



City of Phoenix

Staff Report: PHO-1-25--Z-232-85-4(7)

APPLICATION #: PHO-1-25--Z-232-85-4(7)

LOCATION: Southeast corner of 26th Avenue and Polk Street

EXISTING ZONING: C-2 and C-3

ACREAGE: 2.99

REQUEST: Request to delete Stipulation 1 regarding site access from Van Buren Street

APPLICANT: David Hughes, EPS Group Inc.

OWNER: JC Hurts Properties LLC/VMAP Properties LLC

REPRESENTATIVE: David Hughes, EPS Group Inc.

STAFF RECOMMENDATION

Approval with a modification, per the Planning Hearing Officer recommendation.

PLANNING HEARING OFFICER RECOMMENDATION

On May 21, 2025, the Planning Hearing Officer recommended approval with a modification.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Estrella Village Planning Committee (VPC) heard this request on May 20, 2025 and recommended approval, by a vote of 4-0.

BACKGROUND/ANALYSIS

The subject site consists of 2.99 gross acres located at the southeast corner of 26th Avenue and Polk Street and is zoned C-2 (Intermediate Commercial). The overall development site is zoned both C-2 and C-3 (General Commercial). The subject PHO

case only applies to the west portion of the overall development site (Exhibit F). The applicant requested to delete Stipulation 1 regarding site access from Van Buren Street.

The applicant presented a narrative (Exhibit B) and conceptual site plan (Exhibit I) at the May 21, 2025 Planning Hearing Officer (PHO) hearing to support their request. The narrative notes the stipulation is not applicable for the property as it no longer has street frontage along Van Buren Street. The applicant proposed three driveways off 25th Avenue (east), 26th Avenue (west), and Polk Street (north) as the property cannot be accessed from Van Buren Street. The Street Transportation Department supports access from 25th Avenue and Polk Street, but not 26th Avenue as it is adjacent to residential properties. The applicant argued that having access along 26th Avenue provides “eyes on the street” for nearby residents and reduces the number of transients on the site. The PHO agreed with the Street Transportation Department recommendation and added language to Stipulation 1 to include a 1-foot vehicular non-access easement (VNAE) along the western property line adjacent to 26th Avenue.

The applicant/appellant requests to remove the revised language from Stipulation 1 regarding the VNAE and requests a deletion of Stipulation 1.

PREVIOUS HISTORY

On September 4, 1985, the Phoenix City Council heard Rezoning Case No. Z-232-85-4, a request to rezone approximately 3.83 acres located at the southeast corner of 26th Avenue and Polk Street from R-5 (Multifamily Residence District- Restricted Commercial) to C-3 (General Commercial) (Exhibit F). The City Council recommended denial as filed per the Planning Commission’s recommendation and approved C-2 (Intermediate Commercial) with a Special Permit (Exhibit E). On September 18, 2013, the Phoenix City Council heard Rezoning Case No. Z-5-13-7, a request to rezone approximately 3.8 acres located at the northeast corner of the 26th Avenue and Van Buren Street from C-2 SP (Intermediate Commercial, Special Permit) to C-2 (Intermediate Commercial) (Exhibit G). This action removed the special permit and now the stipulations from Z-232-85-4 now apply to the site (west portion of the overall development site).

The site is split zoned with C-2 zoning on the western portion and C-3 zoning on the eastern portion. The proposal included a self-service storage containing a two-story residence office and 1,056 storage units (Exhibit K). The main entrance was along Van Buren Street to support Stipulation 1. Landscape areas and a variation of building setbacks were provided to support Stipulations 2 and 3. The 12-foot radius dedication along 26th Avenue and Polk Street was completed.

NEIGHBORHOOD CONCERNS

Public Correspondence

No public correspondence was received for this case.

GENERAL PLAN LAND USE MAP DESIGNATION

Residential 3.5 to 5 dwelling units / acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site (overall development site):	C-2, C-3	Storage Yard
North:	R-5	Cemetery
East:	C-3	Auto Repair Garage, Welding Shop
East (Across 25th Avenue)	A-1	Storage Yard, Brewery
South:	C-2, C-3	Retail, Other Commercial
West (Across 26th Avenue):	R-5	Single-Family Residential, Multifamily Residential, Vacant Land

PLANNING HEARING OFFICER FINDINGS

- 1) The request for deletion of Stipulation 1 is recommended to be approved with a modification to restrict vehicular access from the site to 26th Avenue. Due to the way the southern property has developed, direct access to Van Buren Street is no longer practical. However, the original stipulation was intended to minimize traffic conflicts between this commercial property and the nearby residential neighborhood. Therefore, I recommend modifying the original stipulation with new language that restricts vehicular access from the site to 26th Avenue.

Vehicular access points to 26th Avenue from this development should be prohibited per Section: 507.TAB A. (II)(A)(6)(6.3).

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	That the only access to the site shall be from Van Buren Street. DEDICATE A MINIMUM 1-FOOT VEHICULAR NON-ACCESS EASEMENT FOR THE ENTIRETY OF THE WESTERN PROPERTY
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	LINE, ADJACENT TO 26TH AVENUE.	
2.	That the landscaping along 26th Avenue and Polk Street shall include 24 inch box size trees at a maximum of 20 feet on center or placed in equivalent groupings.	
3.	That the applicant provide variation in the building setbacks along 26th Avenue and Polk Street, as approved by the DCO.	
4.	That sufficient right-of-way be dedicated within one year of final City Council action to provide:	
	a.	A 12 foot radius at 26th Avenue and Polk Street.

Exhibits:

- A- Appeal Documents (5 pages)
- B- Applicant's Narrative for PHO-1-25--Z-232-85-4(7) (3 pages)
- C- Aerial Map
- D- Zoning Map
- E- Approval Letter for Z-232-85-4 (1 page)
- F- Sketch Map for Z-232-85-4
- G- Ordinance G-5837 for Z-5-13-7 (6 pages)
- H- PHO Summary for PHO-1-25--Z-232-85-4(7) from May 21, 2025 (3 pages)
- I- VPC Summary for PHO-1-25--Z-232-85-4(7) from May 20, 2025 (2 pages)
- J- Conceptual Site Plan, date stamped March 18, 2025
- K- Stipulated Site Plan for Rezoning Case No. Z-232-85-4.

