

Attachment D

CORRECTION TO DEPARTMENT DUE DATE

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



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

From: Joshua Bednarek
Planning & Development Department Director

Date: April 23, 2025

Subject: P.H.O. APPLICATION NO. PHO-1-25--Z-63-06-7 – 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 **May 21, 2025**.
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 ***April 30, 2025.**

DISTRIBUTION

Mayor's Office (Tony Motola), 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 (Skitch Kitchen)
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 (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 Luna, Estrella Village)
Village Planning Committee Chair (Parris Wallace, Estrella Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-25--Z-63-06-7

Council District: 7

Request For: Stipulation Modification

Reason for Request: Request to delete Stipulation 2B regarding undulation of the wall along Grant Street.;Request to modify Stipulation 3 regarding the landscape setback along Grant Street.;Request to modify Stipulation 5 regarding the right-of-way dedication for the north half of Grant Street.;Request to modify Stipulation 7 regarding the completion timeframe for all improvements.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Saul Trevizo	Owner	13632 West La Reata Avenue, Goodyear, AZ 85395	6232930201		trevizosaul02@gmail.com
Brent A. Powers Esq., Faith Law	Applicant	1360 North Bullard Avenue, Suite 201 Goodyear AZ 85395	623-932-0674		bpowers@faithlaw.com
D. Alexander Baker Esq., Faith Law	Representative	1360 North Bullard Avenue, Suite 201 Goodyear AZ 85395	623-932-0430		abaker@faithlaw.com

Property Location: Approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street

Acreage: 1.46

Geographic Information

Zoning Map	APN	Quarter Section
F6	106-23-120C	Q9-20
F6	106-23-117	Q9-20
F6	106-23-119	Q9-20
Village: Estrella		

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 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: _____

Fee Information

Fee	Fee Waived	Fee Date	Purpose
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\$1,725.00	\$0.00	04/03/25	PHO (3+ stipulations)
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Introduction

Our firm represents Saul Treviso, as the owner of Maricopa County Parcel Numbers 106-23-119, 106-23-117, 106-23-120C, 106-23-116F, also known as 3530 W. Lincoln St., Phoenix, Arizona 85009, and specifically with respect to Mr. Treviso's request to modify four (4) of the Stipulations set forth by the City of Phoenix in Case Number Z-63-06-7.

The background on this project dates back to July 19th 2005, when Mr. Treviso filed pre-application meeting request, he was given number #05-115, requesting that the board change the existing zoning of the back of the property from R-3 to A-1. During this process, Mr. Treviso delegated his zoning case by allowing an accountant, Luis Blanco, and bookkeeper, Olaya Nevarez, to represent him. Additionally, Mr. Treviso received some assistance with the property from his nephew, Ramiro Trevizo Jr., until Blanco and Nevarez took full control of the case in May 2006. Throughout the remainder of 2006, Blanco and Nevarez assisted Mr. Trevizo by advising Mr. Trevizo to sign the Ownership Verification Form, hire an Engineer, interfaced with D&B Utility to produce all necessary plat information and render drawings, and created a notification list of all local nearby residents that would be impacted by the requested zoning change.

During this process, Mr. Trevizo received a single letter in response to the pending rezoning from the Street Transformation Department. The June 5, 2006 letter indicated that there must be a right of way totaling 25 feet, and that the developer shall construct all streets adjacent to the development with sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the City. Otherwise, the clearance list given had no other advice. At that point, Mr. Trevizo's Application No. Z-63-06-7 was created.

After some back and forth with council on December 13, 2006, Mr. Trevizo received Staff approval for the project. In that staff report, staff found that the R-3 to A-1 change is consistent with the transitional change in this neighborhood. Consistent therewith, on December 29th, 2006, Mr. Trevizo was given permission to change the R-3 to A-1 zoning with stipulations.

Why Mr. Trevizo is here today

During this entire process, Mr. Trevizo was advised by Blanco and Nevarez that the Property had been granted the necessary approved entitled zoning as a result of the December 29th, 2006 approval from the City of Phoenix. Importantly, Blanco and Nevarez did not notify Mr. Trevizo that there were stipulations attached to the December 29, 2006 approval that needed to be completed by Mr. Trevizo in order to vest the approved zoning. Thus, for the subsequent 16 years, Mr. Treviso has been using the property as is, and only learned about the required stipulations when he was cited for a violation by NSD. In fact, Mr. Trevizo never received any of the notifications during the 2005-2007 time period, and only is informed about the background information from a public records request on October 16th, 2024. If he knew about this, he would have done the necessary changes 16 years ago to vest his zoning and keep his business running. Mr. Trevizo is ready, able, and is willing to do almost all of the stipulations at this time.

Additionally, on January 30, 2025, Mr. Trevizo and Council meet with internal staff to discuss about Application No. Z-63-06-7 as the stipulations are not clear. Topics such as calculating the 25-foot landscape setback as from the center of the road and using the term undulating fences not being used anymore for stipulations were addressed and resolved. Now that Mr. Trevizo has a better understanding of these topics, the requests made should be more self-explanatory.

Requests

Stipulation No. 2

Stipulation No. 2B adds a burden to Mr. Trevizo that is an unnecessary burden so long as Stipulation No 3 is followed as discussed later.

2. That the wall shall be constructed on all 4 sides of the site except for an area on the north side where the property is adjacent to 3533 and 3539 West Lincoln Street and where the emergency vehicle access gate is located along Grant Street. The wall and gate shall at a minimum meet the below requirements as approved or modified by the Development Services Department.

A. That the wall shall be decorative in design, smooth stucco and/or split face block.

~~B. Undulation of the wall along Grant Street shall be provided every 45 feet.~~

Rationale: If stipulations 5 and 3 are granted, as discussed later, there would be no changes in the wall design. Additionally, the wall will be blocked/covered from people on the street. Undulation would just be an additional design feature that would most likely be hidden behind the caliper trees. The wall is a nicely colored split face block and eliminates any view of the interior of the property. Adding an undulating wall detracts from the character of the neighborhood, and further make this lot appear incompatible with the existing zoning. No other property surrounding this property has an undulated fence. Accordingly, Mr. Trevizo seeks to delete stipulation 2B.

C. B. That the wall height shall be a minimum of 8 feet.

D. C. That a solid gate shall be provided, along Grant Street, (for emergency vehicle access only) that eliminates any view of the site interior.

Stipulation No. 3

Stipulation No. 3 is fair to Mr. Trevizo so long as the distance is changed.

3. That a ~~2522.8~~-foot landscape setback shall be provided along Grant Street and shall include 3 to 4 inch caliper trees spaced a distance of 20 feet on center or in equivalent groupings as approved by the Development Services Department.

Mr. Trevizo would be happy to follow this stipulation so long as he does not have to remove the wall. The explanation is explained in stipulation No. 5. Accordingly, Mr. Trevizo seeks to modify stipulation 3 such that this reduction in the landscape setback can be approved by the Planning and Development Department.

Stipulation No. 5

Stipulation No. 5 is unclear in what it is asking and has created issue with interpretation to what should or should not be dedicated by Mr. Trevizo. It is our best belief, and discussed on January 30th with internal staff, that it was meant to be 25' from the centerline of Grant Street.

5. That right-of-way totaling ~~2522.8~~ feet shall be dedicated for the north half of Grant Street as approved by the Development Services Department, UNLESS IF ANY NEW UTILITIES OR

OTHER PUBLIC USES REQUIRE ADDITIONAL DISTANCE UP TO THE 25 FEET SETBACK, THE OWNER WILL GRANT THAT ADDITIONAL ROOM TO THE CITY.

Looking at this property, the wall is in line with other properties in the neighborhood. The current state of the Property and surrounding area are such that (1) the Property already has an 8-foot setback from the curb of the road, (2) all other properties besides two, are set at that 8-foot distance, and (3) by pushing back the setback, it would detract from the character of the neighborhood, and further make this lot appear incompatible with the existing zoning. This is a considerable burden for only 2.2 feet of additional room. This would cause Mr. Trevizo to tear down his wall, and recreate a wall that would have a slight, but impactful distance from the neighbors' walls. Mr. Trevizo will propose that if any new utilities need to be put further back than the 22.8-foot distance, Mr. Trevizo would grant the city the additional space as needed for that 2.2 feet. Accordingly, Mr. Trevizo seeks to modify stipulation 5 such that this reduction in the setback can be approved by the Planning and Development Department. *See attached* Proposed Modifications.

Stipulation No. 7

Stipulation 7 just a timing issue, as Mr. Trevizo needs an extension for completion of his project.

7. That all improvements, as addressed in the above stipulations, shall be completed with ~~18~~¹² months of ~~City Council~~ **PHO APPROVAL**. Evidence that shows completion of all improvements shall be submitted to the Planning Hearing Officer for Administrative Review to ensure compliance.

Mr. Trevizo wants to complete these changes as fast as possible so he can be fully compliant. *See attached* Proposed Modifications. Accordingly, Mr. Trevizo seeks to modify stipulation 7.

Conclusion

We believe that most of the modifications were fair and are willing to put those improvements in. For the ones that needs changing, we only deleted one in it's entirely, and the others are just a distance or time requirement. We urge the City to grant the requested relief. Thank you for your time and consideration.



Alex D. Baker

Attorney at Faith Law



Saul Trevizo

Property Owner

Summary Chart

Stipulations/Summary	Changes If Any
1. No Change	That only emergency vehicle access shall be allowed from Grant Street
2. Delete Part B	<p>That the wall shall be constructed on all 4 sides of the site except for an area on the north side where the property is adjacent to 3533 and 3539 West Lincoln Street and where the emergency vehicle access gate is located along Grant Street. The wall and gate shall at a minimum meet the below requirements as approved or modified by the Development Services Department.</p> <p>A. That the wall shall be decorative in design, smooth stucco and/or split face block.</p> <p>B. Undulation of the wall along Grant Street shall be provided every 45 feet.</p> <p>C. B. That the wall height shall be a minimum of 8 feet.</p> <p>D. C. That a solid gate shall be provided, along Grant Street, (for emergency vehicle access only) that eliminates any view of the site interior.</p>
3. Change 25' to 22.26'	That a 25 22.8 -foot landscape setback shall be provided along Grant Street and shall include 3 to 4 inch caliper trees spaced a distance of 20 feet on center or in equivalent groupings as approved by the Development Services Department.
4. No Change	That the landscape materials provided within the Grant Street landscape setback area shall be from the guidance provided in the Estrella Village Arterial Street Landscape Program as approved by the Development Services Department.
5. Change 25' to 22.26'	That right-of-way totaling 25 22.8 feet shall be dedicated for the north half of Grant Street as approved by the Development Services Department, UNLESS IF ANY NEW UTILITIES OR OTHER PUBLIC USES REQUIRES ADDITIONAL DISTANCE UP TO THE 25 FEET SETBACK, THE OWNER WILL GRANT THAT ADDITIONAL ROOM TO THE CITY.

6. No Change	That the developer shall construct all streets adjacent to the development with sidewalk, curb ramps, streetlights, and landscaping and with other incidentals as per plans approved by the city. All improvements shall comply with all ADA standards.
7. Change timeframe to 12 months	That all improvements, as addressed in the above stipulations, shall be completed with 18 12 months of City Council PHO APPROVAL. Evidence that shows completion of all improvements shall be submitted to the Planning Hearing Officer for Administrative Review to ensure compliance.
8. No Change	That prior to site plan approval that both applicant and landowner execute a waiver of claims under proposition 207 in a form approved by the City Attorney's Office. Said waiver shall be recorded by the city and place in the application file for record.



