

ATTACHMENT B



City of Phoenix

Staff Report: PHO-1-25--Z-20-17-2

November 5, 2025

***Revised**

<u>APPLICATION #:</u>	PHO-1-25—Z-20-17-2
<u>LOCATION:</u>	Approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail
<u>EXISTING ZONING:</u>	C-2 M-R NBCOD
<u>ACREAGE:</u>	0.04
<u>REQUEST:</u>	1) Request to delete Stipulation 1 regarding detached sidewalks. 2) Request to delete Stipulation 2 regarding street improvements. 3) Request to delete Stipulation 4 regarding east and west pedestrian connections along Paseo del Prado. 4) Request to delete Stipulation 5 regarding pedestrian pathways. 5) Request to delete Stipulation 6 regarding the use of artificial turf. 6) Request to delete Stipulation 7 regarding turf being used in active retention basins. 7) Request to delete Stipulation 9 regarding the hotel development. 8) Request to delete Stipulation 10 regarding color and material palette for the buildings. 9) Request to delete Stipulation 11 regarding the glazing on all building windows. 10) Request to delete Stipulation 12 regarding screening of service areas. 11) Request to delete Stipulation 13 regarding a minimum landscape setback along property lines adjacent to public right-of-way. 12) Request to delete Stipulation 14 regarding the Bronco Butte Water Tank preservation. 13) Request to delete Stipulation 15 regarding view corridors of Bronco Butte, Pyramid Peak, Union Hills, and No Name Mountain.

- 14) Request to delete Stipulation 16 regarding maximum building height.
- 15) Request to delete Stipulation 17 regarding sufficient right-of-way for a collector street.
- 16) Request to delete Stipulation 18 regarding sewer force main construction.
- 17) Request to delete Stipulation 19 regarding approval of offsite paving plans.
- 18) Request to delete Stipulation 20 regarding updating the Sonoran Foothills PCD Street Master Plan.

APPLICANT: Declan Murphy on behalf of TWC

OWNER: Robert Jr. and Sabrina Eaton

REPRESENTATIVE: Declan Murphy on behalf of TWC

STAFF RECOMMENDATION

Denial as filed, approval with modifications, per the Planning Hearing Officer (PHO) recommendation.

PLANNING HEARING OFFICER RECOMMENDATION

On August 20, 2025, the Planning Hearing Officer took the case under advisement. On September 16, 2025, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed, approval with modifications.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The North Gateway Village Planning Committee heard this request on August 14, 2025 and recommended approval, with a modification by a vote of 8-0.

BACKGROUND/ANALYSIS

The subject site consists of 0.04-gross acres located approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail and is zoned C-2 M-R NBCOD (Intermediate Commercial, Mid-Rise District, North Black Canyon Overlay District). The subject property is only a portion of the 19.22 gross acres included in original Rezoning Case No. Z-20-17-2. The applicant requested the following deletion requests (Exhibit B):

- Request to delete Stipulation 1 regarding detached sidewalks.
- Request to delete Stipulation 2 regarding street improvements.

- Request to delete Stipulation 4 regarding east and west pedestrian connections along Paseo del Prado.
- Request to delete Stipulation 5 regarding pedestrian pathways.
- Request to delete Stipulation 6 regarding the use of artificial turf.
- Request to delete Stipulation 7 regarding turf being used in active retention basins.
- Request to delete Stipulation 9 regarding the hotel development.
- Request to delete Stipulation 10 regarding color and material palette for the buildings.
- Request to delete Stipulation 11 regarding the glazing on all building windows.
- Request to delete Stipulation 12 regarding screening of service areas.
- Request to delete Stipulation 13 regarding a minimum landscape setback along property lines adjacent to public right-of-way.
- Request to delete Stipulation 14 regarding the Bronco Butte Water Tank preservation.
- Request to delete Stipulation 15 regarding view corridors of Bronco Butte, Pyramid Peak, Union Hills, and No Name Mountain.
- Request to delete Stipulation 16 regarding maximum building height.
- Request to delete Stipulation 17 regarding sufficient right-of-way for a collector street.
- Request to delete Stipulation 18 regarding sewer force main construction.
- Request to delete Stipulation 19 regarding approval of offsite paving plans.
- Request to delete Stipulation 20 regarding updating the Sonoran Foothills PCD Street Master Plan.

The conceptual site plan date stamped June 2, 2025 depicts a proposed Wireless Communication Facility (WCF) (600 square feet) to address a gap in coverage for T-Mobile (Exhibit I). The conceptual elevations date stamped June 2, 2025 depict an 85-foot tall WCF with proposed 30-foot X 20-foot, eight-foot-tall block wall and a metal entry gate (Exhibit J).

The appellant argues the PHO the stipulations requested to be deleted are pertinent to a conventional commercial development rather than the proposed utility infrastructure. However, despite the PHO's concurrence, the decision is holding up the WCF development process significantly for an essential utility for the area.

PREVIOUS HISTORY

On July 5, 2018, the Phoenix City Council heard Rezoning Case No. Z-20-17-2, a request to rezone approximately 19.22 acres located approximately 220 feet north of the northwest corner of the 27th Avenue alignment and Northern Foothills Drive alignment from PCD NBCOD (Planned Community District, North Black Canyon Overlay District), approved C-2/CP M-R PCD NBCOD (Intermediate Commercial or Commerce Park, Mid-Rise, Planned Community Development, North Black Canyon Overlay District) to C-2 M-R NBCOD (Intermediate Commercial, Mid-Rise District, North Black Canyon Overlay District) (Exhibit E). The proposed development was intended for a sports arena and hotel. On June 7, 2018, The Planning Commission recommended

approval per the Addendum A Staff Report by a 6-0 vote. The City Council recommended approval of the request per the Planning Commission's recommendation and approved C-2 M-R NBCOD (Intermediate Commercial, Mid-Rise District, North Black Canyon Overlay District).

NEIGHBORHOOD CONCERNS

Public Correspondence

No public correspondence was received for this case.

GENERAL PLAN LAND USE MAP DESIGNATION

Mixed Use (Commercial / Commerce/Business Park)

CHARACTER OF SURROUNDING LAND USE

On-site (overall development site):	Zoning C-2 M-R NBCOD	Land Use Vacant land
North:	CP/GCP M-R NBCOD	Vacant land
East:	CP/GCP M-R PCD NBCOD	Research, development, manufacturing, production, and shipping
South:	C-2 M-R NBCOD	Proposed Sports Arena and Hotel
West:	C-2 M-R NBCOD	Proposed Sports Arena

PLANNING HEARING OFFICER FINDINGS

- 1) The request to delete Stipulation 1 regarding detached sidewalks is recommended to be denied as filed with a modification to add language to specify the area of the required off-site improvements. Stipulation 1 establishes the design requirements for the construction of the sidewalk within the adjacent Bronco Butte right-of-way. As the half street right-of-way, adjacent to the subject site, has not been improved as required by City Code Section 31-91, the Street Transportation Department does not support the applicant's requested removal. The stipulation's conditions are applicable to the site and have not been met. If the developer to the south is first to develop the site and completes the required improvements, the stipulation will be met.

City Code Section 31-91: *“No building permit shall be issued for new construction...which abuts any existing or future street right-of-way unless the one-half of such abutting right-of-way which is located on the same side of the center of the street as such lot or parcel of land has been dedicated and improved, or installation of improvements has been assured, for the full width of the lot or parcel where it abuts so as to meet the standards for each right-of-way...”*

- 2) The request to delete Stipulation 2 regarding street improvements is recommended to be denied as filed with a modification to add language to specify the area of the required off-site improvements.

Stipulation 2 establishes the obligations pertaining to the required construction of the adjacent Bronco Butte right-of-way. As the half street right-of-way, adjacent to the subject site, has not been improved as required by City Code Section 31-91, the Street Transportation Department does not support the applicant's requested removal. As the subject site is directly adjacent to the Bronco Butte right-of-way, the stipulation's conditions are applicable to the site and have not been met.

- 3) The request to delete Stipulation 4 regarding east and west pedestrian connections along Paseo del Pardo is recommended to be denied. The Paseo is not planned to be constructed on this portion of the original rezoning case boundary and will therefore not affect this proposal.
- 4) The request to delete Stipulation 5 regarding pedestrian pathways is recommended to be denied. There will not be pedestrian pathways on this parcel so this stipulation will not affect this proposal.
- 5) The request to delete Stipulation 6 regarding the use of artificial turf is recommended to be denied. There is no need to delete the stipulation especially if the applicant does not intend to install artificial turf.
- 6) The request to delete Stipulation 7 regarding turf being used in active retention basins is recommended to be denied. There is no need to delete the stipulation especially if the applicant does not intend to install artificial turf.
- 7) The request to delete Stipulation 9 regarding the hotel development is not applicable to this corner of the original rezoning boundary and is not recommended to be deleted.
- 8) The request to delete Stipulation 10 regarding color and material palette for the buildings is recommended to be denied. Any building that is planned to support the WCF shall meet this stipulation.
- 9) The request to delete Stipulation 11 regarding the glazing on all building windows shall also remain. There is no reason to delete this requirement for window glazing.

- 10) The request to delete Stipulation 12 regarding screening of service areas is recommended to be denied. If any service areas are planned for the WCF and associated support building, the requirement for screening shall remain.
- 11) The request to delete Stipulation 13 regarding a minimum landscape setback along property lines adjacent to public right-of-way is recommended to be denied. This stipulation is standard for all developments in the C-2 zoning district.
- 12) The request to delete Stipulation 14 regarding the Bronco Butte Water Tank preservation is recommended to be denied. The Bronco Butte Water Tank is not on this site, and this proposal is not affected by the stipulation.
- 13) The request to delete Stipulation 15 regarding view corridors of Bronco Butte, Pyramid Peak, Union Hills, and No Name Mountain is recommended to be denied. The WCF and support building shall not block these view corridors as stipulated.
- 14) The request to delete Stipulation 16 regarding maximum building height is recommended to be denied. The proposal is not asking for additional building height so there the deletion of this stipulation is not required.
- 15) The request to delete Stipulation 17 regarding sufficient right-of-way for a collector street is recommended to be denied. There are preliminary indications that all necessary dedications have been provided for the Bronco Butte Trail collector roadway, however, the Street Transportation Department does not support the removal of the stipulation and requests it remain with the addition of the parcel number clarifying the area of the required off-site improvements.

The right-of-way adjacent to the subject site is a key part of Bronco Butte's transition into the planned roundabout and while the Street Transportation Department doesn't anticipate additional right-of-way dedications, it is necessary to keep the stipulation until the final construction designs have been reviewed and approved by the City of Phoenix.

- 16) The request to delete Stipulation 18 regarding sewer force main construction is recommended to be denied. This stipulation does not seem applicable to this development and there is no reason to delete it.
- 17) The request to delete Stipulation 19 regarding approval of offsite paving plans is recommended to be denied. The applicant has not provided any documentation detailing how the stipulation has been met in the context of the required half-street improvements. The stipulation pertains to the paving plans of the offsite improvements to Bronco Butte Trail and as the subject site is required to construct the necessary half-street improvements in the right-of-way, the stipulation applies to the site and should not be removed until documentation has been received that the stipulation has been met.
- 18) The request to delete Stipulation 20 regarding updating the Sonoran Foothills PCD Street Master Plan is recommended to be approved. The obligation outlined in

Stipulation 20 is required of the larger developer of the rezoned site, south of Bronco Butte.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, ADJACENT TO APN 204-12-980, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner.	
2.	The developer shall construct all streets within and adjacent to APN 204-12-980 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.	
3.	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.	
4.	The east and west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Core Plan, as modified by the following stipulations and approved by the Planning and Development Department:	
	a.	The Paseo del Prado shall align with the Bronco Butte Tank and continue through the site to the west.
	b.	A pedestrian access easement of 20 feet shall be dedicated for the pedestrian connection (Paseo del Prado). of the 20 feet, 12 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 8 feet may be used for pedestrian friendly uses such as restaurant seating, vendor stalls, artist displays, etc.
	c.	A minimum of 50% of the 20-foot pedestrian access easement for the Paseo del Prado shall be shaded by a structure, landscaping or a combination of the two.
	d.	The site shall be designed in such a manner that the building placement creates an alignment and synergy for the Paseo del Prado. This can be achieved by placing active uses such as outdoor seating, restaurants and retail along the pedestrian path.

