



City of Phoenix
Planning Department

To: Planning Commission

Date: June 9, 2009

From: Marc Thornton, Camelback East Village*Planner II

Subject: ARIZONA BILTMORE RESORT AND SPA PUD REZONING APPLICATION

OVERVIEW

The Arizona Biltmore Resort and Spa PUD rezoning application (Z-71-08) was reviewed by the Camelback East Village Planning Committee on June 2nd and the Historic Preservation Commission May 18th.

The Historic Preservation Commission recommended unanimous approval with additional stipulations addressing the Historic Preservation component of the application. The Camelback East Village Planning Committee also recommended approval with an additional stipulation by a vote of 14-1. This memo compiles all stipulations (staff stipulations 1-6, Historic Preservation Commission stipulations 7-11, Camelback East Village Planning Committee stipulation 12). It also updates three figures as attached and adds persons to be notified regarding future development related activities. Staff recommends approval subject to the stipulations below.

STIPULATIONS

1. That an updated Development Narrative for the Biltmore Resort and Spa reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped April 17, 2009, as modified by the following stipulations.
2. That the PUD Volume II narrative shall be modified as follows:
 - a. Page B-5, Appeals, last sentence shall state "Those Requirements followed by an asterisk (R*) are appealed to the Design Review Appeals Board.
 - b. Page A-6, first asterisk * relating to table A.1 shall be deleted.
 - c. Page B-12, 1st dot point, second sentence relating to appeals of technical requirements shall state "A notice of this appeal shall be provided to the Chairperson of the ABEVA Board of Directors by the applicant."
 - d. Page B-12, 2nd dot point, first sentence relating to appeals of technical requirements shall state "an appeal will be heard within 30 calendar days from the date of submission of an appeal."

- e. Page B-12, 3rd dot point, first sentence relating to appeals of technical requirements, delete reference to five calendar days.
 - f. Page A-25, revise figure A-1 to update the Historic District Core per attachment A.
 - g. Page A-30, revise figure A-2 to update the Building Setbacks per attachment B.
 - h. Page A-31, revise figure A-3 to update the Building Heights per attachment C.
3. That the Grand Paseo Trail shall be constructed to the shared-use path standards found in section 429 of the City of Phoenix MAG Supplemental Details, as approved or modified by the Parks and Recreation Department.
 4. That the developer shall notify the following individuals by mail 15 days prior to any Zoning Adjustment, Architectural Appeals Board hearing, Design Review Board hearing or preliminary site plan meetings with the Development Services Department. The notice shall include the date, time and location of the meeting/hearing.
 - a. Chairperson of ABEVA Board of Directors
 - b. Chairperson of the Arizona Biltmore Hotel Villas Condominium Association Board of Directors
 - c. City of Phoenix Historic Preservation Officer
 5. That the developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
 6. That the below language shall be added as a preamble statement on a blank page prior to the Table of Contents within the Development Narrative. This additional language and any modifications to the narrative made through the public hearing process shall be completed and a final written PUD Development Narrative and electronic PUD Development Narrative shall be submitted within 30 days of final City Council approval.
 - a. 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.

HISTORIC PRESERVATION COMMISSION STIPULATIONS

7. That Exhibit A-1 of the PUD be modified as shown in revised attached Exhibit A-1 (updated 5-12-09) which establishes a “No-Build Zone” in front of the Arizona Biltmore and that a legal description of this new No-Build Zone be provided as Appendix F to Volume II of the PUD.
8. That as a result of the new No-Build Zone as shown on modified Exhibit A-1, the location of the proposed new front “Restaurant” is shifted 50 feet further east and the proposed new front “Conference” building is shifted 40 feet further west (other exhibits in Volume II of the PUD, including Exhibit A-2, A-4 and A-4 will also need be modified to show the shifted locations of these buildings).
9. That the PUD Volume II narrative shall be modified to provide additional historic preservation protections for the original 1929 Biltmore block “Spa South Cottage.” The additional stipulations shall be as follows:
 - a. Page A-24, add in a new section 4.e. entitled “Spa South Cottage – Conditions of Demolition” which will state that “It is the intent of this PUD to set conditions affiliated with any demolition of the Spa South Cottage as defined on Exhibit A-1 and as necessary to implement the development of the Spa South Wing as defined by the Arizona Biltmore Resort Master Plan.” This new section will stipulate that:
 - (1) The property owner of the Arizona Biltmore Resort will not request a demolition permit from the City of Phoenix and the City of Phoenix will not approve such a permit until the Development Services Department has authorized Final Site Plan Approval inclusive of the Spa South Wing and has obtained a building permit for the construction for the Spa Wing South building.
 - (2) At least 180 days before demolition of the Spa South Cottage, the property owner of the Arizona Biltmore Resort will explore and provide the Historic Preservation Office with plans for all reasonable preservation options for relocation of the existing Spa South Cottage, including on-site, off-site and options for salvage of the materials in the Spa South Cottage. The Historic Preservation Office shall determine which option is technically and financially feasible and likely to preserve the Spa South Cottage or the materials. The property owner shall relocate the Spa South Cottage or salvage the materials pursuant to the option chosen by the Historic Preservation Office.
 - (3) Prior to any demolition or relocation of the Spa South Cottage, the property owner of the Arizona Biltmore Resort will prepare documentation of the Cottage to meet Historic Preservation Office documentation standards.
10. That on Page A-24, a new section 4.f. in the PUD Volume II narrative shall be added entitled “No-Build Zone.” This section shall state that “A no-build zone is hereby established as depicted on Exhibit A-1 and as legally defined within

