



Village Planning Committee Meeting Summary

Z-19-18-8

INFORMATION ONLY

Date of VPC Meeting	August 8, 2018
Request From	R1-6 (0.08 acres) C-2 (1.76 acres) C-2 SP (0.09 acres)
Request To	PUD (1.93 acres)
Proposed Use	Planned Unit Development to allow mixed uses
Location	Northwest corner of 41st Place and McDowell Road

VPC DISCUSSION:

1 speaker card was submitted in favor of the item.

Rod Jarvis, applicant with Earl, Curley, and Lagarde P.C., provided an overview of the request including conceptual renderings, aerial photographs, context photographs, a conceptual site plan, and conceptual elevations. He noted that the proposal involves the adaptive reuse of an existing office condominium building for a mixed-use project with multifamily residential units and ground-floor office and commercial uses. He noted that new construction would include a leasing office, pool, and community clubhouse at the northeast corner of the site. He noted that the building was constructed in the late 1970's and that McDowell Road had widened over time, leaving a limited building setback on the south property line. He stated that while detached sidewalks are not feasible in this location the applicant is proposing concrete walkways, landscaping, and planters along this frontage. He provided an overview of the neighborhood meeting and stated that the applicant had added a wall to the upper floor of the proposed clubhouse to address noise concerns. He stated that the applicant had also agreed to remove and replace an existing block wall along the north property line prior to construction activity on the remainder of the site.

Jay Swart asked what the height of the wall on the upper floor of the clubhouse would be. **Robert Klob**, architect for the project with Robert Klob Designs Inc., stated that the wall was drawn at six feet in height.

Blake McKee asked whether any architectural features had been considered to mitigate potential safety impacts of nearby traffic along McDowell Road. **Mr. Klob** stated that due to the limited space, they had not considered bollards or similar features. He noted that he had a long history with the building, including as a tenant, and had not seen any traffic safety problems. He stated that vandalism was a bigger concern in this area. **Karen Beckvar** suggested that concrete planters could help to provide separation from vehicles in this location.

Barry Paceley stated that while he has concerns about the use of the Planned Unit Development (PUD) as a zoning tool, the proposal effectively utilizes the PUD by allowing mixed-uses, adaptive reuse, and redesigning an alley.

Kathryn Langmade asked for confirmation that the project was a retrofit of the existing building. **Mr. Jarvis** confirmed that the project would adaptively reuse the existing building. However, he noted that a four-story atrium interior to the building did not meet current fire code regulations and would be filled in, creating more square footage for the residential units.

Ms. Beckvar asked for clarification regarding the abandonment of the commercial alley along the north perimeter. **Mr. Jarvis** confirmed that the alley had been abandoned and that adjacent residential property owners had conveyed their portion of the alley to the applicant. **Ms. Beckvar** stated that the property owner would need to continue to provide access to the utility easement in this area if any work is required.

Ms. Beckvar asked for clarification regarding the use of the proposed parking spaces located outside of the gated resident parking area. **Mr. Jarvis** stated that this parking will be retained and utilized by tenants and customers of the ground-floor office and retail uses. He noted that he hopes some office tenants would also be residents in the building. **Ms. Beckvar** expressed concern that the parking may not be adequate to support some commercial uses, such as restaurants. She asked if the applicant had considered limiting commercial land uses in the PUD. **Mr. Jarvis** stated that he would be willing to consider land use restrictions.

Ms. Beckvar stated that the City of Phoenix has multiple policies in place that promote increased shade on pedestrian pathways and public sidewalks. She suggested utilizing awnings, canopies, and architectural features to increase shade along the McDowell Road frontage. **Mr. Jarvis** said that he would work with staff to investigate options. **Mr. Swart** noted that the permits required for projections in public right-of-way would have to be reviewed by the Street Transportation Department.

Ms. Beckvar expressed concern that the PUD's provisions regarding sustainability state that features are "encouraged" rather than required. She asked whether staff felt that the proposed features could be enforced by the Planning and Development Department. **Mr. Stranieri** stated that staff comments would include a request to revise this list into those features that are and are not enforceable by the Planning and Development Department.

