



Village Planning Committee Meeting Summary Z-28-24-1

*REVISED June 5, 2024

Date of VPC Meeting	May 21, 2024
Request From	RE-43 and RE-43 SP
Request To	R1-6 and C-2
Proposal	Single-family residential and commercial
Location	Southwest corner of 36th Avenue and Pinnacle Peak Road
VPC Recommendation	Continuance to July 16, 2024
VPC Vote	9-0

Item No. 4 (GPA-DV-1-24-1) and Item No. 5 (Z-28-24-1) are companion cases and were heard together.

14 members of the public registered to speak in opposition, and five members of the public registered to speak donated their time to Scott Anderson.

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

VPC DISCUSSION:

Chair Trilese DiLeo stated that a request was made by Gammage & Burnham, PLC for a continuance for 60 days and wanted to share this with the committee for discussion. Chair DiLeo stated that with the audience present at the meeting she asked if the committee had comments on the applicant's request. Chair DiLeo stated the meeting will proceed in an orderly manner for the presentation, discussion and to hear all the public comment.

Keith Greenberg stated the committee and members of the public were present and the applicant had time to prepare for the presentation so it should be heard.

Vice Chair Gregory Freeman stated there are things to consider with the applicant's request for an extension, if the committee takes action the project moves to the next phase for review by the Planning Commission. Vice Chair Freeman said that with the applicant request, they would come back to the committee in 60 days to allow time for discussion with the community, and that hearing the presentation would be a good use of time to hear public comment. Vice Chair Freeman stated he is in favor of hearing the presentation.

Chair Trilese DiLeo asked staff if the presentation could be heard with a motion to continue the cases as requested by the applicant. **Mr. Moric** responded yes; the committee may proceed with hearing the cases with a motion to proceed as determined by the committee.

Chair Trilese DiLeo asked the committee if they would prefer to hear the applicant's presentation with the consideration of a continuance of 60 days to allow time for discussion and to hear the public's comments. Chair DiLeo stated the committee may also proceed with a motion to approve or deny the cases.

Vice Chair Gregory Freeman stated the committee should hear the presentation, **Chair Trilese DiLeo** agreed that the cases should be heard as well as the public's comments. Chair DiLeo asked staff to proceed with the presentation.

STAFF PRESENTATION

Matteo Moric, staff, provided an introduction to the General Plan Amendment case and noted the companion rezoning case. Mr. Moric provided an overview of the current site noting the site and adjacent zoning and land uses. Mr. Moric describe the site location, size, adjacent streets, densities, and the requested changes to allow for the proposed use.

Keith Greenberg asked with the General Plan designation of Parks and Open Space-Publicly Owned, who owns the land. **Mr. Moric** responded that the Arizona State Land Department owns the land, and the applicant will provide additional details.

Mr. Moric reviewed and discussed the current and propose uses, staff findings for the General Plan Amendment and the rezoning case. Mr. Moric displayed the proposed residential site plan and discussed the lots, elevations, drainage, amenities, and open space. Mr. Moric displayed the proposed commercial site plan stating that a PHO (Planning Hearing Officer) hearing process would be required since details on the commercial users were not known at this time. Mr. Moric stated that 12 letters were received, two in support and 10 in opposition. Mr. Moric reviewed the noted concerns which included preservation, water use, school capacity, increased density, and loss of recreational use. Mr. Moric stated the findings for each case and the stipulations that address the commercial and residential components of the proposal, and staff's recommendation for approval.

Chair Trilese DiLeo stated that staff recommendations are based on conformance to the zoning and general plan requirements, which are part of the review process. Chair DiLeo said that in addition to staff review projects are presented to Village Planning Committees and the public as part of the review before final decisions are made. Chair DiLeo stated projects get reviewed by the Planning Commission and eventually City Council.

APPLICANT PRESENTATION

Stephen Anderson, with Gammage & Burnham, PLC representing the applicant, Lennar Arizona, LLC introduced himself and requested a continuance for the General Plan Amendment and rezoning requests. Mr. Anderson read a letter dated May 18, 2024, that was provided to staff and the committee to allow time for discussion, requesting a 60-day continuance. Mr. Anderson stated he was prepared to proceed with the presentation but asked that the committee not take action at this time. Mr. Anderson, provided an introduction of the design concept, architect and engineering team for the proposed Paseo Heights project. Mr. Anderson described the site layout, residential units, the expected price range, details of the location, and the land acquisition of the property. Mr. Anderson noted that adjacent to the site is Pinnacle Peak Road, an arterial street, which is aligned with some existing single family residential developments, and the proposal is similar to the existing adjacent residential developments. Mr. Anderson stated the design was prepared to be compatible with the existing neighborhoods and information was provided at the neighborhood meeting held in April. Mr. Anderson stated that the location of the development is not within a floodplain and reviewed the location and noted there was no need to raise the land, and there is a channel on the west side that connects to a floodplain off the site. Mr. Anderson stated that the engineers from Kimley-Horn were available to discuss the conditions of the site. Mr. Anderson stated that the property is not part of the County Park and there are lease holds with the County Flood Control District in the area, and there are no plans to change the boundaries of the park. Mr. Anderson stated the development is suitably located adjacent to the existing recreational park, and some of the business operators around the park attended the neighborhood meeting. Mr. Anderson stated there was a suggestion from the business operators to prepare a recorded notice to all current and future homeowners that they are next to a regional park. Mr. Anderson said the city requires a notice for the Deer Valley Airport and a notice to residents would be similar. Mr. Anderson stated that there was an idea that the property would become part of the existing County Park, and this is not correct, there may have been a consideration to include state land as part of the park and that is not possible. Mr. Anderson stated the State Land Department has the responsibility to maximize the value of the property and it was appraised, and the assessed value was \$15 million dollars in July 2023. Mr. Anderson stated the Arizona Land Department verified the land value in a public hearing in front of the Arizona State Land Board of Appeals, then advertised the land for two and a half months as they are required. Mr. Anderson stated that when the land was auctioned, and the value was \$30 million dollars, and this is what Lennar would be required to pay. Mr. Anderson said that the review and sale of the land were all publicly noticed. Mr. Anderson discussed traffic on Pinnacle Peak Road, and the volume that would be generated, and stated that a previous golf school generated traffic as well as the existing residential developments. Mr. Anderson stated a traffic study was conducted and area intersections would meet acceptable standards when Paseo Heights is completed. Mr. Anderson stated the traffic engineers were present to answer any questions and displayed the City's Street Classification Map. Mr. Anderson stated that Pinnacle Peak Road is an arterial road,

