



Village Planning Committee Meeting Summary PHO-1-23--Z-8-22-1

Date of VPC Meeting	November 14, 2023
Date of Planning Hearing	November 15, 2023
Officer Hearing:	
Requests:	<ol style="list-style-type: none">1) Modify Stipulation Nos. 1, 2, 4.b, 11.b, 12.b, 12.c, 13, 14, 15, 16, 20, 22, 23.b, 24, 24.b, 25, 28.b, 45, 46, and 47.2) Add Stipulation Nos. 4.c, 23.c 24.c, and 28.c.3) Delete Stipulation Nos. 11.a, 11.c, 27, 29, 37, 38, 39, 40, 41, 42, 43, 44, 48, and 49.
Location:	Approximately 760 feet north of the northeast corner of I-17 and Circle Mountain Road
VPC Recommendation:	Approval with modifications
VPC Vote:	6-0

VPC DISCUSSION:

No members of the public registered to speak on this item in support or in opposition.

Staff Presentation:

Adrian Zambrano, staff, provided an overview of Planning Hearing Officer case PHO-1-23--Z-8-22-1, including the location of the original zoning boundary, the boundary of the request, the entitled zoning, and a summary of the requests. Mr. Zambrano provided background on the original rezoning case, Z-8-22-1, and the original proposal. Mr. Zambrano shared the new proposal and displayed the site plan and elevations. Mr. Zambrano then shared the originally approved stipulations and the requested modifications.

Applicant Presentation:

Adam Baugh, representative with Withey Morris Baugh, PLC, introduced himself and provided an overview of the project. Mr. Baugh clarified the boundary of the PHO request, noting that the remaining areas outside of the PHO boundary would still be subject to the original stipulations of rezoning case Z-8-22-1. Mr. Baugh stated that there would be several other applications for the remaining portions of the zoning boundary and for the C-2 zoned area that will be brought to the Village Planning Committee (VPC) in the future. Mr. Baugh noted that the residential density was

reduced from the original proposal. Mr. Baugh stated that the single-family homes would all be for-sale homes. Mr. Baugh discussed the proposal and displayed the site plan and elevations. Mr. Baugh noted that the PHO request was filed two months ago and comments from staff were recently received on recommended changes. Mr. Baugh stated that the updated PHO narrative with the list of stipulation modifications dated November 14, 2023, that was handed out to the Committee members is the most up-to-date of their requests. Mr. Baugh then summarized the changes proposed to their requests based on the original PHO requests that were filed.

Questions from the Committee:

Chair Lawrence asked if the noise wall would be the rear yard fence for the lots adjacent to the wall. **Mr. Baugh** responded affirmatively.

Mr. Virgil asked if the noise wall was close to the building of the homes. **Mr. Baugh** clarified that the rectangles depicted on the site plan represent the lots and not the actual building footprint.

Vice Chair Ferreira asked if Pulte Homes across the I-17 freeway constructed a noise wall separate from the rear yard walls of the homes. **Chris Clonts**, representative with Lennar, responded that there was a gap of landscaping in between those homes and the noise wall. **Vice Chair Ferreira** asked why the alley homes on the west do not have a single alley that connects to all the homes.

Mr. Baugh responded that the alley is more of a shared driveway and that only the six homes along there would use the shared driveway. Mr. Baugh then clarified that Stipulation No. 16 is requested to be modified so stonework is limited to columns along the corners where the walls are staggered every 400 feet and on the ends of the walls.

Chair Lawrence asked if the noise wall would wrap around lot 228. **Mr. Baugh** responded that it would but was not shown on the site plan that was displayed. Mr. Baugh then displayed where view fencing would be proposed on each of the lots.

Mr. Holton asked about the intent of view fencing. **Mr. Baugh** responded that the intent of view fencing adjacent to open space would be for residents to be able to passively police those areas. **Mr. Holton** asked where the trash containers are located. **Mr. Baugh** responded that the proposal is for a subdivision, so there are no trash containers like multifamily residential, and each home will have their own trash bins to roll out to the curb on trash pickup day. **Mr. Holton** asked if the trash bins for the alley homes would be placed along the shared driveway.

