

# ATTACHMENT D

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



## City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned

**Date:** May 10, 2024

**From:** Joshua Bednarek

Planning & Development Department Director

**Subject: P.H.O. APPLICATION NO. PHO-2-24--Z-1-93-7(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 a public hearing on **June 12, 2024**.
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](mailto: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 **May 17, 2024**.

### **DISTRIBUTION**

Mayor's Office (Tony Montola), 11th Floor  
City Council (Stephanie Bracken), 11th Floor  
Aviation (Jordan D. Feld )  
CED (Michelle Pierson), 20th Floor  
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Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor  
Parks & Recreation (Todd Shackelford), 16th Floor  
Public Transit (Michael Pierce)  
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor  
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor  
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor  
Water Services (Don Reynolds, Victor Romo), 8th Floor  
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor  
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor  
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor  
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor  
Village Planner (Nayeli Sanchez Luna, Estrella Village)  
Village Planning Committee Chair (Lisa Perez, Estrella Village)



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-24--Z-1-93-7(4)

Council District: 4

**Request For:** Stipulation Modification

**Reason for Request:** Request to modify Stipulation 1 regarding general conformance to the site plan date stamped February 11, 2022.; Request to delete Stipulation 3 regarding vehicular access to Melvin Street.; Request to modify Stipulation 6 regarding a 10-foot sidewalk easement.

### Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Ricki Horowitz	Other	1850 N. Central Ave, Ste 1700, Phx 85004	602-234-8728		rhorowitz@bcattorneys.com
Brian Greathouse	Applicant	1850 N. Central Ave, Ste 1700	602-234-9903		bgreathouse@bcattorneys.com
Brian Greathouse	Representative	1850 N. Central Ave, Ste 1700	602-234-9903		bgreathouse@bcattorneys.com
Ruben Rodela SK&M Investments, Inc.; c/o GWA Architects, Inc.	Owner	100 Corporate Center Drive Suite 550, Monterey Park, California 91754			

**Property Location:** Northwest Corner of 35th Avenue and Van Buren Street

**Acreage:** 1.17

### Geographic Information

Zoning Map	APN	Quarter Section
F6	106-15-165	Q11-20
F6	106-15-166	Q11-20
F6	106-15-167	Q11-20
F6	106-15-168	Q11-20
F6	106-15-169	Q11-20
F6	106-15-170	Q11-20
F6	106-15-171	Q11-20
Village: Estrella		

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@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

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

I declare that all information submitted 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: \_\_\_\_\_ DATE: \_\_\_\_\_

Fee Information			
Fee	Fee Waived	Fee Date	Purpose
\$1,725.00	\$0.00	04/10/24	PHO (3+ stipulations)



BURCH & CRACCHIOLO

BCATTORNEYS.COM

BRIAN GREATHOUSE  
DIRECT LINE: 602.234.9903  
E-MAIL: bgreathouse@bcattorneys.com

MADISON LEAKE  
DIRECT LINE: 602.234.8791  
E-MAIL: mleake@bcattorneys.com

March 18, 2024

Mr. Byron Easton  
Planning Hearing Officer  
City of Phoenix  
Planning and Development Department  
200 W. Washington St., 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

RE: PHO Stipulation Modification from PHO-1-21—Z-23-95-7  
and PHO-1-21—Z-1- 93-7  
NWC of Van Buren Street & 35<sup>th</sup> Avenue

Dear Mr. Easton:

We request the PHO's approval to modify stipulations to facilitate the development of a Panda Express Restaurant on an approximately 1.08 acre vacant and underutilized infill Site located at the northwest corner of Van Buren Street and 35<sup>th</sup> Avenue. An Aerial Map showing the Site is provided at **Exhibit 1**. On January 25, 2024, approval was received for five Variances to reduce landscape setbacks and for a Use Permit to permit a drive-thru within 300 feet of a residential district to allow this Panda Express. (ZA-698-23). See the ZA approval letter at **Exhibit 2**. Now, we request to modify stipulations to facilitate the development of this Panda Express Restaurant on this underutilized, challenging infill Site. See the proposed site plan attached as **Exhibit 3**.

The Site is zoned C-3, C-2, and P-1. In 2021 this Site received use permit approval in case ZA-541-21 to allow packaged liquor sales as an accessory use to a convenience store within 300 feet of a residential district. The associated PHO cases modified existing stipulations to allow a new site plan for a gas station and convenience store. Those approvals did not result in redevelopment of the Site because the developer chose not to move forward.

Prior to these approvals, a Taco Bell existed on this Site for many years. In 1993, case Z-1-93 was approved to facilitate the construction of a new Taco Bell after the previous Taco Bell building had suffered fire damage.



In recent history, this challenging Site has struggled to find a sustainable use. The building that previously existed on the Site was demolished sometime in 2021/2022 and the convenience store that was approved was never constructed. This Site is currently underutilized with the remnants of an outdoor drive-thru/food truck and is now unkept and inviting vagrancy. See recent Site photos attached as **Exhibit 4**. This proposed Panda Express Restaurant will make good use of this challenging, underutilized, infill redevelopment Site.

We request modifications to the stipulations as follows:


**PHO-1-21—Z-1-93-7(4) – C-2 Zoned Property**

1. The development shall be in general conformance with the site plan date stamped **MARCH 2024** ~~February 11, 2022~~, as modified by the following stipulations and approved by the Planning and Development Department.
2. The developer shall dedicate right-of-way and construct one bus stop pad along westbound Van Buren Street west of 35th Avenue. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 12 feet. The bus pad shall be spaced from the intersection of 35th Avenue and Van Buren street according to City of Phoenix Standard Detail P1258, as approved or modified by the Public Transit Department.
3. ~~Vehicular access to Melvin Street shall be prohibited.~~
4. If any driveway is proposed along Van Buren Street, the driveway shall be restricted to right-in/right-out only, as approved by the Street Transportation Department.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 35th Avenue to be detached with a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk. Trees planted in the landscape area to be placed near the sidewalk to provide thermal comfort for pedestrians, as approved by the Planning and Development Department.
6. The developer shall dedicate a **7-FOOT** ~~10-foot~~ sidewalk easement for the north side of Van Buren Street and the west side of 35th Avenue, as approved by the Planning and Development Department.

**PHO-1-21—Z-23-95-7(4) – P-1 Zoned Property**

1. The development shall be in general conformance with the site plan date stamped **MARCH 2024** ~~February 11, 2022~~, as modified by the following stipulations and approved by the Planning and Development Department.
2. ~~Vehicular access to Melvin Street shall be prohibited.~~


Regarding stipulation #1 in both cases, we request modification to allow Panda Express' proposed site plan. The most recently stipulated site plan depicted a convenience store and gas station that was never built, and the Site remains underutilized. The scale and intensity of this proposed restaurant is appropriate and compatible with the location at the intersection of two




arterial streets, is consistent with surrounding commercial development, and is less intense than the previously approved gas station use and site plan.

Stipulation #3 in Z-1-93-7(4) and #2 in Z-23-95-7(4) prohibits access to Melvin Street. The goal of this stipulation was to prohibit commercial traffic from negatively affecting existing residences. However, this stipulation can be deleted without thwarting this goal. Customers who choose to enter the Site from Melvin Street will do so from 35<sup>th</sup> Avenue turning onto Melvin Street. In making the turn from 35<sup>th</sup> Avenue onto Melvin Street, customers will make an almost immediate left to enter the Site. In doing so, customers will **not** pass by any residential properties. Rather, customers will pass by an auto repair business located on the north side of Melvin Street. The impact of customers driving less than 100 feet on Melvin Street while only passing an auto repair shop will have no negative effects on the residential uses farther west on Melvin Street. Providing this additional access point on Melvin Street will allow for better and safer circulation both on-site and on 35<sup>th</sup> Avenue, is safer than proposing an additional access point on Van Buren due to proximity to the signalized intersection, and will not negatively impact the area.

Stipulation #6 in Z-1-93-7(4) requires the dedication of a 10-foot sidewalk easement for the north side of Van Buren Street and the west side of 35<sup>th</sup> Avenue. We request a modification to require the dedication of a 7-foot sidewalk easement. The proposed 7-foot sidewalk easement will allow a 5-foot sidewalk and 10 feet of landscaped area between the sidewalk and the back of curb (in accordance with Stipulation #5). The proposed sidewalk is consistent with existing sidewalks in the area. Further, on January 25, 2024, as part of case ZA-698-23 Variances were approved to reduce the landscape setbacks to a minimum of 8 feet on 35<sup>th</sup> Avenue and a minimum of 7 feet on Van Buren Street. The Hearing Officer found that these requests met the four-part test for approval and were necessary to develop this challenging, infill, redevelopment Site. For Panda Express to develop this irregularly shaped Site that has struggled to find a sustainable use, it was necessary to reduce the landscape setbacks, which in turn necessitates the modification of this stipulation. The necessity of this reduction is also demonstrated by Taco Bell's site plan (**Exhibit 5**) which shows similar landscape setbacks including 5'7" along Van Buren and 35<sup>th</sup> Avenue.





