

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-23-95-7(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 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

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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
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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-23-95-7(4)

Council District: 4

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 1 regarding general conformance with the site plan date stamped February 11, 2022.; Request to delete Stipulation 2 regarding vehicular access to Melvin Street.

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: Approximately 175 feet west of the southwest corner of 35th Avenue and Melvin Street

Acreage: 0.23

Geographic Information

Zoning Map	APN	Quarter Section
F6	106-15-173A	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 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
\$1,080.00	\$0.00	04/10/24	PHO (1-2 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., 2nd 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 & 35th 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 35th 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 35th Avenue turning onto Melvin Street. In making the turn from 35th 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 35th 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 35th 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 35th 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 35th 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

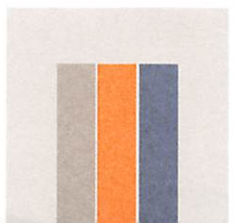


Exhibit 1

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

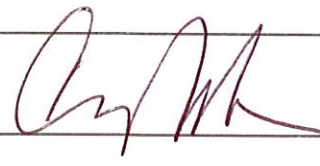
☐ Under Advisement ☐ Withdrawn ☐ Other
☐ Cont: _____

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**ZONING ORD. SECTIONS**

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

623.E.4.e

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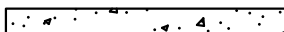
16	THANK YOU / DO NOT ENTER SIGN
17	PROPOSED DRIVEWAY ENTRANCE PER CITY OF PHOENIX DETAIL P1225-2
18	EXISTING STREET LIGHT TO REMAIN AND PROTECT IN PLACE
19	STREET LIGHT TO BE RELOCATED
20	EXISTING ELECTRICAL POLE TO REMAIN AND PROTECT IN PLACE
21	EXISTING FIRE HYDRANT TO REMAIN AND PROTECT IN PLACE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

1ST	1ST PRE APP. SUBMITTAL	06-08-23
2ND	1ST VARIANCE SUBMITTAL	10-24-23
3RD	1ST USE PERMIT SUB.	10-24-23

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

DRAWN BY: RR/BP/CJ

PANDA PROJECT #: S8-25-D28063

PANDA STORE #: -

ARCH PROJECT #: 23-069



GARY WANG
& ASSOCIATES, INC.

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



Expires 09/30/202

PANDA EXPRESS

3502 W VAN BUREN ST.
PHOENIX, AZ 85009

SITE PLAN
ARCHITECTURAL

A-100

Exhibit 4

Looking Northwest Near Corner of 35th Ave & Van Buren



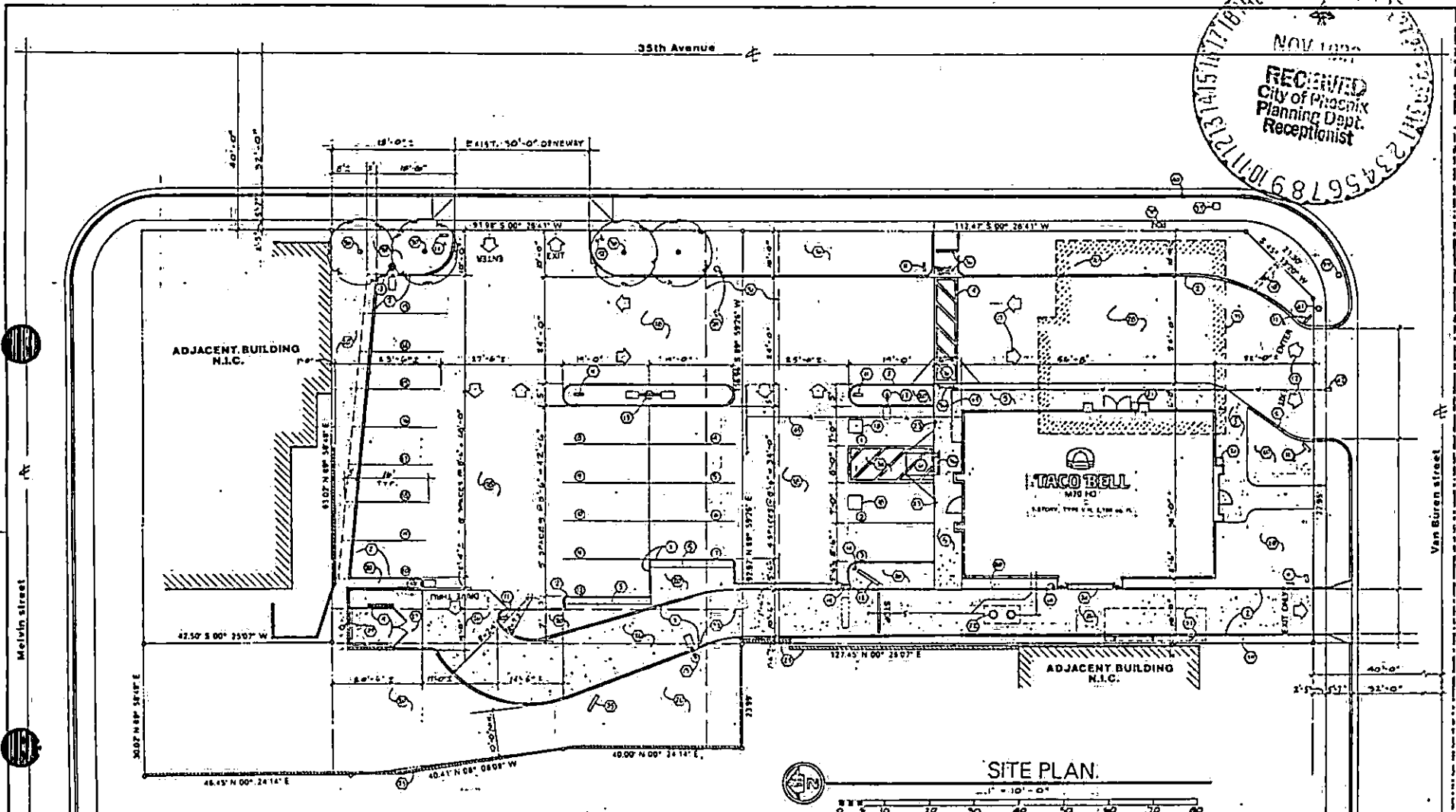
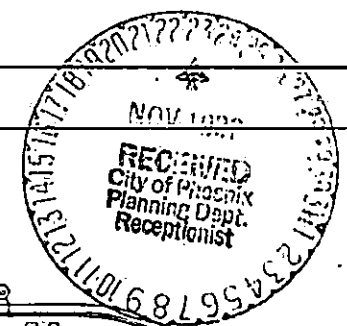
Looking South from Melvin