Mr. Clonts responded that the alley homes along the west and east sides of the property would roll their trash bins out to the street and the other homes would roll their bins out along the shared driveways, which were labeled as accessways on the site plan that was displayed.

Mr. Holton asked if the shared driveways would be along the rear side of the homes. **Mr. Baugh** responded affirmatively. **Mr. Holton** asked if the street would be along the front side of the homes. **Mr. Baugh** responded affirmatively. **Mr. Baugh** added that the alley homes on the west and east sides of the property would have a concrete pad along the street to place their trash bins on trash pickup day. **Mr. Holton** asked for clarification that there would be no trash enclosures in the community. **Mr. Baugh** responded affirmatively.

Vice Chair Ferreira asked if the landscaping that would be used along the public sidewalks would be the same for the front yards of the homes. **Mr. Clonts** responded that they would use the same plant palette. **Vice Chair Ferreira** stated that the plants in the front yards of the Circle Mountain Ranch subdivision died within three weeks. **Mr. Clonts** stated that they typically use a xeriscape plant palette to conserve water. **Mr. Clonts** added that they do not use a lot of native trees along pedestrian walkways because they have a lot of pollen or other litter that would fall into the walkway.

Chair Lawrence asked if there are retention areas along the pedestrian path. **Mr. Clonts** responded that there are not, and that water would drain out to the street and into the retention basins.

Mr. Holton asked if native plants are really an issue. **Mr. Clonts** responded that the City has asked them to not use plants with thorns or stickers along pedestrian walkways. **Mr. Holton** asked if rose bushes could be planted.

Mr. Baugh responded that rose bushes could be planted in the private yards of the homes. **Mr. Baugh** added that the City does not want any plants along pedestrian walkways that could be harmful.

Mr. Holton asked if there would be underground cable or satellite dishes for the homes. **Mr. Clonts** responded that all the utilities would be underground and connect to each home. **Mr. Clonts** added that Lennar is in partnership with a high-speed data provider, and the Homeowner Association (HOA) fee includes gigabyte service for each home for data and television. **Mr. Holton** asked if a homeowner could opt out of this service. **Mr. Clonts** responded that the homeowner could choose to use a different provider, but they would still have to pay the HOA fee. **Mr. Clonts** noted that it is cheaper through the HOA fee than through other companies. **Mr. Holton** asked if the homeowner would have to pay the fee for that service forever. **Mr. Clonts** responded that he believes it is a 10- or 20-year term.

Mr. Baugh added that this fee would be built into the base HOA fee.

Mr. Scharboneau asked for clarification that the residential density was reduced, noting that Stipulation No. 47 previously limited the development to 172 lots, and is now proposed to be limited to 239 lots. **Mr. Baugh** responded that the boundary of this development includes what was previously known as Phase 2 and a part of what was previously known as Phase 1. **Mr. Baugh** stated that Phase 2 was limited to 172 units, and the portion of Phase 1 was likely another 100 or more units.

Chair Lawrence asked for clarification that the other portions of the original zoning boundary of Z-8-22-1 that are not within the boundary of PHO-1-23--Z-8-22-1 would still be subject to the original stipulations of rezoning case Z-8-22-1. **Mr. Baugh** responded affirmatively.

Mr. Scharboneau asked for clarification that the density would be fairly consistent with what the originally proposed density was for Phase 2, and Phase 1 is where the density was reduced. **Mr. Baugh** responded affirmatively. **Mr. Scharboneau** asked if the same housing product that was originally planned for Phase 1 is planned to stay the same for the remaining area of the Phase 1 boundary. **Mr. Baugh** responded affirmatively, noting that the same housing product would just cover less area, resulting in the same density per gross acre.

Mr. Holton asked if the community would be gated. **Mr. Baugh** responded that it would not be.

Chair Lawrence asked where the retention is located. **Mr. Clonts** responded that the whole site drains to the southwest.

