



Village Planning Committee Meeting Summary

Z-69-23-6

INFORMATION ONLY

Date of VPC Meeting	January 9, 2024
Request From	C-O CEPCSP
Request To	PUD CEPCSP
Proposed Use	Multifamily residential
Location	Approximately 125 feet north and 450 feet east of the northeast corner of 26th Street and Camelback Road

VPC DISCUSSION

Vice Chair Fischbach arrived bring the quorum to 16 members (11 being required for quorum).

Three members of the public registered to speak on this item.

APPLICANT PRESENTATION:

William Allison representative and applicant with Whitey Morris Baugh, PLC introduced himself and provided an initial review of the proposal noting the location, size and features of the site. Mr. Allison noted that the site is currently an underutilized parking structure and located between an active restaurant and office building. Mr. Allison stated the project will include the development of luxury apartment building with studios, one- and two-bedroom units with a density of 46 dwelling units per acre, the underlying density allows 98 units per acre in accordance with the Camelback East Primary Core Specific Plan area. Mr. Allison stated the proposal will be 56 feet high, five stories and will complement the existing area and the Fashion Park to the west. Mr. Allison stated there will be shared parking available including subgrade spaces for residents and the adjacent office development. Mr. Allison stated they have actively engaged with the existing restaurant and office building representatives to ensure there is sufficient parking available. Mr. Allison described the building layout, design, features and amenities. Mr. Allison displayed the site plan, noting the layout, availability of electric vehicle (EV) parking, enhanced bicycle parking and shared automobile parking on the property. Mr. Allison discussed the landscaping, circulation plan and building renderings. Mr. Allison concluded his presentation and stated he expects to have all the details worked out by the time he returns for formal committee review and action.

QUESTIONS FROM THE COMMITTEE:

Committee Member Paceley asked for a description of the parking situation and how the shared parking would work. **Mr. Allison** responded each unit will have a parking space and sublevel spaces will provide additional parking for residents and there is excess surface parking that can be utilized which will be part of the shared use. Mr. Allison stated they have evaluated the peak parking demands and there will be ample parking available on site.

Committee Member Paceley stated the Application Review Committee (ARC) had an initial review of the project and the presentation was well received, and Mr. Allison provided a detailed review of the parking availability. Committee Member Paceley stated the ARC did have some concern about the walk up to the proposed building and the committee expects to see a sidewalk adjacent to the drive. **Mr. Allison** stated that the walkway will be enhanced and presented at the next review. Committee Member stated from the presentation with the ARC, he is supportive of this proposal.

Chair Swart stated that remaining details should be resolved before the next committee presentation. Chair Swart stated that Mr. Allison should contact representatives of the adjacent golf course and the Arizona Biltmore Association prior to the next meeting.

PUBLIC COMMENTS:

Bill Lally with Tiffany and Bosco, PA stated he is representing Hillstone Group which includes the existing restaurant next to the proposed site. Mr. Lally stated there are numerous impacts from the proposal and he has been working with the developer for the last few months. Mr. Lally stated he is working with Mr. Allison to document the agreements and developments including parking. Mr. Lally stated he is confident that they can coordinate any agreements and is supportive of the project.

Charles J. Carey introduced himself and stated he is present on behalf of one of the adjacent property owners. Mr. Carey stated he does not have any objections to the proposal but does have concern and since this is an information only presentation. Mr. Carey stated he is consulting legal counsel regarding some of the details on the proposal. Chair Swart asked who is the concerned party. Mr. Carey responded a party in the Biltmore Estates.

Colleen Geretti introduced herself as the president of the Brentwood Estates Homeowners Association and expressed concern for the proposal and an ongoing development at 29th Street and Camelback Road. Ms. Geretti stated that between the two developing projects there will be 435 residential units, and this raises a concern about the proximity to each other. Ms. Geretti stated that Camelback Road is very congested and there is limited parking available for residents and guests. Ms. Geretti stated the current proposal has 75 units and there will not be sufficient parking available. Ms. Geretti stated that there will be an increase in traffic and with the density,

building height this will impact the mountain views. Ms. Geretti stated the existing and proposed high rise residential developments from 24th Street to 32nd Street has drastically increased, and this has impacted traffic flow in the area. Ms. Geretti stated as a result of the increased traffic many neighborhoods are being used for cut through traffic. Ms. Geretti stated she is supportive of smart development which includes allowing current residents to enjoy their neighborhoods and quality of life. Ms. Geretti stated that development should be implemented peacefully and coexist with the well-established surrounding area. Ms. Geretti said she was invited by Ryan Companies when a development was built at 32nd Street and Camelback Road and they listened to the community's input and incorporated some of their ideas and designs and the neighborhood was very appreciative. Ms. Geretti stated the developer needs to take these concerns into consideration when the committee considers this proposal for action. Ms. Geretti thanked the committee and concluded her comments.

