ATTACHMENT D

PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399



To: Departments Concerned

From: Joshua Bednarek Date: June 13, 2025

Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-10-25--Z-287-85-8 – Notice of Pending Actions by the **Planning Hearing Officer**

- 1. Your attention is called to the fact that the <u>Planning Hearing Officer</u> will consider the following case at a public hearing on **July 16, 2025**.
- 2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
- 3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by June 20, 2025.

DISTRIBUTION

Mayor's Office (Tony Motola), 11th Floor

City Council (Stephanie Bracken), 11th Floor

City Council District 8 (council district 8@phoenix.gov, Breon Robinson)

Aviation (Jordan D. Feld)

CED (Michelle Pierson), 20th Floor

Fire Prevention (Joel Asirsan), 2nd Floor

Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor

Parks & Recreation (Todd Shackelford), 16th Floor

Public Transit (Skitch Kitchen)

Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky),

5th Floor

Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor

Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy

Rangel), 5th Floor

Water Services (Don Reynolds, Victor Romo), 8th Floor

Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor

Planning and Development/Information Services (Andrew Wickhorst), 4th Floor Planning and

Development/Historic Preservation Office (Kevin Weight), 3rd Floor

Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor

Village Planner (Samuel Rogers, South Mountain Village)

Village Planning Committee Chair (Mr. Arthur Greathouse III, South Mountain Village)



APPLICATION FOR PLANNING HEARING OFFICER ACTION APPLICATION NO: PHO-10-25--Z-287-85-8 Council District: 8

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 1 regarding general conformance to the site plan date stamped July 6,

2007.;Request to modify Stipulation 7 regarding general conformance to the elevations date stamped July 6, 2007.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Gerald Kessler	Representative	1823 East Desert Lane Phoenix AZ 85042 United States	6027251083		gki@cox.net
Gerald Kessler	Applicant	1823 East Desert Lane	6027251083		gki@cox.net
Lalita Investments, LLC and Soleil Conference Center, LLC	Owner	1550 S 52nd St, Tempe, AZ 85281	6027687000		shanekuber@gmail.com

Property Location: Southwest corner of Hohokam Expressway (48th Street) and University Drive

Acreage: 2.52

Village:

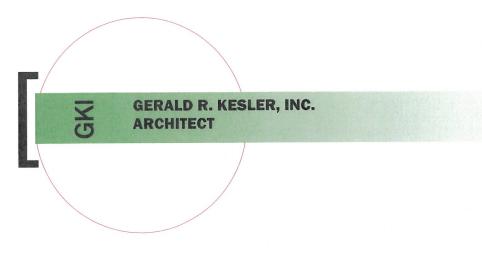
South Mountain

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning@phoenix.gov or visit our website at https://www.phoenix.gov/pdd/licensing-time-frames

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature:		DATE:	
Fee Information			
Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00		PHO (1-2 stipulations)



June 11, 2025

Planning Hearing Officer City of Phoenix 200 West Washington Street Phoenix, Arizona 85003-1611

Re: PHO23-25; 3220 South 48th Street; PAPP 2405139; KIVA 06-5242

Dear Hearing Officer:

This firm represents Kuber Development, the developer, through various entities, of two parcels of land located at the above-referenced address (the "Property"). This letter is provided in support of Kuber Development's request for modifications to existing zoning stipulations that are applicable to the Property. Approval of this request will allow for the development of a hotel and conference center on the Property.

The Property was originally zoned C-2 MR, on October 23, 1985, in case Z-287-85-8, with stipulations attached to the approval. Since that time, some of the conditions have been modified or deleted. At present, there are twelve (12) stipulations applicable to the approved zoning, the latest of which are shown in PHO-4-07—Z-287-85-8, attached to this letter for reference.

As shown on the proposed Site Plan, the buildings are below the maximum height allowed per stipulation #5, and the combined square footages are well below the maximum area allowed per stipulation #6.

Our request is straightforward. Shown below, in legislative format, are the two (2) stipulations to which we are requesting modifications:

Stipulation #1:

That development be in general conformance to the site plan dated 4/13/98 4/11/25, except for the hotel site south of the Corporate Boulevard which shall be in general conformance to the site plan date stamped July 6, 2007 and as may be modified by the Development Services Department.

Stipulation #7:

That all structures including the office, hotel and parking structures (s) as well as the plaza, courtyard and sidewalks shall be integrated with similar material, surface textures and color, except for the hotel site south of the Corporate Boulevard which AND shall be in general conformance to the HOTEL elevations dateD stamped July 6, 2007 3/21/25 AND CONFERENCE CENTER ELEVATIONS DATED 4/2/25.

1823 E. Desert Lane Phoenix, AZ 85042 Phone: 602-725-1083 Email: gki@cox.net The rationale for these requests is so that the Stipulations reference the proposed Site Plan and Building Elevations that are currently undergoing Site Plan review by the Planning and Development Department in KIVA Project #06-5242. The drawings referenced in the stipulations are no longer in effect as those projects never came to fruition.

This Letter of Explanation is submitted electronically, along with the following items as enumerated within the PHO application packet:

- Submittal Checklist
- Application Fee
- Ownership Authorization Forms
- Application Information Form
- Approved Site Plan
- Proposed Site Plan
- Elevations
- Parcel Aerial Map
- Legal Descriptions
- Notification Materials
- Recorded Prop. 207 Waivers

Please contact me should you have any questions regarding this matter or require any further materials to process this request.

Very truly yours,

Gerald R. Kessler ym)

Attachments

1823 E. Desert Lane Phoenix, AZ 85042

Phone: 602-725-1083 Email: gki@cox.net



October 30, 2007

GKI 401 West Baseline Road #106 Tempe, AZ 85283

Dear Applicant:

RE: Z-287-85-8 - Southwest corner of Hohokam Expressway (48th Street) and University Drive (CORRECTED LETTER)

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.1 of the Zoning Ordinance, has on September 5, 2007, concurred with the recommendation of the Planning Hearing Officer and has ratified application Z-287-85-8 for modification of stipulation 1 regarding general conformance to the site plan, deletion of stipulation 2 regarding conditional zoning time stipulations, deletion of stipulation 3 regarding development of the Corporate Boulevard, deletion of stipulation 4 regarding interim landscaping requirements, deletion of stipulation 5 regarding minimum interim landscaping requirements and possible reinstatement of the conditional zoning time stipulation, modification of stipulation 8 regarding materials, surface textures and color.

<u>STIPULATIONS</u>

Mod

- That development be in general conformance to the site plan dated 4/13/98, except for the hotel site south of the Corporate Boulevard which shall be in general conformance to the site plan date stamped July 6, 2007 and as may be modified by the Development Services Department.
- 2. That the applicant agrees to construct the re-aligned 48th Street (as depicted on the site plan as Proposed Corporate Boulevard) at their cost, upon agreement that the City will transfer to the applicant the abandoned right-of-way from the service road as outlined in the approved Development Agreement. That construction of Corporate Boulevard commence (to its ultimate completion) with the first development of the site.
- 3. That the applicant agrees to install interim landscape improvements along the service road right-of-way at a cost ratio and to the extent outlined in the Development Agreement executed between the City of Phoenix and the applicant. The interim landscape improvement should be generally consistent with the standards as outlined in Stipulation No.4. Said landscape improvements

October 16, 2007
Ratification Z-287-85-8 (COR. FED LETTER)
Page 2

are to be installed no later than June 40, 1994, or the Planning Commission may initiate an application to reinstate the conditional zoning time stipulation.

- 4. That in the event a Development Agreement (as referenced in Stipulation No. 3) is not executed between the City and the applicant by the time of City Council final approval of this action, the following stipulations shall apply: The applicant will install (at their cost) interim landscape improvements along both sides of the service road right-of-way within 180 days of final City Council approval of this action. The interim landscape improvements shall consist of a minimum of a 10 foot wide area of decomposed granite and contain trees spaced a maximum of 30 feet on center (or an equivalent grouping) with a watering system. If landscape improvements are not completed within this time frame, the Planning Commission may initiate an application to reinstate the conditional time stipulation.
- That building heights not exceed 107 feet in accordance with Section 404 of the Zoning Ordinance and that, in no instance; shall development allow projections (mechanical equipment, antennas, etc.) In excess of the 1,278 foot elevation established by the Horizontal Zone of the Sky Harbor Zoning Map.
- 6. That development not exceed a maximum of 1,330,000 square feet or exceed a height of 8 (eight) stories: That development in excess of 800,000 square feet will require Planning Hearing Officer review.

Mod

- That all structures including the office, hotel and parking structures(s) as well as the plaza, courtyard and sidewalks shall be integrated with similar materials, surface textures and color, except for the hotel site south of the Corporate Boulevard which shall be in general conformance to the elevations date stamped July 6, 2007.
- 8. That an overall landscaping and streetscape plan, encouraging pedestrian use, shall be submitted for review and approval by the Development Services Department pedestrian amenities, such as seating, water, sculpture and adequate shading should be emphasized.
- 9. That any reflective glass used in construction of the project is limited to a maximum of 20 percent reflectivity.
- 10. That the Development Services Department continue to review traffic implications as part of the site plan review.
- 11. That development of the office site (Parcel B) shall include a minimum 15% landscape open space with enhanced pedestrian/plazas between the buildings.

