



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-25-21-8
July 2, 2021

Central City [Village Planning Committee](#) Hearing Date July 12, 2021
[Planning Commission](#) Hearing Date August 5, 2021

Request From: [C-1](#) (Neighborhood Retail) (0.69 acres)
[C-3](#) (General Commercial) (4.54 acres)

Request To: [WU Code T5:5 GW](#) (Walkable Urban Code, Transect 5:5 District, Transit Gateway Character Area) (5.23 acres)

Proposed Use: Multifamily residential with ground floor retail and office

Location: Approximately 282 feet west of the northwest corner of 23rd Street and Van Buren Street

Owner: Lance Manywounds, 2220 East Van Buren LLC/L2 Capital LLC

Applicant/Representative: Colin Kenyon

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Commercial	
Street Map Classification	Van Buren Street	Arterial	40-foot north half street
	Polk Street	Local	30-foot south half street
<p><i>CONNECT PEOPLE AND PLACES CORE VALUE; TRANSIT ORIENTED DEVELOPMENT; LAND USE PRINCIPLE: Encourage high-density housing and high intensity employment uses to locate adjacent or close to transit stations per adopted transit district plans.</i></p> <p>The site is located within the Gateway Transit Oriented Development (TOD) District and is within a half mile of the 24th Street and Washington Street and 24th Street and Jefferson Street light rail transit stations. The proposed mixed-use multifamily development is appropriate at this location given that the site is near a high capacity transit corridor.</p>			

CONNECT PEOPLE AND PLACES CORE VALUE; INFILL DEVELOPMENT; LAND USE PRINCIPLE: Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.

The proposed development is located within the Gateway Transit Oriented Development (TOD) District and is within a half mile of two light rail stations. The Gateway TOD Policy Plan identified the site as an area for mixed use. The proposal for multifamily and commercial development is consistent with the vision identified in the Gateway TOD Policy Plan and will be a compatible addition to the surrounding area.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposed development provides trees and shade on both Van Buren Street and Polk Street which will reduce the urban heat island effect while also improving thermal comfort to site users and the surrounding neighborhood.

Applicable Plans, Overlays and Initiatives

[Transit Oriented Development Strategic Policy Framework](#) – See Background Item No. 3.

[Gateway Transit Oriented Development Policy Plan](#) – See Background Item No. 4.

[Housing Phoenix Plan](#) – See Background Item No. 10.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 11.

[Complete Streets Guiding Principles](#) – See Background Item No. 12.

[Tree and Shade Master Plan](#) – See Background Item No. 13.

[Zero Waste PHX](#) – See Background Item No. 14.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant, auto sales	C-1, C-3
North (across Polk Street)	Single and multifamily residential	R-4 RI
South (across Van Buren Street)	Multifamily residential and auto sales	C-3

East	Multifamily residential and auto sales	C-1 and C-3
West	Office, landscape contractor and truck/equipment storage	PUD (Van Buren Classic)

Walkable Urban Code T5:5		*variance required or design alternative
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
Gross Acreage	N/A	5.23
Total Number of Units	No Maximum	305
Density	No Maximum	58.32 du/ac
Building Height	56-foot maximum	56 feet (Met)
Min. Parking – Per Section 702 <ul style="list-style-type: none"> • 10% reduction when greater than 1,320 feet of a light rail stop • Section 1307: 1 space per 100 sq. ft. for dining and drinking establishments • Section 1307: 1 space per 300 sq. ft. for general retail sales and office 	563 total spaces 449 spaces, multifamily residential units 64 spaces, office and retail 50 spaces, restaurant	471 spaces* (Not Met)
Bicycle Parking – Per Section 1307.H.6.d <ul style="list-style-type: none"> • Minimum 0.25 per residential unit, with a maximum of 50 required spaces • Minimum 1 space per 25 vehicle parking spaces for office, retail and restaurant uses 	55 spaces	70 spaces (Met)

