

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Mr. Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

October 20, 2021

ITEM NO: 2	
	DISTRICT 7
SUBJECT:	
Application #:	PHO-2-21--Z-111-01-8(7)
Location:	Northwest corner of 75th Avenue and Baseline Road
Existing Zoning:	R1-8, R-3A, and C-1
Acreage:	40.09
Request:	<ol style="list-style-type: none"> 1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped April 10, 2002. 2) Review of site plans and elevations by the Planning Hearing Officer per Stipulation 2. 3) Deletion of Stipulation 9 regarding the completion of the Developer Project Information Form for the MAG Transportation Improvement Program. 4) Deletion of Stipulation 17 regarding 50 percent open space being high and dry. 5) Modification of Stipulation 22 regarding architectural character consistent with the Laveen Plan. 6) Deletion of Stipulation 24 regarding corporate colors and associated graphics as an accent feature. 7) Deletion of Stipulation 25 regarding pitched roofs on commercial buildings. 8) Deletion of Stipulation 27 regarding windows on any facade with a primary customer entrance. 9) Deletion of Stipulation 28 regarding landscaping of surface parking areas. 10) Modification of Stipulation 35 regarding maximum height of service station canopies or drive-through canopies. 11) Deletion of Stipulation 36 regarding canopy support pillar size and materials. 12) Modification of Stipulation 42 regarding a maximum of 312 lots. 13) Modification of Stipulation 43 regarding minimum lot widths. 14) Modification of Stipulation 45 regarding rural mail delivery and the use of gang mailboxes.

	15) Modification of Stipulation 46 regarding roof treatment variety. 16) Modification of Stipulation 48 regarding general conformance with the site plan dated April 5, 2002. 17) Modification of Stipulation 52 regarding a variety of at least six different types of roof treatments. 18) Modification of Stipulation 53 regarding materials that would minimize stucco and tile. 19) Modification of Stipulation 56 regarding substantial conformance with view fence pictures. 20) Technical corrections to Stipulations 10, 23, 33, and 38.
Applicant:	Cassandra Ayres, Beus Gilbert McGroder PLLC
Owner:	Coplen 61.4 LLC, et al.
Representative:	Paul Gilbert, Beus Gilbert McGroder PLLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on October 11, 2021 and recommended denial by a vote of 8-0.

DISCUSSION

Paul Gilbert, representative with Beus, Gilbert, McGroder PLLC, provided a summary of the request and the relevant stipulation modifications and deletions. He stated that the revised narrative date stamped October 19, 2021 reflects feedback that was received at the Laveen Village Planning Committee (VPC) meeting and in additional meetings with Linda Abegg, a member of the Laveen VPC. He stated that they would be withdrawing their original requests regarding stipulations 28, 35, 36, and 46. He provided a summary of twelve proposed additional stipulations that were agreed upon with Ms. Abegg.

Lewis Smith, resident of a nearby neighborhood, stated that he hoped the proposed Stipulation 66 regarding height restrictions would limit the height of houses along 75th Avenue in addition to the proposed height limit along the north boundary, citing concerns about views to the west. He stated he spoke with other neighbors in the community who provided feedback regarding school class sizes, construction noises, and apartments located adjacent to 75th Avenue.

Stephanie Hurd, Laveen VPC member, stated that there were concerns in the surrounding community regarding the community outreach that was completed prior to the VPC meeting. She stated that she supports quality housing products,

but 45-foot lot widths, traffic, and the proposed elevations would not attract people to the area. She stated that receiving new elevations is important to a future Laveen VPC approval. She described the requests from Linda Abegg and asked that the developer adopt all her requests.

Carlos Ortega, Laveen VPC member, expressed the same concerns regarding public outreach as the two prior speakers. He stated that he had concerns related to 45-foot lot widths and noted that he would like to see the applicant incorporate 50- and 55-foot-wide lots on the site. He noted there were concerns regarding building materials and colors. He expressed desire for the applicant to continue their outreach to hear more from the surrounding community.

Margaret Shalley, Trailside Point/ Laveen Farms Block Watch President, expressed concerns related to the public outreach prior to the hearing. She hoped to receive clarification regarding the notification requirements and the amount of public outreach conducted. Adam Stranieri, Planning Hearing Officer, noted the notification requirements prior to the VPC meeting and PHO hearing.

