



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### **ADDENDUM B** **Staff Report: Z-31-21-8** January 6, 2022

<b><u>South Mountain Village Planning Committee Meeting Dates:</u></b>	November 9, 2021 December 14, 2021
<b><u>Planning Commission Hearing Date:</u></b>	December 2, 2021 January 6, 2022
<b>Request From:</b>	<a href="#">S-1</a> (Ranch or Farm Residence District) (49.52 acres)
<b>Request To:</b>	<a href="#">R1-10</a> (Single-Family Residence District) (49.52 acres)
<b>Proposed Use:</b>	Single-family detached residential community
<b>Location:</b>	Southeast corner of 19th Avenue and South Mountain Avenue
<b>Owner:</b>	New Castle Development, LLC
<b>Applicant:</b>	Providence Homes
<b>Representative:</b>	Benjamin Tate, Withey Morris, PLC
<b>Staff Recommendation:</b>	Approval, subject to stipulations

The Planning Commission voted unanimously (8-0) on December 2, 2021 to continue this case to the January 6, 2022 meeting and allow the applicant to return to the South Mountain Village Planning Committee for recommendation.

The South Mountain Village Planning Committee heard this rezoning request on December 14, 2021 and voted (7-3-1) to approve the case per Addendum A of the staff report with a modification to Stipulation No. 9.a (6) regarding pedestrian gates.

As a result of the discussion at the December 14, 2021 Village Planning Committee meeting and subsequent community outreach efforts, the applicant has provided an updated site plan and a landscape plan, attached to this report, that depicts a decrease in the number of lots from 156 to 149 on the subject site. Furthermore, the applicant has increased the minimum lot width from 55 feet to 60 feet for all lots.

Due to these changes, staff recommends modifying the following stipulations:

- **Stipulation No. 1** regarding general conformance to the updated site plan and update to the minimum lot width;
- **Stipulation No. 11.** regarding general conformance to updated landscape plan.

Leading up to and following the December 14, 2021 South Mountain Village Planning Committee meeting, staff also received additional correspondence from the public regarding this case. This additional correspondence is attached.

Staff recommends approval per the modified stipulations, reflecting updates to the site plan and landscape plan, provided below:

### Stipulations

1. The development shall be in general conformance with the site plan date stamped ~~November 2, 2021~~ ~~NOVEMBER 24, 2021,~~ **JANUARY 6, 2022**, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
  - a. Lots 1 through 28 shall be a minimum of 75 feet in width.
  - b. All other lots shall be a minimum of ~~55~~ **60** feet in width.
  - c. Portions of lots 28 and 29 may be modified to accommodate any required canal frontage standards.
  - d. The location of the open space areas.
  - e. A minimum of ~~47~~ 16 percent of the gross site area shall be provided as open space.
  - f. A minimum building setback of 150 feet, exclusive of fencing or entry features, shall be provided along the western perimeter property line along 19th Avenue.
2. The required landscape setbacks shall be planted with minimum 50-percent 2-inch caliper and 50-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
3. The maximum building height shall be limited to ~~two stories and 30 feet, except that lots 1 through 53, 82, 83, 108, 109, 159 and 160 as depicted on the site plan date stamped November 2, 2021, shall be limited to one story and 20~~ 22 feet.

4. All lots within the development shall be subject to Single-Family Design Review, including 75-foot wide lots, as approved by the Planning and Development Department.
5. Building elevations shall be developed to the following standards, as approved by the Planning and Development Department:
  - a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment.
  - b. A minimum of 50 percent of the elevations for each floor plan shall provide a covered front porch in the front yard with a minimum of 60 square feet in area at a depth of at least six feet. No porch shall terminate within the plane of a door or window.
  - c. Pitched roofs shall be provided on all building elevations.
6. The development shall be in general conformance with the fencing exhibit (landscape plan) and elevations date stamped October 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
  - a. Full open view fencing shall be utilized where an open space tract is adjacent to a canal.
  - b. Where view fencing is required by the Zoning Ordinance, a combination of solid masonry wall and view fencing may be utilized. The solid portion of the wall shall not exceed 4 feet in height.
  - c. Perimeter walls bounding the rear yard property lines of residential lots along South Mountain Avenue shall include minimum 3-foot offsets.
  - d. Perimeter walls bounding the rear yard property lines of residential lots along South Mountain Avenue shall be limited to a maximum of 5 feet solid and topped with open view fencing, as approved by the Planning and Development Department.
7. Project entry drives along 19th Avenue and South Mountain Avenue shall be constructed of decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
8. Project entry drives shall incorporate enhanced landscaping on both sides planted with a variety of at least three plant materials, as approved by the Planning and Development Department. Each landscaped area shall be a minimum of 250-square feet.

