



## Village Planning Committee Meeting Summary PHO-1-22--Z-48-97-2

<b>Date of VPC Meeting</b>	December 5, 2022
<b>Date of the PHO Hearing</b>	December 21, 2022
<b>Request</b>	<ol style="list-style-type: none"><li>1) Deletion of Stipulation 1 regarding development of a plant nursery within 24 months of City Council's approval</li><li>2) Modification of Stipulation 2 regarding general conformance with the site plan dated April 4, 1997</li><li>3) Technical correction to Stipulation 9</li></ol>
<b>Location</b>	Southwest corner of Cave Creek Road and Lone Cactus Drive
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	17-0

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*One member of the public registered to speak on this item, in support.*

### **Staff Presentation:**

**Adrian Zambrano**, staff, provided an overview of the case PHO-1-22--Z-48-97-2, describing the location, request, and background on the original rezoning case. Mr. Zambrano shared the original site plan and original stipulations approved with the rezoning case and then shared the applicant proposal for the property, to include a Whataburger restaurant and a future restaurant or retail building.

### **Applicant Presentation:**

**Jenifer Tedrick**, representing the applicant with SEG, introduced herself and the development team. Ms. Tedrick shared street view images of the existing site, indicating it was originally developed as a plant nursery. Ms. Tedrick stated the applicant will maintain all the established landscaping along the streets and will maintain or repair the existing screen walls. Ms. Tedrick then provided an overview of the development plan that was split into two phases, Phase One being for the Whataburger restaurant with a drive-through and Phase Two being for future retail or quick service restaurant with a drive-through. Ms. Tedrick shared that the development will provide 32 parking spaces,

which is over the 23 spaces required by the Phoenix Zoning Ordinance. Ms. Tedrick indicated that the driveway on Cave Creek Road will remain but the driveway along Lone Cactus Drive will be moved further west away from the street intersection. Ms. Tedrick added that there will be cross-access established with the first phase that will allow cross-access with the future development of Phase 2. Ms. Tedrick then shared the property history, including the date when City Council approved the rezoning from S-1 to C-2, subject to 9 stipulations, when the plant nursery closed, the date a Use Permit was approved, with stipulations, for a drive-through facility, and the current request for modified stipulations of the rezoning case. Ms. Tedrick then shared the stipulations and indicated that the request is to only modify stipulations that affect the use of the property, including deletion of Stipulation No. 1 which was associated with the plant nursery use, and Stipulation No. 2 relating to general conformance with a dated site plan.

### **Questions from the Committee:**

**Regina Schmidt** asked to hear what the number of provided parking spots were again and asked if there is a better use than extra parking for the drive-through restaurant.

**Ms. Tedrick** asked if she was referring to Phase One. **Ms. Schmidt** responded affirmatively and asked how many extra parking spaces are being provided than are required. **Ms. Tedrick** responded that nine additional parking spaces are being provided over what is required. **Ms. Schmidt** stated that the extra parking spaces can be space allocated to landscape to help reduce urban heat island. Ms. Schmidt stated that she sees very few people using the parking lot whenever she drives through a drive-through restaurant. **Ms. Tedrick** responded that the parking proposed is based on the demands for Whataburger and also not knowing the anticipated user for Phase Two, adding that shared parking would be an option if overflow parking is needed for either user. Ms. Tedrick added that the development will provide landscape along the west side of both buildings, will maintain the landscape area along the street edges, and will provide landscape islands in the parking areas.

**Jennifer Hall** agreed with Ms. Schmidt's comments regarding the extra parking spaces. Ms. Hall asked if there is a landscape plan. **Ms. Tedrick** responded there is not one at this time as they are just in the entitlement phase, but there will be a landscape plan prepared meeting City of Phoenix landscaping requirements for the site plan review process. **Ms. Hall** stated that there is not a lot of landscaping or trees along the street frontages and that she would like to see some shade trees. Ms. Hall asked the applicant to talk about their community outreach, specifically for the office building and residential to the west. **Ms. Tedrick** responded that they have reached out by letter on multiple occasions, through the Use Permit process and through this process. Ms. Tedrick stated that she received positive feedback for this request and that there was a concern during the Use Permit process regarding screening and lighting for the Whataburger site. Ms. Tedrick stated those concerns are addressed through the stipulations of the Use Permit and will exceed what is required by the Zoning Ordinance for screening to the residential zoned properties. **Ms. Hall** asked if the Planning Hearing Officer (PHO) process is to be heard by the Village Planning Committee, then the PHO and ends there.

**Mr. Zambrano** responded affirmatively, stating the next step is PHO. **Ms. Hall** asked when the case will be heard by PHO. **Mr. Zambrano** responded that it will be on December 21, 2022.

**Chair Gubser** asked if some committees choose not to hear PHO cases and they go straight to PHO. **Mr. Zambrano** responded affirmatively, stating that it is up to the discretion of the committee chair whether to hear the PHO case. **Chair Gubser** stated that there were some PHO cases in the past that the Committee had requested to hear, and that the Committee had agreed they would like to continue to hear these cases moving forward.

