

ATTACHMENT D

PLEASE RESPOND ELECTRONICALLY TO LOGAN ZAPPOLO 2ND FLOOR, 602-256-3322



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

From: Joshua Bednarek
Planning & Development Department Director

Date: December 17, 2025

Subject: P.H.O. APPLICATION NO. PHO-2-25--Z-77-06-4 – Notice of Pending Actions by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **January 21, 2026**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **December 24, 2025**.

DISTRIBUTION

Mayor's Office (Tony Motola), 11th Floor
City Council (Stephanie Bracken), 11th Floor
City Council District 4 - Brenda Munoz Murguia (council.district.4@phoenix.gov)
Aviation (Jordan D. Feld)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Joel Asirsan), 2nd Floor
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Todd Shackelford), 16th Floor
Public Transit (Skitch Kitchen)
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor
Planning and Development/Information Services (Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Byron Easton, Logan Zappolo), 2nd Floor
Village Planner (John Roanhorse, Encanto Village)
Village Planning Committee Chair (Mr. Aaron Montano Searles, Encanto Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-25--Z-77-06-4

Council District: 4

Request For: Stipulation Modification

Reason for Request: Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped July 29, 2025.

HEARING INFORMATION

Hearing Type	Hearing Date	Hearing Time	Hearing Location
Planning Hearing Officer	01-21-2026	10:00 AM	Meetings to be held virtually

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Sherylene Yazzie	Owner	PO BOX 1390 Window Rock, AZ 86515	(928) 871-6350		sherylenem.yazzie@navajo-nsn.gov
Paul Gilbert	Representative	701 North 44th Street Phoenix AZ 85008	480-429-3002		pgilbert@gilbertblilie.com
Marcela Mora-Yatko, Gilbert Blilie PLLC	Applicant	701 North 44th Street Phoenix AZ 85008	480-429-3044		mmora-yatko@gilbertblilie.com

Property Location: Approximately 150 feet north of the northwest corner of 3rd Street and Catalina Drive

Acreage: 2.28

Geographic Information

Zoning Map	APN	Quarter Section
G8	118-35-156	Q15-28
Village:		
Encanto		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning@phoenix.gov or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: _____ DATE: _____

Fee Information

Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	12/05/25	PHO (1-2 stipulations)

November 26, 2025

Planning Hearing Officer Request

This PHO application is a request to modify Stipulation 1 of PHO-1-25-- Z-77-06-4 as approved on November 3, 2025.

PHO-1-25—Z-77-06-4 was amended to modify the first stipulation and remove the second stipulation on rezoning case Z-77-06 for an existing three-story commercial building, which is being used as a Community Residence Center. The site plan and elevations recently approved through PHO-1-25—Z-77-06-4 included exterior improvements to the existing building. The site plan associated with the PHO case has received Minor Site Plan approval through 99-35036A4-AMND, and the process to vest the C-2 HR TOD-1 zoning via a supplemental map is underway. The building plans for the related improvements are currently being reviewed by the City.

The Community Residence Center, which is a Behavioral Health Residential Facility, is owned by the Navajo Nation and operated by Axiom Care as a subcontractor. The facility provides structured care for individuals with behavioral health needs. There is a desire to integrate Healing Grounds on the site as part of the care that is offered at the facility. The Healing Grounds for the Navajo Nation represent an important part of the recovery process, whereby the principles of wellbeing are reinforced with traditional ceremonies representing beliefs of being one with nature and all living things. The proposed Healing Grounds consist of male and female sweat lodges, a hogan, changing rooms, and an area where a tepee is periodically erected. The Healing Grounds are proposed to be located at the southeast corner of the site.

We therefore request the following modification of the stipulations detailed as follows:

Stipulation 1

That development shall be in general conformance with the site plan and elevations date stamped ~~July 29, 2025~~ [DATE], as modified by the following Stipulations and approved by the Planning and Development Department.

***Rationale:** The site plan has been updated to include a Healing Grounds space at the southwest corner of the site, and additional elevations have been prepared to reflect the proposed new development. The existing three-story building will remain on the property, with no modifications; therefore, the elevations that were approved in November 2025 (and date-stamped July 29, 2025) are not being changed with this application. The Healing Grounds were not included in the previous PHO application; therefore, a new site plan has been developed to include the Healing Grounds at the southwest corner of the site.*



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

November 3, 2025

Marcela Mora-Yatko
701 North 44th Street
Phoenix, AZ 85008

RE: PHO-1-25--Z-77-06-4 – Approximately 150 feet north of the northwest corner of 3rd Street and Catalina Drive.

Dear Applicant:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506 of the Zoning Ordinance, has on October 15, 2025, considered a request for 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped August 11, 2006. 2) Deletion of Stipulation 2 regarding development commencement.

The City Council ratified application PHO-1-25--Z-77-06-4 as recommended by the Planning Hearing Officer for space approval.

Stipulations:

- Mod **1.** That the development shall be in general conformance with the site plan and elevations date stamped July 29, 2025, as modified by the following Stipulations and approved by the Planning and Development Department.
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.

Sincerely,

A handwritten signature in black ink, appearing to read "By Easton", written over a white background.

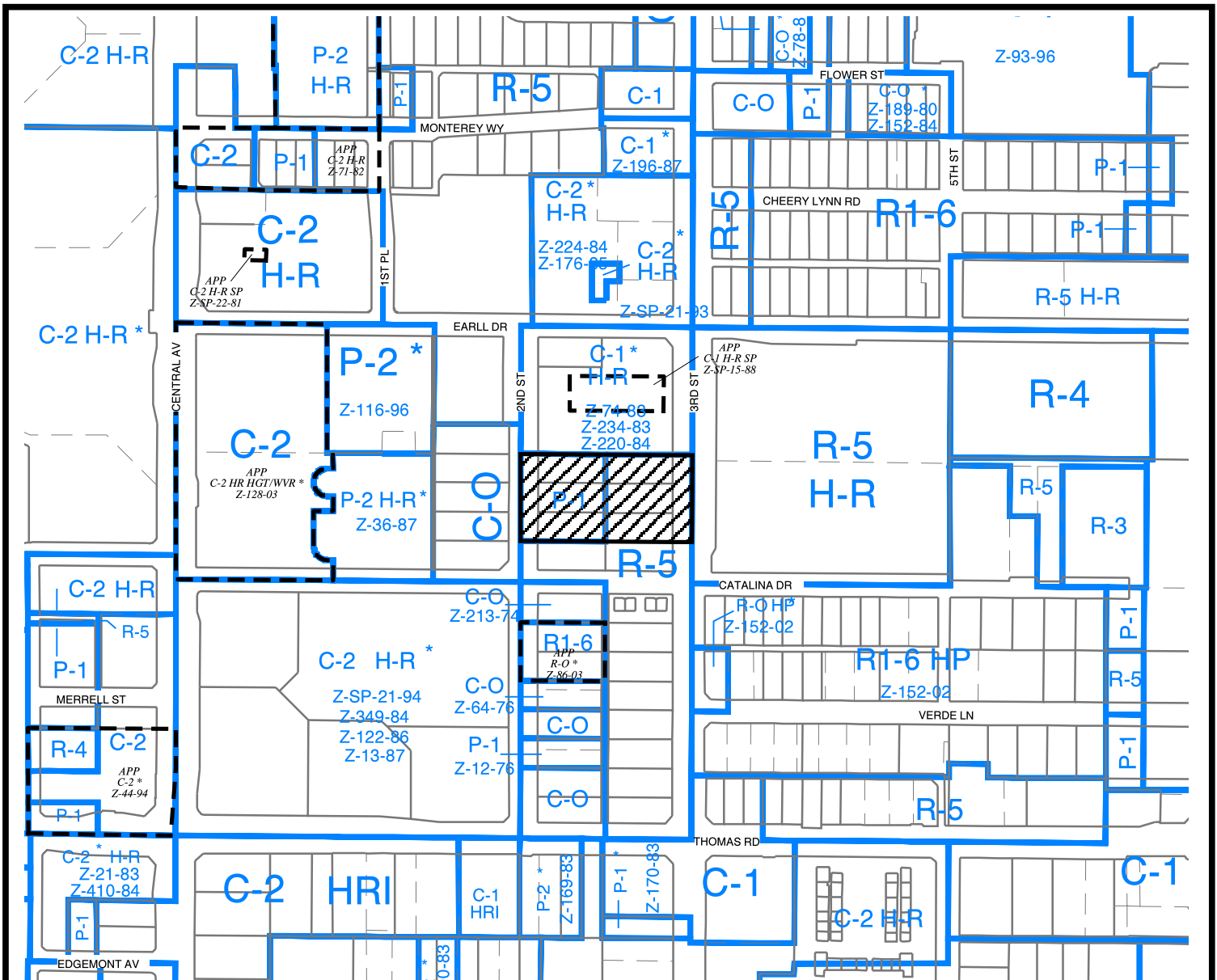
Byron Easton
Planner III

PHO-1-25--Z-77-06-4

November 3, 2025

Page 2

c: Paul Gilbert, Gilbert Blilie PLLC, 701 North 44th Street, Phoenix, AZ 85008
Sherylene Yazzie, PO Box 1390, Window Rock, AZ 86515
Teresa Garcia, PDD-Planning (Electronically)
Tricia Gomes, PDD-Development (Electronically)
Greg Gonzales, NSD (Electronically)
Stephanie Bracken, City Council (Electronically)
City Council District (D4), Brenda Munoz Munguia (Electronically)
Tony Motola, Mayor's Office (Electronically)
Book
Case File



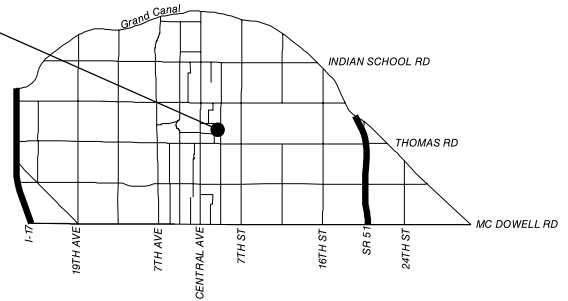
400 0 400 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

