



Village Planning Committee Meeting Summary

GPA-DV-2-19-2

Date of VPC Meeting	May 21, 2020
Request From	Preserve / 0-1 or 1-2 residential dwelling units per acre, Parks/Open Space – Future 1 residential dwelling units per acre, Commerce/Business Park (156.96 acres)
Request To	Residential 2 to 3.5 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre, Commerce/Business Park (156.96 acres)
Proposed Use	Residential, commercial and commerce park uses
Location	Northeast corner of Central Avenue and Happy Valley Road
VPC Recommendation	Approval
VPC Vote	11-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Mr. David Simmons, staff, went over GPA-DV-2-19-2 first, explaining that the center of the site is to retain the Commerce Park General Plan Map designation and the upper and lower portions of the subject site are proposed to change to residential. He explained that this is consistent with the character of the surrounding area as the character of this area will be changing in the future.

Mr. David Cisiewski, with the Law Office of David Cisiewski, PLLC, representing the applicant, went over the history of the site. He explained his client's proposal for the three-parcel development plan. He also went over where discussions have gone to date with stakeholders in the area. He explained that various chemicals had been used on the site directly related to historic uses on the site operated by UPCO. He shared in his presentation several slides that the Arizona Department of Environmental Quality (ADEQ) has presented at neighborhood meetings prior to this hearing. The slides were color coded and he explained each color-coded area depicted on the maps. He went over the water remediation facility and well system currently operating on the site to clean up a contaminated groundwater plume in the center portion of the site. He went over the ADEQ environmental remediation tactics required to date to include soils contamination remediation, groundwater pump and treat system and went over the Declaration of Environmental Use Restriction (DEUR) documents and their requirements and restrictions for the site, which are attached in the appendices of the staff report.

Mr. Cisiewski also talked about the land use request on the site. He went over the open space proposed, which is superior to ordinance standards, he went over lot sizes and went over amenity areas within the open space proposed, including a robust trail system connecting to the Phoenix Sonoran Preserve. He went into great detail about the monitoring well sites on the overall site and stated that they cannot be disturbed and that ADEQ was the regulatory agency overseeing the clean-up of the soil and aquifer. He went over the public participation report and shared with the committee how the proposal had changed from the initial plans presented at the initial neighborhood meeting to what is being proposed today as a result of citizen concerns and staff's comments. Some of the things highlighted were the decrease in density in Parcel 1, increased landscape buffers, increased building separation, drainage study results were shared, dark skies were addressed, the instillation of a diverter island to prohibit right turns out of the subdivision to reduce traffic into the County Island, and exhaustive remediation efforts. He highlighted the water and sewer infrastructure being extended as a result of this development as well as the roadway improvements required along Central Avenue and Happy Valley Road. He went on to talk about the General Plan Amendment case as well and highlighted some of the plan goals he thinks relate to this request.

Discussion:

Ms. Ann O'Brien asked the applicant how he was aware of the neighbor's concerns.

Mr. Cisiewski shared that he gained knowledge of the neighbors' concerns through the required public neighborhood meeting process, emails, and phone calls.

Ms. O'Brien asked what the price point was to be for the houses proposed in Parcel 1 of the proposal.

Mr. Chuck Chisholm stated that due to market conditions, the exact price point could not be calculated at this time. However, if the homes were on the market today, they would be priced at the mid 400's for the 2k to 3k square foot plans and the mid 500's for the 3k to 4k square foot plans. He stressed that no homes will be built on the site for quite some time.

Mr. Ricardo Romero asked what the acreage is for the open space proposed.

Mr. Cisiewski stated that the open space makes up 27 percent of Parcel 1.

Mr. Keith Greenberg asked if Central Avenue will be improved.

Mr. Cisiewski shared that Central Avenue will be completely replaced with a two-lane road improved according to City standards with curb, gutter, detached sidewalk, landscaping and a multi-use trail.

Mr. Greenburg asked is water and sewer infrastructure was to be extended along Central Avenue and Happy Valley Road.

Mr. Cisiewski shard that water and sewer infrastructure will be extended.

