

Attachment D

CORRECTION TO DEPARTMENT DUE DATE

PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

From: Joshua Bednarek
Planning & Development Department Director

Date: March 17, 2025

Subject: P.H.O. APPLICATION NO. PHO-3-25--Z-8-22-1 – 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 **April 16, 2025**.
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 ***March 24, 2025.**

DISTRIBUTION

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Public Transit (Michael Pierce)
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor
Planning and Development/Information Services (Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor
Village Planner (Adrian Zambrano, Rio Vista Village)
Village Planning Committee Chair (Dino Cotton, Rio Vista Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-3-25--Z-8-22-1

Council District: 1

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 1 regarding Planned Residential Development option.;Request to modify Stipulation 6 regarding shading along pedestrian pathways and trails.;Request to modify Stipulation 11 regarding bicycle infrastructure.;Request to modify Stipulation 12.c regarding the number of pedestrian connections.;Request to modify Stipulation 13 regarding indoor noise levels.;Request to modify Stipulation 14 regarding the development of noise mitigation walls.;Request to modify Stipulation 15 regarding noise wall setbacks.;Request to modify Stipulation 16 regarding perimeter wall materials.;Request to modify Stipulation 19 regarding active recreation amenities.;Request to modify Stipulation 23 regarding detached sidewalks and landscape strips located between the back of curb and sidewalk.;Request to modify Stipulation 24 regarding construction of detached sidewalks.;Request to modify Stipulation 25 regarding street improvements.;Request to delete Stipulation 27 regarding a 30-foot right-of-way dedication along the southern boundary of the project.;Request to delete Stipulation 28 regarding a minimum right-of-way.;Request to delete Stipulation 38 regarding a petition to the Street Transportation Department to eliminate required street light infrastructure.;Request to delete Stipulation 42 regarding Phase 1 to be in general conformance with the site plan date stamped May 4, 2023.;Request to delete Stipulation 43 regarding Phase 1 to be in general conformance with the elevations and design elements date stamped August 29, 2022.;Request to delete Stipulation 44 regarding the maximum dwelling units for Phase 1.;Request to delete Stipulation 45 regarding Phase 2 to be in general conformance with the site plan.;Request to delete Stipulation 46 regarding Phase 2 to be in general conformance with the elevations.;Request to delete Stipulation 47 regarding the number of lots for Phase 2.;Request to modify Stipulation 48 regarding the review of the conceptual site plans and elevations for Phase 3.;Request to modify Stipulation 49 regarding the landscaping of surface parking lots.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Hannah Bleam, Withey Morris Baugh, PLC	Applicant	2525 E Arizona Biltmore Cir, Suite A-212	6022300600		hannah@wmbattorneys.com
Adam Baugh, Withey Morris Baugh, PLC	Representative	2525 East Arizona Biltmore Circle, Suite A-212 Phoenix AZ 85016	6022300600		adam@wmbattorneys.com
Circle Mountain Holdings LLC	Owner	1635 North Greenfield Road, Suite 115 Mesa, Arizona 85205			

Property Location: Southeast corner of I-17 and Jenny Lin Road

Acreage: 21.35

Geographic Information

Zoning Map	APN	Quarter Section
V6	202-22-001B	Q72-19
V6	202-22-001D	Q72-19
Village:		
Rio Vista		

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@phoenix.gov or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

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

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the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: _____ DATE: _____

Fee Information			
Fee	Fee Waived	Fee Date	Purpose
\$1,725.00	\$0.00	02/27/25	PHO (3+ stipulations)

March 12, 2025

VIA ELECTRONIC DELIVERY

Byron Easton
Planning Hearing Officer
Phoenix Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: Stipulation Modification – Z-8-22 – SEC of Jenny Lin Road and I-17 frontage road

Dear Mr. Easton:

This firm represents Lincoln Avenue Communities (the “Developer”) regarding its proposal to develop a residential community on approximately 19 acres zoned R-3A located at the southeast corner of Jenny Lin Road and the I-17 frontage road, Phoenix, which included the Maricopa County Assessor Parcel Numbers, APNs 202-22-001B and a portion of 202-22-001D (the “Property”). Please see attached **Exhibit A** for an aerial view of the Property and surrounding area. As explained herein, the proposed residential development requires modification of stipulations for approval, which the Phoenix City Council approved on July 3, 2023, with case Z-8-22-1.

BACKGROUND/PROPOSAL

On July 3, 2023, the Phoenix City Council approved the rezoning case that rezoned approximately 79 acres to R-2, R-3, and R-3A. Please find the zoning map and approved ordinance at **Exhibit B**. Since that time the Developer has further refined the proposal and intends to develop Phase 3 (zoned R-3A), approximately 21 acres, of the larger rezoning area.

The proposal will provide critical housing needed in the North Phoenix area with a density lower than the maximum allowed in the underlying zoning district, R-3A. The development is sensitive to the existing washes and provides ample trail and pedestrian connections north and south, as well as through the site. The elevations are complementary to the desert landscape and blend with the surrounding proposed developments. A copy of the site plan and elevations can be found at **Exhibit C** and **Exhibit D**, respectively.

STIPULATION MODIFICATION

To allow the proposed development of the Property, we propose the following modification of stipulations approved for Z-8-22:

Overall Site

1. ~~Each phase of~~ The development shall utilize the Planned Residential Development (PRD) option.

Rationale: This stipulation was modified to remove the reference to the phases of the development, which was from the original rezoning case.

2. A minimum building setback of 100 feet shall be provided along the west property line, except for the northernmost 1,077 feet, which shall have a minimum building setback of 55 feet, as approved by the Planning and Development Department.

Rationale: No change.

3. A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.

Rationale: No change.

4. All perimeter setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.
 - a) Minimum 50% 2-inch caliper and 50% 3-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings with a staggered row of trees for every 20 feet of setback.
 - b) Drought tolerant shrubs and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Rationale: No change.

5. A minimum of 10% of the required shrubs shall be a milkweed or other native nectar species and shall be planted in groups of three or more, as approved by the Planning and Development Department.

Rationale: No change.

6. All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum ~~75~~ 53% shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.

Rationale: Based on our shade study and exhibits that was submitted with the PHO application, we are able to provide 53% of shade on these pedestrian pathways and sidewalks.

7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments, that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.

Rationale: No change.

8. The primary entry/exit drives into the residential developments shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.

Rationale: No change.

9. The primary entry/exit drives into the residential developments shall incorporate enhanced landscaping on both sides within minimum 250-square-foot landscape areas and shall incorporate a minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.

Rationale: No change.

10. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks and trails, as approved by the Planning and Development Department.

Rationale: No change.

11. ~~Each phase of~~ The development shall provide bicycle infrastructure as described below, as approved by the Planning and Development Department.

Rationale: Remove the area that is not applicable to the site.

- a) Secured bicycle parking shall be provided for units without garages at a rate of 0.25 spaces per multifamily residential dwelling unit, up to a maximum of 50 spaces.

Rationale: No change.

- b) Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per dwelling unit, up to a maximum of 50 spaces, located in common open space and amenity areas. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

Rationale: No change.

- c) A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

Rationale: No change.

12. A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be provided and updated with each phase of development to include the following elements, as approved by the Planning and Development Department.

- a) A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the site adjacent to the I-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development department.

Rationale: No change.

- b) A north-south pedestrian connection shall be provided to connect all phases of the development, including the area between Project II and Project III.

Rationale: No change.

- c) ~~Four~~ **ONE** pedestrian connections shall be provided from the site leading to the adjacent trails directly east or west of the site.

Rationale: This development will provide one of pedestrian connections that will lead to the trails to the east or west of the site. The total number for the previous rezoning case was four connections across the four phases, and therefore one is appropriate for this singular phase property.

- d) Pedestrian access shall be provided to future development to the east for each phase of development.

Rationale: No change.

- 13. **PRIOR TO FINAL SITE PLAN APPROVAL, THE DEVELOPER SHALL INCLUDE WITH THE BUILDING PLANS SUBMITTED FOR PHOENIX BUILDING CONSTRUCTION CODE COMPLIANCE REVIEW CERTIFICATION BY AN ACOUSTICAL CONSULTANT DEMONSTRATING THE AVERAGE** ~~The indoor noise levels of residential units shall not exceed a decibel day nightlevel (DNL) of 45 decibels, as approved by the Planning and Development Department. A sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.~~

Rationale: This stipulation has been modified to maintain consistency with the other PHO approvals that occurred on other phases of the development. As a reminder from the prior PHO approvals, there is no such thing as an acoustical engineer and therefore these cannot be signed by an engineer. It is more appropriate to include the term acoustical consultant who does these noise studies.

- 14. Noise mitigation walls shall be provided along the west perimeter of the site. The wall height shall be **A MINIMUM OF 8 FEET OR AS** determined through a noise analysis prepared by ~~a registered professional engineer~~ **AN ACOUSTICAL CONSULTANT**. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage. Noise walls shall be constructed to wrap around corner lots and areas near intersections. Wrap around walls, upon turning a corner, shall continue for at least 120 feet (approximately two lot widths), as approved by the Planning and Development Department.

Rationale: Additional language has been noted regarding the wall height, which is the common height of the sound wall for similar projects, as approved in the prior PHO approvals.

15. Perimeter walls, noise walls, and other walls **ADJACENT TO PERIMETER STREETS** shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department.

Rationale: As written, it would only require the additional visual interest to those areas adjacent to the perimeter streets as approved in the prior PHO approvals.

16. Perimeter walls, including the noise wall **ALONG THE WEST AND NORTH PERIMETER**, shall incorporate stone veneer, stonework, or integral color CMU block, as approved by the Planning and Development Department.

Rationale: We believe it is the Staff's intent for the decorative features to be in locations visible to the public not on shared boundary walls.

17. Interior walls and privacy fencing, excluding walls located between lots, shall use materials and colors that blend with the natural desert environment, as approved by the Planning and Development Department.

Rationale: No change.

18. A minimum of 15% of each phase shall be retained as open space, including washes and hillside areas, as approved by the Planning and Development Department.

Rationale: No change.

19. ~~Each phase of the~~ The development shall contain a minimum of four shaded active recreation amenities, such as a tot lot, picnic areas, seating features, garden amenities, or similar amenities, as approved by the Planning and Development Department.

Rationale: Clarifying that it only applies to this development.

20. A combination of view walls/fencing and partial view walls/fencing shall be incorporated property lines adjacent to dedicated public or private open space areas natural and/or improved drainageways or recreational areas, as approved by the Planning and Development Department.

Rationale: No change.

21. Drainage channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Planning and Development Department.

Rationale: No change.

22. A minimum of 2% of the required parking spaces, including garages, shall include Electric Vehicle (EV) Installed infrastructure and 5% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.

Rationale: No change.

23. Minimum 5-foot-wide detached sidewalks and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk **ALONG PUBLIC STREETS** within the development shall be constructed and planted to the following standards, as approved by the Planning and Development Department.
- a) Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

Rationale: Added clarification to this stipulation that it is intended for only public streets.

24. Minimum 5-foot-wide detached sidewalks, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, or wider to meet MCDOT minimum standards shall be constructed along ~~the south side of Jenny Lin Road~~, the east side of the I-17 frontage road, and the north side of Circle Mountain Road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of Transportation (MCDOT) requiring the landowner and/or property management to maintain the installed landscaping within MCDOT right-of-way to the following planting standards, as approved by MCDOT and the Planning and Development Department.
- a) Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

Rationale: Removing the Jenny Lin Road from this stipulation as it conflicts with the County Rural Residential Cross Section.

25. All right-of-way dedications and street improvements for ~~Circle Mountain Road~~, the I-17 frontage road, and Jenny Lin Road shall comply with Maricopa County Department of Transportation (MCDOT) requirements, as approved by MCDOT. Where possible the County Rural Residential Cross Section shall be utilized for Jenny Lin Road.

Rationale: The stipulation has been modified to remove improvements to Circle Mountain Road as it is not adjacent to the property.

26. A minimum 65-feet of right-of-way shall be dedicated, and the east half of the I-17 frontage road shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required and approved by MCDOT.

Rationale: No change.

27. ~~A minimum of 30 feet of right-of-way shall be dedicated and constructed for the north side of the minor collector street along the southern boundary of Project III. The improvements shall be consistent with Minor Collector Cross Section F and include a minimum 5 foot wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.~~

~~a) Minimum 2-inch caliper single-trunk large canopy drought tolerant shade trees planted 20 feet on center or in equivalent groupings.~~

~~b) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.~~

~~Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.~~

Rationale: Per conversations with the Streets Department, this stipulation has been removed as it is not applicable to the Property.

28. ~~A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of the minor collector street along the northern boundary of Project II. The improvements shall be consistent with Minor Collector Cross Section F and include minimum 5 foot wide detached sidewalks separated by minimum 5 foot wide landscape strips located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.~~

~~a) Minimum 2-inch caliper single-trunk large canopy drought tolerant shade trees planted 20 feet on center or in equivalent groupings.~~

~~b) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.~~

~~Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.~~

Rationale: This stipulation has been removed as it is not applicable to the Property.

29. Enhanced pedestrian connections shall be designed and constructed at all public street crossing locations to interconnect the pedestrian trails throughout the entirety of the site, as approved by the Street Transportation Department and the Planning and Development Department.

Rationale: No change.

30. 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 by the Planning and Development Department and MCDOT (where applicable). All improvements shall comply with all ADA accessibility standards.

Rationale: No change.

31. A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.

Rationale: No change.

32. The developer shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

Rationale: No change.

33. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

Rationale: No change.

34. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.

Rationale: No change.

35. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

Rationale: No change.

36. 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.

Rationale: No change.

37. Prior to the construction of any residences, all existing wells within the development shall be capped and abandoned, as required by the Arizona Department of Water Resources (ADWR).

Rationale: No change.

38. ~~The development shall petition the Street Transportation Department to eliminate the requirement for street light infrastructure for the development where possible in an effort to protect dark skies. ALL STREET, SITE, AND BUILDING LIGHTING SHALL BE DARK SKY COMPLIANT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND THE STREET TRANSPORTATION DEPARTMENT.~~

Rationale: This stipulation has been modified to provide additional clarity regarding how the dark skies would be protected with the proposed development.

39. Primary construction access shall be from Circle Mountain Road, or the frontage road, and ancillary construction activity and access may occur on Jenny Lin Road during parts of Project III, as approved by the City of Phoenix Planning and Development Department.

Rationale: No change.

40. The developer shall promptly repair any roadway damage that may occur on Jenny Lin Road during construction.

Rationale: No change.

41. The developer shall include disclosure language in future leases requiring all residents of Project III to acknowledge that a portion of Jenny Lin Road is private property, and no trespass is permitted.

Rationale: No change.

~~Phase 1 (R-3 Zoned Area)~~

42. ~~The development shall be in general conformance with the site plan date stamped May 4, 2023, as modified by these stipulations and as approved by the Planning and Development Department.~~

Rationale: This has been removed and it is not applicable to the site.

43. ~~The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department:~~

- ~~a. Spanish Colonial architectural style~~
- ~~b. Windows and glass doors with muntins and mullions~~
- ~~c. Decorative lighting fixtures at building entrances/exits and by garage doors~~
- ~~d. Covered front porches~~
- ~~e. Window and door treatment~~
- ~~f. Decorative doors~~
- ~~g. Architectural embellishments including, but not limited to, corbels and terracotta gable vent tubes~~

Rationale: This has been removed and it is not applicable to the site.

44. ~~Phase 1 of the development shall be limited to a maximum of 288 dwelling units.~~

Rationale: This has been removed and it is not applicable to the site.

Phase 2 (R-2 Zoned Area)

45. ~~The development shall be in general conformance with the site plan date stamped April 13, 2023, as modified by these stipulations and as approved by the Planning and Development Department.~~

Rationale: This stipulation has been removed as it is not applicable to the Property.

46. ~~The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.~~

- ~~a. Variety of architectural styles~~
- ~~b. Windows and glass doors with muntins and mullions~~
- ~~c. Decorative lighting fixtures at building entrances/exits and by garage doors~~
- ~~d. Covered front porches and covered rear patios~~
- ~~e. Garage, window and door treatment~~
- ~~f. Decorative doors~~
- ~~g. Architectural embellishments including, but not limited to, corbels, terracotta gable vent tubes, and window shutters~~
- ~~h. Gable end treatment with varied materials and colors~~
- ~~i. Breaking of massing and with varied materials and colors~~

Rationale: This stipulation has been removed as it is not applicable to the Property.

47. ~~Phase 2 of the development shall be limited to a maximum of 172 lots.~~

Rationale: This stipulation has been removed as it is not applicable to the Property.

Phase 3 (R-3A Zoned Area)

48. ~~Conceptual site plans and elevations for Phase 3 shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED [REDACTED] AS MODIFIED BY THESE STIPULATIONS AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.~~

~~THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED [REDACTED], WITH SPECIFIC REGARD TO THE FOLLOWING ELEMENTS, AS MODIFIED BY THESE STIPULATIONS AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.~~

- ~~a. All building facades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies.~~
- ~~b. Building and wall colors shall be muted and blend with, rather than contrast, with the surrounding desert environment. Accent colors may be appropriate but used judiciously and with restraint.~~

c. An architectural theme shall convey a sense of continuity through all phases.

Rationale: This stipulation has been updated and modified with general conformance language for site plan and elevations.

49. A minimum of 10% of surface parking lot areas, exclusive of perimeter landscape setbacks, shall be landscaped. The surface parking lot areas shall be landscaped ~~or~~ **WITH A** minimum 2-inch caliper large canopy drought-tolerant shade trees, **STRUCTURES, OR A COMBINATION OF BOTH**, and shall be dispersed throughout the parking area to achieve a minimum 25% shade at maturity, as approved by the Planning and Development Department.

Rationale: This stipulation has been updated to include shading from solar structures as well as trees for the parking areas.

Very truly yours,

WITHEY MORRIS P.L.C.



By

Adam Baugh

Attachments

EXHIBIT A

Aerial Map



EXHIBIT B



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: June 23, 2023

From: Joshua Bednarek *JB*
Planning and Development Director

Subject: ITEM NO.97 ON THE JULY 3, 2023 FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION – REZONING APPLICATION Z-8-22-1 – NORTHEAST CORNER OF I-17 AND CIRCLE MOUNTAIN ROAD AND THE SOUTHEAST CORNER OF I-17 AND JENNY LIN ROAD (ORDINANCE G-)

Item No. 97, Rezoning Application Z-8-22-1, is a request to rezone 79.29 acres located at the northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road from C-2 (Intermediate Commercial), C-3 (General Commercial), S-1 (Ranch or Farm Residence), County RU-43 (One Acre Per Dwelling Unit) (Pending Annexation), and Pending S-1 (Ranch or Farm Residence) to R-2 (Multifamily Residence District), R-3 (Multifamily Residence District), and R-3A (Multifamily Residence District) to allow single-family and multifamily residential.

The Rio Vista Village Planning Committee heard this request on May 9, 2023, and recommended approval, per the staff recommendation with additional stipulations, by a 5-1 vote.

The Planning Commission heard this request on June 1, 2023, and recommended approval, per the staff memo dated June 1, 2023 with an additional stipulation, by a 8-0 vote.

The purpose of this is memo is to recommend modifications to Stipulation Nos. 27 and 28 to add landscape planting standards within the right-of-way.

The revised stipulations are listed below with updates in **BOLD AND CAPITAL** letters.

Staff recommends approval, subject to the following stipulations:

Overall Site

1. Each phase of the development shall utilize the Planned Residential Development (PRD) option.
2. A minimum building setback of 100 feet shall be provided along the west property line, except for the northern most 1,077 feet, which shall have a minimum building setback of 55 feet, as approved by the Planning and Development Department.

3. A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.
4. All perimeter setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 50% 2-inch caliper and 50% 3-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings with a staggered row of trees for every 20 feet of setback.
 - b. Drought tolerant shrubs and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.
5. A minimum of 10% of the required shrubs shall be a milkweed or other native nectar species and shall be planted in groups of three or more, as approved by the Planning and Development Department.
6. All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments, that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. The primary entry/exit drives into the residential developments shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
9. The primary entry/exit drives into the residential developments shall incorporate enhanced landscaping on both sides within minimum 250-square-foot landscape areas and shall incorporate a minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
10. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks and trails, as approved by the Planning and Development Department.
11. Each phase of the development shall provide bicycle infrastructure as described below, as approved by the Planning and Development Department.

- a. Secured bicycle parking shall be provided for units without garages at a rate of 0.25 spaces per multifamily residential dwelling unit, up to a maximum of 50 spaces.
 - b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per multifamily residential and single-family residential dwelling unit, up to a maximum of 50 spaces. Guest bicycle parking for single-family residential shall be located in open space and amenity areas. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
 - c. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
12. A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be provided and updated with each phase of development to include the following elements, as approved by the Planning and Development Department.
- a. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the site adjacent to the I-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development department.
 - b. A north-south pedestrian connection shall be provided to connect all phases of the development, including the area between Project II and Project III.
 - c. Four pedestrian connections shall be provided from the site leading to the adjacent trails directly east or west of the site.
 - d. Pedestrian access shall be provided to future development to the east for each phase of development.

13. The indoor noise levels of residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department. A sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
14. Noise mitigation walls shall be provided along the west perimeter of the site. The wall height shall be determined through a noise analysis prepared by a registered professional engineer. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage. Noise walls shall be constructed to wrap around corner lots and areas near intersections. Wrap around walls, upon turning a corner, shall continue for at least 120 feet (approximately two lot widths), as approved by the Planning and Development Department.
15. Perimeter walls, noise walls, and other walls shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department.
16. Perimeter walls, including the noise wall, shall incorporate stone veneer, stonework, or integral color CMU block, as approved by the Planning and Development Department.
17. Interior walls and privacy fencing, excluding walls located between lots, shall use materials and colors that blend with the natural desert environment, as approved by the Planning and Development Department.
18. A minimum of 15% of each phase shall be retained as open space, including washes and hillside areas, as approved by the Planning and Development Department.
19. Each phase of the development shall contain a minimum of four shaded active recreation amenities, such as a tot lot, picnic areas, seating features, garden amenities, or similar amenities, as approved by the Planning and Development Department.
20. A combination of view walls/fencing and partial view walls/fencing shall be incorporated along property lines adjacent to dedicated public or private open space areas, natural and/or improved drainageways or recreational areas, as approved by the Planning and Development Department.

21. Drainage channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Planning and Development Department.
22. A minimum of 2% of the required parking spaces, including garages, shall include Electric Vehicle (EV) Installed infrastructure and 5% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.
23. Minimum 5-foot-wide detached sidewalks and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk within the development shall be constructed and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

24. Minimum 5-foot-wide detached sidewalks, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, or wider to meet MCDOT minimum standards shall be constructed along the south side of Jenny Lin Road, the east side of the I-17 frontage road, and the north side of Circle Mountain Road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of Transportation (MCDOT) requiring the landowner and/or property management to maintain the installed landscaping within MCDOT right-of-way to the following planting standards, as approved by MCDOT and the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

25. All right-of-way dedications and street improvements for Circle Mountain Road, the I-17 frontage road, and Jenny Lin Road shall comply with Maricopa County Department of Transportation (MCDOT) requirements, as approved by MCDOT. Where possible the County Rural Residential Cross Section shall be utilized for Jenny Lin Road.
26. A minimum 65-feet of right-of-way shall be dedicated, and the east half of the I-17 frontage road shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required and approved by MCDOT.
27. A minimum of 30 feet of right-of-way shall be dedicated and constructed for the north side of the minor collector street along the southern boundary of Project III. The improvements shall be consistent with Minor Collector Cross Section F and include a minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk, **PLANTED TO THE FOLLOWING STANDARDS**, as approved by the Planning and Development Department.
 - A. **MINIMUM 2-INCH CALIPER SINGLE-TRUNK LARGE CANOPY DROUGHT-TOLERANT SHADE TREES PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS.**
 - B. **DROUGHT TOLERANT SHRUBS, ACCENTS, AND VEGETATIVE GROUNDCOVERS TO ACHIEVE A MINIMUM OF 75% LIVE VEGETATIVE GROUND COVERAGE AT MATURITY.**

WHERE UTILITY CONFLICTS ARISE, THE DEVELOPER SHALL WORK WITH THE MCDOT AND THE PLANNING AND DEVELOPMENT DEPARTMENT ON AN ALTERNATIVE DESIGN SOLUTION CONSISTENT WITH A PEDESTRIAN ENVIRONMENT.

28. A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of the minor collector street along the northern boundary of Project II. The improvements shall be consistent with Minor Collector Cross Section F and include minimum 5-foot-wide detached sidewalks separated by minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, **PLANTED TO THE FOLLOWING STANDARDS**, as approved by the Planning and Development Department.
 - A. **MINIMUM 2-INCH CALIPER SINGLE-TRUNK LARGE CANOPY DROUGHT-TOLERANT SHADE TREES PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS.**

**B. DROUGHT TOLERANT SHRUBS, ACCENTS, AND VEGETATIVE
GROUNDCOVERS TO ACHIEVE A MINIMUM OF 75% LIVE VEGETATIVE
GROUND COVERAGE AT MATURITY.**

**WHERE UTILITY CONFLICTS ARISE, THE DEVELOPER SHALL WORK
WITH THE MCDOT AND THE PLANNING AND DEVELOPMENT
DEPARTMENT ON AN ALTERNATIVE DESIGN SOLUTION CONSISTENT
WITH A PEDESTRIAN ENVIRONMENT.**

29. Enhanced pedestrian connections shall be designed and constructed at all public street crossing locations to interconnect the pedestrian trails throughout the entirety of the site, as approved by the Street Transportation Department and the Planning and Development Department.
30. 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 by the Planning and Development Department and MCDOT (where applicable). All improvements shall comply with all ADA accessibility standards.
31. A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.
32. The developer shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
33. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
34. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
35. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
36. 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.

37. Prior to the construction of any residences, all existing wells within the development shall be capped and abandoned, as required by the Arizona Department of Water Resources (ADWR).
38. The development shall petition the Street Transportation Department to eliminate the requirement for street light infrastructure for the development where possible in an effort to protect dark skies.
39. Primary construction access shall be from Circle Mountain Road, or the frontage road, and ancillary construction activity and access may occur on Jenny Lin Road during parts of Project III, as approved by the City of Phoenix Planning and Development Department.
40. The developer shall promptly repair any roadway damage that may occur on Jenny Lin Road during construction.
41. The developer shall include disclosure language in future leases requiring all residents of Project III to acknowledge that a portion of Jenny Lin Road is private property, and no trespass is permitted.

Phase 1 (R-3 Zoned Area)

42. The development shall be in general conformance with the site plan date stamped May 4, 2023, as modified by these stipulations and as approved by the Planning and Development Department.
43. The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.
 - a. Spanish Colonial architectural style
 - b. Windows and glass doors with muntins and mullions
 - c. Decorative lighting fixtures at building entrances/exits and by garage doors
 - d. Covered front porches
 - e. Window and door treatment
 - f. Decorative doors

- g. Architectural embellishments including, but not limited to, corbels and terracotta gable vent tubes

44. Phase 1 of the development shall be limited to a maximum of 288 dwelling units.

Phase 2 (R-2 Zoned Area)

45. The development shall be in general conformance with the site plan date stamped April 13, 2023, as modified by these stipulations and as approved by the Planning and Development Department.

46. The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.

- a. Variety of architectural styles
- b. Windows and glass doors with muntins and mullions
- c. Decorative lighting fixtures at building entrances/exits and by garage doors
- d. Covered front porches and covered rear patios
- e. Garage, window and door treatment
- f. Decorative doors
- g. Architectural embellishments including, but not limited to, corbels, terracotta gable vent tubes, and window shutters
- h. Gable end treatment with varied materials and colors
- i. Breaking of massing and with varied materials and colors


47. Phase 2 of the development shall be limited to a maximum of 172 lots.

Phase 3 (R-3A Zoned Area)

48. Conceptual site plans and elevations for Phase 3 shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.

- a. All building facades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies.
 - b. Building and wall colors shall be muted and blend with, rather than contrast, with the surrounding desert environment. Accent colors may be appropriate but used judiciously and with restraint.
 - c. An architectural theme shall convey a sense of continuity through all phases.
49. A minimum of 10% of surface parking lot areas, exclusive of perimeter landscape setbacks, shall be landscaped. The surface parking lot areas shall be landscaped with minimum 2-inch caliper large canopy drought-tolerant shade trees and shall be dispersed throughout the parking area to achieve a minimum 25% shade at maturity, as approved by the Planning and Development Department.

