

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



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**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 **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**.

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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](mailto: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 Date: <u>03/16/2022 10 AM</u>	Planning Commission Date: _____	City Council Date: _____
Appealed?: _____	Appealed?: _____	Action: _____
Action: _____	Action: _____	Action: _____

# Elk River Studio

February 14, 2022

## 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, 2<sup>nd</sup> 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 16<sup>th</sup> 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.

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-  
-

### 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.



# Elk River Studio

February 14, 2022

Respectfully,

  
James Easton, AIA NCARB  
970.279.0040  
jte@elkriver.studio

[www.elkriver.studio](http://www.elkriver.studio)

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+1.970.279.0040 | [info@elkriver.studio](mailto:info@elkriver.studio) | 2550 S. Copper Frontage Rd., Suite 112, Steamboat Springs, CO 80487  
mail: PO Box 880429, Steamboat Springs, CO 80488





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.

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.

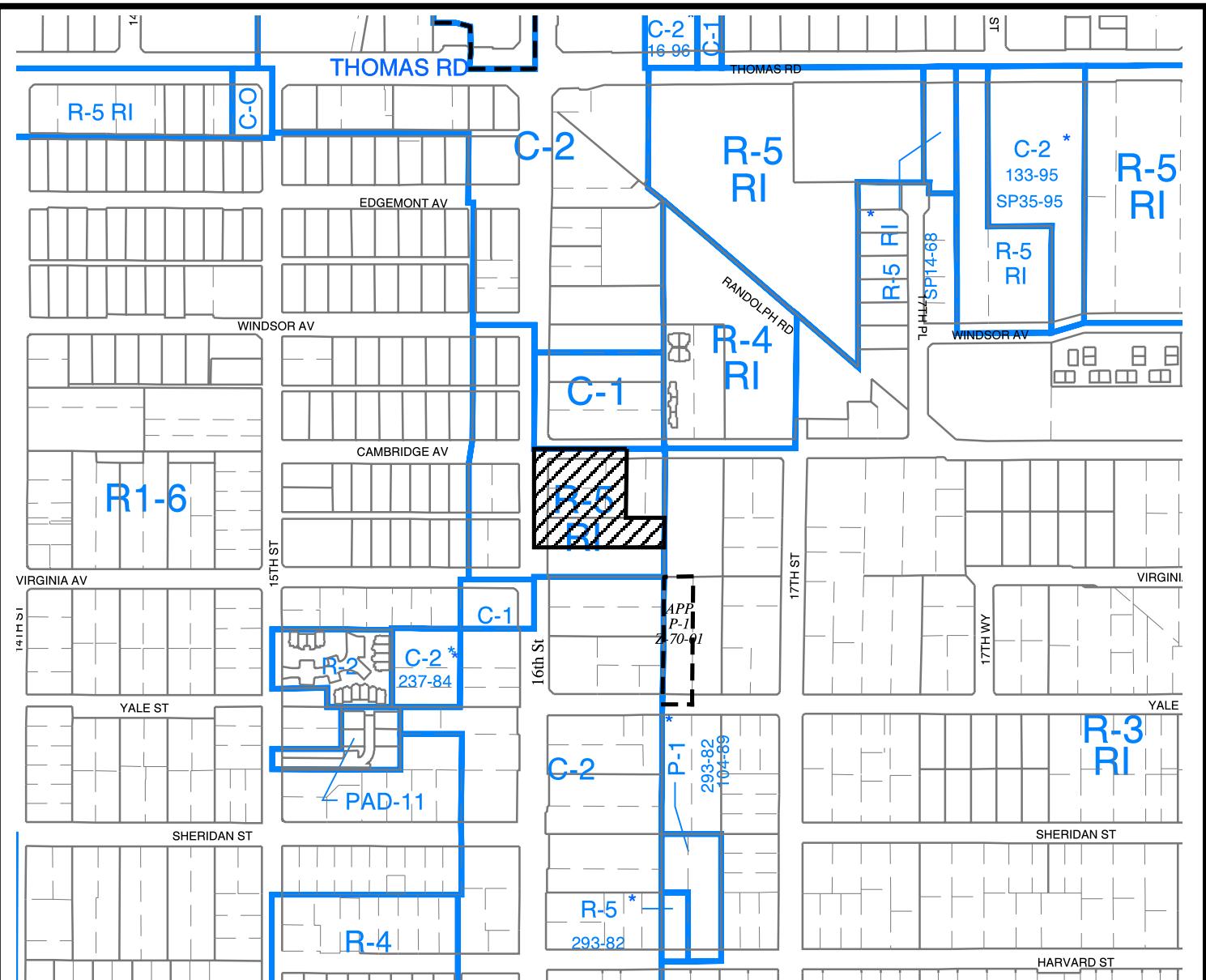
Sincerely,



Teresa Hillner

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



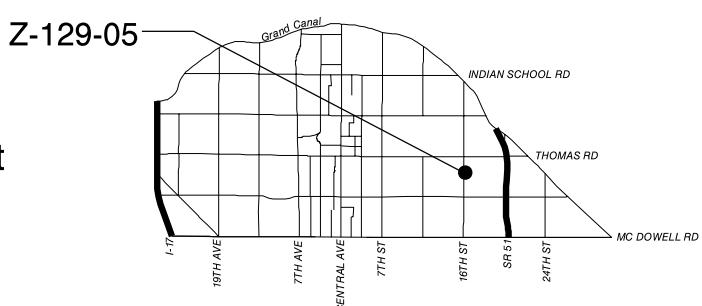
CITY OF PHOENIX PLANNING DEPARTMENT

## Encanto Village

CITY COUNCIL DISTRICT: 4

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

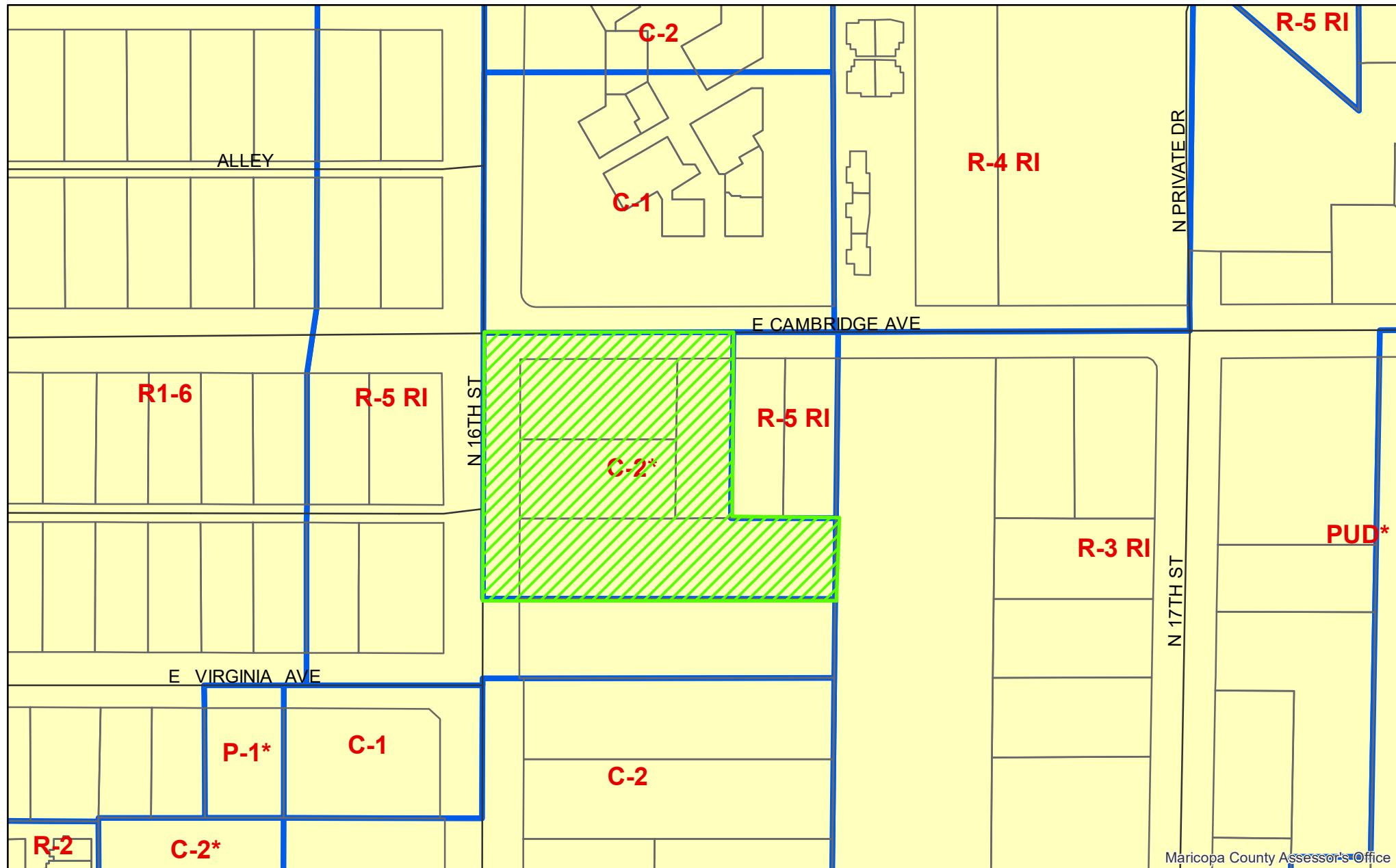
\* Maximum Units Allowed with P.R.D. Bonus





