

## Attachment B

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### **BACKUP INFORMATION - PUBLIC HEARING/ORDINANCE ADOPTION – (Z-73-16-2) ON THE APRIL 5, 2017, FORMAL AGENDA – NORTHEAST CORNER OF THE 42ND STREET ALIGNMENT AND DYNAMITE BOULEVARD**

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TO: Mario Paniagua  
Deputy City Manager

FROM: Alan Stephenson  
Planning & Development Director

SUBJECT: BACKUP INFORMATION - PUBLIC HEARING/  
ORDINANCE ADOPTION – (Z-73-16-2) ON THE APRIL 5, 2017, FORMAL  
AGENDA – NORTHEAST CORNER OF THE 42ND STREET ALIGNMENT  
AND DYNAMITE BOULEVARD

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This report provides backup information - Public Hearing/Ordinance Adoption to Z-73-16-2 located at the northeast corner of the 42nd Street alignment and Dynamite Boulevard on the April 5, 2017 Formal Agenda.

#### THE ISSUE

A rezoning application has been submitted for requesting approval by the City Council for a parcel located at the northeast corner of the 42nd Street alignment and Dynamite Boulevard. The application is being made by the EcoVista Development LLC.

#### OTHER INFORMATION

Rezoning case Z-73-16-2 is a request to rezone 12.49 acres from County RU-43 (Pending S-1) to R1-18 to allow single family residential.

The Desert View Village Planning Committee heard the request on Feb. 7, 2017, and it was denied. Vote: 4-3.

The Planning Commission heard the request on Mar. 2, 2017, and it was denied. Vote: 3-3.

The request was appealed by the applicant to hold a public hearing at the Apr. 5, 2017 City Council meeting.

The application was appealed by the applicant as there was a tie vote of the Planning Commission. A tie vote is treated as a denial. A three-fourths vote of the City Council is required for approval of this rezoning request due to adjacent property owner concerns with the proposal.

#### Exhibits:

1. – Staff Report Z-73-16-2
2. – Village Planning Committee Meeting Summary
3. – Planning Commission Minutes
4. – Appeal
5. – Three Quarters vote



**City of Phoenix**  
 PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-73-16-2**  
 January 23, 2017

**Desert View Village Planning Committee Meeting Date:** February 7, 2017  
**Planning Commission Hearing Date:** March 2, 2017  
**Request From:** County RU-43 (Pending S-1) (12.49 acres)  
**Request To:** R1-18 (12.49 acres)  
**Proposed Use:** Single Family Residential  
**Location:** Northeast corner of the 42<sup>nd</sup> Street alignment and Dynamite Boulevard  
**Owner:** J & M Aronica Revocable Trust  
**Applicant/Representative:** EcoVista Development LLC; Wendy Riddell, Berry Riddell LLC  
**Staff Recommendation:** Approval, subject to stipulations

| General Plan Conformity  |                         |                         |                          |
|--|-------------------------|-------------------------|--------------------------|
| <b>General Plan Land Use Designation</b>   |                         | Residential 0-2 du/acre |                          |
| <b>Street Map Classification</b>   | 42 <sup>nd</sup> Street | Local                   | 25-foot east half street |
|  | Dynamite Boulevard      | Major Arterial          | 70-foot east half street |
| <p><b><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.</i></b></p> <p>As stipulated, the proposed development is consistent with the scale, design, and appearance of the surrounding area. The proposal provides a high percentage of open space, integration of natural washes, and an increased setback along Dynamite Boulevard.</p> |                         |                         |                          |

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; RIVERS, WASHES AND WATERWAYS; LAND USE PRINCIPLE: Preserve natural washes coming from the preserves and promote access and views of the preserves by the public.**

The applicant has configured the lot layout to integrate the natural wash that currently runs through the subject property.

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; RIVERS, WASHES AND WATERWAYS; DESIGN PRINCIPLE: Propose new design standards that address drainage, use of native plants, edge treatment, and access – both visual and physical – for private and public development adjacent to public preserves, parks, washes and open spaces.**

The proposed development is integrating natural washes into the site design. As stipulated, the proposal also provides an increased landscape setback along the south property line with grading and landscaping to mimic the natural desert environment.

#### Area Plan

The North Land Use Plan designates this area as Residential 0-2 du/ac. The plan recognizes the importance that the rural character and lifestyle play in determining appropriate land use densities. The proposed 2.24 du/acre project exceeds the North Land Use Plan density cap of 2 du/acre however the proposal meets the intent of the North Land Use Plan by integrating the naturally occurring wash, providing a large amount of open space, and reestablishing a natural desert landscape within the development constraints of the subject site.

#### Surrounding Land Uses/Zoning

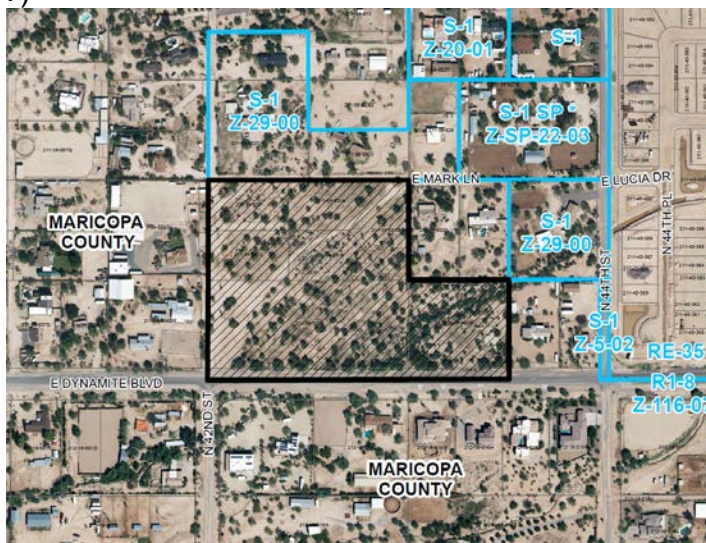
|                | <u>Land Use</u>                     | <u>Zoning</u>              |
|----------------|-------------------------------------|----------------------------|
| <b>On Site</b> | Vacant                              | County RU-43 (Pending S-1) |
| <b>North</b>   | Large Lot Single Family Residential | S-1                        |
| <b>South</b>   | Large Lot Single Family Residential | County RU-43               |
| <b>East</b>    | Large Lot Single Family Residential | County RU-43               |
| <b>West</b>    | Large Lot Single Family Residential | County RU-43               |

| <b>R1-18 Single Family</b>                 |                                  | <i>*if variance required</i>              |
|--|----------------------------------|---|
| <u>Standards</u>                           | <u>Requirements</u>              | <u>Proposed site Plan</u>                 |
| Development Option                         | PRD                              | PRD                                       |
| Gross Acreage                              | -                                | 12.49 acres                               |
| Total Number of Units                      | -                                | 28 units                                  |
| Density                                    | 2.05, 2.34 with bonus            | Met - 2.24 du/acre                        |
| Typical Lot Size                           | None                             | Met – 55 feet x 120 feet                  |
| Subject to Single Family Design Review     | Yes                              | Yes                                       |
| Open Space                                 | Minimum 5% gross                 | Met – 32.7% (4.08 acres)                  |
| Perimeter Setbacks                         |                                  |   |
| Street (Dynamite Boulevard)                | 20' adjacent to public street    | Met – Varies between 56 feet and 111 feet |
| Street (42 <sup>nd</sup> Street alignment) | 20' adjacent to public street    | Met – 20 feet                             |
| Property Line (rear)                       | 15'                              | Met – 23 feet 9 inches                    |
| Property Line (side)                       | 15'                              | Met – 25 feet                             |
| Lot Coverage                               | Primary Structure 25%, Total 30% | Met – 25%; 30%                            |
| Building Height                            | 2 stories and 30'                | Not Shown                                 |

**Background/Issues/Analysis**

**SUBJECT SITE (REQUEST)**

1. This request is to rezone 12.49 acres located at the northeast corner of the 42<sup>nd</sup> Street alignment and Dynamite Boulevard from County RU-43 (Pending S-1) (Farm Residence) to R1-18 (Single Family Residential) to allow single family residential.



## SURROUNDING ZONING AND LAND USE

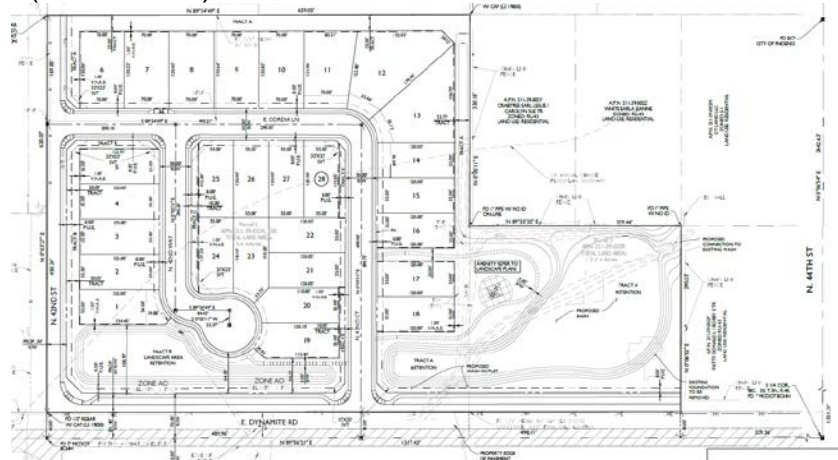
- The subject site is currently vacant, undeveloped land. To the north is large lot single family residential uses. To the south, east, and west are large lot single family residential uses located outside of the city limits.

