

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Mr. Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

November 15, 2023

ITEM NO: 1	
	DISTRICT NO. 1
SUBJECT:	
Application #:	PHO-1-23--Z-8-22-1
Location:	Approximately 760 feet north of the northeast corner of I-17 and Circle Mountain Road
Zoning:	R-2 and R-3
Acreage:	40.04
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1 regarding Planned Residential Development option.2) Request to modify Stipulation 2 regarding minimum building setback.3) Request to modify Stipulation 4.b regarding drought tolerant vegetation.4) Request to add Stipulation 4.c regarding drought tolerant vegetation.5) Request to delete Stipulation 11.a regarding secured bicycle parking.6) Request to modify Stipulation 11.b regarding guest bicycle spaces.7) Request to delete Stipulation 11.c regarding bicycle repair station.8) Request to modify Stipulation 12.b regarding north-south pedestrian connection.9) Request to modify Stipulation 12.c regarding the number of pedestrian connections.10) Request to modify Stipulation 13 regarding indoor noise levels.11) Request to modify Stipulation 14 regarding the development of noise mitigation walls.12) Request to modify Stipulation 15 regarding noise wall setbacks.13) Request to modify Stipulation 16 regarding perimeter wall materials.14) Request to modify Stipulation 20 regarding view walls and fencing along property lines.15) Request to modify Stipulation 22 regarding Electric Vehicle Capable infrastructure.

	<ol style="list-style-type: none">16) Request to modify Stipulation 23.b regarding drought tolerant vegetation ground cover in landscaped areas between the back of curb and sidewalk.17) Request to add Stipulation 23.c regarding native vegetation ground cover for landscaped areas between back of curb and sidewalk.18) Request to modify Stipulation 24 regarding construction of detached sidewalks.19) Request to modify Stipulation 24.b regarding drought tolerant vegetation ground coverage in landscaped areas along detached sidewalks.20) Request to add Stipulation 24.c regarding native vegetation ground coverage in landscaped areas along detached sidewalks.21) Request to modify Stipulation 25 regarding right-of-way dedications and street improvements.22) Request to delete Stipulation 27 regarding a 30-foot right-of-way dedication along the southern boundary of the project.23) Request to modify Stipulation 28.b regarding drought tolerant vegetation ground coverage in landscaped areas in right-of-way.24) Request to add Stipulation 28.c regarding native vegetation ground coverage in landscaped areas in right-of-way.25) Request to delete Stipulation 29 regarding enhanced pedestrian connections.26) Request to delete Stipulation 37 regarding capping and abandonment of existing wells.27) Request to delete Stipulation 38 regarding a petition to the Street Transportation Department to eliminate required street light infrastructure.28) Request to delete Stipulation 39 regarding primary construction access.29) Request to delete Stipulation 40 regarding roadway damage repair.30) Request to delete Stipulation 41 regarding disclosure language in future leases for a portion of Jenny Lin Road.31) Request to delete Stipulation 42 regarding Phase 1 to be in general conformance with the site plan date stamped May 4, 2023.
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	32) Request to delete Stipulation 43 regarding Phase 1 to be in general conformance with the elevations and design elements date stamped May 4, 2023. 33) Request to delete Stipulation 44 regarding the maximum dwelling units for Phase 1. 34) Request to modify Stipulation 45 regarding Phase 2 to be in general conformance with the site plan. 35) Request to modify Stipulation 46 regarding Phase 2 to be in general conformance with the elevations. 36) Request to modify Stipulation 47 regarding the number of lots for Phase 2. 37) Request to delete Stipulation 48 regarding conceptual site plans and elevations for Phase 3. 38) Request to delete Stipulation 49 regarding surface parking lot landscaped areas for Phase 3.
Applicant:	Hannah Bleam, Withey Morris Baugh, PLC
Owner:	Circle Mountain Holdings LLC
Representative:	Hannah Bleam, Withey Morris Baugh, PLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. On 12/20 the PHO took the case out from under advisement and recommended denial as filed, approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Rio Vista Village Planning Committee reviewed the request on November 14, 2023. The VPC recommended approval with modifications by a vote of 6-0.

DISCUSSION:

Adam Baugh, 2525 East Arizona Biltmore Circle, representative of Withey Morris Baugh PLC, stated he received comments from staff and met with the Rio Vista Village Planner regarding the comments. He stated that the VPC recommended approval for the modifications. He gave an overview of the rezoning case and the original development for the project. He gave an overview of the modification requests and the revised site plan, letting Mr. Easton know to stop him if he had any questions.

Mr. Easton stated that the revised narrative shows no modification request for Stipulation 11.b and asked if that was correct.

Mr. Baugh stated that they were originally going to modify the stipulation but decided to keep it to allow bicycle parking spaces in the open space areas. He continued with an overview of the modification requests. He stated they originally were going to delete Stipulation 37 regarding capping and abandonment of existing wells, thinking there were no wells on the property, but later confirmed there were existing wells on the property, therefore the stipulation is needed.

Mr. Easton asked if Mr. Baugh would like to withdraw Request 27.

Mr. Baugh confirmed to withdraw Request 27. He continued with an overview of the modification requests.

Mr. Easton stated he would recommend combining Stipulations 45 and 46 regarding general conformance to a site plan and elevations.

Mr. Easton recommended denial Stipulation 1 regarding the Planned Residential Development option. He stated that there isn't any need to eliminate the phasing language, especially if the applicant changes their mind and decides on phasing. He recommended denial to Stipulation 2 regarding the minimum setback. He stated historically setbacks are always measured from the property lines and the site plan is already in general conformance, making the modification unnecessary. He recommended approval and combination of Stipulations 4.b and 4.c. He recommended approval to Stipulation 11.a, indicating private garages will serve as adequate bicycle storage for the development. He stated modification to Stipulation 11.b has been withdrawn by the applicant. He recommended approval Stipulation 11.c, indicating the original stipulation correlates with multifamily residential development and residents can easily repair their bicycles in their garages. He recommended approval with modification to Stipulation 12.b, indicating the development to the north and south will still be stipulated to provide the north-south pedestrian connection from Circle Mountain Road to Jenny Lin Road. He asked Mr. Baugh if he had any questions regarding the recommendations at this point.

