

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

July 20, 2022

ITEM NO: 5	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-1-22--Z-146-06-8
Location:	Approximately 200 feet west of the northwest corner of 11th Street and Van Buren Street
Zoning:	C-2 HGT/WVR (Approved C-2 H-R)
Acreage:	4.30
Request:	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance with the site plan and elevations date stamped October 26, 2006.2) Modification of Stipulation 3 regarding townhome architecture fronting Polk Street.3) Deletion of Stipulation 6 regarding exterior planters on balconies.4) Modification of Stipulation 8 regarding a plaza at grade level along Van Buren Street.5) Technical corrections for Stipulations 2, 4, 5 and 7
Applicant:	Ian Swiergol, Alliance Residential
Owner:	Dharam Ahir Investments of Arizona Inc
Representative:	Nick Wood, Snell and Wilmer LLP

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this case on July 12, 2022 and recommended approval by a vote of 12-2.

DISCUSSION:

Chris Colyer, representative with Snell and Wilmer LP, introduced the subject site and surrounding uses. He provided an overview of the original rezoning case. He stated that a 336-unit multifamily residential development is proposed at a density of approximately 90.6 dwelling units per gross acre. He stated that the building would be 70 feet in height and common areas would include approximately 10% of the gross area, which exceeds the minimum 5% required

by the current zoning. He stated that the bottom two floors of the development would contain a parking garage, with ground floor apartments on the north and west sides that will provide patio access to Polk Street on the north and some open space to the west. He stated that primary access to the site will be located on Van Buren Street and 11th Street. He stated that the proposed development is a significant decrease in intensity and noted that the original stipulated site plan depicted a 20-story development with 260 hotel rooms and 390 condominium units. He noted that variances may be required to develop in accordance with the proposed site plan. He provided an overview of the request language. He stated that the modification of Stipulation 3 regarding townhome architecture fronting Polk Street is proposed to be modified as no townhomes are proposed. He stated that the proposed elevations depict design features and architectural embellishments that are consistent with the neighborhood to the north and that the modification would still require these. He stated that Stipulation 6 regarding exterior planters on balconies is proposed to be deleted and noted that exterior planters are not proposed on balconies. Ian Swiergol, applicant with Alliance Residential, noted that balconies are proposed on the second through fourth floors and that the deletion is only relevant to the exterior planters. Mr. Colyer stated that Stipulation 8 is proposed to be replaced by language regarding enhanced pedestrian features, such as decorative paving, seating, and shade. He stated that the Central City Village Planning Committee (VPC) heard the request on July 12, 2022 and recommended approval by a vote of 12-2.

Adam Stranieri, Planning Hearing Officer, provided an overview of the Central City VPC recommendation and a letter of support from the Garfield Organization. He stated that the site has been identified as archaeologically sensitive and three additional stipulations are recommended to be added. He stated that the Street Transportation Department recommended an additional stipulation requiring the development to provide bicycle parking per the requirements of the Walkable Urban Code for multifamily developments. Mr. Swiergol stated that bicycle parking will be provided and he has no issues with the addition. Mr. Stranieri provided an overview of the original rezoning case and stated that he has no concerns regarding the proposed conceptual site plan. He noted that the proposal is compatible with the property's location and consistent with transit-oriented planning efforts in the surrounding area. He recommended approval of the request to modify Stipulation 1 regarding general conformance with the site plan and elevations with a modification to provide more standard language. He recommended approval of the request to modify Stipulation 1.b regarding roof top pool amenities and shading with a modification to provide more standard language. He recommended approval of the request to modify Stipulation 1.c regarding townhome height with a modification to provide more standard language. He noted that this request would replace language regarding the height of townhomes, which are not proposed, with a new requirement for ground floor units to provide patios and direct street access. He recommended approval of the request to modify Stipulation 3 regarding townhome architecture noting

that no townhomes are proposed. He recommended approval of the request to delete Stipulation 6 noting that balconies would be retained and alternative design elements are addressed in other stipulations. He recommended approval of the request to modify Stipulation 8 regarding enhanced pedestrian features with a modification to provide more standard language. He stated that a recorded Proposition 207 Waiver is still required prior to preliminary site plan approval and is recommended to be added as a stipulation.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for approval with a modification to provide more standard conformance language. The stipulated site plan and elevations depicted a hotel, townhomes, residential condominiums, a bar, and restaurant uses. The project included 390 condominium units and 260 hotel rooms. The proposed buildings included an approximately 23-story, 250-foot tower, an approximately 15-story, 170-foot tower, and 5-story townhomes. This project did not develop and the property remains vacant.

The proposed conceptual site plan and elevations depict a multifamily residential project at approximately 70 feet in height and a total of 336 units at a density of approximately 90.6 dwelling units per gross acre. Common areas include approximately 10% of the gross area, which exceeds the minimum 5% required by the current zoning. The proposal is compatible with the property's location and consistent with transit-oriented planning efforts in the surrounding area. To develop the proposed conceptual site plan exactly as drawn may require some zoning adjustments, including but not limited to, variances to allow setback reductions along perimeter property lines. The intent behind the general conformance requirement is to capture the full scope of development standards, including building height, which is not individually stipulated in the original approval, and open space, which exceeds Ordinance standards. If the applicant does not acquire the required zoning adjustments, the site plan may be modified to comply with Zoning Ordinance requirements.

The request to modify Stipulation 1.b regarding roof top pool amenities and shading is recommended for approval with a modification to provide more standard language. The proposed modification is limited to specifying that these provisions are required only if a pool is provided. No pool is proposed at this time.

