

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



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned **Date:** April 13, 2022  
**From:** Alan Stephenson  
Planning & Development Department Director  
**Subject:** P.H.O. APPLICATION NO. PHO-1-22--Z-147-06-1 – 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 20, 2022**.

**DISTRIBUTION**

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City Council (Sina Matthes, Tony Motola ), 11th Floor  
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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-147-06

Council District: 1

Request For: Stipulation Modification

**Reason for Request:** Modification of Stipulation 1 regarding general conformance with site plan and elevations date stamped January 30, 2007. Modification of Stipulation 2 regarding a 25-foot landscape setback along 49th Drive. Modification of Stipulation 3 regarding landscape requirements for the P-1 parcel. Modification of Stipulation 4 regarding walls along the south property line. Deletion of Stipulation 5 regarding a drive-through on the western end of the site. Deletion of Stipulation 6 regarding a drive-through for a retail coffee facility. Deletion of Stipulation 7 regarding drive-through features. Deletion of Stipulation 8 regarding the westernmost driveway. Deletion of Stipulation 9 prohibiting pedestrian access to 49th Drive.

Owner	Applicant	Representative
Parkwood Retail Investors LLC 645 East Missouri Ave, Suite 210 Phoenix AZ 85012 (480) 215-9392 roberto@unifiedcre.com	Michael March, Moderna Architects 16050 North 76th Street, Suite 107 Scottsdale AZ 85260 (602) 799-1219 mmarch@modernaarchitects.com	Michael March, Moderna Architects 16050 North 76th Street, Suite 107 Scottsdale AZ 85260 P: (602) 799-1219 F: mmarch@modernaarchitects.com

**Property Location:** Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road

Zoning Map: K-5 Quarter Section: 30-17 APN: 148-02-003K Acreage: 3.75

Village: North Mountain

Last Hearing: CC RATIFICATION

Previous Opposition: No

Date of Original City Council Action: 04/04/2007

Previous PHO Actions:

Zoning Vested: R1-6 and C-1 (App.

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
\$1,725.00	\$0.00	03/09/2022	22-0022770	Original Filing Fee

Signature of Applicant: \_\_\_\_\_

DATE: \_\_\_\_\_

### Hearing Results

Planning Hearing Officer

Date: 05/18/2022 1000 AM

Appealed?: \_\_\_\_\_

Action: \_\_\_\_\_

Planning Commission

Date: \_\_\_\_\_

Appealed?: \_\_\_\_\_

Action: \_\_\_\_\_

City Council

Date: \_\_\_\_\_

Action: \_\_\_\_\_

March 8, 2022

**Planning Hearing Officer**

Phoenix City Hall  
Planning and Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, AZ 85003

**RE: Modification of Stipulations of Case Z-147-06-1 (Approximately 365 feet east of the Southeast Corner of 51<sup>st</sup> Avenue and Cactus Road, Phoenix, AZ).**

Dear Planning Hearing Officer,

This firm represents the Unified CRE Partners, LLC, who are in escrow to acquire Maricopa County Assessor Parcel number 148-02-003K.

**Background:**

Since the April 2007 approval of Z-147-06-1, the commercial development that was ratified from R1-6, C-1 to C-1, P-1 was never developed. Our client wishes to keep the existing C-1 and P-1 zoning to develop a multi-family single family attached housing development with R-3 zoning restrictions, an allowable use within the C-1 zoning.

**Purpose for the Stipulations Modification:**

Due to the new site configuration, developed under R-3 zoning restrictions within the C-1 zoning requirements, many of the previous stipulations addressing a commercial development need to be modified to address the new multi-family residential development design currently proposed. Please see below the list of proposed modifications to the stipulations:

**SITE PLAN**

1. That development shall be in general conformance with the site plan and elevations date stamped ~~January 30, 2007~~, February 23, 2022, as approved by the Planning and Development Department.

**RATIONALE: The request seeks to allow the new site plan for a multi-family single family attached development with R-3 zoning restrictions, an allowable use within the current C-1 (commercial) zoning requirements.**

2. That there shall be a 25 feet 10 foot landscape setback along the 49<sup>th</sup> Drive (eastern) side of the P-1 parcel, as approved by the Development Services Department.

**RATIONALE: The request seeks to modify this stipulation to allow the drive aisle to the parking area a little closer to 49<sup>th</sup> and provide room for additional landscaping between the drive and the residential units.**

3. That landscape requirements for the P-1 parcel shall meet or exceed the ~~G-1 zoning~~ **R-3 zoning** ordinance standards, as approved by the Development Services Department.

**RATIONALE:** The request seeks to modify this stipulation for a consistent landscape approach to the entire development.

4. That an ~~eight foot~~ **a six foot high** solid masonry screen wall or view fence with landscaping will be constructed to provide appropriate screening shall be provided at the south property line adjacent to the Arizona Canal Diversion Channel, as approved by the Development Services Department.

**RATIONALE:** The request seeks modification of the height required for solid masonry screen wall on previous concept as the use is now residential.

5. ~~That a drive-through, non food facility shall be permitted on the site, and it shall be located at the far western end of the site, as approved by the Development Services Department.~~

**RATIONALE:** The request seeks to delete this stipulation as the request was intended for the previous commercial development.

6. ~~That an additional drive-through facility for a retail coffee business only shall be permitted on the site subject to obtaining a use permit and as approved by the Development Services Department.~~

**RATIONALE:** The request seeks to delete this stipulation as the request was intended for previous commercial development.

7. ~~That the drive-through canopies, lanes, speaker boxes, and service windows shall not be located on the eastern side of the drive-through facilities, as approved by the Development Services Department.~~

**RATIONALE:** The request seeks to delete this stipulation as the request was intended for previous commercial development.

8. ~~That the westernmost driveway access shall be configured to ensure emergency access, as approved by the Development Services Department.~~

**RATIONALE:** The request seeks to delete this stipulation as the request was intended for previous commercial development.

9. ~~That there shall be no pedestrian access to 49<sup>th</sup> Drive.~~

**RATIONALE:** This request seeks to delete this stipulation as the request was intended for the previous commercial concept. The new overall concept will need driveway and pedestrian access from 49<sup>th</sup> Drive and strives to connect and not separate residential adjacencies.



## City of Phoenix

PLANNING DEPARTMENT

April 16, 2007

Kinetic Companies, LLC  
14287 North 87th Street, Suite 220  
Scottsdale, Arizona 85260

Dear Applicant:

RE: Z-147-06-1

Approximately 365 feet east of the southeast corner of 51st 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 April 4, 2007, concurred with the recommendation of the Planning Commission and the Zoning Hearing Officer and has ratified application Z-147-06-1 from R1-6, C-1 to C-1, P-1 on approximately 3.75 acres, subject to the following stipulations:

### STIPULATIONS:

1. That development shall be in general conformance to the site plan and elevations date stamped January 30, 2007, as approved or modified by the Development Services Department.
2. That there shall be a 25 foot landscape setback along the 49th Drive (eastern) side of the P-1 parcel, as approved by the Development Services Department.
3. That landscape requirements for the P-1 parcel shall meet or exceed the C-1 zoning ordinance standards, as approved by the Development Services Department.
4. That an eight foot high solid masonry screen wall or view fence with landscaping to provide appropriate screening shall be provided at the south property line adjacent to the Arizona Canal/Diversion Channel, as approved by the Development Services Department.
5. That a drive-through, non-food facility shall be permitted on the site, and it shall be located at the far western end of the site, as approved by the Development Services Department.

