



**City of Phoenix**

PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-51-19-4  
(Phoenix Country Club Residences PUD)  
January 31, 2020**

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| <b>Encanto <a href="#">Village Planning Committee</a></b> | February 3, 2020                               |
| <b>Hearing Date</b>                                       |  |
| <b><a href="#">Planning Commission</a> Hearing Date</b>   | March 5, 2020                                  |
| <b>Request From:</b>                                      | <a href="#">R-5 M-R</a> (2.94 acres)           |
| <b>Request To:</b>  | <a href="#">PUD</a> (2.94 acres)               |
| <b>Proposed Use</b>                                       | Mixed-use                                      |
| <b>Location</b>   | Northeast corner of 7th Street and Thomas Road |
| <b>Owner</b>  | Phoenix Country Club                           |
| <b>Applicant</b>  | AGS, LLC                                       |
| <b>Representative</b>                                     | Jason B. Morris, Withey Morris, PLC            |
| <b>Staff Recommendation</b>                               | Approval, subject to stipulations              |

| <u><a href="#">General Plan Conformity</a></u>   |             |  |  |
|--|-------------|--|--|
| <u><a href="#">General Plan Land Use Map Designation</a></u>   |             | Residential 1 to 2 dwelling units per acre |  |
| <u><a href="#">Street Map Classification</a></u>   | Thomas Road | Arterial                                   | Varies, 42- to 65-foot north half street |
|  | 7th Street  | Major Arterial                             | Varies, 40- to 65-foot east half street  |
| <p><b><i>CONNECT PEOPLE &amp; 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.</i></b></p> <p>The proposal offers an additional housing choice for area residents in close proximity to the North Central Major Employment Center, the Central Avenue and 7th Street commercial corridors in addition to a planned Bus Rapid Transit line along Thomas Road.</p> |             |  |  |

***CONNECT PEOPLE & PLACES CORE VALUE; TRANSIT ORIENTED DEVELOPMENT; LAND USE PRINCIPLE: Support compact, small block, mixed use development in appropriate locations.***

The proposed compact, residential project includes standards that allow for office and retail uses on the ground floor. The mixed use proposal is appropriate given the site's location adjacent to a major arterial and arterial street and buffered from single-family residential properties by intervening commercial parcels.

***CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CONNECTED NEIGHBORHOODS; LAND USE PRINCIPLE: Locate neighborhood retail to be easily accessible to neighborhoods.***

The project includes provisions for the reconstruction of the sidewalks along both 7th Street and Thomas Road. The reconstructed sidewalks will be a minimum of six feet wide, detached from the curb and provided with a minimum of 75 percent shade. These enhanced pedestrian connections will provide greater connectivity to the proposed commercial uses from nearby residential neighborhoods.

***CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Enhance the compatibility of residential infill projects by carefully designing the edges of the development to be sensitive to adjacent existing housing. Create landscape buffers and other amenities to link new and existing development.***

The current streetscape is sparsely landscaped. The PUD Development Narrative includes standards for wider landscaped setback areas. These standards are more consistent with the edges of other residential developments in the vicinity.

***BUILDING A SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: New development should minimize surface parking areas and provide an abundance of shade through either trees or structures on any planned parking areas.***

The proposed development will redevelop a portion of the existing surface parking lot and provide structured parking for future residents. The remaining surface parking area within the rezoning request area will be improved with additional landscaping to provide a minimum of 25 percent shade.

### Applicable Plans, Overlays, and Initiatives

**Complete Streets Guiding Principles** – The City’s complete streets policy further advances its goal to create a more sustainable transportation system that is safe and accessible for everyone. Complete streets provide infrastructure that encourages active transportation such as walking, bicycling, transportation choices and increased connectivity. Through this policy, the primary focus of street design will no longer be solely on the speed and efficiency of automobile travel, but on the safety and comfort of all users. See Background Item No. 13.

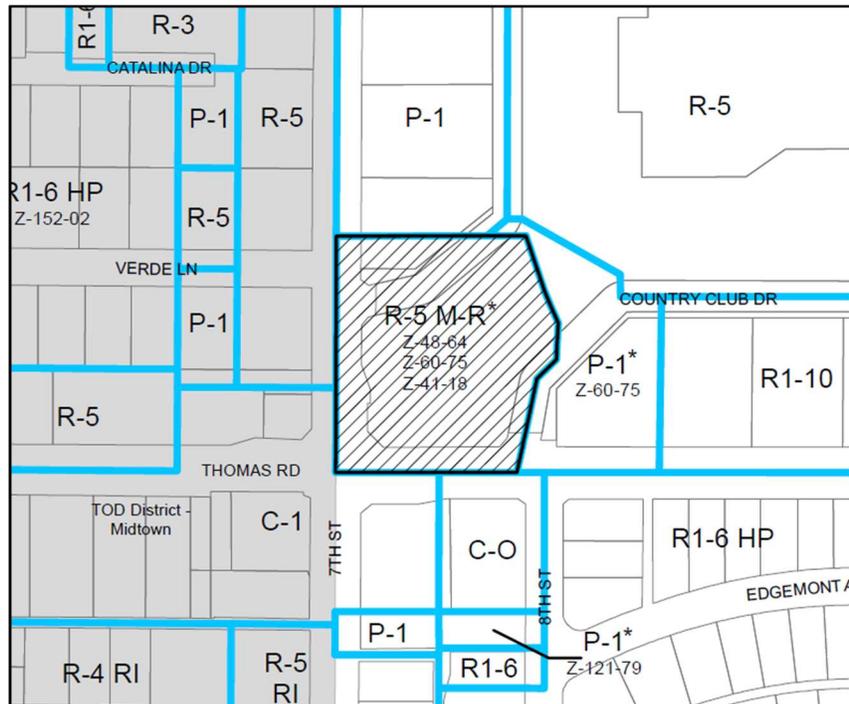
**Tree and Shade Master Plan** – The Tree and Shade Master Plan is a roadmap for creating a healthier, more livable and prosperous 21st Century desert city. The goal is to treat the urban forest as infrastructure to ensure that trees are an integral part of the city’s planning and development process. See Background Item No. 14.

**Reimagine Phoenix** – Reimagine Phoenix is the city’s initiative to increase the city’s waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. See Background Item No. 15.

### **Background/Issues/Analysis**

#### SUBJECT SITE

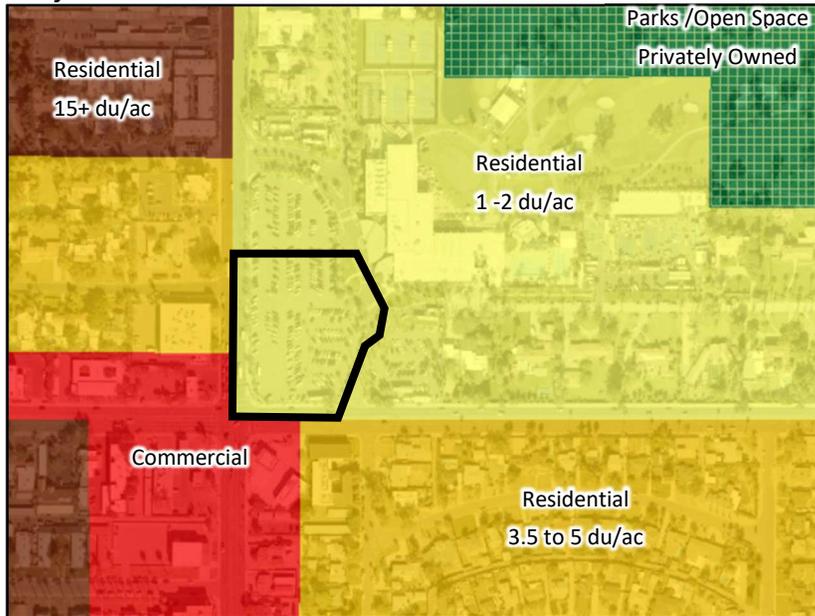
1. This request is to rezone a 2.94-acre site located at the northeast corner of 7th Street and Thomas Road from R-5 M-R (Multifamily Residence District, Mid-Rise District) to PUD (Planned Unit Development) to allow mixed-use.



**Zoning Sketch Map, Source: City of Phoenix Planning and Development Department**

## GENERAL PLAN

- The site has a General Plan Land Use Map designation of Residential 1 to 2 dwelling units per acre. The proposal is not consistent with the General Plan Land Use Map designation; however, an amendment is not required as the subject site is less than 10 acres.



