



Village Planning Committee Meeting Summary

Z-36-19-6

Date of VPC Meeting	October 1, 2019
Request From	C-O (17.72 acres)
Request To	PUD (17.72 acres)
Proposed Use	Planned Unit Development to allow a mixed-use development.
Location	Northwest corner of 44th Street and Camelback Road
VPC recommendation	Approval, per staff recommendation and 5 additional stipulations
Vote	11-6

VPC DISCUSSION:

*50 cards were submitted in favor, not wishing to speak.
 25 cards were submitted in favor, wishing to speak.
 84 cards were submitted in opposition, not wishing to speak.
 36 cards were submitted in opposition, wishing to speak.
 2 cards were submitted noting no position on the item, wishing to speak.
 1 card was submitted noting no position on the item, not wishing to speak.*

At this point in the meeting Mr. Tom O'Malley arrived bringing the quorum to 17 members.

Ms. Maja Brkovic provided an overview of the request noting the projects location, surrounding uses, surrounding zoning, general plan designation, PUD uses and standards and staff's findings and recommendation.

Ms. Andrea Hardy asked if considerations regarding new policy plans have been contemplated to address height outside of the village core. **Ms. Brkovic** noted that there were no plans new plans being considered at the moment.

Mr. Ed Bull, Burch & Cracchiolo, representing the applicant, provided an overview of the request. He expressed that there were 370 letters of support and provided an overview of the outreach done. He provided an overview of the site plan and elevations and proposed a greater setback at the intersection of 44th Street and Camelback Road. He indicated that his client needed 75 feet in height in order to build a quality development. He noted that a high-quality office and hotel use could not be built at 56 feet in height. He noted that the project would be setting a precedence for quality and provided an overview of the traffic counts.

Ms. Barry Paceley noted that he looked through all the support letters submitted and that some of them could not be verified. **Mr. Bull** noted that that letters were from residents, renters and some businesses in the area. He noted that the coordinator working to get the support letters used a verification process such as checking deeds or pulling title reports. **Mr. Paceley** asked for clarification regarding the square footage of office versus hotel. **Mr. Bull** noted that approximately 185 thousand square feet would be dedicated to office while approximately 140 thousand square feet would be dedicated to hotel. **Mr. Paceley** asked for clarification regarding the use on the top floor of the hotel. **Mr. Bull** noted that the use had not been solidified yet. He indicated that there could be hotel rooms or a maximum of 20 residential units. **Mr. Paceley** noted that he was not sure he could support the project considering the interested party would be new to hotel development. **Mr. Bull** noted that the hotel was a passion of his clients and a legacy project that would be developed with the highest quality.

Mr. Danny Sharaby asked for clarification regarding the newly proposed setbacks along the southern and eastern end of the site. **Mr. Bull** noted that the proposed setbacks were 34 and 45 feet for a portion of the setback.

Mr. Tom O'Malley noted that the bus lane, going westbound on Camelback Road, was currently located in the drive lane and caused traffic issues at the intersection. **Mr. Bull** noted that the exhibits indicate a right-turn lane which is not normally required in a 3-lane-wide street. He noted that the bus currently had to stop in the through lane which impedes traffic. He indicated that the client would like to provide a right turn lane that starts at 44th Street and places the bus out of the through lane. **Ms. Dawn Cartier**, CivTech, noted that during the site plan review the Transit Department requested that a bus bay be placed on westbound Camelback. She indicated that CivTech would be recommending a right turn lane into the driveway so that it would result in a combination of bus bay and right-turn lane by extending the turn lane all the way back to where the bus bay would be located. She noted that this would get the bus bay out of the through lane and away from the right turning vehicles. She noted that a bus bay was requested by the Transit Department regardless of the right turn lane. **Mr. O'Malley** noted that he wanted to ensure that the plans would include a bus lane that was outside of the through lane. **Mr. Bull** noted that the applicant would accept a stipulation to require a right turn lane that includes the ability for the bus to pull off. **Mr. O'Malley** noted that he would like to see a traffic light at 44th Street across Steak 44. **Mr. Swart** noted that all desired stipulations could be proposed and discussed after the floor is closed and during committee discussion. **Mr. Bull** noted that traffic signal warrants were discussed in the traffic study which was submitted to the City of Phoenix Street Transportation Department. He noted that his client would accept a stipulation regarding the added signal. **Mr. O'Malley** asked for clarification regarding access to Medlock Drive. **Mr. Bull** noted that

there have been discussions with staff and neighbors about the matter and that further discussions would take place.

