

# ATTACHMENT D

## REPORT OF PLANNING COMMISSION ACTION February 5, 2026

ITEM NO: 10	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	Z-178-25-4
Location:	Approximately 200 feet east of the southeast corner of Central Avenue and the Oak Street/Encanto Boulevard alignment
From:	R-5 SP TOD-1 MH and C-1 TOD-1 MH
To:	C-1 TOD-1 MH
Acreage:	0.43
Proposal:	Restaurant
Applicant:	Heard Museum
Owner:	Heard Museum
Representative:	Nick Wood, Snell & Wilmer, LLP

### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Encanto** 1/5/2026 Approval, per the staff recommendation. Vote: 10-0.

Planning Commission Recommendation: Approval, per the Encanto Village Planning Committee recommendation, with additional stipulations.

Motion Discussion:

Ms. Racelle Escalar explained that staff did not agree with the request to add the applicant proposed stipulations. Staff recommended that these stipulations be incorporated into a private agreement or subsequent submittal for a Use Permit for outdoor dining.

Motion details: Commissioner Matthews made a MOTION to approve Z-178-25-4, per the Encanto Village Planning Committee recommendation, with additional stipulations.

Maker: Matthews  
Second: James  
Vote: 6-3 (Busching, Hu, Jaramillo)  
Absent: None  
Opposition Present: No

Findings:

1. The proposal is consistent with the General Plan Land Use Map designation.
2. The proposal, as stipulated, is compatible with the surrounding area.
3. The proposal, as stipulated will foster an enhanced pedestrian environment along Central Avenue with existing sidewalks to convey residents safely and comfortably to the adjacent light rail station and bus stop.

Stipulations:

1. The architectural design of the building addition shall generally adhere to the Conceptual Renderings date stamped November 12, 2025, as approved by the Planning and Development Department.
2. The following bicycle infrastructure shall be provided, and as approved by the Planning and Development Department.
  - a. A minimum of 4 bicycle spaces shall be provided on the site through Inverted U and/or artistic racks located near the building entrances per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
  - b. A minimum of 10% of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
  - c. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade.
3. A minimum of one green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
4. 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.
5. 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.
6. **DURING CONSTRUCTION OF THE RESTAURANT, THE FOLLOWING ARE REQUIRED:**
  - a. **ANY CONSTRUCTION TRAILER (MOBILE OFFICE) SHALL BE PLACED SO THE ACCESS DOORS FACE AWAY FROM ADJACENT HOMES AND TOWARDS THE INTERIOR OF THE PROPERTY.**
  - b. **ANY CONSTRUCTION TRAILER (MOBILE OFFICE) WINDOWS FACING ADJACENT HOMES SHALL BE OPAQUE OR OTHERWISE COVERED AT ALL TIMES TO OBSCURE VISIBILITY TO ADJACENT HOMES.**
  - c. **CONSTRUCTION REFUSE CONTAINERS SHALL INCLUDE A COVER TO LIMIT DEBRIS SCATTERING IN THE EVENT OF WIND.**
7. **PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE RESTAURANT, THE FOLLOWING ITEMS, AS SHOWN ON THE SITE IMPROVEMENT PLAN DATE STAMPED FEBRUARY 2, 2026 SHALL BE COMPLETED:**

- a. **THE TRASH DUMPSTER LOCATED IN THE EXISTING ENCLOSURE AT NORTHEAST CORNER OF THE PROPERTY SHALL BE RELOCATED TO AN ENCLOSURE AT THE SOUTH END OF THE PROPERTY. THE TRASH ENCLOSURE AT THE NORTHEAST CORNER OF THE PROPERTY SHALL BE UTILIZED ONLY FOR LANDSCAPE WASTE/CLIPPINGS. A NEW DUMPSTER FOR THE LANDSCAPE WASTE/CLIPPINGS SHALL BE INSTALLED THAT INCLUDES A COVER TO LIMIT DEBRIS SCATTERING CAUSED BY WIND.**
- b. **THE EXISTING SHED STRUCTURE AT THE NORTHEAST CORNER OF THE PROPERTY SHALL BE REPLACED WITH A NEW SECURE SHED STRUCTURE THAT IS LOWER IN HEIGHT THAN THE FENCE HEIGHT.**
- c. **PARKING LOT LIGHT POLES WITHIN 80 FEET OF A SINGLE-FAMILY RESIDENTIAL PROPERTY SHALL HAVE SHIELDS INSTALLED TO PREVENT LIGHT SPILL OVER INTO THE RESIDENTIAL PROPERTIES.**
- d. **EXISTING PARKING LOT LIGHTING POLES WITH POWER OUTLETS SHALL HAVE LOCKABLE METAL COVERS INSTALLED TO PREVENT UNAUTHORIZED USE OF THE POWER OUTLETS BY THE PUBLIC.**
- e. **SUBJECT TO APS APPROVAL, NO TRESPASSING SIGNS SHALL BE INSTALLED AND ADDITIONAL DETERRENDS SHALL BE PROVIDED FOR PORTIONS OF THE PROPERTY THAT ARE ADJACENT TO UTILITY WALLS AND THAT HAVE EXPERIENCED TRESPASSING.**

This publication can be made available in alternate format upon request. Please contact Saneeya Mir at 602-686-6461, [saneeya.mir@phoenix.gov](mailto:saneeya.mir@phoenix.gov), TTY: Use 7-1-1.