



**City of Phoenix**  
 PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-11-17-4**  
 March 24, 2017

**Encanto Village Planning Committee Meeting Date** April 3, 2017  
**Planning Commission Hearing Date** May 4, 2017

**Request From:** R1-6 (Single-family Residence), R1-6 [Approved R-4A (Multifamily Residence – General)] (1.27 acres)

**Request To:** UR (Urban Residential) (1.27 acres)  
**Proposed Use** Mixed use (Commercial / Multifamily)  
**Location** Approximately 400 feet east of the southeast corner of 3rd Street and Mulberry Street

**Representative/Applicant** Jonathan Labahn  
**Owner** Urban Soliel, LLC  
**Staff Recommendation** Approval, subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Residential, 15+ du/acre	
<b>Street Map Classification</b>	Mulberry Street	Local	25-foot south half right-of-way
	Flower Street	Local	25-foot north half right-of-way
		Alley	15 feet
<p><b>CONNECT PEOPLE AND PLACES CORE VALUE; INFILL; LAND USE PRINCIPLE:</b> Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.</p> <p>The subject site is located within the Infill Development District. The proposed development will provide a mix of housing types that are near commercial areas along 3rd Street and 7th Street and located less than 1/2 mile from the nearest light rail station on Central Avenue and Osborn Road.</p> <p><b>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; LOCAL AND SMALL BUSINESS; LAND USE PRINCIPLE:</b> Support live/work developments where appropriate throughout the city.</p> <p>The proposal depicts live/work units along both Flower Street and Mulberry Street, which would provide local and small business owners additional options for office and living space.</p>			

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE:** Include a mix of housing types and densities where appropriate within each village that support a broad range of lifestyles.

A 104 unit mixed-use development that can provide additional densities to support a broad range of lifestyles is proposed.

### Area plans

**Transit Oriented Development Strategic Policy Framework** – See Item #4 in the Background/Issues/Analysis Section.

**Midtown Transit Oriented Development Policy Plan** – See Item #5 in the Background/Issues/Analysis Section.

**Tree and Shade Master Plan** – See Item #10 and #11 in the Background/Issues/Analysis Section.

**Phoenix Comprehensive Bicycle Master Plan** – See Item #12 and #13 in the Background/Issues/Analysis Section.

### Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant	R1-6, R1-6 (Approved R-4A)
<b>North</b>	Commercial Office	C-O
<b>South</b>	Commercial Office	C-O
<b>East</b>	Multifamily Residential	R-4
<b>West</b>	Commercial Office	C-O / G-O and P-1

### Urban Residential (UR)

<u>Standards</u>	<u>Requirements</u>	<u>Proposed</u>
Gross Acreage	NA	1.27 acres
Lot Coverage	No maximum	Met – 88%
Building Height/Stories	75 feet maximum	Met – 75 feet
Residential Units	51 minimum	Met – 104 units
Density	40 dwelling units per acre minimum. No maximum.	Met – 91.2 dwelling units per acre
<i>Building Setbacks</i>		
Adjacent to street	10 feet maximum for 65% of the building frontage. No minimum.	Met
Interior	10 feet minimum adjacent to R-4 (east)	Met – 10 feet

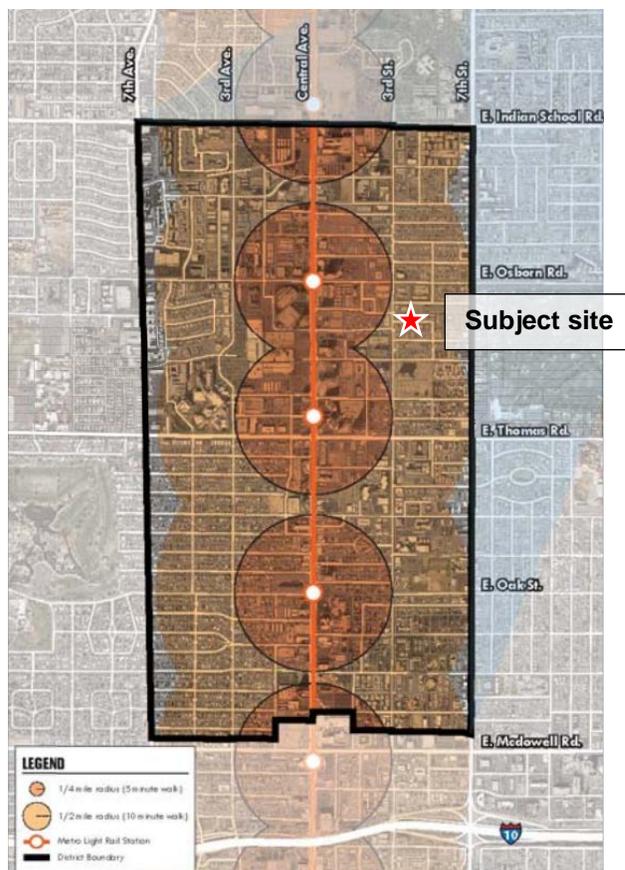
	0 feet minimum adjacent to C-0 (west)	Met – 10 feet
<i>Landscaping</i>		
Adjacent to streets	One row of street trees 20 feet on center	Met
Common areas	1 tree per 500 sq. feet for areas >500 sq. ft.	Unknown
Resident Parking	1.0 space for each studio and each 1 bedroom unit (40 units) = 40 spaces  1.5 space for each 2 and 3 bedroom unit (64 units) = 96 spaces  Total: 136 spaces	Met – 160 spaces provided
Unreserved Guest Parking	0.3 space for each studio unit (40 units) = 12 spaces  0.5 space for each 1 and 2 bedroom unit (41 units) = 21 spaces  1.0 space for each 3 bedroom unit (23 units) = 23 spaces  Total: 56 spaces	Not Met – 27 spaces provided

**Background/Issues/Analysis**

1. The subject site is comprised of seven vacant parcels, separated by an alley between Mulberry Street to the north and Flower Street to the south, just east of 3rd Street. A previous rezoning request (Z-135-05) on the northern three parcels was approved for R-4A for multifamily residential; however, development never occurred and the subject site remains vacant. The current application proposes rezoning the subject site to Urban Residential, to allow a 6-story mixed-use development comprised of 104 residential units (including ground floor live-work units), and neighborhood commercial uses.
2. The General Plan Land Use Designation is Residential 15+ dwelling units per acre. The proposal is consistent with this land use designation.

