



Village Planning Committee Meeting Summary

Z-82-25-5

Date of VPC Meeting	February 11, 2026
Request From	R1-6, R-4A, C-1 and C-2
Request To	PUD
Proposal	Single-family attached residential (townhomes)
Location	Northeast corner of 104th Drive and Indian School Road
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	7-4

VPC DISCUSSION:

Committee Member Lorena Gutierrez joined the meeting during this item, bringing quorum to 11 members.

No members of the public registered to speak on this item.

Staff Presentation

Matteo Moric, staff, displayed the subject site and identified the location, General Plan Land Use Map designation, and current zoning designation. Mr. Moric noted the site's General Plan Land Use Map designation is Residential 3.5 to 5 dwelling units per acre, but the existing development and proposal are inconsistent with the designation. Mr. Moric added that the site is less than 10 acres in size and therefore a General Plan Amendment is not required. Mr. Moric explained the context and the surrounding zoning and land uses. Mr. Moric noted that current request was rezoning from four zoning designations into one for a Planned Unit Development to allow single-family attached residential (townhomes).

Mr. Moric shared the landscape plan which he said depicted 124 dwelling units with units clustered around private driveways including pedestrian pathways connecting amenity areas throughout the project site. Mr. Moric said the proposal would make it possible to create a plat to have individual parcels for fee title ownership. Mr. Moric added that there will be no physical changes to the existing development. Mr. Moric noted there is no community correspondence received for the request and concluded the presentation by providing the staff findings and reviewing the stipulations.

Applicant Presentation

Taylor Earl, representative with Earl & Curley, P.C., said this was a unique rezoning case where they were taking an existing development with no proposed physical changes. Mr. Earl said early in the process they communicated with City staff to understand the process to create a plat and property lines for the existing development. Mr. Earl indicated they had hoped there was an opportunity to keep the zoning and go through a process such as zoning variances. Mr. Earl stated City staff had told them early on that they would need to do a rezone as a Planned Unit Development (PUD). Mr. Earl explained this was a long rezoning process as a PUD Narrative booklet must be written.

Mr. Earl said this is not the normal PUD process as the narrative would have to reflect what is already existing and after this, a plat would need to be reviewed to make sure everything lines up.

Mr. Earl stated the project site is located at Indian School Road and 104th Drive. Mr. Earl emphasized no physical changes are being proposed and the PUD document reflects the built condition. Mr. Earl showed images of the existing townhome type project of being a gated community, having patios, a dog park, tot lot, swimming pool, turf areas, units incorporating two-car garages, and upgraded interior amenities.

Mr. Earl stated the reasons they were rezoning a brand-new townhome community was because currently the townhomes are rental only and they are seeking the opportunity for fee-title townhome ownership. Mr. Earl said fee-title means the individual owners own the ground versus in a condominium type ownership, the condominium association would own the ground. Mr. Earl stated to provide fee-title ownership, they will need to rezone the property and record a single-family plat.

Mr. Earl further explained with ownership, each townhome is on its own property. Mr. Earl said the setback would be zero between units and this is one example of why a PUD rezoning is necessary. Mr. Earl added that for lot coverage the units would take up much of the lot and therefore this is why the development standards need to be more accommodating. Mr. Earl stated under the current zoning, they could convert each townhome into a condo, and expressed people want to own the land and the house. Mr. Earl said that condos don't allow owners to own the land, only the building. Mr. Earl added that people want to own the land and the house which Mr. Earl called more traditional ownership. Mr. Earl stated condo loans also carry higher interest rates, and if they were converted into condominiums, future owners would pay more for interest rates. Mr. Earl said he believed homeownership is still a dream for many and commented that the Phoenix Housing Plan encourages a vast array of housing options.

Mr. Earl explained the transition from rental to ownership. Mr. Earl said current, paying renters can stay as long as they would like, but when the townhome becomes vacant, because the renter chooses to move out, that townhome may be offered for

sale. Mr. Earl added that current renters may elect to purchase, but they would not be obligated to do so. Mr. Earl said sales would simply happen overtime, as people moved out. Mr. Earl stated the owner will have both owner-occupied townhomes and rental townhomes in the same community. Mr. Earl said the current owner was thinking about selling 80 of the units and retaining 44. Mr. Earl shared that the home prices will be determined at the time of the sale, and noted the townhomes would be considered entry-level, which would give prospective homeowners an opportunity to start building equity, including young families. Mr. Earl said with the equity they could trade up in the future.

