



## Village Planning Committee Meeting Summary

### Z-59-20-6

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| <b>Date of VPC Meeting</b> | January 5, 2021  |
| <b>Request From</b>        | PSC (Planned Shopping Center)  |
| <b>Request To</b>          | C-2 (Intermediate Commercial District)   |
| <b>Proposed Use</b>        | All C-2 uses   |
| <b>Location</b>            | Approximately 130 feet west of the southwest corner of 16th Street and Bethany Home Road |
| <b>VPC Recommendation</b>  | Approval with modifications and an additional stipulation                                |
| <b>VPC Vote</b>            | 18-0   |

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

**Ms. Sofia Mastikhina**, staff, provided an overview of the request including the location, current and surrounding zoning, and General Plan Land Use Map designation. She explained that there are no proposed changes to the site, and that the request is to simply allow the uses permitted in the C-2 district, which will be compatible with the zoning on the other corners of this intersection. She presented staff's findings, recommendation for approval, and recommended stipulations.

**Mr. Adam Baugh**, representative with Withey Morris, stated that the property has PSC zoning, which hasn't been used by the city since the 1980's. He explained that the site has had many different tenants over the years, and that it is important to the property owner to maintain vitality and relevancy in this area. Due to the shift in retail services to an online format, this property needs some flexibility in what is permitted, as the PSC zoning did not take into account this shift and has therefore become restrictive. He pointed out that the other corners of this intersection have C-2 zoning, so this property would be consistent with those. He also explained that the PSC zoning has a limit on the amount of floor area that can be used for medical offices, which is the type of tenant that the property owner has in mind for the site. He then addressed the improvements that will be made to site, per staff's recommendations, including landscaping enhancements throughout the site and better pedestrian connectivity. He stated that the property owner is agreeable to all of staff's stipulations, with the only modification to Stipulation nos. 8 and 9 to replace the word "development" with "redevelopment" to specify that the sidewalk easements would only be dedicated if the site were to be completely redesigned. He then presented an additional stipulation that the property owner would like to add to the case in response to neighborhood concerns regarding

potential redevelopment of the site for residential uses. The stipulation would require that any residential development go through the Planning Hearing Officer public hearing approval process to allow for public involvement prior to development. He concluded his presentation with a request for approval.

**Mr. Craig Tribken** expressed his concern with replacing the word “development” with “redevelopment” in Stipulation Nos. 8 and 9, as there is no concrete definition for the latter. He asked what the difference between the two words means in this context. **Ms. Mastikhina** stated that the intent of these stipulations, which came from the Street Transportation Department, is to have sidewalk easements be dedicated when large-scale development occurs on the site, rather than something minor such as the addition of an outdoor patio or sign permits. **Mr. Bill Allison**, representative with Withey Morris, suggested that the term be replaced with “major site plan amendment,” as those are typically associated with the type of large-scale redevelopment that could occur on the site. **Mr. Tribken** then asked for clarification regarding the landscaping stipulations. **Ms. Mastikhina** explained that the stipulation will require that the property owner enhance the existing landscaping so that it meets the C-2 standards, which go above what is required in the current PSC zoning.

**Ms. Linda Bair** asked how the site development standards such as setbacks and building height will change with the new zoning district. **Ms. Mastikhina** stated that the staff report includes a comprehensive table comparing the current standards to the C-2 standards. Some of the current setbacks meet C-2 standards, while others do not, in which case they will now be considered legal nonconforming. The height limitation will stay the same at 2 stories and 30 feet, with an allowance for up to 56 feet subject to a Height Waiver, which goes through the rezoning process.

**Mr. Tom O'Malley** expressed his concern with requiring sidewalk easement dedications given the restrictions of the current site configuration and the limited amount of space available along 16th Street. He stressed that the city must be creative with adapting and reusing existing sites so that retail options remain viable for the community. **Mr. Baugh** explained that the current setbacks are tight because of the way PSC setbacks are measured, which is from the centerline of the street, and not from the property line like in most zoning districts. **Mr. O'Malley** stated that it would be better to only require the dedications if whole buildings are torn down and new ones built instead, as the current configuration does not allow for much room on the eastern side.

**Mr. Vic Grace** suggested that the stipulation regarding a sidewalk easement along 16th Street be subject to complete demolition of the easternmost building.

## **PUBLIC COMMENT**

**Mr. Larry Whitesell** stated that the neighbors have been working with the applicant's team since the neighborhood meeting in November, and that the main concern from the community is that this site would eventually be redeveloped as multifamily residential. He explained that there was an application years ago to develop this site as residential, which eventually was withdrawn due to significant community opposition. When the sign for this request was posted on the site, the community was yet again concerned as the sign stated that the zoning change would allow the property to go from 0 dwelling units to 153 dwelling units. He stated that Mr. Allison's proposed stipulation to require any

residential proposal to come through the public hearing process was very well received by the community and that they are now happy to support this case.

