

Attachment C

Planning Hearing Officer Summary of August 19, 2020
Application PHO-1-20--Z-42-98-8

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Julianna Pierre, Planner I, Assisting

August 19, 2020

ITEM NO: 5

DISTRICT 8

SUBJECT:

Application #: PHO-1-20--Z-42-98-8
Zoning: C-1
Location: Southwest corner of 24th Street and Brill Street
Acreage: 2.36
Request: 1) Deletion of Stipulation 1 limiting vehicular access to 24th Street.
2) Modification of Stipulation 2 limiting the placement of pedestrian entryways.
3) Modification of Stipulation 4 restricting building height to one story and 15 feet.
4) Modification of Stipulation 5 regarding structures within 50 feet of the west and south property lines.
5) Deletion of Stipulation 7 regarding vesting zoning.
6) Deletion of Stipulation 8 regarding conditional approval.
Applicant: QuikTrip Corporation
Owner: 1420 North 24th Street LLC
Representative: Charles Huellmantel, Huellmantel & Affiliates

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this case on August 10, 2020 and recommended approval by a 16-0 vote.

DISCUSSION

Charles Huellmantel, representative with Huellmantel & Affiliates, stated that the property was originally developed with a restaurant and outdoor dining area and was now vacant. He stated that they are seeking deletion of Stipulation 1, limiting vehicular access to 24th Street to allow multiple points of access to the site and help the existing traffic conditions. He stated Stipulation 2, limiting the placement of pedestrian entryways, was written due to concerns with people parking on the street and walking to the property. He stated that there were

architectural embellishments on the proposed plans, as well as a fuel canopy, giving the need to modify Stipulation 4, restricting building height to one story and 15 feet. He stated that they were seeking modification of Stipulation 5, regarding structures within 50 feet of the west and south property lines, because the proposal is within 50 feet of Z-61-99, the sister case with nearly identical stipulations. He stated that Stipulations 7 and 8, regarding vesting and conditional approval, were no longer relevant. He stated that the case was presented at the Central City VPC and approved unanimously.

Jorge Trevino, a member of the public, stated that he was in support of the request.

Sean Morris, a member of the public speaking in opposition to the request, stated that he lives in the nearby neighborhood. He stated that since the closure of the restaurant, a homeless encampment has been established on the site. He stated that the applicant's proposed landscape plan would provide places where homeless people can hide and create encampments. He was concerned with how the applicant would mitigate the homeless problems. He also asked for clarification about the traffic study prepared by the applicant, specifically because there is a lot of traffic generated by the elementary school to the west. He stated that adding a driveway on Brill Street would decrease his property values. He added that there are three other gas stations within a mile of the location.

Adam Stranieri stated that typically stipulations require enhanced landscaping and setbacks. He asked if Mr. Morris would prefer that the developer provide less landscaping and instead move the building closer to the property line. Mr. Morris clarified that more landscaping and increased setbacks would provide more locations for the homeless to camp. He added that the homeless problem always existed in the area but increased when the restaurant building became vacant.

Mr. Trevino stated that the proper form was signed by the current property ownership to remove and arrest homeless persons if they were to trespass. He stated that signage was also going to be added to the property to mitigate the issue.

Mr. Morris stated that there is an encampment of makeshift tents on the property.

Mr. Huellmantel stated that he would be willing to discuss these issues further with neighbors and intended to connect neighbors with the store manager. He stated that the homeless issue has been noted and this is often a problem with vacant properties. He stated that a traffic study was not required for the development, but that he had no opposition to prohibiting left turns out of the site onto Brill Street.

Mr. Stranieri stated that he received correspondence from Ronald and Judith Dean requesting that Stipulation 1 be retained, the existing view fence on the west property line be replaced and increased with height, and restrictions be placed on left-turn movements on Brill Street. Mr. Huellmantel stated that the existing view fencing would be removed and replaced by an 8-foot-high CMU block wall.

Mr. Stranieri stated that when the case was originally heard, most of the concerns revolved around the impacts of the proposed restaurant use. He noted that the outdoor dining area was larger than the restaurant itself and it was assumed that the applicant would apply for use permits for outdoor entertainment. He stated that the stipulations regarding access and pedestrian entryways were to discourage on street parking in the neighborhood and patrons walking to and from the property within the adjacent neighborhoods. The request to delete Stipulation 1 will allow a second driveway and with the change of use, the previous concerns are no longer relevant. He added that the proposed driveway will be immediately opposite a U-Haul household moving center, rather than single family residences along Willetta Street.

