



Village Planning Committee Meeting Summary
Z-39-23-2

Date of VPC Meeting	October 1, 2024
Request From	S-1 DRSP (Approved R1-6 DRSP) S-1 DRSP (Approved R-2 DRSP)
Request To	C-2 DRSP
Proposed Use	Commercial shopping center
Location	Southwest corner of Black Mountain Boulevard and Deer Valley Drive
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	10-1

VPC DISCUSSION:

Item No. 4 (GPA-DSTV-2-23-2), Item No. 5 (GPA-DSTV-3-23-2), and Item No. 6 (Z-39-23-2) are companion cases and were heard together.

Fifty-two members of the public registered to speak on this item, 18 in opposition, 34 in support.

Twelve members of the public registered in opposition, not wishing to speak.

Twenty-six members of the public registered in support, not wishing to speak.

STAFF PRESENTATION

Anthony Grande, staff, provided an overview of the location of the subject site and the surrounding area, the proposed amendments to the General Plan Land Use Map and the Desert Ridge Specific Plan, and the rezoning request. Mr. Grande further described the proposed development, the correspondence received from the public, and the staff recommendations on all three cases, including recommended stipulations for the rezoning case.

APPLICANT PRESENTATION

Ashley Marsh, representing the applicant with Gammage & Burnham, PLC, provided a presentation, highlighting the work the applicant has done with the community since the last meeting and the aspects of the proposed development that have been modified.

Ryan Ash with Vestar provided an overview of the company and the project, including the process of deciding on the subject site for this project. **Dawn Cartier** with CivTech

described the proposed street improvements in the surrounding area and the impacts on the traffic.

QUESTIONS FROM COMMITTEE

Vice Chair Lagrave asked about the provision of crossing guards and whether the applicant would be open to prohibiting car washes. **Ms. Marsh** stated that the applicant would provide the crossing guards and would be open to prohibiting car washes.

Committee Member Israel asked about the enforceability of the requirements of the Desert Ridge Specific Plan and about the responsibility to street improvements. **Mr. Grande** replied that the requirements of the specific plan are regulatory and would be enforced for any future development at the site and that developers are generally responsible for street improvements on their half of the street.

Committee Member Younger asked about auto-oriented businesses. **Ms. Marsh** replied that the zoning would allow what's found in the C-2 zoning use list.

Committee Member Nowell asked about drive throughs and the traffic and noise generated from them. **Ms. Marsh** stated that every drive through is different and has to be reviewed through a use permit for each one.

Mr. Nowell asked about the timing of street improvements. **Ms. Marsh** replied that all street improvements would need to be done first before development of the site.

Committee Member Kollar asked about the bus stop pad. **Ms. Marsh** replied that it would be incorporated for any future bus routes that may serve the area.

Mr. Younger commented on the traffic pattern example mentioned at Xavier College Preparatory School and asked if it would be similar here. **Ms. Cartier** replied that these would be more controlled movements because of the medians.

Committee Member Carlucci asked about signal timing changes at Black Mountain Boulevard and Deer Valley Drive. **Ms. Cartier** replied that the timing would be adjusted to allow pedestrians time to cross. **Mr. Carlucci** asked about the overall traffic modeling. **Ms. Cartier** provided details of the level of service in several scenarios.

Committee Member Kirkilas asked about the size of the grocery store and asked for clarification on the definition of adult uses. **Mr. Ash** replied that the site plan is conceptual and that negotiations will begin after zoning is in place, which will solidify the store size. **Ms. Marsh** provided a clarification on adult uses.

Mr. Israel asked about limiting all auto-oriented uses in C-2. **Mr. Grande** explained that individual uses could be prohibited in the Desert Ridge Specific Plan.

Mr. Younger asked about the height limit. **Mr. Ash** replied that it would be two stories, 30 feet.

Mr. Carlucci asked about the estimated investment in infrastructure for this project and whether prohibiting drive throughs would negatively impact the project. **Mr. Ash** replied with investment details and stated that prohibiting drive throughs would limit many future restaurant options. **Chair Bowser** added that in the post-Covid market, there are many more pick-up windows and drive throughs than before.