APPLICANT RESPONSE:

Bill Allison responded noting that they are bringing the cleanest case they can, and they will reach out to the neighborhoods.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

Chair Swart commented that it is important to hear from the neighborhood associations and noted the association wants to be heard on this case, and it is always beneficial to get issues worked out before coming to the committee. Chair Swart stated the applicant should be in contact with the neighborhood association as soon as possible. **Mr. Allison** respond that he is committed to meeting with the neighborhood association.

Village Planning Committee Meeting Summary
Z-69-23-6

Date of VPC Meeting	April 2, 2024
Request From	C-O CEPCSP
Request To	PUD CEPCSP
Proposal	Multifamily residential
Location	Approximately 125 feet north and 450 feet east of the northeast corner of 26th Street and Camelback Road
VPC Recommendation	Approval, per the staff recommendation with modifications and additional stipulations
VPC Vote	16-0

VPC DISCUSSION:

Vice Chair Fischbach declared a conflict of interest, bringing the quorum to 16 members.

Two members of the public registered to speak in support of this item.

Four members of the public registered in support, not wishing to speak.

STAFF PRESENTATION:

John Roanhorse, staff, provided a summary overview of the rezoning request noting that the committee will vote on the case. Mr. Roanhorse discussed the proposal location, the existing and proposed zoning districts, and surrounding land uses and adjacent streets. Mr. Roanhorse displayed the site plan and proposed PUD (Planned Unit Development) standards for building height, setbacks, streetscapes and open space. Mr. Roanhorse discussed the General Plan Land Use Map designation and noted this proposal was introduced to the Village Committee at an information only presentation in January. Mr. Roanhorse shared the staff findings and recommendation for approval subject to stipulations.

APPLICANT PRESENTATION:

Jason Morris, the applicant and representative with Whitey Morris Baugh, PLC introduced himself and provided a list of updated stipulations based on meetings conducted with the property owners from the adjacent areas. Mr. Morris discussed the size and unique conditions of the site and the development challenges and their design response. Mr.

Morris stated that there was a delay in bringing the case forward, but this was necessary to properly address the concerns of the adjacent landowners. Mr. Morris said the list of updated stipulations is the result of the meetings and input from adjacent landowners. Mr. Morris noted that in the audience were many legal representatives whom he worked with to address the issues and provide solutions. Mr. Morris noted that the site is currently underutilized as a parking structure and the existing adjacent office building has available parking. Mr. Morris stated the areas along Camelback Road have undergone significant changes and the construction was in close proximity to the existing residential areas which indicates redevelopment in the area continually occurs. Mr. Morris stated the site is underutilized as a parking structure and is not frequently used. Mr. Morris expressed that the development will have 60 residential units, which is a reduction from the initial proposal and will promote walkability in the immediate area. Mr. Morris stated that with less units there will be less parking and traffic issues and the design is complimentary to the adjacent Hillstone restaurant. Mr. Morris stated a PUD was best suited for this project because of the unique shape and its interior location and allowing specific development standards was the best option for a quality project. Mr. Morris stated the project is consistent with the CEPCSP and the developer has experience in the area. Mr. Morris stated that various factors were considered for the project including cost, number of units and building height. Mr. Morris stated that the design of the project reflects the existing adjacent developments in appearance and includes redesigned walls, overhangs and balconies that respond to heat patterns. Mr. Morris stated that the design details of the amenity space create a responsive indoor-outdoor concept for residents. Mr. Morris discussed the placement of the amenities and open space so they would maintain a level of privacy for residents and the adjacent golf course. Mr. Morris displayed the landscape plan and noted they worked with Hillstone to maintain parking but also include pedestrian access to connections for the entire area. Mr. Morris discussed traffic access and circulation from Camelback Road and 26th Street and noted the proposal will have access from the north and south into the building. Mr. Morris displayed a use and trip comparison table for the proposal to show the parking demand and the number of available spaces on the site. Mr. Morris discussed the building's viewshed and concerns with privacy and provided pictures taken from a drone to show the anticipated views to the adjacent properties. Mr. Morris stated that JDM, the company that owns the adjacent golf course requested a block wall on the property line with landscaping and replacement of the metal screen and acknowledgment to residents that the golf course is private property. Mr. Morris discussed the construction plan and displayed the proposed parking, storage and staging areas. Mr. Morris stated that with constriction there would be concerns due to the size of the site. Mr. Morris stated they have engaged with the adjacent landowners about access and staging and the discussion is ongoing. Mr. Morris stated they would construct a solid temporary wall for construction screening and a block wall to screen the golf course. Mr. Morris summarized the project, the size, location, architectural quality, the enhancements and outreach they have engaged in and concluded his comments.

