



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report**  
**Zoning Ordinance Text Amendment**  
**Z-TA-3-16**

**Application No Z-TA-3-16:** Amend Chapter 12 of the Zoning Ordinance, Section 1202.C (Height Regulating Map) and 1202.D (Density Regulating Map) to allow for greater height and density in the Downtown Code; and Sections 1207.C (General Standards and Guidelines) and 1222.B to revise language for setbacks when adjacent to the Central Park Character Area.

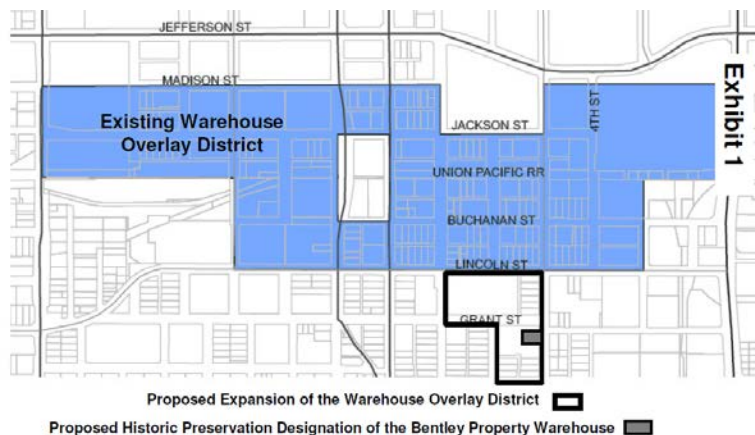
**Staff Recommendation:** Staff recommends approval of Z-TA-3-16 as shown in the recommended text in Attachment A.

**Purpose**

The applicant's request is to modify the height and density entitlements for the subject properties to allow the maximum entitlements to which some of the properties within the Warehouse Character Area of the Downtown Code are entitled. The request is to increase the height designation for the parcels from 35 and 40 feet to 80 feet (140 feet with bonus), and allow for unlimited density from the current 14.5 and 29 dwelling units per acre. The stated basis for the request is that, at the time of the Downtown Code adoption, maps were included that did not reflect the correct height and density standards for the subject properties.

**Background: Bentley Request**

On December 10, 2009, the applicant requested that the boundary of the Warehouse Overlay District be expanded to include the Bentley Project (eligible for historic preservation) and other parcels owned by the applicant south of Lincoln Street.

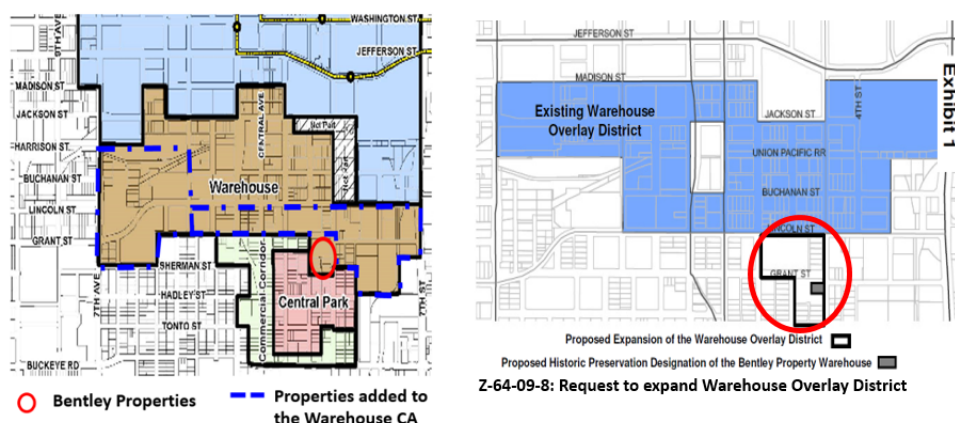


The applicant also requested that a Historic Preservation Overlay be granted over a portion of the property, approximately 0.46 acre, located at 215 East Grant Street, known as the Bentley Projects (Z-64-09-8).

## **Background: Urban Form Project and the Downtown Code**

Community outreach was a crucial element of the Urban Form Project which began in 2006. Throughout the process, the community, neighborhood associations, developers and other stakeholders were included in the visioning and community meetings.

