

## Attachment C



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

#### **ADDENDUM A**

#### **Staff Report: Z-31-21-8**

December 9, 2021

**South Mountain Village Planning  
Committee Meeting Dates:**

November 9, 2021  
December 14, 2021

**Planning Commission Hearing Date:**

December 2, 2021  
January 6, 2022

**Request From:**

S-1 (Ranch or Farm Residence  
District) (49.52 acres)

**Request To:**

R1-10 (Single-Family Residence  
District) (49.52 acres)

**Proposed Use:**

Single-family detached residential  
community

**Location:**

Southeast corner of 19th Avenue and  
South Mountain Avenue

**Owner:**

New Castle Development, LLC

**Applicant:**

Providence Homes

**Representative:**

Benjamin Tate, Withey Morris, PLC

**Staff Recommendation:**

Approval, subject to stipulations

The South Mountain Village Planning Committee heard this rezoning request on November 9, 2021 and voted (13-0) to continue the case to the December 14, 2021 South Mountain Village Planning Committee meeting, in agreement with the applicant. Subsequently, the case was continued to the January 6, 2022 Planning Commission hearing.

As a result of the discussion at the November 9, 2021 Village Planning Committee meeting, the applicant has provided an updated site plan and a landscape plan, attached to this report, that depicts a decrease in the number of lots from 160 to 156 on the subject site. Furthermore, the applicant has requested to limit all homes in this development to a maximum height of one story and 22 feet.

Other changes to the site and landscape plans include the off-setting of lots, lot width adjustments for 55-foot and 60-foot wide lots, depiction of amenity areas and pedestrian pathways. A minor reduction to the open space percentage from 17 percent to 16 percent resulted from these changes. Due to these changes, staff recommends modifying the following stipulations:

- **Stipulation No. 1** regarding general conformance with the site plan and update to the open space percentage;
- **Stipulation No. 3** regarding limitations to single-story homes;
- **Stipulation No. 9** regarding a requirement to provide pedestrian access gates to the Western Canal from adjacent public streets;
- **Stipulation No. 11.** regarding the development of open space areas in general conformance to the landscape plan;
- **Stipulations No. 12 and 13** regarding a clarification on the shade and live coverage standards;
- **Stipulation No. 21** regarding updates to disclosure documents on agricultural uses;
- New **Stipulation No. 22** regarding disclosure of a shooting range at the Phoenix Police Academy approximately 0.8 miles southeast of the site;
- **Stipulation Nos. 23 through 26** have been renumbered;
- New **Stipulation No. 27** to require a bus stop pad be provided along 19th Avenue as requested by the South Mountain Village Planning Committee.

Leading up to and following the December 14, 2021 South Mountain Village Planning Committee meeting, staff received additional correspondence from the public regarding this case. This additional correspondence is also attached.

Staff recommends approval per the modified stipulations, reflecting updates to the site plan, provided below:

### **Stipulations**

1. The development shall be in general conformance with the site plan date stamped ~~November 2, 2021~~ NOVEMBER 24, 2021, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
  - a. Lots 1 through 28 shall be a minimum of 75 feet in width.
  - b. All other lots shall be a minimum of 55 feet in width.
  - c. Portions of lots 28 and 29 may be modified to accommodate any required canal frontage standards.
  - d. The location of the open space areas.
  - e. A minimum of ~~47~~ 16 percent of the gross site area shall be provided as open space.

- f. A minimum building setback of 150 feet, exclusive of fencing or entry features, shall be provided along the western perimeter property line along 19th Avenue.
2. The required landscape setbacks shall be planted with minimum 50-percent 2-inch caliper and 50-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
3. The maximum building height shall be limited to ~~two stories and 30 feet, except that lots 1 through 53, 82, 83, 108, 109, 159 and 160 as depicted on the site plan date stamped November 2, 2021, shall be limited to one story and 20~~ 22 feet.
4. All lots within the development shall be subject to Single-Family Design Review, including 75-foot wide lots, as approved by the Planning and Development Department.
5. Building elevations shall be developed to the following standards, as approved by the Planning and Development Department:
  - a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment.
  - b. A minimum of 50 percent of the elevations for each floor plan shall provide a covered front porch in the front yard with a minimum of 60 square feet in area at a depth of at least six feet. No porch shall terminate within the plane of a door or window.
  - c. Pitched roofs shall be provided on all building elevations.
6. The development shall be in general conformance with the fencing exhibit (landscape plan) and elevations date stamped October 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
  - a. Full open view fencing shall be utilized where an open space tract is adjacent to a canal.
  - b. Where view fencing is required by the Zoning Ordinance, a combination of solid masonry wall and view fencing may be utilized. The solid portion of the wall shall not exceed 4 feet in height.
  - c. Perimeter walls bounding the rear yard property lines of residential lots along South Mountain Avenue shall include minimum 3-foot offsets.

