



Village Planning Committee Meeting Summary

Z-40-22-2

Scottsdale Town Square PUD

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| Date of VPC Meeting | December 5, 2022 |
| Request From | C-2 (1.06 acres), C-2 SP (0.06 acres), and PSC (7.42 acres) |
| Request To | PUD |
| Proposed Use | Planned Unit Development to allow multifamily residential and commercial uses |
| Location | Approximately 800 feet north of the northwest corner of Scottsdale Road and Thunderbird Road |
| VPC Recommendation | Approval, per staff the recommendation, with a modification and additional stipulations |
| VPC Vote | 13-3 |

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee member Alan Sparks joined the meeting during this item, bringing the quorum to 18 members. Committee members Toby Gerst and Louisa Ward left the meeting during this item, bringing the quorum to 16 members.

Staff Presentation:

Mr. Zambrano provided an overview of rezoning case Z-40-22-2, describing the location, request, surrounding land uses, existing and surrounding zoning, and General Plan Land Use Map designation. Mr. Zambrano provided background on adopted policy plans that the project would support. Mr. Zambrano then described the proposal, discussing the proposed site plan and elevations. Mr. Zambrano noted letters of opposition and support received and summarized the concerns in the letters of opposition. Mr. Zambrano concluded by sharing the staff findings, recommendation of approval and the recommended stipulations, noting requested revisions of the PUD narrative.

Applicant Presentation:

Jason Morris, representing the applicant with Withey Morris PLC, introduced himself, George Pasquel with Withey Morris PLC, Jeff Brand with Nelson Partners, and Joshua

Woodbury with Woodbury Corporation. Mr. Morris provided an overview of the proposal, noting the trend of many retail stores closing over the past decade. Mr. Morris stated that the property owner, the Woodbury family, is a long-term property owner and is intending to remain the property owner after improving the property. Mr. Morris noted that shopping center property owners have had to search for alternative uses to occupy their suites as retail needs declined, including charter schools and churches. Mr. Morris stated that the anchor tenant space located on the portion of the site where proposed redeveloped is located is occupied by Impact Church, noting that the church does not serve as an anchor to the shopping center when they are not busy. Mr. Morris added that the church can also be very busy during services, so much that almost the entire parking lot is taken up for church parking, which can be problematic for other retail tenants in the shopping center. Mr. Morris stated that the intent of the proposal is to provide a better mix of uses that compliment and support the other retailers in the shopping center. Mr. Morris noted that 71st Street separates the property from adjacent single-family residences to the west and compared that to previously approved rezoning cases where single-family residences were directly abutting the subject property. Mr. Morris added that views will not be impacted as the existing conditions shown on the street view image from 71st Street already block views of any surrounding mountains. Mr. Morris stated that the proposal was redesigned since the last VPC meeting to address neighbor concerns with the parking garage abutting the neighborhood, noting design elements that were kept, including the landscape buffer along 71st Street and two buildings for restaurant space with a common patio and open space area for existing restaurant tenants to relocate to. Mr. Morris stated the pool area was relocated to the west with enhanced landscaping surrounding it. Mr. Morris added that the building along the west is tiered to be at a lower height when closer to the west. Mr. Morris stated that the parking garage has been wrapped and enclosed by the building containing residential units, the amenity area is in a courtyard at ground-level surrounded by walls and landscaping, and height and density were reduced to an overall height of a 4-story parking garage and overall, five stories with a 4-story residential building above 1-story of retail. Mr. Morris stated that the all the small retail uses are being kept as part of this development so that it is a true mixed-use development rather than uses located adjacent to each other. Mr. Morris stated that the development would create a retail environment underneath the residential units that are the right space, right size and right location, but in order to do that they need a total height of at least 66 feet, which is less than what was originally proposed. Mr. Morris added that the maximum height is only required for the residential building furthest east against Scottsdale Road, and that all other buildings are at a lower height. Mr. Morris stated that the tallest residential building has been oriented to limit balconies facing west. Mr. Morris proceeded to discuss Manor Scottsdale PUD; a rezoning request previously approved by the Paradise Valley VPC. Mr. Morris noted that this was also a request for five stories with a maximum height of 56 feet and no ground-level retail. Mr. Morris argued that there being no retail and solely residential is the reason why this project was able to be brought down to this height. Mr. Morris provided a comparison between Manor Scottsdale PUD and the proposed Scottsdale Town Square PUD, noting that the taller portions of the building are located further away from the nearest single-family residence than Manor Scottsdale PUD is. Mr. Morris added that the proposed density is less than Manor Scottsdale PUD. Mr. Morris shared a diagram showing that the proposed trees along the west property line would block views from taller portions of

the building into single-family residence yards and noted that privacy is protected much more than Manor Scottsdale PUD. Mr. Morris concluded by discussing the renderings of the proposed landscaping along the west property line, noting that there is not much of an existing landscape buffer, and the proposal would be a big enhancement to provide a dense landscape buffer.

Questions from the Committee:

Larisa Balderrama asked how long the church's lease was. **Mr. Morris** responded that the existing lease will not be broken and that the church will be given time to find another location. Mr. Morris stated that the construction will not be able to take place until building permits are issued, likely in at least 12 months. Mr. Morris stated he was unaware of the length of the lease but noted the church use was always intended to be an interim use until redevelopment of the site was able to occur. **Ms. Balderrama** stated she understood that the lease was for another five years per a source she believes to be truthful, but she has not verified that information. Ms. Balderrama stated that if that information is correct, she would like to know that before being able to vote on this item so she is assured the church will not be evicted. **Mr. Morris** responded that he was just told that there is a right to redevelop under the lease within 24 months. **Ms. Balderrama** asked if the church was aware they would need to move in 24 months. **Mr. Morris** responded affirmatively and clarified that it is 24 months from where they are at today but was unsure how long it has been. Mr. Morris added that the church has been an excellent tenant but that there have been some concerns from the neighborhood regarding overflow parking into the neighborhood. **Ms. Balderrama** asked if the applicant has met with the church and if they have received any input from the church on the plan for redevelopment. **Mr. Morris** responded affirmatively.

