



**Village Planning Committee Meeting Summary**  
**Z-58-24-8**

<b>Date of VPC Meeting</b>	July 9, 2024
<b>Request From</b>	S-1
<b>Request To</b>	R1-10
<b>Proposal</b>	Single-family residential
<b>Location</b>	Approximately 710 feet north and 305 feet west of the northwest corner of 20th Avenue and South Mountain Avenue
<b>VPC Recommendation</b>	Continuance to August 13, 2024
<b>VPC Vote</b>	11-3

*Tremikus Muhammad left the meeting bringing quorum to 14 members (ten needed for a quorum).*

*Nine members of the public registered to speak in opposition to this item and 19 members of the public registered in opposition but did not wish to speak. Four members of the public donated their time to Jewel Clark, five members of the public donated their time to Jai Goudeau, and two members of the public donated their time to Julian Galindo.*

STAFF PRESENTATION

**Samuel Rogers**, staff, presented the request, the location of the subject site, the surrounding context, the General Plan Land Use Map designation, the site plan, proposed elevations, the staff recommendation, the staff findings, and concluded by presenting the proposed stipulations.

APPLICANT PRESENTATION

**John Fox**, representing the applicant with William Seymour Co., presented the subject site, the proposal, the surrounding zoning, alignment with the General Plan, Rio Montaña Area Plan, and other policy plans, the existing conditions, the proposed landscape plan, elevations, and site plan, project benefits, and the public outreach.

PUBLIC COMMENT

**Jewel Clark** expressed concerns about the proposed development, stated concerns about the two-story homes, and stated that the high density of the project is out of character with the area. Ms. Clark stated that there was no mention of Accessory Dwelling Units (ADUs) in the applicant presentation and raised concerns about an additional 200 trips that the development would generate. Ms. Clark emphasized that the

area currently has an open feel which would be lost, leading to an increase in heat due to reduced open space. Ms. Clark questioned whether the homes would be for rent or sale and noted that many other homes are already being introduced into the area. Ms. Clark stated that the developer has not had good conversations with the neighbors.

**Jai Goudeau** highlighted several issues, starting with the difficulty of turning left onto Baseline Road, which can take up to 15 minutes. Mr. Goudeau noted that the existing homes average 11,000 square feet, compared to the proposed 7,000 square feet. Mr. Goudeau stated he is not opposed to development with fewer homes and criticized the applicant for being unresponsive to working with the neighbors. Mr. Goudeau stated that large vehicles would struggle to maneuver and stated that the first meeting was too small, prompting him to request a second meeting. Mr. Goudeau explained that he reserved the room for the second neighborhood meeting. Mr. Goudeau also expressed concerns about the traffic circle eliminating street parking and mentioned that there are other places where such developments would make more sense.

**Jewel Clark** stated that there is no guarantee that Dorothy, the property owner to the south, will move. Ms. Clark stated that the neighborhood is healthy and diverse and does not need this development. Ms. Clark pointed out that the first notification was not received within the required 10-day notice period, and no solutions were provided.

**Julian Galindo** shared his experience as a resident for 15 years and expressed pride in the neighborhood. Mr. Galindo compared a traffic letter with a full traffic study and voiced opposition to the proposal. Mr. Galindo raised concerns about foot traffic, the safety of children, and the long-term issues related to extra traffic.

**Nicole Sordello** stated she never received notice and suggested that there wouldn't be an empty chair in the room if the notification had been proper. Ms. Sordello expressed concerns about the impact of two-story homes on her privacy, noting that several lots will back up to her property. Ms. Sordello stated the project has multiple unknowns regarding rentals and HOA prohibitions on short-term rentals.

**Joe Hernandez** stated there is already heavy traffic near his residence at the entrance of the subdivision to the north and stated that the proposal would make traffic worse. Mr. Hernandez questioned how construction crews would maneuver, stated that the neighborhood has been seeking to add an entry breezeway for the Wyndham Square neighborhood, and expressed disappointment that new subdivision name may end up on the breezeway too.

**Mike Josic** stated that the applicant does not own the property, and the sale is contingent on the rezoning being approved. Mr. Josic mentioned the lack of discussion on ADUs, which could result in about 40 households, and raised traffic concerns. Mr. Josic argued that two-story buildings are inappropriate and stated that 20th Lane would not likely connect to South Mountain Avenue in the near future because Dorothy, the

property owner to the south, is not likely to move soon. Mr. Josic urged the committee to reject the request and stated that the proposal is the wrong project in the wrong place.