*General Plan Land Use Map, Source: City of Phoenix Planning and Development Department*

The surrounding General Plan Land Use Map designations are as follows:

**North and East:** Residential 1 to 2 dwelling units per acre with Parks/Open Space – Privately Owned beyond.

**South and West:** Commercial and Residential 3.5 to 5 dwelling units per acre

## SURROUNDING LAND USE AND ZONING

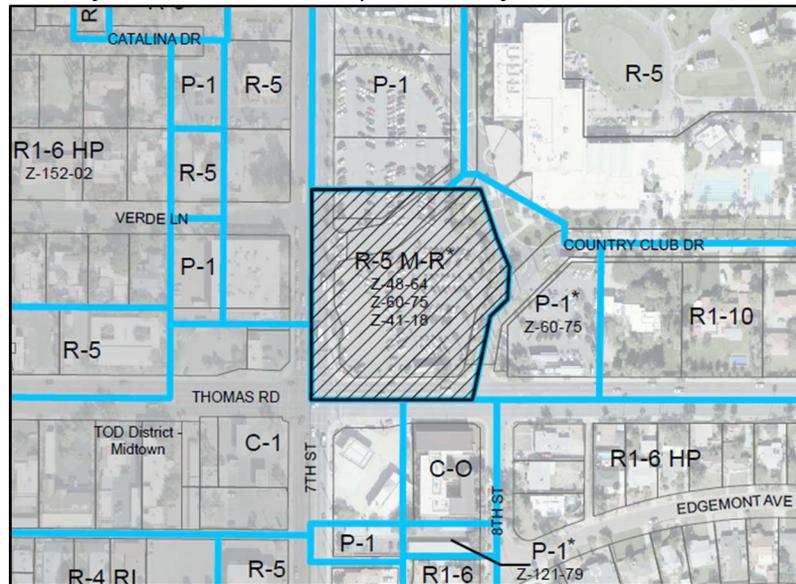
- The subject site is currently utilized for surface parking and located at the intersection of two heavily traveled arterial streets. The Transportation 2050 (T2050) Plan designates Thomas Road, from 44th Street to 91st Avenue, as a future Bus Rapid Transit (BRT) route and will run adjacent to the subject site. Nearby single-family residences are buffered from the site by intervening uses on all sides of the property. The zoning surrounding the subject site is as follows:

**North:** Located to the north is a surface parking lot for the Phoenix Country Club, zoned P-1 (Passenger Automobile Parking, Limited) and single-family residential properties zoned R1-10 (Single-Family Residence District).

**South:** To the south, across Thomas Road, is an office that is zoned C-O (Commercial Office), and a vacant gas station that is zoned C-1 (Neighborhood Retail).

**East:** A surface parking lot, zoned P-1 (Passenger Automobile Parking, Limited), the Phoenix Country Club, zoned R-5 (Multifamily Residences District), and single-family residences, zoned R1-10 (Single-Family Residence District), are located to the east of the site.

**West:** To the west, across 7th Street, is a vacant commercial use that is zoned C-1 and an existing office that is zoned R-5 (Multifamily Residences District).



*Aerial Sketch Map, Source: City of Phoenix Planning and Development Department*

#### ZONING HISTORY

4. In 1964, the subject site was rezoned via Rezoning Case No. Z-48-64 from R-5 (Multifamily Residence District) to P-1 (Passenger Automobile Parking, Limited) to allow for surface parking. Since this time, the site has been used as part of a larger parking area serving the Phoenix Country Club.
5. In 2018, a rezoning application, Rezoning Case No. Z-41-18, was filed for the subject site. The application requested rezoning of the property from P-1 (Passenger Automobile Parking, Limited) to R-5 H-R (Multifamily Residence District, High Rise and High Density District) for a 164-foot, 15-story multifamily residential tower. On March 20, 2018, the Phoenix City Council denied the request as filed and approved R-5 M-R (Multifamily Residence District, Mid-Rise District) zoning for the site.
6. The approval of the R-5 M-R through Rezoning Case No. Z-41-18 was conditioned upon 22 stipulations, many of which were designed to enhance the building form and activate the adjacent streetscape along both 7th Street and Thomas Road. Stipulations of approval included a maximum building height of 110 feet, limiting access to the existing Phoenix Country Club driveways, detached sidewalks, heightened streetscape landscaping and building features designed to engage the street.

7. The Phoenix City Council, as part of their approval of Rezoning Case No. Z-41-18, directed the applicant to file for Planned Unit Development (PUD) zoning within six months of City Council approval. The PUD application needed to encompass the stipulated requirements of the zoning case and permit ground floor active uses along both 7th Street and Thomas Road. In addition, an architectural review committee, consisting of a minimum of three neighborhood representatives was to be formed to assist in developing the site plan, building elevations, landscape plan and other architectural details of the project.
8. The current rezoning request fulfills the abovementioned City Council direction of filing for a PUD and the associated requirements. This includes formation of an architectural review committee to assist in developing the project's site plan, building elevations, landscape plan, and project architectural details. Further information regarding the architectural review committee is detailed in Item No. 16.
9. As detailed below, this PUD request incorporates the previous stipulations, permits active commercial uses and integrates the comments of the architectural review committee.

#### PROPOSAL

10. The proposal was developed utilizing the PUD zoning designation. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.
11. Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative date stamped January 28, 2020. The PUD would allow the development of a 110-foot mixed use, multifamily and commercial development.
  - a. **Land Use Plan**  
The proposed PUD does not propose a separation of land uses on the subject parcel.
  - b. **Permitted Land Uses**  
The PUD proposes to permit all uses in the R-5 zoning district as well as select active commercial uses including artist studios, bakeries, retail and restaurant uses. Use Permit requirements are specified for retail in excess of 5,000 square feet in addition to outdoor dining, outdoor recreation or outdoor alcoholic beverage consumption accessory to a restaurant use.

The PUD Development Narrative also includes several prohibited uses including hotels, environmental remediation facilities, veterinary offices and banks.

In addition to the permitted and prohibited uses, the narrative proposes both temporary and accessory uses typically associated with a multifamily development.

c. **Development Standards**

**Density**

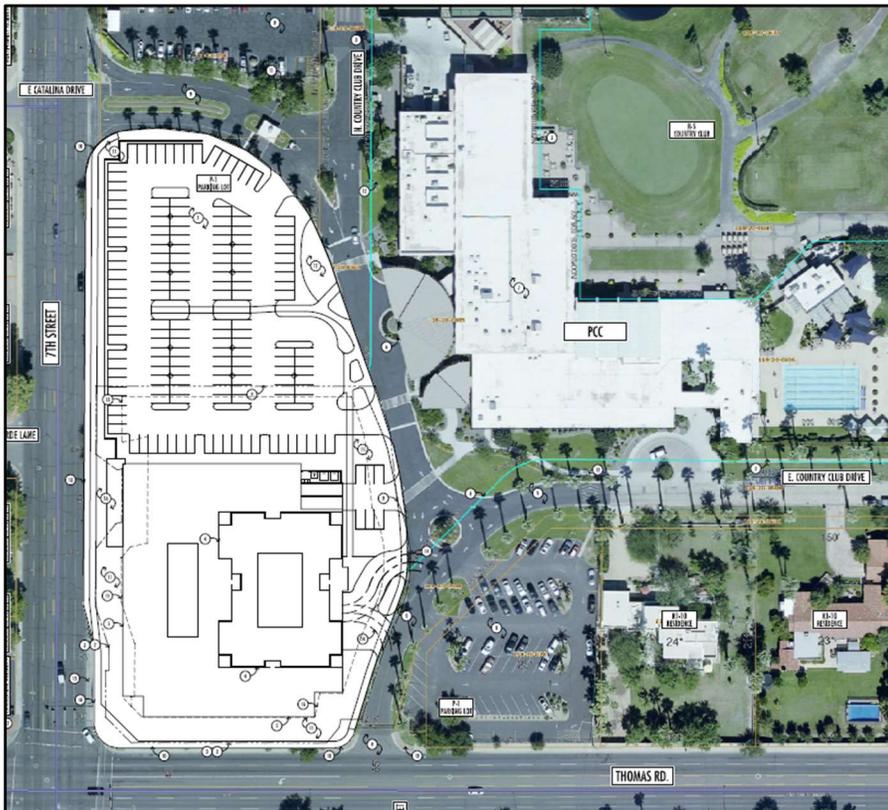
The PUD proposes a maximum density of 125 dwelling units or 42.6 dwelling units per acre.