Ms. Linda Bair asked for clarification regarding the right-turn lane. **Ms. Cartier** noted that the right turn lane would only be for traffic turning into the driveway on Camelback Road. She noted that the traffic report was currently in review with the City of Phoenix Street Transportation Department. She indicated that the addition of drive lanes would require longer walks for pedestrians at crossings. **Ms. Bair** noted that she had concerns in regard to pedestrian traffic safety. She asked why the hotel could not be built at 56-feet in height. **Mr. Bull** noted that the client could not built the anticipated quality development at 56-feet.

Ms. Andrea Hardy asked for clarification regarding open space and amenities for residents on the site. **Mr. Bull** noted that a minimum of 15 percent of the site included open space. He noted that amenities were also identified in the PUD. **Ms. Hardy** asked what changes were made in the PUD since the last village meeting and what changes were made to accommodate the neighborhood concerns. **Mr. Bull** noted that the following changes were made: firmed up traffic related concerns regarding right-turn lanes, further analysis was done regarding the traffic signal, changes were made to setbacks at the southeast corner, height step backs and restricting of uses. **Ms. Hardy** asked why elevations were not provided in the PUD. **Mr. Bull** noted that there were conceptual site plans and renderings provided as examples of the desired architecture; however, the applicants were not ready to engage in full design until they had reassurance of the height that would be approved on the site.

Ms. Christina Eichelkraut, noted that she read through all the e-mails received. She noted that some residents raised concern regarding noise from the rooftop bar. She indicated that it was a legitimate concern and asked if there was any assurance that the applicant could offer the neighbors to illustrate that they would oblige by the ordinance requirements. **Mr. Sam Fox**, hotel developer for the site, noted the plan was to include a lounge and restaurant and not a night club. He noted that it would be like the Thirsty Camel and the Phoenician. He noted that the lounge would be located at the southeast corner of the building. **Ms. Eichelkraut** asked if the traffic study considered seasonal changes in traffic for summer versus fall. **Ms. Cartier** noted that the traffic counts were taken in March. She noted that March was the busiest season in Phoenix because of spring training. She noted that the traffic study considers every use at its highest occupancy.

Ms. Hayleigh Crawford asked for clarification regarding the difference between the "Land Use Areas" versus the "Sub-Zones". **Mr. Bull** noted that pages 15 through 16 identified the permitted uses allowed in the Land Use Areas. He indicated that Sub-Zones cannot change without an amendment. **Ms. Crawford** noted that a 25 percent modification to the Land Use Areas, currently permitted in the PUD, was too much and asked that the percentage be lowered. **Ms. Maja**

Brkovic clarified that the Sub-Zones cannot be modified without an amendment to the PUD. She noted that inclusive of staff stipulations, the only LUA that could expand by 25 percent would be between LUA's D and E and H and F. She further noted that LUA's cannot expand into an adjacent Sub-Zone area. **Ms. Crawford** noted that she did not believe that a hotel use was best suited in the site considering the current general plan designation. **Mr. Sam Fox** noted that he believed that the area was a good location for the hotel considering the proximity to the airport, Paradise Valley, business district to the west and nearby restaurants and entertainment to the east.

Ms. Ashley Nye noted that the general area was planted with a variety of pine and eucalyptus trees in the 1960s and 1970s. She indicated that those trees tend to reach 70 to 80 feet in height and end up blocking views. She noted that native trees tend to reach up to a maximum of 30 to 40 feet in height. She noted that the north and west perimeter should consider restricting the tree types to native species to preserve views. She asked if the client was open to adding a stipulation to restrict the height of trees in the landscape planting standards for north and west boundaries. **Mr. Bull** noted that his client would be ok with the added stipulation.

