

## Attachment C

PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399



### City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned

**Date:** March 15, 2024

**From:** Joshua Bednarek

Planning & Development Department Director

**Subject: P.H.O. APPLICATION NO. PHO-2-24-Z-14-19-8 – Notice of Pending Actions by the Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **April 17, 2024**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **March 22, 2024**.

### **DISTRIBUTION**

Mayor's Office (Tony Montola), 11th Floor

City Council (Stephanie Bracken), 11th Floor

Aviation (Jordan D. Feld )

CED (Michelle Pierson), 20th Floor

Fire Prevention (Joel Asirsan), 2nd Floor

Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor

Parks & Recreation (Todd Shackelford), 16th Floor

Public Transit (Michael Pierce)

Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor

Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor

Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor

Water Services (Don Reynolds, Victor Romo), 8th Floor

Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor

Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor

Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor

Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor

Village Planner (Nayeli Sanchez, Laveen Village)

Village Planning Committee Chair (Linda Abegg, Laveen Village)



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**APPLICATION FOR PLANNING HEARING OFFICER ACTION**

**APPLICATION NO: PHO-2-24-Z-14-19-8**

**Council District: 8**

**Request For:** Stipulation Modification

**Reason for Request:** Request to modify Stipulation 7 regarding a pedestrian connection.

**Contact Information**

Name	Relationship Type	Address	Phone	Fax	Email
Keilah Casillas_Contact	Applicant	2375 East Camelback Road Suite 600, Phoenix AZ 85016	626-786-6286		kcasillas@lja.com
Erika Ruiz	Other	2375 East Camelback Road Suite 600, Phoenix AZ 85016	480-280-7889		ERuiz@lja.com
Keilah Casillas_Contact	Representative	86 West Holly Street, Phoenix AZ 85003 United States			keilah@sandboxdevelopment.com
Isola Elliot, LLC	Owner				

**Property Location:** Approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road

**Acreage:** 22.87

**Geographic Information**

Zoning Map C5	APN 300-02-933	Quarter Section Q04-15
Village: Laveen		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email [zoning@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: \_\_\_\_\_ DATE: \_\_\_\_\_

City of Phoenix Planning & Development  
Planning Hearing Officer  
200 W. Washington St.  
Phoenix, AZ 85003

**CITY OF PHOENIX**

JAN 05 2024

**Re: PHO Stipulation Revision/Modification****Planning & Development  
Department****Project Name: Isola Elliot, Kiva 19-796 & 20-4435****October 17, 2023**

Dear Planning Hearing Officer,

Thank you for the opportunity to provide you with our application for *Planning Hearing Officer to change and modify three (3) stipulations for the same site under two different zoning cases.*

Kiva 19-796, Zoning Case Z-14-19 was the first parcel purchased by our client and developer Isola Homes, LLC. After purchasing the 22.92 +/- AC from previous owner, they then purchased the vacant strip of parcel located South of the site, which is the Elliot Street frontage, under Kiva 20-4432, Zoning Case Z22-21 of 5.14 AC. We received final Site Plan approval in April 2023, Plan #2205496. During this time the adjacent parcel to our West was purchased by Wentworth Storage, and the corner C-1 parcel SW of the site is currently vacant.

We are requesting to Change and Modify the following Stipulations for our two Zoning Cases for the Isola Elliot Build For Rent project as follows;

**Z-14-19 under Kiva 19-796 for +/- 22.92 AC**

7. A Pedestrian Connections shall be provided between the R-3 and C-1 portions of the site, **when C-1 uses are compatible with its neighbors and provide specific public amenities, not the use of storages, less pedestrian serving retail, as** approved by the planning and development department.

**Rationale:** Currently the use of private residential and commercial storage facility does not provide the intent Planning originally intended. The use to provide pedestrian accessibility to adjacent commercial property did not consider the storage accessibility being a use that would be beneficial to both neighboring sites.

**Z-22-21 under Kiva 20-4432 for +/- 5.14 AC**

**9.** A Pedestrian Connections shall be provided between the site and C-1 portion to the West of the site, **when C-1 uses are compatible with its neighbors and provide specific public amenities, not the use of storages, less pedestrian serving retail**, as approved by the planning and development department.

**Rationale:** We would like to prevent the same issue occurring as we have for the previous zoning stipulation Z-14-19, should the commercial property that is not compatible be developed and required to add pedestrian connection. We will provide our pedestrian connection as required, since the neighboring site to the SW location of our site has not yet been developed.

**16.** The developer shall dedicate and provide all right-of-way improvements **during the first phase of the project, for Elliot Rd. during the first phase of the project and allow 59<sup>th</sup> Ave. improvements to be completed subsequently, and prior to City providing Certificate of Occupancy.**

**Rationale:** We have currently split our Civil drawings into two phases in order for inspection team to be able to close out each street improvement, with Elliot Rd. being phase 1, and ultimately 59<sup>th</sup> Ave. for phase 2. We are doing this due to the significant delays and financial hardships brought upon the developer by Bureau Of Reclamation easements with over a year delay, the SRP irrigation design pending final license and city permits (over 2 years), SRP Overhead/underground electrical design relocation (6 months delay) and current negotiations developer is working with SRP Counsel for the onsite easement of Laveen Drain License Agreements. The improvements on 59<sup>th</sup> Ave. are just as critical to provide for our adjacent neighbor, Wentworth Storage, who cannot have their offsite water installed until we can install our water. We can't install our water until SRP finalizes the BOR/Irrigation License, and the SRP power pole and Overhead Electrical Design, which has been delayed numerous times by SRP due to lack of staff. In order to move forward with onsite work we would like to finalize our Elliot Rd. improvements and separate them from 59<sup>th</sup> Ave., in order not to delay the project any further.

Thank you for your time and consideration of our request for Stipulation Modification and Change. Should you have any further questions please feel free to reach out to me directly.

Respectfully,



**KEILAH CASILLAS | Sr. Project Manager**

**Land Development**

O: 602.275.5445 | C: 626.786.6286

2375 E. Camelback Rd., Suite 600, Phoenix, AZ 85016

**EMPLOYEE-OWNED. CLIENT FOCUSED.**

[www.lja.com](http://www.lja.com)





September 7, 2021

Isola Elliot LLC  
13555 SE 36th Street No. 320  
Bellevue, WA 98006

RE: PHO-1-21—Z-14-19-8 – Approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road

Dear Applicant:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on August 25, 2021, approved Zoning Ordinance # G-6883.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

A handwritten signature in black ink, appearing to read "AS".

Adam Stranieri  
Planner III

Attachment: Signed Ordinance

c: Benjamin Tate  
Withey Morris PLC  
2525 East Arizona Biltmore Circle, Suite A-212  
Phoenix, AZ 85004

Bradley Wylam, PDD-Planning (Electronically)  
Joshua Bednarek, PDD-Development (Electronically)  
Greg Gonzales, NSD (Electronically)  
Sina Matthes, City Council (Electronically)  
Book  
Case File

ORDINANCE G-6883

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE  
TO REZONING APPLICATION Z-14-19-8 PREVIOUSLY  
APPROVED BY ORDINANCE G-6608.

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

SECTION 1. The zoning stipulations applicable located approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road in a portion of Section 8, Township 1 South, Range 2 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

**STIPULATIONS:**

1. The conceptual site plan, landscape plan, lighting plan and building elevations for the commercial (C-1) portion of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval.
2. The development shall be in general conformance with the site plan and elevations date stamped APRIL 19, 2021 ~~May 3, 2019~~, as approved by the Planning and Development Department, and as modified by the following criteria:
  - a. The front elevations shall consist of a minimum of 10% non-stucco accent material.
  - b. The development shall provide gated access.

c. The development shall have a maximum of 249 264 units.

3. A SHARED-USE PATH SHALL BE PROVIDED ALONG THE EAST SIDE OF 59TH AVENUE IN ACCORDANCE WITH THE CITY OF PHOENIX STANDARD TRAIL DETAIL AND AS APPROVED, MODIFIED, AND REQUIRED BY THE PARKS AND RECREATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.

4. A 30-foot minimum landscape setback- shall be provided along 59th Avenue and along Elliott Road, as approved by the Planning and Development Department.

5. The developer shall provide a minimum of 10% open space, as approved by the Planning and Development Department.

6. The developer shall install a minimum of 20 inverted U-bicycle racks for guests, installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.

Mod 7. A pedestrian connection shall be provided between the R-3 and C-1 portions of the site, as approved by the Planning and Development Department.

8. 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.

9. The applicant shall submit a Traffic Impact Study to the City for this development. The conclusions of the study will be used to determine the required roadway and traffic improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson (602-262-7580) to set up a meeting to discuss the requirements of the study. The Traffic Impact Study shall also be submitted to the Arizona Department of Transportation for review and approval.

10. The developer shall provide for a 55-foot half street right-of-way dedication for the east side of 59th Avenue for the entire length of property, extending to Elliot Road. This shall include 37 feet of paving for the east half of 59th Avenue.

11. The developer shall provide for a 55-foot half street right-of-way dedication on the north side of Elliot Road from 59th Avenue to the existing residential development to the east. Include 37 feet of paving for the north half of Elliot Road and additional improvements, as approved by the

Planning and Development Department.

12. The developer shall provide for a 25-foot by 25-foot right-of-way triangle
11. dedication at the northeast corner of the 59th Avenue and Elliot Road intersection.
13. Open irrigation facilities are to be relocated and piped outside of the right-of-way. Contact Salt River Project to identify existing land rights and establish an appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
14. The developer shall underground existing overhead electrical utilities
13. within the public right-of-way that are impacted or to be relocated as part of this project, as approved by the Planning and Development Department.
15. The developer shall construct all streets within and adjacent to the
14. development with paving, curb, gutter, 5-foot sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
16. Any request to change, delete or modify stipulations shall be presented
15. through the Planning Hearing Officer process and notification shall be given to the Laveen Village Planning Committee prior to the Planning Hearing Officer hearing.
17. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6608, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6608 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

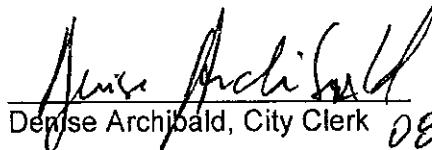
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 25th day of August, 2021.



Kate Gallego  
MAYOR

ATTEST:

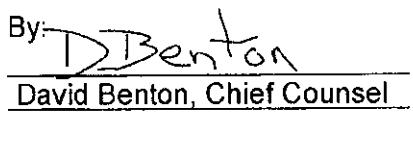


Denise Archibald, City Clerk 08.27.2021



APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:



David Benton, Chief Counsel  
Pml

REVIEWED BY:



Ed Zuercher, City Manager

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21-- Z-14-19-8

A portion of the Southwest Quarter of Section 8, Township 1 South, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a brass cap in handhole at the Southwest Corner of said Section 8, from which a brass cap in handhole at the West Quarter corner of said Section 8 bears North 0 degrees 14 minutes 04 seconds East, 2641.07 feet;

thence North 0 degrees 14 minutes 04 seconds East along the West line of said Southwest Quarter, 780.01 feet to the POINT OF BEGINNING;

thence continuing along said west line, North 0 degrees 14 minutes 04 seconds East, 394.00 feet;

thence South 89 degrees 58 minutes 16 seconds East, 1311.22 feet to a point on the east line of the southwest quarter of the southwest quarter of said Section 8;

thence along said east line, South 0 degrees 18 minutes 53 seconds West, 921.01 feet to a point on a line parallel with and 253 feet north of the south line of the southwest quarter of said Section 8;

thence along said parallel line, North 89 degrees 58 minutes 16 seconds West, 904.93 feet;

thence North 0 degrees 14 minutes 04 seconds East, 527.00 feet;

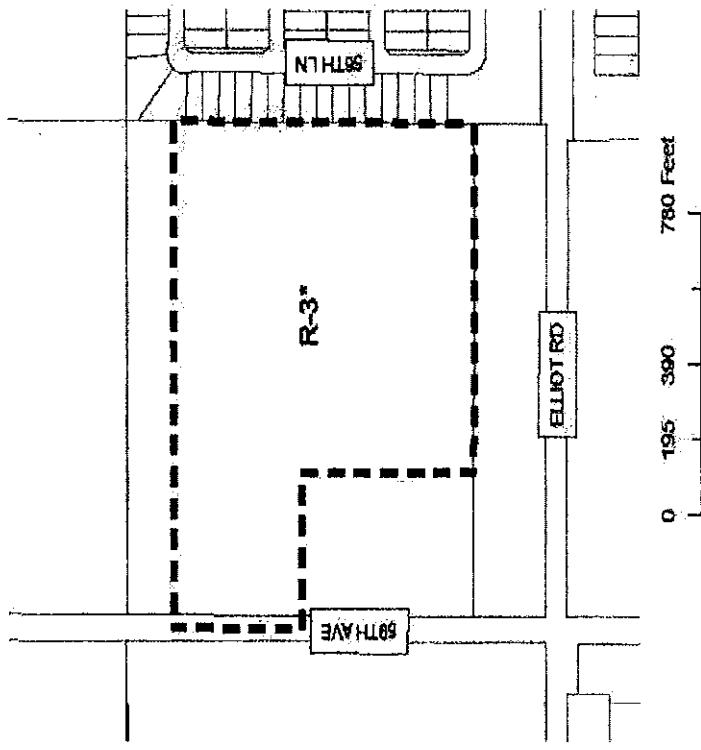
thence North 89 degrees 58 minutes 16 seconds West, 405.00 feet to the POINT OF BEGINNING.

## ORDINANCE LOCATION MAP

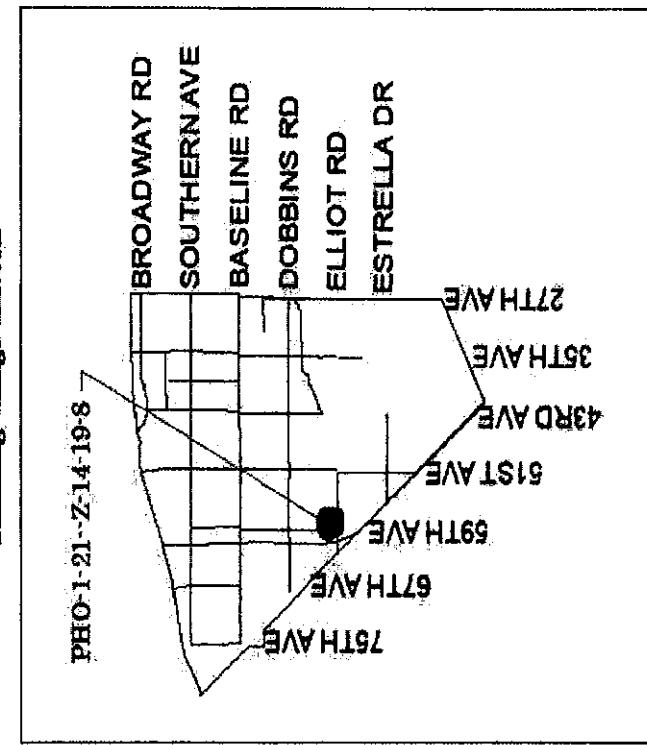
### EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -

Zoning Case Number: PHO-1-21-2-14-19-8  
Zoning Overlay: NVA  
Planning Village: Laveen