one of the highest classifications for traffic flow, and when a new development is made additional improvements are required but this will not be necessary because improvements were already made. Mr. Anderson stated when the land department was going to auction the land, they asked the City, and the City requested that it be reimbursed \$2.3 million dollars for the roadway infrastructure along Pinnacle Peak Road. Mr. Anderson stated that Lennar and all parties interested in the auction were aware of this cost for the improvements which is an obligation for any buyer. Mr. Anderson stated this is also included as Stipulation No. 10. Mr. Anderson stated at the neighborhood meeting participants expressed that no more homes be constructed in the area. Mr. Anderson stated that Phoenix is a fast-growing city and there is a need for more housing, there is a demand which is noted in the Housing Phoenix Plan, and this development would provide housing. Mr. Anderson stated city staff has reviewed the General Plan Amendment and rezoning request and recommended approval with stipulations, which the applicant is in agreement with the exception of Stipulation No. 8 which asks for a new street south of Pinnacle Peak Road. Mr. Anderson concluded his comments and looked forward to hearing from the public.

QUESTIONS FROM COMMITTEE

Vice Chair Gregory Freeman asked about the gated entry at 39th Drive and exit locations, and if there were going to have additional traffic lights. **Mr. Anderson** responded that there is no plan to have additional traffic lights. Vice Chair Freeman asked how will turning movements work for the exit locations. **Taylor Swanson** from Kimley-Horn responded that exits would be left out and right out would be permitted which was reviewed and approved by the city.

Chair Trilese DiLeo asked if there was a turn lane on Pinnacle Peak Road. **Mr. Swanson** responded there is a two way left turn out lane along Pinnacle Peak Road.

Keith Greenberg asked if the requested density was going from one house per acre to 3.5 houses per acre and if the density was going to increase what is the impact to the school district. **Mr. Anderson** responded that the city requires a notice be sent to the school district in the review process, and a notice was sent but there was no response.

Ricardo Romero asked if there were any other subdivisions of similar size along Pinnacle Peak Road, and if in some places there was a buffer or entrances that are off other streets. Ricardo Romero asked about the proposed street on the south side and was this to alleviate traffic congestion. **Mr. Anderson** responded that the road is to allow additional access and the cost of adding the road did not have a financial obligation from adjacent properties.

Ricardo Romero asked if from the traffic study was there any subdivisions that directly accessed Pinnacle Peak Road. **Mr. Anderson** responded, yes there were other subdivisions off Pinnacle Peak Road.

Keith Greenberg commented the request is for a 60-day delay and is scheduled for the Planning Commission on July 1, 2024. Keith Greenberg asked if the case will automatically be delayed. Mr. Anderson responded that if the case is continued all other actions would be delayed as well and new hearing dates would be established.

Chair Trilese DiLeo responded that another meeting with the committee would be held in July then the Planning Commission in August.

Ricardo Romero asked how many other bidders were there for the land auction. **Mr. Anderson** responded there was at least one other home builder.

Public Comments

Chair Trilese DiLeo stated that 14 members of the community requested to speak on this item and the committee received 155 cards of opposition and more are expected from the audience.

Scott Anderson introduced himself and stated he resides on Whispering Wind Drive. Mr. Anderson stated he was on the Deer Valley Village Planning Committee 39 years ago and they did most of the planning in Little Deer Valley, Canyon Ranch and the recreational area south of Pinnacle Peak Road. Mr. Anderson stated he wanted to address the concerns that the community stated with the commercial portion of the request starting with the area at 41st Avenue which will be near a 12-acre site that has an anchor store, 27 tenants and various restaurants and a gas station. Mr. Anderson stated this is within a quarter mile of where the new development is proposed and there does not need to be commercial development every quarter mile along Pinnacle Peak Road. Mr. Anderson stated there is a 27-acre commercial development on Happy Valley Road and the location has had unoccupied commercial space. Mr. Anderson stated the commercial site at 39th Avenue has two failed grocery stores and was empty for years and now there is a Goodwill Store at the location. Mr. Anderson said the commercial site is not at a corner and traffic access is an issue which has prevented their success. Mr. Anderson stated the commercial location is not ideal and all previous commercial development was east of 39th Avenue and the neighborhood have opposed new commercial development. Mr. Anderson stated that there were four times that the Village Planning Committee presented commercial cases that were opposed in the area. Mr. Anderson stated the proposed development does not serve the area and will only benefit the developer. Mr. Anderson stated the intent of the project is to change the zoning then sell it for a profit, so this is being done at the expense of the neighborhood. Mr. Anderson said he would address the residential component, and the purpose of zoning is to keep compatible things together, this project violates the heart of this concept where the recreation area has a lot of noise with a water park, a go cart track and baseball fields and those events go on late into the night. Mr. Anderson stated even with a notification, it would not protect the recreational area. Mr. Anderson stated the existing recreational area is well planned and there is no other place like it in Phoenix. Mr. Anderson said the recreational area is very unique and the proposed location of the

