



Village Planning Committee Meeting Summary Z-30-20-5

Date of VPC Meeting	August 12, 2020
Request From	R1-6 SP, R1-6, and C-2
Request To	GC
Proposed Use	All permitted and accessory uses within the Golf Course zoning district
Location	Southeast of the southeast corner of 107th Avenue and Camelback Road
VPC Recommendation	Approval per the staff recommendation
VPC Vote	9-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee member Viri Hernandez joined the meeting during this item, bringing the quorum to 9.

Sarah Stockham, staff, presented an overview of the request by displaying an aerial map, reviewing surrounding zoning and land uses, sharing a brief history of the site, and reviewing the proposed stipulations.

Jeff O'Toole asked staff to confirm how many letters of support were received for this case. Ms. Stockham confirmed she received 67 letters of support for the case as of 4:00 PM that day.

Public Comment:

Larry Lazarus, with Lazarus and Silvyn, P.C, stated that he represents VDP Property Holdings, the property owner for the subject site. Mr. Lazarus stated that this is a unique case as it is the government coming to the committee, over the objections of the property owner, asking to rezone the site to take away their ability to develop the property according to the rights they have today. Mr. Lazarus asked the committee how they would feel if their neighbor attempted to require you to operate a business at a loss because they believe it will benefit the community, and if you refuse, asking the government to take away the rights the owner has to use the property. He continued by stating that is not how the government should run as it is not fair minded or reasonable. He shared that the property owner bought the property in 2017 with the knowledge that most of the site was zoned R1-6 for residential. He added that there was a special

permit on the site to operate a golf course but subsequently the City has determined that a special permit shall cease if the golf course was abandoned for 12 months. Mr. Lazarus continued that there was a stipulation on two-thirds of the land, requiring the land to be developed according to the Villa de Paz Neighborhood Master Plan dated May 12, 1973 yet the plan does not exist. He added that the golf course was losing over \$300,000 a year and could not continue to be a viable operation, therefore the property owner shut down the golf course. He added that certain neighboring property owners convinced the City that the City should take away these rights because they believe they benefit from forcing the property owner to operate a golf course at a loss. Mr. Lazarus stated that the property owner has met with potential purchasers, but they walked away. Mr. Lazarus concluded that government is attempting to take away rights from a property owner and the probable result of this rezoning case if approved is that the site will remain as open space and the neighbors, City and property owners will lose.

Vice Chair Gene Derie stated his family has history with the golf course as his wife knew the first golf pro at Villa de Paz in the 1970s. Mr. Derie continued that he shared a copy of the Villa de Paz Proposed Land Use & Zoning Plan dated May 1973 with the committee. He shared that the document states that the residents of Villa de Paz will live on and around a 18-hole golf course and they will be able to walk or bicycle to the clubhouse to eat, drink, play tennis, swim, practice putting, or use a driving range. Vice Chair Derie continued that Villa de Paz was planned to be a golf course community and it has been a golf course community. Vice Chair Derie concluded that Villa de Paz is a neighborhood like no other, and the community wants it to stay that way.

Jeff O'Toole shared that this issue has come full circle because in 2013, the committee heard similar reasoning from Mr. Lazarus that if housing is not allowed on the site it will become a brownfield as the golf course is operating at a loss. Mr. O'Toole continued that the golf course continued to run in 2013, 2014, 2015, and 2016, until the current owner purchased and shut down the golf course to vacate the special permit on the site. Mr. O'Toole continued that this case does not force any business to operate, this is a land use case and the question to consider is what the best land use is for this property. Mr. O'Toole agreed with Vice Chair Derie that the master plan does exist and the plan for the neighborhood is to be a golf course community. He continued that he can imagine why potential purchasers would walk away given the property owners' valuation of the site at 15 million dollars, but the case is regarding zoning and the community has been united in what they feel is the highest and best land use of this site. Mr. O'Toole concluded that the request for golf course zoning is to uphold the intent for the land since 1970s and thanked the members of the community who participated in rezoning process.

Chair Jeff Armor shared that Villa de Paz has been part of the West Valley and a subject of discussion for some time. Chair Armor continued that the current property owner purchased the site in 2017 and is stating they would be forced to operate a golf course that is losing money however the golf course could have losing money before the current owner purchased the property. Chair Armor added that this request is being brought through the rezoning process as there are different parcels with different zoning designations and when it was purchased, the property owner should have known that they would have had to go through the rezoning process. Chair Armor added that he is a supporter of property rights and in this case, the property rights of the surrounding

community should also be considered. Chair Armor thanked all those who have participated in this rezoning process.

Motion:

Chris Demarest motioned to recommend approval per the staff recommendation. **Jeff O'Toole** seconded the motion.

Discussion:

Vice Chair Gene Derie appreciated the motion made by Mr. Demarest and that he has stated all his comments on the topic at this time.

Joe Barba stated that it was great to see members of the public involved in the process and thanked them for their participation.

Chair Jeff Armor asked for clarification on the site plan that was referenced that cannot be found. Ms. Stockham stated that she would look into the situation and get back to the committee. Chair Armor asked Mr. Derie to confirm that he has the document. Mr. Derie stated that he has a PDF of the Villa de Paz Proposed Land Use & Zoning Plan and a sales brochure, and Mr. O'Toole has an original copy.

Vote:

9-0, Motion to recommend approval per the staff recommendation passed with Committee Members Armor, Derie, Barba, Demarest, DuBose, Garcia, Hernandez, O'Toole, and Valenzuela in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.