

Staff Report Z-68-21-8 April 8, 2022

Central City Village Planning Committee April 11, 2022

Meeting Date:

Planning Commission Hearing Date: May 5, 2022

Request From: R-4 CCSIO (Multifamily Residence

District, Central City South Interim Overlay District) (1.35 acres), C-3 CCSIO (General Commercial District, Central City South Interim Overlay District) (4.32 acres), and A-2 CCSIO (Industrial District, Central City South Interim Overlay District) (0.25 acres)

Request To: A-2 CCSIO (Industrial District, Central

City South Interim Overlay District)

(5.92 acres)

Proposed Use: Auto Auction

Location: Approximately 285 feet south of the

southeast corner of 19th Avenue and

Buckeye Road

Owner: Auto Dealers Southwest, LLC

Applicant/Representative: Phoenix Permit Service, Leodra

Bowdell

Staff Recommendation: Denial

General Plan Conformity					
General Plan Land Use Map Designation		Commercial, and Mixed Use Transition Commerce/Business Park to Residential 10-15 dwelling units per acre			
Street Map Classification	19th Avenue	Major Arterial	40-foot east half street		
	18th Avenue	Local Street	Width varies from 30- foot to 33-foot west half street		

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CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; LAND USE PRINCIPLE: Protect residential areas from concentrations of incompatible land uses that could change their character or destabilize land values.

The proposal would expand industrial zoning within close proximity to existing residential uses. The proposed zoning and continuation of the auto auction at the subject site is incompatible with the surrounding residential neighborhood.

CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposal would expand A-2 (Industrial Zoning District), the most intense industrial zoning district, at a location immediately adjacent to residential zoning with existing residential uses to the south, east, and west of the subject site. The subject site has been identified for a transition away from industrial uses to residential uses on the General Plan Land Use Map because of the residential character of the area. The expansion of the industrial zoning at the site would not be compatible with the surrounding residential neighborhoods.

CELEBRATE OUR DIVERSE COMMUNITY AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; LAND USE PRINCIPLE: New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans.

The proposed expansion of industrial zoning and continuation of the auto auction use would not be consistent with the Central City South Area Plan, which identifies the subject site for a transition away from industrial uses to residential and commercial uses, to maintain compatibility with the existing uses.

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Applicable Plans, Overlays, and Initiatives

Central City South Interim Overlay District (CCSIO): See Background Item No. 4.

Central City South Area Plan: See Background Item No. 6.

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

Complete Streets Guiding Principles: See Background Item No. 8.

Comprehensive Bicycle Master Plan: See Background Item No. 9.

Zero Waste PHX: See Background Item No. 10.

Surrounding Land Uses and Zoning				
	Land Use	<u>Zoning</u>		
On Site	Auto auction	R-4 CCSIO, C-3 CCSIO, A-2 CCSIO		
North	Retail and mobile home park	C-2 CCSIO and C- 3 CCSIO		
South	Auto auction, single-family residential, and house of worship	R-4 CCSIO and A-2 CCSIO		
East (across 18th Avenue)	Single-family residential	R1-6 CCSIO, R-4 CCSIO, and R-5 CCSIO		
West (across 19th Avenue)	Multifamily residential	R-3 CCSIO		

A-2 (Industrial)				
<u>Standards</u>	Requirements	Met or Not Met		
Minimum Building Setbacks				
Street (19th Avenue and 18th Avenue)	25 feet (closed buildings) 75 feet (open buildings and open uses)	Not specified*		