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

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



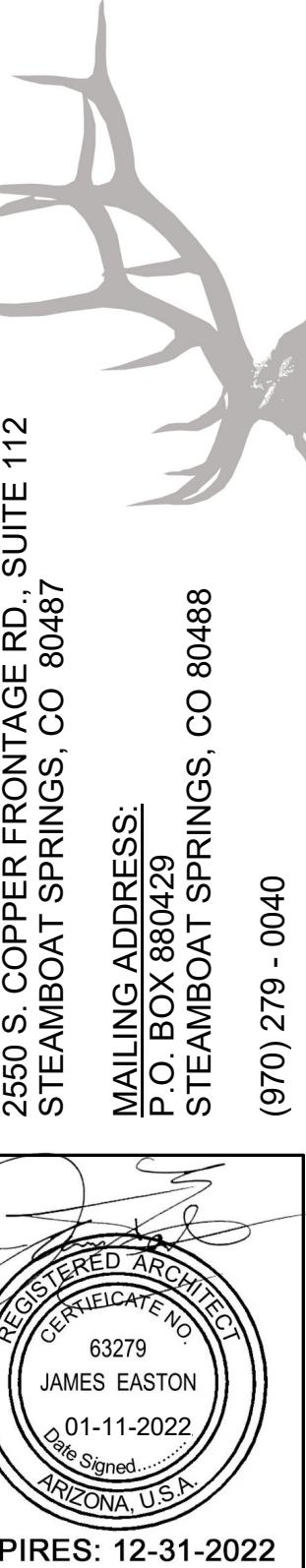
PHO-3-22-Z-129-05-4

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

# ELK RIVER STUDIO

INFO@ELKRIVER.STUDIO

JAVIER VERDUGO (602) 358 - 5757 javierverdugo@gmail.com  
 OWNER: 2337 N. 16TH STREET, PHOENIX, AZ 85006  
 PROJECT ADDRESS: (602) 358 - 5757  
 TELEPHONE: CONTACT:



## JAVIER VERDUGO - VARIANCE

CASA CORAZON

Project number: 21021

Date: 01-11-2021

Drawn by: JTE

Checked by: JTE

Scale: 1" = 20'-0"

## SITE PLAN

A0.00

Hearing Date: March 16, 2022

## 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 +/-300 S.F. TO PROVIDE ADDITIONAL INTERIOR KITCHEN AND DINING AREAS.

**PROPERTY LOCATION:**  
 CASA CORZON  
 2337 N. 16TH ST.  
 PHOENIX, AZ. 85006

**PROPERTY OWNER:** AHINCO LIVING TRUST

**ZONING:** C-2 - INTERMEDIATE COMMERCIAL  
 APN: 117-04-011

**MCR#:** 13-09

**S-T-R:** 34-2N-3E

**LEGAL DESCRIPTION:** NORTH HALF OF LOT 6, OF GREENFIELD ACRES, ACCORDING TO BOOK 13 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA.