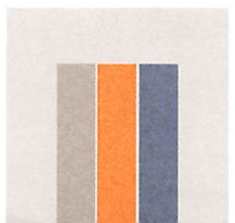
This request to modify stipulations is appropriate and necessary to ensure this infill redevelopment Site is redeveloped with the already approved Variances and Use Permits. This quality redevelopment is a viable and sustainable use for this now underutilized, infill Site and will be an improvement compared to what exists today. Please contact Brian Greathouse (602-234-9903, bgreathouse@bcattorneys.com), Madison Leake (602-234-8791, mleake@bcattorneys.com), or Ricki Horowitz (602-234-8728, rhorowitz@bcattorneys.com) if you have questions or need information. Thank you for your help and consideration.

Very truly yours,

BURCH & CRACCHIOLO, P.A.

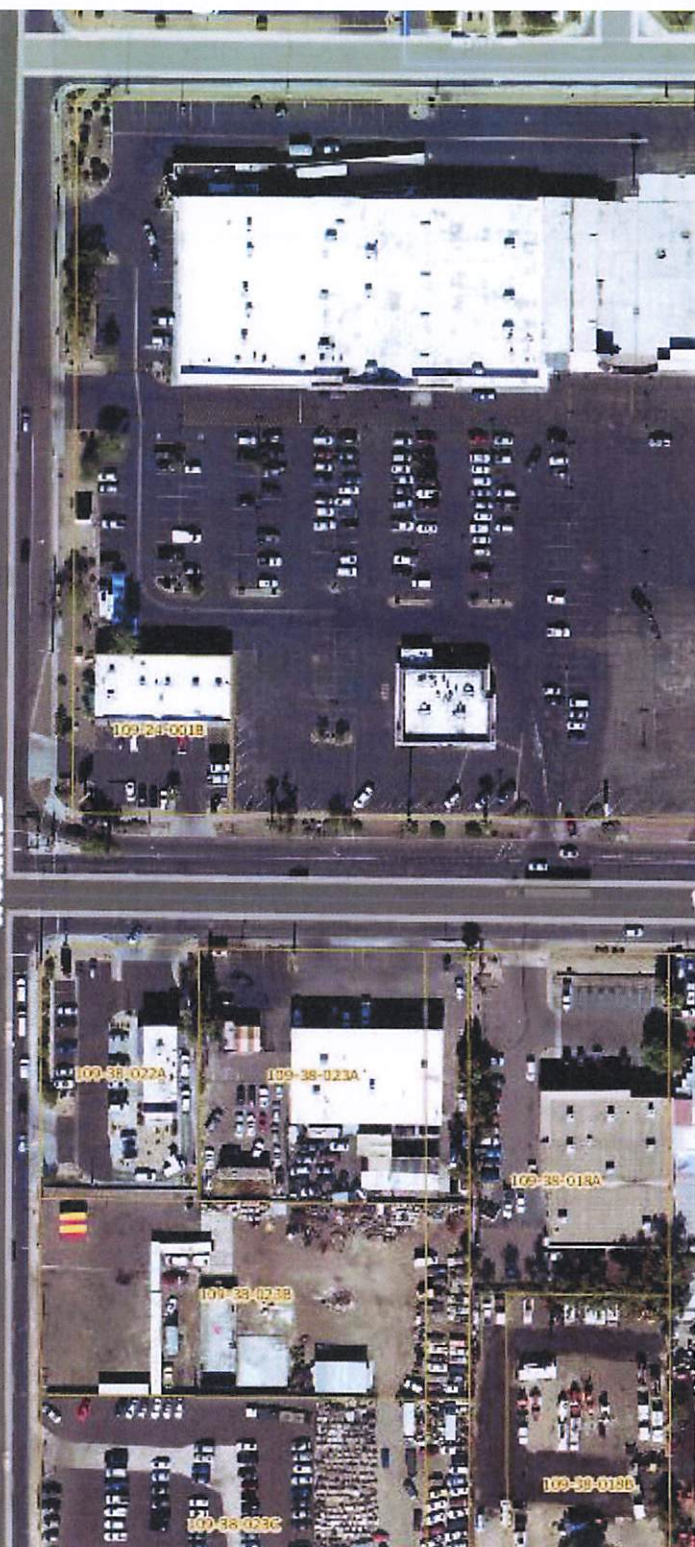
*Brian Greathouse m.l.*

Brian Greathouse  
Madison Leake  
For the Firm



# **Exhibit 1**





## **Exhibit 2**



ZA CASE NO: 698-23-4

Date: 1/25/24 1:38 PM

Zoning Administrator Action

Appeal Date:

☒ Approved ☐ Denied ☐ Denied, as filed ☒ Stipulations

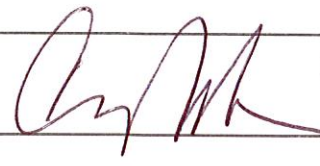
☐ Under Advisement ☐ Withdrawn ☐ Other  
☐ Cont: \_\_\_\_\_

STIPULATIONS:

1. 2 years to apply and pay for building permits.

2. In accordance with the landscape setback reductions and drive through location as shown on the site plan date stamped 1/4/24.

Must appeal by February 9, 2024.

~~1/24~~ 1/25/24 BY 

ZONING ADMINISTRATOR

☐ Support Present ☐ Opposition Present

STIPULATIONS MET:

YES/NO





## City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

### APPLICATION NO: ZA-698-23

**CASE TYPE:**

Non Sign

**DATE FILED:**

12/20/2023

**COUNCIL DISTRICT:**

4

**EXISTING ZONING:**

C-2, C-3, P-1

**PROPERTY LOCATION  
PROPERTY ADDRESS**

Northwest Corner 35th Avenue and Van Buren Street

**HEARING INFORMATION***Hearing Time*

1/25/24 1:30 PM

*Hearing Location*

Meeting will be held virtually.

**GEOGRAPHIC INFORMATION***APN**Quarter Section*

106-15-165

11-20(F6)

106-15-166

11-20(F6)

106-15-167

11-20(F6)

106-15-168

11-20(F6)

106-15-169

11-20(F6)

106-15-170

11-20(F6)

106-15-171

11-20(F6)

106-15-172

11-20(F6)

106-15-173A

11-20(F6)

106-15-174

11-20(F6)

11-20(F6)

**CONTACT INFORMATION**

<i>Name</i>	<i>Relationship</i>	<i>Address</i>	<i>Phone</i>	<i>Fax</i>	<i>Email</i>
Ricki Horowitz	Other	1850 N. Central Ave, Ste 1700, Phx 85004			rhorowitz@bcattorneys.com
Brian Greathouse, Burch & Cracchiolo, P.A.	Applicant	1850 N. Central Avenue, Suite 1700, Phoenix, AZ 85004	602-234-9903		bgreathouse@bcattorneys.com
S K & M Investments Inc. c/o GWA Architects, Inc.	Owner	1000 Corporate Center Drive, Monterey Park, CA 91754			
Brian Greathouse, Burch & Cracchiolo, P.A.	Representative	1850 N. Central Ave, Ste 1700, Phx 85004 Phoenix AZ 85004 United States	602-234-9903		bgreathouse@bcattorneys.com

**REQUEST**

1) Variance to reduce the landscape setback (north) adjacent to a public street (Melvin Street) to 1 foot. Minimum average 25 feet required.

**ZONING ORD. SECTIONS**

623.E.4.e

200 W. Washington St., 2<sup>nd</sup> floor, Phoenix, AZ 85003 • 602-262-7131

For more information or for a copy of this publication in an alternate format, contact Planning & Development at 602-262-7811 voice or TTY use 7-1-1.



- |  |                 |
|--|-----------------|
| 2) Variance to reduce the landscape setback (east) adjacent to a public street (35th Avenue) to 8 feet. Minimum average 25 feet required.  | 623.E.4.e       |
| 3) Variance to reduce the landscape setback (south) adjacent to a public street (Van Buren Street) to 7 feet. Minimum average 25 feet required.                                    | 623.E.4.e       |
| 4) Variance to reduce the landscape setback (south) adjacent to a public street (Van Buren Street) to 7 feet. Minimum average 25 feet required.                                    | 624.E.4.e       |
| 5) Variance to reduce the landscape setback (northwest) adjacent to R-3 zoning to 5 feet. Minimum 10 feet required.  | 624.E.4.e       |
| 6) Use permit to allow a drive-through facility as an accessory use to a restaurant (Panda Express) located within 300 feet of a residential zoning district. Use permit required. | 624.D.112.d.(2) |



If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

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@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/pdds/Pages/pddlicensetimes.aspx>

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

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

**FEE INFORMATION**

Fee	Fee Waived	Fee Date
\$4,140.00	\$0.00	12/21/2023

**NOTE TO APPLICANT:** SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED **60 DAYS** OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.  
APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN **15 DAYS** AFTER THE DATE OF ACTIONS.



