

PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned **Date:** August 25, 2023
From: Joshua Bednarek
Planning & Development Department Director
Subject: **P.H.O. APPLICATION NO. PHO-1-23--Z-15-03-7** – 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 **September 20, 2023**.
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 **September 1, 2023**.

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Planning Hearing Officer (Byron Easton, Chase Hales, Teresa Garcia), 2nd Floor
Village Planner (Matteo Moric, Maryvale Village)
Village Planning Committee Chair (Gene Derie, Maryvale Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-23--Z-15-03

Council District: 7

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 1 regarding general conformance to the site plan date stamped May 20, 2003. Request to delete Stipulation 2 regarding a walkway linking development areas. Request to delete Stipulation 3 regarding a comprehensive design theme. Request to modify Stipulation 4 regarding Planning Hearing Officer review of elevations. Request to modify Stipulation 5 regarding sidewalks and landscaping along 79th Avenue and Virginia Avenue. Request to delete Stipulation 7 regarding a comprehensive sign plan. Request to modify Stipulation 8 regarding right-of-way dedications for 79th Avenue and Virginia Avenue. Request to delete Stipulation 9 regarding a transit pad on Thomas Road. Technical corrections for Stipulation 11.

Owner	Applicant	Representative
Marques Brothers Development Company 2135 E Van Buren Street Phoenix AZ 85006 (602) 382-6824 ngriemsmann@swlaw.com	Max Friedman 228 Main Street Venice CA 90291 (602) 382-6824 ngriemsmann@swlaw.com	Snell & Willmer, LLP 1 East Washington Street, Suite 2700 Phoenix AZ 85004 P: (602) 382-6824 F: (602) 382-6070 ngriemsmann@swlaw.com

Property Location: Approximately 600 feet east of the southeast corner of 83rd Avenue and Thomas Road

Zoning Map: <u>G-3</u>	Quarter Section: <u>14-9</u>	APN: <u>102-38-006</u>	Acreage: <u>29.04</u>
Village: <u>Maryvale</u>			
Last Hearing: <u>CC RATIFICATION</u>			
Previous Opposition: <u>No</u>			
Date of Original City Council Action: <u>08/27/2003 0300</u>			
Previous PHO Actions: _____			
Zoning Vested: <u>C-2</u>			
Supplemental Map No.: <u>1088 1088</u>			
Planning Staff: <u>081866</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
\$1,725.00	\$0.00	08/04/2023	23-0057839	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>09/20/2023 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	_____

Action: _____

Action: _____

Action: _____

Snell & Wilmer

ONE EAST WASHINGTON STREET
SUITE 2700
PHOENIX, AZ 85004-2556
602.382.6000 P
602.382.6070 F

Noel J. Griemsmann AICP
(602) 382-6824
ngriemsmann@swlaw.com

August 4, 2023 (Revised August
21, 2023)

Planning Hearing Officer
Planning & Development Department
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003

Re: Stipulation Modification Request for Case No. Z-15-03-7 and Planning Hearing Officer Review Application Request for the Property located East of the Southeast Corner of 83rd Avenue and Thomas Road.

Dear Planning Hearing Officer:

On behalf of Banyan Interests LLC ("Banyan Residential"), we are pleased to submit this request for Planning Hearing Officer ("PHO") approval of proposed modifications to the stipulations of approval associated with Case Z-15-03-7, approved by the City Council on August 27, 2003 for the property located east of the southeast corner of 83rd Avenue and Thomas Road (Exhibit A), otherwise known as Maricopa County Assessor's Office Parcel Numbers (APN) 102-38-006 & 102-38-005N (cumulatively, the "Property").

The Property is approximately 29.3 gross acres in size and is zoned C-2 "Intermediate Commercial", Ordinance Section 623. The purpose of the letter is to provide a summary of the proposed request, as more detailed on the enclosed materials.

A. Project Overview

The Property is currently undeveloped. Banyan Residential, a nationwide developer of high-quality residential communities, proposes development the Property as a townhome style residential community with approximately 378 dwelling units (the "Project"). In order to facilitate development of the Project, Banyan Residential will utilize the existing C-2 development rights and underlying zoning provisions thereof with proposed modifications to the approved conditions of approval, which is discussed in more detail below.

Planning Hearing Officer
August 4, 2023 (Revised August 21, 2023)
Page 2

It is important to note that the Property was part of a larger rezoning application (Case No. Z-15-03-7) processed in 2003 that rezoned a larger 52.13-acre property from R1-6 (Single Family Residence) to C-2 (Intermediate Commercial). At that time, the developer proposed a horizontal mixed-use development focused on commercial/retail development, with some supporting multifamily units.

More specifically, the 2003 approval was for a proposed commercial development of about 391,100 square feet with a small component of multifamily residential at a total of only 135 dwelling units. This now 20 year old entitlement case reflected the time in which it was proposed, with a large retail center with supporting surface parking the key focus. As evidenced by that project not being constructed, this vision does not reflect today's market realities which are less supportive of largescale retail centers. With the increase in e-commerce, the demand for commercial storefront and square footage is not what it was in the early 2000's. Given the Property's proximity to Desert Sky Mall, as well as commerce at various "four-corners" intersections nearby, a large commercial center at this mid-block location is not practical nor best for the larger community.

Today, the Property is a great location for a residential development of a neighborhood scale, particularly given the more residential development trends surrounding the site. A multifamily development was recently approved to the west of the Property and the Raul H. Castro Academy of Fine Arts school operates to the east of the Property. Banyan Residential proposes to 378 units with a 2-story maximum height with a combination of garage and surface parking. As shown in the attached site plan and conceptual elevations, the reimagined project is of a more neighborhood scale, similar to other recent residential development in the area along Thomas Road and 83rd Avenue, more consistent with the context of the area and, by bringing new residents to the area, more supportive of the remaining retail and commercial businesses in the area (vs construction of additional competitive square footages of retail/commercial supply).

In order to facilitate this updated vision for the Project, as well as to reflect its new design and construction type, specific conditions of the approval must be modified, with each discussed in detail below.

Stipulation Review

1. ~~That~~ ~~The development shall be in general conformance to~~ **WITH** the site plan date stamped ~~May 20, 2003~~ **AUGUST 4, 2023, APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.** in regards to the following:
 - a. ~~There shall be no freestanding pads~~
 - b. ~~There shall be no drive throughs~~
 - c. ~~All buildings shall be less than 100,000 square feet gross business area as a single freestanding use or in conjunction with other uses~~
 - d. ~~There shall be no parking between the structures along the south property line and Virginia Avenue~~

Planning Hearing Officer
August 4, 2023 (Revised August 21, 2023)
Page 3

- ~~e. There shall be no parking between the structures and streets at the corners of 79th Avenue/ Thomas Road and 79th Avenue/ Virginia Avenue~~
- ~~f. There shall be a minimum of 60,000 square feet of office~~
- ~~g. There shall be a minimum of 135 dwelling units~~
- ~~h. That there shall be a minimum 75-foot by 75-foot landscape triangle at the northeast corner and southeast corners of the site~~

Request: Modification to match proposed design. Because this development will no longer be focused on commercial uses and the prior site plan has been bifurcated by subsequent development, the previous stipulations are not applicable to this Project. The Project is strictly residential with no commercial component, with the proposed conceptual site plan providing a framework for future development of the townhome community.

- ~~2. There shall be a main covered walkway clearly linking the major development areas on the site~~

Request: Removal, with the revised townhome design for the Property, it is impractical for a covered walkway throughout the residential development. The landscape plan comprised of Willow Acacia, Thornless Cascalote, Ghost Gum, Little Leaf Ash, Fan-Tex Ash, Foothills Palo Verde, Palo Brea, Date Palm, Thornless Mesquite, Chinese Evergreen Elm, and Chaste Trees will provide shaded areas for residents adjacent to building and amenity areas throughout the Project.

- ~~3. That a comprehensive design theme shall be incorporated prior to preliminary site plan approval of the first building that utilizes unifying material finishes and color schemes for elements such as street lighting, fencing, site furniture, entry statements, and paving treatments~~

Request: Removal, as the Project is now a multi-family residential development unlike the prior plan of a large commercial center that would need uniform design concepts when developed at the original 50 acre scale. The stipulation is better served through general compliance with the elevations dated August 4, 2023 as discussed below. A standard color palette will be used throughout the development for continuity across the buildings creating a well-designed residential community and all final designs are subject to the City's administrative design review process.

- ~~4. That prior to preliminary site plan approval, elevations shall be reviewed through the Planning Hearing Officer process. **THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 4, 2023.**~~

Planning Hearing Officer
August 4, 2023 (Revised August 21, 2023)
Page 4

Request: Revision of the stipulation to require general conformance with the conceptual elevations submitted August 4, 2023, with this PHO request. The conceptual elevations capture the massing, building movement, and existing village like design proposed by Banyan Residential. The use of various window sizes, projections and recesses, single and double garages doors, break up the building planes and provide for a unique architecture design. While the final colors are still to be determined, the elevations and renderings show the placement and use of various colors which help break up the buildings and provide visual interest.

5. *That any new sidewalks constructed along 79th Avenue and Virginia Avenue shall be separated from the curb by a **5 FOOT MINIMUM** landscaped area as approved by the *Development Services Planning and Development Department*.*

Request: Clarification. The prior stipulation does not state a dimension for the landscape area, which could technically be inches. The proposed revision to the stipulation would require a minimum area of 5 foot of landscaped area and remove any ambiguity that could arise during the site planning process.

6. *That the number of surface parking spaces shall not exceed 10 percent above that number required by the Zoning Ordinance*

Request: No modification.

