



Village Planning Committee Meeting Summary

PHO-2-19---Z-SP-5-14-4

Date of VPC Meeting	December 2, 2019
Planning Hearing Officer Hearing Date	December 18, 2019
Request	1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped January 10, 2018 and elevations date stamped February 2, 2018
Location	Approximately 420 feet north of the northeast corner of 7th Street and Indian School Road
VPC Recommendation	Approved with additional stipulations to include the use of permeable pavers and to enhance the shade in the landscaped setback.
VPC Vote	7-5

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Cases Z-118-14-4 (PHO-2-19) Z-SP-5-14-4 (PHO-2-19) were discussed together.

Mr. Rick Mahrle recused himself for these items bringing quorum down to 12.

2 speaker cards were submitted in favor, wishing to speak.

1 speaker card was submitted in opposition, wishing to speak.

Ms. Keating, staff, introduced herself. She reviewed the request and the history of the project. She stated that the applicant wishes to update the stipulation for general conformance to the site plan.

Mr. Michael Maerowitz, with Gammage & Burnham, showed pictures of the current site. He explained that the underlying C-2 uses allow for a coffee stand, and that the proposed restaurant was never built on site. He explained that the proposed Dutch Bros. would contain dual drive through lanes and access to the site would be along 7th Street and Devonshire Avenue. He showed examples of other newly constructed Dutch Bros. He added that they have no other changes to the stipulations, other than updating the site plan.

Mr. Kleinman inquired as to how many cars can fit in the dual drive through lane.

Mr. Maerowitz responded that 37 cars can fit inside the lanes.

Mr. Nick Sobraske, with Gammage & Burnham, added that the site contains an escape lane where people can order on an iPad and receive their beverages in the other lane.

Mr. Kleinman inquired as to how people will access the site.

Mr. Maerowitz confirmed access will be along 7th Street and Devonshire Avenue.

Ms. George felt uncomfortable with an approval to stipulation modification. She shared a concern that traffic will back up onto 7th Street which is designed to move traffic.

Mr. Maerowitz responded that the drive through lanes are large and can accommodate 37 cars.

Mr. Sobraske added that they are working on addressing any queuing and traffic issues.

Mr. Matthews shared that the site looks like a coffee stand location on 7th Street and Highland Avenue that never has a queuing problem. He added that he is concerned with the site proximity to a school and that customers will be driving through the neighborhood and disturbing the school.

Mr. Maerowitz responded that the intent is for primary access along 7th Street and that there is not direct access from Devonshire Avenue to 16th Street. He believes customers will use 7th Street.

Ms. Rodriguez asked if the applicants have spoken to the surround neighborhood.

Mr. Maerowitz responded that they sent out notices and no input was received.

Ms. Rodriguez advised the applicant that they should still reach out to the neighboring community.

Mr. Maerowitz responded that they will also have to obtain a use permit which will allow for public input to be received.

Mr. Bryck asked if the sidewalks are detached in front of the site.

Mr. Sobraske answered that they are not altering the sidewalks.

Ms. Keating confirmed that the sidewalks are detached in front of the vacant lot.

Mr. Bryck inquired if the reverse lane is in effect in front of this site.

Mr. Kleinman answered that customers could make a left in the middle of the street, just not at intersections.

Mr. Bryck asked if there will be a porkchop (traffic mitigation measure) on the site. **Mr. Sobraske** responded that they are working with staff to install a porkchop.

Ms. Cothron stated that this site is across from the Veterans Affairs hospital and predicts there will be pedestrians with disabilities walking near the site. She is concerned about the safety of those pedestrians who might jay-walk. She inquired about the height of the building in relation to the neighboring storage facility, the hours of operation and the lighting on site.

Mr. Sobraske answered that the height is 15-25 feet, which is shorter than the storage facility. He continued that the hours will be from 5:00 AM to 11:00 PM and that lighting will illuminate the patio and the site.

Ms. Cothron asked if the existing liquor store will be demolished.

Mr. Sobraske responded affirmatively.

Ms. Rodriguez asked what this project does for the community. She added that this is a heavy traffic area for those with disabilities and urged the applicant to consider the way the traffic on site goes in and out.

Mr. Sobraske shared that he believes this project is appropriate, and that there will be a 25-foot landscaped setback that is shaded.

Ms. Rodriguez asked how customers of the storage facility will access the site.

Mr. Sobraske responded that one of the curb cuts will remain.

Mr. Kleinman wanted to see more neighborhood engagement and is concerned with people crossing through the neighborhood to get back onto 7th Street.

Mr. Sobraske replied that more community engagement will occur when they obtain a use permit.

Mr. Procaccini asked if they could add a stipulation.

Ms. Keating responded that yes, if the stipulation is in accordance with the development site.

Mr. Procaccini shared that he is concerned about the heat island effect and asked if Dutch Bros. could install permeable pavers.

Mr. Sobraske responded that they can incorporate elements for shade.

Ms. Rodriguez commented that other coffee stands do not provide shade.

Mr. Sobraske responded that they can work through the type of trees that get planted on site.

Ms. Karen Perez stated that she lives by the credit union where children get off their school bus. She is concerned with traffic and what this development will do to her property.

MOTION:

Ms. George made a motion to deny the request to modify stipulation number 1 regarding general conformance to the site plan and elevations for cases Z-118-14-4 (PHO-2-19) and Z-SP-5-14-4 (PHO-2-19) until they receive more information.

Ms. Keating asked for clarification regarding the motion: if it was a request for a continuance or for a denial.

Ms. George responded that her motion was for a denial.

Ms. Rodriguez seconded the motion.

VOTE:

6-6, the motion does not pass, with members Bryck, Coates, George, Matthews, Rodriguez and Searles in favor and members Adams, Cothron, Jewett, Kleinman, Procaccini and Ressler in opposition.

MOTION:

Mr. Kleinman made a motion to approve the request to modify stipulation number 1 regarding general conformance to the site plan and elevations for cases Z-118-14-4 (PHO-2-19) and Z-SP-5-14-4 (PHO-2-19) with additional stipulations to include the use of permeable pavers and to enhance the shade in the landscaped setback.

Ms. Keating added that the zoning ordinance only allows for certain types of pavement on site.

Ms. Ressler seconded the motion.

VOTE:

7-5, motion passes with members Adams, Cothron, Coates, Jewett, Kleinman, Procaccini and Ressler in favor and members Bryck, George, Matthews, Rodriguez and Searles in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

The additional stipulation to include the use of permeable pavers might conflict with the allowable paving types in the Zoning Ordinance.