

**JDMD BILTMORE, LLC AND BEST WESTERN INTERNATIONAL, INC.**

**Planned Unit Development  
Land Use and Development Standards**

**CITY OF PHOENIX**

JUL 1, 0 2018

Case:

**Planning & Development  
Department**



## **Planned Unit Development Disclaimer**

A Planned Unit Development (“PUD”) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the city. The PUD only modifies zoning ordinance regulations and does not modify other city Codes or requirements. Additional public hearings may be necessary, such as, but not limited to, right of way abandonments.

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## Development Team

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**PROPERTY OWNERS:**

JDMD Biltmore, LLC (“JDM”)  
240 E. Arizona Biltmore Circle  
Phoenix, AZ 85016  
602.224.2302

Tom O’Malley  
[to@jdmaz.com](mailto:to@jdmaz.com)

Best Western, Inc. (“BWI”)  
6201 N. 24<sup>th</sup> Parkway  
Phoenix, AZ 85016  
602.957.5619

Mark Straszynski  
[Mark.straszynski@bestwestern.com](mailto:Mark.straszynski@bestwestern.com)  
Ronald A. Pohl  
[Ron.pohl@bestwestern.com](mailto:Ron.pohl@bestwestern.com)  
Amy A. Hulbert  
[Amy.hulbert@bestwestern.com](mailto:Amy.hulbert@bestwestern.com)  
Jackie Smylie  
[Jackie.smylie@bestwestern.com](mailto:Jackie.smylie@bestwestern.com)

---

**APPLICANT and  
LEGAL REPRESENTATIVE:**

**Beus Gilbert PLLC**  
701 N. 44th Street  
Phoenix, AZ 85008  
480.429.3000

Paul E. Gilbert, Esq.  
[pgilbert@beusgilbert.com](mailto:pgilbert@beusgilbert.com)

Cassandra Ayres, Esq.  
[cayres@beusgilbert.com](mailto:cayres@beusgilbert.com)

Dennis Newcombe  
[dnewcombe@beusgilbert.com](mailto:dnewcombe@beusgilbert.com)

---

**LAND PLANNING  
and GRAPHICS:**

JDM  
Davis Experience  
74 E. Rio Salado Pkwy., Suite 200  
Tempe, AZ 85281  
480.638.1100

Michael Edwards, AIA LEED AP  
[medwards@thedavisexperience.com](mailto:medwards@thedavisexperience.com)  
Adam Valente, AIA  
[avalente@thedavisexperience.com](mailto:avalente@thedavisexperience.com)

BWI  
Gensler  
201 E. Washington Street  
Suite 750  
Phoenix, AZ 85004  
602.523.4900

Don Henning  
[don\\_henning@gensler.com](mailto:don_henning@gensler.com)

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## Development Team

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**LANDSCAPE ARCHITECT:**

JDM

Greedy Pickett  
7144 E. Stetson Drive, #205  
Scottsdale, AZ 85251  
480.609.0009

Russell Greedy  
[rgreedy@greepickett.com](mailto:rgreedy@greepickett.com)

BWI

Colwell Shelor Landscape  
Architecture  
4450 N. 12<sup>th</sup> Street, Suite 104  
Phoenix, AZ 85014  
602.633.2195

Michele Shelor  
[mshelor@colwellshelor.com](mailto:mshelor@colwellshelor.com)

---

**ENGINEER:**

JDM

HILGARTWILSON  
2141 E. Highland Ave., Suite 250  
Phoenix, AZ 85016  
602.490.0535

Darrell Wilson  
[dwilson@hilgartwilson.com](mailto:dwilson@hilgartwilson.com)  
Casey Whiteman  
[cwhiteman@hilgartwilson.com](mailto:cwhiteman@hilgartwilson.com)

BWI (Structural Engineer)

PK Associates  
7434 E. McDonald Drive  
Scottsdale, AZ 85250  
480.922.8854

Jack Koehler  
[jack@pkastructural.com](mailto:jack@pkastructural.com)

BWI (Civil Engineer)

Ritoch-Powell & Associates  
5727 N. 7<sup>th</sup> Street, Suite 120  
Phoenix, AZ 85014  
602.263.1177

John Catt  
[jcatt@ritochpowell.com](mailto:jcatt@ritochpowell.com)

BWI (Mechanical, Electrical,  
Plumbing)

Energy Systems Design  
7135 E. Camelback Road, Suite 275  
Scottsdale, AZ 85251  
480.481.4900

Monte Sturdevant  
[Monte.sturdevant@esdaz.com](mailto:Monte.sturdevant@esdaz.com)

---

**TRAFFIC ENGINEER:**

**CivTech**

10605 N. Hayden Road  
Suite 140  
Scottsdale, AZ 85260  
(480) 659-4250

Dawn Cartier, PE  
[dcartier@civtech.com](mailto:dcartier@civtech.com)

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## Development Team

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### FIRE LIFE SAFETY CODE

BWI

Jensen Hughes  
668 N. 44<sup>th</sup> Street, Suite 204W  
Phoenix, AZ 85008  
602.286.6000

Jacob Epstein, PE  
[jepstein@jensenhughes.com](mailto:jepstein@jensenhughes.com)

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### ACCOUSTICS AUDIOVISUAL SECURITY

BWI

McKay Conant Hoover  
3961 N. 75<sup>th</sup> Street  
Scottsdale, AZ 85251  
480.947.3335

Randal B. Willis, PE CTS  
[rwillis@mchinc.com](mailto:rwillis@mchinc.com)  
David Conant  
[dconant@mchinc.com](mailto:dconant@mchinc.com)

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### POOL AND SPA

BWI

Aqua Design International  
7534 N. La Cholla Blvd.  
Tucson, AZ 85741  
520.219.8929

Dave Acklin  
[dave@aquadesign.net](mailto:dave@aquadesign.net)

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### FOOD SERVICE

BWI

A2O Food Service Design &  
Consulting  
109 S. Comanche Dr.  
Chandler, AZ 85224  
480.449.0880

Andrew Delage  
[aidelage@a2odesign.com](mailto:aidelage@a2odesign.com)

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## **A. Executive Summary**

JDM Biltmore, LLC (“JDM”) is the owner of the commercial office complex located at the northeast corner of 24<sup>th</sup> Street and Arizona Biltmore Circle (the “JDM Property”). Best Western International, Inc. (“BWI”) owns the commercial office building located immediately to the north of the JDM Property (the “BWI Property”). The BWI Property houses the international corporate office headquarters for Best Western Hotels & Resorts. JDM and BWI are jointly filing this PUD rezoning application to allow for the redevelopment of the JDM and BWI Properties (the “Property”) with a mixed-use, appropriate-scale, high-quality development.

JDM envisions redeveloping all or a portion of the JDM Property with an approximately 215,000 rentable square foot office building with a retail component, a hotel, or an approximately 320-unit multi family residential development with luxury amenities, as well as a spa, pool, and fitness center to replace the tired and dated existing commercial office complex. BWI intends to construct a flagship hotel under its Best Western Premier® brand with offices for BWI employees, meeting spaces, restaurant and lounge, and other hotel amenities such as a fitness center, spa, and pool adjacent to its existing offices. The new hotel will act as a showpiece for potential investors and independent hoteliers, demonstrating the exacting standards that BWI expects to be maintained by featuring innovative rooms and function spaces, and upscale designs. (The collective redevelopment is sometimes referred to as the “Project.”) An associated parking structure will be constructed in connection with the Project. The Project will have lush landscape improvements, and a maximum height limitation of 60 feet.

The goal of the Project is to revitalize the Property, enhance BWI's corporate headquarters in the City of Phoenix, while fulfilling JDM's and BWI's mission to create residential and business communities with sustainable quality and value, and enhancing a live, work, play lifestyle.

The master plan for the Property was adopted in the early 1970s, and the restrictions enacted at that time concerning, *inter alia*, height and setbacks, have become outdated and a detriment to development. Development standards and market conditions, demands, and expectations are strikingly different than when the master plan was adopted. A proximate example of this difference is at 24<sup>th</sup> Street and Camelback Road. In 1974, that area contained a Christmas tree lot. Currently, it is a core development area with intense, high-rise commercial development.

In addition, expectations and standards for Class A office and high-class multi family development are substantially different. Both are associated with high ceilings. Low ceilings and separate office casitas are no longer desired and inconsistent with current market demands. Today's commercial and residential tenants expect and demand high ceilings, and cohesive unified amenities. As a result, the two-story limitation placed on the Property in 1974 is prohibiting necessary updates and redevelopment. The Property cannot be redeveloped to meet current market conditions and demands without higher ceilings, and cannot achieve higher ceilings without an increase in the height limitation to 60 feet. As discussed in greater detail herein, the Owners may currently obtain a height of up to fifty-six (56) feet under the existing zoning through the public hearing process. This PUD is seeking only four (4) additional feet in height. Moreover, the ability to redevelop the Property under the existing geological conditions is extremely limited. While internal ceiling heights can sometimes be mitigated by moving parking underground, that option is limited on this Property due to the presence of caliche very close to the surface.

In addition to the foregoing, the Property has become an infill site, which it was not when the restrictions were in enacted in 1974. The Property is constrained by roads, single family residential, and commercial areas as a result of the successful development of the surrounding area. In short, the Property has become an infill parcel at the gateway to the Biltmore Core. The transition in elevation traveling north from Camelback Road helps alleviate the potential visual impact of 60 feet. There will not be a domino effect of further commercial development into the surrounding residential neighborhoods as a result of this PUD because of the fact that the Property is surrounded by existing development. Indeed, the Property is surrounded on three sides by commercial office uses and separated from residential neighbors by the substantial width of the Biltmore golf course, which is owned and controlled by an affiliate of JDM.

Today's commercial and residential tenants want to live, work, and play all in one area. This PUD fulfills those expectations. The goal of this PUD is to rezone the Property and establish the regulatory framework necessary to facilitate the redevelopment of this uniquely situated Property by consolidating the zoning for the Property into one, comprehensive zoning document; facilitate the first-class redevelopment potential of the JDM Property and the new development of a high-quality hotel on the BWI Property, and spur additional revitalization of surrounding properties; create development standards for the Property that uphold the City's goals and policies for the Camelback East Village Character Plan; ensure integration and compatibility with vibrant commercial centers such as the greater Biltmore area; and provide protections to adjacent single family neighborhoods.

JDM and BWI are committed to working closely with neighbors, community stakeholders, and City staff to create a sustainable, high-quality Project that is mutually beneficial. This Project keeps density near the village cores (e.g., Biltmore Core), along 24<sup>th</sup> Street (a major arterial), and preserves the single family neighborhoods in the immediate area. This Project supports the commercial corridor, but also provides an appropriate buffer, screening the Biltmore residential area immediately to the east.

As a result of the foregoing factors and considerations, traffic emanating from the Project will not adversely impact the surrounding neighbors because the Project will generate virtually no traffic into the residential neighborhoods. The traffic study developed for the Project demonstrates that even after the Project is built as contemplated all intersections will operate at overall acceptable levels of service.

## **B. Purpose and Intent**

### **Introduction**

JDM is the owner of the JDM Property, a 6.26 acre commercial office complex located generally at the northeast corner of 24<sup>th</sup> Street and Biltmore Circle. An affiliate of JDM also owns and controls the Biltmore golf courses. BWI owns the BWI Property, a 5.31 acre commercial office building located immediately to the northeast of the JDM Property, which houses the international corporate office headquarters for Best Western Hotels & Resorts.





Since its founding, JDM has owned, developed, and managed high-quality real estate properties in Arizona and Colorado, including Douglas Ranch, which is the largest master planned community in the greater Phoenix area; the University Center just east of University Drive and Rural Road; the Discount Tire Building at Grayhawk; and Hayden Plaza East; as well as several business parks such as the Cotton Center, Mesa Commerce Center, East Valley Commerce Center, Eaton Freeway Park, 40<sup>th</sup> Street Business Park, and Eaton Price Road.

JDM also rescued the historic Wigwam Golf Resort and Spa and the Arizona Biltmore Golf Courses from bankruptcy, pouring in substantial time and resources, thereby preserving two iconic Arizona properties. Both are still owned and operated by affiliates of JDM.



WIGWAM RESORT ENTRANCE

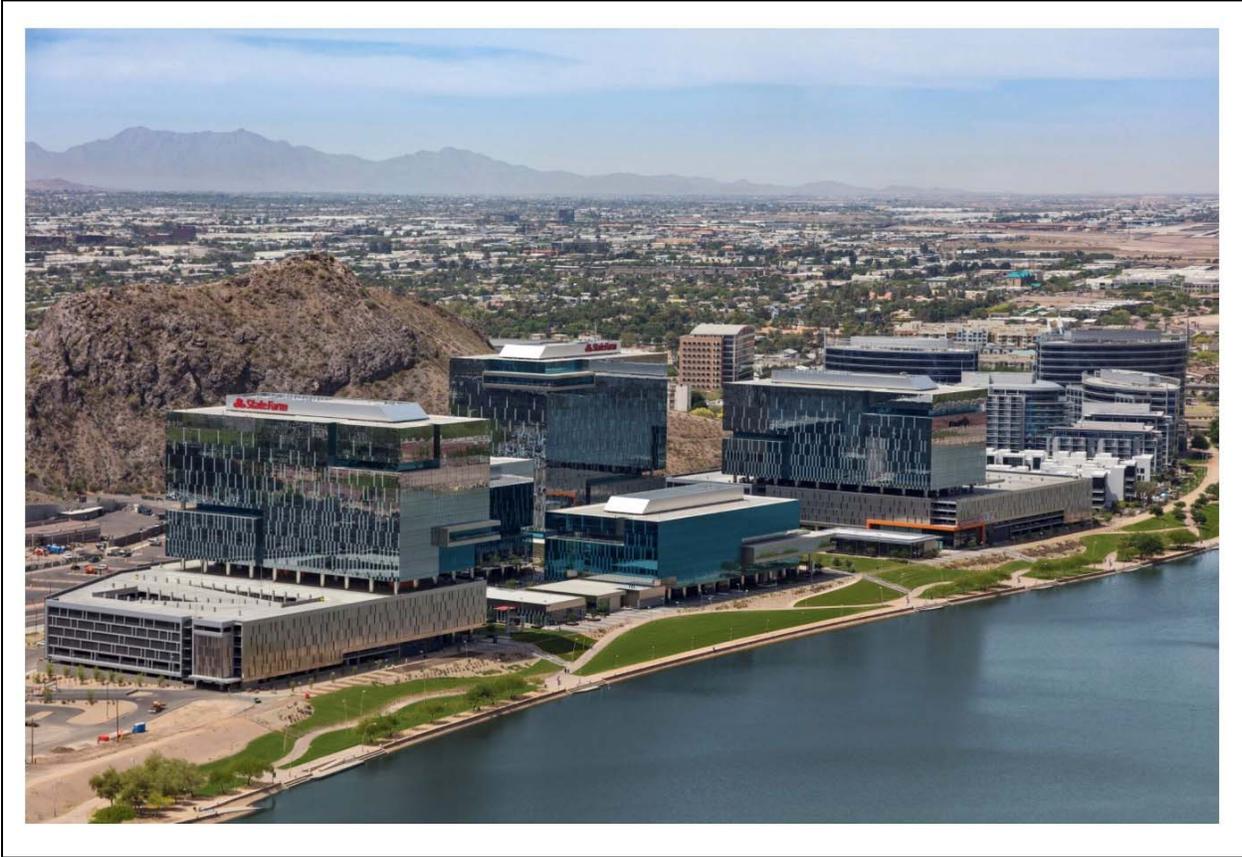


BILTMORE GOLF COURSE

For many years, JDM has owned a State Farm Operations Center Portfolio, which until recently included 14 properties in 11 states totaling 3.4 million square feet of rentable office space. In

addition, JDM owns the State Farm Tempe Operations Center, which is a 372,000 square foot Class A office complex, including inspection and storage facilities.

