

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Logan Zappolo, Planner I, Assisting

March 18, 2026

ITEM NO: 4	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-3-26--Z-111-00-7
Location:	Approximately 150 feet south of the southeast corner of 21st Avenue and Fillmore Street
Zoning:	A-1, R-3
Acreage:	1.03
Request:	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped April 12, 2016.2) Deletion of Stipulation 2 regarding landscaped setback.3) Modification of Stipulation 3 regarding wall height and materials.4) Deletion of Stipulation 5 regarding trees within landscaped setback.
Applicant:	Lorena Gonzalez, L&M Trust
Owner:	Lorena Gonzalez, L&M Trust
Representative:	Brian Sandstrom

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. On April 17, 2026 the Planning Hearing Officer took the case out from under advisement and recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this request on March 16, 2026 and recommended approval, with modifications and additional stipulations by a vote of 10-2.

DISCUSSION:

Brian Sandstrom, representative for this case, provided a brief history of the subject site and described the adjacent zoning as a mix of industrial and residential. He stated the original rezoning case was approved in 2001 and in 2016 the site went through a PHO to update the site plan to the general conformance stipulation. Mr. Sandstrom described the proposed requests to modify stipulation 1 regarding general conformance to the site plan, deletion of

stipulation 2 regarding land scape setback, deletion of stipulation 3 regarding wall heights and materials, and deletion of stipulation 5 regarding trees within the landscape setback.

Mr. Sandstrom explained the proposed modifications are due to numerous criminal acts on her property in relation to the required landscape buffer. He described instances of theft, arson, and camping. Mr. Sandstrom explained they are looking to modify the wall materials to include an 8-foot masonry wall for security and sound mitigation, instead of the existing chain-link fence. He stated the 20-foot landscape setback creates a pocket of property that is not visible from the street, which creates a condition for camping. He added in front of the property is a landscape right of way area that has gone uncared for. Mr. Sandstrom offered to accomplish the landscape needs by revitalizing the right of way landscaping. Mr. Sandstrom presented the proposed site plan and highlighted a new 8-foot masonry wall surrounding the property.

Mr. Easton asked if they were to increase the wall height and reduce the landscape setback, what is the benefit for the site?

Mr. Sandstrom stated looking up the street northward the walls are aligned, if developed to a 20-foot landscape setback this creates a pocket of property that becomes a primary camping location. He added he is open to preserving a portion of the landscape buffer; however, the 20-foot pocket would have an adverse impact on the security of the site.

Mr. Easton asked if there were any registered speakers for the case.

Mr. Zappolo stated he has received correspondence in opposition from Richard Hauck.

Richard Hauck, a member in opposition, explained he gave a similar presentation to the Central City Village Planning Committee. He highlighted concern with the current split zoning of the site, the current industrial use, proposed paving, and missing required landscape. Mr. Hauck added in conversation with concerned neighbors that the surrounding properties see the site as being used for multi-family residential rather than industrial. He added that the noise produced by the industrial use can be loud and unbearable and added the neighborhood has a watch service that does report vagrants to the Phoenix Police Department. Mr. Hauck stated overall the site is a nuisance to the surrounding neighborhood and they expect to see residential use for that property in the future. He highlighted the results of the Village Planning Commission and urged the hearing officer to deny the request.

Mr. Sandstrom in response to the opposition stated to the north of the neighborhood the properties are industrial. He added increasing the height and changing the wall materials will minimize noise beyond the property as opposed

to the existing chain link fence. Mr. Sandstrom stated he is open to additional stipulations to only allow access from the north.

Mr. Easton asked how that access would be provided.

Mr. Sandstrom described the trucks would access Fillmore Avenue from the Black Canyon access road and travelling south down 21st Street.

Mr. Easton asked Mr. Sandstrom to speak to the existing use on site.