12. That the applicant shall maintain the landscaping along the access road in accord with the Development Agreement.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Alan Stephenson

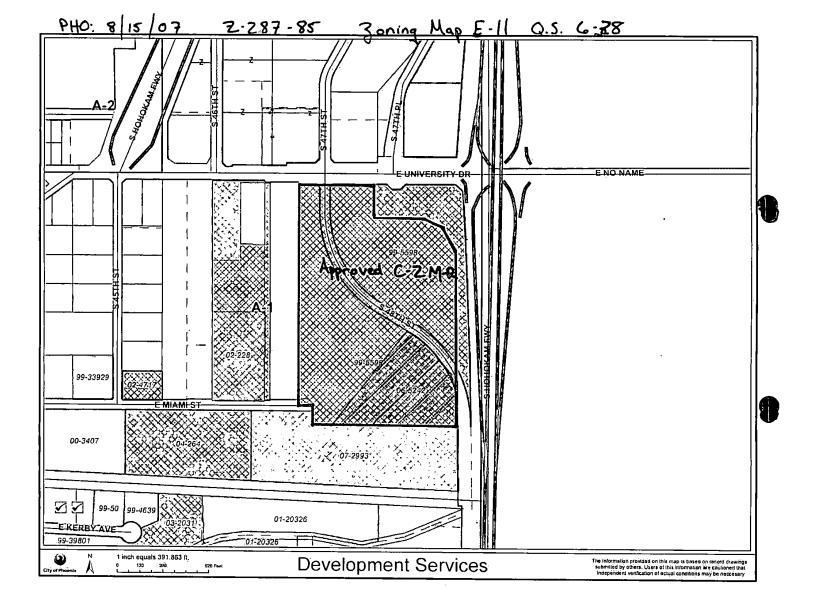
Planner III

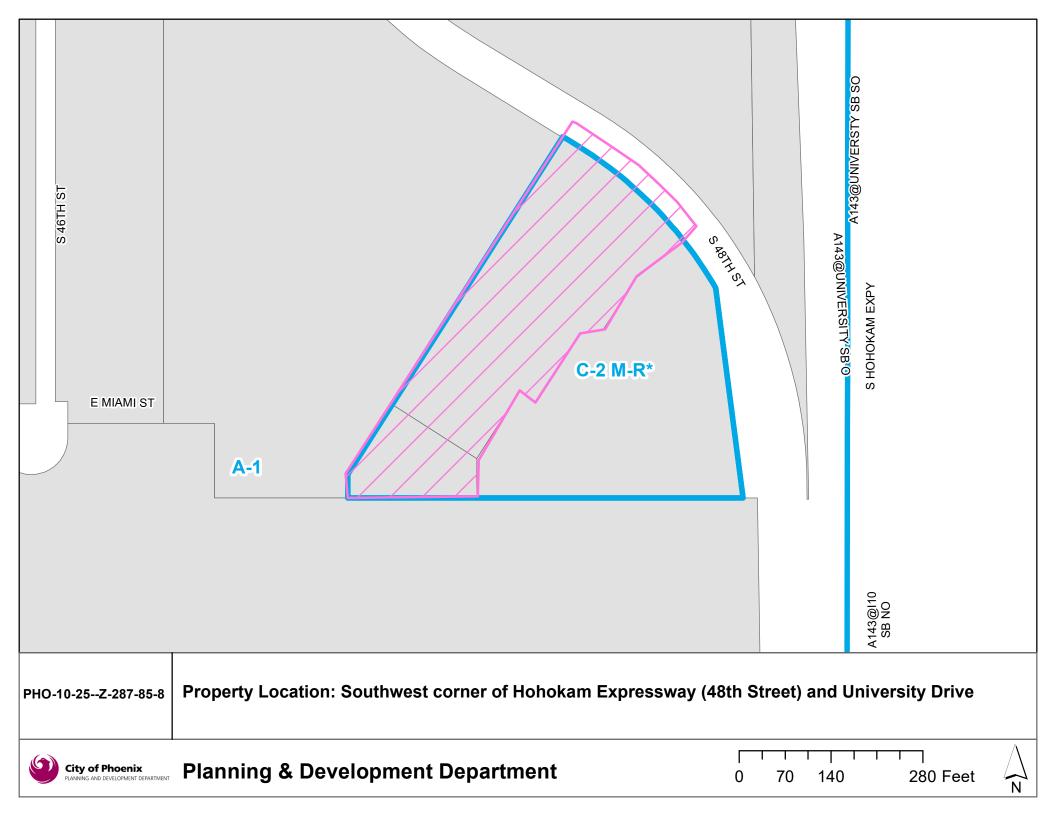
cc: Book, File

Kuber Development 1550 South 52nd Street Tempe AZ 85281 Brent Miller 401 West Baseline Road #106 Tempe AZ 85283

Sent electronically: Dave Barrier, E.J. Hyncik, Jay Neville, Kelly Kvetko, Kelly Walker, Lee

