



## Village Planning Committee Meeting Summary PHO-5-22--Z-14-05-1

<b>Date of VPC Meeting</b>	August 11, 2022
<b>Planning Hearing Officer Hearing Date</b>	August 17, 2022
<b>Request</b>	<ul style="list-style-type: none"><li>• Modification of Stipulation 1 regarding general conformance with the site plans date stamped August 31, 2007 (PHO-1-07) and December 16, 2020 (PHO-3-20);</li><li>• Deletion of Stipulation 2 (PHO-1-07) regarding a master architectural theme;</li><li>• Modification of Stipulation 2 (PHO-3-20) and Stipulation 3 (PHO-1-07) regarding landscape setbacks along 7th Avenue and Misty Willow Lane;</li><li>• Deletion of Stipulation 5 regarding C-2 landscaping standards within parking lots (PHO-1-07);</li><li>• Modification of Stipulation 7 (PHO-1-07) regarding disclosure of Deer Valley Airport and Goodrich Universal Propulsion Company;</li><li>• Modification of Stipulation 7 (PHO-3-20) regarding right-of-way for Misty Willow Lane;</li><li>• Deletion of Stipulation 10 regarding a bus bay on Happy Valley Road (PHO-1-07 and PHO-3-20); and</li><li>• Technical correction to Stipulation 4 (PHO-1-07).</li></ul>
<b>Location</b>	Approximately 1,000 feet south of the southeast corner of 7th Avenue and Happy Valley Road
<b>VPC Recommendation</b>	Approval with modifications
<b>VPC Vote</b>	<b>11-0</b> ; Members Davenport, DiLeo, Field, Herber, Lewis, Novak, Romero, Sutphen, Virgil, Kenney, and Grossman in favor.

*There were no speakers that spoke in opposition.*

*This item was heard out of order.*

## VPC DISCUSSION & RECOMMENDED STIPULATIONS:

### STAFF PRESENTATION:

**Racelle Escolar**, staff, gave an overview of the PHO request including the subject site where the proposed stipulation modifications would apply, the subject site of the original rezoning request, and the previously stipulated project plans. Ms. Escolar detailed the modifications and deletions currently being requested as well as an updated site plan.

### APPLICANT PRESENTATION:

**Michael Buschbacher**, with Earl & Curley, introduced himself on behalf of the applicant. Mr. Buschbacher gave an overview of the subject site and its site plan, as well as the key points of the PHO request including the land use designations and affected land tracts.

### QUESTIONS FROM THE COMMITTEE:

**Trilese DiLeo** asked if this project was the same project that had already appeared before the Village twice previously requesting to remove a propulsion disclosure. **Ms. Escolar** responded that while she was not aware of the request Ms. DiLeo had mentioned, though if it were true the applicant would have to undergo a public hearing process to obtain a use permit and potential variances associated with a medical marijuana facility within the A-1 zoning district. **Ms. DiLeo** suggested that perhaps committee member Mark Lewis could speak more on the topic of a previously proposed propulsion site and water contamination in the area.

**Chair Grossman** mentioned that was also familiar with a previous request to remove a stipulation requiring a disclosure notice for a propulsion site.

**Mark Lewis** stated that the propulsion site Ms. DiLeo was referring to is within a residential project north of Happy Valley Road, though there was another request for a battery storage facility directly to the south of Happy Valley Road. Mr. Lewis clarified that he used to be affiliated with the ownership of a portion of the subject site and that he did not believe it to be the same site that Ms. DiLeo was referencing.

**Trilese DiLeo** responded that she does in fact remember it to be the subject site per a conversation about Mr. Lewi's ownership affiliation and the water flow and land grading in the area. Notwithstanding, Ms. DiLeo stated that she is against removing a disclosure notice for a propulsion site as it is an environmental issue

**Ozzie Virgil** stated that he recalls multiple explosions at the subject facility that have contaminated the area and is against the removal of a disclosure stipulation.

**Susan Herber** reiterated that the removal of a disclosure notice requirement is a bad idea.

**Chair Grossman** concurred stating that he would rather err on the side of caution and encouraged the applicant to elaborate.

**Mr. Buschbacher** clarified that the disclosure stipulation was a result of a conversation with Bradley Wylam, staff.

MOTION:

**Trilese DiLeo** made a motion to approve PHO-5-22--Z-14-05-1 with Stipulation 6 to remain. **Al Field** seconded the motion for approval with modification.

VOTE:

**11-0**; motion to approve PHO-5-22--Z-14-05-1 with Stipulation 6 to remain passes with Committee Members Davenport, DiLeo, Field, Herber, Lewis, Novak, Romero, Sutphen, Virgil, Kenney, and Grossman in favor.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None.