

PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned
From: Alan Stephenson
Planning & Development Department Director
Date: May 13, 2022
Subject: **P.H.O. APPLICATION NO. PHO-1-22--Z-91-A-99-2** – Notice of Pending Actions
by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **June 15, 2022**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **May 20, 2022**.

DISTRIBUTION

Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Sina Matthes, Tony Motola), 11th Floor
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Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor
Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor
Village Planner (Julianna Pierre, North Gateway Village)
Village Planning Committee Chair (Jason Stokes, North Gateway Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-22--Z-91-A-99-2

Council District: 2

Request For: Stipulation Modification

Reason for Request: Modification of Stipulation 1 regarding general conformance with the site plan date stamped June 15, 2007. Deletion of Stipulation 5 regarding a minimum of two pedestrian access points connecting commercial and residential developments. Technical corrections to Stipulations 2, 3, 4, 6, 9, 11, 12, and 13.

Owner	Applicant	Representative
Canyon Crossroads Investors LLC	Ed Bull, Burch & Cracchiolo P.A.	Ed Bull, Burch & Cracchiolo P.A.
8135 East Indian Bend Road, Suite 101	1850 North Central Avenue, Suite 1700	1850 North Central Avenue, Suite 1700
Scottsdale AZ 85260	Phoenix AZ 85004	Phoenix AZ 85004
(480) 850-2016	(602) 234-9913	P: (602) 234-9913 F: (602) 265-2195
dan@livegreenlight.com	ebull@bcattorneys.com	ebull@bcattorneys.com

Property Location: Northwest corner of 27th Drive and North Valley Parkway

Zoning Map: <u>R-7</u>	Quarter Section: <u>57-22</u>	APN: <u>204-02-002U</u>	Acreage: <u>6.88</u>
Village: <u>North Gateway</u>			
Last Hearing: <u>CC RATIFICATION</u>			
Previous Opposition: <u>No</u>			
Date of Original City Council Action: <u>09/05/2007 0300 PM</u>			
Previous PHO Actions: _____			
Zoning Vested: <u>PCD NBCOD (App. C-2)</u>			
Supplemental Map No.: _____			
Planning Staff: <u>071773</u>			

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,080.00	\$0.00	04/27/2022	22-0040315	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>06/15/2022 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	
Action: _____	Action: _____	Action: _____



BURCH & CRACCHIOLO

EDWIN C. BULL
DIRECT LINE: 602.234.9913
EMAIL: EBULL@BCATTORNEYS.COM

April 27, 2022

Mr. Adam Stranieri
Planning Hearing Officer
City of Phoenix
Planning and Development Department
200 W. Washington St., 2nd Floor
Phoenix, Arizona. 85003

RE: PHO Stipulation Modification from Z-91-A-99-2 (Stipulations 1 and 5)
33350 N. 27th Drive (Northwest Corner of 27th Drive & North Valley Parkway)

Dear Mr. Stranieri:

On behalf of Greenlight Communities ("Greenlight"), who is the developer of the property located at 33350 N. 27th Drive ("Site"), we request the PHO's action on two Zoning Stipulations from Z-91-A-99-2 to facilitate the development of a multifamily community on this vacant site. See **Exhibit 1**, Aerial Map identifying the Site.

The Site is zoned C-2 HGT/WVR DNS/WVR PCD NBCOD. See **Exhibit 2**, Zoning Map. In 2007, the City Council approved the zoning for this Site, subject to 15 zoning stipulations. See **Exhibit 3**, October 9, 2007 Zoning Approval Letter with Stipulations. We are not requesting a Rezoning. Instead, we are requesting:

- (A) Modification of Stipulation 1 to add language that (a) purposely will not change any of the requirements and restrictions of existing Stipulation 1 anywhere outside of Greenlight's approximately 5.0 net acres, but (b) will allow development of the proposed multifamily community on a particular 5.0 acres; and
- (B) Deletion of Stipulation 5

We are also noting (as was confirmed during Greenlight's Site Plan PreApp Meeting) that Stipulation 13 ("...maximum gross building area for commercial development on the property shall be 45,000 square feet...") does not apply to Greenlight's multi-family buildings.

The proposed Stipulation modifications/deletions are highlighted as follows:

1. That the development on all but the 5.0 acres shown on the Greenlight site plan shall be in general conformance with the site plan date stamped June 15, 2007, as modified by the following stipulations and approved by the Development Services Department.



Burch & Cracchiolo, P.A.
1850 N. Central Ave., Suite 1700 • Phoenix, AZ 85004
Main: 602.274.7611 • Fax: 602.234.0341

BCATTORNEYS.COM

Development of the 5.0 acres shown on the Greenlight site plan will be in general conformance with the Greenlight site plan date stamped XXX.

Rationale: Modify. Providing a multifamily community will allow greater residential variety for those living and/or working in the area and provide an additional customer base for the stores and restaurants located just across the street at the southeast corner of 27th Drive and North Valley Parkway. Moreover, because the Site is just minutes from the I-17 freeway, residents can easily commute to other areas of the Valley. The proposed use is appropriate for the area and compatible with the area's other residential and commercial uses.

~~5. That a minimum of two pedestrian access points connecting the commercial and residential develops shall be provided as approved by the Development Services Department.~~

Rationale: Delete. Previous plans for this Site contemplated commercial development with residential uses to the north. Multifamily development is a better and more appropriate use for the Site given the need for additional essential worker housing in the area and the lack of success developing this Site with commercial uses. Without the originally contemplated commercial development, there is no need for a pedestrian connection between this Site and the development to the north. Accordingly, it is appropriate and necessary to delete Stipulation 5 and remove or block the existing gates between the Site and adjacent property. Their removal will help ensure the safety and security of the residents by creating secure boundaries around the multifamily development.

Referring to the Site Plans and Elevations at **Exhibits 4 and 5, respectively**, Greenlight is proposing to develop an approximately 159-unit gated multifamily community consisting of a series of three buildings with interior "community pods" housing approximately 57 studios, 66 1-bedroom and 36 2-bedroom units. Greenlight's conceptual elevations have been submitted for administrative review as a separate but concurrent submittal in accordance with Stipulation 6.

Moreover, the Site is situated within a large mixed-use development (approximately 119 acres) and adding a multifamily development on approximately 5.0 acres is neither excessive nor out of scale but is, instead, very appropriate for the location. The addition of a high-quality multifamily development geared toward essential workers will benefit area businesses and residents and will utilize a currently vacant property. Furthermore, there are no single-family homes adjacent to the Site. Therefore, the addition of the proposed multifamily community will not in any way be detrimental to any single-family neighbors.

Greenlight's multifamily development is a compatible use for the larger mixed-use development located in close proximity to numerous commercial uses and the I-17 freeway.



Mr. Adam Stranieri
April 27, 2022
Page 3

Please contact Ali Bull (602-234-8747, abull@bcattorneys.com), Leslie Chatburn (602-234-8787, lchatburn@bcattorneys.com), or Ed Bull (602-234-9913, ebull@bcattorneys.com) if you have questions or need additional information. Thank you for your help and consideration.

Very truly yours,
BURCH & CRACCHIOLO, P.A.



