



## Village Planning Committee Meeting Summary Z-27-19-8

<b>Date of VPC Meeting</b>	July 8, 2019
<b>Request</b>	A request to rezone 163.82 acres located at the southwest corner of 55th Avenue and Dobbins Road from S-1, approved RE-35 PCD (Ranch or Farm Residence, approved Single-Family Residence District, Planned Community District); S-1, approved R1-10 PCD (Ranch or Farm Residence, approved Single-Family Residence District, Planned Community District); S-1, approved R1-8 PCD (Ranch or Farm Residence, approved Single-Family Residence District, Planned Community District); and S-1, approved R-3 PCD (Ranch or Farm Residence, approved Multifamily Residence District, Planned Community District) to R1-8 (Single-Family Residence District) to allow for a single-family residential subdivision.
<b>Zoning/ Proposed Use</b>	R1-8
<b>Location</b>	Southwest corner of 55th Avenue and Dobbins Road
<b>VPC Recommendation</b>	Approval with modifications and additional stipulations
<b>VPC Vote</b>	7-0

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

*GPA-LV-2-19-8 and Z-27-19-8 were heard together.*

*Seven public comment cards were submitted for these items. Five cards were submitted in favor, with four noting they wished to speak. One card was submitted indicating no position and wishing to speak. One card was submitted indicating opposition to the item and noting they wished to speak.*

**Mr. Nick Klimek** provided an overview of the request to rezone 163.82 acres situated at the southwest corner of 55th Avenue and Dobbins Road for the development of approximately 628 dwelling units. It is being processed with a companion General Plan Amendment to change the Land Use Designation to Residential 3.5 to 5 dwelling units per acre.

The subject site is zoned S-1 (Ranch and Farm Residence) with four approved zoning districts which reflect the original layout of the Laveen Town Center PCD. The current approved zoning entitlements include: RE-35 PCD (Single-Family Residence District, Planned Community District) (15.24 acres); R1-10 PCD (Single-Family Residence District, Planned Community District) (65.03 acres); R1-8 PCD (Single-Family Residence District, Planned Community District) (67.89 acres); and R-3 PCD (Multifamily Residence District, Planned Community District) (15.66 acres). The request is to rezone the property to R1-8 (Single-Family Residence District).

Due to the proximity to the Loop 202 Freeway Corridor, the areas immediately west of the site have approved entitlements for higher intensity land uses permitted under C-2 (Intermediate Commercial) and CP-BP (Commerce Park-Business Park). The areas to the north, east, and south of the site are entitled or developed as residential with a comparable density to that proposed on the site with two notable exceptions: east of 55<sup>th</sup> Avenue and north of Olney Avenue is a rural residential area located in Maricopa County; and at the northeast corner of 59<sup>th</sup> Avenue and Elliot Road is a project approved for commercial and multifamily residential.

The conceptual site plan proposes large lots in the northern section of the site and along 55<sup>th</sup> Avenue north of Olney Avenue, smaller lots in the western portion of the site, and medium size lots comprising the remainder of the site. The site plan contains detached sidewalks, pedestrian thoroughfares, and disbursed amenity areas. The site plan also calls for enhanced buffer treatments to mitigate potential impacts on the rural residential areas east of 55<sup>th</sup> Avenue and north of Olney. The applicant also supplied elevations that were shared in the staff presentation.

The staff recommendation is to approve the request subject to the stipulations contained in the staff report.

**Mr. Andy Baron**, of AndersonBaron, provided an overview of the project, the rationale for the proposed General Plan Land Use Map Designation, and the proposed zoning district. The request for 628 dwelling units is significantly less than permitted under the current approved zoning. By working extensively with the community, the site plan evolved, and he believes the resulting site plan more effectively transitions between land use intensities than the Laveen Town Center PCD.

The conceptual site plan places the greatest intensity, 45-foot-wide lots, in the southwest section of the development where it is near the recently approved multifamily project planned to the south and the higher intensity uses anticipated along the freeway corridor.

