



Village Planning Committee Meeting Summary

Z-157-24-3

Date of VPC Meeting	March 19, 2025
Request From	C-2 SP
Request To	C-3
Proposal	Commercial uses
Location	Approximately 1,080 feet north of the northeast corner of the I-17 Freeway and Thunderbird Road
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	10-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Three members of the public registered to speak on this item, one in support and two who did not indicate support or opposition

STAFF PRESENTATION

Robert Kuhfuss, staff displayed an oblique aerial image of the site and surrounding area then followed with an image depicting the General Plan Land Use Map categories of the site and surrounding area. Mr. Kuhfuss explained that the original rezoning request included the entire property, but that staff had concerns with the potential uses allowed under C-3 and the potential impacts those uses might have on adjacent street facilities, which led to the rezone area being reduced to that needed to accommodate the equipment rental. Mr. Kuhfuss stated that staff had not received any support or opposition regarding the request but noted that one individual had initially expressed concern over the potential loss of the landscape buffer and seemed satisfied when advised that was not the owner's intent. Mr. Kuhfuss provided the staff findings, recommendations, and proposed stipulations.

APPLICATION PRESENTATION

Justin Kincade, representing the applicant with Kimley-Horn, oriented the Committee to the site, stating that the entire area is zoned C-2. Mr. Kincade showed photographs of the site specific to the application, stating that the site was typical of a Home Depot site. Mr. Kincade stated that the equipment Rental Center has been active since 2013. Mr. Kincade discussed the zoning of the site and the surrounding area and stated that the intent was to rezone a two-acre portion of the larger 12-acre site to C-3 since C-3 allows equipment rental. Mr. Kincade stated that he had been working with staff to redefine the zoning boundary and that the existing rental center and

equipment rental are contained within the proposed C-3 boundary, as is a portion of the access road leading out to the I-17. Mr. Kincade presented an image of the landscape buffer located along the northern edge of the rezone area stating that it was not Home Depot's intent to encroach into that area. Mr. Kincade stated that approval of the proposed rezone would bring the site into compliance with the City's code and that no changes to the store's operation or surrounding area was being proposed. Mr. Kincade displayed an image showing the equipment adjacent to the existing screen wall.

QUESTIONS FROM THE COMMITTEE

Committee Member Jim Larson asked if the intent of the rezone was simply to bring the site into compliance. **Mr. Kincade** stated they have been operating an equipment rental center for over a decade but learned that the zoning of the site did not allow that use and that the intent was to bring the site into compliance. Committee Member Larson asked if this is the only site within the City that needed to be rezoned. Mr. Kincade stated that he was not sure but his understanding is that most of the other stores already have C-3 zoning.

Committee Member Steve Pamperin stated that it was his understanding that part of the rezone area was to extend into the green belt area and asked if there was a specific reason why the rezone area did not follow the wash. Committee Member Pamperin stated that once zoned, anyone could expand into the greenbelt area. **Mr. Kincade** stated that the access arm leading out to the I-17 dictated how the northern boundary was laid out. Committee Member Pamperin asked what the allowed height was being that close to residential. Mr. Kincade stated that the open space area was split between Home Depot and the Homeowners' Association to the north, with the boundary between the two aligning with the existing concrete channel. Mr. Kincade reiterated staff's concerns with rezoning the entire site to C-3 and that the proposed configuration only accommodates the equipment rental and is not large enough to accommodate other C-3 uses. Mr. Kincade stated that any changes to the site would require City review and approval. Committee Member Pamperin again asked what the height limit was in C-3. Mr. Kincade stated that he did not have the code requirements handy, but any changes would require City approval.

Committee Member Joshua Carmona asked for clarification as to where the rental trucks and rental equipment would be stored. **Mr. Kincade** stated that his understanding was that there were stipulations from the past that required the rental trucks to be parked north of the rental center, and that the equipment would be parked along the screen wall.

Vice Chair Joshua Matthews asked whether the greenbelt was in a dedicated easement or if there were any other legal protections. **Mr. Kuhfuss** stated the area was shown as being within an easement but was not certain of the purpose of that easement. Vice Chair Matthews stated that if there were concerns over the potential of that area being used for anything other than a greenbelt, the Committee could recommend a stipulation stating that the area be maintained in its current state. **Mr. Kincade** stated the area handles drainage and that there was an exercise station

located in the easement. Vice Chair Matthews asked the applicant if they would be willing to accept a stipulation stating that the existing greenbelt be maintained in its current condition or not be impacted by any future land use changes. Mr. Kincade stated that would be acceptable.