City of Phoenix
PLANNING DEPARTMENT

December 29, 2006

Mr. Saul Trevizo
13632 West La Reata Avenue
Goodyear, Arizona 85338

Dear Applicant:

RE: **Z-63-06-7** Approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on December 13, 2006, concurred with the recommendation of the Planning Commission and the Zoning Hearing Officer and has ratified application Z-63-06-7 from R-3 to A-1 on approximately 1.46 acres, subject to the following stipulations:

STIPULATIONS

1. That only emergency vehicle access shall be allowed from Grant Street.

WALL ELEVATIONS

2. That the wall shall be constructed on all 4 sides of the site except for an area on the north side where the property is adjacent to 3533 and 3539 West Lincoln Street and where the emergency vehicle access gate is located along Grant Street. The wall and gate shall at a minimum meet the below requirements as approved or modified by the Development Services Department.

- A. That the wall shall be decorative in design, smooth stucco and/or split face block.
- Del** ☒ B. Undulation of the wall along Grant Street shall be provided every 45 feet.
- C. That the wall height shall be a minimum of 8 feet.
- D. That a solid gate shall be provided, along Grant Street, (for emergency vehicle access only) that eliminates any view of the site interior.

LANDSCAPE IMPROVEMENTS

- Mod 3. That a 25-foot landscape setback shall be provided along Grant Street and shall include 3 to 4 inch caliper trees spaced a distance of 20 feet on center or in equivalent groupings as approved by the Development Services Department.
4. That the landscape materials provided within the Grant Street landscape setback area shall be from the guidance provided in the Estrella Village Arterial Street Landscape Program as approved by the Development Services Department.

STREET IMPROVEMENTS

- Mod 5. That right-of-way totaling 25 feet shall be dedicated for the north half of Grant Street as approved by the Development Services Department.
6. That the developer shall construct all streets adjacent to the development with sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the city. All improvements shall comply with all ADA standards.

PHO ACTION

- Mod 7. That all improvements, as addressed in these above stipulations, shall be completed within 18 months of City Council approval. Evidence that shows completion of all improvements shall be submitted to the Planning Hearing Officer for Administrative Review to ensure compliance.
8. That prior to site plan approval that both applicant and landowner execute a waiver of claims under proposition 207 in a form approved by the City Attorney's Office. Said waiver shall be recorded by the city and placed in the application file for record.

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

Sincerely,



Carol R. Johnson, AICP
Principal Planner

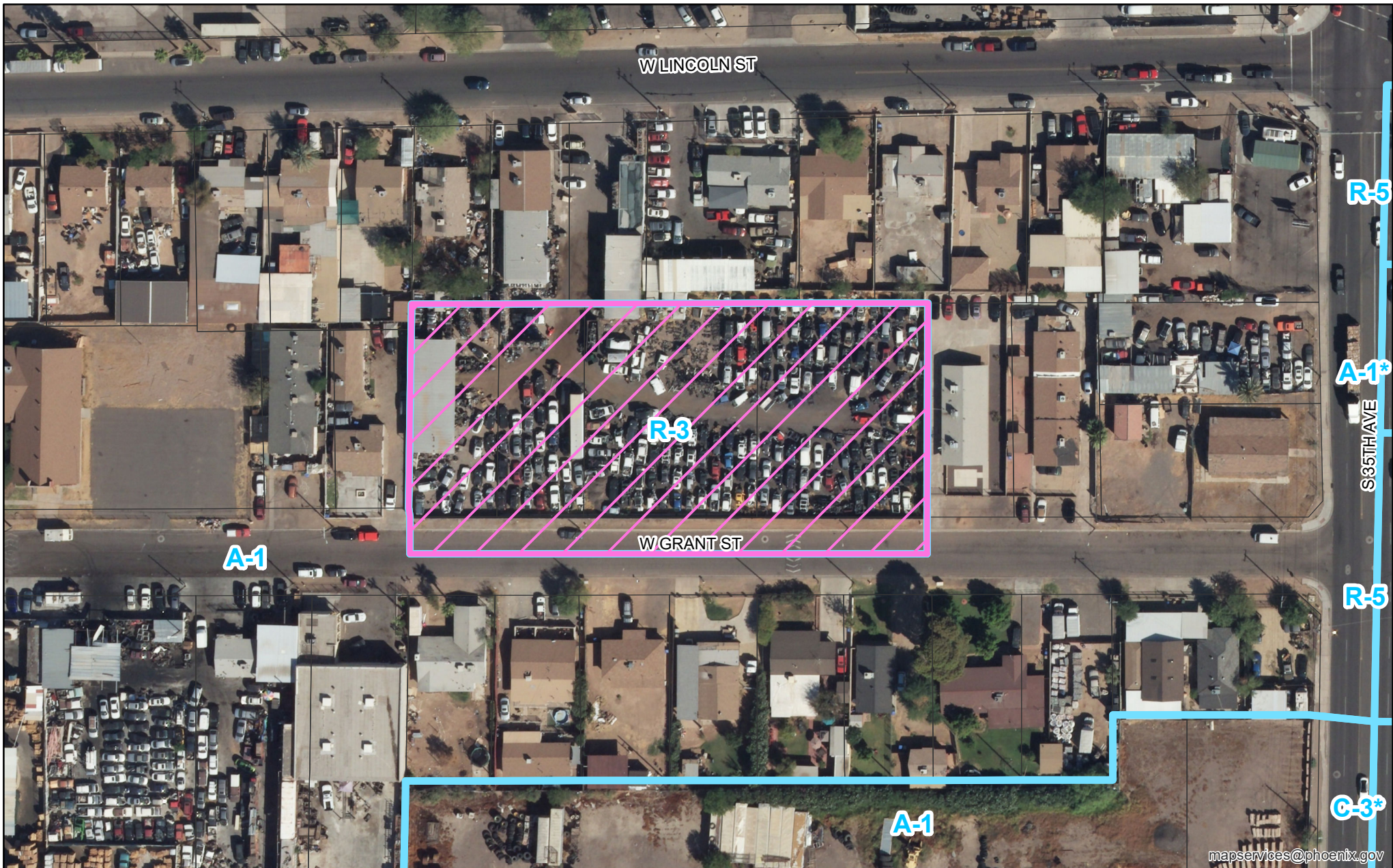
Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Carol R. Johnson, AICP
Principal Planner

CC: Lilia Olivarez/PLN/PHX (e-mail)
Files
Aubrey Anaya/PLN/PHX (e-mail)
Mark Melnychenko/PTD/PHX (e-mail)
Kelly Kvetko/DSD/PHX (e-mail)
Racelle Escobar/PLN/PHX (e-mail)
Frank Dancil/DSD/PHX (email)
Tricia Gomes/PLN/PHX (e-mail)
Saul Trevizo, 13632 W. La Reata Ave., Goodyear, AZ, 85338
Olaya Nevarez, 8338 W. Cypress Street, Phoenix, AZ, 85037

Jay Neville/PLN/PHX (e-mail)
Book
David Barrier/DSD/PHX (e-mail)
Annie Alvarado/NSD/PHX (e-mail)
Kelly P Walker/PLN/PHX (e-mail)
Eric Miller/PLN/PHX (e-mail)
Gerard Silvani/DSD/PHX (e-mail)



PHO-1-25--Z-63-06-7

Property Location: Approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street

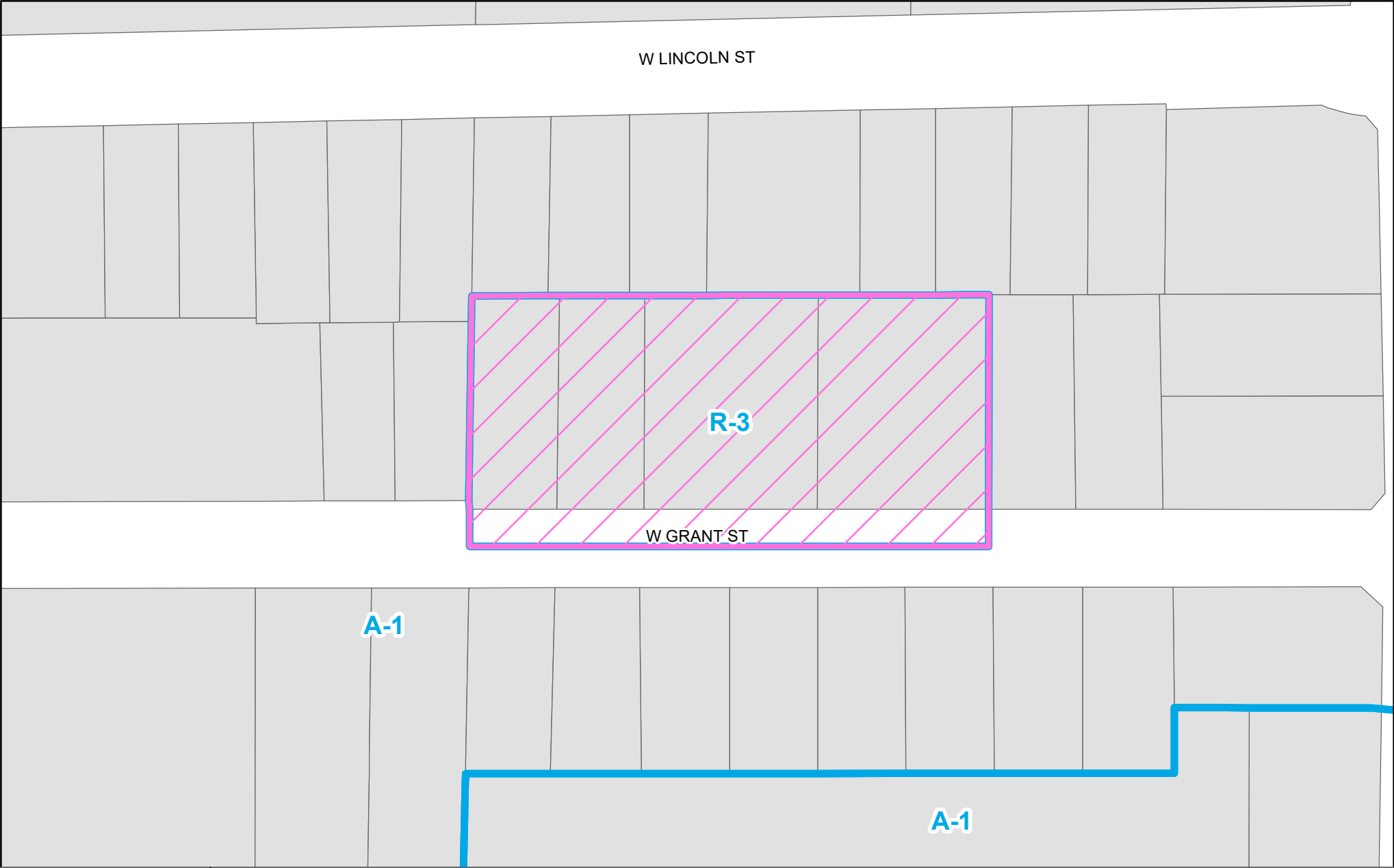


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 40 80 160 Feet





PHO-1-25--Z-63-06-7

Property Location: Approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street

Z-63-06-7



CITY OF PHOENIX

MAY 12 2025

PLANNING DEPT.

