

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

August 20, 2025

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| ITEM NO: 2 | |
| | DISTRICT NO. 8 |
| SUBJECT: | |
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| Application #: | PHO-1-25--Z-58-24-8 |
| Location: | Approximately 710 feet north and 305 feet west of the northwest corner of 20th Avenue and South Mountain Avenue |
| Zoning: | R1-10 |
| Acreage: | 4.54 |
| Request: | <ol style="list-style-type: none">1) Legislative review and approval of conceptual site plan and landscape plan by the Planning Hearing Officer per Stipulation 1.2) Legislative review and approval of conceptual elevations by the Planning Hearing Officer per Stipulation 2. |
| Applicant: | John Fox |
| Owner: | Dorothy Hallock |
| Representative: | John Fox |

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this request on August 12, 2025 and recommended denial by a vote of 12-0.

DISCUSSION:

John Fox, representative with William Seymour Co., gave an overview of the proposed project. He stated the original plan depicted 20 lots and was reduced to 16. He stated the only difference with the conceptual site plan and the stipulated plan is the 15' roundabout planter area in the center of the cul-de-sac. He stated the roundabout will serve as a traffic calming device and provides the developer the ability to not re-dedicate the right-of-way. He stated the conceptual landscape plan was approved by the Planning Commission and City Council with added stipulations. He stated the conceptual elevations are the most recent elevations

presented at the South Mountain Village Planning Committee (VPC) meeting and display different color, roofing and veneer schemes. He stated even though they are conceptual, they are compliant with Stipulations 18, 19, 20, 21, 22 and 23.

Jewel Clark, a member of the public, stated her property is adjacent to the development. She stated both the South Mountain Village Planning Committee (VPC) and the community think the application is premature and the VPC denied the requests at the meeting. She stated the elevations are only conceptual as Mr. Fox does not have a developer, which is not what the VPC intended for Stipulations 1 and 2. She stated Mr. Fox should come back to the VPC when he has a builder for the site and the elevations contained incorrect measurements. She stated there were errors on Mr. Fox's application that needed to be called out, such as the density of the subdivision and how the elevations are not compatible with the surrounding homes. She stated the elevations are not meeting Stipulation 18 that requires 50% of the homes to have a front and back porch of 60 square feet with a minimum depth of 6 feet.

Byron Easton, Planning Hearing Officer, asked Ms. Clark if the elevations she mentioned were the ones shown in Mr. Fox's presentation. She stated she submitted a public records request and was referring to the stamped documents in the PDF she received. Mr. Easton asked her to confirm if they were the same ones in the presentation. Ms. Clark confirmed they were, however, there were old designs from his initial application at the end of the PDF.

Ms. Clark stated the measurements and facades on the elevations did not reflect a cohesive plan. She stated the approved zoning stipulations only allow three, two-story homes and there should be more one-story options. She stated Stipulation 21 calls for multiple colors and exterior accent materials and the elevations only had two variations of façade and roofing materials and basic colors. She mentioned front facing garages are discouraged by the area plan.

Mr. Fox responded by stating he has received approval for the plans presented in previous VPC meetings. He stated City Council approved the plans with stipulations and both the site and landscape plan comply. He stated many meetings have occurred in the past two years and any confusion from the public is out of character. He stated he does not have a builder to present elevations, color schemes, and materials, however if a builder came in with a different concept, he may be required to come back to PHO for compliance. He stated he is complying with all the stipulations and elevations don't necessarily show the square footage of the porches. He mentioned the project is going back for a follow up pre-application meeting to correct any errors regarding the site. He mentioned the project has been delayed for a year and he wants to move forward with this PHO application. He stated the materials were shown in the elevations and this project is consistent with the area. He stated the old plans Ms. Clark referred to were removed from the agenda, however they are still part of the application. He stated the original plans were created by the developer of the site

when there were 20 lots, however the builder pulled out of the project when the number of lots was reduced to 16. He stated he is keeping his plans generic and plans on meeting all zoning stipulations.

Jai Goudeau, member of the public, lives adjacent to the property. He said they've had many meetings with Mr. Fox to come up with something feasible but keeps changing what was approved. He said the cul-de-sac is not considered a cul-de-sac, but a temporary turnaround per the Phoenix City Code Section 32-28. He stated a cul-de-sac cannot exceed 400 feet and Mr. Fox's plan shows 700 feet. He stated the roundabout is more dangerous and would make it difficult for on-street parking and large trucks to turn around, which is why City Council did not approve the cul-de-sac in the original rezoning case. He stated the elevations were dated July 25, 2025 and were not approved by City Council. He stated the community appealed the original rezoning case, requesting a 3/4 vote from City Council, but dropped it to work with Mr. Fox to comply with the stipulations. He stated the VPC mentioned the conceptual elevations did not conform with surrounding homes and looked cheap.