QUESTIONS FROM THE COMMITTEE:

Committee Member Eichelkraut commented that the applicant had made a strong effort to engage and accommodate the neighboring properties and asked what is the status of the shared parking agreement, and with the decrease in number of units has there been a

change in the size of the units. **Mr. Morris** responded that there would be an impact on the size of the units and most likely the smaller units will increase in size, but the overall square footage should not change. Committee Member Eichelkraut asked with the change in number of units will the available bicycle parking change. Mr. Morris responded that the changes in units will be matched with bicycle parking, but they will move to increase bicycle parking overall. Mr. Morris referenced a project at 24th Street and Camelback Road which features a bicycle share program and there will be a strong possibility for this project. Mr. Morris stated the lower-level parking area will include secured bicycle storage. Committee Member Eichelkraut asked if there will be a bicycle fix it facility. Mr. Morris responded yes one would be provided for residents. Committee Member Eichelkraut asked about the status of the original reserved parking and now it appears there will be shared and covered parking and what has changed. Mr. Morris responded that the shared agreement states there are 23 parking spaces allocated to Hillstone which will increase to 27 and for the residents the sublevel parking will be reserved, and the ground level spaces will be shared.

Committee Member O'Malley stated he had the same questions about the shared parking and asked where the Hillstone reserve spaces would be located. **Mr. Morris** responded the reserve spaces are adjacent to the restaurant and in the same location as they were previously. Committee Member O'Malley asked if the traffic light on 26th Street would be blocked off. Mr. Morris responded there will not be a barrier and there will be full traffic access to 26th Street.

Committee Member Jurayeva asked if all the access points are through parking lots. Mr. Morris responded yes because there is no direct access to the site from an arterial road. Committee Member Jurayeva asked about traffic flow and cars backing out of spaces and how will that be handled. Mr. Morris responded that based on the traffic demand there would be enough parking and cars that traverse parking lots move slower and create a natural response to allow movement.

Committee Member Paceley commended Mr. Morris on their presentation to the Application Review Committee (ARC). Committee Member Paceley asked about sidewalk access to the lobby, and it does not appear on the renderings. **Mr. Morris** responded that the exhibits presented are the same as with ARC and there will be a connecting sidewalk. Committee Member Paceley asked about construction timing with no work on the weekend. Mr. Morris responded that scheduling and timing have been taken into consideration and all associated interior activity. Committee Member Paceley suggest that for construction offsite parking with a shuttle would be very effective for reducing construction parking.

Committee Member Guevar asked about the proposed walls and will there be access to the golf course and hotel. **Mr. Morris** responded there is access from the golf course and the hotel, but secure access is a concern. Mr. Morris stated over time they expect there will be limited access to the golf course. Committee Member Guevar commented that with the residential development there will be more interest in the golf course and the applicant should continue to seek solutions to maintain a positive barrier. Committee Member Guevar asked about traffic access from Camelback Road and the new development may increase automobile congestion in the area. Mr. Morris responded that traffic in the area is a primary concern, and, in the review, they evaluated the adjacent intersections and the traffic

generated from the residential development will be minimal compared to an office development. Committee Member Guevar asked if they expect to build any speed bumps for access routes. Mr. Morris responded that many of the drive aisle are narrow and relatively short distances, and any traffic control measures will be installed after consultation with the Hillstone representatives. Committee Member Guevar asked about the building height. Mr. Morris responded that the proposal would be the same height as the Embassy Suites hotel. Committee Member Guevar asked about the availability of short-term rentals. Mr. Morris responded that the units will be prohibited from subleases and short-term rentals.