3. The proposal is for a mixed-use building with live-work units accessible from the sidewalks on Flower Street and Mulberry Street. The building will then step back to the maximum height for the remainder of the residential units. The site plan depicts two levels of parking, one level below grade and one at the podium level. As the two levels are not connected by an internal ramp, ingress/egress to the parking structure is from two driveways, one on Flower Street to the south and one on Mulberry Street to the north.
4. The Transit Oriented Development Strategic Policy Framework is part of the city's General Plan which identified planning typologies to describe urban environments. The identified environment for the Central Avenue and Osborn Road light rail station area is Regional Center. The Regional Center place type is characterized by high intensity with building heights typically from five to 10 stories with incentive heights of up to 20 stories. Land uses may include office employment, industry cluster, high and midrise living and supportive retail. The site is located just beyond the 1/4 mile area where greater heights and intensities are typically encouraged near light rail. Building height and intensity beyond the 1/4 mile can be considered when it is at the lower end of the recommended building heights in the Regional Center place type. The commercial and multifamily land uses surrounding the subject site are not likely to be impacted by the scale and uses of the proposed development.

5. The site is located within the Midtown TOD (Transit Oriented Development) District, as shown on the map on the right. The policy plan adopted for the Midtown TOD District provides a blueprint for fully achieving the transformative potential of light rail in a sustainable manner. Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage active, healthy lifestyles, ensure Phoenix increases its competitive advantage in the global marketplace, and improve prosperity by growing the economy in locations with existing infrastructure and public services. The proposed development meets the intent and policies outlined in the plan.



Source: Midtown TOD Policy Plan

6. The intent of the Urban Residential (UR) District is to encourage high density, high quality, pedestrian-oriented multi-family development with a high level of amenities. The UR district has an applicable area between the centerlines of Seventh Avenue to Seventh Street and the centerlines of Lincoln Street and the Grand Canal, which includes the subject site, and the district requires a minimum residential density of 40 dwellings per acre. Neighborhood commercial uses are permitted and the applicant is proposing to allow these kinds of uses in the live-work units. The UR District standards prescribe the amount of shading, planting and landscaping to occur in a development. Further, there are guidelines and standards that reflect the desire for a high quality of materials, pedestrian orientation of buildings and residential character of the district.
7. As proposed, the development does not meet the unreserved guest parking requirements in the UR District. However, as per Section 702.E of the Phoenix Zoning Ordinance, the applicant can pursue a use permit to reduce the parking requirements because the proposed development is within an infill district and the proposed buildings are more than four stories or 48 feet in height. If pursuing a use permit, the applicant must meet various conditions to show how the reduced parking is warranted and will not increase traffic and on street parking of vehicles in adjacent neighborhoods.
8. There are design elements of the proposed building which are desirable for promoting the urban setting. The setback design of the building helps to scale the building appropriately to make it more compatible with the surrounding neighborhood and provides pedestrians with an inviting frontage. This is addressed in Stipulation #1.



*Source: Rendering submitted by applicant*

9. On average, Phoenix has 334 days of sunshine each year which affords opportunity for the use of solar panels for the generation of electricity. The city's General Plan has a core value to Build the Sustainable Desert City where residents envision the widespread use of solar energy in everything from homes to streetlights. The applicant proposes to place solar panels on a portion of the project to provide 100% of the power for the common areas and amenity spaces.

10. When development is on the north side of the street, shade trees planted between the curb and a detached sidewalk can provide shade from the southern arc of the sun. A water line is located along the curb in Flower Street. The waterline proximity to the desired landscape area poses a conflict that precludes the planting of trees. It is recommended that the trees should be planted between the sidewalk and building on Flower Street and Mulberry Street. This will help meet the requirement that a minimum of 75% of the sidewalk shall be shaded, as outlined in the UR District standards. This is addressed in Stipulation #2.
11. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. Toward that end, development of this site will contribute to the urban forest infrastructure through the provision of shade trees planted between the sidewalk and building. This is addressed in Stipulation #2.
12. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The subject site's proximity to the 3rd Street Promenade bicycle route to the west provides a prime opportunity to provide bicyclists with ample parking for the multifamily development and neighborhood commercial uses that are proposed in the request.
13. The UR District is silent regarding a requirement for bicycle parking. The development should provide a minimum of .25 secured parking spaces per residential unit. The amount is a standard established in Section 1307.H of the Walkable Urban Code. Additionally, there should be accommodation for cyclists who are guests. These requirements are addressed in Stipulation #3 requiring both secured parking for residents, as well as rack parking for guests, located near entrances to the property. The guest parking should be an inverted U-bicycle rack design. In addition, the property is near a light rail station and several major bus routes. Providing secure bicycle parking for residents and guests of the development is supportive of multimodal travel options.
14. The Street Transportation Department has provided the following comments:
  - a) The developer shall update all existing off-street improvements to current ADA guidelines. Stipulation #4 has been recommended to address this request.
  - b) The developer shall pursue an application for abandonment of the alley from the west property line to the east property line to Flower Street and provide an alternate alley connection to Mulberry Street or Flower Street per local street standards.
15. The City of Phoenix Water Services Department has noted that there are no water or sewer infrastructure concerns.

16. The City of Phoenix Floodplain Management division of the Street Transportation Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2205 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
17. No known archaeological work is necessary for this project. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 10-meters of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation #5.
18. 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.
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. This request is consistent with the General Plan Land Use designation of 15+ dwelling units per acre.
2. Mixed-use development furthers the objectives of the General Plan goals and policies to provide a diverse range of housing for the community, such as live-work units.
3. The proposal is consistent with the intent in the Midtown TOD (Transit Oriented Development) District Policy Plan.

### **Stipulations**

1. The development shall have a maximum building height of 20 feet within 15 feet measured from the north and south property lines, 65 feet within 25 feet measured from the north and south property lines, and 75 feet beyond 25 feet measured from the north and south property lines, as approved by the Planning and Development Department.

2. Trees that are a minimum 3-inch caliper shall be placed 20 feet on center or in equivalent groupings between the sidewalk and building on Flower Street and Mulberry Street, as approved by the Planning and Development Department.
3. The development shall provide a minimum of .25 secured bicycle parking spaces per residential unit, and a minimum of four inverted U-bicycle racks for guests located near entrances to the property, as approved by the Planning and Development Department.
4. The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
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 developer 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.

