



## Village Planning Committee Meeting Summary

PHO-12-25--Z-204-87-1

<b>Date of VPC Meeting</b>	February 18, 2025
<b>Date of Planning Hearing</b>	February 19, 2025
<b>Officer Hearing Request</b>	<ol style="list-style-type: none"><li>1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped April 2, 1997 and design guidelines dated February 14, 1997.</li><li>2) Modification of Stipulation 2 regarding individual development plans.</li><li>3) Deletion of Stipulation 3 regarding right-of-way dedications.</li><li>4) Modification of Stipulation 4 regarding interior roadway improvements.</li><li>5) Deletion of Stipulation 4a. regarding financial responsibility of traffic signal installations at the intersections of 27th Avenue and Runion Drive and 27th Avenue and Beardsley Road.</li><li>6) Deletion of Stipulation 4b. regarding financial responsibility of traffic signal at the intersection 27th Avenue and Rose Garden Lane.</li><li>7) Deletion of Stipulation 5 regarding dedication of 29th Avenue.</li><li>8) Deletion of Stipulation 6 regarding the maximum number of dwelling units and retail/office space.</li><li>9) Deletion of Stipulation 7 regarding approval of development east of 27th Avenue.</li><li>10) Modification of Stipulation 10 regarding multifamily parcel to be in general conformance with the site plan dated April 15, 1996.</li></ol>

- 11) Modification of Stipulation 11a. regarding pedestrian connections.
- 12) Deletion of Stipulation 11b. regarding gateway/entryway statements.
- 13) Modification of Stipulation 11c. regarding design of commercial development.
- 14) Deletion of Stipulation 12 regarding Comprehensive Sign Plan approval.
- 15) Deletion of Stipulation 13 regarding completion of revised Master Street Plan.
- 16) Deletion of Stipulation 14 regarding right of way dedications and street improvements for each phase.
- 17) Deletion of Stipulation 15 regarding Deer Valley Towne Center Master Pedestrian/Bicycle Circulation Plan.
- 18) Deletion of Stipulation 16 regarding dedications and street improvements for each phase according to Master Pedestrian/Bicycle Circulation Plan.
- 19) Deletion of Stipulation 17 regarding orientation of buildings and parking adjacent to 27th Avenue.
- 20) Deletion of Stipulation 18 regarding automobile circulation adjacent to 27th Avenue.
- 21) Deletion of Stipulation 19 regarding driveway circulation for future drive through restaurant.
- 22) Modification of Stipulation 20 regarding project landscaping for individual sites.
- 23) Deletion of Stipulation 22 regarding use of originally approved M-R zoning overlay.

**Location**

Northeast corner of 27th Avenue and Runion Drive and approximately 350 feet east of the southeast corner of 27th Avenue and Rose Garden Lane

<b>VPC Recommendation</b>	Approval, with a modification and an additional stipulation
<b>VPC Vote</b>	10-0

### **VPC DISCUSSION:**

*Item No. 6 (PHO-12-25--Z-204-87-1) and Item No. 7 (PHO-1-25--Z-16-97-1) are companion cases and were heard together.*

*No members of the public registered to speak on these items.*

### **Staff Presentation**

**Mr. Kuhfuss**, staff, presented an image orienting the Committee to the site and the relative location of the two requests to one another. Mr. Kuhfuss stated that normally he would present each of the stipulations in order, but noted that he had a conversation with **Mr. Lally**, the applicant, prior to the meeting wherein Mr. Lally stated that he had some substantive changes that he would like to discuss with the Committee. Mr. Kuhfuss stated that he would turn the presentation over to Mr. Lally.

### **Applicant Presentation**

**Bill Lally**, representative with Tiffany & Bosco, PA, representing Cypress West Development, stated that what was before the Committee was not a rezoning, but a PHO that is tied to zoning cases dating back to 1987 and 1997. Mr. Lally stated that the subject site was 18 acres of a larger 136-acre master plan. Mr. Lally referenced the handout, which included all of the proposed stipulation changes as originally proposed with the two PHO cases, with black check marks next to the ones that he wished to discuss. Mr. Lally stated there were 22 different changes between the two PHO cases all being hold-over stipulations dating back 30 to 40 years, and that it was their intent to clean up 40 years' worth of entitlement on the property by eliminating stipulations that were already completed, modifying other stipulations to reflect current standards, and to reflect the built environment. Mr. Lally stated that all of the roadways have been completed and wanted to delete the obsolete stipulations and that the Street Transportation Department stated they were not in support of the proposed changes. Mr. Lally stated that he did not want to discuss the scope of the traffic related stipulations and wanted to focus the discussion on the substantive changes regarding the site plan, taking the discussion from 22 to six or seven stipulations. Mr. Lally stated the stipulations that he wished to discuss were indicated by a black check mark and that if there was no check mark they did not wish to discuss. Mr. Lally stated they were originally scheduled for PHO the following day but were going to the PHO in 30 days and had time to discuss the other stipulations with the Street Transportation Department.