subdivision is bad planning and is not compatible with the location. Mr. Anderson stated the proposed development will undermine the activities at the Adobe Dam Recreational area and many of the commercial operators and concessioners are concerned with the development. Mr. Anderson stated that being a resident of the area he has seen the development area flood, it is beneath the spillway of the Adobe Dam, and it is an area that floods. Mr. Anderson stated the project is an abomination, neighborhoods were told in Canyon Ranch that this site would remain as a recreational area forever and this proposal would change that. Mr. Anderson stated the area was in a flood plain that was changed in 2018 and this allowed it to be auctioned, lines were drawn, and rules were changed without public announcement and input. Mr. Anderson stated that when these types of changes are made, they are done without notification and public input from the neighbors and the recreational facility. Mr. Anderson stated they did meet with Maricopa County Parks, and they said they thought the land would be donated to them for a park and they were surprised when the land was available for auction. Mr. Anderson stated they asked to meet with Lennar to consider other options not just single-family homes and residences. Mr. Anderson stated this invitation was extended to the developer to find an alternative use that is compatible with the existing recreational uses. Mr. Anderson stated another issue that has occurred is ball games going on as late as 3:00 am at the recreational facility. Mr. Anderson stated there have been activities that have gone on late, and neighbors could close their windows and doors and shut out the sound and for the new development the recreational area will be over their back fence. Mr. Anderson stated that originally in Little Deer Valley there were one-acre homes, and those mini farms were the heart of the community and when Canyon Ranch came in, they wanted to put commercial on every corner right up against the mini farms. Mr. Anderson stated the developer at the time was Coventry Homes and they worked with the farms to get transitional zoning to allow adjustment of lots, and this was more compatible for the area. Mr. Anderson stated that the existing residential developments are nicely buffered from the recreational area. Mr. Anderson stated the proposed residential location violates this concept of transitional zoning. Mr. Anderson stated that the placement of the new residential development next to the recreational area is insane and the residents even with the disclosure will still have a problem with noise. Mr. Anderson stated traffic will be an issue on Pinnacle Peak Road, which narrows at different locations, and they are single lanes which will restrict flow and is the reason why there is vacant commercial space, and some of the spaces are being used for warehousing. Mr. Anderson requested the committee allow more time for Lennar to speak with the community to find alternatives and seek solutions that are compatible with the recreational area.

Keith Greenberg asked if Mr. Scott Anderson was ok with a 60-day continuance. **Mr. Anderson** responded that granting more time would allow consideration for options.

Ricardo Romero asked about the recreational activities at night, and their impact to the north side of Pinnacle Peak Road, and with closing the windows, what is the concern that the current neighbors have. **Mr. Anderson** stated there is noise, but it is consistent

with the type of use there. Mr. Anderson stated it is a bit of a nuisance, but it is tolerated because of its benefits as a recreational area.

Amber Friend introduced herself and stated this is our community, and this is something that needs to be understood. Ms. Friend stated the neighborhood is something that needs to be kept because it holds a lot of character, for families and kids. Ms. Friend stated that there would be many problems if things change, it could cause valley fever and other challenges, there is a lot within the community. Ms. Friend stated instead of housing there could be an amenity or a parking lot and there are many alternative options. Ms. Friend stated that as a community they enjoy the area as it is.

George Maynard asked how many houses would be included in the proposed development. **Mr. Anderson** responded 294 houses. Mr. Maynard stated that each house would include three people which would be too many people for the area. Mr. Maynard stated he heard there was going to be 500 houses, regardless of the number of homes traffic would increase and there is already a lot of traffic from Pinnacle Peak Road and I-17. Mr. Maynard said he does not want more traffic, and this should be a consideration. Mr. Maynard stated there is not sufficient room for more people in the area. Mr. Maynard stated the area is subject to flooding due to the location of the dam. Mr. Maynard stated he has seen flooding in the area after a rainstorm. Mr. Maynard stated that the existing housing is filled and that is how it needs to stay.

Joann Cooper introduced herself as a resident on Questa Drive and stated that the concerns listed in the staff presentation were legitimate and should be considered. Ms. Cooper stated that in her neighborhood there is wildlife, and any new development would damage the habitat. Ms. Cooper stated that traffic will impact the area, and there is a farmers market off Pinnacle Peak Road that will be greatly impacted by more traffic. Ms. Cooper stated that a fire hydrant was leaking, and it was reported to the city, and there was no immediate response. Ms. Cooper stated with the leak this could cause sink holes and if the city cannot respond to problems and handle the current neighborhoods then more housing and streets would create a bigger problem.

Joseph Kalisak introduced himself as a resident on Saguaro Park Lane and is a member of the Maricopa Live Steamers, a non-profit organization, and is aware of the noise and lights from the recreational area. Mr. Kalisak stated many organizations rely on the recreational area for events and bring people in. Mr. Kalisak stated for community events the recreational area uses fireworks and with the new development close by there would be a restraint on the fireworks. Mr. Kalisak stated that with the new homes in the areas it would restrict the recreational area and it could go away. Mr. Kalisak shared an audio recording with the committee regarding an ongoing event at the recreational area that occurred at 3:00 am on July 9, 2023. Mr. Kalisak stated this is what new neighbors could expect.

Lisa Rader stated that it is suspect that the applicant, Lennar, has requested a continuance when many of the local residents will be out of town in July. Ms. Rader

stated Pinnacle Peak Road as an arterial eventually becomes a two-lane road, and with exponential development more people use Pinnacle Peak Road, and to the north there are established residences which will be greatly impacted. Ms. Rader stated that traffic engineers have a responsibility to take all consequences into consideration.