PUBLIC COMMENTS

Ted Weis introduced himself and spoke in support of the proposal, highlighting that it will provide more options for the area.

Stephen Applebaum introduced himself and spoke in opposition to the proposal, stating that it will provide opportunities for bad behavior for students.

Jackie Zicarelli introduced herself and spoke in opposition to the proposal, stating that this will only shift where people spend money, and that housing would be more important to building due to the housing crisis.

Gary Smith introduced himself and spoke in support of the proposal, stating that Desert Ridge Marketplace is too crowded, and this will provide an alternative.

Yana Dashevsky introduced herself and spoke in support of the proposal, highlighting the parking issues at Desert Ridge Marketplace.

Aimee Sinclair introduced herself and spoke in support of the proposal, stating that Desert Ridge is growing, and this proposal will make it safer to walk and bike.

Kristen Cassuto introduced herself and spoke in support of the proposal, highlighting the parking issues at Desert Ridge Marketplace.

David Barge introduced himself and spoke in support of the proposal, stating that he did not like the original proposal but is in support due to the changes Vestar made.

Allie Lucyk read a letter from **Geraldine Belafsky** in support of the proposal.

Roland Ward introduced himself and spoke in support of the proposal, stating it will provide an alternative to Desert Ridge Marketplace, which is too busy.

Payton Sinclair introduced himself and spoke in support of the proposal, stating it would be good to have job opportunities nearby.

Andrea Remke introduced herself and spoke in opposition to the proposal, stating she bought her home to be able to safely walk to school, not to have retail nearby.

Mike Coppola introduced himself and spoke in opposition to the proposal, stating that it will cause a traffic nightmare.

Suzanne Sayegh introduced herself and spoke in opposition to the proposal, stating that this is not a neighborhood shopping center, that stores people are looking for do not want to locate here, and that street improvements would be made by any new development.

Chris Sinclair introduced himself and spoke in support of the proposal.

Allie Lucyk introduced herself and spoke in support of the proposal.

A member of the public read a letter of support from **Greg Abrams**.

Justin Popnoe introduced himself and spoke in opposition to the proposal, stating this will have a negative impact on the nearby schools and highlighting the issue of child trafficking.

William King introduced himself and spoke in support of the proposal, stating they expected new retail to be built to accommodate new housing coming in.

Wouter Roodenburg introduced himself and spoke in opposition to the proposal, highlighting a petition submitted of people against the proposal.

Jason Epstein introduced himself and spoke in opposition to the proposal, stating there are too many unknowns.

Megan Lloyd introduced herself and spoke in support of the proposal, stating that having closer retail options is a good thing.

Ben Butler introduced himself and spoke in support of the proposal, stating support for additional retail and that Vestar is a good developer.

Ron Bookholder introduced himself and spoke in opposition to the proposal, stating the retail center will be regional due to the presence of the SR-51 and that this will be detrimental to the kids.

Aaron Lloyd introduced himself and spoke in support of the proposal, stating it will bring amenities to the area.

A member of the public read a letter of support from **Bob Hamer**.

Layla Saikley introduced herself and spoke in opposition to the proposal, stating that the area is a quiet, peaceful community.

A member of the public read a letter of support from **Erin Reese**.

A member of the public read a letter of support from **Richard Kovacik**.

Dan Richards introduced himself and spoke in opposition to the proposal, stating that he moved to the area to enjoy the distance from retail, that he was told this parcel would be residential, and that the shopping center is not needed.

A member of the public read a letter of support from **Rick Merritt**.

Ronald Diamant introduced himself and spoke in opposition to the proposal, stating it will bring in more traffic with the proximity of the SR-51.

Helen Doyle introduced herself and spoke in opposition to the proposal, stating that this intersection will end up busier than Tatum Boulevard.

Neeraj Chandak introduced himself and spoke in opposition to the proposal, stating that the shopping center will be just as bad as Desert Ridge Marketplace and highlighting the issue of homelessness.

Irina Butler introduced herself and spoke in support of the proposal, stating that Vestar did a good job of responding to the community's concerns.

Linda Miles introduced herself and spoke in support of the proposal.

