

## Attachment B

Planning Hearing Officer Summary of June 19, 2019  
Application Z-SP-5-99-7(8)  
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### REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Sofia Mastikhina, Planner I, Assisting

June 19, 2019

#### ITEM 6

#### DISTRICT 8

#### SUBJECT:

Application #: Z-SP-5-99-7(8) (PHO-1-19)  
Zoning: R1-10 SP  
Location: Southwest corner of 15th Avenue and Dobbins Road  
Acreage: 20.59  
Request: 

- 1) Modification of Stipulation No. 1 regarding general conformance with the site plan dated January 19, 2000 and supporting documentation dated May 7, 1999.
- 2) Modification of Stipulation No. 9 regarding minimum parking requirements and screening.
- 3) Modification of Stipulation No. 19a regarding maximum number of dogs, dog runs, and cat kennels.
- 4) Modification of Stipulation No. 19b regarding housing dogs inside buildings.
- 5) Modification of Stipulation No. 19c regarding construction materials and a sound wall.
- 6) Deletion of Stipulation No. 19d regarding number of children visiting the Equestrian Therapy Center.
- 7) Modification of Stipulation No. 19e regarding children housed on site.
- 8) Modification of Stipulation No. 19f regarding the operation of children's programs.
- 9) Deletion of Stipulation No. 19j regarding use of equestrian facilities.
- 10) Technical corrections to Stipulation Nos. 2, 3, 4, 7, 10, 13, 18, and 19h.

Applicant: The Arizona Humane Society  
Owner: The Arizona Humane Society  
Representative: Manjula M. Vaz, Gammage & Burnham PLC

#### **ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On July 2, 2019 the Planning Hearing Officer took this case out from under advisement and recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: At its June 11, 2019 meeting, the South Mountain Village Planning Committee recommended approval by a 14-1 vote.

## **DISCUSSION**

Rob Lane, representing the Arizona Humane Society, provided a history of the organization and the services it provides. He stated that the 20-acre site at 15th Avenue and Dobbins Road has been operating as the state's largest animal welfare and protection agency since 2001 and offers a variety of programs and services. He stated that the original stipulations were created in response to neighborhood concerns pertaining to animal noise and boarding. He explained that the Humane Society has been a good neighbor to the South Mountain community, and that some of the stipulations from the original case are no longer necessary. He further explained that the Humane Society would like to expand its services to support emergency animal boarding and enhance some existing programs. He provided a summary of the request and stated that the primary purpose is to allow additional dog adoption kennels, to allow for animal intake, and to consolidate relevant stipulations into a single approval document. He presented the proposed site plan, noting the location of proposed new dog kennel buildings and relocated outdoor exercise yards. He stated that the new kennel buildings will be enclosed by sound mitigation walls and be set back approximately 145 feet from the nearest property line. He stated that the outdoor dog exercise yards will be set back approximately 85 feet and 90 feet from the west and south property lines, respectively. He explained that the purpose of modifying Stipulation No. 9 is to incorporate the requirement that all parking be provided on site, which was included in the supplementary document. He stated that the purpose of the modification of Stipulation No. 19a is to accommodate additional dogs and cats at the facility and to clarify that all cat kennels are located inside buildings. Adam Stranieri asked if the existing cat kennels are already inside the buildings. Mr. Lane said yes. Mr. Stranieri asked if this was one of the regulatory requirements identified in the supporting document. Mr. Lane said he didn't believe so. Mr. Stranieri asked if this modification serves to clarify a use that is already happening, and not to incorporate additional regulations from the supporting document. Mr. Lane replied yes.

Mr. Lane explained that the applicant is requesting to delete Stipulation 19d to allow for additional youth engagement opportunities, to remove the restriction on the number of children allowed in the equestrian program, to provide consistency with the supporting document, and to clarify the stipulation's applicability to the equestrian program. He provided a list of organizations that the Humane Society would like to partner with in the future and explained that the deletion of the stipulation will allow these partnerships to occur.

Mr. Lane also proposed new stipulations pertaining to requirements outlined in the supporting document, including limiting the veterinary clinic's hours of operation, a provision for low-cost veterinary services, the prohibition of animal cremations, and a cleaning schedule for the dog exercise yards. He also proposed a stipulation to regulate sound levels per the updated 2019 sound study, which accounted for the increase to 300 dogs.