9. A minimum system of pedestrian connections shall be provided, as described below and as approved by the Planning and Development Department:
  - a. A system of pedestrian connections to/between via the most direct route:
    - (1) Amenity areas.
    - (2) Sidewalks.
    - (3) Pedestrian path connecting the northern and southern portions of the site via a centralized pathway.
    - (4) The common open space tract along the southeast corner of 19th Avenue and South Mountain Avenue shall contain a minimum 8-foot wide pedestrian pathway that connects the development with the sidewalk at 19th Avenue or South Mountain Avenue near the street intersection. This pathway shall be constructed of decomposed stabilized granite, decorative pavers, stamped or colored concrete, or similar alternative material. The landscaped tract shall contain minimum 2-inch caliper shade trees planted a minimum of 25 feet on center or equivalent groupings, along both sides of the pedestrian pathway.
    - (5) A minimum 8-foot wide pedestrian pathway shall connect the development with the multi-use trail along the Western Canal. This pathway shall be provided within an average 30-foot wide landscape tract and constructed of decomposed stabilized granite, decorative pavers, stamped or colored concrete, or similar alternative material.
    - (6) THE DEVELOPER SHALL PROVIDE A PEDESTRIAN ACCESS GATE TO THE WESTERN CANAL ALONG THE SOUTHEASTERN PROPERTY LINE AND A PEDESTRIAN GATE ACCESS ALONG BOTH 19TH AVENUE AND SOUTH MOUNTAIN AVENUE. THE PEDESTRIAN GATES ACCESS SHALL BE CONNECTED TO THE INTERNAL PEDESTRIAN PATHWAYS BY ACCESSIBLE SIDEWALKS.
10. No more than 50 percent of the landscape areas within common areas or 10 percent of the net development area whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department. This requirement does not apply to landscaping located within private yards on individual lots.
11. ~~The following minimum shall be provided and dispersed throughout the development, as approved by the Planning and Development Department:~~ OPEN SPACE AREAS SHALL BE IN GENERAL CONFORMANCE WITH THE LANDSCAPE PLAN DATE STAMPED ~~NOVEMBER 24, 2021,~~ **JANUARY 6, 2022**, AS MODIFIED BY THE

STIPULATIONS AND INCORPORATING THE FOLLOWING AMENITIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:

- a. Tot lot with shade equipment;
  - b. Two picnic areas each with a barbeque grill, shade ramada and a picnic table;
  - c. Four benches or seating features; and
  - d. Garden amenity of no less than a combined 1,000 square feet in size.
12. All sidewalks along 19th Avenue shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 25 feet on center or in equivalent groupings that provide shade to a minimum 75 percent AT MATURITY.
  - b. Drought tolerant vegetation to achieve 75 percent live coverage AT MATURITY.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

13. All sidewalks along South Mountain Avenue shall be detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 25 feet on center or in equivalent groupings that provide shade to a minimum 75 percent AT MATURITY.
  - b. Drought tolerant vegetation to achieve 75 percent live coverage AT MATURITY.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

14. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the east side of 19th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved by the Planning and Development Department. The developer shall work

with the Site Planning section on an alternate design for this requirement through the technical appeal process.

15. The developer shall dedicate minimum 50 feet of right-of-way and construct the east side of 19th Avenue, as approved by the Planning and Development Department.
16. The developer shall provide the following dedications and construct the south half of South Mountain Avenue in the following manner, as approved by the Planning and Development Department:
  - a. Thirty feet of right-of-way between 19th Avenue and 17th Drive.
  - b. Forty-four feet of right-of-way east of 17th Drive extending to the eastern boundary of the subject site.
17. The developer shall underground all existing overhead utility lines adjacent to the site.
18. The developer shall provide conduit and junction boxes at the southeast corner of 19th Avenue and South Mountain Road for future traffic signal equipment, as approved by the Street Transportation Department.
19. Existing irrigation facilities along 19th Avenue and South Mountain Avenue shall be undergrounded and/or relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
20. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, 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.
21. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development~~(s)~~ the existence and operational characteristics of agricultural ~~and farming activities~~ USES. THESE DOCUMENTS MUST ADVISE PURCHASERS THAT, UNDER SECTION 3-112(E), ARIZONA REVISED STATUTES, THE CITY OF PHOENIX MAY NOT DECLARE AN AGRICULTURAL OPERATION CONDUCTED ON FARMLAND TO BE A NUISANCE IF THE AGRICULTURAL ACTIVITY USE IS LAWFUL, CUSTOMARY, REASONABLE, SAFE AND NECESSARY TO THE AGRICULTURE INDUSTRY. The form and content of such documents shall be ~~according to the templates and instructions provided which have been reviewed and approved by the City Attorney~~ PRIOR TO RECORDATION.
22. PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSURE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT THE EXISTENCE AND OPERATIONAL

CHARACTERISTICS OF THE PHOENIX REGIONAL POLICE ACADEMY GUN RANGE. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE REVIEWED BY THE CITY PRIOR TO RECORDATION.

- ~~22.~~ The property owner shall record documents that disclose the existence, and
- ~~23.~~ operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
  
- ~~23.~~ The developer shall grant and record an avigation easement to the City of Phoenix
- ~~24.~~ Aviation Department for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
  
- ~~24.~~ The developer shall provide a No Hazard Determination for the proposed
- ~~25.~~ development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
  
- ~~25.~~ In the event archeological materials are encountered during construction, the
- ~~26.~~ developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
  
- ~~27.~~ THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY AND CONSTRUCT ONE BUS STOP PAD ALONG NORTHBOUND 19TH AVENUE TOWARDS THE SOUTH END OF THE SITE. THE BUS STOP PAD SHALL BE CONSTRUCTED ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1260 WITH A MINIMUM DEPTH OF 10 FEET.