Sara Johnson introduced herself and spoke in support of the proposal.

Paul Dunn introduced himself and spoke in opposition to the proposal, stating that it is spot zoning and should be invalidated, and that the existing allowed use is single-family residential.

Carolyn Dunn introduced herself and spoke in opposition to the proposal, playing a video showing the traffic issues around the school.

A member of the public read a letter of support from **Harrison Cole**, stating the need for new commercial development to support the new housing.

A member of the public read a letter of support from **Caryn Marchuk**, stating the peak times are better with retail than with residential.

Nathan and **Ilene Friedland** introduced themselves and spoke in support of the proposal.

Candy Huether introduced herself and spoke in opposition to the proposal, stating that parking and crime are issues, noting the issue of children crossing the street.

Robert Miles introduced himself and spoke in support of the proposal, stating the area is not currently walkable and that this proposal will take vehicles off the road.

John Norris introduced himself and spoke in support of the proposal, stating it will enhance the value of the area by providing an amenity.

Jim Farley introduced himself and spoke in support of the proposal, stating that Vestar responded to community concerns.

Greg Collins introduced himself and spoke in support of the proposal, stating this will provide options for kids and enhance walkability.

James Tuffin introduced himself and spoke in opposition to the proposal, stating that people bought homes based on the Desert Ridge Specific Plan and highlighting the issues with drive throughs.

A member of the public read a letter of support from **Bill Knapp**.

Christian Jacob introduced himself and spoke in support of the proposal, stating that friendships are formed at spaces like this and that other similar centers provide a safe space.

Peggy Neely introduced herself as the former Councilperson for the area and spoke in support of the proposal, stating that Vestar is a good developer and that the project will benefit the area.

APPLICANT RESPONSE

Ms. Marsh showed a drone video highlighting the traffic conditions of the area and discussed the history of the Desert Ridge Specific Plan being amended in the past.

COMMITTEE DISCUSSION

Committee Member Warren stated a concern about having retail next to the school, adding that he would be supportive if it was in a different location.

Vice Chair Lagrave commented about other examples of shopping centers near schools and noted that he was previously opposed to this because of the size of the grocery store and the gas station, which have been addressed by the applicant, adding that he would be supportive with the condition that there is no car wash.

Committee Member Younger asked about the bid process and timing. **Ms. Marsh** provided clarification.

MOTION

Vice Chair Lagrave made a motion to recommend approval of Z-39-23-2 per the staff recommendation. **Richard Carlucci** seconded the motion.

VOTE

10-1; motion to recommend approval of Z-39-23-2 per the staff recommendation passed; Committee Members Barto, Carlucci, Israel, Kirkilas, Kollar, Nowell, Reynolds, Younger, Lagrave, and Bowser in favor; Committee Member Warren opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary
Z-39-23-2

Date of VPC Meeting	October 3, 2023
Request From	S-1 DRSP (Approved R1-6 DRSP) S-1 DRSP (Approved R-2 DRSP)
Request To	C-2 DRSP
Proposed Use	Commercial shopping center
Location	Southwest corner of Black Mountain Boulevard and Deer Valley Drive
VPC Recommendation	Denial
VPC Vote	9-1

VPC DISCUSSION:

Item No. 5 (GPA-DSTV-2-23-2), Item No. 6 (GPA-DSTV-3-23-2), and Item No. 7 (Z-39-23-2) are companion cases and were heard together.

Twenty members of the public registered to speak on this item, 17 in opposition, three in support.

Thirty-three members of the public registered in opposition, not wishing to speak.

Three members of the public registered in support, not wishing to speak.

STAFF PRESENTATION

Anthony Grande, staff, provided an overview of the location of the subject site and the surrounding area, the proposed amendments to the General Plan Land Use Map and the Desert Ridge Specific Plan, and the rezoning request. He further described the proposed development, the correspondence received from the public, and the staff recommendations on all three cases, including recommended stipulations for the rezoning case.

APPLICANT PRESENTATION

Stephen Anderson, representing the applicant with Gammage & Burnham, provided a presentation, describing the need for an additional grocery store in the area and highlighting details of the proposed development, including limitations on uses and upgrades to the adjacent streets. Mr. Anderson further noted responses to concerns raised and reviewed data regarding support for the proposal in the community.

