



City of Phoenix
PLANNING DEPARTMENT

To: Departments Concerned Date: June 11, 2010
From: Derek D. Horn, P.E., C.B.O., Assistant Director
Planning/Development Services Department
Subject: **P.H.O. APPLICATION NO. Z-97-88-1 (NEW DISTRICT 3)** – Notice of Pending Actions by the
Planning Hearing Officer

- 1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at its meeting on **July 21, 2010**.
- 2. Information about this case is available for review at the Planning Department on the sixth floor of Phoenix City Hall, telephone 262-7131.
- 3. Please indicate your course of action, sign and return copy of this notice to the City of Phoenix Planning Department, Zoning Services Division, 200 West Washington Street, Phoenix, AZ 85003 by **June 25, 2010**.

- Will arrange to review case file no later than _____
- Will resolve problems with the owner and contact you no later than _____
- We do not anticipate any problems in connection with the cases listed on this subject notice.

Signature

Date

DISTRIBUTION (*Electronically*):

- Mayor's Office (Ryan Burke) - 11th floor
 - Council District Office (Penny Parrella) – 11th Floor
 - Aviation (Raquel Moreno) – 3400 E. Sky Harbor Blvd
 - City Manager's Office (Kevin Weight) – Historic Preservation Office
 - Development Services (Alex Singbush) – 3rd floor
 - Community & Economic Development (Melinda Vazquez)
 - Fire Prevention (Joe McElvaney) 2nd floor
 - Finance Admin (Barry Page) - 251 W. Washington – 8th Floor
 - Neighborhood Services (Annie Alvarado) – 4th floor
 - Parks, Recreation (Mike Bornhoeft) – 16th Floor
 - Parks, Recreation (Robert Serocki) – Pueblo Grande Museum
 - Public Transit (Blair Proctor) - 302 N. 1st Ave.
 - Public Transit (Mark Melnychenko) - 302 N. 1st Ave., Ste 800
 - Public Transit/Light Rail Project (Curt Upton/*Special TOD Only*) – 411 N. Central #200
 - Street Transportation (Hasan Mushtaq) – 5th Floor
 - Street Transportation (Alan Hilty) – 5th Floor
 - Street Transportation (Barb Petsche) – 5th Floor
 - Street Transportation (Debra Oliver) – 5th Floor
 - Water Services (Aaron Laroque, Nazario Prieto) – 8th Floor
 - Planning (Derek Horn)
 - Planning/Information Services (Ben Ernyei)
 - Planning Hearing Officer (Larry Tom)
 - Planning Hearing Officer (Alan Stephenson)
 - Planning (Lilia Olivarez)
 - Hard copies with additional form:*
 - Village Planner (Jane Bixler, Paradise Valley)
 - Village Chair (Gary Soutanian, Paradise Valley)
- appdist**



City of Phoenix

PLANNING DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-10--Z-97-88-1

Council District: 3

Request For: Stipulation Modification Fee: \$1080.00

Owner	Applicant	Representative
Fry's Food Stores of Arizona 500 South 99th Avenue, Building A Tolleson AZ 85353 (623) 907-1984	KDF Architectural Group 4001 North 3rd Street, Suite 130 Phoenix AZ 85012 (602) 234-1868	KDF Architectural Group 4001 North 3rd Street, Suite 130 Phoenix AZ 85012 P: (602) 234-1868 F: (602) 234-1413

Property Location: Southeast corner of 40th Street and Thunderbird Road

Zoning Map: L-10 Quarter Section: 32-37 APN: 167-12-307 Acreage: 8.51

Reason for Request: 1) Modification of stipulation 1 regarding general conformance to the site plan dated May 31, 1998 2) Modification of stipulation 12 regarding lot coverage 3) Technical corrections to stipulations 1, 2, 3, 6, 7, 8, 9, 10, and 11

Village: Paradise Valley

Last Hearing: CC RATIFICATION

Previous Opposition: No

Date of Original City Council Action: 6/22/1988

Previous PHO Actions: _____

Zoning Vested: C-1

Supplemental Map No.: 831

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Signature of Applicant <u>490075</u>	Date <u>aherre2</u>
Receipt Number	Planning Staff Member

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>7/21/2010</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	Appealed?: _____
Action: _____	Action: _____	Action: _____

6/4/2010

Fry's Fueling Station #121

4025 East Thunderbird Rd. (SEC of 40th Street and Thunderbird Rd.)
Phoenix, AZ 85032

WRITTEN APPLICATION REQUEST

Attached is an application for a request to modify zoning case stipulations. The previous Zoning Case is **97-88-1**, with stipulations dated June 24, 1988 (attached). Listed are the modification requests that we are seeking under this application (see following page for written narratives):

Item 1

(Stipulation 1) Modification to the approved Site Plan submitted May 31, 1988. This request seeks to add a Fueling Station in the NW corner of the site (refer enclosed Site Plan).

