



## Village Planning Committee Meeting Summary Z-41-20-3

<b>Date of VPC Meeting</b>	February 1, 2021
<b>Request From</b>	C-O (Approved PAD-2 SP) (Commercial Office, Approved Planned Area Development, Special Permit) and PAD-2 SP (Approved PAD-2 SP) (Planned Area Development, Approved Planned Area Development, Special Permit) (3.19 acres)
<b>Request To</b>	PUD (Planned Unit Development) (3.19 acres)
<b>Proposed Use</b>	Hospital and other commercial uses
<b>Location</b>	Approximately 400 feet west of the northwest corner of 54th Street and Shea Boulevard
<b>VPC Recommendation</b>	Approval, per the staff recommendation with two additional stipulations.
<b>VPC Vote</b>	<b>10-4-2</b> with committee members Belous, Goodhue, Hall, Maggiore, Mazza, Popovic, Severs, Sparks, Wise, and Gubser in favor. Committee members Cantor, Gerst, Mortensen and Stewart not in favor. Committee members Balderrama and Lesher abstained.

### VPC DISCUSSION:

*5 speaker cards were submitted in favor, wishing to speak*

*16 speaker cards were submitted in opposition, wishing to speak*

*35 speaker cards were submitted in opposition, donating time to others*

**Mr. David Simmons**, staff, went over the request with the committee. He covered the existing General Plan Land Use designation on the site and surrounding area, the uses in the surrounding area, the height limitations stipulated as well as enhanced buffers abutting existing large lot residential uses to the north as well as the enhanced streetscape along Shea Boulevard. He also went over stipulation rationale with the committee.

**Mr. Alex Popovic** asked about emergency vehicle operations on the site.

**Mr. Simmons** shared that this is non regulatory from a zoning perspective. However, he shared that the applicant has written a small section into the development narrative that addresses this.

**Ms. Toby Gerst** asked if there were other emergency rooms such as this.

**Mr. Simmons** shared that this is a fairly new product type.

**Ms. Anita Mortensen** shared that she has traffic concerns.

**Ms. Wendy Riddell**, with Berry Riddell, LLC, representing the applicant, gave an in depth presentation covering what she and the development team have done since the last public hearing including numerous phone calls to neighbors, meeting with Dr. Rockowitz on site and took pictures from his yard to determine best mitigation measures. As a result, they made the following clarifications and modifications:

- The permitted uses have been modified from C-1 and hospital use to Commercial Office and hospital use (prohibiting stand-alone retail uses).
- RV parking and a helistop have been added as prohibited uses.
- Lighting standards were clearly defined, to ensure all lighting is shielded and light poles do not exceed 15 feet in height.
- Added language to ensure that building colors are neutral and non-reflective.
- Explored additional traffic mitigation with the City of Phoenix and committed to making improvements required by the City.

Ms. Riddell added that as a result of public outreach, additional landscaping has been added in the northern parking lot. She highlighted the enhanced building and landscape setbacks adjacent to residential to the north and highlighted the building height is well below the development standards for the underlying zoning designation. She proposed a stipulation that would restrict the HonorHealth facility from contracting with emergency service agencies, which would cut down in siren usage. Lighting, signage and hours of operation were also covered.

**Ms. Toby Gerst** asked the applicant to show the hospital comparison graphic so she the VPC can see how close those facilities are to residential.

**Ms. Riddell** stated that the hospital comparison graphic depicts all large hospital campuses and we do not know exactly how close residential is to these campuses but can check and get back.

**Vicechair Joe Lesher** asked why this project couldn't be located somewhere else.

**Ms. Riddell** shared that some commercial use will be going on this site if this project does not move forward. She went on to say that other commercial lots in the area that have leases which preclude this use from going on other nearby sites.

**Mr. Alex Popovic** stated that he applauds the development teams' efforts, particularly in regard to public outreach. He said the efforts are commendable.

#### **Public Comment:**

**Dr. Neal Rockowitz**, residing at 5337 E Sahuaro Drive, abutting the site to the north, stated that the applicant is very arrogant. He shared that he any 35 of his

fellow neighbors, whom donated time to him to speak, have concerns about traffic, land use, livability of area, height, and the appropriateness of the project next to a residential area. He also stated that this would constitute leap from zoning as there should be a C-O, R-5, or some lighter zoning designation between residential and a use such as the one proposed. A 24/7 emergency center directly adjacent to residential is unacceptable. Dr. Rockowitz went on to discuss the history of how the area developed. He shared that he and many of his neighbors have a jaded view of city processes from past experiences, particularly the neighboring Mountainside Fitness project. He stated that a yes vote for this project would be misguided and wrong.

**Mr. Bill Christian** shared that two other neighbors donated time to him. He shared that this proposal does not fit the character of the area. The noise, intensity, sirens and increased amount of traffic over time would be a detriment to the existing residence in the area. He stated that there has got to be a more suitable place for this use.

**Mr. La Sota**, representing 29 homeowners on the south side of Shea, shared that an emergency room is an emergency room, despite what size the facility is. This use is going to be loud and does not belong in a residential area.

