



Village Planning Committee Meeting Summary

PHO-3-26--Z-111-00-7

Date of VPC Meeting	March 16 2026
Date of Planning Hearing Officer Hearing	March 18, 2026
Request	<ol style="list-style-type: none"> 1) Modification of Stipulation 1 regarding general conformance to the site plan and elevations 2) Deletion of Stipulation 2 regarding the landscape setback 3) Modification of Stipulation 3 regarding wall height and materials 4) Deletion of Stipulation 5 regarding trees within the landscape setback.
Location	Approximately 150 feet south of the southeast corner of 21st Avenue and Fillmore Street
VPC Recommendation	Approval, with modifications and additional stipulations
VPC Vote	10-2

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

One member of the public registered to speak in opposition to this item.

STAFF PRESENTATION

Samuel Rogers, staff, provided an introduction and overview of the proposal, identifying the size, location, zoning, adjacent land uses, and General Plan Land Use Map designation. Mr. Rogers discussed the Planning Hearing Officer (PHO) process, history of the site, and explained the request.

Committee Member Elaine Becherer asked staff to display the site plan and describe the proposal. **Mr. Rogers** displayed the site plan and explained the request. Committee Member Becherer asked what City staff's position is on the proposal. Mr. Rogers stated that staff does not take positions on PHO requests at this stage in the process.

Chair Darlene Martinez explained that she determined that the Committee should review the PHO request because the Village Planning Committee previously heard the case in 2016.

Committee Member Janey Pearl Starks asked how common PHO cases are. **Mr. Rogers** explained that PHO cases are generally common and stated that the Central City Village has not had a PHO case in several years.

Vice Chair Zach Burns asked about the notification requirements. **Mr. Rogers** explained that rezoning cases require notification to properties within 600 feet of a subject site, whereas PHO cases require notification to properties within 300 feet.

Committee Member Cyndy Gaughan commented that the request appears consistent with the surrounding area with respect to the landscape setback.

APPLICANT PRESENTATION

Brian Sandstrom, representing the applicant, thanked the Committee for hearing the case, explained that the PHO request is due to a change in ownership and the new needs of the current property owner, and stated that the owner is eager to improve the site but must complete this PHO process first. Mr. Sandstrom described the surrounding area, explained that the existing landscape setback is not consistent with neighboring properties, displayed an aerial of the project area, and described the request. Mr. Sandstrom explained that the property owner previously had another site that experienced issues with individuals congregating in landscaped areas and stated that property eventually burned down. Mr. Sandstrom explained that the wall height is requested to be increased to ensure the property does not negatively affect the surrounding neighborhood. Mr. Sandstrom displayed and described the 2016 site plan and the proposed site plan, outlined the benefits to the neighborhood, and explained that the site improvements and new development will be a benefit to the surrounding aging area.

QUESTIONS FROM THE COMMITTEE

Committee Member Gaughan asked why the required trees were not planted during the ten years since the previous 2016 PHO approval. **Mr. Sandstrom** stated that the previous owner had limitations that the current developer cannot speak to and explained that the applicant would be agreeable to adding landscaping within the detached sidewalk landscape strip.

Committee Member Dana Johnson expressed concern that a gap will exist between the proposed wall on the east side and the adjacent building to the north and stated that the gap will create a pocket area. Committee Member Johnson asked whether a stipulation requiring trees could be added. **Mr. Sandstrom** stated he would reach out to the northern neighbor regarding closing the gap. **Mr. Rogers** explained that a stipulation regarding planting within the landscape strip could be added. Committee Member Johnson explained the importance of providing trees for heat-mitigation purposes.

Committee Member Becherer asked whether the wall would be eight feet tall around the entire property. **Mr. Rogers** explained that the stipulation applies only to certain sections of the wall and that the height of remaining wall sections will be determined by the developer. **Mr. Sandstrom** explained that the west and north walls will remain, and the east and south portions of the wall will be newly constructed.

Committee Member Pearl Starks asked whether there was previously a cremation use on the property. **Mr. Sandstrom** stated that his understanding is that there was cremation activity in the surrounding area.

