



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Departments Concerned **Date:** September 15, 2011
From: Derek D. Horn, P.E., C.B.O., Assistant Director
Planning and Development Department
Subject: **P.H.O. APPLICATION NO. Z-75-82-8** – 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 **October 19, 2011**.
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 **September 29, 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 (Mike Bornhoeft) – 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 (Katherine Coles, Central City)
- Village Chair (John Glenn, Central City)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-11--Z-75-82-8

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>
Apache Reclamation and Electronics	City of Phoenix Planning Commission	City of Phoenix - Planning & Development
313 West Apache Street Phoenix AZ 85003	200 West Washington St, 2nd Floor Phoenix AZ 85003 (602) 262-7131	200 West Washington St, 2nd Floor Phoenix AZ 85003 P: (602) 262-7131 F:

Property Location: Approximately 200 feet east of the southeast corner of 5th Avenue and Apache Street

Zoning Map: F-8 Quarter Section: 8-27 APN: 112-37-002 Acreage: 0.66

Reason for Request: Administrative action to modify stipulation 1 to extend or remove the conditional time stipulation, or determine compliance with the schedule for development or take legislative action to revert the approved C-2 CCSIO zoning to its former R-3 CCSIO zoning classification due to noncompliance with rezoning stipulations.

Village: Central City

Last Hearing: CC HEARING

Previous Opposition: No

Date of Original City Council Action: 04/13/1982

Previous PHO Actions: 06/28/1989

Zoning Vested: R-3 CCSIO approved C-2 CCSIO

Supplemental Map No.: 573

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 of Applicant	Date
	<u>056196</u>
Receipt Number	Planning Staff Member

Hearing Results

<u>Planning Hearing Officer</u>	<u>Planning Commission</u>	<u>City Council</u>
Date: <u>10/19/2011 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	Appealed?: _____
Action: _____	Action: _____	Action: _____

G. Presentation, discussion and possible action to address zoning cases with time limit stipulations.

2. Presentation, discussion and possible action to initiate a stipulation modification request that may result in reversion of zoning, extension of time, deletion of time stipulation or determination that the stipulation was met. Rezoning Case **Z-75-82-7 (NEW DISTRICT 8)** is located on the south side of Apache Street, approximately 290 feet west of 3rd Avenue. The rezoning case granted C-2 zoning from R-3 zoning to develop a commercial office and storage. The property owner has not complied with stipulation no. 1 that requires development to commence within 24 months of City Council approval of the zoning change. There was one time extensions granted on June 28, 1989 for a 6-month time extension.

Ms. Racelle Escobar briefly explained each of the seven cases, their location and the time stipulations with each. Mr. Stephenson noted that the Planning Commission requested staff to research which rezoning cases were potentially eligible for reversion due to non-compliance with approved stipulations regarding timing. He noted that the proposed requests were to not revert the zoning, but to continue the process of four different options. These options are reverting the zoning, deleting the stipulation, determining compliance with the stipulation, or extending the time stipulation. He asked that no action be taken on item G7 because the property owner was in the process of pursuing cleaning up the time stipulation associated with Z-47-87.

Commissioner Davis asked why should the Planning Commission recommend giving extensions to those property owners who already have had plenty of time to work with staff? Mr. Stephenson explained that the additional time would be necessary to contact the property owners and to appropriately move forward with allowing the rezoning or having it reverted to its previous zoning designation due to non-compliance with the explained stipulations, but that would take place at a different hearing, should the request get initiated today.

Commissioner Katsenes motioned to approve the initiation as presented by staff.

Commissioner Davis seconded. (8-0)(Absent Whitaker)



CITY
OF
PHOENIX

April 14, 1982

Bellamy Brown, Murphy & Posner
1500 Towne House Tower
100 West Clarendon
Phoenix, Arizona 85013

Re: Rezoning Application No. 75-82

Dear Mr. Brown:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 108-J of the Zoning Ordinance, as amended, has on April 13, 1982, concurred in the recommendation of the Planning Commission and approved C-2 for Rezoning Application No. 75-82, the south side of Apache Street, beginning approximately 290 feet west of Third Drive (approximately 120' x 204') subject to stipulation:

Stipulation

1. Rezoning should be conditioned upon development of commercial office and storage as the initial development in accordance with Section 108-K of the Zoning Ordinance within 24 months of the final approval of the change of zone by the City Council.

