



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Departments Concerned **Date:** November 18, 2011
From: Derek D. Horn, P.E., C.B.O., Assistant Director
Planning and Development Department
Subject: **P.H.O. APPLICATION NO. Z-SP-2-04-8** – 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 its meeting on **January 18, 2012**.
2. Information about this case is available for review at the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Please indicate your course of action, sign and return copy of this notice to the City of Phoenix Planning and Development Department, Zoning Division, 200 West Washington Street 2nd Floor, Phoenix, AZ 85003 by **December 2, 2011**.
 - Will arrange to review case file no later than _____
 - Will resolve problems with the owner and contact you no later than _____
 - We do not anticipate any problems in connection with the cases listed on this subject notice.

Signature

Date

DISTRIBUTION (Electronically):

- Mayor's Office (Tiffany Torres) - 11th Floor
- Council District Office (Penny Parrella) – 11th Floor
- Aviation (David Ebeling, Diane Nakagawa, Debra Turner) – 3400 E. Sky Harbor Blvd
- City Manager's Office (Kevin Weight) – Historic Preservation Office
- Community & Economic Development (Melinda Vazquez)
- Fire Prevention (Joe McElvaney) 2nd Floor
- Finance Admin (Barry Page) - 251 W. Washington – 8th Floor
- Neighborhood Services (Annie Alvarado) – 4th Floor
- Parks & Recreation (Mary Sheedy) – 16th Floor
- Parks & Recreation (Laurene Montero, April Carroll) – Pueblo Grande Museum
- Public Transit (Mark Melnychenko, Blair Proctor) - 302 N. 1st Ave., Ste 800
- Public Transit/Light Rail Project (Curt Upton/*Special TOD Only*) – 411 N. Central #200
- Street Transportation (Myesha Harris, Alan Hilty, Hasan Mushtaq, Barb Petsche) – 5th Floor
- Water Services (Nazario Prieto, Lucy Graham) – 8th Floor
- Planning and Development (Derek Horn, Sandra Hoffman) – 3rd Floor
- Planning and Development/Information Services (Ben Ernyei) – 3rd Floor
- Planning Hearing Officer (Alan Stephenson, Larry Tom) – 2nd Floor
- Planning Commission Secretary (Lilia Olivarez) – 2nd Floor
- Village Planner (Marc Thornton, Camelback East)
- Village Chair (Jay Swart, Camelback East)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-11--Z-SP-2-04

Council District: 8

Request For: Zoning Reversion

Kiva Fee Code: ZTREZONE Fee: \$1080.00 Amount Waived: \$1080.00

<u>Owner</u>	<u>Applicant</u>	<u>Representative</u>
Melody Jafari 2814 North 36th Street Phoenix AZ 85008 (602) 956-5561	City of Phoenix Planning Commission 200 West Washington Street, 2nd Floor Phoenix AZ 85003 (602) 262-7131	City of Phoenix Planning & Development 200 West Washington Street, 2nd Floor Phoenix AZ 85003 P: (602) 262-7131 F:

Property Location: Approximately 555 feet south of the southwest corner of 36th Street and Thomas Road

Zoning Map: G-10 Quarter Section: 14-35 APN: 120-03-087A Acreage: 0.34

Reason for Request: Administrative action to modify Stipulation 3 to extend or remove the conditional time stipulation, or determine compliance with the schedule for development or take legislative action to revert the approved R-5 SP zoning to its former R-5 zoning classification due to noncompliance with rezoning stipulations

Village: Camelback East

Last Hearing: CC RATIFICATION

Previous Opposition: _____

Date of Original City Council Action: 10/06/2004

Previous PHO Actions: _____

Zoning Vested: Approved R-5 SP

Supplemental Map No.: _____

~~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~~

[Signature] 11-18-11

Signature of Applicant Date

rescolar

Receipt Number Planning Staff Member

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>01/18/2012 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	Appealed?: _____
Action: _____	Action: _____	Action: _____

REPORT OF PLANNING COMMISSION ACTION
November 9, 2011

VII. OTHER BUSINESS
ITEM NO: 7

DISTRICT NO.: 8

SUBJECT: Presentation, discussion and possible action to initiate a Planning Hearing Officer request that may result in the reversion of zoning, extension of time, deletion of the time stipulation or determination that the stipulation was met. Expired Conditional Rezoning Case **Z-SP-2-04** is located at the southwest corner of 36th Street and Thomas Road (2808 North 36th Street). The rezoning case granted R-5 SP zoning from R-5 zoning to develop a day care center. The property owner has not complied with stipulation no. 3 that states that approval shall be conditioned on development within 18 months of City Council approval of this request.