With this addition, we will not be in general conformance of the approved site plan.

Revised stipulation would read the same, but with a newly dated Site Plan (which would include the addition of the Fueling Station)

Item 2

(Stipulation 12) Modification to maximum site coverage: Increase allowable site coverage to 30% (currently stipulated at 27%).

With this addition, the Fueling Station canopy and kiosk will increase our lot coverage putting us over the 27% maximum stipulation (refer to attached narrative).

Revised stipulation would read that the maximum lot coverage on the site be limited to 30%.

6/4/2010

Fry's Fueling Station #121

4025 East Thunderbird Rd. (SEC of 40th Street and Thunderbird Rd.)
Phoenix, AZ 85032

WRITTEN NARRATIVE

Item 1

We are seeking to add a fueling canopy (41'x121') and cashier kiosk (8'x14') to the existing site. Previous Zoning Case ZA 97-88-1 stipulates that we are required to obtain city approval for any site modification to the existing approved site plan. We are submitting the attached site plan for city approval.

Item 2

The addition of the kiosk and fueling canopy will increase our site coverage. Stipulation #12 of the above referenced zoning application states that the maximum site coverage be limited to 27%.

In proposing the additional kiosk and canopy onto the existing site, we will be at slightly under 30% (29.2%) coverage. Under the current Ordinance, C-1 Zoning has a maximum of 50% site coverage. In the previous zoning application request, the zoning was changed from PSC to C-1, but the site coverage was stipulated well below the allowable amount for a C-1 zoning. The request appears to have had support from the majority of the adjacent landowners. The applicant was granted their request of the C-1 rezoning, but allowing them the maximum of 50% would have probably caused some concern for the adjacent landowners. With this in mind, we suspect a lower coverage that was more in-line with the existing PSC zoning was established, agreed upon, and stipulated for the new C-1 designation.

Although the fueling canopy area must be included in the total site area coverage calculation, we feel that it is not viewed as a 'hard' or 'under roof' building area or obstruction. It is an open canopy cover and not an enclosed building, so impact on additional site congestion will be limited. It will also not add to the site activity/occupancy as it is only an extension of the current on-site business (not an additional pad/tenant), and is meant to service their current customer base.

With this request, we are asking that the allowable maximum site coverage be changed/increased to 30%. This request will only increase the allowable site coverage by a small margin (3%), keeping it within the original intent of the Public Hearing Officer's stipulation on the previous zoning case.



City of Phoenix
Planning Department

June 24, 1988

Paul E. Gilbert
Beus, Gilbert, Wake & Morrill
3200 N. Central Avenue, Suite 1000
Phoenix, AZ 85012

RE: REZONING APPLICATION NO. 97-88-1

Dear Applicant:

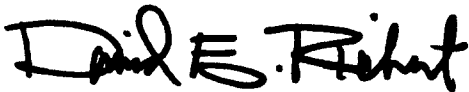
Please be advised that the Phoenix City Council, in accordance with the provisions of Section 108-P of the Zoning Ordinance, as amended, has on June 22, 1988, concurred in the recommendation of the Planning Commission and Zoning Hearing Officer and approved the C-1 zoning on a parcel located at the southeast corner of Thunderbird Road and 40th Street (approximately 8.41 acres), subject to stipulations.

STIPULATIONS

- ① That development be in general conformance to the site plan submitted May 31, 1988, as may be modified by the Development Coordination Office site plan approval and the stipulations below.
2. That the project be subject to Development Coordination Office Review pursuant to Section 511 of the zoning ordinance.
3. That the total site be graded and returned to its original nature grade as approved by the Development Coordination Office.
4. That the facade and roofline treatment, including texture, coloration, and building material shall be consistent around the entire building. All roofing mechanical equipment shall be screened from view with finished parapets and located away from adjacent residences.
5. That signage be limited to PSC zoning sign ordinance regulations.
6. That a six-foot masonry wall shall be required on property lines adjoining any residential zoning district, except for such breaks to accommodate pedestrian linkages to adjoining property as may be approved by the Development Coordination Office.
7. That an average 20-foot landscaped setback, measured from future right-of-way be provided along all public road frontages except on Thunderbird Road which will be as shown on the site plan. Landscaping to include minimum 2-1/2 inch caliper shade trees, planted 20 feet on center, or in equivalent groupings. Additionally, the landscaped setback areas shall include berms, decorative screening walls, or both as approved by the Development Coordination Office.