Tonya Glass, Laveen VPC member, stated she was disappointed in what was presented to the Laveen VPC and stated she wished the revisions made after the VPC meeting were discussed beforehand. She stated she received communication from nearby residents that noted concerns regarding the initial public outreach. She agreed that the applicant should go back to the community to receive more feedback.

Linda Abegg noted that she could not speak for the entire VPC but stated that much of the concern at the meeting was regarding elevations, lot widths, and driveway widths. She stated that by having 5-foot side setbacks on the single-family portion of the development, the perceived density would be lower than a typical development with 45-foot-wide lots. Mr. Stranieri looked to provide clarification that the intent of her stipulations regarding the elevations would include a future VPC review for elevations for both single-family and multifamily buildings.

Mr. Gilbert responded to the public feedback and stated they are in total agreement with the stipulations and changes requested by Ms. Abegg. He stated that they could agree with a modification to the stipulation requested by Mr. Lewis regarding single-story, single-family homes along 75th Avenue. He stated walking paths and trails will be included in the project. He stated that there is a significant decrease in overall density based on this plan as compared to the stipulated plan, which could help limit class sizes in schools. He stated that the elevations will come back through the VPC and PHO for both the single- and multifamily product. He stated they provided 129 letters to neighbors, registered associations, and previous opposition as required.

Mr. Stranieri provided background on the original rezoning case and stated that there would be a reduction in density as compared to the stipulated plans. He reviewed the public correspondence received before the hearing. He stated that he would recommend approval with modification regarding Stipulation 1 regarding the proposed site plan date stamped October 19, 2021. He stated that the three bullets underneath Stipulation 1 would also be removed to reflect the current plans. He stated the modifications of Stipulation 2 regarding review of elevations would be approved with modification to provide standard language. He stated that the proposed deletion of Stipulation 9 regarding the completion of the Developer Project Information Form would be denied because there is no record of completion of that form from the original rezoning case. He stated he would recommend approval of the deletion of Stipulation 17 regarding 50% open space being high and dry. He stated that for Stipulations 22, 24, 25, and 27 he recommended approval of the proposed deletion. He noted that the proposed general conformance to the site plan would lock the developer into this plan, and any future plans regarding commercial development would require a PHO hearing to reflect commercial development proposals. He stated that Stipulation 42 regarding a maximum of 312 lots would need to be modified due to the new plan for the development but proposed that this stipulation be incorporated into Stipulation 1 regarding general conformance with the site plan. Ms. Abegg stated she would like to see the multifamily portion of the site be stipulated to a specific number of units, but that she is comfortable with deleting the requirement regarding the total number of lots. Mr. Gilbert stated he agreed with this modification to be deleted and include a unit count for the multifamily portion. Mr. Stranieri stated that the proposed modification of Stipulation 43 regarding minimum lot widths of 45 feet be recommended for approval with modification to specify it applies solely to detached residential. He stated the modifications of Stipulation 45 regarding rural mail delivery and the use of gang mailboxes be approved. He stated that the deletion of Stipulation 48 be recommended approval noting that it is redundant with Stipulation 1. He stated that the proposed modification of Stipulation 52 regarding roof treatments provided more clarity as compared to the existing stipulation and would be recommended for approval. He stated that the applicant's request to modify Stipulation 53 regarding materials that minimize stucco and tile be recommended for approval noting that the proposal creates more certainty than the existing stipulation while providing a similar intent. He stated that the modification of Stipulation 56 regarding view fencing be recommended for denial to allow for a complete deletion. He noted that Stipulation 56 conflicted with Stipulation 12, which is not requested to be modified. He stated he recommended approval of each of the twelve additional stipulations that were agreed upon in conjunction with Ms. Abegg with minor modifications, stating that these stipulations also reflected attention to many of the concerns expressed by individuals who spoke earlier in the hearing. He provided a summary of the department review comments received and noted the Street Transportation Department recommended to include an additional stipulation regarding bicycle parking.

FINDINGS

- 1) The original rezoning case consisted of proposed single-family, multifamily, and commercial uses on approximately 120.35 gross acres located between 71st Avenue and the Phoenix City Limits to the west, and between Vineyard Road to Baseline Road. The stipulated site plan included four development parcels. The subject site of this current PHO request constitutes Parcels 1 and 2. Parcel 1 in the original rezoning case was designated for the Laveen Area Conveyance Channel (LACC). Parcel 2 included a mixture of approximately 15.76 gross acres of R-3A zoning, approximately 14.5 gross acres of R1-8 zoning, and approximately 10.28 gross acres of C-1 zoning. In the R-3A zoning area, there was no specific density or unit count specified. In the R1-8 zoning area, there were 49 single-family residential lots depicted. The C-1 area depicted conceptual footprints of commercial buildings only. The entirety of the subject area did not develop, and the property remains vacant.