**LOT #:** 6  
**SUBDIVISION:** GREENFIELD ACRES LOTS 9-24

**LOT AREA:** 22,456 S.F.  
**MAX. LOT COVERAGE:** 50% = 11,228 S.F. ALLOWED  
 4,380 S.F. PROVIDED (RESTAURANT)

**PARKING LOT LANDSCAPE AREA:** REQ. = 10% = 12,327 S.F. (1) = 1,233 S.F.  
 PROVIDED = 1,992 S.F. = 16%

**SETBACKS:**  
**FRONT BUILDING:** 25' (<2 STORIES, <30' HEIGHT)  
**SIDE:** 10' (1-STORY ADJACENT TO R-5)\*  
**REAR:** 10' (ADJACENT TO R-3)\*\*

**\*\*VARIANCE REQUESTED TO REDUCE 10' SIDE SETBACK TO 0':**

**MAX. BUILDING HEIGHT:** 15'  
**EXISTING MAX. BUILDING HEIGHT:** 15'  
**TYPE OF CONSTRUCTION:** V-B  
**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  
**2,173 SF** EXTERIOR  
 TOTAL EXISTING SF  
 670 / 15 = 45 KITCHEN  
 326 / 15 = 2 STORAGE  
 59 / 100 = 1 LOBBY  
 149 / 60 = 3 OUTDOOR WAITING PATIO  
**EXISTING OCCUPANTS = 60**

**NEW BUILDING AREA:** 1,642 SF  
**225 SF** INTERIOR  
**1,867 SF** EXTERIOR  
 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: 3,680 SF INTERIOR  
 4,588 SF INTERIOR + EXT. PATIOS**

**WATER CLOSET REQUIREMENTS:** PER TABLE [P] 2902.1 2018IBC  
 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  
 DRINKING FOUNTAIN REQ.: 1 DRINKING FOUNTAIN REQ.**

**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 GREEN CONSTRUCTION CODE  
 2012 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 A11.1-2009