Ali Bull and Ed Bull
For the Firm

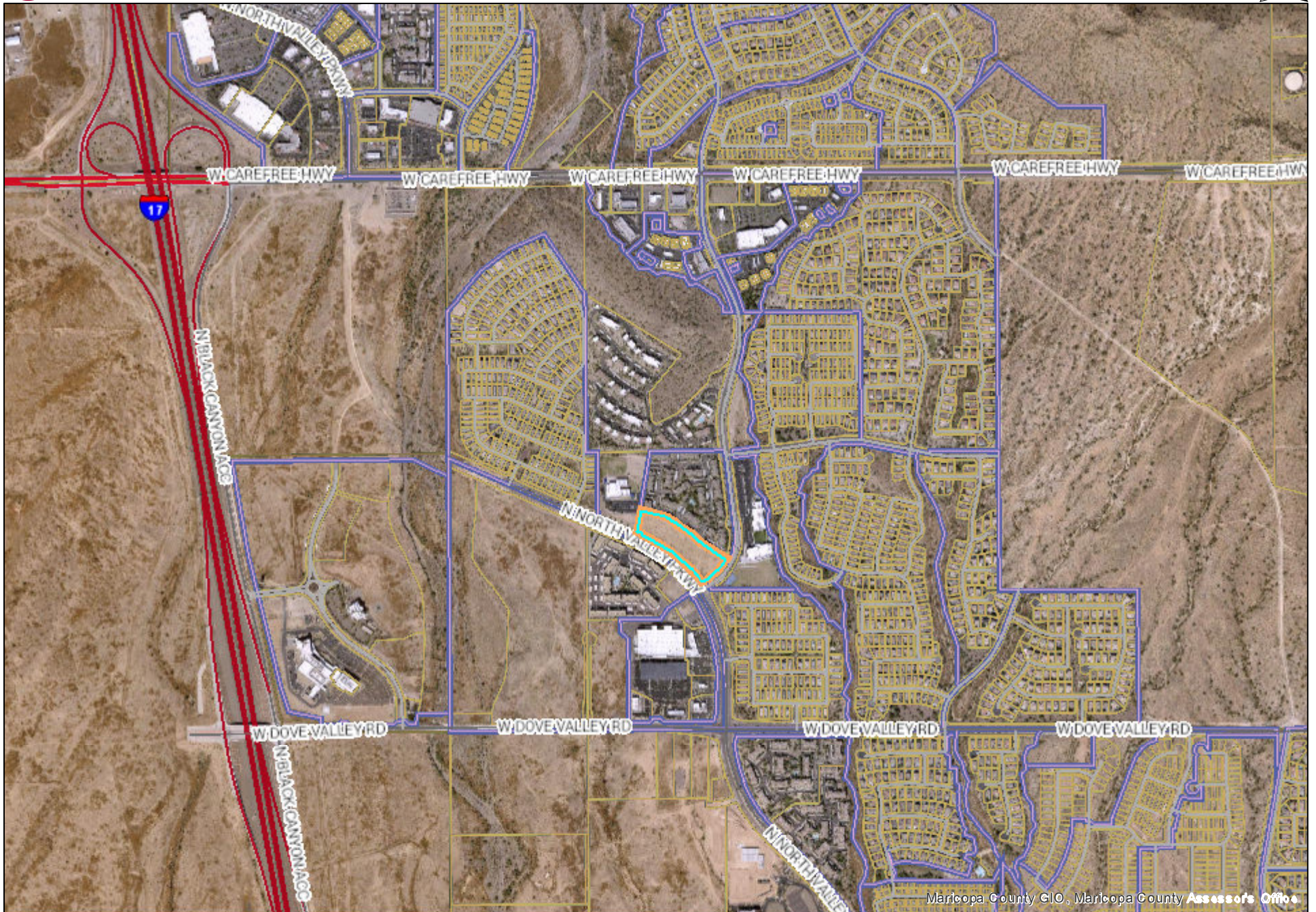
Cc:
Rob Lyles
Dan Richards
Rob Gaspard



Exhibit 1



Map





Map



Exhibit 2

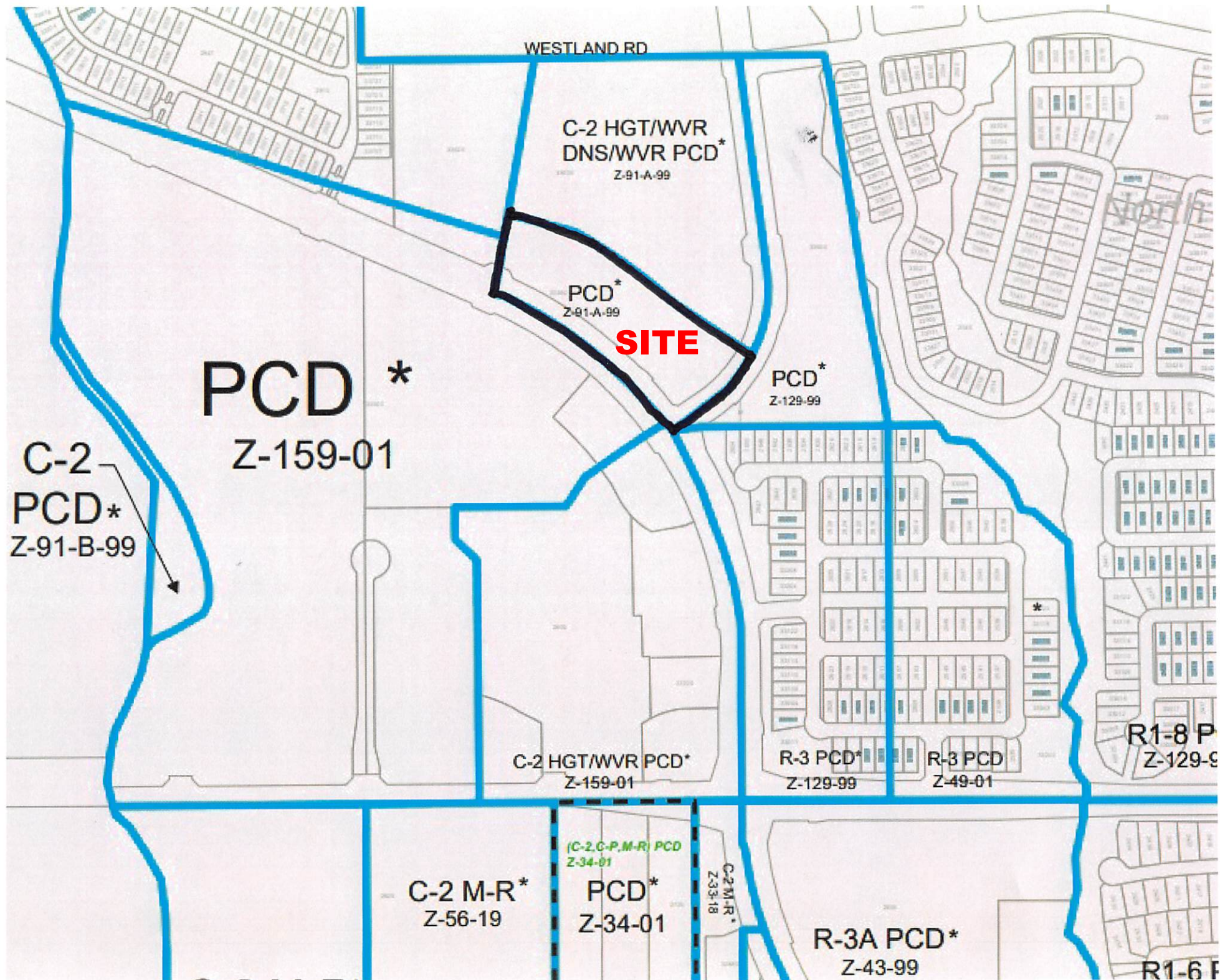


Exhibit 3



October 9, 2007

Michael J Curley
Earl, Curley & Lagarde
3101 North Central Avenue, Suite 1000
Phoenix, AZ 85012

