

ATTACHMENT G

From: [Julie Green](#)
To: [PDD Planning Commission](#)
Subject: Z-16-22
Date: Thursday, September 29, 2022 5:23:46 PM
Attachments: [5F47A098-D2BB-4CB8-BB39-37B164E974A7.png](#)
[6C1F278F-6D8C-481E-805E-1C4CB02AEDDE.png](#)

Planning commission members,

I am sure you are familiar with the rezoning attempt at this point, and probably have made up your mind. I ask you to PLEASE consider the following information.

We are not opposed to building beautiful 1 story homes on the acre parcels. The now revised plan is 4.81 acres. It is completely surrounded by S-1- 1 STORY homes. This area does NOT back up to open space, a mountain, or become a dead end street, this is literally “mid block”.

These are recently approved developments being built nearby:

TAYLOR MORRISON-Z-25-19:

29.17 acres

1.47 dwellings per acre

ALL 1 story homes- max 24 feet

20% open space

15 feet minimum to property line

STERLING HEIGHTS (K Hovnanian Homes) Z-53-20

15.52 acres

S-1 properties only touch on 1 side, with a 33 foot easement on NORTH boundary

All 1 story homes on the NORTH side

30% open space

Dark Sky Ordinance

Mr Schmilles proposal:

14 homes on 4.81 acres

2.78 homes per acre, average lot size 11,000 feet

2 STORY HOMES - approx. 30 feet high

ONLY 5 feet to property line

ONLY 6% open space

As you can see, this development wants density that the other 2 don't have. This is such a small area, and once again- SURROUNDED by 1 story, 1 acre lots.

On a personal note, we bought our property on 11/19. The previous owners installed solar panels at the back of our property (2005). The house is run completely on solar. The panels are at ground level. I am sure they never imagined someone being able to build a 2 story home right behind our property. They would always be shaded by a 2 story home, 5 feet away from our property line.

We love living in Phoenix. I consider myself an “urban gardener.” I don't want to live in Cave Creek, New River, etc. to have a rural feel. These areas are special, and shouldn't just be concreted over to make every developer happy. Many people seek out larger lots, since developers constantly want postage stamp lots. I don't own horses, but enjoy the rural feel they bring to the neighborhood.

The Phx General plan states this:

- **Growth Strategy Mapping Exercises:** Identification of three areas within each

village – Areas of Preservation, Areas of Retrofit and Areas of Growth. Why can't this area be an "area of preservation"?

We are in a stage 1 water alert.

The house on the corner was purchased over 20 years ago. He would have never imagined 4 homes backing up to his property, 2 story, and minimal distance between property lines. This is a horrible situation Mr. Schmille has put this owner in.

MR SCHMILLE SUBMITTED DRAWINGS FOR "DESERT DAWN ESTATES" WHICH IS LESS THAN 1 MILE AWAY, AND THE SAME AMOUNT OF LAND INVOLVED IN THIS CASE. I HAVE ATTACHED HIS DRAWINGS. HE IS BUILDING 9 HOMES. IF THERE IS TO BE A DISCUSSION, PLEASE CONSIDER THE 9 HOMES, VS. 14. ← ←

Decisions should be based on logical and sound analysis rather than personalities, preferences, or property owner. Just because you can, doesn't mean you should...

Thank you for your time,
Julie Green
3135 W Dynamite Blvd
480-414-9001



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210583818 05/26/2021 09:53
BOOK 1593 PAGE 35
ELECTRONIC RECORDING

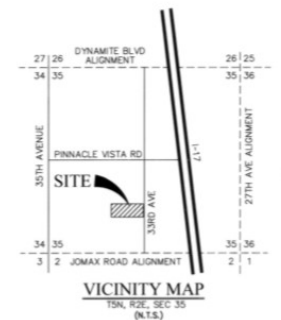
PLAT190085-2-1-1-M-
yorkm

FINAL PLAT

FOR

"DESERT DAWN ESTATES"