**Building Height**

The proposed building height is a maximum of 110 feet. This is consistent with the height stipulated in Rezoning Case No. Z-41-18.

**Building Setbacks**

A 10-foot building setback is required along the north perimeter of the subject site. Setbacks of 25 feet are required for the south, east and west perimeters. An encroachment of up to 12 feet is permitted within the western setback area when located adjacent to the bus bay. In addition, where ground level commercial uses are present, setbacks may also be decreased up to 12 feet to accommodate outdoor seating, patio dining or outdoor retail sales, subject to a use permit.



**Conceptual Site Plan, Source: Davis**

### Landscape Setbacks

The proposed landscape setbacks are identical to the building setbacks and allow the same encroachments for adjacency to the bus bay and to accommodate proposed outdoor commercial activity.

### Planting Standards

Planting standards include a double row of street trees along both 7th Street and Thomas Road. The trees proposed include a mix of 50 percent, 2-inch caliper trees and 25 percent each of 3- and 4-inch caliper trees. This requirement exceeds the stipulated mix of 50 percent, 2-inch caliper and 50 percent, 3-inch caliper trees from Rezoning Case No. Z-41-18.

The PUD Development Narrative also proposes 5-gallon shrubs at a rate of five per tree in addition to 50 percent living vegetation groundcover in landscape areas, except for any foundation plantings which are required to provide 75 percent vegetative ground cover. Tree planting standards are also provided for surface parking lot areas at a rate of one, 2-inch caliper tree per every 10 vehicle parking spaces.

### Lot Coverage

The PUD proposes a maximum lot coverage of 60 percent.

### Open Space

The Development Narrative includes a provision for a minimum of 25 percent open space/common area that will include all open space areas on the ground floor and top of any building floor with outdoor space. This area will be provided outside of any required landscape setback areas, vehicular drives and parking areas. The conceptual plans included within the Development Narrative show the majority of the open space area placed on an amenity deck above the planned parking podium.

### Vehicular Access

Access is proposed to be limited from the existing Phoenix Country Club driveways along 7th Street and Thomas Road. This standard is consistent with a stipulation regarding access approved via Rezoning Case No. Z-41-18.

### Detached Sidewalks and Pedestrian Ways

Consistent with the stipulations associated with the R-5 M-R zoning, sidewalks within the project area will be detached, 6 feet in width and separated from the curb with a minimum landscape area of 5 feet. Consistent with the existing zoning stipulations, the narrative also contains standards for two pedestrian connections comprised of decorative paving and connecting the building to the transit stop on 7th Street as well as Thomas Road.

### Building Entrances

The PUD contains a requirement that there be a minimum of two building entrances adjacent to street. Pedestrian entrances will be designed with distinctive materials and architectural elements, consistent with the stipulations of Rezoning Case No. Z-41-18.

The PUD also introduces standards for any commercial uses located on the ground floor of the building by utilizing several of the frontage standards outlined in Section 1305 of the city's Walkable Urban Code. The introduction of this provision exceeds the stipulated requirement to address potential commercial uses through addition of use standards only.

### Loading and Service Areas

Standards associated with interior placement and screening of loading, service and refuse areas are included within the Development Narrative and are consistent with previously approved stipulations.

### Shading

The PUD includes a requirement that a minimum of 75 percent of public sidewalks and pedestrian walkways be shaded. Similarly, a requirement for shading of 25 percent of the surface parking areas is also included.

### Fences/Walls

The PUD Development Narrative includes wall/fence standards for vehicular screening. The narrative also includes a restriction on walls between the adjacent streets and the building, unless utilized in conjunction with building frontage standards. This restriction on fencing between the street and the building is consistent with the current stipulations.

### Lighting

The PUD proposes conformance with Sections 507 Tab A and 704 of the Phoenix Zoning Ordinance in addition to Section 23-100 of the Phoenix City Code.

### Parking

The Development Narrative proposes standards for both off-street vehicular parking and bicycle parking. Off-street vehicular parking will be provided in accordance with Section 702 of the Phoenix Zoning Ordinance except for residential uses which will be provided at a rate of 5 percent above minimum code standards.

Bicycle parking will be provided for both residents and guests. Resident parking will be secured and provided at a rate of 0.25 per unit. Guest parking will be supplied near building entrances.

Both vehicular and bicycle parking standards are consistent with those stipulated via Rezoning Case No. Z-41-18.

#### Surface Parking

A provision regarding the percentage of surface parking area not located behind a building has been stipulated to ensure that the building design features intended to promote pedestrian interaction are included.

d. **Design Guidelines**

Stipulations approved through Rezoning Case No. Z-41-18 detailed provisions addressing blank walls, differentiated base materials, prohibition on mirrored or reflective glass and parking garage design. Guidelines encompassing these standards are included in the Development Narrative.

The PUD Development Narrative also includes several heightened design features addressing streetscape treatment and landscaping, building amenities, façade articulation and building materials.



*Conceptual rendering, Source: Davis*

#### Streetscape Treatment and Landscaping

Standards are included for installation of Live Oak trees, or similar species, along both street frontages to maintain consistency with the character of the existing landscape palette in the vicinity. Planter areas will also be provided in conjunction with any parking garage to provide visual interest.

### Amenities

Design guidelines are included for a podium amenity deck for residents improved with a pool, gardens and other activity areas. In addition, a dog park for the use of the building's residents will also be provided.

### Façade Articulation and Building Materials

The PUD Development Narrative contains specific requirements for glazing material and components as well as varied, high-quality building materials. In addition, standards addressing the treatment of the building corner at the intersection are included as a stipulation to promote pedestrian activity.



*Conceptual rendering, Source: Davis*

e. **Signage**

The PUD proposes conformance with the multifamily and commercial land use requirements in Section 705 of the Phoenix Zoning Ordinance.

f. **Sustainability**

The Development Narrative proposes a variety of sustainability features to be enforced by the City including provisions for LED building and landscape accent lighting, low-water use plants and pedestrian seating. A variety of non-City enforced standards are also proposed for the development such as use of low-VOC materials, insulated glazing, interior LED lighting, low flow plumbing fixtures and high efficiency HVAC equipment.

## STIPULATED REVISIONS FOR THE PUD HEARING DRAFT

12. Stipulations not otherwise addressed in the staff report were formulated to address formatting and technical corrections to text within the Phoenix Country

Club Residences PUD hearing draft dated January 28, 2020. Changes to the text include updating or rewording to provide clarification regarding the development proposal.

#### PLANS AND INITIATIVES

13. **Complete Streets Guiding Principles**

In 2014, the Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The proposal includes enhanced landscape planting standards along both street frontages and minimum 75 percent shade along public sidewalks and pedestrian walkways. In addition, bicycle parking will be provided on site for the use of residents and guests. These improvements will encourage the use alternative modes of transportation.

14. **Tree and Shade Master Plan**

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. The provision of shade trees in the landscape area is an essential component for contributing toward the goals of the Tree and Shade Master Plan. The inclusion of trees increases thermal comfort for pedestrians and reduces the urban heat island effect. The proposed development includes landscape enhancements and a detached sidewalk along both Thomas Road and 7th Street.

15. **Reimagine Phoenix**

As part of the Reimagine Phoenix Initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. 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 PUD did not address recycling as part of the proposal.

#### COMMUNITY INPUT SUMMARY

16. **Architectural Review Committee**

As part of the City Council directive regarding the filing of this PUD, the applicants were required to form an architectural review committee composed of at least three neighborhood representatives. The applicant chose to engage six representatives from the surrounding neighborhoods and Phoenix Country Club residential community to satisfy this requirement.

The committee met over series of four meetings between October and December 2019 and offered input regarding design, color, material, landscape and site circulation to help develop the updated plans and associated PUD standards and guidelines.

17. At the time this staff report was written, there have been three letters submitted in opposition to this rezoning request and thirteen letters in favor of the request. Community concerns include inclusion of the parking podium, lack of specificity with the proposal and concern with setting future precedent.

#### INTERDEPARTMENTAL COMMENTS

18. The City of Phoenix Street Transportation Department has provided comment requiring the following:
  - Reconstruction of the existing driveway to Thomas Road to restrict access to right-in/right-out movements.
  - Removal of the existing access gate turnaround consistent with the city's Gate Access Control Policy is provided.
  - Removal of all unused driveways.
  - Sidewalks and driveways are to be repaired or replaced for compliance with current ADA standards.

These are addressed in Stipulation Nos. 2 through 5.