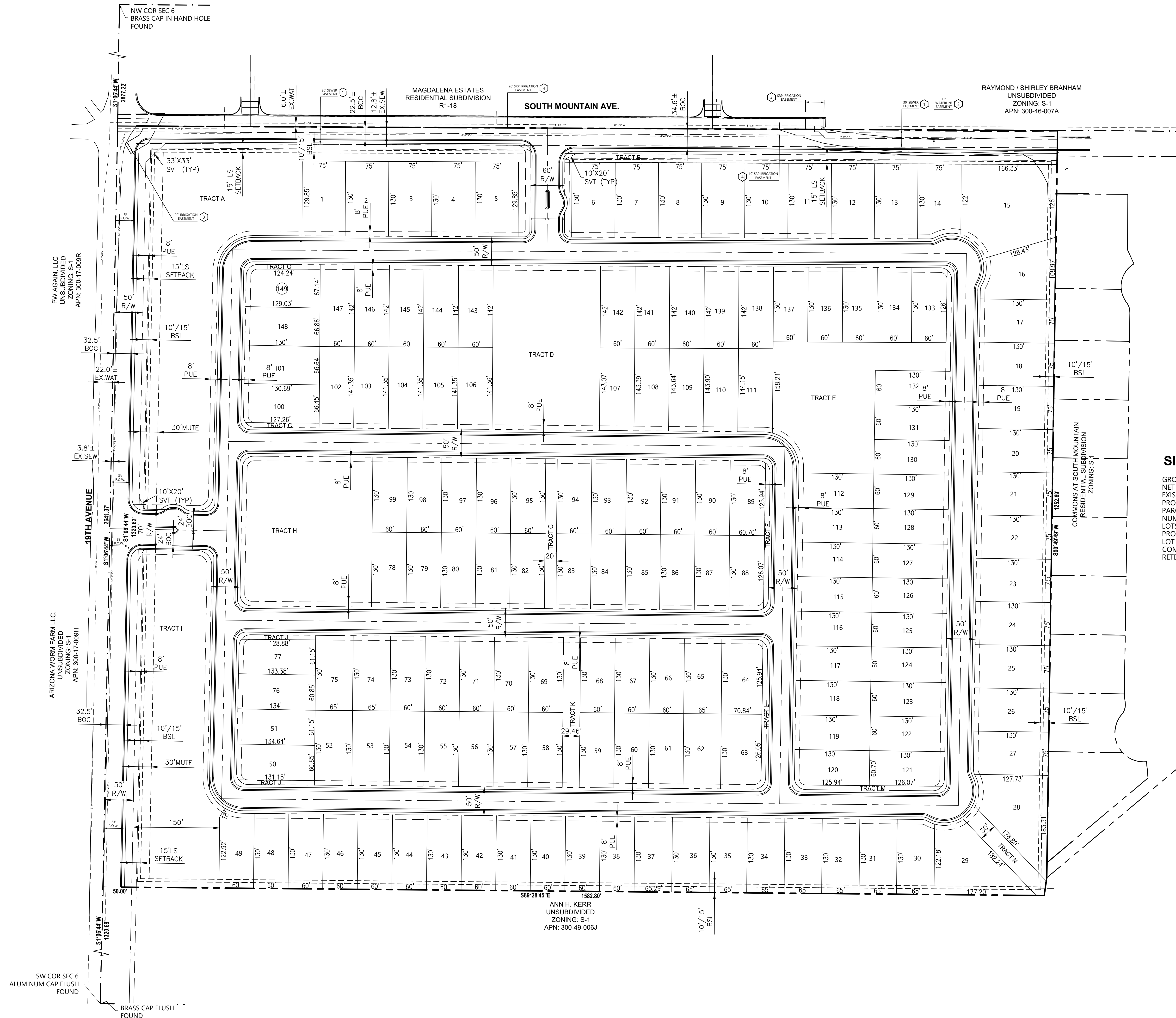
**Exhibits**

- Conceptual Site Plan date stamped January 6, 2022 (2 pages)
- Conceptual Landscape Plan date stamped January 6, 2022
- Correspondence from the public (19 pages)



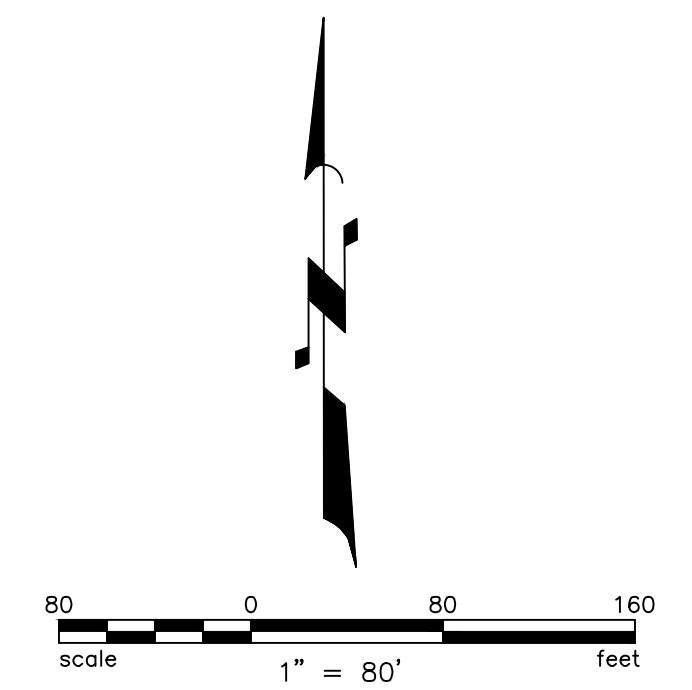






**SITE SUMMARY**

GROSS AREA	=	2,162,702 SQ. FT. OR 49.65 ACRES
NET AREA	=	2,035,910 SQ. FT. OR 46.74 ACRES
EXISTING ZONING	=	S-1
PROPOSED ZONING	=	R1-10
PARCEL NUMBERS	=	300-49-003C, -004, -005
NUMBER OF LOTS	=	149
LOTS AREA	=	1,275,369.98 SQ. FT. (TOTAL)
PROPOSED DENSITY	=	3.00 DWELLING UNITS PER ACRE
LOT SALES PROPOSED	=	YES
COMMON AREA	=	356,845 SQ. FT. (TOTAL) OR 16.5% (GROSS AREA)
RETENTION	=	ABOVE GROUND BASINS