Mr. Baugh stated he had no questions. He stated that they are not able to comply with the 100-foot setback requirement. He stated the requirement was compliant based on the site plan they provided before dedication, but after dedication, they will lose 10 homes from the community, making the rest of the homes more expensive in the proposed community. He stated staff wanted to make sure the noise levels did not affect the homes, but with the additional landscape stipulation, it will address the concern.

Mr. Easton recommended approval to Stipulation 12.b as written per the applicant's narrative. He recommended approval to Stipulation 12.c, indicating one connection to the western adjacent trail is sufficient. He recommended approval with modification to Stipulation 13, indicating more modern language

would be added. He recommended approval to Stipulation 14 as written. He recommended approval with modification Stipulation 15, indicating the intent of the stipulation is to provide visual interests for the residents and visitors from perimeter streets. He recommended approval with modifications to Stipulation 16, indicating the language regarding the location of stone treatments was modified. He recommended approval with modification to Stipulation 20, indicating that he agrees that the view walls shall be limited to the perimeter streets only, but does not agree with the minimum 10' from the rear property lines. He recommended approval to Stipulation 22, indicating the calculation for required EV charging facilities should be based on the number of parking spaces and the location can be flexible, such as garages or near common open space areas.

Chris Clonts, representative of Lennar Homes, stated that the reason for the 10-foot spacing for the rear walls was to provide privacy for the homes adjacent to the pedestrian paths that have living space and bedroom windows downstairs. He stated limiting the view fence to the rear yard would provide privacy, but still provide property owners the ability to view the pedestrian paths. He stated the 10-foot spacing was the setback between the rear wall and the home, equivalent to the depth of the garage.

Mr. Easton asked if the red markings on the overall site plan are where they are proposing the view-fence or where they do not want the view-fence.

Mr. Clonts stated the red indicates the view fence and is not to scale. He stated the red markings indicate where the view-fencing would occur where the back of the homes come together along the central trail. He stated homes that back on to the programmed amenities and open space would have fencing. He stated they were trying not to have fencing on the local roads because the tract is considered open space, which would require the view-fence. He stated they were trying to keep it to roadways, not just perimeter roadways.

Mr. Easton referred back to Stipulation 20, indicating he changed his decision from approval with modification to approval. He stated that he did not agree with the language regarding the "maximum" 2-foot view fence. He stated he wants to modify the request to say "minimum" 2-foot view fence.

Mr. Clonts asked if the stipulation can say 2-foot view fence, without the words "maximum" or "minimum".

Mr. Easton stated he would strike the word "maximum", indicating Stipulation 20 is approved with a modification. He stated Stipulations 23.b and 23.c to be combined the language into 23.b and recommended approval. He stated that request to modify Stipulation 23.c is withdrawn, indicating additional wording is being added to Stipulation 23.b. He recommended approval to Stipulation 24,

indicating Jenny Lin Road and Circle Mountain Road are under the jurisdiction of Maricopa County Department of Transportation (MCDOT) and the original stipulation did not originate from the Street Transportation Department. He recommended approval to the subsections of Stipulation 24, indicating it has been modified to account for appropriate desert landscaping. He recommended approval to Stipulation 25, indicating the same reasoning as Stipulation 24. He recommended approval to Stipulation 27, indicating the stipulation is not applicable to the property and covered by Stipulation 28. He recommended approval to Stipulation 28.b, indicating he added a technical correction to Stipulation 28 since the development does not have a Phase 2. He stated he was combining Stipulations 28.b and 28.c, indicating they are not adding Stipulation 28.c and adding the language to Stipulation 28.b. He stated the request to add Stipulation 28.c was withdrawn. He stated the request to modify Stipulation 25 has been withdrawn. He stated the request to delete Stipulation 37 has been withdrawn.

Mr. Baugh clarified if Stipulations 24.c and 28.c were withdrawn and not combined.

Mr. Easton stated they were withdrawn. He stated the original requests to add the separate stipulations were withdrawn and the language is being incorporated with Stipulations 24.b and 28.b.

Mr. Baugh asked if Mr. Easton can read the new Stipulation 24.b language.

Mr. Easton read the new Stipulation 24.b.

Mr. Baugh agreed with the new Stipulation 24.b. He reminded Mr. Easton that they were going to withdraw the request to delete Stipulation 37.

Mr. Easton confirmed the request was withdrawn. He stated the Street Transportation Department is fine with deleting Stipulation 38, as the stipulation came from the Rio Vista VPC, not the Street Transportation Department. He recommended approval to delete Stipulation 38, adding new language regarding dark sky compliant lighting. He later corrected his decision to recommend denial the request to delete Stipulation 38, indicating the applicant has revised their narrative to modify the stipulation instead of deleting it. He recommended denial with modification, including the dark sky compliant lighting language. He recommended approval to delete Stipulation 39, indicating it is not applicable to the property. He recommended approval to delete Stipulation 40. He recommended approval to Stipulation 41, indicating it is not applicable to the property. He stated Stipulations 42, 43, and 44, under sub-section "Phase 1 (R-3 Zoned Area)", were requested to be deleted. He recommended approval to delete Stipulations 42, 43, and 44, indicating there is no Phase 1 in the PHO zoning boundary. He stated the project now includes a portion of Phase 1 and

Phase 2 of the original rezoning application. He recommended removal of the repetitive language and old Phase 1 stipulations will be consolidated in a singular general conformance stipulation. Mr. Easton asked to pause to gather his notes for the remaining recommendations.

Mr. Easton referred back to Stipulations 42 and 43. He recommended approval to delete Stipulation 42 and Stipulation 43, indicating the project includes a portion of Phase 1 and Phase 2. He recommended the removal of the repetitive language of the old Phase 1 stipulations and to consolidate them in a later stipulation. He recommended approval to delete Stipulation 44, indicating he will add the language to a later stipulation, as well. He recommended approval with modifications Stipulation 45 and Stipulation 46, indicating the Phase 1 and Phase 2 general conformance stipulations will be combined into one. He asked Teresa Garcia, Planning Hearing Officer Assistant, what the most recent site plan date stamped.

Ms. Garcia stated September 29, 2023.

Mr. Easton stated the new date for the site plan general conformance stipulation. He asked Ms. Garcia if the elevations were date stamped with the same date as the site plan.

Ms. Garcia confirmed they were.