Chairman Swart opened the floor for public comment.

Mr. Jeff Moloznik, in support, made the following comments:

- Noted that the process was initiated in July of 2018 and attended all the meeting.
- Expressed the importance of open space and active tenants that Red Development looked to achieve at this location.

Mr. Sam Fox, in support, made the following comments:

- Noted that he was interested in building a boutique hotel at the intersection.
- Expressed that the development would be his legacy project.
- Noted that the hope for the site would be to include a 5-story hotel with more rooms than the nearby Hermosa Inn but less rooms than the Royal Palm. Rooftop restaurant, open gardens and spa.

Ms. Leezie Kim, in support, made the following comments:

- Noted that she was Sam Fox's business partners in support of the project.
- Noted that redevelopment of the corner was inevitable and necessary.
- She indicated that when considering this type of development, the one thing to consider is whether you can trust the person bringing in the project. She indicated that Sam Fox can be trusted as he is a neighbor in the community and a man of his word.

Mr. Andrew Cohn, in support, made the following comments:

- Noted that he was in support of the project and believed that Sam Fox would deliver on everything he had promised.
- Noted concern that a few members of the public have negatively represented the support of the nearby neighborhood associations.
- Noted that he believed that the project was at the right location built by the right person.
- Noted that the project would be a benefit to the community and create jobs.

Mr. Mike Ebert, in support, made the following comments:

- Noted that he was with Red Development and provided an overview of his background and development he has worked on in Phoenix and near the site.
- Noted that Red's role as a master developer was a role they take very seriously. Stated that they have secured the Phoenix Suns and Mercury training facility and the high-end hotel proposed by Sam Fox. Noted that they were excited to bring in additional companies in the future.
- He asked for the support of the committee as a long-term owner and promised to develop the property in a manner that the community would be proud of.

Ms. April Fischer, in support, made the following comments:

- Noted that she was a long-time resident in the area.
- Expressed that she was excited about the project.

Ms. Emily Blais, in support, made the following comments:

- Noted that she represented support from the younger generation in the area.
- Indicated that the development would be first-class quality.
- Noted that the opposition was hyper focused on the height and indicated that individuals driving on Camelback Road should pay attention to the Road instead of looking at the mountain.

Ms. Lisa Bullington, in support, made the following comments:

- Noted her support and stated that she had lived in Arcadia for 21 years.
- Noted that she often goes to other Sam Fox establishments such as the Henry.
- Noted that she believed that the hotel would be unique and special to the area.

Mr. David and Ms. Jamie Baum, in support, made the following comments:

- Expressed support for the project and other Sam Fox projects such as the Henry.
- Noted that the Henry was a great neighborhood restaurant.

- Expressed that they live in the neighborhood and currently don't ever visit the northwest corner.

Mr. Ryan Timpani, in support, made the following comments:

- Noted that he lives less than one quarter mile southwest of the site and noted that added height would directly impact him but that he was in support.
- Expressed the high quality of development by Red.
- Noted that he has visited the joint venture in Denver known as the Union and expressed how successful that establishment was.

Mr. Nick Bialkowski, in support, made the following comments:

- Noted that he lived near 24th Street and Camelback and grew up in Arizona.
- Expressed support for the project.
- Expressed that an emphasis should be made on the fact that this was a local developer and entrepreneur perusing the rezoning.

Mr. Brian Mulvihill, in support, made the following comments:

- Expressed his support for the project.
- Noted support for commercial uses other than medical offices.
- Noted that he was excited about additional uses at the corner.
- Noted that the Henry was an example of the type of quality that Sam Fox brings to his projects. Therefore, the fact that he has never built a hotel should not be an issue. Stated that the project would bring additional revenue to the area.
- Indicated that 56-foot tall buildings would also block views.

