

ATTACHMENT B



City of Phoenix PLANNING AND DEVELOPMENT DEPARTMENT

*REVISED Staff Report Z-46-22-4 September 2, 2022

Encanto <u>Village Planning Committee</u>	September 12, 2022
Meeting Date:	
<u>Planning Commission</u> Hearing Date:	October 6, 2022
Request From:	<u>R-5</u> (Multifamily Residence District)
Request To:	<u>WU Code T5:2 MT</u> (Walkable Urban Code, Transect 5:2, Transit Midtown Character Area)
Proposed Use:	Retail, Restaurant, and Office Uses
Location:	Northwest corner of the 5th Street Alignment and Thomas Road
Owner:	David Chamberlin, Suncor Partners Thomas
Applicant:	David Chamberlin, D.B. Chamberlin & Asso
Representative:	Benjamin Graff, Quarles & Brady, LLP
Staff Recommendation:	Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>			Commercial
<u>Street Map Classification</u>	Thomas Road	Arterial	Varies. 42-to-45 north half street
<i>CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE: CERTAINTY & CHARACTER; DESIGN PRINCIPLE: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.</i>			
The development includes the adaptive reuse of three one-story structures on the site and the proposed zoning request which would limit the maximum height to 30 feet. The current scale of the structures is consistent with the commercial uses west of the subject site and compatible with the scale of historic homes to the north. Upon the eventual redevelopment of the site, the height restriction of 30 feet would remain compatible with the area.			

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: *Development should include convenient bicycle parking.*

The development includes bicycle facilities to encourage bicycling and transit use by leveraging its proximity to the light rail station at Central Avenue and Osborn Road, and the 3rd Street Promenade improvements.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; DESIGN PRINCIPLE:

Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The development includes robust tree plantings between the back of curb and the building fronts and a detached sidewalk that will be shaded to 75 percent as stipulated. These improvements will create a comfortable pedestrian environment along Thomas Road to make the walk from the adjacent neighborhood to light rail and the village core more comfortable.

Applicable Plans, Overlays, and Initiatives

[TOD Strategic Policy Framework](#): Background Item No. 4.

[Midtown TOD Policy Plan](#): Background Item No. 5.

[Encanto Village Character Plan](#): Background Item No. 6.

[Tree and Shade Master Plan](#): Background Item No. 9.

[Complete Streets Guidelines](#): Background Item No. 10.

[Zero Waste PHX](#): Background Item No. 11.

Surrounding Land Uses and Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Commercial uses	R-5
West	Commercial office	R-5
East	Commercial office	R-5
North	Single-family residences	R1-6 HP
South (across Thomas Rd.)	Multifamily	R-5 R-I

Walkable Urban Code Transect 5:2 MT		
<u>Standards</u>	<u>Requirements</u>	<u>Site Plan Provisions</u>
Gross Acres	N/A	0.75 acres
Density	No maximum	N/A
Building Height	30 foot maximum	West: 16 feet (Met) Central: 11 feet (Met) East: 20 feet (Met)
<i>Building Setbacks</i>		
Primary Frontage (Thomas Rd.)	12 foot maximum	West: 13 feet (Not Met) Central: 58 feet (Not Met)* East: 21 feet (Not Met)*
North (Rear)	0 foot minimum	West: 50 feet (Met) Central: 17 feet (Met) East: 40 feet (Met)
<i>Parking</i>		
Primary Frontage Parking Setback	30 foot minimum or behind building	21 feet (Not met)*
Parking Requirement	21 spaces required	21 spaces provided (Met)
<i>Streetscape Standards</i>		
Thomas Road	Minimum sidewalk width of 6 feet and a minimum landscape width of 5 feet	Six-foot-wide sidewalk and a minimum landscape width of 11 feet (Met)
<i>Lot Requirements</i>		
Lot Coverage	80 percent maximum	West: 26.7 percent (Met) Central: 22.2 percent (Met) East: 30.4 percent (Met)
Primary Frontage	70 percent minimum	Not depicted
• Frontage Types	All frontages or alternative frontages	Not depicted
• Entry Requirements	Common Entry: Minimum one per 50 feet of primary building frontage and one per 80 feet of secondary frontage.	Not depicted
<i>Glazing Requirements</i>		
Primary Frontage (Thomas Rd.)		
• Ground Floor	75 percent minimum	Not depicted

*Existing condition.

