



Village Planning Committee Meeting Summary Z-33-20-2

REVISED 1/7/2021

Date of VPC Meeting	December 7, 2020
Request From	C-2 PCD (Intermediate Commercial, Planned Community District) (1.93 acres)
Request To	PUD (Planned Unit Development) (1.93 acres)
Proposed Use	Multifamily residential
Location	Approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard
VPC Recommendation	Approval, per the staff recommendation with an additional stipulations.
VPC Vote	16-0-1 with committee members Balderrama, Barnett, Belous, Cantor, Enright, Goodhue, Leshner, Mazza, Mortensen, Popovic, Severs, Sparks, Stewart, Ulibarri, Ward, and Hall in favor. Committee member Gerst abstained.

VPC DISCUSSION:

8 speaker cards were submitted in opposition, wishing to speak.

3 speaker cards were submitted in support, wishing to speak.

Mr. David Simmons, staff, provided an overview of the request. He discussed current heights in the area, the General Plan Land Use Map designation, the surrounding zoning designations and uses and setbacks proposed. Mr. Simmons also discussed several policy plans in which this proposal is in line with, including the Bicycle Master Plan, Major Employment Centers, Complete Streets Guiding principles and more. Mr. Simmons also explained how the development will utilize the development standards table for the original Optima case, specifically in regard to density, for the portion of the building that encroaches into the site.

Ms. Allison Barnett shared that the committee was inundated with letters of concern over the weekend. As a result, she shared that she has concerns about the public outreach process and believes the communities concerns were not adequately addressed.

Mr. Alex Popovic shared that he had reached out to staff to ask why the committee was receiving last minute opposition letters.

Mr. Joe Lesher asked if a building can straddle tow zoning designation boundaries.

Mr. Simmons shared that it is perfectly acceptable for a building to straddle zoning designation boundaries. However, each portion of the structure must meet code requirements for each zoning district it is located in.

Applicants Presentation:

Mr. Nick Wood, with Beus Gilbert, representing the applicant, provided an in depth presentation going over every facet of the project to include setbacks, distance between surrounding building, heights, amenities proposed, landscaping, development standards, parking, open space, phasing, circulation plan, the onsite pedestrian experience and more. He also went over the 2-year public outreach process he and the development team went through with surrounding stakeholders to get to the design they are proposing today. Mr. Wood proposed modifying a stipulation as a result of discussions that he has had with the business owners to the north in regard to trees along Scottsdale Road.

Mr. Danny Mazza shared that he believes the proposal was very well done and is much better than the former DMB proposal. He stated that he appreciates concessions made by the developer to address community concerns.

Mr. Robert Goodhue asked the applicant if the development team was looking at an increase in height in order to shrink the footprint of the building as a result of neighborhood concerns.

Mr. Wood shared that this was not a consideration.

Public Comment:

Mr. David Hovey, President of Optima, shared that this proposal is the best use for the parcel. He shared that the development team conducted 16 Zoom meetings total throughout the course of the process, which goes above and beyond the zoning packet requirement. He stated that he is in support of the proposal.

Mr. Kurt Jones, with Tiffany & Bosco, representing the opposition, stated that a 0-foot setback was not acceptable, let alone an encroachment into a neighboring parcel. He asked that the applicant adhere to the setback requirements as the current proposal presented would set a precedent to encroachment. He also shared that he had submitted a request for an informal interpretation, but it was denied due to ownership authorization requirements not being met.

Ms. Toby Gerst asked to please provide the process for informal interpretations.

Mr. Jones stated that he plans to refile the informal interpretation request.

Mr. Alex Popovic shared that the committee was here to consider land use issues, bit building code requirements.

Mr. Robert Goodhue provided an explanation of how the building code issues raised by the opposition were of no concerns to this hearing body.

Mr. Rick Merritt shared that he and his firm had been retained to look at how this proposal will affect condo process in the area. He shared that prices will continue to increase values in the area.

Ms. Heidi Smith, residing at 7120 E. Kierland Boulevard, shared that she has concerns with density on the original PUD site and stated that density is a moving target due to owner combining units.

Mr. Jim Riggs, residing at 7120 E. Kierland Boulevard, shared that he believes a Major Amendment to the original PUD zoning case should have been required. He wants more concessions and has concerns with the lack of a loading dock in the proposal.

Mr. Scott Smith, residing at 7120 E. Kierland Boulevard, shared that he values his views and is frustrated with the web-based process.