- ~~7. *That a comprehensive sign plan shall be approved for the entire development in accordance with Section 705(F)(2) of the Zoning Ordinance*~~

Request: Deletion. The Project is no longer a group commercial center. A comprehensive sign plan for a multi-family townhome development is not necessary. Signage with comply with the standards of the City of Phoenix Zoning Ordinance for such development.

8. *That the following right-of-way shall be dedicated:*
 - ~~a. 30 feet for the north half of Virginia Avenue~~
 - ~~b. 40 feet for the west half of 79th Avenue~~
 - ~~c. A 21 foot by 21 foot right of way triangle at the northwest corner of 79th Avenue and Virginia Avenue~~

Request: Modification to fit boundary of Site. The Property does not have any frontage along 79th Avenue, nor can we make the adjacent property owner make the dedications. The Project will comply with dedications as requested along its Virginia Avenue frontage (and Thomas as necessary).

Planning Hearing Officer
August 4, 2023 (Revised August 21, 2023)
Page 5

~~9. That the right of way shall be dedicated and a transit pad (Detail P-1260) constructed on eastbound Thomas Road, east of 81st Avenue and approved by the Transit Department~~

Request: Removal. Based on the location of the Property, this stipulation is not applicable. The Project is located west of the 81st Avenue alignment. The requested location of transit pad is adjacent to Raul H. Castro Academy of Fine Arts (property east of the Project).

~~10. That the applicant shall dedicate a 10-foot sidewalk easement along the south half of Thomas Road~~

Request: No modification.

~~11. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by Development Services Department. All improvements shall comply with ADA accessibility standards.~~

Request: No modification.

Summary. This is a request to approve several minor changes to the 2003 rezoning stipulations and approve the proposed building elevations to reflect the modern concept for this site. The new plan is an improvement to the neighborhood and will activate the Property and provide additional residents to the area to support commercial businesses. Furthermore, activation of this site, will support the larger neighborhood by removing a vacant site, putting “eyes on the neighborhood” as well as along abutting streets and will support transit use and commercial uses along the Thomas Road and 83rd Avenue corridors. Finally, this proposal will utilize the existing C-2 development rights for a residential development, retaining consistency with its existing zoning while simply updating the final land use of the Property.

We look forward to discussing this request at our hearing. In the interim, if you need any additional information, please advise.

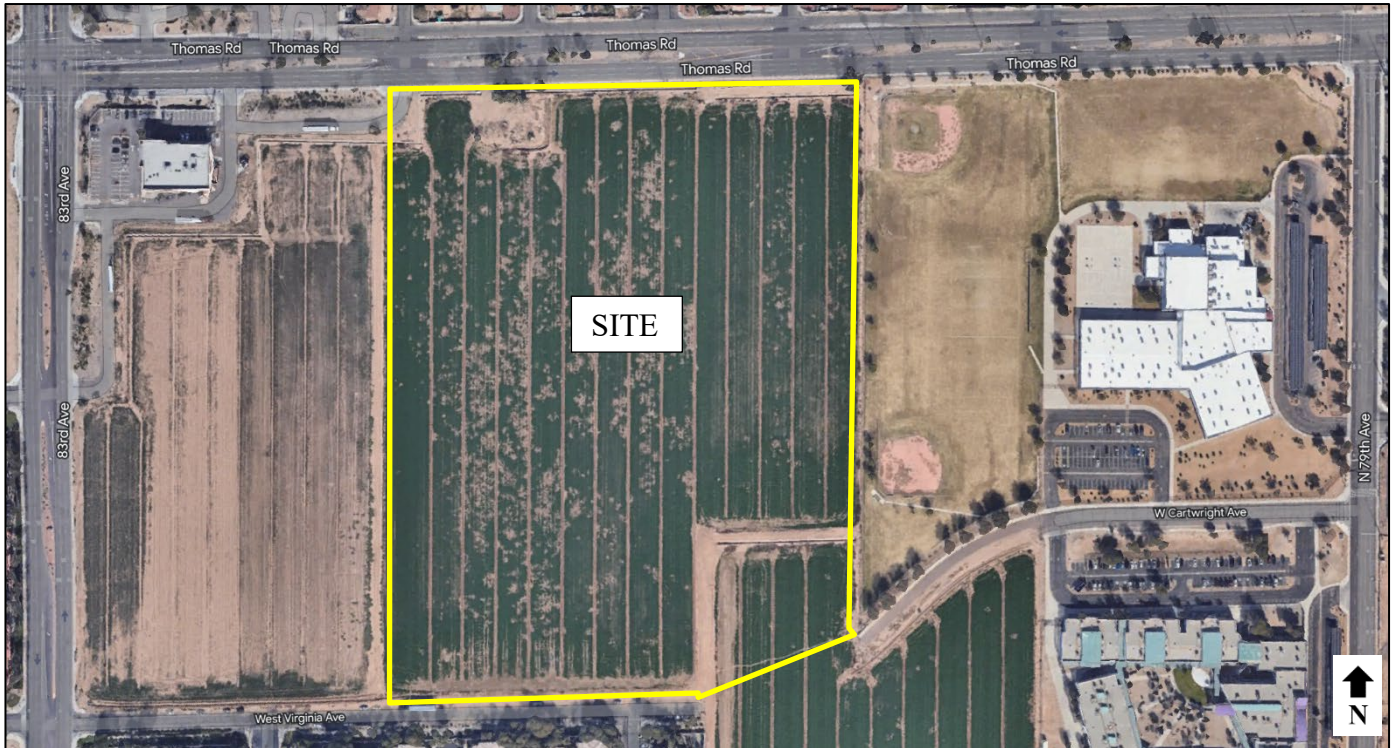
Respectfully submitted,

Snell & Wilmer



For
Noel J. Griemsmann AICP

Exhibit A: Site Aerial





City of Phoenix

PLANNING DEPARTMENT

September 18 2003

J John Conovaloff
P O Box 517
Tolleson AZ 85353

Dear Applicant

RE Z-15-03 7 Southwest corner of 79th Avenue 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 August 27 2003 concurred in the recommendation of the Planning Commission and has approved on Consent Agenda per staff recommendation and stipulations identified in addendum application Z-15 03-7 for C 2, on 52 13 acres

STIPULATIONS

Mod 1 That the development shall be in general conformance to the site plan date stamped May 20 2003 in regards to the following

-
- A There shall be no freestanding pads
 - B There shall be no drive-throughs
 - C All buildings shall be less than 100 000 square feet gross business area as a single freestanding use or in conjunction with other uses
 - D There shall be no parking between the structures along the south property line and Virginia Avenue
 - E There shall be no parking between the structures and streets at the corners of 79th Avenue/Thomas Road and 79th Avenue/Virginia Avenue
 - F There shall be a minimum of 60 000 square feet of office
 - G There shall be a minimum of 135 dwelling units
 - H That there shall be a minimum 75-foot by 75-foot landscape triangle at the northeast corner and southeast corners of the site

Del 2 There shall be a main covered walkway clearly linking the major development areas on the site

Del 3 That a comprehensive design theme shall be incorporated prior to preliminary site plan approval of the first building that utilizes unifying material finishes and color schemes for elements such as street lighting fencing site furniture entry statements and paving treatments

- Mod 4** That prior to preliminary site plan approval elevations shall be reviewed through the Planning Hearing Officer process
- Mod 5** That any new sidewalks constructed along 79th Avenue and Virginia Avenue shall be separated from the curb by a landscaped area as approved by the Development Services Department
- 6 That the number of surface parking spaces shall not exceed 10 percent above the number required by the Zoning Ordinance
- Del 7** That a comprehensive sign plan shall be approved for the entire development in accordance with Section 705 F 2 of the Zoning Ordinance

Streets and Right-of-Way

- Mod 8** That the following right-of-way shall be dedicated
- A 30 feet for the north half of Virginia Avenue
 - B 40 feet for the west half of 79th Avenue
 - C A 21 foot by 21-foot right of-way triangle at the northwest corner of 79th Avenue and Virginia Avenue
- Del 9** That right-of-way shall be dedicated and a transit pad (Detail P-1260) constructed on eastbound Thomas Road, east of 81st Avenue as approved by the Transit Department
- 10 That the applicant shall dedicate a 10-foot sidewalk easement along the south half of Thomas Road
-

- TC 11** That the developer shall construct all streets within and adjacent to the development with paving, curb gutter sidewalk curb ramps streetlights median islands, landscaping and other incidentals as per plans approved by the Development Services Department All improvements shall comply with ADA accessibility standards

Sincerely,



Michelle Dodds
Planner III

C City Clerk
Files

Dave Barner DSD (sent electronically)

E J Hynck Public Transit (sent electronically)