Mr. Easton stated the new date for the site plan and elevations general conformance stipulation.

Mr. Clonts asked for clarification regarding the site plan. He stated if Mr. Easton is recommending denial to Stipulation 2, the site plan will not be in general conformance.

Mr. Easton stated he never heard of measuring setbacks from the center of the road, but more so from property lines.

Mr. Clonts stated the acoustical engineer calculated the sound dedication for the 53-foot setback. He stated it was less than one decibel difference, indicating that a human can tell a difference in the volume of a sound per Arizona Department of Transportation (ADOT). He stated the setback does not really matter in terms of sound mitigation and the 100-foot building setback will still be met, but just measured at the property line prior to dedication. He stated if the 100-foot setback is measured at the property line after dedication, they will lose 10 homes.

Mr. Easton stated he needed to pause to review his recommendation.

Mr. Easton stated he was confused about the site plan. He indicated the site plan shows they are meeting the 100-foot setback and asked for clarification.

Ms. Garcia pulled up the site plan.

Mr. Easton asked if the black and white hashed line is the property line.

Mr. Baugh indicate it is the existing property line before dedication.

Mr. Easton if the solid black line shows the property line after dedication.

Mr. Baugh stated after dedication, a 53-foot setback would be measured from the future property line. He stated he understands it's unusual for enforcement on the site plan process, but they want to keep it simple and ask for the 53-foot setback.

Mr. Easton stated he can stipulate general conformance to the site plan and asked what Mr. Baugh's concern is.

Mr. Baugh stated that the Site Planning Department is going to see the stipulation and not be happy that the setback does not meet general conformance.

Mr. Easton asked if they can add language calling out the setback before dedication.

Mr. Baugh stated it would be fine. He stated Mr. Clonts can clarify what the site plan shows.

Mr. Clonts stated he was fine with the language regarding the setback before dedication. He stated the site plan was originally prepared for a pre-application meeting, assuming the site being built as is. He stated everything on the plan needed to be shifted to the right 47', so the site plan is not correct.

Mr. Easton said he will come up with a recommendation for this request later and continued with the remaining requests. He recommended approval to Stipulation 47, indicating he agreed with the applicant to combine the stipulations. He recommended approval to delete Stipulation 48, indicating there is no Phase 3 in this PHO. He recommended approval to delete Stipulation 49. He stated he is not comfortable with making a decision regarding the site plan and does not want the applicant to have to come back for another PHO hearing. He recommended to take under advisement, indicating he needs more information and a corrected site plan to stipulate to, so the applicant is not forced to go through the PHO process again.

Mr. Baugh agreed with the decision.

Mr. Easton confirmed the case is taken under advisement.

FINDINGS:

- 1) The request for modification of Stipulation 1 is recommended denied. There is still a remaining parcel (South Phase I) that will need to go through the PHO process and could end up a Phased development. The removal of the term “each phase of” is not necessary.
- 2) The request for modification of Stip 2 is recommended approved with a modification of the original request. The original request was for the Stipulation to be modified to reflect the measurement of the 100’ building setback from the center line of the frontage road. Setbacks shall be measured from the property line and the Stipulation has been modified to reflect the 58-foot setback from property line shown on the approved site plan.
- 3) Request for the modification of Stip 4.b and 4.c is recommended approved. This stipulation has been modified to include a specific percentage for native desert landscaping that is more appropriate for that vegetation and ensures that native vegetation is salvaged and utilized. The native desert is intended to mimic the untouched land and therefore the 50% live vegetative ground cover standard is much more appropriate for that landscaping. For areas that will not utilize the native desert plants, the other standard regarding 75% ground cover has been maintained.
- 4) The Request to delete Stipulation 11.a regarding secured bicycle parking is recommended to be approved. This stipulation was intended for multi-family development. Since this is a single-family request, the stipulation can be removed.
- 5) The Request to modify Stipulation 11.b regarding guest bicycle spaces has been withdrawn by the applicant.
- 6) The request to delete Stip 11.c is approved. This is a Stipulation intended for multi-family residential developments.
- 7) The request to modify Stip 12.b is approved with modification. The development to the south and to the north will still be stipulated to provide this north-south pedestrian connection from Circle Mountain Road to Jenny Lin Road.
- 8) The request to modify Stipulation 12.c regarding the number of pedestrian connections is approved. One connection to the western adjacent trail is sufficient.

- 9) The request to modify Stipulation 13 regarding indoor noise levels is approved with a modification. The stipulation is recommended to be modified to add more modern language.
- 10) The request to modify Stip 14 is approved. The change is necessary to specify wall height. ADOT will determine where sound walls will be placed.
- 11) The Request to modify Stipulation 15 regarding noise wall setbacks is approved. Interior walls do not need to provide visual interest. The intent of the stipulation is to provide visual interest for residents and visitors from perimeter streets.
- 12) The Request to modify Stipulation 16 regarding wall materials is approved with modifications. The original request to add language regarding limiting the architectural treatments of the walls to only corners and end columns was denied but the language specifying the location of the stone treatments was modified.
- 13) Request to modify Stipulation 20 regarding view walls and fencing along property lines is recommended to be approved with modifications. The intent of this stipulation is to increase pedestrian visibility and safety in open space areas by residents being able to passively police these open space areas through view fencing. The side yard fences adjacent to interior tracts and to the open space area to the east should still provide view fencing. Additionally, the proposed language of “a maximum 2-foot view fence” suggests that a view fence of less than 2 feet can be provided, such as 1-foot view fence or less, which is not the intent of this stipulation. The stipulation needs to be reworded but the language proposed by the Applicant does not meet the intent of the stipulation. The language provided above meets the intent of the stipulation and prevents view fencing on side yards adjacent to roadways.
- 14) Request to modify Stipulation 22 regarding Electric Vehicle Capable infrastructure is recommended to be approved with modification. The calculation for required EV charging facilities should be based on the number of required parking spaces. The location can be flexible, such as in garages, or near the common open space area.
- 15) The Request to modify Stipulation 23.b regarding drought tolerant vegetation ground cover in landscaped areas between the back of curb and sidewalk has been approved. In addition, for areas that will not utilize the native desert plants, the other standard regarding 75% ground cover has been maintained.

