

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: April 15, 2022
Subject: **P.H.O. APPLICATION NO. PHO-1-22--Z-58-04-1** – 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 **May 18, 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 **April 22, 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, North Mountain Village)
Village Planning Committee Chair (Mike Krentz, North Mountain Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-22--Z-58-04

Council District: 1

Request For: Stipulation Modification

Reason for Request: Modification of Stipulation 1 regarding general conformance with the site plan date stamped May 24, 2004 and elevations date stamped July 7, 2004. Deletion of Stipulation 4 regarding parking lot landscaping. Technical corrections for Stipulations 2 and 3.

| | | |
|--------------------------------|--------------------------------|-------------------------------------|
| Owner | Applicant | Representative |
| Benjamin and Corina Covaciu | Mark Cunningham | Mark Cunningham |
| 2409 West Woburn Lane | 3334 North 16th Street | 3334 North 16th Street |
| Phoenix AZ 85085 | Phoenix AZ 85016 | Phoenix AZ 85016 |
| (602) 875-6234 | (602) 875-6234 | P: (602) 875-6234 F: (602) 765-1854 |
| mark.cunningham@kontexture.com | mark.cunningham@kontexture.com | mark.cunningham@kontexture.com |

Property Location: Approximately 550 feet south of the southwest corner of 43rd Avenue and Cactus Road

| | | | |
|---|-------------------------------|-------------------------|----------------------|
| Zoning Map: <u>K-6</u> | Quarter Section: <u>30-18</u> | APN: <u>148-01-001N</u> | Acreage: <u>1.08</u> |
| Village: <u>North Mountain</u> | | | |
| Last Hearing: <u>CC RATIFICATION</u> | | | |
| Previous Opposition: <u>No</u> | | | |
| Date of Original City Council Action: <u>10/06/2004</u> | | | |
| Previous PHO Actions: _____ | | | |
| Zoning Vested: <u>C-O (Approved C-1)</u> | | | |
| Supplemental Map No.: _____ | | | |
| Planning Staff: <u>076885</u> | | | |

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 | 04/01/2022 | 22-0031354 | Original Filing Fee |

Signature of Applicant: _____ DATE: _____

Hearing Results

| | | |
|---------------------------------|---------------------|---------------|
| Planning Hearing Officer | Planning Commission | City Council |
| Date: <u>05/18/2022 1000 AM</u> | Date: _____ | Date: _____ |
| Appealed?: _____ | Appealed?: _____ | |
| Action: _____ | Action: _____ | Action: _____ |

April 1st, 2022

RE: 43rd Avenue Commons
APN: 148-01-001N
Village: North Mountain
11990 North 43rd Avenue
Phoenix, AZ 85304

Written Request

TO: City of Phoenix Planning and Development Department
Planning Hearing Officer

1.0 Introduction

The purpose of this request is to slightly modify the design stipulations on the property at 11990 North 43rd Avenue. (See Aerial.) This Lot is currently zoned C-0 and is approved for C-1. The modifications are to stipulations on zoning case Z-58-04-1.

2.0 Project Background

This lot is at 11990 North 43rd Avenue in Glendale, Arizona. This lot had an amendment to the zoning approved on October 14th, 2004, subject to stipulations of zoning case Z-58-04-1. The current owner wishes to construct two (2) new buildings. One of them will be located at the south area of the parcel and will contain ten (10) 1200 square foot condominiums. The second one will be located at the north area of the parcel and will contain four (4) 1200 square foot condominiums as well. Each condominium will also have an enclosed one (1) car garage and storage. The stipulations only allow a development to match the previous design from 2004, which limits the options for residential design. The Owner requested that stipulation #1 should be modified to allow Lot B to deviate from the old layout to one which is more efficient, more usable for multifamily, and better overall design. They also asked that stipulation #4 be removed to allow our parking configuration and landscaping to better match this better design. This submittal is requesting a slight adjustment in stipulation #1 and the removal of stipulation #4 for lot APN-148-01-001N only.

3.0 Request and Rationale

We are requesting the following changes to Zoning Stipulation #1 and #4 of Application No: Z-58-04-1 as indicated in capitalization/bold-text and strikethrough:

*STIPULATION 1 - **MODIFICATION**:*

*That development shall be in general conformance with the site plan **AND ELEVATIONS** date stamped ~~May 24, 2004~~, **APRIL 1, 2022** and elevations date stamped ~~July 7, 2004~~, as approved or modified by the Development Services Department.*

The existing stipulations limit the layout of future developments to the footprint and elevations of the dated 2004 development plan. The Owner requested that the stipulations be modified to allow a better design, suited for multi-family residential units. This submittal is requesting a slight adjustment in stipulation #1 to let us present an alternative development plan. This development would add to the value of the area by giving growing families alternative options for living in the area, granting them access to local amenities and schools.

Please see accompanying drawings.

*STIPULATION 4 - **REMOVAL**:*

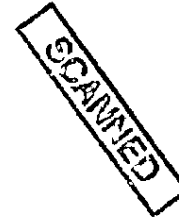
~~That mature trees a minimum of 2-inch caliper be placed in the three parking islands and the two corners of the parking lot on the south side of Parcel B in order to buffer the proposed commercial development from existing residential uses.~~

This stipulation is based upon the parking layout of the previous development plan and would contradict the more efficient layout of our proposed development. The Owner requested that this stipulation be removed to allow our new parking layout, since it is more complementary to the multi-family units, and it provides more shared landscaped amenity area, while still meeting parking requirements.

