



Village Planning Committee Meeting Summary

Z-25-19-1

Date of VPC Meeting	July 18, 2019
Request From	S-1 (29.17 acres)
Request To	R1-18 (29.17 acres)
Proposed Use	Single-family residential
Location	Southeast corner of 39th Avenue and the Dynamite Road alignment
VPC Recommendation	Approval, per the staff recommendation subject to a modification to Stipulation No. 8 and two additional stipulations.
VPC Vote	5-3

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Z-86-18-2: Presentation, discussion, and possible recommendation regarding a request to rezone a 29.17-acre site located at the southeast corner of 39th Avenue and the Dynamite Road alignment from S-1 (Ranch or Farm Residence District) to R1-18 (Single-Family Residence District) to allow for single-family residential.

Mr. David Simmons provided an overview of the rezoning request (Z-25-19-1). He displayed graphics in the presentation including the General Plan Land Use map, aerial photographs, zoning map, proposed wall plan, conceptual elevations and site layout. He went over staff's findings and shared the 14 recommended stipulations outlined in the staff report.

Ms. Susan Demmitt, with Gammage and Burnham, representing the applicant, went over the site data and General Plan Land Use Map designation. Ms. Demmitt felt it important to share the neighborhood outreach process to include the date of the first meeting and how the applicant had negotiated with the community over time to find a happy medium on height, density and design. She shared that by the third design iteration the applicant felt the major concerns had been addressed. However, she also shared that the neighbors still had concerns. Among other configuration changes, she highlighted the multi-use trail connection provided in the latest design.

Ms. Demmitt went over concerns that they received and explained how the applicant has tried to compromise. She went over the proposed open space area, the diversity of housing types being proposed for the development and went over price point. The homes will start at the mid \$500,000 price point. She went on to discuss traffic concerns

and shared the traffic counts in the presentation on Pinnacle Vista, 33rd Avenue and 37th Avenue. She went over staff's stipulations and how they directly address many of the community's concerns.

Vice Chair Trilese DiLeo asked the applicant if they could share the number of trips per day generated by the new development.

Ms. Demmitt shared that according to the traffic engineer that 406 additional trips would be generated per day.

Mr. Ricardo Romero asked if the Sonoran Drive project is comparable to this proposal.

Ms. Demmitt said it was not comparable as this proposal is much smaller.

Mr. Romero asked if the land is in escrow.

Ms. Demmitt shared that the entirety of the land was in escrow.

Chairman Joseph Grossman asked how many units were proposed in the original proposal.

Ms. Demmitt shared that 95 units were proposed initially, however, staff was not supportive of this and it would have required a General Plan Amendment submittal as well.

Chairman Grossman asked if school was out during the time period in which the traffic study was conducted.

Ms. Demmitt stated that she will inquire with the traffic engineer.

Mr. Romero asked what the minimum square footage and the maximum square footage of the homes will be.

Ms. Demmitt shared that the homes will range from 2,300 to 5,000 square feet, all single story.

Mr. Romero asked if the minimum garages would be two cars.

Ms. Demmitt shared that the garages would be a minimum of three car stalls, but the third stall would not be forward facing.

Public Comment:

Ms. Sandra Schossow shared concerns about the character of the area changing from rural to higher density and stated that she bought in this area due to the rural character and plans to build soon. She asked how the city will ensure that the area will maintain its character.

Mr. David Simmons shared that if the request were to be approved, staff Stipulation No. 1 caps the number of units at 43 lots, which is much less dense than what the R1-18 zoning designation would allow otherwise.

Mr. Stuart Kimball stated that a requirement to go through PHO would be a good added stipulation to ensure the stipulations are not altered after approval without coming back before the Village.

Mr. Nick Enna shared that he has lived in the area for 50 years. He has concerns about ingress/egress in and out of the area. He shared that this is an island community and there is not adequate infrastructure in place to accommodate the number of cars that would be added to the existing streets. He also has concerns about property values and the character of the area changing.

Mr. Bill Levy shared that the committee has had ADOT out to present in regard to infrastructure improvements in the area. He stated that this is a very slow process.