Committee Member Jordan Greenman asked whether the site is currently a dirt lot and whether there is a plan to dust-proof it. **Mr. Sandstrom** confirmed that the lot is currently dirt and explained dust-proofing plans.

Committee Member Ali Nervis asked when the current owner took possession of the property. **Mr. Sandstrom** stated that the owner acquired the site around 2021.

PUBLIC COMMENT

Richard Hauck thanked the Committee members for their service on the Village Planning Committee, stated that he has lived in the area since 2020, explained that he is a community organizer, explained that the subject site is located within his neighborhood, and urged the Committee to deny the request. Mr. Hauck stated that there is an issue with the parcel address, stated that the site is currently violating zoning regulations, and explained that heavy industrial uses are taking place on the property, despite only a portion of the site being zoned industrial. Mr. Hauck stated that the current use is loud, creates dust and air pollution, and is destructive to nearby roads. Mr. Hauck explained that the vehicles associated with the site are loud early in the morning, throughout the day, and into the evening, including weekends, and stated that the site has hosted a loud music event on a weekend. Mr. Hauck stated that trucks from the site drive through the neighborhood despite posted “no truck” signage, explained that approving the request would increase environmental injustices caused by the development, stated that more trees are needed in the area, and requested that the Committee deny the proposal.

Vice Chair Burns asked for confirmation that Mr. Hauck was requesting denial of the case and stated that it appears there are two separate issues: whether the site is currently being used in violation of zoning standards, and the specific stipulations that are under consideration as part of the PHO request. Vice Chair Burns explained that zoning enforcement is separate from the Committee’s review of stipulations and asked whether the neighborhood would be supportive of the development if a large landscape setback were required. **Mr. Hauck** stated that the neighborhood would prefer the site to be developed with residential uses and would like to see more trees provided.

APPLICANT RESPONSE

Brian Sandstrom stated that the development has been limited in its ability to make site improvements due to the existing stipulations, explained that the property to the south is in disrepair, and stated that the surrounding area contains significant industrial uses. Mr. Sandstrom stated that the proposed heavy masonry wall will improve sound transmission and explained that including a stipulation for trees in the landscape detachment area would be helpful.

Committee Member Pearl Starks asked whether the PHO process would change what is currently allowed on the site. **Mr. Sandstrom** stated that the PHO request will not change what uses are permitted and explained that the property owner to the south is present in the audience and is in support of the proposal.

Committee Member Becherer asked staff to remind the Committee about split zoning regulations. **Mr. Rogers** explained split zoning regulations, stated that the zoning is already in place, and explained that if the site is operating in violation of the zoning district, the Neighborhood Services Department can investigate and issue a violation.

Committee Member Greenman asked whether the applicant would be open to a stipulation requiring operations to occur only during specific hours. **Mr. Sandstrom** stated that he could not speak on behalf of the applicant regarding operating hours.

Committee Member Edward Vargas asked about a discrepancy between the request in the application packet and the information shown in the staff presentation. **Mr. Rogers** clarified that he had missed the part of the proposed modification that added a requirement for the eight-foot wall to be placed on the southern property line.

Committee Member Vargas asked whether the Committee could approve one part of the request and reject another. **Mr. Rogers** confirmed Committee Member Vargas' inquiry. **Mr. Sandstrom** explained that City staff requested inclusion of the south wall in the stipulation modification because the existing chain-link fence is not an approved wall material.

Committee Member Ash Uss asked what channels are available to report potential zoning violations. **Mr. Rogers** explained that the Neighborhood Services Department can be contacted to investigate and potentially issue violations. Committee Member Uss asked whether a stipulation requiring ongoing monitoring of the property could be added. Mr. Rogers stated that such a stipulation cannot be added.

Vice Chair Burns stated that it is difficult to support removing landscape setbacks adjacent to residential properties. **Mr. Sandstrom** asked whether a stipulation requiring landscaping in the sidewalk detachment area would be satisfactory.

Committee Member Gaughan expressed concern that landscaping in the sidewalk detachment strip may not be maintained. **Mr. Rogers** explained that the City's

landscape ordinance was updated in recent years and that current projects must submit a landscape plan that can be used to ensure compliance. Mr. Rogers explained that when the case was originally heard the landscape ordinance enforcement mechanism did not exist.