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A-2 (Industrial)					
<u>Standards</u>	Requirements	Met or Not Met			
Side and Rear	Adjacent to C-2 and C-3 0 feet	Not specified*			
	Adjacent to R-4 30 feet (closed buildings) 150 feet (open buildings and open uses)				
Minimum Landscaped S	Minimum Landscaped Setbacks				
Street (19th Avenue and 18th Avenue)	8 times the lot frontage, measured in square feet	None (Not Met)*			
Side and Rear	0 feet	None (Met)			
Maximum Lot Coverage	N/A	N/A			
Maximum Building Height	56 feet 80 feet with use permit	Not Specified*			
Minimum Parking	Vehicle Sales: 1 space per 300 square feet of office and covered sales area and 1 space per 10,000 square feet of outdoor display or portion thereof and 1 space per 10,000 square feet thereafter and 1 space per 3 employees and 1 space for each service bay	Not Specified*			

^{*}Existing condition

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 5.92 acres located approximately 285 feet south of the southeast corner of 19th Avenue and Buckeye Road from 4.32 acres of C-3 CCSIO (General Commercial District, Central City South Interim Overlay District), 1.35 acres of R-4 CCSIO (Multifamily Residence District, Central City South Interim Overlay District), and 0.25 acres of A-2 CCSIO (Industrial District, Central City South Interim Overlay District) to A-2 CCSIO (Industrial District, Central City South Interim Overlay District) to continue an existing auto auction use on the site.

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The subject site was originally platted in 1910 with an amended plat filed in 1912. A portion of the site was annexed into the City of Phoenix in 1952 and the other portion in 1959 and was zoned A-2, C-3, and R-4 in 1961. The existing auto auction use was established on the subject and surrounding site in the late 1990s.

GENERAL PLAN LAND USE MAP DESIGNATION

2. The General Plan Land Use Map designation for the subject site is Commercial within the northern portion and Mixed Use Transition Commerce/Business Park to Residential 10-15 dwelling units per acre within the southern portion. The proposed zoning is not consistent with the General Plan Land Use Map designation.

Legend

Residential 3.5 to 5 du/ac

Residential 10 to 15 du/ac

Commercial

Parks/Open Space - Publicly Owned

Mixed Use Transition Commerce/Business Park to 10 to 15 du/ac

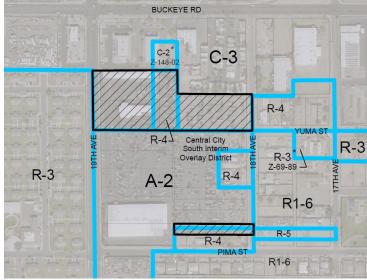


General Plan Land Use Map, Source: Planning and Development Department

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SURROUNDING LAND USES AND ZONING

- 3. The surrounding area contains a mix of residential, commercial and industrial zoning districts, including:
 - R1-6 (Single-Family Residence District);
 - R-3, R-4, R-5 (Multifamily Residence Districts);
 - C-2, C-3 (Intermediate and General Commercial Districts);
 and
 - A-2 (Industrial District).



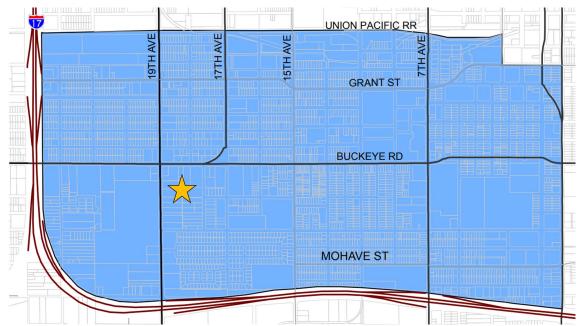
Zoning Aerial Map, Source: Planning and Development Department

The rezoning case has two separate areas under common ownership, which are part of an auto auction use. Properties between the two areas are also under common ownership.

4. Central City South Interim Overlay District (CCSIO)

The Central City South Interim Overlay District (CCSIO), established in 2002, applies to the area bounded on the west and south by Interstate 17, on the east by Central Avenue, on the north by Lincoln Street between Central and 3rd Avenues and by the Union Pacific Railroad Line between 3rd Avenue and Interstate 17. The CCSIO District is designed to protect and enhance residential character in the area, promote community identity, reduce open land uses, discourage undue concentration of environmentally harmful land uses, and promote well managed growth. The district requires a Special Permit for any open land uses, including but not limited to the storage of vehicles for a period of longer than one week. The overlay district also requires development in industrial A-1 and A-2 districts over 10 acres to conform with the development standards of the Commerce Park / General Commerce Park zoning district. The proposal to increase A-2 zoning is not consistent with the goals of the overlay district.