# **Exhibit 3**



PARKING REQUIREMENTS:				
	PARKING RATIO	CALCULATION	PARKING REQUIRED	PARKING PROVIDED
PANDA EXPRESS	1/50 SF OF DINING AREA	950SF/50	19	47
ADA	1 TO 24 SPACES: 1 ADA	-	1	2
TOTAL			19	47

	<u>PROVIDED</u>	<u>REQUIRED / ALLOWED</u>
HEIGHT	23'-3"	-
STORY	1	-
AREA	2,621 SQ.FT.	-
OCCUPANT LOAD	72	-


PROPERTY ZONE / CLASSIFICATION	C-3 (GENERAL COMMERCIAL) P-1 (PASSENGER AUTOMOBILE PARKING)			
ADJACENT ZONING DISTRICTS	R-3 (MULTIFAMILY RESIDENTIAL) C-3 (GENERAL COMMERCIAL)			
PROPERTY TYPE / UNIQUE CHARACTERISTICS	FREESTANDING RESTAURANT WITH A DRIVE-THRU			
APN #	106-15-165, 106-15-166, 106-15-167	106-15-168, 106-15-169, 106-15-170	106-15-171, 106-15-172, 106-15-173A,	

Scale= NTS	A-100
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16	THANK YOU / DO NOT ENTER SIGN
17	PROPOSED DRIVEWAY ENTRANCE PER CITY OF PHOENIX DETAIL P1225-2
18	EXISTING STREET LIGHT TO REMAIN AND PROTECT IN PLACE
19	STREET LIGHT TO BE RELOCATED
20	EXISTING ELECTRICAL POLE TO REMAIN AND PROTECT IN PLACE
21	EXISTING FIRE HYDRANT TO REMAIN AND PROTECT IN PLACE
22	STRIPING, TYP.

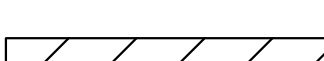
8" HIGH CMU BLOCK WALL



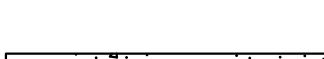
3" HIGH CMU BLOCK WALL




STRIPING



CONCRETE



LANDSCAPE



Scale= NTS	A-100
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Scale= NTS A-100

PROPERTY OWNER  
SK&M INVESTMENTS, INC.  
2255 AIRWAY AVE  
KINGMAN AZ, 86409

APPLICANT  
RUBEN RODELA, PROJECT MANAGER  
GARY WANG, AIA  
GARY WANG & ASSOCIATES  
1000 CORPORATE CENTER DR., SUITE # 550,  
MONTEREY PARK, CA 91754  
T: 626.288.6898

Scale= NTS **A-100**Scale= NTS A-100

Telephone: 626.799.9898  
Facsimile: 626.372.8288

None of these ideas, designs, arrangements or plans may be used by or disclosed to any person, firm, or corporation without the written permission of Panda Express Inc.

[illegible]

1ST	1ST PRE APP. SUBMITTAL	06-08-
2ND	1ST VARIANCE SUBMITTAL	10-24-
3RD	1ST USE PERMIT SUB.	10-24-

PANDA PROJECT #: S8-25-D28063  
PANDA STORE #: -  
ARCH PROJECT #: 23-069



TEL: (626) 288-6898 FAX: (626) 768-7101  
http://www.garywang.com



Expires 09/30/202



# **Exhibit 4**

Looking Northwest Near Corner of 35th Ave & Van Buren





# Looking South from Melvin





Looking South from 35th Ave



# **Exhibit 5**

REVIEWS	
☆	
☆	
☆	
☆	
Thank you to	
Sponsor	
100400	
100400	

1-20 0811  
KITCHEN, a (bought) apartment  
1750 W. 10th St., Apt. 20  
(713) 463-0810

222 W. VAN BUREN STREET  
PHOENIX, AZ  
10-0052



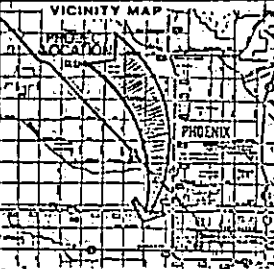
Sheet Contents  
 SHEET 1 OF 1  
 M70 HD  
 Document Status  
 Date  
 Drawn by  
 Checked by  
 Shows 92.034.71  
 Sheet Name  
 A-1A  
 Of Sheets



### DIRECTIONAL SIGN SCHEDULE ①

A ENTER _____	J GIVE-THANK ONLY
B EXIT _____	K THANK YOU
C ENTER _____	L WELCOME
D EXIT ONLY _____	M PLEASE STAND BY
E EXIT ONLY _____	N LEFT TURN ONLY
F EXIT ONLY _____	O AHEAD
G DO NOT ENTER	P _____
H ONE-WAY ONLY	Q _____
I WRONG-WAY	R _____

PROJECT DATA		OWNER
1715 ADAMS ST	3000 W 10TH BLVD & STREET PHOENIX, AZ 85009	THAYER HOLD CORPORATION 17001 JOHN CARLSON BAYVIEW, CA 90241
1. NAME OF DESCRIPTION	MANUFACT. & E. LOFTS 1 & 2, BLOCK 4, 1015 FT PLUS 10% ADDITION, 1040 BUCKLE RD. PHASE 2 PHOENIX, AZ	CONTACT: STEPHEN CLAYTON 1715 ADAMS
2. ESTIMATED FLOORING	1015 FT. x 6.5 L.F. x 2.0 LOFTS 1 & 2	APPLICANT: FLOORING DEVELOPMENT INC. 1100 W. CENTRAL, SUITE 200 TUCSON, AZ 85704
3. FLOOR AREA	6,592 SQ. FT.	CONTACT: CHUCK CHAVEZ PHO 224-1100
4. LANDSCAPE AREA	0.012 SQ. FT.	
5. PORCH/SCREENED AREA	1,800 SQ. FT.	
6. PAVING AREA	13,575 SQ. FT.	
7. BUILDING AREA 1 - CHIMNEY	1040 SQ. FT.	
8. BUILDING AREA 2 - PERIMETER	1,240 SQ. FT.	
9. BUILDING AREA 3 - TOTAL	2,280 SQ. FT.	(10 FT)
10. BUILDING 1 X 2.1	4.00	
11. BUILDING 2 COVERED	2.10	
12. BUILDING 3 HEIGHT	17' 0" MAXIMUM	
13. FINISH REQUIREMENTS	1 SPACE PER 100 SQ. FT. CHIMNEY AREA 100 SQ. FT. / 10 - 110 SPACES REQUIRED	
14. FINISHING PROVIDED	10 SPACES PER 100 SQ. FT.	







**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

April 1, 2022

Bill Allison  
Withey Morris PLC  
2525 East Arizona Biltmore Circle, Suite A-212  
Phoenix, AZ 85016

RE: PHO-1-21—Z-1-93-7(4) – Northwest corner of Van Buren Street and 35th Avenue

Dear Applicant:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506 of the Zoning Ordinance, has on March 23, 2022, considered a request for 1) Modification of Stipulation 1 regarding general conformance with the site plan dated November 23, 1992. 2) Modification of Stipulation 2 regarding a bus stop on the north side of Van Buren Street. 3) Modification of Stipulation 3 prohibiting access to Melvin Street.

The City Council ratified application PHO-1-21--Z-1-93-7(4) as recommended by the Planning Hearing Officer for approval.

**STIPULATIONS**

Mod

1. The development shall be in general conformance with the site plan date stamped February 11, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. The developer shall dedicate right-of-way and construct one bus stop pad along westbound Van Buren Street west of 35th Avenue. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 12 feet. The bus pad shall be spaced from the intersection of 35th Avenue and Van Buren street according to City of Phoenix Standard Detail P1258, as approved or modified by the Public Transit Department.

Del

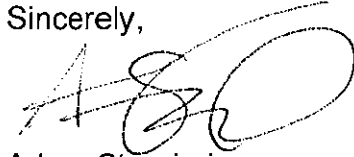
3. Vehicular access to Melvin Street shall be prohibited.
4. If any driveway is proposed along Van Buren Street, the driveway shall be restricted to right-in/right-out only, as approved by the Street Transportation Department.

5. The developer shall construct a minimum 5-foot-wide detached sidewalk along the west side of 35th Avenue to be detached with a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk. Trees planted in the landscape area to be placed near the sidewalk to provide thermal comfort for pedestrians, as approved by the Planning and Development Department.

Mod

6. The developer shall dedicate a 10-foot sidewalk easement for the north side of Van Buren Street and the west side of 35th Avenue, as approved by the Planning and Development Department.
7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

