



## Village Planning Committee Meeting Summary Z-14-18-2

<b>Date of VPC Meeting</b>	July 9, 2018
<b>Request</b>	<a href="#">C-2</a> PCD (1.93 acres)
<b>Request To:</b>	PUD (1.93 acres)
<b>Proposed Use:</b>	DMB Circle Road Partners Mixed Use Development PUD to allow a mix of uses including multifamily, hotel, and commercial.
<b>Location</b>	Approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard
<b>VPC Recommendation</b>	Approval, per staff recommendation with additional stipulations.
<b>VPC Vote</b>	9-5 (Avrhami, Cantor, Gerst, Pennock and Wise).

### VPC DISCUSSION

**Ms. Maja Brkovic** provided an overview of the rezoning request identifying the surrounding land uses, General Plan Land Use designation, the Desert Ridge and Kierland major employment center, compliance with applicable plans, overlays and initiative, site plan, elevations, staff's findings and stipulations.

*At this point in the meeting Chairman Avrhami, Mr. Richard Pennock and Ms. Kathryn Belous arrived, bringing the quorum to 14 members.*

**Mr. Gubser** asked what the traffic report identified during the review process.

**Ms. Brkovic** indicated that a first review of the report was completed and that further conversation will be taking place with the Street Transportation Department.

**Chairman Avrhami** asked what the open space requirement was for the site and what it was for Optima.

**Ms. Brkovic** stated that both the Optima and DMB PUD require 70% open space. She identified that Options A and B offer 35,900 square feet of open space at the ground floor on the conceptual open space exhibits.

**Mr. Bill Lally**, Tiffany and Bosco, representing DMB provided an overview of the request addressing the specifics of the development standards, open space standards, site design, ground floor retail and the potential for boutique hotel and multi-family uses for the site. He explained that his team held six neighborhood meetings regarding the project. He identified that Lennar multi-family and the Westin were in support of their proposal. He identified that the commercial uses would help support infrastructure needs and provide more jobs in the area. He noted that the first review comments were

received from the Street Transportation Department and that the traffic report was also sent to the City of Scottsdale. He identified that the level of service would not change in the area due to the project.

**Ms. Toby Gerst** asked Mr. Lally to define boutique hotel.

**Mr. Lally** noted that boutique hotel was a high-end, urban hotel that did not have extended stays such as the Palomar.

**Ms. Gerst** asked if a private traffic study was completed and if it was analyzed for both residential and hotel uses.

**Mr. Lally** noted that a private study was done and that the analysis included both the residential and hotel uses. He identified that the level of service would not change.

**Mr. Cantor** asked when and where a new sewer line would be added.

**Mr. Lally** noted that he did not know if the sewer line would need to be upsized until they knew exactly how many units were going to be built.

**Chairman Avrhami** asked if a hotel had been chosen for the site.

**Mr. Lally** noted that the process was confidential due to competition and the type of lease that is needed and stated that he could not give out that information at this time.

**Mr. Nick Wood**, Snell and Wilmer, representing Optima identified some of the recent projects his team has worked on in the area, their maximum height and design standards. He identified that the Optima development offered a greater amount of open space at grade that was available to the public. He indicated that the DMB product was conceptual in nature and did not offer the community certainty as to what would be built on the site. Mr. Wood identified the following issues regarding the DMB project and how it compared to the Optima development:

- Site area - Optima had a greater land area
- Open space - Optima offers greater open space at ground floor
- Building setbacks - Optima has a larger setback along Scottsdale Road with open space
- Building height – identified height at 196-feet was out of context for the area
- Rooftop activities – hotel units and or balconies may become areas where people gather that could become a nuisance
- Massing of building – much larger compared to Optima and took up a great amount of land area
- Density – indicated that the density was inappropriate for the site at 141 du/acre
- Site design – identified that the site had poor access with its only exit being onto Scottsdale Road or otherwise cutting through the northern lot to exit onto Tierra Buena
- Parking – identified that the deviation from parking was inappropriate considering the lack of transportation modes in the area
- Precedent – identified that the approval of more 120 or 196-foot-tall buildings would allow for other developments like it to occur near the site such as the Paragon.

