



REVISED [May 26, 2022]
Village Planning Committee Meeting Summary
Z-11-22-5

Date of VPC Meeting	May 11, 2022
Request From:	RE-35
Request To:	R1-18
Proposed Use:	Single-family residential
Location	Northeast corner of 107th Avenue and Missouri Avenue
VPC Recommendation	Approval, per the staff recommendation with a deleted stipulation.
VPC Vote	5-1-1

VPC DISCUSSION:

Committee Member Christopher Demarest left during this item and Committee Member Alvin Battle entered, bringing quorum to 7.

This item was heard out of order and was heard after Agenda Item No. 4.

There were 2 members of the public who registered to speak for this item, in opposition.

Sarah Stockham, staff, presented an overview for rezoning case Z-11-22-5. Ms. Stockham discussed the location of the site, the requested zoning designation, the surrounding land uses, and the General Plan Land Use Map designation of Residential 1 to 2 dwelling units per acre. Ms. Stockham displayed the proposed site plan and elevations and noted the enhanced landscaping along 107th Avenue and Missouri Avenue and the disclosure of ranchette activities in the neighborhood. Ms. Stockham informed the committee that four letters of opposition had been received from the community and concluded the presentation by providing the staff findings, the recommendation of approval, and describing the proposed stipulations for rezoning case Z-11-22-5.

Dave Maguire and **Lou Turner**, the applicants with Hillstone Homes, provided an overview of the proposed rezoning application Z-11-22-5. Mr. Maguire displayed the proposed site plan and noted the lot line alignments between the proposed residential lots and the large lots to the north. Mr. Turner displayed the building elevations of the proposed housing product and noted that all homes would be Energy Star rated. Mr.

Maguire stated the proposed development would require a 40-foot dedication on 107th Avenue and described the proposed entries on 107th Avenue and Missouri Avenue. Mr. Maguire ended his presentation by stating that possible purchasers will see the ranchette character of the neighborhood and the disclosure would allow the surrounding properties to continue to enjoy their agricultural lifestyle.

Questions from the committee:

Chair Derie asked staff about the origin of Stipulation No. 13 regarding the proposed bus pad located on 107th Avenue. **Ms. Stockham** stated that Stipulation No. 13 was provided by the Public Transit Department.

Vice Chair Jeff O'Toole stated that there had been some concerns with the proposed entrance located on Missouri Avenue and asked the applicant to provide any feedback that they had received. Vice Chair O'Toole added that he would like to know how the applicant would mitigate the concerns. **Mr. Maguire** stated that a traffic impact statement was submitted with the zoning application and that two entrances would alleviate the traffic from the subdivision. Mr. Maguire added that the location of the Missouri Avenue entrance was located closer to the middle of the subdivision boundary because a portion of the open space was located on the southwest corner.

Ms. Oviedo asked the applicant why they were requesting the rezoning change. **Mr. Maguire** stated that the rezoning request was needed for the site to be developed. Mr. Maguire added that building houses on one-acre lots would not be economically feasible due to the cost of construction and the addition of services such as water, sewer, and roads and noted that the proposed subdivision would lessen the housing shortage. **Ms. Oviedo** asked if the proposed density was higher than the established density on the site. **Mr. Maguire** stated that the proposed density is higher than the established density because it would not be economically feasible to develop the site with the current density under the RE-35 zoning designation. **Ms. Oviedo** asked if the proposed houses within the subdivision would have electric charging stations. **Mr. Maguire** stated that they do offer house purchasers the option to have electric charging added to their garage.

Chair Gene Derie stated that even though he is a strong advocate for public transportation, he did not support Stipulation Number 13 regarding the bus pad on 107th Avenue because it was located on a dead-end street.

Public Comment:

Sara Hylton stated that the neighborhood has a unique character with donkeys, horses, other farm animals, and white pipe fences that create a large open atmosphere. Ms. Hylton added that the flood irrigation in the area allowed for lush lawns and added that the proposed development would be in the middle of the neighborhood with luxury homes and brick walls. Ms. Hylton stated that the proposed houses would be taller than the existing houses in the area and that the proposed entrance on 107th Avenue would increase traffic. Ms. Hylton ended her comment by urging the committee members to analyze the surrounding character of the area and stated her opposition to the zoning change.

Bonnie Conrad stated that she valued the country atmosphere of the neighborhood with livestock and irrigated areas and was against the gated community. Ms. Conrad added that the proposed development would increase traffic congestion on 107th

Avenue and that the proposed bus pad did not make sense since 107th Avenue was a dead-end street to the north. Ms. Conrad stated that the matching lot alignment of the north lots would result in houses closer to the large lot homes and added that she would like all the lots to be a minimum of a quarter acre in size. Ms. Conrad added that she was opposed to the recreational vehicle garages and the proposed height of the elevations. Ms. Conrad ended her comment by stating that all the CC&Rs in the area require white pipe fences and that she was completely against the brick walls within the proposed subdivision.

