



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-91-16-8

February 10, 2017

Central City Village Planning Committee Meeting Date February 13, 2017

Planning Commission Hearing Date March 2, 2017

Request From: R-3 (1.78 Acres)
C-2 (1.50 Acres)
P-1 (0.02 Acres)

Request To: C-2 (3.48 Acres)

Proposed Use Commercial, retail

Location Northeast corner of 25th Street and Brill Street

Applicant Cardell Andrews, III
Olsson Associates

Representative Mandi Paswaters
O'Reilly Auto Parts

Owners Various

Staff Recommendation Approval subject to stipulations

General Plan Conformity			
General Plan Land Use Designation		Commercial	
Street Map Classification	McDowell Road	Arterial	40-foot south half
	Brill Street	Local	30-foot north half
	25th Street	Local	30-foot east half
	26th Street	Local	30-foot west half
<p>STRENGTHEN OUR LOCAL ECONOMY; LOCAL & SMALL BUSINESSES; LAND USE PRINCIPLE: Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive and grow.</p> <p>The request proposes the adaptive reuse of several parcels which have been bifurcated by a zoning line. Approval of the zoning will allow the sites to be developed and utilized consistent with the commercial zoning. Additionally the construction of a new retail use will be facilitated.</p>			
<p>OPPORTUNITY SITES; LAND USE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</p>			

The conditions of the rezoning approval, including limiting vehicle access and installation of landscaping, are respectful of the adjacent neighborhood to the south.

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 developments are sensitive to the scale and character of the surrounding area. Staff stipulations addressing landscaping, pedestrian connectivity, signage and bicycle parking will mitigate negative impacts and improve accessibility to the subject site.

Applicable Plans and Principles

Bicycle Master Plan – see background items #6.d. and 7.f. below.

Tree and Shade Master Plan – see background item #s 5.c., 5.d., 6.b., 6.c., 7.b. and 7.c. below.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Retail, residential	R-3, C-2, P-1
North	Residential, commercial/retail	R-3, C-2, C-2 SP
South	Residential	R-3
East	Retail	C-1
West	Multifamily residential	R-3

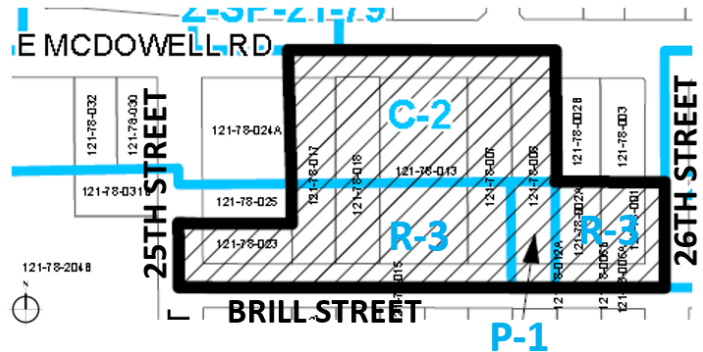
C-2 (Intermediate Commercial)

**if variance required*

<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan – Section B</u>
<i>Building Setbacks</i>		
Street	Average 25 feet. 20 feet Min. up to 50% of structure	Met – 96 feet/64 feet
Not adjacent to a street	0 feet (adjacent C-2) 0 feet (adjacent C-2)	
<i>Landscape Setbacks</i>		
	25 feet adjacent to street	Met – 25 feet
Lot Coverage	Maximum 50%	Met - 19%
Building Height	Maximum 30 feet	Met – 19 feet
Off-Street Parking	27 spaces required	Met – 27 spaces

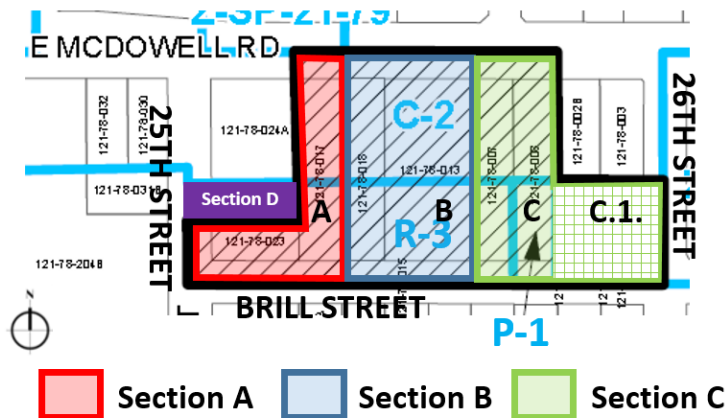
Background/Issues/Analysis

1. This is a request to rezone 3.48 acres from C-2 (Intermediate Commercial), P-1 (Passenger Automobile Parking, Limited) and R-3 (Multi Family Residence) to C-2 (Intermediate Commercial). The site is located at the northeast corner of 25th Street and Brill Street and includes several parcels. The zoning line in this area extends through the middle of parcels on the block so that C-2 zoning fronts McDowell Road, R-3 zoning fronts 25th Street, 26th Street and Brill Street, and P-1 zoning fronts Brill Street. This request will extend the commercial zoning to the south for all parcels with frontage on Brill Street.



