

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

December 15, 2021

ITEM NO: 5	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-1-21--Z-23-18-8
Location:	Northeast corner of 16th Street and Polk Street
Zoning:	WU T5:6 EG
Acreage:	6.24
Request:	1) Deletion of Stipulation 4.c regarding on-site security. 2) Deletion of Stipulation 5 regarding cross block access between adjacent streets. 3) Modification to Stipulation 6 regarding detached sidewalks, streetscape landscaping, and bioswales.
Applicant:	Ed Bull, Burch & Cracchiolo PA
Owner:	16th & Polk LLC
Representative:	Ed Bull, Burch & Cracchiolo PA

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval.

Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this request on December 13 and recommended approval by a vote of 10-1.

DISCUSSION:

Ed Bull, representative with Burch and Cracchiolo, provided an overview of the subject area, surrounding uses, and the original rezoning case. He summarized the December 13, 2021 Central City Village Planning Committee (VPC) recommendation of approval by a 10-1 vote. He provided a summary of the requested modification and deletions. He stated that the stipulations were relevant to the original case but would not be necessary for the multifamily residential use proposed in this case. He stated that public access through the site would be detrimental to the residential nature of the site and allow residents to better take advantage of the amenities. He provided an overview of the site plan, but noted it is not under review as part of this request and will be administratively reviewed following the conclusion of this case. He stated that the

proposed changes are appropriate, that the development will be beneficial and consistent with the area, and that plans would comply with the WU Code.

Adam Stranieri, Planning Hearing Officer, provided an overview of the Central City VPC approval and noted that no public correspondence had been received. He recommended approval for the deletion of Stipulation 4.c as the original intent was to be responsive to the unique security needs of the originally proposed Veterans Affairs Medical Clinic. He stated that the deletion of Stipulation 5 regarding accommodation of security needs on the required cross block access is to be approved. However, he clarified for the applicant that Stipulation 5 is not the source of the required cross-block access, but rather it was intended to establish conditions for its design relevant to the VA Medical Clinic. He stated that the requirement for the cross-block access is established in Section 1304.G.2 of the Zoning Ordinance regarding large-scale developments and that the applicant should continue to work with plan review staff to address this condition.

Mr. Bull stated that there was potentially a misunderstanding of the stipulation and the requirements in the WU Code, but that cross-block access is something that may be undesirable for prospective residents. He stated that they would continue to work with staff to address requirements in the WU Code before the administrative review of site plans and elevations per Stipulation 1.

Mr. Stranieri stated that the modification of Stipulation 6 regarding the use of bioswales is recommended to be approved as it may be significantly more difficult to implement with the proposed site plan versus the original large-scale medical facility.

FINDINGS:

- 1) The request to delete Stipulation 4.c is recommended to be approved. This stipulation was established in the prior case, which proposed development of a Veteran Affairs Medical Clinic, and was specific to the unique security needs and requirements of that planned use. The current proposal includes a multifamily residential community on a portion of the original site. The language is not relevant to this proposed use.
- 2) The request to delete Stipulation 5 is recommended to be approved. Like Stipulation 4.c, this stipulation addresses the unique security needs and requirements of the original proposed Veteran Affairs Medical Clinic. Specifically, it states that the required cross block access between 16th Street and 17th Street and Polk Street and Villa Street shall accommodate both the security concerns regarding the use and the need for a clear and accessible route. This language is not relevant to the proposal for a multifamily residential development.

However, it should be noted that Stipulation 5 is not the source of the requirement for the cross-block access that it addresses. As described in Background Item #11 of the staff report for Rezoning Case No. Z-23-18-8, the cross-block access is required per Section 1304.G regarding large scale development requirements. Deletion of this stipulation would not eliminate any requirement to comply with this or other provisions of the Walkable Urban Code or provide any form of approval for the conceptual site plan. The applicant should continue to work with staff through the plan review process, including the Planning Hearing Officer administrative review required per Stipulation 1, to address compliance with the Walkable Urban Code and all remaining, relevant stipulations.

- 3) The request to delete Stipulation 6 is recommended to be approved. This stipulation was intended to promote the use of bioswales on what was envisioned as a large-scale medical campus. This requirement is not practical for the proposed multifamily residential development. As noted by the applicant, this requirement may conflict with the Walkable Urban Code's intent to promote minimal setbacks along street frontages and the ability to utilize retention strategies more appropriate for residential developments.

STIPULATIONS:

1.	The conceptual elevations and site plan shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.	
	a.	Pedestrian access to the site from 16th Street shall be provided in a manner which minimizes walking distances from bus stops and the signalized crossing at Villa Street.
	b.	Pedestrian access to the site from 16th Street shall connect to the primary entrance of the medical center building without crossing vehicular aisles.
	c.	Fencing installed along the street frontages for security purposes shall be a minimum of 60% view fencing and shall incorporate artistic elements.
	d.	The medical clinic (primary building) shall be located adjacent to 16th Street, and the parking structure shall be located adjacent to 17th Street.

	e.	The surface parking area shall be designed with shaded pedestrian connections to the primary building.
	f.	All locations where vehicles cross sidewalks shall be designed to recognize the pedestrian environment. This can be accomplished through the use of differentiating paving materials, speed stops and/or pavement markers.
2.		There shall be no more than one vehicular entrance from 16th Street.
3.		Driveways shall be no greater than 24 feet in width.
4.		A minimum of 50% of the required open space shall be located adjacent to the north property line and shall:
	a.	Be designed so that it can seamlessly appear to connect to the adjacent triangular parcel in the event that parcel is developed/improved as a community open space node.
	b.	Open space along the northern property line shall not be enclosed by security fencing for the medical clinic.
	c.	On-site security shall be responsible for the policing of the publicly-accessible open space.
5.		The required cross block access between 16th Street and 17th Street and Polk Street and Villa Street shall be located to accommodate the security needs of the Veterans Affairs Medical Clinic while still providing a clear, visible, and publicly accessible route between the two streets.
5. 6.		Perimeter sidewalks on all street frontages shall be detached, shall not meander, and trees shall be planted on both sides. To the extent possible, the developer should utilize bioswales for storm water capture on these frontages.
6. 7.		The developer shall install, as approved by the Planning and Development Department:
	a.	A minimum of 10 inverted-U style bicycle racks for guests, placed near the building's primary entrance and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance.
	b.	A minimum of 41 secured bicycle parking spaces shall be provided on site.

7. 8.	The developer shall submit a Traffic Impact Study and comply with any required improvements for this development, as approved by the Street Transportation Department. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department at 602-495-7129 to set up a meeting to discuss the requirements of the study.
8. 9.	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.
9. 10.	The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
10. 11.	The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
11. 12.	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.
12. 13.	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. The applicant shall conduct Phase II archaeological data recovery excavations 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.
13. 14.	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.
14. 15.	The maximum building height for any stand-alone parking garage shall be limited to 68 feet.
15. 16.	Any stand-alone parking garage shall be entirely screened, as approved by the Planning and Development Department.
16. 17.	Any stand-alone parking garage shall receive Design Review Committee review and approval prior to preliminary site plan approval.

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