The primary Downtown Code map defines the boundaries of each Character Area. As part of the process, the boundary of the Warehouse Character Area (previously Warehouse Overlay District) was greatly revised. Some properties in the original Overlay were incorporated into the new Downtown Core Character Area (to the north). As part of the new Warehouse Character Area, significant acreage was added to include an area between 4th Avenue and 7th Avenue and the area between Lincoln Street and Grant Street, including the Bentley properties.



*The proposal to establish the Downtown Code with a new Warehouse Character Area was being considered concurrent with a proposal to expand the (former) Warehouse Overlay District. The Downtown Code was adopted (replacing the Warehouse Overlay District) and only the request for Historic Preservation designation on a portion of the Z-63-09-8 proposal was adopted.*

The intent of the original Warehouse Overlay District was to incorporate an area that represented the character of the historic, industrial warehouse district, to develop guidelines to guide development to be compatible with its character, and to create opportunity for historic preservation. The Warehouse Overlay District was an industrial area and none of its properties abutted residential properties or neighborhoods. When properties were added to the newly established Warehouse Character Area, they were not assigned the same entitlements as those properties that were part of the original Overlay District, in particular when abutting residential areas, such as the Central Park Character Area.

The existing height and density designations in the Downtown Code were crafted to act as the buffer and transition from greater entitlement areas to the north, stepping down towards the residential Central Park Character Area (a common form-based approach

to transitioning) rather than applying deep setbacks from adjacent lower scale development as existing zoning district standards require.

The Central Park Character Area and standards were developed working closely with the Central Park neighborhood in order to ensure compatibility and respect for the area's existing character. The maximum height of 40 feet remained the same, including those of the applicant's properties, which at the time were within the initial boundary of the Central Park Character Area. Therefore, beyond minimum standards, there was no need for additional building setbacks since the height of the properties in the Warehouse Character Area adjacent to the Central Park Character Area were identical.

The regulating maps and all proposed standards in the Downtown Code were a product of honoring existing property entitlements, staff and consultant research on the appropriateness of any increases in entitlements, and their compatibility with adjacent neighborhoods or character areas. Recommendations were reviewed and vetted through an extensive community, neighborhood association, and stakeholder outreach for over two and a half years before the final adoption of the code by City Council in February, 2010.

### **Background: Review of Downtown Code and Bentley Request by the Central City Village Planning Committee**

On January 11, 2010, the Central City Village Planning Committee reviewed both the request to adopt the Downtown Code (Z-TA-1-08) and the request to expand the Warehouse Overlay District to include the Bentley properties (Z-64-09-8). Staff provided an addendum to the committee outlining a recommendation whereby only the request for the Historic Preservation (HP) on a portion of the Bentley property would move forward, noting that the pending adoption of the DTC would replace the Warehouse Overlay District and underlying zoning districts. Although he could not attend the meeting, committee member John Glenn reviewed the request and provided detailed comments to the committee. He commented that although the Warehouse Overlay heights of 80 feet were conceivable, he wanted to know whether the surrounding residential neighborhood understood this. He noted that nowhere in the applicant's narrative for the Warehouse Overlay District expansion was a request to modify height or density. See Attachment B.

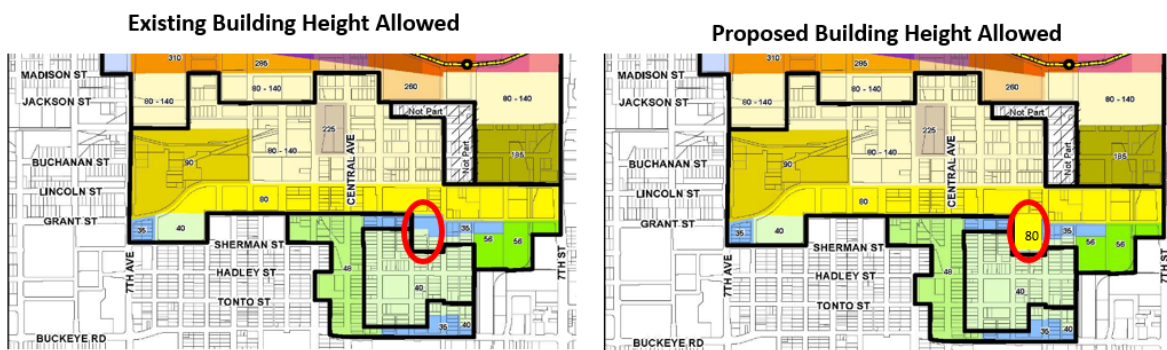
The Central City Village Planning Committee concurred with staff and recommended approval for the Historic Preservation designation on the 0.46 acre, but denied the request for the Warehouse Overlay expansion.

