



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-58-15-4**  
**November 30, 2015**

**Maryvale Village Planning Committee Meeting Date:** December 9, 2015

**Planning Commission Hearing Date:** January 14, 2016

**Request From:** IND. PK. (3.21 acres)

**Request To:** C-2 (3.21 acres)

**Proposed Use:** Mixed commercial retail and restaurant use.

**Location:** Northeast corner of 35th Avenue and Encanto Boulevard

**Owner:** McDowell Equites LLC

**Applicant/Representative:** Benjamin Graff, Withey Morris PLC

**Staff Recommendation:** Approval, subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Commerce Park	
<b>Street Map Classification</b>	35th Avenue	Major Arterial	40-foot east half street
	Encanto Boulevard	Minor Collector	25-foot north half street
<p><b><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; LOCAL AND SMALL BUSINESS; LAND USE PRINCIPLE: Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive and grow.</i></b></p> <p>Currently the subject site has limited retail use for a local and small business owner operating a wholesale candy/ice cream company and party supply store. The request is to allow the small business to operate, thrive and grow by expanding retail operations to serve individuals and families as well as vendors on a wholesale basis.</p>			

**STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; EMPLOYERS (JOB CREATION); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.**

The proposal will allow additional employment generating uses located within the Phoenix Grand Avenue Employment Center area.

**CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.**

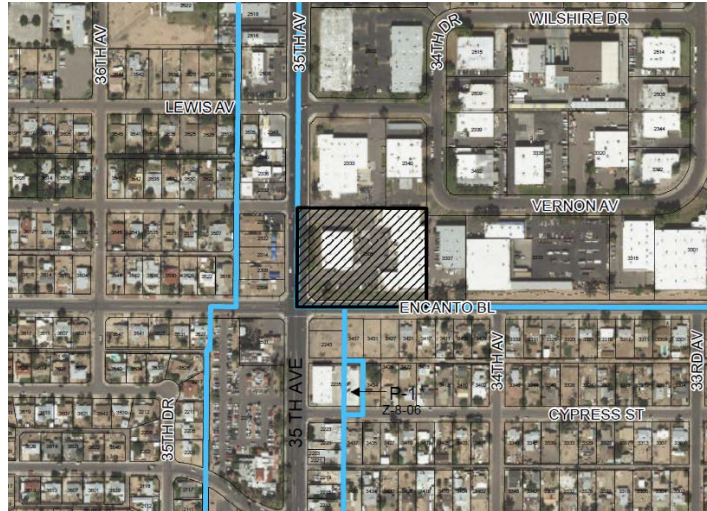
The proposal requests a reasonable level of increased intensity compatible with the surrounding neighborhood.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Wholesale Party Supply	IND. PK.
<b>North</b>	Auto Parts Store Warehouse	IND. PK.
<b>South</b>	Vacant	R1-6
<b>East</b>	HVAC & Plumbing Supply Warehouse	IND. PK.
<b>West</b>	Preschool	C-2

C-2 (Intermediate Commercial)		
<u>Standards</u>	<u>Requirements</u>	<u>Met or Not Met</u>
<i>Building Setbacks</i>		
Street – 35th Ave.	Average 25'	41' - Existing (Met)
Street – Encanto Blvd.	Average 25'	35' - Existing (Met)
Side	When adjacent to IND PK – 0'	0' - Existing (Met)
Rear	When adjacent to IND PK – 0'	0' - Existing (Met)
<i>Landscaped Setbacks</i>		
Street – 35th Ave.	Average 25'	36' - Existing (Met)
Street – Encanto Blvd.	Average 25'	26' - Existing (Met)
Side	When adjacent to IND PK – 0'	0' - Existing (Met)
Rear	When adjacent to IND PK – 0'	0' - Existing (Met)
Lot Coverage	Not to exceed 50%	34% - Existing (Met)
Building Height	2 stories, 30'	1 story - Existing (Met)

