



## Village Planning Committee Meeting Summary

### Z-29-22-4

<b>Date of VPC Meeting</b>	August 1, 2022
<b>Request From</b>	P-2 H-R TOD-1 and C-2 H-R TOD-1
<b>Request To</b>	WU T5:6 MT
<b>Proposed Use</b>	Multifamily Residential
<b>Location</b>	Northwest corner of 4th Avenue and Osborn Road
<b>VPC Recommendation</b>	Approval, per staff recommendation with an additional stipulation
<b>VPC Vote</b>	8-2

#### **VPC DISCUSSION:**

*No virtual speaker cards were received on this item.*

#### **STAFF PRESENTATION**

**Mr. Klimek**, staff, provided an overview of the site including its physical and policy contexts, the applicant's proposal, and the staff recommendation. The subject site is at the northwest corner of 4th Avenue and Osborn Road. Due to the length of the site, the WU Code requires the applicant provide both publicly accessible open space and a public pedestrian accessway through the site. There is no single-family residential near the subject site which is surrounded by R-4 and R-5 zoning districts. The subject site is located just outside of the Encanto Village Core, within a short walk to the nearest light rail station, and within the Midtown TOD Policy Plan area.

The applicant's proposal is for 387 multifamily residential units at a maximum height of 74 feet with a parking structure wrapped by units. The proposal complies with the requirements of the WU Code including the five percent publicly accessible open space and a pedestrian accessway to bisect the site. The pedestrian accessway alignment is intended to break up the subject site, to provide a through connection to the grocery store, and to provide a connectivity framework to 3rd Avenue for when the northeast corner of 4th Avenue and Osborn Road redevelops. Additionally, the applicant has prepared a retrofit plan in collaboration with the Street Transportation Department to add tree shade within the cartway of 4th Avenue and, like the pedestrian accessway, staff envisions that a similar improvement would be completed when the northeast corner of 4th Avenue and Osborn Road redevelops.

Staff is recommending approval subject to 12 stipulations. Of special note, Stipulation No. 1 requires an expanded building setback along the west property-line to promote compatibility with the adjacent historic or mid-century sites and Stipulation No. 4 requires the applicant construct the 4th Avenue TOD Retrofit improvements.

## APPLICANT PRESENTATION

**Mr. Nick Wood**, of Snell and Wilmer, introduced himself as representing the applicant, Subtext. He presented on the site, the proposal, and offered to answer questions from the committee. Subtext is a national lifestyle developer with approximately 5,800 units built and approximately 8,000 additional units in the queue. The site has been vacant and blighted for many years with missing sidewalks or sidewalks that are obstructed by utility poles.

The proposal includes: ground level units with stoops to activate the public street environment, shaded and detached sidewalks; landscape islands that will be constructed between the curbs to delineate parking areas and to slow traffic on 4th Avenue; publicly accessible open spaces including a dog park and lounge areas; a public paseo that will provide a shaded and direct pedestrian connection between 4th Avenue, 5th Avenue, the nearby grocery store; onsite rideshare pick-up and drop-offs; and with all back-of-house operations being accessed from the alley which will also be reconstructed. Vehicular parking is proposed in a wrapped parking structure that will include 591 parking spaces which exceeds the 514 spaces that would be required after the 10 percent by-right reduction is applied due to its proximity to light rail. While he acknowledged that structured vehicle parking is expensive and that normally a reduced parking supply would be desirable, he posited that the wrapped structure and the narrow geometry of the site create a unique situation where providing less parking would not provide additional benefit to the developer nor the community in terms of more units, more amenities, or better operational efficiencies.

The architecture includes: an enhanced corner at the northwest corner of 4th Avenue and Osborn Road to create a sense of arrival; two compatible “mid-century” design aesthetics with both paying tribute to the area; and a west-facing mural that will create a focal point, will harken neighborhood residents into the paseo, and will draw attention and appreciation for the Al Beadle designed “5th Avenue Medical Building.” He added that the project will include recycling and 50-100 kW of rooftop solar.

He stated that the neighborhood outreach process exceeded the minimum requirements established by the City of Phoenix, no opposition was encountered or formalized in a letter to staff, and that multiple supporters were identified and that an adjacent multifamily owner formalized a letter of support to staff. He concluded by stating that the applicant is in full agreement with all the staff stipulations.

## QUESTIONS FROM COMMITTEE

**Committee Member Mahrle** expressed concern over potential traffic impacts caused by the number of units proposed at an un-signalized intersection and stated that traffic congestion will occur when residents try to turn left (east) onto Osborn Road. **Mr. Wood** responded that there will not be warrant for an additional signal and that residents may need to be patient, use Clarendon and Third Avenue, or use an alternative mode of transportation.

**Vice Chair Rodriguez** stated that the paseo on the site is a positive and that alternative modes in this area are viable such as walking, bicycling, and using light rail. She then asked if bicycle parking is provided on the site. **Mr. Wood** responded that 60 bicycle parking spaces and a repair station are included on the site.

**Vice Chair Rodriguez** then asked about price-points for each unit type. **Mr. Wood** responded that units will range from approximately \$1,600/month for a studio and to \$2,500/month for a 3 bedroom.

