



Village Planning Committee Meeting Summary

Z-32-20-6

Date of VPC Meeting	August 25, 2020
Request From	R1-10
Request To	R1-10 HP
Proposed Use	Historic Preservation Overlay
Location	Approximately 380 feet southwest of the southwest corner of 3rd Avenue and Gardenia Drive
VPC Recommendation	Approval per staff recommendation
VPC Vote	11-3-0 , motion passes with members Farina, Jones, Ammon, Ender, Fitzgerald, Adams, Keyser, Krietor, Smith, Vice Chair Shore, and Chair McCabe in favor; Sanchez, Solorio, and Williams in dissent; and none in abstention.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

APPLICANT / STAFF PRESENTATION

Kevin Weight, of the Historic Preservation Division of the City Planning and Development Department, provided an overview of the request to place a historic preservation overlay on the property known as the Ozell Trask Residence. The site is located at 333 W Gardenia Drive, the owners requested historic designation in February 2020, and the Historic Preservation Commission initiated Historic Preservation zoning in May 2020.

The site is eligible for the Phoenix Register of Historic Places based on its age and its connection with Ozell Trask, a prominent Arizona attorney, businessman, judge, and the first Phoenician to be appointed to the federal Ninth Circuit Court of Appeals. Trask was born in Oklahoma, grew up in Kansas, attended Washburn College, received a law degree from Harvard University, married Barbara Draper, moved to Phoenix in 1939, and was appointed to the Arizona Bar in 1940. After practicing independently, he founded the firm Jennings, Strouss, Salmon, and Trask. He then rose to prominence and was recommended for nomination to the Ninth Circuit Court of Appeals by Arizona Senator Paul Fannin and was appointed in 1969. Trask resided in the home from the mid-1950s through the mid-1960s before downsizing to a condo on North Central Avenue while splitting time between Phoenix and San Francisco.

For a property to be eligible for the Historic Preservation Overlay, it must meet one of the following criteria:

1. Significance
 - a. Associated with events or patterns of events significant in Phoenix history
 - b. Associated with persons significant in Phoenix history
 - c. Represents a type, period or method of construction; represents the work of a master; or has high artistic values
 - d. Has yielded or has the potential to yield information about Phoenix history or prehistory
2. Age (at least 50 years old or exceptionally significant)
3. Integrity (location, setting, design, materials, workmanship, feeling, association)

The subject property is eligible under Criterion B for its association with an individual significant to Phoenix history. The subject property also meets the minimum age requirement and minimum requirements for integrity.

COMMITTEE QUESTIONS:

Ammon asked about the functional impacts of listing a property as historic and whether it would restrict the ability for an owner to make improvements to the structure, such as windows, that may extend the life of the building. **Weight** responded that windows are interesting in that they encourage owners to preserve the existing windows but if they cannot be retained, an owner can replace the window with a replacement (without a permit) if it maintains the same size opening.

Keyser noted that the Carlson House is located within approximately a half mile of this property and asked if efforts were being made to list both properties. **Weight** responded that the Carlson House was recognized but never listed. **Keyser** offered to explore whether he can make a connection with the new owners.

Adams asked if there is any impact to the neighbors regarding additional restrictions, property values, or taxation. **Weight** responded that the extend of the overlay is the perimeter of the subject property and that he had talked with an opponent regarding the impact and the opposition has mostly subsided as a result.

Williams noted that Trask was a strict constructionist and a conservative jurist who believed in the multiple benefits of the death penalty. He asked if that is a significant part of the past that the owner wants to preserve. **Weight** responded that the historical significance of the site is evaluated through the analysis with no political bias but rather the recommendation is based on the Trask being a Phoenician who rose to prominence. There are historic Phoenicians of different political persuasions who have risen to prominence, such a Barry Goldwater, and the preservation tried not to politicize its history. Trask was the first Phoenician who was appointed to that high level of the judiciary. **Williams** noted that he meant the term “conservative” as referring to his method of interpreting the constitution,

Vice Chair Shore asked whether the placement on the register will protect against demolition or other protections. **Weight** responded that the purpose of the listing is to protect properties from demolition. The current owners have no intention of demolishing the structure but if a future owner would want to demolish the structure, the request would be subject to a one year stay. The one-year stay gives the city one year to try to save the structure.

MOTION:

Keyser made a motion to approve the request per the staff recommendation. **Vice Chair Shore** seconded the motion.

DISCUSSION: None

VOTE:

11-3-0, motion passes with members Farina, Jones, Ammon, Ender, Fitzgerald, Adams, Keyser, Krietor, Smith, Vice Chair Shore, and Chair McCabe in favor; Sanchez, Solorio, and Williams in dissent; and none in abstention.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.