



Village Planning Committee Meeting Summary

PHO-2-24—Z-127-96-6

Date of VPC Meeting	January 22, 2024
Date of Planning Hearing Officer Hearing Request	February 21, 2024
	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance with the site plan dated October 15, 1997.2) Deletion of Stipulation 2 regarding a Comprehensive Sign Plan.3) Modification of Stipulation 7 regarding building height.4) Deletion of Stipulation 8 regarding a landscaped entryway.5) Deletion of Stipulation 9 regarding landscaped pedestrian walkways.6) Technical Correction to Stipulation 3.
Location	Southeast corner of 48th Street and Thistle Landing Drive
VPC Recommendation	Approval with additional stipulations
VPC Vote	8-0

VPC DISCUSSION:

Item No. 4 (PHO-1-24—Z-10-96-6) and Item No. 5 (PHO-2-24--Z-127-96-6) are inter-related cases and were heard together.

3 members of the public registered to speak on this item.

STAFF PRESENTATION

Matteo Moric, staff, introduced Case PHO-1-24—Z-10-96-6 along with the case PHO-2-24—Z-127-96-6 which Mr. Moric stated were interrelated. Mr. Moric provided an overview identifying the location of the site, showed an aerial of the existing buildings which were proposed to be demolished, noted the surrounding zoning, and shared the proposed site plan and building elevations.

Mr. Moric then read through the stipulations which were proposed to be deleted as part of Case No. PHO-1-24—Z-10-96-6. Mr. Moric then identified the stipulations to be modified or deleted as part of Case No. PHO-2-24—Z-127-96-6.

Chair Gasparro explained that this was not a rezoning case and was only for stipulation modifications which was a courtesy presentation by the applicant.

APPLICANT PRESENTATION

Nick Wood, applicant representative, with Snell and Wilmer, LLP, stated this request was a change with the site plan and building elevations. Mr. Wood indicated that in the middle of the 1990's City Council started stipulating rezoning cases to ensure they understood which site plan and elevations would be built. Mr. Wood commented that this is what happened here with this case. Mr. Wood said the stipulation back then said one story building, which today sits a 30-foot-tall building. Mr. Wood noted a lot of time was spent with the subdivision next door and stated the notification covered a greater area than what is required by code and added they went door to door through the neighborhood.

Mr. Wood stated this request was equivalent to a down zoning because the site currently provided 2,300 parking spaces as part of what was a call center, and the number parking spaces was being reduced significantly. Mr. Wood also stated the proposal would reduce a lot of traffic from the roadways. Mr. Wood mentioned his client Menlo Equities owned the property for nearly nine years. Mr. Wood stated Menlo Equities received calls from many brokers who wanted to put multifamily development on the site and said this would have been a ton of multifamily for the area. Mr. Wood added Menlo Equities has high-tech centers which can do research and development and data storage. Mr. Wood noted this proposal was a hybrid technology center which would include high-tech and research and development companies in addition to a data center.

Mr. Wood stated the proposed development would dramatically reduce the traffic levels and increase the landscaping. Mr. Wood also indicated there were areas on the site which were home to urban campers. Mr. Wood commented the proposal will modify the use, landscaping, and add security to the site which Mr. Wood noted would improve the status quo and create a safer environment.

Mr. Wood indicated the current zoning CP/GCP would allow up to 56 feet. Mr. Wood said the site plan includes five buildings which were setback from the perimeter of the site and on the north, a park would be created which the developer would maintain and make available to the neighborhood. Mr. Wood stated they'd have the neighbors

design for the activity component of the park. Mr. Wood added there would be a gate to close the park off at night. Mr. Wood said the substation is necessary for data storage and they are not changing the curb cuts and all along the project are security fencing with gates. Mr. Wood showed cross sections and pointed out the grade separation was six feet. Mr. Wood noted the wrought iron fence would match the colors of the building. Also, Mr. Wood noted the park is a response to what people want to see including amenities such as fitness zones, dog park, ramadas, climbing structures, etc.

Mr. Wood showed that there was more of a setback along the perimeter than what was being provided today. Mr. Wood said that it was a significant building setback from the nearest homes and the substation would have a decorative wall. Mr. Wood said Menlo does everything with quality architecture and design. Mr. Wood stated much of the building would be stone and there would be great landscaping. Mr. Wood stated the lushness of the landscaping is significant.