Looking South from 35th Ave



Exhibit 5



SITE PLAN.

- 1. All areas shown on this plan are to be used for the purposes indicated.
- 2. The building shown on this plan is to be used for the purposes indicated.
- 3. The parking areas shown on this plan are to be used for the purposes indicated.
- 4. The landscaping areas shown on this plan are to be used for the purposes indicated.
- 5. The site plan is to be used for the purposes indicated.
- 6. The site plan is to be used for the purposes indicated.
- 7. The site plan is to be used for the purposes indicated.
- 8. The site plan is to be used for the purposes indicated.
- 9. The site plan is to be used for the purposes indicated.
- 10. The site plan is to be used for the purposes indicated.

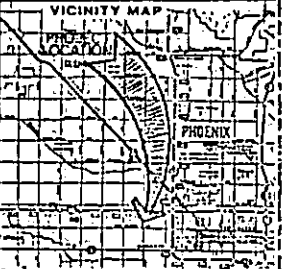
- 1. The site plan is to be used for the purposes indicated.
- 2. The site plan is to be used for the purposes indicated.
- 3. The site plan is to be used for the purposes indicated.
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- 7. The site plan is to be used for the purposes indicated.
- 8. The site plan is to be used for the purposes indicated.
- 9. The site plan is to be used for the purposes indicated.
- 10. The site plan is to be used for the purposes indicated.

PROJECT DATA

PROJECT NAME	1000 W. VAN BUREN STREET
PROJECT ADDRESS	PHOENIX, AZ 85001
OWNER	TACO BELL CORPORATION
ARCHITECT	CLARK SCHUSS & CLARK
DATE	NOV 1994

PROJECT DATA

PROJECT NAME	1000 W. VAN BUREN STREET
PROJECT ADDRESS	PHOENIX, AZ 85001
OWNER	TACO BELL CORPORATION
ARCHITECT	CLARK SCHUSS & CLARK
DATE	NOV 1994



REVISIONS

NO.	DESCRIPTION
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...

SCHUSS & CLARK
AN ARCHITECTURAL CORPORATION
6474 KERRY VILLAGE ROAD
SAN DIEGO, CALIFORNIA 92120
(619) 570-2240 FAX (619) 570-0340

TACO BELL
ARCHITECTURAL & ENGINEERING
1000 W. VAN BUREN STREET
PHOENIX, AZ 85001
(602) 254-1111

Drawn by: [Name]
Checked by: [Name]
Date: [Date]
Project No: 97-034-11
Sheet No: A-1A



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-23-95-7(4) – Approximately 175 feet west of the southwest corner of 35th Avenue and Melvin Street

Dear Applicant:

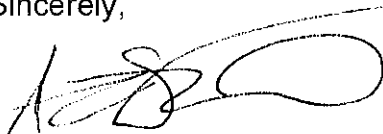
Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506 of the Zoning Ordinance, has on March 23, 2022, considered a request for 1) Modification of Stipulation 1 regarding pedestrian and vehicular access to Melvin Street. 2) Modification of Stipulation 2 regarding a 20-foot landscape setback along Melvin Street. 3) Modification of Stipulation 3 regarding a 6-foot masonry screen wall. 4) Deletion of Stipulation 4 regarding use of parking.