- 16) The Request to modify Stipulation 24 regarding construction of detached sidewalks is recommended to be approved. Jenny Lin and Circle Mountain Roads are under the jurisdiction of MCDOT and the stipulation did not originate from the Street Transportation Department. In addition, Stipulation 24.b has been modified to specify the location of drought tolerant vegetation. For areas that will not utilize the native desert plants, the other standard regarding 75% ground cover has been maintained. Language has been added to preserve visibility in sight visibility triangles. Stipulation 24.c has been withdrawn by the applicant.
- 17) The Request to modify Stipulation 25 regarding right-of-way dedications and street improvements is recommended to be approved. Jenny Lin and Circle Mountain Roads are under the jurisdiction of MCDOT and the stipulation did not originate from the Street Transportation Department.
- 18) The Request to delete Stipulation 27 regarding a 30-foot right-of-way dedication along the southern boundary of the project is approved. The stipulation is not applicable to the Property and the requirement is covered by Stipulation 28.
- 19) The Request to modify Stipulation 28.b regarding drought tolerant vegetation ground coverage in landscaped areas in right-of-way is approved. For areas that will not utilize the native desert plants, the other standard regarding 75% ground cover has been maintained. Language has been added to preserve visibility in sight visibility triangles. Stipulation 28.c has been withdrawn by the applicant. The technical correction to Stipulation 28 is required to clarify the dissolution of Project II.
- 20) The Request to delete Stipulation 29 regarding enhanced pedestrian connections has been withdrawn by the applicant.
- 21) The Request to delete Stipulation 37 is denied. If there are no wells on the property, then ignore the Stipulation. There is no reason to delete the Stipulation.
- 22) The Request to modify Stipulation 38 is denied. The Applicant is requesting clarity regarding how the dark skies would be protected with the proposed development however the Stipulation does not meet the intent of the Street Transportation Department and will therefore be deleted. This stipulation was originally added by the Rio Vista Village Planning Committee. The applicant's requested change has a direct effect on right-of-way standards. The developer must coordinate lighting requirements with the Planning and Development Department and follow

appropriate review to evaluate requested modifications along City of Phoenix controlled roadways.

Technical requirements to evaluate a reduction in lighting standards on public residential roadways has an established process with the City of Phoenix to determine the viability and safety of the request following the Council adopted Streetlighting Layout Guidelines dated July 2023. Furthermore, this subdivision does not meet the qualifications to reduce lighting in low-density residential areas (0-2 DU/Acre) on public streets. Modifications of the lighting standards less than the established minimum requirements may only be considered on internal, private roadways.

Therefore, the Street Transportation Department recommends removal of the original stipulation and the requested modification due to the technical standards.

- 23) The Request to delete Stipulation 39 is approved. The stipulation has been removed and is not applicable to the Property.
- 24) The Request to delete Stipulation 40 is approved. The stipulation has been removed and is not applicable to the Property.
- 25) The Request to delete Stipulation 41 is approved. The stipulation has been removed and is not applicable to the Property.
- 26) The Request to delete Stipulation 42, 43, and 44 under the subsection "Phase 1 (R-3 Zoned Area)" is recommended for approval. These stipulations have been deleted as this project includes a portion of Phase 1 and Phase 2 of the original rezoning application. Therefore, the PHO recommends removal of the repetitive language, and the old Phase 1 Stipulations will be consolidated in a singular General Conformance Stipulation in the section below.
- 27) The request to modify Stipulations 45 and 46 to combine Phase 1 and Phase 2 General Conformance Stipulations into one is approved with modifications. This stipulation has been modified and consolidated to include a portion of the previous Phase I rezoning area and the Phase 2 rezoning area which makes up the new development area applicable to this application. Therefore, Staff recommends deleting the repetitive general conformance stipulations and creating a new General Conformance Stipulation for the proposed site plan and elevations.
- 28) Request to modify Stipulation 47 regarding the number of lots for the development is approved. This stipulation has been modified and consolidated to include a portion of the previous Phase I rezoning area

and the Phase 2 rezoning area which makes up the new development area applicable to this application, and the lots proposed.

29) The Request to delete Stipulation 48 regarding conceptual site plans and elevations for Phase 3 is approved.

30) The Request to delete Stipulation 49 regarding surface parking lot landscaped areas for Phase 3 is approved.

STIPULATIONS:

Overall Site		
1.	Each phase of the development shall utilize the Planned Residential Development (PRD) option.	
2.	A minimum building setback of 58 400 feet shall be provided along the west property line, except for the northern most 1,077 feet, which shall have a minimum building setback of 55 feet, as approved or modified by the Planning and Development Department.	
3.	A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.	
4.	All perimeter setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.	
a.	Minimum 50% 2-inch caliper and 50% 3-inch caliper large canopy drought tolerant shade trees planted 20 feet on center or in equivalent groupings with a staggered row of trees for every 20 feet of setback.	
b.	LANDSCAPE AREAS USING Drought tolerant shrubs and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.	
c.	LANDSCAPE AREAS USING SALVAGED NATIVE DESERT SHRUBS, ACCENTS, AND VEGETATIVE GROUNDCOVERS SHALL ACHIEVE A MINIMUM OF 50 PERCENT LIVE VEGETATIVE GROUND COVERAGE AT MATURITY.	
5.	A minimum of 10% of the required shrubs shall be a milkweed or other	

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

		and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
	e.	A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
12.		A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be provided and updated with each phase of development to include the following elements, as approved by the Planning and Development Department.
	a.	A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the site adjacent to the I-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development department.
	b.	A north-south pedestrian connection shall be provided THROUGH THE CENTER OF THE DEVELOPMENT TO PROVIDE AN ULTIMATE CONNECTION FROM CIRCLE MOUNTAIN ROAD TO JENNY LIN ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. to connect all phases of the development, including the area between Project II and Project 111.
	c.	ONE Four pedestrian connections shall be provided from the site leading to the adjacent trails directly east or west of the site.
	d.	Pedestrian access shall be provided to future development to the east for each phase of development.
13.		PRIOR TO FINAL SITE PLAN APPROVAL, THE DEVELOPER SHALL INCLUDE WITH THE BUILDING PLANS SUBMITTED FOR PHOENIX

