

# ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION  
Byron Easton, Planner III, Hearing Officer  
Logan Zappolo, Planner I, Assisting

January 21, 2026

ITEM NO: 4	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-3-25--Z-62-13-7 (Continued from December 17, 2025)
Location:	Approximately 1320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road
Zoning:	A-1
Acreage:	9.77
Request:	1) Modification of Stipulation 1 regarding general conformance to the site plan and landscape plan date stamped February 23, 2024.
Applicant:	Benjamin Graff, Quarles & Brady LLP
Owner:	Phoenix Jones Partners LLC
Representative:	Benjamin Graff, Quarles & Brady LLP

## **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this request on January 20, 2026 and recommended approval with a vote of 4-0.

## **DISCUSSION:**

Benjamin Graff, representative of Quarles & Brady LLP, outlined the request for modification of Stipulation 1 regarding general conformance to the site plan. He asked for clarification that the updated site plan was received.

Byron Easton, Planning Hearing Officer, confirmed the updated site plan was received and clarified he will be basing the review on the most recent site plan.

Mr. Graff explained the differences between the previously approved warehouse facility to the proposed Battery Energy Storage System on site. He highlighted the proposed site plan still provides the large setbacks that were previously approved. He included the federal standard for battery storage is that these facilities should be located at least 100-feet away from residentially zoned properties and explained they have met this in any straight-line direction of the

proposed development measuring over 300-feet away in the shortest circumstance. Mr. Graff added there is only one stipulation to be modified and added they can meet all other stipulations. He explained this case went before the Estrella Village Planning Committee on December 16, 2026 and requested continuance. At the December 17, 2026 PHO hearing the date specific continuance to January 21, 2026 was granted. He added they have not received any opposition in relation to this case. Mr. Graff explained the original continuance was in relation to Fire Department Comments, which have been addressed by including a northern access point on the site per fire requirements.

He explained the use is compatible with the surrounding area with many industrial zoned properties nearby, and included the Village was excited at the fact the Battery Storage would generate much less traffic than the surrounding warehouse/manufacturing uses since these storage systems are mainly monitored off site. He reviewed the original Rezoning Case which approved the A-1 zoning on the site in 2014 and has remained A-1 since. He included City Staff confirmed the Battery Energy Storage use is permitted by right in the A-1 zoning district.

Mr. Easton asked if Mr. Graff had gone through a Site Development pre-application review for this use and site plan.

Mr. Graff added the permitted use was confirmed through interpretation as well as extensive meetings with City leadership to ensure the use is permitted.

Mr. Easton asked if Mr. Graff had gone through the pre-Application process with all the development departments.

Mr. Graff responded yes, they had two significant meetings one on November 20th, 2025 and another on December 22nd, 2025 with the Fire reviewers. He included they requested the additional access point to the northern portion of the property.

Mr. Easton asked if the new access point was depicted on the updated plan.

Mr. Graff confirmed the access point is shown on the updated site plan.

Mr. Easton asked what the date stamp of the updated site plan is. Logan Zappolo, Planning Hearing Officer Assistant, confirmed the site plan is date stamped December 31, 2025.

Mr. Graff presented a drive aisle exhibit to highlight the response to the Fire comments to provide an additional access point on the northern portion of the property.

Mr. Easton stated the Estrella Village Planning Committee recommended approval by vote of 4-0 on January 20, 2026. He included there is no Prop 207 waiver on file for this case, and he will include a stipulation to have a Prop 207 waiver recorded prior to final site plan approval.

Mr. Graff explained the Prop 207 waiver to his client.

Mr. Easton asked if there were any updated landscape plans for the submittal.

Mr. Graff added they did not update the landscape plan with the updated site plan, however, no changes to the landscape plans were necessary per received comments. He added the only difference in the landscaping would be located at the northern entrance point, which would replace a small landscape island with the proposed entrance way.

Mr. Easton asked when the City Council Hearing is for the cases heard today.

Mr. Zappolo responded the date of City Council will be March 4, 2026.