Print No. 2/3

Print Name:
ACTUAL PRINT



D&B Utility

Technology Specialists

OFFICE # 602-233-2334 FAX # 602-233-2354

OFFICE: 3539 W. LINCOLN ST., PHOENIX, AZ. 85008

MAILING ADDRESS: PO BOX 1265, TEMPE, AZ. 85281



PHOTOGRAPH # AND
DIRECTION OF VIEW



CONCRETE



ASPHALT



NATIVE



LANDSCAPING AREA

APPLICANT'S INFO

Applicant's Name:
SAUL TREVIZO
Applicant's Address:
13632 E. La Recla Ave.
Goodyear, Az. 85338
Applicant's Phone Number:
(602)432-8586, (602)233-3334
Applicant's Email:
saul_dubility@qwest.net
Gross Acreage:
1.19 Acre
Quarter Section:
9-20

VICINITY MAP

SITE →

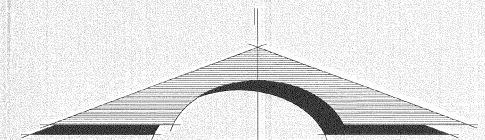
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N. Buckeye Rd.

CITY OF PHOENIX

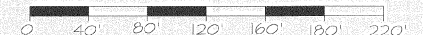
APR 02 2025


Planning & Development
Department









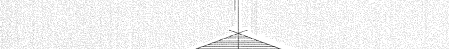
NORTH

GRAPHIC SCALE



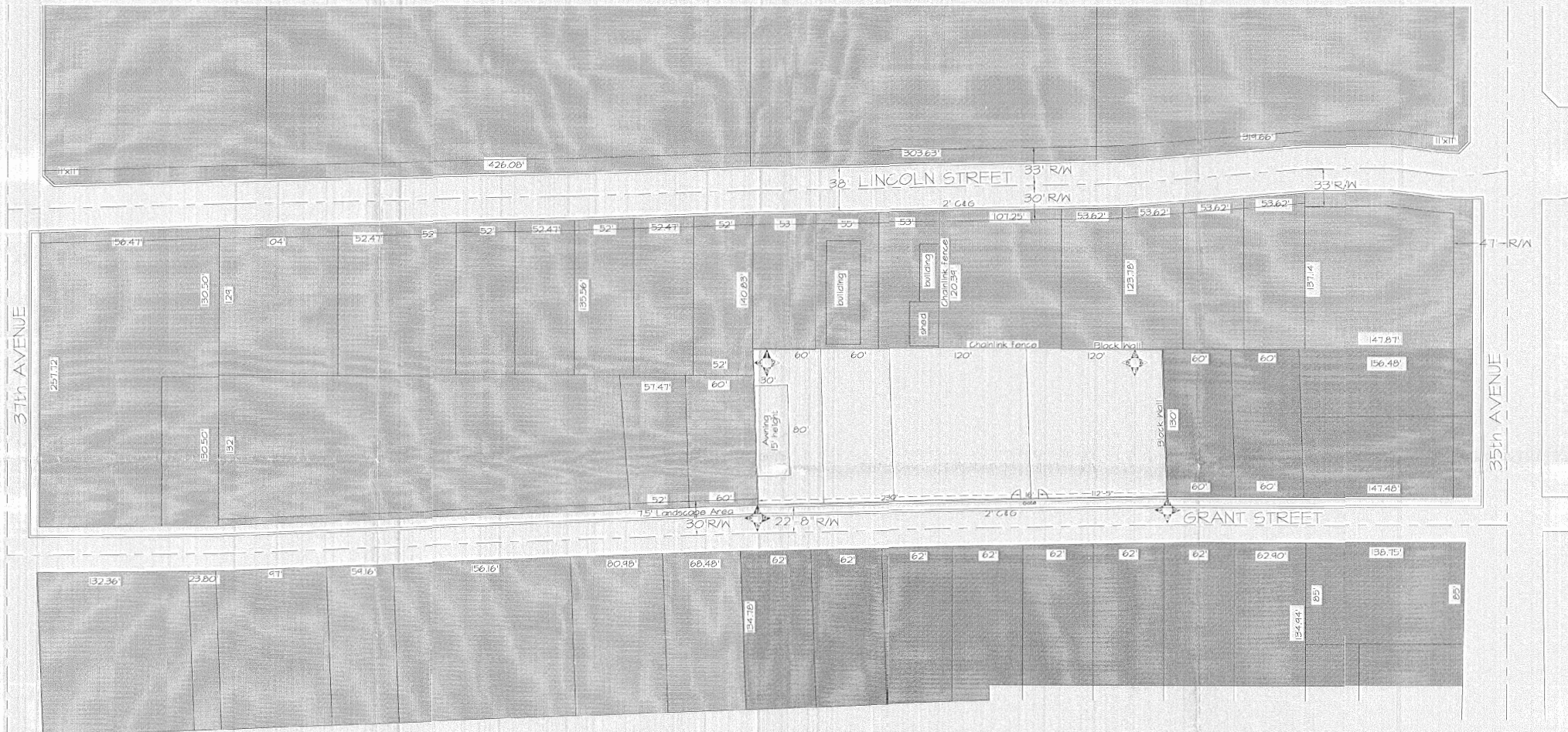
CITY OF PHOENIX MAY 12 2006 PLANNING DEPT.			
Print Name: DEVELOPMENT PRINT	Print No: 3/3		
			
OFFICE # 602-233-2334 FAX # 602-233-2334			
OFFICE: 3534 N. LINCOLN ST, PHOENIX, AZ. 85008			
MAILING ADDRESS: PO BOX T265, TEMPE, AZ. 85281			

LEGEND		APPLICANT'S INFO		VICINITY MAP	
	PHOTOGRAPH # AND DIRECTION OF VIEW	Applicant's Name: SAUL TREVIZO			
	CONCRETE	Applicant's Address: 3632 E. La Reata Ave. Goodyear, Az. 85330			
	ASPHALT	Applicant's Phone Number: (602)432-8586, (602)233-3334			
	PROPOSED ASPHALT / ROAD BOND	Applicant's Email: saul_dubility@qwest.net			
	WHITE ROCK DECORATIVE BUSHES @ 15'	Gross Acreage: 1.4 Acre Quarter Section: 4-20			



GRAPHIC SCALE
 0 40' 80' 120' 160' 180' 220'

L-90-39-Z



CITY OF PHOENIX
MAY 12 2008
PLANNING DEPT.

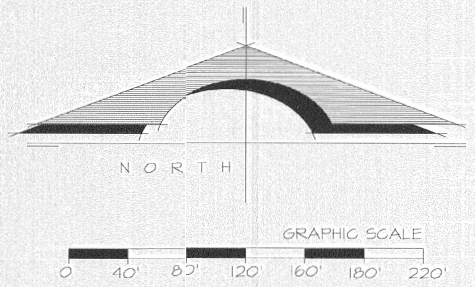
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ZONING PRINT

Print No:
1/3

LEGEND	
	PHOTOGRAPH # AND DIRECTION OF VIEW
	PROPOSED REZONE FROM R-3 TO A-1
	ZONED R-3
	ZONED A-1

APPLICANT'S INFO	
Applicant's Name: SAUL TREVIJO	
Applicant's Address: 13632 E. La Reata Ave. Goodyear, Az. 85338	
Applicant's Phone Number: (602)432-8586, (602)233-3334	
Applicant's Email: saul_dubility@quest.net	
Gross Acreage: 1.4 Acre	Quarter Section: 4-20

VICINITY MAP	

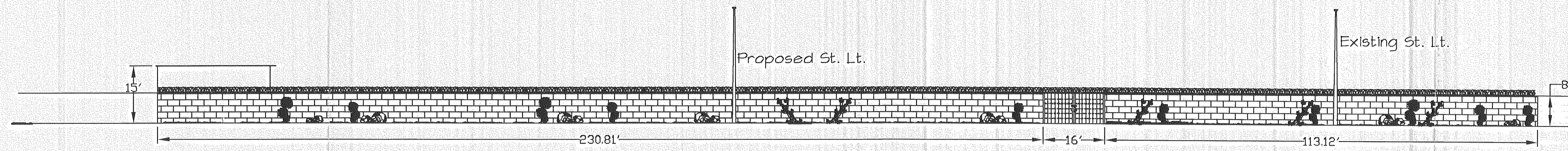


D&B Utility
Technology Specialists

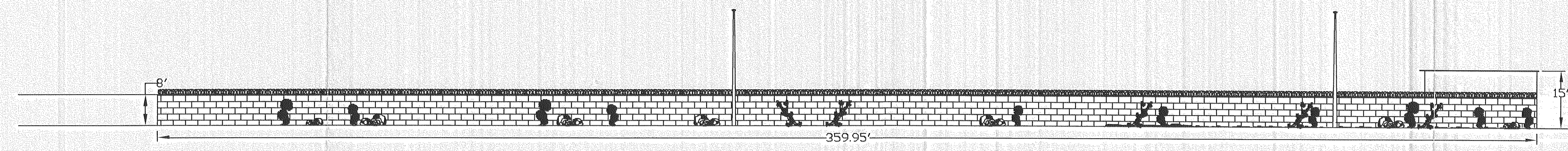
OFFICE # 602-233-2334 FAX # 602-233-2359

OFFICE: 3534 W. LINCOLN ST, PHOENIX, AZ. 85008

MAILING ADDRESS: PO BOX 1265, TEMPE, AZ. 85281

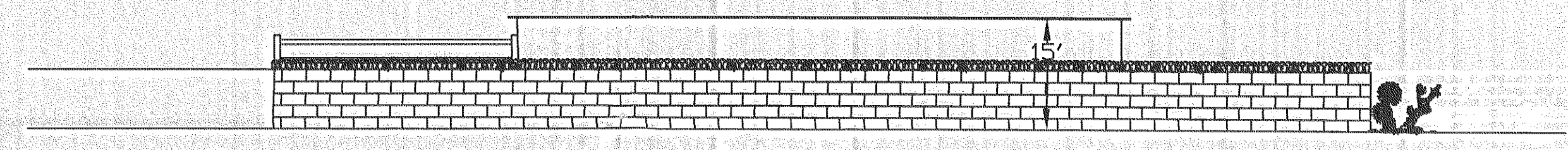


SOUTH ELEVATION

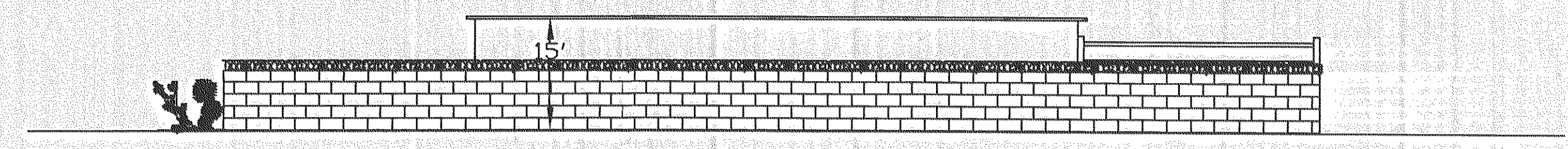


NORTH ELEVATION

Z-63-06-7



WEST ELEVATION



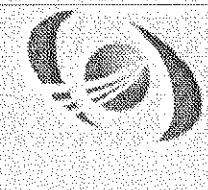
EAST ELEVATION

CITY OF PHOENIX
APR 02 2025
Planning & Development
Department


CITY OF PHOENIX
MAY 12 2006
PLANNING DEPT.