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 0.75 acres located at the northwest corner of the 5th Street alignment and Thomas Road from R-5 (Multifamily Residence District) to WU Code T5:2 MT (Walkable Urban Code, Transect 5:2, Transit Midtown Character Area) for the purpose of retail, restaurant, and office uses. The site is located within the Midtown TOD Planning Area, within 0.33 miles from the light rail station at Central Avenue and Thomas Road, and within 420 feet from the Encanto Village Core which begins west of 3rd Street.

SURROUNDING LAND USES AND ZONING

2. The subject site contains three structures including a community foodbank and two commercial offices. To the east of the subject site across a public alley is a three story commercial office building that is zoned R-5 and currently undergoing renovation. To the immediate west of the subject site is a single-story commercial office zoned R-5. To the north of the subject site across a public alley are several single-story single-family residences zoned R1-6 HP (Single-Family Residence District, Historic Preservation) within the La Hacienda Historic District which was recognized through Rezoning Case No. Z-152-02. To the south of the subject site across Thomas Road is a two-story multifamily residential community zoned R-5 RI (Multifamily Residence District, Residential Infill).

GENERAL PLAN LAND USE MAP

3. The General Plan Land Use Map depicts a designation of Commercial. The proposed uses are consistent with the designation.

The surrounding area contains the following designations: Commercial to the east and west of the subject site, Residential 3.5 to 5.0 dwelling units per acre to the north, and Residential 15+ dwelling units per acre to the south across Thomas Road. The subject site is approximately 420 feet east of the Encanto Village Core which begins west of 3rd Street. Additionally, the subject site is located within the study areas for the TOD Strategic Policy Framework and the Midtown TOD Policy Plan areas.

General Plan Land Use Map; Source: Planning and Development Department



4. **TOD Strategic Policy Framework:**

The TOD Strategic Policy Framework is part of the City's General Plan. The framework identifies planning typologies to describe urban environments. The subject site is located within 0.33 miles (approximately a six minute walk) from the light rail station located at Thomas Road and Central Avenue which is identified as a Regional Urban Center Place Type.

The Regional Urban Center Place Type is characterized by high intensity with building heights typically from five to 10 stories with incentive heights of up to 20 stories. Land uses may include office employment, industry cluster, high and mid rise residential, and supportive retail and commercial uses. The proposal for six stories is consistent with the intensity envisioned by the Regional Urban Center Place Type. The subject site is outside of the 0.25 mile walkshed where the greatest intensity of the Place Type typically applies without special considerations.

5. **Midtown TOD Policy Plan:**

The site is located within the Midtown TOD Planning Area which is bound by 7th Avenue on the west, 7th Street on the east, McDowell Road on the south, and Indian School Road on the north. The policy plan for the Midtown TOD District provides a blueprint for fully achieving the transformative potential of light rail in a sustainable manner.

Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage active, healthy lifestyles, ensure Phoenix increases its competitive advantage in the global marketplace, and improve prosperity by growing the economy in locations with existing infrastructure and public services. The proposed project will create a small cluster of complementary businesses that will provide a unique destination within Midtown Phoenix and the TOD Planning Area.

Midtown TOD Policy Plan, Walk-Shed Map from Light Rail; Source: Planning and Development Department



6. Encanto Village Character Plan:

The Encanto Village Character Plan was approved and adopted into the Phoenix General Plan through General Plan Amendment GPA-1-19. The project advances the following items identified in the Encanto Village Character Plan:

- Design Principle: Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.
- Design Principle: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.
- Opportunities for Growth and Investment. 1. Preserve Historic Character: Encanto has a number of historic neighborhoods and buildings that make up the unique character of the Village. As new development occurs, it is important to preserve this historic character to be cohesive with the existing neighborhoods.
- Opportunities for Growth and Investment. 3. Adaptive Reuse: Encanto is rich with historic buildings that complement the neighborhoods. There is a desire to ensure that these buildings are adaptively reused, rather than demolished, to maintain the retro, unique character of the Encanto neighborhoods.

The development proposes to adaptively reuse three structures within the Midtown TOD Policy Planning Area and immediately adjacent to the La Hacienda Historic District. The preservation and adaptive reuse of the cluster of single-story buildings and the choice of the WU Code Transect 5:2 promote compatibility with the built environment along Thomas Road and adjacent to the La Hacienda Historic District.