The proposed conceptual site plan depicts 134 detached single-family residential lots on the entirety of the R-3A and R1-8 zoned areas at a density of approximately 4.6 dwelling units per gross acre. Open spaces are provided along the perimeter of the development, in two pocket parks, and in centrally located areas along Ellis Street. Proposed lots are 45 feet in width (See Finding #9 for a more detailed discussion of lot widths). In the C-1 zoned area, the proposed conceptual site plan depicts 97 townhome units. The proposed layout and use are compatible and consistent with the land use pattern in the surrounding area. The resulting lot mix results in a significant reduction in the potential number of multifamily residential units and an increase in the number of single-family lots. As specified above, multifamily units were not quantified in the stipulated plan. However, note that the R-3A district permits 23.1 dwelling units per gross acre in the PRD development option which infers a hypothetical maximum of 364 units on 15.76 gross acres.

- 2) The applicant's request to modify Stipulation 1 regarding general conformance is recommended for approval with modifications and an additional stipulation. The modifications include new standard language for general conformance. Additionally, Bullet Point #1 regarding the LACC is recommended to be deleted as a modification as this parcel is not identified on the conceptual site plan as a Development Parcel in the way that it had been on the stipulated plan. Finally, this portion of the Development Parcel was transferred to the City as originally contemplated. Bullet Point #2 is recommended to be deleted as requested by the applicant as there is no multifamily residential proposed in the specified location. Bullet Point #3 is recommended to be deleted as

a modification as the language was specific to the layout of open space on the conceptual plan and is not relevant to the current proposal.

The additional stipulation recommended for inclusion is to require specific regard to a maximum of 97 multifamily units on the property zoned C-1 as depicted on the proposed conceptual site plan. This recommendation is added in lieu of the applicant's request for modification of Stipulation 42 to avoid redundancy. The recommendation only addresses multifamily residential on the C-1 property to allow the applicant flexibility in the single-family units to comply with the remainder of the stipulations in this case. See Finding #8 for related discussion.

- 3) The applicant's request to modify Stipulation 2 is recommended for approval with a modification. The modification is to replace the entire stipulation with standard language regarding PHO legislative review. The applicant's proposed language includes a reference to plat approval and the Laveen Village Planning Committee. The standard language sets the timing of this review prior to final site plan approval. There is no need to stipulate VPC review as all PHO cases are routed to these Committees for review.

It should be noted that during the PHO hearing, the applicant agreed to remove all references to the original proposed conceptual elevations from their application for the townhome product and to instead return through the VPC and PHO per this recommendation for both single- and multifamily development. This stipulation captures that commitment.

- 4) The applicant's request to delete Stipulation 9 regarding submittal of a Street Transportation Department form is recommended to be denied. This stipulation reflects a simple administrative task that the Street Transportation Department confirmed has not been completed. Once the specified form is submitted the applicant will be compliant and the stipulation will not impact their ability to move forward.
- 5) The applicant's request to delete Stipulation 17 regarding high and dry open space is recommended for approval. In their narrative the applicant noted that a portion of the proposed open space serves as retention, which supports environmental goals to reduce water usage. They additionally noted that the original developers and the City entered into a Development Agreement ("Laveen Channel Development Agreement") (City of Phoenix Contract No. 99116) that allowed a reduction in required open space because of the easement granted regarding the LACC. The recommendation will also help to avoid potential conflicts with this existing agreement. Finally, it should be noted that the stipulation's original intent

was to apply to the entire 120.35 gross acres of the original rezoning area. The subject property of this request will be subject to Zoning Ordinance standards regarding development of open spaces.