**Writer**

Hannah Oliver

March 24, 2017

**Team Leader**

Joshua Bednarek

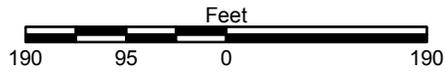
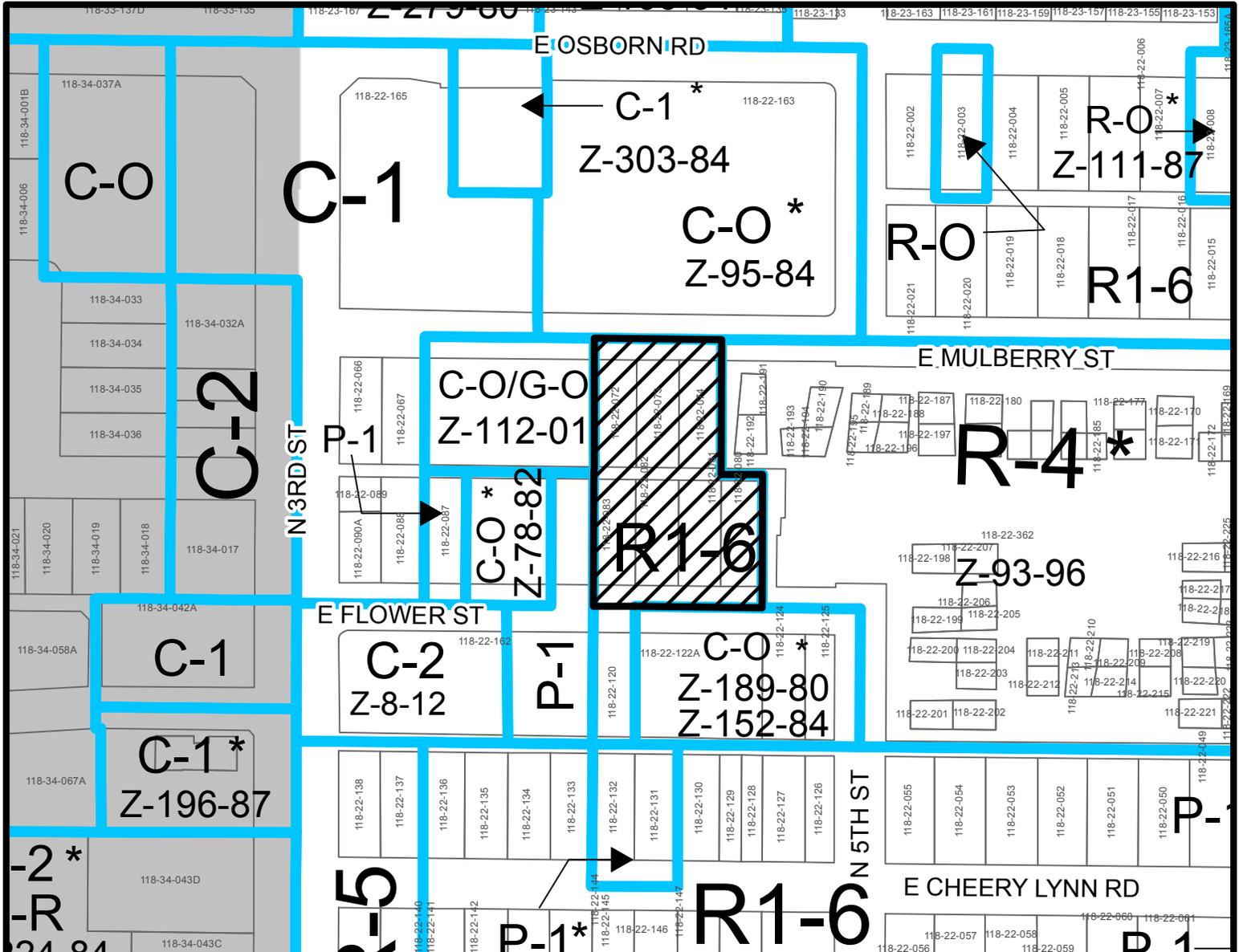
**Exhibits**

Exhibit 1: Zoning sketch

Exhibit 2: Aerial

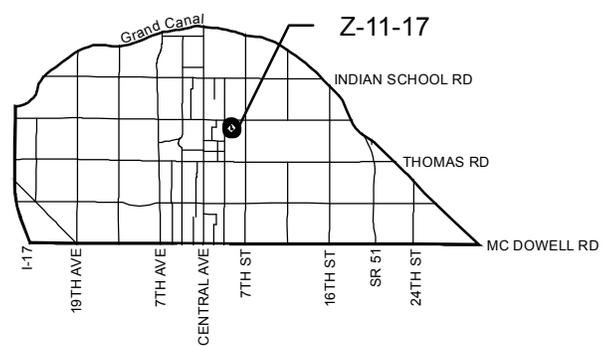
Exhibit 3: Site plan dated February 6, 2017 (2 pages)

Exhibit 4: Elevations dated February 6, 2017 (5 pages)