Mr. Easton stated the new landscape plan would be within general conformance to the previously submitted landscape plan and asked for clarification of the date stamp on the landscape plan.

Mr. Zappolo confirmed the landscape plan is date stamped October 31, 2025.

Mr. Graff added this date seems correct.

Mr. Easton asked if the only difference between the previous landscape plan and the proposed landscape is the northern access point.

Mr. Graff stated that it is correct and added there would be no changes to the setbacks, landscape width and the only change would be the small landscape area at the access point.

Mr. Easton added that the updated landscape will need to be shown during the site plan process anyway. He stated he will separate the two different plans as part of the stipulation modification noting the site plan date stamped December 31, 2025, and the landscape plan date stamped October 31, 2025.

Mr. Easton requested approval with a modification and an additional stipulation to add a Prop 207 stipulation.

**FINDINGS:**

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan and landscape plans is recommended to be approved with a

modification to provide more standard conformance language and to denote the two different date stamps for the plans. The stipulated site plan depicted two industrial buildings with approximately 152,220 square feet of space total between the buildings. Land uses depicted on the stipulated plan include primarily warehousing. This project did not develop, and the site remains vacant.

The proposed conceptual site plan depicts a Battery Energy Storage Systems (BESS) project that includes installation of battery storage enclosures, inverters, transformers, switchgear and related electrical infrastructure arranged within a secure, fenced compound. The BESS, is a 200-magawatt and 800 megawatt-hour energy storage facility that maintains the 125-foot building setback from the residential neighbors to the south, as originally contemplated in the prior site plan for the industrial buildings. This project features a 230-foot building setback that far exceeds the 125-foot that is required.

The landscape plan features increased setbacks of 150 feet to the south, that also includes a 30-foot MUT. This exceeds the 75-foot requirement. The plan also shows a 20-foot landscape setback to the east that meets the zoning district requirement.

The proposed industrial development is consistent in scale and compatible in intensity with the land use pattern in the surrounding area, including the existing multifamily residential development immediately adjacent to the north.

- 2) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the city to be included in the rezoning application file for record.

**STIPULATIONS:**

1.	The development shall be in general conformance with the site plan DATE STAMPED DECEMBER 31, 2025 and landscape plans date stamped OCTOBER 31, 2025, <del>February 23, 2024</del> , as approved by the Planning and Development Department.
2.	A minimum 75-foot landscape setback shall be provided along the south property lines and shall utilize the Commerce Park/General Commerce Park landscape standards for plant types, quantity and spacing, as approved by the Planning and Development Department.

3.	Commerce Park/General Commerce Park Development standards shall be provided along the east property line, with the east property line being deemed an interior lot line on a street, as approved by the Planning and Development Department.
4.	A minimum 125-foot building setback shall be provided along the south property line, as approved by the Planning and Development Department.
5.	Building height shall be limited to a maximum of 48 feet within 150 feet of the south property line, as approved by the Planning and Development Department.
6.	Outdoor storage shall not be permitted within 250 feet of the south and west property lines, except for the trailer storage shall not be located closer than 200 feet, as approved by the Planning and Development Department.
7.	Submit amended Traffic Impact Study Analysis updated to proposed development use. Additional improvements may be stipulated based upon study findings
8.	Right-of-way totaling 45 feet and a 10-foot-wide sidewalk easement with an 8-foot-wide sidewalk shall be dedicated and constructed for the west half of 59th avenue. provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping, and incidentals for the length of the project.
9.	The developer shall construct a bus stop pad that conforms with standard detail p1260 on the northeast corner of the site on southbound 59th avenue.
10.	The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
11.	Complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to the Street Transportation Department with a copy to the Traffic Engineer and Civil Plans Reviewer.
12.	Provide underground street light circuits, poles and fixtures on all public streets in locations approved by the Street Transportation Department. Submit one copy of the approved site plan with three copies of the streetlight plans to the 2nd floor of City Hall to be routed to Street

	Lighting Section reviewer.
13.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, setback sidewalk, curb ramps, streetlights, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
14.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
15.	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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