



To: Honorable Mayor and City Council Members
From: Kim Chafin, AICP, Senior Planner *KC*
Through: Tim Curtis, AICP, Current Planning Director *TC*
Date: 4/8/2013
Re: Las Aquas (8-ZN-2012)

The applicant has further amended the rezoning development proposal to eliminate a 25-foot by 30-foot portion of land located at the northeast corner of the site. As such, the following revised documents are provided for your consideration:

1. Ordinance No. 4056, Exhibit 1: Stipulation No. 1 is updated to reflect revised submittal date of **4-8-13**.
2. Ordinance No. 4056, Exhibit 1: Stipulation No. 3 is updated to reflect revised site area and density of **4.99** gross acres and **30.86** DU/Gross Acre
3. Ordinance No. 4056, Exhibit 2: Site boundary updated to reflect revised boundary
4. Resolution No. 9251, Exhibit 1: Pages 1 and 2 updated to reflect revised boundary

CITY COUNCIL REPORT



Meeting Date: April 9, 2013
 General Plan Element: Land Use
 General Plan Goal: Create a sense of community through land uses

ACTION

Las Aguas
 8-ZN-2012

Request to consider the following:

1. Adopt Ordinance No. 4056 approving a zoning district map amendment from Highway Commercial District (C-3) to Planned Unit Development (PUD) with Amended Development Standards, and approval of a Development Plan to construct 154 multi-family residential units, finding that the Planned Unit Development (PUD) District criteria have been met, and determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 5+/- gross acre site located at 6640 E. McDowell Road.
2. Adopt Resolution No. 9251 declaring "Las Aguas Development Plan Public Record", as a public record.

OWNER

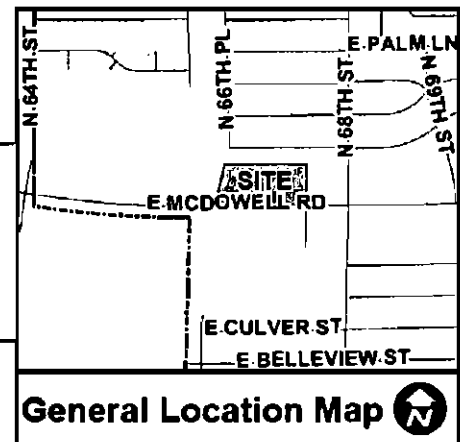
Scottsdale Mar, LLC
 716-835-7600

APPLICANT

John Berry/Michele Hammond
 Berry & Damore, LLC
 480-385-2727

LOCATION

6640 E. McDowell Road



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods. This category includes areas that could accommodate higher density housing combined with office or retail uses or mixed-use structures with residential above commercial or office. Mixed-use neighborhoods are concentrated primarily in growth and activity areas.

Character Area Plan

The site is located within the boundaries of the Southern Scottsdale Character Area Plan (SSCAP), which identifies the property Mixed Use Neighborhoods, and being located within the Papago Regional Center. The

SSCAP notes that the focus of the Papago Regional Center area should be on cultural, recreational, hotel, residential and entertainment land uses.

Zoning

The site is currently zoned Highway Commercial (C-3), which is intended to permit most types of commercial activities and includes the sale of commodities and performance of services for a larger segment of population than the average neighborhood.

Context

Located on the north side of McDowell Road, west of 68th Street and adjacent to the Arizona Canal, the site is occupied by the vacant Pitre Buick automobile dealership and surrounded by numerous developments including single-story, single-family residential, office, retail, and automobile sales/service uses.

Adjacent Uses and Zoning

- North Single-story, single-family residences (across alley) in the Single-Family Residential (R1-7) zoning district.
- South Automobile sales/service (across McDowell Road) in the Highway Commercial (C-3) zoning district.
- East Offices and Circle K convenience store and gasoline station in the Highway Commercial (C-3) zoning district.
- West Arizona Canal (multiple zoning designations).

Please refer to context graphics attached.

Key Items for Consideration

- Amended development standards request for building envelope and setback abutting a residential zoning district
- Legal Protest filed
- Planning Commission heard this case on December 12, 2012 and recommended approval with a unanimous vote of 7-0

Other Related Policies, References:

- General Plan
- Southern Scottsdale Character Area Plan
- Zoning Ordinance

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The owner proposes to demolish the vacant Pitre Buick automobile sales and service buildings, retain the existing two-level parking structure, and construct 154 new residential units on the 4.58-acre site. Two vehicular access points on McDowell will lead drivers to visitor parking, the leasing office and clubhouse. Passing through security gates, internal vehicular access leads to the existing two-level parking structure on the east side of the site, as well as private enclosed garages and surface parking distributed throughout the site. Pedestrian access from a new 8-foot-wide sidewalk on McDowell Road will be available at both vehicular entry points, leading to internal sidewalks varying in width from 6- to 8-foot-wide. Two additional pedestrian portals will be available from McDowell Road, including one connecting residents to the existing multi-use path along the adjacent Arizona Canal, and this portal features a shaded entry and bicycle parking. Several units fronting McDowell Road will feature a "stoop" entry for direct pedestrian access. The McDowell Road streetscape will feature a sail structure above the main entrance, a new sidewalk separated

from the curb with landscaping including shade trees flanking both sides, and four separate 2- and 3-story buildings containing residences.

Within the site's interior, a centrally located pool, clubhouse, and leasing office will be flanked on the north, east and west by 3-story residential units. North of the 3-story units will be a row of 2-story units and a drive aisle will encircle the residential/pool/clubhouse/office complex. East of the complex the existing two-level parking structure will be retained, and the existing 3-foot-high wall on the east property line will be replaced with a 6-foot-high wall with no openings. The site's north and west property lines will be lined with surface parking, carports and enclosed garages. Neighboring single-story, single-family residences north of the site will be buffered by the existing alley, a taller perimeter wall (increased from 7-feet-high to 8-feet-8-inches), a dense row of large Acacia trees (spaced 15' on center, minimum caliper of 3 inches), and single-story garages (19-feet-tall) along the north property line. Additionally, there will be no north-facing balconies on any of the units. The developer indicates that the taller wall, denser landscaping, absence of north-facing balconies and 19-foot-tall garages were proposed in response to a request by the neighbors to create a buffer between the existing single-story, single-family residences and the proposed multi-story, multi-family residences.

Development Information

- Existing Use: Vacant automobile dealership
- Proposed Use: Multi-family residential
- Parcel Size: 4.58 net acres (5.01 gross acres)
- Building Size: 184,727 square feet
- Floor Area Ratio Allowed: 0.8 FAR (for commercial uses)
- Floor Area Ratio Proposed: None
- Building Height Allowed: 48 feet
- Building Height Proposed: 36 feet
- Parking Required: 224 spaces
- Parking Provided: 269 spaces
- Open Space Required: 21,828 square feet / 0.50 acres
- Open Space Provided: 43,559 square feet / 0.99 acres
- Density Allowed: Density determined by Development Plan
- Density Proposed: 30.74 dwelling units per gross acre (154 units)

IMPACT ANALYSIS

Land Use

The proposed zoning district map amendment would introduce multi-family residential onto the site and allow for the implementation of the goals of the Southern Scottsdale CAP, which promotes a mixture of land uses in this area. In addition, the proposed multi-family land use would be located adjacent to retail and employment uses and could encourage more pedestrian circulation in the area and a reduction in overall vehicle trips, while introducing workforce housing in the larger area.

PUD Findings

As part of the approval or modified approval of an application for a PUD District, the Planning Commission

shall recommend and the City Council shall find that the following criteria have been met:

- a. The proposed development promotes revitalization, the goals, policies, and guidelines of the General Plan, area plans, and design guidelines.**
 - The proposed development promotes the revitalization of the area by redeveloping the existing vacant automobile dealership site into a residential use that will help sustain existing uses surrounding the site. In addition, the proposed development promotes the goals, policies and guidelines of the General Plan by providing pedestrian amenities/connections to the existing multi-use path on the Arizona Canal that lead to Papago Park.
- b. The proposed development's uses, densities, or development standards would not otherwise be permitted by the property's existing zoning.**
 - The site is currently zoned Highway Commercial (C-3). The C-3 district does not permit residential development.
- c. The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods.**
 - The site of the proposed project is located within a larger area containing a mixture of uses ranging from residential, retail, office, and other employment uses. The proposed multi-family development will be compatible with those adjacent uses and promote the stability and integrity of those uses by introducing a multi-family residential use to the area that will help sustain existing retail business and employment areas within the vicinity, while helping to strengthen retail and commercial uses.
- d. There is adequate infrastructure and city services to serve the development.**
 - City staff has determined that there are adequate infrastructure and city services to serve the development.
- e. The proposal meets the following location criteria:**
 - i. The proposed development is not located within any area zoned Environmentally Sensitive Lands Ordinance (ESL) nor within the boundaries nor within the boundaries of the Downtown Area.**
 - The proposed development is not located within an area zoned ESL or within the boundaries of the Downtown Area.
 - ii. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.**
 - The proposed development fronts onto a major arterial street, as defined by the Transportation Master Plan.