Mr. Wood showed the stipulations of the previous zoning case which were being modified and the site plan which was approved in 1995. Mr. Wood also added proposed Stipulation Nos. 8 through 10. Stipulation No. 8: During construction of development, primary access for deliveries and construction related access shall be from 50th Street or as approved by the City of Phoenix Street Transportation Department; Stipulation No. 9: The publicly accessible open space shall be owned and maintained by the property owner; and Stipulation No. 10: The hours of accessibility to the publicly accessible open space shall be generally consistent with City of Phoenix Parks & Recreation Department Park hours (currently 6am – 10pm), or as otherwise approved by the Parks & Recreation Department.

Mr. Wood also explained the stipulations to be removed as part of PHO-1-24--Z-10-96-6.

Mr. Wood said for the community outreach they went out to the neighborhood and received 122 letters of support, 27 verbal supports and 35 neutral which was described as people did not care what is being done, and 6 clear no's where Mr. Wood said people just hate it. Mr. Wood indicated that time was spent explaining to the neighbors the zoning is not changing, and that they were building something new and tearing down the existing buildings.

QUESTIONS FROM COMMITTEE/APPLICANT RESPONSE

Clifford Mager asked if they would activate the park and maintain it, and Mr. Wood clarified they would.

Mr. Mager asked if the landscaping would be maintained by the operator, Menlo. **Mr. Wood** said it would be maintained by Menlo and not the City.

Mr. Mager asked if there was a common nature of the no votes. **Mr. Wood** said they did not like the change, construction, dust, etc.

Toni Broberg inquired about the duration of construction. **Allison Koo** with Menlo Equities said construction would be staged overall for approximately 18 to 24 months.

Mike Schiller noted the area near the substation did not have a security fence. **Mr. Wood** said they have the option to move the fence and they could gently move the urban campers away if that becomes a problem.

Mr. Wood added SRP would build the substation.

Mr. Mager asked about the culvert and how the property carries a lot of water southeast. **Mr. Wood** said the city would require the site to retain enough water onsite and to hire a hydrologist and civil engineer. **Mr. Mager** said that from Thistle Landing Drive and 48th Street a lot of water is carried. **Mr. Mager** asked how they would handle the drainage. **Mr. Wood** said they would need to keep enough water onsite and much of it in underground tanks.

Mr. Mager said directly north of the northeast corner of 48th Street and Thistle Landing Drive has had tendency to flood nearby and goes somewhere underground and asked if there was an opportunity for the Street Transportation Department to look at it and deal with the flooding. **Mr. Wood** said there were lots of the older projects which did not have the same civil requirements for storm water.

Chair Gasparro said data centers typically require lots of power and water use. **Mr. Wood** said they worked on lots of data centers, and they used to use water to cool the electronics. But with today's technology will not need to use as much water as the older projects.

Toni Broberg asked about the noise generated from the project and **Mr. Wood** said with the new technology it is a quiet user.

PUBLIC COMMENTS

Richard Dunlap said he was the nearest backyard to the proposed development and was concerned of what was portrayed for the heights compared to what is existing. **Mr. Dunlap** felt it was substantially higher and indicated the triangle park area was something he encouraged. **Mr. Dunlap** wanted Building Number 3 to push the highest point away and asked how power was being brought to the building. **Mr. Dunlap** was concerned with how much higher the buildings would be and was concerned they would look institutional.

Mr. Wood said the current building was one story and 30 feet tall, and the proposal is for a 56-foot-tall building. **Mr. Wood** said the buildings would be 26 feet taller than the existing buildings, but they would be moved further away from the perimeter and there is a grade separation of six feet, so **Mr. Wood** felt the buildings would appear to be 50 feet tall. Also, **Mr. Wood** said the landscape with the trees would help soften the

building. Mr. Wood noted many of his clients make one big building, but here are five separate buildings which make a big difference for the visual effect.

Chair Gasparro said the neighbor asked about power to the site and substation and **Mr. Wood** said he did not know the answer to this question.

Shashi Channar had several questions and asked why they could not use the four existing buildings and turn the site into a data center. Mr. Channar also asked about traffic demand and wondered why there was not a lot of parking proposed on the site. Mr. Channar also wanted to know if it was a 24-hour operation facility and where people are going to park when visiting the proposed park. Additionally, Mr. Channar asked about sound mitigation and wanted to know the amount of decibels that would be heard. Mr. Channar also questioned the length of each building and where the retention basin is being located.

