

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION

Byron Easton, Planner III, Hearing Officer

Teresa Garcia, Planner I, Assisting

March 19, 2025

ITEM NO: 2	
	DISTRICT NO. 1
SUBJECT:	
Application #:	PHO-12-25--Z-204-87-1 (Continued from February 19, 2025)
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
Zoning:	C-2 M-R
Acreage:	5.49
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped April 2, 1997 and design guidelines dated February 14, 1997.2) Request to modify Stipulation 2 regarding individual development plans.3) Request to delete Stipulation 3 regarding right-of-way dedications.4) Request to modify Stipulation 4 regarding interior roadway improvements.5) Request to delete Stipulation 4a. regarding financial responsibility of traffic signal installations at the intersections of 27th Avenue and Runion Drive and 27th Avenue and Beardsley Road.6) Request to delete Stipulation 4b. regarding financial responsibility of traffic signal at the intersection of 27th Avenue and Rose Garden Lane.7) Request to delete Stipulation 5 regarding dedication of 29th Avenue.8) Request to delete Stipulation 6 regarding the maximum number of dwelling units and retail/office space.9) Request to delete Stipulation 7 regarding approval of development east of 27th Avenue.10) Request to modify Stipulation 10 regarding multifamily parcel to be in general conformance with the site plan dated April 15, 1996.11) Request to modify Stipulation 11a. regarding pedestrian connections.

	12) Request to delete Stipulation 11b. regarding gateway/entryway statements. 13) Request to modify Stipulation 11c. regarding design of commercial development. 14) Request to delete Stipulation 12 regarding Comprehensive Sign Plan approval. 15) Request to delete Stipulation 13 regarding completion of revised Master Street Plan. 16) Request to delete Stipulation 14 regarding right of way dedications and street improvements for each phase. 17) Request to delete Stipulation 15 regarding Deer Valley Towne Center Master Pedestrian/Bicycle Circulation Plan. 18) Request to delete Stipulation 16 regarding dedications and street improvements for each phase according to Master Pedestrian/Bicycle Circulation Plan. 19) Request to delete Stipulation 17 regarding orientation of buildings and parking adjacent to 27th Avenue. 20) Request to delete Stipulation 18 regarding automobile circulation adjacent to 27th Avenue. 21) Request to delete Stipulation 19 regarding driveway circulation for future drive through restaurant. 22) Request to modify Stipulation 20 regarding project landscaping for individual sites. 23) Request to delete Stipulation 22 regarding use of originally approved M-R zoning overlay.
Applicant:	Cypress Development Partners
Owner:	Safeway Inc.
Representative:	William E. Lally, Tiffany & Bosco 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 Deer Valley Village Planning Committee heard this request on March 18, 2025 and recommended approval with modification and an additional stipulation by a vote of 10-0.

DISCUSSION:

William E. Lally, representative of Tiffany & Bosco P.A., 2525 East Camelback Road, stated he wanted to limit his requests to the new site plan that was

mentioned in Item 1. He requested a modification to Stipulation 1 regarding general conformance to the site plan date stamped April 2, 1997. He requested a deletion to Stipulation 6 regarding uses. He mentioned there is an existing hotel on the west side of 27th Avenue and they are not proposing any residential development. He stated the developer wants to add a second hotel and additional retail. He requested a deletion to Stipulation 7 regarding various timing restrictions and asked to stipulate general conformance. He requested the deletion of Stipulation 10 regarding the multifamily parcel and asked to stipulate general conformance. He requested to delete a portion of Stipulation 17 (17.e) regarding the orientation of the building located at the northeast corner of 27th Avenue and Runion Drive. He indicated the site plan shows a drive aisle for a drive through on Building A which will not be consistent with Stipulation 17e. He stated the developer plans to meet the landscape setbacks and no parking will be in that setback. He requested to delete Stipulation 19 regarding driveway circulation for a future drive through restaurant. He stated Building B was a multi-tenant building with a drive through and the design allowed for circulation and parking adjacent to 27th Avenue.

Byron Easton, Planning Hearing Officer, asked Mr. Lally to confirm the withdrawal of requests number 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22 and 23.

Mr. Lally confirmed that the applicant was withdrawing the beforementioned requests at that time.