Committee Member Gaughan stated that she is unsure what types of shade trees would be viable in the sidewalk detachment. **Mr. Rogers** explained that the Planning and Development Department typically uses standard stipulation language requiring two-inch caliper shade trees planted 20 feet on center or in equivalent groupings within sidewalk detachment areas.

Committee Member Becherer asked whether trees could be placed in the sidewalk detachment. **Mr. Sandstrom** confirmed that they could.

Vice Chair Burns stated that he is uncomfortable removing trees entirely but would be supportive if trees were required in the landscape strip.

Committee Member Ali Nervis stated that the current owner has not installed trees during the past five years of ownership. **Mr. Sandstrom** explained that the owner wants to begin improving the site and has already improved the sidewalk but has been unable to make other improvements due to the existing stipulations. Mr. Sandstrom reiterated that the owner has a fundamental concern that the approved site plan creates a refuge space and will cause safety issues.

Committee Member Vargas asked the applicant to describe outreach conducted in the area. **Mr. Sandstrom** stated that mailers were sent within a 300-foot radius and explained that some property owners are located out of state.

Vice Chair Burns asked whether the proposed site plan has gone through site plan review. **Mr. Sandstrom** stated that it has not gone through site plan review yet and stated that the PHO process must be completed first.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

Committee Member Greenman stated that he would like to include a stipulation establishing a specific timeframe.

Committee Member Becherer explained that she would like to make a motion to approve the request with an additional stipulation that requires the existing detached sidewalk to remain, that the landscape strip to be replanted with two-inch caliper shade trees, and that the trees should be planted prior to issuance of the Certificate of Occupancy. **Mr. Rogers** advised against including a timeframe and explained that compliance with the landscaping requirement would already be required by the Certificate of Occupancy.

Vice Chair Burns stated that the front portion of the property is zoned residential and explained that walls are not permitted on property lines within residential zoning districts.

Committee Member Uss stated that adding a wall makes it more difficult to observe activities occurring on the site and expressed concern about regulating the uses behind the wall.

Vice Chair Burns stated concerns that the location of the eight-foot wall may violate zoning requirements. **Committee Member Becherer** asked what occurs if the stipulations place the proposal out of compliance with zoning. **Mr. Rogers** explained that the applicant would need to pursue variances or return with another PHO request. **Mr. Sandstrom** stated that the applicant intends to pursue variances following completion of the PHO process.

Vice Chair Burns asked whether there is a way to stipulate general conformance to a future approved site plan. **Mr. Rogers** stated that he had not encountered that situation previously and explained that the existing General Conformance stipulation could also be removed.

Chair Martinez stated that the removal of trees was the reason she elected to bring this case before the Village Planning Committee.

Committee Member Greenman stated that he does not understand how the development has not yet gone through a site planning pre-application process. **Mr. Sandstrom** explained that the site did go through a site planning pre-application meeting.

MOTION 1

Committee Member Elaine Becherer made a motion to recommend approval of PHO-3-26--Z-111-00-7, , with an additional stipulation regarding the existing detached sidewalk remaining and planting standards within the landscape strip. **Chair Darlene Martinez** seconded the motion.

VOTE 1

6-6; Motion to recommend approval of PHO-3-26--Z-111-00-7, with an additional stipulation regarding the existing detached sidewalk remaining and planting standards within the landscape strip failed, with Committee Members Ban, Becherer, Burton, Gaughan, Johnson, and Martinez, in favor and Committee Members Greenman, Nervis, Starks, Uss, Vargas, and Burns in opposition.

Committee Member Becherer asked those who voted in opposition to propose a new motion.

Committee Member Greenman stated that including hours of operation would make him more supportive of the request and explained that he would prefer to hear from other members who voted in opposition before making a motion.

Committee Member Pearl Starks asked whether the property is zoned light industrial or heavy industrial. **Mr. Rogers** explained that the property is zoned light industrial. Committee Member Pearl Starks asked whether the current operations are in violation of the zoning. Mr. Rogers stated that he does not have sufficient information about the ongoing operations and would need additional details before conducting research or making a determination.