Please see accompanying drawings.



City of Phoenix
PLANNING DEPARTMENT



October 14 2004

Taurus Renovations LLC
4532 E Beryl Lane
Phoenix AZ 85028

Dear Applicant

RE Z-58-04 1 Approximately 550 feet south of southwest corner of 43rd Avenue
and Cactus Road

Please be advised that the Phoenix City Council in accordance with the provisions of Section 506 B 4 of the Zoning Ordinance as amended has on October 6 2004 concurred in the recommendation of the Planning Commission and the Zoning Hearing Officer and has ratified Application Z-58 04-1 from C O to **C 1 R1 6** on approximately 3.96 acres subject to the following stipulations

STIPULATIONS

- 1** That development shall be in general conformance with the site plan date stamped May 24 2004 and elevations date stamped July 7 2004 as approved or modified by the Development Services Department
- 2** That four sided architectural shall be used on residential development. Examples of the types of details to consider are French windows ornamentation in the gable area garages setback to the rear of the house garage door windows porches 18 foot inch eaves shutters decorative framing around the windows window sills window fenestrations balconies lighting and other enhancements as approved by Development Services Department
- 3** That mature trees a minimum of 2 inch caliper spaced 20 feet on center or equivalent groupings as approved by the Development Services Department be installed along the west side of Parcel B and the south side of Parcel A in order to buffer the proposed commercial development from proposed residential uses
- 4** That mature trees a minimum of 2 inch caliper be placed in the three parking islands and the two corners of the parking lot on the south side of Parcel B in order to buffer the proposed commercial development from existing residential uses
- 5** That right of-way totaling 50 feet shall be dedicated for the south half of Cactus Road
- 6** That the developer shall construct all streets within and adjacent to the development with paving curb gutter sidewalk curb ramps streetlights landscaping and other incidentals as per plans approved by the city. All improvements shall comply with all ADA accessibility standards

October 14, 2004

Z 58-04 1

Page 2

- 7 That construction vehicle access to the residential Parcel C shall be off of 43rd Avenue or Cactus Road during the construction phase
- 8 That lot 1, and 2 of lots 7 8 9 and 10 shall be limited to 1 story for a total of three lots being limited to 1-story

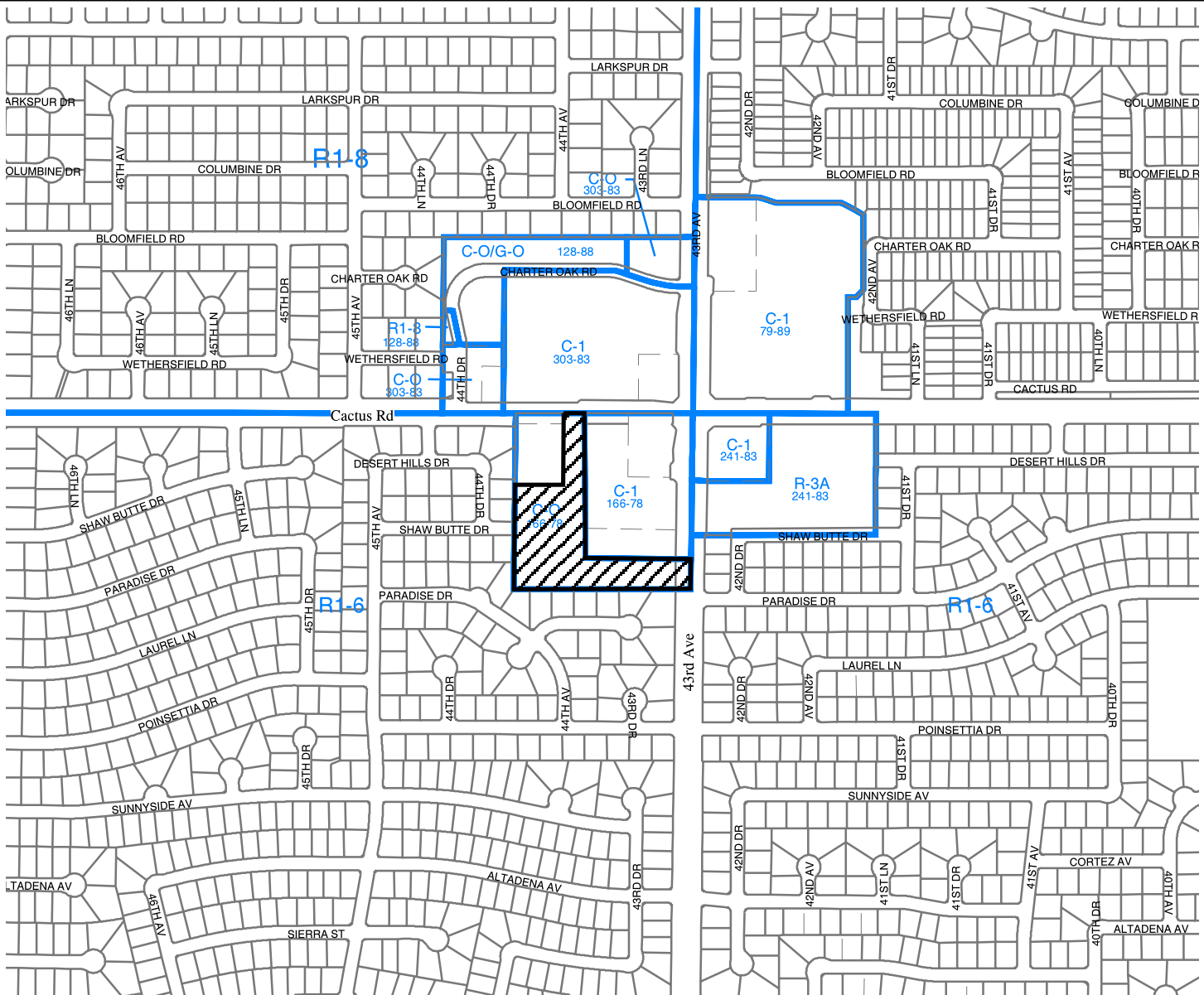
Development and use of the site is subject to compliance with all applicable codes and ordinances

