



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## Staff Report: Z-11-16-4 July 7, 2016

**Encanto Village Planning Committee Meeting Date** July 11, 2016

**Planning Commission Hearing Date** August 4, 2016

**Request From:** R-5 (1.07 Acres)

**Request To:** C-2 (1.07 Acres)

**Proposed Use** Restaurant

**Location** Northwest corner of 18<sup>th</sup> Place and Thomas Road

**Applicant** Aaron Klusman

**Representative** Jonathan Ammon

**Owners** Sina Nafisi, Phoenix Heart Specialists, Inc., and 4<sup>th</sup> Ave Investment LLC

**Staff Recommendation** Denied as filed, approve as C-1, subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Commercial	
<b>Street Map Classification</b>	Thomas Road	Arterial	42-foot north half
	18 <sup>th</sup> Place	Local	25-foot west half
<p><b>STRENGTHEN OUR LOCAL ECONOMY; LOCAL &amp; SMALL BUSINESSES; LAND USE PRINCIPLE:</b> <i>Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive and grow.</i></p> <p>The request proposes the adaptive reuse of a distressed commercial office building. Built in the early 1960s, the office building on the site has been vacant for a few years. The change of use from an office to a restaurant will utilize a vacant office building in an older part of the city that is surrounded by medical offices and established residential neighborhoods.</p>			
<p><b>CONNECT PEOPLE &amp; PLACES; COMPLETE STREETS; DESIGN PRINCIPLE:</b> <i>Locate parking to the rear of a site to create a more pedestrian environment, when adequate shielding from noise and light can be provided to adjacent established neighborhoods.</i></p> <p>Adaptively reusing the existing building at the immediate corner allows the parking to continue to be provided toward the rear of the site, creating a more pedestrian environment. A stipulation requiring direct access to building entrances from Thomas Road further emphasizes a pedestrian environment.</p>			

**CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS; CERTAINTY & CHARACTER; DESIGN PRINCIPLE: Design neighborhood retail to be compatible in scale and character towards the residential areas that it serves, in terms of both design and pedestrian linkages. Traffic, noise or other factors should not negatively impact adjacent residential areas.**

The proposed development is sensitive to the scale and character of the surrounding area. Staff stipulations addressing pedestrian connectivity, signage and bicycle parking will mitigate negative impacts and improve accessibility to the subject site.

**Applicable Plans and Principles**

Squaw Peak Parkway Specific Plan – see background item #5 below.

Complete Streets Guiding Principles – see background item #s 9 and 10 below.

Bicycle Master Plan – see background item #12 below.

Tree and Shade Master Plan – see background item #s 13 and 14 below.

**Surrounding Land Uses/Zoning**

	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Office on corner lot, parking on adjacent parcel.	R-5, with use permit for office use (ZA 196-64 with time extensions), for the corner lot only
<b>North</b>	Office	R-5, with a use permit for office use (ZA-35-87)
<b>South</b>	Hospital, Phoenix Children’s Hospital	C-2 HR
<b>East</b>	Medical Office	R-5
<b>West</b>	Single family residential attached subdivision	R-5

**C-2 (Intermediate Commercial)**

*\*if variance required*

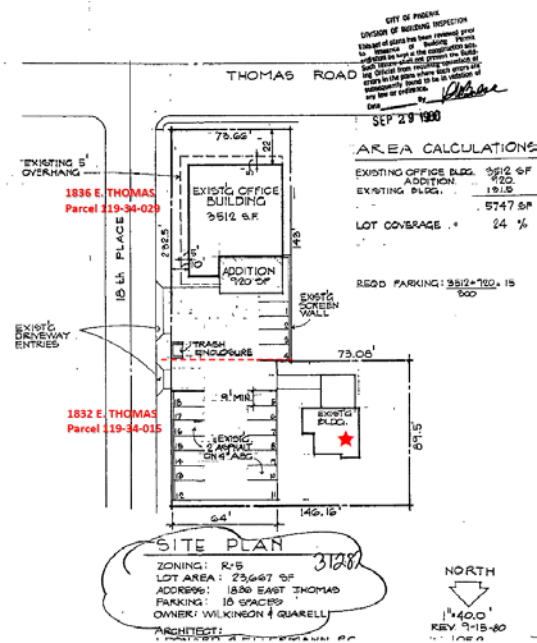
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
<i>Building Setbacks</i>		
Street	Average 25 feet. 20 feet Min. up to 50% of structure	*Not Met - 20 feet on Thomas Road *Not Met - 8 feet on 18 <sup>th</sup> Place.
Not adjacent to a street	10 feet (adjacent R-5) 10 feet (adjacent R-5)	Met - 10' (west property line) Met - 10' (north property line)
<i>Landscape Setbacks</i>		
Street	Average 25 feet 20' Min. up to 50% of structure	*Not Met - 20 feet on Thomas Road *Not Met - 8 feet on 18 <sup>th</sup> Place.