PROPOSAL

7. Site Plan

The applicant is proposing the adaptive reuse of three single-story structures for the purpose of retail, restaurant, and office uses. The conceptual site plan, attached as an exhibit, depicts the following proposed elements. The applicant proposes a 1,172-square foot addition to the westernmost building that will bring the building closer to Thomas Road. The central building is the largest and no expansions are proposed. The easternmost building includes an addition of 588-square feet to the north and the creation of outdoor dining areas that will extend toward Thomas Road. Vehicular access is provided from Thomas Road and from the alley that wraps around from the 5th Avenue alignment behind the subject site.

The adaptive reuse creates several areas where the site and the conceptual site plan does not conform with WU Code Transect 5:2. Upon redevelopment, the site will be required to comply with all provisions of the WU Code, unless separate relief is granted.

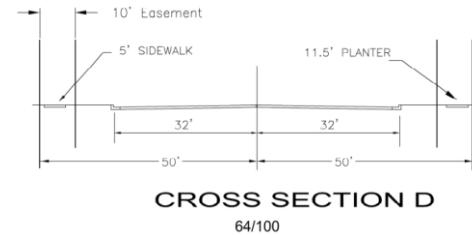
Staff is recommending three stipulations that will be enforced prior to the issuance of any permits for tenant improvements to implement the priorities of the Midtown TOD Policy Plan and the WU Code related to walkability, active streetscapes, and active transportation.

- a. Shaded and detached sidewalk. The conceptual site plan proposes a six-foot-wide sidewalk that is detached from the back of curb by a landscape area of not less than 10 feet in width. Stipulation No. 1 would require the shaded and detached sidewalks along Thomas Road as proposed. This requirement implements the Cross Section identified on the Street Classification Map for a Class D Arterial Street.

The Transit Midtown Character Area Standards in the Walkable Urban Code requires a six-foot-wide sidewalk detached by a landscape area of not less than five-feet in width. While these appear to conflict, the WU Code standards are codified as minimums and are intended to build upon, rather than supersede, the Cross Sections contained in the City Council approved Street Classification Map.

- b. Eliminating the western most driveway. Stipulation No. 3 will require that a landscape setback of 10 feet in width be provided along the western property line for 80 feet extending north from Thomas Road. There are presently two driveways from Thomas Road to the site and the stipulation will effectively reduce the number of vehicular interruptions to the pedestrian environment while also adding a vegetative buffer between the site and its neighbor to the west.
- c. Bicycle parking. Stipulation No. 4 will require a minimum of 14 bicycle parking spaces be installed near building entrances. More detail on the purpose of the stipulation can be found in the “Complete Streets Guidelines” section of this report.

Street Classification Map, Cross Section D; Source: Planning and Development Department



8. *Conceptual Building Elevations*

The conceptual building rendering, attached as an exhibit, coupled with landscape and hardscape treatments, depict new façade treatments on each of the three structures featuring elements such as breezeblock, low shrubs, and outdoor dining patios. As envisioned by the WU Code, both buildings nearest to Thomas Road include treatments to activate the public environment.

STUDIES AND POLICIES

9. *Tree and Shade Master Plan:*

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect.

The development aligns with the Tree and Shade Master Plan in the following ways. Stipulation No. 1 will require detached and shaded sidewalks along Thomas Road prior to the issuance of any permits for tenant improvements. Stipulation No. 3 will require the existing paved driveway along the west property line be replaced by a landscape setback area of no less than 10 feet in width.

10. *Complete Streets Guidelines:*

The City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles.

The Walkable Urban Code is designed to facilitate pedestrian, bicycle, and transit-oriented development and includes provisions to advance the goals of the policy guide. While the Walkable Urban Code will require full compliance with its provisions upon redevelopment, staff is recommending the following two stipulations that will be enforced prior to the issuance of any permits for tenant improvements. Stipulation No. 1 will require detached and shaded sidewalks along Thomas Road. Stipulation No. 4 to require a minimum of 14 bicycle parking spaces.

11. *Zero Waste Phoenix PHX:*

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs.

Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, and mixed-use developments meeting certain criteria. The provision of recycling containers was not addressed in the applicant's submittals; however, the adaptive reuse of the existing structures is inherently low-waste.

COMMUNITY CORRESPONDENCE

12. As of the writing of this report, one letter of community support has been received by staff.

INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department provided a series of stipulations related to the perimeter conditions of the proposed development.