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Central City South Interim Overlay District Boundary, Source: Planning and Development Department

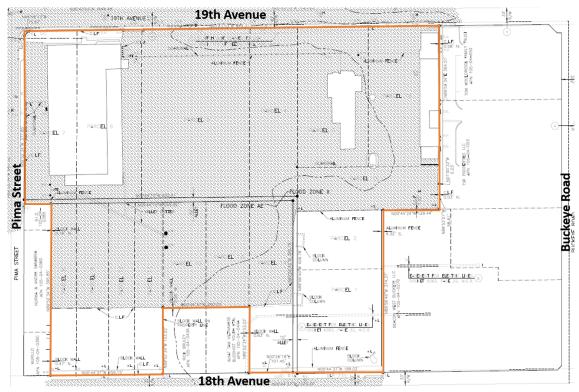
PROPOSAL

5. The applicant proposes to continue the existing auto auction use on the subject site in addition to contiguous properties, for a total of 16 acres used collectively. There are no proposed changes to the building footprints or proposed improvements to the site.

The overall site contains three existing buildings along the western edge of the property. The majority of the site is paved surface parking, which stores cars temporarily while they are processed through an auction. The buyers at the auctions are licensed used car dealers.

Although the proposal is to maintain the existing condition, in the event the application is approved, staff recommends that any new buildings contain enhanced architectural features for elevations facing 19th Avenue, enhanced landscaping within all landscape setbacks, and landscaping plus shade enhancements be provided in parking areas. These stipulations are addressed in Stipulation Nos. 1 through 3.

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Existing Site Survey, Source: Clouse Engineering, Inc.

STUDIES AND POLICIES

6. Central City South Area Plan

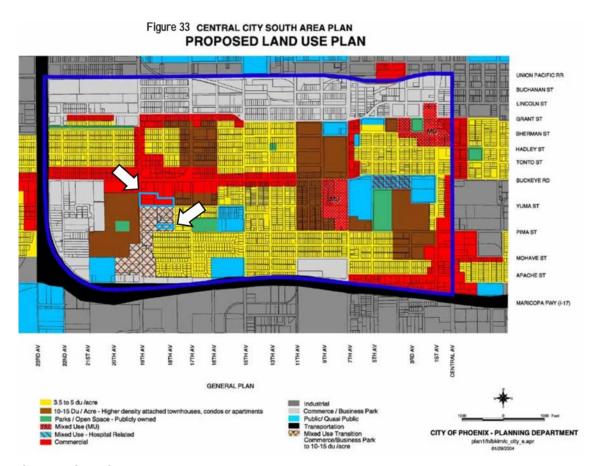
The Central City South Area Plan was adopted by the City Council in 2004 and establishes a vision and goals for the area coterminous with the CCSIO. These goals include obtaining quality housing in strong, healthy neighborhoods, creating a safe environment in which to live and work, enhancing economic opportunities for existing residents, and transitioning industrial uses to protect neighborhoods. The plan identifies the objective of supporting the transition of industrial activity and open land uses to uses that are compatible with nearby residential neighborhoods and recommends phasing out incompatible land uses through zoning and redevelopment. The plan also recommends rezoning all industrially-zoned land in the study area to commercial or residential districts when redeveloped.

The land use recommendations in the Central City South Area Plan include amending the subject site from the former designation as Industrial to a combination of Commercial in the northern portion and Transition Commerce/Business Park to Residential 10-15 dwelling units per acre in the southern portion. These recommendations were later incorporated into the

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current General Plan Land Use Map. Additionally, all areas expected to maintain industrial uses in the study area were designated as Commerce/Business Park, to reflect the intent of the plan and the CCSIO that any industrial activity be significantly screened from major streets and residential areas, using Commerce Park zoning district standards.

