

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

The development, as built, includes a deep landscape setback along 17th Avenue which reflects the condition in the existing neighborhood. The development, as stipulated as an interim condition until eventual redevelopment, will include detaching the sidewalk from the curb and providing shade on the public sidewalk to a minimum 75 percent at maturity. The development, as stipulated, will reduce the urban heat island effect and increase thermal comfort which will make the area more walkable, bikeable, and sustainable.

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

The development, as stipulated, will create new housing opportunities in the area and within close proximity to a light rail station and to the Alhambra Village Core. The development, as stipulated, will allow for eventual redevelopment in a more urban form that will further allow for additional housing opportunities.

Applicable Plans, Overlays, and Initiatives

[Transit Oriented Development Strategic Policy Framework](#): Background Item No. 4.

[Solano Transit Oriented Development Plan](#): Background Item No. 5.

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

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

[Housing Phoenix](#): Background Item No. 11.

[ZeroWaste Phoenix](#): Background Item No. 12

Surrounding Land Uses and Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Multifamily Residences	R-3
East	Multifamily Residences	R-2
West	Multifamily Residences	R-3
South	Multifamily Residences	R-3
North	Multifamily Residences	R-3

Walkable Urban Code Transect 4:2 SL		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
Gross Acreage	No minimum	0.50 acres
Total Number of Units	No maximum	8
Density	No maximum	16
Building Height	30 feet maximum	2 stories (Met)
Parking	12 spaces minimum	12 spaces (Met)
Bicycle Parking	2 spaces minimum	Not Depicted
<i>Streetscape Standards (Section 1312.E)</i>		
Minor Collector and Local Streets (17th Avenue)	5 foot sidewalk with 5 foot landscaped detachment	Attached Sidewalk (Not Met)*
Public Sidewalk Shade	Minimum 75 percent shade	Not depicted
<i>Main Building Setbacks</i>		
Primary Frontage (17th Avenue)	20 foot maximum	25 feet (Not Met)*
Side (North)	0 foot minimum	8.5 feet (Met)
Side (South)	0 foot minimum	59 feet (Met)
Rear (East)	0 foot minimum	15 feet (Met)
<i>Parking Setbacks</i>		
Primary Frontage	30 feet or behind building	7.8 feet (Not Met)*
Side (North)	0 foot minimum	72.7 feet (Met)
Side (South)	0 foot minimum	5 to 7.5 feet (Met)
Rear (East)	0 foot minimum	5 feet (Met)
<i>Lot Requirements</i>		
Lot Coverage	70 percent maximum	23.6 percent (Met)
Primary Building Frontage	60 percent minimum	Not applicable
Open Space	5 percent minimum	10.5 percent (Met)
<i>Frontage Types Allowed</i>		
Primary Frontage	Porch, patio, stoop, forecourt or alternative frontages as per Section 1305.B.1.c	Cannot be determined
<i>*Existing Conditions, Legally Constructed Under R-3 Zoning</i>		

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 0.50 acres located approximately 207 feet north of the northeast corner of 17th Avenue and Colter Street from R-3 (Multifamily Residence District) to Walkable Urban Code Transect 4:2 SL (WU Code T4:2 Transit Solano Character Area) for the purpose of multifamily development.

Oblique aerial photograph of the subject site; Source: Image dated 10/20/2020 from Maricopa County Assessor.



SURROUNDING LAND USES AND ZONING

2. The site is currently developed with seven multifamily units in a two-story configuration and the applicant is requesting to rezone to allow an eighth unit within the existing building. If the rezoning to the Walkable Urban Code Transect 4:2 SL is approved, the addition of an eighth unit or other expansions of the site will require a Use Permit to expand the non-conforming use. Similarly, when redeveloped, the site will be required to comply with applicable WU T4:2 standards.

Existing R-3 (Multifamily Residence District) Entitlement: The existing R-3 zoning allows for a height of two stories and 30 feet, or up to 48 feet with additional setbacks.

Proposed WU T4:2 Entitlement: The proposed zoning allows for a maximum height of 30 feet unless redevelopment were to reconfigure the site as a Single-Family Attached subdivision which would allow a height of three stories and 40 feet by right, or up to four stories and 48 feet with additional setbacks.