- 6) The applicant's request to modify or delete Stipulations 22, 24, 25, and 27 are recommended to be approved. These stipulations apply solely to commercial development and are not relevant to the current request. If the developer were to propose commercial development within the C-1 zoned area of the subject site, they would be required to file a PHO application for stipulation modifications regarding the site plan and elevation general conformance requirements at a minimum. Recommendations regarding enhanced development standards and design guidelines would be evaluated at that time.
- 7) The applicant requested to withdraw their original request for deletion of Stipulation 28 during the PHO hearing. The applicant withdrew their original requests to delete Stipulations 35 and 36 in their revised narrative date stamped October 19, 2021.
- 8) The applicant's request to modify Stipulation 42 regarding a maximum number of lots is recommended to be approved with a modification to delete it in its entirety. The original stipulation contains a unit cap that applied to the entire 120.35 gross acres of the original rezoning area. This unit cap was also incomplete in that it addressed single-family residential units only and did not address the R-3A zoned area. Further, the applicant's language could be similarly misinterpreted or create confusion if the townhomes or another portion of the site was proposed to develop with traditional multifamily. As discussed in greater detail in Finding #1, the proposed lot mix results in a significant reduction in the potential number of multifamily residential units and an increase in the number of single-family lots. See Finding #2 for additional related alternative language.
- 9) The applicant's request to modify Stipulation 43 regarding lot widths is recommended to be approved with a modification. The modification is to provide standard language regarding lot widths and specify that this restriction applies solely to single-family detached residential uses. The stipulation is not intended to apply to multifamily or single-family attached land uses. The applicant's proposed language referencing zoning designations is unnecessary as C-1 does not permit single-family residential uses by right.

The original stipulation was intended to apply solely to the single-family zoned areas of the site as multifamily residential uses were depicted on the R-3A zoned area of the site. As discussed in greater detail in Finding #1, the current proposal reflects a significant reduction in potential units, intensity, and scale, particularly on the R-3A zoned area.

- 10) The applicant's request to modify Stipulation 45 regarding rural mail delivery is recommended to be approved with a modification. The applicant noted in their narrative that there may be postal delivery efficiencies achieved using gang mailboxes and that the stipulation should not be applied to the townhome development or on commercially zoned property. The modification will provide greater specificity that this applies to residentially zoned property only.
- 11) The applicant requested to withdraw their original request for deletion of Stipulation 46 during the PHO hearing.
- 12) The applicant's request to delete Stipulation 48 regarding general conformance is recommended for approval. This stipulation is redundant of the requirements in Stipulation 1.
- 13) The applicant's request to modify Stipulation 52 regarding roof treatments is recommended to be approved. The request reduces the total number of treatments to be offered but introduces color diversity. Additionally, the applicant noted that the new text regarding the proposed roof styles was written to provide consistency with the existing roof materials on subdivisions in the surrounding area.
- 14) The applicant's request to modify Stipulation 53 regarding minimizing stucco is recommended to be approved. The original stipulation lacked certainty in only requiring certain materials to be offered. The applicant's proposal is more specific in requiring the specified materials on at least one elevation per floor plan.
- 15) The applicant's request for modification of Stipulation 56 regarding view fencing is recommended to be denied as filed and instead to be deleted in its entirety. Both the original and proposed stipulation lack clarity as to where these fences should be implemented, except along 71st Avenue. Additionally, this requirement may conflict with the existing Stipulation 12 which already addresses view fencing adjacent to internal trails and open space areas and requires a different view fence design.

16) In the revised narrative date stamped October 19, 2021, the applicant requested the addition of ten new stipulations. They stated that these stipulations were the result of enhanced outreach. These stipulations are recommended to be approved as follows:

- a. **PHO Legislative review and Village Planning Committee notification** – This stipulation requires stipulation modification through the PHO process and notice to the VPC of stipulation modification requests.
- b. **Enhanced architecture on front elevations** – This stipulation requires lots zoned R1-8 and R-3A to provide enhanced architectural features including, but not limited to, textural changes, pilasters, and offsets. This will help provide home designs with sufficient variation in elevations and detailing which addresses goals of design diversity.
- c. **Theme walls** – This stipulation requires theme walls for lots zoned R-18 and R-3A. This will provide an enhanced perimeter aesthetic and help contribute to an identifiable image for the subdivision.
- d. **Enhanced building materials** – This stipulation requires lots zoned R1-8 and R-3A to incorporate building materials including, but not limited to, stone veneer, textured brick, and board and batten. This will help provide home designs with sufficient variation in elevations and detailing which addresses goals of design diversity.
- e. **Enhanced garage door design** – This stipulation requires garage doors on lots zoned R1-8 and R-3A to provide decorative embellishments. This will improve streetscape appearance by minimizing the impact of the garage as the predominant architectural feature.
- f. **Enhanced architecture on attached units** – This stipulation requires a combination of architectural techniques, including but not limited to, variation in the roofline, recessed entrances, and vertical elements, which are intended to reduce the impact of building massing.
- g. **Enhanced architecture for front facades on attached units** – This stipulation requires enhanced façade treatments including, but not limited to, textural changes, offsets, and reveals. This will help provide home designs with sufficient variation in elevations and detailing which addresses goals of design diversity.
- h. **Roof design on attached units** – This stipulation requires attached units to provide pitched, gable, or hipped roof types. This will contribute to the unique character in this village and provide consistency with other developments in the surrounding area.
- i. **22-foot driveways** – This stipulation requires that single-family residential lots provide a minimum driveway length of 22 feet. This will

help to provide adequate space for large vehicles common in this community.