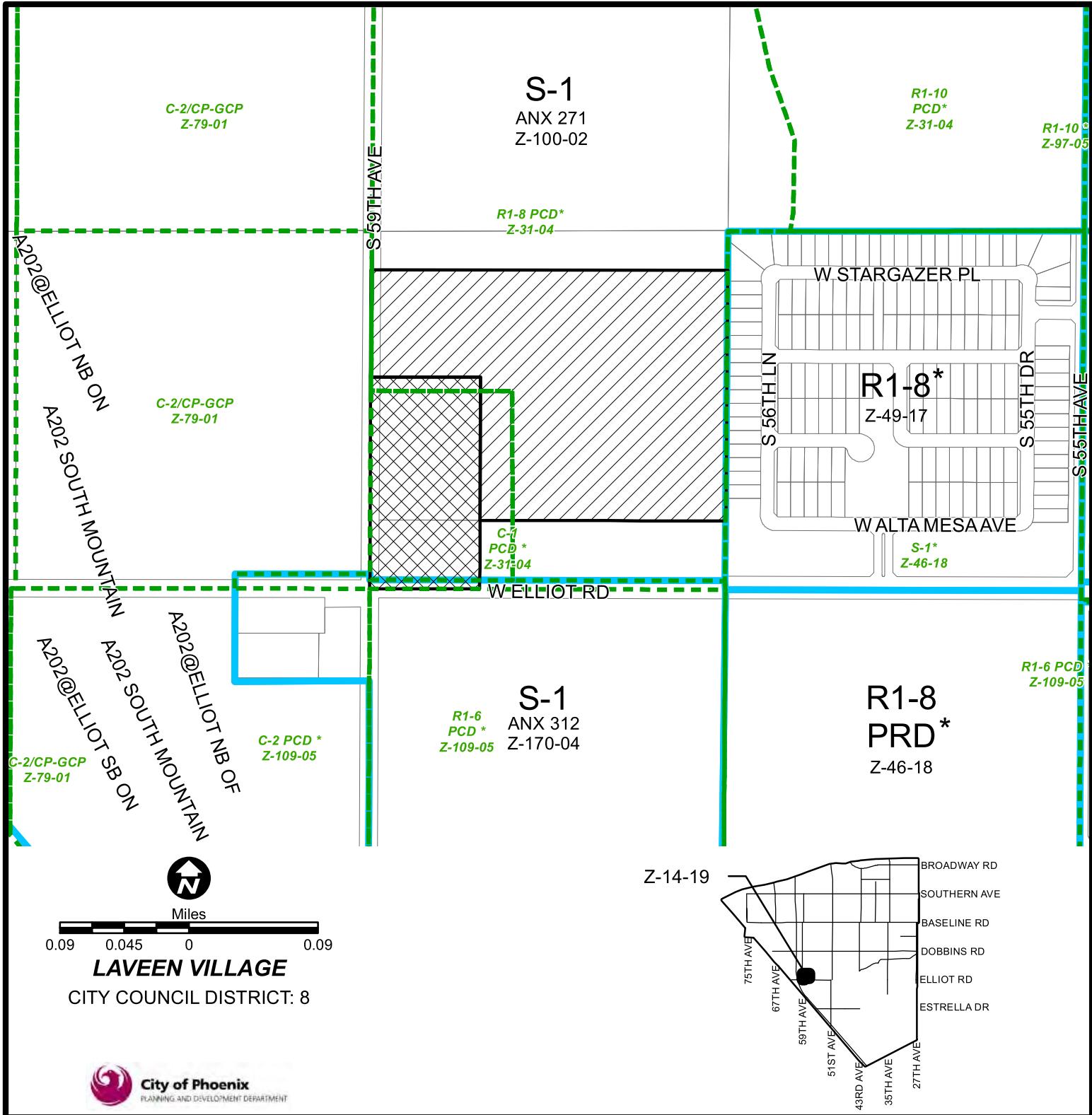
PHO-1-21-2-14-19-8



PHO-1-21-2-14-19-8

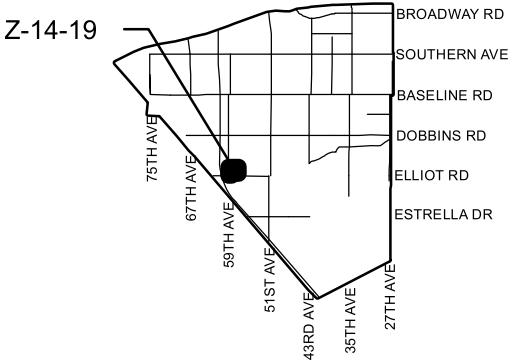
Drawn Date: 7/26/2021

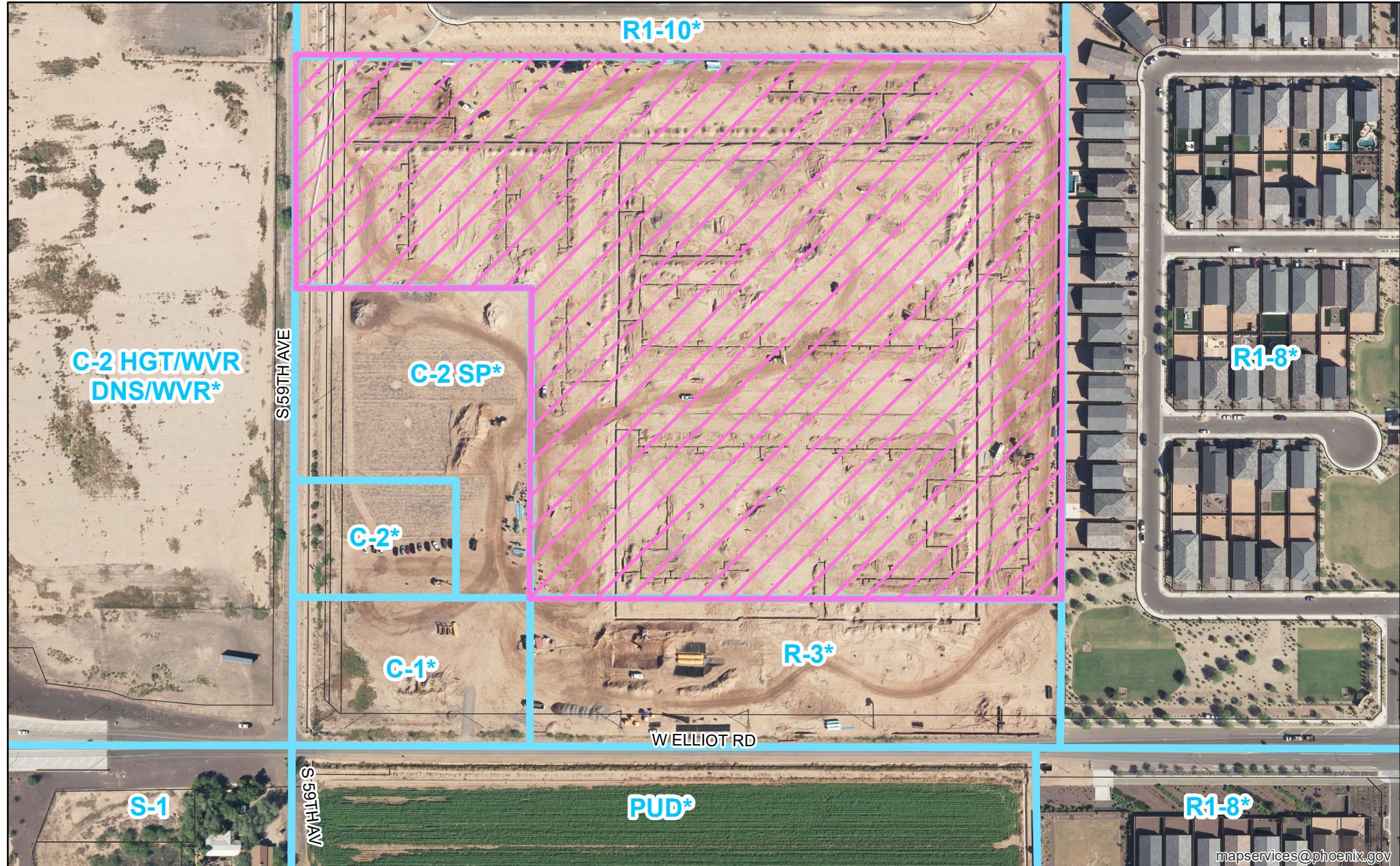
14-19-8-35-21PHO-1-21-2-14-19-8.mxd  
Tucson City Department Street Information System.mxd  
G:\\NFS\\Tucson City\\F:\\Planning\\Zoning\\Subplots\\Ordinance\\Ordinance\\75TH AVE



<b>APPLICATION NO.</b> Z-14-19	<b>DATE:</b> 4/3/2019 REVISION DATES: 4/15/2019	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 04-15	<b>ZONING MAP</b> C-5
<b>MULTIPLES PERMITTED</b> S-1 (Approved C-1 PCD), S-1 (Approved R1-8 PCD) C-1, R-3		<b>CONVENTIONAL OPTION</b> 8 (117), 22 (95) 105, 332	
		<b>* UNITS P.R.D. OPTION</b> N/A (140), N/A (121) 126, 398	

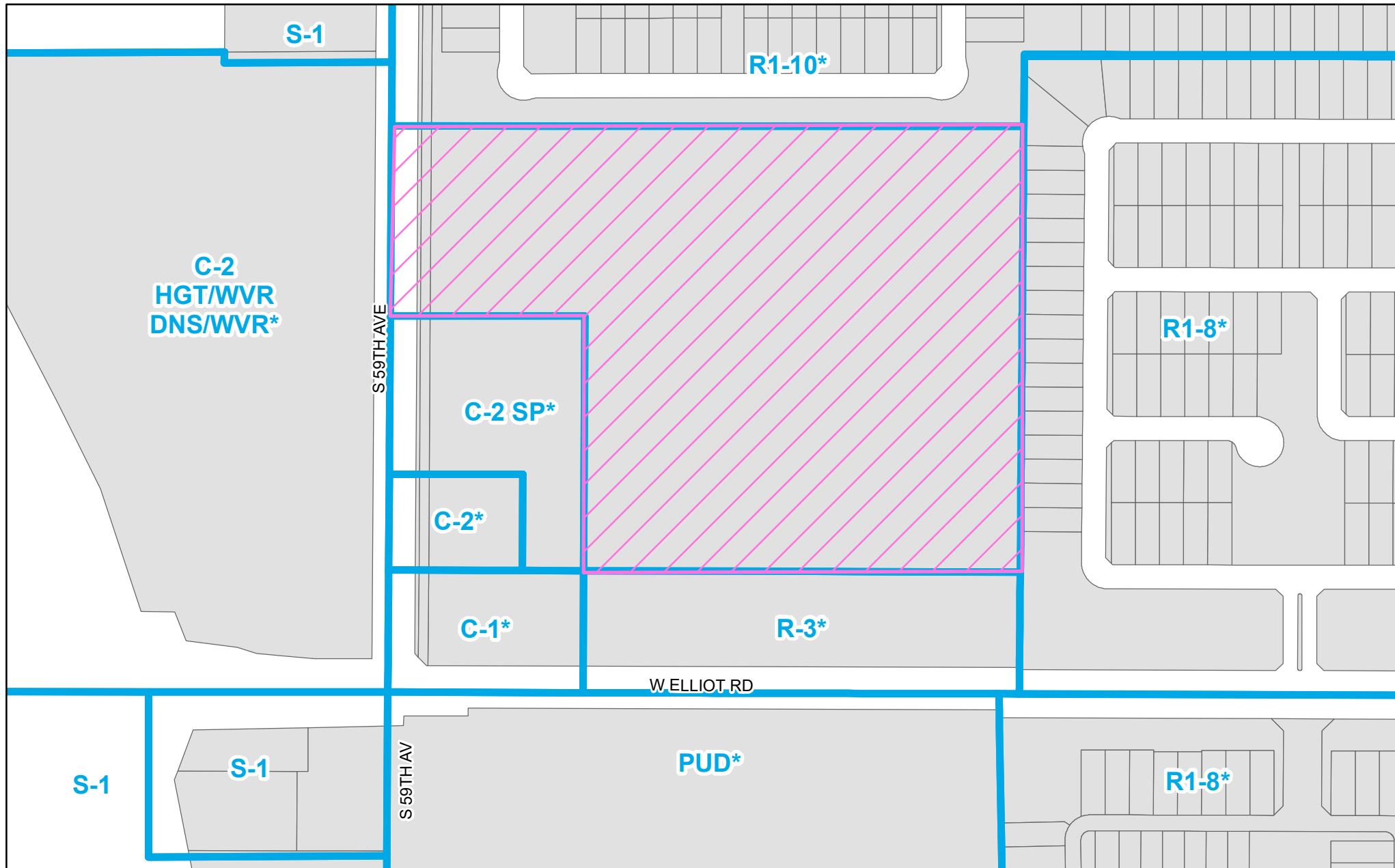
\* Maximum Units Allowed with P.R.D. Bonus