In December 2017, JDM acquired the State Farm complex at Marina Heights in Tempe, adding approximately two million square feet of Class A commercial office property to its existing State Farm property portfolio. JDM's purchase of the State Farm Marina Heights complex was the single largest office transaction in Arizona's history. The towering glass buildings of the State Farm complex, which overlook Tempe Town Lake, are some of the most recognized developments in the Valley.



MARINA HEIGHTS STATE FARM COMPLEX

For more than seventy years, BWI has built a reputation for providing value without sacrificing robust amenities and personalized service. BWI's single-minded focus on this goal has enabled it to build a global powerhouse of 4,200 hotels in more than 100 countries. BWI prides itself on consistently exceeding the expectations of business travelers as well as vacationing families all over the world by providing a variety of amenities, from stylish designs and detailed finishes, to on-site dining, boardrooms and meeting spaces, spacious suites, and well-equipped business and fitness centers. BWI wants to enhance its international corporate headquarters in its present location with a flagship hotel adjacent to its headquarters.



EXISTING BWI ENTRY MONUMENT SIGN



EXISTING BWI COURTYARD



EXISTING BWI RECEPTION AREA

The Property is nestled at the base of the Phoenix Mountain Preserve, adjacent to the acclaimed Arizona Biltmore Golf Course, and stands at the gateway to the world famous Arizona Biltmore Resort and Biltmore commercial corridor. These areas have seen a renaissance of renovation in recent years.

BWI proposes to create an inviting corporate campus by taking down a portion of its existing corporate offices, and constructing a flagship hotel under its upscale Best Western Premier® brand with offices for BWI employees, meeting spaces, restaurant and lounge, and other hotel amenities such as a fitness center, spa, and pool surrounding BWI's existing offices. The new hotel will feature innovative rooms and function spaces, and upscale designs, acting as a showpiece for potential investors and independent hoteliers, demonstrating the exacting standards that BWI expects to be maintained. The new hotel will also serve as a facility in which existing, new, and potential independent hoteliers receive instruction and support for managing their independent hotels. In addition, local university students will have opportunities for internships at the new hotel, which provide an invaluable, real-world experience in their future profession. The new hotel will also be a working hotel available to travelers. Having the new hotel accept traveling guests will allow BWI's independent hoteliers the opportunity to hone their skills and interact with BWI guests. An associated parking structure will be constructed in connection with the redevelopment of the BWI property, which could be utilized for both the BWI and JDM redevelopments.

JDM's current offices, constructed in the early 1980s, are dated, and do not promote the sense of presence and arrival commensurate with this significant and vibrant area. The low ceilings and separate office casitas are no longer desired in today's commercial office marketplace. Instead, today's commercial (and residential) tenants require high ceilings and integrated, cohesive developments and amenities. Over the last several years, JDM has had difficulty attracting and retaining tenants. In fact, unlike nearby Class A commercial office buildings, JDM's vacancy rates are near fifty percent (50%), and declining because tenants are choosing to leave JDM's Property for newer, Class A office space in other locations and cities, rather than extend their leases in JDM's dilapidated office spaces. For a property in this critical location, such circumstances and vacancy rates are not acceptable.



**JDM Offices  
Exterior  
Photos**

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Dated stucco walls and red tile roofs

Parking and access disconnected from office spaces

Small windows

Dilapidated and uninviting interior courtyards

Cracked and uneven ground tiles

Ragged landscaping





**JDM Offices  
Exterior  
Photos**

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Dated stucco walls and red tile roofs

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Ragged landscaping



JDM Offices  
Interior  
Photos

Low ceilings

Small  
windows

Non-  
functioning  
and uninviting  
interior  
spaces

Poorly spaced  
structural  
columns

Outdated  
office layouts

Lacking  
technological  
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JDM Offices  
Interior  
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JDM Offices  
Interior  
Photos

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Low ceilings

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windows

Non-  
functioning  
and uninviting  
interior  
spaces

Poorly spaced  
structural  
columns

Outdated  
office layouts

Lacking  
technological  
capabilities



JDM proposes redeveloping the JDM Property with an office building with a retail component, or a hotel, or a multi family residential development with luxury amenities, as well as a spa, pool, and fitness center, and lush landscape improvements. In the event the JDM Property is developed as an office building, JDM intends to keep its corporate headquarters in the redevelopment.

The goal of the Project is to revitalize the Property, greatly enhance BWI's corporate headquarters and presence in the City of Phoenix, while fulfilling the Owners' mission to create residential and business communities with sustainable quality and value and enhancing a live, work, play lifestyle. The proposed developments reflect a seamless integration of the individual components with the surrounding areas – a City of Phoenix Facilities Building (Water Services) across 24<sup>th</sup> Street to the west, the Biltmore Fashion Park and 24<sup>th</sup> Street/Camelback Road commercial core just down 24<sup>th</sup> Street to the south, the Biltmore golf course and Biltmore Circle residences to the south and east, as well as additional commercial corporate offices to north. In sum, the Property is surrounded on three sides by commercial offices, City of Phoenix services buildings, and a golf course which is owned and controlled by an affiliate of JDM. The Owners anticipate that the ultimate redevelopment of the Property will spur additional reinvestment in properties and businesses in the surrounding area. The Owners are committed to working closely with neighbors, community stakeholders, and City staff to create a sustainable, high-quality Project that is mutually beneficial.

### **Current Zoning**

The Property currently has the following zoning districts: The JDM Property is zoned C-2 (Intermediate Commercial District) with stipulations. The BWI Property is zoned C-O (Restricted Commercial) with stipulations. The zoning for the Property was approved as part of the larger Planned Community District ("PCD") for the Arizona Biltmore Estates (Case No. 119-74) in December 1974. Under the current C-O zoning on the BWI Property, building heights of up to fifty-six (56) feet are allowed by modifying the site plan through the Planning Hearing Officer.

Under the current zoning for the JDM Property, non-residential development in a C-2 Intermediate Commercial District may not exceed two (2) stories and 30 feet in height, although under the current zoning the City Council may approve an increase in building height of up to fifty-six (56) feet upon recommendation from the Planning and Zoning Commission or the Zoning Hearing Officer that such additional height is not detrimental to adjacent property or public welfare. Under the current zoning for the JDM Property, a motel, and restaurant and offices are allowed uses.

Residential uses are also permitted within the C-2 Intermediate Commercial District for the JDM Property. This zoning category allows 15.23 dwelling units per acre pursuant to the R-3 zoning district's Planned Residential Development option. Under the current zoning, a request to exceed the yard, height, area or density requirements of the R-3 zoning district up to, but not to exceeding those of the R-5 zoning district, may be granted by the City Council, after a recommendation is received from the Planning Commission and in accordance with the rezoning process upon finding that such increase is not detrimental to adjacent property or the public welfare in general and that: (1) The property is within an area of a village core designated on approved plans for such development; or (2) the property is adjacent to high density residential development of similar intensity and character.

None of the stipulations of approval for Case No. 119-74 appear to apply specifically to the Property. However, the JDM Property is subject to Amendment F of Case No. 119-74, which affirms that office and motel/restaurant uses are allowed on the JDM Property. The development standards contained in Amendment F do not govern future development of the

Property because they are part of a site plan approval process that is no longer used by the City. [See Appendix C, Amendment F of Case No. 119-74.]

### **Project Overview and PUD Goals**

This PUD proposes to rezone approximately 11.57 acres of property located in Phoenix, Arizona at or near the northeast corner of 24<sup>th</sup> Street and East Arizona Biltmore Circle and establish the regulatory framework necessary to facilitate the redevelopment of this uniquely situated parcel.

The primary goals of the PUD are to:

- Consolidate the zoning for the Property into one comprehensive zoning document and eliminate confusion created by separate zoning cases for two adjacent parcels with two separate owners that share access;
- Eliminate the outdated, inefficient, and underutilized existing office complex on the JDM Property;
- Facilitate the first-class redevelopment potential of the JDM Property and the new development of a high-quality hotel and parking garage on the BWI Property to create an inviting corporate campus, and spur additional revitalization of surrounding properties;
- Create development standards for the Property that uphold the City's goals and policies for the General Plan, Camelback East Village, and ensure integration and compatibility with adjacent properties as well as the greater Biltmore area;
- Continue direct, personal, and positive working relationships with the adjacent neighbors, including the Biltmore area;
- Provide appropriate protections and buffers to the surrounding neighbors; and
- Significantly upgrade the quality and viability of the uses currently near some of the surrounding neighbors.

### **Benefits of PUD Zoning**

The PUD will ensure compatibility with surrounding properties and provide for the revitalization and further development of the Property while regulating the Property by:

- Consolidating outdated zoning (from the 1970s) and multiple zoning cases into one cohesive document for properties that share access;
- Providing restrictions and benefits to adjacent neighborhoods and clarifying neighborhood protections;
- Providing flexibility and exactness where needed and appropriate for a complex and uniquely situated property;
- Restricting the uses allowed on the Property;
- Comprehensively addressing the needs for a site with multiple uses;

- Defining placement of, and maximum allowances for, proposed residential development;
- Setting appropriate standards for the new development that functions seamlessly with the surrounding area;
- Establishing a long-term comprehensive master plan for the Property;
- Providing flexibility to address the challenges of developing this Property with existing shallow bedrock conditions;
- Addressing any parking, traffic, and use concerns; and
- Providing for enhanced notification to and communication with the Arizona Biltmore Estates Village Association (“ABEVA”).

### **Zoning Ordinance Applicability**

The Zoning Ordinance of the City of Phoenix, as adopted and periodically amended, is applicable to this document, except as modified by the language and standards included herein. This PUD document shall not preclude or prohibit any owner from seeking a variance of the provisions contained herein following proper notice.

### **Regulatory Provisions**

This PUD has been prepared pursuant to Section 671 of the Zoning Ordinance of City of Phoenix, Arizona to establish the regulatory framework for this PUD by creating development standards and uses specific to the context of the Project site.

The PUD is a stand-alone document comprised of project specific zoning regulations, including permitted uses, conditions and limitations, neighborhood protections, development standards, building heights, landscaping, access, and signage. Zoning provisions not specifically regulated by the PUD are governed by the Zoning Ordinance (C-2 zoning category) of the City of Phoenix, Arizona. In the event of a conflict between a provision of the PUD and a provision of the Zoning Ordinance of the City of Phoenix, the PUD standards prevail. The PUD does not modify other City Code provisions or requirements.

The provisions of the PUD apply to all property within the project boundary. [See Appendix A, Legal Description, Tab A.]

Specific site plan(s) for the JDM and BWI Properties within the PUD boundary will be processed in the future and constituent groups, including ABEVA, will have the opportunity to provide input through the City’s development review process, as outlined in Section 507 of the Zoning Ordinance.

### **Amendments**

Amendments to this PUD shall be regulated by Section 671.E of the City of Phoenix Zoning Ordinance.

To ensure that the surrounding neighborhoods are aware of any minor amendments to this PUD, the following enhanced notification procedure is required:

Prior to the submittal of any minor amendments to the PUD, the applicant shall provide notice to all associations registered with the City of Phoenix located within ½ mile of the boundaries of the PUD. In all cases, the notification shall be provided to the Arizona Biltmore Estates Village Association (“ABEVA”). Said notices shall be provided by certified letter with return receipt sent not less than fourteen (14) calendar days prior to the minor amendment submittal and an affidavit of notice shall be included with the submittal to the City of Phoenix.

Any amendments, changes, or modifications to this PUD shall be considered minor amendments, unless defined as major amendments as set forth in Section 671.E of the City of Phoenix Zoning Ordinance. The enhanced notification procedures set forth herein shall apply for both major and minor amendments to the PUD. Submission of a site plan consistent with the uses, height, and number of units described herein shall not be considered a major amendment.

### **C. Proposed Development Vision**

This PUD is intended to consolidate the existing individual zoning cases and attendant stipulations that govern the uses of the JDM and BWI Properties into one cohesive document. The PUD will allow the JDM Property to be redeveloped in order to construct an office, hotel, or multi family facility that reflects the standards of and integrates seamlessly with the Biltmore area. The PUD will also allow the BWI Property to be redeveloped by maintaining a portion of the existing BWI corporate office headquarters and constructing a new upscale flagship Best Western Premier® hotel and parking garage that will surround the corporate offices to create an inviting, professional campus, and act as the showpiece for BWI’s global brands. This combination will facilitate the need for a corporate flagship hotel to integrate with BWI’s international corporate headquarters. A parking structure will also be constructed in connection with the Project.

This document will set the development standards and neighborhood protections for the intended mixed-use, appropriate-scale, high-quality development. This PUD will also establish the framework for architecture, landscaping, and access to be incorporated into the layout and design of each project within the PUD boundaries.

**PUD Conceptual Site Plans**

The conceptual site plans for the PUD illustrate where development can occur, along with height, square footages, and setbacks. The conceptual site plans have been designed to complement the existing adjacent commercial office uses and depict the proposed landscape buffering to protect the existing surrounding golf course and residential neighborhoods.

