

ATTACHMENT E



City of Phoenix PLANNING AND DEVELOPMENT DEPARTMENT

To: City of Phoenix Planning Commission

Date: January 5, 2023

From: Racelle Escolar, AICP
Principal Planner

Subject: ITEM NO. 10 (Z-40-22-2) – APPROXIMATELY 800 FEET NORTH OF THE
NORTHWEST CORNER OF SCOTTSDALE ROAD AND THUNDERBIRD ROAD

The purpose of this memo is to recommend modifications to the stipulations added by the Paradise Valley Village Planning Committee (VPC), modify a stipulation recommended by staff regarding landscape setback planting standards, and to relay additional correspondence received since the Staff Report.

Rezoning Case No. Z-40-22-2 is a request to rezone 8.54 acres from C-2 (Intermediate Commercial) (1.06 acres), C-2 SP (Intermediate Commercial, Special Permit) (0.06 acres), and PSC (Planned Shopping Center) (7.42 acres) to PUD (Planned Unit Development) to allow multifamily residential and commercial uses.

The Paradise Valley VPC heard this request on December 5, 2022, and recommended approval, per the staff recommendation with a modification and additional stipulations, by a 13-3 vote. The VPC recommended a modification of Stipulation No. 2 to include a mobility study and added 11 new stipulations, in addition to the staff recommended stipulations included in the Staff Report.

Staff recommends the following:

- Modification of Stipulation 1.d. to clarify the landscape setback along 71st Street.
- Modification of Stipulation No. 1.G. to match standard language used in the Zoning Ordinance for noise level standards.
- Modifications of Stipulation Nos. 1.I. and 1.J. for clarity.
- Modification of Stipulation No. 1.K. 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.
- Deletion of the additional language regarding a mobility study for Stipulation No. 2, per the Street Transportation Department, as a single development cannot provide such a study for an entire area.
- Addition of Stipulation No. 3 to address the intent of the VPC recommended stipulation regarding a mobility study and renumbering accordingly.
- Deletion of Stipulation No. 9 regarding removal of pedestrian access from 71st Street. This stipulation conflicts with several City policies and design guidelines that

promote and require pedestrian and accessibility enhancements to new development.

- Modification of Stipulation No. 10 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.
- Deletion of Stipulation No. 11 due to conflicts with stipulations associated with the abandonment of Hearn Road.

Staff recommends approval, subject to the stipulations below:

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 SETBACK Areas Within Public Right-of-Way Adjacent to 71st Street Where Pocket Park Option Is Not Utilized", AND "LANDSCAPE SETBACK ADJACENT TO 71ST STREET – POCKET PARK OPTION"**.
 - (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."~~ **"THE AVERAGE NOISE LEVEL, MEASURED AT THE WEST PROPERTY LINE, SHALL NOT EXCEED 55 DB (ONE LDN) WHEN MEASURED ON AN "A WEIGHTED" SOUND LEVEL METER AND ACCORDING TO THE PROCEDURES OF THE ENVIRONMENTAL PROTECTION AGENCY."**
- 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 **OR IN EQUIVALENT GROUPINGS.**
- J. PAGE 18, DEVELOPMENT STANDARDS, FENCES / WALLS: ADD LANGUAGE TO REQUIRE A 6-FOOT-HIGH SOLID DECORATIVE FENCE BE CONSTRUCTED ALONG 71ST STREET **AT OR BEHIND THE BUILDING SETBACK LINE.**

- 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.~~

A MINIMUM OF TWO ART INSTALLATIONS SHALL BE INSTALLED EITHER ALONG SCOTTSDALE ROAD OR IN THE OPEN SPACE AREA BETWEEN THE TWO RESTAURANT BUILDINGS. THE ART SHALL BE A MINIMUM OF FIVE FEET IN LENGTH IN ANY ONE DIRECTION (HEIGHT, WIDTH, OR DEPTH).

- 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 JULIETTE 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 SUBMIT A CIRCULATION PLAN ADDRESSING PEDESTRIAN AND BICYCLIST CONNECTIVITY AND SAFETY WITHIN THE DEVELOPMENT, TO NEARBY PEDESTRIAN AND BICYCLIST INFRASTRUCTURE, AND INCLUDE PROXIMITY TO ACTIVITY CENTERS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

- 3- 4. 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- 5. 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- 6. 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- 7. 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- 8. 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- 9. 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 TO 71ST STREET.~~**
10. **~~NO PARKING SIGNS SHALL BE INSTALLED PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE DEVELOPER SHALL APPLY FOR THE ON-STREET PARKING ZONES PROGRAM IN ORDER TO INSTALL NO PARKING SIGNS ALONG 71ST STREET ADJACENT TO THE SITE.~~**
11. **~~THE EXISTING GATE FROM HEARN ROAD SHALL BE REMOVED AND ACCESS SHALL BE CLOSED OFF.~~**