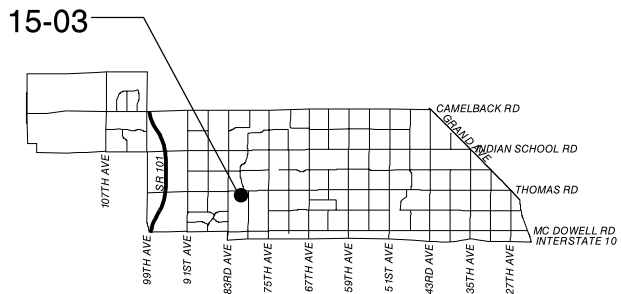
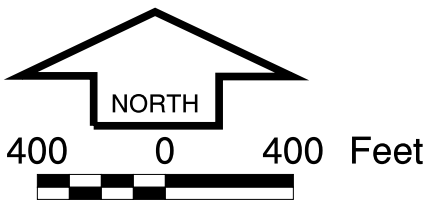
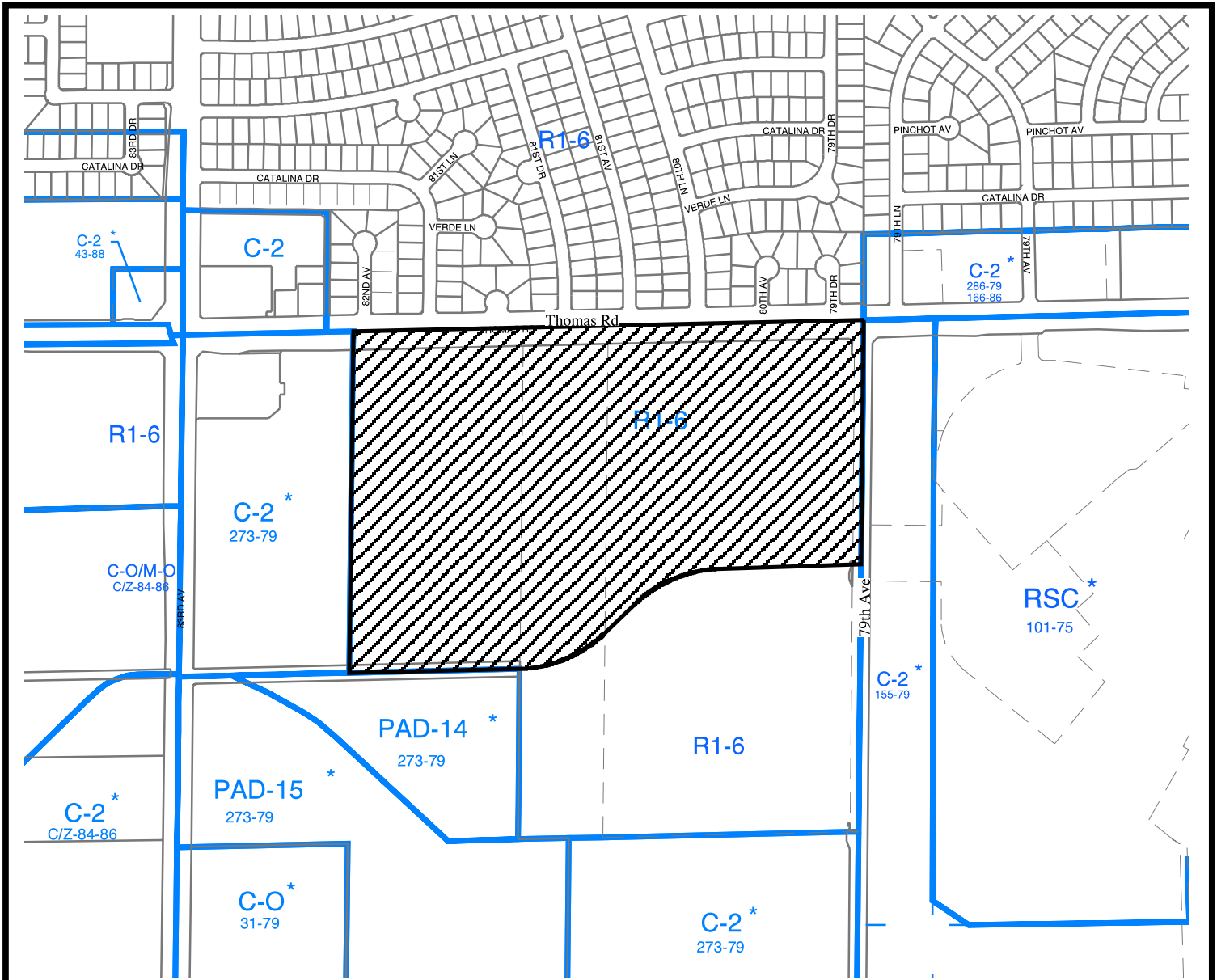
Joe Walsh Coe & Van Loo Consultants 4550 North 12th St Phoenix AZ 85014
J John Conovaloff P O Box 517 Tolleson AZ 85353

Jay Neville (sent electronically)

Bernadine Alling (sent electronically)

Lynn West (sent electronically)

Kenneth Black (sent electronically)



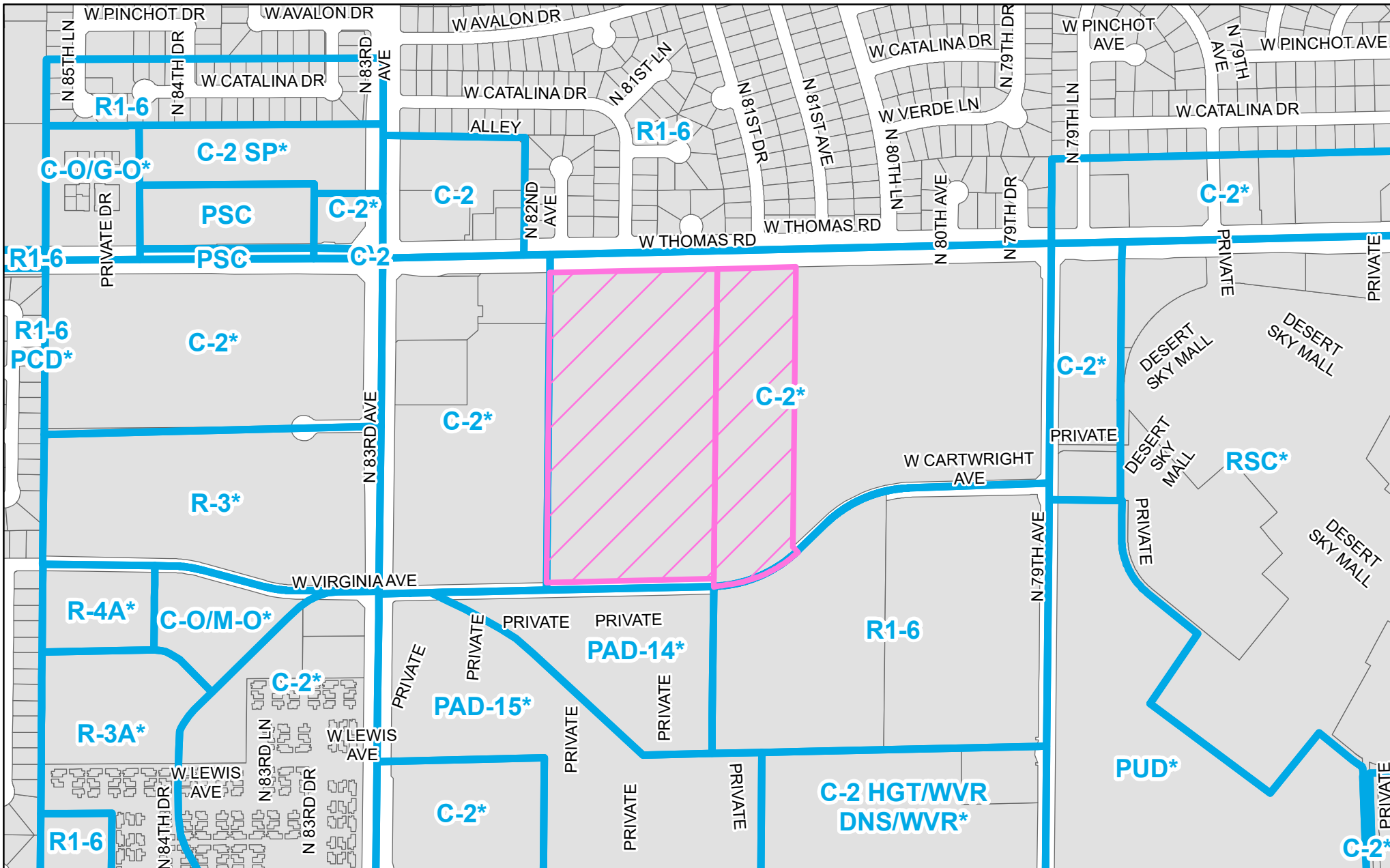
CITY OF PHOENIX PLANNING DEPARTMENT

Maryvale Village

CITY COUNCIL DISTRICT: 7

APPLICANT'S NAME: J. John Conovaloff		REQUESTED CHANGE:	
APPLICATION NO. 15-03	DATE: 2-6-2003	FROM: R1-6	TO: C-2
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 52.13 Acres		REVISION DATES:	
AERIAL PHOTO & QUARTER SEC. NO. Q14-9		ZONING MAP G3	
MULTIPLES PERMITTED		CONVENTIONAL OPTION	
* UNITS P.R.D. OPTION			