**BWI Hotel/JDM Multi family Development**

**Exhibit 4, BWI/JDM Multi Family  
Conceptual Site Plan**  
*(larger version of Exhibit 4 is at Tab 4)*

**Exhibit 5, BWI/JDM Multi Family  
Conceptual Landscaping Plan**  
*(larger version of Exhibit 5 is at Tab 5)*

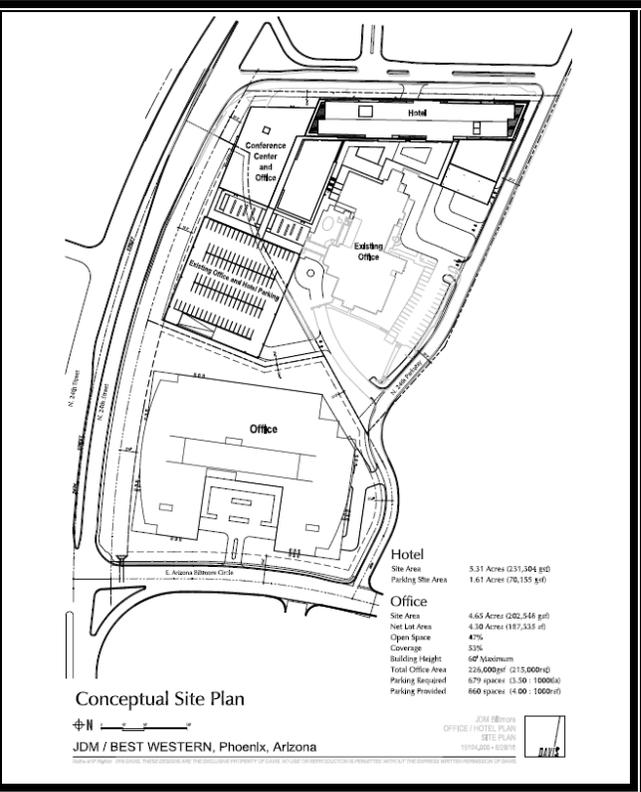


## BWI Hotel/JDM Office Development

**Exhibit 6, BWI/JDM Office  
Conceptual Landscaping Plan**  
(larger version of Exhibit 6 is at Tab 6)



**Exhibit 7, BWI/JDM Office  
Conceptual Site Plan**  
(larger version of Exhibit 7 is at Tab 7)



### PUD Uses

BWI proposes to construct a hotel on the north portion of the BWI Property and JDM proposes to develop the JDM Property as an office, hotel, or multi family facility, a comprehensive list of uses for the Property has been developed and included herein. Only the uses specified on the Permitted Use Table will be allowed on the Property. [See Table 2, pages 41-42.] The permitted uses were obtained from the City’s Zoning Ordinances list of uses, and are consistent with the City’s C-2 (Intermediate Commercial) Zoning District. This list incorporates accessory uses appropriate for and customary with the surrounding areas – the City of Phoenix Facilities Building (Water Services) across 24<sup>th</sup> Street to the west, the Biltmore Fashion Park and 24<sup>th</sup> Street/Camelback Road commercial core just down 24<sup>th</sup> Street to the south, the Biltmore golf course and Biltmore Circle residences to the south and east, as well as additional commercial corporate offices to the north and south.

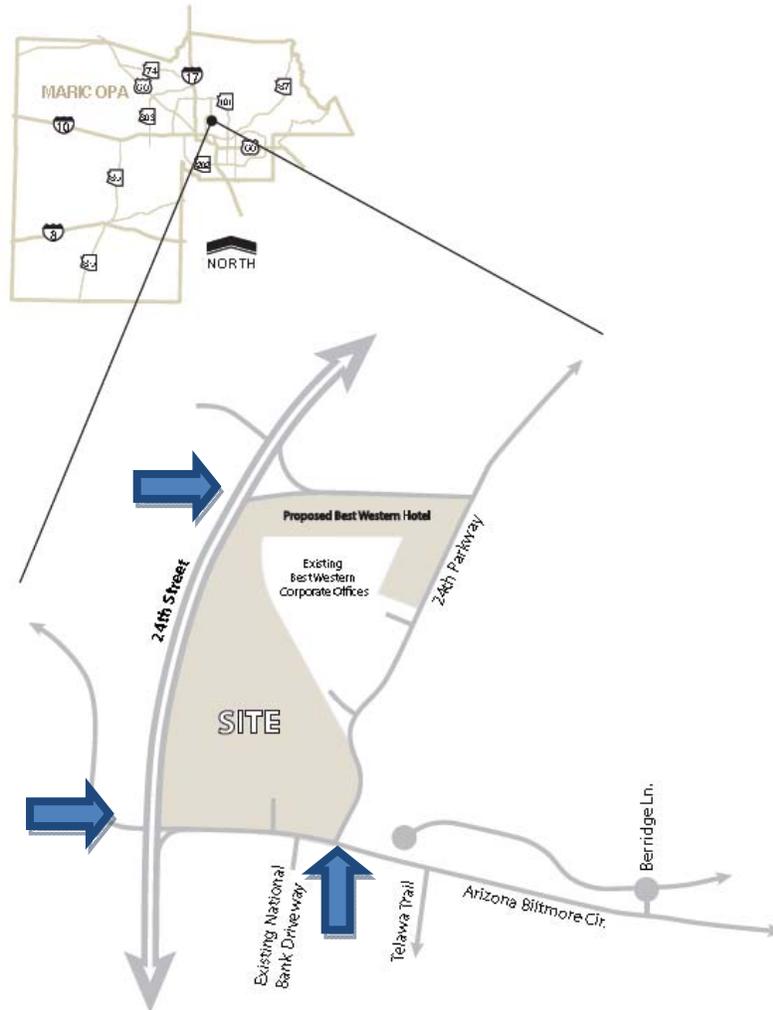
### PUD Access

Access to the Property will continue to be by way of the existing main access points: (1) 24<sup>th</sup> Street turning east onto Arizona Biltmore Circle and immediately north onto 24<sup>th</sup> Parkway, a private street; and (2) 24<sup>th</sup> Street north of Arizona Biltmore Circle turning east onto the private street known as 24<sup>th</sup> Drive. Ingress and egress to the Project will be nearly all self-contained,

with a de minimis amount of traffic traveling further east into the residential areas of Arizona Biltmore Circle.

The traffic study prepared in connection with the Project concluded that after full build out “all study intersections will operate at an overall acceptable level of service.” [See Appendix B, Traffic Impact Study, Tab B.] As set forth in the Traffic Impact Study, only two intersections will require mitigation measures, and even then the only mitigation proposed is restriping to change some of the lane configurations: (1) 24<sup>th</sup> Street and the 6225 Driveway (the entrance into the City’s 24<sup>th</sup> Street Facility to the west across 24<sup>th</sup> Street); and (2) 24<sup>th</sup> Street and Arizona Biltmore Circle.

**Figure 1: Access/Roadway Map** (also included in the Traffic Impact Study, Tab B)



**Figure 1:** Vicinity Map

## **D. Site Location and Conditions**

The Property is nestled at the base of the Phoenix Mountain Preserve adjacent to the acclaimed Arizona Biltmore Golf Course, and stands at the gateway to the world famous Arizona Biltmore Resort and Biltmore commercial corridor. Turning the corner from Glendale Avenue/Lincoln Boulevard and moving south on 24<sup>th</sup> Street, the elevation slopes downward toward Camelback Road. The natural geographic height of the Property provides a panoramic view of the surrounding Biltmore area. The proposed developments reflect a seamless integration of the individual components with the surrounding areas – the City of Phoenix Facilities Building (Water Services) across 24<sup>th</sup> Street to the west, the Biltmore Fashion Park and 24<sup>th</sup> Street/Camelback Road commercial core just down 24<sup>th</sup> Street to the south, the Biltmore golf course and Biltmore Circle residences to the south and east, as well as additional commercial corporate offices to the north and south.

The geology of the Property provides challenges to development below grade. JDM conducted borings and determined that at the southwest corner of the JDM Property bedrock is approximately six (6) feet below topsoil. Just a short distance toward the northeast of the JDM Property, bedrock is approximately two (2) feet below topsoil. Although JDM intends to develop the JDM Property as much as possible below grade (such as parking), the geology of the site prohibits extensive below grade development. The BWI Property suffers from similar geologic challenges. Accordingly, for some of the reasons set forth herein, the Owners are seeking to modify the existing zoning to include a height limitation of sixty (60) feet.

The existing zoning and limitations therein are prohibiting needed redevelopment of the Property. The master plan for the Property was adopted in the 1970s, and the standards enacted at that time have become a detriment. Development standards and market conditions, demands, and expectations are strikingly different than when the master plan was adopted. Low ceilings and separate office casitas are no longer feasible. “Class A office space” and “high-end multi family residential” require high ceilings. The Project cannot be developed with the quality consistent with the Biltmore standards and Class A office requirements without the extra height and zoning consolidation. Today’s commercial and residential tenants are demanding high ceilings, and cohesive unified amenities. Moreover, the Property is constrained by roads and other development as a result of the successful development of the surrounding area. In short, the Property has become an infill parcel at the gateway to the Biltmore Core.

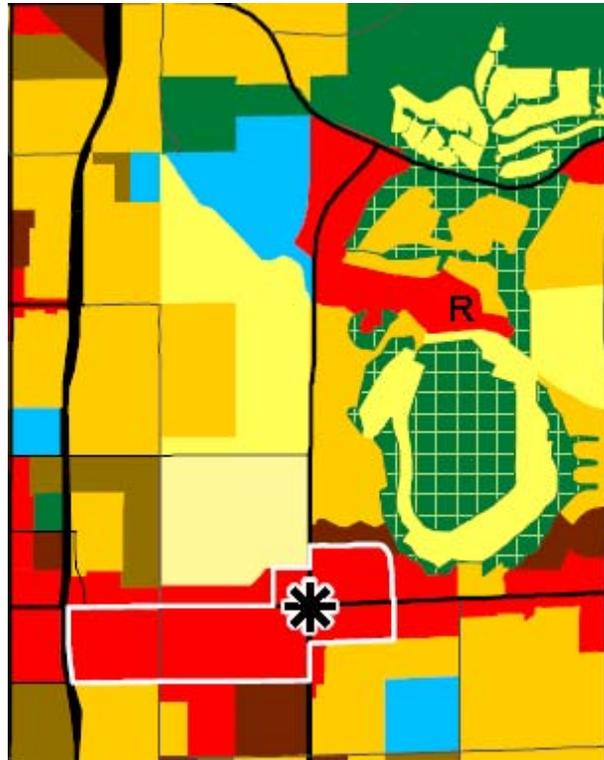
In addition, the proposed development will avoid substantial surface parking (which is the case currently) in order to maintain the park-like environment of the Biltmore. Sixty (60) feet is required to provide the appropriate amount of structured parking and floor-to-floor interior heights of the commercial, residential, and hotel components. The costs associated with structured parking must be offset by the amount of leasable and saleable areas, which require additional height.

## **E. General Plan Conformance**

### **Statement of Conformity**

As described in greater detail herein, this PUD complies with the 2015 General Plan’s Vision, Community Benefits, and Core Values. No amendment to the General Plan is necessary for this PUD. The Property is categorized as Commercial in the 2015 General Plan, which is consistent with the existing and proposed zoning for the Property. Specific intended uses for the Property embodied in this PUD require that the Property be rezoned. In order to redevelop the JDM Property to reflect current development standards, JDM needs additional density than what is allowed under the restricted C-2 zoning on the JDM Property.

Figure 2: Current General Plan Land Use Map



**Compliance with General Plan Specific Core Values & Adopted Land Use Policies**

**CORE VALUE - CONNECT PEOPLE AND PLACES**

**PARKS**

“The Phoenix Parks and Recreation system **offers a unique experience for Phoenix residents**, and visitors through a varied and extensive collection of recreational facilities. The system is home to a range of facilities from small pocket parks and neighborhood community centers, to large regional parks and sports facilities. During the community outreach portion of this project, Phoenix community members responded that **parks are the number one asset they treasure in Phoenix**. It is important to build off past successes and improve and expand the system for generations to come.”

**Goal:**

“Provide a **world class park system** where every resident has a high level of access to a variety of recreational options that support a healthy lifestyle.”

***RESPONSE:*** *The City has already provided a “world class park system” as demonstrated by the Phoenix Mountain Preserve. The PUD supports this Core Value and Goal and supports a healthy lifestyle in that the new hotel and the proposed office/multi family will have access to and the opportunity to utilize the hiking trails in the adjacent Phoenix Mountain Preserve and the world famous Arizona Biltmore golf course. In addition to the City’s abundant nearby parks, the development envisioned in this PUD supports healthy lifestyles by encouraging walkable features and amenities, from the Biltmore golf courses (which are*

owned and controlled by an affiliate of JDM) and hotel, tree-lined streets, and first-class shopping and dining at the Biltmore Fashion Park.

## **CORE VALUE – STRENGTHEN OUR LOCAL ECONOMY**

### **TOURISM FACILITIES**

“Tourism has long been a driving force in Arizona’s economy and growth. For years, visitors have flocked to Arizona for its warm winters and natural beauty. As the capital city, Phoenix should be a leader in tourism, embracing and supporting the industry. The City has many tourist attractions from natural features like South Mountain Park, to man-made destinations such as our museums, sporting facilities and other cultural institutions.”

#### **Goal:**

“Phoenix will continue to be one of the country’s **leading tourist destinations.**”

#### **Land Use and Design Principles:**

**Land Use:** “Encourage tourism related activities within specified tourism districts.”

**RESPONSE:** *The Biltmore area has been a popular tourist destination for decades. Indeed, entire generations of families have made staying at the Biltmore Hotel a part of their family tradition. The Biltmore golf course, which is owned by JDM, is also a well-known tourist destination. The proposed new hotel on the BWI Property will add not only additional tourism facilities, but also additional economic facilities because the new flagship hotel will act as a showpiece and education facility for existing, new, and potential independent hoteliers. The independent hoteliers are unique in that they have a dual role as both tourists and business people. BWI’s hotel guests will engage in tourist-related activities and connect with the local community in light of the proximity of the Project to the Biltmore Fashion Park and 24<sup>th</sup> Street/Camelback Road commercial core. Moreover, the Project will revitalize this uniquely situated property and serve as a driver for additional investment and redevelopment in the surrounding area. In addition to supporting the local economy with tourism, the redevelopment proposed in this PUD supports the economy by creating new jobs associated with construction and the new hotel, office, and/or multi family structure, as well as retaining existing jobs through Best Western and JDM’s corporate headquarters. The intent of this PUD is to create an environment conducive to long-term employment creation and sustainability, as well as support and contribute to the economy of the surrounding area.*

## **CORE VALUE – CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS**

### **CERTAINTY & CHARACTER**

“What makes a city a great place to live are its robust vibrant neighborhoods. There is a level of certainty one expects to have and quality of life one expects to maintain while living in a great city. The goals and policies that are outlined in the General Plan were created so residents have a reasonable expectation and level of certainty while living in our great city; certainty in regards to quality of life and compatibility. The success, stability and certainty our neighborhoods can provide only strengthen our city and region’s vitality and prosperity.