Mr. Lally referenced an image that showed to boundary of the 136-acre site associated with the original zoning case and that the original stipulations contemplated a mix of

uses. Mr. Lally stated that the portion of the 1987 site plan that is the subject of the two PHO requests showed a number of large office buildings and that the site has been vacant for over 30 years due to the confusing nature of the associated stipulations. Mr. Lally stated that the site is zoned C-2 with a M-R Overlay and that they were not seeking to change the zoning of the site. Mr. Lally stated that the proposed site plan included a mix of medical office, retail and a hotel, as opposed to all office. Mr. Lally stated that Cypress West is a medical office developer and has spoken with potential end users. Mr. Lally stated that the proposed modifications to Stipulation No. 1 contemplated real users. Mr. Lally stated they wished to also discuss other stipulations that were related to the orientation of the buildings and their proximity to the street. Mr. Lally stated that future development further north will result in additional need for additional hotels, medical office, and retail and that the proposed site plan makes sense today. Mr. Lally stated there were about 20 stipulations that they still need to figure out and gave the example of an existing traffic signal and what their responsibility is regarding the funding of that signal.

Mr. Lally reiterated that he originally intended to discuss every proposed change but wanted instead to focus on those referenced in the handout. Mr. Lally referenced the first stipulation having to do with general conformance with the updated site plan. Mr. Lally referenced Stipulations No. 4a and 4b relating to two traffic signals, stating the one of the signals has already been constructed, and that the Traffic Impact Analysis referenced in Stipulation No. 13 on page 3 of the handout will dictate what is needed regarding the other signal. Mr. Lally stated that Stipulation No. 13 did not have a check mark next to it and that they intended to keep that stipulation. Mr. Lally stated they are proposing that Stipulations No. 4a and 4b be removed due to the ambiguity of who is responsible for the signal.

Mr. Lally referenced Stipulations No. 6 and 7 on page 2 of the handout stating that both stipulations were tied to the original 136 acres and certain restrictions on certain uses including how large and where located. Mr. Lally referenced a restriction limiting the site to one hotel on the east side of 27th Avenue and one hotel on the west side of 27th Avenue, noting that one of the two hotels was never constructed since there are apartments there now. Mr. Lally they intended to build a second hotel east of 27th Avenue, and that the current language of these stipulations would not allow that to occur. Mr. Lally further stated that in 1987, these stipulations probably made sense but do not make sense if today's market since there are aspects of the stipulations are that have either already been met or are currently too restrictive.

Mr. Lally referenced Stipulation No. 11b regarding the requirement for entry gateway statements at 27th Avenue and Rose Garden Lane and at 27th Avenue and Runion Drive. Mr. Lally stated that the location at Rose Garden Lane was never completed and that all four corners at Runion Dive were already completed. Mr. Lally stated that the stipulation was not met on a property they did not control and that to keep the requirement for their site did not make sense. Mr. Lally stated they wished to delete this stipulation since it would be part of the record of the applicant's obligation.

Mr. Lally called attention to Stipulation No. 13 at the top of page 3 regarding the requirement for a Traffic Impact Analysis that would remain unchanged. Mr. Lally referenced Stipulation No. 17, and that the stipulation sought a front-forward building arrangement that was prevalent in the 1980s and 1990s. Mr. Lally specifically referenced Stipulation No. 17e as it relates to the northeast corner of 27th Avenue and Runion Drive. Mr. Lally referenced Building A on the site plan and that they needed more flexibility with respect to parking and circulation to make it work.

Mr. Lally referenced Stipulation No. 19 regarding the arrangement of parking and circulation along 27th Avenue and again stated that such an arrangement was obsolete. Mr. Lally stated that to attract retailers, they need to provide sites that work for them.

Mr. Lally referenced the stipulations relating to Z-16-97 stating they were no longer pursuing any changes, although they are not seeking to withdraw the case.

#### **Questions From The Committee**

**Chair Freeman** stated that the reason he chose to have the Committee review the request was due to the large number of changes being sought.