Walkable Urban Code T5:5		*variance required or design alternative
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
<i>Streetscape Standards (Section 1312.A)</i>		
Arterial Street (Van Buren Street)	6-foot sidewalk (minimum)	8 feet (Met)
	5-foot landscape (minimum)	5 feet (Met)
Local Street (Polk Street)	5-foot sidewalk (minimum)	10 feet (Met)
	5-foot landscape (minimum)	11 feet (Met, see Stipulation No. 2)
<i>Main Building Setbacks</i>		
Van Buren (Primary Frontage)	12-foot maximum	1 foot (Met, See Stipulation No. 1)
Polk Street (Primary Frontage, through-lot, 1303.A.6.3)	12-foot maximum	11 feet (Met)
Side (East) Per Section 1303.A.2	10-foot minimum landscape setback when adjacent to single-family residential districts, otherwise 0-foot minimum	0 feet (Met)
Side (West) Per Section 1303.A.2	10-foot minimum landscape setback when adjacent to single-family residential districts, otherwise 0-foot minimum	0 feet (Met)
<i>Parking Setbacks</i>		
Van Buren (Primary Frontage)	30-foot minimum or behind building	Approximately 40 feet (Met)
Polk Street (Primary Frontage, through-lot, 1303.A.6.3)	30-foot minimum or behind building	Approximately 35 feet, behind building (Met)
Side (East) Per Section 1307.F.2.a	0-foot minimum	Approximately 15 feet (Met)
Side (West) Per Section 1307.F.2.a	0-foot minimum	Approximately 15 feet (Met)

Walkable Urban Code T5:5		<i>*variance required or design alternative</i>
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
<i>Lot Requirements</i>		
Lot Coverage	80% maximum	51% (Met)
Primary Building Frontage (Van Buren Street)	70% minimum	80% (Met)
Primary Building Frontage (Polk Street)	70% minimum	71% (Met)
Open Space	5% minimum	14% (Met)
<i>Frontage Types Allowed</i>		
Primary Building Frontage (Van Buren Street)	All frontages or alternative frontages per Section 1305.B.1.c	Forecourt and Storefront (Met)
Primary Building Frontage (Polk Street)	All frontages or alternative frontages per Section 1305.B.1.c	Gallery (Met)

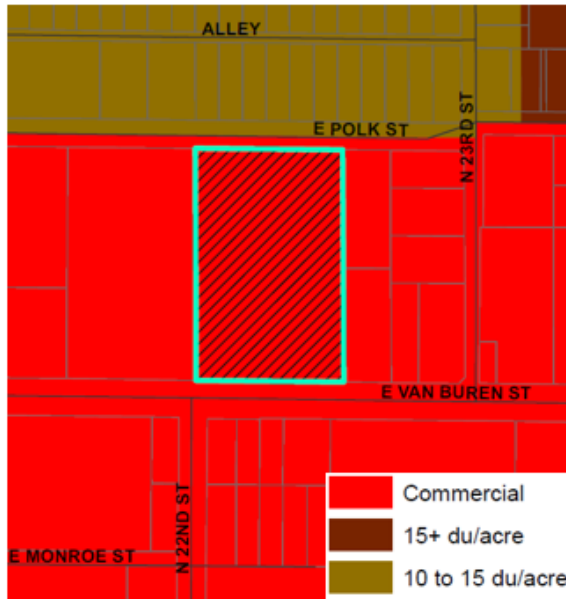
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone a 5.23-acre site located approximately 282 feet west of the northwest corner of 23rd Street and Van Buren Street from C-1 (Neighborhood Retail) (0.69 acres) and C-3 (General Commercial) (4.54 acres) to WU Code T5:5 GW (Walkable Urban Code, Transect 5:5 District, Transit Gateway Character Area) to allow multifamily residences with ground floor retail and office. The subject site is approximately 700 feet east of the I-10 freeway and is within a half mile of two light rail stations: the 24th Street and Washington Street station and the 24th Street and Jefferson Street station. The subject site fronts Van Buren Street, which is envisioned to be a dynamic corridor that is a walkable and bikeable with street level activity as explained in the Van Buren Corridor section of the Gateway TOD Policy Plan.