Following the recommendation of the historic preservation designation (Z-64-09-8), the committee recommendation for approval of the Downtown Code, which included all regulating maps (e.g. height and density maps), and which proposed no changes to entitlements for density or height for the subject properties. The applicant for Z-64-09-8

was present for this presentation, as noted in the minutes, but did not provide comments that would have indicated that changes to height and density were needed.

## Discussion

The applicant's 2016 request to increase the height and density entitlements for properties at the southwest corner of 3rd Street and Grant Street is based on the proposition that an "unintended oversight" by staff resulted in the adoption of maps that contained the base zone entitlements rather than those of the original Warehouse Overlay District. As noted previously, Grant Street was shown on all maps as the divider between the 80 foot height entitlement and lower heights that would transition to the neighborhood area.



*Entitlement to 80 feet in height has been limited to properties north of Grant Street regardless of the boundaries of the Warehouse Character Area. Height entitlement for properties south of Grant Street has been limited to the heights allowed by the underlying zoning at the time the Downtown Code was adopted.*

The subject request applies to properties on the south side of Grant Street and as such there is no right-of-way to provide a separation between a higher and a lower height zone. Appropriate standards to minimize the negative impact of increased height entitlement adjacent to Central Park's residential neighborhood (from 35 and 40 feet to 80 feet) are required. An amendment to the Warehouse Character Area standards is proposed to provide building/landscape setback and stepback standards for properties adjacent to the Central Park Character Area, as shown in the text in Attachment A.

## Conclusion

The additional Warehouse Character Area standards for setbacks for projects greater than 40 feet in height will provide a suitable buffer transition from Warehouse CA development adjacent to properties in the Central Park Character Area and help minimize the bulk and mass of those developments.

Staff recommends approval of the change to the Zoning Ordinance as proposed in Attachment A.

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December 7, 2016

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**Writer**

K. Coles

12/7/2016

**Attachments**

A. Proposed Language

B. Excerpt from January 11, 2010 Central City Village Planning Committee meeting minutes

# ATTACHMENT A

**Application No. Z-TA-3-16:** Amend Section 1202 (Regulating Maps) of the Phoenix Zoning Ordinance to replace the Downtown Code maps to amend height and density provisions in the Warehouse Character Area for the property located at southwest corner of 3<sup>rd</sup> Street and Grant Street. Amend Section 1207.C (General Standards and Guidelines) to modify stepback requirements. Amend Section 1222.B (Warehouse) of the Phoenix Zoning Ordinance to add setback requirements.

