

Attachment B

Planning Hearing Officer Summary of March 21, 2018

Application Z-106-92-6(4)

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REPORT OF PLANNING HEARING OFFICER ACTION

Teresa Hillner, Planner III, Hearing Officer

Jazmine Braswell, Planner I, Assisting

March 21, 2018

ITEM 8

DISTRICT 4

SUBJECT:

Application #: Z-106-92-6(4)

Zoning: C-2

Acreage: 2.95

Location: Approximately 310 feet north of the northeast corner of 14th Street and Indian School Road

Proposal: 1) Deletion of Stipulation No. 2 regarding establishment of a wholesale art vendor within 18 months of the final City Council approval.
2) Deletion of Stipulation No. 5 regarding reversion of the zoning C-O/G-O upon change of use on the property.

Applicant: Barry Gardner, C/O Food for the Hungry

Owner: Food for the Hungry, Inc.

Representative: Barry Gardner, C/O Food for the Hungry

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denied as filed and approved with modification.

Village Planning Committee (VPC) Recommendation: At their March 5, 2018 meeting, the Encanto Village Planning Committee recommended approval with modification by a 12-0 vote.

DISCUSSION:

Mr. Barry Gardner, with Food for the Hungry, the organization is currently located at 12th Street and Washington Street and one of the 5 largest charities in Arizona. They currently have 120 employees and \$129 million in revenue. They are an international public relief agency supported by public and governments around the world. The organization is still growing therefore, they have outgrown their current 30,000 square foot building. The subject site was purchased from the Phoenix Art Group because the building fits the needs from the organization as it is about double the size of their current building. They are seeking to modify 2 stipulations because the new user will not be a wholesale art dealer and the second stipulation is regarding the revision of the zoning back to C-O/G-O. He stated he compared the C-2 zoning to the C-O/G-O zoning and 2 criteria that he was concerned about. The first was that inventories and samples are not allowed without a variance in the C-2 zoning and his company does have samples, for example, wheelchairs and water samples. The second concerns was regarding C-O/G-O zoning has a minimum of 5-acres and the site is much smaller than that. Retaining

the C-2 zoning would be a simpler way of them complying with the existing use of the property.

Ms. Teresa Hillner stated the Encanto Village Planning Committee wanted to add a stipulation to clarify the use of this property and wanted to retain that upon the change of use from the proposed use, City Council would consider the reversion of the zoning district.

Mr. Gardner stated while that does allow for his proposed use, it will make it harder to resell the property in the future.

Ms. Hillner stated because of the location of the site being not along a major street, they wanted to make sure commercial uses did not go on this site. She stated she does see the concern regarding deleting Stipulation No. 5 because of the possible C-2 that could go on this site if the proposed use leaves. She stated she is going to deny the case and filed and approve it with modifications.

FINDINGS:

1. The applicant, Food for the Hungry, has recently purchased this property. They are a global charitable organization that has outgrown their current location within the city of Phoenix. They have found this location that has some room available for potential growth. The applicant for the 1992 rezoning case was a wholesale art vendor. The City Council approved a stipulation which limited the use to that use. This proposed use will not impact the adjacent residences any more than the art vendor.
2. The stipulation addressing the potential reversion of the zoning is appropriate in that the C-2 zoning is appropriate for the wholesale art vendor or a headquarters office but possibly not for other C-2 uses without additional analysis or stipulations.

DECISION:

The Planning Hearing Officer recommended denied as filed and approved with modifications.

STIPULATIONS:

1.	That development shall be in general conformance with the site plan dated August 27, 1992, as modified by the following stipulations.
2.	That approval of this rezoning be conditioned upon establishment of a wholesale art vendor within 18 months of final City Council approval of the change of zone in accordance with Section 506.B of the Zoning Ordinance.
23.	That the northernmost driveway to 14th Street depicted on the site plan dated

	August 27, 1992 shall be eliminated prior to occupancy of the structure.
34.	That signage shall be limited to C-O zoning Sign Ordinance regulations.
45.	That u Upon any change of use FROM A HEADQUARTERS OFFICE on the subject property, the Planning Commission will initiate an application to consider reverting the zoning to C-O/G-O.

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