**Ms. Sandy Grunow**, co-chair of the Phoenix Midcentury Modern Neighborhood Association, stated that the neighborhood was concerned about the potential for multifamily residential development at this site, in addition to medical marijuana and adult uses. She explained that Mr. Allison had assured them that this was not the intent of the property owner, and that all other concerns were addressed by the applicant. She expressed her support for the project.

**Mr. Jason Axelrod** asked who is responsible for the sign posting and why the 153-unit count was included if this is not a residential request. **Ms. Mastikhina** explained that the applicant is responsible for posting the signs on the property, but that staff provides the sign posting language. She explained that all signs for entitlement requests must include the very maximum number of dwelling units that would be permitted under the proposed zoning category, even if the intent is not to develop residential. **Mr. Axelrod** expressed his concern with the committee's discussion regarding redevelopment, as that seems to indicate that a full redevelopment of this site is in the near future. He asked for confirmation that any major changes to the site would be required to come through the public hearing process.

**Mr. Baugh** explained that the proposed additional stipulation will require that any residential development proposal come through the Planning Hearing Officer public hearing process. This does not mean that every change to the site will come through the hearing process, such as additions of trash enclosures or outdoor patios, for example. He added that certain uses such as outdoor entertainment or alcohol consumption do require a use permit, which goes through a public hearing process. **Mr. Allison** added that medical marijuana or adult uses would not be permitted on the site due to its proximity to residential zoning.

#### **Motion:**

**Vice Chair Fischbach** moved to approve the request per the staff recommendation and with the additional stipulation presented by the applicant. **Mr. Craig Tribken** asked to amend the motion to modify Stipulations 8 and 9 to reference major site plan amendments, and not redevelopment. **Vice Chair Fischbach** accepted this amendment. **Mr. Barry Pacey** seconded the motion.

#### **Vote: 18-0**

Motion passes with committee members Swart, Fischbach, Abbott, Augusta, Bair, Thraen, Crawford, Eichelkraut, Grace, McKee, Miller, Nye, O'Malley, Pacey, Rush, Scher, Sharaby, and Tribken in favor.

#### **VPC RECOMMENDED STIPULATIONS:**

1. Prior to the issuance of permits for tenant improvements, the existing landscape planters along the 16th Street and Bethany Home Road frontages shall be replenished to provide landscaping in accordance with the C-2 zoning district standards for planting type, size and quantity. Trees along the street frontages shall be planted adjacent to the sidewalk to provide shade/thermal comfort for pedestrians, as approved by the Planning and Development Department.

2. Prior to the issuance of permits for tenant improvements, existing parking lot planters shall be replenished to meet Zoning Ordinance commercial standards per Section 623.E of the Zoning Ordinance, as approved by the Planning and Development Department.
3. Bicycle parking at a rate of one bicycle space per 25 vehicle parking spaces, with a maximum of 25 spaces shall be provided on site. These may be inverted U-bicycle racks, artistic style racks (in adherence to the City of Phoenix Preferred Designs in Appendix K or 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.
4. The bus stop pad, shelter, furniture, and refuse container along southbound 16th Street, south of Bethany Home Road, shall be retained in its current condition. Trees shall be placed near the bus stop pad to provide 50 percent shade coverage at maturity. Any relocation of the bus stop pad or associated structures shall be as approved by the Public Transit Department.
5. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, and bus stops, using the most direct route for pedestrians, as approved by the Planning and Development Department.
6. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
7. All pedestrian pathways shall be shaded by trees or shade structures to provide a minimum of 75 percent shade at maturity.
8. The developer shall dedicate a 10-foot-wide sidewalk easement for the south side of Bethany Home Road, prior to ~~final site plan approval~~ for any future MAJOR SITE PLAN AMENDMENT development on the site.
9. The developer shall dedicate a 10-foot-wide sidewalk easement for the west side of 16th Street, prior to ~~final site plan approval~~ for any future MAJOR SITE PLAN AMENDMENT development on the site.
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. 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.

12. ANY RESIDENTIAL DEVELOPMENT SHALL REQUIRE PUBLIC NOTICE AND HEARINGS THROUGH THE PLANNING HEARING OFFICER PROCESS, PER SECTION 506.B.3 OF THE PHOENIX ZONING ORDINANCE, INCLUDING A RECOMMENDATION FROM THE CAMELBACK EAST VILLAGE PLANNING COMMITTEE.