Dear Applicant:

RE: **Z-91-A-99-2** Northwest corner of 27th Avenue and North Valley Parkway

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on September 5, 2007, concurred with the recommendation of the Planning Commission and has ratified application Z-91-A-99-2 to C-2 HGT/WVR DNS/WVR PCD NBCOD on approximately 22.01 acres, subject to the following stipulations:

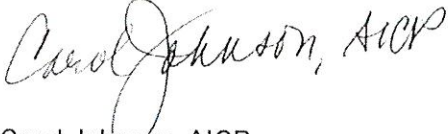
STIPULATIONS

1. That the development shall be in general conformance with the site plan date stamped June 15, 2007, as modified by the following stipulations and approved by the Development Services Department.
2. That an additional active recreational element shall be provided between buildings 24 and 26 on the site plan date stamped June 15, 2007, as approved by the Development Services Department.
3. That the pedestrian walkways within the commercial development shall be constructed of pavers, stamped concrete, or colored concrete as approved by the Development Services Department.
4. That the pedestrian walkways within the residential development shall be constructed of pavers, stamped concrete or colored concrete where the walkways cross a drive aisle as approved by the Development Services Department.
5. That a minimum of two pedestrian access points connecting the commercial and residential developments shall be provided as approved by the Development Services Department.
6. That conceptual elevations for the commercial and residential buildings shall be administratively approved by the Planning Hearing Officer prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department. The conceptual elevations shall include the following:

- a. Stairwells on the multi-family residential buildings shall be substantially screened from public view.
 - b. Elevations which convey a sense of continuity throughout the commercial and multi-family residential development and provide architectural consistency in building style, wall treatments, materials and colors, lighting, and signage.
 - c. That design is consistent with the North Black Canyon Corridor Commercial Design Booklet.
7. That a public multi-use trail shall be constructed within an easement in accordance with the MAG supplemental detail along the west side of 27th Avenue as approved by the Parks and Recreation Department.
8. That a public multi-use trail shall be constructed within an easement in accordance with the MAG supplemental detail along the north side of North Valley Parkway as approved by the Parks and Recreation Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, street lights, median islands, landscaping and other incidentals per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
10. That 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.
11. That the property shall be limited to a maximum height of 3 stories and 40 feet as approved by the Development Services Department.
12. That the applicant shall revise and update all PCD Master Plan Documents, including a traffic statement. Approval of all such revised documents shall be obtained from all affected City departments prior to Preliminary Site Plan approval by the Development Services Department.
13. That the maximum gross building area for commercial development on the property shall be 45,000 square feet as approved by the Development Services Department.
14. That a Comprehensive Sign Plan shall be processed in accordance with Section 705 of the Zoning Ordinance.
15. That the property owner shall record documents that disclose the existence and operational characteristics of the Ben Avery Shooting Range 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.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

A handwritten signature in black ink that reads "Carol Johnson, AICP". The signature is written in a cursive, flowing style.

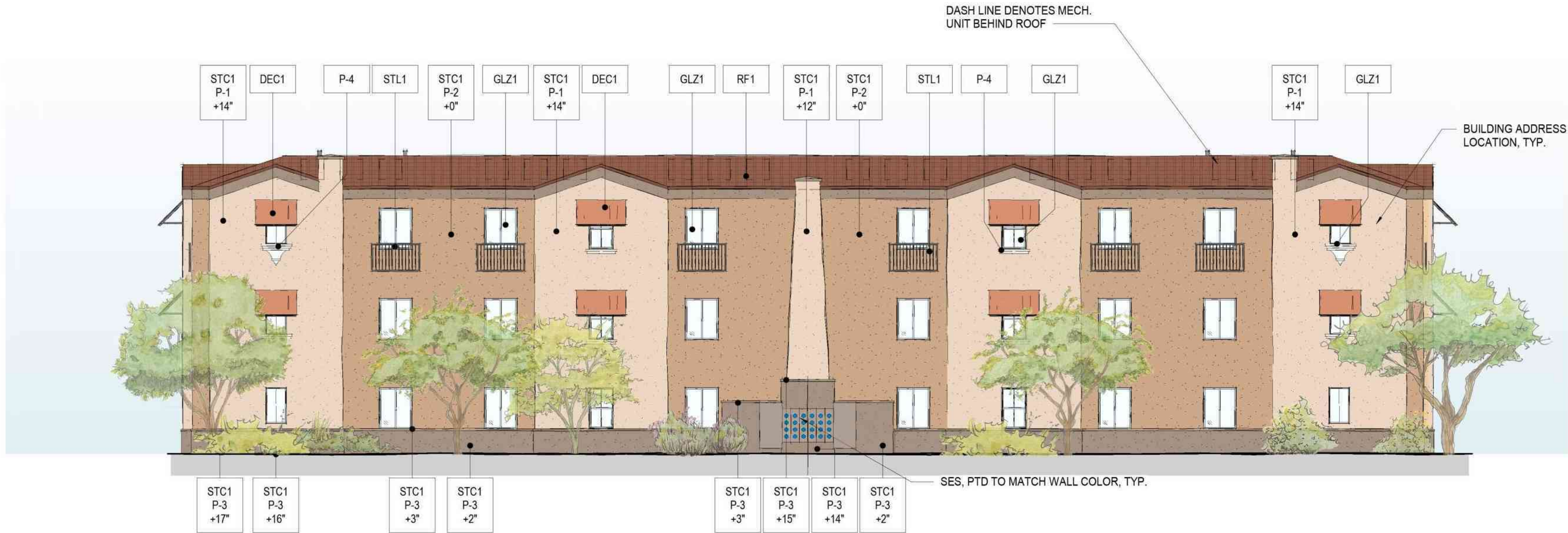
Carol Johnson, AICP
Planning Manager

cc: Book, File

Sent electronically: Annie Alvarado/NSD, Molly Monserud/PLN, David Barrier/DSD, Wathsna Sayasane/PLN, Frank Dancil/DSD, Jay Neville/PLN, Kelly Kvetko/DSD, Kelly P Walker/PLN, Lilia Olivarez/PLN, Mark Melnychenko/PTD, Michael Cook/PFD, Steve Reid/PLN, Annie Alvarado/NSD, Teresa Hillner/DSD

