

## ATTACHMENT B

### REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Chase Hales, Planner I, Assisting

May 17, 2023

ITEM NO: 1	
	DISTRICT 1
SUBJECT:	
Application #:	PHO-2-23--Z-129-07-1
Zoning:	CP/GCP DVAO
Location:	Approximately 1,825 feet east of 19th Avenue and the Alameda Road alignment
Acreage:	20.41
Request:	1) Request to modify Stipulation 1 regarding general conformance with the site plan date stamped October 22, 2021.
Applicant:	Opus Development Company, LLC
Owner:	Deer Valley Industrial Venture LLC
Representative:	Jason Morris, Withey Morris Baugh PLC

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended a continuance to the June 21, 2023 hearing.

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee chose not to review the application.

#### **DISCUSSION:**

Hannah Bleam, representative with Withey Morris Baugh PLC, requested a continuance to the June 21, 2023 PHO hearing. The applicant stated that they were in the process of completing a technical appeal through relevant City Departments. The applicant stated that they would like to finish the technical appeal before being heard by the Planning Hearing Officer

Byron Easton, Planning Hearing Officer, stated that the case would be continued to the June 21, 2023 PHO Hearing.

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REPORT OF PLANNING HEARING OFFICER ACTION  
Byron Easton, Planner III, Hearing Officer  
Chase Hales, Planner I, Assisting

May 17, 2023

ITEM NO: 2	
	DISTRICT 1
SUBJECT:	
Application #:	PHO-2-23--Z-18-10-1
Location:	Southeast corner of 13th Avenue and Parkview Lane alignments
Zoning:	CP/GCP DVAO
Acreage:	5.17
Request:	1) Request to modify Stipulation 1 regarding general conformance with the site plan and elevations date stamped October 22, 2021. 2) Request to modify Stipulation 3 regarding right-of-way improvements.
Applicant:	Opus Development Company, LLC
Owner:	Deer Valley Industrial Venture LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC

**ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended a continuance to the June 21, 2023 hearing.

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee chose not to review the application.

**DISCUSSION:**

Hannah Bleam, representative with Withey Morris Baugh PLC, requested a continuance to the June 21, 2023 PHO Hearing. The applicant stated that they were in the process of completing a technical appeal through relevant City Departments. The applicant stated that they would like to finish the technical appeal before being heard by the Planning Hearing Officer.

Byron Easton, Planning Hearing Officer, stated that the case would be continued to the June 21, 2023 PHO Hearing.

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REPORT OF PLANNING HEARING OFFICER ACTION  
Byron Easton, Planner III, Hearing Officer  
Chase Hales, Planner I, Assisting

May 17, 2023

ITEM NO: 3	
	DISTRICT 4
SUBJECT:	
Application #:	PHO-1-23--Z-27-15-4
Location:	Northeast corner of Central Avenue and Pierson Street
Zoning:	PUD
Acreage:	2.10
Request:	1) Modification of Stipulation 2 regarding a \$25,000 deposit into a Street Transportation Department escrow account. 2) Deletion of Stipulation 4 regarding a temporary path along 1st Street. 3) Modification of Stipulation 5 regarding conditional approval upon development commencing within seven (7) years.
Applicant:	Central Avenue Owner LLC
Owner:	Central Avenue Owner LLC
Representative:	Manjula M. Vaz, Gammage & Burnham PLC

**ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended a continuance to the August 16, 2023 hearing.

Village Planning Committee (VPC) Recommendation: The Alhambra Village Planning Committee heard this request on April 25, 2023 and recommended approval with a modification and an additional stipulation by a vote of 11-0.

**DISCUSSION:**

Robert Lane, representative with Gammage and Burnham PLC, stated that they received communication from Council District 4 staff regarding public concerns from neighbors in the vicinity of the proposed project. Mr. Lane requested a continuance to the August 16, 2023 PHO Hearing to allow for more time to address the concerns.

Byron Easton, Planning Hearing Officer, stated that the case would be continued to the August 16, 2023 PHO Hearing.