Mr. William Torrey, in support, made the following comments:

- Expressed his support for the project.
- Noted that the development would increase property values.
- Noted that there were bespoke developers that would develop a premier property.

Mr. Randall Pullen, in support, made the following comments:

- Expressed his support for the project.
- Noted that he has lived in the neighborhood for a long time.
- Stated that he had seen many proposals at this site and that this was the best one.
- Noted that he previously worked in the hotel industry and indicated he was a consultant on the redevelopment of the Royal Palms and indicated that with his previous background he knew that this would be a great location for a boutique hotel use.

Ms. Christine Mackay, in support, made the following comments:

- Noted that she was the lead economic developer for the City of Phoenix and was in support of the project.
- Noted that the project would create jobs and bring investments to the community.
- She indicated that the project would create more than 1,700 jobs and approximately 50 million dollars in sales tax from the uses on the site and approximately 30 million dollars in new property tax.
- Noted that the current zoning was not viable for the site. Noted that mixed use was valuable for current market demands.

Mr. Jason Rowley, in support, made the following comments:

- Noted that he was the CEO of the Phoenix Suns and in support of the projects.
- Noted that Red Development held a great reputation considering the development they worked on in downtown Phoenix.
- Noted that the Red was a world class developer that would provide world class amenities.

Ms. Karen Halter, in support, made the following comments:

- Expressed her support for the project.
- Noted that the community should seize the gift of having a local developer and user wanting the develop the site.

Mr. Matt Baniszewski, in support, made the following comments:

- Expressed his support for the project.
- Noted that that the local business has the best interest for the community.
- Expressed that although he lives nearby he never visits the northwest corner with the current uses on site.

Mr. David Dawson, in support, made the following comments:

- Expressed support for the project.
- Noted that he would like to live near the amenities being proposed by the project.

Mr. Ben Kirksey, in support, made the following comments:

- Expressed his support for the project and stated that he lived near the site.
- Noted that Red listened to the what the community wanted.
- Stated that many of his neighbors support the project.

Mr. Ken Mikal, in support, made the following comments:

- Noted his support for the project.
- Indicated that Red Development answered all of his questions regarding the development of the site and that common sense should rule regarding the outcome of the request.

Mr. Tom Halter, in support, made the following comments:

- Noted his support for the project and stated that he has lived in Arcadia for 40 years.
- Noted that the proposed project was great.
- Stated that he only visited the current site when he took his kid to the pediatrician.

Mr. Wally Graham, in opposition, made the following comments:

- Noted his opposition to the height.
- Noted that the developers met with neighbors and February 2018 where at time it was voiced that added height on the site would be an issue.
- He noted that it made sense that neighbors get emotional about these matters when their concerns are voiced to developers and they don't listen.
- He indicated that neighbors wanted their opinions on projects to be respected and considered.
- He indicated that he would like the applicant to propose additional options for the site at 56 feet.

Mr. Paul Barnes, in opposition, made the following comments:

- Noted his opposition for the case. Noted that he was a resident in Arcadia for 40 years.
- Noted that although the developers met with the neighbors they ignored their concerns.
- Noted that 75 feet in height should not be considered outside of the village core.
- Noted that Sam Fox's hotel would have views of the mountain while the neighbors would lose their views.
- He noted that he wanted the corner redeveloped in a responsible manner.

Ms. Michelle Kemp, in opposition, made the following comments:

- Expressed her opposition regarding the case.
- Noted that her main concerns were regarding the height.
- Noted that she wanted to know from the developer other options for the site with a 56-foot tall building.
- Indicated concerns regarding design and aesthetic of the proposed development.
- Indicated that she was in favor of redevelopment under the current C-O requirements.
- Noted that there had been a lot of misinformation regarding the request.
- Requested that the case be continued to allow the develop to fly balloon so that neighbors can understand the impact the proposed height would have in the area.