A city's identity is not only created by unique places and spaces, but by the residents who live within its borders. The cultural diversity, rich architectural style and truly unique neighborhoods (from large lot rural communities to suburban and urban neighborhoods) help define its character."

**Goal:**

"Every neighborhood and community should have a level of **certainty**. Ensure that development, redevelopment and infrastructure supports and reinforces the character and identity of each unique community and neighborhood."

**Land Use & Design Principles:**

**Land Use:** "Locate land uses with the greatest height and most intense uses within limits based on village character, land use needs, infrastructure and transportation system capacity."

**Land Use:** "Protect residential areas from concentrations of incompatible land uses that could change their character or destabilize land values."

**Land Use:** "New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans."

**Design:** "Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties."

**Design:** "All housing should be developed and constructed in a quality manner."

**Design:** "Enhance the compatibility of residential infill projects by carefully designing the edges of the development to be sensitive to adjacent existing housing. Create landscape buffers and other amenities to link new and existing development."

**Design:** "Protect the neighborhood's views of open space, mountains, and man-made or natural landmarks."

**Design:** "When making changes and improvements near residential areas, avoid any alteration or destruction of points of reference (such as prominent natural features or historic buildings), focal points, and place names important to the area's identity."

**Design:** "Require appropriate transitions/buffers between neighborhoods and adjacent uses."

***RESPONSE:*** *Updating the zoning for the Property to allow for the addition of a hotel and an office or multi family facility will maintain similar compatibility, development patterns, and character with the surrounding adjacent uses, while*

utilizing existing infrastructure and transportation system capacity. Existing commercial offices are to the immediate north and south of the Property, and across 24<sup>th</sup> Street to the west. Also across 24<sup>th</sup> Street to the west is a City Water Service Facility. The existing residential to the east of the Property will continue to be buffered by the Biltmore golf course, which is owned and controlled by an affiliate of JDM, and which will remain in its current location. All existing landscaping buffers and landmarks will remain or be enhanced. As such, the character of the surrounding neighborhood will not be detrimentally affected by the Project.

The proposed development will be constructed as close to the existing commercial areas and 24<sup>th</sup> Street as possible, maximizing the benefit of the golf course fairway buffer in order to minimize possible interference with the existing residential areas. Uses that might generate commotion, such as pools, will be placed internal to the proposed development in order to decrease noise levels for adjacent residential neighbors. In addition to the wide expanse of the golf course separating the existing residential from the Project, all existing residential will be buffered additionally by defined landscape areas and appropriate development setbacks. BWI and JDM will maintain the high quality construction demanded at the Biltmore and the surrounding community by creating appropriate and exceptional development standards embodied in this PUD.

While no historical elements exist that will be altered, the proposed new development will focus on the unique location of the Property as the gateway to the 24<sup>th</sup> Street/Biltmore Commercial Core providing panoramic views of the area's natural features and focal points which have become a part of the area's identity.

## **DIVERSE NEIGHBORHOODS**

"Diverse neighborhoods have a (sic) array of housing types and lifestyle options to meet the needs of an array of residents. Phoenix's population is aging. Existing neighborhoods need to be retrofitted and new communities need to be planned and designed to allow for all residents (regardless of age, ethnicity, income) to live and age in place."

### **Goal:**

"**Encourage communities** and neighborhoods to be a mix of ages, incomes and ethnicities and provide housing **suitable to residents** with special needs. A **diverse range of housing** choices, densities, and prices in each village **should be encouraged.**"

### **Land Use & Design Principles:**

**Land Use:** "Communities should consist of a mix of land uses to provide housing, shopping, dining and recreational options for residents."

**Land Use:** "Include a mix of housing types and densities where appropriate within each village that support a broad range of lifestyles."

**Land Use:** "Within each village, designate residential land use in at least four of the seven residential categories and designate at

least one of those categories to be for 10 to 15 or 15+ dwelling units per acre.”

**RESPONSE:** *The proposed development in this PUD encompasses a diverse community that will supplement the existing Biltmore residential areas by offering a different type of residential use than currently exists. Multi family residential at the entrance of the Biltmore area fulfills the City’s goal of offering options to residents of all ages who want a live, work, play lifestyle. The PUD will also provide opportunities to up-size and down-size with multiple options of high-quality development. The on-site offerings for future residents and the hotel guests will include a mix of dining and recreational opportunities.*

## **CORE VALUE – BUILD THE SUSTAINABLE DESERT CITY**

### **DESERT LANDSCAPE**

“The Open Space element describes the city’s mountain and desert preserves and trail systems within our parks, along washes, canals and utility corridors and in the Rio Salado (Salt River). These areas provide space for recreation, environmental preservation and natural hydrological systems. It also includes analysis of need; policies for management; and designated access points, protection, and acquisition strategies. This element is also consistent with the Sonoran Preserve Master Plan (1998) and the Maricopa Association of Governments Desert Spaces Plan (1996), both of which established preserve design principles based on ecological theory, context and regional framework for an integrated open space system.”

#### **Goal:**

“**Protect** and **celebrate** our unique desert landscape.”

#### **Land Use & Design Principles:**

**Land Use:** “Promote land uses that preserve Phoenix’s natural open spaces.”

**Design:** “Preserve the interface between private development and parks, preserves and natural areas (edge treatment).”

**RESPONSE:** *The proposed development in this PUD continues to preserve the interface between private development and natural areas such as the Phoenix Mountain Preserve, as well as striking the appropriate balance between the traditional lush landscaping that is the hallmark of the Biltmore area with the need to be respectful of the City’s preference to incorporate desert landscape.*

## **F. Zoning and Land Use Compatibility**

### **Existing Site Zoning**

As mentioned previously, the Property currently has the following zoning districts: The JDM Property is zoned C-2 (Intermediate Commercial District with stipulations). The BWI Property is zoned C-O (Restricted Commercial with stipulations). The zoning for the Property was approved as part of the larger Planned Community District (“PCD”) for the Arizona Biltmore Estates (Case No. 119-74) in December 1974.

Overall, consolidating and updating the zoning allows for a cohesive development of the Property with a new hotel, as well as an office or multi family facility along with typical accessory uses. As a part of this PUD, care was taken to include zoning uses that will not detrimentally affect the neighborhood, while updating the zoning in order to reflect development potential based on empirical market trends and demands.

### **Existing Land Uses**

The only use of the Property currently is as commercial office. The JDM Property contains commercial offices that are approximately 35 years old. The offices on the JDM Property were developed essentially as office “casitas” surrounding several individual courtyards. In its current configuration, JDM has significant challenges leasing office space due to the outdated nature of the buildings, both aesthetically and technologically. As stated previously, the layout of the JDM offices is outdated and no longer feasible. Simply put, the current JDM Property office complex is no longer a Class A office complex as it was when originally built 35 years ago and no longer serves as a quality entrance or gateway to the Biltmore area. At this juncture, the offices on the JDM Property are dilapidated Class C spaces with high and increasing vacancy rates, rather than the vibrant Class A office or residential development the area deserves. JDM’s inability to secure new tenants and retain existing ones is unfortunate in light of the Property’s signature and strategic location.

The BWI Property is used currently as its corporate office headquarters, and is occupied entirely by BWI. BWI proposes to take down a portion of its existing corporate offices, and create an inviting corporate and professional campus by constructing an upscale flagship hotel under its Best Western Premier® brand with offices for BWI employees, meeting spaces, restaurant and lounge, and other hotel amenities such as a fitness center, spa, and pool surrounding BWI’s existing offices. The new hotel will feature innovative rooms and function spaces, and upscale designs, acting as a showpiece for potential investors and independent hoteliers, demonstrating the exacting standards that BWI expects to be maintained. The new hotel will also serve as a facility in which existing, new, and potential independent hoteliers receive instruction and support for managing their independent hotels. In addition, local university students will have opportunities for internships, which provide invaluable, real-world experiences in their future profession. The new hotel will also be a working hotel available to travelers. Having the new hotel accept traveling guests will allow BWI’s independent hoteliers the opportunity to hone their skills and interact with BWI guests. The new hotel will also provide convenient lodging for guests of Biltmore residents. An associated parking structure will be constructed in connection with the redevelopment of the BWI property, which could be utilized for both the BWI and JDM redevelopments. This PUD will provide the guidance and standards necessary in order to accomplish the foregoing. This PUD will provide BWI with the ability to enhance its international corporate headquarters in the same location as its flagship Premier® brand boutique hotel.

The zoning surrounding the Property (i) to the north is commercial office space (Squaw Peak Office Condominium); (ii) to the west is commercial office space (Charles Schwab) as well as a City Water Service Facility; (iii) to the south is commercial office (National Bank of Arizona) with the Biltmore Fashion Park and 24<sup>th</sup> Street/Camelback Road commercial core just down the street; (iv) to the east/northeast is residential separated currently from the existing offices by an expanse of approximately 300 feet due to the adjacent Biltmore golf course; and (v) to the southeast is the parking garage and ballroom facilities associated with the Biltmore Hotel.

**Table 1: Subject Property and Surrounding City of Phoenix General Plan Designations, Zoning Districts and Land Uses.**

Direction	General Plan Designation	Existing Zoning	Current Land Use
Subject Property (JDM/BWI)	Commercial	JDM: C-2 Intermediate Commercial with stipulations  BWI: C-O Restricted Commercial with stipulations	Commercial Office Buildings
North	Commercial	C-O Restricted Commercial	Commercial Office Buildings
South	Commercial	C-1	Commercial Office Buildings
East	5-10 du/acre – Traditional Lot	PAD-15; GC	Single Family Residential (attached); golf course
West	Public/Quasi-Public; Commercial	RE-35; C-O	City of Phoenix wastewater treatment facility; Commercial Office Buildings

**Existing Character**

The character of the neighborhood has evolved significantly since its rustic desert beginnings. The existing character is now a mix of commercial and residential uses. Traveling north on 24<sup>th</sup> Street from Camelback Road, the uses run the gamut from commercial (Biltmore Fashion Park) to large, single family residential, to commercial corporate offices again as 24<sup>th</sup> Street merges into Glendale Avenue/Lincoln Boulevard.

Traveling east on Arizona Biltmore Circle, the Property is on the north, National Bank of Arizona is to the south. Next to National Bank of Arizona is a commercial office building that contains,

among other businesses, the offices for ABEVA. Next to that is the parking garage and ballroom for the Biltmore Hotel, which is much closer to existing residences than the redevelopment proposed in connection with the Project. North of the Biltmore Hotel and to the east of the JDM Property is residential property.

## **G. Proposed Land Uses and Land Use Plan**

The PUD will allow the JDM Property to be redeveloped in order to construct an office, hotel, or multi family facility that is commensurate with the current Biltmore area. The PUD will also enhance the existing BWI corporate office headquarters and allow the BWI Property to be developed with an upscale flagship Best Western Premier® hotel that will act as the showpiece for BWI's global brand. A parking structure will also be constructed in connection with the Project.

Each intended land use is generally described below. Conceptual renderings for each use are also included herein. Larger versions of the conceptual renderings are attached at Tabs 5 – 8. For a detailed list of allowed uses in each land use category, see Table 2, pages 41-42.

### **BWI Property – Corporate Headquarters and New Flagship Hotel**

The BWI Property is intended to be used as corporate offices and a new flagship hotel with approximately 138 rooms, along with the customary accessory uses that support the operation of the hotel, such as pool and spa, restaurant, banquet and conference facilities, as well as outdoor meeting and interactive space. Outdoor uses associated with the new hotel will be buffered from the existing residential by the expanse of the golf course as well as existing mature and any supplemental landscaping. The residents will be further buffered by the hotel building itself, which will be designed to “wrap” around the northeast corner of the BWI Property, thereby cocooning the outdoor uses inside a courtyard.

### **BWI Parking Garage**

This PUD contemplates that 1.61 acres of the northwest portion of the existing JDM Property will be an approximately 160,632 square foot parking garage, with approximately 383 parking stalls to accommodate parking for the redevelopment. The parking garage will be appropriately screened and will be much less visible than the existing parking garage for the Biltmore Hotel. The parking garage for the Project is internal to the Property and will be hardly visible to the residential neighbors. In fact, with the existing landscaping and the standards that are ultimately approved, the parking garage will be unobtrusive and hardly visible.

**BWI Conceptual Renderings**



**BWI Hotel Conceptual Evening Rendering Looking Southwest**



**BWI Hotel Conceptual Rendering of Pool Area**



BWI Conceptual View from Biltmore Golf Course Looking Northwest



BWI Conceptual Rendering of Interior Courtyard



BWI Conceptual Rendering of Interior Courtyard



BWI Conceptual Rendering of Interior Courtyard

**JDM Property – Office/Hotel/Multi Family**

If the JDM Property is developed as a multi family building with approximately 320 units, the development is proposed to have uses customarily associated with multi family developments, such as pool and spa, fitness, recreational activities, and outdoor space. The outdoor uses associated with the multi family will be primarily internal to the development and will be buffered from the existing residential by the structures, the expanse of the golf course, as well as existing mature and supplemental landscaping.

If the JDM Property is developed as an approximately 215,000 rentable square foot commercial office building, the existing residential to the east will be buffered by the wide expanse of the golf course as well as existing mature and supplemental landscaping. The parking is proposed to stair step with some parking below grade, and some above grade. The new parking garage may have parking available for use by the JDM Property. If JDM does not utilize the new parking garage, the JDM redevelopment will have sufficient parking to meet the needs of the redevelopment.

If the JDM Property is developed as a hotel, the uses will be those that customarily support the operation of the hotel, such as pool and spa, restaurant, banquet, and conference facilities, as well as outdoor meeting and interactive space.