- j. **25-foot height restriction along northern property boundary** – This stipulation is recommended to be approved with a modification. The applicant requested a restriction to “one story or 25 feet in height”. This is unclear in that this could alternately permit both a one story and 30-foot home or a two-story and 25-foot home. The modification is recommended to limit the restriction to 25 feet in height which provides greater certainty as to the building massing in this area. Additionally, the applicant agreed during the PHO hearing to extend this restriction to single-family detached residential lots along 75th Avenue. The stipulation is further modified to capture this commitment.

17) In an email dated October 20, 2021 and during the PHO hearing, the applicant requested two additional stipulations. They stated that these stipulations were the result of enhanced outreach. These stipulations are recommended to be approved as follows:

- a. **Minimum 5-foot side yard setbacks** – This stipulation requires minimum 5-foot side yard setbacks on properties developed with single-family residences. The applicant stated that this proposal will help to offset the impact of the reduced lot widths (See Finding #9 for further discussion).
- b. **Minimizing stucco on single-family units** – This stipulation requires that front elevations on the properties zoned R1-8 and R-3A shall include a maximum of 75% stucco and a minimum 25% accent material. This is intended to improve visual interest in the street facing façade, contribute to character called for in the Southwest Growth Study, and provide consistency with other homes in the surrounding area.

18) The Street Transportation Department recommends an additional stipulation regarding bicycle parking to be provided per Section 1307.H for multifamily development. This stipulation is recommended for inclusion. The subject site is in proximity to multiple multi-use trails to the north and south, established bike lanes to the east, and is adjacent to the Laveen Area Conveyance Channel (LACC) to the south which provides a connection to the south bank of the Rio Salado. Bicycle infrastructure supports the established and future planned multi-modal network and promotes the goals of the City Council approved Complete Streets Policy. This recommendation applies solely to multifamily development because single family homes often include private yards, garages, or other similar spaces for recreational equipment storage.

STIPULATIONS

1.	That THE development shall be in general conformance with the site plan date stamped OCTOBER 19, 2021 April 10, 2002 by the City of Phoenix Planning Department with specific regard to AS MODIFIED BY THE FOLLOWING STIPULATIONS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:	
	a.	The parcel designated for Laveen Conveyance Channel Corridor. MULTIFAMILY RESIDENTIAL DEVELOPMENT ON THE PROPERTY ZONED C-1 SHALL NOT EXCEED 97 UNITS.
	b.	The location of multi-family because of its proximity to the Laveen Conveyance Channel Corridor.
	c.	The centralized open space provided for single-family development west of 75th Avenue.
2.	That at the time multi-family and/or commercial development is proposed, building elevations and site plans shall be submitted for review by Planning Hearing Officer, and Laveen Village Planning Committee shall be notified. CONCEPTUAL BUILDING ELEVATIONS FOR SINGLE-FAMILY, MULTIFAMILY, AND/OR COMMERCIAL DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO FINAL SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.	
STREETS AND RIGHT-OF-WAY		
3.	That Right-of-way totaling 55 feet and a 10-foot sidewalk easement shall be dedicated for the north half of Baseline Road.	
4.	That Right-of-way totaling 30 feet shall be dedicated for the west half of 71st Avenue.	