Approved:



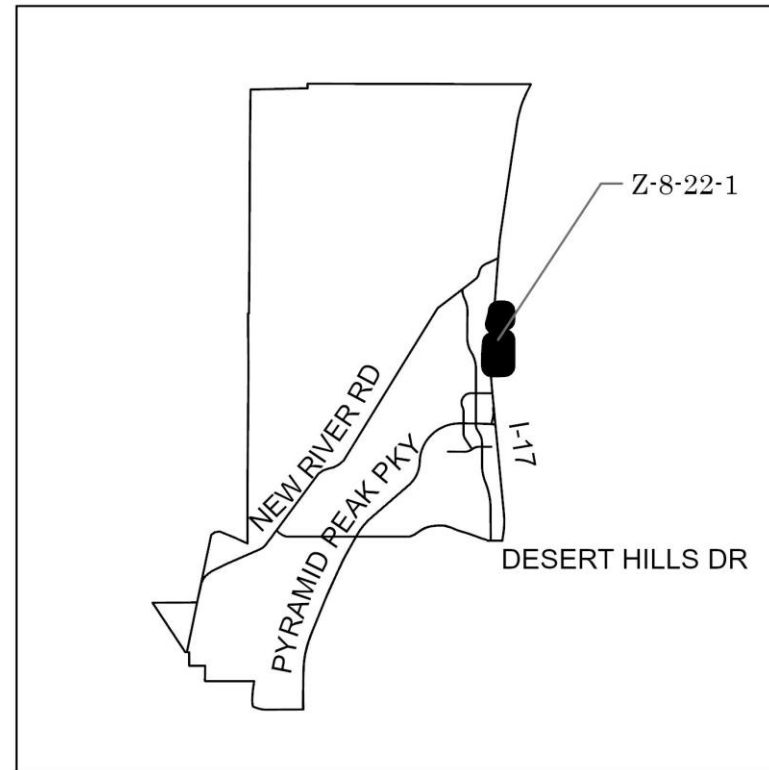
Alan Stephenson, Deputy City Manager

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-8-22-1
Zoning Overlay: N/A
Planning Village: Rio Vista

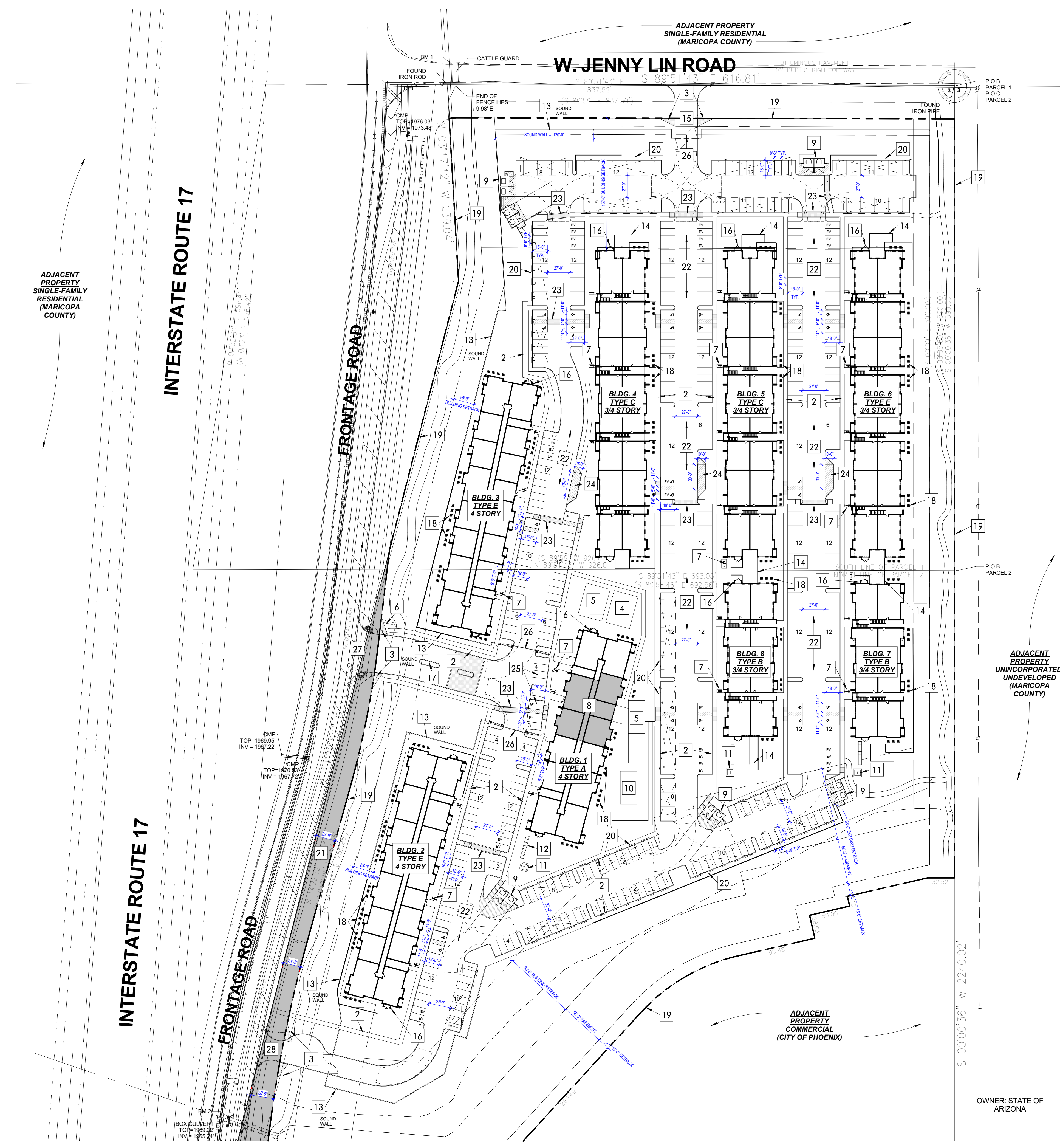


NOT TO SCALE



Drawn Date: 6/5/2023

EXHIBIT C



PROJECT DATA

APN NUMBER	202-22-001B / 202-22-001D (REPLAT PENDING)
PROPERTY ADDRESS	45402 N BLACK CANYON HWY, NEW RIVER, AZ 85087
ZONING (EXISTING)	R-3A
ZONING CASES	Z-8-22-1 (APPROVED W/ STIPULATIONS 06/23/23)
GROSS AREA (APPROX.)	21.35 ACRES
NET AREA	19.3868 ACRES
SETBACKS	20'-0" NORTH / 15'-0" SOUTH / 30'-0" EAST / 55'-0" WEST 388 UNITS / 19.39 AC = 20.0 UNITS/ACRE
DWELLING UNIT RATIO	
REQUIRED PARKING	1.5 SPACES PER UNIT (1.5 x 388 UNITS)
TOTAL REQUIRED PARKING	582 SPACES
PROPOSED PARKING	
STANDARD PARKING SPACES	521
ADA PARKING SPACES	30 ADA
FUTURE EV STALLS	40 EV
TOTAL PROVIDED	591 SPACES
REQUIRED ADA PARKING	591 P.S. X % = 29.45 REQUIRED
	30 PROVIDED
TYPICAL PARKING STALL SIZE:	8'-0" x 18'-0"
PARKING RATIO	591 SPACES / 388 UNITS = 1.523
BICYCLE PARKING	0.25 SPACES FOR EACH RESIDENTIAL UNIT, WITH A MAXIMUM OF 50 SPACES
TOTAL REQUIRED/PROVIDED	50 SPACES

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO CAP WITH SECTIONAL MARKINGS FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO CAP WITH SECTIONAL MARKING BEARS SOUTH 00 DEGREES 12 MINUTES 28 SECONDS EAST, 2,638.76 FEET;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, NORTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, 2,008.27 FEET POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, 631.32 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION;

THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, 962.87 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST, 32.52 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 100.00 FEET;

THENCE SOUTH 13 DEGREES 04 MINUTES 45 SECONDS EAST, 12.19 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 50.00 FEET;

THENCE SOUTH 13 DEGREES 04 MINUTES 45 SECONDS EAST, 28.63 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 95.48 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE LEFT, HAVING A RADIUS OF 231.50 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 35 MINUTES 46 SECONDS, AND AN ARC LENGTH OF 139.78 FEET TO A TANGENT LINE;

THENCE SOUTH 42 DEGREES 19 MINUTES 2 SECONDS WEST, 269.47 FEET;

THENCE SOUTH 58 DEGREES 21 MINUTES 18 SECONDS WEST, 45.17 FEET;

THENCE NORTH 85 DEGREES 48 MINUTES 48 SECONDS WEST, 279.62 FEET;

THENCE NORTH 04 DEGREES 09 MINUTES 40 SECONDS EAST, 8.79 FEET;

THENCE NORTH 14 DEGREES 03 MINUTES 47 SECONDS EAST, 754.66 FEET;

THENCE NORTH 06 DEGREES 02 MINUTES 40 SECONDS EAST, 592.89 FEET TO THE POINT OF BEGINNING.

SAID PORTION OF LAND CONTAINING 844, 490 SQUARE FEET, OR 19.3868 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

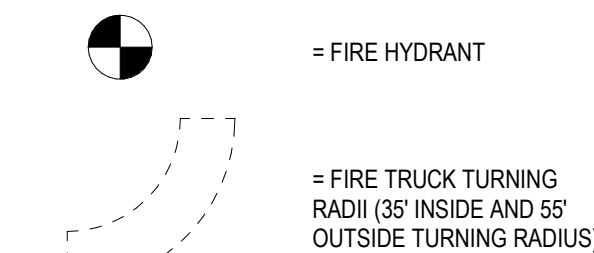
BUILDING METRICS

APT BUILDING TOTALS (1) APARTMENT A (2) APARTMENT B (3) APARTMENT C (2) APARTMENT E	OCCUPANCY TYPE APARTMENTS: OCCUPANCY TYPE CLUBHOUSE: OCCUPANCY TYPE FITNESS/LAUNDRY: CONSTRUCTION TYPE: 8 APT BUILDINGS 5 TOTAL BUILDINGS	R-2 A3, B A3, B VB
8 APT BUILDINGS 388 TOTAL UNITS		
APARTMENT TYPE A - 4 STORIES (W/COMMONS) APT A. (1) = 44 TOTAL UNITS 2BR/2BA = 14 UNITS 3BR/2BA = 30 UNITS 4BR/2BA = 0 UNITS TOTAL = 44 UNITS PER BLDG. 15,631.00 SQFT PER FLOOR 63,324.00 SQ FT PER BUILDING 48' 4 STORY PROPOSED HEIGHT (TO ROOF)	APARTMENT TYPE E - 4 STORIES APT E. (2) = 120 TOTAL UNITS 2BR/2BA = 32 UNITS 3BR/2BA = 28 UNITS 4BR/2BA = 0 UNITS TOTAL = 60 UNITS PER BLDG. 19,427.00 SQFT PER FLOOR 77,708.00 SQ FT PER BUILDING 48' 4 STORY PROPOSED HEIGHT (TO ROOF)	
APARTMENT TYPE B - 3/4 SPLIT APT. B. (2) = 56 TOTAL UNITS 2BR/2BA = 7 UNITS 3BR/2BA = 21 UNITS 4BR/2BA = 0 UNITS TOTAL = 28 UNITS PER BLDG. 15,533.81 SQFT PER FLOOR 54,368.36 SQ FT PER BUILDING 40' 3 STORY / 48' 4 STORY PROPOSED HEIGHT (TO ROOF)	TOTAL UNITS: 388 2BR/2BA = 176 UNITS (45%) 3BR/2BA = 170 UNITS (44%) 4BR/2BA = 42 UNITS (11%)	
APARTMENT TYPE C - 3/4 SPLIT APT. C. (3) = 168 TOTAL UNITS 2BR/2BA = 28 UNITS 3BR/2BA = 14 UNITS 4BR/2BA = 14 UNITS TOTAL = 56 UNITS PER BLDG. 20,851.08 SQFT PER FLOOR 72,978.78 SQFT PER BUILDING 40' 3 STORY / 48' 4 STORY PROPOSED HEIGHT (TO ROOF)		

SITE PLAN KEY

- 1 GATE
- 2 5' SIDEWALK, TYP.
- 3 10' x 20' SITE VISIBILITY TRIANGLE
- 4 PLAYGROUND
- 5 RECREATION & PICNIC AREA - SEE LANDSCAPE
- 6 PROPOSED MONUMENT SIGN
- 7 BIKE RACKS, TYP.
- 8 COMMON AMENITY SPACE
- 9 TRASH ENCLOSURE
- 10 POOL
- 11 TRANSFORMER (POSSIBLE LOCATION)
- 12 SES CABINETS (POSSIBLE LOCATION)
- 13 CMU SCREEN WALL, TYP.
- 14 RETAINING WALL
- 15 EMERGENCY ACCESS
- 16 PROPOSED BUILDING MOUNTED FDC
- 17 LOCATION OF SITE DIRECTORY
- 18 PROPOSED CONDENSING UNIT LOCS. - SCREEN W/ FENCE AND/OR LANDSCAPING, TYP.
- 19 PROPERTY LINE
- 20 PARKING CANOPY, TYP.
- 21 R.O.W. - SEE CIVIL
- 22 FIRE LANE
- 23 DECORATIVE PEDESTRIAN CROSSWALKS, TYP.
- 24 LOADING SPACE
- 25 GUEST PARKING STALLS
- 26 DRIVE GATE
- 27 MAIN SITE ENTRY
- 28 SECONDARY SITE ENTRY

SITE PLAN LEGEND



PROJECT TEAM

DEVELOPER:
LINCOLN AVENUE COMMUNITIES
401 WILSHIRE BLVD
11TH FLOOR
SANTA MONICA, CA 90401
CONTACT: MATT KLEIN
EMAIL: mklein@lincolnavenue.com
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ARCHITECT:
KAAS WILSON ARCHITECTS
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SUITE D-3
PHOENIX, AZ 85034
CONTACT: LORI KNUDSON
EMAIL: lorik@kaaswilson.com
PHONE: 701-367-9287

VICINITY MAP

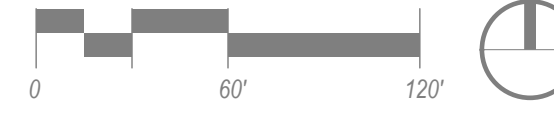
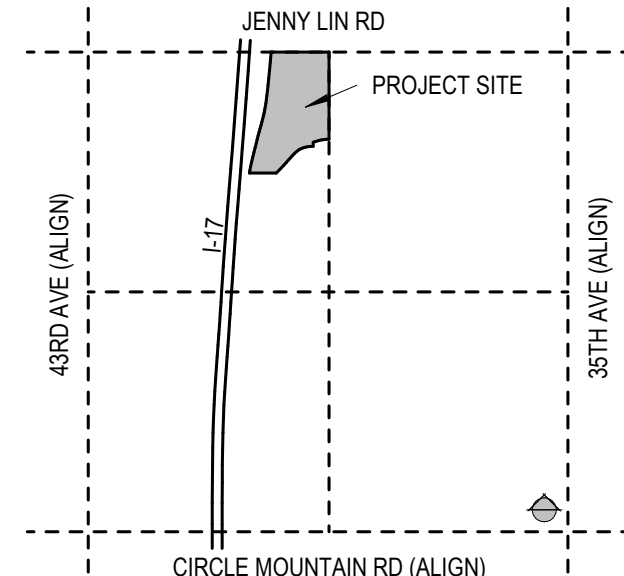
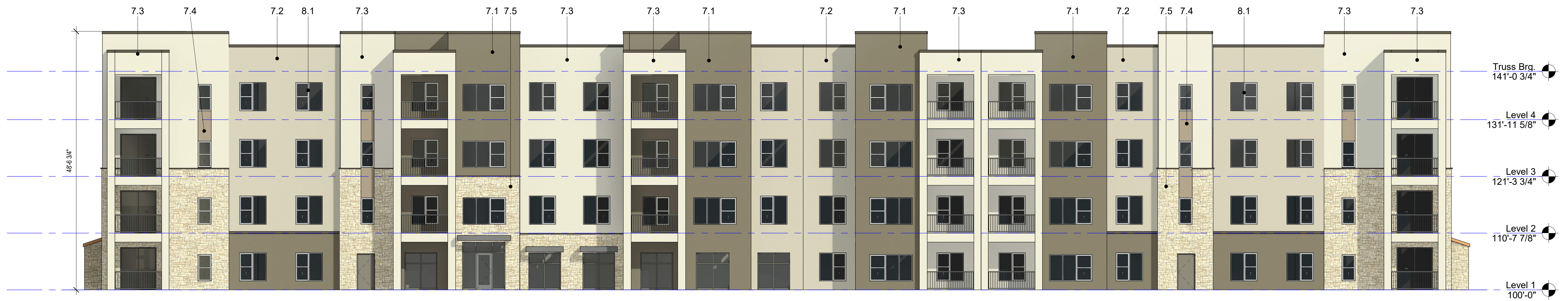
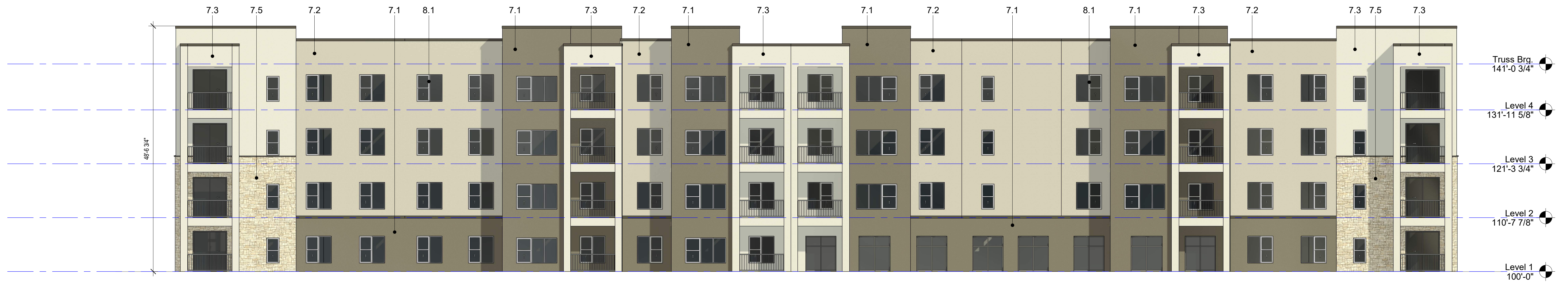


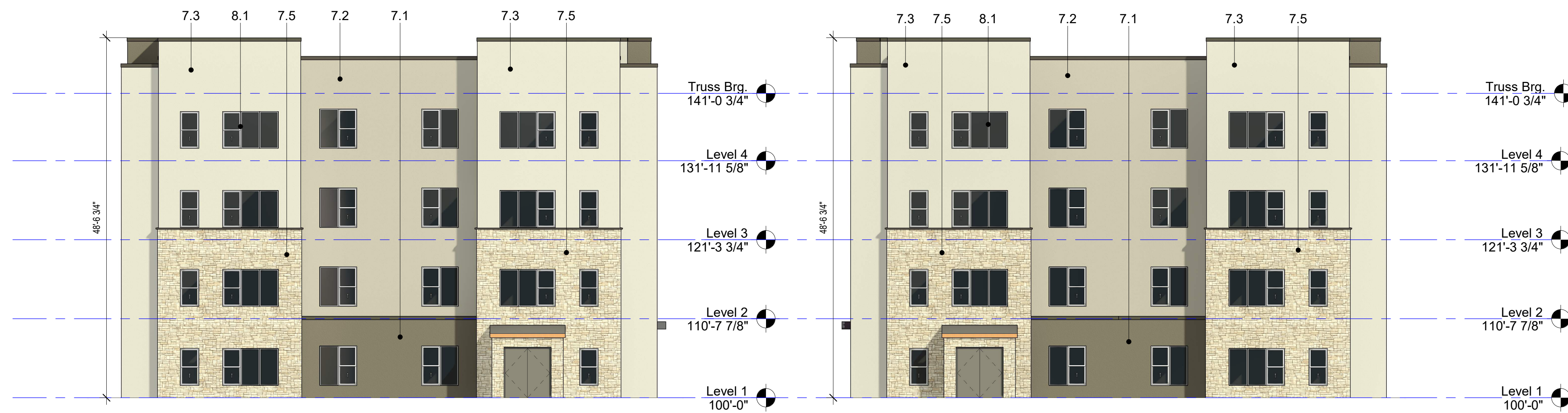
EXHIBIT D



① West Elevation - Color
1" = 10'-0"



② East Elevation - Color
1" = 10'-0"



③ North Elevation - Color
1" = 10'-0"

④ South Elevation - Color
1" = 10'-0"

EXTERIOR MATERIALS

Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6





① West Elevation - Color
1" = 10'-0"



② North Elevation - Color
1" = 10'-0"



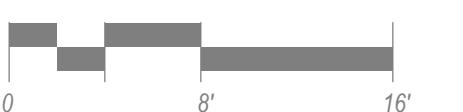
③ South Elevation - Color
1" = 10'-0"

EXTERIOR MATERIALS 1

Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
8.1	Vinyl Window, Color 6



④ East Elevation - Color
1" = 10'-0"





① West Elevation - Color 01
1" = 10'-0"



② West Elevation - Color 02
1" = 10'-0"

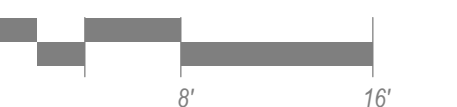


③ South Elevation - Color
1" = 10'-0"



④ North Elevation - Color
1" = 10'-0"

EXTERIOR MATERIALS1	
Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6



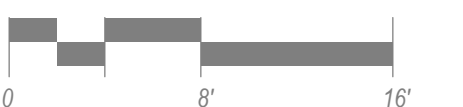


② East Elevation - Color - Dependent 2
1" = 10'-0"



① East Elevation - Color - Dependent 1
1" = 10'-0"

EXTERIOR MATERIALS1	
Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6

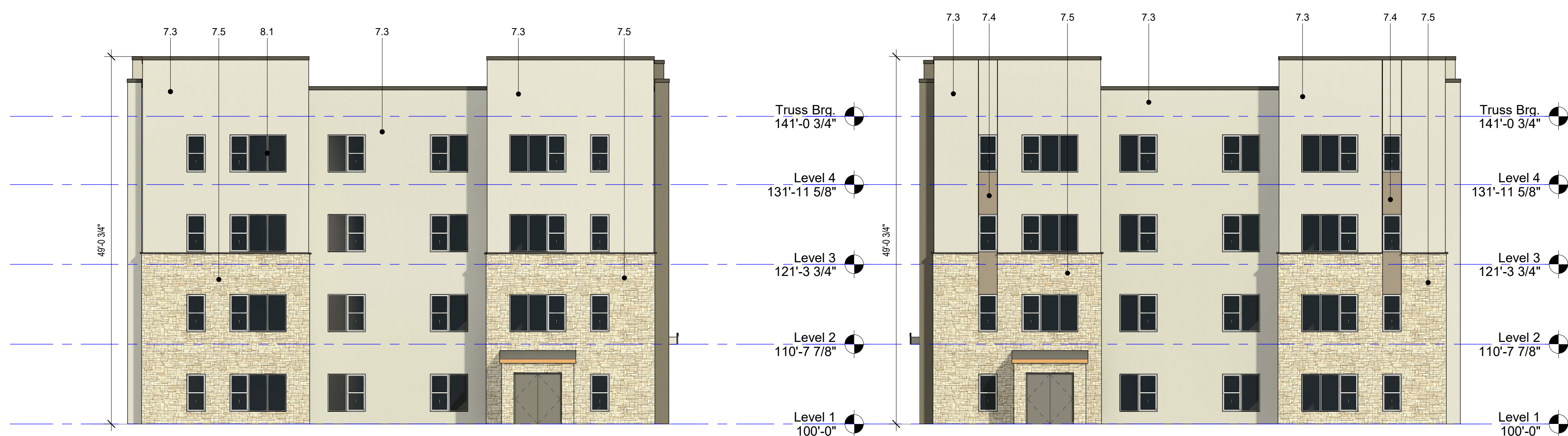




① West Elevation - Color
1" = 10'-0"



④ East Elevation - Color
1" = 10'-0"



② North Elevation - Color
1" = 10'-0"

③ South Elevation - Color
1" = 10'-0"

EXTERIOR MATERIALS1	
Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6





City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

July 28, 2023

Adam Baugh
Withey Morris Baugh, PLC
2525 East Arizona Biltmore Circle, Suite A-212
Phoenix, Arizona 85016

Dear Applicant:

RE: Z-8-22-1– Northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on July 3, 2023, approved Zoning Ordinance # G-7140.

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

Sincerely,

Joshua Bednarek
Planning and Development Director

Attachment: Signed Ordinance

c: Circle Mountain Holdings, LLC, 1635 N. Greenfield Rd., #115., Mesa, AZ 85205
Tricia Gomes, PDD–Planning–Deputy Director (Electronically)
Racelle Escolar, PDD–Planning–Principal Planner (Electronically)
Adrian Zambrano, PDD–Planning–Village Planner (Electronically)
Ben Kim, PDD–GIS (Electronically)

ORDINANCE G-7140

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-8-22-1) FROM C-2 (INTERMEDIATE COMMERCIAL), C-3 (GENERAL COMMERCIAL), S-1 (RANCH OR FARM RESIDENCE), COUNTY RU-43 (ONE ACRE PER DWELLING UNIT) (PENDING ANNEXATION), AND PENDING S-1 (RANCH OR FARM RESIDENCE) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT), R-3 (MULTIFAMILY RESIDENCE DISTRICT), AND R-3A (MULTIFAMILY RESIDENCE DISTRICT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1. The zoning of a 79.29-acre site located on the northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road in a portion of Section 3, Township 6 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 44.29 acres of "C-2" (Intermediate Commercial), 11.96 acres of "C-3" (General Commercial), 9.06 acres of "S-1" (Ranch or Farm Residence), 8.03 acres of County "RU-43" (One Acre Per Dwelling Unit) (pending annexation), and 5.95 acres of Pending "S-1" (Ranch or Farm Residence) to 29.14 acres of "R-2" (Multifamily Residence District), 31.78 acres of "R-3" (Multifamily Residence District), and 18.37 acres of "R-3A" (Multifamily Residence District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

Overall Site

- Mod
1. Each phase of the development shall utilize the Planned Residential Development (PRD) option.
 2. A minimum building setback of 100 feet shall be provided along the west property line, except for the northern most 1,077 feet, which shall have a minimum building setback of 55 feet, as approved by the Planning and Development Department.
 3. A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.
 4. All perimeter setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 50% 2-inch caliper and 50% 3-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings with a staggered row of trees for every 20 feet of setback.
 - b. Drought tolerant shrubs and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.
 5. A minimum of 10% of the required shrubs shall be a milkweed or other native nectar species and shall be planted in groups of three or more, as approved by the Planning and Development Department.

Mod

- ⑥ All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments, that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. The primary entry/exit drives into the residential developments shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
9. The primary entry/exit drives into the residential developments shall incorporate enhanced landscaping on both sides within minimum 250-square-foot landscape areas and shall incorporate a minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
10. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks and trails, as approved by the Planning and Development Department.

Mod

11. Each phase of the development shall provide bicycle infrastructure as described below, as approved by the Planning and Development Department.
 - a. Secured bicycle parking shall be provided for units without garages at a rate of 0.25 spaces per multifamily residential dwelling unit, up to a maximum of 50 spaces.
 - b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per multifamily residential and single-family residential dwelling unit, up to a maximum of 50 spaces. Guest bicycle parking for single-family residential shall be located in open space and amenity areas. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

- c. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

12. A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be provided and updated with each phase of development to include the following elements, as approved by the Planning and Development Department.

- a. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the site adjacent to the I-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development department.
- b. A north-south pedestrian connection shall be provided to connect all phases of the development, including the area between Project II and Project III.

Mod

- c. Four pedestrian connections shall be provided from the site leading to the adjacent trails directly east or west of the site.

- d. Pedestrian access shall be provided to future development to the east for each phase of development.

Mod

- 13. The indoor noise levels of residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department. A sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.

- Mod 14. Noise mitigation walls shall be provided along the west perimeter of the site. The wall height shall be determined through a noise analysis prepared by a registered professional engineer. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage. Noise walls shall be constructed to wrap around corner lots and areas near intersections. Wrap around walls, upon turning a corner, shall continue for at least 120 feet (approximately two lot widths), as approved by the Planning and Development Department.
- Mod 15. Perimeter walls, noise walls, and other walls shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department.
- Mod 16. Perimeter walls, including the noise wall, shall incorporate stone veneer, stonework, or integral color CMU block, as approved by the Planning and Development Department.
17. Interior walls and privacy fencing, excluding walls located between lots, shall use materials and colors that blend with the natural desert environment, as approved by the Planning and Development Department.
18. A minimum of 15% of each phase shall be retained as open space, including washes and hillside areas, as approved by the Planning and Development Department.
- Mod 19. Each phase of the development shall contain a minimum of four shaded active recreation amenities, such as a tot lot, picnic areas, seating features, garden amenities, or similar amenities, as approved by the Planning and Development Department.
20. A combination of view walls/fencing and partial view walls/fencing shall be incorporated along property lines adjacent to dedicated public or private open space areas, natural and/or improved drainageways or recreational areas, as approved by the Planning and Development Department.
21. Drainage channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Planning and Development Department.
22. A minimum of 2% of the required parking spaces, including garages, shall include Electric Vehicle (EV) Installed infrastructure and 5% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.

Mod

23. Minimum 5-foot-wide detached sidewalks and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk within the development shall be constructed and planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

Mod

24. Minimum 5-foot-wide detached sidewalks, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, or wider to meet MCDOT minimum standards shall be constructed along the south side of Jenny Lin Road, the east side of the I-17 frontage road, and the north side of Circle Mountain Road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of Transportation (MCDOT) requiring the landowner and/or property management to maintain the installed landscaping within MCDOT right-of-way to the following planting standards, as approved by MCDOT and the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

Mod

25. All right-of-way dedications and street improvements for Circle Mountain Road, the I-17 frontage road, and Jenny Lin Road shall comply with Maricopa County Department of Transportation (MCDOT) requirements, as approved by MCDOT. Where possible the County Rural Residential Cross Section shall be utilized for Jenny Lin Road.

26. A minimum 65-feet of right-of-way shall be dedicated, and the east half of the I-17 frontage road shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required and approved by MCDOT.

Del

27. A minimum of 30 feet of right-of-way shall be dedicated and constructed for the north side of the minor collector street along the southern boundary of Project III. The improvements shall be consistent with Minor Collector Cross Section F and include a minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.

Del

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.

Del

- b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

Del

28. A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of the minor collector street along the northern boundary of Project II. The improvements shall be consistent with Minor Collector Cross Section F and include minimum 5-foot-wide detached sidewalks separated by minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.

Del

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.

Del

- b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

29. Enhanced pedestrian connections shall be designed and constructed at all public street crossing locations to interconnect the pedestrian trails throughout the entirety of the site, as approved by the Street Transportation Department and the Planning and Development Department.
30. 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 by the Planning and Development Department and MCDOT (where applicable). All improvements shall comply with all ADA accessibility standards.
31. A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.
32. The developer shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
33. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
34. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
35. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
36. 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.
37. Prior to the construction of any residences, all existing wells within the development shall be capped and abandoned, as required by the Arizona Department of Water Resources (ADWR).

Del

- 38. The development shall petition the Street Transportation Department to eliminate the requirement for street light infrastructure for the development where possible in an effort to protect dark skies.
- 39. Primary construction access shall be from Circle Mountain Road, or the frontage road, and ancillary construction activity and access may occur on Jenny Lin Road during parts of Project III, as approved by the City of Phoenix Planning and Development Department.
- 40. The developer shall promptly repair any roadway damage that may occur on Jenny Lin Road during construction.
- 41. The developer shall include disclosure language in future leases requiring all residents of Project III to acknowledge that a portion of Jenny Lin Road is private property, and no trespass is permitted.

Phase 1 (R-3 Zoned Area)

Del

- 42. The development shall be in general conformance with the site plan date stamped May 4, 2023, as modified by these stipulations and as approved by the Planning and Development Department.

Del

- 43. The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.
 - a. Spanish Colonial architectural style
 - b. Windows and glass doors with muntins and mullions
 - c. Decorative lighting fixtures at building entrances/exits and by garage doors
 - d. Covered front porches
 - e. Window and door treatment
 - f. Decorative doors
 - g. Architectural embellishments including, but not limited to, corbels and terracotta gable vent tubes

Del

- 44. Phase 1 of the development shall be limited to a maximum of 288 dwelling units.

Phase 2 (R-2 Zoned Area)

- Del 45. The development shall be in general conformance with the site plan date stamped April 13, 2023, as modified by these stipulations and as approved by the Planning and Development Department.
- Del 46. The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.
- Del a. Variety of architectural styles
 - Del b. Windows and glass doors with muntins and mullions
 - Del c. Decorative lighting fixtures at building entrances/exits and by garage doors
 - Del d. Covered front porches and covered rear patios
 - Del e. Garage, window and door treatment
 - Del f. Decorative doors
 - Del g. Architectural embellishments including, but not limited to, corbels, terracotta gable vent tubes, and window shutters
 - Del h. Gable end treatment with varied materials and colors
 - Del i. Breaking of massing and with varied materials and colors
- Del 47. Phase 2 of the development shall be limited to a maximum of 172 lots.

Phase 3 (R-3A Zoned Area)

- Mod 48. Conceptual site plans and elevations for Phase 3 shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.

Mod

a. All building facades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies.

Mod

b. Building and wall colors shall be muted and blend with, rather than contrast, with the surrounding desert environment. Accent colors may be appropriate but used judiciously and with restraint.

Mod

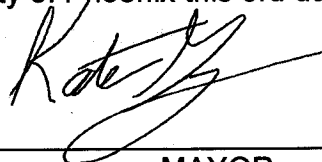
c. An architectural theme shall convey a sense of continuity through all phases.

Mod

49. A minimum of 10% of surface parking lot areas, exclusive of perimeter landscape setbacks, shall be landscaped. The surface parking lot areas shall be landscaped with minimum 2-inch caliper large canopy drought-tolerant shade trees and shall be dispersed throughout the parking area to achieve a minimum 25% shade at maturity, as approved by the Planning and Development Department.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of July, 2023.



MAYOR

ATTEST:


Denise Archibald, City Clerk

07.31.2023
Date

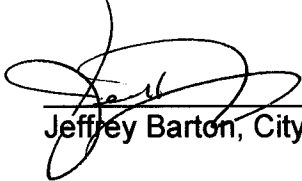


APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: Paul Li

Paul Li, Assistant Chief Counsel

REVIEWED BY:



Jeffrey Barton, City Manager

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Exhibits:

- A – Legal Description (5 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

PROJECT 1 LEGAL DESCRIPTION

A PORTION OF THE WEST HALF OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3, BEING MARKED BY A CITY OF PHOENIX BRASS CAP IN HANDHOLE FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO CAP WITH SECTIONAL MARKINGS BEARS NORTH 00 DEGREES 12 MINUTES 28 SECONDS WEST, 2638.76 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, SOUTH 89 DEGREES 58 MINUTES 18 SECONDS EAST, 1,551.65 FEET, TO A NONTANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 25,028.70 FEET, THE CENTER OF WHICH BEARS NORTH 89 DEGREES 20 MINUTES 18 SECONDS EAST TO THE POINT OF BEGINNING;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02 DEGREES 51 MINUTES 06 SECONDS, AND AN ARC LENGTH OF 1245.70 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES 10 SECONDS EAST, 1,074.15 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG SAID EAST LINE, SOUTH 00 DEGREES 08 MINUTES 44 SECONDS EAST, 1,240.24 FEET;

THENCE LEAVING SAID EAST LINE, NORTH 89 DEGREES 58 MINUTES 18 SECONDS WEST, 1,093.85 FEET, TO THE POINT OF BEGINNING.