Questions from the Committee

Ken DuBose asked for clarity if the units were already existing and there was no more planned construction in the future. **Matteo Moric** said that was correct, the building is all existing and there were no changes except for the opportunity to create lot lines.

Al DePascal asked what the initial plan was when the project was first developed. Mr. Moric responded that it was a multi-family rental project like an apartment complex and now the applicant would like the potential to sell off lots to future property owners. Mr. DePascal also asked how many units were in the whole project. **Mr. Earl** responded that there were 124 units.

Lorena Gutierrez questioned why the creation of individual parcels was an afterthought rather than something they did originally up front. **Mr. Earl** explained originally the property had all the zoning needed to do the project which was a rental community, however, from the time of conceptualization to the time the project opened, market conditions can change. Mr. Earl said ultimately when they started this project the rental market was slow and now there is a need and demand for ownership.

Lupita Galaviz noted she was a mortgage broker and felt the property would be a good opportunity to make FHA loans. Ms. Galaviz thought these would be nice first homes for families.

Mr. DuBose questioned what would happen when the rental units were sold regarding homeowner association (HOA) fees. **Mr. Earl** stated an HOA would be required by the City of Phoenix and when the HOA is formed the developer is the master declarant, but it would eventually transition to a privately owned HOA. Mr. Earl said the HOA would require dues for maintenance. Mr. DuBose said this was his neighborhood and he was not impressed with the concrete buildings. Mr. DuBose shared he liked ownership but was not clear on what the HOA fees would be and what this would do for this side of town. Mr. DuBose wanted to know what type of pricing and explained he lived in the Villa De Paz neighborhood and shared concerns that no one is communicating with him about the future development at the golf course there. Mr. DuBose explained he was a long-term owner and wanted there to

be communication out to the people and let them know how to proceed so the community knows it is going from rental to sales.

Mr. Earl explained he was a church leader and discussed this project with the bishop in the area. Mr. Earl explained this project is different and he was happy people could become owners.

Meli Acevedo questioned how the maintenance on the property would work between the renters and homeowners and how the breakdown of maintaining homes would be explicitly communicated with all parties. **Mr. Earl** said the owner would be responsible for paying the HOA fee, however, the renter probably would pay it as one lump sum. Mr. Earl stated the funds would help maintain the common amenities such as the landscaping, swing set, etc. Mr. Earl added that the City could enforce the HOA to maintain the property to meet City standards.

Ms. Gutierrez questioned what the time frame looked like of when it would no longer be owned by the builder. **Mr. Earl** said he was uncertain on the time frame, but it would depend on attrition and statistically there's a rate at which people move out of apartments. Ms. Gutierrez asked if moving forward they would not accept renters and only buyers, Mr. Earl said not necessarily and reiterated the owner plans to retain 44 units and sell 80.

Mr. DePascal questioned how many units were already sold. **Mr. Earl** said none are sold yet. Mr. Earl said they are currently leased up which means about 90% of the units were occupied, which he said could change month to month. Mr. Earl said currently they are not selling any of the units until the PUD zoning is approved.

Vice Chair Warren Norgaard said during the presentation it was stated renters could continue leasing month to month. **Mr. Earl** said often people will want to go month to month. Mr. Earl said they do not want to "force or nudge" renters out. Mr. Earl stated about 44 of the units would stay with the developer who would like to keep them as a rental asset. Vice Chair Norgaard asked if the units are already in a position to be sold as condos. Mr. Earl said the zoning allows for condos, but the current contractors insurance does not allow for condos, however, the zoning would allow for it. Vice Chair Norgaard asked for clarity that the zoning would allow for condos today. Mr. Earl said yes and they would not be able to create condos due to an agreement with their insurance company. Vice Chair Norgaard questioned the price difference of selling the units as condos versus townhomes. Mr. Earl said he did not know the answer to that question. Vice Chair Norgaard said the median price in Phoenix for a condo is approximately \$300,000 to \$350,000 and the median price for townhomes is approximately \$400,000. Mr. Earl said townhomes are generally two stories and would be difficult to compare the numbers to find comparable units. Mr. Earl explained people would like to own the land and there would be better interest rates. Vice Chair Norgaard was concerned and said they were taking a step to make the units more expensive when there is an affordability issue. Vice Chair Norgaard said he felt this was disingenuous in the approach, because the project could get more units on the