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REPORT OF PLANNING HEARING OFFICER ACTION  
Byron Easton, Planner III, Hearing Officer  
Chase Hales, Planner I, Assisting

May 17, 2023

ITEM NO: 4	
	DISTRICT 6
SUBJECT:	
Application #:	PHO-1-23--Z-9-20-6
Location:	Southwest corner of 16th Street and Colter Street
Zoning:	C-O, PUD
Acreage:	3.48
Request:	1) Request to review and approve proposed modifications to a conceptual site plan (building footprint and south building setback) that do not meet the criteria for administrative review per Section 671.E.3.b.
Applicant:	Trinsic Residential Group
Owner:	Willowick Square Owner, LLC
Representative:	Benjamin Tate, Withey Morris Baugh PLC

**ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee chose not to hear this case.

**DISCUSSION:**

Ben Tate, representative with Withey Morris Baugh PLC, gave an overview of the site, its history, and the proposed project. He provided an overview of the proposed use and stated the purpose of the request was to remove the redundant drive aisle and to expand the building footprint, effectively reducing the existing building setbacks. He stated that the proposal would reduce the overall height of the project from 5 stories to 4 stories and would increase the courtyard open space within the development. He explained that Planned Unit Developments (PUD) are allowed to be amended administratively after creation except when certain thresholds are passed. He stated that proposed changes to the building setback and building footprint were both large enough to trigger the requirement for the proposed amendments to be publicly heard at the Planning Hearing Officer hearing. He presented the current building footprint and the proposed building footprint showing the expansion of the building footprint and the increased interior courtyard space.

Byron Easton, Planning Hearing Officer, stated that the PUD narrative included uses such as ground-floor retail and other commercial uses and asked how that would be addressed by the proposal. Mr. Tate stated that the applicant previously met with staff and it was determined that the table of uses did not require mixed uses, but rather permitted as primary uses all the permitted uses listed. Mr. Easton asked if pedestrian-oriented features such as stoops were to be included. Mr. Tate said yes. Mr. Easton stated that the proposal was not making any dramatic changes that would be altering the intent of the design of the building. The residential units would still face outwards and have a walk-up design. He stated that the proposal is consistent with the scale and intensity of the original approved plans for the PUD. He stated that he would recommend approval of the proposal with a modification to Stipulation 1 to require the applicant to create an updated PUD narrative and deleting the current text of Stipulation 1.a to replace with new language requiring the site plan to be updated.

Mr. Easton stated that the Street Transportation Department recommended an additional stipulation requiring a 10-foot sidewalk easement along 16th Street. Mr. Tate asked if the stipulation could be changed to allow the Planning and Development Department to modify the requirement if necessary. Mr. Easton stated that he would modify the stipulation as suggested. Mr. Easton noted that a recorded Proposition 207 Waiver had not been received and recommended an additional stipulation requiring it before preliminary site plan approval.

### **FINDINGS:**

- 1) The applicant's request is to modify the conceptual site plan in the Willowick PUD Development Narrative. Section 671.E.3.b of the Zoning Ordinance states that the Planning Hearing Officer may approve modifications to conceptual site plans that do not meet the criteria for Planning and Development Department administrative review. Section 671.E.3.a establishes the criteria for administrative review, which includes Section 671.E.3.a.(6) regarding modifications that result in an "an increase in building footprint less than five percent." Because the applicant's proposed conceptual site plan represents a greater than five percent increase above that shown on the conceptual site plan in the Development Narrative, Planning Hearing Officer approval of the request is required.
- 2) The Willowick PUD was approved by the Phoenix City Council on March 3, 2021. The PUD established development standards, design guidelines, permitted land uses, and other related standards associated with the proposed development of a mixed-use project consisting primarily of multifamily residential uses with some ground floor commercial land uses. The conceptual site and landscape plans in the approved Development