Encanto Village

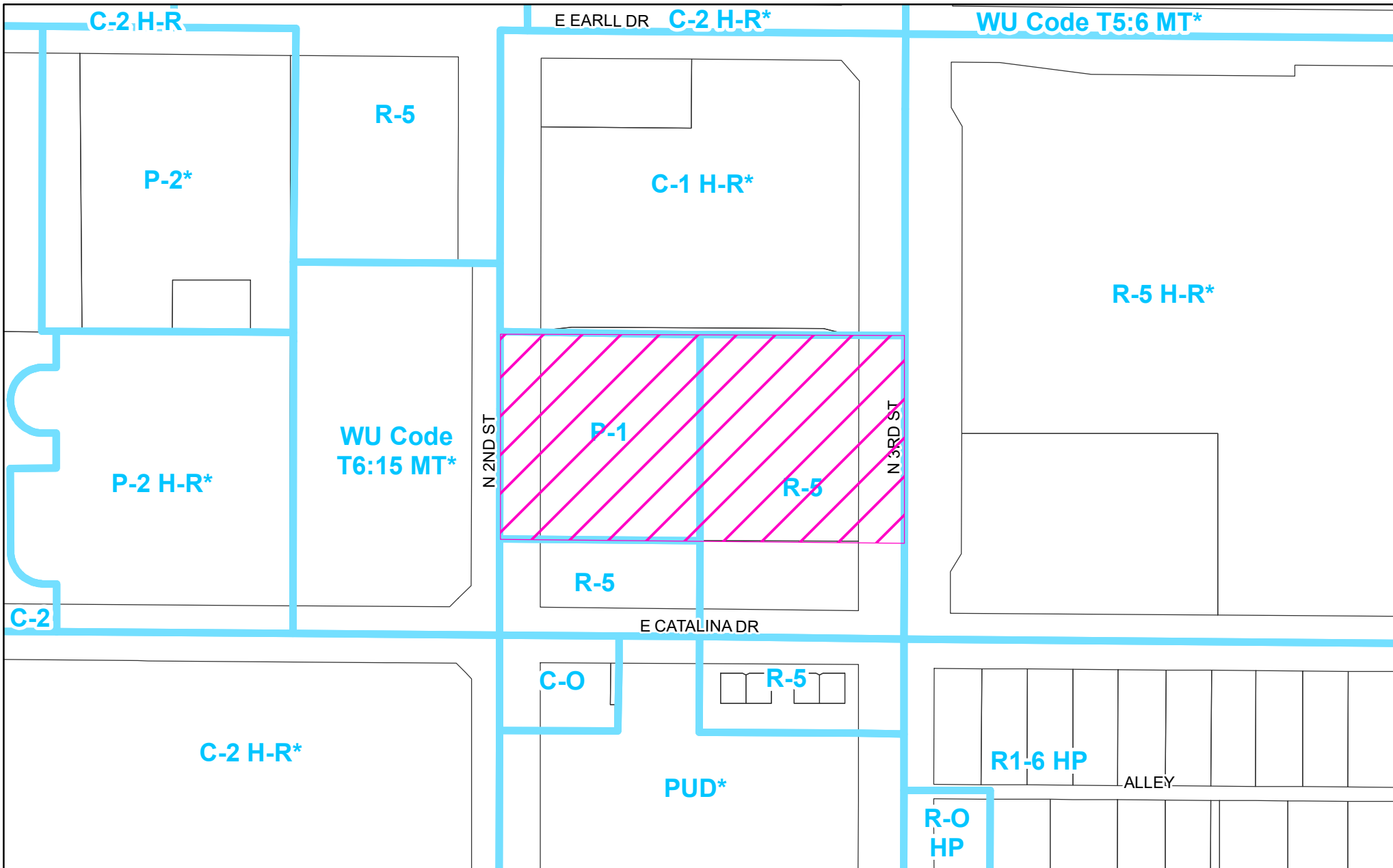
CITY COUNCIL DISTRICT: 4

Z-77-06



APPLICANT'S NAME: Beus Gilbert / Paul E. Gilbert		REQUESTED CHANGE: FROM: P-1 TOD-1 (1.13 ac), R-5 TOD-1 (1.15 ac) TO: C-2 H-R TOD-1 (2.28 ac)	
APPLICATION NO. Z-77-06	DATE: 6-30-2006 REVISION DATES: 6-30-2006 7-24-2006		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 2.28 Acres	AERIAL PHOTO & QUARTER SEC. NO. Q15-28	ZONING MAP G8	
MULTIPLES PERMITTED P-1 / R-5 C-2 H-R	CONVENTIONAL OPTION N/A / 50 220	* UNITS P.R.D. OPTION N/A / 52 N/A	

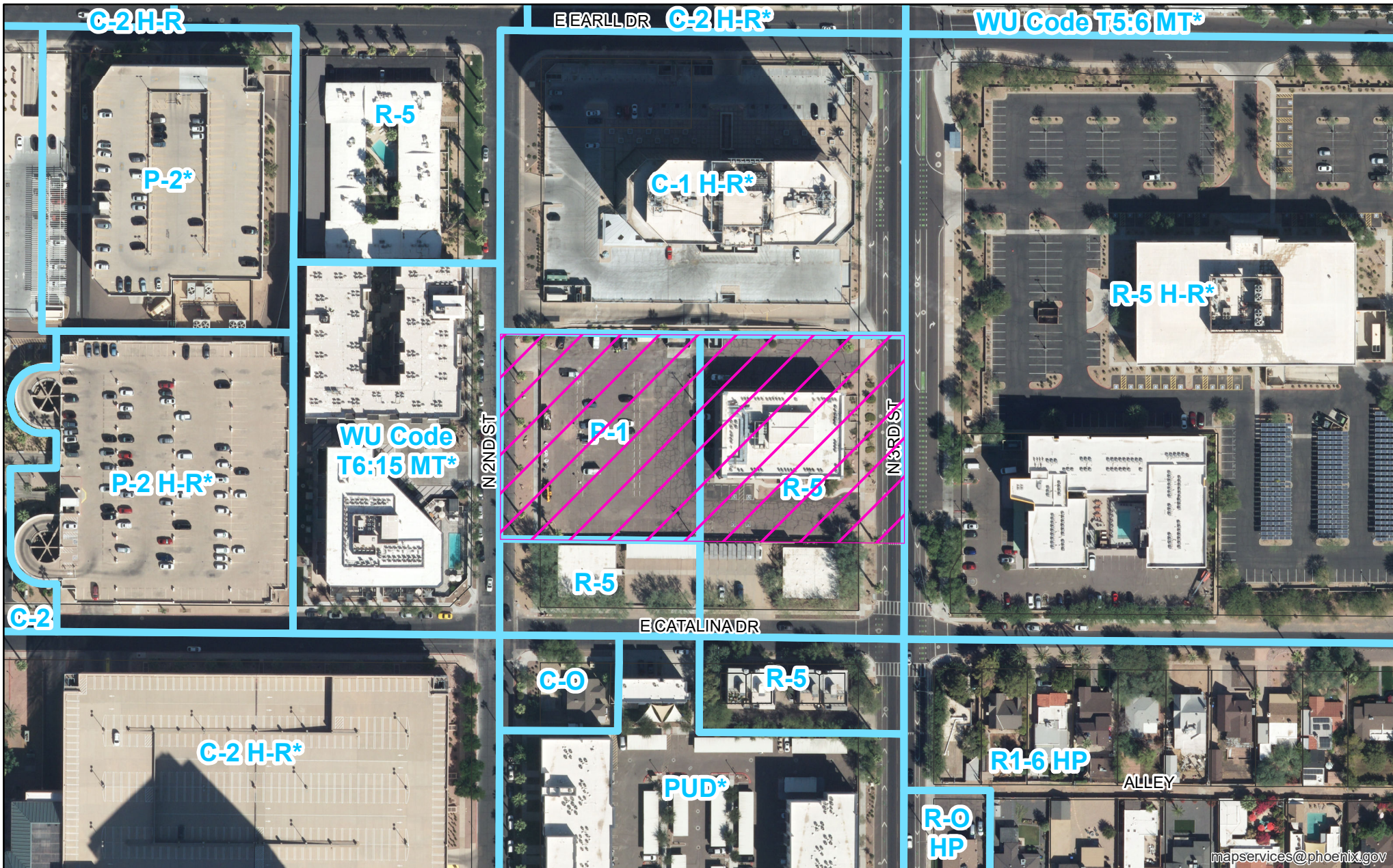
* Maximum Units Allowed with P.R.D. Bonus



PHO-2-25--Z-77-06-4

Property Location: Approximately 150 feet north of the northwest corner of 3rd Street and Catalina Drive





PHO-2-25--Z-77-06-4

Property Location: Approximately 150 feet north of the northwest corner of 3rd Street and Catalina Drive

GENERAL INFORMATION INFORMATION

SITE PLAN DESIGN PROFESSIONAL:
LAYNE HUNTON, AIA
2021 S WAVERLY AVE SUITE #100
SPRINGFIELD, MO 65804
417.224.4701
LAYNE@THROUGHLINEARCH.COM
www.throughlinearch.com

PROJECT DESCRIPTION:
COMMUNITY RESIDENCE CENTER.
EXISTING SITE AND ELEMENTS TO REPAIR.
PROJECT ADDRESS:
3008 N 3RD STREET, PHOENIX AZ
RETENTION / DRYWELLS:
NONE KNOWN TO DOCUMENT.

OWNER / REPRESENTATIVE:
AXIOM CARE
ELLEN WESLEY
KIVA: 99-35036
AMND: 99-35036A3
QS: Q15-28
www.axiomcareofaz.com

BUILDING CODE INFORMATION:
2024 PHOENIX BUILDING CONSTRUCTION CODE
2024 PHOENIX EXISTING BUILDING CONSTRUCTION CODE
2024 PHOENIX MECHANICAL CODE
2024 PHOENIX PLUMBING CODE
2024 PHOENIX ELECTRICAL CODE
2024 PHOENIX FIRE CODE
2023 - ICC A117.1 ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES

GENERAL BUILDING HEIGHT AND AREAS
CONSTRUCTION TYPE: I-2
USE GROUP: I-2
ALLOWABLE SF (608.2): 45,000 SF
ACTUAL EXISTING BUILDING SF: 38,496 SF
ACTUAL EXISTING BUILDING + CANOPY SF: 35,831 SF
PROPOSED EXISTING BUILDING, EXISTING CANOPY, AND NEW CANOPY SF: 36,166 SF

EXISTING BUILDING:
OCCUPANCY CLASSIFICATION PER 2024 IBC CHAPTER 3: I-2
TYPE OF CONSTRUCTION OF THE EXISTING BUILDING PER 2024 IBC TABLE 601: I-2
SQUARE FOOTAGE (1ST FLOOR): 11,786 SF
SPRINKLERS: YES, EXISTING NFPA 13
FIRE ALARMS: YES, EXISTING
EMERGENCY LIGHTING: YES, EXISTING

PROPOSED SHADE STRUCTURES/CANOPIES:
OCCUPANCY CLASSIFICATION OF PER 2024 IBC SECTION 3105: NON-IRC PATIO COVER
TYPE OF CONSTRUCTION PER 2024 IBC SECTION 3105: NON-COMBUSTIBLE MATERIALS THAT MEET 3105.3 (STEEL, ALUMINUM, CONCRETE, AND NATURAL STONE).
SQUARE FOOTAGE OF EACH CANOPY: 335 SF
SPRINKLERS: YES

PROPOSED ACCESSORY STRUCTURES:
PERGOLA CANOPY STRUCTURE: 768 SF
TRADITIONAL NAVAJO FEMALE SWEAT LODGE: 78 SF
TRADITIONAL NAVAJO MALE SWEAT LODGE: 78 SF
TRADITIONAL NAVAJO TEMPORARY TEEPEE STRUCTURE: 314 SF
TRADITIONAL NAVAJO HOGAN: 347 SF

LEGAL DESCRIPTION

LOT 1, OF "3008 N 3RD ST" ACCORDING TO BOOK 924 OF MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA

SITE PLAN GENERAL NOTES

GENERAL PLAN: COMMERCIAL
ZONING: C-2 HR TOD-1 (PHO-1-25-Z-77-06-4)

GROSS PARCEL SIZE: 1.842 ACRES
NET PARCEL SIZE: 1.796 ACRES
FLOOR AREA RATIO: 0.436
TOTAL NUMBER BEDS: 92 BEDS
TOTAL BUILDING AREA: 35,036 SQUARE FEET
PATIENT ROOMS: 11,236 SQUARE FEET
LOBBY / LOUNGE: 1,817 SQUARE FEET
TREATMENT / THERAPY ROOMS: 3,628 SQUARE FEET
OFFICE: 2,383 SQUARE FEET
DINING: 625 SQUARE FEET
TOTAL PARKING SPACES: 104 PARKING SPACES

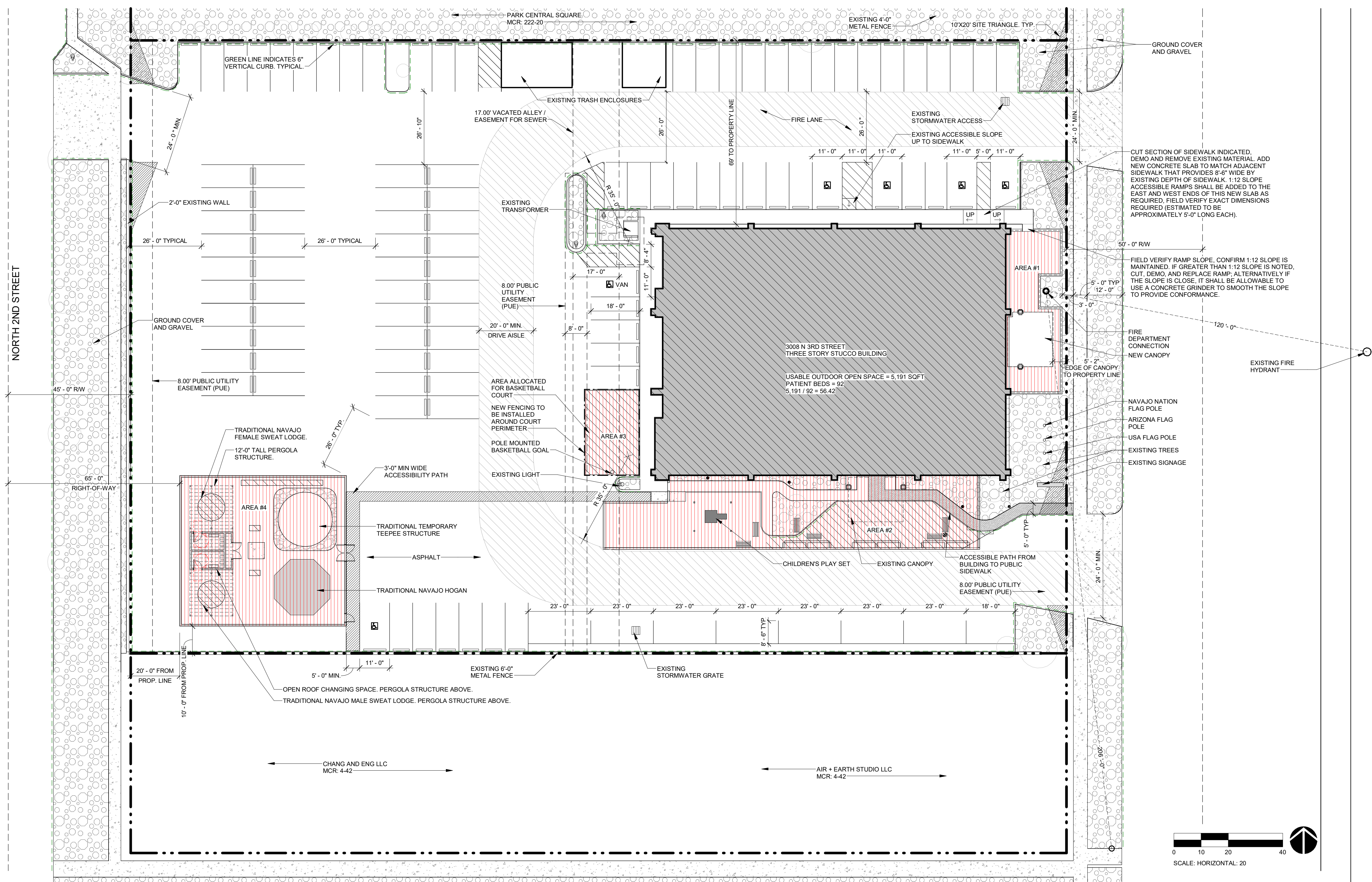
ACCESSIBLE PARKING SPACES: 6 PARKING SPACES
REQUIRED PARKING SPACES: 68 PARKING SPACES

STANDARDS	C-2 HR TOD-1	EXISTING (2025 Use Permit and Variances)	PROPOSED
MAXIMUM LOT COVERAGE	50%	33%	25.57%
MAX HEIGHT	250'	3 STORIES, 36.9'	3 STORIES, 36.9'
SETBACKS			
FRONT	MINIMUM 12'	20 FEET	20 FEET
REAR	MINIMUM 12'	20 FEET	20 FEET
SIDE	MINIMUM 0' / 30'	10 FEET	10 FEET

PHOENIX ZONING SECTION 702, OFF-STREET-PARKING AND LOADING

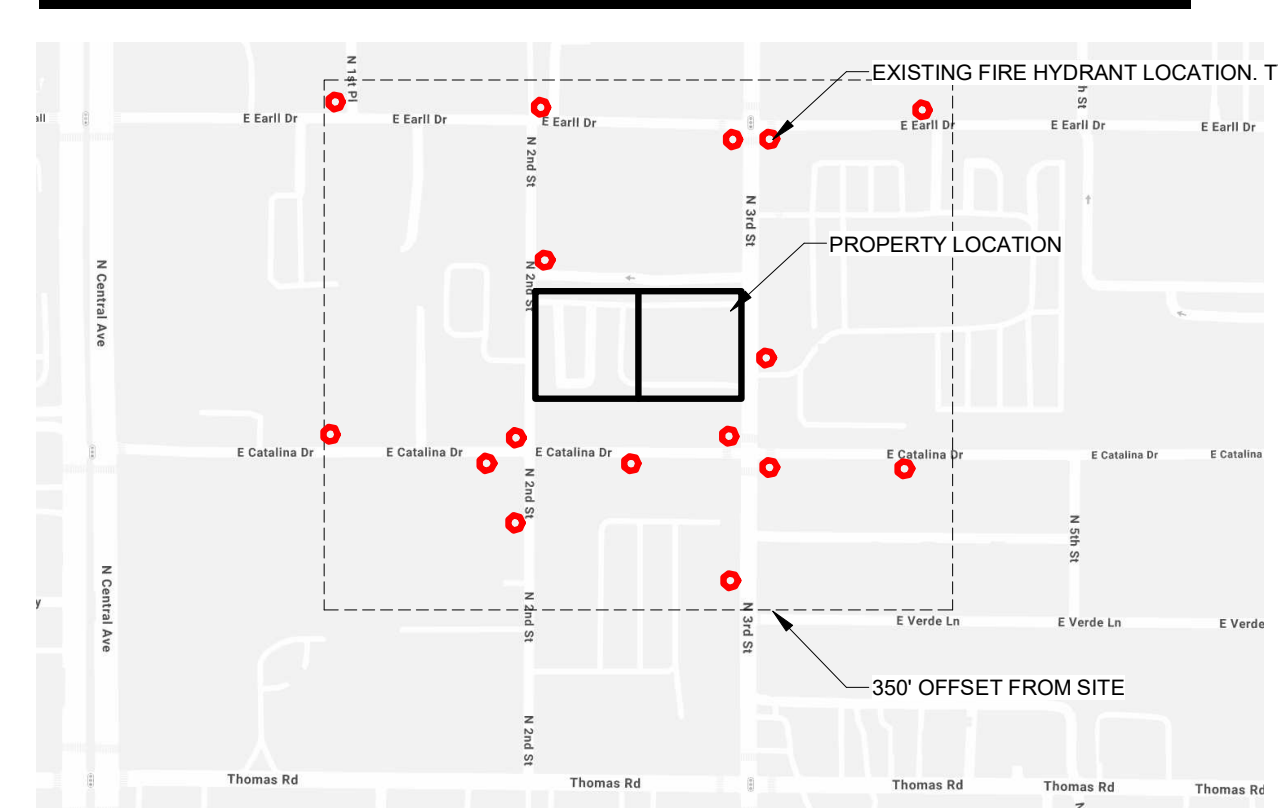
TABLE: TYPE OF LAND USE / PARKING REQUIREMENTS

TYPE CATEGORY	REQUIREMENT	SPACES REQUIRED
COMMUNITY RESIDENCE CENTER	1 SPACE / 2 PATIENT BEDS 92 BEDS / 2	46 SPACES
OFFICE BUILDING WITH LESS THAN 50,000 SF OF GROSS BLDG. AREA	1 SPACE / 300 SF 1ST FLOOR 1,849 SF 2ND FLOOR 403 SF 3RD FLOOR 403 SF TOTAL = 2,455 SF / 300 SF	9 SPACES
DINING	1 SPACE / 50 SF BISTRO/DINING 625 SF FIRST FLOOR (WITHOUT PERIMETER ACCESS REDUCTION) TOTAL = 625 SF / 50 SF	13 SPACES



1 OVERALL SITE PLAN - NEW
1" = 20'-0"

VICINITY MAP / FIRE HYDRANT LOCATOR



USABLE OUTDOOR OPEN SPACE

AREA	S.F.
AREA #1 EXISTING FENCED IN OPEN SPACE/PATIO	722
AREA #2 EXISTING OPEN LANDSCAPING AREA RE-VEGETATED AS NECESSARY	3510
AREA #3 NEW BASKETBALL HOOP AND PLAY AREA	612
AREA #4 TRADITIONAL NAVAJO CEREMONIAL SPACE	3393
TOTAL S.F.	8,237