Related to the Thomas Road frontage, staff is recommending two stipulations. Stipulation No. 1 to require a shaded and detached sidewalk along Thomas Road and Stipulation No. 2 to require a sidewalk easement be dedicated in accordance with the full Cross Section for Thomas Road depicted on the Street Classification Map. More discussion on the interplay between the Midtown Transit Character Area Standards and the Street Classification Map is in Background Item No. 7 in this report.

Related to the alley along the north and east sides of the site, staff is recommending three stipulations. Stipulation No. 5 to require a total of 20 feet be dedicated for the alley along the north side of the site. Stipulation No. 6 to require the alley be paved for the full length of the property. Stipulation No. 7 to require an right-of-way dedication at the northeast corner of the property to allow emergency vehicle access.

Related to the development generally, staff is recommending Stipulation No. 8 which requires all improvements in the right-of-way be constructed with all required elements and to ADA standards.

OTHER

14. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 9.
15. The Aviation Department requires the existence and operational characteristics of Phoenix Sky Harbor Airport be disclosed to prospective buyers. This is addressed

in Stipulation No. 11.

16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 10.
17. Development and use of the site are subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments may be required.

Findings

1. The development is consistent with the General Plan Land Use Map designation of Commercial.
2. The proposal, as stipulated, is compatible with the scale of the surrounding area including the commercial uses along Thomas Road and the adjacent historic neighborhood to the north.
- *3. The proposal, as stipulated, will create a strong pedestrian environment along Thomas Road with shaded and detached sidewalks to convey residents safely and comfortably to the Encanto Primary Core and the THOMAS ROAD Osborn Road Light Rail Station.

Stipulations

1. The developer shall construct a minimum 6-foot-wide sidewalk separated by a minimum 10-foot-wide landscape area along the north side of Thomas Road planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planned and Development Department.
2. The developer shall dedicate a sidewalk easement for the north side of Thomas Road so the total right-of-way and sidewalk easement equals 50 feet, as approved by the Planning and Development Department.
3. A minimum landscape setback of 10 feet in width shall be provided along the west property line for a linear distance of 80 feet measured from the south property line, as approved by the planning and development department.

4. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. The developer shall dedicate a total of 20-feet along the northern alley, as approved by the Planning and Development Department.
6. The developer shall provide local street paving for the full length of the alley along the development's frontage, as approved by the Planning and Development Department.
7. The developer shall dedication a 10-foot by 10-foot right-of-way triangle for a total 25-foot by 25-foot clearance at the northeast corner of the site, as approved by the Planning and Development Department.
8. 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.
9. 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.
10. 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.
11. 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.