Nancy Williams introduced herself and stated she and her family reside in Adobe Highlands. Ms. Williams stated the proposed development will affect their neighborhood as well. Ms. Williams stated she wanted to talk about the children, and she has been a foster parent and is concerned about the planning and the impact to schools and the safety of children in the area. Ms. Williams stated kids walk and bike to school along Pinnacle Peak Road and more cars will create a hazard. Ms. Williams asked about the size of the area and the proposed density of 3.5 dwelling units per acre. Ms. Williams provided an estimation of how many children could be added to the area based on the proposed density, and there is no way for the schools to handle more students. Ms. Williams stated this plan is too many people and she is willing to meet with the Lennar representative to consider other development options.

Teresa Sanders introduced herself and stated she is a science teacher with the Deer Valley School District. Ms. Sanders stated she is not a spokesperson for the district and stated the classrooms are full and there is no room for more students. Ms. Sanders stated that as a teacher she tells students to stand up to protect the environment and this project does not do that. Ms. Sanders stated that water needs will not be met and adding this development is not a responsible action. Ms. Sanders stated she is a resident near the recreational area and can hear the racetrack and for anyone living close by this will be a problem. Ms. Sanders stated that the water level at Lake Mead has dropped and that is where most of the source water for the area comes from. Ms. Sanders asked where is additional water going to come from. Ms. Sanders stated she is also a parent and would not feel comfortable with children riding and walking along Pinnacle Peak Road with more traffic. Ms. Sanders stated the area is experiencing climate change and with more houses there will be more heat. Ms. Sanders said the area needs more green space and parks.

Tim Everhart stated that this request is inconsistent with the current uses and disagrees with the staff's findings. Mr. Everhart stated that the proposed development does not compliment the natural diversity of the area. Mr. Everhart stated that the area as a park would be complimentary. Mr. Everhart said the proposed development would have many problems. Mr. Everhart stated that 295 homes will be a very small addition to the city's housing supply. Mr. Everhart stated that there needs to be a response from the Deer Valley School District for this proposed development. Mr. Everhart thanked the committee and concluded his comments.

Applicant Response

Chair Trilese DiLeo invited Mr. Stephen Anderson to respond to the comments presented. **Mr. Anderson** stated on behalf of the developer they are willing to meet and

foster dialogue with the community and this has been agreed upon. Mr. Anderson stated they are requesting additional time for review of the proposal before the committee.

Sandra Hoffman asked Mr. Anderson if he was also requesting the General Plan Amendment to be extended as well as the rezone request. **Mr. Anderson** responded that the extension request includes GPA-DV-1-24-1 and Z-28-24-1.

Comments from Committee

Keith Greenberg stated there was no downside to allowing a continuance and was in favor for allowing the applicant to comeback in 60 days to see if any changes have been made.

Ricardo Romero stated that with the amount of time in discussion a continuance would be fair and there could be some solutions.

Vice Chair Gregory Freeman commented that the benefit of the Village Planning Committee is the opportunity for the public to make their opinion known before projects get built. Vice Chair Freeman thanked the audience for participating in the democratic process and it is clear this project does not have the support of the community.

Chair Trilese DiLeo stated that a change in the community can change lives, and she hears the need for open spaces but there is also a need for housing. Chair DiLeo stated that there are people that cannot afford homes, rental costs are increasing, and the only way to address the housing crisis is to lower demand, and this requires an increase in supply. Chair DiLeo asked that when the community meets with the developer, that they consider compromises and think about other communities. Chair DiLeo stated additional residential units are a concern as well as the increase in traffic on Pinnacle Peak Road but there has to be a workable solution.

MOTION:

Vice Chair Gregory Freeman made a motion to continue Z-28-24-1 to the July 16, *2024 Deer Valley Village Planning Committee meeting. **Committee Member Keith Greenberg** seconded the motion.

VOTE:

9-0, motion to recommend a continuance of Z-28-24-1 passes with Committee
*Members Davenport, Greenberg, Herber, Hoffman, Hoover, Romero, Sutphen, Freeman, and DiLeo in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

No comment.



Village Planning Committee Meeting Summary Z-28-24-1

Date of VPC Meeting	July 16, 2024
Request From	RE-43 and RE-43 SP
Request To	R1-6 and C-2
Proposal	Single-family residential and commercial
Location	Southwest corner of 36th Avenue and Pinnacle Peak Road
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	8-1

Item No. 4 (GPA-DV-1-24) and Item No. 5 (Z-28-24-1) are companion cases and were heard together.

121 total speaker cards were received for this item.

64 members of the public registered to speak on this item or donated their time to a speaker, in opposition. 51 members of the public registered in opposition, not wishing to speak.

*5 members of the public registered to speak on this item, in support.
1 member of the public registered in support, not wishing to speak.*

STAFF PRESENTATION

Matteo Moric, staff, stated that case GPA-DV-1-24-1 is a companion case and would be heard with case Z-28-24-1, noting two separate motions would be made, one for each item. Mr. Moric provided an overview and identified where the site was located, the site size and the requests. Mr. Moric noted a general plan amendment was required and there would be no stipulations associated with the general plan land use map change request. Mr. Moric showed a map depicting the surrounding zoning, uses and general plan land use map designation and shared the applicant's renderings and conceptual site plan.