## GENERAL PLAN

- The General Plan Land Use Map designation for the subject site is Residential 0-2 du/acre. The request is not in conformance with the General Plan designation of 0-2 du/acre, however the request is for the R1-18 zoning district which is defined as a Large Lot Residential product type. Residential requests that do not change from one type of residential product to another do not require a General Plan Amendment.

## ANALYSIS OF PROPOSAL (SITE PLAN)

- The site plan depicts a 28 lot subdivision with the integration of an existing wash along the southeast portion of site. The typical lot sizes are 6,600 square feet (55-foot x 120-foot) with approximately 32.7% common area provided.



Ingress and egress will be provided from 42<sup>nd</sup> Street and Dynamite Boulevard. Staff is recommending stipulations regarding the number of lots, percentage of open space, and minimum lot widths to ensure compatibility with the existing character of the area.

- View fencing provides visual access to open spaces to allow passive enjoyment and visual monitoring in order to discourage undesirable activity. To improve safety of existing washes and proposed open space, staff is recommending a stipulation that the development utilize view fencing for homes that side common open space tracts.
- The site plan depicts a large retention area along the southern portion of the subject site (Tract A and B) directly adjacent to Dynamite Boulevard. Staff is recommending a stipulation to ensure these two tracts are to be graded and planted to mimic the natural desert landscape.

## STREETS

7. The Street Transportation Department has indicated that the developer shall dedicate 70 feet of right-of-way for the north half of Dynamite Boulevard. Staff is recommending a stipulation to address this request.
8. The Street Transportation Department has indicated that the developer shall dedicate 25 feet of right-of-way for the east half of 42nd Street. Staff is recommending a stipulation to address this request.
9. The Street Transportation Department has indicated that the developer shall update all existing off-street improvements to current ADA guidelines. A stipulation has been recommended to address this request.

## WATER

10. The City of Phoenix Water Services Department has noted the potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.

## ARCHAEOLOGY

11. The City of Phoenix Archaeology Office recommends that this project area undergo an archaeological survey. A stipulation has been recommended to address this request.

## OTHER

12. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

## **Findings**

1. The proposed site plan, as stipulated, is compatible with the surrounding land use patterns in the area.
2. The development character respects the natural topography of the area and incorporates existing washes into the overall design.
3. The proposal will provide an additional housing option within the Desert View Village.

## **Stipulations**

1. The development shall be in general conformance with the site plan date stamped January 26, 2017, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
  - A. The development shall not exceed 28 lots.
  - B. A minimum 20% open space shall be provided.
  - C. The minimum residential lot width shall be 55 feet.
2. The development shall utilize view fencing for homes that side on common open space tracts, as approved by the Planning and Development Department.
3. A minimum 50-foot landscape setback shall be graded and planted to mimic natural desert landscape along the south property line, as approved by the Planning and Development Department.

## **ARCHAEOLOGY**

4. The applicant shall submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

## **STREETS**

5. Right-of-way totaling 70 feet shall be dedicated for the north half of Dynamite Boulevard, as approved by the Planning and Development Department.
6. Right-of-way totaling 25 feet shall be dedicated for the east half of 42<sup>nd</sup> Street, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

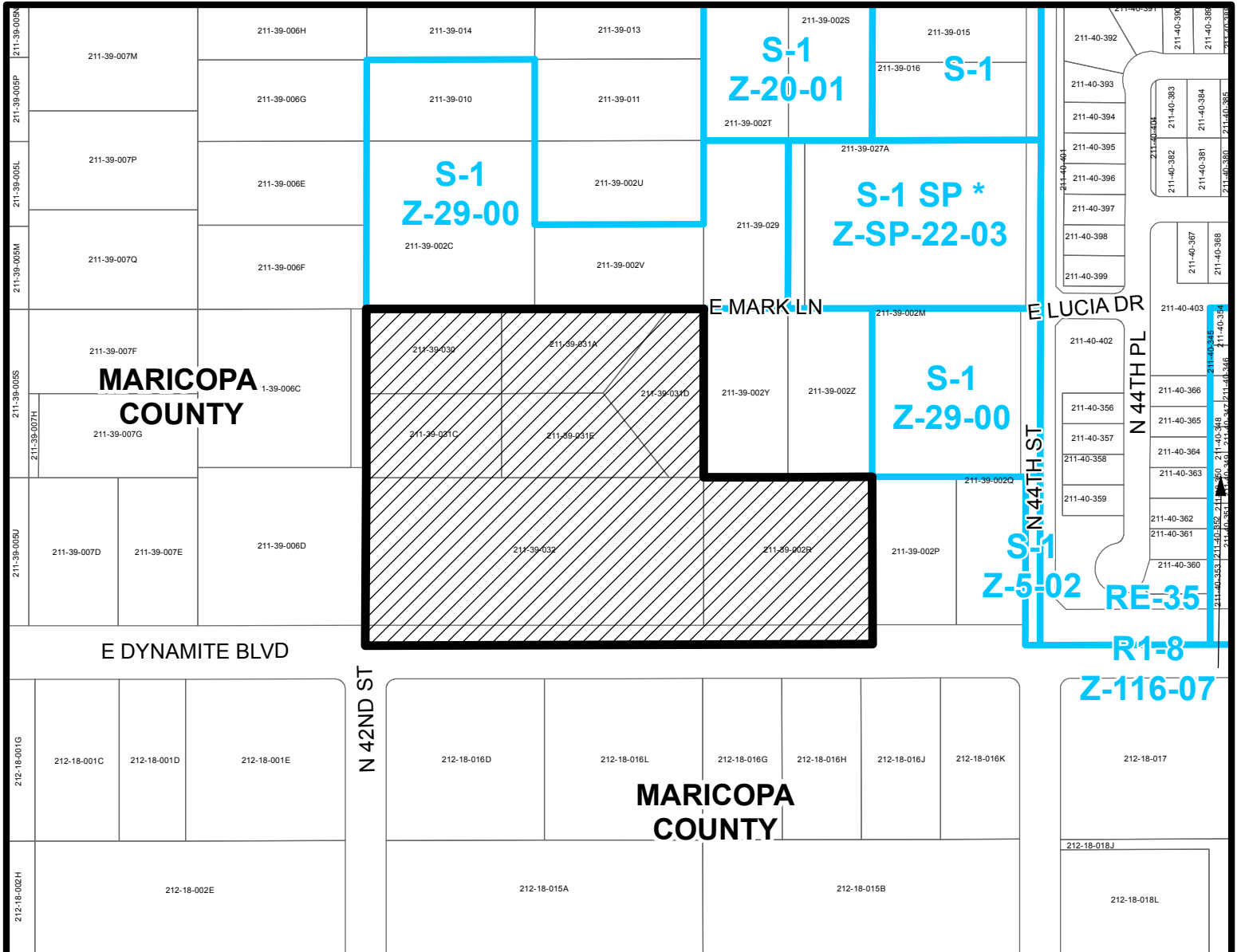
**Writer**

Joél Carrasco  
January 23, 2017  
Joshua Bednarek

**Exhibits**

Zoning sketch  
Aerial  
Site plan dated January 26, 2017 (2 pages)  
Illustrative Master Plan dated January 26, 2017 (1  
page)