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

	Planning and Development Department.	
20.	A combination of view walls/fencing and partial view walls/fencing WITH A MINIMUM 2-FOOT VIEW FENCE, shall be incorporated along property lines adjacent to dedicated public or private open space areas, natural and/or improved drainageways or recreational areas, EXCEPT ADJACENT TO A PERIMETER STREET, as approved by the Planning and Development Department.	
21.	Drainage channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Planning and Development Department.	
22.	A minimum of 502% of the required parking spaces, including garages, shall include Electric Vehicle (EV) CAPABLE-Installed infrastructure and 5% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.	
23.	A minimum of 2% of the required parking spaces, including garages, shall include Electric Vehicle (EV) Installed infrastructure and 5% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.	
a.	Minimum 2-inch caliper single-trunk large canopy drought tolerant shade trees planted 20 feet on center or in equivalent groupings.	
b.	LANDSCAPE AREAS USING Ddrought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity. LIVE COVERAGE TO HAVE A MAXIMUM MATURE HEIGHT OF TWO FEET WITHIN SIGHT VISIBILILTY TRIANGLES.	
	Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.	
24.	Minimum 5-foot-wide detached sidewalks, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, and minimum 5- foot-wide landscape strips located between the back of curb and sidewalk, or wider to meet MCDOT minimum standards shall be constructed along the south side of Jenny Lin Road, the east side of the I-17 frontage road, and the north side of Circle Mountain Road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of	

	Transportation (MCDOT) requiring the landowner and/or property management to maintain the installed landscaping within MCDOT right-of-way to the following planting standards, as approved by MCDOT and the Planning and Development Department.	
	a.	Minimum 2-inch caliper single-trunk large canopy drought tolerant shade trees planted 20 feet on center or in equivalent groupings.
	b.	LANDSCAPE AREAS USING drought tolerant shrubs, accents, and vegetative groundcovers SHALL to achieve a minimum of 75% live vegetative ground coverage at maturity. LIVE COVERAGE TO HAVE A MAXIMUM MATURE HEIGHT OF TWO FEET WITHIN SIGHT VISIBILITY TRIANGLES.
	Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.	
25.	All right-of-way dedications and street improvements for Circle Mountain Road , the I-17 frontage road, and Jenny Lin Road shall comply with Maricopa County Department of Transportation (MCDOT) requirements, as approved by MCDOT. Where possible the County Rural Residential Cross Section shall be utilized for Jenny Lin Road.	
26.	A minimum 65-feet of right-of-way shall be dedicated, and the east half of the I-17 frontage road shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required and approved by MCDOT.	
27.	A minimum of 30 feet of right of way shall be dedicated and constructed for the north side of the minor collector street along the southern boundary of Project III. The improvements shall be consistent with Minor Collector Cross Section F and include a minimum 5-foot wide detached sidewalk separated by a minimum 8-foot wide landscape strip located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.	
	a.	Minimum 2-inch caliper single-trunk large canopy drought tolerant shade trees planted 20 feet on center or in equivalent groupings.
	b.	Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

	Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
27. 28.	A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of the minor collector street along the northern boundary of THE PROJECT Project II . The improvements shall be consistent with Minor Collector Cross Section F and include minimum 5-foot-wide detached sidewalks separated by minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.
	a. Minimum 2-inch caliper single-trunk large canopy drought tolerant shade trees planted 20 feet on center or in equivalent groupings.
	b. LANDSCAPE AREAS USING d drought tolerant shrubs, accents, and vegetative groundcovers SHALL to achieve a minimum of 75% live vegetative ground coverage at maturity. LIVE COVERAGE TO HAVE A MAXIMUM MATURE HEIGHT OF TWO FEET WITHIN SIGHT VISIBILILTY TRIANGLES.
	Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
28. 29.	Enhanced pedestrian connections shall be designed and constructed at all public street crossing locations to interconnect the pedestrian trails throughout the entirety of the site, as approved by the Street Transportation Department and the Planning and Development Department.
29. 30.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department and MCDOT (where applicable). All improvements shall comply with all ADA accessibility standards
30. 31.	A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.
31. 32.	The developer shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. The form and content of such documents

	shall be reviewed and approved by the City prior to recordation.
32. 33.	If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
33. 34.	If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
34. 35.	In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
35. 36.	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
36. 37.	Prior to the construction of any residences, all existing wells within the development shall be capped and abandoned, as required by the Arizona Department of Water Resources (ADWR).
37. 38.	ALL STREET, SITE AND BUILDING LIGHTING SHALL BE DARK SKY COMPLIANT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND THE STREET TRANSPORTATION DEPARTMENT. The development shall petition the Street Transportation Department to eliminate the requirement for street light infrastructure for the development where possible in an effort to protect dark skies.
39.	Primary construction access shall be from Circle Mountain Road, or the frontage road, and ancillary construction activity and access may occur on Jenny Lin Road during parts of Project III, as approved by the City of Phoenix Planning and Development Department.
40.	The developer shall promptly repair any roadway damage that may occur on Jenny Lin Road during construction.
41.	The developer shall include disclosure language in future leases requiring

	all residents of Project III to acknowledge that a portion of Jenny Lin Road is private property, and no trespass is permitted.
	<i>Phase 1 (R-3 Zoned Area)</i>
42.	The development shall be in general conformance with the site plan date stamped May 4, 2023, as modified by these stipulations and as approved by the Planning and Development Department.
43.	The development shall be in general conformance with the elevations date stamped August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved by the Planning and Development Department.
	a. Spanish Colonial architectural style.
	b. Windows and glass doors with muntins and mullions.
	c. Decorative lighting fixtures at building entrances/exits and by garage doors.
	d. Covered front porches.
	e. Window and door treatment.
	f. Decorative doors.
	g. Architectural embellishments including, but not limited to, corbels and terracotta gable vent tubes.
44.	Phase 1 of the development shall be limited to a maximum of 288 dwelling units.
	<i>Phase 2 (R-2 Zoned Area)</i>
45.	The development shall be in general conformance with the site plan date stamped NOVEMBER 17, 2023 April 13, 2023, as modified by these stipulations and as approved by the Planning and Development Department.
46.	The development shall be in general conformance with the elevations date stamped SEPTEMBER 29, 2023 August 29, 2022, with specific regard to the following elements, as modified by these stipulations and as approved

	by the Planning and Development Department.
a.	Variety of architectural styles.
b.	Windows and glass doors with muntins and mullions.
c.	Decorative lighting fixtures at building entrances/exits and by garage doors.
d.	Covered front porches and covered rear patios.
e.	Garage, window and door treatment.
f.	Decorative doors.
g.	Architectural embellishments including, but not limited to, corbels, terracotta gable vent tubes, and window shutters.
h.	Gable end treatment with varied materials and colors.
i.	Breaking of massing and with varied materials and colors.
47.	Phase 2 of t The development shall be limited to a maximum of 239 472 lots.
<i>Phase 3 (R-3A Zoned Area)</i>	
48.	Conceptual site plans and elevations for Phase 3 shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.
a.	All building facades shall contain architectural embellishments and detailing such as, but not limited to, textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and canopies.
b.	Building and wall colors shall be muted and blend with, rather than contrast, with the surrounding desert environment. Accent colors may be appropriate but used judiciously and with restraint.