- d. Perimeter walls bounding the rear yard property lines of residential lots along South Mountain Avenue shall be limited to a maximum of 5 feet solid and topped with open view fencing, as approved by the Planning and Development Department.
7. Project entry drives along 19th Avenue and South Mountain Avenue shall be constructed of decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
8. Project entry drives shall incorporate enhanced landscaping on both sides planted with a variety of at least three plant materials, as approved by the Planning and Development Department. Each landscaped area shall be a minimum of 250-square feet.
9. A minimum system of pedestrian connections shall be provided, as described below and as approved by the Planning and Development Department:
  - a. A system of pedestrian connections to/between via the most direct route:
    - (1) Amenity areas.
    - (2) Sidewalks.
    - (3) Pedestrian path connecting the northern and southern portions of the site via a centralized pathway.
    - (4) The common open space tract along the southeast corner of 19th Avenue and South Mountain Avenue shall contain a minimum 8-foot wide pedestrian pathway that connects the development with the sidewalk at 19th Avenue or South Mountain Avenue near the street intersection. This pathway shall be constructed of decomposed stabilized granite, decorative pavers, stamped or colored concrete, or similar alternative material. The landscaped tract shall contain minimum 2-inch caliper shade trees planted a minimum of 25 feet on center or equivalent groupings, along both sides of the pedestrian pathway.
    - (5) A minimum 8-foot wide pedestrian pathway shall connect the development with the multi-use trail along the Western Canal. This pathway shall be provided within an average 30-foot wide landscape tract and constructed of decomposed stabilized granite, decorative pavers, stamped or colored concrete, or similar alternative material.
    - (6) THE DEVELOPER SHALL PROVIDE A PEDESTRIAN ACCESS GATE TO THE WESTERN CANAL ALONG THE SOUTHEASTERN PROPERTY LINE AND A PEDESTRIAN GATE ALONG BOTH 19TH AVENUE AND SOUTH MOUNTAIN AVENUE. THE PEDESTRIAN GATES SHALL BE CONNECTED TO THE INTERNAL PEDESTRIAN

#### PATHWAYS BY ACCESSIBLE SIDEWALKS.

10. No more than 50 percent of the landscape areas within common areas or 10 percent of the net development area whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department. This requirement does not apply to landscaping located within private yards on individual lots.
11. ~~The following minimum shall be provided and dispersed throughout the development, as approved by the Planning and Development Department:~~ OPEN SPACE AREAS SHALL BE IN GENERAL CONFORMANCE WITH THE LANDSCAPE PLAN DATE STAMPED NOVEMBER 24, 2021, AS MODIFIED BY THE STIPULATIONS AND INCORPORATING THE FOLLOWING AMENITIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARMTENT:
  - a. Tot lot with shade equipment;
  - b. Two picnic areas each with a barbeque grill, shade ramada and a picnic table;
  - c. Four benches or seating features; and
  - d. Garden amenity of no less than a combined 1,000 square feet in size.
12. All sidewalks along 19th Avenue shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 25 feet on center or in equivalent groupings that provide shade to a minimum 75 percent AT MATURITY.
  - b. Drought tolerant vegetation to achieve 75 percent live coverage AT MATURITY.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

13. All sidewalks along South Mountain Avenue shall be detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 25 feet on center or in equivalent groupings that provide shade to a minimum 75 percent AT MATURITY.
- b. Drought tolerant vegetation to achieve 75 percent live coverage AT MATURITY.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

14. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the east side of 19th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved by the Planning and Development Department. The developer shall work with the Site Planning section on an alternate design for this requirement through the technical appeal process.
15. The developer shall dedicate minimum 50 feet of right-of-way and construct the east side of 19th Avenue, as approved by the Planning and Development Department.
16. The developer shall provide the following dedications and construct the south half of South Mountain Avenue in the following manner, as approved by the Planning and Development Department:
  - a. Thirty feet of right-of-way between 19th Avenue and 17th Drive.
  - b. Forty-four feet of right-of-way east of 17th Drive extending to the eastern boundary of the subject site.
17. The developer shall underground all existing overhead utility lines adjacent to the site.
18. The developer shall provide conduit and junction boxes at the southeast corner of 19th Avenue and South Mountain Road for future traffic signal equipment, as approved by the Street Transportation Department.
19. Existing irrigation facilities along 19th Avenue and South Mountain Avenue shall be undergrounded and/or relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
20. 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.

21. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development~~(s)~~ the existence and operational characteristics of agricultural ~~and farming activities~~ USES. THESE DOCUMENTS MUST ADVISE PURCHASERS THAT, UNDER SECTION 3-112(E), ARIZONA REVISED STATUTES, THE CITY OF PHOENIX MAY NOT DECLARE AN AGRICULTURAL OPERATION CONDUCTED ON FARMLAND TO BE A NUISANCE IF THE AGRICULTURAL ACTIVITY USE IS LAWFUL, CUSTOMARY, REASONABLE, SAFE AND NECESSARY TO THE AGRICULTURE INDUSTRY. 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 PRIOR TO RECORDATION.
22. PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSURE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF THE PHOENIX REGIONAL POLICE ACADEMY GUN RANGE. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE REVIEWED BY THE CITY PRIOR TO RECORDATION.
- ~~22.~~ The property owner shall record documents that disclose the existence, and  
23. operational characteristics of Phoenix Sky Harbor Airport 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.
- ~~23.~~ The developer shall grant and record an aviation easement to the City of Phoenix  
24. Aviation Department for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
- ~~24.~~ The developer shall provide a No Hazard Determination for the proposed  
25. development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
- ~~25.~~ In the event archeological materials are encountered during construction, the  
26. developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
27. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY AND CONSTRUCT ONE BUS STOP PAD ALONG NORTHBOUND 19TH AVENUE TOWARDS THE SOUTH END OF THE SITE. THE BUS STOP PAD SHALL BE CONSTRUCTED ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1260 WITH A MINIMUM DEPTH OF 10 FEET.