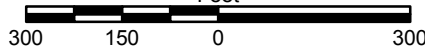


**MARICOPA COUNTY**

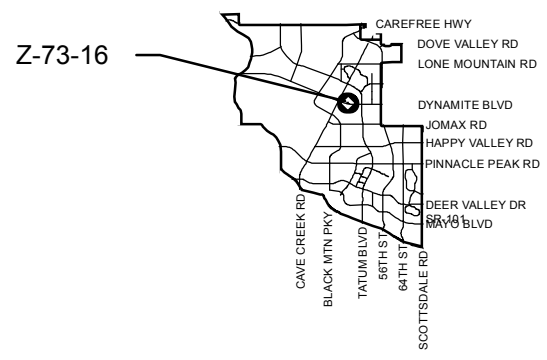
**MARICOPA COUNTY**



Feet

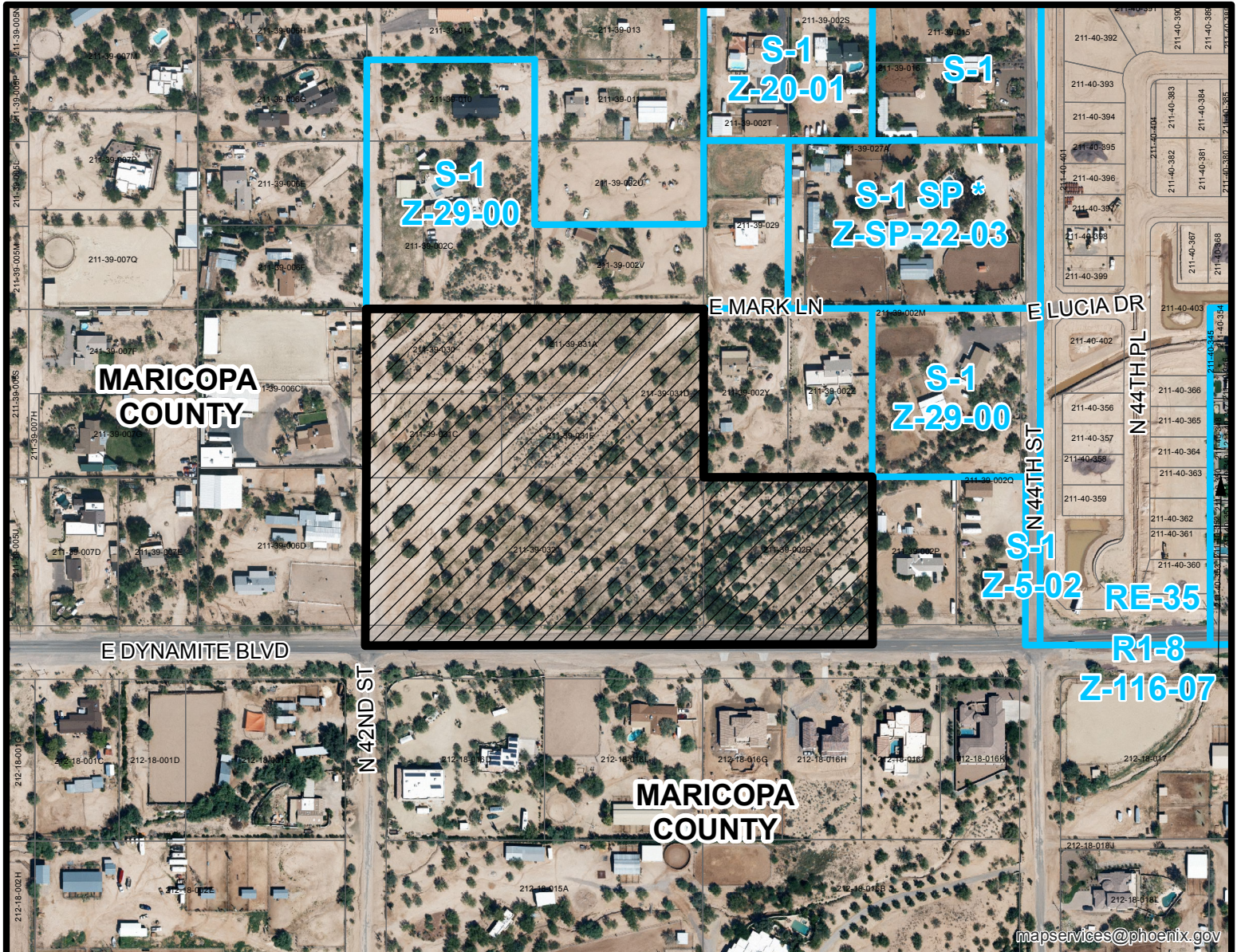


**DESERT VIEW VILLAGE**  
CITY COUNCIL DISTRICT: 2



|  |  |   |  |
|--|--|---|--|
| <b>APPLICANT'S NAME:</b><br>EcoVista Development LLC/ Seth                         |  | <b>REQUESTED CHANGE:</b><br>FROM: County RU-43 (pending S-1), (12.49 a.c.)<br>TO: R-1-8, (12.49 a.c.) |  |
| <b>APPLICATION NO.</b><br>Z-73-16  | <b>DATE:</b><br>10/17/2016<br><b>REVISION DATES:</b><br>01/20/2017 |   |  |
| GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.<br><br>12.49 Acres | <b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b><br>QS 51-37             | <b>ZONING MAP</b><br>P-10   |  |
| <b>MULTIPLES PERMITTED</b><br>County RU-43 (pending S-1)<br>R-1-8                  | <b>CONVENTIONAL OPTION</b><br>12 (12)<br>24                        | <b>* UNITS P.R.D. OPTION</b><br>N/A<br>29   |  |

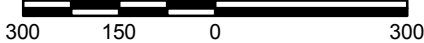
\* Maximum Units Allowed with P.R.D. Bonus



mapservices@phoenix.gov



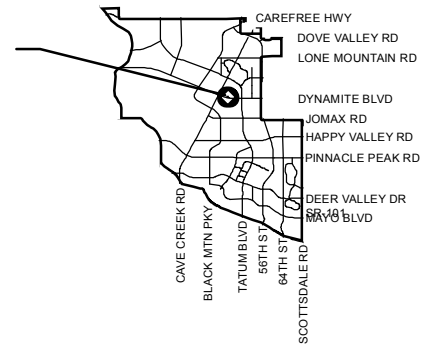
Feet



**DESERT VIEW VILLAGE**  
CITY COUNCIL DISTRICT: 2



Z-73-16



APPLICANT'S NAME: EcoVista Development LLC/ Seth

APPLICATION NO. Z-73-16

DATE: 10/17/2016  
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

12.49 Acres

AERIAL PHOTO & QUARTER SEC. NO. QS 51-37  
ZONING MAP P-10

REQUESTED CHANGE:

FROM: County RU-43 (pending S-1), (12.49 a.c.)

TO: R1-18, (12.49 a.c.)

MULTIPLES PERMITTED

County RU-43 (pending S-1)

R1-18

CONVENTIONAL OPTION

12 (12)

24

\* UNITS P.R.D. OPTION

N/A

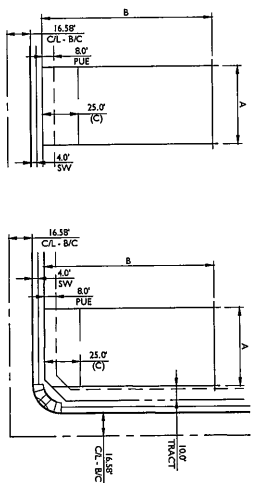
29

\* Maximum Units Allowed with P.R.D. Bonus

# PRELIMINARY SITE PLAN

FOR  
**SAGURO TRAILS**  
 NEC DYNAMITE ROAD & 42ND STREET, CAVE CREEK, ARIZONA  
 A PORTION OF THE SOUTHWEST QUARTER OF SECTION 30, T.15 N., R.4 E.,  
 OF THE GILA AND SALT TOWER BUREAU MERIDIAN, MARICOPA COUNTY, ARIZONA

## TYPICAL LOT DETAIL



Typical Lot Setbacks

Corner Lot Setbacks

LOT DIMENSIONS  
 NORTH-TO-SOUTH LOTS  
 EAST-TO-WEST LOTS

|                     |      |
|---------------------|------|
| LOT DIMENSIONS      | 50'  |
| NORTH-TO-SOUTH LOTS | 70'  |
| EAST-TO-WEST LOTS   | 120' |