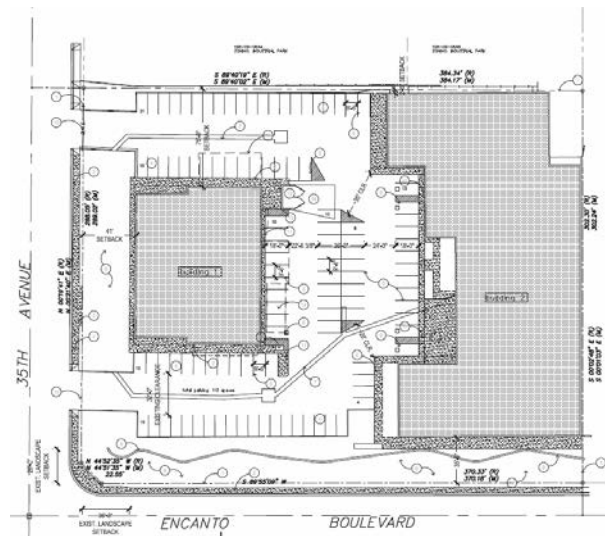
### **Background/Issues/Analysis**

1. The request is to rezone a 3.21 acre site located at the northeast corner of 35th Avenue and Encanto Boulevard from IND. PK. (Industrial Park) to C-2 (Intermediate Commercial) to allow retail and restaurant uses.
2. The subject site is currently operating as a wholesale candy/ice cream company and party supply store. To the north and east are warehouse uses zoned IND. PK. (Industrial Park). To the south is several vacant underutilized properties zoned C-2 (Intermediate Commercial) and R1-6 (Single Family Residential). To the west across 35th Avenue is a preschool use zoned C-2 (Intermediate Commercial).



### **PROPOSAL**

3. The site plan depicts an existing approximately 11,000 square foot building, and an existing approximately 31,000 square foot building. Parking lot improvements are shown with the removal of an existing loading dock and restriping to provide additional parking spaces. Primary ingress and egress will continue to be provided via 35th Avenue.
4. The site plan depicts an existing 26 foot setback along the south property line. Staff is recommending a stipulation to plant a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper or multi-trunk and minimum 25% 4-inch caliper or multi-trunk placed 20 feet on center or in equivalent groupings.



5. The 2015 General Plan City Bikeway System map identifies a connecting bike lane along Encanto Boulevard at the subject site. Staff is recommending two stipulations regarding bicycle connectivity. One is for the property owner to provide bike racks with a minimum capacity of five bikes and the second is for the developer to stripe a 5 foot bike lane on the north half of Encanto Boulevard for the length of the property.

#### **STREETS**

6. The Streets Transportation Department has indicated that the developer shall dedicate a minimum 10 foot sidewalk easement along the east half of Encanto Boulevard. A stipulation has been recommended to address this request.
7. The Streets Transportation Department has indicated that the developer shall update all existing off-street improvements to current ADA guidelines. A stipulation has been recommended to address this request.

#### **OTHER**

8. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

#### **Findings**

1. The proposal will allow additional employment generating uses located within the Phoenix Grand Avenue Employment Center area.
2. The proposal requests a reasonable level of increased intensity compatible with the surrounding neighborhood.

#### **Stipulations**

1. The development shall be in general conformance with the site plan date stamped September 25, 2015, as modified by the following stipulations and approved by the Planning and Development Department.
2. The existing 26-foot landscape setback along the south property line shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper or multi-trunk and minimum 25% 4-inch caliper or multi-trunk placed 20 feet on center or in equivalent groupings as approved by the Planning and Development Department.
3. The property owner shall provide a bike rack with a minimum capacity of five bikes as approved by the Planning and Development Department.

#### STREETS

4. The developer shall stripe a 5 foot bike lane on the north half of Encanto Boulevard for the length of the property.
5. The developer shall dedicate a minimum 10 foot sidewalk easement along 35<sup>th</sup> Avenue, as approved by Planning and Development Department.
6. The developer shall update and construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved or modified by the Planning and Development Department. All improvements shall comply with ADA accessibility requirements.

#### AVIATION

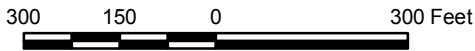
7. That the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.