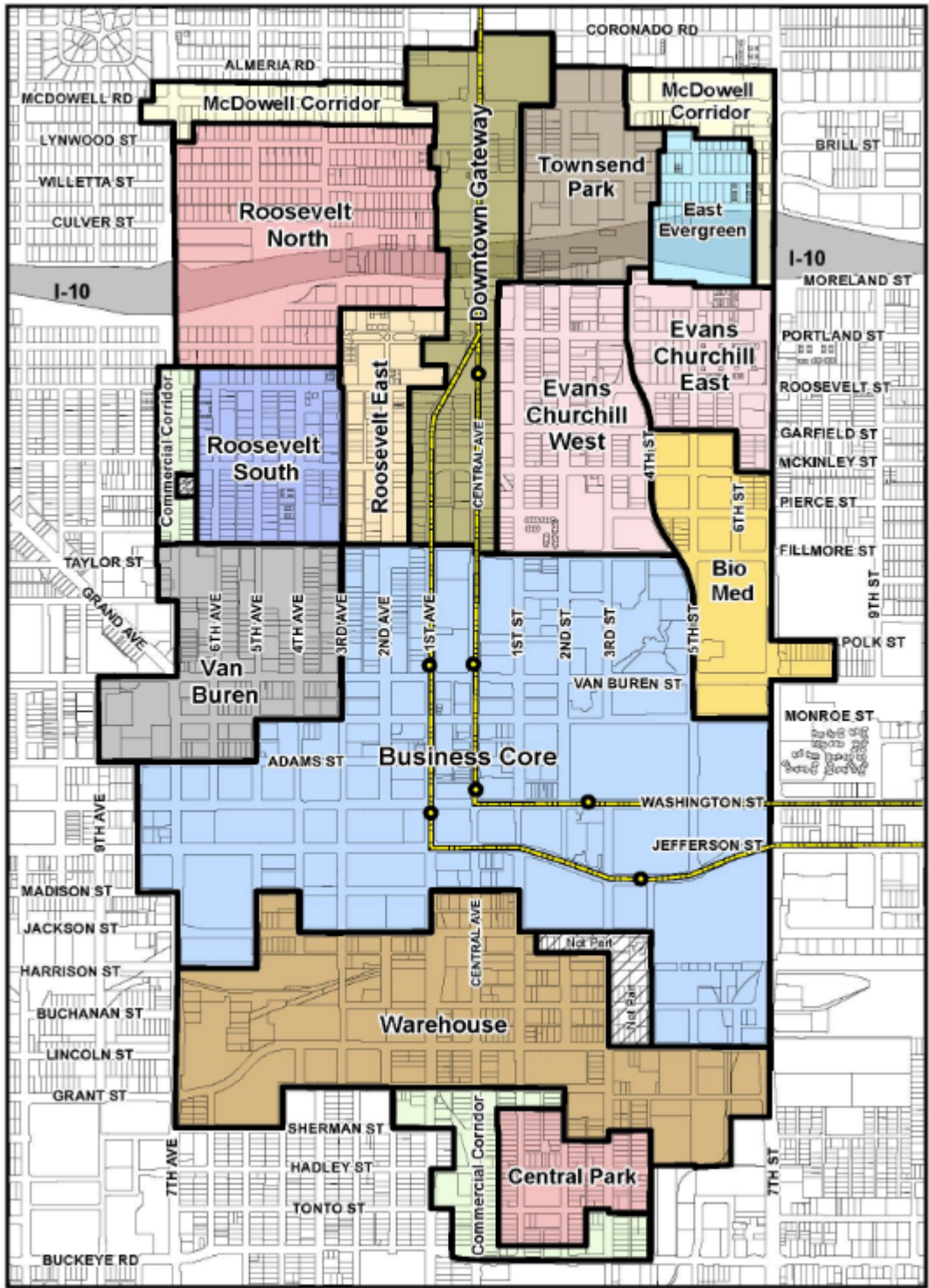
Staff Proposed Language That May Be Modified During the Public Hearing Process is as follows:

**Amend Chapter 12, Section 1202 (Regulating Maps) by removing the old maps, and inserting new maps as follows:**

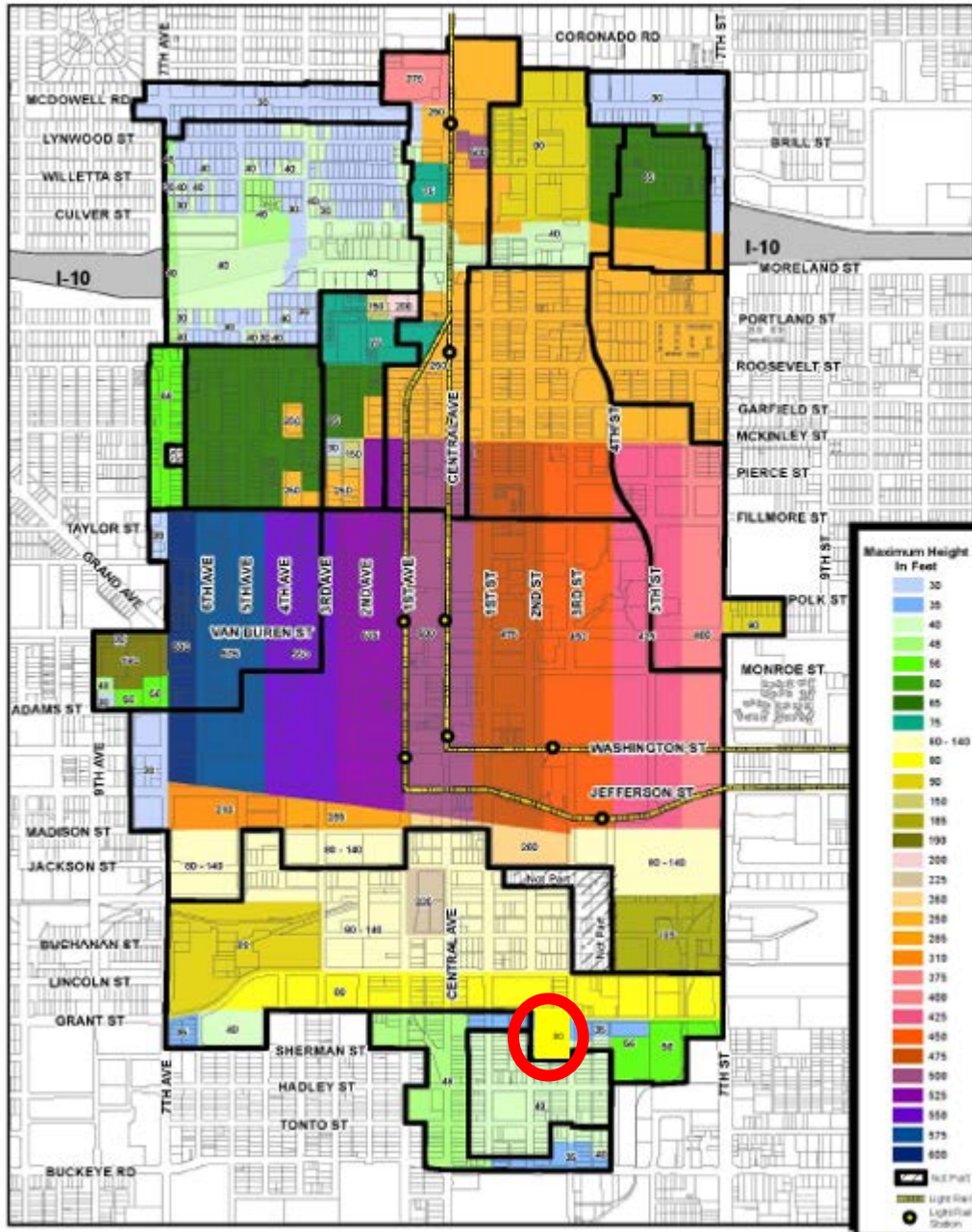
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B. This map designates the Character Area boundaries for Downtown.

