



Village Planning Committee Meeting Summary

Z-42-19-6

Date of VPC Meeting	October 22, 2019
Request From	R1-10 NCASPD
Request To	R1-10 HP NCASPD
Proposed Use	Historic Preservation zoning overlay for the McElroy-Young House
Location	Approximately 230 feet north of the northeast corner of Central Avenue and Glendale Avenue
VPC Recommendation	Approval
VPC Vote	10-1-1, motion passes with McCabe, Shore, Ender, Farina, Fitzgerald, Keyser, Krietor, LeBlanc, Sanchez and Solorio in favor; Jones opposed; and Ochoa-Martinez abstaining.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Mr. Kevin Weight from the City's Historic Preservation Office introduced himself and explained that he was serving as staff and as a representative of the Historic Preservation Commission. Mr. Weight provided an overview of the request for a historic preservation overlay on the McElroy house at 7019 North Central Avenue. The overlay was initiated on May 20th. Earlier in the week, the Historic Preservation Commission recommend approval of the request by a vote of 8-0.

Committee member Jak Keyser asked for additional background on previous historic status for the house and asked when the house was last purchased. Mr. Keyser explained that he had once stayed in the house for two weeks in 1973. Mr. Weight explained that the property is not currently listed but was identified as being eligible in 2013. Mr. Weight also relayed he thought the property was last purchased in the 1970s, but the owner's representative might be better able to address that question.

Committee member Frank Farina asked if people were currently living in the property. Mr. Weight explained that the house was occupied by the America Young family part time, but had been occupied full time in the past.

Committee member Charley Jones asked if the proposed overlay would impact the existing overlay on the bridle path. Mr. Weight explained that the overlays would

overlap, but would not change the designation on the bridle path.

Eight comment cards were submitted for this item. One card expressed opposition to the item and wishing to speak. Seven cards were submitted in support of the item, with 3 indicating they wished to speak. Ms. Sandy Grunow submitted a card in support but did not wish to speak. Mr. John Fournier, Mr. Doug Grimwood and Ms. Helen Grimwood also submitted cards in support, but donated time to Ms. Anne Ender.

Mr. William Fischbach, a partner at the law firm of Tiffany and Bosco, introduced himself to the committee as the property owner's representative. He explained he was before the committee to implore the importance of private property rights and not approving the overlay. Mr. Fischbach explained that the property was inherited by his clients. The property was previously owned by three sisters. America Young was a nurse and cared for the sisters. The property was left to America and she has owned it since 1998.

The original home was about 1,600 square feet. Ms. Young has tried to keep the property intact, but the inside was not fit for people to live. Rehabilitation of the property would take in excess of \$600,000.

Ms. Young is emotionally attached to the property, but she and her husband are older and do not have the funds to keep the property going. They intend to sell the property to a developer who might rebuild or subdivide.

Mr. Fischbach explained that he felt his clients were being penalized for being late to the game as many properties in the area have previously been subdivided. If the city imposes an overlay on the property, the owners will file a Proposition 207 claim.

Mr. John Hathaway explained that he lived at 125 East Maryland Avenue and had a house that was almost identical to the McElroy house. He was before the committee tonight to be an advocate for city plans and zoning laws. Zoning laws serve to balance property owner rights and protection for the community. The committee should carefully consider that zoning protects the community from adverse impacts.

Ms. Anne Ender, president of the North Central Phoenix Homeowners Association, explained that the mission of her group was to protect the health of the community and property values. The bridle path is the only linear park in the city and this house meets all the tests for the historic preservation overlay. Ms. Ender continued that the residents of the area came together in 2004 to create the North Central Avenue Special Planning District.

If the property were subdivided, there would be an impact to the neighborhood. There were many trees on the lot and it would add to the 15 acres that had already been subdivided in the area. A family from the North Central area wants to purchase the property and rehabilitate it.

Mr. Scott Mardian explained to the committee that he would vote in favor of the HP designation as it would send a message that it is important. He requested that the committee vote unanimously to approve the overlay.

Committee member Gary LeBlanc asked Mr. Fischbach if other offers had been received. Mr. Fischbach responded that there was currently a \$1.3 million offer, but the

property owners are concerned the offer was only made because of the initiation of this process. If the overlay is not approved and the current offer is the best offer, his clients will look at it. The property owners should be allowed to see what the market will offer for the property without the overlay.

Committee member Jones asked what would happen with the demolition application if the overlay were to be approved. Mr. Weight explained if the overlay were approved, the demolition would undergo a 1 year hold and after the year period the demo could proceed.

Committee member Jones responded by saying he saw the overlay as just a delay for a year. If someone were to be trying to control his property like this, he would be looking to do the same as the Youngs. In addition, he has seen some lot splits that fit the character of the area.

Committee member Jones asked Mr. Weight about other historic preservation applications done without owner permission, bringing up the Wright House in Camelback East as an example. Mr. Weight explained it was rare to initiate against property owner wishes.

Committee member Keyser asked if the State office would intervene and if there was any history of a government entity providing compensation for this type of issue. Mr. Weight relayed that the state can get involved to determine eligibility but do not typically initiate listings because it would not offer protection. Since Proposition 207 was passed in 2006, less properties have been listed. This case and Wright House are the only properties he can recall without property owner authorization.

Mr. Fischbach explained to the committee members the difference between an HP overlay and a conservation easement by explaining that an easement is bargained for whereas an overlay does not automatically come with compensation.

Committee member Tanairi Ochoa-Martinez asked how many homes were currently designated in the corridor. Mr. Weight responded that 12 homes currently between Northern and Missouri.

Committee member Jones asked if the property owner would be compensated if City Council approves the overlay and a lawsuit is filed. Mr. Weight responded that this would only be an option if a claim was filed.

Committee member Jones asked if the city had any interest in owning the property. Mr. Weight explained that it would perhaps be an option but he could not speak for the whole city.

Committee member Ochoa-Martinez stated that she was conflicted. She has traveled a lot and has seen many historic homes, but those homes were saved because someone famous had lived there and had a positive impact. In addition, she would like to see the mature trees on the property saved. Mr. Weight explained that staff felt that the property met the overlay guidelines not from the past ownership of the property, but because of its characteristics.

MOTION:

Committee member David Krietor motioned to approve the request as presented by staff. Committee member Jak Keyser seconded the motion.

Committee member discussion:

Committee member Jones commented that he had difficulty with the owner not wanting the overlay designation. Private property rights were at issue here. Something will happen with this property whether it happens now or a year from now.

Committee member LeBlanc explained he was mixed on the subject. There are offers on the table, but the designation can be removed and the house can be demolished.

Committee member Keyer added that the VPC was an advisory committee and also has mixed feelings regarding the proposal, although he would like to see it go through the process.

VOTE:

10-1-1, motion passes with McCabe, Shore, Ender, Farina, Fitzgerald, Keyser, Krietor, LeBlanc, Sanchez and Solorio in favor; Jones opposed; and Ochoa-Martinez abstaining.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.