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

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

November 15, 2023

ITEM NO: 2	
	DISTRICT NO. 8
SUBJECT:	
Application #:	PHO-1-23--Z-73-01-6(8)
Location:	Southwest corner of 32nd Street and Baseline Road
Zoning:	MUA BAOD
Acreage:	3.64
Request:	1) Request to modify Stipulation 1.a regarding general conformance with the site plan dated August 27, 2001 2) Request to delete Stipulation 1.b regarding landscape strips. 3) Request to delete Stipulation 1.d regarding creation of a Homeowners Association. 4) Request to delete Stipulation 1.e regarding Planning Hearing Officer review of gated entry design. 5) Request to delete Stipulation 1.g regarding alternative paving materials for parking stalls.
Applicant:	Tim Rasnake, Archicon LC
Owner:	Zanbour, LLC
Representative:	Tim Rasnake, Archicon LC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended a date-specific continuance to the December 20, 2023 PHO Hearing.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee reviewed the request on August 8, 2023. The VPC recommended continuance with direction by a vote of 10-0. The VPC reviewed the continued request on November 14, 2023. The VPC recommended approval with modifications and additional stipulations by a vote of 14-0

DISCUSSION:

Michael Mastrin, representative of Archicon LC, stated that the VPC recommended approving the modifications and adding additional stipulations. He gave an overview of the proposed development. He asked the Planning Hearing

Officer if he received the VPC meeting report from the South Mountain Village Planner.

Byron Easton, Planning Hearing Officer, stated he received it, but did not have a chance to speak with the village planner in detail about it.

Mr. Mastrin gave an overview of the stipulation modifications the VPC recommended. He stated that the VPC would like to have an alternate paving material to meet Stipulation 1.g. He stated he wanted to talk to Mr. Easton regarding what kind of alternate paving material would be acceptable by the City. He stated they are trying to reduce the urban heat island effect in the development and was not sure what alternate material would be accepted. He stated that the VPC recommended more trees within the development and a connection to PAD B from the northeast corner of the site, taking pedestrians diagonally to where the drive aisles are. He stated they are not happy with that recommendation because they think it is dangerous.

Mr. Easton asked if he was amendable to that stipulation.

Mr. Mastrin asked if he was amendable to the stipulation and if he thinks it is safe.

Mr. Easton clarified that this was not a discussion to have now, but it can be discussed in the future. He stated that the focus of this hearing was the modifications advertised to the public and how to handle the village's requests moving forward.

Mr. Mastrin continued giving an overview of the proposed development.

Marcia Busching, 3319 East Highline Canal Road, stated that she is a village planning committee member who attended the VPC meeting for this case. She stated that the applicant glossed over the fact that the VPC spent almost an hour and a half on additional stipulations that are needed for the proposed development. She stated that the applicant was correct in the VPC wanting to have an alternate paving material for the proposed development. She stated that there was nothing in the application regarding EV charging and bicycle parking. She stated the village thought those were important stipulations that needed to be added.

Mr. Easton asked what kind of alternate paving material the village had in mind for the site.

Ms. Busching stated they did not discuss the specific type of material. She stated the applicant is aware of alternate materials that can help reduce heat. She stated that as the heat increases, natural materials will work better for the site.

Mr. Easton stated that he did not have enough time to speak with the village planner prior to this PHO hearing. He stated that he would work directly with the village planner to determine which stipulations are to be added to the case.

Ms. Busching stated the access to PAD-B was significantly discussed during the VPC hearing. She stated there are walkways on 32nd Street and Baseline Road and there was plenty of discussion regarding having access directly from the intersection to the proposed Starbucks. She stated that people didn't think they can walk down to the proposed Starbucks when it is currently designated on the site plan.

Mr. Mastrin stated that Ms. Busching is accurate with her statements, and he provided accurate information to Mr. Easton regarding what was discussed at the VPC hearing. He stated the only concern is the pedestrian safety in the driveway of the proposed Starbucks. He stated that the VPC wants a diagonal pathway that crosses through the driveway and is concerned about the safety.

Mr. Easton asked if there will be retention on the site.

Mr. Mastrin stated there is a trail that is along both 32nd Street and Baseline Road and there will be some retention basin.

Mr. Easton stated this case was continued from the August 16th PHO hearing. He stated the applicant was asked to provide more documents for the site. He stated the VPC recommended approval of the modifications by a vote of 14-0. He stated there was no public correspondence regarding this case. He recommended approval to Requests 1-5 since the development will be used as a commercial use instead of residential. He recommended preliminary approval to Stipulation 1.g and understands more discussion is needed regarding the final decision on the material. He added a stipulation, per the Parks and Recreation Department, regarding a 30' MUTE dedication along the south side of Baseline Road and west side of 32nd Street and a minimum 10' wide MUT constructed within the easement. He stated the site is archaeologically sensitive and additional archaeological stipulations will be added. He stated a Prop 207 waiver was received. He stated that more discussions need to be had between himself, the village planner, and the applicant regarding the added stipulations and recommended a date-specific continuance to the December 20, 2023 PHO Hearing.

