



## Village Planning Committee Meeting Summary Z-12-21-2

<b>Date of VPC Meeting</b>	October 04, 2021
<b>Request From</b>	C-2 (Intermediate Commercial)
<b>Request To</b>	PUD (Planned Unit Development)
<b>Proposed Use</b>	Multifamily residential and commercial uses
<b>Location</b>	Southwest corner of Scottsdale Road and Bell
<b>VPC Recommendation</b>	Approval, subject to two stipulation modifications and two additional stipulations
<b>VPC Vote</b>	<b>11-4</b> with committee members DiMassa, Gerst, Goodhue, Hall, Mazza, Mortensen, Popovic, Severs, Sparks, Wise, and Gubser in favor. Committee members Balderrama, Petersen, Ward and Lesher not in favor.

### **VPC DISCUSSION:**

*1 speaker card was submitted in support, wishing to speak*

**Mr. David Simmons**, staff, provided an overview of the request to include background of how the area developed overtime. He went over the GPA and Rezoning requests concurrently as they are companion cases and reminded the Committee that the GPA case will require a motion prior to the rezoning request. Mr. Simmons shared how the GPA request is consistent with several core values of the General Plan. He explained that the rezoning request supports several policy plans to include the Maricopa Association of Governments (MAG) Desert Ridge and Kierland Employment Center, Comprehensive Bicycle Master plan, Tree and Shade Master Plan, Complete Streets Guiding Principles, Zero Waste Phoenix as well as helps to meet the goals of The Housing Phoenix Plan. Mr. Simmons also shared the reasoning behind several of the proposed stipulations for the case including Stipulation 1.e. recommending the building height be limited to a maximum of 110 feet as there is no existing policy basis to support the proposed height of 141 feet. However, since no adopted policy plan exists for the Scottsdale Road corridor, the Village Planning Committee is more than able to recommend what they feel is appropriate for this site. He shared that the site is unique as it is located on the corner of two Major Arterials as well as transit corridors, which could warrant more height.

**Vice Chairman Joe Lesher** asked staff what the maximum height is.

**Mr. Simmons** shared that the maximum height stipulated by staff is 110 feet, however, the applicant is proposing a maximum height of 141 feet, exclusive of roof top amenity structures.

**Ms. Diane Petersen** shared that she has concerns with traffic patterns on the private access drive (71<sup>st</sup> Street).

### **Applicants Response:**

**Mr. Nick Wood**, Snell & Wilmer, provided an in-depth and detailed presentation on both cases concurrently. He stated that the existing commercial retail on this site is closing and as a result, the property is selling. He shared that the proposed project is an architectural marvel that will be highlighted as a “gem” of the corridor, if approved as proposed by the applicant. He shared that corner serves as a gateway to the Kierland area and Scottsdale Road corridor to the south. He also highlighted that the improvements to the site would be a welcome addition to the area, creating a pedestrian friendly environment and an aesthetically pleasing entry gateway with pedestrian friendly lighting and an above par garage wrap, mimicking commercial retail storefronts.

**Mr. Wood** shared that the Scottsdale Airport employs more than 50,000 people currently and is growing to accommodate more than 70,000 workers in tech and other high paying, professional industries. Housing is needed for this growth in workforce and this proposal would fulfill the need for executive level housing options in the area. He also highlighted that the proposal is located within a Major Employment Center. This proposal would also fulfill the goals of alternative housing option in a Major Employment Center. Mr. Wood elaborated on Centers and Corridors outlined in the City of Phoenix General Plan. Although no formal Centers or Corridors have been adopted, the Kierland Area would constitute this, but has yet to be formally established. The applicant's proposed height would be supported if this corridor was considered a formal Corridor. Mr. Wood also shared graphics of what the roof top amenity areas would look like upon completion. Further, Mr. Wood shared projected traffic counts and emphasized that this proposal would not add any additional strain to traffic patterns in the area, per CivTech's traffic analysis.

**Mr. Wood** proposed changes to two of staff's recommended stipulations as follows:

Stipulation No. 1.d. Update narrative to reflect a maximum building height of 141 feet, ~~inclusive~~-EXCLUSIVE of non-dwelling space utilized for resident amenities location on the roof deck.

Stipulation No. 1.e. Add the following development and design standards to the development narrative: A minimum of two building entrances, one on OR WITHIN 50 FEET OF Scottsdale Road and one on OR WITHIN 50 FEET OF Bell Road, that directly connects to the publicly accessible sidewalk adjacent to the street. All pedestrian entrances shall be defined by pedestrian-oriented scale and the use of distinctive materials and architectural elements per Section 1305.3.a. in the Zoning Ordinance, as approved by the Planning and Development Department.

