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Via Email

Encanto Village Planning Committee  
C/O Hannah.Bleam@phoenix.gov

**Re: Opposition to Z-41-18: H-R, 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-41-18 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.

**1. Inappropriate Height for the Surrounding Area**

The High Rise High Density Zoning District requested just to the East of our Historic neighborhood is inappropriate according to the General Plan of the City of Phoenix 2015 and the MidTown TOD Policy Plan, which both focus high rise and high density much closer to Central Avenue where public funds have established the light rail infrastructure. To grant the application would be a breach of the certainty and reasonable expectations that we have for living and investing in our homes in this city. With every plan, whether the General Plan or the MidTown TOD Policy Plan, the City has assured us that the high rise and high-density zoning in our area will be focused on the Central Corridor, and not randomly scattered through neighborhoods like was done decades past.

The 250-foot zoning district height requested (perhaps a maximum of 175 feet by stipulation) pursuant to the proposed H-R application a half mile away from Central Avenue is nothing more than the resurrection of poor urban planning designs that were abandoned in the 1960s. The Application repeatedly points to Crystal Point and its entitlement history that was from **1963**, and even quotes from those planning documents that are some 55 years old. The vision of the city of Phoenix from the 1960s has been

reimagined and updated, and few zoning entitlements from that era far from Central Avenue have ever been utilized to their full extent.

The map of existing buildings does not support imposing the proposed High Rise High Density Zoning District to the east of La Hacienda Historic District, and even to the east of 7<sup>th</sup> Street, on Thomas Road.



Looking southeast, there is nothing remotely this monstrously tall *anywhere* nearby. This Google Earth rendering shows that it will stick out like a sore thumb dominating the skyline in our neighborhoods.

An overhead view further shows how urban planning design *steps down* from the High Rise High Density Zoning District along Central Avenue travelling east along Thomas Road. The following examples were taken from reference in Application, their position and height are in red boxes.

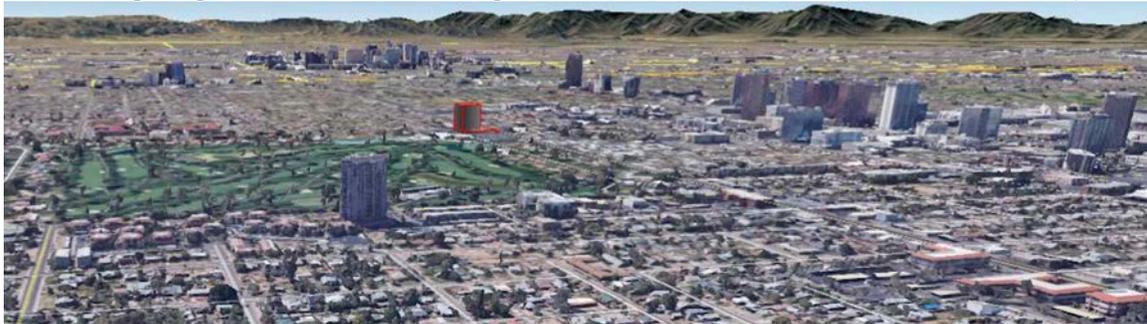
- Crystal Point 1040 E. Osborn
- Financial Center 3343 N. Central
- One Lexington 3225 N. Central
- CBIZ Plaza 3101 N. Central
- Copper Point 3030 N. 3<sup>rd</sup> Street
- Phoenix Corporate Tower 3003 N. Central
- Phoenix Plaza II 2929 N. Central
- Phoenix Plaza 2901 N. Central
- Century Link 20 E. Thomas
- 2800 North Central 2800 N. Central
- 2600 Tower 2600 N. Central
- Regency on Central 2323 N. Central



The High Rise High Density Zoning District requested in the Application (white 175 on the black box) is an outlier, just like the poor urban design of Crystal Point near the northeast corner. The blue boxes are the Cigna and First Place buildings, both believed to be under 60 feet, and they are largely a result of a High Rise High Density Zoning District entitlement from decades ago, and *replacing* an approximately 130-foot building. We supported variances for the four story First Place project; we are not opposed to additional residential density of an appropriate scale. We have also supported two other 5 story multifamily projects nearby on 3<sup>rd</sup> Street (Alta Thomas and Crescent Midtown) having arrived at compromises with those applicants that protected neighborhood values.