5.	That Right-of-way totaling 80 feet with a 20-foot sidewalk easement shall be dedicated for 75th Avenue.
6.	That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the northeast and northwest corners of 75th Avenue and Baseline Road.
7.	That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the northwest corner of 71st Avenue and Baseline Road.
8.	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
9.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty (602) 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
LANDSCAPED SETBACKS, OPEN SPACE, TRAILS, FENCING AND ENTRANCES	
10.	That Each entrance to the subdivision on Baseline Road shall incorporate subdivision entry signage and monumentation into the perimeter wall of the subdivision. Samples of fencing and entry design concepts shall be consistent with the Laveen Plan and approved by the PLANNING AND Development Services Department.
11.	Fence line shown on southern boundary of parcels three and four to substantially conform to zoning exhibit dated April 5, 2002 and stay broken down into smaller segments that undulate to break up the fence line on Baseline Road as shown.
12.	That Walls constructed adjacent to internal trails and open space areas shall be view walls. View walls shall be 100% wrought iron or a combination of 4 feet masonry and 2 feet of wrought iron. This standard is exclusive of the single-family homes next to 71st Avenue, open space on the southern portion of the site and the residential developments adjacent to commercial development.
13.	That The development shall comply with the Laveen Plan regarding the 50-foot setback along Baseline Road.

14.	That A 10-foot multi-use trail shall be provided along Baseline Road, and along the northern boundary of the property in conjunction with the property to the north. That An 8-foot multi-use trail shall be provided along the east side of 75th Avenue. Trails shall be consistent with the approved trail standards as approved by the Parks and Recreation Department.	
15.	That A 10-foot shared use path (sidewalk) shall be provided within the 20-foot sidewalk easement along the west side of 71st Avenue as approved by the Parks and Recreation Department.	
16.	That Passive and/or active recreational amenities shall be provided in the open space area.	
17.	That 50% of the open space shall be high and dry.	
17. 18.	That Pedestrian walkways/connections shall be provided between the multi-family and commercial development.	
18. 19.	That Pedestrian walkways/connections within the commercial and multi-family residential developments shall be constructed of materials other than asphalt. If concrete is used, it must be stamped.	
TRANSIT STOPS		
19. 20.	a.	That Right-of-way and construction of bus bay (P1257) and transit pad (P1261) shall be constructed at the following locations, Northbound 75th Avenue north of Baseline Road;
	b.	That Right-of-way shall be dedicated at the following location for future construction of bus bay and transit pad: Westbound Baseline Road west of 75th Avenue.
20. 21.	That Right-of-way and construction for transit pads (P1262) shall be constructed at the following locations:	
	a.	Northbound 75th Avenue north of Fremont Road.
	b.	Southbound 75th Avenue south of Fremont Road.
	c.	Westbound Baseline Road west of 71st Avenue.
	d.	Westbound Baseline Road west of 73rd Avenue
COMMERCIAL DESIGN		

21. 22.	That All buildings shall have a similar architectural character. A theme consistent with the Laveen Plan shall be approved by the PLANNING AND Development Services Department prior to any preliminary site plan approval. The theme shall include a minimum of two of the following materials AS ACCENT MATERIALS: native stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), or exposed aggregate concrete.
22. 23.	That Rear and side facades and roofline treatment, including color, texture and material shall be "architecturally finished" to minimize visual impact to adjacent residential areas as approved by THE PLANNING AND Development Services Department.
24.	That corporate colors and associated graphics shall be used only as an accent feature as determined by the PLANNING AND Development Services Department, so that they will not dominate the architectural design of the development.
25.	That commercial buildings shall have pitched roofs and/or pitched roof architectural elements.
23. 26.	That the A shade arcade, a minimum of ten feet in width, shall be provided along any building wall with a primary customer entrance.
27.	That windows or windows with doors shall comprise a minimum of 50% of the square footage of any façade with a primary customer entrance.
24. 28.	That Fifteen percent of surface parking areas within the commercial development, exclusive of the required perimeter landscaping and front setbacks, shall be landscaped and maintained. Landscaping shall be dispersed throughout the parking area with the interior width of all planting islands to be no less than eight feet in width and a minimum of 120 square feet in area.
25. 29.	That There shall be no more than six parking spaces between any pad structure and Baseline Road.
26. 30.	That There shall be no overnight parking of recreational vehicles, travel trailers, or similar vehicles.
27. 31.	That There shall be no permanent installation of mobile containers permitted, exclusive of temporary loading and unloading.

