

ATTACHMENT D



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM A

Staff Report: Z-16-22-1

September 26, 2022

<u>Deer Valley Village Planning Committee</u>	August 11, 2022
Meeting Date:	
<u>Planning Commission</u>	Hearing Date: October 6, 2022
Request From:	<u>S-1</u> (Ranch or Farm Residence) (5.04 acres)
Request To:	<u>R1-10</u> (Single-Family Residence District) (5.04 acres)
Proposed Use:	Single-family residential
Location:	Approximately 300 feet south of the southwest corner of 31st Avenue and Dynamite Boulevard
Owner:	Randy and Betty Schmille
Applicant/Representative:	Ed Bull, Burch & Cracchiolo P.A.
Staff Recommendation:	Approval, subject to stipulations

The applicant originally requested rezoning 6.29 acres located approximately 322 feet west of the southwest corner of 31st Avenue and Dynamite Boulevard. This included a parcel directly adjacent to Dynamite Boulevard. On August 11, 2022, the Deer Valley Village Planning Committee heard this request and recommended denial by a vote of 7-4. The applicant has since revised the application to remove the northern portion of the site from the rezoning area and submitted a revised site plan on September 22, 2022. The revisions are intended to address community and committee concerns about the proposed street connecting to Dynamite Boulevard and the unit count. In addition, since the staff report was published on August 8, 2022, staff has received three letters and one eight-page petition in opposition, which are included as an attachment. Concerns include privacy, density, and property values.

The revised site plan reflects the reduced rezoning boundary and unit count of 14 units, and introduces a cul-de-sac for the proposed street. Staff does not recommend general conformance to the site plan, as the length of the street leading to the cul-de-sac, as shown, will require a technical appeal. Alternatively, staff recommends a maximum unit count stipulation in addition to other revisions to reflect the revised site plan to address concerns about two-story buildings in the development as follows.

- **Stipulation No. 1** regarding general conformance to the site plan. The language of this stipulation is replaced with a maximum number of lots.

- **Stipulation No. 3**, regarding height limits, is revised to limit a minimum of 10 lots and all lots adjacent to 31st Avenue and the south perimeter to one story.
- **Stipulation No. 5**, regarding landscaping in required setbacks, is amended to remove references to Dynamite Boulevard, as the revised rezoning boundary does not have frontage on Dynamite Boulevard.
- **Stipulation No. 7**, regarding a detached sidewalk along Dynamite boulevard, is deleted, as the revised rezoning boundary does not have frontage on Dynamite Boulevard.

Staff recommends approval per the modified stipulations in bold font below.

1. ~~The development shall be in general conformance with the conceptual site plan date stamped July 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.~~
THE DEVELOPMENT SHALL NOT EXCEED 14 LOTS.
2. The development shall be in general conformance with the conceptual elevations date stamped March 10, 2022, as approved by the Planning and Development Department.
3. ~~The development shall be limited to 1 story and 20 feet in height for lots adjacent to 31st Avenue and Dynamite Boulevard.~~
A MINIMUM OF 10 LOTS, WHICH SHALL INCLUDE ALL LOTS ADJACENT TO 31ST AVENUE AND ALL LOTS ADJACENT TO THE SOUTH PERIMETER OF THE SITE, SHALL BE LIMITED TO 1 STORY AND 20 FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. The common open space area shall provide a minimum of 2 active recreational elements, such as, but not limited to, playground sets, ramadas, barbeque area, as approved by the Planning and Development Department.
5. The required landscape setbacks ~~along 31st Avenue and Dynamite Boulevard~~ shall include minimum 50 percent 2-inch caliper and minimum 50 percent 3-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the planning and development department.
6. All sidewalks within the subdivision shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
7. ~~The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 8-foot-wide landscape area between the back of curb and sidewalk along Dynamite Boulevard, planted to the following standards and as approved by the Planning and Development Department.~~

- a. ~~Minimum 2-inch caliper drought-tolerant shade trees 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 arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.~~

