

Attachment B

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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Sofia Mastikhina, Planner I, Assisting

July 17, 2019

ITEM 2

DISTRICT 6

SUBJECT:

Application #: Z-12-16-6 (PHO-1-19)
Zoning: C-1
Location: Approximately 452 feet east of the southeast corner of 42nd Place and Baseline Road
Acreage: 0.91
Request: 1) Modification of Stipulation No. 1 regarding general conformance to elevations date stamped March 18, 2016.
Applicant: Synectic Design, Inc. - Lance D. Baker
Owner: Phoenix Website Solutions
Representative: Synectic Design, Inc. - Lance D. Baker

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On July 23, 2019 the Planning Hearing Officer took this case out from under advisement and recommended approval subject to two additional stipulations.

Village Planning Committee (VPC) Recommendation: At its July 9, 2019 meeting, the South Mountain Planning Committee recommended approval with additional stipulations by a 9-5 vote.

DISCUSSION

Mike Martinez, representing the applicant, Synectic Design, stated that the subject site was originally a 2,300 square foot development, but now the site has been modified to a 600 square foot drive-through coffee shop.

Adam Stranieri asked for more information about the site's circulation plan and design since there are two converging drive-throughs on the south and north. Mr. Stranieri added that there are numerous existing stipulations concerning Canal Bank Design and the Baseline Area frontage. Mr. Stranieri asked for clarification about how the frontages along the Highline Canal and Baseline Corridor were going to be handled.

Mr. Martinez stated that the site is currently vacant. He stated the language of the stipulations of the original rezoning case. He stated that the current site plan differed from the original because of the addition of another drive-through on the north side of

the property and the reduction of the footprint to approximately 600 square feet. He stated that the proposed building height of 20 feet complies with C-1 zoning standards. He stated that they have not only streamlined the building but have also provided a walkway through the center of the site to Baseline Road, a horse tie-up on the south side of the property, an outdoor seating area, and bike racks. He stated that the signage to the west is not illuminated and that there is no signage on the south perimeter.

Manuel Barkle, a homeowner across the Highline Canal to the south, asked about the elevations and how the proposed coffee shop was going to impact traffic in the area. He noted that he was in favor of the project.

Matthew Lyons, representing the owner, Phoenix Website Solutions, stated that the property contains only the remnants of a gas station from the 1960's. He stated that any development would be an improvement to what currently exists on the property. He stated that the existing gas station canopy is 12 inches lower than the height of the proposed coffee shop. He stated that the proposed coffee shop has a considerably smaller footprint than the stipulated site plan, which will aide in preserving views. He stated that the project will not add to the traffic flow along Baseline Road, but will instead capture some of the traffic, particularly in the morning.

Mr. Stranieri asked if Mr. Lyons was present at the South Mountain Village Planning Committee meeting and he stated that he was not. Mr. Stranieri asked if Mr. Lyons was involved in any of the other Human Bean locations in the Valley. Mr. Lyons stated that he is involved with other locations. Mr. Stranieri stated that the Village Planning Committee recommended approval of the request subject to additional stipulations, but there were concerns at the meeting about parking, circulation, and on-site activity related to the drive-throughs. He asked if the proposed site had a similar circulation plan to other Human Bean locations in the Valley. Mr. Lyons stated that each Human Bean has a different footprint. He stated that the proposed location has two drive-throughs which will allow customers to be served faster. He stated that the proposed location has no seating in the building, resulting in most of the parking being employee parking. Mr. Stranieri asked about the division of daily sales between walk-up and drive-through customers. Mr. Lyons stated that he could not give an accurate number because this location has a different footprint from other locations. He referred to the location in Tempe, noting that it has more parking than the proposed location, and stated that walk-ups are generally limited to mornings. Mr. Stranieri stated that numerous neighborhood activists contributed their thoughts in the original rezoning case which led to some of the stipulations regarding pedestrian connectivity. He stated that he hoped the proposed site would have more pedestrian and walk-up activity than the other locations since the Highline Canal is popular with recreational users. He stated that Stipulation No. 4 came explicitly from equestrian users who utilize the Highline Canal frequently for trail rides.