**Vice Chair Braden Lopez-Biggs** referenced Stipulation No. 19 and asked for clarification as to how that affects the site design. **Mr. Lally** stated that the portion of the stipulation relating to the drive through was applicable to Building A and that what was of concern was the latter part of the stipulation having to do with parking between the building and the street along 27th Avenue. Mr. Lally stated that he could read that stipulation two ways being that it applies only to drive-through uses or that it applies to any parking along 27th Avenue. Vice Chair Lopez-Biggs asked if the site plan would come back to the Committee for review. Mr. Lally stated that the request would go from the Committee to the PHO then to City Council, and that the site plan would be reviewed administratively. **Committee Member Sandra Hoffman** stated that the site plan would need to meet all of the requirements of the C-2 zoning district as well as the applicable stipulations. Mr. Lally stated they were not seeking to modify any of the restrictions associated with C-2 zoning. Vice Chair Lopez-Biggs expressed concerns over the potential conflict between Building A and Building B if both were to include a drive-through use. **Vince Dalke** with Dalke Design Group stated that the Traffic Impact Analysis might require that additional queuing be incorporated into the site design as well as additional deceleration lanes. Mr. Dalke stated that the stipulation was related to the original site design and that retailers were looking for visibility.

**Chair Freeman** stated that it made sense to delete the stipulation that requires the traffic signal at Rose Garden Lane since that signal is already in place and presumably paid for, but the signal at Runion Drive was not constructed and it makes sense that the applicant would have some financial responsibility regarding that signal. **Mr. Lally** stated that the “developer” was the developer of the original 136 acres and that sometimes the last to develop winds up paying for things and that sometimes the city will collect a pro-rata share. Mr. Lally stated that he has asked for clarification as to the required amount and that the applicant sees a big difference between \$500,000 and \$2

million dollars. Mr. Lally stated that if the requirement is to provide their pro-rata share for one of the four corners, that might be acceptable but if the city expects the applicant to pay for all four corners of the intersection, that might be why the site has remained vacant for 40 years. Mr. Lally stated this would be covered in the Traffic Impact Analysis. Chair Freeman stated that he did not want to inadvertently create an obligation for the city to pay \$1.5 million to cover the balance of the intersection.

**Committee Member Ricardo Romero** asked if they owned the property. Mr. Lally stated the property was under contract.

**Committee Member Trilese DiLeo** stated there was not much traffic in that area. **Mr. Lally** stated that the Traffic Impact Analysis would spell that out. **Mr. Dalke** stated that the stipulation requires them to pay the full amount and that it should be re-written to only cover their pro-rata share. **Vice Chair Lopez-Biggs** asked if that was not what the applicant was asking for by changing Stipulations No. 4b and 13. Mr. Dalke stated that Stipulation No. 4b states "total cost". Mr. Lally stated they were not trying get out of having to complete a Traffic Impact Analysis. **Vice Chair Lopez-Biggs** stated that the city has not required anyone to pay for the signal and now wants the applicant to pay for all of it. **Chair Freeman** stated that the stipulation states that if a signal is warranted, the applicant must pay full cost and asked the applicant to clarify if what they wanted was to rely on the Traffic Impact Analysis for determination. Mr. Lally stated the stipulation intended for the master developer to pay for the signal and they simply wanted a clean slate that would allow a fair, pro-rata contribution. Mr. Lally also stated that this was an impact fee area, which the developer likely paid into. **Committee Member Hoover** stated that by striking the stipulation, the developer bears no cost. Mr. Lally clarified they would like this to be treated as a brand-new case, which would defer to the Traffic Impact Analysis. Chair Freeman confirmed that the applicant initially wanted to strike Stipulation No. 13 and is now wanting to leave that in place. **Committee Member Hoffman** said that it made sense to have the developer pay a pro-rata share if the signal is needed. Mr. Lally stated that this is an infill piece located at the intersection of two freeways and that as developers have looked at the site's history including two zoning cases and six PHO cases have walked away. Mr. Lally stated that his client is willing to take a risk on the site and just wants a fighting chance at success. Committee Member Hoffman stated that the applicant was seeking to only address the stipulations that were identified by the check mark and asked if the applicant would be willing to address the other stipulations. Mr. Lally stated he would not object. **Committee Member Ozzie Virgil** asked why the signal would cost \$2 million dollars. Mr. Lally stated that he was not sure of the exact amount but that it was more expensive to retrofit an intersection site than to build new.

### **Public Comments**

None.