CITY OF PHOENIX

NOV 26 2025

Planning & Development Department



LAYNE AUSTIN HUNTON
ARCHITECT REG NUMBER: 83836
ARCHITECTURAL CoA: 26225-0

SITE PLAN - NEW

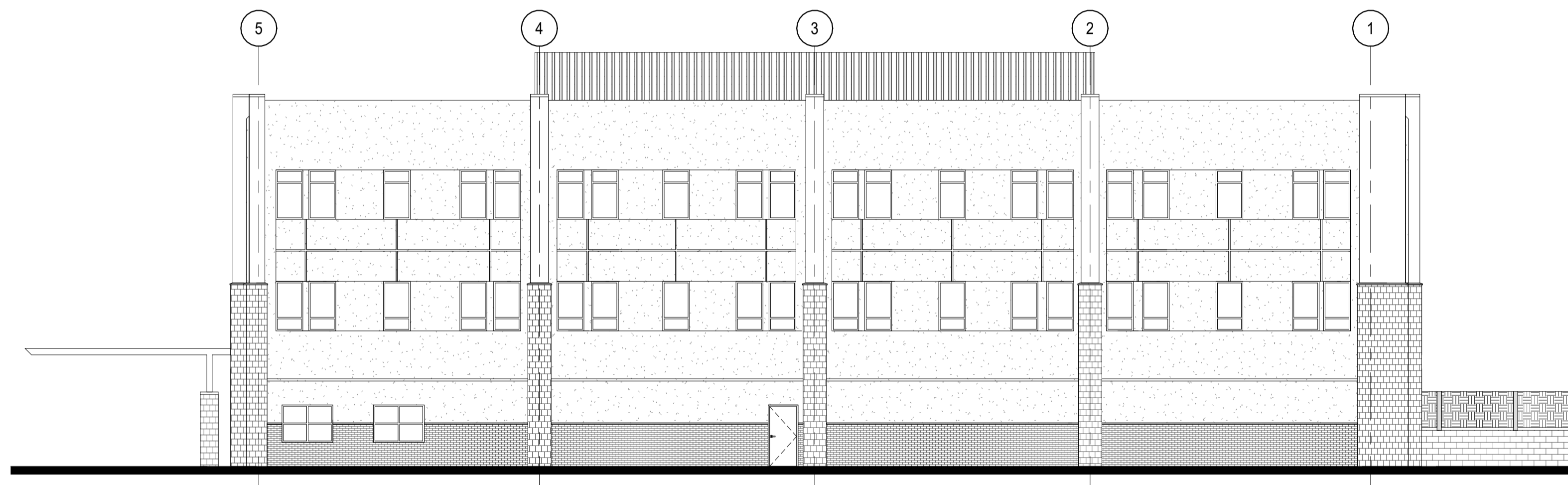
status: SITE PLAN REVIEW
date: 11/25/2025
project: 2510

A100b

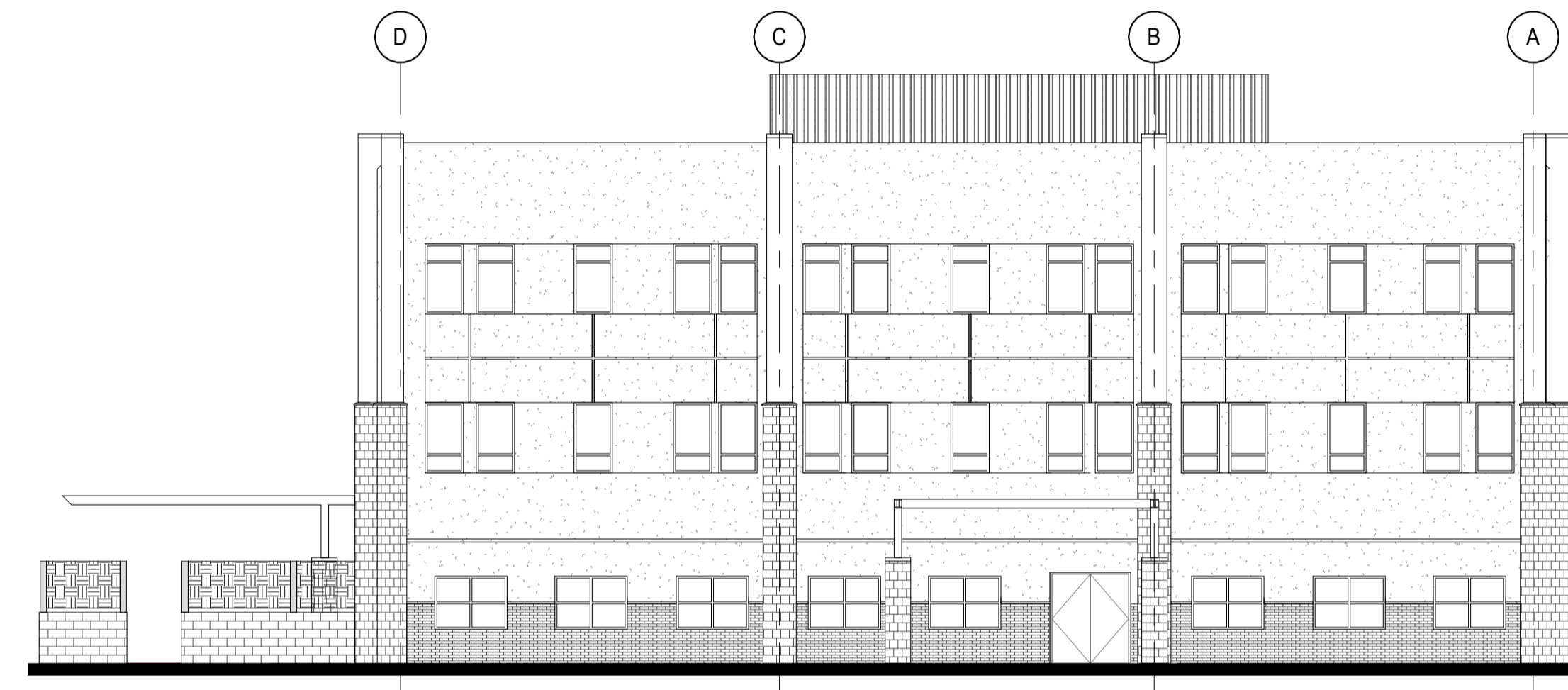
CITY OF PHOENIX

NOV 26 2025

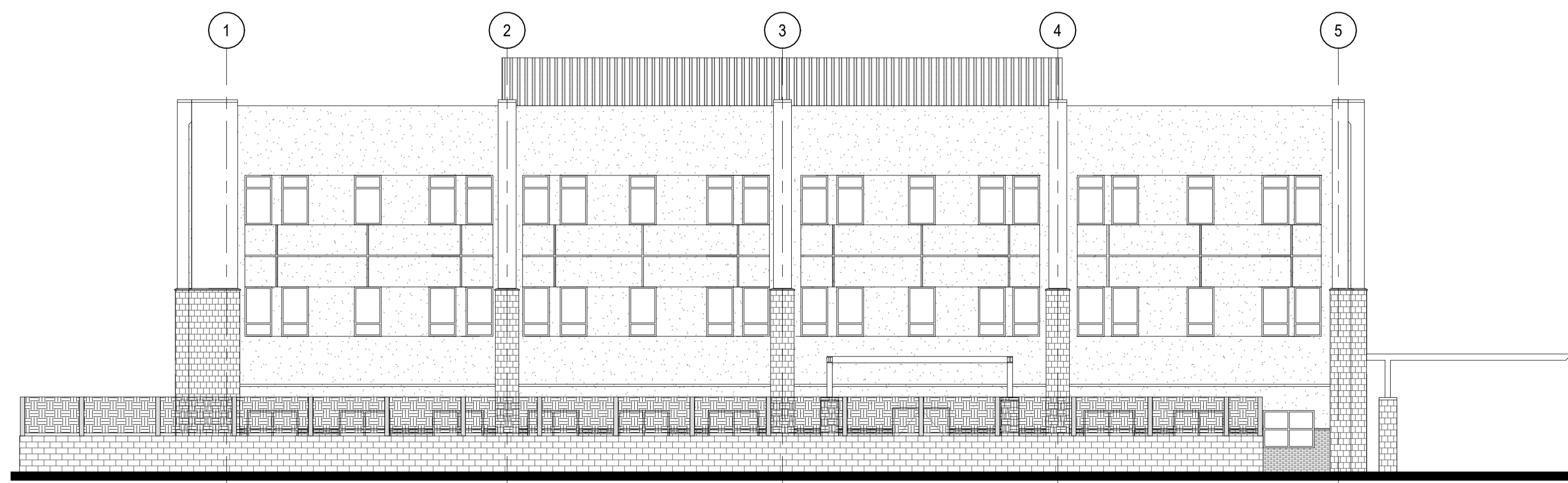
Planning & Development
Department



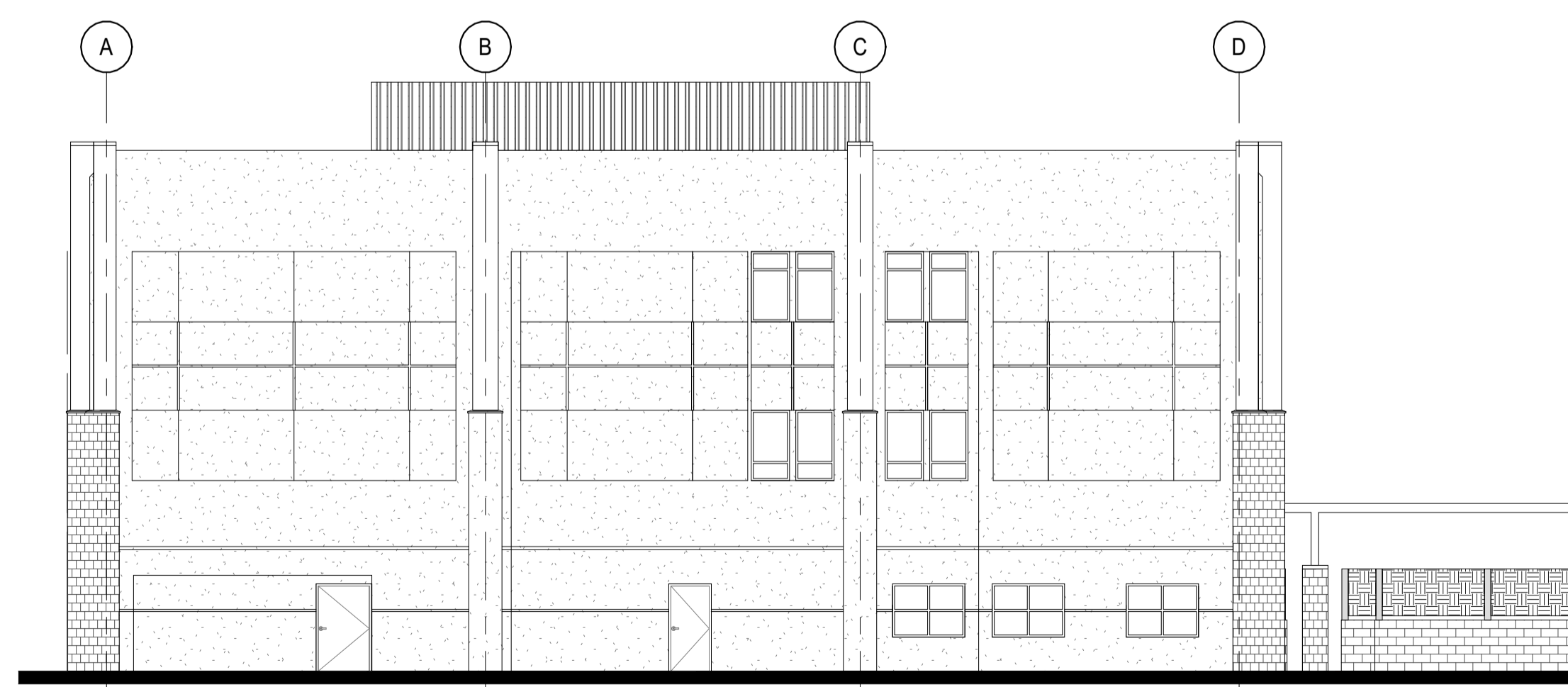
1 NORTH ELEVATION
3/32" = 1'-0"



