl**, representative with Earl & Curley, PC, summarized the existing conditions of the site and surrounding area. Mr. Earl stated the subject site was originally the office for the motorcycle school previously located to the east and has remained vacant since the school closed.

Mr. Earl stated that the current zoning allows a height of 56 feet and up to 80 feet with a Use Permit. Mr. Earl stated that the setbacks include a step-back provision that is built into the zoning district. Mr. Earl summarized the zoning of the surrounding area, pointing out the commercial corridor that extends out to the freeway. Mr. Earl pointed

out the single-family development that has occurred in the area with some of that occurring in multifamily zoning.

Mr. Earl stated that a single building is being proposed and pointed out the shape of the building. Mr. Earl stated that they have worked with staff regarding building design and have made significant upgrades since the Village Planning Committee first reviewed the proposal several months ago.

Mr. Earl stated that one of the challenges with the site is the presence of the wash on the northwest corner of the site. Mr. Earl stated they were very aware of the wash and were engineering the site accordingly. Mr. Earl stated that the wash creates limitations on their ability to develop the site since the wash must be left alone. Mr. Earl stated that the wash can be mitigated with respect to the AE Flood Zone, but the wash does otherwise limit the site.

Mr. Earl stated the site had large buffers compared to other multifamily projects that come before the Committee, which is a significant reason what this project makes sense at this location. Mr. Earl noted the presence of Deer Valley Drive to the south followed by the frontage road of the neighboring subdivision. Mr. Earl further noted that the first row of houses within that subdivision face north with the back yards screened from view by the house itself.

Mr. Earl referenced the height of the proposed building at a maximum of 60 feet. Mr. Earl clarified that in order to qualify for 60-foot building height, the project must qualify for LIHTC funds. If the development does not obtain LIHTC funds, the maximum height would be limited to 48 feet, and that the language of the stipulation had been worked out with both the Housing Department and the Planning Department. Mr. Earl stated that they have every intention of doing a LIHTC project.

Mr. Earl discussed the project amenities that include a dog run next to the building, a pedestrian plaza / trailhead near the northeast corner of the site, a ramada, and a tot-lot. Mr. Earl stated that the project would also include a clubhouse, bicycle parking and repair station, laundry room, mailroom, and community room, all located within the building. Mr. Earl stated that building will provide morning shade for the amenities located along the west side of the building and that the proximity of the windows will provide visibility into the area. Mr. Earl stated the project will have covered parking and that their intent is to provide solar power as that is something that LIHTC takes into consideration. Mr. Earl referenced the 10-foot trail being located within a 30-foot trail easement, along with the requirement for 50% shade along the trail. Mr. Earl stated that the trees would be located along the south side of the trail since the area to the north of the trail must remain natural. Mr. Earl stated that other requirements were included in the PUD as opposed to them being addressed through stipulation and that these include 75% shade over the sidewalks and internal pathways, and a requirement that eleven of the parking stalls be EV Capable. Mr. Earl stated that parking is screened by the building and that they were providing 25% open space where 5% is required and

that they would be constructing a fence consisting of three feet of masonry topped with three feet of view fence between the parking lot and the trail, which will provide visibility into the trail area. Mr. Earl stated that they have agreed to provide Green Stormwater Infrastructure along with 37 bicycle parking spaces which includes those located indoors, and that the bicycle parking located outdoors would have 75% shade. Mr. Earl stated that some of the bicycle parking would be equipped with electrical outlets where E-bikes could be plugged in.

Mr. Earl identified the development team for the project. Mr. Earl stated that Roers is a real estate company with in-house development, construction, and property management experience, and that Roers is a long-term holder and was not going to sell the property off. Mr. Earl stated that Roers has both national and local experience and that they were bringing housing into an undersupplied market.

Mr. Earl referenced a drone study they had completed and showed the Committee views from the various directions as viewed at a height of 56 feet, which was the eye-level of a person standing at a fifth-floor window. Mr. Earl highlighted the fact that the houses to the south self-screen their own backyards. Mr. Earl showed the view to the west and how they tried to depict the new building that is currently under construction, reiterating the distance to the existing residential. Mr. Earl highlighted a corner view to the northwest pointing out the distance to the existing residential and the fact that the existing building to the east blocks some of the view. Mr. Earl showed views to the north and the east reiterating the distance from the site to existing residential.