**Alex Popovic** asked if the driveway along Cave Creek Road is being moved, and if traffic flow ingress and egress will be right-in right-out, or if they can cross the median to go north on Cave Creek Road. **Ms. Tedrick** responded that the driveway will not be modified and there would not be a median crossing on Cave Creek Road. **Mr. Popovic** asked where the original location of the driveway along the north was moved from. **Ms. Tedrick** responded that the driveway is closer to the center and is moving west. **Mr. Popovic** asked if that driveway would also be right-in right-out, or if vehicles can cross to go west on Lone Cactus Drive. **Ms. Tedrick** responded that both movements would be allowed.

**Anna Sepic** stated that a landscape plan should be required for any future cases. Ms. Sepic added that she is concerned with storm drainage due to flooding issues on streets with storm drains. Ms. Sepic asked where the dumpster locations would be for the property, how wide the driveways are, and the curbing along the driveway. **Ms. Tedrick** responded that the truck entrance will be coming in from Lone Cactus Drive and exiting on Cave Creek Road. Ms. Tedrick stated that sufficient radii is provided to ensure that trucks can make their movements into and through the site. Ms. Tedrick stated that there has not been a full evaluation on the drainage, but based on their preliminary findings, they are anticipating having some on-site retention and likely some retention will be required along Cave Creek Road. Ms. Tedrick added that they are reducing the amount of impervious surface than what is currently on the site. Ms. Tedrick asked Ms. Sepic to repeat her last question. **Ms. Sepic** responded that she had a question that was related to the on-site retention, but also drainage on the streets. Ms. Sepic stated there is a storm drain on the corner of Cave Creek Road but none along Lone Cactus Drive. Ms. Sepic stated that major arterial roads seem to have flooding issues. Ms. Sepic added that her previous comment was that for the future, the applicant should have landscape plans as part of their presentation so the Committee can have a full picture of what is being proposed. **Ms. Tedrick** responded that they would have a landscape plan when they formally submit to the Planning and Development Department for technical review. Ms. Tedrick added that there are stipulations for additional landscaping along the street, which they intend to comply with, as well as additional landscape standards that will be required by the Ordinance for formal review. Ms. Tedrick stated that it is their intention to comply with those standards and not deviate from the City of Phoenix landscaping requirements. **Ms. Sepic** asked which way the buildings are oriented. **Ms. Tedrick** responded that there is one building entrance towards Lone Cactus Drive for the Whataburger site and anticipated building entrances on the west and south of the building for Phase Two.

**Robert Goodhue** stated that all this information will be reviewed through the site plan review and building plan review processes since there are City codes that regulate those issues.

**Anna Sepic** asked where the monument signage is located. **Ms. Tedrick** stated that it is not shown on the site plan currently as they typically do not show it at this level since it will have to be permitted separately, but that a monument sign is likely to be located along Cave Creek Road for Whataburger and another monument sign either on Cave Creek Road or Lone Cactus Road for the future building. Ms. Tedrick added it would be determined later and will depend on what the City sign requirements are.

**Diane Petersen** asked about the question relating to the dumpster locations. **Ms. Tedrick** stated that there will be a dumpster located to the west of the Whataburger building as shown on the site plan.

**Ms. Schmidt** asked to confirm that there is a separate sign permit review and landscaping plan review, and if a conceptual landscape plan could be presented to the Committee prior to site plan approval.

**Marc Soronson** stated that this is a preliminary discussion and that the plans will be reviewed against code and ordinance requirements.

**Public Comment:**

None.

**Applicant Response to Public Comment:**

**Ms. Tedrick** stated that she received a call from Spencer Freeman, who is the property owner at 2324 East Quail Avenue, which is just southwest of this site. Ms. Tedrick stated that Mr. Freeman was supportive of the project, as long as they were meeting all of the stipulations associated with the Use Permit. Ms. Tedrick stated they intend to comply with the stipulations, and she assured Mr. Freeman that they were not making any modifications to the Use Permit stipulations.

**Discussion:**

**Vice Chair Joe Leshner** encouraged the neighbors to engage in conversations with the applicant and to advocate for things that they do want to see in the project. Vice Chair Leshner stated that neighbors do have the ability to keep fighting the case if they chose to and find it is in their best interest.

**MOTION – PHO-1-22--Z-48-97-2:**

**Ms. Hall** motioned to recommend approval of PHO-1-22--Z-48-97-2. **Roy Wise** seconded the motion.

**VOTE – PHO-1-22--Z-48-97-2:**

**17-0;** motion to recommend approval of PHO-1-22--Z-48-97-2 passes with Committee members Balderrama, Bowman, DeMoss, DiMassa, Gerst, Goodhue, Hall, Maggiore, Mortensen, Petersen, Popovic, Schmidt, Sepic, Soronson, Ward, Wise and Gubser in favor.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None.