**CITY OF PHOENIX**

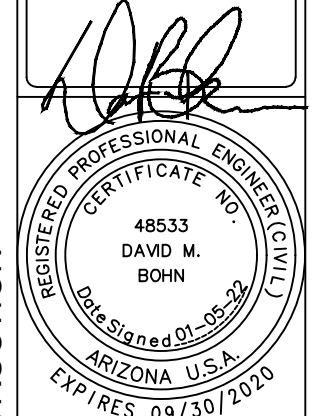
JAN 06 2022

Planning & Development  
Department

**PRELIMINARY SITE PLAN**  
**KIMURA GARDENS**  
CITY OF PHOENIX, AZ 85041

PROJECT:  
JOB No.:  
Drawn By: PJ  
Checked: DB

CALL THE WORKING DAYS BEFORE YOU DIG  
**(602) 263-1100**  
**1-800-STAKE-IT**  
(OUTSIDE MARICOPA COUNTY)



NOT APPROVED FOR CONSTRUCTION

JOB NO.  
**00202010130**

Prelim Site Plan

SHEET NO.  
**2**

2 OF 2





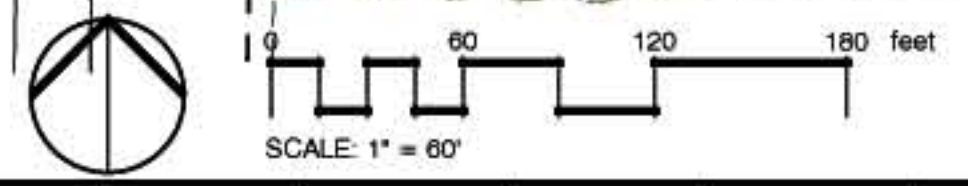
everett landscape architecture

# KIMURA GARDENS

PHOENIX, ARIZONA

DATE	9/14/2021
21015	
Sheet Title:	LANDSCAPE PLAN
Sheet:	

**CITY OF PHOENIX**  
 JAN 06 2022  
 Planning & Development  
 Department





**Racelle Escolar**

---

**From:** Dianne Olivo <tdranch@icloud.com>  
**Sent:** Thursday, December 2, 2021 1:17 PM  
**To:** PDD Planning Commission  
**Subject:** GPA-SM-2-21-8

I am directly across from this proposed project.

I am opposed to the rezoning of agriculture property it should remain as zoned agriculture And 1 dwelling per acre for following reasons:

# 1 Density would increase strain on already stretched water resources especially during drought. There should be an impact study of the water use and needs as well as all the other reasons i.e. traffic and especially the pollution impact of adjacent neighbor to south (produces methane gas) into the air.

2- buildout irrigation throughout development to each 1 acre lot and increase pricing to offset.

3- Bottom line there is no proven need for more nondescript housing anywhere currently. especially taking out valuable agricultural quickly disappearing land to be paved under asphalt adding to our climate change and O-Zone problems that's why we have zoning and hopefully responsible people on the board

Dianne Olivo  
TDRANCH  
8804 S 19th Ave

**From:** [Patti Trites](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Cc:** [Tamala Daniels](#); [trentchristopher@gmail.com](mailto:trentchristopher@gmail.com); [Marcia Busching](#); [twanna.bhna@yahoo.com](mailto:twanna.bhna@yahoo.com); [Greg Brownell](#); [edward@yourgreatestself.com](mailto:edward@yourgreatestself.com); [Adriana Garcia Maximiliano](#)  
**Subject:** REquest to speak and comment: Z-31-21-8 GPA-SM-3-21-8  
**Date:** Monday, December 13, 2021 12:05:57 PM

---

Dear Enrique

I would like to register to at tomorrow's SMVPC.

I would like to also speak for Agenda Item # 6 & 7 for Z-31-21-8 companion case GPA -SM -3-21-8

**- Thank you in advance for contacting the Maricopa County Flood Control District and looking at the flood maps of this property.**

**- Thank you also for keeping the entrance and exit into this new proposed community off of 19th Avenue.**

19th Avenue is the entrance to the South Mountain Trailhead: 19th Ave. (Ma-Ha-Tauk) Trailhead at 10484 S. 19th Ave.

Per the COP own site: At more than 16,000 acres, South Mountain Park/Preserve is one of the largest municipally managed parks in the nation and consists

of three mountain ranges - the Ma Ha Tauk, Gila and Guadalupe. The park boasts more than 50 miles of trails for hiking, horseback riding and mountain biking. Additionally, the roadways throughout the park are a favorite for bicyclists.

**- Safety and the beauty of South Mountain should be maintained as new development happens in the area.**

Many people - residents and visitors - utilize 19th Avenue as their entrance onto South Mountain Trailhead.

Keep it safe. Do not allow entrance or exits onto 19th avenue for new developments.