Amended Development Standards

To encourage sensitivity to site conditions and provide flexibility in planning, an application for the PUD district may request to amend development standards of the PUD district, other than maximum building height. Any proposed amendments are divided into two types: Minor or Major Amendments. The applicant is requesting the following Minor Amendments for consideration:

- 1. Building envelope abutting or adjacent to a residential zoning district. The developer is requesting an amendment to modify the building envelope of the proposed enclosed garages located within 30 feet of the north property line.**

- 2. Setback abutting a residential zoning district. The developer is requesting an amendment to reduce the required setback from the residential zoning district from 20 feet to 10 feet.**
 - **Both of the proposed amendments pertain to the garage buildings that will be located near the north property line. With the proposed amendments, the private garage buildings along the north property line would be located 10 feet (rather than 20 feet) from the residential zoning district line (alley centerline). The proposed amendments would also allow a portion of the private garage building roofs along the north property line to be taller (maximum height of 19 feet) than allowed by the existing development standards. The developer indicates that 19-foot-tall garages are proposed in response to a request by the neighbors to create a buffer between the existing single-story, single-family residences and the proposed multi-story, multi-family residences.**

The Development Review Board recommended approval of the applicant's proposed amended development standards after consideration of environmental and aesthetic aspects.

Traffic/Trails

The approval of the mixed-use development plan for the proposed site will result in an estimated 1,514 trips generated per day to and from the project site. The development is estimated to generate 114 a.m. peak hour trips, and 139 p.m. peak hour trips. This represents a minor increase from the traffic that is estimated to be generated by the previous land use on the site; however, the existing commercial zoning would allow development that could generate significantly more trips than the proposed development plan. The existing site driveways and raised medians along the site frontage are being modified to improve access to this site and for the property to the south.

The Crosscut Canal runs along the site's western property line. A multi-use path exists on the west side of the canal, and a multi-use trail exists along the east side. The owner proposes to enhance the existing sidewalks along their McDowell Road frontage. Pedestrian portals will be available to connect the site buildings to McDowell Road, including one connecting residents to the Crosscut Canal path and trail. This portal features a shaded entry and bicycle parking. The existing alley will remain the same, and the existing wall adjacent to the alley will be replaced with a taller wall.

The traffic impact summary is attached.

Water/Sewer

The City's Water Resources Department has reviewed the application and finds that there are adequate services for the proposed use.

Public Safety

The City's public safety departments have reviewed the application and find that there is adequate ability to provide fire and police services for the proposed use. No impacts are anticipated as a result of the proposed rezoning request.

School District Comments/Review

The owner has notified the Scottsdale Unified School District of the proposed request, and the School District has confirmed that there are adequate facilities to accommodate the proposed use.

Open Space

The proposed development will be providing nearly twice the amount of common open space required for the project, and will meet total size and minimum dimension requirements for private open space (patios/balconies).

Community Involvement

The applicant has sent notice to all property owners within 750 feet of the site and hosted an open house meeting on May 16, 2012 to seek input regarding the proposed project. At this point, staff has received public comments expressing opposition to the proposed project (attached), including a petition with 19 signatures expressing opposition unless certain conditions are met, and a legal protest from adjacent property owners. A legal protest indicates that formal objections have been filed from owners of a minimum of 20% of the property on any one side of the project, and a vote of 6 of 7 Council members is required to approve the requested rezoning.

Policy Implications

The Planned Unit Development (PUD) District is intended as a tool to help implement the City's goals of the General Plan's Mixed-Use Neighborhoods land use designation. The PUD zoning district provides for that purpose by allowing a mix of uses within the same district, while also allowing for development flexibility through the use of amended development standards. Most amended development standards requests are for flexibility in setbacks, stepbacks or other building design standards. The applicant's request to allow 19-foot-tall garages within 10 feet of the residential zoning district is proposed in response to a request by the neighbors to create a buffer between the existing single-story, single-family residences and the proposed multi-story, multi-family residences.

OTHER BOARDS & COMMISSIONS

Development Review Board

The Development Review Board reviewed the proposed zoning district map amendment case at their October 18, 2012 hearing to make a recommendation to the Planning Commission regarding design compatibility, environmental responsiveness, solar shading, connectivity and open space of the project. The Board also reviewed the owner's proposed amended development standards for building envelope and setback abutting a residential zoning district. The Board voted 5-0 to forward a favorable recommendation of the proposed project to the Planning Commission, and recommended approval of the owner's proposed amended development standard requests for building envelope and setback abutting a residential zoning district.

Planning Commission

Planning Commission heard this case on December 12, 2012. Several citizens spoke in opposition to the proposed apartment use, and it was noted that a legal protest had been filed. Others spoke in support of the development proposal. Planning Commission recommended approval with a unanimous vote of 7-0.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the Planned Unit Development (PUD) District criteria have been met, and determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan, and recommend that City Council approve the Development Plan and a zoning district map amendment from Highway Commercial (C-3) to Planned Unit Development (PUD) District zoning, including amended development standards for building envelope and setback abutting a residential zoning district on a 4.58+/- acre site located at 6640 E. McDowell Road, per the attached stipulations.

City Council

Applicant requested a continuance to the February 5, 2013 hearing, Council approved the continuance.
Applicant requested a continuance to the March 5, 2013 hearing, Council approved the continuance.
Applicant requested a continuance to the April 9, 2013 hearing, Council approved the continuance.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Adopt Ordinance No. 4056 approving a zoning district map amendment from Highway Commercial District (C-3) to Planned Unit Development (PUD) with Amended Development Standards, and approval of a Development Plan to construct 154 multi-family residential units, finding that the Planned Unit Development (PUD) District criteria have been met, and determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 5+/- gross acre site located at 6640 E. McDowell Road.
2. Adopt Resolution No. 9251 declaring "Las Aguas Development Plan Public Record", as a public record.

RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation
Current Planning Services

STAFF CONTACT

Kim Chafin, AICP, LEED-AP
Senior Planner
470-312-7734
E-mail: kchafin@ScottsdaleAZ.gov


APPROVED BY



Kim Chafin, AICP, Report Author

3-19-13


Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

3/25/2013

Date



Randy Grant, Administrator
Planning, Neighborhood and Transportation
480-312-2664, rgrant@scottsdaleaz.gov

3/25/13

Date

ATTACHMENTS

1. Ordinance No. 4056
Exhibit 1. Stipulations and Additional Information
Exhibit 2. Zoning Map
2. Resolution No. 9251
3. Las Aguas Development Plan Public Record
4. Applicant's Narrative
5. Context Aerial
- 5A. Aerial Close-Up
6. General Plan Map
7. Traffic Impact Summary
8. Citizen Participation Report
9. City Notification Map
10. Citizen Comments: 5-6-12 email from Burnett; petition with 19 signatures; Legal Protest
11. December 12, 2012 Planning Commission Minutes

ORDINANCE NO. 4056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 8-ZN-2012 FROM HIGHWAY COMMERCIAL DISTRICT (C-3) TO PLANNED UNIT DEVELOPMENT (PUD) WITH AMENDED DEVELOPMENT STANDARDS, AND APPROVAL OF A DEVELOPMENT PLAN TO CONSTRUCT 154 MULTI-FAMILY RESIDENTIAL UNITS ON A 5+/- GROSS ACRE SITE LOCATED AT 6640 E. MCDOWELL ROAD.

WHEREAS, the Development Review Board held a public meeting on October 18, 2012 and made the required recommendations; and

WHEREAS, the Planning Commission held a public hearing on December 12, 2012, and made the required recommendations; and

WHEREAS, the City Council held a hearing on January 22, 2013, February 5, 2013, March 5, 2013 and April 9, 2013; and

WHEREAS, the City Council finds that the proposed development is in substantial harmony with the General Plan of the City of Scottsdale and will be coordinated with existing and planned development; and

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale ("District Map") be amended to conform with the decision of the Scottsdale City Council in Case No. 8-ZN-2012.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. The Planning Commission has made findings in conformance with the requirements of the PUD district and the Council also finds:

- A) The proposed development promotes revitalization, the goals, policies, and guidelines of the General Plan, area plans, and design guidelines;
- B) The proposed development's uses, densities, or development standards would not otherwise be permitted by the property's existing zoning;
- C) The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods;
- D) There is adequate infrastructure and city services to serve the development;
- E) The proposal meets the following location criteria:
 - 1. The proposed development is not located within any area zoned Environmentally Sensitive Lands Ordinance (ESL) nor within the boundaries of the Downtown

Area.

2. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.

Section 2. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended on a 5 +/- acre parcel located at 6640 E. McDowell Road, marked as "Site" (the Property) on the map attached as Exhibit 2, to rezone from Highway Commercial District (C-3) to Planned Unit Development (PUD) with Amended Development Standards, and approval of a Development Plan to construct 154 multi-family residential units upon a finding that the amended development standards achieve the purpose of the PUD better than the existing standards and by incorporating that certain document entitled "Las Aguas Development Plan Public Record," declared a public record by Resolution No. 9251, into this ordinance by reference as if fully set forth herein.

Section 3. That the above approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of April, 2013.

