



## Village Planning Committee Meeting Summary

### Z-51-19-4

<b>Date of VPC Meeting</b>	February 3, 2020
<b>Request From</b>	R-5 M-R (2.94 acres)
<b>Request To</b>	PUD (2.94 acres)
<b>Proposed Use</b>	Mixed-use
<b>Location</b>	Northeast corner of 7th Street and Thomas Road
<b>VPC Recommendation</b>	Denial
<b>VPC Vote</b>	6-5

#### **VPC DISCUSSION RECOMMENDED STIPULATIONS:**

*One speaker card was submitted in favor, not wishing to speak.*  
*Four speaker cards were submitted in favor, wishing to speak.*  
*Four speaker cards were submitted in opposition, not wishing to speak.*  
*Twenty-six speaker cards were submitted in opposition, wishing to speak.*

- *Ten speakers donated their time to Robert Warnicke*
- *Eight speakers donated their time to Tom Chauncey*
- *Two speakers donated their time to Jeanne Yawger*
- *Two speakers donated their time to Martha Carey Lee*
- *Two speakers donated their time to Paul Barnes*

**Joshua Bednarek**, staff, provided a brief overview of the request and displayed an aerial map. Mr. Bednarek reviewed the community input received for the request and staff's findings, recommendation and stipulations.

**Brent Kleinman** asked staff to confirm that if the PUD does not get approved, the mid-rise zoning (R-5 M-R) will remain. **Joshua Bednarek** confirmed that the R-5 mid-rise zoning district will remain if the PUD does not get approved.

**G.G. George** asked why there was a delay in sending out the PUD material. **Joshua Bednarek** answered that staff turned around the staff report as quickly as they could. **G.G. George** added that it is hard to make an informed decision without a study from the Street Transportation Department regarding reversible lanes on 7th Avenue and 7th Street.

**Drew Bryck** asked how the Committee should judge the success of the Architectural Review Committee. **Joshua Bednarek** responded that judging the success of the Architectural Review Committee will be up to the Committee to decide.

**Jason Morris**, the applicant, with Withey Morris PLC, reviewed the history of the project, the design components of the PUD, and showed a site plan and elevations. He compared the project to Walkable Urban Code standards and reviewed the sustainability components of the project, noting that it will be built to LEED Silver standards.

**Rick Mahrle** asked for clarification on the parking podium, and whether a coffee shop could be added to the building. **Jason Morris** responded that the parking podium is the base of the building and that the podium could be converted to include a coffee shop.

**Vice Chair Ann Cothron** stated that she was happy to see that the project would be built to LEED Silver standards and asked if the project will incorporate solar panels and a recycling program. **Jason Morris** responded that the rooftop has an opportunity to house solar panels, there will be separate recycling chutes and that the owner will manage a separate recycling program for the building.

**G.G. George** asked about the bus bay along 7th Street and the encroachment it will have into the street. **Jason Morris** clarified that the bus bay will encroach on the landscaped setback area and that the bus bay will be built to current City standards.

**Paul Benjamin** asked if the project accounted for the proposed Bus Rapid Transit line. **Jason Morris** responded that the PUD narrative addresses that.

**Drew Bryck** commented that the landscaping is for the benefit of the public, and the dog park is exclusively for residents. **Michael Krentz**, with DAVIS Architecture, responded that the dog park activates the frontage of the podium. **Mr. Bryck** asked for clarification on the type of fence used along the dog park. **Mr. Krentz** responded that the fence will be wrought iron.

**Nicole Rodriguez** asked if the landscaping will be maintained by a private association, if there will be a double row of trees along the sidewalk, if there are utility line conflicts for trees and if the existing oak trees will remain. **Jason Morris** responded that the Country Club and residents will form an association and handle the street tree maintenance, there will be a double row of trees, the expanded sidewalk will place trees away from any utility poles and the oaks will be used in the right-of-way.

**G.G. George** asked for clarification regarding the material selection, specifically “flat plate metal panels that limit oil canning”. **Michael Krentz** clarified that oil canning is when metal dimples.

**Rick Mahrle** asked staff to clarify what the Committee’s options were and that the base zoning will still permit a 110-foot tower. **Joshua Bednarek** answered that the R-5 M-R zoning is in place and that the Committee could recommend approval, denial or approval with modified stipulations.

**Vice Chair Cothron** added that when the project came before the Committee a year ago, City Council approved the request. She continued that the Council will have to deal with what was already approved.

**Nicole Rodriguez** asked if the palm trees depicted lining the driveway are part of the shade calculation. **Jason Morris** responded that the palm trees are to continue the decorative element seen in the Country Club.

**Drew Bryck** asked if anyone from the Architectural Review Committee was in the audience. **Bill Sheely** responded that he was on the Committee.

### **Public Comment**

**Robert Warnicke** displayed a Stop the Tower sign. He shared the following comments:

- The motion says that the R-5 M-R zoning would come off if the PUD does not get approved
- The PUD could be approved with a different height limit such as 60 feet or 75 feet
- The PUD does not state that it will conform to the Architectural Review Committee's suggestions
- The stipulation for the rezoning case states that there should be active uses along 7th Street and Thomas Road
- The parking podium is the problem
- Open space is being reduced and elevated on the podium
- Removing the podium parking would make the building shorter

He urged the Committee to require underground parking if the building is above 60 feet in height and to mandate that open space be on the ground level.