5.	All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
6.	The use of artificial turf is prohibited in areas visible from public right-of-way or parking lots, as approved by the Planning and Development Department.
7.	Turf shall only be used in active retention basins, as approved by the Planning and Development Department.
8.	All retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.
9.	The hotel development shall be in general conformance with the elevations date stamped April 18, 2018, with specific regard to the massing, articulation, window placement and building entry, as approved by the Planning and Development Department.
10.	The color and material palette for the buildings shall be determined at site plan review and shall comply with the North Black Canyon Overlay District, with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment, as approved by the Planning and Development Department.
11.	The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.
12.	All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the Planning and Development Department.
13.	A minimum landscape setback of 10 feet shall be required along property lines that are not adjacent to public right-of-way and planted in accordance with C-2 planting size and spacing standards, as approved by the Planning and Development Department.
14.	The Bronco Butte Water Tank shall be fully preserved, in place, as it naturally occurs and shall be identified on all site plan documents through permitting to ensure preservation.

15.	View corridors of Bronco Butte, Pyramid Peak, Union Hills and No Name Mountain, as shown on Exhibit B in the North Gateway Core Plan, shall be retained through building placement and step backs, as approved by the Planning and Development Department.
16.	Maximum building height shall be limited to 60 feet. The maximum square footage of the sports arena shall be 180,000 square feet and the maximum square footage of the hotel shall be 60,000 square feet. Any request to increase building height or building square footage beyond the stipulated height and square footages shall not be approved unless all of the following occur:
a.	A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;
b.	A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel; and
c.	A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.
17.	Sufficient right-of-way for a collector shall be dedicated ADJACENT TO APN 204-12-980 for the extension of Bronco Butte Trail as necessary to establish an alignment to tie into the current terminus at the Bronco Tank and transition to a half-street where the alignment is able to assume an alignment at the north property line for the extension of Bronco Butte Trail west to the 29th Avenue alignment, unless an alternative route is approved or modified by the Street Transportation Department and the Planning and Development Department.
18.	Any construction of a sewer force main, intended as a temporary sewer solution for the subject property, must be designed and constructed in a manner that minimizes the impacts to truck circulation (as necessary to maintain traffic flow to and from the W.L. Gore campus at the Bronco Butte driveway for a WB-67 vehicle).
19.	Prior to the approval of the offsite paving plans for the project, the developer shall update the restriping plan for the intersection of North Valley Parkway and Bronco Butte Trail. The restriping plan shall be in general conformance to the restriping plan date stamped June 28, 2018, as approved by the Street Transportation Department and the Planning and Development Department. The developer shall be responsible for all improvements. The developer shall provide documentation that the restriping plan was submitted to W.L. Gore prior to submittal of off-site paving plan.

20.	Prior to final site plan approval, the developer shall work with the adjacent property owners to update the Sonoran Foothills PCD Street Master Plan to address the following for the intersection of North Valley Parkway and Bronco Butte Trail, as approved or modified by the Street Transportation Director and the Planning and Development Director as outlined in a forthcoming letter addressing the following:
	a. Planned roadway and striping improvements
	b. Identify existing contributions to the traffic signal infrastructure
	c. Clarify responsibilities for future traffic infrastructure
20. 24.	The developer shall notify the following individuals by mail 15 days prior to any preapplication or preliminary site plan review meetings with the Planning and Development Department. The notice shall include the date, time and location of the meeting.
	a. Brent Roberts W.L. Gore 32470 N. North Valley Parkway Phoenix, AZ 85085
	b. Heidi Kimball Sunbelt Holdings 6720 N. Scottsdale Road, Suite 250 Scottsdale, AZ. 85253
21. 22.	The developer shall notify the following individuals by mail 10 days prior to the submittal of the final site plan for approval by the Planning and Development Department.
	a. Brent Roberts W.L. Gore 32470 N. North Valley Parkway Phoenix, AZ 85085
	b. Heidi Kimball Sunbelt Holdings 6720 N. Scottsdale Road, Suite 250 Scottsdale, AZ 85253

Exhibits:

A- Appeal Documents (5 pages)

B- Applicant's Narrative for PHO-1-25--Z-20-17-2 (10 pages)

C- Aerial Map*

D- Zoning Map*

E- Ordinance G-6484 for Z-20-17-2 (8 pages)

F- Sketch Map for Z-20-17-2

G- PHO Summary for PHO-1-25--Z-20-17-2 from August 20, 2025 (10 pages)

H- VPC Summary for PHO-1-25--Z-20-17-2 from August 14, 2025 (7 pages)

I- Conceptual Site Plan, date stamped June 2, 2025 (2 pages)

J- Conceptual Elevations, date stamped June 2, 2025

K- Stipulated Site Plan for Z-20-17-2

L- Stipulated Elevations for Z-20-17-2 (2 pages)

M- Renderings (3 pages)

EXHIBIT A

PLANNING HEARING OFFICER APPEAL I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:			
CASE NUMBER:	PHO-1-25--Z-20-17-2		
LOCATION:	Approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail		
PHO HEARING DATE:	August 20, 2025 PHO Hearing. (Taken out from under advisement on September 16, 2025)	RECEIVED:	September 23, 2025
APPEALED BY:	☐ Opposition	☒ Applicant	
APPEALED TO:	PLANNING COMMISSION	November 6, 2025	
		TENTATIVE DATE	
	CITY COUNCIL	December 4, 2025	
APPELLANT NAME AND ADDRESS/EMAIL:		PHONE:	
Declan Murphy 8283 North Hayden Road, Suite 258 Scottsdale, AZ 85258 dmurphy@coal-creek.com		602-326-0111	
RECEIPT NUMBER:	9/23/2025		
REASON FOR REQUEST:			
Do not agree with the PHO hearing officer's decision on PHO-1-25—Z-20-17-2 (See attached narrative). Reason for appeal – Holding up the development of a WCF – an essential utility for over 3 years. That is normally a 50-day process in the City of Phoenix.			
TAKEN BY:	Dom Amodio		

Joshua Bednarek
 Tricia Gomes
 Racelle Escolar
 Adam Stranieri
 Byron Easton
 PHO Planner Asst – Logan Zappolo

PC Planner Asst – Teresa Garcia
 PHO Secretary – Ruth Somoza
 PC Secretary – Vikki Cipolla-Murillo
 GIS Team
 Raquel Moreno – Posting



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

August 20, 2025 – PHO-1-25--Z-20-17-2

Taken out from under

The PLANNING HEARING OFFICER agenda for Advisement on September 16, 2025 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on October 29, 2025 Without Further Hearing Unless:

- A REQUEST FOR A HEARING BY THE PLANNING COMMISSION is filed by 5:00 p.m. on Tuesday, September 23, 2025. (There is a \$630.00 fee for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. Tuesday, September 23, 2025.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-25--Z-20-17-2

APPLICATION NO.

Approximately 1,420 feet west of the Northwest corner of North Valley Parkway and Bronco Butte Trail

LOCATION OF APPLICATION PROPERTY

Declan Murphy

NAME (PLEASE PRINT)

☐ OPPOSITION

☒ APPLICANT

8283 N Hayden Road, Suite 258

STREET ADDRESS:

dmurphy@coal-creek.com

EMAIL:

Scottsdale AZ 85258

CITY, STATE AND ZIP CODE

602 326-0111

TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

August 20, 2025 – PHO-1-25--Z-20-17-2

Taken out from under

APPEALED FROM Advisement September 16, 2025 DATE PHO HEARING TO 11/6/25 DATE PC HEARING

SIGNATURE: Declan Murphy

DATE: 9-23-25

REASON FOR APPEAL:

Don't agree with the PHO Hearing Officer's Decision on PHO-1-25--Z-20-17-2 (see attached narrative)

REASON FOR APPEAL - HOLDING UP THE DEVELOPMENT OF A WCF - AN ESSENTIAL UTILITY - FOR OVER 3 YEARS

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

THAT'S NORMALLY A 60 DAY PLANNER TAKING APPEAL: 9/28
CITY OF PHOENIX PROCESS IN THE

Planning Hearing Officer Request

Project: AMND: 18-1196A2A

Parcel: 204-12-980

RE: Zoning Case: Z-20-17

Date: 7/15/2025

Justification Narrative for Relief/Modification of the Z-20-17 Stipulations as it pertains to the Proposed Wireless Communication Facility (WCF) to be located on Parcel 204-12-980

TowerCom, on behalf of T-Mobile respectfully requests full relief/modification of **19 of the 22 stipulations** outlined under Zoning Case Z-20-17 as it pertains to the proposed Wireless Communication Facility (WCF) to be located on vacant parcel 204-12-980. This request is grounded in the urgent and well-documented need for improved wireless coverage in this rapidly growing North Phoenix Neighborhood, and the unique circumstances associated with the subject parcel.

Background and Site Context

The proposed WCF site is strategically located adjacent to the parcel formerly known as the Legacy Sports Complex (parcel 204-12-979), which is now under new ownership. TowerCom/T-Mobile have actively pursued this project for over three years, navigating a series of delays primarily due to the parcel's prior linkage to the Legacy Sport Complex development. That connection no longer exists. Furthermore, drainage comments and infrastructure concerns tied to the Legacy Sport Complex project are no longer applicable to the subject parcel, which now stands independently.

Although the future of the Legacy Sport Complex site remains uncertain, whether it will be developed, repurposed, or sold, it's clear that any future development will trigger the full scope of stipulations and infrastructure requirements associated with Z-20-17. However, the WCF in question is a standalone utility installation, not a large-scale commercial development, and should not be subject to the same stipulations intended for a significantly more complex and impactful project.

Essential Utility Status of Wireless Service

Wireless communication is no longer a luxury or convenience, it is an essential utility on par with water and electricity. The proposed WCF will directly address a significant coverage GAP that has impacted residents, businesses, and emergency response operations in this fast-growing area. The growth in residential and commercial activity throughout this part of the North Phoenix necessitates immediate and reliable access to wireless services. As such, delaying or obstructing this WCF due to unrelated development stipulations imposes a direct and avoidable burden on public welfare.

Importantly, this WCF has already attracted interest from two carriers, with expectations that all three major wireless carriers operating in this market will co-locate at this site once operational. The proposed WCF location removed from the nearest residential and multi-carrier capacity makes this site nearly ideal from both a technical and planning perspective.

Consistency with Citywide Standards

It is important to note that typical WCFs located within the City of Phoenix, particularly those in commercial zones are generally only required to meet basic dustproof access standards. They are not subject to extensive Street infrastructure, grading/drainage review unless warranted by unique site-specific concerns. Applying the full breadth of Z-20-17 stipulations to this WCF installation would represent a departure from standard City of Phoenix practices, creating inconsistency in the treatment of essential utility infrastructure, and departure from precedent.

Public Safety and Community Benefit

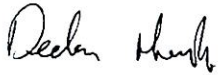
Beyond its utility value, the proposed WCF is vital to enhancing public safety. Reliable wireless communication underpins emergency services, disaster response, 911 accessibility, and medical outreach. This is a rapidly growing area where development is ongoing and populations are expanding, so ensuring immediate access to wireless coverage is not just a convenience, it is a public safety obligation.

Conclusion

In light of the above, TowerCom/T-Mobile respectfully urges the City of Phoenix to grant full relief from the 22 stipulations outlined in Z-20-17. The proposed WCF is a critical piece of utility infrastructure, not a conventional commercial development, and should be treated as such. The site is uniquely positioned to provide maximum benefit to the community with minimal impact, and serves the broader public interest in ensuring equitable, reliable access to wireless communication services.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Declan Murphy".

Declan Murphy
TowerCom/T-Mobile
8283 N Hayden Road, Suite 258, Scottsdale AZ 85258
Tel: (602) 326-0111
Email: dmurphy@coal-creek.com

EXHIBIT B

Planning Hearing Officer Request

Project: AMND: 18-1196A2A

Parcel: 204-12-980

RE: Zoning Case: Z-20-17

Date: 7/15/2025

Justification Narrative for Relief/Modification of the Z-20-17 Stipulations as it pertains to the Proposed Wireless Communication Facility (WCF) to be located on Parcel 204-12-980

TowerCom, on behalf of T-Mobile respectfully requests full relief/modification of **19 of the 22 stipulations** outlined under Zoning Case Z-20-17 as it pertains to the proposed Wireless Communication Facility (WCF) to be located on vacant parcel 204-12-980. This request is grounded in the urgent and well-documented need for improved wireless coverage in this rapidly growing North Phoenix Neighborhood, and the unique circumstances associated with the subject parcel.