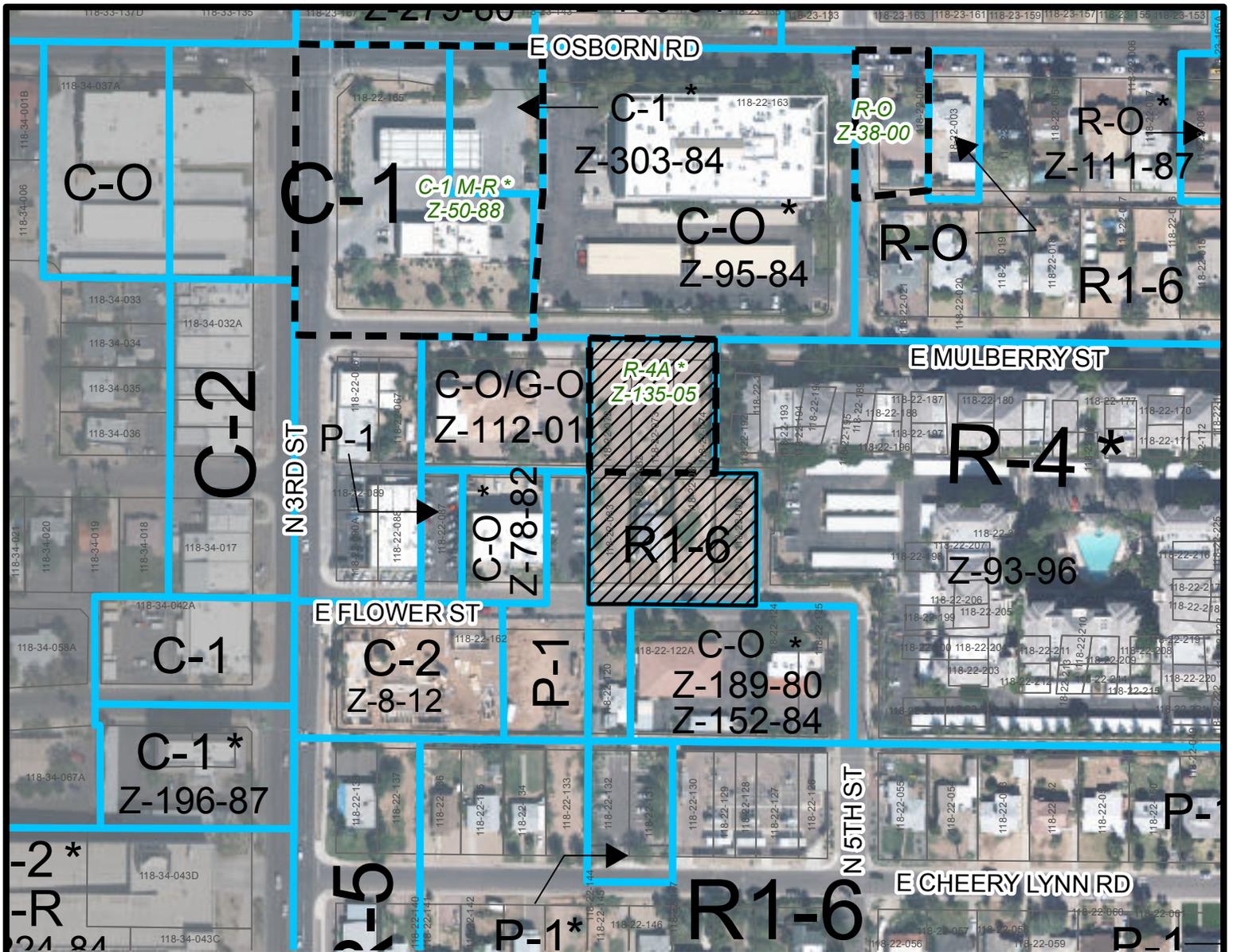
**ENCANTO VILLAGE**

CITY COUNCIL DISTRICT: 4

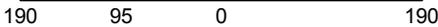


<b>APPLICANT'S NAME:</b> Jonathan Labahn		<b>REQUESTED CHANGE:</b> FROM: R1-6, (1.27 a.c.)  TO: UR, (1.27 a.c.)	
<b>APPLICATION NO.</b> Z-11-17	<b>DATE:</b> 02/13/2017 <b>REVISION DATES:</b>		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  1.27 Acres	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 15-28	<b>ZONING MAP</b> G-8	
<b>MULTIPLES PERMITTED</b> R1-6 UR	<b>CONVENTIONAL OPTION</b> 6 40 Min.		<b>* UNITS P.R.D. OPTION</b> 8 N/A

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

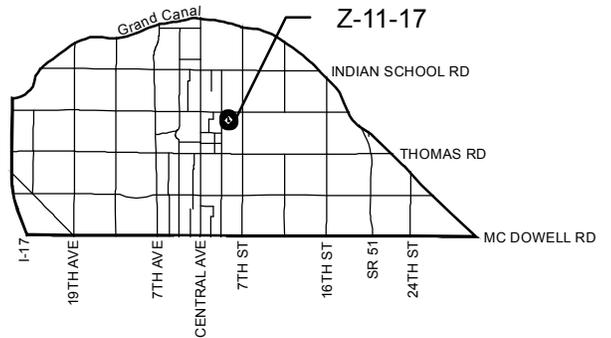


Feet



**ENCANTO VILLAGE**

CITY COUNCIL DISTRICT: 4



APPLICANT'S NAME: Jonathan Labahn

**REQUESTED CHANGE:**

FROM: R1-6, (0.72 a.c.)  
R1-6 (Approved R-4A), (0.55 a.c.)

APPLICATION NO. Z-11-17

DATE: 02/13/2017  
REVISION DATES:

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

1.27 Acres

AERIAL PHOTO & QUARTER SEC. NO.  
QS 15-28

ZONING MAP  
G-8

TO: UR, (1.27 a.c.)

**MULTIPLES PERMITTED**

R1-6, R1-6 (R-4A)  
UR

**CONVENTIONAL OPTION**

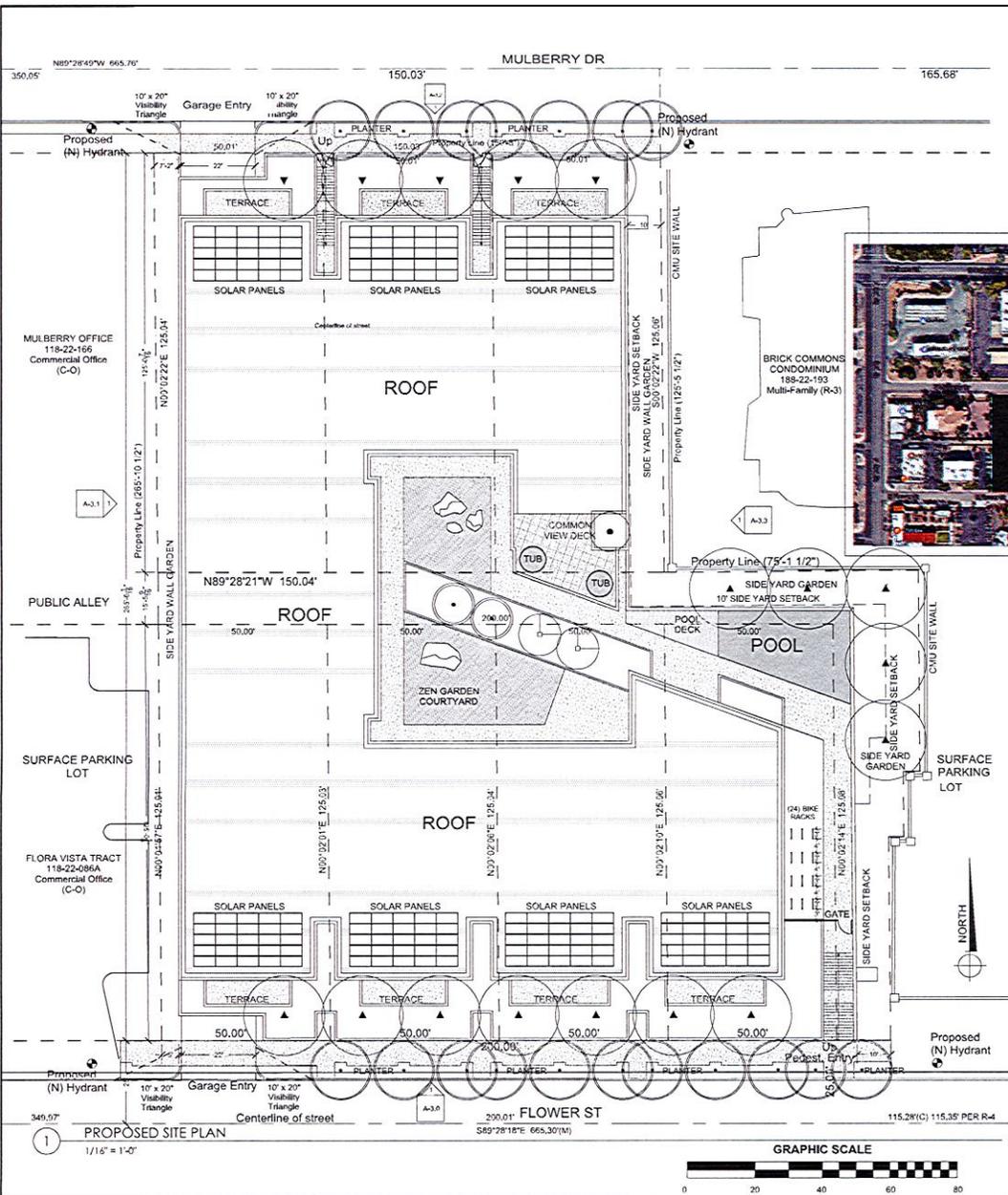
4, 3 (24)  
40 Min.