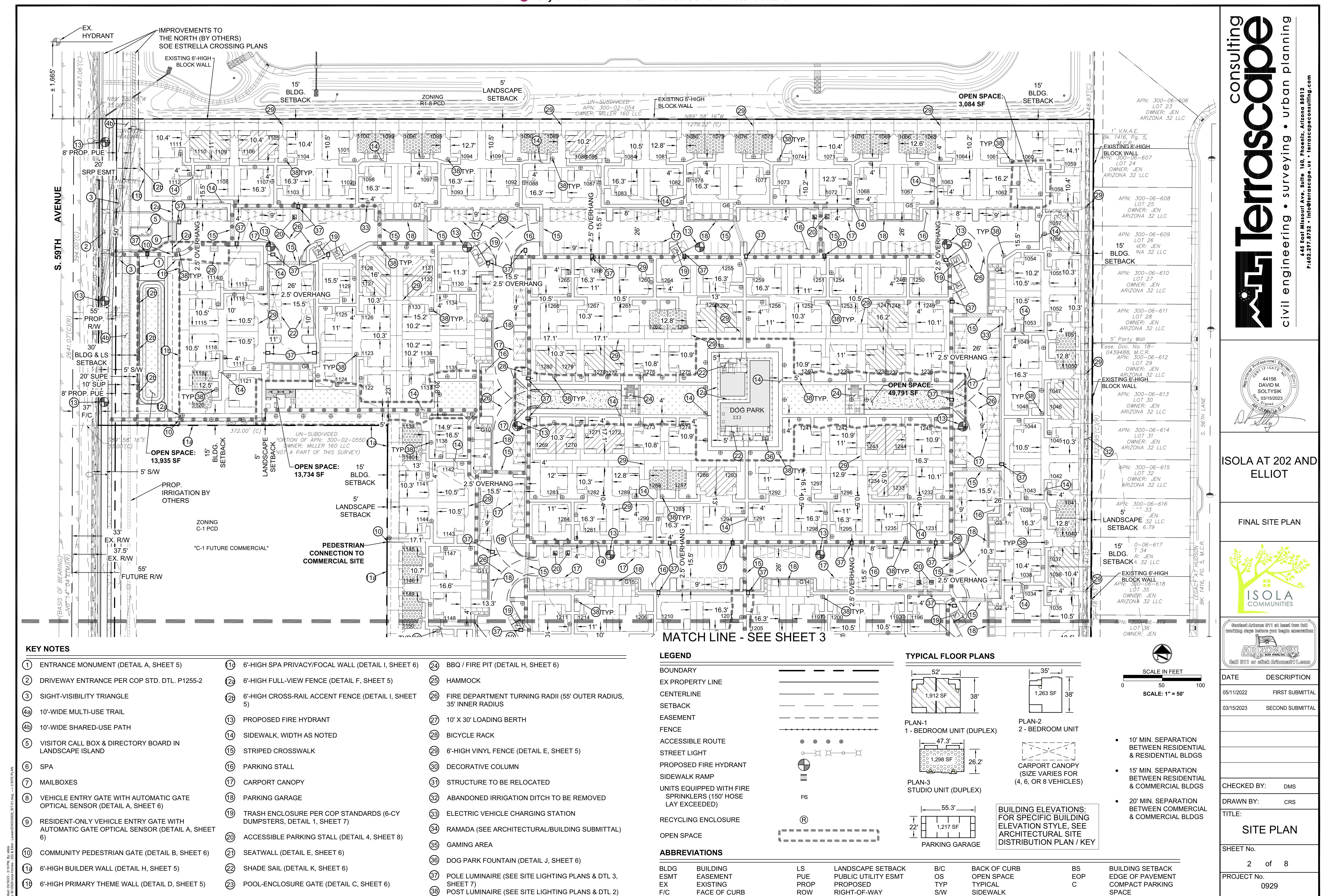
PHO-2-24-Z-14-19-8

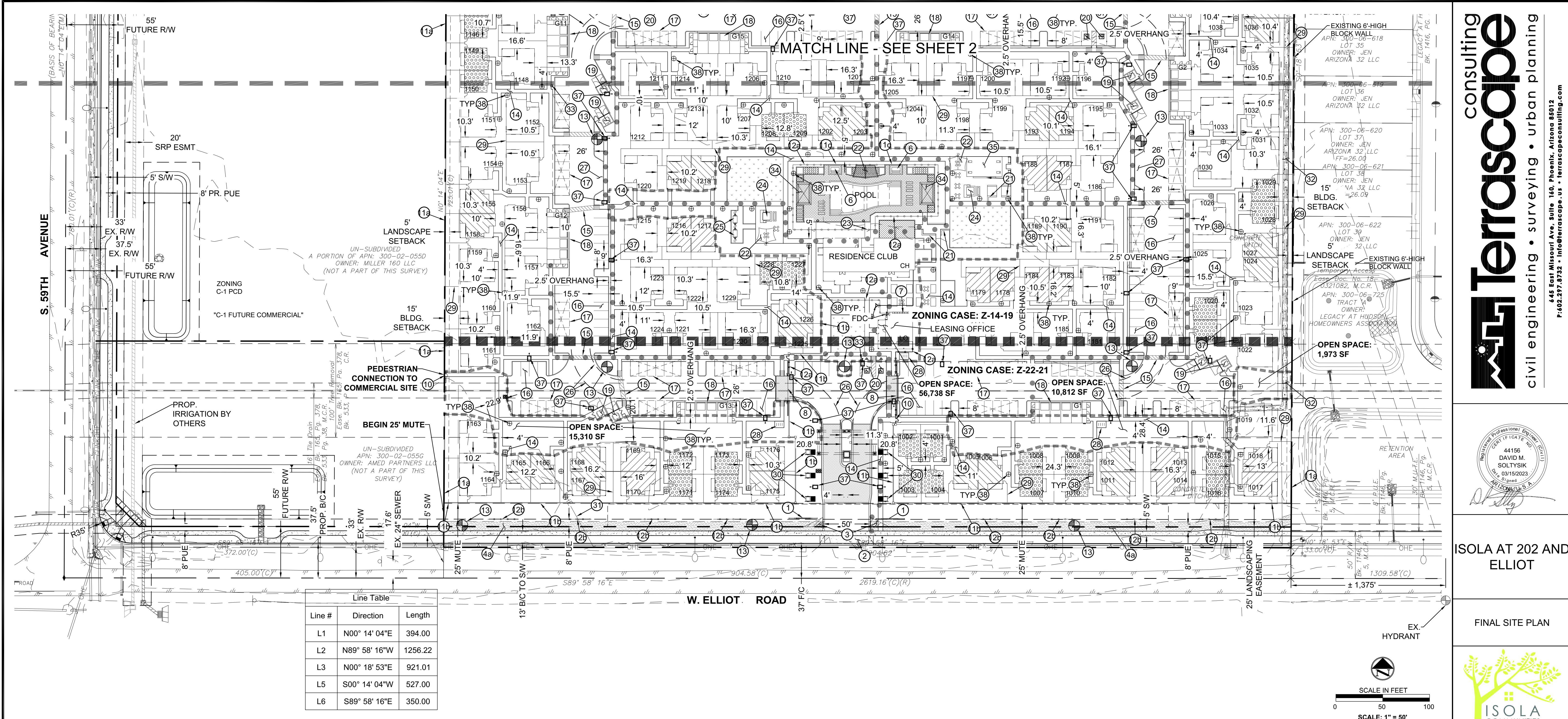
Property Location: Approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road



PHO-2-24-Z-14-19-8

**Property Location:** Approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road

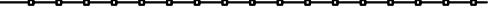




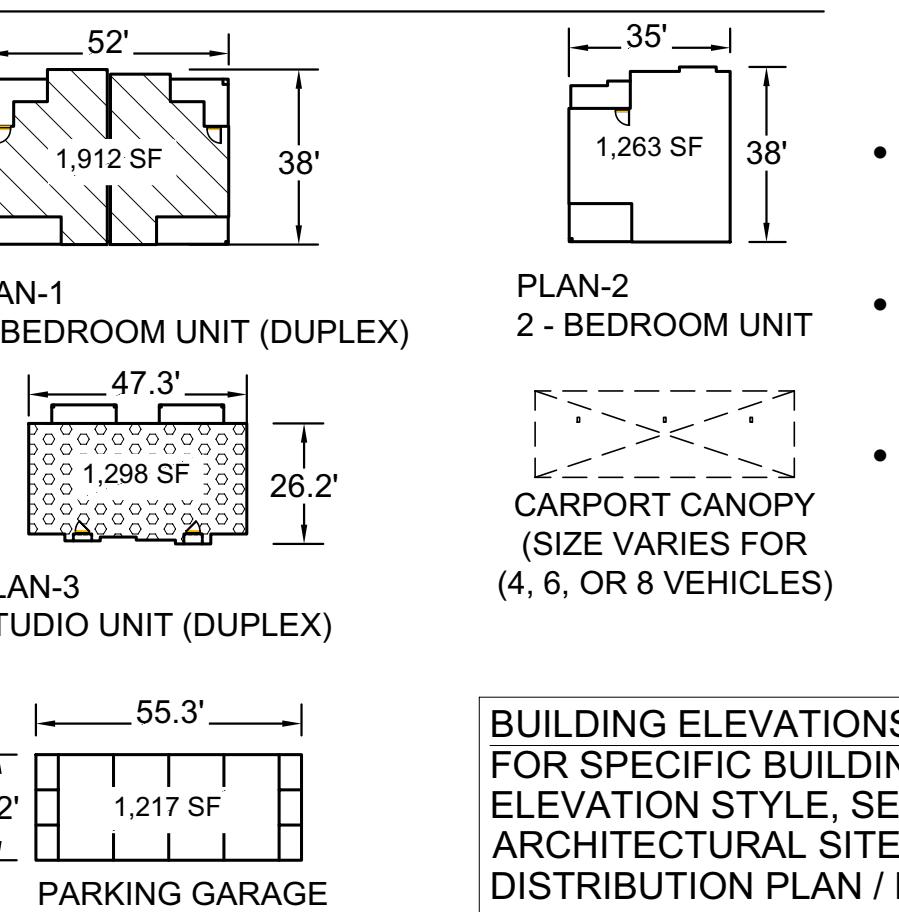
## KEY NOTES

① ENTRANCE MONUMENT (DETAIL A, SHEET 5)	⑪c 6'-HIGH SPA PRIVACY/FOCAL WALL (DETAIL I, SHEET 6)	⑭ BBQ / FIRE PIT (DETAIL H, SHEET 6)
② DRIVEWAY ENTRANCE PER COP STD. DTL. P1255-2	⑫a 6'-HIGH FULL-VIEW FENCE (DETAIL F, SHEET 5)	⑮ HAMMOCK
③ SIGHT-VISIBILITY TRIANGLE	⑫b 6'-HIGH CROSS-RAIL ACCENT FENCE (DETAIL I, SHEET 5)	⑯ FIRE DEPARTMENT TURNING RADII (55' OUTER RADIUS, 35' INNER RADIUS)
④a 10'-WIDE MULTI-USE TRAIL	⑬ PROPOSED FIRE HYDRANT	⑰ 10' X 30' LOADING BERTH
④b 10'-WIDE SHARED-USE PATH	⑭ SIDEWALK, WIDTH AS NOTED	⑱ BICYCLE RACK
⑤ VISITOR CALL BOX & DIRECTORY BOARD IN LANDSCAPE ISLAND	⑮ STRIPED CROSSWALK	⑲ 6'-HIGH VINYL FENCE (DETAIL E, SHEET 5)
⑥ SPA	⑯ PARKING STALL	⑳ DECORATIVE COLUMN
⑦ MAILBOXES	⑰ CARPORT CANOPY	㉑ STRUCTURE TO BE RELOCATED
⑧ VEHICLE ENTRY GATE WITH AUTOMATIC GATE OPTICAL SENSOR (DETAIL A, SHEET 6)	⑱ PARKING GARAGE	㉒ ABANDONED IRRIGATION DITCH TO BE REMOVED
⑨ RESIDENT-ONLY VEHICLE ENTRY GATE WITH AUTOMATIC GATE OPTICAL SENSOR (DETAIL A, SHEET 6)	⑲ TRASH ENCLOSURE PER COP STANDARDS (6-CY DUMPSTERS, DETAIL 1, SHEET 7)	㉓ ELECTRIC VEHICLE CHARGING STATION
⑩ COMMUNITY PEDESTRIAN GATE (DETAIL B, SHEET 6)	㉀ ACCESSIBLE PARKING STALL (DETAIL 4, SHEET 8)	㉔ RAMADA (SEE ARCHITECTURAL/BUILDING SUBMITTAL)
⑪a 6'-HIGH BUILDER WALL (DETAIL H, SHEET 5)	㉁ SEATWALL (DETAIL E, SHEET 6)	㉕ GAMING AREA
⑪b 6'-HIGH PRIMARY THEME WALL (DETAIL D, SHEET 5)	㉂ SHADE SAIL (DETAIL K, SHEET 6)	㉖ DOG PARK FOUNTAIN (DETAIL J, SHEET 6)
	㉃ POOL-ENCLOSURE GATE (DETAIL C, SHEET 6)	㉗ POLE LUMINAIRE (SEE SITE LIGHTING PLANS & DTL 3, SHEET 7)
		㉘ POST LUMINAIRE (SEE SITE LIGHTING PLANS & DTL 2)

## LEGEND

BOUNDARY			
EX PROPERTY LINE			
CENTERLINE			
SETBACK			
EASEMENT			
FENCE			
ACCESSIBLE ROUTE			
STREET LIGHT			
PROPOSED FIRE HYDRANT			
SIDEWALK RAMP			
UNITS EQUIPPED WITH FIRE SPRINKLERS (150' HOSE LAY EXCEEDED)	FS		
RECYCLING ENCLOSURE			
OPEN SPACE			
<b>ABBREVIATIONS</b>			
LDG	BUILDING	LS	LANDSCAPE SETBA
SMT	EASEMENT	PUE	PUBLIC UTILITY ES
X	EXISTING	PROP	PROPOSED
/C	FACE OF CURB	ROW	RIGHT-OF-WAY

## STANDARD FLOOR PLANS



10' MIN. SEPARATION  
BETWEEN RESIDENTIAL  
& RESIDENTIAL BLDGS

15' MIN. SEPARATION  
BETWEEN RESIDENTIAL  
& COMMERCIAL BLDGS

20' MIN. SEPARATION  
BETWEEN COMMERCIAL  
& COMMERCIAL BLDGS

BUILDING ELEVATIONS:  
FOR SPECIFIC BUILDING  
ELEVATION STYLE, SEE  
ARCHITECTURAL SITE  
DISTRIBUTION PLAN / KEY

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BLDG BUILDING

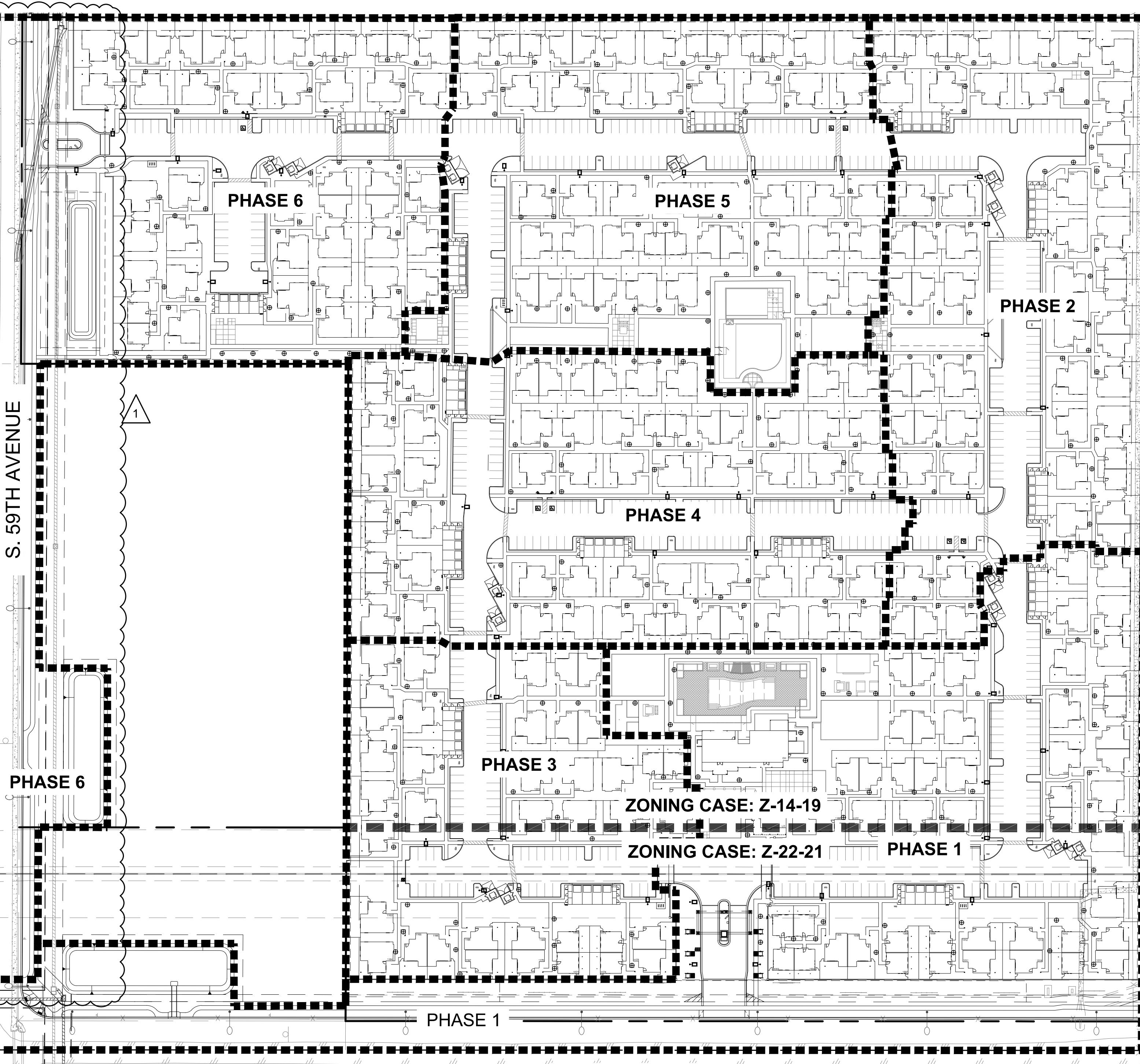
BLDG	BUILDING	ES	LANDSCAPE SETBACK	B/S	B/FR OF CURB	BS	BUILDING SETBACK	
3,	ESMT	EASEMENT	PUE	PUBLIC UTILITY ESMT	OS	OPEN SPACE	EOP	EDGE OF PAVEMENT
	EX	EXISTING	PROP	PROPOSED	TYP	TYPICAL	C	COMPACT PARKING
- 2)	F/C	FACE OF CURB	ROW	RIGHT-OF-WAY	S/W	SIDEWALK		SPACE

