

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Teresa Garcia, Planner I, Assisting

September 17, 2025

ITEM NO: 2	
	DISTRICT NO. 4
SUBJECT:	
Application #:	PHO 1-25--Z-77-06-4
Location:	Approximately 150 feet north of the northwest corner of 3rd Street and Catalina Drive.
Zoning:	R-5 TOD-1, P-1 TOD-1 (Approved C-2 H-R TOD-1)
Acreage:	2.28
Request:	1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped August 11, 2006. 2) Request to delete Stipulation 2 regarding development commencement.
Applicant:	Marcela Mora-Yatko, Gilbert Blilie PLLC
Owner:	Sherylene Yazzie, Navajo Nation Department of Health
Representative:	Paul Gilbert, Gilbert Blilie PLLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard the request on September 8, 2025 and recommended approval by a vote of 11-0.

DISCUSSION:

Byron Easton, Planning Hearing Officer, noted the case was mis-advertised and did not include the request to modify general conformance to the elevations date stamped August 11, 2006. Staff confirmed the applicant's notification letters contained the correct language and the elevation review was part of the Encanto Village Planning Committee (VPC) public hearing. Mr. Easton decided to move forward with the case.

Paul Gilbert, representative of Gilbert Blilie PLLC, began by outlining the zoning history and overview of the subject site. He noted the original proposed site plan depicted a 6-story mixed-use development including retail and residential uses, which was never constructed. He then noted that in 2009 the site was approved

for a use permit to allow a personal care home then in 2015, the original 3-story building constructed in the 1970's was remodeled to the development on site today. Mr. Gilbert stated that the request is intended to clean up the zoning so that improvements can be made to the site, including outdoor seating areas, a playground, planter boxes for a communal garden, and a basketball court. He included the intent of this request is to vest the approved C-2 H-R TOD-1 zoning with the development of the current site plan. He went on to state that in addition to obtaining a use permit, they received a letter of support from the Midtown Neighborhood Association, which was submitted to Staff in preparation for this PHO hearing. He also noted that he received two letters of opposition from property owners to the south of the site regarding the smoking area located on the southeast corner of the site.

Mr. Easton stated the proposed use is beneficial to the surrounding area and residents. He noted the building was previously constructed and the only proposed changes are additions to the amenities on the site. He added that the Encanto Village Planning Committee (VPC) heard the request on September 8, 2025, and recommended approval by vote of 11-0. Mr. Easton added there were letters of opposition regarding the smoking area on site, he included a recommendation to provide smoking apparatuses that reduce the smoke and smell.

Mr. Easton recommended approval of Stipulation 1 regarding general conformance to the site plan and elevations. He added a stipulation requiring a recorded Proposition 207 Waiver prior to final site plan approval.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for approved. The rezoning case approved C-2 HR TOD-1 for the development of an 82-foot, 6-story building intended to provide retail and multifamily uses. This development never commenced and in 2009, a Use Permit was obtained to allow the existing 3-story building to be used as a 44-bed Personal Care Home. More recently, the building was updated and renovated, and an additional Use Permit and two variances were obtained in order to continue and expand the residential care facility.

The existing building that is shown on the site plan and elevations is smaller in scale and intensity and as previously noted, the use is permitted under the C-2 HR TOD-1 zoning with a Use Permit. The proposed Community Residence Center is consistent in scale and compatible in intensity with the land use pattern in the surrounding area.

- 2) The request to delete Stipulation 2 regarding a development timeline is recommended to be approved. The 36-month timeframe originally

approved in 2006 has long expired and such a condition is no longer necessary. Furthermore, the building that was approved through the 2009 site plan for the Personal Care Home Use Permit has since been developed.

- 3) 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.	That THE development shall be in general conformance with the site plan and elevations date stamped JULY 29, 2025 August 11, 2006 as modified BY THE FOLLOWING STIPULATIONS and approved by the PLANNING AND Development Services Department.
2.	That the approval shall be conditional upon development commencing within 36 months of the City Council approval of this change of zoning in accordance with Section 506 B 1 of the Phoenix Zoning Ordinance. For purpose of this stipulation development shall commence with the issuance of building permits and erection of building walls on site.
2.	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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