Coleman, Molly Monserud, Penny Parrella, Steve Reid, Annie Alvarado





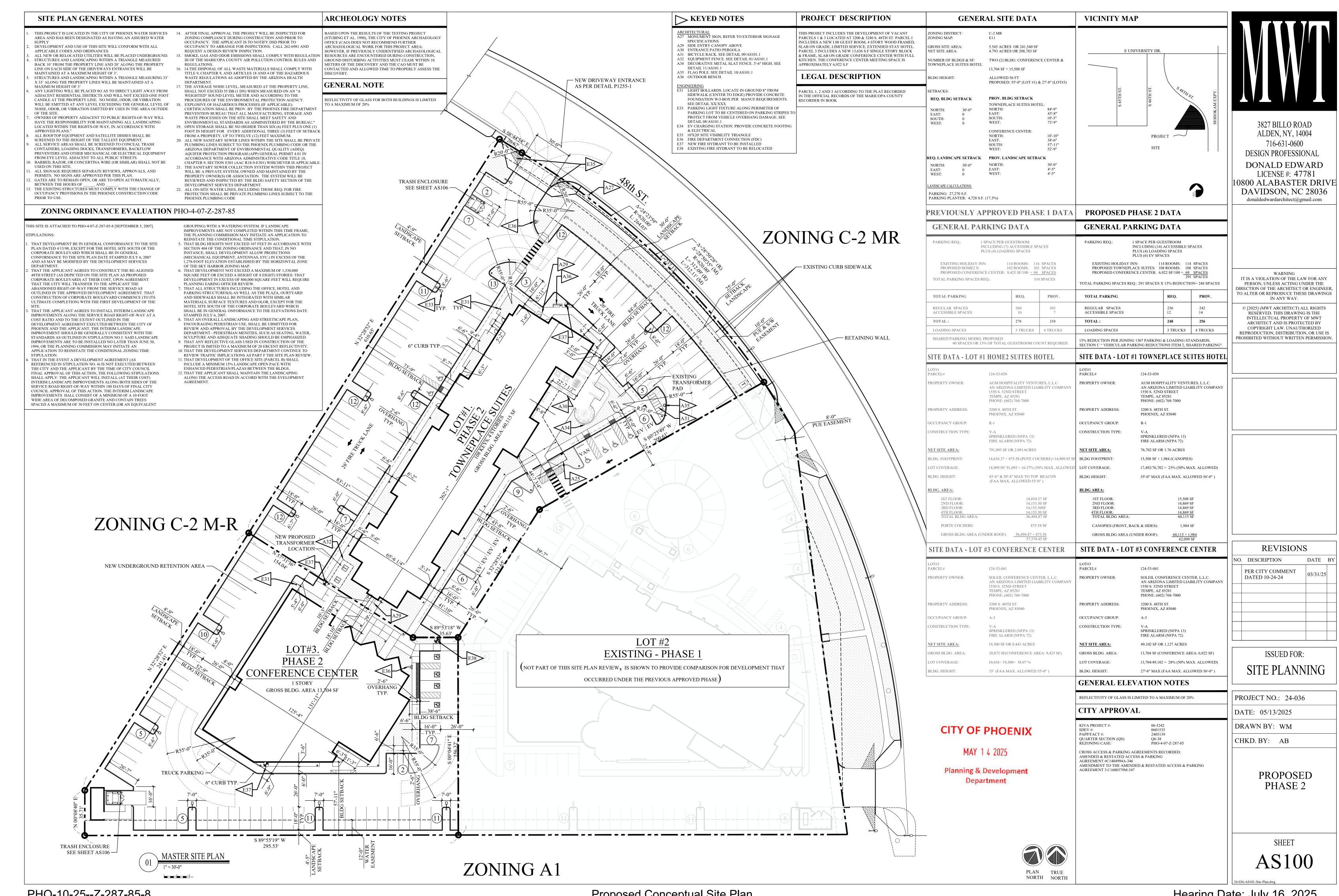


PHO-10-25--Z-287-85-8

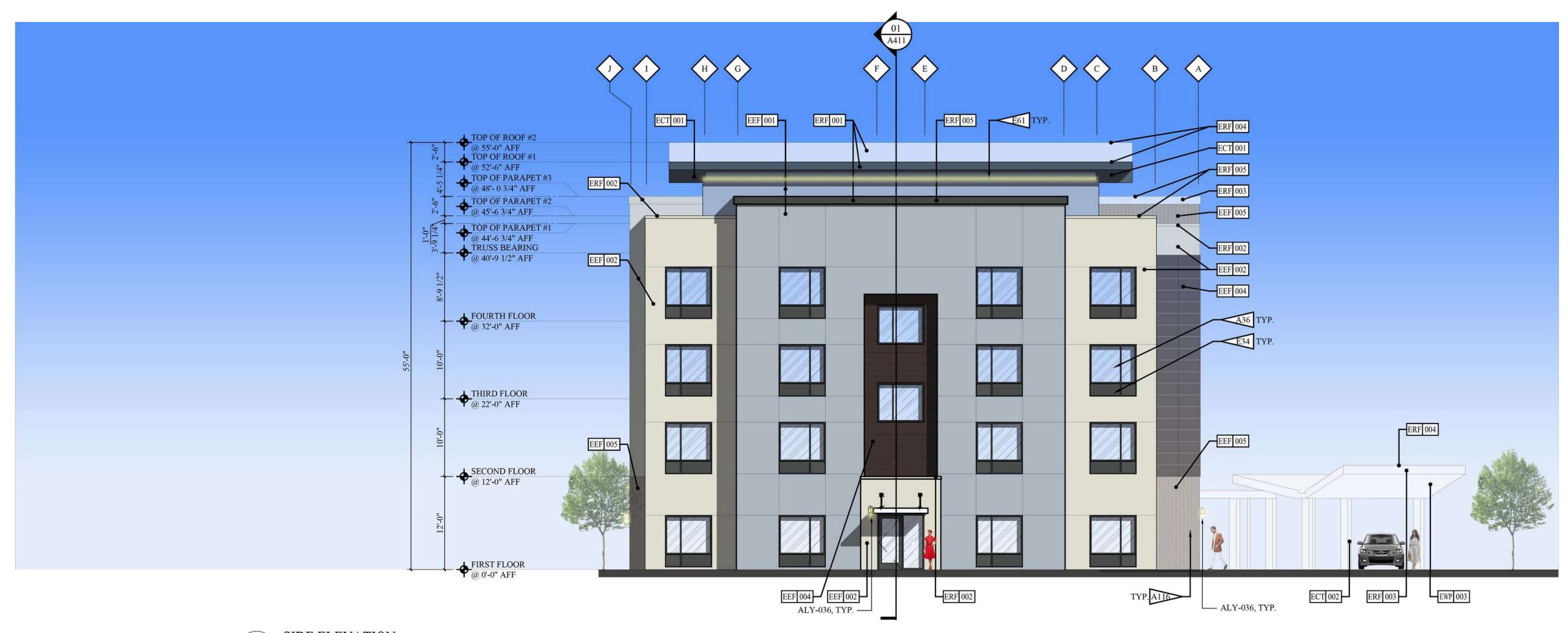
Property Location: Southwest corner of Hohokam Expressway (48th Street) and University Drive

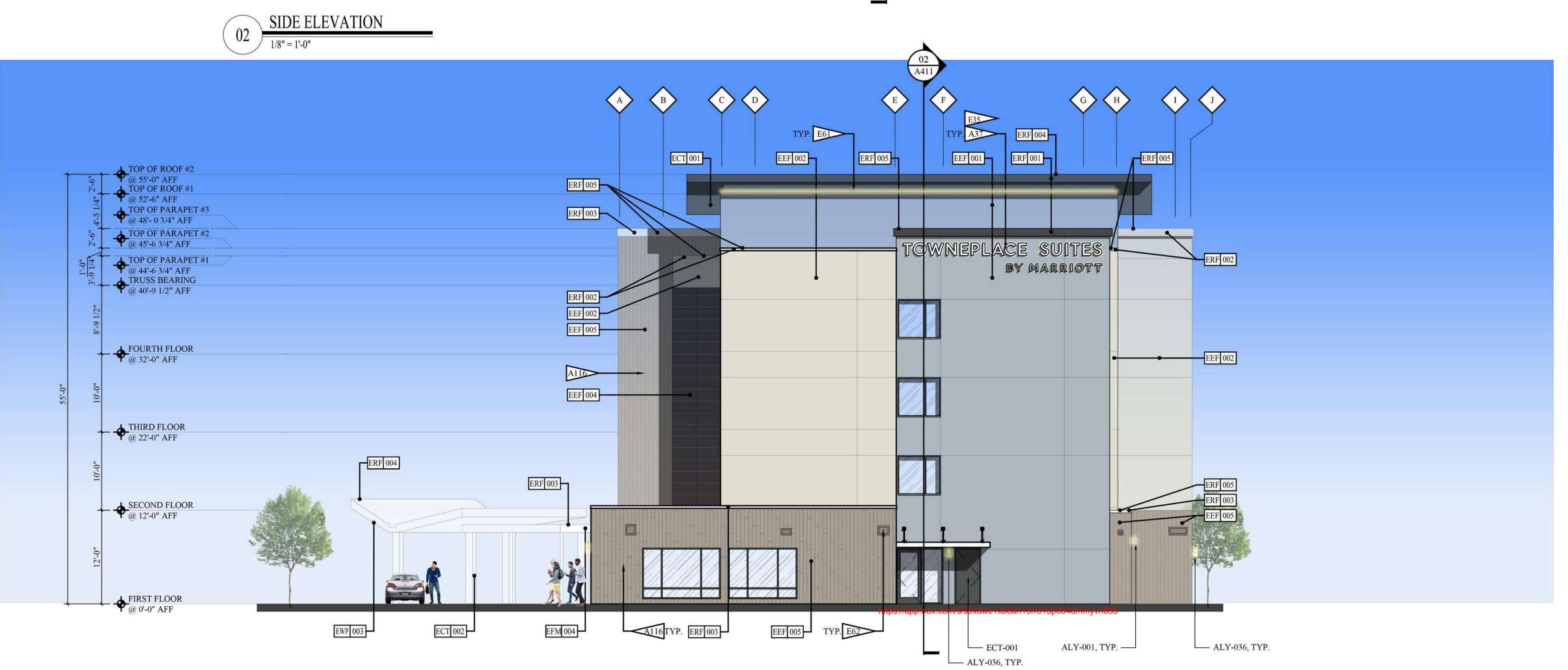


100











COLOR: MATCH NICHIHA COTTON E680-CUS

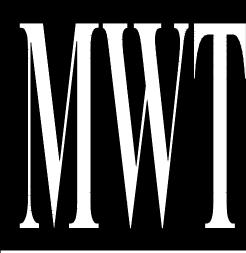
FINISH: ACRYLIC SOLID STAIN

ΓΡΟ MEMBRANE ROOFING - SLOPED

COLOR: WHITE ON BLACK (LAMINATED)

