



Village Planning Committee Meeting Summary

PHO-1-22--Z-147-06-1

Date of VPC Meeting	May 15, 2022
Date of the PHO Hearing	June 15, 2022
Request	<p>Request to modify stipulation numbers 1, 2, 3, and 4 regarding general conformance to the site plan and elevations, the landscape setback along 49th Drive, overall landscaping requirements, and wall height.</p> <p>Request to delete stipulation numbers 5, 6, 7, 8, and 9 regarding a drive-through on the western end of the site, a drive-through for a retail coffee facility, drive-through features, the westernmost driveway, and pedestrian access to 49th Drive.</p>
Location	Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road.
VPC Recommendation	Approve as presented
VPC Vote	11-3

VPC DISCUSSION:

At this time, Argiro and Perez arrived bringing the quorum to 14 members (11 being required for a quorum).

STAFF BACKGROUND PRESENTATION

Klimek provided a background presentation including the site context, the original plan, the current plan, and the applicant's proposal to modify the stipulations. The 2006 plan was for commercial development and the current plan for 32 single-family attached residences which necessitates changes to the original stipulations including: general conformance to the 2006 site plan and elevations, and several stipulations specific to certain commercial uses that are no longer proposed. Additionally, the applicant is requesting changes to the landscape setbacks, landscape standards, wall heights, and to allow pedestrian access from 49th Drive.

APPLICANT PRESENTATION

Mike March, Roberto Buenaver, and Michael Zerbib introduced themselves as the applicants, thanked Klimek for the presentation, and provided a short overview of their proposal.

QUESTIONS FROM COMMITTEE

Veidmark asked Klimek if there is neighborhood opposition and asked the applicant regarding the neighborhood response to their required neighborhood outreach. **Klimek** responded that he has not received any correspondence and is not aware of any opposition. **Buenaiver** responded that no neighborhood meeting was required by the process but indicated that the required notification letters were sent and that there has been no neighborhood opposition.

Perez asked the applicants if they would be willing to consider more neighborhood outreach because the notification letters are not sufficient to inform and engage diverse communities. She asked if the notification letters were in both English and Spanish. She added that the new site plan depicts access from the neighborhood street, expressed concern over the impact on the neighborhood including the potential for overflow onto neighborhood streets, and asked if a traffic study had been completed. **Buenaiver** responded that they have complied with all process requirements, that the letters were in English only but that they are willing to send letters in Spanish also, that no traffic study has been completed at this time, and that the site is slightly overparked. He added that there is a subsequent site planning process where additional refinements will be made. He indicated that they are on a timeline to secure entitlements for the property as a condition of the sale so they would prefer not to delay.

Vice Chair Jaramillo asked if the canal trail will remain open and if they have concerns regarding encampments on the canal-side of the wall. **Buenaiver** and **March** responded that the wall height is six feet, is proposed to be block, and that they do not anticipate issues.

Chair Krentz noted that the original site plan had ingress/egress to Cactus Avenue, but the new plan has access to the neighborhood street. He asked for detail on the difference between C-1 Landscape Standards and R-3 Landscape Standards and the rationale to decrease the wall height from eight to six feet. **March** responded that C-1 standards focus on the depth of the setback whereas R-3 standards focus on planting standards. He added that the six foot wall along the canal is a similar treatment to the adjacent residential neighborhoods and is the standard wall height for residential development.

Steinmetz noted that there is a new department called the Office of Heat Response and Mitigation and he encouraged the applicants to engage them.

Perez asked if the committee needs to provide a recommendation. **Klimek** responded the committee may make a recommendation but is not obligated to do so. He added that if the committee were to request the applicant to return to the next meeting for recommendation that it would add another 60 days to the applicant's process due to the scheduling. **March** expressed concern regarding the scope of the discussion and indicated that the focus should be on the substance of the proposed stipulation modifications and not the design of the development. **Zirbib** added that the applicant team is happy to send letters in Spanish. **Klimek** noted that the role of the VPC in evaluating these PHO requests is to determine the appropriateness of the changes and may recommend changes directly related to the modifications.

Argiro asked what happens if the committee chooses to deny the request or to not make a recommendation. **Klimek** responded that the committee's role is to make a recommendation to the Planning Hearing Officer. With or without a recommendation, the applicant may elect to move forward to the Planning Hearing Officer who will take the recommendation under advisement. If the request were denied by the Planning Hearing Officer, the 2006 stipulations would remain in place.

Veidmark expressed concern that the process does not require neighborhood outreach to be in both English and Spanish. She asked Klimek to pass along the committee's desire for a bilingual outreach requirement. She asked that the applicants send out a Spanish language letter as soon as possible to give residents advance notice of the request.

Alauria expressed concern with the notification process, radius, and languages in general, citing her experience with the Paradise Valley Mall redevelopment which was a major change.

PUBLIC COMMENTS

None.

APPLICANT RESPONSE

None

FLOOR/PUBLIC COMMENT CLOSED: MOTION, DISCUSSION, AND VOTE

MOTION:

Perez motioned to approve the request as presented. **Fogelson** seconded the motion.

DISCUSSION:

Argiro expressed concern with traffic on the neighborhood streets.

Perez asked whether the committee would hear the request again prior to development. **Klimek** responded that the applicant currently has appropriate entitlements to build multifamily, only needs to modify stipulations to allow their plan, and that, if approved, the plan will not return to the committee. Perez expressed concern with traffic and the lack of oversight.

Veidmark stated that she believes the Planning Hearing Officer and the Planning and Development Department are diligent and will be thorough in their analysis.

VOTE: 11-3, motion passes with Alauria, Barraza, Fogelson, Ford, McBride, O'Connor, O'Hara, Veidmark, Whitney, Vice Chair Jaramillo, and Chair Krentz in favor; Argiro, Perez, and Steinmetz in dissent; and none in abstention.