



## Village Planning Committee Meeting Summary

### Z-32-22-7 - REVISED

<b>Date of VPC Meeting</b>	September 20, 2022
<b>Request From:</b>	C-2
<b>Request To:</b>	C-2 HGT/WVR
<b>Proposed Use:</b>	Commercial uses with height waiver
<b>Location</b>	Approximately 460 feet south of the southwest corner of 83rd Avenue and Buckeye Road
<b>VPC Recommendation</b>	Approval, per the staff recommendation with a modification and additional stipulations
<b>VPC Vote</b>	8-4-1

#### **VPC DISCUSSION:**

*Case Z-32-22-7 and Z-SP-4-22-7 are companion cases and were heard together.*

#### **Staff presentation:**

**Nayeli Sanchez Luna**, staff, presented an overview of the rezoning and special permit requests. Ms. Sanchez Luna discussed the location of the site, the requested zoning designation, the surrounding land uses, and the General Plan Land Use Map designation. Ms. Sanchez Luna displayed the site plan and elevations and described the configuration including the proposed height, the location of the parking and loading areas, and the landscape setback along 83rd Avenue. Ms. Sanchez Luna concluded the presentation by providing the staff findings, and the recommendation, and describing the proposed stipulations.

#### **Applicant presentation:**

**Michael Maerowitz**, representing the applicant with Snell & Wilmer, provided an overview of the proposed rezoning case and special permit request. Mr. Maerowitz provided background information on the applicant noting the support that they offer to community organizations. Mr. Maerowitz summarized the location of the site and summarized the configuration of the proposed development. Mr. Maerowitz added that the proposed self-storage warehouse would be compatible with the surrounding land uses and the proposed use would not create significant traffic congestion. Mr. Maerowitz proposed additional stipulations to address community concerns such as left-hand turns, height, community benefits, and enhanced notification. Mr. Maerowitz

concluded the presentation by emphasizing the need for self-service storage in the area and addressing the height concerns heard in the community.

### **Questions from the committee:**

**Angelica Terrazas** asked if the proposed development would be climate controlled, if any road closures would occur during construction, and the construction timeline. **Mr. Maerowitz** confirmed that the entire building would be climate controlled and that 83rd Avenue would not have any closures. Mr. Maerowitz added that a restaurant was proposed north of the site and that would create more traffic than a self-service storage warehouse. Mr. Maerowitz stated that the construction timeline would be one year.

**Lisa Perez** stated that she still had concerns with the proposed height adjacent to the residential development to the south. **Mr. Maerowitz** stated that the warehouse building to the west adjacent to the residential development was taller and larger than the proposed development. Mr. Maerowitz noted that the surrounding area needed additional self-service storage and that the height was necessary to meet the need.

**Dafra Joel Sanou** asked if the proposed height was required to ensure profit. **Mr. Maerowitz** stated that the additional height was to ensure that the proposed development would be three stories in height. Mr. Maerowitz added that three stories would meet the applicant's needs and that they had configured the site to address community concerns.

**Dan Rush** stated that the applicant has gone above and beyond to address the community concerns and that he was in favor of the proposal. **Ms. Perez** stated that she appreciated Committee Member Rush's comment but that he did not live in this neighborhood. Ms. Perez stated that the height was incompatible with the surrounding community. **Mr. Rush** stated that even though he did not live in the community he was aware of the community concerns and that the applicant has modified numerous things to address the issues.

**Chair Mark Cardenas** asked what the process would be for members of the public to rent a community unit. **Mr. Maerowitz** stated that the property owner would partner with a community organization where they would be able to identify members of the public that would benefit from the community units. **James Burt**, with the applicant's team, stated that they work together with community charities and organizations to allocate the reserved units. Mr. Burt added that they will be connecting to local organizations to ensure that the community units serve the needed community.

**Andre Serrette** stated that there are a great number of individuals that need emergency storage due to housing. Mr. Serrette asked why the proposal required over 700 storage units. **Mr. Burt** stated that the largest units are 10 by 20 feet, and that the majority are small closet-size, thus resulting in a large unit number. **Mr. Maerowitz** added that a self-service storage warehouse is a commercial use, thus having another within a mile radius is less intense than other commercial uses. Mr. Maerowitz stated that due to the large population in this area, there is a need for a self-service storage warehouse facility.

