

Staff Report: **Z-8-23-8** May 2, 2023

**Central City Village Planning** May 8, 2023

**Committee** Hearing Date:

**Planning Commission Hearing Date**: June 1, 2023

**Request From:** C-1 (Neighborhood Retail) (0.53 acres)

Request To: <u>WU Code T5:2</u> <u>GW</u> (Walkable Urban Code,

Transect T5:2 District, Transit Gateway

Character Area) (0.53 acres)

Proposal: Tobacco Oriented Retailer

**Location:** Southwest corner of 32nd Street and

Roosevelt Street

Owner: Jose Armijo and Virginia Provencio

Applicant: Ayzen Al JaJou

Representative: Kathleen Shaffer, May, Potenza, Baran &

Gillespie, P.C.

**Staff Recommendation:** Approval, subject to stipulations

General Plan Conformity					
General Plan Land Use Map Designation		Residential 3.5 to 5 dwelling units per acre			
Street Map Classification	Roosevelt Street	Collector	40-foot south half street		
	32nd Street	Arterial	40-foot west half street		

#### **General Plan Conformity**

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.

The site is located within the Gateway Transit Oriented Development (TOD) District and within just over a mile of the 24th Street / Washington Street / Jefferson Street and the 38th Street/Washington Street light rail stations. The proposed Walkable Urban code zoning district will ensure future development will be appropriate at this location given that the site is near a high-capacity transit corridor.

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

The proposal, as stipulated, will incorporate bicycle parking to provide convenient opportunities for employees and customers to secure their bicycles while visiting the site. The bicycle parking will also encourage utilization of the existing bike lane network along Roosevelt Street and 32nd Street and the nearby light rail stations.

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.

The proposal provides the entitlement for future development that will be limited to 30-feet in height and will be contextual to the surrounding area. The 30-foot maximum height will provide a transition from the three-story multifamily development to the east and the surrounding one-story developments on the north, west, and south. Additionally, the scale of the existing structure is consistent with the surrounding one-story developments on the north, west, and south.

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 proposal, upon redevelopment, will provide trees and shade on Roosevelt Street and 32nd Street and over pedestrian pathways 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**

Comprehensive Bicycle Master Plan – See Background Item No. 5.

<u>Complete Streets Guiding Principles</u> – See Background Item No. 6.

Tree and Shade Master Plan - See Background Item No. 7.

**Zero Waste PHX** – See Background Item No. 8.

<u>Transportation Electrification Action Plan</u> – See Background Item No. 9.

<u>Transit Oriented Development Strategic Policy Framework</u> – See Background Item No. 10.

<u>Gateway Transit Oriented Development Policy Plan</u> – See Background Item No. 11.

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Surrounding Land Uses/Zoning				
	Land Use	Zoning		
On Site	Tobacco oriented retailer, a wireless phone provider, and a retail establishment	C-1		
North (across Roosevelt Street)	Convenience store and fuel station	C-1		
South	Single-family residential	R1-6		
East (across 32nd Street)	Multifamily residential and closed tobacco oriented retailer	C-1 and R-4		
West	Retail establishment	C-1		

Walkable Urban Code T5:2 GW					
<u>Standards</u>	<u>Requirements</u>	Provisions on the Proposed Site Plan			
Gross Acreage	N/A	0.53			
Maximum Building Height	30 feet	12 feet (Met)			
Minimum Parking  • 1 space per 300 square feet	9 spaces	9 spaces (Met)			
Minimum Bicycle Parking – Per Section 1307.H.6.d	0 spaces	4 spaces, per Stipulation No. 1			
Minimum Streetscape Standa	ards (Section 1312.A)				
Collector Street (Roosevelt Street)	5-foot sidewalk	Not specified, existing attached sidewalk**			
	5-foot landscape				
Arterial Street (32nd Street)	6-foot sidewalk	Not specified, existing attached sidewalk**			
	5-foot landscape				
Main Building Setbacks (Sect	Main Building Setbacks (Section 1303)				
Roosevelt Street (Primary Frontage)	12-foot maximum	Not specified			
32nd Street (Secondary Frontage)	10-foot maximum	15-feet 2-inches (Not met)**			
Side (West)	0-foot minimum	West: 1-foot 10- inches (Met)			
Rear (South) – Per Section 1303.A.2	10-foot minimum	70-feet 5-inches (Met)			

