

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION December 7, 2023

ITEM NO: 14	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	PHO-1-23--Z-9-19-4
Location:	Northeast corner of Central Avenue and Indian School Road
Request:	1) Request to modify Stipulation 2 regarding public pedestrian plaza. 2) Request to modify Stipulation 3 regarding a linear view corridor. 3) Request to delete Stipulation 4 regarding public pedestrian accessways. 4) Request to modify Stipulation 5 regarding public primary pedestrian accessway. 5) Request to modify Stipulation 6 regarding public open space. 6) Request to modify Stipulation 7 regarding three public open space areas. 7) Request to delete Stipulation 14 regarding alignment of ingress and egress points with the existing street network.
Acreage:	17.82
Applicant:	Jason Morris, Withey Morris Baugh, PLC
Owner:	Julia Najafi, Central Park I, LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC

ACTIONS:

Village Planning Committee (VPC) Recommendation:

Encanto 8/7/2023 Continued. Vote: 17-0.

Encanto 9/11/2023 Approval. Vote: 9-4.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard the request on September 20, 2023 and continued the case to October 18, 2023. The Planning Hearing Officer heard the request on October 18, 2023 and recommended denial as filed, approval with modifications and additional stipulations.

Staff Recommendation: Approval, per the Planning Hearing Officer recommendation.

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation.

Motion Discussion: N/A

Motion details: Commissioner Jaramillo made a MOTION to approve PHO-1-23--Z-9-19-4, per the Planning Hearing Officer recommendation.

Maker: Jaramillo

Second: Acting Vice-Chairperson Mangum

Vote: 5-0

Absent: Gaynor and Gorraiz

Opposition Present: Yes

Findings:

1. The request for modification of Stipulation 2 is approved. Redesign of buildings facilitated this request and the slight reduction of the corner.
2. The request for modification of Stipulation 3 is approved. The redesign of the site, which has been vetted by the VPC and the City Long Range Planning Section, facilitates the modification of the stipulation. The updated design is more consistent with the intent of the Uptown TOD Plan, which was adopted to facilitate a more walkable, bikeable urban environment. In the context of this site, the updated plan promotes the flow of people between the Metro Light Rail, the arterial streets, the development, and Steele Indian School Park in a more logical, convenient, and efficient manner. In addition, new language, that was proposed by City Staff, was added to further specify access between the park and the development.
3. Request for the deletion of Stipulation 4 is approved. Because of the redesign and subsequent elimination of the view corridor in favor of the pedestrian corridor, this stipulation is no longer necessary.
4. The request to modify Stipulation 5 is approved. The reconfiguration of the pedestrian and vehicular circulation system necessitates a significant revision to this stipulation – one that was formulated with the input of the VPC ultimately being modified after the initial hearing with the VPC. The changes/modifications clarify the new design and implement the changes that were agreed upon during the latest VPC hearing.

The design change supports a better pedestrian and vehicular access to and through the development by providing a major east/west throughfare that bisects the site and creates an unobstructed view corridor between Central Avenue and Steele Indian School Park. Individuals standing on the Central Avenue Metro Light Rail platform will be able to look directly through the project to Steele Indian School Park, providing a visual indication of pedestrian accessibility through the development and into the park – a feature that did not exist in the previous conceptual plan with the diagonal view corridor.

5. The request to modify Stipulation 6 is approved. The smaller “block” design necessitates less overall public open space but also opens up the space to the public with better access points.
6. The request to modify Stipulation 7 is approved. The design does not allow for the orientation of the open space areas in this way.
7. The request for the deletion of Stipulation 14 is denied. The intent of the stipulation is to ensure any proposed access point to this property on Indian School Road aligns with existing driveways on the south side of the road to mitigate undesired and unsafe turning conflicts in line with the adopted complete streets ordinance and to mitigate ped/bike and vehicle conflicts. Although the applicant shows a proposed driveway in the generally correct location, this stipulation must remain to ensure it remains as indicated.
8. A stipulation was added to further specify how to align the intersection that is currently offset. The developer will be required to submit a geometric design, tapers and dedications to align the west leg of the intersection to operate under a non-split phase signal. The property at the northwest corner of Central and Glenrosa had been stipulated to the same requirement, this stipulation will complete the intersection improvements. This is addressed in new Stipulation 14.

9. The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

Stipulations:

1. The maximum building height shall be limited to 400 feet.
2. A minimum 0.75 4 gross acre public pedestrian plaza/public open space area shall be provided at the intersection of Central Avenue and Indian School Road.
3. A PEDSTRIAN ~~linear view~~ corridor that is ~~A an average of 85 feet in width,~~ minimum 40 60 feet in width, measured at the ground level and between buildings shall be provided from the southwest corner of the site to A CENTRALIZED OPEN SPACE PLAZA ~~the northeast corner of the site and begin with the pedestrian plaza.~~ THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT AND PARKS AND RECREATION DEPARTMENT TO ESTABLISH THREE (3) PEDESTRIAN ACCESS POINTS BETWEEN THE INTERIOR OF THE SUBJECT SITE AND STEELE INDIAN SCHOOL PARK (THE "PARK"), SUBJECT TO LEGAL ACCESS TO THE PARK BEING PROVIDED BY THE CITY OF PHOENIX AT ITS SOLE DISCRETION. ONE (1) ACCESS POINT IS DESIRED OUTSIDE OF THE PARK GATES AT FARRINGTON DRIVE AND TWO (2) ARE DESIRED ALONG THE NORTHEAST AND EAST SHARED PROPERTY LINES.
~~The view corridor shall focus on the historic cafeteria tower and on the mountain views (Piestewa Peak) and be in general conformance with the Uptown TOD conceptual Master Plan, as approved by the Planning and Development Department~~
4. ~~A minimum 26 foot wide primary and a minimum 10 foot wide secondary public pedestrian accessway shall be located within the view corridor and shall be constructed of a decorative material, as approved by the Planning and Development Department. The public accessway shall be provided at the southwest corner of the site and extend to the northeast end of the site.~~
4. THE DEVELOPMENT SHALL PROVIDE AN EAST/WEST-ORIENTED PEDESTRIAN AND VEHICULAR THROUGHFARE ACCESSED FROM CENTRAL AVENUE AND ALLOWING PEDESTRIAN CONNECTIVITY FROM THE CENTRAL AVENUE LIGHT RAIL STATION, THROUGH THE DEVELOPMENT, TO THE BOUNDARY OF STEELE INDIAN SCHOOL PARK. THE THOROUGHFARE SHALL INCLUDE THE FOLLOWING ELEMENTS:
~~A minimum 26 foot wide public pedestrian accessway shall be provided from the public primary pedestrian accessway within the view corridor and connecting to the light rail pedestrian crossing along the western property line, and shall be constructed with decorative material, as approved by the Planning and Development Department.~~
5.
 - A. DETACHED SIDEWALK WITH LANDSCAPE STRIP ADJACENT TO BUILDINGS "D" AND "F" AS INDICATED ON SITE PLAN.
 - B. ONE (1) MINIMUM 5-FOOT-WIDE BIKE LANE
 - C. PEDESTRIAN SAFETY INFRASTRUCTURE AT ROADWAY AND DRIVEWAY CROSSINGS, WHICH MAY INCLUDE (BUT NOT LIMITED TO) TRUNCATED DOMES, LIGHTED CROSSWALKS, RAISED CROSSWALKS, OR OTHER FEATURES AS APPROVED BY THE PLANNING AND DEVELOPMENT

DEPARTMENT.

D. SEATING AREAS AND SHADE TREES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. The development shall provide a minimum 20 ~~30~~ percent public open space on the site, excluding perimeter setbacks, as approved by the Planning and Development Department.
6. The development shall include a minimum of three distinct public open space areas, a minimum of 20,000 square feet in size ~~and shall be oriented to capture the view of the historic cafeteria tower and the mountain views (Piestewa Peak)~~. Each open space area shall follow the guidelines established in Section 1310 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. All open space areas shall provide seating and be open to the public.
7. All pedestrian crossings, including but not limited to the stipulated public pedestrian accessways, constructed across driveways, shall be raised and shall consist of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
8. One of the following streetscape treatments shall be provided along Indian School Road:
 - a. A minimum 15-foot-wide uninterrupted public pedestrian accessway located behind the back of a minimum 10-foot wide detached landscape strip. The landscape strip may taper to allow for an appropriate transition into the one-gross acre open space area at the intersection of Central Avenue and Indian School Road. The accessway shall connect to the 1 gross acre open space area and shall provide the following amenities or similar features, as approved by the Planning and Development Department:
 - 1) Minimum four gathering areas with seating.
 - 2) Minimum four landscape planters.
 - 3) Decorative pavement.
 - 4) Art elements.
 - 5) Decorative bollard lighting along the entire frontage.
 - b. A minimum 6-foot-wide detached sidewalk and a landscape strip along Indian School Road for the length of the project site. The landscape strip, to be located between the sidewalk and the back of curb, shall begin at a minimum of ,30 feet in width at the eastern property line and may taper to a minimum of 15 feet in width, as approved by the Planning and Development Department. The landscape strip shall include a minimum of 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings between the existing palm trees, as approved by the Planning and Development Department.
9. Bicycle parking shall be provided as follows:

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- a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
- b. Guest bicycle parking for multifamily residential use 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 minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.

10. The developer shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff, as approved by the Street Transportation Department and the Planning and Development Department.

11. The development shall provide an internal vehicular and pedestrian circulation plan to address ingress and egress to and from the site, vehicle loading, pick up and drop off locations, pedestrian connections to existing light rail station and proposed mitigation to potential vehicle / pedestrian conflict points internal and external to the site. No preliminary approval of plans shall be granted until the internal vehicular and pedestrian circulation plan has been reviewed and approved by the Street Transportation and Planning and Development departments.

12. The development shall underground the existing overhead utility lines adjacent to Indian School Road for the entirety of its frontage, as approved by the Planning and Development Department.

13. Proposed site ingress and egress points to align with existing street network locations, as approved by the Planning and Development Department.

14. DEDICATE SUFFICIENT RIGHT-OF-WAY AND CONSTRUCT THE SOUTH SIDE OF FARRINGTON DRIVE TO ACCOMMODATE REALIGNMENT WITH THE WEST LEG OF GLENROSA AVENUE AND CORRESPONDING SIGNAL MODIFICATIONS, AS REQUIRED BY THE STREET TRANSPORTATION DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COST AND CONSTRUCTION OF IMPROVEMENTS.

15. The Central Avenue frontage shall comply with the Central Avenue Development Standards.

16. The developer shall construct all streets within and adjacent to the development 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.

17. 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 to future owners or tenants of the property.

18. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the

development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.

19. Prior to preliminary site plan approval, a report prepared by a qualified professional archaeologist determining the history of past uses of the property shall be submitted to the City Archaeology Office for review and comment. The report shall include compliance with ARS 41-865 (Arizona Burial Law). Results of the plan shall include a recommendation for further archaeologist testing or additional monitoring if recommended.
20. 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.
21. 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.
22. 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.
23. 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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