Background and Site Context

The proposed WCF site is strategically located adjacent to the parcel formerly known as the Legacy Sports Complex (parcel 204-12-979), which is now under new ownership. TowerCom/T-Mobile have actively pursued this project for over three years, navigating a series of delays primarily due to the parcel's prior linkage to the Legacy Sport Complex development. That connection no longer exists. Furthermore, drainage comments and infrastructure concerns tied to the Legacy Sport Complex project are no longer applicable to the subject parcel, which now stands independently.

Although the future of the Legacy Sport Complex site remains uncertain, whether it will be developed, repurposed, or sold, it's clear that any future development will trigger the full scope of stipulations and infrastructure requirements associated with Z-20-17. However, the WCF in question is a standalone utility installation, not a large-scale commercial development, and should not be subject to the same stipulations intended for a significantly more complex and impactful project.

Requested Stipulation Modifications

Stipulation 1

~~1. All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb, and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 2

~~2. 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.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 3

~~3. 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.~~

Stipulation 4

~~4. The east-west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Core Plan, as modified by the following stipulations and approved by the Planning and Development Department:~~

~~a. The Paseo del Prado shall align with the Bronco Butte Tank and continue through the site to the west.~~

~~b. A pedestrian access easement of 20 feet shall be dedicated for the pedestrian connection (Paseo del Prado). Of the 20 feet, 12 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 8 feet may be used for pedestrian friendly uses such as restaurant seating, vendor stalls, artist displays, etc.~~

~~c. A minimum of 50% of the 20 foot pedestrian access easement for the Paseo del Prado shall be shaded by a structure, landscaping or a combination of the two.~~

~~d. The site shall be designed in such a manner that the building placement creates an alignment and synergy for the Paseo del Prado. This can be achieved by placing active uses such as outdoor seating, restaurants and retail along the pedestrian path.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 5

~~5. All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 6

~~6. The use of artificial turf is prohibited in areas visible from public right-of-way or parking lots, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 7

~~7. Turf shall only be used in active retention basins, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 8

~~8. All retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 9

~~9. The hotel development shall be in general conformance with the elevations date stamped April 18, 2018, with specific regard to the massing, articulation, window placement and building entry, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 10

~~10. The color and material palette for the buildings shall be determined at site plan review and shall comply with the North Black Canyon Overlay District, With specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 11

~~11. The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 12

~~**12.** All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 13

~~**13.** A minimum landscape setback of 10 feet shall be required along property lines that are not adjacent to public right-of-way and planted in accordance with C-2 planting size and spacing standards, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 14

~~**14.** The Bronco Butte Water Tank shall be fully preserved, in place, as it naturally occurs and shall be identified on all site plan documents through permitting to ensure preservation.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 15

~~15. View corridors of Bronco Butte, Pyramid Peak, Union Hills and No Name Mountain, as shown on Exhibit B in the North Gateway Core Plan, shall be retained through building placement and step backs, as approved by the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 16

~~16. Maximum building height shall be limited to 60 feet. The maximum square footage of the sports arena shall be 180,000 square feet and the maximum square footage of the hotel shall be 60,000 square feet. Any request to increase building height or building square footage beyond the stipulated height and square footages shall not be approved unless all of the following occur:~~

~~a. A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;~~

~~b. A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel;
and~~

~~c. A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 17

~~17. Sufficient right-of-way for a collector shall be dedicated for the extension of Bronco Butte Trail as necessary to establish an alignment to tie into the current terminus at the Bronco Tank and transition to a half street where the alignment is able to assume an alignment at the north property line for the extension of Bronco Butte Trail west to the 29th Avenue alignment, unless an alternative route is approved or modified by the Street Transportation Department and the Planning and Development Department.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 18

~~18. Any construction of a sewer force main, intended as a temporary sewer solution for the subject property, must be designed and constructed in a manner that minimizes the impacts to truck circulation (as necessary to maintain traffic flow to and from the W.L. Gore campus at the Bronco Butte driveway for a WB-67 vehicle).~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 19

~~19. Prior to the approval of the offsite paving plans for the project, the developer shall update the restriping plan for the intersection of North Valley Parkway and Bronco Butte Trail. The restriping plan shall be in general conformance to the restriping plan date stamped June 28, 2018, as approved by the Street Transportation Department and the Planning and Development Department. The developer shall be responsible for all improvements. The developer shall provide documentation that the restriping plan was submitted to W.L. Gore prior to submittal of off-site paving plan.~~

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 20

~~20. Prior to final site plan approval, the developer shall work with the adjacent property owners to update the Sonoran Foothills PCD Street Master Plan to address the following for the intersection of North Valley Parkway and Bronco Butte Trail, as approved or modified by the Street Transportation Director and the Planning and Development Director as outlined in a forthcoming letter addressing the following:~~

- ~~a. Planned roadway and striping improvements~~
- ~~b. Identify existing contributions to the traffic signal infrastructure~~

c. Clarify responsibilities for future traffic infrastructure

This Stipulation is not pertinent to utility infrastructure such as the proposed WCF on Parcel: 204-12-980, with ample precedent throughout the City of Phoenix as it relates to the placement of comparable WCF's since the adoption of Section 715. Satellite Earth Stations And Wireless Communication Facilities.

Stipulation 21

21. The developer shall notify the following individuals by mail 15 days prior to any preapplication or preliminary site plan review meetings with the Planning and Development Department. The notice shall include the date, time and location of the meeting.

a. Brent Roberts
W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085

b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ 85253

Stipulation 22

22. The developer shall notify the following individuals by mail 10 days prior to the submittal of the final site plan for approval by the Planning and Development Department.

a. Brent Roberts
W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085

b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ 85253

Essential Utility Status of Wireless Service

Wireless communication is no longer a luxury or convenience, it is an essential utility on par with water and electricity. The proposed WCF will directly address a significant coverage GAP that has impacted residents, businesses, and emergency response operations in this fast-growing area. The growth in residential and commercial activity throughout this part of the North Phoenix necessitates immediate and reliable access to wireless services. As such, delaying or obstructing this WCF due to unrelated development stipulations imposes a direct and avoidable burden on public welfare.

Importantly, this WCF has already attracted interest from two carriers, with expectations that all three major wireless carriers operating in this market will co-locate at this site once operational. The proposed WCF location removed from the nearest residential and multi-carrier capacity makes this site nearly ideal from both a technical and planning perspective.

Consistency with Citywide Standards

It is important to note that typical WCFs located within the City of Phoenix, particularly those in commercial zones are generally only required to meet basic dustproof access standards. They are not subject to extensive Street infrastructure, grading/drainage review unless warranted by unique site-specific concerns. Applying the full breadth of Z-20-17 stipulations to this WCF installation would represent a departure from standard City of Phoenix practices, creating inconsistency in the treatment of essential utility infrastructure, and departure from precedent.

Public Safety and Community Benefit

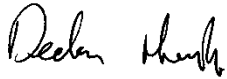
Beyond its utility value, the proposed WCF is vital to enhancing public safety. Reliable wireless communication underpins emergency services, disaster response, 911 accessibility, and medical outreach. This is a rapidly growing area where development is ongoing and populations are expanding, so ensuring immediate access to wireless coverage is not just a convenience, it is a public safety obligation.

Conclusion

In light of the above, TowerCom/T-Mobile respectfully urges the City of Phoenix to grant full relief from the 22 stipulations outlined in Z-20-17. The proposed WCF is a critical piece of utility infrastructure, not a conventional commercial development, and should be treated as such. The site is uniquely positioned to provide maximum benefit to the community with minimal impact, and serves the broader public interest in ensuring equitable, reliable access to wireless communication services.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Declan Murphy". The signature is written in a cursive, flowing style.

Declan Murphy
TowerCom/T-Mobile
8283 N Hayden Road, Suite 258, Scottsdale AZ 85258
Tel: (602) 326-0111
Email: dmurphy@coal-creek.com

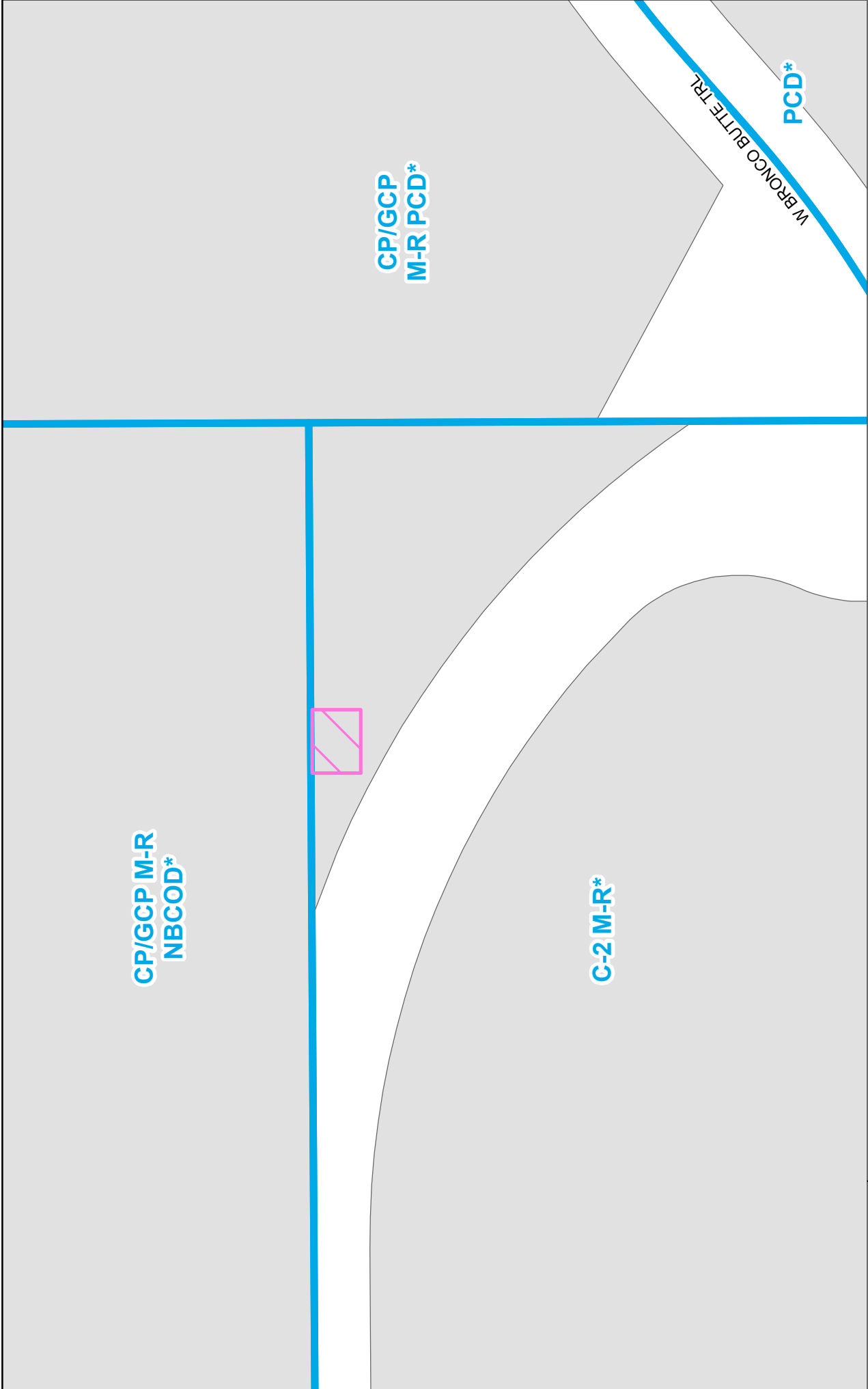
EXHIBIT C



**Property Location: Approximately 1,420 feet west of the northwest corner of
North Valley Parkway and Bronco Butte Trail**

PHO-1-25--Z-20-17-2

EXHIBIT D



PHO-1-25-Z-20-17-2	Property Location: Approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail
--------------------	---

EXHIBIT E

ORDINANCE G-6484

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-20-17-2) FROM PCD NBCOD (APPROVED C-2 / CP M-R PCD NBCOD) (PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT, APPROVED INTERMEDIATE COMMERCIAL DISTRICT OR COMMERCE PARK DISTRICT, MID-RISE DISTRICT, PLANNED COMMUNITY DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT) TO C-2 M-R NBCOD (INTERMEDIATE COMMERCIAL DISTRICT, MID-RISE DISTRICT, NORTH BLACK CANYON OVERLAY DISTRICT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 19.22 acre property located approximately 220 feet north of the northwest corner of the 27th Avenue alignment and North Foothills Drive alignment in a portion of Section 14, Township 5 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from PCD NBCOD (APPROVED C-2 / CP M-R PCD NBCOD) (Planned Community District, North Black Canyon Overlay District, approved Intermediate Commercial District or Commerce Park District, Mid-Rise District, Planned Community District, North Black Canyon Overlay District) to C-2 M-R NBCOD (Intermediate Commercial District, Mid-Rise District, North Black Canyon Overlay District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb, and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner.
2. 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.
3. 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.
4. The east and west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Core Plan, as modified by the following stipulations and approved by the Planning and Development Department:
 - a. The Paseo del Prado shall align with the Bronco Butte Tank and continue through the site to the west.
 - b. A pedestrian access easement of 20 feet shall be dedicated for the pedestrian connection (Paseo del Prado). Of the 20 feet, 12 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 8 feet may be used for pedestrian friendly uses such as restaurant seating, vendor stalls, artist displays, etc.