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



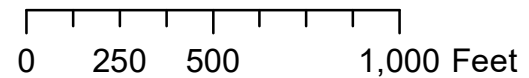
PHO-1-23--Z-15-03-7

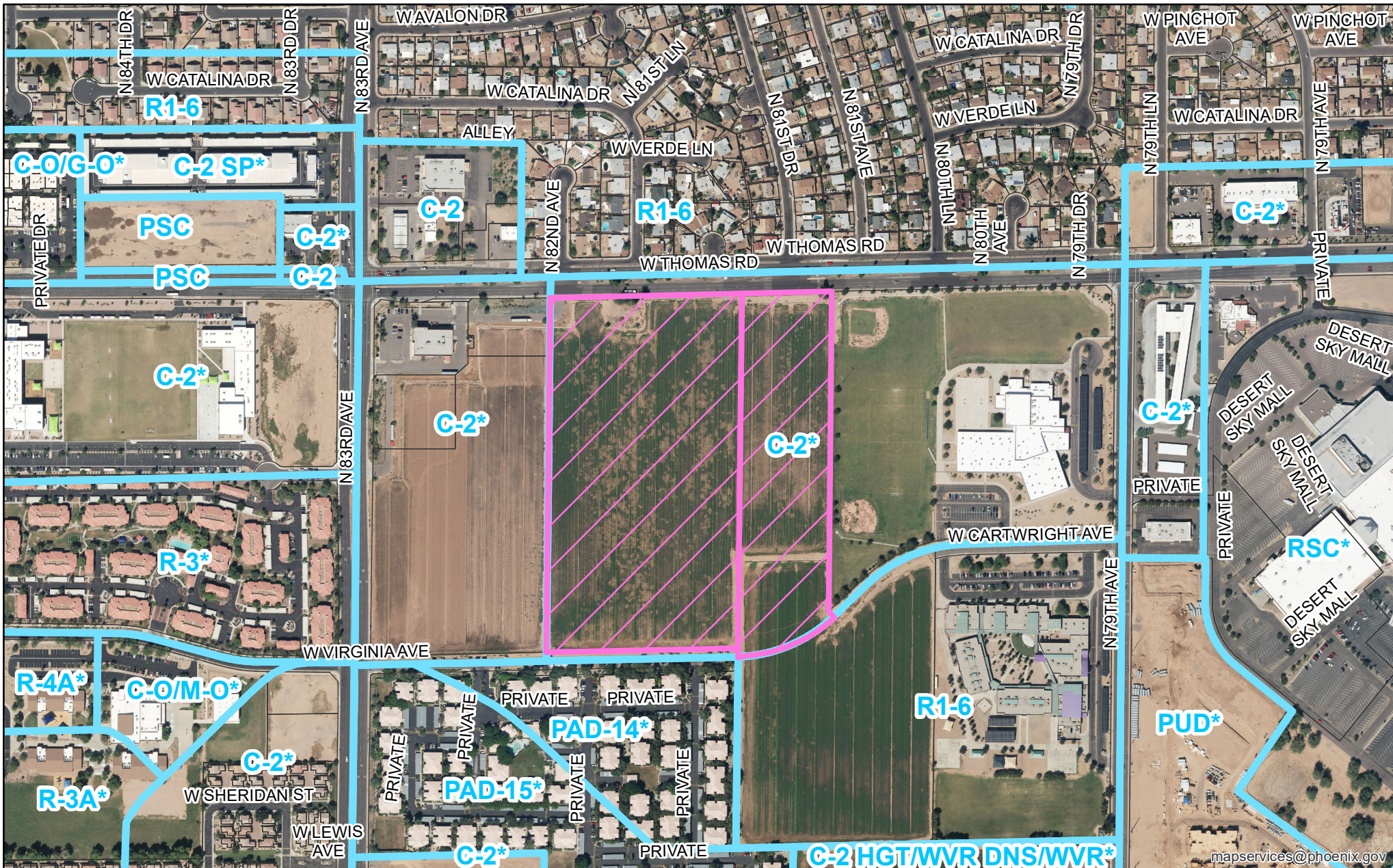
Property Location: Approximately 600 feet east of the southeast corner of 83rd Avenue and Thomas Road



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department





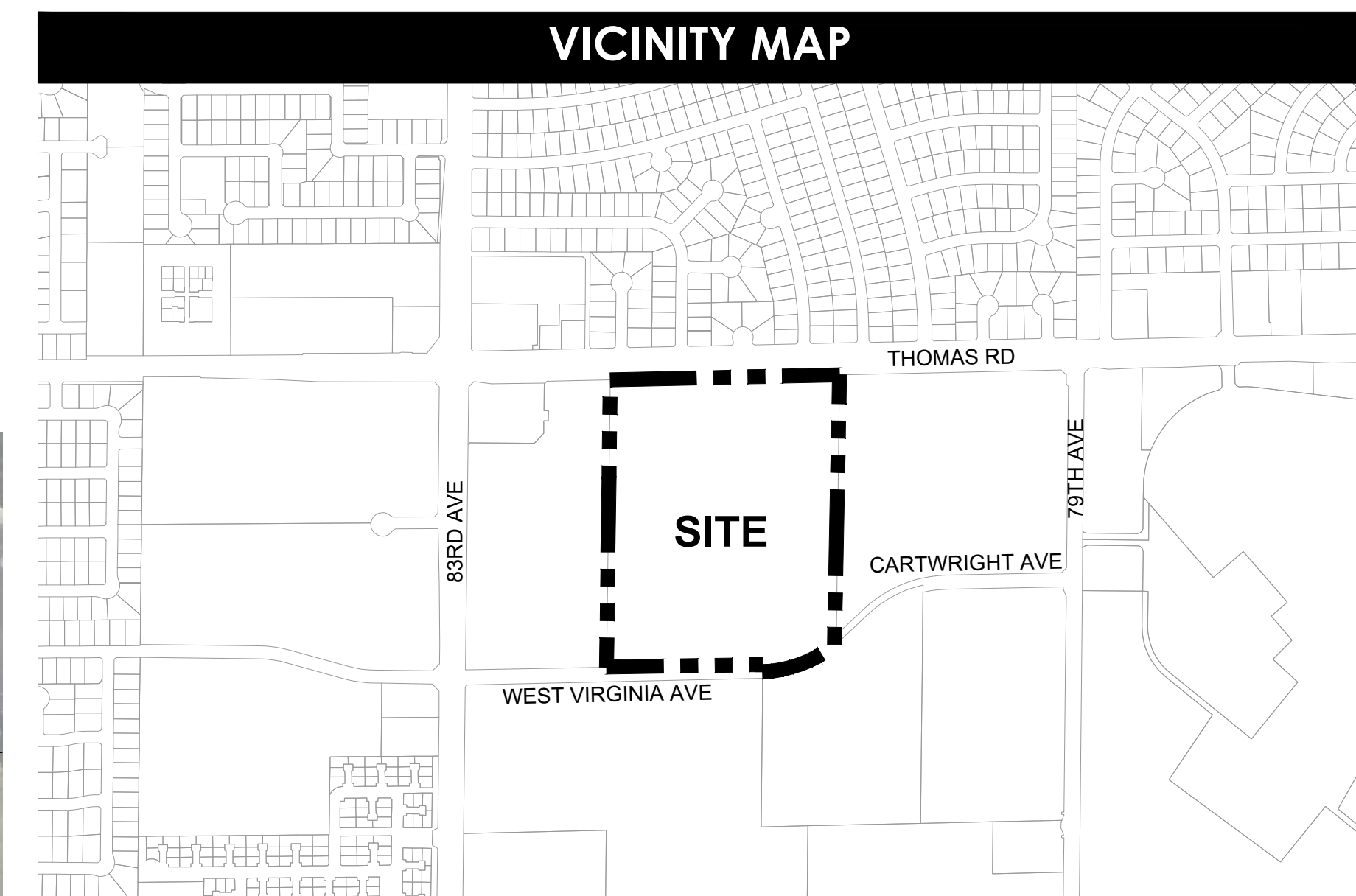
PHO-1-23--Z-15-03-7

Property Location: Approximately 600 feet east of the southeast corner of 83rd Avenue and Thomas Road

PHO SITE PLAN

BANYAN 83RD & THOMAS

A PORTION OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH,
RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



RVI
120 S. Ash Avenue
Tempe, Arizona 85281
Tel: 480.588.2100
www.rviplanning.com

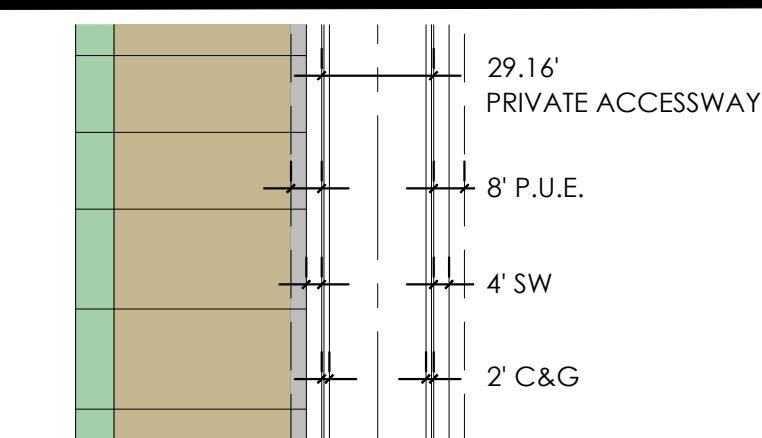
PROJECT TEAM

APPLICANT	PLANNER	ATTORNEY
BANYAN RESIDENTIAL	RVI PLANNING + L/S ARCHITECTURE	SNELL & WILMER
JAKE RUCKER	ALEX STEDMAN	NOEL GRIEMSMANN
228 MAIN ST.	4900 N. SCOTTSDALE RD. STE. 1200	ONE ARIZONA CENTER
VENICE, CA 90291	SCOTTSDALE, AZ 85251	400 EAST VAN BUREN ST
PHONE: (805) 620-2409	PHONE: (480) 994-0994	PHOENIX, AZ 85004-2202
JRUCKER@BANYANRES.COM	ASTEDMAN@RVIPLANNING.COM	PHONE: (602) 382-6824
		NGRIEMSMANN@SWLAW.COM

