



## Village Planning Committee Meeting Summary Z-48-22-7

<b>Date of VPC Meeting</b>	December 11, 2023
<b>Request From</b>	RU-43 (Pending S-1) and S-1
<b>Request To</b>	R-2
<b>Proposal</b>	Multifamily residential
<b>Location</b>	Approximately 300 feet north of the northwest corner of 35th Avenue and Minton Street
<b>VPC Recommendation</b>	Approval with a modification and an additional stipulation
<b>VPC Vote</b>	7-0

### **VPC DISCUSSION:**

*Three members of the public registered to speak on this item.*

### **Staff Presentation:**

**Nayeli Sanchez Luna**, staff, presented an overview of Z-48-22-7. Mrs. Sanchez Luna discussed the location of the site, the requested zoning designation, and the surrounding land uses. Mrs. Sanchez Luna provided an overview of the proposed development including the site plan and elevations. Mrs. Sanchez Luna concluded the presentation by summarizing the staff findings, providing the staff recommendation and proposed stipulations.

### **Applicant Presentation:**

Jon Gillespie, representing the applicant with Pew & Lake, PLC, provided an overview of the proposed case. Mr. Gillespie provided an update on the annexation process for the site and summarized the proposed zoning designation noting the compatibility with the General Plan Land Use Map designation. Mr. Gillespie noted that the applicant has worked with the community and is providing over 30% of open space and three pedestrian connections to Carter Road. Mr. Gillespie added that the proposal included farmhouse architecture and electric vehicle charging infrastructure. Mr. Gillespie concluded his presentation by stating that all parking spaces would be 22-feet in length and displayed the clubhouse renderings.

### **Questions From the Committee:**

**Carlos Ortega** stated his approval of the proposed elevations and site plans and

thanked the applicant for accommodating to Laveen's development standards. Mr. Ortega noted that his only concern was the proposed two-story height adjacent to single-story family houses. **Chair Linda Abegg** agreed that the southeast corner was a concern. **Mr. Gillespie** stated that the distance between the building and the six-foot tall wall on the south was 31 feet.

**Mr. Ortega** asked if windows are located on the south elevation. **Mr. Gillespie** stated that there are windows on all four sides.

**Chair Linda Abegg** asked if there was a setback for the garage and the unit. **Mr. Gillespie** stated that there was a smooth façade.

**Mr. Ortega** asked for confirmation on pedestrian connections to the north. **Mr. Gillespie** confirmed.

**Rebecca Perrera** asked if all the units were three-bedroom units. **Mr. Gillespie** confirmed. **Ms. Perrera** noted that she usually pushes back on multifamily development without any variety. Ms. Perrera noted that she appreciated the parking provided noting the three spaces per unit.

**Patrick Nasser-Taylor** noted that he supported the proposed access via Carter Road rather than 35th Avenue.

**Vice Chair Hurd** asked if all garages would be EV. **Mr. Gillespie** stated that all garages would have EV capabilities.

**Ms. Perrera** asked if the landscape plan was updated with the new proposal. **Mr. Gillespie** stated that the landscape plan was not updated but that the stipulation would require enhanced planting standards.

**Chair Abegg** asked for information regarding the parking calculations.

**Chair Abegg** voiced her support and thanked the applicant for all the work that they put into the proposal.

**Mr. Ortega** asked if a traffic study was completed for Carter Road. **Mr. Gillespie** noted that the applicant has worked closely with the Street Transportation Department, and they required the site to have access via Carter Road rather than 35th Avenue. Mr. Gillespie added that they are required to improve the south side of Carter Road.

### **Public Comment:**

**Laurencio Gardea** stated that he was opposed to the proposed development and that he had an additional opposition letter from another property owner adjacent to the site. Mr. Gardea noted that his house was located southeast of the subject site and was opposed to the proposed height of two-stories and did not want windows to face his

property. Mr. Gardea noted that his house is not directly accessible via 35th Avenue and would require access to Carter Road. Mr. Gardea added that he didn't want the new development to result in complaints about his property's ranchette characteristics. Mr. Gardea stated that he has been unable to develop his property and that he had concerns regarding safety towards his children and family. Mr. Gardea concluded his comment by stating that the proposal would negatively affect his property.

**Phil Hertel** noted that the proposed density was still too high. Mr. Hertel added that additional parking spaces were located too far away from the units and asked how that would be ADA compliant. Mr. Hertel added that proposed elevations and landscape plan were insufficient. Mr. Hertel concluded his comment by stating that building breaks should be provided along 35th Avenue and that the case should be continued so that the applicant could present to the LCRD.

**Jack Purvis** asked if the garages were located on the first floor. **Mr. Gillespie** confirmed. **Mr. Purvis** asked how the units would meet ADA standards if there were no units on the first floor. **Mr. Nasser-Taylor** stated that the proposed R-2 zoning does not require units on the first floor.

#### **Applicant Response:**

**Mr. Gillespie** stated that the rezoning case has a stipulation that requires tenants to be notified of ranchette characteristics in the surrounding area. Mr. Gillespie noted that the proposed units meet City Code standards and that they had met with the LCRD. Mr. Gillespie added that they were willing present to the LCRD again before Planning Commission. Mr. Gillespie noted that the proposed elevations create façade breaks along 35th Avenue by having architectural features such as pitched roofs, metal beams, and canopies.