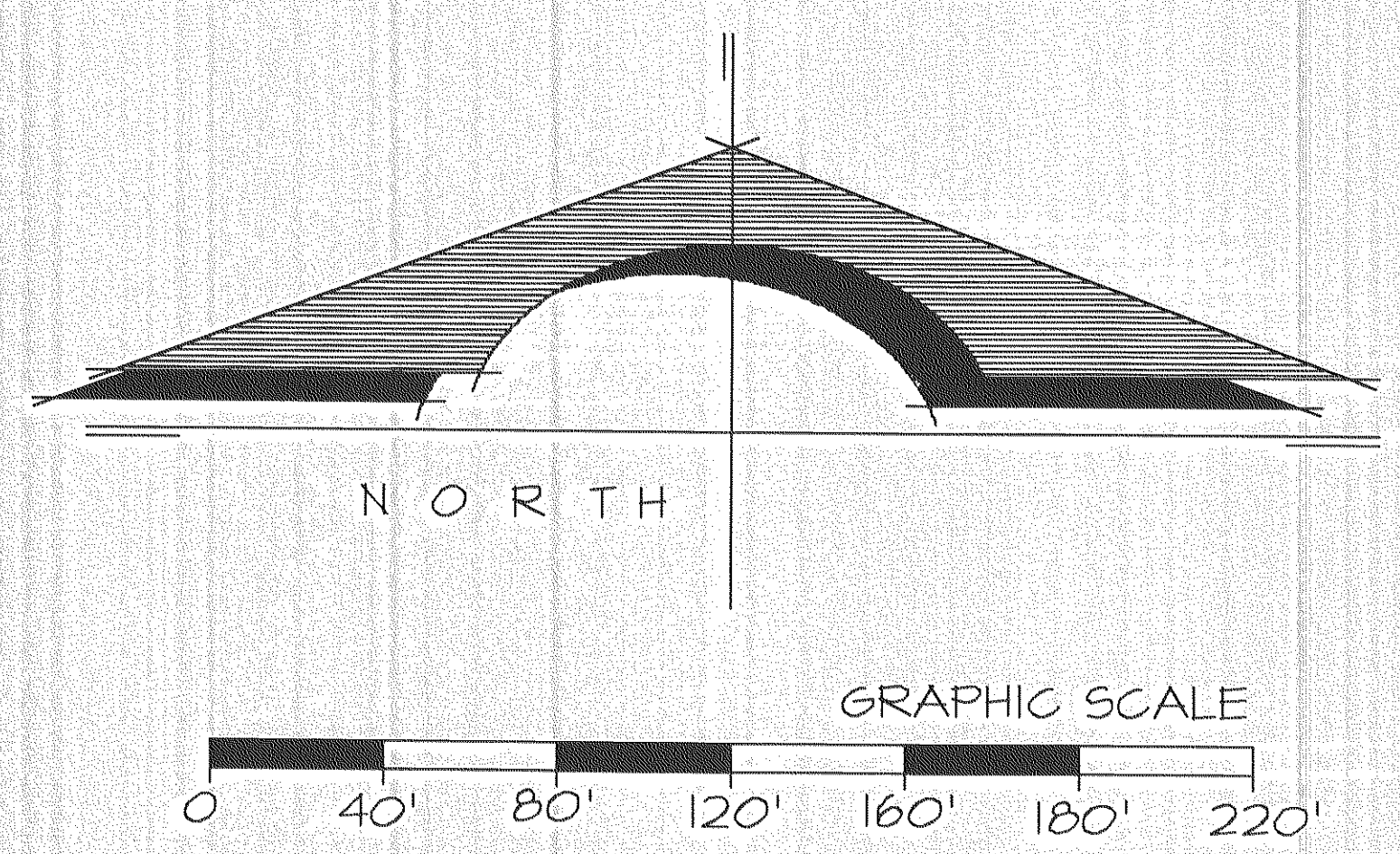
Print Name:
ELEVATIONS

Print No:
4/4

 D&B Utility Technology Specialists
OFFICE # 602-233-2339 FAX # 602-233-2359
OFFICE: 3539 W. LINCOLN ST, PHOENIX, AZ. 85008
MAILING ADDRESS: PO BOX 7265, TEMPE, AZ. 85281

APPLICANT'S INFO	
Applicant's Name: SAUL TREVIZO	
Applicant's Address: 13632 E. La Reata Ave. Goodyear, Az. 85338	
Applicant's Phone Number: (602)432-8586, (602)233-3339	
Applicant's Email: saul_doubility@qwest.net	
Gross Acreage: 1.14 Acre	Quarter Section: 9-20

VICINITY MAP	
SITE → 	N. 35th St.
W. Buckeye Rd.	



December 13, 2006

ITEM 1B

DISTRICT 7

**Z-63-06-7 –
35TH AVENUE AND GRANT
STREET
APPLICANT: SAUL TREVIZO
OWNER: SAUL TREVIZO
REPRESENTATIVE: OLAYA
NEVAREZ**

Application: **Z-63-06-7**
From: R-3
To: A-1
Acreage: 1.46
Location: Approximately 315 feet west of the northwest corner of
35th Avenue and Grant Street
Proposal: Equipment Parking and Storage
Staff: Approved, subject to stipulations.
VPC Action: Estrella – October 3, 2006 – Denied. Vote 6-0
ZHO Action: October 16, 2006 – Approved, subject to staff stipulations
with modification to Stipulation 1.
PC Action: November 8, 2006 – Ratified – Approved, subject to staff
stipulations with modification to Stipulation 1. Vote 8-0

ITEM 1D

DISTRICT 7

**Z-137-06-7 –
35TH AVENUE AND
DOBBINS ROAD
APPLICANT: CITY OF
PHOENIX PLANNING
COMMISSION
OWNER: 4-POINT, LLC
REPRESENTATIVE:
PLANNING DEPARTMENT**

Application: **Z-137-06-7**
From: County R-3/R-5
To: R1-10
Acreage: 7.10
Location: 1,700 feet west of the southwest corner of 35th Avenue and
Dobbins Road

December 13, 2006

MOTION was made by Mr. Lingner, SECONDED by Mrs. Bilsten, that Items 1A, 1B and 1D be granted per Planning Commission recommendation with an additional stipulation per a memo dated December 13, 2006 as follows:

- That prior to site plan approval that both applicant and landowner execute a waiver of claims under Proposition 207 in a form approved by the City Attorney's Office. Said waiver shall be recorded by the City and placed in the application file for record.

MOTION CARRIED UNANIMOUSLY.

ITEM 1A

DISTRICT-7

Z-90-06-7 –
CENTRAL AVENUE AND
SOUTH MOUNTAIN AVENUE
APPLICANT: RALPH
GREGORY – HEISER
WASHINGTON
OWNER: RALPH GREGORY –
HEISER WASHINGTON
REPRESENTATIVE: CHAVEZ
AND ASSOCIATES

Application: Z-90-06-7
From: R1-6 BAOD
To: R-2 BAOD
Acreage: 0.78
Location: Approximately 400 feet east of the southeast corner of Central Avenue and South Mountain Avenue
Proposal: Attached Single-Family Residential
Staff: Approved, subject to stipulations.
VPC Action: South Mountain – October 10, 2006 – Approved, subject to staff stipulations and additional stipulations. Vote 15-0
ZHO Action: October 16, 2006 – Approved, subject to staff stipulations and an additional Village Planning Committee (VPC) stipulation.
PC Action: November 8, 2006 – Ratified – Approved, subject to staff stipulations and an additional VPC stipulation. Vote 8-0

160249

Planning Commission Minutes for November 8, 2006

Phoenix, Arizona
November 8, 2006

The meeting of the Phoenix Planning Commission was called to order by Dr. Kelchner at 7:00 p.m. in Council Chambers, 200 West Jefferson Street, Phoenix, Arizona.

PRESENT: Dr. Joan Kelchner, Chair
Commissioner Don Keuth, Vice-Chair
Commissioner Wes Gullett – Arrived 7:25
Commissioner Melissa Gallegos
Commissioner Charles Ellis
Commissioner Bob Ford
Commissioner Tom Awai
Commissioner John Hart
Commissioner Dwight Amery

ALSO
PRESENT: Ms. Carol Johnson, Principal Planner
Ms. Tricia Gomes, Planner II
Ms. Debra Stark, Planning Director
Ms. Lynn West, Secretary to the Planning Commission
Ms. Mary Brown, Secretary II
Mr. David Ebeling, Planner II
Ms. Jane Bixler, Planner III
Mr. John Parks, DSD

At the request of Dr. Kelchner, Commissioner Keuth read the opening statements for conducting General Plan and Zoning hearings.

Commissioner Amery made the motion that the minutes of the October 11, 2006 hearing be approved with a change reflecting Commissioner Ellis' vote on impact fees. Commissioner Keuth seconded and the motion passed 8-0 (Gullett not present for vote).

RATIFICATION OF ZONING HEARING OFFICER AGENDA OF OCTOBER 16, 2006

October 16, 2006

Application #: Z-90-06-7 (Approval, subject to staff stipulations and an additional VPC stipulation.)
From: R1-6 BAOD
To: R-2 BAOD
Acreage: 0.78
Location: Approximately 400 feet east of the southeast corner of Central Avenue and South Mountain Avenue
Proposal: Attached Single-Family Residential
Applicant: Heiser Washington, Ralph Gregory
Owner: Heiser Washington, Ralph Gregory
Representative: Chavez & Associates

Application #: Z-63-06-7 (Approval, subject to staff stipulations with modification to stipulation 1.)
From: R-3
To: A-1
Acreage: 1.46
Location: Approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street
Proposal: Equipment Parking and Storage
Applicant: Saul Trevizo
Owner: Saul Trevizo
Representative: Olaya Nevarez

Application #: Z-94-06-8 (Approval, subject to staff stipulations.)
From: R-4, R-16
To: R-3
Acreage: 3.25
Location: Northwest corner of 36th Street and Palm Lane (north of McDowell)
Proposal: Multi-family Residential
Applicant: DeLorme & Associates
Owner: Jeff Hanrath
Representative: Kamy Goldfarb

Ms. Carol Johnson stated there had been no appeals or opposition to the October 16, 2006 ZHO hearing cases and so were available for ratification.

Commissioner Keuth made a MOTION to ratify items 1 through 3.

Commissioner Hart SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED by a vote of 8-0 (Gullet not present for vote).

Application #: Z-153-05-3
From: C-1 and RE-43
To: C-O / G-O with height waiver (1.98 acres), P-1 (1.87 acres)
Acreage: 3.02
Location: Southeast corner of the 46th Street alignment and Shea Boulevard
Proposal: General and medical office uses and parking
Applicant: Shea Commercial Properties LLC
Owner: Offices at Paradise Valley Investors LLC
Representative: Steve Bauer

Ms. Carol Johnson presented application Z-153-05-3. There was a request to continue to December 6, 2006 with fee due to a pending amendment of the application.

Commissioner Keuth made a MOTION to continue application Z-153-05-3 to December 6, 2006 Planning Commission hearing with fee.

Commissioner Hart SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 8-0 (Gullet not present for vote).

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The following cases were presented for approval on the consent agenda:

Application #: GPA-AL-1-06-4
Application:# Z-137-06-7

Commissioner Keuth made a MOTION to approve the Consent Agenda consisting of items 2 and 9.

Commissioner Hart SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION passed 8-0.

Commissioner Keuth made a MOTION to accept the consent agenda.

Commissioner Hart SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION passed 8-0 (Gullet not present for vote).

Application #: GPA-AL-1-06-4
Request: Street Classification - Map Amendment
From: Collector Street
To: Local Street
Location: Campbell Avenue between 7th Avenue and 15th Avenue
Proposal: Remove Campbell Avenue between 7th Avenue and 15th Avenue from the Street Classification Map as a Collector Street.
Applicant: City of Phoenix Planning Commission

Ms. Carol Johnson presented application, GPA-AL-1-06-4, a map amendment to the Street Classification Map changing the designation of Campbell Avenue between 7th Avenue and 15th Avenue from a collector to a local street. The Alhambra Village Planning Committee reviewed this request on October 24, 2006 and recommended approval 14-0. Staff recommended approval.

