



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM A
Staff Report: Z-18-22-1
July 13, 2022

<u>Deer Valley Village Planning Committee</u>	June 9, 2022
Meeting Date:	
<u>Planning Commission</u>	Hearing Date: August 4, 2022
Request From:	<u>S-1</u> (Ranch or Farm Residence District) (2.55 acres)
Request To:	<u>R-2</u> (Multifamily Residence District) (2.55 acres)
Proposed Use:	Single-family residential
Location:	Northeast corner of 19th Avenue and Yearling Road
Owner:	CMI Construction, LLC
Applicant:	Red Hawk Development Corporation
Representative:	Charles Eckert Jr.
Staff Recommendation:	Approval, subject to stipulations

On June 9, 2022, the Deer Valley Village Planning Committee heard this request and recommended denial by a vote of 5-3. The applicant has since submitted a revised site plan, on June 21, 2022, that addresses community and committee concerns regarding density, unit type, and open space. In addition, since the staff report was published on May 31, 2022, staff has received five letters in opposition which are included as an attachment. Concerns include privacy, density, height, and traffic congestion.

The revised site plan includes a reduced unit count of 18 dwelling units, a change to single-family detached units, and an expanded open space component in the northeast corner, adjacent to existing residential properties. Due to the revised site plan, staff recommends revisions to the stipulations as follows.

- **Stipulation No. 1** regarding the maximum number of units on the site.
- New **Stipulation No. 3** regarding a minimum open space area at the northeast corner of the site.

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

1. The development shall not exceed **20 18** dwelling units.
2. The development shall not exceed a maximum building height of 30 feet.

3. THE DEVELOPMENT SHALL CONTAIN A MINIMUM 3,500-SQUARE-FOOT OPEN SPACE AREA AT THE NORTHEAST CORNER OF THE SITE.

- ~~3.~~ **4.** The common open space area shall provide a minimum of 3 active recreational elements, such as, but not limited to playground sets, ramadas, barbeque area, as approved by the Planning and Development Department.
- ~~4.~~ **5.** The garage doors shall have a variety of decorative embellishments such as window panels, color and added materials for the pillars surrounding the door, as approved by the Planning and Development Department.
- ~~5.~~ **6.** The required perimeter setbacks on all sides of the property shall be landscaped and 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.~~ **7.** The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 11-foot-wide landscape area between the back of curb and sidewalk along 19th Avenue, 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.

- ~~7.~~ **8.** The Developer shall work with Maricopa County to de-annex the 25-foot federal patent easement area of the southern property line adjacent to Yearling Road. If the 25-foot federal patent easement area is not de-annexed within 6 months after the approval date of this rezoning, the applicant shall construct improvements over the federal patent easement area, as modified and approved by the Street Transportation Department and the Planning and Development Department.
- ~~8.~~ **9.** 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.~~ **10.** The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport to future owners or tenants of

