

## ATTACHMENT C

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

June 18, 2025

|                 |                                                                                                    |
|-----------------|----------------------------------------------------------------------------------------------------|
| ITEM NO: 1      |                                                                                                    |
|                 | DISTRICT NO. 5                                                                                     |
| SUBJECT:        |                                                                                                    |
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| Application #:  | PHO-1-25--Z-29-12-7(5)                                                                             |
| Location:       | Southeast corner of 99th Avenue and Thomas Road                                                    |
| Zoning:         | PUD                                                                                                |
| Acreage:        | 197.0                                                                                              |
| Request:        | 1) Request to modify Stipulation 1 regarding the updated imagery within the development narrative. |
| Applicant:      | Jason Morris, Withey Morris Baugh, PLC                                                             |
| Owner:          | Sheely Ted D / ET AL C/O William Sheely / ET AL                                                    |
| Representative: | Jason Morris, Withey Morris Baugh, PLC                                                             |

#### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee heard this request on June 12, 2025 and recommended approval with a vote of 12-1.

#### **DISCUSSION:**

Jason Morris, representative with Withey Morris Baugh PLC, introduced the subject site and explained that zoning history. He stated that the North Gateway Village Planning Committee (VPC) recommended approval by a vote of 12-1 and this PHO Hearing is the result of a great deal of planning between the applicant and City Council District office to update the PUD to conform with present market conditions and the shared vision between the developer and the City. He stated that the PUD has changed significantly since being approved in the 90's and early 2000's and all stakeholders have agreed that the renderings must be updated to support and reflect the new proposed development plan. There would be no change to the underlying uses that are contained in the PUD.

Mr. Morris went on to explain the history of the Sheely Center PUD, including some of the difficulties that were present that prevented development of the site. IBM developed some of the infrastructure, including bringing water to the site. He continued to explain the updates to the site, including replacing much of the

office uses with more mixed-use, including retail/commercial, multi-family, an as-built, garden-style multi-family development, commerce park uses, and a 58,256 square foot Sprouts grocery shopping center. In addition, new public amenities are included in the exhibits, featuring two standard soccer fields, a park and trails.

Byron Easton, Planning Hearing Officer, asked if Mr. Morris could speak about the large buildings located at the north of the site. Mr. Morris explained that the large buildings will be aligned with employment uses and will include a government building. Mr. Morris followed up with an explanation of the proposed vs. existing exhibits in the PUD including renderings and elevations

Mr. Easton asked if the applicant would have to go through PUD Amendment process in addition to the PHO. Mr. Morris stated that they will not be required to go through a PUD Amendment. Mr. Easton asked if in addition to the renderings, the site plan is being replaced in the PUD Narrative. Mr. Morris stated that yes, replacing the existing site plan with a revised conceptual site plan is part of the request.

Mr. Easton, Planning Hearing Officer, explained that the request was approved by the Village Planning Committee with a vote of 12-1 and he voiced his support for the request and the various mix of uses that are being proposed. He recommended approval.

### **FINDINGS:**

- 1) The request to modify Stipulation 1 regarding updating the imagery, including renderings and the site plan contained in the PUD Narrative, is recommended to be approved. The modification will include an updated stamp date to be consistent with the latest version of these exhibits.

The Sheely Center PUD, originally approved in 2013, was approved as mixed-use in nature and this proposal still reflects that intent. Although the site has been partially developed it has been re-designed as a horizontal mixed-use development in replacement of the originally planned, vertical mixed-use development. The original conceptual site plan for the Sheely Center PUD feature a more intense, urban, office centric design that has not come to fruition and is inconsistent with market demands. The applicant's request is limited to updating the exhibits within the PUD and will not change the uses allowed within the original PUD Narrative.

- 2) Stipulation 3 is recommended to be modified by replacing the existing language with updated language consistent with recommendation from the Streets Transportation Department. The stipulation now references a Master Street Plan that has been completed and approved by STD. The

updated stipulation acknowledges the Master Street Plan and requires compliance with the Plan.

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

**STIPULATIONS:**

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 1. | An updated Development Narrative for the Sheely Center PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with THE Development Narrative date stamped JUNE 6, 2025 <del>September 27, 2012</del> , as modified by the following stipulations.                         |
| 2. | The applicant shall submit a revised Traffic Impact Study to the Street Transportation Department and Planning and Development Department prior to preliminary site plan approval. The applicant shall be responsible for any dedications and required improvements adjacent to the boundaries of the subject property as recommended by the traffic study, as approved by the Street Transportation Department and Planning and Development Department. |
| 3. | ALL STREETS, WITHIN AND ADJACENT TO THE DEVELOPMENT, SHALL BE DEDICATED AND CONSTRUCTED PER THE APPROVED SHEELY FARMS MASTER STREET PLAN. <del>The applicant shall submit a street alignment plan for public streets (design and alignment for all arterial and collector streets), prior to preliminary site plan approval, for review and approval by the Street Transportation Department and Planning and Development Department.</del>              |
| 4. | Access to McDowell Road shall be reviewed by ADOT, Maricopa County, city of Tolleson, and the city of Phoenix. Notification of such review shall be submitted to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan approval.                                                                                                                                                               |
| 5. | The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.                                                                                                                    |

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| 6. | PRIOR TO FINAL SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD. |
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