Commissioner Keuth made the MOTION that application GPA-AL-1-06-4 be moved to the Consent Agenda.

Commissioner Hart SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 8-0 (Gullet not present for vote).

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Application #: Z-TA-10-06-8
Location: Properties within the boundaries of 35th Avenue on the west, Van Buren Street on the north, Broadway Street on the south, and the City of Phoenix city limits on the east
Proposal: Amend sign ordinance to include ground sheet signs
Applicant: Kurt Jones
Owner: Hayscale, L.L.C - Marian Hurley
Representative: Matt Devlin

Ms. Carol Johnson presented application, TA-10-06-8 a privately initiated text amendment that would allow ground sheet signs on properties of at least 4 acres zoned A-1 or A-2 in the area bounded by 35th Avenue, Van Buren Street, the eastern City Limits and Broadway Street.

The Camelback East VPC reviewed the case on October 3, 2006 and recommended approval 9-3. The Central City VPC reviewed the case on October 10, 2006 and recommended approval 10-3. The Estrella VPC reviewed the case on October 3, 2006 and recommended approval 6-0. The South Mountain VPC reviewed the request on October 10, 2006 and recommended denial 9-6. Staff supported the amendment as written in the staff report.

Mr. Matt Devlin, 2415 East Camelback Road, stated he represented Land Search Inc. and Ad Air. He stated Ad Air was founded in 2001 for the purpose of providing an innovative form of outdoor advertising. The advertising consists of horizontally placed billboards targeting passengers entering and exiting Phoenix Sky Harbor Airport and other airports. The objective would be to create a piece of advertising that would be seen when flying in but cannot be seen from the roadway. They wanted to target air traffic public and not adversely affect pedestrians walking by or give auto drivers any idea what was going on at the other side of the fence.

He noted they have worked with staff and the text amendment language had been scrutinized over the past several months. Some of the key points were that the minimum property size had to be four undeveloped acres and the maximum size of a banner itself or a ground sheet would be six acres. The signs would have to be 2,000 feet apart from one another and the sites would be screened per Development Services Department standards to eliminate legibility from adjacent properties or uses. Landscaping would be in conformance with the standards.

Mr. Devin noted there would be no illumination of the sign and the sign structures would be made of non-reflective flame retardant permeable material as per Development Services Department standards. He noted the area of operations would be on 35th Avenue on the west, south of Van Buren, north of Broadway, avoiding the Rio Salado Overlay, and across to the city limits. It was a restricted area and that was why they only spoke to four of the relevant villages. He showed pictures of a site in the UK and noted that this site would look similar to it.

He stated that some questions raised at some of the village meetings were regarding vandalism and screening. The material used is a woven polypropylene mesh. It is

printed and produced in 15-foot wide segments and should anything happen to it through natural causes or vandalism, they could recreate the damaged piece and replace it. There would be a maintenance crew to make sure the site was maintained and that there was no penetration of the fences.

Commissioner Ford asked Mr. Devlin if he had stated that the material was fire resistant. He stated that polypropylene was not; it burned very rapidly. Mr. Devlin stated it would not carry flame and was flame retardant. The company supplying them told them the material is a woven polypropylene mesh and was flame retardant.

Commissioner Hart asked about the site security. Mr. Devlin responded they were still working with Development Services on that, but were looking to have a solid six foot fence.

Commissioner Hart asked if there would be any lighting. Mr. Devlin stated there was no illumination. It was a non-reflective material.

Commissioner Hart asked how long the signs stay in place. Mr. Devlin responded that because of the way airport traffic figures are presented, they would like to think an advertiser would keep a placement for up to a year.

Commissioner Gallegos asked about the percent coverage. Ms. Johnson stated they would have 100% lot coverage. Mr. Devlin added they would have to deal with setbacks for a four acre site which would mean they would probably only have a three acre ad on that.

Commissioner Gallegos stated the concern she had was that if someone had a six acre site they could do a six acre sign. She asked why the Commission was discussing landscaping if it was 100% coverage. Ms. Johnson stated that would depend on the adjacent zoning. If you were an industrial zoned parcel surrounded by other Industrial zoning there would be no setback. The perimeter fence and landscaping requirements would have to be dealt with.

Dr. Kelchner asked if in a commercial park or another zone that required setbacks, they would have to meet the setbacks of the underlying zone. Ms. Johnson stated this was only permitted in A-1 and A-2 districts.

Dr. Kelchner asked how many of these signs exist at present. Mr. Devlin stated they just sold their first one in Dubai in 2007.

Commissioner Gullet arrived at 7:25.

Dr. Kelchner stated she had two concerns with putting something in the Zoning Ordinance. One was solid walls and stated the owner might be more concerned about graffiti on his product, but she would be more concerned with graffiti on a solid wall. She felt it would be better to allow view fencing with plantings inside in order to screen it. The other thing was that there was nothing in the proposed amendment regarding what is actually on the signs. Ms. Johnson stated the City can not regulate content.

Commissioner Ford made a MOTION to approval application TA-10-06-8 with a condition that prior to giving the permits that the Phoenix Fire Department be provided with samples of the material and material data sheets for evaluation.

Commissioner Hart SECONDED.

Dr. Kelchner asked if the maker of the motion would consider a friendly amendment to change the wording about solid six foot high fence to allow view fencing or view fencing with vegetation.

The maker and second agreed with the amendment.

There being no further discussion, Dr. Kelchner called for a vote. A poll was taken and the MOTION PASSED 6-3 (Gallegos, Keuth, Awai).

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Application #: Z-TA-11-05
Location: Citywide
Proposal: Amend Section 702 of the zoning ordinance regarding use of tandem parking, on-street parking for commercial and guest parking, and reductions in required parking for smaller dwelling units and affordable housing and parking standards for reuse of buildings.
Applicant: City of Phoenix Planning Commission

Ms. Carol Johnson presented application TA-11-05, a text amendment that came out of a task force that was trying to address issues with in-fill, affordable housing, and special needs populations. As a result this text amendment was crafted that allowed the use of tandem parking in multi-family as well as single-family residential developments and, in specific areas, allows the counting of on-street parking for commercial and guest parking, reduces required parking for smaller dwelling units and affordable housing, and provides some modified parking standards for the reuse of buildings.

Seven village planning committees had reviewed the amendment and recommended approval. Two village planning committees have review the request and recommended denial. The Laveen Village Planning Committee chose not to review the amendment. Some last minute VPC votes were that Encanto VPC reviewed the request on November 6, 2006 and recommended approval 13-3. She did not receive the results from Camelback East, Desert View or Estrella, who all heard the request on November 7, 2006. Staff supported the amendment as written in the staff report.

Commissioner Keuth made a MOTION to approve Z-TA-11-05 as recommended by staff.

Commissioner Hart SECONDED.

Commissioner Amery asked if the Legal Department researched the concerns about the with the ADA issues. Ms. Johnson stated this was an optional parking provision and otherwise the accessibility of the garage would have to meet all of the ADA standards. The text amendment was not in violation of ADA and that issue was reviewed and considered by staff when they were preparing the amendment.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 7-1 (Amery) (Gullet not present for vote).

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Application #: Z-TA-16-05
Location: Citywide
Proposal: Amend Section 507.II.E.3.Tab A. of the zoning ordinance
pertaining to the Sonoran Preserve Edge Treatment
Guidelines
Applicant: City of Phoenix Planning Commission

Ms. Carol Johnson presented application Z-TA-16-05. There was a request to continue to January 10, 2006 with no fee.

Commissioner Keuth made a MOTION to continued application Z-TA-16-05 to the Consent Agenda without fee.

Commissioner Hart SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 8-0 (Gullet not present for vote).

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Application #: Z-60-06-4
From: C-2
To: C-2 H-R SAUMSO
Acreage: 4.54
Location: Northeast and northwest corners of 6th Drive and Glenrosa Avenue
Proposal: Mixed Use Residential, Retail, Office
Applicant: California Condominiums
Owner: California Condominiums
Representative: Great Solutions - Dan Hawkins

Ms. Carol Johnson presented application Z-60-06-4, a request for a mixed use development with a maximum height of 120 feet located at the northeast and northwest corners of 6th Drive and Glenrosa Avenue. The Encanto Village Planning Committee (VPC) reviewed this case on October 2, 2006 and continued it to November 6, 2006 in order to obtain more information relating to the traffic impact analysis. The Encanto VPC heard the request on November 6, 2006 and recommended denial by a vote of 10-5 with one abstention. Staff, in conversation with the Street Transportation Department to get more information regarding the traffic impact issues, has discovered they do not have a final position on the traffic impact study. They commented on it, but had not received a response from the applicant. For that reason staff recommended that the Planning Commission continue action on this case until the December 6, 2006 hearing. Staff understood there were a number of people who wanted to give testimony. Staff recommended the applicant make their presentation and for the individuals to provide testimony.

Mr. Larry Hackelman, 2630 North 20th Avenue, stated he represented the Encanto VPC. The village heard this case several times and spent time talking about it. Some of the things found to be positive about the case was that it would clean up a blighted area, seemed to be in keeping with the 7th Avenue Urban Mainstreet Overlay District, have a very obvious economic impact to the area, the green aspects, there was an effort made to make this pedestrian friendly with shade and plazas and courtyards designed in to the project. Some of the major downside issues had more weight with the committee than the positives. The most important one was traffic, which had three components. The first one was 7th Avenue. He understood from people who live in the area that there was a history of accidents at that corner. A traffic study was done and they came up with a double hammerhead solution and a stop light at Glenrosa, but there was no assurance that the stoplight at Glenrosa would ever be installed. Another traffic issue was the six houses on the south side of Glenrosa. This project would be disrespectful of those houses. A single-story family home overshadowed by a big eight story tower and the additional impact of the main entrance into all the condo parking being on the southeast corner of this project, which means all the residential traffic would go right in front of those houses all the time. The final traffic issue was the Carnation neighborhood in general. There was no assurance that all the traffic would go to 7th Avenue. People would try to find the easiest way to get into traffic and what would happen, during rush hour especially, was that if someone wanted to go west on Indian School they would go south on 4th, 5th, or 6th Avenues, or 6th Drive to find a place to get out into Indian School.

Mr. Hackleman stated that the other major concern the village had with this project was density. Most people on the village realized that Phoenix is becoming a more urban area and especially downtown and the Encanto village and that would mean additional density. The committee felt that this project is too far away from Central Avenue and from the Encanto village core to warrant this kind of density in this particular location. Many on the committee stated that if the density was lower they could support the project at this location.

Speaking in support:

Ms. Virginia Senior, the architect for the project, stated this was primarily a residential project. It is an addition to the 7th Avenue corridor, which already was an established residential and commercial area. They have retained 6th Drive and incorporated it into a main plaza design. The project brings 340 market rate residences to the area which will be in the \$300,000 range. Parking is shielded in three continuous levels of underground parking and has 35,400 square feet of retail. There will also be offices that will bring daytime clientele to this project, but also to the 7th Avenue corridor.

When they started with this project they started with ten stories and stepped that down to eight and six stories. In working with the neighborhood they have revised the project to have an eight story tower in the center of the project and then it steps down to five, four and three stories on top of a parking deck. She felt that this enhanced the project and reduced the effect of the height to the surrounding neighborhood, to the east. North of this project is commercial zoning and to the west of the project is 7th Avenue which is commercial and then has single-family on the south on Glenrosa. The project site is close to Central Avenue and a light rail station and she felt that would be a pleasant walk from this site to the station.