- Flood Control and COP are also planning on a 66" storm drain pipe and catch basins along 19th Avenue to South Mountain.

Keep 19th Avenue free of resident traffic as possible for safety.

**- Please keep the South Mountain Area looking complementary to its surroundings;**

1. Avoid block walls 'prison' effect around the new communities.
2. Please include plenty of plants/trees and Decorative Iron Fencing to surround the new developments.
3. Please have interior green space for the new residents.

These three items - when done correctly - will enhance the area and match the unique South Mountain Preserve Area.

Lets keep South Mountain Preserve beautiful.

Thank you.

Patti Trites  
Homeowner at South Mountain  
President of Southern Hills HOA

Cell: 402 213 7126

Email: [pattihoash@gmail.com](mailto:pattihoash@gmail.com)

**From:** [Erin Hegedus](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** Kimura - case Z-31-21-8 (GPA-SM-2-21-8 is currently continued)  
**Date:** Monday, December 13, 2021 6:45:09 PM

---

I am asking for a continuance to this case.

The developer has recently met with the community but has submitted to the Council a different plan that was discussed. I believe this project is being accelerated without documentation on what the community is asking in order to maintain the character and diversity of our neighborhood.

I am extremely concerned with how the infrastructure is going to support this development in addition to the existing, let alone the new homes that are currently under construction on South Mountain Avenue and Dobbins Road.

These roadways are 1 to 2 lane roads that currently cannot support the traffic, I ask that you consider this, and before approving further development, conduct a study plan in advance to understand the impact, not only on the traffic but the heat island this and other developments are creating.

Respectfully,  
Erin Hegedus  
8630 South 19<sup>th</sup> Avenue

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows



**From:** [Steven & Rebekah Higginbotham](#)  
**To:** [Council District 8 PCC](#); [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8  
**Date:** Sunday, December 12, 2021 9:45:30 PM

---

I live near 19th Avenue and South Mountain and I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8 (aka Kimura Gardens).

Best,  
Rebekah

**From:** [Steven Higginbotham](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#); [Council District 8 PCC](#)  
**Subject:** I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8  
**Date:** Sunday, December 12, 2021 10:18:14 PM

---

Hello,

I live near 19th Avenue and South Mountain and I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8 (aka Kimura Gardens).

.

Steven Higginbotham  
1804 w Magdalena Ln, Phoenix, AZ 85041

--

Steven Higginbotham

**From:** [JoAnne Jensen](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** Z-31-21-8 and GPA-SM-2-21-8 Continuance Recommendation  
**Date:** Monday, December 13, 2021 7:54:18 PM

---

Hello -

This is to request a continuance for item Z-31-21-8, to rezone the 49.5 acre parcel on the southeast corner of 19th Avenue and South Mountain to R1-18.

The community is in ongoing discussions with the Providence group, who is developing this parcel. The current stipulations do not and will likely not be reflected in the final proposal, when all is said and done. It is my feeling that the South Mountain Village Planning Committee should have the opportunity to review the final version and make its recommendation to the Planning Commission based on something that is more than notional.

We thank the Providence group for their time and attention to the neighbors and hope that we are nearing completion of our talks.

We also believe that there is no harm done by taking a deep breath; by taking our time, we will get it right rather than rushing into something which is ill-conceived and which may have unintended consequences.

Please add me to the list of those requesting a continuance. A continuance is not a rejection, nor does it equate with opposition. We know there will be development, we just want to be sure it is appropriate to this area.

Thank you all very much for your efforts on behalf of our unique rural community.

JoAnne Jensen  
8303 S. 17th Drive (Magdalena Estates)  
Phoenix AZ 85041  
480-213-6499

**From:** [Dean Chiarelli](#)  
**To:** [Enrique A Bojorquez-Gaxiola](#)  
**Subject:** December 14: SMVPC Meeting  
**Date:** Tuesday, December 14, 2021 11:45:32 AM  
**Attachments:** [Outlook-rmpvn2ah.png](#)  
[Outlook-o00zkkho.png](#)

---

Mr. Bojorquez-Gaxiola:

I have been a South Mountain resident and homeowner for 9.5 years. I registered for the South Mountain Village Planning Committee meeting on December 14th and would like to comment if possible. In case I cannot speak, I'm documenting my opposition to three rezoning items. The Committee should disapprove rezoning to increase the number of residential units. The proposed changes will cause excessive vehicle traffic and congestion on the local streets. The new homes currently under construction in the surrounding area are not even fully built yet, and there is already much traffic at the intersection where 19th Avenue meets Dobbins Road. Many of the streets in the rezoning area were built as "country roads" -- not meant for higher-density residential developments. In the future, there should be a new traffic study when the latest homes along the Dobbins corridor (7th Avenue to Loop 202) are occupied.

The right developers for this land should integrate their plans within the current zoning. The South Mountain area is a unique and historic location, and it is quickly becoming a generic bedroom community with roads not built to meet the needs of higher-volume residential developments.