Not adjacent to a street	Minimum 10 feet (west) Minimum 10 feet (north)	Met - 10 feet west property line Met - 10 feet north property line
Lot Coverage	Maximum 50%	Met - 14%
Building Height	Maximum 30 feet	Met - 18 feet
Off-Street Parking	32 spaces required	Met - 38 provided on site

**Background/Issues/Analysis**

1. This is a request to rezone 1.07 acres from R-5 (Multi Family Residence) to C-2 (Intermediate Commercial). The site is located at the northwest corner of 18<sup>th</sup> Place and Thomas Road and includes three parcels. The proposal is to adaptively reuse the building at the immediate corner and demolish the adjacent building to the west. The space is proposed for two restaurant tenants, one with a drive-through window to the west and outdoor dining for both.
2. The building at 1836 East Thomas Road dates from the 1960s and has been operating as an office, with a Use Permit since 1964. ZA-658-64 was approved for the corner parcel only. The parcel to the north, 1832 East Thomas Road, has been in use as parking since 1980. Previously, it was a single family dwelling based on a 1979 Maricopa County aerial photograph.

A site plan for a building addition at 1836 East Thomas Road (9/15/1980) shows the front one-half of the other parcel as 'existing parking' but there are no records of a Variance to use a residential front yard as parking. This configuration remained until 1999.



By April 2000 the residential building had been demolished (★), and the whole parcel was paved for parking as shown on the aerial photos below. Staff has been unable to find a permit for the demolition or a permit or site plan for the new parking lot under 1832 or 1836 East Thomas Road. A permit or site plan would have been required. Preparation and approval of a site plan will be a requirement for development of this site.



Most properties on 18<sup>th</sup> Place are offices zoned R-5, some with a Use Permit, including one for a Personal Care Home. On Thomas Road to the west, most parcels are also R-5. Abutting the rezoning site to the west is a single family attached development zoned R-5 (Multifamily Residence District). Further to the north and west, the predominant zoning is R1-6 (Single Family Residential), with two midcentury subdivisions less than 500 feet away.

Zoning history for the area shows many Use Permits for offices on R-5 properties but a lack of requests for higher intensity uses in the surrounding area. Uses have remained constant since the 1960s as office and medical uses, thereby providing stability to the residential neighborhoods north of Thomas Road.

5. The site is proximate to the SR 51-Piestewa Freeway, formerly known as the Squaw Peak Parkway. The proposal is consistent with the *Squaw Peak Parkway Specific Plan* by meeting Goal 6: Identify areas where existing uses should be preserved and protected and where changed circumstances suggest that redevelopment would be better.
6. The General Plan designation for this site is Commercial. The proposal is consistent with the General Plan. Based on zoning history and current conditions, staff is recommending denial of the request for C-2 (Intermediate Commercial) and approval of C-1 (Neighborhood Commercial).
7. The C-1 district allows restaurants and it is a more appropriate zoning for this location since the district provides light neighborhood type service uses designed to be compatible with each other and nearby residential districts. Rezoning the three parcels to C-1 allows for a greater flexibility of permitted uses that are more compatible with adjacent residential development to the west while providing a better transition from residential to commercial.

8. It is anticipated that the restaurant uses on the site will be patronized by individuals arriving on foot as well as by vehicle. Two large employers are near the site, the Arizona Heart Hospital to the east and the Phoenix Children's Hospital across Thomas Road to the south. There is a signalized crossing of Thomas Road just east of this site which will facilitate pedestrian access from the hospital to the businesses. The site should

be designed to accommodate both vehicular and pedestrian modes of travel and therefore entrances and access to those entrances should be provided on the Thomas Road frontage. The applicant is also encouraged to provide outdoor dining space facing the Thomas Road frontage. This is addressed in Stipulation #2.



**Midcentury Modern Building  
NWC Thomas Road and 18<sup>th</sup> Place**

- No sidewalk along 18<sup>th</sup> Place
- No trees along both frontages
- Direct access from sidewalk on Thomas Road to building

