

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



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned
From: Alan Stephenson
Planning & Development Department Director
Date: February 16, 2022
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 **Planning Hearing Officer** 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.
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 **February 23, 2022**.

DISTRIBUTION

Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Sina Matthes, Tony Motola), 11th Floor
Aviation (Sheldon Daisley)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Aaron Conway), 2nd Floor
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 Floor
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)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-3-22--Z-129-05

Council District: 4

Request For: Stipulation Modification

Reason for Request: Deletion of Stipulation 5 regarding ingress and egress from Cambridge Street.

Owner	Applicant	Representative
Javier Verdugo, Copper House LLC 1530 East Brill Street Phoenix AZ 85006 (602) 390-7032 javierverdugoh@gmail.com	Javier Verdugo, Copper House LLC 1530 East Brill Street Phoenix AZ 85006 (602) 390-7032 javierverdugoh@gmail.com	Javier Verdugo, Copper House LLC 1530 East Brill Street Phoenix AZ 85006 P: (602) 390-7032 F: javierverdugoh@gmail.com

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

Zoning Map: G-9 Quarter Section: 14-31 APN: 117-04-007 Acreage: 1.56

Village: 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 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.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

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: <u>03/16/2022 10 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	Appealed?: _____
Action: _____	Action: _____	Action: _____

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



EXPIRES: 12-31-2022

Dear City Staff,

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.

www.elkriver.studio



Respectfully,



James Easton, AIA NCARB
970.279.0040
jte@elkriver.studio





City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

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:

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 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.
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.

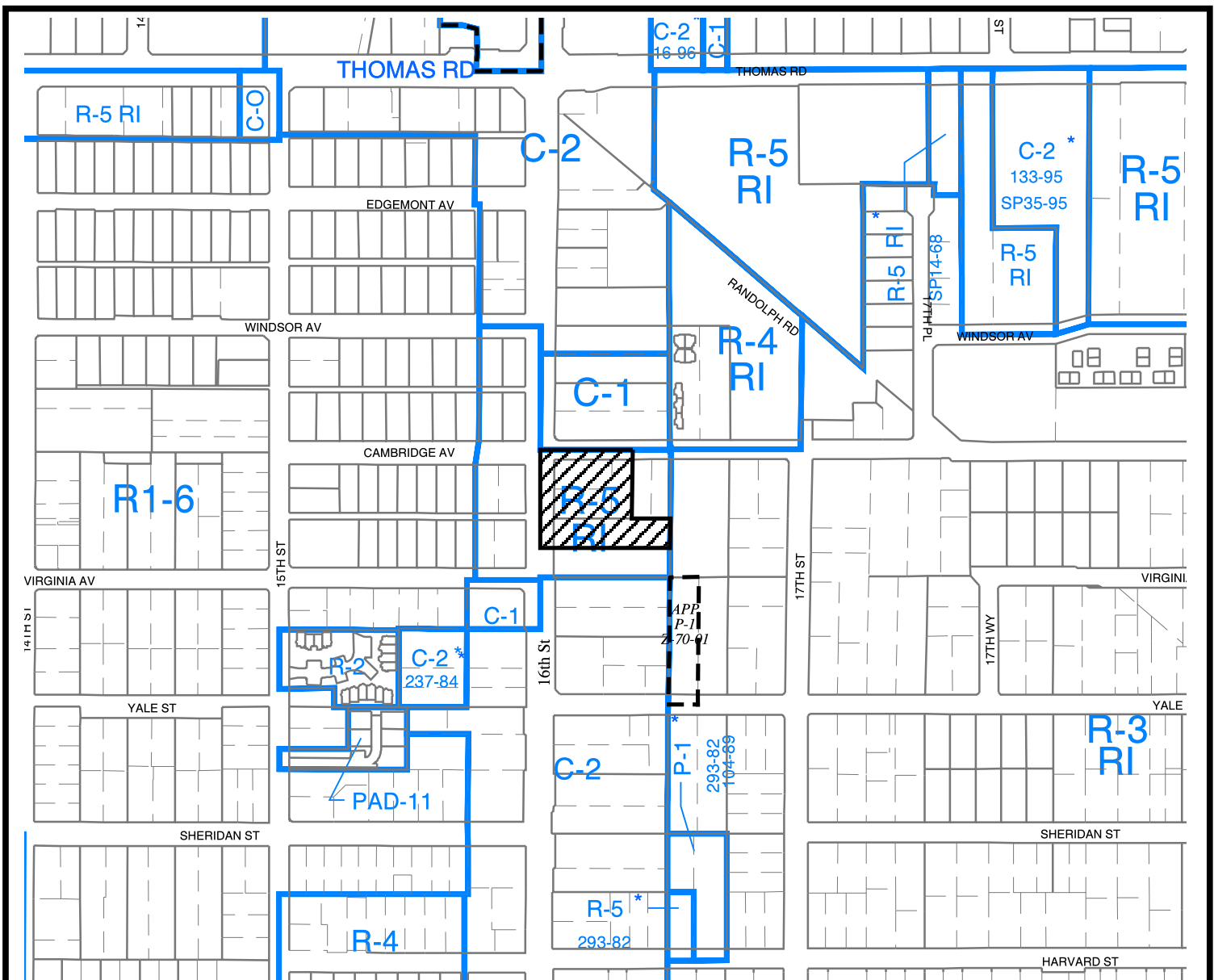
7. That the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teresa Hillner".