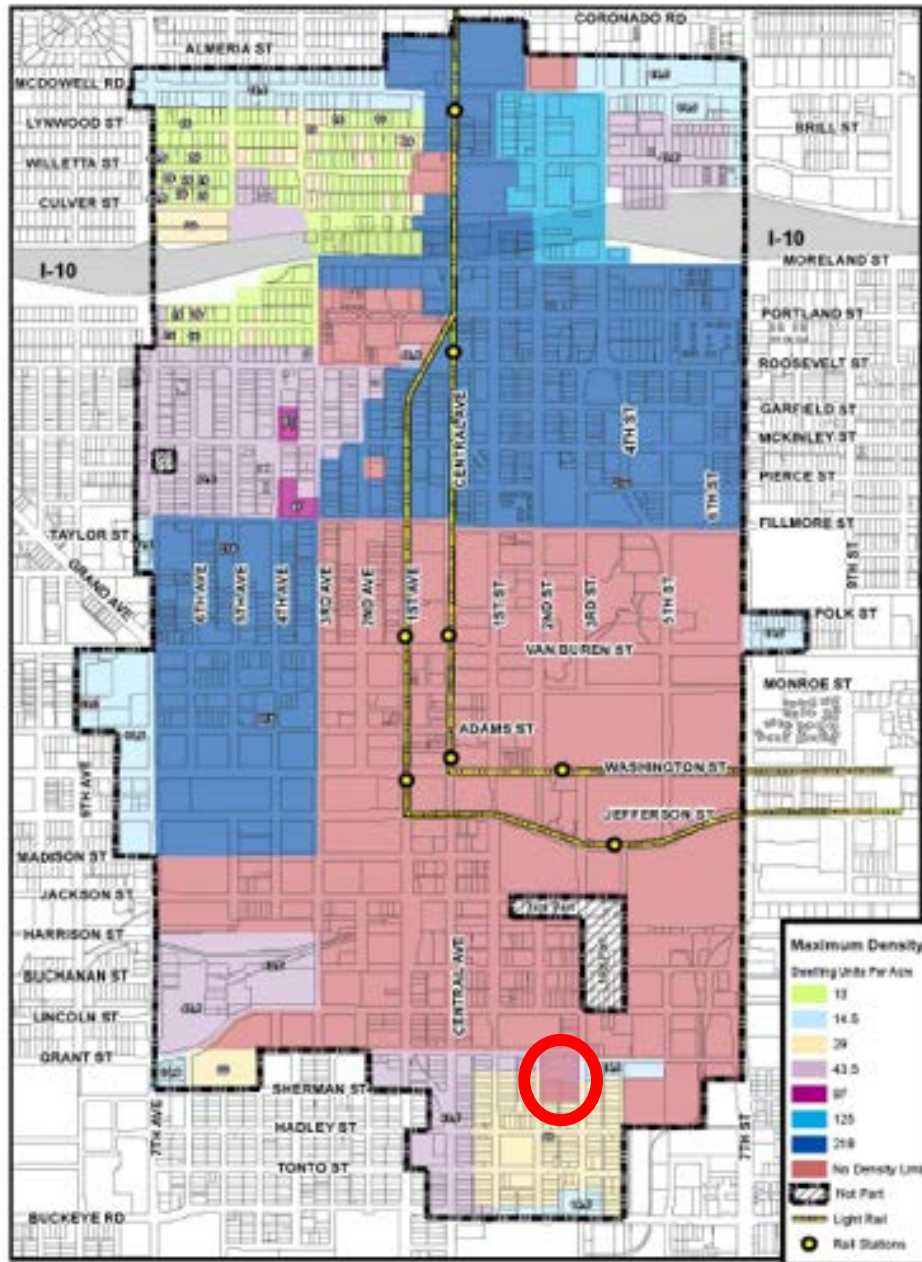


- C. The height for any property in the Downtown Area shall not exceed the following unless a height bonus is allowed by the Character Area and approved by Planning and Development Department staff, or an appeal is approved by the Design Review Committee (DRC). In no event can the height exceed the airport height limit:  
**(NOTE: SUBJECT PARCELS ARE CIRCLE IN RED)**





- D. The density for any parcel in the Downtown Area shall not exceed the following unless a density bonus is allowed by the Character Area and approved by the Planning and Development Department staff or an appeal is approved by the Design Review Committee (DRC) pursuant to Section [1223](#) requirements:  
**(NOTE: SUBJECT PARCELS ARE CIRCLE IN RED)**



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**Amend Chapter 12, Section 1207.C (General Standards and Guidelines) to add new section to read as follows:**

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**C. Height Transition Standards.**

For all new development adjacent to lots of a lower height zone, a stepback shall be provided to compensate for disproportionate height disparities.

This additional stepback provides for building separation and circulation of air and light in a dense urban fabric.

1. The stepback shall be a minimum ten feet in width for the length of the building that is adjacent to the lower height zone and shall be measured from the required side or rear yard setback line.
2. When new development is adjacent to multiple lots of differing height zones lower than its own, then the stepback shall mirror the adjacent height zones.
3. A stepback shall not be required in the following circumstances UNLESS MODIFIED BY CHARACTER AREA STANDARDS:
  - a. There is a height difference of 20 feet or less between a proposed building and the adjacent height zone.
  - b. A building is adjacent to a height zone of 65 feet or greater.
  - c. A street or alley (not designated on Map 1202.F) separates different height zones.
  - d. The proposed new development is located ten or more feet beyond the required setback line.

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Amend Chapter 12, Section 1222.B (Warehouse) to add new section 4.b to read as follows:

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**B. Development Standards.**

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**4. Minimum side and rear setbacks.**

a. *Primary building.*

(1) *Side:* 0 feet.

(2) *Rear:* 0 feet.