**JDM Conceptual Multi Family Renderings**



JDM / BEST WESTERN - Phoenix, Arizona

Multi Family Concept Design  
Perspective of Entry Feature  
15104.000 - 4.2.18





JDM / BEST WESTERN - Phoenix, Arizona

Multi Family Concept Design  
 Perspective from Northeast Corner  
 15104.000 - 4.2.18



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JDM / BEST WESTERN - Phoenix, Arizona

Multi Family Concept Design  
 Perspective from Southeast Corner  
 15104.000 - 4.2.18



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JDM / BEST WESTERN - Phoenix, Arizona

Multi Family Concept Design  
 Perspective from Southwest Corner  
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**JDM Conceptual Office Renderings**



**JDM / BEST WESTERN - Phoenix, Arizona**

Office Concept Design  
Perspective of Entry Courtyard

15104 - 4.2.18



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**JDM / BEST WESTERN - Phoenix, Arizona**

Office Concept Design  
Perspective from Southwest Corner

15104 - 4.2.18



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JDM / BEST WESTERN - Phoenix, Arizona

Office Concept Design  
 Perspective from Northeast Corner

15104 - 4.2.18



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JDM / BEST WESTERN - Phoenix, Arizona

Office Concept Design  
Perspective from Southeast Corner

15104-4.2.18



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### **List of Allowed Uses**

Notwithstanding the previously referenced proposed land uses associated with the Project, the following list of uses defines permitted uses and permitted uses subject to certain conditions and limitations from the City of Phoenix's Zoning Ordinance. The proposed uses along with the necessary development standards provide for a zoning district that will allow for land uses traditionally associated with commercial and multi family development. The PUD provides for uses and development standards that are compatible with the surrounding area.

1. Permitted Principal Uses.
2. Uses specifically permitted as set forth in Table 2 herein.
3. Permitted Uses Subject to Conditions/Limitations Standards.
4. Uses specifically permitted subject to conditions/limitations as set forth in Table 2 herein. Performance Standards are specific for each individual use as defined. Some uses subject to conditions/limitations may also require a Use Permit which is processed in accordance with the provisions of the City of Phoenix Zoning Ordinance.
5. Temporary uses not specifically listed on Table 2 herein shall be permitted pursuant to the City of Phoenix Zoning Ordinance's regulations and standards for temporary uses.

6. Promotional events shall be permitted pursuant to the City of Phoenix Administrative Temporary Use Permit regulations and standards for promotional events.
7. Uses not listed may be allowed following a determination that the use is analogous to one allowed, pursuant to the City of Phoenix interpretation process.

**Table 2: Permitted Use List**

1. Assembly, General
  - a. Any assembly hall or banquet hall of less than 25,000 square feet in gross area shall be permitted only upon securing a use permit.
  - b. Outdoor uses shall be permitted only upon securing a use permit.
2. Dwelling, Multi family (maximum of 320 units).
3. Financial Institutions with or without drive-through.
4. General Office, Professional or Medical.
5. General Retail.
6. Hotel with or without ancillary uses including, but not limited to, the following: restaurant, bar, cocktail lounge, fitness center, pool, spa, and conference rooms.
7. Laboratory, Medical, Dental or Clinical.
8. Outdoor Dining.
  - a. Outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption shall be permitted as accessory uses only upon securing a use permit, if within 500 feet of a single-family residential or historic preservation district zoning line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business is conducted or proposed use is to be conducted closest to the residential district zoning line.
9. Outdoor Music or Entertainment accessory to restaurants, bars and cocktail lounges, subject to the following conditions:
  - a. Shall be permitted only upon securing a use permit, if within 500 feet of a single-family residential or historic preservation district zoning line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business is conducted or proposed use is to be conducted closest to the residential district zoning line.
  - b. The stage or performance area shall be a maximum of 200 square feet unless a use permit is obtained.
  - c. The noise level, measured at any point on the property, shall not exceed 55 dBa unless a use permit is obtained. An occurrence where the sound level increases up to 60 dBa for five continuous seconds or less shall not

be deemed a violation of this section as long as there are no more than five occurrences within an hour-long interval.

d. Patron dancing shall be permitted upon securing a use permit.

10. Personal Services.

11. Restaurant.

12. Wine Bar.

## H. Development Standards

### General PUD Standards

The following standards shall be generally applicable to all property within the PUD:

#### **Building – (Including Parking Garage)**

- No structure shall be constructed with a roofline that projects above 60 feet.
- Maximum building heights listed in this PUD shall be measured pursuant to the City of Phoenix definition found in Section 202 of the Zoning Ordinance.
- Architecturally integrated features, such as roof top mechanical equipment for utility and communication purposes, elevator bulk head, stairwell, screen wall, railing, trellis, roof top garden structures, and patio cover may exceed the building height up to ten (10) feet provided that the area within the said exceptions do not exceed a total of thirty percent (30%) of a building's roof area.
- Architecturally integrated, active solar systems may exceed thirty percent (30%) of a building's roof area subject to a Use Permit.
- Other exceptions to the building height include those listed in the City of Phoenix Zoning Ordinance Section 701.B, as well as any barriers necessary for the safety and security of a rooftop deck.
- Building Projections (open and closed) into stated setbacks shall be permitted in accordance with those listed in the City of Phoenix Zoning Ordinance Section 701.A.3.a.



Landscaping within the PUD will comply with the design standards contained within Chapter 5 of the Phoenix Zoning Ordinance unless modified below.

Landscaping within the future residential areas will reflect the quality, style, and densities of the surrounding area. JDM and BWI intend to promote a landscape that is sensitive to the desert environment and conserves water resources while complementing the existing lushly vegetated grounds. The purpose of this Landscape Standards section is to provide a baseline requirement for landscape improvements and establish a common landscape theme for any new landscaping in the development as a whole.

The pedestrian experience is fundamental to the Project's success. Trails in the Phoenix Mountain Preserve, along the Arizona Canal, and past the Biltmore Golf Course are all easily accessible. Landscaping and sidewalks where appropriate will soften edges between adjacent public and/or private streets and the Project buildings. Landscaping will provide a large variety of pedestrian shading, and will strive to provide a pleasant pedestrian experience by utilizing a combination of appropriately located sidewalks, and desert adapted trees that work in a commercial and multi family setting with ornamental trees along landscape medians and places that are in visually strategic locations. Trees combined with architectural shading features in some locations will attempt to manage the intense heat of a Phoenix summer.

#### Arterial & PUD Perimeter Landscape

The Arterial and Perimeter Landscape has already set the tone for the Property's appearance from the perimeter along 24<sup>th</sup> Street and Arizona Biltmore Circle. Views from adjacent roads and properties provide an attractive edge treatment in order to define the high quality of the Property.

The following minimum standards shall apply for new planting along the arterial streets:

- 1) Landscaping within perimeter arterial landscape buffer areas shall incorporate an appropriate mix of shade trees along all property lines.
- 2) Trees shall be spaced at twenty (20) feet on center as an average with five (5) shrubs per tree and a minimum fifty percent (50%) groundcover.
- 3) A mix of tree sizes shall be used in this area. At installation, the trees shall consist of 60% of trees with 2-inch minimum caliper and 40% with minimum 1-inch caliper.
- 4) Arterial Landscape buffer dimensions are twenty (20) feet or shall match the existing conditions if one exists.
- 5) Turf may be used within Arterial and Perimeter landscape zones; however, it shall not be allowed within the City right of way.

### Entry & Driveway Road Landscape

The Property includes two main entries along Arizona Biltmore Circle and North 24<sup>th</sup> Parkway, and 24<sup>th</sup> Street. These entrances are used as primary access to general circulation routes within the Property and are designed to create an enhanced sense of arrival for the Property. Additional direct access to specific uses within the development and parking areas will be provided via the internal roadway network. Landscape treatments are comprised of mature specimen trees and dense mass plantings of flowering shrubs, groundcover, and accent cacti.

The following minimum standards for any new plantings shall apply:

- 1) Landscaping within the entry landscape areas shall incorporate a mix of evergreen and native desert trees.
- 2) Tree quantities shall be determined by meeting average tree spacing for that particular street frontage. At a minimum, thirty (30) feet on center as an average tree spacing with five (5) shrubs per tree, and a minimum fifty percent (50%) groundcover, per linear feet of curb.
- 3) A mix of tree sizes shall be used in this area. At installation, the trees shall consist of 60% of trees with 2-inch minimum caliper and 40% with minimum 1-inch caliper.
- 4) Main entry Landscape treatments along Arizona Biltmore Circle and North 24<sup>th</sup> Parkway shall be a minimum of 3,000 square feet of landscape area with a minimum width dimension of twenty (20) feet and located on both corners of the entry roads.
- 5) Turf may be used at main entry landscape zones; however, it shall not be allowed within the City right of way.

### Parking Lot Landscape (Not Including Parking Garage)

Parking lots shall utilize a landscape buffer to mitigate their visual impact to the Property. Any new landscaping for the parking lots shall be classified into two categories:

- 1) Buffer areas that surround the perimeter of the parking lots. Buffer areas shall be a minimum of 10' in width and be planted with a minimum of one 24" inch box tree and five (5) 5-gallon shrubs for every 600 square feet of landscape area.
- 2) Interior landscape within the parking lots and maneuvering areas shall include a minimum of five percent (5%) landscaping. A minimum of one: 24" inch box tree for every 12 parking spaces. Landscape islands shall contain a minimum of one: 24" inch box tree per parking stall depth and be a minimum of 8' in width.

All non-paved areas within or surrounding the parking lots shall be planted with 50% live ground cover. Decorative rock (decomposed granite) is required in all landscape areas with the exception of turf.

### Interior/Common Space Landscape

The following minimum landscaping standards for any new Interior/Common Space not on an Arterial Street shall apply:

- 1) A minimum of one 24" inch box tree for every 1,000 square feet of total landscape area.
- 2) Minimum of five (5) 5-gallon shrubs for every tree per area requirements (all others 1-gallon).
- 3) Fifty percent (50%) live groundcover, 1-gallon minimum.
- 4) Turf is limited to a maximum of fifty percent (50%) of the total landscape area. Turf is recommended in useable and visually significant areas only; however, it shall not be allowed within the City right of way.
- 5) Decorative rock (decomposed granite) is required in all landscape areas with the exception of turf and golf course areas.
- 6) Any new palm trees shall be a minimum of 14' in height at the time of planting.

All landscaping shall be irrigated with an automatic in-ground irrigation system. All planting shall be required to have underground drip irrigation and turf shall have underground-mounted spray heads.

### **Open Space –**

Open space amounts and minimum percentage requirements are indicated herein. Open Space may be either Active or Passive, as defined herein:

Active: Common open space with active recreational facilities, such as swimming pools, play equipment, ball fields, game courts, and picnic tables.

Passive: Common open space with passive elements, such as gardens, benches, fountains or the preservation of natural vegetation.

The Project will have the following percentages of open space:

- BWI Existing Offices, New Hotel, and Parking Garage – 48% Open Space
- JDM Property – 32% Open Space

### **Walls and Fencing –**

- Chain link fencing shall not be permitted except as construction security fencing during an active permit.

- Newly constructed walls should have a finished appearance, treated with decorative materials.
- View fencing should be encouraged wherever feasible.
- All service and mechanical equipment areas should be screened by a solid wall to conceal loading docks, trash and recycling containers, large electrical transformers, backflow preventers, and other mechanical and electrical equipment from eye level adjacent to all streets and walkways. Screening shall be compatible with the adjacent architecture.
- Surface parking shall be screened from public streets by a minimum 3 foot tall wall unless berms and dense landscaping is provided.

### **Parking and Loading –**

Minimum parking stall dimensions and drive aisle dimensions shall be pursuant to Section 702.B.2 of the City of Phoenix Zoning Ordinance.

Minimum parking requirements shall be as follows:

- The parking requirement for the JDM Property will be satisfied within the PUD boundary during 100% room occupancy if the JDM Property is developed as a commercial office building, hotel, or multi family. [See Conceptual Site Plan, Tab 5.]
- The parking requirements for the BWI Property will be satisfied within the PUD property boundary during 100% room occupancy and typical size events, and 100% utilization of the commercial office building. [See Conceptual Site Plan, Tab 7.]

### **Access –**

Access to the Property will continue to be by way of the existing main access points: (1) 24<sup>th</sup> Street turning east onto Arizona Biltmore Circle and immediately north onto 24<sup>th</sup> Parkway, a private street; and (2) 24<sup>th</sup> Street north of Arizona Biltmore Circle turning east onto the private street known as 24<sup>th</sup> Drive. Ingress and egress to the Project will be nearly all self-contained, with a de minimis amount of traffic traveling further east into the residential areas of Arizona Biltmore Circle.

### **Shade –**

Promoting human comfort for employees, guests, and residents and maximizing protection from the sun and heat, future pedestrian walkways shall be shaded (50% at maturity) by shade trees. Existing natural and artificial shade provided for the Property will maintain and increase the comfort level and provide an “oasis” setting. This PUD will:

- Develop a shading program where 50% of future pedestrian paths will receive relief from the sun at noon on the summer solstice.
- Develop a shading program where 25% of future improved passive open spaces will receive relief from the sun at noon on the summer solstice.

## **Lighting –**

- All lighting shall conform to the City of Phoenix Zoning Ordinance unless further restricted within this PUD.
- Special care will be taken with surface parking lighting design to provide lighting levels that promote security, but will not spill over into adjacent areas:
  - Residential facing lighting should be shielded with cut-off fixtures and deflectors to direct light downward and limit on-site lighting levels to a maximum of 1 foot candle at the PUD boundary.
- Pole lighting for parking lot, security lighting, outdoor recreation or other illumination shall not exceed the following heights measured from the finished grade to the bottom of the light source:
  - 10 feet if located closer than 50 feet from the PUD boundary.
  - 15 feet if located between 50 and 150 feet from the PUD boundary.
  - All other lighting shall not exceed 25 feet in height.
- Exterior sporting courts shall not be utilized after 10:00 pm with lighting extinguished at that time.

### **Specific Development Area Standards**

The standards referenced on the following pages are specific standards applicable only to the area they reference. Pursuant to Section 671.E.3 of the City of Phoenix Zoning Ordinance, modifications to these standards may be considered through the procedures detailed in that section.

#### **BWI Property**

Maximum Height – See General PUD Building Standards section herein.

Maximum Lot Coverage – A maximum of 52% lot coverage for the primary structure, not including attached or detached shade structures.

Buildable Envelopes – Setbacks shall be those illustrated on the included Conceptual Site Plans. [See Tabs 5 and 7.]

#### **JDM Property**

Maximum Height – See General PUD Building Standards section herein.

Maximum Lot Coverage – A maximum of 60% lot coverage for the primary structure, not including attached or detached shade structures.

Buildable Envelopes – Setbacks shall be those illustrated on the included Conceptual Site Plans. [See Tabs 5 and 7.]

## I. Design Guidelines

The purpose of the PUD Design Guidelines is to provide general guidance for the design of new structures in connection with the Project. These guidelines are also intended to define and preserve the character of the existing Property to the greatest extent possible while assuring a compatible and sustainable neighborhood.