2. The General Plan Land Use Map designation for this site is Commercial. That designation accommodates office, retail, service and multifamily development. The proposed mixed-use development is consistent with that designation. The General Plan Land Use Map designations to the south, east and west are Commercial. The General Plan Land Use Map designation to the north is Residential 10 to 15 dwelling units per acre.

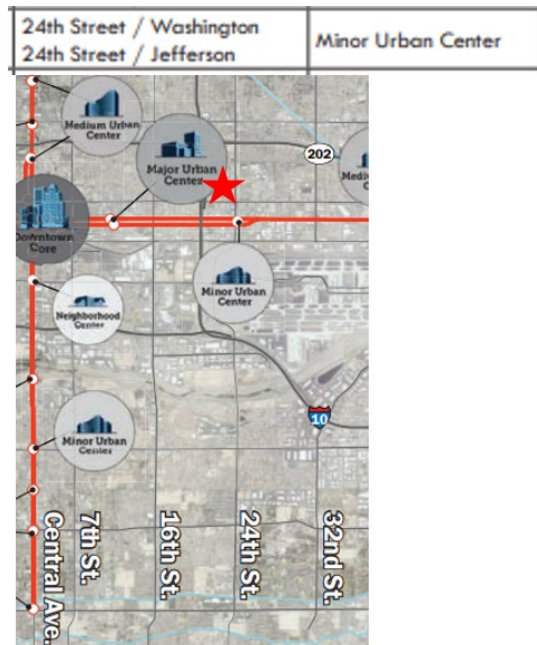
General Plan Land Use Map, Source: Planning and Development Department



3. **Transit Oriented Development Strategic Policy Framework**

The Transit Oriented Development Strategic Policy Framework is part of the city's General Plan which identified planning typologies to describe urban environments. The subject site is within a half mile from the 24th Street and Washington / 24th Street and Jefferson light rail stations. The identified environment for the station is Minor Urban Center. Minor Urban Center is a place type characterized by medium to low intensity with building heights typically from two to five stories with incentive heights of up to seven stories. Land uses may include supportive retail, mid-rise living and low-rise office employment. The proposed five-story mixed-use development is consistent with the Minor Urban Center placetype.

TOD Strategic Policy Framework Placetypes, Source: Planning and Development Department

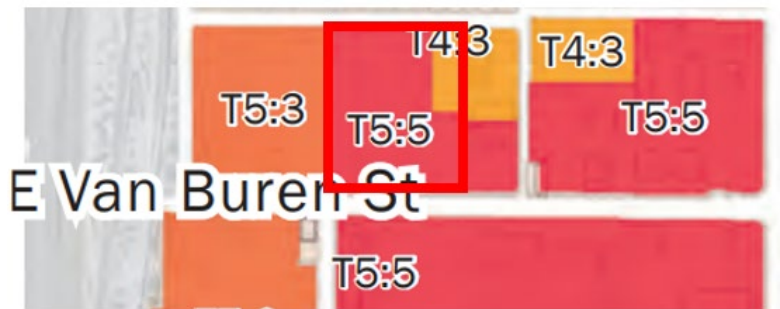


4. **Gateway Transit Oriented Development District Policy Plan**

The site is located within the Gateway TOD (Transit Oriented Development) District, the boundaries for which are State Route 143 or the Hohokam Expressway to the east, Interstate 10 to the west, the Loop 202 to the north, and