Appendix F. The intent of the No-Build Zone is to prohibit the erection of any Structure that would restrict visual access to the south elevation of the Historic Hotel. This provision shall not restrict vehicular circulation improvements, pedestrian circulation improvements, landscape improvements or water features within the no-build zone.”

11. That the PUD Volume II narrative shall add two new “design guidelines to ensure that any future landscape or hardscape changes in the new “No-Build Zone” are compatible with the historic character of the Arizona Biltmore. These include:

- a. *New Design Guideline - Building Design / Construction Guideline 1.2.9*
All proposed improvements, including but not limited to, changes to driveways, parking, circulation, water features and landscape in the no-build zone as shown on Figure A-1, will maintain visual access to the south elevation of the Historic Hotel by restricting the development of Structures within the no-build zone. The Historic Preservation Office will determine the application of and compliance with this Design Review Guideline. (R*)

Rationale: To ensure that all changes to visual access to the south elevation of the Historic Hotel is protected for the guest arrival experience as defined from a vantage point located at the intersection of the Arizona Canal and the proposed new bridge crossing.

- b. *New Design Guideline – Site Development Guideline 4.5.2*

All proposed improvements, including but not limited to, changes to driveways, parking, circulation, water features and landscape in the no-build zone as shown on Figure A-1, should maintain proportional compatibility with the south elevation of the Historic Hotel and the overall historic character of Arizona Biltmore by demonstrating contextual design relationships with the historic design elements, while promoting safe and efficient access and circulation. The Historic Preservation Office will determine the application of and compliance with this Design Review Guideline. (R*)