## Z-14-19 STIPULATIONS

- THE CONCEPTUAL SITE PLAN, LANDSCAPE PLAN, LIGHTING PLAN AND BUILDING ELEVATIONS FOR THE COMMERCIAL (C-1) PORTION OF THE SITE SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
- THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED APRIL 19, 2021, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND AS MODIFIED BY THE FOLLOWING CRITERIA:
  - THE FRONT ELEVATIONS SHALL CONSIST OF A MINIMUM OF 10% NON-STUCCO ACCENT MATERIAL.
  - THE DEVELOPMENT SHALL PROVIDE GATED ACCESS.
  - THE DEVELOPMENT SHALL HAVE A MAXIMUM OF 264 UNITS.
- A SHARED-USE PATH SHALL BE PROVIDED ALONG THE EAST SIDE OF 59TH AVENUE IN ACCORDANCE WITH THE CITY OF PHOENIX STANDARD TRAIL DETAIL AND AS APPROVED, MODIFIED, AND REQUIRED BY THE PARKS AND RECREATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.
- A 30-FOOT MINIMUM LANDSCAPE SETBACK SHALL BE PROVIDED ALONG 59TH AVENUE AND ALONG ELLIOTT ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL PROVIDE A MINIMUM OF 10% OPEN SPACE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL INSTALL A MINIMUM OF 20 INVERTED U-BICYCLE RACKS FOR GUESTS, INSTALLED PER THE REQUIREMENTS OF SECTION 1307.H.4 OF THE ZONING ORDINANCE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- A PEDESTRIAN CONNECTION SHALL BE PROVIDED BETWEEN THE R-3 AND C-1 PORTIONS OF THE SITE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- 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.
- THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY TO THE CITY FOR THIS DEVELOPMENT. THE CONCLUSIONS OF THE STUDY WILL BE USED TO DETERMINE THE REQUIRED ROADWAY AND TRAFFIC IMPROVEMENTS TO BE PROVIDED BY THE DEVELOPER. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE CITY. CONTACT MR. MATTHEW WILSON (602-262-7580) TO SET UP A MEETING TO DISCUSS THE REQUIREMENTS OF THE STUDY. THE TRAFFIC IMPACT STUDY SHALL ALSO BE SUBMITTED TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR REVIEW AND APPROVAL.
- THE DEVELOPER SHALL PROVIDE FOR A 55-FOOT, HALF-STREET RIGHT-OF-WAY DEDICATION FOR THE EAST SIDE OF 59TH AVENUE FOR THE ENTIRE LENGTH OF PROPERTY, EXTENDING TO ELLIOTT ROAD. THIS SHALL INCLUDE 37 FEET OF PAVING FOR THE EAST HALF OF 59TH AVENUE.
- THE DEVELOPER SHALL PROVIDE FOR A 55-FOOT, HALF-STREET RIGHT-OF-WAY DEDICATION ON THE NORTH SIDE OF ELLIOTT ROAD FROM 59TH AVENUE TO THE EXISTING RESIDENTIAL DEVELOPMENT TO THE EAST. INCLUDE 37 FEET OF PAVING FOR THE NORTH HALF OF ELLIOTT ROAD AND ADDITIONAL IMPROVEMENTS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL PROVIDE FOR A 25-FOOT BY 25-FOOT RIGHT-OF-WAY TRIANGLE DEDICATION AT THE NORTHEAST CORNER OF THE 59TH AVENUE AND ELLIOTT ROAD INTERSECTION.
- OPEN IRRIGATION FACILITIES ARE TO BE RELOCATED AND PIPED OUTSIDE OF THE RIGHT-OF-WAY. CONTACT SALT RIVER PROJECT TO IDENTIFY EXISTING LAND RIGHTS AND ESTABLISH AN APPROPRIATE PROCESS TO RELOCATE FACILITY. RELOCATIONS THAT REQUIRE ADDITIONAL DEDICATIONS OR LAND TRANSFER REQUIRE COMPLETION PRIOR TO OBTAINING PLAT AND/OR CIVIL PLAN REVIEW APPROVAL.
- THE DEVELOPER SHALL UNDERGROUND EXISTING OVERHEAD ELECTRICAL UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY THAT ARE IMPACTED OR TO BE RELOCATED AS PART OF THIS PROJECT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL CONSTRUCT ALL STREETS WITHIN AND ADJACENT TO THE DEVELOPMENT WITH PAVING, CURB, GUTTER, 5-FOOT SIDEWALK, CURB RAMPS, STREETLIGHTS, LANDSCAPING AND OTHER INCIDENTALS, AS PER PLANS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL IMPROVEMENTS SHALL COMPLY WITH THE CURRENT ADA GUIDELINES.
- ANY REQUEST TO CHANGE, DELETE OR MODIFY STIPULATIONS SHALL BE PRESENTED THROUGH THE PLANNING HEARING OFFICER PROCESS AND NOTIFICATION SHALL BE GIVEN TO THE LAVEEN VILLAGE PLANNING COMMITTEE PRIOR TO THE PLANNING HEARING OFFICER HEARING.
- PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

## Z-22-21 STIPULATIONS

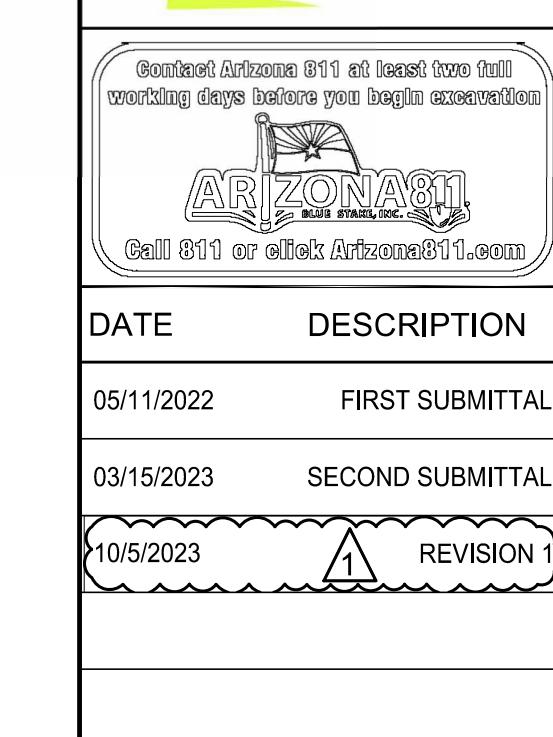
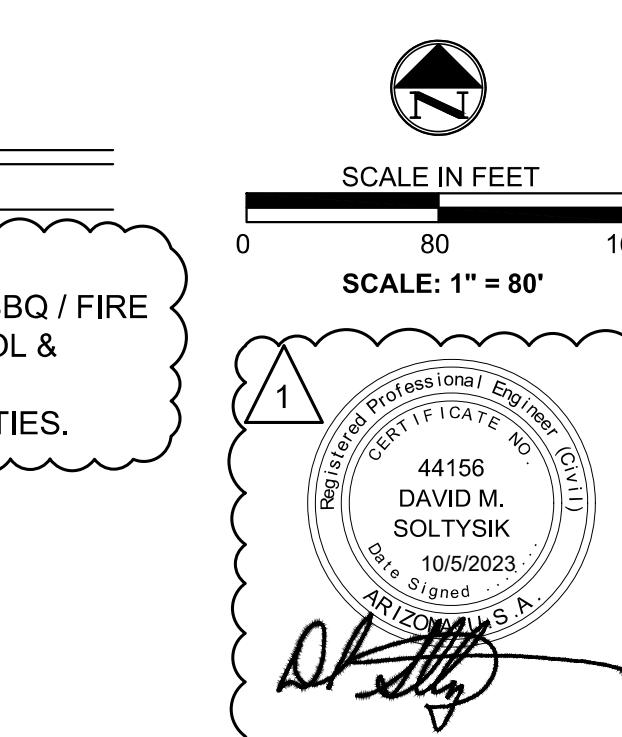
- THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED APRIL 19, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE FRONT ELEVATIONS SHALL CONSIST OF A MINIMUM 10% NON-STUCCO ACCENT MATERIAL.
- THE MAXIMUM BUILDING HEIGHT SHALL BE 22 FEET.
- ALL SIDEWALKS ADJACENT TO PUBLIC RIGHTS-OF-WAY SHALL BE DETACHED WITH A MINIMUM 10-FOOT-WIDE CONTINUOUS LANDSCAPE AREA LOCATED BETWEEN THE SIDEWALK AND BACK OF CURB; AND SHALL INCLUDE 3-INCH MINIMUM CALIPER, LARGE CANOPY SINGLE TRUNK SHADE TREES, 25 FEET ON CENTER OR IN EQUIVALENT GROUPINGS; AND MINIMUM FIVE-GALLON SHRUBS WITH A MAXIMUM MATURE HEIGHT OF 2 FEET PROVIDING 75% LIVE COVER, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. WHERE UTILITY CONFLICTS EXIST, THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT ON ALTERNATIVE DESIGN SOLUTIONS CONSISTENT WITH A PEDESTRIAN ENVIRONMENT.
- A MINIMUM 30-FOOT LANDSCAPE SETBACK SHALL BE REQUIRED ADJACENT TO ELLIOT ROAD AND SHALL INCLUDE LARGE CANOPY SHADE TREES 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS BETWEEN THE SIDEWALK AND PROPOSED SITE DEVELOPMENT AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. TWENTY-FIVE PERCENT OF THE TREES SHALL BE MINIMUM THREE-INCH CALIPER, FIVE, FIVE-GALLON SHRUBS PER TREE, AND ADDITIONAL SHRUBS OR LIVE GROUNDCOVER, SHALL PROVIDE MINIMUM 75% LIVE COVER AT MATURE SIZE AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. WHERE UTILITY CONFLICTS EXIST, THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT ON ALTERNATIVE DESIGN SOLUTIONS CONSISTENT WITH A PEDESTRIAN ENVIRONMENT.
- THE DEVELOPER SHALL PROVIDE A MINIMUM OF 25% OPEN SPACE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- PUBLIC AND PRIVATE OPEN SPACE AREAS SHALL PROVIDE A MINIMUM 50% SHADE AND A MINIMUM OF 50% LIVE VEGETATIVE COVER (SHRUBS, GRASSES, OR GROUNDCOVER PLANTS).
- ALL UNCOVERED SURFACE PARKING LOT AREAS SHALL BE LANDSCAPED WITH A MINIMUM 2-INCH CALIPER DROUGHT-TOLERANT SHADE TREES. LANDSCAPING SHALL BE DISPERSED THROUGHOUT THE PARKING AREA AND ACHIEVE 25% SHADE AT Maturity, AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.
- A PEDESTRIAN CONNECTION SHALL BE PROVIDED BETWEEN THE SITE AND THE C-1 PORTION TO THE WEST OF THE SITE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- DECORATIVE RAIL OR SIMILAR FENCING ELEMENTS SHALL BE PROVIDED ALONG ELLIOT ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL DEDICATE A 30-FOOT WIDE MULTI-USE TRAIL EASEMENT (MUTE) ALONG ELLIOT ROAD AND CONSTRUCT A MINIMUM 10-FOOT-WIDE MULTI-USE TRAIL (MUT) WITHIN THE EASEMENT IN ACCORDANCE WITH THE MAG SUPPLEMENTAL DETAIL AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. WHERE CONFLICTS OR RESTRICTIONS EXIST, THE DEVELOPER SHALL WORK WITH THE SITE PLANNING SECTION ON AN ALTERNATE DESIGN THROUGH THE TECHNICAL APPEAL PROCESS.
- THE MULTI-USE TRAIL ALONG ELLIOT ROAD SHALL BE SHADED TO A MINIMUM OF 50% USING SHADE TREES AT FULL MATURITY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- A MINIMUM OF 10 BYCICLE PARKING SPACES SHALL BE PROVIDED THROUGH INVERTED U AND/OR ARTISTIC RACKS (IN ADHERENCE TO THE CITY OF PHOENIX PREFERRED DESIGNS IN APPENDIX K OF THE COMPREHENSIVE BICYCLE MASTER PLAN) OR "OUTDOOR/COVERED FACILITIES" FOR GUESTS LOCATED NEAR ENTRANCES OR AMENITY AREAS AND INSTALLED PER THE REQUIREMENTS OF SECTION 1307.H OF THE PHOENIX ZONING ORDINANCE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL PROVIDE FOR A 55-FOOT HALF STREET RIGHT-OF-WAY DEDICATION FOR THE EAST SIDE OF 59TH AVENUE FROM THE NORTHERN PROJECT BOUNDARY, EXTENDING TO ELLIOTT ROAD. THIS SHALL INCLUDE 37 FEET OF PAVING FOR THE EAST HALF OF 59TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL PROVIDE FOR A 55-FOOT HALF STREET RIGHT-OF-WAY DEDICATION ON THE NORTH SIDE OF ELLIOTT ROAD FROM 59TH AVENUE TO THE EXISTING RESIDENTIAL DEVELOPMENT TO THE EAST. THIS SHALL INCLUDE 37 FEET OF PAVING FOR THE NORTH HALF OF ELLIOTT ROAD AND ADDITIONAL IMPROVEMENTS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL DEDICATE AND PROVIDE ALL RIGHT-OF-WAY IMPROVEMENTS DURING THE FIRST PHASE OF THE PROJECT.
- THE DEVELOPER SHALL PROVIDE CONDUIT AND JUNCTION BOXES AT THE NORTHEAST CORNER OF 59TH AVENUE AND ELLIOTT ROAD FOR FUTURE TRAFFIC SIGNAL EQUIPMENT. THE PLAN IS TO BE SUBMITTED TO THE STREET TRANSPORTATION DEPARTMENT FOR REVIEW AND APPROVAL.
- THE APPLICANT SHALL SUBMIT A TIA WITH AN ASSOCIATED SIGNAL WARRANT ANALYSIS FOR THE INTERSECTION OF 59TH AVENUE AND ELLIOTT ROAD. DEVELOPMENT WILL BE RESPONSIBLE FOR THE INSTALLATION OF THE TRAFFIC SIGNAL OR AN IN-LIEU CONTRIBUTION AS DEFINED WITHIN THE APPROVED TRAFFIC WARRANT ANALYSIS. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

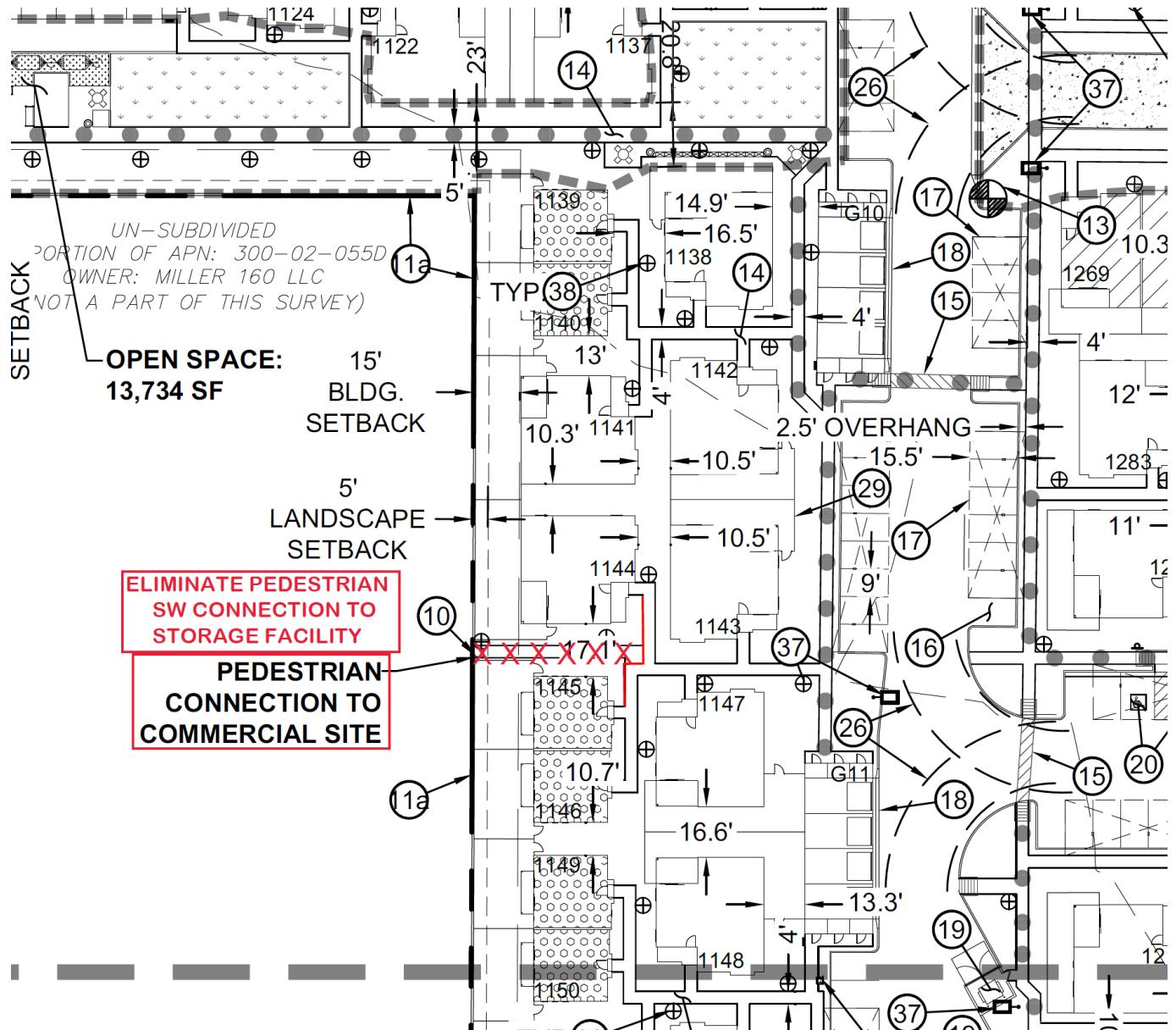


## Z-22-21 STIPULATIONS CONTINUATION

- EXISTING IRRIGATION FACILITIES ALONG 59TH AVENUE AND ELLIOTT ROAD ARE TO BE UNDERGROUNDED AND/OR RELOCATED OUTSIDE OF CITY RIGHT-OF-WAY. CONTACT SRP TO IDENTIFY EXISTING LAND RIGHTS AND ESTABLISH APPROPRIATE PROCESS TO RELOCATE THE FACILITY. RELOCATIONS THAT REQUIRE ADDITIONAL DEDICATIONS OR LAND TRANSFER REQUIRE COMPLETION PRIOR TO OBTAINING PLAT AND/OR CIVIL PLAN REVIEW APPROVAL.
- THE DEVELOPER SHALL UNDERGROUND EXISTING OVERHEAD ELECTRICAL UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY THAT ARE IMPACTED OR NEED TO BE RELOCATED AS PART OF THIS PROJECT. DEVELOPER SHALL COORDINATE REVIEW AND PERMITTING WITH THE AFFECTED UTILITY COMPANIES.
- THE DEVELOPER SHALL CONSTRUCT ALL STREETS WITHIN AND ADJACENT TO THE DEVELOPMENT WITH PAVING, CURB, GUTTER, SIDEWALK, CURB RAMPS, STREETLIGHTS, LANDSCAPING AND OTHER INCIDENTALS, AS PER PLANS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL IMPROVEMENTS SHALL COMPLY WITH THE CURRENT ADA GUIDELINES.
- 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.
- THE DEVELOPER SHALL PROVIDE A MINIMUM OF 24 GUEST PARKING SPACES IN CLOSE PROXIMITY TO THE CLUBHOUSE AMENITY AREA.
- PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