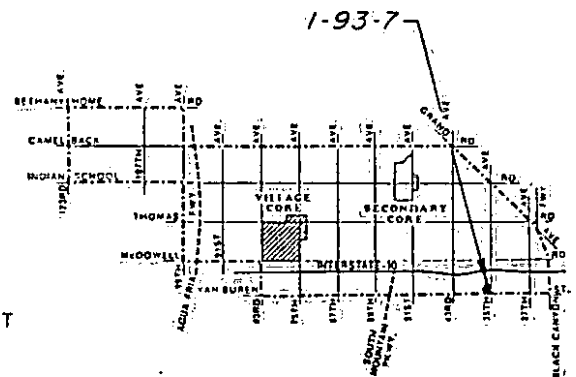
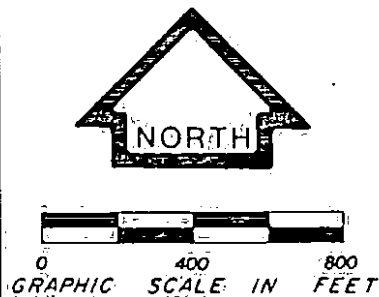
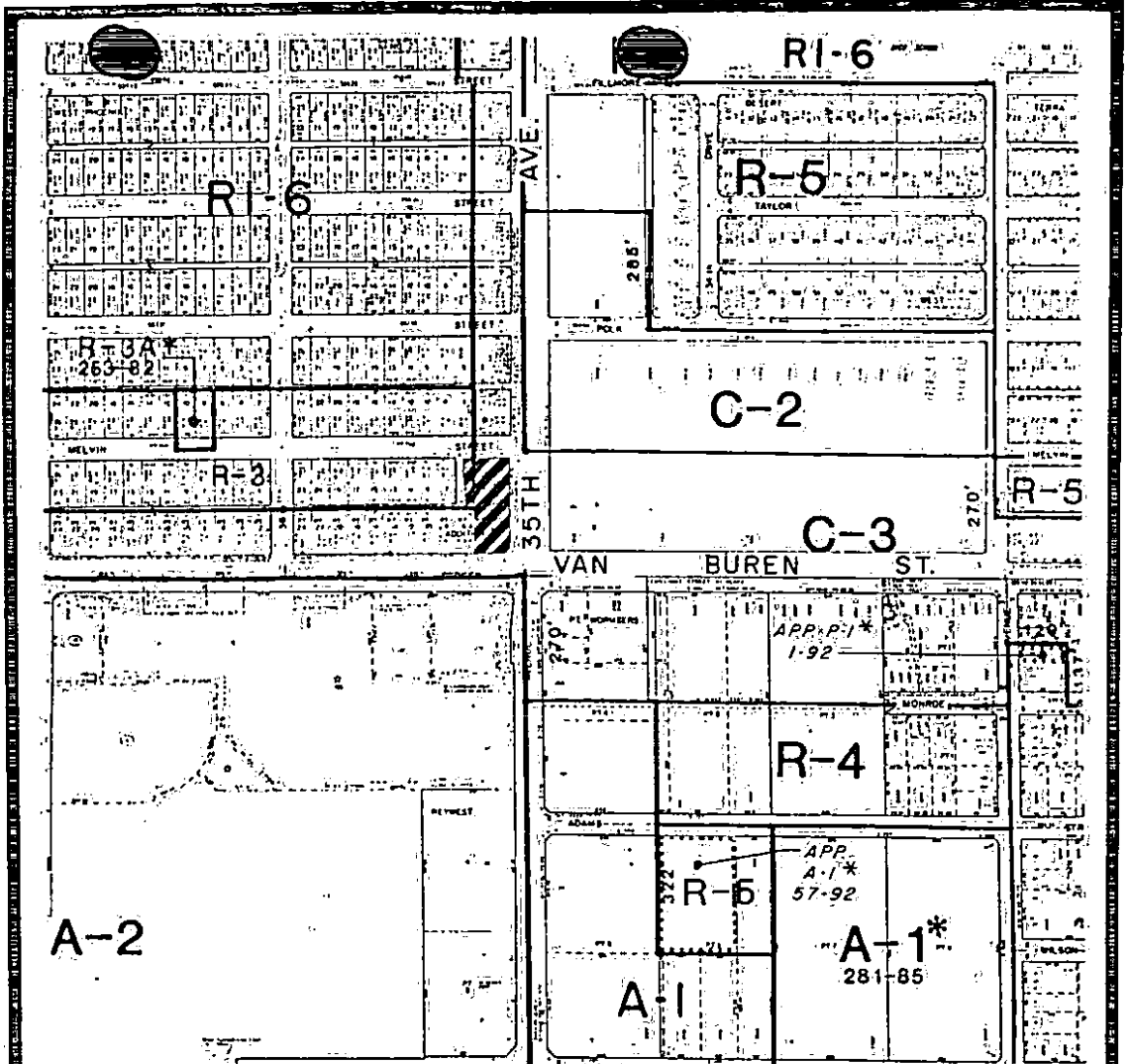
Sincerely,



Adam Stranieri  
Planner III

c: SK&M Investments  
3845 Stockton Hill Road  
Kingman, AZ 86409

Bradley Wylam, PDD-Planning (Electronically)  
Joshua Bednarek, PDD-Development (Electronically)  
Greg Gonzales, NSD (Electronically)  
Sina Matthes, City Council (Electronically)  
Tony Motola, Mayor's Office (Electronically)  
Book  
Case File

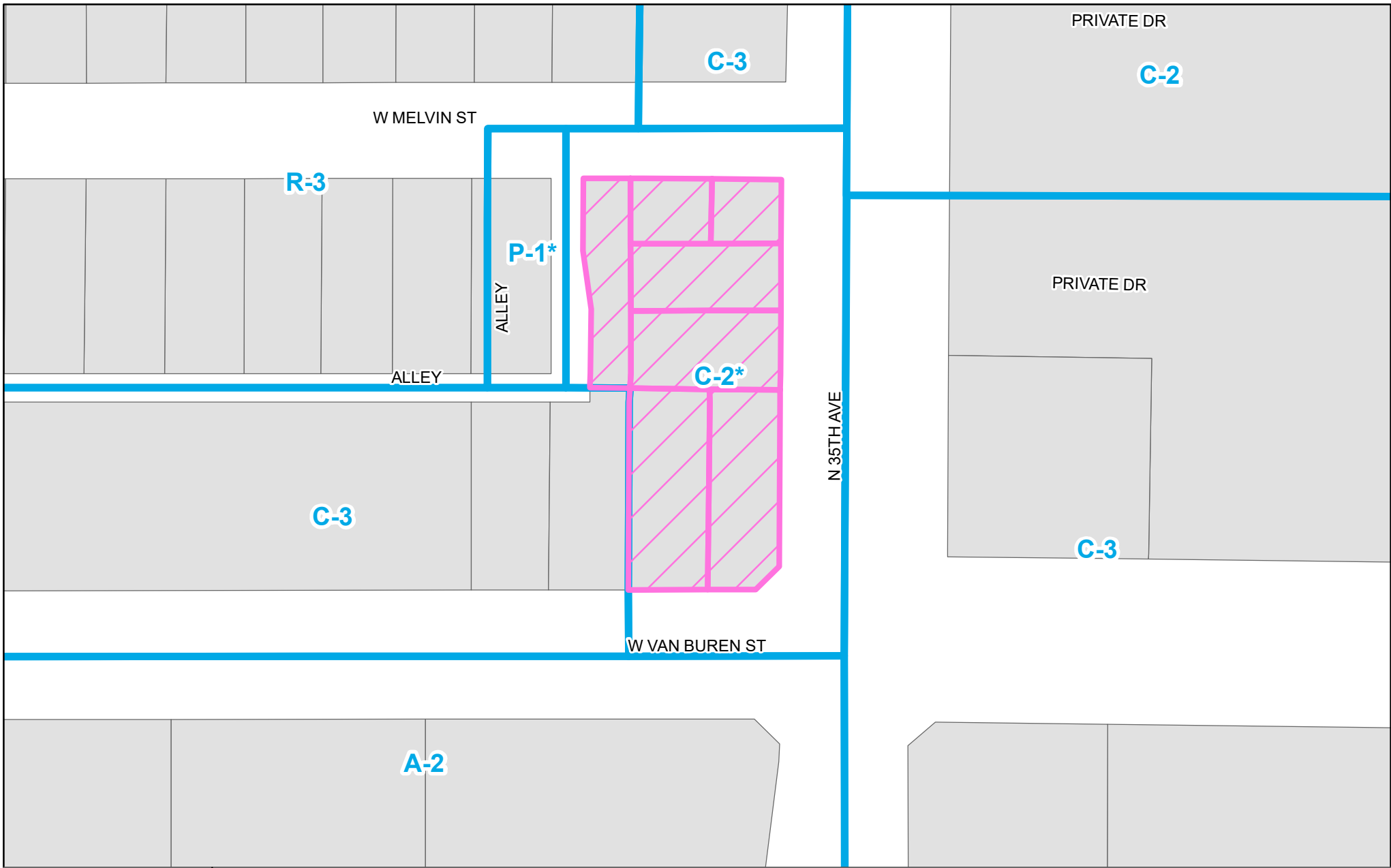


CITY OF PHOENIX, PLANNING DEPARTMENT  
**MARYVALE VILLAGE**  
 CITY COUNCIL DISTRICT 7

APPLICANT'S NAME <b>TACO BELL CORP.</b> <b>C/O KRISTEN GUMBY</b>			REQUESTED CHANGE	
APPLICATION NO. <b>1-93-7</b>			FROM: <b>C-3, R-3</b>	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <b>1.17 ACRES</b>			TO: <b>C-2</b>	
MULTIPLES PERMITTED			* UNITS P.R.D. OPTION	
HEARING DATES Z.H.O. <b>11-30-92</b> P.C. <b>1-13-93</b> C.C.			AERIAL PHOTO & QUARTER SEC. NO. <b>11-20</b> ZONING MAP <b>F-6(E-4)</b>	
UNITS STANDARD OPTION			UNITS P.R.D. OPTION	

\* MAXIMUM UNITS ALLOWED WITH P.R.D. BONUS





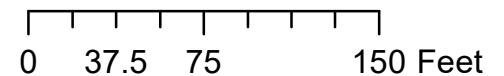
PHO-2-24--Z-1-93-7(4)