A DETACHED SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT
SUBDIVISION LOCATED ON A PORTION OF THE SOUTHWEST
QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST,
GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA



NOTES

1. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER, OR PLACED WITHIN A PUBLIC UTILITY EASEMENT, DRAINAGE EASEMENT, SANITARY SEWER EASEMENT, OR WATER EASEMENT EXCEPT AS NOTED BELOW. PAVING AND REMOVABLE TYPE FENCES, WITH NO CONTIGUOUS FOOTING, ARE ALLOWED IN PUBLIC UTILITY EASEMENTS, SEWER EASEMENTS, AND WATER EASEMENTS WITH APPROVAL FROM THE PLANNING AND DEVELOPMENT DEPARTMENT. NO VEGETATION SHALL BE PLANTED WITHIN ANY EASEMENT WITHOUT PRIOR APPROVAL FROM THE PLANNING AND DEVELOPMENT DEPARTMENT. LANDSCAPE ARCHITECT. PUBLIC SANITARY SEWER OR WATER MAINS SHALL BE PLACED IN THE APPROPRIATE WATER AND SEWER EASEMENT. WATER MAINS THAT ARE PLACED WITHIN AN EASEMENT ARE REQUIRED TO BE DUCTILE IRON PIPE PER THE WATER SERVICES DEPARTMENT "DESIGN STANDARDS FOR WATER DISTRIBUTION MAIN". IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PHOENIX SHALL NOT BE REQUIRED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, OR REPAIR, THE CITY OF PHOENIX MAY, BUT IS NOT REQUIRED TO, CONSTRUCT AND/OR MAINTAIN, AT ITS SOLE DISCRETION, DRAINAGE FACILITIES ON OR UNDER THE LAND IN THE DRAINAGE EASEMENTS.
2. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
3. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PHOENIX WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
4. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
5. ALL SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS.
6. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR OR VIBRATION WILL BE EMITTED SO THAT IT EXCEEDS THE GENERAL NOISE, ODOR OR VIBRATION EMITTED BY USES OUTSIDE THE SITE.
7. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.
8. STRUCTURES AND LANDSCAPING AT THE INTERSECTION OF 33RD AVENUE WITH DESERT DAWN DRIVE WITHIN A TRIANGLE MEASURING 20' ALONG 33RD AVENUE AND 10' ALONG DESERT DAWN DRIVE WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF THREE FEET (3').
9. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
10. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 9 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
11. THIS SITE LIES WITHIN THE PARADISE VALLEY SUBSIDENCE AREA.
12. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 10' X 20' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.

ENGINEER

R.B. WILLIAMS & ASSOCIATES, INC.
40 W. BASELINE ROAD
SUITE 110
TEMPE, ARIZONA 85283
PHONE: (480)424-2352
CONTACT: JEFFREY L. WILLIAMS, P.E.

SURVEYOR

R.B. WILLIAMS & ASSOCIATES, INC.
40 W. BASELINE ROAD
SUITE 110
TEMPE, ARIZONA 85283
PHONE: (480)424-2352
CONTACT: PHIL WILLIAMS, P.E., R.L.S.

OWNER

R & B ARIZONA LAND, LLC
P.O. BOX 90848
ALBUQUERQUE, NM 87199
PHONE: (505)315-0312
CONTACT: RANDY SCHMILLE

BASIS OF BEARING

THE CENTER LINE OF 33RD AVENUE
AS RECORDED ON ALTA/ACSM LAND
TITLE SURVEY M.C.R. BOOK 986,
PAGE 46, S 00°36'17" E

DEDICATION

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS: R & B ARIZONA LAND, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "DESERT DAWN ESTATES", A PORTION OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "DESERT DAWN ESTATES", A DETACHED SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, STREETS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN EACH RESPECTIVELY ON SAID PLAT. R & B ARIZONA LAND, LLC, AS OWNER, HEREBY DEDICATES TO THE PUBLIC, FOR USE AS SUCH, THE STREETS AND EASEMENTS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

TRACT "A" IS HEREBY DECLARED AS A PRIVATE ACCESS WAY TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. AN EASEMENT FOR PUBLIC WATER AND SEWER, REFUSE COLLECTION, DRAINAGE, AND EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC OVER TRACT "A".