### **Building Design:**

The following conceptual guidelines for the individual components of the intended development serve to supplement and enhance the provisions set forth in Section 507 Tab A, Guidelines for Design Review, of the City of Phoenix Zoning Ordinance. The goal of these Guidelines is not to dictate or direct architectural style, but is intended to provide the framework to ensure that all building elevations provide for varied building massing, rooflines, proportion, façade articulation, appropriate detailing, colors and materials to promote design diversity, while also respecting the architectural character of the surrounding built form.

### **BWI Property**

#### **Architectural Style**

The hotel follows contemporary architecture styling with a restrained palette made up of smooth warm whites, bronze detailing, subtle hints of wood underneath the balconies, pool, and lobby, and low profile railings. On the Conceptual Site Plan, the hotel is sited along the north to create an introverted, lush, comfortable courtyard bordered by the conference center, existing headquarters building, lobby and restaurant. The conference center flanks the hotel along the western edge of the site. An extensive series of operable glass panels will open up the ballroom and prefunction space and provide visual connection to the event lawn and courtyard. The pool nestles into the eastern edge of the courtyard providing guests with remarkable mountain views to the north and the drama of sunsets to the west. The restaurant and bar borrows the energy from the adjacent lobby to provide intimate courtyard seating on the patio with spectacular views of the Biltmore golf course to the east. Connecting the new and existing courtyards to the hotel lobby, paths will provide visual connections and direct guests towards areas to recreate and relax. These paths will extend beyond connecting to other elements on the site to encourage interaction for visitors and create a campus atmosphere.

#### **Architectural Diversity**

Building design should provide diversity in color, material and depth of plane. A combination of wall plane, vertical elements and horizontal plane shall be incorporated on all four sides of the building's exterior elevations.

#### **Architectural Design Elements**

The hotel rooms push and pull playfully along the façade to create balconies above while adding depth and shadow lines below. An extensive series of operable glass panels in the conference center will open up the ballroom and prefunction space and provide visual connection to the event lawn and courtyard. Connecting the new and existing courtyards to the hotel lobby, paths will provide visual connections and direct guests towards areas to recreate and relax.

### Roof Lines

Roofs may be pitched or flat. Continuous roof lines and deep overhangs are encouraged. Vertical and/or horizontal variation in roof lines is encouraged to create variation in the depth of plane and overall massing.

### Colors and Materials

Contemporary architecture styling with a restrained palette made up of smooth warm whites, bronze detailing, subtle hints of wood underneath the balconies, pool, and lobby, and low profile railings.

### Driveways and Walks

All driveways and walks shall be enhanced through the use of decorative concrete, joint pattern, texture, brick, pavers or integral colored concrete.

### A/C Units

All rooftop and ground mounted mechanical equipment shall be fully screened from any adjacent property or right of way.

## **JDM Property**

### Architectural Style

The Desert Prairie Contemporary style is an interpretation of the surrounding landscape of up-lifted rock outcroppings and vast open planes arranged together with terraces, overhangs and walkways. Long ribbon windows with deep horizontal overhangs provide solar protection and a continuous visual connection to the surrounding landscape. Large vertical buttresses help to create a transition from the rocky ground plane to open upper levels. The color palette should reflect the surrounding desert hues and incorporate natural accents.

### Architectural Diversity

Building design should provide diversity in color, material and depth of plane. A combination of wall plane, vertical elements and horizontal plane shall be incorporated on all four sides of the building's exterior elevations.

### Architectural Design Elements

The front entry shall be clearly defined and identifiable. Designs shall incorporate consistent detailing for each side of the building. Fenestration shall be an accent to the main body color of the building. Monumental elements are preferred to reinforce the heavy nature of the rock outcropping aesthetic. The use of upgraded materials such as metal, glass and stone is encouraged.

### Roof Lines

Roofs may be pitched or flat. Continuous roof lines and deep overhangs are encouraged. Vertical and/or horizontal variation in roof lines is encouraged to create variation in the depth of plane and overall massing.

### Colors and Materials

The color and materials should be consistent with the surround environment. Accent colors are encouraged at railings, fenestration, columns, balconies, copings and fascia.

### Driveways and Walks

All driveways and walks shall be enhanced through the use of decorative concrete, joint pattern, texture, brick, pavers or integral colored concrete.

### A/C Units

All rooftop and ground mounted mechanical equipment shall be fully screened from any adjacent property or right of way.

## **J. Signage**

Signage within the PUD shall be governed by the regulations applicable to signs as established in the City of Phoenix Zoning Ordinance Section 705, and definitions within Section 202, unless modified within the PUD. Signs that advertise businesses or residential projects within the boundaries of the PUD shall be treated as on-premises advertising irrespective of parcel lines.

For the purpose of the PUD, all signs, including advertising, informational and directional signage not visible from public streets (including but not limited to 24<sup>th</sup> Street and Arizona Biltmore Circle), along with directional and informational signs of less than three (3) feet in height, shall not be considered as signs (permanent or temporary) and conformance with the following regulations, and permitting with the City of Phoenix shall not be required.

### Sign Design Standards

New signage will directly complement the surrounding area and future residential development.

- Signage within the PUD will maintain a sense of architectural continuity by using similar architectural styles to adjacent buildings and structures.
- Signs shall utilize complementary colors, textures, and materials.
- Sign locations should be integrated with and not visually dominate the adjacent structures and streetscape.
- Signs should be oriented to promote readability and serve their intended purpose.
- Nothing herein shall affect the Owners' ability to use trademarked font or styles in their signage.
- Illumination of signs will be carefully designed to provide a soft, indirect glow that does not negatively impact the community or surrounding properties and conform to Section 705.C.6 of the City of Phoenix Zoning Ordinance.

### Flexibility Provisions

In order to allow for flexibility in sign design, wayfinding and to allow for modifications to the Signage Standards herein, if necessary, JDM or BWI may separately apply for a comprehensive sign plan pursuant to the procedures and evaluation criteria listed in Section 705.E.2 of the City of Phoenix Zoning Ordinance.

### **Temporary Sign Standards**

Temporary signage for non-residential and/or residential uses within the Resort shall be allowed along and visible from 24th Street and Arizona Biltmore Circle frontages. Unless specifically listed below, temporary signs shall be regulated in accordance with applicable City of Phoenix standards for such signs, contained within Section 705 of the City's Zoning Ordinance.

### **Construction and Property Sale, Lease, or Rental Signs**

Construction and Property Sale, Lease or Rental Signs are permitted subject to the requirements of the table below:

<b>Land Use (1)</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Number</b>
<b>Construction Signs during active permit</b>			
Residential	32 sq. ft.	12 feet	1 per street frontage
Non-Residential	100 sq. ft.	12 feet	1 per street frontage
<b>Property Sale, Lease or Rental Signs</b>			
Residential	6 sq. ft. if less than 10 acres; 16 sq. ft. if 10 acres or more	12 feet	1 per 300' of street frontage
Non-Residential	32 sq. ft. if less than 10 acres; 100 sq. ft. if 10 acres or more	12 feet	1 per 300' of street frontage

### **K. Sustainability Guidelines**

This section is to identify sustainability standards that are measurable and enforceable by the City and identify practices or techniques for which the property owner/developer will be responsible that are integral to this unique Project. The purpose of this section is to promote fair, comprehensive and enforceable regulations that will create a positive sustainable environment for the Property.

Planning principles that advocate for a sustainable community are integral to the Project and are an important foundational element of the PUD. Development within the Project will advance sustainability through land planning principles, building techniques and methodology. The following sustainability measures will be incorporated as appropriate and feasible within the residential development:

**Water:** Efficient use of water within newly developed or redeveloped areas will be encouraged through landscaping techniques such as low-water use plant selection and efficient irrigation systems. Water efficient toilets, showerheads, faucets, clothes washers and dishwashers will be strongly encouraged as a community standard.

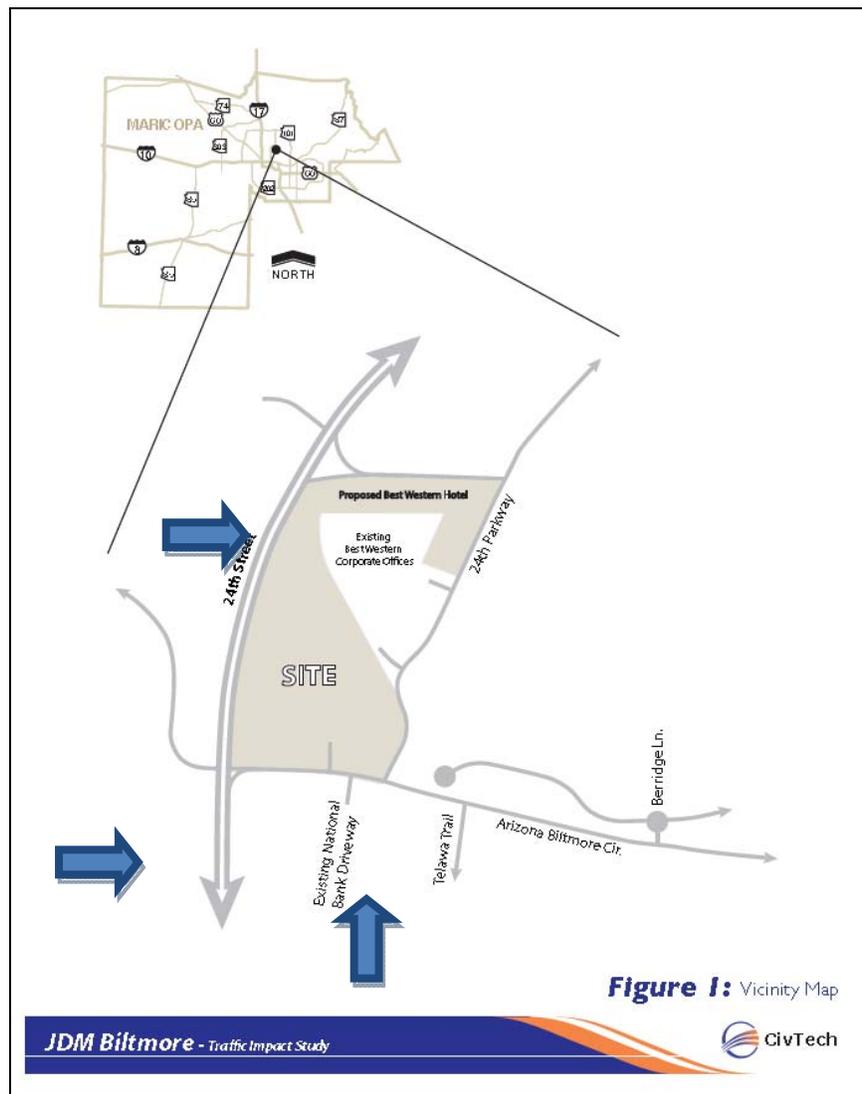
**Building Materials:** The use of recycled, local or regionally produced building materials will be encouraged along with the reuse or recycle of construction waste. Fluorescent and LED lighting is encouraged along with high performance windows, insulation and HVAC systems. Builders will be encouraged to incorporate LEED or other green building techniques and strategies (such as Energy Star or Home Energy Rating System standards).

**City Enforceable Standards:** Develop a shading program where future pedestrian paths will receive fifty percent (50%) shade relief (at maturity) from the sun at noon on the summer solstice.

#### L. Circulation System (Traffic)

Access to the Property will continue to be by way of the existing main access points: (1) 24<sup>th</sup> Street turning east onto Arizona Biltmore Circle and immediately north onto 24<sup>th</sup> Parkway, a private street; and (2) 24<sup>th</sup> Street north of Arizona Biltmore Circle turning east onto the private street known as 24<sup>th</sup> Drive. Ingress and egress to the Project will be nearly all self-contained, with a de minimis amount of traffic traveling further east into the residential areas of Arizona Biltmore Circle.

**Figure 1: Access/Roadway Map** (also included in the Traffic Impact Study, Tab B)



As a result of the foregoing factors and considerations, traffic emanating from the Project will not adversely impact the surrounding neighbors because the Project will generate virtually no traffic into the residential neighborhoods. [See Appendix B, Traffic Impact Study, Tab B.] The traffic

study prepared in connection with the Project concluded that after full build out “all study intersections will operate at an overall acceptable level of service.” [See Appendix B, Traffic Impact Study, Tab B.] As set forth in the Traffic Impact Study, only two intersections will require mitigation measures, and even then the only mitigation proposed is restriping to change some of the lane configurations: (1) 24<sup>th</sup> Street and the 6225 Driveway (a private street); and (2) 24<sup>th</sup> Street and Arizona Biltmore Circle.

**Figure 3: Direction of Egress from 6225 Driveway Northbound on to 24<sup>th</sup> Street** (also included in the Traffic Impact Study, Tab B)



**Figure 4: Proposed Length of Mitigation on Eastbound Arizona Biltmore Circle (also included in the Traffic Impact Study, Tab B)**



## M. Infrastructure Standards

### Grading and Drainage

The project slopes from north to south with two major drainage areas. Most of the site is paved parking lot, sidewalks and existing buildings. The maximum slope along the developed areas is approximately 10%. According to FEMA Flood Insurance Rate Map 04013C1745L, revised October 16, 2013, the project site is located entirely within the shaded Zone X which is defined as: “Areas of 0.2% annual chance flood, Areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile.”

The west side of the BWI Property slopes to the west towards 24<sup>th</sup> Street and drains to an existing basin at the northeast corner of 24<sup>th</sup> Street and Arizona Biltmore Circle. The east side of the BWI Property slopes to the southeast towards 24<sup>th</sup> Parkway and to the existing golf course basin to the east. These slope patterns are due to the existing high point of the site being on the north end in the midline of the existing site. The JDM Property slopes to the south to an existing retention basin on the northeast corner of 24<sup>th</sup> street and Arizona Biltmore Circle. This basin is the ultimate outfall for the overall site to an existing storm structure that conveys overflow runoff to the south east to the Arizona Canal Diversion Channel (ACDC) at the southeast corner of the intersection.

Historically, the flow through the site was designed to redirect the 10-year 2-hour runoff volume into existing retention basins in the adjacent golf course and at the northeast corner of 24<sup>th</sup> Street and Arizona Baltimore Circle. Flows west of the existing high point are routed via rip rapped spillways to the existing basin at the intersection of 24<sup>th</sup> street and Arizona Biltmore

Circle. Flows east of the existing high point on the BWI Property are routed through the site and are piped into the existing golf course basin. In addition, there are offsite flows that enter the site from the northern access road and are currently routed through the BWI Property and drained into the existing golf course basin. The golf course basin currently has an overflow pipe that drains through the JDM Property to the basin at the intersection of 24<sup>th</sup> street and Arizona Biltmore Circle.