Lastly, Mr. Wood went over community outreach efforts and applauded the team for mitigating all opposition prior to public hearings for recommendation.

**Ms. Cindy DiMassa** stated that there are currently no sidewalks along the private access drive (71<sup>st</sup> St). If pedestrians do not have access to Bell Road and Scottsdale road residents will have to walk on the private access drive, which will put them in danger.

**Mr. Wood** shared that they are proposing exits for residents on the corners of the building, which will provide direct access to tenants to both Bell road and Scottsdale Road from eh building.

**Mr. Robert Goodhue** asked if the public outreach slide, reflecting all of the dots, address building heights.

**Mr. Wood** shared that the graphic does not address building heights but is directly related to a broad based policy document similar to a General Plan.

**Mr. Alex Popovic** gave kudos to the development team for mitigating all opposition prior to coming before the hearing bodies for recommendation. He shared that he is in full support of the proposal as presented by the applicant, to include the proposed height of 141 feet.

**Vice Chairman Joe Leshner** asked if the intersection at 71<sup>st</sup> Street and Bell was safe for left hand turns wests bound on Bell.

**Ms. Dawn Cartier**, CivTech Traffic Engineer, shared that the intersection is safe, but not easy to maneuver during peak hours.

**Ms. Toby Gerst** asked staff why the proposed stipulation limiting the height to 110 feet.

**Mr. Simmons** shared that there is no current adopted policy plan in place that would support the applicants proposed height at this time, but there are site conditions that would warrant a height of 110 feet based on formulas used to justify heights on recently approved projects using distance from single-family residential as a justification.

**Mr. Wood** shared that the staff reports highlights that the Village Planning Committee is open to make recommendations on height due to the lack of existing policy plans in the area. He defended the proposed height of 141 feet, exclusive of roof top amenity structures.

**Ms. Gerst** asked if the applicants proposed height was okay with the City of Scottsdale Aviation Department.

**Mr. Simmons** shared that the City of Scottsdale Aviation Department did not provide any recommended stipulations in regard to height for this proposal.

**Mr. Roy Wise** asked if 71<sup>st</sup> Street has access to Bell Road and Scottsdale Road.

**Mr. Wood** shared that access is existing on both Major Arterials from the private access drive (71<sup>st</sup> Street).

**Mr. Paul Severs** asked if this proposal was limited to 110 feet, as proposed by staff, would it kill the project from moving forward.

**Mr. Wood** shared that the project would not make economic sense if it were to be capped at 100 feet, therefore, it would kill the project.

**Mr. Alan Sparks** shared that he loves the building as proposed. He shared that he lives in the neighborhood and has no objection to the applicants proposed height. However, he shared that he is opposed to the project due to lack of improvements on 71<sup>st</sup> Street. He stated that there are no proposed or existing sidewalks on the private access drive. He shared that the street is too narrow and is a small two way private street. He also shared that people illegally park along the street, which blocks easy ingress and egress through the area. He also shared concerns about emergency responders being able to get through the street when cars are illegally parked along it. He asked if the developer plans to improve it or address the existing inadequate conditions.

**Mr. Wood** shared that CivTech determined that the private access drive was indeed adequate and safe in regard to the number of units proposed. He shared that this is outlined in the traffic analysis report generated by the traffic engineer.

**Ms. Gerst** asked if the number of units proposed was for the 110 feet or 141 feet.

**Mr. Wood** shared that the 255 units were proposed at the height of 14 feet. If the project is capped at 110 feet, the developer will walk away, and the project will not come to fruition.

**Ms. Gerst** asked if it were a possibility to gate the private access way in an effort to make the project a private community.

**Mr. Wood** shared that this was not a possibility as the public needs access through the private access drive as well.

**Chairman Robert Gubser** shared that higher traffic generating uses line the private access drive and the access way functions just fine now.

**Mr. Wood** concurred.

**Mr. Popovic** asked what alternative exists for the site if this project does not come to fruition. He also shared concerns with illegal parking along the private access way. He recommended having illegally parked cars towed to help to mitigate this problem.

**Ms. Diane Petersen** asked if the developer would walk if the height were capped at 110 feet.

**Mr. Wood** shared that the developer would walk if the height were to be capped at 110 feet.

#### **Public Comment:**

**Mr. Bryan Jefferies** spoke in support of the proposal. He shared that this use would generate much lower traffic counts than a commercial use and provides alternative housing options for executives working in the Scottsdale Airpark. He also shared that the proposed height by the developer is a non-issue as the

project is quite far away from single-family residential uses. He stated that the project would not have a negative impact on existing residents.