The 7th Avenue business corridor takes a turn at the project site. She worked with the 7th Avenue Urban Mainstreet Overlay ordinance. To the west of this project are several merchants and this brings in that portion of the overlay to create a cohesive centralized location and a pedestrian oriented streetscape. There would be a large plaza that could be utilized by not only the residents of the project, but also the neighbors in the area. She noted they had created an entrance off of 7th Avenue at the behest of the neighborhood that will draw off much of the residential ingress and egress at this point. So there would be three points of access to the site.

Some of the pedestrian amenities encouraged were creating broad colonnades of retail at the ground level with a plaza in the front, a private entrance for the residents, and a large buffer zone around the perimeter of the project. The plaza in the center would have water features and it will encourage casual entertainment and casual walking from the neighborhood as well as the project. The project would be a LEED certified project with sustainable techniques built in, both passively and actively, and that comes from the large balconies and shading features that are being used. The plaza design would physically and visually draw people into the project.

Commissioner Keuth asked if there was 109,000 square feet of office space. Ms. Senior responded yes.

Commissioner Keuth asked if this project was going to be phased or would it all be done at one time. Ms. Senior responded they had talked about phasing the project. Because of the large amount of underground parking they would put in the first phase all the underground parking and then add the office buildings, then the interior tower and then the perimeter buildings.

Commissioner Gullet asked what the mitigation was on keeping the traffic out of that neighborhood. Ms. Senior referred to the traffic summary in the packet. At the end of the project site on Glenrosa she was proposing that they create a partial street closure, so there would be a double hammerhead. There would be access for emergency vehicles to travel across but effectively stop traffic into the neighborhood from Glenrosa, with 6th Drive also continuing into the project and being able to continue back out on to 7th Avenue. They also have several ideas about creating roundabouts or traffic circles on Glenrosa. There was more support from the neighborhood in closing Glenrosa.

Commissioner Gullet asked if that would force traffic to the north to Turney. Ms. Senior stated the traffic would exit on to 7th Avenue.

Speaking in favor:

Ms. Ellanor Zuccaro, 4330 North 5th Avenue, stated she was president of the HOA for Park 5th Avenue condos, and that she lived adjacent to the proposed development and was representing 32 residents. This property was currently zoned C-2 and many commercial activities could be allowed without a public hearing. She listed several activities. This developer wanted to assemble all the small pieces and develop a nice commercial complex but needed additional height and density to make the project work. As to the traffic, she believed the city has and will resolve the issues. Streets Transportation Department said they would not put a traffic light on Glenrosa, but she believed they would. This is a blighted area. There was a crack house next door that was torn down by this developer. The area did not have the vandalism the area had when these crack houses existed.

Mr. Bill Sandweg, owns a business at 4220 North 7th Avenue, stated he was the current president of the Seventh Avenue Merchants Association. The association exists to improve the quality of life and increase the business that the association was trying to create. Rezoning this parcel to allow this project would dramatically improve the quality of life, increase the business, and further instill the identity of 7th Avenue that they were trying to create. Merchants are always struggling with prostitution, drugs, graffiti, vagrancy and other crimes. The crack house was across the street from the same eight houses that would be inconvenienced if there is not a satisfactory traffic situation resolved.

Mr. Bill Chester, 4245 North 7th Avenue, stated that when he opened his garage this area was so blighted. The city helped the area get a grant to clean up. This project would enhance the area.

Mr. Jacob Cotan, 519 West Glenrosa, owns property to the east and stated the developers made changes according to what the neighbors suggested.

Mr. Stanford Lerch, 4330 North 5th Avenue, stated he lived next to the subject property on the east side. He felt the project was critical to the area.

Mr. Dan Hawkins, 110 W. Missouri, stated he was the project manager and owner's representative, and responsible for demolishing the apartments on the site. This project would enhance 7th Avenue and the entire area because 7th Avenue was running 60,000 cars a day and it would not quit because of Valley Metro Rail. The densification along 7th Avenue would only help the area. This project would have a minimum impact on the neighbors.

Speaking in opposition:

Mr. John Gottschalk, 320 West Montecito Avenue, stated that what was being overlooked was that 7th Avenue was being utilized to the maximum now. Trying to get onto 7th Avenue during rush hours you find it was a very dangerous intersection. He felt the project was good, but it was not in the right place. He wondered why the traffic improvements are not guaranteed ahead of time.

Mr. Robert Drouillard, 4112 North 5th Avenue, stated speed bumps were put in on 4th Avenue, 5th Avenue, 6th Drive, Monterosa, and 3rd Avenue to deal with cut-through traffic four years ago. Now looking at the project where they were putting a hammerhead in, traffic would have two choices. It could go to 7th Avenue and try to get on 7th Avenue or go down 6th Drive which was too close to 7th Avenue. The only option they have is to turn right. To cross three lanes of traffic to get into the left turn lane would not happen. To make a left hand turn on to Indian School Road is going to be near impossible. This project gave no consideration for South Carnation.

Dr. Kelchner asked for the boundaries of the Carnation neighborhood. Mr. Drouillard responded Indian School Road to the canal, from 7th Avenue to Central Avenue.

Mr. Gay King, 326 West Montecito, development liaison for the Carnation neighborhood, stated Melrose Point was not acceptable. It threatened the safety, and quality of life in the neighborhood. Phoenix engineers said the four presented options did not properly address traffic coming to and leaving the site. They did not see how a plan could be developed to address the traffic issues to their satisfaction.

Mr. Todd Lawson, president of Carnation Association of Neighbors, 311 West Glenrosa, stated this project was unprecedented and would create the single largest building along the entire length of 7th Avenue. This was not appropriate for this area. A concern he had was that on Monday night the Encanto VPC was told the site plan was fluid and the plan before Planning Commission was not as they saw it at that time. The Encanto VPC was not happy with this plan. Encanto VPC was told 48 hours earlier that no site plan was available. This plan would generate 5,200 trips a day and there would be no traffic lights coming in the near future because 7th Avenue is a commuter corridor. The plan focuses most of their traffic on a route out through Glenrosa to 7th Avenue. Density was a concern here. The neighborhood was prepared for high rise on Central Avenue and Glenrosa. They did not want to see a ten story building at the 7th Avenue end. He noted that this project also lacks 100 parking spaces as required by

the zoning ordinance. This will encourage overflow parking in the neighborhood. Mr. Lawson is opposed to the development in its current form.

Mr. Jonathon Howard, 511 West Glenrosa, stated he lived across from this project. According to the plan, the hammerhead would be going 40 feet into his front yard and taking the 30 foot setback. At the Encanto VPC meeting the applicant said they worked with the community and the community supported this project. He did not find out about this plan on November 6, 2006. He claimed that he e-mailed and called the applicant on several occasions and never received a response.

Speaking in rebuttal:

Ms. Senior stated she wanted to address some of the points brought out by the opposition. Mr. Lawson had stated that the site was under parked and they had denied or not allowed for parking on the site. She stated she had sent an email to Todd telling him that she had revised the project and will be including all the required parking in the project.

Regarding the hammerhead, the design being shown was a schematic design and will have to be worked out with traffic engineers at the City of Phoenix. Because it is private property and a city street there was no way the hammerhead would encroach into the individual's private property.

Ms. Senior stated that regarding no contact with Mr. Howard, in all the meetings she handed out their business cards and welcomed communication from all the neighbors. At the October 2, 2006 VPC she asked the VPC to continue the meeting to have an additional month to work with traffic engineers, neighborhood, and the city. The developer made his traffic engineers available to the city. She reminded the Commission and the neighbors that there were traffic engineers on the project because they were engineers and they worked with engineering standards and city guidelines. When she hears things from the neighbors about how traffic will flow or that 7th Avenue is running at capacity, it was not true. When hearing it from the traffic engineers they were working with the same standards and guidelines that the city worked with. She encouraged the Commission and neighbors to listen to traffic engineers as related to specific information.

She reminded the commission of the economic impact this project would bring to the entire city as well as this area. The office building would have a sufficient number of live/work spaces that would help in reducing traffic into the entire community.

Commissioner Gullet asked to hear from the traffic engineer about the traffic.

Mr. Oobano Borreko, the civil engineer for the project, stated he was retained to help the client in working with the city to find ways to make sure that this was a viable and safe project for people to get in and out of and one that would result in a minimum impact to the neighborhood. There was some discussion about the capacity on 7th Avenue. Typically every lane of traffic carries approximately 1,500 vehicles on a city street such as 7th Avenue during a peak hour. If you take a morning peak hour and look at three lanes of south bound traffic on 7th Avenue, the traffic count they obtained

showed that corridor currently carries about 2,500 vehicles during the peak hour and has the potential of carrying 4,500 vehicles. The other thing was the issue of whether or not a traffic light could be installed along 7th Avenue. The standard for establishing a signal in any corridor was based on the Manual on Uniformed Traffic Control Devices (MUTCD). The Federal Government mandates that there are eight warrants, any one of which is used to determine if a light could be installed. There also needs to be an engineering study to look beyond just meeting the warrants. In the case of 7th Avenue and Glenrosa or 7th Avenue and Montecito there are some safety concerns, which become added caveats. He believed that if this project was approved, the issue of installing a signal should not be a problem at all.

Commissioner Gullet stated he had a concern about the traffic that would go south on 6th Drive and spill into the neighborhood. He asked how to prevent that spill over traffic when you add 500 cars a day. Mr. Borreko responded that regarding the issue of 6th Drive, they did a gravity model which allowed them to load all the potential traffic that would be attracted to any given facility and look at the network surrounding that facility and look at the existing capacity within each of those networks and then through a modeling process fan out the movement of vehicles from that facility. Through the information they obtained from this process, he concluded that they were looking at precisely in the neighborhood of 46 vehicles as what potentially might go south on 6th Drive. 7th Avenue currently carries approximately 32,000 vehicles a day, and Indian School carries in excess of 50,000 vehicles a day and anyone who heads south on 6th Drive is going to daylight on Indian School. There are about eight lanes of traffic to cross, if your intention was to continue south or to go east to Central Avenue. He concluded that if there was a signal at Glenrosa, why take that risk.

Commissioner Keuth, stated that the trip generation table indicated to him a disproportionate amount of traffic generation from the retail. He asked if the developer had looked at a different mix of office/retail, or housing so that traffic volume would be reduced. Mr. Borreko stated when they analyzed the trip generation for this project; they asked themselves if given some of the concerns from the neighborhood, what might be the very worst case. The chairman of the VPC, who is also a traffic engineer, concurred with that approach. It was a conservative approach taken.

Commissioner Keuth stated it would be interesting to have some dialogue with the people from Streets Transportation as to how they view or had they had looked at the impact of mixed use projects and what really was the impact on traffic generation, parking needs, and everything else.

Ms. Johnson responded that because a revised traffic study was just submitted yesterday to the Streets Department, addressing some of their initial comments, the Planning Department has scheduled a meeting with the applicant, their traffic engineer, and planning staff for November 16, 2006 to discuss some of these issues. Because there had been a lot of discussions generated by the neighborhood meetings, the study, and the potential trip generation numbers have been constantly in flux and so it has just been recently that the Streets Department have gotten something they could respond to.

Ms. Senior stated one reason this developer and her architectural firm were so interested in doing a Mixed Use development in this location was because they were building on what the neighborhood was, which was a mixture of commercial and residential uses. The retailers were small scale urban retailers and that was what she wanted to continue on in this project.

Dr. Kelchner stated the site plan did not include a vacant lot between this site and the condominiums to the east. Ms. Senior stated the developer owns the lot but it was not being utilized in this project. Portions of it were being utilized to create the hammerhead.

Dr. Kelchner asked what would happen with the rest of that lot. Ms. Senior responded the developer had not come up with a plan for that area.