Mr. Moric noted the community input included 47 letters received with 29 letters in support and 18 not supportive of the requests. Mr. Moric stated the support letters identified the proposal was a well-planned project, anticipated contributions to the community and public schools, welcoming more residents for local businesses, quality housing, help with the housing shortage, Lennar's reputation, and the positive step in

addressing housing affordability and access. Mr. Moric shared the concerns listed in the letters, such as: maintaining all existing uses with no encroachment of the area by residential uses, preserving the Sonoran Desert and habitat life, increased traffic congestion, school capacity, water shortage, density, planning and review process, keeping the area as recreational, need to disclose activities taking place especially at the Adobe Dam Regional Park, limited emergency access to the area, pollution, not wanting more overpriced single-family homes, safety concerns for pedestrians and children, flooding, flood zone, money in the developer's pocket and not in the surrounding community, cookie cutter homes, proposed zoning incompatible with neighboring uses and excessive commercial zoning.

Mr. Moric summarized the staff findings, stipulations, recommendations, and the next steps in the process.

APPLICANT PRESENTATION

Stephen W. Anderson, representative with Gammage & Burnham, PLC., identified the development team for Lennar with two new consultants since the original meeting. Mr. Anderson stated the new consultants completed a noise study and economic impact report. Mr. Anderson thanked the committee for continuing the case, which allowed them the opportunity to meet with Scott Anderson with the Little Deer Valley Homeowners group to discuss other potential uses of the property. Stephen Anderson said Scott Anderson indicated he heard from a group interested in acquiring the property for potential uses that would be more compatible with the existing recreational activity that was established for decades. When Mr. Anderson stated he met with Scott Anderson, Scott described the opportunity for the site like Legacy Park, the large sports facility located in Mesa. Stephen Anderson said Scott reported the group was not prepared to buy them out and they did not want to meet as the project is very conceptual and the development currently does not have financing. Stephen Anderson said the name of the group was never identified.

Stephen Anderson then stated the development team met with the Maricopa County Parks Department on June 24th and he learned the development group was unable to perform financially to date as the group missed internal deadlines with the County.

Stephen Anderson summed up that no group was able and willing to acquire the subject property for non-residential uses at this time. Mr. Anderson then provided an overview of the Lennar Paseo Heights project. Mr. Anderson said the park included over 1,450 acres of land with a majority remaining vacant and was not clear why the park would need to buy 80 acres when 1,400 acres is free.

Mr. Anderson then explained the outreach efforts, noting they made efforts to contact all who attended the May meeting by distributing flyers, setting up a website, calling and emailing. Mr. Anderson noted there was clear support from nearby businesses and some residents signed support. Mr. Anderson stated his team talked with all park neighbors and multiple drafts of the park disclosure language was revised and provided but there was no conclusive support. Mr. Anderson indicated the disclosure will be

recorded on the property and goes to subsequent purchasers of the property. Also, Mr. Anderson stated he received no objections from the existing water park and the Arizona Sports Complex.

Mr. Anderson consulted with the State Fire Marshal and the proposed development met the separation distance requirements and would not be problematic to the fireworks that the surrounding properties set off. Mr. Anderson added they received support from Friends of Deer Valley and the Deer Valley Unified School District.

Mr. Anderson said an acoustical study was completed and he thought concerns of the park being shut down because of neighborhood complaints is unfounded. Mr. Anderson said the loudest operators of the park were the racetracks, and that existing homes were closer to them and the water park than the proposed homes. Mr. Anderson stated there were only 5 complaints reported in the past 10 years. Mr. Anderson believed people like parks and living next to them. Mr. Anderson stated the Maricopa County Parks Department did not have concerns about noise and just wanted to talk about access. Mr. Anderson thought future residents would have a favorable experience with the park.

Mr. Anderson noted the Deer Valley Unified School District Board was supportive of the Paseo Heights project and the District asked for their standard financial request which they ask for from all developments and Lennar agreed to it. Mr. Anderson added they made a financial commitment and are providing \$30 million to the State School Trust Fund.

Mr. Anderson explained through an economic impact report they discovered the park has been paying zero in property taxes while their project would pay over \$1 million per year. Mr. Anderson explained the city recently made improvements to Pinnacle Peak Road and Lennar will reimburse \$2.3 million for the traffic they will be contributing to the street.

Mr. Anderson introduced Scott Hintze from Diversified Properties who shared his interest of developing the commercial portion of the site. **Mr. Hintze** said the intent of his company was to invest in the community.

Mr. Stephen Anderson then said he wanted to look at the assertion the proposal was destroying 40 years of forward planning. Mr. Anderson said he met with Scott Anderson who took out the General Plan from 1985 and Mr. Stephen Anderson said the plan shows two things, the property, and the entirety of the park, was designated as-green (Parks/Open Space designation) and everything north of Pinnacle Peak Road was Residential 0 to 2 dwelling units per acre.

Mr. Anderson said the parcel was not part of and never had been part of the Parks Master Plan. Mr. Anderson stated the city threw a green blob of land as County Park but never went to see if there was private land in there. Mr. Anderson felt this was not good planning and a taking, but the city lucked out since the Arizona State Land Department did not notice 40 years ago as it owns so much land in Arizona. Mr. Anderson said

these 80 acres is 1/100,000 of the State's inventory, so the loser of this oversight is the beneficiary which is the school kids and the State Education Trust Fund and Mr. Anderson thought this was not good planning.

Mr. Anderson said in the 40 years there had been many major projects such as USAA, TSMC, the Loop Freeway system, etc., so the city and the General Plan have evolved for the north side of Pinnacle Peak Road. Mr. Anderson explained if the General Plan changed from Residential 0 to 2 dwelling units per acre on the north side of Pinnacle Peak Road, now it makes sense for the south side to change.

Mr. Anderson described the neighbors to the north had R1-6 and R-2 zoning and their proposal had slightly larger, R1-6 lots. Mr. Anderson said this proposal was consistent with the housing policy to build as many homes as possible at different price ranges to address the housing crisis.

