



## Village Planning Committee Meeting Summary

### Z-32-23-3

<b>Date of VPC Meeting</b>	September 20, 2023
<b>Request From</b>	R1-10
<b>Request To</b>	C-3
<b>Proposed Use</b>	C-3 commercial use (self-service storage warehouse).
<b>Location</b>	Approximately 360 feet east of the southeast corner of Cave Creek Road and Mescal Street
<b>VPC Recommendation</b>	Approval, per the staff recommendation with direction
<b>VPC Vote</b>	7-3-0

#### **VPC DISCUSSION:**

*Three members of the public submitted speaker cards with all wishing to speak and all in opposition.*

#### **STAFF PRESENTATION**

**Mr. Klimek**, staff, provided an overview of the site, its policy context, the proposal, and the staff recommendation.

#### **APPLICANT PRESENTATION**

**Mr. Marty Hall** introduced himself as representing the owner and described the property and the request. There are presently two homes on the subject site which is zoned R1-10, and the owner also owns the adjacent vacant site which is zoned C-3. The request is for C-3 and the current proposal is for self-service storage warehouse but noted that C-3 also permits multifamily at R-3 intensity which is also an option. The site is presently served by septic which would be acceptable for self-service storage and for multifamily development, the sewer would need to be extended from Cave Creek Road. The owner has initiated an abandonment for the portion of Mescal Street leading up to the site and that the request has conditional approval at this time; the next steps will be an appraisal and purchase of the former right of way. Under the current zoning, the site can be developed into approximately four homes but noted that is likely not the highest and best use of the land. The request for C-3 would allow for the greatest flexibility and allow for either R-3, which is adjacent to the southwest, or C-3, which is adjacent to the

west and northwest. He added that, at the request of staff, he reached out to the City to see if they had interest in purchasing the property and they did not.

## QUESTIONS FROM THE COMMITTEE

**Committee Member McBride** asked for detail on attendance at the required neighborhood meeting. **Mr. Hall** responded that he complied with all requirements and that the meeting had no attendees.

**Committee Member Freeman** asked if any responses have been received from the neighborhood. **Mr. Hall** responded that no responses have been received but that he's connected with each of the adjacent property owners and has heard no concerns.

**Committee Member Gore** stated that there are already too many self-service storage warehouses and asked how they evaluated the options of storage against multifamily. **Mr. Hall** responded that he does multifamily development and that there is a market. He indicated that he reached out to many of the self-service storage operations, and they indicated that there is pent-up demand. He added that storage could be developed with the existing septic while multifamily would require the sewer be extended from Cave Creek Road which would be costly. **Mr. Hall** stated that C-3 permits both storage and multifamily and the request would provide the greatest flexibility. **Committee Member Gore** asked rhetorically why the VPC should approve something just to provide more options to a landowner.

**Committee Member Veidmark** asked about the number of housing units permitted on the site under R-3 / C-3 zoning. **Mr. Hall** responded that R-3 / C-3 allows for a density of 14.5 dwelling units per acre.

**Acting Chair Krentz** noted that C-3 is a very permissive zoning district. **Mr. Hall** stated that the subject site is adjacent to C-3 zoning and C-3 uses so that it what they chose to pursue.

**Committee Member Barraza** noted that there are two residences on the subject site. He asked about what else is happening on the property. **Mr. Hall** responded that it is used for storage of old cars. **Committee Member Barraza** asked if vehicle storage was a permitted use in R1-10. **Mr. Klimek** responded that there are various nuisance codes that apply to inoperable vehicles.

## PUBLIC COMMENTS

**Mr. Andrew Dalton** introduced himself as the owner of Dalton Air Conditioning which is located on Mescal Street. He expressed concern that the abandonment of the street may impact the ability for large trucks to access their site, which is a necessity of their business. He stated that he was not informed of the request. He expressed further concern that there are often children playing near the junction of Mescal and Cave Creek Road which may be a safety issue if additional traffic were added.

**Ms. Julia Taggart** introduced herself as a representative of the Sunnyslope Historical Society. She stated that the mountain preserve is historic and contains historical value that is yet to be discovered. There is a nearby property at 1165 Cave Creek Road that belonged to Angel Revilla which is currently being evaluated for the National Register of Historic Places.

**Ms. Stacie Hurst** introduced herself as the Chair of the Phoenix Mountain Preservation Council and explained that the development pattern along Cave Creek Road was originally residential and neighborhood commercial. The character gradually eroded into heavy commercial through piece-meal requests made to the city which, when approved, then served as precedent for further change. She concluded by stating that the sign was hidden from almost everyone, that the land should become mountain preserve, and that the change offers no benefit to the community.

**Committee Member O'Hara** asked Mr. Klimek where the notification sign can go. **Mr. Klimek** responded that it typically must be placed on the property.

**Committee Member Baraza** asked Ms. Taggart if the nomination for Angel's property has been submitted and, if approved, if it will impact what can be done on adjacent properties. **Ms. Taggart** responded that the nomination has been filed.

#### APPLICANT RESPONSE

**Mr. Hall** stated that he has met with Mr. Dalton's parents to discuss the rezoning and the abandonment and that they were ok with the idea and that the conditional approval for the abandonment requires that access be maintained to the Dalton property so truck access will be maintained. He stated that the two homes on the subject site are neither historic nor viable.

**Committee Member Barraza** asked for detail on the status of the abandonment request. **Mr. Hall** responded that the abandonment is conditionally approved and that they were advised to wait for the rezoning to finalize the process. The conditions require an appraisal for the purchase of the abandoned property. The owner currently has approval from all impacted property owners and has an agreement with the adjacent multifamily property to purchase their portion of the property.

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

#### **MOTION:**

**Committee Member Freeman** moved to deny the Z-32-23. **Committee Member Gore** seconded the motion.

#### **DISCUSSION:**

**Committee Member Freeman** stated the proposal is speculative and should expect more of applicants on behalf of the impacted neighbors.

**Committee Member O'Connor** stated that the site is challenged by utility and street access and is therefore not the "worst plan." He added that, if this motion fails, he will make a motion to approve subject to working with the adjacent property owner regarding access.

**Committee Member Gore** stated that this is the "worst plan" because the city does not need more self-storage, and this reduces the residential density near Sunnyslope.

**Committee Member O'Hara** stated that the current use is a glorified junkyard and that the supply of self-storage indicates that there is still demand. Multifamily would require a sewer extension which is costly.

**Committee Member Gore** stated that the market for self-storage is slowing and that many of the major players are holding their money and evaluating changes to the market.

**VOTE: 3-7-0**, motion to deny fails with Committee Members, Freeman, Gore, and Larson in favor; Barraza, McBride, O'Connor, O'Hara, Veidmark, Whitney, and Acting Chair Krentz in opposition; and none in abstention

**MOTION:**

Committee Member O'Connor moved to approve Z-32-23 per the staff recommendation with the direction that the applicant shall coordinate with the owners of Dalton Air Conditioning. Committee Member O'Hara seconded the motion.

**DISCUSSION:**

**Committee Member Barraza** stated that he hopes the owner does not construct self-storage but indicated they have property rights and under C-3 will have flexibility.

**VOTE: 7-3-0**, motion to approve Z-32-23-3 per the staff recommendation and with direction passes with Committee Members Barraza, McBride, O'Connor, O'Hara, Veidmark, Whitney, and Acting Chair Krentz in favor; Freeman, Gore, and Larson in opposition; and none in abstention.

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

None.