Sincerely,

A handwritten signature in cursive script, appearing to read "Berven M. Furde".

Berven M. Furde
Assistant Planning Director

BMF:cj

cc: City Clerk
Mr. Muenker
File /



City of Phoenix

PLANNING DEPARTMENT

August 1, 1989

City of Phoenix Planning Commission
Apache Reclamation and Electronics, Owner
125 East Washington Street
Phoenix, Arizona 85004

Re: Rezoning Application No. 75-82-7 - Located at the south side of Apache Street located 290 feet west of 3rd Drive. Heard at City Council on June 28, 1989.

Dear Commissioners:

Pleased be advised that the Phoenix City Council, in accordance with the provisions of Section 108-M of the Zoning Ordinance, concurred with the recommendation of the Planning Hearing Officer for approval of a six month extension of the conditional zoning time stipulation, subject to the following stipulations:

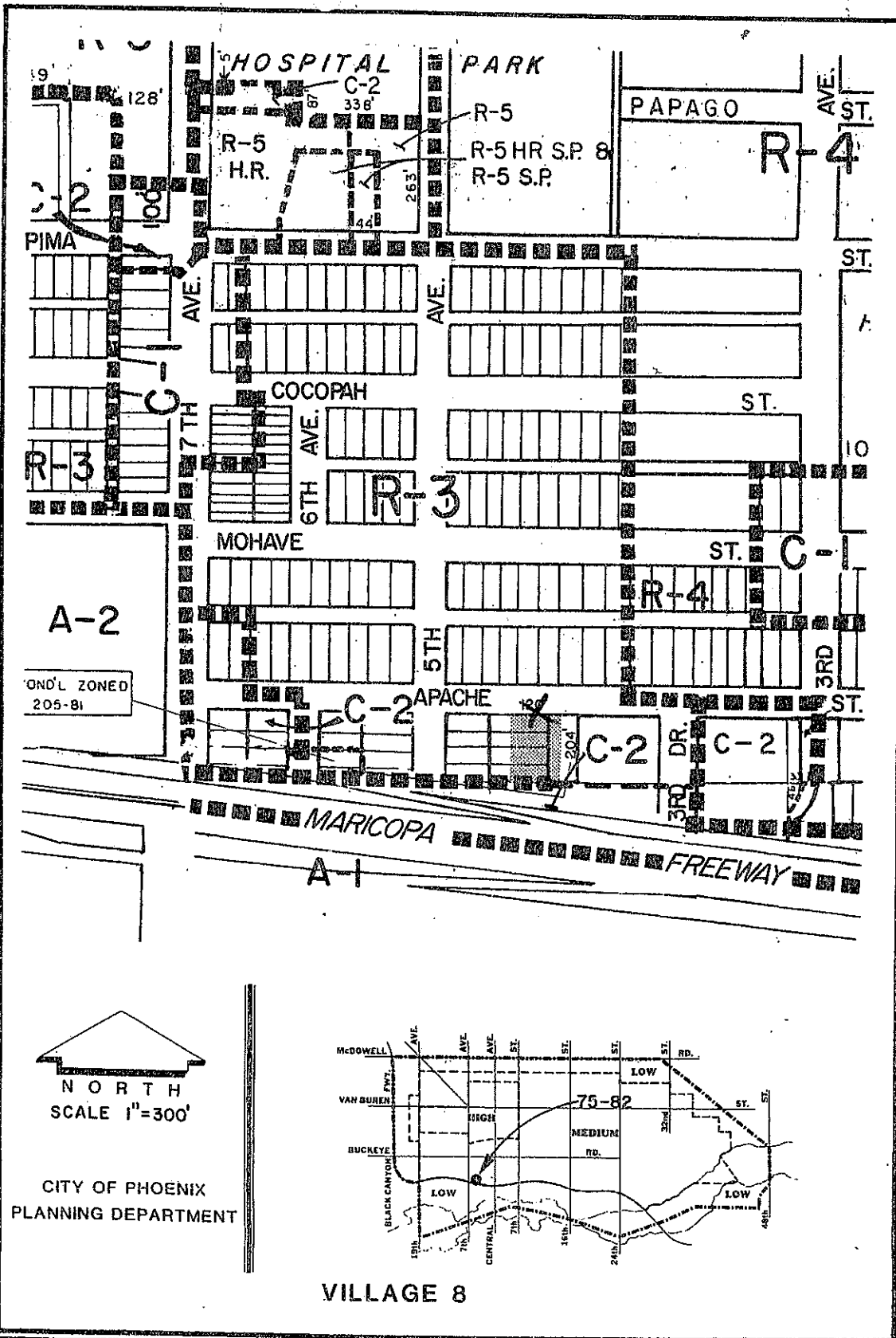
1. That within 30 days of City Council approval, the property owner will remove the outside storage of materials or store the materials inside a building.
2. That once the site is developed, it will conform to the required C-2 ordinance standards.