QUESTIONS FROM COMMITTEE

Committee Member Bunnell asked about the ownership of the property. **Mr. Anderson** replied that the property is owned by the Arizona State Land Department and provided clarification about the future auction process.

Committee Member Nowell asked if alcohol sales would be permitted at the grocery store. **Mr. Anderson** replied that it would be permitted.

Chair Bowser asked for clarification on uses allowed in proximity to the school. **Mr. Anderson** stated that alcohol is not permitted within 300 feet of the school and that the proposed specific plan text would not permit alcohol sales as a primary use, but it would be allowed as an accessory use.

Committee Member Kirkilas asked if the gas station would be permitted to sell alcohol. **Mr. Anderson** replied that a gas station with a convenience store would not be permitted on the site.

Committee Member Younger asked whether dispensaries would be allowed on the site. **Mr. Anderson** replied that they would be prohibited by the proposed text.

Committee Member Kollar asked about parking management plans for the site. **Mr. Anderson** replied that the developer has experience managing complex parking situations, including at Desert Ridge Marketplace.

Committee Member Kirkilas asked about the distance from the site to the Albertsons and if there is a standard distance expected between grocery stores. **Mr. Anderson** stated that the distance is about two miles and noted that the distance to the nearest grocery store from Albertsons is currently around five miles, which is an unusually large separation for the Phoenix area.

Committee Member Nowell asked about the median extension stipulation. **Mr. Anderson** provided clarification, noting that the curbing would be added where it is currently striped.

Committee Member Israel asked about street conditions on Mayo Boulevard before and after the proposed development. **Mr. Anderson** stated that Mayo Boulevard is currently a half-street and described the proposed street improvements.

Committee Member Bunnell stated that bike lanes should be provided in both directions.

PUBLIC COMMENTS

Dan Richards introduced himself and spoke in opposition to the proposal, stating that residents in the area did their research and expected this parcel to be residential and

that the proposed commercial use will bring customers from the SR-51 freeway and create issues with lighting, safety, loitering, and property values.

Wouter Roodenburg introduced himself and spoke in opposition to the proposal, stating that neighborhood retail is limited to three acres in the specific plan and it doesn't need to be changed because it already accomplishes the goals of the General Plan, further noting safety concerns with students walking to school and pedestrian and bike fatalities in relation to Vision Zero.

James Tuffin introduced himself and spoke in opposition to the proposal, stating that commercial activity should take place in the core and reduce in intensity away from the core, further noting that there are other shopping options nearby and that people bought their homes expecting this parcel to be residential.

Paul Dunn introduced himself and spoke in opposition to the proposal, highlighting the large footprint of the proposed grocery store and stating that the proposal will not be low impact and will cause traffic issues, in addition to air and light pollution.

Jackie Zicarelli introduced herself and spoke in opposition to the proposal, stating that the statements made by the applicant, including alcohol sales prohibition and the inclusion of Trader Joes or Whole Foods, are misleading and that C-1 zoning would be neighborhood retail, rather than C-2.

Mallorie Laforest introduced herself and spoke in opposition to the proposal, highlighting issues related to light pollution, traffic, and parking.

Todd Laforest introduced himself and spoke in opposition to the proposal, stating there was no immediate need for the development and that it would cause traffic issues, further noting that the development will not necessarily be done by Vestar.

Randal Spence introduced himself and spoke in opposition to the proposal, stating that there are many grocery store options in the area and that people supporting the proposal only want small grocers.

Jeanette Vespalee introduced herself and spoke in opposition to the proposal, stating that the master plan does not call for commercial use and that the proposal will cause congestion, traffic, and crime issues.

Candy Huether introduced herself and spoke in opposition to the proposal, stating that homeowners with exterior view fencing on neighboring developments expected the site to develop with residential, rather than commercial, and that crime, homeless, and human trafficking are important issues.

Tom Carlson introduced himself and spoke in opposition to the proposal, stating that it has transportation engineering issues and will draw traffic into the neighborhood.