- Narrative depicted a 237-unit multi-level, mixed-use complex and 4,600 square feet of commercial space fronting 16th Street. The proposed building consisted of approximately 180,000 square feet of mixed use, including residential, clubhouse and retail. The building constituted approximately 61.35% lot coverage based on the net site area of approximately 3.45 acres. The development standard for maximum lot coverage in the approved Development Narrative is a maximum 75% net lot area.
- 3) The proposed conceptual site plan depicts a perimeter orientated building located around the outer boundaries of the site. This courtyard style building has garage parking interior to the site. The square footage of the proposed building is 201,873 square feet and the Development Narrative notes that the use will now be entirely multifamily residential. The site plan is consistent with the existing development standards in the Development Narrative and does not necessitate a major amendment per Section 671.E.1 of the Zoning Ordinance. The proposed conceptual site plan is consistent in scale and intensity with the original approved plans.
  - 4) Approval of the proposed modification to the conceptual site plan is recommended. Consistent with this recommendation, modification of Stipulation 1 is recommended to require the applicant to submit an updated Development Narrative which replaces the conceptual site plan. This recommendation also includes the deletion of existing Stipulation 1.a. This stipulation is unnecessary. Through the requirements of Stipulation 1, a new development narrative will be submitted and the new submittal date will be included.
  - 5) The Street Transportation Department recommends an additional stipulation requiring a 10-foot sidewalk easement on 16th Street. The Street Classification map designates 16th Street with the "Arterial D" classification requiring a 50-foot half-street. The revised conceptual site plan should conform to the General Plan Street Classification Map. The stipulation is recommended to be included. The stipulation was modified to read, "as approved or modified by the Planning and Development Department due to the fact that the applicant was unaware of the added stipulation and was unclear if the easement could include the landscape setback.
  - 6) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

**STIPULATIONS:**

1.	An updated Development Narrative for the Willowick PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped <del>December 21, 2020</del> JUNE 9, 2022, as modified by the following stipulations:
a.	<del>Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft: December 21, 2020; City Council adopted: [Add adoption date].</del>  EXHIBIT 4: REMOVE EXISTING CONCEPTUAL SITE PLAN AND REPLACE WITH THE SITE PLAN DATE STAMPED MARCH 30, 2023.
2.	The developer shall retain the right-of-way and bus stop pad on southbound 16th Street south of Colter Street. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of 16th Street and Colter Street as per City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.
3.	A MINIMUM 10-FOOT WIDE SIDEWALK EASEMENT SHALL BE DEDICATED ALONG THE WEST SIDE OF 16TH STREET, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. 3.	The developer shall utilize the existing driveway along 16th Street on Parcel No. APN 162-12-001X to access the site. The developer shall record a cross access easement between Parcel Nos. 162-12-001X and 162-12-009, to allow for ingress from the existing driveway south of the site. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.
5. 4.	The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.
6.	The developer shall construct all streets within and adjacent to the

5.	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. All improvements shall comply with all ADA accessibility standards.
7. 6.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
8. 7.	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.
9.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

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REPORT OF PLANNING HEARING OFFICER ACTION  
Byron Easton, Planner III, Hearing Officer  
Chase Hales, Planner I, Assisting

May 17, 2023

ITEM NO: 5	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-3-23--Z-182-87-8 (Continued from April 19, 2023)
Location:	Southeast corner of Central Avenue and Olympic Drive
Zoning:	C-2 BAOD
Acreage:	3.82
Request:	<ol style="list-style-type: none"><li>1) Modification to Stipulation 2 regarding general conformance to site plan dated July 27, 1993 (PHO-1-93).</li><li>2) Modification to Stipulation 2 regarding general conformance to site plan date stamped October 25, 2006 and Landscape Plan approved on December 27, 2006 (PHO-2-06).</li><li>3) Technical corrections to Stipulations 1, 5, 8, 10, 11, 13 (PHO-1-93 and PHO-2-06).</li></ol>
Applicant:	Andrew Biskind, TBBG Acquisitions LLC
Owner:	BENT Design and Development LLC, et al.
Representative:	Benjamin Tate, Withey Morris PLC

**ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee was scheduled to hear this case on May 9, 2023 but did not have a quorum.