He shared additional site plan details including local street cross sections, the proposed termination of 55<sup>th</sup> Avenue, pedestrian circulation features and trails, planned park areas, signage, wall treatments, and the eastern character fence along 55<sup>th</sup> Avenue north of Olney. He also shared the applicant would be willing to include a prohibition of two-story homes on Dobbins Road and within 200 feet of 55<sup>th</sup> Avenue north of Olney Avenue and a limitation that only two two-story homes are allowed in a row along Olney Avenue and 59<sup>th</sup> Avenue.

He stated the developer agrees with all the stipulations proposed in the staff report

except for the five-foot detached sidewalks. He stated that while they agree with the idea of shaded sidewalks, the reality of a tree planted between the street and sidewalk is problematic due to maintenance issues and sidewalk upheavals. Mr. Baron proposed keeping the stipulation but reducing the landscape area to 3.5 feet.

**Chairperson Glass** invited members of the public to provide comment.

**Mr. Mark Williams** stated that he lives in Maricopa County on 55th Avenue and that he appreciates the developer's willingness to work with the residents to understand their needs. He asked about the height of the tree plantings along 55th Avenue and expressed concern that it may obstruct the view of the mountains.

**Mr. Andy Baron** stated that they will be planting low canopy trees to preserve views; however, trees must be tall enough to meet the equestrian trail standards.

**Mr. Vance Pierce** thanked the developer for their efforts and willingness to shift the 45-foot-wide lots to the southwest of the site and stated that he supports the project.

**Mr. Sandy Hamilton** asked why 45-foot-wide lots need to be included in the project at all. He stated that the HOA would likely have greater control over the planting and maintenance of trees if located in the common area between the street and sidewalk, rather than on private property.

**Mr. Andy Baron** responded that the presence and maintenance of trees on private properties will be regulated through covenants, codes, and restrictions; he indicated this approach is often more effective.

**Mr. Dan Penton** stated that he is opposed to the project due to concerns with: density and the presence of 45-foot-wide lots; the lack of employment in the project and the area; the failure to include the rural transition guidelines from the Southwest Growth Study; and how quickly the planning process is moving on this site.

He recommended: that rural lots face 55th Avenue; that a sound wall be built on 59th Avenue; that each segment of the project be submitted and reviewed independently; that scenic easements be recorded to preserve the views of the mountains; and that a mixed use agricultural overlay be placed on the property.

**Mr. Phil Hertel** expressed concerns and provided recommendations including the following: increase the lot sizes; change to a 3.5 foot detached sidewalk as requested by the applicant; approve R1-10 zoning rather than R1-8; require overhangs on all non-Spanish style front elevations of at least 18 inches; require a minimum lot width of 50 feet; and ensure that stipulations not be reversed by subsequent owners, if it occurs.

**Chairperson Glass** asked Mr. Mark Williams, as a county resident, how he feels about the idea of rural lots facing onto 55th Avenue from the west.

**Mr. Mark Williams** stated that he believes the buffer treatment proposed on 55th Avenue by the developer is a good approach and that he supports the project as proposed.

**Mr. Carlos Ortega** asked the developer to remove all 45-foot-wide lots or to distribute them throughout the development. He agreed that 5-foot detached sidewalks are

problematic and expressed a preference for a 3.5-foot detachment.

**Mr. Andy Baron** stated that the placement of the 45-foot-wide lots on the interior of the site and near the planned multifamily and higher intensity development along the freeway corridor is appropriate and respects the character of Laveen. He also noted the area will change when the freeway opens, and the density will be especially appropriate at that time.

**Ms. Mari Flynn**, of Ashton Woods, stated that the 45-foot-wide lots are their Starlight product and their intent is to create a multigenerational community. The Starlight homes would be their most accessible model and provide an affordable option for young families. As residents age, the neighborhood strives to provide a sense of community for residents at various stages of life and financial stability.

**Mr. Randy Schiller** stated that his primary concern is the strip of 45-foot-wide lots adjacent to a strip of 50-foot-wide lots south of the 57th Avenue alignment. He agreed that 5-foot detached sidewalks are problematic.

