



Village Planning Committee Meeting Summary

PHO-4-18—Z-307-85-1

Date of VPC Meeting	March 5, 2015
Planning Hearing Officer	March 21, 2018
Hearing Date	
Request	Request to modify stipulation numbers 1,4 and 8. Request to delete stipulation number 16
Location	approximately 335 feet north of the northeast corner of 29th Street and Nisbet Road
VPC Recommendation	Approval with the exception of stipulations 8 and 16
VPC Vote	11-0 (Sparks, abstained)

VPC DISCUSSION & RECOMMENDATION:

At this point in the meeting Ms. Jennifer Hall declared a conflict of interest stating that she works with the applicant and left the meeting, bringing the quorum to 12 members.

Two speaker cards were submitted for this item wishing to speak but no indication of support or opposition was identified.

Ms. Maja Brkovic provided an overview of the request noting that the site was initially rezoned in 1985 and went through three subsequent PHO requests. She provided a graphic of the area and illustrated which portions were affected by the previous requests and a summary of the actions taken at the public hearings. She noted that the approval letter and narrative provided in the routing packet indicated that the site was requesting modifications/deletion of stipulations from the 1999 approval letter; however, the request should have modified stipulations from the 1985 letter as the site was subject to the original stipulations. She provided the committee with a copy of the 1985 approval letter and noted that if the committee was comfortable with proceeding the applicant would clarify which stipulations were being modified as it related to the original approval letter and how the proposal would meet stipulations that were not carried over.

Mr. Nick Labadie, Rose Law Group, representing the applicant provided an overview of the request. He indicated that the project area was the only vacant piece within the rezoning boundary. He indicated that the proposal was for five lots with a 30-foot landscape tract along 29th Street. He noted that upon further research it was determined that stipulation modifications should have been for the original 1985 approval letter. He stated that the site would comply with all stipulations of the original letter. He explained the numbering differences between the 1985 and 1999 approval letter, this is depicted below:

1985 Approval Letter	1999 Approval Letter
Stipulation 1	Stipulation 1
Stipulation 4	Stipulation 4
Stipulation 11	Stipulation 8
Stipulation 19	Stipulation 16

Mr. Nick Labadie noted that there were a few stipulations that were not carried over from the original request but that applicant would comply with them. These are outlined below.

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- **Stipulation 5**, “That setbacks along the boundaries of the project shall be a minimum of 20 feet from the property line”.

He explained that the original project boundaries were from Michael Drive to Nisbet and 29th Street to 30th Street. He noted that the stipulation only applied to 29th Street and that the stipulation would be met with a 30-foot landscape setback.

- **Stipulation 6**, “That an undulating 6-foot wall with an average 10-foot setback shall be constructed along the north and south boundaries of the property. That the west boundary shall be fenced where appropriate. Mature landscaping along the street side of the wall shall include 15-gallon trees of a variety that are fast-growing and spaced an average of 20 feet on center or in comparable clusters. Trees shall be planted in the landscaped buffer to screen second-story views to the south.”

He noted that the stipulation referred to Michael Drive and Nisbet Road which did not apply to their site. He indicated that the west boundary stipulation would meet the landscaping requirement and did not feel that it would need to be modified.

- **Stipulation 10**, “That entrances on the west side of the property shall be staggered from streets of the Century Vista development as shown on the site plan presented. There shall be no east to west through streets through the development, as approved by the City of Phoenix.”

He noted that it was being met as there is not an existing east to west through street nor is one being proposed.

Mr. Robert Goodhue asked if the original site plan illustrated where the amenities would be located.

Mr. Labadie noted that they were not able to locate a copy of the original site plan.

Ms. Maja Brkovic noted that she found a document in the second PHO case file noting that no site plan could be found for the original case.

Mr. Goodhue brought up concerns regarding the lack of amenities for the subdivision.

Mr. Labadie noted that it would be hard to provide those amenities at this point as portions of the area were already build out and governed by different HOA's.

Ms. Toby Gerst asked if there were other homes in the area that were 30-feet in height

Mr. Labadie noted that there were not as the maximum height permitted was 24-feet based on the original stipulations.

Mr. Gubser asked if the emergency access as noted on the site plan would be paved.

Mr. Labadie noted that it would meet all requirements as depicted by the Development Services Department.

Ms. Toby Gerst asked where trash pickup would be

Mr. Labadie noted that it would be at the end of the driveways.

Mr. Scott Hisey, a resident in the area noted that he had concerns regarding the request to modify the height stipulation. He indicated that his concerns pertained to intruding views into the backyard of bordering homes for privacy purposes. He stated that the turnaround area did not seem adequate for trash pickup.

Mr. Tom Wingo, a resident in the area noted that he was in support of the proposal. He also indicated that he had concerns regarding the modification to the height stipulation.

Mr. Labadie noted that the development would provide adequate truck turnaround as required by the city. He indicated that a 30 foot building height would allow for a higher quality product.

Ms. Toby Gerst asked if the added height would have an adverse impact to the surrounding neighbors.

Mr. Labadie noted that he did not believe there would be an adverse impact.

Mr. Goodhue expressed concerns regarding the greater area being developed without providing amenities for the residents. He also noted that he was not in support of removing stipulation 19 (Stipulation 16, per 1999 approval letter) which stated that the developer intended to market the units for sale, not as rental units.

Mr. Labadie noted that there was a pool built in the area build as part of the first development to the south.

Ms. Toby Gerst noted that she had a concern with supporting the deletion of the height stipulation as neighbors have relied on that stipulation as a way to protect the character of the area.

MOTION:

Mr. Roberg Goodhue made a motion to approve PHO-4-18-Z-307-85 with the exception of stipulations 8 and 16 (Stipulations 11 and 19 in approval letter in 1985).

Ms. Toby Gerst seconded the motion.

VOTE:

The motion was approved, Vote: 11-0 (Sparks-abstained).

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.