No. Description Date

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### CITY APPROVALS

JAVIER VERDUGO - VARIANCE

CASA CORAZON

Project number: 21021

Date: 01-11-2021

Drawn by: JTE

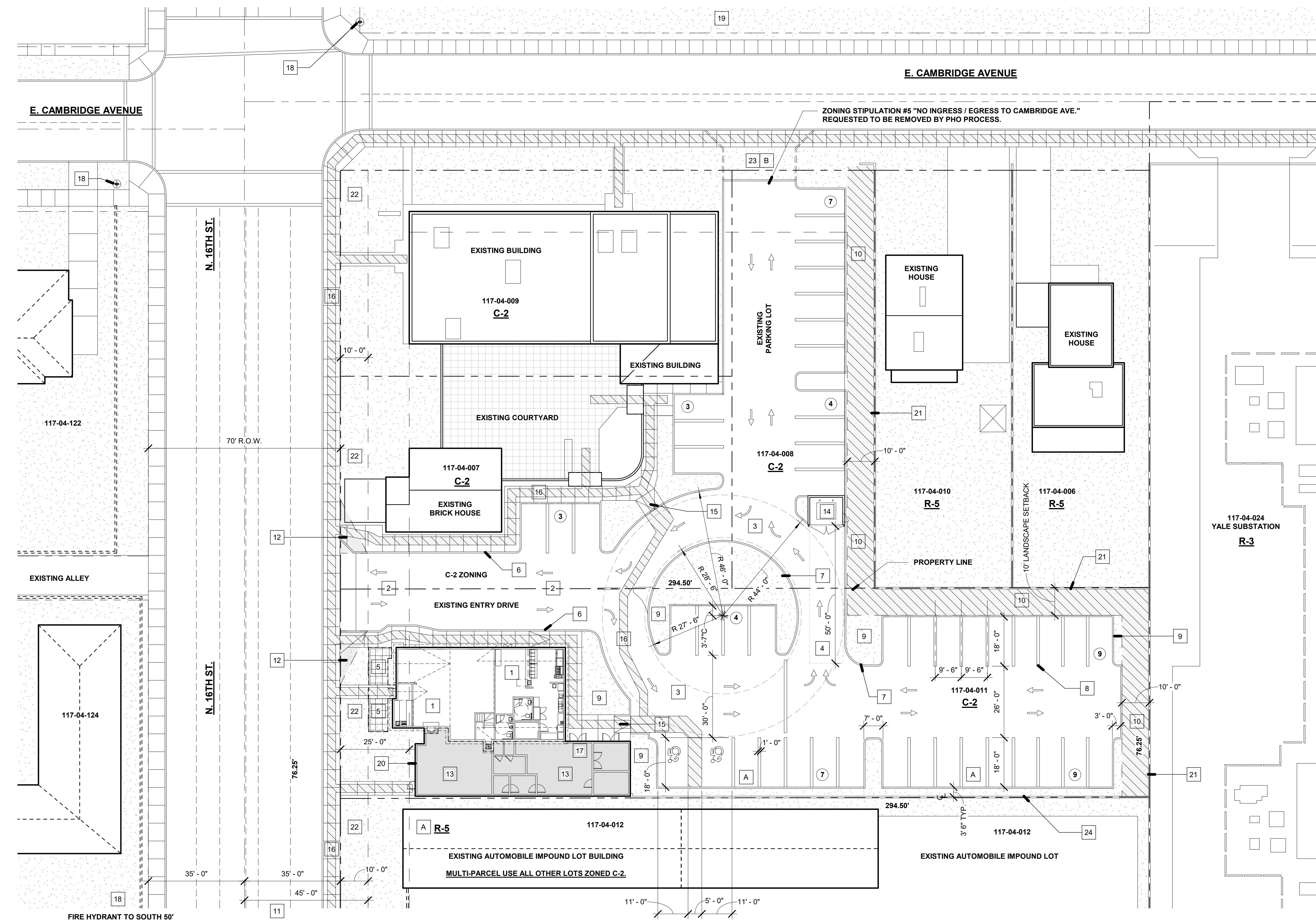
Checked by: JTE

Scale: 1" = 20'-0"

## SITE PLAN

A0.00

Hearing Date: March 16, 2022



### SITE PLAN NOTES - PER CITY OF PHOENIX

- 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.
- REMOVE ALL UNUSED DRIVEWAYS AND REPLACE ANY BROKEN OR OUT-OF-GRADE CURB, GUTTER AND SIDEWALK ON ALL STREETS.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- 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 MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
- STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' X 33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
- 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.
- 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.
- ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEAVY SIDE OF THE TALLEST EQUIPMENT.
- ALL SEWER/ICE 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.
- BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREET OR ADJACENT RESIDENTIAL AREAS.
- ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN.

### VARIANCES REQUESTED:

- A VARIANCE IS REQUESTED TO IDENTIFY THE MIXED USE, MULTI-PARCEL PROPERTY TO THE SOUTH AS C-2 ZONING.
1. 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.

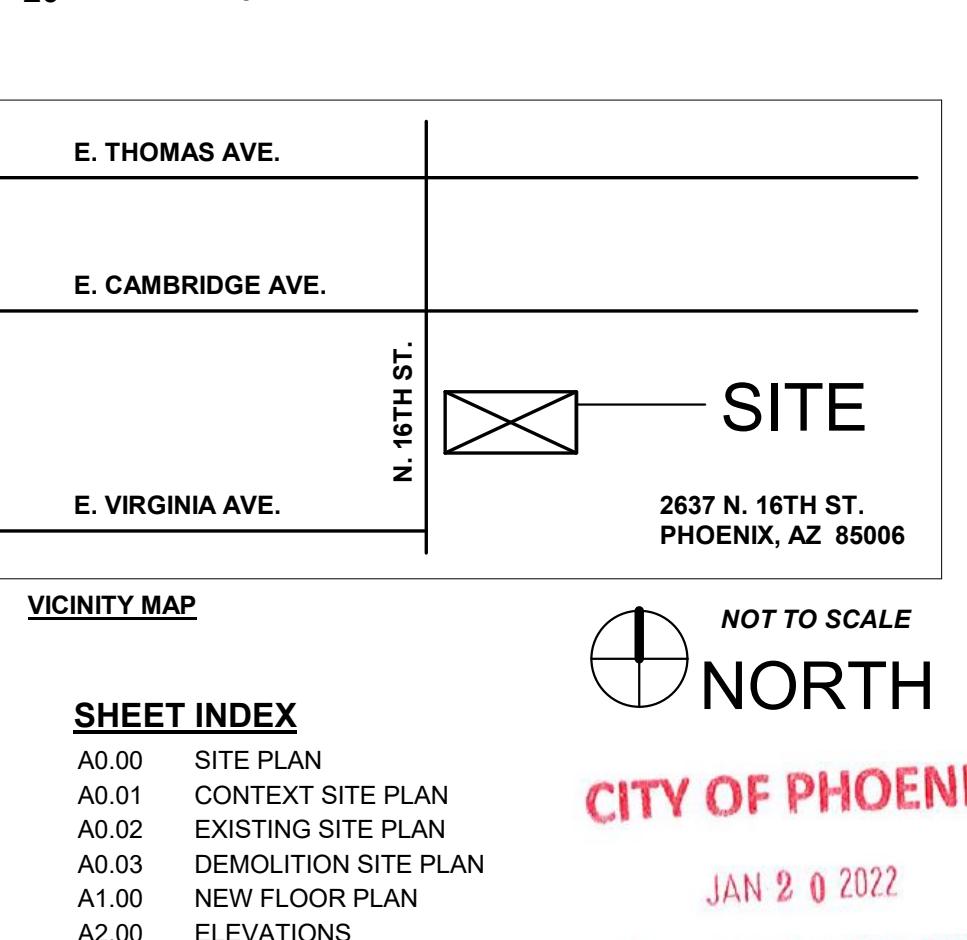
### ZONING STIPULATIONS - CASE# Z-129-05-4