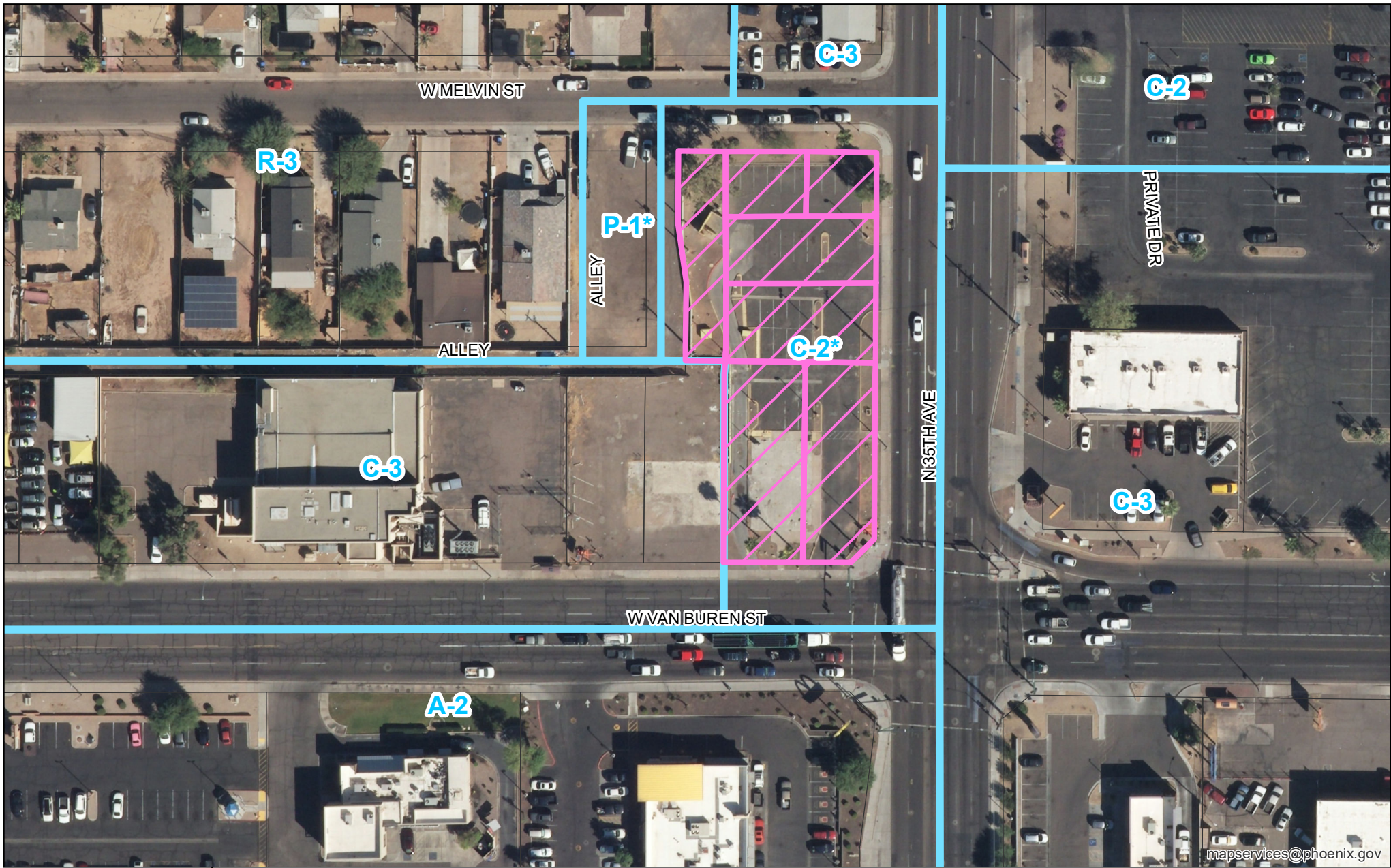
Property Location: Northwest corner of 35th Avenue and Van Buren Street



City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department





PHO-2-24--Z-1-93-7(4)

Property Location: Northwest Corner of 35th Avenue and Van Buren Street



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Planning & Development Department**

0 37.5 75 150 Feet



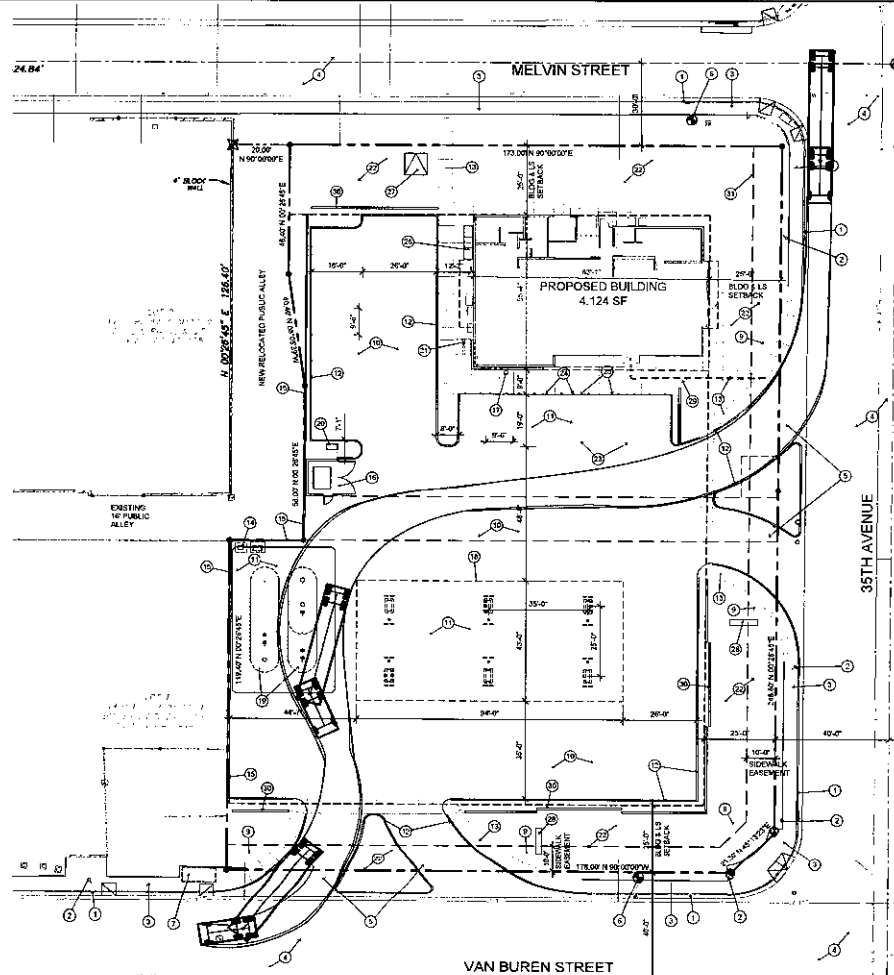






# **SITE PLAN NOTES:**

1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
3. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 30 FT X 30 FT ALONG THE PROPERTY LINE AND 30 FT ALONG THE DRIVEWAY ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3 FT.
4. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 20 FT X 30 FT ALONG THE PROPERTY LINE SHALL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3 FT.
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, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR, OR VIBRATION EMITTED BY USES OUTSIDE OF THE SITE.
7. 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 THE APPROVED PLANS.
8. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
9. ALL SERVICE AREAS SHALL 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.
10. BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.
11. ALL STORAGE REQUIRES SEPARATE REVIEWS, APPROVALS AND PERMITS. NO SIGNS ARE APPROVED FOR THIS PLAN.
12. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL



**1 SITE PLAN**

SCALE 1" = 20'-0"

## **KEYNOTES:**

1. EXISTING CURB TO REMAIN
2. EXISTING STREET LIGHT TO REMAIN
3. EXISTING SIDEWALK TO REMAIN
4. EXISTING STREET
5. NEW DRIVEWAY PER CITY OF PHOENIX DETAIL P-1243-2
6. EXISTING FIRE HYDRANT
7. EXISTING BUR STORM TO REMAIN
8. 32' X 32' SIGHT VISIBILITY TRIANGLE
9. 16' X 20' SIGHT VISIBILITY TRIANGLE
10. NEW ASPHALT PAVING
11. NEW CONCRETE PAVING
12. NEW 6" HIGH CONCRETE CURB
13. NEW 6" HIGH CONCRETE SIDEWALK
14. FUEL VENTS
15. NEW 4'-0" TALL CHU WALL
16. TRASH ENCLOSURE
17. F.D.C. LOCATION
18. NEW FUEL CANOPY, 14'-0" TO BOTTOM OF CANOPY, LIGHTS TO AIR FLUSH
19. UNDERGROUND FUEL TANK LOCATION
20. AIR/VAC STATION
21. BICYCLE RACK
22. LANDSCAPE AREA
23. ADA PARKING AND STORAGE
24. STEEL ROLLWAD
25. FLUSH CONVEYING CURB
26. RES LOCATION
27. NEW ELECTRICAL TRANSFORMER
28. MONUMENT SIGHT, UNDER SEPARATE REVIEW AND PERMIT
29. ADA PATH (SHOWN DASHED)
30. 3'-4" TALL CMU SCREEN WALL
31. 32' X 15' SIGHT VISIBILITY TRIANGLE

**OWNER**  
 DERRIT DEVELOPMENT  
 5100 EAST TALKING STICK WAY  
 SUITE E1  
 SCOTTSDALE, ARIZONA  
 CONTACT: EVER BOWEN  
 PH: 480.834.8200  
 EMAIL: ever.bowen@derrit.com

