



## Village Planning Committee Meeting Summary

### GPA-SM-3-21-8

<b>Date of VPC Meeting</b>	December 14, 2021
<b>Request</b>	To amend the General Plan Land Use Designation on approximately 20.76 acres <b>from</b> Residential 1 to 2 dwelling units per acre <b>to</b> Residential 2 to 3.5 dwelling units per acre
<b>Proposed Use</b>	Single-family residential community
<b>Location</b>	Southwest corner of 19th Avenue and South Mountain Avenue
<b>VPC Recommendation</b>	Continued to the January 11, 2021 South Mountain Village Planning Committee meeting.
<b>VPC Vote</b>	<b>11-0</b> Motion passed; Members Aldama, Brooks, Brownell, Busching, Coleman, Hare, Holmerud, Shepard, Viera, Marchuk and Daniels in favor; None in dissent.

#### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*Cases GPA-SM-3-21-8 and Z-58-21-8 were heard concurrently.*

*Nine members of the public registered to speak on this item. Eight members registered in opposition and one neutral.*

**Enrique Bojórquez**, staff, introduced himself and provided a presentation for the Minor General Plan amendment case GPA-SM-3-21-8 and concurrent rezoning case Z-58-21-8. He discussed the location of the site, noting surrounding land uses, existing General Plan Land Use map designations, and the proposed designation on the site. He discussed the existing zoning in the area and requested zoning for the site. He discussed policy documents including the General Plan and Rio Montaña Area Plan. The conceptual site plan for the proposed single-family subdivision was shown, indicating vehicular access points, lot distribution, building height limitations, and lot widths proposed. The conceptual front elevations were discussed. He concluded the presentation by providing a staff recommendation of approval for both cases and describing the proposed stipulations for case Z-58-21-8, as presented in the staff report.

**Greg Brownell** asked for an explanation on why the rezoning and minor General Plan amendment cases were being presented concurrently. Some committee members requested for these cases to be heard separately moving forward. He is unsure if this is due to staff incompetence or laziness.

**Mr. Bojórquez** stated that rezoning and minor General Plan amendment cases can run on a concurrent hearing schedule if approved by the Planning and Development Department Director.

**Paul Gilbert**, with Beus Gilbert and McGroder PLLC, introduced himself as the applicant and discussed the location of the site. He discussed the proposed Minor General Plan Amendment and requested zoning. He discussed the previous proposed site plan which was presented in the staff report, and the updated site plan proposed. Wall elevations were presented and discussed, in addition to the front building elevations proposed. He discussed the goals and policies from the General Plan and Rio Montaña Area Plan. Rezoning case stipulations presented in the staff report were discussed and concluded the presentation by discussing the outreach conducted on these projects.

**Chairwoman Daniels** asked if the committee had any questions for the applicant or staff regarding these cases. She stated that the site plan from 2018 provided better features than the current site plan proposed.

**Chuck Chisholm**, with KHovnanian Homes, discussed the updated site plan and why this is an enhancement over what was previously proposed.

**Chairwoman Daniels** asked if the entrance to the community could be located on South Mountain Avenue instead.

**Mr. Gilbert** stated that his team preferred to have the access point along South Mountain Avenue, but this was moved to 19th Avenue following the feedback from the neighborhood.

**Edward Aldama** stated that there should be considerations on building a sidewalk to the trailhead further south of the site.

**George Brooks** asked if the Phoenix Food Action Plan had been read.

**Mr. Gilbert** stated that his team had read this document and actually had a community garden planned as part of their original proposal, but some of the neighbors asked for this to be removed. His team will consider this as they move forward with the cases.

**Vice Chair Marchuk** had compared both site plans and he asked if a bus stop along 19th Avenue was provided just like the project east of 19th Avenue. He

asked if the applicant would consider single-story home limitations and stated that the fencing proposed along the perimeters does not feel appropriate.

**Mr. Gilbert** stated that a bus stop will be provided if the city requests one.

**Mr. Aldama** stated that the city is growing and discussed change across the city. He discussed view fencing proposed on another project.

**Chairwoman Daniels** asked for additional questions from the committee. She then opened the floor for public comments on this case.

