Attachment D

PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322



To: Departments Concerned Date: February 16, 2022

From: Alan Stephenson

Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-3-22--Z-129-05-4 - Notice of Pending Actions

by the **Planning Hearing Officer**

1. Your attention is called to the fact that the <u>Planning Hearing Officer</u> will consider the following case at a public hearing on **March 16, 2022**.

- 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.
- 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 <u>February 23, 2022</u>.

DISTRIBUTION

Mayor's Office (Lisa Fernandez), 11th Floor

City Council (Sina Matthes, Tony Motola), 11th Floor

Aviation (Sheldon Daisley)

CED_(Michelle Pierson), 20th Floor

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Light Rail (Joel Carrasco/Special TOD Only)

Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor

Parks & Recreation (Natasha Hughes), 16th Floor

Public Transit (Michael Pierce)

Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor

Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor

Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor

Water Services (Don Reynolds, Victor Romo), 8th Floor

Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor

Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th

Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor

Village Planner (Nick Klimek, Encanto Village)

Village Planning Committee Chair (Brent Kleinman, Encanto Village)



APPLICATION FOR PLANNING HEARING OFFICER ACTION **APPLICATION NO: PHO-3-22--Z-129-05**

Council District: 4

Request For	r: Stipulat	ion Modification							
Reason for	Request: Deleti	on of Stipulation	5 regarding ingres	s and egress from	Cambridge Street.				
Owner			Applicant		Representative	Representative			
Javier Verdugo, Copper House LLC			Javier Verdugo, Copper House LLC		Javier Verdugo, Copper House LLC				
1530 East Brill Street			1530 East Brill Street		1530 East Brill Street				
Phoenix AZ 85006			Phoenix AZ 85006		Phoenix AZ 85006				
(602) 390-7032			(602) 390-7032			P: (602) 390-7032 F:			
javierverdugoh@gmail.com			javierverdugoh@gmail.com		javierverdugoh@gmail.com				
			Street and Cambrid		,				
Zoning Map: <u>G-9</u> Quarter			Section: <u>14-31</u> APN: <u>117-04-0</u>		-007	Acreage: <u>1.56</u>			
	V	'illage: Encanto							
Last Hearing: CC RATIFICATION									
Previous Opposition: No									
Date of Original City Council Action: 01/11/2006									
Previous PHO Actions: 08/30/2006 02/08/2012									
Zoning Vested: C-2									
Supplemental Map No.:									
	Planning Staff: 078321								
An applicant substantive preview time from http://phoenix	may receive a cla olicy statement. T rames, please cal c.gov/pdd/licenset	rification from th o request clarifi 1 602-262-7131 (imes.html.	e city of its interpre cation or to obtain f option 6), email zo	tation or application urther information on ning.mailbox@pho	n of a statute, ordi on the application enix.gov or visit ou	nance, code or authorized process and applicable ur website at			
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									
Fee	Fee Waived	Fee Date	Receipt	Purpose					
\$1,080.00	\$0.00	01/20/2022	22-0006100	Original Filing	Fee				
Signature of Applicant:				DATE:					
			Hearing	Results					
Planning Hearing Officer Planning Commission City Council									
Date: 03/16/2022 10 AM			Date:		Date:	City Courien			
			Appealed?:		Date				
Appealed?:			Action:		Action:				
Action.			A00011.						

Written Request – Planning Hearing Officer

Casa Corazón Restaurant 2637 N. 16th St. Phoenix, Arizona 85006 APN# 117-04-011, Lot 6

Owner: Anichos Living Trust, Javier Verdugo, 602.358.5757

City of Phoenix

Planning and Development Department, Zoning Division

200 W. Washington Street, 2nd Floor Phoenix, AZ 85003

Dear City Staff,



EXPIRES: 12-31-2022

Mr. Verdugo is currently the owner and operator of the commercial property located on the South-East corner of 16th Street and Cambridge Avenue in Phoenix, Arizona. The property is subject to stipulations originating in a Zoning case, case # Z-129-05-4. Mr. Verdugo asks to eliminate zoning stipulation #5 of case# Z-129-05-4. This stipulation requires the elimination of ingress and egress from Cambridge Avenue to his property. The access has proved to be essential for service truck and large vehicle movement on site. Mr. Verdugo requests relief from this zoning stipulation to provide ease of access to multiple service providers.

-

Deletion of Stipulation 5

That there shall be no ingress and egress from Cambridge Street.

Rationale

Please consider the following points in reviewing this proposal.

- 1. The ingress / egress location is existing and has been in place since before Mr. Verdugo purchased the property.
- 2. The ingress/egress location is directly in front of an existing commercial office complex currently using Cambridge Avenue as an ingress and egress point for all vehicles.
- 3. Elimination of the ingress / egress point limits service and emergency access to the site.
- 4. Grandfathering of the existing ingress / egress location will cause no further disturbance of any kind to the existing area.