Vice Chair Ferreira asked if the homes along the alley would have the same elevation. **Mr. Clonts** responded that they would not, noting that there are three floor plans and three elevations for each floor plan, with a total of nine different elevations.

Chair Lawrence asked how wide the alley home lots are. **Mr. Clonts** responded that they would be a minimum of 30-foot-wide lots.

Mr. Virgil asked what the square footage of the homes are. **Mr. Clonts** responded that the alley homes range from 1,900 square feet up to 2,200 square feet and the cluster homes range from 2,200 square feet to 2,400 square feet.

Mr. Holton asked if the alleys are publicly accessible, and if the shared driveways are limited to private access. **Mr. Clonts** responded that the light grey alleys depicted on the site plan are for private access and the dark grey streets are publicly accessible.

Mr. Baugh added that the streets would be dedicated to the City as public right-of-way.

Mr. Scharboneau asked if the original stipulations would still apply to the remaining portion of Phase 1 if this project is crossing over into the Phase 1 boundary. **Mr. Baugh** responded that the original stipulations would still apply to the remaining portion of Phase 1, as well as to the Phase 3 area. **Mr. Baugh** added that the C-2 zoned portion will have a rezoning case in the future with all new stipulations.

Mr. Sommacampagna asked why Stipulation No. 39 for construction access to be limited to Circle Mountain Road and the frontage road was previously added. **Mr. Baugh** responded that a resident that lived nearby Jenny Lin Road was a key spokesperson for the neighbors and was the biggest opponent of the cases in the

prior years, and he became a champion for their case after a number of accommodations were made, including construction access being limited to areas away from where he lives. Mr. Baugh added that the stipulation was requested to be deleted since this proposal does not go up to Jenny Lin Road.

Mr. Scharboneau asked why the updated elevation stipulation does not specify the architectural elements like the previous elevation stipulations specified. **Mr. Baugh** responded that the site plan and elevations stipulations would be updated with the date stamp based on their new site plan and elevations. Mr. Baugh added that many of the previously specified architectural elements are depicted in the proposed elevations.

Mr. Sommacampagna asked about Stipulation No. 37 relating to capping the existing wells on the site, noting that in the aerial it looks like there are some existing homes on the site. **Mr. Clonts** stated that they do not need to be stipulated to it because they would be required to cap and abandon the wells as part of the process anyways.

Mr. Virgil asked if infrastructure would still be going under the freeway. **Mr. Baugh** responded affirmatively, noting that it would go under the freeway three times.

Mr. Clonts added that there would be two water lines and a sewer line.

Mr. Baugh clarified that they would all be at different locations along the freeway. Mr. Baugh stated that Bela Flor Communities paid for the infrastructure and would be reimbursed based on how much acreage is bought. Mr. Baugh stated that the infrastructure cost around \$13 million.

Public Comments:

None.

Applicant Response to Public Comments:

None.

MOTION – PHO-1-23--Z-8-22-1:

Mr. Virgil motioned to recommend approval of PHO-1-23--Z-8-22-1 with modifications. **Vice Chair Ferreira** seconded the motion.

Modifications listed for clarity:

- *Stipulation 4.c: Modify language to “Landscape areas using salvaged native desert shrubs, accents, and vegetative groundcovers shall achieve a minimum of 50% live vegetative ground coverage at maturity.”*
- *Stipulation 11.b: Modify language to “Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per dwelling unit, up to a maximum of 50 spaces, located in common open space and amenity areas. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.*

Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan."