Mr. Fox stated he was concerned with Goudeau's comments. He stated there was an issue with how to deal with the temporary turnaround, resulting in abandoning the curve gutter and sidewalk. He stated he is providing utilities for the development, and the turnaround was a technical issue that will be worked out during the site planning process. He stated he is not creating a situation where someone will have to back up 700 feet to get out of the turnaround. He stated the original product did not have many material or color schemes and were modern homes. He mentioned this proposal is similar to what is in the area. Mike Josic, member of the public, stated there are two different concepts on the elevations: white modern and beige Spanish Colonial. He stated there are six elevations for two-story homes, when only three are allowed on the site. He stated the neighborhood has united to oppose the project and no one has supported it. He stated the application be denied until Mr. Fox finds a developer.

Mr. Fox said both the site and landscape plan have not changed since the Planning Commission and City Council approved it. He said the only change on the site plan is the turnaround in the cul-de-sac. He stated these plans have been approved several times by the VPC, Planning Commission, and City Council per stipulations. He stated the white modern elevations Mr. Josic referred to are not conducive to the area and his renderings will look similar to surrounding area. He stated the public has been pushing back on the conceptual elevations and it is insulting at this point. He stated they hate the colors and materials and all he wants to do is bring this project forward for development.

Mr. Easton stated that the site plan and landscape plan did not seem to be the main point of contention based on the VPC minutes and registered speakers. He stated the site plan needs to still go through site plan review and this PHO case should focus primarily on Stipulations 1 and 2. He stated a correspondence

letter was submitted noting unclear builder information, misrepresentation, and disrespectful behavior. He asked Mr. Fox to explain if any builders have expressed interest in the project or if the elevations were prepared without a builder in mind.

Mr. Fox stated the original elevations were created by the original builder, but they pulled out of the project when the project was reduced to 16 lots because they couldn't afford to build. He stated the former builder was American Homes 4 Rent and they own a similar looking property to the south and west of the project. He stated they are questioning the ability to develop because of the lock count improvements. He stated American Homes 4 Rent is still interested in the project and these are the elevations they will use. He stated there are three skews that are represented on two story and single-story homes. He mentioned the three single-story elevations are proposed for the site and they want to choose the three different two-story elevations for the site.

Mr. Easton stated he understands that the VPC wants to be part of the review process and the concerns from both the VPC and community members are valid. He stated the elevations shown can possibly change. He reiterated Mr. Fox would be willing to go back to the VPC per VPC minutes and asked if he would still be willing to go back to the VPC for another review. Mr. Fox stated he would never achieve a resolution with the VPC.

Mr. Easton stated VPC member Daniels reiterated concerns that if the VPC approved the elevations, they will become the default plans for the project. He stated the previous elevations were modern, less garage dominated and contained quality design elements. He reiterated that Mr. Fox said once a builder is selected, he will return to the VPC to present his elevations. Mr. Easton asked Mr. Fox to confirm if this was correct. Mr. Fox confirmed he would return to VPC to receive comments on the updated elevations.

Mr. Easton stated the site plan and landscape plan review through the PHO process has been met. He stated the plans can be changed prior to preliminary site plan approval but will still have to meet all the stipulations from the original rezoning case. He recommended approval to Stipulation 1 regarding the review and approval of conceptual site plan and landscape plan through the PHO public hearing process. He recommended approval with a modification to Stipulation 2 regarding the review and approval of conceptual elevations through the PHO public hearing process, adding language requiring the building elevations being presented to the VPC prior to preliminary site plan approval.

Mr. Fox stated requiring the review prior to preliminary site plan approval will hold up his civil and site plan approvals outside of the elevations. Mr. Fox argued this project is going through a second pre-application and the preliminary approval will restrict him from moving forward. Mr. Easton argued he may be restricted by going back to one VPC meeting instead of the whole PHO process and he will be

unable to move forward without a builder and a final product. He stated he feels it is adequate he returns to the VPC for another review.

FINDINGS:

- 1) The applicant submitted a conceptual site plan and landscape plan for review by the Planning Hearing Officer per the requirements of Stipulation 1. Stipulation 1 is recommended to be modified by deleting it in its entirety and replacing the text with a general conformance requirement to the conceptual site plan and landscape plan submitted with this application.

The conceptual site plan and landscape plan submitted with this application is virtually identical to the plans that were approved in the recent zoning case (Z-58-24). The conceptual site plan, date stamped June 2, 2025, is in general conformance to the stipulated plan, date stamped February 21, 2025, which is also referenced by Stipulation 27. By replacing the text of Stipulation 1 with a new general conformance stipulation, Stipulation 27 is now obsolete. However, Staff did not advertise its removal, so it will remain as Stipulation 27. The more recent site plan, date stamped June 2, 2025 will be used moving forward.

The conceptual landscape plan, date-stamped June 24, 2025, is consistent with the site plan and depicts adequate landscaping throughout the 16-lot development including detached sidewalks and split rail fencing. General conformance to this landscape plan is now required.