### **Committee Discussion**

**Committee Member Hoffman** stated that she did not believe there was any good reason to keep many of the stipulations in place and that it would be good to clean the

stipulations up. **Chair Freeman** stated that the applicant specifically asked to retain Stipulation No. 13 as that is the stipulation that requires the Traffic Impact Analysis. Committee Member Hoffman stated that Stipulation No. 1 of Z-16-97 requires compliance with all of the original stipulations of the original case, which creates confusion and should be removed. **Vice Chair Lopez-Biggs** asked what stipulations Committee Member Hoffman would like to strike.

**Motion:**

**Committee Member Sandra Hoffman** motioned to recommend approval of PHO-12-25--Z-204-87-1, with the modification that Stipulation No. 12 is retained and an additional stipulation requiring that street improvements be completed per the accepted Traffic Impact Analysis. **Committee Member James Sutphen** seconded the motion.

**Vote:**

**10-0**, motion to recommend approval of PHO-12-25--Z-204-87-1 with a modification and an additional stipulation passes with Committee Members Clark, DiLeo, Herber, Hoffman, Hoover, Romero, Sutphen, Virgil, Lopez-Biggs and Freeman in favor and none opposed.

**VPC Recommended Stipulations:**

1. That development be in general conformance to the site plan presented at the Planning Hearing Officer hearing of April 2, 1997 and design guidelines dated February 14, 1997 as may be modified by the following stipulations or in the alternative, the applicant may utilize the approved site plan dated September 12, 1996 for retail development on the east side of 27th Avenue.  
Notwithstanding the following stipulations, APN 209-08-027 and APN 209-08-029E may be developed in general conformance with the approved plan dated \*\*\* , 2025.
2. That individual Development Plans shall be submitted to and approved by the Development Services Department and ~~shall incorporate the design guidelines dated February 14, 1997 and~~ shall include further detail on such items as in accordance with the currently approved and applicable: a. Master street and pedestrian/bicycle circulations; b. Master landscape plan.
3. ~~That right-of-way be dedicated as reflected in the approved Master Street Plan. Additional right-of-way for right-turn lanes into parcels and bus bays shall be dedicated as may be required by the Development Services Department at the time of site plan review.~~
4. That the applicant shall fully improve all interior roadways ~~and adjacent half-streets (exclusive of freeway construction), including 27th Avenue, in accordance with the relevant City requirements as dictated in the Ordinance approved Master Street Plan.~~ Said improvements shall include the cost of pedestrian and bikeway facilities, ~~and signage and the following signalized~~

~~intersections:~~

- ~~a. The developer will be financially responsible for the total cost of installation of the traffic signals at the following intersections, when warranted, as determined by the Street Transportation Department: 27th Avenue and Runion Drive, 27th Avenue and Beardsley Road (unless constructed by ADOT);~~
- ~~b. The developer will be financially responsible for 50% of the cost of installation of a traffic signal at the intersection at 27th Avenue and Rose Garden Lane, when warranted, as determined by the Street Transportation Department.~~
- 5. That 29th Avenue, in its current alignment, shall be dedicated and improved by the abutting property owners. Each abutting property owner shall be responsible for the dedication and improvement of the half-street adjacent to its respective parcel. The timing of the street improvements shall be agreed to by the affected property owners at such time as the master street plan shall be approved for this application.
- 6. That development shall not exceed a maximum of 540 dwelling units (conditioned on a City Council density waiver); one hotel, 220,000 square feet of office and 50,000 square feet of retail uses west of 27<sup>th</sup> Avenue, (and east of 27th Avenue 1,000,000 square feet of office, ~~one hotel~~, and 20,000 square feet of retail use. In the alternative, the applicant may develop 450,000 square feet of retail/office in lieu of the 1,000,000 square feet of office development.
- 7. That approval is conditioned on the development of the office use within 18 months and a retail component of at least 50,000 square feet within 36 months of final City Council approval if the 450,000 square foot retail component east of 27th Avenue is developed. A maximum of six (6) pad sites (defined as a stand alone structure of less than 5,000 square feet in area) are permitted, with no more than two (2) pads permitted in the development of the first 50,000 square feet of commercial development.
- 8. That development shall be consistent with the goals and policies of the Deer Valley Core Specific Plan with particular emphasis on the designated view corridors and design of 27th Avenue.
- 9. That the Chairman of the Deer Valley Village Planning Committee shall be notified in writing, by the applicant, of all development review meetings with the Development Services Department.
- 10. That the multifamily parcel be in general conformance with the site plan dated April 15, 1996.