- *Stipulation 12.b: Modify language to "A north-south pedestrian connection shall be provided through the center of the development to provide an ultimate connection from Circle Mountain Road to Jenny Lin Road, as approved by the Planning and Development Department."*
- *Stipulation 13: Modify language to "Prior to final site plan approval, the developer shall include with the building plans submitted for Phoenix Building Construction Code compliance review certification by an Acoustical Consultant demonstrating the average indoor noise levels of residential units shall not exceed a decibel day night level (DNL) of 45 decibels, as approved by the Planning and Development Department."*
- *Stipulation 14: Modify language to "Noise mitigation walls shall be provided along the west perimeter of the site. The wall height shall be a minimum of 8 feet or as determined through a noise analysis prepared by a registered professional engineer. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage."*
- *Stipulation 15: Modify language to "Perimeter walls, noise walls, and other walls adjacent to perimeter streets shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department."*
- *Stipulation 16: Modify language to "Perimeter walls, including the noise wall along the west and north perimeter, shall incorporate stone veneer, stonework, or integral color CMU block, as approved by the Planning and Development Department. Stonework shall be limited to corners and/or end columns on the wall."*
- *Stipulation 20: Modify language to "A combination of view walls/fencing and partial view walls/fencing shall be incorporated only for a minimum of 10 feet from the rear property lines adjacent to dedicated public or private open space areas, natural and/or improved drainageways, or recreational areas, as approved by the Planning and Development Department. For lots that back to programmed amenity areas/parking lot, there shall be a maximum 2-foot view fence, as approved by the Planning and Development Department."*
- *Stipulation 22: Modify language to "A minimum of 50% of the residential units shall include EV Capable infrastructure, as approved by the Planning and Development Department."*
- *Stipulation 23.b: Modify language to "Landscape areas using drought-tolerant shrubs, accents, and vegetative groundcovers shall achieve a minimum of 75% live vegetative ground coverage at maturity. Live coverage to have a maximum mature height of two feet within sight visibility triangles."*
- *Stipulation 23.c: Delete.*
- *Stipulation 24.b: Modify language to "Landscape areas using drought-tolerant shrubs, accents, and vegetative groundcovers shall achieve a minimum of 75%*

live vegetative ground coverage at maturity. Live coverage to have a maximum mature height of two feet within sight visibility triangles.”

- *Stipulation 24.c: Delete.*
- *Stipulation 28.b (Renumbered to Stipulation 27.b): Modify language to “Landscape areas using drought-tolerant shrubs, accents, and vegetative groundcovers shall achieve a minimum of 75% live vegetative ground coverage at maturity. Live coverage to have a maximum mature height of two feet within sight visibility triangles.”*
- *Stipulation 28.c (Renumbered to Stipulation 27.c): Delete.*
- *Stipulation 29 (Renumbered to Stipulation 28): Retain stipulation. Do not delete.*
- *Stipulation 38 (Renumbered to Stipulation 36): Modify language to “All street, site, and building lighting shall be dark sky compliant, as approved by the Planning and Development Department and the Street Transportation Department.”*
- *Stipulation 47 (Renumbered to Stipulation 39): Modify language to “The development shall be limited to a maximum of 239 lots.”*

VOTE – PHO-1-23--Z-8-22-1:

6-0; motion to recommend approval of PHO-1-23--Z-8-22-1 with modifications passes with Committee members Holton, Scharboneau, Sommacampagna, Virgil, Perreira, and Lawrence in favor.

VPC RECOMMENDED STIPULATIONS:

1. The development shall utilize the Planned Residential Development (PRD) option.
2. A minimum building setback of 100 feet shall be provided along the west property line, measured from center line of Black Canyon Highway I-17 frontage road, as approved by the Planning and Development Department.
3. A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.
4. All perimeter setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 50% 2-inch caliper and 50% 3-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings with a staggered row of trees for every 20 feet of setback.
 - b. Landscape areas using drought tolerant shrubs and vegetative groundcovers shall achieve a minimum of 75% live vegetative ground coverage at maturity.

