

## ATTACHMENT C

### REPORT OF PLANNING COMMISSION ACTION June 6, 2024

ITEM NO: 21	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	PHO-2-24—Z-86-06-6
Location:	Northeast Corner of 24th Street and Camelback Road
Existing Zoning:	PSC (Approved C-2 HR) CEPCSP
Acreage:	33.70
Proposal:	1) Request to modify Stipulation 2 regarding review and approval for a tower exceeding 112 feet and proposed building elevations inconsistent with those dated June 23, 2006 through the Planning Hearing Officer process. 2) Technical Corrections to Stipulations 7 and 9.
Applicant:	Ed Bull, Burch & Cracchiolo, P.A.
Owner:	Biltmore Shopping Center Partners
Representative:	Ed Bull, Burch & Cracchiolo, P.A.

#### **ACTIONS:**

##### Village Planning Committee (VPC) Recommendation:

**Camelback East** No recommendation.

Planning Hearing Officer (PHO) Recommendation: The Planning Hearing Officer heard the request on April 17, 2024, and recommended approval, with modifications and additional stipulations.

Staff Recommendation: Approval, with modifications and additional stipulations, as recommended by the Planning Hearing Officer.

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation.

Motion Discussion: N/A

Motion details: Commissioner Matthews made a MOTION to approve PHO-2-24—Z-86-06-6, per the Planning Hearing Officer recommendation.

Maker: Matthews  
Second: Jaramillo  
Vote: 8-0  
Absent: Mangum  
Opposition Present: Yes

#### **Findings:**

1. The request for modification of Stipulation 2 is recommended to be approved with a modification. Staff is recommending the modification of Stipulation 2 to delete the requirement for general conformance to the elevations dated June 23, 2006 and create new stipulations to allow for the possible development of one of two different options with permitted building heights depending on the specific use or mix of uses.

The new stipulation (Stipulation 3) allows the submitted site plans to be applicable only to the proposed tower on Building P for the two building heights for either the 140 feet for an office and/or mixed-use commercial tower (Option 1) or 165 feet for a single use or mixed-use tower including residential, hotel, and/or commercial uses (Option 2). Future developments separate from the Building P tower will be able to submit separate site plans specific to those projects, independent of the plans for Building P.

Staff is also recommending approval for the removal of the June 23, 2006 elevations requirement, as these elevations are outdated and are only applicable to the first phase of development, already completed on the site. Elevations and design review will continue to be reviewed and commented on by the Camelback East Architectural Review Committee for each proposed development. Lastly, the proposed tower complies with the Building Height Exhibit B of the Camelback East Primary Core Specific Plan, dated August 24, 2006, which designates the area with a maximum building height of 165 feet.

2. Stipulation 4 has been added as a new stipulation at the request of the Street Transportation Department. The stipulation requires a Traffic Impact Study that will evaluate the magnitude of traffic impact the addition of Building P has on the adjacent intersection and existing infrastructure. The study will help determine if additional infrastructure is needed to ensure the traffic in the area continues to operate safely and efficiently with the new addition.
3. The Public Transit Department recommends an additional stipulation requiring the developer to retain the existing bus stop pad and transit shelter adjacent to the site. This additional Stipulation has been added as new Stipulation 5.
4. The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record (Stipulation 11).

#### Stipulations:

1. ~~That~~ The development of the two Phase 1 towers with residential or hotel uses up to 165 feet shall be in general conformance with the conceptual site plan and elevations dated June 23, 2006.
2. ~~That~~ The location of future towers beyond Phase 1 shall conform to the Biltmore Fashion Park Building Height Exhibit B, dated August 24, 2006, as set forth in the Camelback East Primary Core Specific Plan, the stipulations of this rezoning case, and the applicable Specific Plan Design Guidelines. For towers seeking bonus building heights above 112 feet, compliance with Specific Plan criteria to achieve such bonus building heights shall be reviewed and approved through the City's Planning Hearing Officer hearing process. ~~Should the building elevations for these future buildings not be generally consistent with the elevations dated June 23, 2006, the applicant shall also be required to process a modification to this stipulation to approve the new building elevations through the City's Planning Hearing Officer hearing process.~~

