



## **Village Planning Committee Meeting Summary PHO-1-22--Z-174-05-2**

**Date of VPC Meeting** February 7, 2023

**Date of Planning  
Hearing Officer Hearing** February 15, 2023

- Request**
- 1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped November 23, 2005.
  - 2) Modification of Stipulation 2 regarding general conformance with the elevations date stamped November 23, 2006.
  - 3) Modification of Stipulation 3 regarding parking structure architecture.
  - 4) Modification of Stipulation 4 regarding useable outdoor private space, patio, and balconies.
  - 5) Deletion of Stipulation 5 regarding vertical landscaping enhancements.
  - 6) Deletion of Stipulation 6 regarding general conformance with the site plan date stamped November 23, 2005 and an 882 unit maximum on Parcel 4HW.
  - 7) Deletion of Stipulation 8 regarding private trails.
  - 8) Deletion of Stipulation 15 regarding a crosswalk that connects the 404 wash corridor trail with the south side of Deer Valley Drive.
  - 9) Deletion of Stipulation 17 regarding a pedestrian bridge across the 404 Wash Corridor. Deletion of Stipulation 19 regarding view corridors to the south.

10) Technical corrections to Stipulation Nos. 9, 10, 11, 12, 14, 16, and 18.

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|---------------------------|--|
| <b>Location</b>           | The northeast corner of North Tatum Boulevard and East Deer Valley Drive |
| <b>VPC Recommendation</b> | Approval, with a modification  |
| <b>VPC Vote</b>           | 7-3  |

### **VPC DISCUSSION:**

**Joshua Bednarek**, Planning and Development Director, provided an overview of the location of the subject site, zoning and land use in the surrounding area, and the proposal. **Mr. Bednarek** further described the stipulations that are requested to be modified, deleted, and corrected.

**Ed Bull**, representing the applicant with Burch and Cracchiolo, described the request, site location, purchase history, proposed use, neighborhood outreach, and conceptual site plan. **Mr. Bull** explained the stipulation modification requests fall into three categories: modifications to reflect the 2023 site plan and elevations, modifications to reflect restrictions related to the wash, and technical corrections and updates. **Mr. Bull** proceeded to describe each of the stipulation modification requests.

### **Questions from the Committee**

**Vice Chair Louis Lagrave** asked if the sidewalk along Deer Valley Road is the only proposed connection between the east and west portions of the development. **Mr. Bull** confirmed that the only connection between the east and west portions of the development is the sidewalk along Deer Valley Road. **Vice Chair Lagrave** asked if there will be any additional pedestrian connectivity along the north edge of the site. **Mr. Bull** explained that a pedestrian connection is not possible because trails and bridges are not allowed in the wash.

**Jill Hankins** explained that the proposed plan does not account for the maintenance of the wash as a riparian area. **Mr. Bull** responded that, per the US Army Core of Engineers, trails and bridges are not allowed in this wash corridor and explained that Stipulation Nos. 8 and 17 cannot be implemented because they violate federal law.

**Rick Powell** asked where he could find the updated Stipulation No. 1. **Mr. Bull** showed the revised Stipulation No. 1 on his PowerPoint presentation and explained the revisions to the stipulation. **Mr. Powell** stated the slides from Mr. Bull's presentation have not been made available to the Village Planning Committee. **Mr. Bull** explained the presentation materials were not a part of the original application package, but they had been provided to staff. He stated that staff may post the presentation material online.

**Mr. Powell** stated that the rezoning was granted based on the stipulations and asked for the rezoning case be revisited.

**Mr. Powell** expressed concerns about the elimination of Stipulation No. 15 that requires a crosswalk across Deer Valley Road. **Mr. Bull** explained that because the wash corridor trail cannot be built, he thought the crosswalk required by Stipulation No. 15 should be eliminated. **Mr. Bull** added that he has been in preliminary communication with City of Phoenix Street Transportation Department about the possibility of a crosswalk across Deer Valley Road. **Mr. Powell** stated that if this development is to be built, he would like to see a crosswalk across Deer Valley Road.

**Rick Nowell** asked how much water passes through the wash and if the measures suggested by other committee members are necessary. **Chair Steven Bowser** stated that speculation is not the purview of the Village Planning Committee.

**Ms. Hankins** asked if a trail along each side of the wash corridor and a pedestrian tunnel under Deer Valley Drive has been considered. **Mr. Bull** explained that a trail on either side of the wash corridor is part of the proposed development, but he has not had any discussion about a pedestrian tunnel under Deer Valley Drive.

**Michelle Santoro** stated that she believes a crosswalk across Deer Valley Road should be required. She suggested editing Stipulation No. 15 rather than eliminating it.

