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Via Email

Encanto Village Planning Committee
c/o Hannah.Bleam@phoenix.gov

Re: Opposition to High Rise High Density Zoning District: Z-41-18

Dear Committee Member,

My home is at 66 North Country Club Drive. As many of you know, I have lived and worked in “down town” Phoenix since the early 1970’s and my family has owned and developed land throughout the Valley.

I have great respect for Larry Lazarus as a very skilled land use attorney hired on behalf of the Phoenix Country Club and its developer partner. That this Application’s Narrative reads so well for something so inappropriate is a testimony to his skill.

I also have great respect for John Graham, the president of the developer. He is a friend, a force not only in business, but in his commitment to charities and our community.

The leadership of the Phoenix Country Club contains well known and respected members of the community.

However, no matter how well connected the PCC is, and no matter how skilled Larry is, and no matter how much I like and respect John, those are not reasons to permit High Rise zoning where it does not belong. As others have pointed out, the Phoenix City Zoning Code provides that High Rise zoning belongs in only a “few areas” of our City that “by their strategic location and intense land use, generate exceptional amounts of activity of a commercial nature.” This language from the High Rise zoning ordinance does not describe the corner of 7th Street and Thomas Road.

I am impressed by that the visuals that others have put together in their letters in opposition that show in graphic detail and in true scale how this project is about ½ mile east of where it belongs, which is along the light rail corridor. We do not deserve to have our City allow a Developer to erect a 175-foot building among our residential neighborhoods. We have been repeatedly told that height and density will be in the City core, the Village Cores, or along the light rail/central corridor where tax dollars have been invested. 7th Street and Thomas Road is not the City Core, not in the Encanto Village Core, and not near Central Avenue. We don’t need another Crystal Point, and current zoning and urban planning do not condone such a project on our corner.

While it is true that Club's parking lot is potentially an infill district, the multifamily Phoenix zoning ordinance that allows more height and density in infill areas does not apply, as that boundary ends at the south side of Thomas Road, and even if it applied, the additional height allowed is only 65 feet. Zoning Ordinance Section 630 Residential Infill R-1 District – Multifamily Residential states:

[***] The District can only be combined with land already designated as residential R-3, R-4, R-4A and R-5 zoning districts within the area bounded by 19th Avenue, 24th Street, Thomas Road and Harrison Street (Railroad).

A. Permitted uses. The permitted uses are as provided in the district with which the R-1 district is combined.

[***]

4. Building height shall be as required in the district with which the R-1 district is combined except that with the R-4A and R-5 district, no building shall exceed a height of six stories, not to exceed sixty-five feet.”

It is clear from the language of Section 630, that even with an Infill designation the maximum height of the subject site should be limited to **65 feet**, a full 110 feet below that being sought by the Applicant. This is why the Narrative describes this property as infill, but the zoning district being sought is High Rise High Density. Please do not let the word “infill” confuse the issue, this is not an infill zoning district matter, it is a High Rise High Density Zoning issue, and “infill” zoning does not permit the type of height sought here.

As a resident who will be sharing vehicle access out of the neighborhood on North Country Club Drive and East Country Club Drive, I have closely examined those parts of the Narrative related to traffic and parking. As a result, I have concerns about how the proposed project is going to impact vehicular access and parking that my neighbors to the east of 7th Street and south of Thomas Road have not raised.

I am troubled by statements in the Narrative that outright state and others that suggest that traffic issues related to the new project have been determined by an expert, CivTech, not to exist. The Narrative attaches CivTech's report on traffic. The report concludes:

CONCLUSIONS AND RECOMMENDATIONS

From the above, the following can be concluded:

*The Phoenix Country Club proposes a 15-story condominium composed of approximately 125 proposed multi-family dwelling units (DU). Access to the site is provided by two (2) existing access points, one on Thomas Road and the other on 7th Street.

*The trip generation results show that the proposed development could generate 704 daily trips, with 48 trips occurring during the AM peak hour and 51 trips occurring during the PM peak hour.

As you can see, no other expert traffic opinion was given beyond details of the tower, the number of traffic access points, and projected number of additional daily vehicle trips.

Despite the narrow expert opinion, the Narrative makes a number of broad statements based on expert conclusions, including:

In addition, as indicated in the Traffic Statement prepared by CivTech, the existing single-family residences would not be impacted by increased traffic along local neighborhood streets as a result of the condominium having direct vehicular access to and from both 7th Street and Thomas Road.

Narrative at 13. CivTech did not provide an opinion about whether any existing single-family residence would be impacted. The Narrative also represents:

As noted in the enclosed Traffic Generation Statement, AGS's traffic engineer has analyzed the Property and surrounding streets and determined that the Project will not generate any adverse effect on traffic. In particular, the traffic engineer has determined that, although the intersection of Thomas Road and 7th Street experiences certain delays during peak commuting hours, the Project will not contribute to any meaningful reduction in service levels.

Narrative at 17. CivTech did not determine that there would not be any adverse effect on traffic. Finally, the Narrative falsely claims:

The traffic engineer has determined that circulation within the PCC/Project site will function appropriately and that the maintained driveways are projected to operate at acceptable levels of service

Narrative at 17. CivTech did not determine that circulation would function appropriately or make any statement about the acceptable levels for driveways.

