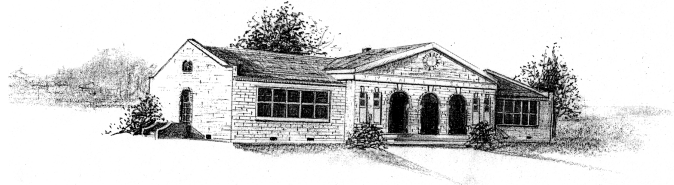


Phoenix Historic Neighborhoods Coalition



HISTORIC FRANKLIN SCHOOL

November 26, 2019

Via Email

Encanto Village Planning Committee

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Re: Z-51-19 Phoenix Country Club PUD

Dear Committee Member,

Over a year ago, this committee, comprised of our neighbors, voted to advise rejection of the Phoenix Country Club's request for a High Rise High Density (H-R) zoning district for a portion of its parking lot on the north east corner of 7th Street and Thomas Road, a ¼ mile outside of the Encanto Village core, more than a ½ mile from the light rail line on Central, and near historic neighborhoods of single family homes. The Country Club ended up with Mid Rise (M-R) zoning with a stipulation for **110 feet of maximum height** as well as a number of other stipulations.

Now the Country Club comes before you in a new case, a Planned Unit Development ("PUD") matter, and the Country Club makes new demands for zoning entitlements and seeks approval of rezoning designed to avoid not only the inconvenient portions of the M-R zoning it obtained, but also to avoid stipulations that the Country Club finds to be a nuisance.

What is at stake in this matter is not just the one corner, that threatens to blight our neighborhoods and the other corners with speculation that perhaps all this other land could best be used for towers in the future, leading to everyone treating the existing structures as transient and temporary, *but with a template for what the Country Club will use as precedent for all future development of its 105 acres.*

Allowing this PUD as a template for going forward is a horrible precedent that the Country Club will expect to continue using, and this may be the only real opportunity for our community of neighbors to stop the destruction of our "quality of life". The City of Phoenix General Plan promises:

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.

at page 107.

There are three items that we would like to highlight to you at this time that demonstrate not only is the PUD fundamentally flawed in its application to this project, but that

1) Avoiding Specificity. What are you being asked to approve and why?

The entire PUD proposal is 25 pages *including* all exhibits. Last year's H-R proposal was 100 pages, yet the PUD purports to include everything needed in an ordinance to build on the property, whereas the H-R proposal only had to point to the existing H-R ordinance. You are also offered dramatically fewer elevations, of course, the even the elevations offered are not what the project is expected to look like.

This PUD should be rejected because the Country Club has failed to make the case on why what it is offering through the PUD provides value to the city not obtainable in other zoning districts. A § 671 provides:

The Planned Unit Development (PUD) is intended to *create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis.*

1. *Uses. Appropriate limitations will be placed on the character and intensity of permitted uses to promote neighborhood compatibility.*

(emphasis added). The Country Club just rezoned P-1 to M-R with stipulations, if the property cannot be developed within the rezoning the Country Club just obtained, its PUD application should clearly explain the factors and issues. It does not.

Although not mentioned in its papers, the Country Club is, *of all things*, opposed to M-R's 30% *open space requirements*. Now that is irony. The Country Club wants to preserve all of its open space for members as they use the golf course. What else are crafty developer-members at the Country Club and their cadres of land use attorneys hiding by a lack of specifics in the 25-page PUD? **You should ask them.**

2) Avoiding Stipulations. The PUD avoids at least two stipulations that the Country Club has decided are inconvenient.

The PUD does not contain any requirement for an architectural committee. This was part of the stipulations on the M-R rezoning case, specifically number 21(b). The Country Club claims to have a committee, but under the PUD the committee has no authority or sanctioned existence. Even if there was a requirement for an architectural committee, the PUD process itself provides for the Planning Department to administratively approve of many changes, including architectural review.

The PUD appears to seek only 110 feet as set forth in stipulation number 1, yet the PUD process allows the Country Club to ask the Planning Department to allow up to 5% more without any public process. If there is a public process for additional height, it would be by a hearing officer, not a rezoning change. We believe a properly crafted PUD would have prevented the Country Club from potentially exercising any of these land use tricks to avoid the stipulations. *Surely if the Country Club did not have these tricks in mind, its PUD would have foreclosed the possibility.* The PUD is further evidence of the bad faith, as we were told the project **could not be built for less than 175 feet, then 164 feet, then 140 feet**, and now it *supposedly* can be built at 110 feet.

3). Arrogance. The Club believes it is entitled to additional land use entitlements.

The Country Club believes it has no risk of not having a PUD approved because the Council directed it to file a PUD rezoning case when Council granted the M-R zoning entitlements. Furthermore, the Country Club's attorneys believe that longstanding land use law prevents the "sunset", envisioned by City Council in stipulation number 22, of the M-R entitlements if the PUD is not approved timely. It is also clear that no new rezoning case by City Council to strip the M-R entitlements would occur because of the laws passed in connection with proposition 207.

When you later cast your vote on this PUD, we will ask you to consider the precedent that it will set for the golf course and what that precedent will do to our historic neighborhoods. As entitlements spread up Central, many neighborhoods were surrounded by H-R and other incompatible zoning, and those areas became transitional, were blighted for decades. We have lost neighborhoods that were blighted for decades because of the uncertainty caused by the adjacent rezoning. We are losing housing diversity in Midtown, and by putting a tower of condominiums in the midst of our neighborhoods, instead of along the light rail or in the Village core where it belongs under our urban planning principles, we will lose more.

Whatever entitlements the Country Club obtains for the corner, it will later demand as a template for the future development. It won't necessarily happen all at once. Initially the golf course could become an executive course, then only a 9-hole course (shorter courses might be more suitable for aging members). Golf clubs are failing, and the Country Club has *still* offered no enforceable commitment with respect to the balance of its property. Instead, towers with a reduced open space is what the Country Club will expect for the future of its 105 acres. The PUD should be denied.

Phoenix Historic Neighborhoods Coalition

/s/ Opal Waner

By Opal Wagner, Vice President