- c. A minimum of 50% of the 20-foot pedestrian access easement for the Paseo del Prado shall be shaded by a structure, landscaping or a combination of the two.
 - d. The site shall be designed in such a manner that the building placement creates an alignment and synergy for the Paseo del Prado. This can be achieved by placing active uses such as outdoor seating, restaurants and retail along the pedestrian path.
- 5. All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
- 6. The use of artificial turf is prohibited in areas visible from public right-of-way or parking lots, as approved by the Planning and Development Department.
- 7. Turf shall only be used in active retention basins, as approved by the Planning and Development Department.
- 8. All retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.
- 9. The hotel development shall be in general conformance with the elevations date stamped April 18, 2018, with specific regard to the massing, articulation, window placement and building entry, as approved by the Planning and Development Department.
- 10. The color and material palette for the buildings shall be determined at site plan review and shall comply with the North Black Canyon Overlay District, with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment, as approved by the Planning and Development Department.
- 11. The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.
- 12. All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the Planning and Development Department.
- 13. A minimum landscape setback of 10 feet shall be required along property lines that are not adjacent to public right-of-way and planted in accordance

with C-2 planting size and spacing standards, as approved by the Planning and Development Department.

14. The Bronco Butte Water Tank shall be fully preserved, in place, as it naturally occurs and shall be identified on all site plan documents through permitting to ensure preservation.
15. View corridors of Bronco Butte, Pyramid Peak, Union Hills and No Name Mountain, as shown on Exhibit B in the North Gateway Core Plan, shall be retained through building placement and step backs, as approved by the Planning and Development Department.
16. Maximum building height shall be limited to 60 feet. The maximum square footage of the sports arena shall be 180,000 square feet and the maximum square footage of the hotel shall be 60,000 square feet. Any request to increase building height or building square footage beyond the stipulated height and square footages shall not be approved unless all of the following occur:
 - a. A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;
 - b. A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel; and
 - c. A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.
17. Sufficient right-of-way for a collector shall be dedicated for the extension of Bronco Butte Trail as necessary to establish an alignment to tie into the current terminus at the Bronco Tank and transition to a half-street where the alignment is able to assume an alignment at the north property line for the extension of Bronco Butte Trail west to the 29th Avenue alignment, unless an alternative route is approved or modified by the Street Transportation Department and the Planning and Development Department.
18. Any construction of a sewer force main, intended as a temporary sewer solution for the subject property, must be designed and constructed in a manner that minimizes the impacts to truck circulation (as necessary to

maintain traffic flow to and from the W.L. Gore campus at the Bronco Butte driveway for a WB-67 vehicle).

19. Prior to the approval of the offsite paving plans for the project, the developer shall update the restriping plan for the intersection of North Valley Parkway and Bronco Butte Trail. The restriping plan shall be in general conformance to the restriping plan date stamped June 28, 2018, as approved by the Street Transportation Department and the Planning and Development Department. The developer shall be responsible for all improvements. The developer shall provide documentation that the restriping plan was submitted to W.L. Gore prior to submittal of off-site paving plan.
20. Prior to final site plan approval, the developer shall work with the adjacent property owners to update the Sonoran Foothills PCD Street Master Plan to address the following for the intersection of North Valley Parkway and Bronco Butte Trail, as approved or modified by the Street Transportation Director and the Planning and Development Director as outlined in a forthcoming letter addressing the following:
 - a. Planned roadway and striping improvements
 - b. Identify existing contributions to the traffic signal infrastructure
 - c. Clarify responsibilities for future traffic infrastructure
21. The developer shall notify the following individuals by mail 15 days prior to any preapplication or preliminary site plan review meetings with the Planning and Development Department. The notice shall include the date, time and location of the meeting.
 - a. Brent Roberts
W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085
 - b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ 85253
22. The developer shall notify the following individuals by mail 10 days prior to the submittal of the final site plan for approval by the Planning and Development Department.

- a. Brent Roberts
W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085
- b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ 85253

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 5th day of July, 2018.

Helga Williams

MAYOR

ATTEST:

[Signature]

City Clerk



APPROVED AS TO FORM:

[Signature]

Acting City Attorney pm^l

REVIEWED BY:

[Signature]

City Manager

PL:tml:LF16-2143:7/5/18:2047901v1

Exhibits:

- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-20-17-2

A PORTION OF LAND BEING SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND MARICOPA COUNTY BRASS CAP DATED 2001 ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 14 FROM WHICH A FOUND REBAR WITH CAP RLS 21081 ACCEPTED AS THE CENTER OF SAID SECTION 14 BEARS SOUTH 89°32'56" WEST, 2639.42 FEET;

THENCE SOUTH 00°22'13" EAST, 1324.91 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO A FOUND REBAR WITH CAP RLS 27239 ACCEPTED AS THE 1/16TH CORNER OF SAID SECTION;

THENCE LEAVING SAID EAST LINE, SOUTH 89°35'43" WEST, 562.27 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER;

THENCE LEAVING SAID SOUTH LINE, NORTH 20°07'05" WEST, 223.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 45.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°00'00", AN ARC LENGTH OF 15.71 FEET TO A TANGENT LINE;

THENCE NORTH 00°07'05" WEST, 1098.45 FEET;

THENCE NORTH 89°32'56" EAST, 635.65 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 837,236 SQ. FT. (19.2203 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD OR OTHERWISE.

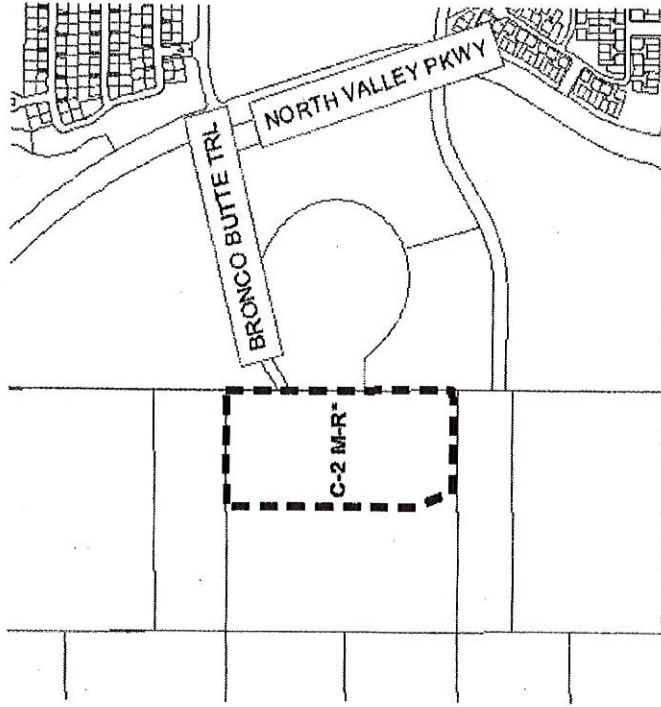
THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY LAND DIVISION RESTRICTIONS.

ORDINANCE LOCATION MAP

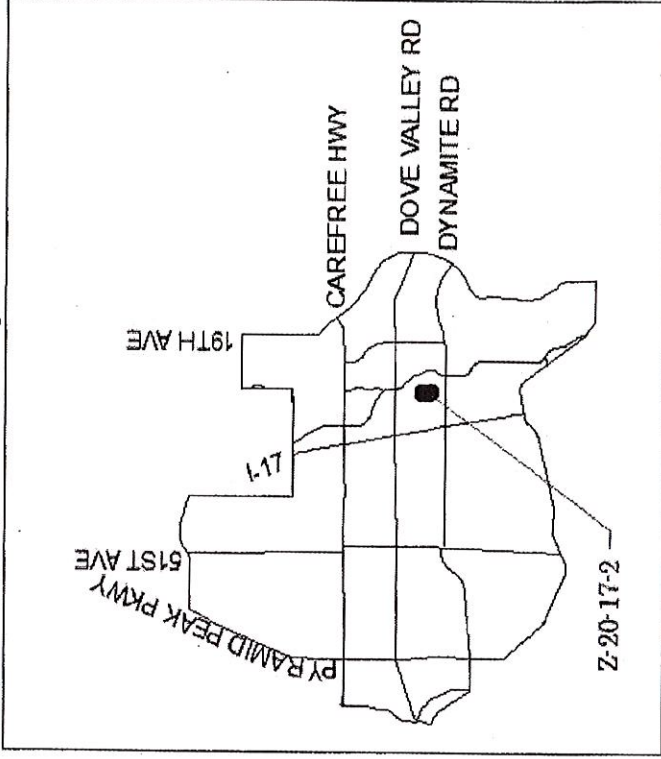
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



0 500 1,000 2,000 Feet

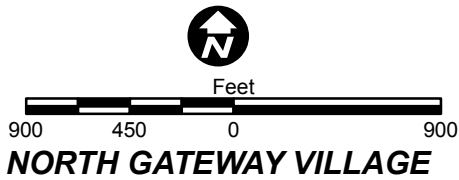
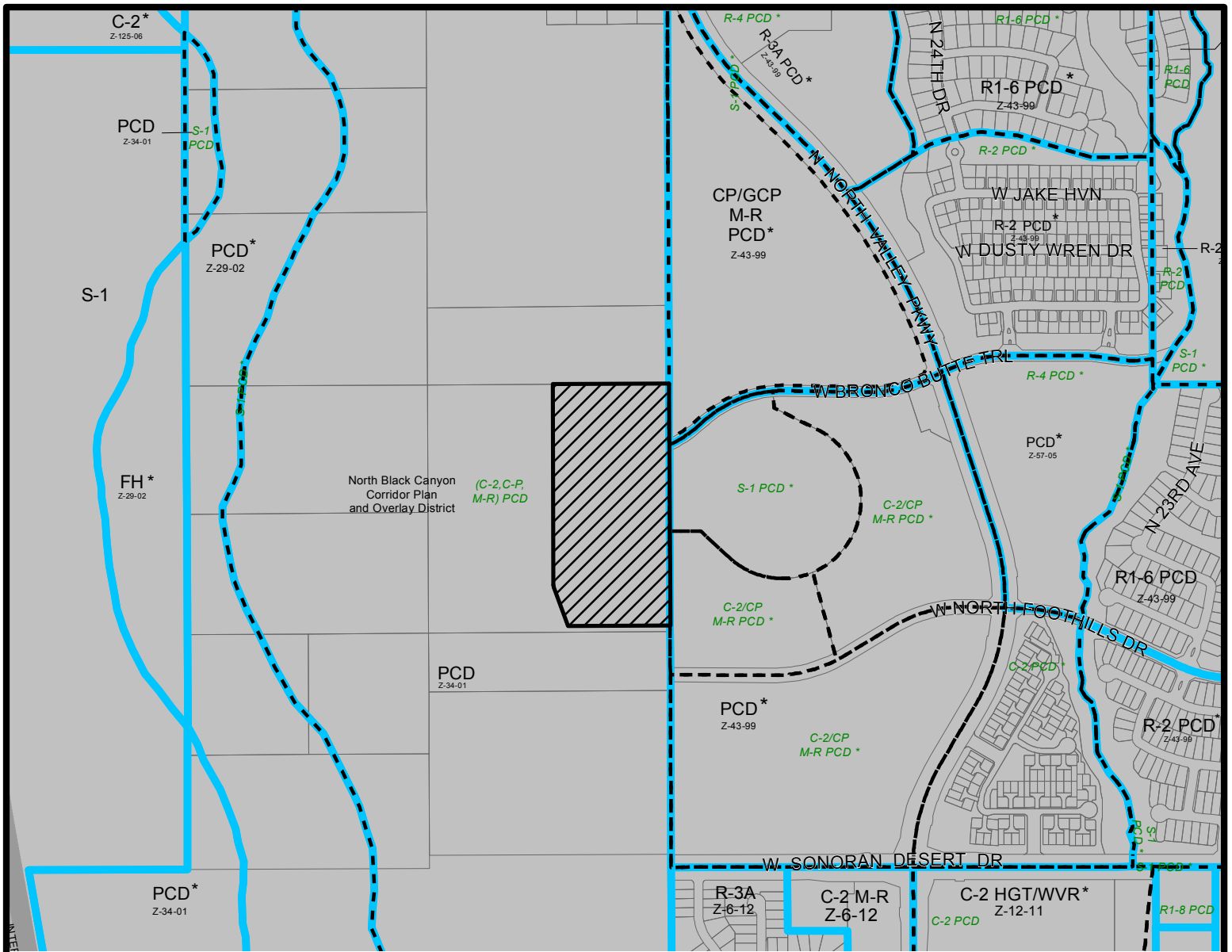