**Mr. Wayne Mailloux**, Chairman of Kierland Community Alliance and HOA president of Optima identified that the Kierland area was turning into a crowded place that was

comparable to a downtown. He noted that the proposal would result in a loss of privacy, increased traffic, and set a new precedent in the area. He identified that there were other cases in the area including the Acoma Court and Paragon project who are proposing similar heights. He indicated that the addition of more high-rise and high-density projects would result in pressure on local infrastructure.

**Ms. Amy Satterfield**, 6932 E. Heard Road, a resident in the area and a board member of the Kierland Community Alliance identified that the project was not appropriate for the area and noted that the same law firm proposed the Acoma Court project which was recently withdrawn due to the high level of opposition. She identified the precedence this case would set for the area, concerns of privacy, safety, overdevelopment and creeping of development like it near single-family homes. She urged the committee to deny the case.

**Mr. Ric Barlow**, a resident in the area noted his opposition for the case stating that the area was changing and that projects like DMB were threatening the quality of life in Kierland. He noted that the case would set a precedent in the area that the community did not want to see.

**Mr. Michael Angelo**, from save our Kierland, noted that preservation of the area needed to be considered. He identified his concern regarding the village meeting taking place in the summer when many of the other village meetings were canceled. He stated that a decision regarding what the Kierland area will look like in the future will need to be made.

**Coreen Young**, a resident in the area noted her concern regarding the case. She noted that she moved to Phoenix from California to enjoy more open space. She noted that the area was destined to fail if it continued to develop with high-rise/high-density projects.

**John Burnt**, President of Plaza Lofts Condominium Association noted his support for the project and stated that the precedent was set when the Optima development was approved.

**Mr. Bill Lally**, noted that the site had minimal parking along Scottsdale Road to support commercial uses. He noted that DMB will have a quality project that will match Optima and will provide 70% open space. He identified that the units would not be small and that the development standards provided certainty for the project.

**Ms. Toby Gerst** asked if the traffic study was approved by the City of Scottsdale.

**Mr. Lally** noted that they have not received comments back from the City of Scottsdale as of yet regarding the report.

**Ms. Hall** asked for clarification regarding the parking standard.

**Mr. Lally** noted that the only reduction was for the hotel use which required 0.6 spaces per room versus 1 space per room.

**Mr. Sparks** asked for clarification regarding the traffic flow.

**Mr. Chuck Wright**, traffic engineer for the project noted that the site was unique with limited access points. He stated that one of those exits can occur through the cross access easement where a future signal might be needed. He identified that the signal could either be placed at Tierra Buena or 71st Street.

**Mr. John Bradley**, a resident in the area noted his support for the project and stated that projects such as the Optima and DMB would be great for the area.

**Mr. Steve Gaisforn**, a resident in the area noted his opposition stating that the project was not appropriate for the area.

**Chairman Avrhami** closed the floor and opened the floor for committee comments.

**Mr. Richard Pennock** noted that a precedent might have already been set in the area and that more conversations need to take place regarding the future of Kierland.

**Mr. Alan Sparks** noted that the precedent was set a long time ago with the Landmark, Optima and the Plaza Lofts.

**Ms. Allison Barnett** noted that change can be scary but if the city was going to evolve then change needs to continue.

**Ms. Toby Gerst** noted that projects such as the Optima and others like it would continue to block views and add density. She indicated that she would be voting against the case because the existing infrastructure did not support the existing traffic and because it would add an additional burden that has not been addressed.

**Mr. Gubser** noted that plans such as the Paradise Valley character plan supports increased levels of intensity and that those plans should be considered. He asked the applicant if he would be inclined to reduce the density to match the Optima development.

**Mr. Lally** noted that his client would be open to the recommendation.

#### **MOTION:**

**Mr. Robert Gubser** made a motion to approve Z-14-18 as recommended by staff with an additional stipulation to reduce the density to 87.5 du/acre.

**Mr. Eric Cashman** offered a friendly amendment to the motion to approve per staff's recommendation with a reduction of density to 87.5 du/acre and to increase the hotel parking to the zoning ordinance requirement of 1 space per hotel room.