Sincerely,

David E. Richert
Zoning Administrator

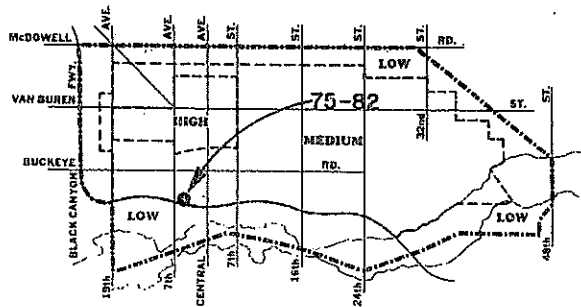
DER:SD/ab

cc: City Clerk
J. Beall (2)
P. Hazlett, Bldg Safety
S. Muenker
J. Neville
File



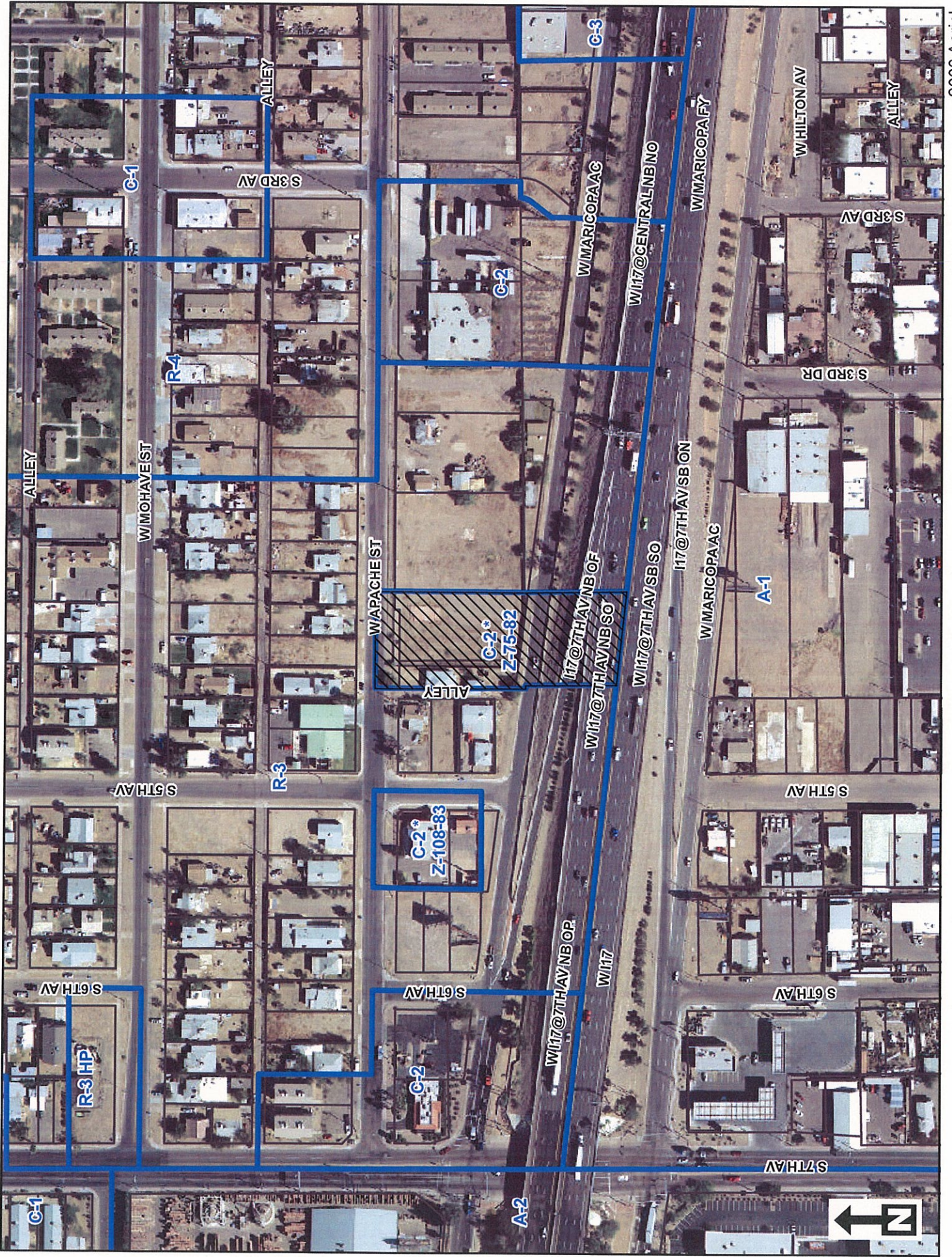
NORTH
SCALE 1"=300'

