



## Village Planning Committee Meeting Summary Z-60-19-4

<b>Date of VPC Meeting</b>	April 6, 2020 (Meeting Canceled)  May 4, 2020 (Recommendation)
<b>Request From</b>	C-1 and C-O
<b>Request To</b>	C-1
<b>Proposed Use</b>	Gas Station and Convenience Store
<b>Location</b>	Northwest Corner of 15th Avenue and Indian School Road
<b>VPC Recommendation</b>	Approve per staff recommendation with one additional stipulation to read as follows: “the applicant shall maintain landscaping in accordance with the landscape plan and stipulated improvements.”
<b>VPC Vote</b>	11-1-0; motion passed with members Adams, Benjamin, Bryck, George, Kleinman, Ressler, Matthews, Coates, Searles, Jewett, and Mahrle in favor; Procaccini in dissent; none in abstention.

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*No members of the public indicated a desire to speak in support or opposition to this item per the emergency policy.*

**Z-60-19-4:** Presentation, discussion and possible recommendation regarding a request to rezone 1.63 acres located at the northwest corner of 15th Avenue and Indian School Road **from** C-1 (Neighborhood Retail) and C-O (Commercial Office) **to** C-1 (Neighborhood Retail) to allow a gas station and convenience store.

**Klimek**, staff, provided an overview of the request by the applicant to consolidate their C-1 and C-O zoning to C-1 to permit the construction of a larger gas station and convenience store on the site. The request is consistent with the General Plan Land Use Map designation of Commercial and, as stipulated, will be

compatible with the neighborhood, and advance the mission of the Tree and Shade Master Plan and the Comprehensive Bicycle Master Plan. Staff is recommending approval of the request subject to stipulations; stipulations of special note include detached sidewalks with trees planted between the curb and sidewalk along all three street frontages, a prohibition of vehicular access to/from 16th Drive and the alley, and the installation of a bicycle repair station to reinforce the 15th Avenue Bikeway.

**Rick Mahrle** asked if the City or the Committee has control over the type of trees planted on the site because thorny vegetation may be unpleasant to pedestrians and may damage the tires of passing bicycles. **Klimek** responded that city staff can provide guidance on appropriate tree selection and that he intends to follow this case through the site planning process.

**G.G. George** noted a letter of opposition recently forwarded to the committee by staff and asked if there is anything that would physically prohibit vehicular access onto 16th Drive. **Klimek** responded that the site will be improved with a required landscape setback, landscape plantings, detached sidewalks, and that the prohibition will be codified through a requirement for a Vehicular Non-Access Easement which will not permit the construction of a driveway onto 16th Drive.

Hearing no other comments, **Chairman Adams** invited the applicant to address the committee.

**Dave Cisiewski**, representing the applicant, provided an overview of the request. The site currently has an existing Circle-K on the corner of 15th Avenue and Indian School Road. Most of the expansion site is zoned appropriately for the proposed use and only approximately one-third on the northern portion is not; the development team has agreed to bring in the full site to provide staff and approval bodies to review the site comprehensively rather than piece-meal.

As part of the development, all site improvements will be removed, and a new convenience store and gas station will be constructed including significant landscaping along all street frontages. The facility will reflect the most modern model of Circle-K Stores equipped with high quality architecture that is consistent between the main building and the pump canopy and security features both inside and outside of the facility.

**Chairman Adams** asked staff whether any members of the public requested to speak regarding this topic. **Klimek** responded that he had not received any requests to speak on this topic.

**Committee questions** included the following:

- What neighbor supported the project? **Dave Cisiewski** responded that the multifamily complex across 15th Avenue provided a letter of support for the project on the basis that it would be an asset to the neighborhood.

- Were any concerns regarding light and glare being directed into the neighborhood and how does the applicant intend to address these potential issues? **Dave Cisiewski** responded that they had not heard those specific concerns however, modern LED lighting including in the fuel canopy will provide directly lighting with virtually no light being diffused outside of where desired. Further, significant landscape buffering will be added along the north property line for additional compatibility.
- How will the trash refuse be screened from the adjacent uses? **Dave Cisiewski** responded that the refuse contained will be located within an eight-foot block enclosure with steel doors.
- Will air be available for free on the site or will it be coin-operated because free would be preferable both for the bike fix it station and the vehicle pumps? **Dave Cisiewski** responded that he is not sure but assumes that because coin-operated air stations are common with most Circle-K facilities that this facility will follow suit.
- Directed to staff, Procaccini and George inquired whether there is anything in place or that the committee can stipulate to require trees be maintained and be replanted if they die for any reason.
  - **Klimek** responded that the City is currently in the process of developing a landscape maintenance ordinance, however, that there is nothing currently in place and that he is not aware of whether zoning enforcement could require trees be replanted. He stated that it is within the committee's authority to provide an additional stipulation or a modified stipulation regarding landscape maintenance.
  - **Committee discussion** regarding language for a friendly amendment and whether the motion should contain language for an additional or revised stipulation pertaining to landscape maintenance.

