

Attachment C

REPORT OF PLANNING COMMISSION ACTION May 7, 2020

ITEM NO: 8	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	PHO-2-19--Z-41-94-6
Location:	Southeast corner of 31st Street and Camelback Road
Request:	<ul style="list-style-type: none">• Modification of Stipulation No. 1 regarding general conformance to the site plan dated April 12, 1994• Deletion of Stipulation No. 2 regarding conditional approval• Deletion of Stipulation No. 3 regarding zoning being vested with final site plan approval• Deletion of Stipulation No. 5 regarding the existing oleander hedge along the south boundary of the site• Modification of Stipulation No. 6 regarding egress to 31st Street and signage and hours of access for service driveway• Technical corrections to Stipulation Nos. 7 and 9
Acreage:	1.92
Applicant:	Rakesh Patel, Hillstone Restaurant Group
Owner:	Hillstone Restaurant Group, Inc.
Representative:	Heidi Short, Lewis Roca Rothgerber Christie

ACTIONS:

Staff Recommendation: Approval with modifications and additional stipulations as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:
The **Camelback East VPC** did not review the request.

Planning Hearing Officer Recommendation:
2/19/2020 The Planning Hearing Officer took this case under advisement.
2/28/2020 The Planning Hearing Officer took this case out from under advisement and recommended approval with modifications and additional stipulations.

Planning Commission Recommendation: Approval, as recommended by the Planning Hearing Officer.

Motion Discussion: N/A

Motion details: Commissioner Shank made a MOTION to approve PHO-2-19--Z-41-94-6, as recommended by the Planning Hearing Officer.

Maker: Shank
Second: Howard
Vote: 8-0
Absent: Montalvo

Opposition Present: Yes

Findings:

1. The original stipulated site plan depicted a 9,775 square foot restaurant with a maximum height of 26 feet, with an approximately 25-foot setback from the south property line, a shared property line with adjacent single-family residential homes. The proposed site plan depicts a 4,996 square foot restaurant with a maximum height of 15 feet 8 inches, with an approximately 65-foot setback from the south property line. The reduced square footage, reduced height, and enhanced building setback will better mitigate impacts of building massing and activity on adjacent single-family homes to the south.

The stipulated site plan provided 90 parking spaces. Based on code requirements at the time, the original restaurant required 90 parking spaces. The proposed site plan depicts 94 parking spaces provided on both the subject property and the P-1 zoned property adjacent to the site to the southeast. Based on the smaller size of the proposed restaurant, the proposed site plan would require 38 parking spaces.

A new sub-stipulation also is recommended to modify the proposed site plan to require an enhanced pedestrian connection that will connect the southern parking lot to the primary pedestrian pathway leading to the building entrance. The pathway is depicted on the proposed site plan running east-west from the east property line to the primary building entrance. The proposed site plan depicts 22 parking spaces in the south parking lot. A connecting pathway will ensure a safe pedestrian route for users of that parking lot to the restaurant.

2. The conditions outlined in Stipulations 2 and 3 regarding conditional approval and vesting of the approved zoning were met with the development of a restaurant and the City Council's approval of an Official Supplementary Zoning Map for the existing C-2 zoning designation. Deletion of these stipulations is recommended.
3. The oleander hedge identified for preservation in Stipulation 5 is no longer present on the site. Additionally, the applicant has proposed new language requiring general conformance to a landscape plan that depicts a large quantity of acacia and ficus trees along the south property line, both trees with dense foliage. This language is recommended for approval and will promote the intent of enhanced screening for adjacent residences to the south. However, it should be noted that the caliper size of the proposed trees is predominantly 1-inch caliper which would not conform with current Ordinance requirements. Some trees will need to be increased to a minimum 2-inch caliper size for compliance.
4. The original stipulated site plan depicted an approximately 12-foot wide drive aisle along the south property line, behind the restaurant. Stipulated restrictions on this driveway included right-turn egress only, limiting its use to delivery or service vehicles, on-site signage, prohibiting access after 5:00 p.m., and other

potential measures to discourage use by patrons and deliveries to or from the adjacent commercial property to the east.

The applicant's request for modification of this stipulation included the removal of the restrictions regarding delivery or service vehicles and the limitation on time-of-use as well as additional language intended to preclude left-turns. It was unclear whether the proposed new language regarding precluding left turns was intended to discourage left-turn ingress or egress. At the hearing, the applicant clarified that the intended use of the driveway was to allow three-quarter movement, prohibiting left-turn egress only.

In the original rezoning case, there were concerns raised regarding the potential impacts of restaurant patrons parking in the adjacent neighborhood which led to the stipulated restrictions. Testimony provided in the current PHO hearing and in correspondence received by staff indicate that these concerns remain.

The proposed restaurant represents an approximately 51% reduction in the building footprint compared to the existing restaurant, from 9,775 square feet to 4,996 square feet. Additionally, the proposed 94 parking spaces comprises a 247% increase above the 38 required parking spaces. Finally, the applicant intends to retain restrictions regarding signage and prohibit left-turn egress into the existing neighborhood. Combined, these factors will mitigate the potential impacts of the development and the revised driveway configuration on the neighborhood to the south. The provision of significantly enhanced on-site parking will mitigate the potential for customers of the restaurant to rely on street-parking or any off-site parking in the surrounding area.