PHASE	DESCRIPTION	SCALE IN FEET
1	W ELLIOT ROAD FRONTAGE, POOL AMENITIES, GAME AREA, BBQ / FIRE PIT & OPEN SPACE AROUND POOL & CLUBHOUSE. RESIDENCE CLUBHOUSE AMENITIES.	SCALE: 1" = 80'
2	50 UNITS, 2 GARAGES, LEASING OFFICE.	
3	56 UNITS, 3 GARAGES	
4	40 UNITS, 2 GARAGES	
5	59 UNITS, 4 GARAGES	
6	48 UNITS, 2 GARAGES DOG PARK, OPEN SPACE, BBQ / FIRE PIT, AND AMENITIES AROUND DOG PARK.	
	45 UNITS, 2 GARAGES, S 59TH AVENUE FRONTAGE.	





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P: 602-297-8732

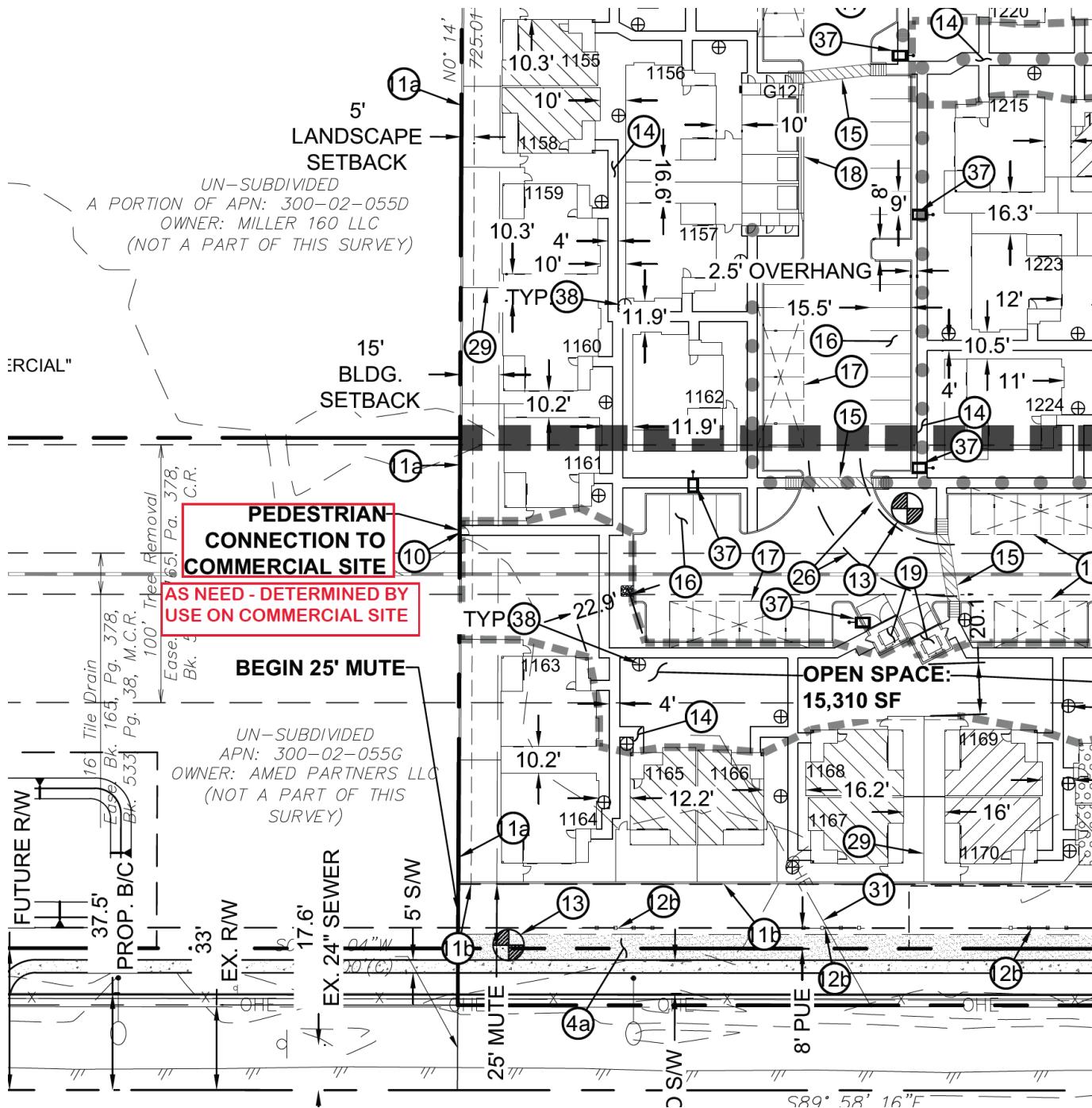
## EXHIBIT A

N TH P D T IAN ACC

## I AAT 202 AND I T

TH AV N AND I T AD  
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IP Project No: V0 M NT PHA 1  
Date Month: 11 2 2023 IVA 1



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**civil engineering • surveying • urban planning**

645 East Missouri Ave, Suite 420  
Phoenix, Arizona 85012  
P:602-297-8732

## **EXHIBIT B**

## SOUTH PEDESTRIAN ACCESS

## ISOLA AT 202 AND ELLIOT

59TH AVENUE AND ELLIOT ROAD  
PHOENIX, ARIZONA

Project No: 0929  
Date Month: 11/2/2023 KIVA 19-796

#### CITY OF PHOENIX SITE PLAN NOTES

- a. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- b. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- c. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR, OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.
- d. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-AT-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.
- e. ALL SIGNAGE REQUIRES A SEPARATE REVIEW AND PERMIT.
- f. GATES ARE TO REMAIN OPEN, OR ARE TO OPEN AUTOMATICALLY, BETWEEN THE HOURS OF 8 AM AND 6 PM.
- g. ADDITIONAL INDIVIDUAL LOT REQUIREMENTS (I.E. SETBACKS, WALL ELEVATIONS) ARE LOCATED ON THE APPROVED FINAL SITE PLAN.
- I CONSENT TO THE REPRODUCTION OF THIS SITE PLAN FOR THE PURPOSE OF FUTURE AMENDMENTS PROVIDED THAT IF MODIFICATIONS ARE MADE, THE ARCHITECTS WHO MAKE SUCH CHANGES ASSUME FULL RESPONSIBILITY AND LIABILITY FOR THE PLAN.
- i. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAY ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
- j. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' X 33' ALONG PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
- k. ALL ROOF TOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
- l. ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKLOG PREVENTERS, AND OTHER MECHANICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO PUBLIC STREETS.
- m. BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.

*Ted Luther*  
PRINTED NAME OF COPYRIGHT OWNER  
TED LUTHER, PE

#### SITE NOTES

1. THERE ARE NO LOT SALES.
2. THERE ARE NO EXISTING BUILDINGS OR CURBED DRIVEWAYS.
3. THE FIRE DEPARTMENT DOUBLE CHECK ASSEMBLY SHALL BE PAINTED TO MATCH ADJACENT WALL COLOR.
4. ALL OF THE UNITS AND GARAGES TO BE DESIGNED IN CONFORMANCE WITH THE IRC 2012 EDITION.
5. NO PUBLIC STREET OR PRIVATE ACCESSWAY PROVIDED.
6. ALL EXISTING OFF-SITE IMPROVEMENTS (SIDEWALKS, CURB RAMPS, AND DRIVEWAYS) TO BE UPDATED TO CURRENT ADA GUIDELINES.
7. ALL UNUSED DRIVEWAYS AND ANY BROKEN OR OUT OF GRADE CURB, GUTTER, AND SIDEWALK TO BE REMOVED AND REPLACED.
8. ALL DRIVES AND PARKING AREAS TO BE CURBED AND DUST PROOFED PER SECTION 702 OF THE ZONING ORDINANCE.
9. ACCESS GATES SHALL REQUIRE A SEPARATE SUBMITTAL.
10. ONSITE LIGHTING TO BE PROVIDED WITH ARCHITECTURAL AND COVERED PARKING PACKAGE.

#### PHASING - CONSTRUCTION SEQUENCING

SHEET 4 PROVIDES A SEQUENCING PLAN.

THE DEVELOPMENT WILL BE CONSTRUCTED IN A MANNER TO SEQUENCE THE CERTIFICATES OF OCCUPANCIES IN MULTIPLE STAGES. THE INITIAL PHASE WILL INCLUDE THE CLUBHOUSE, LEASING OFFICE & INITIAL PHASE UNITS. ALL SITE UTILITY INFRASTRUCTURE, FRONTRAGE & ACCESS IMPROVEMENTS AND FINAL PAVING FOR ACCESS TO THE INITIAL PHASE WILL BE COMPLETED PRIOR TO ANY CERTIFICATES OF OCCUPANCY WITHIN THE INITIAL PHASE. SUBSEQUENT PHASES WILL CONSIST OF GROUPS OF 30-40 UNITS UNTIL THE PROJECT IS COMPLETE. PHASES OUTSIDE OF THE OCCUPIED AREAS UNDER CONSTRUCTION ARE TO BE FENCED OFF FROM TENANT ACCESS. ALL FINAL LANDSCAPE & PAVEMENT ADJACENT TO BUILDINGS THAT ARE OCCUPIED SHALL BE COMPLETE. ALL VERTICAL CONSTRUCTION REQUIRES EITHER FINAL PAVED ACCESS OR A TEMPORARY FIRE ACCESS ROAD ADJACENT TO THE UNITS UNDER CONSTRUCTION.

#### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE SOUTHWEST CORNER OF SAID SECTION 8, FROM WHICH A BRASS CAP IN HANDHOLE AT THE WEST QUARTER CORNER OF SAID SECTION 8 BEARS NORTH 0 DEGREES 14 MINUTES 04 SECONDS EAST, 2641.07 FEET;

THENCE NORTH 0 DEGREES 14 MINUTES 04 SECONDS EAST 10 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 780.01 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 16 SECONDS EAST, 33.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0 DEGREES 14 MINUTES 04 SECONDS EAST, 394.00 FEET;

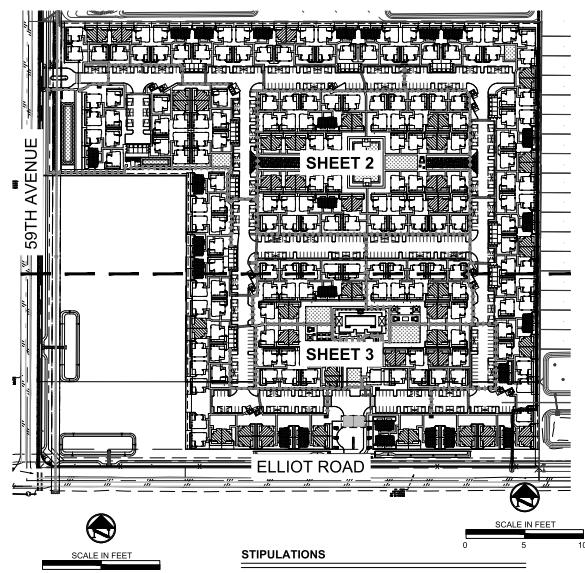
THENCE SOUTH 89 DEGREES 58 MINUTES 16 SECONDS EAST, 1278.22 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8;

THENCE ALONG SAID EAST LINE, SOUTH 0 DEGREES 18 MINUTES 53 SECONDS WEST, 921.01 FEET TO A POINT ON A LINE PARALLEL WITH AND 253 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8;

THENCE ALONG SAID PARALLEL LINE, NORTH 89 DEGREES 58 MINUTES 16 SECONDS WEST, 904.93 FEET;

THENCE NORTH 0 DEGREES 14 MINUTES 04 SECONDS EAST, 527.00 FEET;

THENCE NORTH 89 DEGREES 58 MINUTES 16 SECONDS WEST, 372.00 FEET TO THE POINT OF BEGINNING.



#### STIPULATIONS

SEE SHEET 4 FOR STIPULATIONS.

#### REQUIRED PARKING CALCULATIONS

BUILDING TYPE	REQD SPACES
STUDIO	52 UNITS (x 1.3)
1-BED	74 UNITS (x 1.5)
2-BED	173 UNITS (x 1.5)
<b>TOTAL</b>	<b>439*</b>

\*INCLUDES TOTAL UNRESERVED REQUIRED SPACES (SEE BELOW)

UNRESERVED PARKING	
STUDIO	52 UNITS (x 0.3)
1-BED	74 UNITS (x 0.5)
2-BED	173 UNITS (x 0.5)
<b>TOTAL UNRESERVED REQUIRED</b>	<b>140</b>

#### PROVIDED PARKING CALCULATIONS

	TOTAL	RESERVED	UNRESERVED
GARAGE	44		
OPEN PARKING	253		
COVERED PARKING	312		
OPEN ACCESSIBLE	3		
COVERED ACCESSIBLE	6		
<b>TOTAL</b>	<b>618</b>		
<b>RESERVED</b>	<b>362</b>		
<b>UNRESERVED</b>	<b>256</b>		

PARKING STALL SIZE

REQD STALL SIZE

PROVIDED STALL SIZE

BIKE RACK CALCULATIONS

TOTAL UNITS PER PALLET	6 UNITS
TOTAL BIKE PALLETS	6 PALLETS
<b>TOTAL BIKE UNITS</b>	<b>36 UNITS</b>

#### Proposed Site Plan

#### Stipulated Site Plan

Hearing Date: March 20, 2024

Hearing Date: July 21, 2021

#### PRELIMINARY SITE PLAN FOR ISOLA AT 202 AND ELLIOT

5800 W. ELLIOT ROAD

GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

#### PROJECT DATA

APN:	300-02-055A
EXISTING ZONING:	R-3 - PRD OPTION
SITE AREA (GROSS TO CENTERLINE):	± 28.06 AC (1,222,498 SF)

± 26.53 AC (1,155,587 SF)

DENSITY (GROSS):

10.7 DU/AC

11.3 DU/AC

NO. OF UNITS:

299

NON RATED - RESIDENTIAL

CONSTRUCTION TYPE (DWELLING)

TYPE "B"

CONSTRUCTION TYPE (OFFICE)

TYPE "B"

CONSTRUCTION TYPE (CLUBHOUSE)

TYPE "V-B"

LOT SALES PROPOSED:

Y

X

N

ADDRESS:

5800 W. ELLIOT ROAD

PHOENIX, ARIZONA 85339

BENCHMARK

NGS\_ ROD IN 5" PIPE 177' SOUTH AND 38' EAST OF THE

INTERSECTION OF 51ST AVE & ELLIOT (795) CITY OF PHOENIX

NOVD 29 ELEVATION 037.55 NGS POINT D 921 (PID:DV2337)

FLOOD ZONE

FLOOD ZONE DESIGNATION "X" PER F.E.M.A. FLOOD INSURANCE

RATE MAP NUMBER 04013C2200L, DATED OCTOBER 16, 2013.