Sincerely

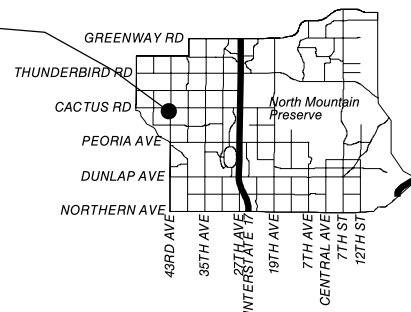


Bernadine Ailing
Planner II

| | | |
|----|------------------------------------|----------------------------------|
| cc | City Clerk | Jay Neville (email) |
| | Files | Book |
| | Bernadine Ailing (email) | Dave Barrier DSD (email) |
| | Ben Leonard Public Transit (email) | Victor Morrison Vega NSD (email) |
| | Kelly Kvetko Site Planning(email) | Bob Luxton Sign Enf (email) |
| | Kenneth Black (email) | Lynn West (email) |



58-04



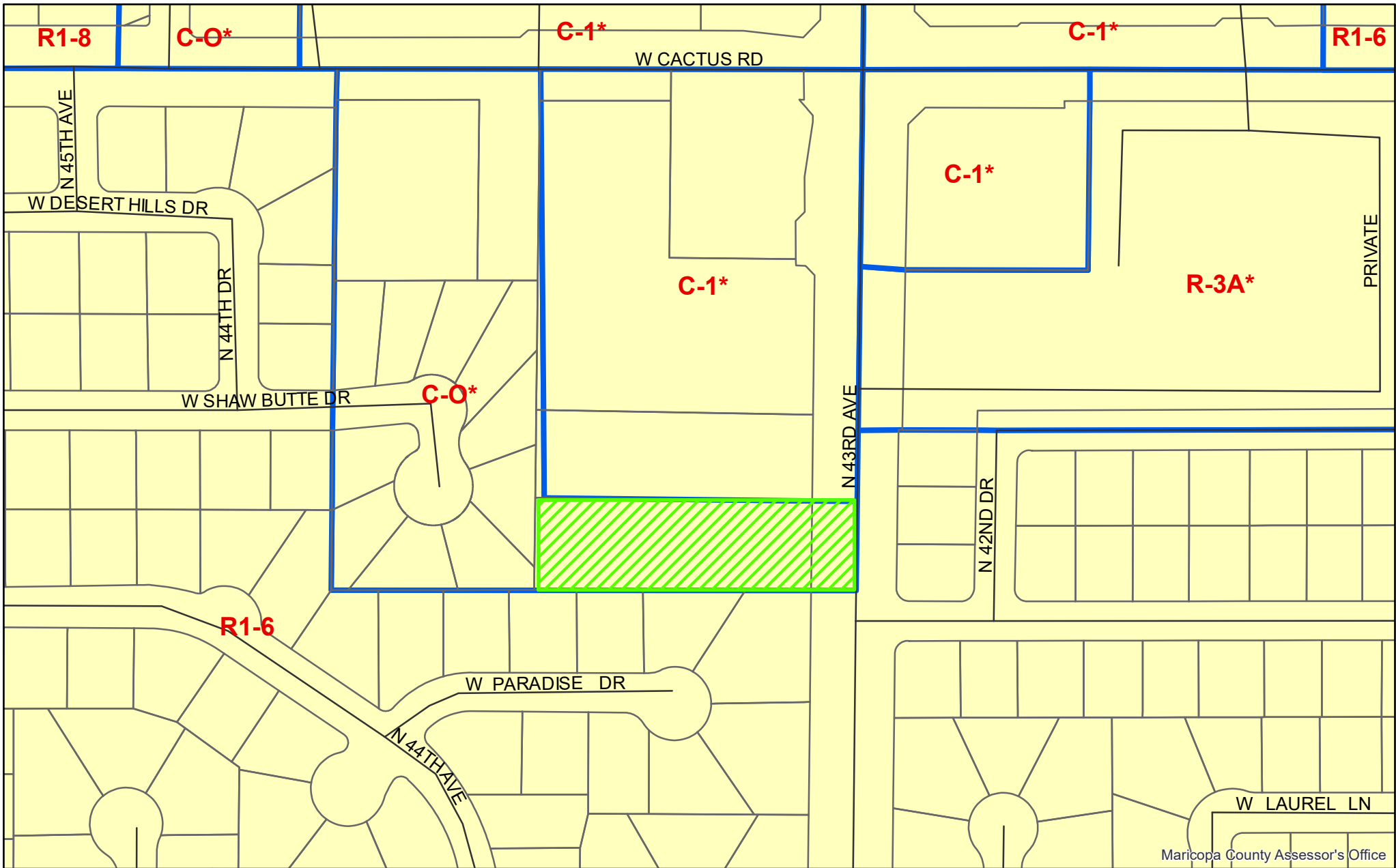
CITY OF PHOENIX PLANNING DEPARTMENT

North Mountain Village

CITY COUNCIL DISTRICT: 1

| | | | |
|---|--|---|--|
| APPLICANT'S NAME: <p style="text-align: center;">Taurus Renovations, LLC</p> | | REQUESTED CHANGE: | |