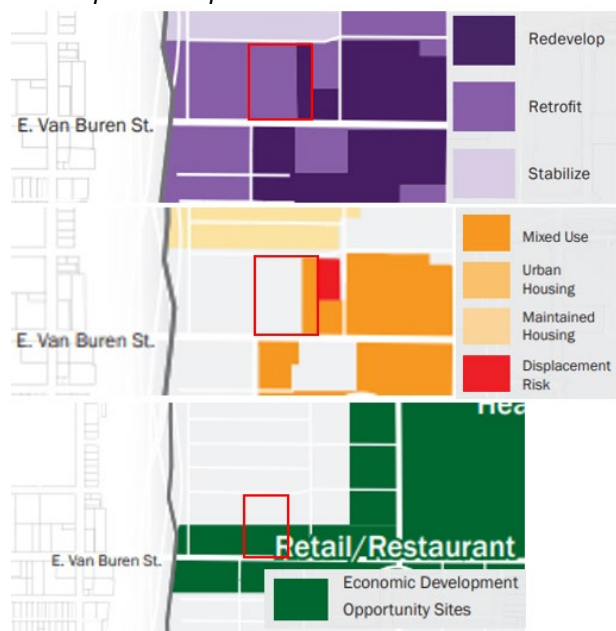
Air Lane to the south. The policy plan adopted for the Gateway TOD District provides a blueprint for fully achieving the transformative potential of light rail in a sustainable manner. Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage 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. In order to realize the implementation of the Vision and Master Plan for the Gateway TOD District, one key recommendation is the implementation of a form-based zoning code. The proposal to Walkable Urban Code furthers that vision. The proposed T5:5 transect is consistent with the conceptual zoning map in the Gateway TOD District Plan, which shows a majority of the site designated with that transect.

Gateway TOD Policy Plan, Source: Planning and Development Department

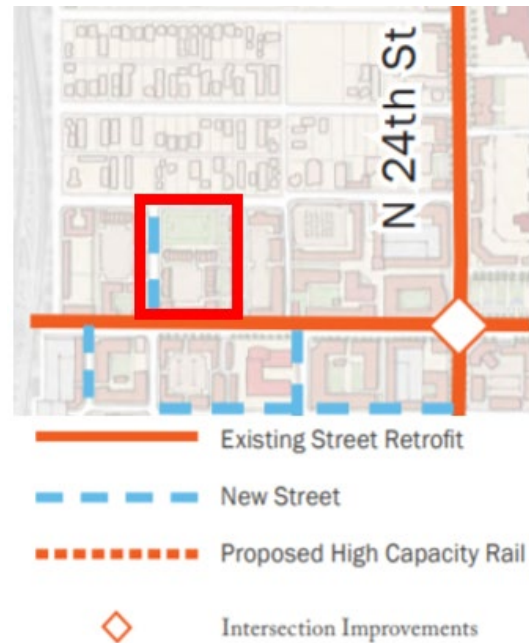


The Gateway TOD policy plan indicates that the subject site is suitable for redevelopment, mixed use, and is an economic development opportunity site. The proposal for ground floor retail and office with multifamily residential meets the vision for the site as depicted in the policy plan. The subject site also fronts Van Buren Street, which is envisioned to be the “thriving heart of the Gateway District” (pg. 107) and an area that is safe for pedestrians, bicyclists and that is home to mixed-use buildings featuring street-level retail with apartments and offices on the upper floors. The subject site’s detached sidewalks, enhanced bicycle amenities, and ground floor retail with multifamily units are compatible with the vision for the Van Buren Corridor.

Gateway TOD Policy Plan, Source: Planning and Development Department



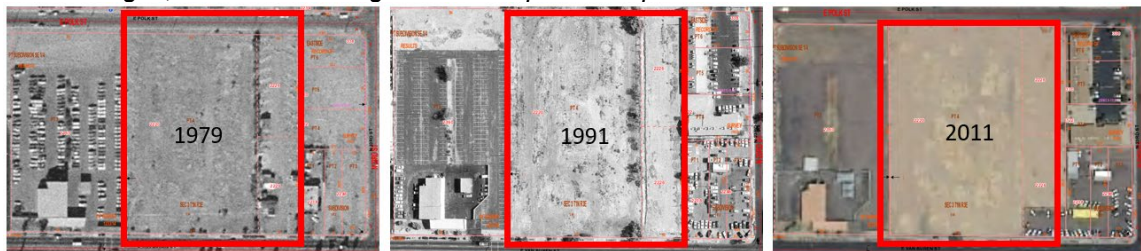
The Gateway TOD policy plan also denotes a new street along the west side of the subject site. The Street Transportation Department is not requesting right-of-way dedication along the western edge of the site currently, however since the subject site is over five acres in size the applicant will be required to adhere to the requirements of Section 1304.G in the Walkable Urban Code. Those requirements include minimum five percent publicly accessible open space and improvements to thoroughfares and pedestrian access. Thoroughfares may include existing alleyways and cross-block access within the development.