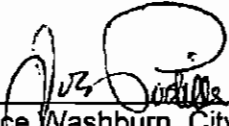
ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, City Attorney
By: Joe Padilla, Sr. Assistant City Attorney

Stipulations for the Zoning Application:

Las Aguas

Case Number: 8-ZN-2012

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

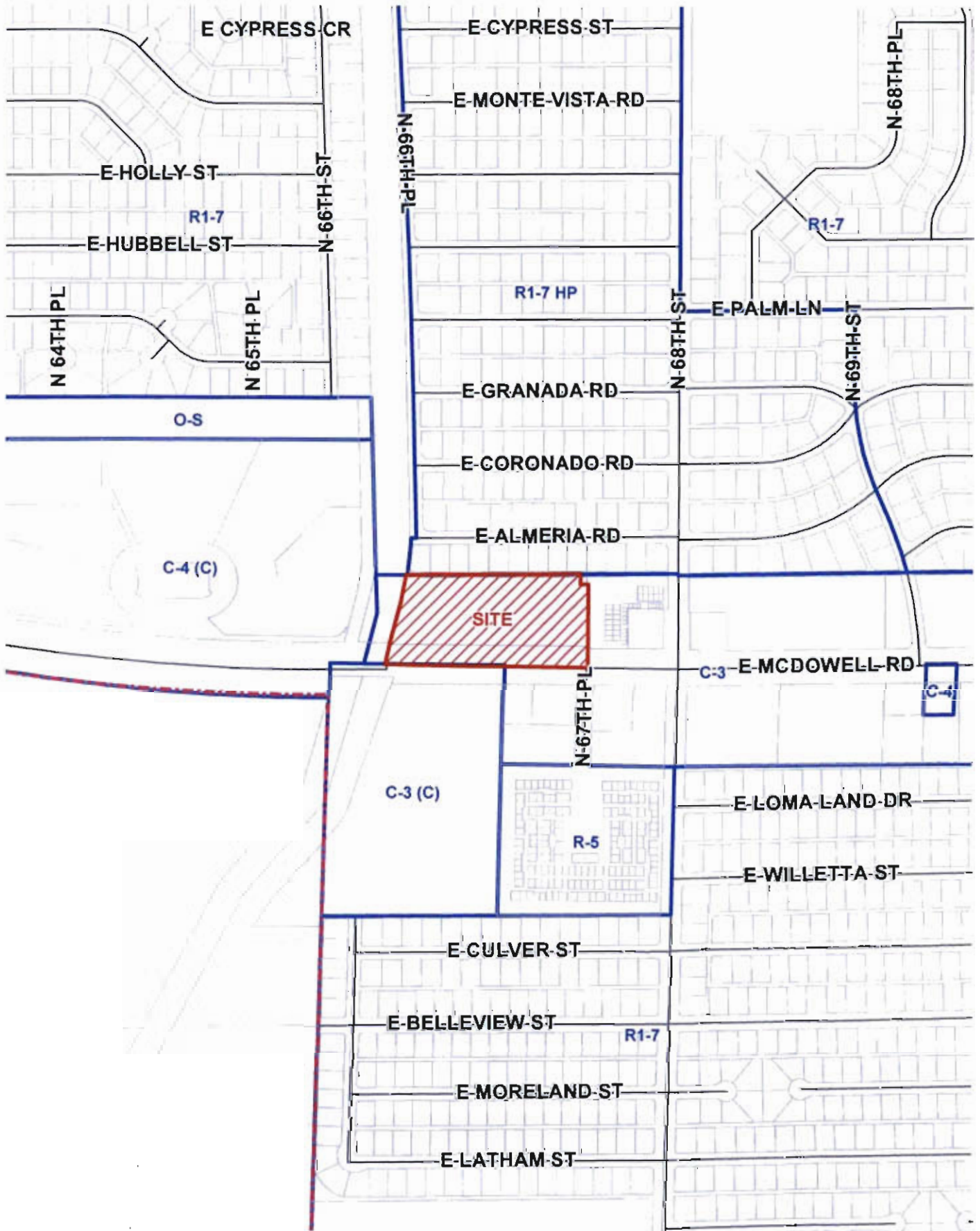
SITE DESIGN

1. **CONFORMANCE TO DEVELOPMENT PLAN.** Development shall conform with the Development Plan, entitled "LAS AGUAS DEVELOPMENT PLAN PUBLIC RECORD" submitted by L.R. Niemiec Architects and with the city staff date of 4-8-13, which is on file with the City Clerk and made a Public Record by Resolution No. 9251 and incorporated into these stipulations and Ordinance by reference as fully set forth herein. Any proposed significant change to the Development Plan as determined by the Zoning Administrator shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS.** Development shall conform with the amended development standards that are included as part of the Development Plan.
3. **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY.** Maximum dwelling units and maximum density shall be as indicated on the Land Use Budget Table below.

Parcel	Gross Acres	Zoning	Max DU/AC
129-29-085G	4.99	Planned Unit Development (PUD)	30.86 DU/Gross Acre

Redistribution of dwelling units is subject to the maximum density in the Land Use Budget Table and subject to city staff approval.

4. **OUTDOOR LIVING SPACE.** A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of five (5) percent of the gross floor area of the dwelling unit.
5. **BUILDING HEIGHT LIMITATIONS.** No building on the site shall exceed 36 feet in height (not including mechanical equipment and screening), measured as provided in the applicable section of the Zoning Ordinance.
6. **OUTDOOR LIGHTING.** Lights for the existing parking structure will be limited to the height of the parapet wall, and directed downward, in order to mitigate impact to neighboring properties. The maximum height of any other outdoor lighting source, except any light sources used for patios and/or balconies, source shall be 20 feet above the adjacent finished grade.
7. **OUTDOOR LIGHTING FOR PATIOS AND BALCONIES.** Light sources that are utilized to illuminate patios and/or balconies that are above 20 feet shall be subject to the approval of the Development Review Board.



8-ZN-2012



RESOLUTION NO. 9251

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "LAS AGUAS DEVELOPMENT PLAN PUBLIC RECORD."

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City of Scottsdale wishes to incorporate by reference amendments to the Zoning Ordinance, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "Las Aguas Development Plan Public Record," three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of April, 2013.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Carolyn Jagger, City Clerk

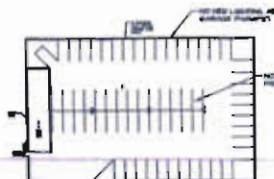
By: _____
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney
By: Joe Padilla, Sr. Assistant City Attorney

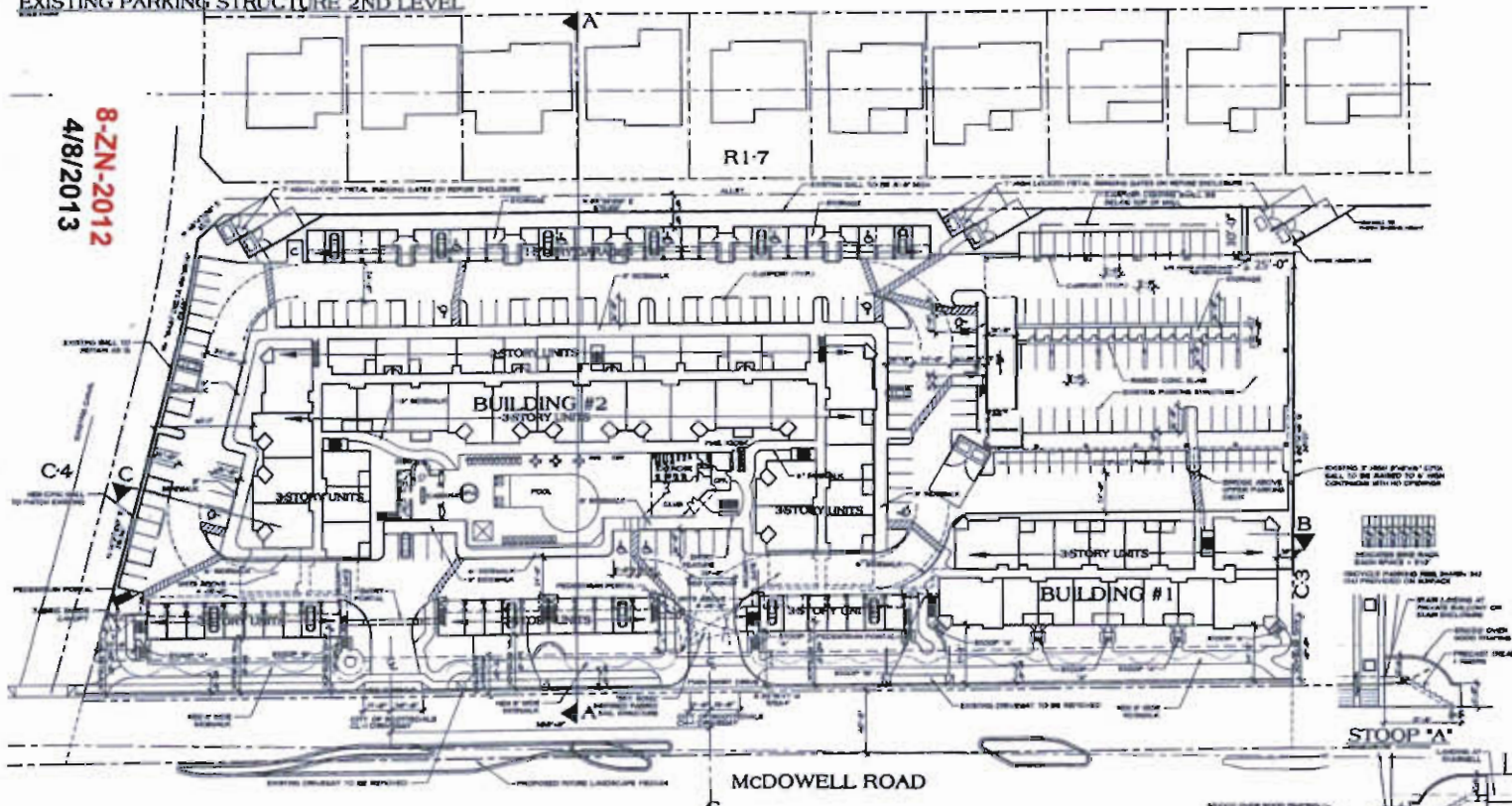
LAS AGUAS DEVELOPMENT PLAN PUBLIC RECORD