| APPLICATION NO. <p style="text-align: center;">58-04</p> | DATE: <p style="text-align: center;">4-29-2004</p> | FROM: <p style="text-align: center;">C-O</p> | |
| GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <p style="text-align: center;">3.96 Acres</p> | | TO: <p style="text-align: center;">C-1 (1.54 ac), R1-6 (2.42 ac)</p> | |
| MULTIPLES PERMITTED <p style="text-align: center;">C-O C-1, R1-6</p> | | * UNITS P.R.D. OPTION <p style="text-align: center;">N/A N/A / 13</p> | |
| CONVENTIONAL OPTION <p style="text-align: center;">N/A N/A / 12</p> | | | |

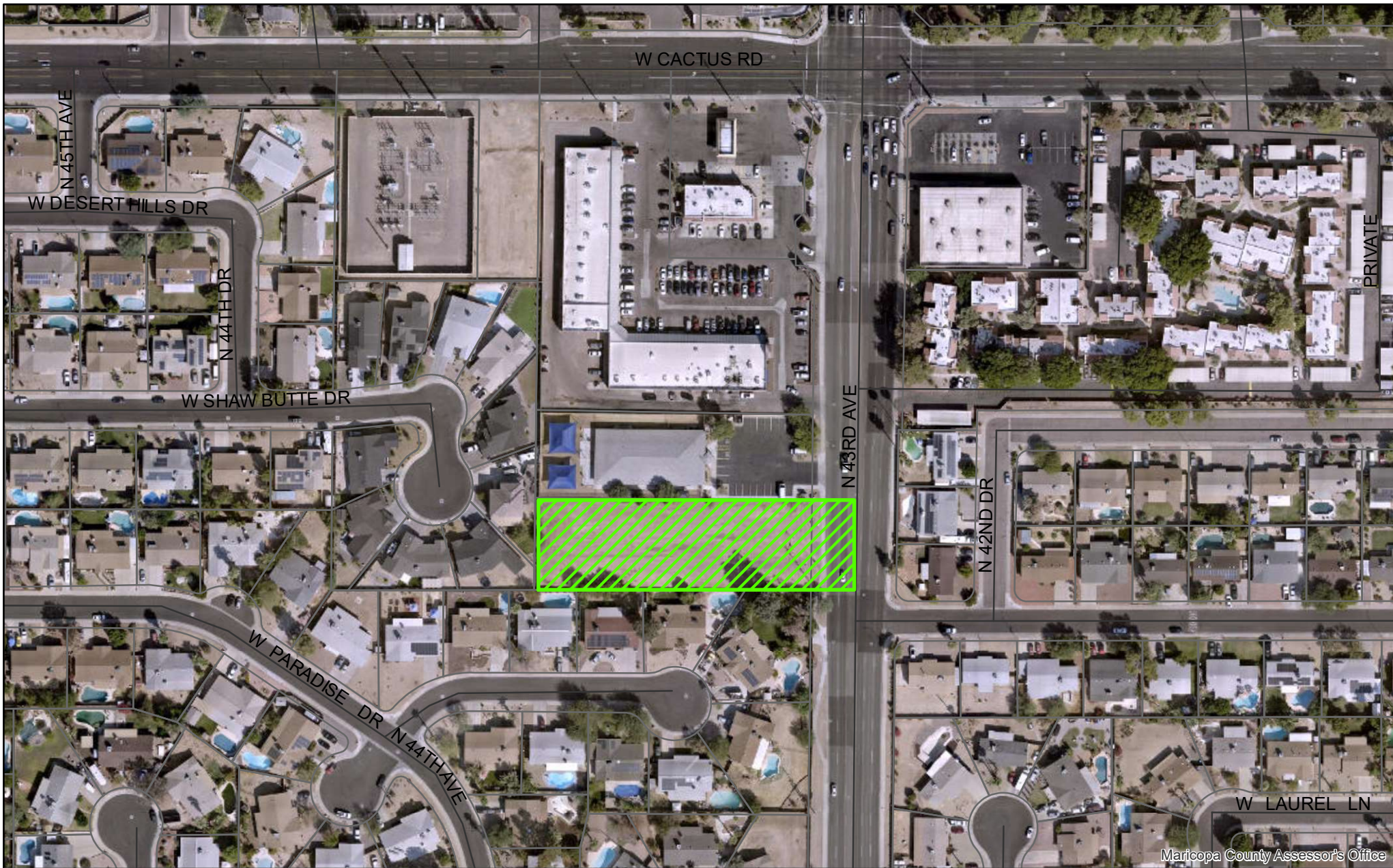
* Maximum Units Allowed with P.R.D. Bonus