TRACTS "B", "C" AND "D" ARE HEREBY DECLARED AS COMMON AREAS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. AN EASEMENT FOR DRAINAGE AND RETENTION IS HEREBY DEDICATED OVER TRACTS "B" AND "C".

IN WITNESS WHEREOF, R & B ARIZONA LAND, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY,

AS OWNER, HAS HEREUNDER CAUSED ITS NAME TO BE SET AND THE SEAL TO BE

ATTESTED BY THE SIGNATURE OF Carrie Lee Schille

ITS MANAGING MEMBER

THEREUNTO DULY AUTHORIZED ON THIS 10 DAY OF March, 2020.

Randall J. Schmille, III

OWNER/AUTHORIZED SIGNER



OWNER ACKNOWLEDGMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

BEFORE ME THIS 10 DAY OF March, 2019,

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY

PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE Randall J. Schmille

OF R & B ARIZONA LAND, LLC

THE LEGAL OWNER OF THE

PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT Randall J. Schmille

AS owner/authorized, EXECUTED THIS INSTRUMENT

FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

Carrie Lee Schille

NOTARY PUBLIC

COMMISSION EXPIRES August 6, 2021

Carrie Lee Schille

NOTARY PUBLIC

COMMISSION EXPIRES August 6, 2021

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COMMISSION EXPIRES August 6, 2021

Carrie Lee Schille

NOTARY PUBLIC

APPROVALS

APPROVED BY: Don Gubbi for Darren Chapman 12/01/2020
PLANNING AND DEVELOPMENT DEPARTMENT DATE

APPROVED BY THE COUNCIL OF THE CITY OF PHOENIX, ARIZONA ON

THIS 2nd DAY OF December, 2020

ATTEST: Jeffrey L. Williams 12-04-2020
CITY CLERK DATE

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF FEBRUARY, 2016, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Phil Williams 03-05-20
REGISTERED LAND SURVEYOR SIGNATURE DATE



LOT TABLE

LOT	AREA (SF)	AREA (AC)
1	18035.88	.4140
2	18085.88	.4151
3	18010.75	.4134
4	18404.17	.4225
5	19770.77	.4538
6	18261.17	.4192
7	18000.03	.4132
8	18084.08	.4151
9	18085.00	.4151

TRACT TABLE

TRACT	USE
A	PRIVATE ACCESS WAY
B	COMMON AREA
C	COMMON AREA
D	COMMON AREA

SHEET INDEX

DESCRIPTION	SHEET NO
COVER SHEET	PL01 1
FINAL PLAT	PL02 2

PROCESSING NUMBERS:
KIVA: 02-930
QS: 48-21
PLAT: 190085
SDV: 1300425
CSFR: 1600381



DESERT DAWN
ESTATES
27010 NORTH 33RD AVENUE
PHOENIX, ARIZONA 85028

COVER SHEET

REVISIONS	DATE	BY
	03-05-20	JWW
		JWW
		JWW
		JWW
		JWW

15030PL01.DWG

PL01

SHEET NO.
1/2

PINNACLE VISTA ROAD

(BASIS OF BEARING)

N 89°18'56" E (R) 1322.06' (R)

PER BC FLUSH
CITY OF PHOENIX

PER BOOK 986, PAGE 48 M.C.R.