- ### GENERAL NOTES
1. EMPLOYMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
  2. THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSIGNED WATER SHED.
  3. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
  4. ALL SERVICES REQUIRES SEPARATE PERMITS AND FEES FROM THE APPLICANT RESIDENTIAL DISTRICTS AND WILL BE PROVIDED BY THE CITY OF PHOENIX.
  5. NOT EXCEED ONE FOOT COVERED AT THE PROPERTY LINE NO MOSE GROUND OR VIBRATION WILL BE PERMITTED SO THAT IT EXCEEDS THE GENERAL LEVEL OF MOSE GROUND ON VIBRATION PERMITTED BY USES OUTSIDE OF THE SITE.
  6. OWNERS OF PROPERTY ADJACENT TO THIS PROJECT WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE BOUNDARIES OF THEIR PROPERTY.
  7. STRUCTURE SHALL BE CONSTRUCTED WITH A MINIMUM HEIGHT OF 8 FEET TO THE FINISH FLOOR OF THE MAIN LEVEL. THIS HEIGHT SHALL BE MEASURED AT A POINT HIGHER THAN 15' ABOVE THE FINISH FLOOR OF THE MAIN LEVEL.
  8. STRUCTURE AND LANDSCAPING WITHIN A TRIANGULAR HEADLAND SHALL BE SET BACK ALONG THE PROPERTY LINE TO THE PROPERTY LINE.
  9. THE STRUCTURE SHALL BE SET BACK FROM THE PROPERTY LINE AS FOLLOWS: 5' FOR ATTACHED SHADE PORCHES (NOT TOTAL).
  10. EACH OF THE STRUCTURE A BUILDING ENVELOPE AND ACCESSORY USES SUCH AS POOL, SWIMCY WALKS AND ACCESSORY STRUCTURES ARE PERMITTED EXCEPT AS OTHERWISE REGULATED BY OTHER CITY CODES AND ORDINANCES.
  11. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT.
  12. ADDITIONAL INDIVIDUAL LOT REQUIREMENTS (SEE SETBACK WALL ELEVATION) ARE LOCATED ON THE APPROVED PLANS.
  13. THE PROJECT SHALL INCLUDE ALL NECESSARY UTILITIES AND SERVICES TO BE PROVIDED BY THE CITY OF PHOENIX.
  14. A MINIMUM 18" FOOT SETBACK SHALL BE MAINTAINED FROM THE BACK OF SIDEWALK TO THE FACE OF THE GARAGE DOOR.
  15. AFTER FINAL APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE CONSTRUCTION PERMITS AND PERMITS FOR THE PROJECT SHALL BE OBTAINED FROM THE CITY OF PHOENIX.
  16. ALL SERVICES ARE SUBJECT TO THE CITY OF PHOENIX PERMITS AND FEES.
  17. ALL NEW WATER SERVICES WITHIN THE SITE SHALL BE PRIVATE WATER LINES SUBJECT TO THE PHOENIX WATER DEPARTMENT PERMITS AND FEES.
  18. THE EXISTING SEWER COLLECTION SYSTEM WITHIN THE PROJECT WILL BE A PRIVATE SEWER SYSTEM OWNED AND MAINTAINED BY THE CITY OF PHOENIX. THE PROJECT SHALL BE DESIGNED TO BE CONNECTED TO THE EXISTING SEWER SYSTEM.
  19. ALL CONCRETE WORK SHALL BE SUBJECT TO THE PHOENIX WATER DEPARTMENT PERMITS AND FEES.
  20. THIS PROJECT IS LOCATED IN THE NORTHWEST DEVELOPMENT IMPACT FEE AREA.

### PARCEL 1 - LEGAL DESCRIPTION:

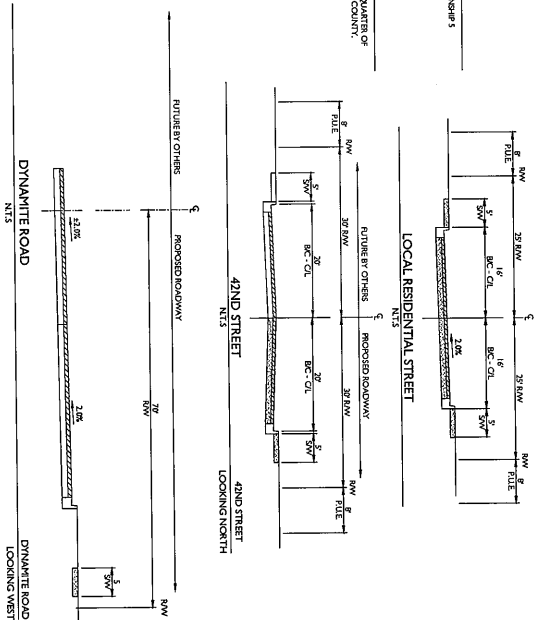
THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2A, TOWNSHIP 1 NORTH, RANGE 18 EAST OF THE GILA AND SALT TOWER BUREAU MERIDIAN, MARICOPA COUNTY, ARIZONA EXCEPT THE SOUTH 40 FEET THEREOF.

### PARCEL 2 - LEGAL DESCRIPTION:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2A, TOWNSHIP 1 NORTH, RANGE 18 EAST OF THE GILA AND SALT TOWER BUREAU MERIDIAN, MARICOPA COUNTY, ARIZONA EXCEPT THE SOUTH 40 FEET THEREOF.

### TRACT USE TABLE

| TRACT           | USE   | AREA (SF) | AREA (AC) |
|-----------------|---|-----------|-----------|
| A               | LANDSCAPE (OPEN SPACE) / RECREATION / AMENITY | 131.61    | 3.01      |
| B               | LANDSCAPE (OPEN SPACE) / RECREATION / AMENITY | 42.23     | 0.97      |
| C               | LANDSCAPE (OPEN SPACE)                        | 22.23     | 0.51      |
| D               | LANDSCAPE (OPEN SPACE)                        | 11.56     | 0.26      |
| TOTAL TRACT USE |   | 177.63    | 4.75      |



## R1-18 PLANNED RESIDENTIAL DEVELOPMENT STANDARDS

| STANDARD                          | REQUIRED                        | PROPOSED                        |
|-----------------------------------|---------------------------------|---------------------------------|
| MIN. LOT WIDTH                    | 30'                             | 50'                             |
| MIN. LOT DEPTH                    | NONE                            | 120'                            |
| DWELLING UNIT DENSITY             | 2.05 UNITS PER ACRE             | 2.24                            |
| REPERMITS STANDARDS               | 25' ADJACENT TO A PUBLIC STREET | 15' ADJACENT TO A PUBLIC STREET |
| BUILDING SERVICES                 | 25' FRONT                       | 25' FRONT                       |
| HOODING HEIGHT                    | 23' (MAX) 2'                    | 23' (MAX) 2'                    |
| LOT COVERAGE WITH SHADE STRUCTURE | 20%                             | 20%                             |
| COMMON AREAS                      | MIN. 5% OF GROSS AC             | 22% OF GROSS AC (MIN. 4,000 SF) |
| REQUIRED REVIEW                   | SECTION 18P                     | SECTION 18P                     |
| REQUIRED REVIEW                   | SECTION 18P                     | SECTION 18P                     |
| REQUIRED REVIEW                   | SECTION 18P                     | SECTION 18P                     |

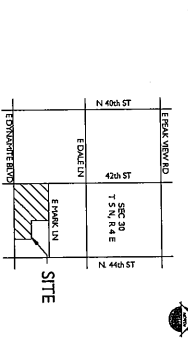
NOTE: ALL AREAS TO BE IN COMMON OWNERSHIP UNLESS NOTED OTHERWISE ON THE PLANS.

### Saguro Trails R1-18 PRD Lot Coverage Calculation

| No.     | Lot Area (sq ft) | Lot Coverage w/o Shade Structure (sq ft) | Lot Coverage w/ Shade Structure (sq ft) |
|---------|------------------|--|---|
| 1       | 776.33           | 3,693.67                                 | 4,355.89                                |
| 2       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 3       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 4       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 5       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 6       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 7       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 8       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 9       | 697.50           | 3,497.50                                 | 4,192.50                                |
| 10      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 11      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 12      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 13      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 14      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 15      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 16      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 17      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 18      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 19      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 20      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 21      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 22      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 23      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 24      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 25      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 26      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 27      | 697.50           | 3,497.50                                 | 4,192.50                                |
| 28      | 697.50           | 3,497.50                                 | 4,192.50                                |
| TOTALS: | 211,812.33       | 964,038.33                               | 1,152,591.73                            |

LOT COVERAGE CALCULATIONS ARE BASED ON THE FOLLOWING ASSUMPTIONS:  
 1. THE TOTAL LOT COVERAGE CALCULATIONS HAVE BEEN OBTAINED BY ADDING THE TOTAL SQUARE FOOTAGE OF ALL LOTS TO THE TOTAL SQUARE FOOTAGE OF ALL COMMON AREAS.  
 2. THE TOTAL SQUARE FOOTAGE OF ALL LOTS IS 211,812.33 SQ. FT. (TOTAL LOT COVERAGE).  
 3. THE TOTAL SQUARE FOOTAGE OF ALL COMMON AREAS IS 964,038.33 SQ. FT. (TOTAL COMMON AREAS).  
 4. THE TOTAL SQUARE FOOTAGE OF ALL LOTS AND COMMON AREAS IS 1,152,591.73 SQ. FT. (TOTAL SITE AREA).