SITE DATA

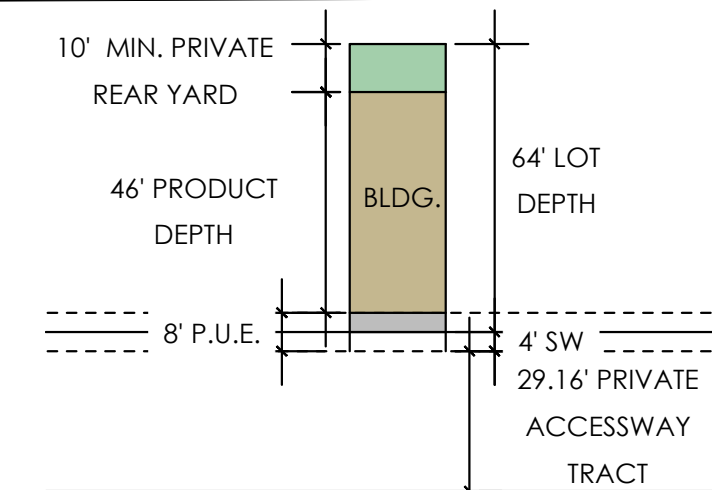
	SITE BOUNDARY
APNs:	102-38-006 & 102-38-005N
EXISTING ZONING:	C-2 WITH A R3 PRD USE (TABLE B)
DEVELOPMENT OPTION:	PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION (TABLE B)
GROSS AREA:	+/- 29.3 AC
NET AREA:	+/- 27.0
PROPOSED USE:	TOWNHOMES (3, 4, & 5 PACKS)
MINIMUM LOT SIZE:	20'x64'
MINIMUM PRODUCT SIZE:	20'x46'
BACKYARD DEPTH:	10'
NUMBER OF UNITS:	378
GROSS DENSITY:	12.9 DU/AC
NET DENSITY:	14.0 DU/AC
PARKING PROVIDED:	764 SPACES
	2.0 SPACES PER UNIT (764 SPACES/378 UNITS)
1 CAR GARAGE/UNIT:	194 SPACES
TANDEM GARAGE UNIT:	93 (1 UNIT PER BUILDING)
2 CAR GARAGE/UNIT:	93 (1 UNIT PER BUILDING)
SURFACE PARKING:	196 SPACES (5 ADA)
PERCENT REQ. OPEN SPACE:	5%
MINIMUM BLDG. SEPARATION:	10'
PERIMETER SETBACKS:	
ADJ. TO PUBLIC STREET	20'
ADJ. TO PROPERTY LINE	15'

INTERIOR STREET DETAIL



APPROVALS

TYPICAL LOT



BANYAN 83RD & THOMAS
 PHO SITE PLAN
 PHOENIX, AZ

PROJECT NO: 23003921
DATE: 2023-07-24
DRW: JC
RWW: AS

REVISIONS

1	
2	
3	
4	
5	

PHO SITE PLAN

SP

SHEET 1 OF 1



BUILDING 3 - (4-PLEX A)

BUILDING 5 - (5-PLEX A)

STREET SCENE



BUILDING 3 - (4-PLEX A)

BUILDING 1 - (3-PLEX A)

BUILDING 5 - (5-PLEX A)

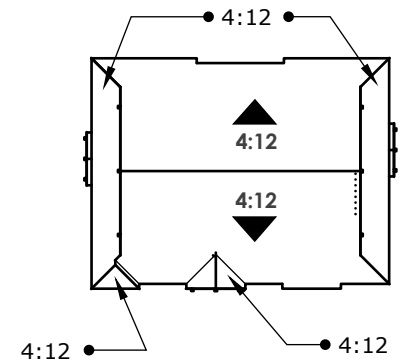
STREET SCENE

SERIES WIDTH
20'

LIV. SF: N/A
PLAN WIDTH: N/A
BUILDING: 1 (3-PLEX A)
HACIENDA



'HACIENDA'
FRONT VIEW: N.T.S.



ROOF PLAN
SCALE: N.T.S.

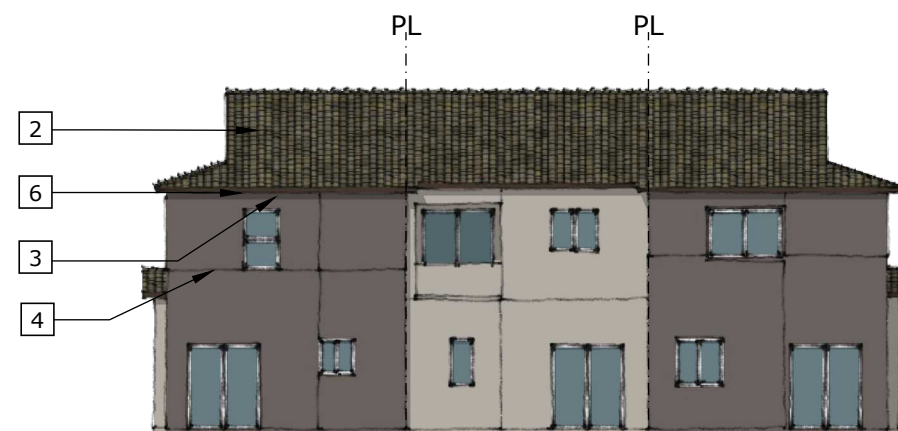
STYLE LEGEND:

- 1 PROMINENT GABLES
- 2 CONCRETE 'S' TILES
- 3 12" RAKES AND EAVES
- 4 STUCCO CONTROL JOINTS
- 5 DECORATIVE SHUTTERS
- 6 WOOD FASCIA



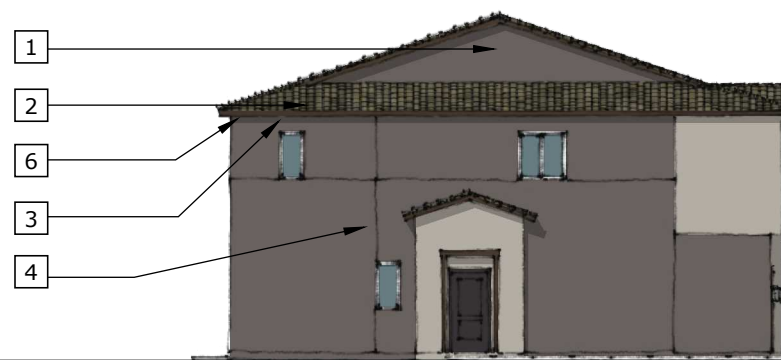
RIGHT ELEVATION
SCALE: 1/16" = 1'-0"

UNIT 4
(PLAN #1219)



REAR ELEVATION
SCALE: 1/16" = 1'-0"

UNIT 4 (PLAN #1219) UNIT 2 (PLAN #1216) UNIT 1 (PLAN #1215)



LEFT ELEVATION
SCALE: 1/16" = 1'-0"

UNIT 1
(PLAN #1215)



FRONT ELEVATION
SCALE: 1/16" = 1'-0"

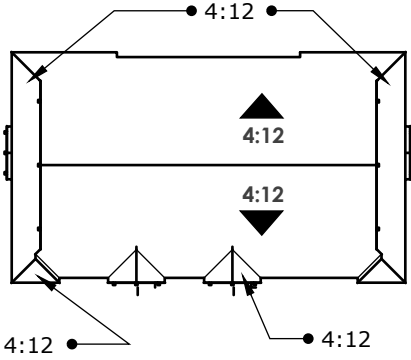
UNIT 1 (PLAN #1215) UNIT 2 (PLAN #1216) UNIT 4 (PLAN #1219)

SERIES WIDTH
20'

LIV. SF: N/A
PLAN WIDTH: N/A
BUILDING: 3 (4-PLEX A)
HACIENDA



'HACIENDA'
FRONT VIEW: N.T.S.



ROOF PLAN
SCALE: N.T.S.

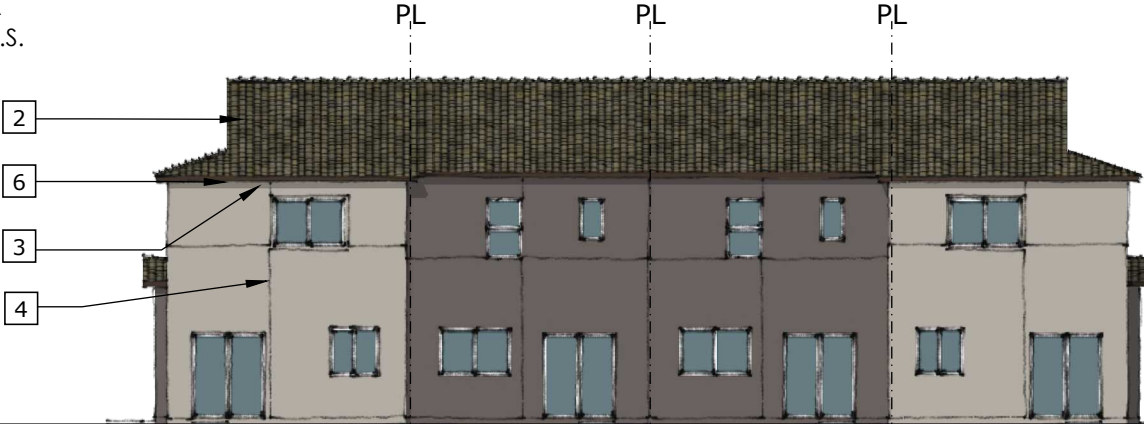
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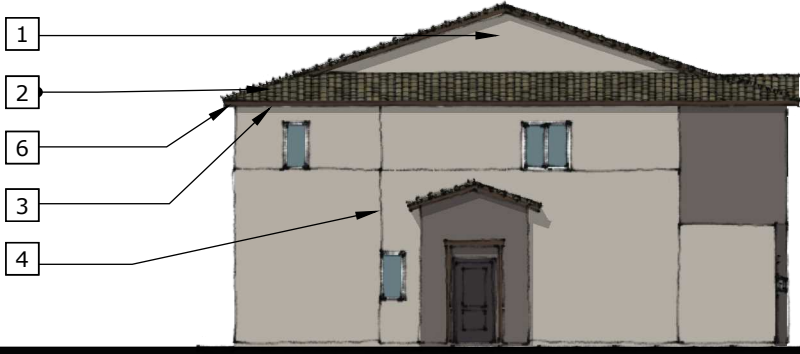
UNIT 1
(PLAN #1215)