#### **Committee Discussion:**

**Chair Abegg** asked if the applicant was willing to increase the landscape setback to include 3-inch caliper trees and require 25% 3-inch caliper trees in the designated open space area. **Mr. Gillespie** stated that he agreed to a stipulation requiring 25% of the trees should be 3-inch caliper. **Chair Abegg** stated that she supported 3-inch caliper trees on the southeastern half of the site, to buffer adjacent to existing residential homes. **Mr. Gillespie** stated that he was supportive of 3-inch caliper trees on the southeast half or the entire south landscape setback. **Chair Abegg** stated that she was supportive of a stipulation that would require 3-inch caliper trees on the southeastern half of the site. **Mr. Nasser-Taylor** asked if the southern setback was large enough to accommodate 3-inch caliper trees. **Chair Abegg** asked if the trees would be planted 20 feet on center. **Mr. Gillespie** confirmed. **Mr. Ortega** stated that the applicant could come back at a later date with a landscape plan. **Mr. Gillespie** stated that a stipulation would be preferred but that the applicant would return if there were any concerns. **Chair Abegg** stated that she has seen large trees in similar landscape setbacks.

**Vice Chair Hurd** asked if the elevations had three accent materials. **Chair Abegg** confirmed that the staff findings identified three accent materials and that staff had stipulated general conformance.

**Motion:**

**Rebecca Perrera** motioned to recommend approval for Z-48-22-7 per the staff recommendation with a modification to Stipulation No. 4 regarding the caliper tree size throughout the site and the following additional stipulation:

- The southeastern half of the landscape setback shall be planted with 100% 3-inch caliper trees.

**Vice Chair Stephanie Hurd** seconded the motion.

**Vote:**

**7-0**, motion to recommend approval of Z-48-22-7 with a modification and an additional stipulation passed with Committee Members Barraza, Jensen, Nasser-Taylor, Ortega, Perrera, Hurd, and Abegg in favor.

**Recommended Stipulations:**

1. The development shall be in general conformance with the site plan date stamped October 31, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped July 14, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
3. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks, as approved by the Planning and Development Department.
4. The required landscape setbacks **THROUGHOUT THE SITE** shall be landscaped with **25% 3-INCH CALIPER TREES AND 75% 2-inch caliper single-trunk large canopy drought-tolerant shade trees**, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. **THE SOUTHEASTERN HALF OF THE LANDSCAPE SETBACK SHALL BE PLANTED WITH 100% 3-INCH CALIPER TREES.**
- ~~5.~~ 6. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
  - a. Pedestrian pathways connecting the interior of the development to

the public sidewalks along both sides of the vehicular driveway.

- b. The pedestrian pathways shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet each. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest.
  - c. A minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, and minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
  - d. The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
- ~~6.~~ 7. If fencing is proposed, open view fencing or a combination of maximum two feet of solid masonry topped by open view fencing shall be utilized along the north and east perimeter, as approved by the Planning and Development Department.
- ~~7.~~ 8. A perimeter wall no less than 6 feet in height shall be provided along the southern and western portion of the site, as approved by the Planning and Development Department.
- ~~8.~~ 9. A minimum of 15% of the gross site area shall be retained as open space.
- ~~9.~~ 10. 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.
- ~~40.~~ 11. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
- ~~44.~~ 12. All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
- ~~42.~~ 13. A minimum of three pedestrian connections shall be provided from the development to the sidewalk along Carter Road, as approved by the

Planning and Development Department.

- ~~43.~~ 14. The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department.
- a. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
  - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces, located near building entrances and within amenity areas.
  - c. All bicycle infrastructure shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
  - d. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - e. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
- ~~44.~~ 15. A minimum of 10% of the required parking spaces shall be EV Ready.
- ~~45.~~ 16. The developer shall dedicate 25-feet of right-of-way and construct the south side of Carter Road, as approved by the Planning and Development Department.
- ~~46.~~ 17. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip shall be constructed along the south side of Carter Road, adjacent to the development, planted to the following standards and maintained with a watering system, 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.
- b. Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage at maturity.

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

- ~~47.~~ 18. The developer shall close the existing median opening adjacent to the site and construct a new median opening at 35th Avenue and Carter Road, as approved by the Planning and Development and Street Transportation Departments.
- ~~48.~~ 19. 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.
- ~~49.~~ 20. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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.
- ~~20.~~ 21. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of nearby existing ranchettes and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities. 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. The disclosures shall be noted in the CC&Rs in a section titled "nuisances".
- ~~24.~~ 22. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
- ~~22.~~ If Phase I data testing is required, and if, upon review of the results from the

23. Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
- ~~23.~~ In the event archaeological materials are encountered during construction,
24. 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.
- ~~24.~~ Prior to preliminary site plan approval, the landowner shall execute a
25. 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 recommends modifying Stipulation No. 5 to clarify the area to be planted with all three-inch caliper trees.