



Village Planning Committee Meeting Summary

Z-42-23-7

Date of VPC Meeting	October 16, 2023
Request From	CP/GCP
Request To	C-2 HGT/WVR DNS/WVR and C-2
Proposal	North portion: Multifamily residential community; South portion: Public school
Location	Approximately 1,700 feet south of the southeast corner of 63rd Avenue and Baseline Road
VPC Recommendation	Approval, per the staff recommendation with modifications and additional stipulations
VPC Vote	5-4

VPC DISCUSSION:

Two members of the public registered to speak on this item.

Staff Presentation:

Nayeli Sanchez Luna, staff, presented an overview of Z-42-23-7. 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:

Wendy Riddell, representing the applicant with Berry Riddell, provided an overview of the proposed case. Ms. Riddell summarized the surrounding land uses and zoning and noted that a hospital would be located north of the site. Ms. Riddell noted a public school will be constructed on the south portion of the subject site. Ms. Riddell added that the developer would also improve 63rd Avenue and a portion of the Laveen Area Conveyance Channel. Ms. Riddell concluded the presentation by displaying the site plan and elevations and noted the height, modern agrarian architecture, open space, and amenities.

Questions From the Committee:

Patrick Nasser-Taylor asked if the west property, known as the Christmas House,

used to own the entire subject property. **Ms. Riddell** confirmed that the Christmas House did not own the site.

Mixen Rubio-Raffin asked why 63rd Avenue needed to be expanded. **Ms. Riddell** noted that the Streets Transportation Department classified 63rd Avenue as a collector, thus requiring the expansion. **Ms. Rubio-Raffin** asked what the school boundaries were for the proposed public school. **Chair Linda Abegg** noted that the boundaries would be determined after the school is built but Laveen had open boundaries that allowed children to attend any school. **Ms. Rubio-Raffin** asked how the developer would ensure safety when crossing 100 feet of roadway on 63rd Avenue. **Ms. Riddell** noted that the school would ensure safety by providing school shuttles, school crossings at intersections, or other methods.

Vice Chair Stephanie Hurd stated that she appreciated the large queuing lane for the public school. **Jennifer Rouse** agreed and stated that at other schools people just drop off their kids on the street.

Carlos Ortega asked if the expansion would be between the multifamily portion and the public school. **Chair Abegg** stated that the expansion would occur on 63rd Avenue which runs north and south. **Ms. Riddell** confirmed.

Rebecca Perrera asked when the development is expected to be completed. **Ms. Riddell** stated that they have had numerous site planning pre-apps and construction would begin shortly after approval. **Ms. Perrera** asked if the developer would maintain the Laveen Area Conveyance Channel. **Ms. Riddell** stated that the City of Phoenix would maintain the Laveen Area Conveyance Channel. **Ms. Perrera** stated that she appreciated the improvements, but the Laveen Area Conveyance Channel needed to be properly maintained.

Ms. Rouse asked if a crossing guard was going to be provided where the school will be located. Ms. Rouse added that she has seen instances of unsafe crossing. Ms. Rouse asked if the Laveen Area Conveyance Channel will have lighting. **Ms. Riddell** noted that the school is working on solutions to provide safe crossings. Ms. Riddell added that staff has added a stipulation to provide lighting at the pedestrian connections to the Laveen Area Conveyance Channel, but the developer won't light the other side.

Francisco Barraza noted that his questions have been answered and that the school district has been working with the developer.

Vice Chair Hurd asked if crosswalk lights could be added. **Ms. Riddell** noted that this could be a potential solution.

Ms. Perrera noted that she rode her bicycle on the Laveen Area Conveyance Channel and noted the difficulty in crossing a large road.

Mr. Ortega stated that the city or school should be involved in trying to find solutions to cross the road safely. **Ms. Riddell** stated that they have been working with the school and the Street Transportation Department.

Ms. Perrera asked if the school was working on pedestrian safety on 63rd Avenue. **Mr. Barraza** confirmed that the school district has been working with the applicant and developer. **Charlie Martin**, the Laveen School District CFO, confirmed.

Mr. Ortega stated that school queuing lanes have been a major safety and traffic issue in Laveen. **Mr. Martin** stated that the proposed school layout and queuing lane are proposed to remove cars from the main street.

Vice Chair Hurd asked for the school contact that manages queuing lanes.