ZONE "X" - AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH DRAINS AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

#### ZONING STANDARDS R-3 - PRD OPTION

DENSITY (DU/ACRE)	MAX.	GROSS
15.23	10.7	

MIN BLDG SETBACKS

REQ'D PROV.

FRONT (WEST)

20' 20'

SIDE (NORTH)

15' 15'

Rear (EAST)

15' 15'

SIDE (SOUTH)

15' 15'

MIN LANDSCAPE SETBACKS (FT)

5'20" (FRONT) 5'20" (FRONT)

MAX. HEIGHT

2 STOREYS / 30' 1 STORY / 30'

LOT COVERAGE

45% 29%

OPEN SPACE (% NET)

10% (115,559 SF) 15% (168,378 SF)

COLUMN AREA (5% GROSS MIN.)

8.9% (108,358 SF)

#### LOADING REQUIREMENTS

299 DWELLING UNITS

2 SPACES REQ'D\* (10' X 30')

\*PER TITLE OF PHOENIX ZONING ORDINANCE SECTION 702

#### RETENTION

ALL RETENTION IS TO BE PROVIDED IN UNDERGROUND STORAGE

TANKS AND SURFACE BASINS.

#### BUILDING AREA LOT COVERAGE CALCULATIONS

BUILDING TYPE	NO. BLDG.	AREA (SF)	TOTAL (SF)
STUDIO DUPLEX (17%)	26 (52 DU)	1,950	50,700
1-BED DUPLEX (25%)	37 (74 DU)	1,290	47,730
2 BED (88%)	173	1,290	223,170
<b>SUB-TOTAL</b>	<b>299 DU</b>		<b>321,600 SF</b>

GARAGE

11 1,217 13,387

LEASING OFFICE

1 864 864

CLUBHOUSE

1 2,171 2,171

GRAND TOTAL

338,022 338,022 SF

LOT COVERAGE: 338,022 / 1,155,587 = 29.3%

#### REFUSE

200 CU YD / 5 CY / UNIT = 149.5 CY / WEEK

149.5 CY / 6 CY CONTAINERS = 24.92 REFUSE BINS / 2 (TWICE PER WEEK) = 12.46

REFUSE BINS REQUIRED = 13

#### CARPARK CANOPY CALCULATIONS

CARPARK CANOPY TYPE	NO.	AREA (SF)	TOTAL (SF)
4 VEHICLE	15	648	6,720
6 VEHICLE	26	972	25,272
6 VEHICLE (DOUBLE ADA STALL)	3	1,134	3,402
8 VEHICLE	9	1,296	11,664
<b>SUB-TOTAL</b>			<b>50,058</b>

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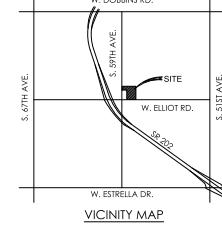
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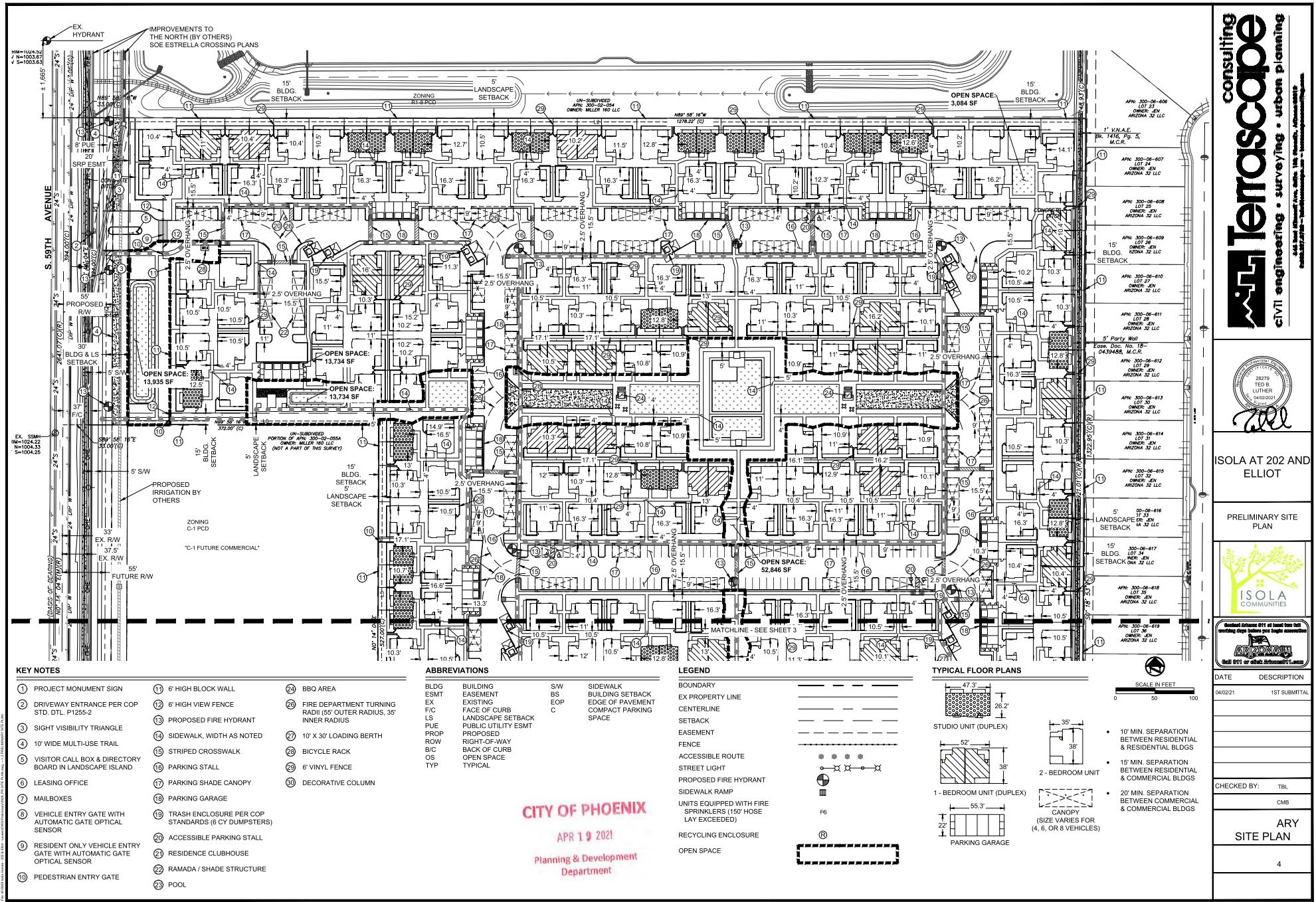
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Q.S.: Q04-15

ZONING CASE(S): Z-14-19 Z-100-02



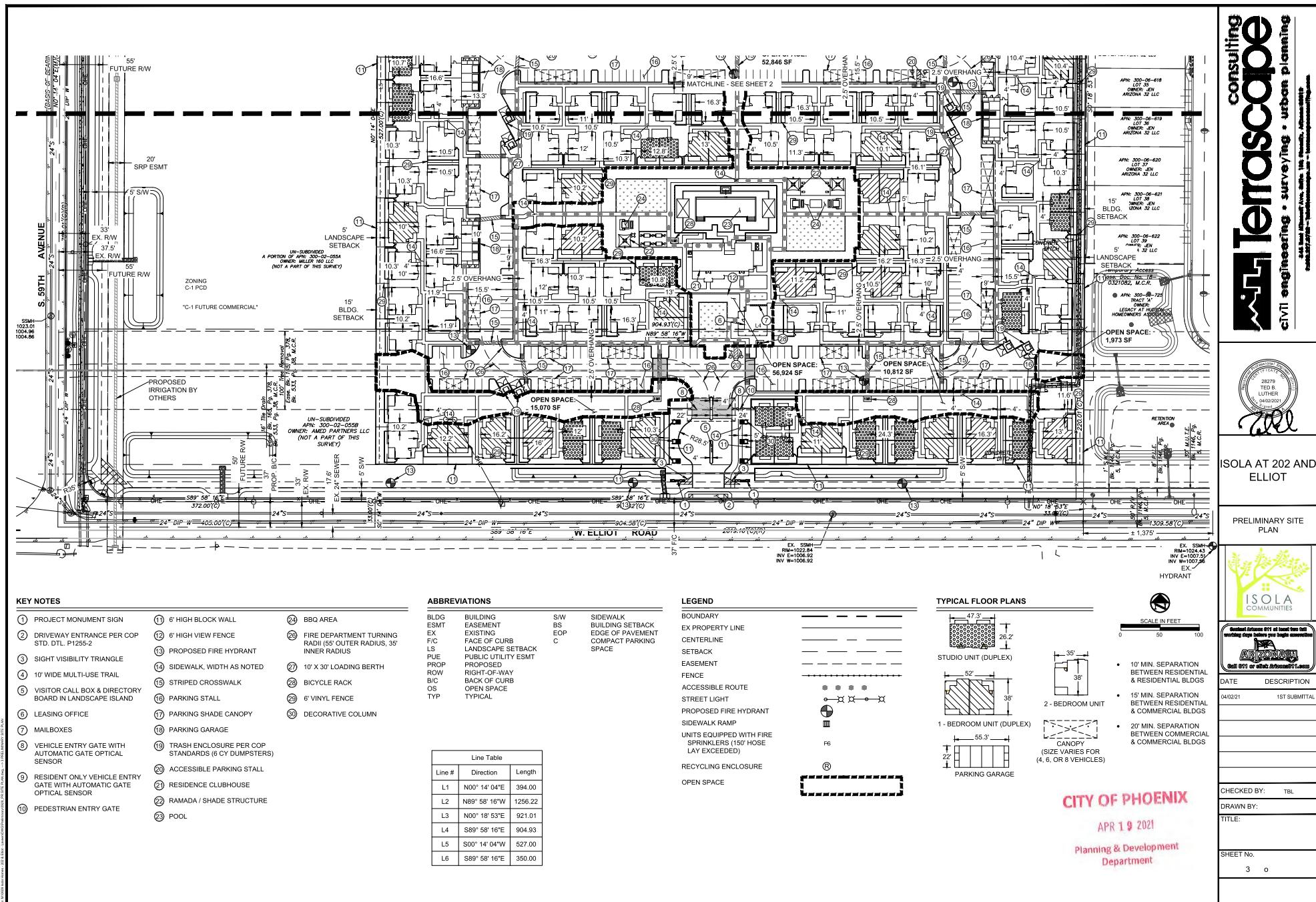


-14-19-8

## Stipulated Site Plan

PHO-1-24--Z-14-19-8

Hearing Date: March 20, 2024



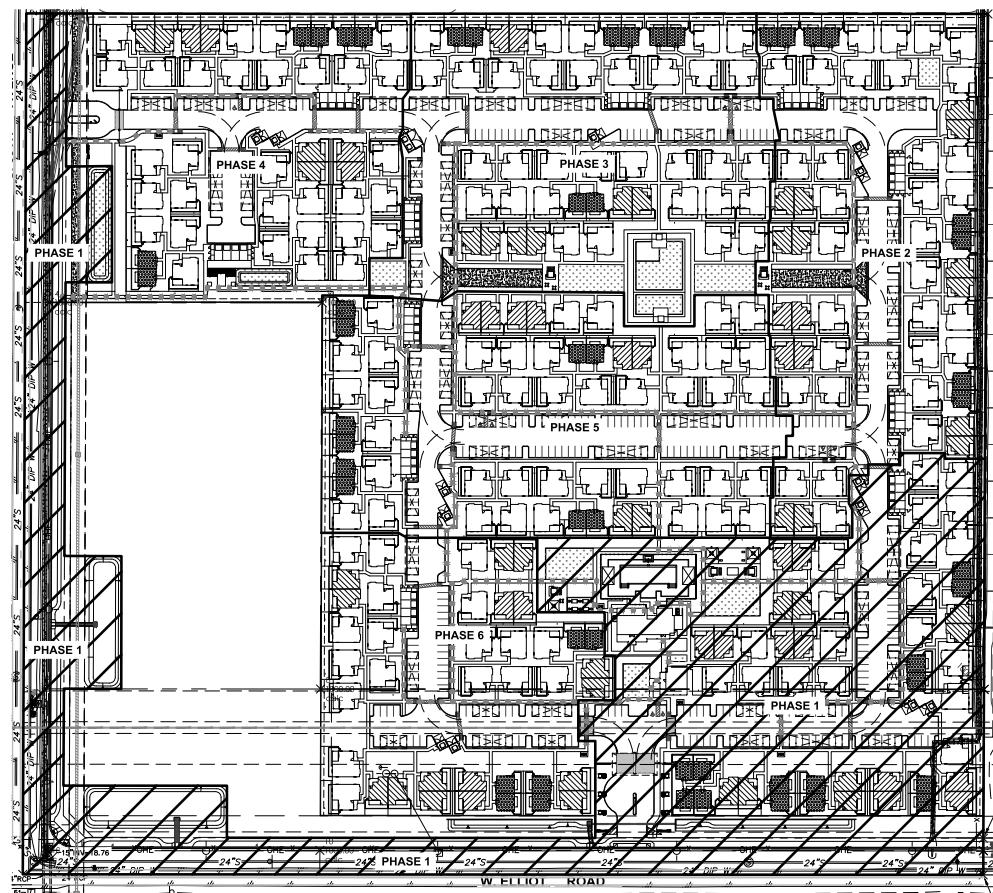
PHO-1-24--Z-14-19-8

## Stipulated Site Plan

Hearing Date: March 20, 2024

**STIPULATIONS**

- THE CONCEPTUAL SITE PLAN, LANDSCAPE PLAN, LIGHTING PLAN AND BUILDING ELEVATIONS FOR THE COMMERCIAL (C-1) PORTION OF THE SITE SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
- THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED MAY 3, 2019, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND AS MODIFIED BY THE FOLLOWING CRITERIA:
  - THE FRONT ELEVATIONS SHALL CONSIST OF A MINIMUM OF 10% NON-STUCCO ACCENT MATERIAL.
  - THE DEVELOPMENT SHALL PROVIDE GATED ACCESS.
  - THE DEVELOPMENT SHALL PROVIDE A MINIMUM OF 10% OPEN SPACE.
- A 30-FOOT MINIMUM LANDSCAPE SETBACK SHALL BE PROVIDED ALONG 59TH AVENUE AND ALONG ELLIOT ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL PROVIDE A MINIMUM OF 10% OPEN SPACE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL INSTALL A MINIMUM OF 20 INVERTED U-BICYCLE RACKS FOR GUESTS, INSTALLED PER THE REQUIREMENTS OF SECTION 1307.H.4 OF THE ZONING ORDINANCE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- A PEDESTRIAN CONNECTION SHALL BE PROVIDED BETWEEN THE R-3 AND C-1 PORTIONS OF THE SITE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 35-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
- THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY TO THE CITY FOR THIS DEVELOPMENT. THE CONCLUSIONS OF THE STUDY WILL BE USED TO DETERMINE THE REQUIRED ROADWAY AND TRAFFIC IMPROVEMENTS TO BE PROVIDED BY THE DEVELOPER. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE CITY. CONTACT MR. MATTHEW WILSON (602-262-7580) TO SET UP A MEETING TO DISCUSS THE REQUIREMENTS OF THE STUDY. THE TRAFFIC IMPACT STUDY SHALL ALSO BE SUBMITTED TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR REVIEW AND APPROVAL.
- THE DEVELOPER SHALL PROVIDE FOR A 55-FOOT HALF STREET RIGHT-OF-WAY DEDICATION FOR THE EAST SIDE OF 59TH AVENUE FOR THE ENTIRE LENGTH OF PROPERTY, EXTENDING TO ELLIOT ROAD. THIS SHALL INCLUDE 37 FEET OF PAVING FOR THE EAST HALF OF 59TH AVENUE.
- THE DEVELOPER SHALL PROVIDE FOR A 55-FOOT HALF STREET RIGHT-OF-WAY DEDICATION ON THE NORTH SIDE OF ELLIOT ROAD FROM 59TH AVENUE TO THE EXISTING RESIDENTIAL DEVELOPMENT TO THE EAST, INCLUDING 37 FEET OF PAVING FOR THE NORTH HALF OF ELLIOT ROAD AND ADDITIONAL IMPROVEMENTS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL PROVIDE FOR A 25-FOOT BY 25-FOOT RIGHT-OF-WAY TRIANGLE DEDICATION AT THE NORTHEAST CORNER OF THE 59TH AVENUE AND ELLIOT ROAD INTERSECTION.
- OPEN IRRIGATION FACILITIES ARE TO BE RELOCATED AND PIPED OUTSIDE OF THE RIGHT-OF-WAY. CONTACT SALT RIVER PROJECT TO IDENTIFY EXISTING LAND RIGHTS AND ESTABLISH AN APPROPRIATE PROCESS TO RELOCATE FACILITY. RELOCATIONS THAT REQUIRE ADDITIONAL DEDICATIONS OR LAND TRANSFER REQUIRE COMPLETION PRIOR TO OBTAINING PLAT AND/OR CIVIL PLAN REVIEW APPROVAL.
- THE DEVELOPER SHALL UNDERGROUND EXISTING OVERHEAD ELECTRICAL UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY THAT ARE IMPACTED OR TO BE RELOCATED AS PART OF THIS PROJECT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- THE DEVELOPER SHALL CONSTRUCT ALL STREETS WITHIN AND ADJACENT TO THE DEVELOPMENT WITH PAVING, CURB, GUTTER, 5-FOOT SIDEWALK, CURB RAMPS, STREETLIGHTS, LANDSCAPING AND OTHER INCIDENTALS, AS PER PLANS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL IMPROVEMENTS SHALL COMPLY WITH THE CURRENT ADA GUIDELINES.
- ANY REQUEST TO CHANGE, DELETE OR MODIFY STIPULATIONS SHALL BE PRESENTED THROUGH THE PLANNING HEARING OFFICER PROCESS AND NOTIFICATION SHALL BE GIVEN TO THE LAVEEN VILLAGE PLANNING COMMITTEE PRIOR TO THE PLANNING HEARING OFFICER HEARING.