Thank you for your time and consideration of this matter.

Page_





Elk River Studio

February 14, 2022

Respectfully,

James Easton, AIA NCARB

970.279.0040

jte@elkriver.studio



February 9, 2012

Javier Verdugo 1530 East Brill Street Phoenix, AZ 85006

RE: Z-129-05-4 - Southeast corner of 16th Street and Cambridge Avenue

Dear Applicant:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506 of the Zoning Ordinance, has on February 8, 2012, considered a request for 1) Modification to Stipulation 3 regarding the consolidation of lots; 2) Modification to Stipulation 4 regarding the right-of-way dedication for the east half of 16th Street; and 3) Technical correction to Stipulation 1.

The City Council ratified application Z-129-05-4 as recommended by the Planning Hearing Officer for approval, with an additional stipulation.

Stipulations:

- That zoning shall not vest until all the landscape improvements and parking lot layout according to a site plan approved by the Planning and Development Department has been administratively verified by the Planning Hearing Officer.
- 2. That a six-foot high decorative masonry wall shall be constructed along the east property line.
- 3. That a cross access, cross drainage and cross parking agreements be recorded for all the lots included in the rezoning request.
- 4. That a 10-foot wide sidewalk easement shall be recorded for the east half of 16th Street or as may be modified by the Planning and Development Department.
- That there shall be no ingress and egress from Cambridge Street.
- 6. That a no trespassing sign in English and Spanish will be posted at the site.

PHO Z-129-05-4 Approval Letter February 9, 2012 Page 2

7. That the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.

Sincerely,

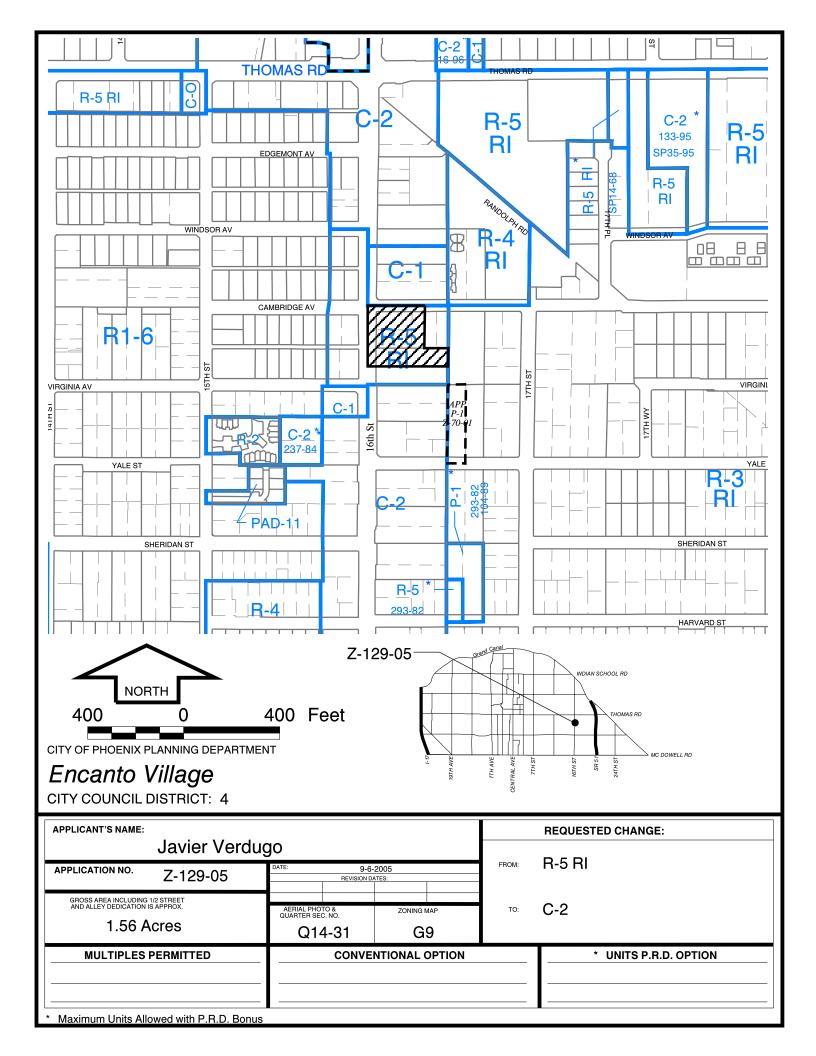
Teresa Hillner

Case File

Leuse Helner

Planner III

c: Aracely Herrera, P&D–Planning (Electronically)
Sandra Hoffman, P&D–Development (Electronically)
Annie Alvarado, NSD (Electronically)
Penny Parrella, City Council (Electronically)
Book