Mr. Neal Haddad, in opposition, made the following comments:

- Expressed his opposition regarding the case.
- Provided an overview of the increase in height entitlement on the property noting that in 2016 the 36 maximum height limits were raised to 56 feet from 36 feet and that now the height was requested at 75 feet. He noted that this was a 108 percent increase since 2009.
- He noted that the applicant wants to build a point of pride but block the point of pride which was Camelback Mountain.
- He noted that the applicant will argue that neighbors have no rights to view and stated that views were a political issue.
- He indicated that had concerns regarding the lack of details in the renderings.

Mr. Jonathan Koppell, in opposition, made the following comments:

- Expressed his opposition regarding the proposal.
- He argued that the applicant had not made a case for the additional height.
- Noted that the project would add to traffic in an area that is already congested.
- He noted that the height was about the money.
- Indicated that public interest was not being equitably served by the proposal.
- He noted that a good case was not presented to the committee and did not deserve a positive vote from the committee.

Mr. Robert Baker, in opposition, made the following comments:

- Expressed his opposition regarding the request.
- Noted that he has lived in the area for 31 years.
- Expressed concern for added height and traffic.

Ms. Janet Heaton, in opposition, made the following comments:

- Noted her opposition for the proposal.
- Expressed that she moved to the area 30 years ago and moved to the area because of the views of the mountain.
- Noted that she liked the transition of height from 24th Street to 44th Street and noted that 75 feet was too tall for the intersection.
- Voiced concerns about traffic.

Mr. Alan Maguire, in opposition, made the following comments:

- Noted his opposition regarding the request.
- Noted that the project would create a bottleneck of traffic.
- Indicated that the development would not be developed as described.
- Noted that the committee should support the neighborhood and not the developer.

Ms. Sheila Carnody, in opposition, made the following comments:

- Expressed her opposition regarding the request.
- Noted that Camelback Mountain was a treasure and a symbol of our city.
- Noted that the project would affect not only the area but the City.
- Noted that the height would set a precedence in the area and cause more

Ms. Vicki Stouffer, in opposition, made the following comments:

- Expressed her opposition regarding the request.
- Noted she lived in the area for 20 years.
- Noted that the development was not right for the area.

Mr. Randy Despain, in opposition, made the following comments:

- Expressed his opposition regarding the request.
- Noted that he lived ½ mile north of the site.
- Noted that the development would be an encroachment to the area and mountain views.
- Noted that this was not the right development for that corner.

Mr. Richard Ross, in opposition, made the following comments:

- Noted his opposition regarding the request.
- Noted that it was a great development at the wrong corner.
- Noted that the development was not compatible with the character of the area.
- Noted that the development would set a precedence for other tall projects in the area and indicated that other options should be considered.

Ms. Kathryn Cecala, in opposition, made the following comments:

- Expressed her opposition regarding the case.
- Noted that the development would hinder views of Camelback Mountain.
- Noted that the 44th Street corridor discussed preserving the area's regional identity with view to Camelback Mountain.
- She noted that Camelback Mountain was a point of pride for Arizona and would set a bad precedent in the area.
- Noted concern regarding increased traffic and noise.

Mr. Chris Brown, in opposition, made the following comments:

- Expressed her opposition regarding the case.
- Noted concern in regard to blocking of views to Camelback Mountain.
- Noted that the development would cause a precedence for increased height in the area.

Mr. Richard Baleer, in opposition, made the following comments:

- Expressed concern regarding the project.
- Noted concern regarding traffic and safety.

Mr. Joe Prewitt, in opposition, made the following comments:

- Expressed concern regarding the project.
- Noted that he was a board member of the Arcadia Camelback Mountain Neighborhood Association.
- Noted that he lived in other cities but came back to Phoenix because of the way the city is run.
- Noted that Phoenix is one of the few cities that has a natural landmark such as Camelback Mountain.
- He noted that the association voted to approve the project at 56 feet in height.
- He asked how high will be too high in the area in the future. Reiterated his opposition to the 75-foot height.