**ARCHITECT**  
 ARCHICON ARCHITECTURE  
 AND INTERIORS, L.C.  
 5055 E WASHINGTON ST.  
 SUITE 200  
 PHOENIX, AZ 85034  
 CONTACT: JEFFREY A. KOSKI  
 PH: 602.222.4264  
 EMAIL: jk@archicon.com

**PROJECT DESCRIPTION**  
 THIS PROJECT WILL CONSIST OF A NEW STORE ALONG WITH THE ADDITION OF A GAS FUELING CANOPY.

**THE LOT WILL BE COMBINED AND THE EXISTING PUBLIC ALLEY WILL BE RELOCATED TO THE WEST SIDE OF APRN 106-15-173A**

**SITE DATA**  
 ADDRESS: 3502 W VAN BUREN STREET

**ASSESSOR PARCEL #**  
 106-15-166  
 106-15-167  
 106-15-168  
 106-15-169  
 106-15-170  
 106-15-171  
 106-15-172  
 106-15-173A  
 106-15-174

**EXISTING ZONING**  
 C-2 / C-3 / P-1

**PROPOSED ZONING**  
 C-2 / C-3 / P-1

**SITE AREA (GROSS)**  
 74,045 S.F. (1.70 ACRES)

**SITE AREA (NET)**  
 47,791 S.F. (1.095 ACRES)

**BUILDING AREA**  
 4,124 SQ. FT.

**GAS CANOPY AREAS (34' X 43')**  
 4,842 SQ. FT.

**FLOOR AREA RATIO**  
 6,166 / 47,791 = 0.129

**BUILDING COVERAGE (INCLUDES CANOPY)**  
 17.12%

**OCCUPANCY**  
 M (RETAIL STORE & MOTOR FUEL DISPENSING)

**CONSTRUCTION**  
 V-B W.A.P.E.S.

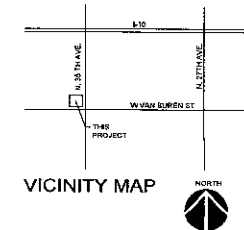
**ALLOWABLE AREA**  
 6,800 SQ. FT. (1 STORY)

**BUILDING HEIGHT ALLOWED**  
 30'-0" (MAXIMUM)

**BUILDING HEIGHT PROVIDED**  
 24'-0" (TOP OF MAIN PARAPET)  
 30'-0" (TOP OF HIGH PARAPET)

**REQUIRED PARKING CALCULATIONS**

OCCUPANCY	S.F.	FACTOR	TOTAL
RETAIL	4,124	1/300	13.74 SPACES
<b>TOTAL PARKING SPACES PROVIDED</b>			<b>15 SPACES</b>
<b>ACCESSIBLE PARKING SPACES PROVIDED</b>			<b>2 SPACES - VAN ACCESSIBLE</b>
<b>BICYCLE SPACES</b>			<b>2 SPACES</b>



**VICINITY MAP**

KVA PROJECT # 21-047  
 SDV # 210054  
 PAF # 210054  
 GS 11-20

**ARCHICON**  
 Architecture & Interiors, L.C.

5055 WASHINGTON STREET  
 SUITE 200  
 PHOENIX, ARIZONA 85034  
 (602) 222-4264  
 1441 WEST TALKING ST  
 PHOENIX, ARIZONA 85015  
 www.archicon.com

**CORNER PAD DEVELOPMENT**  
 3502 W VAN BUREN  
 N.Y.C. 35TH AVE & W. VAN BUREN  
 PHOENIX, ARIZONA

PROJECT NUMBER: 212515-05  
 PROJECT MANAGER: J. KOSKI  
 DRAWN BY: ARCHICON  
 CHECKED BY: J. KOSKI

REVISION

SHEET DESCRIPTION  
 SITE PLAN

SHEET NO.  
**PA100**

ISSUE DATE: 18 SEP 2021





EIFS (EIFS-1)  
MANUFACTURE: STO  
PRODUCT: STOTHERM  
ESSENCE SYSTEM  
COLOR: SW 7646  
FIRST STAR  
FINISH: FINE



EIFS (EIFS-2)  
MANUFACTURE: STO  
PRODUCT: STOTHERM  
ESSENCE SYSTEM  
COLOR: SW 7069  
IRON ORE  
FINISH: FINE



EIFS (EIFS-3)  
MANUFACTURE: STO  
PRODUCT: STOTHERM  
ESSENCE SYSTEM  
COLOR: PANTONE  
COLOR 200C - RED  
FINISH: FINE



SILL (ST-1S)  
MANUFACTURE: CORONADO  
STONE PRODUCTS  
PRODUCT: CHISELED STONE  
COLOR: CHARCOAL



WAINSCOT (ST-1)  
MANUFACTURE: CORONADO  
STONE PRODUCTS  
PRODUCT: STRIP STONE  
COLOR: BLACK FOREST  
FINISH: FINE



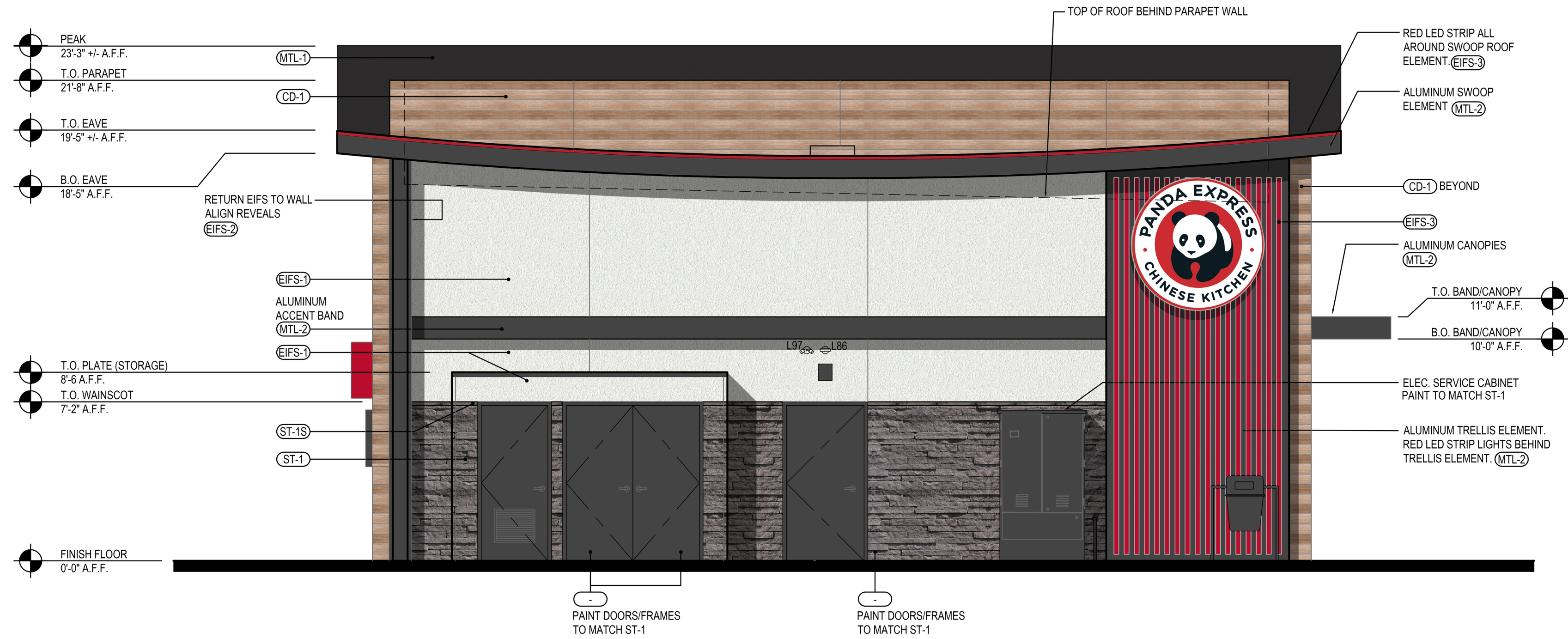
CD-1 (CD-1)  
MANUFACTURE: FIBERON  
PRODUCT: WILDWOOD  
COLOR: BAMBOO



METAL CAP (MTL-1)  
MANUFACTURE: EXCEPTIONAL  
METALS  
PRODUCT: -  
COLOR: IRON ORE  
FINISH: SMOOTH



CANOPY (MTL-2)  
MANUFACTURE: PANDA  
VENDOR  
PRODUCT: ALLEN INDUSTRIES  
COLOR: PMS BLACK-7C  
FINISH: SATIN



SOUTH ELEVATION 2  
Scale= 1/4" = 1'-0" A-200



NORTH ELEVATION 1  
Scale= 1/4" = 1'-0" A-200



PANDA EXPRESS, INC.  
1683 Walnut Grove Ave.  
Rosemead, California  
91770  
Telephone: 626.799.9898  
Facsimile: 626.372.8288

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REVISIONS:		

ISSUE DATE:		
1ST	1ST PRE APP. SUBMITTAL	06-08-23
2ND	1ST VARIANCE SUBMITTAL	10-24-23
3RD	1ST USE PERMIT SUB.	10-24-23
4TH	2ND USE PERMIT SUB.	12-29-23
5TH	1ST PHO SUBMITTAL	02-14-24