<sup>\*\*</sup>Existing condition

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Walkable Urban Code T5:2 GW				
<u>Standards</u>	Requirements	Provisions on the Proposed Site Plan		
Parking Setbacks				
Roosevelt Street (Primary Frontage)	30-foot minimum or behind building	Behind building (Met)		
32nd Street (Secondary Frontage)	10-foot minimum	0-feet (Not Met)		
Side (West)	0-foot minimum	Not specified		
Rear (South) – Per Section 1307.F.2.a	10-foot minimum	Not specified		
Lot Requirements				
Lot Coverage	80 percent maximum	23 percent (Met)		
Primary Building Frontage (Roosevelt Street)	70 percent minimum	Not specified**		
Secondary Building Frontage (32nd Street)	50 percent minimum	Not specified**		
Frontage Types Allowed				
Primary Building Frontage (Roosevelt Street)	All frontages or alternative frontages per Section 1305.B.1.c	None (Not Met)**		
Secondary Building Frontage (32nd Street)	All frontages or alternative frontages per Section 1305.B.1.c	None (Not Met)**		

<sup>\*\*</sup>Existing condition

# Background/Issues/Analysis

#### SUBJECT SITE

1. This request is to rezone a 0.53 acre site located at the southwest corner of 32nd Street and Roosevelt Street from C-1 (Neighborhood Retail) to WU Code T5:2 GW (Walkable Urban Code, Transect 5:2 District, Transit Gateway Character Area) for a tobacco-oriented retailer.

The purpose of this request is to legalize an existing unpermitted tobaccooriented retailer and to get more Walkable Urban Code zoning within the Transit Gateway Character Area.

The subject site is within the Gateway Transit Oriented Development (TOD) Policy Plan and is just over a mile from the 24th Street / Washington Street / Jefferson Street and the 38th Street / Washington Street light rail stations.

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2. The General Plan Land Use Map designation for this site is Residential 3.5 to 5 dwelling units per acre. The proposal is not consistent with the General Plan Land Use Map designation. The General Plan Land Use designations to the north, south, east, and west are Residential 3.5 to 5 dwelling units per acre. A General Plan Amendment is not required because the site, together with the adjacent commercial sites, are not over 10 acres.



#### EXISTING CONDITIONS AND SURROUNDING ZONING

3. The subject site is zoned C-1 and contains an existing tobacco oriented retailer, a wireless phone provider, and a retail establishment. To the north across Roosevelt Street and to the west are commercial uses zoned C-1. To the east is a multifamily development zoned C-1 and R-4 and a closed tobacco oriented retailer zoned C-1. To the south are single-family homes zoned R1-6.

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#### **PROPOSAL**

4. As shown on the conceptual site plan attached as an exhibit, the proposal is to permit an existing tobacco-oriented retailer. The building is existing and has parking on the north portion of the site with access on Roosevelt Street and parking on the southern portion of the site with access off the alley. Upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15 percent, including demolition, all parking shall be accessed from that alley and no driveways will be allowed on Roosevelt Street or 32nd Street, per Stipulation No. 5.

The conceptual elevations, attached as an exhibit, demonstrate the existing one-story building with new deck screen panels and new paint on the metal trim. The conceptual elevations also show the proposed bike rack.

The proposal will provide bicycle infrastructure to connect to the nearby light rail stations and existing bike lane network along Roosevelt Street and 32nd Street. Staff recommends

Conceptual Site Plan, Canaranjo Architecture 4 3 2 140.00 <u>121-71-001</u> 11,114 SF - 0.25 AC THIS PROJECT LOT 8 3211 9

Stipulation No. 1 which requires the development to provide a minimum of four bicycle parking spaces per Section 1307.H of the Phoenix Zoning Ordinance. Furthermore, the following stipulations shall be required upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15 percent, including demolition. Stipulation No. 2 requires a minimum 1 percent of parking be EV installed infrastructure and Stipulation No. 3 requires the existing bus stop pad be brought up to code. Additionally, Stipulation No. 4 requires that the developer dedicate a 10-foot sidewalk easement along Roosevelt Street and 32nd Street.

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#### AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

## 5. 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 short-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. To create a bike-supportive environment for customers, bicycle infrastructure is incorporated into the proposed project. Staff recommends Stipulation No. 1 which will require a minimum of four bicycle parking spaces be provided on site.

## 6. Complete Streets Guiding Principles:

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. Per Stipulation No. 1 the development will be required to provide a minimum of four bicycle parking spaces per Section 1307.H of the Phoenix Zoning Ordinance to connect to the nearby light rail stations and existing bike lane network along Roosevelt Street and 32nd Street.

## 7. 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 Walkable Urban Code T5:2 district requires detached sidewalks and that all sidewalk and pedestrian walkways be shaded a minimum of 75 percent.