Committee Member Whitesell commented that the committee had received correspondence from Ms. Colleen Geretti in opposition and wanted to bring this to the applicant's attention and that the concerns were addressed. Mr. Morris responded that he did meet with Ms. Geretti and discussed all the noted concerns. Mr. Morris stated that the comments provided identify a separate adjacent residential project that is still under review and may take more time to develop.

Chair Swart stated that he asked the applicant to meet with Ms. Colleen Geretti after the information only presentation in January. Chair Swart stated the applicant and Ms. Colleen Geretti met and provided information to the Homeowners Association.

Chair Swart commented on the concern regarding public access to the golf course. Chair Swart suggested that signs be posted to deter trespassing with specific language to allow law enforcement action. Chair Swart stated that without trespassing signs crime may increase. Chair Swart suggested that signs be posted, and he can provide an example that has been used in other developments. Chair Swart also expressed to the applicant that certain measures be taken during the construction period to prevent any conflict with workers, parking, and patrons in the area.

Committee Member Whitesell asked about building signage and reference page 16 of the PUD Narrative. Committee Member Whitesell noted the CEPCSP has height limitation on building signage. **Mr. Morris** responded that the development would abide by the more stringent sign requirement for the proposal and the narrative would be revised. Committee Member Whitesell asked about the expected price point for the units in the proposed development. Mr. Morris responded that the proposal is a luxury development and with an estimated cost of \$3,000 to \$4,000 per unit.

Committee Member Sharaby commented that the proposed number appears to be low.

PUBLIC COMMENTS:

Larry Lazarus, with Lazarus & Silvyn, PC introduced himself and stated he has been involved with the negotiations representing Mr. Artie Moreno, a property owner adjacent to the golf course. Mr. Lazarus stated he reviewed the information, and the area will become a more active site and they are seeking to reduce any detrimental actions and they have prepared stipulations which have been provided to all the committee members. Mr. Lazarus stated they have negotiated many of the details that have been discussed but the level of

disturbance during construction has not been fully resolved. Mr. Lazarus stated that construction at a site can last from 18 months to two years and there will be significant effect on the adjacent properties. Mr. Lazarus expressed a stipulation to address noise and staging for the construction period that should be located on the south side of the property, but the applicant has located the staging on the north side. Mr. Lazarus stated that staging would be optimal on the east side of the development where there is a parking lot. Mr. Lazarus stated that the Embassy Suites has prepared a letter and does not support staging on the north side, a copy of the letter was provided to Chair Swart. Mr. Lazarus stated negotiations on the staging location will continue with the applicant.

William Lally, with Tiffany & Bosco PA introduced himself and expressed his gratitude to Mr. Morris for working together on this project. Mr. Lally stated that the Hillstone restaurant is the most impacted business in the area. Mr. Lally stated there had been a shared parking agreement between the former restaurant and the office building since the 1990's and there are parking spaces that are dedicated to the Hillstone restaurant, and the provided stipulations demonstrate an agreeable parking configuration. Mr. Lally stated they have some solutions to the construction staging and they do not prefer activity on the south side of the development as it would cause a major disruption. Mr. Lally stated they do support the provided stipulations and support the proposed development, but some remaining details do need to be resolved.

Chair Swart stated that as the units are leased or sold a brochure or statement should be prepared and provided to the residents with welcoming information with a notification to prevent trespassing on the golf course. Chair Swart stated this would be an ideal way to inform residents about the development and the adjacent businesses. Chair Swart asked if this could be considered as part of the development agreement in the negotiations between the parties. **Mr. Morris** responded that they have considered some notification to advise residents for parking and avoiding trespassing to the golf course. Chair Swart noted that there has to be a way to prevent trespassing and preserve the privacy of the golf course and the adjacent neighborhood.

APPLICANT RESPONSE:

Mr. Morris stated from the discussions the parties as represented by Mr. Lally and Mr. Lazarus have worked extensively to negotiate and the results have been successful. Mr. Morris stated the remaining issues with parking and staging will be resolved and that represents the progress that has been made in moving the project forward. Mr. Morris stated that with the presentation he is open to suggestions and comments from the committee.

COMMITTEE DISCUSSION:

None.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE:

Committee Member Jurayeva stated she supports the proposal but would like to see the correspondence provided on behalf of the Embassy Suites hotel. Chair Swart requested a copy of the letter and directed staff to provide it to the committee.