Mr. Lane stated that the applicant held an open house which was attended by some neighbors. He noted that the open house was notified using the same requirements as their public hearing notices. He stated that there was one attendee who was involved in

the original rezoning case who expressed concerns, a representative from Lennar Homes who had questions about the equestrian facilities, and two residents who had inquiries regarding volunteer opportunities. He also stated that the South Mountain Village Planning Committee recommended approval of this request.

Mr. Perry Zemlicka, a member of the public speaking in opposition to the request, stated that he was directly involved in opposing the original rezoning request in 1999. He addressed the notification requirements, stating that the large lot sizes in the area resulted in only five neighbors being notified. He explained that the original stipulations are still needed, including the limit on the number of dogs, the location of the dog yards, the placement of sound retention walls, limitations to lighting in the equestrian area, the prohibition of on-site cremation, and the prohibition of animal intake. He stated that he can hear dogs barking from his property, even with the existing sound mitigation walls. He asked how many children the Humane Society is proposing to bring to the facility. He presented a video recording of his property, stating that dogs could be heard barking at 6:00 AM. He expressed his frustration at hearing that the Humane Society wishes to remove the stipulations that the community worked hard to achieve.

Mr. Lane addressed the notification process, stating that they went above and beyond the requirements by hosting the open house to ensure that neighbors were adequately notified and given the opportunity to participate. He then stated that the majority of the stipulations from the original zoning case will stay in place, and that only some will be modified to accommodate changes to the campus. He explained that the design measures such as the sound mitigation walls will continue to be implemented to honor the original community input. He further explained that the modifications that the applicant is seeking are intended to provide the flexibility for more animals on site. He added that the new sound study that was conducted found that the proposed increase in the number of dogs would only increase the noise level by three decibels, which is less than a conversation in a restaurant.

Kelsea Patton of the Arizona Humane Society outlined the educational programs offered at the campus. She stated that most stipulations regarding the educational programs concern the equine facilities. She explained that Humane Society is partnered with an equine therapy organization (Equine Help), and that research has shown that equine therapy has many benefits for children. She noted that they receive approximately 300 children for summer programs, and that the Humane Society hopes to expand its programs to include the equine therapy area. She stated that the equine therapy programs are currently housed at two Equine Help locations, and that the community has expressed interest in offering these programs at the Humane Society's South Mountain campus. She estimated that the equine therapy programs accommodate approximately 25 to 40 children, in addition to appropriate staffing. She stated that the modifications of stipulations relating to the equine facilities would be limited but would allow a meaningful service to be offered at the campus. She then stated that there are several off-site programs that the Humane Society offers such as educational visits to local schools and other facilities in the South Mountain area. She thanked Mr. Zemlicka for providing a history of the original rezoning case, as she and her team had not been present at the time. She then mentioned that the Humane Society has no intention of using the equine area for horse shows for fundraising.

Mr. Lane reiterated that the stipulations in the original zoning case were a result of significant community input, and that most of them will remain intact. He stated that the only modifications being proposed will serve to provide flexibility for the expansion of some of the Humane Society's services, which are in response to growing community needs.

Mr. Stranieri stated that two letters were received regarding the case. The first letter was from Julie Stromberg, a community member who has been involved with the Humane Society and supports the request. The second letter was from Esmeralda Carlson, who expressed opposition to the removal of stipulations and concerns with drainage issues on the site. He explained that when the site was developed, a grading and drainage plan was required and that a revised grading and drainage plan may be required if the site is redeveloped. He noted that staff is aware of drainage issues along the Baseline Corridor and in the South Mountain foothills. He stated that the original stipulations included general conformance to a site plan and to all supporting documentation submitted with the case, which refers to a booklet containing a summary of public outreach in the original zoning case, modifications made in response throughout the zoning process, summaries of neighborhood meetings, descriptions of uses on site, and several regulatory requirements. He explained that the regulatory requirements pertained to both the operation of the facility and to design and development standards and that approximately three quarters of these were duplicated in stipulations. He stated that the applicant had provided an annotated copy of the supporting documentation identifying regulatory components and where these are or are not provided in stipulations.