Mr. Stranieri stated that QuikTrip's new store model has three entrances which could all be considered main entrances. He stated that it would be beneficial to provide pedestrian pathways to each entrance. Mr. Huellmantel stated that there were grading issues which did not allow for the accessway to directly align with the entrance along Willetta Street. Mr. Stranieri suggested modified stipulation language to require the developer to provide pedestrian accessways to all entrances of the building. He noted that these entrances should connect to public sidewalks or pathways near the entrances in instances like the south entrance where grading may prevent a direct connection to the door itself. Mr. Huellmantel stated that he did not have any issues with the proposed modification.

Mr. Stranieri stated that the proposed increase in building height remains more restrictive than what is permitted in the C-1 zoning district. He added that the building and enhanced setbacks would provide screening of the canopy from most vantage points to the west.

Mr. Stranieri stated that Stipulation 5, regarding structures within 50 feet of the west and south property lines, refers to the property line of the parcel and not the interface between the boundaries of the two adjacent rezoning cases. He noted that at the time of the original approval, there was a property line in this location. However, since the two parcels have since been combined, the setback would not be applied interior to the site as Mr. Huellmantel assumed. He displayed a map to indicate which portions of the west property line of the existing parcel were subject to the stipulation, which was included in both Z-42-98 and Z-61-99. He stated that he would recommend that the stipulation be retained as written.

Mr. Huellmantel stated that he had no concerns given that the proposed site plan would comply with the stipulation as explained by Mr. Stranieri.

Mr. Stranieri stated that Stipulations 7 and 8 have been complied with and are no longer relevant.

Mr. Stranieri stated that he would recommend adding general conformance to the site plan and elevations to ensure that if the plans were significantly modified there would be a future public hearing.

Mr. Stranieri stated that the site is archaeologically sensitive and addition stipulations were warranted to address City requirements for archaeological data testing and surveying.

Mr. Stranieri noted that a vehicle traveling west on Brill Street would either dead-end at the school to the west or end up back on 24th Street if they were to take 22nd Place south to either Willetta Street or Culver Street. He stated that there would be no benefit to a driver exiting the site and turning left on Brill Street unless you lived in the adjacent neighborhood. However, he noted that the Street Transportation Department did recommend a modified driveway detail on Brill Street to prohibit left-turns and that this request had also been raised in public comments. He recommended the addition of this stipulation and Mr. Huellmantel stated that he had no concerns.

FINDINGS

- 1) In the original rezoning case, the applicant proposed rezoning the site to C-2 (Intermediate Commercial) and developing an approximately 3,200 square foot restaurant with an approximately 3,575 square foot outdoor dining patio. The City Council ultimately denied the request as filed and approved for C-1 (Neighborhood Retail) zoning. This decision was based in part on the relative intensity of the C-2 district which permits bars by right, compared to the C-1 district which permits restaurants with sales of alcohol subject to a use permit. Concerns expressed also included the potential impacts of the proposed outdoor patio which could permit outdoor dining, alcoholic beverage consumption and entertainment subject to use permits.

The proposed conceptual site plan depicts an approximately 12,141 square foot QuikTrip gas station on the western portion of the site and fuel canopies located along 24th Street. Driveways are located along 24th Street and Brill Street. Proposed conceptual elevations depict a gas station with architectural relief provided through shade canopies, pillars, variation in the roof line, roof cornices, and multiple building materials.

The original rezoning case did not stipulate conformance to a site plan or elevations and instead required site plan approval as a condition of zoning approval. An additional stipulation is recommended to require general conformance to the proposed site plan and elevations. This stipulation will limit modifications to the proposal and may require a future public hearing for new development or extensive modifications.