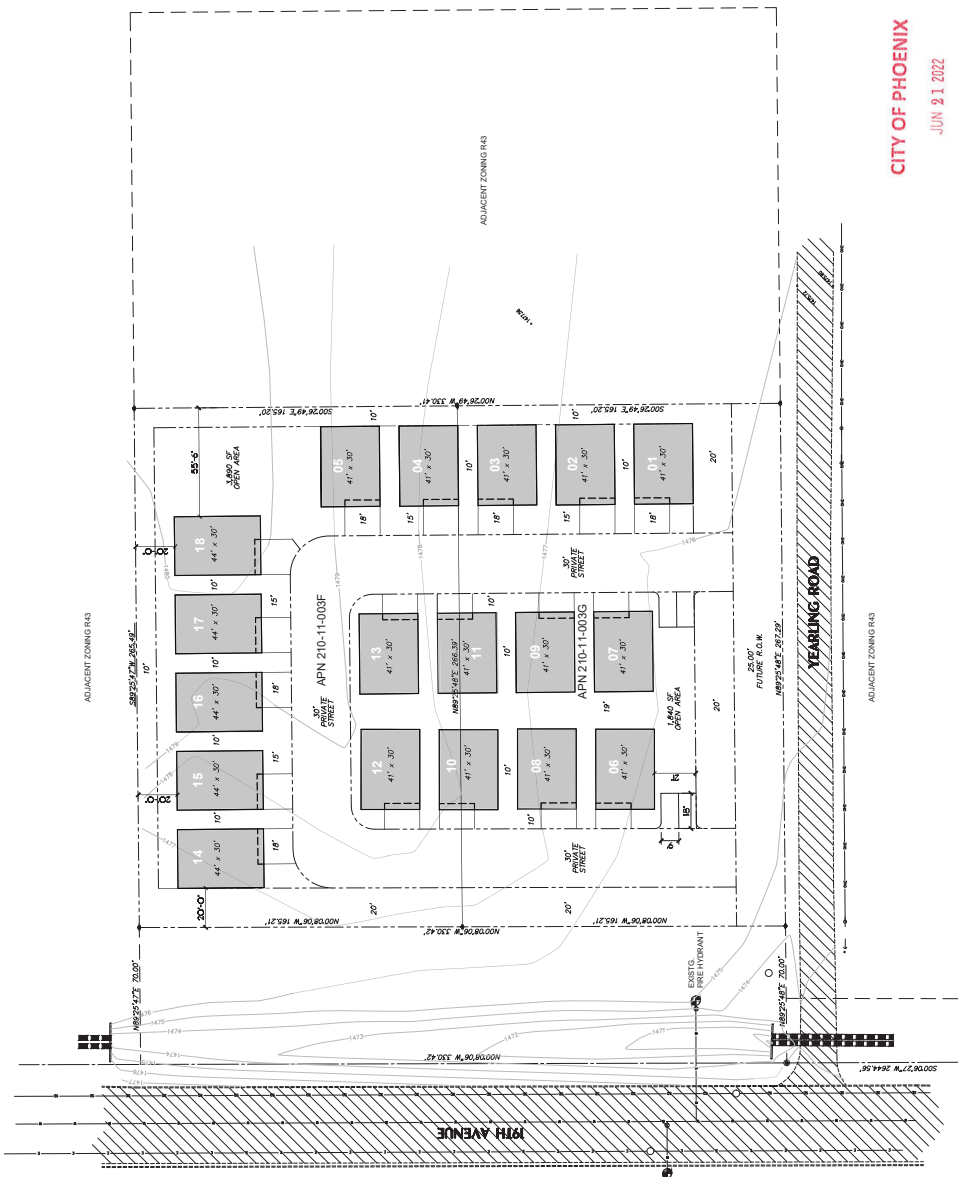
the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

- ~~40.~~ 11. 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.
- ~~44.~~ 12. 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.

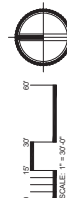
Exhibits

Revised Conceptual Site Plan, date stamped June 21, 2021

Correspondence (14 pages)



APPROVAL STAMPS



PROJECT DATA:

APPLICANT: RED HAWK DEVELOPMENT CORP.
ADDRESS: 34522 N SCOTTSDALE ROAD
SUITE 120-115
SCOTTSDALE, AZ 85266
PHONE: 480.939.4900
EMAIL: cocker1@redhawkdevco.com

R43
R-2 PRD (C.d. C)
30'-0"
7 PER ACRE (10.5
2.55 ACRES 111,14
1.87 ACRES 81,335
LESS THAN 100%
MORE THAN 5% O

APN 210-11-003F LEGAL DESCRIPTION

A PORTION OF LOT 28, SECTION 36, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE 6TH AND SALT RIVER BASIN AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

APN 210-11-003G LEGAL DESCRIPTION

PORTION OF LOT 29, SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVERS AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 29, THENCE NORTH 89°25'48" EAST ALONG THE WEST LINE OF SAID LOT 29 A DISTANCE OF 766.39 FEET TO THE POINT OF BEGINNING OF THE HERBON DESCRIBED PARCEL; THENCE NORTH 03°00'00" WEST PARALLEL WITH AND 70.00 FEET EAST OF THE WEST LINE OF SAID LOT 29, A DISTANCE OF 165.21 FEET; THENCE NORTH 89°25'48" EAST, A DISTANCE OF 766.39 FEET TO A POINT OF BEGINNING; THENCE SOUTH 02°49'49" EAST ALONG THE EAST LINE OF SAID LOT 29 A DISTANCE OF 766.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°25'48" EAST ALONG THE SOUTH LINE OF SAID LOT 29 A DISTANCE OF 766.39 FEET TO THE TRUE POINT OF BEGINNING.