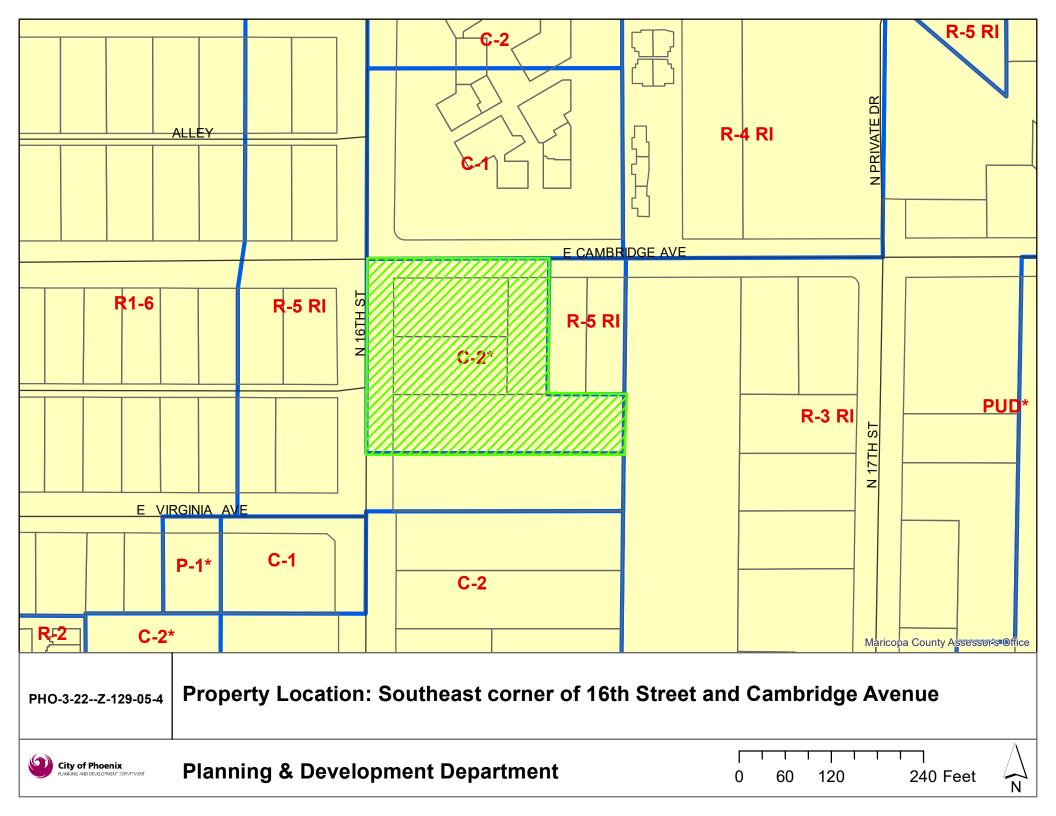


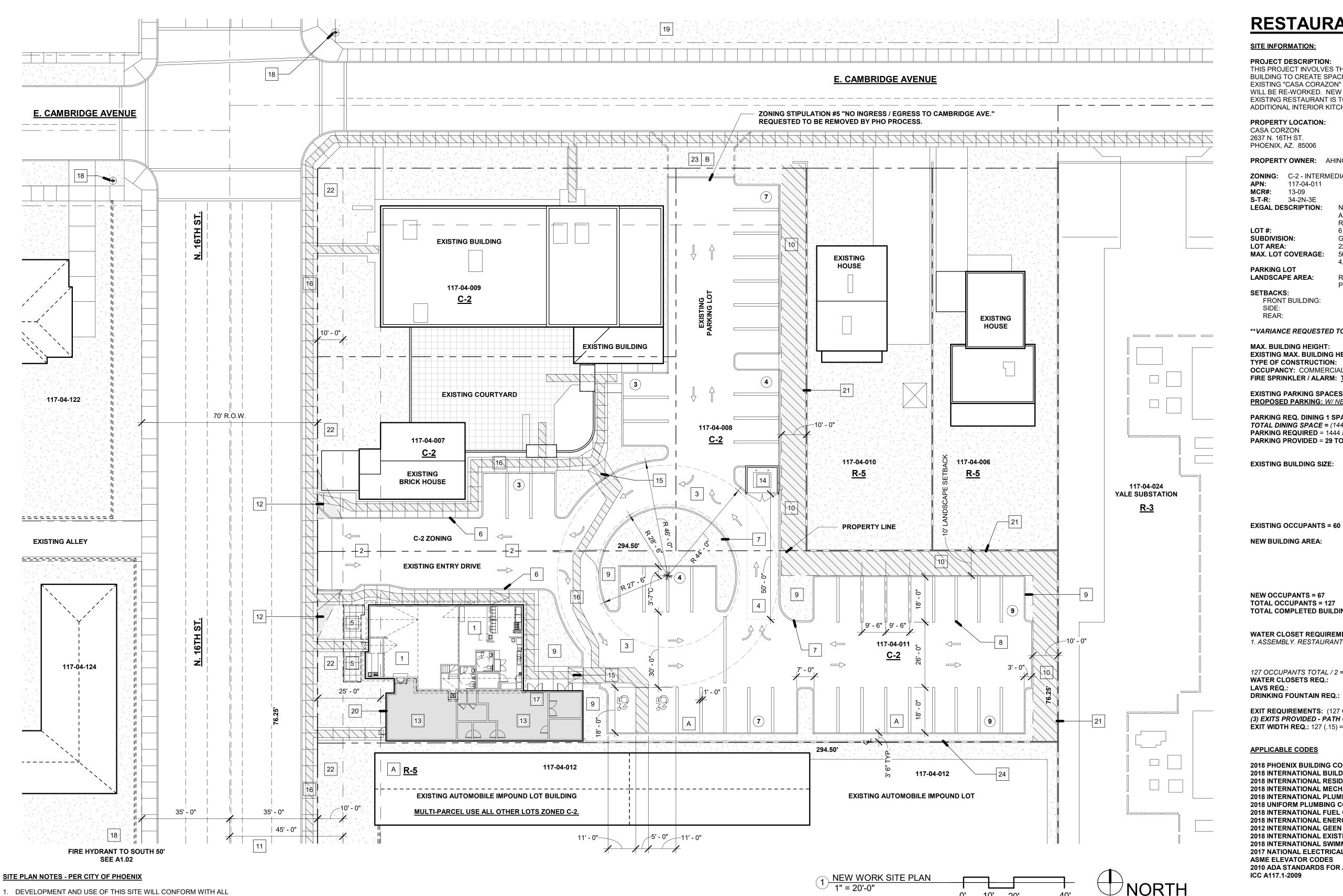


PHO-3-22--Z-129-05-4

Property Location: Southeast corner of 16th Street and Cambridge Avenue







- 1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES. ALL EXISTING OFF-SITE IMPROVEMENTS (SIDEWALKS, CURB RAMPS AND DRIVEWAYS) TO BE UPDATED TO CURRENT ADA STANDARDS.
- 2. REMOVE ALL UNUSED DRIVEWAYS AND REPLACE ANY BROKEN OR
- OUIT-OF-GRADE CURB, GUTTER AND SIDEWALK ON ALL STREETS. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND. 4. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAYS ENTRANCES WILL BE MAINTED AT A
- MAXIMUM HEIGHT OF 3'. 5. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' X 33' ALONG THE PROERTY LINES WILL BE MAINTAINED AT A MAXIMUM OF HEIGHT OF 3'.
- 6. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE,
- ODOR, OR VIBRATION EMITTED BY THE AREA OUTSIDE OF THE SITE 7. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH
- APPROVED PLANS. 8. ALL ROOFTOP EQUIPMENT AND SATELITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
- 9. ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTORS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
- 10. BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREET OR ADJACENT RESIDENTIAL AREAS.
- 11. ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN.

PHO-3-22--Z-129-05-4

VARIANCES REQUESTED:

- A. A VARIANCE IS REQUESTED TO IDENTIFY THE MIXED USE, MULTI-PARCEL, PROPERTY TO THE SOUTH AS C-2 ZONING
- SOUTH BUILDING SETBACK TO BE 0' PER C-2 ZONING. 2. PERIMETER PROPERTY LINE LANDSCAPED SETBACK TO BE "NONE" PER CITY OF PHOENIX ZONING 623(E)(4)(e) C-2 ZONING ADJACENT TO C-2 ZONING.