SAID PORTION OF LAND CONTAINING 1,353,066 SQUARE FEET, OR 31.0621 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

PROJECT 2 LEGAL DESCRIPTION

A PORTION OF THE WEST HALF OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO CAP WITH SECTIONAL MARKINGS FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 3, BEING MARKED BY A CITY OF PHOENIX BRASS CAP IN HANDHOLE BEARS SOUTH 00 DEGREES 12 MINUTES 28 SECONDS EAST, 2,638.76 FEET;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, NORTH 89 DEGREES 50 MINUTES 57 SECONDS EAST, 2,648.37 FEET;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, SOUTH 00 DEGREES 08 MINUTES 44 SECONDS EAST, 51.75 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 00 DEGREES 08 MINUTES 44 SECONDS EAST, 1,355.04 FEET;

THENCE LEAVING SAID EAST LINE, NORTH 89 DEGREES 45 MINUTES 10 SECONDS WEST, 1,074.15 FEET, TO A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 25,028.70 FEET, THE CENTER OF WHICH BEARS SOUTH 87 DEGREES 48 MINUTES 46 SECONDS EAST;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 33 MINUTES 33 SECONDS, AND AN ARC LENGTH OF 245.35 FEET TO A NONTANGENT LINE;

THENCE NORTH 03 DEGREES 44 MINUTES 22 SECONDS EAST, 375.39 FEET;

THENCE NORTH 03 DEGREES 37 MINUTES 18 SECONDS EAST, 192.16 FEET;

THENCE NORTH 04 DEGREES 16 MINUTES 15 SECONDS EAST, 269.03 FEET;

THENCE SOUTH 87 DEGREES 43 MINUTES 09 SECONDS EAST, 155.01 FEET;

THENCE SOUTH 83 DEGREES 08 MINUTES 34 SECONDS EAST, 65.03 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 30 DEGREES 54 MINUTES 03 SECONDS, AND AN ARC LENGTH OF 80.90 FEET TO THE BEGINNING OF A COMPOUND CURVE, HAVING A RADIUS OF 240.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 09 DEGREES 31 MINUTES 12 SECONDS, AND AN ARC LENGTH OF 39.88 FEET;

THENCE NORTH 56 DEGREES 26 MINUTES 12 SECONDS EAST, 78.24 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE RIGHT, HAVING A RADIUS OF 310.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10 DEGREES 46 MINUTES 35 SECONDS, AND AN ARC LENGTH OF 58.31 FEET;

THENCE NORTH 69 DEGREES 54 MINUTES 59 SECONDS EAST, 136.22 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 13 MINUTES 17 SECONDS, AND AN ARC LENGTH OF 0.39 FEET TO A TANGENT LINE;

THENCE NORTH 70 DEGREES 08 MINUTES 16 SECONDS EAST, 90.80 FEET TO A NONTANGENT CURVE, CONCAVE TO THE LEFT, HAVING A RADIUS OF 638.00 FEET, THE CENTER OF WHICH BEARS NORTH 19 DEGREES 53 MINUTES 44 SECONDS WEST;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10 DEGREES 29 MINUTES 41 SECONDS, AND AN ARC LENGTH OF 116.86 FEET TO A NON-TANGENT LINE;

THENCE NORTH 59 DEGREES 36 MINUTES 35 SECONDS EAST, 43.16 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE RIGHT, HAVING A RADIUS OF 185.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26 DEGREES 11 MINUTES 38 SECONDS, AND AN ARC LENGTH OF 84.58 FEET;

THENCE NORTH 85 DEGREES 48 MINUTES 13 SECONDS EAST, 117.26 FEET TO THE POINT OF BEGINNING.

SAID PORTION OF LAND CONTAINING 1,239,346 SQUARE FEET, OR 28.4515 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OFWAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

PROJECT 3 LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO CAP WITH SECTIONAL MARKINGS FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO

CAP WITH SECTIONAL MARKINGS BEARS SOUTH 00 DEGREES 12 MINUTES 28 SECONDS EAST, 2,638.76 FEET;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, NORTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, 2,008.27 FEET POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, 631.32 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION;

THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, 962.87 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST, 32.52 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 100.00 FEET;

THENCE SOUTH 13 DEGREES 04 MINUTES 45 SECONDS EAST, 12.19 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 50.00 FEET;

THENCE SOUTH 13 DEGREES 04 MINUTES 45 SECONDS EAST, 28.63 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 95.48 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE LEFT, HAVING A RADIUS OF 231.50 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 35 MINUTES 46 SECONDS, AND AN ARC LENGTH OF 139.78 FEET TO A TANGENT LINE;

THENCE SOUTH 42 DEGREES 19 MINUTES 29 SECONDS WEST, 269.47 FEET;

THENCE SOUTH 58 DEGREES 21 MINUTES 18 SECONDS WEST, 45.17 FEET;

THENCE NORTH 85 DEGREES 48 MINUTES 48 SECONDS WEST, 279.62 FEET;

THENCE NORTH 04 DEGREES 09 MINUTES 40 SECONDS EAST, 8.79 FEET;

THENCE NORTH 14 DEGREES 03 MINUTES 47 SECONDS EAST, 754.66 FEET;

THENCE NORTH 06 DEGREES 02 MINUTES 40 SECONDS EAST, 592.89 FEET TO THE POINT OF BEGINNING.

G 7140

SAID PORTION OF LAND CONTAINING 844,490 SQUARE FEET, OR 19.3868 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OFWAYS OF RECORD OR OTHERWISE.

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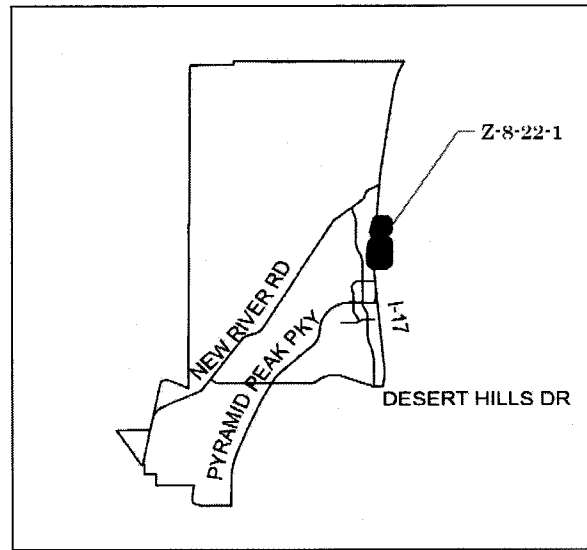
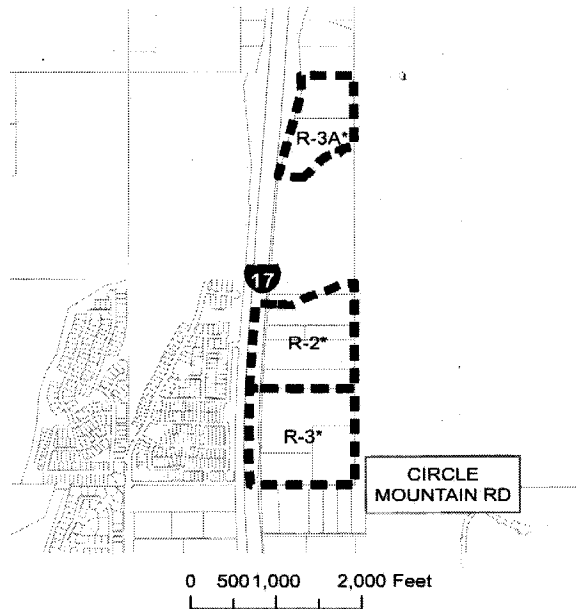
G 7140

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

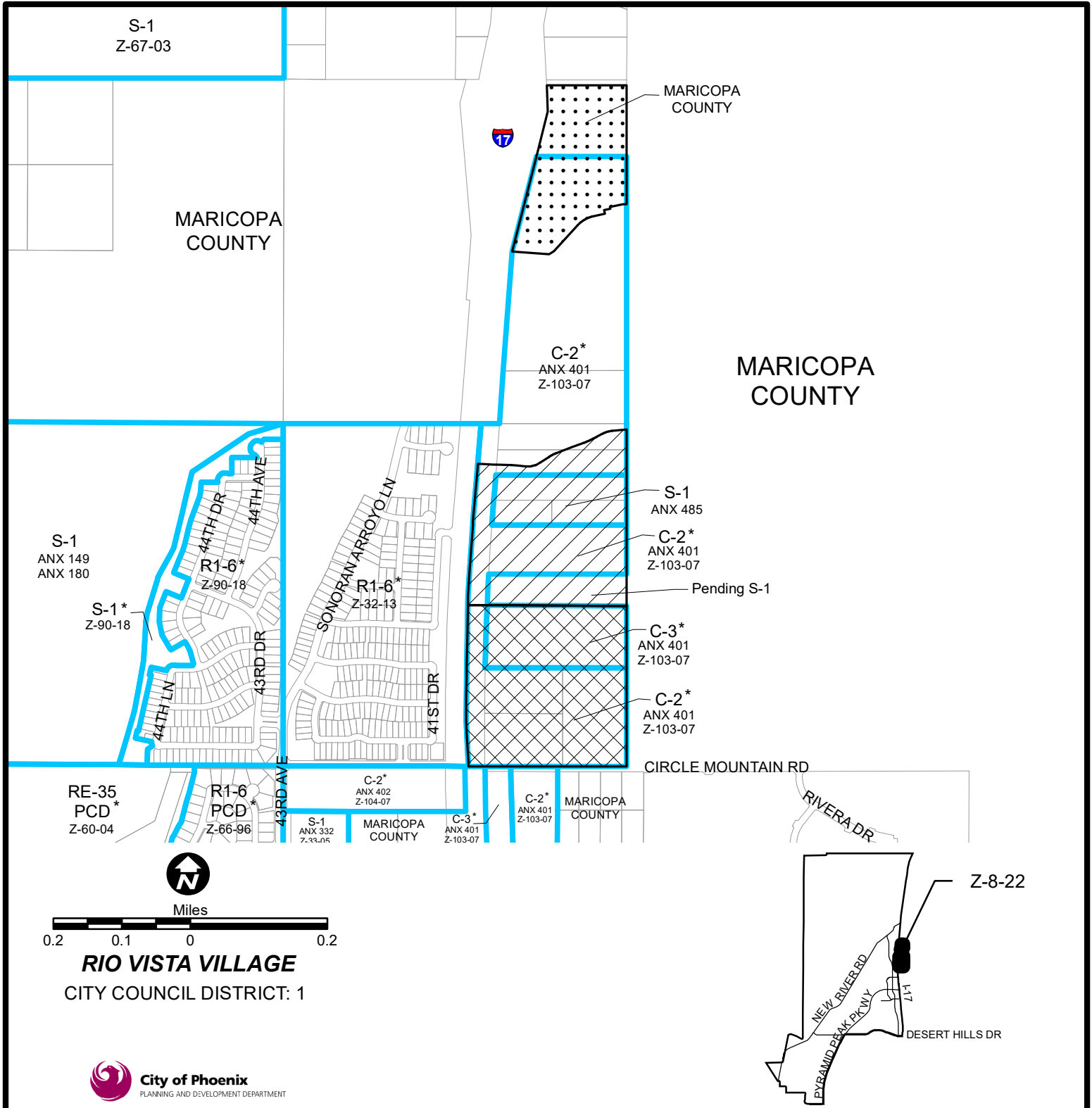
Zoning Case Number: Z-8-22-1
Zoning Overlay: N/A
Planning Village: Rio Vista



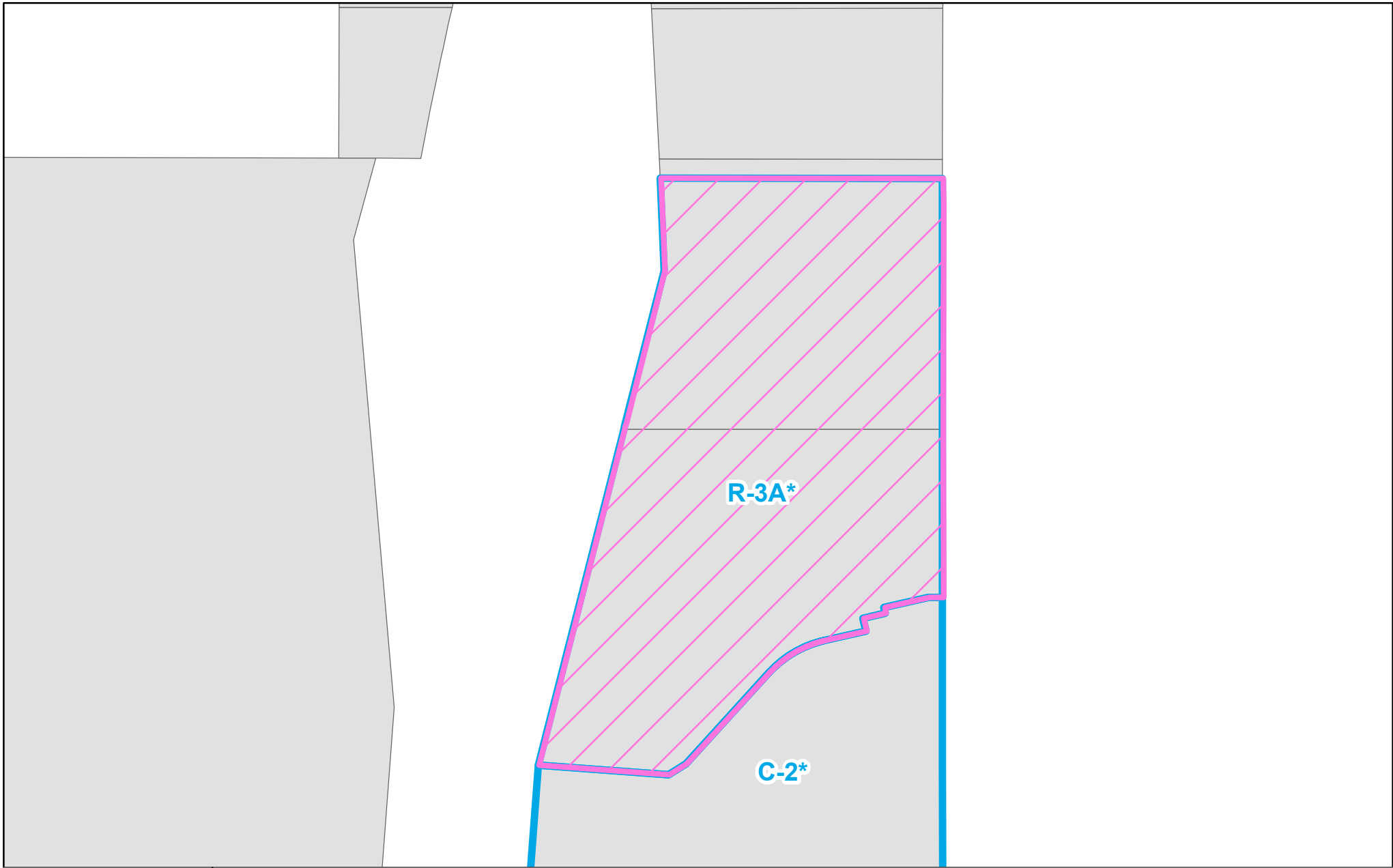
NOT TO SCALE

Drawn Date: 6/5/2023

G 7140

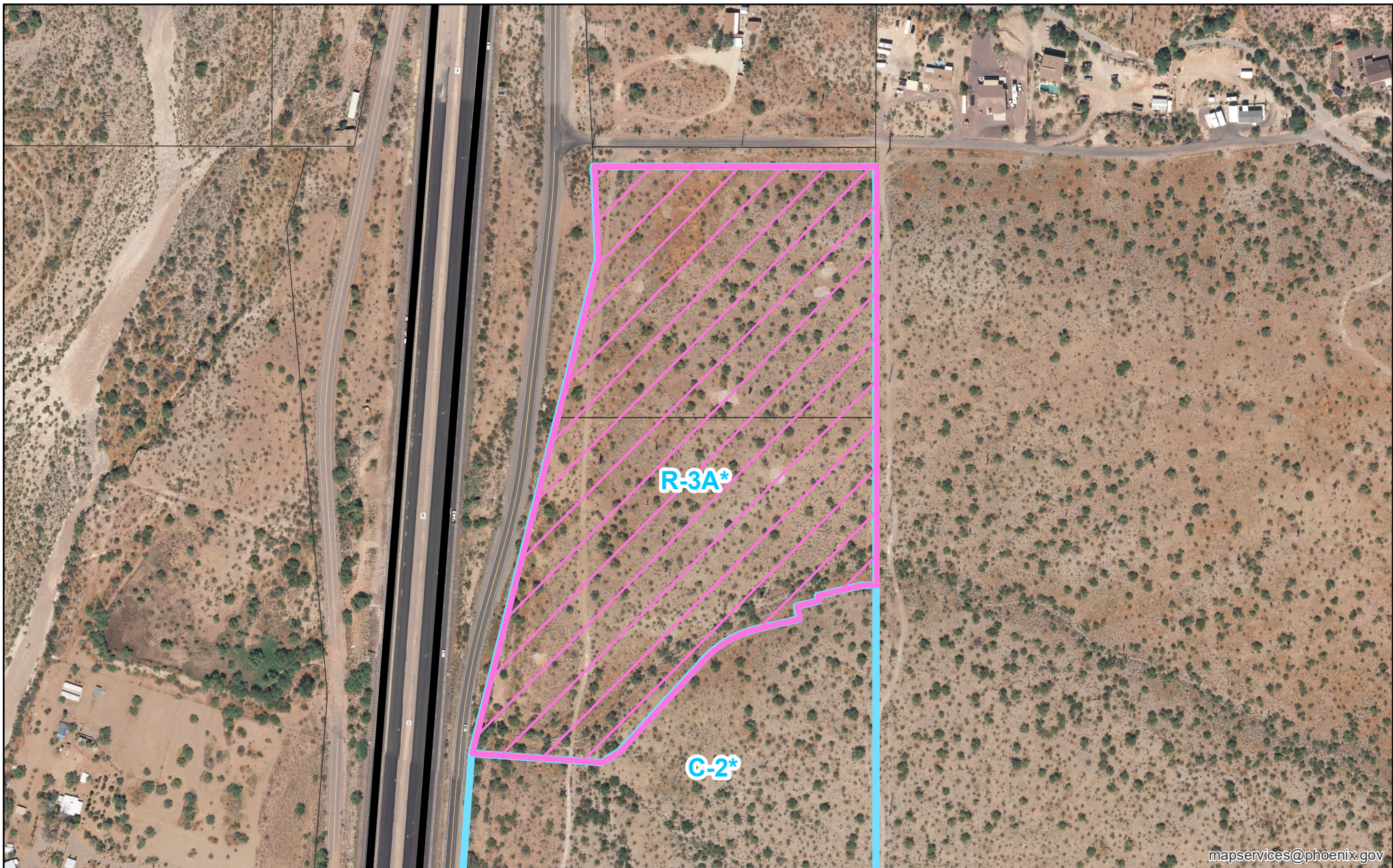


APPLICANT'S NAME: Withey Morris PLC / Adam Baugh		REQUESTED CHANGE:	
APPLICATION NO. Z-8-22	DATE: 3/15/2022 REVISION DATES:	FROM: C-2 (44.29 a.c.) C-3 (11.96 a.c.) S-1 (9.06 a.c.) RU-43 (County) (8.03 a.c.) Pending S-1 (5.95 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 79.29 Acres	1/18/2023 4/20/2023	TO: R-2 (29.14 a.c.) R-3 (31.78 a.c.) R-3A (18.37 a.c.)	
MULTIPLES PERMITTED C-2, C-3, S-1, RU-43 (County), Pending S-1 R-2, R-3, R-3A	CONVENTIONAL OPTION 642, 173, 9, 8, 5 291, 461, 404	* UNITS P.R.D. OPTION 770, 208, N/A, N/A, N/A 349, 553, 485	
* Maximum Units Allowed with P.R.D. Bonus			



PHO-3-25--Z-8-22-1

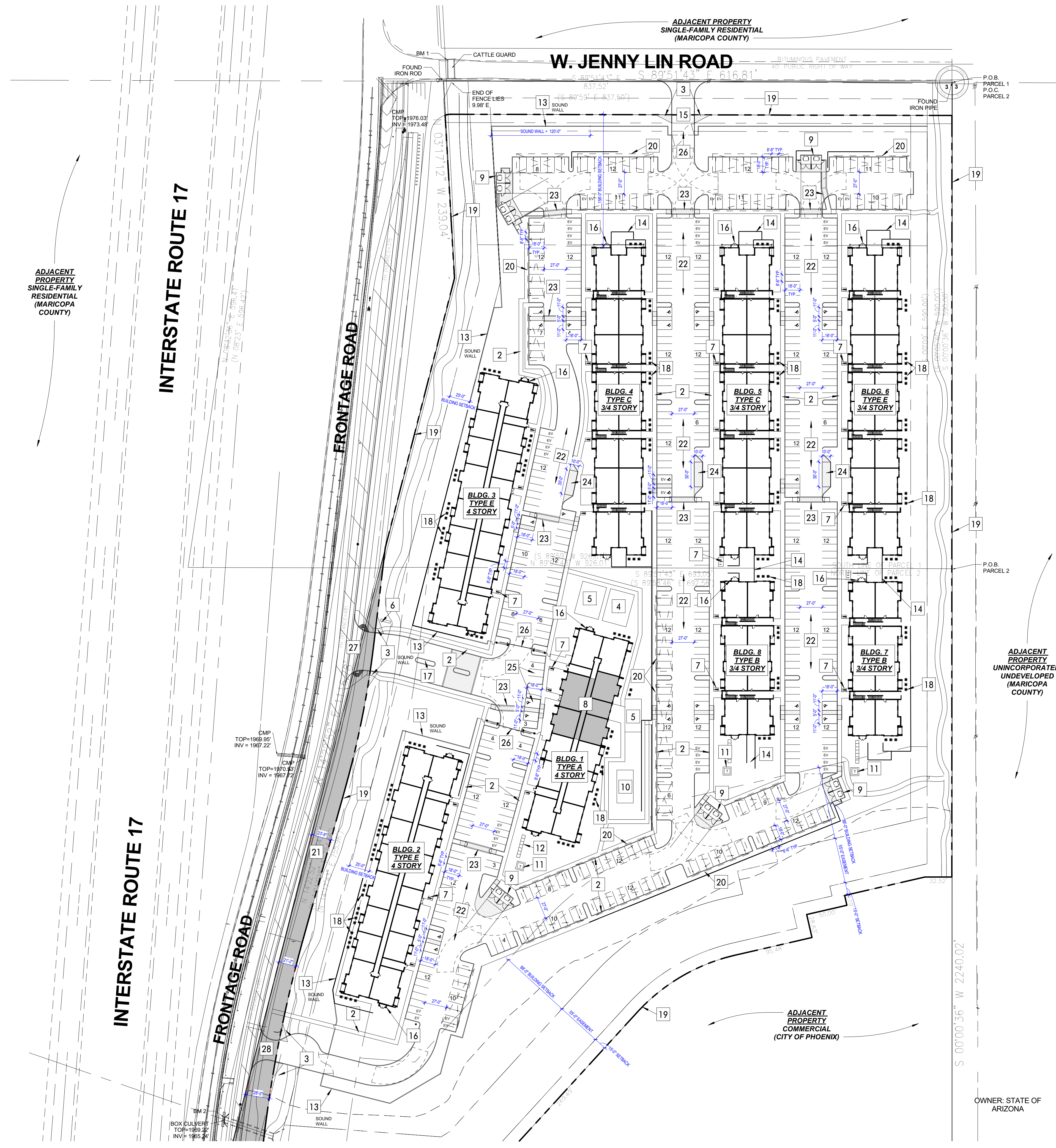
Property Location: Southeast corner of I-17 and Jenny Lin Road



mapservices@phoenix.gov

PHO-3-25--Z-8-22-1

Property Location: Southeast corner of I-17 and Jenny Lin Road



PROJECT DATA	
APN NUMBER	202-22-001B / 202-22-001D (REPLAT PENDING)
PROPERTY ADDRESS	45402 N BLACK CANYON HWY, NEW RIVER, AZ 85087
ZONING (EXISTING)	R-3A
ZONING CASES	Z-8-22-1 (APPROVED W/ STIPULATIONS 06/23/23)
GROSS AREA (APPROX.)	21.35 ACRES
NET AREA	19.3868 ACRES
SETBACKS	20'-0" NORTH / 15'-0" SOUTH/ 30'-0" EAST / 55'-0" WEST 388 UNITS/ 19.39 AC = 20.0 UNITS/ACRE
DWELLING UNIT RATIO	
REQUIRED PARKING	1.5 SPACES PER UNIT (1.5 x 388 UNITS)
TOTAL REQUIRED PARKING	582 SPACES
PROPOSED PARKING	
STANDARD PARKING SPACES	521
ADA PARKING SPACES	30 ADA
FUTURE EV STALLS	40 EV
TOTAL PROVIDED	591 SPACES
REQUIRED ADA PARKING	591 P.S. X % = 29.45 REQUIRED
	30 PROVIDED
TYPICAL PARKING STALL SIZE:	8'-0" x 18'-0"
PARKING RATIO	591 SPACES / 388 UNITS = 1.523
BICYCLE PARKING	0.25 SPACES FOR EACH RESIDENTIAL UNIT, WITH A MAXIMUM OF 50 SPACES
TOTAL REQUIRED/PROVIDED	50 SPACES

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO CAP WITH SECTIONAL MARKINGS FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A GLO CAP WITH SECTIONAL MARKING BEARS SOUTH 00 DEGREES 12 MINUTES 28 SECONDS EAST, 2,638.76 FEET;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, NORTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, 2,008.27 FEET POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, 631.32 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION;

THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, 962.87 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST, 32.52 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 100.00 FEET;

THENCE SOUTH 13 DEGREES 04 MINUTES 45 SECONDS EAST, 12.19 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 50.00 FEET;

THENCE SOUTH 13 DEGREES 04 MINUTES 45 SECONDS EAST, 28.63 FEET;

THENCE SOUTH 76 DEGREES 55 MINUTES 15 SECONDS WEST, 95.48 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE LEFT, HAVING A RADIUS OF 231.50 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 35 MINUTES 46 SECONDS, AND AN ARC LENGTH OF 139.78 FEET TO A TANGENT LINE;

THENCE SOUTH 42 DEGREES 19 MINUTES 2 SECONDS WEST, 269.47 FEET;

THENCE SOUTH 58 DEGREES 21 MINUTES 18 SECONDS WEST, 45.17 FEET;

THENCE NORTH 85 DEGREES 48 MINUTES 48 SECONDS WEST, 279.62 FEET;

THENCE NORTH 04 DEGREES 09 MINUTES 40 SECONDS EAST, 8.79 FEET;

THENCE NORTH 14 DEGREES 03 MINUTES 47 SECONDS EAST, 754.66 FEET;

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BUILDING METRICS	
APT BUILDING TOTALS (1) APARTMENT A (2) APARTMENT B (3) APARTMENT C (2) APARTMENT E	OCCUPANCY TYPE APARTMENTS: OCCUPANCY TYPE CLUBHOUSE: OCCUPANCY TYPE FITNESS/LAUNDRY: CONSTRUCTION TYPE: 8 APT BUILDINGS 5 TOTAL BUILDINGS
8 APT BUILDINGS 388 TOTAL UNITS	
APARTMENT TYPE A - 4 STORIES (W/COMMONS) APT A. (1) = 44 TOTAL UNITS 2BR/2BA = 14 UNITS 3BR/2BA = 30 UNITS 4BR/2BA = 0 UNITS TOTAL = 44 UNITS PER BLDG. 15,631.00 SQFT PER FLOOR 63,324.00 SQ FT PER BUILDING 48' 4 STORY PROPOSED HEIGHT (TO ROOF)	APARTMENT TYPE E - 4 STORIES APT E. (2) = 120 TOTAL UNITS 2BR/2BA = 32 UNITS 3BR/2BA = 28 UNITS 4BR/2BA = 0 UNITS TOTAL = 60 UNITS PER BLDG. 19,427.00 SQFT PER FLOOR 77,708.00 SQ FT PER BUILDING 48' 4 STORY PROPOSED HEIGHT (TO ROOF)
APARTMENT TYPE B - 3/4 SPLIT APT. B. (2) = 56 TOTAL UNITS 2BR/2BA = 7 UNITS 3BR/2BA = 21 UNITS 4BR/2BA = 0 UNITS TOTAL = 28 UNITS PER BLDG. 15,533.81 SQFT PER FLOOR 54,368.36 SQ FT PER BUILDING 40' 3 STORY / 48' 4 STORY PROPOSED HEIGHT (TO ROOF)	TOTAL UNITS: 388 2BR/2BA = 176 UNITS (45%) 3BR/2BA = 170 UNITS (44%) 4BR/2BA = 42 UNITS (11%)
APARTMENT TYPE C - 3/4 SPLIT APT. C. (3) = 168 TOTAL UNITS 2BR/2BA = 28 UNITS 3BR/2BA = 14 UNITS 4BR/2BA = 14 UNITS TOTAL = 56 UNITS PER BLDG. 20,851.08 SQFT PER FLOOR 72,978.78 SQFT PER BUILDING 40' 3 STORY / 48' 4 STORY PROPOSED HEIGHT (TO ROOF)	

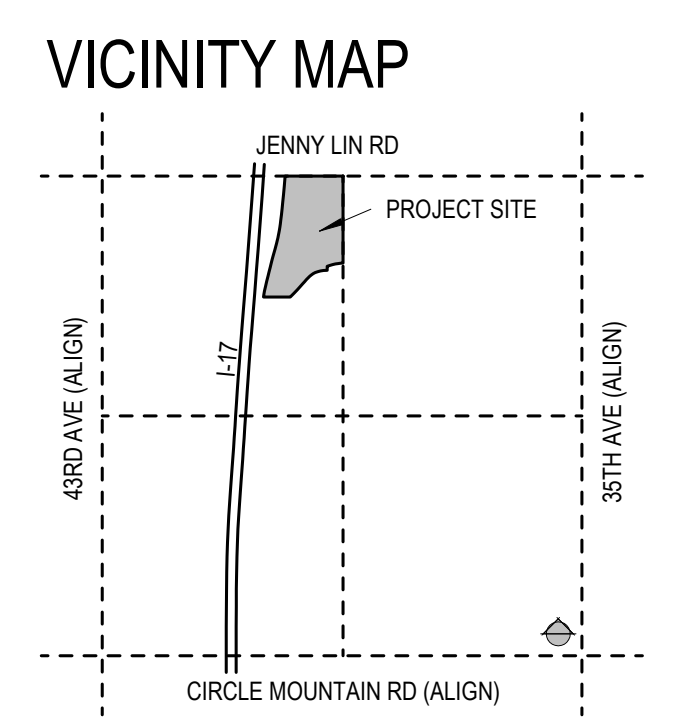
- SITE PLAN KEY**
- 1 GATE
 - 2 5' SIDEWALK, TYP.
 - 3 10' x 20' SITE VISIBILITY TRIANGLE
 - 4 PLAYGROUND
 - 5 RECREATION & PICNIC AREA - SEE LANDSCAPE
 - 6 PROPOSED MONUMENT SIGN
 - 7 BIKE RACKS, TYP.
 - 8 COMMON AMENITY SPACE
 - 9 TRASH ENCLOSURE
 - 10 POOL
 - 11 TRANSFORMER (POSSIBLE LOCATION)
 - 12 SES CABINETS (POSSIBLE LOCATION)
 - 13 CMU SCREEN WALL, TYP.
 - 14 RETAINING WALL
 - 15 EMERGENCY ACCESS
 - 16 PROPOSED BUILDING MOUNTED FDC
 - 17 LOCATION OF SITE DIRECTORY
 - 18 PROPOSED CONDENSING UNIT LOCS. - SCREEN W/ FENCE AND/OR LANDSCAPING, TYP.
 - 19 PROPERTY LINE
 - 20 PARKING CANOPY, TYP.
 - 21 R.O.W. - SEE CIVIL
 - 22 FIRE LANE
 - 23 DECORATIVE PEDESTRIAN CROSSWALKS, TYP.
 - 24 LOADING SPACE
 - 25 GUEST PARKING STALLS
 - 26 DRIVE GATE
 - 27 MAIN SITE ENTRY
 - 28 SECONDARY SITE ENTRY

- SITE PLAN LEGEND**
- = FIRE HYDRANT
 - = FIRE TRUCK TURNING RADI (35' INSIDE AND 55' OUTSIDE TURNING RADIUS)

PROJECT TEAM

DEVELOPER:
LINCOLN AVENUE COMMUNITIES
401 WILSHIRE BLVD
11TH FLOOR
SANTA MONICA, CA 90401
CONTACT: MATT KLEIN
EMAIL: mklein@lincolnavenue.com
PHONE: 602-708-0227