SEQUENCING PLAN	
PHASE	DESCRIPTION
1	W. ELLIOT RD. FRONTAGE, S. 59TH AV FRONTAGE, 51 UNITS, 1 GARAGE, LEASING OFFICE, RESIDENCE CLUBHOUSE, AMENITIES
2	56 UNITS, 3 GARAGES
3	48 UNITS, 2 GARAGES
4	46 UNITS, 2 GARAGES
5	58 UNITS, 2 GARAGES
6	40 UNITS, 1 GARAGE



CITY OF PHOENIX

APR 19 2021

Planning & Development  
Department



ISOLA AT 202 AND  
ELLIOT

PRELIMINARY SITE  
PLAN



DATE DESCRIPTION  
04/02/21 1ST SUBMITAL

CHECKED BY: TBL

## REPORT OF PLANNING HEARING OFFICER ACTION

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

July 21, 2021

ITEM NO: 9

DISTRICT 8

SUBJECT:

Application #: PHO-1-21-Z-14-19-8  
Location: Approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road  
Existing Zoning: R-3  
Acreage: 22.87  
Request: 1) Modification of Stipulation 2 regarding general conformance to the site plan and elevations date stamped May 3, 2019.  
2) Modification of Stipulation 2.c regarding a maximum of 249 units.  
Applicant: Isola Elliot LLC  
Owner: Isola Elliot LLC  
Representative: Benjamin Tate, Withey Morris PLC

### **ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with additional stipulations.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this request on July 12, 2021 and recommended approval with a modification by a vote of 5-3-1.

### **DISCUSSION**

Benjamin Tate, representative with Withey Morris, gave an overview of the proposal and context related to the case. He stated the applicant originally sought to purchase the parcel to the south and include that property in the original rezoning case but could not come to an agreement with the owner at the time. He stated that this property has since been acquired and is currently the subject property of pending Rezoning Case No. Z-22-21. He noted that this case will help provide additional space for the multifamily development on the subject property of this PHO action. He stated that the increased size of the development will allow for a better site plan that alleviates issues that could have occurred if the site was developed in accordance with the stipulated site plan. He stated that the proposed site plan will incorporate the additional approximately 5 acres from Z-22-21, which will result in an overall increase in units, but decrease overall

density when compared to the stipulated site plan from 11.06 dwelling units per gross acre to 10.65 dwelling units per gross acre. He stated that open space would increase from 12% to 16% and that the main entrance would be relocated to Elliot Road which would alleviate traffic concerns along 59th Avenue. He provided a comparison between the stipulated plan and the conceptual site plan. He stated that the total unit count, when combining the subject area with the additional 5 acres from Z-22-21, will be 299. Mr. Tate reiterated the proposed site plan provides a better, more complete, and more cohesive land plan for the project and overall area.

Adam Stranieri, Planning Hearing Officer, asked Mr. Tate to clarify how many units would be in the subject property of the original Rezoning Case No. Z-14-19. Mr. Tate stated the number of units would increase from 249 to 264 units.

Dan Penton, member of Laveen Citizens for Responsible Development (LCRD), stated that he supports the request and noted that the proposed site plan would help reduce traffic on 59th Avenue when compared to the original request.

Phil Hertel, member of the LCRD, recommended that 24 parking spaces be available for guests on the south side of the development near the clubhouse recreation center and main entrance on Elliot Road. He stated that the recommendation from the Village Planning Committee to decrease the number of units within the approximately 28-acre site when combined with Z-22-21 to 255 units is unreasonable.

Linda Abegg, Laveen Village Planning Committee (VPC) member, gave an overview of the Laveen VPC discussion related to multifamily developments within Laveen. She stated that she is in support of the development and appreciates the improvements made to connectivity by implementing two access points on 59th Avenue and Elliot Road. She stated that by implementing the additional 5-acres into the site, the density will remain at a similar level as the original rezoning case. Mr. Stranieri asked for clarification on her position at the Laveen Village Planning Committee regarding her vote to modify the number of units allowed. Ms. Abegg stated that the original vote to approve the case as filed did not pass and that an additional vote was made to approve the case with a modification to the unit number which ended up passing. She stated she was in support because she believed the development should take place and that the modification was a middle ground that the Laveen VPC had agreed upon.

Mr. Tate stated that the comments made by the attendees of the hearing show the support from the community despite the questions raised at the Laveen VPC meeting and that they are presenting the case to the PHO as originally filed because the development would be at risk if the number of units were decreased to 280 units between the two rezoning sites. He stated that the proposed density is in line with the original case.

Mr. Stranieri stated that the situation is unique due to the related rezoning case and the recent acquisition of the property to the south, which incorporates a portion of the

proposed site plan in the PHO request. He stated the proposed site plan on the subject property of the PHO request alone shows improvements in terms of the configuration of the site regarding traffic flow, drive aisles, and building layout. He stated that the increase in units is modest and remains significantly below the hypothetical maximum density in the R-3 zoning district. He stated that the combined site allows for direct access to Elliot Road and improved open space. He stated he is inclined to approve the proposals as requested. He noted a department comment requiring a shared use path on the western side of the site, which would require an additional stipulation to the case. Mr. Tate asked for clarification regarding this requirement. Mr. Stranieri explained that the alignment of this shared use path had been impacted by the final alignment and agreements surrounding construction of the Loop 202 and acknowledged that the required path alignment may require further input from staff. He explained that his stipulation and finding would clarify that the path would be as approved, modified, and/or required by staff.

## **FINDINGS**

- 1) The applicant stated that before filing the original rezoning application, Rezoning Case No. Z-14-19, the applicant had sought to purchase the remnant parcel immediately south of the subject site and adjacent to Elliot Road. While they were unsuccessful at the time and subsequently rezoned and planned the subject property without this parcel, they have since acquired it and are now revising prior approvals to incorporate it into their planned development. Rezoning Case No. Z-22-21 is running on a roughly parallel path to this application and seeks to rezone the parcel to R-3, consistent with the subject property in this case.
- 2) The proposed conceptual site plan depicts a multifamily residential community on both the subject property of this PHO request and Rezoning Case No. Z-22-21 consisting of 299 units at an overall density of 15.23 dwelling units per gross acre. The applicant's request regarding Stipulation 2.c notes that 264 units are on the subject property of this PHO request (22.87 gross acres) for a density in this area of 11.54 dwelling units per gross acre. Dwelling units are a mixture of standalone detached and 1 and 2-bedroom duplex units. All units are single-story. Proposed conceptual elevations depict units styled similarly to conventional single-family homes with a mixture of materials and architectural features including corbels, tiled roof, board and batten, wood, varied window styles and framing, popouts, canopies, decorative doors, and more. The development is compatible with land uses in the surrounding area. The applicant's request for modification of Stipulation 2 to regarding general conformance to the proposed plans is recommended for approval.
- 3) The applicant requested a modification of Stipulation 2.c to increase the maximum unit count from 249 to 264 total dwelling units. This request

represents a modest increase in density from approximately 11.06 to 11.54 dwelling units per gross acre. This increase will also allow positive improvements to the overall circulation pattern on the site and the integration of the southern parcel as discussed in Finding 1. Further, as discussed in Finding 2, the density for the overall project (encompassing the subject property of Z-14-19 and Z-22-21) is 299 units at a density of 10.7 dwelling units per gross acre. This overall project density represents a reduction from the stipulated density of Z-14-19, when viewed at isolation (11.06 dwelling units per gross acre). The applicant's request is recommended to be approved.

- 4) The Parks and Recreation Department recommends a stipulation requiring the developer to provide a shared use path and related easement along the east side of 59th Avenue. This proposed shared use path is depicted on the City of Phoenix Facilities Map. The current proposed alignment shows a meandering pathway that crosses through multiple privately owned parcels along 59th Avenue and in other areas mirrors the alignment of the Loop 202 South Mountain Freeway. The recent construction of the Loop 202 may impact the final alignment of the shared use path in the surrounding area. Therefore, the stipulation is recommended for inclusion with the caveat that the trail is to be provided as approved, modified, and required by the Parks and Recreation and Planning and Development Departments. This language is intended to provide staff flexibility to further clarify the final location, dimension, and alignment of the shared use path and the intention for this path to be located along the east side of 59th Avenue.

**DECISION:** The Planning Hearing Officer recommended approval with additional stipulations.

## **STIPULATIONS**

1.	The conceptual site plan, landscape plan, lighting plan and building elevations for the commercial (C-1) portion of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval.
2.	The development shall be in general conformance with the site plan and elevations date stamped APRIL 19, 2021 May 3, 2019, as approved by the Planning and Development Department, and as modified by the following criteria:
a.	The front elevations shall consist of a minimum of 10% non-stucco accent material.
b.	The development shall provide gated access.

	c.	The development shall have a maximum of 249 264 units.
3.		A SHARED-USE PATH SHALL BE PROVIDED ALONG THE EAST SIDE OF 59TH AVENUE IN ACCORDANCE WITH THE CITY OF PHOENIX STANDARD TRAIL DETAIL AND AS APPROVED, MODIFIED, AND REQUIRED BY THE PARKS AND RECREATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.
4.		A 30-foot minimum landscape setback- shall be provided along 59th Avenue and along Elliott Road, as approved by the Planning and Development Department.
5.		
4.		The developer shall provide a minimum of 10% open space, as approved by the Planning and Development Department.
6.		
5.		The developer shall install a minimum of 20 inverted U-bicycle racks for guests, installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
7.		
6.		A pedestrian connection shall be provided between the R-3 and C-1 portions of the site, as approved by the Planning and Development Department.
8.		
7.		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.
9.		
8.		The applicant shall submit a Traffic Impact Study to the City for this development. The conclusions of the study will be used to determine the required roadway and traffic improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson (602-262-7580) to set up a meeting to discuss the requirements of the study. The Traffic Impact Study shall also be submitted to the Arizona Department of Transportation for review and approval.
10.		
9.		The developer shall provide for a 55-foot half street right-of-way dedication for the east side of 59th Avenue for the entire length of property, extending to Elliot Road. This shall include 37 feet of paving for the east half of 59th Avenue.
11.		
10.		The developer shall provide for a 55-foot half street right-of-way dedication on the north side of Elliot Road from 59th Avenue to the existing residential development to the east. Include 37 feet of paving for the north

	half of Elliot Road and additional improvements, as approved by the Planning and Development Department.
12.	The developer shall provide for a 25-foot by 25-foot right-of-way triangle dedication at the northeast corner of the 59th Avenue and Elliot Road intersection.
13.	Open irrigation facilities are to be relocated and piped outside of the right-of-way. Contact Salt River Project to identify existing land rights and establish an appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
14.	The developer shall underground existing overhead electrical utilities within the public right-of-way that are impacted or to be relocated as part of this project, as approved by the Planning and Development Department.
15.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, 5-foot sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
16.	Any request to change, delete or modify stipulations shall be presented through the Planning Hearing Officer process and notification shall be given to the Laveen Village Planning Committee prior to the Planning Hearing Officer hearing.
17.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

**LAVEEN VILLAGE PLANNING COMMITTEE**

Meeting Minutes

Monday, July 12, 2021

Meeting was held electronically via a video conferencing platform

**Members Present**

Tonya Glass, Chair  
Linda Abegg, Vice Chair  
Robert Branscomb  
Cinthia Estela  
Stephanie Hurd  
Gizette Knight  
Carlos Ortega  
Jennifer Rouse  
Sharifa Rowe

**Members Excused**

Gary Flunoy  
Rochelle Harlin  
Christopher Joseph

**Staff Present**

Sofia Mastikhina

1. Call to order, introductions and announcements by Chair.

The meeting was called to order at 6:30 p.m. with a quorum of 7 members.

2. Review and approval of the June 14, 2021, meeting minutes.

**MOTION**

**Stephanie Hurd** moved to approve the June 14, 2021 meeting minutes. **Jennifer Rouse** seconded the motion.

**VOTE**

**7-0**, Motion to approve, with Committee Members Glass, Abegg, Branscomb, Estela, Hurd, Ortega, and Rouse in favor.

3. Public comment concerning items not on the agenda.

*Committee member Rowe logged on during this item, bringing the quorum to 8 members.*

**Phil Hertel** expressed concern with the growing number of multifamily residential developments in the Laveen area and urged the committee and the community to take a stand against any additional such projects.

**Dan Penton** echoed Mr. Hertel's comments, noting that the area along the freeway is supposed to be a tech corridor, not a rental corridor. He stated that all that space will be lost to residential, when it should be filled with job-generating uses instead.

4. **INFORMATION ONLY – Z-TA-3-19: Presentation and discussion on a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts..**

**Sofia Mastikhina**, staff, provided an overview of the proposed text amendment, which would expand the applicability of the Walkable Urban (WU) Code citywide. She explained that currently, only properties along the light rail corridors are eligible to request this form-based zoning district, and that the proposal would allow for properties that are not along the light rail to request WU Code zoning. She outlined the proposed changes to the Zoning Ordinance and noted that the text amendment initiation language includes reference to changing minimum acreage requirements for charter schools – this will not be addressed in this text amendment.

## **PUBLIC COMMENT**

**Dan Penton** asked if staff can provide a workshop to committee and community members to provide a more in-depth explanation of the WU Code, as it is not something that Laveen has dealt with before. He asked if this text amendment would make it applicable to Laveen.

**Mastikhina** replied yes, a workshop can be arranged, and explained that, if this text amendment is approved, the WU Code zoning would be applicable citywide. However, it does not automatically change individual properties' zoning designations. A property owner would still need to go through the regular rezoning process to request WU Code zoning, just like any other zoning district.

**Cory Kinkaid**, with the Urban Phoenix Project, explained the goal of his organization, which is to help Phoenix become a city where walking, biking, and transit are comfortable and convenient options. He expressed support for the text amendment, stating that it would greatly improve walkability throughout the city.

## **COMMITTEE QUESTIONS**

**Robert Branscomb** asked staff to explain the committee that reviews WU Code applications, and if they provide a recommendation to the City Council on these types of developments.