The City Council ratified application PHO-1-21--Z-23-95-7(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.
- Del** 2. Vehicular access to Melvin Street shall be prohibited.
3. 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.

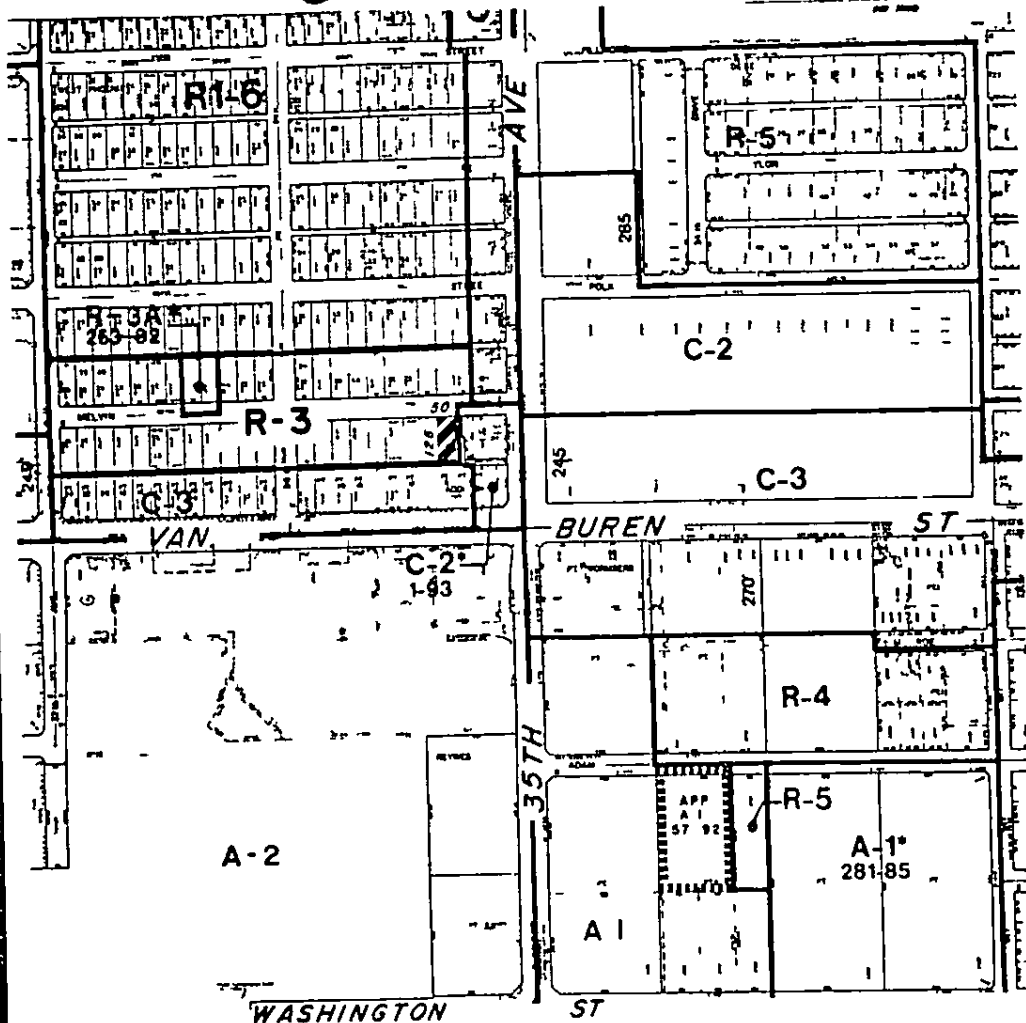
Sincerely,

A handwritten signature in black ink, appearing to read 'A. Stranieri', with a large, sweeping loop at the end.