28. 32.	That Any drive-through shall be screened from view of the perimeter street with a landscaped berm or a combination of a wall and landscaped berm at least four feet in height.
29. 33.	That The site plan (commercial development), shall connect the parcels/buildings together with shade protected walkways as approved by the PLANNING AND Development Services Department. The pathways shall reflect a common landscaping theme and include a minimum of two-inch caliper shade trees placed 20 feet on center exclusive of driveway/roadway crossings.
30. 34.	That The setbacks shall be landscaped with 2-inch caliper shade trees planted an average of 20 feet on center.
31. 35.	That Any service station canopies or drive-through canopies shall not exceed 16 feet in height measured from the ground to the underside of the canopy.
32. 36.	That All canopy support pillars shall be a minimum of two feet wide by two feet deep, from the ground to the underside of the canopy, and shall be finished with the same body and accent materials as the primary building.
33. 37.	That Electrical and service boxes shall be painted to match the building and/or screened from view.
34. 38.	That All canopy lighting shall be flush-mounted or recessed, as approved by THE PLANNING AND Development Services Department.
OTHER	
35. 39.	That The property owner shall record documents that disclose to purchasers of property within the development the existence and potential characteristics of agricultural use property in the vicinity. The form and content of such documents shall be reviewed and approved by the City Law Department prior to final site plan approval.
36. 40.	That The subject site has the potential to contain archaeological resources. That The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901.
37. 41.	That The maximum density relating to the R1-8 PRD portion SHALL not exceed 3.76 du/acre.
42. 42.	That the maximum number of lots shall not exceed 312.

38. 43.	That the minimum lot width of regular rectangle lots not be less than 55 feet, and slightly smaller lot widths may be allowed on cul-de-sacs and curves. THE MINIMUM RESIDENTIAL LOT WIDTH SHALL BE 45 FEET FOR SINGLE-FAMILY DETACHED RESIDENTIAL USES, EXCEPT THAT SMALLER LOT WIDTHS ARE ALLOWED ON CUL-DE-SACS AND CURVES, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
39. 44.	That The minimum amount of open space shall not be less than 12%. (This 12% as indicated on the April 5, 2002 site plan will be "interior" to the overall residential neighborhood, which includes the contiguous development to the north. Also, open space is set aside for trail continuity, along the outside edge, as part of the 12%).
40. 45.	That Sidewalks, curbs, and streetscapes ON RESIDENTIALLY ZONED PROPERTY will SHALL be designed in such a way to allow for rural mail delivery. The use of gang mailboxes shall not be allowed.
41. 46.	That The minimum overhang on any given product with a peaked roof will be 18 inches.
42. 47.	That On the site plan dated April 10, 2002, homes on lots 5-7, 124-128 (Parcel 3), 8-11, 117-126 (Parcel 4) not exceed one-story.
48.	That the plan will remain in general conformance to the site plan dated April 5, 2002.
43. 49.	That Dwelling footprints will be placed in such a manner as to maximize the distance between houses.
44. 50.	That Building setbacks will be offset along the street frontage.
45. 51.	That Wrap-around architectural details and materials will be used on both sides of houses along street frontages on corner lots.
46. 52.	That A variety of at least six TWO different types of roof treatments STYLES (E.G., FLAT CONCRETE SHINGLES AND "S" CONCRETE SHINGLES) SHALL be offered IN AT LEAST TWO COLORS that include a range of roof materials of clay, concrete, tile, shakes or shingles in an assortment of colors.

47. 53.	AT LEAST ONE ELEVATION PER FLOOR PLAN SHALL INCLUDE That a range of durable materials that would minimize stucco and tile be offered such as EITHER brick, decorative concrete block, and OR stone accents.
48. 54.	That All mechanical equipment and dishes larger than 20 inches must be ground-mounted.
49. 55.	That Lots 111-121, Parcel 4, on the east side of the project SHALL be a minimum of 10,000 square feet in size as shown on zoning exhibit dated April 5, 2002.
56.	That view fence substantially conform to pictures presented by Great Western Homes, made of 2/3 (+/- four feet) decorative block on bottom and 1/3 (+/- two feet) wrought iron on top separated every (+/- 10-12 feet) with minimum two-foot square masonry posts with decorative caps including fence adjacent to 71st Avenue.
50.	FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT, THE DEVELOPER SHALL PROVIDE SECURED BICYCLE PARKING AS REQUIRED IN CHAPTER 13, SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
51.	ANY REQUEST TO CHANGE, DELETE, OR MODIFY STIPULATIONS SHALL BE PRESENTED THROUGH THE PLANNING HEARING OFFICER PROCESS AND NOTIFICATION SHALL BE GIVEN TO THE LAVEEN VILLAGE PLANNING COMMITTEE PRIOR TO THE PLANNING HEARING OFFICER HEARING.
52.	FRONT ELEVATIONS OF LOTS ZONED R1-8 AND R-3A ON THE WEST SIDE OF 75TH AVENUE SHALL CONTAIN A COMBINATION OF THE FOLLOWING ARCHITECTURAL EMBELLISHMENTS AND DETAILING: TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, OR OVERHANG CANOPIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
53.	FRONT ELEVATIONS OF LOTS ZONED R1-8 AND R-3A ON THE WEST SIDE OF 75TH AVENUE SHALL INCORPORATE A MINIMUM OF THREE OF THE FOLLOWING BUILDING MATERIALS: STONE VENEER, TEXTURED BRICK, STUCCO, AND BOARD AND BATTEN SIDING, SHUTTERS, OR DECORATIVE GABLE VENTS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