CITY OF PHOENIX EXTERIOR FINISHED LEGEND ARCHITECTURAL LEGEND GENERAL ELEVATION NOTES GENERAL SIGNAGE NOTES MAY 1 4 2025 CONTINUE FINISH TO INSIDE CORNER VERSUS FINISH TRANSITIONS AT OUTSIDE CORNER. ALL SIGNAGE INDICATED FOR ILLUSTRATIVE PURPOSES ONLY. LOCATION, **COLOR SAMPLE MATERIAL MARK COLOR SAMPLE MATERIAL MARK MATERIAL** SIZE, ETC. TO BE DETERMINED ON AN INDIVIDUAL PROJECT BASIS. ALL DOWNSPOUTS MUST HAVE CLEANOUTS. TYPICAL GUESTROOM WINDOW MINIMUM 3/4" FIRE TREATED PLYWOOD SHEATHING REQUIRED AT SIGN ERF 005 COLOR: BENJAMIN MOORE "MANOR BLUE" No.1627 TPO MEMBRANE ROOFING PROVIDE INTERNAL DOWNSPOUTS, GUTTERS, ROOF DRAINS. Planning & Development LOCATIONS. AREA SHOULD COVER ENTIRE LENGHT AND HEIGHT OF FASCIA CHANNEL LETTER SIGNAGE AT FACE OF BUILDING, SEE EXTERIOR SIGNAGE COLOR: BLACK OR SPACE AVAILABLE FOR SIGN. SPECIFICATIONS FOR REQUIREMENTS. PROVIDE ADEQUATE BLOCKING BEHIND WALL FOR REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT. Department PAINTED SURFACE VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED. ELECTRICAL AND FINAL CONNECTION BY CONTRACTOR. ELECTRICAL @ EXTERIOR HM DOORS & FRAMES COLOR: BENJAMIN MOORE "NOVEMBER RAIN" EIFS REVEALS AT EEF-005 PREFERRED WIDTH IS 8"; WIDTH SHALL NOT BE GREATER COLOR: COLOR TO MATCH EXTERIOR ALL VENT PIPES, ETC, EXTENDING ABOVE THE ROOF SURFACE MUST BE PAINTED A No.2142-60 (CLR13415) WINDOW FINISH PERMANENT ACCESS DOORS TO INTERIOR OF ALL PARAPETS WHERE SIGNS COLOR THAT BLENDS WITH THE ROOF COLOR. ARE LOCATED TO BE PROVIDED BY CONTRACTOR. CONTRACTORS TO FURNISH ENGINEERING LEGEND ALL EXTERIOR VENTS, GRILLES, MECHANICAL LOUVERS, AND EXTERIOR HOLLOW AND CONNECT PRIMARY ELECTRICAL SERVICE INSID PARAPET WALL. COLOR: MATP 12 1022 S WITH "STRATOTONE" HIGH @ PORTE COCHERE COLUMNS METAL DOORS TO BE FINISHED TO MATCH ADJACENT EXTERIOR MATERIAL. PERFORMANCE COLORANT (CONTROL COLOR SW COLOR: MATCH NICHIHA "COTTON ED680-CUS" LOUVERS NOT CONNECTED TO WINDOW SYSTEM TO MATCH ADJACENT MATERIAL **MATERIAL MARK** METAL SOFFIT PANEL COLOR: MATP 13 1022 S WITH "STRATOTONE" HIGH @ PORTE COCHERE PERFORMANCE COLORANT (CONTROL COLOR SW COLOR: MATCH NICHIHA "COTTON ED680-CUS" PTAC LOUVER INTEGRAL WITH WINDOW FRAME. FINISH TO MATCH WINDOW FRAME PER STIP #9, ANY REFLECTIVE GLASS USED IS LIMITED TOA MAXIMUM OF 20 7045 INTELLECTUAL GRAY) PERCENT RELECTIVITY. CALCULATIO WILL BE PROVIDED FROM METAL FENCE @ FIREPIT MANUFACTURER ONCE SELECTED. AT EXTERIOR SIGNAGE PROVIDE ACCESS FOR MOUNTING ELECTRICAL COMPONENTS AND MATERIAL COMPOSITION ASTM B221 ALUMINIUM ERF 001 ALUMINUM COPING MAKING FINAL ELECTRICAL CONNECTIONS. PROVIDE ADEQUATE DEDICATED CIRCUITRY EXTRUSIONS, ALLOY 6063, WITH DECORATIVE FILM BROUGHT TO SIGN LOCATION FROM ELECTRICAL PANEL LAMINATED TO SURFACE. EFM 003 COLOR: MATCH NICHIHA "COTTON ED680-CUS" PROVIDE CONTINUOUS BAND OF LIGHT TO ILLUMINATE BOTTOM OF SOFFIT. FINISH: POLYMER FILM LAMINATED TO SURFACE OF ALUMINUM COLOR TO MATCH ADJACENT SURFACE MECHANICAL LOUVER CIVIL LEGEND TERIAL COMPOSITION: TWO LAYERS OF MEDIUM IMPORTANT NOTICE TO ALL CONTRACTORS AND OR SUBCONTRACTORS: (COMPLETE BUILDING SYSTEMS AND OR INSTALLATIONS) COLOR: MATCH NICHIHA "COTTON" ED680-CUS DENSITY OVERLAY (MDO) LAMINATED AND IF AWARDED A CONTRACT FOR ANY PORTION OF WORK NEEDED TO COMPLETE THIS PROJECT YOU ARE AGREEING TO THE FOLLOWING TERMS: AS APPROVED BY MARRIOTT MECHANICALLY FASTENED AND OVERLAID ON ALI YOU ARE A QUALIFIED CONTRACTOR AND OR SUBCONTRACTOR SPECIFICALLY IN PROVIDING A COMPLETE TURNKEY SERVICE IN YOUR TRADE OR PROFESSION FOR THE TYPE OF WORK AND SCOPE FOR THIS PROJECT. EFM 004 EXPOSED SIDES AND ENDS WITH PLAIN-SLICED MARK **MATERIAL** YOU AGREE TO PROVIDE A COMPLETE DESIGN BUILD SOLUTION BASED ON THE ARCHITECTS INTENDED DESIGN FOR THIS PROJECT. YOUR BID INCLUDED ALL THE STEPS, PROCESSES, MATERIALS, PRODUCTS, GOVERNING PERMITS AND APPROVALS NECESSARY TO PROVIDE A COMPLETE YOUR SCOPE OF WORK. WHITE OAK WOOD VENEER. YOUR BID MUST HAVE INCLUDED ANY DESIGN INFORMATION REFERENCED WITHIN ANY CIVIL, ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL AND OR PLUMBING DRAWINGS; ALSO NOTE THESE DRAWINGS ARE SCHEMATIC AND ARE INTENDED TO SHOW ONLY BASIC CONCEPTS AND GENERAL

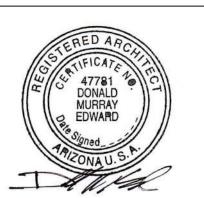
DECORATIVE METAL SLAT FENCE AT FIRE PIT AND BBQ IS REQUIRED



3827 BILLO ROAD ALDEN, NY, 14004 716-631-0600

DESIGN PROFESSIONAL

DONALD M. EDWARD LICENSE #: 47781 10800 ALABASTER DRIVE DAVIDSON, NC 28036 donaldedwardarchitect@gmail.com



WARNING IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE

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> DRAWING QUESTIONS CA@MWTUSA.COM 1-800-717-5816

PROJECT OWNER KUBER DEVELOPMENT

TOWNEPLACE SUITES

1550 S. 52ND STREET TEMPE, AZ 85281

TOWNEPLACE SUITES®

BY MARRIOTT

3210 S. 48TH ST, PHOENIX, AZ 85040

PROTOYPE VERSION : GEN 5

NO DESCRIPTION DATE IN						
NO.	DESCRIPTION	DATE	B			

ISSUED FOR: **PERMIT**

PROJECT NO.: 24-036 DATE: 04/11/2025 DRAWN BY: YA CHKD. BY: AB **BUILDING**

ELEVATIONS

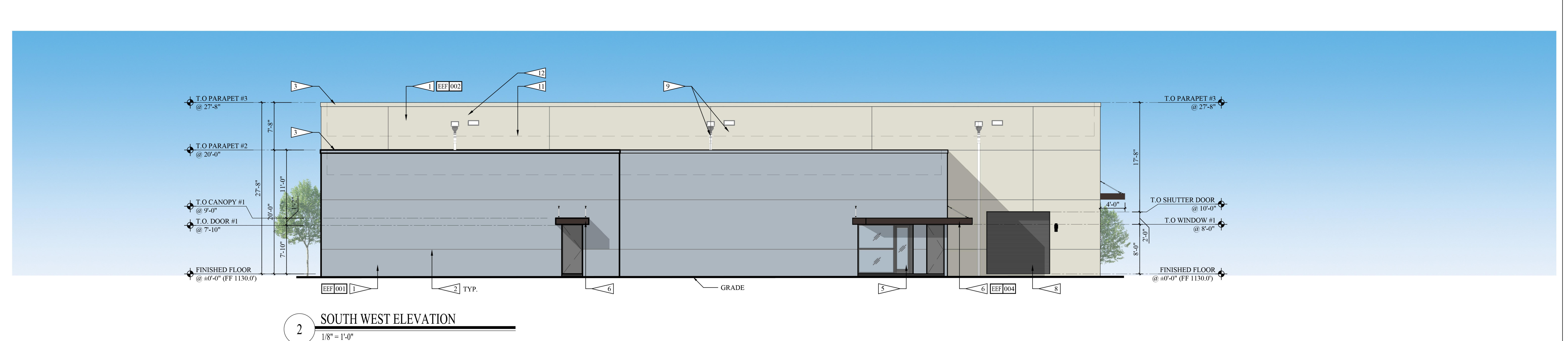
SHEET A201

INFORMATION. THE COMPLETION OF YOUR WORK MAY INCLUDE OTHER STEPS, PROCESSES, MATERIALS, PRODUCTS, LABOR, GOVERNING PERMITS AND OR APPROVALS NECESSARY TO PROVIDE A COMPLETE SYSTEM INSTALLATION WHETHER SUGGESTED ON THE DRAWINGS OR NOT.