#### **Writer**

Joél Carrasco  
November 20, 2015  
Joshua Bednarek

#### **Attachments**

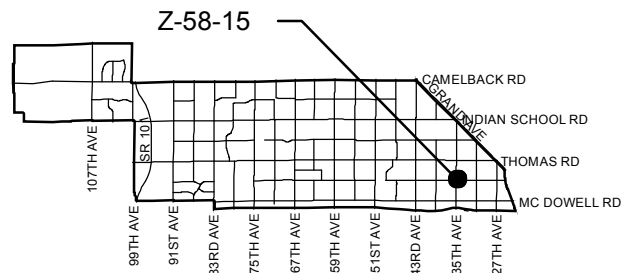
Zoning sketch  
Aerial  
Site plan dated September 25, 2015 (1 page)



CITY OF PHOENIX PLANNING DEPARTMENT

**MARYVALE VILLAGE**

CITY COUNCIL DISTRICT: 4



**APPLICANT'S NAME:** Benjamin Graff, Withey Morris PLC

**APPLICATION NO. Z-58-15**      **DATE:** 10/13/15

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  
**3.21 Acres**

AERIAL PHOTO & QUARTER SEC. NO.      ZONING MAP  
**QS 14-21**      **G-6**

**REQUESTED CHANGE:**

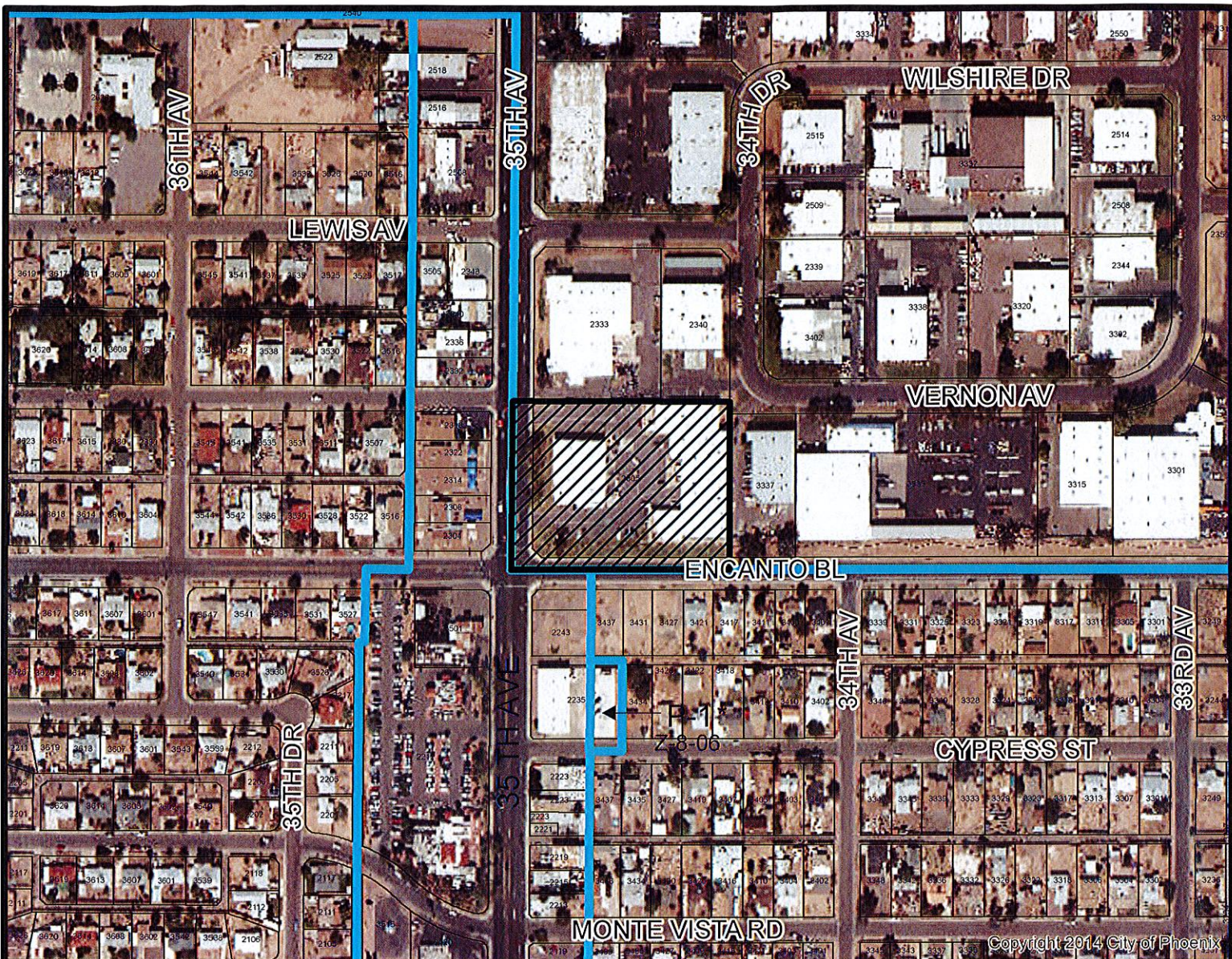
FROM: Ind. Pk. (3.21 a.c.)

