



## Village Planning Committee Meeting Summary

### Z-86-18-2

<b>Date of VPC Meeting</b>	May 16, 2019
<b>Request From</b>	S-1 (11.01 acres)
<b>Request To</b>	CP/GCP (11.01 acres)
<b>Proposed Use</b>	Recreational Vehicle and Boat Storage Facility
<b>Location</b>	Northeast and southeast corners of Black Canyon Highway and the Dynamite Boulevard alignment
<b>VPC Recommendation</b>	No Recommendation (Motion to approve per staff's recommendation failed)
<b>VPC Vote</b>	3-5

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

1. **Z-86-18-2:** Presentation, discussion, and possible recommendation regarding a request to rezone a 11.01-acre site located on the northeast and southeast corners of Black Canyon Highway and the Dynamite Boulevard alignment from S-1 (Ranch or Farm Residence) to CP/GCP (Commerce Park/General Commerce Park) to allow for a recreational vehicle and boat storage facility.

**Mr. David Simmons** provided an overview of the rezoning request (Z-86-18-2). He displayed graphics in the presentation including the General Plan Land Use map, aerial photographs, zoning map, and the proposed site plan. He provided the staff findings and detailed the recommended 11 stipulations staff recommends for the case.

**Ms. Heather Dukes** with Lazarus, Silvyn and Bangs, PC, began her presentation by highlighting the site constraints. The Skunk Creek Wash is north and east of the site, the I-17 is directly west of the site and access to the site is limited to the I-17 frontage road, which is a one-way road maintained by ADOT. She shared with the committee that the proposed use for this site is the lowest impact to the area possible, especially in terms of traffic generation. She shared that the use is compatible with the existing General Plan designation as mentioned by staff in his presentation. She highlighted the extra measures the applicant has taken to protect the residential apartment complex to the north and east of the site stating that the developer has implemented closed garages along the north and north eastern property boundaries in an effort to further buffer potential noise generated by the proposed use, which should stay quite minimal in general. Ms. Dukes outlined the phasing of the project stating that

phase one will be built first, which is the southern half of the site and phase two will be constructed within 12 months of the phase one completion. Ms. Dukes shared a prospective of what the site will look like viewed from the south, west and east and stated that with the enhanced landscaping the applicant is proposing the site will have minimal visual impact to neighboring properties. Ms. Dukes went over the traffic statement generated by the traffic engineer and shared the data with the committee revealing that this particular use will not increase traffic on the I-17 frontage road in any significant way.

**Mr. Mark Temen**, Fortress RV Storage, gave a brief introduction and highlighted his family history in Arizona. He explained why he chose this site to propose a recreational vehicle and boat storage facility. He conducted a feasibility study for this site. There are five other such storage facilities within a five-mile radius of this site. Four of which are at capacity and one is at 80 percent capacity, which demonstrates a need for this type of use in the area. He stated that there is a 74 percent deficit in recreational vehicle storage facilities in the area. He also stated that this use will not be used to house RVs for living, just for storage. He reiterated that this will not become a trailer court or RV park.

**Mr. Stuart Kimball** asked if this is approved if it would set a precedent for luxury RV storage facilities in the area.

**Ms. Dukes** stated that this will be handled on a case by case basis and that any site requesting a rezone would have to go through the public hearing process. She stated that if this project were to set a precedent in the area it is certainly setting the bar high.

**Mr. Kimball** asked if the landscape buffer were being installed prior to phase one and two being constructed.

**Ms. Dukes** shared that all landscaping will be installed during the first phase of construction.

**Acting Chair Trilese DiLeo** asked Mr. Temen if he currently owns all of the parcels in question.

**Mr. Temen** stated that he currently owns two of the three parcels and the third is currently in escrow.

**Ms. Ann O'Brien** asked if automotive maintenance of the vehicles would be allowed on the site.

**Mr. Temen** stated that that maintenance is prohibited on site and that CP/GCP does not allow automotive maintenance in the district either.