EXISTING CONDITIONS AND SURROUNDING ZONING

5. The subject site is currently vacant with a small portion being used as an extension of the automobile retail sale facility to the east, as shown in the aerial sketch map included as an exhibit. The subject site has been largely vacant for at least 40 years, as shown in the aerial images below.

Aerial Images, Source: Planning and Development Department



North of the subject site, across Polk Street, are single and low-rise multifamily residences zoned R-4 RI (Multifamily Residential District, Residential Infill District). To the east are multifamily residences zoned C-1 (Neighborhood Retail) and an automobile sales facility zoned C-3 (General Commercial). To the south, across Van Buren Street, are multifamily residential and automobile sales uses zoned C-3. To the west is a landscaping contractor office and equipment storage facility zoned PUD (Planned Unit Development). The adjacent PUD also allows for commercial and multifamily uses consistent with the WU Code T5:5 standards.

PROPOSAL

6. The proposed T5:5 District is described as a medium-high-intensity mixed-use fabric characterized by a broad mix of buildings that integrate retail, offices, live-work and residential units adjacent to the Light Rail Corridor. As shown on the conceptual site plan attached as an exhibit, the proposed development is a five-story mixed-use multifamily residential building, up to 56 feet in height. The ground level will include detached sidewalks on both street frontages, with retail, restaurant and office uses fronting Van Buren Street and office uses fronting Polk Street. The conceptual site plan proposes forecourt and storefront frontage types along Van Buren Street and a gallery frontage type along Polk Street. The proposed site plan shows one driveway on Van Buren Street with six surface parking spaces, and the remaining parking behind the building. The site plan shows one driveway along the Polk Street frontage with parking spaces behind the building.

Stipulation No. 1 requires a minimum 5-foot-wide landscape area between the sidewalk and the building on Van Buren Street to ensure adequate space for tree plantings due to a utility conflict between the back of curb and sidewalk along the street frontage. Stipulation No. 2 requires a minimum 11-foot wide landscape area between the sidewalk and back of curb along Polk Street, which is more than twice the Walkable Urban Code requirement and will be compatible with the existing setbacks along Polk Street and the existing single-family and low-rise multifamily residences. Stipulation No. 8 requires that pedestrian pathways and sidewalks have 75 percent shade coverage.

7. To create a bike-supportive environment along the Van Buren Street corridor, bicycle infrastructure is incorporated into the proposed project. Stipulation No. 3 requires guest bicycle parking and a bicycle repair station to be provided on site.
8. As a primary purpose of the Walkable Urban Code and due to the site's proximity to public transit, several stipulations address pedestrian safety. Stipulation No. 5 requires all street improvements to be built according to ADA accessibility standards. Stipulation No. 6 requires that clearly defined, accessible pathways be provided to connect building entrances and public sidewalks using the most direct route. Stipulation No. 7 requires stamped or colored concrete, decorative pavers or another material to be placed across drive aisles to alert drivers of pedestrians.
9. Section 1304.C. of the Zoning Ordinance requires that all sides of a building exhibit design continuity and multiple exterior accent materials. The provided conceptual elevations attached as an exhibit show multiple exterior accent colors, materials, and design continuity throughout all sides of the building.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

10. [Housing Phoenix Plan](#)

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by providing contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant land in a more sustainable fashion. The proposed multifamily development supports the goal of providing more housing units by 2030.

11. [Comprehensive Bicycle Master Plan](#)

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. Providing bicycle parking for residents and for guests of the development is supportive of multimodal travel options and will encourage residents to use biking as an alternative mode of transportation. A bicycle repair station provided within the building or on site which will also promote bicycling as an alternative mode of transportation. These are addressed in Stipulation No. 3.