**Mr. Bruce Beverly** stated that this is the wrong use in the wrong place at the wrong time. He shared that commercial facilities are vacating rapidly due to changing market conditions. Why not move to an existing commercial site.

**Ms. Sherry Brown**, residing on 57<sup>th</sup> Street and Shea, stated that she is shocked that this is even proposed at this location as there are already several similar uses in the area.

**Ms. Tami Erdman** stated that there has been a lack of communication with the applicant and the notification area is not large enough. Has concerns about noise.

**Ms. Nancy Ribble** shared that she has concerns about noise and increased light pollution.

**Mr. Maulik Parikh** has concerns about traffic, proposed use, and character of area changing.

**Mr. Luis Lopez** stated that this proposal is unique.

**Mr. Geno Davi** shared that he is in support of the request.

**Mr. Doug Leventhal** shared that he is in support of the proposal from two perspectives. It is a community amenity and the design and use are outstanding.

**Mr. Dan Cheyne** supports the project as it is a great amenity in the neighborhood.

**Mr. Doug Heltne** shared that he is in support of the project.

**Ms. Julie Silverthorn** has concerns about public safety and traffic.

**Mr. Bruce Bethancourt** in support of the proposal.

**Mr. Paul Katsenes** is in support of the project as this is a 1<sup>st</sup> class medical service.

**Mr. Bryan Jeffries** shared his support for the request.

**Ms. Nancy Ganz** stated that one's core beliefs reflect who they are and that is a good thing. We, the neighbors, have concerns about this project.

**Mr. Victor Felicia** shared his support for the project.

#### **Applicant Response:**

**Ms. Riddell** asked a rhetorical question, why this location? Because it is needed. She went over the meeting minutes from the case history on this site and stated that this was never intended to be open space, a park or anything other than commercial. She is proposing an additional stipulation that would restrict the facility from contracting with private emergency vehicle services, which would greatly reduce the number of emergency vehicle trips in and out of the site.

#### **VPC Response:**

**Mr. Alex Popovic** asked what community outreach had been conducted? He shared he is in support of the project.

**Ms. Riddell** shared that they had done extensive public outreach, created a website and had numerous Zoom meetings.

**Mr. Robert Goodhue** asked what could be built by right without a rezone.

**Ms. Riddell** shared that government buildings, group homes, churches, schools and other light commercial uses could be built here by right.

**Mr. Alan Sparks** shared that he has concerns with the Mountain Side Fitness violations.

**Mr. David Simmons**, staff, said that he would reach out to NSD to get a list of violations on the Mountain Side site.

**Ms. Toby Gerst** shared that this project should be in a location that gets buy in from the community. She said the concept is fabulous, but this site is inappropriate. Therefore, she is not in support.

**Ms. Anita Mortensen** stated that this site is not a good spot for this use.

**Ms. Jennifer Hall** stated that she is conflicted with the case. She can see both sides of the argument. She said that this case has nothing to do with Mountain side Fitness next door. She shared that all of the public comment is needed and

appreciated. However, we must look at this from a land use perspective. She is in support.

**Ms. Kathryn Belous** shared that this is a viable use for the site and is in support.

**Mr. Popovic** stated that the lady that was struck by the car on Shea was running in and out of traffic and was most likely under the influence of drugs or alcohol.

**Ms. Mortensen** wanted it to be on the record that the lady was not under the influence but has a disability.

**MOTION:**

**Mr. Alex Popovic** made a motion to recommend approval of Rezoning Case No. Z-41-20-3, per staff's recommendation and two additional stipulations.

**Mr. Alan Sparks** seconded the motion.

**VOTE:**

**10-4-2** with committee members Belous, Goodhue, Hall, Maggiore, Mazza, Popovic, Severs, Sparks, Wise, and Gubser in favor. Committee members Cantor, Gerst, Mortensen and Stewart not in favor. Committee members Balderrama and Leshar abstained.

**Stipulations:**

1. An updated Development Narrative for the HonorHealth Outpatient Medical Center - Shea 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 6, 2021, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: July 29, 2020  
2nd Submittal: October 14, 2020  
Hearing Draft: January 6, 2021  
City Council adopted: TBD
  - b. Add parking standards to the comparative development standards table.
  - c. Add standards for the detached sidewalk in the Development Standards table as depicted on the landscape plan.
  - d. Provide a dimensioned landscape plan depicting distance between sidewalk and back of curb at a 5 foot minimum, sidewalk widths at a minimum of 5 feet wide and landscape setbacks. Include caliper sizes of trees, number of shrubs under each tree, groundcover percentages in a table format on the plan.
2. 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.

3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.
4. 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.
5. THE DEVELOPER SHALL CONSTRUCT A TRAFFIC SIGNAL AT THE INTERSECTION OF SHEA BOULEVARD AND 54TH STREET, AS APPROVED BY THE STREETS TRANSPORTATION DEPARTMENT.
6. THE OPERATOR OF THIS FACILITY SHALL NOT CONTRACT WITH EMERGENCY MEDICAL SERVICES ("EMS") TO BRING PATIENTS TO THE FACILITY BY AMBULANCE WITH LIGHTS AND SIRENS (CODE 3)

**Staff Comments:**

None