Mr. Easton stated this case was heard at the Deer Valley Village Planning Committee (VPC) meeting on February 18, 2025 and they recommended approval with a modification and an additional stipulation. He stated that no public correspondence was received by staff. He recommended approval with a modification to the modification of Stipulation 1, adding general conformance language and the removal of the APN numbers in the language. He recommended approval to the deletion of Stipulation 6 as the remainder of the center is developed and the proposal doesn't include residential development. He recommended approval of the deletion of Stipulation 7 as the stipulation no longer applies to the development. He recommended approval with a modification to Stipulation 10 and recommended deleting the stipulation in its entirety as multifamily development is not a part of the development plan. He recommended approval to delete Stipulation 17e. regarding the building configuration on the northeast corner of 27th Avenue and Runion Drive since the site plan shows no parking in the landscape setback and meets parking standards. He recommended approval to the deletion of Stipulation 19 because the conceptual site plan does not support the stipulation. He stated the Public Transit Department is requesting to retain the existing bus pad on northbound 27th Avenue north of Runion Drive. Mr. Easton added the stipulation to the case. Mr. Lally asked if there was a way to modify the public transit stipulation to allow flexibility to work with the Public Transit Department on retaining the bus pad.

Mr. Easton agreed with the request and modified the language accordingly. He indicated a Proposition 207 waiver stipulation will be added to the case. He recommended approval with modifications and additional stipulations to the case.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to the site plan is recommended to be approved with a modification to provide current language. The proposed plan imagines a variety of uses such as medical office, flex office, retail, drive-thru and hotel. The project conforms with the needs of the current market, particularly in the corridor of the Deer Valley Village, which severely lacks new ground-up development opportunities providing for these uses.

The currently approved (stipulated) plan contemplates an outdated plan, focused on primarily office building uses with an overabundance of parking and interior drive aisles. The plan for the subject parcels envisions a 30-room extended-stay hotel for an area that has experienced exceptional growth since the approval of the current plan. The project will also include upwards of 90,000 square feet of medical uses to provide relief to an area of the City in desperate need of medical use opportunities. Further, additional retail options for the local business community and residents will provide a tangible benefit to the area.

- 2) The request to modify Stipulation 2 regarding individual development plans has been withdrawn by the applicant.
- 3) The request to delete Stipulation 3 regarding right-of-way dedications has been withdrawn by the applicant.
- 4) The request to modify Stipulation 4 regarding interior roadway improvements has been withdrawn by the applicant.
- 5) The request to delete Stipulation 4a. regarding financial responsibility of traffic signal installations at the intersections of 27th Avenue and Runion Drive and 27th Avenue and Beardsley Road has been withdrawn by the applicant.
- 6) The request to delete Stipulation 4b. regarding financial responsibility of traffic signal at the intersection of 27th Avenue and Rose Garden Lane has been withdrawn by the applicant.
- 7) The request to delete Stipulation 5 regarding dedication of 29th Avenue has been withdrawn by the applicant.

- 8) The request to delete Stipulation 6 regarding the maximum number of dwelling units and retail/office space is approved. The remainder of the Deer Valley Towne Center is already developed, and the proposed development includes an updated site plan that is not proposing residential uses. This stipulation also refers to areas outside of the PHO application boundary.
- 9) The request to delete Stipulation 7 regarding approval of the timing of development east of 27th Avenue is recommended to be approved. Because of the phasing of the development and the updated development plan, this stipulation is no longer relevant. This stipulation relates to a conditional approval based on requirements within 18 months of its original approval and therefore no longer applies. The Interchange includes two (2) pad sites under 5,000 square feet. However, one pad site is imagined along Rose Garden Avenue near the I-17 which maintains considerable traffic from the I17 and another along 27th Avenue and Runion Drive which will support the local office dense area.
- 10) The request to modify Stipulation 10 regarding the multifamily parcel to be in general conformance with the site plan dated April 15, 1996 is recommended to be approved with a modification to delete the stipulation in its entirety. The multifamily parcel is developed and this stipulation is no longer relevant.
- 11) The request to modify Stipulation 11a. regarding pedestrian connections has been withdrawn by the applicant.
- 12) The request to delete Stipulation 11b. regarding gateway/entryway statements has been withdrawn by the applicant.
- 13) The request to modify Stipulation 11c. regarding design of commercial development has been withdrawn by the applicant.
- 14) The request to delete Stipulation 12 regarding Comprehensive Sign Plan approval has been withdrawn by the applicant.
- 15) The request to delete Stipulation 13 regarding completion of revised Master Street Plan has been withdrawn by the applicant.
- 16) The request to delete Stipulation 14 regarding right of way dedications and street improvements for each phase has been withdrawn by the applicant.
- 17) The request to delete Stipulation 15 regarding Deer Valley Towne Center Master Pedestrian/Bicycle Circulation Plan has been withdrawn by the applicant.