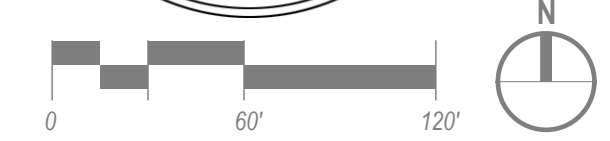
ARCHITECT:
KAAS WILSON ARCHITECTS
2821 S 35TH ST
SUITE D-3
PHOENIX, AZ 85034
CONTACT: LORI KNUDSON
EMAIL: lorik@kaaswilson.com
PHONE: 701-367-9287

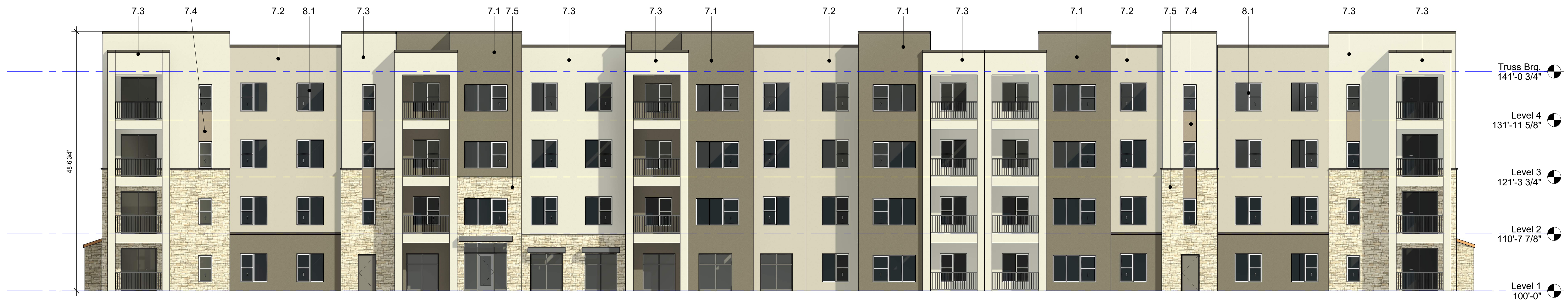


CITY OF PHOENIX

FEB 27 2025

**Planning & Development
Department**

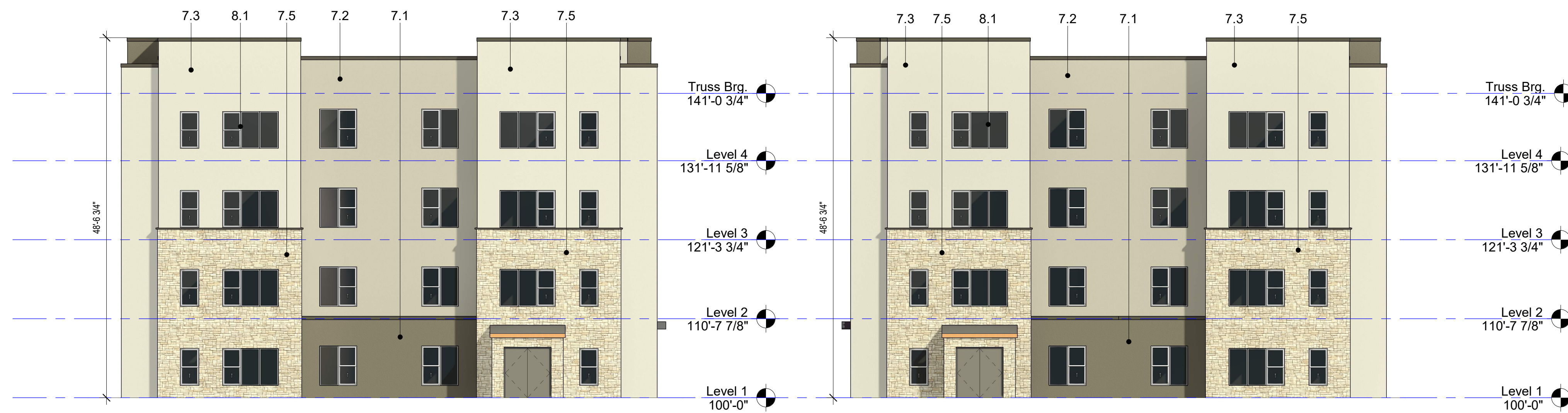




① West Elevation - Color
1" = 10'-0"



② East Elevation - Color
1" = 10'-0"



③ North Elevation - Color
1" = 10'-0"

④ South Elevation - Color
1" = 10'-0"

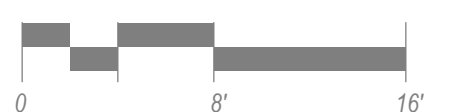
EXTERIOR MATERIALS

Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6

CITY OF PHOENIX

FEB 27 2025

Planning & Development
Department





① West Elevation - Color
1" = 10'-0"



② North Elevation - Color
1" = 10'-0"



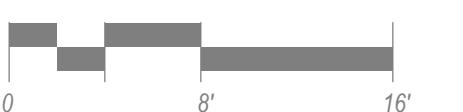
③ South Elevation - Color
1" = 10'-0"

EXTERIOR MATERIALS 1

Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
8.1	Vinyl Window, Color 6



④ East Elevation - Color
1" = 10'-0"





① West Elevation - Color 01
1" = 10'-0"



② West Elevation - Color 02
1" = 10'-0"

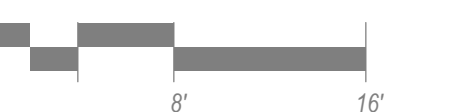


③ South Elevation - Color
1" = 10'-0"



④ North Elevation - Color
1" = 10'-0"

EXTERIOR MATERIALS1	
Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6





② East Elevation - Color - Dependent 2
1" = 10'-0"



① East Elevation - Color - Dependent 1
1" = 10'-0"

EXTERIOR MATERIALS1	
Material Mark	Description
7.1	Painted Stucco, Color 1
7.2	Painted Stucco, Color 2
7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6

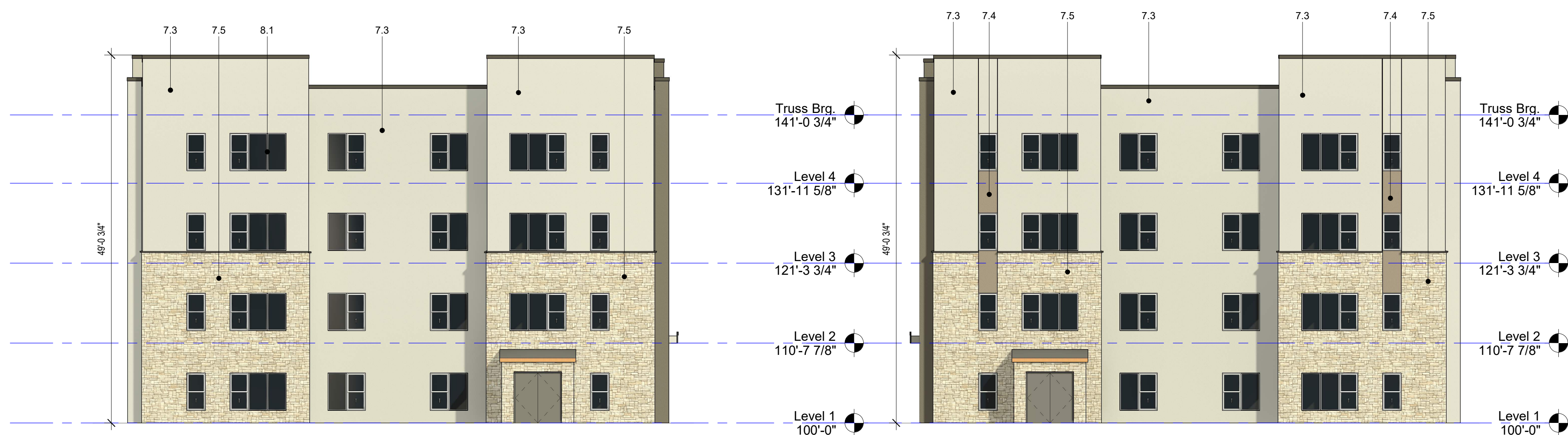




① West Elevation - Color
1" = 10'-0"



④ East Elevation - Color
1" = 10'-0"



② North Elevation - Color
1" = 10'-0"

③ South Elevation - Color
1" = 10'-0"

EXTERIOR MATERIALS1	
Material Mark	Description
7.1	Painted Stucco, Color 1
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7.3	Painted Stucco, Color 3
7.4	Painted Stucco, Color 4
7.5	Adhered Concrete Masonry Veneer, Color 5
8.1	Vinyl Window, Color 6



February 26, 2025

City of Phoenix
Planning Hearing Officer
200 W Washington Street
Phoenix, AZ 85003

CITY OF PHOENIX

FEB 27 2025

Planning & Development
Department

RE: Z-8-22 Stipulation #6

Dear Planning Hearing Officer,

The above-referenced stipulation of the zoning case states that:

All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.

After studying how to achieve 75% shade, we have noted the following:

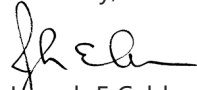
- In this affordable garden style apartment project, we are shading with trees and with solar canopies.
- Solar canopies require a buffer around them where no trees can be planted to avoid shading the solar panels which prevents solar electricity production.
- The solar canopies need to be located at least 10 feet from buildings, and must be in locations where they receive sun. Where the solar canopy can be extended to shade the adjacent sidewalk, it can cover up to 60% of the sidewalk with shade.
- Many sidewalks are adjacent to paved parking, leaving one side for tree planting which eliminates the overlapping and alternating pattern that is used to achieve the 75% shading.
- Tree spacing between buildings and sidewalks that are adjacent to parking is dictated by the need to avoid necessary ground mounted features such as A/C condensers, bike racks, and undulations in the building architecture. This reduces the effectiveness of shading with trees from one side.
- In this community, the tall buildings will provide shade much of the day, but we acknowledge that the shading requirement is for noon on summer solstice.

We have attached a **Sidewalk Shading Exhibit** to represent the percentage of shade for each sidewalk in the various areas on the site. Using this, we calculated the overall project shading percentage for sidewalks (see attached **Sidewalk Shading Calculations**). Based on our findings, we are requesting a modification to utilize and achievable percentage of shading for the sidewalks that will still meet the needs and health of the community.

Requested modification:

*All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum **53%** shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.*

Sincerely,



Joseph E Cable, PE
Principal

DAISY PEAK

OWNERS: STATE OF ARIZONA

JENNY LIN ROAD

BLACK CANYON HWY

INTERSTATE 17

PARCEL 2

LEGEND:

- 0% SHADE
- 20% SHADE
- 40% SHADE
- 60% SHADE
- 80% SHADE

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

DATE: 02/26/25

JOB No. 051924-01-001

SCALE: H: 1" = 60' V: 1" = 30'

DESIGN: VA JC DB DRAWN CHKD

PLAN STATUS

PROJECT NUMBER

PHOENIX, AZ

MARICOPA COUNTY

SIDEWALK SHADING EXHIBIT
Z-8-22 STIPULATION #6

Bowman Consulting Group Ltd
1600 N. Desert Drive, Ste 210
Tempe, Arizona 85288
Phone: (480) 629-3830
www.bowman.com
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Bowman

DAISY PEAK

JENNY LIN ROAD

PARCEL 2

BLACK CANYON HWY

INTERSTATE 17

OWNER: STATE OF ARIZONA

0% SHADE

20% SHADE

40% SHADE

60% SHADE

80% SHADE

PARCEL 2

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

DATE DESCRIPTION
DB VA JC
DESIGN DRAWN CHKD
SCALE H: 1" = 60'
V:
JOB No. 051924-01-001
DATE : 02/26/25

SIDEWALK SHADING EXHIBIT
Z-8-22 STIPULATION #6

PHOENIX, AZ

MARICOPA COUNTY

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DAISY PEAK

JENNY LIN ROAD

PARCEL 2

BLACK CANYON HWY

INTERSTATE 17

OWNER: STATE OF ARIZONA

0% SHADE

20% SHADE

40% SHADE

60% SHADE

80% SHADE

PARCEL 2

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

DATE DESCRIPTION
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PARCEL 2

BLACK CANYON HWY

INTERSTATE 17

OWNER: STATE OF ARIZONA

0% SHADE

20% SHADE

40% SHADE

60% SHADE

80% SHADE

PARCEL 2

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

DATE DESCRIPTION
DB VA JC
DESIGN DRAWN CHKD
SCALE H: 1" = 60'
V:
JOB No. 051924-01-001
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SIDEWALK SHADING EXHIBIT
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DAISY PEAK

JENNY LIN ROAD

PARCEL 2

BLACK CANYON HWY

INTERSTATE 17

OWNER: STATE OF ARIZONA

0% SHADE
20% SHADE
40% SHADE
60% SHADE
80% SHADE

GRAPHIC SCALE
1" = 60'

N

SIDEWALK SHADING EXHIBIT
Z-8-22 STIPULATION #6

MARICOPA COUNTY
PHOENIX, AZ

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
DB	VA JC
DESIGN	DRAWN CHKD
SCALE	H: 1" = 60' V:
JOB No. 051924-01-001	
DATE : 02/26/25	

SHEET 1 OF 1

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Bowman

DAISY PEAK

JENNY LIN ROAD

PARCEL 2

BLACK CANYON HWY

INTERSTATE 17

OWNER: STATE OF ARIZONA

0% SHADE

20% SHADE

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80% SHADE

PARCEL 2

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

DATE DESCRIPTION
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SHEET 1 OF 1

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MARICOPA COUNTY
PHOENIX, AZ

SIDEWALK SHADING EXHIBIT
Z-8-22 STIPULATION #6

DAISY PEAK

JENNY LIN ROAD

BLACK CANYON HWY

INTERSTATE 17

PARCEL 2

PARCEL 1

OWNER: STATE OF ARIZONA

0% SHADE

20% SHADE

40% SHADE

60% SHADE

80% SHADE

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

Bowman

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SIDEWALK SHADING EXHIBIT
Z-8-22 STIPULATION #6

PHOENIX, AZ

MARICOPA COUNTY

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
DB	VA
DESIGN	DRAWN
SCALE	H: 1" = 60'
	V:
JOB No.	051924-01-001
DATE	02/26/25

SHEET 1 OF 1

DAISY PEAK

PARCEL 2

PARCEL 1

JENNY LIN ROAD

BLACK CANYON HWY

INTERSTATE 17

OWNER: STATE OF ARIZONA

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20% SHADE

40% SHADE

60% SHADE

80% SHADE

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

Bowman

Bowman Consulting Group Ltd
1600 N. Desert Drive, Ste 210
Tempe, Arizona 85288
Phone: (480) 629-3830
www.bowman.com
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SIDEWALK SHADING EXHIBIT
Z-8-22 STIPULATION #6

PHOENIX, AZ

MARICOPA COUNTY

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
DB	VA
DESIGN	DRAWN
SCALE	H: 1" = 60'
	V:
JOB No. 051924-01-001	
DATE : 02/26/25	

SHEET 1 OF 1

DAISY PEAK

PARCEL 2

PARCEL 1

JENNY LIN ROAD

BLACK CANYON HWY

INTERSTATE 17

OWNER: STATE OF ARIZONA

0% SHADE

20% SHADE

40% SHADE

60% SHADE

80% SHADE

GRAPHIC SCALE
1" = 60'

60 30 0 60 120

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Z-8-22 STIPULATION #6

PHOENIX, AZ

MARICOPA COUNTY

PROJECT NUMBER

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DB	VA
DESIGN	DRAWN
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	V:

JOB No. 051924-01-001

DATE : 02/26/25

SHEET 1 OF 1

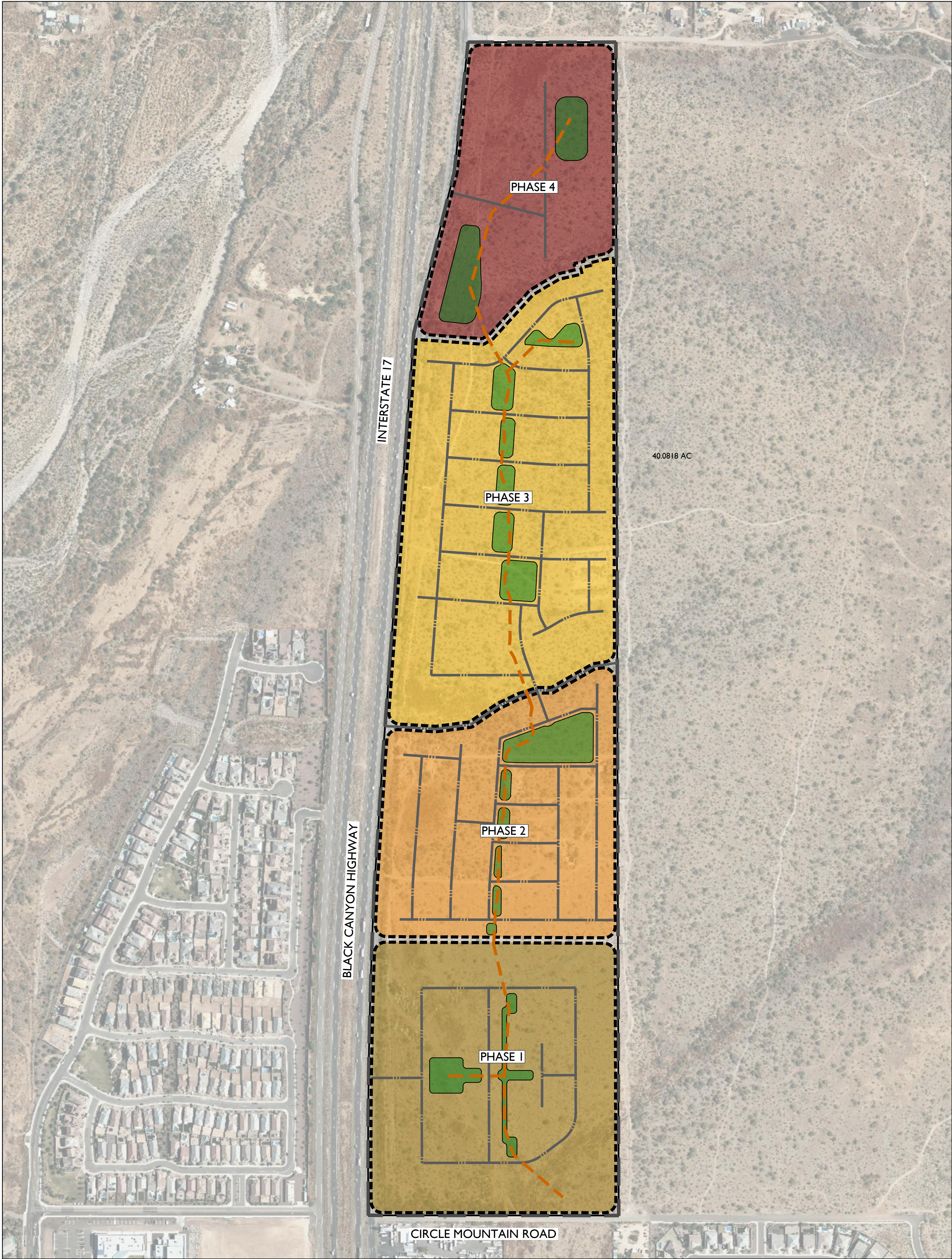
Daisy Peak
Sidewalk Shading Calculations
PHO Stipulation #6

Achievable shading %	Length (LF)	Width (ft)	Area (SF)	Area shaded (SF)
0%	434	5	2170	0
0%	18	8	144	0
20%	2130	5	10650	2130
20%	238	8	1904	380.8
40%	921	5	4605	1842
40%	22	5.5	121	48.4
40%	31	8	248	99.2
60%	2843	5	14215	8529
60%	1439	6	8634	5180.4
60%	39	8	312	187.2
60%	18	10	180	108
80%	962	6	5772	4617.6
80%	1241	10	12410	9928
Total			61365	33050.6
Project achievable shading %				53.86%

See "Sidewalk Shading Exhibit" for locations of each achievable shading % for sidewalks and trails.

Prepared by Bowman

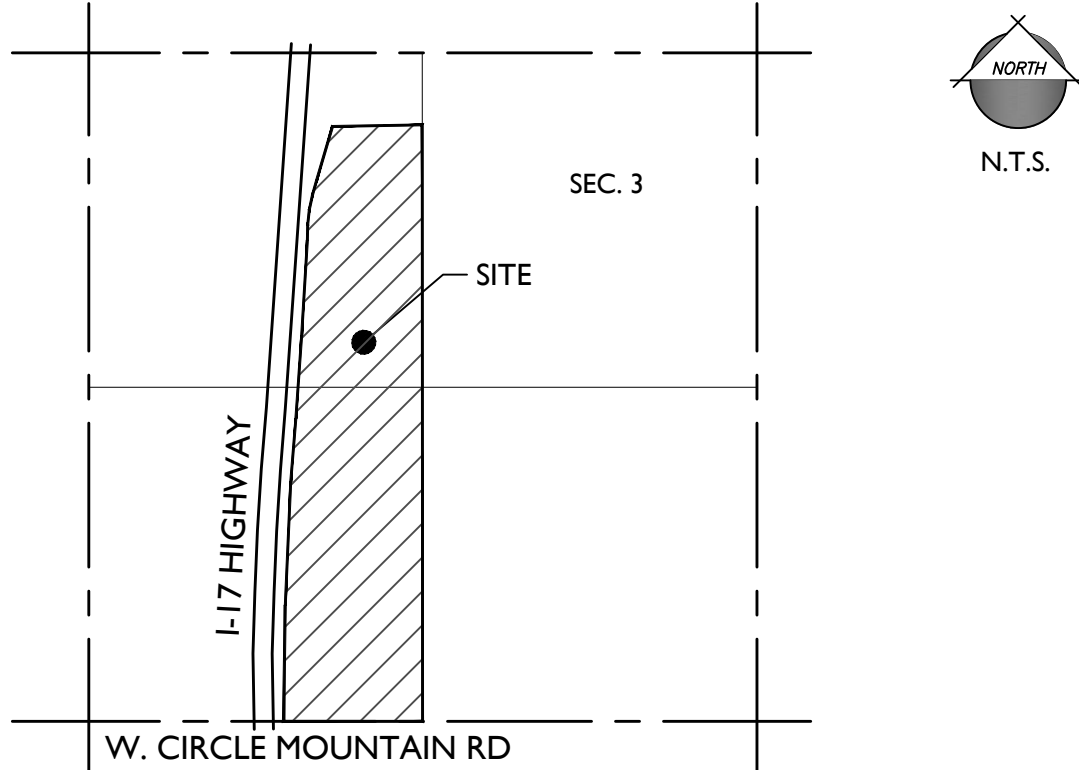
2/26/2025



PHASING EXHIBIT FOR ANTHEM 114

A PORTION OF THE WEST HALF OF SECTION 3, TOWNSHIP 6
NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA

VICINITY MAP



PROJECT TEAM

OWNER/DEVELOPER:
CIRCLE MOUNTAIN HOLDINGS LLC
BELA FLOR
1635 N GREENFIELD ROAD, SUITE 115
MESA, AZ 85205
TEL: (480) 553-7236
CONTACT: HUDD HASSELL
hudd@belaflor.com

CIVIL ENGINEER & PLANNER:
EPS GROUP, INC.
1130 N. ALMA SCHOOL ROAD, SUITE 120
MESA, ARIZONA 85201
TEL: (480) 503-2250
CONTACT: JOSH HANNON
josh.hannon@epsgroupinc.com

PROJECT DATA

APNs: 202-22-001B, 202-22-001D, 202-22-001C, 202-22-003H,
202-22-003G, 202-22-003F, 202-22-003J, 202-22-003K,
202-22-003D, 202-22-003L, 202-22-003M, 202-22-002B,
202-22-002C & 202-22-002A

EXISTING ZONING: RU-43, C-2

PROPOSED ZONING:
PHASE 1: R-3 PRD
PHASE 2: R-2 PRD
PHASE 3: R-2 PRD
PHASE 4: R-3A

GROSS AREA:
PHASE 1: 32.07 AC
PHASE 2: 26.43 AC
PHASE 3: 40.08 AC
PHASE 4: 20.50 AC
TOTAL 119.08 AC

NO. OF UNITS	UNITS	MAX DENSITY
PHASE 1:	370 UNITS	13.0 DU/AC
PHASE 2:	195 UNITS	8.5 DU/AC
PHASE 3:	176 UNITS	6.5 DU/AC
PHASE 4:	568 UNITS	23.1 DU/AC
TOTAL	1,309 UNITS	11.0 DU/AC

MINIMUM LOT DIMENSIONS
PHASE 1: MULTI-FAMILY
PHASE 2: 50' X 85' / 60' X 85'
PHASE 3: 45' X 70'
PHASE 4: MULTI-FAMILY

LEGEND

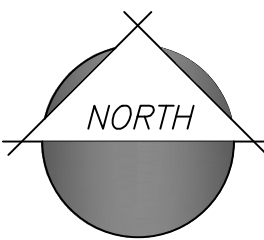
	PHASE 1
	PHASE 2
	PHASE 3
	PHASE 4
	PARK

CITY OF PHOENIX

FEB 08 2022

Planning & Development
Department

250 0 250 500
scale: 1" = 250' feet



1130 N. Alma School, Suite 120
Mesa, AZ 85201
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com



Project: ANTHEM 114
Anthem, AZ

Phasing Plan

Revisions:

Revisions:



Designer:
Drawn by: LFT

Preliminary
Not For
Construction
Or
Recording

Job No.
20-1099

PH01

Sheet No.
01
of 1

CIRCLE MOUNTAIN-COMMUNITY CENTER AND CLUBHOUSE CONCEPT



CIRCLE MOUNTAIN-COMMUNITY CENTER AND CLUBHOUSE CONCEPT



CIRCLE MOUNTAIN-PHASE 1



CIRCLE MOUNTAIN-PHASE 1



CIRCLE MOUNTAIN-PHASE 1



CIRCLE MOUNTAIN-PHASE 1



CIRCLE MOUNTAIN-PHASE 1



CIRCLE MOUNTAIN-PHASE 1



CIRCLE MOUNTAIN-PHASE 1



CIRCLE MOUNTAIN-PHASE 1



follow-up with staff as well as the appellant.

Mayor Gallego noted the applicant was present to speak, if necessary. She declared the public hearing closed.

The hearing was held. A motion was made by Councilwoman Stark, seconded by Councilwoman Pastor, that this item be approved per the Planning Commission recommendation with adoption of the related ordinance. The motion carried by the following vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Waring

96 Public Hearing and Resolution Adoption - General Plan Amendment GPA-RV-1-22-1 - Northeast Corner of I-17 and Circle Mountain Road (Resolution 22138)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 114.58 acres from Residential 3.5 to 5 dwelling units per acre and Commercial to Residential 5 to 10 dwelling units per acre, Residential 10 to 15 dwelling units per acre, Residential 15+ dwelling units per acre, and to remove the Infrastructure Phasing Overlay. This is a companion case to Z-8-22-1 and should be heard first, followed by Z-8-22-1.

Summary

Application: GPA-RV-1-22-1

Current Designation: Residential 3.5 to 5 dwelling units per acre (68.93 acres) and Commercial (45.65 acres)

Proposed Designation: Residential 5 to 10 dwelling units per acre (64.52 acres), Residential 10 to 15 dwelling units per acre (31.07 acres), Residential 15+ dwelling units per acre (18.99 acres), and Remove Infrastructure Phasing Overlay (114.58 acres)

Acreage: 114.58

Proposal: Minor General Plan Amendment to allow single-family and

multifamily and an update to the Infrastructure Limit Line

Owner: Circle Mountain Holdings, LLC

Applicant/Representative: Adam Baugh, Withey Morris Baugh, PLC

Staff Recommendation: Approval, as amended to remove the request for modifications to the Infrastructure Phasing Overlay.

VPC Action: The Rio Vista Village Planning Committee heard this case on May 9, 2023, and recommended approval, per the staff recommendation, by a vote of 4-2.

PC Action: The Planning Commission heard this case on June 1, 2023, and recommended approval, per the Rio Vista Village Planning Committee recommendation, by a vote of 8-0.

Location

Northeast corner of I-17 and Circle Mountain Road

Council District: 1

Parcel Addresses: 44301, 44333, 44421, 44825 and 45111 N. Black Canyon Highway; and 3900 W. Circle Mountain Road

Discussion

Mayor Gallego stated Items 96 and 97 were related cases and would be heard together. She declared the public hearing open. Noting no one was present to speak on either item, she declared the public hearing closed on these items.

The hearing was held. A motion was made by Councilwoman O'Brien, seconded by Councilwoman Pastor, that this item be approved per the Planning Commission recommendation with adoption of the related resolution. The motion carried by the following vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Waring

- 97 Public Hearing and Ordinance Adoption - Rezoning Application
Z-8-22-1 - Northeast Corner of I-17 and Circle Mountain Road and**

the Southeast Corner of I-17 and Jenny Lin Road (Ordinance G-7140)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-8-22-1 and rezone the site from C-2 (Intermediate Commercial), C-3 (General Commercial), S-1 (Ranch or Farm Residence), County RU-43 (One Acre Per Dwelling Unit) (Pending Annexation), and Pending S-1 (Ranch or Farm Residence) to R-2 (Multifamily Residence District), R-3 (Multifamily Residence District), and R-3A (Multifamily Residence District) to allow single-family and multifamily residential. This is a companion case and must be heard following GPA-RV-1-22-1.

Summary

Current Zoning: C-2 (44.29 acres), C-3 (11.96 acres), S-1 (9.06 acres), County RU-43 (8.03 acres), Pending S-1 (5.95 acres)

Proposed Zoning: R-2 (29.14 acres), R-3 (31.78 acres), R-3A (18.37 acres)

Acreage: 79.29 acres

Proposal: Single-family and multifamily residential

Owner: Circle Mountain Holdings, LLC

Applicant/Representative: Adam Baugh, Withey Morris Baugh, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Rio Vista Village Planning Committee heard this case on May 9, 2023, and recommended approval, per the staff recommendation, with additional stipulations, by a vote of 5-1.

PC Action: The Planning Commission heard this case on June 1, 2023, and recommended approval, per the staff memo dated June 1, 2023, with an additional stipulation, by a vote of 8-0.

Location

Northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road

Council District: 1

Parcel Address: 44301, 44333, 44421, 44825 and 45111 N. Black Canyon Highway; and 3900 W. Circle Mountain Road

Discussion

The hearing for this item was held concurrently with Item 96.

A motion was made and seconded to approve this item.

Councilwoman O'Brien recognized Circle Mountain Holdings, LLC who would be putting in \$10 million of infrastructure to move water and sewer under the I-17 freeway to help with future development on the east side of the freeway.

Mayor Gallego mentioned an issue with this case was traffic on the frontage road, noting she served on a regional transportation body and wanted to address that issue.

The hearing was held. A motion was made by Councilwoman O'Brien, seconded by Vice Mayor Ansari, that this item be approved per the June 23, 2023 memo from the Planning and Development Director with adoption of the related ordinance. The motion carried by the following vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Waring

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

City Attorney Julie Kriegh stated during Citizen Comment, members of the public may address the City Council for up to three minutes on issues of interest or concern to them. She advised the Arizona Open Meeting Law permits the City Council to listen to the comments, but prohibits council members from discussing or acting on the matters presented.

Barbara Turner, a member of the Neighborhood Assistance Corporation of America (NACA), remarked they assisted low- to moderate-income individuals

purchase an affordable home in the Phoenix metro area. She mentioned she contacted and sent information to the council members, and requested Council sell parcels to these individuals so they could build a home. She explained they were modeling their program from an existing one in Newark, New Jersey, where individuals could purchase a parcel for \$1 and the corporation helped build the home. She stated the corporation was looking at factory-built homes ranging from \$110,000 up to \$200,000. She remarked their homeownership program required no money down, no closing costs, no private mortgage insurance and credit scores were not a factor. She added the individual did not have to be a first-time homebuyer and there was no minimum or maximum income. She stated the organization had been in business for 38 years and had 45 offices throughout the United States.

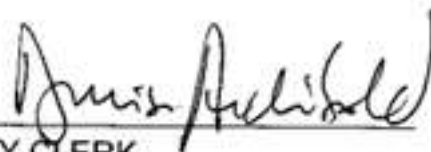
Mayor Gallego thanked Ms. Turner for bringing this important topic forward.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 11:33 a.m.


MAYOR

ATTEST:


CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 3rd day of July, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of October, 2024.


