
Wednesday, November 17, 2021
6:00 P.M.

Note from the Clerk: The November 17, 2021 Planning Commission meetings was hosted online using the online Zoom Cloud Meeting platform.

1. CALL TO ORDER

Vice Chair Osborne called the Regular Meeting to order at 6:00 p.m.

2. ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT IN PERSON/PHONE/VIDEO

Lisa Osborne, Vice Chair
Alisha Meginnis, Commissioner
Denise Stanfield, Commissioner
Linda Warren, Commissioner
Larry White, Commissioner
Blanca Uvari, Commissioner
Alan Agundez Castillo, Alternate

COMMISSIONERS ABSENT

Christopher Thompson, Chair

CITY STAFF PRESENT

Charles Montoya, City Manager
Kevin Murphy, Director
Jodie Novak, Assistant Director
Eric Fitzer, Planning Manager
Mary Grace McNear, Deputy City Attorney
Michelle Simerdla, Senior Planner
Brandon Cartwright, Attorney
Barbara Cason, Administrative Assistant

3. OPENING STATEMENT

Vice Chair Osborne read the Opening Statement.

4. APPROVAL OF MINUTES

a. October 20, 2021

Commissioner White moved to approve the October 20, 2021 minutes as presented; Commissioner Uvari seconded the motion.

Upon vote, the motion was carried 6 to 0.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Aye
Commissioner Stanfield	Aye
Commissioner Warren	Aye
Commissioner White	Aye
Commissioner Uvari	Aye

5. PUBLIC HEARING ITEMS

a. **CLEARSKY - REZONING FROM COMMUNITY COMMERCIAL (C-2) TO FREEWAY COMMERCIAL (C-3) - (APPLICATION PL-21-0149)**

Michelle Simerdla, Senior Planner, stated that the purpose of the item is to consider rezoning of approximately 7.11 acres from C-2 to C-3 for Clearsky, conduct a public hearing and forward a recommendation to the City Council for their vote on December 13, 2021. The site location was identified as currently being farmed and zoned C-2 in the County. Upon annexation, it will be assigned the equivalent C-2 City zoning. There is a pending annexation request, which will be heard December 13th before City Council for a final vote. Surrounding zoning districts were reviewed. The General Plan designates the location as Freeway Commercial, intended for more intense usage along the I-10. A medical use fits with the designation. The request is to rezone from C-2 to C-3 with a proposal to construct a 40,000 square foot building in a single phase. The proposed use is specialty rehabilitation facility, which will provide care for patients recovering from stroke, heart attack and brain injuries. An overview of the site plan and renderings was provided. Staff supports the rezoning, as it conforms to the general land use map designation of C-3 and is located within the City's Health Tech Corridor. The development is in conformance with the commercial and industrial design manual and the C-3 standards. It will result in development that is compatible with and complementary to existing uses in the area. Any required infrastructure improvements will be completed by the developer. All required notifications were completed. There were three comments on aVOICE, all in support of the project. Staff recommends approval.

Vice Chair Osborne invited questions from Commissioners. There were no questions from Commissioners. Vice Chair Osborne identified a section near I-10 and asked what it would be used for. Ms. Simerdla stated her understanding that it is intended as an outdoor seating area. She invited the applicant to chime in.

Applicant, Robert George, DPS Design, clarified that the area is designated as a possible location for a staff respite area.

Vice Chair Osborne invited further questions. There were none.

Vice Chair Osborne opened the public hearing. There were no public comments and the City Clerk has received no requests to speak. There being no questions, Vice Chair Osborne closed the public hearing and invited a motion.

Commissioner White moved to approve Application PL-21-0149 subject to six (6) recommended conditions of approval; Commissioner Meginnis seconded the motion.

Upon vote, the motion was carried 6 to 0.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Aye
Commissioner Stanfield	Aye
Commissioner Warren	Aye
Commissioner White	Aye
Commissioner Uvari	Aye

b. SHADOW RIDGE - MAJOR GENERAL PLAN AMENDMENT - (APPLICATION PL-21-0021)

It was noted that items B and C would be presented together.

Ms. Simerdla stated that the purpose of B and C is to review a proposed minor General Plan amendment and a rezone for the proposed Shadow Ridge Development, conduct separate public hearings for each item and forward a recommendation to City Council for each item. The site location and surrounding uses were reviewed. There is an electrical easement going through the property as well as a canal on the south side of the property and along Avondale Boulevard. The parcel is currently in the County with zoning as R1-6 Residential Planned Development (RUPD), with the intent for it to be assigned a City-equivalent of R1-6 once annexed. The current General Plan land use designation is Estate Low Density Residential (ELDR). The project consists of 118.4 acres with a pending annexation request. City Council authorized the annexation to proceed on October 25th. City Council also held a public hearing for discussion only. The final public hearing and vote for adoption will take place on December 13th. For the General Plan amendment request, the intent is to amend the General Plan land use designation from Estate Low Density Residential (ELDR) to Medium Density Residential (MDR).