DESIGN, INC.
1931 S. ALMA AVENUE, SUITE 100
PHOENIX, ARIZONA 85024
PHONE: (602) 424-2352

RE: Z-16-22
APN 205-02-020A and B

Dear City of Phoenix Planning Commission:

I want to go down on record as being **100% opposed** to the proposed zoning change to the property, which is the subject this case number Z-16-22-1. I live on a 2-acre parcel at [28036 N. 31st Ave](#) (SWC of Dynamite and 31st Ave) that lies on the NEC of the proposed development. It is my understanding that Mr. Schmille, has amended his original plan that was presented to the Deer Valley Village Planning Committee to reduce his development from 19 residential dwelling units to 14 residential units, and to limit his development to parcels 205-02-020A and B only. The two parcels encompass an area of 4.81 acres.

I do not oppose development to the subject parcels provided the zoning remains S-1 and only one single story dwelling unit per acre is allowed. I oppose the zoning change for the following reasons:

1) I purchased my property 21 years ago in 2001 because of the 1-acre zoning designation and the character of the neighborhood. I have always expected that the adjacent vacant lot would be developed at some point with residences on minimum 1-acre lots as the current S-1 zoning regulation stipulates. Since I moved in, I have put a significant amount of money into the property for improvements. **If I had known the zoning would be changed, (and could be done so against the will of the existing neighbors in the area) I would have never purchased property.**

2) **This is an established S-1 neighborhood.** My house was constructed in 1963 and has been there for nearly 60 years. It is true, the City allowed rezoning of a portion of the neighborhood, and some tract development has been constructed, most of which was during or before 2002. Since then, not many of the vacant properties have been developed, with the exception of several custom homes on minimum 1-acre parcels and the Deem Hill/Taylor Morrison development. Currently, two new tract home developments are being constructed, one property (Desert Dawn Estates) is or was owned by Mr. Schmille. So far, the tract housing development in the neighborhood has been limited primarily to the periphery. The interior of the neighborhood is still composed of S-1 properties, as the attached exhibit shows. This area contains approximately 150 to 200+/- properties of 1-acre or greater with existing single-family homes.

3) **Changing the zoning in an established residential neighborhood to a higher density zoning designation is not appropriate**, especially when the proposed development is adjacent to existing S-1 properties. Up until recently, the existing tract homes in the neighborhood were located across the streets from the S-1 properties and do not butt up directly on the property lines. A notable exception is the aforementioned Deem Hills residential development. This property is located in the NWC of the neighborhood (see exhibit). **This development, when proposed, received extensive**

opposition from the area's residents and the City of Phoenix Planning Commission unanimously voted against it. I oppose Mr. Schmille's current proposed development for the same reasons the existing residents had regarding Deem Hills. Unfortunately, the City Council ignored the Planning Commission's recommendation on Deem Hills and approved the rezoning request. The biggest difference between this proposed development and Deem Hills was that the Deem Hills development had a lower density (R1-18) and set a precedent of providing **walled buffer zones between it and existing adjacent S-1 properties of 85 to 40 feet.**

4) One of the reasons that came up during the Deer Valley Village meeting for why the proposed development was needed was because there is a housing shortage in the Phoenix metro area. Recent research that I have conducted based on viewing the Maricopa County's Assessors website shows that within two miles of 31st Ave. and Dynamite there are currently 14 housing developments currently under construction at this time. The following table attempts to quantify the number of dwelling units that are currently being constructed. The number of apartments and condominiums, of which there are many, could not be determined and are not included. The number of units in Union Park could also not be determined, but I would assume number in the hundreds. The development is extremely large and some phases are constructed. A table showing these developments is shown below.