11. That the following design modifications as approved by the Development Services Department be incorporated into the final site development of each parcel as applicable:
  - a. That clearly defined shaded pedestrian connections, a minimum of four (4) feet in width, generally consistent with the pedestrian plan submitted in conjunction with this application be provided. Where the major pedestrian spines cross driveway aisles, the crosswalk area shall be enhanced with decorative or colored pavement material. The pedestrian connections shall be developed in conjunction with the development of individual sites as approved by the Development Services Department during the preliminary site plan approval process.
  - ~~b. Gateway/entryway statements be provided at 27th Avenue and Rose Garden and at 27<sup>th</sup> Avenue and Runion Drive intersections. The 27th Avenue and Runion Drive intersection shall include a minimum ½ acre landscaped plaza that shall encompass all four corners of the intersection. The landscaped plaza may include retention and be included in the required building setback.~~
  - c. Design of the commercial development shall minimize the linear effect with substantial building offsets, vertical relief and architectural embellishments/focal points. The design shall maintain architectural uniformity around APN 209-08-027 and APN 209-08-029E ~~the entire center~~ with particular emphasis to minimizing the visual impacts from the freeway.
12. That the development (exclusive of the approved residential parcel and the OPUS office development) shall be subject to approval of a Comprehensive Sign Plan to be submitted by June 30, 1997. Any requests for sign permits prior to final approval of the comprehensive sign plan shall be submitted to the Planning Hearing Officer for review of consistency with the proposed design guidelines.
- ~~13. That the master developer of the entire 136-acre parcel shall be responsible for completing a revised Master Street Plan based on the interim uses approved for the site. Any deviation from the approved interim uses may require additional traffic analysis by the applicant's traffic engineer, as determined by the Street Transportation Department.~~
- ~~14. The master developer of the entire 136-acre parcel, or subsequent property owners as may be assigned, shall be required to make all right-of-way dedications and street improvements for each phase according to the approved Master Street Plan as directed by the Development Services Department, at the time of preliminary site plan review.~~

15. ~~The master developer of the entire 136-acre parcel shall be responsible for completing the Deer Valley Towne Center Master Pedestrian/Bicycle Circulation Plan based on the interim uses approved for the site. Any deviation from the approved interim uses may require additional analysis by the applicant's traffic engineer as determined by the Planning and Street Transportation Departments.~~
16. ~~That master developer for the entire 136-acre parcel, or subsequent property owners as may be assigned, shall be required to make all necessary dedications and improvements for each phase according to the approved Master Pedestrian/Bicycle Circulation Plans, as directed by the Development Services Department, at the time of preliminary site plan review.~~
17. ~~That the Development Services Department shall pay particular attention to the orientation of buildings and parking adjacent to 27th Avenue. The following building locations shall provide buildings located adjacent to the street landscape setback with no parking or driveways permitted between the building and the 27th Avenue landscape setback:~~
  - a. ~~The building located at the northwest corner of 27th Avenue and Beardsley Road;~~
  - b. ~~The building located at the southwest corner of 27th Avenue and Runion Drive;~~
  - c. ~~The building located immediately to the south of the building referenced above in 17.b;~~
  - d. ~~The building(s) located at the southeast corner of 27th Avenue and Runion Drive;~~
  - e. ~~The building located at the northeast corner of 27th Avenue and Runion Drive; and~~
  - f. ~~The building located at the southeast corner of 27th Avenue and Rose Garden Lane.~~
18. ~~That automobile circulation may be provided adjacent to 27th Avenue for the freestanding building shown on Area "F" located at the northwest corner of 27th Avenue and Runion Drive. Parking should be discouraged adjacent to the 27th Avenue landscape setback.~~
19. ~~That in the event of development of a drive-through restaurant, driveway circulation may occur between the 27th Avenue landscape setback and the restaurant building; however, no parking is permitted adjacent to the 27th Avenue landscape area in this instance.~~

20. That project landscaping for individual sites shall be consistent with the landscape design theme provided along 27th Avenue and shall incorporate materials consistent with the ~~attached~~ currently approved plant palette.
21. That all sidewalks, pedestrian crossings, seating areas, light standards, and screen walls, if applicable, shall be consistent throughout the project.
22. ~~That use of the originally approved MR zoning overlay shall require modification of stipulations through the Planning Hearing Officer process and may be subject to further traffic analysis, off-site improvements, and design standards.~~
- 23. THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STATEMENT. ALL STREET IMPROVEMENTS SHALL BE COMPLETED PER THE ACCEPTED TRAFFIC IMPACT STATEMENT.**