

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

July 21, 2021

ITEM NO: 1

DISTRICT 2

SUBJECT:

Application #: PHO-2-21--Z-12-11-2  
Location: Approximately 1,320 feet south of the southeast corner of North Valley Parkway and Sonoran Desert Drive  
Existing Zoning: C-2 HGT/WVR NBCOD  
Acreage: 23.45  
Request: 1) Review of site plan and elevations by the Planning Hearing Officer per Stipulation 1.  
2) Review of site plan and elevations by the North Gateway Village Planning Committee per Stipulation 18  
Applicant: Miandra Cash, EMC Management LLC  
Owner: The Novak Family LLC  
Representative: Alan Beaudoin

**ACTIONS**

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

Village Planning Committee (VPC) Recommendation: The North Gateway Village Planning Committee heard this request on July 8, 2021 and recommended approval by a vote of 6-0.

**DISCUSSION**

Jennifer Meyers, representative with Norris Design, gave an overview of the project location and land uses in the surrounding area. She stated that the request is to review site plan and elevations for a 240-unit single-story detached bungalow development per Stipulation 1. She stated that the proposed density is 10.23 dwelling units per gross acre, which is below the maximum allowable density. She stated that the main entry will align with Rancho Laredo Drive and there will be a secondary entry on the northwest portion of the site. She stated that there are many amenities including a fitness center, dog park, car washing station, and valet trash and recycling services. She noted that trees line the landscape setback adjacent to North Valley Parkway and shade the path there. She stated that the North Gateway Village Planning Committee (VPC) recommended approval with a request to obtain a copy of the project's traffic impact statement.

Adam Stranieri, Planning Hearing Officer, stated that the intent behind the public hearing approval is due to the large size of the initial rezoning site and that there were no specific development plans for all individual development parcels at the time of the original approval. He stated that the proposal is compatible with the existing land use pattern in the surrounding area in terms of overall density. He noted that the elevations include multiple architectural features and building materials. He stated that he would modify Stipulation 1 to include general conformance to the proposed conceptual site plan and elevations. He stated the site is identified as archaeologically sensitive and would require additional stipulations regarding archaeological survey and testing requirements. He stated that the Street Transportation Department recommended an additional stipulation that roadway improvements be in conformance with the City of Phoenix Sonoran Wash Bridge Assessment Report and provided a summary of this report.

## **FINDINGS**

- 1) The proposed conceptual site plan depicts a multifamily residential community consisting of 240 single-story detached bungalow units at a density of 10.23 dwelling units per gross acre. The units feature private yards and the community contains multiple amenities such as a gaming area, pool, open spaces, and pathways. Proposed conceptual elevations feature multiple building materials and architectural features including decorative doors, stone veneers, pop outs, gable ornamentation and multiple colors. The proposal is compatible with the existing land use pattern in the surrounding area.

Stipulation 1 also contains a sub-stipulation regarding enhanced notification for development of Parcel No. 204-13-003T. This parcel no longer exists. However, at the time of rezoning it constituted the current Parcel Nos. 204-13-614 and 204-13-615. Parcel No. 204-13-614 is developed. Parcel No. 204-13-615 is not within the subject property of this request and remains stipulated to this enhanced notification requirement. There is no need to retain this language in this current recommendation as these parcels are off-site to the request.

Stipulation 1 has been complied with and is recommended to be modified to establish a general conformance requirement to the proposed conceptual site plan and building elevations.

- 2) Given the recommendation for approval with a modification to establish general conformance to a site plan in Stipulation 1, there is no need to retain Stipulation 18. Future development will be subject to stipulations and modification of these stipulations will necessitate public hearing which will be provided to the North Gateway Village Planning Committee for review. This stipulation is now complied with and recommended to be deleted.
- 3) The Street Transportation Department recommended an additional stipulation requiring that improvements be in conformance with the City of Phoenix Sonoran

Wash Bridge Assessment Report dated June 30, 2021. Since the original rezoning case was approved, a bridge assessment was conducted and approved in June 2021. This study evaluated a bridge over North Valley Parkway and Skunk Creek. The report assessed issues regarding the roadway becoming submerged in rain and resulting roadway closures. This stipulation requires that any site plans accommodate the planned improvements.

- 4) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing requirements.
- 5) The Floodplain Management Section noted that the proposed conceptual site plan depicts encroachment into the Floodway which is prohibited without hydrologic and hydraulic analysis showing no rise in water surface elevation (out to the hundredth) and no increase in special flood hazard area boundaries. They also noted that the applicant may apply for a Conditional Letter of Map Revision (CLOMR) to change the special flood hazard area boundaries without impacting existing structures or adversely impacting other properties upstream, downstream or adjacent to the project.