6. That an additional drive-through facility for a retail coffee business only shall be permitted on the site subject to obtaining a use permit and as approved by the Development Services Department.
7. That the drive-through canopies, lanes, speaker boxes, and service windows shall not be located on the eastern side of the drive-through facilities, as approved by the Development Services Department.
8. That the westernmost driveway access shall be configured to ensure emergency access, as approved by the Development Services Department.
9. That there shall be no pedestrian access to 49th Drive.

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

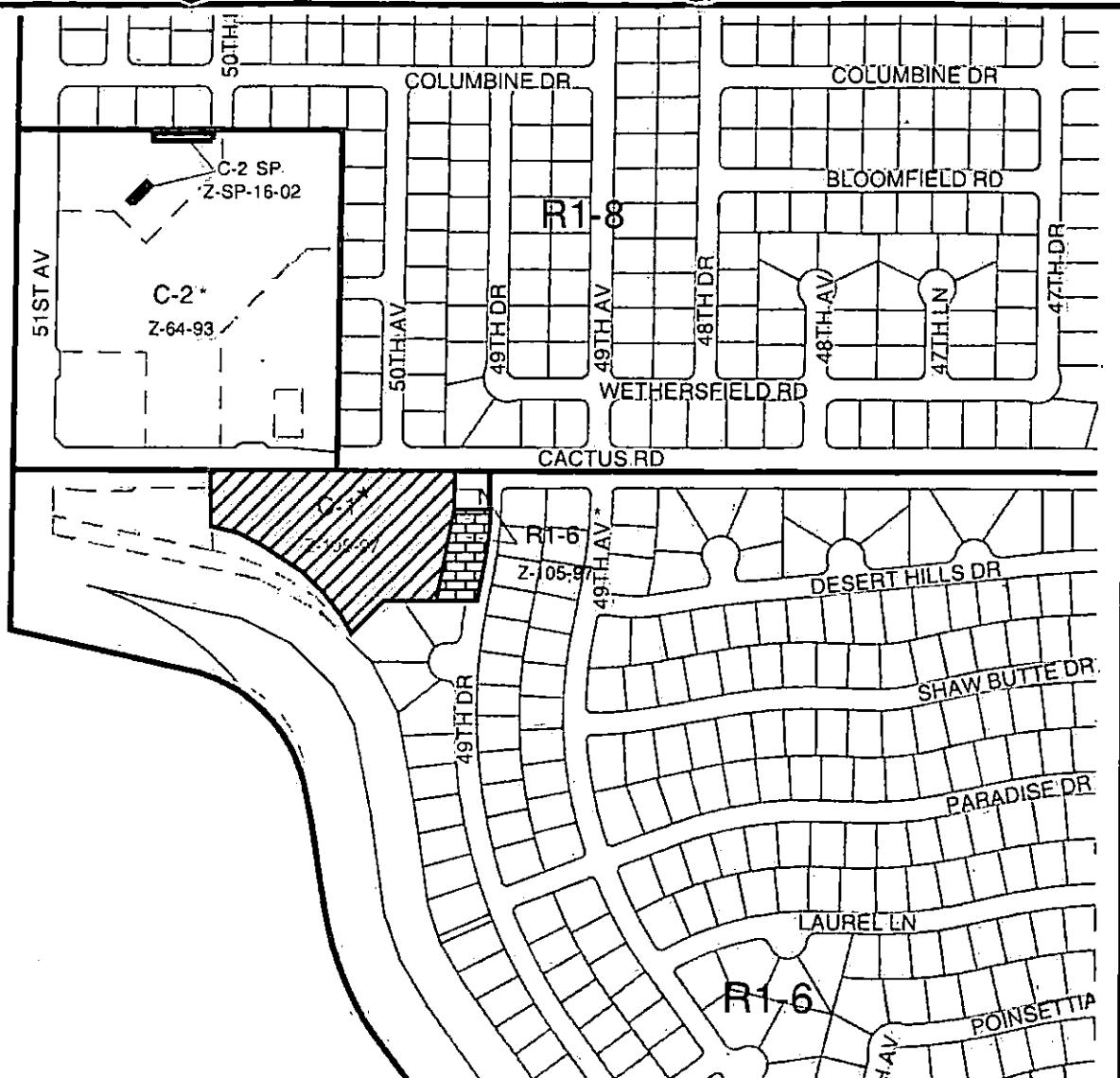
Sincerely,



Carol R. Johnson, AICP  
Principal Planner

CC: Lilia Olivarez/PLN/PHX (e-mail)  
[Files]  
Aubrey Anaya/PLN/PHX (e-mail)  
Mark Melnychenko/PTD/PHX (e-mail)  
Kelly Kvetko/DSD/PHX (e-mail)  
Racelle Escolar/PLN/PHX (e-mail)  
Frank Dancil/DSD/PHX (email)  
Tricia Gomes/PLN/PHX (e-mail)  
Red Hawk Partners, Ltd, 8387 East Eagle Feather Rd, Scottsdale, AZ, 85262  
Jeff Hawke, 14287 N 87th Street Suite 220, Scottsdale, AZ, 85260

Jay Neville/PLN/PHX (e-mail)  
Book  
David Barrier/DSD/PHX (e-mail)  
Annie Alvarado/NSD/PHX (e-mail)  
Kelly P Walker/PLN/PHX (e-mail)  
Eric Miller/PLN/PHX (e-mail)  
Gerard Silvani/DSD/PHX (e-mail)