**Ms. Jennifer Rouse** stated that she does not like the 45-foot-wide lots. She also expressed concern about safety along the pedestrian thoroughfares and asked if lighting will be provided.

**Mr. Andy Baron** stated that lighting will be provided at all entry points to the pedestrian thoroughfares and amenity nodes; however, they will need to evaluate whether to light the interior paths to reduce the impact of lighting on individual property owners.

**Ms. Wendy Ensminger** stated the preference of the Village Planning Committee is to have lots greater than 50-foot-wide south of Baseline.

**Ms. Mari Flynn**, offered to change the proposed 45-foot-wide lots south of the 57th Avenue alignment and adjacent to the proposed 50-foot-wide lots so all lots in those rows are 50 feet in width.

**Mr. Scott Ward** stated that he is purchasing land located along the Loop 202 Freeway between Dobbins Road and Elliot Road and plans a development that may include auto dealerships and medical facilities up to four-stories in height. He stated that he strongly supports the project and is supportive of the 45-foot-wide lots because Laveen, and Phoenix as a whole, needs affordable housing.

### **MOTION FOR Z-27-19-8**

**Chair Tonya Glass** moved to recommend approval of the rezoning request per staff recommendation, with modifications and additional stipulations addressing:

- A minimum of 18% open space;
- No lots south of Olney be less than 50-feet in width;
- All front building elevations to include an 18-inch overhang except for Spanish style models;
- Spanish style models be limited to 25% of the total number of units constructed;
- Residential lots adjacent to Dobbins Road be restricted to one story;
- Residential lots adjacent 59<sup>th</sup> Avenue and 55<sup>th</sup> Avenue (south of Olney) be limited to 50% two-story homes and that no more than 2 two story homes be constructed in a row;
- All corner lots be single story;
- All driveways measure 22 feet between the back of sidewalk and the front of the garage;
- Sidewalks be detached from the curb by 3.5 feet of landscaped area; and
- All requests to modify stipulations shall be presented to the VPC prior to PHO review.

**Mr. Carlos Ortega** seconded the motion.

### **Vote**

**7-0**, Motion to approve, with Committee Members Glass, Ensminger, Harlin, Flunoy, Ortega, Rouse and Schiller in favor.

### **VPC RECOMMENDATION & STIPULATIONS:**

1. The development shall not exceed 628 dwelling units.
2. North of Olney Avenue, the development shall be limited as follows and as approved by the Planning and Development Department:
  - a. Within 200 feet of the east property line, building height shall be limited to one story and 20 feet.
  - b. Within 200 feet of the east property line, the minimum perimeter building setback shall be 70 feet.
3. There shall be no lots less than 55 feet wide north of Olney Avenue AND NO LOTS LESS THAN 50 FEET WIDE SOUTH OF OLNEY.
4. There shall be neighborhood entry features provided at the southeast and southwest corner of 57th Avenue and Dobbins Road and the southeast corner of 59th Avenue and Olney Avenue. Features shall include a minimum of 250 square feet of enhanced landscaping, planted and maintained with a variety of at least three plant materials including a series of annuals that will each

maintain a constant bloom throughout the year.