DRAWN BY: RR/BP/ICJ

PANDA PROJECT #: S8-25-D28063  
PANDA STORE #: -  
ARCH PROJECT #: 23-069



1000 Corporate Center Dr., Suite 550  
Monterey Park, CA 91754  
TEL: (626) 288-6898 FAX: (626) 768-7101  
http://www.garywang.com

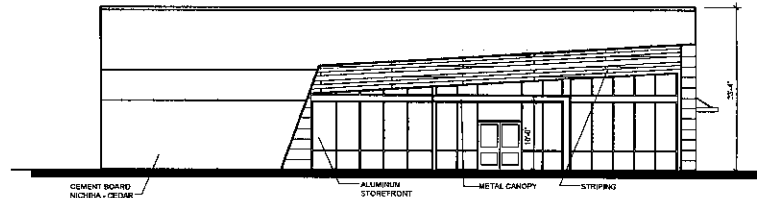


PANDA EXPRESS  
3502 W VAN BUREN ST.  
PHOENIX, AZ 85009

A-200

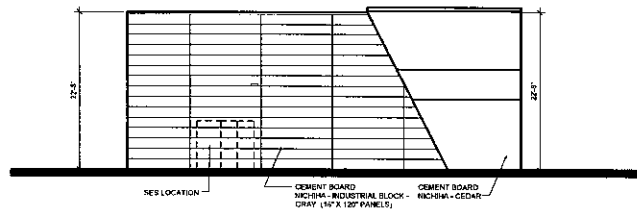
EXTERIOR  
ELEVATIONS





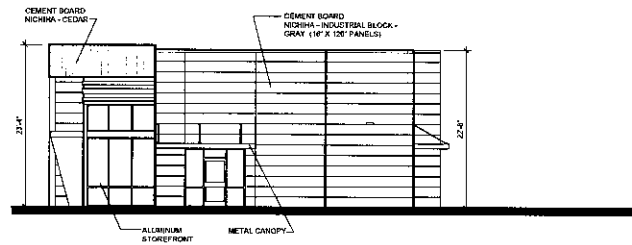
① SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



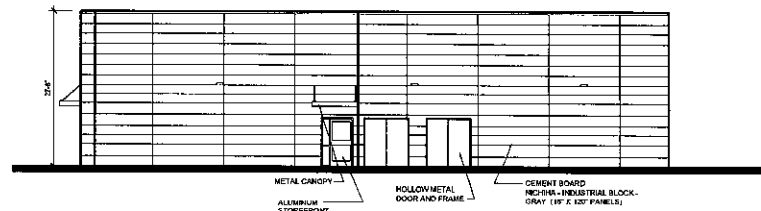
② WEST ELEVATION

SCALE: 1/8" = 1'-0"



③ EAST ELEVATION

SCALE: 1/8" = 1'-0"



④ NORTH ELEVATION

SCALE: 1/8" = 1'-0"

KMA PROJECT # 210361  
 SHEET # 2100054  
 PAPP # 2100054  
 DS 11-20



**ARCHICON**  
 Architecture & Interiors, L.C.  
 1001 F WASHINGTON STREET  
 SUITE 200  
 PHOENIX, ARIZONA 85014  
 (602) 222-4266  
 FAX (602) 276-4365  
 WWW.ARCHICONAZ.COM

**CORNER PAD DEVELOPMENT**

3502 W VAN BUREN  
 N.W.C. 35TH AVE & W. VAN BUREN  
 PHOENIX, ARIZONA

PROJECT NUMBER: 2102515-05  
 PROJECT MANAGER: J. ROSEN  
 DRAWN BY: ARCHICON  
 CHECKED BY: J. ROSEN

**REV. REVISION**

NO.	DATE	DESCRIPTION

**SHEET DESCRIPTION**

EXTERIOR ELEVATIONS



**SHEET NO.**

**PA300**

ISSUE DATE: 14 SEP 2021

REPORT OF PLANNING HEARING OFFICER ACTION  
Adam Stranieri, Planner III, Hearing Officer  
Bradley Wylam, Planner I, Assisting

February 16, 2022

ITEM NO: 2	
	DISTRICT 4
SUBJECT:	
Application #:	PHO-1-21--Z-1-93-7(4) (Continued from January 19, 2022)
Location:	Northwest corner of Van Buren Street and 35th Avenue
Zoning	C-2
Acreage:	1.15
Request:	1) Modification of Stipulation 1 regarding general conformance with the site plan dated November 23, 1992. 2) Modification of Stipulation 2 regarding a bus stop on the north side of Van Buren Street. 3) Modification of Stipulation 3 prohibiting access to Melvin Street
Applicant:	Bill Allison, Withey Morris PLC
Owner:	SK&M Investments
Representative:	Bill Allison, Withey Morris PLC

**ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this request on December 21, 2021 and recommended approval by a vote of 6-0.

**DISCUSSION:**

*This item was heard concurrently with Item #3 (PHO-1-21--Z-23-95-7(4)).*

William Allison, representative with Withey Morris PLC, provided an overview of the subject site, original rezoning cases, and previous uses that have existed on the subject site. He reviewed the unanimous approval from the Estrella Village Planning Committee and noted that the case was continued from the January 19, 2022 PHO hearing. He noted that the proposed conceptual site plan has been modified to address department comments from the Public Transit and Street Transportation Departments. He stated that the proposed conceptual site plan depicts a convenience store and gas station. He reviewed the proposed requests



and noted the changes made to the original request in response to the comments from the Public Transit Department.

Adam Stranieri, Planning Hearing Officer, provided an overview of the Estrella Village Planning Committee and the continuance from the January 19, 2022 PHO hearing. He noted that the applicant has been working with the Public Transit and Street Transportation Departments regarding a bus bay and sidewalk improvements to the proposed conceptual site plan. He stated that the proposed conceptual site plan is compatible with other commercial development in the area. He recommended that the proposed modification of Stipulation 2 be approved with a modification to match the recommendation from the Public Transit Department comment. He recommended that the proposed modification to Stipulation 3 be approved with a modification to prohibit vehicular access to Melvin Street while allowing pedestrians to access the site on the north side of the property. He stated that the Street Transportation Department recommended three additional stipulations which are recommended to be included.

**FINDINGS:**

- 1) The request to modify Stipulation 1 is recommended to be approved with a modification to provide standard general conformance language. The stipulated site plan depicted a drive-through restaurant with the drive-through along the west property line exiting directly onto Van Buren Street. This has been demolished and the site is currently vacant. The proposed conceptual site plan depicts a convenience store and gas station with pump island canopies situated along Van Buren Street. The scale and intensity of the proposal are compatible with its location at the intersection of two arterial streets and consistent with other commercial development in the immediate vicinity.

The Public Transit Department indicated support for the revised site plan date stamped February 11, 2022. The revised site plan proposed placement of a bus pad on westbound Van Buren Street closer to the intersection with 35th Avenue. They noted the site is at a critical transfer point for two heavily used bus routes. The pad's proper location closer to the intersection is essential for the safety and efficiency of the City's transit system.

- 2) The request to modify Stipulation 2 is recommended to be approved with a modification to replace the existing stipulation with updated language regarding a bus stop pad along westbound Van Buren Street, west of 35th Avenue. In their narrative, the applicant argued that the bus stop referenced in Stipulation 2 exists and that the language requiring this infrastructure can be removed. They proposed replacing the stipulation

with new language addressing pedestrian pathways and shading requirements.

However, the Public Transit Department does not support this request and clarified that the original stipulation has not been met. They noted that the existing bus stop referenced in the applicant's narrative is located on the adjacent parcel to the west and that this stop does not meet City standards for spacing from a major intersection as stated in City of Phoenix Standard Detail P1258.

The Public Transit Department comments are consistent with the Planning Department Staff Report dated January 13, 1993 for the original rezoning case which provided the rationale for Stipulation 2 when it was established. This staff report stated that the existing bus stop on the north side of Van Buren Street, far side of 35th Avenue, is located too far to the west. Staff recommended Stipulation 2 to eliminate this inconsistency and provide guidance for the appropriate City standards and details for the proposed new bus stop. As the bus stop has not been constructed per Stipulation 2, following City Council approval of the original rezoning case, this same issue remains.

The Public Transit Department further noted that the proposed modification would eliminate the requirement for a bus stop on this site which is an important transfer point for the City of Phoenix transit system. According to the 2019 Valley Metro Origin/Destination survey, 336 riders transfer daily between Route 3 on Van Buren Street and Route 35 on 35th Avenue, making this location one of the busiest areas for bus transfers in the region's transit system.

Finally, Public Transit Department staff noted that on October 6, 2021, the Phoenix City Council approved the first Bus Rapid Transit (BRT) line in the City's history. This high-capacity transit service will operate along Van Buren Street from Central Avenue to 35th Avenue and along 35th Avenue north to the Metrocenter site. Future BRT riders who wish to continue west along Van Buren Street must transfer to regular bus service at the bus stop that should be located on the subject site of this case.

The demand for a properly designed bus stop has only increased since the City Council approved the original Stipulation 2 in 1993 and will continue to increase due to the recent Council approved BRT service. The recommendation to provide updated language regarding the required bus stop pad is consistent with the recommendation of the Public Transit Department. The applicant submitted a revised site plan that addresses this recommendation which is further described in Finding #1.

