

ATTACHMENT B

REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Chase Hales, Planner I, Assisting

May 17, 2023

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| ITEM NO: 4 | |
| | DISTRICT 6 |
| SUBJECT: | |
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| Application #: | PHO-1-23--Z-9-20-6 |
| Location: | Southwest corner of 16th Street and Colter Street |
| Zoning: | C-O, PUD |
| Acreage: | 3.48 |
| Request: | 1) Request to review and approve proposed modifications to a conceptual site plan (building footprint and south building setback) that do not meet the criteria for administrative review per Section 671.E.3.b. |
| Applicant: | Trinsic Residential Group |
| Owner: | Willowick Square Owner, LLC |
| Representative: | Benjamin Tate, Withey Morris Baugh PLC |

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee chose not to hear this case.

DISCUSSION:

Ben Tate, representative with Withey Morris Baugh PLC, gave an overview of the site, its history, and the proposed project. He provided an overview of the proposed use and stated the purpose of the request was to remove the redundant drive aisle and to expand the building footprint, effectively reducing the existing building setbacks. He stated that the proposal would reduce the overall height of the project from 5 stories to 4 stories and would increase the courtyard open space within the development. He explained that Planned Unit Developments (PUD) are allowed to be amended administratively after creation except when certain thresholds are passed. He stated that proposed changes to the building setback and building footprint were both large enough to trigger the requirement for the proposed amendments to be publicly heard at the Planning Hearing Officer hearing. He presented the current building footprint and the proposed building footprint showing the expansion of the building footprint and the increased interior courtyard space.

Byron Easton, Planning Hearing Officer, stated that the PUD narrative included uses such as ground-floor retail and other commercial uses and asked how that would be addressed by the proposal. Mr. Tate stated that the applicant previously met with staff and it was determined that the table of uses did not require mixed uses, but rather permitted as primary uses all the permitted uses listed. Mr. Easton asked if pedestrian-oriented features such as stoops were to be included. Mr. Tate said yes. Mr. Easton stated that the proposal was not making any dramatic changes that would be altering the intent of the design of the building. The residential units would still face outwards and have a walk-up design. He stated that the proposal is consistent with the scale and intensity of the original approved plans for the PUD. He stated that he would recommend approval of the proposal with a modification to Stipulation 1 to require the applicant to create an updated PUD narrative and deleting the current text of Stipulation 1.a to replace with new language requiring the site plan to be updated.

Mr. Easton stated that the Street Transportation Department recommended an additional stipulation requiring a 10-foot sidewalk easement along 16th Street. Mr. Tate asked if the stipulation could be changed to allow the Planning and Development Department to modify the requirement if necessary. Mr. Easton stated that he would modify the stipulation as suggested. Mr. Easton noted that a recorded Proposition 207 Waiver had not been received and recommended an additional stipulation requiring it before preliminary site plan approval.

FINDINGS:

- 1) The applicant's request is to modify the conceptual site plan in the Willowick PUD Development Narrative. Section 671.E.3.b of the Zoning Ordinance states that the Planning Hearing Officer may approve modifications to conceptual site plans that do not meet the criteria for Planning and Development Department administrative review. Section 671.E.3.a establishes the criteria for administrative review, which includes Section 671.E.3.a.(6) regarding modifications that result in an "an increase in building footprint less than five percent." Because the applicant's proposed conceptual site plan represents a greater than five percent increase above that shown on the conceptual site plan in the Development Narrative, Planning Hearing Officer approval of the request is required.
- 2) The Willowick PUD was approved by the Phoenix City Council on March 3, 2021. The PUD established development standards, design guidelines, permitted land uses, and other related standards associated with the proposed development of a mixed-use project consisting primarily of multifamily residential uses with some ground floor commercial land uses. The conceptual site and landscape plans in the approved Development

- Narrative depicted a 237-unit multi-level, mixed-use complex and 4,600 square feet of commercial space fronting 16th Street. The proposed building consisted of approximately 180,000 square feet of mixed use, including residential, clubhouse and retail. The building constituted approximately 61.35% lot coverage based on the net site area of approximately 3.45 acres. The development standard for maximum lot coverage in the approved Development Narrative is a maximum 75% net lot area.
- 3) The proposed conceptual site plan depicts a perimeter orientated building located around the outer boundaries of the site. This courtyard style building has garage parking interior to the site. The square footage of the proposed building is 201,873 square feet and the Development Narrative notes that the use will now be entirely multifamily residential. The site plan is consistent with the existing development standards in the Development Narrative and does not necessitate a major amendment per Section 671.E.1 of the Zoning Ordinance. The proposed conceptual site plan is consistent in scale and intensity with the original approved plans.
 - 4) Approval of the proposed modification to the conceptual site plan is recommended. Consistent with this recommendation, modification of Stipulation 1 is recommended to require the applicant to submit an updated Development Narrative which replaces the conceptual site plan. This recommendation also includes the deletion of existing Stipulation 1.a. This stipulation is unnecessary. Through the requirements of Stipulation 1, a new development narrative will be submitted and the new submittal date will be included.
 - 5) The Street Transportation Department recommends an additional stipulation requiring a 10-foot sidewalk easement on 16th Street. The Street Classification map designates 16th Street with the "Arterial D" classification requiring a 50-foot half-street. The revised conceptual site plan should conform to the General Plan Street Classification Map. The stipulation is recommended to be included. The stipulation was modified to read, "as approved or modified by the Planning and Development Department due to the fact that the applicant was unaware of the added stipulation and was unclear if the easement could include the landscape setback.
 - 6) During the hearing, it was noted that the applicant did not submit a completed, notarized, and recorded Proposition 207 Waiver of Claims form and an additional stipulation was recommended to require this. Later, it was noted that this requirement already exists as Stipulation 7. Therefore, an additional stipulation is unnecessary, and the existing stipulation will remain. However, the applicant must still submit a

completed, notarized, and recorded Proposition 207 Waiver of Claims form per this stipulation for this request.

STIPULATIONS:

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| 1. | An updated Development Narrative for the Willowick PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped December 21, 2020 JUNE 9, 2022, as modified by the following stipulations: |
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| a. | Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft: December 21, 2020; City Council adopted: [Add adoption date]. EXHIBIT 4: REMOVE EXISTING CONCEPTUAL SITE PLAN AND REPLACE WITH THE SITE PLAN DATE STAMPED MARCH 30, 2023. |
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| 2. | The developer shall retain the right-of-way and bus stop pad on southbound 16th Street south of Colter Street. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of 16th Street and Colter Street as per City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department. |
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| 3. | A MINIMUM 10-FOOT WIDE SIDEWALK EASEMENT SHALL BE DEDICATED ALONG THE WEST SIDE OF 16TH STREET, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
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| 4. 3. | The developer shall utilize the existing driveway along 16th Street on Parcel No. APN 162-12-001X to access the site. The developer shall record a cross access easement between Parcel Nos. 162-12-001X and 162-12-009, to allow for ingress from the existing driveway south of the site. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County. |
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| 5. 4. | The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the |

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| | cost associated with these improvements and dedications. |
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| 6. 5. | 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. |
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| 7. 6. | 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. |
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| 8. 7. | 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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