Chair Swart commented this case has progressed from the first presentation and there was a lot of work on all sides from the applicant, the attorneys, and the committee. Chair Swart stated that the committee reviewed the narrative and information to get the project moved to the Planning Commission.

MOTION:

Committee Member Paceley motioned to recommend approval of Z-69-23-6 with modifications and additional stipulations as follows:

- 1) Include the draft stipulations from the applicant in addition to the staff recommended stipulations.
- 2) Revise the narrative on page 16 to state multifamily residential buildings shall have wall signs no higher than the top of the second story as required by the CEPCSP.
- 3) The narrative shall state the maximum number of units will be 60.

Committee Member Schmieder seconded the motion.

Applicant Proposed Stipulations:

1. Building height shall not exceed 56 feet.
2. The density shall be a maximum of 60 units.
3. Development shall generally conform to the conceptual site plan dated March 19, 2024, Level 1 Plan dated March 19, 2024, Lower Level Plan dated August 31, 2023, and elevations dated March 29, 2024 (attached Exhibit A consisting of seven (7) pages)) with specific regard to:
 - a. Parking structure entrances and the number and placement of structured and surface parking spaces;
 - b. Dumpster location;
 - c. Location of only a maximum of two (2) dwelling units, neither with a balcony, on the northernmost (northeast facing) portion of the 5th floor; and
 - d. Location of the 5th floor amenity deck on the south side of the building;

- e. The parking lot landscape planters adjacent to the west side of the building. These shall be a minimum of 5 feet wide and planted with 24" boxed Desert Museum Palo Verde trees, or mutually acceptable species;
 - f. Main building entrance location on southern side of building and not immediately facing the adjacent restaurant, no secondary or other entrances facing restaurant;
 - g. Landscaping barrier between parking stalls for the exclusive use of the restaurant and any adjacent sidewalks in order to prevent unauthorized parking.
- 4. The developer shall provide no less than 27 parking stalls adjacent to the restaurant parcel for exclusive use of restaurant customers and employees. The 27 parking stalls shall be a minimum of 9 x18 feet in size.
 - 5. There shall be no retail or commercial uses that are open to the public.
 - 6. The developer shall work with the adjacent restaurant owner to determine mutually agreeable colors, materials, and building design on the building facing the restaurant parcel (western façade), and as outlined below:
 - a. Reflectivity of windows shall be limited to twenty (20) percent.
 - b. Reflective building materials are prohibited.
 - c. No paint colors shall be used which have a light reflective value (LVR) greater than seventy-five (75) percent.
 - d. There shall be no more than 50% glazing or glass material along the western facing façade.
 - e. There shall be no signage on the portion of the new residential building immediately facing the restaurant.
 - f. Exterior lighting, specifically on the portion of the new residential building facing the restaurant shall be minimized to avoid adversely affecting guest experience. Lighting shall be a maximum of 3,000 Kelvin with no spot lighting directed at the restaurant. New landscape island lighting shall match the existing restaurant lighting. The adjacent restaurant shall retain the right to review and provide input on plans for exterior lighting in efforts to minimize impact on guest experience.
 - 7. Construction on the property shall be limited as follows:

- a. Outdoor construction activity and exterior construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m. on weekdays unless notice is provided to RN Properties at Attn: Jerel Campbell, 4455 E Camelback Rd, Ste C-140, Phoenix, AZ 85018 one (1) week before any deviation from this schedule;
 - b. No outdoor construction activity or exterior construction shall occur on weekends.
 - c. Interior construction shall be allowed only after the building's exterior is completed and only between 8:00 a.m. and 5:00 p.m.
 - d. Construction shall not begin on the Property before June 2025.
 - e. During construction, traffic, property access, loading, unloading, worker parking, storage of construction equipment and staging shall conform to the plan specified in attached Exhibit B staging exhibit, consisting of one page, and shall not occur outside the hours defined above. The storage area noted on the northwest side of the Property/existing parking structure shall be screened with a temporary wall.
 - f. Before commencement of demolition or construction on the Property, the Developer shall install an 8-foot high, block wall along the north/northeast perimeter adjacent to the golf course.
8. After issuance of a Certificate of Occupancy for the structure, the noise level shall not exceed 55 dB (Ldn) at the property line.
 9. There shall be no outdoor live music on the site.
 10. The residential building operator or manager shall, at the time of conveyance to tenants or unit purchasers, mandate disclosures are provided that:
 - a. Designate assigned parking spaces for residents and identify adjacent areas which are not to be used for resident and guest parking; and
 - b. Detail the rules and regulations addressing prohibited uses of balcony and patio areas of the residential building.
 11. The developer shall add covered parking along the north side of the office building.
 12. Prior to final site plan approval:
 - a. Items 7, 8, and 9 shall be recorded against the property in favor of Maricopa County APN 164-14-027A.
 - b. The developer shall provide a fully executed and recorded copy of the Amended and Restated Parking Easement Agreement and Use Restrictions, amended and restated from the previously recorded Parking Easement and Agreement,