**Exhibits**

Conceptual Site Plan date stamped November 24, 2021 (2 pages)  
Conceptual Landscape Plan date stamped November 24, 2021  
Correspondence from the public (14 pages)



-PARCEL NO. 1:  
LOT 6 OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF  
THE GLA AND SAUT RIVER BASIN AND MEDIAN, MANICORA COUNTY, ARIZONA.  
EXCEPT THE WEST 33 FEET CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED  
RECORDED IN BOOK 105 OF DEEDS, PAGE 361, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:  
THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1  
SOUTH, RANGE 3 EAST OF THE GLA AND SAUT RIVER BASIN AND MEDIAN, MANICORA

THAT PART OF THE NORTHEAST OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

THENCE NORTH 27 DEGREES 30 MINUTES EAST CONTINUING ALONG SAID DITCH 596.80 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, SAID POINT BEING MARKED WITH AN IRON PIPE, THENCE NORTH 0 DEGREES 16 MINUTES WEST ALONG SAID EAST LINE 142.93 FEET TO THE POINT OF BEGINNING; AND  
 CANCEL ANY PORTION LYING EASTERLY OF THE WEST RIGHT OF WAY LINE OF THE WESTERN CANAL

STANDARDS	PROPOSED STANDARD
MIN LOT WIDTH IN THE EVENT OF HORIZONTAL PROPERTY LINES TO BE DETERMINED BY THE WIDTH OF THE STRUCTURE AND EXISTING USE AREA	55'
MINIMUM LOT DEPTH	115'
ENCLOSING LOT FENSITY (UNT SUGGESTS 40%)	3.5:1 WITH BONUS
MIN PERIMETER BUILDING SETBACKS	STREET FRONT, REAR OR SIDE: 15' IN ADDITION TO LARGER SETBACKS REQUIRED BY THE ZONING ORDINANCE (15' SETBACK 15' (2-STORY), 10' (1-STORY), 5' (1-STORY)
COMMON INTERCITY STREET ADJACENT TO PERIMETER STREETS	15' MINIMUM PERIMETER SETBACKS NOT APPLY TO LOTS FRONTING ONTO PERIMETER STREETS
MIN INTERIOR BUILDING SETBACKS	FRONT: 15' MINIMUM PERIMETER SETBACKS NOT APPLY TO LOTS FRONTING ONTO PERIMETER STREETS NONE ESTABLISHED BY BUILDING CODE
MIN BUILDING SEPARATION	NONE
MIN GARAGE SETBACK	15' FROM BACK OF SIDEWALK FOR FRONT-LOADED GARAGES, 10' FROM PROPERTY FOR REAR-LOADED GARAGES
MIN GARAGE WIDTH	FOR LOTS 40' 2 CAR WIDTHS FOR LOTS 50' NO MINIMUM
MINIMUM HEIGHT	2 STORES AND 37' EXCEPT THAT 3 STORES PERMITTED WHERE APPROVED BY THE DESIGN ADVISOR FOR ARCHITECTURE DEMONSTRATING ENHANCED ARCHITECTURE
LOT COVERAGE	PRIMARY STRUCTURE, NOT INCLUDING ATTACHED SHADE STRUCTURES: 40% 10% MAX
COMMON AREAS ALLOWED USES REQUIRED REVIEW	MINIMUM 5% OF GROSS AREA SINGLE-FAMILY DETACHED AND SUBDIVISION TO CREATE 4 OR MORE LOTS
STREET STANDARDS	PUBLIC STREET OR PRIVATE ACCESSWAY(1)
ON-LOT AND COMMON RETENTION	COMMON RETENTION AREAS LOT LESS THAN 800 SQ. FT PER LOT MAY BE EXEMPTED FROM RETENTION REQUIREMENTS
LANDSCAPE STANDARDS	MINIMUM 20% TREE COVERAGE BASED ON SPECIES OR IN EQUIVALENT GROUPINGS, AND 5 SHRUBS PER TREE

**SOUTH MOUNTAIN AVENUE**

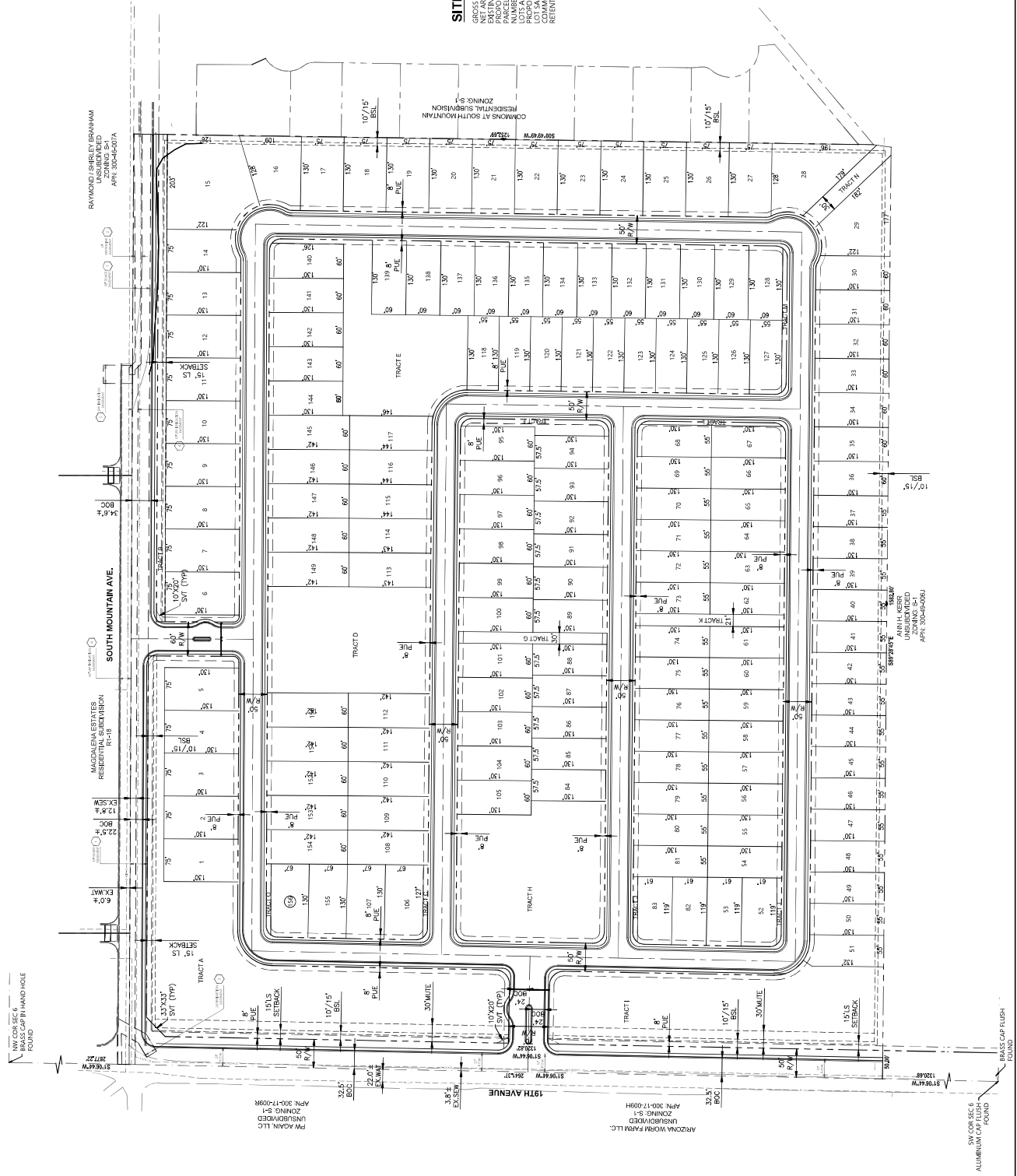
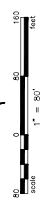
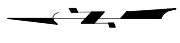
--	--