3 EAST ELEVATION
3/32" = 1'-0"



2 SOUTH ELEVATION
3/32" = 1'-0"



4 WEST ELEVATION
3/32" = 1'-0"

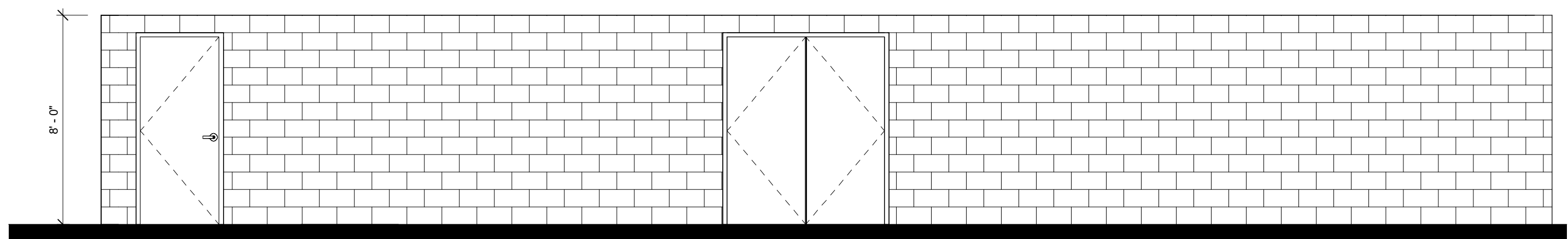
YHC CENTER IMPROVEMENTS
3008 N 3RD STREET, PHOENIX AZ
THROUGHLINE ARCHITECTURE LLC
2021 S. WAVERLY AVE. SUITE #100 SPRINGFIELD, MO 65804

NOT FOR CONSTRUCTION

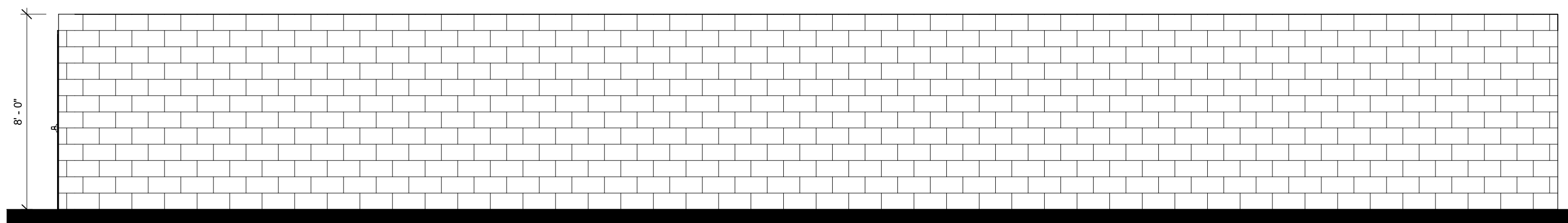
LAYNE AUSTIN HUNTON
ARCHITECT REG NUMBER: 83836
ELEVATIONS
status PERMIT SET
date 7/29/2025
project 2510

A104

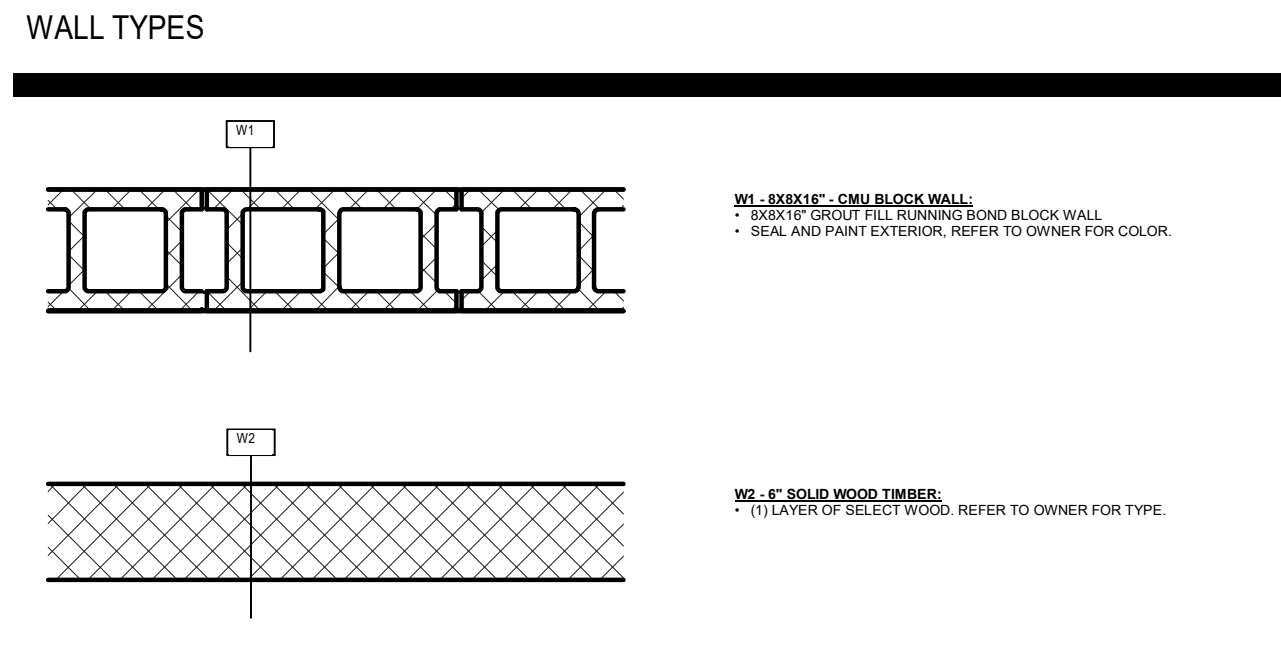
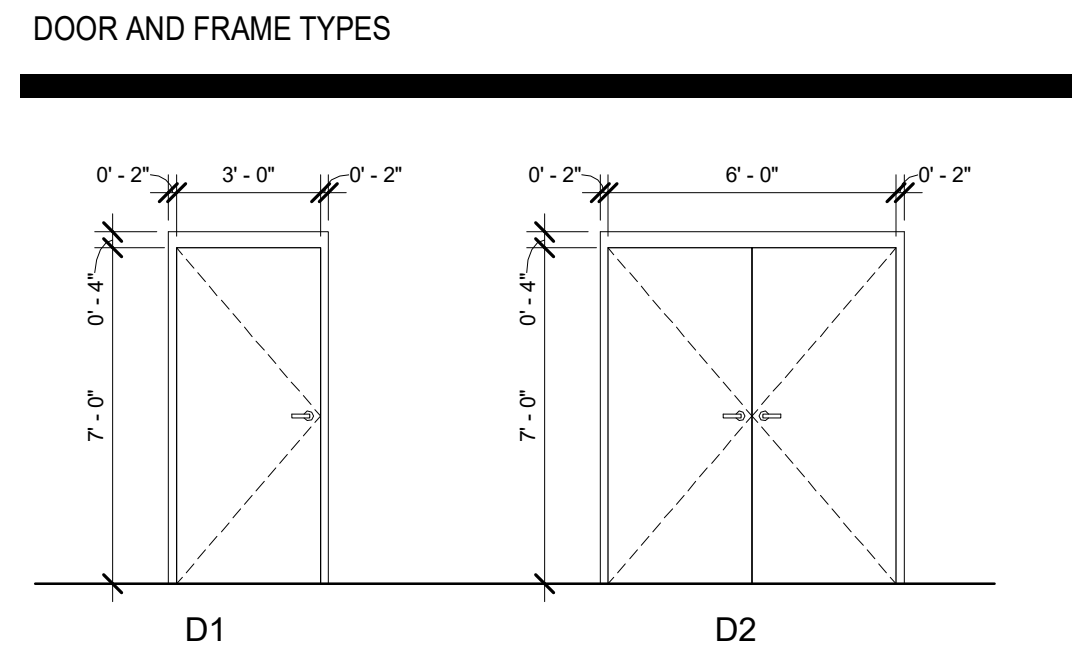
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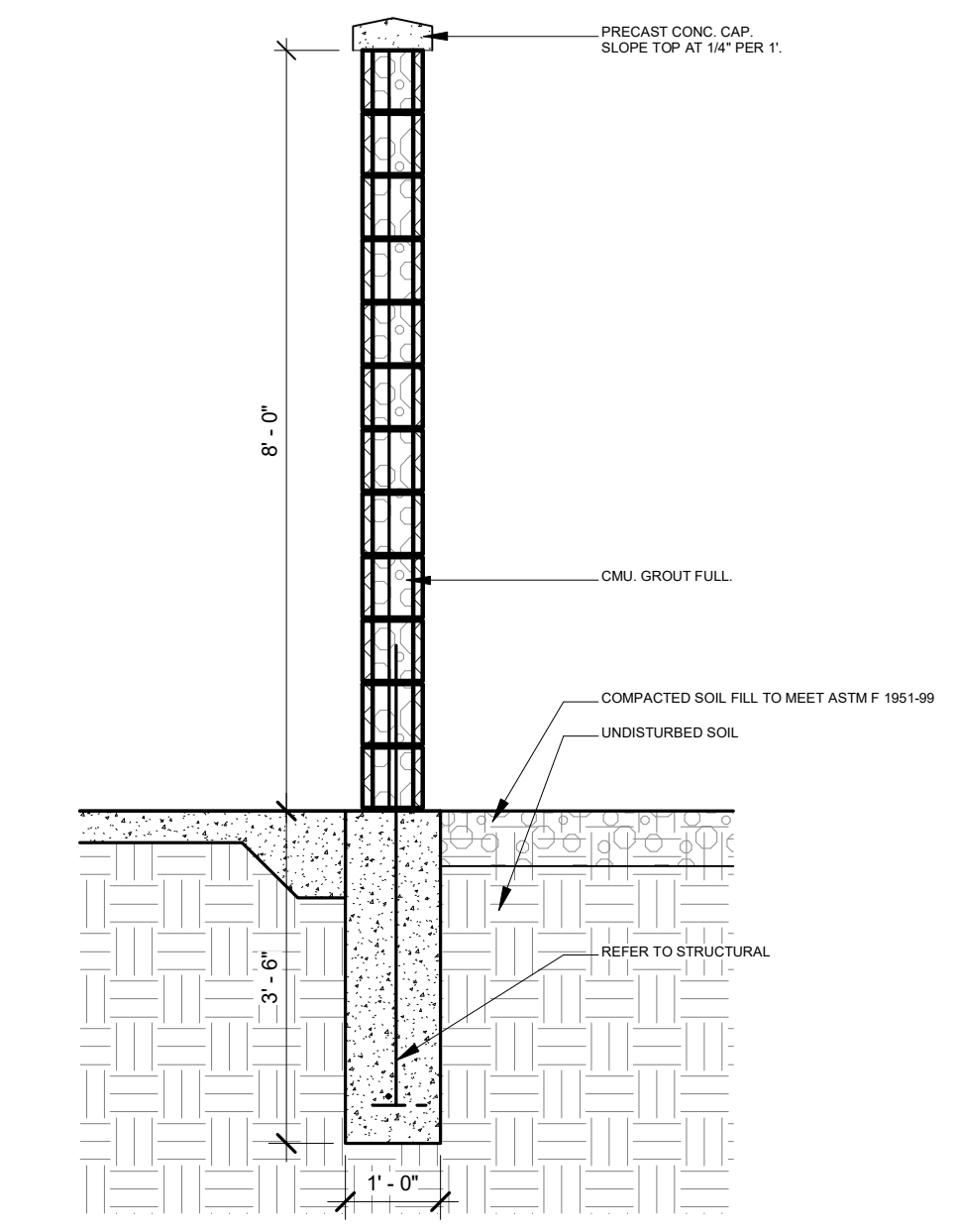
2 EAST ELEVATION - CEREMONIAL GROUNDS
1/4" = 1'-0"