8. That landscaping adjacent to the building on the north and west sides of the structure and large planting areas at the end of parking aisles to be provided as approved by the Development Coordination Office.
9. That a minimum 10-foot landscape strip to include 2-1/2 inch caliper drought resistant shade trees placed 20 feet on center be provided on the south and east property lines as approved by the Development Coordination Office. That the applicant will be responsible for notifying the neighborhood of the Development Coordination Office review hearing.
10. That the following right-of-way be dedicated within one year of final City Council approval to include:
 - a. A 21' x 21' triangle at 40th Street and Thunderbird Road.
 - b. A bus bay on Thunderbird Road west of 40th Street (Detail 1257).
 - c. Adequate right-of-way as determined by the Streets and Traffic Department for Major Street Project P-856005.
 - d. A right turn lane on 40th Street at Thunderbird Road.
11. That all loading areas be depressed below grade and be completely screened by a masonry wall as approved by the Development Coordination Office.
12. That the maximum lot coverage on the site be limited to 27 percent.
13. That exterior lighting be prohibited on the south and east sides of the building adjacent to residential property except for lighting necessary for the loading bays only. Such lighting shall be low level and turned inward toward the building so as not to shine into adjacent property.

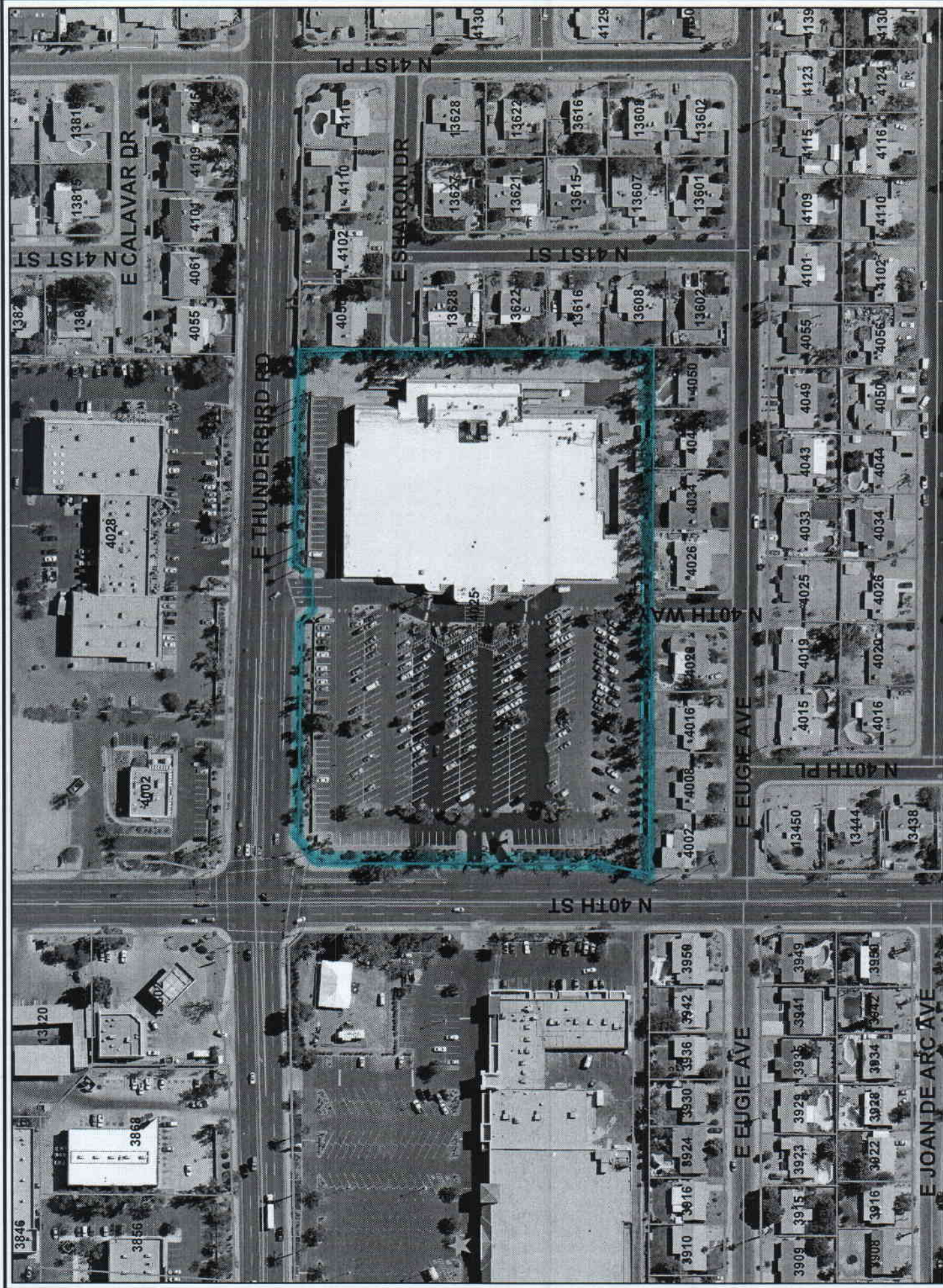
Sincerely,



David E. Richert
Deputy Planning Director

DER: jc/97880531

cc: City Clerk
Jay Neville
John Beall (2)
Neighborhood Improvement
and Housing
Files (2)



The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary.

Development Services


 City of Phoenix

N 

1 inch = 164.582 ft.

0 55 110 220 Feet



The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary.

Development Services

JUN 04 2010

LEGAL DESCRIPTION
 TRACT 2X OF GRANITE VALLEY CADDIS NO. 9, ACCORDING TO THE PLAN OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 171 OF MAPS, PAGE 45, EXCEPT THAT PORTION DEDICATED ON MAP OF DEDICATION FOR SALES NO. 301 RECORDED IN BOOK 331 OF OFFICIAL RECORDS OF MAPS, PAGE 30 AND DEDICATION AND CONSENT RECORDED MAY 3, 1940 IN 90-2484-A OF OFFICIAL RECORDS.

PROPERTY OWNER
 FRY'S FOOD STORES OF ARIZONA
 500 N. THIRD ST. STE. 350
 PHOENIX, AZ 85004
 PHONE: 602-754-1166
 FAX: 602-754-1167
 CONTACT: JIM HILL
 CONTACT: JEFF BENTLEY

PROJECT ADDRESS
 40TH STREET AND THUNDERBIRD ROAD
 40TH STREET AND THUNDERBIRD ROAD

ARCHITECT
 KCP/INS ARCHITECTS
 4001 N. THIRD ST. STE. 350
 PHOENIX, AZ 85004
 PHONE: 602-754-1166
 FAX: 602-754-1167
 CONTACT: JIM HILL
 CONTACT: JEFF BENTLEY

GENERAL INFORMATION
 USE: CENTER - RETAIL
 CANOPY: 0-8 NON-SPRINKLERED
 H (CANOPY) & K (NOSE)
 OCCUPANCY: 91-13-201
 NORTHING: PG. 6-2
 SOUTHING: PG. 6-1
 ADJACENT ZONING: RES-1, C-2

SITE AREA
 NET: 31423 SF. (0.72 ACRES)
 GROSS: 370716 SF. (8.51 ACRES)