---

Z-31-21-8 (Companion Case GPA-SM-2-21-8)- OPPOSE  
GPA-SM-3-21-8 (Companion Case Z-58-21-8)- OPPOSE  
Z-58-21-8 (Companion Case GPA-SM-3-21-8)- OPPOSE

---

Dean Chiarelli, Mobile phone 702-994-8077

**Dean Chiarelli, MA, RDN, CEP, CHES, REHS**  
Clinical Assistant Professor

**ASU Edson College of  
Nursing and Health Innovation**

Arizona State University

500 North 3rd Street | Phoenix, AZ 85004

Ph: 602.496.1867 | [dean.chiarelli@asu.edu](mailto:dean.chiarelli@asu.edu)

<https://nursingandhealth.asu.edu> [[nursingandhealth.asu.edu](https://nursingandhealth.asu.edu)]



## Enrique A Bojorquez-Gaxiola

---

**From:** H. Jewel Clark <hjewelclark@fastmail.com>  
**Sent:** Tuesday, December 14, 2021 11:40 AM  
**To:** Enrique A Bojorquez-Gaxiola  
**Subject:** Re: Opposition to Cases GPA-SM-3-21-8 and Z-58-21-8 - SMVPC meeting Dec. 14, 2021

Hi Enrique,

Thank you! Here's my letter for Kimura.

### **Opposition to case Z-31-21-8, agenda item #6**

I am writing in opposition to the Kimura Gardens development project (case number referenced above) and to request a continuance for the reasons stated here.

Despite the committee voting to approve the General Plan Amendment (case GPA-SM-2-21-8), both plans are overwhelmingly opposed by the surrounding community for the principal reason that the density is wholly inappropriate for our area in addition to issues of traffic, flooding, and heat island concerns that have not been addressed. Since the last committee meeting there have been other developments that keep the community opposed to the plan as submitted.

We've had some challenges in working with Withey Morris and Mr. Poulsen to find common ground.

The Vice Mayor is aware of the neighborhood's concerns and has arranged a meeting, which he will attend, for the neighbors and Mr. Poulsen/Withey Morris to talk through our outstanding issues with this development. That meeting is scheduled for Wednesday, Dec. 15. A continuance until such talks are complete is respectfully requested.

Sincerely,  
Jewel Clark  
2020 W. South Mountain Ave.  
Phoenix, AZ 85041

--

H. Jewel Clark  
[hjewelclark@fastmail.com](mailto:hjewelclark@fastmail.com)

On Tue, Dec 14, 2021, at 8:16 AM, Enrique A Bojorquez-Gaxiola wrote:

Good morning Jewel,

How are you? Thank you for sending over the following information on these two cases. I will save a copy in the case file and will share it with the South Mountain VPC as well.

By the way, the Chair has agreed to hear your presentation tonight. I would anticipate maybe 2 minutes for the presentation, but she will assign the actual time to all speakers.

**Racelle Escolar**

---

**From:** Dean Chiarelli <Dean.Chiarelli@asu.edu>  
**Sent:** Monday, January 3, 2022 5:24 PM  
**To:** PDD Planning Commission  
**Subject:** SMVPC Meeting January 6th - Opposition Notice

To South Mountain Village Planning Committee:

Re: Meeting Thursday, January 6th

I am strongly opposed to the items indicated below and request to speak.

Case numbers GPA-SM-3-21-8 and Z-58-21-8 (Agenda items 2 and 3).

Case numbers GPA-SM-2-21-8 and Z-31-21-8 (Agenda items 8 and 9).

I am opposed to the items because of excessive congestion on surface roads. The SMVPC is authorizing excessive approvals of rezoning in the area in tandem with a lack of new cultural amenities/ businesses to enhance quality of life in the area. The rural character of the area is rapidly changing for the worst, and this is against the City of Phoenix planning codes and Food Plan for South Phoenix. I respectfully request an updated traffic study which includes activity for homes currently under construction in the Dobbins Corridor. There are new homes along Dobbins Road from 16<sup>th</sup> Street all the way to the Loop 202 which aren't even built yet that will increase the congestion.

I also want to express concern the Chair of the Committee stated in the December 2021 meeting that she is a Realtor who grew up in South Phoenix. There is an appearance of bias towards approval of higher-density residential zoning for which the Chair may personally benefit.

**Dean Chiarelli, MA, RDN, CEP, CHES, REHS**

Clinical Assistant Professor

**ASU Edson College of  
Nursing and Health Innovation**

Arizona State University

500 North 3rd Street | Phoenix, AZ 85004

Ph: 602.496.1867 | [dean.chiarelli@asu.edu](mailto:dean.chiarelli@asu.edu)

<https://nursingandhealth.asu.edu> [[nursingandhealth.asu.edu](https://nursingandhealth.asu.edu)]





**Racelle Escolar**

---

**From:** Erin Hegedus <erinTKhegedus@hotmail.com>  
**Sent:** Tuesday, January 4, 2022 5:47 PM  
**To:** PDD Planning Commission; Council District 8 PCC; Adriana Garcia Maximiliano  
**Subject:** GPA-SM-2-21-8 and Z-31-21-8

I am writing to request a continuance of the referenced. We have had very promising negotiations with the developer, however, we ask that a formal submission of the changes the developer agreed to be presented to the neighbor before this council votes.

Respectfully,

Erin Hegedus, CMRP  
8630 South 19<sup>th</sup> Avenue  
Phoenix, AZ 85041

**Racelle Escolar**

---

**From:** rob@copperstatemetals.com  
**Sent:** Tuesday, January 4, 2022 8:49 AM  
**To:** PDD Planning Commission  
**Subject:** GPA-SM-2-21-8 and Z-31-21-8 items 8 and 9

4 JAN 2022

Honorable Planning Commission Members:

We are writing to voice our opposition to the Kimura development as it currently stands. Our concerns are the increase in traffic on streets which are already used beyond their capacity. By any definition, portions of South Mountain Ave. and 15th Ave. are only one lane and poorly maintained. Additionally the intersection of South Mountain and 19th Ave. is already dangerous and will only get worse with the addition of well over 100 homes in this development alone. We would also ask the Commission to consider the effect on the property values of the current residents. Most lots are 1/4 acre and more in the area, and most homes are well over 2200 sf as well as single story only. Allowing smaller homes on smaller lots will only exacerbate the current traffic and drainage issues in the area and negatively impact the property values of the established residents in order to allow the developers to make more money. This is not good for the community and it is not just. Thank you for your time and consideration.