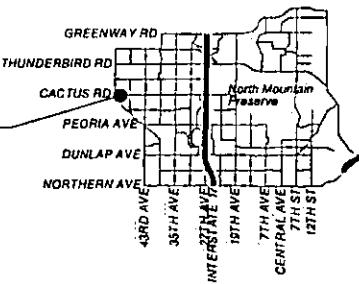


400 0 400 Feet Z-147-06

CITY OF PHOENIX PLANNING DEPARTMENT

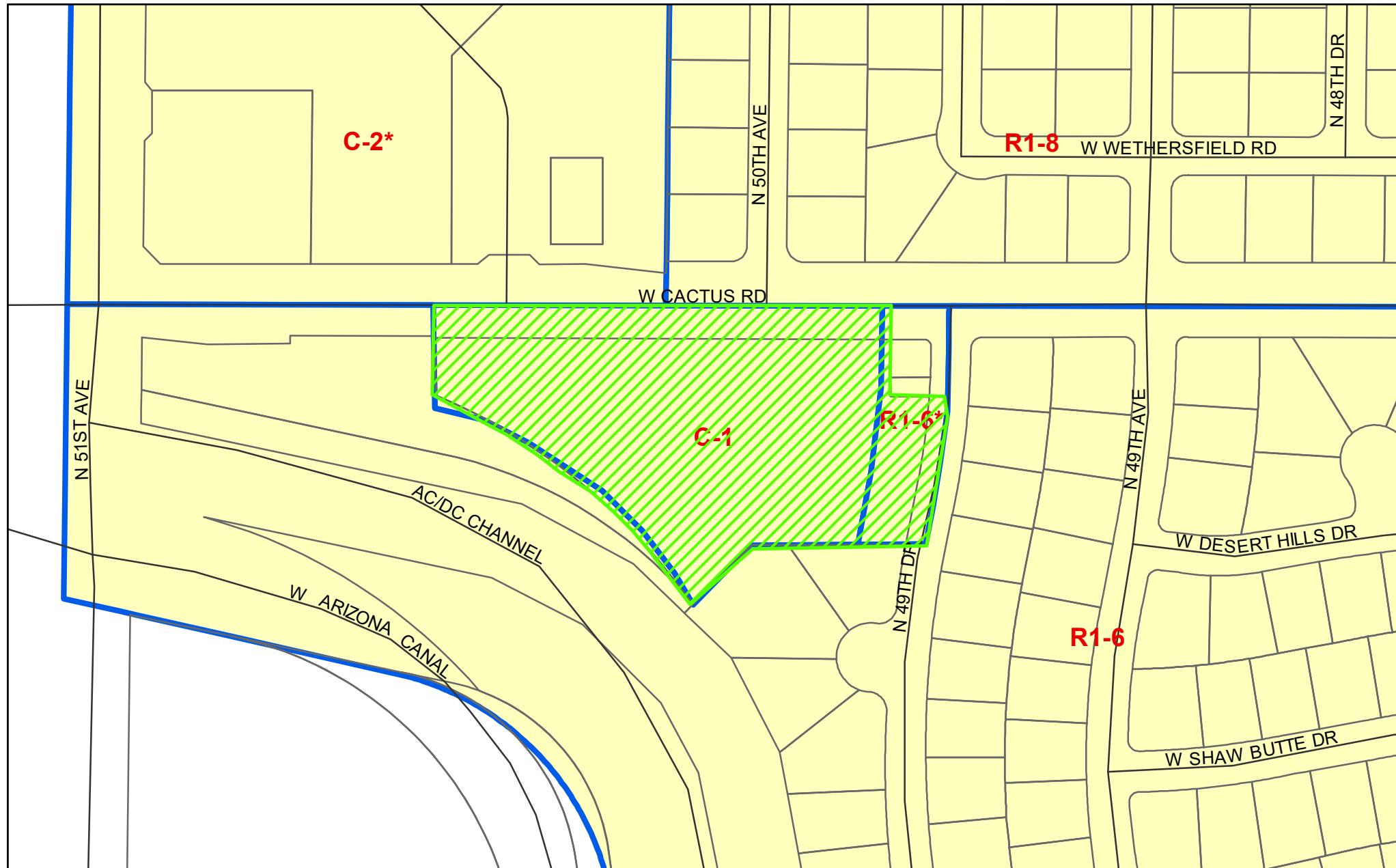
## North Mountain Village

CITY COUNCIL DISTRICT: 1



APPLICANT'S NAME:		REQUESTED CHANGE:	
KINETIC COMPANIES, LLC			
APPLICATION NO.	Z-147-06	FROM:	C-1, (3.29 ac)
		TO:	R1-6, (0.46 ac)
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 3.75 Acre		AERIAL PHOTO & QUARTER SEC. NO.	<input checked="" type="checkbox"/> C-1, (3.29 ac, removal of stipulations)
		Q30-17	<input type="checkbox"/> P-1, (0.46 ac)
MULTIPLES PERMITTED:		CONVENTIONAL OPTION	
C-1 / R1-6		48 / 2	
C-1 / P-1		48 / N/A	
		UNITS P.R.D. OPTION	
		50 / 2	
		50 / N/A	

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



PHO-1-22-Z-147-06-1

**Property Location: Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road**



PHO-1-22-Z-147-06-1

**Property Location: Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road**

SITE PLAN NOTES

1. DEVELOPMENT AND USE OF SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
3. 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 MAXIMUM HEIGHT OF 3'.
4. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' X 33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
5. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS NOTED AS "TRACTS" OR "EASEMENTS", INCLUDING PRIVATE STREETS, LANDSCAPED AREAS, AND DRAINAGE FACILITIES IN ACCORDANCE WITH APPROVED PLANS.
6. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOUR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOUR, OR VIBRATION EMITTED BY USES IN THE AREA OR OUTSIDE OF THIS SITE.
7. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY, OR A PROPERTY OWNER'S ASSOCIATION, WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.

I CONSENT TO THE REPRODUCTION OF THIS SITE PLAN PROVIDED THAT IF MODIFICATIONS ARE MADE, THE PROFESSIONALS WHO MAKE SUCH CHANGES ASSUME FULL RESPONSIBILITY AND LIABILITY FOR THE MODIFIED PROPORTIONS OF THE PLAN

*[Signature]*  
SIGNATURE OF COPYRIGHT OWNER

MIKE MARCH  
PRINTED NAME OF COPYRIGHT OWNER

02/23/2022  
DATE

KEYED NOTES

8. ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN.
9. ADDITIONAL INDIVIDUAL LOT REQUIREMENTS (I.E. SETBACKS, WALL ELEVATIONS) ARE LOCATED ON THE APPROVED FINAL SITE PLAN.
10. ALL SERVICE AREAS WILL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS, AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
11. BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.
12. GATES ARE TO REMAIN OPEN, OR ARE TO OPEN AUTOMATICALLY, BETWEEN THE HOURS OF \_\_\_\_ AND \_\_\_\_.
13. THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
14. 10' x 20' SITE VISIBILITY TRIANGLE.
15. NEW 6' HIGH CMU SITE WALL.
16. 3'-6" HIGH SCREEN CMU WALL.
17. 10' SIDEWALK EASEMENT.
18. NEW ONSITE FIRE HYDRANT.
19. 33' x 33' SITE VISIBILITY TRIANGLE.
20. NEW PREFAB BENCH - SEE 2/SP102.
21. NEW PREFAB RAMADA W/ BBQ AREA - SEE 1/SP102.

PROJECT DESCRIPTION

CONSTRUCT 32 SINGLE FAMILY ATTACHED RESIDENCES WITH COMMON OPEN SPACE. EACH UNIT TO BE PROVIDED WITH ENCLOSED 2 CAR GARAGE.

PARKING INFORMATION:

REQUIRED PARKING: (SECTION 702 OFF STREET PARKING AND LOADING)  
RESERVED SPACES: 2 SPACES / 3 BEDROOM UNIT  
UNRESERVED SPACES: .25 SPACES / UNIT

ACCESSIBLE PARKING: 1 SPACE / 1 TO 25 PARKING LOT SPACES

TOTAL PROVIDED RESERVED PARKING:

2 X 32 UNITS = 64 SPACES (GARAGE)

REQUIRED VISITOR PARKING: .25 SPACES X 32 UNITS = 8 SPACES

PROVIDED VISITOR PARKING: 13 SPACES (SEE SITE PLAN)

2 ACCESSIBLE SPACE PROVIDED

BICYCLE PARKING: .25 SPACES/32 UNITS = 8 BIKE SPACES (REQUIRED)

PROVIDED = 11 BIKE SPACES

LEGAL DESCRIPTION

(WILL BE PROVIDED IN FINAL SITE PLAN SUBMITTAL)

SITE PLAN NOTES

1. DEVELOPMENT AND USE OF SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
3. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 15' FROM THE PROPERTY LINE AND 30' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAYS ENTRANCES WILL BE MAINTAINED AT MAXIMUM HEIGHT OF 3'.
4. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOUR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOUR, OR VIBRATION EMITTED BY USES IN THE AREA OR OUTSIDE OF THIS SITE.
5. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.