**\* UNITS P.R.D. OPTION**

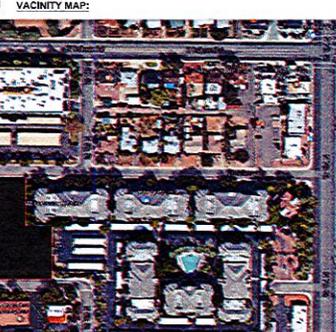
4, 3 ( N/A)  
N/A

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

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- SHEET INDEX**
- A1.0 SITE PLAN
  - A1.1 LANDSCAPE PLAN
  - A1.2 CONTEXT PLAN
  - A2.0 PARKING & POOL/AMENITY
  - A3.0 SOUTH ELEVATION
  - A3.1 WEST ELEVATION
  - A3.2 NORTH ELEVATION
  - A3.3 EAST ELEVATION
  - A4.0 MATERIAL BOARD
  - C 1 of 2 PRELIMINARY GRADING AND DRAINAGE PLAN
  - C 2 of 2 PRELIMINARY GRADING AND DRAINAGE SECTIONS



**UNIT COUNT AND BREAKDOWN:**

PENTHOUSE LEVEL	# UNITS	(#) 3 BEDROOM UNITS
LEVEL FIVE	18 UNITS	(3) 3 BEDROOM UNITS - (8) 2 BEDROOM UNITS - (7) 1 BEDROOM UNITS
LEVEL FOUR	18 UNITS	(3) 3 BEDROOM UNITS - (8) 2 BEDROOM UNITS - (7) 1 BEDROOM UNITS
LEVEL THREE	18 UNITS	(3) 3 BEDROOM UNITS - (8) 2 BEDROOM UNITS - (7) 1 BEDROOM UNITS
LEVEL TWO	18 UNITS	(3) 3 BEDROOM UNITS - (8) 2 BEDROOM UNITS - (7) 1 BEDROOM UNITS
LEVEL ONE - POOL DECK	17 UNITS	(3) 3 BEDROOM UNITS - (8) 2 BEDROOM UNITS - (6) 1 BEDROOM UNITS
POOL/AMENITY LEVEL PARKING	6 UNITS	(1) TWO BEDROOM UNITS - (5) ONE BEDROOM UNITS
BELOW GRADE PARKING	6 UNITS	(1) TWO BEDROOM UNITS - (5) ONE BEDROOM UNITS
<b>TOTAL UNIT COUNT</b>	<b>104 UNITS</b>	<b>(23) 3 BEDROOM UNITS - (141) 2 BEDROOM UNITS - (168) 1 BEDROOM UNITS</b>

**PROJECT TEAM**

**OWNERS:**  
 Urban-Soleil, LLC  
 CONTACT - JONATHAN LABAHN  
 john.labahn@gmail.com  
 1936 CALIFORNIA ST.  
 SAN FRANCISCO, CA 94109  
 480.280.2896

**ARCHITECT OF RECORD:**  
 Labahn Ryan Architects  
 CONTACT - JONATHAN LABAHN  
 john@labahnryanarchitects.com  
 1936 CALIFORNIA ST.  
 SAN FRANCISCO, CA 94109  
 480.280.2896

**GENERAL CONTRACTOR:**  
 Builders National, INC  
 CONTACT - DON PLATO  
 don@buildersnational.com  
 214 SOUTH ROCKFORD DR.  
 TEMPE, AZ 85281

**CIVIL ENGINEER:**  
 Metro Land Consultants  
 CONTACT - Christopher Wilson  
 cwilson@mlcconsultants.com  
 1850 N CENTRAL AVE., STE 525  
 PHOENIX, AZ 85004  
 602.393.2030.x221

**SITE DATA**

**PROJECT NAME:** FORMA

**PROJECT TYPE:** MIXED USE-MULTI FAMILY RESIDENTIAL

**PROJECT ADDRESS:** 333 MULBERRY DRIVE, PHOENIX, ARIZONA 85012

**PARCEL:** 118-22-072, 118-22-073, 118-22-074  
 118-22-080, 118-22-081, 118-22-082, 118-22-083

**DESCRIPTION OF WORK:** NEW 5 STORY RESIDENTIAL APARTMENTS/ CONDOS ABOVE OFFICE-PARKING POOL/AMENITY

**ZONING DISTRICT:** R1-6/R3 (EXISTING) / UR (PROPOSED)

**PARCEL SIZE:** 49,753 SQFT (1.14 acres)

**PROPERTY OPEN SPACE:** 6,047 SQFT

**LEGAL DESCRIPTION:** LOT 18, OF FLORA VISTA, ACCORDING TO BOOK 9 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA.  
 LOT 17, OF FLORA VISTA, ACCORDING TO BOOK 9 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA.  
 LOT 16, OF FLORA VISTA, ACCORDING TO BOOK 9 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA.  
 LOT 15, OF FLORA VISTA, ACCORDING TO BOOK 9 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA.  
 LOT LOTS 7, 8, & 9, OF FLORA VISTA, ACCORDING TO BOOK 9 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA.

**BUILDING DATA:**

OCCUPANCY TYPE (MIXED USE):	SOFT	PERCENT
R-2 (APARTMENTS/ CONDOS):	129500	56.3%
S-1 (PARKING):	69275	29.6%
S-1 (STORAGE UNITS):	6428	2.7%
A-3 (AMENITIES/GYM/OFFICE):	2911	1.2%
M (RETAIL):	742	0.3%
S-2 (SUPPORT):	25460	10.9%
<b>TOTAL AREA:</b>	<b>234,216</b>	<b>100%</b>

**LOT - SITE COVERAGE CALCULATIONS:**

LOT SIZE: 49753 sqft OR 1.14 ACRES  
 PROJECT COVERAGE: 43732 sqft  
 LOT COVERAGE %: 87.9%

**MULTI-FAMILY UNIT DENSITY:** 104 UNITS/1.14 ACRES = 91.2 UNITS PER ACRE

**TYPE OF CONSTRUCTION:** TYPE IIA  
**FIRE ALARMS:** YES  
**EMERGENCY LIGHTING:** YES  
**HEIGHT PROPOSED:** 75'-0"

**PARKING CALCULATIONS:**

USE REQUIRED	REQUIRED	PROPOSED
R-2 (RESIDENTIAL):		
(40) EFFICIENCY UNITS - STUDIOS	40 x 1.3 = 52	52
(41) 3-BEDROOM UNITS	41 x 1.5 = 62	62
(23) 3-BEDROOM UNITS	23 x 2 = 46	46
UNRESERVED GUEST PARKING:		
0.5 PER 1-2 BEDROOM UNITS (90)	81 x 0.5 = 41	20
1.0 PER 3 BEDROOM UNITS (23)	23 x 1.0 = 23	7
ACCESSIBLE-ADA PARKING(15%):	6	8
<b>TOTAL:</b>	<b>REQ'D= 228</b>	<b>PROP.=195</b>

**BUILDING CODES:**

All amendments to the Phoenix Building Construction Code with Index  
 2010 ASME  
 2011 National Electrical Code  
 2012 International Building Code Administrative Provisions  
 2012 International Building Code  
 2012 International Energy Conservation Code  
 2012 International Existing Building Code  
 2012 International Fire Code  
 2012 International Fuel Gas Code  
 2012 International Green Construction Code  
 2012 International Mechanical Code  
 2012 International Residential Code  
 2012 International and Uniform Plumbing Codes

KVA #  
 STAFF  
 ANA  
 S.S.

