



## Village Planning Committee Meeting Summary

### Z-44-21-2

<b>Date of VPC Meeting</b>	December 6, 2021
<b>Request From</b>	C-2 PCD (Intermediate Commercial, Planned Community District)
<b>Request To</b>	PUD (Planned Unit Development)
<b>Proposed Use</b>	Multifamily residential and commercial uses
<b>Location</b>	Southwest corner of Paradise Lane and Scottsdale Road
<b>VPC Recommendation</b>	Approval, with an additional stipulation and modification to Stipulation No. 1.c.
<b>VPC Vote</b>	<b>12-0</b> with committee members Balderrama, Bowman, DiMassa, Gerst, Goodhue, Mortensen, Petersen, Popovic, Severs, Sparks, Wise, and Leshner in favor.

#### **VPC DISCUSSION:**

**Mr. David Simmons**, staff, went over the request in detail to include the character of the surrounding area, the General Plan Land Use designations in the surrounding area, and the configuration of the proposed site plan. Mr. Simmons also shared that the proposal is consistent with several City of Phoenix policy plans. Further, Mr. Simmons went over a series of staff's proposed stipulations and stated that these stipulations will help ensure the site develops as proposed.

**Mr. Nick Wood**, representing the applicant, introduced himself and gave an overview of the rezoning requests. He went over a slide depicting a context aerial showing how this request will be consistent with character in the surrounding area. He highlighted the mix of proposed uses and the outstanding design of the building. He went over a setback exhibit reflecting consistencies with recently approved projects to the south of the subject site. Mr. Wood highlighted the proposed landscape plan which reflects enhanced landscaping on the street frontages. He also went over the amenity areas for residents as well as enhanced architectural embellishments on all building elevations. Further, he requested the removal of Stipulation No. 1.c. relating to projections into the required setbacks.

#### **VPC Discussion:**

**Mr. Robert Goodhue** asked how far the developer was planning to project into the setbacks.

**Mr. Wood** shared that the encroachment would be a couple of inches or up to two feet, depending on the building configuration.

**Ms. Cynthia DiMassa** shared that she has concerns with the applicant's request to remove stipulation No. 1.c. She stated that the Overture project is way too close to the sidewalks and shared an experience of her getting water on her from a tenant on Overture cleaning above. She does not want this to be replicated with this project.

**Mr. Nick Wood** shared that the Overture project has 8 foot setbacks. He shared that this proposal has much deeper setbacks and the balconies will not cantilever over the sidewalks at all.

**Ms. DiMassa** shared concerns with delivery trucks blocking traffic on 71<sup>st</sup> Street and Kierland Boulevard. She stated that this is an ongoing problem due to the influx of multifamily projects coming into the area.

**Mr. Wood** shared that this project proposes a delivery truck pull-out on the south access way of the project, therefore, no delivery trucks should be obstructing traffic on 71<sup>st</sup> Street or Kierland Boulevard.

**Mr. Paul Severs** asked if there is dedicated parking for the commercial component of the proposal.

**Mr. David Simmons**, staff, shared that there are parking requirements for the project and 53 spaces are specifically allocated for the commercial uses on the ground floor.

**Mr. Wood** reiterated staff's comments and shared that there is ample parking on the site for all proposed uses.

**Mr. Alan Sparks** concurred with Committee member DiMassa's Overture comments in regard to setbacks. He stated that Overture is a horrible project. Further, he stated that the proposed open space for this project should be added as a stipulation to ensure it develops as proposed. He wants to ensure the open space area around the commercial spaces on the ground level should be maintained and never developed. He stated he will add this language to the motion.

**Mr. Alex Popovic** wants to ensure the reduction of vertical encroachment into the setbacks. He asked the applicant if he could clarify what the maximum encroachment would be prior to a motion being made.

**Mr. Wood** shared that he does not know how far the encroachment will be and will not know until final plans are produced.

**Mr. Sparks** stated that a 2 foot encroachment maximum would be his suggestion.

**Ms. DiMassa** inquired about traffic calming measures being proposed. She has concerns with pedestrian safety. She asked if the applicant could require stop signs.

**Mr. Wood** shared that the Streets Department determines if stop signs are required. He shared that the traffic study did not warrant 4-way stop signs for this project as traffic volumes just were not high enough to require this.

**Mr. Popovic** stated that the applicant really needs to dedicate to a maximum vertical encroachment into the setbacks, so a slippery slope is not created here.

**Mr. Robert Goodhue** recommended a motion for approval with a maximum 2-foot vertical encroachment into the setbacks for patios and balconies and that the ground level open space be maintained and never developed.

**MOTION:**

**Mr. Alan Sparks** made a motion to recommend approval of Rezoning Case No. Z-44-21-2, with two additional stipulations.

**Mr. Robert Goodhue** seconded the motion.

**VOTE:**

**12-0** with committee members Balderrama, Bowman, DiMassa, Gerst, Goodhue, Mortensen, Petersen, Popovic, Severs, Sparks, Wise, and Leshar in favor.

1. An updated Development Narrative for the Modera Kierland PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 29, 2021, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: June 28, 2021  
2nd Submittal: September 10, 2021  
Hearing Draft: October 29, 2021  
City Council adopted: TBD
  - b. Pages 10 and 12; Streetscape adjacent to Paradise Lane and 71st Street: Both Paradise Lane and 71st Street require the X-E Street Section. An E section requires detached sidewalks where a minimum 5-foot-wide sidewalk is required and a minimum 8-foot-wide landscape area is required.
  - c. Page 10; Remove the notes at the bottom of the page regarding encroachments into the required setbacks and indicate that balconies and patios shall not encroach into required setbacks MORE THAN A MAXIMUM OF TWO FEET.
  - d. Page 14, Section D5; Update verbiage to indicate that shade requirement is for both public sidewalks and private pathways to require 75 percent shade on all public sidewalks and private pathways.

- e. Page 18; Amenities: The applicant shall add the following language to the development narrative: One bicycle repair station ("fix it station") shall be provided and maintained along the 71st Street frontage. 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: 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.
- F. PAGE 17, SECTION E2.D. ADD LANGUAGE THAT NO OCCUPIABLE BUILDING STRUCTURES WILL BE CONSTRUCTED IN THE OPEN SPACE AREA.
- 2. 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.
- 3. The developer shall dedicate right-of-way and reconstruct bus stop pad along southbound Scottsdale Road south of Paradise Lane. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to the bus stop pad at full maturity, as approved by the Planning and Development Department.
- 4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) 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.
- 5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
- 6. 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.

**Staff Comments:**

None