*Donatus Agbkwu donated his time to Jewel Clark, while Rebekah and Steven Higginbotham donated their time to Zach Brooks.*

**Jewel Clark**, member of the public, lives in the area and stated that she has not seen the latest version of the site plan shown by the applicant. She showed a presentation on the history of the site, noting a similar application filed 2018 for the site. The use is inappropriate for the area and compared the previous site plan from the 2018 rezoning case with the current case. She discussed customer reviews for the home builder, property owners opposed to this case, and zoning designations in the general area. She discussed flooding issues and described how the project differed from the Phoenix General Plan goals. She does not support this development.

**Zach Brooks**, member of the public, owns the Arizona Worm Farm south of the site. He showed a presentation on the opposition from neighbors surrounding this site, and history on a similar application filed 2018 for the property. He compared the site plan with the site plan for rezoning case Z-31-21-8, across 19th Avenue, noting requested changes to the layout, open space, lot widths and seeking a compromise from the developer. He asked for the proposal to be rejected due to numerous reasons and asked for site plan modifications if the project moved forward.

**Mike Josic**, member of the public, introduced himself and agrees with the comments from Ms. Clark and Mr. Brooks. He discussed the proposed site plan and asked for a recommendation of denial on the case.

**Dean Chiarelli**, member of the public, introduced himself and encouraged the committee to adhere to the General Plan Land Use Map designation and Food Action Plan. He asked the committee to keep the promise made by the city regarding the site.

**Dianne Olivo**, member of the public, introduced herself and stated that she has invested in a historic property where she lives. If agriculture is destroyed, it affects the entire community. She is shocked at the comments made tonight and stated that there are other active projects by this applicant in the area.

**Patti Trites**, member of the public, introduced herself and described the flooding hazard that exists in the general area. She asked that the site plan be overlaid with the Maricopa County drainage maps. She discussed infrastructure in the area, discouraging access along 19th Avenue. She discussed the 2018 site plan overlaid with the County drainage maps.

**Chuck Chisholm** stated that KHovnanian Homes leads the industry, and they provide surveys to homeowners to ensure that they are satisfied with their new homes.

**Mr. Gilbert** stated that flooding will be addressed with the new infrastructure and discussed the opposition comments and discussed the feedback received from the community. His team is willing to move the street access point to South Mountain Avenue.

**Marcia Busching** stated that there have been lots of changes made which have not been reviewed by some. She is not supportive of the project at this time.

**George Brooks** stated that change is up to the decision makers and agrees with Ms. Busching.

**Mr. Brownell** agrees with Ms. Busching and Dr. Brooks, and no longer wishes to vote concurrently on Minor General Plan Amendment and rezoning cases concurrently.

**Vice Chair Marchuk** shares the concerns with the neighborhood. He is not comfortable with the General Plan Amendment request and would like to see a compromise occur following the discussion between the neighbors and applicant.

**Gene Holmerud** asked for clarification.

**Chairwoman Daniels** and **Vice Chair Marchuk** stated that the applicant should address the following items:

- Edit the fencing plan proposed;
- Provide a bus stop pad along 19th Avenue;
- Limit homes to one story;
- Provide a decomposed granite trail;
- Provide more centrally located open space;
- Provide a large open space area along 19th Avenue;

**Ms. Busching** asked the applicant if he would accept a continuance of the cases.

**Mr. Gilbert** stated that he would prefer a decision be made tonight but would be okay with a continuance if desired by the committee on the cases.

**Chairwoman Daniels** requested for additional discussion or a motion.

**DISCUSSION – GPA-SM-3-21-8:**

**Mr. Holmerud** stated that rezoning and minor General Plan Amendment cases should not be heard concurrently.

**MOTION – GPA-SM-3-21-8:**

**Ms. Busching** motioned to continue case GPA-SM-3-21-8 to the January 11, 2021 South Mountain Village Planning Committee meeting. **Ms. Shepard** seconded the motion to continue.

**VOTE – GPA-SM-3-21-8:**

**11-0**, motion passed; Members Aldama, Brooks, Brownell, Busching, Coleman, Hare, Holmerud, Shepard, Viera, Marchuk and Daniels in favor; None in dissent.

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

None.