Respectfully,

Robert D. Barnes  
Geniveve R. Tapia

8312 S. 18th Lane  
Phoenix, AZ 85041

**Racelle Escolar**

---

**From:** azleatherking <azleatherking@aol.com>  
**Sent:** Tuesday, January 4, 2022 3:19 PM  
**To:** PDD Planning Commission  
**Subject:** Kimura project 19th ave

My name is Don Olson, and I own 8640 s 19ave, across the street from the proposed Kimura project. I am vehemently opposed to the density of homes being asked for by the developer. This area is ag/residential, and the infrastructure does not support what is here now, much less adding 150 houses.

GPA-sm-2-21-8  
Z-31-21-8

Don olson 8640 s 19 ave, phx 85041  
602 434 5641

Sent from my T-Mobile 4G LTE Device

**Racelle Escolar**

---

**From:** H. Jewel Clark <hjewelclark@fastmail.com>  
**Sent:** Tuesday, January 4, 2022 6:01 PM  
**To:** PDD Planning Commission  
**Subject:** Letter of opposition GPA-SM-2-21-8 and Z-31-21-8 (Agenda items 8 and 9)

I am writing to oppose **GPA-SM-2-21-8 and Z-31-21-8 (Agenda items 8 and 9)** and request a continuance on both cases. The surrounding community is still in discussions with Mr. Poulsen and Withey Morris on final density and heat mitigation and the Vice Mayor has scheduled another meeting for us to try to finalize a plan that both the developer and the community can live with Jan. 13. Due to the holidays, it has not been feasible to arrange an earlier meeting since our last one Dec. 15.

The assertion you may hear from Withey Morris that they have been working with the neighbors on this project for a year is not accurate. Withey Morris started dialog with the broader community surrounding this property only in the Fall of 2021, with limited changes from the original plan submitted at the first SMVPC meeting.

For example, Adam Baugh included a timeline in his presentation to the South Mountain Village Planning Committee that read in part:

“Proposed site plan developed through extensive outreach and input with surrounding residents, additional changes after November SMVPC due to input from on -site neighbor meeting and follow -up conversations.”

The plan that was shown at the Dec. 14 SMVPC meeting was stamped by the City Planning Office Nov. 24, **5 days before the first neighborhood meeting on-site that he references**. The changes on that plan were based on input from the SMVPC, NOT the neighborhood meeting or follow up conversations. The neighbors need to be included in whatever changes are made next.

The community would love to be done with this, but based on the last plan we have seen, it is simply not acceptable to the existing neighbors. However, I am optimistic we can find compromise.

South Mountain is under tremendous pressure from developers, and we are swiftly losing the rural character and agricultural practice that make it such a unique place to live. We have already bought our properties and built to preserve that open, rural sense of place. We want to work with developers interested in building here to create something that fits. We can make that happen but we need you to hold developers accountable to working in good faith with the existing community. We can do it, but we need more time. Please vote to continue.

Sincerely,  
Jewel Clark  
2020 W. South Mountain Ave.  
Phoenix, AZ 85041

--

H. Jewel Clark  
[hjewelclark@fastmail.com](mailto:hjewelclark@fastmail.com)

---

**From:** JoAnne Jensen <joannejensen@cox.net>

**Sent:** Tuesday, January 4, 2022 5:08 PM

**To:** PDD Planning Commission <pdd.planningcomm@phoenix.gov>

**Cc:** Adriana Garcia Maximiliano <adriana.garcia.maximiliano@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>

**Subject:** GPA-SM-2-21-8 and Z-31-21-8 / Kimura Gardens

Hello and thank you for taking my comments.

My name is JoAnne Jensen, our address is 8303 So. 17<sup>th</sup> Drive, Phoenix AZ 85041; this is in Magdalena Estates, which is to the immediate north of the parcel which the Providence group wishes to develop, and which is the subject of the two requests, named above.

I have been one of two points of contact between the South Mountain neighbors and the Providence group and thank Mr. Poulsen, Ben Tate, and Adam Baugh of the Providence group for their patient attention throughout our discussions.

It is important to note that these discussions are ongoing and in fact, the present stipulations are out of date with current conversations and likely agreements. What we need more than anything is a continuation so that we can maintain progress toward resolving our remaining differences.

If a continuation is not granted, then I cannot support the current stipulations, particularly the absence of robust heat mitigation measures and the presence of a high number of dwellings. To be very specific – this is not an objection to the development, or to a future agreement regarding stipulations, but solely to the current stipulations – density and absence of heat mitigation efforts.

General consensus within this community is that responsible development in the face of climate change and the proximity of the warmest location in Phoenix must necessarily include heat mitigation efforts. One might argue that heat mitigation efforts on one 50 acre development will make no difference – but this is the kind of argument which has led to today's problems with excessive heat and parching conditions. Absent sufficient stipulations, this plan is unacceptable.