GENERAL NOTES

1. SEE LANDSCAPE PLANS FOR ALL SIDEWALKS AND LANDSCAPE AREAS.
2. SEE CIVIL PLANS FOR EXACT LOCATIONS OF DRIVEWAYS, PARKING AREAS, AND UTILITIES.
3. ALL SIGNAGE REQUIRES SEPARATE PERMIT.
4. ALL ROOFTOP MECHANICAL UNITS SHALL BE COMPLETELY SCREENED BY PARAPETS OR PLACED BELOW THE ROOF LINE.
5. DIMENSIONS SHOWN ON THIS PLAN ARE FOR BUILDING DEPARTMENT PLAN REVIEW ONLY. EXACT LOCATIONS OF BUILDINGS SHALL BE PER CIVIL PLANS.
6. ALL WORK SHALL BE IN STRICT ACCORDANCE WITH APPLICABLE CODES AND ORDINANCES.
7. CONTRACTOR TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO PROCEEDING WITH ANY PORTION OF THE WORK.

UNIT INFORMATION

UNIT A: (10 UNITS)      UNIT C: (11 UNITS)

FIRST FLOOR: 695 SF      FIRST FLOOR: 922 SF  
SECOND FLOOR: 1,128 SF      SECOND FLOOR: 1,238 SF  
TOTAL SF: 1,823 SF      TOTAL SF: 1,782 SF

UNIT B: (11 UNITS)

FIRST FLOOR: 692 SF      FIRST FLOOR: 692 SF  
SECOND FLOOR: 1,115 SF      SECOND FLOOR: 1,115 SF  
TOTAL SF: 1,807 SF      TOTAL SF: 1,807 SF

EXISTING ZONING: C-1

EXISTING USE: COMMERCIAL

PROPOSED USE: PLANNED RESIDENTIAL DEVELOPMENT

DENSITY UNITS ALLOWED: 15.23 UNITS/ACRE  
15.23 x 3.09 = 47.06 UNITS

DWELLING UNITS PROPOSED: 32 UNITS

BUILDING HEIGHT MAX.: 4 STORIES OR 48' HIGH

PROPOSED BUILDING HEIGHT: 3 STORIES, 36' HIGH

LOT COVERAGE: 45% BUILDING STRUCTURE

PROPOSED LOT COVERAGE: BUILDING = 50,793 SF. (37%)

OPEN SPACE REQUIRED: 8,120 SF. (5%)

OPEN SPACE PROVIDED: 14,761 SF. (11%)

SETBACKS:

FRONT: 10' BUILDING INCLUDING 10' LANDSCAPE

SIDE: 20' WHEN SIDES OF BUILDING FRONT STREET

15' (5' LANDSCAPE) ADJACENT TO PROPERTY

MIN. BUILDING SEPARATION: NONE

SITE INFORMATION

ADDRESS:  
5051 W. CACTUS RD.  
PHOENIX, AZ 85304

OWNER:  
PARKWOOD RETAIL INVESTORS LLC  
645 E. MISSOURI AVE #210  
PHOENIX, AZ 85012

PARCEL NUMBERS: 148-02-003K

ZA CASES: ZA-239-08, ZA-335-12

NET SIZE: 134,627 SF.  
3.09 NET ACRES

GROSS LOT SIZE: 162,983 SF.  
3.72 GROSS ACRES

EXISTING ZONING: C-1

EXISTING USE: COMMERCIAL

PROPOSED USE: PLANNED RESIDENTIAL DEVELOPMENT

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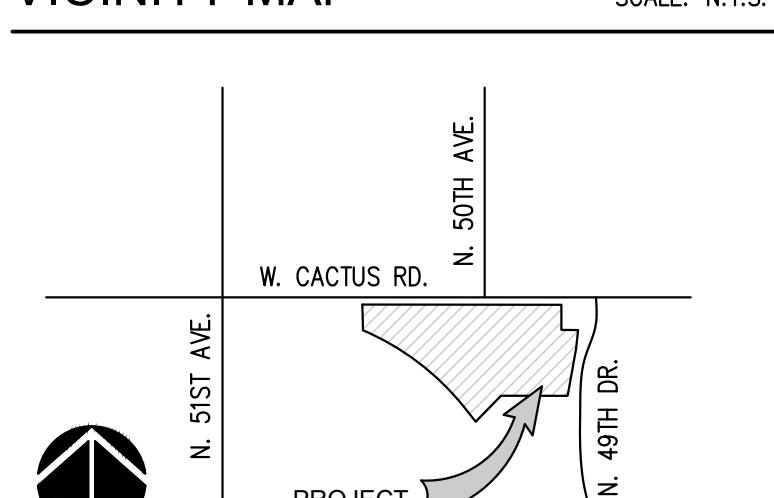
FRONT: 10' BUILDING INCLUDING 10' LANDSCAPE

SIDE: 20' WHEN SIDES OF BUILDING FRONT STREET

15' (5' LANDSCAPE) ADJACENT TO PROPERTY

revision:

VICINITY MAP



SITE PLAN APPROVAL BLOCK

KIVA 21-4219  
SDEV 2100422  
QS 30-17  
PAPP 2107115  
PRLM SCMJ

CITY OF PHOENIX

MAR 09 2022

Planning & Development  
Department

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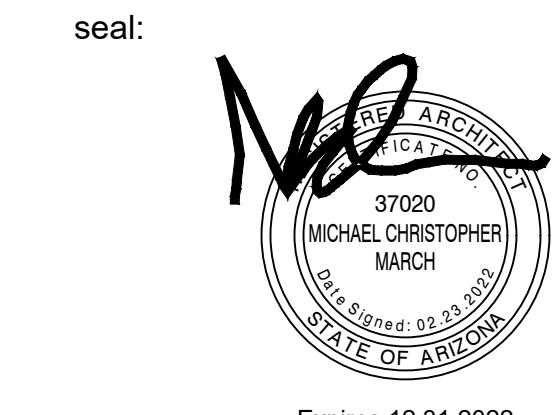
drawn by: IJL

reviewed by: MCM

project no.: 2159

date: 02.23.2022

seal:



Expires 12.31.2022

ARCHITECTURAL  
SITE PLAN

2 SITE WALL SECTION AND ELEVATION - TYP.  
SCALE: 1/2" = 1'-0"

1 ARCHITECTURAL SITE PLAN  
SCALE: 1" = 30'-0"

30' 0' 15' 30' 60'  
GRAPHIC SCALE: 1"=30'