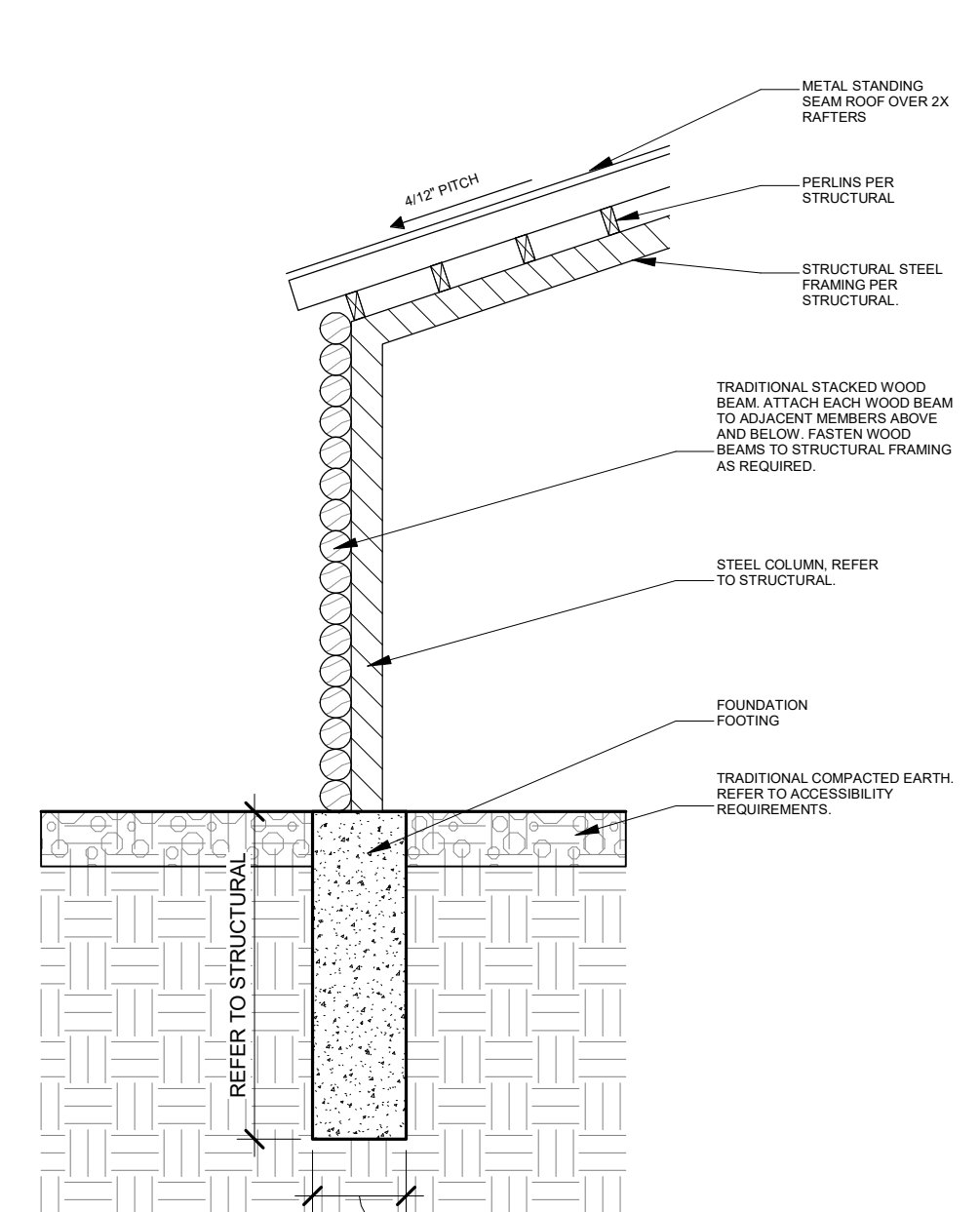
3 NORTH ELEVATION - CEREMONIAL GROUNDS
1/4" = 1'-0"



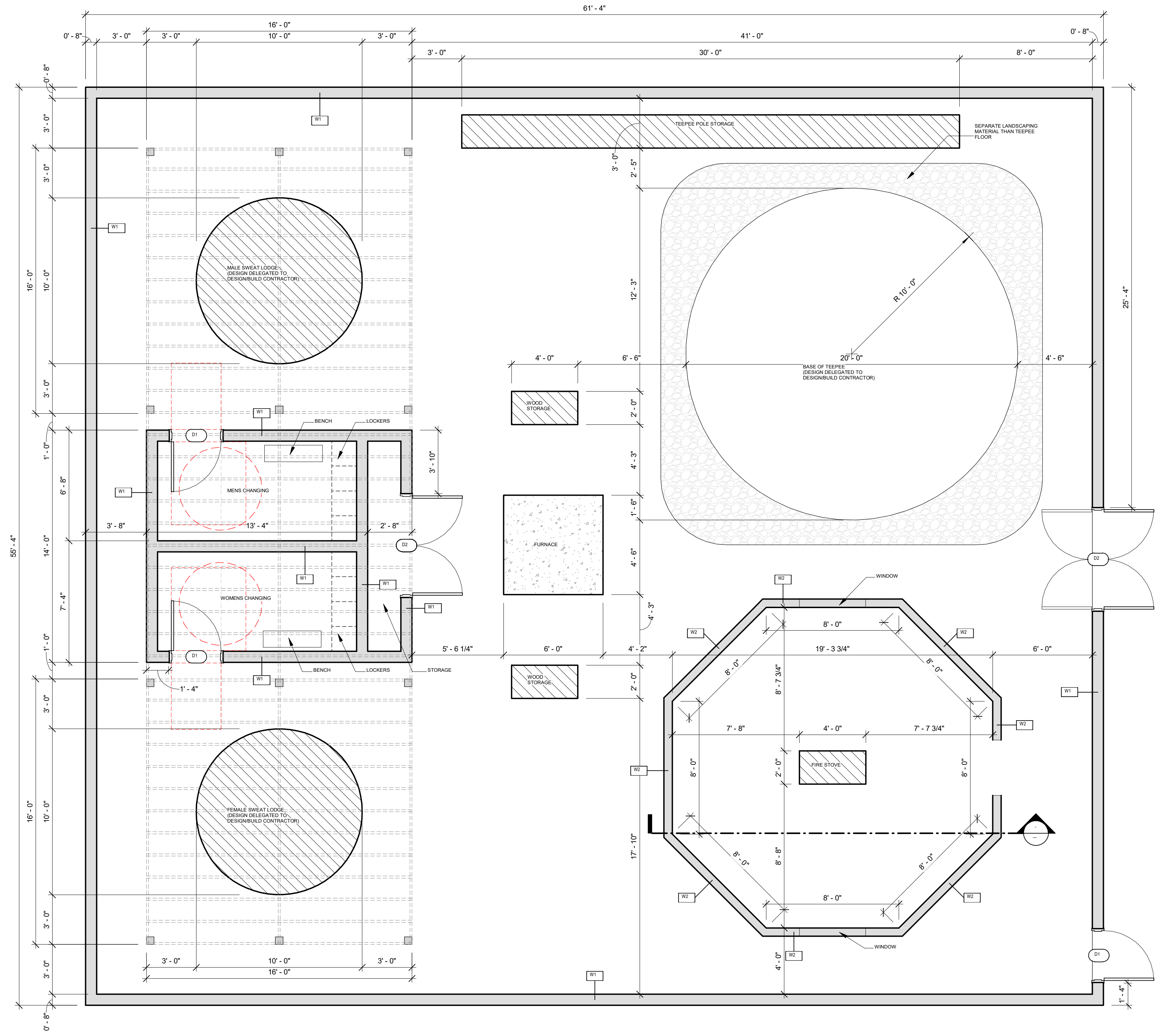
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Department