Exhibit 4

Exhibit 5



CABANA BELL PAINT SCHEDULE

P-1 : "PUEBLO" SHERWIN WILLIAMS, SW 7711
P-2 : "DEER VALLEY" SHERWIN WILLIAMS, SW 7720
P-3 : "COCOA WHIP" SHERWIN WILLIAMS, SW 9084
P-4 : "IVORY LACE" SHERWIN WILLIAMS, SW 7013

MATERIAL SCHEDULE

STC1 : STUCCO, SAND FINISH
RF1 : TERRACOTTA TILE ROOFING
GLZ1 : UNITIZED MOLDED WINDOW SYSTEM, BEIGE FRAME
GLZ2 : STOREFRONT WINDOW SYSTEM, CHAMPAGNE ANODIZED ALUMINUM FRAME
STL1 : STEEL, PAINTED RAILINGS AND JULIETTE RAILINGS
DEC1 : WINDOW AWNING: "RUST" SUNBRELLA, 6089-0000

3 BUILDING 2 NW + SE ELEVATION
PHO-02 Scale: 3/32" = 1'



2 BUILDING 2 SW + NE ELEVATION
PHO-02 Scale: 3/32" = 1'



1 BUILDING 1 SW ELEVATION
PHO-02 Scale: 3/32" = 1'

REVISIONS		DESCRIPTION	
NO	DATE		

8
SHEET SCALE

2
1
0
VILLA CIELO NORTH VALLEY PARKWAY
33350 N 27TH DR
PHOENIX, AZ 85085

ELEVATIONS

20 APRIL 2022
DRAWN BY: EB
CHECKED BY: RG

PROJECT # 22104
PHO APPLICATION

PHO-02

WORKSBUREAU

2524 NORTH 24TH STREET
PHOENIX, ARIZONA 85008 USA
+1 602 324 6000



October 9, 2007

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Earl, Curley & Lagarde
3101 North Central Avenue, Suite 1000
Phoenix, AZ 85012

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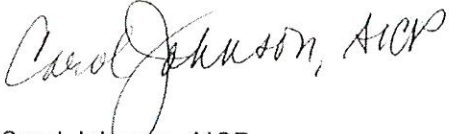
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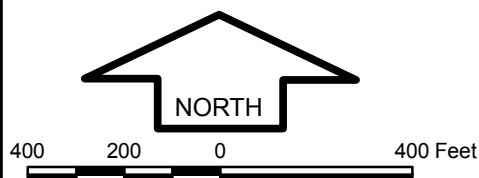
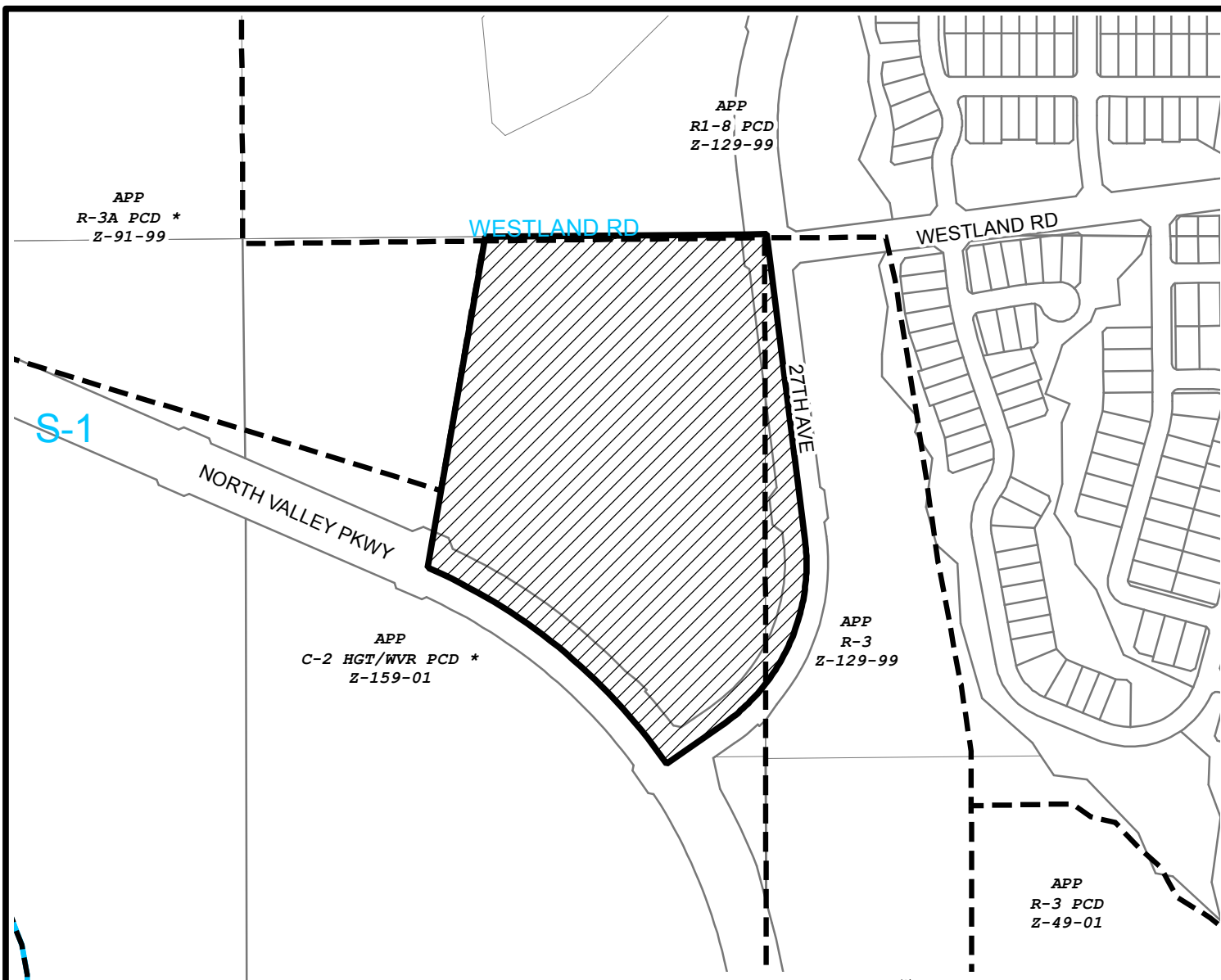
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Carol Johnson, AICP
Planning Manager

cc: Book, File

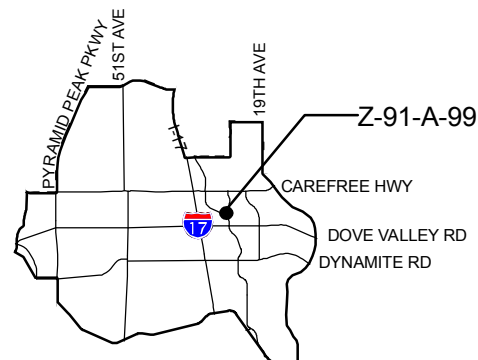
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CITY OF PHOENIX PLANNING DEPARTMENT