Mr. Mark Lewis asked Chairman Joseph Grossman if he would open the floor to public comments as many people were waiting to speak.

Chairman Joseph Grossman stated he would open the floor to public comment after the committee hears from the Arizona Department of Environmental Quality (ADEQ) representative and called on her to speak on the environmental issue related to the site.

Ms. Laura Malone, representing ADEQ, shared that there are ground water contaminates in the aquifer under the site. She shared that this aquifer is in the process of being remediated and shared that there are soil caps on the site located within Parcel 2 of this proposal. She shared that the soil cap area will never be remediated, and the caps serve as a buffer between human contact and the contaminates. She shared that UPCO, former operator on the site, is fully responsible for the upkeep and remediation of the water well remediation system as well as the soil caps. She shared that the additional soils testing that was conducted on the norther portion of the site, which encompasses Parcel 1, has been cleared for residential uses as the reports came back below rates that would exclude residential development. She shared that the area encompassing Parcel 2 restricts residential development.

Mr. Ruddell Osborn asked what the surrounding zoning districts were in the area.

Mr. Dave Cisiewski shard that the surrounding zoning districts were S-1 and the county's equivalent to RE-43.

Public Comment:

Ms. Julie Bradfeldt started by giving kudos to the applicant for making changes to the proposal as a result of public concerns, particularly limiting the first row of homes abutting Yearling Road to one story in height. She proposed that Parcel 1 be slit up into two phases, one of which would act as a better buffer and transition from the more rural county homes to the north and the higher density proposed in Parcel 1. She shared that many washed are located on the subject site and that the enhanced open space proposed was a smoke shield as it encompasses all of the wash areas. She is also concerned about sidewalks.

Mr. Robert Hanson, residing at 508 East Yearling Road, has concerns about the proposed density in Parcel 1, he went over staff's comments on the applicants first and second PUD narrative review and stated that lot sizes should be increased and open space should be decreased in order to ensure the proposed homes are more in character with more rural lot sizes to the north in the county island.

Mr. Stanly Foreman, residing in Foreside in Norterra, supports the project due to the increase in property values this proposal will generate, the commercial development this proposal will attract like grocery stores, markets and restaurants, the addition of water and sewer infrastructure to the area, amenities, and just good growth for the area overall.

Mr. Stuart Hamer, residing on Yearling Road, is opposed to the proposal. He recommends a 200-foot buffer between the existing single-family homes to the north and the proposed new homes. He is also concerned about an increase in traffic.

Mr. Mark Crenshaw, residing at 106 West Yearling Road, is opposed. He shared concerns about dust generated from the dirt roads in the area, increased traffic, character of the area changing, increase in the urban heat island effect, noise pollution and light pollution.

Committee Member Brandon Shipman asked if the neighbors were interested in being annexed into the City of Phoenix in order to take advantage of the proposed water and sewer infrastructure being expanded to the area.

Mr. Crenshaw stated he would have to collaborate with his neighbors to see if they are interested.

Mr. and Ms. Anthony Balduzzi stated they were in support of the project. They shared that they are prospective home buyers in the area and the area is currently lacking in a product type that suits their needs. They are seeking new construction with neighborhood amenities, a sense of community.

Vice Chair Trilese DiLeo thanked the Balduzzi's for their comments as it brings a good perspective for the committee to consider. She asked how they heard about this proposal.

Mr. Balduzzi shared that he is friends with the development team.

Ms. Connie Verno is opposed to the proposal. Density is too high, dead animals on road, character of area changing, destruction of animal habitat.

Committee Member Bill Levy stated that Yearling Road residents are on wells. This development will bring safe drinking water to the area.

Committee Member Ozzie Virgil shared that he was in the same scenario some years ago. He lives on a rural lot and a higher density development was constructed across the street from him. He shared that the buffer is adequate and makes an incredible difference.

Mr. Al Fuentes, residing west of Central Avenue off of Bridles, shared concerns about density, traffic and dark skies.

Ms. Ann O'Brien asked staff if they consider surrounding zoning in the County.