EXHIBIT A

PLANNING HEARING OFFICER APPEAL I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:			
CASE NUMBER:	PHO-1-25--Z-232-85-4(7)		
LOCATION:	Southeast corner of 26th Avenue and Polk Street		
PHO HEARING DATE:	May 21, 2025	RECEIVED:	May 28, 2025
APPEALED BY:	<input type="checkbox"/> Opposition	<input checked="" type="checkbox"/> Applicant	
APPEALED TO:	PLANNING COMMISSION	August 7, 2025	
		TENTATIVE DATE	
	CITY COUNCIL	September 3, 2025	
		TENTATIVE DATE	
APPELLANT NAME AND ADDRESS/EMAIL:		PHONE:	
David Hughes 1130 North Alma School Road, # 120 Mesa, AZ 85201 David.hughes@epsgroupinc.com		480-355-0616	
RECEIPT NUMBER:	R-0224976		
REASON FOR REQUEST:			
To remove the revised language for Stipulation No. 1 about the one-foot VNAE along 26th Avenue. Delete Stipulation No. 1.			
TAKEN BY:	Camryn Thompson, Planner II		

Joshua Bednarek

Tricia Gomes

Racelle Escolar

Adam Stranieri

Byron Easton

PHO Planner Asst – Teresa Garcia

PC Planner Asst – Camryn Thompson

PHO Secretary – Ruth Somoza

PC Secretary – Vikki Cipolla-Murillo

GIS Team

Raquel Moreno – Posting



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

MAY 28 2025

Planning & Development
Department

The PLANNING HEARING OFFICER agenda for May 21, 2025 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on July 2, 2025 Without Further Hearing Unless:

- A REQUEST FOR A HEARING BY THE PLANNING COMMISSION is filed by 5:00 p.m. on May 28, 2025. (There is a \$630.00 fee for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. May 28, 2025.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-25--Z-232-85-4(7) N/NEC of Van Buren & 26th Avenue
APPLICATION NO. LOCATION OF APPLICATION PROPERTY

David Hughes
NAME (PLEASE PRINT)

☐ OPPOSITION

☒ APPLICANT

1130 N. Alma School Road #120
STREET ADDRESS:

david.hughes@epsgroupinc.com
EMAIL:

Mesa, AZ 85201
CITY, STATE AND ZIP CODE

480-355-0616
TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM May 21, 2025 PHO HEARING TO 8/7/25 PC HEARING
DATE DATE

SIGNATURE:

D. Hughes

DATE:

5/28/25

REASON FOR APPEAL:

To remove the revised language for Stipulation #1 about the 1 foot VNAE along 26th Avenue. Delete stip #1.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: CT

Copies to:

Case File

PHO Planner – Teresa Garcia

PHO Secretary – Ruth Somoza



To find out about Phoenix construction code adoption
news and to research your permits or projects, please
visit <http://www.phoenix.gov/PDD>

City Of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

200 W. Washington St
Phoenix, Arizona 85003

Your payment was successful.

Order Status	Successful
Applied Payment	\$630.00
Contact	David Hughes
Operator	Ciara Cordova
Process Date	05/28/2025 01:32 PM

Receipt Number	R-0224976
Payment	Credit Card - PDD
Amount	\$630.00
Credit Remaining	0.00

Related Orders

Appeal - Planning and Zoning Application: APZ-22-25

Address

Total Fees	\$630.00
Total Paid	\$630.00
Total Balance	\$0.00

Fee Type	Total	Paid	Outstanding
Planning and Zoning Appeal Fee	\$630.00	\$630.00	\$0.00

City's Right to Audit and Adjust Impact Fees

The development impact fees assessed to this permit have been adopted pursuant to Arizona Revised Statute §9-463.05. To ensure compliance with Arizona law, the City may audit the development impact fees for this permit; which could result in additional charges. The City reserves the right to withhold Certificate of Occupancy until adjusted balances pursuant to applicable City and State laws are paid in full.

Thank you for your transaction. We appreciate your business and look forward to serving you in the future.



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-25--Z-232-85-4(7)

Council District: 7

Request For: Stipulation Modification

Reason for Request: Request to delete Stipulation 1 regarding site access from Van Buren Street

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
JC Hurts Properties LLC/VMAP Properties LLC	Owner	6336 East Hillcrest Boulevard, Scottsdale, AZ 85251	909-357-1555		zach@vanmatrelumber.com
David Hughes, EPS Group Inc.	Applicant	1130 North Alma School Road, Suite 120, Mesa, AZ 85201	480-355-0616		david.hughes@epsgroupinc.com
David Hughes, EPS Group Inc.	Representative	1130 North Alma School Road, Suite 120, Mesa, AZ 85201	480-355-0616		david.hughes@epsgroupinc.com
David Hughes, EPS Group Inc.	Appellant	1130 North Alma School Road, Suite 120 Mesa AZ 85201	480-355-0616		david.hughes@epsgroupinc.com

Property Location: Southeast corner of 26th Avenue and Polk Street

Acreage: 2.99

Geographic Information

Zoning Map	APN	Quarter Section
F7	109-28-061F	Q11-23
Village:		
Estrella		

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: 5/28/2025

Fee Information

Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	04/14/25	PHO (1-2 stipulations)

\$630.00	\$0.00	05/28/25	Planning and Zoning Appeal Fee APZ-22-25
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EXHIBIT B

April 8, 2025

Van Matre Lumber (KIVA 24-306)

319 N. 26th Avenue, Phoenix, AZ

PHO Written Request

Property Owner / Developer

JC Hurts Properties LLC /
VMAP Properties LLC
6336 E. Hillcrest Blvd
Scottsdale, AZ 85251
Tel: (480)-557-7771
Contact: Rick Jellies

Planning Consultant

EPS Group, Inc.
1130 N Alma School Road, #120
Mesa, AZ 85201
Tel: (480)-355-0616
Contact: David Hughes

Project Description

This PHO narrative provides information and background for a proposed commercial site located at 319 N. 26th Avenue, within the City of Phoenix. The subject parcel is currently undeveloped vacant land which consists of approximately 4.88 gross acres and is Maricopa County Assessor Parcel Numbers (APN) 109-28-061F. The subject property is currently split into two zoning districts, the west side is zoned C-2 and the east side is zoned C-3. The C-2 zoning district portion of the site was established per the City of Phoenix zoning case Z-232-85 which is the subject of this PHO request.

