



Village Planning Committee Meeting Summary

Z-SP-5-19-8

Date of VPC Meeting	October 15, 2019
Request From	C-2 FCOD RSIOD
Request To	C-2 SP FCOD RSIOD
Proposed Use	Mortuary and underlying uses
Location	Northwest corner of 25th Street and Broadway Road
VPC Recommendation	Recommendation to Deny
VPC Vote	9-1-2 Motion passes; with members, Aguilar, Brownell, Castello, Coleman, Daniels, Larios, Shepard, Trites, and Tunning; with member Kotake dissenting; with members Busching and Brooks to abstaining

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Four speaker cards were received from the public, two indicating opposition and a desire to speak and two indicating opposition and no desire to speak (Ms. Betty Ware and Mr. Arthur Telles).

Mr. Glueck and Ms. Kutnick left the meeting reducing the quorum to 12 members.

Mr. Nick Klimek provided an overview of the request. The request is to add a mortuary to the list of permitted uses through a special permit. The proposal is the adaptive reuse of a long vacant building at the northwest corner of 25th Street and Broadway Road to a funeral home.

The site is located within the Four Corners Overlay District which applies use restrictions, development standards, and regulations to govern signage and design; from a land development perspective, the Four Corners Overlay District provides standards focused on creating a strong pedestrian environment through enhanced sidewalk standards and uses oriented to community services and retail.

In addition to the development standards, the district requires that applications be sent to the Target Area B Board and the Community Excellence Project Board for review and recommendation prior to review by the Village Planning Committee; both boards have reviewed the case and provided comments. A letter from Target Area B was received the day of the meeting and was broadly supportive of the

proposal. A letter from Gail Knight of the Community Excellence Project was received and included in the staff report, was opposed to the case broadly based on the use proposed on the site.

The site plan proposed the adaptive reuse of the vacant building, the expansion of the parking lot to the west, the enhancement of both street frontages including detached sidewalks shaded to 75%, an especially wide sidewalk along Broadway Road, and a shaded bus stop on Broadway. The proposal conforms to all applicable policy documents and will meet or exceed all regulatory requirements.

He explained the staff recommendation is to approve the request subject to stipulations. The stipulations pertain to: enhanced street frontages including detached sidewalks, enhanced landscape plantings, and 75% shade over the bus stop and the sidewalks; the inclusion of bike racks; and stipulations related to easements, bus stop right of way, ADA improvements, aviation disclosures, and archaeology protocols.

Committee questions relating to the proposal including: whether the proposal includes a chapel and crematory; whether anyone on staff considers health and prosperity in the review of development proposals, and for clarification regarding build-to lines. Staff responded the proposal does include a chapel, does not include a crematorium, that there is no specific review process to evaluate health and prosperity however, benefits stipulated do contribute to each of the pillars discussed, and that a build-to line provides a more pedestrian oriented environment by controlling the treatment of the pedestrian realm and the location of buildings.

Ms. Daniels stated that there should be mechanisms to require developers to give back to the community by supporting parks, shade, and transit. It is frustrating for the committee, as citizen leaders, to see ideas neglected and superseded by the Planning Commission and Council; for example, the U-Haul proposal on Baseline Road which failed to incorporate public art and prohibit the placement of trucks at the perimeter of the site.

Ms. Tunning asked where application fees go. **Mr. Bednarek** responded that application fees go into the general fund.

Mr. Jeff Stephens, of Searer, Robbins & Stephens, Inc., representing the applicant, introduced the proposal and passed out a packet of information including a letter from Target Area B. He described his role in helping to craft the FCOD with members of the community. The property has been many things over the years and Ms. Kay Connors looks forward to making the Four Corners home to her business. The area is mostly vacant, and the proposal plans to reuse one of the only remaining buildings in the area.

The proposal includes a chapel but no crematory, screened parking along Broadway Road, and pedestrian and landscape treatments above that required by

the Four Corners Overlay. Ms. Conners also intends to allow community organizations and events to use to property as a venue for weddings, anniversaries, and community meetings. The building will recycle 75% of the demolition materials, include high efficiency lighting, xeriscape landscaping, and high efficiency air-conditioning units.