Mr. Richard Ray, in opposition, made the following comments:

- Expressed opposition regarding the case.
- Noted that the site has had design issues for a very long time.
- Noted the height should be lowered to a height that the neighbors are happy with to gain support.

Mr. Ed Bull noted that many of the concerns seem to be based on height. He stated that the developer has made concessions along the way; however, the developer cannot make a change to the height for the two buildings at the intersection. He noted that the development team was committed to doing the right thing and building a quality development. He noted that the developer would also make improvements to traffic in the area and be an economic benefit to the City of Phoenix. He noted that the height was not something that was desired but needed to build the high-quality development as envisioned by Sam Fox and Red Development. He requested the approval of the committee in accordance with staff's stipulations and the additional stipulations discussed by the committee.

Motion:

Mr. Tom O'Malley made a motion to approve Z-36-19-6 per staff stipulations and four of the following stipulation:

1. The project shall include the right turn lane and bus depot location out of the existing through lane as depicted on the updated site plan shown tonight.
2. The minimum setbacks on the south and east side of the office building on the 44th Street and Camelback corner, including the additional setback for the south east corner of the office building shall be as depicted on the updated site plan shown tonight.
3. The trees and other landscape on the western and northern boundaries shall be native species of varieties that typically reach maximum heights of 30 feet.

4. The developer shall include in its site plan and make a request of City Streets and Transportation Department to include a traffic signal in the Steak 44 restaurant locale, with coordination of lights at the 44th Street intersection.

Mr. William Fischbach seconded the motion.

Mr. Daniel Sharaby made a friendly amendment to approve Z-36-19-6 as recommended by staff, including the four stipulations request by Mr. O'Malley and the following additional stipulation:

5. No more than a 10 percent movement in the Land Use Areas.

Mr. O'Malley and **Mr. Fischbach** accepted the friendly amendment.

Discussion

Ms. Andrea Hardy noted that there was a lack of detailed requirements regarding the elevations for the PUD asked staff if this was typical or atypical of PUD's. **Ms. Brkovic** noted that staff felt as though the design guideline section provided adequate requirements.

Ms. Ronda Beckerleg Thraen noted that she was in favor of the project and would like to see the corner redeveloped but could not support the 75-foot height and therefore would not be voting in favor of the project.

Ms. Hayleigh Crawford noted that if she was voting as a neighbor she would be in support of the project; however, she voiced that her position was to reflect the position of the community and would therefore be voting against the item.

Ms. Andrea Hardy noted that she would be voting against the item because of the amount of opposition regarding the project, noted that the developer should provide neighbors with options for varied heights and step backs from the street.

Ms. Kathryn Langmade noted that she would be voting in support of the project. She noted that she read all of the e-mails and indicated that she believed that the height was warranted for the project and at the location. She believed that the project would be a benefit for the community.

Mr. Barry Paceley noted that he would be voting against the item because of the height precedence it would set in the area.

Ms. Christina Eichelkraut noted that she would be voting in favor of the item because she believed that it would be an economic benefit for the City of Phoenix. She indicated that the City of Phoenix is the 6th largest city in the nation and is positioned to become a world class city and the development would be an overall benefit and would improve traffic conditions.

Mr. Danny Sharaby noted that he knew what was approved in 2011 for the site and indicated that he believed that the current proposal was much better. He indicated that he was a tenant at the site for over 20 years and saw the deterioration over the years. He noted that no changes have been made since then. He indicated that the community would need the amenities proposed by the development. He noted that Red Development and Sam Fox had a great reputation and developed high quality projects. He noted that he did not believe that the project would set a precedence for the area. He indicated that he would be in support of the project.

Roll Call:

Yes: Jay Swart, William Fischbach, Greg Abbott, Kathryn Langmade, Blake McKee, Lee Miller, Ashley Nye, Tom O'Malley, Christina Eichelkraut, Daniel Sharaby and Ryan Trauscht.

No: Dawn Augusta, Linda Bair, Ronda Beckerleg Thraen, Hayleigh Crawford, Andrea Hardy and Barry Paceley.

Vote: 11-6

Motion approved.