Mr. Earl stated there is a massive need for housing in the area and summarized recent employment opportunities including TSMC and supporting companies. Mr. Earl stated that the area is in need of a complete ecosystem of housing and referenced the city's Housing Goals, including affordability. Mr. Earl stated that they had reached out to the area schools who indicated they have capacity in the area.

Mr. Earl stated that they conducted a traffic study and that roadways have capacity, with the site generating 71 AM peak-hour trips and 69 PM peak-hour trips, which equates to approximately 1.15 to 1.2 cars per minute during rush hour. Mr. Earl stated that the development would increase usage east of 27th Avenue from 54.3% to 56.11%, and from 40% to 42% west of 27th Avenue, based on what the arterial street can hold. Mr. Earl stated that Deer Valley Drive does not continue to the west and does not generate a lot of through trips, which keeps traffic to a minimum in the area.

Mr. Earl clarified the site is outside of the Deer Valley Airport Overlay and referenced a letter written by the Friends of Deer Valley. Mr. Earl stated that one of the ex-officio Board members of the Friends of Deer Valley is Ed Faren, who was the Director of the Deer Valley Airport and present during when they presented to the Friend of Deer Valley and that there is no concern from the Friends of Deer Valley. Mr. Earl stated that the FAA had completed an obstruction evaluation and that the structure does not exceed obstruction standards and would not be a hazard to air and navigation. Mr. Earl

stated that the FAA asked that there be a disclosure statement recorded on title and that was common practice. Mr. Earl stated the report issued by the FAA was a Determination of No Hazard to Air Navigation. Mr. Earl acknowledged that Friends of Deer Valley was present in the audience.

Mr. Earl asked, "If not here, where?", and stated that the project has strong fundamentals including a high need for housing, a high need for workforce housing, the site already allows high buildings, great buffers, school capacity, close to employment, close to I-17, and low traffic on Deer Valley Drive. Mr. Earl stated there have been many efforts on the part of state and local governments to bring affordable housing and that the proposed development brings additional affordable housing to the area.

#### QUESTIONS FROM THE COMMITTEE

**Committee Member Sandra Hoffman** asked if the wall located near the wash would be located on the other side of the trail and whether there would be access to the trail through the wall. **Mr. Earl** stated that trail access would occur near the pedestrian plaza and that no access would be provided through the wall due to its proximity to the wash. Mr. Earl stated that residents living on the site would access the trail from the plaza as well as the other end of the wall. Committee Member Hoffman asked if the wall was serving to keep water off the property. Mr. Earl stated that was the case.

**Vice Chair Lopez-Biggs** asked for clarification regarding the rental rates and used the example of a single mom with two kids qualifying them for rent rates based on three people. **Mr. Earl** clarified that that is the case.

**Committee Member Ricardo Romero** asked if the developer has experience in similar projects. **Pete Schroeder**, with the applicant, Roers Companies, stated that they had completed eight projects in Arizona.

**Vice Chair Lopez-Biggs** stated that it was his understanding that the trail would be located on private property. **Mr. Earl** confirmed that was the case and that it would be done through a 30-foot-wide public trail easement with a 10-foot-wide trail located within that easement. Vice Chair Lopez-Biggs asked who maintains the trail. Mr. Earl stated that maintenance would be the responsibility of the owner. Vice Chair Lopez-Biggs asked who would be liable in the event of an injury. Mr. Earl stated that it was his understanding that the owner would be liable but that it would depend on the language of the easement. Mr. Earl stated that he did not have a copy of the easement language, but it was his recollection that it did not do a great job of deferring liability to the city. Mr. Earl stated that when he drafts an easement between two private parties, that issue is covered thoroughly. Mr. Earl stated that he believed liability would fall on the insurance of the private property owner. Mr. Earl stated that public trail easements were common.

**Committee Member Ozzie Virgil** asked how many people were contacted regarding this proposal and about the site's proximity to the airport overlay. **Mr. Earl** stated that

the overlay is a zoning issue and that it is not based on the noise contour lines. Mr. Earl reiterated that they had received an FAA determination and were cleared on all four corners of the building. Mr. Earl further reiterated that they had presented the proposal to the Friends of Deer Valley at which time the Director of the airport was present. Committee Member Virgil asked about the outreach. Mr. Earl stated that in addition to the required mailings, they conducted two neighborhood meetings, created a website that included plans and the drone study, and information regarding TSMC. Mr. Earl stated that they had knocked on doors as well. Committee Member Virgil stated they were trying to keep residential out of the area and referenced an accident that happened to the north of the site. Committee Member Virgil stated the site is on the path of Runway 7 and asked for confirmation regarding the 60-foot building height. Mr. Earl confirmed the 60-foot height and stated they were outside of the area that was presumed to be the buffer for the airport and that the FAA is really the entity making the determination.

