



## Village Planning Committee Meeting Summary

### Z-40-19-7

<b>Date of VPC Meeting</b>	September 10, 2019
<b>Request From</b>	C-2
<b>Request To</b>	R-4
<b>Proposed Use</b>	Multifamily residential
<b>Location</b>	Approximately 360 feet east of the north east corner of 2nd Street and Roeser Road
<b>VPC Recommendation</b>	Approval per staff recommendation with an additional stipulation
<b>VPC Vote</b>	10-1-1; with members Shepard, Glueck, Christopherson, Busching, Trites, M. Smith, Larios, Kutnick, Holmerud, and Brooks in favor; member Aguilar dissenting; with member Castello abstaining.

#### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Mr. Nick Klimek** provided an overview of the request. The request is to rezone 1.00 acre of land from C-2, Intermediate Commercial, to R-4, Multifamily Residential, within the South Phoenix and Target Area B Design Overlay; however, the design overlay does not apply to this type of development. The site is located 1,000 feet from a proposed light rail station and is surrounded by land zoned R-4. The owner of the subject site also owns the apartment complex to the north, west, and east and, if the rezoning is approved, the lots will be combined. The staff report analyzes code compliance for whether or not the lot is combined with the larger complex. The site plan will comply with code if combined with the larger complex; however, as a stand-alone development, it does not meet setbacks, open space, or amenity requirements.

The development, as stipulated, will have: units oriented to Roeser Road with patios, porches, and balconies; detached and shaded pedestrian routes both along Roeser Road and through the site to the larger complex to the north; two access points that utilize existing drive-ways; multiple bicycle racks; and enhanced landscaping surrounding parking areas.

**Mr. Gene Holmerud** asked for clarification for why the South Phoenix Village and Target Area B Design Overlay does not apply and what standards do apply. **Mr.**

**Nick Klimek** responded that the site is located within the design overlay; however, the development standards contained in that section pertain to lots containing one or two dwelling units only. The R-4 standards would apply to the site.

**Ms. Kay Shepard** asked why the applicant is requesting R-4 when C-2 permits multifamily residential. **Mr. Nick Klimek** responded that for multifamily development C-2 defers to R-3 densities and the applicant is interested in greater density than permitted in the zoning district.

**Ms. Patti Trite** asked for clarification on why staff did not ask the applicant to resubmit their plans to reduce the need for so many stipulations. **Mr. Nick Klimek** responded that the applicant did resubmit their plans in response to stipulations; however, because the plan does not comply with code as a stand-alone development and therefore staff was not comfortable substituting a general conformance stipulation in place of the individual stipulations proposed.

**Ms. Patti Trite** asked what due diligence the city completes when evaluating the expansion of an apartment complex regarding the quality and management of the units. **Mr. Nick Klimek** stated that during his review he found no recent violations issued by the Neighborhood Services Department.

**Mr. Joseph Larios** commented regarding the potential health impacts of the project and whether the applicant was provided planning documents such as the South Central Neighborhoods Transit Health Impacts Assessment, the City of Phoenix Food Action Plan, and reports on Human Centered Design. **Mr. Nick Klimek** responded that the applicant was briefed on the importance of health to the committee and the community but that the referenced documents were not provided because they have not been formally adopted. He stated that if the committee would like these plans sent to future applicants upon adoption, he would be happy to do so. Through the process of working with staff, the applicant added additional pedestrian features, shade, bike racks, and pedestrian oriented architecture to promote positive health impacts.

**Ms. Sara Christopherson** commented that she is uncomfortable approving a project which does not comply with city standards, especially the absence of amenities on the proposed site plans, without a requirement for a lot combination. **Ms. Patti Trite** echoed the statement.

**Mr. Nick Klimek** responded that the approval of the zoning change would not provide an exception to the zoning ordinance. If the lots are not combined, the applicant would be required to meet all code standards including setbacks, open space, and amenities.