Village Planning Committee Recommended Stipulations:

1. An updated Development Narrative for the 44 Camelback 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 September 9, 2019, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date]
 - b. Page 9, 4th Paragraph, Sub-Zone 3: Modify maximum height to 56 feet.
 - c. Page 10, 3rd Paragraph: Add language reflecting the following:
 - Identify that modification to Sub-Zones would require a major amendment.
 - Clarify that although LUA's can be modified by a maximum of 25%, they cannot extend into an adjacent Sub-Zone.
 - Restrict modifications to LUA B.
 - d. Page 16, Add header to top of Land Use Table.

- e. Page 19, Development Standards, Maximum Building Height, LUA E: Modify building height to 56 feet maximum.
 - f. Page 20, North Building Setback for Sub-Zone 2 shall be modified as follows:
North: Minimum 60-feet for Maximum 1-story, 20 feet in height (except for 15- Feet tall maximum parking canopies) Maximum 36-feet in height beyond 70-foot setback
 - g. Page 26, 6.a shall be modified as follows: "All lighting will be consistent with the standards of Section 704 of the Phoenix Zoning Ordinance."
 - h. Page 32, Sustainability, Add the following requirement: "4. Recycling collection areas shall be identified on the site plan at the time of the site plan review process. Recycling containers to service the development shall be provided, as approved by the Planning and Development Department".
 - i. Exhibit 3, G-104: Update identified setbacks "build to lines" numbers to provide greater clarity.
 - j. Exhibit 6, G-108, update exhibit to identify the exception to not allow a change to Land Use Area B.
- 2. There shall be no access to 42nd Place and 43rd Place and the developer shall record a 1-foot non-vehicular access easement along all parcel lines adjacent to single-family zoning district or local street, as approved by the Planning and Development Department.
 - 3. Development shall be responsible for the improvements and maintenance of the median islands on Camelback Road between 42nd Street and 44th Street.
 - 4. A sidewalk easement shall be dedicated including the full width of all sidewalks along Camelback Road and 44th Street, as approved by the Planning and Development Department.
 - 5. Right-of-way totaling 55 feet shall be dedicated for the north half of Camelback Road, as approved by the Planning and Development Department.
 - 6. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the

study has been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the costs associated with these improvements and dedications.

7. 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.
8. 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.
9. THE PROJECT SHALL INCLUDE THE RIGHT TURN LANE AND BUS DEPOT LOCATION OUT OF THE EXISTING THROUGH LANE AS DEPICTED ON THE UPDATED SITE PLAN SHOWN TONIGHT.
10. THE MINIMUM SETBACKS ON THE SOUTH AND EAST SIDE OF THE OFFICE BUILDING ON THE 44TH STREET AND CAMELBACK CORNER, INCLUDING THE ADDITIONAL SETBACK FOR THE SOUTH EAST CORNER OF THE OFFICE BUILDING SHALL BE AS DEPICTED ON THE UPDATED SITE PLAN SHOWN TONIGHT.
11. THE TREES AND OTHER LANDSCAPE ON THE WESTERN AND NORTHERN BOUNDARIES SHALL BE NATIVE SPECIES OF VARIETIES THAT TYPICALLY REACH MAXIMUM HEIGHTS OF 30 FEET.
12. THE DEVELOPER SHALL INCLUDE IN ITS SITE PLAN AND MAKE A REQUEST OF CITY STREETS AND TRANSPORTATION DEPARTMENT TO INCLUDE A TRAFFIC SIGNAL IN THE STEAK 44 RESTAURANT LOCALE, WITH COORDINATION OF LIGHTS AT THE 44TH STREET INTERSECTION
13. NO MORE THAN A 10 PERCENT MOVEMENT IN THE LAND USE AREAS

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Staff suggests modifying the language to the added stipulations to provide clarity and enforceability of the stipulations. In addition, staff is reaching out to the Street Transportation and Public Transit Department to get feedback regarding the village recommendation as it relates to the bus bay and the traffic light.