The proposed development is for the development of two commercial yards with associated administrative buildings for a lumber business and a contractor/contracting business. The two commercial yards will be split on the west and east halves of the property where the owners of the parcel operate both a lumber business and a contracting business. The lumber business shall operate on the east half, C-3 district, and the contracting business shall operate on the west half, C-2 district. The lumber and contracting businesses are generally involved in providing wood structural formwork for structural concrete construction on mid and high-rise construction projects in the greater Phoenix metropolitan area. The businesses will be using the yards as staging yards for their construction projects in the Downtown Phoenix area and across the Phoenix metropolitan area. The yards will hold general worksite equipment which the two businesses will transport to the various job sites in the area as necessary. There will be no concrete or cement product manufacturing, mixing, or pouring happening on the subject property. Those operations will all be occurring at the construction project sites, not within this development.

Existing Zoning & Property History

The subject property is currently split into two zoning districts, the west side is C-2 and the east side is C-3. The C-2 zoning district portion of the site was established per the City of Phoenix zoning cases Z-232-85 and Z-5-13-7 which are the subjects of this PHO request. In January of 1988, the west side of the property was rezoned from R-5 to C-2 SP for the development of a mini storage facility as per Z-232-85. The first stipulation of the Z-232-85 requires access to the site shall only be from Van Buren Street. In September of 2013, the special permit was removed from the C-2 district per Z-5-13-7, and the original zoning stipulations were retained. In 2015, a Family Dollar store was constructed on the southern portion of the original Z-232-85 and Z-5-13-7 site which has blocked the subject property from having its own access to Van Buren. Our PHO request is to delete the first

stipulation regarding access from Van Buren Street as it is no longer applicable, and the subject property must have access from the surrounding local streets, 26th Avenue, 25th Avenue, and Polk Street.

The subject property has been vacant for decades and has had a few commercial developments proposed over the years, but none have come to fruition. This area also has a historically large transient population. This particular property has a history of enforcement actions and heavy fines levied against the previous landowner for creating an attractive nuisance which caused a marked increase in homeless encampments and criminal activity.

The current landowner has cooperated with the Phoenix Police Department to remove the most recent encampments. It has been recommended that the owner take action to minimize the opportunities for re-occupation, especially along the northern property line which bounds a large cemetery, and the east which has multiple property owners actively storing dozens of vehicles in the street. The approval of this PHO request shall continue the development of this property to help alleviate the occurrences of homeless encampments and reduce the criminal activity in the area.

Access

Primary access into the development will be provided via three proposed driveways off 26th Avenue to the west, 25th Avenue to the east, and Polk Street to the north. The subject property no longer has frontage along Van Buren Street. Please see the Site Plan submitted with this application for reference.

Surrounding Development:

The subject property is located along an existing commercial corridor on Van Buren Street. The site is bordered by other commercially zoned properties, industrial properties, and residential properties. The surrounding properties have been identified as follows:

- North – Greenwood Memory Lawn Mortuary & Cemetery (R-5)
- South – Family Dollar Store / Pep Boys (C-2 & C-3)
- East – Automobile Storage Yards & Repair Shops (A-1)
- West – Residential (R-5)

PHO Hearing Request:

The subject site is currently zoned C-2 and C-3 and is subject to stipulations of approval that were established when the property was rezoned from R-5 to C-2 SP (Z-232-85) in January 1988 for the development of a mini storage facility. In September 2013, the special permit was removed for the C-2 portion of the subject site (Z-5-13-7) for the development of a Family Dollar store, and the original stipulations were retained.

The Family Dollar store was constructed on the south portion of the original Z-232-85 site which severed the subject property's access to Van Buren Street. Due to stipulation requiring access off Van Buren, the development of this portion of the site has not moved forward since and the property remains undeveloped. The property owners wish to develop this property to help alleviate the occurrences of homeless encampments and reduce the criminal activity in the area. To allow the proposed development of the property, the following deletion and modifications to the original rezoning stipulations are proposed:

Stipulations to be Modified for the Subject Site include: #1 (Z-232-85)

1. ~~That the only access to the site shall be from Van Buren Street.~~

Rationale (Deletion): Stipulation is not applicable for the subject property as it no longer has street frontage along Van Buren Street. The southern portion of the site in relation to the existing zoning cases was developed in 2015 which severed the current property's access to Van Buren.

2. That the landscaping along 26th Avenue and Polk Street shall include 24" box size trees at a maximum of 20' on center or placed in equivalent groupings.
3. That the applicant provide variation in the building setbacks along 26th Avenue and Polk Street as approved by the DCO.
4. That sufficient right-of-way be dedicated within one year of final City Council action to provide:
 - a. A 12' radius at 26th Avenue and Polk Street.

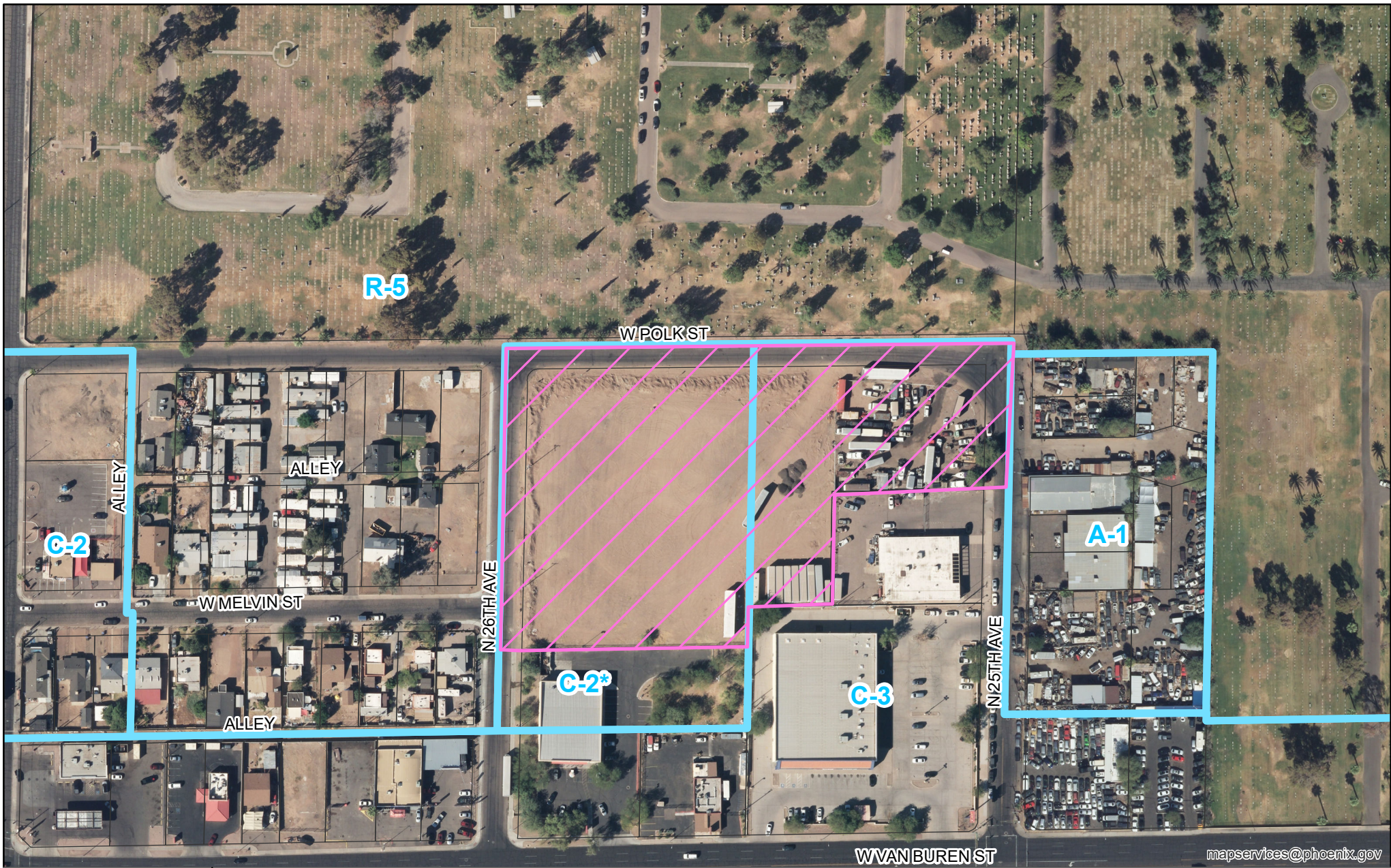
Thank you for your time and consideration, please do not hesitate to contact me with any questions.

