

## Attachment D

### REPORT OF PLANNING COMMISSION ACTION October 4, 2018

ITEM NO: 14	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	Z-41-18-4
Location:	Northeast corner of 7th Street and Thomas Road
From:	P-1
To:	R-5 H-R
Acreage:	2.94
Proposal:	Multifamily high-rise residential
Applicant:	AGS, LLC
Owner:	Phoenix Country Club
Representative:	Larry S. Lazarus

#### **ACTIONS:**

Staff Recommendation: Denial as filed and approval of R-5, subject to stipulations. If approved R-5 H-R, an additional mitigating height stipulation is recommended.

Village Planning Committee (VPC) Recommendation:

**Encanto** 9/10/2018 Denial. Vote: 13-2 (1 recused).

Planning Commission Recommendation: Approval of R-5 H-R zoning with the staff recommended stipulations, a modification to a stipulation, and an additional stipulation.

Motion Discussion: Commissioner Glenn asked staff to confirm Commissioner Katsenes' motion.

Ms. Escolar confirmed that the motion is to approve Z-41-18-4 for R-5 H-R zoning with the staff recommended stipulations, a modification to Stipulation No. 18 regarding building height and the addition of the Proposition 207 waiver stipulation.

Commissioner Wininger stated that the City of Phoenix has a General Plan and that going outside of the General Plan defeats its purpose and sets a bad precedent for the future. As a result, she cannot support this motion.

Commissioner Johnson thanked both sides for coming out to voice their opinions on this project and closed the discussion.

Motion details: Commissioner Katsenes made a MOTION to approve Z-41-18-4 for R-5 H-R zoning with the staff recommended stipulations, a modification to Stipulation No. 18 to replace 60 feet with 140 feet, and with the additional stipulation as read into the record.

Maker: Katsenes

Second: Heck

Vote: 5-2 (Glenn, Wininger)

Absent: Montalvo, Whitaker

Opposition Present: Yes

#### Findings:

1. The proposal is not consistent with the General Plan Land Use Map designation of Residential 1 to 2 dwelling units per acre.
2. The proposed rezoning is not in conformance with the multiple General Plan goals and policies adopted to guide development intensity and height, and constitutes spot zoning.
3. The proposed development is outside of the Midtown TOD District and located outside of the Central Avenue light rail corridor and therefore is inappropriate in this location.
4. The site is along a future Bus Rapid Transit (BRT) route, therefore, intensification to R-5 zoning is appropriate.

#### Stipulations:

1. 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.
2. 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.
3. 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.
4. Mirrored and reflective glass is prohibited.
5. 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.
6. 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.
7. 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.
8. There shall be no fence placed between the streets (7th Street, Thomas Road) and buildings, as approved by the Planning and Development Department.
9. 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.

10. 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.
11. 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.
12. Any portion of the parking garage visible from the public right-of-way shall incorporate an art feature(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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

**If R-5 H-R is approved, the following height mitigating stipulation is also recommended to the above stipulations.**

18. The maximum building height shall be ~~60~~ 140 feet.
19. 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.

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