5. A minimum of ~~45~~ 18 percent of the gross project shall be retained as open space, exclusive of landscape setbacks, as approved by the Planning and Development Department.
6. There shall be a minimum of 5 evenly dispersed amenity areas situated in the common open space areas with the programming of amenity features being in general conformance with the Estrella Crossing Parks Master Plan date stamped May 10, 2019, as approved by the Planning and Development Department.
7. The developer shall provide a system of linear open spaces through the interior of the site of no less than 30 feet in width. The linear open spaces shall contain pedestrian thoroughfares of no less than 5 feet in width constructed of a concrete surface. The following shall be provided at a minimum and be aligned to connect amenity areas, provide pedestrian access to off-site amenities such as bus stops, schools, commercial, and recreational nodes, as approved by the Planning and Development Department:
  - a. A north-south connection aligned at the south with the pedestrian access in the Legacy at Hudson Development (Z-49-17) and extending to Dobbins Road on the north.
  - b. A north-south connection through the portion of the site located south of Olney Avenue, west of the 57th Avenue Alignment, and east of 59th Avenue.
  - c. An east-west connection from 59th Avenue to 55th Avenue south of Olney Avenue.
8. Pedestrian thoroughfares shall reflect a common landscaping theme and include a minimum of 2-inch caliper shade trees placed 30 feet on center, exclusive of driveway/roadway crossings, or in equivalent groupings on both sides of the pedestrian thoroughfares, as approved by the Planning and Development Department.
9. All sidewalks along 55th Avenue, 57th Avenue, 59th Avenue, and Olney Avenue shall be detached, landscaped, and developed in conformance with the approved cross sections from the Street Classification Map, and as approved by the Planning and Development Department.
10. All other sidewalks shall be detached with a minimum ~~5-foot-wide~~ 3.5-FOOT-WIDE landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along ~~both sides of~~ THE RESIDENTIAL SIDE OF THE SIDEWALK, as approved by the Planning and Development Department.

11. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the south side of Olney Avenue. The developer shall construct a 10-foot-wide multi-use trail (MUT) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
12. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 55th Avenue. The developer shall construct a 10-foot-wide multi-use trail (MUT) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
13. The developer shall dedicate a 20-foot-wide shared-use pathway easement (SUPE) along the east side of 59th Avenue. The developer shall construct a 10-foot-wide shared-use pathway (SUP) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement.
14. A minimum landscape setback of 30 feet shall be provided along 55th Avenue north of Olney Avenue and a minimum landscape setback of 30 feet shall be provided south of Olney Avenue, as approved by the Planning and Development Department.
15. A minimum 40-foot landscape setback shall be provided along 59th Avenue, as approved by the Planning and Development Department, as approved by the Planning and Development Department.
16. All required landscape setbacks along the perimeter of the site shall include a minimum 2-inch caliper trees or multi-trunk trees, placed 20 feet on center, or in equivalent groupings, and positioned to shade multi-use trails (MUT) and shared use pathways (SUP) where present, as approved by the Planning and Development Department.
17. The perimeter walls adjacent to 55th Avenue south of Olney Avenue, 57th Avenue, 59th Avenue, Dobbins Road, and Olney Avenue shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
18. The perimeter wall adjacent to 55th Avenue north of Olney Avenue shall be in general conformance with the 55th Avenue Wall Condition Exhibit date stamped June 19, 2019, as approved by the Planning and Development Department.
19. Interior walls and privacy fencing, excluding walls located between lots, shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department.

20. The development shall be in general conformance with the elevations date stamped June 24, 2019, with the following exceptions and as approved by the Planning and Development Department:
  - a) all front building elevations shall contain a minimum of 10 percent non-stucco material.
  - b) 18-INCH OVERHANGS SHALL BE PROVIDED ON THE ELEVATIONS OF ALL HOMES.
  - c) the Spanish style elevations contained in the above referenced elevations may be all stucco AND ARE NOT REQUIRED TO PROVIDE OVERHANGS.
  - d) THE TOTAL NUMBER OF SPANISH STYLE MODELS SHALL BE LIMITED TO 25 PERCENT OF ALL UNITS.
21. 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.
22. The developer shall dedicate right-of-way totaling 55 feet for the south half of Dobbins Road, as approved by the Planning and Development Department.
23. The developer shall dedicate right-of-way totaling 60 feet for Olney Avenue, as approved by the Planning and Development Department.
24. The developer shall dedicate right-of-way totaling 50 feet for all local streets within the development, as approved by the Planning and Development Department.
25. The developer shall dedicate a 25-foot by 25-foot right-of-way triangle at the southwest corner of 55th Avenue and Dobbins Road, as approved by the Planning and Development Department.
26. The developer shall dedicate a 25-foot by 25-foot right-of-way triangle at the southeast corner of 55th Avenue and Olney Avenue, as approved by the Planning and Development Department.
27. The developer shall dedicate right-of-way totaling 55 feet for the east half of 59th Avenue, as approved by the Planning and Development Department.
28. The developer shall dedicate right-of-way and construct a sufficient termination of 55th Avenue, as determined and approved by both the Street Transportation Department and the Maricopa County Department of Transportation (MCDOT).