recorded in the Office of the Maricopa County Recorder on May 18, 1998 as document number 98-0412811.

VOTE:

16-0; motion to approve Z-69-23-6 per the staff recommendation with modifications and additional stipulations passes with Committee members Abbott, Baumer, Bayless Eichelkraut, Garcia, Guevar, Jurayeva, Langmade, Noel, O'Malley, Paceley, Schmieder, Sharaby, Whitesell, Williams and Swart in favor.

VPC RECOMMENDED STIPULATIONS:

1. An updated Development Narrative for the Camelback Lakes Residential 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 March 20, 2024, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following: City Council Adopted: [Add Adoption Date]
 - b. Page 10, Development Standards Table, Maximum Density: Update the density to 47.77 dwelling per acre.
2. The developer shall submit a Traffic Impact Study for this development, no preliminary approval of plans shall be granted until the study has been reviewed and approved by the City. The developer shall be responsible for any dedications, funding and construction of all recommendations in the study.
3. Replace unused driveways with sidewalk, curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
4. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
5. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.

Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize

maintenance and irrigation water consumption for all on and offsite landscape irrigation.

6. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
8. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. 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.
9. **BUILDING HEIGHT SHALL NOT EXCEED 56 FEET.**
10. **THE DENSITY SHALL BE A MAXIMUM OF 60 UNITS.**
11. **DEVELOPMENT SHALL GENERALLY CONFORM TO THE CONCEPTUAL SITE PLAN DATED MARCH 19, 2024, LEVEL 1 PLAN DATED MARCH 19, 2024, LOWER-LEVEL PLAN DATED AUGUST 31, 2023, AND ELEVATIONS DATES MARCH 29, 2024 (ATTACHED EXHIBIT A CONSISTING OF SEVEN PAGES) WITH SPECIFIC REGARD TO:**
 - A. **PARKING STRUCTURE ENTRANCES AND THE NUMBER AND PLACEMENT OF STRUCTURED AND SURFACE PARKING SPACES;**
 - B. **DUMPSTER LOCATION;**
 - C. **LOCATION OF ONLY A MAXIMUM OF TWO DWELLING UNITS, NEITHER WITH A BALCONY, ON THE NORTHERNMOST (NORTHEAST FACING) PORTION OF THE 5TH FLOOR; AND**
 - D. **LOCATION OF THE 5TH FLOOR AMENITY DECK ON THE SOUTH SIDE OF THE BUILDING;**
 - E. **THE PARKING LOT LANDSCAPE PLANTERS ADJACENT TO THE WEST SIDE OF THE BUILDING. THESE SHALL BE A MINIMUM OF 5 FEET WIDE AND PLANTED WITH 24 INCH BOXED DESERT MUSEUM PALO VERDE TREES, OR MUTUALLY ACCEPTABLE SPECIES;**
 - F. **MAIN BUILDING ENTRANCE LOCATION ON SOUTHERN SIDE OF BUILDING AND NOT IMMEDIATELY FACING THE ADJACENT**

RESTAURANT, NO SECONDARY OR OTHER ENTRANCES FACING RESTAURANT;