12. [Complete Streets Guidelines](#)

In 2014, 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 proposal includes shaded sidewalks which will increase the thermal comfort for those walking to and from nearby transit and those patronizing local businesses. The proposal also includes several bicycle parking spaces for visitors and residents, in addition to a bicycle repair station as required in Stipulations No. 3. Stipulations Nos. 6 and 7 require pedestrian safety features such as stamped or colored concrete, decorative pavers or other materials across the driveway aisles, and clearly defined pedestrian pathways connecting building entrances to public sidewalks.

13. [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. Staff is recommending Stipulation No. 1 and 2 to provide

detached sidewalks and planting areas along both street frontages. Stipulation No. 8 requires that pedestrian pathways and sidewalks be shaded to 75 percent.

14. **Zero Waste 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 proposed project will be subject to the current City of Phoenix residential waste collection and recycling requirements.

COMMUNITY INPUT SUMMARY

15. At the time this staff report was written, staff had not received any public correspondence regarding the request.

INTERDEPARTMENTAL COMMENTS

16. The Street Transportation Department requested a minimum 10-foot-wide sidewalk easement along Van Buren Street and that all street improvements be constructed to ADA accessibility standards. These are addressed in Stipulation Nos. 4 and 5.
17. The Public Transit Department requested that pedestrian pathways that cross drive aisles be constructed of decorative pavers, stamped or colored concrete or another material other than those uses to pave the parking surfaces and that clearly defined, accessible pedestrian pathways be provided to link building entrances to public sidewalks, and that trees shall be placed to provide 75 percent shade coverage for sidewalks and pedestrian pathways. These are addressed in Stipulation Nos. 6 through 8.
18. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development, however water capacity is a dynamic condition that can change over time due to a variety of factors.
19. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The Aviation Department also requires that the project receive a No Hazard Determination from the FAA and that the property owner grant and record an aviation easement. These are addressed in Stipulation Nos. 9 through 11.

20. The Fire Department commented that the buildings shall comply with the Phoenix Fire Code. The Fire Department also stated that depending on building plans, final site plan, an appeal to the fire marshal may be required for site access.

OTHER

21. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius 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 Nos. 12 through 14.
22. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments, abandonments or other formal actions may also be required.

Findings

1. The proposal will redevelop a vacant property and provide a high quality mixed-use development which is consistent with the Gateway TOD Policy Plan designation for the site.
2. The proposal provides a new housing option to contribute to the mix of housing types in the area and will help alleviate the housing shortage in Phoenix.
3. As stipulated, the proposal provides enhanced pedestrian and bicycle amenities consistent with the Gateway TOD Policy Plan, Comprehensive Bicycle Master Plan, Tree and Shade Master Plan and the Complete Streets Guiding Principles.

Stipulations

1. The developer shall provide a minimum 5-foot-wide landscape area located between the sidewalk and the building along the north half of Van Buren Street.

2. The developer shall provide a minimum 11-foot-wide landscape area located between the sidewalk and back of curb along the south half of Polk Street, as approved by the Planning and Development Department.
3. In addition to the bicycle parking requirements per Section 1307.H.6 of the Phoenix Zoning Ordinance, the developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. 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.
 - b. A bicycle repair station (“fix it station”) shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
4. The developer shall dedicate a minimum 10-foot-wide sidewalk easement for the north side of Van Buren Street, as approved by the Planning and Development Department.
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.
6. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, bus stop pads, and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
7. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. Trees shall be placed to provide 75 percent shade coverage on all pedestrian pathways and sidewalks at full maturity. Shade structures may be used to meet the shade requirement in places where trees are unable to be located, as approved by the Planning and Development Department.

9. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
10. 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.
11. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
12. 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.
13. 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.
14. 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.

Writer

Sarah Stockham

July 2, 2021

Team Leader

Samantha Keating

Exhibits

Aerial Map

Sketch Map

Conceptual Site Plan Date Stamped May 25, 2021 (4 pages)

Conceptual Elevations Date Stamped May 25, 2021 (2 pages)