*Mr. Abram Bowman left the meeting around 8:00, bringing quorum down to 15.*

### **Applicants Response:**

**Ms. Dawn Cartier**, CivTech Traffic Engineer, proposed an alternative to the perceived issues with the right hand turn onto Bell Road from the private access drive. She recommended the committee propose an additional stipulation requiring further discussion with the Streets department for the addition of a refuge lane on Bell Road west bound.

**Mr. Nick Wood**, Snell & Wilmer, stated that he would be happy to add this as a stipulation. He shared that the applicant would have to ask permission for an additional lane in the median from the Streets department.

**Chairman Robert Gubser** asked if there were any additional concerns about 71st Street servicing this project.

**Ms. Cartier** replied, no.

**Mr. Alan Sparks** stated that he does have concerns with the existing conditions on 71<sup>st</sup> Street.

**Mr. Wood** asked the committee to recommend approval subject to the two stipulation modifications he proposed as well as the addition of two additional stipulations discussed by the committee.

**Chairman Gubser** expressed his full support of the project as proposed by the applicant.

**Vice Chairman Joe Leshner** expressed concerns with the proposed height. He shared that he had researched height in the area and the closets building with similar height were located on the Scottsdale Waterfront in Old town Scottsdale. He also shared that the new buildings along Tempe Town lake were comparable in height. He shared that he is willing to support the staff recommendation of 110 feet maximum. He shared that he feels that the applicants proposed height does not feel right for this area.

**Ms. Cynthia DiMassa** stated that towing the cars along the private access drive would be a waste of time for the Phoenix Police Department.

**Mr. Robert Goodhue** stated that he has a couple of issues. He shared that if a building were to have a height proposed by this applicant in this area, this site would be the most appropriate. He also shared that the character of the area is changing in this direction.

**Ms. Gerst** asked if it would be more palatable for the maximum building height to be 141 feet inclusive of the roof top amenity structures.

**Mr. Wood** shared that the roof top amenity structures are in descript and cannot be seen from the street level.

**Ms. Jennifer Hall** stated that the committee does not have an adopted policy basis for this area, even though it has been asked to be initiated in the recent past. She stated that the applicant's proposal of 141 feet is acceptable due to the unique conditions on this specific site. She is also amazed that there is no public opposition and applauded the applicant for mitigating all concerns prior to public hearings.

**MOTION:**

**Mr. Alex Popovic** made a motion to recommend approval of Rezoning Case No. Z-12-21-2, with two stipulation modifications and two additional stipulations.

**Mr. Roy Wise** seconded the motion.

**VOTE:**

**11-4** with committee members DiMassa, Gerst, Goodhue, Hall, Mazza, Mortensen, Popovic, Severs, Sparks, Wise, and Gubser in favor. Committee members Balderrama, Petersen, Ward and Leshar not in favor.

**Stipulations:**

1. An updated Development Narrative for the Scottsdale and Bell PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped September 14, 2021, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: February 19, 2021  
2nd Submittal: May 4, 2021  
3rd Submittal: August 23, 2021  
Hearing Draft: September 14, 2021  
City Council adopted: TBD
  - b. Update narrative to include a comparative parking standards table to the final narrative.
  - c. Add the following development and design standards to the development narrative: A minimum of two building entrances, one on OR WITHIN 50 FEET OF Scottsdale Road and one on OR WITHIN 50 FEET OF Bell Road, that directly connects to the publicly accessible sidewalk adjacent to the street. All pedestrian entrances shall be defined by pedestrian-oriented scale and the use of distinctive materials and architectural elements per Section 1305.3.a. in the Zoning Ordinance, as approved by the Planning and Development Department.
  - e. ~~Update narrative to reflect a maximum building height of 110 feet, inclusive of non-dwelling space utilized for resident amenities location on the roof deck.~~

- f. Update the development narrative to include a General Plan Land Use Map as an exhibit depicting the existing and proposed designations, siting the companion GPA case number.
2. The developer shall dedicate a total of 70-feet of right-of-way for the south half of Bell Road and construct the roadway, as approved by the Planning and Development Department.
3. 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.
4. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.
5. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
6. The developer shall provide documentation to the City of Phoenix 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.
7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
8. THE DEVELOPER SHALL COLLABORATE WITH THE STREET TRANSPORTATION DEPARTMENT TO REVIEW THE POTENTIAL FOR A REFUGE LANE IN THE MEDIAN WEST BOUND ON BELL ROAD AT 71st STREET.
9. THE DEVELOPER SHALL DEDICATE A PUBLIC ACCESS EASEMENT ALONG THE SOUTHERN PROPERTY BOUNDARY TO SCOTTSDALE ROAD TO PROVIDE PUBLIC ACCESS FROM THE SITE TO SCOTTSDALE ROAD.

**Staff Comments:**

None