### **Motion**

**Layla Ressler** motioned to approve the request per staff recommendation and **Brent Kleinman** seconded.

### **Discussion**

**Steve Procaccini** stated that he is not supportive of the request because there is a similar use in the immediate vicinity and that the location is inappropriate given the adjacent residential neighborhood and the policy present for the nearby area for walkable and transit oriented development.

**Chairman Adams** stated that he is supportive of the request because it will clean up the area and provide a service to nearby residences.

### **Friendly Amendment**

**Steve Procaccini** asked for a friendly amendment to add language requiring the landscape be maintained. Discussion on options for language settled on a new stipulation which reads, "the applicant shall maintain landscaping in accordance with the landscape plan and stipulated improvements."

**Ressler and Kleinman** accepted the friendly amendment into their motion.

**Vote**

11-1-0; motion passed with members Adams, Benjamin, Bryck, George, Kleinman, Ressler, Matthews, Coates, Searles, Jewett, and Mahrle in favor; Procaccini in dissent; none in abstention.

**VPC RECOMMENDED STIPULATIONS & STAFF COMMENTS**

1. The development shall be in general conformance with the elevations date stamped November 8, 2019, as modified by the following stipulations and approved by the Planning and Development Department.
2. The developer shall dedicate a 1-foot Vehicular Non-Access Easement (VNAE) along the north property line (16th Drive) and the west property line where adjacent to R-4 (Multifamily Residence District) zoning.
3. All sidewalks shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
  - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or equivalent groupings to provide a minimum of 75 percent shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
4. The required landscape setback areas along all public streets shall be planted with large canopy shade trees, selected from the list contained in Table 1309.1 of the Phoenix Zoning Ordinance excluding those identified as “understory trees”, placed 20 feet on center or in equivalent groupings with 25 percent of the trees a minimum 4-inch caliper and 75 percent a minimum of 3-inch caliper, as approved by the Planning and Development Department.
5. The developer shall locate trees in close proximity to the bus stop along Indian School Road to shade the bus stop area to a minimum 75 percent, as approved by the Planning and Development Department.
6. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

- a. A bicycle repair station (“fix it station”) shall be provided in an area of high visibility, separated from vehicular maneuvering areas, and located within close proximity to 15th Avenue and the bus stop on Indian School Road. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - b. A minimum of 4 inverted U-bicycle racks, artistic style rack (in adherence to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan) or “Outdoor/Covered Facilities” for guests and employees. These facilities shall be located near building entrances, installed per the requirements of Section 1307.H. of the Zoning Ordinance, and approved by the Planning and Development Department.
7. The developer shall provide a system of clearly defined, accessible pathways constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisles surfaces which provide direct connections between the following site elements: all building entrances and exits; bus stops; and the bicycle repair station. The above conditions shall be approved by the Planning and Development Department.
8. The developer shall provide an enhanced and shaded pedestrian pathway from the entrance of the building to the bus stop on Indian School Road, as approved by the Planning and Development Department.
9. The developer shall retain right-of-way and reconstruct one bus stop pad along westbound Indian School Road west of 15th Avenue, compliant with City of Phoenix Standard Detail P1260 (attached sidewalk) or P-1262 (detached sidewalk) at a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of Indian School Road and 15th Avenue as per City of Phoenix Standard Detail P1258. The above conditions shall be approved by the Planning and Development Department.
10. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
11. The developer shall construct the driveway to Indian School Road with a restriction of access to right-in and right-out turning movements, as approved by the Street Transportation Department.

12. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
13. The developer shall provide space and access on the site for recycling containers, as approved by the Planning and Development Department.
14. If 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.
15. 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.
16. 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.
17. THE APPLICANT SHALL MAINTAIN LANDSCAPING IN ACCORDANCE WITH THE LANDSCAPE PLAN AND STIPULATED IMPROVEMENTS.