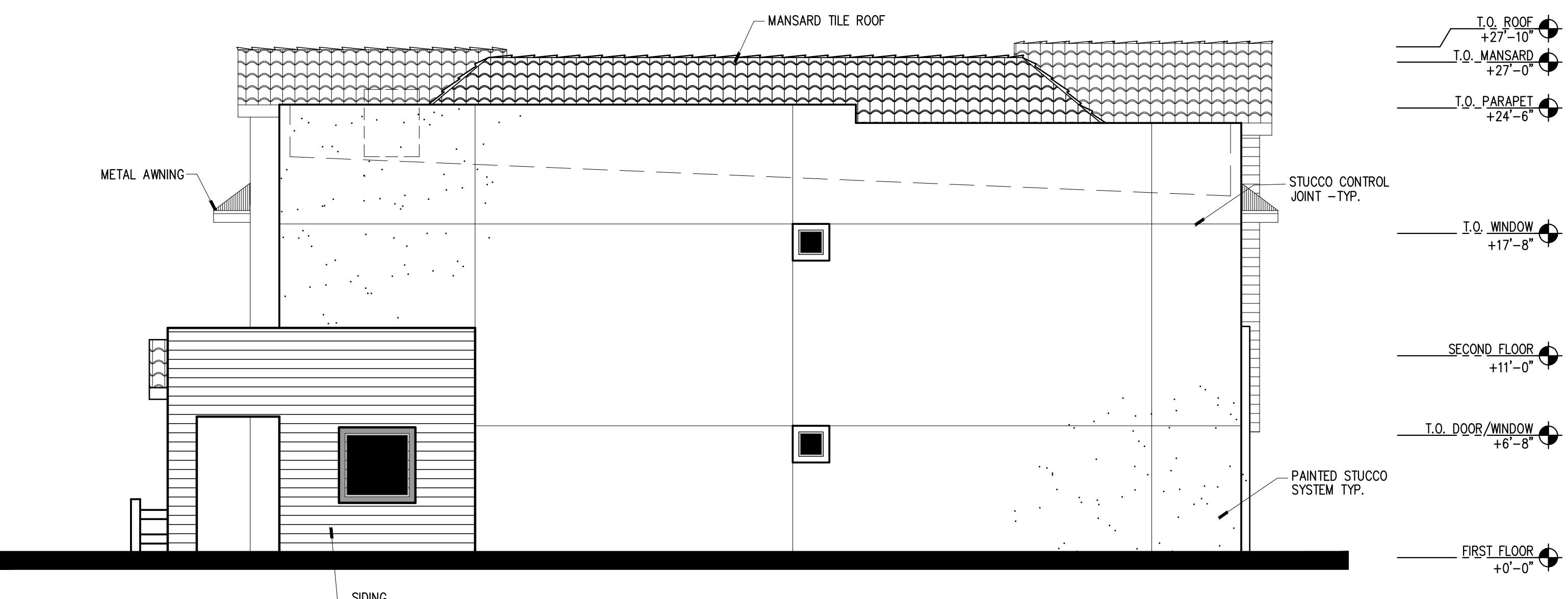
TOWNHOMES AT  
51ST AVE AND CACTUS

5051 W. Cactus Rd.  
Phoenix, AZ 85304

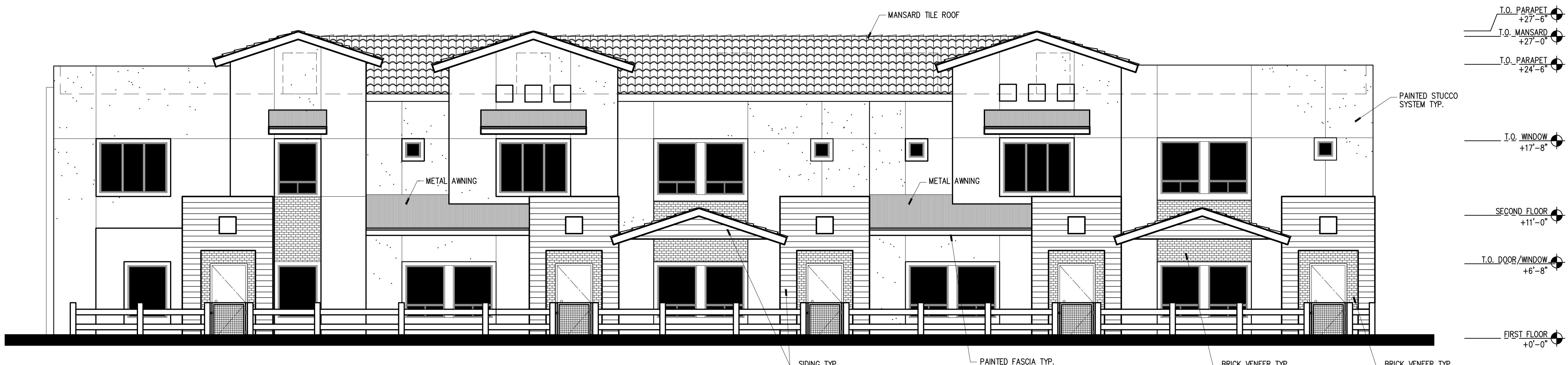
moderna

architecture | design

moderna architects  
16050 north 76th street, suite 107  
scottsdale arizona 85260  
v: 480.900.8850  
www.modernaarchitects.com



2 | LEFT SIDE ELEVATION  
3/16" = 1'-0"



1 | FRONT ELEVATION  
3/16" = 1'-0"

SITE PLAN APPROVAL BLOCK

KIVA 21-4219  
SDEV 2100422  
QS 30-17  
PAPP 2107115  
PRLM  
SCMJ



TYPICAL BUILDING  
ELEVATIONS

CITY OF PHOENIX

MAR 09 2022

Planning & Development  
Department

A510

Hearing Date: May 18, 2022

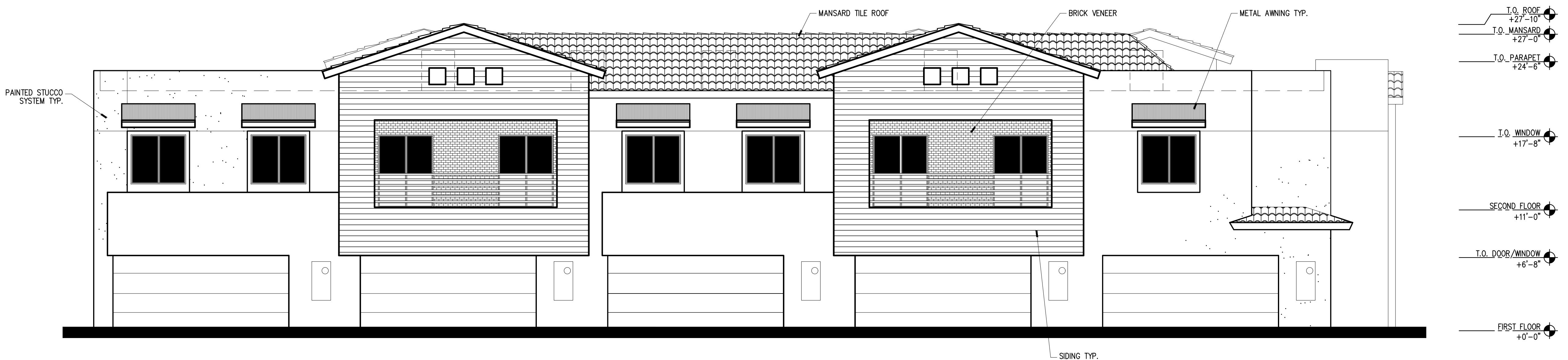
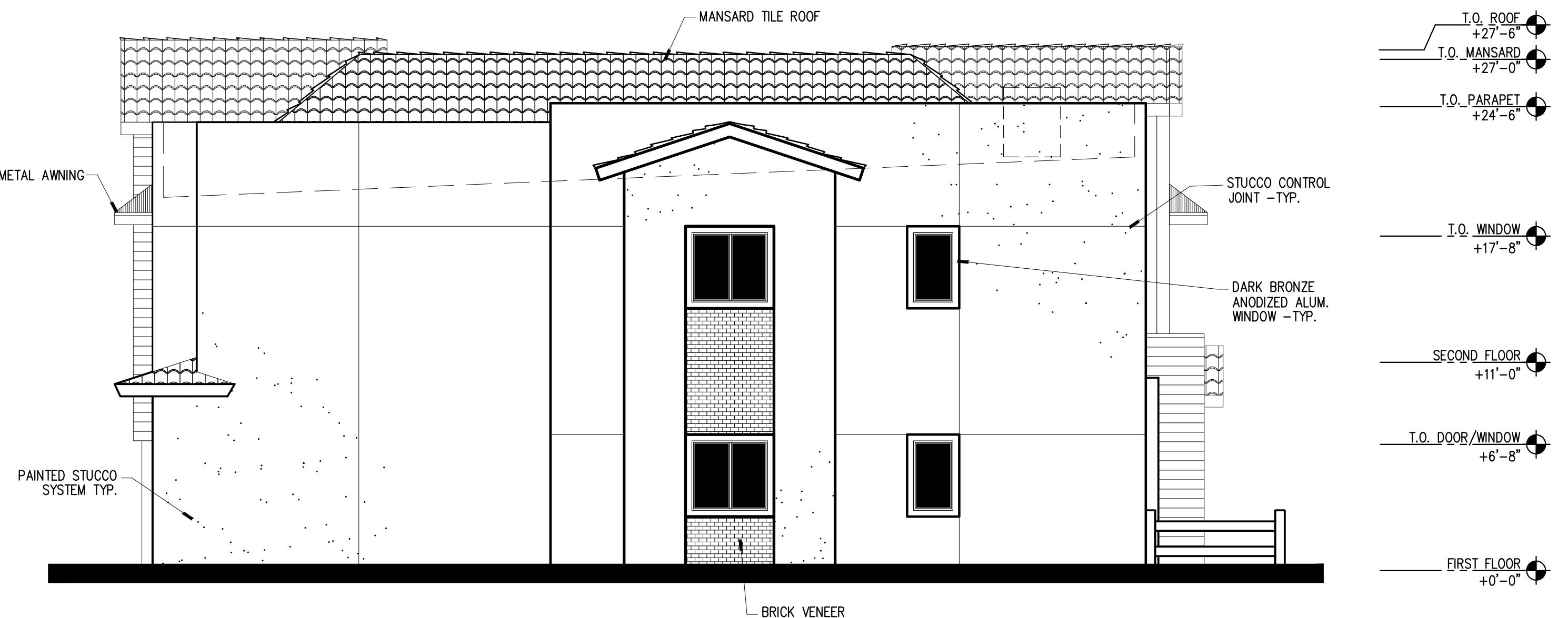
TOWNHOMES AT  
51ST AVE AND CACTUS