Alex Popovic asked if there was a rezoning related to the existing PSC zoning. **Mr. Morris** responded that PSC permits up to 56 feet of height as well but that it does not permit residential uses and does not enforce the type of quality product proposed. Mr. Morris added that the conventional zoning districts are typically only for commercial or residential uses, but to have vertical mixed-use requires a PUD in this area. **Mr. Popovic** asked if there will be any balconies for the units on the upper stories facing west that could potentially look into residential yards to the west. **Mr. Morris** responded that there will be windows and balconies on those units; however, the parking garage is directly adjacent to them, and those units will be looking down to the top of the parking garage rather than into residential yards further away. Mr. Morris added that balconies were restricted on units closer to the west property line, but that the units further east do not have a viewshed into the neighborhood and are rather looking down into the project site itself. **Mr. Popovic** asked how many units were removed since the informational only meeting. **Mr. Morris** responded that approximately 42 units and one story in height were removed. **Mr. Popovic** clarified that the building was moved further east. **Mr. Morris** responded affirmatively. **Mr. Popovic** asked if there were any further discussions with the community regarding pedestrian and vehicular access to 71st Street. **Mr. Morris** responded that art features and pocket parks were originally proposed along the 71st Street frontage. Mr. Morris stated that the neighborhood was concerned the pocket parks would become a nuisance with unwanted people using and taking advantage of the pocket parks. Mr. Morris stated that the residents requested

pedestrian access be removed to 71st Street, adding that the intent of the pedestrian access was to be an accessible gate for residents of the neighborhood to the west that would connect to the open space area between the restaurant buildings so that residents of the neighborhood can easily access the restaurant and retail spaces by walking. Mr. Morris stated the pedestrian access was removed per resident request. Mr. Morris added that the residents requested the art pieces along 71st Street be removed, and the money reallocated for additional landscaping along 71st Street. Mr. Morris stated they agreed to do that as well.

Mr. Goodhue asked if the top floor of the garage will be open. **Mr. Morris** stated that the top floor of the garage would have covered parking and may have some opportunities for solar panel canopies. Mr. Morris added that the top level will be walled to ensure noise remains interior. **Mr. Goodhue** stated that his biggest concern has been noise transmitted from the property, so if this goes for approval, he has additional stipulations to add.

Cynthia DiMassa asked which floors have balconies facing west. **Mr. Morris** responded that it would be the top two floors, so the fourth story on the side of the garage. **Ms. DiMassa** asked how far the fourth story is from the adjacent residential properties. **Mr. Morris** responded it is 160 feet at its closest, and then the next story has a step back which is 319 feet away. **Ms. DiMassa** clarified that the fifth story is 319 feet away. **Mr. Morris** confirmed, adding that they are both 4-story residential, but one is above ground-level retail. **Ms. DiMassa** stated that she lives on the fifth story of the building she lives in at Optima Kierland Apartments, and she can see straight down into the properties behind her, even though the building is set back a good distance from 71st Street. **Mr. Morris** responded that the fourth story and fifth story are likely a bit lower than the Optima building, and that the Optima building does not have higher stories stepped back, whereas this proposed building has the higher stories tiered to be stepped back from 71st Street. Mr. Morris added that because of the step back the viewshed would be looking more at this site itself rather than the neighbors. **Ms. DiMassa** clarified that the fourth story will be looking at the third story roof. **Mr. Morris** confirmed. **Ms. DiMassa** asked what was on top of the garage. **Mr. Morris** responded that it would be the top level of the parking garage. **Ms. DiMassa** asked if there would be cars parked there. **Mr. Morris** confirmed and added that they would be under canopies. **Ms. DiMassa** asked what can be done to limit noise from the pool area since it is right up against 71st Street. **Mr. Morris** responded that one of the requests from the neighborhood is that there are no rooftop amenities, so they have agreed to that. Mr. Morris stated that the pool area is enclosed on all four sides and there is a solid wall to the west.

Diane Petersen asked how many units were proposed. **Mr. Morris** responded 311 units. **Ms. Petersen** stated she was concerned with height and traffic. Ms. Petersen stated that she has a concern with the gate going into the community, citing concerns with apartment traffic going through the adjacent neighborhood due to difficulty being able to turn to go north on Scottsdale Road when wanting to head west. Ms. Petersen stated that she would like the gate to be closed and walled off. **Mr. Morris** responded that buildings in the Kierland area are 120 feet tall or more and the request is for 66 feet. Mr. Morris added that the most recent project that came to the VPC on Bell Road