The applicant's request is recommended to be approved with modifications. The Street Transportation Department recommends that the driveway be restricted to either developing in accordance with a modified Standard Detail P-1243-1 to prohibit left-turn egress or limiting use of the driveway to emergency access only. An additional stipulation is also recommended to preserve the original stipulation's requirement for the developer to install and maintain private signage communicating the driveway movement restrictions and discouraging any use of the driveway by users of adjacent commercial property. However, the proposed site plan does not depict any driveway or vehicular cross-access along the east property line and therefore there may be no actual opportunity for use of the driveway on 31st Street for users of the adjacent commercial property.

5. The Street Transportation Department recommended an additional stipulation requiring a minimum 30-foot wide driveway along Camelback Road in accordance with City of Phoenix Standard Detail P-1255-1.
6. Adjacent to the southeast corner of the property is a parcel zoned P-1 (Parking District) which was rezoned in case no. Z-4-10-6. This property was originally rezoned to provide additional parking for the existing Donovan's Restaurant. This parcel remains undeveloped. The property is depicted on the site plans in this case and is intended to provide additional parking for the proposed restaurant. Modifications to the stipulations in this case are proposed in case no. PHO-1-9—Z-4-10-6 which was also heard on this agenda.

Stipulations:

1. ~~That THE development SHALL be in general conformance WITH to the site plan AND LANDSCAPE PLAN DATE STAMPED FEBRUARY 11, 2020 dated April 12, 1994, as may be modified by the following stipulations; and APPROVED by the PLANNING AND Development Services Department through the Development Review process.~~
 - A. THE DEVELOPER SHALL PROVIDE AN ENHANCED PEDESTRIAN CONNECTION FROM THE SOUTHERN PARKING LOT TO THE PRIMARY PEDESTRIAN PATHWAY LEADING TO THE BUILDING ENTRANCE.
- ~~2. That approval be conditioned on the development of a restaurant within 18 months of final City Council approval in accord with Section 506B of the Zoning Ordinance.~~
- ~~3. That zoning vest with final site plan approval by the Development Services Department.~~
2. That ~~n~~No windows SHALL be located along the south side of the building.
4. The exterior courtyard wall on the south side of the building shall be of sufficient height to screen dining room windows that open onto the courtyard.
- ~~5. That the existing mature oleander hedge, located along the south boundary of the site, be preserved as approved by the Development Services Department.~~
3. That only right turn delivery/service egress be allowed from the site to 31st Street, as approved by the Development Services Department, and that the rear one-way service driveway shall be appropriately signed with directional arrows and closed off at 5:00p.m. (or whatever other measures are necessary shall be taken) to preclude any use of the driveway by restaurant patrons or deliveries to or from adjacent commercial property.
- ~~6. That only right turn delivery/service egress be allowed from the site to 31st Street, as approved by the Development Services Department, and that the rear one-way service driveway shall be appropriately signed with directional arrows and closed off at 5:00p.m. (or whatever other measures are necessary shall be taken) to preclude any use of the driveway by restaurant patrons or deliveries to or from adjacent commercial property.~~

IF A DRIVEWAY IS PROPOSED ALONG 31ST STREET, THE DRIVEWAY SHALL BE RESTRICTED IN ONE OF THE FOLLOWING WAYS, AS APPROVED BY THE PLANNING AND DEVELOPMENT AND STREET TRANSPORTATION DEPARTMENTS:

- A. THE DRIVEWAY SHALL BE DESIGNED AND CONSTRUCTED PER CITY OF PHOENIX STANDARD DETAIL P-1243-1, AS MODIFIED TO RESTRICT LEFT TURN EGRESS AND AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.
 - B. THE DRIVEWAY SHALL BE RESTRICTED TO EMERGENCY ACCESS ONLY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. IF A DRIVEWAY IS APPROVED AND CONSTRUCTED ALONG 31ST STREET, THE DEVELOPER SHALL INSTALL AND MAINTAIN PRIVATE

SIGNAGE ON THE PROPERTY INTENDED TO PROHIBIT LEFT-TURN EGRESS AND PROHIBIT USE OF THE DRIVEWAY BY THE ADJACENT COMMERCIAL PROPERTY, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. ~~That a~~Any driveway to/from Camelback Road shall be right-in right-out only. If
~~7.~~ a common driveway agreement with the parcel to the east can be obtained, left turns out of the common driveway may be allowed, as approved by the PLANNING AND Development ~~Services~~ Department.
6. THE DEVELOPER SHALL PROVIDE A MINIMUM 30-FOOT-WIDE DRIVEWAY ALONG CAMELBACK ROAD IN ACCORDANCE WITH CITY OF PHOENIX STANDARD DETAIL P-1255-1.
7. ~~That a~~A 10-foot sidewalk/landscape easement SHALL be dedicated along
~~8.~~ Camelback Road.
8. ~~That a~~Additional easements and right-of-way dedications may be required by
~~9.~~ the PLANNING AND Development ~~Services~~ Department at time of preliminary site plan review.

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