Chairman Joseph Grossman also shared that ADOT has come out to address these concerns, but currently has no plans for improvements in the area.

Mr. Enna stated when ADOT improves the area then the developers should come in with proposals, but as of now there is not adequate infrastructure for more vehicles.

Ms. Monica Harmon expressed concerns about increased traffic, light pollution, well water contamination, noise, increased crime in the area, and the character of the area changing.

Mr. Ozzie Virgil stated that it is possible to work with the city to eliminate the requirement for street lights in the new development through a petition process.

Ms. Patty Bell-Demers shared concerns that she thinks the staff report is biased in favor of the developer. She shared concerns about ingress/egress, property values, light pollution, and infrastructure issues.

Mr. Jeff Bland stated that the traffic study was done in June when school was out and has concerns that the study is skewed due to this. He also shared concerns about the rural character of the area changing.

Mr. Steve Mosley shared concerns about the rural character of the area changing.

Ms. Rosalie Treiber shared concerns about drainage, downstream flows, and flooding due to this proposed development.

Ms. Bev Graves shared concerns about the rural character of the area changing and increased traffic. She encouraged the committee to visit the area before making a recommendation.

Mr. Kenneth Vest shared concerns about the traffic study being skewed and character of the area changing. He stated that the City of Phoenix should preserve rural areas like this to maintain diversity in property types and preserve home values.

Mr. Rick Denton shared concerns about traffic, ingress/egress and character of the area.

Ms. Jakki Waldecker asked why the developer did not choose a different site altogether.

Ms. Veerachart Murphey shared concerns about the character of the area, impact fees not being paid back and increased traffic.

Mr. Stuart Kimball stated that the S-1 zoning district covered much of northern Phoenix back in the 1940s. He explained that when swaths of land were annexed, the S-1 zoning district was adopted by the city as it was the closest land use designation that transferred from Maricopa County.

Ms. Murphey wanted to add that they are in a land locked island and the area should remain rural.

Mr. Kimball explained that the greater issue with the conversation is the General Plan designation for the area. The proposal is consistent with the current designation. He asked Ms. Murphy what she would like to see here.

Ms. Murphy stated that she would like to see the area maintain its S-1 zoning designation and develop according to the S-1 standards. She is afraid this proposal will set a precedent for the area and the entire community will start to change.

Mr. Russell Osborn read from Chapter 6 of the City of Phoenix Zoning Ordinance. He stated that nowhere in the ordinance does it state that this area should change.

Mr. Kimball stated that the General Plan is the governing document.

Ms. Michelle Landram expressed concerns about traffic and character of the area changing.

Ms. Dana Chiordi expressed concerns about density, noise, traffic calming features being installed to help mitigate speeders, and character of the area changing. She stated that custom homes would be a better fit.

Mr. Dan Enna expressed concerns about character of the area changing and lack of infrastructure. He shared that the community has gotten a lot of false promises from previous developers over the years.

Mr. Richard Ross expressed concerns about the character of the area changing, horse privileges and increase in traffic.

Mr. David Barry expressed concerns about increased traffic, horse safety, character of the area changing, ingress/egress, infrastructure and an increase in criminal activity.

Mr. Virgil asked the developer where the sewer line was going to be installed.

Mr. Berry chimed in and said the sewer line was going to be installed right down the middle of his street and a half mile.

Applicants Response:

Ms. Susan Demmitt took the podium and stated that there are two main issue that can be addressed here. One is the addition of the PHO stipulation requirement. This stipulation would ensure that the site would not deviate from what is being presented today. The second is the street light stipulation limited or prohibiting street lights from being installed within the subdivision to preserve dark skies. She also stated that there are a lot of examples of equestrian properties coexisting with lower density developments.

Mr. Ricardo Romero asked how many current owners are associated with the site.

Ms. Demmitt stated that there is one owner of the entire site and it is comprised of four parcels.

Mr. Virgil asked if there are going to be road improvements to include sewer infrastructure.

Ms. Demmitt stated that there will be road improvements that include the extension of a sewer line to the site.

Mr. Virgil asked where the water line was being extended from.