The operations of the funeral home will not significantly impact traffic, the chapel is limited to 32 occupants, parking is limited to 25 spaces, and events will not be scheduled at rush hour. Rose Manor Funeral Home is looking forward to reopening this long vacant facility, to providing highly customized services to the community, and to the support of the committee.

Ms. Tunning asked if the applicant will be participating in the county rotation program for handling homeless and unidentified individuals. **Ms. Conners**, applicant, responded that she will be applying but that the decision is ultimately made by the county. **Ms. Tunning** asked if the county will be applying to the state for the use of state burial assisted funds. **Ms. Conners** responded that it is the same program. **Ms. Tunning** asked what the cost of transfer and daily storage fees. **Ms. Conners** responded that it is up to the cremation service provider which is up to 3 days, that fees are often between \$500 and \$700 dollars, and that cost depends on the services rendered. **Ms. Tunning** asked if they allow on-site organ and tissue donation. **Ms. Conners** responded that it will be conducted at the other location. **Ms. Tunning** asked if they will have capacity to carry out traditional Native American burial practices to allow for large families to spend time with the body. **Ms. Conners** responded that the chapel is relatively small, and it would depend on the services requested.

Ms. Tunning asked if they will do in-house or third-party financing? **Ms. Conners** responded that no financing is provided. **Ms. Tunning** asked how long they will allow an account to be outstanding before it is turned over to third party debt collector? **Ms. Conners** responded that usually funeral homes do not extend credit; however, the funeral homes do use insurance as a mechanism for payment. **Ms. Tunning** asked how long they will allow an account to be outstanding before it is turned over to third party debt collector? **Ms. Conners** responded that funeral homes do not extend credit.

Mr. Brownell noted there is a negative letter in the packet from Gail Knight, a pioneer in the neighborhood, and asked how the applicant would respond the opposition. **Mr. Stephens** noted they reached out to Ms. Knight several times, but she would not provide reasons for her opposition nor engage with the applicant. He further stated that he had worked with Ms. Knight on the overlay district. **Mr. Brownell** noted that her history in the area and current opposition to the case carries significant weight.

Mr. Larios identified that the applicant speaks to community health purely through the lens of property. This area has been shaped by several black women, past and

present. This area has a lower life expectancy and dealing with matters of death can be very traumatic, so he appreciates the line of questioning from Ms. Tunning. What about issues related to infant and mother morbidity rates among minority women; these are the types of things that he would expect developers who are trying to become partners in the community to engage with. There is no sense of partnership or thoughtfulness in the design element of the project. Also, the reports speak to the need for local produce and previous uses had included a community garden and these are the type of things that are missing when an applicant fails to do their homework.

Ms. Connors responded that she did her homework and chose this location because this building and garden had been vacant for seven years and she wanted to bring life back to the area. She stated that she has served this community for the past 18 years, understands the history of the area and the building and wants to be a partner creating some positive history.

Ms. Lowery, member of the public, commenting from the audience stated: that the applicant doesn't know anything about the history of the site; that she is sick of the city doing this to her and her community over the past 60 years; that the building was the first safe house for kids; and that the only reason she (Ms. Connors) is getting the building is because she has money. She exclaimed that Ms. Connors isn't bringing anything to the community but trouble and that she and the city are destroying the black community. Ms. Lowery then departed the meeting.

Ms. Connors stated that she chose the building because she understands the need for lower cost funeral services and, while she understands the history of the building as a community center, she wanted to bring some positive history to the building and the area. While some of the building's history is positive, it later became a place where people were getting killed, addicted to drugs, and she wanted to create some positive history for that building and provide something people can be proud of.

Mr. Stephens noted while the building has some history including as several childcare facilities, it had been vacant for eight years with no one interested in buying the property, until Ms. Connors.