FINDINGS:

DECISION:

STIPULATIONS:

1.	SITE PLANNING	
	a.	That the development shall be in general conformance with the site plan dated August 27, 2001, with specific regard to areas to be counted towards approximation of the 50% open space requirements in the MUA as may be approved by DSD, and represented by:
	1)	A circular open space tract in the residential area.
	2)	Linear pedestrian tracts in the east and south connecting to adjacent properties.
	3)	A pedestrian link from the residential to the commercial areas in the north and crossing 32nd Street.
	b.	Landscaped-tree lined strips that run along both sides of all local streets in the residential area. This landscaped strip shall include a meandering sidewalk as shown on the site plan.
	c.	That the height for commercial buildings be limited to one story along Baseline Road, as specified on the site plan.
	d.	That a Homeowners Association (HOA) be created to maintain all areas specified in 1.a.
	e.	That a design for the gated entry for the residential area shall be provided to the PHO for review prior to Preliminary Site Plan approval.
	F.	That solid walls be allowed on the interior perimeter walls (east and south) not the walls along 32nd Street or Baseline Road. These solid walls must incorporate controlled gates where they intersect the linear pedestrian tracts in the east and south that connect to adjacent properties so pedestrian connections with future adjacent developments is allowed.
	g.	That 81 parking stalls between the residential and commercial use shall be built with an alternative paving material.
2.	BUILDING DESIGN	
	2.1 Commercial Buildings	

	a.	That the applicant shall submit detailed elevations of the commercial buildings detailing the open areas between the buildings. These connections shall be made through “transparent” type of architectural elements working as shading devices. These elements may include arcades, ramadas, isolated-decorative walls, columns, and other elements that help define and support a shaded pedestrian environment but allow the flow of vistas. This information shall be submitted for review to the Planning Hearing Officer at the time of Preliminary Site Plan approval.
	2.2 Residential Buildings	
	a.	That only one-story houses shall be built on the south property line and 30% of overall units shall be at one story.
	b.	The floor plans shall be consistent with the elevations that reflect a rural design based on the “Tuscan Architecture” style illustrated by the applicant.
3.	STREETS AND RIGHTS-OF-WAY	
	a.	That a right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.
	b.	That right-of-way for 32nd Street realignment shall be dedicated as per plans approved by the City of Phoenix. The future intersection for 32nd Street at Baseline Road shall be flared to the minimum extent necessary and tapered in the shortest reasonable distance to function with the existing improvements on the north side of Baseline and with the future 40 foot of pavement within the 60 foot or right-of-way planned for 32nd Street on the south side of Baseline Road. Additional improvements may be required to accommodate left turn access to the proposed driveways.
	c.	That a 21 foot by 21 foot right-of-way triangle shall be dedicated at the southeast and southwest corners of 32nd Street and Baseline Road.
	d.	That sufficient right-of-way shall be dedicated to accommodate a bus bay (Detail P-1256) on Baseline Road east of 32nd Street (new alignment).
	e.	That rights-of-way dedications and street alignments for local streets within the subdivision will be determined by DSD at the time of Preliminary Subdivision Plat Review.

	f.	That 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 improvements shall comply with all ADA accessibility standards.
	g.	The applicant shall complete and submit the Developer Project Information form for the MAG Transportation Improvement Program to the Street Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clear air quality requirements.
	h.	That sufficient right-of-way must be provided for an underground tunnel crossing Baseline Road running on the west side of the 32nd Street (realignment) as may be approved by the Parks, Recreation and Library Department and Street Transportation Department. This right-of-way should be approximately 100 feet by 50 feet from the right-of-way of Baseline Road at the southwest corner of Baseline Road and 32nd Street realignment.
4.	TRAILS	
	a.	That a 25 foot easement shall be provided on the west side of 32nd Street and along Baseline Road to incorporate a multi-use trail as indicated on the South Mountain Village/Laveen Village Trail System map. Plans must be submitted to the Parks, Recreation and Library Department for final approval.
	b.	That the developer shall provide an alternative paving material where the entrance driveway crosses the equestrian trail. The alternative paving material shall be as wide as the equestrian trail and must be used across the entire width of the street or driveway. The alternate paving material and the material used at the street/trail interface shall be acceptable to Parks, Recreation and Library Department and Street Transportation Department.
5.	OTHER ISSUES	
	a.	That upon approval of this request by City Council, the South Mountain Village Planning Committee will be notified of any subsequent modifications and/or deletions of stipulations and/or variances.
	b.	That the development shall commence construction within 24 months

		of the rezoning request approval by City Council.

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

November 15, 2023

ITEM NO: 3	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-1-23--Z-SP-5-21-7
Location:	Approximately 100 feet west of the northwest corner of 59th Avenue and Lower Buckeye Road
Zoning:	C-2 SP
Acreage:	11.83
Request:	<ol style="list-style-type: none">1) Modification to Stipulation 1 regarding general conformance with building elevations date stamped November 16, 2021.2) Deletion of Stipulation 5 regarding perimeter walls.3) Modification to Stipulation 6 regarding parking lot landscaping.4) Deletion of Stipulation 7.a regarding shading of pedestrian walkways.5) Deletion of Stipulation 8.a regarding location of pedestrian thoroughfares.6) Modification to Stipulation 9.b regarding the location of a bicycle repair station.7) Modification to Stipulation 12 regarding location of sidewalks along Lower Buckeye Road.
Applicant:	EPS Group, Inc.
Owner:	Aamerco Real Estate Company
Representative:	EPS Group, Inc.

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee was scheduled to hear this request on October 17, 2023, but did not have a quorum.

DISCUSSION:

David Hughes, representative of EPS Group, Inc, gave an overview of the site and the modifications that were requested. He stated the existing conditions on

the site, including an existing ADOT chain link fence along the western property line. He gave an overview of the VPC hearing, indicating there was no quorum, but had a meeting with the VPC chair, Lisa Perez, to answer some questions she had about the site.

Parul Butala, representative of U-Haul, stated her support for the project and was available to answer questions regarding U-Haul's operation.

Mr. Easton asked Mr. Hughes if he was aware of any sound wall requirements from ADOT.

Mr. Hughes stated he is not aware of any requirements.

Mr. Easton asked if Mr. Hughes reached out to ADOT regarding the project.

Mr. Hughes stated he did reach out to ADOT and is preparing a traffic study and the site plan for their review. He stated he discussed it with Teresa Garcia, Planning Hearing Officer Assistant, and mentioned the materials will be provided with the site plan application.

Mr. Easton asked if the proposed site plan meets the City of Phoenix's current landscape requirements.

