



Village Planning Committee Meeting Summary Z-89-18-2

Date of VPC Meeting	May 6, 2019
Request From	C-1 SP (Neighborhood Retail, Special Permit) (7.18 acres)
Request To	PUD (Planned Unit Development) (7.18 acres)
Proposed Use	Multifamily and/or C-1 commercial uses
Location	Approximately 275 feet south and 240 feet west of the southwest corner of Scottsdale Road and Joan De Arc Avenue.
VPC Recommendation	Approval, with additional stipulations
VPC Vote	12-1

VPC DISCUSSION & RECOMMENDATION:

Mr. David Simmons, Planning and Development staff member, provided an overview of the request to include the background, issues and analysis of the site. He displayed an aerial map, zoning map, General Plan designation map and proposed site plan and elevations. Mr. Simmons also touched on the proposed projects proximity to the Scottsdale Municipal Airport and where the noise contours are in which this proposal is located, which is outside of the DNL 65dB noise exposure area. Mr. Simmons provided a graphic depicting the Scottsdale Airports noise exposure area. If the project were within the DNL 65dB noise exposure area is would be considered a nuisance and the project would be required to implement noise mitigation features.

Chairwoman Jennifer Hall inquired as to whether the applicant had informed the Federal Aviation Administration (FAA) of this proposal.

Mr. Simmons stated that the applicant had followed protocol and has been in contact with the FAA.

Mr. Mathew Avrhami inquired about the height restrictions set forth in the City of Phoenix Zoning Ordinance in the C-1 section related to multifamily developments.

Mr. Simmons explained that multifamily developments in the C-1 district default to Section 615 of the Zoning Ordinance. Section 615 allows up to 48 feet of

height. The proposed PUD is requesting a 50-foot height limit, which is only 2 feet higher than what is already allowed by right.

Mr. Nick Wood, with Snell and Wilmer Law Firm, provided an overview of the project and history of the site. He went over what is currently development on the site and shared how the proposed development would be less of an impact on the surrounding area. Mr. Wood talked about the proposed multifamily use and explained the stepbacks in height in detail, increased setbacks, landscape buffers to help soften the impact as well as privacy features protecting the single-family homes to the west and south to include translucent windows adjacent to west and south property lines, and inward courtyard facing balconies abutting existing single-family residential. These standards go above and beyond traditional zoning standards which make this project superior to others in the area. Mr. Wood showcases interior finishes as well to include hardwood floors, stone counter tops, glass doors and many other high-end finishes that will be implemented into the project. Mr. Wood also went over the traffic study findings and shared that this proposed multifamily use will only generate 47 more trips during the morning rush hour and 27 more trips during the evening rush hour. He went on to explain the methodology of the trip generation report. Mr. Wood also shared the FAA determination forms with the committee. The forms reveal that the proposed project height does not interfere with existing take-off and landing paths associated with Scottsdale Municipal Airport. Mr. Wood continued the conversation and shared with the committee what could be built on the site now by right abutting the single-family neighborhoods to the west and south, which are three story structures with windows peering into the neighboring properties. Mr. Wood also shared 70 letters of support with the committee and he was able to obtain through public outreach and canvassing of the neighborhood. He also showed a map where the opposition letters and letters of support came from within the area. Mr. Wood requested a stipulation be added stating that the applicant of this case will not initiate the opening of Joan de Arc as a thru street. Mr. Wood will also submit a condo plat for the project in an effort to be proactive if and when the project converts to condos at a future date.

Mr. Joe Lesher asked if the applicant could share a graphic depicting the various square footages of the units within the development.

Mr. Wood stated that he did not have a graphic depicting the various floor plans depicting the square footages but could call the developer up to the podium to share this data.

Mr. John Faulk with the Related Group stated that the average for all units is around 1000 square feet. Studios are just over 500 square feet and the larger units are around 1200 square feet.

Mr. Lesher thanked the development team for being so proactive with addressing neighborhood concerns. Mr. Lesher expressed his concern for the rather small sizes of the living units in this proposed development as he thinks its subpar to the surrounding area and a bit out of character.

Mr. Wood explained that the luxury apartment average square footage is around 1000 square feet. He used several examples in the area including Optima in Kierland to the north of this site.

Mr. Lesher stated that the parking proposed for this site is above average and praised the developer for providing adequate parking for the development.

Chairwoman Hall asked if Mr. Wood had an opportunity to review the letters sent over to Councilman Warings office from Mayor Lane and the Aviation department with the City of Scottsdale expressing concerns about this project.

Mr. Faulk stated that they hired an acoustical engineer to study noise generated from the Scottsdale Municipal Airport and the results of this study determined that noise would not adversely affect the site.

