



**Village Planning Committee Meeting Summary**  
**Z-91-C-99-2**  
**REVISED**  
**November 1, 2022**

<b>Date of VPC Meeting</b>	October 13, 2022
<b>Request From</b>	PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)
<b>Request To</b>	C-2 HGT/WVR DNS/WVR PCD NBCOD
<b>Proposed Use</b>	Major PCD amendment to allow multifamily residential uses
<b>Location</b>	Approximately 815 feet west of the northwest corner of North Valley Parkway and Dove Valley Road
<b>VPC Recommendation</b>	Approval, per staff recommendation with modifications
<b>VPC Vote</b>	6-0

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*No members of the public registered to speak for this item.*

**Staff Presentation:**

**Enrique Bojórquez**, staff, introduced himself and provided an overview of this rezoning case, describing the location, surrounding land uses and existing zoning. Mr. Bojórquez shared the proposal is consistent with the General Plan Land Use Map designation of Commercial and discussed several policy plans, including the North Black Canyon Corridor Plan, which seeks to achieve a balance between employment and residential uses within the Village. Mr. Bojórquez then described the proposed site plan and building elevations, noting that vehicular access will be solely along 29th Avenue, pedestrian access is proposed to the adjacent commercial property, and that the colors and materials of the elevations are typically what is seen in this part of the Village, as governed by the North Black Canyon Overlay District. Mr. Bojórquez noted that a revised staff report was recently published, clarifying that 29th Avenue will be a public street and clarifying Stipulation No. 13 which addressed bicycle parking. Mr. Bojórquez concluded the presentation by providing the staff findings, recommendation of approval per the staff recommendation with modifications to Stipulation Nos. 3 and 26 as presented by staff.

## **Applicant Presentation:**

**Larry Lazarus**, representing the applicant with Lazarus and Silvyn P.C., introduced himself and his team, including David Beckham and Rick West with Canyon Crossroads LLC, the landowners and partners for the project, and Bob Bussone with Oakdale Realty LLC, the developer partner for the project. Mr. Lazarus clarified the request is only for a density waiver and is not changing the permitted use of multifamily, the underlying zoning, or the allowed height.

**Mr. Beckham** provided a history of the development's public/private partnership, the Planned Community Development, infrastructure, and development history of the surrounding area, noting the proposed multifamily use is adjacent to Fry's grocery store without the need to cross a major street, and is not adjacent to single-family.

**Mr. Lazarus** went over the proposed site plan and building elevations, noting the differentiated setbacks that provide visual interest rather than a box shape, and the substantial amount of landscaping proposed throughout the development and along Dove Valley Road. Mr. Lazarus also noted that the project is providing more open space and more parking than required by the underlying zoning. Mr. Lazarus stated that the building height is 4 stories and approximately 48 feet, which is complimentary to the Gore project and the Fry's shopping center. Mr. Lazarus then continued to discuss traffic, stating access is from 29th Avenue which connects directly to Dove Valley Road, which is the major arterial street. Mr. Lazarus stated that they have prepared a traffic impact and signal warrant study for the project, which shows that the intersection of 29th Avenue and Dove Valley Road will operate at a service level of B, which is very good. Mr. Lazarus clarified the study includes traffic from the project as well as future traffic in the area and shows that 70% of the trips from the project will head directly west on Dove Valley Road towards the I-17 freeway. Mr. Lazarus stated that the building elevations have a range of materials with soft colors and characteristics of the Sonoran Desert and will have 360-degree architecture. Mr. Lazarus went on to discuss the neighborhood meeting, stating notices were mailed on July 20th to property owners within 600 feet and homeowners associations registered with the City of Phoenix within one mile. Mr. Lazarus indicated that their neighborhood meeting began 15 minutes earlier at 5:45 p.m. to prepare for participants who may arrive early to the meeting and went on waiting until 6:30 p.m. to end the meeting, as there were no neighbors that had joined. Mr. Lazarus clarified that they had not received any phone calls or emails from neighbors regarding the project, and as a result, there were no issues from the neighborhood meeting to be addressed. Mr. Lazarus stated that Mr. Beckham also reached out to individual neighbors, members of the Village Planning Committee and a homeowners association to inform them of the project and obtain input.

**Mr. Beckham** stated for a long time now, he has talked to everyone he could about their shopping center and how they can make it better and has also included the multifamily project in these discussions since they began designing it. Mr. Beckham stated he was disappointed with the lack of turnout at the neighborhood meeting, so afterwards he reached out to Vice Chair Simon who lives in the neighborhood, who put him in touch with the president of the HOA for the single-family community closest to the project. Mr. Beckham stated his offer stills stands and he would be glad to meet with anyone and receive input, and that they can contact him at his cell phone number 602-549-4624. Mr. Beckham stated they received interest from many companies when

seeking a multifamily partner for the project, and they chose Oakdale because they have extensive experience, including here in the Valley, and that they build great projects. Mr. Beckham added that they have gained experience with big companies and have chosen to stay small so they can really focus on their chosen projects rather than to do mass numbers of them. Mr. Beckham concluded by discussing schools, indicating that their contribution agreement with the school district was approved by the board in June, and has been fully executed and recorded, which will provide \$280,000 to the district.