**DECISION:** The Planning Hearing Officer recommended approval with modifications and additional stipulations.

### **STIPULATIONS**

SITE PLAN AND ELEVATIONS	
1.	<p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED JUNE 3, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p> <p><del>Conceptual site plan(s) and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval as each parcel is to be developed. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.</del></p>
a.	<p><del>For development of parcel 204-13-003T the following shall be notified:</del></p> <ul style="list-style-type: none"><li><del>• Sonoran Foothills Homeowners Association e/o Capital Consultants Management Company Attn: Board President</del></li></ul>

	8360 East Via De Ventura Scottsdale, AZ 85258
	<ul style="list-style-type: none"> <li>• <del>Property owners within one mile.</del></li> </ul>
TRAILS AND OPEN SPACE	
2.	A 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with City of Phoenix MAG Supplemental detail P1130 & P1131 and Section 429 of the Supplemental Specifications along Sonoran Desert Drive as approved by the Parks and Recreation Department and Planning and Development Department.
3.	A 10-foot shared use path shall be constructed within a 20-foot public sidewalk easement on the east side of North Valley Parkway as approved by the Parks and Recreation Department and Planning and Development Department.
4.	Property owners shall dedicate all rights-of-way and required easements (for streets, utilities, trail systems, and other open space where required). A multi-use trail easement shall be dedicated along the Skunk Creek Wash and Sonoran Wash as approved by the Parks and Recreation Department and the Planning and Development Department to provide connectivity through the site to adjacent open space and trail connections.
STREET TRANSPORTATION	
5.	The developer shall dedicate right-of-way totaling 70 feet for the south half of Sonoran Desert Drive as approved by the Planning and Development Department.
6.	The developer shall dedicate right-of-way totaling 70 feet for the west and east halves of North Valley Parkway as approved by the Planning and Development Department.
7.	A 25-foot by 25-foot right-of-way triangle shall be dedicated at all corners of arterial/arterial and arterial/collector intersections as approved by the Planning and Development Department.
8.	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 or modified by the Planning and Development Department. All improvements shall comply with ADA accessibility requirements.

9.	The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved Traffic Impact Study and as approved or modified by the Planning and Development Department and the Street Transportation Department.
10.	Sufficient right-of-way shall be dedicated to accommodate bus-bays at all arterial/arterial intersections as approved by the Planning and Development Department.
11.	The developer shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department at (602) 262-6193. This form is a requirement of the EPA to meet clean air quality requirements.
12.	REQUIRED RIGHT-OF-WAY, DRAINAGE EASEMENT, ACCESS CONTROL DEDICATIONS AND FLOOD PLAIN ENCROACHMENTS ALONG NORTH VALLEY PARKWAY SHALL BE IN CONFORMANCE WITH THE CITY OF PHOENIX SONORAN WASH BRIDGE ASSESSMENT REPORT DATED JUNE 30, 2021 AND AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.
SPECIAL PERMIT FOR THE DRIVEWAY ACCESS, MINE MAINTENANCE BUILDING, SCALE HOUSE (NOVAK GRANITE MINE)	
13. <del>12.</del>	The scale house and mine maintenance building shall be buffered from view of adjacent parcels, wash locations, proposed Sonoran Preserve and North Valley Parkway through the use of indigenous, drought tolerant trees a minimum of 2-inch caliper size and shrubs. The landscape shall be installed as recommended in the North Black Canyon Corridor Design Guidelines, and as approved by the Planning and Development Department.
14. <del>13.</del>	The approval of the Special Permit shall be removed through the legislative process and the use of the driveway access, scale house and the mine maintenance building shall be demolished and removed once the current non-conforming use (rock quarrying operation/granite mine) is terminated.
OTHER	
15.	The developer shall show the planned 69kV underground power lines on

44.	the site, landscape, and grading and drainage plans. All utilities and other construction shall be coordinated with the City and APS so as to not conflict with the planned power lines.
16. 45.	The applicant shall 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. Further archaeological monitoring and/or testing (trenching) may be necessary based on the results of the survey.
17.	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.
18.	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.
19.	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.
20. 46.	Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of the property within the development the existence and operational characteristics of the mining operation near the development, that it is an active mine, has the potential to be active seven days a week, 24 hours a day, and is anticipated to continue until the rock resources are exhausted, which could be for 20 or more years. The form and content of such documents shall be reviewed and approved by the Law Department.
21. 47.	Access for the Novak mine operation shall be directed west through the City of Phoenix Transfer Station site to the Interstate 17 frontage road per a development agreement between all affected parties.
48.	Conceptual site plan(s) and elevations shall be reviewed by the North

	<del>Gateway Village Planning Committee for recommendation prior to review and approval by the Planning Hearing Officer.</del>

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