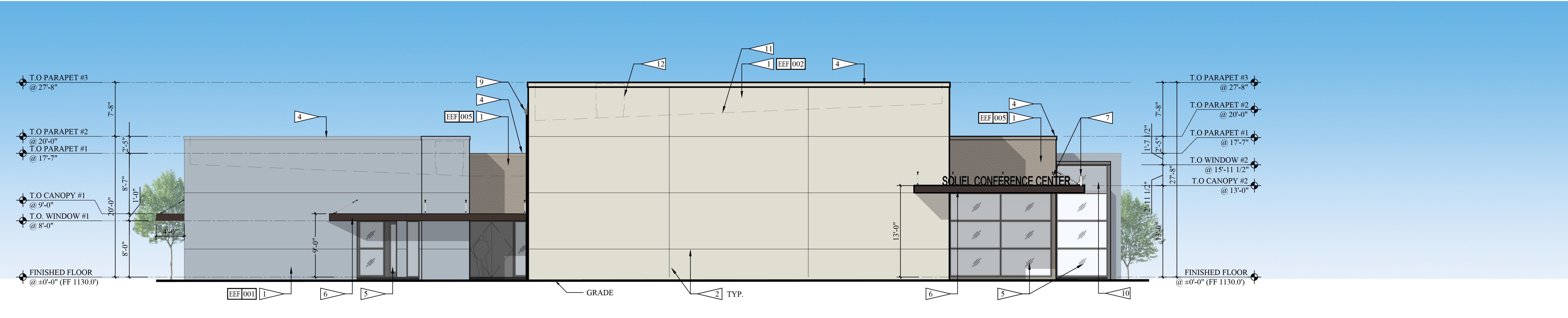
AS AN EXAMPLE: ITEMS AND OR TASKS LIKE; FIRE CAULK, DRAFT STOPS, FASTENERS, ANCHORS, EMBEDMENTS, DUMPSTERS, DEBRIS CLEAN UP, ETC. ARE YOUR RESPONSIBILITY. ANY WORK NOT COMPLETE UN A TIMELY MANNER, OR INCOMPLETE WORK WILL BE BILLED BACK TO THE CONTRACTOR AND OR

Hearing Date: July 16, 2025 PHO-10-25--Z-287-85-8 Proposed Conceptual Elevations

SUBCONTRACTOR, AT THE OWNERS' DISCRETION.



SOUTH EAST ELEVATION



CITY OF DHOENIN

3827 BILLO ROAD ALDEN, NY, 14004 716-631-0600

DESIGN PROFESSIONAL

DONALD M. EDWARD

LICENSE #: 47781

10800 ALABASTER DRIVE

DAVIDSON, NC 28036

donaldedwardarchitect@gmail.com

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DRAWINGS IN ANY WAY.

PROJECT OWNE

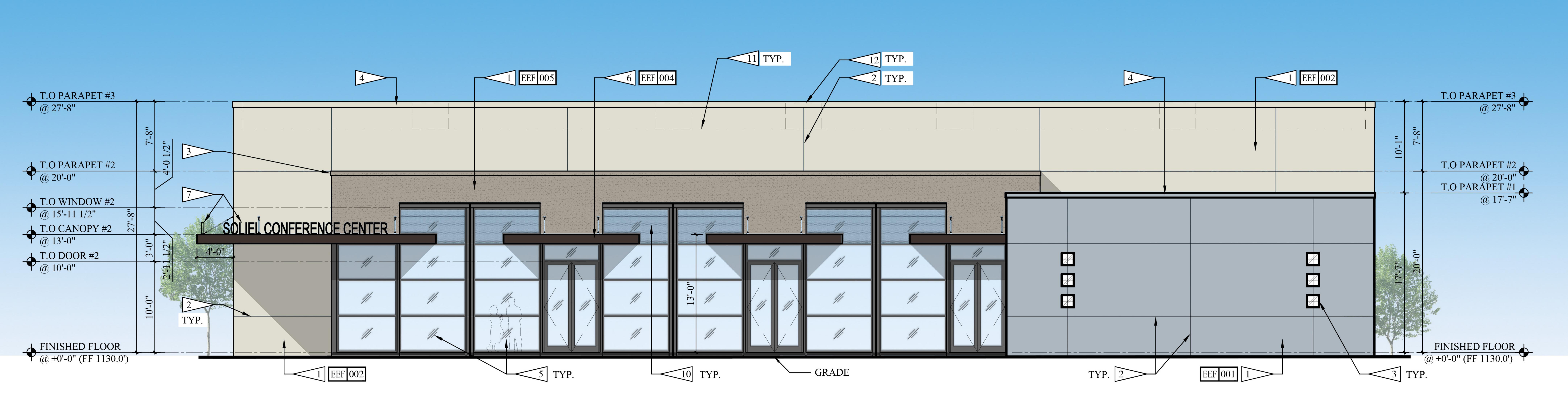
MAHABAL HOSPITALITY, LLC 1550 N 52ND STREET TEMPE, AZ 85281

SOLIEL CONFERENCE CENTER

3210 S. 48TH STREET LOT #3 PHOENIX, AZ 85040

REVISIONS

NO. DESCRIPTION DATE BY



NORTH EAST ELEVATION

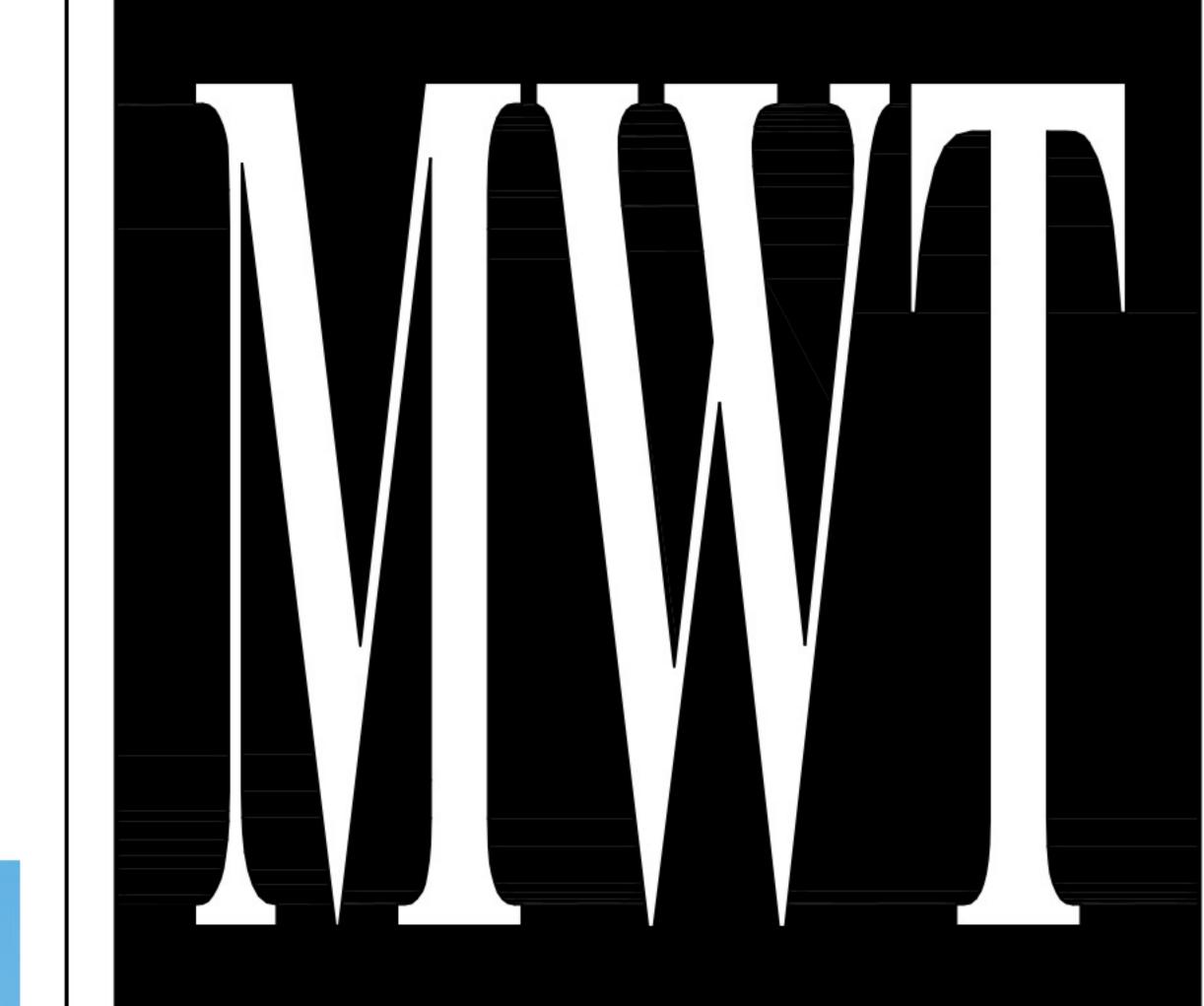
1/8" = 1'-0"