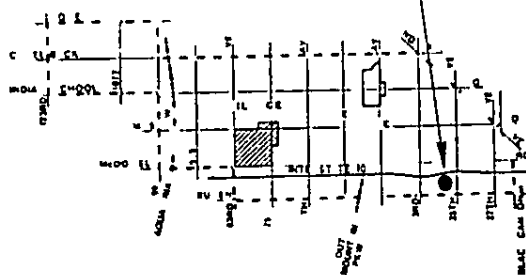
Adam Stranieri
Planner III

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



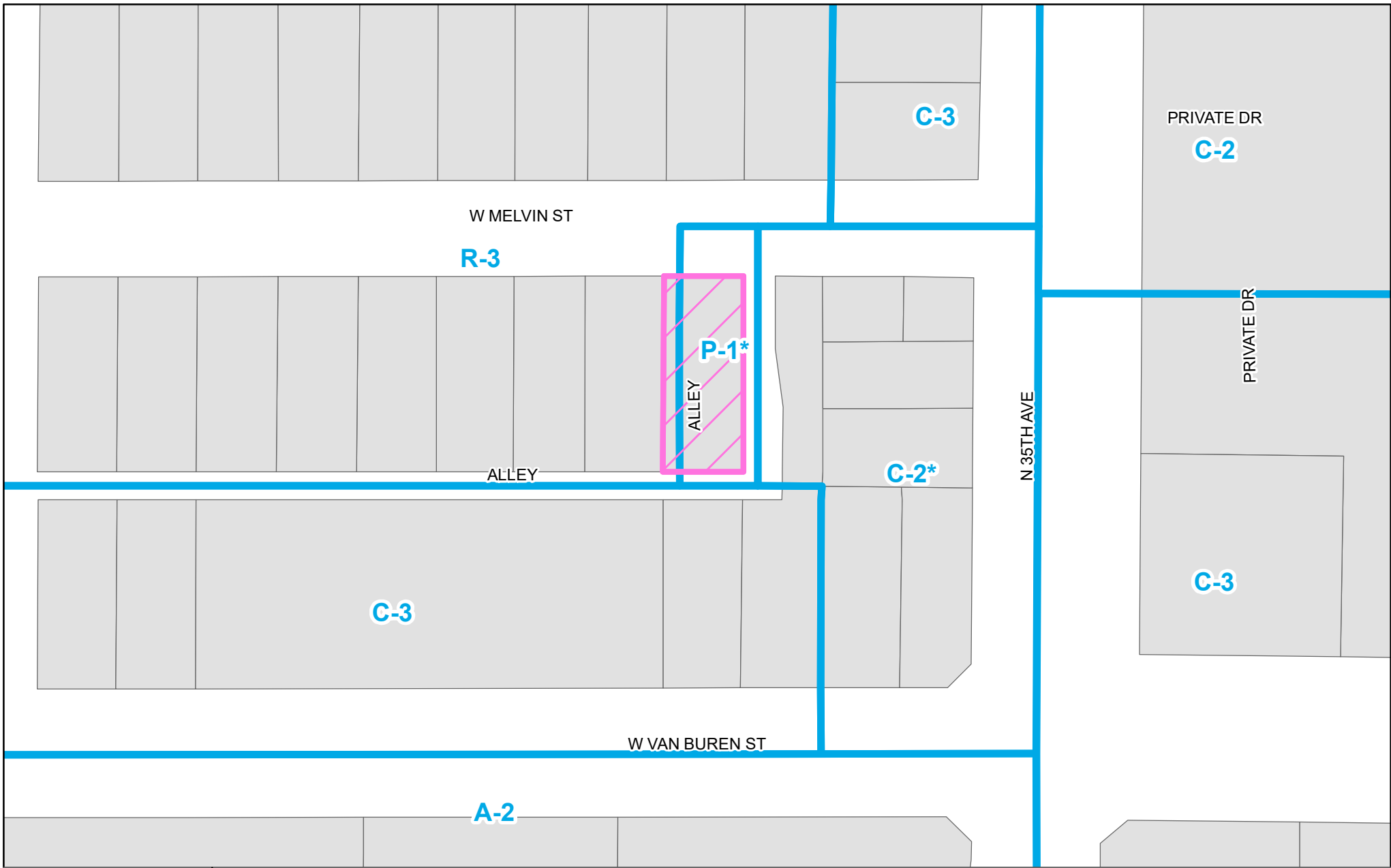
23-95-7



CITY OF PHOENIX PLANNING DEPARTMENT
MARYVALE VILLAGE
CITY COUNCIL DISTRICT 7

APPLICANT'S NAME AUDREY M ELDREDGE		REQUESTED CHANGE FROM R-3	
APPLICATION NO 23-95-7	HEARING DATES ZHO PC CC 1 30 95		TO P-1
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX 0.23 ACRES	AERIAL PHOTO & QUARTER SEC NO 11-20	ZONING MAP F 6 (E 4)	
MULTIPLES PERMITTED	UNITS STANDARD OPTION	* UNITS PRD OPTION	

* MAXIMUM UNITS ALLOWED WITH PRD BONUS



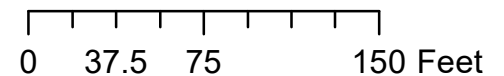
PHO-2-24--Z-23-95-7(4)