### **Questions from the Committee:**

**Chair Stokes** asked for clarification on the stipulations showing a reduction of five units per acre and if it is accurate with their plans. **Mr. Lazarus** responded, stating that is correct, and that their initial application had not included half of the roadway, so when making the calculation with half of the roadway included, it does bring down the density. **Chair Stokes** asked if a traffic signal will be installed along Dove Valley Road between the I-17 freeway and Sonoran Desert Drive or 27th Drive. **Mr. Lazarus** responded that the City would like to have a signal at 29th Avenue and Dove Valley Road. **Chair Stokes** asked for clarification on the distance between signals that seem close together. Mr. Lazarus indicated they are still discussing it with the City and will continue to discuss it with the City between now and the City Council meeting.

**Vice Chair Simon** asked for clarification if the units will be rented apartments or owned condominiums. **Mr. Lazarus** responded that they are rentals but will be built to condominium standards so they can be converted at some point in the future. **Vice Chair Simon** asked what the rental rates are. Mr. Lazarus responded that the rates will be between \$1800 to about \$2800 per month.

**Chair Stokes** asked what types of floor plans will be offered. **Mr. Bussone** responded the floor plans will range from an efficiency unit of 580 square feet to a three-bedroom of about 1500 square feet. Mr. Bussone indicated there will be about 55% one-bedrooms, 35% two-bedrooms, and the rest will be three-bedrooms.

**Michelle Ricart** clarified that there will be 10% three-bedrooms and thanked Mr. Beckham for his transparency and for mentioning the donation to the school. Ms. Ricart stated there are many families that are living in one-bedrooms and two-bedrooms because of the housing situation. Ms. Ricart asked for clarification on the amenities being provided. **Mr. Bussone** responded that there will be a pool, gym, ramadas, a bike repair facility due to the stipulation requiring 14 bike stalls, a dog wash, and a community center with conference rooms. Mr. Bussone stated that they feel the biggest amenity will be the Fry's grocery store next door to be able to have residents not needing to get into their automobile and being able to walk to Fry's, Starbucks, or any other tenants in the development. **Ms. Ricart** asked if it is correct that the developer would be 100% responsible for the streetlight. **Mr. Lazarus** confirmed that is what the stipulation says, but that they are still talking with staff about it since there are other property owners around the four corners there and they are discussing whether they should be 100% responsible. **Ms. Ricart** asked for clarification that if the case is approved with that stipulation, that the streetlight will be 100% paid for by the applicant. **Mr. Lazarus** responded affirmatively. **Ms. Ricart** asked how many letters were physically mailed out for the neighborhood meeting notice. **Mr. Lazarus** did not have that information at hand but stated it was not as many as they had thought, since the

surrounding properties are large areas and it did not encompass a lot of the single-family residents, which is why Mr. Beckham reached out to the HOA and reached out further than the mailing list.

**Public Comments:**

None.

**Applicant Response to Public Comment:**

None.

**Discussion:**

None.

**MOTION:**

**Vice Chair Simon** motioned to recommend approval of Z-91-C-99-2, per the staff recommendation, with modifications to Stipulation Nos. 3 and 26 (as requested by staff). **Committee member Julie Read** seconded the motion.

**VOTE:**

**6-0;** motion to recommend approval of Z-91-C-99-2 per the staff recommendation, with modifications to Stipulation Nos. 3 and 26 passes with Committee members French, Krieger, Read, Ricart, Simon, and Stokes in favor.

**APPROVED STIPULATIONS:**

1. The development shall be in general conformance with the site plan date stamped October 7, 2022, and elevations date stamped August 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall utilize the R-5 Planned Residential Development option.
3. The maximum density for the project shall not exceed ~~36~~ **31** dwelling units per acre.
4. The development shall provide a minimum of four amenities, such as a pool, ramadas, a bicycle repair station, or similar elements, as approved by the Planning and Development Department.
5. The developer shall construct a decorative path connecting from the subject site to the commercial development to the east, as approved by the Planning and Development Department.
6. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning

and Development Department.