**CITY OF PHOENIX**

ZA CASE

FEB 06 2017

REVISIONS: BY:

FORMA  
 FLOWER STREET, MULBERRY DRIVE  
 PHOENIX, ARIZONA 85012

labahn o ryan architects  
 1936 CALIFORNIA STREET  
 SAN FRANCISCO, CALIFORNIA 94109  
 PH: 415.255.2896

Date: 01.06.2017  
 Scale: 1/16" = 1'-0"  
 Drawn:  
 Job:  
 Title: SITE PLAN  
 Sheet: A1.0

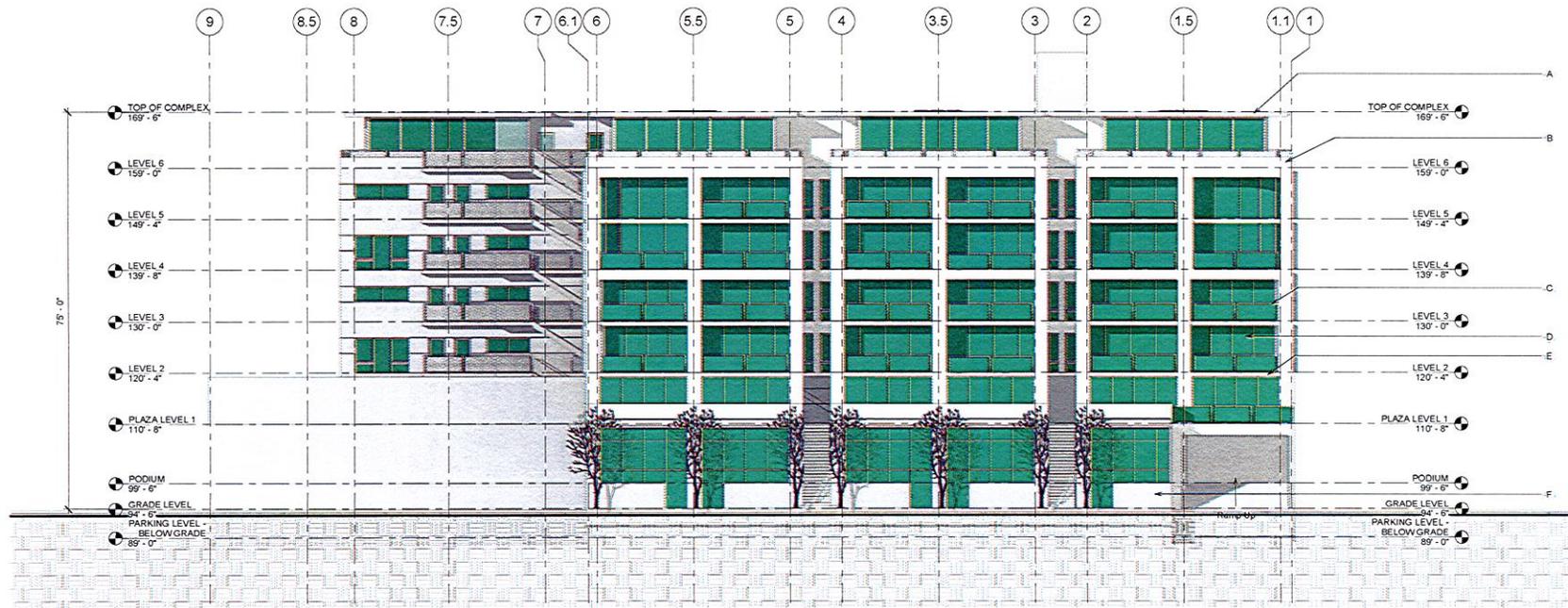
**Planning & Development Department**







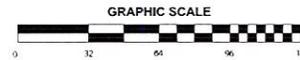
CITY OF PHOENIX PLANNING & DEVELOPMENT DEPARTMENT 150 NORTH CENTRAL AVENUE, PHOENIX, ARIZONA 85004 TEL: 602.350.3333 FAX: 602.350.3334 WWW.PHOENIX.AZ.GOV



# CITY OF PHOENIX

FEB 06 2017

Planning & Development  
Department



- (A) Natural Patina Metal Facia  
 (B) Smooth Finish White Stucco System  
 (C) Glass and Steel Guardrails  
 (D) Anodized Aluminum  
 (E) Aluminum Facia  
 (F) Board Formed Concrete
- MATERIAL TYPES

REVISIONS	BY

**FORMA**  
 FLOWER STREET / W. BERRY DR.  
 PHOENIX, ARIZONA 85012

**labahn & ryan architects**  
 1101 CALIFORNIA STREET  
 SAN FRANCISCO, CALIFORNIA 94109  
 PH: 415.241.7334

Date:	01.06.2017
Scale:	
Drawn:	
Job:	
Title:	NORTH ELEVATION
Sheet:	A-3.2



# CITY OF PHOENIX

FEB 06 2017

Planning & Development  
Department





## Village Planning Committee Meeting Summary Z-11-17-4

<b>Date of VPC Meeting</b>	May 1, 2017
<b>Request From</b>	R1-6, R1-6 (Approved R-4)
<b>Request To</b>	UR
<b>Proposed Use</b>	Mixed Use (commercial/multifamily residential)
<b>Location</b>	Approximately 400 feet east of the southeast corner of 3rd Street and Mulberry Street
<b>VPC Recommendation</b>	Approval per staff's recommendation
<b>VPC Vote</b>	8-3 (Acevedo, George, Procaccini voting nay)

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

Hannah Oliver presented the staff recommendation for approval, subject to stipulations. The site is in the Midtown TOD District and is within the one-half walk radius of the Osborn Road light rail station. There are about 27,000 jobs in the District and there is a need for housing. The TOD Strategic Policy Framework identifies the place type designation for the Osborn Road light rail station as Regional Center. Regional Center is characterized by intensities of five to 10 stories with most intensity near the light rail. The applicant is requesting the Urban Residential zoning district.