The proposal is for 3.6 dwelling units per acre and a total of 430 dwelling units. Lot sizes and open space plans were discussed. Staff supports the major General Plan amendment, as it affects only 6 percent of the Estate Low Density Residential (ELDR) designations north of the Estrella Mountains. The Medium Density Residential (MDR) category would be more appropriate and compatible, as the site is in proximity to the future SR-30 freeway a mile south of the project. The increase in units does not represent a significant change to the City's development pattern. There are other nearby Medium Density Residential (MDR) developments. The proposed development does not adversely affect land uses in the area. The developer will be required to construct required infrastructure and improvements. There will be two main access points on Avondale Boulevard. The developer is required to have a connection to Miami Avenue. Most likely, access will occur via 111th Avenue with a half-street constructed to Miami. A future traffic

signal may be planned for the intersection of Miami Avenue and Avondale boulevard. The proposal is consistent with the goals in the General Plan 2030. Staff supports the rezoning, as the PAD will be in conformance with the requested General Plan land use designation of Medium Density Residential (MDR) as well as the Single Family Design Manual. It is compatible with adjacent uses.

In conjunction with notification requirements, there was a 60-day review period for other agency input in regards to the Major General Plan amendment. There were no responses. All required notifications were completed. Certificates of adequate school facilities were received from Littleton Elementary and Tolleson Union High School District. There were three comments on aVOICE. One was in support, one against, and one had a question. One comment was received via email not in support of the amendment. Staff recommends approval of the application.

Eric Fitzer, Planning Manager, noted that during the public hearing with City Council in terms of the annexation, Council did express concern regarding the 45-foot-wide lot size.

Vice Chair Osborne invited questions from the Commission.

Commissioner Warren cited the comment on aVOICE against the project and the submitted email comment also against the project and asked what reasons were given. Ms. Simerdla stated that the emailed comment was not in support of the General Plan amendment as it would make the parcel more dense and increase the number of homes in the area. They preferred maintaining the rural character. The aVOICE comment referenced not wishing to have "more concrete jungles and fast food."

Vice Chair Osborne noted the potential installation of a traffic light and asked whether a traffic study has been conducted. Ms. Simerdla confirmed that the developer has submitted a traffic study, which has been reviewed by the City's traffic engineering staff, however, the exact location and timing for the traffic signal have not yet been determined. Other improvements identified in the study include a deceleration lane for traffic going northbound. For southbound, they will be constructing a protected left turn pocket.

Vice Chair Osborne referenced City Council's lack of support for the 45-foot lot widths and asked how the project will proceed if City Council ultimately withholds approval. Mr. Fitzer stated that there is the potential for negotiations between the developer and City Council. The rezone request depends upon the Planning & Zoning Commission's feeling regarding the overall project.

Vice Chair Osborne opened the public meeting. There were no requests to speak from the public.

Vice Chair Osborne invited comments from the applicant.

Andrew Yancy, Bergin, Frakes, Smalley & Oberholtzer, representing the applicant and property owner, provided an update, stating that the homebuilder for the project will be Pulte Homes. In terms of City Council's comments regarding the lot sizes, City Council was holding the public hearing for the annexation at that time and did not actually have the rezone application before them.

Mr. Fitzer clarified that there are two public hearings on this item. One is for the General Plan. Comments specific to the General Plan should be addressed at this time. This will be followed by the public hearing on the rezone request.

There being no further questions, Chair Thompson closed the public hearing and invited a motion on Application PL-21-0021.

Commissioner Warren moved to approve Application PL-21-0021; Commissioner White seconded the motion.

Upon vote, the motion was carried 5 to 1.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Nay
Commissioner Stanfield	Aye
Commissioner Warren	Aye
Commissioner White	Aye
Commissioner Uvari	Aye

c. SHADOW RIDGE - REZONING FROM R1-6 TO PLANNED AREA DEVELOPMENT (PAD) - (APPLICATION PL-21-0087)

Vice Chair Osborne opened the public hearing for this item. There were no comments from the public.

