



Village Planning Committee Meeting Summary Z-44-19-8

Date of VPC Meeting	October 15, 2019
Request From	C-1 and R-3 SP
Request To	R-3
Proposed Use	Single-family attached townhomes
Location	Northwest corner of South Mountain Avenue and Central Avenue
VPC Recommendation	Approval per staff recommendation with a modification and an additional stipulation
VPC Vote	9-5-0 Motion passes; with members, Brownell, Castello, Daniels, Glueck, Kotake, Shepard, Trites, and Busching in favor; members Aguilar, Coleman, Larios, Tunning, and Brooks dissenting.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

One speaker card was received from the public, not indicating a position, but wishing to speak

Ms. Daniels and Mr. Larios arrived bringing the quorum to 14 members.

Mr. Nick Klimek provided an overview of the request. The request is to construct 58 residential townhomes on 5.58 acres of land at the northwest corner of Central Avenue and South Mountain Avenue. The project proposes residential lot sales including three housing product types ranging in the size and vehicle parking configuration. The request is consistent with the Commercial designation on the General Plan Land Use Map and efforts have been taken in the design of the development regarding shade, walkability, and transit-oriented-development. He then provided an overview of proposed stipulations including porches and patios oriented to the street and canal frontage, a maximum height of 40 inches for solid block walls adjacent to the street or canal, and the provision of pedestrian gates.

Committee questions regarding stormwater management, why an attached sidewalk is proposed on South Mountain Avenue and if alternatives have been explored, and whether the applicant has been provided recommended readings regarding food, health, and social equity issues.

Mr. Klimek responded: the project has been submitted for development review which will ensure adequate stormwater management; that utility conflicts were a contributing factor in the attached sidewalk and that research has not been completed regarding reduced sidewalk detachments; and the applicant had been briefed on priority issues and provided the documents referenced at the September meeting.

Mr. Thomas Galvin and Mr. Nick Labadie, of Rose Law Group and representing the applicant, introduced themselves and thanked the committee for their time. They highlighted several elements of the request including how the site is not viable for commercial today and the proposal includes significantly fewer units than permitted by the zoning district, enhanced perimeter treatments including the pedestrian gates, view fencing, monument signage, and a significantly higher amount of open space than that required by code.

Committee questions regarding: stormwater management and whether a drainage study had been completed; the proposed price-points for housing units and whether these are intended to be financially accessible for residents; why the sidewalk along South Mountain will not be detached; and whether the project is gated and if the streets will be private. The committee also asked about the attached sidewalk proposed on South Mountain Avenue and if alternatives have been explored, and whether the applicant has been provided recommended readings regarding food, health, and social equity issues.

Mr. Labadie responded: the development review will ensure adequate stormwater retention design and capacity; that utility conflicts generally limit the ability to detach sidewalks along South Mountain Avenue; that unit costs have not been determined, and that the development is gated to be desirable to prospective buyers.

Committee questions regarding the rationale for a walled complex, if the pool is the reason for the perimeter walls, and whether studies exist to support that walled complexes are more desirable.

Mr. Labadie responded that anecdotally many homebuyers are interested in a walled complex due to the perception of greater safety and security. The pool will be fenced or walled within the complex.

Committee questions regarding the estimated price-point and the target market for the townhomes. Will the units be accessible for residents or is the intent to bring buyers from outside of the area? Several noted that if sale prices are beyond the reach of local buyers, the project will produce gentrification; further, as a walled complex, the development would provide no benefit to the area. The committee asked again regarding estimated unit costs.

Mr. Labadie responded that the units are intended to be financially accessible to residents and that, by offering a variety of unit types within the development, residents will be able move-up within the complex. Unfortunately, projected unit costs are not available.

Mr. Mike Hare, representing the developer, introduced himself and explained it can take 12 – 14 months before it is possible to break ground and, due to this delay, it is difficult to project material and labor costs that far into the future. The target market for the townhomes are entry-level products, first move-ups, and some empty-nesters.