The General Plan land use designation is Multifamily Residential 15+ units per acre and the Midtown TOD Policy Plan identifies the site for redevelopment. The proposal is for a six story development to allow 104 condominiums and limited retail. The ground floor units will allow live/work. The bulk of the height is stepped back from each street frontage. The developer plans to use solar power to provide common and amenity area electricity. The site is located near the 3rd Street Promenade, a priority development area identified in the ReinventPHX Midtown TOD Policy Plan.

The recommended stipulations of approval address the maximum height of 20 feet within 15 feet of the north and south property lines, and a maximum height of 75 feet beyond 25 feet from the north and south property lines. Trees will be required to a minimum of 3-inch caliper and there will be a minimum of .25 secured bicycle parking spaces per residential unit, as well as a minimum of four inverted-U bicycle racks for guests.

Jacob Zonn, the representative for the applicant, stated that all the policy documents for the area support the addition of density and height. He mentioned that they are working to have valet parking to reduce parking and traffic impacts to the neighborhood. Mr. Zonn presented a map that showed the location of all the speaker card addresses from

the April meeting. Mr. Zonn also noted that they reached out to each of those that submitted comment cards at the last meeting.

Mr. Zonn also said that they have been working on this project for years. Initially they were going to submit as a PUD, but the neighborhood directed them to apply for the Urban Residential (UR) zoning. Mr. Zonn introduced the applicant, John Labahn and the architect/developer, Eric Johnson to talk more about the design of the development.

John Labahn highlighted how this project is consistent with the 3rd Street Promenade Pedestrian Improvements and the opportunities that are on 3rd Street. In addition, the scaling architecture with the height step back provide a pedestrian-friendly scale and design.

Eric Johnson, presented more details about the scale of the development and how it compares with the surrounding buildings. He also noted that there is parking both at grade and below grade and solar panels on the roof to provide electricity for the amenity and common areas. Mr. Johnson also noted that the development will incorporate green building components, and that public art will be incorporated into a north/south pedestrian path connecting Mulberry Drive to Flower Street.

Chairman James opened up the floor for committee questions to the applicant.

Matt Jewett asked about traffic concerns from the neighborhood and what kind of traffic is expected at this location.

Mr. Labahn responded that the live/work units would be low traffic type uses and most of it would be foot traffic.

Alex Acevedo stated that no one is denying that the project is beautiful, but the elephant in the room is the height. The last meeting the committee asked that you work with the neighbors to negotiate on the height of the development. How did those go?

Mr. Labahn responded that if they went any lower in height to quality of the project would suffer because they want to build with concrete and not wood. If the project was a lower height they would have to make these rental units, rather than the owner condominiums.

G.G. George noted that the neighbors were willing to compromise to 45 or 48 feet; however, it sounds like there was no compromise made by your side.

Mr. Labahn reiterated that the quality of the product would be impacted if the height was 45 or 48 feet. Mr. Zonn stated that most of those in opposition from the last meeting lived further south of the site and they met with them and/or contacted them since the last meeting.

Layla Ressler acknowledged that the applicant did work with the community since the last meeting and it clear as more neighbors are now showing support when compared to last month. She believes this is a good project for the area and is appropriate within the Midtown TOD Plan. Ms. Ressler did have one concern regarding unreserved and reserved parking on site.

Mr. Zonn noted that they have enough parking for the required unreserved and reserved parking, it is simply how we designate them as one or the other.

Dan Carroll also noted concerns about traffic and asked if when they did outreach to the neighborhood that 75 feet was discussed in those meetings?

Mr. Zonn noted that they did discuss the height of the building being 75 feet.

Steve Procaccini asked if those from the public who wish to speak, if they can state where they live in relation to the subject site. Chairman James agreed.

Chairman James noted that there are 18 card submitted in favor of the project, that do not wish to speak; 23 card submitted in opposition that do not wish to speak; 2 cards submitted in favor that wish to speak; and 3 cards submitted in opposition that wish to speak. He limited each speaker to 2 minutes for comments.

Peter Shikany, who owns a business on 3rd Street, is supportive of the project and notes that he was hoping for a good designed project like the one proposed for this area. In addition, he notes that the design is compatible with the pedestrian improvements planned for the area.

Lisa Sette, a business owner on Catalina Drive, is supportive of the project. She noted that she sees potential for the 3rd Street corridor and this project will help. She also highlights that she is in a small building surrounded by higher buildings and is not scared of the height of the surrounding buildings.

Robert Warnike of the La Hacienda neighborhood spoke in opposition. He stated that it is in the wrong place, in the middle of nowhere. Mr. Warnike passed out a letter that he drafted, which staff shared with the committee prior to the meeting. He also cited various pages in the Midtown TOD Policy Plan that provided information regarding where intensities should be placed in the area, including at corners and closer to the light rail corridor. This height is inappropriate east of 3rd Street and it is taller than many of the buildings currently going up. He would like to see these vacant parcels develop if it makes sense. He encourages this kind of building height to move to where it belongs.

Ralph Barker, who lives on Mulberry, said that he initially had concerns about rentals in this location, but found out this evening that they are owner occupied units. He does, however, have concerns about the traffic that this development will bring to the area. In addition, he asked to work with City Staff to discuss traffic mitigation options for Mulberry and not only Cheery Lane. Ms. Oliver stated that she would put Mr. Barker in

contact with someone from the Streets Department at the City to discuss traffic mitigation options.

Tom Chauncey, who lives on Country Club Drive, spoke in opposition and stated that the height of 75 feet is too high for the area. Mr. Chauncey requested that the committee include a stipulation for a maximum height of 48 feet.

Chairman James closed public comments, and allowed an applicant rebuttal and committee discussion.

Mr. Zonn responded that there was only one person who spoke that lived in the immediate neighborhood and he is willing to work with him regarding traffic concerns. In addition, he noted the importance of infill development in this area.

Alex Acevedo highlighted that he walked and drove the site prior to the meeting and does feel the height is too much for the neighborhood. Also, because there was no compromise made that he cannot support the request.

Dan Carroll discussed how the community outreach and he felt that group meetings would have been a better outreach approach, rather than individual meetings. However, he noted that he felt that the Midtown TOD Policy Plan supports this kind of development. Mr. Carroll asked staff if the committee could stipulate for the developer to donate to the 3rd Street Promenade efforts. Ms. Oliver noted that could not be stipulated. Mr. Carroll also stated that he is happy that solar is incorporated into the design and more development should design with solar in mind.

G.G. George stated that she had good faith that a compromise would be made with the neighbors and because that did not happen; she could not support this request.

Andrea del Galdo stated that traffic is something that we all are dealing with as new development and density comes near the light rail. She also noted that this project is 90% better than what is normally presented in front of the committee.

**Motion:** Brent Kleinman moved, with a second from Layla Ressler to recommend approval per staff's recommendation:

1. The development shall have a maximum building height of 20 feet within 15 feet measured from the north and south property lines, 65 feet within 25 feet measured from the north and south property lines, and 75 feet beyond 25 feet measured from the north and south property lines, as approved by the Planning and Development Department.
2. Trees that are a minimum 3-inch caliper shall be placed 20 feet on center or in equivalent groupings between the sidewalk and building on Flower Street and Mulberry Street, as approved by the Planning and Development Department.