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.
1. EXISTING "CASA CORAZON" RESTAURANT BUILDING.
2. EXISTING ENTRANCE DRIVE - "CROSS ACCESS EASEMENT" CITY OF PHOENIX REFUSE TRUCK MOVEMENT CIRCLES - CONTINUOUS PATH.
3. CITY OF PHOENIX REFUSE TRUCK BACK-UP AREA.
4. PATIO WAITING AREA - 225 S.F. - NO DINING
5. EXISTING 6' CONCRETE CURB - TYP.
6. NEW 8' CONC. CURB - TYP.
7. NEW DOUBLE STRIPED 9.5' WIDE X 18' DEEP PARKING SPACE
8. PARKING LOT LANDSCAPED AREA
9. RESIDENTIAL 10' WIDE LANDSCAPE BUFFER - NOT INCLUDED IN PARKING LANDSCAPE AREA.
10. 40' RIGHT OF WAY, 35' EXISTING PLUS 5' SIDEWALK EASEMENT PLUS 5' ADDITIONAL SIDEWALK EASEMENT (10' SIDEWALK EASEMENT TOTAL)
11. 12' X 20' SITE VISIBILITY TRAPEZOID
12. NEW 10' WIDE SIDEWALK EASEMENT.
13. NEW 10' WIDE SIDEWALK EASEMENT.
14. NEW REFUSE CONTAINER ENCLOSURE.
15. NEW ACCESSIBLE RAMPING (1:12 SLOPE - TYP.)
16. 3' WIDE ACCESSIBLE PATH.
17. NEW SERVICE (BACK OF HOUSE) ENTRANCE
18. EXISTING FIRE HYDRANT
19. 16 OFF-SITE PARKING SPACES - SHARED PARKING AGREEMENT - PROPERTY TO THE NORTH
20. NEW FDC CONNECTION
21. EXISTING 6' TALL DECORATIVE MASONRY WALL - ZONING STIPULATION #2.
22. 10' WIDE SIDEWALK EASEMENT, 16TH ST. - ZONING STIPULATION #4.
23. EGRESS REQUESTED TO BE OPENED - ZONING STIPULATION #5 TO BE REMOVED.
24. EXISTING 6' TALL CMU FENCE TO REMAIN ON SOUTH PROPERTY LINE.

### SITE KEYNOTES:

1. EXISTING "CASA CORAZON" RESTAURANT BUILDING.
2. EXISTING ENTRANCE DRIVE - "CROSS ACCESS EASEMENT" CITY OF PHOENIX REFUSE TRUCK MOVEMENT CIRCLES - CONTINUOUS PATH.
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23. EGRESS REQUESTED TO BE OPENED - ZONING STIPULATION #5 TO BE REMOVED.
24. EXISTING 6' TALL CMU FENCE TO REMAIN ON SOUTH PROPERTY LINE.

Conceptual Site Plan



CITY OF PHOENIX  
 JAN 20 2022  
 Planning & Development  
 Department

NOT TO SCALE

NORTH

CITY OF PHOENIX

JAN 20 2022

Planning & Development  
 Department

A0.00

PHO-322-2-Z-129-05-4

Hearing Date: March 16, 2022

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

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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

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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

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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 recommended 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.