PHO - PUBLIC HEARING PROCESS - REQUEST TO MODIFY STIPULATIONS IMPOSED AS CONDITIONS OF A ZONING CHANGE:

B. TO ELIMINATE THE RESTRICTION OF INGRESS AND/OR EGRESS TO CAMBRIDGE AVENUE - ZONING STIPULATION #5.

ZONING STIPULATIONS - CASE# Z-129-05-4

- 1. THAT ZONING SHALL NOT VEST UNTIL ALL LANDSCAPE IMPROVEMENTS AND PARKING LOT LAYOUT ACCORDING TO A SITE PLAN APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT HAS BEEN
- ADMINISTRATIVELY VERIFIED BY THE PLANNING HEARING OFFICER. 2. THAT A SIX-FOOT HIGH DECORATIVE MASONRY WALL SHALL BE CONSTRUCTED ALONG THE
- EAST PROPERTY LINE 3. THAT A CROSS ACCESS, CROSS DRAINAGE AND CROSS PARKING AGREEMENTS BE RECORDED FOR ALL THE LOTS INCLUDED IN
- THE REZONING REQUEST. 4. THAT A 10-FOOT WIDE SIDEWALK EASEMENT SHALL BE RECORDED FROM THE EAST HALF OF 16TH STREET OR AS MAY BE MODIFIED BY THE PLANNING AND DEVELOPMENT
- DEPARTMENT. 5. THAT THERE SHALL BE NO INGRESS AND EGRESS FROM CAMBRIDGE STREET.
- 6. THAT A NO TRESPASSING SIGN IN ENGLISH AND SPANISH WILL BE POSTED AT THE SITE. 7. THAT THE PROPERTY OWNER RECORD A
- NOTICE TO PROSPECTIVE PURCHASERS OF PROXIMITY TO AIRPORT IN ORDER TO DISCLOSE EXISTENCE, AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.

SITE KEYNOTES:

- 2. EXISTING ENTRANCE DRIVE "CROSS ACCESS EASEMENT"
- CONTINUOUS PATH.
- 5. PATIO WAITING AREA 225 S.F. NO DINING
- 6. EXISTING 6" CONCRETE CURB
- 10. RESIDENTIAL 10' WIDE LANDSCAPE BUFFER NOT INCLUDED IN
- PARKING LANDSCAPE AREA.
- 12. 10' X 20' SITE VISIBILITY TRIANGLE
- 13. NEW RESTAURANT BUILDING EXPANSION +/-1,700 S.F.
- 15. NEW ACCESSIBLE RAMPING (1:12 SLOPE TYP.)
- 17. NEW SERVICE (BACK OF HOUSE) ENTRANCE
- PROPERTY TO THE NORTH
- 21. EXISTING 6' TALL DECORATIVE MASONRY WALL ZONING STIPULATION #2.
- 23. EGRESS REQUESTED TO BE OPENED ZONING STIPULATION #5 TO BE REMOVED.

- 1. EXISTING "CASA CORAZON" RESTAURANT BUILDING 3. CITY OF PHOENIX REFUSE TRUCK RADIUS MOVEMENT CIRCLES -
- 4. CITY OF PHOENIX 50' REFUSE TRUCK BACK-UP AREA
- 7. NEW 6" CONC. CURB TYP.
- 8. NEW DOUBLE STRIPED 9.5' WIDE X 18' DEEP PARKING SPACE 9. PARKING LOT LANDSCAPED AREA
- 11. 40' RIGHT OF WAY, 35' EXISTING PLUS 5' SIDEWALK EASEMENT PLUS 5' ADDITIONAL SIDEWALK EASEMENT (10' SIDEWALK EASEMENT TOTAL)
- 14. NEW REFUSE CONTAINER ENCLOSURE
- 16. 3' WIDE ACCESSIBLE PATH
- 18. EXISTING FIRE HYDRANT 19. 16 OFF-SITE PARKING SPACES - SHARED PARKING AGREEMENT -
- 20. NEW FDC CONNECTION
- 22. 10' WIDE SIDEWALK EASEMENT, 16TH ST. ZONING STIPULATION #4.
- 24. EXISTING 6' TALL CMU FENCE TO REMAIN ON SOUTH PROPERTY LINE.

E. THOMAS AVE. E. CAMBRIDGE AVE. 2637 N. 16TH ST. E. VIRGINIA AVE. PHOENIX, AZ 85006

VICINITY MAP

SHEET INDEX

A0.00 SITE PLAN A0.01 CONTEXT SITE PLAN

A2.00 ELEVATIONS

A0.02 EXISTING SITE PLAN A0.03 DEMOLITION SITE PLAN A1.00 NEW FLOOR PLAN

NOT TO SCALE

CITY OF PHOENIX

JAN 2 0 2022 Planning & Development

Department

RESTAURANT REMODEL

SITE INFORMATION:

PROJECT DESCRIPTION: THIS PROJECT INVOLVES THE DEMOLITION OF AN EXISTING ON SITE

BUILDING TO CREATE SPACE FOR ADDITIONAL PARKING FOR THE EXISTING "CASA CORAZON" RESTAURANT. THE EXISTING PARKING LOT WILL BE RE-WORKED. NEW LANDSCAPE AREAS WILL BE PROVIDED. THE EXISTING RESTAURANT IS TO BE EXPANDED BY +/-2,300 S.F. TO PROVIDE ADDITIONAL INTERIOR KITCHEN AND DINING AREAS.

