



## Village Planning Committee Meeting Summary

### PHO-1-23—Z-27-15-4

<b>Date of VPC Meeting</b>	April 25, 2023
<b>Date of Planning Hearing Officer Hearing</b>	May 17, 2023
<b>Request</b>	<ol style="list-style-type: none"> <li>1) Modify stipulation number 2 regarding a deposit into a Street Transportation Department escrow account</li> <li>2) Delete stipulation number 4 regarding a temporary path along 1st Street</li> <li>3) Modify stipulation number 5 regarding conditional approval within seven years</li> </ol>
<b>Location</b>	Northwest corner of Central Avenue and Pierson Street
<b>VPC Recommendation</b>	Approval, with a modification and an additional stipulation
<b>VPC Vote</b>	11-0

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

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

#### STAFF BACKGROUND PRESENTATION

**Samuel Rogers**, staff, provided a brief background presentation highlighting the site location, existing zoning, and the applicant's request to modify stipulations regarding a deposit into a Street Transportation Department escrow account, conditional approval within seven years, and the construction of a temporary path along 1st Street.

#### APPLICANT PRESENTATION

**Manjula Vaz**, with Gammage and Burnham, presented the site location, the surrounding area, and the original Planned Unit Development rezoning case. Ms. Vaz described the request to modify stipulations regarding a deposit into a Street Transportation Department escrow account, conditional approval within seven years, and the construction of a temporary path along 1st Street.

#### QUESTIONS FROM THE COMMITTEE

**Committee Member Alexander Malkoon** asked about changes to Stipulation No. 3. **Ms. Vaz** explained that Stipulation No. 2, which requires a \$25,000 deposit

for traffic mitigation was being modified for inflation, but Stipulation No.3 is not a part of the request.

**Committee Member Charles Jones** asked how much money in total will be deposited and why an increase proposed. **Ms. Vaz** stated a total of \$56,000 would be required to be deposited and the deposit amount had been increased to account for inflation. Committee Member Jones asked if any money had been deposited yet. Ms. Vaz stated that nothing had been deposited yet. Committee Member Jones expressed concerns about removing the requirement for a temporary pedestrian path along 1st Street. **Bob Hayes**, with the development team, explained there was a desire to not put a pedestrian path next to a construction yard.

**Committee Member Malkoon** explained this is a high pedestrian area and asked where pedestrians would walk if the temporary pedestrian path would not be constructed. **Mr. Hayes** explained that once construction begins the site will likely be required to put in a sidewalk with a temporary canopy and pedestrians can traverse along the east side of 1st Street currently. **Rob Lane**, with Gammage and Burnham, explained that the temporary path is required until the building walls are erected and added that site is currently being used as a construction laydown yard and will need to be excavated for underground parking, so there is not much time when there could be a temporary path. **Committee Member Jak Keyser** stated that it would be dangerous for pedestrian with trucks coming and going into the site and stated that there is a pedestrian sidewalk on the east side of 1st Street.

**Committee Member Crystal Carrillo** asked if the construction site is gated and stated there is no sidewalk on the west side of 1st Street. **Ms. Vaz** stated that the construction site is fenced and gated and explained that the intent of Stipulation No. 4 was to provide a temporary sidewalk along the west side of 1<sup>st</sup> Street until the project was under construction. Ms. Vaz added that a sidewalk would be put in as a part of the development. Committee Member Carrillo asked what the average traffic control contribution for the area is. Ms. Vaz stated that she was unaware of the average traffic control contribution and explained the proposal is to adjust for inflation.

**Committee Member Malkoon** stated he was the Chair when the original rezoning case was heard and asked if the current developer had purchased the site from the original developer. **Mr. Hayes** confirmed the site had been purchased from the original developer. Committee Member Malkoon stated that the original \$25,000 deposit was approved and the neighborhood was comfortable with the amount and asked why the inflation adjustment was only applied to the \$25,000 deposit required by Stipulation No. 2 and not the \$25,000 deposit required by Stipulation No. 3. **Ms. Vaz** stated that the inflation adjustment could be applied to Stipulation Nos. 2 and 3. Committee Member Malkoon stated he could not remember the reason the community wanted a pedestrian pathway along the west side of 1st Street.

**Committee Member Keyser** stated he had previously met with City of Phoenix staff to discuss traffic mitigation and explained that the required deposit was a fair amount.

#### PUBLIC COMMENTS

**Robert Jones** stated that his concerns had been addressed.

**Ken Waters** expressed concerns about there not being a requirement for commercial spaces within a Transit Oriented Development (TOD) area. Mr. Waters explained there had not been a good mixed-use project since the MUSE development in 2014 and stated there are primarily only single-use developments in this area. Mr. Waters stated that the commercial space should be stipulated.