Mr. Sandstrom stated the current use of the site is approved as a contractor's yard. He added there are no industrial activities taking place on site, rather, an employee parking lot for the workers' vehicles.

Mr. Easton asked if there are any alternatives than completely deleting the 20-foot landscape setback and asked if trees could be planted interior to the site?

Mr. Sandstrom replied he can investigate adding the trees to the interior of the site. He added within the 15 foot right of way there is currently no vegetation and stated the Village Planning Committee was receptive to that area being planted.

Mr. Easton asked for clarification of the location and asked if Mr. Sandstrom was referring to the landscaping located between the detached sidewalk and the road.

Mr. Sandstrom confirmed.

Mr. Easton called on Mr. Hauck.

Mr. Hauck responded to the potential access and stated there are already 'no through truck' signs in place. He added he still has concerns with the pollution and the heavy industrial use on site. He stated he has witnessed construction through the weekend at all hours of the day and has submitted complaints. Mr. Hauck added the site is a nuisance to the neighborhood and stated the use is out of conformance due to the split zoning on site.

Mr. Easton clarified the overall use of the site is not the subject of the PHO case. He stated the use has already been approved through the prior rezoning case. Mr. Easton clarified the request in question regarding four stipulations in relation to the site plan, elevations, walls, and landscaping. He stated this case went through the Central City Village Planning Committee where similar discussion was had. Mr. Easton added the Village requested to retain the 20-foot landscape setback and would like to modify the existing stipulation. Mr. Easton asked if the use of the site is subject to change.

Mr. Sandstrom stated the use will be slightly modified due to security issues.

Mr. Easton asked how the use would be modified.

Mr. Sandstrom responded the current use is a contractors storage yard and there is a constant maintenance area proposed, to ensure drivers can fix vehicles as needed. He added they are expected to comply with the Noise Ordinance. Lorena Gonzalez, owner of the subject site, added she has owned the site for some years and owns a traffic control company with other sites located within Phoenix. She stated she has security concerns for her site and cited multiple thefts and arson. Ms. Gonzalez stated currently there is a short chain-link fence along the front of the property which does not provide adequate security for the site. She added the main goal for this submittal was to secure and revitalize her site.

Mr. Easton called on Mr. Sandstrom and reiterated the PHO requests and asked for clarification on the difference between the stipulated site plan and the proposed site plan.

Mr. Sandstrom explained the changes to the landscape setback and the site plan itself. The previously approved plan depicts two modular buildings, and the updated site plan is only proposing one modular building.

Mr. Easton detailed the Central City Village Planning Committee results, the fact that they heard the case and proposed additional stipulations. He further stated that he just received the proposed stipulations the morning of the hearing and has not had time to review the stipulations. Mr. Easton stated he needs more time to review the additional stipulations proposed by the Village Planning Committee and took the case under advisement.

FINDINGS:

- 1) The request to modify Stipulation 1 is recommended to be approved with a modification to include more standard general conformance language. The subject site of the application includes an existing contractor's storage yard which is currently subject to general conformance with plans dated April 12, 2016. Modifying the general conformance stipulation to include the updated site plan and elevations will allow for changes to building orientation/type, parking, wall height and the proposed removal of the 20' landscape setback. The applicant is proposing these changes to match conditions of surrounding properties with similar uses and to help secure the site by replacing the chain link fence with a new, 8-foot solid wall.

The conceptual site plan depicts a contractor's storage yard with spaces for vehicle parking and one, modular building. The proposed changes to the development are consistent in scale and compatible in intensity with the land use pattern in the surrounding area.