PROPERTY LOCATION: CASA CORZON 2637 N. 16TH ST. PHOENIX, AZ. 85006

PROPERTY OWNER: AHINCOS LIVING TRUST

ZONING: C-2 - INTERMEDIATE COMMERCIAL

APN: 117-04-011 MCR#: 13-09 S-T-R: 34-2N-3E **LEGAL DESCRIPTION:**

REAR:

NORTH HALF OF LOT 6, OF GREENFLIED ACRES, ACCORDING TO BOOK 13 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA.

10' (ADJACENT TO R-3)

PHYSICAL ADDRESS: 2550 S. COPPER FRON STEAMBOAT SPRINGS

63279

EXPIRES: 12-31-2022

JAMES EASTON

GREENFIELD ACRES LOTS 9-24 22,456 S.F. 50% = 11,228 S.F. ALLOWED

PROVIDED = 1,992 S.F. = 16%

MAX. LOT COVERAGE: 4,580 S.F. PROVIDED (RESTAURANT) **PARKING LOT** LANDSCAPE AREA: REQ. = 10% = 12,327 S.F. (.1) = 1,233 S.F.

SETBACKS: FRONT BUILDING: 25' (<2 STORIES, <30' HEIGHT) 10' (1-STORY ADJACENT TO R-5)**

**VARIANCE REQUESTED TO REDUCE 10' SIDE SETBACK TO 0'.

MAX. BUILDING HEIGHT: EXISTING MAX. BUILDING HEIGHT:

TYPE OF CONSTRUCTION: **OCCUPANCY**: COMMERCIAL RESTAURANT A-3 (ASSEMBLY) FIRE SPRINKLER / ALARM: TO BE FULLY SPRINKLED PER IBC 2018

EXISTING PARKING SPACES PROVIDED = 18 PROPOSED PARKING: W/ NEW SITE PLAN - EAST BLDG. REMOVED

PARKING REQ. DINING 1 SPACE PER 50 S.F. (INTERIOR AND EXTERIOR) TOTAL DINING SPACE = (1444 INTERIOR) = 1444 SF **PARKING REQUIRED** = 1444 / 50 = 29 **SPACES (SPECIFIC TO 117-04-011) PARKING PROVIDED = 29 TOTAL** (27 - 9.5' x 18' plus 2 - ADA 11' x 18')

EXISTING BUILDING SIZE:	2,048 SF 125 SF	INTERIOR EXTERIOR
	2,173 SF	TOTAL EXISTING SF
	670 / 15 = 45	DINING AREA
	326 / 200 = 2	KITCHEN
	50 / 100 = 1	STORAGE
	149 / 60 = 3	LOBBY
	125 / 15 = 9	OUTDOOR WAITING PATIO

EXISTING OCCUPANTS = 60

1,642 SF **INTERIOR** 225 SF **EXTERIOR** 1,867 SF **TOTAL NEW SF** 608 / 15 = 41 NEW DINING AREA 234 / 15 = 16 EXISTING DINING EXPANDED 503 / 200 = 3 KITCHEN EXPANSION

100 / 15 = 7 OUTDOOR PATIO **NEW OCCUPANTS = 67 TOTAL OCCUPANTS = 127**

TOTAL COMPLETED BUILDING AREA: 3,690 SF INTERIOR 4,598 SF INTERIOR + EXT. PATIOS

1 DRINKING FOUNTAIN REQ.

PER TABLE [P] 2902.1 2018IBC WATER CLOSET REQUIREMENTS: 1. ASSEMBLY. RESTAURANTS. MALE 1 PER 75 FEMALE 1 PER 75 LAVS - MALE / FEMALE - 1 PER 200

1 DRINKING FOUNTAIN PER 500 127 OCCUPANTS TOTAL / 2 = 64 MALE AND 64 FEMALE WATER CLOSETS REQ.: MALE = 2 FEMALE = 2 MALE = 2 FEMALE = 2

EXIT REQUIREMENTS: (127 OCCUPANTS) = 2 EXITS REQUIRED (3) EXITS PROVIDED - PATH OF TRAVEL <250 LF **EXIT WIDTH REQ.:** 127 (.15) = 19.05" MIN. EXIT WIDTH REQ. >20" PROVIDED.