**Funyung Mon** stated concerns about increases traffic, expressed frustration with the already terrible traffic, and noted that her insurance quote increased by 20% due to the area's high accident rate.

**Monica Garcia** stated she is a housing lawyer, stated the neighborhood had endured half-built houses being built and flooding issues. Ms. Garcia stated traffic concerns, stated that the homes are small, stated that insurance premiums will keep going up, and asked the VPC to oppose to the project.

**Candice McDonald Ramsey** stated she works for Corporate America, clarified that she is not trying to hinder the City's progress and understands the need for homeownership. Ms. Ramsey expressed a willingness to compromise and highlighted the potential upside for existing homeowners. Ms. Ramsey acknowledged that small homes could be a good product but considered them inferior to existing homes. Ms. Ramsey stated concerns about construction vehicle presence, stated she appreciated the VPC hearing the community, and stated she feels that the applicant was not listening to their voices.

**Jacques Phelps** spoke about the diversity in the area, mentioning that he had just closed on a home. Mr. Phelps expressed concern that the project would adversely impact home values and the recent investment, negatively affecting his family and what he has built.

**Chair Trent Marchuk** noted for the record that 29 cards had been submitted in opposition to the proposed development, with 0 cards in support. Chair Marchuk also reported that a petition opposing the development had gathered 63 signatures, 31 letters of opposition were received, and explained that of the 52 homes in the Wyndham Square neighborhood, 29 residents were in opposition to the proposal.

#### APPLICANT RESPONSE

**Mr. Fox** stated that South Mountain is a large area where R1-10 zoning is appropriate and explained that the size of the lots is based on the Planned Residential Development (PRD) option for R1-10. Mr. Fox emphasized that the project is designed to prevent water from flowing into the neighborhood to the north. Mr. Fox acknowledged concerns about the presence of two-story homes but stated that there are two-story homes in the subdivision to the north. Mr. Fox clarified that the project has never been intended as a rental community or proposed to include Accessory Dwelling Units (ADUs). Mr. Fox expressed frustration, suggesting that the opposition indicates a reluctance to be good neighbors. Mr. Fox affirmed that the development would consist of quality homes and foster good neighborly relations.

**Mr. Goudeau** responded by acknowledging the presence of two-story homes in the area. Mr. Goudeau expressed concerns that the proposed retention measures might create issues for existing homes.

#### QUESTIONS FROM THE COMMITTEE

**Committee Member Busching** asked if the applicant is interested in continuing the case to allow more time to work with the community. **Mr. Fox** stated that he does not think he can go through the process another time.

**Committee Member Darlene Jackson** remarked that Phoenix is growing and emphasized the goal of building a healthy and connected city. Committee Member Jackson inquired whether the project would contribute to building a healthy community. **Mr. Fox** stated that the project includes connected sidewalks and open space and stated that detached sidewalks could be removed to widen the street. Committee Member Jackson questioned if it is fair to take away something to give something. Mr. Fox stated that when the neighborhood to the north bought their homes Baseline Road was already there.

**Committee Member Kay Shepard** asked why a Traffic Statement was used instead of a Traffic Impact Analysis (TIA). **Mr. Rogers** explained that a Traffic Statement is appropriate for smaller developments, but not for larger ones. Committee Member Shepard asked what the current width of 20th Lane is. **Mr. Fox** explained that the current street is 28 feet wide. Committee Member Shepard stated that the development should not include two-story homes.

**Committee Member Edward Aldama** stated that the original question was about walkability and questioned why the conversation had shifted to needing wider street that do not help with walkability. Committee Member Aldama stated that detached sidewalks would improve walkability and that people generally avoid cul-de-sacs. Aldama advocated for the future residents and stated that he believes the proposed walkability would be adequate and traffic would not have a significant impact.

**Committee Member Kassandra Alvarez** stated that the South Mountain VPC has high standards for community engagement, asked what issues were encountered while working with the community, and inquired about the timeframe for connecting to South Mountain Avenue. **Mr. Fox** indicated that the Wallace Group is building high-end products in the area and stated that the timeframe for the project is to move forward as soon as possible, aiming to start around the beginning of next year. Committee Member Alvarez further asked about the timeframe for connecting to South Mountain Avenue. Mr. Fox stated that the connection to South Mountain Avenue is not an empty promise, stated that the timing of Dorothy's move is uncertain, and noted that the City of Phoenix requires 20th Lane to be built for an eventual connection to South Mountain Avenue. Mr. Fox acknowledged difficulties in working with neighborhoods, stated that his team is not

willing to change the proposed density, and stated that his team is open to adjusting lot sizes.