9. A sidewalk is present on Thomas Road ending at the intersection with 18<sup>th</sup> Place. There is no sidewalk on the west side of 18<sup>th</sup> Place. A stipulation is proposed requiring a five-foot sidewalk to be completed on 18<sup>th</sup> Place. This is addressed in Stipulation #3.
10. A landscaped setback exists along Thomas Road and 18<sup>th</sup> Place. At present, there are no trees within this landscaped area. A stipulation requiring landscaping to be provided along both streets per the C-1 landscape standards, with specific regard to planting type and the number of required plantings along both streetscapes. There are no impediments from water or sewer lines either on Thomas Road or 18<sup>th</sup> Place. This design is consistent with the Council adopted Guiding Principles for Complete Streets, one tenet of which is to make Phoenix more walkable. This is addressed in Stipulation #5.
11. A 10-foot landscape setback is proposed on the western boundary of the parking lot area. Currently, there is no landscape present to buffer the residential units from adjacent uses. Provision of landscaping per the standards of the C-1 district will assist in providing a buffer between the existing residences and the commercial use.
12. In order to promote the neighborhood serving commercial use of the site, bicycle parking should be provided. The parking should be easily accessed and located within view of an entrance. There should be at least three inverted-u type racks provided and installed per Section 1307.H.4. of the Zoning Ordinance. The city of Phoenix Comprehensive Bicycle Master Plan supports provision of bicycle parking for new and redeveloped properties. This is addressed in Stipulation #4.
13. Shade trees are recommended for the street frontages to provide shade for pedestrians and to help reduce the surface temperature surrounding the site. The trees should be placed adjacent to the sidewalks so that their canopies, at maturity, will shade the sidewalks. The placement of trees should consider the size of the canopy at maturity and distance from the curb travel lane so as to minimize damage to the tree from passing higher profile vehicles. This is addressed in Stipulation #5.
14. In order to reduce the conflict often encountered between the desire of businesses for their signs to be seen and the growth a tree canopies, it is recommended that any ground sign on the site be limited to a height of five (5) feet. Additionally, the placement of any wall signs shall be coordinated with landscape plan for the site to ensure they will be placed so they will be visible when the tree canopies mature. This coordination should result in a site that is well shaded and which has visible signs for its businesses. This is addressed in Stipulation #s 6 and 7.
15. Development of the parcel will require that all improvements are required to comply with all Americans with Disabilities Act (ADA) standards. This is addressed in Stipulation #9.

16. The Water Services Department has commented that sewer and water services are provided on 18<sup>th</sup> Place. Currently, the water service is provided by a ¾ inch tap.
17. The Aviation Department has provided comments regarding this request. The property is in the Public Airport Disclosure area. This area may be subject to overflights of aircraft operating at the Airport. People are often irritated by repeated overflights regardless of the actual sound level at the overflight site. Therefore, a Notice to Prospective Purchasers, which follows policy regarding properties in the city of Phoenix underlying the flight patterns of Phoenix Sky Harbor International Airport, is required. This is addressed in Stipulation #8.
18. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2210 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
19. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments, abandonments or other formal actions may also be required.

### **Findings**

1. The proposal is consistent with the General Plan land use designation of Commercial. C-1 (Neighborhood Commercial), with neighborhood serving allowed uses is an appropriate commercial district for this site.
2. The new use will provide additional employment opportunities to those who live or work in the area as well as providing a service that will be an asset to the area.
3. The proposal will adaptively reuse a midcentury modern building.

### **Stipulations**

1. Development of the site shall be in general conformance to the site plan dated stamped March 16, 2016, as approved by the Planning and Development Department.
2. There shall be entrances to the businesses from the Thomas Road frontage which are to remain open during business hours and there shall be a sidewalk providing a direct route from the right-of-way to these entrances, as approved by the Planning and Development Department.
3. A five-foot sidewalk on 18<sup>th</sup> Place, from Thomas Road to the northern property line shall be provided, as approved by the Planning and Development Department.
4. A minimum of three inverted-U bicycle racks shall be provided on site, located near an entrance to the businesses and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.
5. Required trees in the Thomas Road and 18<sup>th</sup> Place landscape setbacks shall be



placed adjacent to the sidewalks in order to provide shade for pedestrians, as approved by the Planning and Development Department.

6. The height of any ground sign on the street frontage shall be no greater than five (5) feet in height, as approved by the Planning and Development Department.
7. The placement of any wall and/or window signs shall be coordinated with the placement of shade trees on the site to minimize conflicts between mature shade canopy and sign visibility, as approved by the Planning and Development Department.
8. The property owner 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 to future owners or tenants of the property.
9. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