The proposed rezoning to A-2 (Industrial Zoning District) is not consistent with the recommended land use identified in the Central City South Area Plan, as it would expand industrial zoning in an area identified as transitioning away from industrial uses.



Source: City of Phoenix Planning and Development Department

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

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effect. The proposal does not advance the goals of the Tree and Shade Master Plan. However, if the rezoning is approved and future development occurs on the site, staff recommends two stipulations to provide trees and enhance shade within the development as follows:

- Drought-tolerant, two-inch caliper trees planted 20 feet on center in the landscape setback areas (Stipulation No. 2); and
- Minimum 25 percent shade for uncovered parking lots via landscaping at maturity and/or structural shade (Stipulation No. 3).

8. 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. The proposal does not advance the guiding principles. However, in the event that the rezoning is approved, staff recommends the construction of one bus stop pad on 19th Avenue and detached sidewalks along 19th Avenue (Stipulation Nos. 4 and 6).

9. 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. The proposal does not advance the goals of the Comprehensive Bicycle Master Plan.

10. 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 application materials do not indicate whether recycled waste pickup will be incorporated.

COMMUNITY INPUT SUMMARY

11. From the time the case was filed to the time the staff report was written, no community correspondence has been received on this case.

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INTERDEPARTMENTAL COMMENTS

- 12. The Public Transit Department provided the comment that in the event the request is approved, the developer shall dedicate right-of-way and construct a bus stop pad northbound along 19th Avenue in front of the subject site in compliance with City of Phoenix standards. This comment is addressed in Stipulation No. 4.
- 13. The Street Transportation Department noted that in the event the request is approved, a 50-foot right-of-way dedication is required, consistent with D-Section designation on the Street Classification Map for 19th Avenue, a five-foot-wide detached sidewalk is required along 19th Avenue, and that the streets be constructed with all required improvements and comply with current ADA standards. These comments are addressed in Stipulation Nos. 5, 6, and 7.
- 14. The Floodplain Management division of the Public Works Department provided the comment that the subject site is located within Special Flood Hazard Areas and that any proposed improvements or modifications are subject to federal regulations and the City of Phoenix Floodplain Ordinance. The Floodplain Management division must approve a Grading and Drainage Plan demonstrating compliance with the regulations prior to any permit issuance. This comment is addressed in Stipulation No. 8.
- 15. 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. Furthermore, that Form 7460-1 be filed for the development and that the development receive a "No Hazard Determination" from the FAA, if required. These are addressed in Stipulation Nos. 9 and 10.
- 16. The Water Services Department commented that the property has existing water and sewer mains that can potentially serve the development. In addition, the Water Services Department commented that capacity is a dynamic condition that can change over time due to a variety of factors.

OTHER

17. 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

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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. 11 through 13.

- 18. 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. 14.
- 19. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit to conduct the proposed outdoor use in this zoning district. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

- 1. The requested A-2 zoning district would allow uses such as warehousing, manufacturing, and processing, in addition to extensive outdoor uses, which are incompatible with the residential character of the surrounding area.
- 2. The proposal is not consistent with the Central City South Area Plan and the General Plan Land Use Map. The subject site and surrounding area has been identified for transition away from industrial to residential and commercial uses.
- 3. The proposal for A-2 zoning would permit the existing use on site, which has been in place for many years. While not consistent with any of the adopted policy plans, this request provides an opportunity for the community and the public hearing bodies to consider a zoning designation on the site that would be consistent with the continued operation of the existing use.

Stipulations

Staff recommends denial for this rezoning request. However, in the event that this request is approved, staff recommends the following stipulations.