Mr. Stranieri stated that the primary development standard in the booklet not represented in stipulations was a requirement for setbacks of 30 to 60 feet. He stated that this is a wide range and that the existing development has a lot of variability in the setback, with larger setbacks along the south property line, where the exercise fields are, and smaller setbacks along the north property line, where buildings and parking lot are located. He explained that it is not necessary to stipulate to such a large range for setbacks as it does not provide much predictability for future development on the site. He stated that the general conformance stipulation would hold the developer to a maximum 10% deviation in the setbacks as depicted on the conceptual site plan.

He asked if the learning center mentioned in the supplementary book is still present on the campus. Dr. Steven Hansen, with the Arizona Humane Society, replied yes and that it is where they host children's educational programs. Mr. Stranieri stated that the book outlines conditions regarding this learning center, including a requirement to provide programs and services to schools and community centers in the South Mountain Village first. He asked if this is something that the Humane Society has been doing, and if they plan to continue prioritizing outreach to the local community. Ms. Patton stated that they've partnered with the Roosevelt School District, South Mountain Community College, the Arizona Agribusiness and Equine Center, and other local organizations to provide educational programs at their sites. She explained that they also have a junior camp counselor program that they try to recruit for from surrounding schools and districts, which helps foster a stronger sense of community.

Mr. Zemlicka asked why they are proposing to place the public dog walk area on the west side of the property, and not closer to 15th Avenue where it would be more visible to passersby as a public amenity. Mr. Lane replied that there is an existing dog walk area and play field that is open to the public. He explained that the new exercise fields that are being proposed are mainly to serve the new kennel buildings and that, although there will be a public component to these new yards, the existing public play yard will remain at its current location, where it is visible from 15th Avenue. Dr. Hansen explained that the proposed location of the new dog yards will provide better access for the community, as they would not have to walk across the entire property to get to them. Mr. Zemlicka stated that, under this configuration, the new dog yards will be placed even closer to his property. Mr. Lane clarified that the proposed stipulation language will limit the use of these yards to daylight hours. Mr. Stranieri asked what the current uses of the three pasture areas along the southern property line are. Dr. Hansen stated that those areas are used for pasture when there are horses on the site. Mr. Stranieri asked if the design was intended to keep the yards close to the new kennel buildings. Dr. Hansen explained that the primary rationale for the proposed play yard location was ease of access for the community. He noted that members of the public do not currently have access to the open pasture areas, and that they would have to walk across the entire width of the property to access the play areas there. He explained that, by placing them next to the new dog kennels, community members will have direct access to the play yards. Mr. Zemlicka asked how residents of the new proposed Lennar subdivision to the west will access the play yards since they will be separated by a block wall and there are no pathways connecting the yards to the subdivision. Mr. Lane explained that they will continue to work with Lennar regarding access to the site, and that the homebuilder has expressed interest in becoming an active partner with the Humane Society in providing opportunities for interactions between its residents and the organization.

Mr. Stranieri explained that the purpose of clarifying if they prioritize their services to the local community was to create a record that the organization has been honoring the original community input, and that this is not something that is usually stipulated in a zoning case or enforced by the Planning and Development Department. He then asked what other types of animals they have on site other than cats, dogs, and horses. Mr. Lane replied that they house a variety of small mammals such as rabbits, guinea pigs, hamsters, and hedgehogs. He stated that the education center contains lizards, snakes and other small animals that are not available for adoption. He further stated that the barn on site also has three enclosures, used for overflow when the Humane Society needs to take in more animals, which house animals such as desert tortoises, fighting roosters, chickens, ducks, and geese. Mr. Stranieri asked if all these animals are housed in closed buildings. Mr. Lane replied yes.

Mr. Stranieri asked for clarification regarding the proposed change in the intake process at this site, as this is currently prohibited in the supplementary documents. He explained that the booklet identifies the Sunnyslope campus as the only location that accepts pet drop-offs. Mr. Lane explained that the community has expressed a need for intake at this location. He stated that drop-offs would be conducted by area residents as well as other animal welfare organizations, which would drop off animals during normal