TO: C-2 (3.21 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
Ind. Pk.	N/A	N/A
C-2	46	56

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



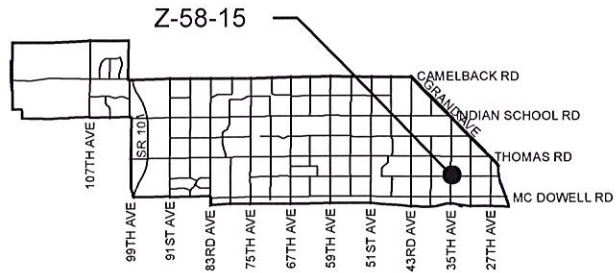


300 150 0 300 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

**MARYVALE VILLAGE**

CITY COUNCIL DISTRICT: 4



APPLICANT'S NAME: Benjamin Graff, Withey Morris PLC

REQUESTED CHANGE:

FROM: Ind. Pk. (3.21 a.c.)

APPLICATION NO. Z-58-15

DATE: 10/13/15  
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

3.21 Acres

AERIAL PHOTO & QUARTER SEC. NO. QS 14-21

ZONING MAP G-6

TO: C-2 (3.21 a.c.)

MULTIPLES PERMITTED

Ind. Pk.

C-2

CONVENTIONAL OPTION

N/A

46

\* UNITS P.R.D. OPTION

N/A

56

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





**NARRATIVE:**  
 REMOVE THE PROPERTY FROM INDUSTRIAL PARK TO C-2 EXPANDED RETAIL, WHOLESALE AND FUTURE COMMERCIAL USES.  
 THE PROJECT PROPOSES REMODELING TWO EXISTING BUILDINGS IN AN ABANDONED SUB GRADE LOADING DOCK AND RESTORING THEM TO ACCOMMODATE A MORE EFFICIENT PARKING PLAN.  
 EXISTING BUILDING IS SPRINKLED.

**PARKING CALC:**

SPACES PROVIDED	112 (PROVIDE 5 ADA)	GROSS NET (SQ FT)	APPROX NET (SQ FT)	PARKING	SPACES REQ'D
USE: RETAIL (R602)	3,500	same	same	1/1.5 Workers (1-1/300)	8
Wholesale (W603)	13,000	same	same	1/200 of	65
Commercial (C602)	11,000	same	same	1/300 of	36.6
Wholesale (W602)	2,500	same	same	1/1.5 Workers (1-1/300)	8
<b>TOTAL</b>					<b>105.6</b>
<b>PROVIDED</b>					<b>112</b>