and Scottsdale Road was at 141 feet. Mr. Morris added that Manor Scottsdale PUD was at 56 feet tall directly abutting adjacent neighbors' yards. Mr. Morris added that only a portion of this project is 66 feet tall. Mr. Morris stated that change in use from retail to residential will be a decrease in traffic by 400 trips per day. Mr. Morris agreed that the access from Hearn Road is unnecessary, stating that this project already has northbound and southbound access to Scottsdale Road, as well as eastbound and westbound access to Thunderbird Road. Mr. Morris stated that there would be zero trips from this project along 71st Place or within any of the adjacent residential areas. Mr. Morris stated if the neighbors in the area wanted to remove the access gate from Hearn Road and close off that access entirely, that they would support the neighborhood on that request and that they sent a letter to the Kierland Community Alliance (KCA) stating so. **Ms. Petersen** stated there is a lot of history of people using Hearn Road. Ms. Petersen asked if the ground-level retail will be for the existing retail in the shopping center. **Mr. Morris** responded that the intent is to phase the project so that the existing tenants can remain and can be moved into the new retail spaces. **Ms. Petersen** asked if the ground-level retail spaces could be relocated nearby the restaurants so that the building height could be reduced. **Mr. Morris** responded that existing shopping center has retail spaces that are for larger stores and modern retail spaces are typically narrower and not as deep. Mr. Morris stated that more retail space is being created rather than just the number of existing retail tenants. Mr. Morris stated that moving the retail to another place would be difficult and it would take away from what they are trying to create, which is vertical mixed-use rather than uses adjacent or near residences. Mr. Morris stated he misspoke regarding the balconies on the fifth story facing west and that they would be facing internally, looking at the building on the other side.

Marc Soronson stated that he would like to amend the Traffic Impact Study stipulation to also include a mobility study to address pedestrian and bicyclist mobility to the activity centers to the north and east. Mr. Soronson asked what the property owner's plan is for the south half of the existing shopping center. **Mr. Morris** responded that one of the selling points of living in this area is having pedestrian and bike access to the commercial to the north and south. **Mr. Soronson** stated he would like it to be part of the stipulation. Mr. Soronson stated that there are many underground parking spaces along Scottsdale Road but there are no ways to get between developments. Mr. Soronson stated that there are activity centers in this area that are extremely walkable and bikeable and that connectivity could be easily implemented between developments. Mr. Soronson believes that developers have a responsibility to recognize that and implement it into their plan. **Mr. Morris** agreed, stating that there will be detached sidewalks with landscaping to make it a more pleasant condition. Mr. Morris stated that the City of Phoenix and City of Scottsdale will focus more on people and bikes over cars when there are more people and bikes in the area. Mr. Morris stated that this project will bring more people to the area and that is being seen throughout this area. Mr. Morris stated the south half of the shopping center adjacent to Thunderbird Road will be refurbished to have a façade that matches the look and design of the north half. Mr. Morris added that there will be no additional height or change of use requested on the south side. **Mr. Soronson** stated that given the density in the area, he would like to see a minimum of 6-foot-wide sidewalks.

Ms. Schmidt asked if the top level of the parking garage would include spaces for residents. **Mr. Morris** responded that there will be shared parking at the ground level and reserved parking for residents above the ground level. Mr. Morris added that retail parking will be closer to the retail stores at the ground level. **Ms. Schmidt** proposed that noise from the top level of the parking garage could be reduced by only having the parking garage open during business hours. **Mr. Morris** stated that the retail parking spaces are kept at ground-level because they are much more likely to be coming into and out of the site frequently versus a resident that would make fewer trips.

Public Comment:

Amy Satterfield, Vice Chair of the Kierland Community Alliance (KCA), introduced herself and the KCA as a neighborhood organization opposed to the project. Ms. Satterfield stated that they have had discussions with the development team since August and have continued those discussions to mitigate the impact on the residential community. Ms. Satterfield stated at that meeting they requested mitigating the impact by doing the following: *1) wrapping the parking garage and moving it away from the adjacent single-family homes; 2) tiering the building up towards Scottsdale Road; 3) upgrading the landscaping along 71st Street and removing the pocket parks; 4) removing balconies on the second and third stories facing west; and 5) removing rooftop amenities.* Ms. Satterfield stated those mitigations have all been agreed to. Ms. Satterfield stated that since then there have been subsequent discussions regarding some additional concerns. Ms. Satterfield stated that they received an email from the applicant agreeing to their proposed stipulations, and asked that the following stipulations be added to this case:

- 1) The west perimeter shall be planted with minimum 3-inch caliper trees planted 20 feet on center.
- 2) Trees species with denser foliage to create a visual buffer shall be used along the west perimeter.
- 3) The fence along 71st Street shall be a solid wall and there shall be no openings that allow pedestrian access to 71st Street.
- 4) Windows shall use 85% non-reflective glass.
- 5) There shall be no lighted signage along the west side of the property
- 6) No parking signs shall be installed along the east side of 71st Street.
- 7) Access from Hearn Road shall be permanently removed.
- 8) The maximum building height shall be 56 feet.
- 9) There shall be no balconies on the fourth story.

Ms. Satterfield stated that they also requested the developer take photos by a drone to illustrate if there would be a visual buffer from trees for the balconies at the second story versus the fourth story, but the developer stated that the permits need to be filed and received in order to do so. Ms. Satterfield stated the KCA would also like some assurance that the south side of the shopping center would not develop higher than the existing buildings. Ms. Satterfield stated that the KCA is in favor of development that has the least amount of impact to existing homeowners. Ms. Satterfield stated that the Village Planning Committee is closest to the neighbors, and as the case moves along in

the process it becomes more distant from those who are most impacted. Ms. Satterfield stated they rely on the Committee to be the voice of the neighborhood.

Mervin Giles introduced himself as a neighbor of 28 years opposed to the project. Mr. Giles stated that he would like to see a traffic study done that includes the residential units that have been added along Scottsdale Road between Bell Road and Cactus Road within the last two years. Mr. Giles stated that the traffic studies he has looked at presented by the developer do not compare at all to the traffic he sees on the street. Mr. Giles stated he does not understand how the traffic generated would be less if the existing retail tenants are remaining on the site in addition to the proposed residences. Mr. Giles stated he has a concern with the height because the mountains can be seen from about a block away. Mr. Giles requested a drone view at the proposed height.