- APPLICABLE CODES 2018 PHOENIX BUILDING CONSTRUCTION CODE
- 2018 INTERNATIONAL BUILDING CODE 2018 INTERNATIONAL RESIDENTIAL CODE
- 2018 INTERNATIONAL MECHANICAL CODE
- 2018 INTERNATIONAL PLUMBING CODE 2018 UNIFORM PLUMBING CODE
- 2018 INTERNATIONAL FUEL GAS CODE 2018 INTERNATIONAL ENERGY CONSERVATION CODE
- 2012 INTERNATIONAL GEEN CONSTRUCTION CODE 2018 INTERNATIONAL EXISTING BUILDING CODE
- 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE 2017 NATIONAL ELECTRICAL CODE

ASME ELEVATOR CODES 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN ICC A117.1-2009

CITY APPROVALS

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VARIANCE

Description

Do not reproduce these drawings and specifications without the expressed writte

permission of the Architect. The drawings and specifications are instruments of

ervice and shall remain the property of the Architect whether the project for which

they are made is executed or not. These drawings and specifications shall not be

ised by anyone on any other projects, for additions to this project, or for completion

of this project by others except by the expressed written permission of the Architec

Date

CASA CORAZON 21021 Project number: 01-11-2021

Drawn by: Checked by 1" = 20'-0"

SITE PLAN

Hearing Date: March 16, 2022

Conceptual Site Plan

• I have the capability, reliability, and qualifications to hold a liquor license because: "I have the capability, reliability and qualifications to hold a liquor license because I am familiar with all the tools and policies to sell beer, I have been in the business for so long also took a class to learn more about the requirements to hold a liquor license."

Staff Recommendation

Staff recommended approval of this application.

If denied, the applicant would continue operations without a liquor license and the previous owner would not resume ownership.

PETITIONS, COMMUNICATIONS, AND PUBLIC HEARINGS

Noting there were no speaker comment cards submitted, <u>MOTION</u> was made by Mr. Johnson, <u>SECONDED</u> by Mrs. Williams, that Items <u>6A-D</u> be granted as recommended (see individual items listed below for specific action). <u>MOTION</u> **CARRIED UNANIMOUSLY**.

ITEM 6

DISTRICTS 3, 4, AND 8

MODIFICATION OF STIPULATION REQUESTS FOR RATIFICATION OF PLANNING HEARING OFFICER ACTION

The Council heard request to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on January 18, 2012.

DISTRICT 4
BLACK CANYON
HIGHWAY (I-17) AND
BETHANY HOME ROAD
APPLICANT: CITY OF
PHOENIX PLANNING
COMMISSION

OWNER: ADAM GOLDBERG REPRESENTATIVE: CITY OF

PHOENIX PLANNING COMMISSION

A. Application: Z-SP-6-02-4

Existing Zoning: C-2 (Approved C-2 SP)

DISTRICT 4
16TH STREET AND
CAMBRIDGE AVENUE
APPLICANT:
JAVIER VERDUGO
OWNER: JAVIER VERDUGO

REPRESENTATIVE:
JAVIER VERDUGO

C. Application: Z-129-05-4

Existing Zoning: R-5 RI (Approved C-2)

Location: Southeast corner of 16th Street and Cambridge Avenue

Acreage: 1.5

Proposal: 1. Modification to Stipulation 3 regarding the consolidation of lots.

2. Modification to Stipulation 4 regarding the right-of-way dedication for the east half of 16th Street.

3. Technical correction to Stipulation 1.

The Planning Hearing Officer recommended approval, with an additional stipulation.

The Encanto Village Planning Committee did not review this request.

Stipulations

- That zoning shall not vest until all the landscape improvements and parking lot layout, according to a site plan approved by the PLANNING AND Development Services Department, has been administratively verified by the Planning Hearing Officer.
- 2. That a 6-foot-high decorative masonry wall shall be constructed along the east property line.
- 3. That the applicant shall consolidate the separate lots of this rezoning request into one lot THAT A CROSS ACCESS, CROSS DRAINAGE, AND CROSS PARKING AGREEMENTS BE RECORDED FOR ALL THE LOTS INCLUDED IN THE REZONING REQUEST.
- 4. That right-of-way totaling 50 feet shall be dedicated A 10-FOOT-WIDE SIDEWALK EASEMENT SHALL BE RECORDED for the east half of 16th Street or as may be modified by the PLANNING AND Development Services Department.

February 8, 2012

- 5. That there shall be no ingress and egress from Cambridge Street.
- That a no trespassing sign in English and Spanish will be posted at the site.
- 7. THAT THE PROPERTY OWNER RECORD A NOTICE TO PROSPECTIVE PURCHASERS OF PROXIMITY TO AIRPORT IN ORDER TO DISCLOSE THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.