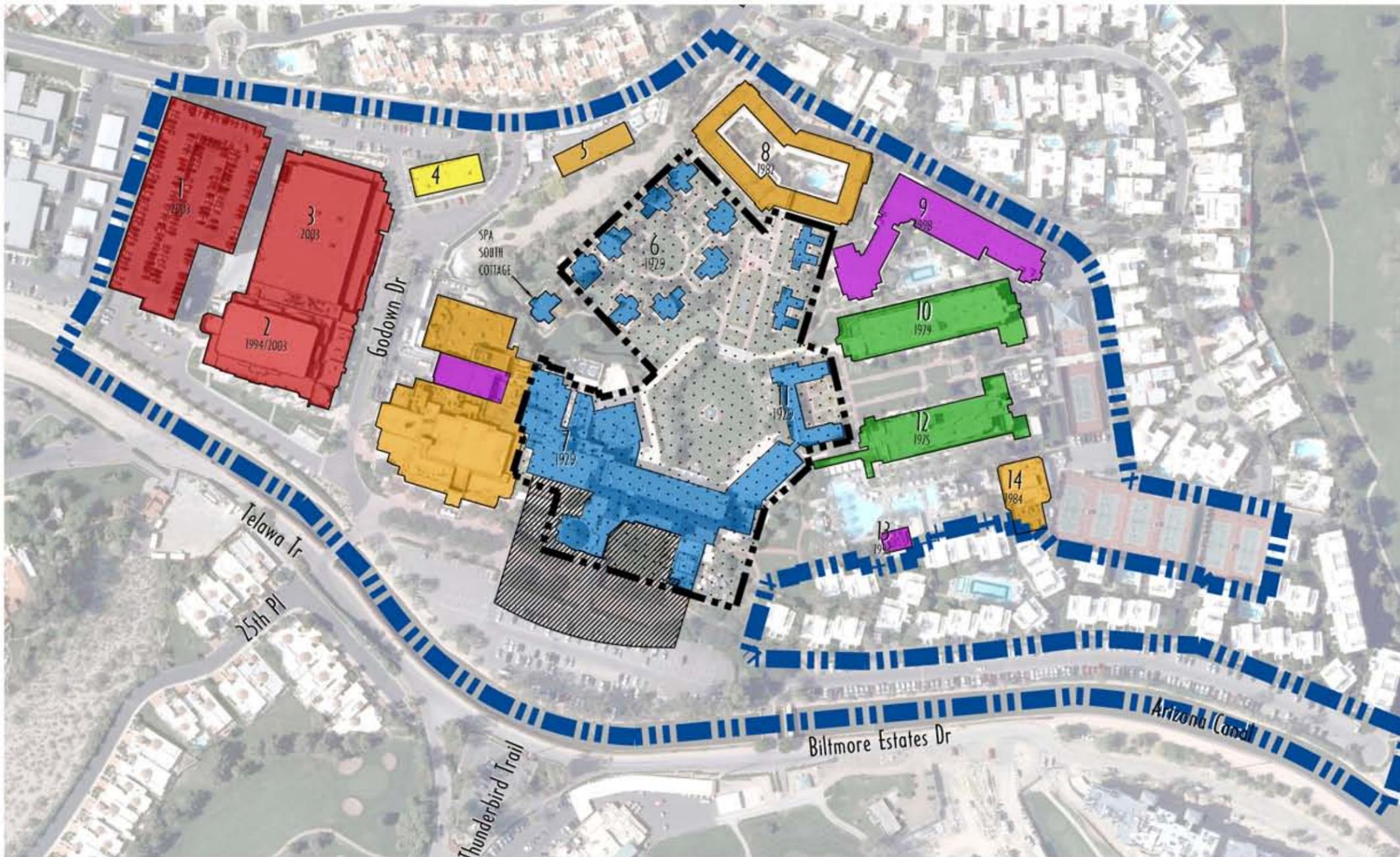
Rationale: To ensure that all changes to driveways, parking, circulation and landscape in the no-build zone are compatible with the historic character of the Arizona Biltmore.

CAMELBACK EAST VILLAGE STIPULATION

12. That new building designs shall emulate the current McArthur/Biltmore style.

Attachments:

- A. Updated Historic District Core Map Figure A-1 (1 page)
B. Updated Building Setback Figure A-2 (1 page)
C. Updated Building Height Figure A-3 (1page)



(See Appendix F for Legal Description)