29. The applicant shall submit a Traffic Impact Study to the City for this development for review and approval by the Street Transportation Department. Additional right-of-way and street improvements may be required following TIS review. Phasing of off-site improvements must be consistent with the TIS recommendations and requires approval of the Street Transportation Department.
30. Open irrigation facilities shall be piped outside of right-of-way. Contact SRP for existing land rights and the appropriate process for relocating facilities. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
31. The developer shall provide conduit and junction boxes at 59th Avenue and Olney Avenue for future traffic signal equipment on the southeast corner of the intersection. All work related to the construction or reconstruction of the conduit runs and junction box installation shall be the responsibility of the Developer.
32. For all improvements, dedications and access control within Maricopa County jurisdiction, formal MCDOT approval of the construction plans is required prior to Final Plat approval and/or scheduling for City Council.
33. The developer shall construct the ultimate cross section of Olney Avenue from 59th Avenue to 55th Avenue, as approved by the Planning and Development Department.
34. The developer shall construct the ultimate cross section of 57th Avenue from Olney Avenue to the northern property line of the future park site owned by the City of Phoenix. At the northern point of said property line, the developer shall install pavement tapers within the right of way. All plans and improvements shall be approved by the Planning and Development Department.
35. The developer shall provide proportionate funds (25 percent) in escrow for the construction of a new traffic signal, at 55th Avenue and Elliot Road with escrow funds deposited at the time of Final Plat approval for the first phase of the development.
36. The developer shall dedicate right-of-way and construct bus stop pads compliant with the City of Phoenix Standard Detail P1262 if connected to detached sidewalks and/or compliant with the City of Phoenix Standard Detail P1260 at the following locations with final locations to be determined by the Public Transit Department:
  - Eastbound Dobbins Road, east of the 56th Glen alignment
  - Northbound 59th Avenue, north of the Sunrise Drive alignment.

37. 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.
38. THE DEVELOPMENT SHALL BE SUBJECT TO THE FOLLOWING HEIGHT RESTRICTIONS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:
- a. ALL LOTS ALONG THE NORTHERN PERIMETER OF THE SUBDIVISION, ADJACENT TO DOBBINS ROAD, SHALL BE LIMITED TO A MAXIMUM HEIGHT OF ONE-STORY AND 20-FEET.
  - b. ALL LOTS ALONG THE WESTERN PORTION OF THE SUBDIVISION, ADJACENT TO 59TH AVENUE, SHALL BE A MAXIMUM 50% TWO STORY HOMES AND THERE SHALL BE NO MORE THAN 2 TWO-STORY RESIDENCES IN A ROW.
  - c. ALL LOTS ALONG THE EASTERN PORTION OF THE SUBDIVISION, ADJACENT TO 55TH AVENUE AND SOUTH OF OLNEY AVENUE, SHALL BE A MAXIMUM 50% TWO STORY HOMES AND THERE SHALL BE NO MORE THAN 2 TWO-STORY RESIDENCES IN A ROW.
  - d. ALL CORNER LOTS SHALL BE LIMITED TO A MAXIMUM HEIGHT OF ONE STORY AND 20 FEET.
39. ANY REQUESTS TO CHANGE, DELETE, OR MODIFY STIPULATIONS SHALL BE PRESENTED TO THE LAVERN VILLAGE PLANNING COMMITTEE PRIOR TO REVIEW BY THE PLANNING HEARING OFFICER.
41. THE DEVELOPER SHALL PROVIDE A MINIMUM 22-FOOT DRIVEWAY FOR EACH HOME IN THE DEVELOPMENT.

**Staff Comments:**

Staff has no concern with the additional stipulations.