Ms. Rubio-Raffin noted that vehicles in queuing lanes often block the designated bicycle lanes. Ms. Rubio-Raffin added that she hoped to vehicles were did not block the bicycle lanes with the construction of the school.

Chair Abegg stated that she appreciated the open space and mix of uses and asked if they could stipulate the 18% open space. Chair Abegg added that she was supportive of the large queuing lane, but the main concern is traffic on 63rd Avenue. Chair Abegg asked if the Streets Transportation Department provided a stipulation for a High Intensity Activated CrossWalk (HAWK) beacon signal. Chair Abegg added that she had concerns with the intersection on 63rd Avenue and Baseline Road and asked if 63rd Avenue could terminate at the school site. **Ms. Riddell** noted that the applicant and developer does not have the ability to terminate 63rd Avenue. Ms. Riddell added that a HAWK would be difficult to include and that she would not be supportive of a HAWK stipulation. **Chair Abegg** noted that a HAWK should be reasonable because the developer would gain profit from the zoning approval. **Ms. Riddell** added that the developer was willing to find solutions for safe pedestrian crossing but reiterated that she was not supportive of a HAWK stipulation. **Chair Abegg** asked if the TIA was going to analyze traffic patterns after the hospital is built or before. **Ms. Riddell** stated that the TIA examines the interim conditions and the condition after the development is built. Ms. Riddell added that they would agree to stipulating the open space as shown on the site plan. **Chair Abegg** asked if the development could add some EV installed infrastructure. **Ms. Riddell** stated that she will work with her team.

Chair Abegg asked staff if a general conformance stipulation was added to the site plan. **Mrs. Sanchez Luna** stated that the current site plan does not meet the requirements to be stipulated as general conformance. **Ms. Riddell** stated that the developer was willing to modify the site plan to stipulate general conformance.

Chair Abegg asked about the EV installed parking spaces. **Ms. Riddell** stated that the developer could provide five EV installed spaces.

Chair Abegg reiterated that her biggest concerns was traffic safety on 63rd Avenue.

Mr. Ortega asked if the TIA would analyze current and future conditions. **Ms. Riddell** confirmed.

Public Comment:

Dan Penton asked what air quality features will be used by the school district. Mr. Penton suggested a stipulation be added to ensure high quality air filters because the school will be located next to a freeway and could cause negative health effects. Mr. Penton noted that the expansion of 63rd Avenue was excessive. Mr. Penton asked for safety measures to be implemented on 63rd Avenue such as median islands. Mr. Penton added that the construction of the hospital will increase traffic congestion and emergency vehicles on 63rd Avenue. Mr. Penton noted that a lot of factors were not being considered and requested that the applicant create a PUD to ensure enhancements on the Laveen Area Conveyance Channel and 63rd Avenue.

Phil Hertel stated that he agreed with the majority of Dan Penton's comments. Mr. Hertel asked if the school land would be donated. **Mr. Martin** stated that the school district would be purchasing the land. **Mr. Hertel** asked what the developer would be donating to the school and if the multi-use trail will be available to the public. **Ms. Riddell** noted that the developer would improve the Laveen Area Conveyance Channel. **Mr. Hertel** asked the landscape stipulation to be modified to include 2-inch and 3-inch caliper trees.

Applicant Response:

Ms. Riddell stated that the multi-use trail will be located on the south side of the Laveen Area Conveyance Channel and available to the public. Ms. Riddell added that 3-inch caliper trees are not as available as 2-inch caliper trees but that the stipulation already exceeded what was required. Ms. Riddell noted that the developer will continue to work with the school district on this development, but donations are not typical for an approximate 40-acre site.

Committee Discussion:

Chair Abegg noted that some discussed modifications to stipulations include increasing the open space to 18%, a minimum of 20% accent materials on elevations, adding five EV parking spaces be installed, and adding a general conformance stipulation to a future site plan submitted by the applicant. Chair Abegg noted that she would let the committee discuss increasing the tree caliper size. Chair Abegg added that they will reach out to Streets to discuss street safety in this area.

Vice Chair Hurd stated that a solution should be required to ensure safe pedestrian crossings. **Ms. Perrera** stated that the presented proposal could be the fair solution and that she was ready to make a motion.