**Writer**

K.Coles  
7/5/2016

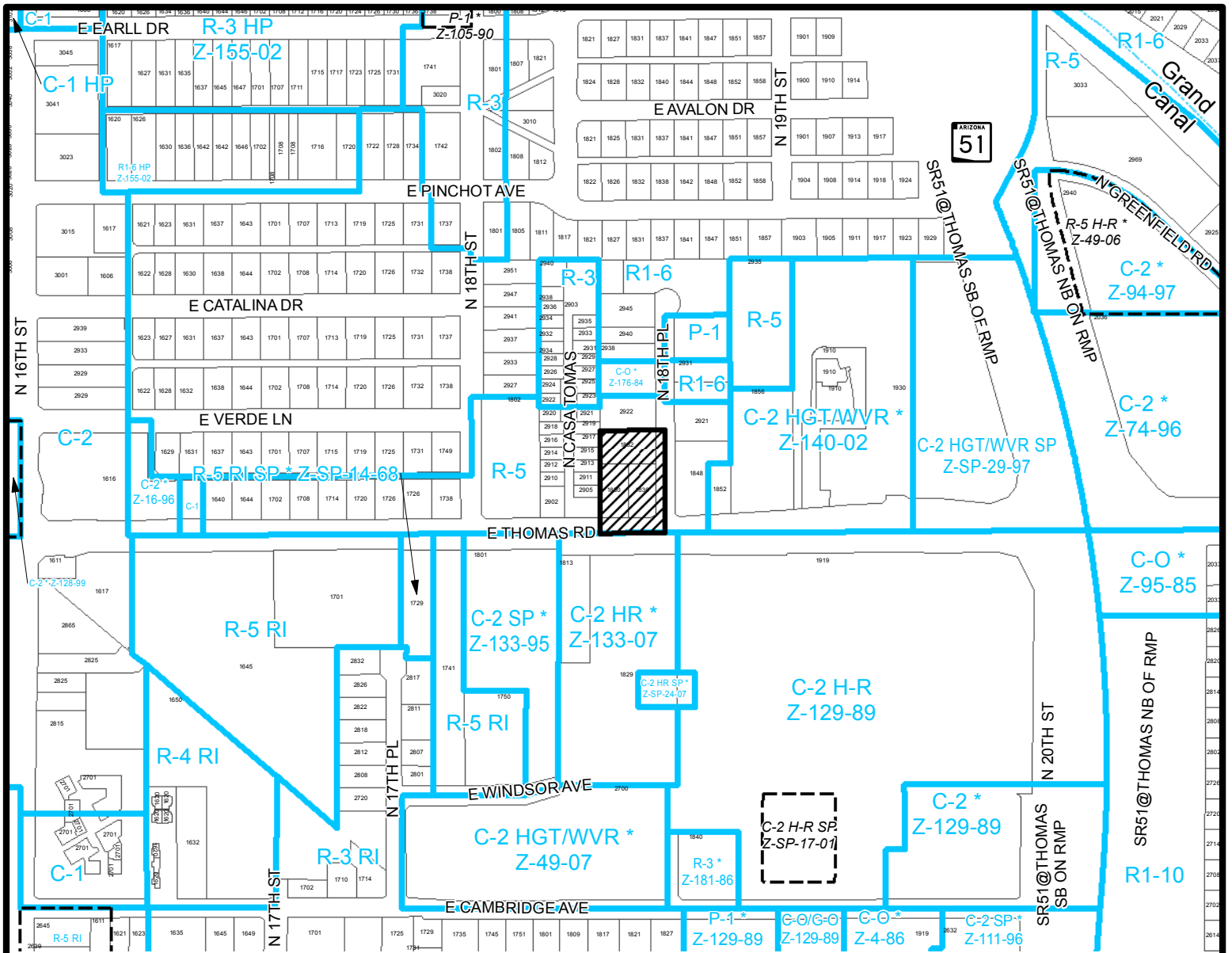
**Team Leader**

Joshua Bednarek

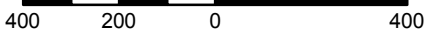
**Attachments**

Zoning sketch  
Aerial  
Site plan dated March 16, 2016





Feet

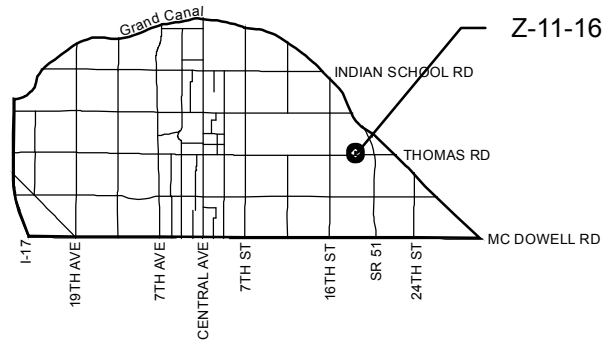


**ENCANTO VILLAGE**  
CITY COUNCIL DISTRICT: 4



**City of Phoenix**

PLANNING & DEVELOPMENT DEPARTMENT



**APPLICANT'S NAME:**  
Aaron Klusman

**APPLICATION NO.** Z-11-16

**DATE:** 4/5/16  
**REVISION DATES:**

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  
**1.07 Acres**

**AERIAL PHOTO & QUARTER SEC. NO.** QS 15-31  
**ZONING MAP** G-9

**REQUESTED CHANGE:**  
FROM: R-5 (1.07 a.c.)  
TO: C-2 (1.07 a.c.)

MULTIPLES PERMITTED
R-5
C-2

CONVENTIONAL OPTION
46
15

* UNITS P.R.D. OPTION
56
18

\* Maximum Units Allowed with P.R.D. Bonus