QUESTIONS FROM THE COMMITTEE

Ricardo Romero asked about the proposed traffic information. **Stephen Anderson** explained the information demonstrated what the impact would be at the signalized intersection. Mr. Anderson stated the project would have a small contribution of 15 to 17% traffic at the intersection, while the northbound traffic would generate approximate 85% of the traffic during peak hours. Mr. Anderson suggested this the proposal had a small percentage of vehicles using Pinnacle Peak Road. Mr. Anderson said this is because there are many more houses on the north side.

Al Field questioned if there were only 12 neighbors supportive of the project, how many were contacted and opposed. **Mr. Stephen Anderson** stated they contacted everyone who was at the May meeting. **Al Field** said he did not hear an answer. **Tom Bilsten**, who said he worked on the outreach efforts, mentioned through public records request he got all those that signed in at the May meeting and sent them emails or conducted phone calls. Mr. Bilsten stated out of the phone calls he spoke with 70 people and left over 100 voice messages and received two returned phone calls and three email responses of people who said they did not like the project. Mr. Bilsten stated the purpose of this outreach was to direct people to the website or a one-on-one meeting. **Mr. Field** replied he was hoping to get additional information.

Chair Trilese DiLeo said support and opposition letters were received which a public records request can be made.

Susan Herber asked if there were concerns about drainage in the subdivision and how it would be addressed. **Mr. Stephen Anderson** showed a 2005 floodplain map and was assured by his engineers it was not within the floodplain. Mr. Anderson also stated the sheet flow of water across Pinnacle Peak Road was resolved as part of the road improvement project. **Ms. Herber** also asked about more details of the small commercial site. **Mr. Stephen Anderson** indicated because of staff stipulations the commercial component would need to come back through the public hearing process in

the future. Mr. Anderson stated Scott Hintze from Diversified Partners was at the meeting and he was the preferred buyer of the commercial portion of the project.

Mick Hoover said many of the opposition letters expressed concerns with the availability of water. **Mr. Stephen Anderson** said the City of Phoenix is on the forefront of responsible water stewardship. Mr. Anderson noted staff requested a series of water conservation stipulations including use of drought tolerant plants, encouraging xeriscape, regulating sprinkler heads, limiting the size of pools, etc.

Mr. Hoover also asked about school capacity and how this would be addressed. Stephen Anderson responded that information provided by the school district indicates that an increased student population would not be an issue.

Vice Chair Gregory Freeman asked about the noise study. **Mr. Stephen Anderson** introduced Tony Sola the acoustical engineer who completed the noise study. **Mr. Sola** said the site complies with Housing and Urban Development (HUD) standards for exterior noise and with the construction of the proposed homes the interior will be substantially quieter. Mr. Sola indicated the noise levels would be in compliance with City of Phoenix noise standards. **Chair DiLeo** stated she was aware HUD's standards were very conservative.

Chair DiLeo said there was discussion with the City of Phoenix Water Department management to review water issues and welcomed others to participate in the meeting. Chair DiLeo noted as a generality the city plans for future water use and with efficiencies over the past 30 years they have lowered consumption rate. Chair DiLeo emphasized that in the desert we need to be smart about the water use and noted there would be a presentation from the Water Department in August or September and welcomed the audience to attend the meeting.

Chair DiLeo asked about the disclosures. **Mr. Stephen Anderson** said both disclosures for the airport and park would be recorded per zoning stipulations. Mr. Anderson added that as part of the park stipulation, that the stipulation was vetted with each of the businesses and entities located in the park and he believed the language was settled. Mr. Anderson indicated the park disclosure would be in the chain of title for all Lennar's properties.

PUBLIC COMMENT

Chair DiLeo noted that around 30 members of the public donated their time to Scott Anderson.

Scott Anderson thanked the Committee and said he was a resident of Little Deer Valley. Mr. Anderson added he had been involved in zoning with the community over the past 45 years and could bring history and context to the discussion. Mr. Anderson said in the 1950's and 60's Little Deer Valley was in the County and Phoenix ended at Camelback Road. Mr. Anderson noted there was a potato field in the area and over the years developers saw the potential for the area and a couple gentleman got together to

develop homes in Little Deer Valley area. Mr. Anderson said he lived just on the north edge of the potato field. Mr. Anderson mentioned in the 1970's and 80's there was the theme of mini farms in Little Deer Valley and the first subdivision went in called Saddleback Meadows. Mr. Anderson said the area started getting busy as Adobe Dam developed in the early 1980's which created the flood plain and ultimately Adobe Dam Recreation area. Mr. Anderson stated at that time the neighborhood became very involved in how the area would be developed. Mr. Anderson added that developers came to the area and wanted convenience stores and gas stations on every corner and high-density housing right up against the neighborhood of existing one-acre low density mini farms.

Mr. Anderson stated there were lots of discussions taking place to plan the area which involved the County, City of Phoenix, City of Glendale, Arizona State Trust Land, and the community residents.

Mr. Anderson said previously there were meetings with the City of Phoenix which did not have a budget to develop a new park, however, Mr. Anderson said there is a consortium of developers who have been meeting with the Director of the County Parks Department, and the owner of Victory Lanes who have been meeting for months putting together plans for a sports complex at the Adobe Dam Recreational area. Mr. Anderson indicated this was for a 380-acre sports complex. Mr. Anderson noted plans do exist and they are very interested and desire to acquire land for what Lennar is using and said they'd like outbuildings for indoor sports and land suitable for putting hard buildings.