The zoning line divides parcels on the block between 25th and 26th Streets, McDowell Road and Brill Street

2. For the purposes of this request, the conditions of approval are divided into three parts: parcels on the west (Section A), the portion for O'Reilly's (Section B) and the parcels to the east (Section C). This is illustrated below and on the Exhibit A.



Section A
 Section B
 Section C

3. In the mid-1960s the residential development on this portion of McDowell Road began to transition to commercial uses. The codes in place during that time had no provisions for landscaping along streets. The current development pattern is typical of that time period, with asphalt paving up against the sidewalk and few, if any, trees or shrubs. Section B will be brought into compliance with the current landscape standard on both McDowell Road and Brill Street when the O'Reilly's Auto Parts store develops.



Decades old commercial development does not meet current standards for landscaping.
Source: 2017 Google Maps

1969



2016



Source: Maricopa County Historical Aerial Photography

4. The central portion of the request is proposed for development of an O'Reilly's Auto Parts store. Existing buildings on this portion of the site will be replaced. The existing cellular facility will remain in place. A landscape setback will be established on Brill Street, consistent with the wall placement for the parcels to the east. A landscape setback will also be provided on the McDowell Road frontage.



View looking southwest from 25th Street and McDowell Road
Source: 2017 Google Landsat/Copernicus, Map Data

Section A

5. Section A includes the building which currently houses Southwest Restaurant Supply, as well as an adjacent parcel with a residence. These properties are under the same ownership. In addition to the residential parcel at the northeast corner of

25th and Brill Street, the parcel at the southeast corner of 25th Street and McDowell Road (not a part of this application) is part of the same ownership.

- a. It is expected that when these properties begin functioning in a holistic manner that a site plan will be developed and processed per Section 507 of the City of Phoenix Zoning Ordinance.
- b. It is preferred that access to the parcels in Section A not occur from Brill Street. If the remaining residential parcel on 25th Street is rezoned for commercial use, thus providing the opportunity for the four properties to function in a holistic manner, then a one-foot non-vehicular access easement (VNAE) should be recorded along the south property lines on Brill Street. This is addressed in Stipulation 8.
- c. Required trees in the Brill Street and 25th Street landscape setbacks should be placed adjacent to the sidewalk in order to provide shade for pedestrians. Installation of the required landscaping for the southern portion of the Southwest Restaurant Supply site (Brill Street) will be required within 180 days of City Council approval of this request. This is addressed in Stipulation 9.
- d. In order to reduce the conflict often encountered between the desire of businesses for their signs to be seen and the growth of tree canopies, it is recommended that any new ground sign on the site be limited to a height of eight (8) feet. Additionally, the placement of any wall signs shall be coordinated with the 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 Stipulations 3 and 4.

Section B

6. Section B is the location of the proposed O'Reilly's Auto Parts store. This new development is subject to development review per Section 507 of the City of Phoenix Zoning Ordinance. The site is planned to develop with a building near the east property line, set back from and facing McDowell Road. Stormwater retention will be accommodated behind the building to the south. Parking in addition to that provided in front of the building will be provided to the side along the western portion of the site. As the site is a through lot with frontage on Brill Street and McDowell Road, the required street setback for the commercial district will need to be maintained on both streets. The existing wall on Brill Street will be reconstructed at the setback line and the setback area will be landscaped to the commercial standards.
 - a. It is preferred that access to the parcels in Section B not occur from Brill Street. A one-foot vehicular non-access easement (VNAE) should be recorded along the south property line on Brill Street. This is addressed in Stipulation 11.
 - b. Required trees in the Brill Street landscape setback should be placed adjacent to the sidewalk in order to provide shade for pedestrians. This is addressed in Stipulation 2.

- c. 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 new ground sign on the site be limited to a height of eight (8) feet. Additionally, the placement of any wall signs shall be coordinated with the 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 Stipulations 3 and 4.
- d. Bicycling is a mode of transportation and accommodation for the securing of bicycles should be provided at places of business. This is addressed in Stipulation 12.

Section C (including C.1.)