Respectfully,



David Hughes
EPS Group, Inc.
Tel: 480-355-0616
david.hughes@epsgroupinc.com

EXHIBIT C



PHO-1-25--Z-232-85-4(7)

Property Location: Southeast corner of 26th Avenue and Polk Street



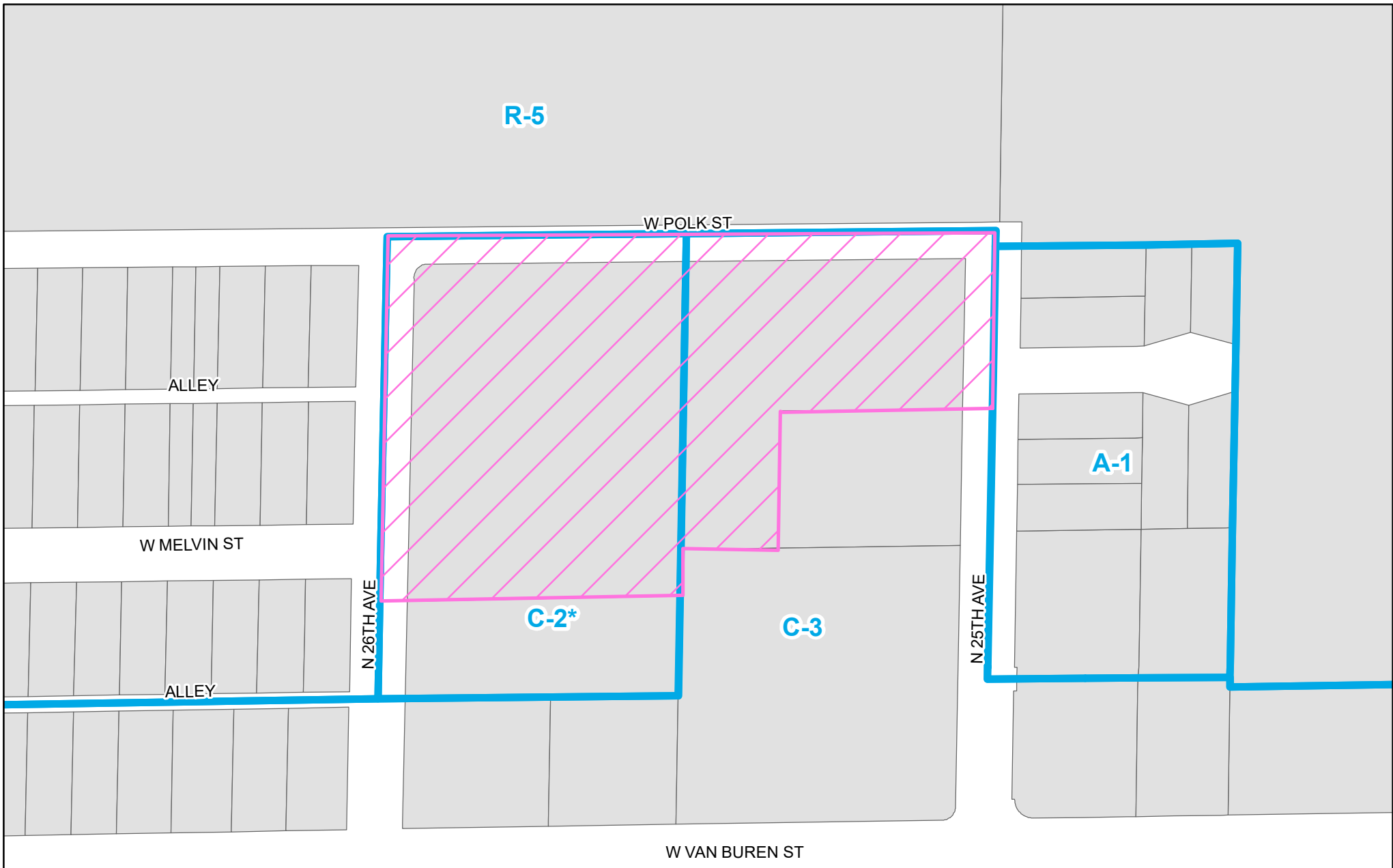
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 80 160 320 Feet



EXHIBIT D



PHO-1-25--Z-232-85-4(7)

Property Location: Southeast corner of 26th Avenue and Polk Street



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 65 130 260 Feet



EXHIBIT E



August 8, 1986

CORRECTED COPY

Slavin, Kane and Paterson
2193 East Camelback Road
Phoenix, Arizona 85016

Re: REZONING APPLICATION NO. 232-85

Gentlemen:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 108-J of the Zoning Ordinance, as amended, has on September 4, 1985, concurred in the recommendation of the Planning Commission and denied as filed, but approved C-2 with a Special Permit for Rezoning Application 232-85, a rectangular-shaped parcel on the southeast corner of 26th Avenue and Polk Street (approximately 3.83 acres) from R-5 to C-2, subject to stipulations:

Stipulations

- Del
1. That the only access to the site shall be from Van Buren Street.
 2. That the landscaping along 26th Avenue and Polk Street shall include 24" box size trees at a maximum of 20' on center or placed in equivalent groupings.
 3. That the applicant provide variation in the building setbacks along 26th Avenue and Polk Street as approved by the DCO.
 4. That sufficient right-of-way be dedicated within one year of final City Council action to provide:
 - a. A 12' radius at 26th Avenue and Polk Street.