TO PARAPETAS

1.0 PAR

NORTH WEST ELEVATION

CITY OF PHOFNIY



3827 BILLO ROAD ALDEN, NY, 14004 716-631-0600

DESIGN PROFESSIONAL
DONALD M. EDWARD
LICENSE #: 47781
10800 ALABASTER DRIVE
DAVIDSON, NC 28036

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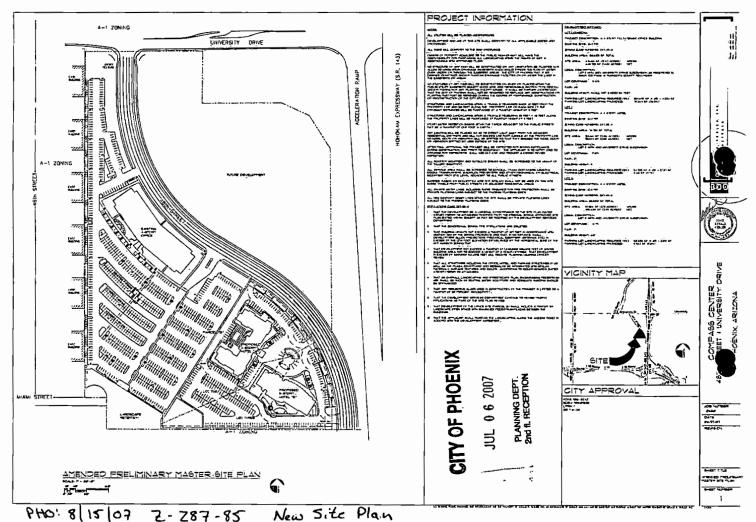
PROJECT OWNE

MAHABAL HOSPITALITY, LL 1550 N 52ND STREET TEMPE, AZ 85281

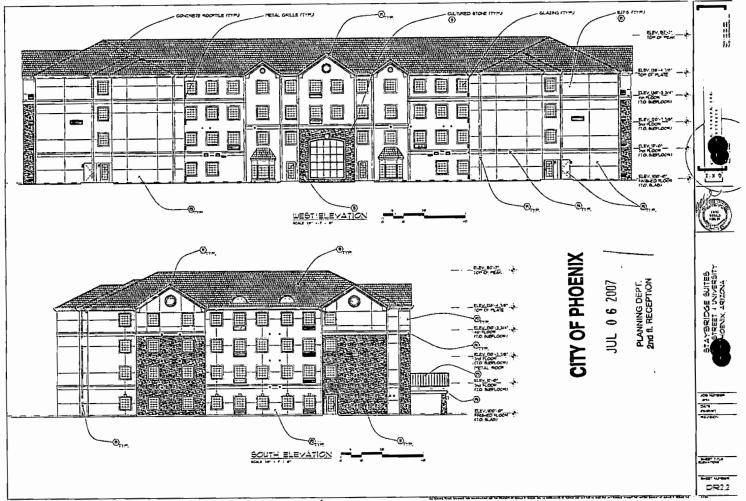
> SOLIEL CONFERENCE CENTER

3210 S. 48TH STREET LOT #3 PHOENIX, AZ 85040

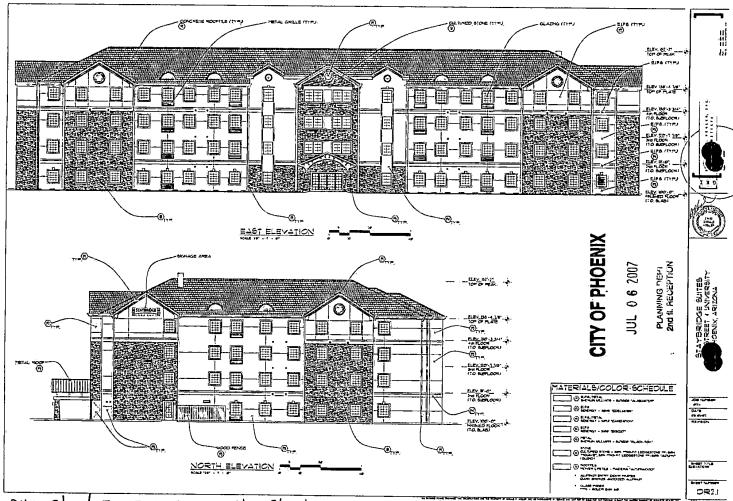
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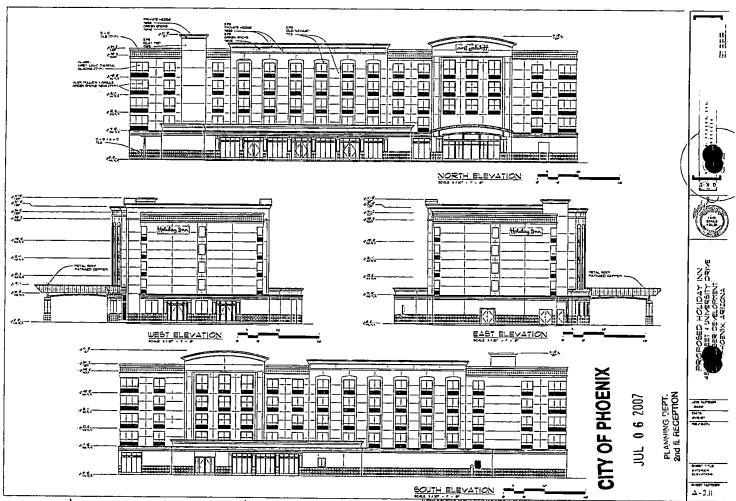
Hearing Date: July 16, 2025



PHO: 8/15/07 2:287-85 New Elevations,



PHO: 8/15/07 2-287-85 New Elevations.



PHO: 8/15/07 New Elevations,

DISTRICT 8
HOHOKAM EXPRESSWAY
(48TH STREET) AND
UNIVERSITY DRIVE
APPLICANT: GKI
OWNER: KUBER
DEVELOPMENT

REPRESENTATIVE: BRENT

MILLER

D. Application: Z-287-85-8

Request: Modification of Stipulation 1 regarding general

conformance to the site plan;

Deletion of Stipulation 2 regarding conditional zoning

time stipulations;

Deletion of Stipulation 3 regarding development of the

Corporate Boulevard;

Deletion of Stipulation 4 regarding interim landscaping

requirements;

Deletion of Stipulation 5 regarding minimum interim landscaping requirements and possible reinstatement

of the conditional zoning time stipulation;

Modification of Stipulation 8 regarding materials,

surface textures, and color.

Location: Southwest corner of Hohokam Expressway (48th

Street) and University Drive;

Acreage: 28.6

South Mountain - August 14, 2007 - Approved. Vote of 13 - 0

Planning Hearing Officer - August 15, 2007 - Approved, to modify Stipulations 1 and 8, delete Stipulation 2; and denial of the request to modify Stipulations 3, 4, and 5.

1. That development be in general conformance to the site plan dated April 13, 1998, except for the hotel site south of the Corporate Boulevard which shall be in general conformance to the site plan date stamped July 6, 2007 and as may be modified by the Development Services Department.

- 2. That the conditional zoning time stipulations is deleted except as in the conditions described in Stipulations Nos. 4 and 5.
- 3. 2. That the applicant agrees to construct the re-aligned 48th Street (as depicted on the site plan as Proposed Corporate Boulevard) at their cost, upon agreement that the City will transfer to the applicant the abandoned right-of-way from the service road as outlined in the approved Development Agreement. That construction of Corporate Boulevard commence (to its ultimate completion) with the first development of the site.
- 4. 3. That the applicant agrees to install interim landscape improvements along the service road right-of-way at a cost ratio and to the extent outlined in the Development Agreement executed between the City of Phoenix and the applicant. The interim landscape improvement should be generally consistent with the standards as outlined in Stipulation 5. Said landscape improvements are to be installed no later than June 30, 1994, or the Planning Commission may initiate an application to reinstate the conditional zoning time stipulation.
- 5. <u>4.</u> That in the event a Development Agreement (as referenced in Stipulation 4) is not executed between the City and the applicant by the time of City Council final approval of this action, the following stipulations shall apply:

The applicant will install (at their cost) interim landscape improvements along both sides of the service road right-of-way within 180 days of final City Council approval of this action. The interim landscape improvements shall consist of a minimum of a 10 foot wide area of decomposed granite and contain trees spaced a maximum of 30 feet on center (or an equivalent grouping) with a watering system. If landscape improvements are not completed within this time frame, the Planning Commission may initiate an application to reinstate the conditional time stipulation.