Mr. Stranieri noted that the Village Planning Committee recommended that the site shall comply with the Baseline Area Overlay District as much as reasonably possible. He clarified that the site is not within the confines of the Baseline Area Overlay District and

stated that he had concerns requiring conformance to an overlay district when the property is outside of that overlay. He added that the boundaries of the Baseline Area Overlay District exist where they do for a reason and that there may be limited regulations in the overlay that would be desirable to implement on the subject property. He stated that some of the requirements for commercial properties in the Baseline Area Overlay District include shaded walkways between buildings, scenic drive standards for medians and trees on Baseline Road, citrus at the entrance of the property – which would be very difficult to apply to the site.

Mr. Stranieri stated that the South Mountain Village Planning Committee also had concerns about landscaping. He clarified that development requirements for properties adjacent to the Highline Canal are subject to the same requirements as properties adjacent to right-of-way. He stated that the west property line will be required to have enhanced landscaping because the canal is treated as a street. The Baseline Area Overlay District also requires enhanced landscaping in parking lots and enhanced island requirements, which would be difficult to apply because of the size of the site and the existing stipulations. He stated that he is not inclined to adopt the Village Planning Committee's recommendation in full.

However, Mr. Stranieri stated that one requirement from the Baseline Area Overlay District that can be adopted is the requirement for drive-throughs to be screened from view of public right-of-way by berms. He stated that there is a single-family subdivision immediately across the canal. He stated that the two south facing drive-throughs are angled away from the subdivision, but the one on the north side of the building is oriented towards the subdivision. He stated that he would like to add a screening stipulation with additional flexibility to allow screening through a wall, landscaping, berms, or a combination thereof. He clarified that any portion of the drive-through visible from the subdivision should be screened to block head and tail lights, but how that screening is completed will be up to the applicant. He stated that the applicant may already have the drive-throughs fully screened based upon the perimeter fence requirements and the landscape island that separates drive aisles from the remainder of the property. He stated that he would add the stipulation requiring drive-throughs to be screened because it is one requirement from the Baseline Area Overlay District that is relevant to this type of project and is not reflected in the existing design guidelines.

Mr. Stranieri stated that the Village Planning Committee also recommended that a minimum of 25% of the site shall be landscaped. He stated that landscaping for commercial properties is not regulated by a percentage of gross or net square footage. He stated that landscaping is regulated through setbacks and parking lot requirements. He stated that the Baseline and Canal frontages constrain the site. He stated that he is not inclined to adopt the Village Planning Committee's recommendation because it may constrain the site too much and make it unusable.

Mr. Stranieri stated that the Parks and Recreation Department requested a 30-foot-wide multi-use trail easement along Baseline Road with a 10-foot-wide multi-use trail within the easement. He indicated that the applicant is not stipulated to the trail because the Canal cuts off the site from the portion of the trail to the west and to the east is a

Commerce Park development that was never stipulated to the easement or trail construction. He asked why the applicant had the multi-use trail easement on the conceptual plans. Mr. Lyons stated that the multi-use trail easement was drawn on the conceptual plans because of a statement from site planning. Mr. Stranieri stated that he was comfortable not adding the stipulation for the trail to remain consistent with the original zoning request. Mr. Stranieri noted that the monument signs are shown within the easement on the site plan. Mr. Lyons stated that he would like to resubmit their plan without the easement.

Mr. Stranieri noted that the height of the building is 17 feet with additional tower elements at 20 feet, which is higher than the previously approved plan, but less than the maximum allowed in C-2. He stated that the height will not have a significant impact on view corridors. He stated that he is not inclined to make a stipulation regarding height because the building is consistent with other heights in the area. He noted that the applicant will be stipulated to general conformance, which will only allow for 10% deviation and any major increases in height will have to go through another public hearing process.

