

Attachment E

REPORT OF PLANNING COMMISSION ACTION September 7, 2017

ITEM NO: 5	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	Z-83-16-6 (Companion Case GPA-CE-2-16-6)
Location:	Approximately 1,340 feet north of the northeast and northwest corners of Invergordon Road and Camelback Road
Request:	P-1 ACSPD, R-2 PCD ACSPD, R-2 PCD SP ACSPD, RE-35 ACSPD, RE-35 PCD ACSPD, RE-35 PCD SP ACSPD, RE-43 PCD SP ACSPD, RH ACSPD, RH PCD ACSPD, R-2 PCD SP, RE-35 PCD SP To: PUD ACSPD, PUD Acreage: 319.11
Proposal:	Planned Unit Development to allow a mix of uses including single-family residential, multifamily residential, and resort
Applicant:	Paul Gilbert, Beus Gilbert PLLC
Owner:	Host Hotels and Resorts
Representative:	Paul Gilbert, Beus Gilbert PLLC

ACTIONS:

Staff Recommendation: Approval, per the Addendum A Staff Report.

Village Planning Committee (VPC) Recommendation:

Camelback East 8/1/2017 Approved, per Addendum A with an additional stipulation. Vote: 13-2.

Planning Commission Recommendation: Approved, per the Addendum B Staff Report with modifications and an additional stipulation.

Motion discussion:

Commissioner Glenn made a MOTION to approve Z-83-16-6 per the Addendum B Staff Report with the modifications and additional stipulations. Modifying Stipulation 8 to read:

THE DEVELOPER SHALL PROVIDE A BOND OR GUARANTEE, WITH A TERM OF FIVE YEARS, FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF PHOENICIAN BOULEVARD AND INVERGORDON ROAD, ONLY WHEN TRAFFIC WARRANTS ARE MET AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS. ALL COSTS FOR THE TRAFFIC SIGNAL SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND THE AMOUNT OF THE BOND OR GUARANTEE SHALL BE DETERMINED BY THE STREET TRANSPORTATION DEPARTMENT.

Changing the height limitation in Stipulation 1.M to 52 feet rather than 48 feet.

The addition of a stipulation that the developer will remove the restroom facility located at the 4th hole of the Phoenician's golf course in conjunction with the closure of that section of the golf course.

And lastly, the developer shall dedicate a hiking trail easement within the 100-foot north property line setback area.

Mr. Stephenson responded that staff does not support the stipulation regarding the removal of the restroom facility due to removing an already established restroom if a trail does open in the alternative location.

Commissioner Glenn stated that he believes a planning exercise should be done on the possible location of a future restroom for a trail if it is developed in that location in the future.

MOTION FAILED – There was no second on the motion.

Commissioner Katsenes made an alternative MOTION to approve Z-83-16-6 per the Addendum B Staff Report with the modification of Stipulation 1.M to strike it out and therefore have a height limit of 54 feet and the modification of Stipulation 8 and an additional stipulation to read:

8. THE DEVELOPER SHALL PROVIDE A BOND OR GUARANTEE, WITH A TERM OF FIVE YEARS, FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF PHOENICIAN BOULEVARD AND INVERGORDON ROAD, ONLY WHEN TRAFFIC WARRANTS ARE MET AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS. ALL COSTS FOR THE TRAFFIC SIGNAL SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND THE AMOUNT OF THE BOND OR GUARANTEE SHALL BE DETERMINED BY THE STREET TRANSPORTATION DEPARTMENT.
10. THE DEVELOPER SHALL DEDICATE A HIKING TRAIL EASEMENT AND CONTRIBUTE \$100,000 TO HELP BUILD A 10-FOOT WIDE PUBLICLY AVAILABLE HIKING TRAIL WITHIN THE 100-FOOT NORTH PROPERTY LINE SETBACK AREA. THIS TRAIL SHALL START AT INVERGORDON ROAD AT THE EXISTING INLET CALLED STAGHORN AND PROCEED WESTERLY TO JOIN THE EXISTING TRAIL AT AN APPROPRIATE LOCATION. THE STIPULATION CAN APPLY TO THE FOLLOWING:
 - AN EIGHT-FOOT HIGH BERM ALONG THE NORTH SIDE OF THE TRAIL,
 - APPROPRIATE LANDSCAPE AND DECOMPOSED GRANITE COVERAGE FOR THE LENGTH OF THE TRAIL, AND/OR
 - A LANDSCAPE SCREEN WALL, OR OLEANDERS OR NATURAL DESERT VEGETATION ALONG THE NORTH SIDE OF THE BERM SHALL BE CONSTRUCTED TO SCREEN VIEWS OF THE TRAIL.

Commissioner Glenn seconded the motion.