**Planning & Development  
Department**

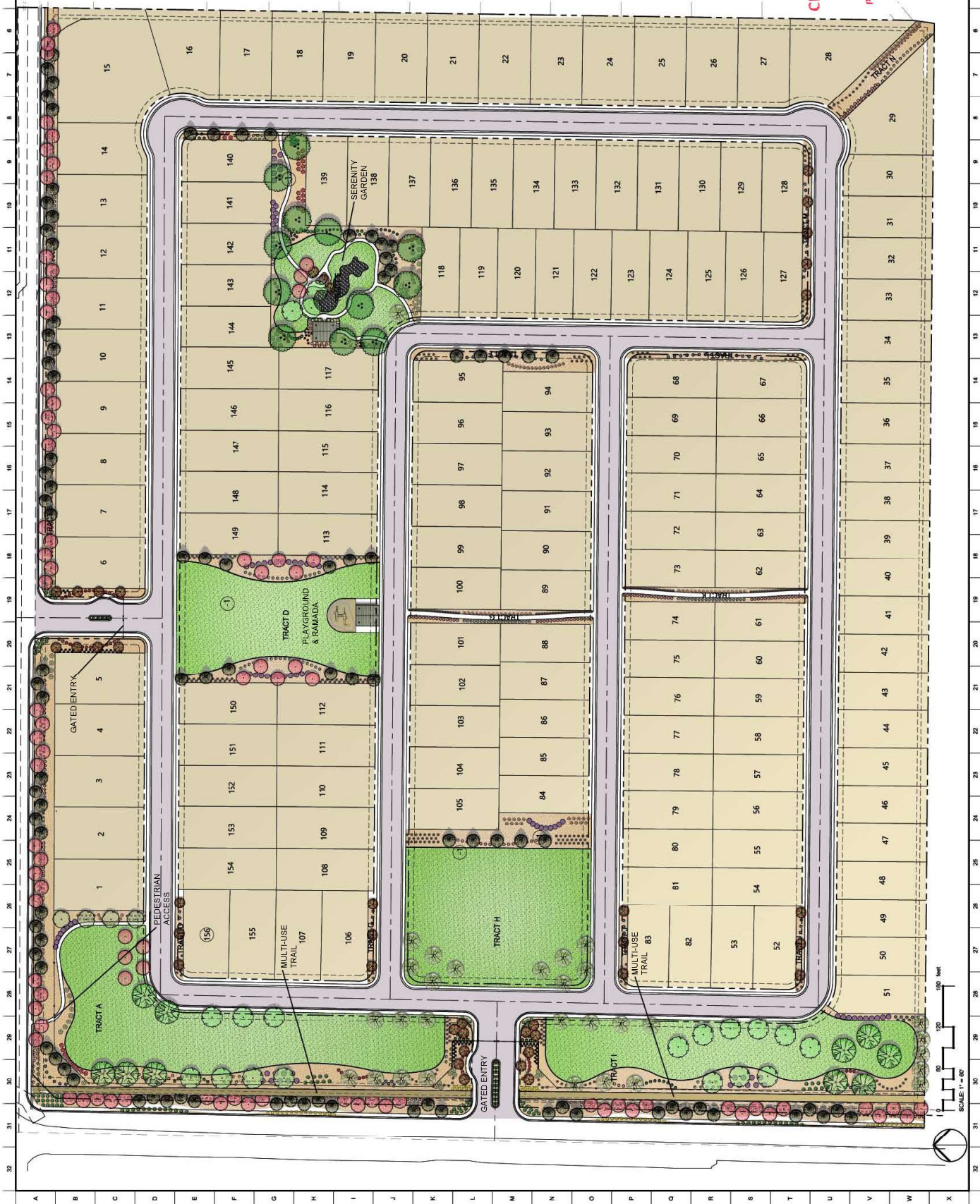
**CITY OF PHOENIX**  
**NOV 24 2021**  
**Planning & Development**  
**Department**

**SITE SUMMARY**

- GROSS AREA = 2,162,702 SQ. FT. OR 49.65 ACRES
- NET AREA = 2,035,510 SQ. FT. OR 46.74 ACRES
- PROPOSED ZONING = R1-10
- PROPOSED LOT COVER = 30%-40%
- PROPOSED LOT DENSITY = 12.74 UNITS PER ACRE
- PROPOSED LOT SALES = 154 UNITS
- COMMON AREA = 356,890 SQ. FT. (TOTAL) OR 8.15% (GROSS AREA)
- RETENTION = ABOVE GROUND DRAIN