Mr. Wood responded that the existing four buildings were old and antiquated and cannot be converted to a data center, and the existing buildings need to come down, he said the existing buildings were ugly and that because of technology today noise will not be a problem and said this was not strictly a data center. Mr. Wood added that parking for the park could be designed on site but indicated most people could walk to the park. Mr. Wood said there would be 240 parking spaces compared to the 2300 parking spaces provided today. Mr. Wood clarified this was a highly secured site and the purpose of the security was because it would be used for very high tech and data storage.

Felicia Muller said she was with the Crimson Mountain Homeowner's Association across the street. Ms. Muller expressed concerns if there were enough parking spaces provided because if not it could lead to parking on their streets and concerns with the unhoused population.

Mr. Mager said this project was taller than the Converge Logistics site to the east.

Chair Gasparro provided clarity that the site plan indicated 208 parking spaces and the applicant said 240 parking spaces. Chair reminded everyone that the item was a courtesy and that there would be two possible motions.

Chair Gasparro clarified that Agenda Item No. 5 is for the larger portion of the property and larger buildings.

MOTION

Toni Broberg made a motion to recommend approval of PHO-2-24—Z-127-96-6 with additional stipulations. **Kimberly Barua** seconded the motion.

VOTE

8-0, Motion to recommend approval of PHO-2-24—Z-127-96-6 with additional stipulations passed with Committee Members Barua, Broberg, Mager, Maloney, Meier, Pritchette, Schiller and Chair Gasparro in favor.

Mr. Mager commented on his vote as in favor but wants to note that there is a great tendency to have land not activating the street or neighborhood and believed when we talk about city centers this is a missed opportunity, and added this is a bigger issue than for this case and this applicant.

Mr. Moric reminded the Committee and public that these items would go to the Planning Hearing Officer (PHO) on February 21, 2024.

VPC RECOMMENDED STIPULATIONS

1. That development be in general conformance with the site plan dated, ~~October 15, 1997~~ DECEMBER 7, 2023 as may be modified by the following stipulations, ~~and the Development Services Department~~ AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. ~~That the property be subject to a Comprehensive Sign Plan per Section 705.JJJ of the Zoning Ordinance. The sign plan shall convey a sense of continuity between the buildings and the property as a whole.~~
3. That all buildings within the project shall be harmonious with each other and each building elevation shall be consistent and continuous in design and materials around the building, as approved by the ~~Development Services Department~~ PLANNING AND DEVELOPMENT DEPARTMENT.
4. That the following right-of-way dedications be provided:
 - a. A 55-foot half street and landscape/sidewalk for 48th Street:
 - b. A 33-foot half street and a 10-foot landscape/sidewalk easement for Thistle Landing drive; and
 - c. A 35-foot half street and a 10-foot landscape/sidewalk easement for 50th Street:
 - d. d. An 18-foot by 18-foot triangle at 48th Street and Thistle Landing Drive.
5. Additional right-of-way dedications may be required upon review of the final approved Traffic Impact Study by the Street Transportation Department.
6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, streetlights, median islands, landscaping and other incidentals as per plans approved by the City.

7. That no buildings shall exceed ~~one story~~ 56-FEET in height.
8. ~~That a landscaped entryway feature be provided at the northwest corner of the site as approved by the Development Services Department.~~
9. ~~That landscaped pedestrian walkways be provided throughout the site connecting to buildings and adjacent rights-of-way as approved by the Development Services Department.~~
8. **DURING CONSTRUCTION OF DEVELOPMENT, PRIMARY ACCESS FOR DELIVERIES AND CONSTRUCTION RELATED ACCESS SHALL BE FROM 50TH STREET OR AS APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT.**
9. **THE PUBLICLY ACCESSIBLE OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER.**
10. **THE HOURS OF ACCESSIBILITY TO THE PUBLICLY ACCESSIBLE OPEN SPACE SHALL BE GENERALLY CONSISTENT WITH CITY OF PHOENIX PARKS & RECREATION DEPARTMENT PARK HOURS (CURRENTLY 6AM – 10PM), OR AS OTHERWISE APPROVED BY THE PARKS & RECREATION DEPARTMENT.**