**Committee Member Romero** asked about the mix of units and how many bedrooms. Mr. Earl stated there would be 88 two-bedroom units, 45 three-bedroom units, and 14 four-bedroom units. Mr. Earl further stated that some developers include studios and one-bedroom units with perhaps a sprinkling of two-bedroom units, and that the proposed development would be an opportunity for more families. Committee Member Romero asked if the mix of units was driven by the LIHTC process. **Mr. Schroder** stated that LIHTC wants to target families somewhat and that it was a combination of the LIHTC process and the market.

**Committee Member DiLeo** stated that one- and two-bedroom units are what is needed the most in affordable housing and suggested the applicant consider a larger number of one- and two-bedroom units. Committee Member DiLeo asked what led up to the fifth story and stated that she was not aware of any buildings that high in the area. **Mr. Earl** stated the site was constrained by the wash which cannot be developed and in order to make the project pencil out, they need the additional units. Mr. Earl also stated they wanted to respond to the conditions of the area with respect to new employment opportunities. Mr. Earl further stated the current zoning of the site allows 60 feet and that the proposed PUD only allows additional height if it is a LIHTC project.

**Chair Freeman** asked about the number of parking spaces and where mass transit is located relative to the site. **Committee Member DiLeo** asked what the parking ratio was. **Mr. Earl** stated the parking ratio is 1.4. Mr. Earl stated they were well over the amount of parking needed based on the parking study and pointed to the I-17 corridor and the amount of mass transit along that corridor that includes the Rapid system. Mr. Earl stated that according to the parking study, affordable housing has a lower car ratio than single-family homes in an upper middle-class neighborhood and that ultimately there is a 19-space reduction. Mr. Earl stated they expected to have 205 spaces to allow some flexibility and were well above the number of spaces needed. Mr. Earl stated that on-street parking is also available along 30th Avenue, which is not close or convenient to the single-family neighborhoods. **Chair Freeman** stated that the first

condo he purchased was in the area and that parking spilled onto the street maybe once or twice a year. **Committee Member DiLeo** asked if they were getting a waiver to allow reduced parking. Mr. Earl stated that the reduced parking is part of the PUD. Committee Member DiLeo stated that her understanding of was that the parking ratio for affordable housing was 1.2. Mr. Earl stated that parking ratio was for projects adjacent to light rail. Committee Member DiLeo stated that her recollection was the ratio for affordable projects, the ratio was 1 or less than 1 and asked if there was consideration in the site plan to reduce the height to increase the parking. Committee Member DiLeo stated that she was not certain how she felt about the height of the building, and she understood that less parking is needed for affordable housing than market rate. Mr. Earl stated they were not driving down to the absolute minimum number of parking spaces that the parking study showed because they wanted to make sure that the site functions without bleeding over onto other sites. Mr. Earl stated they do not want to lose any units and believe they are at the right spot with respect to parking. Committee Member DiLeo asked if the project would not work if they held it to four stories. Mr. Earl stated that goes into an economic study regarding the price and that he was not involved with the land transaction but knows that gets worked out with the cost of construction, land price, engineering. Committee Member DiLeo asked if the project would be viable if the Committee did not agree to the height waiver. Mr. Earl stated that it potentially would not but did not know the answer. Committee Member DiLeo asked if ownership could comment. **Mr. Schroeder** stated that the fifth story added a lot of value and that it would be difficult to make the project work without those units. Mr. Earl added that many projects, even at three stories, were more intrusive than the proposed project due to the distance from the proposed building to the adjacent residences and that the subject site was a good location for the proposed height. Mr. Earl further stated that a two-story home within a single-family neighborhood would have more impact on their neighbor than the subject proposal. Committee Member DiLeo stated that the proposed height was out of character for the area. Mr. Earl stated that might be the case for now but may not be true in the future.

**Committee Member Michael Hoover** asked if the applicant had performed any studies as to the actual need for affordable housing or simply identified a piece of land for development. **Mr. Schroeder** stated that it was a little of both and that they had a third-party perform a study that involved a five-mile radius and looked at the number current housing units, growth rate, and future need. **Mr. Earl** added that the incomes for this project would be at 60% of AMI. **Committee Member Romero** stated that a \$40,000 a year salary is about \$20 per hour, which would be consistent for service level employees but sees the potential for higher paying jobs coming to the area. Mr. Earl stated that the proposed development would not solve all the affordability issues in the area but would make a big difference for those living there. **Committee Member Dileo** stated that she thought that the City of Phoenix just sent out their draft Five-Year Comp Plan specific to low income needs assessment, and that the city had done a lot of research putting that plan together.