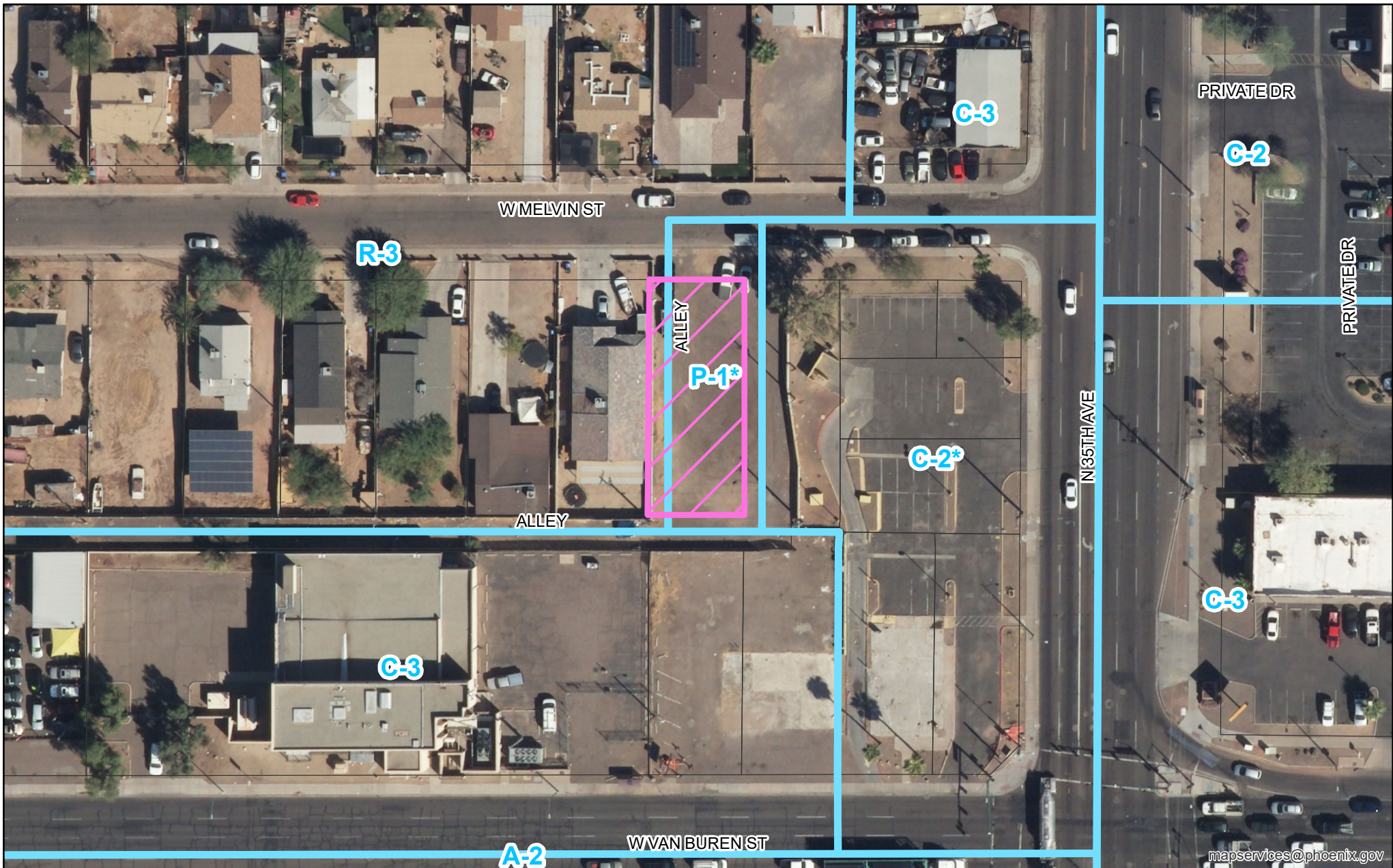
Property Location: Approximately 175 feet west of the southwest corner of
35th Avenue and Melvin Street



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department





PHO-2-24--Z-23-95-7(4)