## VICINITY MAP



## PROJECT TEAM

**PROPERTY DEVELOPER:**  
 SAGURO TRAILS, LLC  
 11111 N. 19TH AVENUE, SUITE 100  
 SCOTTSDALE, AZ 85251  
 TEL: (480) 953-2222  
 FAX: (480) 953-2222  
 CONTACT: JACQUELINE  
 CONTACT: JACQUELINE

**PLANNER, ENGINEER, AND ARCHITECT:**  
 EPS GROUP  
 2045 S. VINEYARD AVENUE, SUITE 101  
 MESA, AZ 85210  
 TEL: (480) 953-2222  
 FAX: (480) 953-2222  
 CONTACT: JACQUELINE

## PROJECT DATA

**LOCATION:**  
 11111 N. 19TH AVENUE, SUITE 100  
 SCOTTSDALE, AZ 85251

**CURRENT LAND USE:**  
 UNDEVELOPED

**PROPOSED ZONING:**  
 R1-18 PRD

**PROPOSED DEVELOPMENT:**  
 28 SINGLE-FAMILY HOMES

**PROPOSED LOT AREA:**  
 211,812.33 SQ. FT.

**PROPOSED LOT SIZE:**  
 79' x 119'

**NO. OF LOTS:**  
 28

**GROSS DEVELOPMENT:**  
 4,324 DU/AC

**OPEN SPACE:**  
 488 ACRES (22% OF GROSS AREA)

## UTILITIES

**WATER:** CITY OF PHOENIX  
**SEWER:** CITY OF PHOENIX  
**ELECTRIC:** CENTRAL ARIZONA ELECTRIC COOPERATIVE  
**CABLE TV:** CITY OF PHOENIX  
**POLICE:** CITY OF PHOENIX

## BASE OF BEARING

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 2A, TOWNSHIP 1 NORTH, RANGE 18 EAST OF THE GILA AND SALT TOWER BUREAU MERIDIAN, MARICOPA COUNTY, ARIZONA IS THE BASE OF BEARING FOR THIS PROJECT.

## PROJECT DESCRIPTION

THIS DEVELOPMENT PLAN CONSISTS OF 28 LOTS, SINGLE-FAMILY HOMES, AND COMMON AREAS. THE PROJECT IS DESIGNED TO BE CONFORMANT WITH THE R1-18 PRD ZONING ORDINANCE AND THE CITY OF PHOENIX DEVELOPMENT ORDINANCE. THE PROJECT WILL BE IN COMPLIANCE WITH LOCAL ORDINANCES AND THE CITY OF PHOENIX DEVELOPMENT ORDINANCE.

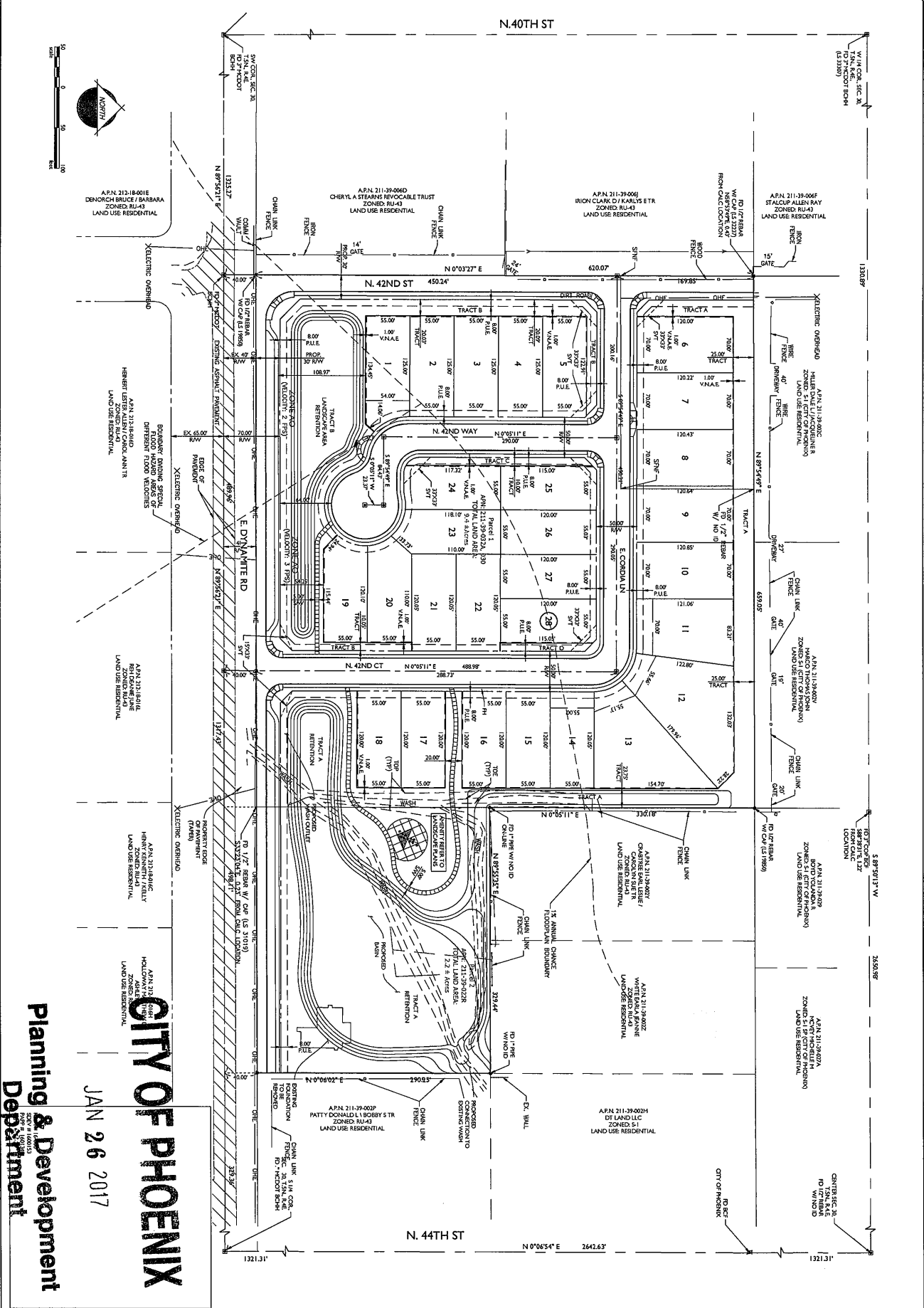
**CITY OF PHOENIX**

**PLANNING & DEVELOPMENT**

**Department**

JAN 26 2017

2045 S. Vineyard Ave, Suite 101  
 Mesa, AZ 85210  
 T: 480.503.2288  
 www.epsgroupinc.com



**CITY OF PHOENIX**

JAN 26 2017

**Planning & Development Department**

|           |                       |
|-----------|-----------------------|
| Project   | Saguaro Trails        |
| Revision  | 2                     |
| Sheet No. | 16-084                |
| SP02      |                       |
| DATE      | JAN 26 2017           |
| SCALE     | AS SHOWN              |
| APPROVED  | [Signature]           |
| TITLE     | Preliminary Site Plan |

|      |   |
|------|---|
| DATE | OCTOBER 06, 2016 - SITE PLAN SUBMITTAL  |
| DATE | DECEMBER 21, 2016 - SITE PLAN REVISIONS |
| DATE | JANUARY 25, 2017 - SITE PLAN REVISIONS  |

Project: Saguaro Trails, Phoenix, AZ

Revision: 2

Sheet No.: 16-084

SP02

DATE: JAN 26 2017

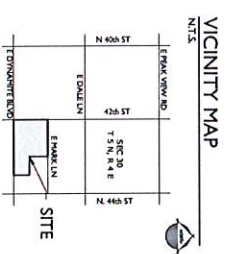
SCALE: AS SHOWN

APPROVED: [Signature]

TITLE: Preliminary Site Plan

**EPS GROUP**

2045 S. Vineyard Ave, Suite 101  
Mesa, AZ 85210  
T: 480.503.2250 | F: 480.503.2258  
www.epsgroupinc.com



**PROJECT TEAM**

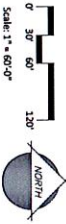
**PROPERTY DEVELOPER:**  
 ECOVISTA DEVELOPMENT LLC  
 20451 VINEYARD, SUITE 101  
 SCOTTSDALE, AZ 85251  
 TEL: (480) 315-6888  
 FAX: (866) 525-2822  
 CONTACT: STEVE JANDRINE

**PLANNER, ENGINEER, AND LANDSCAPE ARCHITECT:**  
 HESLA, AZ 85110  
 7101 W. WINDYBROOK DRIVE  
 PHOENIX, AZ 85032  
 TEL: (480) 501-2328  
 FAX: (480) 501-2329  
 CONTACT: JACQUE GUTHRIE

**PROJECT DATA**

APN: 211-29-020-023A-003A  
 LOCATION: N.E.C. DYNAMITE ROAD & 43RD STREET  
 CITY OF PHOENIX VILLAGE DESERT VIEW  
 CURRENT LAND USE: UNDERDEVELOPED  
 EXISTING ZONING: RU-43 (PHOENIX COUNTY)  
 PROPOSED ZONING: R-11.0 (CITY OF PHOENIX)  
 CONCEPT: RAMADA RESORT AREA  
 NET AREA: 411,113.84 AC  
 LOT SIZE: 57' x 120'  
 NO. OF LOTS: 22  
 LOT SIZE: 78' x 120'  
 NO. OF LOTS: 6  
 TOTAL NO. OF LOTS: 28  
 GROSS DENSITY: 4.83 AC (12,386.07 GROSS AREA)  
 OPEN SPACE: 4.83 AC (12,386.07 GROSS AREA)