## PUBLIC COMMENTS

**Andea Crouch** from the Friends of Deer Valley Coalition stated they were in support of the project. Ms. Crouch read into the record a letter expressing support for the project as follows: "The Friends of Deer Valley wants to express our support for the Roers Companies proposed affordability multifamily development at 3014 West Deer Valley Road. This project directly addresses the critical need for workforce housing driven by the rapid growth of employment in the area, notably with the arrival of the Taiwan Semiconductor Manufacturing Company (TSMC) and its suppliers. The proposed development's location is ideal for increasing residential density without negatively impacting the community. Its proximity to major transportation corridors, public transit, and employment hubs ensures accessibility and minimizes local traffic concerns. Additionally, the project maintains buffers from sensitive land uses and incorporates sustainable features such as drought-tolerant landscaping. With 147 affordable units, this project will provide much needed housing for families earning 60-percent or less of the Area Median Income. The requested height increase is a pragmatic adjustment that maximizes the site's potential while addressing Phoenix' significant affordable housing deficit. Given one of the key missions of Friends of Deer Valley to support positive economic development in the Deer Valley area. We urge the Village Planning Committee to approve this project and support efforts to prepare the area for its growing workforce needs."

**Mr. Jeff Zubricky** stated that he lives west of the site and stated that he is against the proposed rezone based on several concerns. Mr. Zubricky stated that his first concern is the height. Mr. Zubricky stated that the developer has shown what the view will be when someone is in the building looking out, but he is in the neighborhood looking at the building, and it will be very intrusive since there is nothing of that height in the area currently. Mr. Zubricky stated the closest things are the warehouse buildings to the east of the site. Mr. Zubricky stated that while the FAA might be ok with the proposed development, a plane went down five years ago and had the pilot not ditched onto Deer Valley Drive, the plane would have impacted the proposed building. Mr. Zubricky stated that he is a certified commercial pilot and that he knows what is needed to fly correctly. Mr. Zubricky stated that he is also a member of law enforcement and that one of his concerns is the increase in crime associated with multifamily areas. Mr. Zubricky stated that he is concerned with traffic and that while Deer Valley Drive is not a main thoroughfare, the residents of the proposed development will have to access Deer Valley Drive from 30th Avenue, which is only 26 feet wide. Mr. Zubricky further stated that the reduced width of 30th Avenue will be exacerbated with any on-street parking that may occur as a result of the site being under parked. Mr. Zubricky stated that the majority of people will be turning left onto Deer Valley Drive and that since a traffic signal is currently located on 31st Avenue and on 29th Avenue, it is not likely there will be a traffic signal on 30th Avenue as that would be three signals, one block apart from each other, which will impact morning traffic as residents head towards I-17. Mr. Zubricky stated that he is adding his voice to the four letters of opposition already received.

### APPLICANT RESPONSE

**Mr. Earl** stated that they had been in contact with the neighborhood block watch and with the Community Action Officer and are aware of some of the issues in the area. Mr. Earl stated that the project will be held by the developer in the long-term. Mr. Earl stated the site will have controlled access into the building, in addition to parking lot lighting. Mr. Earl stated the development will certainly bring increased traffic, but this type of development does not have a high level of background traffic. Mr. Earl stated that the area is changing, and they have received staff support for the project including the additional height. Mr. Earl stated the project will be a nice project with height restrictions based on getting LIHTC funding.

**Vice Chair Lopez-Biggs** asked for clarification regarding the 60-foot height and the four feet at the top that is not actually livable. **Mr. Earl** stated that the height is measured to the roof and does not include the height of the parapet. Vice Chair Lopez-Biggs stated that the current zoning allows 56 feet and up to 80 feet with a Use Permit and further stated that if the project were to not be approved, the currently zoning will still allow 56 feet and the difference of four feet is not the hill they should die on.

**Committee Member DiLeo** asked if four feet would mean the difference between four stories or five stories. Mr. Earl stated that he was unsure but that they did not want to have to lower ceiling heights as that would make an uncomfortable environment for the residents only to make up four feet that will have minimal impact overall. Mr. Earl stated that they would not build any higher than necessary as that only adds cost.