**Vice Chair Rodriguez** asked if the alley needs to be paved or if that is an unnecessary and costly burden that will drive-up rents. **Mr. Wood** responded that the alley is in bad shape, that all back-of-house operations for the development will occur from the alley, and that the site will also utilize the alley for pedestrian circulation, so the developer is supportive of the investment. He added that the alley improvement will be full depth improvement rather than resurfacing so that it will serve the area for years to come.

**Committee Member Schiller** asked the applicant to confirm the height of the proposal in number of stories, if the parking structure will be secured, and what is to the immediate north of the subject site. **Mr. Wood** responded that the total height is six stories from grade and that the parking structure will be secured. **Mr. Klimek** responded that there is a two-story office building to the north of the subject site.

**Committee Member Cothron** stated that she previously lived in “The Phoenix” which is located along 5th Avenue, and she attested to the mid-century character of the multifamily neighborhood and thanked the applicant for respecting the area. She stated that she asked a family relation in West Lafayette, Indiana, to visit the local Mill Creek project and they responded favorably to its quality. She thanked the applicant for incorporating recycling and solar into the project. She asked: if the solar benefits will be passed onto residents; if materials will be high-rated for sustainability and durability; if the project will pursue LEED Certification with specific regard to windows; and if a local artist will be used for the murals. **Mr. Ryan Boyd**, of Subtext, and **Mr. Wood** responded that: solar benefits will be passed onto tenants; that building materials including windows will be high rated for sustainability metrics; that the project will not pursue LEED Certification; and that a local artist for the mural is a great idea and that they will welcome recommendations for local artists.

**Committee Member Procaccini** asked if the paseo will be private or publicly accessible. **Mr. Wood** responded that it will be public.

**Vice Chair Rodriguez** asked for more detail on the parking structure and why less parking would not benefit the project. **Mr. Aron Thomas**, of EPS, indicated that less parking could potentially allow for the addition of units oriented to the north and/or to the alley but that those would be less desirable. The narrowness of the site means that much of the parking structure is consumed by drive-aisles. If the parking supply were decreased, the upper units would no longer back onto a parking structure and would have less convenient access to the structure and greater exposure to the elements that would lead to less energy efficiency. **Chair Kleinman** asked if less parking would allow for added depth to the retail bays. **Mr. Thomas** responded that extra deep retail bays are not very functional and therefore are less desirable. Additionally, there are no retail bays proposed in this project.

#### PUBLIC COMMENTS

None.

#### APPLICANT RESPONSE

None.

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

##### MOTION

**Committee Member Mahrle** made a motion to approve the request per the staff recommendation. **Committee Member Matthews** provided a second to the motion.

##### DISCUSSION

**Cothron** suggested a friendly amendment to stipulate a minimum size photovoltaic array. **Committee Member Mahrle** and **Committee Member Matthews** agreed to support the friendly amendment if language could be crafted. **Committee Member Cothron** asked the applicant if they are agreeable to the proposed stipulation. **Mr. Boyd** responded that they would agree to 50 – 100 kW of solar panels. **Mr. Wood** suggested the following language, “the developer shall incorporate solar panels with a kW range of not less than 100 kW.” **Committee Member Cothron** stated that the language was agreeable to her.

##### REVISED MOTION

**Committee Member Mahrle** made a motion to approve the request per the staff recommendation with the following additional stipulation: “the developer shall incorporate solar panels with a kW range of not less than 100 kW”. The motion was seconded by **Committee Member Matthews**.

##### DISCUSSION

None.

##### VOTE

**8-2-0;** motion passed with Committee Members Bryck, Cothron, Jewett, Mahrle, Matthews, Procaccini, Schiller, and Chair Kleinman in support, George and Vice Chair Rodriguez in dissent, and none in abstention.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

No staff comments.

1. There shall be a minimum landscape area of 10 feet in width measured from the west property line (adjacent to alleyway) and beginning 215 feet north of the north right-of-way line of Osborn Road and extending to the northern edge of the subject site. The area shall be planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, except where utility conflicts and conflicts with building egress such as ramps exist. The conditions of this stipulation shall be approved by the Planning and Development Department.
2. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
  - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
  - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
  - c. One bicycle repair station shall be provided and maintained by the developer in areas of high visibility and near secure bicycle parking areas.
3. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Osborn Road, as approved by the Planning and Development Department.
4. The developer shall construct the west side of 4th Avenue for the length of the project, in general conformance with the 4th Avenue TOD Retrofit exhibit date stamped June 21, 2022, as approved or modified by the Street Transportation Department. The developer shall dedicate necessary sidewalk easement to accommodate the on-street parking and detached sidewalk design. The development project shall be responsible for all landscape and irrigation maintenance located in the right-of-way and sidewalk easement area.
5. The developer shall pave the 20-foot-wide alley per the City of Phoenix “local street” standards, as approved by the Planning and Development Department.

6. The developer shall underground all existing electrical utilities within the public right-of-way that are impacted or require relocations as part of the project. Coordinate with the affected utility company for their review and approval prior to Final Site Plan approval.
7. 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.
8. 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.
9. Developer to record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval.
10. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the FAA and a "NO Hazard Determination" obtained prior to the construction start date.
11. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
12. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
13. THE DEVELOPER SHALL INCORPORATE SOLAR PANELS WITH A KW RANGE OF NOT LESS THAN 100 KW.