Vice Chair Osborne invited Mr. Yancy to continue with his response to the lot size concerns addressed by City Council. Mr. Yancy stated that the area of development is becoming much more suburban in character. The development plan represents a balanced approach, including four different lot widths, at 45, 50, 55 and 63 feet. There are some constraints to the property, including a 100-foot electrical easement running through the center. There is a pump station on the southwest corner. There is also an adjacent irregularly shaped canal on the south. As such, flexibility is required to mitigate the constraints. Only one of the five inner parcels is designed with 45-foot parcels. There is also significant buffering along Avondale Boulevard. The developer is also extending lot depth beyond what is required in the zoning district. This provides additional backyard space. There is a density of 3.6 dwelling units per acre, which is consistent with the surrounding areas and is a decrease from existing county zoning, which allows 3.9 dwelling units per acre.

Commissioner White asked whether the school site in the northwest corner is part of the annexation. Mr. Yancy stated that the annexation does not include the school site, already owned by the Littleton School District.

There being no further questions, Vice Chair Osborne closed the public hearing and invited a motion.

Commissioner Warren moved to approve Application PL-21-0087 subject to nine (9) recommended conditions of approval; Commissioner Stanfield seconded the motion.

Upon vote, the motion was carried 6 to 0.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Aye
Commissioner Stanfield	Aye
Commissioner Warren	Aye
Commissioner White	Aye

d. HERMOSA RANCH - MAJOR GENERAL PLAN AMENDMENT - (APPLICATION PL-21-0001)

Eric Fitzer, Planning Manager, noted that items 5d and 5e would be presented together, with separate votes for each. There are two requests, including review of a proposed request for a major General Plan amendment and public hearing as well as review for a proposed request for rezoning and public hearing. The site location, details and surrounding uses were discussed. The current General Plan land use designation is Estate Low Density Residential (ELDR), Medium Density Residential (MDR) and Local Commercial (LC). The proposed General Plan land use is business park over the entire site. Staff made findings based on the General Plan analysis. There are adequate business park and employment uses within Avondale to support future development. The amendment constitutes overall improvement to the 2012 plan. The proposal is surrounded by all residential land uses; inclusion of an employment use business park is not advisable at this time.

The General Plan analysis resulted in a number of findings. The amendment will significantly alter acceptable land use patterns, require large and more expensive public infrastructure and potentially impact existing land uses. Staff's analysis reveals that the amendment alters acceptable land use patterns by introducing employment uses in a residential land use area. One of the potential uses will result in significant utilization of City water resources. The City's water portfolio can handle housing, commercial and light industrial, however one of the potential uses of a data center may place too much strain on the system. The amendment is consistent with the overall intent of the 2012 plan, other adopted plans, codes and ordinances. Currently the land uses of the site and surrounding properties support residential and like uses and not employment uses.

In terms of the rezoning, the current zoning is P Ranch PAD on approximately 248 acres, Fleming Farms Pad on approximately 52 acres and agriculture on approximately 18 acres. Proposed zoning is for Hermosa Ranch Tech Campus PAD. Surrounding zoning was reviewed. The conceptual design was discussed, which consists of four parcels, including commercial, business park and associated uses such as battery storage. Staff completed a PAD analysis and based on lack of conformance with the General Plan, staff recommends denial. All public notifications have been completed. One email comment was received. Next steps include a City Council hearing potentially on December 13, 2021 concurrent with the PAD rezoning application. Staff and the applicant are in agreement to table this item at this time.

Vice Chair Osborne asked for a definition of the employment usage section. Mr. Fitzer stated that this was in reference to the business park area.

Vice Chair Osborne opened the public hearing. There were no comments from the public.

Vice Chair Osborne invited the applicant to address the Commission.

Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, presented slides and spoke on behalf of the Vanderway family. She thanked staff for their presentation this evening as well as their work on the application. The applicant is in agreement with tabling the PAD as they work through issues presented by the City. She provided a historical overview of the property since ownership by the Vanderway family. The property has unique attributes beneficial to tech users, including being adjacent to the Rudd substation and power infrastructure. They are not equally beneficial for residential uses. As such, the

applicant withdrew its prior applications and revised its requests to a business park major General Plan amendment to allow the companion tech park PAD to move forward. It would bring a technology campus to the location as a nonresidential use. There is a requirement that the City hold its public hearing on the application in the year the application was made. While they would like to request a continuance, they do not have the luxury of time. As such, they are looking for a recommendation this evening regarding the major General Plan amendment. They would then return next year for the PAD. In 2017, the Tres Rios Opportunity Zone applied to the property. It creates favorable tax treatment if a business use is established on the property and held for a certain period of time. The properties were designated by the federal government in cities with lagging economic indicators. Residential development does not qualify for tax treatment in an opportunity zone, as it is not a business use. The elements of the major amendment tests were reviewed with arguments for justification of the proposed development provided.