Mr. Coleman asked why the case is being reviewed by the planning committee since there is not a change in occupancy type under the building code. **Mr. Klimek** responded that under the Four Corners Overlay District, a mortuary is permitted by Special Permit which is a zoning entitlement process. **Ms. Trites** asked what other uses will be permitted if a Special Permit is granted. **Mr. Klimek** responded that the approval would add a mortuary, and only a mortuary, to the list of uses permitted by the Four Corners Overlay. The other uses permitted by the Four Corners Overlay are generally retail, restaurant, and community-oriented uses.

Mr. Aguilar asked for more detail on the idea of opening the facility for community members and organizations and if there would be cost to the organizations. **Mr. Stephens** responded that the plan is to allow the building to be used for community meetings at no cost but that the venue may be rented at cost for private events such as weddings. The intent is to provide a place that will function as an extension of the neighborhood. **Mr. Aguilar** asked if they had reached out to any community organizations in the area to inform them of the intent to offer them free space.

Mr. Larios asked for more information regarding what community organizations will be operating out of the facility. **Ms. Connors** explained that the venue will be a place for community.

Ms. Trites asked about neighborhood outreach and whether nearby property owners had been invited. **Mr. Stephens** responded that they have held two neighborhood meetings and sent two rounds of notifications as required by the City of Phoenix. The meeting was attended by 7 or 8 people and included several individuals in support of the project who wanted to see something happen on the vacant site and several who were opposed to the request.

Ms. Trites asked for more detail on the people who had signed the petition in support of the project. **Ms. Connors** responded that she had knocked on doors and the signers of the petition were from the immediate area.

Dr. Brooks asked about notifications. **Mr. Stephens** responded that in addition to local efforts, the outreach efforts were conducted in accordance with city requirements. **Dr. Brooks** commented that the committee will hear that individuals may not have been contacted. He stated that projects should recognize history and consider restarting the historical role of the site such as the community garden and a meeting space. He asked the applicant to think about how it can contribute to the local community.

Ms. Daniels commented that there are many brand-new homes south of Broadway and stated that those homebuyers did not expect a mortuary to be located up the street. She asked if anyone had contacted the new homeowners. **Mr. Stephens** responded that they would have been invited if within 600 feet. **Ms. Daniels** asked if any of the new homeowners attended. **Mr. Stephens** responded that they did not ask attendees if they were new homeowners.

Mr. Brownell has a long history with this community and has a sense the neighborhood would prefer something different than a mortuary.

Dr. Brooks invited members of the public to speak.

Ms. Betty Ware, member of the public, introduced herself as one of the seasoned seniors of the committee with previous involvement in Target Area B, Community Excellence, and Brooks Community Center. She explained there had been great

growth accomplished and still more to accomplish. Residents have invested sweat equity over many years. Keys Community Center touched many people over the years but the good works. She stated that she is not opposed to the location, only the location which is too important. The building should be able to assist families and the community. There is nothing here for the youth. There should be an actual center to build leaders from the youth. **Ms. Busching** asked what Ms. Ware would like to see on the site. **Ms. Ware** responded that she would like to see a center that would address concerns with mothers and youth to foster their strength.

Ms. Twanna Brunson, member of the public, stated that she lives very close to the area and went around the neighborhood and even the boxing facility across the street was unaware of the request. She thanked several committee members for their comments. She stated that she supports black and African American businesses; however, as a resident the Four Corners area is about overcoming gang and drug activity, establishing homeownership, and providing retail businesses for the community. She stated that the request is inappropriate, impedes progress, and that she is opposed to the project. She brought a petition of residents opposed to the request containing 74 names.

Dr. Brooks thanked members of the public for their input. He stated that during meetings with opposition it is often typical to allow an applicant the opportunity to request the case be continued to allow for additional refinement and public dialogue. **Ms. Conners** responded that they are interested in tabling the case.

Mr. Larios stated that the issue is not with the intent of the applicant but with the failure to refocus this as a human-centered project rather than a property focused project. It is impossible to tell if the project can be refocused because the presentation was focused solely on the property framework.