Surrounding Form, Use, and Zoning Entitlements: The Zoning Sketch Map depicts zoning entitlements for the subject site and the surrounding area.

- South: Immediately south of the subject site is a one-story multifamily complex that is zoned R-3 (Multifamily Residence District). The zoning permits a height of 30 feet, or up to 48 feet with additional setbacks.
- North: Immediately north of the subject site is a one-story multifamily complex that is zoned R-3 (Multifamily Residence District). The zoning permits a height of 30 feet, or up to 48 feet with additional setbacks.
- East: Immediately east of the subject site is a two-story single-family attached complex that is zoned R-2 (Multifamily Residence District) which permits single-family attached and multifamily to a height of 30 feet, or up to 48 feet with additional setbacks.
- West (Across 17th Avenue): Across 17th Avenue are two multifamily complexes that are both zoned R-3 (Multifamily Residence District) which permits a height of 30 feet, or up to 48 feet with additional setbacks. The complex across from the north half of the subject site is one story while the complex across from the south half of the subject site is a two-story condominium development.

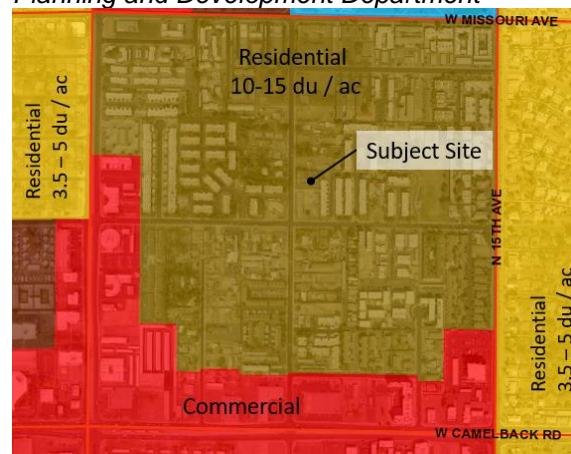
The development, as built, is consistent and compatible with the built and zoned character of the area. The development, as stipulated for eventual redevelopment, is also consistent with the intensity currently allowed in the surrounding area and as envisioned by the ReinventPHX Solano Transit Oriented Development Policy Plan.

GENERAL PLAN LAND USE MAP

3. The General Plan Land Use Map depicts a land use designation of Residential 10-15 dwelling units per acre. The addition of one unit would bring the density of the site to 16 dwelling units per acres.

Per the adopting ordinance for the Phoenix General Plan, both “Residential 10 to 15 dwelling units per acre” and “Residential 15+ dwelling units per acre” fall into the Land Use Category of “Higher Density.” The current and proposed density, of 14 and 16 dwelling units respectively, both fall into the “Higher Density” Land Use Category and is therefore considered consistent with the Phoenix General Plan Land Use Map designation.

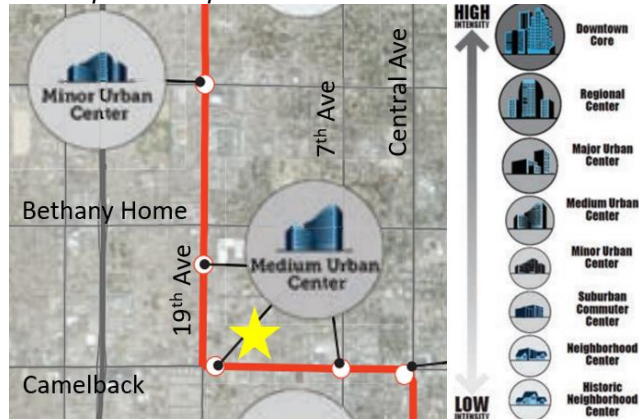
General Plan Land Use Map Excerpt; Source: Planning and Development Department



4. **Transit Oriented Development Strategic Policy Framework:**

The Transit Oriented Development 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 one-half mile of two light rail stations including the Camelback and Montebello stations which are both identified as Medium Urban Centers. The Medium Urban Center Place Type is characterized by three to six story buildings with allowances up to ten when incentive criteria are met. The proposed scale and intensity proposed is less than recommended in the Place Type unless eventual redevelopment takes the form of a Single-Family Attached subdivision or other development allowed by WU Code T4:2.