**Village Planning Committee Meeting Summary**  
**GPA-SM-3-21-8**

<b>Date of VPC Meeting</b>	January 11, 2022
<b>Request</b>	To amend the General Plan Land Use Designation on approximately 20.76 acres <b>from</b> Residential 1 to 2 dwelling units per acre <b>to</b> Residential 2 to 3.5 dwelling units per acre
<b>Proposed Use</b>	Single-family residential community
<b>Location</b>	Southwest corner of 19th Avenue and South Mountain Avenue
<b>VPC Recommendation</b>	Denied
<b>VPC Vote</b>	<b>10-4-1</b> Motion passed; Members Alvarez, Brownell, Busching, Hare, Holmerud, Ray, Said, Smith, Viera, and Marchuk in favor; Aldama, Greathouse, Shepard and Daniels in dissent. Member Coleman abstained.

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*Cases GPA-SM-3-21-8 and Z-58-21-8 were heard concurrently.*

*Seventeen members of the public registered to speak in opposition to this item.*

**Enrique Bojórquez**, staff, introduced himself and provided a presentation for the Minor General Plan amendment case GPA-SM-3-21-8 and concurrent rezoning case Z-58-21-8. He discussed the location of the site, noting surrounding land uses, existing General Plan Land Use map designations, and the proposed designation on the site. He discussed the existing zoning in the area and requested zoning for the site. He showed the conceptual site plan provided by the applicant as part of the Addendum A staff report, and also showed a new version of the site plan provided by the applicant following this latest addendum to the staff report. He indicated vehicular access points, lot distribution, building height limitations, and lot widths proposed. The applicant also provided a wall elevation and wall plan exhibit following the Addendum A staff report. These were shown and discussed. He concluded the presentation by providing a staff recommendation of approval for both cases but noted that if the committee chose to approve case Z-58-21-8 per the latest site plan, wall plan and wall elevations provided by the applicant, that stipulation numbers 1, 6, 9 and 9.E

would need to be modified from what was presented in the Addendum A staff report. He discussed the stipulation modifications that would be required.

**Cassandra Ayres**, with Beus Gilbert and McGroder PLLC, introduced herself as the applicant and discussed the location of the site. She discussed the proposed Minor General Plan Amendment and requested zoning. She discussed the latest proposed site plan following the Addendum A staff report, and changes made from the previous site plan. She discussed the goals and policies from the General Plan, Rio Montaña Area Plan, and Housing Phoenix Plan. She concluded the presentation by requesting approval of the project.

**Twanna Ray** inquired on the door-to-door outreach conducted and neighborhood notification. She asked if a virtual neighborhood meeting had been conducted.

**Ms. Ayres** discussed the outreach conducted and stated that both in-person and virtual neighborhood meetings had been conducted.

**Ms. Ray** asked on the proposed price-point on the homes.

**Ms. Ayres** stated that the homes are currently estimated between \$500,000 and \$600,000 each.

**Mr. Arthur Greathouse** inquired about traffic and how pedestrians will be affected.

**Ms. Ayres** stated that the project will provide street improvements, in addition to trails and sidewalks.

**Vice Chair Marchuk** asked if a community benefit agreement was entered.

**Ms. Ayres** responded that no agreements were planned.

**Emma Viera** asked how the developer was addressing the Climate Action Plan.

**Ms. Ayres** stated that the project was providing smaller streets, shade trees, and other elements. She is happy to work with the Office of Heat Response and Mitigation on tree selection for this community.

**Fatima Said** asked if the applicant is looking into changes into the open space areas where turf is shown. She asked if a community garden had been considered.

**Ms. Ayres responded** that a garden had been considered, but some of the community members did not support this amenity.

**Vice Chair Marchuk** asked if a community benefit agreement was under consideration.

**Ms. Ayres** responded that no agreements were planned at this time.

**Chairwoman Daniels** has noticed that when community gardens get planted, these are not maintained over time.

**Ms. Viera** asked how this development is bringing change to South Phoenix.

**Ms. Ayres** and **Mr. Chuck Chisholm**, with KHovnanian Homes, discussed street improvements and infrastructure proposed.

**Chairwoman Daniels** asked for additional questions from the committee. She then opened the floor for public comments on this case.

*Jewel Clark, Mike Josic, Norberto Rivera, Bryan Martin, Ravi Sharma, Snighda Sharma, Leticia Rivera, Gina Johnson, Dorothy Hallock, JoAnne Jensen, Steven Higginbotham, Erin Hegedus, Miguel Rubio, and Robert Barnes donated their time to Zach Brooks.*

**Zach Brooks**, member of the public, owns the Arizona Worm Farm south of the site. He stated that rezoning is not a right and showed a presentation on the opposition from neighbors surrounding this site and discussed how the density on this project will not have a big impact on the housing shortage in Phoenix. The density proposed is not the highest and best use of the land, comparing the proposed home values for this project with the Silva Estates subdivision west of the site which is zoned R1-18. He mentioned that a lower density will not affect the profitability of the project and compared costs plus profits. He stated that most properties surrounding this site oppose the proposed development and showed a map depicting those properties. He concluded the presentation by showing an email from the developer on Kimura Gardens across 19th Avenue seeking rezoning under case Z-31-21-8, stating that this project is different than that project and has some design shortcomings. He asked for the project to be denied based on all of these reasons.