Charles Montoya, City Manager, noted that the environment has changed and what has been stated about the Opportunity Zone is incorrect. The Opportunity Zone can be used for multifamily, but must be over a ten-year period, as required by the federal government. The development is concerning, because the corridor going down Avondale Boulevard has the viewpoint of the Estrella Mountains and is "part of what Avondale has always wanted to be in the southern area of the community." A few years ago, there was availability of water and its treatment to hold a data center. However, the original estimate of 2028 for expansion of the treatment plan has been revised to July of next year. Staff is concerned, even with a closed loop water system in terms of development and height requirement. City Council is also concerned with the proposed building heights of 54 feet for this area. Given the volume of concerns, he recommends denial at this time.

Vice Chair Osborne invited questions from Commissioners.

Commissioner Warren asked how the a closed loop data center will impact the water supply. Ms. Oberholtzer said it is a relatively new and more expensive technology. It is an air chilled cooler system which operates on a zero gallon megawatt operation.

In response to a question from Commissioner White, Mr. Fitzer confirmed that the developer is free to reapply next year. Applications generally take about a year to process.

There being no further questions, Vice Chair Osborne closed the public hearing and invited a motion.

Commissioner White moved to deny Application PL-21-0001; Commissioner Meginnis seconded the motion.

Upon vote, the motion was carried 4 to 2.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Aye
Commissioner Stanfield	Nay
Commissioner Warren	Nay
Commissioner White	Aye
Commissioner Uvari	Aye

e. HERMOSA RANCH TECH CAMPUS - REZONING - (APPLICATION PL-21-0183)

Vice Chair Osborne invite a motion.

Commissioner White moved to table Application PL-21-0183; Commissioner Warren seconded the motion.

Upon vote, the motion was carried 6 to 0.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Aye
Commissioner Stanfield	Aye
Commissioner Warren	Aye
Commissioner White	Aye
Commissioner Uvari	Aye

f. SOUTH AVONDALE - MAJOR GENERAL PLAN AMENDMENT - (APPLICATION PL-21-0014)

Mr. Fitzer stated that the purpose is to review a proposed request for a major General Plan amendment, conduct a public hearing and take action. The site location, attributes and owners were discussed. The application is meant to better define land uses south of the Estrella area and to plan the area specifically around future transportation corridors. The current General Plan land use is a mixture of Estate Low Density Residential (ELDR), Local Commercial (LC), open space and parks. With this staff-initiated request, the City is looking to better define land uses in the area while planning for future growth south of the Estrellas. The proposed General Plan land use is a mixture of Rural Residential (RR), Estate Low Density Residential (ELDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Local Commercial (LC), Resort, Open Space and Parks, Floodways and Washes. Transportation access will be achieved in partnership with neighbors to the west, such as Goodyear. The goal of the General Plan amendment is to broaden uses to allow for a more cohesive development area that will provide for future growth. Required notifications were completed. Staff received four phone calls, most requesting information. One was in favor of the application. The Planning and Zoning Commission heard the major General Plan amendment application during a public hearing on October 20th, 2021. Next steps include a City Council hearing on December 13th, 2021. Staff recommends approval.

Vice Chair Osborne invited questions from Commissioners.

Commissioner Uvari asked whether staff is proposing to change the land use designation for privately owned land. Mr. Fitzer clarified that the request would not actually change the zoning. A General Plan land use is what the City envisions in the future. The zoning of specific properties apply to what can actually be done with the individual property. The majority of the property is located within Maricopa County. This would change the allowable land uses not zoning.

Vice Chair Osborne opened the public hearing. There were no public comments and the City Clerk has received no requests to speak.

Vice Chair Osborne closed the public hearing and invited a motion.

Commissioner Meginnis moved to approve Application PL-21-0014; Commissioner Warren seconded the motion.

Upon vote, the motion was carried 6 to 0.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Aye
Commissioner Stanfield	Aye
Commissioner Warren	Aye
Commissioner White	Aye
Commissioner Uvari	Aye

6. COMMISSION ANNOUNCEMENTS

There were no action items discussed.

7. PLANNING DIVISION REPORT

There was no report.

8. CALENDAR

The next meeting is December 15, 2021.

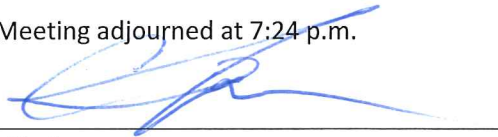
9. ADJOURNMENT

There being no further business before the Commission, Commissioner Warren moved to adjourn the regular meeting; Commissioner Uvari seconded the motion.

Upon vote, the motion was carried 6 to 0.

Commissioner Osborne, Vice Chair	Aye
Commissioner Meginnis	Aye
Commissioner Stanfield	Aye
Commissioner Warren	Aye
Commissioner White	Aye
Commissioner Uvari	Aye

Meeting adjourned at 7:24 p.m.


Chair


Date