**Committee Member Gene Holmerud** stated that the proposal will add 20 residences to the existing 52 residences that access the neighborhood via Baseline Road and asked how the access compares other developments over the past ten years. **Chair Marchuk** asked how many homes accessed Baseline Road on the self-storage special permit case on 41st Street and Baseline Road. **Mr. Rogers** stated that over 100 homes access Baseline Road via 41st Street and stated that he does not have statistics on access. **Committee Member Tamala Daniels** stated that the VPC had approved subdivisions with limited access in the past. **Committee Member Emma Viera** argued that precedent should not dictate future decisions and emphasized the importance of unity within the community. Committee Member Viera expressed a desire for the developer to be invested in working with the community. **Mr. Fox** stated that if the neighborhood would work with him, he would reciprocate and stated that both two-story and one-story homes are planned.

**Chair Marchuk** asked the development team if they are open to stipulating a ratio of the homes be one-story. **Mr. Fox** stated that the ratio could be stipulated and stated that the mix of heights is determined by the builder.

**Committee Member T. Daniels** stated that the site to the north is also zoned R1-10 but has different dimensions. **Mr. Fox** explained the proposal is utilizing the Planned Residential Development option. **Committee Member T. Daniels** highlighted that surrounding sites are R1-10, expressed that people seem unhappy with the access being through the development, and asked if there is any stipulation requiring that the proposed subdivision eventually connect to South Mountain Avenue. **Mr. Rogers** explained that, per Stipulation No. 12, the City is requiring a temporary turn around at the terminus of 20th Lane that would eventually connect to South Mountain Avenue. Committee Member Busching asked for clarification on Stipulation No. 12. Mr. Rogers explained Stipulation No. 12 and explained the City would require 20th Lane to connect to South Mountain Avenue if the property to the south develops with a use such as a subdivision, but not if a use such as a single-family home is proposed.

**Committee Member Busching** inquired about the owner of the property to the south and asked if an access easement across the property to the south is a possibility. **Mr. Fox** stated that the subject site is owned by the same owner of the property to the south and explained that an access easement would be a burden on the property owner to the south. **Committee Member T. Daniels** asked why the property owner to the south would put an easement on a home she currently lives in. Committee Member Busching explained that the property owner to the south could sell an access easement at the same time she sells the subject site.

**Committee Member T. Daniels** stated that when the development to the north was rezoned, there were likely complaints from S-1 property owners in the area, explained

there is always resistance to smaller housing products, and stated that it is unfair to prohibit two-story homes when the neighboring area has two-story structures. **Vice Chair Arthur Greathouse III** proposed stipulating that no two-story homes be placed next to each other. Committee Member T. Daniels stated that it could be stipulated that no two-story home can be next to each other if the developer is willing to offer the concession.

**Committee Member T. Daniels** asked about using flood maps to address retention issues. **Mr. Fox** responded that the proposed retention basins will maintain any onsite water, stated that flows would be monitored by the City of Phoenix, and explained that the development team was required to overlay the flood maps during their assessment. Mr. Fox stated that he is willing to work with the neighborhood on anything other than reducing the proposed density.

**Committee Member Aldama** asked if the development would improve flooding issues in the immediate area. **Mr. Fox** confirmed the retention basins would improve water issues.

**Committee Member Jackson** expressed concerns about the number of proposed units and stated that traffic concerns are not being addressed.

**Committee Member Holmerud** stated that there was a question about requiring a ratio of single-story and two-story homes, stated that in the past the VPC had stipulated that two-story homes be in the center of the development, and stated that the stipulation will not work on the proposed development because of the small site size.

**Chair Marchuk** explained that the proposal is technically R1-10, but the housing product is more similar to an R1-6 product, stated that the density in the area ranges from 2.5 to 3.5 units per acre, and stated that proposed 4 units per acre seems aggressive. Chair Marchuk stressed the importance of community engagement and proposed taking a month-long break to continue the case to allow more time to work with the community. **Mr. Fox** agreed to continue the case and suggested that a mediator be present at the next neighborhood meeting.