**From:** Gina Johnson <bakergmb@gmail.com>  
**Sent:** Tuesday, November 30, 2021 3:30 PM  
**To:** PDD Planning Commission; Southmountainand19th@gmail.com  
**Subject:** 12/2/21 comment for Item 4. GPA-SM-2-21-8

Hello,

I am a resident of Magdalena Estates, adjacent to the general plan amendment consideration for Kimura Gardens at 19th Ave and South Mountain Ave, Item 4: GPA-SM-2-21-8 (Item 3: Companion Case Z-31-21-8) . I would like to appeal to the committee to ensure the general plan submitted aligns to the City plan of Rio Montana recommendations and continue this request by sending back to the South Mountain Village Planning Committee for further review, community discussion, and planning.

Rio Montana plan states the closer to South Mountain the lesser the density. I believe this property should be zoned as R1-18 to support 2.34 (with bonus) units/acre rather than the proposed R1-10 that would put 3.25 units/acre. This is too dense for this rural area. I understand the growth of Phoenix, but we must maintain quality of rural life in one of the few places in Phoenix it's still found while maintaining mountain view property values. The developer has much to do still to support the Rio Montana plan and enhance the South Mountain area, not continue to reduce it.

Additionally, the staff for the South Mountain Village (SMV) Planning Committee handled this process poorly by trying to rush through the GPA and the rezoning at the same time with insufficient time for review by the SMV Planning Committee and the Public. Not allowing the neighborhood to provide input on the GPA. Thankfully, the committee recognized this poor management and continued the zoning process.

It is not often I would submit my comment but I care for this community, the resale values. and continued uplifting and improvement of South Phoenix areas. Please consider not approving this General Amendment Plan and send it back to the South Mountain Village Planning Committee. As of 11/29/21 the developer didn't have an amended plan to share with the community or to present to you. I think they need more time to complete their plan and I ask that you, at minimum, continue this request for the developer to submit an adjusted plan.

Thank you,  
Gina Johnson  
Magdalena Estates  
1816 W. Magdalena Lane Phoenix, AZ 85041  
[bakergmb@gmail.com](mailto:bakergmb@gmail.com)

## Racelle Escolar

---

**From:** Robin Shared <steven.rebekah.hz@gmail.com>  
**Sent:** Tuesday, November 30, 2021 12:17 PM  
**To:** Racelle Escolar; Enrique A Bojorquez-Gaxiola; PDD Planning Commission; Council District 8 PCC; Adriana Garcia Maximiliano  
**Subject:** community comments re development case numbers: Z-31-21 and GPA-SM-2-21

Hello,

I am writing to express my concerns about the proposed Kimura Gardens development at the intersection of South Mountain Lane and 19th Avenue. Some of these concerns are specific to this development and its developer (Providence Homes), while others, especially traffic and flood management, relate to both Kimura Gardens and to the area as a whole including other developments in planning stages.

**For the reasons below, I'm requesting more time for the community, the city and the developer to work together to find solutions to the concerns about this development and the way the approvals process has functioned thus far.**

Providence Homes proposes to build a development on about 49 acres with at least 160 units at the SE corner of 19th Ave and South Mountain Lane.

The busiest corner of South Mountain lane is the northeast corner where Magdalena Estates development has 26 houses. Immediately east of the proposed location for Kimura Gardens is another Providence Homes development, The Commons, which has 35-40 homes. The northwest corner has 3 houses and the southwest corner is open land.

There is no way that 160 units in the middle of this community will not have a serious impact that goes far beyond obliterating the very real neighborhood character that Providence Homes claims to respect.

South Mountain Lane is a very busy stretch of multipurpose road that includes traffic from pedestrians, bicycles and equestrians in addition to a wide variety of vehicle traffic from Mini Coopers to large scale farm equipment.

Improvements are needed to make this area safe for the wide variety of foot, bike, horse and vehicle traffic that are already exists. Simply widening the road will not be sufficient, as functional wide paths are needed to safely separate the volume of diverse traffic the area already gets.

Adding at least 160 vehicles to this area will be an immediate and serious unsafe impact on everyone who uses this street.

Flooding off of South Mountain is an ongoing issue in the area as a whole and especially at the intersection of 19th Ave and South Mountain Lane. This intersection is not safe to drive through in any amount of rain, which at times will flood not only the intersection but much of 19th Ave north of the intersection.

Replacing what is currently a highly absorbant cotton field on the southeast with houses, streets and driveways will significantly impact water movement in this area which must be considered and safely managed to protect drivers on 19th Ave as well as the existing properties that surround the area.

This is especially a concern given that the developer representative claimed in the November 9 meeting that he doesn't have up to date flood maps because he hasn't been "given them." (This despite multiple attempts to rush the process).

We absolutely do not want a development going in near us that threatens our safety in multiple ways, as Kimura Gardens currently does by proposing to more than double the drivers at this intersection without

making plans for traffic or flooding, let alone showing any awareness or respect for the community's semi-rural zoning and lifestyles.

The developer has also told multiple people in the community that Providence Homes will show their respect for the community by committing to single story buildings, to following the Rio Montana plans and to minimal zoning increases - yet in meetings, he proposes increasing units per lot to 3.5 (instead of 2) and showed multistory buildings with garage prominent designs. The developer's representative also responded with noticeable aggravation to questions about the multiple significant deviations from the Rio Montana plans they claim to be following and to questions about the discrepancies between the several different lot layouts shown and the inconsistent representation of green areas which make evaluating the plans for lot size, unit size and responsible water management impossible.