CITY OF PHOENIX

JUN 21 2022

Planning & Development
Department

From: [vickie hunt](#)
To: [Sarah Stockham](#)
Subject: Z-18-22-1 June 9 Meeting
Date: Monday, June 6, 2022 11:07:43 AM

Hello Sarah,

I found your name on the website concerning this upcoming meeting. I would like my letter added to the file for anyone to view that is making decisions in the matter. I also sent a hard copy by mail. My husband has been reaching out as well. I'm just trying to make sure we're reaching the right offices and such. Please let me know if there is someplace else I should be sending communications. Thank you for any help!

I am writing concerning a zoning hearing Z-18-22-1 for parcels 210-11-003F and 210-11-003G.

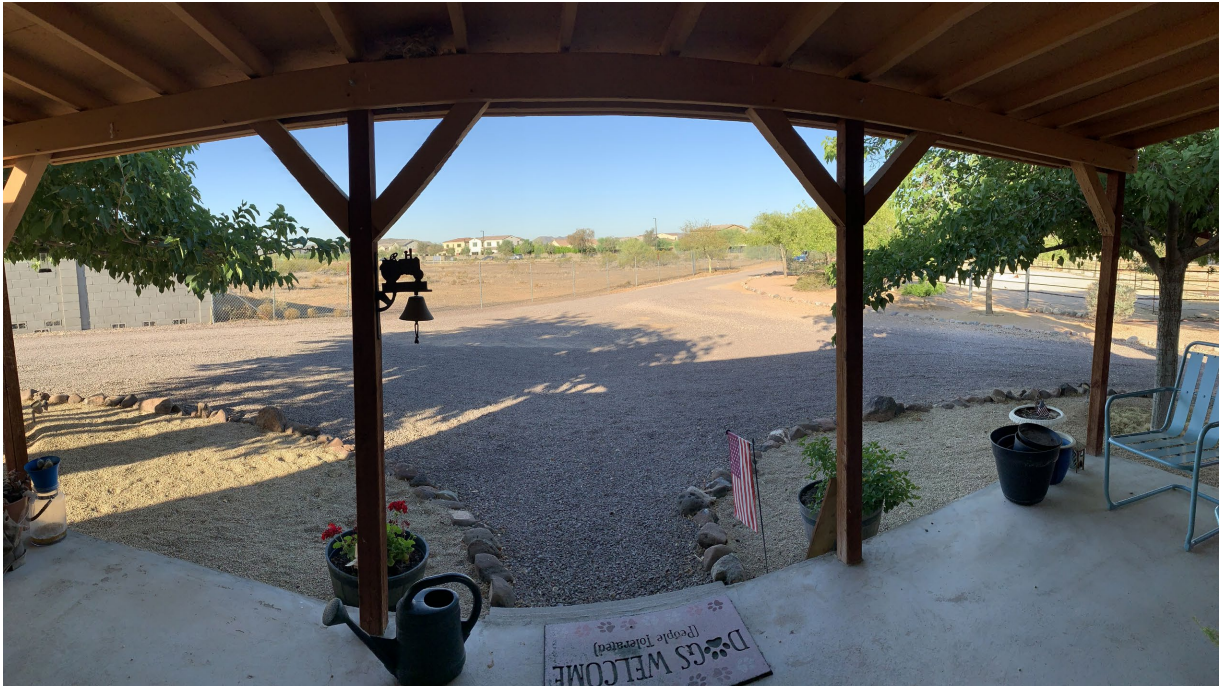
I will try to keep this as brief as possible and still provide all the information intended. I live at 25839 N. 19th Ave. Phoenix Az 85085. Parcel # 210-11-001C It is a nearly 2 acre farm/ranch. The property I own shares a border to our south with the land in question. I will attach pictures so you can see how the properties line up. I have lived here for 30 years and have watched this go from a one lane dirt road to a bustling city street. I completely understand growth and change, and honestly welcome much of it! However, this build is posing a major privacy issue for my family/property. The R43 county zoning that's always been here and the recently approved city annexation and now S1 zoning, calls for 1 house per 1 acre. That is what borders the land on all sides except 19th avenue. The homes across 19th Ave from the land are single family residential. Mrs. Shilliday with CMI Construction told me in a conversation after purchasing the land that she intended to build single family residential homes. Her intent was to "provide a buffer" between the city homes on the west side of 19th Ave and the rurally zoned ranch/farm homes that encompass the entire county island on the east side. However 20 two story townhomes are not a buffer. That is not the middle ground between rural and standard residential. The land is zoned for 2 homes currently. According to current tax records it is a total of 2.02 acres. Possibly 4 homes on 1/4 acre lots would be a buffer. Even 6-10 single story single family residences. Not 20. These parcels are not made for homes to be stacked on top of fence lines. This is a complete invasion of our privacy as well as our other neighbor to the south who shares his west property line with the land. From a townhome that tall with all living space on the top floor there will be views of my entire property including my back yard. While that may be the norm in some neighborhoods, that is not what this kind is zoned or meant for.