Historic District Core

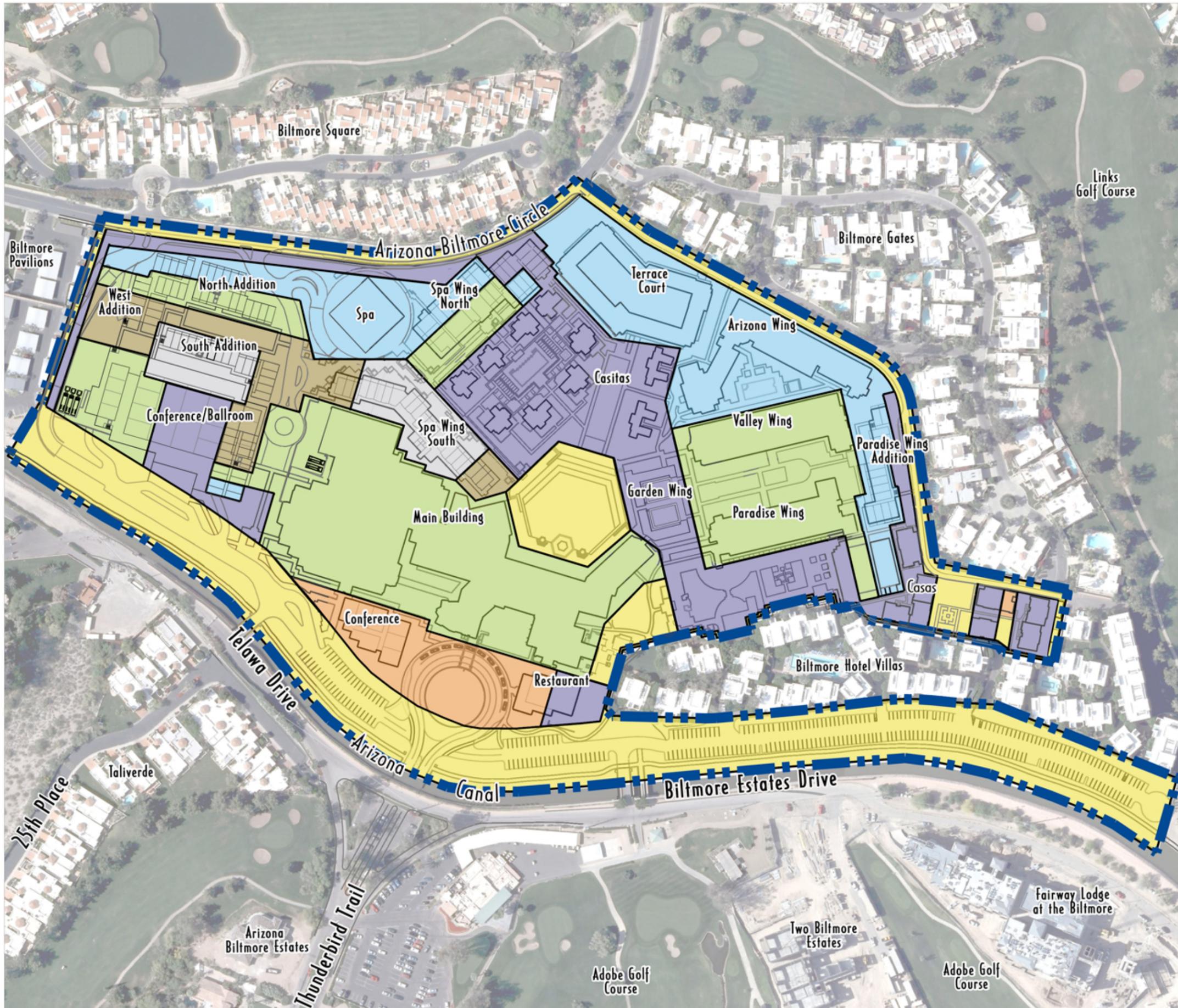
-  Historic Core Boundary
- Buildings**
- 1. Parking Structure
- 2. McArthur Ballroom
- 3. Frank Lloyd Wright Ballroom
- 4. Accounting Building⁽¹⁾
- 5. Maintenance
- 6. Cottages
- 7. Main Building
- 8. Terrace Court
- 9. Arizona Wing
- 10. Valley Wing
- 11. Garden Wing
- 12. Paradise Wing
- 13. Cabana Club Restaurant
- 14. Spa
- Year Built**
-  Built in the 1920's
-  Circa 1930's - 1940's⁽¹⁾
-  Built in the 1970's
-  Built in the 1980's
-  Built in the 1990's
-  Built in the 2000's
-  PUD Project Boundary
-  No-Build Zone

⁽¹⁾ Source Akros Inc, April 2009. Building #4 was originally constructed in the hotel's complex period of significance. However the architectural integrity of the building has been seriously compromised by later changes. These include new exterior sheathing (stucco not block), windows, doors and exteriors features such as a new shed entry porch on the North facade. The culmination of these changes, given the percent of historic fabric that remains (hard to ascertain), is such that the existing building is considered an 1980's structure.
Source: Arizona Biltmore, 2008

North  Scale: Not to Scale  Figure  A-1

Revised: 5.12.09
Revised: 4.20.09
Revised: 4.2.09
Revised: 10.8.08
Revised: 7.3.08
Revised: 6.26.08
Date: 6.20.08

Preliminary-Not For Construction Copyright LVA Urban Design Studio, LLC. Project #: 0811

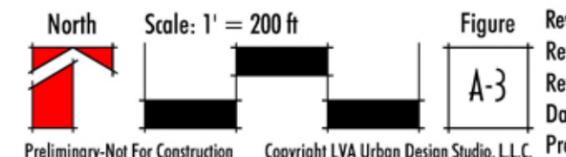


Building Height Standards

Height Limit Area	Maximum Height (Stories)	Maximum Height (Feet)
A	NA	0/open
B	1	14'
C	2	26'
D	3	39'
E	4	46'
F	5	56'
G	6	66'