- ~~8.~~ 7. 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.
- ~~9.~~ 8. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.
- ~~10.~~ 9. 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.
- ~~11.~~ 10. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

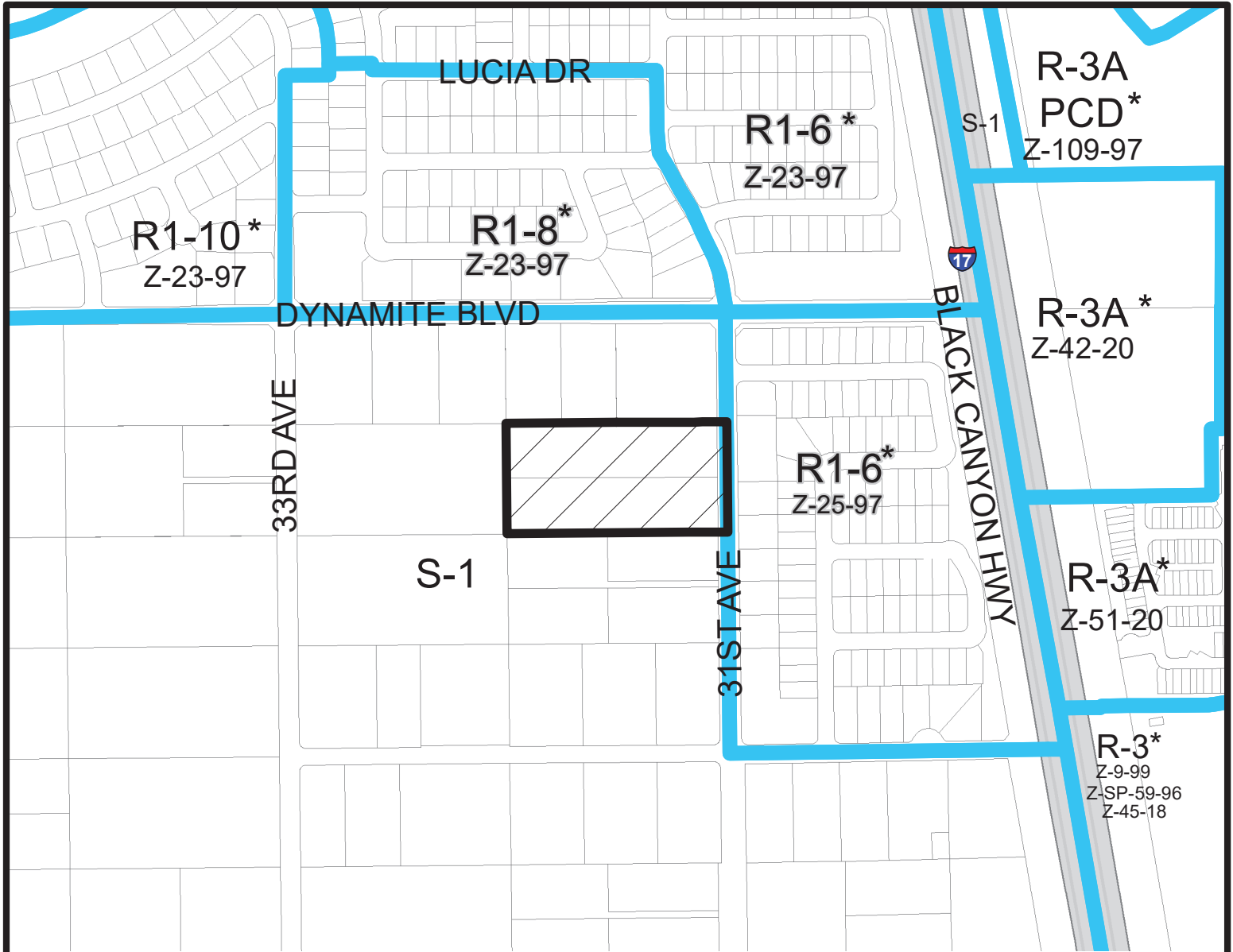
Exhibits

Revised Zoning Sketch Map

Revised Aerial Sketch Map

Conceptual Site Plan, date stamped September 22, 2022

Correspondence (12 pages)