I am requesting that if the zoning is to be changed, that it is to single family residential only. Not multi family. Also, more importantly, that single story homes only be allowed to back up to the shared fence lines. Two story homes could back 19th Ave. A privacy barrier tall enough to block views into our homes and yards from 30 feet up does not seem reasonable. We are really trying to be accommodating. We're not saying no this cannot pass. However the planned layout of this build is not only not in line with the currently established neighborhood, it is, as I said, a total privacy violation. My request

is that only **single story** single family residential be approved. That is a buffer. Not a multi family townhome community.

I have attached a couple pictures as well.

Thank you for your time,
Vickie Hunt



View from my front porch. Per plans, six 30ft townhomes would back that fence. Single story would be much preferred.



View up my driveway next to our horse and livestock pens that the new builds will back up to.

--
Vickie

Attention,
Planning and Development
department, Zoning section

JUN - 8 2022

Planning & Development
Department

Please read and attach this letter to the case file for the re-zoning case # Z-18-22-1

This pertains to the two parcels owned by Carol Shilliday up for re-zoning
210-11-003F & 210-11-003G

My name is James Whatley, my wife, Vickie Hunt and I own the property to the north of this property, parcel # 210-11-001C . Our property has been in my wife's family for 30 years. We are part of a County Island that is made up of large R-43 parcels that allow one house per acre.

Moving from S1 zoning to R2 allows Carol Shilliday to squeeze 20, 2 story townhomes onto 2.5 acres. She says she can technically put more but out of concern for the area they're sticking with 20. The truth is, 20 units are already too tight of a squeeze with zero free space and privacy.

Our house sits back off of the main road (19th ave) and these townhomes will be looking down onto the front of our property and right at our front door. My neighbor to the south fares even worse with these two story townhomes looking down onto his whole property. How are his kids supposed to feel comfortable and safe with people able to look down in his yard and pool?

The residents of this County Island live here because of the peace and quite and the seclusion away from the congested city life. The large parcels allow us to own livestock animals and for some, to be able to work and run businesses from their homes. We enjoy the peace and quiet that comes with this area, the Privacy and the almost non existent crime rate.

For those of us that own equines, we have the luxury to ride our horses or jog with our donkeys through our privately owned and maintained roads. We are also able to ride trails that connect to the CAP multi-use trail. The city even built a pedestrian bridge over I-17 north of Happy Valley in 2012 to accommodate pedestrian, equine and bicyclists traffic.

Growth is huge right now, I am well aware due to the massive influx of apartments, bungalows, and townhomes being built in this area. There is also a large number of new storage facilities being built to accommodate all of the downsizing people must do to move into said apartments, bungalows, etc.

We need to preserve our County Island and its large parcels so residents have a choice to live in a more private, peaceful and secure neighborhood or live in the more congested multi-family type housing, instead of ruining one by bringing in the other.

Our property and Carol Shilliday's property are on the outer edge of the County Island which happens to be 19th avenue. All of these border line properties along 19th avenue are very attractive to large builders and construction companies wanting to annex these parcels into the city so they can re-zone and flip them for profit.

This land grab only benefits Carol Shilliday and other like investors. They build their portfolios and bank accounts at the detriment of our County Island and it's residents.