Chairwoman Hall asked the applicant if they minded if the Village Planning Committee add a stipulation related to noise attenuation measures, noise level reductions, sound insulation requirements and to ensure interior noise does not exceed 25dB.

Mr. Faulk stated that they do not mind an added stipulation in regard to noise abatement measures.

Chairwoman Hall inquired about the support petition that Mr. Wood and his team initiated for this proposal as it was not part of the staff report.

Mr. Wood shared a copy of the 70 support letters gathered during the neighborhood canvassing by he and his team. Chairwoman Hall passed the support letters around for the committee members to review.

Public Comment:

Mr. Bil Zeleny expressed concerns about increases traffic but stated for the record that he has no objections overall.

Mr. Adam LaGrow stated that he is not thrilled about this project. He inquired as to what the construction hours are and the construction time-line. He expressed concerns with the landscaping buffer between his home and the project and concerned about tenant's views of his backyard.

Ms. Denise Fineld expressed concerns about traffic on Scottsdale Road and Sweetwater. She would like to see Sweetwater closed off to thru traffic. She also expressed concerns with the massing of the proposal and stated that it is out of character for the area. She also expressed concerns about potential noise from the future tenants.

Mr. Frank Mandarin expressed concerns about traffic. He also has concerns about the framing material and asked if it were wood or metal. His main concerns have to do with noise pollution and the added impacts on infrastructure such as water and sewer systems. He asked if an environmental impact study was done on the site as well.

Chairwoman Hall explained that all city departments review each project and determine what is needed during the DSD pre-application meeting to include environmental impact studies. She iterated that there are safeguards in place to ensure every project is constructed according to code.

Mr. Bryan Jefferies stated that he wants a quality project on this site. He stated that things do in fact change over time, areas change and grow and evolve. He stated that change in this particular area must be managed wisely and high-quality projects are an absolute must. He shared that he believes this proposal meets the high-quality standard and can serve as an example to future developments that are proposed for the area. He gave kudos to the developer for the stepback design as well as the high-quality finishes incorporated throughout. He stated that he is in full support of this project.

Mr. Ariel Shoshan spoke in support of this proposal. He stated that this is an extraordinary project compared to what could be proposed here. He also stated that alternative forms of housing are needed in this area. He shared that his synagogue was just north of this project site. He and his family walk to the synagogue on the sabbath and it is important to him that his children and aging parents have alternative housing choices in the area now.

Ms. Deborah Muller shared that she was opposed to this project initially. However, because of the great work and collaboration by the developer she is now in support of the project. She appreciates the stepback design. However, she still has concerns about increased traffic in the area but is pleased with the overall aesthetics of the project.

Mr. Ray Busby stated that the alleyways the developer was referring to on the site plan were actually bridal paths. He shared that farm animals are allowed in the surrounding neighborhood area. He stressed to the committee that the proposed project will be the tallest in the surrounding area and that this is out of character for the area. He has concerns about the flight path and has concerns that the elevations look like the building is higher than the 50 feet maximum called out in the staff report.

Mr. Denny Pigneri stated that he has concerns about increased traffic in the area as well as property values dropping due to rentals coming into the area. He also stated that the project is out of character for the area.

Mr. Jeremiah Besse shared his excitement about the project. He stated that this project is great for the area and will create a positive economic impact on surrounding small businesses.

Mr. Jim Lanen has concerns about traffic. He lashed out at staff and asked why 70th Street was not being improved with traffic calming features as part of this project.

Mr. Simmons stated that Joan de Arc and Scottsdale Road were the only two streets being affected by this development.

Mr. Lesher explained that traffic calming features on 70th Street must be requested through the City of Phoenix Traffic department and is most often initiated through a citizen petition. He stated that he recently had experience working on this in his neighborhood.

Carlos Rivera of Mesquite River Brewing Company spoke in support of the project.

Applicants Response:

Mr. Wood shared the construction hours and the construction time-line with the committee. He shared that no construction work will take place on the weekends. He shared that the construction time-line is anticipated for 12 months. He shared that landscaping buffers between the single-family uses will be immaculately maintained as a screen wall. He stated that the stepback design will prevent direct views into surrounding single-family yards. He reiterated that the building height will not exceed 50 feet. He also stated that the applicant is willing to chip in on traffic calming features on Sweetwater but can't foot the entire cost of the treatments. Mr. Wood also spoke on property values. He stated another project in the Biltmore with stepdowns did not impact the home values to the surrounding single-family homes and that the homes actually continued to climb in value after the project was built. Mr. Wood also stated that he and his client are okay with the proposed additional stipulations discussed earlier.