business hours. He estimated that there would be less than five animals being dropped off at the campus daily. Mr. Stranieri asked if they have partnerships with trap, spay and release programs that result in a steady flow of cats in and out of the facility. He also asked if they partner with organizations such as Maricopa County Animal Control, which would bring new volumes of animals to the facility. Dr. Hansen replied that they have a very active spay and neuter program, and they also provide low-cost and free veterinary services to the surrounding community, which is one of the highest need areas in the Valley. He stated that they also support trap, neuter and return services where individuals bring in stray cats, which are sterilized on site and returned to where they were found. Mr. Stranieri stated that provision of these services is currently stipulated in the original case and asked what would change with the new proposed intake procedures. Mr. Lane replied that intake would be limited to individual drop offs from residents, which is a need that has been expressed in the community, and that it would result in the boarding of additional dogs. He added that the only other significant change of activity would be the additional children allowed to participate in the equestrian program and that all other conditions will remain in place. Dr. Hansen stated that they receive continuous requests from community members to receive animals at the site and that, when they are turned away, those animals get abandoned on the streets, causing an increase in the stray animal population in the area. He further explained that there are other locations around the city that serve as primary drop off areas, and this campus would not be a primary intake area – it would mostly serve the local community. Mr. Lane explained that the other locations are more centrally located and receive more traffic from the larger Phoenix community.

Mr. Stranieri asked if they have plans to partner with commercial enterprises to provide services such as trail riding or trail tours. He explained that there was some discussion in the supplementary book regarding concerns with trail excursions originating from the site which would involve transporting individuals from the site to the park edges. Dr. Hansen stated that they have never had a program like that, and that they have no interest in starting one as it diverges from their animal welfare mission. Mr. Stranieri stated that all other regulatory conditions present in the supplementary book are included as stipulations in the zoning case, and that the applicant has requested to add stipulations regarding some regulations that are not already addressed as stipulations. He outlined the regulatory requirements present in the book to be adopted as stipulations, which include limiting clinic hours, provision of low-cost veterinary services at the campus, prohibiting on-site cremation, restricting outdoor play yard use to daylight hours, and daily maintenance of dog yards.

Mr. Stranieri addressed the original sound study included in the original zoning case, stating that no stipulations were made based on this study. He stated that the updated 2019 sound study indicates that the overall noise level expected from the new dog kennels is below that which is expected from normal city noise levels, and that the new kennels will be set back further from the west property line than the existing kennels. He further stated that the report recommended a 9.5-foot solid sound wall, and that he is inclined to adopt this recommendation as a stipulation.

Mr. Stranieri addressed a comment from the Parks and Recreation Department which asked that they protect in place the Multi-Use Trail (MUT) and Multi-Use Trail Easement

(MUTE) along Dobbins Road and 15th Avenue. He stated that there appears to be no trail or easement on Dobbins Road and that there is only a Multi-Use Recreational Trail (MURT) easement along 15th Avenue, the standards for which he was not able to identify. He further stated that the Parks and Recreation Department Facilities Map identifies an existing privately-owned trail along both frontages. He stated that it may not be possible to build one along Dobbins Road due to a drainage channel that runs along the north property line. He stated that he would take the case under advisement in order to discuss these trail issues with the Parks and Recreation Department and identify relevant standards for the site.

## **FINDINGS**

- 1) Stipulation No. 1 in the original zoning case required general conformance to a site plan and all supporting documentation submitted with the rezoning application. After review of the original case file, the supporting documentation was limited to a bound booklet called "Campus For Compassion, Arizona Humane Society". The removal of the language referencing supporting documentation is intended to consolidate the regulatory requirements related to the facility and its operations solely within the approval letter of the rezoning action. This booklet contained a variety of content, including an overview of the public participation process undertaken in the original zoning case, a summary of modifications made throughout the original public hearing process, a sound study dated September 30, 1999 based on the original stipulated site plan, and responses to community questions raised at outreach meetings.

The majority of the booklet does not contain regulatory requirements related to the approval of the rezoning. Additionally, many of the regulatory requirements that are present in the booklet were separately stipulated in the original rezoning action. However, there are some regulatory requirements that the applicant is requesting to eliminate by not making reference to these in the stipulations. The applicant submitted an annotated copy of the booklet identifying where regulations correspond to stipulations in the original approval letter and which regulations are either revised or proposed to be deleted.