Maricopa County Assessor's Office

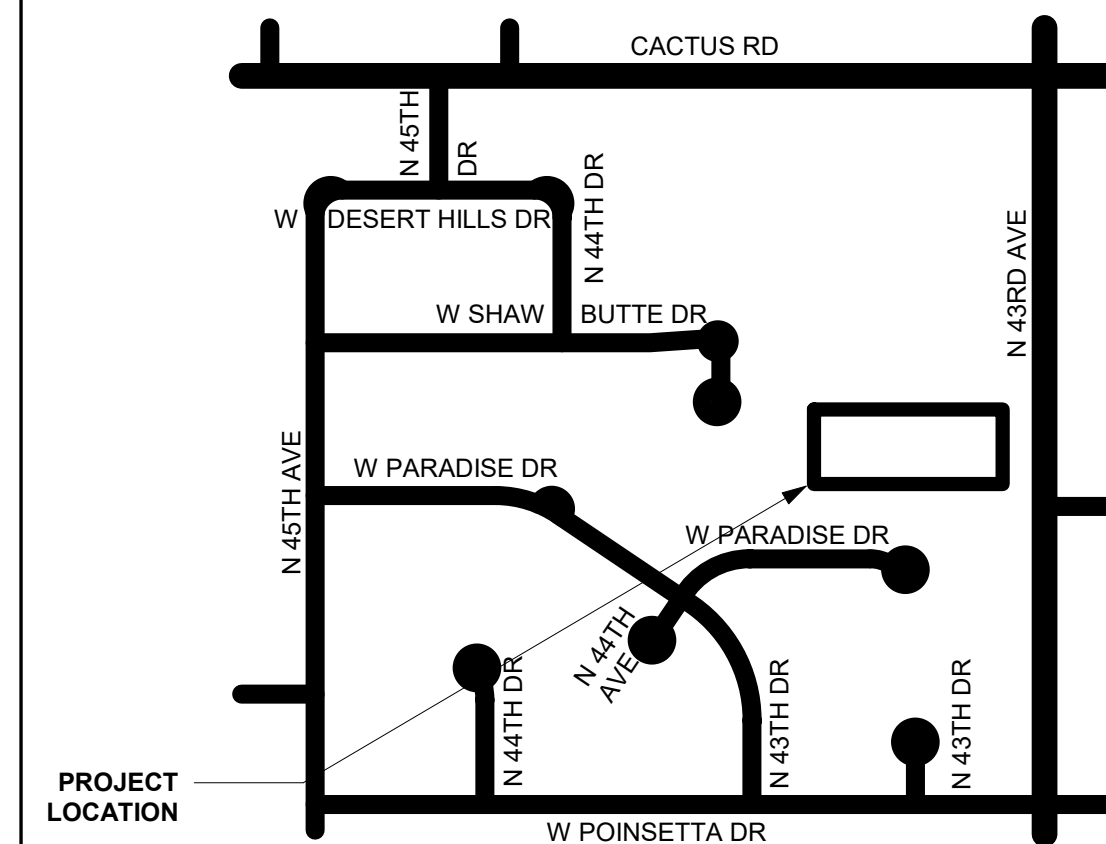
PHO-1-22--Z-58-04-1

Property Location: Approximately 550 feet south of the southwest corner of 43rd Avenue and Cactus Road

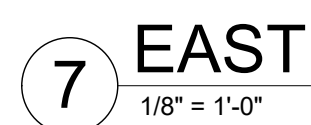
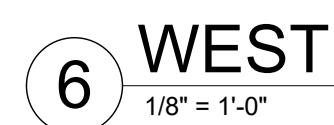
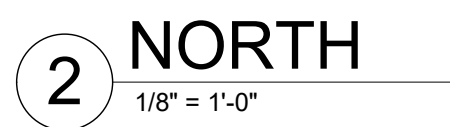
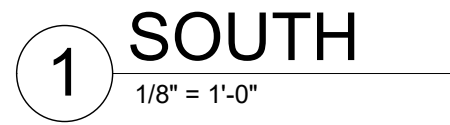


PHO-1-22--Z-58-04-1

Property Location: Approximately 550 feet south of the southwest corner of 43rd Avenue and Cactus Road



Hearing Date: May 18, 2022



KEYNOTES:

201 EXTERIOR WALL MOUNTED LED LUMINAIRE.

202 BUILDING MOUNTED WOOD FRAMED AWNING

203 WITH LIGHTWEIGHT CONCRETE ROOFING TILES.

204 FOAM POP-OUT WITH STUCCO AT WINDOWS.

205 TYP. SEE DETAIL THIS SHEET.

216 ULTRAFLEX SMOOTH STUCCO SYSTEM OVER 1"

217 RIGID INSULATION U.N.O. ESR-2729.

218 WINDOWS:FIXED/OPERABLE, PAINTED.

222 GARAGE DOOR: PAINTED FRAME AND PANELS.

228 PAINTED FASCIA 1 x 6.

232 NEW ASPHALT SHINGLES ROOF. ESR REPORT

ESR-1389.