land versus building to city codes. Vice Chair Norgaard said they would get less townhome units if they built by code. Vice Chair Norgaard shared his belief that it was a work around to get more units on the property and to sell them for more money. Mr. Earl reminded the Committee that when the development started to rent, the rental process was very slow and the property owner noticed there was a problem so then they approached City staff. Mr. Earl said this was not an upfront conversation to build the project then change the plan. Mr. Earl said the product is built and if they are not able to sell, it would continue as a rental product. Mr. Earl emphasized that this was the process to introduce a single family plat built according to code and this was the process they were asked to go through by City staff. Mr. Earl said this was built to code for a rental community in its current form. Vice Chair Norgaard asked how many development standards were deviated. Mr. Earl said he was not clear on the number but lot coverage and internal setbacks deviated. Mr. Earl said he thought in the future the City may allow this type of development in other areas of the city, but at the current time they needed to create a PUD. Mr. Earl said this was a positive way to create ownership product for those who want this housing option. Vice Chair Norgaard shared concerns that if the City approves the PUD what would stop the next developer from building an apartment complex then change it as PUD to allow townhomes. Mr. Earl said the product is allowed in its existing form and each case would need to be evaluated on its own merit. Mr. Earl reiterated that he thought this was positive to allow ownership and equity.

Ms. Galaviz asked about the current rental prices for the apartments. **Mr. Earl** said approximately \$2,100 per month. Ms. Galaviz estimated the unit sale price and thought it was close to an FHA mortgage payment. Ms. Galaviz said she thought the monthly payment for a new owner is about \$2,500. Ms. Galaviz felt the people had an opportunity for equity and the building is affordable for new families. Ms. Galaviz said she was recently talking to a renter who said this was a good opportunity for all as when individuals pass away this is an asset they could pass along to their family members. Ms. Galaviz added the location is good because of its proximity to the freeway.

Mr. DuBose said no one in the meeting has used the term affordable rental and now people want to get as much as they can for property. Mr. DuBose said how he had seen from the bottom of the market to now how property values climbed up. Mr. DuBose explained some of his concerns with price fluctuations over time. Mr. DuBose said the City of Avondale is now building up to the south and property values are going up. Mr. DuBose said he lived here for 40 years and he was not impressed with the growth of the area. Mr. DuBose said people want to get the best and highest value for their property, and there's not much discussion about housing affordability.

Ms. Gutierrez asked if the owner had a meeting with any of the current tenants to see what kind of consensus they've had. **Mr. Earl** said he did not know the answer. Mr. Earl stated there was a neighborhood meeting with the broader neighborhood.

Chair Derie questioned if the owner could squeeze more units as a rental product versus townhomes. Chair Derie said the site had been vacant a long time.

Vice Chair Norgaard said the City is not stopping them from selling these properties tomorrow as condos and the applicant wants to vary from city code as a PUD to sell the units as something other than what they were built for.

Chair Derie said at the information only VPC meeting the gentleman who presented then gave the impression that all the units were being rented out and the gentleman could not answer the question of what happens when the lease ends. Chair Derie asked how the owner would deal with people whose lease is out. Chair Derie said he did not understand how an individual could be told their lease is out and that they would have to go find another place to live. Chair Derie wanted assurance that this was not going to happen. **Mr. Earl** provided for the record a letter written by Dan Duffus the owner of the townhome community, which Mr. Earl said would be added into the rezoning case file. Mr. Earl said the owner was not able to attend the VPC meeting. Mr. Duffus's letter expressed his pride of the townhome community and that he was not proposing any physical changes to the existing project and the only purpose of the rezoning effort was to allow for the purchase of existing rental townhomes. Mr. Duffus's letter explained that to be able to sell the units the City required the rezoning to a PUD and at the information only Village Planning Committee meeting the Committee raised questions about the transition from rental to ownership. Mr. Duffus summarized how they intend to sell about 80 townhomes and retain 44 to hold long term and continue to rent. The letter added that if a renter wanted to stay and didn't want to purchase that they would be allowed to just stay on as a renter. Mr. Duffus's letter explained how the developer would not be pushing or even nudging a paying renter out just so they could sell the townhome. Mr. Duffus explained they do not need to do that and emphasized they do not want to do that. Mr. Duffus explained that the townhomes that they would sell would be those which become vacant through normal attrition. Mr. Duffus indicated the sale price of the townhomes would be based on the market conditions at the time of sale and added the townhomes would be considered entry level because they are an attached housing product, with a small yard and 1,503 to 1,633 square feet of livable space. Mr. Duffus's letter said the sale of these units would provide a great opportunity to prospective homeowners to start to build equity, including young families and concluded by thanking the Maryvale VPC for their commitment to bring quality development to the area.