19. The City of Phoenix Public Transit Department commented that retention of right-of-way, a bus stop pad and bus bay will be required on northbound 7th Street. This is addressed in Stipulation No. 6.
20. The City of Phoenix Aviation Department has noted that the property is in the Phoenix Sky Harbor International Airport traffic pattern airspace. A Notice to Prospective Purchasers, which follows policy regarding properties in the City of Phoenix underlying the flight patterns of Phoenix Sky Harbor International Airport, is required in addition to an FAA no hazard determination. These are addressed in Stipulation Nos. 7 and 8.
21. The Water Services Department has noted that based on existing and known conditions, there are no water or sewer infrastructure concerns with the proposed zoning, but main extensions will be required to serve the development.
22. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2205 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
23. The Fire Prevention Division of the Fire Department commented that they do not anticipate any issues with this request, however the site or/and building(s) shall comply with the Phoenix Fire Code. Further, the water supply (gpm and psi) to this site is unknown. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

#### OTHER

24. The site has not been identified as being archaeologically sensitive. In the event archaeological materials are encountered during construction, all ground

disturbing activities must cease within 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 No. 9.

25. Development and use of the site is 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 abandonment may be required.

### **Findings**

1. The PUD zoning is requested pursuant to the City Council direction provided in the approval of Rezoning Case No. Z-41-18.
2. The PUD Development Narrative incorporates the previously stipulated design requirements from Rezoning Case No. Z-41-18 and permits active commercial uses. Together these guidelines help to promote an active streetscape along two heavily traveled arterial streets.
3. The proposed development will redevelop a surface parking lot into a more active use with enhanced pedestrian amenities.

### **Stipulations**

1. An updated Development Narrative for the Phoenix Country Club Residences PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative dated January 28, 2020, as modified by the following stipulations:
  - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date].
  - b. Page 8, Development Standards Table, Minimum Building Setbacks: Modify verbiage for setback encroachments to read "Where ground level retail uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor commercial sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit."
  - c. Page 8, Development Standards Table, Minimum Landscape Setbacks: Add "Where ground level commercial uses are present, setbacks may be decreased up to 12 feet for outdoor seating, patio dining and outdoor retail sales when utilizing patio, storefront, gallery, arcade or forecourt frontage types by securing a use permit."

- d. Page 9, Development Standards Table, Shade: Update provision to include minimum of 75 percent shade on both public sidewalks and pedestrian walkways.
- e. Page 9, Development Standards Table, Building Entrances: Add “A minimum of two building entrances shall be provided, one on 7th Street and one on Thomas Road” at the beginning of this subsection.
- f. Page 9, Development Standards Table, Building Entrances: Update code section reference for pedestrian residences to Section 1305.B.3.a. of the Phoenix Zoning Ordinance.
- g. Page 9, Development Standards Table, Building Entrances: Update commercial frontage guidelines to read “In the event ground floor retail or commercial uses are proposed on either Thomas Road or 7th Street frontages, the length of the commercial frontage shall comply with the Patio, Storefront, Gallery, Arcade or Forecourt frontage type standards in Table 1305.1 of the Phoenix Zoning Ordinance except for encroachment dimensions and wall standards which shall be governed by the setback and wall/fence provisions contained within the PUD.”
- h. Page 9, Development Standards Table: Add a subsection for Streetscape Amenities as follows:

|                       |   |
|-----------------------|---|
| Streetscape Amenities | The streetscape landscape setback areas adjacent to 7th Street and Thomas Road shall provide at least one public art element and one seating area per street. |
|-----------------------|---|

- i. Page 9, Development Standards Table: Add a subsection for Surface Parking Lot Standards as follows:

|                     |  |
|---------------------|--|
| Surface Parking Lot | Any surface parking lot area shall be located beyond the landscape setback area. Surface parking areas, not behind a building, shall not exceed 25 percent of any street frontage. |
|---------------------|--|

- j. Page 9, Landscape: Remove reference to conformance with Section 701.D.4.

- k. Page 10, Landscape Standards Table, Surface Parking Lot: Update second paragraph to read “Shade coverage shall be a minimum of 25 percent coverage overall.”
- l. Page 10, Landscape Standards Table, Adjacent to Buildings: Update subsection to read “Landscape areas within 5 feet of the building along 7th Street and Thomas Road frontages shall be provided with foundation plantings containing 75 percent living vegetation ground cover.”
- m. Page 10, Fences/Walls, Parking Screening Wall: Update subsection to read “Vehicles shall be screened by a minimum 3-foot-tall visual screen for all parking areas visible from a public street. Any fencing in excess of 3 feet shall be open fencing up to a maximum of 6 feet in height.”
- n. Page 10, Fences/Walls, Perimeter Wall: Update subsection to read “Except for parking screen walls and/or commercial frontage standard requirements, no fences or walls shall be placed between the streets (7th Street, Thomas Road) and any building.”
- o. Page 11, Design Guidelines, 2nd paragraph: Update last sentence to read “The following list details the Project’s design features which will ensure the Project adds value to the surrounding residences, businesses, and individuals passing through the well-traveled intersection.”
- p. Pages 11 and 12, Design Guidelines: Reorder the general design guidelines section into the following categories and associated provisions:

Streetscape and Site Access

- Rebuild and widen existing 7th Street and Thomas Road sidewalks to 6-foot width, detached from the curb, where not in conflict with underground or above ground utilities, along the limits of proposed development.
- Maintain all existing interior drives off Thomas Road and 7th Street that connect to PCC and private neighborhood streets.

Landscape

- Create generous landscaping along Thomas Road and 7th Street with continuous double row of Live Oak, or similar species theme tree to shade both sides of the sidewalk.
- Alternate massings of low-water use, flowering shrubs and succulents along streets that create strong identify and visual interest.
- Integrate planters into the building’s parking structure for cascading plants down the face of the garage.

- Enhance hardscape, outdoor seating and any water feature and specimen planting along drop off and front door to the building.
- Maintain and enhance the existing palm-tree-lined drive between the PCC and the new residences.
- Maintain all landscaping by private association.

#### Surface Parking Lot Design

- Implement new design for the PCC surface parking lot that includes better circulation, egress, and abundant evergreen shade trees.
- Install bio swales which help drain surface water into parking lot planter islands, as approved by the Planning and Development Department.
- Screen guest parking spaces for residences with dense vegetation and wall screening consistent with Fence/Wall Development Standards.

#### Building Amenities

- Provide rooftop amenity deck on parking garage for building residents, with pool area, gardens and activity areas that look out over city and mountain views.
  - Provide private dog park for resident use, taking responsibility off surrounding streets and existing residential. Any fencing or screen walls for the dog park shall follow the Fence/Wall development standards and accent adjacent building materials to appear as an integrated part of the larger building design.
- q. Page 12, Design Guidelines, Building Façade: Add the following guidelines to this section:
- Provide street-level parking garage building façade, landscape, and hardscape to create a safer, more pleasant and livelier streetscape for passing pedestrian traffic.
  - The corner of the building at 7th Street and Thomas Road shall be designed with distinctive massing, angled or rounded building corners or additional building articulation that emphasizes the corner and promotes activity. This area can include project identity signage and/or public art.
2. The existing driveway to Thomas Road shall be reconstructed to a P-1243 standards driveway to restrict access to right-in/right-out movements only, as approved by the Planning and Development Department.

3. The developer shall remove the gate at the existing driveway to Thomas Road or provide a turnaround consistent with the City of Phoenix's Gate Access Control Policy, as approved by the Planning and Development Department.
4. The developer shall remove any unused driveways, as approved by the Planning and Development Department.
5. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
6. The developer shall dedicate right-of-way and construct a bus bay (City of Phoenix Standard Detail P1256) and bus pad with a minimum depth of 14 feet (City of Phoenix Standard Detail P1261) along northbound 7th Street, north of Thomas Road. The bus stop pad and bay shall be placed from the intersection of 7th Street and Thomas Road according to City of Phoenix Standard Detail P1258, as approved by the Public Transit Department.
7. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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 viewed and approved by the City Attorney.
8. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
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.