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Phoenix, AZ 85304

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SITE PLAN APPROVAL BLOCK

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PAPP 2107115  
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SCMJ



Expires 12.31.2022

CITY OF PHOENIX

MAR 09 2022

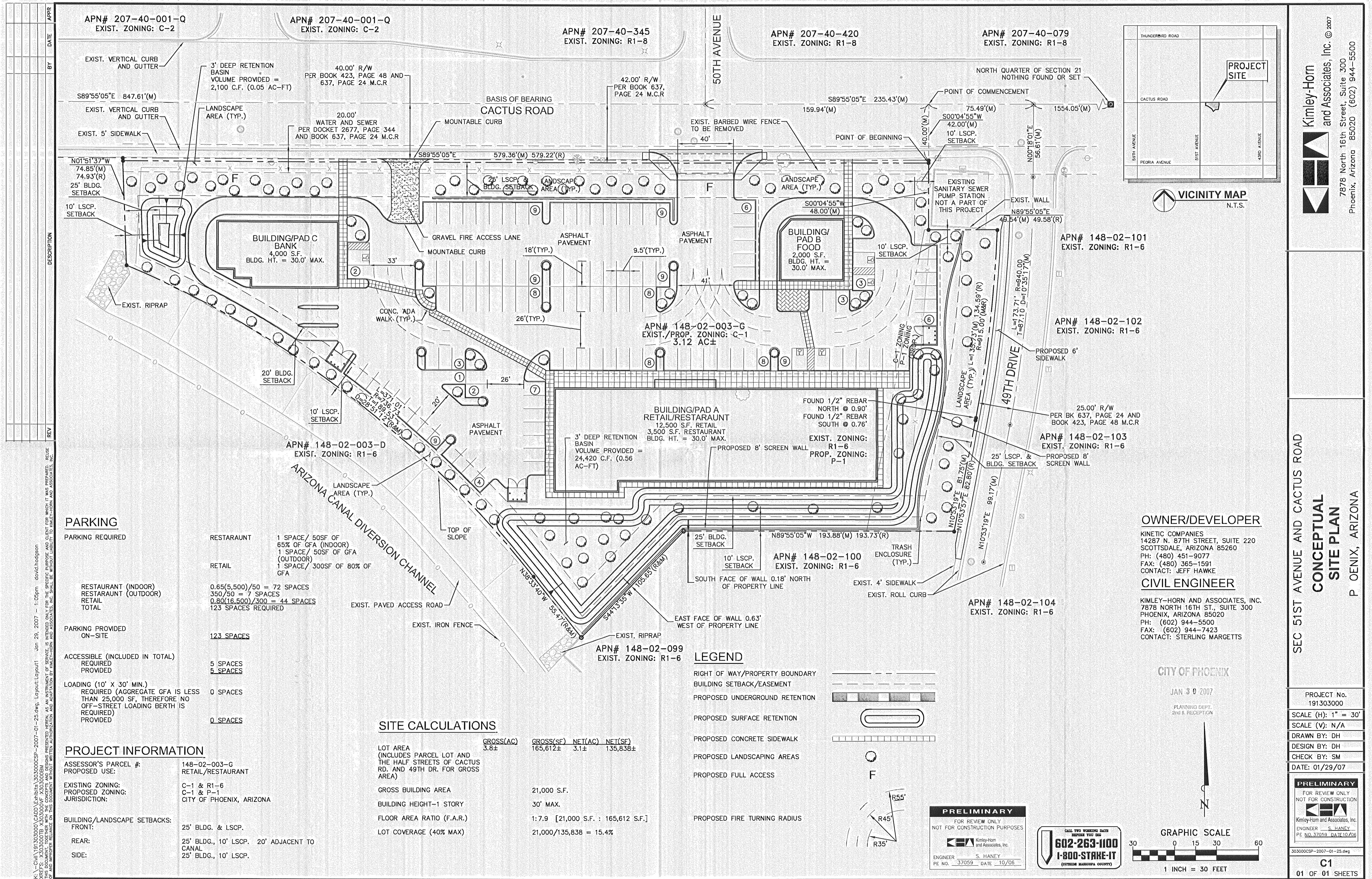
Planning & Development  
Department

A51

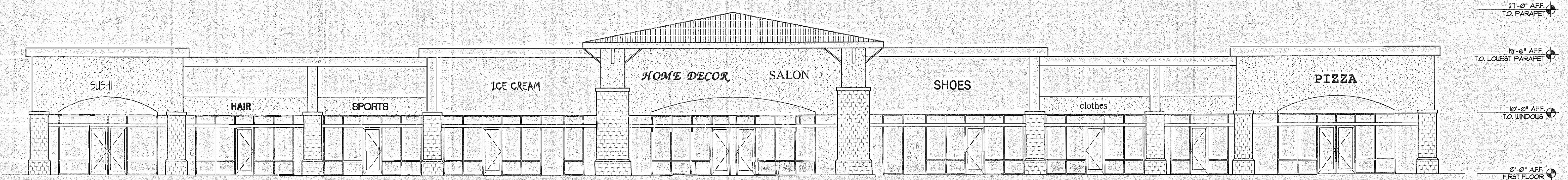
Hearing Date: May 18, 2022

Proposed Elevations

PHO-1-22-Z-147-06-1



## **Stipulated Site Plan**

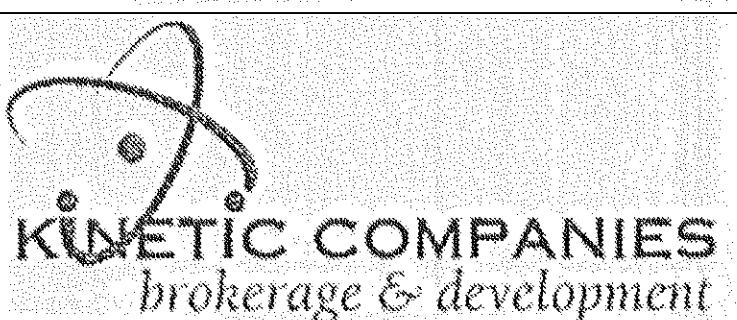


CITY OF PHOENIX

JAN 30 2007

PLANNING DEPT.  
2nd fl. RECEPTION

51st and Cactus  
Phoenix, Arizona



RSP Architects  
502 South College Ave.  
Suite 203 Tempe  
AZ 85281  
480.889.2000  
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[www.rsparch.com](http://www.rsparch.com)

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Stipulated Elevations

PHO-1-22--Z-147-06-1

ALL CALCULATIONS ARE APPROXIMATE AND SUBJECT TO CHANGE

Hearing Date: May 18, 2022

April 4, 2007

ITEM 1A

DISTRICT 7

Z-119-06-7 -

67TH AVENUE AND  
INTERSTATE 10

APPLICANT: K. KOWALSKY -  
EARL, CURLEY AND LAGARDE  
OWNER: NAMWEST, LLC C/O  
DAV MCBRIDE

REPRESENTATIVE: MIKE  
CURLEY- EARL, CURLEY AND  
LAGARDE

Application: Z-119-06-7 - Continued from March 7, 2007  
From: CP/GCP  
To: C-2, R-2, B-3A  
Acreage: 70.22  
Location: Southeast corner of 67th Avenue and Interstate 10  
Proposal: Commercial, Multi-Residential, and Single-Family  
Residential  
Staff: Approved, subject to stipulations.  
VPC Action: Estrella - January 9, 2007 - Approved, subject to staff  
stipulations. Vote 6-0  
PC Action: February 14, 2007 - Approved, subject to modified and an  
additional stipulation. Vote 7-0

The Council heard request to approve recommendations without further  
hearing by the City Council on matters heard by the Zoning Hearing Officer on  
February 5 and February 20, 2007. Planning Commission ratified these cases  
on March 14, 2007.

ITEM 1B

DISTRICT 1

Z-147-06-1 -

51ST AVENUE AND  
CACTUS ROAD

APPLICANT: KINETIC  
COMPANIES, LLC  
OWNER: RED HAWK  
PARTNERS, LTD  
REPRESENTATIVE: RUSSELL  
BECK

Application: Z-147-06-1 }  
From: R1-6, C-1 }  
To: C-1, P-1 }  
Acreage: 3.75 }

April 4, 2007

Location: Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road  
Proposal: Commercial, Parking, Retention, and Landscape Buffer  
Staff: Approved, subject to stipulations in the addendum report.  
VPC Action: North Mountain - January 17, 2007 - Approved, subject to staff stipulations in the addendum report. Vote 11-0  
ZHO Action: February 5, 2007 - Approved, subject to staff stipulations in the addendum to the staff report with modifications  
PC Action: March 14, 2007 - Ratified - Approved, subject to staff stipulations in the addendum to the staff report with modifications. Vote 7-0

ITEM 1C

**DISTRICT 3**

**Z-157-06-3 -**

**GREENWAY PARKWAY AND  
17TH AVENUE**  
**APPLICANT: SNELL AND  
WILMER, LLP**  
**OWNER: NEW HOME  
REFERRALS, INC**  
**REPRESENTATIVE: NICK  
WOOD**

Application: Z-157-06-3  
From: R1-6 SP  
To: R1-6  
Acreage: 4.91  
Location: South side of Greenway Parkway, approximately 1/4 mile east of 17th Avenue.  
Proposal: Request to remove Special Permit  
Staff: Approved  