CITY CLERK



7. **Application #:** **GPA-RV-1-22-1 (Companion Case Z-8-22-1)**
Request: Map Amendment
From: Residential 3.5 to 5 and Commercial
To: Residential 5 to 10 dwelling units per acre,
Residential 10 to 15 dwelling units per acre,
Residential 15+ dwelling units per acre, and
Remove Infrastructure Phasing Overlay
Acreage: 114.58
Location: Northeast corner of I-17 and Circle Mountain Road
Proposal: Minor General Plan Amendment to allow single-family and multifamily, and an update to the infrastructure limit line.
Applicant: Adam Baugh, Withey Morris Baugh, PLC
Owner: Circle Mountain Holdings, LLC
Representative: Adam Baugh, Withey Morris Baugh, PLC

Ms. Racelle Escolar stated that Item Nos. 7 and 8 are related cases and could be heard together, but separate motions were required.

Item 7 is GPA-RV-1-22-1, a minor General Plan Amendment to amend the General Plan Land Use Map designation to allow multifamily residential on 114.58 acres at the northeast corner of I-17 and Circle Mountain Road.

Item 8 is Z-8-22-1 a request to rezone 79.29 acres at the northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road from various districts to R-2, R-3, and R-3A (multifamily residence districts) to allow single and multifamily residential.

The Rio Vista Village Planning Committee recommended approval of the General Plan Amendment (GPA) per the staff recommendation by a 4 to 2 vote, and approval of the rezoning request per the staff recommendation with additional stipulations by a 5 to 1 vote.

The additional stipulations require:

- Abandonment of wells,
- Lighting to meet dark sky ordinance requirements,
- Limiting public parking and access on Jenny Lin Road,
- Construction access to be from Circle Mountain Road, or the frontage road, and ancillary construction activity and access to occur on Jenny Lin Road,
- The south half of Jenny Lin Road be constructed to county rural standards,
- Repair of any roadway damage that may occur on Jenny Lin Road during construction,
- Disclosure that Jenny Lin Road is private property, and no trespass is permitted; and

- The water line to be extended along the frontage road adjacent to the development.

Ms. Escolar stated that staff recommends approval of the GPA per the Rio Vista Village Planning Committee recommendation and approval of Z-8-22-1, per the staff memo dated June 1, 2023. The memo addresses the stipulations recommended by the Village Planning Committee. Staff recommends the deletion of two of the added stipulations. Jenny Lin Road will be in the County jurisdiction, so, the City would not have authority to restrict parking or access to the street. The City will require that the waterline extend to the north end of the project boundary, so it is not necessary to stipulate it. Staff recommends modifying two of the added stipulations to accommodate the request for preservation of dark skies, and to construct Jenny Lin Road to county rural residential standards which will need to be approved by MCDOT (Maricopa County Department of Transportation). She reiterated that staff recommends approval of Z-8-22-1, per the staff memo dated June 1, 2023. She asked if there were any questions for staff. There were none.

Acting Chairman Gaynor called on the applicant and asked him how much time he needed to present. He gave the applicant 12 minutes to speak, as requested.

Mr. Adam Baugh stated that the challenge that occurs over time when on the edge of a City, in a growth area, is issues with infrastructure and growth, and challenges for people who have lived in the area over a long time and are seeing changes occurring. What makes this site unique is the zoning history since 2007. When this property was annexed and zoned in 2007, it was given a commercial designation. That was made up of a dozen property owners who all rallied together and went through that process. There were a few that held out, that did not want to zone. He pointed to the parcels on the map (in blue) that did not come into the City in 2007. Everything else (in red) is what did get approved. Under that zoning in 2007, the expectation was to build a commercial shopping center. The problem was and still exists today that with that infrastructure, nothing can be built. The infrastructure, in this case, is miles away. Their client purchased this property in the last couple years and desires to annex in those blue pieces (shown on the exhibit) and rezone them, so that they are matching the intensity of what those red commercial zoned pieces are today. He stated that intensity matters, because under the current zoning, which is C-2, some C-3, and S-1, only because they were just annexed, there can be more than 1,500 homes, or more than a million square feet of retail; but if there is no infrastructure to support it, as far as water and sewer lines, then nothing can be built. The developer's job is to be able to solve those problems. What has changed over time is that the City's willingness to allow commercial development to work with septic has gone away. Their willingness to let this property use EPCORE's water has gone away, and their insistence that this development provide the infrastructure for the northern tip for the City has been amplified. So, what they have had to do is figure out is what it takes to make water and sewer come to this property. They have learned that it will take a

three-mile water and sewer line extension on the other side of the freeway. Once they bring it up to their edge, it will require them to bore under the freeway at three different locations. Two of those locations are for a looped water system. A third is for a sewer line. That is not an easy lift. It requires approximately 13 million dollars of engineering fees before building anything. That is the key point in this case. But for that infrastructure, he thinks someone would have developed this property a long time ago. The reason that they feel confident in this case now is because of the TSMC, the Taiwan Semiconductor Manufacturing Company being built. Nobody would spend 13 million dollars for this project if they did not think that they could fill it. The reality is, TSMC has brought 20,000 new opportunities for employment in the area, which means new housing necessity. This means that a developer like this can afford that 13-million-dollar engineering fee on the front side, because the hope is that over the multi-year buildout, he will be able to fill that with the workforce needed in this area.

Mr. Baugh stated that the reason he is doing this case is because the cases that he is annexing in zoning would have a different set of stipulations than the 2007 case. The City's desire for stipulations that are reflective of their planning preferences and development pattern today are different than they were 18 years ago when it was first approved. Through this method, they can do master planning, master street systems, water systems, and trail systems along those lines and adopt stipulations that ensure compatibility.

Mr. Baugh stated that what they propose to do is develop a single-family build-to-rent community on the southside, an ownership for sale lots in the second phase, and at some point, they will come in with a future development for that existing C-2. However, the time is not yet right, and then a multifamily component on the north side. Throughout that are a series of trails. They will be developing a trail to the middle of the project, a multi-use trail that they will be developing on their frontage, and there is an existing trail just east of their property along a power line on a State Land piece. It is not on their property. They provide connection points through each singular phase to that future trail system.

Mr. Baugh stated that as part of that effort, he displayed a couple different spots where they made those pedestrian connection points. When they started this, on Phase 1, they had about 13 units an acre. They have since reduced it and now they are down to about nine units an acre. What makes this project a little unique on the build-to-rent side is that every one of their units has their own garage. This is something not seen very often. They thought that was a key point to help make this project more successful. In Phase 2, shows the way the pedestrian connections can link up. From the time they filed to where they are today, they have also reduced the density on that second phase from about 8.5 units per acre to six units an acre. This for-sale product they think is a delight. Since the very beginning of this project, it has always been highlighted to them that they need to provide a diversity of housing ranges. That is why in this project everything from build-to-rent to for-sale units, for-sale townhomes, and

eventually traditional apartments are planned. It was key for them to be able to meet that market need as the TSMC comes online.

Mr. Baugh stated that the third project at the northern tip is a future phase. Because they do not have a site plan for it, they have a stipulation from staff that requires them to go through a PHO, because they have a significant degree of slope age on the north side. The areas on the exhibit in blue and purple indicate the greatest degree of slope. As a result, it is the greatest degree of engineering and probably limited areas where they can responsibly develop. It is also proven from the City's Water Department the last two weeks, that they want the applicant to put in a water tank. It needs to be placed at the highest elevation. Until they can pin that down, they will be back from this Village and with these neighbors on a future PHO. The Rio Vista design guidelines were adopted by this commission through the course of their process. They had to pivot, change, and adapt a little bit to reflect the desire of this Village. They have been able to accommodate several ways, as seen highlighted in the display. He pointed out a few of the things that they have been doing that reflect those Rio Vista design guidelines.

Mr. Baugh stated that that a key point along the frontage road is to improve with increased setbacks. Typically, you see a requirement of about 25 feet of setbacks. They have significantly increased it anywhere from 50 up to 150 feet, or 200 plus feet. They also have to build a sound wall among other things. What he appreciates about this area is trips and traffic. The biggest challenge that exists here is when I-17 has an accident, perhaps on a holiday weekend, he has heard from these neighbors that the frontage road becomes very congested, and it is a problem for them. The challenge is that unless something develops here, MCDOT is not going to put in that extra lane. Two things are happening though: 1) The I-17 is being improved from Anthem all the way up to Sunset Point. That is a process that will take some time. There will be a little bit of pain while that is being completed. However, once those extra lanes are completed, I-17 traffic will move better than it does today. 2) When people decide that they want to exit the freeway to take a frontage road to bypass traffic, which is a poor idea, but nonetheless, the developer is adding an extra lane northbound along the frontage road. That is a requirement from MCDOT. Whereas, today there are only two lanes, once they are done, there will be an entire second lane heading northbound. That should help alleviate some congestion. That does not happen until development happens. So, he stated, they are an answer to what is a concern whether or not they are here.

Mr. Baugh stated what he has learned from this case in the beginning was the value of understanding some of those concerns. He cannot say that he has addressed every concern, but he thinks they have come a long way, particularly as they have started to hear outreach from some people on the north side and south side regarding how that traffic impact affects them, and what they can do to mitigate that, how the roadways work, and how their wells work with the water table. They have started to put together the basis of an agreement. That agreement was eventually executed by about 10 individuals along that Jenny

Lin Road, which include things like dark sky limitations, access limitations, construction phasing, well capping, roadway improvements, among many more things. At the end of the day, that private agreement for the most part has been adopted in the stipulations, but it is also enforced privately between the developer and the neighbors. He thinks that is a significant contribution that has not happened in the past. The fact that they have been able to find some common ground shows that even when people disagree, there still is room to find common compromise for the benefit of others.

Mr. Baugh concluded that at the end of the day, they feel like commercial uses simply are not likely to occur here. The reason is, it is two miles to the south to the closest freeway off-ramp and then one mile or so to the north. This is the only stretch of the I-17 that he can think of that does not have a freeway off-ramp somewhere along that one-mile stretch. As they work their way south on I-17, they will see a freeway off-ramp at every single mile. So, that limitation severely impacts the ability to create commercial development here. But the ability to have a significant employer, a 10-minute drive away, really gives new life to this property that would not have existed otherwise. It creates a confidence in a developer to build a 13-million-dollar engineering cost, before anything else can happen, that they would not do otherwise, but for the fact that they feel like the TSMC gives them that chance.

Mr. Baugh stated that through the instruction from the elected officials, they understand the importance of a variety of asset classes. Putting in two types of potential rental and two types of ownership that span what they hope will be a strong and dynamic workforce in the area. Through this combined effort, they can put stipulations in place that make a more comprehensive planned project that improves issues with traffic along the road, it creates pedestrian trail linkages, and he thinks most importantly, it makes meaningful use of a property that otherwise has had its limitations. It has been 16 years since zoned that it has failed to start.

Acting Chairman Gaynor asked if there were any questions for Mr. Baugh.

Commissioner Perez asked if the extra lane going northbound would be for the entirety of the property, because there is a chunk that says it is not part of future development; or if they would do a partial road.

Mr. Baugh explained that it would be for the entirety of their property and probably a portion of the property leading up to them and beyond. MCDOT has expressed the desire for greater wholistic improvements in there that are even beyond the boundaries of their frontage. It will be for their entire one mile and a half-long stretch and possibly more.

Commissioner Busching stated that she and Mr. Baugh talked about access to the east. She wanted to confirm that he is agreeable to adding a stipulation that pedestrian access shall be provided to the future development to the east street phase of the development.

Mr. Baugh responded yes, to the east is State land. It is not future development yet, but possibly could be in the future. To the extent that staff add that stipulation for pedestrian access, they would be supportive. They see that land at the east an amenity for them. It is a value, and they would be supportive of it.

Commissioner Perez asked Commissioner Busching if she was saying that it would be an added stipulation.

Commissioner Busching responded yes. The language was provided by staff.

Acting Vice-Chairman Boyd stated that Arizona taxpayers spent a lot of money widening the I-17 – four hundred million plus. He asked if we are going to now make a public policy decision to reduce the number of units that are going to benefit from that, like with lower density. He wanted to know what the public-policy-benefit is to have less people use the infrastructure that we invested in, in this area.

Mr. Baugh asked if he was referring to the widening of the road from Anthem to Sunset Point. He thinks that serves a far greater public benefit than what this property was intended to use. If he could imagine, the people who are going to live here are less likely to be utilizing that than any other person in the area, because they are probably heading northbound and getting off at Anthem Way and then taking the frontage road to get there. He thinks the challenge here is that intensity was planned with commercial, but if you do not have infrastructure, you cannot make it work; and if you do not have a freeway access point, you cannot make it work. If they could get ADOT (Arizona Department of Transportation) to give them an off-ramp somewhere along their frontage, they would be having a different discussion, and probably amplifying their density. He is worried, given the number of conversations he has had with the neighbors that if he added one more unit, he might need to change his name and find new tires for his car. He wants to balance out what is a good use of the property without necessarily overloading the area.

Acting Vice-Chairman Boyd asked a follow up question. In 25 years, he is assuming that the 13 million dollars in new infrastructure is going to be a City liability. He asked how that balances out with reducing it out, especially residential. Residential, very rightfully, due to Arizona State Law, has a very low property tax burden. We are now going to have to be responsible for borings under the freeway. He asked what the public policy justification if we are not maximizing investment on that water pipe that we need to run out there.

Mr. Baugh responded saying that the developer will build the cost and create the infrastructure. But he is correct. Ongoing maintenance decades down the road will be a burden by the City and likely through taxpayer dollars. He stated, do not overlook the fact that the extension of water and sewer lines and other infrastructure here creates new frontiers for future development, which could potentially be other commercial opportunities on the west side of the freeway,

because their waterline has to go up and connect over, that do not exist today and will not exist but for this solution. It also means more residents spending more tax dollars, more residents who are working in the City. He thinks the indirect benefits might help to offset that. He has not done an analysis, and he needs to hire somebody incredibly smart to figure out what the 40-year benefit will be. As we have always grown on the edges of the City, we have always faced that question about development replacing infrastructure, but long-term can the City maintain it. Other developments that will benefit from infrastructure will help offset that later.

Acting Vice-Chairman Boyd had one final question. He stated that there is a big water announcement that is not directly going to impact the City of Phoenix, but it is going to impact some of the outlying areas, especially unincorporated. He asked if we are sure that there is going to be other developments that can benefit off that water line.

Mr. Baugh responded that he just read that today; that is breaking news. It comes back to this. He stated that every city has a service area determined by the Arizona Corporation Commission, just like EPCOR supervises those utilities. They have to make sure that they have that assured water supply to serve those areas. He is confident that the project cannot move forward unless the developer can provide the water to serve it and use it. But if they were not within that CCN area, then they might be having a different discussion; but the City has already committed to it. The developer has already gone through extensive designing of that water system, so, as far as EPCOR is concerned, they do not have any worry about the ability to serve this area. The other phases that might happen down the road because of this new extension, would also have to annex into the City of Phoenix to get access to it, and would have to be able to demonstrate that they have that same feasibility, as well.

Commissioner Perez stated to Ms. Escobar that the New York Times article that he was referring to said that the housing that has already been approved may not get it in certain areas. More outlying, as he said. She asked if that is something the Planning Department is going to look at for the future developments that are coming through and the ones that have been approved. She stated that the article broke this afternoon, so people have not had time to read this article. It talks about limiting water and building houses. So, we have this conundrum.

Mr. Baugh stated that there is an answer. Those approvals are just paper approvals, but you still have to get a subdivision report. When you get a subdivision report from the Arizona Department of Real Estate, you have to prove that water supply. The difference on that article is those people have not gone through that subdivision report process. So, there is no guarantee until you have that from the Department of Real Estate; whereas here, that assured water supply already exists with the City of Phoenix.

Acting Chairman Gaynor called on Mr. James Galdeck, the opposition speaker. He gave him 12 minutes to speak. For the people that are signed up and are concerned, they would be given two minutes each.

Mr. James Galdeck stated that he lives in the community of Aurora Norte, south of where this development is taking place. He was speaking to this commission because they approved a new school and a 150 multifamily, luxury apartments that sit directly below this property. He encouraged commissioners to come up some time when school is in session and when the holiday traffic is moving up to Sedona, to observe what is happening in their community. There are people that need get to work every day and spend 35 to 40 minutes trying to get in and out of their community, because there is no proper infrastructure. This development that is being considered would put further pressure on the infrastructure, along the frontage road. The people that live in this community moved to this community, because they did not want to be in high-density population zones. So, Acting Vice-Chairman Boyd's comments with stating, "Can't we jam in more houses?", as a citizen he stated, no. He did not decide to live in the City of Phoenix for a reason. He moved to this area because he wants his space and wants to enjoy clean air, clean water and does not want to live in the City. He is very perplexed that the City can impede on communities without community involvement. He heard the representative say that he talked to the community. Mr. Galdeck lives in this community and said there have been no meetings. There have been no meetings with Anthem people or with Aurora Norte people. There have been no meetings with Desert Ridge people, none. He asked this commission to create some supplement meetings to fully discuss the situations that exist, as a result of these developments, and for some people to look at traffic studies and understand what is happening in their community, today He is encouraged by Mr. Baugh's understanding that there will be an additional lane going northbound, but that is only the area where his development will be put in. He does not know what this commission can do at this point for the people who live and are a part of Anthem and New River. He stated that the Planning Commission approved the school, approved the apartments, and the commercial development there. He is not aware of anything on the books today that this commission has set to do to address the traffic situation. He stated that there is also a safety situation. There are 700 children that are coming into a school that has no bus service. That is all car traffic that is coming in there. Occasionally, they will get an off-duty, City of Phoenix Police Officer come by and address traffic concerns, however, it is not done consistently. When residents call the school and ask what is being done, they say the City of Phoenix will be there to assist with traffic if they are available. He believes that is not an appropriate response to a safety situation. There is only one way in and out of their community. There are 200 homes and another 100 homes being built, and there is about to be 145 apartments being added to this community. He supports growth and development and thinks it is a great idea, but it is necessary, though, to go slower to go faster. The I-17 is being expanded in their community, and he thinks that is going to do a great justice in relieving some of the traffic on the frontage road, but that is also going to push that road even closer and tighter to the community that exists today. He

asked the Planning Commission if they could please work with these developers. Then they can go back and readdress the previous approval that they have issued with regards to development of the new school, these apartment homes, and the area south of there, to address the traffic situation. It is a very serious situation.

Acting Chairman Gaynor asked if there were any questions.

Acting Vice-Chairman Boyd stated that we would all like to have a stronger road network that has lots of options. There were comments in the packets with requests such as bike lanes, routes to get through, multiple paths up and down the area. He was confused as to where we are going to get the revenue to pay for all that if we do not have new developments coming in. He asked for Mr. Galdeck's perspective.

Mr. Galdeck responded that the roads would have to be expanded if there were not approvals for further developments that did not take that into consideration. When the Planning Commission approved the school, they should have also said that they were going to put 100 students into a residential neighborhood that does not have bus service. That was the Commission's job to ensure that the infrastructure was built properly, so that people could get in and out. He asked how they approved something like that. The developers are coming and are saying what they might do. He asked them to hold developers accountable for developing that. The people who built out those two pieces of property adjacent to New River and Aurora Norte, this commission should have had extensive discussion around the roads and how they were going to accommodate that traffic. The roads were sufficient for the existing community of 200 homes, but it was not set up to accommodate single-family luxury apartments; and it was not designed to handle 700 students going to school by car. When the community was developed, that was never approved. The land that was in front of there was either S-1 or commercial land, and then the Planning Commission approved the changes.

Acting Chairman Gaynor explained to Mr. Galdeck that the City of Phoenix process is extensive on approval of development. The Planning Commission is only a part of the process. To clarify, he stated that the Planning Commission makes recommendations to City Council based on what has been presented to them. For example, regarding the school, there was a process, and in that process, the community would have had an opportunity to come into this session and express their concerns as they would have in the Village meetings. The Planning Commission does not actually approve something. It recommends the item to City Council. When they do vote in favor of an item, it still goes to City Council for ratification. He thanked him for his comment.

Mr. Galdeck hoped that Acting Chairman Gaynor understood that they are New River, and they are unincorporated. They have been in this community for over three years. So, if they say that the Planning Commission informs people, the little sign that was put up on the side of the road saying that "there is a

committee meeting, on such and such to discuss something", in today's day, that is not adequate communication. All these communities have HOAs and community centers, community outreach centers. There were people in the audience tonight that represent various groups. To get true feedback from your constituents requires that you communicate to them that somebody is asking for a change, or a variance, or is doing something to their community. He asked where social media was on this and public notification in the form of electronic communication, emails. He came to this meeting tonight and stated he talked to 13 of his neighbors. They had no idea that this meeting was taking place. They have no idea about what is going on with the development. It is not because they are uninformed. It is because that sign that talked about this meeting is two miles north on the frontage road, in the bushes. He just happened to drive by, and he took a photo of the sign. He asked commissioners how we work together as a community to better communicate about these types of things, so, that when someone mentions the Rio Vista Village, he is not even familiar with that name, living in an unincorporated area. He lives in New River, and he never received any notification about any of these developments.

Acting Chairman Gaynor told Mr. Galdeck that he was on record, so his comments would be taken into consideration. He called on the following people who submitted speaker cards with concerns about this item. He gave each speaker two minutes to speak.

Mr. Rick Kesselman, from Anthem, Arizona stated that he has been a resident there for 15 years. He is a member of the Board of Directors of the Friends of Daisy Mountain Trails, a group referenced by the Maricopa Parks and Recreation Department. In a letter dated July 6, 2022 to the commissioners signed by R.J. Cardin, of the Parks and Recreation Department refers to the subject matter of their concerns about trails. He references their group in his letter. They are based in Anthem, New River, Desert Hills, and Tramonto and are dedicated to saving Daisy Mountain for conservation and recreation. They work with the Maricopa Parks, specifically John Rose, when he was still with them, with the planning of the trail's layout and design resulting in an application that is currently pending with the Arizona Stated Land Trust Department for trail easements on Daisy Mountain. He reminded everyone of Camelback Mountain. In the 1960s, nearly all the area around the base of the mountain had been sold to private interests. In 1965, Senator Barry Goldwater helped secure some public access to this precious mountain. Camelback still has limited access. The same, but worse fate occurred with Black Mountain in Cave Creek. Building was allowed to occur without regard to protection for public access. Today, there is an extremely narrow trail to the summit, but no trailhead or adequate parking available. He respectfully submitted that this Planning Commission has a responsibility to the citizens of Phoenix to ensure public access to this essential north valley amenity. He stated that they are joining the Maricopa Parks in requesting that a perimeter trail along the entire property edges, specifically including their eastern edge, contiguous to the State Trust land, be required and open to public access and use, without any required gate entrance as an additional stipulation. They want to work with the

developer and the City of Phoenix on this project to ensure public access to trails on Daisy Mountain, that they are protected for current and future generations. Preservation starts now. Let us not look back a few years from now and realize you allowed another Camelback and Black Mountain travesty to occur here on Daisy Mountain. Daisy Mountain needs to be saved. Preservation starts tonight, while there is still time, when it is a win-win for everyone.

Acting Chairman Gaynor called on the next individual.

Ms. Vivian Decker stated that she has been a resident of Arizona for 15 years and has lived in Desert Hills for the past 14 years. She is an active community member, working at keeping their beautiful area beautiful. She was a member of the New River Desert Hills Community Association for a few years, even serving as a Board member. She has had some input on the Daisy Mountain, New River Area Plan 2030, and as a member of Friends of Daisy Mountain Trails, she has had the perks of being able to pick up trash along with a few other members along the now very busy frontage road under their 'Adopt a Road' sign. Currently, she is serving as Vice-President of Friends of Daisy Mountain Trails, who has a history of efforts to establish a public trail system on Daisy Mountain. In 2004, under the North County Conservancy, then becoming part of the Desert Hills Footland Trust in 2012, and in early 2016, representatives from the community surrounding Daisy Mountain, New River, Desert Hills, and Anthem formed Friends of Daisy Mountain Trails, a 501.C3, non-profit organization. She was just told recently that Maricopa County Parks Department had sent a letter regarding this project, in July 2022. They requested a 10- to 12-foot-wide perimeter path along the entire project site. The letter mentioned Friends of Daisy Mountain Trails organization and the vision for future trail connections to the east, and yet, Friends of Daisy Mountain Trails was not made aware of the project. They discussed at their meeting this week that the perimeter path would be the only way to ensure public access to the mountain, and that the mountain would be protected. They also want to know if Jenny Lynn would be gated. If the answer is yes, they were requesting to strike that stipulation so Jenny Lynn would not be gated. Friends of Daisy Mountain Trails would like to continue to be involved with the project. They are asking to meet and work with the developer and the City of Phoenix on this project. It is their hope that they can work together in a positive way to find mutual solutions to ensure that public access is protected to Daisy Mountain for current and future generations.

Commissioner Gorraiz asked Ms. Decker if she were going to draw a map, what different entities Friends of Daisy Mountain Trail encapsulates or is it a part of and how much of it is Phoenix, Daisy Mountain, County, State.

Ms. Decker stated that she was a little confused by his question. She asked if he was referring to the trails they have asked to be put on Daisy Mountain.

Acting Chairman Gaynor called on Mr. Kesselman to answer Commissioner Gorraiz's question.

Mr. Kesselman responded that Daisy Mountain is owned by the State Trust Land Department. The whole mountain is 5,000 plus 5,700 acres surrounding into New River, borders on Anthem, which is an unincorporated portion of Maricopa County. He stated that if he was getting at the question of how much is it in Phoenix, most of Daisy Mountain then, is unincorporated. Most all of it is owned by the State Trust Land Department and the surrounding Anthem, Desert Hills. New River is an unincorporated part of Maricopa County. The portions that are Phoenix are probably the ones that are bordering on the applicant's property. He is not exactly sure of the boundaries. Most of it is in Maricopa County.

Commissioner Gorraiz stated that there has been a lot of discussion about access. He was wondering how much of that is the I-17, ADOT, Phoenix, and unincorporated Maricopa. He asked, how much actual influence the Planning Commission would even be able to have in some of these areas that are currently being agreed to.

Mr. Kesselman responded that was a fair question. These are the situations that you have all the time. This probably happened with Camelback and with Black Mountain a little bit. No one person controls the entire mountain. No one entity can save the world. At Camelback, there were all these different developers in the 1960s, 1970s, and 1980s building a little here and a little there.

Commissioner Gorraiz responded that he was just specifically asking about this project.

Mr. Kesselman stated that every parcel adds to the dilemma. Here is a parcel that is one mile long, adjacent to Daisy Mountain. A mile long is an impact. There are other properties, such as Anthem. Yes, he stated, you will have an impact. R.J. Garden's letter of July 22nd to the Planning Commission very specifically sets forth, very clearly, his concerns of safety for bikes, and it is asking for a 10- to 12-foot perimeter trail around the applicant's property to ensure that people can get to Daisy now and in the future.

Commissioner Gorraiz stated that he just wanted to make it clear that there are a lot of those areas that the City has absolutely nothing to do with. He stated that Mr. Kesselman answered his question.

Mr. Kesselman stated that they can have something to do with it by requiring some perimeter from this gentleman's property so that they can ensure that there is access over a mile of property.

Acting Chairman Gaynor clarified that these people speaking are concerned citizens. They are not in favor or opposed. They just wanted to express their concerns. Mr. Galdeck is opposed. He called on the next concerned speaker.

Ms. Christine Willis stated that she lives in Anthem and has been a resident there for approximately 20 years. They live in the gated community. It blocks access to Daisy Mountain via a trail. There is one access point. If you are a member of the gated area, you can get to the mountain on its steep side. There is another access point for a trail in an area where there is parking for roughly six cars. There is better access to the mountain there, however, they did not provide parking. She stated that they are not suggesting that this development provide parking unless they wanted to. They had heard very recently, less than a week ago, of this development and what it would entail. They had heard that Jenny Lynn and possibly Circle Mountain would be gated. That would lessen the number of people who could get to the mountain. Anthem is a very dense area. It would be difficult for families to access a trail and recreate on the mountain. That would be one more part of the mountain that would be blocked. That is what her group is talking about when they say access. They are not talking about a road. As Mr. Kesselman stated, they worked with the Maricopa County Parks and Recreation. They have an application for trail easement on Daisy Mountain, about four miles. It has been sitting there languishing for six or seven years. She stated that they understand why. It is because they just want a 10-foot easement. They do not have any opposition to the project. It is just their concern regarding limited access to the mountain.

Mr. Roger Willis of Anthem, a concerned speaker stated that he has been a member and President of the Anthem Community Council in the past. He is currently the president of Friends of Daisy Mountain Trails. He and his wife are very active members. They support the idea of smart growth, but with appropriate consideration for preserving open space and reasonable access to that space, especially to Daisy Mountain which has informal trails now. Their work with the Maricopa County Parks and Recreation is intended to hopefully formalize those trails and make them very accessible to the public. They look at this as an opportunity for the City, County, the applicant, the Daisy Mountain communities, and their group at Friends of Daisy Mountain Trails to work together to provide guaranteed access to this trail system that has been envisioned for Daisy Mountain. They welcome the opportunity to meet and work with the parties that are involved, to reach a win-win-win outcome of this situation. If they agree that is a worthwhile objective and a worthwhile effort to undertake, he invited all parties to contact them through his email at roger@daisymountaintrails.com and they will enthusiastically work with any of the groups involved in this. He thanked the Commission for their time.

Ms. Eileen Baden, a resident of New River stated that she is in favor of many of the stipulations which include complying with the Dark Skies Ordinance to reduce light impacts. The noise walls will impact the scenic corridor and views of Daisy Mountain, especially from the I-17 driving north. However, her main concern today is protecting public access to Daisy Mountain. The best way to

do this on site is by including a multi-use path around the perimeter that is open to the public, and to remove gates prohibiting vehicular access wherever possible. The only current access points to trails on Daisy Mountain are primarily along a one-mile-long proposed development on the west side of the mountain. On the east side, there is approximately a half mile open to the mountain near 7th Avenue, near River Road. It is owned by the Arizona State Land Department. Those are the only two major access points to Daisy Mountain – this development and the half-mile on the east side, which is owned by State Land. It takes 15 minutes to drive from one side of the mountain to the other, so, it is not realistic. They need both access points. The remaining area of the mountain is mostly privately owned and already developed land. The Anthem Country Club blocks approximately 2.5 miles of the mountain from public access. This new development can hinder the only remaining access point to Daisy Mountain on the west side. This development can significantly limit the ability and perception that the public can access the four to five thousand acres of Daisy Mountain behind it. It is important that people do not feel like they are trespassing to access a resource that is available to the public.

Ms. Baden stated that on Tuesday she drove around the area and noticed another new development nearby with block walls which made a clear signal that the mountain cannot be accessed in this area. The description on the Phoenix Planning Commission website states that Commission members make recommendations for things such as opening, widening and other changes in streets and public ways to promote the public health, comfort, safety, convenience, utility, and welfare, all of which a perimeter path would help contribute to.

Ms. Baden requested striking the stipulation by the developer to gate Jenny Lynn Road. She only learned about that at the Rio Vista Village Planning Committee meeting, for the first time. It is currently a public road, and she would like it to remain as such. It does provide access to Daisy Mountain, especially for people who live in New River. She also requested a stipulation be added to include the addition of the perimeter path. By not including a perimeter path as a stipulation, you will be turning Daisy Mountain into a few persons' personal backyards. Instead, a pathway can help provide access for people of different and all abilities to view and access the mountain, including the people who live in this development. This area is between the City of Phoenix and Maricopa County and can either serve as a quality example of what to do or will serve to prove as another example where public access was restricted to mountains in the Phoenix region by private development. By removing the stipulation to gate Jenny Lynn Road and including a stipulation requiring the addition of a perimeter path, these would help to protect public access to Daisy Mountain and alleviate some of the issues being created by being a gated community. She stated that the Planning Commission has a responsibility to current and future generations to protect public access to Daisy Mountain.

Acting Vice-Chairman Boyd asked Ms. Baden what she was asking for regarding the perimeter trail.

Ms. Baden responded, they are asking for a multi-use path like the one that is being done on the west side, along the frontage road. She wanted to thank the developer for all the changes they have made to-date, so far. Unfortunately, she did not hear about the two public meetings that were held, over a year ago. She lives in New River, and her concern is if she were to get a wildfire to the north, she would have to drive south. In particular, she feels that this 4,000 to 5,000-acre mountain should be accessible to the public. People should not feel blocked from accessing it.

Acting Vice-Chairman Boyd stated, as a follow up to the Jenny Lynn Road access, he agrees with her regarding no gates on that, but he also understands that part of that road is private, and we cannot stop a private road from being gated. He asked if they were both under the same understanding regarding the gate.