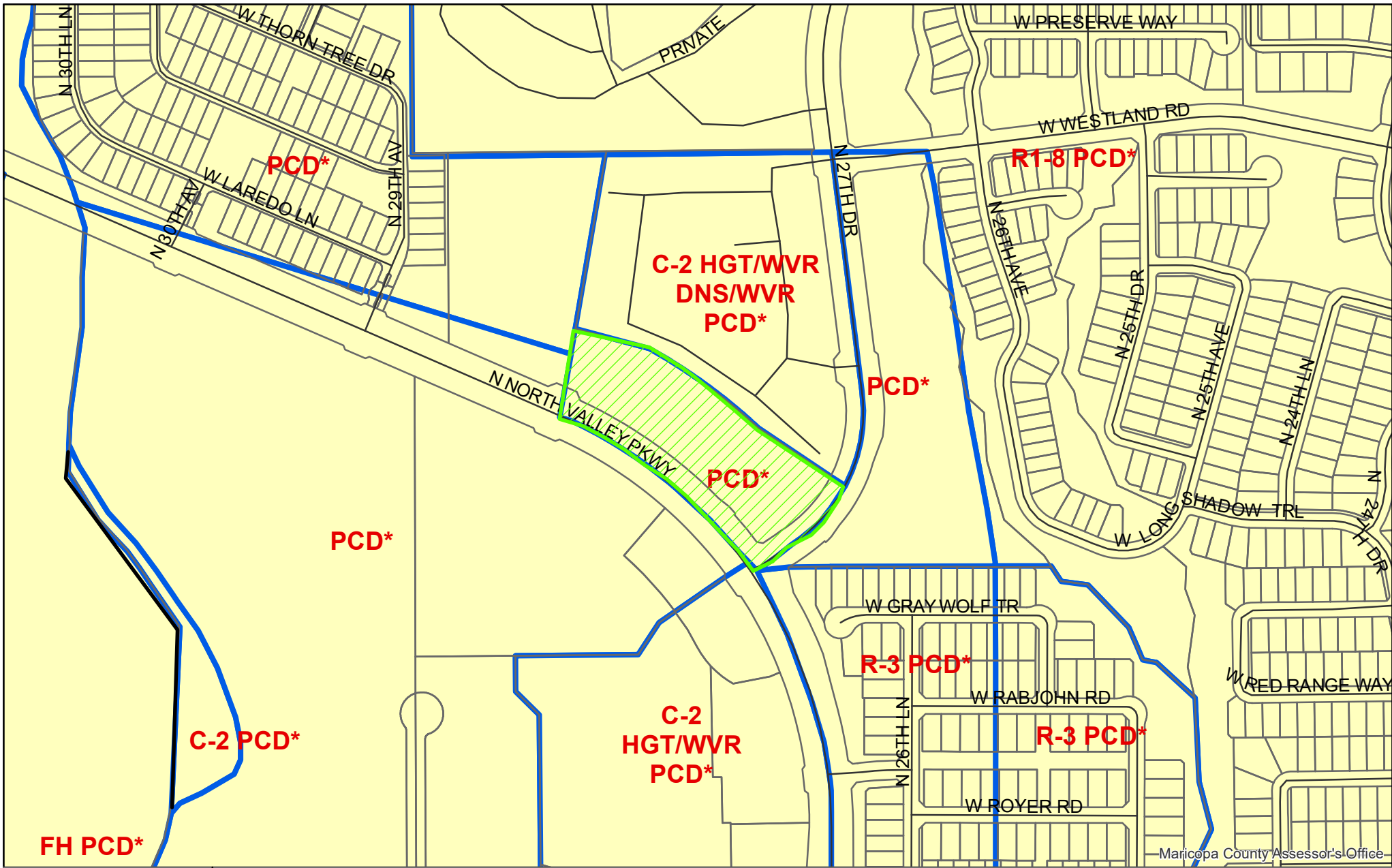
NORTH GATEWAY VILLAGE

CITY COUNCIL DISTRICT: 2



APPLICANT'S NAME: MICHAEL CURLEY, EARL CURLEY AND LAGARDE		REQUESTED CHANGE: FROM: R-3 PCD NBCOD, (1.52 ac) C-2 HGT/WVR PCD NBCOD, (20.49 ac) TO: C-2 HGT/DNS/WVR PCD NBCOD, (22.01 ac)	
APPLICATION NO. Z-91-A-99	DATE: 06-29-2007 REVISION DATES:		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 22.01 Acres	AERIAL PHOTO & QUARTER SEC. NO. Q57-22	ZONING MAP R7	
MULTIPLES PERMITTED R-3 / C-2 C-2	CONVENTIONAL OPTION 22 / 297 319		* UNITS P.R.D. OPTION 26 / 356 383