VPC Action: North Mountain - January 17, 2007 - Approved. Vote 11-0  
ZHO Action: February 5, 2007 - Approved  
PC Action: March 14, 2007 - Ratified with additional waiver stipulation  
Approved. Vote 7-0

April 4, 2007

ITEM 1H

DISTRICT 1

Z-8-07-1 -

19TH AVENUE AND PARK

VIEW LANE

APPLICANT: CITY OF

PHOENIX PLANNING

COMMISSION

OWNER: S.R.P.A.I - J. BAARE

REPRESENTATIVE: CITY OF

PHOENIX PLANNING

COMMISSION

Application: Z-8-07-1  
From: County Rural-43  
To: S-1  
Acreage: 4.76  
Location: Approximately 345 feet north of the northeast corner of 19th Avenue and Park View Lane  
Proposal: Establish equivalent City of Phoenix Zoning for Annexation #379 (G-4849)  
Staff: Approved.  
VPC Action: Village Planning Committees did not review equivalency cases.  
ZHO Action: February 20, 2007 - Approved.  
PC Action: March 14, 2007 - Ratified - Approved. Vote 7-0

MOTION was made by Mr. Siebert, SECONDED by Mrs. Bilsten, that Item 1H be remanded back to the Planning Commission per the memo dated March 27, 2007. MOTION CARRIED UNANIMOUSLY.

Ms. Stark stated Items 1A through 1G and 1I through 1T could be granted per the recommendation of the Planning Commission.

Mayor Gordon confirmed Speaker Comment Cards had not been submitted and there was no one present wishing to speak on those items.

MOTION was made by Mr. Siebert, SECONDED by Mrs. Bilsten, that Items 1A through 1G and 1I through 1T be granted per the Planning Commission recommendation. MOTION CARRIED UNANIMOUSLY.

The Council heard request to approve the recommendations made on the following zoning matters which was heard by the Planning Commission on Wednesday, February 14, 2007.

**RATIFICATION OF ZONING HEARING OFFICER AGENDA OF FEBRUARY 5, 2007 AND FEBRUARY 20, 2007.**

**February 5, 2007**

Application #	Z-147-06-1 (Approval, subject to staff stipulations, in the addendum to the staff report with modifications).
From:	R1-6
To:	C-1
Acreage:	C-1
Location:	P-1
Proposal:	3.75
Applicant:	Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road.
Owner:	Commercial, Parking, Retention and Landscape Buffer.
Representative:	Kinetic Companies, LLC
Application #:	Red Hawk Partners, Ltd
From:	Russell Beck
To:	
Acreage:	
Location:	
Proposal:	
Applicant:	
Owner:	
Representative:	
Application #:	Z-157-06-3 (Approval)
From:	R1-6 SP
To:	R1-6
Acreage:	4.91
Location:	South side of Greenway Parkway, approximately 1/4 mile east of 17th Avenue
Proposal:	Request to remove Special Permit.
Applicant:	Snell & Wilmer, LLP
Owner:	New Home Referrals, Inc
Representative:	Nick Wood
Application #:	Z-160-06-7 (Approval, subject to staff stipulations)
From:	R1-6
To:	P-1
Acreage:	0.24
Location:	Approximately 270 feet south of the southeast corner of 30th Drive and Van Buren Street
Proposal:	Parking Lot
Applicant:	George DeAnda
Owner:	George DeAnda
Representative:	Brad Barnett
Application #:	Z-SP-29-06-3 (Approval, subject to staff stipulation)
From:	C-2 H-R SP, C-3
To:	C-2 H-R SP, C-3 SP
Acreage:	0.24

160092

Zoning Hearing Officer Summary of February 5, 2007  
Planning Department Case #Z-147-06-1

Page 1

2007 MAR 21 PM 10:26  
CITY CLERK DEPT.

REPORT OF ZONING HEARING OFFICER ACTION  
February 5, 2007

ITEM NO: 1

DISTRICT NO.: 1

SUBJECT:

Application #: **Z-147-06-1**

Location: Approximately 365 feet east of the southeast corner 51st Avenue and Cactus Road.