EXISTING PARKING STRUCTURE 2ND LEVEL

SPECIAL REGULATIONS		PROJECT DATA		SHEET INDEX		DETAILS OF TOTAL BUILDING	
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SCOTTSDALE ORDINANCES AND RESOLUTIONS.	2. ALL MATERIALS SHALL BE APPROVED BY THE CITY ENGINEER.	PROJECT NO. 0921	DATE: 04/11/13	SHEET NO. 01	TOTAL SHEETS: 16	DATE: 04/11/13	TOTAL SHEETS: 16
3. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED.	4. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.	OWNER: L.R. NIEMIEC ARCHITECTS	DESIGNER: L.R. NIEMIEC ARCHITECTS	SCALE: AS SHOWN	SCALE: AS SHOWN	SCALE: AS SHOWN	SCALE: AS SHOWN
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.	6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.	PROJECT NO. 0921	DATE: 04/11/13	SHEET NO. 01	TOTAL SHEETS: 16	DATE: 04/11/13	TOTAL SHEETS: 16

8-ZN-2012
4/8/2013



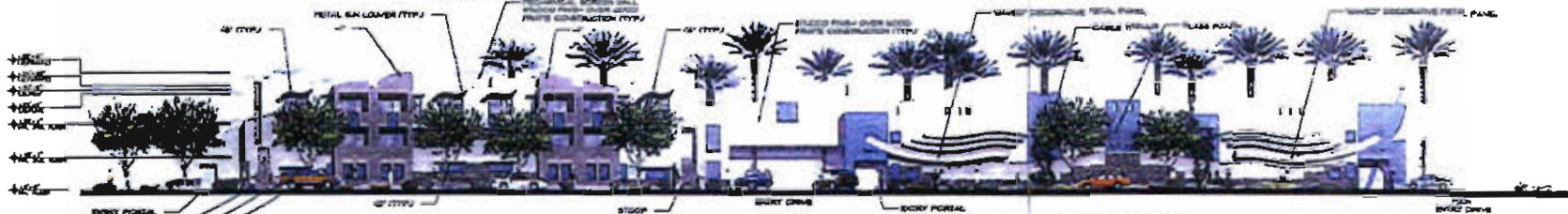
SITE PLAN
SCALE: 1/8" = 1'-0"

C-3
Exhibit 1
Resolution No. 9251
Page 1 of 16

6640 E. McDowell Rd.
 Scottsdale, AZ
 L.R. NIEMIEC ARCHITECTS
 ARCHITECTS/PARTNERS INC. • 4808 EAST HAYDEN ROAD, SUITE 100 • SCOTTSDALE, ARIZONA 85258 • 480.929.7376



Enlarged McDowell Road Elevation (East of Main Entry Drive)



Enlarged McDowell Road Elevation (West of Main Entry Drive)



McDowell Road Elevation



Exhibit 1
Resolution No. 9251
Page 3 of 16

8-ZN-2012
2nd: 7/13/12

Street Elev. Scale: 1" = 10'-0"

6640 E. McDowell Rd.
Scottsdale, AZ.

Las Aguas of Scottsdale

A-4

L.R. Niemiec Architects

L.R. NIEMIEC ARCHITECTS/PLANNERS, INC. • 8585 EAST HARTFORD DRIVE, SUITE 190 • SCOTTSDALE, ARIZONA 85268 • (480) 808-7878



BLDG. 1 NORTH ELEVATION



BLDG. 1 EAST ELEVATION



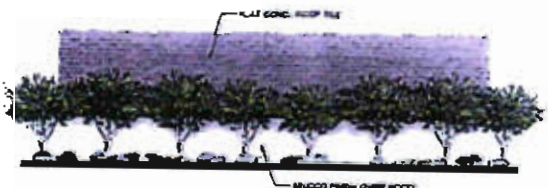
BLDG. 2 WEST ELEVATION



BLDG. 2 EAST ELEVATION



BLDG. 2 NORTH ELEVATION



GARAGE REAR ELEVATION



GARAGE FRONT ELEVATION



GARAGE SIDE ELEVATION



L.J.R. Niermiec Architects, Inc. • 6640 E. McDowell Rd. Scottsdale, AZ

L.J.R. Niermiec Architects

8-ZN-2012
2nd: 7/13/12

Sec. 5.5002. - Application requirements—Development Plan (DP).

A. An application for the PUD District shall comply with the submittal requirements of Article I Administration and Procedures of this zoning ordinance.

B. An application for the PUD District shall be accompanied by a DP, the elements of which shall include the following:

1. Character statements, including environmental response, design principles, architectural character, site development character, and landscape character;
2. A master site plan, with a land use budget tabulation, showing the location of development components, the intensity of development, residential density, and building heights;
3. An open space plan;
4. An architectural concepts and design standards plan;
5. Basis of design reports for storm water drainage, water service, and waste water disposal; and
6. Any additional information as necessary to process the DP such as:
 - a. A view shed analysis plan;
 - b. A pedestrian circulation plan;
 - c. A hardscape plan;
 - d. A landscape plan;
 - e. A lighting plan; and/or
 - f. A signage plan.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. § 48), 11-9-10)

Sec. 5.5003. - Approvals required.

A. *PUD Zoning District approval criteria.*

1. As part of the approval or modified approval of an application for a PUD District, the Planning Commission shall recommend and the City Council shall find that the following criteria have been met:

- a. The proposed development promotes revitalization, the goals, policies, and guidelines of the General Plan, area plans, and design guidelines.
- b. The proposed development's uses, densities, or development standards would not otherwise be permitted by the property's existing zoning.
- c. The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods.

- d. There is adequate infrastructure and city services to serve the development.
- e. The proposal meets the following location criteria:
 - i. The proposed development is not located within any area zoned Environmentally Sensitive Lands Ordinance (ESL) nor within the boundaries of the Downtown Area.
 - ii. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.

B. Amended development standards.

- 1. To encourage sensitivity to site conditions and provide flexibility in planning, development standards outlined in Section 5.5005, excluding C. Allowable building height and D. Exception to building height, may be amended upon recommendation by the Planning Commission and a finding by the City Council that the amended development standards achieve the purposes of the planned unit development district better than the existing standards.

C. Development Plan (DP).

1. Approval.

a. Development review board considerations.

- i. The development review board shall review the DP elements and make a recommendation to the planning commission, based on the following considerations:

- (1) The design contained in the DP is compatible with development in the area that it may directly affect and the DP provides a benefit to the city and adjacent neighborhoods.
- (2) The DP is environmentally responsive, incorporates green building principles, contributes to the city's design guidelines and design objectives, and that any deviations from the design guidelines must be justified by compensating benefits of the DP.
- (3) The DP will not significantly increase solar shading of adjacent land in comparison with a development that could be developed under the existing zoning district.
- (4) The DP promotes connectivity between adjacent and abutting parcels, and provides open spaces that are visible at the public right-of-way and useful to the development.

- b. Upon receiving a recommendation from the development review board, the planning commission shall make a recommendation to the City Council for consideration of the DP.

2. Amendments.

a. Minor amendments to achieve a more suitable development plan.

i. Minor amendments are allowed:

(1) For a maximum of ten (10) percent of any individual DP Plan Element.

(2) To adjust the location of uses shown on the DP.

ii. Minor amendments do not include an increase above the building height(s) or exception to building height, or residential density, or commercial intensity.

iii. Minor amendments to the City Council approved DP may be approved by the Zoning Administrator as an administrative action.

b. Major amendments.

i. Major amendments are those that increase the building height(s), residential density, commercial intensity, and/or that exceed ten (10) percent of any individual DP plan element.

ii. Approval of any major amendments will require a public hearing in accordance with Article I of the zoning ordinance by the Planning Commission and the City Council. If the design elements are affected by the request to amend the DP, a public hearing by the Development Review Board shall be required. Upon receiving a recommendation from the Development Review Board, the Planning Commission shall make a recommendation to the City Council for consideration of the major amendment DP.

D. No structure or building shall be built or remodeled upon land in the PUD District until development review board approval has been obtained as outlined in Section 1.900 of Article I of the Zoning Ordinance, and applicable permits have been obtained.

(Ord. No. 3854, § 3. 6-9-09; Ord. No. 3920, § 1(Exh. § 49), 11-9-10)

Sec. 5:5004. - Use regulations..

A. Permitted uses. All permitted uses of the Commercial Office (C-O) District and the Planned Regional Center (PRC) District, shall be permitted in the PUD District with horizontal and/or vertical combinations of mixed-uses. Residential uses shall be limited to multi-family dwellings and townhouses.

B. Uses subject to conditional use permit. Subject to the approval of a conditional use permit, as specified in Article I, all uses subject to a conditional use permit of the Commercial Office C-O, excluding medical marijuana use, and the Planned Regional Center PRC, excluding a big box development greater than seventy-five thousand (75,000) square feet, may be permitted in the Planned Unit Development PUD District.

C. Where there is a conflict between the Commercial Office (C-O) District and the Planned Regional Center (PRC) District provisions, the less restrictive provision shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3923, § 1(Exh. § 5), 1-25-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 5), 1-10-12)

Sec. 5.5005. - Development standards.