1. Upon site plan approval and permit issuance for any new building(s) or structure(s) on the site, building elevations adjacent and oriented to 19th Avenue

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shall contain a minimum of 25 percent brick, masonry, stone or another exterior accent material to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.

- Upon site plan approval and permit issuance for any new building(s) or structure(s) on the site, the landscape setbacks shall be planted with minimum 2inch caliper, drought-tolerant trees planted a minimum of 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
- 3. Upon site plan approval and permit issuance for any new building(s) or structure(s) on the site, all employee or customer surface parking areas shall be shaded to achieve a minimum 25 percent shade, as approved by the Planning and Development Department. A mix of structural shade and landscaping may be used to shade the surface parking and outdoor storage areas, as approved by the Planning and Development Department.
- 4. The developer shall construct one bus stop pad along northbound 19th Avenue. 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 the intersection of Pima Street according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.
- 5. The developer shall dedicate 50 feet of right-of-way on the east side of 19th Avenue, as approved by the Planning and Development Department.
- 6. The developer shall construct a minimum 5-foot-wide detached sidewalk along 19th Avenue and a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk, as approved by the Planning and Development Department.
- 7. 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.
- 8. This parcel is in a Special Flood Hazard Area (SFHA) called Zone AE, on panel 2215 L of the Flood Insurance Rate Maps (FIRM) dated September 21, 2020. The following requirements shall apply, as approved by the Planning and Development Department:

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- a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
- b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
- c. If required, the developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
- 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. 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.
- 12. 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.
- 13. 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.
- 14. 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

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> County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