- G. LANDSCAPING BARRIER BETWEEN PARKING STALLS FOR THE EXCLUSIVE USE OF THE RESTAURANT AND ANY ADJACENT SIDEWALKS IN ORDER TO PREVENT UNAUTHORIZED PARKING.**
- 12. THE DEVELOPER SHALL PROVIDE NO LESS THAN 27 PARKING STALLS ADJACENT TO THE RESTAURANT PARCEL FOR EXCLUSIVE USE OF RESTAURANT CUSTOMERS AND EMPLOYEES. THE 27 PARKING STALLS SHALL BE A MINIMUM OF 9 X 18 FEET IN SIZE.**
- 13. THERE SHALL BE NO RETAIL OR COMMERCIAL USES THAT ARE OPEN TO THE PUBLIC.**
- 14. THE DEVELOPER SHALL WORK WITH THE ADJACENT RESTAURANT OWNER TO DETERMINE MUTUALLY AGREEABLE COLORS, MATERIALS, AND BUILDING DESIGN ON THE BUILDING FACING THE RESTAURANT PARCEL (WESTERN FAÇADE), AND AS OUTLINED BELOW:**
 - A. REFLECTIVITY OF WINDOWS SHALL BE LIMITED TO 20 PERCENT.**
 - B. REFLECTIVE BUILDING MATERIALS ARE PROHIBITED.**
 - C. NO PAINT COLORS SHALL BE USED WHICH HAVE A LIGHT REFLECTIVE VALUE (LVR) GREATER THAN 75 PERCENT.**
 - D. THERE SHALL BE NO MORE THAN 50% GLAZING OR GLASS MATERIAL ALONG THE WESTERN FACING FAÇADE.**
 - E. THERE SHALL BE NO SIGNAGE ON THE PORTION OF THE NEW RESIDENTIAL BUILDING IMMEDIATELY FACING THE RESTAURANT.**
 - F. EXTERIOR LIGHTING, SPECIFICALLY ON THE PORTION OF THE NEW RESIDENTIAL BUILDING FACING THE RESTAURANT SHALL BE MINIMIZED TO AVOID ADVERSELY AFFECTING GUEST EXPERIENCE. LIGHTING SHALL BE A MAXIMUM OF 3,000 KELVIN WITH NO SPOT LIGHTING DIRECTED AT THE RESTAURANT. NEW LANDSCAPE ISLAND LIGHTING SHALL MATCH THE EXISTING RESTAURANT LIGHTING. THE ADJACENT RESTAURANT SHALL RETAIN THE RIGHT TO REVIEW AND PROVIDE INPUT ON PLANS FOR EXTERIOR LIGHTING IN EFFORTS TO MINIMIZE IMPACT ON GUEST EXPERIENCE.**
- 15. CONSTRUCTION ON THE PROPERTY SHALL BE LIMITED AS FOLLOWS:**
 - A. OUTDOOR CONSTRUCTION ACTIVITY AND EXTERIOR CONSTRUCTION SHALL BE LIMITED TO THE HOURS OF 8:00 A.M. TO 5:00 P.M. ON**

**WEEKDAYS UNLESS NOTICE IS PROVIDED TO RN PROPERTIES AT
ATTN: JEREL CAMPBELL, 4455 E CAMELBACK RD, STE C-140, PHOENIX,
AZ 85018 ONE WEEK BEFORE ANY DEVIATION FROM THIS SCHEDULE;**

- B. NO OUTDOOR CONSTRUCTION ACTIVITY OR EXTERIOR CONSTRUCTION SHALL OCCUR ON WEEKENDS.**
 - C. INTERIOR CONSTRUCTION SHALL BE ALLOWED ONLY AFTER THE BUILDING'S EXTERIOR IS COMPLETED AND ONLY BETWEEN 8:00 A.M. AND 5:00 P.M.**
 - D. CONSTRUCTION SHALL NOT BEGIN ON THE PROPERTY BEFORE JUNE 2025.**
 - E. DURING CONSTRUCTION, TRAFFIC, PROPERTY ACCESS, LOADING, UNLOADING, WORKER PARKING, STORAGE OF CONSTRUCTION EQUIPMENT AND STAGING SHALL CONFORM TO THE PLAN SPECIFIED IN ATTACHED EXHIBIT B STAGING EXHIBIT, CONSISTING OF ONE PAGE, AND SHALL NOT OCCUR OUTSIDE THE HOURS DEFINED ABOVE. THE STORAGE AREA NOTED ON THE NORTHWEST SIDE OF THE PROPERTY/EXISTING PARKING STRUCTURE SHALL BE SCREENED WITH A TEMPORARY WALL.**
 - F. BEFORE COMMENCEMENT OF DEMOLITION OR CONSTRUCTION ON THE PROPERTY, THE DEVELOPER SHALL INSTALL AN 8-FOOT HIGH, BLOCK WALL ALONG THE NORTH/NORTHEAST PERIMETER ADJACENT TO THE GOLF COURSE.**
- 16. AFTER ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE, THE NOISE LEVEL SHALL NOT EXCEED 55 DB (LDN) AT THE PROPERTY LINE.**
- 17. THERE SHALL BE NO OUTDOOR LIVE MUSIC ON THE SITE.**
- 18. THE RESIDENTIAL BUILDING OPERATOR OR MANAGER SHALL, AT THE TIME OF CONVEYANCE TO TENANTS OR UNIT PURCHASERS, MANDATE DISCLOSURES ARE PROVIDED THAT:**
- A. DESIGNATE ASSIGNED PARKING SPACES FOR RESIDENTS AND IDENTIFY ADJACENT AREAS WHICH ARE NOT TO BE USED FOR RESIDENT AND GUEST PARKING; AND**
 - B. DETAIL THE RULES AND REGULATIONS ADDRESSING PROHIBITED USES OF BALCONY AND PATIO AREAS OF THE RESIDENTIAL BUILDING.**
- 19. THE DEVELOPER SHALL ADD COVERED PARKING ALONG THE NORTH SIDE OF THE OFFICE BUILDING.**