A. PUD development area.

1. Gross acreage.

- a. The minimum gross site area of any PUD development shall be one-half (0.5) acre and the maximum gross site area shall be fifteen (15) acres, except as specified in Section 5.5005.A.1.b.
- b. When the PUD is the most appropriate district to achieve mixed-use development, the City Council may authorize a PUD development in a site area greater than fifteen (15) gross acres up to a maximum of twenty-five (25) gross acres.

B. Density and intensity.

1. The overall density of residential uses shall be established by the approved DP.
2. The overall intensity of commercial uses shall not exceed 0.8 floor area ratio, ~~except as provided in Section 5.5005.B.3.~~
3. The City Council may approve intensity of commercial uses greater than 0.8 floor area ratio subject to any of the following criteria:
 - a. The proposed DP provides improved dedicated public open space.
 - b. The proposed DP provides a public parking facility(ies).
 - c. The proposed DP provides shared parking as established in Article IX parking and loading requirements.

C. Allowable building height.

1. Building height:

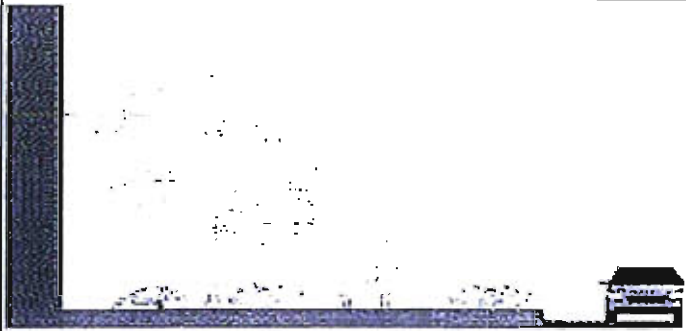
- a. Shall be a maximum of forty-eight (48) feet, except as otherwise provided in Section 5.5005.D. and 5.5005.F.

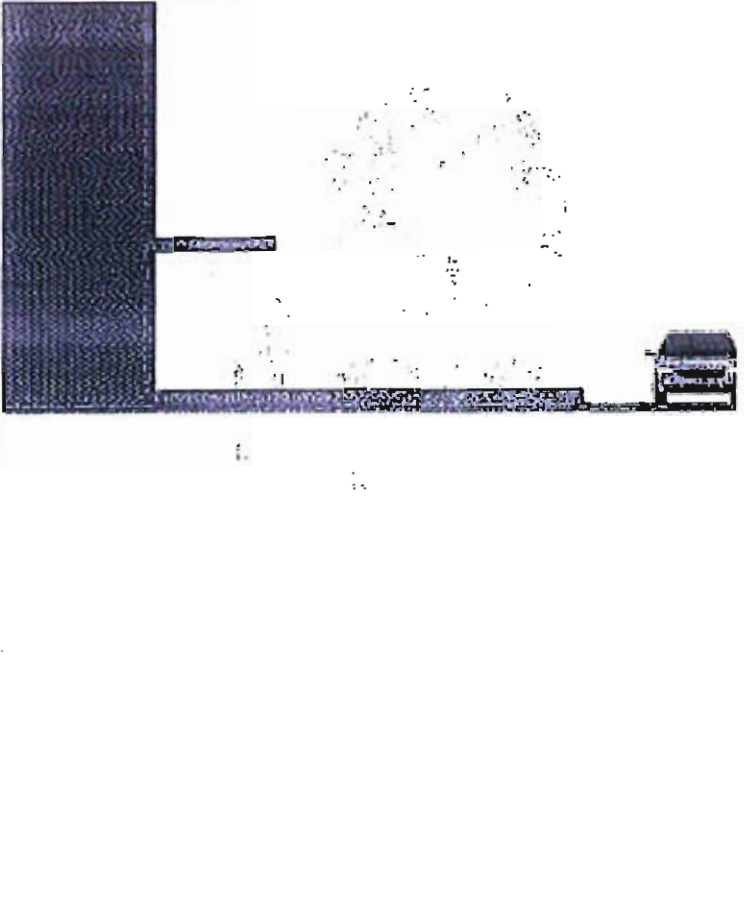
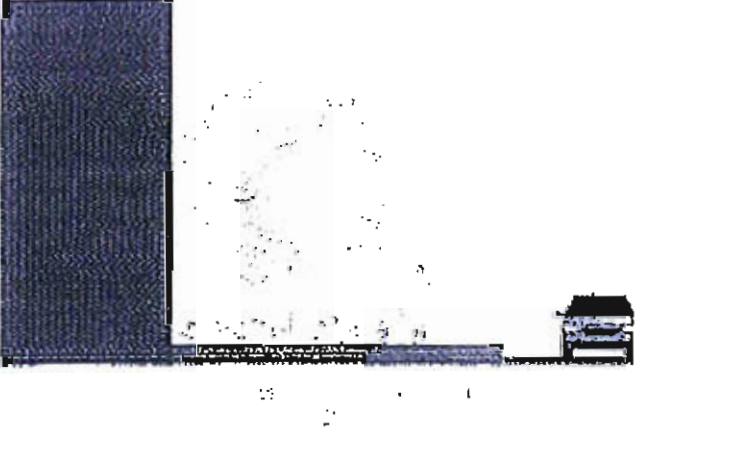
D. Exception to building height.

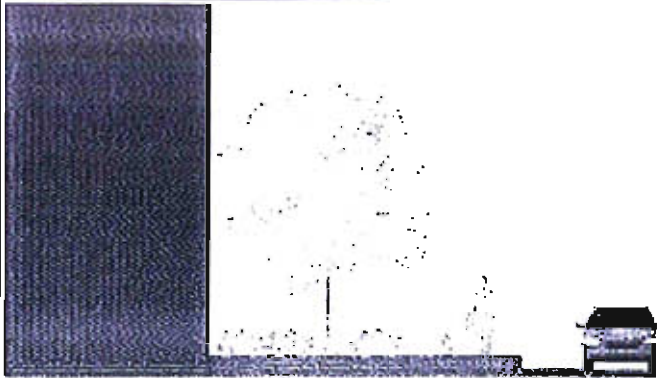
1. Architecturally integrated features, such as roof top mechanical equipment for utility and communication purposes, elevator bulk head, stairwell, screen wall, railing, trellis and patio cover may exceed the building height up to ten (10) feet provided that the area within the said exceptions do not exceed a total of thirty (30) percent of a building's roof area. However, the City Council may approve either greater mechanical height or building roof area coverage where the DP and supporting materials demonstrate the allowable exception cannot reasonably be achieved.
2. Architecturally integrated, active solar systems may exceed thirty (30) percent of a building's roof area subject to development review board approval.
3. Roof top garden structures may exceed the building height up to five (5) feet.

E. *Building setbacks.*

1. *Minimum setback.* Buildings adjacent to public and private streets shall be setback from the back of the planned curb line, including the planned curb line for bus bays and turn lanes, in accordance with Section 5.5005.E. Table A. The planned curb line, including the planned location for bus bays and turn lanes, shall be as described in the Transportation Master Plan and the Design Standards & Policies Manual.

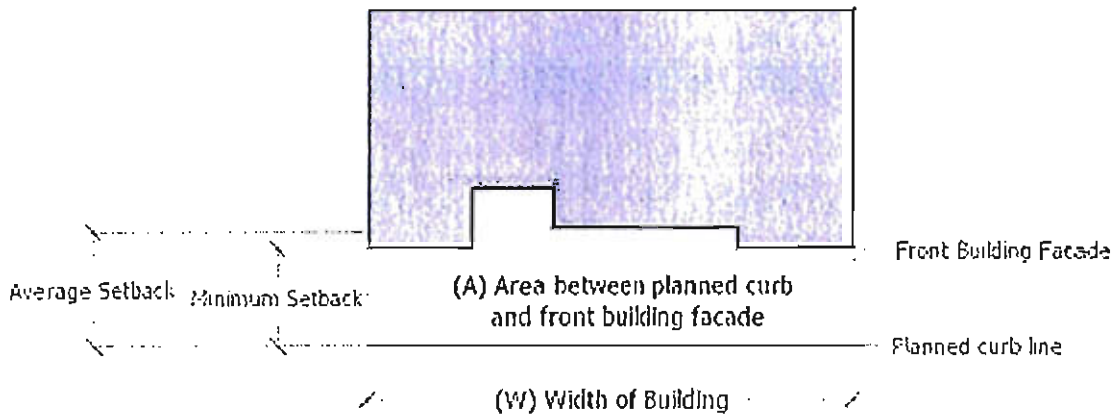
TABLE A			
BUILDING SETBACK FROM BACK OF THE PLANNED CURB ALONG STREETS			
Street Classification Type and Use	Minimum Setback	Average Setback	Setback Diagram - This Illustrates Setbacks, Excluding Average Setback. Dimensions are for Illustrative Purposes.
Major and Minor Arterial - Residential on First Floor Adjacent to the Street	34 feet	40 feet	

<p>Major and Minor Arterial - Retail and Commercial on First Floor Adjacent to the Street</p>	<p>28 feet</p>	<p>32 feet</p>	
<p>Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Residential on First Floor Adjacent to the Street</p>	<p>25 feet</p>	<p>30 feet</p>	

Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Retail and Commercial on First Floor Adjacent to the Street	23 feet	28 feet	
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2. *Average setback.* The front building facade shall be placed to achieve an average setback as specified in Table A. The average setback shall be equal to the land area located between the planned curb line and the front building facade divided by the width of the front building facade.