See Appendix C: Legal Descriptions/Height Zones

Revised: 6.04.09
 Revised: 2.23.09
 Revised: 2.9.09
 Revised: 11.5.08
 Revised: 7.3.08
 Revised: 6.26.08
 Date: 6.20.08
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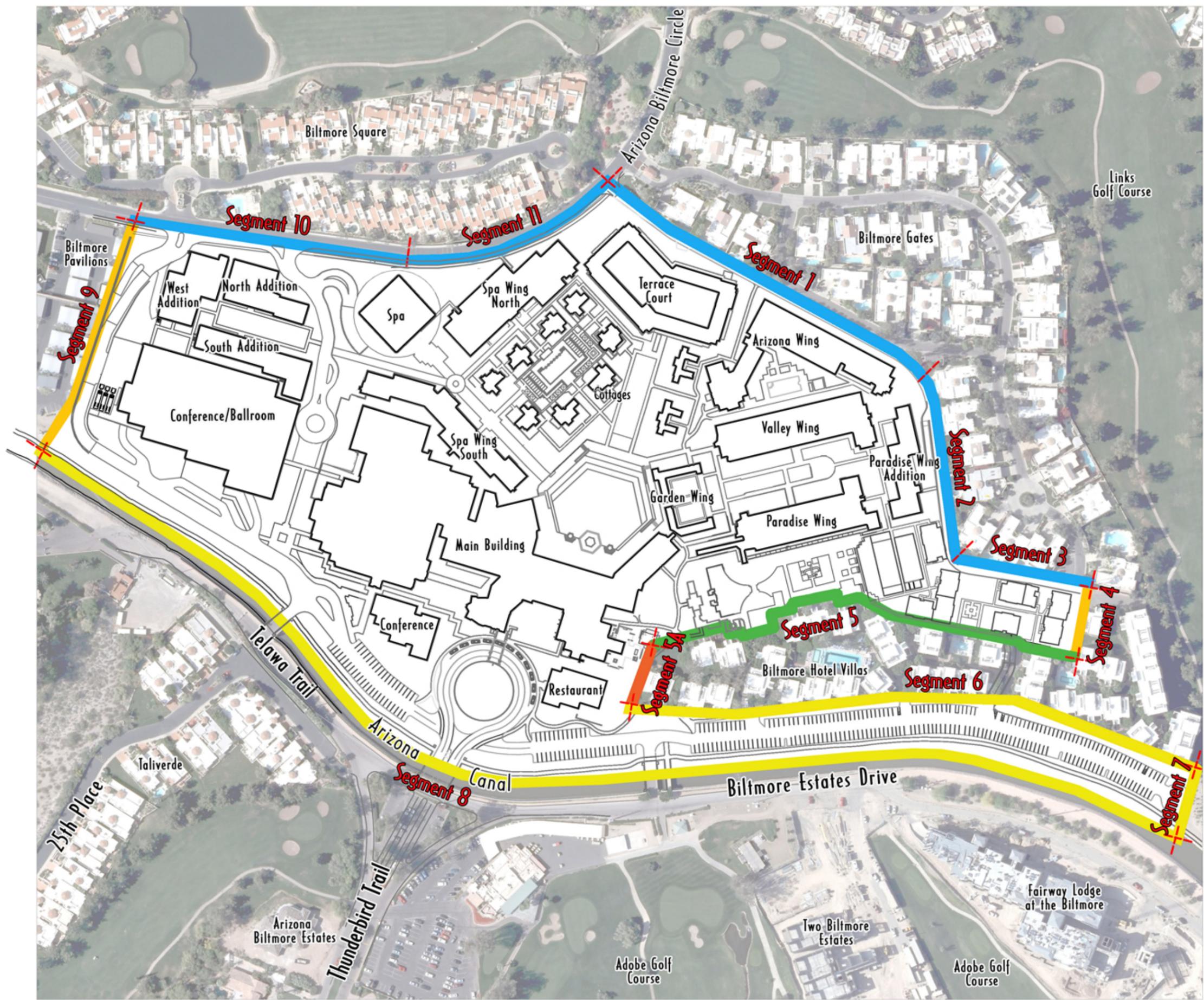


**ARIZONA
BILTMORE
RESORT & SPA**

The Waldorf-Astoria Collection™
Planned Unit Development

Building Setbacks

- 0' From Established Center Line of Canal Right-of-Way Line
- 5' From Property Line*
- 10' From Property Line*
- 15' From Property Line*
- 25' From Property Line*
- Segment** Setback Perimeter Segment (number noted)
*or an established right-of-way line



Source: LVA Urban Design Studio

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North Scale: Not to Scale Figure