



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Departments Concerned **Date:** January 11, 2012  
**From:** Derek D. Horn, P.E., C.B.O., Assistant Director  
Planning and Development Department  
**Subject:** **P.H.O. APPLICATION NO. Z-135-05-4** – 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 **February 15, 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 **January 25, 2012**.

- 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 (Ruben Alonzo) - 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 (Joshua Bednarek, Encanto)
- Village Chair (Todd Bradford, Encanto)



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-12--Z-135-05

Council District: 4

Request For: Zoning Reversion

Kiva Fee Code: ZTREZONE Fee: \$0 Amount Waived: \$

<u>Owner</u>	<u>Applicant</u>	<u>Representative</u>
Urban Soleil LLC 8300 North Hayden Road, SUite 207 Scottsdale AZ 85258 0	City of Phoenix Planning Commission 200 West Washington Street, 2nd Floor Phoenix AZ 85003 (602) 262-7131	City of Phoenix Planning Commission 200 West Washington Street, 2nd Floor Phoenix AZ 85003 P: (602) 262-7131 F:

**Property Location:** Approximately 500 feet east of the southeast corner of 3rd Street and Mulberry Street

Zoning Map: G-8 Quarter Section: 15-28 APN: 118-22-072 Acreage: 0.55

**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-4A zoning to its former R1-6 zoning classification due to noncompliance with rezoning stipulations

Village: Encanto

Last Hearing: CC RATIFICATION

Previous Opposition: No

Date of Original City Council Action: 02/15/2006

Previous PHO Actions: \_\_\_\_\_

Zoning Vested: R1-6 Approved R-4A

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] \_\_\_\_\_ 1-10-12

Signature of Applicant Date

\_\_\_\_\_ 056196

Receipt Number Planning Staff Member

### Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>02/15/2012 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	_____
Action: _____	Action: _____	Action: _____

Item #: 7  
Initiation: 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-135-05** is located approximately 500 feet east of the southeast corner of 3<sup>rd</sup> Street and Mulberry Street. The rezoning case granted R-4A zoning from R1-6 zoning to develop a multi-family residential project. The property owner has not complied with stipulation no. 3 that states the zoning shall not vest until the applicant substantially completes construction within 24 months from City Council approval

Mr. Larry Tom presented Z-135-05-4; it is located approximately 500 feet east of the southeast corner of 3<sup>rd</sup> Street and Mulberry Street. The rezoning case granted R-4A zoning from R1-6 zoning to develop a multi-family residential project. The property owner has not complied with stipulation no. 3 that states the zoning shall not vest until the applicant substantially completes construction within 24 months from City Council approval. 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.

Commissioner Amery made a 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-135-05-4.

Commissioner Davis SECONDED.

There being no further discussion, Commissioner Katsenes called for a vote and the MOTION PASSED 7-0 (Awai, Madeksza absent)

\* \* \* \* \*



**City of Phoenix**  
PLANNING DEPARTMENT

February 28, 2006

Mr. Matthew Blanchard  
1100 East Osborn Road, #353  
Phoenix, Arizona 85014

Dear Applicant:

RE: **Z-135-05-4**                      Approximately 420 feet east of the southeast corner of 3rd Street and Mulberry Street

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 February 15, 2006, concurred in the recommendation of the Planning Commission and Zoning Hearing Officer and has ratified application Z-135-05-4 from R1-6 to R-4A on approximately 0.55 acres, subject to the following stipulations.

STIPULATIONS

1. That development be in general conformance with the site plan date stamped September 27, 2005, as may be modified by the stipulations below and by the Development Services Department through the development review process.
2. That the applicant shall consolidate the separate lots of this rezoning request into one lot.
3. That the zoning shall not vest until the applicant substantially completes construction complying with the approved site plans within 24 months.
4. That the developer shall post at the site "no trespassing" signs in English and Spanish.