ACTIONS:

Mr. Larry Tom presented the item. Z-SP-2-04 is located at the southwest corner of 36th Street and Thomas Road (2808 North 36th Street). The rezoning case granted R-5 SP zoning from R-5 zoning to develop a day care center. The property owner has not complied with stipulation no. 3 that states that approval shall be conditioned on development within 18 months of City Council approval of this request. Staff recommends that the Planning Commission initiate a Planning Hearing Officer request that may result in the reversion of zoning, extension of time, deletion of the time stipulation or determination that the stipulation was met.

Motion Discussion: N/A

Motion Detail – Motion to initiate a Planning Hearing Officer request that may result in the reversion of zoning, extension of time, deletion of the time stipulation or determination that the stipulation was met for Z-SP-2-04 located at the southwest corner of 36th Street and Thomas Road.

Maker: Katsenes
Second: Amery
Vote: 9-0
Absent: None
Opposition Present: No

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. Please contact Nici Davidson at Voice (602) 495-0256 or the City TTY Relay at (602) 534-5500.



City of Phoenix

PLANNING DEPARTMENT

October 14, 2004

Jui Lin Chiu
14020 N. 38th Place
Phoenix, AZ 85032

Dear Applicant:

RE: Z-SP-2-04-6 Approximately 555 feet south of southwest corner of 36th Street
and Thomas 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-SP-2-04-6 from R-5 to R-5 SP for a day care facility and residence on approximately 0.34 acre, subject to the following stipulations:

STIPULATIONS:

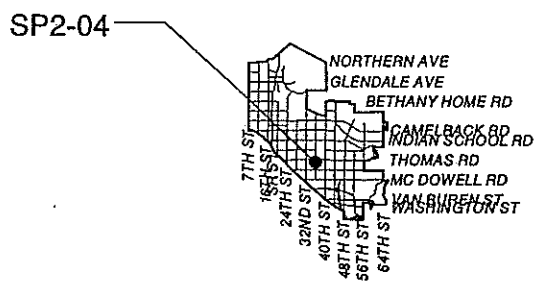
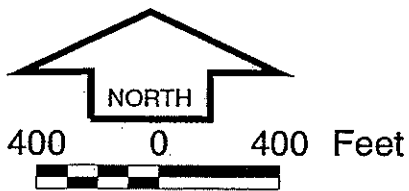
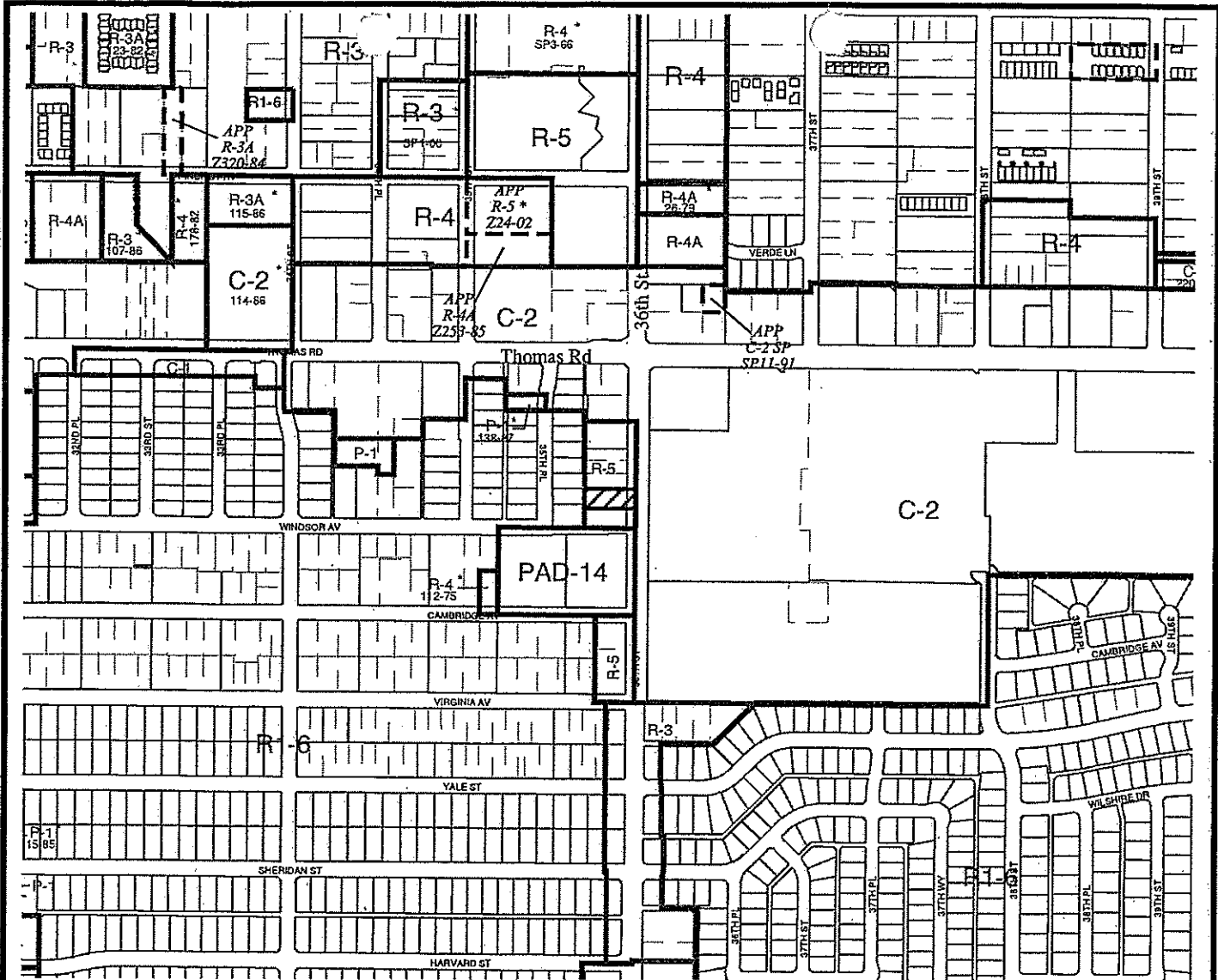
1. That with modifications to conform to district setback and height requirements, development shall be in general conformance to the site plan and elevations dated June 18, 2004, as approved or modified by the Development Services Department.
2. That the applicant plant a minimum of 2-inch caliper trees planted 20 feet on center or in appropriate groupings along the rear and side property lines that are consistent with the character of trees within the neighborhood. The applicant shall provide to the Development Services Department pictures showing examples of trees from the adjoining neighborhood. Similar drought tolerant trees shall be planted in the rear and side landscaped setbacks.
3. That approval shall be conditioned on development within 18 months of City Council approval of this request.
4. That the zoning shall not vest until a certificate of occupancy has been issued.

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

Sincerely,

Bernadine Alling
Planner II

cc: City Clerk	Jay Neville (email)
Files	Book
Bernadine Alling (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)
David Calcaterra, 2929 N. 44th Street, #320, Phoenix, AZ 85018	



CITY OF PHOENIX PLANNING DEPARTMENT

Camelback East Village

CITY COUNCIL DISTRICT: 8

APPLICANT'S NAME: David Calcaterra		REQUESTED CHANGE:	
APPLICATION NO. SP2-04	DATE: 2-12-2004 <small>REVISION DATES:</small>	FROM: R-5	TO: R-5 SP
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 0.34 Acres	<small>AERIAL PHOTO & QUARTER SEC. NO.</small> Q14-35	<small>ZONING MAP</small> G10	
MULTIPLES PERMITTED	CONVENTIONAL OPTION		* UNITS P.R.D. OPTION
R-5	15		15
R-5 SP	15		15

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

Z-SP-2-04-6 (NEW DISTRICT 8)



P-1*
Z-138-87

ALLEY

R-1-6

N 35TH PL

ALLEY

R-5

N 36TH ST

Appx.
R-5/SP*
Z-SP-2-04

C-2

E WINDSOR AV

PAD-14

R-4*
Z-112-75

Legal Description of Special Permit Rezoning Case Z-SP-2-04-6 (NEW DISTRICT 8)

The following real property situated in Maricopa County, Arizona:

The North 75 feet of the South 150 feet of the East 194.50 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 36, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

0.34 acres ac.