- 7. Section C is comprised of several parcels currently under the same ownership (Matz Plaza). There are several businesses in the Plaza, including: Tortas Paquime and Truck Access Plus. Additionally, there is a kiosk in the parking area that dispenses water and ice.
 - a. It is preferred that access to the parcels in Section C not occur from Brill Street. The existing driveway on Brill Street should be removed, a cross-access agreement recorded across Section C.1., and a one-foot vehicular non-access easement (VNAE) should be recorded along the south property line. This is addressed in Stipulation 13 and 14.
 - b. 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 new ground sign on the site be limited to a height of five (8) feet. Additionally, the placement of any wall signs shall be coordinated with the 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 Stipulations 3 and 4.
 - c. The existing setback area on Brill Street currently has two mature tamarisk trees. Required trees in the Brill Street landscape setback should be placed adjacent to the sidewalk in order to provide shade for pedestrians. Installation of the required landscaping along Brill Street will be required within 180 days of City Council approval of this request. This is addressed in Stipulation 15.
 - d. It appears that some openings have been made in the block wall along the south property line. Openings in the wall will need to be filled in so that the commercial uses on site do not intrude upon the local street/Brill Street. Access to Brill Street should be limited to pedestrians only. This is addressed in Stipulation 13.



Openings in wall on Brill Street

Source: 2017 Google Map Data

- e. Perimeter fencing in this section is currently topped with razor wire. There is evidence of outdoor storage and even outdoor uses occurring on the site. These are not allowed in the C-2 district. The site will need to come into compliance with the requirements of the Zoning Ordinance, including the removal of outdoor storage and the ceasing of outdoor work. Additionally, the razor wire will need to be removed from the perimeter fencing. This is addressed in Stipulation 16.



 **Razor wire**

 **Outdoor storage & work area**

- f. Bicycling is a mode of transportation and accommodation for the securing of bicycles should be provided at places of business. This is addressed in Stipulation 17.

General

- 8. It has been determined that this parcel is 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.

9. Fire Prevention has commented that the site or/and building shall comply with the Phoenix Fire Code. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.
10. The Archaeology Section has commented that there are no known archaeological sites located within this project area. However, if any archaeological materials are encountered during construction, all ground-disturbing activities must cease within 33 feet of the discovery and the City of Phoenix Archaeology Office must be notified and allowed time to properly assess the materials. This is addressed in Stipulation 5.
11. 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 6.
12. The Water Services Department has commented that sewer and water services exist for the property. The developer is advised that capacity is a dynamic condition that can change over time due to a variety of factors. It is the City's intent to provide water and sewer service. However, the requirements and assurances for water and sewer service are determined during the site plan application review. For any given property, water and sewer requirements may vary over time to be less or more restrictive depending on the status of the City's water and sewer infrastructure.

There is a 6-inch DIP water main in Brill Street and a 6-inch CIP in 25th Street. Two 1-inch service and meters exist of the 6-inch in Brill Street.

There are 8-inch VCP sewer mains in both Brill Street and 25th Street.

Additionally, 4-inch services and taps exist off Brill Street and 25th Street.

13. 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 7.
14. 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. Given the zoning pattern along McDowell Road, C-2 (Intermediate Commercial) is an appropriate commercial district for this site.
2. Rezoning of these properties will eliminate the zoning line bifurcation for the block between 25th and 26th Streets, McDowell Road and Brill Street.

Stipulations

APPLICABLE TO ALL PARCELS

1. Signage identifying businesses shall not be visible from Brill Street.
2. Required trees in the McDowell Road, Brill Street, 25th Street and 26th Street landscape setbacks shall be placed adjacent to the sidewalks in order to provide shade for pedestrians, as approved by the Planning and Development Department.
3. Any new ground sign on the site shall be limited to a height of eight (8) feet.
4. 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.
5. 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.
6. 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 (PHX) to future owners or tenants of the property.
7. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

Section A

8. In the event that the remaining residential parcel on 25th Street (Section D) is rezoned for commercial use, thus providing the opportunity for the four properties to function in a holistic manner, access to Section A from Brill Street shall cease and a one-foot vehicular non-access easement (VNAE) shall be recorded along the south property line on Brill Street.
9. The frontage on Brill Street shall be landscaped per the requirements of Section 623.E.4.e. within 180 days of City Council approval of this request.

Section B

10. Development of the site shall be in general conformance to the site plan dated stamped December 19, 2016, as approved by the Planning and Development Department.
11. A one-foot vehicular non-access easement (VNAE) shall be recorded along the south property line on Brill Street.
12. A minimum of one inverted-U bicycle rack shall be provided on site, located near an entrance to the business and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.

Section C (including C.1.)

13. The existing driveway on Brill Street shall be removed and access to Brill Street shall be limited to pedestrians.
14. A cross-access agreement shall be recorded across Section C.1. to provide access through the site to 26th Street.
15. A one-foot vehicular non-access easement (VNAE) shall be recorded along the south property lines on Brill Street.
16. The frontage on Brill Street shall be landscaped per the requirements of Section 623.E.4.e. within 180 days of City Council approval of this request.
17. No razor wire is permitted. Existing razor wire must be removed.
18. A minimum of one inverted-U bicycle rack shall be provided on site, located near an entrance to a business and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.

Writer

K. Coles
2/7/2017

Team Leader

Joshua Bednarek

Attachments

Zoning sketch
Aerial
Site plan dated December 19, 2016
Exhibit A – Section Divisions

EXHIBIT A

Section Divisions