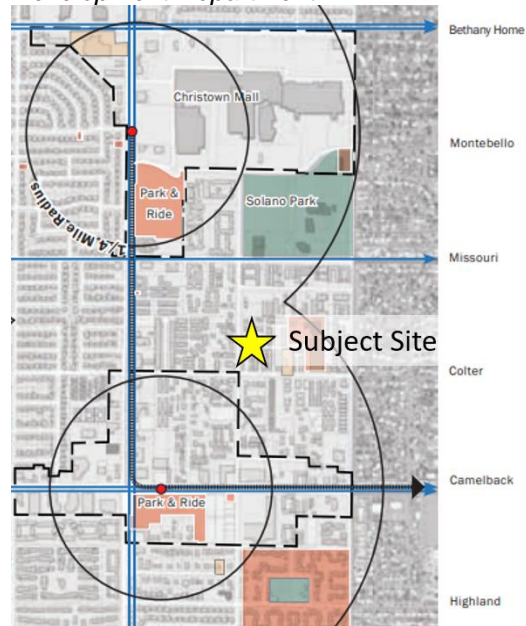
Transit Oriented Development Strategic Policy Framework, Place Type Map Excerpt; Source: Planning and Development Department



5. **Solano Transit Oriented Development Policy Plan:**

The site is located within the Solano TOD Planning Area. The policy plan adopted for the Solano 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.

Solano Transit Oriented Development Policy Plan, Walk-Shed Map; Source: Planning and Development Department



The Solano TOD District Plan provides the following direction as it pertains to the request, the subject site, and the 17th Avenue Corridor:

- *Land Use Element (page 38)*. The site is within an area designated for “Retrofit” improvements meaning that reinvestment is appropriate on the site ranging from pedestrian improvements to the addition of units.
- *Housing Element (pages 41 and 42)*. The site is in a larger area (Bethany Home Road to Camelback Road, 15th Avenue to 19th Avenue) that needs 2,328 additional housing units by 2035. The Investment Opportunity Map also depicts the site as “Urban Housing.”
- *Green Systems Element (page 58)*. The Green Systems Investment Opportunity Map identifies 17th Avenue as an opportunity for “Shade and Cooling” investments. The proposed rezoning to the Walkable Urban Code would implement the Solano Streetscape Standards which include detached and shaded sidewalks.
- *Health Element (pages 49 and 50)*. The Green Systems section depicts this site as being within approximately a six-minute walk from healthy food, within a five-minute walk from parks and recreation, and as having issues pertaining to sidewalk quality and continuity. The plan calls for more residents to have access to food and parks within an accessible walking distance from their housing; the proposed rezoning would situate more residents near parks and healthy food options while also improving sidewalk quality.
- *Measurable Outcomes (pages 103-104)*. The Solano TOD Plan measures its success through a series of “Measurable Outcomes.” The proposed rezoning to the Walkable Urban Code would advance the following metrics toward their 2040 targets:
 - Percent of households within walking distance to Healthy Food
 - Percent of households within walking distance to public recreation facilities
 - Housing Type Diversity (bedrooms, MF, SF, etc.)
 - Percent of residents who walk, bicycle, transit, and carpool to work
 - Annual light rail ridership (boardings and deboardings)

To implement the Vision and Master Plan for the Solano TOD District, one key recommendation is the implementation of a form-based zoning code. The conceptual zoning map contained in the plan does not identify a recommended transect for this site but the proposal to rezone to the Walkable Urban Code furthers the vision contained in the plan.

6. The Alhambra Village Character Plan was approved and adopted into the Phoenix General Plan through General Plan Amendment GPA-1-19. In both its existing form and the eventual form upon redevelopment, the project advances the following items identified in the Alhambra Village Character Plan:
- 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.
 - Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design and appearance.
 - Encourage multimodal connectivity with emphasis on bikeability and walkability