Writer

Nick Klimek

September 2, 2022 *Revised September 19, 2022

Team Leader

Racelle Escolar

Exhibits

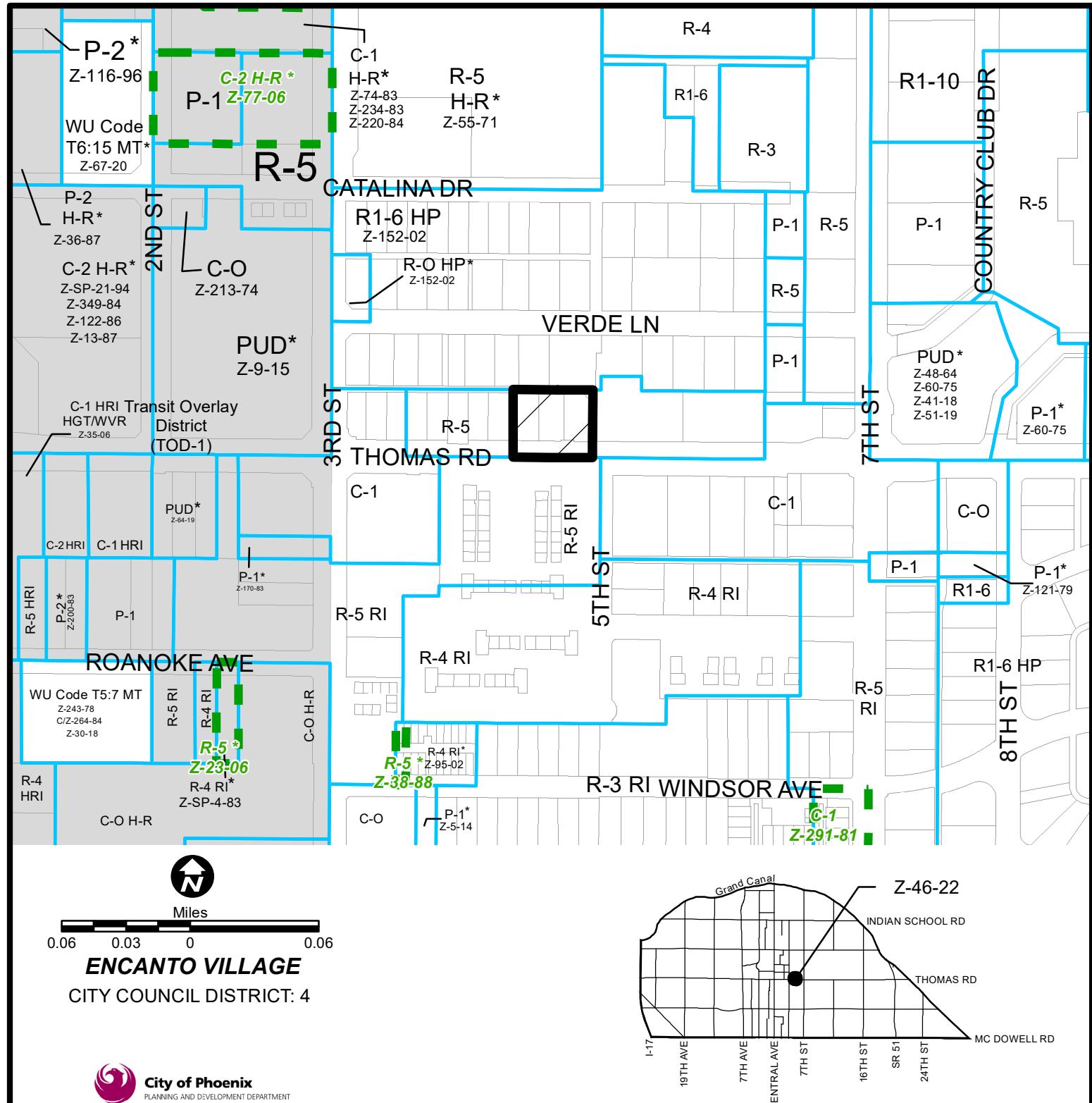
Zoning sketch map

Aerial sketch map

Conceptual Site Plan, date stamped June 7, 2022

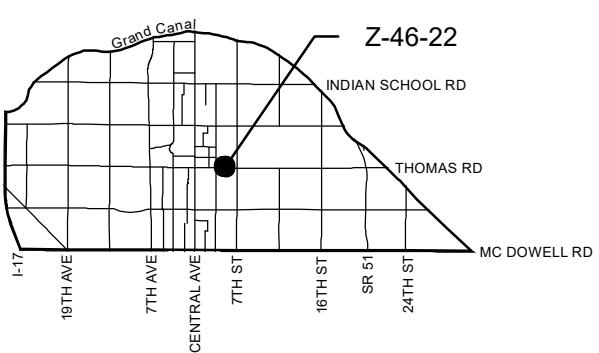
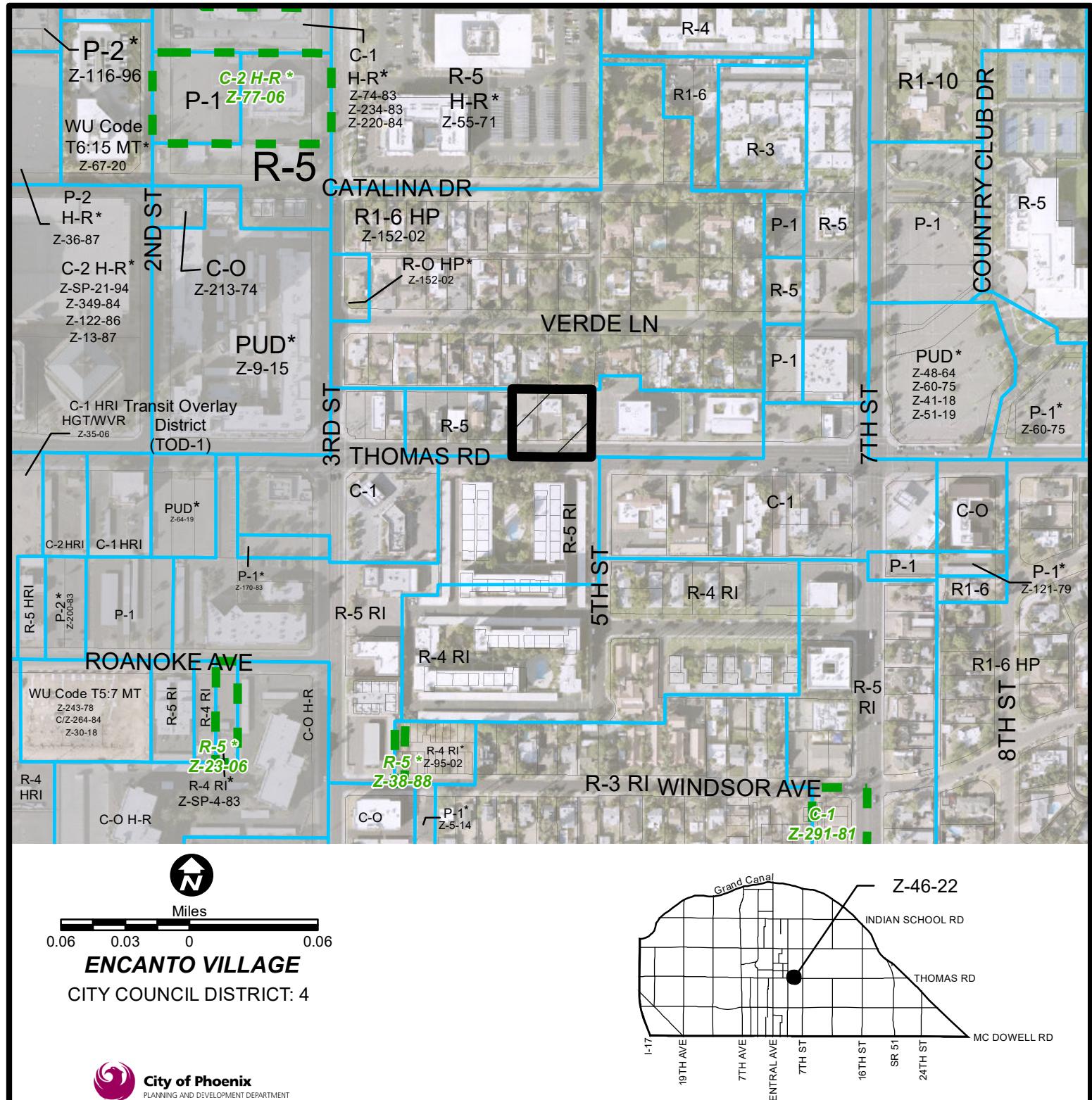
Conceptual Building Elevations, date stamped June 7, 2022 (2 pages)

Community Correspondence (2 pages)



APPLICANT'S NAME: David Chamberlin, D.B. Chamberlin & Asso		REQUESTED CHANGE:	
APPLICATION NO. Z-46-22		FROM: R-5 (0.75 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 0.75 Acres		TO: WU T5:2 MT (0.75 a.c.)	
MULTIPLES PERMITTED R-5 WU T5:2 MT		CONVENTIONAL OPTION 32 No Maximum	
* UNITS P.R.D. OPTION 39 N/A			