Request: From: R1-6, C-1 To: C-1, P-1 Acreage: 3.75

Proposal: Commercial, Parking, Retention and Landscape Buffer.

Applicant: Kinetic Companies, LLC

Owner: Red Hawk Partners, Ltd

Representative: Russell Beck

**ACTIONS:**

Zoning Hearing Officer Recommendation: **Approval, subject to staff stipulations,** in the addendum to the staff report with modifications.

**Village Planning Committee (VPC) Recommendation:**

The North Mountain Village Planning Committee reviewed this case on January 17, 2007 and recommended approval, subject to staff stipulations, in the addendum to the staff report, by a vote of 11-0.

**Staff Recommendation:** Approval, subject to stipulations, in the addendum to the staff report.

**ZHO HEARING HIGHLIGHTS:**

**Staff-** Mr. Eric Miller presented the details of the case, and noted that stipulation #1 would need to be modified in order to reflect the amended site plan that was submitted.

Applicant- Mr. Russell Beck, 14287 North 87th Street, Suite 220, Scottsdale, Arizona 85260 presented the zoning history of the site. He stated that past proposals were met with neighborhood opposition, but the applicant has been able to work with the neighbors and has gained their support for the project.

Mr. Russell Beck explained that neighbors requested a landscape buffer be provided along 49th Drive, which conflicted with the Development Services Department requirement of a pedestrian access per City Code. In order to resolve the issue stipulation #9 was added in the addendum to the staff report. Mr. Russell Beck also noted that stipulation #8 did not accurately reflect the site plan. He explained that there would be no western driveway access and it will actually be a hard-surface emergency driveway access.

Staff- Mr. Eric Miller noted that stipulation #8 should be modified in order to accurately represent the dated site plan that is stated in stipulation #1.

Opposition- None present.

Support- Mr. Sam Sargent, 12015 North 49th Drive, Glendale, Arizona 85304 stated his support for the landscape buffer and the uses, such as the coffee and restaurant shops, that will be provided by the project.

ZHO- Ms. Cynthia Standage-Beier stated that the applicant has provided an interesting project on an infill parcel. She noted that the revised site plan addressed her concern regarding the three driveways accessing Cactus Road. She noted that the landscaping and wall along the east side of the property would provide a good buffer to the residential neighborhood. She noted that the proposal was at a scale appropriate for neighborhood commercial. Ms. Standage-Beier noted that she concurred with the staff findings.

Ms. Cynthia Standage-Beier recommended approval, subject to staff stipulations, in the addendum to the staff report with modifications.

**FINDINGS:**

1. The proposed development provides needed services for area residents, is designed at a scale consistent with adjacent residential development, and is well-buffered from existing residences.
2. The P-1 zoning district provides a buffer between the retail center to the west and the residential uses to the east.
3. The development will be compatible with surrounding uses.

**STIPULATIONS:**

1. That development shall be in general conformance to the site plan and elevations date stamped ~~October 27, 2006~~ JANUARY 30, 2007, as approved or modified by the Development Services Department.
2. That there shall be a 25 foot landscape setback along the 49th Drive (eastern) side of the P-1 parcel, as approved by the Development Services Department.
3. That landscape requirements for the P-1 parcel shall meet or exceed the C-1 zoning ordinance standards, as approved by the Development Services Department.
4. That an eight foot high solid masonry screen wall or view fence with landscaping to provide appropriate screening shall be provided at the south property line adjacent to the Arizona Canal Diversion Channel, as approved by the Development Services Department.
5. That a drive-through, non-food facility shall be permitted on the site, and it shall be located at the far western end of the site, as approved by the Development Services Department.
6. That an additional drive-through facility for a retail coffee business only shall be permitted on the site subject to obtaining a use permit and as approved by the Development Services Department.
7. That the drive-through canopies, lanes, speaker boxes, and service windows shall not be located on the eastern side of the drive-through facilities, as approved by the Development Services Department.
8. That the westernmost driveway access shall be configured to ensure ~~right out-and-exit-only~~ EMERGENCY ACCESS, as approved by the Development Services Department.
9. That there shall be no pedestrian access to 49th Drive.

*Cynthia Standage-B* 3-6-07  
Zoning Hearing Officer Date

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

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Contact Theresa Damiani regarding ADA, 602-262-6368/voice, or City TTY Relay/602-534-5500.  
H:\Data\Hearings\ZHO\Summaries\2006\020507.

8. **Presentation, discussion and possible recommendation on Z-147-06-1, a request to rezone from C-1 (3.29 acres)/R1-6 (0.46 acres) to C-1 (3.29 acres)/P-1 (0.46 acres) located approximately 365 feet east of the southwest corner of 51st Avenue & Cactus Road for commercial/parking, retention and landscape buffer. Presentation by representative Kinetic Companies, LLC. This request will be heard by the Zoning Hearing Officer on February 5, 2007.**

Susan Sargent presented the staff report and staff recommendation of approval with stipulations. Stipulations included general conformance, landscape requirements for parking lot, and a 25 foot setback. **Jeff Hawk and Joel Moyes**, the applicants, reviewed their project and discussed how they have worked with the neighborhood to accommodate their suggestions and gain their support. Committee members had questions in regards to the screen wall, pedestrian site access, retail users, canal access/visibility, drive through facilities, fire access, and lighting. **Chair Robert Beletz** indicated that the neighbors he spoke with are supportive of this infill project.

**Rick Weintritt moved, with a second from Nancy Brehm, to recommend approval of the request to rezone from C-1, R1-6 to C-1, P-1 for commercial/parking/retention and landscape buffer.**

**VOTE: 11-0 (APPROVED)**

9. **Discussion and possible action regarding the 2007 work program of the North Mountain Village Planning Committee.**

Committee members discussed the five topics proposed for consideration as 2007 work program items. The items discussed were infill, trails, Hatcher Road, Metrocenter, and building partnerships. **Chair Robert Beletz** proposed that the committee partner with CEDD to convert old PSC's to C-2 to achieve commercial infill/revitalization. **Beletz** also proposed some target sites and expressed his willingness to work on a subcommittee, which he will co-chair with Fred Hepperle. **Nancy Brehm and Ted Luther** recently met with the Park Department's Trail Coordinator and are interested in pursuing more trails and better trail access. They were willing to co-chair a Trail Subcommittee. **Joel McCabe** will keep the committee updated on the streetscape program for Hatcher Road. **Lou Snow** will provide periodic updates on Metrocenter. Trails Subcommittee will meet one hour before the village planning committee meeting in even months. The PSC/Commercial Infill subcommittee will meet one hour before the village planning committee meeting in odd months.