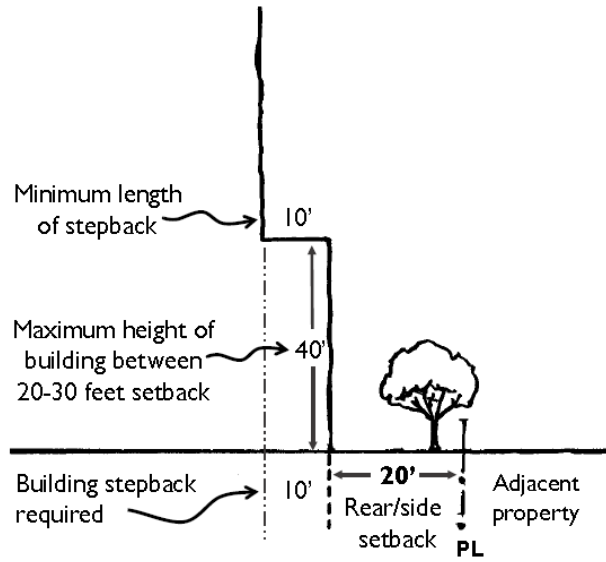
**B. FOR NEW DEVELOPMENTS OVER 40 FEET IN HEIGHT ABUTTING A PROPERTY IN THE CENTRAL PARK CHARACTER AREA, AND NOT SEPARATED BY A DEDICATED ALLEY OR STREET, THE FOLLOWING ADDITIONAL REQUIREMENTS SHALL APPLY:**

(1) **SIDE: MINIMUM 20-FOOT BUILDING SETBACK, INCLUDING A 10-FOOT LANDSCAPE SETBACK. THE LANDSCAPE SETBACK SHALL BE MEASURED FROM THE PROPERTY LINE.**

(2) **REAR: MINIMUM 20-FOOT BUILDING SETBACK, INCLUDING A 10-FOOT LANDSCAPE SETBACK. THE LANDSCAPE SETBACK SHALL BE MEASURED FROM THE PROPERTY LINE.**

(3) **THE BUILDING SHALL NOT EXCEED 40 FEET IN HEIGHT WHEN LOCATED BETWEEN 20 AND 30 FEET OF THE SIDE OR REAR PROPERTY LINE.**

(4) **A STEPBACK SHALL BE REQUIRED UNLESS THE PROPOSED NEW DEVELOPMENT IS LOCATED TEN OR MORE FEET BEYOND THE REQUIRED SETBACK LINE. A MINIMUM STEPBACK OF TEN FEET IN DEPTH FOR THE LENGTH/WIDTH OF THE BUILDING THAT IS ADJACENT TO THE CENTRAL PARK CHARACTER AREA IS REQUIRED. THE STEPBACK SHALL BE MEASURED FROM THE REQUIRED SIDE OR REAR YARD SETBACK LINE**



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# ATTACHMENT B

## Excerpt of Comments from John Glenn

Z-64-09.8

- Parking might prove to be a little problematic to the surrounding Parks neighborhood. The Warehouse district doesn't require off street parking, and actually discourages it in some places given set backs, screening et al, I would argue that off street parking is in fact discouraged in the W district. Is the surrounding Neighborhood in understanding that their might be an influx off patrons parking and filling up on street parking?

- Notwithstanding the next agenda item, downtown code (DC), in W district heights of 80' are conceivable, is the surrounding residential neighborhood in understanding of this? This does pose a conflict of the 35'/40' that's dictated by the downtown code map (page 9 from the DC booklet). There is nothing in this application that discusses that the 35/40' cap, do the property owners (of the southern parcels) understand they won't have full development rights as entitled in a Warehouse Overlay? Could this not potentially set up a prop 207 fight latter down the road? Sequentially maybe this applications should have followed the fore gone adoption of the Downtown Code?

Per 645.C.1 Does the surrounding Parks neighborhood understand that in the W district; outdoor dining, entertainment, bars etc are all allowable uses pending a use permit. Much like parking prior, these can pose some pretty conflicting uses for a neighboring residence.

Conclusion: I do support (Vote yes) for the application so as long as neighbors understand the potential conflicts of uses and heights down the road. I would like to subvert potential friction in the future.

*Source: Minutes of the January 11, 2010 Central City Village Planning Committee*

<https://apps-secure.phoenix.gov/PublicRecordsSearch/Home/RenderPDF?id=/cdxcCqrppozEKjTChBAxl4ArPTUgq3U0w1ouglpX5U=>