Nathan Goldberg introduced himself and spoke in support to the proposal, stating that he is generally in favor of the proposal and the area needs more grocery stores, but he noted that he is concerned about the size of the grocery store and that the plan could be modified to include pick up and drop off areas for the school.

Joe Hudock introduced himself as a former chair of the committee and spoke in opposition to the proposal, stating that the purpose of the specific plan was to concentrate commercial activity in the core and that there will be opportunities to build with C-2 zoning to the north.

Laurie Smith introduced herself and spoke in opposition to the proposal, stating that the plan raises security concerns because residential development allows people to monitor the streets more than with commercial development.

Jeff Smith introduced himself and spoke in opposition to the proposal, highlighting that there is uncertainty in the final product because a different developer could come in later with a different proposal.

Patty Farley introduced herself and spoke in support to the proposal but noted that there should be no gas station and that a pedestrian bridge should be constructed over Deer Valley Drive.

Jim Farley introduced himself and spoke in support to the proposal, stating that the HAWK will be a great device for Mayo Boulevard and that there should be overhead walkways installed.

Nathan Friedland introduced himself and spoke in opposition to the proposal, stating that he moved to the location to get away from the lights of Reach 11 and this proposal would introduce more lighting to the area, further noting that there should be no gas station.

Connie Ahlman introduced herself and spoke in opposition to the proposal, stating agreement with many of the comments made and adding that Mayo Boulevard will continue to have a parking issue and that C-1 zoning would be neighborhood retail, rather than C-2.

Andrea Remke introduced herself and spoke in opposition to the proposal, stating that people bought homes in this area to be away from commercial growth and allow kids to safely walk to school, knowing the proposed site would be residential.

APPLICANT RESPONSE

Mr. Anderson stated that Black Mountain Boulevard connections to the north will be in the distant future, the adjacent streets are major arterials designed to handle a large amount of traffic, lighting limits would be in place through stipulations, and this proposal

will not set a precedent for additional commercial in the area, further reviewing Desert Ridge Marketplace traffic issues.

COMMITTEE DISCUSSION

Committee Member Warren stated that the concerns raised by the community about commercial activity next to the school are valid and that he has traffic concerns. **Mr. Warren** further stated that it is not a good idea to put commercial activity next to a school and that he is not supportive of the proposal.

Vice Chair Lagrave asked for clarification about the Arizona State Land Department's role in the process. **Mr. Grande** stated that ASLD is the property owner and submitted an authorization to allow Vestar to apply to rezone the property.

Vice Chair Lagrave stated that he does not support gasoline sales, that car washes should be prohibited at this location, and that 96,000 square feet is not a neighborhood grocery store. He further stated that if the application is approved, stipulations should be added to limit the size of the grocery store to 64,000 square feet, require a 50-foot building setback on Black Mountain Boulevard and Deer Valley Drive, and prohibit gasoline sales and car washes.

Committee Member Bunnell provided clarification on the ASLD process for auction.

Committee Member Younger stated that he hopes the shopping center would be moved to a different location.

MOTION

Committee Member Mark Warren made a motion to recommend denial of Z-39-23-2. **Committee Member Rick Nowell** seconded the motion for denial.

VOTE

9-1, motion to recommend denial of Z-39-23-2 passed; Committee Members Barto, Bunnell, Israel, Kirkilas, Kollar, Nowell, Warren, Younger, and Lagrave in favor; Committee Member Bowser opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary

Z-39-23-2

INFORMATION ONLY

Date of VPC Meeting	August 1, 2023
Request From	S-1 DRSP (Approved R1-6 DRSP) S-1 DRSP (Approved R-2 DRSP)
Request To	C-2 DRSP
Proposed Use	Commercial shopping center
Location	Southwest corner of Black Mountain Boulevard and Deer Valley Drive

VPC DISCUSSION:

Item No. 3 (GPA-DSTV-2-23-2), Item No. 4 (GPA-DSTV-3-23-2), and Item No. 5 (Z-39-23-2) are companion cases and were heard together.

Committee Member Michelle Santoro declared a conflict of interest, bringing quorum to 10 members.