**Mr. Gubser** accepted the friendly amendment.

**Mr. Robert Goodhue** seconded the motion.

#### **VOTE:**

The motion was approved, Vote: 9-5 (Avrhami, Cantor, Gerst, Pennock and Wise).

#### **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff is in support of the added stipulations and recommends that they be incorporated into Stipulation 1 as 1.T. and 1.U.

1. An updated Development Narrative for the DMB Circle Road Partners Mixed Use Development 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 June 18, 2018, as modified by the following stipulations:

- a. Front Cover: Remove “Submittal” after Planned Unit Development and revise submittal date information on bottom to add the following:  
City Council adopted: [Add adoption date]
- b. Page 14, Development Standards: Add the following requirement as noted below:

Shade	Minimum 75% of shade cover at maturity over pedestrian pathways (public and private)
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- c. Page 14, Development Standards: Add the following requirement as noted below:

Bicycle Parking	<p>Minimum of 50 spaces (will follow standards listed in 1307.H of the Phoenix Zoning Ordinance)</p> <p>Minimum of one (1) secured bicycle space per 25 vehicle parking spaces; secured parking may be located indoors or outdoors (i.e. bicycle lockers)</p> <p>Minimum of two (2) bicycle spaces to be located outdoors and within 50 feet of the main entrances of the building. Spaces shall be installed per Zoning Ordinance Section 1307.H.4</p>
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- d. Page 15, Option B; 196 feet development standards: Delete.
- e. Page 16, Parking; Modify language in regard electrical vehicle parking spaces “there will be a minimum of two parking spaces with electrical charging stations”. Add the same verbiage to the Sustainability Section below City Enforced Standards.
- f. Page 18, Site Description/Layout Standards: Modify ground floor commercial requirement to read as follows:  
“The first floor will be comprised of commercial uses”
- g. Page 19, Passenger Drop off/pickup: Modify veranda entry requirement to read as follows:  
“Shall include a veranda entry with vegetation to provide shade”
- h. Page 19, Southwest Property Line: Delete
- i. Page 20, Building Design Standards: Modify requirements limiting building materials as indicated below:

“The following materials shall be limited to not exceed 50% of the exterior building: metal, paneling, natural or synthetic stone, precast concrete and “EIFS”

- j. Page 20, Exterior Materials; Add the following requirement

Glazing on all windows shall have a maximum reflectivity of 20%

- k. Page 20, Design Standards; Add the following requirements below Exterior Façade:

4-sided architecture

- l. Page 20, Color Palette; Delete text related to prohibited materials.

- m. Pages 23 through 27: Delete Option B Design Standards.

- n. Signs: Modify to read as follows:

Signage will be in conformance with Section 705 Signs of the City of Phoenix Zoning Ordinance. A separate application will be submitted for approvals of a comprehensive sign plan package. An amendment to the approved comprehensive site plan (CSP) for Kierland will be required for any signage under this PUD that is not otherwise permitted under the current CSP. All signage is subject to said CSP and any amendments thereto.

All permanent signs shall be compatible with the design of buildings and sites, reflecting the architectural style, building materials, textures, colors, and landscape elements of the project.

- o. Sustainability: Add the following requirement below city enforced standards: “Recycling receptacles and trash chutes serving the residential and hotel units will be provided in the refuse room.”

- p. Sustainability: Add the following requirement below developer enforced standards: “Recycling services will be provided for tenants.”

- q. Exhibit 1, Comparative Zoning Standards: Update C-2 landscape standards adjacent to property to 0-feet.

- r. Exhibit 7, General Plan: Update exhibit to outline property

- s. Remove all development option exhibits for option B.

- T. DEVELOPMENT STANDARDS, MAXIMUM NUMBER OF DWELLING UNITS: UPDATE TO 169 RESIDENTIAL UNITS MAXIMUM.

- U. PARKING STANDARDS, HOTEL PARKING: UPDATE TO 1 PARKING SPACE PER ROOM.

- 2. The developer shall submit a Traffic Impact Statement to the Street Transportation Department for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.

3. 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.
4. 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.
5. 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.