**Ms. O'Brien** asked how this will be enforced.

**Mr. Temen** stated that there will be security routinely making rounds on the site.

**Mr. Ricardo Romero** inquired as to what the rental rates were for the spaces.

**Mr. Temen** stated all rates can be found on the company website and the rates were competitive.

**Mr. Stuart Kimball** has concerns about recreational vehicles being able to make the turn at Dixileta. He stated that he is not comfortable with the traffic engineering study either.

**Ms. Dukes** stated that currently a plethora of commercial vehicles, comparable in size and length of RV's, currently are able to make that turn with no problems.

**Mr. Temen** stated that he is currently working with ADOT as stipulated by staff as well.

**Mr. Russell Osborne** stated that he is certain a recreational vehicle would be able to make the turn at Dixileta as Fire Department ladder trucks currently are able to make the turn, which are longer than most RV's.

Public Comment:

**Ms. Peggy Neely**, Neely Public Strategies, took the podium and stated that she is speaking on behalf of the residents of Sage Luxury Apartment Homes located directly north and northeast of the subject site in opposition of this case. She shared that the Sage Apartments did not get the initial notice that went out as part of the applicant's notification requirements and requested that the case be postponed due to this oversight. Ms. Neely shared the following concerns:

- City's goal of a balance between housing and jobs is not met.
- Boat and RV Storage is a use which requires further entitlements even if approved for this site. A use permit is required in CP/GCP zoning district.
- The plan attached to the notice that went out is not the same as the plan reviewed by the City.
- Future road extensions are not addressed in the proposal.
- The traffic study starts with a disclaimer and the applicants stated decrease in traffic does not paint the whole picture.
- The applicant's narrative states there is a significant deficiency of demand over supply.
- It is a stretch to think that this proposal is in conformance with and supports the General Plan Core Value of celebrating a diverse community. How?
- The staff report states that this use is compatible with adjacent uses. This use will be a nuisance to the neighbors.

**Ms. Neely** stated that other concerns are outlined in the letter of opposition from Sage Luxury Apartments and reiterated that she and the people she is representing are adamantly opposed to this use and if approved it will deter other multifamily projects from moving into the area, which is what the neighbors would like to see in the area. Ms. Neely stated that it is in the purview of the

Deer Valley Planning Committee to send a recommendation for denial forward as this use is not what was intended for this area.

**Acting Chair DiLeo** shared that there were 27 speaker cards submitted in opposition of this proposal and 21 speaker cards submitted in support of this proposal.

**Mr. Cliff Freedman**, Founder and President of Sonoran Citizens Improvement Association, spoke in support of the proposal representing many in support of the project. He started by stating that he represents the citizens, not the City nor the developer. His objective is to ensure the residential integrity of where they live. He stated that the I-17 highway is extremely noisy. The proposed use is the lowest intensity use you could possibly ask for. A much taller, higher density building could be built here if this is not. Inventory for RV and boat storage is lacking in the area. He has a boat, he can attest to that. His boat is stored at Scorpion Bay and he pays a high price to keep it there. As far as noise concerns go, he shared that the proposed use would be the least impactful for the surrounding community and traffic would be the lightest. He stated that if another use is built here the neighbors will be competing for space in the frontage road and traffic will worsen. Mr. Freedman stated that the proposed project is perfect for this site and asked the committee to vote in favor at this case.

**Ms. Mary Walsh** stated that she is familiar with recreational vehicles. She has concerns with fuel, chemicals and natural gas being stored on the site. She asked the applicant what security measures were in place to protect the surrounding community from noxious fumes and the possibility of explosions from stored fuel on the site.

Applicants Response:

**Mr. Mark Temen** stated that motorized vehicle stored on the site must be registered and road worthy in order to be stored there. No clunkers will be allowed. He stated that all structures and covered spaces on site will be code compliant and shaded. Propane will be stored in certified containers. He went on to say that the majority of the recreational vehicles to be stored on this site will be non-motorized vehicles such as trailers and 5th wheels and the like. An estimated 20 percent of the vehicles stored will be motorized.