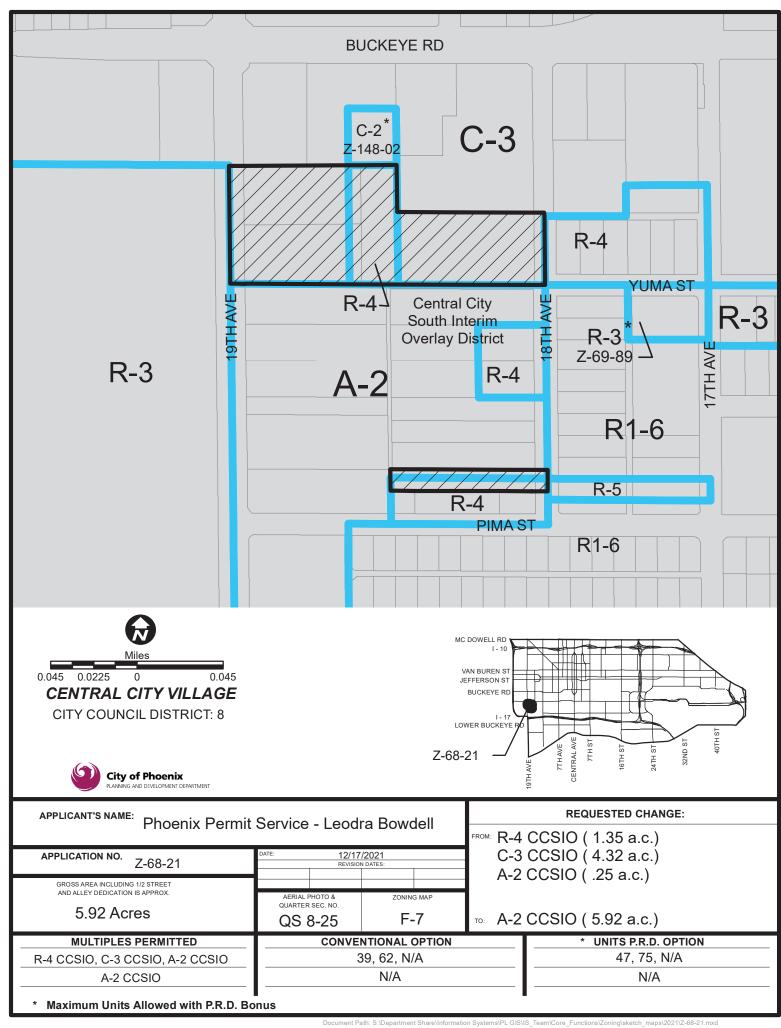
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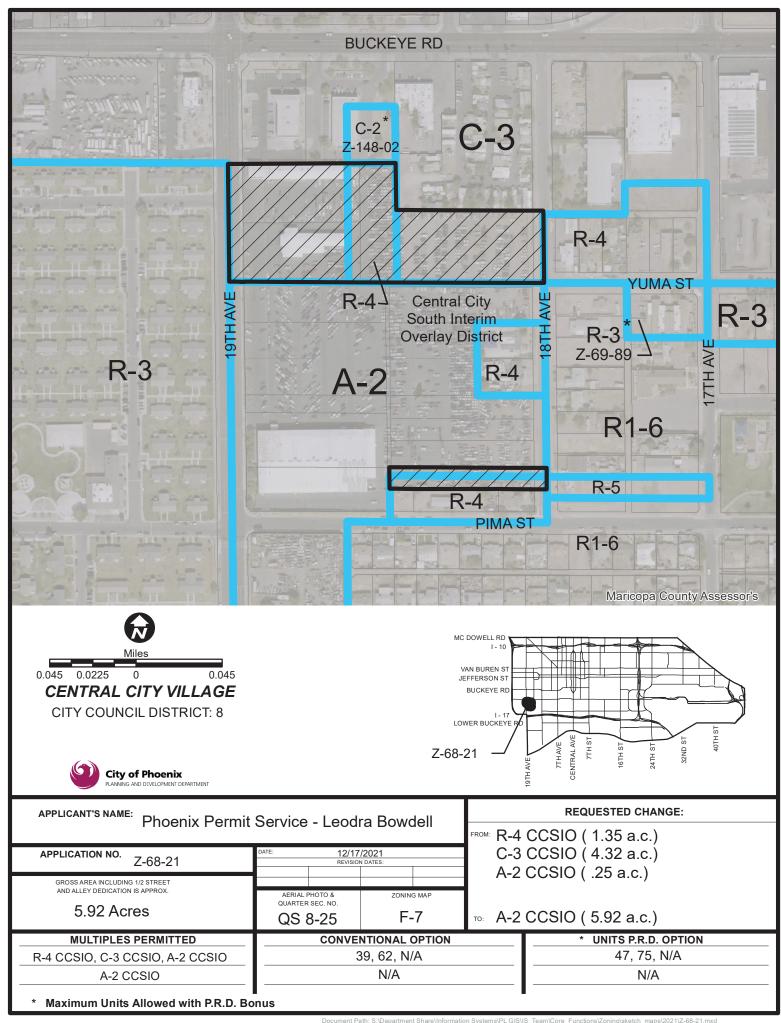
Anthony Grande April 8, 2022