Chair Derie expressed concern that the current owner of the property would not own it forever and would do the contrary of what was stated in the letter. **Mr. Earl** wanted to provide clarity that originally when the units were available they were not leasing up but fortunately during that time they rented up the units. Mr. Earl said fortunately the owner is in a position where the units are renting and would like to shift to ownership as the best option. Mr. Earl stated this would provide the opportunity for someone to purchase and own the unit and expressed this would be a blessing and noted it would not solve all the homeownership issues in the area. Mr. Earl indicated there was no

nefarious end-around taking place. Mr. Earl felt this would provide an opportunity for people who grew up in the area to live near there and believed this development was a good place for a family to start as it has many amenities including a pool, dog park, pickle ball court and expressed it as a good thing for families to start creating equity.

Mr. DuBose shared how he would like the renters staying there now protected and does not want them pushed out into the street when sold.

Mr. DePascal expressed concerns with a rent-to-own prospect and if the lease would be in their contract with an option to buy. **Mr. Earl** said the owner of the overall site could work with the unit's renter, but if they did not want to purchase the unit the renter would not have to. Mr. DePascal said there was an issue with lots of homes rented in years past that were listed as rent to own. Mr. DePascal said in past situations some people did not have an agreement and it was a tactic to get them in. Mr. DePascal expressed as years progressed, it was a catch. Mr. DePascal wanted to guarantee people were not going to be pushed out of their contract. **Mr. Earl** said developers would not be coming to build rental products if it is a bad financial prospect, and said the option to buy or a new person can want to buy would be to create more opportunity for ownership in the Maryvale Village. Mr. Earl explained that they do not attach a contract to a rezoning case. Mr. Earl reminded the committee that the development is already built. Mr. DePascal added that he felt good renters would like to be in a gated community in the area. Mr. Earl said the developer likes the community and would want to continue to own 44 units. Mr. Earl said it is currently all owned by one owner and they would want to stop selling at a point of 44 units. Mr. Earl said the owner is a long-term hold and it was not envisioned up front, but they saw this as an opportunity.

Vice Chair Norgaard asked about required parking standards and if they would be the same as what is provided today. **Mr. Earl** said for a single-family subdivision they would need two parking spaces per unit, and the project is in compliance and guest parking spaces are also provided here which is not typical of single-family subdivisions. **Mr. Moric** responded that multifamily residence projects require 1.5 parking spaces per unit and additional guest parking. Vice Chair Norgaard said the PUD Narrative does not show what the city code is supposed to have versus what they have. Vice Chair Norgaard expressed that the document should show more of what is out of compliance from the zoning they are seeking.

Chair Derie said when the rental units were originally proposed they met parking requirements for 124 units plus guests. Chair Derie wanted to know if parking requirements are the same in both situations. **Mr. Earl** said that the development met requirements for the townhome rental product in compliance with the areas of the city where there can be an ownership townhome product and that is what they annotated in the PUD Narrative. Mr. Earl said they want to have existing parking to be what was permitted as what was built. Mr. Earl said this was characterized as a cluster product and it was reflected in addressing the built product. Mr. Earl explained that the single-family attached ownership product could not be built as it can only be built in certain

areas of the city which Mr. Earl noted these areas may be expanded in the future. Mr. Earl said as a single-family detached product it would require two parking spaces per unit.

Vice Chair Norgaard said after reading through the PUD Narrative there were significant issues. **Mr. Earl** explained that the development goes above the code and standards would be baked into the project site that were not originally requirements but are now as part of this PUD. Mr. Earl indicated they guaranteed additional amenities and enhanced architectural standards.

Public Comments

None.

Applicant Response

None.

Floor/Public Discussion Closed: Motion, Discussion, and Vote

Motion

Andrea Ramirez motioned to recommend approval of Z-82-25-5, per the staff recommendation. **Jeff Ewing** seconded the motion.

Vote

7-4, Motion to recommend approval of Z-82-25-5, per the staff recommendation, passes, with Committee Members DePascal, DuBose, Ewing, Galaviz, Gutierrez, Ramirez, Stahl in favor. Committee Members Acevedo, Barajas, Norgaard, and Derie opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



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Z-82-25-5
INFORMATION ONLY

Date of VPC Meeting August 13, 2025
Request From R1-6, R-4A, C-1 and C-2
Request To PUD
Proposal Single-family attached residential (townhomes)
Location Northeast corner of 104th Drive and Indian School Road

VPC DISCUSSION:

No quorum.