- KEYNOTES**
- 1 ENTRY HOUSING
  - 2 4 BDRM WALK
  - 3 ACCESS EAST
  - 4 PEDESTRIAN NODE
  - 5 RAMADA RESORT AREA
  - 6 WALKING TRAIL



**PLANT LEGEND**

| SYMBOL | SCIENTIFIC NAME                     | COMMON NAME        | SIZE     |
|--------|-------------------------------------|--------------------|----------|
| (1)    | Agave americana                     | Seem Agave         | 2' to 4' |
| (2)    | Callitriche occidentalis 'Purpurea' | Thymus Canadensis  | 2' to 4' |
| (3)    | Chilopsis saligna                   | Desert Willow      | 2' to 4' |
| (4)    | Prosopis juliflora                  | Thornless Mesquite | 2' to 4' |
| (5)    | Prosopis juliflora                  | Thornless Mesquite | 2' to 4' |
| (6)    | Prosopis juliflora                  | Thornless Mesquite | 2' to 4' |

| SYMBOL | SCIENTIFIC NAME                     | COMMON NAME        | SIZE     |
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# CITY OF PHOENIX

JAN 26 2017

## Planning & Development Department





## Village Planning Committee Meeting Summary Z-73-16-2

|                            |  |
|----------------------------|--|
| <b>Date of VPC Meeting</b> | February 7, 2017   |
| <b>Request From</b>        | County RU-43 (Pending S-1) (12.49 acres)                             |
| <b>Request To</b>          | R1-18 (12.49 acres)  |
| <b>Proposed Use</b>        | Single family residential  |
| <b>Location</b>            | Northeast corner of the 42nd Street alignment and Dynamite Boulevard |
| <b>VPC Recommendation</b>  | Denied   |
| <b>VPC Vote</b>            | 4-3 (Bowser, Kruczek, Lagrave)                                       |

### **VPC DISCUSSION & RECOMMENDATION:**

Staff provided an overview of the request and summarized the staff report regarding the proposal, findings, and recommended stipulations. Staff further discussed the existing context, zoning and entitlements, as well as how the proposal, as stipulated, is consistent with the surrounding land use pattern in the area.

Committee members requested clarification on the height from staff. Staff clarified that the maximum height allowed with R1-18 is 2 stories or 30 feet.

Ms. Wendy Riddell, Berry Riddell LLC, presented additional details about the request. Ms. Riddell highlighted the multiple revisions of the site plan in working with staff, the fact that Dynamite is designated as a Major Arterial, and that the applicant has helped to connect the city and county regarding the larger area flooding issues that impact the site and the adjacent properties. The applicant also proposed two additional stipulations: one would limit the height on lot 13 to single story and the second would require full cut off light fixtures to prevent light spillage onto adjacent properties.

Committee members had the following questions and concerns:

1. What street improvements are being made?
2. What flooding improvements are being made?
3. Is the east portion of the site developable?
4. The setbacks along Dynamite are appreciated.
5. The extra area dedicated for retention/drainage is appreciated.
6. Lot 23 shares property lines with 5 adjacent lots, this is undesirable.
7. View fencing may not be appropriate for properties that are adjacent to Dynamite Boulevard.
8. What is the flood zone at this location?

9. How much higher in elevation is the Crabtree property (property to the east)?
10. Clarify what full cut off lighting is?
11. Did the applicant consider assembling adjacent properties?

Ms. Riddell responded with the following:

1. The city requires 70 feet of right of way dedication for the north half of Dynamite Boulevard.
2. Larger than required retention areas will help slow and dissipate flood waters.
3. Yes, the east portion of the site can be developed however staff has directed the applicant to preserve the wash in its natural state as much as possible.
4. Noted.
5. Noted.
6. Noted.
7. The applicant agrees and is supportive of the removal of the view fencing stipulation from staff.
8. The applicant called upon the project engineer to provide clarity to the flood zone designation.
9. The exact elevation change was not available; however, it was suggested to be approximately 4 feet.
10. Full Cut off doesn't allow you to see the bulb.
11. The applicant did consider assembling other parcels.

Chairman Bowser opened the floor to public comment.

Ms. Mary Markey, area resident, opposed the project and chose not to speak.

Ms. Lana Cullen, area resident, commented that she opposes the request due to flooding and density concerns.

Ms. Kelly Henry, opposed the project and wished to donate her time to her husband.

Mr. Corky Irion, area resident, raised concerns about area flooding and that the right of way dedication for 42<sup>nd</sup> Street is not equivalent to what he is dedication on the west side of 42<sup>nd</sup> Street.

Mr. Tom Marco, area resident, raised concerns about not being notified about this proposal and had additional concerns regarding height and density. Mr. Marco requested that no construction start prior to 6am and that the lighting be restricted to 16 foot light poles.

Mr. KC Henry, area resident, raised concerns regarding the flooding and suggested that the east portion of the property where the wash occurs should not contribute towards the gross acreage and density calculation. Mr. Henry commented that more outreach should have occurred and that this land use is not needed in the area.

Mr. Matt Holloway, area resident, raised concerns regarding the proposed lot sizes which are approximately 15% smaller than those surrounding the property and that the proposal does not fit the character of the area.

Ms. Earla White, area resident, raised concerns about mosquitos in the newly proposed retention areas and reiterated concerns regarding the larger area flooding issues, lighting and impact to wildlife.

Ms. Carlyn Crabtree, area resident, raised concerns regarding the larger area flooding issues.

Ms. Jackie Miller, area resident raised concerns regarding the larger area flooding issues. Ms. Miller also stated that she was not notified of this proposal.

Ms. Mary Markey, area resident, decided to speak and raised concerns regarding development trends in this area.

Ms. Riddell, in rebuttal, responded to some of the public concerns. Ms. Riddell commented that the applicant is happy to restrict the light poles to 16 feet in height. Ms. Riddell commented that the City and County are aware of the larger flooding issues and the applicant has helped to initiate this conversation.

Committee members had the following questions and concerns:

1. What is the depth of the retention basins?
2. Are there any other washes/areas of stormwater runoff on the property?

Ms. Riddell responded with the following:

1. The retention basins are approximately 3 to 4 feet in depth.
2. Yes, other areas of storm water runoff come from the north east and will be guided down a swale along the east portion as well as along the perimeter landscaping on the west portion of the site.

Vice Chair Kruczek commented that there are four issues he is concerned about:

1. We need more expertise from city or county staff regarding the larger area flooding.
2. All the adjacent property owners/neighbors have concerns.
3. The request is not consistent with the General Plan designation of 0-2 du/acre.
4. It appears the proposal is “gaming the system” as the lot sizes are not “large lots” as described by the General Plan.

Mr. Lagrave commented that no one is less in favor than he is however the area already has a flood problem, the property owner has rights as well, and similar cases in the past have encountered similar issues and constraints.

Committee member continued deliberation regarding the market for large lots vs. traditional lots, density, clustering, open space, and integration of the wash.

### **Motion**

Vice Chair Kruczek motioned to approve as recommended by staff with modification and additional stipulations as follows:

1. The development shall be in general conformance with the site plan date stamped January 26, 2017, as modified by the following stipulations and approved by the Planning and Development



Department with specific regard to the following:

- A. The development shall not exceed 28 lots.
  - B. A minimum 20% open space shall be provided.
  - C. The minimum residential lot width shall be 55 feet.
2. The development shall utilize view fencing for homes that side on common open space tracts, as approved by the Planning and Development Department.
  3. A minimum 50-foot landscape setback shall be graded and planted to mimic natural desert landscape along the south property line, as approved by the Planning and Development Department.

#### ARCHAEOLOGY

4. The applicant shall submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

#### STREETS

5. Right-of-way totaling 70 feet shall be dedicated for the north half of Dynamite Boulevard, as approved by the Planning and Development Department.
6. Right-of-way totaling 25 feet shall be dedicated for the east half of 42<sup>nd</sup> Street, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. THE DEVELOPMENT SHALL USE FULL CUT OFF AND FULLY SHIELDED EXTERIOR LIGHT FIXTURES, AND ANY STREET LIGHTS WITHIN THE PARCEL SHALL BE MINIMIZED AND USE THE LEAST LUMENS POSSIBLE TO REDUCE LIGHT SPILLAGE FROM THE PROPERTY LINES TO ADJACENT PROPERTIES AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.
9. STREET LIGHTS WITHIN THE PARCEL SHALL BE LIMITED TO A MAXIMUM OF 16 FEET IN HEIGHT.
10. THE MINIMUM RESIDENTIAL LOT WIDTH SHALL BE 70 FEET.
11. LOTS 1 THROUGH 19 SHALL BE LIMITED TO SINGLE STORY.

Committee member Mr. Barto seconded.

## **Friendly Amendment**

Committee member Mr. Lagrave requested a friendly amendment to have the motion be for all perimeter lots be limited to single story and that the minimum lot width shall be 70 feet or the minimum lot size shall be 8,400 square feet.