Mr. Len Harlig, residing at 7120 E. Kierland Boulevard, shared concerns with PUD density calculations.

Mr. Thomas Stern, President of Landmark Community Association and member of the Kierland Community Alliance (KCA), shared that he has concerns with height. He stated that this proposal would not be acceptable with any additional height. He defended the KCA from Mr. Riggs opposition letter slandering them. He stated that the KCA is a reputable association that works in the best interest of stakeholders in the area.

Chairwoman Jennifer Hall shared that she holds the KCA in high regard.

Mr. Wayne Mailloux, residing at 7120 E. Kierland Boulevard and President of the KCA, stated that name calling is insulting and hurtful. He stated that Mr. Rigg's actions are unfounded. He stated for the record that working with the Optima development team has been a pleasure.

Ms. Heidi Smith shared that she and her husband, Scott Smith, are on the KCA and that the KCA and Jim Riggs have agreed to disagree.

Ms. Toby Gerst asked what Heidi was asking the VPC to do.

Ms. Smith stated that she would like for the VPC to recommend the developer shrink the footprint of the building.

Applicants Response:

Mr. Nick Wood Sited that the LNR site, approved just to the north of this proposal, was the same scenario when it comes to multiple lots being considered through a rezoning request. He shared that the lots were combined and building code issues were no longer of concern. He went over the density for the proposed project and shared that two separate development standards tables will be utilized. One will not borrow from the other. They are stand-alone tables. He asked for a modification to the hearing draft in the landscape standards section. The modification would be to eliminate two trees on the far northeast corner of the site. This resulted from a conversation with the adjacent furniture store merchant expressing concerns with line of sight to his business from Scottsdale Road.

Mr. Scott Smith shared that he is disappointed in the KVA not pushing back harder against this proposal, but shared that concessions were made.

VPC Discussion:

Mr. Alex Popovic reiterated that the committee is here to make judgements on land use. He explained the legal definition of highest and best use. He stated that he is in support of the project.

Mr. Paul Severs Asked how density is defined in the code.

Mr. David Simmons, staff, shared that density is defined by the number of dwelling units divided by the gross area.

Mr. Alan Sparks shared that he is familiar with the KCA and what they do. He shared that they are not a sham organization. He shared that he is appalled by the insults exhibited at the meeting tonight and in Mr. Riggs letter.

MOTION:

Mr. Alex Popovic made a motion to recommend approval of Rezoning Case No. Z-33-20-2 per the staff recommendation and a modification to the hearing draft per the applicants request to eliminate the trees located in the landscape island on the northeast corner of the site and depicted on the landscape plan in the development narrative date stamped November 20, 2020.

Mr. Daniel Mazza seconded the motion.

VOTE:

16-0-1 with committee members Balderrama, Barnett, Belous, Cantor, Enright, Goodhue, Leshar, Mazza, Mortensen, Popovic, Severs, Sparks, Stewart, Ulibarri, Ward, and Hall in favor. Committee member Gerst abstained.

Stipulations:

1. An updated Development Narrative for the Optima Kierland Center Phase 2 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 November 20, 2020, 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: June 17, 2020
2nd Submittal: September 3, 2020
3rd Submittal: November 2, 2020
Hearing Draft: November 20, 2020
City Council adopted: TBD

**B. ADD TO SECTION E.2.A, UNIFORM STREETSCAPE DESIGN, AT
END:**

NOTWITHSTANDING THE ABOVE, AND ANY OTHER PROVISION OF THIS PUD, IN ORDER TO PRESERVE VISIBILITY TO THE EXISTING RETAIL DEVELOPMENT LOCATED ON THE PROPERTY NORTH OF THE SITE, NO TREES WILL BE REQUIRED IN THE LANDSCAPE AREA LOCATED BETWEEN THE ENTRY DRIVE AISLE AND SCOTTSDALE ROAD.

**C. MODIFY SECTION D.5.E TO READ:
ALL PUBLIC SIDEWALKS SHALL BE SHADED TO A MINIMUM OF 75% (IF VEGETATIVE, AT TREE MATURITY) EXCEPT THOSE LOCATED NORTH OF THE ENTRY DRIVE (TO PRESERVE VISIBILITY TO EXISTING RETAIL DEVELOPMENT THAT WOULD OTHERWISE BE BLOCKED BY SHADING VEGETATION OR STRUCTURES).**

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 applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.
4. 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.
5. 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.
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.

Staff Comments:

None.