COLOR SCHEME:

| ID | DESCRIPTION | EXAMPLE |
|----|---|---------|
| C1 | Smooth Stucco, Dunn Edwards Paints. Color: Foggy Day (DE6226) | |
| C2 | Smooth Stucco, Dunn Edwards Paints. Color: Wooden Peg (DE6215) | |
| C3 | Smooth Stucco, Dunn Edwards Paints. Color: Charcoal Sketch (DET628) | |
| C4 | Hollow Metal Door, Dunn Edwards Paints. Color: Iron (DET611) | |
| C5 | Anodized Aluminum, Windows and Door Frames. Color: Dark Bronze | |
| C6 | Roof Tile, Eagle Roofing. Color: Dark Charcoal #4595 | |

43rd AVENUE COMMONS
11990 N 43rd Ave
Glendale, Arizona 85304

KONTEXTURE
architecture | interiors | urban planning

KONTEXTURE, LLC
ARCHITECT
3334 N. 20TH STREET
PHOENIX, AZ, 85016
T: 602.875.6221
F: 602.875.6239

[illegible]

ALS AND SIGNATURES



YPLAN

DRAWING TITLE

ELEVATIONS 10-PLEX

 $\alpha = 1^{\circ} - 0''$

19-029

PROJECT NUMBER

DRAWING NUMBER

A1.4

| | | |
|--|--|----------------------------|
| | | Hearing Date : May 18,2022 |
|--|--|----------------------------|

SE-11-ED



ELEVATION "A"

SCALE 1/8" = 1'-0"

CITY OF PHOENIX

JUL 07 2004

PLANNING DEPT
ADMIN

P&Z # Z-58-04

LSC
architecture
4532 east beryl lane
phoenix, arizona
phone 602 765-1854
fax 602 765-1854

CONCEPTUAL ELEVATIONS
4335 WEST CACTUS ROAD
South and West of S-W-C CACTUS RD & 43rd AVE.
PHOENIX ARIZONA

Drawing Number
EL-1
Sheet 1 of 2
Date
07/05/2004



ELEVATION "B"

SCALE 1/8" = 1'-0"



ELEVATION "C"

SCALE 1/8" = 1'-0"

CITY OF PHOENIX

JUL 07 2004

PLANNING DEPT
ADMIN

P&Z # Z-58-04

LSC
architecture
4532 east beryl lane
phoenix arizona
phone 602 765 1854
fax 602 765 1854

CONCEPTUAL ELEVATIONS
4335 WEST CACTUS ROAD
South and West of S-W-C CACTUS RD & 43rd AVE.
PHOENIX ARIZONA

Drawing Number
EL-2
Sheet 2 of 2
Dates
07/05/2004

October 6, 2004

Mr. Gary Law, Director of Facilities, represented United Methodist Outreach Ministries (UMOM) New Day Center, 3320 East Van Buren, in opposition. The amount of drug traffic and prostitution on Van Buren had greatly decreased over the years thanks to the great efforts of the Police Department and the City to clean up Van Buren. As mentioned by Officer McGann, the Circle K previously at this site contributed to a lot of negative activity, and UMOM did not want that type of traffic to start again.

Based on the testimony from the Police Department and community representative, high crime problems that existed when Circle K was in operation, a high violent crime rate at the proposed business location, and the neighborhood association's concern that allowing a liquor license back at the location posed a substantial risk and would prove detrimental to building a safe environment in the neighborhood, **MOTION** was made by Mr. Johnson, **SECONDED** by Mr. Lingner, that Item 23 be recommended for disapproval.

| | | |
|------------|---------|--|
| Roll Call: | Ayes: | Johnson, Lingner, Mattox, Neely, Siebert, Simplot, Stanton, Vice Mayor Bilsten, and Mayor Gordon |
| | Nays: | None |
| | Absent: | None |

MOTION CARRIED.

PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS

MOTION was made by Mrs. Bilsten, **SECONDED** by Mr. Lingner, that Items 24A-G, 25A-D and 26A-B be granted as recommended. **MOTION CARRIED UNANIMOUSLY.**

ITEM 24

**DISTRICTS 1, 3,
6 AND 7**

**ZONING CASES SCHEDULED
FOR RATIFICATION OF
PLANNING COMMISSION
ACTION**

The Council heard request to approve recommendations made on the following zoning matters which were heard by the Zoning Hearing Officer on August 16, 2004. The cases were ratified by the Planning Commission on September 8, 2004.

October 6, 2004

DISTRICT 1
43RD AVENUE AND
CACTUS ROAD
OWNER: TAURUS
RENOVATIONS, LLC
APPLICANT: TAURUS
RENOVATIONS, LLC
REPRESENTATIVE: DAVID
COVEN - TAURUS
RENOVATIONS, LLC

- A. Application: Z-58-04-1
Request: Rezone from C-O to C-1, R1-6; Conventional Acreage: 3.96
Location: Approximately 550 feet south of the southwest corner of
43rd Avenue and Cactus Road
Proposal: Commercial and single-family residential

On July 21, 2004, the North Mountain Village Planning Committee recommended approval with additional stipulations (vote 10-0).

The Planning Commission concurred with the Zoning Hearing Officer and recommended this request be approved with stipulations.

DISTRICT 1
23RD AVENUE AND ROSE
GARDEN LANE
OWNER: C. WILFORD -
WELLS FARGO BANK, NA
APPLICANT: C. WILFORD -
WELLS FARGO BANK, NA
REPRESENTATIVE: HEIDI
KIMZEY - QUARLES AND
BRADY

- B. Application: Z-65-04-1
Request: Rezone from R-5 to P-1; Acreage: 1.7
Location: 300 feet north of the northwest corner of 23rd Avenue and
Rose Garden Lane
Proposal: Parking for existing bank

On July 15, 2004, the Deer Valley Village Planning Committee reviewed this request for informational purposes only and did not vote on this item.