**DISCUSSION:**

Ben Tate, representative with Withey Morris Baugh PLC, gave an overview of the site and its zoning history. He stated that the property was part of a larger project that was originally planned to be a hospital but developed as other uses over time. He stated that the subject property has remained vacant throughout its history and that the proposal would make it financially viable to develop the site. He stated that the proposal was at the rate, scale, and intensity of change that is envisioned for the area in the South-Central TOD Plan. He stated that the requested changes focused on the relevant, previously approved PHO cases and

the amendment of language to enable the change to the previously approved site plan and landscape plan in the PUD narrative.

Tamala Daniels, community member, stated that in the past, members of the South Mountain Village Planning Committee and other community members vocalized the need for a medical center such as an urgent care or hospital on the site. She referred to a prior situation where the fire department rescued some people from South Mountain Park but had no medical facilities in the area to take them to. She also stated concern about what the final product would look like, as Mr. Tate had stated that the renderings in the presentation were for illustrative purposes only and not to reflect what the site would look like.

Mr. Tate stated that the property was zoned for a medical center use for a long time and was never developed. He stated that the housing deficit in Phoenix is a growing concern, and that the proposal would help increase the housing supply. He stated that the primary features of the rendering would be reflected in the development, but some of the more minor features are subject to change.

Ms. Daniels asked for clarification regarding the renderings, stating that she had previously seen renderings that accurately depict paint color, materials, and textures. Mr. Tate responded that although the renderings were conceptual in nature, the landscape plan was much more detailed and would be what the applicant is stipulated to.

Byron Easton, Planning Hearing Officer, stated that staff did not receive public correspondence prior to the hearing. He stated that there was no quorum at the South Mountain Village Planning Committee meeting, and therefore no recommendation from the VPC. He stated that the proposed conceptual site plan was consistent with the scale and intensity of the original zoning case and subsequent PHO cases. He modified the request for Stipulation 2 from PHO-1-93 to require general conformance to the site plan, landscape plan, and elevations as approved or modified by the Planning and Development Department. He recommended a modification to the request for Stipulation 2 from PHO-2-06 to require general conformance to the site plan, landscape plan, and elevations as approved or modified by Planning and Development. He recommended a new stipulation to require that a 30-foot wide multi-use trail easement be dedicated along the east side of Central Avenue and a 10-foot wide multi-use trail be constructed in the easement. Mr. Easton noted that a recorded Proposition 207 Waiver had not been received and recommended an additional stipulation requiring it before preliminary site plan approval. He explained that the approval letter for this hearing would incorporate the two prior PHO cases and their stipulations with the modifications made today.

**FINDINGS:**

- 1) The subject property of this request includes approximately 3.82 gross acres. Following the original rezoning case (Z-182-87), PHO-1-93--Z-182-87 modified stipulations for the entire subject property of the original rezoning case. These stipulations apply to the eastern portion of the subject property. PHO-2-06—Z-182-87 modified stipulations for the western portion of the site, and additional property north of Olympic Drive. These stipulations apply to the western portion of the site. Therefore, the applicant's request includes modifications to the approval letters for both PHO-1-93--Z-182-87 and PHO-2-06—Z-182-87. The following PHO recommendation coordinates the recommended modifications, deletions, and additional stipulations in both letters so that the result is the same in both cases and can be represented by a single approval letter under Case No. PHO-3-23—Z-182-87.
- 2) The request to modify Stipulation 2 (PHO-1-93--Z-182-87 and PHO-2-06—Z-182-87) regarding general conformance is recommended to be approved with a modification to provide standard conformance language. The stipulated site plan in PHO-1-93--Z-182-87 consisted of a DMV facility, a proposed court site and a proposed expansion of the YMCA on the north side of Olympic Drive. The stipulated site plan in PHO-2-06—Z-182-87 depicted a medical office building to house an ear, nose, and throat clinic on the westernmost portion of the site. The remaining property on this site plan did not depict any proposed development and remains vacant. The proposed conceptual site plan in the current request depicts a 55-unit modern two-story garden style apartment community. The proposal is compatible in scale and intensity with existing and planned development in the surrounding area. In addition to modifying Stipulation 2 regarding general conformance to the site plan submitted with this application, the PHO has also added general conformance to the landscape plan and elevations as well. The site plan, landscape plan and elevations are all date stamped March 2, 2023. The reason for the addition of the landscape plan and elevations is in response to Ms. Daniels' concerns that the high quality landscaping and elevations shown at the hearing would not be submitted during the site plan review.
- 3) The City's trails map identifies a proposed, privately maintained 30-foot wide multi-use trail easement (MUTE) along the east side of Central Avenue to contain a 10-foot wide multi-use trail (MUT) within the easement, as indicated in Section 429 of the City of Phoenix MAG Supplement. A stipulation is recommended to require the easement and trail.