PUBLIC COMMENT

Roxanne Smith stated that she is the Block Watch President of the neighborhood, with the boundaries extending from Greenway Road to Thunderbird Road and from the I-17 to 25th Avenue, which includes the subject site. Ms. Smith stated that she and many of the community members wanted to be sure to keep the green space, and that Home Depot promised lighting for the green space but has not delivered. Ms. Smith stated that the green space has been known to attract the unhoused, which has become a problem for the residents of the area. Ms. Smith stated that Home Depot wishes to line the wall with equipment and will illuminate that area for their own purposes and would like to see Home Depot extend lighting to the other side of the wall for the benefit of the neighbors.

Judy Mackin stated that she lives across the street from Home Depot and faces 26th Avenue. Ms. Mackin stated that homeless people live along the north side of the north wall and that she would like to see Home Depot install lighting along the north side of the wall to discourage the homeless from staying there. Ms. Mackin stated that she would also like Home Depot to repair the inoperable lighting within the parking lot.

Dwight Watland stated that he is a neighbor and he, along with Judy Mackin, are likely the only two people who have institutional memory of the history regarding the Home Depot. Mr. Watland stated that in 1994, there were extensive stipulations put in place and stated that Home Depot has not lived up to many of those stipulations. Mr. Watland stated he wanted to be sure that the current stipulations are kept in place and that Home Depot be more responsive when dealing with neighbor concerns. Mr. Watland stated there was a lighting problem, an outdoor display problem, and other issues. Mr. Watland stated that he did not understand why he did not make the notification list and had been in discussions with Mr. Kincade to address that issue. Mr. Watland expressed concerns with access onto Thunderbird Road and wanted Home Depot to do whatever they can to encourage traffic to utilize the access road out to the frontage road. Mr. Watland expressed concerns with the screen wall that separates the parking lot from the green belt stating that the wall is about eight or nine feet tall and that a stipulation should be included stating that nothing can be visible above that wall. Mr. Watland reiterated his concerns over the lack of responsiveness on the part of Home Depot giving an example of a letter that he sent to Home Depot's legal counsel in February of 2020 where the concerns expressed in that letter went unresolved. Mr. Watland reiterated his concerns with outdoor display, parking lot lighting, and green belt lighting.

Judy Mackin stated that she would like the equipment being stored on site to not exceed the height of the wall along 26th Avenue.

COMMITTEE DISCUSSION:

Vice Chair Matthews stated there had been a lot of good commentary made with respect to the proposed rezone. Vice Chair Matthews stated that the site has been non-compliant for 12 years and understood they wanted to bring the site back into compliance. Vice Chair Matthews stated that his inclination was to make a motion with direction that in the next couple weeks the applicant work with the community to develop stipulations that address the concerns that were raised by the community and be prepared to present those stipulations to the Planning Commission, which both he and Committee Member Jaramillo are members. Vice Chair Matthews asked Mr. Kincade if that would be workable and clarified that the reason for that approach was that it would be difficult to craft such stipulations during the meeting. **Mr. Kincade** stated that it would be workable and that he would coordinate with the neighbors and see if they can address their concerns with additional stipulations. Vice Chair Matthews stated that his understanding of the issues were maintaining the green space in its current condition, bringing the parking lot lighting back up to code and consistent with the prior stipulations, site security, and equipment height. Vice Chair Matthews stated that he realized that the height issue might prove difficult and asked Mr. Kincade to identify any issues that cannot be addressed. **Committee Member Garbarino** clarified that there may be existing stipulations that are not being followed. Mr. Kincade reiterated his understanding. Mr. Kincade stated that in his experience, the preference is to have outdoor lighting point inward and that he would like to contact the homeowners that back up to that green space prior to committing to any outdoor lighting in that area. Vice Chair Matthews asked Mr. Kincade to work that out with the community to ensure there are no surprises later.

MOTION:

Vice Chair Joshua Matthews motioned to recommend approval of Z-157-24-3 with direction that the applicant work with the community to develop stipulations related to the green space, lighting, safety and security and other neighborhood concerns in advance of the Planning Commission Meeting on April 3, 2025.

DISCUSSION:

Committee Member O'Hara asked for a friendly amendment that the motion include staff recommended stipulations as well. **Vice Chair Matthews** agreed to the friendly amendment.

Committee Member Heather Garbarino asked for an additional friendly amendment that the motion address any outstanding stipulations. **Vice Chair Matthews** restated the motion.

REVISED MOTION:

Vice Chair Joshua Matthews motioned to recommend approval of Z-157-24-3 per staff recommendation with direction that the applicant work with the neighborhood to develop stipulations related to maintaining the existing green space, enhancing lighting, safety and security, and any other concerns, as well as ensuring that other

existing stipulations are addressed. **Committee Member Arick O'Hara** seconded the motion.

VOTE:

10-0, motion to recommend approval of Z-157-24-3 per the staff recommendation with direction passes with Committee Members Adams, Carmona, Edwards, Garbarino, Jaramillo, Knapp, Larson, O'Hara, Pamperin, and Matthews in favor, none opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.