In addition to my concerns about Kimura Gardens and about large scale development in the South Mountain Village area, I have serious concerns about the procedures and transparency of the Nov 9 zoning meeting.

In this meeting, the developer took intellectual property from community members and incorporated it into his presentation with the aid of the staff who set up the meeting and shared her materials without her knowledge or consent, while in turn the developer's presentation materials were not made available to other commenters by the staff.

This is highly concerning - as are the multiple procedural irregularities noted by board members throughout the meeting and especially during this presentation. Procedural concerns included (but were not limited to) the developer's presentation being submitted late, the board members not having a chance to review the material, the developer rushing approval process steps and trying to piggyback additional approvals into the process and other breaks with procedure for the process and for the meeting itself.

The impression given to the audience was that participation in the approval process is not equal or transparent and that many of the board members are willing to skip following procedure and not listen to the board members who are concerned about following the rules laid out for equity and transparency.

Best,  
Rebekah

**From:** [Erin Hegedus](#)  
**To:** [PDD Planning Commission](#); [Adriana Garcia Maximiliano](#); [Council District 8 PCC](#); [Council District 3 PCC](#); [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** Z-31-21-8  
**Date:** Tuesday, November 30, 2021 5:20:38 PM

---

I am writing to address my concerns with the referenced plan as it does not conform to the Rio Montana Plan that was purposely thought out to maintain the integrity of this unique area in Phoenix. There are few areas of this density and agriculture presence in the valley and once developed will never return.

Among my concerns are the following:

- Alleys for rear entry garages (indicated in the Rio Montana Plan for R1-10 and lower density)
- Side entry garages if not all areas can have alleys
- Any garages left that are front-facing have a minimum 10' setback to the front of the house. All of the facade examples have front facing garages that are or are nearly 50% of the front of the house. This is a no-no.
- Actual porches on all home designs. This is in the stipulations by the city planning staff but not reflected in the housing design examples. That said, the staff does not recommend adherence to those designs.
- Staggered lot sizes side by side. The RM Plan specifically calls for lot widths to vary in an alternating pattern, for example: 55ft, 65ft, 55ft, 65ft, etc. As laid out, the current site design groups the same sized lots together.
- Commitment to drought tolerant/native trees on properties and not just in the open spaces to mitigate heat island effect.
- Shaded sidewalks within the development and not just on the perimeter landscaping
- Preserve irrigation (this was a subject requested/asked about by one of the committee members)
- LEED building practices

Additionally, and most importantly to me, the infrastructure does not support the current traffic, let alone the additional traffic that the request for increased density will bring to the area.

I ask for you to look at this request with the eyes that believe in maintaining unique neighborhoods in Phoenix.

Thank you.

Erin Hegedus, CMRP  
8630 South 19<sup>th</sup> Avenue  
Phoenix, AZ 85041



**From:** [Erin Hegedus](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#); [Council District 8 PCC](#)  
**Cc:** [bassinby@msn.com](mailto:bassinby@msn.com); [erintkhegedos@hotmail.com](mailto:erintkhegedos@hotmail.com)  
**Subject:** GPA-SM-2-21-8 (Companion Case Z-31-21-8):  
**Date:** Sunday, November 7, 2021 4:26:47 PM

---

I am writing to request to speak to the referenced rezoning request by Providence Homes and Newcastle Development.

I want to state in advance that although I would rather maintain the last of the agriculture that is left in Phoenix, I know that ultimately the land will be developed.

I ask for consideration of the following:

- An explanation of how the already exhausted infrastructure of South Mountain Avenue, Dobbins Road and 19<sup>th</sup> Avenue would tolerate the approximately 300 + more vehicles this development will create.
- Currently, Dobbins Road, South Mountain Avenue and 19<sup>th</sup> Avenue are only two lane roads surrounded by irrigation canals ... In some areas of South Mountain Avenue, this road reduces to one lane.

I am aware that the developer will present to the Council that there is a shortage of housing,, however, there are hundreds of developments underway in this area code which would offset that concern.

Additionally, I ask to respect the Rio Montana Plan that was strategically planned to maintain the integrity of this neighborhood.

Higher density housing and lower cost housing are a conflict to that plan and would negatively affect this neighborhood and any additional interest in retailers that might consider this area.

Respectfully,

Erin Hegedus, CMRP  
8630 South 19<sup>th</sup> Avenue  
Phoenix, AZ 85016

Sent from [Mail \[go.microsoft.com\]](mailto:Mail [go.microsoft.com]) for Windows



**From:** [H. Jewel Clark](#)  
**To:** [PDD Planning Commission](#)  
**Cc:** [Racelle Escolar](#); [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** Comments for Item #4, Case GPA-SM-2-21-8 - City of Phoenix Planning Commission meeting- Dec. 2, 2021  
**Date:** Tuesday, November 30, 2021 5:44:03 PM

---

Agenda item #4, Case GPA-SM-2-21-8

To Whom It May Concern,

I am writing to oppose the approval, at this meeting, of case GPA-SM-2-21-8, which changes the zoning of 49.5 acres on the southeast corner of 19<sup>th</sup> Ave. and West South Mountain Ave. from S-1 to R1-10 and request that it be returned to the South Mountain Village Planning Committee for further discussion in conjunction with its companion case Z-31-21-8.

My husband and I have our home at 2020 W. South Mountain Ave., and we have owned that property since Nov. 2009. We purchased in the area for the larger lots, custom homes, and equestrian/rural character of the South Mountain area. While we are not opposed to development, we and our neighbors strongly believe that the design and planning guidelines of the 2015 Phoenix General Plan and the Rio Montana Plan be adhered to- just as we have adhered to them- when any new development is proposed. That plan, and the future certainty that it provided, factored highly in our decision to buy our property here.