**Dean Chiarelli**, member of the public, introduced himself and stated that he supports development and requests that Chairwoman Daniels abstain from voting due to her realtor background. He discussed previous projects involving Ms. Daniels.

**Chairwoman Daniels** stated that she is willing to meet with Mr. Chiarelli and the City Attorney to discuss this matter.

**Dianne Olivo**, member of the public, introduced herself and stated that the current zoning on the property remains viable and the proposed project will



impact the area negatively. Agriculture is important and outlined the reasons why this project is not compatible with the area.

**Lee Coleman** asked which development option was used for the site plan.

**Ms. Ayres** responded that the Planned Residential Development (PRD) option was used.

**Ms. Ray** asked Mr. Zach Brooks to outline his opposition to this project.

**Mr. Brooks** responded that a similar lot layout is being proposed as the previous site plan, and other elements as discussed by the Kimura Gardens developer who is working on case Z-31-21-8. Their project is support by some, but this rezoning case is not well supported by the most in the community.

**Vice Chair Marchuk** stated that the level of opposition is clear on this project, and the community surrounding the site are in opposition.

**Mr. Zach Brooks** believes that a three-quarter vote can be triggered by an overwhelming number of properties who oppose the project.

**Marcia Busching** wants to hear from Mr. Brooks on what changes he can support on this project based on the community's input.

**Mr. Brooks** stated that this project differs from Kimura Gardens, and the community asked for changes to be made on the site plan to keep the flavor and flow of the area. He seeks R1-18 zoning on the site to protect the unique area and asked for a denial on this case. He wants for the entrance to be located along 19th Avenue and other changes to the layout.

**Kay Shepard** stated that layout could be improved, and lots rearranged. She has always supported protecting farmland, but this type of land needs lots of water.

**Edward Aldama** echo's Ms. Shepard's comments and stated that he has visited the site. He feels this is a viable proposal because there are other similar projects in the area.

**Ms. Busching** asked if the applicant would consider a continuance on the rezoning case.

**Ms. Ayres** responded that the applicant prefers a recommendation this evening.

**Ms. Ray** prefers that the VPC give a recommendation on the cases.

**Vice Chair Marchuk** asked if the committee could deny the R1-10 zoning and approve it as R1-18 instead.

**Mr. Bojórquez** responded that the committee could deny the case as filed and approve it as R1-18. However, the site has existing approved R1-18 zoning currently that is not yet vested.

**Ms. Busching** is considering approving the R1-10 zoning with minimum 70-foot-wide lots.

**Ms. Ayres** does not have a comment now about that.

**Ms. Ray** serves in the VPC to make a difference and often sees developers that host virtual meetings only, which present an unfair advantage to the community. We need to have a greater interest in the community.

**Ms. Busching** and **Vice Chair Marchuk** asked for staff on clarification on the existing approved R1-18 zoning on the site.

**Mr. Bojórquez** discussed the existing approved R1-18 zoning currently on the property.

**Lee Coleman** asked if S-1 zoning originated from the annexation of the property.

**Mr. Bojórquez** discussed the S-1 zoning and designations assigned to property upon annexation.

**Ms. Shepard, Mr. Brownell, and Mr. Bojórquez** discussed approved zoning and administration of this by the City.

#### **MOTION – GPA-SM-3-21-8:**

**Mr. Brownell** motioned to deny case GPA-SM-3-21-8. **Mr. Holmerud** seconded the motion.

#### **VOTE – GPA-SM-3-21-8:**

**10-4-1**; Members Alvarez, Brownell, Busching, Hare, Holmerud, Ray, Said, Smith, Viera, and Marchuk in favor; Aldama, Greathouse, Shepard and Daniels in dissent. Member Coleman abstained.

*Ashley Hare left the meeting at 9:00pm, bringing the quorum to 14 members.*

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

None.