NOT TO SCALE

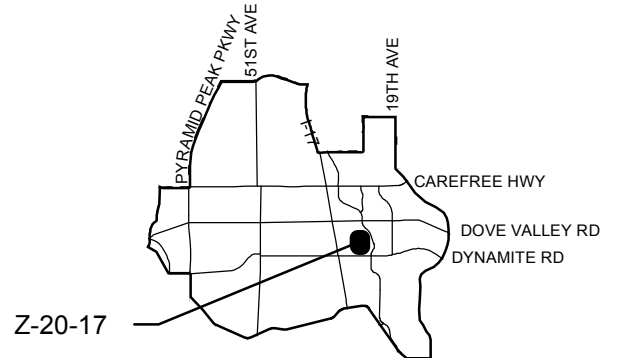
Drawn Date: 6/7/2018

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\VS_Team\Core_Functions\Zoning\Supp\Maps_Ord\Map\2018_Ord\17-5-18Z-20-17-2.mxd

EXHIBIT F



CITY COUNCIL DISTRICT: 2



APPLICANT'S NAME: City of Phoenix Planning Commission

APPLICATION NO. Z-20-17

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

19.22 Acres

DATE:	08/10/2017		
	REVISION DATES:		
	04/18/2018		
	04/26/2018		
AERIAL PHOTO & QUARTER SEC. NO.	ZONING MAP		
QS 55-22	Q-7		

REQUESTED CHANGE:

FROM: PCD NBCOD
(Approved C-2 / CP M-R PCD NBCOD) (19.22 a.c.)

TO: C-2 M-R NBCOD (19.22 a.c.)

MULTIPLES PERMITTED

PCD NBCOD (Approved C-2 / CP M-R PCD NBCOD)

C-2 M-R NBCOD

CONVENTIONAL OPTION

N/A, (278, N/A)

278

*** UNITS P.R.D. OPTION**

N/A, (334, N/A)

334

* Maximum Units Allowed with P.R.D. Bonus

EXHIBIT G

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

August 20, 2025

ITEM NO: 1	
	DISTRICT NO. 2
SUBJECT:	
Application #:	PHO-1-25--Z-20-17-2
Location:	Approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail
Zoning:	C-2 M-R NBCOD
Acreage:	0.56
Request:	1) Request to delete Stipulation 1 regarding detached sidewalks. 2) Request to delete Stipulation 2 regarding street improvements. 3) Request to delete Stipulation 4 regarding east and west pedestiran connections along Paseo del Pardo. 4) Request to delete Stipulation 5 regarding pedestrian pathways. 5) Request to delete Stipulation 6 regarding the use of artificial turf. 6) Request to delete Stipulation 7 regarding turf being used in active retention basins. 7) Request to delete Stipulation 9 regarding the hotel development. 8) Request to delete Stipulation 10 regarding color and material palette for the buildings. 9) Request to delete Stipulation 11 regarding the glazing on all building windows. 10) Request to delete Stipulation 12 regarding screening of service areas. 11) Request to delete Stipulation 13 regarding a minimum landscape setback along property lines adjacent to public right-of-way. 12) Request to delete Stipulation 14 regarding the Bronco Butte Water Tank preservation. 13) Request to delete Stipulation 15 regarding view corridors of Bronco Butte, Pyramid Peak, Union Hills, and No Name Mountain. 14) Request to delete Stipulation 16 regarding maximum building height.

	15) Request to delete Stipulation 17 regarding sufficient right-of-way for a collector street. 16) Request to delete Stipulation 18 regarding sewer force main construction. 17) Request to delete Stipulation 19 regarding approval of offsite paving plans. 18) Request to delete Stipulation 20 regarding updating the Sonoran Foothills PCD Street Master Plan.
Applicant:	Declan Murphy on behalf of TWC
Owner:	Robert Jr. and Sabrina Eaton
Representative:	Declan Murphy on behalf of TWC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. On September 16, 2025, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed, approval with modifications.

Village Planning Committee (VPC) Recommendation: The North Gateway Village Planning Committee heard this request on August 14, 2025 and recommended approval with a modification by a vote of 8-0.

DISCUSSION:

Declan Murphy, representative on behalf of TWC, introduced the subject site and gave a background of the request. He stated the business is attempting to find a location for Wireless Communication Facility (WCF) to address a gap in coverage for T-Mobile. Mr. Murphy stated he submitted a minor site plan amendment to include the proposed (WCF) and received comments pertaining to the adjacent Legacy Sport Complex project. He noted a previous site plan amendment was completed for this site. Mr. Murphy added that all stipulations included in the PHO are regarding the sports complex project rather than the implementation of the WCF. He noted this site plan amendment to include the WCF has been approved and stipulated to seek relief of the stipulations through the PHO process.

Byron Easton, Planning Hearing Officer, asked Mr. Murphy to clarify if he was referring to the modification requests for the PHO case or the stipulations from the initial rezoning case from 2017. Mr. Murphy confirmed he was referring to the 22 Stipulations from the original rezoning case. Mr. Easton also asked if Mr. Murphy received approval of site plan amendment but was told he must do stipulation modification. Mr. Murphy noted that was correct. He also added that the original site plan amendment for the previous request was approved without reference to any of the rezoning stipulations.

Mr. Easton asked who told Mr. Murphy the stipulation modification was necessary.

Mr. Murphy responded that City Staff told him. He reiterated this review is for relief for the square footage of the utility and there are minimal options for wireless communication facilities to remediate the gap in coverage in this area. He also noted that this facility is not only viable for T-Mobile but also Verizon and AT&T waiting to be located on this site. He then gave background on wireless communication facilities, public benefit and public safety due to most emergency calls coming from wireless services. Mr. Murphy reiterated the stipulations to be deleted for this wireless facility. He also drew reference to the Village Planning Committee (VPC) Hearing where the Committee felt it was necessary for this facility to meet Stipulation 10 as it is pertinent to this project, he stated he was willing to comply.

Mr. Easton asked if the approved site plan for the WCF is included in the presentation. Mr. Murphy said it was.

Mr. Murphy described the site plan amendment for the 600 sq ft utility. He noted that it is fair to assume that once the larger portion of the site is developed all stipulations of the rezoning case will be met, however for the WCF to be responsible to meet all the stipulations is unreasonable.

Mr. Easton explained it is odd for the PHO to hear the case when the minor site plan amendment has already been approved. He stated typically applicants would process the PHO stipulation modification before a site plan is approved.

Mr. Murphy stated to his understanding he has site planning approval, however in order to apply for the building permits, he must satisfy or gain relief from the rezoning stipulations.

Mr. Easton stated that the request has gone through the North Gateway VPC and was recommended approval 8-0. Mr. Easton stated he has no issues with this request either, however he needs clarification interdepartmentally to rule on this case. Mr. Easton took the case under advisement.

Mr. Murphy stated he should still be held to Stipulation 10.

Mr. Easton responded that he believes none of these stipulations should be deleted as they pertain to the larger development of the site.

FINDINGS:

- 1) The request to delete Stipulation 1 regarding detached sidewalks is recommended to be denied as filed with a modification to add language to specify the area of the required off-site improvements.

Stipulation #1 establishes the design requirements for the construction of the sidewalk within the adjacent Bronco Butte right-of-way. As the half street right-of-way, adjacent to the subject site, has not been improved as required by City Code Section 31-91, the Street Transportation Department does not support the applicant's requested removal. The stipulation's conditions are applicable to the site and have not been met. If the developer to the south is first to develop the site and completes the required improvements, the stipulation will be met.

City Code Section 31-91: "No building permit shall be issued for new construction...which abuts any existing or future street right-of-way unless the one-half of such abutting right-of-way which is located on the same side of the center of the street as such lot or parcel of land has been dedicated and improved, or installation of improvements has been assured, for the full width of the lot or parcel where it abuts so as to meet the standards for each right-of-way..."

- 2) The request to delete Stipulation 2 regarding street improvements is recommended to be denied as filed with a modification to add language to specify the area of the required off-site improvements.

Stipulation #2 establishes the obligations pertaining to the required construction of the adjacent Bronco Butte right-of-way. As the half street right-of-way, adjacent to the subject site, has not been improved as required by City Code Section 31-91, the Street Transportation Department does not support the applicant's requested removal. As the subject site is directly adjacent to the Bronco Butte right-of-way, the stipulation's conditions are applicable to the site and have not been met.

- 3) The request to delete Stipulation 4 regarding east and west pedestrian connections along Paseo del Pardo is recommended to be denied. The Paseo is not planned to be constructed on this portion of the original rezoning case boundary and will therefore not affect this proposal.
- 4) The request to delete Stipulation 5 regarding pedestrian pathways is recommended to be denied. There will not be pedestrian pathways on this parcel so this stipulation will not affect this proposal.
- 5) The request to delete Stipulation 6 regarding the use of artificial turf is recommended to be denied. There is no need to delete the stipulation especially if the applicant does not intend to install artificial turf.
- 6) The request to delete Stipulation 7 regarding turf being used in active retention basins is recommended to be denied. There is no need to delete

- the stipulation especially if the applicant does not intend to install artificial turf.
- 7) The request to delete Stipulation 9 regarding the hotel development is not applicable to this corner of the original rezoning boundary and is not recommended to be deleted.
 - 8) The request to delete Stipulation 10 regarding color and material palette for the buildings is recommended to be denied. Any building that is planned to support the WCF shall meet this stipulation.
 - 9) The request to delete Stipulation 11 regarding the glazing on all building windows shall also remain. There is no reason to delete this requirement for window glazing.
 - 10) The request to delete Stipulation 12 regarding screening of service areas is recommended to be denied. If any service areas are planned for the WCF and associated support building, the requirement for screening shall remain.
 - 11) The request to delete Stipulation 13 regarding a minimum landscape setback along property lines adjacent to public right-of-way is recommended to be denied. This stipulation is standard for all developments in the C-2 zoning district.
 - 12) The request to delete Stipulation 14 regarding the Bronco Butte Water Tank preservation is recommended to be denied. The Bronco Butte Water Tank is not on this site, and this proposal is not affected by the stipulation.
 - 13) The request to delete Stipulation 15 regarding view corridors of Bronco Butte, Pyramid Peak, Union Hills, and No Name Mountain is recommended to be denied. The WCF and support building shall not block these view corridors as stipulated.
 - 14) The request to delete Stipulation 16 regarding maximum building height is recommended to be denied. The proposal is not asking for additional building height so there the deletion of this stipulation is not required.
 - 15) The request to delete Stipulation 17 regarding sufficient right-of-way for a collector street is recommended to be denied. There are preliminary indications that all necessary dedications have been provided for the Bronco Butte Trail collector roadway, however, the Street Transportation Department does not support the removal of the stipulation and requests it remain with the addition of the parcel number clarifying the area of the required off-site improvements.