AVERAGE SETBACK DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.E.2.



$$\frac{(A) \text{ Area}}{(W)} = \text{Average Setback (According to Table A)}$$

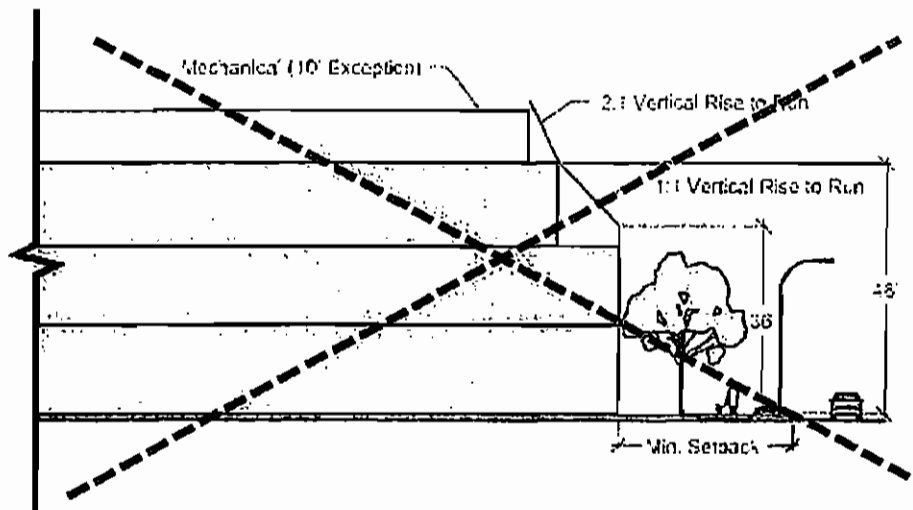
3. *Designated scenic corridor or buffered setback.* Where a designated scenic corridor or a buffered setback is existing or planned the setback shall be the required width of the designated scenic corridor or buffered setback. The Planned Unit Development (PUD) District average setback shall not apply.

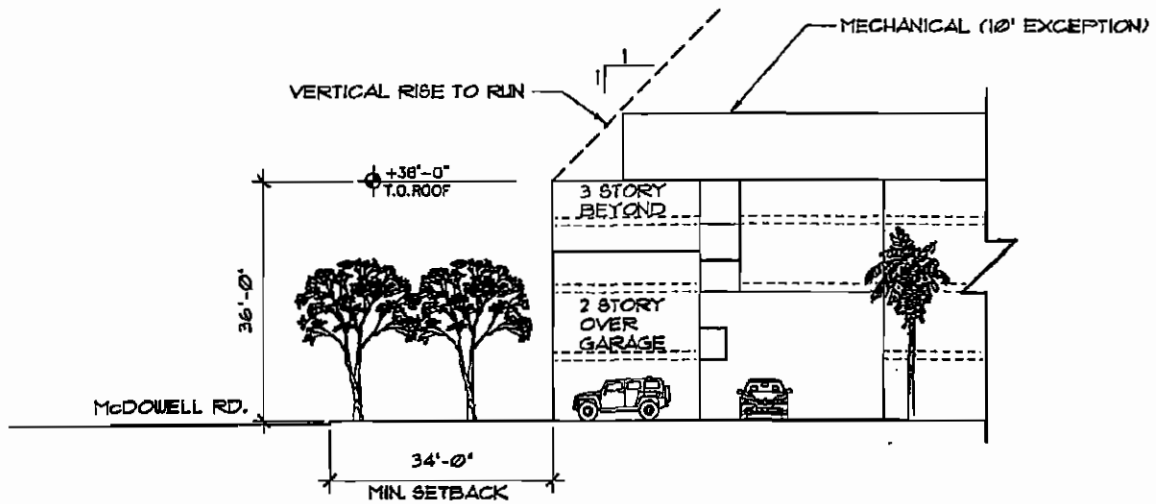
F. *Building envelope.*

1. Starting at a point thirty-six (36) feet above the minimum building setback line, the building envelope inclined stepback plane shall slope upwards at 1:1 (ratio of the vertical rise to the horizontal run) to a point measured forty-eight (48) feet above the minimum building setback line. Thereafter the building envelope inclined stepback plane shall slope upwards at 2:1 (ratio of the vertical rise to the horizontal run) on all sides of a property adjacent to public and private streets.

2. PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope inclined stepback plane of 4:2 1:1 FOR THE FIRST 30 (THIRTY) FEET OF SETBACK FROM THE PROPERTY LINE AND 1:2 THEREAFTER (ratio of the vertical rise to the horizontal run) starting on the residential zoning district boundary, except as specified Section 5.5005.F.3.

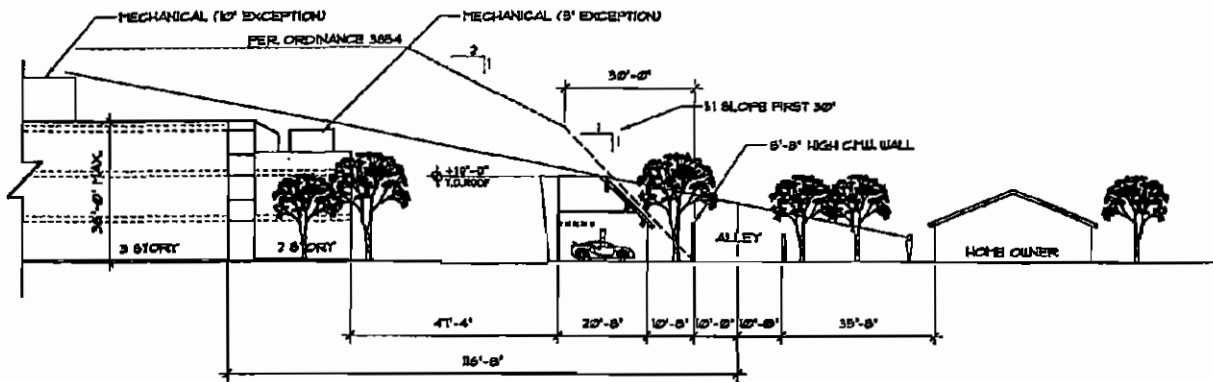
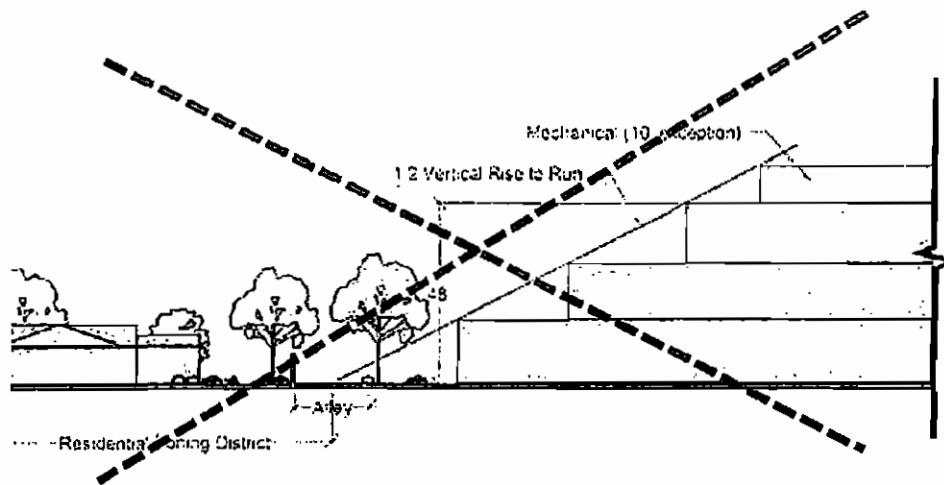
BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.1.





BUILDING ENVELOPE DIAGRAM AT MCDOWELL RD.

BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.2.



BUILDING ENVELOPE DIAGRAM AT ALLEY

3. PUD Developments adjacent to a residential zoning district, where the properties are separated by a major and/or minor arterial street as classified by the Transportation Master Plan and the Design Standards & Policies Manual, shall comply with Section 5.5005.F.1.

G. Encroachment beyond the building envelope.

1. A maximum encroachment of fifteen (15) feet may be allowed for:
 - a. Architectural ornaments and similar features, and
 - b. Trellis, canopies, balconies, patios and partial or full patio enclosures, covered walks, and screen walls.
2. Any encroachment into the right-of-way, roadway easement, or right-of-way easement requires a city issued encroachment permit and/or agreement.
3. The requirements of article vii. General provisions shall not apply to Section 5.5005.G.

H. Setback abutting a residential zoning district.

1. A setback of ~~twenty (20)~~ **TEN (10)** feet shall be provided along the property line abutting a residential zoning district(s). The setback area shall be landscaped and may include space reserved for services such as refuse, recycling, utility boxes, and amenities such as playground equipment, picnic tables, and screen walls.

I. Required open space. Open space is only required for developments that include residential uses.

1. Private outdoor living space.
 - a. Minimum: 0.05 multiplied by the gross floor area of the dwelling unit.
 - b. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
2. Common open space.
 - a. Minimum: 0.10 multiplied by the total gross site area of the development.
 - b. Common open space is not required if the overall residential density of the development is less than five (5) dwelling units per acre.

J. Landscape improvements. The provisions of Article X. Landscaping requirements shall apply.

(Ord. No. 3854, § 3. 6-9-09; Ord. No. 3920, § 1(Exh. §§ 50, 51), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 159), 4-3-12)

Sec. 5.5006. - Off-street parking and loading.