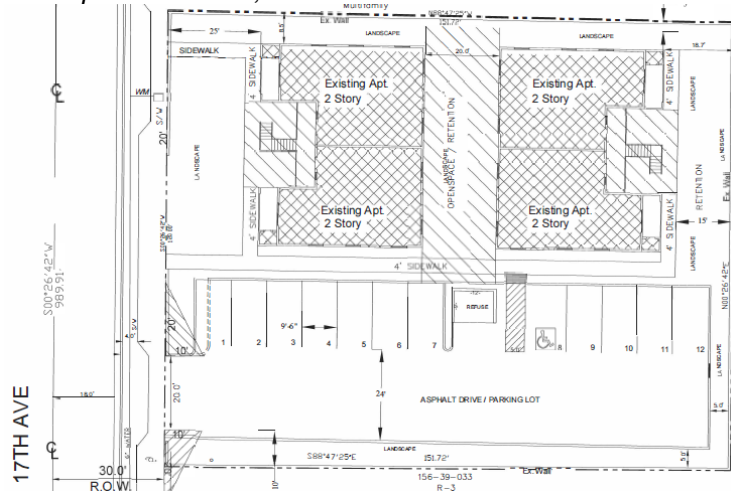
PROPOSAL

7. Site Plan

The applicant is not proposing any physical changes to the built condition of the site which is developed with two two-story multifamily buildings with a total of seven dwelling units on the site. There are no known plans to redevelop currently.

The applicant is proposing to construct an eighth dwelling unit within the existing building. The multifamily buildings are located on the north half of the site with an amenity space between them, a surface parking lot on the south half of the site, and a pedestrian pathway leading directly to 17th Avenue.

Conceptual Site Plan; Source: GBMA Architecture LLC



To facilitate improvements to the site in the short term and the eventual redevelopment of the site in a manner consistent with the vision outlined in the ReinventPHX Solano Transit Oriented Development Policy Plan, staff is recommending a series of stipulations that shall be implemented prior to the issuance of a Certificate of Occupancy for any units beyond seven:

- Stipulation No. 1 to require the sidewalk be detached from the back of curb and shaded to 75 percent in accordance with the requirements of the Walkable Urban Code.
- Stipulation No. 2 to require bicycle parking for residents and guests.
- Stipulation No. 3 to require all on-side pathways and amenity areas be shaded to a minimum 50 percent by vegetative methods.
- Stipulation No. 4 to prompt administrative review by the Planning Hearing Officer when changes are proposed which alter the site by 10 percent or more. The intent of this stipulation is to require compliance with the Walkable Urban Code for substantial redevelopment with a special focus on streetscape conditions such as shaded and detached sidewalks, frontage types oriented to 17th Avenue, and framing the street with a maximum building setback of 15 feet along 17th Avenue.

8. Building Design

The applicant provided several images of the existing building which they do not propose changing. Oriented to 17th Avenue, there are balconies and patios and an open staircase. The building elevation oriented to 17th Avenue includes multiple materials including stone and stucco. The area between 17th Avenue and the building façade includes a three-foot high screen wall and is landscaped with rocks, trees, shrubs.

Conceptual Building Renderings; Source: Withey Morris PLC



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.

Upon redevelopment, the landscape standards contained in the Walkable Urban Code will apply which include vegetative shade requirements. To implement the recommendations of this plan in the near term, staff is recommending

Stipulation No. 1 which requires detached sidewalks with vegetative shade at 75 percent and Stipulation No. 3 which requires on-site pedestrian pathways be shaded to 50 percent by vegetative methods.

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. While those standards will apply upon the eventual redevelopment of the site.

To implement the recommendations of this plan in the near term, staff is recommending: Stipulation No. 1 to require shaded and detached sidewalks along 17th Avenue; Stipulation No. 2 to require bicycle parking; and Stipulation No. 3 to require shaded onsite pedestrian pathways.

11. **Housing Phoenix:**

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 the 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 contributing to a variety of housing types that will address the supply shortage at a more rapid pace while using vacant or underutilized land in a more sustainable fashion.

12. **ZeroWaste Phoenix:**

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.

COMMUNITY CORRESPONDENCE

13. As of the writing of this report, one letter of opposition was received citing concerns related to commercial uses being permitted by the proposed zoning, potential changes to the site in the future, and the request circumventing the restrictions of its current zoning.

INTERDEPARTMENTAL COMMENTS

14. The Fire Department commented that the site plan must comply with the Phoenix Fire Code and further indicated there are no problems anticipated with the case. Further, the Department commented that they do not know the water supply at this site and noted that additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.
15. The Street Transportation Department commented on the importance of shaded and detached sidewalks along 17th Avenue and provided their standard stipulation requiring any applicable street improvements and that the improvements comply with ADA accessibility standards.