* Maximum Units Allowed with P.R.D. Bonus



* Maximum Units Allowed with P.R.D. Bonus

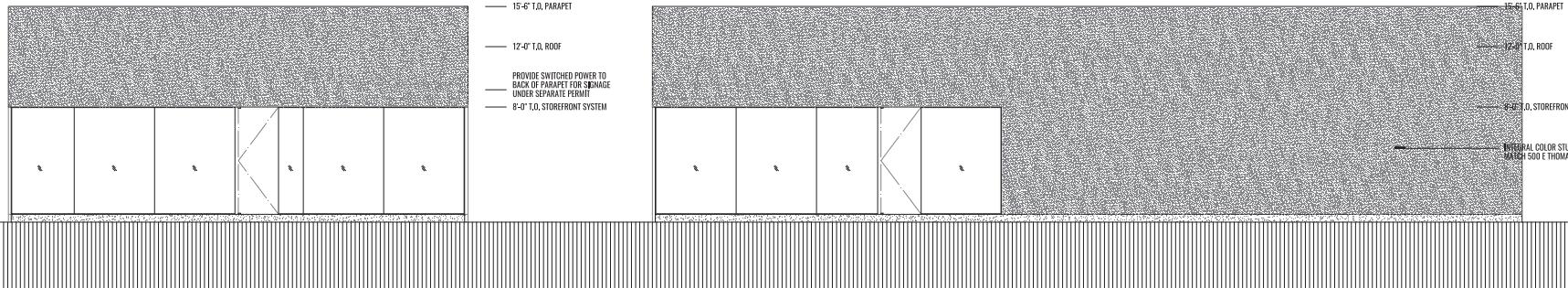
CITY OF PHOENIX

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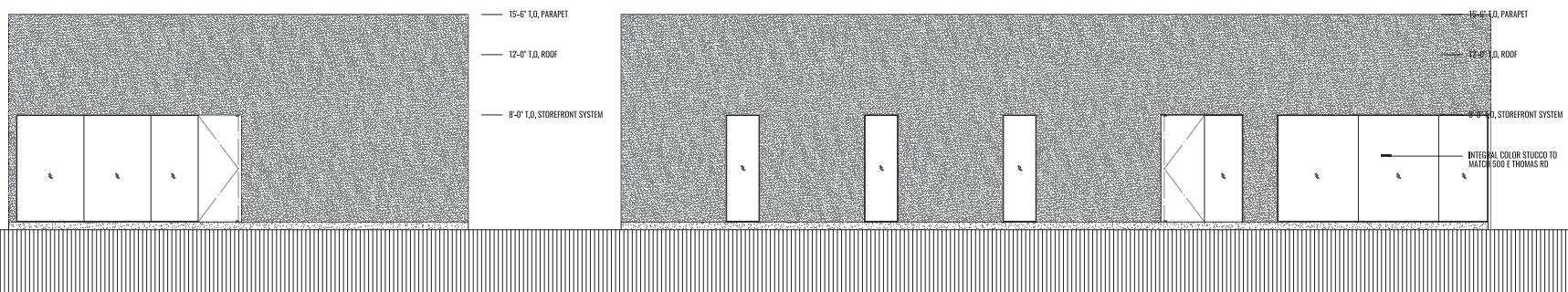
Planning & Development
Department

WU CODE FACADE
FRONTAGE TYPE:
GLAZING PERCENTAGE BETWEEN 3 & 8:
98%

GENERAL NOTES
ELEVATION KEY
PROPOSED SMOOTH STUCCO WITH PAINT FINISH



336 OFFICE
336 E THOMAS RD
PHOENIX, AZ 85012
APN 118-21-072
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kaiserworks
915 East Pierce Street
Phoenix, Arizona 85006
kaiserworks.com

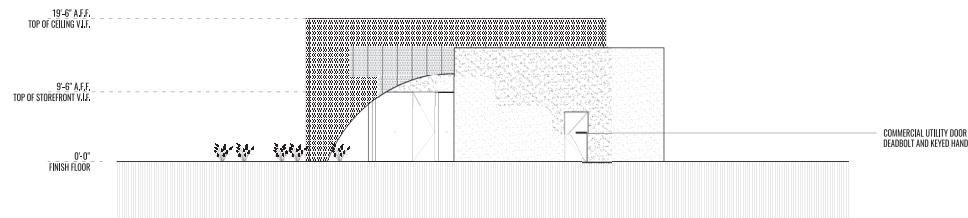
PRELIMINARY
PENDING
CITY REVIEW

KPA-21-784
SCSR: 2103637
PAPP: 2101143

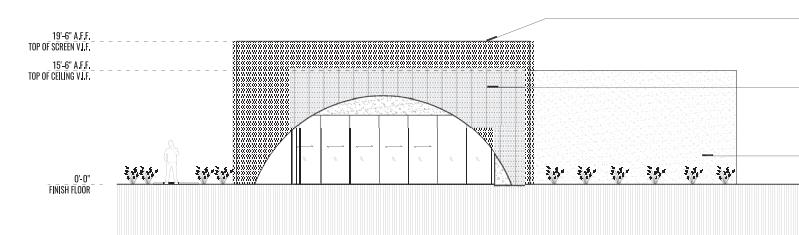
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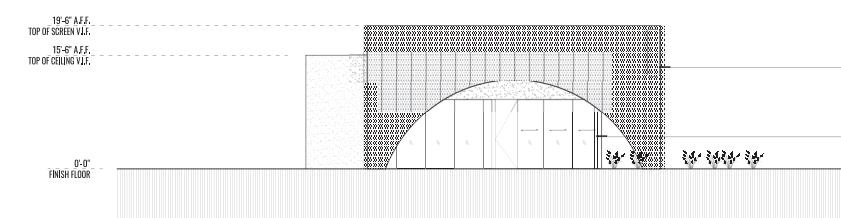
Planning & Development
Department