Ms. Baden stated that she has never seen this neighborhood agreement that is talked about. It is not included in the Staff Report, so, she does not know what is in there. She stated that good public outreach is important. The additional stipulation for blocking Jenny Lynn Road was added at the Rio Vista Planning Committee meeting. It was added into the project at that time, and she only knew about it because she was at that meeting. Otherwise, she would have had no documentation online that would have let her know that the road would be blocked. She thinks that there is a lot of misinformation given out about who maintains these roads. In the MCDOT GIS maps, there are blank sections that they are not maintained. It is a bit confusing. Ideally, people just want to see the best thing put forward for their community members, which includes access to the mountain. She encouraged Commission members to go visit the site and check out the new developments by Aurora Norte to the south of this project site. There are blocked and gated walls. Visually and physically, she feels like she can drive in there, because it was not gated. Vehicular access was improved through the Aurora Norte development, but she was, again, blocked off by home sites. She would love to work proactively with the developer to ensure that they can find a mutual way to come together and find a way to ensure that public access is maintained, and people have a way to view the mountain in a way that is ADA accessibly friendly.

Mr. Baugh responded that there is no stipulation requiring a gate on Jenny Lynn Road. He knows that some of those neighbors on Jenny Lynn Road would love a gate, but it is a County road for part of it and a private road for the other part. If one were to be created, it would be at their direction and approved by the County. He stated that they have offered to contribute funds towards improving that road, because that road has never really been fully completed. They hope to benefit them.

Mr. Baugh thought there were interesting comments tonight about Daisy Mountain. He has not heard this as such an emphasis point before tonight. He did have a chance to investigate this a little bit. Daisy Mountain trail system is

entirely outside of the City of Phoenix jurisdiction. It is a system that is determined probably through some cooperation with the State Land Department and most likely the Maricopa County Parks and Recreation Department or to implement a build back. He cannot influence nor can he control it. What he was hearing tonight is that people have been accessing their property or trespassing to go to the mountain. As a private property owner, he wanted to make it clear that they cannot give people public access across their private property, short of putting into jeopardy their potential land-use rights to adverse possession, liability rights to their insurers. For the first time, he has just heard something he was not aware of before. He offered a couple things that would happen. He does think there is a chance to collaborate on some things. When he looks at the map, there are two trailhead options. One is on Circle Mountain Road and the other one on Skunk Creek. That has been submitted to the State Land Department. There is an expectation, but he does not know why the State Land Department has not moved fast enough for the neighbors. He stated that he would be happy to work together with Mr. Roger Willis, because at one point, the applicant had considered a road going through the middle of their project, at the half-mile point, that could terminate for a future trailhead, but only if the State Land Department was willing grant it. Mr. Baugh stated that he would make that commitment to them, and was still willing to work together on that, because the two of them together might be able to influence the State Land Department differently than either one of them solo. He stated, that is beyond the jurisdiction of this panel. He thinks that they share a common goal that mutually benefits them as well as the State Land Department.

Mr. Baugh stated that they do have a multi-use trail along their frontage. They do have a trail going through the middle of their property – a north/south spine, and there is a power line trail adjacent to them. Those will help facilitate that movement to that area. At the end of the day, he stated, we are an improvement for the traffic condition along the frontage road. Until development happens, that limitation will exist. Adding a new lane going northbound, is increasing the width of that road by 33 percent, better improving access routes and circulation. When she referred to emergency moments, ADOT and MCDOT have an Incident Management Plan precisely for that. Adding a third lane allows that emergency vehicle to move quicker and more efficiently when that time is needed.

Mr. Baugh stated that public notice has met all the requirements. Signs have been posted on property, letters have been sent, including to all HOAs within a mile of the property. He cannot control what happens when the property management company of that HOA receives a letter. They hope that they share it with the residents, but as he googled Mr. Galdeck's address, he lives just about one mile away. So, he can understand why his knowledge of it might be different than the people who live immediately next door to them, with whom they have spent significant time to work together. At the end of the day, there is a land-use right here, and their proposal reduces the density that could otherwise be permitted. It creates better comprehensive planning, provides

solutions for roadway networks, and more importantly roadway improvements along Circle Mountain Road that should lead to a future trailhead, if State Land will give it to them, as well as improvements along Jenny Lynn Road, because it is a County road required for it. Those things will improve a lot of what he heard tonight, even though it might not be perfect. They do not want people to trespass on their property, but they do want to facilitate those connections where possible. So, he would commit to Mr. Willis on that. He hopes to together move the needle a bit with the State Land Department. His motive is the same as Mr. Baugh's. They mutually want to benefit from that, as well. He would take any questions.

Acting Chairman Gaynor asked if the commissioners if they had questions.

Commissioner Simon stated that she had three questions/comments regarding the homeowners. She lives up in this area and she understands very well the issues they are having regarding outreach with the development when there is so much land between them and where the development is going on. Firstly, she strongly suggested that they make sure their HOA is registered with the City. She discovered after four years that hers was not. Secondly, regarding the concern about Daisy Mountain, she stated that last year they approved the Verdin development, just south of the Sonoran Desert Parkway. They have an open perimeter allowing access. The huge concerns of the people up there was access to the trails. That piece of property is surrounded by State Land Preserve to the north and County land. What Verdin did was they went back and worked with these different groups to find access points. So, there were small pocket parks inside Verdin where people can park to hike on the trails. She does not know if that will necessarily work for them, but that is a good example of working with that access. Thirdly, she has concern with the infrastructure and the traffic they were talking about along that frontage road. She asked the applicant if there was any discussion about traffic lights along any piece of their property to help control that, especially if they are adding 1,000 homes.

Mr. Baugh responded that MCDOT controls their frontage and there is an expectation that they participate in a traffic light. He does not know if it is precisely in front of their property, but because of the volume that they add, they have a proportion requirement to install. Yes, he stated, that is in the works. It is a little further south of them, but nonetheless, they still have to participate in it.

Commissioner Simon thanked him and commented that it is just something to help, because even getting out of her neighborhood, and she lives further south, off Dove Valley Road, she has long traffic light waits.

Acting Vice-Chairman Boyd stated that he heard there is no possibility for a public right-of-way through their project. So, he understood Mr. Baugh was saying that they are going to maintain private ownership of all thoroughfares within site. He asked if the applicant was going to be ceding control of any of

those streets and other thoroughfares in between the houses and the other areas to the City, for the public.

Mr. Baugh answered that within the individual phases, those will be private streets, but their intent, as they showed in their first submittal to the City was to have a public road about midpoint of their frontage go from the frontage road east to the future State land. That is still their intent and their plan. They would obviously dedicate that to the City through a plat process. It would be their obligation to do that. What that could accomplish with smart planning is potential parking along that road or the ability to connect to a future trailhead. It does require the State Land Department to grant that. They did not find a willing partner at the State Land Department the first time, but he thinks knowing that Mr. Willis has skin in the game, maybe together they can change some minds.

Acting Vice-Chairman Boyd responded, that is good, because his follow-up question was that if they are going to be dedicating some of that land to the public right-of-way that the public maintains, people could end up on that eastern edge. He asked Mr. Baugh if he is currently opposed to the idea of putting the use trail as a stipulation at this point, on the eastern side.

Mr. Baugh stated yes, he is opposed; only because he wants to make sure that that trailhead is on State land property, and he cannot have a stipulation that is outside the boundaries of their four corners.

Acting Vice-Chairman Boyd asked him if he can on his own property.

Mr. Baugh responded that he does not want to do that, because the middle portion that he has temporarily kept out, he does not know how that is going to yield until they engineer it. He does not want to put a trailhead on their property that is going to be their obligation or unknown until he has a future development. He would say that the middle part, he was referring to, they will likely need to come back to address. They left the existing C-2 zoning. So, to develop that, the Planning Commission will see them again. At that point, he thinks that they will probably have more confidence in engineering and what their public road could look like, and maybe space for a trailhead connection or collaborate with the State Land on the trailhead connection.

Acting Vice-Chairman Boyd stated that he looked forward to that. He commented that if they are coming here as this master plan option, it would be kind of nice to be able to master plan it all now, instead of hoping for future development, or staff will have to re-entitle it.

Commissioner Gorraiz noticed, when looking in the packet, that Mr. Baugh had said in a presentation that it is currently zoned for as many as 1,570 or more units and Commercial. He thought he also saw that what Mr. Baugh is looking for is 1,000 units.

Mr. Baugh explained that the way they do the math to figure out the 1,500 units is the maximum density you can build in the zoning by the acreage. For the areas in blue, they did not inflate those numbers. They are probably going to be somewhere between 1,000 to 1,100 total across the entire 114 acres.

Commissioner Gorraiz asked if a lot of that size is the result of the topography. He was looking for clarification.

Mr. Baugh responded, more specifically, as they have gotten deeper into the engineering and understood the north piece to recognizing how much slope there is, the yield there is significantly less than what they started with. The other parts and phases have just been naturally reduced through the public hearing process, as they have revised plans and spoken to neighbors realizing that, at some point, they just need to make some trimming on the density to bring a good development plan forward.

Acting Chairman Gaynor asked what kind of cost they would incur to do any type of development on the slope development in the area where he is holding off currently. He asked if it is cost driven.

Mr. Baugh stated that he does not know if it is cost-driven or engineering-driven, but he was not going to pretend his way through that conversation.

Acting Chairman Gaynor stated that it could be a quick answer, he just wanted that clarification.

Mr. Hud Hassell of Bela Flor stated that the costs on slope are very prohibitive. A lot of times it is necessary to spend extra time excavating or dynamiting. There is a Slope Ordinance in the City of Phoenix and about 10 to 15 percent that cannot be built on. There is very little opportunity on the northern edge to do anything because of the cost. He stated for the record, one of the first calls they made once they purchased the property was to the State Land Department. In addition to Circle Mountain Road being extended a quarter mile in, closer to Daisy Mountain, in addition to Jenny Lynn Road being extended a quarter mile in closer to Daisy Mountain, he made sure that they had a road going right up the middle. So, they have over two miles of trails within their property. One is along the western frontage, one that goes through the middle of the property. They could add a third mile. That might be overkill for something their size, but he made sure that right through the dead center, they had an opportunity. State Land did not take it. He is still very open to it. He stated that they are still very committed to help there, as well.

Commissioner Perez stated, when the City encroaches on County land, we are having more and more problems, because they are not going to be on any of our notification lists. They are not going to be registered with the City of Phoenix as an HOA, or a Community Organization, and they are not going to get notified if they are not in the 600-foot perimeter. She feels like it happens more and more. It is becoming problematic. She asked what Planning

Commission members can do when they have cases like this. She knows that the developer goes above and beyond, but it is problematic. If you are not an HOA and not registered with the City of Phoenix, you will not get notified, because there is a specific process that the City has. It is for neighborhood organizations within a certain mile radius, within the City of Phoenix. Where she lives if she walks one block south of her property, she is in Maricopa County. A lot of people down there never know about anything, because they will not get notified either. It is becoming problematic. There was a case the previous month where the people had not heard about the case, they just happened to see the sign. She asked what can be done on those types of cases, 40 to get to this point where they are asking their representatives and applicants to do a little bit more above and beyond, even though it is not the jurisdiction of the City of Phoenix, but clearly, we are impacting people. She asked what can be done.

Ms. Escobar responded that in those situations they can recommend that the applicants do a larger outreach for those areas, so they can capture more. Generally, in those county island areas, there are larger lots, as well. They could go further beyond the 600 feet required that would be typically required.

Commissioner Perez agreed and strongly suggested doing that. As we are trying to build the City of Phoenix, more and more land from Maricopa County is getting annexed in, and it is encroaching upon people who have S-1 properties, horse properties, etc., and they feel stunned when this happens. The City of Phoenix is the largest city in the nation. Of course, it is going to continue to grow. It is shocking. She reiterated that they could do a better job, or the applicants and property owners can do a better job at trying to be good neighbors and letting them know what is happening. She thinks it is what should happen.

Commissioner Mangum asked if there is regularly scheduled meeting for that Village, as there is with other villages, and if it is through that process that this information is disseminated to the community.

Ms. Escobar stated that the Village meetings are not advertised. They have an agenda with cases and informational items they are meeting to discuss. So, it would be kind of an open-ended meeting where people can go to get additional information on other projects.

Acting Chairman Gaynor revisited the notification. He asked how they propose an expanded notification area. He asked if the Planning Commission recommends it up to Council. He wanted to know how to request this type of policy change.

Ms. Escobar responded that this policy change is something staff would have to look at internally. He asked if they could make a request at the end of this meeting.

Commissioner Perez asked if the applicant held community meetings.

Mr. Baugh responded yes. They have held several meetings, a lot more here than normal, and they went to the Village for information before they had the hearing. There is a very active Facebook group in this area. He knows that their case was presented there because he saw it. There are only 15,000 people who are part of that Facebook group for that specific area, and he knows it was extensively discussed. He does not have access to those groups, because he is not a particular member of them, but the people that they worked with to work on that neighborhood agreement, posted it there. So, there has been a lot more discussion beyond what is the legal notice requirement. There is a project website for this project, sign postings, and their notices are larger, but the reality is sometimes they are inefficient for adjoining county properties. The only way he knows to do it better is through an online social media outlet. While he did not get to be the one to post it, their neighborhood collaborator did. It has gone out. Maybe just not everybody is part of the 15,000 subscribers.

Acting Chairman Gaynor reminded the Commission members that they were making a decision tonight, either way on a map amendment in the City of Phoenix, and to change to R-2, R-3, and R3-A zoning.

At 8:50 p.m., Acting Vice-Chairman Boyd stepped away from the meeting for few minutes. Acting Chairman Gaynor paused until he returned.

Ms. Escobar provided one point of clarification. She stated, in the Staff Report for the General Plan Amendment, as it was originally requested, based on a staff request to add this in to remove infrastructure phasing overlay, later after further analysis, they found that it was not necessary. That is part of the General Plan Staff Analysis. The recommendation from staff was approval of the request, but removing that amendment related to the infrastructure phasing overlay. She just wanted to make that clear.

Acting Chairman Gaynor asked if there were any questions. There were none. Regarding the jurisdiction, he stated that as commissioners they must be residents of the City of Phoenix proper. There is a reason because they are representing the City of Phoenix. However, at the same time, they cannot forget their outlying neighboring communities. He appreciated the discussion tonight. He thinks that Mr. Baugh and the developer are going to do great work out there, doing the best that they can, if this gets approved, to provide support to the County and the outlying area. He turned the discussion back over to the Planning Commission for a motion or further discussion.

Commissioner Busching stated that regarding the rezoning case, she wanted to add the additional stipulation that has been consented to by the applicant.

Commissioner Busching made a MOTION to approve GPA-RV-1-22-1, per the Rio Vista Village Planning Committee recommendation.

Commissioner Simon SECONDED.

There being no further discussion, Acting Chairman Gaynor called for a vote and the MOTION Passed 8-0 (Howard absent).

8. **Application #:** **Z-8-22-1 (Companion Case GPA-RV-1-22-1)**
 From: C-2, C-3, S-1, County RU-43 (Pending annexation),
 and Pending S-1
 To: R-2, R-3, and R-3A
 Acreage: 79.29
 Location: Northeast corner of I-17 and Circle Mountain Road
 and the southeast corner of I-17 and Jenny Lin
 Road
 Proposal: Single-family and multifamily residential
 Applicant: Adam Baugh, Withey Morris Baugh, PLC
 Owner: Circle Mountain Holdings, LLC
 Representative: Adam Baugh, Withey Morris Baugh, PLC

Ms. Racelle Escolar stated that Item Nos. 7 and 8 are related cases and could be heard together, but separate motions were required.

Item 7 is GPA-RV-1-22-1, a minor General Plan Amendment to amend the General Plan Land Use Map designation to allow multifamily residential on 114.58 acres at the northeast corner of I-17 and Circle Mountain Road.

Item 8 is Z-8-22-1 a request to rezone 79.29 acres at the northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road from various districts to R-2, R-3, and R-3A (multifamily residence districts) to allow single and multifamily residential.

The Rio Vista Village Planning Committee recommended approval of the General Plan Amendment (GPA) per the staff recommendation by a 4 to 2 vote, and approval of the rezoning request per the staff recommendation with additional stipulations by a 5 to 1 vote.

The additional stipulations require:

- Abandonment of wells,
- Lighting to meet dark sky ordinance requirements,
- Limiting public parking and access on Jenny Lin Road,
- Construction access to be from Circle Mountain Road, or the frontage road, and ancillary construction activity and access to occur on Jenny Lin Road,
- The south half of Jenny Lin Road be constructed to county rural standards,
- Repair of any roadway damage that may occur on Jenny Lin Road during construction,
- Disclosure that Jenny Lin Road is private property, and no trespass is permitted; and
- The water line to be extended along the frontage road adjacent to the development.

Ms. Escolar stated that staff recommends approval of the GPA per the Rio Vista Village Planning Committee recommendation and approval of Z-8-22-1, per the staff memo dated June 1, 2023. The memo addresses the stipulations recommended by the Village Planning Committee. Staff recommends the deletion of two of the added stipulations. Jenny Lin Road will be in the County jurisdiction, so, the City would not have authority to restrict parking or access to the street. The City will require that the waterline extend to the north end of the project boundary, so it is not necessary to stipulate it. Staff recommends modifying two of the added stipulations to accommodate the request for preservation of dark skies, and to construct Jenny Lin Road to county rural residential standards which will need to be approved by MCDOT (Maricopa County Department of Transportation). She reiterated that staff recommends approval of Z-8-22-1, per the staff memo dated June 1, 2023. She asked if there were any questions for staff. There were none.

Acting Chairman Gaynor called on the applicant and asked him how much time he needed to present. He gave the applicant 12 minutes to speak, as requested.

Mr. Adam Baugh stated that the challenge that occurs over time when on the edge of a City, in a growth area, is issues with infrastructure and growth, and challenges for people who have lived in the area over a long time and are seeing changes occurring. What makes this site unique is the zoning history since 2007. When this property was annexed and zoned in 2007, it was given a commercial designation. That was made up of a dozen property owners who all rallied together and went through that process. There were a few that held out, that did not want to zone. He pointed to the parcels on the map (in blue) that did not come into the City in 2007. Everything else (in red) is what did get approved. Under that zoning in 2007, the expectation was to build a commercial shopping center. The problem was and still exists today that with that infrastructure, nothing can be built. The infrastructure, in this case, is miles away. Their client purchased this property in the last couple years and desires to annex in those blue pieces (shown on the exhibit) and rezone them, so that they are matching the intensity of what those red commercial zoned pieces are today. He stated that intensity matters, because under the current zoning, which is C-2, some C-3, and S-1, only because they were just annexed, there can be more than 1,500 homes, or more than a million square feet of retail; but if there is no infrastructure to support it, as far as water and sewer lines, then nothing can be built. The developer's job is to be able to solve those problems. What has changed over time is that the City's willingness to allow commercial development to work with septic has gone away. Their willingness to let this property use EPCORE's water has gone away, and their insistence that this development provide the infrastructure for the northern tip for the City has been amplified. So, what they have had to do is figure out what it takes to make water and sewer come to this property. They have learned that it will take a three-mile water and sewer line extension on the other side of the freeway. Once they bring it up to their edge, it will require them to bore under the freeway at three different locations. Two of those locations are for a looped

water system. A third is for a sewer line. That is not an easy lift. It requires approximately 13 million dollars of engineering fees before building anything. That is the key point in this case. But for that infrastructure, he thinks someone would have developed this property a long time ago. The reason that they feel confident in this case now is because of the TSMC, the Taiwan Semiconductor Manufacturing Company being built. Nobody would spend 13 million dollars for this project if they did not think that they could fill it. The reality is, TSMC has brought 20,000 new opportunities for employment in the area, which means new housing necessity. This means that a developer like this can afford that 13-million-dollar engineering fee on the front side, because the hope is that over the multi-year buildout, he will be able to fill that with the workforce needed in this area.

Mr. Baugh stated that the reason he is doing this case is because the cases that he is annexing in zoning would have a different set of stipulations than the 2007 case. The City's desire for stipulations that are reflective of their planning preferences and development pattern today are different than they were 18 years ago when it was first approved. Through this method, they can do master planning, master street systems, water systems, and trail systems along those lines and adopt stipulations that ensure compatibility. 7:40:40

Mr. Baugh stated that what they propose to do is develop a single-family build-to-rent community on the southside, an ownership for sale lots in the second phase, and at some point, they will come in with a future development for that existing C-2. However, the time is not yet right, and then a multifamily component on the north side. Throughout that are a series of trails. They will be developing a trail to the middle of the project, a multi-use trail that they will be developing on their frontage, and there is an existing trail just east of their property along a power line on a State Land piece. It is not on their property. They provide connection points through each singular phase to that future trail system.

Mr. Baugh stated that as part of that effort, he displayed a couple different spots where they made those pedestrian connection points. When they started this, on Phase 1, they had about 13 units an acre. They have since reduced it and now they are down to about nine units an acre. What makes this project a little unique on the build-to-rent side is that every one of their units has their own garage. This is something not seen very often. They thought that was a key point to help make this project more successful. In Phase 2, shows the way the pedestrian connections can link up. From the time they filed to where they are today, they have also reduced the density on that second phase from about 8.5 units per acre to six units an acre. This for-sale product they think is a delight. Since the very beginning of this project, it has always been highlighted to them that they need to provide a diversity of housing ranges. That is why in this project everything from build-to-rent to for-sale units, for-sale townhomes, and eventually traditional apartments are planned. It was key for them to be able to meet that market need as the TSMC comes online.

Mr. Baugh stated that the third project at the northern tip is a future phase. Because they do not have a site plan for it, they have a stipulation from staff that requires them to go through a PHO, because they have a significant degree of slope age on the north side. The areas on the exhibit in blue and purple indicate the greatest degree of slope. As a result, it is the greatest degree of engineering and probably limited areas where they can responsibly develop. It is also proven from the City's Water Department the last two weeks, that they want the applicant to put in a water tank. It needs to be placed at the highest elevation. Until they can pin that down, they will be back from this Village and with these neighbors on a future PHO. The Rio Vista design guidelines were adopted by this commission through the course of their process. They had to pivot, change, and adapt a little bit to reflect the desire of this Village. They have been able to accommodate several ways, as seen highlighted in the display. He pointed out a few of the things that they have been doing that reflect those Rio Vista design guidelines.

Mr. Baugh stated that that a key point along the frontage road is to improve with increased setbacks. Typically, you see a requirement of about 25 feet of setbacks. They have significantly increased it anywhere from 50 up to 150 feet, or 200 plus feet. They also have to build a sound wall among other things. What he appreciates about this area is trips and traffic. The biggest challenge that exists here is when I-17 has an accident, perhaps on a holiday weekend, he has heard from these neighbors that the frontage road becomes very congested, and it is a problem for them. The challenge is that unless something develops here, MCDOT is not going to put in that extra lane. Two things are happening though: 1) The I-17 is being improved from Anthem all the way up to Sunset Point. That is a process that will take some time. There will be a little bit of pain while that is being completed. However, once those extra lanes are completed, I-17 traffic will move better than it does today. 2) When people decide that they want to exit the freeway to take a frontage road to bypass traffic, which is a poor idea, but nonetheless, the developer is adding an extra lane northbound along the frontage road. That is a requirement from MCDOT. Whereas, today there are only two lanes, once they are done, there will be an entire second lane heading northbound. That should help alleviate some congestion. That does not happen until development happens. So, he stated, they are an answer to what is a concern whether or not they are here.

Mr. Baugh stated what he has learned from this case in the beginning was the value of understanding some of those concerns. He cannot say that he has addressed every concern, but he thinks they have come a long way, particularly as they have started to hear some outreach from some people on the north side and south side regarding how that traffic impact affects them, and what they can do to mitigate that, how the roadways work, and how their wells work with the water table. They have started to put together the basis of an agreement. That agreement was eventually executed by about 10 individuals along that Jenny Lin Road, which include things like dark sky limitations, access limitations, construction phasing, well capping, roadway improvements, among many more things. At the end of the day, that private agreement for the most

part has been adopted in the stipulations, but it is also enforced privately between the developer and the neighbors. He thinks that is a significant contribution that has not happened in the past. The fact that they have been able to find some common ground shows that even when people disagree, there still is room to find common compromise for the benefit of others.

Mr. Baugh concluded that at the end of the day, they feel like commercial uses simply are not likely to occur here. The reason is, it is two miles to the south to the closest freeway off-ramp and then one mile or so to the north. This is the only stretch of the I-17 that he can think of that does not have a freeway off-ramp somewhere along that one-mile stretch. As they work their way south on I-17, they will see a freeway off-ramp at every single mile. So, that limitation severely impacts the ability to create commercial development here. But the ability to have a significant employer, a 10-minute drive away, really gives new life to this property that would not have existed otherwise. It creates a confidence in a developer to build a 13-million-dollar engineering cost, before anything else can happen, that they would not do otherwise, but for the fact that they feel like the TSMC gives them that chance.

Mr. Baugh stated that through the instruction from the elected officials, they understand the importance of a variety of asset classes. Putting in two types of potential rental and two types of ownership that span what they hope will be a strong and dynamic workforce in the area. Through this combined effort, they can put stipulations in place that make a more comprehensive planned project that improves issues with traffic along the road, it creates pedestrian trail linkages, and he thinks most importantly, it makes meaningful use of a property that otherwise has had its limitations. It has been 16 years since zoned that it has failed to start.

Acting Chairman Gaynor asked if there were any questions for Mr. Baugh.

Commissioner Perez asked if the extra lane going northbound would be for the entirety of the property, because there is a chunk that says it is not part of future development; or if they would do a partial road.

Mr. Baugh explained that it would be for the entirety of their property and probably a portion of the property leading up to them and beyond. MCDOT has expressed the desire for greater wholistic improvements in there that are even beyond the boundaries of their frontage. It will be for their entire one mile and a half-long stretch and possibly more.

Commissioner Busching stated that she and Mr. Baugh talked about access to the east. She wanted to confirm that he is agreeable to adding a stipulation that pedestrian access shall be provided to the future development to the east street phase of the development.

Mr. Baugh responded yes, to the east is State land. It is not future development yet, but possibly could be in the future. To the extent that staff add that

stipulation for pedestrian access, they would be supportive. They see that land at the east an amenity for them. It is a value, and they would be supportive of it.

Commissioner Perez asked Commissioner Busching if she was saying that it would be an added stipulation.

Commissioner Busching responded yes. The language was provided by staff.

Acting Vice-Chairman Boyd stated that Arizona taxpayers spent a lot of money widening the I-17 – four hundred million plus. He asked if we are going to now make a public policy decision to reduce the number of units that are going to benefit from that, like with lower density. He wanted to know what the public-policy-benefit is to have less people use the infrastructure that we invested in, in this area.

Mr. Baugh asked if he was referring to the widening of the road from Anthem to Sunset Point. He thinks that serves a far greater public benefit than what this property was intended to use. If he could imagine, the people who are going to live here are less likely to be utilizing that than any other person in the area, because they are probably heading northbound and getting off at Anthem Way and then taking the frontage road to get there. He thinks the challenge here is that intensity was planned with commercial, but if you do not have infrastructure, you cannot make it work; and if you do not have a freeway access point, you cannot make it work. If they could get ADOT (Arizona Department of Transportation) to give them an off-ramp somewhere along their frontage, they would be having a different discussion, and probably amplifying their density. He is worried, given the number of conversations he has had with the neighbors that if he added one more unit, he might need to change his name and find new tires for his car. He wants to balance out what is a good use of the property without necessarily overloading the area.

Acting Vice-Chairman Boyd asked a follow up question. In 25 years, he is assuming that the 13 million dollars in new infrastructure is going to be a City liability. He asked how that balances out with reducing it out, especially residential. Residential, very rightfully, due to Arizona State Law, has a very low property tax burden. We are now going to have to be responsible for borings under the freeway. He asked what the public policy justification if we are not maximizing investment on that water pipe that we need to run out there.

Mr. Baugh responded saying that the developer will build the cost and create the infrastructure. But he is correct. Ongoing maintenance decades down the road will be a burden by the City and likely through taxpayer dollars. He stated, do not overlook the fact that the extension of water and sewer lines and other infrastructure here creates new frontiers for future development, which could potentially be other commercial opportunities on the west side of the freeway, because their waterline has to go up and connect over, that do not exist today and will not exist but for this solution. It also means more residents spending more tax dollars, more residents who are working in the City. He thinks the

indirect benefits might help to offset that. He has not done an analysis, and he needs to hire somebody incredibly smart to figure out what the 40-year benefit will be. As we have always grown on the edges of the City, we have always faced that question about development replacing infrastructure, but long-term can the City maintain it. Other developments that will benefit from infrastructure will help offset that later.

Acting Vice-Chairman Boyd had one final question. He stated that there is a big water announcement that is not directly going to impact the City of Phoenix, but it is going to impact some of the outlying areas, especially unincorporated. He asked if we are sure that there is going to be other developments that can benefit off that water line.

Mr. Baugh responded that he just read that today; that is breaking news. It comes back to this. He stated that every city has a service area determined by the Arizona Corporation Commission, just like EPCOR supervises those utilities. They have to make sure that they have that assured water supply to serve those areas. He is confident that the project cannot move forward unless the developer can provide the water to serve it and use it. But if they were not within that CCN area, then they might be having a different discussion; but the City has already committed to it. The developer has already gone through extensive designing of that water system, so, as far as EPCOR is concerned, they do not have any worry about the ability to serve this area. The other phases that might happen down the road because of this new extension, would also have to annex into the City of Phoenix to get access to it, and would have to be able to demonstrate that they have that same feasibility, as well.

Commissioner Perez stated to Ms. Escobar that the New York Times article that he was referring to said that the housing that has already been approved may not get it in certain areas. More outlying, as he said. She asked if that is something the Planning Department is going to look at for the future developments that are coming through and the ones that have been approved. She stated that the article broke this afternoon, so people have not had time to read this article. It talks about limiting water and building houses. So, we have this conundrum.

Mr. Baugh stated that there is an answer. Those approvals are just paper approvals, but you still have to get a subdivision report. When you get a subdivision report from the Arizona Department of Real Estate, you have to prove that water supply. The difference on that article is those people have not gone through that subdivision report process. So, there is no guarantee until you have that from the Department of Real Estate, whereas here, that assured water supply already exists with the City of Phoenix.

Acting Chairman Gaynor called on Mr. James Galdeck, the opposition speaker. He gave him 12 minutes to speak. For the people that are signed up and are concerned, they would be given two minutes each.

Mr. James Galdeck stated that he lives in the community of Aurora Norte, south of where this development is taking place. He was speaking because this commission approved a new school, a 150 multifamily, luxury apartments that sit directly below this property. He encouraged commission members to come up some time when school is in session and when the holiday traffic is moving up to Sedona, to observe what is happening in their community. There are people that need get to work every day and spend 35 to 40 minutes trying to get in and out of their community, because there is no proper infrastructure. This development that is being considered would put further pressure on the infrastructure, along the frontage road. The people that live in this community moved to this community, because they did not want to be in high-density population zones. So, Acting Vice-Chairman Boyd's comments with stating, "Can't we jam in more houses?", as a citizen he stated, no. He did not decide to live in the City of Phoenix for a reason. He moved to this area because he wants his space and wants to enjoy clean air, clean water and does not want to live in the City. He is very perplexed that the City can impede on communities without community involvement. He heard the representative say that he talked to the community. Mr. Galdeck lives in this community and said there have been no meetings. There have been no meetings with Anthem people or with Aurora Norte people. There have been no meetings with Desert Ridge people, none. He asked this commission to create some supplement meetings to fully discuss the situations that exist, as a result of these developments, and for some people to look at traffic studies and understand what is happening in their community, today He is encouraged by Mr. Baugh's understanding that there will be an additional lane going northbound, but that is only the area where his development will be put in. He does not know what this commission can do at this point for the people who live and are a part of Anthem and New River. He stated that the Planning Commission approved the school, approved the apartments, and the commercial development there. He is not aware of anything on the books today that this commission has set to do to address the traffic situation. He stated that there is also a safety situation. There are 700 children that are coming into a school that has no bus service. That is all car traffic that is coming in there. Occasionally, they will get an off-duty, City of Phoenix Police Officer come by and address traffic concerns, however, it is not done consistently. When residents call the school and ask what is being done, they say the City of Phoenix will be there to assist with traffic if they are available. He believes that is not an appropriate response to a safety situation. There is only one way in and out of their community. There are 200 homes and another 100 homes being built, and there is about to be 145 apartments being added to this community. He supports growth and development and thinks it is a great idea, but it is necessary, though, to go slower to go faster. The I-17 is being expanded in their community, and he thinks that is going to do a great justice in relieving some of the traffic on the frontage road, but that is also going to push that road even closer and tighter to the community that exists today. He asked the Commission if they could please work with these developers. Then they can go back and readdress the previous approval that they have issued with regards to development of the new school, these apartment homes, and

the area south of there, to address the traffic situation. It is a very serious situation.