The Planning Commission concurred with the Zoning Hearing Officer and recommended this request be approved with stipulations.

CITY OF PHOENIX

Planning Commission
4:00 p.m. Briefing Session
Hearing Room C, First Floor, City Hall
200 West Washington Street

September 8, 2004

2004 OCT 15 PM 3:21

CITY CLERK DEPT.

Commission

Staff

Other

Mr. Bob Frank, Chairman
Mr. Bob Ford, Vice Chair
Mr. Don Keuth
Mr. Mo Stein
Dr. Joan Kelchner
Mr. Dwight Amery
Ms. Melissa Gallegos
Ms. Patty Felts
Mr. John Hart (Arrived 4:30)

David Richert
Jim Baughman
Michelle Dodds
Dean Brennan
Joy Mee
Alan Stephenson

Frank Dolasinski
Pat Grady

I. APPROVAL OF MINUTES: For correction or approval, the Planning Commission minutes of July 14, 2004 (Mr. Amery).

Mr. Amery made a MOTION to approve the minutes of July 14, 2004.

Mr. Keuth SECONDED.

MOTION PASSED by a vote of 8-0 (Hart absent).

II. RATIFICATION OF ZONING HEARING OFFICER AGENDA OF JULY 6, 2004, JULY 19, 2004, and AUGUST 16, 2004.

JULY 6, 2004

Mr. Baughman noted that neither item from this hearing was eligible for ratification since both items were continued to future Zoning Hearing Officer hearings.

JULY 19, 2004

Mr. Baughman noted item 1 (Z-41-04-7) was on the evening agenda for hearing.

He noted that item 2, Z-57-04-7 was available for ratification with stipulation changes. One of the changes was stipulation one, "That development shall be in general conformance to the site plan date stamped July 15 has been modified by the following stipulations and the Development Services Department. That there be no disturbance outside the building envelope".

Chairman Frank noted there was a stipulation that there be no development on lots 30, 31, and 38 and now that stipulation was being modified. Mr. Baughman responded that was one where there was a change that became before the Commission before there was a discussion with the Development Services Department (DSD). Also, the site plan had changed so those were changes that took place at the ZHO. The other ones were changes that took place when meeting with DSD.

Ms. Gallegos noted that when there are changes such as this, she would rather hear about it in a hearing rather than in a ratification.

Mr. Baughman noted item 3 was not available for ratification because it was continued.

Mr. Keuth made a MOTION to ratify of items 4 (Z-60-04-1), 5 (SP 1-04-1, and 6 (SP 12-04-7)

Mr. Ford SECONDED.

MOTION PASSED by a vote of 8-0 (Hart absent).

Ms. Dodds noted that she met with DSD and the applicant and it was fine to go ahead and ratify item 2 (Z-57-04-7) exactly as the ZHO did.

Mr. Keuth made a MOTION to ratify item 2 with the revisions to stipulations one and five as approved by the ZHO.

Ms. Gallegos SECONDED.

MOTION PASSED by a vote of 8-0 (Hart absent).

AUGUST 16, 2004

Mr. Baughman noted item 1 was not available for ratification.

Item 2, Z-SP 2-04-6, was available for ratification but there was opposition present asking that this item be pulled from ratification because a Village Planning Committee (VPC) stipulation was removed regarding hours and the applicant was unable to attend the ZHO hearing.

Chairman Frank noted there was a request from the Councilman to remove this item and place it for hearing at the October 13, 2004 meeting.

Mr. Baughman noted **Z-58-04-1** was available for ratification with changes to stipulations.

Stipulation 1, "That development shall be in general conformance with the site plan date stamped May 24, 2004 and elevations date stamped July 7, 2004 with the exception of the single-story as approved or modified by DSD."

Stipulation 8, changes "That lot one and two additional lots (7, 8, 9, and 10) shall be limited to one story for a total of three lots being limited to one story".

Mr. Baughman noted item 6 was not available for ratification. It was appealed to the Commission. Agenda item 10 had opposition available at the briefing.

Ms. Carroll stated that her concern with item 10 was that it was on 36th Street and there was a problem with day laborers being picked up creating a potential traffic problem. There were three proposals that the village recommended. She was not able to attend the ZHO.

Mr. Paul Barnes stated the Camelback VPC was concerned about the issues and the applicant agreed to the stipulations, but between the VPC and the ZHO hearing, the stipulations dropped out of sight. He asked that this case be continued so that a representative from the village could be involved, as well as the people Ms. Carroll represented.

Ms. Dodds noted that the ZHO did not always incorporate all the stipulations recommended by the village. She noted the options included pulling it from ratification for hearing, or ratify it and have opposition appeal it.

Mr. Keuth made a **MOTION** to ratify items 3 (Z-58-04-1), 4 (Z-65-04-1), 5 (Z-66-04-3), 7 (Z-71-04-1), 8 (Z-SP-13-04-1), and 9 (Z-78-04-7). Item 2 (Z-33-04-6) was pulled from the ratification agenda and scheduled for a 7 p.m. hearing on October 13, 2004.

Mr. Ford SECONDED.

MOTION PASSED by a vote of 9-0.