The right-of-way adjacent to the subject site is a key part of Bronco Butte's transition into the planned roundabout and while the Street Transportation Department doesn't anticipate additional right-of-way dedications, it is necessary to keep the stipulation until the final construction designs have been reviewed and approved by the City of Phoenix.

- 16) The request to delete Stipulation 18 regarding sewer force main construction is recommended to be denied. This stipulation does not seem applicable to this development and there is no reason to delete it.
- 17) The request to delete Stipulation 19 regarding approval of offsite paving plans is recommended to be denied. The applicant has not provided any documentation detailing how the stipulation has been met in the context of the required half-street improvements. The stipulation pertains to the paving plans of the offsite improvements to Bronco Butte Trail and as the subject site is required to construct the necessary half-street improvements in the right-of-way, the stipulation applies to the site and should not be removed until documentation has been received that the stipulation has been met.
- 18) The request to delete Stipulation 20 regarding updating the Sonoran Foothills PCD Street Master Plan is recommended to be approved. The obligation outlined in Stipulation 20 is required of the larger developer of the rezoned site, south of Bronco Butte.

STIPULATIONS:

1.	All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, ADJACENT TO APN 204-12-980, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner.
2.	The developer shall construct all streets within and adjacent to APN 204-12-980 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.
3.	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.

4.	The east and west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Core Plan, as modified by the following stipulations and approved by the Planning and Development Department:
a.	The Paseo del Prado shall align with the Bronco Butte Tank and continue through the site to the west.
b.	A pedestrian access easement of 20 feet shall be dedicated for the pedestrian connection (Paseo del Prado). of the 20 feet, 12 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 8 feet may be used for pedestrian friendly uses such as restaurant seating, vendor stalls, artist displays, etc.
c.	A minimum of 50% of the 20-foot pedestrian access easement for the Paseo del Prado shall be shaded by a structure, landscaping or a combination of the two.
d.	The site shall be designed in such a manner that the building placement creates an alignment and synergy for the Paseo del Prado. This can be achieved by placing active uses such as outdoor seating, restaurants and retail along the pedestrian path.
5.	All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
6.	The use of artificial turf is prohibited in areas visible from public right-of-way or parking lots, as approved by the Planning and Development Department.
7.	Turf shall only be used in active retention basins, as approved by the Planning and Development Department.
8.	All retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.
9.	The hotel development shall be in general conformance with the elevations date stamped April 18, 2018, with specific regard to the massing, articulation, window placement and building entry, as approved by the Planning and Development Department.

10.	The color and material palette for the buildings shall be determined at site plan review and shall comply with the North Black Canyon Overlay District, with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment, as approved by the Planning and Development Department.	
11.	The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.	
12.	All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the Planning and Development Department.	
13.	A minimum landscape setback of 10 feet shall be required along property lines that are not adjacent to public right-of-way and planted in accordance with C-2 planting size and spacing standards, as approved by the Planning and Development Department.	
14.	The Bronco Butte Water Tank shall be fully preserved, in place, as it naturally occurs and shall be identified on all site plan documents through permitting to ensure preservation.	
15.	View corridors of Bronco Butte, Pyramid Peak, Union Hills and No Name Mountain, as shown on Exhibit B in the North Gateway Core Plan, shall be retained through building placement and step backs, as approved by the Planning and Development Department.	
16	Maximum building height shall be limited to 60 feet. The maximum square footage of the sports arena shall be 180,000 square feet and the maximum square footage of the hotel shall be 60,000 square feet. Any request to increase building height or building square footage beyond the stipulated height and square footages shall not be approved unless all of the following occur:	
	a.	A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;
	b.	A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel; and

	c.	A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.
17.		Sufficient right-of-way for a collector shall be dedicated ADJACENT TO APN 204-12-980 for the extension of Bronco Butte Trail as necessary to establish an alignment to tie into the current terminus at the Bronco Tank and transition to a half-street where the alignment is able to assume an alignment at the north property line for the extension of Bronco Butte Trail west to the 29th Avenue alignment, unless an alternative route is approved or modified by the Street Transportation Department and the Planning and Development Department.
18.		Any construction of a sewer force main, intended as a temporary sewer solution for the subject property, must be designed and constructed in a manner that minimizes the impacts to truck circulation (as necessary to maintain traffic flow to and from the W.L. Gore campus at the Bronco Butte driveway for a WB-67 vehicle).
19.		Prior to the approval of the offsite paving plans for the project, the developer shall update the restriping plan for the intersection of North Valley Parkway and Bronco Butte Trail. The restriping plan shall be in general conformance to the restriping plan date stamped June 28, 2018, as approved by the Street Transportation Department and the Planning and Development Department. The developer shall be responsible for all improvements. The developer shall provide documentation that the restriping plan was submitted to W.L. Gore prior to submittal of off-site paving plan.
20.		Prior to final site plan approval, the developer shall work with the adjacent property owners to update the Sonoran Foothills PCD Street Master Plan to address the following for the intersection of North Valley Parkway and Bronco Butte Trail, as approved or modified by the Street Transportation Director and the Planning and Development Director as outlined in a forthcoming letter addressing the following:
	a.	Planned roadway and striping improvements
	b.	Identify existing contributions to the traffic signal infrastructure
	c.	Clarify responsibilities for future traffic infrastructure
20. 21.		The developer shall notify the following individuals by mail 15 days prior to any preapplication or preliminary site plan review meetings with the

	Planning and Development Department. The notice shall include the date, time and location of the meeting.	
	a.	Brent Roberts W.L. Gore 32470 N. North Valley Parkway Phoenix, AZ 85085
	b.	Heidi Kimball Sunbelt Holdings 6720 N. Scottsdale Road, Suite 250 Scottsdale, AZ. 85253
21. 22.	The developer shall notify the following individuals by mail 10 days prior to the submittal of the final site plan for approval by the Planning and Development Department.	
	a.	Brent Roberts W.L. Gore 32470 N. North Valley Parkway Phoenix, AZ 85085
	b.	Heidi Kimball Sunbelt Holdings 6720 N. Scottsdale Road, Suite 250 Scottsdale, AZ 85253

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, audiotope or computer diskette. To request a reasonable accommodation, please contact Saneeya Mir at saneeya.mir@phoenix.gov or (602) 686-6461 or TTY: 7-1-1.

EXHIBIT H



Village Planning Committee Meeting Summary

PHO-1-25--Z-20-17-2

Date of VPC Meeting	August 14, 2025
Date of Planning Hearing	August 20, 2025
Officer Hearing	
Request	Deletion of Stipulations 1, 2, 4 through 7, and 9 through 20
Location	Approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail
VPC Recommendation	Approval, with a modification
VPC Vote	8-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

Staff Background Presentation:

Adrian Zambrano, staff, provided information regarding the location of the site, the entitled zoning, and the request. Mr. Zambrano stated the zoning of the site is C-2 M-R NBCOD (Intermediate Commercial, Mid-Rise District, North Black Canyon Overlay District) which was established by rezoning case Z-20-17-2, which was subject to 22 stipulations. Mr. Zambrano provided background on area plans and overlays, indicating that the subject site is in the North Black Canyon Corridor Plan and Overlay District (NBCOD) and within both the Infrastructure Limit Line of the North Black Canyon Corridor Plan and within the North Gateway Village Core Plan area. Mr. Zambrano shared the approved stipulations of the entitled zoning and the stipulations that are requested to be deleted. Mr. Zambrano shared that the proposal is for a wireless communication facility and shared the proposed site plan and elevations.

Applicant Presentation:

Declan Murphy, on behalf of TWC, introduced himself and provided background on the request. Mr. Murphy shared that other sites were looked at around the area. Mr. Murphy stated that the subject site originally had a site plan approved for a greenhouse. Mr. Murphy stated that other sites were not suitable for a wireless communication facility, and they are trying to stay away from residential as much as possible. Mr. Murphy stated that wireless communication facilities are typically a quick review with the City. Mr. Murphy stated that the footprint is minimal and there is minimal ground disturbance.

Mr. Murphy stated that the stipulations for infrastructure improvements would be fulfilled by the developer of the sports arena. Mr. Murphy shared the approved site plan of the greenhouse proposal and the proposed site plan of the wireless communication facility.

Questions from Committee:

Committee Member Scott McGill stated that he knows this area very well. Committee Member McGill stated that the site is located within a commercial area. Committee Member McGill stated that the stipulations were associated with the larger parcel for the sports arena and he understands the applicant's stance for a utility that would benefit the area.

Chair Julie Read stated that the Committee was very careful with stipulating desert-tone colors for this area. Chair Read asked if the color of the screen walls will be desert-tone colors. **Mr. Murphy** responded that the colors have not been decided on yet, but they would be happy to choose whichever colors the Committee thinks is appropriate. Mr. Murphy added that future wireless carriers that co-locate on this site would be required to match the colors.

Committee Member Andrea Crouch asked if the wireless communication facility would look like a tree. **Mr. Murphy** responded that it would not, noting that there is nothing else around the area and it would stand out. Committee Member Crouch asked if future wireless carriers would have their own pole. Mr. Murphy responded that they would not, and they would co-locate on one pole.

Committee Member Paul Li asked for clarification if the request is to delete the stipulations only for the cell tower site or for the entire rezoning boundary. **Mr. Murphy** responded that it would only be for the cell tower site. Committee Member Li asked for clarification that the stipulations would still be applicable for the remaining rezoning boundary.

Mr. Zambrano responded affirmatively.

Committee Member Li asked if there is a specific issue with complying with Stipulation No. 10 regarding the color palette to be consistent with the North Black Canyon Overlay District. **Mr. Murphy** responded that there was not. Committee Member Li asked if the applicant would agree to not deleting Stipulation No. 10. Mr. Murphy responded affirmatively.

Chair Read asked if Stipulation No. 10 were to remain, if it would cover the wall color, even though it is not a building. **Mr. Zambrano** responded that he believes it would.

Public Comments:

None.

Applicant Response:

None.

MOTION – PHO-1-25--Z-20-17-2:

Committee Member Li motioned to recommend approval of PHO-1-25--Z-20-17-2, with a modification to not delete Stipulation No. 10. **Committee Member Crouch** seconded the motion.

VOTE – PHO-1-25--Z-20-17-2:

8-0; the motion to recommend approval of PHO-1-25--Z-20-17-2 with a modification passed with Committee members Crouch, Kennelly, Li, McCarty, McGill, Salow, Stein, and Read in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

VPC RECOMMENDED STIPULATIONS:

1. ~~All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb, and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner.~~
2. ~~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.~~
- 3.1. 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.
4. ~~The east and west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Core Plan, as modified by the following stipulations and approved by the Planning and Development Department:~~
 - a. ~~The Paseo del Prado shall align with the Bronco Butte Tank and continue through the site to the west.~~
 - b. ~~A pedestrian access easement of 20 feet shall be dedicated for the pedestrian connection (Paseo del Prado). Of the 20 feet, 12 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 8 feet may be used for pedestrian friendly uses such as restaurant seating, vendor stalls, artist displays, etc.~~

- ~~c. A minimum of 50% of the 20-foot pedestrian access easement for the Paseo del Prado shall be shaded by a structure, landscaping or a combination of the two.~~
 - ~~d. The site shall be designed in such a manner that the building placement creates an alignment and synergy for the Paseo del Prado. This can be achieved by placing active uses such as outdoor seating, restaurants and retail along the pedestrian path.~~
- ~~5. All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.~~
- ~~6. The use of artificial turf is prohibited in areas visible from public right-of-way or parking lots, as approved by the Planning and Development Department.~~
- ~~7. Turf shall only be used in active retention basins, as approved by the Planning and Development Department.~~
- ~~8. All retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.~~
- ~~9. The hotel development shall be in general conformance with the elevations date stamped April 18, 2018, with specific regard to the massing, articulation, window placement and building entry, as approved by the Planning and Development Department.~~
- 10.2. The color and material palette for the buildings shall be determined at site plan review and shall comply with the North Black Canyon Overlay District, with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment, as approved by the Planning and Development Department.**
- ~~11. The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department.~~
- ~~12. All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the Planning and Development Department.~~
- ~~13. A minimum landscape setback of 10 feet shall be required along property lines that are not adjacent to public right-of-way and planted in accordance~~

~~with C-2 planting size and spacing standards, as approved by the Planning and Development Department.~~