1. The development shall be in general conformance with the site plan date stamped January 26, 2017, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
  - A. The development shall not exceed 28 lots.
  - B. A minimum 20% open space shall be provided.
  - C. The minimum residential lot width shall be 55 feet.
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8. **THE DEVELOPMENT SHALL USE FULL CUT OFF AND FULLY SHIELDED EXTERIOR LIGHT FIXTURES, AND ANY STREET LIGHTS WITHIN THE PARCEL SHALL BE MINIMIZED AND USE THE LEAST LUMENS POSSIBLE TO REDUCE LIGHT SPILLAGE FROM THE PROPERTY LINES TO ADJACENT PROPERTIES AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.**

9. STREET LIGHTS WITHIN THE PARCEL SHALL BE LIMITED TO A MAXIMUM OF 16 FEET IN HEIGHT.
10. THE MINIMUM RESIDENTIAL LOT WIDTH SHALL BE 70 FEET OR **MINIMUM LOT SIZE SHALL BE 8,400 SQUARE FEET.**
11. **ALL PERIMETER** LOTS 1 THROUGH 19 SHALL BE LIMITED TO SINGLE STORY.

**Vote:** 3-4 (Bowser, Chew, Nowell, Powell), Motion to approve failed

Staff shared with the committee that a recommendation is still needed for this item. Committee member continued discussion regarding the larger area flooding issue. Staff clarified that the committee may recommend to approve with modifications or additions to the stipulations, recommend to deny, or even recommend to continue, however suggested that the applicant be given an opportunity to respond to any remaining questions or concerns as well as voice their positions on the possibility of a continuation.

Chairman Bowser requested the applicant provide a brief explanation of the proposed flooding mitigation for the site.

Mr. Brian Nicholls, EPS Group, the project engineer provided clarification on the proposals flooding mitigation strategy. Ms. Riddell provided additional information regarding the public outreach strategy and suggested that a continuation would be a hardship for the applicant.

**Motion**

Vice Chair Kruczek motioned to deny the request. Committee member Mr. Powell seconded.

**Vote:** 4-3 (Bowser, Kruczek, Lagrave), Motion to deny passed.

Vice Chair Kruczek noted that he voted against the motion to deny as he proposed the motion only because he felt that the committee's discussion had reached its conclusion and that an up-or-down motion was appropriate to move the discussion forward.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no comments.

REPORT OF PLANNING COMMISSION ACTION  
March 2, 2017

|                 |  |
|-----------------|--|
| ITEM NO: 11     |  |
|                 | DISTRICT NO.: 2  |
| SUBJECT:        |  |
|                 |  |
| Application #:  | Z-73-16-2  |
| Location:       | Northeast corner of the 42nd Street alignment and Dynamite Boulevard |
| Request:        | County RU-43 (Pending S-1) To: R1-18 Acreage: 12.49                  |
| Proposal:       | Single-family Residential  |
| Applicant:      | EcoVista Development LLC/ Seth                                       |
| Owner:          | J & M Aronica Revocable Trust  |
| Representative: | Berry Riddell LLC/ Wendy Riddell esq.                                |

**ACTIONS:**

Staff Recommendation: Approval, subject to stipulations

Village Planning Committee (VPC) Recommendation:  
**Desert View 2/7/2017 Denied. Vote: 4-3**

Planning Commission Recommendation: Denied

Motion discussion: Commissioner Katsenes made a MOTION to approve Z-73-16-2 as recommended by staff with an additional stipulation that Lots 7, 11 and 13 be limited to one story.

Commissioner Glenn made a friendly amendment to add an additional stipulation that reads as follows:

PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT(S) THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF NEARBY EXISTING RANCHETTES AND ANIMAL PRIVILEGE PRIVATE PROPERTIES THAT MAY CAUSE ADVERSE NOISE, ODORS, DUST, AND OTHER EXTERNALITIES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Commissioner Katsenes accepted the friendly amendment.

Commissioner Glenn Second the motion.

Ms. Gomes asked for clarification regarding the building height stipulation and suggested that the stipulation be added under 1.D and read as follows:

BUILDING HEIGHTS ON LOTS 7, 11 AND 13 SHALL BE LIMITED TO A SINGLE STORY.

Ms. Gomes also asked if staff could get clarification as to what the maximum height of the one story will be because single story means different things to different people.

Commissioner Johnson stated it would be a maximum of 22 feet.

Ms. Gomes then stated that Stipulation 1.D would read as follows:

BUILDING HEIGHTS ON LOTS 7, 11 AND 13 SHALL BE LIMITED TO A SINGLE STORY WITH A MAXIMUM HEIGHT OF 22 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Commissioner Glenn stated that he had struggled as of late regarding this area. He noted that he could not speak for his fellow commissioners but from his perspective he looked for solutions regarding this project. He noted that the applicant had gone a long way to try to solve a lot of non-self-inflicted problems regarding the drainage issues and stated that the solutions provided may not appease everyone. He noted that density was also an issue and had taken guidance from a previous case in the area that approved R1-18 zoning. He believed that this specific zoning district is a good compromise as he could not support R1-10 or R1-6 in the area which had been approved to the east of the subject site. He noted that for those reasons he would be in support of the case tonight as he believed that R1-18 was a good and healthy compromise.

Commissioner Heck commented that the washes scare her because they are everywhere. However, she noted that it sounded as though the applicants worked hard to try to work around mother nature which was a hard thing to do. She stated that while this seemed like a good development she would have to respect the Village Planning Committee on this one and therefore was unable to support the case for that reason.

Commissioner Wininger asked if the motion could be read back before there was a vote made.

Ms. Gomes stated that the motion on the floor was as follows:

Approve Z-73-16-2 as recommended by staff with an additional stipulation that Lots 7, 11 and 13 be limited to one-story and 22 feet, as approved by the Planning and Development Department and an additional stipulation to read as follows:

PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT(S) THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF NEARBY EXISTING RANCHETTES AND ANIMAL PRIVILEGE PRIVATE PROPERTIES THAT MAY CAUSE ADVERSE NOISE, ODORS, DUST, AND OTHER EXTERNALITIES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Commissioner Shank stated that she believed the project was nice and that she would really like to see this built somewhere and believed that the density was not terrible for this neighborhood. She noted that she had a property on 42<sup>nd</sup> Street and would be siding with the neighborhood and what she heard from the Village. She stated that her neighbors here tonight were not thrilled with this development and that they were not happy with what they were seeing. She noted that she respected the horses and that we have encroached on the horse community and the people really like that lifestyle. She then noted that while she did not live

here full time she was there four days a week riding; therefore, she felt the need to support the neighborhood. She also stated that even though this was not her village she would be voting no on this item.

Commissioner Katsenes stated that she would like to echo the comment made by Commissioner Glenn that all of the commissioners struggled on this item. She noted that the Planning Commission had heard several cases in this area, some that have had additional density compared to what this project had. She also noted that nearly all of the speakers were not opposed to the density of the development but rather the drainage issues. She then stated that she read the Village report and found that drainage seemed to be the topic of most concern. She commented that the applicant and the developer worked hard to address those concerns and that they would not be able to solve all of the issues regarding drainage simply because one small project cannot address all of those concerns and that it was not their responsibility to do so. She further commented that the drainage problem seemed to exist on the property before this project was proposed. She stated that she felt confident that this development will not add to drainage issues and that those questions have been very well addressed which is why she would be in support of this case.

Commissioner Johnson stated that the commission members live throughout Phoenix and that they have made decisions that are part of their neighborhoods and not part of their neighborhoods. He then noted that the commission looked at planning issues and at times these are hard decisions. He stated that it was important to keep in mind that the Planning Commission recommendation was just a recommendation and that City Council would make the final decision. He noted that he hoped the applicant and neighborhood would have time to work together over the next thirty days and find a solution that worked for both parties.

Commissioner Winger stated that she would need to abstain from voting on this item as she could not often hear the discussions over the phone.

Motion details – Commissioner Katsenes made a MOTION to approve Z-73-16-2 as recommended by staff with an additional stipulation that Lots 7, 11 and 13 be limited to one-story and 22 feet and an additional stipulation to read as follows:

PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT(S) THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF NEARBY EXISTING RANCHETTES AND ANIMAL PRIVILEGE PRIVATE PROPERTIES THAT MAY CAUSE ADVERSE NOISE, ODORS, DUST, AND OTHER EXTERNALITIES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Maker: Katsenes

Second: Glenn

Vote: 3-3 (Shank, Montalvo and Heck) (Winger: Abstained)

Absent: Whitaker

Opposition Present: Yes

**Note:** *There was a quorum of seven members; however, Commissioner Winger abstained from voting on this item, leaving six Commissioners. The vote was split 3-3, therefore the motion did not obtain a majority vote resulting in a denial decision by the Planning Commission.*

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact Nici Wade at Voice (602) 495-0256 or the City TTY Relay at (602) 534-5500.