Mr. David Simmons, staff, shared that yes, staff does consider all surrounding land uses.

Mr. John Blue shared concerns about the character of the area changing, wants the increased buffer of at least 200 feet, larger lot sizes, limiting the first row of houses abutting Yearling Road to 1 story and traffic concerns. Committee Member Keith Greenburg would like to see a traffic light placed at the intersection of Central Avenue and Happy Valley Road.

Mr. Dave Cisiewski, representing the applicant, shared that the traffic analysis did not warrant a traffic light at the intersection for Phase 1. One Phase 2 is built out a traffic signal would be required at the intersection.

Ms. Cheri Stevenson, residing on East Yearling Road, is opposed to the project. Concerns about character of the area changing, and environmental concerns.

Ms. Laura Malone, ADEQ, shared that additional testing is underway.

Mr. Virgil asked how far Ms. Stevenson's home is from the site.

Ms. Stevenson stated that she does not know the exact measurement, but her horses will be close by.

Ms. O'Brien asked if she lives on Yearling Road.

Ms. Stevenson shared that she does live on Yearling Road.

Mr. Chris Shipley shared that he lives .62 miles from the subject site. He is opposed due to the character of the area changing, traffic, public safety and a strain on emergency services.

Mr. Greenburg asked who provides emergency services to the county residents currently.

Mr. Shipley shared that the County Sheriff provides police services and the City of Phoenix provides fire service.

Mr. Bill Verno, residing at 25825 N. 1st Place, is opposed. He has concerns about washes backing up and flooding lots upstream, density, buffer size proposed and increased traffic.

Mr. Shipman asked Mr. Verno what he knows that a drainage engineer does not know in regard to wash modifications.

Mr. Verno stated that the diversion of many washes into one wash would not work and a culvert wouldn't meet the standard. He is also concerned about residential being built in Parcel 1 due to environmental concerns.

Ms. Malone, ADEQ, shared that the studies conducted on Parcel 1 has determined it is cleared for residential development.

Mr. Greenburg stated that ADEQ does not cut anyone any slack. Their studies are science based and the facts are the facts.

Applicants Response:

Mr. Dave Cisiewski went over the landscape setback along Yearling Road and showed the actual distance from the existing structures to the north of Yearling to the proposed structures to the south of Yearling. He shared that the proposed setback is far superior than what is required in the Ordinance for R1-10 and R1-18 requirements. We went over the comparative development standards table to show this to the committee and stakeholders present. He also went over the traffic impact analysis.

Chairman Joseph Grossman is pleased to see water and sewer infrastructure coming into the area. He reemphasized that the environmental issues associated with Parcel 2 are the responsibility of UPCO, the former operator on the site.

Mr. Cisiewski stated that yes, UPCO is the responsible party.

Chairman Grossman asked what entailed determining the uses in regard to contamination levels on the site.

Ms. Malone, ADEQ, shared that toxicology and health effects determine land uses in a DEUR, ADEQ has industrial and residential remediation and contamination level guidelines in place. Parcel 2 has soil caps. These will not be cleaned up, but capped. Residential will never be allowed in Parcel 2.

Vice Chair DiLeo stated that traffic is her biggest concern. She would strongly urge a stipulation for a second exit from Parcel 1 through Parcel 2 and a street signal at the intersection of Central Avenue and Happy Valley Road when Parcel 1 is developed.

Ms. O'Brien agrees with Vice Chair DiLeo. She would like to see a traffic signal at the intersection at the time of Parcel 1 development.

Mr. Mark Lewis stated that the amount of effort and revisions to the plans proves that this applicant has gone above and beyond with negotiations with city staff and the neighbors to satisfy their concerns as the plans have changes drastically since the initial submittal.

Mr. Greenburg asked what responsibility this committee has to residents outside of the City of Phoenix municipal boundary.

Mr. Virgil stated, as for responsibility, we want to be a good neighbor. This is a responsibility the committee has.

Chairman Joseph Grossman stated that he appreciates Mr. Virgil's remarks and he concurs.