- c. Landscape areas using native desert shrubs, accents, and vegetative groundcovers shall achieve a minimum of 50% live vegetative ground coverage at maturity.
5. A minimum of 10% of the required shrubs shall be a milkweed or other native nectar species and shall be planted in groups of three or more, as approved by the Planning and Development Department.
6. All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, calculated at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.
7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments, that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. The primary entry/exit drives into the residential developments shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
9. The primary entry/exit drives into the residential developments shall incorporate enhanced landscaping on both sides within minimum 250-square-foot landscape areas and shall incorporate a minimum 5-foot-wide landscape median, planted with a variety of at least three plant materials, as approved by the Planning and Development Department.
10. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks and trails, as approved by the Planning and Development Department.
11. The development shall provide bicycle infrastructure as described below, as approved by the Planning and Development Department.
 - a. ~~The development shall provide 8 guest bicycle parking spaces.~~ **GUEST BICYCLE PARKING SHALL BE PROVIDED AT A MINIMUM OF 0.05 SPACES PER DWELLING UNIT, UP TO A MAXIMUM OF 50 SPACES,** ~~Guest bicycle parking for single family residential shall be located in~~ **COMMON** open space and amenity areas. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

12. A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be provided and updated with each phase of development to include the following elements, as approved by the Planning and Development Department.
 - a. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the site adjacent to the I-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development department.
 - b. A north-south pedestrian connection shall be provided to connect through the **CENTER OF THE development TO PROVIDE AN ULTIMATE CONNECTION FROM CIRCLE MOUNTAIN ROAD TO JENNY LIN ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
 - c. One pedestrian connection shall be provided from the site leading to the adjacent trails directly east or west of the site.
 - d. Pedestrian access shall be provided to future development to the east for each phase of development.
13. **PRIOR TO FINAL SITE PLAN APPROVAL, THE DEVELOPER SHALL INCLUDE WITH THE BUILDING PLANS SUBMITTED FOR PHOENIX BUILDING CONSTRUCTION CODE COMPLIANCE REVIEW CERTIFICATION BY AN ACOUSTICAL CONSULTANT DEMONSTRATING THE AVERAGE** The indoor noise levels of residential units shall not exceed a decibel day night-level (DNL) of 45 decibels, as approved by the Planning and Development Department. ~~A signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.~~
14. Noise mitigation walls shall be provided along the west perimeter of the site. The wall height shall be **A MINIMUM OF** 8 feet or as determined through a noise analysis prepared by a registered professional engineer. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete and contain no openings unless they are above the minimum height required for adequate noise mitigation or for drainage, as approved by the Planning and Development Department.

15. Noise walls, and other walls adjacent to ~~1-17 frontage road or collector road,~~ **PERIMETER STREETS** shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department.
16. Perimeter walls ~~fronting a roadway,~~ including the noise wall **ALONG THE WEST AND NORTH PERIMETER**, shall incorporate stone veneer, stonework, or integral color CMU block, as approved by the Planning and Development Department. **STONESTONE SHALL BE LIMITED TO CORNERS AND/OR END COLUMNS ON THE WALL.**
17. Interior walls and privacy fencing, excluding walls located between lots, shall use materials and colors that blend with the natural desert environment, as approved by the Planning and Development Department.
18. A minimum of 15% of each phase shall be retained as open space, including washes and hillside areas, as approved by the Planning and Development Department.
19. Each phase of the development shall contain a minimum of four shaded active recreation amenities, such as a tot lot, picnic areas, seating features, garden amenities, or similar amenities, as approved by the Planning and Development Department.
20. A combination of view walls/fencing and partial view walls/fencing shall be incorporated ~~along~~ **ONLY FOR A MINIMUM OF 10 FEET FROM THE** rear property lines adjacent to dedicated public or private open space areas ~~that are greater than 50 feet from the edge of the perimeter fence,~~ natural and/or improved drainageways or recreational areas, as approved by the Planning and Development Department. For lots that back to programmed amenity areas/parking lot, there shall be a maximum 2-foot view fence, as approved by the Planning and Development Department.
21. Drainage channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Planning and Development Department.
22. A minimum of 50% of the ~~single-family homes~~ **RESIDENTIAL UNITS** shall include EV Capable infrastructure, as approved by the Planning and Development Department.
23. Minimum 5-foot-wide detached sidewalks and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk within the development shall be constructed and planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- b. Landscape areas using drought tolerant shrubs, accents, and vegetative groundcovers shall achieve a minimum of 75% live vegetative ground coverage at maturity. **LIVE COVERAGE TO HAVE A MAXIMUM MATURE HEIGHT OF TWO FEET WITHIN SIGHT VISIBILITY TRIANGLES.**
- c. ~~Landscape areas using native desert shrubs, accents, and vegetative groundcovers shall achieve a minimum of 50% live vegetative ground coverage at maturity.~~