Within the last 6 years, there has been a huge increase in apartment complexes popping up all around this area. They have continued to build and are still building to this day more multi-family housing. My neighbors and I and the neighbors in our surrounding area have already experienced a huge increase in crime, traffic congestion, vehicle collisions and noise pollution due to the population boom in this area. We read about it everyday in the news and on the Nextdoor app. Within the last year, 19th avenue has been completely shut down and blocked off 3 times between Happy Valley and Jomax due to horrific accidents. This is a huge inconvenience, as 19th ave and Happy Valley are the only two ways in and out of this side of our County Island.

There are several improvements that Carol Shilliday must make to the existing roadways going forward with her build. The widening of Yearling road's entrance and a small section of 19th avenue. This area needs a major over haul of all of its streets and traffic signals before it can catch up to the current demand and congestion. We don't need to add more fuel to an already out of control fire.

Change and growth are inevitable, I am asking for your help in regulating where this change and growth happen.

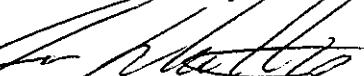
I am also calling on you to help preserve our County Island. We have already lost two large parcels along 19th avenue just south of Carol Shilliday's property to a large 470 unit Toll Brothers apartment complex and a 170 unit Bungalow style apartment complex that will soon be breaking ground. Just these two complexes are bringing nearly 700 families and 1400 vehicles into our County Island and in and out of our streets.

In closing, I ask you to please, please, deny any future multi-family zoning in our County Island.

Thank you for your time, I apologize for the length of this letter.

Sincerely,

James Whatley


480.297.4537

Whatley
25839 N. 19th Ave.
Phx. AZ. 85085

CITY OF PHOENIX

JUN - 8 2022

Planning & Development
Department

City of Phx. Planning & Development Dept.
Zoning Section

attn. June 9th, 6pm meeting Case # Z-18-22-1

200 W. Washington St. 2nd floor

Phoenix, AZ. 85003

85003-161100



From: [Laurel Brodie](#)
To: [Sarah Stockham](#)
Cc: [Melissa Crawford](#); [James Whatley](#)
Subject: RE: Z-18-22-1: - Item # 3 - June 9, 2022 6PM
Date: Wednesday, June 8, 2022 6:06:35 PM

For the Record;

Please know that the residents who are negatively impacted by this request, of which we are one, have been ignored and belittled numerous times by this Committee and the High \$ Attorneys hired by developers whose only goal is to make a killing on land that they bought for less because it was zoned to be of a different character when purchased. They made these purchases knowing full well that they could bulldoze their way through the laughable protective hurdles that had been put into place to protect individual residents that do not have access to deep pockets, from having their neighborhood being downgraded through zoning changes. And I've no doubt this will occur once again in this meeting. So please spare us the concern of the "buffer being created for our neighborhood" You are doing us NO FAVORS by allowing this. We had a more than sufficient "buffer" with 19th Avenue. Anything of the East side of 19th Avenue infiltrates and invades our neighborhood in a manner that no one here wants. So at least be honest from the start and call a land grab a land grab, and don't pretend that we have any say in this outcome.

For what it's worth I'll still say my peace, but stopped holding my breath with this Committee long ago.

NO to the HIGH DENSITY housing, especially NO to the 2 STORY zero lot line development. If it HAS to change from the current zoning it should be reasonable. Currently it is 1 home per acre (when it was County) so go ahead, double that, we'd even accept tripling that, but to retain the rural character and maintain what we have left that the most that we'd be happy and welcoming to.

And to stand up specifically for the 2 most impacted residents who have our utmost sympathies, James Whatley and Julian, PLEASE, PLEASE, PLEASE, since we know you are going to allow this AT LEAST be human and DO NOT allow for 2 story homes on the North OR East side of this property.

And last to also protect the rest of us REQUIRE that a sign be in place that prohibits turning left onto Yearling Rd. out of that developments ingress/egress. We do not want or need that traffic on our Privately Maintained Roadways.