Mr. Brandon Shipman stated that he appreciates all of the public comments. However, after hearing from the representative from ADEQ he has no issues with the environmental concerns voiced tonight. The shared that the by the applicant limiting the first row of houses along Yearling to one story he is supportive of the proposal.

Mr. Russell Osborn stated that this committee represents Deer Valley, not the City of Phoenix as a whole. He shared that the committee should treat all County island residents as our neighbors as they are in Deer Valley proper as well. He stated that he is opposed to the proposal and the land should stay zoned S-1.

Mr. David Simmons, staff, shared that when property is annexed into the City of Phoenix, it is typically zoned S-1 as a place holder. As the area develops, applicants submit rezoning applications. He shared that annexed land rarely, if ever, stays S-1 as it develops.

Mr. Ricardo Romero stated that traffic is his number one concern and the traffic signal should be implemented during the construction of Phase 1.

Mr. Simmons shared that the traffic impact analysis has already been reviewed internally by the Streets Department. The Streets Department concluded as part of their review that a traffic signal is not warranted at the intersection of Central Avenue and Happy Valley Road at the time of Phase 1 construction. Phase 2 construction would warrant this requirement due to increased traffic flows. Mr. Simmons explained to the committee that this would not be a stipulation that may hold weight as they case move through the entitlement process It would most likely be removed at Planning Commission.

Ms. Michelle Gardner asked the applicant if the committee were to propose a lower density zoning designation, would the project still be profitable?

Mr. Bill Levy shared that he had reached out to the Streets Department about roadway improvements along Happy Valley Road. He learned from his conversation that private development spurs roadway improvement and if this project were to fail the roads will not be improved. He also asked many of the surrounding neighbors about their water quality in their wells. He learned that a lot of people in the area have tainted wells. The water line extension would allow many of these people to access safe drinking water. Because of these things Mr. Levy shared that he is supportive of the proposal.

Ms. O'Brien asked staff is S-1 were, in fact, a place holder zoning designation after annexation.

Mr. Simmons, staff, stated that S-1 is a place holder for annexed land.

Mr. Mark Lewis shared that he sees 2.5 acre lots next to master planned communities all the time. These two types of developments can coexist with one another. However, he acknowledged the stakeholder concerns for the record.

Mr. Shipman stated that the committee's responsibility is to the Deer Valley Village. He believes this proposal will better the village. He is in support of the proposal.

Vice Chair DiLeo asked if stipulating to the traffic light is out of the question.

Mr. Cisiewski, representing the applicant, stated that he will reach out to the Streets Department to see if they can incorporate the traffic signal at Phase 1 of the development rather than waiting for Phase 2 to develop.

Vice Chair DiLeo asked the applicant if he would be opposed to a second exit.

Mr. Cisiewski shared that there are currently three access points to serve Parcel 2 and parcel 3. Topographical constraints restrict them from considering an additional exit from Parcel 1 through Parcel 2. A large wash runs between the two areas.

Vice Chair DiLeo stated that keeping the land S-1 wouldn't make sense. A transition is needed between the Commerce Park uses in Parcel 2 from the rural county lots to the north. The density proposed in Parcel 1 is a natural transition between the two.

Chairman Grossman shared that one-story homes along Yearling is not in the narrative and this will need to be included in the motion as an added stipulation.

Mr. Keith Greenburg stated that he would be in support of a motion for approval if the one-story limit was added for the first row of houses abutting Yearling Road.

Vice Chair Trilese DiLeo added that she would be in support of a motion if it included the added stipulation that a street signal be added at the intersection of Central Avenue and Happy Valley Road at the time of Phase 1 construction.

MOTION: **Ms. Ann O'Brien** motioned to recommend approval per staff's recommendation for General Plan Amendment Case No. GPA-DV-2-19-2. Committee member **Mr. Brandon Shipman** seconded the motion.

VOTE: 11-1, motion to recommend approval passed, with Committee Members Grossman, DiLeo, Gardner, Greenberg, Kenney, Levy, Lewis, O'Brien, Romero, Shipman and Virgil in favor. **Mr. Russell Osborn** dissented due to the increased density and character of the area changing.