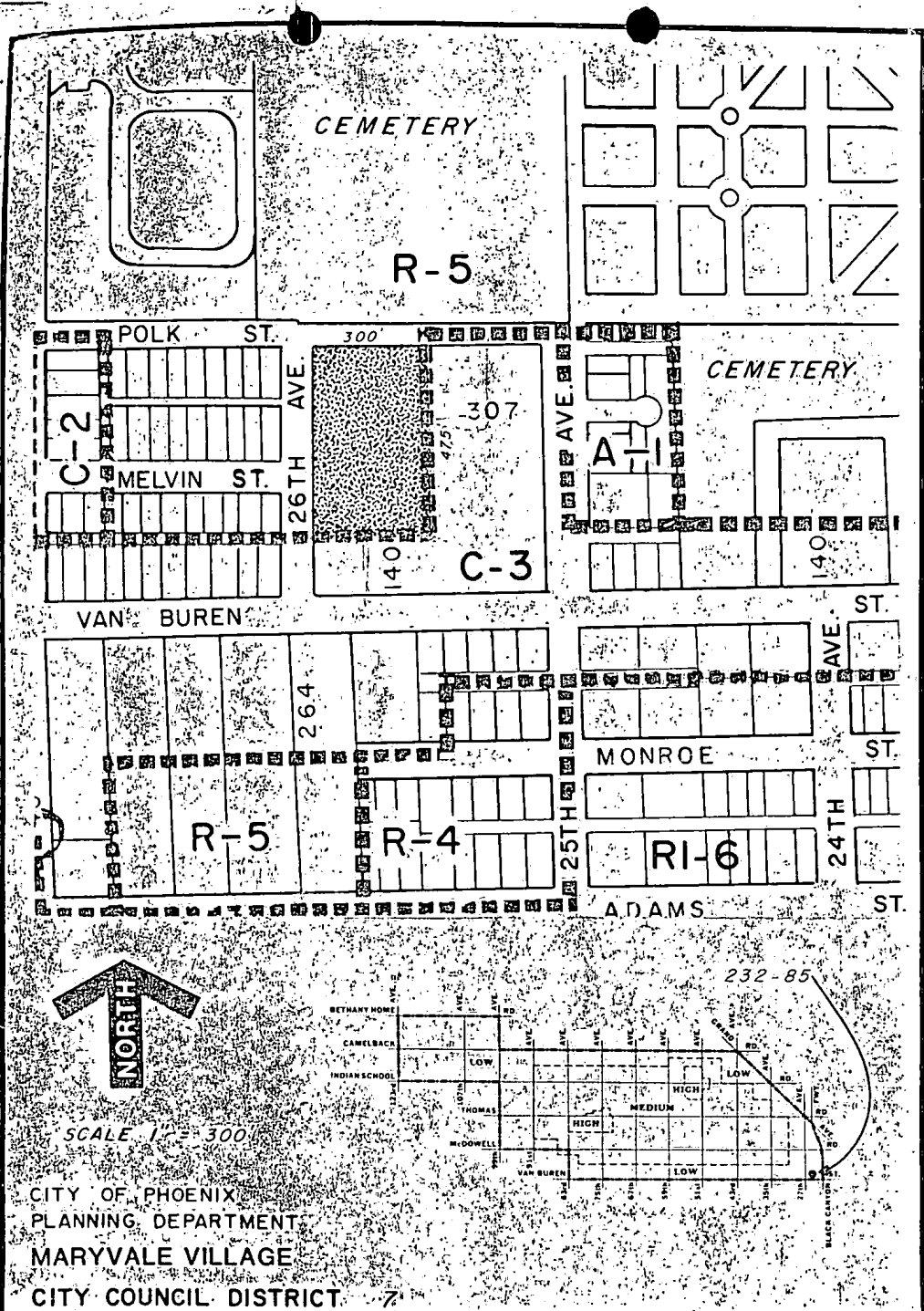
Sincerely,

David E. Richert
Deputy Planning Director

DER:dm

cc: City Clerk
Jay Neville
Tom Slade
File

EXHIBIT F



APPLICANT'S NAME SLAVIN, KANE & PATERSON				REQUESTED CHANGE	
APPLICATION NO. 232-85				FROM R-5 TO C-3	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 3.83 ACRES		HEARING DATES 8-14-85	PC	C.C.	
		AERIAL PHOTO & QUARTER SEC. NO. 11-23	ZONING MAP E-5		
MULTIPLES PERMITTED		UNITS STANDARD OPTION		* UNITS P.R.D. OPTION	

* MAXIMUM UNITS ALLOWED WITH P.R.D. BONUS

EXHIBIT G

5837G-6-1-1--
chagollaaj

ORDINANCE G-5837

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-5-13-7) FROM C-2 SP (INTERMEDIATE COMMERCIAL SPECIAL PERMIT) TO C-2 (INTERMEDIATE COMMERCIAL).

WHEREAS, on February 19, 2013, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from The Hutton Companies, represented by the Slater Hanifan Group, having authorization to represent the owner, 2550 Van Buren Properties, LLC, of an approximately 3.8 acre property located at the northeast corner of 26th Avenue and Van Buren Street in a portion of Section 1, Township 1 North, Range 2 East, as described more specifically in Attachment "A," attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on August 13, 2013, and at this hearing recommended that the City Council approve this rezoning request; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on September 18, 2013, has determined that, in accordance with A.R.S. § 9-462.01.F, this

rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 3.8 acre property located at the northeast corner of 26th Avenue and Van Buren Street in a portion of Section 1, Township 1 North, Range 2 East, as described more specifically in Attachment "A," is hereby changed from "C-2 SP" (Intermediate Commercial Special Permit) to "C-2" (Intermediate Commercial) and that the Planning and Development Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B."

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-5-13-7, on file with the Planning and Development Department.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 18th day of September,
2013.