A. Parking shall not be located between the building and the street; and shall not be located between the average building setback line and the street.

B. Structured parking and parking garages shall be screened from street views and any views from residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. Screening shall be provided by building spaces that are habitable or that provide an architectural screen. Architectural screening shall be subject to Development Review Board approval.

C. The provisions of Article IX. Parking and loading requirements shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 160). 4-3-12)

Sec. 5.5007. - Signs.

A. The provisions of Article VIII. Sign requirements shall apply except a master sign plan shall be submitted at the time of development review application.

(Ord. No. 3854, § 3, 6-9-09)

Las Aguas

68th Street & McDowell Road

Project Narrative

Prepared for:

Chason Development, Inc.

Prepared by:

Berry & Damore, L.L.C.

John V. Berry, Esq.
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480-385-2727

I. Property Information

Location: 6640 E. McDowell Road, west of the northwest corner of 68th Street and McDowell Road

Property Size: 5 (+/-) acres

II. Property Zoning:

- **Current:** C-3 (Highway Commercial)
- **Proposed:** PUD (Planned Unit Development)

Surrounding Uses:

- **North:** R1-7, Single Family Residential
- **East:** C-3, Circle K with Gas Station and Offices
- **South:** C-3, Chapman Dealership
- **West:** Canal

III. Project Overview

About the Site:

The proposed application is a rezoning request from C-3 to PUD on an approximately 5+/- acre property located at 6640 E. McDowell Road, which is west of the northwest corner of 68th Street and McDowell Road (the "Property"). The Property was previously occupied by the Pitre Buick car dealership; however the car dealership buildings have been vacant for several years. The proposal is to redevelop the 5 +/- acre Property with 154 residential units (30.8 du/ac, which is far less than what could be achieved under PUD zoning) bringing revitalization to the McDowell Corridor and fulfilling a demand for new housing in Southern Scottsdale. The current General Plan land use category for the site is Mixed Use and the proposed PUD zoning district complies with the existing land use category.

The developer has taken special consideration with the site plan by providing a layout and building design that is sensitive to the existing single-family residential to the north. The site location is ideal for multifamily residential development with close proximity to Downtown Scottsdale, Downtown Phoenix, and Tempe. The proposed residential community will benefit from the adjacent canal linkage, nearby Papago Park and close proximity to the Phoenix Zoo and Desert Botanical Gardens. Additionally, the integration of additional residential units along the McDowell Corridor will strengthen the nearby existing retail and commercial businesses, as well as maintain the City's goals and policies set forth in the Southern Scottsdale Character Area Plan (SSCAP).

About the Design:

The building and site layout was designed with attention to buffering the existing single family neighborhood to the north and embracing the McDowell Road street frontage. The northern edge of the Property is lined with single-story detached garages. The buildings “step-up” from one to three-story as they get closer to the McDowell Road street frontage. The proposed buildings take on a unique shape, as a result of direct pedestrian and vehicular access to McDowell, and utilizing the existing on-site parking structure. Pedestrian circulation both on-site and internally within buildings is an important feature of the project, as numerous retail, employment, and entertainment uses are walkable from this site. Four pedestrian portals and nine stoops from the residential buildings give direct access to the new, unique McDowell Road curving sidewalk shapes along the project frontage. Project and site amenities include interior lobbies, an exercise areas, an unique exterior pool and spa design with seating areas, onsite grilling stations, and easy access to the trail system along the canal to Papago Park, the Phoenix Zoo, Botanical Gardens, and the entire metropolitan trail and public transit system.

The buildings will be finished with a sand finished stucco, stone wainscot band accent, aqua colored glass and metal sun louvers. Local earth tone colors are proposed for the building, with an accent color to relate to the water theme. The stone veneer wainscot accent is used to relate to the colors of the buttes at Papago Park. As the project borders the canal to the west, the architectural forms are a contemporary expression to the fluid movement of water, with the relationship of curving color bands, sun louvers, parapets, and McDowell Road sidewalk forms.

Numerous multi-story stucco projections, curved and straight window louvers, shaded balcony Elements, cable trellises, and glass rail accents move in and out of the horizontal plane of the building, creating scale. (See elevation for notations on depths of these elements).

Lighting elements shall serve both pedestrian and vehicular access. At sidewalks and stoops, wall sconces, flush-mounted lights and bollards will light pedestrian paths. Shielded carport, pole lights, and building balcony lighting will illuminate the site. No new lighting will be added to the parking structure that is higher than the parapet wall. Any lighting on the underside of the proposed carports will not be visible from neighboring properties. The carports are a maximum of 8' high and the northern wall will be raised to 8'-8" in height.

The sail structure shape at the entry provides a unique sense of place, inspired by the large sail entry structure at Sky Song, and provides visual interest along the McDowell Road frontage. The waved decorative metal panels on each side of the entries also create a sense of themed project “place-making” for this street frontage.

The applicant will build a sustainable, desert sensitive project by incorporating sun louvers, recessed windows, stoops that connect to the McDowell Road sidewalk, low-water use plant materials, adaptive reuse of the existing parking structure and a pervious surface parking lot to reduce the heat island effect. The applicant is also exploring the possible integration of on-site water harvesting and alternative sustainable building materials.

IV. Planned Unit Development (PUD)

The purpose of the Planned Unit Development district is to promote the goals of the General Plan, area plans, and design guidelines in areas of the City that are designated by the General Plan for a combination of land uses in a mixed-use development pattern of the either horizontal or vertical design...

...Commercial, employment, hospitality, multi family, residential, and townhouse residential uses are encouraged to be provided with intensities and densities that promote a mix of day and nighttime activities.

The 5+/- acre Property is part of the larger McDowell Road Corridor which has a range of uses and land use types. The integration of multifamily along this predominately commercial corridor and adjacent to existing commercial uses will fulfill the goals and policies set forth in the SSCAP. The integration of a residential community on the subject site contributes towards the mixed-use sustainable character planned for McDowell Road and complements the existing urban fabric of the surrounding area.

This application includes a range of exhibits including the site plan, elevations, landscape plan, and civil engineering information which demonstrate the character and high-level of design proposed for this site. The buildings have been designed in a manner that provides a hierarchy of masses and sensitivity to the existing single family homes to the north as well as appropriate scale and connectivity for the pedestrian. The development encourages alternative modes of transportation by focusing on a pedestrian network that encourages interaction with the surrounding context and adjacent canal trail system.

PUD Criteria:

Section 5.5003 of the Zoning Ordinance states that the development proposals shall comply with the following criteria:

- A. *PUD Zoning District Approval Criteria,*
 - 1. *As part of the approval or modified approval of an application for a PUD district, the Planning Commission shall recommend and the City Council shall find that the following criteria have been met:*
 - A. *The proposed development promotes revitalization, the goals, policies and guidelines of the General Plan, Area Plans and Design Guidelines.*

Response: The proposed development accomplishes a range of goals including the revitalization of an underutilized property (with a long vacant car dealership), integrating high quality, vibrant architecture and site planning to the area, and creating pedestrian synergy that will tie into the existing canal trail system and nearby Papago Park. The proposed development meets the goals and policies of the General Plan and SSCAP as highlighted in Section VI of this project narrative.

- B. *The proposed development's uses, densities, or development standards would not otherwise be permitted by the property's existing zoning.*

Response: The proposed development would not be permitted under the existing C-3 zoning designation.

- C. *The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods.*

Response: The proposed development is compatible with adjacent land uses by creating onsite transitions to existing adjacent land uses, and maintaining the integrity of the SSCAP by providing a balance of land uses found in the area.

- D. *That there is adequate infrastructure and City services to serve the development.*

Response: There are currently adequate infrastructure and City services to serve the development.

- E. *That the proposal meets the following location criteria:*

The proposed development is not located within any areas zoned environmentally sensitive lands ordinance (ESL) nor within the boundaries of the Downtown Plan.

Response: The Property is not located within the ESL area or within the boundaries of the Downtown Plan.

The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the City's transportation master plan.

Response: The proposed development fronts McDowell Road, a major arterial.

V. Amended Development Standards

The proposed amended development standards are outlined below. A legislative draft of the amended developments standards has been provided with the application.

At the request of the neighborhood to provide a visual buffer from the proposed residential buildings, two development standards are being modified (identified below) for the one-story garage structures that line the north end of the Property. The proposed amended development standards will allow the one-story garage structures to better obscure the view from the single-family residents to the north.

- 1) Section 5.5005. Development Standards. F. Building envelope. 2., which states the following:

PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope included step back plane of ~~1:2~~ **1:1 FOR THE FIRST 30 (THIRTY) FEET OF SETBACK FROM THE PROPERTY LINE AND 1:2 THEREAFTER** (ratio of vertical rise to horizontal run) starting on the residential zoning district boundary, except a specified in Section 5.5005.F.3.

- 2) Section 5.5005. Development Standards. H. Setback abutting a residential zoning district. 1.

A setback of ~~twenty (20)~~ **TEN (10)** feet shall be provided along the property line abutting a residential zoning district(s). The setback area shall be landscaped and may include space reserved for services such as refuse, recycling, utility boxes, and amenities such as playground equipment, picnic tables, and screen walls.

VI. Neighborhood Stipulations/Conditions

See "Attachment A" included as part of this Project Narrative and to be approved as part of the Development Plan for Las Aguas.