Staff Report: Z-51-19-4  
January 31, 2020  
Page 19 of 19

**Writer / Team Leader**

Samantha Keating  
January 31, 2020

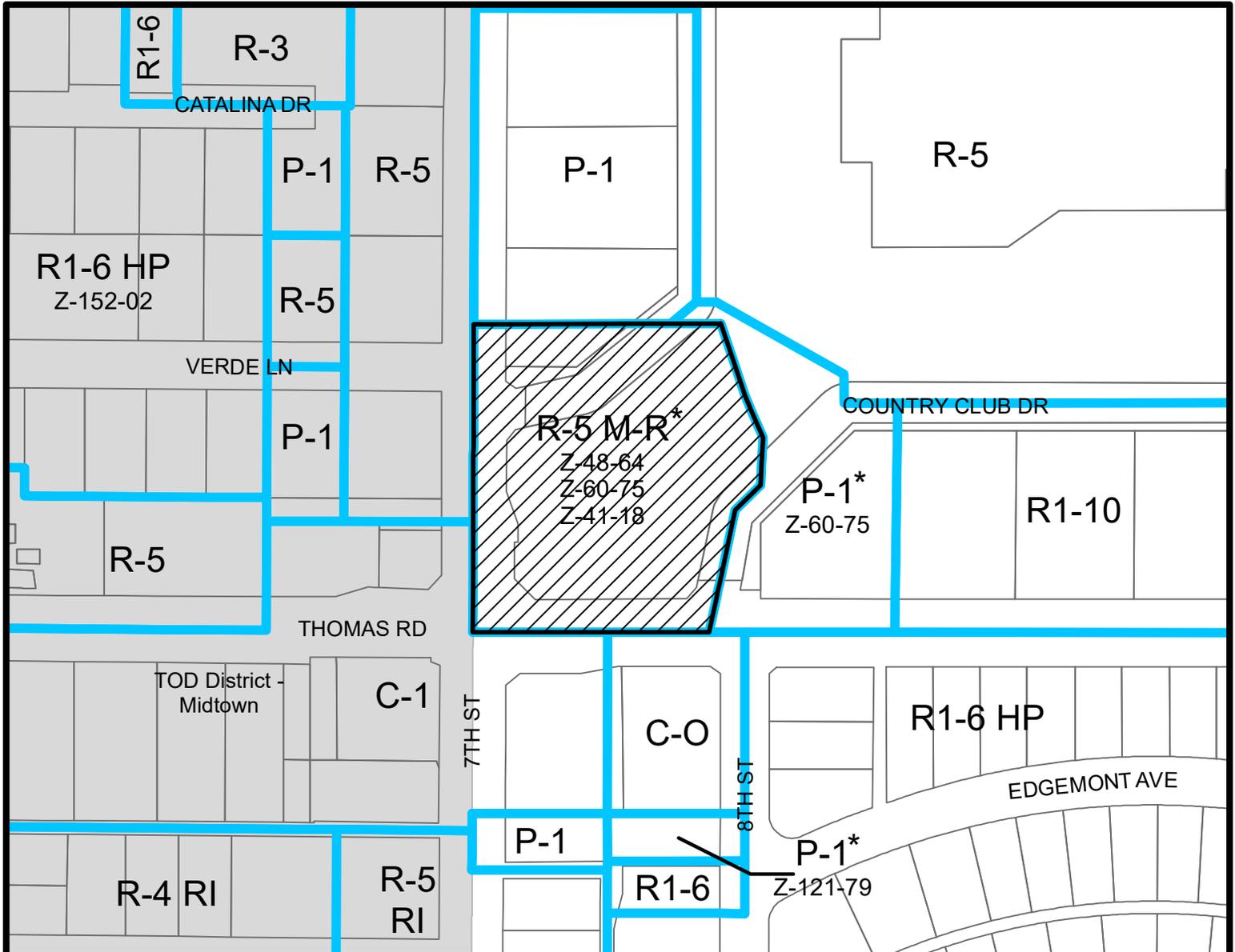
**Exhibits**

Sketch Map

Aerial

[Phoenix Country Club Residences PUD](#) date stamped January 28, 2020

Community Correspondence (20 pages)



Miles

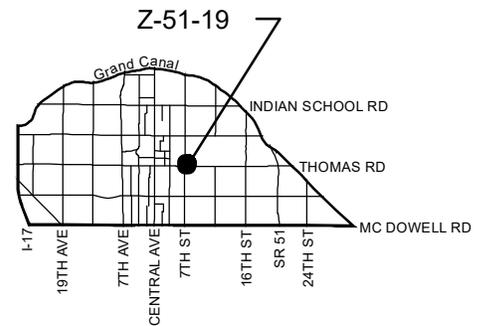


**ENCANTO VILLAGE**

CITY COUNCIL DISTRICT: 4

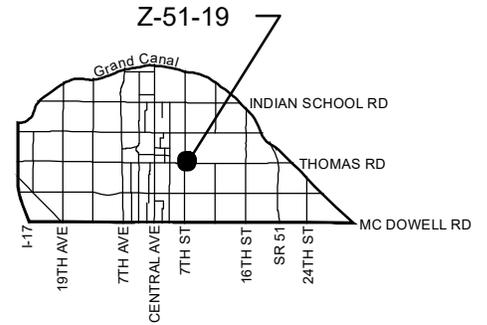
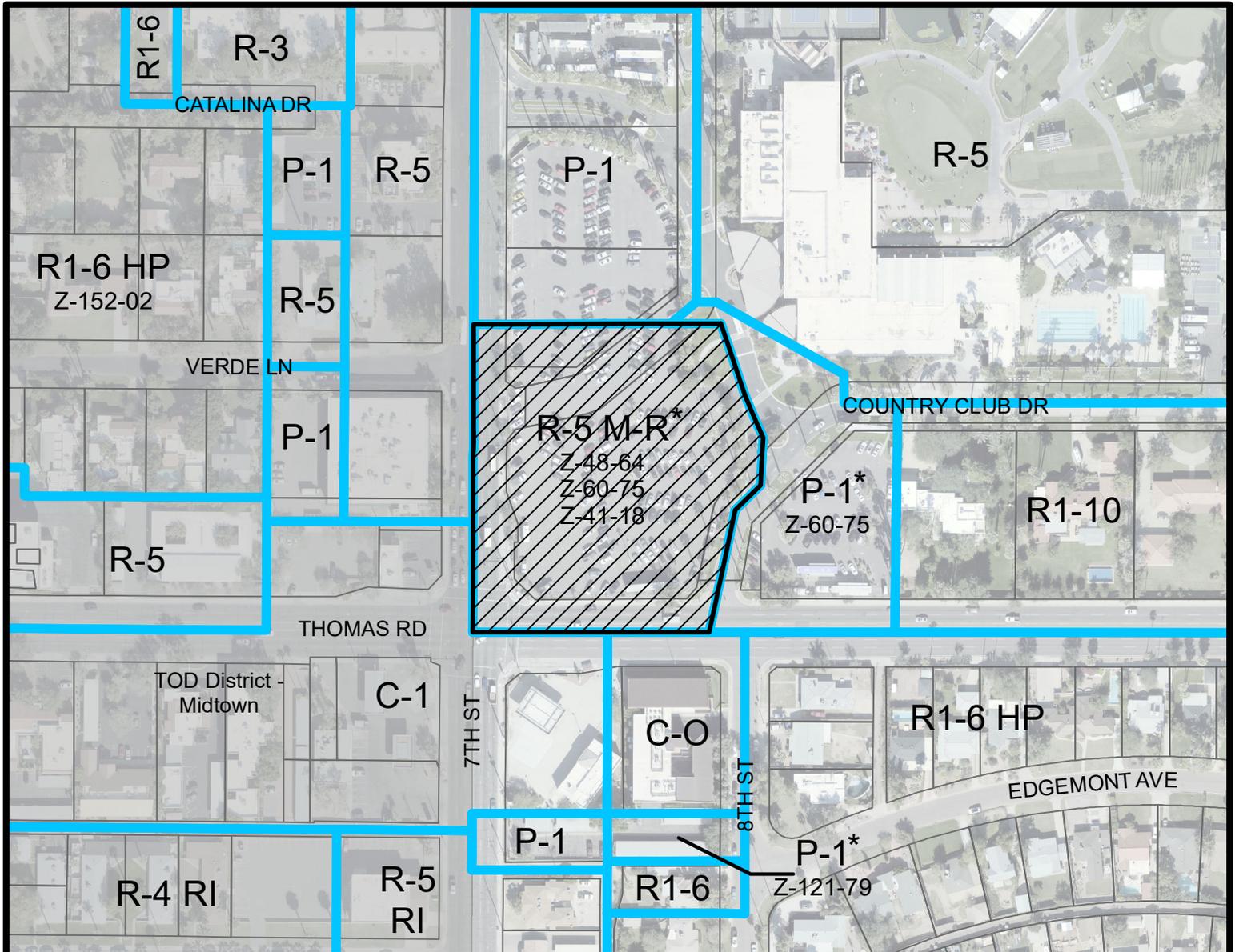