Mr. Galvin raised that three product types are on relatively small lots to keep unit costs down for homebuyers. The largest residential lot is 25 feet wide and the smallest is 19 feet wide.

Mr. Brownell stated that workforce housing is important for South Phoenix. The cost of the units will determine whether the product will gentrify by targeting people from outside the community or if it will benefit residents with quality and affordable housing; he noted responses on this topic have not been adequate.

Committee questions regarding: a desire for more interesting elevations; how the project will address social equity issues, mass incarceration, and elevated minority mother and infant death statistics among minorities in South Phoenix; whether recycling will be provided; and how the project sought to engage the community.

Mr. Labadie responded that design is subjective and that the modern lines of the elevations and the integration of multiple materials is considered attractive by many. Enhanced architecture is expensive, and this cost is passed along to buyers. Recycling containers will be provided throughout the development.

Regarding the question of social and health impacts, staff provided several resources and he believes the project broadly supports health through enhancements to the built environment, landscaping, pedestrian shading, and walkable design elements such as the pedestrian gates. Further, the development also provides a product that will fill a housing demand in South Phoenix that allows residents to grow in place.

Regarding public engagement, the required notifications were sent, and a neighborhood meeting was held but was poorly attended. Several one-on-one meetings were held.

Dr. Brooks invited members of the public to provide comments.

Mr. Gregory Scott, introduced himself as a representative of Masjid Jauharatul (the property immediately west of the subject property). He introduced the Imam, Mr. Malik Abdullah.

Mr. Abdullah asked for clarification regarding the height and appearance of the west perimeter wall, whether the project would eliminate a driveway between South Mountain Avenue and the canal, and whether they have been in touch with anyone at the Masjid Jauharatul.

Mr. Labadie responded that the west perimeter wall is proposed as a standard six-foot block wall at their property line, that the development will not encroach onto the neighboring property nor inhibit the use of the existing driveway. Their point of contact had been someone named Jade.

Mr. Abdullah stated that he does not know of whom Mr. Labadie is referring and asked whether they could communicate directly. **Mr. Labadie** agreed to reach out directly to Mr. Abdullah.

Ms. Busching stated that a core value of the Phoenix General Plan is Connecting People and Places and that this value is incompatible with access-controlled gates.

MOTION

Ms. Busching made a motion to approve the request per the staff recommendation and amended as follows: updating Stipulation No. 2 to reference the plan date stamped September 30, 2019 rather than September 26, 2019; and an additional stipulation stating that "all pedestrian access gates to and from the subdivision shall be available to the public for ingress and egress." **Ms. Daniels** seconded the motion.

DISCUSSION

Mr. Larios stated that the General Plan also addresses health, but the proposal does not adequately address these elements. The applicant should truly engage with the community and the topic of health. At this time, he cannot support the motion. **Ms. Busching** stated that in her experience, the best way to get the type of things that you want is to propose stipulations. **Mr. Larios** responded that it is not his job to do the work of the applicant free of charge noting that clearly staff has failed to prepare the applicant to address the needs of the committee.

Mr. Coleman stated that pedestrians continue to get killed on the streets and that detached sidewalks on South Mountain Avenue should be added to the motion.

Mr. Aguilar stated a lot has been left out of the proposal in terms of community engagement and gentrification. The committees' role is to hold developers to a higher standard but not to do their job for them. The applicant did not complete sufficient outreach.

Ms. Daniels stated that additional outreach is easy and inexpensive. The failure to engage the mosque is a clear failure. The case should be continued for further public engagement.

VOTE:

9-5-0 Motion passes; with members, Brownell, Castello, Daniels, Glueck, Kotake, Kutnick, Shepard, Trites, and Busching in favor; members Aguilar, Coleman, Larios, Tunning, and Brooks dissenting.

