

Attachment C

Planning Hearing Officer Summary of December 18, 2019
Application Z-49-84-1(2)
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

December 18, 2019

ITEM 2

DISTRICT 2

SUBJECT:

Application #: Z-49-84-1(2) (PHO-3-19)
Zoning: C-1
Location: Southwest corner of Tatum Boulevard and Greenway Road
Acreage: 1.98
Request: 1) Modification to Stipulation 1 regarding substantial conformance to the site plan submitted, dated November 2, 1990.
2) Technical corrections to Stipulations 2, 5, and 16.
Applicant: Circle K Stores, Inc.
Owner: Circle K Stores, Inc.
Representative: Law Office of David Cisiewski, PLLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification.

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee heard this case on December 2, 2019 and recommended approval by a 14-0 vote.

DISCUSSION

David Cisiewski, representative with the Law Office of David Cisiewski PLLC, stated that he was requesting modification of Stipulation 1, regarding general conformance to the site plan date stamped January 10, 2018 and elevations date stamped February 2, 2018. He stated that on the site there is a small convenience store and gas station, but the owner intends to redevelop the site with a new 5,200 square foot convenience store and fuel canopy with six fueling positions. He added that the site plan will retain the current driveways on Tatum Boulevard and Greenway Road and the existing landscape setback. He stated that he received a letter of support from the owner of the parcel to the west, Bassett Property Company, and the Paradise Valley Village Planning Committee unanimously recommended approval of the request.

Adam Stranieri stated that comments were received from the Pedestrian Safety Coordinator, Street Transportation Department, and Public Transit Department regarding pedestrian pathways and connectivity to the nearby intersection and transit pad. He stated that the rationale behind all these recommendations is to promote

pedestrian safety through the site, discourage midblock crossings, and improve connectivity. He stated that upon reviewing existing developments in the surrounding area, he found that properties at the northwest and northeast corners were developed with similar pathways. Mr. Cisiewski stated that he was open to the recommendation. Mr. Stranieri noted that a pathway to the existing transit pad along Tatum Boulevard is already depicted on the proposed site plan. He stated that he was inclined to approve the request to modify Stipulation 1 but add specific regard to the provision of the pathways.

FINDINGS

- 1) Rezoning case no. Z-49-84 was approved concurrently with companion rezoning case no. Z-72-90, albeit with different stipulations. In 1991, a PHO action was approved that had different impacts on the two cases: Z-72-90 was granted a 90-day time extension in original Stipulation 8, while Z-49-84 was altered by deleting all of the originally approved stipulations and replacing them with the complete set of stipulations in Z-72-90. In 1992, a PHO action was approved that granted a 6-month time extension in original Stipulation 8, which impacted the stipulations of both cases. However, the intent behind PHO-2-92 was related to the development of the shopping center to the west of the subject property in the current request.

The subject property of the current request consists of one parcel at the immediate southwest corner of Tatum Boulevard and Greenway Road. This parcel is only a portion of Z-49-84 and does not include any portion of the subject property in Z-72-90. Therefore, the current request is a modification solely to the stipulations of Z-49-84 and does not necessitate retaining any reference to the site plan dated November 2, 1990.

- 2) The proposal includes the redevelopment of a gas station with a new 5,187 square foot convenience store and fuel canopy. Fuel pumps are currently located on both the north and south sides of the existing store. The new fuel pump canopy will be located on the north side of the proposed convenience store. The proposal is consistent in scale and character with existing commercial development in the surrounding area.
- 3) The Pedestrian Safety Coordinator in the Street Transportation Department recommends the inclusion of a pedestrian access point providing access to the existing traffic signal at the intersection. This recommendation was echoed by the Public Transit Department which recommends additional pathways connecting building entrances to all sidewalks and adjacent transit infrastructure. The conceptual site plan does depict a pedestrian pathway to the bus pad on the west side of Tatum Boulevard. An additional stipulation is recommended to require both recommended pathways. This stipulation is consistent with development at the northwest and northeast corners of the intersection which both have pedestrian pathways providing access to both Tatum Boulevard and Greenway Road. Providing a safe, direct pedestrian path to the intersection will promote pedestrian safety and discourage unsafe mid-block crossings.

DECISION: The Planning Hearing Officer recommended approval with a modification.

STIPULATIONS

1.	<p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED OCTOBER 31, 2019 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO THE FOLLOWING:</p> <p>That development be in substantial conformance to the site plan submitted, dated November 2, 1990 as may be modified by the stipulations below and requirements of Development Services Department, Development Review approval.</p>
A.	<p>THE DEVELOPER SHALL PROVIDE A MINIMUM OF TWO PEDESTRIAN PATHWAYS: ONE PROVIDING ACCESS TO THE INTERSECTION AT TATUM BOULEVARD AND GREENWAY ROAD AND ONE TO THE EXISTING BUS PAD ON THE WEST SIDE OF TATUM BOULEVARD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
2.	<p>That zZoning SHALL vest concurrent with the final site plan approval by the PLANNING AND Development Services Department in accordance with Section 507 of the Zoning Ordinance; provided however, that zoning shall not vest unless City Council has approved the C-O zoning application respecting the adjacent parcel south of the site. In the event the C-O application is not approved on the adjoining parcel, the applicant agrees to file an application to revert the C-1 zoning on this site, back to the original R1-14 and R1-14 (approved R-O).</p>
3.	<p>That aApproval is conditioned upon the development in accordance with Section 506.B.1 of the Zoning Ordinance within 12 months of the final approval of the change of zone by the City Council.</p>
4.	<p>That dTHE Development SHALL not exceed one story, 30 feet in height, including parapets, if any, except Albertson's building shall be allowed a height of 28 feet excluding parapets.</p>
5.	<p>That aA minimum 20-foot landscaped strip SHALL be provided along Tatum Boulevard and Greenway Road. Landscaping within this area shall include 2.5 caliper drought resistant shade trees planted 20 feet on center or in equivalent groupings. Additionally, the landscaped areas shall include berms, decorative screening walls, or both as approved by the PLANNING AND Development Services Department.</p>
6.	<p>That aA 50-foot landscaped strip SHALL be provided along the west property line in the area depicted on the site plan submitted, except at the adjoining neighbor's</p>