Mr. Hughes stated the landscape on the plan was used for presentation and would need to double check the landscaping requirements.

Mr. Easton stated there was no public correspondence for this case. He stated there was no recommendations from the Estrella VPC due to no quorum at the VPC hearing. He recommended approval with a modification to Stipulation 1, modifying the general conformance date to September 8, 2023 for the new proposed elevations. He recommended approval to Stipulations 5 and 6, indicating that the applicant is offering to add additional landscaping to the site. He stated modification requests to Stipulations 7.a and 8.a were withdrawn. He recommended approval to Stipulation 9.b, indicating the applicant is going to keep the bicycle repair station and is updating the site plan date. He recommended approval to Stipulation 12 as written. He stated a Prop 207 waiver was received and no additional stipulations were added.

FINDINGS:

- 1) The request to modify Stipulation 1 is approved with a modification. The purpose of the original rezoning was to allow the development of commercial self-service storage warehouse buildings on the Site. The proposal is offering the same use and intensity on the same portion of the

property and therefore only needs the revised elevations for the new development to be referenced in the general conformance Stipulation.

- 2) The request for the deletion of Stipulation 5 is approved. The applicant indicated that there is an existing view fence provided by ADOT adjacent to the Loop 202 freeway drainage channel. The applicant also stated that they will provide additional landscaping along that frontage and provided a landscape plan showing the added buffering in lieu of additional perimeter walls.
- 3) The request to modify Stipulation 6 regarding parking lot landscaping is recommended to be approved. The Stipulation has been modified to specify which parking areas are to be landscaped with 2-inch caliper shade trees, excluding areas that will only be used for moving van storage. The overall goal to achieve 25 percent of parking area shade at maturity, will still be achieved.
- 4) The request for modification of Stipulation 7.a is withdrawn.
- 5) The request for deletion of Stipulation 8.a is withdrawn.
- 6) The request to modify Stipulation 9.b is approved. The Stipulation is being updated to match the revised site plan for the new development (different developer).
- 7) The request to modify Stipulation 12 is approved. Due to Lower Buckeye Road right-of-way being under the jurisdiction of ADOT, the ultimate design of the sidewalk and landscaping in ADOT right-of-way is solely at their discretion. In addition, existing SRP facilities in the right-of-way would prohibit/severely limit planting in a landscape buffer on top of those facilities. Typically, the City of Phoenix would require the facilities to be moved out of the right-of-way and onto private property but are unable to, in this situation, as it's not under the City's jurisdiction.

STIPULATIONS:

1.	The self-service storage warehouse portion of the development shall be in general conformance with the building elevations date stamped SEPTEMBER 8, 2023 November 16, 2024 , as modified by the following stipulations and approved by the Planning and Development Department. Other building elevations shall be developed with a common architectural theme to the following standards, as approved by the Planning and Development Department:

	a.	Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability to provide a decorative and aesthetic treatment.
	b.	All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies.
	c.	A minimum of two building materials listed in the Estrella Village Core Plan shall be utilized in all building elevations.
2.		The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, except as noted herein, as approved by the Planning and Development Department.
3.		Project entry drives along Lower Buckeye Road shall incorporate enhanced landscaping on both sides planted with a variety of at least three plant materials. Each landscaped area shall be a minimum of 125-square feet, as approved by the Planning and Development Department.
4.		Project entry drives along Lower Buckeye Road shall be constructed of decorative pavers, stamped, or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
5.		Where perimeter walls are adjacent to the Loop 202 freeway drainage channel, these shall be limited to open view wrought iron fencing or similar material, or a combination of 4-foot solid masonry topped by wrought iron open view fencing or similar material, unless required otherwise by the Zoning Ordinance, as approved by the Planning and Development Department.
5. 6.		All uncovered CUSTOMER AND EMPLOYEE surface parking lot areas shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
6. 7.		The following pedestrian shade standards shall be met as described below and as approved or modified by the Planning and Development Department:
	a.	Pedestrian walkways connecting the commercial buildings to adjacent public sidewalks shall be shaded to a minimum of 75 percent using

		large canopy drought tolerant shade trees at maturity and/or architectural shade.
	b.	The bus stop along Lower Buckeye Road shall be shaded to a minimum of 50 percent.
7. 8.	A system of pedestrian thoroughfares shall be provided as described below and as approved or modified by the Planning and Development Department:	
	a.	Connections to/between via the most direct route:
	(1)	All building entrances.
	(2)	Adjacent public sidewalks.
	(3)	The bus stop along Lower Buckeye Road.
	b.	Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts with parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.
8. 9.	The development shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.	
	a.	A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the building entrance of each enclosed commercial building and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
	b.	One bicycle repair station ("fix it station") shall be provided and maintained within close proximity to Lower Buckeye Road or the C Store building as depicted in the site plan date stamped SEPTEMBER 8, 2023 July 12, 2024 . The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

9. 10.		The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the north side of Lower Buckeye Road and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
10 11.		The developer shall dedicate right-of-way and construct one bus stop pad along westbound Lower Buckeye Road west of 59th Avenue. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection according to City of Phoenix Standard Detail P1258.
11 12.		All sidewalks along Lower Buckeye Road shall be ATTACHED AND A MINIMUM OF 5 FEET IN WIDTH detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Arizona Department of Transportation (ADOT) and/or the Planning and Development Department.
	a.	Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees to provide a minimum.7.5 percent shade.
	b.	Drought tolerant vegetation maintained at a maximum height of 24 inches and achieve 75 percent live coverage.
	c.	The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for arterial streets.
		Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
12 13.		All sidewalks along 59th Avenue shall be a minimum of 5 feet in width and detached with a minimum 10-foot wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Arizona Department of Transportation (ADOT) and/or the Planning and Development Department.
	a.	Minimum 2-inch caliper single-trunk large canopy drought-tolerant

		shade trees to provide a minimum 75 percent shade.
	b.	Drought tolerant vegetation maintained at a maximum height of 24 inches and achieve 75 percent live coverage.
	c.	The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for arterial streets.
		Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
13 14.		All proposed driveways along Lower Buckeye Road shall require the approval of the Arizona Department of Transportation (ADOT) and the Planning and Development Department.
14 15.		The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
15 16.		If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
16 17.		If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
17 18.		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.
18 19.		Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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