**Mr. Freedman** stated that the risk is the same for the cars exploding at the apartment complex to the north.

**Ms. Heather Dukes** explained why the initial mailing did not go out to the owners of Sage Luxury Apartments due to the mailing label being cut off of the mailing label page. Ms. Dukes took ownership of this oversight and agreed to postpone the initial hearing. Ms. Dukes also responded by stating that another commercial use or multifamily use on this site would be detrimental to the neighbors at Sage because the traffic would increase significantly on the I-17

frontage road. She stated the recreational vehicle use proposed is the best for the site and the surrounding community.

Village Discussion:

**Acting Chair Trilese DiLeo** stated that she recalls the last case that came before the committee for this site. It was a proposal for a multifamily apartment complex in which many in opposition today were in opposition to the multifamily use mostly due to traffic concerns. She asked, "Didn't the opposition present today state that they would rather see multifamily on this site?" and asked for clarity on what the community would like to see here.

**Ms. Neely** stated that they know the RV and Boat Storage proposal will not increase traffic in the area. They are more concerned about the use and the proximity of the use to residential.

**Mr. Russell Osborne** stated that he has three main concerns about this proposal. They are as follows:

- Time of phasing
- Site lighting
- Oberlin Way dedication

**Mr. Temen** stated that the phasing will take place between 12 and 15 months of one another. He shared the photometric plan with the committee and demonstrated that all site lighting will be contained to the site. He also shared that the only pole mounted lighting is located in the center of the site, which is quite far from any neighboring uses. He stated that Oberlin Way is not a dedicated City of Phoenix right-of-way, but rather an ingress/egress easement dedicated on his property benefitting the two neighbors to the south. He intends to maintain this easement and measure his southern landscape setback from the easement boundary rather than the actual property boundary.

**Mr. Ozzie Virgil** asked if there will be fire suppression and low-level lighting incorporated into the project.

**Mr. Temen** stated that yes, there will be fire suppression systems as well as low level lighting on site.

**Mr. Stuart Kimball** inquired as to where the other RV storage sites were in the five-mile radius.

**Acting Chair DiLeo** shared with the committee where they are all located.

**Mr. Matthew Kenney** asked Ms. Neely what the apartment complex residents would like to see developed on this site. He stated that a manufacturing facility seems too intense next to residential.

**Ms. Neely** stated that a manufacturing use could be interior to a building on the site, which would not create a nuisance. She stated that an employment center

of some kind would be best suited for this site. She also stated that a self-storage facility would be a fit as well.

**Acting Chair DiLeo** shared with the committee that she has lived in the Deer Valley Village her entire life. She has seen growth and deterioration alike. She would like to see more employment centers locate within the Deer Valley Village. She stated that in order to make positive change the committee must plan ahead and make tough decisions. She stated that she does not believe that the proposed use is the best fit for the site.

**Mr. Osborne** stated that he is in favor of the project, but would like to see Oberlin Way dedicated as City right-of-way.

**Mr. David Simmons** explained the process of right-of-way dedication and stated that this type of request would be initiated through the Traffic department and that in a typical scenario the property owners to the south would be required to dedicate half of the road and the property owner to the north would be required to dedicate the other half.

**Acting Chair DiLeo** shared that she has concerns that the proposed project would dilapidate quickly.

**Ms. Dukes** defended the project's integrity by stating that this project would not fall into disrepair or dilapidate quickly because it will be maintained.

**Acting Chair DiLeo** asked the committee for a motion.

**Mr. Ozzie Virgil** made a motion to approve Case No. Z-86-18-2 as stipulated by staff

**MOTION:**

**Mr. Ozzie Virgil** made a motion to recommend approval subject to staff's stipulations.

**Mr. Matthew Kenney** seconded the motion.

**VOTE:**

**(3-5), The motion to recommend approval subject to staff stipulations failed; with Committee Members Kenney, Osborne and Virgil in favor and Committee Members DiLeo, Kimball, Levy, O'Brien and Romero opposed.**

The Committee did not make a subsequent motion.