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Via Email

Encanto Village Planning Committee

**Re: Opposition to Z-51-19 PUD , Northeast Corner of 7<sup>th</sup> Street and Thomas Road**

Dear Encanto Village Planning Committee member,

We ask you to reject the Application in zoning case number Z-51-19 for the Northeast Corner of 7<sup>th</sup> Street and Thomas Road.

I write to you on behalf of my family and as president of the La Hacienda Historic District. Our homes are on the first two blocks north of Thomas between 3<sup>rd</sup> Street and 7<sup>th</sup> Street. Many of our homes are among the closest to the subject property's location, just beyond commercial lots on the west side of 7<sup>th</sup> Street. My home is at 506 East Catalina.

Last year this committee rejected a High Rise High Density (H-R) zoning district for this property. The City Council ultimately approved a Mid Rise (M-R) zoning district, in an ordinance with a number of stipulations for any future rezoning, famously including a height stipulation for a maximum of 110 feet. The Phoenix Country Club and its Developer have proposed Planned Urban Development (PUD) zoning for the property to move forward with the project. The PUD should be rejected for a number reasons, however, one simple change would address many of the concerns: **the parking podium should be removed.**

The reason to reject the PUD include violations of the stipulations, failure to provide enough open space, and, of course, it provides for a tower that is too tall for the area.

**1. No PUD architecture Committee**

The PUD was supposed to have an architecture committee consisting of neighbors. The PUD has no such provisions. The stipulation required it.

The Developer has an architecture committee consisting with people that through H-R zoning was appropriate, with the lone exception of the late inclusion of Artie Vigil. The committee has no power or authority under the PUD, and we understand that there has been poor attendance at the meetings. *The Developer's architecture committee is nothing more than window dressing and does not meet the stipulation.*

## **2. Parking Podium Prevents Ground Floor Uses Forever at the Corner**

The PUD does not seem to have provision for any active ground floor uses on the corner, which is one of the stipulations. The PUD offers a large concrete parking podium that would prevent such uses. The stipulation required the PUD to permit activation of the ground floor along 7<sup>th</sup> Street and Thomas Roads.

The Developer claims that active uses are *possible* under the language in the PUD, but the *existence of the parking podium prevents any such use, violating the purpose stipulation.*

## **3. Violates the Fencing Stipulation**

The stipulation provides that there will be no fencing between the street and the building. The PUD uses the parking podium to create a 25-foot concrete wall that acts as a fence between the tower and the street.

This proposal *violates the spirit of the stipulation and purpose of the stipulation to have project that embraces the corner.*

## **4. Does not Create a Superior Built Environment**

A PUD is supposed to “create a built environment that is superior to that produced by conventional zoning districts and design guidelines.” § 671. This PUD should not be allowed 110 feet, which is the height allowed under the current zoning. The Developer is using the PUD to strip other protections the current zoning offers, and to do that, *the PUD should provide the neighborhood a built environment that is superior, not inferior.*

Although it did not make into the language of the stipulation, the council approved the M-R zoning and is looking for this PUD to have a project with a height of less than 110 feet, the Developer and the closest neighbors were supposed to get together on a PUD. That did not happen, as the PUD embracing 110 feet and the architecture committee (such that it is) went forward without our input. The General Plan and MidTown Policy Plan direct that a tower at this location be of less than 60 feet, not 110 feet. *To move forward with a tower of more than 60 feet the Developer needs to offer something special to provide a superior built environment.* Not having a large parking podium would be a good start.

## **5. The PUD is too Vague**

I have never seen such a vague proposal. The entire PUD proposal is 25 pages including all exhibits. The Developer's H-R proposal last year was 100 pages. You are also offered dramatically fewer elevations, of course, the even the elevations offered are

not what the project is expected to look like. The PUD offering is too vague to approve at this point.

### **Conclusion**

The PUD Tower zoning proposed should be rejected. It violates the spirit and letter of the ordinance with stipulations approved by Council last year. General Plan and the MidTown TOD Policy Plan do not support granting the Application, the height should not be promoted outside of Central Corridor with the light rail, the City Core, or the Village Cores. *Most of the problems with the PUD could be remedied if the parking podium was deleted, and the project embraced the corner and offered open space consistent with the M-R zoning, of at least 25%, at ground level.*

Whatever PUD is approved will be the template used by the Phoenix Country Club for other projects it carves out of its golf course. As has happened near other tower zoning throughout our city, speculators will purchase homes and other properties in the area hoping that they too will get tower zoning, and in the meantime those properties will deteriorate because they were purchased for the location, and any existing structures will fall into disrepair, being viewed as only temporary and to be replaced, perhaps, in the next building cycle.

Don't do this to your neighborhoods. Please vote to reject Z-51-19.

Sincerely  
Robert C. Warnicke  
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