Everything currently existing in the transparency area on the east side of 3<sup>rd</sup> Street, *except Crystal Point*, is believed to be under 48 feet, and continues off the page for almost two miles north until the new Alta Camelback at perhaps 70 feet, east to almost the Piastewa Parkway where Phoenix Children’s Hospital has a high-rise tower, southeast all the way to the hospital tower on McDowell for Banner Samaritan, and then south all the way to the City Core.

Looking at the project from a northly direction shows the building just plopped down among neighborhoods and sticking out like a red sore thumb (so I colored it red).



The map demonstrates that the requested height is not appropriate for the existing conditions.

## 2. Current City Planning Does Not Support the Requested Height

Notably, the Application references several buildings that are approximately 175 feet that are all *also* along Central Avenue among the 200+ foot towers, and it is along Central Avenue that the High Rise High Density Zoning Districts belongs in this area. The reason for this is driven by the City Code which provides:

### **631 High-Rise H-R District—High-Rise and High Density District.**

The High-Rise H-R is intended to be a special district to allow greater building height and density within those few areas of the City that, by their strategic location and intense land use, generate exceptional amounts of activity of a commercial nature. Within these areas of greatly intensified activity the H-R districts may be combined with the R-4, R-4A, R-5, C-O, C-1, C-2, C-3, A-1, A-2, P-1 or P-2 districts and shall control in those requirements which it sets forth.

The Application cannot demonstrate that this is one of the “few areas” that has an exceptional amount of commercial activity that it should be allowed High Rise and High

Density Zoning District combined with R-5. The subject property is *outside* the Encanto core which ends at 3<sup>rd</sup> Street.



Excerpt from: [https://www.phoenix.gov/pddsit/Documents/PlanPHX\\_Village\\_Cores.pdf](https://www.phoenix.gov/pddsit/Documents/PlanPHX_Village_Cores.pdf)

The concept of focused redevelopment is described in the General Plan:

*Locate land uses with the greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.*

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*Promote development in compact cores, centers and corridors that are connected by roads and transit, and are designed to encourage walking and bicycling.*

General Plan, at page 62. There is no mistaking that the subject property is outside of the Village Core.

The City promises Stakeholders in the General Plan:

### **CERTAINTY & CHARACTER**

What makes a city a great place to live are its robust vibrant neighborhoods. *There is a level of certainty one expects to have and quality of life one expects to maintain while living in a great city. The goals and policies that are outlined in the General Plan were created so residents have a reasonable expectation and level of certainty while living in our great city; certainty in regards to quality of life and compatibility.* The success, stability and certainty our neighborhoods can provide only strengthen our city and region's vitality and prosperity.

At page 107 (Italics emphasis added). The General Plan assures residents that the goal is to:

*Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.*

At page 107 (Emphasis added).

The Application also involves property that is also outside of the MidTown TOD Policy Plan, which ends on the west side of 7<sup>th</sup> Street. The MidTown TOD Policy Plan promotes the most density and height close to the light rail stations. The subject property



These concrete walls are a strange way to continue a supposed “Thomas Corridor”. Furthermore, there is no large commercial building complex on Thomas Road within a quarter mile of the project. Central Avenue is a long way to the west and immediately to the east are residential neighborhoods and North High School. The proposed tower is even set back away from both Thomas Road and the corner on a parking podium:



As shown below, the Applicant also intends its project to interact exclusively with the Phoenix Country Club’s clubhouse to the northeast, not some newly envisioned Thomas Corridor.



The only way to accurately describe this requested High Rise High Density Zoning District is to say that it runs counter to the “compact core” principle in the General Plan and that it is requested in a place that is not one of the “few areas” where there is an “exceptional amount of commercial activity”. The Application contains numerous photos that demonstrate that Thomas Road and 7<sup>th</sup> Street is not one of the “few areas” creating an “exceptional amount of commercial activity” as required to impose a High Rise (H-R) High Density Zoning District. The Applicant even goes to great pains to argue that the nearby area is “underutilized” and needs the “revitalization”, which is contrary to when a High Rise High Density Zoning District may be entitled. Ironically, the Application urges that this H-R rezoning would somehow provide benefits to the corner of 7<sup>th</sup> Street and Thomas by interacting with the corner in the most limited way possible, fifteen-foot high concrete walls enclosing parked cars.