**Committee Member T. Daniels** asked if information on the Rio Montaña Area Plan could be distributed to the applicant and asked for clarification on the proposed density bonus. **Mr. Rogers** explained that additionally amenities can be provided in exchange for a higher allowed density. Committee Member T. Daniels asked if the proposal had been reviewed to ensure the proposed bonus points would allow the proposed density. Mr. Rogers explained that the final assessment of bonus points would be determined through the development review process. **Chair Marchuk** ask what the proposed density is. Mr. Rogers explained the proposed density is 4.4 units per acre. Committee Member T. Daniels asked about the proposal's compliance with development standards such as setbacks. Mr. Rogers explained that a site plan showing home locations was not provided.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

**MOTION**

**Committee Member Kay Shepard** made a motion to continue Z-58-24-8 to the August 13, 2024 South Mountain Village Planning Committee Meeting. **Committee Member George Brooks** seconded the motion.

**VOTE**

**11-3**, motion to recommend a continuance of Z-58-24-8 passes with with Committee Members Aldama, Alvarez, Brooks, Busching, F. Daniels, T. Daniels, Holmerud, Jackson, Shepard, Greathouse, and Chair Marchuk in favor and Falcon, F. Muhammed Roque, Viera opposed.

**Committee Member Alvarez** expressed hope that the relationship with the community could be repaired.

**Committee Member Petra Falcon** mentioned that the community had not been treated well and stated the community has said this project is not suitable for the location.

**Committee Member Holmerud** stated that stipulating a percentage of two-story homes will not work in the location.

**Committee Member Jackson** advocated for fewer homes and more open space.

**Vice Chair Greathouse III** encouraged collaboration. **Chair Marchuk** echoed Vice Chair Greathouse and encouraged collaboration from the applicant and the neighborhood.

**Committee Member Falcon** observed that community members left the meeting and did not get to hear the results.

**Committee Member T. Daniels** explained that if the vote were to reject the project, it would not stop the development process and stated that Arizona has various housing formations. Committee Member T. Daniels mentioned the skyrocketing housing market, the developer's agreement to return, and the importance of creating a win-win situation. Committee Member T. Daniels encouraged everyone to bring a positive attitude to the discussion

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

None.

## Village Planning Committee Meeting Summary Z-58-24-8

<b>Date of VPC Meeting</b>	August 13, 2024
<b>Request From</b>	S-1
<b>Request To</b>	R1-10
<b>Proposal</b>	Single-family residential
<b>Location</b>	Approximately 710 feet north and 305 feet west of the northwest corner of 20th Avenue and South Mountain Avenue
<b>VPC Recommendation</b>	Continuance to September 10, 2024
<b>VPC Vote</b>	12-0

*Committee Member Tamala Daniels joined the meeting bringing quorum to 12 members (ten needed for a quorum).*

*Six members of the public registered to speak in opposition to this item and 12 members of the public registered in opposition but did not wish to speak. Four members of the public donated their time to Jewel Clark and three members of the public donated their time to Jai Goudeau.*

**Chair Trent Marchuk** explained that the applicant for case Z-58-24 reached out to request a continuance to the September 10, 2024 South Mountain Village Planning Committee meeting. Chair Marchuk stated that a continuance was granted in the last meeting and noted that the applicant has been working with the community but that progress still needs to be made. Chair Marchuk stated the applicant is hopeful that another month will yield the necessary progress, thanked the community members for attending the meeting, and asked staff for clarification on the process.

**Samuel Rogers**, staff, explained that a motion to continue the case could be made.

**FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE**

**MOTION**

**Committee Member Kay Shepard** made a motion to continue Z-58-24-8 to the September 10, 2024 South Mountain Village Planning Committee Meeting. **Committee Member George Brooks** seconded the motion.

**VOTE**

**12-0**, motion to recommend a continuance of Z-58-24-8 passes with with Committee Members Aldama, Beehler, Brooks, Brownell, Busching, T. Daniels, Holmerud, Jackson, Shepard, Viera, Vice Chair Greathouse, and Chair Marchuk in favor.



**Chair Trent Marchuk** stated for the record that 17 comment cards had been received in opposition to the project and thanked the community for attending.