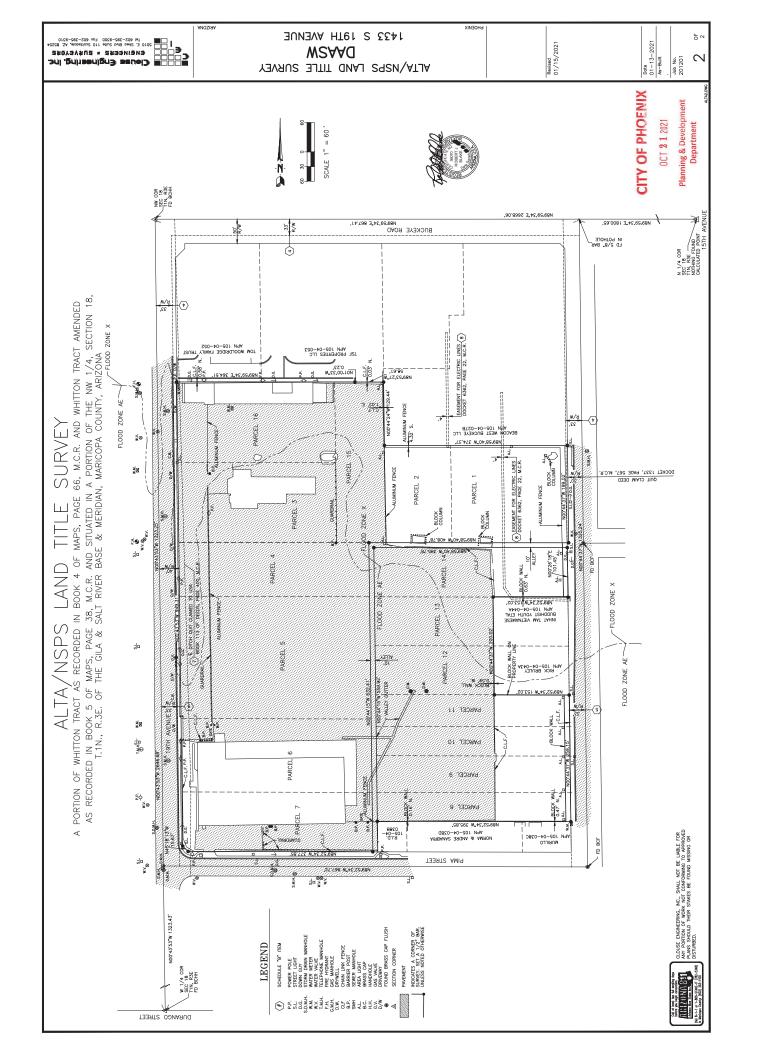
Team Leader Racelle Escolar

Exhibits

Sketch Map Aerial Map Site Plan/Land Survey date stamped October 21, 2021 (1 page) Photo Elevations date stamped October 21, 2021 (3 pages)





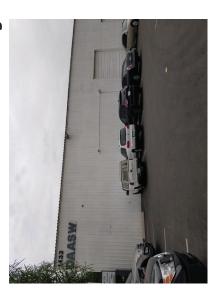




Building 1 - West Elevation



Building 1 - North Elevation



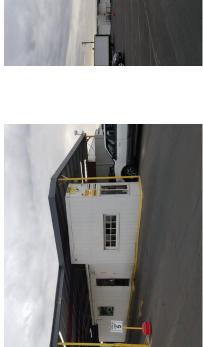
Building 1 - South Elevation



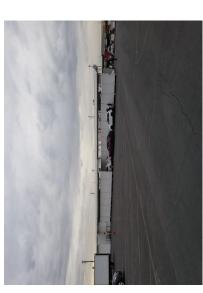
Building 1 - East Elevation



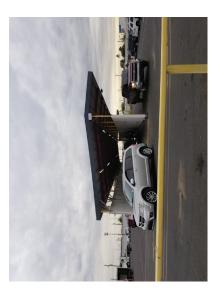
Planning & Development Department



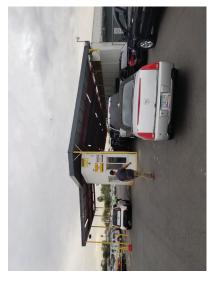
Building 2 - North Elevation



Building 2 - South Elevation



Building 2 - East Elevation

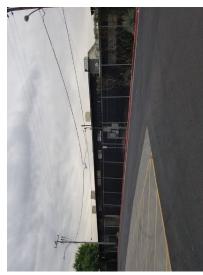


Building 2 - West Elevation

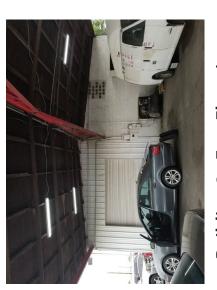


Building 3 - South Elevation





Building 3 - North Elevation



Building 3 - East Elevation



Building 1 - West Elevation

CITY OF PHOENIX

Planning & Development Department OCT 2 1 2021