

**Attachment B**

Planning Hearing Officer Summary of March 21, 2018

Application Z-333-79-6

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

March 21, 2018

ITEM 9

DISTRICT 6

SUBJECT:

Application #: Z-333-79-6

Zoning: C-O

Acreage: .34

Location: Approximately 120 feet south of the southwest corner of 40th Street and Hazelwood Street

Proposal:

- 1) Modification of Stipulation No. 1 regarding the development of an interior decorator's office.
- 2) Modification of Stipulation No. 2 regarding the limitation of a one-story building height.
- 3) Deletion of Stipulation No. 3 regarding the development of an interior decorator's office.
- 4) Deletion of Stipulation No. 4 regarding retaining the existing structure.

Applicant: Ed Bull, Burch & Cracchiolo, P.A.

Owner: Robert A. Lynn

Representative: Ed Bull, Burch & Cracchiolo, P.A.

**ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval.

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee chose not to hear this case.

**DISCUSSION:**

Mr. Ed Bull, representing the property owner, stated the request is based upon the property owner's desire to construct an office building on this site. They are seeking to modify 4 stipulations, 2 in which are not legally enforceable. The proposed building will be an expansion of an existing office that is located south of the subject site. They are asking for Stipulation No. 1 to allow for the approval of their proposed site plan. Stipulation No. 2 was based upon an old site plan and is not consistent with the current surrounding neighborhood. The deletion of Stipulation No. 3 is because they are proposing a different use on the site and the deletion of Stipulation No. 4 is regarding a building that has already been demolished. He stated to proposed use is compatible with the surrounding businesses. It is a user driven business and it is one-story with a second story only on a portion of the building.

Ms. Teresa Hillner asked Mr. Bull to clarify that they are not proposing 2-stories for the entire building.

Mr. Bull stated that is correct, they are not proposing 2-stories for the entire building but they may want to have that flexibility.

Ms. Hillner stated the Camelback Village Planning Committee declined to hear this case at their meeting, however, she asked Mr. Bull if he had any feedback from the public when he sent out his notification letter.

Mr. Bull said he received 2 calls from neighbors who had was excited about this lot being developed. As well, they had questions about parking and Mr. Bull explained to them they are proposing 13 spaces which is more than the minimum requirement of 10 spaces.

Ms. Hillner asked if they had any concerns or discussion of the 2-story proposed height.

Mr. Bull stated there was no concern.

Ms. Hillner stated she believes there are other 2-story homes and commercial buildings in the area that is 2-story. She asked Mr. Bull if that was correct.

Mr. Bull stated yes, existing and proposed. He stated the proposed building is also positioned away from the residential houses to the west.

Ms. Hillner asked if Mr. Bob Lynn would like to speak regarding this case.

Mr. Bob Lynn, owner of LGO Hospitality, stated he owns the existing building to the south of the subject site and they are not proposing to add any additional employees to the new building. Some of the employees working in the existing building will move to the new building. He stated he did not want to build a second story but they really need storage space therefore, the 2<sup>nd</sup> story will be used for storage and it is less than 320 square feet.

Ms. Hillner stated the original stipulations would not be replicated in 2018 therefore, she sees the need to modify them therefore, she is going to approve this case as requested.

### **FINDINGS:**

1. The original rezoning case placed very specific restrictions on the use and structure on the property. At the time in 1979, the neighborhood was still relatively residential in character. Since that time, 40<sup>th</sup> Street has become a collector street with an increased number of vehicle trips. The applicant is proposing to expand the corporate office use to the north.

2. The applicant is proposing to delete the stipulation regarding the building height limitation. As stated earlier, the area has changed since 1979 and more multi-story buildings, both residential and commercial, are found in the area.

**DECISION:**

The Planning Hearing Officer recommended approval.

**STIPULATIONS:**

1.	<del>The rezoning is conditioned upon development of an interior decorator's office in accordance with Section 108-K of the Zoning Ordinance within 18 months of the final approval of the change of zone by the City Council.</del> THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED FEBRUARY 2, 2018.
2.	The building be limited to <del>one story</del> TWO STORIES AND MAXIMUM 30 FEET in height.
<del>3.</del>	<del>The property is to be used for an interior decorator's office.</del>
<del>4.</del>	<del>The existing structure is to be retained and the applicant is given the right to add to or modify the structure.</del>

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