**Committee Member Marcia Busching** emphasized the importance of ensuring that people in attendance are aware of the ongoing negotiations and are able to participate. **Chair Marchuk** stated his understanding that two individuals were appointed by the community to be their representatives in the negotiations and added that others are welcome to participate. Chair Marchuk asked about the process for people to get involved. **Mr. Rogers** informed the committee that community members could reach out to himself, the Chair, or the applicant to get involved.

**Committee Member Brooks** asked why there are still so many people in attendance who are in opposition if progress is being made. **Chair Marchuk** stated that the need for continued negotiation is the reason the applicant requested a continuance.

**Committee Member Tamala Daniels** inquired about the requirement for community notification when a continuance is going to be requested. **Committee Member Brooks** suggested that there should be a timeline to ensure people are informed when a continuance is going to be requested. **Chair Marchuk** stated that the community representatives were informed about the continuance as soon as he had heard. **Committee Member Greg Brownell** commented that the community representatives are not the only people who represent the community given the number of people in attendance. **Committee Member Gene Holmerud** stated that the issue could be resolved with a real-time website but acknowledged that this would be a significant undertaking.

**Committee Member T. Daniels** asked how long prior to the meeting applicants are required to inform the committee that a continuance is planned to be requested. **Mr. Rogers** stated that applicants are allowed to request continuances up to the meeting itself. Mr. Rogers explained that while it would be prudent to inform the community earlier, there is no regulation requiring this. **Committee Member Brooks** asked what the process would be to implement a new rule requiring earlier notification for continuances. Mr. Rogers stated that he would have to follow up on the topic.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

None.

**Village Planning Committee Meeting Summary**  
**Z-58-24-8**

<b>Date of VPC Meeting</b>	September 10, 2024
<b>Request From</b>	S-1
<b>Request To</b>	R1-10
<b>Proposal</b>	Single-family residential
<b>Location</b>	Approximately 710 feet north and 305 feet west of the northwest corner of 20th Avenue and South Mountain Avenue
<b>VPC Recommendation</b>	Approval, per the staff recommendation with additional stipulations
<b>VPC Vote</b>	7-5

*12 members of the public registered to speak in opposition to this item and 10 members of the public registered in opposition but did not wish to speak. Four members of the public donated their time to Jewel Clark and four members of the public donated their time to Jai Goudeau.*

**STAFF PRESENTATION**

**Samuel Rogers**, staff, presented the request, the location of the subject site, the surrounding context, the General Plan Land Use Map designation, the site plan, proposed elevations, the staff recommendation, the staff findings, and concluded by presenting the proposed stipulations.

**APPLICANT PRESENTATION**

**John Fox**, representing the applicant, presented the history of the rezoning process, including his attendance at two previous Village Planning Committee (VPC) meetings. Mr. Fox stated that the City is recommending approval of the rezoning request, explained that his team had provided a site plan to the neighbors that reduced the number of units from 20 to 18, explained that he had received additional stipulations from neighborhood representatives asking for a 16-unit proposal, explained he thought his team and the neighbors could meet in the middle with an 18-unit proposal, and explained that his team is now proposing a 20-unit development.

**PUBLIC COMMENT**

**Chair Trent Marchuk** noted that there were 22 cards in opposition to the project, with no cards in support and explained that five cards were submitted to Jai Goudeau, five to Jewel Clark, and one card to Mike Josic.

**Jewel Clark** explained where she lives and stated that she has consistently opposed an 18-unit development. Ms. Clark asked Mr. Fox about compliance with the Rio Montaña Plan, expressed concerns about preserving the character of the area, and referenced City of Phoenix policy plans that emphasize compatibility. Ms. Clark explained that she is not opposed to a development but wants a development that fits the neighborhood. Ms. Clark explained that she would support the proposal if it included stipulations provided by the neighborhood representatives. **Committee Member Marcia Busching** asked how the proposed neighborhood stipulations were developed and if they came from City of Phoenix policy plans or previous cases. Ms. Clark explained that many of the neighborhood requested stipulations came from the Rio Montaña Plan and other rezoning cases in the area.

**Julian Galindo** explained he attended the meeting with the developer and that the neighborhood had been against an 18-unit proposal, explained he is a civil engineer, and stated that he has concerns about stormwater management and the project's density. **Committee Member Busching** asked a question regarding the retaining wall. Mr. Galindo confirmed that he advocated for the stipulation regarding the retaining wall and explained that the retaining wall will help to mitigate flooding concerns. Committee Member Busching asked whether Mr. Fox was in opposition to the stipulation. Mr. Galindo responded that the stipulation had been discussed but not agreed to.