* Maximum Units Allowed with P.R.D. Bonus



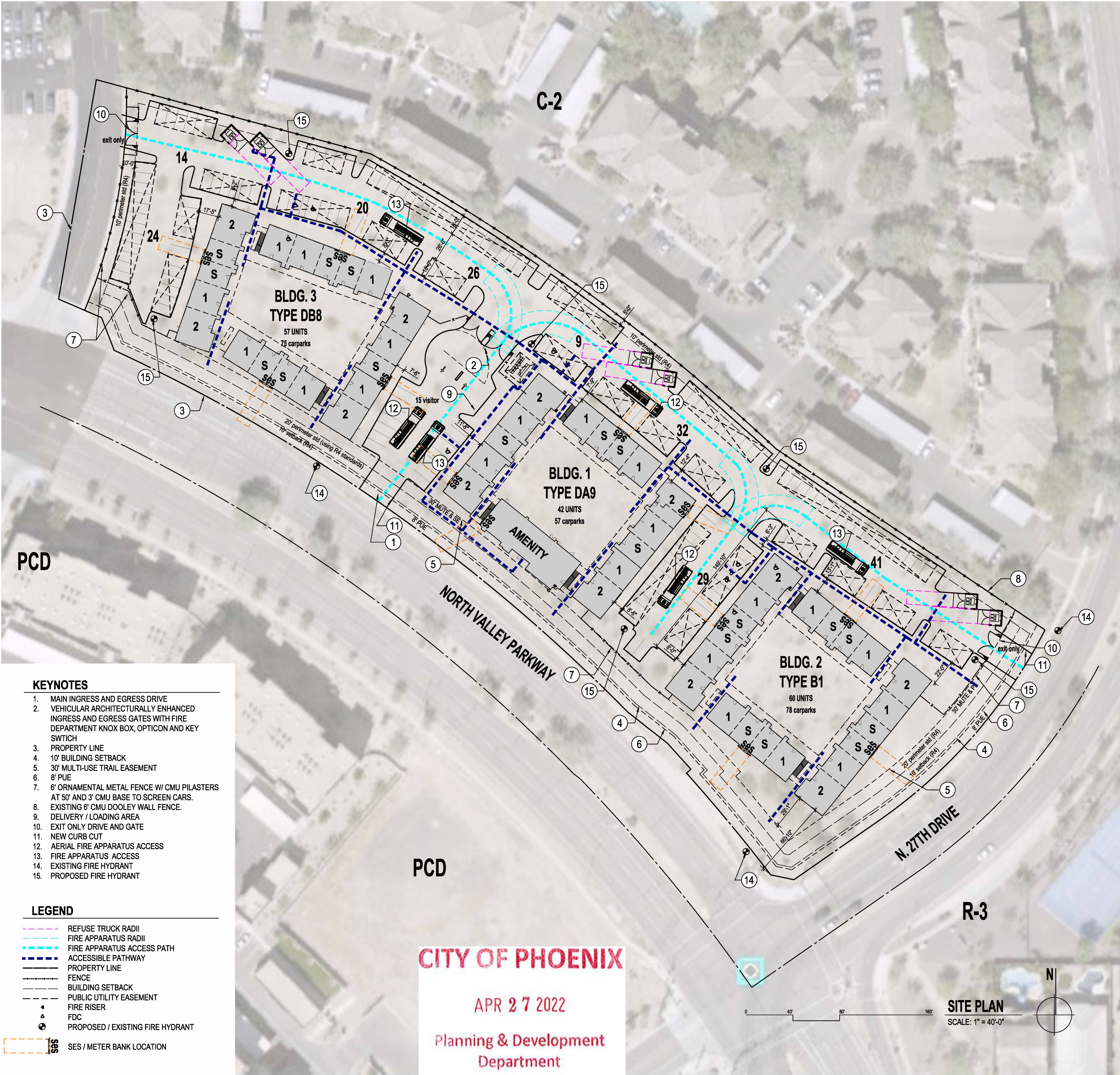
PHO-2-22--Z-91-A-99-2

Property Location: Northwest corner of 27th Drive and North Valley Parkway

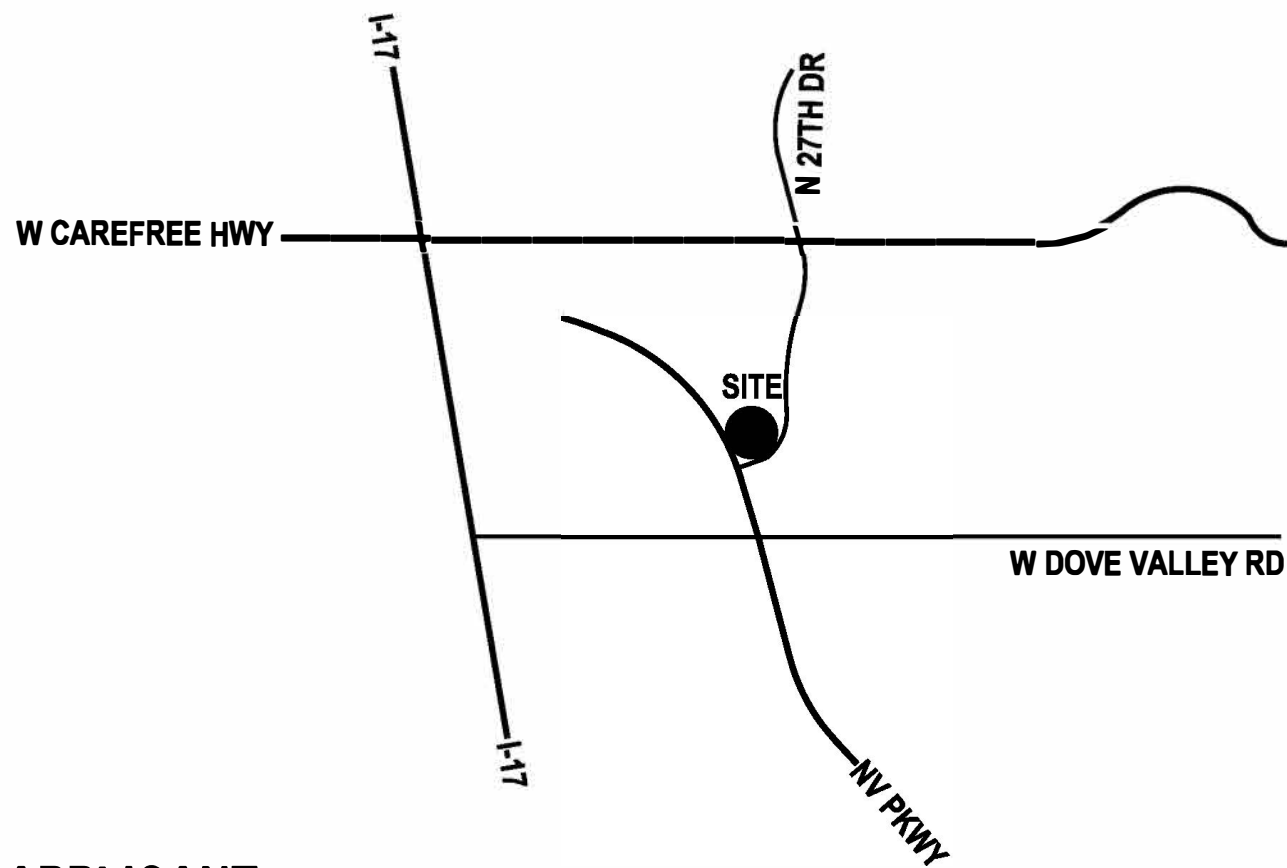


PHO-2-22--Z-91-A-99-2

Property Location: Northwest corner of 27th Drive and North Valley Parkway



VICINITY MAP



APPLICANT

LEGAL (PRIMARY): BURCH & CRACCHIOLO, P.A.
702 E OSBORN RD, SUITE 200
PHOENIX, AZ 85014
ED BULL
EBULL@BCATTORNEYS.COM
602-234-9903

DEVELOPER: GREENLIGHT COMMUNITIES
135 E. INDIAN BEND, SUITE #101
SCOTTSDALE, AZ 85250
DAN RICHARDS / DAN@LIVEGREENLIGHT.COM
480-609-6779

ARCHITECT: WORKSBUREAU, INC.
ROB GASPARD
2524 N. 24TH ST.
PHOENIX, AZ
CONTACT: ERIN BOGEN / EBOGEN@WORKSBUREAU.COM
602-324-6010

PROPOSED DEVELOPMENT

PROPERTY ADDRESS: 33350 N 27TH DR PHOENIX, 85085

APN: 204-02-002U

SITE AREA: 5.14 NET ACRES (224,058 SF); 6.92 GROSS ACRES (301,286 SF)

CURRENT ZONING: PCD

PROPOSED ZONING: R4 (DEVELOPED PER THE PRD DEVELOPMENT OPTION)

CURRENT USE: VACANT LAND

PROPOSED USE: MULTI-FAMILY DEVELOPMENT FOR RENT

PHASING: NO PHASING REQUIRED OF DEVELOPMENT

OCCUPANCY: MULTI-FAMILY RESIDENTIAL

HEIGHT: 3 STORIES / 39'

CONSTRUCTION TYPE: V-B W/ AUTOMATIC SPRINKLER PER NFPA 13

PARKING: CARPARK SIZE PROVIDED 8.5'X18' STANDARD

AISLES: AISLE WIDTH 26' TWO WAY; 24' TWO WAY @ NON AERIAL FIRE APPARATUS ACCESS AREAS

DENSITY PROVIDED: 22.98 DU PER GROSS ACRE PROVIDED = 159 UNITS

UNITS / CARPARKS:

STUDIO:	57 UNITS (36%)	X 1 =	57
1 BDRM:	66 UNITS (42%)	X 1.5 =	99
2 BDRM:	36 UNITS (23%)	X 1.5 =	54
	159 UNITS		210 CARPARKS