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

24. Minimum 5-foot-wide detached sidewalks, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, and minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, or wider to meet MCDOT minimum standards shall be constructed along the east side of the I-17 frontage road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of Transportation (MCDOT) requiring the landowner and/or property management to maintain the installed landscaping within MCDOT right-of-way to the following planting standards, as approved by MCDOT and the Planning and Development Department.
- a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Landscape areas using drought tolerant shrubs, accents, and vegetative groundcovers shall achieve a minimum of 75% live vegetative ground coverage at maturity. **LIVE COVERAGE TO HAVE A MAXIMUM MATURE HEIGHT OF TWO FEET WITHIN SIGHT VISIBILITY TRIANGLES.**
 - c. ~~Landscape areas using native desert shrubs, accents, and vegetative groundcovers shall achieve a minimum of 50% live vegetative ground coverage at maturity.~~

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

25. All right-of-way dedications and street improvements for the I-17 frontage road shall comply with Maricopa County Department of Transportation (MCDOT)

requirements, as approved by MCDOT. Where possible the County Rural Residential Cross Section shall be utilized for Jenny Lin Road.

26. A minimum 65-feet of right-of-way shall be dedicated, and the east half of the I-17 frontage road shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required and approved by MCDOT.
27. A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of the minor collector street along the northern boundary of Project II. The improvements shall be consistent with Minor Collector Cross Section F and include minimum 5-foot-wide detached sidewalks separated by minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Landscape areas using drought tolerant shrubs, accents, and vegetative groundcovers shall achieve a minimum of 75% live vegetative ground coverage at maturity. **LIVE COVERAGE TO HAVE A MAXIMUM MATURE HEIGHT OF TWO FEET WITHIN SIGHT VISIBILITY TRIANGLES.**
 - ~~c. Landscape areas using native desert shrubs, accents, and vegetative groundcovers shall achieve a minimum of 50% live vegetative ground coverage at maturity.~~

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- ~~28.~~ **Enhanced pedestrian connections shall be designed and constructed at all public street crossing locations to interconnect the pedestrian trails throughout the entirety of the site, as approved by the Street Transportation Department and the Planning and Development Department.**
- ~~28.~~ 29. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department and MCDOT (where applicable). All improvements shall comply with all ADA accessibility standards.
- ~~29.~~ 30. A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.

31. The developer shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
32. If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
33. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
34. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
35. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
35. ~~Streetlights are only required at intersections and corners for off-site and on-site roadways.~~ **ALL STREET, SITE, AND BUILDING LIGHTING SHALL BE DARK SKY COMPLIANT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND THE STREET TRANSPORTATION DEPARTMENT.**
37. The development shall be in general conformance with the site plan date stamped [ADD DATE], as modified by these stipulations and as approved by the Planning and Development Department.
38. The development shall be in general conformance with the elevations date stamped [ADD DATE], as modified by these stipulations and as approved by the Planning and Development Department.
39. The development shall be limited to a maximum of ~~229~~ **239** lots.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

The intent of the modification for Stipulation 20 was to require partial view fencing along the side and rear property lines adjacent to dedicated public or private open space,

natural and/or improved drainageways, or recreational areas, only for the portions of the property lines that are adjacent to the required rear yard area.

The language for the live coverage provisions from Stipulations 23.b, 24.b, and 27.b. should read as "Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live vegetative ground coverage at maturity."

The date stamps for the site plan and elevations need to be added for Stipulation 36 and Stipulation 37.

Stipulation 38 should reference dwelling units rather than lots.