Commissioner Gallegos asked if the Commission was to decide to continue this meeting to December 6, 2006 would the Commission be ensured to have someone from Streets at that meeting. Ms. Johnson responded that would be the intent of the department. Because of the scheduling of the Planning Commission and the City Council in December, the Commission could have this meeting on the 6th and still have the City Council meeting on December 13, 2006.

Commissioner Gallegos stated she would like to see the new traffic study and have someone here from Streets to address the remaining concerns. If the Commission could stay on tract with the timetable she would open to continuing it to the December 6, 2006 Planning Commission hearing.

Commissioner Gullet stated he was concerned about the traffic on 6th Drive going south. There needs to be work on the traffic flow going south on 6th Drive because the models do not reflect that 7th Avenue is the hardest street in the City to navigate.

Commissioner Keuth stated he concurred. The challenge is will we see more of these projects rather than less as this community continues to urbanize. He would like to hope that as the result of meetings that this gets taken out to the community. The only other concern he had on this is whether or not it was viable to reduce the height along Glenrosa another story to reduce the impact on the houses across the street. The concept of bringing the height into the middle was appropriate but suggested looking at the edge one more time to see if it could be done better or be less of a visual impact.

Commissioner Gallegos made a MOTION to continue application Z-60-06-4 to December 6, 2006.

Commissioner Keuth SECONDED.

Dr. Kelchner commented that the condos to the east are three stories, and there exists within the neighborhood some height which gives even a further buffer down. She had some problems with this being outside of a core and it is a very dense project that would be expected in a core. This is a significant change and if done well it may be tolerated. It puts pressure on the single-family neighborhood to the east. Foot traffic through the neighborhood to the light rail station could be good or bad. She wondered where that

would go. Regarding affordability, she was hearing the sale price of the units was \$300,000 and up. She did not hear any percentage being affordable. Parking also needed to be addressed. This project would be better at 7th Avenue and Van Buren.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 9-0.

* * * *

Application #: Z-116-06-4
From: C-2, R-3
To: C-2, H-R, TOD-1, w/ Height Waiver
Acreage: 2.10
Location: South of the southeast corner of Camelback and Central
Proposal: Mixed Use Residential High Rise
Applicant: Larry Lazarus
Owner: Omninet Phoenix, LP
Representative: Larry Lazarus

Ms. Carol Johnson presented application Z-116-06-4. There was a request to continue to December 6, 2006 with no fee, due to staff requesting additional time for review.

Commissioner Keuth made the MOTION that Application Z-116-06-4 be continued to the December 6, 2006 hearing with no fee.

Commissioner Hart SECONDED the motion.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 8-0 (Gullet not present for vote).

* * * *

Application #: Z-112-06-4
From: R1-6, P-1 (approved)
To: P-1
Acreage: 1.46
Location: Approximately 843 feet west of the northwest corner of 23rd Avenue and Alice Avenue
Proposal: Establish P-1 zoning for 144 surface parking spaces.
Applicant: City of Phoenix Planning Commission
Owner: City of Phoenix
Representative: City of Phoenix Planning Commission

Ms. Carol Johnson presented application Z-112-06-4. There was a request to continue to December 6, 2006 with no fee, due to a posting error.

Commissioner Keuth made the MOTION that Application Z-112-06-4 be continued to the December 6, 2006 hearing without fee.

Commissioner Hart SECONDED the motion.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 8-0 (Gullet not present for vote).

* * * *

Application #: Z-137-06-7
From: County R-3/R-5
To: R1-10
Acreage: 7.10
Location: 1700 feet west of the southwest corner of 35th Avenue and
Dobbins Road
Proposal: Establish equivalent City zoning for Annexation # 368 (G-
4813)
Applicant: City of Phoenix Planning Commission
Owner: 4-Point LLC
Representative: City of Phoenix Planning Department

Ms. Carol Johnson presented application Z-137-06-7, a request for equivalency zoning from County R-3/R-5 to R1-10 west of the southwest corner of 35th Avenue and Dobbins Road. The Estrella VPC did not review this request. Staff recommended approval.

Commissioner Keuth made the MOTION that application Z-137-06-7 be moved to the Consent Agenda, subject to stipulations.

Commissioner Hart SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 8-0 (Gullet not present for the vote).

* * * *

STIPULATION:

1. That development shall not exceed a density of 3.5 dwelling units per acre as approved by the Development Services Department.

Application #: Z-134-03-8
Existing Zoning: Approved C-2 H-R
Acreage: 3.02
Location: Approximately 530 feet east of the southeast corner of 44th Street and McKinley Street
Proposal: 1) Modification of stipulation 1 regarding general conformance to the site plan; 2) Modification of stipulation 6 regarding a time extension; 3) Deletion of stipulation 2 regarding landscaping on terrace levels
Applicant: John C. Marcolini, Esq.
Owner: McKinley Lofts LLC, an Arizona LLC
Representative: Dennis Zwagerman

Ms. Carol Johnson presented application Z-134-03-8, an appeal of the Planning Hearing Officer request for modifications of stipulations for a property with approved C-2 H-R zoning east of the southeast corner of 44th Street and McKinley Street. The stipulations requested for modification are #1 regarding general conformance to the site plan, #2 regarding landscaping on terrace levels, and #6 regarding a time extension. The Camelback East Village Planning Committee reviewed this case on October 3, 2006 and recommended denial by a vote 15-0. The Planning Hearing Officer considered the request on October 4, 2006 and recommended denial. The findings and basis of the denial were that the Airport Zoning Ordinance restricts the height of a building at that location to 120 feet and that the 44th Street Corridor set the policy which was more specific and supersedes the General Plan and it limits the height of the development to 120 feet. The Camelback East VPC unanimously recommended denial by a vote of 15 to 0 and the Chair of the village sent in a letter as an individual in opposition.

Mr. Craig Stebley, Chairman of The Camelback East Village Planning Committee (VPC), stated the village voted unanimously to recommend denial of this request. Aside from the fact that the applicant wanted to have the tallest building on 44th Street, especially within that primary core, the village felt they were being hornswagled. When the case was first heard the VPC knew the plan called for Mixed Use development. They were presented with primarily a residential development. With Mid-rise zoning they were allowed roughly 43 units per acre. The village liked the idea of more residential especially in a primary core. The only way to obtain more residential density was to go with a C-2 high-rise, allowing 96 units per acre. The VPC still wanted to maintain the 120 feet height limit, which was the reason stipulation #1 was on there. The applicant had 3.0 acres. The new plan calls for 365 units. The village did him a favor two years ago by figuring out a way to get the higher density even though it's not mixed use and now he's trying to push even more than the allotted units.

Mr. Dennis Zwagerman, the applicant, 18031 North 46th Drive, Glendale, stated he appealed the Planning Hearing Officer decision. He mentioned that he had submitted a petition in support of the appeal on the request. He asked that the petition be submitted into the record. He noted the project consisted of 3.02 acres on McKinley Street east of 44th Street, south of the 202 Freeway, and west of the 143 Freeway. The project is completely surrounded by non-residential uses including a church, architectural office, TV station with a heliport, and motels. He had letters of approval from property owners

adjacent to the site, from the church, and a letter recommending approval from the architectural office that he asked be put in the record. The property to the west was owned by the owner/applicant of this project, and the property to the south is on record at both the VPC and the Planning Hearing Officer public hearing that they were not opposed to the project as long as the other stipulations remained in effect.

Mr. Zwagerman stated that on October 6, 2004 the City Council approved McKinley Lofts rezoning application from R-3 to C-2 high rise with stipulations. One of which was general conformance to a stipulated site plan and an 11 story building elevation. He was requesting a building height of 15 floors, 365 dwelling units instead of 263, or 102 additional units. There was an updated traffic report prepared that the proposed 15 story building. Three hundred sixty five dwelling units will not create any significant traffic impact to the area. He requested that landscaping not be required on the terraces as the new plans do not have terraces. He requested three years to develop the property from the point that the new site plan and building elevations are approved by City Council.

Mr. Zwagerman stated that the project was within the Camelback East Village planning area and within the Van Buren Street/44th Street primary core. The project was proposed for mixed use having commercial on the first floor and residential space on the upper 14 floors. He noted that the 2002 General Plan stated the core was planned for a variety of mixed uses and buildings with the greatest height and the most intense uses. The project was not close to or adjacent to any residential development and therefore did not negatively impact any existing residential development. The project was located within 1/2 mile of the light rail system on Washington Street. Both the 11 story and 15 story proposals were consistent with the City of Phoenix General Plan and were in conformance with the 2002 General Plan Land Use Plan and the Camelback East Village General Land Use Plan. There was no citizen opposition to either the 11 or 15 story proposal or any negative comment on any public hearing for this project. A height increase was approved by FAA from 120 feet to 190 feet.

Speaking in favor:

Mr. Scott Ellison, 10645 East Turquoise Avenue, Scottsdale, stated he was the business development manager for Turner Construction. He stated he had been working with the applicant over the past months looking at schedules and budgets. He felt the project was viable and he was proud to be part of the team. He spoke of some of the projects Turner Construction had built around the world and noted they built high rise buildings.

Speaking in opposition:

Mr. Jack Leonard, Camelback East VPC member, stated that on October 3, 2006, the village denied the project 16-0. In June 2004 the village approved the rezoning on this site from R-5 to C-2. The developer was seeking a density greater than C-2 mid-rise would allow so they approved a C-2 high rise to allow the greater density. The village was very specific that the high-rise zoning was limited to increased density and not additional height and they stipulated that. He suggested checking the meeting minutes to note that the applicants were limited to the 120 foot maximum height. The applicant

stated in the October 2006 application that they were allowed to have 438 dwelling units but they were only seeking 365. The 2004 project that the village saw had 254 dwelling units. The high-rise zoning allows a density of 96 dwelling units, which at 3.02 acres would allow a maximum density of 290 units. The village did not know where the 438 dwelling units came from or the 365 they were proposing, which was about 121 dwelling units per acre. There were comments about the Specific Plan being null and void. The applicant stated that the General Plan update superseded the Specific Plan. Mr. Leonard stated that was not true. The General Plan update on page 13 acknowledged that the Specific Plans are in force and that they should be the source for further detail. The General Plan Map also referenced the Specific Plans. When reviewing this, the village never related the allowable height of 120 feet to anything related to the airport. The airport height limitations were not zoning related, and had to do with height allowable for aircraft. So the village's decisions had nothing to do with aircraft restrictions. Also, the village had looked at all the buildings approved at a 120 foot maximum. There were no other buildings in this core that exceeded that height.

Speaking in rebuttal.

Mr. Zwagerman stated there was no mention in the General Plan of the 44th Street Corridor Specific Plan, and even if it did the 1991 Specific Plan is 15 years old. The 2002 General Plan was adopted by the voters. Arizona Revised Statutes require that any specific plan, any zoning provision, must be in conformance with the General Plan. To make something in conformance with the general plan you do not precede it by 13 years. He stated that the 1991 44th Street Corridor Specific Plan could be used as a reference, but felt it should not control what height on this project was consistent with the 2002 General Plan and with the Zoning Code.

Dr. Kelchner asked the applicant if he submitted his heights to the FAA. Mr. Zwagerman responded yes, and stated there would be an exhibit showing both 180, no hazard approval, and 190, no hazard approval.

Commissioner Hart asked if there were three stipulations that the applicant was appealing from the Planning Hearing Officer decision. Mr. Zwagerman stated yes, first general conformance to site plan and building elevations which showed an 11 story building. They had submitted a site plan and building elevations for a 15 story building. The second one was that the prior building had terraces with landscaping, this building is not terraced. The third one was they would like three years from the date of the new elevations and site plan approval by City Council to construct the project. He was in agreement with the other stipulations but the ones he wanted amended were 1, 2, and 6.