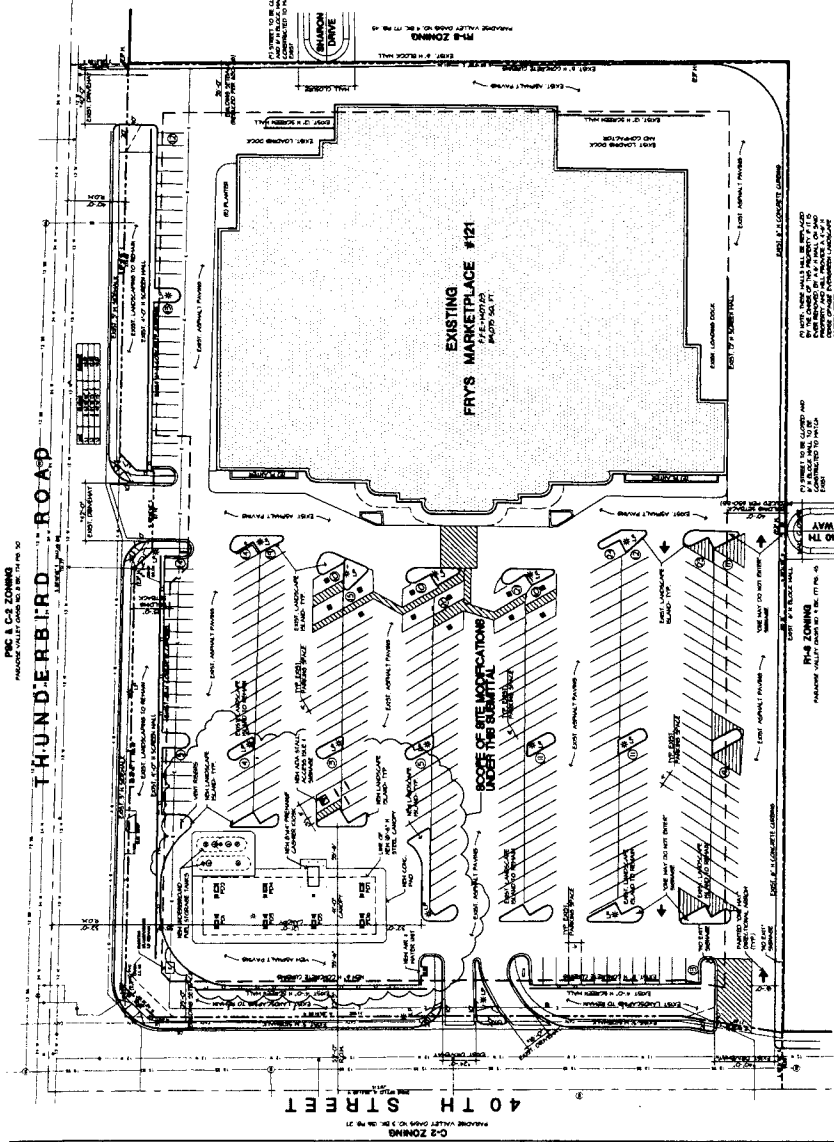
BUILDING COVERAGE
 EXISTING: 100%
 PROPOSED: 100%
 20,208 BUILDING AREA / NET SITE COVERAGE

PARKING CALCULATION
 PROPOSED: 246 SPACES REQUIRED
 246 SPACES PROVIDED
 246 SPACES PROVIDED

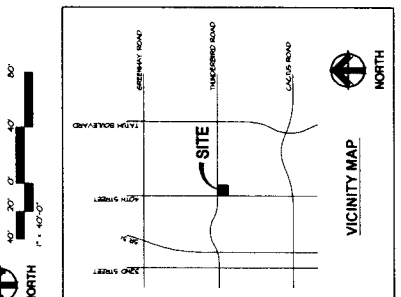
REQUIREMENTS
 246 SPACES REQUIRED
 246 SPACES PROVIDED

GENERAL NOTES
 1. THIS SITE PLAN HAS BEEN GENERATED AS PART OF THIS PROJECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT.
 2. EXISTING SITE PLAN COMPONENTS OUTSIDE OF THE SCOPE OF THIS PROJECT SHALL REMAIN UNCHANGED.
 3. ALL CONDITIONS PREVIOUS TO DESIGN AND/OR CONSTRUCTION SHALL BE MAINTAINED UNLESS OTHERWISE SPECIFIED.
 4. APPROVED SITE PLANS AND MAPS MUST BE FILED WITH THE CITY OF PHOENIX.

GENERAL SITE NOTES
 1. ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.
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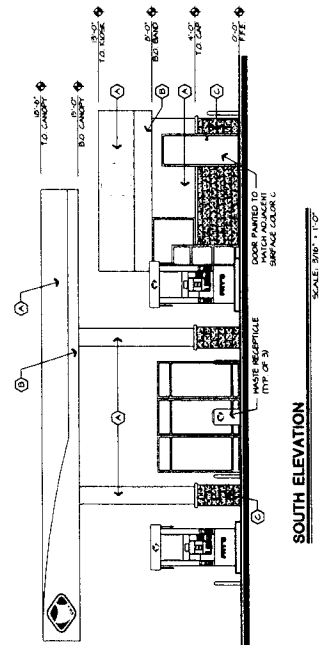
OVERALL SITE PLAN
 NORTH
 1" = 40'-0"



