

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

June 15, 2022

ITEM NO: 3

DISTRICT 2

SUBJECT:

Application #: PHO-1-22--Z-91-A-99-2  
Location: Northwest corner of 27th Drive and North Valley Parkway  
Zoning: PCD NBCOD (Approved C-2 HGT/WVR DNS/WVR PCD NBCOD)  
Acreage: 6.88  
Request: 1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped June 15, 2007.  
2) Deletion of Stipulation 5 regarding a minimum of two pedestrian access points connecting commercial and residential developments.  
3) Technical corrections to Stipulations 2, 3, 4, 6, 9, 11, 12, and 13.  
Applicant: Ed Bull, Burch & Cracchiolo P.A.  
Owner: Canyon Crossroads Investors LLC  
Representative: Ed Bull, Burch & Cracchiolo P.A.

**ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Village Planning Committee (VPC) Recommendation: The North Gateway Village Planning Committee heard this request on June 9, 2022 and recommended approval by a vote of 4-0-1.

**DISCUSSION:**

Ali Bull, representative with Burch & Cracchiolo P.A., introduced the subject site and surrounding uses. She stated that the North Gateway Village Planning Committee (VPC) recommended approval by a vote of 4-0-1. She stated that the proposed development would provide housing to a community that will see an influx of residents due to new major employers in the area. She stated that the proposed conceptual site plan depicts a 159-unit multifamily residential development that will include a variety of amenities such as a fitness center, walking paths, and 3 centralized gathering spaces with varying themes, including

a pool. She noted that the proposed open space is approximately 11.4% of the gross area, which is more than double what would otherwise be required. She stated that the modification of Stipulation 1 would allow the site to develop in general conformance with the proposed conceptual site plan. She stated that Stipulation 5 currently requires that there be two pedestrian access points connecting the commercial and residential developments. She noted that the stipulated commercial development was not developed and is no longer viable for the subject site.

Tonia Tafla, member of the public, stated that she questioned the necessity for the residential development in this location and noted that a better location may be considered closer to the new TSMC site further to the west. She stated that the multifamily residential development north of the subject site is not at capacity and would prefer a different development in this location. She stated she was concerned that nearby schools may have issues accommodating a large influx of students.

Ms. Bull stated that the multifamily residential to the north is nearly full and that the incoming businesses will result in increased housing demand in the area. She stated that they have reached out to nearby school districts and will be working with those districts regarding traffic and other concerns. She noted that the driveway shared with Ridgeline Academy would be exit-only.

Adam Stranieri, Planning Hearing Officer, stated that no correspondence was received prior to the hearing and that the North Gateway VPC recommended approval. He provided a summary of the original rezoning case, noting that the original approval did not establish a density or unit cap. He noted that the stipulated site plan depicted a density of approximately 18.55 dwelling units per acre, which would require a minimum of R-3A zoning. He noted that the proposed conceptual site plan depicts a density of approximately 22.98 dwelling units per gross acre, which is also consistent with the R-3A zoning and therefore constitutes an appropriate modification request for the PHO. He stated that the proposed conceptual site plan consists of 159 units at a height of 3 stories and 39 feet, which is allowed through the existing Height Waiver zoning. He stated that the proposed open space is approximately 11.4% and the development is compatible with the scale and intensity of the surrounding land use patterns. He recommended approval of the modification of Stipulation 1 with a modification to provide more standard language. He recommended approval of the proposed deletion of Stipulation 5 regarding pedestrian access points between commercial and residential developments and noted that no commercial development is proposed. He stated that the site has been identified as archaeologically sensitive and two additional stipulations are recommended to be added.

## **FINDINGS:**

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan is recommended to be approved with a modification to provide more standard conformance language. The stipulated site plan depicted a commercial shopping center with approximately 38,800 square feet of retail space in four buildings. Land uses depicted on the stipulated plan include a pharmacy, retail, kinder care, and restaurant. This project did not develop, and the site remains vacant.