- 3) The request to modify Stipulation 3 is recommended to be approved with a modification to clarify that vehicular access to Melvin Street is prohibited. The proposed modification will allow pedestrian access to the site from the neighborhood to the north, while clarifying that vehicular access is prohibited, which will prohibit commercial traffic on a local street with existing residences.
- 4) The Street Transportation Department recommends an additional stipulation requiring that any driveway proposed along Van Buren Street be restricted to right-in/right-out movements only. This stipulation is recommended for inclusion.

Street Transportation Department staff noted that the recommendation is not intended to require a driveway along Van Buren Street; however, any proposed driveways must be restricted to right-in/right-out because of the subject site's proximity to the existing signalized intersection and not meeting the City standard for access control, resulting in conflicting turning movements.

- 5) The Street Transportation Department recommends two additional stipulations regarding a detached sidewalk along the west side of 35th Avenue and a sidewalk easement along both 35th Avenue and Van Buren Street. These stipulations are recommended for inclusion.

Street Transportation Department staff noted that 35th Avenue is identified as a D-Cross Section on the City Council approved Street Classification Map. The D-Section requires detached sidewalks. The Street Classification Map also requires a total of 50-foot right-of-way dedication allowing the last 10 feet to be sidewalk easement. The current ROW along both frontages is 40-feet and therefore Street Transportation is requesting the 10-foot sidewalk easement dedication to comply with the Street Classification Map.

**STIPULATIONS:**

1.	<del>That THE development shall be in general conformance with the site plan</del> <del>DATE STAMPED FEBRUARY 11, 2022 dated November 23, 1992, as</del> <del>may be modified by the FOLLOWING STIPULATIONS AND APPROVED</del> <del>BY THE PLANNING AND Development Services Department through the</del> <del>Development Review process to meet Zoning Ordinance requirements.</del>
2.	<del>That a far side bus stop on the north side of Van Buren Street shall be</del> <del>provided as approved by the Development Services Department. Access</del> <del>shall be provided from the bus stop to the restaurant in accordance with</del>



	<p><del>the Americans with Disabilities Act requirements as approved by the Development Services Department.</del></p> <p>THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY AND CONSTRUCT ONE BUS STOP PAD ALONG WESTBOUND VAN BUREN STREET WEST OF 35TH AVENUE. THE BUS STOP PAD SHALL BE COMPLIANT WITH CITY OF PHOENIX STANDARD DETAIL P1260 WITH A MINIMUM DEPTH OF 12 FEET. THE BUS PAD SHALL BE SPACED FROM THE INTERSECTION OF 35TH AVENUE AND VAN BUREN STREET ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1258, AS APPROVED OR MODIFIED BY THE PUBLIC TRANSIT DEPARTMENT.</p>
3.	<p><del>That no VEHICULAR access shall be provided to Melvin Street SHALL BE PROHIBITED unless a variance to reduce the required drive thru queuing space is denied.</del></p>
4.	<p>IF ANY DRIVEWAY IS PROPOSED ALONG VAN BUREN STREET, THE DRIVEWAY SHALL BE RESTRICTED TO RIGHT-IN/RIGHT-OUT ONLY, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.</p>
5.	<p>THE DEVELOPER SHALL CONSTRUCT A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG THE WEST SIDE OF 35TH AVENUE TO BE DETACHED WITH A MINIMUM 10-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK. TREES PLANTED IN THE LANDSCAPE AREA TO BE PLACED NEAR THE SIDEWALK TO PROVIDE THERMAL COMFORT FOR PEDESTRIANS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
6.	<p>THE DEVELOPER SHALL DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE NORTH SIDE OF VAN BUREN STREET AND THE WEST SIDE OF 35TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
7.	<p>PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.</p>

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# ESTRELLA VILLAGE PLANNING COMMITTEE MINUTES

Tuesday, December 21, 2021

Meeting was held electronically via a video conferencing platform

## **MEMBERS PRESENT**

Mark Cardenas, Chair  
Parris Wallace, Vice Chair  
Serika Ademolu  
Kevin Danzeisen  
Lisa Perez  
Dan Rush

## **MEMBERS ABSENT**

Bill Barquin  
Beth Cartwright  
Dafra Joel Sanou

## **STAFF PRESENT**

Enrique Bojórquez

1. Call to order, introduction of committee members, and announcements by the chair.

The meeting was called to order at 6:02pm by **Chair Mark Cardenas** with a quorum of 6 members present, 5 being required for a quorum.

2. Review and approval of the **November 16, 2021**, meeting minutes.

**Chair Cardenas** asked for a motion to approve the minutes as presented.

## **MOTION**

**Mr. Mark Cardenas** made a motion to approve the minutes as presented.

**Mr. Dan Rush** seconded the motion.

## **VOTE**

**6-0**, motion passed; None in dissent.

3. Public comments concerning items not on the agenda.

None.

4. **PHO-1-21--Z-1-93-7(4)**: Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located at the northwest corner of 35th Avenue and Van Buren Street. Request to modify stipulation number 1 regarding general conformance to the site plan dated November 23, 1992. Request to modify stipulation number 2 regarding a bus stop on the north side of Van Buren Street, and request to modify stipulation number 3 prohibiting access to Melvin Street.
5. **PHO-1-21--Z-23-95-7(4)**: Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located approximately 175 feet west of the southwest corner of 35th Avenue and Melvin Street. Request to modify stipulation number 1 regarding pedestrian and vehicular access to Melvin Street. Request to modify stipulation number 2 regarding a 20-foot landscape setback along Melvin Street, and request to modify stipulation number 3 regarding a 6-foot masonry screen wall. Request to delete stipulation number 4 regarding use of parking.



*Cases PHO-1-21--Z-1-93-7(4) and PHO-1-21--Z-23-95-7(4) were heard concurrently.*

*No members of the public registered to speak on these items.*

**Enrique Bojórquez**, staff, introduced himself and provided a concurrent presentation on both cases noting the location of the site, existing zoning, and proposed use. The requested modifications to the case stipulations for PHO-1-21-Z--1-93-7(4) and PHO-1-21--Z-23-95-7(4) were presented and the new proposed site plan was shown. He then invited the applicant to provide a brief presentation to the committee.

**Adam Baugh**, Withey Morris PLC, introduced himself as the applicant and stated that he was covering for his colleague William Allison who worked on these cases. He discussed the location and background history of the site, noting the existing zoning districts. He discussed the proposed development, site plan, stipulation modifications requested and concluded by requesting an approval of both requests.

**Chairman Cardenas** asked for questions or discussion from the committee.

**Lisa Perez** asked if Mr. Rush was notified by this applicant on the proposed development.

**Dan Rush** stated that he did not receive a notice but has no issues at the moment.

**Mr. Baugh** stated that all letters were mailed to those listed in their notification documents.

**Ms. Perez** stated that she understands, but Mr. Rush did not receive this letter. This area has a lot of traffic issues and asked for input from Mr. Rush and Vice Chair Wallace who are familiar with the area.

**Mr. Rush** stated that this appears to be a good development of the site, as there are no gas stations south of Van Buren Street.

**Vice Chair Wallace** does not see a major issue with this development.

**Ms. Perez** asked for clarification on street access, north landscape setback and potential user of the site.

**Mr. Baugh** discussed the access points to the site, and the increased landscape setback along the north property line. He is unable to disclose the user of this site.

**Chairman Cardenas** asked for further discussion or a motion on each case.

**MOTION – PHO-1-21--Z-1-93-7(4):**

**Mr. Danzeisen** motioned to approve the modifications as requested by the applicant. **Chairman Cardenas** seconded the motion to approve.

**VOTE – PHO-1-21--Z-1-93-7(4):**

**6-0**, motion passed; Members Ademolu, Danzeisen, Perez, Rush, Wallace and Cardenas in favor; None in dissent.

**MOTION – PHO-1-21--Z-23-95-7(4):**

**Chairman Cardenas** motioned to approve the modifications as requested by the applicant. **Mr. Rush** seconded the motion to approve.

**VOTE – PHO-1-21-Z--23-95-7(4):**

**6-0**, motion passed; Members Ademolu, Danzeisen, Perez, Rush, Wallace and Cardenas in favor; None in dissent.

6. Discussion and possible recommendation regarding nominations and elections of Chair and Vice Chair for 2022.

**Chairman Cardenas** asked for nominations to be made for Chair. He then nominated Parris Wallace to serve as Chair in 2022.

**Vice Chair Wallace** declined the nomination.

Committee member discussion.

**Vice Chair Wallace** nominates Mark Cardenas as Chair for 2022.

**Chairman Cardenas** accepted the nomination and asked for other nominations to be made.

**VOTE:**

Mr. Cardenas: **5-0-1** Motion passed; Members Ademolu, Danzeisen, Rush, Wallace and Cardenas in favor; None in dissent; Member Perez abstained.

**Chairman Cardenas** opened the floor for nominations of Vice Chair for 2022. He then nominated Parris Wallace as Vice Chair for 2022.

**Vice Chair Wallace** accepted the nomination.

**Chairman Cardenas** asked for other nominations to be made.

**VOTE:**

Ms. Wallace: **6-0** Motion passed; Members Ademolu, Danzeisen, Perez, Rush, Wallace and Cardenas in favor; None in dissent.

Chairman Cardenas was elected Chair for 2022, while Vice Chair Wallace was elected as Vice Chair for 2022.