Unfortunately, *everything* in the Narrative about traffic beyond the total number of vehicle trips, 704, and morning and afternoon peak vehicle trips, 48 and 51, is not expert opinion, it is pure speculation. CIVTech did not perform any analysis of potential delays when the new traffic is added to the existing traffic attempting to gain access to 7th Street or Thomas Road. There is no analysis of whether statistically the number of potential collisions will rise for vehicles attempting to enter 7th Street or Thomas Road. There is no analysis of what the additional vehicle trips will mean at the uncontrolled intersection of North Country Club Drive and 7th Street with the unusual feature of the reverse lane. There is also no analysis by the expert about the fact that the East Country Club Drive entrance to the Club off of Thomas Road is gated, and that the Club closes that gate at some times of the day. The expert report and the narrative do not even acknowledge that the Club closes the gate on Thomas Road at the East Country Club Drive intersection.

The Narrative is entirely unreliable in its representations about what the traffic study concluded. My opinion is that 704 vehicle trips, including 99 peak hour vehicle trips, when

added to the normal traffic generated by our homes and by the Club's typical commercial activity, will have a significant negative impact on our neighborhood every single day. This impact will be even greater because the Club's gate limits access onto and off of Thomas Road, and 7th Street has reversal lanes. As a result, this new daily traffic is likely to cause a measurable daily unreasonable increased risk of collisions. Based on my over 40 years of using the access points, my opinion is that any application for entitlements on this parcel must include traffic controls on either, or both, Thomas Road at East Country Club Drive and on 7th Street and North Country Club Drive. With all due respect for "experts," I submit my opinion should carry an equal weight as that expressed in the Narrative, and at the very least I am being honest in telling you the foundation of my opinion, and not falsely claiming it is some expert's opinion.

As to parking, the Narrative claims that the revised surface parking does not require any rezoning, and that it will providing ample parking for PCC and the Project's guests. Narrative at 14. The *Parking Memorandum for Phoenix Country Club– Phoenix, Arizona* conclusions are poorly written. The expert concludes that there are currently 446 spaces and that the condominium will have its own 234 spaces. The report's analysis shows that after the project the Club will have four lots with 66, 160, 31, and 45, for a total of 302 spaces. The report concludes, *based on three days in May*, that the Club never needs more than 240 spaces.

Their parking opinion, like their traffic opinion, cannot be relied upon being based on something other than the real world. At your meeting, if permitted, I will play a 15 second video trip thru the parking lot taken last week at 9am. <https://www.youtube.com/embed/2LYijzbBnp4?rel=0>

My experience is that the Club frequently needs almost all of the spaces that is currently has, and that by losing at least 144 spaces the Club is going to have a parking problem, which means the neighbors are going to have a parking problem. I also don't believe that parking surveys performed on three days in May, when many of the Club's members are out of town, is representative of the maximum number of parking spaces that the Club actually utilizes on a regular basis when the daily temperatures are not reasonably expected to be 100 degrees or more.

I suspect that is also significant that neither the Narrative nor the expert report identify just how many parking spaces the Club is supposed to have. Surely, they have identified the number of parking spaces that the Club is required to have, and I have to wonder why we aren't being told. I believe that the Narrative raised more questions about parking than the expert report purports to answer.

In addition, be it an effort to confuse or blur the parking or entitlement issues, the Applicant states the project involves from 2.16 to 4.28 acres:

- The "Application Information Form" says **2.16 gross acres** and **2.16 acres** At page 1 and page 2 of its Legal Description. (Package at pages 3 & 5);
- The "Rezoning Application Narrative" says **4.28 acres**. At page 2. (Package at 14);
- The "Site Plan" says **2.167 net acres** and **2.85 gross acres**. At page 1. (Package at page 45);
- The "Lot Dimensions" says **2.167 acres**. At page 1. (Package at page 52);

- The “Context Plan” says **2.167 net acres** and **2.85 gross acres**. At page 1. (Package at page 53);
- The “Ownership Authorization Form” says **2.167 acres** and **2.16 acres** At page 1 and page 2 of its Legal Description. (Packages at page 60 & 62);
- The “City of Phoenix Planning Division Pre-Application Notes” says **3.32 gross acres**. At page 1. (Package at page 70).

There is simply no way to tell from the entire Application package whether the requested rezoning will be for just over two acres to almost twice that at over four acres. That is a ridiculously wide range of error. While at the time of vote you may know how many acres is really at issue, the public will have no way of knowing in advance based on these documents. Like the expert opinions on traffic and parking, this Application suffers from a lack of credibility.

The requested High Rise zoning should be denied. The height is not appropriate for our neighborhood, and the area is not where High Rise zoning is even authorized under the code. The Narrative has also proven to be unreliable on simple issues related to traffic and parking, which raises concerns about what else the Narrative glosses over, including the actual size of the rezoning case. I ask you to deny the Application even though Larry and John are good people whom we all like.

I thank you for your time and attention to this matter.

Sincerely,

Tom Chauncey