- 2) Stipulation #1 restricting vehicular access to 24th Street was aimed at prohibiting access from local streets and was coupled with Stipulation #2 prohibiting pedestrian entryways along the north, west, and south property lines. These stipulations were intended to address concerns regarding potential neighborhood parking. With the proposed change of use to a gas station, the concerns regarding neighborhood parking and access to the outdoor dining area are no longer relevant. Additionally, this recommendation includes an additional stipulation for a modified driveway design to prohibit left-turn egress into the neighborhood. The applicant's request for deletion of this stipulation is recommended for approval.
- 3) Stipulation #2 prohibits pedestrian entryways along the north, west, and south property lines and was also intended to mitigate the potential impacts of the outdoor patio and discourage neighborhood parking. The current proposal would redevelop the existing restaurant as a gas station removing the concerns regarding the impact of an outdoor dining and entertainment area. Additionally, the proposed site plan includes a building design with entrances on the north, east, and south property lines. The inclusion of pedestrian pathways on these property lines will improve pedestrian safety and circulation by providing direct access to these entrances, particularly for patrons who may originate from nearby neighborhoods. The applicant's request for modification of this stipulation is recommended for approval with a modification to include a requirement for pedestrian pathways to these entrances. This recommendation is consistent with comments received from the Public Transit and Street Transportation Departments.
- 4) Stipulation #4 restricts building height to maximum one-story and 15-feet. The proposed elevations depict the gas station building at 16 feet to the top of roof and 20 feet to the top of the cornice. Fuel canopies have a maximum height of 22 feet and 6 inches to the top of canopy. The proposed heights remain below the two-story and 30-foot maximum permitted in the underlying zoning of the subject property and the zoning designations of most adjacent properties. The applicant's request for modification is recommended for approval.

- 5) Stipulation #5 prohibits any structure from being developed within 50 feet of the west and south property lines. At the time that Rezoning Case No. Z-42-98 was approved, there was an R1-6 zoned parcel located in what is now the northwest corner of the subject property in this case. This parcel was subsequently rezoned to C-1 in Rezoning Case No. Z-61-99 and was combined with the subject property of Z-42-98 to create the current parcel. Z-61-99 was similarly stipulated to a minimum 50-foot building setback along the west property line. The applicant stated that they believe Stipulation #5 requires that the setback be applied along the zoning district line between Z-42-98 and Z-61-99, which is interior to the current parcel. However, since the subject properties were combined, there is no longer any "west property line" following the boundary line between the two rezoning cases. Therefore, the stipulated setback does not apply in that location.

For the current parcel, the north half of the west property line is subject to the setback requirement in Stipulation #5 of Z-61-99, and the south portion of the west property line is subject to Stipulation #5 of Z-42-98. The proposed site plan complies with both stipulations and the applicant's request is unnecessary. The intent of both stipulations was to mitigate the impact of building massing on adjacent single-family zoned properties. This remains a valid concern for the south half of the western property line and the stipulation should be retained. The applicant's request for modification is recommended for denial.

- 6) The applicant's request for deletion of Stipulations #7 and 8, regarding vesting and conditional approval of zoning, are recommended for approval. The approved zoning was vested through the adoption of Official Supplementary Zoning Map No. 1048 following site plan approval for the restaurant, which was also the condition applied to the zoning approval.
- 7) The Street Transportation Department recommended an additional stipulation requiring that the developer provide a modified P-1243-1 driveway (reverse island) to Brill Street to prevent left turn movements. This driveway will work to limit traffic movements from the site back to 24th Street, an arterial street, and prevent commercial traffic from entering the adjacent neighborhood to the west.
- 8) The subject site is archaeologically sensitive and three additional stipulations are recommended to address requirements for data testing and site assessment.

DECISION: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

STIPULATIONS

1.	That vehicular access be limited to only 24th Street.
1.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED JUNE 5, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	That no pedestrian entryways be allowed on the north, west and south sides of the property to discourage on street parking. THE DEVELOPER SHALL PROVIDE PEDESTRIAN PATHWAYS PROVIDING CONNECTIVITY BETWEEN ALL MAIN BUILDING ENTRANCES WITH PUBLIC SIDEWALKS, CONSTRUCTED OF DECORATIVE PAVERS, STAMPED OR COLORED CONCRETE, OR ANOTHER MATERIAL OTHER THAN THOSE USED TO PAVE THE PARKING SURFACES AND DRIVE AISLES, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	That a An average of at least 20 feet of landscaping (with 15 foot minimum) SHALL be required along the street frontages.
4.	That development be limited to THE MAXIMUM BUILDING HEIGHT SHALL BE one story, not to exceed 15 23 feet in height.
5.	That no structure, including covered parking, be allowed within 50 feet of the west and south property lines.
6.	That Low level lighting SHALL be provided and directed away from the neighborhood.
7.	THE DEVELOPER SHALL PROVIDE A MODIFIED P-1243-1 DRIVEWAY (REVERSE ISLAND) TO BRILL STREET TO PREVENT LEFT TURN MOVEMENTS, AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT.
7.	That zoning should vest following final site plan approval by Development Services Department and completion of landscaping and parking area improvements.
8.	That approval be conditioned upon development of a restaurant within 24 months of the date of City Council final approval of the change of zone in accordance with Section 506.B.1.

8.	DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
9.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
10.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.