**Committee Member Paul Clark** asked if Deer Valley Airport was still a training facility.

**Committee Member Ozzie Virgil** stated that it is all pretty much training and that it currently operates with 24-hour air traffic control. Committee Member Virgil stated there has been more than one accident and that he has a little problem with the height but does have a major problem with putting people in that area. **Mr. Earl** stated that the proposed development is compatible with what is occurring in the area.

### COMMITTEE DISCUSSION

**Vice Chair Lopez-Biggs** asked staff if there was a reason why the four letters of objection were not provided to the Committee Members. **Committee Member DiLeo** stated they were in the packet.

**Committee Member James Sutphen** stated that he stopped by the site on the way to the meeting and that it took him about two minutes to turn left into the property and a minute and a half to turn left out of the property, and that he still has concerns with traffic and height.

**Committee Member DiLeo** stated that housing was critical but was torn on the height issue. Committee Member DiLeo stated that area is not ready for the heights proposed, but if the height were reduced then she would be ok. Committee Member DiLeo stated that there are no four-story projects in that area and that the area only has two-stories buildings and the only three-story projects were on Happy Valley Road. Committee

Member DiLeo stated she had concerns with the airport as the site is under the flight path of the airport.

**Chair Freeman** stated that area has not changed in fourteen years as it is complicated by the presence of the wash. Chair Freeman stated this was not a normal site and this is the first project to come along to address all of the circumstances. Chair Freeman stated this is what the city is looking for. Chair Freeman stated that while the height and airport are challenging, the project is supportable.

**Committee Member DiLeo** asked if the developer has received LIHTC funding for the project. **Mr. Schroeder** stated they were in the process of applying for next year.

**Vice Chair Lopez-Biggs** stated that the Village Planning Committee is the first step to a project getting to Planning Commission and City Council and the Committee would be doing a disservice to community by hanging its hat on the difference between 56 feet and 60 feet or the difference between four stories or five stories. Vice Chair Lopez-Biggs stated that he understands the issues with the airport and stated that we cannot plan for every circumstance and that even a four story building means that this is the first four-story building in this community and whether the first four story or first five story, we are setting a precedent and that is preferable to having 30 school teachers or low level managers being without housing. Vice Chair Lopez-Biggs stated that he does not want to see the property sit for another 15 years.

**Committee Member DiLeo** stated that since the LIHTC funding has not been awarded, there is no guarantee that the project will be affordable. **Chair Freeman** stated that the additional height is dependent upon the LIHTC award. **Mr. Earl** stated the project was in escrow and that in order for the deal to go through the zoning would need to be granted, and if the LIHTC funding was not awarded, the building would be limited to 48 feet in height.

**Committee Member Clark** asked what the span is regarding LIHTC. **Chair Freeman** stated the PUD is re-writing the rules that pertain to the property, if rezoned, and those are the rules that would remain in place in perpetuity. **Mr. Earl** stated that zoning does not expire, and the stipulations would be in place.

**Committee Member DiLeo** stated that LIHTC is limited to 15 years. Mr. Earl clarified that if approved, the zoning would remain in place and there would be a 15-year restriction on LIHTC, with the ability to re-apply for another 15 years for additional enhancements or rehab of the property or it goes back to market rate.

**Committee Member Hoover** stated that the difference in height is twelve feet. Chair Freeman stated under the proposed PUD, they are limited to 48 feet without LIHTC and up to 60 feet if LIHTC, and that if the buyer backs out, the current zoning allows 56 feet and the difference between 56 feet and 60 feet is four feet.

**MOTION:**

**Committee Member Trilese DiLeo** motioned to recommend approval of GPA-DV-2-24-1, subject to a stipulation requiring the height of the building being limited to 48 feet. **Mr. Kuhfuss** advised that General Plan Amendments do not have stipulations attached and that any such stipulation would need to be attached to the zoning case. Committee Member DiLeo withdrew her motion.

**Committee Member Trilese DiLeo** motioned to recommend approval of GPA-DV-2-24-1 per the staff recommendation. **Committee Member Braden Lopez-Biggs** seconded the motion.

**VOTE:**

**8-2**, motion to recommend approval of GPA-DV-2-24-1 per the staff recommendation passes with Committee Members Clark, DiLeo, Herber, Hoffman, Hoover, Romero, Lopez-Biggs and Freeman in favor, with Committee Members Sutphen and Virgil opposed.