**Property Location: Approximately 175 feet west of the southwest corner of
35th Avenue and Melvin Street**



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

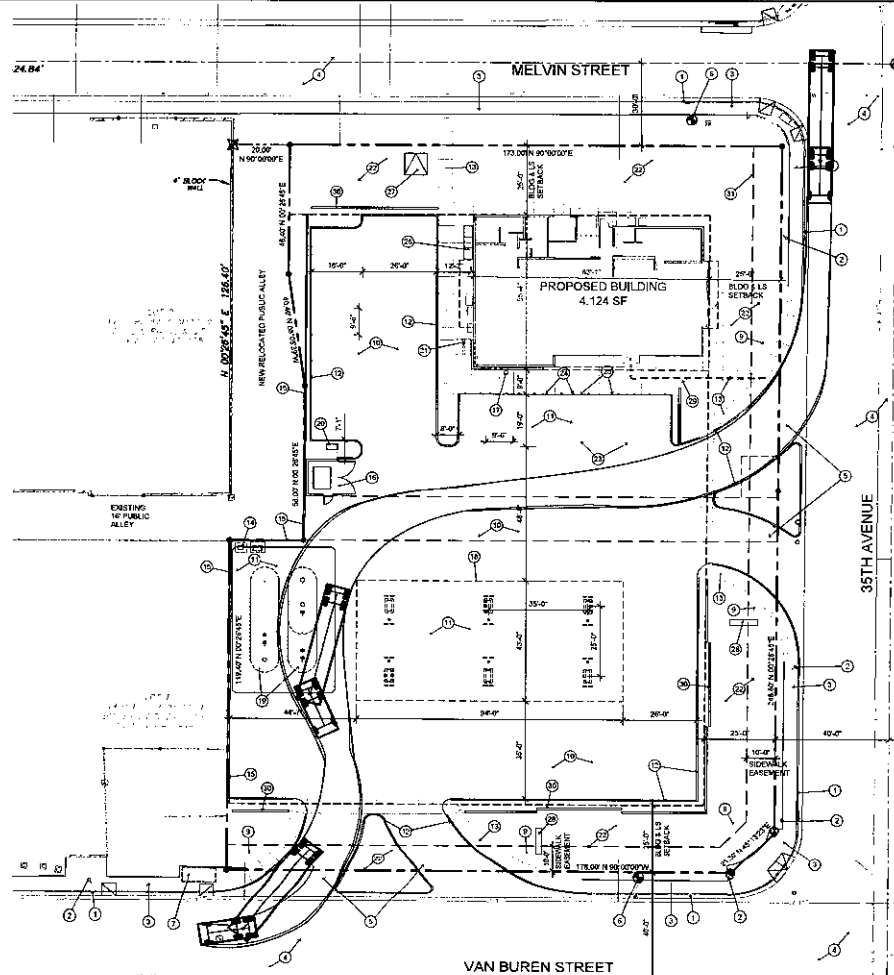
Planning & Development Department

0 30 60 120 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 21 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 DOORS, 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.



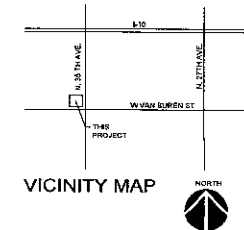
1 SITE PLAN

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 SIGN, 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		ARCHITECT	
DERRIT DEVELOPMENT 8100 EAST TALKING STICK WAY SUITE E1 SCOTTSDALE, ARIZONA CONTACT: EVER BOWEN PH: 480.834.8200 EMAIL: ever.bowen@derrit.com		ARCHICON ARCHITECTURE AND INTERIORS, L.C. 5055 E WASHINGTON ST. SUITE 200 PHOENIX, AZ 85034 CONTACT: JEFFREY A KOSKI PH: 602.222.4204 EMAIL: jk@archicon.com	
<u>PROJECT DESCRIPTION</u>			
THIS PROJECT WILL CONSIST OF A NEW STORE ALONG WITH THE ADDITION OF A GAS FUELING CANOPY.			
THE LOTS WILL BE COMBINED AND THE EXISTING PUBLIC ALLEY WILL BE RELOCATED TO THE WEST SIDE OF APRN 106-15-173A			
<u>SITE DATA</u>			
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 (GFA, EFT, GNC, SQ. FT.)			
FLOOR AREA RATIO		6,166 / 47,791 = 0.128	
BUILDING COVERAGE (INCLUDES CANOPY)		17.12%	
OCCUPANCY		M (RETAIL STORE & MOTOR FUEL DISPENSING)	
CONSTRUCTION		V-B W.A.P.E.S.	
ALLOWABLE AREA		6,900 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)	
<u>REQUIRED PARKING CALCULATIONS</u>			
OCCUPANCY		S.F.	FACTOR TOTAL
RETAIL		4,124	3/200 13.74 SPACES
TOTAL PARKING SPACES PROVIDED		15 SPACES	
ACCESSIBLE PARKING SPACES PROVIDED		2 SPACES - VAN ACCESSIBLE	
BICYCLE SPACES		2 SPACES	



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

ARCHICON
Architecture & Interiors, L.C.