**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



|   |  |  |  |
|---|--|--|--|
| <b>APPLICANT'S NAME:</b> AGS, LLC   |  | <b>REQUESTED CHANGE:</b>   |  |
| <b>APPLICATION NO.</b> Z-51-19  |  | <b>FROM:</b> R-5 M-R ( 2.94 a.c.)  |  |
| <small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small><br><b>2.94 Acres</b> |  | <b>TO:</b> PUD ( 2.94 a.c.)  |  |
| <small>DATE:</small> 10/21/2019<br><small>REVISION DATES:</small> 11/13/2019                        |  | <small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> QS 15-29<br><small>ZONING MAP</small> G-8 |  |
| <b>MULTIPLES PERMITTED</b>  |  | <b>* UNITS P.R.D. OPTION</b>   |  |
| R-5 M-R   |  | 128  |  |
| PUD   |  | 125  |  |
| PUD   |  | N/A  |  |

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



|   |  |                                   |  |
|---|--|-----------------------------------|--|
| <b>APPLICANT'S NAME:</b> AGS, LLC   |  | <b>REQUESTED CHANGE:</b>          |  |
| <b>APPLICATION NO.</b> Z-51-19  |  | <b>FROM:</b> R-5 M-R ( 2.94 a.c.) |  |
| <small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small><br><b>2.94 Acres</b> |  | <b>TO:</b> PUD ( 2.94 a.c.)       |  |
| <b>MULTIPLES PERMITTED</b>  |  | <b>* UNITS P.R.D. OPTION</b>      |  |
| R-5 M-R   |  | 153                               |  |
| PUD   |  | N/A                               |  |
| <b>* Maximum Units Allowed with P.R.D. Bonus</b>  |  |                                   |  |

## Samantha Keating

---

**From:** McCain, Andrew <AMcCain@Hensley.com>  
**Sent:** Monday, January 27, 2020 8:44 AM  
**To:** Samantha Keating  
**Subject:** FW: Case Z-51-19-4

Ms. Keating,

I support the rezoning and PUD of Case Z-51-19-4.

Thank you.

Andy McCain

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## Samantha Keating

---

**From:** Stephanie Vasquez on behalf of Alan Stephenson  
**Sent:** Thursday, January 30, 2020 4:11 PM  
**To:** Samantha Keating  
**Subject:** FW: Case Z-51-19-4

Hello,

Please see email below.

Thank you,

*Stephanie Vasquez*

Administrative Assistant I  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003-1611  
P: (602) 262-6656 | F: (602) 732-2587  
[stephanie.vasquez@phoenix.gov](mailto:stephanie.vasquez@phoenix.gov)

**From:** Anne Hauert <aghauert@gmail.com>  
**Sent:** Monday, January 27, 2020 10:14 AM  
**To:** Michael Petersen-Incorvaia <michael.petersen-incorvaia@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; samanth.keating@phoenix.gov; Jake Adams <jadams@swhd.org>  
**Subject:** Case Z-51-19-4

I support the rezoning and PUD of Case Z-51-19-4.

Thank you,

Anne Hauert

## Samantha Keating

---

**From:** Stephanie Vasquez on behalf of Alan Stephenson  
**Sent:** Thursday, January 30, 2020 4:16 PM  
**To:** Samantha Keating  
**Subject:** FW: RE; Zoning case 7-51-19-4

Hello,

Please see email below.

Thank you,

*Stephanie Vasquez*

Administrative Assistant I  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003-1611  
P: (602) 262-6656 | F: (602) 732-2587  
[stephanie.vasquez@phoenix.gov](mailto:stephanie.vasquez@phoenix.gov)

---

**From:** Beau Lane <beau.lane@laneterralever.com>  
**Sent:** Monday, January 27, 2020 2:45 PM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>  
**Subject:** FW: RE; Zoning case 7-51-19-4

Alan –

I want to express my strong support for Phoenix Country Club rezoning and PUD case.

I am long time resident and business owner in the district.

Thanks,

Beau Lane



**LANE | TERRALEVER** Beau Lane | Partner | Executive Chairman   
602.258.5263 | 645 E Missouri Ave, Ste 400, Phoenix, AZ 85012

## Samantha Keating

---

**From:** Stephanie Vasquez on behalf of Alan Stephenson  
**Sent:** Thursday, January 30, 2020 4:15 PM  
**To:** Samantha Keating  
**Subject:** FW: Case Z-51-19-4

Hello,

Please see email below.

Thank you,

*Stephanie Vasquez*

Administrative Assistant I  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003-1611  
P: (602) 262-6656 | F: (602) 732-2587  
[stephanie.vasquez@phoenix.gov](mailto:stephanie.vasquez@phoenix.gov)

---

**From:** ephjr1@cox.net <ephjr1@cox.net>  
**Sent:** Monday, January 27, 2020 2:24 PM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>  
**Subject:** RE: Case Z-51-19-4

I support the rezoning and PUD of Case Z-51-19-4.

Thank you.

E. P. Hennesy Jr.  
2405 East Mountain View  
Phoenix, AZ 85028  
Ephjr1@cox.net

## Samantha Keating

---

**From:** Stephanie Vasquez on behalf of Alan Stephenson  
**Sent:** Thursday, January 30, 2020 4:07 PM  
**To:** Samantha Keating  
**Subject:** FW: Case Z-51-19-4

Hello Samantha,

Please see email below.

Thank you,

*Stephanie Vasquez*

Administrative Assistant I  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003-1611  
P: (602) 262-6656 | F: (602) 732-2587  
[stephanie.vasquez@phoenix.gov](mailto:stephanie.vasquez@phoenix.gov)

**From:** Grant Crone <grant.crone@gmail.com>  
**Sent:** Monday, January 27, 2020 8:30 AM  
**To:** Michael Petersen-Incorvaia <michael.petersen-incorvaia@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; Jake Adams <jadams@swhd.org>  
**Subject:** RE: Case Z-51-19-4

Hi All,

Please let the record reflect that myself and my family support the rezoning and PUD of Case Z-51-19-4.

Thank you,  
Grant Crone

## Samantha Keating

---

**From:** Stephanie Vasquez on behalf of Alan Stephenson  
**Sent:** Thursday, January 30, 2020 4:07 PM  
**To:** Samantha Keating  
**Subject:** FW: Case Z-51-19-4

Hello,

Please see email below.

Thank you,

*Stephanie Vasquez*

Administrative Assistant I  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003-1611  
P: (602) 262-6656 | F: (602) 732-2587  
[stephanie.vasquez@phoenix.gov](mailto:stephanie.vasquez@phoenix.gov)

**From:** Jared Pool <jpool83@gmail.com>  
**Sent:** Monday, January 27, 2020 7:48 AM  
**To:** Jared Pool <jpool83@gmail.com>  
**Subject:** RE: Case Z-51-19-4

I support the rezoning and PUD of Case Z-51-19-4.

Thank you!

Jared

## Samantha Keating

---

**From:** Jim Hatton <jim@hattonconsulting.com>  
**Sent:** Monday, January 27, 2020 7:13 AM  
**To:** Samantha Keating  
**Subject:** Case Z-51-19-4

RE: Case Z-51-19-4

I support the rezoning and PUD of Case Z-51-19-4.

Thank you.

Jim Hatton

306 W Claremont Ave

Phoenix AZ 85013



PLEASE READ THIS WARNING: The information contained in this email message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by email, and delete the original message.

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## Samantha Keating

---

**From:** Stephanie Vasquez on behalf of Alan Stephenson  
**Sent:** Thursday, January 30, 2020 4:15 PM  
**To:** Samantha Keating  
**Subject:** FW: PUD for NE corner of 7th St. and Thomas—#Z-51-19-4

Hello,

Please see email below.

Thank you,  
Stephanie Vasquez  
Administrative Assistant I  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003-1611  
P: (602) 262-6656 | F: (602) 732-2587  
stephanie.vasquez@phoenix.gov

-----Original Message-----

From: Jones Osborn <jonesosborn2@gmail.com>  
Sent: Monday, January 27, 2020 2:38 PM  
To: Michael Petersen-Incorvaia <michael.petersen-incorvaia@phoenix.gov>  
Cc: Alan Stephenson <alan.stephenson@phoenix.gov>  
Subject: PUD for NE corner of 7th St. and Thomas—#Z-51-19-4

I support this PUD. I think it is an attractive project that will enhance this intersection and midtown generally. We also need to residentially densify our central city to make it a more vibrant place, and this project will help do that.