MAYOR

ATTEST:

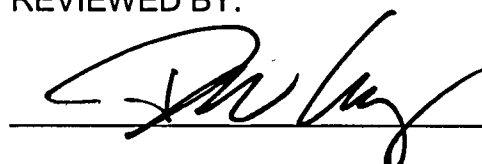
 City Clerk

APPROVED AS TO FORM:

 Acting City Attorney



REVIEWED BY:

 City Manager

MLW:tml:1079964v1: (CM#29) (Item #32) 9/18/13

Attachments:

A - Legal Description (2 Pages)

B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-5-13-7Parcel 1

That part of the southeast quarter of the southwest quarter of the Southwest quarter of Section 1, Township 1 North, Range 2 East, of the Gila and Salt River Base and Meridian, more particularly described as follows:

Commencing at the Southwest corner of said Southeast quarter of the Southwest quarter of the Southwest quarter, said corner being the intersection of 26th Avenue and Van Buren Street and also being the Southeast corner of CASA BELLA, a subdivision of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 1 as recorded in Book 16, Page 40 of Maps, Maricopa County Recorder, Maricopa County, Arizona;

thence, N 01°07'00" E along the West line of said Southwest quarter of the Southwest quarter of the southwest quarter of Section 1, said line also being the monument line of 26th Avenue, a distance of 244.66 feet to a point;

thence, N 88°53'00" E a distance of 30.00 feet to a point, said point being on the east right-of-way line of 26th Avenue and also the TRUE POINT OF BEGINNING;

thence, N 01°07'00" E along said east right-of-way line of 26th Street a distance of 403.23 feet to a point of curvature of a curve having a radius of 12.00 feet and a deflection angle of 88°14'00" to the right;

thence, along said curve an arc distance of 18.48 feet to a point of tangency, said point also being on the south right-of-way line of Polk Street;

thence, N 89°21'00" E along said line a distance of 286.27 feet to a point:

thence, S 00°58'00" W a distance of 476.33 feet to a point;

thence, S 88°59'00" w a distance of 205.12 feet to a point;

thence, N 00°58'00" E a distance of 59.92 feet to a point;

thence, S 88°53'00" W a distance of 93.88 feet to the TRUE POINT OF BEGINNING.

Net Area = 136,607 square feet or 3.1361 acres

Gross Area = 158,904 square feet or 3.6479 acres

Parcel 2

That part of the southeast quarter of the Southwest quarter of the Southwest quarter of Section 1, Township 1 North, Range 2 East, of the Gila and Salt River Base and Meridian, more particularly described as follows:

Commencing at the Southwest corner of said Southeast quarter of the Southwest quarter of the Southwest quarter, said corner being the intersection of 26th Avenue and Van Buren Street and also being the Southeast corner of CASA BELLA, a subdivision of the southwest quarter of the Southwest quarter of the Southwest quarter of said Section 1 as recorded in Book 16, Page 40 of Maps, Maricopa County Recorder, Maricopa County, Arizona;

thence, N 01°07'00" E along the West line of said Southwest quarter of the Southwest quarter of the Southwest quarter of Section 1, said line also being the monument line of 26th Avenue, a distance of 244.66 feet to a point;

thence, N 88°53'00" E a distance of 30.00 feet to a point, said point being on the east right-of-way line of 26th Avenue and also the TRUE POINT OF BEGINNING;

thence, S 88°53'00" E a distance of 93.88 feet to a point:

thence, S 00°58'00" W a distance of 59.92 feet to a point;

thence, S 88°59'00" W a distance of 94.10 feet to a point on the East right-of-way line of 26th Avenue;

thence, N 01°07'00" E along said East right-of-way line of 26th Avenue a distance of 63.42 feet to the TRUE POINT OF BEGINNING.