Ms. Demmitt explained that the water infrastructure was already in place. All they have to do it tap in to the existing line.

Mr. Romero asked how many homes were in Gordon Ranch.

Ms. Demmitt stated there are quite a few.

Vice Chair Trilese DiLeo stated that some opposition letters mention concerns about mixed horse properties. She respects the traffic concerns, but it is not as bad as one may imagine coexisting with a slightly higher density residential development because she lives in a similar area. She stated that it will be imperative for the developer to follow up on their promises to the existing community.

Mr. Osborn stated that recommending this for approval would go against the existing character of the area.

Mr. Kimball shared that he knows this area and was initially opposed to what was being proposed.

MOTION:

Vice Chair Dileo made a motion to approve Case No. Z-25-19-1 with two additional stipulations and a modification to language for Stipulation No. 8 in the staff report.

Stipulation No. 8 is modified to specify equestrian trail specifically.

An additional stipulation shall be added to require that no street lights shall be installed and dark skies shall be preserved. Staff explained to the VPC that street lights are a City standard in the code and this recommendation may not be enforceable; and that if a PHO were to be submitted in the future that it be required to go before the VPC.

Mr. Matthew Kenney seconded the motion.

VOTE: 5 - 3

The motion to recommend approval subject to staff stipulations with one modification to Stipulation No. 8 and two additional stipulations passed; with Committee Members Grossman, DiLeo, Kenney, Kimball and Romero in favor and Committee Members Levy, Osborn and Virgil opposed.

Recommended Stipulations:

1. The project shall not exceed 43 lots.
2. The maximum building height shall not exceed 1 story and 24 feet.
3. There shall be a minimum of 20 percent common open space provided, exclusive of required landscape setbacks. The location of open space areas shall be in general conformance with the conceptual site plan date stamped June 26, 2019, as approved by the Planning and Development Department.
4. There shall be a minimum of one private open space amenity area. The area shall provide, at a minimum, two of the following active amenity elements or other similar elements, as approved by the Planning and Development Department:
 - a. Fire Pit
 - b. Barbecue and Picnic Area
 - c. Pavilion or Ramada
5. The development shall be in general conformance with the conceptual elevations date stamped June 14, 2019 with specific regard to the use of desert colors and quality of architectural embellishments, as approved by the Planning and Development Department.
6. The development shall be in general conformance with the wall plan date stamped

June 26, 2019 with specific regard to view fencing along open space areas, as approved by the Planning and Development Department. Publicly visible walls shall be integrally colored block or painted to blend with the natural desert environment.

7. Shade trees shall be planted adjacent to sidewalks, outside any public utility easements, at a rate of a minimum of one, two-inch caliper or greater shade tree provided at a spacing of 20 to 30 feet on center, depending on species, within the front yard of each residential lot and where sidewalks are adjacent to common area tracts, provided that no more than three trees shall be required adjacent to sidewalks on any individual residential lot and such trees may be planted in a non-linear staggered fashion, as approved or modified by the Planning and Development Department.
8. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the northwest corner of the property, adjacent to the 39th Avenue alignment connecting to the CAP Canal and State Land trails. The developer shall construct a 10-foot wide multi-use trail (MUT) (FOR AN EQUESTRIAN TRAIL AND ACCESS) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter sidewalk, curb ramps, driveways, 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.
10. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property as approved by the Aviation Department.
11. Prior to final plat recordation, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural and equestrian uses. The form and content of such documents shall be reviewed and approved by the City Attorney.
12. 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.
13. 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.
14. 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.

15. THE DEVELOPER SHALL PETITION THE STREET TRANSPORTATION DEPARTMENT TO ELIMINATE THE REQUIREMENT FOR STREET LIGHT INFRASTRUCTURE REQUIREMENTS FOR THE SUBDIVISION IN AN EFFORT TO PROTECT DARK SKIES.
16. ANY PLANNING HEARING OFFICER SUBMITTAL SHALL GO BEFORE THE VILLAGE PLANNING COMMITTEE PRIOR TO BEING HEARD IN FRONT OF THE PLANNING HEARING OFFICER.

Staff Comments:

Staff has no concern with the additional stipulations.