Anthony Scerbo introduced himself and his friend Nick Cardinale, the Immediate Past Chief Operating Officer of the Barrett-Jackson Collector Car Auction, in support of the case. Mr. Scerbo read a letter of support from Mr. Cardinale on his behalf, since he was unable to attend the meeting, which was sent to staff to be attached to the staff report.

Lani Harrison introduced herself as a neighbor on 71st Street and Redfield Road in support of the project. Ms. Harrison stated that the situation with Impact Church is not a good situation for the residents of the neighborhood. Ms. Harrison stated that the church's music goes on four days a week and that her windows shake. Ms. Harrison stated that the church had sent the neighbors a letter that they would begin to use 71st Street for additional parking and provided gift cards. Ms. Harrison added that she does not hear much noise from the Firestone Tire and Rubber Company building, stating that she would have thought a car repair facility would be noisier, but it is actually the church that has been much noisier and has been a nuisance. Ms. Harrison supported the updated look and added that the neighborhood currently looks into the back of an industrial-looking shopping center and that she would love a view of something more updated and prettier. Ms. Harrison stated she would support removing pedestrian access along 71st Street and removing the gate access from Hearn Road to permanently close it off, since neighbors have their children riding bikes along 71st Street.

Applicant Response:

Mr. Morris agreed with comments made by Ms. Satterfield. Mr. Morris stated she had worked diligently with the architectural team to come to a compromise with the final product, but what could not be compromised any further was the height. Mr. Morris stated that the majority of the site is at 56 feet in height until further east beyond 165 feet from the nearest residence. Mr. Morris added that they truly believe in the viability of the retail uses and a true mixed-use project and having that additional 10 feet over 300 feet away allows them to create an interesting streetscape rather than an apartment building alone. Mr. Morris stated that the current property owner was the previous retail property owner and will remain the property owner after this site is redeveloped. Mr. Morris stated that the goal of the project was to create a long-lasting project of high quality. Mr. Morris stated they are able to accommodate the majority of the concerns heard. Mr. Morris stated that the choice would be to either have 55-foot-tall multifamily

residential with no retail or restaurant uses, or to have this project that they believe is exceptional and has a height of 68 feet for less than 15% of the project.

Chair Gubser asked if the applicant agrees to the additional stipulations proposed by Ms. Satterfield. **Mr. Morris** stated that they had responded to her letter in agreeance and that he does not believe there is anything that she raised that they would not be comfortable with, other than the height.

MOTION:

Mr. Popovic motioned to recommend approval of Z-40-22-2 per the staff recommendation. **Alan Sparks** seconded the motion.

Discussion:

Jennifer Hall commended the development team for working with the KCA to work through their concerns. Ms. Hall stated she supports the ground-level retail and the other changes made to the project. Ms. Hall stated that before this is brought to a vote, she would recommend that the Committee members entertain a friendly amendment to ensure they include all the stipulations that Ms. Satterfield proposed.

Ms. DeMoss asked if the same developer would develop the south portion of the shopping center.

Mr. Popovic stated he believed one of the proposed stipulations from the KCA was to not allow this same type of development on the south side of the shopping center.

Ms. DeMoss asked if it was possible to move the ground-level retail underneath the building down to the south. **Mr. Morris** responded that there is no intention to redevelop the southern portion of the shopping center. Mr. Morris added that the only way the same type of development on the southern portion could occur is if it went through the same type of public hearing process, since it is not entitled for that type of development. Mr. Morris reiterated that it is not the intent of the developer at this point in time to redevelop the southern portion of the shopping center. Mr. Morris stated that the plan is to upgrade the façade of the shopping center to be compatible with the new development. Mr. Morris stated that moving the retail would take away the uniqueness of having retail at ground-level below residential units. Mr. Morris added that they have not taken anything away from the neighborhood and that the reduction in height from 78 feet to 68 feet has already taken away from the project.

Ms. DeMoss stated she was unclear how the applicant is stating that mountain views would not be affected when Ms. Satterfield stated that it would. **Ms. Satterfield** responded that regarding the southern portion of the shopping center, the KCA was asking for some assurance written into the PUD that the southern portion of the shopping center would not be developed higher than 56 feet. Ms. Satterfield added that Mr. Giles had stated that mountains can be seen further out. Ms. Satterfield clarified that she did not make that comment and clarified that her comment was related to views into

the neighborhood. Ms. Satterfield stated that views looking down would look at the top of the parking structure, but views looking out would look into the residences' yards.

Chair Gubser asked if Ms. Satterfield was referring to the southern portion of the shopping center to not be developed. **Ms. Satterfield** confirmed.

Ms. Petersen asked Ms. Satterfield to restate what she had said regarding the KCA establishing a precedent of 56 feet in height. **Ms. Satterfield** responded that within the KCA boundary between Thunderbird Road to the south, Paradise Lane to the north, 64th Street to the west, and Scottsdale Road to the east, this is the first development that is this close in proximity to single-family homes. Ms. Satterfield stated that they had worked with the development team for the Kierland Sky PUD, who had agreed to reduce the height of the building that is closest to the neighborhood to a maximum of 56 feet within 560 feet of a single-family residence.

Toby Gerst appreciated the proposed revitalization of the area and the idea of mixed-use at ground level. Ms. Gerst added that she has some considerations regarding the kind of traffic that this development would bring to the neighborhood. Ms. Gerst agreed that the proposed stipulations should be added, in addition to limiting height to 56 feet within 560 feet of a single-family residence.

Mr. Goodhue stated that while everyone is focused on the 56-foot height limitation, it should also be considered that this project has tiered the buildings away from the property line so that the higher stories have more of a step back. Mr. Goodhue added that there is a big difference between a non-tiered building that is 56 feet tall adjacent to the property line versus the tiered proposal. Mr. Goodhue stated that a 56-foot-tall building that is 10 feet away from the property line would be much more visually impactful than a tiered structure.