**Mr. Rush** asked if the rental prices were lower than other self-service storage warehouses. **Mr. Maerowitz** stated that smaller units would be cheaper with a range of

approximately 85 dollars which would be cheaper than other self-service storage warehouses in the area. **Ms. Perez** asked if the price would fluctuate according to the market. **Mr. Maerowitz** confirmed that the rental price was dependent on market value.

**Kristine Morris** asked if any changes could be done to the third floor to restrict visibility to the adjacent residential development to the south. **Mr. Maerowitz** stated that the proposed south building setback exceeds the zoning ordinance requirement of 50 feet. **Mr. Maerowitz** added that all exterior lighting would face downward to minimize concerns, the proposal would have trees along the south property line and the building would have a step-down feature. **Mr. Burtt** added that the windows in the renderings were faux windows to add architectural features to the building. **Mr. Burtt** stated that all lighting was designed to not extend past the property line and that the proposed signs also have soft lighting. **Mr. Burtt** stated that the building would be accessible by card until 10:00 PM and that after that time, access is completely prohibited.

**Ms. Terrazas** asked for clarification regarding security on site. **Mr. Burtt** stated that security monitoring would be off-site. **Ms. Terrazas** stated that she has concerns about security and asked if there were any studies that showed that the proposed building design minimized theft. **Mr. Maerowitz** stated the camera orientations of the proposed development would ensure that anyone entering the building will be seen and that all loading would occur inside, thus reducing possible theft. **Mr. Burtt** added that the stone on the lower level and the necessary access cards would fortify building security.

**Mr. Sanou** asked if there would be security cameras located inside the building. **Mr. Burtt** stated that due to privacy, cameras would not be located within the building and **Mr. Maerowitz** added that security cameras would be located in the leasing office. **Mr. Sanou** asked for clarification on how loading would occur within the proposed development. **Mr. Maerowitz** stated that in other self-service storage warehouses someone could pull their vehicle next to their unit, but with this design, all loading occurs inside the building. **Mr. Sanou** asked how the traffic study was conducted and how they reached the conclusion that the proposed use would not generate high levels of traffic. **Mr. Maerowitz** stated that the study utilizes other storage facilities and the number of units provided and as a result, a maximum of 10 vehicles would be generated. **Mr. Sanou** asked if there had been an occasion when the traffic study did not reflect actual traffic generation. **Mr. Burtt** stated that there are occasional increases in traffic during the beginning and end of the month, but they never needed more parking than what they have provided. **Mr. Burtt** added that other C-2 uses would generate higher levels of traffic.

**Bill Barquin** stated that he appreciated the extensive outreach and proposed stipulations to address the concerns of the Village Planning Committee and the community.

#### **Public Comment:**

None.

#### **Applicant Response:**

None.

### **Committee Discussion:**

**Ms. Sanchez Luna**, staff, informed the Village Planning Committee that the Planning and Development Department would be unable to enforce the proposed stipulation regarding reserving a certain number of units for individuals in need. **Mr. Burtt** stated that the company would still reserve units for individuals in need regardless of the stipulation. **Mr. Maerowitz** added that the stipulation would solidify the commitment that the applicant has to reserve those units.

### **Motion:**

**Chair Mark Cardenas** motioned to recommend approval of Z-32-22-7 with a modification to Stipulation No. 3 regarding the maximum height and the following additional stipulations:

- The developer shall reserve four (4) storage units (minimum size 10 feet by 10 feet) for use by community organizations and/or persons in need free of charge: Of these storage units, one (1) storage units may be reserved for a community organization for use as a meeting room; and three (3) storage units (or 4 if the other unit is not being uses as a meeting space) shall be reserved for storage purposes for persons in need as individuals by the community organization or developer (such as victims of domestic violence or persons evicted from their home).
- The developer shall construct a restricted right-in/right-out driveway along 83rd Avenue, as approved by the Planning and Development Department. The developer shall complete the application and dedicate and construct all necessary improvements within the Salt River Project Agricultural Improvements and Power District (SRP) designated lands or as modified by the Street Transportation Department.
- Any future planning hearing officer action to modify these stipulations shall require the following:
  - (i) Enhanced public notification to include notice of the application to all property owners within 1,000 feet of the subject site and city registered neighborhood organizations within one (1) mile of the subject site.
  - (ii) Recommendation from the Estrella Village Planning Committee

**Beth Cartwright** second the motion.

### **Vote:**

**8-4-1**, Motion passed with Committee Members Ademolu, Barquin, Cartwright, Morris, Rush, Sanou, Terrazas, and Cardenas in favor, Committee Members Ayala, Burd, Cenicerros, and Perez in opposition, and Committee Member Serrette abstained.