5045 WASHINGTON STREET
SUITE 200
PHOENIX, ARIZONA 85034
(602) 222-4204
1441 WEST 74TH AVE
www.archicon.com

CORNER PAD DEVELOPMENT

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

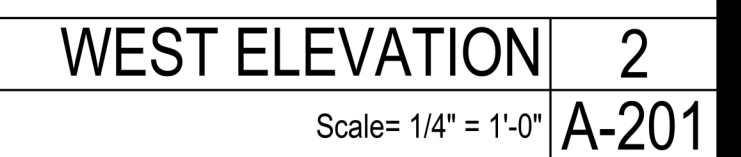
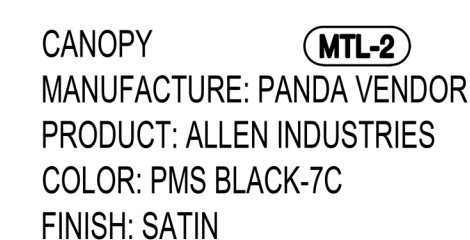
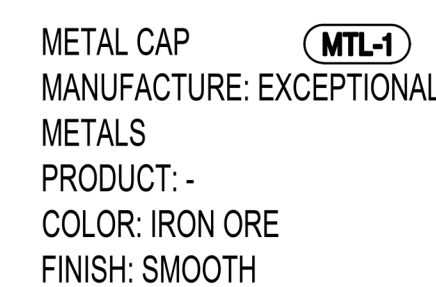
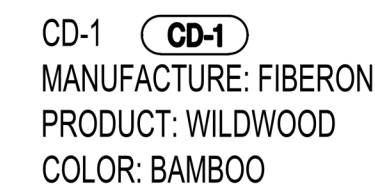
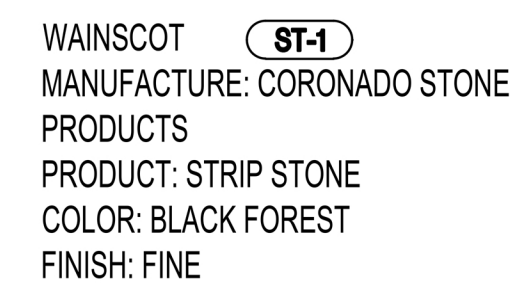
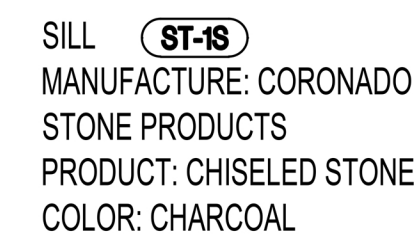
PROJECT NUMBER: 212515-05
PROJECT MANAGER: J. KOSKI
DRAWN BY: ARCHICON
CHECKED BY: J. KOSKI

REVISION

SHEET DESCRIPTION
SITE PLAN

SHEET NO.
PA100

ISSUE DATE: 18 SEP 2021



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REVISONS:		

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/CJ

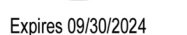
PANDA PROJECT #: S8-25-D28063

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>

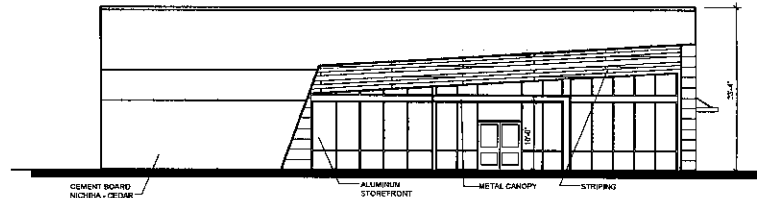


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3502 W VAN BUREN ST.
PHOENIX, AZ 85009

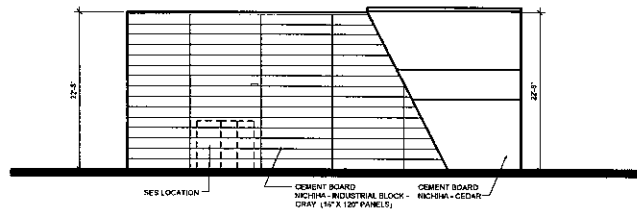
A-201

EXTERIOR
ELEVATIONS



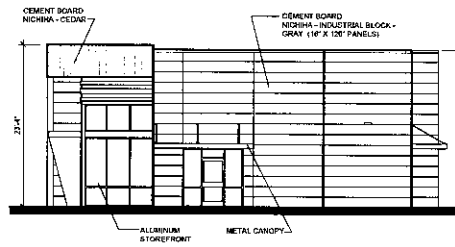
① SOUTH ELEVATION

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



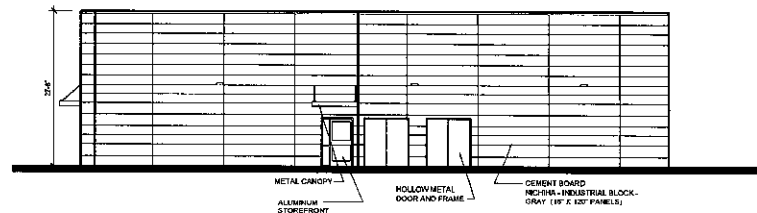
② WEST ELEVATION

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



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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.	REVISION