Mr. Soronson agreed and stated he did not have any issues with the proposed height. Mr. Soronson wanted to ensure the amended motion includes a mobility plan to be included as part of the traffic impact study. **Chair Gubser** asked what Mr. Soronson envisions to be included in the mobility plan. **Mr. Soronson** responded that it should include consideration of pedestrian and bicycle circulation both inside and outside of the property and not just bicycle parking alone. Mr. Soronson added that there is a lot of employment at the airport across the street and he would like to see less traffic from cars going into the airport.

Chair Gubser stated that when talking about mobility in terms of pedestrian accessibility, the neighbors have indicated that they do not want pedestrian connectivity to 71st Street and that they also want Hearn Road closed off.

Mr. Soronson stated that there is a dilemma all over the City of Phoenix where pedestrians in developments have to walk a quarter mile around walls to get to a transit stop rather than 20 feet.

Ms. Petersen reiterated that Ms. Satterfield said this development is the closest to the single-family residences at this height compared to other developments at least 560 feet from the nearest single-family residence at 56 feet in height.

Abe Bowman asked for clarification on the KCA distance of 56 feet in height from the nearest single-family residence. Mr. Bowman stated that he thought the Manor Scottsdale PUD was closer than what was previously stated by Ms. Petersen. **Ms. Petersen** stated that Ms. Satterfield was referring to other projects that the KCA has dealt with. Ms. Petersen added that the Kierland Sky PUD was reduced to 56 feet in height with a minimum distance of 560 feet from the nearest single-family residence.

Mr. Sparks stated that he agreed with Mr. Goodhue's comments and clarified that Mr. Goodhue was making a point that a building 56 feet tall that is located a short distance away is less favorable than a tiered structure as presented. Mr. Sparks stated he believes the applicant has done a great job at making significant changes to address concerns from the KCA and neighbors. Mr. Sparks stated he believes the developer has gone out of their way to accommodate as much as they possibly could.

Mr. Wise added that the building is located several hundred feet away and that there will be a large number of trees along the west side of the property. Mr. Wise stated that the trees will grow to block more of the view than the building can see at the distance it is proposed.

Ms. DiMassa asked if the balconies on the fourth story could be removed as the KCA requested.

Chair Gubser stated he would ask for Mr. Morris to come back on. Chair Gubser stated it was his understanding that the balconies were facing north and south and not west.

Mr. Morris stated that Chair Gubser was correct about the fourth and fifth floor balconies. Mr. Morris stated that they would be willing to abide by a stipulation that there be no balconies on the fourth floor if they have a sightline into the neighborhood. Mr. Morris stated that there are many different ways to design a balcony so that it does not protrude outside of the building, such as a recessed balcony or Juliette balcony. Mr. Morris stated they do not have a desire to create a viewshed into the neighborhood, which is why they went to great lengths to create a landscape plan that has mature trees at planting along 71st Street that will only get larger. Mr. Morris stated they will do whatever is necessary to protect the privacy of the adjacent single-family residences.

Ms. DiMassa stated that a stipulation limiting the balconies would definitely help, and that if it were a recessed balcony, that there would be no noise from parties on the balconies. Ms. DiMassa requested there be a stipulation added restricting balconies wherever there is a line of sight into the community.

Ms. Sepic stated that she believes public art is very important in redevelopment and that she is in support of the proposed height. Ms. Sepic wanted to ensure that if there is no public art on 71st Street, that there at least be public art installations either on Scottsdale Road or in the open space area between the two restaurant buildings. Ms.

Sepic recommended that balconies still be provided but that they should be recessed balconies so that community members can have an outdoor space to still enjoy Arizona's moderate weather.

Chair Gubser asked Mr. Popovic if he would like to amend his motion to include the recommended stipulations.

Mr. Popovic stated he would agree to add the stipulations recommended by the KCA except for the height. Mr. Popovic added that he is okay with restricting balconies to recessed or Juliette balconies. Mr. Popovic added that he would be amenable to any other recommended stipulations he may be missing.

Chair Gubser added that there was a proposed stipulation for public art along Scottsdale Road, a mobility plan, and a recommendation from Mr. Goodhue regarding noise.

Mr. Goodhue stated he has a standard stipulation that the City uses for noise mitigation, that states "*Noise generated on the site shall not exceed 50 decibels at the west property line and shall be verified by testing approved by the Planning and Development prior to issuance of the Certificate of Occupancy*". Mr. Goodhue stated that this stipulation was the same stipulation used for another project and that it worked perfectly.

Chair Gubser asked if testing noise before occupancy would provide accurate results. **Mr. Goodhue** responded that it would, adding that he is more worried about the parking garage. Mr. Goodhue stated that the noise testing includes simulated car alarms going off as well as other high noises generated from a parking garage. Mr. Goodhue stated that his biggest concern is noise from the upper level of the parking garage since it is not enclosed. Mr. Goodhue stated that testing noise is possible with noise engineers going out into the field with equipment and running tests.

Chair Gubser added that there was a recommendation for a reduction in the height.

Mr. Popovic stated that he is supportive of the proposed height and is not supportive of reducing the height. Mr. Popovic added that he is okay with the recommended stipulations, except that the height should remain as the applicant has proposed.

