

## Attachment C

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

May 21, 2025

ITEM NO: 7	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-1-25--Z-63-06-7
Location:	Approximately 315 feet west of the northwest corner of 35th Avenue and Grant Street
Zoning:	R-3 (Approved A-1)
Acreage:	1.46
Request:	<ol style="list-style-type: none"><li>1) Request to delete Stipulation 2B regarding undulation of the wall along Grant Street.</li><li>2) Request to modify Stipulation 3 regarding the landscape setback along Grant Street.</li><li>3) Request to modify Stipulation 5 regarding the right-of-way dedication for the north half of Grant Street.</li><li>4) Request to modify Stipulation 7 regarding the completion timeframe for all improvements.</li></ol>
Applicant:	Brent A. Powers Esq., Faith Law
Owner:	Saul Trevizo
Representative:	D. Alexander Baker Esq., Faith Law

### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed, approval with modifications.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard the request on May 20, 2025 and recommended approval by a vote of 4-0.

### **DISCUSSION:**

Brent Powers, representative of Faith Law, gave an overview of the location and modification requests, indicating they are now requesting to delete Stipulation 4 regarding landscape materials in addition to the original requests. He stated the owner went through the rezoning process with the assistance of his nephew and bookkeeper in 2005 and was granted City Council approval in 2006, however he was not aware of the stipulations that needed to be met to vest the zoning.

Mr. Powers stated the undulation of the wall along Grant Street was not within the character of the neighborhood. He stated the owner would lose approximately 20% of his property due to the landscape setback and his tenant would most likely leave if more than the right-of-way is taken from the property. He stated no other properties in the neighborhood have this requirement. He stated the property owner misinterpreted the right-of-way dedication requirement but was provided clarification by the Street Transportation Department and is now willing to comply with Stipulation 5. He stated the owner wants to comply with the city's requirements and requests to reduce the completion timeframe from 18 months to 12 months after PHO and City Council approval. He stated the owner agreed to add the sidewalk and street lighting and the Estrella Village Planning Committee recommended approval of the request

Byron Easton, Planning Hearing Officer, asked Mr. Powers if there were other sidewalks on the street. Mr. Powers confirmed there were none and this property would be the first one to have them. Mr. Easton asked if the owner would include a 5-foot landscape strip on the site. Mr. Powers stated the owner would consider anything the city recommended within the 30-foot right-of-way. Mr. Easton recommended approval to Stipulation 2B regarding the undulation of the wall along Grant Street as it does not match the character of neighborhood. He recommended denial as filed with a modification to Stipulation 3. The applicant requested to delete the stipulation in its entirety; the PHO is denying that request. However, Mr. Easton is modifying the stipulation by adding the language regarding a 5-foot landscape setback along Grant Street. He recommended approval of Stipulation 5 regarding the right-of-way dedication as the owner is willing to abide by the stipulation. He recommended denial to Stipulation 7 regarding the completion timeframe as he is only a recommending body, and the timeline starts after City Council approval. In addition, Mr. Easton noted that the applicant is asking to shorten the amount time to develop their property and that is not in their best interest.

### **FINDINGS:**

- 1) The request for deletion of Stipulation 2.B is recommended to be approved. The wall is already built, and the VPC is amenable to it as it stands. Undulation of the wall is not consistent with the character or existing condition of the neighborhood.
- 2) The request to modify Stipulation 3 is recommended to be denied as filed with a modification to reduce the landscape setback from 25 feet to 5 feet. A 25-foot landscape setback is not consistent with neighboring properties and creates an undue burden on the property owner as he would lose approximately 20% of this usable acreage. He is already dedicating 30 feet of his property to construct the north half of Grant St. and an additional 25 feet would be unreasonable. Additionally, the requirement for trees in the setback is recommended to be removed per the modification. The 5-foot setback is not large enough for trees and should be planted with shrubs and groundcover as approved by the Planning and Development Department.

- 3) The applicant requested to delete Stipulation 4 regarding landscape materials at the hearing. This request is recommended to be denied. The applicant requested this because they were also requesting a 0-foot landscape setback. Since the PHO is recommending a 5-foot landscape setback, the materials will still be consistent with the Estrella Village Arterial Street Landscape Program.
- 4) The request to modify Stipulation 5 regarding the right-of-way dedication for the north half of Grant Street is recommended denial as filed with a modification to bring the stipulation into conformance with current city code.

In accordance with by Sec. 32-27(A)(3) of City Code and as prescribed in the City of Phoenix Supplemental Standard Details for Public Works Construction (2021), Detail No. P1014, Cross Section F for an Industrial Local roadway. a 30-foot right-of-way is required for an Industrial Local roadway. Since the entire neighborhood is zoned A-1 Industrial, and the applicant is intending to vest the approved A-1 Industrial, the Industrial Local cross-section is applicable. The applicant is requesting an exemption from minimum standards that are not eligible for exemption, as these are minimum requirements.

Additionally, the Development Services Department no longer exists; therefore, the corresponding section of the stipulation is recommended to be removed.

It should also be noted that, with the exception of the subject site and three parcels located on the north side of Grant Street east of the property, the entire neighborhood has already dedicated the required minimum right-of-way for the designated cross-section.

- 5) The request to modify Stipulation 7 regarding the completion timeframe for all improvements is recommended to be denied. PHO does not approve the requests, only recommends to City Council. I also don't see why the applicant is putting undue pressure on the completion of the improvements.

### **STIPULATIONS:**

1.	<del>That</del> Only emergency vehicle access shall be allowed from Grant Street.	
WALL ELEVATIONS		
2.	<del>That</del> 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 requirements below as approved or modified by the PLANNING AND Development <del>Services</del> Department.	
	A.	<del>That</del> The wall shall be decorative in design, smooth stucco and/or

		split face block.
	B.	<del>Undulation of the wall along Grant Street shall be provided every 45 feet.</del>
	B. C.	<del>That</del> The wall height shall be a minimum of 8 feet.
	C. D.	<del>That</del> 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.		<del>That</del> 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 PLANNING AND 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 PLANNING AND 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 PLANNING AND 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.		<del>That</del> 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.		<del>That</del> Prior to site plan approval that both applicant and landowner SHALL 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.

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. To request a reasonable accommodation, please contact Saneeya Mir at [saneeya.mir@phoenix.gov](mailto:saneeya.mir@phoenix.gov) or (602) 686-6461 or TTY: 7-1-1.