Commissioner Keuth made a MOTION for denial to application Z-134-03-8.

Commissioner Awai SECONDED.

There being no further discussion, Dr. Kelchner called for a vote and the MOTION PASSED 6-3 (Gullett, Hart, Ellis).

* * * *

Original PHO stipulations:

1. That the development be in general conformance to the site plan and elevations dated April 14, 2004, and renderings presented to the Planning Commission on September 8, 2004, as may be modified by the Development Services Department.
2. That the proposal provide landscaping on the terrace levels, as shown on the elevations dated April 14, 2004.
3. That shade trees shall be situated on the McKinley Street frontage with the intent of providing shade to residents who may walk to access nearby amenities. The walkway shall reflect a landscape theme that is common to the entire development and shall include a minimum of 2" caliper shade trees placed 20 feet on center or appropriate groupings as may be modified by the Development Services Department.
4. That the project's public report and every purchase agreement contain a notice of the presence of the helistop on the adjacent property to the south and the presence of the church to the north; that the notices outlines the operational characteristics of each; that the notice be provided to successive purchasers; and that copies of the form of notices to purchasers be provided to the adjacent television station and to the church. As to the television station, the operational characteristics include a helistop which is available for use as a part of the ongoing business of the station 24 hours a day, 7 days a week. The use of the helistop is subject stipulations attached as part of Special Permit 11-96-8. As to the church, the operational characteristics include ringing of church bells as part of the church's regular services, holidays, special events and other religious services including, but not limited to, Christmas, Easter, and other religious holidays. The church also conducts events throughout the year which may result in overflow parking onto McKinley including, but not limited to, weddings, funerals, cultural events, festivals, and other functions.
5. That the building construction shall achieve a minimum exterior-to interior Noise Level Reduction of 25 decibels.
6. That zoning shall be conditioned upon development within three years of approval of the zoning request by City Council in accordance with Section 506.B of the Zoning Ordinance.
7. The City intends on installing a traffic signal at the intersection of 44th Street and Gateway Boulevard at or about the time that commencement of construction of this project begins. The developer shall participate in funding 50% of the costs of installing the signal at the later of commencement of construction of the project or installation of the signal.

There being no further business to come before the Commission, Dr. Kelchner adjourned the meeting at 9:40 pm.

Respectfully Submitted,

Lynn West
Secretary to the Planning Commission

REPORT OF ZONING HEARING OFFICER ACTION
October 16, 2006

ITEM NO: 7

DISTRICT NO: 7

SUBJECT:

Application #: Z-63-06-7

Location: Approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street

Request: From: R-3 To: A-1 Acreage: 1.46

Proposal: Equipment Parking and Storage

Applicant: Saul Trevizo

Owner: Saul Trevizo

Representative: Ramiro Trevizo, Jr.

ACTIONS:

Zoning Hearing Officer Recommendation: Approval, subject to staff stipulations with modification to stipulation 1.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee reviewed this case on October 3, 2006 and recommended denial, by a vote of 6-0.

Staff Recommendation: Approval, subject to stipulations.

ZHO HEARING HIGHLIGHTS:

Staff- Mr. Eric Miller presented the details of the case.

Applicant- Ms. Olaya Nevarez, 8338 West Cypress Street, Phoenix, Arizona 85037, representing the applicant presented the details of the case.

Opposition- Ms. Peggy Eastburn, 6314 West Fillmore Street, Phoenix, Arizona 85043, Chair of the Estrella Village Planning Committee mentioned that she was concerned with the approval of this case because it was in an existing residential neighborhood and this would set a precedent for the area.

Ms. Eastburn noted that the applicant has been operating the business illegally for five years and there is not guarantee what business could take over if the current owner went out of business or sold the property.

ZHO- Mr. Ron Bookbinder asked Ms. Eastburn if any of the Estrella Village Planning Committee member resided near the site and if the site had any additional violations other than operating a business in a residential zone.

Opposition- Ms. Peggy Eastburn clarified that none of the Estrella Village Planning Committee members resided in the area, though they were all familiar with the area. Ms. Eastburn noted that there may be violations regarding awnings and fencing.

Applicant- Ms. Olaya Nevarez noted that there are existing businesses adjacent to the site and one to three houses to the west of the property. Ms. Nevarez also noted that the applicant has attempted to keep in contact with the neighborhood.

ZHO- Mr. Ron Bookbinder noted that this site is in a transitional state as the General Plan calls it out as Industrial, which was approved by the Estrella Village Planning Committee. Mr. Bookbinder noted that the rezoning will bring the applicant into compliance with current standards and will prevent a vacant site. Due to the fact that the site will need to be brought into conformance with the zoning district standards, Mr. Bookbinder believed the existing site plan would dramatically change and therefore recommended approval, subject to staff stipulations with modification to stipulation 1.

FINDINGS

1. The equipment parking and storage material use is compatible with the Industrial designation on the General Plan and the Estrella Village Plan Land Use maps.
2. The change of zoning from R-3 to A-1 is consistent with the transitional change in this neighborhood of the Estrella Village.
3. The staff stipulations will assist in providing a more compatible environment with the existing residential and the newer emerging industrial uses.

STIPULATIONS

SITE PLAN

1. That the development shall be in general conformance with the site plan dated stamped May 12, 2006 as approved or modified by the Development Services Department.
 - A. That only emergency vehicle access shall be allowed from Grant Street.

WALL ELEVATIONS

2. That the wall shall be constructed on all 4 sides of the site except for an area on the north side where the property is adjacent to 3533 and 3539 West Lincoln Street and where the emergency vehicle access gate is located along Grant Street. The wall and gate shall at a minimum meet the below requirements as approved or modified by the Development Services Department.
 - A. That the wall shall be decorative in design, smooth stucco and/or split face block.
 - B. Undulation of the wall along Grant Street shall be provided every 45 feet.
 - C. That the wall height shall be a minimum of 8 feet.
 - D. That a solid gate shall be provided, along Grant Street, (for emergency vehicle access only) that eliminates any view of the site interior.

LANDSCAPE IMPROVEMENTS

3. That a 25-foot landscape setback shall be provided along Grant Street and shall include 3 to 4 inch caliper trees spaced a distance of 20 feet on center or inequivalent groupings as approved by the Development Services Department.
4. That the landscape materials provided within the Grant Street landscape setback area shall be from the guidance provided in the Estrella Village Arterial Street Landscape Program as approved by the Development Services Department.

STREET IMPROVEMENTS

5. That right-of-way totaling 25 feet shall be dedicated for the north half of Grant Street as approved by the Development Services Department.

6. That the developer shall construct all streets adjacent to the development with sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the city. All improvements shall comply with all ADA standards.

PHO ACTION

7. That all improvements, as addressed in these above stipulations, shall be completed within 18 months of City Council approval. Evidence that shows completion of all improvements shall be submitted to the Planning Hearing Officer for Administrative Review to ensure compliance.


Zoning Hearing Officer

10/19/06
Date

The Zoning Hearing Officer attests to the finding of facts, recommendations, and any stipulations resulting from the Zoning Hearing Officer hearing.

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. Contact Theresa Damiani regarding ADA, 602-262-6368/voice, or City TTY Relay/602-534-500.

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ESTRELLA VILLAGE PLANNING COMMITTEE

Meeting Minutes
Tuesday, October 3, 2006
Fowler School District Board Room
1716 South 67th Avenue
Phoenix, Arizona

Members Present

Peggy Eastburn, Chair
Jonathan Andersen
Dr. Randall Blecha
Joan Flores
Gary Kahland
Conrad Smith

Members Absent

Candy Carson
Julio LaBoy
Paul Santana
Patricia Lopez Vejar
Dr. Paul Mohr

Staff

Rachael Pitts
Leslie Lucas

1. Call to Order and Roll Call.

The Meeting started a 6:01 p.m. A quorum was present with 6 members in attendance.

2. Review and Recommendation of the September 5, 2006 Minutes.

Ms. Flores moved to approve the Minutes.

Mr. Andersen seconded the motion.

All in favor, Minutes approved.

3. Announcements and Public Comments.

Due to time constraints, Item 5 will be heard as the first item.

Ms. Pitts introduced the new Committee Member; Conrad Smith.

4. Z-63-06-7; Presentation, discussion and possible recommendation on a request to rezone approximately 1.16 acres from R-3 to A-1 for an equipment storage yard located approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street. Presentation by Ramiro Trevizo, Jr. on

behalf of Saul Trevizo. The Zoning Hearing Officer will hear this request on October 16, 2006.

Mr. Trevizo was present. Staff presented an overview of the zoning request. Committee members observed that the owner has been operating for a number of years at this location without the proper zoning in place.

Saul Trevizo, addressed the Committee. Mr. Trevizo has been operating his business for the last five years and only recently discovered that his property was not zoned prospectively. His current operation consists of storage for medium size equipment which consists of trucks and backhoes. Mr. Trevizo currently employs 60 to 80 people.

Mr. Conrad Smith asked Mr. Trevizo if this Item has been through a formal Zoning Case process with a site plan and other requirements that are needed for proper protocol. In addition, Mr. Smith believes that Mr. Trevizo also needs to go through a replat process through the County.

Ms. Pitts commented that Mr. Trevizo can apply for a rezone through the City without a County replat.

Mr. Smith also commented that Mr. Trevizo has multiple parcels of land in question and currently has a barn and buildings that have been built on the property lines and since proper protocol has not been followed, if the Committee doesn't follow the exact protocol, then the Committee would be setting a precedent; building on property lines with no setbacks, and safety issues.

Ms. Eastburn commented that she believes the retaining wall and the wire on top of the wall were built without a permit, no setbacks, and is unsightly for the neighbors to look at.

Mr. Trevizo stated the City inspector told him that he could build a wall without a permit.

Ms. Eastburn stated that she believes Mr. Trevizo misunderstood and commented that the City will allow a 3-foot wall with setbacks in a residential zone. Unfortunately you were allowed, up to this point, to build these types of structures and walls illegally; without a permit. Now, you are trying to save these structures without a describing a hardship

and unfortunately in order to correct this illegal situation, hardships are inevitable.

Mr. Smith commented that perhaps the inspector went by assumption or perhaps didn't have a zoning map in his car to refer to.

Mr. Andersen wanted to know what will happen to Mr. Trevizo's property if he is unable to meet the requirements in a timely manner and if the property is changed to A-1, would the entire property be A-1?

Ms. Pitts responded that Mr. Trevizo's zoning may not be vested.

Dr. Blecha commented that because the property has been in business for so long, is not justification to change zoning.

Ms. Flores asked Mr. Trevizo if he asked the neighbors for input before he built the wall.

Mr. Trevizo said that the City suggested setbacks and landscaping for a more pleasing look. Mr. Trevizo also commented that he has been in this community for a long time and if he is forced to move, many people will be without a job.

Mr. Smith reminded Mr. Trevizo that he is the employer and not the Village Committee, and the jobs are the responsibility of Mr. Trevizo as an employer.

The findings of the Committee are:

1. The existing uses on Grant Street, single-family homes, multi-family units, and a church are well kept and viable.
2. The existing outdoor storage use is not a reason to change the zoning.
3. There is no site planning provided, and there is an issue of platting.
4. The proper zoning process has not been followed in this application.

Dr. Blecha moved to deny this request.

Mr. Andersen seconded the motion.

All in favor, motion approved.

5. Z-TA-10-06; Presentation, discussion and possible recommendation on a request to amend Section 202