- 2) Regulatory requirements included in the booklet that are not reflected in the existing stipulations and which are not proposed for adoption in the request include but are not limited to the following. These changes reflect the nature of the current operational model, programs, and services of the Arizona Humane Society and allow revisions to maintain and/or enhance services provided on the site. Some omissions are minor in nature, such as references to the use of meeting space or the specific types of small pets to be treated and are not directly addressed.
  - a. The booklet contains a requirement for minimum landscape setbacks of 30 to 60 feet along 15<sup>th</sup> Avenue and Dobbins Road. The site is developed and the existing setbacks vary greatly along the perimeter property lines. The

- stipulation requiring general conformance to the proposed site plan will require adherence, within a 10% range of deviation, to the landscape setbacks as depicted on the conceptual site plan. Modifying these setbacks would require a future public hearing action. Therefore, no additional stipulation regarding setbacks is recommended.
- b. The booklet contains a prohibition regarding intake of pets on-site. This proposal addresses an expressed need in the community and is not significantly different from other programs and services already performed on the site. The addition of this service should not create a negative impact on surrounding properties.
  - c. The booklet restricts the maximum number of children on-site to 10 per weekday and 20 on weekends. It further states that equestrian facilities are not open to partnerships with external organizations. The applicant's proposal removes these restrictions and clarifies related stipulations regarding children on-site to indicate that these are relevant to the equestrian programs and facilities. The request would also allow the site to integrate additional equestrian therapy programs with partner organizations on the site and enhance community programming. There are additional stipulations that regulate the operation of these programs that will mitigate potential impacts of these programs.
- 3) The applicant proposed four additional stipulations based on regulatory requirements in the booklet that are not included in existing stipulations. All stipulations should help to mitigate potential impacts and were supported by the community in the original rezoning action.
- a. Modified Stipulation No. 9 requires all parking to be provided on-site.
  - b. New Stipulation No. 19.i is recommended to establish hours of operation for the veterinary clinic and provision of low cost veterinary services for local residents.
  - c. New Stipulation No. 19.j prohibits on-site cremation of animals.
  - d. New Stipulation No. 19.k controls the use and maintenance of the dog walk-and-play field.
- 4) The applicant also submitted a new sound study that is based on the revised site plan and the proposed increase in the number of outdoor dog kennels (150 to 300) which is referenced in modified Stipulation No. 19.a. The sound study does not anticipate negative impacts of the proposed kennels on adjacent properties, based on projected noise levels at the perimeter property lines. Further, the proposed kennels are setback at a further distance from the west property lines than the existing kennels.

The study does recommend a 9.5 foot tall sound barrier wall around the new, proposed kennels. The recommended modification to Stipulation No. 19.c requires the provision of this wall as recommended by the noise study. The



study recommends a specific type of panel design that will provide greater noise mitigation than the design of the existing sound barrier walls on the site today. New Stipulation No. 21 addresses controlling the overall ambient noise level on the site as recommended in the noise study.

- 5) The Parks and Recreation Department recommends that the developer protect in place the 10-foot wide multi-use trail and 20-foot wide multi-use trail easement (MURT) along the west side of 15<sup>th</sup> Avenue. This is reflected in New Stipulation No. 18. The trail and easement already exist in this location. The stipulation is intended to allow the trail and easement to remain in place and ensure that the trail requirement remains in place in the event of future redevelopment of the site. There is no similar recommendation for the south side of Dobbins Road given the limited space along this frontage created by the drainage channel in this location.

**DECISION:** The Planning Hearing Officer took this case under advisement. On July 2, 2019 the Planning Hearing Officer took this case out from under advisement and recommended approval with modifications and additional stipulations.

### **STIPULATIONS**

|    |  |
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| 1. | <del>That</del> The development SHALL be in general conformance with the site plan date stamped JUNE 11, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. <del>January 19, 2000 and with all supporting documentation submitted with the rezoning application dated May 7, 1999 and any subsequent information submitted relative to the site plan.</del> General conformance INCLUDES, BUT IS NOT LIMITED TO, <del>is in regards to</del> building layout, building height, open space, parking, and facility operations, and regulations. <del>unless otherwise stipulated in this report.</del> |
| 2. | <del>That</del> The developer SHALL submit examples of elements that will be used to convey a rural character throughout the proposed development to be approved by the Planning AND DEVELOPMENT Department. These shall include, but not be limited to, signage, fencing, streetlights, street signs and monument entries.  |
| 3. | <del>That the</del> Landscaping SHALL incorporate trees and plants which are consistent with those found in undisturbed areas in proximity to this site, as approved by the PLANNING AND Development Services Department.  |
| 4. | <del>That</del> The entire site SHALL be developed with a similar architectural theme. The theme should assure the building colors, elevations, exterior materials, landscaping, lighting, and signage convey a sense of continuity throughout the development, as well as complement the natural setting of the South Mountain Preserve, as approved by the PLANNING AND Development Services Department.   |
| 5. | <del>That a</del> All buildings shall be limited to a single story.  |