**Jeremy Thacker** stated he often walks in this area and explained the sidewalk along the east side of 1st Street is sufficient, so the temporary sidewalk is unnecessary. Mr. Thacker stated there is a need for more commercial spaces and that he would like to see less parking.

#### APPLICANT RESPONSE

**Ms. Vaz** stated that the applicant does not plan to deviate from the original site plan which includes the provision of commercial on the 1st floor. Ms. Vaz added that the developer is in talks with the City in regards to reducing parking and she reiterated that the primary purpose of the request is to get more time to complete the development.

#### FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

**Committee Member Keyser** stated he would like to add a stipulation requiring a minimum amount of commercial space. **Chair Drew Bryck** stated that the discussion is intended to discuss the current stipulations rather than relitigate the rezoning case.

**Committee Member Jones** asked if the zoning had expired. **Sarah Stockham**, staff, explained that a rezoning approval is a legislative action and the only way to undo a rezoning is another legislative action.

#### MOTION

**Committee Member Malkoon** made a motion to recommend approval of PHO-1-23—Z-27-15-4 with a modification to Stipulation No. 2 to require the traffic mitigation deposit amount to be deposited within 6 months of City Council approval and an additional stipulation to require a deposit for traffic mitigation, as approved by the Planning and Development Department. **Committee Member Jones** seconded the motion.

#### VOTE

11-0, motion to recommend approval of PHO-1-23—Z-27-15-4 with a modification and an additional stipulation passes with Committee Members Adams, Carrillo, Ender, DeGraffenreid, Harris, Jones, Keyser, Malkoon, Smith, Shore, Bryck in favor.

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

APPLICANT PROPOSED MODIFICATION TO STIPULATION NO. 2

The property owner shall provide a deposit in the amount of \$3125,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures along 1st Street in the St. Francis neighborhood PRIOR TO FINAL SITE PLAN ~~within (6) months of City Council approval~~. These funds shall be utilized to improve existing traffic mitigation infrastructure along 1st Street, as approved by the Street Transportation Department. Any remaining funds will be deposited in the separate account established to comply with stipulation number 3.

VPC PROPOSED MODIFICATION TO EXISTING STIPULATION NO. 2

The property owner shall provide a deposit in the amount of ~~\$3125,000~~ into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures along 1st Street in the St. Francis neighborhood within (6) months of City Council approval. These funds shall be utilized to improve existing traffic mitigation infrastructure along 1st Street, as approved by the Street Transportation Department. Any remaining funds will be deposited in the separate account established to comply with stipulation number 3.

**Staff Comment:** The Village Planning Committee recommendation is to approve the modification to deposit amount into the Street Transportation Department escrow account but retain the existing language regarding the timing of the deposit.

VPC PROPOSED ADDITIONAL STIPULATION

THE PROPERTY OWNER SHALL DEPOSIT AN ADDITIONAL \$31,000 (FOR A TOTAL OF \$62,000) INTO A STREET TRANSPORTATION DEPARTMENT ESCROW ACCOUNT AT THE CITY OF PHOENIX TO BE UTILIZED FOR TRAFFIC CALMING OR MANAGEMENT TOOLS FOR THE AREA BOUNDED BY CENTRAL AVENUE, CAMELBACK ROAD, 7TH STREET, AND PIERSON STREET AT THE TIME OF CONSTRUCTION. THESE FUNDS MAY BE CONTRIBUTED TOWARDS THE PURCHASE AND INSTALLATION OF SUCH DEVICES AS ROUNDABOUTS, SPEED HUMPS/CUSHIONS, OR RAISED CROSSWALKS (SPEED TABLES), LIMITED TURNING, TRAFFIC DIVERTERS OR OTHER SUCH TRAFFIC CALMING OR MANAGEMENT TOOLS. DISTRIBUTION OF FUNDS SHALL BE AT THE MUTUAL AGREEMENT OF THE FIVE MEMBER NEIGHBORHOOD TRAFFIC TEAM, THE RESIDENTS ON THE AFFECTED STREETS AND THE CITY OF PHOENIX STREETS DEPARTMENT SAFETY AND NEIGHBORHOOD TRAFFIC SECTION. OWNER MAY APPLY FOR REIMBURSEMENT OF ESCROW FUNDS FROM THE STREET TRANSPORTATION DEPARTMENT IF NO FORMAL PETITION HAS BEEN SUBMITTED WITHIN 5 YEARS FROM THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

**Staff Comment:** The Village Planning Committee recommendation is to add an additional stipulation to require a deposit for traffic mitigation. The intent of the additional stipulation is to modify the deposit amount in the existing Stipulation No. 3, which is not a part of this request. Note that addition of the stipulation will create conflicts with the text of the existing Stipulation No. 3.