**STIPULATIONS:**

**Stipulations: PHO-1-93--Z-182-87-8**

***PHO recommended legislative edit of stipulations applicable to that portion of the site subject to PHO-1-93--Z-182-87-8.***

***Base stipulations are those outlined in the staff memo dated March 15, 2023.***

1.	<del>That</del> Development SHALL be subject to PLANNING AND Development DEPARTMENT Coordination Office site plan approval per Section 511 of the Zoning Ordinance.
2.	<del>That</del> THE development SHALL be in general conformance to WITH the site plan, LANDSCAPE PLAN AND ELEVATIONS dated July 27, 1993 with the exception of the YMCA parcel DATE STAMPED MARCH 2, 2023 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	<del>That</del> An average landscaped setback of 25 feet SHALL be provided along Central Avenue measured from the property line.
4.	<del>That</del> There shall be mature landscaping along Central Avenue to include 24-inch box trees spaced a maximum 25 feet on center or placed in equivalent groupings.
5.	<del>That</del> All parking along Central Avenue and the new road shall be screened with landscaped berms, a three-foot wall, or combination thereof, as approved by the PLANNING AND Development DEPARTMENT Coordination Office.
6.	<del>That</del> Five percent or more of interior parking shall be landscaped with reasonable distribution throughout the parking area and along the face of the buildings.
7.	<del>That</del> No drive-through facility on the site will have its drive-through lane adjacent to any public right-of-way with the exception of the new road.
8.	<del>That</del> A pedestrian bike trail SHALL be provided and maintained along Central Avenue and the new road, the location, width, coloration, and design of which is to be determined by the PLANNING AND Development

	DEPARTMENT <del>Coordination Office</del> .	
9.	A 30-FOOT-WIDE MULTI-USE TRAIL EASEMENT (MUTE) SHALL BE DEDICATED ALONG THE EAST SIDE OF CENTRAL AVENUE 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.	
10 9.	<del>That</del> All rooftop mechanical units shall be screened by parapet walls, building walls, or enclosed in a mechanical equipment penthouse that shall be architecturally integrated with the buildings.	
11. 10.	<del>That</del> Mr. Don Radford, 36 East Beautiful Lane, is to be notified of all PLANNING AND Development DEPARTMENT <del>Coordination Office</del> meetings regarding this project.	
12. 11.	<del>That</del> Signage will be in conformance with the guidelines (recommendations) adopted by the South Mountain VILLAGE Planning Committee (the "Committee") for the Baseline Scenic CORRIDOR Parkway provided:	
	a.	Those guidelines are adopted by the time the applicant is ready to install signage.
	b.	The applicant has the opportunity to provide input to the Committee concerning the appropriate dimensions and appearance of the signage.
	c.	The guidelines specifically address signage for commercial shopping centers.
13. 12.	<del>That</del> Future signalization of the new roadway with Central Avenue will be at the expense of the developer unless otherwise covered by an improvement district. Traffic signals will not be installed until the warrants are met.	
14. 13.	<del>That</del> Walls or fencing along the north side of the Highline Canal, if needed, shall be offset to reduce scale and bulk and to maximize the safety and security for pedestrians and other persons using the trail along the canal, as approved by the PLANNING AND Development DEPARTMENT <del>Coordination Office</del> . If masonry walls are used along the north side of the	