Ms. Hall asked if KCA's stipulations should be read into the record. **Chair Gubser** concurred. **Ms. Hall** stated she can read them from Ms. Satterfield's letter. Ms. Hall stated that the only one she would not read is the one about reducing the height since she agrees that the proposed height is fine. Ms. Hall stated that the letter included the following recommendations:

1. Enhanced landscaping on the west side of the property
2. Three-inch caliper trees planted 20 feet on center on all of the perimeter
3. Provide an adequate visual buffer for adjacent residences by providing denser trees like Chinese Elm, Southern Indian Laurel, etc.
4. No pedestrian access along 71st Street

5. No parking signs along 71st Street
6. In exchange for the balconies on the second story, no balconies with line of sight on the fourth story on the west
7. Eighty-five percent non-reflective glass on all windows
8. Solid fence along 71st Street
9. No lighted signage on the west side of the property

Ms. Hall stated she would like to add that the solid wall be a 6-foot-tall decorative subdivision wall.

Mr. Popovic concurred with the recommended stipulations.

Mr. Sparks echoed Ms. Sepic's comments regarding public art. Mr. Sparks recommended the stipulation regarding balconies be simplified to state that there can be balconies where there are no sightlines into the neighborhood and allow the architects to design it. Mr. Sparks concurred with Mr. Popovic's modification to the motion.

Mr. Zambrano stated that some clarification would be needed on the language of the stipulations and if the Committee would like it to be incorporated into the PUD narrative or to be a separate stipulation.

Chair Gubser responded that he would defer to staff on where it would be better to be incorporated into the narrative or to be a separate stipulation. **Mr. Zambrano** responded that the noise stipulation could be a separate stipulation. Mr. Zambrano stated that the balcony stipulation could be an amendment to the PUD narrative.

Mr. Popovic stated that if the language of the balcony stipulation included no sightlines, it may cause confusion of what may be allowed and may be more restrictive than intended.

Ms. Gerst stated that restricting the height to 56 feet may address the sightline issue from balconies.

Mr. Popovic asked what the difference would be if balconies would be provided either way.

Ms. Gerst stated that she believed the KCA requested no balconies on the fourth story and above. Ms. Gerst asked if Mr. Popovic was referring to only one story. **Mr. Popovic** asked if the Committee would be okay with allowing balconies on the fourth story if the height was reduced to 56 feet. **Ms. Gerst** clarified that if the height was lowered, it would eliminate the sightline problem with balconies.

Chair Gubser asked if the stipulation for no sightlines to the west residences would be only for balconies or if it would also include west-facing windows. **Ms. Petersen** stated that windows are fine.

Anita Mortensen recommended adding a solid wall or some type of cover on the rooftop of the parking garage to block the view from the balconies rather than reducing the height to 56 feet.

Ms. Hall clarified that they are not talking about the fourth story balconies to the east of the parking garage but rather the fourth story located on the other side of the parking garage. Ms. Hall recommended the stipulation say that there be no walk-out balconies on the west side of the fourth story rather than line of sight.

Ms. Mortensen concurred.

Ms. DiMassa concurred.

Mr. Popovic concurred.

Ms. DeMoss asked what the Committee's opinion was on Ms. Satterfield's comment regarding precedent set by approving a height more than 56 feet.

Chair Gubser stated that the amended motion excludes height reduction and at this point the Committee is working through the stipulations that the majority of the Committee is comfortable with.

Ms. Gerst stated that there could be multiple motions made if a previous one fails and at that point a stipulation reducing the height could be considered. Ms. Gerst suggested taking a poll to see how many Committee members agree with reducing the height to 56 feet. **Chair Gubser** responded that the Committee needs to work through the other stipulations first. Chair Gubser asked Mr. Zambrano if the motion and additional stipulations are acceptable.

Mr. Zambrano responded that there is still some clarification needed on the language of the additional stipulations and if they were to be included as an amendment to the PUD narrative or as a separate stipulation. Mr. Zambrano asked for clarification on what is being measured with the noise stipulation. **Mr. Goodhue** responded that he is referring to noise being generated by the site that is transmitted across the property line. Mr. Goodhue stated he would prefer noise not exceeding 50 decibels at the property line over 45 decibels. Mr. Goodhue stated that the way he read the stipulation pertains more to the intent of the stipulation than the standard stipulation for indoor noise that Mr. Zambrano was using. **Mr. Zambrano** stated he was unsure if it would be an enforceable stipulation to constantly measure the noise level at the property line after occupancy. **Mr. Goodhue** responded that it is enforceable and has been done before with a previous case by testing simulated noises.

Ms. Gerst stated she was not able to get sound on her computer initially, so she used her husband's computer which he now needs. Ms. Gerst requested Ms. DeMoss vote for her in proxy while she switched computers. Ms. Gerst stated she is in favor of all the stipulations that were discussed but is opposed to anything above 56 feet in height. Ms. Gerst stated she will vote in favor if the height is reduced to 56 feet and will vote in opposition if the height remains the same.

Chair Gubser agreed.

Staff verified after the meeting that a proxy vote is not recognized as an official vote.

Mr. Zambrano went through the recommended stipulations from the KCA and stated some could be amendments to the PUD narrative. **Chair Gubser** stated that Mr. Zambrano could follow up with the Committee as he does not believe they have ever gone through recommending stipulations that amend pages of the PUD narrative before.

Mr. Zambrano read the recommended stipulations from the KCA to verify which ones were to be included.

Ms. Schmidt stated that the stipulation for planting trees with denser foliage should also be low-water-use species.

Ms. Hall asked for confirmation that trees are not being replaced but rather the landscaping is being enhanced. **Chair Gubser** responded affirmatively.

Mr. Zambrano asked if the Committee would like to add the stipulation for a solid fence along 71st Street.

Ms. Sepic concurred.