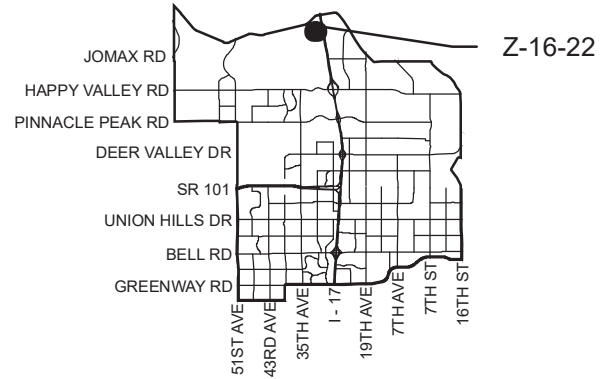


DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 1

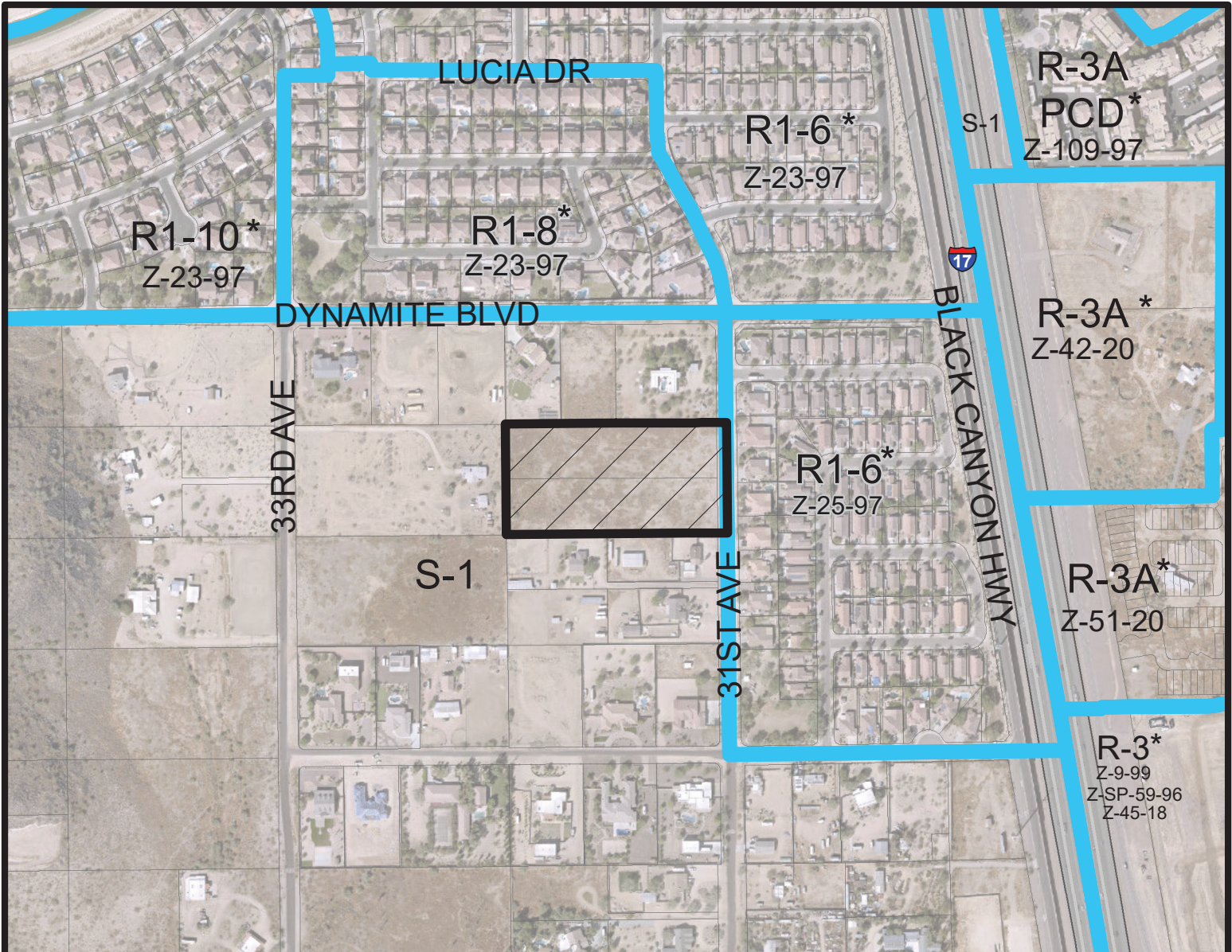


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: Ed Bull - Burch & Cracchiolo P.A.			REQUESTED CHANGE:		
APPLICATION NO. Z-16-22			FROM: S-1 (5.04 a.c.)		
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 5.04 Acres			TO: R1-10 (5.04 a.c.)		
<small>DATE:</small> 1/15/2022 <small>REVISION DATES:</small>					
<small>9/19/2022</small>					
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 50-21			<small>ZONING MAP</small> P-6		
MULTIPLES PERMITTED			CONVENTIONAL OPTION		
S-1 R1-10			5 17		
			* UNITS P.R.D. OPTION		
			N/A 22		

* Maximum Units Allowed with P.R.D. Bonus



Miles

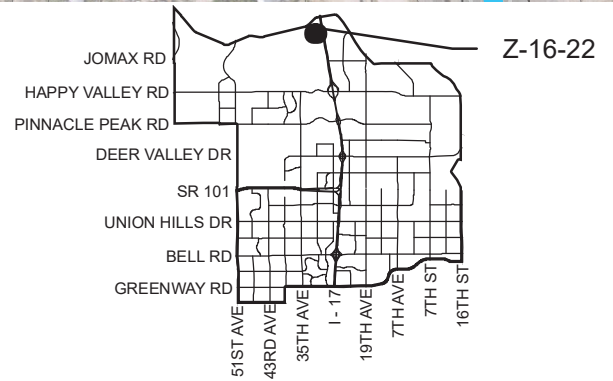
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DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 1



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PLANNING AND DEVELOPMENT DEPARTMENT



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AERIAL PHOTO &
QUARTER SEC. NO.
QS 50-21

ZONING MAP
P-6

REQUESTED CHANGE:

FROM: S-1 (5.04 a.c.)

TO: R1-10 (5.04 a.c.)

MULTIPLES PERMITTED

S-1

R1-10

CONVENTIONAL OPTION

