

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION September 4, 2025

ITEM NO: 17	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	PHO-1-25—Z-323-79-6
Location:	Northwest corner of 24th Street and Missouri Avenue
Existing Zoning:	C-O
Acreage:	1.16
Proposal:	1) Modify Stipulation 1 regarding general conformance to the site plan and rendering. 2) Delete Stipulation 2 regarding parking ratios. 3) Delete Stipulation 3 regarding commencement of construction. 4) Modify Stipulation 4 regarding building height.
Applicant:	Brett Slavicek, Slavicek Holdings LLC
Owner:	Slavicek Holdings LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC
Appellant:	Kurt Waldier, Gilbert Blilie, PLLC

ACTIONS:

Village Planning Committee (VPC) Recommendation: N/A

Planning Hearing Officer Recommendation (PHO): The Planning Hearing Officer heard the request on May 21, 2025 and took the case under advisement. On July 7, 2025, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed, approval with a modification and an additional stipulation

Staff Recommendation: Approval, per the Planning Hearing Officer recommendation.

Planning Commission Recommendation: Denial as filed, approval with a modification and an additional stipulation, per the Planning Hearing Officer recommendation, with a modification.

Motion Discussion: N/A

Motion details: Commissioner Gorraiz made a MOTION to deny PHO-1-25—Z-323-79-6 as filed, and approve with a modification and an additional stipulation, per the Planning Hearing Officer recommendation with a modification to keep Stipulation No. 2.

Maker: Gorraiz
Second: James
Vote: 5-1 (Jaramillo)
Absent: Odegard-Begay, Matthews
Opposition Present: Yes

Findings:

1. The request to modify Stipulation 1 regarding conformance to the site plan and rendering is recommended to be approved with a modification. The modification is to replace the existing language with a standard language stipulation regarding general conformance to the site plan and elevations. The original stipulated site plan depicts an office building situated at the southeast corner of the lot. The proposed site plan depicts an 8,764 square foot office with a height of 26'-2" measured to the top of ridge. Note

that maximum building height is addressed in Stipulation 4. The proposal is not changing the building footprint so there is no real change to the site plan. The building height is also not being modified.

The stipulated rendering shows a well landscaped, commercial office that resembles a single-family residential home. The building features a large, pronounced front door, stone façade, a turret and undulating roof line. The office that was built onsite was consistent with the stipulated rendering.

The proposed elevations reflect the existing office with modifications that include architecturally distinct facades, additional turrets, and several building additions including roof vents, pop-out windows and/or dormers. The west elevation shows a new large dormer with four new windows and a variety of building materials including stone veneer, decorative wood pop-outs, stucco and metal finishes that match the existing building. The windows appear to align with the proposed interior addition of office space to the existing mezzanine. The south elevation features two new turrets with windows that are also shown on mezzanine level. The east elevation shows several new roof vents and two new pop-outs with windows, one at mezzanine level and one on the ground floor. The north elevation features several proposed dormers and roof vents.

2. The request to delete Stipulation 2 regarding the parking ratio for required parking was added back to ensure the property abides by the originally required parking ratio and reduce the possibility of parking in the right-of-way.
3. The request to delete Stipulation 3 regarding the commencement of construction is recommended to be approved. This stipulation was met and the zoning was subsequently vested with adoption of an Official Supplementary Zoning Map.
4. The request to modify Stipulation 4 regarding building height is recommended to be denied. The applicant requested a modification to remove the language requiring the building to be built as one-story. The existing stipulation was intended to ensure that a one-story building was built on the site. The original stipulation was approved by City Council on March 10, 1980 and the minutes reflect that the original plan for the development was revised from a two-story to a one-story as a result of public concern related to the height of the building. In addition, it was noted by the original applicant at the City Council hearing that the maximum height would be 30 feet, with no mezzanine on the inside and they would not have two-story use of the structure. The City Council was concerned about the height and amended the motion to indicate one-story with a height limitation of 24 feet rather than 30 feet. I support the rationale in the original decision.

At the PHO hearing, the applicant acknowledged the building will remain one-story after construction and they will not be adding an additional story to the building. The applicant noted that the proposed improvements will add an additional 1,035 square feet to an existing mezzanine that was constructed at some point since the original rezoning case approval. The applicant will be required to submit construction documents to the Planning and Development Department for approval and will therefore be required to comply with the stipulation, the Zoning Ordinance, and International Building Code requirements, which will be addressed during the plan review process.

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

Stipulations:

1. THE Development SHALL be to in GENERAL conformance with the site plan and ELEVATIONS rendering DATE STAMPED APRIL 2, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. ~~The parking ratio to be one space for every 250 square feet.~~
2. **THE PARKING RATIO TO BE ONE SPACE FOR EVERY 250 SQUARE FEET.**
3. ~~Construction to commence within 24 months.~~
4. That it be a one-story office complex with a height limitation not to exceed 24 feet.
3. ~~PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.~~

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