Commissioner Wininger stated that the bathroom on the fourth hole of the golf course is going to become an issue with vandalism and safety. She also asked whose responsibility is it to maintain the restroom in the interim while a new trail is proposed.

Commissioner Katsenes responded that the restroom is on the Phoenician property and is maintained by them until a new trail is established. She also stated that the restroom is currently not accessible and will not be accessible to anyone other than guests of the Phoenician until a trail is developed and open to the public.

Mr. Bednarek clarified that if Stipulation 1.M is being changed that Stipulation 1.N regarding a graphic, needs to be modified. Commissioners Katsenes and Glenn agreed.

Commissioner Wininger asked if the restroom is within the 100-foot easement.

Mr. Stephenson confirmed that it is within the 100-foot easement.

Motion details – Commissioner Katsenes made a MOTION to approve Z-83-16-6 per the Addendum B Staff Report with modifications and an additional stipulation.

Maker: Katsenes
Second: Glenn
Vote: 6-0
Absent: Shank and Whitaker
Opposition Present: Yes

Findings:

1. The proposal is not consistent with all the General Plan Land Use Map designations and the site's gross acreage exceeds 10 acres. A companion General Plan Amendment request is being processed concurrently.
2. The request is consistent with several Core Values and Land Use and Design Principles of the Phoenix General Plan such as the preservation of natural open space and the continued operation of an existing tourist destination.
3. The request is consistent with the Arcadia Camelback Special Planning District.
4. The PUD contains development standards that helps to integrate any new development and redevelopment on the site with the surrounding neighborhoods.

Stipulations:

1. An updated Development Narrative for the Phoenician PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped July 17, 2017 as modified by the following stipulations:
 - a. Page 11, Amendments Section, 3rd Paragraph, first sentence: Delete "except for density transfers permitted and processed in accordance with Section G".

- B. PAGE 34-35, PERMITTED USE LIST: UPDATE THE TABLE TO ADD THE FOLLOWING LANGUAGE TO THE GOLF DRIVING RANGE, MINIATURE GOLF, OUTDOOR RECREATION USES, AND SWIMMING POOLS ROWS – “(SHALL NOT BE PERMITTED EAST OF 64TH STREET/INVERGORDON ROAD)”
- C. PAGE 35, PERMITTED USE LIST: UPDATE THE TABLE TO RESTRICT PARKING LOTS AND GARAGES TO ONLY THE RESORT CORE.
- D. PAGE 35, PERMITTED USE LIST: ADD A NEW ROW TO THE TABLE FOR TEMPORARY PARKING WITHIN ONLY THE RESORT CORE AND RESORT PERIPHERY THAT READS AS FOLLOWS – “PARKING, TEMPORARY, FOR PASSENGER VEHICLE PARKING OF NOT MORE THAN 48 CONSECUTIVE HOURS. INCLUDES EVENT PARKING ON THE GOLF COURSE OR DRIVING RANGE. (SHALL NOT BE PERMITTED EAST OF 64TH STREET/INVERGORDON ROAD)”
- E. PAGE 35, PERMITTED USE LIST: UPDATE THE SPECIAL EVENTS AND OUTDOOR TENTS FOR A TEMPORARY USE ROW WITH THE FOLLOWING LANGUAGE – “(SHALL NOT BE ALLOWED EAST OF 64TH STREET/INVERGORDON ROAD UNLESS FOR GOLF RELATED EVENTS)”
- F. PAGE 36, PERMITTED USE LIST: UPDATE THE WIRELESS COMMUNICATION FACILITIES AND HELISTOP FOR TEMPORARY HELICOPTER LANDINGS ROWS WITH THE FOLLOWING LANGUAGE – “(SHALL NOT BE PERMITTED EAST OF 64TH STREET/INVERGORDON ROAD)”
- G. PAGE 36, NOTE AT THE END OF PERMITTED USE LIST TABLE: UPDATE THE NOTE AT THE END OF THE PERMITTED USE LIST TABLE TO READ AS FOLLOWS – “UNTIL A PRIMARY RESIDENTIAL USE HAS BEEN ESTABLISHED (THROUGH APPROVAL OF A SITE PLAN OR FINAL SUBDIVISION PLAT), PROPERTY DESIGNATED WITH A LAND USE OF CUSTOM SINGLE FAMILY, SINGLE FAMILY, CONDOMINIUM, AND/OR TOWNHOME CAN BE UTILIZED FOR ANY PRIMARY OR ACCESSORY USE PERMITTED IN THE RESORT PERIPHERY LAND USE CATEGORY, SUCH AS CONTINUATION OF THE GOLF COURSE. DEVELOPMENT AREA H SHALL ALSO BE PERMITTED TO CONTINUE USE AS A PARKING LOT UNTIL A PRIMARY RESIDENTIAL USE HAS BEEN ESTABLISHED.”
- h H. Page 39, Maximum Units Table: Delete all references to the transfer of dwelling units. Delete the third and fourth columns of the table and references to alternative dwelling unit counts via the transfer provision in Development Areas C/D and I.
- e I. Page 40, Development Area Unit Transfer or Conversion Section: Delete title of section and first bullet point and the three sub-bullet points regarding dwelling unit transfer.
- d J. Page 40: Update second bullet point to read as follows – “NOT TO EXCEED