5

17

* UNITS P.R.D. OPTION

N/A

22

* Maximum Units Allowed with P.R.D. Bonus

CITY OF PHOENIX

AUG 08 2022

Planning & Development
Department

We, the community and owners at Norterra Point,
Stetson Valley East, and surrounding areas OPPOSE
any zoning change that allows more than 1 dwelling per
acre.

NAME

ADDRESS

Timmy Norman	3214 W. OBERLIN Wky
Joel Colcord	3214 W OBERLIN WAX
Beth Regg	4024 E Navigator Kane Phx
Taylor Green	420 N Scottsdale Rd

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NAME


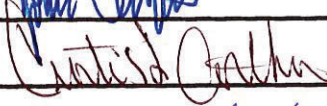
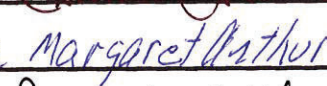
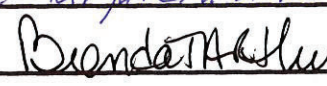

ADDRESS

Frank & Maria Rufo 3110 Woberlin way Plx.
Tim & Julie Green 3135 W. Dynamite Blvd
Don & Julie Cornette 3022 W. Overlin Way
Spencer & Annaliese Cox 3231 W Dynamite Blvd

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NAME	ADDRESS
JOHN ARTHUR 	27840 N. 31 ST AVE
CURTIS ARTHUR 	27526 N. 33 RD AVE
MARGARET ARTHUR 	27526 N 33 AVE
BRENDA ARTHUR 	27840 N 31 ST AVE
Ed & Kerry MAWK	3135 W. Oberlin Way
ROBERT QUILLER 	
John Miller John Miller	3211 W DYKEMITE BLVD
Judith Barrett	11586 E. JUAN TABO Scottsdale

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acre.