It is proposed that historical drainage patterns and outfall locations be maintained to prevent adverse impact to the downstream properties. Retention volumes provided will be the greater of the first flush of 0.5 inches or the pre versus post construction drainage calculations for the BWI Property and JDM Property independent of one another. The retention will be provided through underground tanks within the project area as needed to achieve the volume required. It is also proposed that offsite flows will be intercept via catch basin and pipe to outfall location in the existing golf course retention basin.

### **Water Service**

The City of Phoenix is the current water service provider for the Project for domestic and fire water. Existing City of Phoenix public waterlines are located around the perimeter and within the existing property lines. For the BWI Property, the existing water lines located on the property will have to be relocated to a new proposed location within the north access road due to the placement of buildings within the proposed development. Existing fire hydrants and similar structures will also have to be relocated to accommodate the proposed development.

It is anticipated that the existing development and new BWI hotel will be served continuously by City of Phoenix public water lines. The proposed improvements include the possible relocation of existing water service lines and will include a new water service line for the new BWI hotel. A new private fire line is also proposed for both the new BWI hotel and parking garage. The water systems will be designed and constructed in accordance with City of Phoenix Water Services Department Design Standards.

### **Wastewater Service**

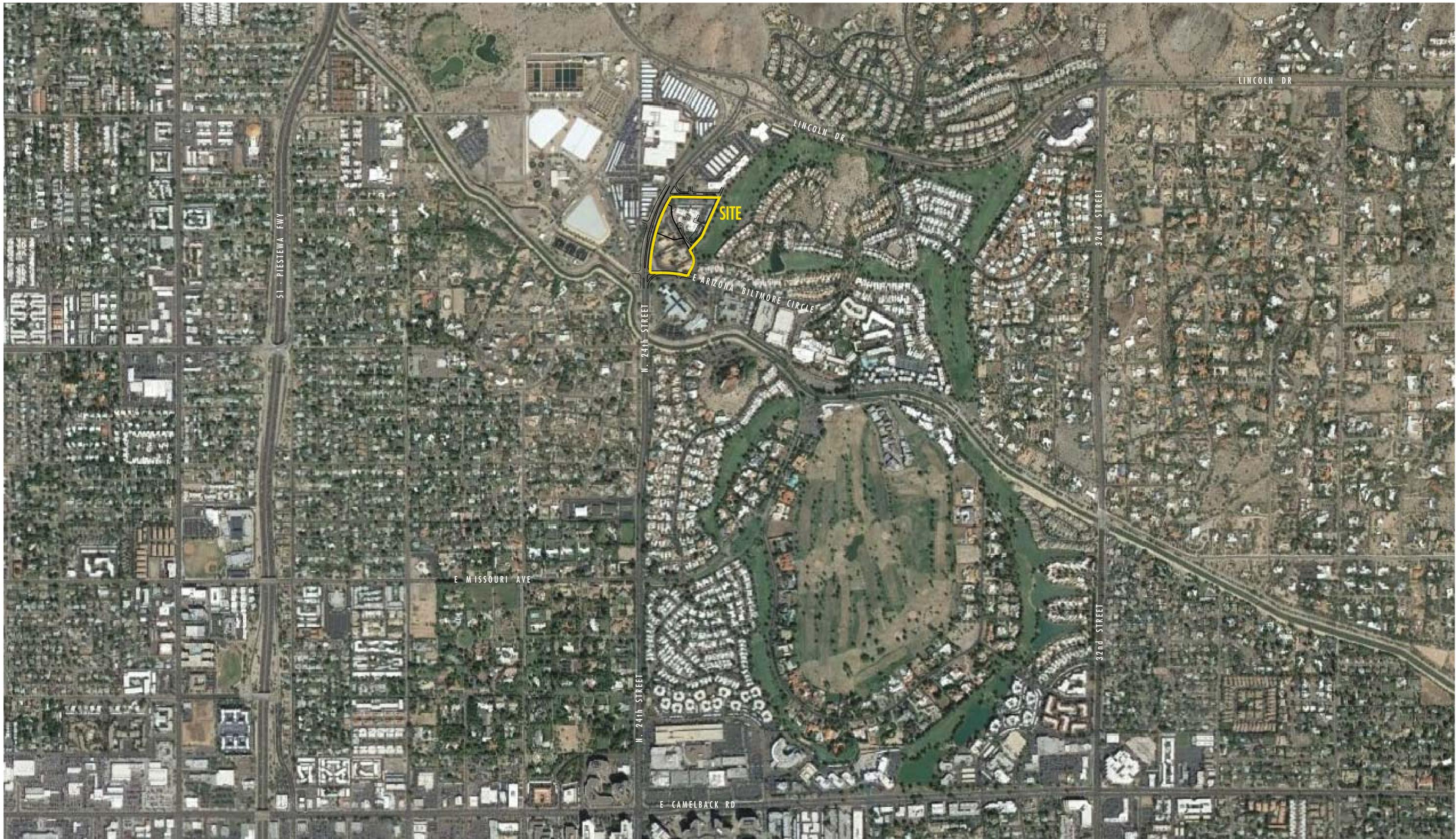
The City of Phoenix is the wastewater service provider for the Project. Existing public wastewater infrastructure includes gravity lines located along 24<sup>th</sup> Parkway. The proposed wastewater infrastructure will include additional sewer service lines that will service the proposed development.

The design team will coordinate with the City to evaluate the existing and proposed sewer main capacities. The wastewater system will be designed and constructed in accordance with the City of Phoenix Water Services Department Design Standards.

## **N. Phasing Plan**

At this time, there is no set phasing proposed.

