



## Village Planning Committee Meeting Summary Z-18-22-1

<b>Date of VPC Meeting</b>	June 9, 2022
<b>Request From</b>	S-1
<b>Request To</b>	R-2
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Northeast corner of 19th Avenue and Yearling Road
<b>VPC Recommendation</b>	Denial
<b>VPC Vote</b>	5-3

### VPC DISCUSSION:

#### STAFF PRESENTATION:

**Anthony Grande**, staff, provided an overview of the rezoning proposal, describing the recently annexed location of the request, land use designation, surrounding zoning and uses, and the existing and proposed zoning districts. Mr. Grande reviewed the project proposal including its site plan and stated that staff recommends approval as presented subject to stipulations that address concerns received from the public including privacy, traffic, density, and height.

**Keith Greenberg** asked for clarification on Stipulation 5 regarding tree caliper. **Mr. Grande** replied by defining caliper size.

**Michelle Gardner** questioned how Stipulations 1 and 2 relate to privacy. **Mr. Grande** affirmed that Stipulations 1 through 5 intend to create a buffer and cap density. **Ms. Gardner** inquired about surrounding residents' opinion.

**Ozzie Virgil** inquired about the Proposition 207 waiver; to which **Mr. Grande** clarified it serves to waive the right to litigation in the name of property values.

**Trilese DiLeo** asked about how stipulations are enforced and what would happen in the case that a developer does not adhere to them. **Mr. Grande** answered that stipulations are included in the same legal rezoning ordinance that is referenced during site plan review.

### Applicant Presentation:

**Charles Eckert**, with Red Hawk Development, introduced himself on behalf of the developer. Mr. Eckert displayed the site and its surrounding context and uses, including upcoming nearby developments. Mr. Eckert then discussed the neighborhood outreach and sign posting timeline, the district's PRD requirements, and the site plan specifications, stating that the project brings necessary diverse housing stock into the area. Mr. Eckert also noted that zoning stipulations are strictly conformed to during the construction and development process. Mr. Eckert next discussed how the proposal addresses issues that arose during neighborhood meetings, including ingress/egress, street improvements, parking, and infrastructure.

### Questions from the committee:

**Trilese DiLeo** asked whether the proposed units were to be rented or sold individually and if so for approximately how much to which **Mr. Eckert** responded that the units were to be sold individually as condominium units.

**Carol Shilliday**, the owner of the subject property, estimated that the current market value of the proposed units might be around \$500,000 - \$550, 000 dollars, though she stated that it would be impossible to say how much they might cost post-construction giving the current market trends and a possible housing bubble. **Ms. DiLeo** rebutted to ask why Ms. Shilliday was considering this development in the first place considering this uncertainty.

**Mr. Eckert** responded by sharing his experience with the changing housing market trends in Phoenix, echoing that there is a shortage of housing units notwithstanding. Mr. Eckert also added that the basis for this development is the area's high demand for housing in light of large population increases. **Ms. Shilliday** added to this comment stating that construction costs are a major factor in market rates.

**Ms. DiLeo** relayed that there were concerns from neighbors regarding density, and that the role of the Committee is to think about the long-term effects of development, though the price projections are appreciated. **Ms. Shilliday** mentioned two developments nearby to her home that are much larger in scope than the proposal.

**Ricardo Romero** asked about the square footage per unit. **Mr. Eckert** replied that the square footage per unit would be between 1,750-2,200 square feet. **Mr. Romero** responded by reiterating the housing shortage and need for new units.

**Michelle Gardner** inquired about the sewage infrastructure and whether it was a shared development cost. **Ms. Shilliday** answered that her development team would incur all costs related to sewage line installation, which she estimated to be about 1,000 feet. **Mr. Eckert** added that the novel sewer line would provide connection opportunities for subsequent development. **Ms. Gardner** asked about current water service from wells, and **Mr. Eckert** confirmed that county property uses wells as a source of water currently.

**Ozzie Vigil** asked to review the site plan once more to ask about an easement on the eastern boundary of the property. **Mr. Eckert** responded that there would be a 10-foot required setback from a dividing concrete wall.

