



Village Planning Committee Meeting Summary

Z-76-23-8

Date of VPC Meeting	May 14, 2024
Request From	S-1
Request To	R1-18
Proposal	Single-family residential
Location	Northeast corner of 23rd Avenue and Dobbins Road
VPC Recommendation	Approval, per the staff recommendation, with additional stipulations
VPC Vote	12-0-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee Member Tamala Daniels joined during this item bringing quorum to 13 members (ten needed for a quorum).

Two members of the public registered to speak in favor of this item.

STAFF PRESENTATION

Samuel Rogers, staff, presented the request, the location of the subject site, the surrounding context, the General Plan Land Use Map designation, the site plan, proposed elevations, the staff recommendation, the staff findings, and concluded by presenting the proposed stipulations.

Committee Member Coleman asked about the requested R1-18 district development option. **Mr. Rogers** explained that the R1-18 Planned Residential Development (PRD) was requested and stated that the development will utilize bonus points to achieve the proposed density.

APPLICANT PRESENTATION

Zachary Pebler, the property owner with Pebler Equities, explained that he is the owner of the subject site, stated that he is a farmer not a homebuilder, and presented the proposal, outreach, and compliance with policy plans.

PUBLIC COMMENT

Erin Hegedus stated that she appreciated what Mr. Pebler brought to the neighbors, stated that she loves South Phoenix, stated she wants growth, but also wants to keep south Phoenix Beautiful, thanked Mr. Pebler for working with the neighborhood, and stated that it is a beautiful area and they neighborhood does not want to lose the area.

Julie Willcox echoed Ms. Hegedus comments, stated concerns about building height, and asked for a stipulation limiting height to one story. **Chair Trent Marchuk** asked if Ms. Willcox was asking for all lots to be stipulated to one story in height, or just the lots along the perimeter. Ms. Willcox stated that ideally all lots would be one-story, but at minimum along the perimeter.

APPLICANT RESPONSE

Mr. Pebler thanked the neighborhood for their comments, stated that he worked with the neighbors for four months on the project, stated that he could not accept a stipulation requiring all lots to be one-story, explained that he added a 103-foot setback and removed a row of lots along 23rd Avenue to mitigate impact of the proposed lots on the surrounding area, and stated that he would accept a stipulation requiring lots 53 through 58 to be one-story. **Chair Marchuk** asked Ms. Willcox if the proposed stipulation satisfied her concerns. **Ms. Willcox** confirmed that the proposed stipulation satisfied her concerns.

QUESTIONS FROM THE COMMITTEE

Chair Marchuk stated that questions and comments from the VPC would be taken and asked committee members to keep their comments to points of clarification and how they would vote.

Committee Member Gene Holmerud asked if all lots would be stipulated to one-story. **Mr. Pebler** explained that he had agreed to limiting lots 53 through 58 to one-story.

Committee Member Petra Falcon asked if the project would be finalized once the case goes to City Council. **Mr. Pebler** stated that only the zoning would be completed and explained that they would have to go through the development review process after the rezoning process. **Mr. Rogers** echoed Mr. Pebler's explanation.

Chair Marchuk stated that the plans are conceptual and explained he would like to add a stipulation requiring the plans to come back to VPC through the Planning Hearing Officer (PHO) public hearing process. **Mr. Rogers** confirmed that a stipulation requiring plans to be reviewed through the public hearing process would be appropriate. Chair Marchuk asked if the VPC had any objection to requiring PHO review of the site plan, elevations, and landscape plan. Chair Marchuk asked Mr. Pebler if he would accept a stipulation regarding PHO review of the plans. **Mr. Pebler** explained that he would accept the stipulation as long as he was not stuck to the elevation submitted as a part of the application and stated that he does not think elevations should be required to be submitted before a development has gone through the rezoning process. Chair Marchuk explained the PHO review stipulation.

Committee Member Holmerud asked about bonus points. **Mr. Rogers** explained that bonus points allow higher density in exchange for the provision of extra open space.

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

MOTION

Vice Chair Arthur Greathouse III made a motion to recommend approval of Z-76-23-8 per the staff recommendation with additional stipulations. **Committee Member Gene Holmerud** seconded the motion.

VOTE

12-0-1, motion to recommend approval of Z-76-23-8 per the staff recommendation with additional stipulations passed with Committee Members Aldama, Beehler, Brooks, Busching, Coleman, F. Daniels, T. Daniels, Falcon, Holmerud, Jackson, Viera, and Greathouse in favor and Chair Marchuk abstained.