NAME

ADDRESS

Thomas and Abby
Fisher 3120 W Oberlin Way

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Department

①

X

[Signature]

②

X

Abby E. Foster

We, the community and owners at Norterra Point,
Stetson Valley East, and surrounding areas OPPOSE
any zoning change that allows more than 1 dwelling per
acre.

NAME	ADDRESS
Sam Klein	28025 N. 31 ST Ave Phx 85083
Stacey Klein	28025 N. 31 ST Ave Phx 85083

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We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME

ADDRESS

Andrea Jones

27807 N. 33rd Ave. Phx, 85083

Rick Jones

— same —

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acre.

NAME

ADDRESS

Steve Kendall	27830 N. 31 st Ave PHX 85083
Steve D. Smith	2785 N. 31 st Ave PHX. AZ 85083
Marcel W. Barnhart	27830 N. 31 st Ave PHX 85083

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Department

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME

ADDRESS

Roger Hughes	28009 N. 31 Ave
Terrie Hughes	28009 N. 31 Ave
Roger Hughes	28009 N. 31 st Ave
Terrie Hughes	28009 N. 31 st Ave

CITY OF PHOENIX

AUG 08 2022

Planning & Development
Department

From: [Anthony M Grande](#)
To: [Anthony M Grande](#)
Subject: FW: CASE #Z-16-22
Date: Wednesday, August 10, 2022 7:59:48 AM

From: Julie Thill <noleftturn_218@msn.com>
Sent: Tuesday, August 9, 2022 6:09 PM
To: anthonygrande@phoenix.gov; Sarah Stockham <sarah.stockham@phoenix.gov>
Subject: CASE #Z-16-22

Good Afternoon,

I just wanted to submit my concerns regarding the proposed development at 31st Ave and Dynamite, "Sunset Ridge".

While I understand the position of Phoenix government is more more more houses I strongly disagree, in this instance specifically. Our current, beautiful, mostly peaceful neighborhood is growing fast. This proposition to build is surrounded by single family homes on large lots and it is NOT surrounded by empty property or streets as the recent nearby developments in progress. I feel we've contributed our fair share in this area with 309 new homes being built within a one mile radius (This does not include the multi-dwellings east of I17). The 19 more they'd like to put are not just unnecessary but a complete disruption to the flow of our community. The street idea between 2 existing properties is so bizarre to me I can't comprehend it. Yes, I understand growth and change will and must happen - but let's be brave and let it happen in a way in keeping with the original intention of the neighborhood - large properties with space in between. Case in point - the area of 51st Ave between Happy Valley and Pinnacle Peak. While driving through there earlier this week it was obvious that space had been valued and the homes are large, with plenty of space between them. I'm not sure - but some may still have horses. It was a thing of beauty!!

Dynamite/31st Ave to Pinnacle Vista Dr to 35th Ave should remain the grand, open residential (possibly farm) idea as it started.

I implore all of you with a decision in this to not lead with the dollar signs, but to encourage development that supports community, integrity and some space. Be brave and bold and keep some islands of beauty in our city, please!!

Thank you for your consideration,
Julie Cornette
480-390-6684
3022 W. Oberlin Way
Phoenix, AZ 85032

From: [John Miller](#)
To: [Trilese DiLeo](#); [Joseph Grossman](#); matthewjkenney85@gmail.com; william.novak@gmail.com; [Sarah Stockham](#); [Anthony M Grande](#)
Subject: Rezoning Case # Z-16-22
Date: Wednesday, August 10, 2022 10:37:30 AM

My name is John Miller my wife and I own the property at 3211 W Dynamite Blvd we bought the property because of the large size and rural setting. We are against rezoning this type of property to this density as it will bring our home value down and destroy the rural setting we like. We are currently in design stage of our new home and this development will be in our back yard. Please concentrate voting against this zoning change.