**Tom Chauncey** shared the following comments:

- The request is an example of bad urban planning
- The community does not oppose any building on the site, just this project
- The Phoenix Country Club is untrustworthy as they once bought a house and turned it into a parking lot and killed trees
- If the Committee wants to see something happen, put the requirement in a stipulation
- The PUD is supposed to blend in with the existing neighborhood
- Laura Pastor said the building could be shorter
- The building should be stepped back in height
- It is bad urban planning, bad design, and it doesn't belong in the area

He asked the Committee to vote no like they did a year ago.

**Jeanne Yawger** displayed a Lego model of the proposed project to show the project's height in relation to the surrounding neighborhood. She asked for clarification on how much parking the Country Club is required to have and how much parking will be impacted by the building footprint. She asked if there will be a gate to the Country Club residences and stated that the residents are being appeased.

**Gary Johnson** stated that he will do his best to unseat Councilwoman Pastor who thought she was representing his neighborhood. He added that the irrigation line needs to be moved and asked how much of the street will be impacted during construction.

**Paul Barnes** stated that he supports the comments made by Robert Warnicke and believes the maximum height should be less, the open space on the podium is not for the public to use and that he is opposed to the PUD as written.

**Martha Carey Lee** stated that the Country Club residents are not being appeased and that the project is a great way to improve and revitalize her area.

**Patience Huntwork** stated that this project will help turn 7th Street into a Village.

**Jim Huntwork** stated that this project will help transform 7th Street into what Melrose and Roosevelt is. He continued that we must live in the real world and that this project could be transformative.

**Bill Sheely** stated that the Architectural Review Committee meetings were full of good information and very transparent. He was surprised that a member of that group was unhappy.

**Margaret Dietrich** asked the applicant to clarify if the open space will be open to the public.

**Jason Morris** responded that Mr. Warnicke and Mr. Chauncey see the PUD request as a second bite from the same apple, but staff has been clear that the underlying zoning will remain. He added that City Councilmembers wanted cooperation and outreach with the community and they went above and beyond that requirement. He continued that the applicant took their homework seriously and submitted a thorough PUD. He added that taking away the podium is not what this case is about.

**Brent Kleinman** asked what was discussed in the Architectural Review Committee meetings. **Jim Mahoney** responded that there were five meetings. They covered specific topics such as streetscape, building materials and color. He added that the scalloped roofline matches an architectural detail seen in the Country Club. He continued that at the end of every meeting they would ask the group if there were any items that should be brought up to their architect. He concluded that Artie Vigil was one of the biggest contributors to the group and was very collaborative with the architects.

**Robert Warnicke** commented that Artie Vigil felt that the project as proposed was not something he agreed to and urged the Committee to consider the email Mr. Vigil sent to staff.

### **Motion**

**Brent Kleinman** motioned to recommend approval and **Layla Ressler** seconded.

### **Vote**

5-6, the motion fails with members Adams, Benjamin, Cothron, Kleinman, and Ressler in favor and members Bryck, George, Mahrle, Procaccini, Rodriguez, and Searles in opposition.

### **Discussion:**

**G.G. George** stated that this request is not consistent with the General Plan and does not provide a superior built environment.

**Rick Mahrle** commented that the project lacks street level activation and the open space is being reduced.

**Vice Chair Ann Cothron** stated that the decision was difficult, the neighborhood concerns are being heard, traffic is an issue and that she liked the number of trees being added with the request.

**Brent Kleinman** commented that the Committee has approved gated apartment communities which closes off open space to the public. He added that the project is an opportunity and a benefit to the Village.

**Layla Ressler** stated that she originally voted no on the project last year, but she believes the project looks better now and it will be transformative.

**Steve Procaccini** commented that there is a lot he likes about the project but cannot, in good conscience, support the propose height. He added that heights should be focused between the 3's (3rd Avenue and 3rd Street).

**Drew Bryck** stated that while he was disappointed to see the Councilwoman support the project, the zoning has changed. He continued that something tall might be built there. He added that three days to review the PUD was not enough time and that he is open to the applicant coming back with a new PUD or site design.

**Nicole Rodriguez** added that the trees on the street frontage are great, but the area needs eyes on the street to watch the neighborhood. She added that the project could be successful if it had more activation along the street frontage.

**Chair Jake Adams** commented that he is concerned about the height and how the project will fit in within the entire City. He said that he spoke with many people in the Coronado neighborhood who supported the project. He continued that he is supportive of the project as it will be built to LEED Silver standards.

### **Motion**

**G.G. George** motioned to recommend denial and **Nicole Rodriguez** seconded.

### **Vote**

6-5, the motion passes with members Bryck, George, Mahrle, Procaccini, Rodriguez and Searles in favor with members Adams, Benjamin, Cothron, Kleinman, and Ressler in opposition.

### **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 date stamped 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 COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None.