1.32 RATIO

TOTAL CARPARKS PROVIDED: 210 CARPARKS

ADA PARKING: ADA REQUIRED 7 0 STD., 7 VAN
TOTAL PROVIDED 7 VAN

WASTE: PER MARICOPA STANDARDS
159 DWELLING UNITS
0.5 CY PER DU X 159 = 79.5 CY / 2X PER WEEK =
39.75 CY / 8 CY DUMPSTER = 4.9 DUMPSTERS RQRD

6 DUMPSTERS PROVIDED
5 SOLID WASTE
1 RECYCLING

LOADING: (1) 10'X30' PROVIDED

BUILDING SETBACKS (BASED ON R4 ZONING)
10'-0" @ FRONT
0' @ SIDE AND REAR INTERIOR LOT LINES

PERIMETER STANDARDS (BASED ON R4 ZONING)
20' MIN @ PUBLIC STREET FRONTS
10' MIN @ INTERIOR PROPERTY LINES

WORKSBUREAU

2524 NORTH 24TH STREET
PHOENIX ARIZONA 85008 USA
+1 602 324 6000

REVISIONS	NO	DATE	DESCRIPTION

SHEET SCALE

VILLA CIELO NORTH VALLEY PARKWAY
33350 N 27TH DR
PHOENIX, AZ 85085

SITE PLAN

20 APRIL 2022
DRAWN BY: EB
CHECKED BY: RG

PROJECT # 22104
PHO APPLICATION

PHO-01

September 5, 2007

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- A. I have the capability, qualifications and reliability to hold a liquor license because: "I owned the liquor store in my country for 20 years. I have liquor selling experience."
- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I will try to satisfy the public convenience and the best interest of the community. I commit not to sell the single, individual liquor bottle and not to sell to the transients and minors."

Staff Recommendation

Staff recommended disapproval of this application based on Police Department disapproval and neighborhood protests.

The Police Department disapproval was based on substantiated neighborhood concerns, saturation, and criminal activity in this area.

If denied, the applicant would continue operations without a liquor license and the previous owner would not resume ownership.

MOTION was made by Mr. Lingner, SECONDED by Mr. Mattox, that Item 12 be withdrawn. MOTION CARRIED UNANIMOUSLY.

PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS

ITEM 13

DISTRICT 2

**RATIFICATION OF PLANNING
COMMISSION ACTION**

The Council heard request to approve a recommendation made on the following zoning matter which was heard by the Planning Commission on Wednesday, August 8, 2007.

September 5, 2007

Z-91-A-99-2 –
27TH AVENUE AND NORTH
VALLEY PARKWAY

Application: **Z-91-A-99-2**
From: S-1 (Approved C-2 HGT/WVR PCD) NBCOD and S-1
(Approved R-3 PCD) NBCOD
To: C-2 HGT/WVR DNS/WVR PCD NBCOD
Acreage: 22.01
Location: Northwest corner of 27th Avenue and North Valley Parkway
Proposal: Mixed Use Commercial and Multi-Family Apartments
Applicant: Michael J Curley - Earl, Curley and Lagarde
Owner: Chandler Associates, Steve Greenburg
Representative: Michael J Curley - Earl, Curley and Lagarde
Staff: Approved, subject to stipulations.
VPC Action: North Gateway - July 10, 2007 - Approved, subject to staff
stipulations with modifications. Vote 6-0.
PC Action: August 8, 2007 - Ratified – Approved, subject to staff
stipulations with modifications per the Village Planning
Committee recommendation: Vote 9-0

MOTION was made by Ms. Neely, **SECONDED** by Mr. Lingner, that Item 13
be granted. **MOTION CARRIED UNANIMOUSLY.**

ITEM 14

DISTRICT 6

**RATIFICATION OF PLANNING
COMMISSION ACTION**

The Council heard request to approve a recommendation made on the following
zoning matter which was heard by the Zoning Hearing Officer on July 23, 2007.
The case was ratified by the Planning Commission on Wednesday, August 8,
2007.

Z-116-N-81-6 –
I-10 FREEWAY AND BASELINE
ROAD

Application: Z-116-N-81-6
From: C-O M-R SP PCD
C-2 PCD
To: RH M-R PCD

REPORT OF PLANNING COMMISSION ACTION
August 08, 2007

ITEM NO: 9

DISTRICT NO.: 2

SUBJECT:

Application #: Z-91-A-99-2
Location: Northwest corner of 27th Avenue & North Valley Parkway
Request: S-1 (Approved C-2 HGT/WVR PCD) NBCOD, S-1 (Approved R-3 PCD) NBCOD To: C-2 HGT/WVR DNS/WVR PCD NBCOD Acreage: 22.01
Proposal: Mixed Use Commercial and Multi-Family Apartments
Applicant: Michael J Curley; Earl, Curley & Lagarde
Owner: Chandler Associates, Steve Greenburg
Representative: Michael J Curley; Earl, Curley & Lagarde

ACTIONS:

Planning Commission Recommendation: It is recommended that this request be approved on consent subject to staff stipulations with modifications.

Zoning Hearing Officer (ZHO): The ZHO did not review this request.

Village Planning Committee (VPC) Recommendation:

North Gateway 7/10/2007 Approval subject to staff's revised stipulations. Vote 6-0.

Staff Recommendation: It is recommended the request be approved on consent subject to staff stipulations with modifications.

Stipulations

1. That the development shall be in general conformance with the site plan date stamped June 15, 2007, as modified by the following stipulations and approved by the Development Services Department.
2. That an additional active recreational element shall be provided between buildings 24 and 26 on the site plan date stamped June 15, 2007, as approved by the Development Services Department.
3. That the pedestrian walkways within the commercial development shall be constructed of pavers, stamped concrete, or colored concrete as approved by the Development Services Department.
4. That the pedestrian walkways within the residential development shall be constructed of pavers, stamped concrete or colored concrete where the walkways cross a drive aisle as approved by the Development Services Department.

5. That a minimum of two PEDESTRIAN access points connecting the commercial and residential developments shall be provided as approved by the Development Services Department.
6. That conceptual elevations for the commercial and residential buildings shall be administratively approved by the Planning Hearing Officer prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department. The conceptual elevations shall include the following:
 - a. Stairwells on the multi-family residential buildings shall be substantially screened from public view.
 - b. Elevations which convey a sense of continuity throughout the commercial and multi-family residential development and provide architectural consistency in building style, wall treatments, materials and colors, lighting, and signage.
 - c. That design is consistent with the North Black Canyon Corridor Commercial Design Booklet.
7. That a public multi-use trail shall be constructed within an easement in accordance with the MAG supplemental detail along the west side of 27th Avenue as approved by the Parks and Recreation Department.
8. That a public multi-use trail shall be constructed within an easement in accordance with the MAG supplemental detail along the north side of North Valley Parkway as approved by the Parks and Recreation Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, street lights, median islands, landscaping and other incidentals per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
10. That 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.
11. That the property shall be limited to a maximum height of 3 stories and 40 feet as approved by the Development Services Department.
12. That the applicant shall revise and update all PCD Master Plan Documents, including a TRAFFIC STATEMENT ~~revised traffic impact study~~. Approval of all such revised documents shall be obtained from all affected City departments prior to Preliminary Site Plan approval by the Development Services Department.