RIGHT ELEVATION
SCALE: 1/16" = 1'-0"



UNIT 1 (PLAN #1215) UNIT 3 (PLAN #1218) UNIT 3 (PLAN #1218) UNIT 1 (PLAN #1215)

REAR ELEVATION
SCALE: 1/16" = 1'-0"



UNIT 1
(PLAN #1215)

LEFT ELEVATION
SCALE: 1/16" = 1'-0"

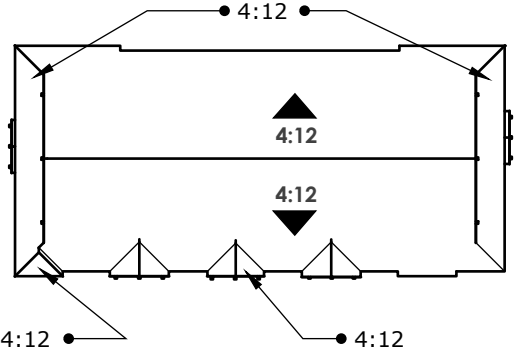


UNIT 1 (PLAN #1215) UNIT 3 (PLAN #1218) UNIT 3 (PLAN #1218) UNIT 1 (PLAN #1215)

FRONT ELEVATION
SCALE: 1/16" = 1'-0"

SERIES WIDTH
20'

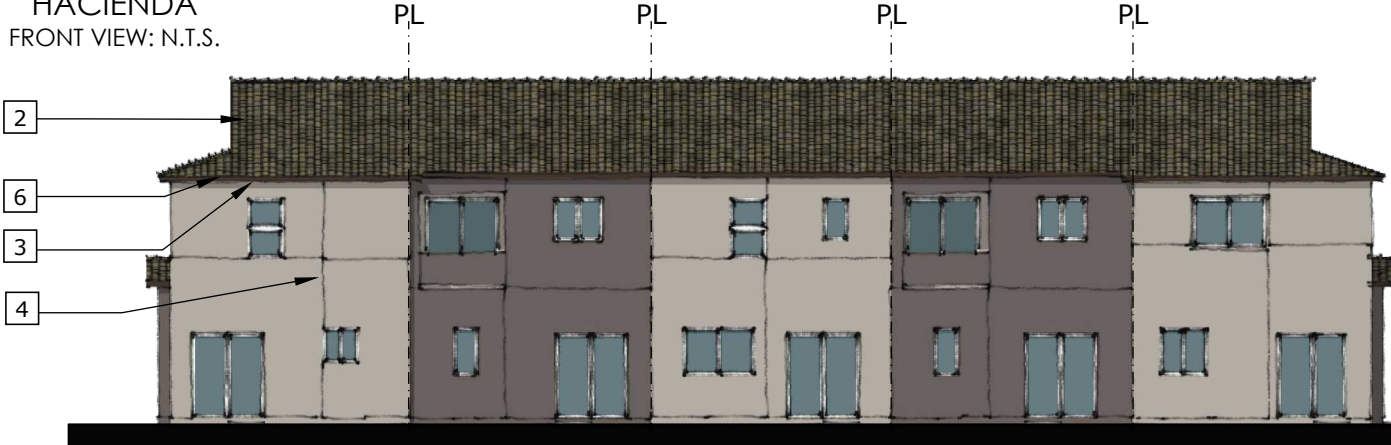
LIV. SF: N/A
PLAN WIDTH: N/A
BUILDING: 5 (5-PLEX A)
HACIENDA



ROOF PLAN
SCALE: N.T.S.

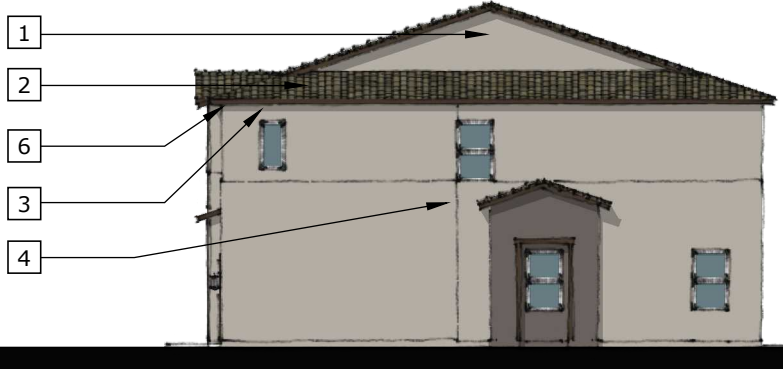
- STYLE LEGEND:**
- 1 PROMINENT GABLES
 - 2 CONCRETE 'S' TILES
 - 3 12" RAKES AND EAVES
 - 4 STUCCO CONTROL JOINTS
 - 5 DECORATIVE SHUTTERS
 - 6 WOOD FASCIA

'HACIENDA'
FRONT VIEW: N.T.S.



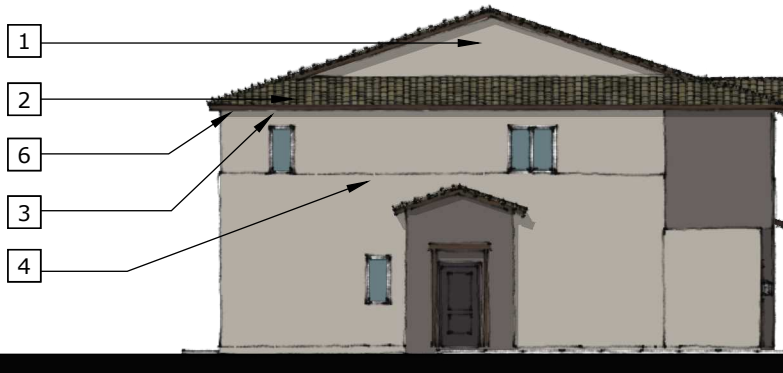
REAR ELEVATION
SCALE: 1/16" = 1'-0"

UNIT 4 (PLAN #1219) UNIT 2 (PLAN #1216) UNIT 3 (PLAN #1218) UNIT 2 (PLAN #1216) UNIT 1 (PLAN #1215)



RIGHT ELEVATION
SCALE: 1/16" = 1'-0"

UNIT 4
(PLAN #1219)



LEFT ELEVATION
SCALE: 1/16" = 1'-0"

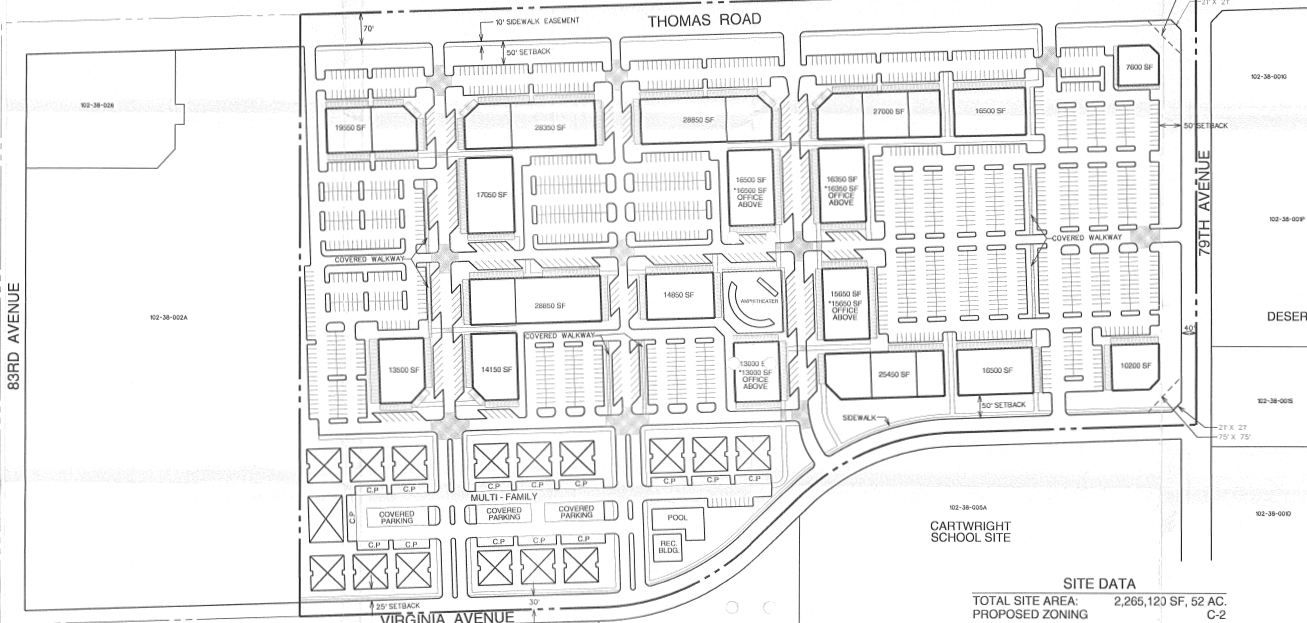
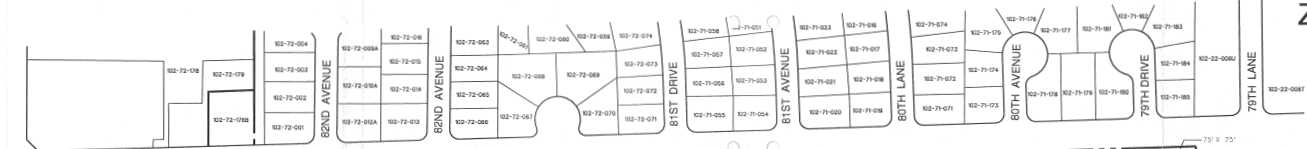
UNIT 1
(PLAN #1215)