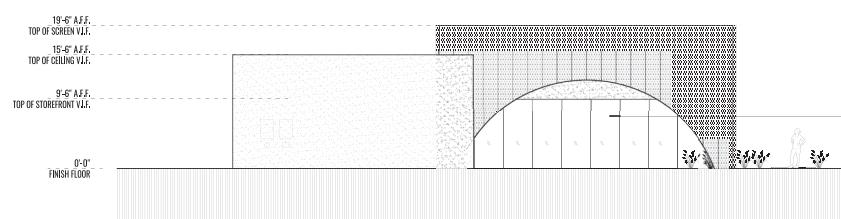
01 | A3.1 346 PROPOSED NORTH EXTERIOR ELEVATION, LOOKING SOUTH



02 | A3.1 346 PROPOSED EAST EXTERIOR ELEVATION, LOOKING WEST



03 | A3.1 346 PROPOSED SOUTH EXTERIOR ELEVATION, LOOKING NORTH



04 | A3.1 346 PROPOSED WEST EXTERIOR ELEVATION, LOOKING EAST

ELEVATION KEY



WU CODE FACADE

FRONTAGE TYPE:
GLAZING PERCENTAGE BETWEEN 3 & 8:
100%

GENERAL NOTES

PA10
100%

BIJOU
346 E THOMAS RD
PHOENIX, AZ 85012
APN 118-21-067B

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A3.1
PROPOSED ELEVATIONS

kaiserworks
915 East Pierce Street
Phoenix, Arizona 85006
kaiserworks.com

PRELIMINARY
PENDING
CITY REVIEW

ITVA: 21-764
SCSR: 2103637
PAPP: 2101143

From: [Jordan, Danielle M.](#)
To: [Nick Klimek](#)
Cc: [Graff, Benjamin W.](#)
Subject: FW: Rezoning thomas/ 5th st, z-46-22-4 [QBLLP-ACTIVE.FID41536551]
Date: Wednesday, July 20, 2022 3:01:47 PM

Hello Nick,

Please see an email of support from Robert Wisniewski below for Rezoning Case No. Z-46-22-4. Can you please have this added to our case file.

Thanks,
Danielle



Danielle M. Jordan / Junior Land Use Planner
Danielle.Jordan@quarles.com / [LinkedIn \[linkedin.com\]](#)

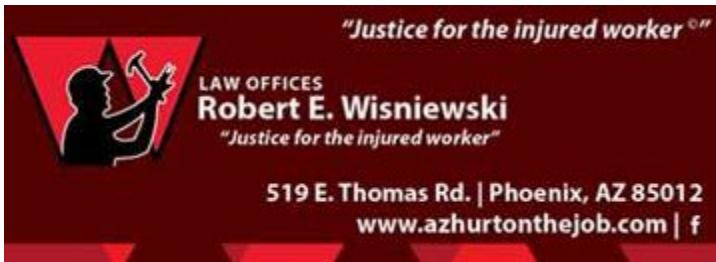
Quarles & Brady LLP
One Renaissance Square, Two North Central Avenue, Suite 600 / Phoenix, AZ 85004-2322
Office 602-229-5501 / quarles.com

[VISIT our COVID-19: Guidance for Clients page for the latest updates from Q&B attorneys \[quarles.com\]](#)

From: Robert Wisniewski <bob@azhurtonthejob.com>
Sent: Wednesday, July 20, 2022 12:25 PM
To: Graff, Benjamin W. (PHX x3083) <Benjamin.Graff@quarles.com>
Cc: Robert Wisniewski <bob@azhurtonthejob.com>
Subject: Rezoning thomas/ 5th st, z-46-22-4

Benjamin: I am the principal of the WISNIEWSKI FAMILY TRUST. I own the law office across the street and SE of the propose rezoned area. (519 E Thomas).. Been here for 25 years... I wholeheartedly agree with the request to improve this section of the street. It would be a huge improvement. Sorry, I was on vacation and did not receive this timely, but if I can assist let me know
thx Bob wisniewski

Robert E. Wisniewski, Esq.
Attorney-at-Law
Phone: (602) 234-3700 | **Toll Free:** 1 (800) 224-3220 | **Fax:** (602) 230-7579
Email: bob@azhurtonthejob.com



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Super Lawyers



Kids' Chance



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