54.	FRONT ELEVATIONS OF LOTS ZONED R1-8 AND R3-A ON THE WEST SIDE OF 75TH AVENUE SHALL BE COMPRISED OF A MAXIMUM OF 75% STUCCO OR OTHER MAIN MATERIAL, AND A MINIMUM OF 25% ACCENT MATERIAL.
55.	LOTS ZONED R1-8 AND R-3A ON THE WEST SIDE OF 75TH AVENUE SHALL INCLUDE THEME WALLS WHICH SHALL INCLUDE MATERIAL AND TEXTURAL DIFFERENCES SUCH AS STUCCO AND/OR SPLIT FACE BLOCK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
56.	GARAGE DOORS ON LOTS ZONED R1-8 AND R-3A ON THE WEST SIDE OF 75TH AVENUE SHALL INCORPORATE DECORATIVE EMBELLISHMENTS SUCH AS, ADDED MATERIALS SURROUNDING THE DOOR, GARAGE DOOR HARDWARE, OR STAMPED PANEL DOORS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
57.	ATTACHED RESIDENTIAL UNITS ON THE PROPERTY ON THE WEST SIDE OF 75TH AVENUE SHALL REDUCE BUILDING MASS BY USING A COMBINATION OF THE FOLLOWING TECHNIQUES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
A.	VARIATION IN THE ROOFLINE AND FORM.
B.	USE OF PROTECTED OR RECESSED BUILDING ENTRANCES.
C.	VERTICAL ELEMENTS ON OR IN FRONT OF EXPANSIVE BLANK WALLS.
D.	USE OF WALL PLANE OFFSETS AND PROJECTIONS.
E.	USE OF FOCAL POINTS AND VERTICAL ACCENTS.
F.	INCLUSION OF WINDOWS ON ELEVATIONS FACING STREETS AND PEDESTRIAN AREAS.
58.	FRONT FACADES GREATER THAN 60 FEET IN LENGTH OF ATTACHED RESIDENTIAL UNITS ON THE PROPERTY ON THE WEST SIDE OF 75TH AVENUE SHALL INCLUDE A MINIMUM OF TWO OF THE FOLLOWING ELEMENTS REPEATING AT APPROPRIATE INTERVALS, EITHER HORIZONTALLY OR VERTICALLY: TEXTURE AND MATERIAL CHANGES, OFFSETS, REVEALS, RECESSED FRONT ENTRIES, ARCHWAYS OR PROJECTING RIBS, WALL PLANE PROJECTIONS OR RECESSES, VARIATIONS IN WINDOW SYSTEMS, OR VERTICAL

	LANDSCAPE FEATURES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
59.	ATTACHED RESIDENTIAL UNITS ON THE PROPERTY ON THE WEST SIDE OF 75TH AVENUE SHALL HAVE PITCHED, GABLE, OR HIPPED ROOF TYPES.
60.	DRIVEWAYS FOR LOTS ZONED R1-8 AND R-3A ON THE WEST SIDE OF 75TH AVENUE SHALL BE 22 FEET IN LENGTH AS MEASURED FROM THE BACK OF THE SIDEWALK.
61.	THE MAXIMUM BUILDING HEIGHT SHALL BE 25 FEET FOR ALL SINGLE-FAMILY DETACHED RESIDENTIAL LOTS ALONG 75TH AVENUE AND THE NORTHERN BOUNDARY OF THE SUBJECT PROPERTY.
62.	ALL LOTS ZONED R1-8 AND R3-A ON THE WEST SIDE OF 75TH AVENUE, WHICH ARE DEVELOPED WITH SINGLE-FAMILY DETACHED RESIDENTIAL UNITS, SHALL PROVIDE MINIMUM FIVE-FOOT SIDE YARD BUILDING SETBACKS.
63.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Angie Holdsworth, at voice number 602-495-5622 or TTY use 7-1-1.