OTHER

16. 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. 6.
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 advances the vision and recommendations contained in the Transit Oriented Development Strategic Policy Framework and the Solano Transit Oriented Development Policy Plan.
2. The development, as stipulated, is compatible with the context of the area and utilizes setbacks and other design considerations to promote compatibility both in the short-term and upon the redevelopment of the site.
3. The development will create additional housing options in line with the Housing Phoenix Plan's goal of preserving or creating 50,000 housing units by 2030.

Stipulations

1. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, the developer shall detach the public sidewalk in compliance with Chapter 1312(E)(1)(c) of the Phoenix Zoning Ordinance and provide a minimum 75 percent shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.
2. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, the developer shall provide secure bicycle parking for residents at a rate of 0.25 spaces per unit and Inverted-U style racks for 4 bicycles per the installation requirements of Chapter 13 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.
3. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, all on-site pedestrian pathways and required amenity areas shall be shaded to a minimum 50 percent through vegetative methods, as approved by the Planning and Development Department. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.
4. A conceptual site plan and elevations shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval with specific regard to the inclusion of the below elements for any expansion or modification to the buildings on the site exceeding 10 percent from the site plan date stamped June 11, 2021. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
 - a. Shaded and detached sidewalks
 - b. Frontage types oriented to 17th Avenue
 - c. Maximum building setbacks of 15 feet along 17th Avenue
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. 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

Nick Klimek

September 17, 2021

Team Leader

Samantha Keating

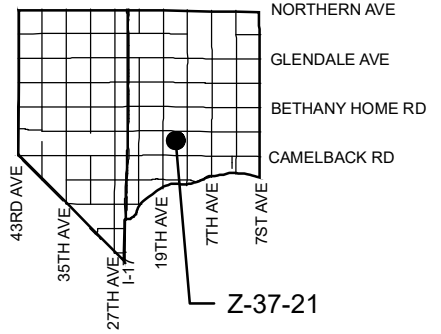
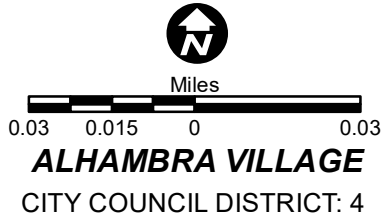
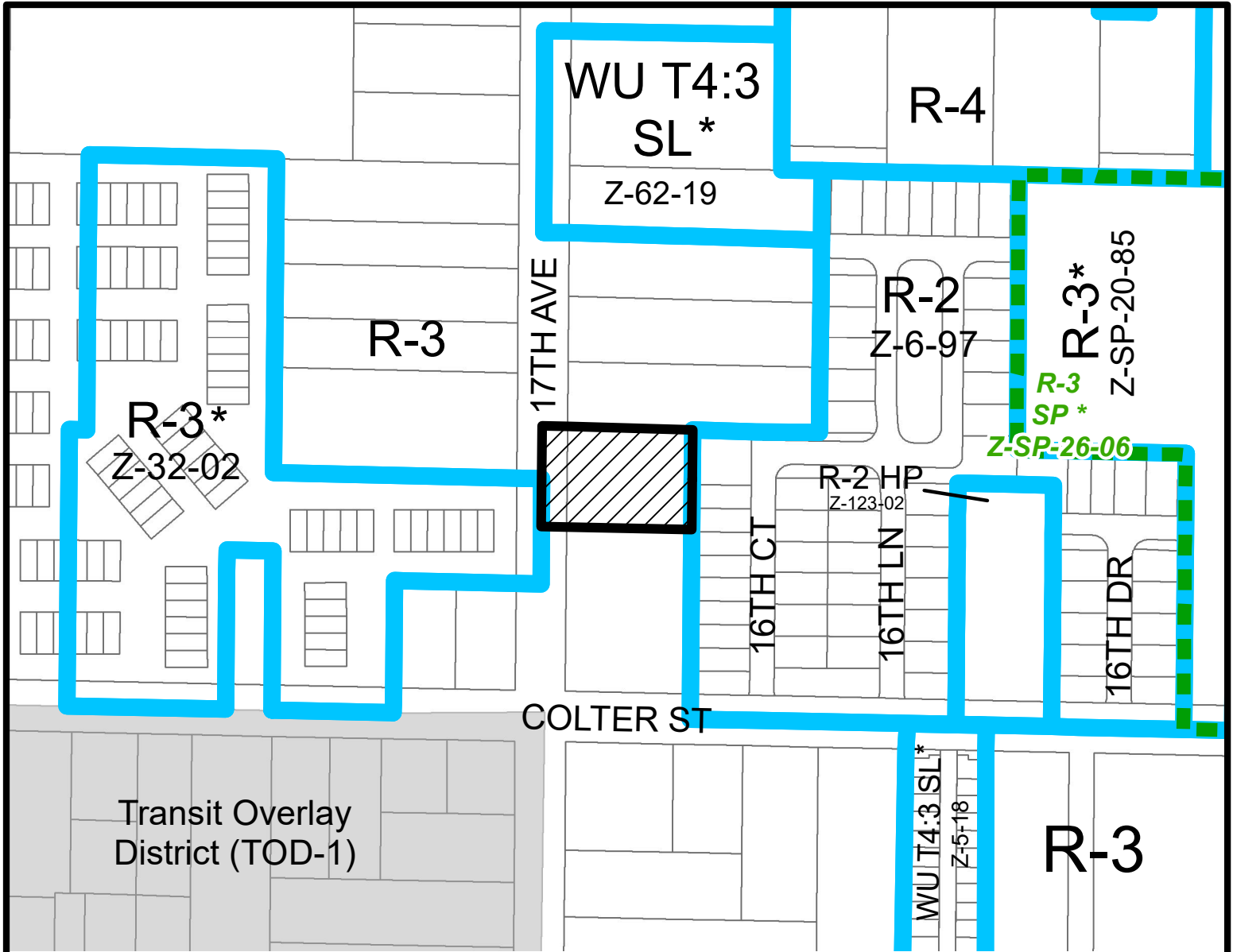
Exhibits