- ~~14. The Bronco Butte Water Tank shall be fully preserved, in place, as it naturally occurs and shall be identified on all site plan documents through permitting to ensure preservation.~~
- ~~15. View corridors of Bronco Butte, Pyramid Peak, Union Hills and No Name Mountain, as shown on Exhibit B in the North Gateway Core Plan, shall be retained through building placement and step backs, as approved by the Planning and Development Department.~~
- ~~16. Maximum building height shall be limited to 60 feet. The maximum square footage of the sports arena shall be 180,000 square feet and the maximum square footage of the hotel shall be 60,000 square feet. Any request to increase building height or building square footage beyond the stipulated height and square footages shall not be approved unless all of the following occur:~~
 - ~~a. A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;~~
 - ~~b. A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel; and~~
 - ~~c. A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.~~
- ~~17. Sufficient right-of-way for a collector shall be dedicated for the extension of Bronco Butte Trail as necessary to establish an alignment to tie into the current terminus at the Bronco Tank and transition to a half street where the alignment is able to assume an alignment at the north property line for the extension of Bronco Butte Trail west to the 29th Avenue alignment, unless an alternative route is approved or modified by the Street Transportation Department and the Planning and Development Department.~~
- ~~18. Any construction of a sewer force main, intended as a temporary sewer solution for the subject property, must be designed and constructed in a manner that minimizes the impacts to truck circulation (as necessary to~~

~~maintain traffic flow to and from the W.L. Gore campus at the Bronco Butte driveway for a WB-67 vehicle).~~

~~19. Prior to the approval of the offsite paving plans for the project, the developer shall update the restriping plan for the intersection of North Valley Parkway and Bronco Butte Trail. The restriping plan shall be in general conformance to the restriping plan date stamped June 28, 2018, as approved by the Street Transportation Department and the Planning and Development Department. The developer shall be responsible for all improvements. The developer shall provide documentation that the restriping plan was submitted to W.L. Gore prior to submittal of off-site paving plan.~~

~~20. Prior to final site plan approval, the developer shall work with the adjacent property owners to update the Sonoran Foothills PCD Street Master Plan to address the following for the intersection of North Valley Parkway and Bronco Butte Trail, as approved or modified by the Street Transportation Director and the Planning and Development Director as outlined in a forthcoming letter addressing the following:~~

- ~~a. Planned roadway and striping improvements~~
- ~~b. Identify existing contributions to the traffic signal infrastructure~~
- ~~c. Clarify responsibilities for future traffic infrastructure~~

~~21.3. The developer shall notify the following individuals by mail 15 days prior to any preapplication or preliminary site plan review meetings with the Planning and Development Department. The notice shall include the date, time and location of the meeting.~~

- ~~a. Brent Roberts
W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085~~
- ~~b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ 85253~~

~~22.4. The developer shall notify the following individuals by mail 10 days prior to the submittal of the final site plan for approval by the Planning and Development Department.~~

North Gateway Village Planning Committee

Meeting Summary

PHO-1-25--Z-20-17-2

Page 7 of 7

- a. Brent Roberts
W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085
- b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ 85253

EXHIBIT I

[illegible]

EXHIBIT J

EXHIBIT K

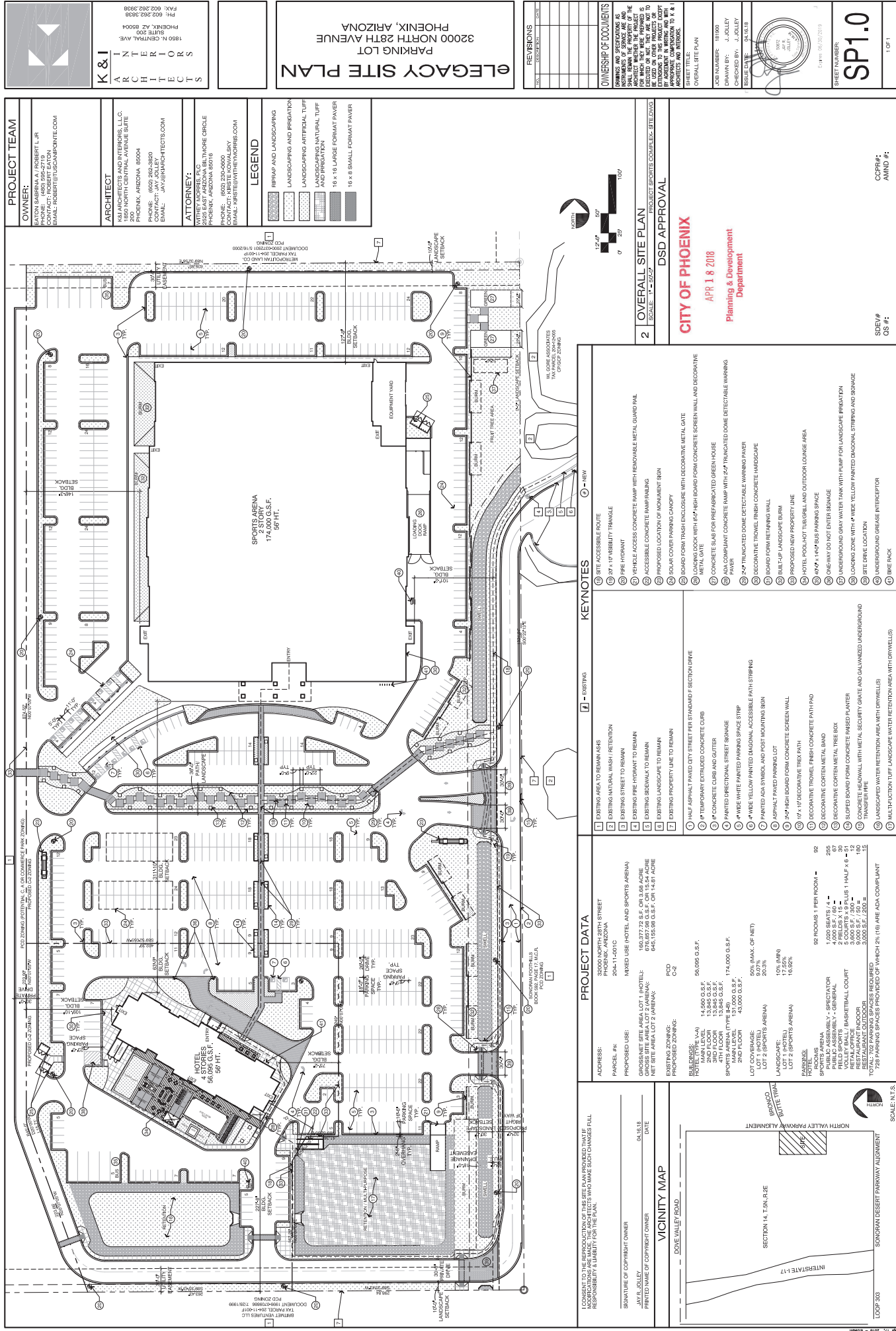
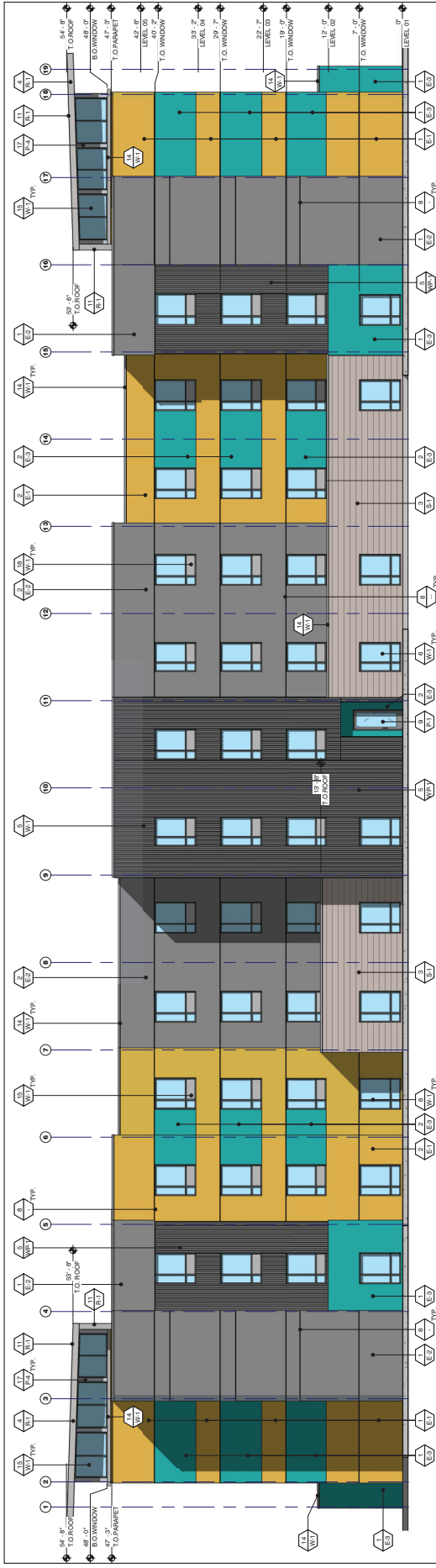


EXHIBIT L



1	SOUTH ELEVATION
---	-----------------

KEYNOTES

- | | |
|-----|---|
| 1. | 4" EPS WALL SYSTEM |
| 2. | 12" EPS WALL SYSTEM |
| 3. | CONC. STUCCO SYSTEM OVER 4" RIGID INSULATION, STAMP FINAL CONT. TO MATCH BOARD FORM CONCRETE - METSAL COLOR |
| 4. | METAL PANEL, ASP. SPAN, FLEX SERIES 12X10 1/2 OVER 1" RIGID INSULATION |
| 5. | METAL PANEL, ASP. SPAN, FLEX SERIES 12X10 1/2 OVER 1" RIGID INSULATION |
| 6. | FACTORY FINISH ALUMINUM STOREFRONT SYSTEM WITH 1" INSULATED GLASS |
| 7. | FACTORY FINISH AUTOMATIC SLIDING DOOR SYSTEM WITH 1" INSULATED GLASS |
| 8. | EPS SCORE JOISTS |
| 9. | EXTERIOR STOREFRONT DOOR, FRAME AND HINGERS WITH 1" INSULATED GLASS |
| 10. | FACTORY FINISH STANDING SEAM ROOFING SYSTEM, CURVED SPAN LOCK ASP. SPAN SAMP ON SYSTEM 2" BATTEN |
| 11. | FACTORY FINISH STANDING SEAM ROOFING SYSTEM, FLAT TACKING SEAM, ASP. SPAN LOCK ASP. SPAN SYSTEM 2" BATTEN |



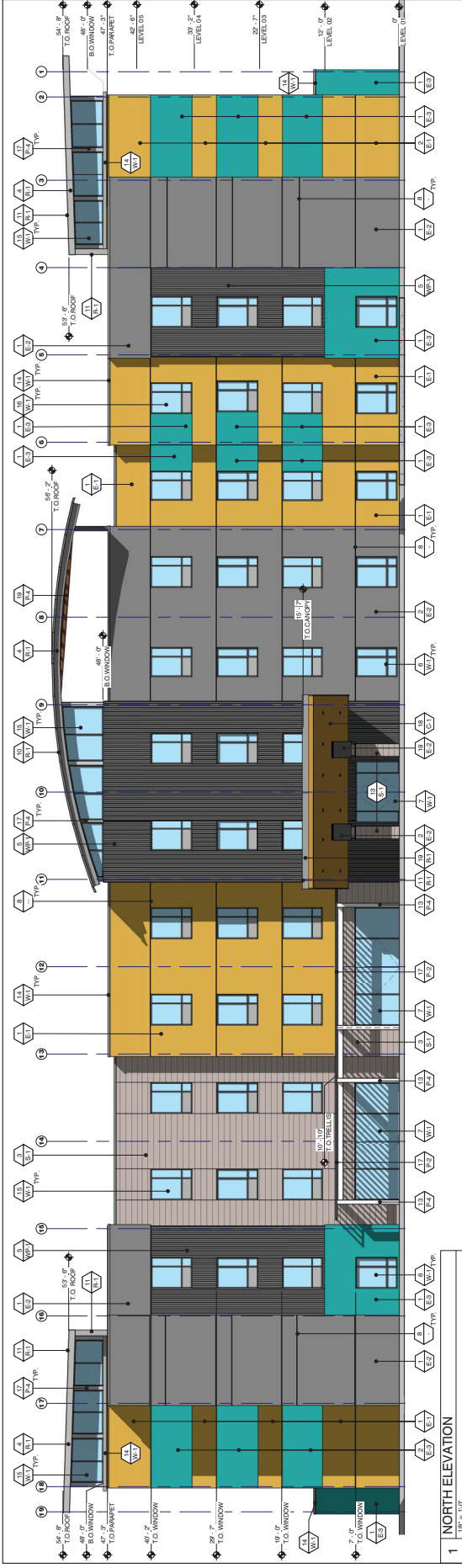
2	EAST ELEVATION
---	----------------

Revisions	
#	Description Date
OWNERSHIP OF DOCUMENTS	
DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. NO PART OF ANY WORK WHICH THEY WERE PREPARED IS TO BE EXECUTED OR NOT. THEY ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN AGREEMENT IN WRITING AND IN FULL PAYMENT OF FEE TO THE ARCHITECT AND HIS ARCHITECTS AND HEI PROVO.	
JOB NUMBER: 181001	
DRAWN BY: S. VALLEE	