Sent from my iPad

## Samantha Keating

---

**From:** Sondra Schultz <sondraardnos@gmail.com>  
**Sent:** Monday, January 27, 2020 7:31 PM  
**To:** Samantha Keating  
**Subject:** RE: Case Z-51-19-4

Hello,

I support the rezoning and PUD of Case Z-51-19-4.

Thank you,

Sondra Schultz

JAN 28 2020

Dear Mr. Stephenson,

Re: Case 2-51-19-4

As a citizen of downtown Phoenix since 1970, I support the rezoning and PSD of Case 2-51-19-4. Thank you for your service!

Wm. W. Bohnert, M.D.

WBOHNERT MD JAN 28 2020



**MDs**

Erik E. Alexander, M.D.  
Paul M. Block, M.D., FACS  
William W. Bohnert, M.D., FACS  
Yasmin Bootwala, M.D.  
C. Gilberto Brito, M.D.  
James A. Daitch, M.D.  
Michael F. Darson, M.D.  
Adrian H. Feng, M.D.  
Bernard M. Gburek, M.D.  
Ken-ryu Han, M.D., FACS  
J. Mikel Hubanks, M.D.  
Scott Kalinowski, M.D.  
Bruce A. Kleischer, M.D, FACS.  
Philip T. Koi, M.D.  
Farshid Sadeghi, M.D.  
Robert H. Shapiro, M.D.  
Christopher S. Stewart, M.D., FACS  
Deborah L. Wilson, M.D.  
Anthony Woodruff, M.D.  
Eric J. Zeidman, M.D, FACS.

**NP's & PA's**

Nicole Aherns, PA-C  
Steven Allan, PA-C  
Laura Fox, PA-C  
Samadhy Ruiz, PA-C  
Christy Smith, NP

JAN 28 2020



**Arizona**  
Urology Specialists

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MDs

Erik E. Alexander, M.D.  
Paul M. Block, M.D., FACS  
William W. Bohnert, M.D., FACS  
Yasmin Bootwala, M.D.  
C. Gilberto Brito, M.D.  
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Bruce A. Kleischer, M.D., FACS  
Philip T. Koi, M.D.  
Farshid Sadeghi, M.D.  
Robert H. Shapiro, M.D.  
Christopher S. Stewart, M.D., FACS  
Deborah L. Wilson, M.D.  
Anthony Woodruff, M.D.  
Eric J. Zeidman, M.D., FACS

NPs & PAs

Nicole Aherns, PA-C  
Steven Allan, PA-C  
Laura Fox, PA-C  
Samadhy Ruiz, PA-C  
Christy Smith, NP

Dear Ms. Keating  
Re: Case Z-51-19-4

As a Citizen of downtown Phoenix since  
1970, I support the reasoning and FUD  
of Case Z-51-19-4. Thank you for your  
service. Respectfully!

Wm. W. Bohnert, M.D.  
WBOHNERT MD JAN 28 2020

## **Samantha Keating**

---

**From:** Deeny, Raymond M. <RDeeny@shermanhoward.com>  
**Sent:** Wednesday, January 29, 2020 9:01 AM  
**To:** Samantha Keating  
**Subject:** Case Z-51-19-4

We support the rezoning and PUD of Case Z-51-19-4.

Thank you.

**Ray and Patty Deeny**  
**2 East San Miguel**  
**Phoenix, AZ 85012**



*Warnicke Law PLC*  
Robert C. Warnicke  
2929 North Second Street  
Phoenix, Arizona 85012  
602-738-7382  
[Robert@WarnickeLaw.net](mailto:Robert@WarnickeLaw.net)

January 28, 2020

Via Email

Encanto Village Planning Committee

**Re: Opposition to Z-51-19 PUD , Northeast Corner of 7<sup>th</sup> Street and Thomas Road**

Dear Encanto Village Planning Committee member,

We ask you to reject the Application in zoning case number Z-51-19 for the Northeast Corner of 7<sup>th</sup> Street and Thomas Road.

I write to you on behalf of my family and as president of the La Hacienda Historic District. Our homes are on the first two blocks north of Thomas between 3<sup>rd</sup> Street and 7<sup>th</sup> Street. Many of our homes are among the closest to the subject property's location, just beyond commercial lots on the west side of 7<sup>th</sup> Street. My home is at 506 East Catalina.

Last year this committee rejected a High Rise High Density (H-R) zoning district for this property. The City Council ultimately approved a Mid Rise (M-R) zoning district, in an ordinance with a number of stipulations for any future rezoning, famously including a height stipulation for a maximum of 110 feet. The Phoenix Country Club and its Developer have proposed Planned Urban Development (PUD) zoning for the property to move forward with the project. The PUD should be rejected for a number reasons, however, one simple change would address many of the concerns: **the parking podium should be removed.**

The reason to reject the PUD include violations of the stipulations, failure to provide enough open space, and, of course, it provides for a tower that is too tall for the area.

**1. No PUD architecture Committee**

The PUD was supposed to have an architecture committee consisting of neighbors. The PUD has no such provisions. The stipulation required it.

The Developer has an architecture committee consisting with people that through H-R zoning was appropriate, with the lone exception of the late inclusion of Artie Vigil. The committee has no power or authority under the PUD, and we understand that there has been poor attendance at the meetings. *The Developer's architecture committee is nothing more than window dressing and does not meet the stipulation.*

## **2. Parking Podium Prevents Ground Floor Uses Forever at the Corner**

The PUD does not seem to have provision for any active ground floor uses on the corner, which is one of the stipulations. The PUD offers a large concrete parking podium that would prevent such uses. The stipulation required the PUD to permit activation of the ground floor along 7<sup>th</sup> Street and Thomas Roads.

The Developer claims that active uses are *possible* under the language in the PUD, but the *existence of the parking podium prevents any such use, violating the purpose stipulation.*

## **3. Violates the Fencing Stipulation**

The stipulation provides that there will be no fencing between the street and the building. The PUD uses the parking podium to create a 25-foot concrete wall that acts as a fence between the tower and the street.

This proposal *violates the spirit of the stipulation and purpose of the stipulation to have project that embraces the corner.*

## **4. Does not Create a Superior Built Environment**

A PUD is supposed to “create a built environment that is superior to that produced by conventional zoning districts and design guidelines.” § 671. This PUD should not be allowed 110 feet, which is the height allowed under the current zoning. The Developer is using the PUD to strip other protections the current zoning offers, and to do that, *the PUD should provide the neighborhood a built environment that is superior, not inferior.*

Although it did not make into the language of the stipulation, the council approved the M-R zoning and is looking for this PUD to have a project with a height of less than 110 feet, the Developer and the closest neighbors were supposed to get together on a PUD. That did not happen, as the PUD embracing 110 feet and the architecture committee (such that it is) went forward without our input. The General Plan and MidTown Policy Plan direct that a tower at this location be of less than 60 feet, not 110 feet. *To move forward with a tower of more than 60 feet the Developer needs to offer something special to provide a superior built environment.* Not having a large parking podium would be a good start.

## **5. The PUD is too Vague**

I have never seen such a vague proposal. The entire PUD proposal is 25 pages including all exhibits. The Developer's H-R proposal last year was 100 pages. You are also offered dramatically fewer elevations, of course, the even the elevations offered are

not what the project is expected to look like. The PUD offering is too vague to approve at this point.

### **Conclusion**

The PUD Tower zoning proposed should be rejected. It violates the spirit and letter of the ordinance with stipulations approved by Council last year. General Plan and the MidTown TOD Policy Plan do not support granting the Application, the height should not be promoted outside of Central Corridor with the light rail, the City Core, or the Village Cores. *Most of the problems with the PUD could be remedied if the parking podium was deleted, and the project embraced the corner and offered open space consistent with the M-R zoning, of at least 25%, at ground level.*

Whatever PUD is approved will be the template used by the Phoenix Country Club for other projects it carves out of its golf course. As has happened near other tower zoning throughout our city, speculators will purchase homes and other properties in the area hoping that they too will get tower zoning, and in the meantime those properties will deteriorate because they were purchased for the location, and any existing structures will fall into disrepair, being viewed as only temporary and to be replaced, perhaps, in the next building cycle.

Don't do this to your neighborhoods. Please vote to reject Z-51-19.

Sincerely  
Robert C. Warnicke  
Robert C. Warnicke

## Samantha Keating

---

**From:** Robert Warnicke <robert@warnickelaw.net>  
**Sent:** Wednesday, January 29, 2020 12:36 PM  
**To:** Samantha Keating  
**Cc:** Tom Chauncey; Jeanne Yawger  
**Subject:** Z-51-17

Ms. Keating,

Good afternoon. I am involved in the opposition to this matter and would like to see the staff report. If the staff report is not complete yet, I would like to point out a few problems the PUD has in following the ordinance that was passed last year.