Mr. Stranieri took the case under advisement to allow the applicant to resubmit a revised site plan. He stated that he was inclined to add a stipulation requiring drive-throughs to be screened from view from right-of-way and adjacent subdivisions through a combination of landscaping, berms or walls as approved by the Planning and Development Department.

FINDINGS

- 1) The original proposal consisted of an adaptive reuse of a vacant commercial structure for a coffee-house and café with indoor and outdoor seating in an approximately 2,313 square foot building. The proposed conceptual site plan consists of a drive-through and walk-up coffee shop in an approximately 800 square foot building. There are three drive-throughs on the proposed site plan. Two drive-throughs converge into one on the south side of the building and one drive-through is located on the north side of the building. The applicant's request is limited to the modification of the elevations and does not modify or delete existing stipulations regarding canal bank design, pedestrian pathways, and bicycle parking. The proposal is appropriate for a commercial parcel along a major arterial street and is consistent in scale and character with other commercially zoned properties in the surrounding area.
- 2) The number of proposed drive-throughs on the site warrants an additional stipulation to mitigate potential impacts of traffic on adjacent properties, particularly the single-family residential development to the west across the Highline Canal. The recommended stipulation is consistent with a design requirement in the Baseline Area Overlay District, which supports the Village's recommendation. The recommended language does include additional flexibility

as to how this screening may implemented, permitting landscaping, berms, walls, or a combination thereof.

- 3) The Parks and Recreation Department recommended an additional stipulation requiring the dedication of a 30-foot multi-use trail easement (MUTE) and construction of a 10 foot multi-use trail (MUT) along Baseline Road. This stipulation is not recommended by the Planning and Development Department, which is consistent with the staff recommendation in the approval of the original rezoning case.

The subject site is constrained in terms of area and the addition of the MUTE may negatively impact the ability of the developer to provide required parking and other stipulated amenities. Further, adjacent properties to the east developed without any MUT or MUTE and may be unlikely to redevelop in the near future. Further east, 48th Street represents the Phoenix city limits and the end of the City's trail system. Immediately adjacent to the west is the Highline Canal, which precludes any direct connection to the existing MUT's to the west. Constructing the MUT on the subject property would result in a disconnected fragment of trail rather than contributing to connectivity. The existing stipulations regarding the canal frontage will provide enhanced pedestrian and recreational amenities in lieu of a disconnected trail segment.

This recommendation does not preclude the developer from dedicating or installing an MUT or MUTE, but rather it does not establish this requirement as a condition of zoning approval.

DECISION: The Planning Hearing Officer took this case under advisement. On July 23, 2019 the Planning Hearing Officer took this case out from under advisement and recommended approval subject to two additional stipulations.

STIPULATIONS

1.	The development shall be in general conformance with the elevations date stamped APRIL 24, 2019 March 18, 2016 , as modified by the following stipulations and approved by the Planning and Development Department.
2.	ALL DRIVE-THROUGHS SHALL BE SCREENED FROM VIEW OF PERIMETER STREETS WITH EITHER A WALL, LANDSCAPING, LANDSCAPED BERM, OR COMBINATION THEREOF AT LEAST FOUR FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. 2.	The developer shall provide a pedestrian connection to the canal which utilizes an alternative surface as pavers, as approved by the Planning and Development Department.

4. 3.	The developer shall provide a pedestrian connection to Baseline Road which utilizes an alternative surface such as pavers, as approved by the Planning and Development Department.
5. 4.	The developer shall provide a horse staging area along the canal on the western edge of the property and connectivity between the horse staging area and the canal and the main building, as approved by the Planning and Development Department.
6. 5.	The developer shall provide a bicycle parking area containing a minimum of eight (8) spaces. The bicycle parking area shall utilize inverted-U bicycle racks or a similar design that accommodates lock placement on both wheels and the frame, as approved by the Planning and Development Department.
7. 6.	No illuminated signs shall be installed on the south and west elevations of the building.
8. 7.	The developer shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
9. 8.	The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
10.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

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