The request to modify Stipulation 1.c regarding townhome height is recommended for approval with a modification to provide more standard

- language. There are no townhomes in the current request. The proposed modification replaces the current stipulation with a requirement for ground floor units to provide patios and direct street access. This design consideration is compatible with the property's location and consistent with transit-oriented planning efforts in the surrounding area.
- 2) The request to modify Stipulation 3 regarding townhome architecture is recommended for approval. There are no townhomes in the current request. The modification specifies that the requirement applies to all building types.
 - 3) The request to modify Stipulation 6 regarding exterior planters is recommended for approval. The original stipulation was specific to the design in the original stipulated plans and is no longer relevant. The applicant has proposed alternative streetscape and design elements addressed in other stipulations.
 - 4) The request to modify Stipulation 8 regarding a grade-level plaza along Van Buren Street is recommended for approval with a modification to condense and provide more standard language regarding the applicant's proposed new sub-stipulations. The stipulated plaza was a consideration specific to the original stipulated concept of a 250-foot, multi-tower development. The proposed site plan depicts a significantly less intense multifamily residential development. To address the original stipulation's intent of providing publicly accessible open space, the applicant proposed replacing this stipulation with two requirements for enhanced paving on all pedestrian paths and a minimum of five seating nodes accessible from public rights-of-way. Seating nodes are further regulated to be 100% shaded, lighted, and include unique art elements or similar features. The proposal achieves the original stipulation's intent at a scale aligned with the new proposal.
 - 5) The Street Transportation Department recommends an additional stipulation requiring the development to provide bicycle parking per the requirements of the Walkable Urban Code as required for multifamily developments. Since the adoption of the original rezoning case, the surrounding area has undergone significant transit-oriented planning efforts, with the realization of the Valley Metro Rail system, the Reinvent Phoenix program, and the adoption of the Eastlake-Garfield TOD Policy Plan. The subject property is located within the Eastlake Garfield TOD planning area and within 2,000 feet of a light rail station. The proposed bicycle parking requirement is consistent with transit-oriented planning efforts in the area and with the proposed use in this location. The stipulation is recommended for inclusion.

- 6) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

STIPULATIONS:

1.	That The development shall be in general conformance with the site plan DATE STAMPED JUNE 17, 2022, and elevations date stamped JUNE 2, 2022 October 26, 2006 , as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department, with the following specific provisions, all as approved by the Development Services Department WITH SPECIFIC REGARD TO THE FOLLOWING:-	
	A.	That All pedestrian routes shall have appropriate lighting and shading created either by landscaping and exterior building design.
	B.	That IF PROVIDED, the ANY roof top pool and jacuzzi area shall be provided with PROVIDE a minimum of four ramadas and landscaping to shade A MINIMUM 25% of the deck.
	C.	That the townhomes on the west and north part of the site shall be limited to 56' in height. GROUND FLOOR UNITS ALONG POLK STREET SHALL PROVIDE PATIOS AND DIRECT ACCESS TO THE STREET FOR RESIDENT USE.
2.	That The architectural treatment of all buildings in this development shall utilize a consistent, architectural theme, and harmonious building materials and exterior colors, as approved by the PLANNING AND Development Services Department.	
3.	That The architecture of the townhome buildings fronting on Polk Street shall provide design features and architectural embellishments consistent with the character of the neighborhood, as approved by the PLANNING AND Development Services Department.	
4.	That Building materials shall not exceed a reflectivity rating greater than 20 percent, as approved by the PLANNING AND Development Services Department.	
5.	That A minimum of 75% of the sidewalk along the Polk Street and Van Buren Street frontages shall be shaded by a combination of awnings,	

	arcades, and trees (measured at maturity). Shading shall be positioned to shade the sidewalk from April 15th through September 30th, as approved by the PLANNING AND Development Services Department.
6.	That the applicant shall provide exterior planters with appropriate watering systems on at least 50 percent of the balconies facing the streets, on the first eight floors, as approved by the Development Services Department.
6. 7.	That The applicant shall construct a 6-foot high masonry wall along the east, and where provided on the west side of the site. The wall shall be decorative wherever visible both on site and off site, as approved by THE PLANNING AND Development Services Department.
7. 8.	That a plaza shall be provided at grade level at a location along Van Buren Street adjacent to the façade. The plaza shall have a minimum size of 1,000 square feet, with one side at least 20 feet in length, as approved by the Development Services Department. The following amenities shall be provided within the street level plaza: THE APPLICANT SHALL PROVIDE THE FOLLOWING ENHANCED PEDESTRIAN FEATURES, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:
A.	Decorative paving ALL PEDESTRIAN PATHWAYS SHALL BE CONSTRUCTED OF DECORATIVE PAVERS, STAMPED OR COLORED CONCRETE, OR ANOTHER MATERIAL, OTHER THAN THOSE USED TO PAVE THE PARKING SURFACES AND DRIVE AISLES.
B.	50% afternoon shade stationary seating to include a minimum of five benches and other planter or low wall ledge seating as deemed appropriate MINIMUM FIVE (5) SEATING NODES. SEATING NODES SHALL BE 100% SHADED BY ARCHITECTURAL FEATURES AND/OR LANDSCAPING. SEATING NODES SHALL INCLUDE LIGHTING AND A UNIQUE ART ELEMENT, OR SIMILAR FEATURE. SEATING NODES SHALL BE ADJACENT AND/OR ACCESSIBLE FROM PUBLIC RIGHTS-OF-WAY.
C.	Trash receptacles as appropriate

	D.	Artistic elements which can be incorporated into the design and furnishings of the plaza
8.	THE DEVELOPER SHALL PROVIDE SECURED BICYCLE PARKING AS REQUIRED IN CHAPTER 13, SECTION 1307.H FOR MULTIFAMILY DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
9.	That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.	
10.	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.	
11.	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.	
12.	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.	
13. 40.	That The property owner shall record documents that disclose the existence and operational characteristics of 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.	
14.	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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