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: 3	
	DISTRICT 4
SUBJECT:	
Application #:	PHO-1-21--Z-23-95-7(4) (Continued from January 19, 2022)
Location:	Approximately 175 feet west of the southwest corner of 35th Avenue and Melvin Street
Zoning:	P-1
Acreage:	0.23
Request:	1) Modification of Stipulation 1 regarding pedestrian and vehicular access to Melvin Street. 2) Modification of Stipulation 2 regarding a 20-foot landscape setback along Melvin Street. 3) Modification of Stipulation 3 regarding a 6-foot masonry screen wall. 4) Deletion of Stipulation 4 regarding use of parking.
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 case was heard concurrently with Item #2 (PHO-1-21--Z-1-93-7(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 recommended that the proposed modification to Stipulation 1 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 recommended that the proposed modification to Stipulation 2 regarding the landscape setback along Melvin Street be approved with a modification to delete the stipulation. He noted that the proposed conceptual site plan complies with the current Ordinance, which is more restrictive than the existing stipulation. He recommended that the proposed modification to Stipulation 3 regarding a 6-foot masonry screen wall be approved with a modification to delete the stipulation. He noted that the proposed conceptual site plan depicts pedestrian access points along Melvin Street and this would allow better visibility and improve safety on the site. He also noted that the current Ordinance has a more restrictive standard for walls along interior property lines between commercial and residential properties and recommended that this standard apply, rather than the existing, outdated stipulation language. He recommended that the proposed deletion of Stipulation 4 regarding the use of parking be approved. He noted that in the original case, there were concerns regarding overflow parking for a nearby tavern that is no longer present in the area. He noted that the current Ordinance has standards for shared parking models and off-site parking if this type of parking was needed in the future. He stated that it is recommended to include an additional stipulation regarding general conformance with the conceptual site plan proposed in companion case PHO-1-21—Z-1-93-7(4), which would provide consistency when the applicant combines the parcels as part of the proposed development.

FINDINGS:

- 1) The request to modify Stipulation 1 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.
- 2) The request to modify Stipulation 2 is recommended to be approved with a modification to delete the stipulation in its entirety. At the time the stipulation was established, the landscape setback standard for this

location was less restrictive than the same standard in the current Zoning Ordinance. Further, the proposed conceptual site plan complies with the current Ordinance's landscaping requirement in this location. Therefore, this stipulation can be deleted.

- 3) The request to modify Stipulation 3 is recommended to be approved with a modification to delete the stipulation in its entirety. At the time the stipulation was established, there was a desire to completely screen the property line along Melvin Street. However, the proposed conceptual site plan depicts pedestrian access points and a significantly altered layout from the original proposal. The applicant also argued that removing this requirement for Melvin Street would allow better visibility and improve safety on the site. Removing this requirement would improve the pedestrian environment in this location.

Regarding the west property line, there is a current Zoning Ordinance standard that addresses wall requirements for newly developed commercial properties with common property lines shared with properties zoned for residential uses (Section 703.A.3.b.(1)) that is more restrictive than the current stipulation. Therefore, Stipulation 3 should be deleted and the current Ordinance standards applied.

- 4) The request to delete Stipulation 4 is recommended to be approved. This stipulation was established to address concerns regarding potential overflow parking from a tavern that was previously located in the immediate vicinity. This tavern is no longer present, and the proposed conceptual site plan depicts the use of this site as parking for this project alone. Further, the Zoning Ordinance contains current standards that address parking for off-site uses that would be enforced if this was ever proposed. The stipulation is unnecessary and outdated.
- 5) An additional stipulation is recommended to require general conformance to the conceptual site plan proposed in companion case PHO-1-21--Z-1-93-7(4). There is no general conformance stipulation in this case currently, but the subject property is depicted on the site plan in the companion case. Adding this stipulation will provide consistency with the companion case given that the applicant will be combining the parcels as part of the proposed development.

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.

STIPULATIONS:

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. 4.	That no pedestrian or Vehicular access shall be allowed to Melvin Street SHALL BE PROHIBITED.
2.	That a 20 foot landscape setback be provided along Melvin Street.
3.	That a six (6) foot masonry screen wall be provided behind the Melvin Street setback and along the west property line and contain heavy landscaping.
4.	That the approved parking not be used to support additional commercial development intensity in the area.
3.	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.

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

January 19, 2022

ITEM NO: 2	
	DISTRICT 4
SUBJECT:	
Application #:	PHO-1-21--Z-23-95-7(4)
Location:	Approximately 175 feet west of the southwest corner of 35th Avenue and Melvin Street
Zoning:	P-1
Acreage:	0.23
Request:	1) Modification of Stipulation 1 regarding pedestrian and vehicular access to Melvin Street. 2) Modification of Stipulation 2 regarding a 20-foot landscape setback along Melvin Street. 3) Modification of Stipulation 3 regarding a 6-foot masonry screen wall. 4) Deletion of Stipulation 4 regarding use of parking.
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 a continuance to the February 16, 2022 agenda.

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 case was heard concurrently with Item #1 (PHO-1-21--Z-1-93-7(4)).

William F. Allison, representative with Withey Morris, requested a continuance to the February 16, 2022 Planning Hearing Officer hearing. He stated that he would continue to work with the Street Transportation Department and Public Transit Department to address staff recommendations.

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