4 CEREMONIAL GROUNDS - WALL SECTION
1/2" = 1'-0"



6 HOGAN WALL SECTION DETAIL
1/2" = 1'-0"



1 CEREMONIAL GROUNDS - OVERALL PLAN
1/4" = 1'-0"

YHC CENTER IMPROVEMENTS - HEALING GROUNDS
3008 N 3RD STREET, PHOENIX AZ

THROUGHLINE ARCHITECTURE LLC
2021 S. WAVERLY AVE. SUITE # 100 SPRINGFIELD, MO 65804

NOT FOR CONSTRUCTION

LAYNE AUSTIN HUNTON
ARCHITECT REG NUMBER: 83836
ARCHITECTURAL CoA: 26225-0

CEREMONIAL GROUNDS
status 95% SET
date 9/8/2025
project 2510

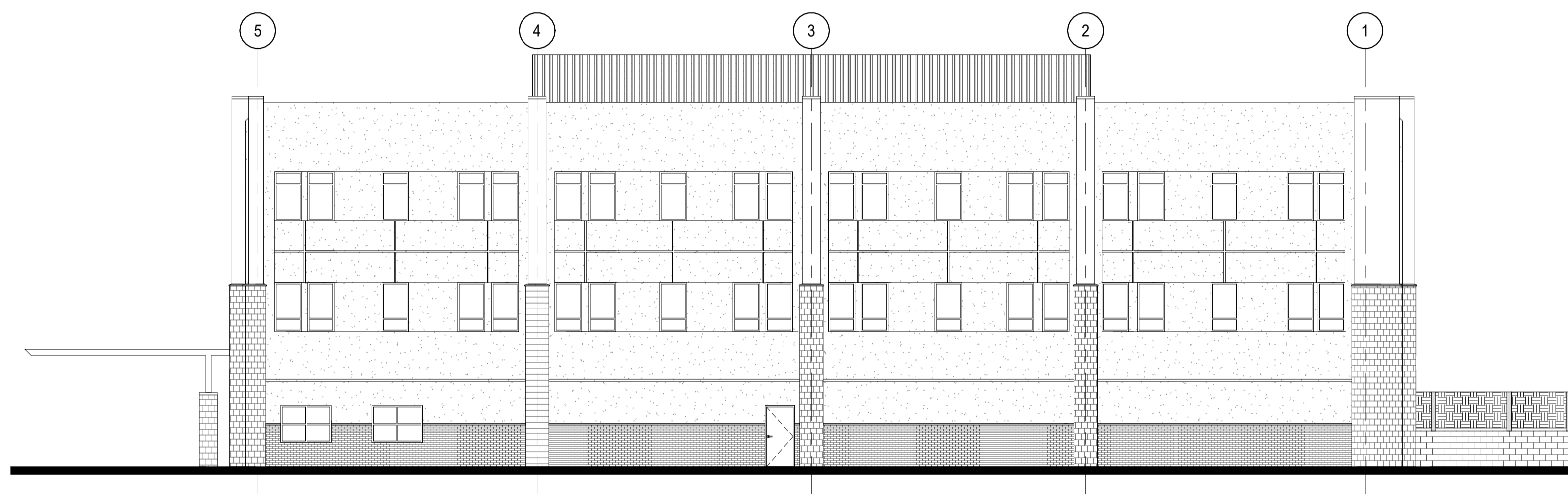
A106

10/14/2025 10:20:35 PM

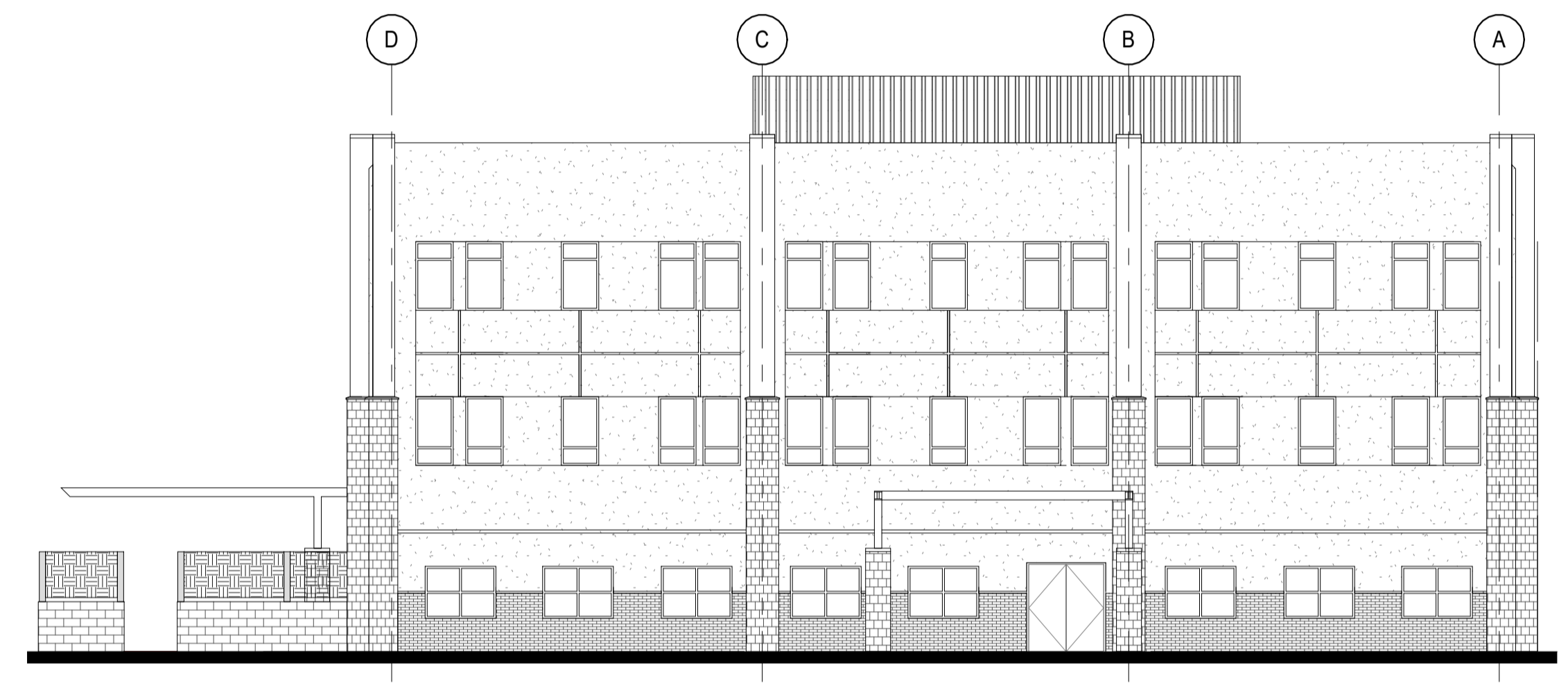
CITY OF PHOENIX

JUL 29 2025

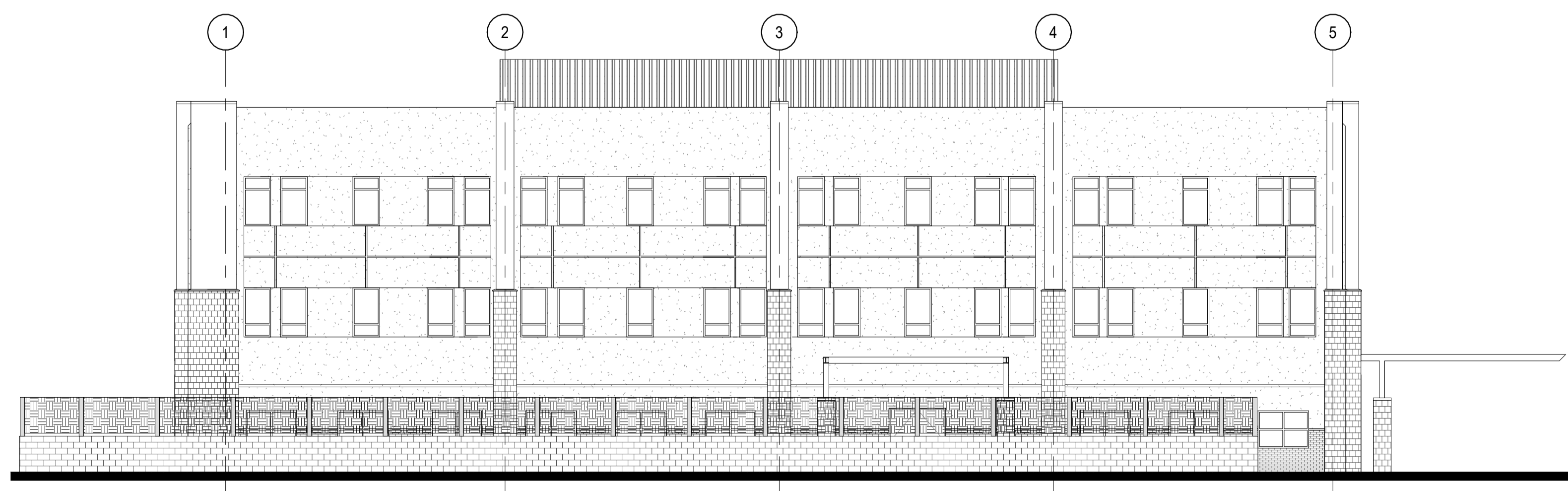
Planning & Development
Department



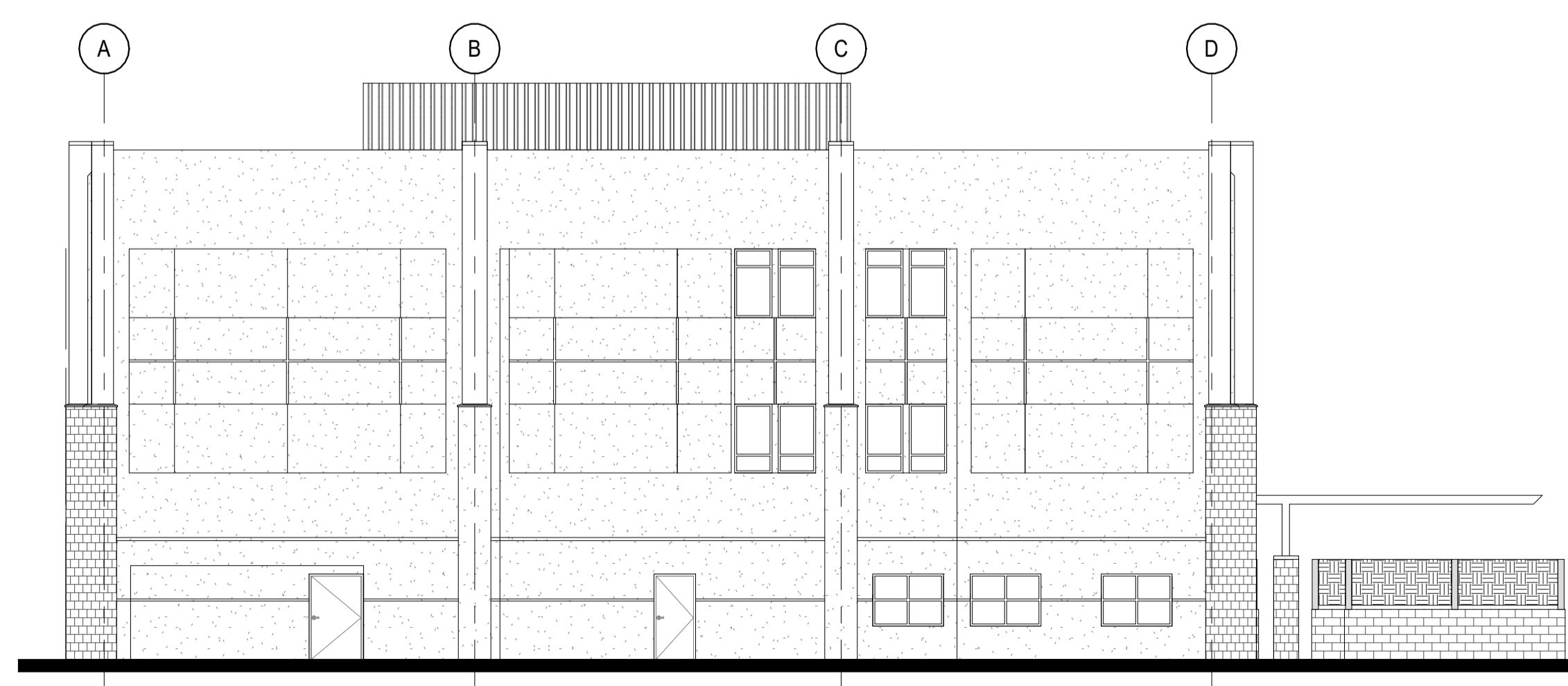
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LAYNE AUSTIN HUNTON
ARCHITECT REG NUMBER: 83836

ELEVATIONS
status PERMIT SET
date 7/29/2025
project 2510

A104

7/29/2025 3:17:36 PM

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

September 17, 2025

ITEM NO: 1	
	DISTRICT NO. 3
SUBJECT:	
Application #:	PHO 4-25--Z-47-87-1(3)
Location:	Northeast corner of 32nd Street and Sunnyside Lane
Zoning:	R-O
Acreage:	1.12
Request:	1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped April 16, 1999 and the elevations date stamped May 18, 1999.
Applicant:	Lee Wright, Metronet Infrastructure Group, LLC
Owner:	Lee Wright, Metronet Infrastructure Group, LLC
Representative:	Lee Wright, Metronet Infrastructure Group, LLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with additional stipulations.