Teresa Hillner
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
Case File



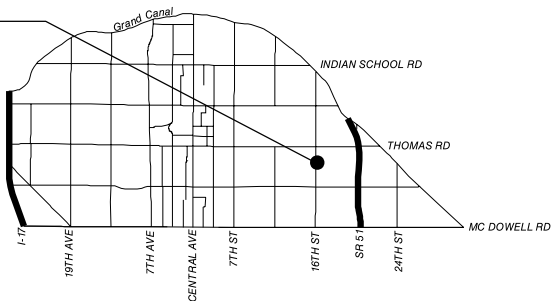
400 0 400 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

Encanto Village

CITY COUNCIL DISTRICT: 4

Z-129-05



APPLICANT'S NAME: Javier Verdugo		REQUESTED CHANGE:	
APPLICATION NO. Z-129-05	DATE: 9-6-2005	FROM: R-5 RI	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 1.56 Acres		TO: C-2	
MULTIPLES PERMITTED		CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
AERIAL PHOTO & QUARTER SEC. NO. Q14-31		ZONING MAP G9	

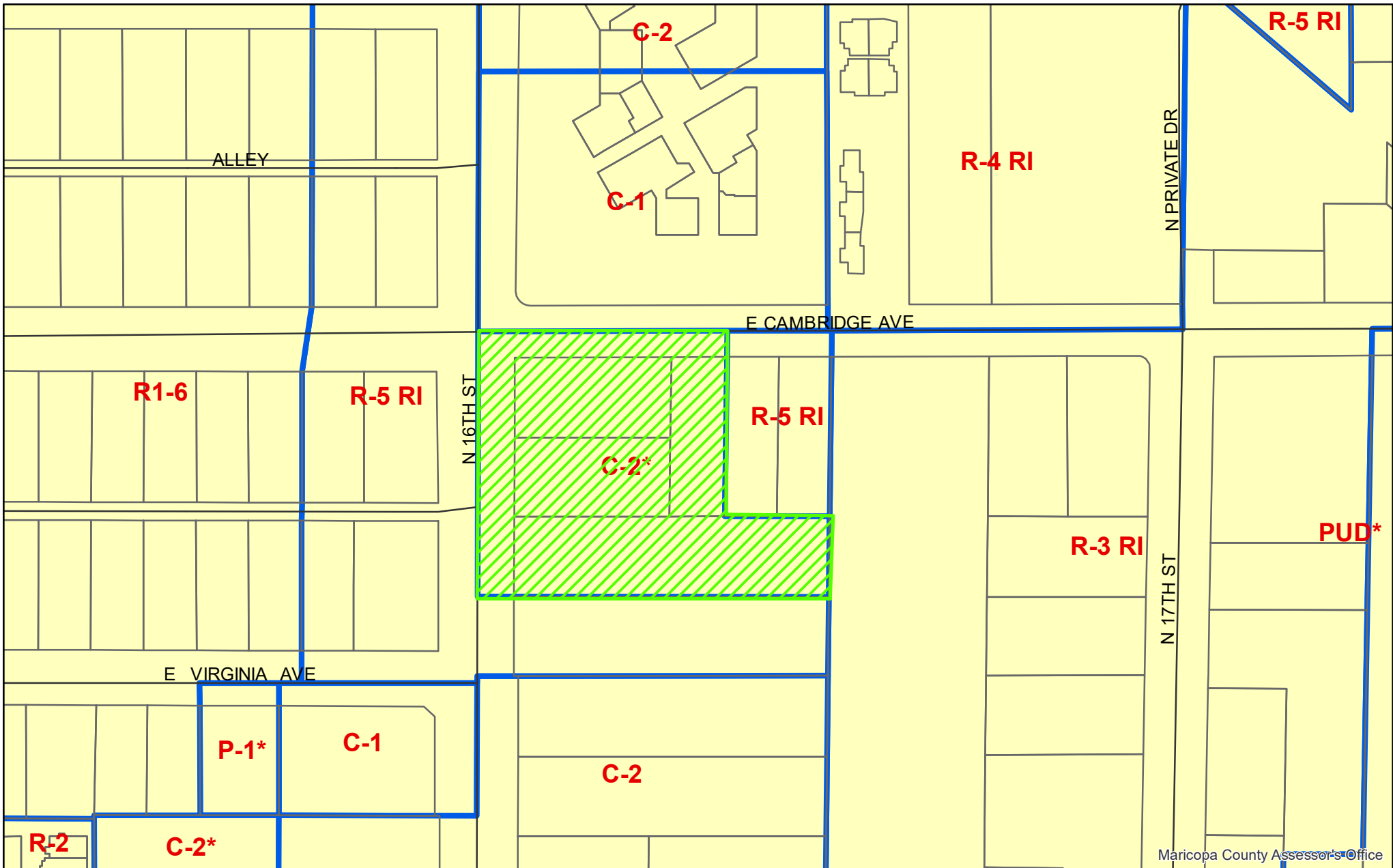
* Maximum Units Allowed with P.R.D. Bonus



Maricopa County Assessor's Office

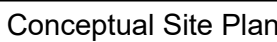
PHO-3-22--Z-129-05-4

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



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

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



February 8, 2012

- 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, **MOTION** was made by Mr. Johnson, **SECONDED** by Mrs. Williams, that Items **6A-D** be granted as recommended (see individual items listed below for specific action). **MOTION 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)

February 8, 2012

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: 1.56
 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

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 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.
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.

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.

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:

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:

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

Village Planning Committee (VPC) Recommendation: 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 recommend approval, with an additional stipulation requiring the owner to record a disclosure of the existence of the airport.

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.
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 THE EXISTENCE, AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.