**Mastikhina** replied that there is one committee, the Design Review Committee, which reviews and approves applications for design alternatives that deviate from the standards set forth in the WU Code. They review to ensure that the intent of creating a walkable urban fabric is upheld via proposed design alternatives. They are also a quasi-judicial hearing body, much like the Zoning Adjustment Hearing Officer, and their decision is final. If appealed, the case will ultimately go to the Arizona Supreme Court.

**Chair Tonya Glass** expressed her support for the proposal and asked if there will also be development of corridor plans to aid in achieving the architectural aesthetic that the community wants for Laveen. **Mastikhina** replied that this is a great idea, and that subsequent plans and policies following the adoption of this text amendment, as they relate to the appropriateness of a form-based code depending on individual village character, is something that staff may pursue.

5. 5. Z-22-21-8: Presentation, discussion, and possible recommendation regarding a request to rezone approximately 5.26 acres located approximately 375 feet east of the northeast corner of 59th Avenue and Elliot Road from S-1 (Ranch or Farm Residence), S-1 (Approved R1-8 PCD) (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District), and S-1 (Approved C-1 PCD) (Ranch or Farm

Residence, Approved Neighborhood Retail, Planned Community District) to R-3 (Multifamily Residence District) to allow multifamily residential development.

*Committee member Knight logged on during this agenda item, bringing the quorum to 9 members.*

**Sofia Mastikhina**, staff, provided an overview of the request, including the size, location, current and surrounding zoning and land uses, and General Plan Land Use Map designation. She explained that this case is a continuation of the single-family for rent development which was approved on the property to the north, and that this subject site will provide space for more units, more open space, and an additional vehicular entry on Elliott Road. The remainder of the site to the north is addressed in Agenda Item No. 6, PHO-1-21—Z-14-19-8 and will be voted on separately. She presented staff's findings, recommendation for approval, and recommended stipulations.

**Benjamin Tate**, representative with Withey Morris, explained that the site in question is 5.26 acres in size and is an additional part of the 249-unit development that was approved on the property to the north. He stated that the addition of this additional acreage will provide the development with frontage onto Elliott Road. He provided some background information on the property, stating that the subject site was always intended to be a part of the development that the committee approved in 2019, but that the developer was not able to reach terms with the property owner in time for the entitlement process. It was only recently that this parcel was able to become a part of the overall development. He explained that additional units will now be provided on the overall site but that, with the additional five acres, more open space is able to be provided, and the overall density for the development has decreased. He provided an overview of the main site features such as the frontage elements on Elliott Road including the proposed landscape setback and multi-use trail.

### **COMMITTEE QUESTIONS**

**Robert Branscomb** expressed concern with expanding multifamily residential uses in Laveen and the potential hindrance this may cause in creating the Loop 202 high tech employment corridor.

**Chair Tonya Glass** asked if parking areas are included in the open space calculations. **Tate** replied no, and staff confirmed.

**Stephanie Hurd** stated that the committee has to be careful with approving these types of projects, no matter how nice the elevations may look. She expressed concern with the number of multifamily units in Laveen and the reduction in opportunities for retail that is not just fast food restaurants and other chains.

**Vice Chair Linda Abegg** agreed with the comments regarding expansion of multifamily units in Laveen yet reminded the committee that the majority of this development was already approved in 2019. The addition of these five acres is preferable to create a nice frontage along Elliott Road and a cohesive development, instead of being sold off independently for an ill-fitting project. She also stated that the additional five acres will allow for more open space to be provided. **Hurd** noted that Laveen did not have as many multifamily units two years ago,

when this was approved.

**Tate** addressed the concerns regarding the diminishment of retail opportunities and explained that commercial developers are waiting for a critical mass of rooftops to make sure that there will be enough people to support new commercial sites. He added that he presented this case for the Laveen Citizens for Responsible Development group and received unanimous approval. **Chair Glass** stated that the community has been hearing about the need for additional rooftops for years, yet no notable commercial development has come to Laveen. Further, schools are not able to accommodate the new units at the rate they are being built, there is no police service, and not enough infrastructure to support it all. **Hurd** agreed with the Chair's comments, stressing that Laveen will end up with many more rooftops than they desire and there will be no retail to serve it all.

### **PUBLIC COMMENT**

**Dan Penton** stated that the original case was praised by the committee for its design and scale, and that he would much rather see this development while driving from the Loop 202 than a mass of single-family brown rooftops. This will provide a much more desirable appeal with the porte-cochere and split rail fencing along Elliott, which will create a true sense of arrival. The project will be a better fit for this area and will help alleviate potential traffic issues.

**Phil Hertel** stated that this is adding five acres onto an already approved case. Although it is adding multifamily units, the LCRD approved it with a stipulation: that parking be available for guests to park in front of clubhouse area if they are visiting a resident that is having a party in the amenity area. That parking in the front be uncovered, open to guests, and that gated entry be behind it. He asked the committee to include these stipulations in their recommendation. He then asked what contributions the applicant has made to the school district for the proposed added rooftops. **Tate** replied that the applicant has not executed a developer assistance agreement yet, but that the developer is reviewing the school district's proposal of 350 dollars per door. He also stated that the applicant can accommodate additional parking spaces in front of the amenity area but that, due to the overall configuration of the site, they will not be able to be located outside of the security gate area.

### **COMMITTEE QUESTIONS**

**Carlos Ortega** asked if the committee can postpone voting on this case until an agreement is reached with the school district and the applicant can redesign the site to accommodate the additional guest parking. **Vice Chair Abegg** explained that the committee can stipulate the parking as part of their motion but that they cannot stipulate any school district contributions. She mentioned that the school district superintendent had sent her a message that they have a verbal agreement with the applicant and that they don't expect as many children from this type of development.

**Branscomb** asked if there is a height limitation. **Mastikhina** replied that staff is recommending a stipulation to limit the maximum building height to 30 feet.

### **MOTION**

**Vice Chair Abegg** made motion to approve the request with an additional stipulation that the developer provide a minimum of 24 guest parking spaces in close proximity to the clubhouse

amenity area, inside the security gates. **Carlos Ortega** seconded the motion.

**VOTE**

**3-6:** Motion fails with committee members Glass, Abegg, and Ortega in favor and committee members Branscomb, Estela, Hurd, Knight, Rouse, and Rowe opposed.

**Stephanie Hurd** stated that the village cannot have more multifamily units and that the committee needs to take a stand against expansion of this land use.

**Branscomb** made a motion to approve the request with additional stipulations that the developer provide a minimum of 24 parking spaces in close proximity to the clubhouse amenity area, and that the maximum building height be 20 feet. **Ortega** seconded the motion.

**Stephanie Hurd** made a competing motion to deny as filed. **Jennifer Rouse** seconded the motion.

**VOTE**

**5-3-1:** Competing motion to deny passes with Committee members Glass, Estela, Hurd, Rouse, and Rowe in favor, committee members Abegg, Branscomb, and Ortega opposed, and committee member Knight abstaining.

**ADDITIONAL MOTION**

After hearing Agenda Item No. 6 (PHO-1-21—Z-14-19-8), **Cinthia Estela** made a motion to reconsider Agenda Item No. 5, Z-22-21-8. **Sharifa Rowe** seconded the motion.

**RECONSIDERED MOTION**

**Rowe** expressed frustration with the concept of approving this request for additional units simply because 249 units were already approved three years ago on the parcel to the north and made a motion to deny the request so that the developer is held to the previously approved density on that parcel. **Gizette Knight** seconded the motion.

**Vice Chair Abegg** made a competing motion to approve the request with the following additional stipulations:

- The developer shall provide a minimum of 24 parking spaces in close proximity to the primary amenity pool area;
- The maximum building height shall be 22 feet;
- There shall be a maximum of 35 units.

**Robert Branscomb** seconded the motion.

**VOTE**

**4-5:** Motion fails with committee members Glass, Abegg, Branscomb, and Ortega in favor and committee members Estela, Hurd, Knight, Rouse, and Rowe in opposition.

**Carlos Ortega** stated that a further reduction in units would be preferable and made a motion to approve the request with the following additional stipulations:

- The developer shall provide a minimum of 24 parking spaces in close proximity to the primary amenity pool area;
- The maximum building height shall be 22 feet;

- There shall be a maximum of 30 units.

**Cinthia Estela** requested to amend the motion to further reduce the unit count to 25. **Ortega** accepted the amendment. **Estela** seconded the motion.

## **VOTE**

**6-3:** Motion passes with committee members Glass, Abegg, Branscomb, Estela, Ortega, and Rowe in favor and committee members Hurd, Knight, and Rouse in opposition.

6. **PHO-1-21--Z-14-19-8: Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road. Request to modify stipulation numbers 2 and 2.c regarding general conformance to the site plan and elevations date stamped May 3, 2019 and maximum of 249 units.**

**Sofia Mastikhina**, staff, provided an overview of the request, including its location, zoning, surrounding land uses, and proposed stipulation modifications. She then presented the stipulated site plan and elevations, and the proposed site plan and elevations. She explained that the new site plan incorporates five additional acres that were not part of the original rezoning case and are part of the previous agenda item, Rezoning Case No. Z-22-21-8.

**Benjamin Tate**, representative with Withey Morris, explained that this request is to update the site plan to account for the additional five acre parcel that has been incorporated into the development and was the subject of the previous agenda item (Z-22-21-8). The additional acreage resulted in a reconfiguration and addition of residential units, additional open space, and an overall lower density than what was approved in 2019. He then presented the proposed site plan and elevations.

## **COMMITTEE QUESTIONS & COMMENTS**

**Carlos Ortega** asked if this case will now be denied since Z-22-21 was denied, and it was tied to the same site plan. **Mastikhina** explained that these two cases are independent of each other, so the committee is not obligated to provide the same recommendation as the previous agenda item. **Ortega** asked if there is an increase in number of units on the originally approved portion of the development. **Tate** explained that yes, the additional five acres resulted in an increase in the number of units however, with the increased open space and how the units are arranged, the overall density is now lower than what was originally approved. **Ortega** noted that the committee could have approved the request for the additional five acres (Z-22-21-8) and limited the number of units so that the overall development still has the same number of units that was originally approved in Z-14-19-8 but with more open space from the additional acreage.

**Vice Chair Abegg** asked if the site plan is now feasible since the five acres were denied by the committee. **Tate** replied that the proposed site plan likely wouldn't work without the entitlement for the additional five acres. **Vice Chair Abegg** noted that the motion for this subject case should then be a denial.

## **PUBLIC COMMENT**

**Dan Penton** stated that this decision would be a great disservice to the community, as denying it would result in five acres of land being left vacant. This project could provide an

appealing streetscape and entrance on Elliott Road. Further, a standalone five-acre parcel has limited development opportunities and will likely result in development of uses that the community does not want, such as drive-thru restaurants.

**Phil Hertel** expressed his concern with the committee's vote to deny the previous and, possibly, this case, as they can continue to move through the entitlement process. The denial will not survive the process. He also stated that he agrees with the committee's opposition to additional multifamily units in Laveen, but that this may not be the project to take a stand. He asked that the committee reconsider the previous vote with additional stipulations, as he does not believe a motion to deny will be upheld at the Planning Commission hearing.

### **COMMITTEE QUESTIONS & COMMENTS**

**Robert Branscomb** reminded the committee that they have previously discussed the implications of a denial recommendation when a case progresses through the public hearing process. He stated that his biggest concern with this case is the height, and that he'd like to include a maximum height restriction of 30 feet.

**Ortega** stated that he thinks most committee members voted to deny as they were influenced by the public comment provided at the start of the meeting regarding the community's frustration with the increasing number of multifamily units in Laveen.

**Sharifa Rowe** stated that this process has been frustrating and that her vote was not influenced by the public comment. She noted that she has been on the committee for six months and it seems that these cases move through the process regardless of what the committee and the community want. She expressed her frustration with being forced to approve a case just because a denial would get disregarded by the next hearing body. **Vice Chair Abegg** explained that other hearing bodies may not necessarily understand the context of the Laveen Village Planning Committee's recommendation and stated that she always attends the next hearings for each case to provide public comment and explain that context. She noted that the other hearing bodies are very responsive to that follow through and urged other committee members to do the same so ensure that the community's voice is heard as cases move through the process. **Chair Tonya Glass** agreed with the Vice Chair's comments and noted that great successes have come from committee and community members attending and providing the local perspective at subsequent hearings.

**Stephanie Hurd** stated that the committee needs to take a harder stance on incoming multifamily projects so that developers start bringing projects that the community actually wants. She expressed frustration with the community's long-term vision for Laveen, such as keeping a rural aesthetic south of Baseline Road and south of Dobbins Road, having been dismissed. She pointed out that the committee's strategy for recommendations on these cases has not gotten them anywhere.

**Ortega** shared that a few years ago, the committee had almost unanimously voted yes on a project he didn't believe was right for Laveen, with his being the only dissenting vote. He had attended the subsequent meetings to express his concerns and was able to guide the hearing bodies towards a denial. This is an example of the importance of attending hearings after this one.

**Chair Glass** asked if there is a way for the committee to revisit the previous agenda item (Z-22-21-8). **Mastikhina** explained that a committee member who originally voted against the agenda item would have to make a motion to reconsider it. The motion would need a second, and a vote would not be needed to reconsider. Typically, this is done at a subsequent meeting and the agenda item is scheduled for a future meeting for reconsideration but, since all interested parties are still present, they could do so at this same meeting.

**Cinthia Estela** made a motion to reconsider Z-22-21-8. **Rowe** seconded the motion. *Agenda Item No. 5, Z-22-21-8, was reconsidered and recommended for approval with a modification and additional stipulations.*

**Hurd** asked for clarification on how the committee can reduce the proposed density. **Mastikhina** explained that the committee can vote to deny the request as filed and approve with a modification to the requested number of residential units.

**Tate** stated that the developer cannot accommodate a reduction in density as they are already staying within the approved 10 dwelling units per acre, which was critical to maximize in order to maintain financial viability of the project. **Hurd** replied that the committee hears this every time a project comes through.

**Ortega** asked for clarification regarding the discrepancy in number of units being requested in this case (264 units) and the number of units shown on the proposed site plan (299). **Tate** explained that the 299 units reflect the overall site plan, which includes the additional five acres of Rezoning Case No. Z-22-21-8. There will be 35 units on that portion of the site. The site subject to this PHO case will have a total of 264 if approved. This brings the overall total to 299 units.

#### **MOTION**

**Vice Chair Linda Abegg** made a motion to approve the request as filed. **Hurd** requested to amend the motion to limit the development to 255 units. **Robert Branscomb** seconded the motion.

**Rowe** asked for clarification regarding the relationship between the additional five acres and the additional 50 units being proposed. **Vice Chair Abegg** explained that a portion of the open space area from the original approved site plan was moved to the five-acre parcel, which resulted in a new configuration of the units and more units being moved into the original rezoning case boundary, as opposed to just being added in the five-acre parcel. She also stated that this area will have more traffic in the future due to rapid development and that she would prefer to see the additional entrance on Elliott Road to help the flow of traffic.

**Rowe** asked if this project is receiving any subsidies. **Tate** replied that this is a completely privately funded development. He also clarified that the additional five acres were always intended to be included in the original rezoning case in 2019. However, the developer and the owner of the five-acre property were not able to come to terms in time for the entitlement process, so the parcel was left out of that rezoning case. It was not until a couple of years later that the property owner was ready to reach an agreement, which is why the entitlement is being requested separately.

**VOTE:**

**5-3-1:** Motion passes with committee members Glass, Abegg, Branscomb, Estela, and Ortega in favor, committee members Knight, Rouse, and Rowe in opposition, and committee member Hurd abstaining.

7. Staff update on cases recently reviewed by the Committee.

None.

8. Committee member announcements, requests for information, follow up, or future agenda items.

**Stephanie Hurd** asked if there is a staff person in the city that she can contact to discuss attracting retail businesses to Laveen. **Mastikhina** replied that the Community and Economic Development Department has a retail project manager that she can get her in touch with. **Chair Tonya Glass** added that she and the Vice Chair have also been in contact with the director of that department and have expressed the same desire to bring more quality retail businesses to Laveen.

9. Adjournment.

**Ortega** moved to adjourn the meeting. **Estela** seconded the motion.

The meeting adjourned at 9:41 p.m.