Net Area= 5,794 square feet or 0.1330 acres

Gross Area = 7,713 square feet or 0.1771 acres

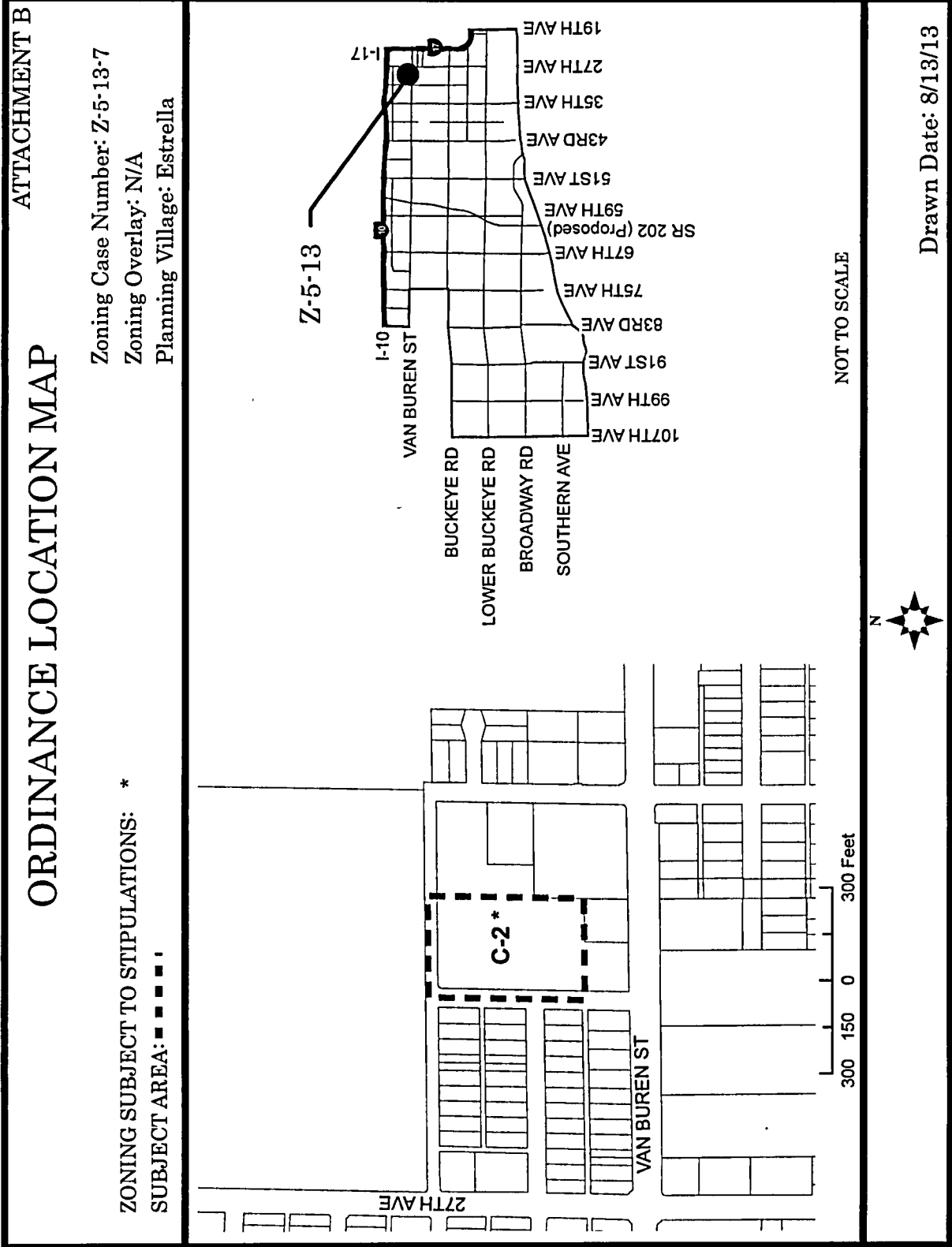


EXHIBIT H

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

May 21, 2025

ITEM NO: 6	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-1-25--Z-232-85-4(7)
Location:	Southeast corner of 26th Avenue and Polk Street
Zoning:	C-2, C-3
Acreage:	2.99
Request:	1) Request to delete Stipulation 1 regarding site access from Van Buren Street.
Applicant:	David Hughes, EPS Group Inc.
Owner:	JC Hurts Properties LLC/VMAP Properties LLC
Representative:	David Hughes, EPS Group Inc.

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this request on May 20, 2025 and recommended approval with a vote of 4-0.

DISCUSSION:

David Hughes, representative of EPS Group Inc., gave an overview of the current site and modification requests, including the history of encampments and crime that have occurred on the vacant site. He stated the owner has developed a positive relationship with the neighborhood to the west as he is trying to keep the area clean. He stated a lumber yard was proposed for the eastern portion of the site (zoned C-3) and a contracting office for the western portion (zoned C-2). He stated having access off 26th Avenue promotes “eyes on the street” to protect the surrounding neighborhood.

Byron Easton, Planning Hearing Officer, stated having access off Van Buren Street would require driving through other properties. He stated the Street Transportation Department supports access from 25th Avenue and Polk Street but does not support access from 26th Avenue since it is a residential street and agrees with the Street Transportation Department’s recommendation.

Mr. Hughes stated access along Polk Street posed fire and safety concerns because if the two properties split, they will always have shared access. He stated 25th Street has traffic congestion because neighboring properties are using it as overflow parking for vehicles.

Mr. Easton stated the traffic congestion is a concern for the Neighborhood Services and Public Works Departments. He stated it is Mr. Hughes' due diligence to ensure the street is clear and the issues are corrected. He recommended approval with a modification to Stipulation 1 regarding access from Van Buren Street adding the Street Transportation Department's recommendation requiring the dedication of a minimum 1-foot vehicular non-access easement along the entire western property line adjacent to 26th Avenue.

FINDINGS:

- 1) The request for deletion of Stipulation 1 is recommended to be approved with a modification to restrict vehicular access from the site to 26th Avenue. Due to the way the southern property has developed, direct access to Van Buren Street is no longer practical. However, the original stipulation was intended to minimize traffic conflicts between this commercial property and the nearby residential neighborhood. Therefore, I recommend modifying the original stipulation with new language that restricts vehicular access from the site to 26th Avenue.

Vehicular access points to 26th Avenue from this development should be prohibited per Section: 507.TAB A. (II)(A)(6)(6.3).

STIPULATIONS:

1.	That the only access to the site shall be from Van Buren Street. DEDICATE A MINIMUM 1-FOOT VEHICULAR NON-ACCESS EASEMENT FOR THE ENTIRETY OF THE WESTERN PROPERTY LINE, ADJACENT TO 26 TH AVENUE.
2.	That the landscaping along 26th Avenue and Polk Street shall include 24" box size trees at a maximum of 20' on center or placed in equivalent groupings.
3.	That the applicant provide variation in the building setbacks along 26th Avenue and Polk Street as approved by the DCO.
4.	That sufficient right-of-way be dedicated within one year of final City Council action to provide:

	a.	A 12' radius at 26th Avenue and Polk Street.
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EXHIBIT I



Village Planning Committee Meeting Summary

PHO-1-25--Z-232-85-4(7)

Date of VPC Meeting	May 20, 2025
Date of Planning Hearing	May 21, 2025
Officer Hearing Request	1) Request to delete Stipulation No. 1 regarding site access from Van Buren Street
Location	Southeast corner of 26th Avenue and Polk Street
VPC Recommendation	Approval
VPC Vote	4-0

VPC DISCUSSION:

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

Staff Presentation:

Nayeli Sanchez Luna, staff, displayed the location of the subject site and noted the acreage of the proposal. Mrs. Sanchez Luna summarized the original rezoning request, proposed lumber and concrete yard and noted the proposed modifications and deletions presented on the Planning Hearing Officer (PHO) applications.

Applicant Presentation:

David Hughes, representing the applicant with EPS Group Inc., began the presentation by introducing the lumber and concrete company who bought the property. Mr. Hughes noted that the area has experienced a large amount of homelessness population and criminal activity. Mr. Hughes explained that the property owners have been working with several City departments and adjacent property owners to clear the site. Mr. Hughes displayed the proposed site plan and noted that the original rezoning case had access to Van Buren Street but that the southern portion was developed as a Family Dollar. Mr. Hughes added that the current proposal will no longer have access to Van Buren Street. Mr. Hughes noted that the original rezoning case had concerns regarding access onto 26th Avenue to protect residents west of the site. Mr. Hughes explained that they will maintain access via 26th Avenue to provide eyes on the street. Mr. Hughes then turned over the presentation to Rick Jellies.

Rick Jellies, representing the applicant with City to City Commercial, stated that the lumber and concrete company have developed a wide range of development. Mr. Jellies noted that the property owners have been very engaged in clearing up the property and working with adjacent property owners to maintain a clean environment. Mr. Jellies

added that the Family Dollar located along Van Buren Street closed causing vandalism, fires, and crime. Mr. Jellies emphasized their cooperation in the community and willingness to have right-in and right-out entrances. Mr. Jellies reassured the committee that they requested a left turn-only sign for 26th Avenue and a sign on Melvin Street restricting west through traffic.

Questions From the Committee:

Renee Dominguez asked if they would be building a brick wall around the site. **Mr. Jellies** confirmed and noted that the operating hours would be Monday through Friday with surveillance and security. Mr. Jellies emphasized the strong relationship established with the surrounding property owners to address safety concerns.