### **Recommended Stipulations:**

1. The development shall be in general conformance with the elevations date stamped April 18, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. A minimum building setback of 100 feet shall be required along the south property line.
3. The maximum building height shall be 36 feet: **FOR A SELF-SERVICE**

**STORAGE WAREHOUSE FACILITY. ALL OTHER USES SHALL BE LIMITED TO A MAXIMUM BUILDING HEIGHT OF TWO (2) STORIES NOT TO EXCEED THIRTY (30) FEET.**

4. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape pallet and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.
5. The south landscape setback shall be planted with minimum 50% 2-inch caliper and minimum 50% 3-inch caliper large canopy, drought tolerant trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
6. Evergreen trees shall be planted within the landscape setback along the south perimeter of the site, as approved by the Planning and Development Department.
7. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts with parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. All uncovered surface parking lot area shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
9. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks dispersed throughout the site installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, or in a secure room, as approved by the Planning and Development Department.
10. All sidewalks along 83rd Avenue shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved and/or modified by the Planning and Development department.
  - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees to provide a minimum 75% shade.
  - b. Drought tolerant vegetation maintained no higher than 24 inches to provide a minimum of 75% live coverage at maturity.

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

11. **THE DEVELOPER SHALL RESERVE FOUR (4) STORAGE UNITS (MINIMUM SIZE 10 FEET BY 10 FEET) FOR USE BY COMMUNITY**

**ORGANIZATIONS AND/OR PERSONS IN NEED FREE OF CHARGE: OF THESE STORAGE UNITS, ONE (1) STORAGE UNITS MAY BE RESERVED FOR A COMMUNITY ORGANIZATION FOR USE AS A MEETING ROOM; AND THREE (3) STORAGE UNITS (OR 4 IF THE OTHER UNIT IS NOT BEING USES AS A MEETING SPACE) SHALL BE RESERVED FOR STORAGE PURPOSES FOR PERSONS IN NEED AS INDIVIDUALS BY THE COMMUNITY ORGANIZATION OR DEVELOPER (SUCH AS VICTIMS OF DOMESTIC VIOLENCE OR PERSONS EVICTED FROM THEIR HOME).**

- 12. ANY FUTURE PLANNING HEARING OFFICER ACTION TO MODIFY THESE STIPULATIONS SHALL REQUIRE THE FOLLOWING:**
  - A. ENHANCED PUBLIC NOTIFICATION TO INCLUDE NOTICE OF THE APPLICATION TO ALL PROPERTY OWNERS WITHIN 1,000 FEET OF THE SUBJECT SITE AND CITY REGISTERED NEIGHBORHOOD ORGANIZATIONS WITHIN ONE (1) MILE OF THE SUBJECT SITE.**
  - B. RECOMMENDATION FROM THE ESTRELLA VILLAGE PLANNING COMMITTEE**
- 13. THE DEVELOPER SHALL CONSTRUCT A RESTRICTED RIGHT-IN/RIGHT-OUT DRIVEWAY ALONG 83RD AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THE DEVELOPER SHALL COMPLETE THE APPLICATION AND DEDICATE AND CONSTRUCT ALL NECESSARY IMPROVEMENTS WITHIN THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENTS AND POWER DISTRICT (SRP) DESIGNATED LANDS OR AS MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT.**
- ~~11.~~ The developer shall construct all streets within and adjacent to the
- 14.** 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.
- ~~12.~~ In the event archaeological materials are encountered during construction, the
- 15.** 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.
- ~~13.~~ Prior to preliminary site plan approval, the landowner shall execute a
- 16.** 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.

**Staff comments regarding VPC Recommendation:**

Staff does not recommend adding Stipulation No. 11. The City cannot monitor compliance or audit the business for compliance. In addition, the stipulation lacks an enforceable definition for a "community organization".