The proposed conceptual site plan depicts a multifamily residential development consisting of 159 units at approximately 22.98 dwelling units per gross acre. The extent of the density waiver was not explicitly defined in the staff report or the stipulations of the original rezoning case. However, Stipulation 1 required general conformance to the site plan dated June 15, 2007, which depicted a density of 18.55 du/acre. 18.55 du/acre requires a minimum of R-3A zoning. If the City Council had adopted a stipulation that more clearly defined the density waiver by referencing a specific zoning district, it would have been the R-3A zoning district. The proposed density of 22.98 du/acre is also permitted in the R-3A zoning district (i.e., 23.1; 26.4 du/ac with bonus points per Section 616, Table B, PRD Development Option). Therefore, the proposed density is permitted under the existing Density Waiver zoning on the site.

The proposed building height is 3 stories and 39 feet, which is permitted under the existing Height Waiver zoning. The Height Waiver permits a maximum of 3 stories and 40 feet in height as defined in Stipulation 11. This stipulation is not a part of this request.

The proposed open space comprises approximately 11.4% of the gross area. This is a significant increase over the minimum 5% required by the existing zoning.

The proposed multifamily residential development is consistent in scale and compatible in intensity with the land use pattern in the surrounding area, including the existing multifamily residential development immediately adjacent to the north.

- 2) The request to delete Stipulation 5 regarding pedestrian access points connecting the commercial and residential developments is recommended to be approved. There is no longer any proposed commercial development, and the stipulation is no longer relevant.
- 3) The site is identified as archaeologically sensitive and two additional stipulations are recommended to be included to address requirements for

archaeological survey and testing. The standard, third stipulation in this sequence does not need to be added as it already exists as Stipulation 10, which is not a part of this request.

**STIPULATIONS:**

1.	<del>That</del> The development shall be in general conformance with the site plan date stamped JUNE 14, 2022 <del>June 15, 2007</del> , as modified by the following stipulations and approved by the PLANNING AND Development <del>Services</del> Department.
2.	<del>That</del> 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 PLANNING AND Development <del>Services</del> Department.
3.	<del>That</del> The pedestrian walkways within the commercial development shall be constructed of pavers, stamped concrete, or colored concrete as approved by the PLANNING AND Development <del>Services</del> Department
4.	<del>That</del> 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 PLANNING AND Development <del>Services</del> Department.
<del>5.</del>	<del>That a minimum of two pedestrian access points connecting the commercial and residential developments shall be provided as approved by the Development Services Department.</del>
5. <del>6.</del>	<del>That</del> Conceptual elevations for the commercial and residential buildings shall be administratively approved by the Planning Hearing Officer prior to PLANNING AND Development <del>Services</del> Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the PLANNING AND Development <del>Services</del> Department. The conceptual elevations shall include the following:
a.	Stairwells on the multifamily residential buildings shall be substantially screened from public view.
b.	Elevations which convey a sense of continuity throughout the commercial and multifamily residential development and provide architectural consistency in building style, wall treatments, materials and colors, lighting, and signage.

	c.	<del>That</del> THE design <del>is</del> SHALL BE consistent with the North Black Canyon Corridor Commercial Design Booklet.
6. <del>7.</del>		<del>That</del> 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.
7. <del>8.</del>		<del>That</del> 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.
8. <del>9.</del>		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 per plans approved by the PLANNING AND Development <del>Services</del> Department. All improvements shall comply with all ADA accessibility standards.
9.		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.
10.		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.
11. <del>40.</del>		<del>That</del> 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.
12. <del>44.</del>		<del>That</del> The property shall be limited to a maximum height of 3 stories and 40 feet as approved by the PLANNING AND Development <del>Services</del> Department.
13. <del>42.</del>		<del>That</del> 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 PLANNING AND Development <del>Services</del> Department.
14. <del>43.</del>	<del>That</del> The maximum gross building area for commercial development on the property shall be 45,000 square feet as approved by the PLANNING AND Development <del>Services</del> Department.
15. <del>44.</del>	<del>That</del> A Comprehensive Sign Plan shall be processed in accordance with Section 705 of the Zoning Ordinance.
16. <del>45.</del>	<del>That</del> 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.

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