

REPORT OF PLANNING HEARING OFFICER ACTION  
Teresa Hillner, Planner III, Hearing Officer  
Jazmine Braswell, Planner I, Assisting

June 20, 2018

ITEM 1

DISTRICT 4

SUBJECT:

Application #: Z-11-16-4  
Zoning: C-1  
Acreage: 1.03  
Location: Northwest corner of 18th Place and Thomas Road  
Proposal: 1) Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped March 16, 2016.  
2) Modification of Stipulation No. 2 regarding entrances to the businesses from the Thomas Road frontage.  
Applicant: Aaron Klusman  
Owner: Klusman Family Holdings, LLC  
Representative: Jonathan Ammon

**ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with an additional stipulation.

Village Planning Committee (VPC) Recommendation: At their June 4, 2018 meeting, the Encanto Village Planning Committee recommended approval by a 9-2-2 vote.

**DISCUSSION:**

Mr. Jonathan Ammon, representing the applicant, stated the case was to revise the stipulated site plan from the original case. They went to the Encanto Village Planning Committee. After reviewing the proposal, the Village Planning Committee continued the case. They have revised their site plan to incorporate the comments. When he went back the second time to present the request and revised site plan, the community came out to show their support of the request. Today they are looking to modify the entrances adjacent to the Thomas Road frontage. The main entrance to the building is going to be on the west side of the building.

Ms. Teresa Hillner said in the original rezoning case, there was a strong desire to create a pedestrian friendly environment and also have a major employer across the street. She asked if they are going to keep the pedestrian connection from Thomas Road to the subject building but revising location of the main entrance.

Mr. Ammon stated yes, Ms. Hillner is correct. The entrance on the western side of the building is going to remain open during business hours and the patio entrance from Thomas Road is going to have a shade structure.

Ms. Hillner stated they are not going to ignore the façade treatment on Thomas Road but identify the main entrance is on the west side of building.

Mr. Ammon stated that was correct.

Ms. Hillner stated there was discussion at the Village Planning Committee about the location of the trash enclosure. She asked how did they work with the neighbors to the west to alleviate their concern.

Mr. Ammon stated he met with the neighborhood at their community meeting two weeks after he heard their concerns at the Village Planning Committee meeting. One of the neighbors said they were downwind from the trash container and they did not want it in their back yard. Therefore, he rotated the trash enclosure 90 degrees. He also stated there was about 18 people that showed up to the Village Planning Committee meeting in support of this case.

Ms. Hillner stated she can see the neighborhood concerns about the revisions to the site plan. She stated she is going to approve this request with an additional request.

### **FINDINGS:**

1. This site was recently rezoned with a site plan from 2016. Since that time, a new user has been identified. The applicant will be demolishing the entire site and rebuilding a smaller building on the existing site. It will include a drive through use so traffic congestion is a concern along Thomas Road. After discussions with the neighbors and the Village Planning Committee, a revised site plan was proposed that addressed the concerns.
2. The neighbors were also concerned about the placement of the refuse container. The applicant has addressed this concern by placing the refuse container in the northwest portion of the site with the doors facing south into the parking area.
3. With the new tenant and proposed building, the orientation of the building has changed from south, facing Thomas Road to the west. Given that change, the entrance to the building will no longer be facing Thomas Road. The applicant is proposing a direct route from Thomas Road to the front entrance of the building.

### **DECISION:**

The Planning Hearing Officer recommended approval with an additional stipulation.

**STIPULATIONS:**

1.	Development of the site shall be in general conformance to the site plan date stamped <del>March 16, 2016</del> JUNE 4, 2018, as approved by the Planning and Development Department.
2.	There shall be entrances to the businesses from the <del>Thomas Road frontage</del> WESTERN FACADE which are to remain open during business hours and there shall be a sidewalk providing a direct route from the right-of-way FROM THOMAS ROAD FRONTAGE to these entrances, as approved by the Planning and Development Department.
3.	A five-foot sidewalk on 18th Place, from Thomas Road to the northern property line shall be provided, as approved by the Planning and Development Department.
4.	A minimum of three inverted-U bicycle racks shall be provided on site, located near an entrance to the businesses and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.
5.	Required trees in the Thomas Road and 18th Place landscape setbacks shall be placed adjacent to the sidewalks in order to provide shade for pedestrians, as approved by the Planning and Development Department.
6.	The height of any ground sign on the street frontage shall be no greater than five (5) feet in height, as approved by the Planning and Development Department.
7.	The placement of any wall and/or window signs shall be coordinated with the placement of shade trees on the site to minimize conflicts between mature shade canopy and sign visibility, as approved by the Planning and Development Department.
8.	The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
9.	The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.
10.	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.
11.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY

	THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
--	---

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Angie Holdsworth at voice number 602-495-5622 or TTY use 7-1-1.