13. That the maximum gross building area for commercial development on the property shall be 45,000 square feet as approved by the Development Services Department.
14. That a Comprehensive Sign Plan shall be processed in accordance with Section 705 of the Zoning Ordinance.
15. That the property owner shall record documents that disclose the existence and operational characteristics of the Ben Avery Shooting Range 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.

PC HEARING HIGHLIGHTS:

Staff- Mr. Alan Stephenson presented Z-91-A-99-2; a request for a density waiver on a 20.49-acre parcel currently zoned C-2 PCD with a Height Waiver for the development of a mixed use commercial and multi-family residential development. Mr. Stephenson also explained the request will add a 1.52-acre remnant parcel from the Schneider Trust PCD that was created by the construction of the 27th Avenue to the Canyon Crossroads PCD, rezoning it from R-3 PCD to C-2 PCD with a Height Waiver and a Density Waiver. He commented that the North Valley Gateway VPC heard the request on July 10, 2007 and voted 6-0 to recommend approval subject to staff's revised stipulations. Mr. Stephenson stated staff is also recommending approval on consent, if no one is present in opposition.

Motion details – Motion to move Z-91-A-99-2 to the consent agenda.

Maker: Gallegos
Second: Hart
Vote: 9-0
Absent:
Opposition Present: No

Motion details – Motion to approve Z-91-A-99-2 on consent subject to staff stipulations with modifications.

Maker: Gallegos
Second: Ellis
Vote: 9-0
Absent:
Opposition Present: No

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Mr. Paul Gilbert stated that a comprehensive sign package would need to be approved by the City. He stated that neighbors are aware of and support the proposal.

Mr. Michael Fraizer complimented Mr. Gilbert's and the neighborhood for their hard work on the project and pointed out that the revenue will be beneficial for the City.

Mr. Larry Balcom commended Mr. Gilbert and the neighborhood for their involvement.

Mr. Phil Gardner motioned to approve PHO-Z-SP-7-05-2 and Z-78-05-2. Mr. Steve Murosky seconded the motion.

The committee voted unanimously 6-0 to approve the motion.

6. **Presentation, discussion and possible recommendation on rezoning case Z-91-A-99-2 to rezone approximately 22.01 acres of land located at the northwest corner of North Valley Parkway and 27th Avenue from C-2 HGT/WVR PCD NBCOD and R-3 PCD NBCOD to C-2 HGT/DNS/WVR PCD NBCOD. Presentation by Michael Curley; Earl, Curley and Lagarde. *The Planning Commission will consider this request on August 8, 2007.***

Ms. Connie Randall presented the staff report for Z-91-A-99-2, stating that the purpose of the request is to grant a density waiver for a 20.49 acre parcel currently zoned C-2 PCD with a Height Waiver for the development of a mixed use commercial and multi-family residential development. The proposal also includes an additional 1.52 acre remnant parcel from the Schneider Trust PCD zoned R-3. Ms. Randall stated that the majority of the property is zoned C-2 which allows multi-family development up to the R-3 zoning standards and up to the R-5 zoning standards with a density waiver. She explained that the applicant intends to develop an apartment complex on approximately 16 acres and a commercial center on the remaining property. In addition to granting additional density, the request allows staff to impose site and building design stipulations on the commercial development that would not otherwise be required under the current zoning. Ms. Randall noted that staff is supportive of the request, subject to the revised stipulations presented in a memo distributed earlier in the meeting.

Mr. Michael Curley, with Earl, Curley & LaGarde, presented the proposed mixed use commercial and multi-family development plan and explained that the request is for an additional 20 units above the maximum number of units currently allowed by the C-2 zoning district. Mr. Curley stated that his client is proposing a quality development with sprinklers in each unit, granite countertops and additional upgraded amenities. He stated that rents are anticipated in the \$800-\$1200

range. Additionally, he explained that developing multi-family residential rather than commercial significantly reduces the anticipated number of vehicle trips per day by 5,000 trips. He further explained that the retail portion of the development will be beneficial to the community, per the additional requirements regarding the site layout and commercial building design that is not required in the existing zoning.

PUBLIC COMMENTS

Mr. Rick Robinson expressed concerns about the multi-family development in the Village. He indicated that there were a number of multi-family developments existing and planned along North Valley Parkway and asked the committee to seriously consider the implication of additional multi-family development.

Ms. Katie Elgar also noted that there were too many apartments developed in the area with not enough employment opportunities. Further, she noted that apartments pose additional fire concerns, as a fire in one unit usually spreads to additional units. She stated that if a fire were to occur, the North Gateway area lacked hotels to accommodate displaced residents.

Mr. Brian Frisby questioned the need for multi-family development in the area. He stated that last month a developer proposed to change their plans to a less dense development because there was not a market for a multi-family product.

Mr. Larry Balcom stated that he believes the jobs that are coming to the area will be retail jobs rather than high paying jobs and questioned whether or not these employees would be able to afford to live in this development.

Mr. Michael Curley responded that they do not think the development will lease up overnight, but they do believe that they are locating in one of the major growth areas and that there is and will continue to be a market for multi-family residential development.

Mr. Phil Gardner stated that the developer should be commended because we need to get workforce housing developed ahead of the employment.

Chairman Dean Howard noted that although the General Plan states multi-family for the area and that he thinks it is needed and appropriate in the area. However, his concerns deal with the long term effect the development will have on the area and its property.

Ms. Connie Randall stated that the stipulations tie the commercial and multi-family residential developments together through building design requirements and pedestrian connections, which would hopefully alleviate some of Chairman Howard's concerns.

Mr. Phil Gardner **motioned** to approve Z-91-A-99-2, subject to the revised stipulations presented in the staff memo. Mr. Larry Balcom seconded the motion.

The committee voted unanimously 6-0 to approve the motion.

7. Discussion of the Draft North Gateway Village Core Plan. Presentation by staff.

Ms. Connie Randall presented an overview the Draft Village Core Plan, noting the following Goals: Mixed Land Use Development; Accessibility and Pedestrian Connectivity; Economic/Employment Opportunities; and, Environmentally Sensitive.

The committee commended Ms. Randall's work on the plan but asked that the following items be addressed in the draft plan:

- Discussion of appropriate heights in the Core based on the Committee's recent discussion;
- Additional details about the planned District Park on the west side of the Core;
- Revising the terminology used to discuss traffic circulation;
- Increase discussion of the need for adequate parking, especially in the form of underground and structured parking facilities.

8. Update on prior Village Planning Committee cases.

- a. GPA-NG-1-06-2 (SEC I-17 & Dove Valley Road)
- b. Z-125-06-2 (SEC I-17 & Dove Valley Road)
- c. GPA-NWPA-1-06-1 (SEC I-17 & Teresa Lane)
- d. Z-48-07-1 (SEC I-17 & Teresa Lane)
- e. Z-47-07-1 (NEC 43rd Ave & Old West Trail)
- f. PHO-Z-43-99-2
- g. PHO-Z-142-02-2
- h. Z-34-07-2

Ms. Connie Randall noted that items 8a through 8g were all approved as recommended by the committee and that item 8h will be coming back to the Village in August due to the applicant's request to revise the proposed site plan.