Mr. John Poulsen of Providence Homes has requested a zoning density of R1-10 that is flatly incompatible with the neighborhood character of the surrounding area and in an area with a known history of street flooding and undeveloped infrastructure. That said, Mr. Poulsen does seem to be working in good faith with the neighbors to try and find compromise, and we welcome that. However, there is much that is still up in the air. Mr. Poulsen and Ben Tate from Withey Morris met for the first time since the SMVPC meeting just this Monday, Nov. 28, with the neighbors to hear our concerns and our ideas. We felt the conversation was productive, but they have not had time to draft any changes to the site plan to present or have additional dialog with the neighbors as of this letter.

The companion case Z-31-21-8 was not approved by the South Mountain Village Planning Committee because there was a lack of adherence to the Rio Montana Plan, many neighbors were opposed- citing very real concerns about neighborhood character, home values, and inadequate infrastructure for traffic and flooding- and that the city planning staff did not submit their documents until the Friday before the meeting, providing inadequate time for the public and the committee to thoughtfully review the proposal.

I respectfully request that GPA-SM-2-21-8 remain with its companion case Z-31-21-8 at the South Mountain Village Planning Committee in the approval process and only move forward once Mr. Poulsen and the neighbors have had more time to work together and resolve the development concerns therein.

Jewel Clark  
2020 West South Mountain Ave.  
Phoenix, AZ 85041  
480.664.9436  
[hjewelclark@fastmail.com](mailto:hjewelclark@fastmail.com)

--

H. Jewel Clark

[hjewelclark@fastmail.com](mailto:hjewelclark@fastmail.com)

**From:** [Miguel Rubio](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** RE: Kimura gardens opposition lette  
**Date:** Tuesday, November 9, 2021 2:18:52 PM  
**Attachments:** [image001.png](#)

---

Hello Enrique once again..

We are opposed to this project ,because it will affect us pretty bad, as we have a hard time getting out of our property on 8020 s 20<sup>th</sup> ave , every time we get on the intersection of latona and 19<sup>th</sup> ave , it takes forever for us to have access and having several hundred of vehicles is going to make it worse.

That reason the we bough our property is because we like the rural life, and having all that people living here next to us is going to affect me and my family.

The value on our property is going to decrease and is not what I want for me and my family.

We figth it over this with mister ward on the opposite corner, and this is going to be the same we are a really good community , we stay together and this is what we want for our kids and grandkids.

This is one of the last places the still have the opportunity to have this privacy and this people is trying to take it from us.

We are not opposed of them building we just wanted to preserve large lots and low density.

I am pretty sure that you guys would do the same for your family.

Thank you very much and have a great day.

MIGUEL RUBIO

RB CONTRACTING LLC  
8020 S 20TH AVE  
PHX,AZ 85041  
(602) 366 9334

---

**From:** [Enrique A Bojorquez-Gaxiola](#)  
**Sent:** Tuesday, November 9, 2021 8:15 AM  
**To:** [Miguel Rubio](#)  
**Subject:** RE: Kimura gardens

Good morning Miguel,

How are you? You may email me your opposition letter in regards to this project (Case Nos. GPA-SM-

2-21-8 and Z-31-21-8).

Let me know if questions arise.

Thank you!

**Enrique Bojórquez Gaxiola**  
Planner III  
City of Phoenix  
Planning & Development Department  
Long Range Planning Division  
200 W. Washington Street  
Phoenix, AZ 85003  
**Office:** (602) 262-6949



\*\*\*I am currently working remotely on a rotational schedule, but will be checking voicemails multiple times per day. Please feel free to leave me a voice message or email me for a more timely response. Thank you.\*\*\*

---

**From:** Miguel Rubio <Rb\_contracting1lc@outlook.com>  
**Sent:** Monday, November 8, 2021 9:10 PM  
**To:** Enrique A Bojorquez-Gaxiola <enrique.bojorquez-gaxiola@phoenix.gov>  
**Subject:** Kimura gardens

Hello Enrique, this is MIGUEL RUBIO.

I would like to know where can I send my opposition letter to..?

Rb contracting llc  
8020 s 20th Ave  
Phoenix az, 85041  
602 366 9334

**Racelle Escolar**

---

**From:** JoAnne Jensen <joannejensen@cox.net>  
**Sent:** Tuesday, November 30, 2021 5:48 PM  
**To:** PDD Planning Commission  
**Subject:** Z-31-21-8 and GPA-SM-2-21-8

Hello and thank you for taking my comments.

We live in Magdalena Estates, a group of homes immediately north of the planned Kimura Gardens development.

First – thanks to the Poulson group for engaging in ongoing conversations with us and our neighbors to best work out how we all can be comfortable with inevitable change. They have been very attentive and have been patiently willing to modify their plans.

In fact, a sizable group of neighbors met with Mr. Poulson and Mr. Tate on the afternoon of Monday (11/29) at the planned Kimura Gardens site to review our collective wants and needs. And, as of this writing, a telephonic conference call is being scheduled for later this week.

Which brings me to my second, and main, point. The review process for these two requests (which go hand in hand) is so compressed that it is ahead of the ongoing evolution of the plan. In other words, there has been no time to formalize the modifications. This is not the fault of the Planning Commission or of any governmental organization, it is just a timing issue. And timing issues can easily be remedied by taking a time out, which by no means is the same as denying a request.

This is my request – can we please return to the Village Planning level with both requests and take a breath before any further formal action is taken? We need this to give us a chance to help prepare the best possible development plan which will be acceptable to the largest number of people and to present a concrete proposal rather than an ever changing and amorphous concept. Procedurally and administratively, it makes most sense if these two requests are kept in synch. Just as it makes the most sense for all the details to be in place before the concept is approved.