Mr. Turner stated that the proposed subdivision would add to the diversity of housing choices, that the proposal would fit well in the neighborhood, and added that the traffic report stated that the City perceives a low forecast of traffic volumes and that the development would not cause any detrimental impacts to the surrounding properties. Mr. Turner stated that the proposal would only be 41 lots and that the RV garage would also be stipulated to the 21-foot height limitation stipulation and added that the Missouri Avenue entrance is designed with a large turnaround to alleviate the traffic. **Mr. Maguire** added that the proposed lots were all about a quarter acre in size and that they did not suspect any parking to occur within the development. Mr. Maguire stated that each house had a three-car garage with a three-car driveway and that if visitors did need to park in the private streets, then they could contact the HOA. Mr. Maguire concluded that people would be discouraged to park on Missouri Avenue as it would require walking into the gated development and added that there would be plenty of parking available inside for residents and visitors.

Committee Discussion:

Vice Chair O'Toole stated that he had received mixed feedback regarding the brick wall and stated that some were in favor of the wall since it would minimize the direct view of any livestock. Vice Chair O'Toole asked the applicant what the feedback was for the brick walls in the proposed development. **Mr. Maguire** stated that he had not received any feedback regarding the gated aspect of the subdivision but rather the type of fencing that was proposed and added that the brick wall would minimize any ranchette concerns.

Ms. Oviedo asked the applicant if a multifamily residential development had been considered for this site. **Mr. Turner** stated that any multifamily residential development would require a higher density designation and that the requested R1-18 zoning did not allow for multifamily development.

Chair Derie shared his disagreement with Stipulation No. 13 from the Public Transportation Department regarding the proposed bus pad on 107th Avenue.

Vice Chair O'Toole stated that he appreciated that the applicant did not come with a high-density multifamily development proposal but rather something that was compatible with the surrounding character including the proposed height. Vice Chair O'Toole added that he understood that people want a livestock character, but the applicant did put the effort into making the proposed subdivision compatible to the surrounding land uses.

Motion:

Vice Chair Jeff O'Toole motioned to recommend approval of Z-11-22-5 per the staff recommendation with a modification to delete Stipulation No. 13. **Alvin Battle** seconded the motion.

Vote:

5-1-1, Motion to approve with a deleted stipulation passed with Committee Members Battle, DuBose, Valenzuela, O'Toole, and Derie, in favor and Committee Member Garcia in opposition, and Committee Member Oviedo abstaining.

Stipulations:

1. The development shall be in general conformance with the conceptual site plan date stamped February 22, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. All lots in the development shall be subject to Single-Family Design Review.
3. The maximum building height shall be 21 feet.
4. The landscape setback along 107th Avenue and Missouri Avenue shall be planted with a minimum 75% 2-inch caliper trees and minimum 25% 3-inch caliper or multi-trunk trees, as approved by the Planning and Development Department
5. A minimum of 10% percent of the gross site area shall be retained as common area, as approved by the Planning and Development Department.
6. The common open space area shall provide a minimum of 3 active recreational elements, such as, but not limited to, playground sets, ramadas, or a barbeque area, as approved by the Planning and Development Department.
7. All sidewalks shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees, as approved by the Planning and Development Department.
8. 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.
9. The developer shall dedicate minimum 40-feet of right-of-way and construct the east side of 107th Avenue, as approved by the Planning and Development Department.
10. The developer shall dedicate minimum 30-feet of right-of-way and construct the north side of Missouri Avenue, as approved by the Planning and Development Department.
11. The developer shall underground existing electrical utilities within the public right-of-way that are impacted or those that require relocation as part of the project. The developer shall be responsible for coordinating with affected utilities for review and permitting.
12. The developer shall underground all existing irrigation facilities along 107th Avenue outside of City of Phoenix right-of-way. The developer shall contact SRP to identify existing land rights and establish the appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
13. ~~A bus stop pad shall be constructed along northbound 107th Avenue. The design shall be according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from the intersection of Missouri Avenue according to City of Phoenix Standard Detail~~

- ~~14.~~
13. 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. The disclosures shall be noted in the CC&Rs in a section titled "nuisances".
- ~~15.~~
14. The developer shall provide a No Hazard Determination for proposed development for the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to Planning and Development Department's preliminary plat approval.
- ~~16.~~
15. The developer shall dedicate to the City of Phoenix an aviation easement for the site, per the form and content prescribed by the City Attorney, prior to Planning and Development Department preliminary plat approval. The developer shall also dedicate and record an aviation easement in favor of the City of Glendale in the form submitted to the City of Phoenix. The aviation easements shall be noted in the CC&Rs in a section titled "airport nuisances".
- ~~17.~~
16. The property owner shall record documents that disclose the existence, and operational characteristics of Glendale Airport to future owners and 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, and in accordance with State law requiring airport disclosure.
- ~~18.~~
17. The developer's engineer of record shall certify and note on the preliminary and final plats as well as relevant construction drawings that the proposed residential construction shall achieve a maximum interior noise level of 45 decibels (DNL).
- ~~19.~~
18. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and 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.
- ~~20.~~
19. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
- ~~21.~~
20. In the event archaeological 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 Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- ~~22.~~
21. Prior to preliminary 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.

Staff comments regarding VPC Recommendation:

None.