Zoning sketch map

Aerial sketch map

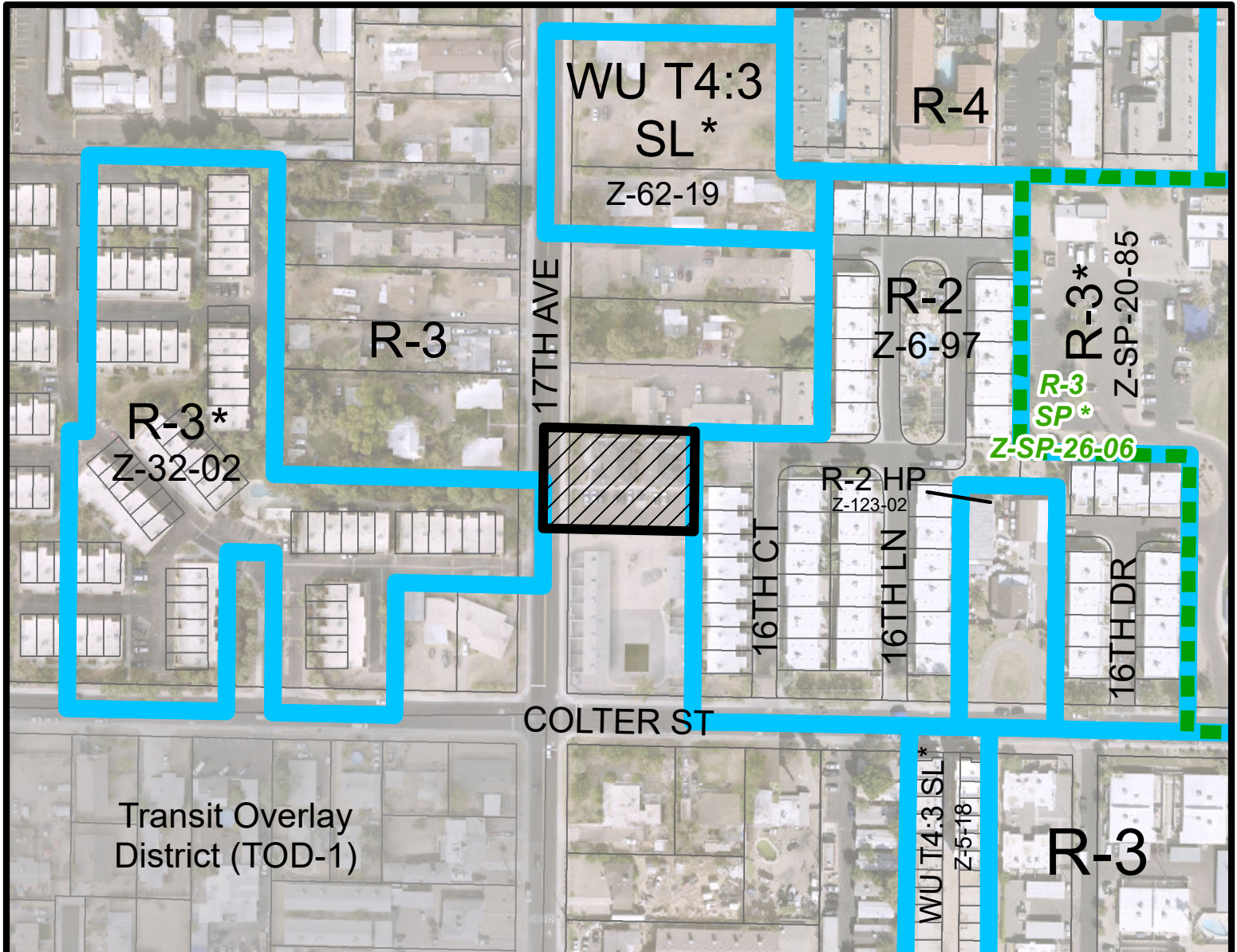
Site Plan date stamped June 11, 2021

Community Correspondence

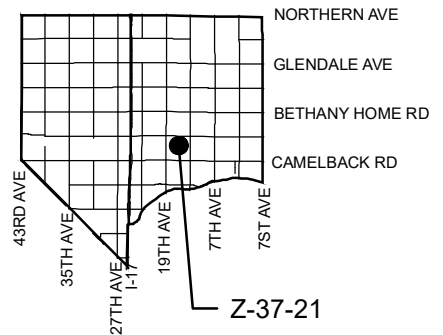
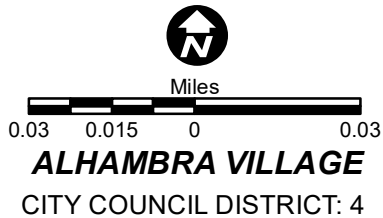


APPLICANT'S NAME: Ryker I, LLC/Scott Evans		REQUESTED CHANGE:	
APPLICATION NO.: Z-37-21		FROM: R-3 (0.50 a.c.)	
DATE: 6/25/2021 <small>REVISION DATES:</small>		TO: WU T4:2 (0.50 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 0.50 Acres			
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 19-25		<small>ZONING MAP</small> H-7	
MULTIPLES PERMITTED R-3 WU T4:2		CONVENTIONAL OPTION 7 No Maximum	
		* UNITS P.R.D. OPTION 8 N/A	

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



Transit Overlay District (TOD-1)



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MULTIPLES PERMITTED R-3 WU T4:2		CONVENTIONAL OPTION 7 No Maximum	
		* UNITS P.R.D. OPTION 8 N/A	

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

From: [Marcus Reid](#)
To: [Nick Klimek](#)
Subject: Zoning Case Z-37-21
Date: Friday, July 9, 2021 1:03:13 PM

Zoning Case Z-37-21
5223 North 17th Avenue

I am writing to memorialize a few of my concerns regarding the change in Zoning as proposed by Withey Morris on behalf of their client.

The proposed zoning would allow a change from residential to commercial use.

It allows for setbacks and height requirements to be changed.

It is rewarding a building that did not meet the R-3 requirements as is.

The property does not meet shading requirements.

The property does not meet parking requirements. There is not space to do so.

As previously stated in an open meeting by an Attorney at Whitey Morris their other client whom owns McDonald 4141 LLC has been in negotiations with the owner of this property this could essentially lead to a bait and switch situation.

It is clear the owner should not have built the 8th unit in the first place and it is clear that they should not be circumventing the rules and just to be rewarded with something that will completely change the character of this neighborhood.

The Attorney also has sent misleading information as it does not explain that the property would be changed to commercial purposes and explain all the other changes that moving to the new zoning would create

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