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| 6.  | <del>That a</del> All outdoor storage shall be screened from view at the boundaries of the site.  |
| 7.  | <del>That t</del> The number of the driveways necessary for the project SHALL be determined by the PLANNING AND Development <del>Services</del> Department to be both an efficient use of space for ingress, egress, and traffic flow.  |
| 8.  | <del>That i</del> f solid masonry block wall is used, any segment that exceeds 40-feet in length SHALL have a vertical element such as a column, pilaster, or difference in pattern/texture to avoid monotony and create visual interest. Any continuous wall in excess of 20-feet in length should be softened with trees, shrubs, vines, and flowering plants.  |
| 9.  | <del>That t</del> The PLANNING AND Development <del>Services</del> Department SHALL determines the amount of parking spaces needed to accommodate the functions of the facilities. ALL REQUIRED PARKING SHALL BE PROVIDED ON-SITE. There SHALL <del>should</del> be adequate parking for buses and large vans. Parking SHALL <del>should also</del> be screened where possible from roadways and adjacent properties.                                 |
| 10. | <del>That t</del> The applicant SHALL mitigates the drainage issues identified by the Maricopa County Flood Control District by providing retention basins within the open spaces of the development, AS <del>to be</del> approved by the PLANNING AND Development <del>Services</del> Department.  |
| 11. | <del>That t</del> 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 City. All paving to be of asphaltic concretes or concrete paving in accordance with Section 702.B of the Phoenix Zoning Ordinance. All improvements shall comply with all ADA accessibility standards. |
| 12. | <del>That</del> Dobbins Road SHALL be improved and right-of-way dedicated per the cross section standards designed by the City of Phoenix Street Transportation Department for the Dobbins Road Scenic Drive.   |
| 13. | <del>That</del> 15th Avenue SHALL be improved and right-of-way <del>is</del> dedicated as determined by the PLANNING AND Development <del>Services</del> Department.  |
| 14. | <del>That t</del> The developer shall submit for approval by the Water Services Director, a potable water and wastewater system master plan for the development. Such plans must be completed by a registered engineer in conformance with the Water Services Department infrastructure plans for the area.   |
| 15. | <del>That t</del> The water supplies for the greenbelt areas of the development shall be limited to the Salt River Water Users Associations (SRWUA) Rights associated with the greenbelt acreage only. Water rights associated with non-greenbelt   |

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|            | acreage must be transferred to the City of Phoenix Domestic Water Account with the Salt River Project (SRP) as a condition of the domestic service. This split of the water rights entitlement and transfer into the City of Phoenix can be effected by requesting from the SRWUA, a "Split for Association Convenience" and transfer to the City account. A letter from the SRWUA stating that the water rights transfer has occurred shall be provided to the Water Services Director prior to vesting of zoning.   |  |
| 16.        | <del>That w</del> Water features (ponds, fountains, etc.) in common areas must conform to restrictions outlined in Chapter 37 of the City Code.   |  |
| 17.        | <del>That t</del> The developer SHALL cooperates-with the South Mountain Village Planning Trails Subcommittee on trails that may be affected by this project.   |  |
| 18.        | THE DEVELOPER SHALL PROVIDE AND MAINTAIN A 10-FOOT WIDE MULTI-USE TRAIL AND A MINIMUM 20-FOOT WIDE MULTI-USE TRAIL EASEMENT ALONG THE WEST SIDE OF 15TH AVENUE, IN ACCORDANCE WITH THE MAG SUPPLEMENTAL DETAIL AND AS APPROVED BY THE PARKS AND RECREATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.  |  |
| 19.<br>18. | <del>That t</del> The developer SHALL works-closely with the-surrounding neighbors and the PLANNING AND Development Services Department to resolve any nuisance, traffic, and design issues that may arise once the facility is completed.  |  |
| 20.<br>19. | <del>That t</del> The following stipulations, submitted by the applicant, SHALL BE are-strictly followed:   |  |
| A.         | <del>That t</del> The "Animal Adoption Center" will contain no more than 300 450 dogs in 300 450 dog runs. and 150 ALL cat kennels SHALL BE COMPLETELY LOCATED INSIDE A CLOSED BUILDING.  |  |
| B.         | <del>That</del> ALL the dogs will be completely housed inside of the building(S) between the hours of 8:00 p.m. and 7:00 a.m.   |  |
| C.         | <p><del>That t</del>The best and most appropriate construction materials will be used for the projects, including the installation of a sound wall surrounding the entire "Animal Adoption Center".</p> <p>A SOUND WALL WITH A MINIMUM HEIGHT OF 9 FEET AND 6 INCHES SHALL BE CONSTRUCTED AROUND THE ADDITIONAL/NEW DOG ADOPTION KENNEL BUILDINGS AS DEPICTED ON THE SITE PLAN DATE STAMPED JUNE 11, 2019, AS RECOMMENDED IN THE NOISE STUDY PREPARED BY ACOUSTICAL CONSULTING SERVICES DATED JANUARY 30, 2019, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p> |  |
| D.         | <del>That</del> a maximum of 10 children can visit the "Equestrian Therapy Center" per day on weekdays, during the school year. A maximum of 20 children per  |  |