Mr. Robert Goodhue requested that the developer refrain from obtaining after hours permits for construction on the weekends or at night.

Chairwoman Hall read Committee Member Toby Gursts comments into the record. They are as follows:

1. This is directly in the flight path of the runway of the Scottsdale Airport. This is a proposed 5 story edifice. What would happen if an airplane lost altitude in take-off or landing? It is a dangerous location for 5 story buildings of any sort.
2. The property is located in the middle of a large swath of single family homes that are horse property. It does not fit.
3. The traffic is already a problem with the existing homes. This proposed project will augment an already traffic problem for the neighborhood residents and those who travel through it.
4. The existing city services are already taxed ~ both Phoenix and Scottsdale
5. I'm not convinced that the services, sewers, etc. provided by the City of Scottsdale will be adequate.
6. While it is a nice plan, it is ill-advised at this location. it is in the wrong place.

I heard the arguments pro and con at the last Village meeting. I have read the opposition letters that have been sent to me, including the letters attached. Accordingly, I do not favor this project. For the foregoing reasons, I think this Z-

89-1822 located at 13220 N. Scottsdale Rd. in Phoenix is ill-advised and dangerous to the safety of the residents. I specifically request that the minutes of the meeting reflect my concerns.

Mr. Eric Cashman expressed concerns with the letter Mayor Lane sent Councilman Waring addressing Aviation concerns. He also stated that he is skeptical of the traffic study. His biggest concern is the increased population density, traffic and airport safety including the proximity to the runway. He would like to see this project further north.

Mr. Robert Goodhue Explained that the parapets will be higher than 50 feet. He also stated that the stepback design feature is a positive component of the project as well as the landscaping and translucent windows. He reiterated that the applicant had already obtained a No Hazard Determination from the FAA. He stated that this project is a positive addition to the area.

Mr. Roy Wise shared that he has lived near this area for many years. He stated that the big jets taking off from the airport leave the runway mid-runway and are already taking a right turn before they even reach this site. He stated that the single engine small planes are the only thing that may be of minor concern. He stated that this is an overall good project.

Mr. Mat Avrhami commented that the 70 plus letters of support that Mr. Wood shared is quite substantial. He stated that the developer addressed many of the neighbors' concerns and was very proactive in doing so. Mr. Avrhami expressed his support of the project and applauded the applicant for going above and beyond traditional zoning standards with this PUD. He stated that this project adds value to the community.

Chairwoman Hall shared that she had hesitations about this project initially due to the height and proximity to the airport. She shared that after today's presentation and discussion she is not in full support with added stipulations. She stated that this is the best project for this site.

Mr. Avrhami stated that Mayor Lane's letter was stamped back in December of 2018. The project has evolved since then addressing many of the concerns outlined and doubts that Mayor Lane would still be in opposition of this proposal.

MOTION:

Committee Member Mathew Avrhami made a motion to approve Z-89-18-2 with three additional stipulations.

Committee Member Joe Leshner seconded the motion.

STIPULATIONS

1. An updated Development Narrative for the Manor Scottsdale PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The

updated Development Narrative shall be consistent with the Development Narrative date stamped April 15, 2019.

2. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
3. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property.
4. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
5. The developer shall grant and record an avigation easement to the City of Phoenix Aviation Department for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
7. THE APPLICANT SHALL NOT INITIATE A PETITION TO THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT TO OPEN JOAN DE ARC ROAD AS A THROUGH STREET WHERE IT WAS PREVIOUSLY ABANDONED THROUGH STREET CLOSURE CASE NO. V990088C ON 1/17/2001.
8. THE APPLICANT SHALL RECORD A CONDOMINIUM PLAT FOR THE MANOR SCOTTSDALE PUD DEVELOPMENT PRIOR TO FINAL CERTIFICATE OF OCCUPANCY.
9. ALL UNITS SHALL BE CERTIFIED AND CONSTRUCTED WITH NOISE ATTENUATION MEASURES, SUCH AS OUTLINED IN BUILDING CODES FOR NOISE LEVEL REDUCTION/SOUND INSULATION REQUIRED TO REDUCE EXTERIOR TO INTERIOR NOISE LEVELS BY AT LEAST 25DB, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

VOTE: 12-1

Yes: Motion passed, with Committee Members Hall, Gubser, Avrhami, Belous, Enright, Goodhue, Knobbe, Leshner, Pennock, Sparks, Ulibarri and Wise in favor.

No: Committee Member Cashman not in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Committee Member Cashman opposed the motion as he has concerns with increased population density, traffic and airport safety including the proximity to the runway of Scottsdale Municipal Airport. Staff has no concerns with the added stipulations.