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

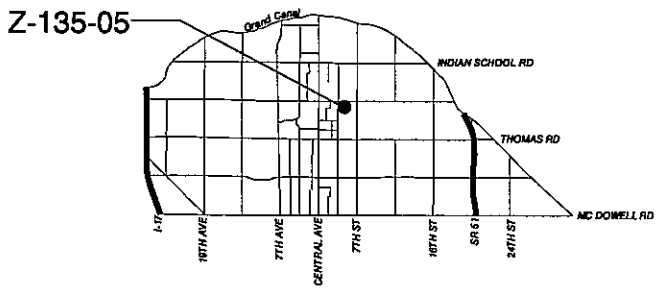
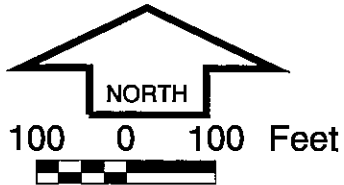
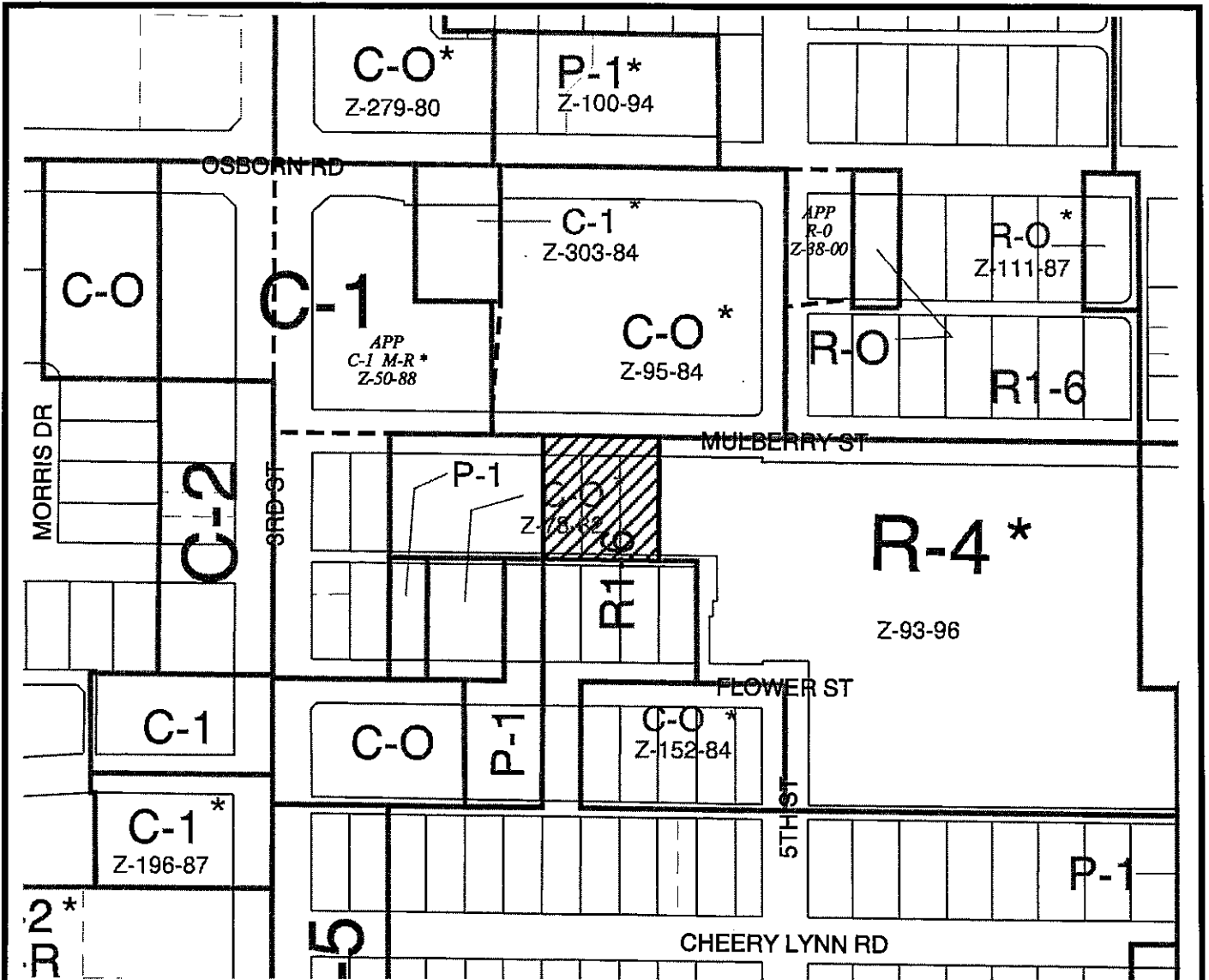