	option, 25 feet of the landscaped area may be deeded to the adjacent neighbor. In such event, the original landscaping together with appropriate watering system shall be installed by the developer and the landscape buffer area shall be reduced to 25 feet. Landscaping to include 2.5 inch caliper drought resistant shade trees planted 10 feet on center or in equivalent groupings together with reasonable ground cover and an equivalent number of additional shrubs and shade trees for fast growing drought resistant species. Total number of shade trees required by the stipulation shall be not less than 92.	
7.	That a A 10-foot landscaped strip SHALL be provided along the southern property line increasing to a 50-foot landscaped strip for the west 150 feet, as depicted on the site plan submitted. Landscaping shall include 2.5 inch caliper drought resistant shade trees, planted 10 feet on center or in equivalent groupings.	
8.	That a A six-foot masonry wall shall be required on the property line adjoining the residential zoning district to the west; provided, however, that applicant shall within 120 days following City Council approval of the change of zone, file for and pursue with best efforts an application for variance to permit the required masonry wall to be increased to eight feet in height.	
9.	That t The façade and roofline treatment, including texture, coloration and building material shall be consistent around the entire building, including pads within the development. Freestanding building pads will be allowed individual design identity but shall be compatible with the design of the shopping center development. All roofing mechanical equipment shall be screened from view with finished parapets and located away from adjacent residentially zoned land.	
10.	All lighting shall be directed inward onto the site. Light standards in the parking lots shall not exceed 25 feet in height.	
11.	That n No drive-through lanes shall be located between the perimeter right-of-way and a structure.	
12.	That a All interior parking lots shall be landscaped to a minimum of five percent coverage.	
13.	That p Parking shall be screened along roadways in one of two ways:	
	a.	Undulating landscaped three-foot high berm.
	b.	Combination of the above with walls designed consistent with major buildings.
14.	That s Signage is to be of a monument-style design, with a base portion of a masonry type material, similar to the main structure and not to exceed 15 feet in height.	

15.	Additional right-of-way for right turn lanes may be required at the time specific development plans are reviewed. If turn lanes are required, all building setbacks and landscape setbacks are to be measured from the new right-of-way line which is typically 2.5 feet back of sidewalk.
16.	That a Additional right-of-way and a shelter/accessory pad SHALL be provided on Tatum Boulevard per Phoenix Standard Detail P-1257. Pedestrian access from the retail center to the bus stop shall be provided as approved by the PLANNING AND Development Services Department.
17.	That a Any modifications to the existing median islands on Greenway Road will require the approval of the City of Phoenix.
18.	That t The following right-of-way SHALL be dedicated within one year of final City Council action:
a.	A 55-foot west half street for Tatum Boulevard.
19.	That t The major grocer tenant large truck loading dock area shall be recessed below grade so that the loading dock floor is no higher than natural grade level.
20.	That m THE major grocer tenant shall monitor the scheduling of deliveries to prevent arrival of deliveries between the hours of 10:45 p.m. and 5:45 a.m.
21.	That t The site plan shall conform to the extent practicable to the design criteria set forth on the attached list.
22.	That a All services areas shall be screened to conceal trash containers, loading docks, transformers, backflow preventers, and other mechanical equipment.
23.	That t The site plan shall clearly express the separation between pedestrian and vehicular traffic.
24.	That b Building entrances shall be identifiable and directly accessible from a sidewalk.
25.	That a Any overhangs and canopies shall be integrated in the building design along pedestrian thoroughfares.
26.	Bus shelters, where needed, should be incorporated in the building design and designed in accordance with the "Transit Stop Guidelines for Developers" published by the Public Transit Department.
27.	That e Exterior surfaces should have a reflectivity of 20 percent or less.
28.	That t There shall be no unimproved side to a structure.

29.	That a All screening shall be architecturally compatible with the primary structure.
30.	That a At installation, the proposed landscape design shall provide for mixed maturity of plants throughout the site.
31.	That t Lighting fixtures and illumination shall be of similar design and character as the project.
32.	That t Landscape design shall be coordinated with all site utility elements such as overhead power lines, transformers, meter boxes, backflow preventers, fire protection devices, et cetera to effectively diminish the impact of such elements on the site character.
33.	That a A minimum of five percent of the surface parking lot, exclusive of required perimeter landscaping and front setbacks, shall be landscaped. Landscaping shall be dispersed throughout the parking area.
34.	That t Landscaped planters for trees in parking lots shall be a minimum of five feet wide (inside dimension), as depicted on the site plan presented by the applicant.
35.	That s Signs shall be consistent with a site's architectural design and overall character.
36.	That s Sign placement and materials for multiple tenant occupancies shall be delineated in a uniform and consistent manner.
37.	That t Traffic directionals shall be placed to promote safe and efficient traffic flow.
38.	At least 50 percent of landscaped area should be covered by living ground cover, except the 50-foot landscaped area located along the west perimeter of the property shall not be included in the requirement.
39.	Sign materials shall be compatible with those used on the site.

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