Chair Gubser stated that Ms. Hall had mentioned the wall should be a 6-foot-tall decorative subdivision wall. Chair Gubser asked if the stipulation for no pedestrian access along 71st Street is included. **Mr. Zambrano** responded that for the previous case that the Committee recommended no pedestrian access to a street, the stipulation was removed at Planning Commission due to conflicts with several City policies and design guidelines that promote and require pedestrian and accessibility enhancements to new development. **Chair Gubser** responded that it is best to keep the stipulation and if it needs to be struck out later on that it could be done so at that point.

Ms. Hall asked if the stipulation regarding a mobility plan was added. **Mr. Zambrano** confirmed and asked if it was a modification to Stipulation No. 2 regarding the Traffic Impact Study.

Mr. Soronson concurred.

Ms. Sepic listed the recommended stipulations to ensure she had them all correct, including:

- 1) Public art installations shall be installed either along Scottsdale Road or in the open space area between the two restaurant buildings.
- 2) Minimum 3-inch caliper trees planted 20 feet on center shall be planted along the perimeter of the site.
- 3) Low-water-use trees with dense foliage shall be used along the west perimeter.
- 4) A 6-foot-high solid decorative fence shall be constructed along 71st Street.

- 5) There shall be no pedestrian access along 71st Street.
- 6) Minimum 85% non-reflective glass shall be used on all windows.
- 7) No parking signs shall be installed along 71st Street adjacent to the site.
- 8) There shall be no lighted signage on the west side of the property.
- 9) Noise generated on the site shall not exceed 50 decibels at the west property line and shall be verified by testing, prior to issuance of the Certificate of Occupancy, as approved by the Planning and Development Department.

Ms. Sepic overlooked capturing the following items that were discussed and agreed upon as being stipulations:

- *Modification of Stipulation No. 2 to include a mobility study for pedestrian and bicyclist connectivity.*
- *No balconies shall have a line of sight to the adjacent single-family yards. Recessed or Juliette balconies may be allowed if there is no line of sight into the yards. Protruding balconies may be allowed if there is a visual buffer blocking view into the yards, or if there is no line of sight into the yards.*

Ms. Sepic asked if the closure of Hearn Road was also a stipulation.

Ms. Hall responded that the KCA will support it, but they cannot really do anything about it.

Ms. Petersen believed it was important to add it as a stipulation.

Chair Gubser asked Mr. Popovic if he would like to add that into his motion. **Mr. Popovic** responded that he is fine with that but would like to defer to the attorney and Mr. Morris once the stipulations are clarified. Mr. Popovic added that the Committee could add a lot of stipulations but ultimately some may be stricken.

Chair Gubser asked Mr. Morris to respond to the recommended stipulations.

Mr. Morris stated that the applicant is in support of the majority of the recommended stipulations. Mr. Morris added that he believes the language of the balcony stipulation captures what they intended, which was to have no balconies on the west side unless they can show that there are no views into the neighborhood.

Mr. Wise stated that the exhibit the applicant shared shows a sightline from a person standing on the edge of the residential area looking up at the building with the trees planted along 71st Street entirely blocking the view. Mr. Wise stated for that reason, it does not really make a difference whether there is a reduction in 10 feet in height since no one would see it.

MOTION:

Mr. Popovic amended the motion to recommend approval of Z-40-22-2, per the staff recommendation, with a modification to Stipulation No. 2 and additional stipulations as discussed. **Mr. Sparks** seconded the motion.

VOTE:

13-3; motion to recommend approval of Z-40-22-2, per the staff recommendation with a modification to Stipulation No. 2 and additional stipulations as discussed, passes with Committee members Bowman, DiMassa, Goodhue, Hall, Maggiore, Mortensen, Popovic, Schmidt, Sepic, Soronson, Sparks, Wise and Gubser in favor and Committee members Balderrama, DeMoss, and Petersen opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

VPC recommended stipulations:

1. An updated Development Narrative for the Scottsdale Towne Square 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 18, 2022, as modified by the following stipulations:
 - a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: November 18, 2022; City Council adopted: [Add adoption date].
 - b. Pages 14-15, Sidewalk Standards, Internal Walkways: Remove the single asterisk next to the 5' minimum width internal walkway standard. Add a triple asterisk next to the sidewalk standard for internal walkways. Add a new footnote for a triple asterisk that 5' minimum width internal walkways shall be clear of all obstacles.
 - c. Page 15, General Landscape Requirements: Remove bullet point (b.) for landscape irrigation, which is repeated in bullet point (d.), and re-letter accordingly.
 - d. Pages 16-17, Landscape Standards Table:
 - (1) Streetscape: Revise titles of streetscape standards to "Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to Scottsdale Road, Including Detached Sidewalk Landscape Strip" and "Streetscape – Landscape Areas Within Public Right-of-Way Adjacent to 71st Street Where Pocket Park Option Is Not Utilized".
 - (2) Add language "at maturity" after each live vegetative ground coverage standard.