**Dr. George Brooks** commented that it is important to reopen the process of updating planning documents, codes, and checklists to the current and specific needs of the South Mountain Village.

*Ms. Tamela Daniels left bringing the quorum to 11*

**Mr. Keith Deutscher**, applicant, provided an overview of the project echoing many of the main points presented by staff. He stated that the site cannot be combined with the larger complex at this time because the zoning entitlements are not the same. In addition to shade and sidewalks, the project will preserve a mature shade tree along Roeser Road and expand the existing complex to the street. He stated that the project will provide an affordable housing product with rents like those in the larger complex.

**Ms. Marcia Busching** asked staff whether it is possible to stipulate a provision to state that the zoning approval would vest upon completion of the lot combination.

**Mr. Nick Klimek** responded that it can be problematic to place a time-condition on zoning approvals due to enforcement and legal issues and is therefore not typically recommended.

**Ms. Patti Trite** stated that she has many concerns regarding the project including density. She then shared several negative online reviews of the complex and rhetorically asked why the committee and the city should support the expansion of a complex with issues.

**Mr. Joseph Larios** asked the applicant if they had incorporated any human centered architecture to better serve residents and members of the community at large. Further, whether any findings from South Central Neighborhoods Transit Health Impacts Assessment, the City of Phoenix Food Action Plan, and reports on Human Centered Design had been incorporated into the project. **Mr. Keith Deutscher** responded that the project is an expansion of an existing complex, will provide affordable housing, and efforts have been taken to provide a pedestrian oriented development. **Mr. Joseph Larios** expressed disappointment that further measures were not taken about health and design.

**Dr. George Brooks** stated that there is a desperate need for quality affordable housing, but that quality and price need not be correlated. He asked the applicant and staff whether the applicant will return to the committee for additional plan review. **Mr. Nick Klimek** responded that, as stipulated, the applicant will not be required to return for future reviews or approvals.

Upon receiving a speaker card from a member of the audience, **Dr. George Brooks** invited Ms. Anita Agular to comment. **Ms. Anita Agular** asked whether the construction would impact the operation of the adjacent fire station in any way. **Mr. Nick Klimek** responded that the Fire Department was consulted both as an emergency service provider and as neighbor and in neither role did they express concern. **Mr. Keith Deutscher** responded that all disturbance would be limited to their property and there would be no interference to fire operations. **Ms. Barbara**

**Kutnick** asked whether anyone from the fire department physically visited the site to evaluate potential issues.

### **MOTION**

**Ms. Kay Shepard** made a motion to approve the request per the staff recommendation. **Ms. Patti Trites** seconded the motion.

### **DISCUSSION**

**Mr. Joseph Larios** stated his intent to vote no because the proposal and presentation did not adequately address the questions of the community about health and human-centered design. He also expressed concern that the committee did not take the time to deliberately build a motion.

**Mr. Matthew Agular** stated that the applicant was unable to answer the committee's questions and that it would be disrespectful to approve the request.

**Mr. Gene Holmerud** called for a vote.

### **VOTE:**

**4-7-1** Motion failed; with members, Shepard, Glueck, Christopherson, and Busching in favor; members Trites, M. Smith, Larios, Kutnick, Holmerud, Agular, and Brooks dissenting; with Castello declaring a conflict of interest and abstention.

**Ms. Kay Shepard** stated that a zoning designation of R-4 is common sense at this location. It is surrounded by R-4 and even the single-family homes south of Roeser Road are zoned R-4.

**Mr. Joseph Larios** stated that the zoning could make sense but there has not been sufficient preparation to include design and elements that will improve health outcomes. **Ms. Kay Shepard** responded that a single request for R-4 zoning does not have health impacts either positive or negative.

**Ms. Patti Trites** restated her opposition to the project based on the density and design but not necessarily to the zoning designation. She asked staff whether it is possible to approve the zoning but not the project. **Mr. Nick Klimek** responded the staff recommendation does not tie the approval to this individual project but, as stipulated, does provide additional quality and health provisions than would otherwise not be required by code.