**Residential Dwelling Units Currently Under Construction
Within 2 miles of Dynamite Blvd. and 31st Ave.**

SUBDIVISION	LOT COUNT/DUs	LOCATION	ZONING
Stetson Village II Apartments		Happy Valley and 35th Ave	RE-35
Middle Vistas	228	I-17 and Dixileta	various
Avilla Canyon (condos or apartments)		I17 and Oberlin	R-3
17 North	250	I17 and Oberlin	R-3A
Sterling Vista	57	I17 and Pinnacle Vista	R1-8
Ascend at Dynamite	260	I17 and Oberlin	R-3A
I17 and Jomax Apartments		Jomax and I17	R-3A
Norterra PUD Parcel 21	114	Jomax and 19th Ave.	PUD
Norterra PUD Parcel 22	156	Jomax and Norterra Pkwy.	PUD
Norterra PUD Parcel 20	110	Jomax and 19th Ave.	PUD
Norterra PUD Parcel 19	49	Jomax and 21th Ave.	PUD
Union Park at Norterra	Huge	Happy Valley and 19th Ave.	PUD
Desert Dawn Estates	9	Bajada Dr and 33rd ave	R-18
Summit at Deem Hills	43	Dydnamite and 37th Ave.	R-18
TOTAL	1,276		

Additionally, numerous other residential developments have been constructed recently in the area and may not be fully occupied. These developments are not quantified in the above table.

As shown, Mr. Schmille's proposed 14 additional housing units will barely make an impact when compared to the number already under construction. Mr. Schmille's proposal for a zoning change will do little to alleviate the housing shortage and only serves to irritate the existing residents that live adjacent to the subject property for no overriding or valid reason.

5) Based on the Mr. Schmille's revised sketch, 2-story homes are still proposed on the north property line of his property, two of which are directly in a line of sight to my pool and patio. **The reason as to why Mr. Schmille needs four 2-story homes as part of his development at the locations he has chosen is suspect at best, especially when he has eliminated all the rest.** The vast majority of the tract homes that have been constructed, or are under construction, are single-story dwelling units. An exception are those constructed in Norterra Pointe on the north side of Dynamite. These homes, however, do not overlook any existing S-1 property.

6) **Mr. Schmille's proposed development will lower our property values.** A tract development, like the one proposed, in the middle of a semi-rural area will do nothing for the property values for those that live there already. **Will the City or developer be reimbursing us for the money that each of us in the surrounding area have invested?**

7) **The General Plan is just what it says "GENERAL".** It is a tool to be used by the City for infrastructure planning. Apparently, the City revised the General Plan in 2015. I was never been asked for my input by the City regarding a General Plan amendment in my area. Were others? While Mr. Schmille's proposed development may be consistent with the General Plan as written, there are still a number of overriding factors to be considered as outlined herein. I personally have better things to do than being drawn in to these endless hearings, writing letters and having to fight against someone that wants to come in and change the rules, make a lot money and leave. Trust me, I have plenty of other things to do.

8) **I find nothing in the zoning ordinance that states that the S-1 zoning designation is no lesser a zoning designation than any other zoning designation.** This statement was made in the previous hearing. I would like to know where in the City's statutes that this statement is written.

9) Regardless of what type of development is constructed, I would expect that development of the property will not inconvenience me in any way and will not cost me any money out-of-pocket to mitigate adverse impacts because of it. The following at a minimum:

- a) Two-story or greater residential units are prohibited.
- b) Removal and replacement of the existing fence between the adjacent properties and Mr. Schmille's with an attractive 8-foot high CMU block wall that does not require painting and extends along my 300'+/- southern property line.

- c) Installation of privacy landscaping consisting of some type of vegetation that is capable of growing up to a minimum 10 to 12 feet in height.
- d) Modification of my existing irrigation system to adequately irrigate the new vegetation.
- e) Any street lighting shall be low level lighting only is required.
- f) Provide all of the labor required for the above-described improvements.

Opposing this proposed zoning change has a huge impact on the current S-1 residents, and battling this proposal has been an incredibly time consuming effort for me and my neighbors that we did not ask for. Again, I have no opposition to a residential project if Mr. Schmille wishes to construct one single-story house per acre as the current S-1 zoning regulation stipulates.

Sincerely,

Fred Renn
28036 N. 31st Avenue
Phoenix, AZ 85083



Draw

Step 1: Select a tool to draw with:



Step 2: Select a preset symbol to use:



Color:

Style:

Transparency:

Width:

☐ Show Measurements

[Undo](#) [Redo](#) [Clear](#)