- (3) Add a new row for a landscape standard for the bus stop pad on southbound Scottsdale Road, below the “Adjacent to Buildings” row, as follows: “Bus Stop Pad Landscaping – a) Minimum 3-inch caliper shade trees to provide minimum shade per Section D.6. at maturity; b) Minimum 75% live vegetative ground coverage at maturity”
- e. Page 20, Shade: Add a shade standard for the bus stop pad: “A minimum of 50% of the bus stop pad on southbound Scottsdale Road shall be shaded at tree maturity”
- f. Page 24, iv. Design for Cost-Effectiveness: Modify the language to a development/developer requirement that is not confused as a directive to the Street Transportation Department.
- G. PAGE 14, DEVELOPMENT STANDARDS, DEVELOPMENT STANDARDS TABLE, NOISE REDUCTION: ADD LANGUAGE THAT STATES, “NOISE GENERATED ON THE SITE SHALL NOT EXCEED 50 DECIBELS AT THE WEST PROPERTY LINE AND SHALL BE VERIFIED BY TESTING, PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.”**
- H. PAGE 15, DEVELOPMENT STANDARDS, LANDSCAPE STANDARDS TABLE, GENERAL LANDSCAPING REQUIREMENTS: ADD A PROVISION TO REQUIRE LOW-WATER-USE TREE SPECIES WITH A DENSE FOLIAGE ALONG THE WEST PERIMETER OF THE SITE TO PROVIDE AN ADEQUATE VISUAL BUFFER FOR ADJACENT RESIDENCES.**
- I. PAGE 16, DEVELOPMENT STANDARDS, LANDSCAPE STANDARDS TABLE: MODIFY THE LANGUAGE FOR LANDSCAPING ALONG SCOTTSDALE ROAD, 71ST STREET, AND THE NORTH PROPERTY LINE TO REQUIRE MINIMUM 3-INCH CALIPER TREES PLANTED 20 FEET ON CENTER.**
- J. PAGE 18, DEVELOPMENT STANDARDS, FENCES / WALLS: ADD LANGUAGE TO REQUIRE A 6-FOOT-HIGH SOLID DECORATIVE FENCE BE CONSTRUCTED ALONG 71ST STREET.**
- K. PAGE 20, DEVELOPMENT STANDARDS, AMENITIES: ADD THE FOLLOWING LANGUAGE AFTER THE COMMERCIAL AMENITIES SECTION:**
 - 4) PUBLIC ART: A PUBLIC ART INSTALLATION SHALL BE INSTALLED EITHER ALONG SCOTTSDALE ROAD OR IN THE OPEN SPACE AREA BETWEEN THE TWO RESTAURANT BUILDINGS.**
- L. PAGE 25, DEVELOPMENT STANDARDS, SIGNS: ADD LANGUAGE TO REQUIRE SIGNS ALONG THE WEST SIDE OF THE PROPERTY BE NON-LIGHTED SIGNS.**

- M. TAB H, SCOTTSDALE TOWNE SQUARE ARCHITECTURAL DESIGN GUIDELINES, SECTION 1.0, PAGE 2, FORM AND SCALE, BUILDING MASSING (PDF PAGE 57): ADD LANGUAGE TO RESTRICT UPPER-LEVEL BALCONIES WHERE THERE IS NO VISUAL BUFFER BLOCKING A LINE OF SIGHT FROM A BALCONY LOOKING WEST INTO ADJACENT SINGLE-FAMILY YARDS. BALCONIES MAY EITHER BE RECESSED OR JULIETTTE BALCONIES WHERE THERE IS NO LINE OF SIGHT INTO THE YARDS. PROTRUDING BALCONIES MAY BE ALLOWED EITHER WHERE THERE IS A VISUAL BUFFER BLOCKING THE LINE OF SIGHT FROM THE BALCONY LOOKING WEST INTO SINGLE-FAMILY YARDS OR WHEREVER THERE ARE NO LINES OF SIGHT LOOKING WEST INTO ADJACENT SINGLE-FAMILY YARDS.**
- N. TAB H, SCOTTSDALE TOWNE SQUARE ARCHITECTURAL DESIGN GUIDELINES, SECTION 1.4, PAGE 8, GLASS (PDF PAGE 63): ADD LANGUAGE TO REQUIRE GLASS ON ALL WINDOWS BE A MINIMUM OF 85% NON-REFLECTIVE GLASS.**
2. The applicant shall submit a Traffic Impact Study/Statement **AND A MOBILITY STUDY FOR PEDESTRIAN AND BICYLIST CONNECTIVITY** to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation 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 build a bus stop pad on southbound Scottsdale Road. The pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet.
 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 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
8. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
9. **THERE SHALL BE NO PEDESTRIAN ACCESS ALONG 71ST STREET.**
10. **NO PARKING SIGNS SHALL BE INSTALLED ALONG 71ST STREET ADJACENT TO THE SITE.**
11. **THE EXISTING GATE FROM HEARN ROAD SHALL BE REMOVED AND ACCESS SHALL BE PERMANENTLY CLOSED OFF.**

Staff recommends that the language for Stipulation No. 1.G. be modified to standard language used for noise mitigation stipulations.

Staff recommends that Stipulation Nos. 1.I. and 1.J. be modified for clarity.

Staff recommends that Stipulation No. 1.K. be modified to reference artwork in general and not refer to "public art". Public art is required to go through a separate process through the City's Public Art Program. Staff also recommends including more specific requirements for the required artwork, such as minimum dimension requirements, a minimum number of artwork pieces to provide, and a list of types of artwork to select from that would meet the requirement.

Staff recommends the deletion of the additional language regarding a mobility study for Stipulation No. 2. A single development cannot provide such a study for an entire area. Additionally, a typical mobility study would have included a Long Range Planning combined effort between the Planning and Development Department and Street Transportation Department, which has not occurred in this area. Staff recommends an alternative stipulation separate from the Traffic Impact Study stipulation that addresses the intent of the recommended stipulation.

Staff recommends the deletion of Stipulation No. 9 regarding removal of pedestrian access to 71st Street. This stipulation conflicts with several City policies and design guidelines that promote and require pedestrian and accessibility enhancements to new development.

Staff recommends that Stipulation No. 10 be modified to require that the developer apply for an on-street parking zone to prohibit on-street parking along 71st Street adjacent to the subject site.

Staff recommends the deletion of Stipulation No. 11 regarding removal of the existing gate on Hearn Road and permanent closure of Hearn Road to 71st Street. This stipulation conflicts with stipulations attached to the abandonment of Hearn Road regarding general conformance to the abandonment exhibit, maintaining vehicular access, and access control gates exclusively accessible by single-family residents.