Committee Member Vargas stated that his primary concern is the eight-foot wall and explained that failing to plant a cactus in five years reflects poorly on the property owner. **Committee Member Gaughan** stated that the Committee is seeking more shade trees. Committee Member Vargas expressed concern that trees may obstruct visibility for pedestrians and drivers because trees take time to grow and explained that trees with aggressive roots can damage sidewalks.

Chair Martinez asked for clarification as to whether Committee Member Vargas opposes adding trees. **Committee Member Vargas** explained that he supports adding trees but given that five years have passed without any being planted, he remains concerned. **Vice Chair Burns** stated that no development has occurred on the property to trigger required landscaping.

Committee Member Pearl Starks asked what happens if the Committee chooses not to make a recommendation. **Mr. Rogers** explained that the case would move forward to the PHO without a recommendation from the Village Planning Committee.

Chair Martinez reiterated that she elected to hear the case because the applicant proposed removing the trees.

Vice Chair Burns stated that the previous site plan included a six-foot wall located twenty feet back from the sidewalk.

Committee Member Becherer questioned whether the discussion was moot if the Committee's recommendation is "no recommendation". **Mr. Rogers** explained that if the VPC does not make a recommendation then the case will go to the PHO without a recommendation from the VPC.

Committee Member Becherer stated that she wishes to hear from those who voted against the motion. **Committee Member Nervis** stated that he would vote for denial. **Committee Member Pearl Starks** stated that she would also vote for denial. **Committee Member Uss** stated that she would vote for denial but expressed hesitation because doing so would mean the Committee's recommendations related to shade may not be considered.

Chair Martinez stated that if the same owner had retained the property for the past ten years she would vote for denial and explained that given the ownership has changed, she is supportive as long as trees are included.

Committee Member Pearl Starks stated that she believes approving the request would make the Committee complicit in zoning violations.

Committee Member Greenman stated that a mailer was sent and that the immediate neighbor is in support, stated that he would approve the request if a time-based stipulation were added, explained Mr. Hauck expressed that the site should be used for residential purposes, and explained a residential use is not possible because the zoning entitlements are already in place.

Vice Chair Burns asked whether there would be support if a landscape setback were required. **Mr. Rogers** explained that denying the request to delete the landscape setback stipulation would conflict with the existing General Conformance stipulation and stated that the General Conformance stipulation would either need to be deleted or reverted to the 2016 site plan.

Committee Member Uss explained that the Committee is having a lengthy discussion because the decisions made will have long-term impacts and stated that modifying stipulations is not taken lightly.

MOTION 2

Vice Chair Zach Burns made a motion to recommend approval of PHO-3-26--Z-111-00-7, with modifications and additional stipulations. **Committee Member Cyndy Gaughan** seconded the motion.

VOTE 2

10-2; Motion to recommend approval of PHO-3-26--Z-111-00-7, with modifications and additional stipulations passed, with Committee Members Ban, Becherer, Gaughan, Greenman, Johnson, Nervis, Starks, Vargas, Burns, and Martinez, in favor and Committee Members Burton and Uss in opposition.

VPC RECOMMENDED STIPULATIONS:

1. Development shall be in general conformance with ~~the site plan and elevations date stamped April 12, 2016,~~ CURRENT PROPOSED SITE PLAN, STAMPED/ SEAL DATED 01.26.2026, **EXCEPT THAT 20 FOOT LANDSCAPE SETBACK SHALL BE PROVIDED AND** 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.~~

THAT A 20-FOOT LANDSCAPED SETBACK BE PROVIDED ALONG 21ST AVENUE.

3. That a 6 8-foot masonry wall be placed along the south ~~AND EAST~~ property line **AND EAST LANDSCAPE SETBACK LINE**. The wall shall be constructed of the same materials, pattern and color scheme as the building exterior OPAQUE, ATTRACTIVE, DURABLE MATERIALS.
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.~~
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.
7. **THE SITE SHALL ONLY OPERATE BETWEEN THE HOURS OF 7AM AND 6PM.**
8. **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.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff Recommends that the proposed Stipulation No. 7 not be added due to the lack of enforceability of operating hours. Additionally, staff recommends Stipulation No. 5 not be deleted to be consistent with the VPC recommendation to retain the 20-foot landscape setback.