**Committee Member Greg Brownell** inquired about the project's floodplain review. **Mr. Rogers** explained that the project had gone through a preliminary floodplain review, but a full grading and drainage review will occur when the development comes in for permitting. **Chair Marchuk** stated that the existing homes to the north are four feet lower than the proposed development, explained that the retaining wall will mitigate flooding issues, and explained that Mr. Fox had agreed to the retaining wall in concept.

**Kara Moreno** echoed other neighbors' concerns regarding the proposed development and explained concerns about the impact of the development if additional street access is not provided. Ms. Moreno emphasized the potential safety risks associated with construction activities, including traffic and car safety. Ms. Moreno also raised concerns about the increased length of the street, which she believed could encourage faster driving, potentially leading to safety hazards due to speeding vehicles.

**Jai Goudeau** explained that he owns the first home built in the neighborhood to the north, highlighted ongoing flooding issues, and stated traffic accidents occur every 2.5 days at 19th Avenue and Baseline Road. Mr. Goudeau expressed concerns about the proposed street length and the temporary turnaround in the development, noting potential difficulties for large trucks navigating the roundabout. Mr. Goudeau explained that the community proposed several design alternatives and stated the developer backed out of negotiations at the last minute. Mr. Goudeau expressed concerns about the meeting noticing, stated that the HOA failed to send timely notices, and stated more neighbors would be in attendance if they had been properly noticed. Mr. Goudeau stated that he is

not opposed to building a community, emphasized that all traffic from the new development would flow through Wyndham Square, and explained the development would effectively be an extension of the Wyndham Square neighborhood.

**Mike Josic** voiced his understanding of the housing crisis but argued that reducing the number of homes by four would not significantly impact the crisis. Mr. Josic emphasized that the proposed development feels unfair to current residents and urged the committee to vote against it.

### APPLICANT RESPONSE

**Mr. Fox** provided examples of other developments in the area that were not held to the same requirements the neighborhood is asking his team to comply with. Mr. Fox explained that the neighborhood's stipulations were received too late and that the staff is already stipulating that the site plan, elevations, and landscape plan be reviewed by the Planning Hearing Officer (PHO) and the South Mountain VPC. Mr. Fox explained that the Rio Montaña plan is an older plan and explained that he disagrees with some of the stipulations but stated that he is open to compromise on others.

### QUESTIONS FROM THE COMMITTEE

**Committee Member Coleman** asked when other subdivisions Mr. Fox referenced were built. **Mr. Fox** explained that they were constructed within the last 15 to 20 years.

**Committee Member Beehler** asked if Mr. Fox was the purchaser or the owner of the property, who owns the parcel to the south, and asked about a potential access easement across the parcel to the south. **Mr. Fox** explained that he is in escrow for the purchase of the subject site, explained that the property owner also owns the parcel to the south, and stated the owner is not open to an access easement across the property to the south.

**Chair Marchuk** asked staff to explain the City's perspective on the street termination. **Mr. Rogers** explained that the proposed street must be designed to accommodate a future connection to the parcel to the south and stated that most potential uses for the southern parcel, aside from a single-family home, would require this connection to the subject site.

**Committee Member Busching** asked if Mr. Fox was amenable to any of the neighborhood's stipulations. **Mr. Fox** explained which stipulations his team is not okay with and others he is willing to accept.

**Committee Member Coleman** asked if Mr. Fox was willing to comply with a retaining wall if approved by grading and drainage standards. **Mr. Fox** affirmed that he would comply if necessary.

**Chair Marchuk** mentioned that although the stipulation language was new, the content had been received on Sunday.

**Committee Member Petra Falcon** asked if the current plan was the one that the Planning Commission would see. **Mr. Rogers** explained that the stipulations are written so that the plans will come back in front of the VPC through the PHO process and explained that Mr. Fox may provide updated plans for the Planning Commission hearing.

**Committee Kay Shepard** asked about the VPC's ability to stipulate to a specific site plan. **Mr. Rogers** confirmed that the VPC can stipulate conformance to a site plan.

**Committee Member Busching** asked if there was an updated site plan. Mr. Rogers confirmed that the applicant had submitted an updated site plan date stamped September 5, 2024 and stated the site plan was included in the slide deck he had sent to the VPC.