**Ms. Sara Christopherson** asked whether it makes sense to supplement the motion with something to improve the quality of the project about health; for example, a recommendation per staff and an additional stipulation that could be added by Mr. Joseph Larios. **Mr. Joseph Larios** responded that he is not responsible for writing their stipulations and stated that designers can and should go the extra mile regarding health.

**Mr. Matthew Agular** stated that denying projects send a message to other applicants that additional effort is required to receive approval from the committee.

**Mr. Stephen Glueck** expressed that he would want the applicant to return at a future meeting prior to site plan approval to share their revised site plans, elevations, and plans to address health impacts. **Discussion** resulting in consensus.

### **MOTION**

**Mr. Stephen Glueck** made a motion to approve the request per the staff recommendation with an additional stipulation requiring the developer to return to the committee for review and comment on revised elevations, site plans, and their approach to address health impacts. **Ms. Kay Shepard** seconded the motion.

### **VOTE:**

**10-1-1** Motion to approve passed; with members Shepard, Glueck, Christopherson, Busching, Trites, M. Smith, Larios, Kutnick, Holmerud, and Brooks in favor; member Agular dissenting; with Castello abstaining.

### **VPC RECOMMENDED STIPULATIONS & STAFF COMMENTS**

1. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and/or overhead canopies at least every 50 linear feet, as approved by the Planning and Development Department.
2. All ground level units on the south half of the building shall have their individual main entrances oriented to Roeser Road, including a direct pedestrian pathway to the public sidewalk and a porch or patio to accentuate the unit entrance as described below and as approved by the Planning and Development Department:
  - a. Patio Frontage:
    1. Minimum depth of eight feet.
    2. Minimum area of 64 square feet.
    3. Patio shall be enclosed on each side by a low wall not to exceed 40 inches in height.
    4. The area between the property line and main facade of the building which is not improved with permanent hardscape shall be planted with live vegetation ground coverage and shrubs excluding hardscape for pedestrian amenities.
  - b. Porch Frontage:
    1. Minimum depth of six feet.
    2. Minimum width of 50 percent of the facade.
    3. Minimum shade coverage of 75 percent of porch area.

3. All public sidewalks shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum three-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk. The sidewalk may be attached in the area of the mature shade tree located approximately 100 feet west of the southeast corner of the subject property, as approved by the Planning and Development Department.
4. The developer shall provide pedestrian pathways on the east and west side of the subject site extending from Roeser Road to the north property line to provide pedestrian access to neighboring multifamily developments. Pedestrian pathways shall include the following, as approved by the Planning and Development Department:
  - a. Pedestrian pathways shall be detached from the vehicular areas by a minimum five-foot-wide landscaped area and shall include minimum three-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk.
  - b. Where pedestrian pathways cross driveways, the crossing shall be delineated by stamped and/or colored crosswalks, as approved by the Planning and Development Department.
5. All individual units above the ground floor shall have a shaded balcony of no less than 50 square feet in total size with a minimum depth of five feet, as approved by the Planning and Development Department.
6. Inverted-U bicycle racks shall be provided at a rate of 0.25 per dwelling unit located near building entries and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
7. Fifteen percent of the surface parking lot area must be landscaped exclusive of perimeter landscaping. Minimum two-inch caliper shade trees shall be required in the surface parking lot landscape planters, as approved by the Planning and Development Department.
8. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
9. 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.
10. If Phase I data testing is required, and if, upon review of the results from the 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.

11. In the event archaeological 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 Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
12. THE DEVELOPER SHALL PRESENT SITE PLANS, BUILDING ELEVATIONS, AND THE PLAN TO ADDRESS HEALTH IMPACTS FOR REVIEW AND COMMENT PRIOR TO SITE PLAN APPROVAL.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

The additional stipulation, No. 12, may be difficult to enforce with regard to health outcomes.