There is no one with whom I have spoken who opposes development, if the density and home sizes / construction are consonant with The Commons and Magdalena Estates. We know growth and change are coming and, when properly done, will bring benefits for everyone. The willingness of Mr. Poulson and Mr. Tate to sit and discuss and listen is impressive and I am confident that by encouraging the design guidelines from the Rio Montana Plan for this area, the Poulson group will find support. We purchased our home because of the demographics, the lot sizes, the quality of construction, and the quiet rural nature of Magdalena Estates. Our goal is to continue that quality of life.

Thank you for considering my remarks. Based on comments from other neighbors, I can safely say that this represents the perspectives of the majority of our community.

**From:** [Steven Higginbotham](#)  
**To:** [Racelle Escolar](#); [Enrique A Bojorquez-Gaxiola](#); [PDD Planning Commission](#); [Council District 8 PCC](#); [Adriana Garcia Maximiliano](#)  
**Subject:** community comments re development case numbers: Z-31-21 and GPA-SM-2-21  
**Date:** Tuesday, November 30, 2021 5:13:51 PM

---

I'm commenting as a community resident near where Kimura Gardens will be built, to ask that the approval process be slowed.

There are several concerns about this development that have yet to be answered, including safety issues for current residents and future residents. The infrastructure in this area is simply not prepared for 160 units and the estimated 300+ more drivers that would accompany them. The intersection at South Mountain Lane and 19th Avenue is already overwhelmed with just two neighborhoods under 40 units each, as is South Mountain Lane, which is barely a lane and a half.

Our community supports development that follows zoning R1-18 and layouts like that in the Rio Montana Plan.

I believe more time would allow the community, the city and the developer to work together to find solutions to the concerns.

Sincerely,  
Steven Higginbotham

--

Steven Higginbotham

**From:** [Dan Martin](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** Fwd: Application to amend zoning ordinance #Z-31-21  
**Date:** Tuesday, November 9, 2021 9:12:50 PM

---

Enrique,

I would like to concur with my neighbor that a request for a space between the neighborhoods would be welcomed. One of the main reasons that I purchased a home in The Commons community was that the homes did not face another home to their rear. This is why I paid \$100K more than my previous home situated in Laveen. Would it be possible to change the road frontage setback to the West on 19th Avenue from 150 feet to 140 feet in order to provide a 10 foot space with a walking path between the two neighborhoods? This essentially would not change the design of the Kumura Gardens but shift it 10 feet to the West.

Sincerely,  
Dan Martin  
8612 S 16th Dr.  
Phoenix, AZ 85041  
513-305-0258

----- Forwarded message -----

**From:** **larry Brown** <[topbrown10@gmail.com](mailto:topbrown10@gmail.com)>  
**Date:** Fri, Oct 29, 2021 at 7:48 PM  
**Subject:** Application to amend zoning ordinance #Z-31-21  
**To:** <[enrique.bojorquez-gaxiola@phoenix.gov](mailto:enrique.bojorquez-gaxiola@phoenix.gov)>

Greetings sir,

I am writing again to request a concern about this application for amendment. If the amendment is ratified, I'm concerned that it will negatively impact the quality of life for the residents on the Western perimeter of The Commons at South Mountain neighborhood which is adjacent to this 49.5 acres parcel. By authorizing 2-3.5 du/ac this will result in more than one home being built directly behind each of the homes on this property boundary.

We respectfully request that the zoning require a green space between the 2 neighborhoods since the number of dwellings per acre would result in multiple homes directly behind each of our homes on the western perimeter of our community.

We believe a green space between our neighborhood and the new construction will result in a mutual benefit for all parties involved.

Respectfully,

Larry and Hope Brown  
8796 S. 16th Drive  
Phoenix, Arizona 85041  
(520)313-6339  
[topbrown10@gmail.com](mailto:topbrown10@gmail.com)

--

Respectfully,

Larry A. Brown  
(520) 313-6339



**From:** [JoAnne Jensen](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** Rezoning Application (Z-31-21) and Minor General Plan Amendment (GPA-SM-2-21), Kimura Gardens Development  
**Date:** Tuesday, November 9, 2021 11:31:27 AM

---

Hello and good morning -

Thank you for accepting my comments.

The Providence group has been very active in its outreach to neighbors during the planning to develop the property immediately south of Magdalena Estates, where we live - this is greatly appreciated. And, to be fair, they have listened and been responsive to the majority of concerns.

Although I am a member of Magdalena Estate's HOA Board, I have no authority to speak on behalf of the community or our Board, only for our lot 13.

We have several points to make:

Everyone knows that there will be development. We are lucky to have enjoyed our relative isolation for as long as we have. So, the goal is to maintain the property values and quality of life for those who already live here.

The configuration of Kimura Gardens will set an important precedent for the future of this area. The originally presented number of homes was 178 and has been reduced to 150. Still, that is very dense, and the effect upon traffic, light, and noise is going to be significant. Frankly, I would prefer that the density be the same as Magdalena Estates and The Commons to assure continuity within this area.

A discussion point during the planning process has been whether the homes will be one or two stories. I understand the economic ramifications of all single story construction. But the quality of life consequences are also important - more stories means more people, more cars, more light, more noise - all of which mitigate against maintaining the current quiet that we who already live here enjoy.

No one walks away completely satisfied. But, please consider that if all the homes in Kimura Gardens were one story, this would set a good precedent for the future of this area, it would equalize the property values among the three developments (The Commons, Magdalena Estates, and Kimura Gardens), it would create a relatively more tranquil and safe environment.

In sum - if a condition of zoning approval is that all homes are single story, we in lot 13 endorse the other aspects of the development plan as we understand them.

Thank you.

JoAnne Jensen (480-213-6499)

Steven D. Smith  
8303 S. 17th Drive  
Phoenix AZ 85041