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee heard the request on September 8, 2025 and recommended denial by a vote of 11-1.

DISCUSSION:

Lee Wright, representative with Metronet Infrastructure Group LLC, introduced the background of Metronet, a fiber optic provider. He stated the request is to modify Stipulation 1 regarding general conformance to a previously approved site plan dated April 16, 1999 and elevations dated May 18, 1999. He indicated the stipulated site plan shows an 8,500 square foot office building and the proposed site plan includes an 850 square foot Inline Amplification Hut (ILA Hut).

Byron Easton, Planning Hearing Officer, asked for clarification on the size of the previously approved building.

Mr. Wright responded 8,500 square feet (office building) as shown on the site plan from 1999. Mr. Wright stated that the proposed hut would be located on the north side of the parcel enclosed by a 75-foot X 75-foot CMU block wall. He

added the ingress and egress to the site would be located off 32nd Street. He also included the site would meet all landscaping requirements.

Mr. Easton asked for the height of the wall around the proposed site.

Mr. Wright responded that the applicant is proposing a 6-foot wall but they would be willing to go as high as necessary. Mr. Wright noted the 12-foot-tall building would be concealed behind the CMU block wall. He added the east/west elevations are the shorter side at 24 feet wide, with air conditioners on each side, and the north/south elevations feature an entry door on each side.

Mr. Easton asked what the stipulated height was.

Logan Zappolo, Planning Hearing Officer Assistant, confirmed it was taller (17 feet, 4 inches) than is currently proposed.

Chinnaz Sayegh, member of the public in opposition, stated her properties will be affected by the proposed development. She noted that she operates a Short-Term Rental (STR) close to the subject site and said there is no record in the CC&R's that the lots were changed from residential to office use. She continued to state that the proposal will affect her investment, source of income, will create blight, and will negatively affect neighborhood safety. She included this use should be relocated to either a commercial or industrial site.

Mr. Wright added that fiber-optic service is considered a public utility, is registered with the city and state, and is allowed to be located on this site as a public utility use.

Brett Reall, member in opposition, asked if there will be any intensification of this use on this site. He included concerns regarding radio frequency transmissions, small cell or macro sites in the future.

Mr. Wright stated this application is only for a fiber optic hut. He included they have their own stipulations to only allow one ILA Hut on the parcel. There will be no more huts, or intensification of the use. He included that they cannot sell or lease the land to any other companies. Mr. Wright added they are only a fiber optic provider, there will be no RF's, cell phone towers, cellphone providers, 5G towers or small cells.

Ms. Sayegh asked where the documentation is that says he is allowed to have the hut at this location.

Mr. Easton stated that through City review it has been determined the proposed development is considered a public utility.

Mr. Easton stated correspondence was submitted for the case, including from Ms. Sayegh, indicating concerns regarding noise, unsightly condition, decrease in property value, blight, homelessness and the absence of a completed environmental study. Mr. Easton stated the correspondence in opposition received was focused on the use, but that is not the intent of the PHO hearing. The focus of the PHO hearing is to determine if the proposed building is in general conformance to the stipulated site plan. He added the Paradise Valley Village Planning Committee heard the case on September 8, 2025 and recommended denial by a vote of 11-1. Mr. Easton recommended that the proposed modification of Stipulation 1 be approved regarding general conformance to the site plan and elevations. He stated that the site has been identified as archaeologically sensitive and that three additional stipulations will be added to address related requirements. He also 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 approval. The proposed project, a fiber-optic service communications hut, will have access to the ROW from a proposed concrete drive immediately west of the parcel. The parcel is currently undeveloped, and the development will include an approximately 864 square foot hut, natural gas back-up generator, CMU block screening wall around the compound and landscaping throughout the entire parcel. The proposed development is less intense and will create less traffic, sound and impact on the surrounding neighborhood. The proposal is compatible with and consistent with development in the surrounding area.
- 2) 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.
- 3) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

STIPULATIONS:

1.	That THE development SHALL be in general conformance with the site plan AND ELEVATIONS DATE STAMPED AUGUST 7, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. presented as
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	modified by the site plan dated April 16, 1999 and elevations dated May 18, 1999 for the south portion of site.
2.	That An 8-foot landscaped setback SHALL be provided along the east property line including 24-inch box size drought-resistant shade trees planted 20 feet on center or in equivalent groupings.
3.	That No trash dumpsters SHALL be located within 50 feet of the east property line.
4.	That The building height SHALL be limited to one story (17 feet 4 inches)
5.	That A one-foot vehicular non access easement SHALL be placed along both Sunnyside Lane and Greenway Lane.
6.	That A cross access SHALL be provided on the north portion of the site upon final site plan approval for the north property or in the alternative a common driveway entrance be provided, as approved by the Planning and Development Department.
7.	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.
8.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
9.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
10.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST,

	AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

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Neighborhood. Committee Member Warnicke stated the city does not have to do this it is choosing to and that is why there is going to be a fight with the city. Committee Member Warnicke stated he should not have to fight both the state and the city, but that's the position we have been put in which is ridiculous. Committee Member Warnicke stated we have invested hundreds of thousands, maybe millions in historic preservation grants and encouraged families, like the one who restored two old homes, to take advantage of tax benefits and reinvest in their properties. Committee Member Warnicke stated this was in the 1980s and he remember walking up 5th Avenue to Kenilworth School. Committee Member Warnicke stated back then, homes had planks over the stairs and people were rolling motorcycles into their living rooms and that is what the neighborhood was like before it became the Willo Neighborhood. Committee Member Warnicke stated we saved that neighborhood and saved others which helped create the city that people now want to walk through and now they want to tear it all down and build fourplexes. Committee Member Warnicke stated he could not be more livid, and he is going to do everything he can to stop it.

Chair Montañó Searles reminded everyone that the item under discussion is part of the timeline presented earlier in the meeting and explained that the matter went to the Planning Commission for information only on September 4 and it is scheduled for the Planning Commission with a recommendation on October 6, and then it will go before City Council on November 5. Chair Montañó Searles encouraged attendees to visit the city's website and navigate to the public meetings section under the City Clerk's page for more information and also welcomed continued public participation, noting that if individuals want to make their voices heard, that is the place to do so and thanked everyone for their comments and reiterated that today's item was for information only.

4. **INFORMATION ONLY – Z-3-25-4-7-8 (Companion Case Z-TA-1-25-Y):**

Presentation and discussion regarding a request to map the boundaries for the Middle Housing Overlay District (Z-TA-1-25-Y) located generally within one mile of the Downtown Code boundary.

Item Nos.3 Z-TA-1-25-Y) and 4 (Z-3-25-4-7-8) are companion cases and were heard concurrently.

Three members of the public registered to speak, on this item, with one in opposition.

5. **PHO-1-25—Z-77-06-4:** Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located approximately 150 feet north of the northwest corner of 3rd Street and Catalina Drive. Request to modify stipulation number 1 regarding general conformance to the site plan date stamped August 11, 2006; request to delete stipulation number 2 regarding development commencement.

No members of the public registered to speak on this item.

STAFF PRESENTATION:

John Roanhorse, staff, provided an introduction and overview of the PHO (Planning Hearing Officer) request, describing the entitlement history, location, general plan designation, existing zoning districts, and the surrounding uses. Mr. Roanhorse displayed maps, the site plan and conceptual information to show the details of the proposed request. Mr. Roanhorse discussed the site location within the Interim Transit-Oriented Zoning Overlay District One Policy Plan area. Mr. Roanhorse presented the project details noting a previous use permit and variances. Mr. Roanhorse displayed the proposed Personal Care Home development and the adjacent parking, traffic flow and pedestrian routes. Mr. Roanhorse discussed the PHO review process.

APPLICANT PRESENTATION:

Andy Jochums, representing the applicant with Gilbert Blilie, PLLC, introduced himself and presented an update on the proposal. Mr. Jochums stated he was accompanied by Marcela Mora-Yatko and representatives from Axiom and the property owner. Mr. Jochums explained that the site, located at 3008 N. 3rd Street, is zoned R-5 with P-1 on the west side, within the TOD overlay, and has approved C-2 zoning. Mr. Jochums stated the property is currently operating as a community residence center, with the Navajo Nation as the property owner. Mr. Jochums stated that the purpose of the case was to resolve a zoning issue dating back to 2006 when a six-story mixed-use project with commercial and multifamily uses was approved, but was never constructed, and the zoning was not vested. Mr. Jochums stated the zoning case had a three-year time limit, which had expired. Mr. Jochums stated that the applicant does not wish to pursue the original 2006 development but would retain the existing three-story building, which was originally built in the 1970s and remodeled in 2015. Mr. Jochums said the planned improvements include shaded canopies on the south side for patients, a playground for visiting family members, a community garden, and a basketball court. Mr. Jochums stated the improvements are intended to enhance the facility's amenities without altering the existing structure and emphasized that there will be no expansion of the main building but will include fenced improvements on the south end of the property.

QUESTIONS FROM THE COMMITTEE:

Committee Member Warnicke asked if the applicant had received any feedback from the neighborhood east of the property. **Mr. Jochums** responded that the required outreach had been completed, and the Midtown Neighborhood Association submitted a letter of support, and no additional comments had been received.

Committee Member Procaccini asked for clarification on the definition of a Community Residence Center. **Mr. Jochums** responded that it is a broad term covering most social and behavioral residential facilities, similar to group homes, licensed by the State of Arizona. Mr. Jochums said that the facility currently has 44 approved beds and the applicant intends to expand the capacity.

Committee Member Wagner commented that she toured the facility and expressed strong support for the project, praising the partnership with the Navajo Nation and the benefits to the community.

Committee Member Perez asked about the site plan, and the location of the basketball court. **Mr. Jochums** displayed the site plan and stated the basketball court would be located at the southwest corner of the building, with all additional amenities concentrated on the south side. Committee Member Perez also asked whether the ingress and egress to this site would change. Mr. Jochums responded that the main entrance would be relocated to the west side of the building, shifting from the south entrance.

Chair Montaña Searles stated that he had toured the facility and appreciated the applicant's presentation and the objectives of the proposal. Chair Montaña Searles shared that the project is personally meaningful, given his own experiences with family and friends, and emphasized the importance of the services provided.

Committee Member Warnicke commented as both a nearby property owner and leader of the La Hacienda Historic District, he was pleased to see the site being adaptively reused for a beneficial purpose.

PUBLIC COMMENTS:

None

APPLICANT RESPONSE:

None

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

MOTION

Committee Member Wagner made a motion to recommend approval of PHO-1-25—Z-77-06-4. **Committee Member George** seconded the motion.

VOTE

11-0; the motion to recommend approval of PHO-1-25—Z-77-06-4 passes; with members Doescher, George, Kleinman, Mahrle, Perez, Procaccini, Rodriguez, Wagner, Warnicke, Picos and Montaña Searles in favor.