THE MAXIMUM NUMBER OF COMBINED HOTEL UNITS AND DWELLING UNITS OF 1,003 FOR THE ENTIRE PUD, UNCONSTRUCTED DWELLING UNITS SHALL BE PERMITTED TO BE UTILIZED ~~converted and transferred to~~ AS a new hotel room or casita with the following restrictions". Update the subsequent bullet point to read as follows – "UNCONSTRUCTED ~~D~~dwellling units from any Development Area OUTSIDE OF THE RESORT CORE may be converted to a hotel room / casita and ~~transferred~~ ASSIGNED to another Area Development Areas A, I and J within the Resort Core. ~~Converted and transferred hotel room / casitas may only be received by Development Area A (Resort Core only), I or J.~~"

- e K. Page 45, Development Area Perimeter and Interior / Common Space Landscape. Update the first sentence to read as follows: "The following minimum LANDSCAPING standards for any new Interior / Common Space ~~landscaping~~ AND DEVELOPMENT AREA PERIMETER NOT ON AN ARTERIAL STREET shall apply".
 - f L. Page 53, Development Area C/D: Delete "237 Residential Units if maximum transfer occurs pursuant to Section G of this PUD"
 - ~~g M.~~ ~~Page 53, Development Area C/D: In the second table, update the standard in the fifth row to read as follows: "No structure south of the 54' 48' building height line shall exceed 54' maximum (4 stories) AND 48 FEET IN BUILDING HEIGHT.~~
 - ~~h N.~~ ~~Page 53, Development Area C/D: Update map graphic to change 54' Maximum to 48' Maximum.~~
 - ~~Ø M.~~ PAGE 55, DEVELOPMENT AREA F: UPDATE THE DEVELOPMENT STANDARDS TABLE TO REQUIRE A MINIMUM 15' SIDE YARD SETBACK FOR THE PRIMARY STRUCTURE AND ALL ACCESSORY STRUCTURES ALONG THE SOUTHERN BOUNDARY OF THE DEVELOPMENT AREA.
 - ~~i P~~ N. Page 95: Add legal descriptions for each of the Development Areas.
2. Prior to the submittal of any minor amendment to the PUD the applicant shall provide notice to all neighborhood associations registered with the City of Phoenix located within a half mile of the boundaries of the PUD. In all cases, the notification shall be provided to the Arcadia Camelback Mountain Neighborhood Association. Notices shall be provided by certified letter with return receipt sent not less than 14 calendar days prior to the minor amendment submittal and affidavit of notice shall be included with the submittal to the City of Phoenix.
 3. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by Planning and Development Department and the Street Transportation Department.

4. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
5. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
6. A minimum ~~30~~-15-foot-wide easement shall be dedicated for the existing public ~~multi-use~~ NATURAL (FOOT ONLY) trail in Development Areas B and K1 to provide connectivity to the Cholla Trailhead as approved by the Parks and Recreation and Planning and Development Departments.
7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
8. THE DEVELOPER SHALL ~~INSTALL~~ PROVIDE A BOND OR GUARANTEE, WITH A TERM OF FIVE YEARS, FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF PHOENICIAN BOULEVARD AND INVERGORDON ROAD, ONLY WHEN TRAFFIC WARRANTS ARE MET AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS. ALL COSTS FOR THE TRAFFIC SIGNAL SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND THE AMOUNT OF THE BOND OR GUARANTEE SHALL BE DETERMINED BY THE STREET TRANSPORTATION DEPARTMENT.
9. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
10. THE DEVELOPER SHALL DEDICATE A HIKING TRAIL EASEMENT AND CONTRIBUTE \$100,000 TO HELP BUILD A 10-FOOT WIDE PUBLICLY AVAILABLE HIKING TRAIL WITHIN THE 100-FOOT NORTH PROPERTY LINE SETBACK AREA. THIS TRAIL SHALL START AT INVERGORDON ROAD AT THE EXISTING INLET CALLED STAGHORN AND PROCEED WESTERLY TO JOIN THE EXISTING TRAIL AT AN APPROPRIATE LOCATION. THE STIPULATION CAN APPLY TO THE FOLLOWING:
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