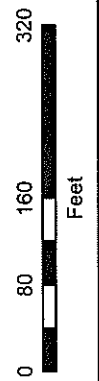
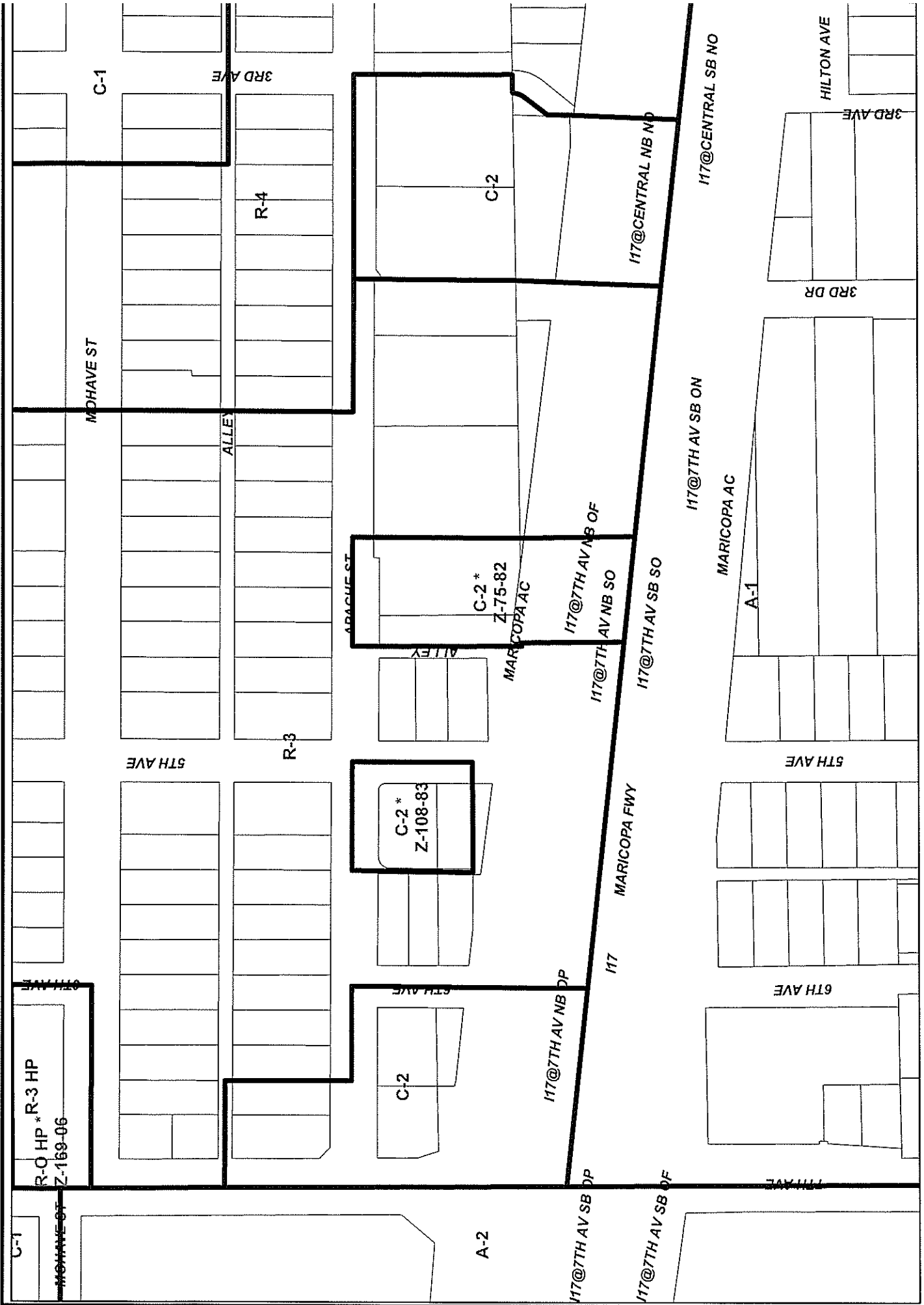
CITY OF PHOENIX
PLANNING DEPARTMENT