3. The development shall provide a minimum of .25 secured bicycle parking spaces per residential unit, and a minimum of four inverted U-bicycle racks for guests located near entrances to the property, as approved by the Planning and Development Department.
4. The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
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 developer 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.

**Vote:** 8-3 (Acevedo, George, Procaccini voting nay)

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no comments.

REPORT OF PLANNING COMMISSION ACTION  
June 8, 2017

ITEM NO: 11	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	Z-11-17-4
Location:	Approximately 400 feet east of the southeast corner of 3rd Street and Mulberry Street
Request:	R1-6, R1-6 (Approved R-4A) To: UR Acreage: 1.27
Proposal:	Mixed Use (Commercial/Multifamily)
Applicant:	Jonathan Labahn
Owner:	Urban Soliel, LLC
Representative:	Jonathan Labahn

**ACTIONS:**

Staff Recommendation: Approval, subject to stipulations

Village Planning Committee (VPC) Recommendation:

**Encanto 4/3/2017** Continued. Vote: 13-1.

**Encanto 5/1/2017** Approved, per staff stipulations. Vote: 8-3.

Planning Commission Recommendation: Approved, as recommended by the Encanto Village Planning Committee with additional stipulations.

Motion discussion:

Commissioner Glenn made a motion to approve Z-11-17-4 as recommended by the Encanto Village Planning Committee with the addition of stipulations:

7. The development shall be in general conformance with the site plan and elevations date stamped February 6, 2017, as approved by the Planning and Development Department.
8. The developer shall install a traffic control measure to physically discourage right turns onto Mulberry Street, as approved by the Planning and Development Department.
9. The developer shall incorporate public art on the western façade of the building, as approved by the Planning and Development Department.
10. The developer shall demonstrate minimum compliance to a LEED Certified level by submitting the LEED Checklist demonstrating the points they plan on pursuing, prior to issuance of a building permit for the primary structure.

Commissioner Katsenes asked for a second to Commissioner Glenn's motion to which Commissioner Heck followed with a second.

Commissioner Katsenes asked Commissioner Glenn if any of the stipulations spoke to traffic control.

Commissioner Glenn confirmed that Stipulation 8 covers traffic concerns.

Commissioner Heck asked if there was anything that needed to be addressed with traffic from 7th Street.

Commissioner Glenn answered that those traffic concerns were addressed the previous month when The Crescent Communities project was approved and their traffic mitigation was addressed on 5th Street and Cheery Lynn Road.

Commissioner Whitaker expressed his concerns with this project's building height. He stated that he hopes this project doesn't set precedence for height to continue to sprawl out. He believes that they are sacrificing height for a high-quality product.

Commissioner Shank stated that she also has a concern with the height and her vote is therefore a no.

Motion details – Commissioner Glenn made a MOTION to approve Z-11-17-4 as recommended by the Encanto Village Planning Committee with the additional stipulations as read into the record.

Maker: Glenn  
Second: Heck  
Vote: 5-2 (Shank and Wininger)  
Absent: Johnson  
Opposition Present: Yes

Findings:

1. This request is consistent with the General Plan Land Use designation of 15+ dwelling units per acre.
2. Mixed-use development furthers the objectives of the General Plan goals and policies to provide a diverse range of housing for the community, such as live-work units.
3. The proposal is consistent with the intent in the Midtown TOD (Transit Oriented Development) District Policy Plan.

Stipulations:

1. The development shall have a maximum building height of 20 feet within 15 feet measured from the north and south property lines, 65 feet within 25 feet measured from the north and south property lines, and 75 feet beyond 25 feet measured from the north and south property lines, as approved by the Planning and Development Department.
2. Trees that are a minimum 3-inch caliper shall be placed 20 feet on center or in equivalent

groupings between the sidewalk and building on Flower Street and Mulberry Street, as approved by the Planning and Development Department.

3. The development shall provide a minimum of .25 secured bicycle parking spaces per residential unit, and a minimum of four inverted U-bicycle racks for guests located near entrances to the property, as approved by the Planning and Development Department.
4. The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
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 developer 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 BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED FEBRUARY 6, 2017, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
8. THE DEVELOPER SHALL INSTALL A TRAFFIC CONTROL MEASURE TO PHYSICALLY DISCOURAGE RIGHT TURNS ONTO MULBERRY STREET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
9. THE DEVELOPER SHALL INCORPORATE PUBLIC ART ON THE WESTERN FAÇADE OF THE BUILDING, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
10. THE DEVELOPER SHALL DEMONSTRATE MINIMUM COMPLIANCE TO A LEED CERTIFIED LEVEL BY SUBMITTING THE LEED CHECKLIST DEMONSTRATING THE POINTS THEY PLAN ON PURSUING, PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PRIMARY STRUCTURE.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO/ LOCATION</b>	Z-11-17-4 Approx. 400 feet east of the southeast corner of 3 <sup>rd</sup> Street and Mulberry Street	<b>(SIGNATURE ON ORIGINAL IN FILE)</b>	
		<b>opposition</b>	<b>X</b>
<b>APPEALED FROM:</b>	PC 6/8/17	Robert Warnicke 602-738-7382	
	<small>PC/CC DATE</small>	<small>NAME / PHONE</small>	
<b>TO PC/CC HEARING</b>	CC 7/6/17	506 E Catalina Drive Phoenix AZ 85012	
	<small>DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST: Improper height for area</b>			
<b>RECEIVED BY:</b>	JB / LO	<b>RECEIVED ON:</b>	6/14/17

Alan Stephenson  
Sandra Hoffman  
Tricia Gomes  
Christina Encinas  
Stephanie Saenz  
Lilia Olivarez, PC Secretary  
PLN All

**CITY OF PHOENIX**

JUN 14 2017

**Planning & Development  
Department**



JUN 14 2017

The **PLANNING COMMISSION** agenda for June 8, 2017 is attached. *Planning & Development Department*

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

- 1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. June 15, 2017.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., June 15, 2017.

- 2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front, back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. June 15, 2017.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

- 3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. June 22, 2017.

**FORM TO REQUEST CITY COUNCIL HEARING**

**I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:**

2-11-17-4  
APPLICATION NO.

400 feet east of 3rd Street and Mulberry  
LOCATION OF APPLICATION SITE

6/8/17  
DATE APPEALED FROM

Jasmine Braswell  
PLANNER

OPPOSITION  
 APPLICANT

(PLANNER TAKING THE APPEAL)

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

Robert Warrick  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

506 E Catalina Dr.  
STREET ADDRESS

6/14/17  
DATE OF SIGNATURE

Phx Az 85012  
CITY, STATE & ZIP CODE

602 738 7382  
TELEPHONE NO.

REASON FOR REQUEST Improper height for the area

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**