



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Mario Paniagua  
Deputy City Manager

**Date** March 19, 2019

**From:** Alan Stephenson   
Planning and Development Director

**Subject** ITEM 109 ON THE MARCH 20, 2019 FORMAL AGENDA – PUBLIC HEARING /  
ORDINANCE ADOPTION OF Z-41-18-4 (G-6525) – NORTHEAST CORNER OF 7TH  
STREET AND THOMAS ROAD

Item 109, rezoning application Z-41-18-4 is a request to rezone a 2.94-acre property located at the northeast corner of 7th Street and Thomas Road from P-1 to R-5 H-R to allow multifamily high-rise residential.

The Encanto Village Planning Committee heard the request on September 10, 2018 and recommended denial. The Planning Commission heard the request on October 4, 2018 and recommended approval with a modified stipulation (limit building height to 140-feet) and an additional stipulation (Proposition 207 Waiver of Claims Form).

Since that time the request has been continued by the City Council a number of times and Councilwoman Laura Pastor held two meetings with key residents, the developer and staff to work towards a compromise between the interested parties.

This memo outlines several modifications of stipulations to reflect the recent discussions held by the Councilwoman. There were some agreements, such as utilizing the Planned Unit Development as the long-term zoning tool to allow for rezoning of the subject site. The other agreement is that the applicant will incorporate the staff stipulations as outlined below in the development of the PUD Narrative and as the project moves towards the construction phase. There are still outstanding issues such as the ultimate height of the building and the zoning tool to allow for City Council to establish building height and project design parameters for the PUD.

This memo recommends approval per the Planning Commission recommendation of R-5 H-R with the below stipulation modifications.

**STIPULATIONS:**

1. The maximum building height shall be 140 feet.
2. Applicant shall provide 5% above the minimum required number of parking spaces for the proposed use. These parking spaces shall be utilized for additional

parking by Country Club members or guests during large scale events as approved by the Planning and Development Department.

3. Access to the site shall be limited to the existing driveways from Thomas Road and 7th Street, as approved by the Planning and Development Department.
4. Ground floor blank walls visible from the public sidewalk shall not exceed 20 linear feet without being interrupted by a window, door, or variation in building treatment or design, per Section 1305.2.a(2) of the Zoning Ordinance, as approved by the Planning and Development Department.
5. All buildings over four stories in height shall be designed with a base that is differentiated from the remainder of the building in order to relate to the street. The base may be between one and four stories in height, and shall be scaled to the immediate context, per Section 1209.A.7.a of the Zoning Ordinance, as approved by the Planning and Development Department.
6. Mirrored and reflective glass is prohibited as approved by the Planning and Development Department.
7. The sidewalks along Thomas Road and 7th Street shall be detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb, as approved by the Planning and Development Department.
8. A double row of trees (a minimum of 50 percent 2-inch caliper and 50 percent 3-inch caliper) spaced 20 feet on center shall be provided along Thomas Road and 7th Street, as approved by the Planning and Development Department. The rows shall be placed parallel on either side of the sidewalk and shall be staggered to provide maximum shading. The trees planted along Thomas Road shall be consistent with the tree species that currently exist along the street, as approved by the Planning and Development Department.
9. A minimum of 75% of the sidewalk along Thomas Road and 7th Street shall be shaded at tree maturity per the requirements of Section 1304.F.1 in the Zoning Ordinance, as approved by the Planning and Development Department.
10. There shall be no fence placed between the streets (7th Street, Thomas Road) and buildings, as approved by the Planning and Development Department.
11. The developer shall provide a minimum of two building entrances, one on 7th Street and one on Thomas Road, that directly connects to the publicly accessible sidewalk adjacent to the street. All pedestrian entrances shall be defined by pedestrian-oriented scale and the use of distinctive materials and architectural



elements per Section 1305.3.a in the Zoning Ordinance, as approved by the Planning and Development Department.

12. The developer shall provide two pedestrian walkways, comprised of decorative paving: one that connects the sidewalk at the transit stop on 7th Street to a building entrance, and one which connects the sidewalk along Thomas Road to a building entrance, as approved by the Planning and Development Department.
13. Loading, service, and refuse areas shall be located to the interior of the site and shall be screened from view with walls, trellises, planting, mounds, or by integration into the design of the building. Decorative elements, variation in materials, and articulation shall be used, as approved by the Planning and Development Department.
14. Any portion of the parking garage visible from the public right-of-way shall incorporate an art feature(s) or architectural element(s) intended to screen the parking garage, while also providing an interesting and engaging feature at the ground level, as approved by the Planning and Development Department.
15. The developer shall install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for guests located near entrances to the building, installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
16. The applicant shall submit a Traffic Impact Study to the City of Phoenix Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Planning and Development Department and the Streets Transportation Department.
17. The developer shall dedicate right-of-way and construct a bus bay (City of Phoenix Standard Detail P1256) and bus pad with a minimum depth of 14 feet (City of Phoenix Standard Detail P1261) along northbound 7th Street, north of Thomas Road. The bus stop pad and bay shall be placed from the intersection of 7th Street and Thomas Road according to City of Phoenix Standard Detail P1258, as approved by the Public Transit Department.
18. 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. The form and content of such documents shall be according to the

templates and instructions provided which have been viewed and approved by the City Attorney.

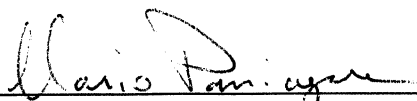
19. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
20. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.
21. The applicant shall file for and pursue a rezoning application for a Planned Unit Development (PUD) within 6-months of City Council approval of this rezoning request. The PUD shall adhere to these stipulated requirements and at a minimum addresses the following additional items:
  - a. Permit ground floor active uses along 7th Street and Thomas
  - b. Form an architectural review committee to consist of a minimum of three neighborhood representatives to develop the site plan, building elevations, landscape plan and other architectural details of the project.

**COUNTRY CLUB AGREED TO STIPULATIONS (not enforceable by City):**

The Country Club shall agree to provide a parking management plan during large scale events to ensure that spillover parking does not occur in adjacent single-family residential neighborhoods.

The Country Club shall plant trees and develop additional entry feature(s) along 7th Street and Thomas Road to ensure improved entry signage and placemaking are evident to the public.

Approved:

  
Mario Paniagua, Deputy City Manager