VILLAGE 8

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS:		APPLICANT'S NAME <i>BELLAMY BROWN, MURPHY & POSNER</i>	
APPROX. <i>.66</i> ACRES		APPLICATION NO. <i>75-82</i>	
MULTIPLES PERMITTED		REQUESTED CHANGE	
UNITS		HEARING DATES	P.C.
			<i>3-24-82</i>
		C.C.	
		REQUESTED CHANGE	
		FROM	TO
		<i>R-3</i>	<i>C-2</i>
AERIAL PHOTO & QUARTER SEC. NO. <i>B-27</i>		ZONING MAP NO. <i>E-6</i>	





Planning & Development Department



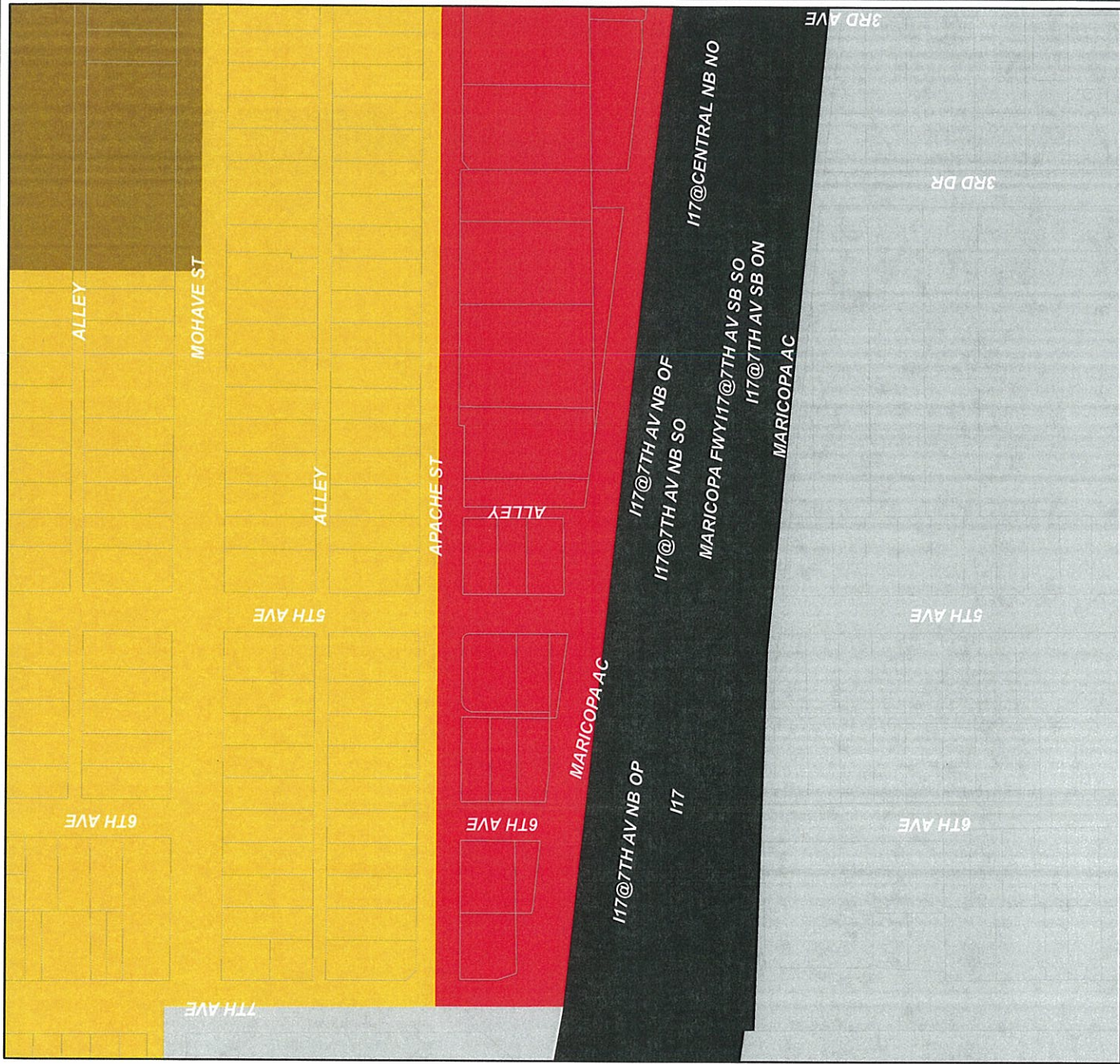
City of Phoenix



09-01-2011
09-01-2011

General Plan
Z-75-82

- Commercial
- Transportation
- Commerce / Business Park
- 10 to 15 du/acre
- 3.5 to 5 du/acre



APPLICATION TO AMEND ZONING ORDINANCE

APPLICATION NO. 75-82

I hereby request that Ordinance G-449, The Zoning Ordinance of the City of Phoenix, be amended in the following manner:

- ZONING MAP AMENDMENT SPECIAL PERMIT TEXT AMENDMENT

PROPERTY LOCATION: South side of Apache Street located approx. 290' West of 3rd Drive. (Approx. 0.66 Ac.)	TO BE CHANGED	
	FROM	TO
	R-3	C-2
LEGAL DESCRIPTION: E 90' of Lots 2, 4, 6 and 8, Blk 1, Gay Don and the W 30' of Tract C (adjacent to the east)		
PROPOSED USE IF ZONING GRANTED Commercial office and storage		