First however, the rumor is that the PUD has been changed or redrafted, however, I have not been provided a copy. It seems to me if a vocal opponent like myself is not provided the accurate information about the project before the Village votes on it, the whole purpose of the public process has been subverted. Nothing new was provided to us at the last neighborhood meeting. Nothing new was provided to the Village meeting that was supposedly for informational purposes, where I attended and spoke about some deficiencies. I am shocked that this matter is on the Village agenda for a vote next week.

As to problems with the PUD and violations, I would like to point out:

1. No PUD architecture Committee

The PUD was supposed to have an architecture committee consisting of neighbors. The PUD has no such provisions. The stipulation required it. We don't think it matters that the Developer has a architecture committee, that committee is not referenced and has no function in the actual PUD.

2. Parking Podium Prevents Ground Floor Uses Forever at the Corner

The PUD does not seem to have provision for any active ground floor uses on the corner, which is one of the stipulations. The PUD offers a large concrete parking podium that would prevent such uses. The stipulation required the PUD to permit activation of the ground floor along 7th Avenue and Thomas Roads. The Developer claims that active uses are possible under the language in the PUD, but the existence of the parking podium prevents any such use, violating the purpose of the stipulation.

3. Violates the Fencing Stipulation

The stipulation provides that there will be no fencing between the street and the building. The PUD uses the parking podium to create a 25-foot concrete wall that acts as a fence between the tower and the street. This proposal violates the spirit of the stipulation and purpose of the stipulation to have project that embraces the corner.

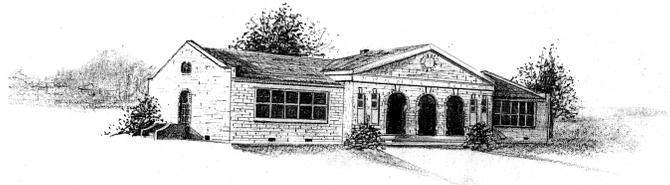
4. The PUD is too Vague

I have never seen such a vague proposal. The entire PUD proposal is 25 pages including all exhibits. The Developer's H-R proposal last year was 100 pages. Dramatically fewer elevations, of course, the even the elevations offered are not what the project is expected to look like. The PUD offering is too vague to approve at this point.

Robert

*Warnicke Law PLC*  
2929 North Second Street  
Phoenix, Arizona 85012  
602-738-7382

# Phoenix Historic Neighborhoods Coalition



HISTORIC FRANKLIN SCHOOL

November 26, 2019

## Via Email

Encanto Village Planning Committee

[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)

<mailto:geno.koman@phoenix.gov>

## **Re: Z-51-19 Phoenix Country Club PUD**

Dear Committee Member,

Over a year ago, this committee, comprised of our neighbors, voted to advise rejection of the Phoenix Country Club's request for a High Rise High Density (H-R) zoning district for a portion of its parking lot on the north east corner of 7<sup>th</sup> Street and Thomas Road, a ¼ mile outside of the Encanto Village core, more than a ½ mile from the light rail line on Central, and near historic neighborhoods of single family homes. The Country Club ended up with Mid Rise (M-R) zoning with a stipulation for **110 feet of maximum height** as well as a number of other stipulations.

Now the Country Club comes before you in a new case, a Planned Unit Development ("PUD") matter, and the Country Club makes new demands for zoning entitlements and seeks approval of rezoning designed to avoid not only the inconvenient portions of the M-R zoning it obtained, but also to avoid stipulations that the Country Club finds to be a nuisance.

What is at stake in this matter is not just the one corner, that threatens to blight our neighborhoods and the other corners with speculation that perhaps all this other land could best be used for towers in the future, leading to everyone treating the existing structures as transient and temporary, *but with a template for what the Country Club will use as precedent for all future development of its 105 acres.*

Allowing this PUD as a template for going forward is a horrible precedent that the Country Club will expect to continue using, and this may be the only real opportunity for our community of neighbors to stop the destruction of our "quality of life". The City of Phoenix General Plan promises:

There is a level of certainty one expects to have and quality of life one expects to maintain while living in a great city. The goals and policies that are outlined in the

General Plan were created so residents have a reasonable expectation and level of certainty while living in our great city; certainty in regards to quality of life and compatibility.

at page 107.

There are three items that we would like to highlight to you at this time that demonstrate not only is the PUD fundamentally flawed in its application to this project, but that

**1) Avoiding Specificity. What are you being asked to approve and why?**

The entire PUD proposal is 25 pages *including* all exhibits. Last year's H-R proposal was 100 pages, yet the PUD purports to include everything needed in an ordinance to build on the property, whereas the H-R proposal only had to point to the existing H-R ordinance. You are also offered dramatically fewer elevations, of course, the even the elevations offered are not what the project is expected to look like.

This PUD should be rejected because the Country Club has failed to make the case on why what it is offering through the PUD provides value to the city not obtainable in other zoning districts. A § 671 provides:

The Planned Unit Development (PUD) is intended to *create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis.*

1. *Uses. Appropriate limitations will be placed on the character and intensity of permitted uses to promote neighborhood compatibility.*

(emphasis added). The Country Club just rezoned P-1 to M-R with stipulations, if the property cannot be developed within the rezoning the Country Club just obtained, its PUD application should clearly explain the factors and issues. It does not.

Although not mentioned in its papers, the Country Club is, *of all things*, opposed to M-R's 30% *open space requirements*. Now that is irony. The Country Club wants to preserve all of its open space for members as they use the golf course. What else are crafty developer-members at the Country Club and their cadres of land use attorneys hiding by a lack of specifics in the 25-page PUD? **You should ask them.**

**2) Avoiding Stipulations. The PUD avoids at least two stipulations that the Country Club has decided are inconvenient.**

The PUD does not contain any requirement for an architectural committee. This was part of the stipulations on the M-R rezoning case, specifically number 21(b). The Country Club claims to have a committee, but under the PUD the committee has no authority or sanctioned existence. Even if there was a requirement for an architectural committee, the PUD process itself provides for the Planning Department to administratively approve of many changes, including architectural review.

The PUD appears to seek only 110 feet as set forth in stipulation number 1, yet the PUD process allows the Country Club to ask the Planning Department to allow up to 5% more without any public process. If there is a public process for additional height, it would be by a hearing officer, not a rezoning change. We believe a properly crafted PUD would have prevented the Country Club from potentially exercising any of these land use tricks to avoid the stipulations. *Surely if the Country Club did not have these tricks in mind, its PUD would have foreclosed the possibility.* The PUD is further evidence of the bad faith, as we were told the project **could not be built for less than 175 feet, then 164 feet, then 140 feet**, and now it *supposedly* can be built at 110 feet.

**3). Arrogance. The Club believes it is entitled to additional land use entitlements.**

The Country Club believes it has no risk of not having a PUD approved because the Council directed it to file a PUD rezoning case when Council granted the M-R zoning entitlements. Furthermore, the Country Club's attorneys believe that longstanding land use law prevents the "sunset", envisioned by City Council in stipulation number 22, of the M-R entitlements if the PUD is not approved timely. It is also clear that no new rezoning case by City Council to strip the M-R entitlements would occur because of the laws passed in connection with proposition 207.

When you later cast your vote on this PUD, we will ask you to consider the precedent that it will set for the golf course and what that precedent will do to our historic neighborhoods. As entitlements spread up Central, many neighborhoods were surrounded by H-R and other incompatible zoning, and those areas became transitional, were blighted for decades. We have lost neighborhoods that were blighted for decades because of the uncertainty caused by the adjacent rezoning. We are losing housing diversity in Midtown, and by putting a tower of condominiums in the midst of our neighborhoods, instead of along the light rail or in the Village core where it belongs under our urban planning principles, we will lose more.

Whatever entitlements the Country Club obtains for the corner, it will later demand as a template for the future development. It won't necessarily happen all at once. Initially the golf course could become an executive course, then only a 9-hole course (shorter courses might be more suitable for aging members). Golf clubs are failing, and the Country Club has *still* offered no enforceable commitment with respect to the balance of its property. Instead, towers with a reduced open space is what the Country Club will expect for the future of its 105 acres. The PUD should be denied.

**Phoenix Historic Neighborhoods Coalition**

/s/ Opal Waner

By Opal Wagner, Vice President