**Committee Member Greg Brownell** expressed concerns about denying the case and it getting approved at the next hearing body without the VPC's input. Committee Member Brownell emphasized the need for more discussion, stated that an old plan does not imply a weaker plan, and clarified that the overlay is not law but guidance. Committee Member Brownell explained that if the committee opposes this, they are essentially out of the discussion, expressed a preference to keep the case at the committee level, explained that both citizens and the builder will need to compromise, and explained he would like the development team to return with a proposal that the committee can vote on.

**Committee Member Beehler** stated that the VPC should deny the project, stated the proposal does not adequately address key access issues to Baseline Road. expressed a belief that the property owner is selling prematurely, and explained that the owner should sell the entire property.

**Committee Member Holmerud** stated that most arguments against the development focus on perceived shortcomings and explained that the fact previous developments were not held to the same standards should not prevent negotiations on the proposed project.

**Committee Member Brownell** stated that the committee should not decline the proposal and recommended continuing the case and explained that declining the project would result in losing the opportunity for the VPC to impact the development.

**Committee Member Beehler** expressed that this project is unsuitable for the site at this time and reiterated the recommendation to decline.

**Committee Member Busching** mentioned her usual support for the neighborhood but expressed a different perspective due to the relatively small community. Committee Member Busching explained that people have the right to buy and develop land and

referenced that the Wyndham Square builder had constructed the development with a stub road intended to connect to the adjacent parcel to the south. Committee Member Busching acknowledged the hard work of the neighbors and the VPC and stated she would like to make a motion to approve the rezoning request with additional stipulations.

**Committee Member Holmerud** questioned the financial viability of a project with 16 lots. **Chair Marchuk** stated that his understanding is that 18 lots is the minimum acceptable for the development.

**Chair Marchuk** echoed Committee Member Busching, explained that VPC members, the applicant, and community representatives had been meeting weekly since the previous month's continuance of the case, and explained that the applicant declined to attend the final meeting. Chair Marchuk explained that the site plan had been extensively reviewed and explained that the layout makes the most sense with the current parcel dimensions. Chair Marchuk stated that negotiations were going well until the neighborhood provided a list of stipulations they would like considered, stated there was not adequate time to vet the neighborhood stipulations, stated there is still an opportunity for negotiation, and stated it may be premature to pass the project in its current form.

**Committee Member Shepard** stated that 18 lots are the bottom line for the developer, while 16 lots are the maximum for the community and expressed skepticism about any potential movement by either party on the proposal.

**Committee Member Beehler** explained there are ongoing access issues and expressed concern about burdening neighbors with additional traffic.

**Committee Member Shepard** inquired about the traffic generated by an 18-lot subdivision per day. **Mr. Fox** stated that traffic was analyzed by peak hour trips, not per day.

#### FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

#### MOTION

**Committee Member Mark Beehler** made a motion to deny Z-58-24-8. **Committee Member Gene Holmerud** seconded the motion.

#### VOTE

**4-8**, motion to recommend denial of Z-58-24-8 fails with Committee Members Beehler, Coleman, F. Daniels, and Holmerud in favor and Committee Members Brooks, Brownell, Busching, Falcon, T. Muhammad, Shepard, Greathouse, and Marchuk in opposition.

#### MOTION

**Committee Member Marcia Busching** made a motion to approve Z-58-24-8 with additional stipulations. **Committee Member Lee Coleman** seconded the motion.

**VOTE**

**7-5**, motion to recommend approval of Z-58-24-8 with additional stipulations passed with Committee Members Committee Members Busching, Coleman, Falcon, Holmerud T. Muhammad, Shepard, and Greathouse in favor and Committee Members Beehler, Brooks, Brownell, F. Daniels, and Marchuk and in opposition.

**Vice Chair Greathouse** explained that he had been a part of the process, including multiple iterations of the site plan, and stated it is unfortunate to have reached this point. Vice Chair Greathouse explained that good collaboration had been happening but was lost along the way. Vice Chair Greathouse stated that this is the most logical and feasible plan and wished there was more support, as a lot of work had gone into reaching this point. Vice Chair Greathouse emphasized that nobody was going to win everything or concede on every negotiation point and stated his support for the project.

**Chair Marchuk** stated that he would be voting in opposition to the motion to approve and explained there are several unresolved questions that should have been addressed and still have the potential to be resolved.