The Application pays lip service to the Walkable Urban Code, describing several sidewalk, landscape and shade offerings, but it is clear this is not a walkable project. The

concrete walls and orientation of the proposed building, away from the corner, are not consistent with a walkable building. In addition, *more* parking spaces that the code requires are being built. *This Application is, perhaps, the worst walkable building claim ever made.* Higher density and height is supposed to be focused within a ¼ mile from the light rail stations, a five-minute walk. This project is at least a ½ mile, meaning a ten-minute walk, however, the reality is that the walk from the northeast side of the building that faces the entrance of the Phoenix Country Club clubhouse, and the barrier of 7<sup>th</sup> Street, means a much longer potential walk to the light rail. The higher density, height and intensity are supposed to leverage the nearby billion-dollar public investment made in mass transit. It is shocking to see the Applicant claim this project is consistent with any current urban planning goal. The Applicant might as well describe Crystal Point the epitome of the new urban style walkable building.

### **3. Don't Support the Application to Save the Golf Course**

The Application describes the great value that the jealously guarded green space that the Phoenix Country Club's golf course provides to the City, and gently suggest that approval of project is necessary to save the golf course. The Applicants suggestion is consistent with rumors over the years that the Phoenix Country Club has an extremely high debt load. The Applicant soft pedals this issue in its explanation of how the protection and continued existence of a private and exclusive 105 acre golf course in the midtown area of Phoenix contributes to a "sustainable" city (it is heat sink/air refresher):

It has been widely reported in the last decade that golf courses throughout the Valley are struggling to survive, threatening existing open space amenities which are important contributions to residential neighborhoods.

Application at page 22.

Maintaining PCC's vitality, and thereby the golf course, will preserve the golf course's cleansing effects on the environment well into the future.

Application at page 22.

PCC has been proactively attempting to reposition the strength and health of its golf course and club amenities.

Application at page 22.

The quality condominium development is the latest measure PCC is promoting as a significant means of preserving and enhancing the golf course and club amenities which form this one-of-a kind urban oasis in the City.

At 23. So, the soft pedal pitch is that the City should approve the entitlement to save the golf course.

This argument should be rejected, as it requests a permanent entitlement, High Rise High Density Zoning District where it does not belong, in exchange for a temporary

benefit, the possible continued existence of the golf course. In addition, the very idea that the Club should get a handout from the City to maintain private green space that directly benefits its well-off members because it has the most indirect of benefits for the plebes is ridiculous. Furthermore, the Club maintains the entire golf course as a county island and, at a minimum, does not pay the same 2.17% property tax to the City that the rest of us pay for our property in the City. And yet the Club comes forward demanding another give and offers nothing.

The permanent grant of an entitlement by the Application to save the green space does nothing to ensure that the Club will make a permanent commitment to preserve green space: reading between the lines of the Application, the golf course may well be on its last days, and in return for a permanent entitlement the City gets nothing to ensure the Club will (or can) maintain the green space the Applicant asserts is so good for the City. If the Applicant hopes to prevail on this argument, the Club should commit to bring the golf course into the city *and* provide a deed restriction on any redevelopment in exchange for reasonable entitlements on the corner. Of course, it will not, as the Club is too greedy to give up the tax break and future property value: temporary promises are being made for permanent entitlements. The City is being gifted, and they hope you won't notice.

## **Conclusion**

The General Plan and the MidTown TOD Policy Plan do not support granting the Application, the height and density are not to be promoted outside of Central Corridor with the light rail, the City Core, or the Village Cores. The existing map of building heights show that a height of 175 feet (or 250 feet) do not belong on the corner of 7<sup>th</sup> Street and Thomas Road. Additionally, Thomas Road is not a corridor for high rise redevelopment, and the proposal shows the Applicant intends to turn the project's back on Thomas and the corner. All of the flowery words and nice descriptions in the Application cannot change the fact that the Application relies on planning decisions from the 1960s that did not work, were bad for neighborhoods, and have been abandoned. High Rise High Density Zoning Districts are permitted by the Phoenix Zoning Code only in the "few areas" in the City with "exceptional commercial activity": this does not describe 7<sup>th</sup> Street and Thomas Road. The General Plan assures stakeholders that they can have certainty as to their living conditions, and the current Application is an assault on the certainty.

Please vote to reject Z-41-18.

Sincerely  
Robert C. Warnicke  
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