# Planning & Development Department



11-30-2011





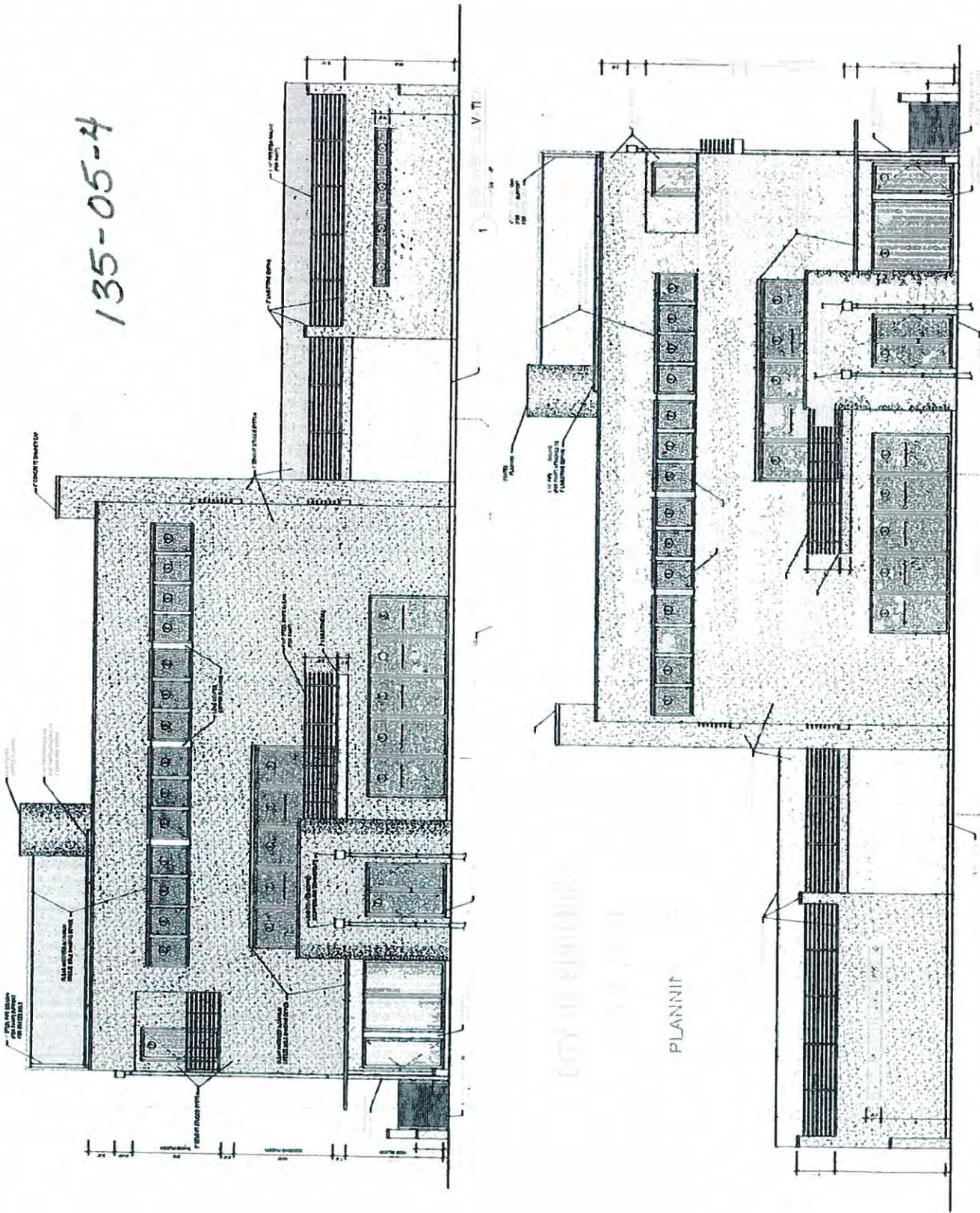
CITY OF PHOENIX PLANNING DEPARTMENT  
**Encanto Village**  
 CITY COUNCIL DISTRICT: 4

<b>APPLICANT'S NAME:</b> Matthew Blanchard		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-135-05	<b>DATE:</b> 9-29-2005 <small>REVISION DATES:</small>	<b>FROM:</b> R1-6	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 0.55 Acre	<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> Q15-28	<small>ZONING MAP</small> G8	<b>TO:</b> R-4A
<b>MULTIPLES PERMITTED</b>	<b>CONVENTIONAL OPTION</b>		<b>* UNITS P.R.D. OPTION</b>
R1-6	3		3
R-4A	24		N/A

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



135-05-4



PLANNING

CITY OF PHOENIX  
PLANNING DEPARTMENT

<p><b>ARCHITECT'S CERTIFICATION</b> I, the undersigned, being a duly Licensed Architect in the State of Arizona, do hereby certify that I am the author of the design and content of these drawings, that I am a duly Licensed Architect in the State of Arizona, and that I am not providing my professional services to any other party in connection with the project shown on these drawings, and that I am not providing my professional services to any other party in connection with the project shown on these drawings, and that I am not providing my professional services to any other party in connection with the project shown on these drawings.</p>	
<p><b>OWNER - CONTRACTOR AGREEMENT</b> We hereby certify that the above mentioned drawings were prepared by the undersigned Architect in accordance with the contract between us and the undersigned Contractor, and that the same are a true and correct copy of the original drawings as prepared by the undersigned Architect.</p>	<p><b>OWNER</b> Name: _____ Address: _____ Phone: _____</p>
<p><b>CONTRACTOR</b> Name: _____ Address: _____ Phone: _____</p>	<p><b>NOTES</b></p>
<p><b>DATE OF APPROVAL OF SET</b> 1/15/12</p>	<p><b>FOR CONSTRUCTION</b> FOR PERMIT</p>
<p><b>FOR COORDINATION</b></p>	<p><b>MULBERRY FOUR</b> 13325 MULBERRY PHOENIX, ARIZONA 85012</p>
<p><b>ELEVATIONS</b></p>	<p><b>A-4</b></p>