Eight members of the public registered to speak on this item, seven in opposition, one with questions.

One member of the public registered in support, not wishing to speak.

One member of the public registered in opposition, not wishing to speak.

STAFF PRESENTATION

Anthony Grande, staff, provided an overview of the process to amend the Desert Ridge Specific Plan and the amendment proposed by the applicant, further describing the proposed General Plan Land Use Map amendment and rezoning.

APPLICANT PRESENTATION

Stephen Anderson, representing the applicant with Gammage & Burnham, described the proposed commercial development, noting that the anchor would be a grocery store, described the process for development of Arizona State Land Department property and the City of Phoenix zoning and development process. He further described the proposed text change to the Desert Ridge Specific Plan, in addition to the General Plan Amendment and rezoning cases.

QUESTIONS FROM COMMITTEE

Committee Member Kirkilas suggested adding a prohibition on smoke shops.

Committee Member Powell asked about the size of the grocery store. **Mr. Anderson** stated that the size was not defined yet.

Committee Member Nowell stated a concern about light pollution from the proposed gas station. **Mr. Anderson** stated that there was interest in a gas station in their outreach, but they could consider shifting it south.

Committee Member Younger asked if the applicant had spoken with the school leadership and whether electric vehicle charging would be provided. **Mr. Anderson** replied that they had recent discussions with the school leadership, but no specific agreements have been reached. He further stated that there would be EV charging on site.

Committee Member Kollar asked about safety issues related to foot traffic around the school. **Mr. Anderson** replied that it was the subject of discussions with the school, adding that a safe crossing is going to be needed for Mayo Boulevard. **Dawn Cartier**, a member of the development team with CivTech, stated that a HAWK crossing is under discussion for Mayo Boulevard.

Committee Member Kollar asked about a traffic study for the project, citing gridlock on surrounding streets. **Ms. Cartier** stated that the traffic study is in process, noting that there will be different peak times for the proposed use and the school.

Chair Bowser stated that there are a lot of illegal left turns on the surrounding streets.

Committee Member Dickson stated that the applicant presented to the Desert Ridge organization and that people in Desert Ridge want a grocery store and gas station.

Committee Member Kollar asked about the presentation slides showing geographic limits on certain uses. **Mr. Anderson** replied that the graphics related to liquor licensing.

Committee Member Nowell asked for clarification on the proposed prohibition on liquor sales. **Mr. Anderson** replied that it would only be prohibited as a primary use but that a business like the grocery store could sell liquor as an accessory use.

PUBLIC COMMENTS

Justin Popnoe introduced himself and spoke in opposition to the proposal, stating that the community doesn't have interest in a gas station or any alcohol sales at this site.

Wouter Roodenburg introduced himself and spoke in opposition to the proposal, stating that traffic is an issue around the school in the mornings and that safety of the kids is a concern.

Robin Bowie introduced herself and spoke in opposition to the proposal, citing issues related to traffic in the area, crime, and homelessness, suggesting the commercial use could be located elsewhere.

Dan Richards introduced himself and spoke in opposition to the proposal, stating that residents in the area don't want a gas station and that the volume of traffic is very high in the area.

James Tuffin introduced himself and spoke in opposition to the proposal, stating that the neighborhood is clean and quiet because there is no commercial in the area and that kids going to the shopping center will be a problem.

Taylor Moskvich introduced herself and spoke in opposition to the proposal, stating that people bought in the area with the expectation there would be no commercial uses and that it is a family friendly area with no need for businesses.

Amanda Jane introduced herself and spoke in opposition to the proposal, noting that residents of Sky Crossing should be considered, even though they are not in Desert Ridge.

Frank Soldano introduced himself and asked for more information about the size of the grocery store, as that would make a difference on the impact, noting he would like to see a gas station at this location.

APPLICANT RESPONSE

Mr. Anderson stated that the applicant team will consider all of the comments made and that written comments can be submitted to City staff.

COMMITTEE DISCUSSION

Vice Chair Lagrave stated that the developer is going to need to work with the community to find solutions to many of the issues raised at the meeting.

Committee Member Younger stated that the public discussion brought up an important issue about lighting, in addition to other issues raised.