CHECKED BY: J. JOLLEY ISSUE DATE: 04/16/18 	SHEET TITLE: EXTERIOR ELEVATIONS SHEET NUMBER:
--	---

A4.1

DESIGN DEVELOPMENT	
--------------------	--

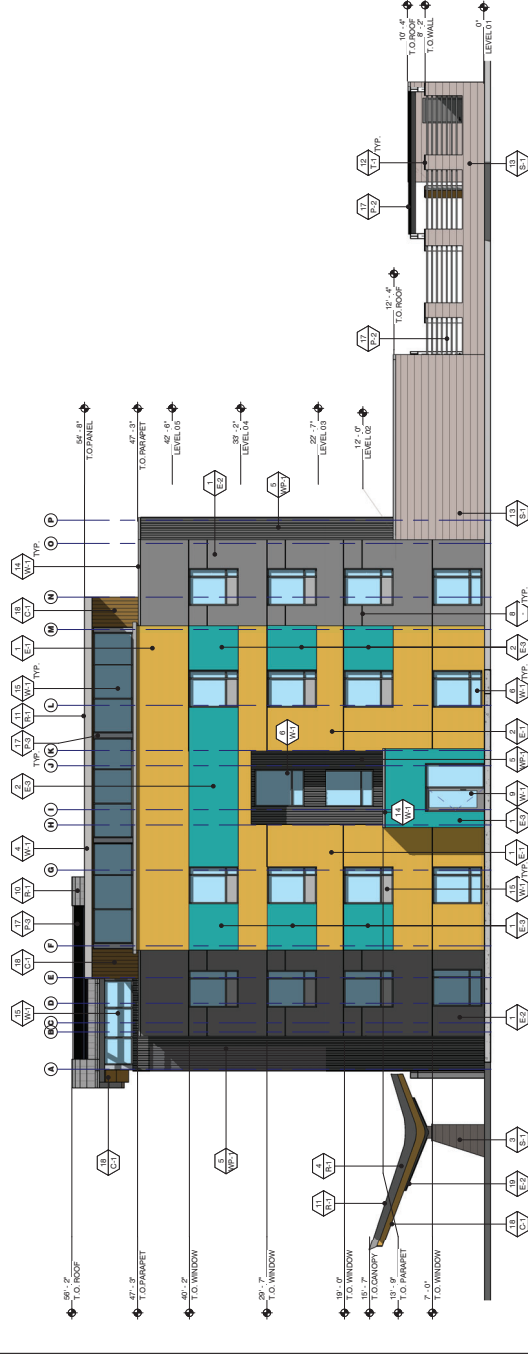


KEYNOTES

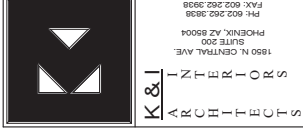
1. 4" EPS WALL SYSTEM
2. 1 1/2" EPS WALL SYSTEM
3. 3/4" EPS CONCRETE OVER 4" EPS INSULATION, STAMP FINAL COAT TO MATCH BOARD FORM SPECIFIC, INTEGRAL COLOR
4. FACTORY FINISH FASCIA
5. METAL WALL PANEL, ASP SPAN, FLEXI SERIES 125X10 X10 OVER 1 1/2" EPS INSULATION
6. FACTORY FINISH ALUMINUM STANDING SEAM SYSTEM WITH 1" INSULATED GLASS
7. FACTORY FINISH AUTOMATIC SLIDING DOOR SYSTEM WITH 1" INSULATED GLASS
8. EPS SCOE JOISTS
9. EXTERIOR STANDING DOOR, FRAME AND HARDWARE WITH 1" INSULATED GLASS
10. FACTORY FINISH STANDING SEAM ROOFING SYSTEM, CURVED SPAN LOCK, ASP SPAN WITH SNAP ON SYSTEM, 2" BATTEN
11. FACTORY FINISH STANDING SEAM ROOFING SYSTEM, FLAT STANDING SEAM, ASP SPAN WITH PC SNAP ON SYSTEM, 2" BATTEN
12. 1X6 TREX WALL CAP
13. BOARD FORM CONCRETE WALL 1 COLUMN
14. FACTORY FINISH METAL CORNING

COLOR SCHEDULE

EIFS SYSTEM, PANEL USA	WINDOW MULLIONS
E-1 DE 634 HONEY/CW	W-1 KYNAR 600 SHAZTA WHITE
E-2 DE 678 LACING GLASS	DECORATIVE TRIM
E-3 DE 672 TEAL ME NO LIES	T-1 HAVANA GOLD
WALL PANEL, JAPANESE	CILING
WP-1 KYNAR 600 CHARCOAL GREY	C-1 MAPLE EXTERIOR
ROOF PANEL	
R-1 KYNAR 600 CHARCOAL GREY	
PANTRY, DUNAL EDWARDS	
P-1 DE 634 HONEY/CW	
P-2 DE 678 LACING GLASS	
P-3 DE 672 TEAL ME NO LIES	
P-4 DE 672 LACE VEL	
STUCCO	
S-1 DAVIS COLORS GREEN SLATE 3095	



WEST ELEVATION



eLEGACY HOTEL
3200 NORTH 28TH AVENUE,
PHOENIX, ARIZONA

Revisions		OWNERSHIP OF DOCUMENTS
#	Description Date	
		DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF S. VALLEE ARCHITECT. THE CLIENT AGREES TO ARCHITECT WHETHER THE PROJECT FOR WHICH THE INSTRUMENTS OF SERVICE ARE USED ON OTHER PROJECTS OR EXTENDS TO THE PROJECTS OF THE ARCHITECT. THE CLIENT AGREES TO APPROPRIATE COMPENSATION FOR ALL ARCHITECTS AND INTERMEDIARIES.
		JOB NUMBER: 181001
		DRAWN BY: S. VALLEE



Expires 06/30/2019 	SHEET TITLE:	SHEET NUMBER: 00000000
	EXTERIOR ELEVATIONS	

A4.2

DESIGN
DEVELOPMENT

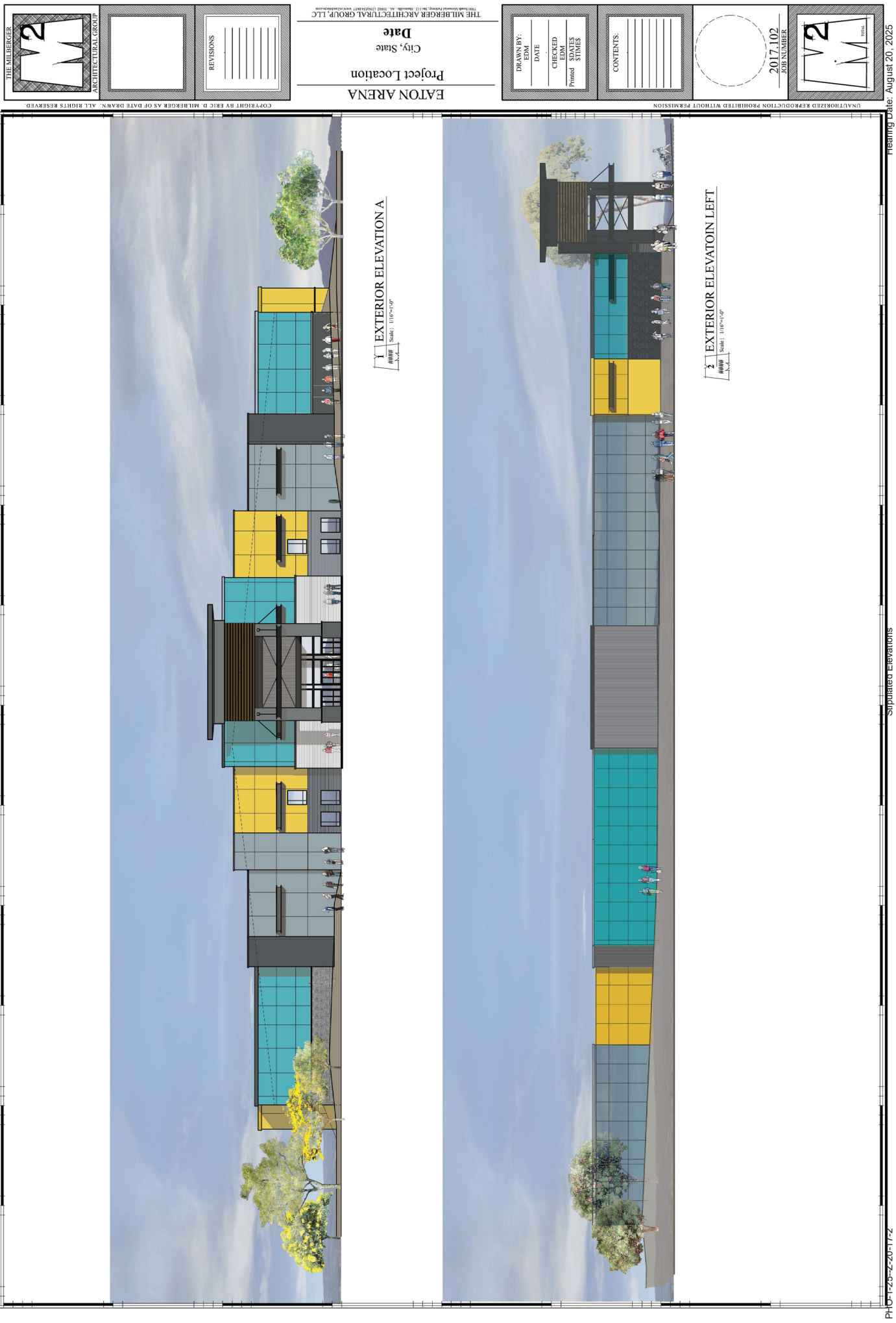


EXHIBIT M





K&I

ARCHITECTS

1890 N. CENTRAL AVE.
SUITE 200
PHOENIX, AZ 85004
PH: 602.262.3938
FAX: 602.262.3938

--	--

eLEGACY HOTEL

3200 NORTH 28TH AVENUE,
PHOENIX, ARIZONA

Revisions		
#	Description	Date
OWNERSHIP OF DOCUMENTS		
THESE DOCUMENTS ARE THE PROPERTY OF K&I ARCHITECTS AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF K&I ARCHITECTS. ANY REUSE OR MODIFICATION OF THESE DOCUMENTS WITHOUT THE WRITTEN PERMISSION OF K&I ARCHITECTS IS PROHIBITED.		
JOB NUMBER: 18901		
DRAWN BY: S. VALLEE		
CHECKED BY: J. JOLLEY		
ISSUE DATE: 04/16/18		



DATE: 04/16/2018

RENDERINGS

SHARRET NAJABOON

R1.1

DESIGN DEVELOPMENT



1 PERSPECTIVE VIEW

Stipulated Elevations

Hearing Date: August 20, 2025

DESIGN
DEVELOPMENT

R1.2

SHEET NUMBER

RENDERINGS

DATE: 06/29/2018



CHECKED BY: J. JOLLEY

ISSUE DATE: 06/19/18

JOB NUMBER: 18901

DRAWN BY: S. VALLEE

OVERSIGHT OF DOCUMENTS

#	Description	Date
---	-------------	------

eLEGACY HOTEL
3200 NORTH 28TH AVENUE,
PHOENIX, ARIZONA

K&I
ARCHITECTS
1890 N. CENTRAL AVE.
SUITE 200
PHOENIX, AZ 85004
PH: 602.262.3938
FAX: 602.262.3938