	canal, they shall be attractively landscaped and maintained and shall be colored to blend in with the surrounding landscape. That building orientation and design together with landscaping and amenities adjacent to the Highline Canal shall be sensitive to the use of the Canal as an enhanced recreational amenity.
15. 44.	<del>That</del> THE DEVELOPER SHALL PROVIDE right-of-way dedications for Central Avenue, to include right turn lanes and bus bays, as may be required.
16. 45.	<del>That</del> Prior to the vesting of zoning for the YMCA parcel the applicant shall submit a legal description for review and approval describing the C-O portion of the approval action.

**Stipulations: PHO-2-06—Z-182-87-8**

***PHO recommended legislative edit of stipulations applicable to that portion of the site subject to PHO-2-06—Z-182-87-8.***

1.	<del>That</del> Development SHALL be subject to PLANNING AND Development DEPARTMENT Coordination Office site plan approval per Section 511 of the Zoning Ordinance.
2.	<del>That</del> THE development SHALL be in general conformance to WITH the site plan, LANDSCAPE PLAN AND ELEVATIONS date stamped MARCH 2, 2023 October 25, 2006, and the Landscape Plan approved by the Zoning Adjustment Hearing Officer on December 27, 2006, as MODIFIED BY THE FOLLOWING STIPULATIONS AND approved by the PLANNING AND Development Services Department.
3.	<del>That</del> An average landscaped setback of 25 feet SHALL be provided along Central Avenue measured from the property line.
4.	<del>That</del> There shall be mature landscaping along Central Avenue to include 24-inch box trees spaced a maximum 25 feet on center or placed in equivalent groupings.
5.	<del>That</del> All parking along Central Avenue and the new road shall be screened with landscaped berms, a three-foot wall, or combination thereof, as approved by the PLANNING AND Development DEPARTMENT Coordination Office.

6.	<del>That</del> Five percent or more of interior parking shall be landscaped with reasonable distribution throughout the parking area and along the face of the buildings.
7.	<del>That</del> No drive-through facility on the site will have its drive-through lane adjacent to any public right-of-way with the exception of the new road.
8.	<del>That</del> A pedestrian bike trail SHALL be provided and maintained along Central Avenue and the new road, the location, width, coloration, and design of which is to be determined by the PLANNING AND Development DEPARTMENT Coordination Office.
9.	A 30-FOOT-WIDE MULTI-USE TRAIL EASEMENT (MUTE) SHALL BE DEDICATED ALONG THE EAST SIDE OF CENTRAL AVENUE 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.
10 <del>9.</del>	<del>That</del> All rooftop mechanical units shall be screened by parapet walls, building walls, or enclosed in a mechanical equipment penthouse that shall be architecturally integrated with the buildings.
11 <del>10.</del>	<del>That</del> Mr. Don Radford, 36 East Beautiful Lane, is to be notified of all PLANNING AND Development DEPARTMENT Coordination Office meetings regarding this project.
12. <del>11.</del>	<del>That</del> Signage will be in conformance with the guidelines (recommendations) adopted by the South Mountain VILLAGE Planning Committee (the "Committee") for the Baseline Scenic CORRIDOR Parkway, provided:
	a. Those guidelines are adopted by the time the applicant is ready to install signage.
	b. The applicant has the opportunity to provide input to the Committee concerning the appropriate dimensions and appearance of the signage.
	c. The guidelines specifically address signage for commercial shopping centers.
13. <del>12.</del>	<del>That</del> Future signalization of the new roadway with Central Avenue will be at the expense of the developer unless otherwise covered by an

