



Village Planning Committee Meeting Summary

Z-64-20-4

Date of VPC Meeting	March 1, 2021
Request From	R-5
Request To	C-2
Proposed Use	Music Recording Studio
Location	Approximately 490 feet west of the northwest corner of 11th Avenue and Indian School Road
VPC Recommendation	Approve per staff recommendation with the deletion of Stipulation No. 4.
VPC Vote	12-0-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

No speaker cards were received on this item.

STAFF PRESENTATION

Klimek, staff, provided an overview of the case as detailed in the published staff report including background, the proposal for the adaptive reuse of the existing building for a recording studio, and the policy analysis completed by staff. Staff is recommending approval subject to 10 stipulations focusing on streetscape enhancements, perimeter landscaping, rooftop equipment, and bicycle parking in addition to standard street, aviation, and archaeology requirements.

APPLICANT PRESENTATION

Thomas Galvin, Rose Law Group, introduced himself as the applicant's representative and stated that his client had been operating on site for 12 years without any complaints and only recently learned that their property would need to be rezoned to conform with the zoning ordinance. The applicant is proposing improvements for the site including shade trees along Indian School Road, screening of rooftop equipment, a new parking lot, landscaping along the rear property line, and the addition pedestrian connectivity and bicycle racks.

He added that the request is broadly consistent with the goals of the Phoenix General Plan and is supported by staff and from adjacent neighbors. He stated that they reached out to the Woodlea Melrose Neighborhood Association who expressed no concerns and that the owner regularly gives back to the community by allowing Greater Hope Church to utilize the facility free of charge to record their weekly worship services.

He then respectfully requested the committee consider removing Stipulation No. 4 which would come into conflict with the City of Phoenix requirement that the owner expand the existing parking lot. He added that the owners will add landscape parking islands along the eastern boundary that will be planted with shade trees.

QUESTIONS FROM THE COMMITTEE

Matthews stated that he lives in the area, didn't know the site was a recording studio, and supports the project. He added that they have been good partners and commended the applicant on their clear outreach.

Rodriguez asked how the owner learned they were out of compliance with the zoning ordinance, why the site cannot be grandfathered as an existing use, and why the parking lot needs to be required.

- **Galvin** stated that the City contacted the owner to inform them of the compliance issue and that the City informed the owner that their parking lot was out of compliance with regard to space size and total parking supply.
- **Klimek** stated that the building was legally constructed and inhabited as an office which is a legal use under the R-5 zoning district. When the owner occupied the building, they converted the use to a music recording studio which is not permitted until C-2 zoning districts.

Rodriguez expressed disappointment in the City of Phoenix for requiring a small business to expand their parking lot which is in direct conflict with the goals of the tree and shade master plan, urban heat island goals, and drainage priorities.

Procaccini stated that he likes the project.

Jewett stated that he supports the comments made by Rodriguez with regard to whether the parking lot expansion is necessary or appropriate.

Cothron stated that she supports the comments made by Rodriguez with regard to whether the parking lot expansion is necessary or appropriate.

PUBLIC COMMENTS

None.

APPLICANT RESPONSE

None.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

Rodriguez expressed interest in building a motion that could approve the request per staff recommendation but not require the parking lot expansion. She asked staff for additional background on the impact of removing Stipulation No. 4 (the east landscape setback) and what is prompting the requirement for the parking lot expansion.

- **Klimek** responded that Stipulation No. 4 reiterates a requirement in the C-2 zoning district. If the stipulation were removed, the applicant would need to seek a variance to remove or reduce the 10-foot landscape setback required by code. He stated that he does not know why the parking lot expansion is being required but that this change may be able to be revised through a variance or technical appeal.

Vice Chair Bryck stated that a motion that attempts to walk the line between multiple requirements may force the applicant into additional work and processes and asked for their input on whether they understand this potential.

- **Galvin** responded that the applicant is agreeable to the stipulations as prepared by staff except for Stipulation No. 4.

Mahrle asked noted that Stipulation 1 and 3 appear to be in conflict with regard to tree spacing along the Indian School Road Frontage with one requiring 25 foot spacing and the other requiring 20 foot spacing.

- **Klimek** responded that the intent is to develop a double row of shade trees when both stipulations are in conjunction. Stipulation No. 1 requires detached sidewalks upon redevelopment with trees planted between the curb and street while Stipulation No. 3 required trees planted in the building setback.

Motion

Procaccini motioned to approve the request as recommended by staff with deletion of Stipulation No. 4. **Matthews** seconded.

Vote

12-0-0; motion passed with Cothron, Mahrle, Benjamin, George, Jewett, Matthews, Procaccini, Rodriguez, Searles, Wagner, Vice Chair Bryck, and Chair Kleinman in favor; none in dissent; and none in abstention

STAFF COMMENTS

Several members of the committee questioned the rationale for why the parking lot needs to be expanded into the existing landscape area and considered a motion that would state their clearly state their intent as follows (paraphrased):

trees and shade are important; requiring the expansion of parking lots at the expense of removing vegetation should be minimized; and a landscape buffer should be preserved (if possible) between the parking lot and the adjacent multifamily.

The committee ultimately elected to put forth the staff recommendation with modifications requested by the applicant to allow the applicant flexibility and to not interfere with potential variances and technical appeals.

VPC RECOMMENDED STIPULATIONS

1. Upon any subsequent phase or phases of development that modify the cumulative floor area by more than 15 percent from that depicted on the site plan date stamped November 24, 2020, the sidewalk shall be detached from the back of curb by a landscape area of at least 5-feet in width which shall be improved to the below standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
 - a. Large canopy, single-trunk shade trees shall be placed 25 feet on center or in equivalent groupings. All required trees shall be a minimum 3-inch caliper.
 - b. At tree maturity, the trees shall shade the sidewalk to a minimum 75 percent
 - c. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
2. The developer shall dedicate a 10-foot sidewalk easement along the north side of Indian School Road, as approved by Planning and Development.
3. The south building setback along Indian School Road shall be planted with drought tolerant, minimum 3-inch caliper shade trees, placed 20 feet on center or in equivalent groupings and located to shade the public sidewalk, as approved by the Planning and Development Department.
4. ~~A minimum landscape setback of 10 feet shall be required along the east~~

- ~~property line and shall be planted with drought tolerant, minimum 2-inch caliper shade trees, placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.~~
45. A minimum landscape setback of 10 feet shall be required along the north property line and shall be planted with drought tolerant, minimum 2-inch caliper shade trees, placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
 56. All rooftop equipment, including existing equipment, shall be screened in accordance with the provisions of Section 507 Tab A of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
 67. The developer shall provide a minimum of two Inverted-U bicycle racks located in close proximity to the primary building entrances and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
 78. 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.
 89. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport 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 reviewed and approved by the City Attorney.
 940. 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.