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|     |                      | <del>day on weekends and on weekdays when the school year is not in session shall be served.</del>   |
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|     | <del>D.<br/>E.</del> | <del>That none of these cChildren VISITING THE EQUESTRIAN CENTER SHALL NOT BE are housed OVERNIGHT on THE site.</del>  |
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|     | <del>E.<br/>F.</del> | <del>That cChildren in this THE EQUESTRIAN program are permitted only during a scheduled appointmentS and SHALL BE are supervised directly on a one-to-one basis by staff and trained docents.</del>   |
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|     | <del>F.<br/>G.</del> | <del>That aAnimal waste will be removed from all stalls, pens, and pastures at least once per day. It will be stored in fly-proof covered waste containers and regularly transported away from the site to a County-approved landfill. The program shall comply with all County Health Department Regulations.</del>   |
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|     | <del>G.<br/>H.</del> | <del>That tThe arena surface will be of washed sand and cedar. A large-headed automatic sprinkler system will be installed for the arenas so that it will be periodically watered down to avoid adverse impacts on adjacent properties. A rigorous cleaning and maintenance regimen shall be established and provided to the PLANNING AND Development Services Department.</del> |
|     |                      |  |
|     | <del>H.<br/>I.</del> | <del>That tThe lighted arena will comply with the Dark Sky Ordinance. Lights will be of the appropriate "shoebox" style used to illuminate such things as private tennis courts in residential communities. There will be no late night activities or events, and the lights will be turned off no later than 9:00 p.m.</del>  |
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|     | <del>J.</del>        | <del>That none of the equestrian facilities will be open to use by any other agency for any other purposes, unless initial neighborhood support is provided to AHS for an identified community use.</del>  |
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|     | I.                   | THE HOURS OF OPERATION FOR THE VETERINARY CLINIC SHALL BE LIMITED TO 6:00 A.M. TO 10:00 P.M. ON A DAILY BASIS. THE ARIZONA HUMANE SOCIETY SHALL EXPLORE THE PROVISION OF LOW-COST VETERINARY SERVICES (E.G. ONE-DAY LOW-COST VACCINATION EVENTS) FOR PETS OF SOUTH MOUNTAIN VILLAGE RESIDENTS AT THE CAMPUS OR IN OTHER NEIGHBORHOOD MEETING LOCATIONS.                          |
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|     | J.                   | THERE SHALL BE NO CREMATION OF ANY ANIMALS ON THE SITE.  |
|     |                      |  |
|     | K.                   | THE DOG WALK-AND-PLAY FIELD AND DOG YARDS SHALL ONLY BE USED DURING DAYLIGHT HOURS AND THE FIELD AND YARDS SHALL BE CLEANED DAILY.   |
|     |                      |  |
| 21. |                      | THE AVERAGE NOISE LEVEL MEASURED AT THE PROPERTY LINE SHALL NOT EXCEED 55 DB (ONE LDN) WHEN MEASURED ON AN "A WEIGHTED" SOUND LEVEL METER AND ACCORDING TO THE PROCEDURES OF THE ENVIRONMENTAL PROTECTION AGENCY, AS DETAILED BY THE FINDINGS  |

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|     | AND INFORMATION PROVIDED WITHIN THE NOISE STUDY PREPARED BY ACOUSTICAL CONSULTING SERVICES DATED JANUARY 30, 2019.  |
|     |   |
| 22. | 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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Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.