- 6. <u>5.</u> That building heights not exceed 107 feet in accordance with Section 404 of the Zoning Ordinance and that, in no instance; shall development allow projections (mechanical equipment, antennas, etc.) In excess of the 1,278 foot elevation established by the Horizontal Zone of the Sky Harbor Zoning Map.
- 7. 6. That development not exceed a maximum of 1,330,000 square feet of exceed a height of 8 (eight) stories: That development in excess of 800,000 square feet will require Planning Hearing Officer review.
- 8. 7. That all structures including the office, hotel, and parking structures(s) as well as the plaza, courtyard and sidewalks shall be integrated with similar materials, surface textures and color, except for the hotel site south of the Corporate Boulevard which shall be in general conformance to the elevations date stamped July 6, 2007.
- 9. 8. That an overall landscaping and streetscape plan, encouraging pedestrian use, shall be submitted for review and approval by the Development Services Department pedestrian amenities, such as seating, water, sculpture, and adequate shading should be emphasized.
- 10. 9. That any reflective glass used in construction of the project is limited to a maximum of 20-percent reflectivity.
- 11. That the Development Services Department continue to
- <u>10.</u> review traffic implications as part of the site plan review.
- 12. That development of the office site (Parcel B) shall include a
- <u>11.</u> minimum 15-percent landscape open space with enhanced pedestrian/plazas between the buildings.
- 13. That the applicant shall maintain the landscaping along the
- <u>12.</u> access road in accord with the Development Agreement.

MOTION was made by Mr. Lingner, <u>SECONDED</u> by Mr. Mattox, that Item 15 be granted. <u>MOTION CARRIED UNANIMOUSLY.</u>



REPORT OF PLANNING HEARING OFFICER ACTION Mr. Alan Stephenson, Planner III, Hearing Officer Molly Monserud, Planner I, Assisting

August 15, 2007

ITEM NO: 5

DISTRICT NO.: 8

SUBJECT:

Application #:

Z-287-85-8

Zoning:

A-1, Approved C-2 MR Q.S. 6-38

Location:

Southwest corner of Hohokam Expressway (48th Street) and

University Drive

Acreage:

28.6

Request:

Modification of stipulation 1 regarding general conformance to

the site plan

Deletion of stipulation 2 regarding conditional zoning time

stipulations

Deletion of stipulation 3 regarding development of the

Corporate Boulevard

Deletion of stipulation 4 regarding interim landscaping

requirments

Deletion of stipulation 5 regarding minimum interim

landscaping requirements and possible reinstatement of the

conditional zoning time stipulation

Modification of stipulation 8 regarding materials, surface

textures and color

Applicant:

GKI

Owner:

Kuber Development

Representative: Brent Miller

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval to modify stipulations 1 and 8, delete stipulation 2 and recommended denial of the request to modify stipulations 3, 4 and 5.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee reviewed this request on August 14, 2007 and recommended approval by a vote of 13 - 0.

DISCUSSION: Jerry Kesler, 401 West Baseline Road, stated that stipulation 1 restricts development to the site plan from 1998. The entire area stands



undeveloped with the exception of an office building located just to the north of the proposed hotels. The original site plan called out two hotels to the east of Corporate Boulevard (48th Street).

Mr. Kesler discussed that they are intending to put the two hotels on the pie shaped parcel on the west side of Corporate Boulevard. The proposed hotels would have 100 fewer rooms than those originally approved. The landscaping required in stipulations 3, 4 and 5 has been completed thus there is no need to retain these stipulations.

Mr. Kesler stated that two Holiday Inn hotels would be placed on the site. One of the hotels would be an extended stay that is designed to feel like "home". The Holiday Inn Corporation is very strict about the appearance of the building. The original colors and textures designed for the building looked like something from Boston not the southwest or Arizona.

Mr. Kesler noted that one of the hotels is designed to have one or two bedrooms with a kitchen, typically for guests who are going to stay for a week or two. The other hotel is a standard hotel designed for a one or two night stay and the standard corporate travelers.

Mr. Kesler discussed the proposed colors and textures of the building noting the use of southwest stones and effaces. Both buildings have extensive architectural detail, relief in the building, other elements and overall a nice upgraded look.

The standard hotel has been designed to contain and restaurant and bar designed for the guests of both hotels. There are not many restaurants in the area and this will satisfy the need for the guests. There is only seating for 45 people and there is limited kitchen space. Mr. Kesler stated that the restaurant is not designed to serve the general public.

The South Mountain Village Planning Committee unanimously recommended approval of the request: The Planning Hearing Officer verified that the Village Planning Committee did not recommend any new stipulations.

The Planning Hearing Officer clarified that stipulations 3, 4 and 5 run with the land. The Development Services Department will require that the applicant prove the stipulations have been met but it is not necessary to delete them. The stipulations should remain in place to ensure that future development will have the same requirements as the original development.

The Planning Hearing Officer inquired if the applicant owned/represented the property on the north side of the Corporate Boulevard. Mr. Kesler responded that they did not represent the adjacent property owners.



The Planning Hearing Officer reiterated that there is no need to delete stipulations 3 – 5 noting that the proposals for the north portion of the site are still unknown and may be affected by these modifications. These stipulations should be modified to allow for the new hotel development

FINDINGS:

- 1. Although stipulations 3, 4 and 5 have been met, they should remain in place to ensure that future development will meet the landscaping and other requirements.
- 2. The materials, surface textures and colors proposed by the applicant are consistent with a southwest decor.

<u>DECISION:</u> The Planning Hearing Officer recommended approval to modify stipulations 1 and 8, delete stipulation 2 and recommended denial of the request to modify stipulations 3, 4 and 5.

STIPULATIONS:

STIPULATIONS:

- 1. That development be in general conformance to the site plan dated 4/13/98, except for the hotel site south of the Corporate Boulevard which shall be in general conformance to the site plan date stamped July 6, 2007 and as may be modified by the Development Services Department:
- 2. That the conditional zoning time-stipulations is deleted except as in the conditions described in Stipulations Nos. 4 and 5.
- 3. 2. That the applicant agrees to construct the re-aligned 48th Street (as depicted on the site plan as Proposed Corporate Boulevard) at their cost, upon agreement that the City will transfer to the applicant the abandoned right-of-way from the service road as outlined in the approved Development Agreement. That construction of Corporate Boulevard commence (to its ultimate completion) with the first development of the site.
- 4. 3. That the applicant agrees to install interim landscape improvements along the service road right-of-way at a cost ratio and to the extent outlined in the Development Agreement executed between the City of Phoenix and the applicant. The interim landscape improvement should be generally consistent with the standards as outlined in Stipulation No.



- 5. Said landscape improvements are to be installed no later than June 40, 1994, or the Planning Commission may initiate an application to reinstate the conditional zoning time stipulation.
- 5. 4. That in the event a Development Agreement (as referenced in Stipulation No. 4) is not executed between the City and the applicant by the time of City Council final approval of this action, the following stipulations shall apply:

The applicant will install (at their cost) interim landscape improvements along both sides of the service road right-of-way within 180 days of final City Council approval of this action. The interim landscape improvements shall consist of a minimum of a 10 foot wide area of decomposed granite and contain trees spaced a maximum of 30 feet on center (or an equivalent grouping) with a watering system. If landscape improvements are not completed within this time frame, the Planning Commission may initiate an application to reinstate the conditional time stipulation.

- 6. 5. That building heights not exceed 107 feet in accordance with Section 404 of the Zoning Ordinance and that, in no instance; shall development allow projections (mechanical equipment, antennas, etc.) In excess of the 1,278 foot elevation established by the Horizontal Zone of the Sky Harbor Zoning Map.
- 7. 6. That development not exceed a maximum of 1,330,000 square feet of exceed a height of 8 (eight) stories: That development in excess of 800,000 square feet will require Planning Hearing Officer review.
- 8. 7. That all structures including the office, hotel and parking structures(s) as well as the plaza, courtyard and sidewalks shall be integrated with similar materials, surface textures and color, except for the hotel site south of the Corporate Boulevard which shall be in general conformance to the elevations date stamped July 6, 2007.
- 9. 8. That an overall landscaping and streetscape plan, encouraging pedestrian use, shall be submitted for review and approval by the Development Services Department pedestrian amenities, such as seating, water, sculpture and adequate shading should be emphasized.
- 40. 9. That any reflective glass used in construction of the project is limited to a maximum of 20 percent reflectivity.
- 44. <u>10.</u>That the Development Services Department continue to review traffic implications as part of the site plan review.



- 12. 11. That development of the office site (Parcel B) shall include a minimum 15% landscape open space with enhanced pedestrian/plazas between the buildings.
- 43. 12. That the applicant shall maintain the landscaping along the access road in accord with the Development Agreement.