**Mr. Nowell** asked if a pedestrian overpass is an option. **Mr. Bull** explained that a pedestrian overpass had not been discussed on this project but had triggered concerns about the obstruction of views on other projects. **Mr. Bull** elaborated that a pedestrian overpass is very expensive, and it is not clear if there is enough undeveloped land on the south side of Deer Valley Road for a pedestrian bridge to connect. **Mr. Bull** added that the applicant is open to revising Stipulation No. 15 to require a pedestrian crosswalk across Deer Valley Road. **Chair Bowser** stated that a HAWK (High Intensity Activated CrossWalk) is desired.

**Gary Kirkilas** echoed Ms. Santoro's comments and pointed out an existing underpass crosswalk to the west of the project site. **Mr. Kirkilas** stated that an underpass would be an amazing addition to the project. **Mr. Bull** explained the goal of the developer, Garden Communities, is to find a workable, safe, and cost-effective pedestrian crossing. **Mr. Bull** stated the stipulation should not require an underpass or overpass as these options will be complicated and too expensive for one development.

**Mr. Powell** asked if the architectural documents will be reviewed by the Desert Ridge Community Association. **Mr. Bull** explained the site location had been removed from the Desert Ridge CC&Rs, but the applicant had met with the Desert Ridge HOA to discuss the design as a courtesy.

**Mr. Powell** asked if there had been any responses to the notification sent out to the community. **Mr. Bull** stated there had not been any responses to the notification.

**Mr. Powell** expressed concerns about the design appearing plain and basic. **Mr. Powell** also expressed concerns about buildings with small street side setbacks. **Mr. Bull** explained that the renderings will be provided prior to the PHO Hearing and will show the architectural variation more effectively. **Mr. Bull** showed a conceptual site plan and pointed out the setback dimensions and proposed street landscape buffering.

**Vice Chair Lagrave** explained that this area has existing traffic issues and the existing crosswalks at North Tatum Boulevard and East Marriott Drive are a five-minute walk from the proposed development. **Vice Chair Lagrave** stated he does not support requiring a crosswalk across Deer Valley Road.

**Chair Bowser** expressed concerns about the maintenance of the wash. **Mr. Bull** explained that Garden Communities will maintain the wash within their legal ability.

**Chair Bowser** asked if Garden Communities owns the wash. **Mr. Bull** explained Garden Communities owns the wash.

**Ms. Hankins** stated that a properly maintained wash will be an amenity that raises property values-and asked how many parking spaces are proposed. **Mr. Bull** explained he is not informed on the long-term wash management plan and deferred to Rob Anderson. **Mr. Bull** stated there are proposed to be 1,591 parking spaces. **Rob Anderson**, with the applicant team, gave background information about the historical maintenance and improvement of wash corridors and explained that there is an obligation to inspect the wash annually and take corrective actions.

#### **PUBLIC COMMENTS**

**Claudia Garza** asked if the east or west portions of the development are proposed to be developed first.

#### **APPLICANT RESPONSE**

**Mr. Bull** replied that the west portion of the development will be developed first in two phases.

#### **COMMITTEE DISCUSSION**

**Jason Israel** stated that he is in favor of a stipulation requiring a crosswalk across Deer Valley Road, whether it be above or below ground.

#### **MOTION**

**Rick Nowell** made a motion to recommend approval of PHO-1-22--Z-174-05-2. **Vice Chair Louis Lagrave** seconded the motion.

#### **VOTE**

**3-7**, motion to recommend approval of PHO-1-22--Z-174-05-2 failed with committee members Nowell, Lagrave, and Bowser in favor and committee members Barto, Hankins, Israel, Kirkilas, Powell, Reynolds, and Santoro opposed.

**MOTION**

**Jason Israel** motioned to recommend PHO-1-22--Z-174-05-2 with a modification to Stipulation No. 15 that requires the developer to install a pedestrian crossing on Deer Valley Drive as modified and approved by the Street Transportation Department and Planning and Development Department. **Jill Hankins** seconded the motion.

~~15. That a crosswalk with signage and safety lights shall be provided that connects the proposed 404 wash corridor trail with the south side of Deer Valley Drive, THE DEVELOPER SHALL INSTALL A PEDESTRIAN CROSSING ON DEER VALLEY DRIVE as approved or modified by the Street Transportation Department AND PLANNING AND DEVELOPMENT DEPARTMENT.~~

**VOTE**

**7-3**, motion to recommend approval of PHO-1-22--Z-174-05-2 with a modification passes, with committee members Barto, Israel, Kirkilas, Nowell, Reynolds, Santoro, and Bowser in favor, and committee members Hankins, Powell, and Lagrave opposed.

**Staff comments regarding VPC Recommendation:**

None.