7. The developer shall provide full street improvements to 29th Avenue, as per the approved Canyon Crossroads Master Street Plan.
8. The development shall install all required street improvements including those on Dove Valley Road connecting to existing improvements on the east, to the western limits of the Canyon Crossroads Development, complying with the approved Master Street Plan for Canyon Crossroads PCD.
9. The developer shall construct a detached sidewalk along the north side of Dove Valley Road as required by the approved Canyon Crossroad Master Plan and planted to the following standards, as approved by the Planning and Development Department:
  - a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

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

10. The applicant shall submit a Signal Warrant Analysis to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
11. The development shall be responsible for 100% of the equipment and installation cost for the signal at the intersection of 29th Avenue and Dove Valley Road prior to preliminary site plan approval. If the signal is installed by others, then the development shall be responsible for 100% of the cost, provided in escrow to the Street Transportation Department for signal relocation and/or modification.
12. 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.
13. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
14. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the

development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

15. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
16. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

#### **PCD STIPULATIONS – LAND USE**

18. All development, both commercial and residential, shall be consistent with design guidelines for the North Black Canyon Corridor Plan and North Black Canyon Overlay District.
19. Updated master plans for the Canyon Crossroads PCD reflecting changes approved through this amendment shall be submitted as required by the Planning and Development Department.

#### **PCD STIPULATIONS – WASHES AND OPEN SPACE**

20. The use of pedestrian-scaled lighting should be utilized where taller or brighter lights are not needed for auto safety and security. Required lights are to be of minimum heights, utilizing shoebox type fixtures with maximum shielding or other fixtures, as approved by the Planning and Development Department and Street Transportation Department.

#### **PCD STIPULATIONS – STREETS, SIDEWALKS, AND TRANSIT**

21. The Master Street Plan shall include 27th Avenue, Parkway A, and Dove Valley Road with full dedication of all rights-of-way where the arterial is located wholly within the PCD and half the right-of-way where the arterial is located on the edge of the PCD.
22. All concrete structures built within this development (including but not limited to sidewalks and drainage structures) shall be internally colored to match the surrounding undisturbed desert floor. Sidewalks along arterial streets shall be integrally colored with salt, broom, or other comparable finish. Maintenance and replacement of those sidewalks under-the jurisdiction of the PCD Master Community Association (MCA) shall be by the MCA.
23. Along any collector and local streets within residential development, the sidewalk

shall be detached, and a 5-foot-wide landscape strip shall be located between the sidewalk and back-of-curb. The planting area shall be planted with trees placed 20-feet on center, or in equivalent groupings, and groundcover. Alternatively, trees maybe planted to reach canopy to canopy at maturity, which will vary depending upon the type of tree planted. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

## **PCD STIPULATIONS – DEVELOPMENT DESIGN**

24. All development within the PCD shall use CPTED (Crime Prevention Through Environmental Design) principles in their design.
25. A Comprehensive Sign Plan shall be processed in accordance with Section 705.F.2 of the Zoning Ordinance. They should be designed to integrate into the adjacent streetscape through use of colors, materials, and textures in the surrounding natural environment as well as the built environment.

## **PCD STIPULATIONS – ADMINISTRATION**

26. One or more Homeowner's Associations (HOA) shall be formed and they (or their designee) shall be responsible for the maintenance of all (non-dedicated) landscape areas, open space, washes, specialty paving or lighting, private drives or streets, and trails, bikeways, and drainageways under common ownership. The **ADJACENT PROPERTY OWNER OR HOA** (or their designee) shall also be responsible for the maintenance of landscaping located in rights-of-way. All areas dedicated to the City, except for landscaping located in the rights-of-way, shall be maintained by the City.
27. Prior to approval of any subdivision plat or site plan, Covenants, Conditions, and Restrictions (CCRs) for the plat or site plan to be submitted shall be developed, submitted to and approved by Planning and Development Department staff and shall address the following:
  - a. Describe maintenance of landscape areas, open space, washes, specialty paving or lighting, and of trails and drainageways under common ownership.
  - b. Include a list of allowable plant materials and those prohibited as approved in the Master Landscape Plan.
  - c. Inform prospective buyers of the proximity to possible neighborhood and community park sites, identifying those parcels, per language approved. by the Parks and Recreation Department.
  - d. Inform prospective residential buyers of the proximity to the Ben Avery Shooting Range. The facility, located at the northwest corner of 1-17 and Carefree Highway, is operated by Arizona State Game and Fish Department and has the potential to be active seven days a week, 24 hours a day. This use will continue in perpetuity.

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

At the October 13, 2022, North Gateway Village Planning Committee meeting, staff recommended a modification to Stipulation No. 3 to clarify the maximum number of dwelling units allowed on the site following a change to the gross acreage of the rezoning case. The number of dwelling units proposed by the applicant is consistent with the modification proposed by staff on Stipulation No. 3.

Staff also recommended the modification of Stipulation No. 26 to clarify the maintenance responsibility of landscaping within right-of-way next to this site, given that this site will no longer be part of a Homeowner's Association (HOA) and is intended to be owned by a single entity.