Planning a neighborhood celebration if we are successful in ANY concessions to this proposed development

Rick & Laurel Brodie
25657 N. 17th Avenue
Phoenix, AZ 85085
laurel@clearskies.com

JUN - 8 2022

**Planning & Development
Department**

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This is a complete invasion of our privacy as well as our other neighbor to the south who shares his west property line with the land. There would be direct view from the 2 story homes into the front and back of our homes. Including our pool and backyard area.

I am requesting that if the zoning is to be changed, that it is to single family residential only. Not multi family. Also, more importantly, that single story homes only be allowed to back up to the shared fence lines. Two story homes could back 19th Ave. A privacy barrier tall enough to block views into our homes and yards from 30 feet up does not seem reasonable. We are really trying to be accommodating. We're not saying no this cannot pass. However the planned layout of this build is not only not in line with the currently established neighborhood, it is, as I said, a total privacy

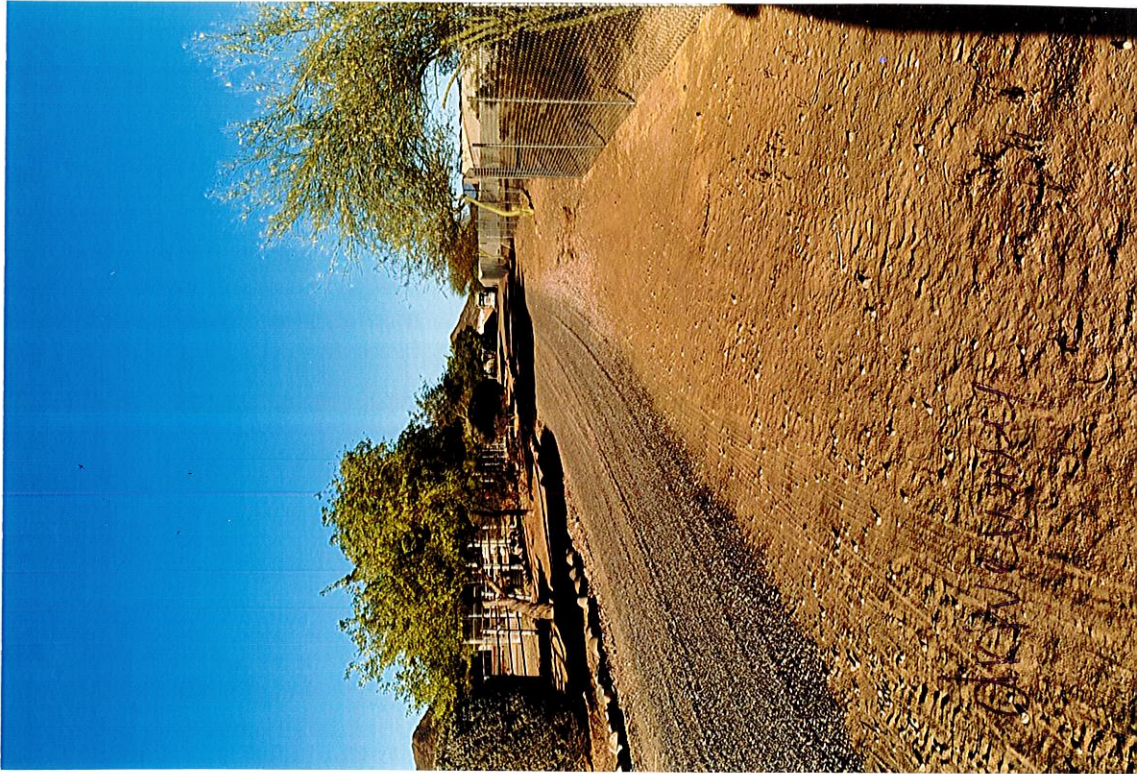
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Thank you for your time,