Thank you.

John & Katie Miller

Across The Board Commercial LLC.
3211 W Dynamite Blvd
Phoenix, AZ 85083
Ph. 623-229-2299
Email: JohnMiller8844 @outlook.com

From: [Anthony M Grande](#)
To: [Anthony M Grande](#)
Subject: FW: Rezoning Case No.: Z-16-22-1
Date: Wednesday, August 10, 2022 5:06:12 PM

From: Fred Renn <renn.fred@yahoo.com>
Sent: Wednesday, August 10, 2022 4:47 PM
To: PDD Deer Valley VPC <deervalleyvpc@phoenix.gov>
Subject: Rezoning Case No.: Z-16-22-1

Deer Valley Village Planning Committee Members:

I want to go down on record as as being 100% opposed to the proposed zoning change to the property, which is the subject this case number Z-16-22-1. I live on a 2-acre parcel at [28036 N. 31st Ave \[google.com\]](#) (SWC of Dynamite and 31st Ave). My neighbors and I were notified back in April that the developer, Randy Schmille, wants to change the zoning on property that borders my property on two sides from S1 to R1-10 so he can build 19 or more \$1 million dollar homes. It appears the only way Mr. Schmille's land development scheme can make enough profit is to have the City assist him by changing the zoning regulations.

About three years ago, the Deem Hills/Taylor Morrison debacle over on 37th Avenue was an eye opening experience. A vast majority of residents opposed the plan and had on file approximately 90 letters of opposition prior to the Village Planning Committee meeting. Many people testified and in the end the Village Planning Committee voted (I believe 6 to 4) to allow the zoning to be amended, against the wishes of the existing residents. The zoning amendment then went to the Planning Commission where they unanimously voted it down. The case should have been closed then, but the issue went on to the City Council and they passed it with little to no discussion, and with no regard to the wishes of the existing residents or the Planning Commission.

I purchased my property over 20 years ago. Many of my neighbors have lived in the area longer than me. I oppose the zoning change for the following reasons:

- 1) Based on Mr. Schmille's preliminary sketch, half of his proposed 2-story homes will back up to my property, reducing the privacy to my backyard to zero.
- 2) This zoning change request is incompatible with the surrounding land use. All of the properties from 31st Ave to 37th Ave and Dynamite to Pinnacle Vista are within the S-1 zoned area. So far, the higher density development has been limited to the periphery of this area on the opposite sides of the streets. If this zoning change is allowed to occur, it will encroach within the established S-1 area.
- 3) I purchased my property 21 years ago because of the 1-acre zoning and have put a significant amount of money into the property since then. Changing the zoning to R1-10 will be robbing me and my neighbors from the life style we had bought into. If I had known that the zoning was going to change, and could be done so against the will of the existing residents in the area, I would have never bought the place, and certainly not have invested all of my time and money on improvements to the property.
- 4) This proposed development will lower our property values. A cookie cutter development in the middle of a semi-rural area like the one proposed will do nothing for the property values for those that live there already. Will the City or developer be reimbursing us for the money that each of us in the surrounding area have invested? Changing the zoning is the same as stealing from us.
- 5) The General Plan is just what it says "GENERAL". It's not something that is written in stone. It is a tool to be used for City planning. It appears that Mr. Schmille has come to the conclusion that because something is written in the General Plan that he has the right to see it implemented even though these

actions will adversely impact the lives of the existing residents. One would think that a document with so much supposed power over people's lives would be so obscure. In the 21 years I have lived there I have never been asked for input by the City regarding the General Plan.

5) Opposing this proposed zoning change has a huge impact on the current residents, and battling it is an incredibly time consuming effort for me and my neighbors that we did not ask for.

Because I play by the rules I bought into, I have no opposition to a residential project if Mr. Schmille wishes to construct one house per acre as the current S-1 zoning regulation stipulates.

Fred Renn
28036 N. 31st Avenue
Phoenix, AZ 85083