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RESULTS SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE AUGUST 14, 2007

The agenda for the meeting was as follows:

- 1. Call to order and roll call.
 - 6:35 p.m. with 12 members present (one additional member arrived subsequent to the call to order and roll call). 13 members in total. 10 members required for a quorum.
- 2. Review and approval of minutes from the July 10, 2007 meeting.
 - Mr. William Wiess motioned to recommend approval of the minutes.
 - Mr. George Young seconded the motion.
 - Minutes approved by a unanimous: 12-0 VOTE
- 3. Announcements by the Chair
- 4. Presentation, discussion, and possible recommendation on **Z-58-07-7**, approximately 1.47 acres located approximately 465 feet north of the northwest corner of 19th Avenue and Latona Lane. Request to rezone from R1-18 (.35 Acres) and S-1 (1.12 Acres) to R1-10 for a proposed 16 lot single-family residential subdivision. Presentation by Tim Patton of the Mashburn Companies. The Zoning Hearing Officer will review this request on August 20, 2007

MOTION

Mr. Gregory Brownell motioned to recommend approval of the requested zoning, subject to stipulations provided in the addendum to the staff report with a modification to stipulation eight.

Mr. Chandler Nelsen seconded the motion

VOTE

8 – 5 (Banks, Montiel, Schneider, Styring, Young)

DISCUSSION

Staff noted that the correct site plan date stamp referenced in stipulation eight of the addendum to the staff report should read August 2, 2007 instead of May 8, 2007.

Mr. Tim Patton noted that he met with the neighborhood on July 24. Mr. Patton also noted that the neighbors expressed that the number of lots in the proposed development should be reduced to 15. Mr. Patton explained that he amended the zoning application to reduce the number of proposed lots from 19 to 16 subsequent to meeting with the neighborhood. Mr. Patton indicated that having 16 lots on the site would allow the developer to provide a quality product and provide an appropriate transition by placing larger lots along the south perimeter property line.

Vice-Chairwoman Barbara Schneider inquired if the applicant would be amenable to R1-18 zoning.

Mr. Patton responded that having a zoning boundary running through the site would be problematic.

Staff noted that the density allowed under the R1-18 zoning district would not allow the number of lots proposed.

Two area residents expressed concerns regarding the proposal. The residents expressed that the request was indicative of a further intrusion of R1-10 zoning south of Baseline Road. The residents also stressed that R1-18 zoning was more appropriate for the site and that no more than 15 lots should be allowed to be developed on the property.

5. Presentation, discussion, and possible recommendation on PHO-1-07-Z-96-97-7, a request to modify or delete stipulations one (commencement of development), two (maximum dwelling units), three (development option), four (development option), five (height restrictions), eight (landscaping), nine (exterior walls), 10 (street lights), 12 (irrigation ditch), 15 (right-of-way dedications), 16 (street improvements), 18 (open space), and 21 (notification) of the R1-10 zoning approval for the approximate 4.63 acre property located approximately 1,325 feet south of the southwest corner of 19th Avenue and Baseline Road. Presentation by Tim Patton of the Mashburn Companies.

The Planning Hearing Officer will review this request on August 15, 2007

MOTION

Mr. Carl Harris-Morgan motioned to recommend that stipulations 1 and 21 not be modified, that stipulations 3, 4, 10, 12, and 16 be deleted, that stipulations 2, 5, 9, 15, and 18 be modified to be consistent with the staff document dated August 14, 2007, that the additional stipulations outlined in the staff document dated August 14, 2007 be included, and that stipulation 8 be modified to as follows:

That landscape materials utilized in the required landscaped setbacks shall, at a minimum, conform to the C-1 streetscape landscaping quantity and size standards and that trees provided within the required landscape setback along 20th Avenue shall have a minimum caliper size of four inches.

Dr. Greg Tolliver seconded the motion.

<u>VOTE</u> 13-0

DISCUSSION

Staff indicated that the stipulation modifications were requested to accommodate a larger residential development that also included the area requested for rezoning per Zoning Case Z-58-07-7 (Item 4 of the agenda). Staff noted that a document outlining stipulation modifications and additional stipulations that were consistent with the staff recommended stipulations for Zoning Case Z-58-07-7 had been provided to the Committee.

Mr. Tim Patton no that the applicant had agreed the ineighbors' request to provide larger trees within the required landscape setback along 20th Avenue.

Staff inquired if the applicant could indicate a caliper size that would be acceptable.

Mr. Patton responded that the applicant could provide trees with four-inch calibers.

Mr. Stan Craiger, an area resident, stated that he was opposed to the requested stipulation modifications.

6. Presentation, discussion, and possible recommendation on **Z-SP-36-06-8**, approximately 1.0 acre located approximately 100 feet north of the northwest corner of 48th Street and Baseline Road. Request to rezone from S-1 to S-1 SP for a proposed monopole / wireless communications facility. Presentation by Rulon Anderson of T-Mobile.

The Planning Commission will review this request on September 6, 2007

MOTION

Mr. Christopher Styring motioned to recommend that the request be denied.

Mr. George Young seconded the motion.

<u>VOTE</u> 13-0

DISCUSSION

Mr. Rulon Anderson provided an overview of the proposed wireless communications facility. Mr. Anderson noted that he felt that the proposed facility was a stealth application that should be allowed by right. Mr. Anderson indicated that the proposed elevation was the preferred design of the property owner. Mr. Anderson noted that he was not in agreement with stipulation three of the staff report and that he would not agree to modify the design of the proposed facility.

Multiple members of the Committee expressed that the design of the proposed monopole was not aesthetically pleasing and that a design similar to the stealth application recommended by staff would be more appropriate.

7. Presentation, discussion, and possible recommendation on PHO-4-07-Z-287-85-8, a request to modify stipulations one (general conformance to site plan), two (conditional zoning), three (Corporate Boulevard development), four (interim landscaping requirements), five (interim landscaping requirements and reinstatement of conditional zoning) and eight (materials, surface textures, and color) of the C-2 MR zoning approval for the approximate 25.9 acre property located at the southwest corner of Hohokam Expressway (48th Street) and University Drive. Presentation by Brent Miller of GKI.

The Planning Hearing Officer will review this request on August 15, 2007

MOTION

Mr. George Young motioned to recommend that stipulations 1 through 5 and

stipulation 8 be n iled as requested by the applic.

Mr. Carl Harris-Morgan seconded the motion.

<u>VOTE</u> 13-0

Mr. Brent Miller and Mr. Kessler of GKI provided an overview of the proposed hotel development. Mr. Kessler indicated that one hotel would provide extended stay units and that the other hotel would be a full service Holiday Inn.

Mr. George Young inquired if either of the hotels would have a restaurant.

Mr. Kessler responded that a restaurant would be provided within one of the hotels.

8. Presentation, discussion, and possible recommendation on PHO-1-07–Z-4-99-8, a request to modify stipulations one (general conformance to site plan), two (development timeline), eight (cross access easement), 11 (architectural design), 12 (landscaping buffer between phases), 13 (architectural design of Phase II), and 14 (Phase II development) of the C-2 BAOD zoning approval for the approximate 5.57 acre property located approximately 210 feet west of the southwest corner of 7th Street and Baseline Road. Presentation by Josh Oehler of Arc One Associates. The Planning Hearing Officer will review this request on September 5, 2007 MOTION

Mr. George Young motioned to continue the item to the September 10, 2007 VPC Meeting and encouraged the applicant to attend the August 27, 2007 South Mountain VPC Development Subcommittee Meeting.

Mr. Gregory Brownell seconded the motion.

<u>VOTE</u> 13-0

Mr. Josh Oehler provided an overview of the proposed commercial development and discussed the reasons for the requested stipulation modifications.

Vice-Chairwoman Barbara Schneider inquired if more landscaping could be provided on the site.

Mr. Oehler responded that he would consider providing more landscaping.

Mr. George Young inquired how many parking spaces would be provided.

Mr. Oehler responded that the number of parking spaces provided would exceed requirements.

Multiple members of the Committee expressed concern that the presented building elevations were not consistent with the character of the Baseline Area. Multiple members indicated that the elevations should be redesigned.

Mr. George Youn, quired if the applicant would be sing to revise the building elevations and attend the Committee's September meeting.

Mr. Oehler indicated that he was not opposed to coming back in September but that he would need to discuss doing so with his client.

Staff noted that the case is scheduled to be reviewed by the Planning Hearing Officer on September 5.

 Presentation and continuation of discussion regarding village cores, height, intensities and related issues (within and outside village cores). Presentation by staff.

Staff noted that eight members responded to the survey distributed in July regarding the current Village Core location, the appropriateness of other areas for more height and more intense uses, and the appropriateness of other locations for secondary core designations. Staff noted that the responses were mixed regarding the appropriateness of the current Village Core location (Central and Broadway). Staff also noted that multiple areas were identified as being appropriate for more height and more intense uses, including the Beyond the Banks planning area and the 32nd Street and Maricopa Freeway area. Staff indicated that several areas were noted as possibly being appropriate for secondary core designations but that a consensus was not apparent amongst the responses.

10. Public Comments

No public comments were made.

11. Announcements

Staff announced that the Planning Commission initiated a text amendment to Section 649 (Mixed Use Agricultural Zoning District) of the Zoning Ordinance on August 8.

12. Adjournment

Meeting adjourned at 8:35 p.m.