Acting Chairman Gaynor asked if there were any questions.

Acting Vice-Chairman Boyd stated that we would all like to have a stronger road network that has lots of options. There were comments in the packets with requests such as bike lanes, routes to get through, multiple paths up and down the area. He was confused as to where we are going to get the revenue to pay for all that if we do not have new developments coming in. He asked for Mr. Galdeck's perspective.

Mr. Galdeck responded that the roads would have to be expanded if there were not approvals for further developments that did not take that into consideration. When the Planning Commission approved the school, they should have also said that they were going to put 100 students into a residential neighborhood that does not have bus service. That was the Commission's job to ensure that the infrastructure was built properly, so that people could get in and out. He asked how they approved something like that. The developers are coming and are saying what they might do. He asked them to hold developers accountable for developing that. The people who built out those two pieces of property adjacent to New River and Aurora Norte, this commission should have had extensive discussion around the roads and how they were going to accommodate that traffic. The roads were sufficient for the existing community of 200 homes, but it was not set up to accommodate single-family luxury apartments; and it was not designed to handle 700 students going to school by car. When the community was developed, that was never approved. The land that was in front of there was either S-1 or commercial land, and then the Planning Commission approved the changes.

Acting Chairman Gaynor explained to Mr. Galdeck that the City of Phoenix process is extensive on approval of development. The Planning Commission is only a part of the process. To clarify, he stated that the Planning Commission makes recommendations to City Council based on what has been presented to them. For example, regarding the school, there was a process, and in that process, the community would have had an opportunity to come into this session and express their concerns as they would have in the Village meetings. The Planning Commission does not actually approve something. It recommends the item to City Council. When they do vote in favor of an item, it still goes to City Council for ratification. He thanked him for his comment.

Mr. Galdeck hoped that Acting Chairman Gaynor understood that they are New River, and they are unincorporated. They have been in this community for over three years. So, if they say that the Planning Commission informs people, the little sign that was put up on the side of the road saying that "there is a committee meeting, on such and such to discuss something", in today's day, that is not adequate communication. All these communities have HOAs and community centers, community outreach centers. There were people in the

now and realize you allowed another Camelback and Black Mountain travesty to occur here on Daisy Mountain. Daisy Mountain needs to be saved. Preservation starts tonight, while there is still time, when it is a win-win for everyone.

Acting Chairman Gaynor called on the next individual.

Ms. Vivian Decker stated that she has been a resident of Arizona for 15 years and has lived in Desert Hills for the past 14 years. She is an active community member, working at keeping their beautiful area beautiful. She was a member of the New River Desert Hills Community Association for a few years, even serving as a Board member. She has had some input on the Daisy Mountain, New River Area Plan 2030, and as a member of Friends of Daisy Mountain Trails, she has had the perks of being able to pick up trash along with a few other members along the now very busy frontage road under their 'Adopt a Road' sign. Currently, she is serving as Vice-President of Friends of Daisy Mountain Trails, who has a history of efforts to establish a public trail system on Daisy Mountain. In 2004, under the North County Conservancy, then becoming part of the Desert Hills Footland Trust in 2012, and in early 2016, representatives from the community surrounding Daisy Mountain, New River, Desert Hills, and Anthem formed Friends of Daisy Mountain Trails, a 501.C3, non-profit organization. She was just told recently that Maricopa County Parks Department had sent a letter regarding this project, in July 2022. They requested a 10- to 12-foot-wide perimeter path along the entire project site. The letter mentioned Friends of Daisy Mountain Trails organization and the vision for future trail connections to the east, and yet, Friends of Daisy Mountain Trails was not made aware of the project. They discussed at their meeting this week that the perimeter path would be the only way to ensure public access to the mountain, and that the mountain would be protected. They also want to know if Jenny Lynn would be gated. If the answer is yes, they were requesting to strike that stipulation so Jenny Lynn would not be gated. Friends of Daisy Mountain Trails would like to continue to be involved with the project. They are asking to meet and work with the developer and the City of Phoenix on this project. It is their hope that they can work together in a positive way to find mutual solutions to ensure that public access is protected to Daisy Mountain for current and future generations.

Commissioner Gorraiz asked Ms. Decker if she were going to draw a map, what different entities Friends of Daisy Mountain Trail encapsulates or is it a part of and how much of it is Phoenix, Daisy Mountain, County, State.

Ms. Decker stated that she was a little confused by his question. She asked if he was referring to the trails they have asked to be put on Daisy Mountain.

Acting Chairman Gaynor called on Mr. Kesselman to answer Commissioner Gorraiz's question.

audience tonight that represent various groups. To get true feedback from your constituents requires that you communicate to them that somebody is asking for a change, or a variance, or is doing something to their community. He asked where social media was on this and public notification in the form of electronic communication, emails. He came to this meeting tonight and stated he talked to 13 of his neighbors. They had no idea that this meeting was taking place. They have no idea about what is going on with the development. It is not because they are uninformed. It is because that sign that talked about this meeting is two miles north on the frontage road, in the bushes. He just happened to drive by, and he took a photo of the sign. He asked commissioners how we work together as a community to better communicate about these types of things, so that when someone mentions the Rio Vista Village, he is not even familiar with that name, living in an unincorporated area. He lives in New River, and he never received any notification about any of these developments.

Acting Chairman Gaynor told Mr. Galdeck that he was on record, so his comments would be taken into consideration. He called on the following people who submitted speaker cards with concerns about this item. He gave each speaker two minutes to speak.

Mr. Rick Kesselman, from Anthem, Arizona stated that he has been a resident there for 15 years. He is a member of the Board of Directors of the Friends of Daisy Mountain Trails, a group referenced by the Maricopa Parks and Recreation Department. In a letter dated July 6, 2022 to the commissioners signed by R.J. Cardin, of the Parks and Recreation Department refers to the subject matter of their concerns about trails. He references their group in his letter. They are based in Anthem, New River, Desert Hills, and Tramonto and are dedicated to saving Daisy Mountain for conservation and recreation. They work with the Maricopa Parks, specifically John Rose, when he was still with them, with the planning of the trail's layout and design resulting in an application that is currently pending with the Arizona State Land Trust Department for trail easements on Daisy Mountain. He reminded everyone of Camelback Mountain. In the 1960s, nearly all the area around the base of the mountain had been sold to private interests. In 1965, Senator Barry Goldwater helped secure some public access to this precious mountain. Camelback still has limited access. The same, but worse fate occurred with Black Mountain in Cave Creek. Building was allowed to occur without regard to protection for public access. Today, there is an extremely narrow trail to the summit, but no trailhead or adequate parking available. He respectfully submitted that this Planning Commission has a responsibility to the citizens of Phoenix to ensure public access to this essential north valley amenity. He stated that they are joining the Maricopa Parks in requesting that a perimeter trail along the entire property edges, specifically including their eastern edge, contiguous to the State Trust land, be required and open to public access and use, without any required gate entrance as an additional stipulation. They want to work with the developer and the City of Phoenix on this project to ensure public access to trails on Daisy Mountain, that they are protected for current and future generations. Preservation starts now. Let us not look back a few years from

Mr. Kesselman responded that Daisy Mountain is owned by the State Trust Land Department. The whole mountain is 5,000 plus 5,700 acres surrounding into New River, borders on Anthem, which is an unincorporated portion of Maricopa County. He stated that if he was getting at the question of how much is it in Phoenix, most of Daisy Mountain then, is unincorporated. Most all of it is owned by the State Trust Land Department and the surrounding Anthem, Desert Hills. New River is an unincorporated part of Maricopa County. The portions that are Phoenix are probably the ones that are bordering on the applicant's property. He is not exactly sure of the boundaries. Most of it is in Maricopa County.

Commissioner Gorraiz stated that there has been a lot of discussion about access. He was wondering how much of that is the I-17, ADOT, Phoenix, and unincorporated Maricopa. He asked, how much actual influence the Planning Commission would even be able to have in some of these areas that are currently being agreed to.

Mr. Kesselman responded that was a fair question. These are the situations that you have all the time. This probably happened with Camelback and with Black Mountain a little bit. No one person controls the entire mountain. No one entity can save the world. At Camelback, there were all these different developers in the 1960s, 1970s, and 1980s building a little here and a little there.

Commissioner Gorraiz responded that he was just specifically asking about this project.

Mr. Kesselman stated that every parcel adds to the dilemma. Here is a parcel that is one mile long, adjacent to Daisy Mountain. A mile long is an impact. There are other properties, such as Anthem. Yes, he stated, you will have an impact. R.J. Garden's letter of July 22nd to the Planning Commission very specifically sets forth, very clearly, his concerns of safety for bikes, and it is asking for a 10- to 12-foot perimeter trail around the applicant's property to ensure that people can get to Daisy now and in the future.

Commissioner Gorraiz stated that he just wanted to make it clear that there are a lot of those areas that the City has absolutely nothing to do with. He stated that Mr. Kesselman answered his question.

Mr. Kesselman stated that they can have something to do with it by requiring some perimeter from this gentleman's property so that they can ensure that there is access over a mile of property.

Acting Chairman Gaynor clarified that these people speaking are concerned citizens. They are not in favor or opposed. They just wanted to express their concerns. Mr. Galdeck is opposed. He called on the next concerned speaker.

Ms. Christine Willis stated that she lives in Anthem and has been a resident there for approximately 20 years. They live in the gated community. It blocks access to Daisy Mountain via a trail. There is one access point. If you are a member of the gated area, you can get to the mountain on its steep side. There is another access point for a trail in an area where there is parking for roughly six cars. There is better access to the mountain there, however, they did not provide parking. She stated that they are not suggesting that this development provide parking unless they wanted to. They had heard very recently, less than a week ago, of this development and what it would entail. They had heard that Jenny Lynn and possibly Circle Mountain would be gated. That would lessen the number of people who could get to the mountain. Anthem is a very dense area. It would be difficult for families to access a trail and recreate on the mountain. That would be one more part of the mountain that would be blocked. That is what her group is talking about when they say access. They are not talking about a road. As Mr. Kesselman stated, they worked with the Maricopa County Parks and Recreation. They have an application for trail easement on Daisy Mountain, about four miles. It has been sitting there languishing for six or seven years. She stated that they understand why. It is because they just want a 10-foot easement. They do not have any opposition to the project. It is just their concern regarding limited access to the mountain.

Mr. Roger Willis of Anthem, a concerned speaker stated that he has been a member and President of the Anthem Community Council in the past. He is currently the president of Friends of Daisy Mountain Trails. He and his wife are very active members. They support the idea of smart growth, but with appropriate consideration for preserving open space and reasonable access to that space, especially to Daisy Mountain which has informal trails now. Their work with the Maricopa County Parks and Recreation is intended to hopefully formalize those trails and make them very accessible to the public. They look at this as an opportunity for the City, County, the applicant, the Daisy Mountain communities, and their group at Friends of Daisy Mountain Trails to work together to provide guaranteed access to this trail system that has been envisioned for Daisy Mountain. They welcome the opportunity to meet and work with the parties that are involved, to reach a win-win-win outcome of this situation. If they agree that is a worthwhile objective and a worthwhile effort to undertake, he invited all parties to contact them through his email at roger@daisymountaintrails.com and they will enthusiastically work with any of the groups involved in this. He thanked the Commission for their time.

Ms. Eileen Baden, a resident of New River stated that she is in favor of many of the stipulations which include complying with the Dark Skies Ordinance to reduce light impacts. The noise walls will impact the scenic corridor and views of Daisy Mountain, especially from the I-17 driving north. However, her main concern today is protecting public access to Daisy Mountain. The best way to do this on site is by including a multi-use path around the perimeter that is open to the public, and to remove gates prohibiting vehicular access wherever possible. The only current access points to trails on Daisy Mountain are primarily along a one-mile-long proposed development on the west side of the

mountain. On the east side, there is approximately a half mile open to the mountain near 7th Avenue, near River Road. It is owned by the Arizona State Land Department. Those are the only two major access points to Daisy Mountain – this development and the half-mile on the east side, which is owned by State Land. It takes 15 minutes to drive from one side of the mountain to the other, so, it is not realistic. They need both access points. The remaining area of the mountain is mostly privately owned and already developed land. The Anthem Country Club blocks approximately 2.5 miles of the mountain from public access. This new development can hinder the only remaining access point to Daisy Mountain on the west side. This development can significantly limit the ability and perception that the public can access the four to five thousand acres of Daisy Mountain behind it. It is important that people do not feel like they are trespassing to access a resource that is available to the public.

Ms. Baden stated that on Tuesday she drove around the area and noticed another new development nearby with block walls which made a clear signal that the mountain cannot be accessed in this area. The description on the Phoenix Planning Commission website states that Commission members make recommendations for things such as opening, widening and other changes in streets and public ways to promote the public health, comfort, safety, convenience, utility, and welfare, all of which a perimeter path would help contribute to.

Ms. Baden requested striking the stipulation by the developer to gate Jenny Lynn Road. She only learned about that at the Rio Vista Village Planning Committee meeting, for the first time. It is currently a public road, and she would like it to remain as such. It does provide access to Daisy Mountain, especially for people who live in New River. She also requested a stipulation be added to include the addition of the perimeter path. By not including a perimeter path as a stipulation, you will be turning Daisy Mountain into a few persons' personal backyards. Instead, a pathway can help provide access for people of different and all abilities to view and access the mountain, including the people who live in this development. This area is between the City of Phoenix and Maricopa County and can either serve as a quality example of what to do or will serve to prove as another example where public access was restricted to mountains in the Phoenix region by private development. By removing the stipulation to gate Jenny Lynn Road and including a stipulation requiring the addition of a perimeter path, these would help to protect public access to Daisy Mountain and alleviate some of the issues being created by being a gated community. She stated that the Planning Commission has a responsibility to current and future generations to protect public access to Daisy Mountain.

Acting Vice-Chairman Boyd asked Ms. Baden what she was asking for regarding the perimeter trail.

Ms. Baden responded, they are asking for a multi-use path like the one that is being done on the west side, along the frontage road. She wanted to thank the developer for all the changes they have made to-date, so far. Unfortunately,

she did not hear about the two public meetings that were held, over a year ago. She lives in New River, and her concern is if she were to get a wildfire to the north, she would have to drive south. In particular, she feels that this 4,000 to 5,000-acre mountain should be accessible to the public. People should not feel blocked from accessing it.

Acting Vice-Chairman Boyd stated, as a follow up to the Jenny Lynn Road access, he agrees with her regarding no gates on that, but he also understands that part of that road is private, and we cannot stop a private road from being gated. He asked if they were both under the same understanding regarding the gate.

Ms. Baden stated that she has never seen this neighborhood agreement that is talked about. It is not included in the Staff Report, so, she does not know what is in there. She stated that good public outreach is important. The additional stipulation for blocking Jenny Lynn Road was added at the Rio Vista Planning Committee meeting. It was added into the project at that time, and she only knew about it because she was at that meeting. Otherwise, she would have had no documentation online that would have let her know that the road would be blocked. She thinks that there is a lot of misinformation given out about who maintains these roads. In the MCDOT GIS maps, there are blank sections that they are not maintained. It is a bit confusing. Ideally, people just want to see the best thing put forward for their community members, which includes access to the mountain. She encouraged Commission members to go visit the site and check out the new developments by Aurora Norte to the south of this project site. There are blocked and gated walls. Visually and physically, she feels like she can drive in there, because it was not gated. Vehicular access was improved through the Aurora Norte development, but she was, again, blocked off by home sites. She would love to work proactively with the developer to ensure that they can find a mutual way to come together and find a way to ensure that public access is maintained, and people have a way to view the mountain in a way that is ADA accessibly friendly.

Mr. Baugh responded that there is no stipulation requiring a gate on Jenny Lynn Road. He knows that some of those neighbors on Jenny Lynn Road would love a gate, but it is a County road for part of it and a private road for the other part. If one were to be created, it would be at their direction and approved by the County. He stated that they have offered to contribute funds towards improving that road, because that road has never really been fully completed. They hope to benefit them.

Mr. Baugh thought there were interesting comments tonight about Daisy Mountain. He has not heard this as such an emphasis point before tonight. He did have a chance to investigate this a little bit. Daisy Mountain trail system is entirely outside of the City of Phoenix jurisdiction. It is a system that is determined probably through some cooperation with the State Land Department and most likely the Maricopa County Parks and Recreation Department or to implement a build back. He cannot influence nor can he

control it. What he was hearing tonight is that people have been accessing their property or trespassing to go to the mountain. As a private property owner, he wanted to make it clear that they cannot give people public access across their private property, short of putting into jeopardy their potential land-use rights to adverse possession, liability rights to their insurers. For the first time, he has just heard something he was not aware of before. He offered a couple things that would happen. He does think there is a chance to collaborate on some things. When he looks at the map, there are two trailhead options. One is on Circle Mountain Road and the other one on Skunk Creek. That has been submitted to the State Land Department. There is an expectation, but he does not know why the State Land Department has not moved fast enough for the neighbors. He stated that he would be happy to work together with Mr. Roger Willis, because at one point, the applicant had considered a road going through the middle of their project, at the half-mile point, that could terminate for a future trailhead, but only if the State Land Department was willing grant it. Mr. Baugh stated that he would make that commitment to them, and was still willing to work together on that, because the two of them together might be able to influence the State Land Department differently than either one of them solo. He stated, that is beyond the jurisdiction of this panel. He thinks that they share a common goal that mutually benefits them as well as the State Land Department.

Mr. Baugh stated that they do have a multi-use trail along their frontage. They do have a trail going through the middle of their property – a north/south spine, and there is a power line trail adjacent to them. Those will help facilitate that movement to that area. At the end of the day, he stated, we are an improvement for the traffic condition along the frontage road. Until development happens, that limitation will exist. Adding a new lane going northbound, is increasing the width of that road by 33 percent, better improving access routes and circulation. When she referred to emergency moments, ADOT and MCDOT have an Incident Management Plan precisely for that. Adding a third lane allows that emergency vehicle to move quicker and more efficiently when that time is needed.

Mr. Baugh stated that public notice has met all the requirements. Signs have been posted on property, letters have been sent, including to all HOAs within a mile of the property. He cannot control what happens when the property management company of that HOA receives a letter. They hope that they share it with the residents, but as he googled Mr. Galdeck's address, he lives just about one mile away. So, he can understand why his knowledge of it might be different than the people who live immediately next door to them, with whom they have spent significant time to work together. At the end of the day, there is a land-use right here, and their proposal reduces the density that could otherwise be permitted. It creates better comprehensive planning, provides solutions for roadway networks, and more importantly roadway improvements along Circle Mountain Road that should lead to a future trailhead, if State Land will give it to them, as well as improvements along Jenny Lynn Road, because it is a County road required for it. Those things will improve a lot of what he heard

tonight, even though it might not be perfect. They do not want people to trespass on their property, but they do want to facilitate those connections where possible. So, he would commit to Mr. Willis on that. He hopes to together move the needle a bit with the State Land Department. His motive is the same as Mr. Baugh's. They mutually want to benefit from that, as well. He would take any questions.

Acting Chairman Gaynor asked if the commissioners if they had questions.

Commissioner Simon stated that she had three questions/comments regarding the homeowners. She lives up in this area and she understands very well the issues they are having regarding outreach with the development when there is so much land between them and where the development is going on. Firstly, she strongly suggested that they make sure their HOA is registered with the City. She discovered after four years that hers was not. Secondly, regarding the concern about Daisy Mountain, she stated that last year they approved the Verdin development, just south of the Sonoran Desert Parkway. They have an open perimeter allowing access. The huge concerns of the people up there was access to the trails. That piece of property is surrounded by State Land Preserve to the north and County land. What Verdin did was they went back and worked with these different groups to find access points. So, there were small pocket parks inside Verdin where people can park to hike on the trails. She does not know if that will necessarily work for them, but that is a good example of working with that access. Thirdly, she has concern with the infrastructure and the traffic they were talking about along that frontage road. She asked the applicant if there was any discussion about traffic lights along any piece of their property to help control that, especially if they are adding 1,000 homes.

Mr. Baugh responded that MCDOT controls their frontage and there is an expectation that they participate in a traffic light. He does not know if it is precisely in front of their property, but because of the volume that they add, they have a proportion requirement to install. Yes, he stated, that is in the works. It is a little further south of them, but nonetheless, they still have to participate in it.

Commissioner Simon thanked him and commented that it is just something to help, because even getting out of her neighborhood, and she lives further south, off Dove Valley Road, she has long traffic light waits.

Acting Vice-Chairman Boyd stated that he heard there is no possibility for a public right-of-way through their project. So, he understood Mr. Baugh was saying that they are going to maintain private ownership of all thoroughfares within site. He asked if the applicant was going to be ceding control of any of those streets and other thoroughfares in between the houses and the other areas to the City, for the public.

Mr. Baugh answered that within the individual phases, those will be private streets, but their intent, as they showed in their first submittal to the City was to have a public road about midpoint of their frontage go from the frontage road east to the future State land. That is still their intent and their plan. They would obviously dedicate that to the City through a plat process. It would be their obligation to do that. What that could accomplish with smart planning is potential parking along that road or the ability to connect to a future trailhead. It does require the State Land Department to grant that. They did not find a willing partner at the State Land Department the first time, but he thinks knowing that Mr. Willis has skin in the game, maybe together they can change some minds.

Acting Vice-Chairman Boyd responded, that is good, because his follow-up question was that if they are going to be dedicating some of that land to the public right-of-way that the public maintains, people could end up on that eastern edge. He asked Mr. Baugh if he is currently opposed to the idea of putting the use trail as a stipulation at this point, on the eastern side.

Mr. Baugh stated yes, he is opposed; only because he wants to make sure that that trailhead is on State land property, and he cannot have a stipulation that is outside the boundaries of their four corners.

Acting Vice-Chairman Boyd asked him if he can on his own property.

Mr. Baugh responded that he does not want to do that, because the middle portion that he has temporarily kept out, he does not know how that is going to yield until they engineer it. He does not want to put a trailhead on their property that is going to be their obligation or unknown until he has a future development. He would say that the middle part, he was referring to, they will likely need to come back to address. They left the existing C-2 zoning. So, to develop that, the Planning Commission will see them again. At that point, he thinks that they will probably have more confidence in engineering and what their public road could look like, and maybe space for a trailhead connection or collaborate with the State Land on the trailhead connection.

Acting Vice-Chairman Boyd stated that he looked forward to that. He commented that if they are coming here as this master plan option, it would be kind of nice to be able to master plan it all now, instead of hoping for future development, or staff will have to re-entitle it.

Commissioner Gorraiz noticed, when looking in the packet, that Mr. Baugh had said in a presentation that it is currently zoned for as many as 1,570 or more units and Commercial. He thought he also saw that what Mr. Baugh is looking for is 1,000 units.

Mr. Baugh explained that the way they do the math to figure out the 1,500 units is the maximum density you can build in the zoning by the acreage. For the areas in blue, they did not inflate those numbers. They are probably going to be somewhere between 1,000 to 1,100 total across the entire 114 acres.

Commissioner Gorraiz asked if a lot of that is the result of the topography. He was looking for clarification.

Mr. Baugh responded, more specifically, as they have gotten deeper into the engineering and understood the north piece to recognizing how much slope there is, the yield there is significantly less than what they started with. The other parts and phases have just been naturally reduced through the public hearing process, as they have revised plans and spoken to neighbors realizing that, at some point, they just have to make some trimming on the density to bring a good development plan forward.

Acting Chairman Gaynor asked what kind of cost they would incur to do any type of development on the slope development in the area where he is holding off currently. He asked if it is cost driven.

Mr. Baugh stated that he does not know if it is cost-driven or engineering-driven, but he was not going to pretend his way through that conversation.

Acting Chairman Gaynor stated that it could be a quick answer, he just wanted that clarification.

Mr. Hud Hassell of Bela Flor stated that the costs on slope are very prohibitive. A lot of times it is necessary to spend extra time excavating or dynamiting. There is a Slope Ordinance in the City of Phoenix and about 10 to 15 percent that cannot be built on. There is very little opportunity on the northern edge to do anything because of the cost. He stated for the record, one of the first calls they made once they purchased the property was to the State Land Department. In addition to Circle Mountain Road being extended a quarter mile in, closer to Daisy Mountain, in addition to Jenny Lynn Road being extended a quarter mile in closer to Daisy Mountain, he made sure that they had a road going right up the middle. So, they have over two miles of trails within their property. One is along the western frontage, one that goes through the middle of the property. They could add a third mile. That might be overkill for something their size, but he made sure that right through the dead center, they had an opportunity. State Land did not take it. He is still very open to it. He stated that they are still very committed to help there, as well.

Commissioner Perez stated, when the City encroaches on County land, we are having more and more problems, because they are not going to be on any of our notification lists. They are not going to be registered with the City of Phoenix as an HOA, or a Community Organization, and they are not going to get notified if they are not in the 600-foot perimeter. She feels like it happens more and more. It is becoming problematic. She asked what Planning Commission members can do when they have cases like this. She knows that the developer goes above and beyond, but it is problematic. If you are not an HOA and not registered with the City of Phoenix, you will not get notified, because there is a specific process that the City has. It is for neighborhood

organizations within a certain mile radius, within the City of Phoenix. Where she lives if she walks one block south of her property, she is in Maricopa County. A lot of people down there never know about anything, because they will not get notified either. It is becoming problematic. There was a case the previous month where the people had not heard about the case, they just happened to see the sign. She asked what can be done on those types of cases, 40 to get to this point where they are asking their representatives and applicants to do a little bit more above and beyond, even though it is not the jurisdiction of the City of Phoenix, but clearly, we are impacting people. She asked what can be done.

Ms. Escolar responded that in those situations they can recommend that the applicants do a larger outreach for those areas, so they can capture more. Generally, in those county island areas, there are larger lots, as well. They could go further beyond the 600 feet required that would be typically required.

Commissioner Perez agreed and strongly suggested doing that. As we are trying to build the City of Phoenix, more and more land from Maricopa County is getting annexed in, and it is encroaching upon people who have S-1 properties, horse properties, etc., and they feel stunned when this happens. The City of Phoenix is the largest city in the nation. Of course, it is going to continue to grow. It is shocking. She reiterated that they could do a better job, or the applicants and property owners can do a better job at trying to be good neighbors and letting them know what is happening. She thinks it is what should happen.

Commissioner Mangum asked if there is regularly scheduled meeting for that Village, as there is with other villages, and if it is through that process that this information is disseminated to the community.

Ms. Escolar stated that the Village meetings are not advertised. They have an agenda with cases and informational items they are meeting to discuss. So, it would be kind of an open-ended meeting where people can go to get additional information on other projects.

Acting Chairman Gaynor revisited the notification. He asked how they propose an expanded notification area. He asked if the Planning Commission recommends it up to Council. He wanted to know how to request this type of policy change.

Ms. Escolar responded that this policy change is something staff would have to look at internally. He asked if they could make a request at the end of this meeting.

Commissioner Perez asked if the applicant held community meetings.

Mr. Baugh responded yes. They have held several meetings, a lot more here than normal, and they went to the Village for information before they had the

hearing. There is a very active Facebook group in this area. He knows that their case was presented there because he saw it. There are only 15,000 people who are part of that Facebook group for that specific area, and he knows it was extensively discussed. He does not have access to those groups, because he is not a particular member of them, but the people that they worked with to work on that neighborhood agreement, posted it there. So, there has been a lot more discussion beyond what is the legal notice requirement. There is a project website for this project, sign postings, and their notices are larger, but the reality is sometimes they are inefficient for adjoining county properties. The only way he knows to do it better is through an online social media outlet. While he did not get to be the one to post it, their neighborhood collaborator did. It has gone out. Maybe just not everybody is part of the 15,000 subscribers.

Acting Chairman Gaynor reminded the Commission that they were making a decision tonight, either way on a map amendment in the City of Phoenix, and to change to R-2, R-3, and R3-A zoning.

At 8:50 p.m., Acting Vice-Chairman Boyd stepped away from the meeting for few minutes. Acting Chairman Gaynor paused until he returned.

Ms. Escolar provided one point of clarification. She stated, in the Staff Report for the General Plan Amendment, as it was originally requested, based on a staff request to add this in to remove infrastructure phasing overlay, later after further analysis, they found that it was not necessary. That is part of the General Plan Staff Analysis. The recommendation from staff was approval of the request, but removing that amendment related to the infrastructure phasing overlay. She just wanted to make that clear.

Acting Chairman Gaynor asked if there were any questions. There were none. Regarding the jurisdiction, he stated that as commissioners they have to be residents of the City of Phoenix proper. There is a reason because they are representing the City of Phoenix. However, at the same time, they cannot forget their outlying neighboring communities. He appreciated the discussion tonight. He thinks that Mr. Baugh and the developer are going to do great work out there, doing the best that they can, if this gets approved, to provide support to the County and the outlying area. He turned the discussion back over to the Commission for a motion or further discussion.

Commissioner Busching stated that regarding the rezoning case, she wanted to add the additional stipulation that has been consented to by the applicant.

Commissioner Busching made a MOTION to approve Z-8-22-1, per the staff memo dated June 1, 2023 with an additional stipulation that pedestrian access shall be provided to future development to the east for each phase of development.

Acting Chairman Gaynor asked Commissioner Busching to repeat her motion.

Ms. Racelle Escolar clarified the stipulation and stated that it would be best to add it to an existing stipulation that is related to trails and access to future trails. She stated, adding it as Stipulation No. 12. E. as "Pedestrian access shall be provided to future development to the east for each phase of development", would be sufficient. She asked Commissioner Busching if she agreed.

Commissioner Busching agreed.

Commissioner Mangum SECONDED.

Commissioner Gorraiz asked Ms. Escolar to repeat the verbiage regarding pedestrian access.

Ms. Escolar reiterated, "Pedestrian access shall be provided to future development to the east for each phase of development."

Acting Chairman Gaynor thanked the community for their participation and stated how important it is to have their input. He also thanked Mr. Baugh for his concession.

There being no further discussion, Acting Chairman Gaynor called for a vote and the MOTION Passed 8-0 (Howard absent).

Stipulation:

Overall Site

1. Each phase of the development shall utilize the Planned Residential Development (PRD) option.
2. A minimum building setback of 100 feet shall be provided along the west property line, except for the northern most 1,077 feet, which shall have a minimum building setback of 55 feet, as approved by the Planning and Development Department.
3. A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.
4. All perimeter setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 50% 2-inch caliper and 50% 3-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings with a staggered row of trees for every 20 feet of setback.
 - b. Drought tolerant shrubs and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

5. A minimum of 10% of the required shrubs shall be a milkweed or other native nectar species and shall be planted in groups of three or more, as approved by the Planning and Development Department.
6. All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments, that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. The primary entry/exit drives into the residential developments shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
9. The primary entry/exit drives into the residential developments shall incorporate enhanced landscaping on both sides within minimum 250-square-foot landscape areas and shall incorporate a minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
10. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks and trails, as approved by the Planning and Development Department.
11. Each phase of the development shall provide bicycle infrastructure as described below, as approved by the Planning and Development Department.
 - a. Secured bicycle parking shall be provided for units without garages at a rate of 0.25 spaces per multifamily residential dwelling unit, up to a maximum of 50 spaces.
 - b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per multifamily residential and single-family residential dwelling unit, up to a maximum of 50 spaces. Guest bicycle parking for single-family residential shall be located in open space and amenity areas. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

- c. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

12. A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be provided and updated with each phase of development to include the following elements, as approved by the Planning and Development Department.

- a. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the site adjacent to the I-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development department.
- b. A north-south pedestrian connection shall be provided to connect all phases of the development, including the area between Project II and Project III.
- c. Four pedestrian connections shall be provided from the site leading to the adjacent trails directly east or west of the site.

D. PEDESTRIAN ACCESS SHALL BE PROVIDED TO FUTURE DEVELOPMENT TO THE EAST FOR EACH PHASE OF DEVELOPMENT.

13. The indoor noise levels of residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department. A sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.

14. Noise mitigation walls shall be provided along the west perimeter of the site. The wall height shall be determined through a noise analysis prepared by a registered professional engineer. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage. Noise walls shall be constructed to

wrap around corner lots and areas near intersections. Wrap around walls, upon turning a corner, shall continue for at least 120 feet (approximately two lot widths), as approved by the Planning and Development Department.

15. Perimeter walls, noise walls, and other walls shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department.

16. Perimeter walls, including the noise wall, shall incorporate stone veneer, stonework, or integral color CMU block, as approved by the Planning and Development Department.