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

|  |  |   |                    |
|--|--|---|--------------------|
| <b>FORM TO REQUEST PC to CC</b>  |  |   |                    |
| <b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>   |  |   |                    |
| <b>APPLICATION NO/<br/>LOCATION</b>  | Z-73-16-2<br>Northeast corner of<br>the 42 <sup>nd</sup> Street<br>alignment and<br>Dynamite Boulevard | <i>(SIGNATURE ON ORIGINAL IN FILE)</i>            |                    |
|  |  | opposition  | applicant <b>X</b> |
| <b>APPEALED FROM:</b>  | PC 3/2/17  | Wendy Riddell<br>480-682-3902                     |                    |
|  | <small>PC/CC DATE</small>  | <small>NAME / PHONE</small>                       |                    |
| <b>TO PC/CC<br/>HEARING</b>  | CC 4/5/17  | 6750 E Camelback Rd, #100<br>Scottsdale, AZ 85251 |                    |
|  | <small>DATE</small>  | <small>STREET ADDRESS/CITY/STATE/ZIP</small>      |                    |
| <b>REASON FOR REQUEST:</b>   |  |   |                    |
| <p>The applicant's representative respectfully requests that the City Council hear rezoning case Z-73-16 at the hearing scheduled for April 5, 2017. The Planning Commission hearing resulted in a tie vote for a variety of reasons that were out of our control, but included the absence of one member and the inability of one Commissioner to hear the discussion due to a faulty telephone connection. Additionally, the applicant is continuing to work with the neighbors.</p> |  |   |                    |
| <b>RECEIVED BY:</b>  | MM / mb for LO   | <b>RECEIVED ON:</b>                               | 03/09/17           |

Alan Stephenson  
Sandra Hoffman  
Tricia Gomes  
Christina Encinas  
Stephanie Saenz  
Lilia Olivarez, PC Secretary  
PLN All





MAR 09 2017

**Planning & Development  
Department**

The **PLANNING COMMISSION** agenda for March 2, 2017 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. March 9, 2017.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., March 9, 2017.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front; back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. March 9, 2017.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. March 16, 2017.

**FORM TO REQUEST CITY COUNCIL HEARING**

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING: *42nd St alignment*

|   |   |
|---|---|
| <u>Z-73-16</u>                                | <u>NEC 44th Street &amp; Dynamite Blvd.</u> |
| APPLICATION NO.                               | LOCATION OF APPLICATION SITE                |
| <u>March 7, 2017</u>                          | <i>Mattie M...</i>                          |
| DATE APPEALED FROM                            | PLANNER                                     |
| <input type="checkbox"/> OPPOSITION           | (PLANNER TAKING THE APPEAL)                 |
| <input checked="" type="checkbox"/> APPLICANT |   |

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

|   |                      |
|---|----------------------|
| <u>Wendy Riddell</u>                    | <i>[Signature]</i>   |
| PRINTED NAME OF PERSON APPEALING        | SIGNATURE            |
| <u>6750 E Camelback Road, Suite 100</u> | <u>March 8, 2017</u> |
| STREET ADDRESS                          | DATE OF SIGNATURE    |
| <u>Scottsdale, Arizona 85251</u>        | <u>480-682-3902</u>  |
| CITY, STATE & ZIP CODE                  | TELEPHONE NO.        |
| <u>REASON FOR REQUEST See attached</u>  |                      |

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**

**Reason for Request:**

The applicant's representative respectfully requests that the City Council hear rezoning case Z-73-16 at the hearing scheduled for April 5, 2017. The Planning Commission hearing resulted in a tie vote for a variety of reasons that were out of our control, but included the absence of one member and the inability of one Commissioner to hear the discussion due to a faulty telephone connection. Additionally, the applicant is continuing to work with the neighbors.

**CITY OF PHOENIX**

MAR 09 2017

**Planning & Development  
Department**

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

|   |  |  |          |
|---|--|--|----------|
| <b>FORM TO REQUEST PC to CC</b>   |  |  |          |
| <b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>  |  |  |          |
| <b>APPLICATION NO/<br/>LOCATION</b>   | Z-73-16-2<br>Northeast corner of<br>the 42 <sup>nd</sup> Street<br>alignment and<br>Dynamite Boulevard | <i>(SIGNATURE ON ORIGINAL IN FILE)</i>           |          |
|   |  | <b>opposition</b>                                | <b>x</b> |
|   |  | <b>applicant</b>                                 |          |
| <b>APPEALED FROM:</b>   | PC 3/2/17  | Ken C Henry<br>602-723-4752                      |          |
|   | <small>PC/CC DATE</small>  | <small>NAME / PHONE</small>                      |          |
| <b>TO PC/CC<br/>HEARING</b>   | CC 4/5/17  | 4307 E Dynamite Boulevard<br>Cave Creek AZ 85331 |          |
|   | <small>DATE</small>  | <small>STREET ADDRESS/CITY/STATE/ZIP</small>     |          |
| <b>REASON FOR REQUEST: To require a 3/4 vote by City Council at pending meeting on the application dated 4/5/17</b> |  |  |          |
| <b>RECEIVED BY:</b>   | MM / LO  | <b>RECEIVED ON:</b>                              | 03/08/17 |

Alan Stephenson  
Sandra Hoffman  
Tricia Gomes  
Christina Encinas  
Stephanie Saenz  
Lilia Olivarez, PC Secretary  
PLN All



MAR 8 2017

The **PLANNING COMMISSION** agenda for March 2, 2017 is attached.

**Planning & Development  
Department**

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

- 1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. March 9, 2017.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., March 9, 2017.

- 2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front, back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. March 9, 2017.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

- 3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. March 16, 2017.

**FORM TO REQUEST CITY COUNCIL HEARING**

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-73-16-2  
APPLICATION NO.

N.E. CORNER of 42<sup>nd</sup> St. ALIQUOT AND DYNAMITE BLVD,  
LOCATION OF APPLICATION SITE

3/2/17  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Mattie Allen  
PLANNER  
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

KEI C. HENRY  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

4307 E. DYNAMITE BLVD.  
STREET ADDRESS

3/6/17  
DATE OF SIGNATURE

CAVE CREEK AZ 85331  
CITY, STATE & ZIP CODE

602-723-4752  
TELEPHONE NO.

REASON FOR REQUEST TO REQUIRE A 3/4 VOTE BY CITY COUNCIL AT PENDING MEETING ON THE APPLICATION DATED 3/4/17

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

MAR 8 2017

Petition for THREE QUARTERS Vote by City Council

For

Planning & Development  
Department

REZONING APPLICATION #Z-73-16-2

Request: RU-43 to R1-18

Location: Northeast corner of the 42<sup>nd</sup> Street alignment and Dynamite Boulevard

We the undersigned are OWNERS of property within 150 feet of the property requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three quarters (3/4) vote.

| Date   | SIGNATURE | Print Name          | ADDRESS                       | APN         |
|--------|-----------|---------------------|-------------------------------|-------------|
| 3/7/17 |           | Ken C. Henry        | 4307 E. DYNAMITE BLVD         | 212-18-016G |
| 3/7/17 |           | Kelly Henry         | 4307 E. Dynamite Blvd         | 212-18-016G |
| 3/7/17 |           | ASHLEY HOLLOWAY     | 4323 E. DYNAMITE BLVD         | 212-18-016H |
| 3/8/17 |           | Matt Holloway       | 4323 E. Dynamite Blvd         | 212-18-016H |
| 3/7/17 |           | YOLANDA BOYD        | 4308 E. MARK LANE             | 211-39-029  |
| 3/7/17 |           | Earla White         | 4319 E. Mark Lane             | 211-39-002Z |
| 3/7/17 |           | Cardyn Sue Crabtree | 4315 E Mark Lane              | 211-39-002Y |
| 3/7/17 |           | Earl L. Crabtree    | 4315 E Mark Lane              | 211-39-002Y |
| 3/7/17 |           | SUSAN GARVEY        | 4335 E. DYNAMITE BLVD         | 212-18-016J |
| 3/7/17 |           | JERRY PITTMAN       | 4335 E DYNAMITE BLVD          | 212-18-016J |
| 3/7/17 |           | JACOBS MILLER       | 28411 N. 42 <sup>nd</sup> ST  | 211-39-002C |
| 3/7/17 |           | LES HEINERT         | 4209 E. DYNAMITE BLVD         | 212-18-016D |
| 3/7/17 |           | CAROL HEINERT       | 4209 E Dynamite Blvd          | 212-18-016D |
| 3/7/17 |           | CORKY IRION         | 28232 N. 42 <sup>nd</sup> ST  | 211-39-006J |
| 3/7/17 |           | KARLYS IRION        | 28232 N. 42 <sup>nd</sup> ST. | 211-39-006J |
| 3/7/17 |           | ALLEN STALCUP       | 28404 N. 42 <sup>nd</sup> ST. | 211-39-006F |
| 3/8/17 |           | TOM MARCO           | 4234 E. MARK LN               | 212-39-002V |