Mr. Anderson said the consortium is real and they were only a matter of weeks away of from making their information available to the public. Mr. Anderson then showed an example of such a sports complex at Legacy Park in Mesa. Mr. Anderson said it included baseball, pickle ball, soccer fields and would be economically beneficial. Mr. Anderson stated all the money generated from this project could be directed to the County, City and State level and augments the tax base and helps with the tax burden on residents of Phoenix.

Mr. Anderson asked the Committee to notice the homes were not tucked in the middle and surrounded on three sides by Legacy Park. Mr. Anderson shared photos of Legacy Park and explained homes were not next to or placed in the middle of the park like this Lennar project. Mr. Anderson also showed photos of other complexes such as the Peoria Sports Complex with many baseball fields with stadiums and highlighted no homes and activity of the park nearby. Mr. Anderson shared images of the other complexes superimposed on this area and showed they fit and there still is room available for other recreational uses.

Mr. Anderson said the developer's noise studies were not conducted when the highest intensity activities are taking place and how the noise study describes distance separations, but the proposal will be right up against the backyard fences. Mr. Anderson said the planned recreational uses will be coming and no one wants to live so close to these intense activities.

Mr. Anderson shared the recent General Plan map. Mr. Anderson said it was not by chance but the result of many discussions and meetings between the ASLD, County, City of Phoenix, City of Glendale, and the neighborhood community and over 40 years of planning. Mr. Anderson described this proposal as located between a sports complex on the south, water park on the west, and the Arizona Sports Complex on the east and that when homes want to be next to a park, Mr. Anderson expressed it was not this intense of a user. Mr. Anderson added when Lennar bought the property it was deemed as recreational property and used for recreational purposes for decades as a driving range. Mr. Anderson summed up the homes are not compatible with the proposed activity.

Mr. Anderson reminded the committee the proposed commercial uses are located a quarter mile to the commercial uses which already exist. Mr. Anderson noted additional commercial and there were several commercial businesses which remained vacant. Mr. Anderson showed an aerial of the entire Little Deer Valley area and said it was well planned as there was a transition of uses where the more intense uses were at the perimeter, so traffic is not drawn into the center of the community. Mr. Anderson felt Lennar's plans violate and destroys the 40 years of planning. Mr. Anderson hoped the committee would respect what he said was 40 years of planning by so many people.

Mr. Anderson said Little Deer Valley has almost 1,000 members and he shared documents with a list of 970 neighbors who wanted to respect what was done here for years. Mr. Anderson thought this would give Lennar the ability to reconsider what they are doing and stated the neighborhood would much rather support compatible uses with the recreational area.

Chair DiLeo asked if the sports complex was willing to pay \$30 million for the plot of land. **Mr. Scott Anderson** said when he asked them the question they were still interested.

Mr. Romero asked if the sports complex were to be located on the 380 acres what it would do in terms of water uses. Mr. Romero said he thought 380 acres of a sports complex would be a more water intense user and generate more noise and traffic than the proposed development. **Mr. Scott Anderson** said water would not be required because the fields would have artificial turf and water on site was provided by a water tank and tapped into the aquifer to water the fields.

Mr. Hoover said the Legacy Park project is now called Arizona Athletic Grounds. Mr. Hoover noted they were bought out of bankruptcy and almost liquidated \$400 million. Mr. Hoover noted the owner of the grounds had stated the only way for them to survive was if they built residential up to their grounds. Mr. Hoover was concerned that they could be left with a blighted sports park. **Mr. Scott Anderson** stated any development has the risk of being blighted if not financed properly, and to mitigate that is to take due process ensuring they have funding to finance the project.

Mr. Scott Anderson said the land was recreational property and Lennar knew it was recreational property for decades and now they want to take the property to increase their profits.

George Maynard said he did not believe only 9 people were against the project and thought there should be a new vote of all the people in attendance. Mr. Maynard felt the voting on one side was so pathetic and hoped the next meeting in Phoenix would be on television. **Chair DiLeo** said the public may send public comments and emails for the next meeting.

Eric Hirschberg made a comment that Legacy Park was charging a fee for parking which he did not like.

Dena Dixon said traffic is an issue beyond Pinnacle Peak Road. Ms. Dixon added the area going to the west is going to be affected by traffic as it already gets backed up over the hill. Ms. Dixon explained other concerns with traffic and was concerned with loitering and crime at the commercial sites. Ms. Dixon expressed concerns of the community meeting if they would not be listened to.

Michael Morgan asked a question about the traffic details presented by the applicant, he wondered what the percentage of increased traffic would be coming from the two exit points east and west of the main entrance on 39th Drive.

Teresa Sanders said she was concerned of the impacts on the infrastructure and the continued affordability of the homes. Ms. Sanders indicated that her homeowner's insurance and property taxes increased significantly and people working like her on a teacher's salary have not seen salaries go up relative to the increased cost of living.

Ms. Sanders said with these homes being sold at \$530,000+ will push people like her and renters out of the community. Ms. Sanders added this would possibly make people homeless due to the rising housing cost. Also, Ms. Sanders identified concerns with habitat disruption and said unless they can survey the site there will be habitat disruption. Ms. Sanders was worried about the wildlife which she thought would need to be euthanized because they will be labeled as menaces, even if they were here first. Ms. Sanders disagreed with what was said for the number of cars that will be increased. Ms. Sanders indicated trees help with flood risk would be removed and the site would lose valuable drainage and return of water to the aquifer. Ms. Sanders referenced the need for all to make things better.

Wilma Allen said she lived in the neighborhood for the last 30 years and indicated there was a lot of wildlife in the recreational area which presented a danger to children and small pets.

Chris Henderson said his family lived in the area since 1992 and expressed his concern with traffic. Mr. Henderson stated it scares him to have more cars flying down the road and the impacts on kids in the area.