Enclosure:

Correspondence (3 pages)

From: Amy Satterfield2 <satterfield4az@cox.net>
Sent: Thursday, January 5, 2023 12:33 PM
To: PDD Planning Commission
Subject: Scottsdale Town Center Z-40-22, Agenda Item number 10

Importance: High

To the Phoenix Planning Commission:

On behalf of the Kierland Community Alliance (KCA), we are reaching out to express concern over the maximum height of the Scottsdale Towne Square Development Z-40-22 at Scottsdale and Thunderbird Roads being presented to the Planning Commission on January 5, 2023.

HISTORY:

In 2020/21, the KCA worked directly with the developers of Kierland Sky Z-14-20 (also within the KCA boundaries) to reach a precedent for maximum height and height step backs near single-family residential homes. Attached is the City of Phoenix Recorded Ordinance (Exhibit 1 and attached image) for this development clearly stating that the project is restricted to a height of no more than "56 ft, and no closer than a minimum of approximately 560 ft away from the closest existing single-family residence". This is an important precedent which should be observed to protect single family residences from encroachments by building overly high multifamily projects adjacent to them.

CURRENT SITUATION:

Scottsdale Towne Square is adjacent on its western border to single-family homes and the entire width (east to west borders) of the subject property is 559.9ft (see Exhibit 2 and attached image). As such, this entire parcel is within the 560 ft distance for the 56 ft maximum height restriction precedent established by Kierland Sky.

While the Scottsdale Towne Square development team have made adjustments to their original plan by including height step backs closest to the single-family residences, they have refrained from reducing the overall maximum height of the property in keeping with this precedent.

We do not support the developer using the PUD process to maximize their profit while ignoring the community interests and ultimately disrupting the privacy of single family home owners who purchased homes based on existing and published zoning rules years ago and who have faithfully been paying their taxes since then. This type of development is not reasonable or foreseeable for those home owners and as such, this height is not acceptable.

CONSIDERATION:

We are therefore asking for your support in a reduction of maximum height for the Scottsdale Towne Square project from 68 ft to no more than 56 ft within 560 ft of single-family residences in keeping with the already established precedent.

This is a small, but important ask which we recommend the City support to protect this community, and the other communities who will find the proposed Towne Square height precedent used against them to their detriment by future developers.

Thank you,

Amy Satterfield

Exhibit 1: [Z-14-20 Kierland Sky Recorded Ordinance - See Section 1E image below \[drive.google.com\]](#)

Exhibit 2: [Z-40-22 - Towne Square - Applicant Narrative - See TabD for full width of project & distance from SFR \[drive.google.com\]](#)