MOTION

Mr. Coleman made a motion to table the case to allow for additional input and engagement from the neighborhood. **Ms. Daniels** seconded the motion.

DISCUSSION

Discussion regarding how members are uncomfortable supporting the case without support from the neighborhood including those who recently purchased homes to those who originally fought to clean up the area and the creation of the overlay district.

Discussion regarding the uses permitted under the current zoning and the additional uses that would be permitted if a special use permit were granted. **Mr. Klimek** responded that the Special Permit requested would add a mortuary to the list of permitted uses allowed on the parcel. The base zoning district, the Four Corners Overlay, allows for neighborhood retail, office, and services.

Ms. Ware, member of the public, stated that the original intent was not to allow a mortuary in the overlay and suggested that the request to allow a mortuary should be sent back to the community.

Mr. Brownell noted that the creation of the Four Corners Overlay identified a mortuary as a use that was questionable depending on the location. He then called for the question.

VOTE:

7-5 Motion passes; with members Aguilar, Coleman, Kotake, Shepard, Trites, Busching, and Brooks in favor; with members Brownell, Castello, Daniels, Larios, and Tunning dissenting.

Dr. Brooks asked the applicant to return to the public for additional discussion to determine whether consensus can be built around the request. **Ms. Daniels** stated that requiring additional outreach would be a burden to the public and they have made their opposition known.

Mr. Aguilar and Ms. Tunning asked staff about the process for bringing a case back to the floor for consideration. **Mr. Bednarek** responded that an item can be brought back to the floor if a motion and second are completed by members who had voted on the prevailing side of the previous motion. **Mr. Aguilar** stated that he is not confident that additional time and input would accomplish anything.

Ms. Brunson, member of the public, commenting from the audience to state that it took a significant amount of effort to raise awareness of this case and stated that the reconsideration of the decision to pass the request would be disrespectful to new homeowners, those who took time to oppose the case, and to those who cleaned up the area years ago. **Mr. Brownell**, informed Ms. Brunson that members of the committee are considering opposing the case.

Dr. Brooks stated that it has been a long-standing practice to allow parties to work out issues outside of the meeting. The committee has voted to allow this by tabling the motion.

MOTION

Mr. Aguilar, a prevailing vote on the previous motion, made a motion to cancel the previous motion and return the item to the floor for further discussion. **Ms. Trites**, a prevailing vote on the previous motion, seconded the motion.

DISCUSSION

General discussion regarding whether additional input would produce a different outcome or whether it is a waste of time, but no apparent consensus emerged. **Mr. Brownell** called the question.

VOTE:

7-4-1 Motion passes, with members Aguilar, Brownell, Daniels, Larios, Trites, Tunning, Busching; with members Coleman, Castello, Kotake, and Shepard dissenting; Brooks to abstain noting the difficult balance of considering the history of the area and the need for new minority owned businesses.

MOTION

Ms. Tunning made a motion to recommend the denial of the request. **Ms. Daniels** seconded the motion.

DISCUSSION

Mr. Brownell called the question.

VOTE:

9-1-2 Motion passes; with members, Aguilar, Brownell, Castello, Coleman, Daniels, Larios, Shepard, Trites, and Tunning; with member Kotake dissenting; with members Busching and Brooks to abstain noting agreement with the comments made by Dr. Brooks in the previous motion.

Dr. Brooks recognized the comments made by several committee members regarding committee recommendations being overturned by the Planning Commission and the City Council. He stated that the Laveen Village Planning Committee often attends subsequent meetings to provide context and rationale for their decision to make it more difficult for their recommendation to be overturned.

Mr. Aguilar noted the energy of the committee was different for the first item on the agenda. He stated that because the standard notifications failed to produce any opposition that the committee did not complete their due diligence nor hold them to the same standard as the second case. He expressed disappointment and regret in the actions of the committee. **Ms. Tunning, Ms. Daniels, and Mr. Larios** expressed agreement and noted the possibility of attending the Planning Commission meeting in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.