- 2) The request to review the conceptual elevations by the Planning Hearing Officer is recommended to be approved with a modification. Stipulation 2 is recommended to be modified by deleting it in its entirety and replacing the text with a stipulation that will require VPC review and comment prior to preliminary site plan approval. This will ensure that the VPC will be given the opportunity to review and comment on the final version of the elevations that are being proposed to be built on the site. This will also allow the applicant to move forward in the process and not be required to go through another PHO hearing cycle prior to site plan review.

STIPULATIONS:

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| 1. | THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED JUNE 2, 2025 AND THE LANDSCAPE PLAN DATE STAMPED JUNE 24, 2025 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. The conceptual site plan and landscape plan for future development of the site shall be reviewed and approved by the Planning Hearing Officer through the |
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| | public hearing process, including review by the South Mountain Village Planning Committee, for stipulation modification prior to preliminary site plan approval. 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. |
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| 2. | BUILDING ELEVATIONS SHALL BE PRESENTED FOR REVIEW AND COMMENT TO THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE PRIOR TO PRELIMINARY SITE PLAN APPROVAL. The conceptual elevations for future development of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process, including review by the South Mountain Village Planning Committee, for stipulation modification prior to final site plan approval. 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. |
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| 3. | Prior to preliminary plat approval, documentation shall be provided that demonstrates participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, as approved by the Planning and Development and Water Services departments. |
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| 4. | A WaterSense inspection report from a third-party verifier shall be submitted that demonstrates successful participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, prior to certificate of occupancy, as approved by the Planning and Development Department. |
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| 5. | Only landscape materials listed in the Phoenix Active Management Area Low- Water-Use/Drought-Tolerant Plant List shall be utilized in the common areas and within the front yards of individual residential lots, as approved or modified by the Planning and Development Department. |
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| 6. | Natural turf shall only be utilized on individual single-family lots (behind the front yard); required retention areas (bottom of basin); and functional turf areas within common areas, as approved by the Planning and Development Department. |
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| 7. | Pressure regulating sprinkler heads and/or drip lines shall be utilized in any turf areas to reduce water waste. |
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| 8. | A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative |

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| | Stormwater Management, as approved or modified by the Planning and Development Department. |
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| 9. | Participation in the City of Phoenix Homeowner's Association Water Efficiency Program shall be incorporated into to Covenants, Conditions, and Restrictions for the subdivision, prior to final site plan approval |
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| 10. | Swimming pools on individual single-family lots shall be limited to 600 square feet in size. |
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| 11. | A minimum 50 feet of right-of-way shall be dedicated and constructed for the full width of 20th Lane for the full length of the subject site, connecting to the southern adjacent parcel. |
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| 12. | A minimum 50-foot radius easement shall be dedicated, and a minimum 45-foot radius temporary turnaround shall be constructed at the southern terminus of 20th Lane. Alternatively, a permanent turn-round design may be considered and shall include a center landscaped island, designed to City of Phoenix standards, as approved by the Street Transportation Department. |
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| 13. | All streets within and adjacent to the development shall be constructed 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. |
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| 14. | The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney. |
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| 15. | 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. |
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| 16. | Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. |
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| 17. | The development shall be limited to a maximum of 16 units. |
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| 18. | A minimum of 50% of building elevations shall include covered porches in the front yard and rear yard at a minimum of 60 feet each and at a depth of at least 6 feet, as approved by the Planning and Development Department. |
| 19. | The maximum building height for 80% of the lots shall be limited to one story and 26 feet, as approved by the Planning and Development Department. Two- story lots shall be south of lots 5 and 14, as shown on the site plan date stamped February 21, 2025. |
| 20. | A minimum of 8% of the gross project area shall be retained as common area, as approved by the Planning and Development Department. |
| 21. | Building elevations shall contain multiple colors, exterior accent materials Aand textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department. |
| 22. | All street-facing garage doors lengths shall be less than 50% of the total width of the facade, as approved by the Planning and Development Department. |
| 23. | Front setbacks for covered building elements shall be staggered by a minimum of 5 feet, as approved by the Planning and Development Department. |
| 24. | The lot widths shall be a minimum of 55 feet. |
| 25. | The southern end of the street shall have landscaping and wrought iron view fencing to enhance the view of South Mountain, until 20th Lane is constructed to the south of the property, as approved by the Planning and Development Department. |
| 26. | A retaining wall shall be provided along the northern boundary of Tract A and Tract B, as depicted on the site plan date stamped February 21, 2025, as approved or modified by the Planning and Development Department. |
| 27. | The development shall be in general conformance with the site plan date stamped February 21, 2025, as modified by the above stipulations and as approved by the Planning and Development Department. |
| 28. | Tract C, as depicted on the site plan date stamped February 21, 2025, shall include seating features with a minimum of 50 percent shading through the use of trees or a structure, as approved by the Planning and |

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| | Development Department. |
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| 29. | All pedestrian pathways (including sidewalks) shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department. |
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| 30. | Rural style fencing, such as a split rail fencing, shall be provided along the east side of Tract A and the west side of Tract B, as depicted on the site plan date stamped February 21, 2025, to provide a decorative and aesthetic treatment consistent with the building elevations, as approved by the Planning and Development Department. |

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