Motion:

Rebecca Perrera motioned to recommend approval of Z-42-23-7 per the staff recommendation with modifications to Stipulation Nos. 7(5) and 15(13) regarding open space and electric vehicle charging stations and the following additional stipulations:

- The multifamily development shall be in general conformance to the future site plan submitted by the applicant.
- A minimum of 20% of the building elevations shall have accent materials that include brick veneer, vertical siding, metal railing, and window shutters.

Carlos Ortega second the motion.

Chair Abegg asked if the motion should include the size caliper trees. **Ms. Perrera** declined.

Ms. Rubio-Raffin stated that the size of the street is a concern and asked if she could ask additional questions on the TIA. **Chair Abegg** stated that the TIA has not been approved by the City of Phoenix. **Ms. Rubio-Raffin** stated that a stipulation could be added to limit the number of students being dropped off. **Chair Abegg** stated that stipulations cannot be added to the public-school portion of the site. **Ms. Perrera** stated that the school could provide incentives to reduce vehicles.

Ms. Rubio-Raffin stated that the City has over a dozen HAWKs and they are located at schools and colleges. **Ms. Rubio-Raffin** stated that a HAWK stipulation should be added. **Chair Abegg** stated that she could support the additional stipulation. **Ms. Rubio-Raffin** stated that some crossings can include flashing lights rather than an entire HAWK system. **JoAnne Jensen** stated that she did not support adding a stipulation that could not be enforced.

Ms. Rubio-Raffin asked Committee Member Perrera to modify her motion. **Ms. Perrera** stated that she agreed with Committee Member Jensen and was worried that the stipulation will be removed. **Ms. Perrera** denied modifying her motion.

Substitute Motion:

Mixen Rubio-Raffin made a substitute motion to recommend approval of Z-42-23-7 per the staff recommendation with modifications to Stipulation Nos. 7(5) and 15(13) regarding open space and electric vehicle charging stations and the following additional stipulations:

- The multifamily development shall be in general conformance to the future site plan submitted by the applicant.
- A minimum of 20% of the building elevations shall have accent materials that include brick veneer, vertical siding, metal railing, and window shutters.
- A HAWK shall be provided at a placement recommended by the Street Transportation Department after receiving the traffic study.

Patrick Nasser-Taylor second the motion.

Ms. Jensen stated that she was supportive of the traffic discussion, but because the stipulation could not be enforceable, she could not support the motion. **Ms. Jensen**

added that school incentives are going to ensure that queuing traffic is reduced.

Chair Abegg added that she has tried to get HAWKs installed at dangerous school crossings, so she was supportive of the stipulation but understood if the Streets Transportation Department removed it. Chair Abegg stated that Planning Commission will see the motion and discuss the HAWK stipulation.

Ms. Rouse stated that she agreed with Chair Abegg's comments and encouraged Committee Member Rubio-Raffin to also attend District 8 Budget Meetings. Ms. Rouse stated that she was supportive of the stipulation.

Vote:

5-4, motion to recommend approval of Z-42-23 per the staff recommendation with modifications and three additional stipulations passed with Committee Members Nasser-Taylor, Ortega, Rouse, Rubio-Raffin, and Abegg in favor and Committee Members Barraza, Jensen, Perrera, and Hurd in opposition.

Recommended Stipulations

1. The multifamily development shall be in general conformance with the elevations date stamped July 10, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. **A MINIMUM OF 20% OF THE BUILDING ELEVATIONS SHALL HAVE ACCENT MATERIALS THAT INCLUDE BRICK VENEER, VERTICAL SIDING, METAL RAILING, AND WINDOW SHUTTERS.**
3. **THE MULTIFAMILY DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE FUTURE SITE PLAN SUBMITTED BY THE APPLICANT.**
- ~~2.~~ Residential development shall comply with R-4 PRD development standards.
- 4.
- ~~3.~~ A minimum 60-foot building setback shall be provided along the west perimeter of the site.
- 5.
- ~~4.~~ All required landscape setbacks shall be planted with 2-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.
- ~~5.~~ A minimum of ~~45~~**18**% of the gross (residential) site area shall be retained as open space.
- 7.
- ~~6.~~ 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
- 8.

the Planning and Development Department.