FRONT ELEVATION
SCALE: 1/16" = 1'-0"

UNIT 1 (PLAN #1215) UNIT 2 (PLAN #1216) UNIT 3 (PLAN #1218) UNIT 2 (PLAN #1216) UNIT 4 (PLAN #1219)

CONOVALOFF ZONE CHANGE SITE PLAN



SITE DATA

TOTAL SITE AREA:	2,265,120 SF, 52 AC.
PROPOSED ZONING	C-2
COMMERCIAL AREA	1,851,300 SF, 42.5 AC.
BUILDING AREA	
RETAIL	329,850 SF
OFFICE	61,500 SF
TOTAL	391,350 SF
PARKING	
RETAIL REQUIRED (4.5SP/1000 SF)	1485 SPACES
OFFICE REQUIRED (3.5 SP/1000 SF)	215 SPACES
TOTAL REQUIRED	1700 SPACES
TOTAL PROVIDED	1725 SPACES
MULTI-FAMILY	413,820 SF, 9.5 AC.
NUMBER OF UNITS	135 UNITS
PARKING SPACES	204 SPACES, 1.5 SP/UNIT
DENSITY	14.2 DU/AC



THIS PROJECT

715-03
app'd by CC 8/27/03

CITY OF PHOENIX
MAY 2 0 2003
PLANNING DEPT.
ADMIN.

CVL
SCALE: 1" = 10'
C.V.L.# 00001-01
DATE: 1-28-09
REV: DATE: 3-3-03
5:20:03

August 27, 2003

There were no departmental objections and no protests.

Applicant: David Johnson, Agent
American Legion Post #1
364 North 7th Avenue

Staff recommended approval of this renewal application.

The above information was submitted for Council consideration of this application.

MOTION was made by Mr. Stanton, **SECONDED** by Mr. Mattox, that Item 48 be recommended for approval. **MOTION CARRIED UNANIMOUSLY.**

Mr. Lingner returned to the voting body.

PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS

MOTION was made by Mr. Stanton, **SECONDED** by Mrs. Bilsten, that Items 49A-E and 50A-C be granted as recommended; excepting Item 50A. **MOTION CARRIED UNANIMOUSLY.**

<u>ITEM 49</u>	DISTRICT 2, 7 AND 8	ZONING CASES SCHEDULED FOR RATIFICATION OF PLANNING COMMISSION ACTION
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The Council heard request to approve recommendations made on the following zoning matters which were heard by the Zoning Hearing Officer Monday, June 16, 2003. The cases were ratified by the Planning Commission on Wednesday, July 9, 2003.

DISTRICT 2
CAVE CREEK ROAD AND
BEARDSLEY ROAD
OWNER: ROBERT AND NANCY
GLENN
REPRESENTATIVE: EARL,
CURLEY & LAGARDE

- A. Application: Z-33-03-2
Request: Rezone from S-1 to C-2; Acreage: 5.79

August 27, 2003

Proposal: Removal of special permit for auto sales, thereby allowing other permitted C-2 uses.

The Central City Village Planning Committee reviewed this request at their meeting on June 9, 2003, and recommended approval, by a vote of 10-0.

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

ITEM 50

DISTRICT 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 Planning Commission on Wednesday, July 9, 2003.

DISTRICT 7
79TH AVENUE AND THOMAS
ROAD
OWNER: J. JOHNN
CONOVALOFF
REPRESENTATIVE: COE &
VAN LOO CONSULTANTS, INC.

- B. Application: Z-15-03-7
Request: Rezone from R1-6 to C-2
Location: Southwest corner of 79th Avenue and Thomas Road
Proposal: Retail and Office

The Maryvale Village Planning Committee heard this request on June 10, 2003, and recommended this request be approved with one additional stipulation, by a vote of 7-0.

The Planning Commission recommended this request be approved per staff recommendation, with stipulations from the Addendum to the Staff Report.

July 9 2003

Application #	Z-15-03-7 (Pulled from 6/11/03 PC ratification)
From	R1-6
To	C 2
Acreage	52 13
Location	Southwest corner of 79 th Avenue and Thomas Road
Proposal	Commercial & Office
Applicant	J John Conovaloff
Owner	J John Conovaloff
Representative	Joe Walsh Coe & Van Loo Consultants

Ms Zwick presented Application Z 15-03-7 a request to rezone a 52-acre site from R1-6 to C 2 located on the southwest corner of 79th Avenue and Thomas Road

This project was reviewed by the Maryvale VPC in April and recommended for denial. The Zoning Hearing Officer (ZHO) heard the case on April 21 2003 and recommended denial. The applicant did not appeal the decision of the ZHO and the Planning Commission was scheduled to ratify the recommendation of the ZHO on May 14 2003. The Planning Commission pulled the case from the ratification agenda and sent it back to the VPC for review of a more detailed and revised site plan. The Planning Commission continued the case to the June 10 2003 hearing agenda to allow the applicant to revise the site plan and return to the VPC on July 8 2003.

The following land uses surround the site: north across Thomas Road is single family residential; to the south are multi-family, a proposed park and an elementary school under construction. There is vacant land to the west as well as a drug store, and the Desert Sky Mall is located to the east. The site is located on the northern boundary of the Maryvale Village Core and the General Plan land use designation is commercial.

The proposed project consists of 42.5 acres of commercial and 9.5 acres of multi-family development. The commercial development includes 330,000 square feet of retail and 62,000 square feet of office. Along the southwestern section of the site the applicant is proposing 135 units of multi-family residential development at a density of 14.2 dwelling units per acre. The project also includes an amphitheater located in the center of the development.

Staff recommends approval of this request subject to stipulations in the Addendum to the staff report which includes general conformance to the site plan as amended by points A-H: covered walkways, preparation of a comprehensive design theme, elevations subject to Planning Hearing Officer (PHO) review, separated sidewalks along 79th and Virginia Avenues, limitation of parking spaces to ten percent above those required by ordinance, preparation of a Comprehensive Sign Plan, and street improvements and right-of-way dedications.

The Maryvale VPC reviewed the amended site plan on June 10 2003 and recommended approval by a vote of 7-0 with staff stipulations and one additional stipulation limiting the height of buildings to two stories. Because this site is within the

Maryvale Village Core additional height and intensity of development is appropriate at this location

Chairman Stein asked if some of the stipulations contained in the addendum would be moot now that the Commercial District Ordinance had been adopted. He asked if things like Comprehensive Design Theme and elevations review process were required by the Ordinance. Ms. Zwick responded that she was not positive about the Comprehensive Design Theme but elevations are required as part of the Design Review process. He felt it would behoove the Commission to not over stipulate something that is required by law. He felt that one might be the Comprehensive Sign Package in a C 2 District (CSP). Ms. Zwick responded that usually a CSP is only required if it is stipulated.

Mr. Frank stated he did not think a CSP would be required for two different uses but if stipulated it would accommodate both types of uses.

Mr. Joe Walsh of Coe & Van Loo Consultants stated that he represented Jack Conovaloff, the property owner. He thanked the Commission for allowing them to go back to the VPC and to revise the plan and get a reversal of the denial by the VPC. The new plan addressed the concerns of the village and the Planning Commission regarding traffic circulation, parking, and pedestrian circulation throughout the site. It also added in an element of mixed use in regards to the multi-family portion of the project. He believed that the comments from the village were positive regarding meeting all the village concerns.

Mr. Keuth asked if there were any concerns about any of the stipulations. Mr. Walsh replied he had no problem with any of them. When going through the process, since this was a zoning change initiated by the Planning Commission to bring the property into conformance with the General Plan, the elevations were waived as part of the zoning process.

Chairman Stein asked if the site plan complied with the City's adopted Commercial Design Ordinance. Mr. Walsh responded that it did, both in the parking requirements, the landscaping, the setbacks, and with the pedestrian locations to the buildings. Chairman Stein asked if he was aware that the Ordinance required more review of design of elevations and consistency than it would have prior to its adoption. Mr. Walsh replied yes.

Mr. Keuth made a MOTION to approve Application Z-15 03-7 per staff recommendation and stipulations identified in the addendum including items 1 through 11.

Mr. Hart SECONDED

There being no further discussion, Chairman Stein called for a vote and the MOTION PASSED by a vote of 8 0.