17. Interior walls and privacy fencing, excluding walls located between lots, shall use materials and colors that blend with the natural desert environment, as approved by the Planning and Development Department.

18. A minimum of 15% of each phase shall be retained as open space, including washes and hillside areas, as approved by the Planning and Development Department.

19. Each phase of the development shall contain a minimum of four shaded active recreation amenities, such as a tot lot, picnic areas, seating features, garden amenities, or similar amenities, as approved by the Planning and Development Department.

20. A combination of view walls/fencing and partial view walls/fencing shall be incorporated along property lines adjacent to dedicated public or private open space areas, natural and/or improved drainageways or recreational areas, as approved by the Planning and Development Department.

21. Drainage channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Planning and Development Department.

22. A minimum of 2% of the required parking spaces, including garages, shall include Electric Vehicle (EV) Installed infrastructure and 5% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.

23. Minimum 5-foot-wide detached sidewalks and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk within the development shall be constructed and planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.

- b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 24. Minimum 5-foot-wide detached sidewalks, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, or wider to meet MCDOT minimum standards shall be constructed along the south side of Jenny Lin Road, the east side of the I-17 frontage road, and the north side of Circle Mountain Road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of Transportation (MCDOT) requiring the landowner and/or property management to maintain the installed landscaping within MCDOT right-of-way to the following planting standards, as approved by MCDOT and the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 25. All right-of-way dedications and street improvements for Circle Mountain Road, the I-17 frontage road, and Jenny Lin Road shall comply with Maricopa County Department of Transportation (MCDOT) requirements, as approved by MCDOT. WHERE POSSIBLE THE COUNTY RURAL RESIDENTIAL CROSS SECTION SHALL BE UTILIZED FOR JENNY LIN ROAD.

- 26. A minimum 65-feet of right-of-way shall be dedicated, and the east half of the I-17 frontage road shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required, and approved by MCDOT.

- 27. A minimum of 30 feet of right-of-way shall be dedicated and constructed for the north side of the minor collector street along the southern boundary of Project III. The improvements shall be consistent with Minor Collector Cross Section F and include a minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk, as approved by the Planning and Development Department.

28. A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of the minor collector street along the northern boundary of Project II. The improvements shall be consistent with Minor Collector Cross Section F and include minimum 5-foot-wide detached sidewalks separated by minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, as approved by the Planning and Development Department.
29. Enhanced pedestrian connections shall be designed and constructed at all public street crossing locations to interconnect the pedestrian trails throughout the entirety of the site, as approved by the Street Transportation Department and the Planning and Development Department.
30. 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 by the Planning and Development Department and MCDOT (where applicable). All improvements shall comply with all ADA accessibility standards.
31. A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.
32. The developer shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
33. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
34. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
35. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
36. 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.
37. PRIOR TO THE CONSTRUCTION OF ANY RESIDENCES, ALL EXISTING WELLS WITHIN THE DEVELOPMENT SHALL BE CAPPED AND

ABANDONED, AS REQUIRED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR).

38. THE DEVELOPMENT SHALL PETITION THE STREET TRANSPORTATION DEPARTMENT TO ELIMINATE THE REQUIREMENT FOR STREET LIGHT INFRASTRUCTURE FOR THE DEVELOPMENT WHERE POSSIBLE IN AN EFFORT TO PROTECT DARK SKIES ~~IMPLEMENT AND ABIDE BY ALL CITY OF PHOENIX DARK SKY ORDINANCE REQUIREMENTS.~~
39. ~~EXCEPT FOR EMERGENCY ACCESS ONLY, THERE SHALL BE NO PUBLIC PARKING, CONSTRUCTION PARKING, OR PUBLIC INGRESS AND EGRESS TO JENNY LIN ROAD, UNLESS OTHERWISE APPROVED BY THE CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT.~~
40. PRIMARY CONSTRUCTION ACCESS SHALL BE FROM CIRCLE MOUNTAIN ROAD, OR THE FRONTAGE ROAD, AND ANCILLARY CONSTRUCTION ACTIVITY AND ACCESS MAY OCCUR ON JENNY LIN ROAD DURING PARTS OF PROJECT III, AS APPROVED BY THE CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT.
41. ~~THE DEVELOPER SHALL IMPROVE THE SOUTH HALF OF JENNY LIN ROAD IN ACCORDANCE WITH THE MARICOPA COUNTY RURAL RESIDENTIAL CROSS SECTION UNLESS OTHERWISE REQUIRED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION.~~
42. THE DEVELOPER SHALL PROMPTLY REPAIR ANY ROADWAY DAMAGE THAT MAY OCCUR ON JENNY LIN ROAD DURING CONSTRUCTION.
43. THE DEVELOPER SHALL INCLUDE DISCLOSURE LANGUAGE IN FUTURE LEASES REQUIRING ALL RESIDENTS OF PROJECT III TO ACKNOWLEDGE THAT A PORTION OF JENNY LIN ROAD IS PRIVATE PROPERTY, AND NO TRESPASS IS PERMITTED.
44. ~~THE DEVELOPMENT SHALL EXTEND THE CITY OF PHOENIX WATER LINE ALONG THE FRONTAGE ROAD TO THE PROJECT III DEVELOPMENT.~~

Phase 1 (R-3 Zoned Area)

37. The development shall be in general conformance with the site plan date stamped May 4, 2023, as modified by these stipulations and as approved by the Planning and Development Department.
38. The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.

- a. Spanish Colonial architectural style
- b. Windows and glass doors with muntin's and mullions
- c. Decorative lighting fixtures at building entrances/exits and by garage doors
- d. Covered front porches
- e. Window and door treatment
- f. Decorative doors
- g. Architectural embellishments including, but not limited to, corbels and terracotta gable vent tubes

~~39.~~ Phase 1 of the development shall be limited to a maximum of 288 dwelling
~~47.~~ units.
~~44.~~

Phase 2 (R-2 Zoned Area)

~~40.~~ The development shall be in general conformance with the site plan date
~~48.~~ stamped April 13, 2023, as modified by these stipulations and as approved by
~~45.~~ the Planning and Development Department.

~~41.~~ The development shall be in general conformance with the elevations date
~~49.~~ stamped August 29, 2022, with specific regard to the following elements, as
~~46.~~ modified by these stipulations and as approved by the Planning and
Development Department.

- a. Variety of architectural styles
- b. Windows and glass doors with muntin's and mullions
- c. Decorative lighting fixtures at building entrances/exits and by garage doors
- d. Covered front porches and covered rear patios
- e. Garage, window, and door treatment
- f. Decorative doors
- g. Architectural embellishments including, but not limited to, corbels, terracotta gable vent tubes, and window shutters
- h. Gable end treatment with varied materials and colors

- i. Breaking of massing and with varied materials and colors

~~42.~~ Phase 2 of the development shall be limited to a maximum of 172 lots.
~~50.~~
~~47.~~

Phase 3 (R-3A Zoned Area)

~~43.~~ Conceptual site plans and elevations for Phase 3 shall be reviewed and
~~54.~~ approved by the Planning Hearing Officer through the public hearing process
~~48.~~ for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.

- a. All building facades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies.
- b. Building and wall colors shall be muted and blend with, rather than contrast, with the surrounding desert environment. Accent colors may be appropriate but used judiciously and with restraint.
- c. An architectural theme shall convey a sense of continuity through all phases.

~~44.~~ A minimum of 10% of surface parking lot areas, exclusive of perimeter
~~52.~~ landscape setbacks, shall be landscaped. The surface parking lot areas shall
~~49.~~ be landscaped with minimum 2-inch caliper large canopy drought-tolerant shade trees and shall be dispersed throughout the parking area to achieve a minimum 25% shade at maturity, as approved by the Planning and Development Department.

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Ms. Hughes asked why EPCOR water rates are so much higher. **Mr. Prieto** responded that they are a private utility company and are governed by the corporation.

Mr. Virgil stated that water for other cities are for-profit whereas the City of Phoenix Water Services Department is not-for-profit. **Mr. Virgil** stated that Arizona is very affordable and that governments try to do as much as they can to keep it affordable. **Mr. Virgil** stated that he does not mind the proposed water rate increase compared to for-profit water. **Mr. Virgil** asked about the water allowance. **Mr. Prieto** responded that with every water bill, there is a base fee between \$5 to \$6, which comes with 10 units of water, or 7,500 gallons of water, every month. **Mr. Prieto** added that if a homeowner does not exceed that limit, they will not pay the variable rate. **Mr. Prieto** stated that homeowners can make some changes to not be impacted by the water rate increase.

Mr. Holton asked what a unit is. **Mr. Prieto** responded that one unit is roughly 750 gallons of water. **Mr. Prieto** added that one unit is 100 cubic feet of water, and that one cubic foot is 7.48 gallons of water.

Ms. Hughes stated she agrees to pay Phoenix water rates but does not agree to paying almost twice of Phoenix water rates when she lives very close by from Phoenix City limits.

Richard Zimmerman stated that most people in attendance use a water well and live in Maricopa County and that it would benefit everyone to skip past this presentation since they are in attendance for another agenda item.

5. **GPA-RV-1-22-1 (Companion Case Z-8-22-1):** Presentation, discussion and possible recommendation regarding a request to amend the General Plan Land Use Map designation on 77.93 acres located on the northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road from Residential 3.5 to 5 dwelling units per acre (32.88 acres) and Commercial (45.05 acres) to Residential 5 to 10 dwelling units per acre (28.49 acres), Residential 10 to 15 dwelling units per acre (31.07 acres), Residential 15+ dwelling units per acre (18.37 acres), and removal of the Infrastructure Phasing Overlay (77.93 acres) to allow single-family and multifamily residential, and an update to the infrastructure limit line.

Cases GPA-RV-1-22-1 and Z-8-22-1 are companion cases and were heard together.

Eight members of the public registered to speak on this item, in opposition.

6. **Z-8-22-1 (Companion Case GPA-RV-1-22-1):** Presentation, discussion and possible recommendation regarding a request to rezone 79.29 acres located on the northeast corner of I-17 and Circle Mountain Road and the southeast corner of I-17 and Jenny Lin Road from C-2 (Intermediate Commercial) (44.29 acres),

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C-3 (General Commercial) (11.96 acres), S-1 (Ranch or Farm Residence) (9.06 acres), County RU-43 (One Acre Per Dwelling Unit) (8.03 acres), and Pending S-1 (Ranch or Farm Residence) (5.95 acres) to R-2 (Multifamily Residence District) (29.14 acres), R-3 (Multifamily Residence District) (31.78 acres), and R-3A (Multifamily Residence District) (18.37 acres) to allow single-family and multifamily residential.

Cases GPA-RV-1-22-1 and Z-8-22-1 are companion cases and were heard together.

Eight members of the public registered to speak on this item, in opposition.

Staff Presentation:

Adrian Zambrano, staff, provided an overview of the Minor General Plan Amendment request including the location of the request and surrounding General Plan Land Use Map designations. Mr. Zambrano provided background on the Infrastructure Limit Line and Infrastructure Phasing Overlay from the North Black Canyon Corridor Plan, noting that the Rio Vista Village was annexed into the City of Phoenix in 2002, after the policies from the North Black Canyon Corridor Plan were adopted in 1999, and that there is a gap in planning efforts. Mr. Zambrano concluded that due to this gap in planning efforts, there is no policy indicating that the Infrastructure Phasing Overlay is to be expanded into any new annexed property. Mr. Zambrano shared the staff findings and stated that staff recommends approval as amended to remove the request for modifications to the Infrastructure Phasing Overlay. Mr. Zambrano then provided an overview of the companion rezoning request including the location of the request, surrounding zoning and land uses, and the General Plan Land Use Map designations. Mr. Zambrano displayed the site plan and elevations for the proposed project and shared that the proposal has received two letters of opposition, three letters with concerns, and a petition of opposition with 214 signatures to date and summarized the concerns. Mr. Zambrano shared the staff findings and stated that staff recommends approval subject to stipulations.

Applicant Presentation:

Adam Baugh, representative with Withey Morris Baugh, PLC, introduced himself and provided an overview of the request. Mr. Baugh shared the background of the developer, Bela Flor Communities. Mr. Baugh stated that when the property was first annexed into the City of Phoenix in 2007, the original plan was to build more commercial opportunities. Mr. Baugh shared that there was a development agreement formed to allow commercial development with septic systems, which would normally not be allowed today, and as City management changed, there was no longer a willingness to allow commercial development on septic systems. Mr. Baugh stated that infrastructure has been the property's biggest obstacle. Mr. Baugh shared that the current zoning would allow 1,579 homes, a retail shopping center, or a combination of the two. Mr. Baugh stated that the property owners

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had a hope that a future off-ramp would be built somewhere between Anthem Way to New River Road, which never occurred. Mr. Baugh stated that at one point there was a plan that the nearest utility provider, EPCOR, would serve the property and be reimbursed by the City of Phoenix, which has since been cancelled. Mr. Baugh stated that residential can be located on the property but comes with an expensive cost of \$13 million for utility line extensions, noting that it is very expensive because of needing to go under the freeway three times for a looped water system, as required by the City. Mr. Baugh added that the Taiwan Semiconductor Manufacturing Company (TSMC) development has added hope to the property that did not exist before, noting that it adds a major employer in the area that would support residential development. Mr. Baugh shared that the rezoning request allows the property to be master planned rather than coming in piece by piece under the existing zoning entitlements. Mr. Baugh displayed the previously proposed site plan and shared changes made since it was last presented, noting that there is not a development plan for Phase 3 yet due to topographical limitations, and that they are stipulated to come back to the Rio Vista Village Planning Committee for the future site plan and elevations of Phase 3. Mr. Baugh added that the Rio Vista Village Design Guidelines were also implemented into the design. Mr. Baugh stated that the traffic generated from the proposed residential development would be three times fewer daily trips than the daily trips that would be generated with the current zoning entitlements, noting that traffic from the proposed development would be going the opposite direction along the I-17 frontage road than queuing from the school to the north. Mr. Baugh noted that the I-17 frontage road is being widened from two lanes to three lanes, which will help traffic congestion coming from the I-17 onto the frontage road. Mr. Baugh shared their neighborhood agreement and proposed additional stipulations.

Questions from the Committee:

Mr. Sommacampagna asked why Phase 3 is recommended to go through the Planning Hearing Officer (PHO) public hearing process instead of through the rezoning process. **Mr. Baugh** responded that the PHO process is the process that it would be heard by the Village Planning Committee.

Mr. Scharboneau asked why the request to be removed from the Infrastructure Phasing Overlay is recommended to be removed. **Mr. Zambrano** responded that after further review, staff determined removal of the Infrastructure Phasing Overlay was not required since the subject site is not located within the Infrastructure Phasing Overlay.

Mr. Scharboneau asked why the requested General Plan Land Use Map designations are higher density when the existing General Plan Land Use Map designations contemplated Commercial and Residential 3.5 to 5 dwelling units per acre, which seems to be more compatible with the surrounding area. **Mr. Baugh** responded that the General Plan is a policy document and zoning is regulatory. Mr. Baugh explained that the existing zoning is commercial, which

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allows multifamily residential development by-right. Mr. Baugh stated that the existing General Plan Land Use Map designations do not reflect what the current zoning is. Mr. Baugh stated that their request is mirroring uses and intensity that is already allowed with the existing zoning, which allows a density up to 15 dwelling units per acre. **Mr. Scharboneau** asked if the applicant agreed that the intent was for the commercial zoning to match with the General Plan Land Use Map designation for the intent of commercial uses and where designated as residential on the General Plan Land Use Map designation, that residential uses would be located in those areas with a density range of 3.5 to 5 dwelling units per acre. **Mr. Baugh** responded that he does not agree, adding that he has seen a lot of inconsistencies throughout the City of Phoenix General Plan Land Use Map and has been asked before to amend the General Plan Land Use Map to reflect the existing zoning.

Mr. Virgil asked about where traffic would go, adding that the proposal is for a lot of density that would create a lot of traffic. **Mr. Baugh** responded that traffic from commercial development on the property would either have to go north or south along the I-17 frontage road, similar to the proposed residential development. Mr. Baugh added that the density would be significantly less than what the property is currently entitled to, and that denial of their request would not change the fact that more than 1,500 units could be built using the existing zoning entitlements. Mr. Baugh stated that with the number of recommended stipulations, it would be a very regulated project that would result in a better product than it would under the existing entitlements. **Mr. Virgil** asked if the property was purchased already. **Mr. Baugh** responded affirmatively.

Mr. Riederer asked about notification to nearby residents and citizen participation. **Mr. Baugh** responded that they followed City of Phoenix notification and sign posting requirements, and that they were working with a neighbor to the north that has helped communicate everything to other neighbors. **Mr. Riederer** asked about the outcome of citizen participation. **Mr. Baugh** responded that the concerns were mostly addressed through the additional stipulations proposed in the neighborhood agreement. Mr. Baugh reiterated that the proposal is about 400 units less than what is allowed to be built under the existing zoning.

Mr. Sommacampagna stated that he appreciates that the applicant took the time to look through and implement the Rio Vista Village Design Guidelines. Mr. Sommacampagna stated that in the residential standards, it recommends different materials and finishes, avoiding a box look, and having desert tone colors. Mr. Sommacampagna stated that he does not believe white Santa Barbara style architecture goes well with the desert tone theme. Mr. Sommacampagna stated that he does like the building elevations for Phase 2.

Mr. Baugh responded that it would not be a problem for them to adjust the colors or materials.

Mr. Scharboneau asked about the Red Border Letter process. **Dawn Cartier**, Principal Traffic Engineer with CivTech Inc., responded that the Red Border

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Letter is a standard process that the Arizona Department of Transportation (ADOT) put in place years ago. Ms. Cartier stated that anytime a project is within a half mile of an ADOT facility, a Red Border Letter has to be submitted that tells ADOT what the project is about, and ADOT reviews it and comments on what they want to see. Ms. Cartier clarified that they have already sent ADOT the Traffic Impact Analysis (TIA). **Mr. Scharboneau** asked what ADOT wants to see. **Ms. Cartier** responded that the TIA is the most ADOT would ever want to see, and sometimes they just want to see the traffic at an interchange so ADOT can make adjustments or work with the City so that stipulations can be added related to necessary improvements.

Chair Lawrence asked if there were any traffic studies at the intersection of the I-17 and Anthem Way or at the intersection of the I-17 and New River Road. Ms. Cartier responded that they did evaluate both intersections in the traffic study and have been working with the City to address comments on the traffic study.

Mr. Virgil asked about the size of the build-to-rent units and how much the monthly rent would be. **Hudd Hassell**, representative with Bela Flor Communities, responded that they would be around 900 to 1700 square feet in size. Mr. Hassell stated that the monthly rent would be at the market rate and would depend on the market at the time.

Mr. Virgil asked about the water line location. **Mr. Baugh** responded that it is located on the west side of the I-17 freeway, three miles to the south through the other neighborhoods. Mr. Baugh stated that they would have to take out their water lines, expand them, put in new water lines, and then bring them up to the north on the west side of the freeway, and then cross under the freeway to reach the subject property.

Mr. Virgil stated that the water line that they would be adjusting is pretty new. **Mr. Baugh** stated that it is undersized because a loop system with a certain pressure capacity for fire safety is required. **Mr. Virgil** stated that something similar had to occur for a project on Pioneer Road and asked if they could connect to the water line there. **Mr. Hassell** stated that their looping system would start at Circle Mountain Road and would go to the north so they could have that looping system.

Mr. Sommacampagna asked if anyone could tap into the extended water and wastewater infrastructure. **Mr. Hassell** responded that the City requires that the infrastructure be provided all along the east side of the I-17. **Mr. Baugh** stated that it would be a good opportunity for the residents currently in the County jurisdiction to be annexed into the City of Phoenix jurisdiction and receive City water and sewer services and that they would have that opportunity in the future. **Mr. Hassell** added that one of the proposed additional stipulations is to cap their wells, so they do not use any water in the area and do not draw down the water table.

Mr. Holton recommended the residential development be a senior living community.

Public Comments and Applicant Response to Public Comments:

Josh Weidman asked if Phase 3 would be higher density. **Mr. Baugh** responded affirmatively.

Ms. Brown introduced herself as a neighbor opposed to the project. Ms. Brown asked where the Traffic Impact Analysis is located for public viewing and if it was done after the school was built. Ms. Brown stated she has many pictures to show the traffic congestion. Ms. Brown stated that they only have one way to access their homes and have no back road access. Ms. Brown stated that the proposal would cause safety issues and mass traffic congestion. Ms. Brown stated that traffic on the I-17 frontage road is backed up very often. Ms. Brown stated that the existing zoning from 2007 is not updated and does not reflect current traffic flow. Ms. Brown was concerned about the density. Ms. Brown stated there is no room for expansion of the I-17 frontage road. Ms. Brown stated that there are many acres of land to build on near the TSMC project, and suggested the developer build the proposed development closer to TSMC. Ms. Brown stated that a new on- and off-ramp to the freeway between Anthem Way and New River Road would solve the traffic congestion issue.

Ms. Hughes introduced herself as a neighbor from Arroyo Norte in opposition. Ms. Hughes echoed Ms. Brown. Ms. Hughes asked what the master plan is for the traffic. Ms. Hughes stated that there was a transformer that caught on fire two years ago that enflamed the whole desert by Ms. Brown's house and a horse property. Ms. Hughes stated that there is no fire hydrant around the recreational vehicle dealership and that there are no fire walls around the dealership to keep fire from going into the desert. Ms. Hughes asked what the master plan for fire is.

John Dixon introduced himself as a neighbor of 22 years to the north on an abandoned powerline road near the surface mine, in opposition. Mr. Dixon echoed Ms. Brown. Mr. Dixon stated that there were times when he could not get home for over an hour because of the traffic congestion on the freeway and on the frontage road. Mr. Dixon asked what was going to be done with the frontage road north of the subject site. Mr. Dixon stated that the City, County and State do not want anything to do with the frontage road to the north. Mr. Dixon stated that the road never gets patrolled or monitored. Mr. Dixon stated that there are many cars that speed down the road, bicyclists using the frontage road from Anthem Way to New River Road that hold up traffic, and cars that cross the double yellow line in a no passing zone with oncoming traffic. Mr. Dixon stated that the deputy police officer of the district had told him that they do not have the resources to monitor the road. Mr. Dixon stated that only portions of the frontage road are within City of Phoenix jurisdiction. Mr. Dixon stated that nothing will be done about the frontage road until there is a fatality.

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Mr. Scharboneau asked if the City of Phoenix has the jurisdiction to do anything with the frontage road. **Mr. Baugh** responded that the frontage roads are governed by the Maricopa County Department of Transportation (MCDOT). **Mr. Baugh** stated that based on their traffic study, they will have an obligation to widen the frontage road. **Mr. Baugh** stated that the traffic congestion is occurring because property adjacent to the frontage road has not developed so the infrastructure has not been put in yet. **Mr. Baugh** stated that the frontage road will be widened as part of the project.

Mr. Virgil asked what the size of the water line is. **Mr. Hassell** responded that the anticipated size is a 12-inch line, which could be as high as a 16-inch line from the tanks to get the right pressure to serve.

Eileen Baden introduced herself as a neighbor from New River with concerns. **Ms. Baden** stated that she has a master's degree in urban and environmental planning. **Ms. Baden** requested the project be delayed to the next meeting so more information can be shared. **Ms. Baden** stated that it has been hard for her to get information on the project. **Ms. Baden** stated that the frontage road is a regional transportation connection between New River and Anthem. **Ms. Baden** stated that the frontage road was too narrow and too dangerous for bicyclists. **Ms. Baden** shared that she had requested perimeter paths to be included in the project for enhanced connectivity and safe pathways. **Ms. Baden** believed that rural communities deserve active transportation options as well. **Ms. Baden** stated that biking is the first top activity for kids nationwide and the third top activity for adults after walking and hiking. **Ms. Baden** stated that good infrastructure for biking needs to be provided since it is one of the top outdoor activities in the nation. **Ms. Baden** stated that 34% of Maricopa County is obese or overweight according to the Maricopa Association of Governments (MAG) Active Transportation Plan, emphasizing the need to create safe outdoor activity opportunities in communities. **Ms. Baden** stated that she would like to use Jenny Lin Road to access hiking trails to Daisy Mountain and requested it not be gated. **Ms. Baden** was concerned with the noise walls because of the area being located in a scenic corridor. **Ms. Baden** emphasized important pathway connections due to potential development to the east. **Ms. Baden** echoed concerns with the I-17 frontage road. **Ms. Baden** was concerned with wildfires from the north coming south and fire evacuation plans. **Ms. Baden** emphasized that this is a regional connection and requested more public outreach be done by the applicant and to include the New River community. **Ms. Baden** commented that dark skies need to be protected, noting that she heard that the Desert Hills community lost their dark skies when Anthem was built. **Ms. Baden** stated that the area is in a scenic corridor according to the Maricopa County Daisy Mountain/New River Area Plan, emphasizing protection of scenic views. **Ms. Baden** stated that a trailhead parking area is needed for Daisy Mountain. **Ms. Baden** was concerned with the transition of density and suggested density be lower to the north and higher to the south. **Ms. Baden** suggested more community outreach be done.

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Brandon Hill introduced himself as a neighbor in opposition. Mr. Hill stated that the proposal would bring new traffic to the area and traffic from commercial development would mostly be from people already living in the area. Mr. Hill stated that frontage road is already overpopulated, and that New River Road is faster to get to Carefree Highway than the I-17. Mr. Hill commented that there are many other residential developments in the area that are already being built and stated that those developments are not being accounted for. Mr. Hill stated that the I-17 and the Loop 101 freeways are a huge traffic jam all the time. Mr. Hill stated each proposed dwelling unit will have at least two cars because they are necessary to get to places, emphasizing the added traffic.

Angela Faber asked which fire department would serve the proposed development. **Mr. Hassell** responded that it would be served by the City of Phoenix since the property was annexed into the City. **Ms. Faber** asked where the nearest City of Phoenix fire station is located. **Mr. Baugh** responded that there is an agreement between all fire departments that whoever is closer will respond to the fire or medical emergency, noting that it works that way across all jurisdictions. Mr. Baugh stated that they will have to pay impact fees for water, sewer, as well as for public safety, for every one of their dwelling units, clarifying that those impact fees go towards the expansion and build out of new police and fire stations. **Ms. Faber** asked where the closest fire station is. **Mr. Baugh** responded that it would be built out per the impact fees. **Ms. Faber** asked where and when it would be built out. **Mr. Hassell** responded it would be built out whenever the City of Phoenix decides to build it. **Ms. Faber** responded that it has been said that a new fire station would be built out since the other side of Anthem has been built on the other side of the freeway. Ms. Faber stated that the proposed development will be utilizing the Daisy Mountain Fire Department. Ms. Faber asked if impact fees would be paid to the Daisy Mountain Fire Department. **Mr. Baugh** responded that they pay impact fees to the City of Phoenix, not Daisy Mountain Fire Department, and the City of Phoenix determines how and when they want to spend the impact fees, where the facilities should be located, and how the facilities would benefit their residents and the surrounding area that could be outside of the City of Phoenix jurisdiction. Mr. Baugh clarified that the agreement between the fire departments is beyond the scope of the Village Planning Committee. **Ms. Faber** responded that a new fire station still has not been built after approval of many different projects. Ms. Faber stated that the fire department does not currently have funds to build a new fire station. **Mr. Baugh** responded that they would have a requirement to install fire infrastructure all throughout the area, such as fire hydrants and testing pressure. Mr. Baugh stated that fire departments will be able to tap into those fire hydrants on their property boundary to fight a nearby fire.

An unknown audience member stated concerns with fire evacuation. **Mr. Baugh** responded that the existing road is not what it will look like when the project is built.

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Ms. Cartier stated that ADOT has an evacuation plan and that they must have one for the area. Ms. Cartier stated that when the road is widened, it will have a bike lane and an extra 12 feet of pavement heading to the north or to the south. Ms. Cartier stated that ADOT, under their emergency management plan, can bring in police officers and can take all the vehicles out of a single direction.

Mr. Baugh stated that in addition to the widening of the frontage road and bike lane, there will be a 10-foot-wide multi-use trail along the west side of the property within a 30-foot-wide multi-use trail easement. Mr. Baugh stated that the project is providing the very infrastructure that is lacking.

Cyndi Tendick echoed Ms. Faber.

Chair Lawrence asked how many units are permitted with the existing zoning. **Mr. Baugh** responded 1,579 units. **Chair Lawrence** asked how many units are being proposed. **Mr. Baugh** responded around 1,000 units.

Discussion:

Mr. Sommacampagna stated that he thinks this is one of the best options they have given the by-right zoning. Mr. Sommacampagna stated that seeing a project with over 44 stipulations and a neighborhood agreement that is signed is a good sign and that he does not often see developers going above and beyond.

Mr. Scharboneau stated that the Committee makes recommendations to the Planning Commission and that staff has recommended approval. Mr. Scharboneau suggested that everyone that showed up to the meeting should show up to the Planning Commission meeting. Mr. Scharboneau stated that concerns about widening the frontage road should be aimed at MCDOT.

Mr. Virgil stated that developers are usually the ones that put in all the infrastructure for new development.

Mr. Riederer stated that he feels for the residents and understands their concerns with traffic. Mr. Riederer stated that the concerns need to be taken to the next level to the other public hearings.

MOTION – GPA-RV-1-22-1:

Mr. Scharboneau motioned to recommend denial of GPA-RV-1-22-1. **Mr. Virgil** seconded the motion.

VOTE – GPA-RV-1-22-1:

2-4; motion to recommend denial of GPA-RV-1-22-1 fails with Committee members Scharboneau and Virgil in favor and Committee members Holton, Riederer, Sommacampagna and Lawrence opposed.

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MOTION – GPA-RV-1-22-1:

Mr. Holton motioned to recommend approval of GPA-RV-1-22-1 per the staff recommendation. **Mr. Sommacampagna** second the motion.

VOTE – GPA-RV-1-22-1:

4-2; motion to recommend approval of GPA-RV-1-22-1 per the staff recommendation passes with Committee members Holton, Riederer, Sommacampagna and Lawrence in favor and Committee members Scharboneau and Virgil opposed.

MOTION – Z-8-22-1:

Mr. Holton motioned to recommend denial of Z-8-22-1. Motion fails due to no second of the motion.

MOTION – Z-8-22-1:

Mr. Sommacampagna motioned to recommend approval of Z-8-22-1 per the staff recommendation, with additional stipulations per the neighborhood agreement. **Mr. Riederer** seconded the motion.

VOTE – Z-8-22-1:

5-1; motion to recommend approval of Z-8-22-1 per the staff recommendation, with additional stipulations, passes with Committee members Riederer, Scharboneau, Sommacampagna, Virgil and Lawrence in favor and Committee member Holton opposed.

7. **Z-TA-2-23-Y:** Presentation, discussion and possible recommendation regarding a request to amend the Phoenix Zoning Ordinance, Chapter 2, Section 202 (Definitions) to add definitions for offsite manufactured home and offsite manufactured home development; amend Chapter 6, Section 608.F. (Residence Districts) to add offsite manufactured home developments as a permitted use subject to a use permit; and amend Chapter 6, Section 647.A.2.k. (Special Permit Uses) to delete mobile home developments.

MOTION:

Mr. Riederer motioned to continue Z-TA-2-23-Y to the next Rio Vista Village Planning Committee meeting date. **Mr. Sommacampagna** seconded the motion.

VOTE:

6-0; motion to continue Z-TA-2-23-Y to the next Rio Vista Village Planning Committee meeting date passes with Committee members Holton, Riederer, Scharboneau, Sommacampagna, Virgil and Lawrence in favor.

8. **Z-TA-3-23-Y:** Presentation, discussion and possible recommendation regarding a request to amend Chapter 9, Section 902 (Expansion of Nonconforming Use) of the Phoenix Zoning Ordinance to allow existing mobile home developments to increase the number of units by 50% with administrative review and approval of the Zoning Administrator.

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MOTION:

Mr. Riederer motioned to continue Z-TA-3-23-Y to the next Rio Vista Village Planning Committee meeting date. **Mr. Sommacampagna** seconded the motion.

VOTE:

6-0; motion to continue Z-TA-3-23-Y to the next Rio Vista Village Planning Committee meeting date passes with Committee members Holton, Riederer, Scharboneau, Sommacampagna, Virgil and Lawrence in favor.

9. Public comments concerning items not on the agenda.

None.

10. Staff update on cases recently reviewed by the Committee.

None.

11. Committee member announcements, requests for information, follow up, or future agenda items.

None.

12. Adjournment.

The Rio Vista Village Planning Committee meeting adjourned at 8:35 p.m.