I hereby submit Petition, as required by Ordinance. I affirm that the following are the names and mailing addresses of parties of interest.

APPLICANT Bellamy Brown, Murphy & Posner PHONE NO. 264-4981
 ADDRESS 1500 Towne House Tower, 100 W. Clarendon, Phoenix 85013
 OWNER Othello Campbell
 ALSO NOTIFY _____ PHONE NO. _____
 ADDRESS _____

I declare that all information submitted above is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

SIGNATURE *OB* DATE December 23, 1981

CITY PLANNING COMMISSION HEARING DATE: <u>March 24, 1982</u> MINUTES PAGE NO.: _____ RECOMMENDATION: <input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> STIPULATIONS (SEE MINUTES)	CITY COUNCIL HEARING DATE: <u>4/13/82</u> ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> STIPULATIONS (SEE MINUTES) <u>CC adopted PC recommendation</u>
---	--

CITY COUNCIL FORMAL ADOPTION

ORD. NO. _____ DATE _____ SUPP. MAP NO. 573 EFF. DATE 4-27-82

ZONING MAP <u>E-6</u>	Q.S. MAP <u>8-27</u>	CENSUS TRACT <u>1149</u>	TAKEN BY <u>CT</u>
-----------------------	----------------------	--------------------------	--------------------

PROPOSED USE NOT PERMITTED IN DISTRICT REQUESTED - APPLICANT NOTIFIED: DATE _____