#### 8. 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.

#### 9. Transportation Electrification Action Plan:

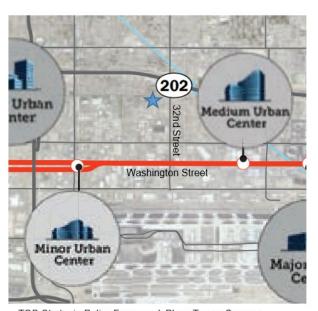
In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for

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better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. This is addressed in Stipulation No. 2 which requires a minimum one percent of the required parking spaces to be EV installed.

## 10. <u>Transit Oriented Development Strategic Policy Framework:</u>

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 just over a mile of the 24th Street / Washington Street / Jefferson Street and the 38th Street/Washington Street light rail stations. The identified environment for the 24th Street / Washington Street / Jefferson 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



TOD Strategic Policy Framework Place Types, Source: Planning and Development Department

seven stories. Land uses may include balanced commercial, mid-rise living and low-rise office employment.

The identified environment for the 38th Street/Washington Street station is Medium Urban Center. Medium Urban Center is a place type characterized by medium intensity with building heights typically from three to six stories with incentive heights of up to ten stories. Land uses may include balanced commercial, mid-rise living and low-rise office employment.

The proposal, upon redevelopment will be subject to the Walkable Urban Code T5:2 regulations and will be consistent with the Minor Urban Center place type.

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### 11. Gateway Transit Oriented Development Policy Plan

The site is located within the Gateway TOD 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. While the plan does not identify a specific transect for the subject site, the proposed T5:2 transect is consistent with lower-intensity mixed-use transects generally located farther from the light rail stations.

The Gateway TOD policy plan identifies the subject site with the "stabilize" and "maintained housing" labels on the land use and housing element maps, highlighting the need for contextual development that is sensitive the surrounding neighborhoods. The proposal to rezone to the WU Code T5:2 transect is consistent with these designations. The site also fronts on Roosevelt Street, which is identified for an existing bike lane/trail in the Mobility Element. The proposed development will include bicycle parking to encourage the use of alternative transportation options.

#### COMMUNITY INPUT SUMMARY

12. As of the writing of this report, no community correspondence has been received for the request.

#### INTERDEPARTMENTAL COMMENTS

- 13. The Street Transportation Department requested that, upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15 percent, including demolition, a ten foot side walk easement be dedicated along both Roosevelt Street and 32nd Street, streets be constructed with the required improvements and comply with current ADA standards, and that access to the site shall be from the alley and no driveways or parking shall be permitted on Roosevelt Street or 32nd Street. These are addressed in Stipulation Nos. 4 through 6.
- 14. The Public Transit Department requested dedication of right-of-way and the construction of a bus stop pad on southbound 32nd Street. This is addressed in Stipulation No. 3.

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#### OTHER

- 15. 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 Stipulations Nos. 7 through 9.
- 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 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 is consistent with Transit Oriented Strategic Policy Framework, the Gateway Transit Oriented Policy Plan, and with the character of the surrounding area.
- 2. The proposal will enhance connectivity in the immediate vicinity by providing shade standards, upon redevelopment, and bicycle standards consistent with the TOD Strategic Policy Framework and other policy plans.
- 3. As stipulated, the proposal provides bicycle parking that is consistent with the Comprehensive Bicycle Master Plan and the Complete Streets Guiding Principles.

#### **Stipulations**

1. A minimum of four 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

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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.

- 2. Upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15%, including demolition, from that depicted on the site plan date stamped January 27, 2023, a minimum of 1% of the required parking spaces shall include EV installed infrastructure.
- 3. Upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15%, including demolition, from that depicted on the site plan date stamped January 27, 2023, the developer shall dedicate right-of-way and construct a bus stop pad on southbound 32nd Street. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and shall be spaced from Roosevelt Street according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide minimum 50% shade coverage to the bus stop pad at full maturity, as approved by the Planning and Development Services Department.
- 4. Upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15%, including demolition, from that depicted on the site plan date stamped January 27, 2023, a 10-foot sidewalk easement shall be dedicated on both Roosevelt Street and 32nd Street, as approved by the Planning and Development Services Department.
- 5. Upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15%, including demolition, from that depicted on the site plan date stamped January 27, 2023, access to the site shall be from the alley and no driveways or parking shall be permitted on Roosevelt Street or 32nd Street. Vehicular maneuvering shall be on site.
- 6. Upon complete redevelopment or development that modifies the cumulative floor area of any building by more than 15%, including demolition, from that depicted on the site plan date stamped January 27, 2023, 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.
- 7. 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.

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- 8. 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.
- 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.

#### Writer

Samuel Rogers May 2, 2023

## **Team Leader**

Racelle Escolar

## **Exhibits**

Sketch Map Aerial Map Conceptual Site Plan Date Stamped January 27, 2023 Conceptual Elevations Date Stamped January 27, 2023

