

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION November 2, 2023

ITEM NO: 11	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-33-23-8
Location:	Southwest corner of 11th Street and Van Buren Street
From:	C-3
To:	WU Code T5:7 EG
Acreage:	2.21
Proposal:	Hotel
Applicant:	Nick Wood, Esq., Snell & Wilmer, LLP
Owner:	Day & Sam, Inc. and Copper Square, LLC
Representative:	Nick Wood, Esq., Snell & Wilmer, LLP

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Central City 9/11/2023 Continued to October 6, 2023. Vote: 15-0.

Central City 10/16/2023 Approval, per the staff recommendation. Vote: 12-1.

Planning Commission Recommendation: Approval, per the Central City Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve Z-33-23-8, per the Central City Village Planning Committee recommendation.

Maker: Busching
Second: Mangum
Vote: 8-1 (Boyd)
Absent: None
Opposition Present: Yes

Findings:

1. The proposal is consistent with the General Plan Land Use Map designation and the Eastlake-Garfield TOD Policy Plan vision for the site.
2. The proposal will redevelop an underutilized site with a modern hotel that will contribute to the mix of uses in the area.
3. As stipulated, the proposal provides enhanced pedestrian and bicycle amenities consistent with the Eastlake-Garfield TOD Policy Plan, Comprehensive Bicycle Master Plan, Tree and Shade Master Plan, and the Complete Streets Guiding Principles.

Stipulations:

1. A minimum 25-foot building setback shall be provided along the south property line.
2. The development shall be limited to 30 feet in height within 50 feet of the south property line.
3. If multifamily residential use is provided, a minimum of one common entry shall be provided for each street frontage, except for buildings where every unit has private entry directly to the street, as approved by the Planning and Development Department.
4. If multifamily residential use is provided, the ground floor area of the development shall include a minimum of 5,000 square feet of non-residential uses and shall have frontage on the Van Buren Street right-of-way. Non-residential uses shall not include lobby, exercise, reception areas, or other similar uses intended for exclusive use by residents.
5. If multifamily residential use is provided, the following additional standards for bicycle parking shall apply, as approved by the Planning and Development Department.
 - a. All required bicycle parking, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - c. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
6. A minimum of 5 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
7. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
8. A minimum of 5 percent of the required on-site parking shall be EV Capable.
9. A minimum of 50 feet of right-of-way shall be dedicated for the south side of Van Buren Street, adjacent to the development. The improvements shall be consistent with the Van Buren Street Enhancement Capital Improvement Project, as approved by Street Transportation Department.
10. There shall be a minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area between the back of curb and sidewalk along Van Buren Street with landscaping consistent with the landscape standards of Section 1309 of the Zoning Ordinance, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

11. Vehicular access on Van Buren Street shall be restricted to right-in/right-out only.
12. Prior to final site plan approval, funds totaling \$100,000 shall be deposited into an escrow account to the Street Transportation Department to modify the existing traffic control device at 11th Street and Van Buren Street and other right-of-way improvements as part of the Van Buren Street Improvement Project.
13. All streets within and adjacent to the development shall be constructed 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.
14. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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.
15. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department
16. 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.
17. 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.
18. 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.
19. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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