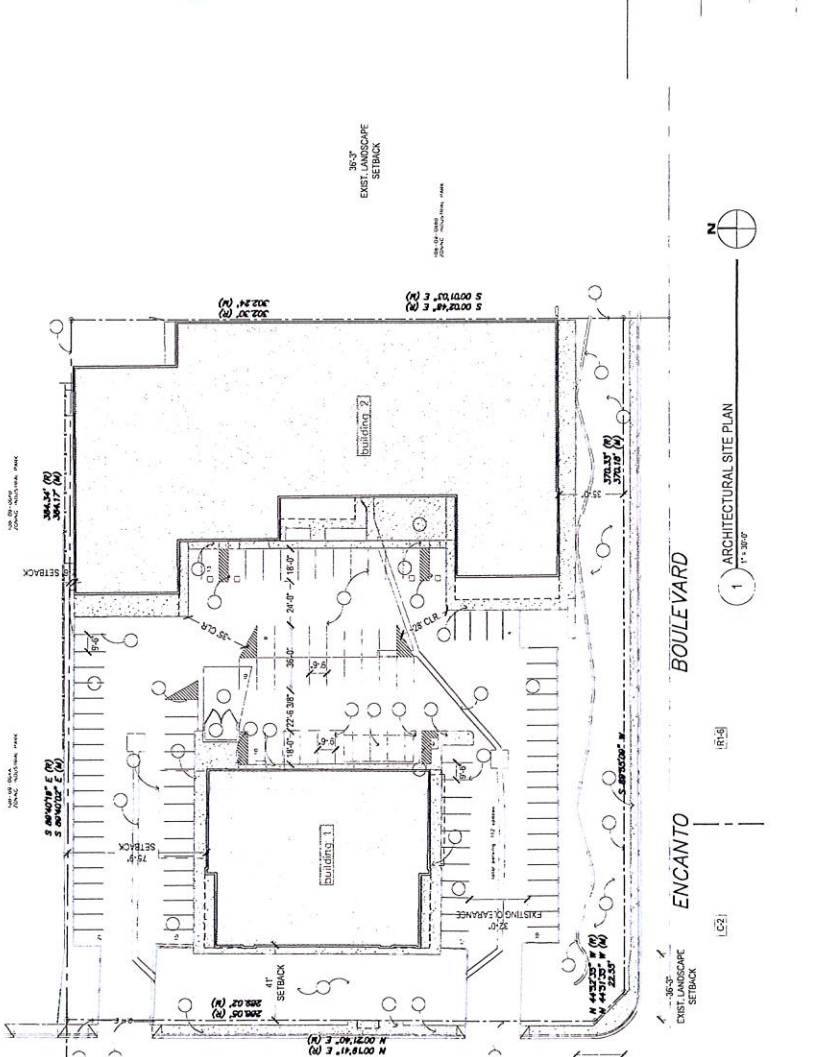
**PROJECT DATA:**  
 PARCEL 1 APN 108-09-085  
 EXISTING ZONING INDUSTRIAL PARK  
 PROPOSED ZONING C2  
 LOT COVERAGE EXISTING UNCHANGED 36%  
 BUILDING 1 11,493 SF  
 BUILDING 2 31,273 SF

**ZONING:**  
 C2 ZONING STANDARDS  
 SIDE SETBACK REQ'D 25'  
 REAR SETBACK REQ'D 0'  
 EXISTING CONDITIONS  
 SIDE SETBACK PROVIDED 25' & 41'  
 REAR SETBACK PROVIDED 0'  
 MAX LOT COVERAGE REQ'D 50%  
 MAX LOT COVERAGE PROVIDED 38%  
 C2 STANDARDS MET

**CONTACT:**  
 PROPERTY OWNER: MCDOWELL EQUITIES LLC  
 1000 W. WASHINGTON AVE  
 PHOENIX, AZ 85009  
 APPLICANT: AHMAD BALUBAN  
 DULCERIA LA BONITA  
 2311 NORTH 35TH AVE  
 PHOENIX, AZ 85018  
 ARCHITECT: BENJAMIN GRAFF  
 225 EAST ARIZONA BILTMORE CIRCLE  
 PHOENIX, AZ 85012  
 BENJAMINGRAFF@THEMORRIS.COM  
 602.230.0960  
 ARCHITECT: GILLIAM ARCHITECTURE, LLC  
 CONTACT: JOHN GLENN  
 JOHNGLENN@GMAIL.COM

- SITE PLAN KEYED NOTES:**
- PROPERTY LINE
  - EXISTING CONCRETE SIDEWALK
  - EXISTING BUS STOP
  - EXISTING SIDEWALK
  - EXISTING NEW PARKING SPACES
  - ADA PARKING
  - EXISTING CONCRETE GUTTER
  - EXISTING SIDEWALK (GRASS)
  - EXISTING SITE SCREEN WALL
  - NEW CONCRETE SIDEWALK
  - EXISTING SIDEWALK
  - REMOVE EXISTING CHAIN LINK FENCE ENCLOSURE
  - REMOVE EXISTING DOCK, BACK FILL, AND COMPACT
  - NEW ASPHALT PAVING AND ASPHALT PARKING LOT SLAB
  - NEW ADA RAMP
  - EXISTING CONC. APRON
  - EXISTING HYDRANT

**LEGAL DESCRIPTION:**  
 Lot 23, Encanto Business Park, according to Block 182 of Map, page 3, records of Maricopa County, Arizona.



**DULCERIA LA BONITA**

**2305 North 35th Avenue, Phoenix, AZ 85009**

**CITY OF PHOENIX**

**SEP 25 2015**

**Planning & Development Department**

ZONING SITE PLAN: 952015  
 CA Project #: CA 14016.0  
**SITE PLAN**

**A0.1**  
 Sheet Number