Chair Marchuk explained that he abstained because there was not tie to break.

VPC RECOMMENDED STIPULATIONS:

1. The development shall be in general conformance with the site plan date stamped April 22, 2024, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
 - a. The development shall be limited to a maximum of 58 lots.
 - b. Lots 1-17 and 20-32 shall be a minimum of 70 feet in width. All other lots shall be a minimum of 65 feet in width.
 - c. Lot 22 shall be a minimum of 40 feet from the eastern perimeter property line.
 - d. Lots 15 and 16 shall be a minimum of 60 feet from the eastern perimeter property line.
2. All landscape setbacks shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant trees, 20 feet on center, or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

3. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. All lots in the development shall be subject to Single-Family Design Review.
5. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.
6. Fences and walls shall be in general conformance with the wall plan (wall elevations) date stamped April 22, 2024, as modified by the following stipulations, and approved by the Planning and Development Department:
 - a. Perimeter fencing shall be a minimum of 75% view fencing, except on Lots 23 through 32.
 - b. Perimeter walls bounding the rear or side yard property lines of residential lots along 23rd Avenue and Dobbins Road shall include minimum three-foot offsets, and material and textural differences, such as stucco, and/or split face or slump block or a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
7. A landscaped median of no less than 5 feet in width shall be provided within the primary access drive to the development and landscaped with a mix of ornamental trees and shrubs, as approved by the Planning and Development Department.
8. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized throughout the subdivision including common areas and front yards of individual residential lots. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
9. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
10. All sidewalks along 23rd Avenue shall be a minimum of 5 feet in width and detached with a minimum 5-foot-wide landscape strip located between the sidewalk and back of curb and planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, that provide shade to a minimum 50%, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

11. All sidewalks along Dobbins Road shall be a minimum of 5 feet in width and detached with a minimum 8-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, that provide shade to a minimum 50%.
 - b. Drought tolerant vegetation to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

12. All sidewalks within the development shall be detached with a minimum 5-foot wide landscape strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper, single trunk, shade trees planted at a minimum rate of two trees per lot, or a minimum of 20 feet on center, or equivalent groupings, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
13. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the east side of 23rd Avenue, along the west side of the property. A minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
14. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the north side of Dobbins Road, along the south side of the property. A minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
15. A minimum 45-feet of right-of-way shall be dedicated for the north side of Dobbins Road, to be measured from the existing southern property line, adjacent to the development.

16. A minimum 30-feet of right-of-way shall be dedicated for the east side of 23rd Avenue, adjacent to the development.
17. A pedestrian pathway shall be provided on the southern and western site boundary to allow for direct pedestrian access to the adjacent multi-use trails. The developer shall construct an 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material treatment, as approved by the Planning and Development Department.
18. The developer shall submit an engineer sealed Sight Visibility Analysis in accordance with AASHTO guidelines for departure sight distance at the proposed access points along Dobbins Road to the City. No preliminary approval of plans shall be granted until the study has been reviewed and proposed access is approved by the Street Transportation Department.
19. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 23rd Avenue and Dobbins Road. If the approved TIS determines that a signal is warranted at this intersection, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute, 25% of traffic signal cost in an escrow account to the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.
20. Conduit and junction boxes shall be provided at the northeast corner of the 23rd Avenue and Dobbins Road intersection for future traffic signal equipment.
21. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
22. Existing SRP facilities along Dobbins Road are to be relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
23. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
24. All streets within and adjacent to the development shall be constructed 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

25. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
26. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
27. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
28. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of the Phoenix Regional Police Academy gun range. The form and content of such documents shall be reviewed by the City prior to recordation.
29. Prior to final site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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.
30. **THE CONCEPTUAL SITE PLAN, ELEVATIONS, AND LANDSCAPE PLAN FOR FUTURE DEVELOPMENT OF THE SITE SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS, INCLUDING REVIEW BY THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE, FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.**

31. LOTS 53 THROUGH 58 SHALL BE LIMITED TO ONE-STORY OR 25 FEET.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff recommends Stipulation No. 30 be modified to eliminate the site plan from the list of plans being reviewed by the Planning Hearing Officer (PHO). Stipulation No. 1 requires the site to be developed in general conformance to the site plan and additional review by the PHO is duplicative. Staff recommends Stipulation No. 30 be modified so that the elevations and landscape plan are reviewed by the PHO prior to final site plan approval rather than preliminary site plan approval, to be consistent with development review timelines for single-family residential subdivisions. Staff recommends Stipulation No. 31 be added as Stipulation No. 1.e.