

## Attachment C

### REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

November 18, 2020

ITEM NO: 3

DISTRICT 7

SUBJECT:

Application #: PHO-1-20--Z-63-86-7  
Zoning: A-1  
Location: Approximately 325 feet north of the northwest corner of 27th Avenue and Buckeye Road  
Acreage: 1.83  
Request: 1) Deletion of Stipulation 2 regarding conditional approval.  
2) Modification of Stipulation 3 regarding outside storage and open structures.  
3) Deletion of Stipulation 4 regarding screening of outdoor storage and fences along 27th Avenue.  
Applicant: Andrew & Barbara Kelegian  
Owner: Andrew & Barbara Kelegian  
Representative: Jeff Muckerman

### **ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with a modification and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard the request on November 17, 2020 and recommended approval by a vote of 7-0.

### **DISCUSSION**

Jeff Muckerman, representative, stated that the site will be a location for Pacific Coast Propane, which is less intense than the current sandblasting use. He stated that the request is to delete Stipulation 2 regarding conditional approval, modify Stipulation 3 regarding outside storage and open structures, and delete Stipulation 4 regarding screening of outdoor storage and fences along 27th Avenue.

Adam Stranieri asked for clarification about the Estrella Village Planning Committee meeting and conformance with the Estrella Village Arterial Street

Landscape Program. Mr. Muckerman stated that the proposed landscaping would comply with the Estrella Village Arterial Street Landscape Program. Mr. Stranieri stated that the program is not a regulatory requirement and an additional stipulation will be required for the site to comply with that plan. He added that the relevant aspects of this plan would address the landscape palette, tree spacing, and groundcover.

Mr. Stranieri stated that Stipulation 2 is an administrative issue. He stated that the stipulation was complied with when the site was developed and the zoning was vested. He stated he had no concern regarding the request to delete this stipulation.

Mr. Stranieri noted that Stipulations 3 and 4 have to do with outdoor storage. He noted that there was significant neighborhood concern about the prior property owner's failure to comply with the stipulations. He asked where there would be a need for outdoor storage on the property. Mr. Muckerman stated that the site will function as a delivery services hub and propane dispensary. He stated that the only outdoor use would be the vertical propane dispensing unit.

Mr. Stranieri stated that the property has a unique history, but development of a retail and service-oriented business is an improvement. He stated that in 1986, the A-1 zoning district was limited in provisions regarding outdoor screening, which is where the intent of Stipulations 3 and 4 originated. He stated that he was inclined to recommend deletion of Stipulations 3 and 4 because current Zoning Ordinance requirements will address the screen wall and spacing requirements from public right of way and residential zoning. He stated that screening and walls would be required where appropriate. He stated that it was not recommended to stipulate to current Ordinance requirements.

Mr. Stranieri stated that the Street Transportation Department recommended two additional stipulations regarding dedication of a sidewalk easement for the west half of 27th Avenue and street improvements adjacent to the development. Mr. Muckerman stated that the site has paving, curb, and gutter adjacent to the site and the additional stipulations would not be necessary. Mr. Stranieri stated that the developer would dedicate the easement, and the easement would only be utilized if the Street Transportation Department implemented specific improvements along 27th Avenue. He clarified that the second stipulation is a standard language stipulation regarding improvements and ADA compliance. He added that the developer would only need to do the improvements if the Street Transportation Department determines that they need to be completed at the time of development. Mr. Muckerman stated that he understood and had no concerns with the additional stipulations.

## **FINDINGS**

- 1) Stipulation 2 regarding conditional approval of the rezoning action was complied with and the approved zoning vested with the adoption of Ordinance G-2925 and related Official Supplementary Zoning Map No. 760. The stipulation should be deleted as requested.
- 2) In 1986, the time of the approval of the original rezoning case which established the stipulations, the A-1 zoning district did not contain the screening requirements for open storage and open land uses that exists today in Section 627.F.2.c. Screening of outdoor storage at that time was limited to wall requirements for select locations with residential zoning in the immediate vicinity.
- 3) The applicant's request for modification of Stipulation 3 requests to replace a restriction on location of outdoor storage (permitted only in the rear half) with a screening requirement (6-foot masonry wall). The original intent of the restriction on placement was to address a sandblasting company with extensive outside storage. The current request is to redevelop this site with a propane retail service that does not involve these uses. Further, Stipulation 1 already requires an enhanced landscape setback along 27th Avenue to provide consistency with the streetscape landscaping requirements for commercially zoned properties which exist on both sides of 27th Avenue in the immediate area. Finally, the current Zoning Ordinance standards regarding screening of outdoor storage in this location address setbacks, screen walls, storage height, and enhanced landscaping. The proposed modification to require 6-foot masonry screen walls is merely consistent with current Ordinance requirements. Therefore, it is recommended that this request be denied as filed and deleted in its entirety. This will allow Stipulation 1 to address streetscape landscaping on 27th Avenue and the current Zoning Ordinance to address screening of potential outdoor storage and land uses.
- 4) The applicant's request for deletion of Stipulation 4 is recommended to be approved as requested. This stipulation addresses a timeline to install screening relevant to the original rezoning case and the prior use of a sandblasting company with extensive outside components. As discussed above in Finding #3, the current Zoning Ordinance contains standards that address screening of outdoor storage. If the applicant does not require outdoor storage areas, it would not be advisable to require a six-foot wall at the immediate back of the stipulated landscape setback unless this was required by the Zoning Ordinance. Deletion of the stipulation will allow the applicant to comply with Zoning Ordinance standards as necessary.

- 5) An additional stipulation is recommended to require that the development comply with the Estrella Village Arterial Street Landscaping Program. This policy plan establishes planting standards regarding trees, shrubs, groundcover, tree spacing and other considerations for properties adjacent to arterial streets in the Estrella Village. This will provide consistency with other recent approved zoning actions and developments in the surrounding area.
- 6) The Street Transportation Department recommends two additional stipulations. First, a requirement for dedication of a 10-foot sidewalk easement on the west side of 27th Avenue. Second, a standard language stipulation regarding street improvements and ADA compliance. Both stipulations are recommended to be adopted.

**DECISION:** The Planning Hearing Officer recommended denial as filed and approval with a modification and additional stipulations.

### **STIPULATIONS**

1.	<del>That A minimum 25-foot landscaped setback SHALL be provided along 27th Avenue to include a minimum 24-inch box size shade trees spaced a maximum 20 feet on center or placed in equivalent grouping together with minimum 5 gallon shrubs and an appropriate watering system to be installed within 90 days of final City Council action.</del>
2.	<del>That approval of this rezoning be conditioned upon development of a sandblasting and equipment painting operation in accordance with Section 108-M of the Zoning Ordinance. Any change of use shall require a public hearing before the Planning Hearing Officer.</del>
3.	<del>That any outside storage be contained within the rear half of the site and that no open structures be located within 75 feet of 27th Avenue.</del>
4.	<del>That all areas used for outdoor storage be surrounded by a 6-foot solid fence or wall within 18 months of City Council action, and that a 6-foot high decorative, offset masonry wall be provided at the 25-foot setback along 27th Avenue within 12 months of City Council action.</del>
2.	THE DEVELOPMENT SHALL COMPLY WITH THE ESTRELLA VILLAGE ARTERIAL STREET LANDSCAPING PROGRAM, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	THE DEVELOPER SHALL DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE WEST HALF OF 27TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4.	THE DEVELOPER SHALL 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 BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL IMPROVEMENTS SHALL COMPLY WITH ALL ADA ACCESSIBILITY STANDARDS.

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