- ~~7.~~ Where pedestrian walkways cross a vehicular path, the pathway shall be
9. 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.
- ~~8.~~ All multifamily pedestrian walkways, including sidewalks, shall be shaded by a
10. structure, landscaping at maturity, or a combination of the two to provide a minimum 75% shade, as approved by the Planning and Development Department.
- ~~9.~~ All uncovered surface parking lot areas shall be landscaped with minimum 2-inch
11. caliper size, single trunk, 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.
- ~~10.~~ The multifamily development shall incorporate bicycle infrastructure as described
12. below and approved by the Planning and Development Department.
 - a. A minimum of 30 bicycle parking spaces shall be provided on the multifamily development through inverted U and/or artistic racks dispersed throughout the site or in a secure room and installed per requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - b. 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.
 - c. A bicycle repair station ("fix it station") shall be provided on the multifamily development in close proximity to the Laveen Area Conveyance Channel. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - d. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
- ~~11.~~ Prior to final site plan approval, the developer shall include with the building
13. plans submitted for Phoenix Building Construction Code compliance review, certification by a registered Professional Engineer or registered Professional Architect in the State of Arizona demonstrating the average indoor noise levels of the residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department.

- ~~12.~~ 14. A noise mitigating wall no less than six feet in height shall be provided along the Loop 202 freeway. This wall shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped design, as approved by the Planning and Development Department.
- ~~13.~~ 15. A minimum of 20% of the required parking spaces for the multifamily development shall include EV Capable infrastructure. **AND A MINIMUM FIVE EV INSTALLED SPACES SHOULD BE INSTALLED AT CERTIFICATE OF OCCUPANCY.**
- ~~14.~~ 16. A Traffic Impact Analysis 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 City.
17. **A HAWK SHALL BE PROVIDED AT A PLACEMENT RECOMMENDED BY THE STREET TRANSPORTATION DEPARTMENT AFTER RECEIVING THE TRAFFIC STUDY.**
- ~~15.~~ 18. A minimum 67-feet of right-of-way shall be dedicated for the east side of 63rd Avenue, adjacent to the development and including the frontage of APN 300-020-017C. Additional right-of-way dedications and improvements shall be provided as required by the TIS, and as approved by the Street Transportation Department.
- ~~16.~~ 19. A minimum 5-foot-wide detached sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk shall be constructed along the east side of 63rd Avenue.
- ~~17.~~ 20. The east half of 63rd Avenue shall be constructed and expanded over the Laveen Area Conveyance Channel for a total curb-to-curb width of 74 feet.
- ~~18.~~ 21. A minimum 5-foot-wide attached sidewalk shall be constructed along the east side of 63rd Avenue over the Laveen Area Conveyance Channel to accommodate a "C" cross section designated roadway, as approved by the Planning and Development Department.
- ~~19.~~ 22. A 10-foot-wide Multi-Use Trail (MUT) shall be constructed along the southside of the Laveen Area Conveyance Channel, adjacent to the property. Improvements within the Laveen Area Conveyance Channel right-of-way shall include a Multi-Use Trail, landscaping, and other incidentals as required in 507 Tab A (II)(E)(2).
- ~~20.~~ 23. All pedestrian gates to the Laveen Area Conveyance Channel shall be lighted, as approved by the Planning and Development Department.
- ~~24.~~ 24. Three enhanced pedestrian connections shall be provided on the northern site boundary to allow for direct pedestrian access to the adjacent Laveen Area

Conveyance Channel Multi-Use Trail. A minimum 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material shall be constructed, as approved by the Planning and Development Department

- ~~22.~~ All streets within and adjacent to the development shall be constructed with
- ~~25.~~ 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.
- ~~23.~~ If determined necessary by the Phoenix Archaeology Office, the applicant shall
- ~~26.~~ 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.
- ~~24.~~ If Phase I data testing is required, and if, upon review of the results from the
- ~~27.~~ 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.
- ~~25.~~ In the event archaeological materials are encountered during construction, the
- ~~28.~~ 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.
- ~~26.~~ Prior to preliminary site plan approval, the landowner shall execute a Proposition
- ~~29.~~ 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 the language for Stipulation No. 3 after the applicant has submitted a revised site plan to include the date of submittal and Stipulation No. 15 to ensure the EV spaces are installed prior to certificate of occupancy. The Street Transportation Department recommends modifying the language for Stipulation No. 17 to clarify the device type, location and funding.