20. PRIOR TO FINAL SITE PLAN APPROVAL:

- A. ITEMS 7 (15), 8 (16), AND 9 (17) SHALL BE RECORDED AGAINST THE PROPERTY IN FAVOR OF MARICOPA COUNTY APN 164-14-027A.**
- B. THE DEVELOPER SHALL PROVIDE A FULLY EXECUTED AND RECORDED COPY OF THE AMENDED AND RESTATED PARKING EASEMENT AGREEMENT AND USE RESTRICTIONS, AMENDED AND RESTATED FROM THE PREVIOUSLY RECORDED PARKING EASEMENT AND AGREEMENT, RECORDED IN THE OFFICE OF THE MARICOPA COUNTY RECORDER ON MAY 18, 1998 AS DOCUMENT NUMBER 98-0412811.**

- 21. REVISE THE NARRATIVE ON PAGE 16 TO STATE MULTIFAMILY RESIDENTIAL BUILDINGS SHALL HAVE WALL SIGNS NO HIGHER THAN THE TOP OF THE SECOND STORY AS REQUIRED BY THE CEPCSP.**
- 22. THE NARRATIVE SHALL STATE THE MAXIMUM NUMBER OF UNITS WILL BE 60.**

STAFF COMMENTS REGARDING VPC RECOMMENDATION

Staff recommends the following updates:

- Stipulation No. 9 should be deleted, as the maximum height listed in the PUD narrative is already 56 feet.
- Stipulation Nos. 10 and 22 should be incorporated into Stipulation No. 1.b, which addresses density.
- Stipulation No. 11.e and g should be incorporated into the landscaping development standards within the PUD narrative.
- The first sentence of Stipulation No. 12 should be added to the parking development standards within the PUD narrative, and the last sentence regarding parking space width should be deleted. Section 702.B.2.b requires spaces located in surface parking lots that are single striped shall be a minimum of nine and one-half feet by eighteen feet. If the entire surface parking lot is double striped, 50 percent of the spaces provided in the lot must be nine and one-half feet by eighteen feet wide, while the remainder of the spaces may be a minimum of nine feet wide.
- Stipulation No.13 should be incorporated into the PUD narrative.

- Stipulation No. 14.a, b, c, d and f should be incorporated into the design standards of the PUD narrative, Stipulation No. 1.e should be included in the signs of the PUD narrative, and the first sentence of Stipulation No. 14 should be incorporated into a new section of the PUD narrative that includes items agreed upon by the developer and neighbors, but not enforceable by the City.
- Stipulation No. 15 should be incorporated into the PUD narrative in an unenforceable section as noted, above as construction activity is not enforceable at the time of site plan review.
- Stipulation No. 16 should be incorporated into the PUD narrative in an unenforceable section as noted above as it is realistically not enforceable.
- Stipulation No. 17 should be incorporated into the PUD.
- Stipulation No. 18. should be reworded to require the disclosures to be provided to future tenants or owners and recorded.
- Stipulation No. 19 should be deleted as it is not appropriate to stipulate an improvement on a property not within the PUD request area and with a separate property owner.
- Stipulation No. 20.a should be incorporated into the PUD narrative in an unenforceable section as noted above.
- Stipulation No. 21 should be incorporated in the signs section of the PUD narrative.