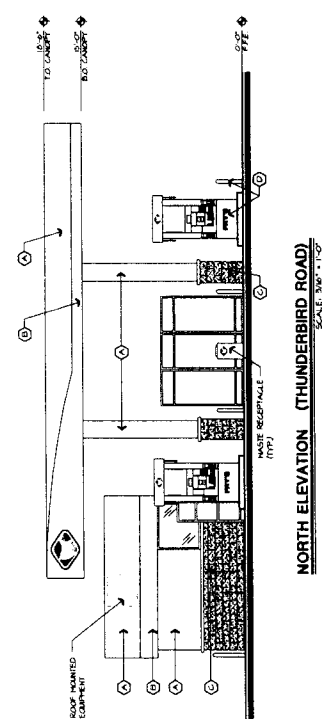
ZONING HISTORY
 1. THE ZONING HEARING OFFICER APPROVED THE RE ZONING REQUEST ON MAY 31, 2009.
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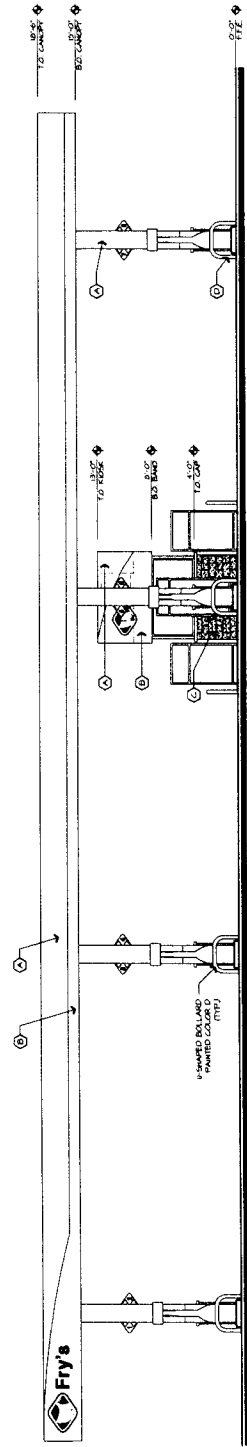
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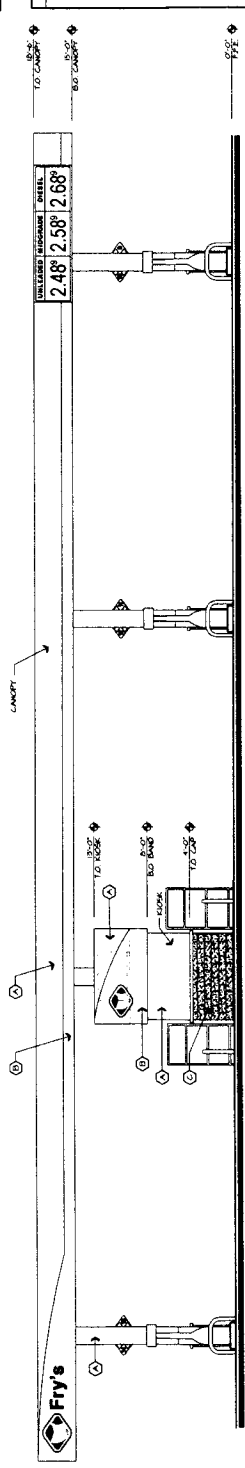
SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



NORTH ELEVATION (THUNDERBIRD ROAD)
SCALE: 3/16" = 1'-0"



WEST ELEVATION (40TH STREET)
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"

COLOR/MATERIAL SCHEDULE

1	BOOTH COLOR	*MEDIUM-HULLAND (SWP)
2	PAINT STUCCO/STEEL	*SHEKEL TOPAZ
3	ACCENT COLOR	*MEDIUM-HULLAND (SWP)
4	PAINT PALETTE/STUCCO	*MIDWEST
5	PAINT PALETTE/STUCCO	*MIDWEST
6	PAINT PALETTE/STUCCO	*MIDWEST
7	PAINT PALETTE/STUCCO	*MIDWEST
8	PAINT PALETTE/STUCCO	*MIDWEST
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97	PAINT PALETTE/STUCCO	*MIDWEST
98	PAINT PALETTE/STUCCO	*MIDWEST
99	PAINT PALETTE/STUCCO	*MIDWEST
100	PAINT PALETTE/STUCCO	*MIDWEST

CITY OF PHOENIX
 JUN 04 2010
 Planning Department
 LEV

Z-97-88(PH0-1-10)

LEGAL DESCRIPTION

TRACT "A", OF PARADISE VALLEY OASIS NO. 9, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 177 OF MAPS, PAGE 45;

EXCEPT THAT PORTION DEDICATED ON MAP OF DEDICATION FOR SMITH'S NO. 321 RECORDED IN BOOK 331 OF MAPS, PAGE 38 AND RATIFICATION AND CONSENT RECORDED MAY 31, 1990 IN 90-241841, OF OFFICIAL RECORDS.