# **EXHIBIT 1**



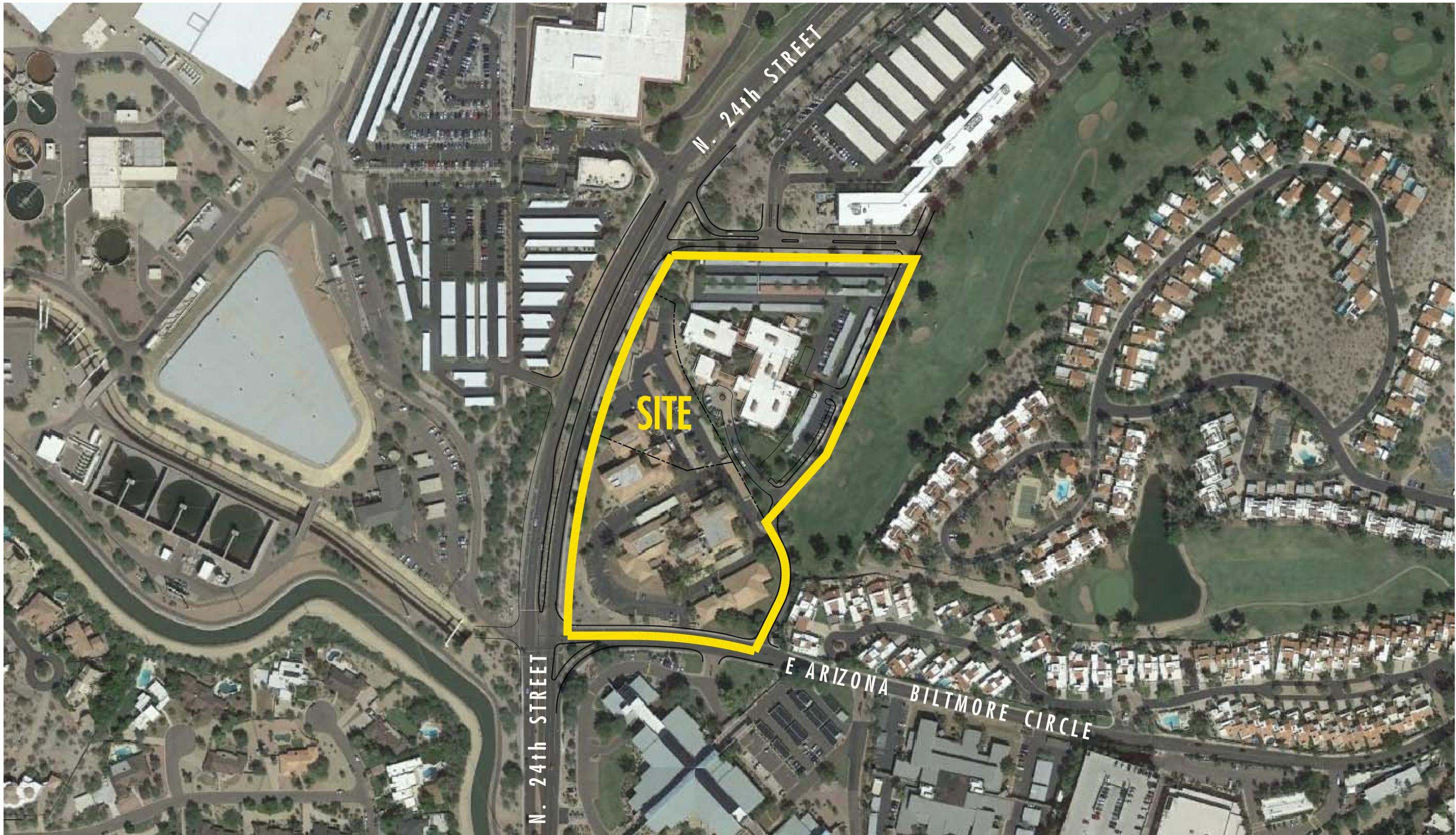
VICINITY MAP  
15104.000 - 3/21/2018



# JDM / BEST WESTERN Phoenix, Arizona

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# **EXHIBIT 2**



**SITE**

N. 24th STREET

N. 24th STREET

E ARIZONA BILTMORE CIRCLE



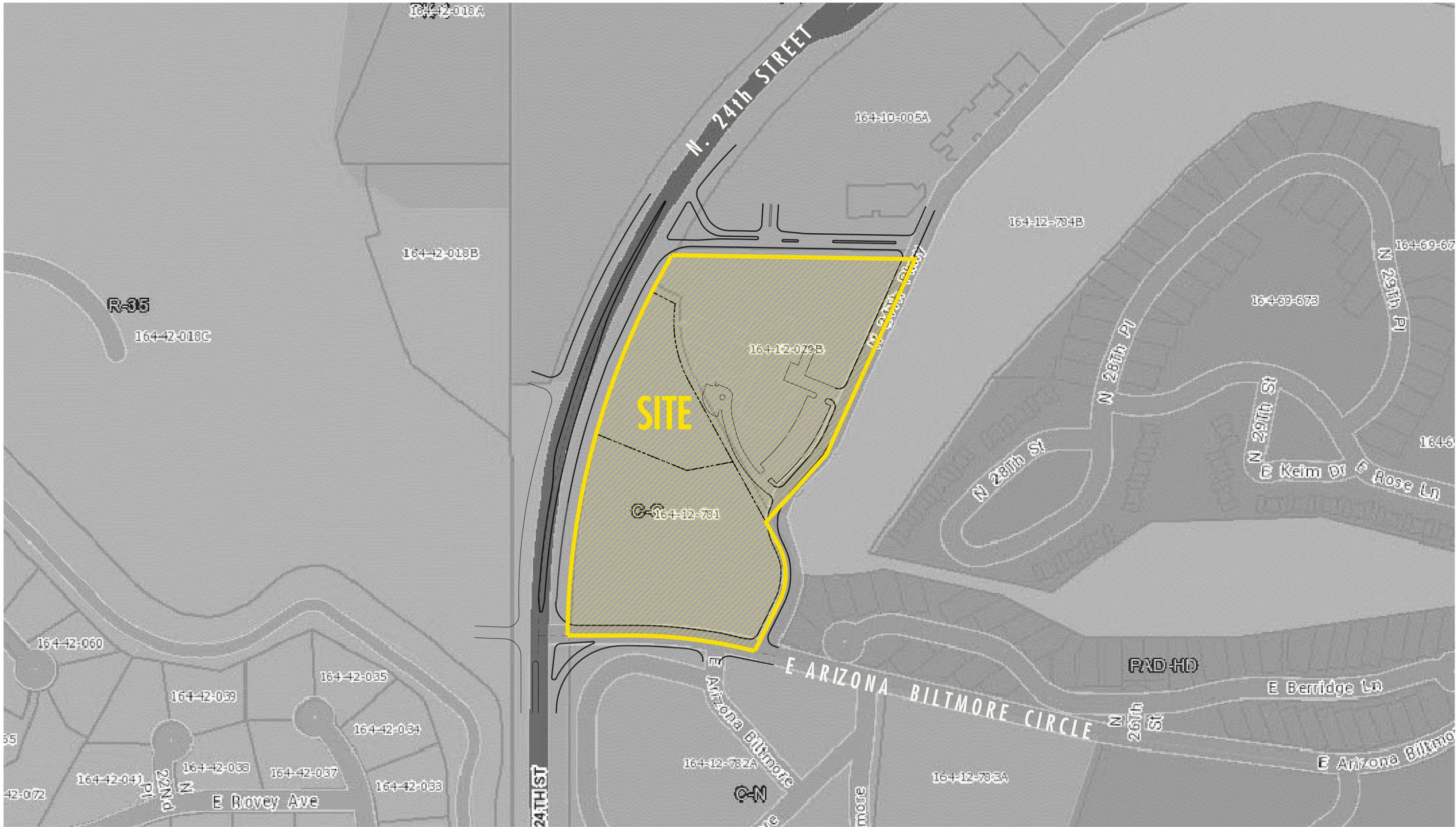
AERIAL MAP  
15104.000 - 3/23/2018



JDM / BEST WESTERN Phoenix, Arizona

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# **EXHIBIT 3**



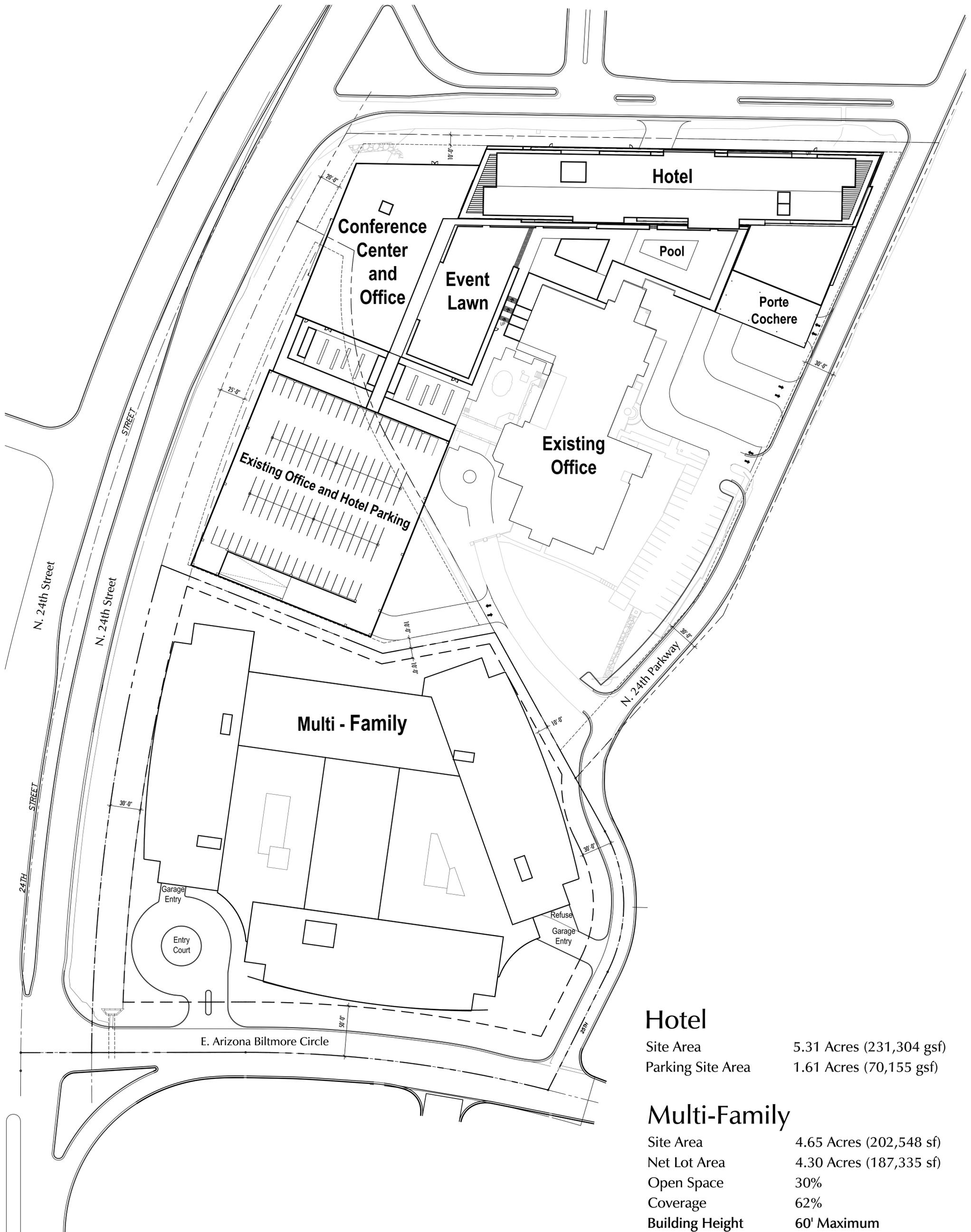
JDM / BEST WESTERN Phoenix, Arizona

BOUNDRY MAP  
15104.000 - 3/23/2018



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# **EXHIBIT 4**



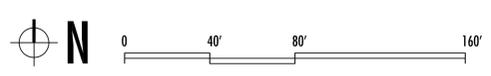
### Hotel

Site Area	5.31 Acres (231,304 gsf)
Parking Site Area	1.61 Acres (70,155 gsf)

### Multi-Family

Site Area	4.65 Acres (202,548 sf)
Net Lot Area	4.30 Acres (187,335 sf)
Open Space	30%
Coverage	62%
Building Height	60' Maximum
Multi-Family Density	320 Units
Parking Required	480 spaces (1.50 : unit)
Parking Provided	480 spaces (1.50: unit)

## Conceptual Site Plan



JDM / BEST WESTERN, Phoenix, Arizona

JDM Biltmore  
 MULTI-FAMILY / HOTEL PLAN  
 SITE PLAN  
 15104.000 - 6/29/18

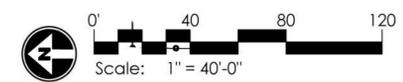


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# **EXHIBIT 5**



# Conceptual Landscape Plan

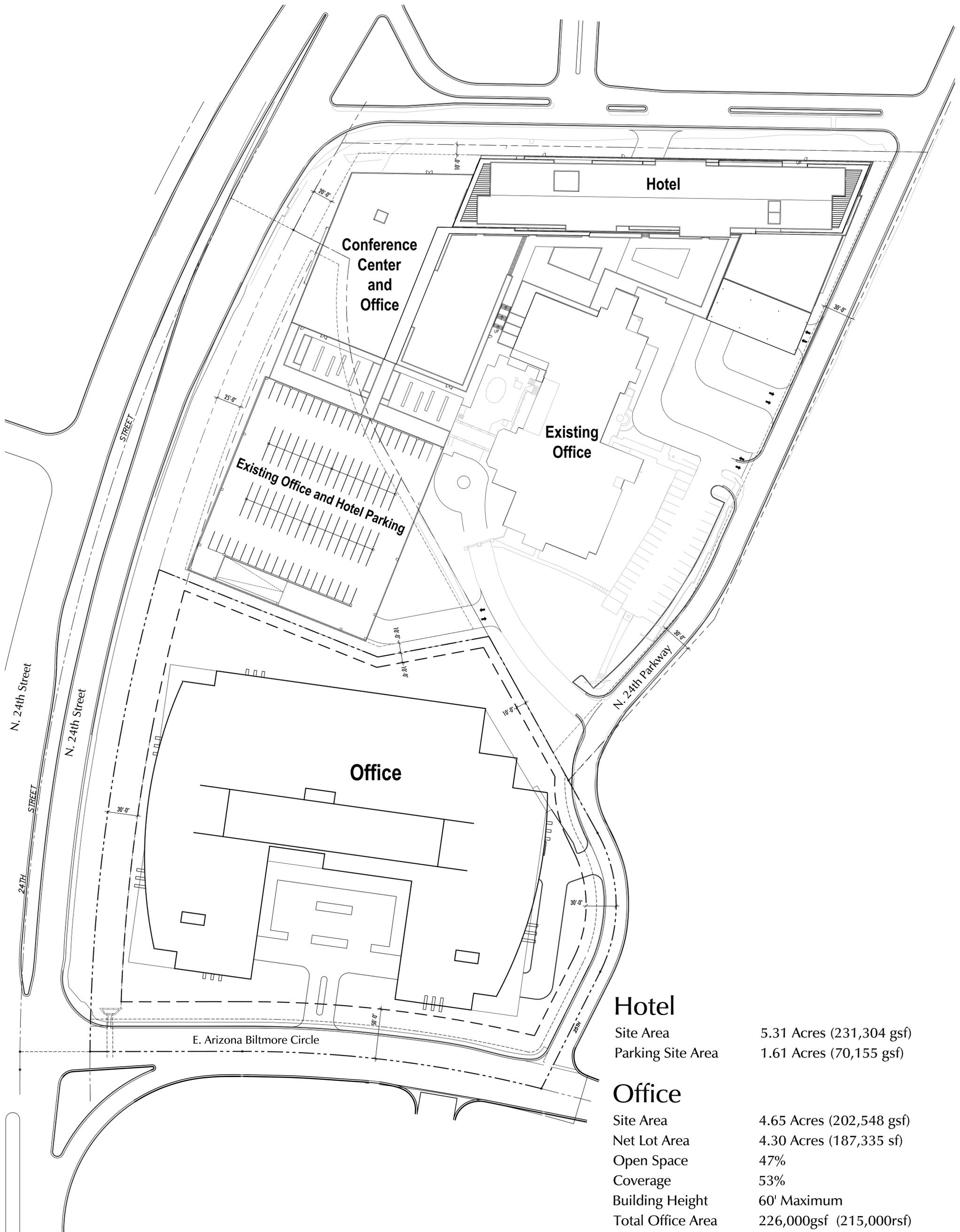


# **EXHIBIT 6**



# Conceptual Landscape Plan

# **EXHIBIT 7**



### Hotel

Site Area	5.31 Acres (231,304 gsf)
Parking Site Area	1.61 Acres (70,155 gsf)

### Office

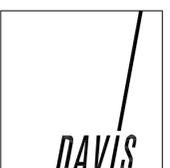
Site Area	4.65 Acres (202,548 gsf)
Net Lot Area	4.30 Acres (187,335 sf)
Open Space	47%
Coverage	53%
Building Height	60' Maximum
Total Office Area	226,000gsf (215,000rsf)
Parking Required	679 spaces (3.50 : 1000tla)
Parking Provided	860 spaces (4.00 : 1000rsf)

# Conceptual Site Plan



JDM / BEST WESTERN, Phoenix, Arizona

JDM Biltmore  
OFFICE / HOTEL PLAN  
SITE PLAN  
15104.000 - 6/29/18



# **APPENDIX A**

LEGAL DESCRIPTION  
BEST WESTERN

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL No. 1:

That portion of Parcel 5, Arizona Biltmore Estates, according to Book 183 of Maps, page 35, records of Maricopa County, Arizona described as follows:

Beginning at the most Westerly corner of Parcel 5, being the beginning of a non-tangent curve concave Southeasterly and having a radius of 1839.86 feet, a radial line from said point bears South 62 degrees 47 minutes 49 seconds East;

Thence Northeasterly along the Westerly line of Parcel 5 and the Easterly Right of Way line of 24th Street and along the arc of said curve through a central angle of 03 degrees 06 minutes 51 seconds, 100.00 feet;

Thence leaving said curve South 89 degrees 05 minutes 04 seconds East along a non-tangent line, 586.28 feet to a point on the Easterly boundary of Parcel 5;

Thence South 24 degrees 27 minutes 30 seconds West along said Easterly boundary, 515.61 feet;

Thence South 41 degrees 58 minutes 10 seconds West along said Easterly boundary, 217.85 feet to the Southeast corner of Parcel 5;

Thence North 28 degrees 54 minutes 14 seconds West along the Southerly boundary of Parcel 5, 382.64 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 300.00 feet;

Thence Northwesterly along said Southerly boundary and along the arc of said curve through a central angle of 37 degrees 22 minutes 40 seconds, 195.71 feet;

Thence leaving said curve North 62 degrees 47 minutes 49 seconds West along a non-tangent line and along said Southerly boundary, 63.09 feet back to the Point of Beginning.

PARCEL No. 2:

An easement for access over that portion of Parcels 6, 7 and 13, Arizona Biltmore Estates, according to Book 183 of Maps, page 35, records of Maricopa County, Arizona, as designated on map attached to grant of easement recorded in Docket 11946, page 560 and created by instrument recorded in Docket 11946, page 560, records of Maricopa County, Arizona.

LEGAL DESCRIPTION

JDM

Lot 6, ARIZONA BILTMORE ESTATES UNIT II AMENDED, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 208 of Maps, Page 14.

# **APPENDIX B**

**(To be provided under separate cover)**

**APPENDIX C**  
**Amendment F**



CITY  
OF  
PHOENIX

PLANNING DEPARTMENT

October 10, 1978

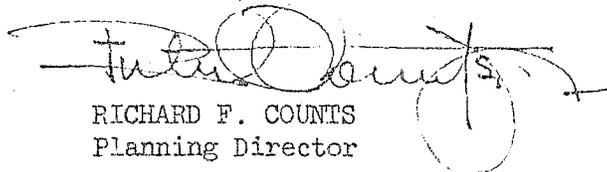
Mr. Cal Kempton  
Arizona Biltmore Estates  
P. O. Box 2290  
Phoenix, Arizona 85002

Dear Mr. Kempton:

We have reviewed the alternate use proposed for Parcel 6 of ABE as you requested in your letter of August 4, 1978. I have determined that the change is minor, according to the provisions of the policy on amendments adopted by the City Council on November 16, 1976.

I concur with the recommendation contained in Peter Atonna's memorandum, copy attached, and approve the alternate use for general offices, subject to the six stipulations contained in the memorandum.

Sincerely,



RICHARD F. COUNTS  
Planning Director

RFC:PGA:hb  
Attachment

cc: Mr. Brunton  
Mr. Forde  
Mr. Atonna  
Mr. Moodey  
Mr. Krempf  
Mr. Colson ✓





CITY OF PHOENIX

TO Richard F. Counts, Planning Director

DATE October 3, 1978

FROM Peter G. Atonna, Deputy Planning Director

*PGA*

SUBJECT Administrative Amendment to Parcel 6, Arizona Biltmore Estates

#### BACKGROUND

Mr. Cal Kempton has requested that an administrative amendment be granted to allow general offices in addition to the motel-restaurant use presently designated for this parcel. This application is similar to that requested in conjunction with Parcel 40, wherein a request for either office or retail use was made. After reviewing the impacts of these alternatives, the Acting Planning Director approved the office designation as an administrative amendment. Retail uses were deemed a major change, requiring Commission and Council approval. For your information, I have attached a copy of that analysis. No retail uses are being requested in this case.

The premise on which the use change is requested is that the floor area of each land use is adjusted to hold constant the total trip generation for the parcel. The figures in Mr. Kempton's letter are correct, in that 38,000 square feet, GFA, of motel-restaurant would equal 66,470 square feet, GFA of offices.

The analysis of compatibility for the proposed office use resulted in similar conclusions to that done for Parcel 40. In this case, there was less concern for maximum building setbacks, since there are neither nearby homes, nor are the other building setbacks on 24th Street as great as those on Camelback. (This is not unreasonable, as the character of uses on the two streets is quite different, with four large retail complexes predominating the Camelback frontage and smaller scaled office-residential uses on 24th Street.)

We do feel that the proposed setbacks and building elevation are not adequate. We have suggested setbacks to be compatible with other 24th Street parcels. Also, the existing conceptual plan proposes a maximum 30 foot building height and roof elevation of 1,296 feet. This is reasonable for two-story buildings and will help to keep the highest part of the site free.

#### RECOMMENDATION

Based on our review of the impacts of the alternate use for Parcel 6 of ABE, I recommend that the proposed use for offices be considered minor, according to the procedures adopted by the City Council on November 15, 1976, and that the alternate use be approved, subject to the following stipulations:

1. Total trips be 1,130 for the parcel. */day.*
2. These shall be a 60 foot building setback from 24th Street, provided that no more than 25% of the building frontage may project to within 40 feet of 24th Street.

Mr. Counts  
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3. There shall be a minimum of 20 feet of landscaping on 24th Street and on Arizona Biltmore Circle.
4. The maximum building height shall be two stories, and the maximum building elevation shall be 1,296 feet.
5. Gross Floor Area shall not exceed 66,470 square feet.
6. The parcel shall be designated for general office use.

PGA:ak

Attachments