**VPC recommended stipulations:**

1. The conceptual site plan and landscape plan for future development of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process, including review by the South Mountain Village Planning Committee, for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.
2. The conceptual elevations for future development of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process, including review by the South Mountain Village Planning Committee, for stipulation modification prior to final site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.
3. Prior to preliminary plat approval, documentation shall be provided that demonstrates participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, as approved by the Planning and Development and Water Services departments.
4. A WaterSense inspection report from a third-party verifier shall be submitted that demonstrates successful participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, prior to

certificate of occupancy, as approved by the Planning and Development Department.

5. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized in the common areas and within the front yards of individual residential lots, as approved or modified by the Planning and Development Department.
6. Natural turf shall only be utilized on individual single-family lots (behind the front yard); required retention areas (bottom of basin); and functional turf areas within common areas, as approved by the Planning and Development Department.
7. Pressure regulating sprinkler heads and/or drip lines shall be utilized in any turf areas to reduce water waste.
8. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
9. Participation in the City of Phoenix Homeowner's Association Water Efficiency Program shall be incorporated into to Covenants, Conditions, and Restrictions for the subdivision, prior to final site plan approval.
10. Swimming pools on individual single-family lots shall be limited to 600 square feet in size.
11. A minimum 50 feet of right-of-way shall be dedicated and constructed for the full width of 20th Lane for the full length of the subject site, connecting to the southern adjacent parcel.
12. A minimum 50-foot radius easement shall be dedicated and a minimum 45-foot radius temporary turnaround shall be constructed at the southern terminus of 20th Lane. Alternatively, a permanent turn around design may be considered and shall include a center landscaped island, designed to City of Phoenix standards, as approved by the Street Transportation Department.
13. All streets within and adjacent to the development shall be constructed 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.



14. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. 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.
15. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
16. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
17. **THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 18 UNITS.**
18. **A MINIMUM OF 30% OF BUILDING ELEVATIONS SHALL INCLUDE COVERED PORCHES IN THE FRONT YARD AND REAR YARD AT A MINIMUM OF SIXTY SQUARE FEET EACH AND AT A DEPTH OF AT LEAST SIX FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
19. **THE MAXIMUM BUILDING HEIGHT FOR 80% OF THE LOTS SHALL BE LIMITED TO ONE STORY AND 26 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
20. **THE MAXIMUM BUILDING HEIGHT SHALL BE TWO-STORIES AND 32 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
21. **A MINIMUM OF 8% OF THE GROSS PROJECT AREA SHALL BE RETAINED AS COMMON AREA, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
22. **BUILDING ELEVATIONS SHALL CONTAIN MULTIPLE COLORS, EXTERIOR ACCENT MATERIALS AND TEXTURAL CHANGES THAT EXHIBIT QUALITY AND DURABILITY SUCH AS BRICK, STONE, COLORED TEXTURED CONCRETE OR STUCCO, OR OTHER MATERIALS TO PROVIDE A DECORATIVE AND AESTHETIC TREATMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

23. **ALL STREET-FACING GARAGE DOORS LENGTHS SHALL BE LESS THAN 50% OF THE TOTAL WIDTH OF THE FAÇADE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
24. **FRONT SETBACKS FOR COVERED BUILDING ELEMENTS SHALL BE STAGGERED BY A MINIMUM OF 5 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT**
25. **LOT WIDTHS SHALL VARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
26. **THE SOUTHERN END OF THE STREET SHALL HAVE LANDSCAPING AND ROD IRON VIEW FENCING TO ENHANCE THE VIEW OF SOUTH MOUNTAIN, UNTIL 20TH LANE IS CONSTRUCTED TO THE SOUTH OF THE PROPERTY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
27. **A RETAINING WALL SHALL BE PROVIDED ALONG THE NORTHERN BOUNDARY OF TRACT A, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
28. **THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED SEPTEMBER 5, 2024, AS MODIFIED BY THE ABOVE STIPULATIONS AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

Staff recommends that Stipulation No. 20 be deleted, as it seeks to limit the height of the development to 32 feet. The maximum height permitted with the R1-10 Zoning District is two stories and 30 feet and cannot be exceeded via a rezoning stipulation. Since the maximum height requirement of 30 feet will apply, a stipulation limiting the height to 30 feet is extraneous.