Ms. Beckvar asked if the applicant's agreement to remove and replace the existing block wall along the north property line could be regulated by the PUD. **Mr. Stranieri** stated that staff would evaluate how to implement this in the PUD and suggested the possibility of including a phasing plan.

Greg Abbott expressed concern that limiting commercial uses in the PUD may have the effect of discouraging or prohibiting business opportunities that could benefit the surrounding community. He stated that a small-scale bakery or restaurant could be beneficial to residents in the area.

Marc Scher asked if filling in the four-story atrium would bring the building into conformance with the Building Code. **Mr. Paceley** stated that it would resolve the non-conformity with current fire code regulations and that the building would also need to install a fire sprinkler system.

Ms. Beckvar expressed concern that the design and layout of the pool area could create issues for adjacent residents to the north. She suggested that the applicant consider restrictions on the time of use for these amenities or other mitigating features such as enhanced setbacks. **Mr. Klob** stated that this area was designed to protect adjacent residents and noted the following mitigating features: an eight foot wall along the property line, a building height setback, an enhanced 20 foot buffer, and an overall 32 foot setback to the two-story portion of the clubhouse.

Andrea Hardy asked for an overview of the benefits of the PUD to the community and asked whether the project could be achieved utilizing traditional zoning and variances. **Mr. Jarvis** stated that the PUD allowed the applicant to propose a true mixed-use project with custom land uses, enhanced design guidelines, enhanced architectural features, and a site-specific parking layout that includes underground parking. He noted that variances can be difficult to acquire and require the applicant to prove a property hardship. He stated that the PUD was designed to accommodate the unique aspects of the proposal.

Mr. Swart asked for clarification regarding crime and public safety issues on the site. **Mr. Klob** stated that the existing alley on the north property line had issues with drug use and the entire site vandalism problems. **Mr. Swart** suggested that the applicant work with the neighborhood's Community Action Officer to obtain more specific details on these issues and to develop targeted solutions.

Daniel Sharaby stated that the applicant should limit commercial and retail uses on the site to avoid potential parking problems that may arise if a popular restaurant is established in the building. **Mr. Swart** suggested considering a restriction on the hours of operation for particular land uses.

Hayleigh Crawford expressed concern that limiting commercial uses, particularly prohibiting restaurants, may limit opportunities for commercial uses that could benefit the community. She stated that she supports development of walkable, pedestrian-friendly, and accessible neighborhoods and that small restaurants and retail establishments can benefit this type of development. **Linda Bair** agreed and suggested that the applicant consider a restriction on the maximum square footage of commercial uses. **Mr. Swart** stated that he would support a limitation on maximum square footage as it would discourage assemblage of multiple suites. **Mr. Jarvis** noted that the City is unlikely to support restricting hours of operation because it is very difficult to enforce. **Ronda Beckerleg Thraen** expressed concern that limiting square footage could have the unintended consequence of limiting growth opportunities for professional offices or firms that would not impact traffic on the site.

Ms. Beckvar stated that parking is her primary issue of concern and that some restriction on hours of operation should be considered to correspond with parking availability.

Ashley Nye expressed concern that restricting land uses in the PUD may prohibit certain users that could be low impact or benefit the community. She noted that a large-scale restaurant would be unlikely to be interested in the subject property due to the known parking problems. She also suggested that the applicant consider moving proposed planters along McDowell Road in order to integrate more opportunities for shade structures.

Wally Graham, representing the Arcadia Osborn Neighborhood Association and speaking in favor of the item, stated that he supported the use of the PUD in this case and believes it will benefit the neighborhood. He suggested that rather than limiting land uses in the PUD, the owner could restrict users by evaluating tenant applications. He noted that there is a struggling commercial center on the south side of McDowell Road and that developing the subject property may benefit this adjacent site and other properties in the surrounding area. **Jay Swart** and **William Fischbach** agreed that the proposal could help to revitalize other commercial properties in the surrounding area.