#### BUILDING HEIGHTS/DENSITY

3. BUILDING P LOCATED AT THE SOUTHEAST CORNER OF THE SITE SHALL BE DEVELOPED WITH ANY SINGLE USE OR MIX OF USES, INCLUDING BUT NOT LIMITED TO HOTEL, RESIDENTIAL, OFFICE AND/OR RETAIL/COMMERCIAL USES AS PERMITTED IN SECTION 623 OF THE ZONING ORDINANCE AND THE CAMELBACK EAST PRIMARY CORE SPECIFIC PLAN.
  - a. A DEVELOPMENT CONSISTING OF OFFICE AND/OR OTHER COMMERCIAL USES SHALL BE IN GENERAL CONFORMANCE WITH THE OPTION 1 OFFICE SITE PLAN DATE STAMPED DECEMBER 1, 2023 WITH SPECIFIC REGARD TO THE FOLLOWING:
    - i. BUILDING HEIGHT SHALL BE A MAXIMUM OF 140 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
  - b. A DEVELOPMENT CONSISTING OF HOTEL AND/OR RESIDENTIAL WITH OR WITHOUT A COMMERCIAL COMPONENT SHALL BE IN GENERAL CONFORMANCE WITH THE OPTION 2 MIXED USE SITE PLAN DATE STAMPED MARCH 1, 2024 WITH SPECIFIC REGARD TO THE FOLLOWING:
    - i. BUILDING HEIGHT SHALL BE A MAXIMUM OF 165 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
    - ii. THE CONFIGURATION, SIZE, AND LOCATION OF THE BUILDING FOOTPRINT FOR A DEVELOPMENT INCLUSIVE OF A RESIDENTIAL OR HOTEL USE MAY BE ALTERED TO ACCOMMODATE FOR VARIED FORMS AND LOCATIONS OF PORTES-COCHERES, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. A TRAFFIC IMPACT STUDY (TIS) SHALL BE SUBMITTED TO THE CITY FOR BUILDING P. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. THE TIS SHALL INCLUDE AN OPERATIONS ANALYSIS FOR THE 26TH STREET AND CAMELBACK ROAD INTERSECTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR FUNDING AND CONSTRUCTION OF ALL RECOMMENDATIONS OF THE APPROVED STUDY.
5. THE DEVELOPER SHALL RETAIN THE EXISTING BUS PAD AND TRANSIT SHELTER ON WESTBOUND CAMELBACK ROAD ON THE WEST SIDE OF 26TH STREET.
- ~~3.~~ That Building heights shall be developed according to Exhibit 8 (mediated agreement)
6. and that bonus building height of 165 feet shall be permitted only for hotel and residential uses with retail uses (including service retail) required in the first at grade level of such buildings located on the pedestrian spine.
- ~~4.~~ That Buildings achieving a bonus height of 165 feet shall have a maximum of 56 feet
7. (measured from finished grade) which shall be utilized for commercial, office or retail.
- ~~5.~~ That The density on the C-2 HR portion of the site shall be limited to 96.8 dwelling units
8. per acre.

## STREETSCAPE AND PEDESTRIAN SPINE I CORE IDENTITY PLAN

- ~~6.~~ ~~That~~ The applicant shall participate in the development of designs for signage, light fixtures, walkway surface patterns and other street furniture elements for the pedestrian spine and architectural and engineering drawings for theming, landscaping and other related improvements for the Camelback Road streetscape through the Camelback East Primary Core Specific Plan area.
- ~~7.~~ ~~That~~ The property shall include an outdoor pedestrian component which will represent the northern terminus of the Pedestrian Spine per the Camelback East Primary Core Specific Plan and that, as part of this component, and as approved by the PLANNING AND Development ~~Services~~ Department.

  - a. The developer shall install a pedestrian walkway from the pedestrian underpass on Camelback Road to the retail/residential structure.
  - b. ~~That~~ A “way finding” theme shall be established for the development to identify the pedestrian spine within the project. The theme may be incorporated into elements such as: the pavement on which the pedestrian spine is routed; into the seating and lighting bollards or other pedestrian lighting, along the spine; as well as into directional signage. The "way finding" devices/mechanisms shall in some manner inform/direct those who enter the site that they can maneuver around the site and they can travel through the site to destinations off-site. The applicant shall present the theme concept to the Camelback East Village Planning Committee Camelback Corridor Subcommittee for review and comment prior to preliminary site plan approval, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~8.~~ ~~That~~ Bicycle racks shall be provided on site and located in a covered and secure area.
- ~~9.~~ ~~That~~ The developer, shall together with other developers and commercial property owners in the immediate area, contribute on a fair and equitable basis to the financing of a rubber wheeled trolley system on the loop road as approved by the Planning AND DEVELOPMENT Department.
- ~~10.~~ ~~That~~ All improvements shall comply with ADA accessibility standards.
14. 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.

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