	improvement district. Traffic signals will not be installed until the warrants are met.
14. <del>13.</del>	<del>That</del> Walls or fencing along the north side of the Highline Canal, if needed, shall be offset to reduce scale and bulk and to maximize the safety and security for pedestrian and other persons using the trail along the canal, as approved by the PLANNING AND Development DEPARTMENT Coordination Office. If masonry walls are used along the north side of the canal, they shall be attractively landscaped and maintained and shall be colored to blend in with the surrounding landscape. That building orientation and design together with landscaping and amenities adjacent to the Highline Canal shall be sensitive to the use of the Canal as an enhanced recreational amenity.
15. <del>14.</del>	<del>That</del> THE DEVELOPER SHALL PROVIDE right-of-way dedications for Central Avenue, to include right turn lanes and bus bays, as may be required.
16. <del>15.</del>	<del>That</del> Prior to the vesting of zoning for the YMCA parcel the applicant shall submit a legal description for review and approval describing the C-O portion of the approval action.

**Final Stipulations: PHO-3-23--Z-182-87-8**

***Final stipulations reflecting the PHO recommended legislative edits of both PHO-1-93--Z-182-87-8 and PHO-2-06--Z-182-87-8, resulting in a single set of stipulations for PHO-3-23--Z-182-87-8. See Finding #1 for detailed information.***

1.	Development shall be subject to Planning and Development Department site plan approval per Section 511 of the Zoning Ordinance.
2.	The development shall be in general conformance with the site plan, landscape plan and elevations date stamped March 2, 2023 as modified by the following stipulations and approved by the Planning and Development Department.
3.	An average landscaped setback of 25 feet shall be provided along Central Avenue measured from the property line.

4.	There shall be mature landscaping along Central Avenue to include 24-inch box trees spaced a maximum 25 feet on center or placed in equivalent groupings.
5.	All parking along Central Avenue and the new road shall be screened with landscaped berms, a three-foot wall, or combination thereof, as approved by the Planning and Development Department.
6.	Five percent or more of interior parking shall be landscaped with reasonable distribution throughout the parking area and along the face of the buildings.
7.	No drive-through facility on the site will have its drive-through lane adjacent to any public right-of-way with the exception of the new road.
8.	A pedestrian bike trail shall be provided and maintained along Central Avenue and the new road, the location, width, coloration, and design of which is to be determined by the Planning and Development Department.
9.	A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the east side of central avenue 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.
10	All rooftop mechanical units shall be screened by parapet walls, building walls or enclosed in a mechanical equipment penthouse that shall be architecturally integrated with the buildings.
11	Mr. Don Radford, 36 East Beautiful Lane, is to be notified of all Planning and Development Department meetings regarding this project.
12.	Signage will be in conformance with the guidelines (recommendations) adopted by the South Mountain Village Planning Committee (the "Committee") for the Baseline Scenic Corridor, provided:
a.	Those guidelines are adopted by the time the applicant is ready to install signage.
b.	The applicant has the opportunity to provide input to the Committee concerning the appropriate dimensions and appearance of the signage.
c.	The guidelines specifically address signage for commercial shopping centers.

13.	Future signalization of the new roadway with Central Avenue will be at the expense of the developer unless otherwise covered by an improvement district. Traffic signals will not be installed until the warrants are met.
14.	Walls or fencing along the north side of the Highline Canal, if needed, shall be offset to reduce scale and bulk and to maximize the safety and security for pedestrian and other persons using the trail along the canal, as approved by the Planning and Development Department. If masonry walls are used along the north side of the canal, they shall be attractively landscaped and maintained and shall be colored to blend in with the surrounding landscape. That building orientation and design together with landscaping and amenities adjacent to the Highline Canal shall be sensitive to the use of the Canal as an enhanced recreational amenity.
15.	The developer shall provide right-of-way dedications for Central Avenue, to include right turn lanes and bus bays, as may be required.
16.	Prior to the vesting of zoning for the YMCA parcel the applicant shall submit a legal description for review and approval describing the C-O portion of the approval action.

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