Mary Jo Slunder stated she lived in North Canyon Ranch for over 20 years and there are times when she could not pull out of her driveway due to traffic along 39th Avenue, which at times could be backed up to Happy Valley Road. Ms. Slunder felt more cars in the area was scary, and identified concerns with space at the schools, and wildlife in the area.

Sass Buick encouraged a reassessment of vehicle impact in the area and was concerned with the ratio of space for students at schools. Ms. Buick was also concerned with the built environment and its effect on heat generated in the area. Ms. Buick's final concern was the limited access and egress points along Pinnacle Peak Road.

Shannon Porter stated she was a resident in North Canyon Ranch and her major concerns are emergency care if needed with the shortage of first responders, police officer and fire fighters. Ms. Porter also wanted a traffic density report from Gammage & Burnham. Ms. Porter felt such a report should be issued to all residents so they could review the report and a diagram, and she wanted to have time for her attorney to evaluate the information.

John Buscemi asked if approved if the applicant could lower the density of the number of dwelling units. Mr. Buscemi also wanted to know the percent of the houses which would be rented and if corporations could buy houses. Mr. Buscemi noted he lived two miles away from the cart racing and it sounds like a bunch of buzz saws and if the proposed development will have backyards next to it, it would be an issue.

Scott Anderson summarized when Lennar bought the property it was recreational and was not clear why they should change the land use since they just want a profit. Mr. Anderson felt after 40 years of planning, it does not make sense to make the change.

Scott Hintze of Diversified Partners said he would develop the small commercial portion of the project and he liked the community's passion and he wanted to put uses on site the neighborhood would like.

Jules Ketcham said he lived in the neighborhood for 35 years just west of the McDonald's and asked the VPC to use critical thinking when evaluating the merits of the proposal as well as to take into consideration the qualified sources. Mr. Ketcham said there are qualified experts providing them with the facts.

Courtney Anderson said she represented Valley Leadership and is a civil engineer. Ms. Anderson said she was in favor of the development and felt the area needs more housing, but it must be developed in a responsible manner. Ms. Anderson liked the project because it provides more inventory and will lead to more affordable homes, and potentially provide homes for first time buyers.

Applicant Response:

Stephen Anderson said the Legacy Park history was funded in 2000 and got shady financing and was in trouble when it first came out, it went bankrupt leaving \$200 million

dollars of creditors in debt. Mr. Anderson thought it was not fair for Lennar to wait for a project that would not get financing in this market and was not viable. Mr. Anderson said there was three other homebuilders interested in acquiring the property from the Arizona State Land Department. Mr. Anderson told the committee it was appraised with the proposed use, before putting it out for auction. Mr. Anderson reminded everyone the current site was a result of a bankruptcy from a previous golf course which abandoned its lease with the State Land Department.

Mr. Anderson added there was no guarantee that the sports complex would be using artificial turf as it would be exempt from zoning and their proposed development had 40 stipulations controlling it. Mr. Anderson stated the commercial properties on the north side of Pinnacle Peak Road were supportive. Mr. Anderson added the AZ Sports Complex was built in the County. Mr. Anderson believed the development consortium for the 380-acre sports complex did not want to meet because they did not have a real project. Mr. Anderson stated there were no real concerns expressed from the Arizona Sports Complex and the Hurricane Harbor Water Park.

Mr. Anderson noted the General Plan Land Use Map designation is both recreational and publicly owned and this site was not publicly owned as it is held by the Arizona State Land Department in trust for school children of Arizona to be used as an asset to benefit the trust. Mr. Anderson concluded that the hundreds of families who live in the area love the park and Mr. Anderson felt the new homeowners will love the park too. Mr. Anderson reminded the Committee the Friends of Deer Valley and the school district's support. Also, Mr. Anderson stated most of the park amenities do not oppose it and even a few of neighbors support it. Mr. Anderson said there were 40 stipulations, and he requested the VPC approval.

Ronni Pfeiffer stated she lives in the area and was frustrated when she received a call after the original VPC meeting and the people calling would not say who they represented. Ms. Pfeiffer added the go karts and other activities are louder than the fireworks for fourth of July.

Floor/Public Discussion Closed: Committee Discussion and Vote:

Ricardo Romero asked if Lennar is the current owner and if they had purchased the property outright. **Stephen Anderson** said Lennar made a downpayment as the successful bidder at auction, and now they are under contract to pay the State Land Department. Mr. Anderson added the State Land Department does not issue a certificate of purchase to buyers until payment is made in full.

Mr. Romero asked since the State Land Department is for the benefit of the education trust will they do anything to alleviate the shortage of schools or faculty in the district. **Stephen Anderson** said the State Land Department sells the land in the general revenue benefit rather than going to an individual district.

MOTION:

Vice Chair Gregory Freeman motioned to recommend approval of Z-28-24-1 per the staff recommendation. **Committee Member Susan Herber** seconded the motion.

VOTE:

8-1, motion to recommend approval of Z-28-24-1 per the staff recommendation passes with Committee Members Herber, Hoffman, Hoover, Lopez-Biggs, Romero, Sutphen, Freeman, Chair DiLeo in favor; and Field in opposition.

Scott Anderson requested the audience to respect the process and was concerned it would negatively affect their case if they did not maintain the decorum of the meeting.

Chair DiLeo said the VPC meeting was the first step in the public hearing process and they could continue staying involved as the cases would go to the Planning Commission and ultimately to City Council for a decision.

Matteo Moric said there were opportunities to attend the future meetings virtually.

Chair DiLeo said that everyone on the Committee cares for the community and they volunteer for the general interest of helping the community. Chair DiLeo said she is available to discuss the matter more with individuals after the meeting.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

No comment.