- 18) The request to delete Stipulation 16 regarding dedications and street improvements for each phase according to Master Pedestrian/Bicycle Circulation Plan has been withdrawn by the applicant.
- 19) The request to delete Stipulation 17 and sub-stipulations a-f, regarding orientation of buildings and parking adjacent to 27th Avenue has been modified by the applicant. They no longer request for the deletion of the entire Stipulation 17 and sub-stipulations but request for the deletion of 17.e only. Stipulation 17.e refers to the building located at the northeast corner of 27th Avenue and Runion Drive and asks that this building shall have no parking or driveways between the building and the 27th Avenue landscape setback. The request to delete Stipulation 17.e is recommended to be approved. The site plan date stamped December 13, 2025, does not follow this requirement and would not make sense based on the layout of interior drive-aisles and necessary dimensions.
- 20) The request to delete Stipulation 18 regarding automobile circulation adjacent to 27th Avenue has been withdrawn by the applicant.
- 21) The request to delete Stipulation 19 regarding driveway circulation for future drive through restaurant is recommended to be approved. The site plan date stamped December 13, 2025, does not follow this requirement and would not make sense based on the layout of interior drive-aisles and necessary queuing dimensions.
- 22) The request to modify Stipulation 20 regarding project landscaping for individual sites has been withdrawn by the applicant.
- 23) The request to delete Stipulation 22 regarding use of originally approved M-R zoning overlay has been withdrawn by the applicant.
- 24) Public Transit recommended an additional stipulation regarding the retention of the existing bus pad. The language has been modified slightly to allow for modification of the location of the bus pad if needed.
- 25) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

STIPULATIONS:

1.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN DATE STAMPED DECEMBER 13, 2025 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. 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.	
2.	That Individual Development Plans shall be submitted to and approved by the PLANNING AND Development Services Department and shall incorporate the design guidelines dated February 14, 1997, and shall include further detail on such items as	
	a.	Master street and pedestrian/bicycle circulations
	b.	Master landscape plan
3.	That Right of way SHALL 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 PLANNING AND 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 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 the 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 27th 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 450,00 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 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.
6. 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.
7. 9.	That The Chairman of the Deer Valley Planning Committee shall be notified in writing by the applicant of all development review meetings with the PLANNING AND Development Services Department.
10.	That the multifamily parcel be in general conformance with the site plan dated April 15, 1996.
8. 11.	That The following design modifications as approved by the PLANNING AND Development Services Department SHALL 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 PLANNING AND Development Services Department.

	b.	Gateway/entryway statements by provided at 27th Avenue and Rose Garden and at 27th Avenue and Runion Drive intersections. The 27th Avenue and Runion Drive intersection shall include a minimum 1/ acre landscape plaza that shall encompass all four corners of the intersection. The landscape 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 the entire center with particular emphasis to minimizing the visual impacts from the freeway.
9. 42.		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.
10. 43.		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 traffic engineer as determined by the Street Transportation Department.
11. 44.		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 PLANNING AND Development Services Department at the time of preliminary site plan review.
12. 45.		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 applicants traffic engineer as determined by the Planning and DEVELOPMENT AND Street Transportation Departments.
13. 46.		That THE 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 PLANNING AND Development Services Department at the time of

	preliminary site plan review.
14. 17.	That The PLANNING AND 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 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
e. f.	The building located at the southeast corner of 27th Avenue and Rose Garden Lane
15. 18.	That Automobile circulation may be provided adjacent to the 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.
16. 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 plant palette.
17. 21.	That All sidewalks pedestrian crossings seating areas light standards and screen walls if applicable shall be consistent throughout the project.
18.	Use of the originally approved MR zoning overlay shall require

22.	modification of stipulations through the Planning Hearing Officer process and may be subject to further traffic analysis, offsite improvements and design standards.
19.	RETAIN THE EXISTING BUS PAD ON NORTHBOUND 27TH AVENUE NORTH OF RUNION DRIVE AS MODIFIED OR APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
20.	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.

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