

Attachment B

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

June 16, 2021

ITEM NO: 1

DISTRICT 2

SUBJECT:

Application #: PHO-2-21--Z-SP-37-85-2
Location: Approximately 248 feet east of the northeast corner of 15th Avenue and Bell Road
Existing Zoning: C-2 SP
Acreage: 4.83
Request: 1) Deletion of Stipulation 1 prohibiting a body or paint shop.
2) Modification of Stipulation 3 regarding days and hours of service.
Applicant: Ed Bull, Burch & Cracchiolo PA
Owner: Tom Hiller, Chapman Bell Road LLC
Representative: Ed Bull, Burch & Cracchiolo PA

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval.

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee opted not to hear this request.

DISCUSSION

Ali Bull, representative with Burch & Cracchiolo, gave an overview of the original special permit and land uses in the surrounding area. She stated that the special permit was originally approved for automobile sales and leasing. She provided an overview of the proposal which includes incorporating a body repair and paint shop into the existing building. Vehicles will enter the building from the west and exit from both the west and north sides of the building. She stated that the proposal will not impact the multifamily development to the north and noted there is 139 feet between the building and the nearest apartment building to the north which is further separated by a wall and parking lot. She stated that Stipulation 1 prohibits a body repair or paint shop, however these uses are otherwise allowed as a component of the special permit if the use is conducted in a closed building. She noted that the body repair and paint shop will be an accessory use for the property. She requested that Stipulation 1 be deleted. She also requested a

modification of Stipulation 3 to add an additional 30 minutes before and after the stipulated service hours of 8:00 a.m. – 5:00 p.m.

Adam Stranieri, Planning Hearing Officer, asked for more information regarding the current use of the building area that is proposed to be redeveloped with the body repair and paint shop. Ed Bull, representative with Burch & Cracchiolo, stated that the current location is used for storage. He stated the eastern portion of the building is used to conduct automobile sales. Barry Barcus, with the applicant, stated that this area once contained a service department, break rooms, and service bays. Mr. Stranieri asked what the garage door on the north side of the building will be used for. Tom Hiller, property owner with Chapman Bell Road, stated that the north door will not be used as a service bay and that it is unclear whether that garage door would be retained.

Mr. Stranieri stated that the special permit would typically allow for a body repair and paint shop within a closed building and that the proposed deletion would be consistent with the surrounding uses and special permit section of the Zoning Ordinance. He stated that the increased hours of service would allow customers to arrive before or after the typical work day and the hours still allow for some protection of the nearby residential developments as was intended by the original stipulation.

FINDINGS

- 1) The applicant's request to delete Stipulation 1 prohibiting a body or paint shop is recommended for approval. The Special Permit for automobile retail sales would otherwise support the body repair and painting land use as an accessory use if confined to a closed building. The proposal is to conduct this use solely as an accessory use and in a closed building. The proposal is compatible with existing development and the land use pattern in the surrounding area.
- 2) The applicant's request to modify Stipulation 2 to adjust hours of operation by one half-hour from 8:00 a.m. to 5:00 p.m., to 7:30 a.m. to 5:30 p.m., is recommended for approval. The modification represents a modest variation from the original stipulation and is appropriate for a commercial use on a major arterial street. The proposal is compatible with existing development and the land use pattern in the surrounding area.

DECISION: The Planning Hearing Officer recommended approval.

STIPULATIONS

1.	That no body or paint shop be developed on the subject property.
1. 2.	That The service facility SHALL be enclosed.
2.	That Service SHALL only take place Monday through Friday, between the hours of 7:30 A.M. AND 5:30 P.M. 8:00 am and 5:00 pm.
3. 4.	That There SHALL be no outside sound systems, paging, or playing of music.
4. 5.	That All outdoor lighting SHALL be done subject to the lighting plan submitted to the City.
5. 6.	Development to be in substantial compliance with the site plan and renderings submitted to the City and presented to the City Council.
6. 7.	That A one-foot vehicular non-access easement SHALL be placed along the property at 15th Avenue.
7. 8.	That A six-foot masonry wall SHALL be built along the north and east property boundary.
8. 9.	In the event that any portion of the roof of any structure is less than 18 feet above grade, the buyer agrees to utilize mission tile roofing.
9. 10.	That All loading areas and trash container areas will be screened by a six-foot masonry screen.
10. 11.	All deliveries will be made during normal working hours.
11. 12.	Landscaping to include 24-inch box trees, 10 feet on center, on the north and east sides.
12. 13.	That The north and east faces of all buildings SHALL be stucco.
13. 14.	That There SHALL be a 10-foot landscaping strip on Bell Road.

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.