### Public Comments:

**James Whatley** introduced himself as the neighbor directly to the north of the project living on county land zoned for one-acre, single-family lots. Mr. Whatley expressed concern for the privacy of himself and neighbors adjacent to the east due to the proposed height and setbacks of the residential buildings. Mr. Whatley relayed that the property should remain at a density of one unit per acre and that the project is merely an opportunity for profit.

**Lance Little** introduced himself as a neighbor to the north on 19<sup>th</sup> Avenue. Mr. Little shared that the subject property should stay true to the character of the county land that surrounds it given that none of the neighbors have intentions of selling their property. Mr. Little also shared concerns about congestion and traffic, and that the project does not consider the lifestyle desired by the neighbors.

**Diane Habener** introduced herself as a nearby resident. Ms. Habener stated that the concerns of the community are not being addressed and that the development process is not on par with processes she has been involved with in the past in California. Ms. Habener expressed concerns about growing crime and homelessness, density, and the need to avoid change.

### Applicant Response:

**Mr. Eckert** first addressed the issue of increased density by stating that 19<sup>th</sup> Avenue was to be widened and that this development was appropriate on an arterial of regional significance. Mr. Eckert then addressed the issue of building setbacks by sharing measurements that show 80 feet as the smallest distance between existing and proposed buildings. Mr. Eckert acknowledged that the project would exist on what was formerly a protected county island; however, the proposal will create a buffer between uses that is not nearly as intense nor dense as nearby residential projects that have already seen approval, as well as provide vital infrastructure to the area.

### Floor/Public Discussion Closed: Committee Discussion:

**Keith Greenberg** shared he is not in support of the condominium project as proposed given its surrounding one-acre, single-family uses.

**Trilese DiLeo** shared that as a longstanding member of the committee she has been historically pro-development; however, after recently hearing about a rezoning case in which a stipulation regarding a multiuse path was not adhered to, she is hesitant to approve the project notwithstanding its proposed stipulations. Ms. DiLeo also shared that the project was poorly designed and approval of it is not neighborly.

**Brandon Shipman** responded to Ms. DiLeo by asking if the basis of her denial was solely on issues with stipulation enforcement. **Ms. DiLeo** answered that in part, yes, her denial is based on the inability to guarantee that the stipulations as proposed would protect the lifestyle of the surrounding residents who were there first, while changing the character of the area.

**Chair Joseph Grossman** echoed the concern about stipulation enforcement and asked for elaboration from staff.

**Anthony Grande**, staff, shared that stipulations are enforced during site plan review, though he is not familiar with the specific case that was previously referenced. Mr. Grande also shared that Neighborhood Services is responsible for enforcing violations. **Ms. DiLeo** clarified that the stipulation violations occurred at a property near 39<sup>th</sup> Avenue and Yorkshire Dr.

**Ozzie Vigil** stated that the project is out of context for the area and that the building height is too high.

**Brandon Shipman** reminded the committee of a recently approved project at 19<sup>th</sup> Avenue and Happy Valley. **Mr. Vigil** rebutted that that project had a higher by-right density, and **Ms. DiLeo** shared that she would not have approved that project in retrospect.

**Chair Joseph Grossman** reiterated his the concern about stipulation enforcement while stating that the project, no longer being under county jurisdiction, is undergoing its due process of zoning that is appropriate to the growth of the surrounding area. Chair Grossman also relayed that it is important to not infringe on the rights of property owners and to allow the expansion of needed of infrastructure.

**Michelle Gardner** echoed the importance of upholding stipulations. Ms. Gardener also added that current construction costs are not likely to ever allow the type of low-density development that the current zoning provides for, yet, the project as proposed is too dense. **Ms. DiLeo** responded that she believes there will be no issue developing the property with one home per acre lots given nearby development to the north.

#### MOTION:

**Keith Greenberg** motioned to recommend denial of Z-18-22-1. **Trilese DiLeo** seconded.

#### VOTE:

**5-3**; motion to recommend denial passes with Committee Members DiLeo, Gardner, Greenberg, Romero and Virgil and in support and Shipman, Kenney, and Grossman in opposition.

#### STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.