- 2) The request to delete Stipulation 5 regarding 20-foot landscape setback along 21st Avenue is recommended to be approved. The proposed 20-foot landscape buffer is inconsistent with the existing development pattern of the immediate area. Adjoining properties with similar uses are not subject to such setbacks. Imposing this requirement would place the Owner at a distinct disadvantage, infringing upon the development rights and benefits currently enjoyed by neighboring property owners. Additionally, maintaining clear sightlines is vital for passive surveillance and site security. A deep, 20-foot landscaped pocket would create areas of concealment, exacerbating documented issues with transient activity and open-air drug use on the site. This concern is rooted in documented experience; a nearby property adjacent to the applicant was recently destroyed by a fire started by individuals camping in unmonitored areas. Maintaining visible frontage is a functional necessity for safe operations.

It should also be noted, a 20-foot wide strip already exists between the property line and the curb of 21st Avenue. If the City desires a landscaped corridor, this public ROW provides an ideal opportunity. Placing the greenery within the ROW ensures the area remains visible from the roadway, fulfilling the City's goals without creating the security risks associated with private "pockets".

- 3) The request to modify Stipulation 3 regarding wall height and materials is recommended for approval with a modification to specify the location of the wall. The Applicant is offering to modify the wall materials to include an 8-foot masonry wall for security and sound mitigation, instead of the existing chain-link fence.
- 4) The request to delete Stipulation 5 regarding trees within landscaped setback is recommended to be approved. The requirement for a 20-foot landscape setback is recommended to be removed so this stipulation is no longer necessary.
- 5) To ensure that the Applicant will add landscaping and revitalize the existing ROW planter boxes, I am recommending an additional landscaping stipulation. This stipulation was also proposed by the Central City Village Planning Committee at the March 16, 2026 VPC hearing. The new Stipulation 5 will help satisfy the intent of the original Stipulation 2 to add landscaping and buffering to the site.
- 6) 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.

- 7) The Central City Village Planning Committee additionally recommended several modifications and additional stipulations at the March 16, 2026 VPC hearing. They recommended denying the request for the removal of the 20-foot landscape setback and recommended adding the language to the general conformance stipulation (Stipulation 1) and then adding it as a standalone stipulation (Stipulation 2). I am not in agreement with the VPC recommendation and have recommended approval of the request to remove the landscape setback. The VPC also recommended a time of operation stipulation that is also not being incorporated as it is not enforceable or relevant to the advertised requests presented in the PHO application. As previously mentioned, I will be incorporating their request for an additional stipulation regarding ROW landscaping.

STIPULATIONS:

1.	Development shall be in general conformance with the site plan and elevations date stamped JANUARY 28, 2026 April 12, 2016 , with specific regard to:
a.	The development of storage yard, required screening and landscaping;
2.	That a 20-foot landscaped setback be provided along 21st Avenue.
2 3.	That An 86-foot masonry wall SHALL be placed along the south AND EAST property lines. The wall shall be constructed of OPAQUE, ATTRACTIVE AND DURABLE the same materials. pattern and color scheme as the building exterior.
3. 4.	A Certificate of Occupancy must be issued within 36 months of final site plan approval by the Planning and Development Department.
5.	Trees planted in the 20-foot landscape setback shall be planted in proximity to the sidewalks so that at maturity their canopies will shade the sidewalk.
4.	THE EXISTING DETACHED SIDEWALK ALONG 21ST AVENUE SHALL REMAIN AND THE PLANTERS SHALL BE REPLENISHED WITH 2-INCH CALIPER DROUGHT TOLERANT SHADE TREES PLANTED 20 FEET ON CENTER OR IN EQUIVALENT GROUPINGS. WHERE UTILITY CONFLICTS EXIST, THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT ON

	ALTERNATIVE DESIGN SOLUTIONS CONSISTENT WITH A PEDESTRIAN ENVIRONMENT.
5. 6-	The developer shall conduct archaeological boundary extent testing of the portion of this project area that is within Las Cremaciones as well as within 250 feet of its boundaries prior to clearing and grubbing, landscape salvage, and/or grading, as approved or modified by the City Archaeologist. A qualified Archaeologist must make this determination in consultation with the city of Phoenix Archaeologist.
6.	PRIOR TO FINAL SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

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