Neighbors do not object to development, per se, however we feel it should be in keeping with the Rio Montana general plan, which was in place when we each decided to invest in this rural and agricultural part of town. There is a general sense that the concerns of current residents and business owners are being set aside to meet economic interests of the developer. We would not have objected to R1-18 zoning. Indeed, we would not have objected to R1-18 with bonus, which would have enabled 114 dwellings, as that is similar to the two adjacent developments, The Commons (which, incidentally, is also a Providence development) and Magdalena Estates. However, we do not support the building of 156 homes, as the stipulation currently reads. Mr. Poulsen and the Providence group have argued that they have been making many concessions – from two stories to one, from 180 units to 173 to 156, and these are appreciated. However, the neighbors likewise feel that density beyond R1-18 with bonus is a significant concession.

We are concerned that the last City traffic study in this area with in the 2012 – 2013 timeframe. Since then, quite a few homes have been built and we believe that the addition of this development at the currently requested density will lead to even more traffic congestion than we already experience. At present, the thoroughfares are woefully inadequate to support this level of growth and developers are required to improve only the lengths of pavement parallel to the development property line. We believe that the lack of uniformity will not be sufficient to provide safe and uncongested traffic flows on either 19<sup>th</sup> Avenue or South Mountain.

In summary – my primary request is that the Planning Commission issues a continuation for the two above-referenced requests so that the neighbors and the Providence group can pursue ongoing discussions and come to a reasonable resolve. Again, we do not object to development, per se, but we request time to achieve this goal.

Thank you for your time and attention.

JoAnne Jensen

Cell – 480-213-6499

Email – [joannejensen@cox.net](mailto:joannejensen@cox.net)

**Racelle Escolar**

---

**From:** Steven & Rebekah Higginbotham <steven.rebekah.hz@gmail.com>  
**Sent:** Tuesday, January 4, 2022 4:14 PM  
**To:** PDD Planning Commission; Council District 8 PCC; adriana.garcia.maximilliano@phoenix.gov  
**Subject:** I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8

I live near 19th Avenue and South Mountain and I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8 (aka Kimura Gardens) on the following grounds: discussions between discussions between the community and the developers are ongoing and the currently submitted stipulations are not only inconsistent with those conversations but also inadequate for the safety and quality of life of this community.

Best,  
Rebekah



**Racelle Escolar**

---

**From:** Ravi Sharma <ravi6161sharma@gmail.com>  
**Sent:** Tuesday, January 4, 2022 5:03 PM  
**To:** PDD Planning Commission  
**Cc:** Council District 8 PCC; adriana.garcia.maximilliano@phoenix.gov  
**Subject:** Item # 2 and Case # GPA-SM-3-21-8, Item #3 and Case # Z-58-21-8, Item # 8 and Case #GPA-SM-2-21-8  
(Continued from 12/2/2021), Item # 9 and Case #

Z-31-21-8 (Continued from 12/2/2021)

We are opposed to the proposed changes.

Dr. Ravi and Mrs. Snigdha Sharma

**Racelle Escolar**

---

**From:** Steven Higginbotham <steven.w.higginbotham@gmail.com>  
**Sent:** Tuesday, January 4, 2022 4:14 PM  
**To:** PDD Planning Commission; Council District 8 PCC; adriana.garcia.maximilliano@phoenix.gov  
**Subject:** I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8

I live near 19th Avenue and South Mountain and I support continuance for cases Z-31-21-8 and GPA-SM-2-21-8 (aka Kimura Gardens) on the following grounds: discussions between discussions between the community and the developers are ongoing and the currently submitted stipulations are not only inconsistent with those conversations but also inadequate for the safety and quality of life of this community.

--  
Steven Higginbotham



TB RANCH

---

January 4, 2022

Mr Vice Mayor Garcia  
Cc: Mayor Kate Gallego  
CC: Planning commission

RE: Z-31-21 GPA-SM-2-21.  
Z-58-21-8 GPA-SM-3-21-8 and Z-71-21-8  
GPA-SM-4-21-8

Dear Sir and all,

We wanted to contact you further with our thoughts on the developments that have been proposed that surround our property on three sides. Thank you for your time and "listening" meetings. It appears you have made sincere efforts to understand our community and its true needs. Reflecting on your comments in regards to need for infrastructure funding and support by developers and the balance with our community and "your constituents" opposition. Clearly you can see these projects are wrong in concept, wrong in vision and complicate the stress that already exists on environment and water. Arizona in general is filled with this type of uninspired walled in "stick built" trailer parks. This area in particular had a plan in place for the type of development and zoning that reflects a blend of development and community. It is your job and planning persons to be true advocates for your constituents. Not the carpetbaggers with a slick lawyer that come into agricultural communities create the blight they blindly build and move on forever removing viable fertile land available to agriculture. The innovative Zach Brooks and the Worm Farm represent a future with exciting use and possibilities in agriculture. We urge you and all decision makers to take a stand for the future and our community by sending these developers a "NO SALE" notice. If zoning is allowed to be changed on all 3 projects, our lives and negative impact will set the table for complete destruction of agriculture within the city limits. These type of developers should be encouraged by the mayor and city to move to inner city blighted lots and build and make it a win win for both. These projects do not represent the highest and best use nor do they address the high demand for quality of life balanced with innovative housing solutions and should be denied out of hand.

Sincerely yours,

Ted and Dianne Olivo

CONTACT

---

8804 S 19TH AVE PHOENIX AZ 85041, 617-645-8591 TDRANCH@ICLOUD.COM