Ms. Dominguez asked for clarification on the road north of the site. **Mr. Jellies** noted that Polk Street was located along the north property. **Ms. Dominguez** asked if lumber would be located on site. **Mr. Jellies** confirmed and added that they will be completing all right-of-way improvements. **Ms. Dominguez** agreed that the location has been under a lot of distress. **Mr. Jellies** requested support for controlled access onto 26th Avenue.

Chair Parris Wallace stated that she had never heard of either the applicant or the property owners. **Mr. Jellies** stated that the phone calls and messages occurred between the property owners and the adjacent businesses but that notification letters were sent out for the PHO request.

Public Comment:

None.

Committee Motion, Discussion, Vote:

Motion:

Chair Parris Wallace motioned to recommend approval of PHO-1-25--Z-232-85-4(7). **Romona Burris** seconded the motion.

Vote:

4-0, motion to recommend approval of PHO-1-25--Z-232-85-4(7) passed with Committee Members Burris, Dominguez, Thrower, and Wallace in favor.

Staff comments regarding VPC Recommendation:

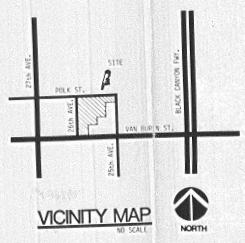
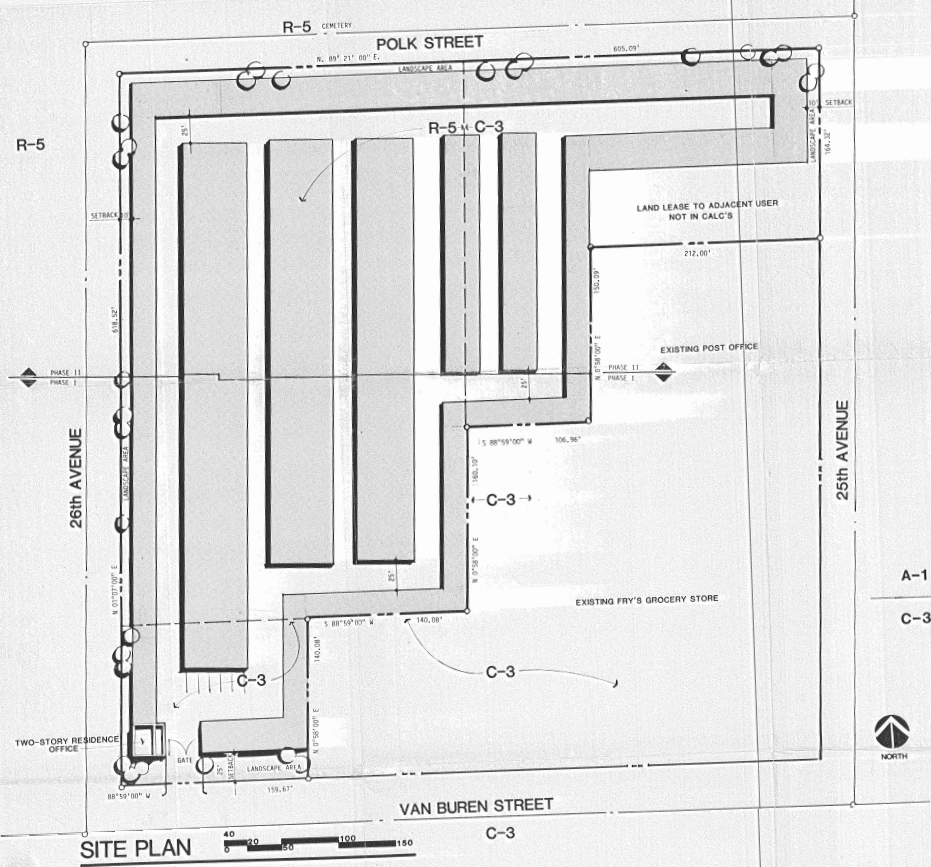
None.

EXHIBIT J

[illegible]

EXHIBIT K





LEGAL

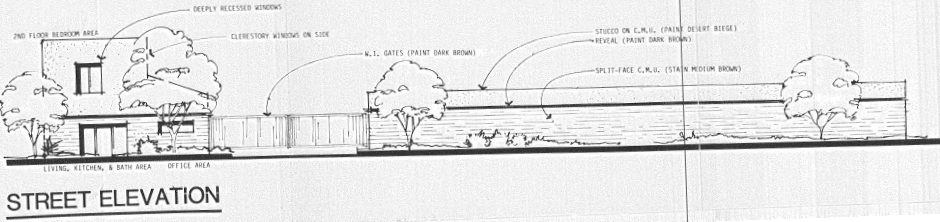
SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS: THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION ONE (1), TOWNSHIP ONE (1), NORTH, RANGE TWO (2) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE WEST 30.00 FEET OF THE EAST 306.00 FEET OF THE SOUTH 340 FEET; AND EXCEPT THE NORTH 150 FEET OF THE SOUTH 490 FEET OF THE WEST 200 FEET OF THE EAST 230 FEET; AND EXCEPT THE EAST AND WEST 10 FEET; AND EXCEPT THE SOUTH 40 FEET (100 FEET); AND EXCEPT THE WEST 140 FEET OF THE EAST 476.00 FEET OF THE SOUTH 180 FEET THEREOF.

TABULATIONS

EXISTING ZONING:	C-3 AND R-5
PROPOSED ZONING:	C-3
NET SITE AREA:	75,470 S.F. (C-3)
	162,778 S.F. (R-5)
TOTAL THIS PROJECT:	218,448 S.F. (C-3)
(NOTE: ADDITIONAL 18 LEGAL, N.E.C. 13,000 S.F. (C-3))	

BUILDING AREA:	SIZE OF UNITS	PHASE I	SQUARE FEET	PHASE II	SQUARE FEET	TOTAL
6' x 5'	24	240	74	1,808	188	2,500
5' x 10'	123	6,150	214	10,700	337	16,850
10' x 10'	85	8,500	203	20,300	288	28,800
10' x 15'	35	5,250	39	5,850	74	11,100
10' x 20'	114	22,800	122	24,400	236	47,200
10' x 30'	6	1,800	15	45,000	21	46,800
				TOTAL	1,054	112,758

LANDSCAPE AREA REQUIRED (75' x 10,640 S.F.)	15,900 S.F.
LANDSCAPE AREA PROVIDED	15,900 S.F.



SELF STORAGE FACILITY

2-232-85



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