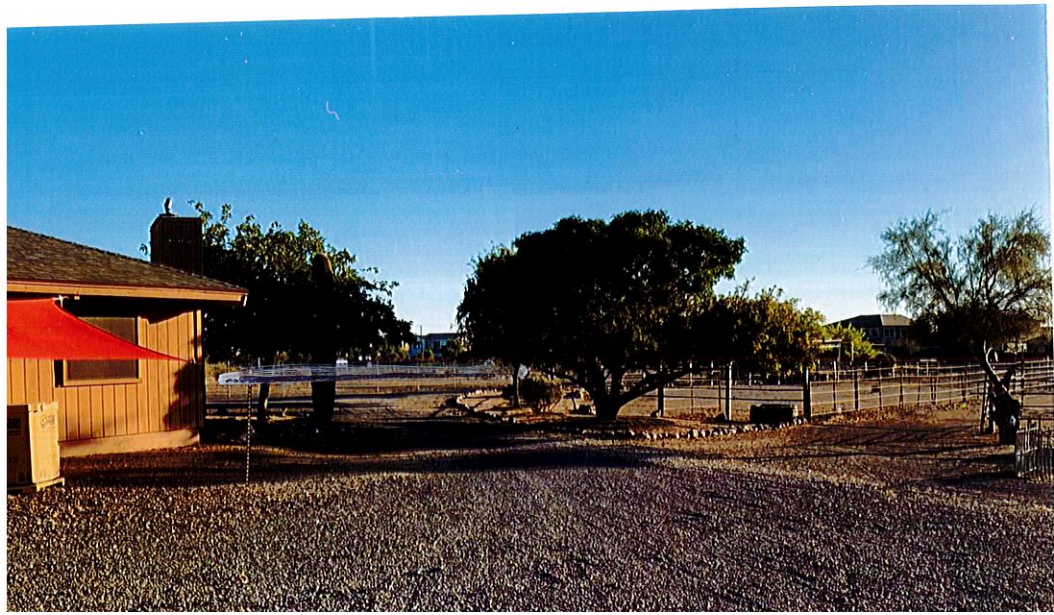
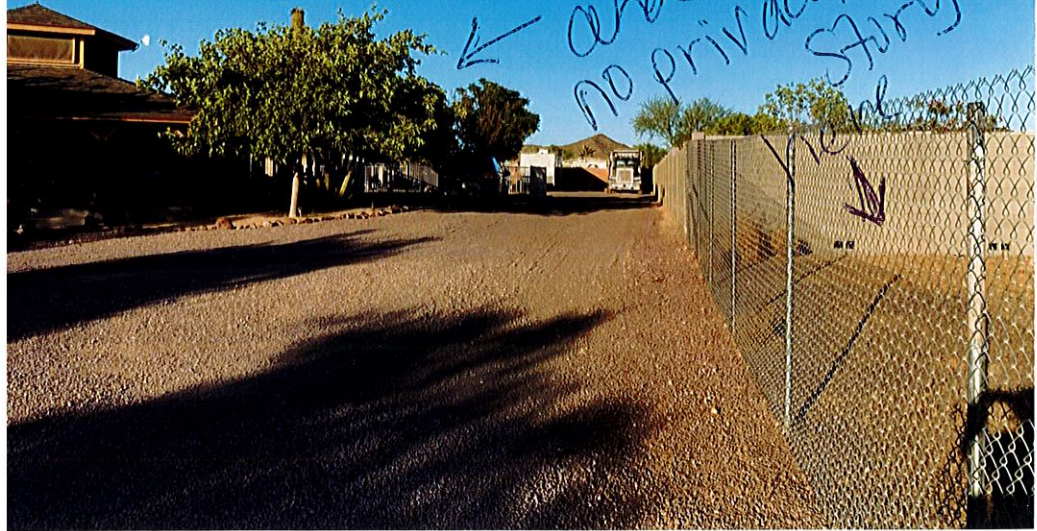
Vickie Hunt

25839 N. 19th Ave
Phoenix, Arizona 85085
623-204-1575
Vrhunt@gmail.com





back yard
← and pool!
no privacy if 2
story



From: tryitonjewels@aol.com
To: [Sarah Stockham](#)
Cc: laurel@clearskies.com; bruteyfool@aol.com
Subject: Z-18-22-1 Item #3
Date: Thursday, June 9, 2022 3:56:26 PM

To Whom it Concerns;

Here we are again writing emails and voicing our concerns about the devastation your votes are doing to destroy our horse property community. I personally have spent hours attending and speaking at every virtual meeting trying to save our way of life only for the vote to be unanimous "yes" and "next on the agenda".

Once again, it is ridiculous to do what is being suggested of put 2-story high-density housing in the current zoning of 1 home per acre.

Please vote "NO" to this proposal.

Melissa Crawford
623 606 7248