

Attachment C

REPORT OF PLANNING COMMISSION ACTION May 7, 2020

ITEM NO: 9	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	PHO-1-19--Z-4-10-6
Location:	Approximately 300 feet east and 160 feet south of the southeast corner of 31st Street and Camelback Road
Request:	<ul style="list-style-type: none">• Modification of Stipulation No. 1 regarding general conformance with the site plan date stamped March 11, 2010 and the landscape plan date stamped April 8, 2010• Deletion of Stipulation No. 2.e. regarding landscape palette• Deletion of Stipulation No. 4 regarding a minimum 10-foot landscape setback along the west property line• Technical corrections to Stipulation Nos. 2, 3, 5, 6, and 7
Acreage:	0.36
Applicant:	Rakesh Patel, Hillstone Restaurant Group
Owner:	Hillstone Restaurant Group, Inc.
Representative:	Heidi Short, Lewis Roca Rothgerber Christie

ACTIONS:

Staff Recommendation: Denial as filed, and approval with modifications as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:
The **Camelback East VPC** did not review the request.

Planning Hearing Officer Recommendation:
2/19/2020 The Planning Hearing Officer took this case under advisement.
2/28/2020 The Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications.

Planning Commission Recommendation: Approval, as recommended by the Planning Hearing Officer.

Motion Discussion: N/A

Motion details: Commissioner Shank made a MOTION to approve PHO-1-19--Z-4-10-6, as recommended by the Planning Hearing Officer.

Maker: Shank
Second: Gaynor
Vote: 8-0
Absent: Montalvo
Opposition Present: Yes

Findings:

1. The stipulated site plan depicted 24 parking spaces intended to provide additional parking for the Donovan's restaurant that existed on the adjacent commercial property to the north at the time of the original rezoning (see Finding #5). The proposed site plan depicts 22 parking spaces intended to service the proposed new restaurant on the same adjacent commercial property to the north. The proposed modification reduces the potential impact of parking activity on nearby residential properties.
2. The proposed site plan depicts a pedestrian pathway on the adjacent commercial property to the north running east-west from the west property line to the main building entrance on the proposed restaurant. A pedestrian pathway is recommended that connects the 22 parking spaces on the subject property of this request to that pathway to ensure safe pedestrian access from the parking area to the restaurant. This pathway is also stipulated in related case PHO-2-19—Z-41-94-6 (see Finding #5). A portion of this pathway may be partially located within the subject property of this case and therefore the stipulation is also recommended to be included.
3. Stipulation 2.e. requires the landscaping palette to be similar to the landscaping on the adjacent commercial property to the east. Both the character and size of this landscaping area is significantly different than that of the subject parcel. The applicant has proposed new language requiring general conformance to a landscape plan that is consistent with the landscaping on the adjacent commercial property to the north that is proposed to include the restaurant that this parcel will provide parking for. It is desirable to have consistency between these parcels. Additionally, the proposed plant palette consists of dense foliage trees such as acacia and ficus that will contribute to screening appropriate for a parking lot adjacent to residential uses.
4. At the hearing, the applicant stated that they would like to withdraw their request to modify Stipulation 4 regarding a minimum 10-foot landscape setback along the west property line. The enhanced setback and tree caliper sizes required by this stipulation are appropriate for a property line that is shared with an existing single-family home. The stipulation is recommended to remain with minor revisions to update it to current standard language format.
5. Adjacent to the north is C-2 zoned commercial property which was rezoned in case no. Z-41-94-6. This property was originally rezoned to allow a restaurant which was developed and has since closed. The subject property is currently proposed to redevelop with a newer, smaller restaurant. Modifications to the stipulations in this case are proposed in case no. PHO-2-19—Z-41-94-6 which was also heard on this agenda.

Stipulations:

1. ~~That~~ The development shall be in general conformance with the site plan date stamped FEBRUARY 11, 2020 ~~March 11, 2010~~, and the landscape plan date stamped FEBRUARY 11, 2020 ~~April 8, 2010~~, with specific regard to the south and west landscape setbacks, as approved or modified by the FOLLOWING

STIPULATIONS AND APPROVED BY THE PLANNING AND Development
~~Services~~ Department.

- A. THE DEVELOPER SHALL PROVIDE AN ENHANCED PEDESTRIAN CONNECTION FROM THE PARKING LOT TO THE PRIMARY PEDESTRIAN PATHWAY LEADING TO THE BUILDING ENTRANCE ON THE ADJACENT COMMERCIAL ZONED PROPERTY TO THE NORTH.
2. ~~That~~ The development shall provide a minimum 25-foot landscape setback along Mariposa Street, as approved or modified by the PLANNING AND Development ~~Services~~ Department and as follows:
 - a. Trees shall be placed 20 feet on center or in equivalent groupings,
 - b. Minimum 3-inch caliper (75 percent of required trees),
 - c. Minimum 4-inch caliper (25 percent of required trees),
 - d. Minimum five 5-gallon shrubs per tree.
 - e. ~~Landscaping shall be of a similar palette to that of the adjacent commercial property to the southeast.~~
3. ~~That~~ The perimeter wall shall be finished face and painted, as approved by the PLANNING AND Development ~~Services~~ Department.
4. ~~That~~ The development shall provide a minimum landscape setback of 10 feet along the west property line of the parking area, planted with minimum 3-inch caliper trees, SPACED 20 feet on center OR IN EQUIVALENT GROUPINGS, as approved by the PLANNING AND Development ~~Services~~ Department.
5. ~~That~~ No pedestrian access shall be provided to Mariposa Street, as approved by the PLANNING AND Development ~~Services~~ Department.
6. ~~That~~ The existing 6-foot wall setback 25 feet from the southern property line shall remain, as approved by the PLANNING AND Development ~~Services~~ Department.
7. ~~That~~ a 1-foot vehicular non-access easement (VNAE) shall be recorded along the west, south and eastern property lines prior to final site plan approval, as approved by the PLANNING AND Development ~~Services~~ Department.

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