At the close of the meeting (following action for Z-SP-5-19-8), the following dialogue occurred:

Mr. Aguilar noted the energy of the committee was different for the first item on the agenda. He stated that because the standard notifications failed to produce any opposition that the committee did not complete their due diligence nor hold them to the same standard as the second case. He expressed disappointment and regret in the actions of the committee. **Ms. Tunning, Ms. Daniels, and Mr. Larios** expressed agreement and noted the possibility of attending the Planning Commission meeting in opposition.

VPC RECOMMENDED STIPULATIONS & STAFF COMMENTS

1. The development shall be in general conformance with the building elevations, site plan, wall exhibit, pedestrian circulation plan, and intersection enhancements date stamped September 30, 2019, as modified by the following stipulations and as approved by the Planning and Development Department.
2. All units adjacent to the Highline Canal, South Mountain Avenue, and Central Avenue except for lots 31 – 34 as depicted on the site plan date stamped ~~September 26, 2019~~ SEPTEMBER 30, 2019 shall have individual pedestrian entrances oriented to the nearest public street or canal and be connected by a direct sidewalk. These units shall include a porch or patio to accentuate the street-facing unit entrance, as described below and as approved by the Planning and Development Department:
 - a. Patio Frontage:
 1. Minimum depth of eight feet.
 2. Minimum area of 64 square feet.
 3. The area between the property line and main facade of the building which is not improved with permanent hardscape shall be planted with live vegetation ground coverage and shrubs, excluding hardscape for pedestrian amenities.
 - b. Porch Frontage:
 1. Minimum depth of six feet.
 2. Minimum width of 50 percent of the unit façade.

3. Minimum shade coverage of 75 percent of porch area.

3. The public sidewalk along Central Avenue shall be detached with a minimum five-foot-wide landscape strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper large canopy shade trees planted a minimum of 25 feet on center or equivalent groupings along both sides of the sidewalk and shaded to a minimum of 75%, as approved by the Planning and Development Department.
4. The area between the curb and public sidewalk along Central Avenue shall be planted with drought tolerant vegetation designed to grow to a maximum mature height of 24 inches and achieve 75 percent live coverage, as approved by the Planning and Development Department.
5. The public sidewalk along South Mountain Avenue shall be planted with minimum 2-inch caliper large canopy shade trees planted a minimum of 20 feet on center or equivalent groupings and shading the sidewalk to a minimum of 50%, as approved by the Planning and Development Department.
6. A minimum of 25 percent of the surface parking areas shall be shaded by trees at maturity, as approved by the Planning and Development Department.
7. Inverted-U bicycle racks shall be provided at a rate of 0.25 per dwelling unit located near building entries and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
8. Solid walls above 40 inches shall not be permitted along South Mountain Avenue, Central Avenue, or the Highline Canal, as approved by the Planning and Development Department.
9. 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.
10. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
11. 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.

12. ALL PEDESTRIAN ACCESS GATES TO AND FROM THE SUBDIVISION SHALL BE AVAILABLE TO THE PUBLIC FOR INGRESS AND EGRESS.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Regarding the additional stipulation (Stipulation No. 12), there are two types of gates proposed on the site plans: 1) private gates which provide access to a single dwelling / single lot and 2) communal gates which provide access to the common area of the development.

It may be reasonable for the gates providing direct access to single units to be access-controlled. Further, it may be difficult for the city to enforce a stipulation which allows gates but does not permit a locking mechanism. To address these issues, staff proposes alternative language for Stipulation No. 12:

THE DEVELOPER SHALL PROVIDE A MINIMUM OF THREE UNGATED POINTS OF PEDESTRIAN INGRESS/EGRESS FROM THE EXTERIOR OF THE SITE TO THE COMMON AREAS OF THE site AT THE FOLLOWING LOCATIONS AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT: ONE TO SOUTH MOUNTAIN AVENUE; ONE TO CENTRAL AVENUE; AND ONE TO THE HIGHLINE CANAL.