Exhibit 1 Image: Z-14-20 Kierland Sky Recorded Ordinance section 1E

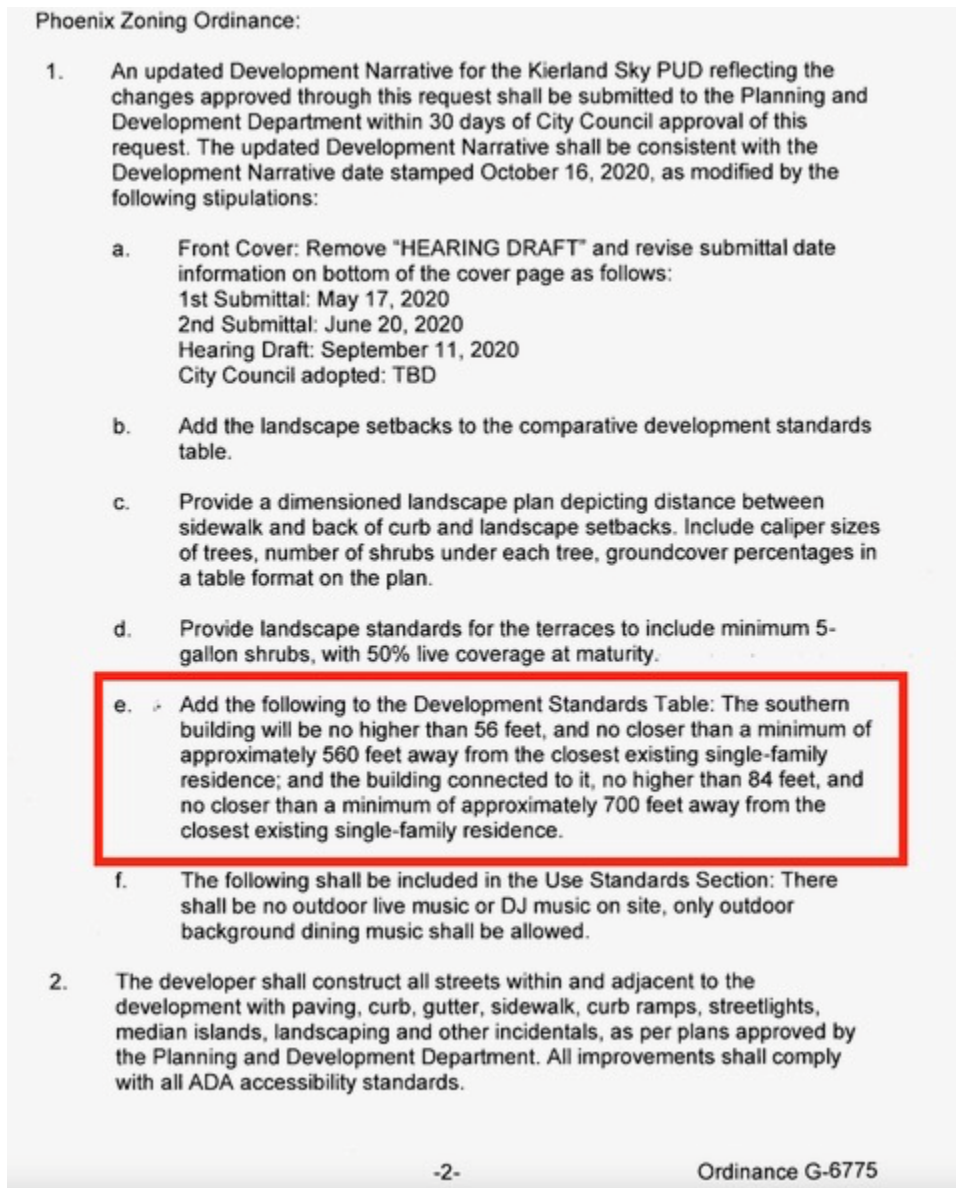


Exhibit 2 Image: Z-40-22 Scottsdale Towne Square Applicant Narrative Tab D



01 SITE PLAN - LEVEL 1
SCALE: 1/8" = 1'-0"

PROJECT TEAM
DEVELOPER: SCOTTSDALE TOWNE SQUARE
 2701 N. SCOTTSDALE ROAD, SUITE 200
 SCOTTSDALE, AZ 85258
 PHONE: 480.441.1111
 EMAIL: info@scottsdaletownesquare.com
ARCHITECT: NELSEN PARTNERS, INC.
 1201 N. HIGHWAY 101, SUITE 200
 SCOTTSDALE, AZ 85258
 PHONE: 480.441.1111
 EMAIL: info@nelsenpartners.com

PROJECT INFORMATION
PROPERTY ADDRESS: 14028 N. SCOTTSDALE RD
 PHOENIX, AZ 85024
PARCEL NUMBER: 21-0-07-000
CURRENT ZONING: R21
PROPOSED ZONING: R21
PROPOSED SITE AREA: 8.53 ACRES
NET LOT AREA: 1.51 ACRES
 200,000 SQ. FT.
HEIGHT: 91'-0" (91'-0" AS ACHIEVED IN 2013 PLANNING CODE)
EXISTING BUILDING HEIGHT: 20'-0"
PROPOSED BUILDING HEIGHT: 20'-0"
PROPOSED AREA: 171,000 SQ. FT.
RETAIL: 15,000 SQ. FT.
RESIDENTIAL: 15,000 SQ. FT.
EXISTING RETAIL: 15,000 SQ. FT.

PARKING REQUIREMENTS
PARKING REQUIRED:
 RESIDENTIAL: 400 SPACES (200 SPACES @ 1:100)
 RETAIL: 15,000 SQ. FT. @ 1:100 = 150 SPACES
 TOTAL: 550 SPACES (200,000 SQ. FT. @ 1:100)
PARKING PROVIDED:
 OFFICE PARKING: 217 SPACES
 TOTAL: 217 SPACES
 TOTAL PARKING PROVIDED: 217 SPACES

VEHICLE MAP S.T.S.



DATE: 08/11/2017
 BY: [Signature]
 CHECKED: [Signature]

**NELSEN
 PARTNERS**
 ARCHITECTS & PLANNERS

Nelsen Partners, Inc.
 1201 N. Highway 101, Suite 200
 Scottsdale, Arizona 85258
 Phone: 480.441.1111
 Email: info@nelsenpartners.com

SCOTTSDALE TOWNE SQUARE

14028 N. SCOTTSDALE RD
 PHOENIX, AZ

Date: 08/11/2017

Project No.: 00007

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