Later Mr. Stein moved to ratify item 10 (Z-SP-2-04-6) with the addition of a stipulation recommended by the Village Planning Committee.

Dr. Kelchner seconded.

MOTION PASSED by a vote of 9-0.

III. DISCUSSION AND POSSIBLE ACTION

A. Initiations

1. Initiation of PSCOD Rezoning at 810 East Greenway Parkway

Ms. Gallegos made a MOTION to initiate PSCOD Rezoning at 810 East Greenway Parkway.

Dr. Kelchner SECONDED.

MOTION PASSED by a vote of 9-0.

REPORT OF ZONING HEARING OFFICER ACTION
August 16, 2004

ITEM NO: 3

DISTRICT NO.: 1

Application #: **Z-58-04-1**

Location: Approximately 550 feet south of southwest corner of 43rd Avenue and Cactus Road

Request: Rezone from C-O to C-1, R1-6, Conventional Acreage: 3.96

Proposal: Commercial and single-family residential

Applicant/Owner: Taurus Renovations, LLC

Representative: David Coven, Taurus Renovations, LLC

ACTIONS:

Zoning Hearing Officer Recommendation: Approval with staff and village stipulations as modified.

Staff Recommendation: Approval subject to stipulations

Village Planning Committee (VPC) Recommendation: On July 21, 2004, the North Mountain Village Planning Committee recommended approval with additional stipulations (vote 10-0).

ZHO HEARING HIGHLIGHTS:

Staff – Ms. Bernadine Alling read the case into the record including staff recommendations. She also noted that the residential component, as submitted, is not consistent with the General Plan. However, since the site is less than 10 acres, a General Plan Amendment is not required.

Applicant - Ms. Laura Coven of Taurus Renovations, LLC, 4532 East Beryl Lane, Phoenix, AZ 85028, expressed concern that the stipulations limiting development to single story was overly restrictive since the current zoning would allow higher structures than those proposed by the applicant.

She stated that single story homes would require a larger footprint which would make the project seem more crowded than if two story structures were allowed. A restriction of 28 feet in height would be agreeable to the applicant.

Support – Mr. Jim McCabe, 16001 North Moon Valley Drive expressed his belief that this project would increase the property values for all of the neighborhood and that 90% of current projects are two stories.

Opposition – Ms. Geneva Vinciguerra, 4431 West Shaw Butte, Glendale, AZ,
Ms. Lorraine Parker, 4419 West Shaw Butte, Glendale, AZ 85304, and
Ms. Elizabeth Landholm, 12021 North 44th Drive, Glendale, AZ.

The neighbors commented and supported that two story developments would eliminate views of the eastern sky. The Village Planning Committee's stipulated one story limitation. The neighbors also expressed support for the stipulation limiting access to and from the site which would increase safety for the neighborhood children and their pets.

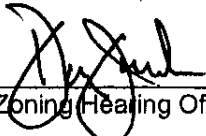
ZHO – Mr. Doug Jorden noted that this is a relatively creative project given the limitations of the parcel and recommended approval with staff and village stipulations as modified.

FINDINGS:

1. Both the C-O and C-1 zoning are consistent with the commercial designation on the General Plan. Although the proposed residential development is not consistent with the General Plan, the site is smaller than 10 acres, which is the threshold requiring a General Plan amendment.
2. The northern portion of the site is difficult to develop given that the APS substation limits the visibility for the site.
3. The two proposed commercial parcels are consistent with existing C-1 zoning and land uses at the corner of Cactus Road and 43rd Avenue.
4. The proposed residential development provides a continuation of the existing zoning and land use of the residential neighborhood to the west of the property.

STIPULATIONS:

1. That development shall be in general conformance with the site plan date stamped May 24, 2004, and elevations date stamped July 7, 2004, as approved or modified by the Development Services Department.
2. That four-sided architectural shall be used on residential development. Examples of the types of details to consider are French windows, ornamentation in the gable area, garages setback to the rear of the house, garage door windows, porches, 18 foot inch eaves, shutters, decorative framing around the windows, window sills, window fenestrations, balconies, lighting and other enhancements as approved by Development Services Department.
3. That mature trees a minimum of 2-inch caliper spaced 20 feet on center or equivalent groupings as approved by the Development Services Department be installed along the west side of Parcel B and the south side of Parcel A in order to buffer the proposed commercial development from proposed residential uses.
4. That mature trees a minimum of 2-inch caliper be placed in the three parking islands and the two corners of the parking lot on the south side of Parcel B in order to buffer the proposed commercial development from existing residential uses.
5. That right-of-way totaling 50 feet shall be dedicated for the south half of Cactus Road.
6. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the city. All improvements shall comply with all ADA accessibility standards.
7. THAT CONSTRUCTION VEHICLE ACCESS TO THE RESIDENTIAL PARCEL C SHALL BE OFF OF 43RD AVENUE OR CACTUS ROAD DURING THE CONSTRUCTION PHASE.
8. THAT LOT 1 AND 2 OF LOTS 7, 8, 9 AND 10 SHALL BE LIMITED TO 1-STORY, FOR A TOTAL OF THREE LOTS BEING LIMITED TO 1-STORY.



Zoning Hearing Officer

8-27-04

Date

The Zoning Hearing Officer attests to the finding of facts, recommendations, and any stipulations resulting from the Zoning Hearing Officer hearing.

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