DISTRICT 8
36TH STREET AND
THOMAS ROAD
APPLICANT: CITY OF
PHOENIX PLANNING

COMMISSION

OWNER: MELODY JAFARI REPRESENTATIVE: CITY OF PHOENIX PLANNING AND

DEVELOPMENT DEPARTMENT

D. Application: Z-SP-2-04-8
Existing Zoning: Approved R-5 SP

Location: Approximately 555 feet south of the southwest corner of

36th Street and Thomas Road

Acreage: 0.34

Proposal: Administrative action to modify Stipulation 3 to extend

or remove the conditional time stipulation, or determine compliance with the schedule for development or take legislative action to revert the approved R-5 SP zoning to its former R-5 zoning classification due to

non-compliance with rezoning stipulations.

The Planning Hearing Officer recommended approval of the deletion of Stipulation 3, with an additional stipulation.

The Camelback East Village Planning Committee did not review this request.

Planning Hearing Officer Summary of January 18, 2012 Application Z-129-05-4 Page 1

REPORT OF PLANNING HEARING OFFICER ACTION Teresa Hillner, Planner III, Hearing Officer Aracely Herrera, Planner I, Assisting

January 18, 2012

ITEM 5

DISTRICT.4

SUBJECT: 1

Application #:

Z-129-05-4

Zoning:

R-5 RI (Approved C-2) Q.S. 14-31

Location:

Southeast corner of 16th Street and Cambridge Avenue

Acreage:

1.56

Request:

1) Modification to Stipulation 3 regarding the consolidation of lots

2) Modification to Stipulation 4 regarding the right-of-way dedication

for the east half of 16th Street

3) Technical correction to Stipulation 1

Applicant:

Javier Verdugo

Owner:

Javier Verdugo

Representative: Javier Verdugo

ACTIONS:

<u>Planning Hearing Officer Recommendation:</u> The Planning Hearing Officer recommended approval, with an additional stipulation.

<u>Village Planning Committee (VPC) Recommendation:</u> The Encanto Village Planning Committee did not review this request.

DISCUSSION:

Mr. Javier Verdugo presented the request. He explained that each building on the site functions separately and he would like to keep it as is; if the lots were consolidated selling the lots in the future would be difficult. He explained the properties will share cross access, drainage and parking agreements. Mr. Verdugo also explained that Stipulation 4 required a dedication of a 50-foot right-of-way for the east half of 16th Street. After discussing the stipulation with the Street Transportation Department they agreed that a sidewalk easement was sufficient as they were not proposing any new development of the site.

The Planning Hearing Officer noted that if the existing development was remaining then a 10-foot sidewalk easement would be required, however, if the site were to be redeveloped then the 50-foot right-of-way dedication would be required.

Mr. Verdugo noted the site would remain as it is and new structures or redevelopment of the property was not proposed.

The Planning Hearing Officer noted that the property is able to function without the consolidation of the lots and decided to recommended approval, with an additional stipulation requiring the owner to record a disclosure of the existence of the airport.

Planning Hearing Officer Summary of January 18, 2012 Application Z-129-05-4 Page 2

FINDINGS:

- 1. The original plan envisioned a single land use on the property; the proposed use was an assembly hall and the remaining buildings were planned to serve as offices and storage for the main use. Currently, a different land use is proposed for each building. The required cross access, cross drainage and cross parking agreements ensures that each land use will function properly.
- 2. Modification of Stipulation 4 is necessary, the existing building will remain and new construction is not proposed. However, a 10-foot wide sidewalk easement is required and if redevelopment of the site occurs, full right-of-way dedication will be required.

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

STIPULATIONS:

- 1. That zoning shall not vest until all the landscape improvements and parking lot layout according to a site plan approved by the PLANNING AND Development Services Department has been administratively verified by the Planning Hearing Officer.
- 2. That a six-foot high decorative masonry wall shall be constructed along the east property line.
- 3. That the applicant shall consolidate the separate lots of this rezoning request into one lot THAT A CROSS ACCESS, CROSS DRAINAGE AND CROSS PARKING AGREEMENTS BE RECORDED FOR ALL THE LOTS INCLUDED IN THE REZONING REQUEST.
- 4. That right-of-way totaling 50 feet shall be dedicated A 10-FOOT WIDE SIDEWALK EASEMENT SHALL BE RECORDED for the east half of 16th Street or as may be modified by the PLANNING AND Development Services Department.
- That there shall be no ingress and egress from Cambridge Street.
- 6. That a no trespassing sign in English and Spanish will be posted at the site.
- 7. THAT THE PROPERTY OWNER RECORD A NOTICE TO PROSPECTIVE:
 PURCHASERS OF PROXIMITY TO AIRPORT IN ORDER TO DISCLOSE THE
 EXISTENCE, AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR
 INTERNATIONAL AIRPORT TO FUTURE OWNERS OR TENANTS OF THE,
 PROPERTY.

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