* * * * *

STIPULATIONS

Site Plan

- 1 That the development shall be in general conformance to the site plan date stamped May 20, 2003 in regards to the following
 - A There shall be no freestanding pads
 - B There shall be no drive-throughs
 - C All buildings shall be less than 100,000 square feet gross business area as a single freestanding use or in conjunction with other uses
 - D There shall be no parking between the structures along the south property line and Virginia Avenue
 - E There shall be no parking between the structures and streets at the corners of 79th Avenue/Thomas Road and 79th Avenue/Virginia Avenue
 - F There shall be a minimum of 60,000 square feet of office
 - G There shall be a minimum of 135 dwelling units
 - H That there shall be a minimum 75-foot by 75-foot landscape triangle at the northeast corner and southeast corners of the site
- 2 There shall be a main covered walkway clearly linking the major development areas on the site
- 3 That a comprehensive design theme shall be incorporated prior to preliminary site plan approval of the first building that utilizes unifying material finishes and color schemes for elements such as street lighting, fencing, site furniture, entry statements and paving treatments
- 4 That prior to preliminary site plan approval, elevations shall be reviewed through the Planning Hearing Officer process
- 5 That any new sidewalks constructed along 79th Avenue and Virginia Avenue shall be separated from the curb by a landscaped area as approved by the Development Services Department
- 6 That the number of surface parking spaces shall not exceed 10 percent above the number required by the Zoning Ordinance
- 7 That a comprehensive sign plan shall be approved for the entire development in accordance with Section 705 F 2 of the Zoning Ordinance

Streets and Right-of-Way

- 8 That the following right-of-way shall be dedicated
 - A 30 feet for the north half of Virginia Avenue
 - B 40 feet for the west half of 79th Avenue
 - C A 21-foot by 21-foot right-of-way triangle at the northwest corner of 79th Avenue and Virginia Avenue

- 9 That right of way shall be dedicated and a transit pad (Detail P 1260) constructed on eastbound Thomas Road east of 81st Avenue as approved by the Transit Department
- 10 That the applicant shall dedicate a 10-foot sidewalk easement along the south half of Thomas Road
- 11 That the developer shall construct all streets within and adjacent to the development with paving curb, gutter sidewalk curb ramps streetlights median islands landscaping and other incidentals as per plans approved by the Development Services Department All improvements shall comply with ADA accessibility standards

152753

CITY CLERK DEPT.
2003 AUG -4 PM 3: 21

**MARYVALE
VILLAGE PLANNING COMMITTEE**
Minutes

WHEN: Tuesday, June 10, 2003, 6:00 P.M.
WHERE: Desert Sky Mall, Community Room

7611 West Thomas Road, Phoenix, Arizona

MEMBERS PRESENT

Dwight Amery, Chairman
Brian Nelson, Vice-chairman
Aaron Atkinson
Lisa Derrick
Lisette Flores
Brandon Sirochman
Steve Winegeart
Zeke Valenzuela

MEMBERS ABSENT

Jack Convaloff
Steve Gallardo
Andy Gastelum

STAFF

Jan Hatmaker
Jeanne Cheel-Hunt

1. Call to Order

Dwight Amery, Chairman, called the meeting to order at 6:00 p.m. with a quorum of seven members present.

Tawni Casteel has resigned.

2. Review and approval of minutes for the meeting of May 13, 2003.

Aaron Atkinson made a motion that the minutes be approved. Brian Nelson seconded the motion. The motion was approved unanimously, with a vote of 6-0.

The chairman was not voting on all items.

Lisette Flores arrived during the discussion on Item # 3.

3. Presentation, discussion and possible recommendations on **Z-SP 6-03-4**, a request for a special permit to allow a medical waste facility and other accessory uses permitted in A-2 on .75 acres at the northwest corner of 34th Drive and Flower Street. The request is scheduled to be heard by the Zoning Hearing Officer on July 7, 2003.

Jan Hatmaker introduced the application. It is for a medical waste facility. Part of the site is used for a printing machinery manufacturing company. The site is located within an industrial subdivision. A medical waste facility requires a Special Permit. Because it deals with medical waste, this site must meet the requirements of the Arizona Department of Environmental Quality and the Maricopa County Air Quality Standards. Staff recommends approval with stipulations.

Stephen Earl represented the applicant. He explained that the site for the facility is inside an existing industrial building in an A-2 Industrial Park. There are many intensive uses in the area.

Mr. Earl described the processes that will be used to transport and treat the medical waste. He said they have encountered no neighborhood opposition. Several persons/groups have had concerns and have investigated the procedure to be used. They now support the facility. Mr. Earl also said that there is a growing need for this type of facility and this one will be state of the art.

Committee members asked questions about the process, the security of the building, the possibility of fire, etc. Mr. Earl clarified that the process uses steam and pressure to sterilize the material. The material is broken up into very small pieces during the process, then it goes through a compactor before being trucked out to landfills. All of the waste, including the steam and water, is sterilized. There are no chemicals or incinerators used in the processes.

One member expressed concern that this kind of business could stigmatize the Maryvale area and discourage the location of other businesses. The member was also concerned about a nearby charter school and possible future businesses going into the immediate area.

Brian Nelson made a motion that the application be recommended for approval with stipulations. Aaron Atkinson seconded the motion. The motion was adopted by a vote of 6-1.

4. Presentation, discussion and possible recommendations on **Z-46-03-7**, a request to rezone 9.98 acres at the northeast corner of 83rd Avenue and Encanto Blvd. from C-O to C-2. The request is scheduled to be heard by the Zoning Hearing Officer on June 16, 2003.

Jan Hatmaker introduced the application saying that the site was zoned CO (Commercial Office) in 1979. Changing the zoning does not require a General Plan Amendment because the site is less than 10 acres in size (9.98 acres).

The proposal is for a grocery store and other neighborhood uses on the site. Staff recommends approval with stipulations.

Paul Gilbert represented the applicant who has owned the property for 24 years. He

displayed elevations for the site. The applicant has had no interest in the site as commercial office and does not want to do apartments. They have been unable to market it as C-O and do not have a user at this time. The applicant concurs with all the staff stipulations.

Committee members had questions about traffic on Encanto which is very heavy following concerts at Desert Sky Pavilion. They asked if there has been any interest from major restaurants because those are needed in the area. Mr. Gilbert said they are checking into restaurants. They may not have drive-thru's. The site plan shows the most intense possibility. The Committee asked about negative impacts on the adjacent apartments. Mr. Gilbert said they had made some changes at the request of the apartment complex owners and have their support.

Aaron Atkinson made a motion that the application be recommended for approval with staff stipulations. Zeke Valenzuela seconded the motion. The motion was approved unanimously, by a vote of 7-0.

5. Presentation, discussion and possible recommendations on **Z 15-03-7**, a request to rezone 52.13 acres at the southwest corner of 79th Avenue and Thomas Road from R1-6 to C-2. The request is scheduled to be heard by the Planning Commission on July 9, 2003.

Jan Hatmaker explained that the Maryvale Village Planning Committee had heard the application earlier this year and had voted to recommend denial. The Zoning Hearing Officer also recommended denial. When the application came before the Planning Commission, the Planning Commission asked the applicant to redesign the site plan and sent it back to the Committee.

Joe Walsh represented the applicant. After being denied by the VPC and ZHO, he completely redesigned the plan incorporating many of the suggestions that he had received. The project now contains office and multi-family units and emphasizes pedestrian connections. The Committee noted that the plan was greatly improved over what they had seen previously. They liked the pedestrian amenities and the mixed uses. Committee members asked if it would be limited to two stories and the applicant replied that it would.

Brian Nelson moved that the application be recommended for approval with staff stipulations and one additional stipulation as follows: "That the maximum height be limited to two stories." Zeke Valenzuela seconded the motion. The motion was approved unanimously, by a vote of 7-0.

6. Presentation, discussion and possible recommendations on **Z 145-02-5**, a request to rezone 42.94 acres at the northwest corner of 95th Avenue and McDowell Road from S-1 (Approved CP/GCP PCD) to C-2 PCD and CP/GCP PCD. The request is scheduled to be heard by the Planning Commission on June 11, 2003.

Jan Hatmaker explained that the application had been heard by the Maryvale Village

Planning Committee on January 14, 2003. At that time the Committee recommended approval of the application. The site has changed hands and has a new developer with a new site plan. He is presenting the site plan to the Maryvale Village Planning Committee and asking for their recommendation of approval for the new site plan.

The new applicant, Paul Anton, briefly described his background as a developer, and then described the revised project. He expects it to be primarily commerce park; the previous proposal was largely commercial. Mr. Anton wants the flexibility to develop commercial on the site. He said he plans high quality development that may have a height as high as 56 feet.

Staff recommended changing the wording of stipulation 1 to reflect the new site plan and the previously received elevations. The applicant agreed with this change. The Committee reviewed the site plan and asked questions about the project.

Staff recommended changing the wording of stipulation #1 to reflect the new site plan and the previously received elevations. The applicant agreed with this change.

Brian Nelson made a motion that the first stipulation be amended to read as follows: "1. That the site shall be developed in general conformance with the site plan date stamped 6-2-03 and the elevations date stamped 11-8-02, as approved or modified by the development services department."

Steve Winegeart seconded the motion. The motion was approved unanimously, by a vote of 7-0.

7. Review and possible recommendation on proposed sign change for Desert Sky Pavilion comprehensive sign plan.

Brandon Sirochman explained that the comprehensive sign plan for Desert Sky has a provision that the Maryvale Village Planning Committee should approve any change to the plan. He said the facility is not increasing signage, but replacing existing "flip cubes" that are broken and unsightly. They will be replaced by a full color LED board, sign, and marquis, which is state of the art technology.

Brian Nelson made a motion that the proposed sign change for the Desert Sky Pavilion comprehensive sign plan. Zeke Valenzuela seconded the motion. The motion was approved by a vote of 6-0-1 (Mr. Sirochman abstained from the vote.).

8. Discussion of schedule for next Core Revitalization Subcommittee meeting

Staff and the Subcommittee are waiting for further direction from the City on several issues. A meeting will be scheduled when further information is available.

9. Update on village zoning cases.

Staff updated the Committee on several recent cases.

10. Announcements and public comment.

None

11. Future agenda items

If there are no zoning cases to be heard, the July Maryvale Planning Committee Meeting may be cancelled.

MAG Trails Planning

12. Adjournment

Zeke Valenzuela made a motion that the meeting be adjourned. Lisette Flores seconded the motion. The motion was approved unanimously, by a vote of 7-0.

The meeting was adjourned at 8:20 p.m.