VII. Southern Scottsdale Character Area Plan (SSCAP)

The City Council adopted the Southern Scottsdale Character Area Plan in October 2010. The proposed development is not only consistent with the SSCAP but upholds the goals and policies established in this document. This application includes a proposal for multifamily residential in the mixed use land use category.

The public outreach process for the SSCAP identified five community priorities which are listed below:

1. *Develop a strong economic core with community gathering places*
2. *Focus on local mobility and walkability*
3. *Maintain and enhance existing neighborhoods and identity*
4. *Balance growth*
5. *Promote well designed architecture and sustainability*

From its inception, the proposed residential community utilized these five priorities as guiding principles to the overall design and architectural character. Bringing new residential living opportunities to the McDowell Road Corridor will strengthen the economic core of Southern Scottsdale and enhance the existing character of the surrounding neighborhoods. As mentioned above, the project was designed with a focus on walkability and also promotes a modern, fluid architectural form inspired by the adjacent canal and incorporates building massing that is sensitive to the surrounding context. The applicant seeks to build a sustainable, desert sensitive project by incorporating sun louvers, recessed windows, stoops that connect to the McDowell Road sidewalk, low-water use plant materials, adaptive reuse of the existing parking structure and a pervious surface parking lot to reduce the heat island effect. The applicant is also exploring the possible integration of on-site water harvesting and alternative sustainable building materials.

The proposed multifamily community will bring new residents and increased retail and restaurant demand to Southern Scottsdale. The residential community is a component of the kind of horizontal mixed use development envisioned in the SSCAP by providing a mix of housing types along the McDowell Corridor integrated with existing, and future, freestanding commercial uses. The Property is immediately surrounded by office, retail (Circle K), dealerships and the canal/pedestrian network. The greater McDowell Road has a wide range of uses including office, dealerships, retail, restaurants, service related uses and Papago Park. Integrating residential along this corridor meets the goals and policies of the SSCAP.



Southern Scottsdale Character Area Plan
October 26, 2010

Below are the land use goals and policies identified in the SSCAP that apply to the proposed development:

Goal LU 1

Promote residential reinvestment and revitalization through regulatory flexibility.

• ***Policy LU 1.1***

Update land use regulations to allow for the revitalization and/or expansion of residential properties to current market standards.

• ***Policy LU 1.2***

Encourage new residential development and revitalization that complements the established urban form.

• ***Policy LU 1.3***

Provide flexibility in residential mixed-use development standards to encourage revitalization of properties within higher density areas of Southern Scottsdale.

Response: The proposed development meets this land use goal by revitalizing a long vacant car dealership property and redeveloping with a residential land use that will bring additional housing opportunities to the McDowell Road Corridor; an area designated for revitalization and redevelopment. The requested PUD zoning provides the flexibility needed to develop the site in a sensitive manner by providing appropriate buffering to the existing single family residential to the north. Integrating residential will strengthen the live, work, play land use concept along this corridor and will bring synergy to this mixed use core.

The developer has taken special consideration with the site plan by providing a layout and building design that is sensitive to the existing single-family residential to the north. The site location is ideal for multifamily residential development with close proximity to Downtown Scottsdale, Downtown Phoenix, and Tempe. The proposed residential community will benefit from the adjacent canal linkage, nearby Papago Park and close proximity to the Phoenix Zoo and Desert Botanical Gardens. Additionally, the integration of additional residential units along the McDowell Corridor, with adjacent commercial land uses, will strengthen the nearby existing retail and commercial businesses, as well as maintain the City's goals and policies.

Goal LU 3

Promote revitalization, reinvestment and development along Southern Scottsdale's Corridors.

• ***Policy LU 3.2***

Promote a mix of housing located along Corridors as a part of designated Regional Centers and Activity Areas.

- **Policy LU 3.4**

Explore a Planned Unit Development (PUD) District Ordinance amendment to assist in alleviating property parcel size and shallow lot development constraints found along Southern Scottsdale Corridors.

- **Policy LU 3.5**

Pursue increase private sector participation in the provision of public amenities along corridors when development standard flexibility is requested.

Response: The PUD Ordinance was adopted by City Council in June 2009 with the purpose of providing a development district to promote the goals and policies of the General Plan, character areas plans and design guidelines in areas that are designated for mixed use development. Rezoning the subject Property to PUD will not only bring a redevelopment to the site, but will be bring development that more closely aligns the goals set forth by the City by integrating residential development along the McDowell Road Corridor.

The proposed PUD zoning is an appropriate zoning designation for the existing mixed use land use category and will accomplish a range of goals including the revitalization of an underutilized property by integrating high quality, vibrant architecture and site planning to the area, and creating pedestrian synergy that will tie into and celebrate the existing canal trail system and nearby Papago Park, Phoenix Zoo and Desert Botanical Gardens. Special efforts (ie: wider sidewalks) will be implemented to direct pedestrians to the canal and nearby transit shelter.

Goal LU 5

Create Regional Centers and activity areas to guide future land use types and intensities throughout Southern Scottsdale.

- **Policy LU 5.1**

Encourage the most intense levels of reinvestment, revitalization, and infill development within designated Regional Centers. These centers are located within General Plan designated Growth Areas, on Regional Corridor roadways and are considered a valley-wide destination.

- **Policy LU 5.2.1**

The Papago Regional Center (located at Galvin Parkway and McDowell Road and adjacent to Papago Park) should focus on cultural, recreational, hotel, residential, and entertainment land uses.

Response: McDowell Road is designated as a Regional Corridor per the SSCAP. The site falls within the Papago Regional Center. The proposed PUD zoning is an appropriate zoning designation for the existing mixed use land use category and will accomplish a range of goals including the revitalization of an underutilized property by integrating high quality, vibrant architecture and site planning to the area, and creating pedestrian synergy that will tie into the existing canal trail system and nearby Papago Park.

Goal LU 9

Create new development and connectivity opportunities between Papago Park and Southern Scottsdale.

• **Policy LU 9.1**

Support more intense land uses adjacent to Papago Park that are tourism and regional destinations including (but not limited to): mixed-use, hotel, specialty attractions, housing, recreation, retail, and support services.

• **Policy LU 9.3**

Promote pedestrian and bicycle connectivity between Southern Scottsdale and Papago Park.

Response: The Property's location is ideal for multifamily residential development with close proximity to Downtown Scottsdale, Downtown Phoenix, and Tempe. The proposed residential community will benefit from the adjacent canal linkage, nearby Papago Park and close proximity to the Phoenix Zoo and Desert Botanical Gardens. Additionally, the integration of additional residential units along the McDowell Corridor will strengthen the nearby retail and commercial businesses, as well as maintain the City's goals and policies set forth in the SSCAP. The site plan was designed with special consideration to the canal linkage and close proximity to Papago Park to encourage pedestrian and bicycle connectivity and minimize vehicle trips.

VIII. Conclusion

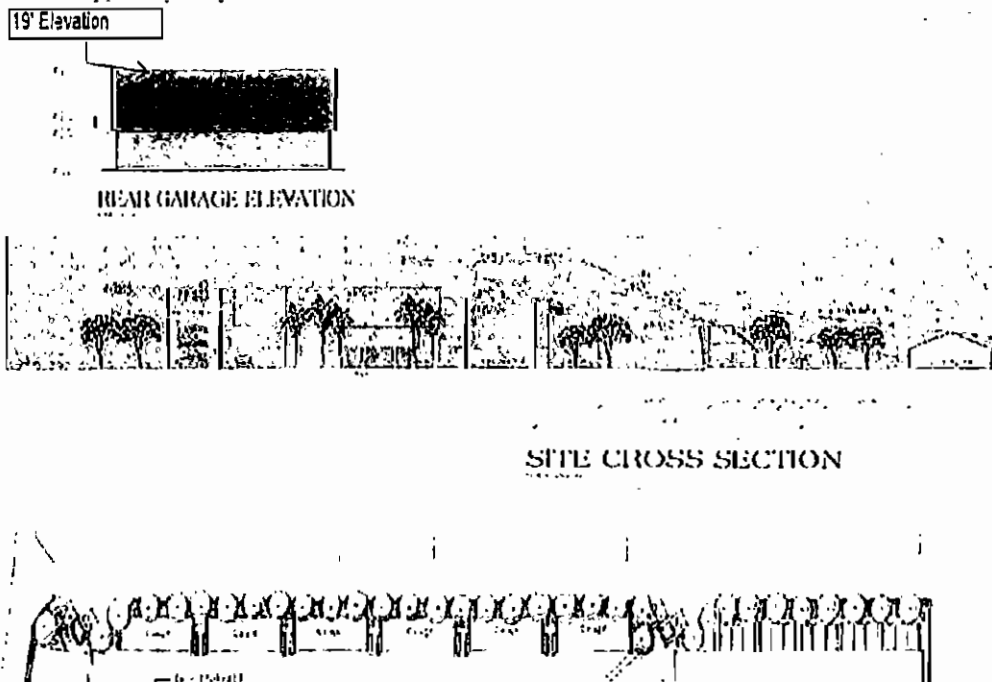
In summary, the applicant is seeking a rezoning on a 5+/- acre site to create a unique multifamily community with approximately 154+/- residential units. Redevelopment of this parcel will revitalize an underutilized site by redeveloping a long vacant car dealership and providing additional housing opportunities for the Southern Scottsdale community. It will contribute to the live, work, play land use balance promoted by the SSCAP. Incorporating new residential land use is essential to the success of Southern Scottsdale and the McDowell Road Corridor as a mixed-use core. The site is an ideal location for professionals to live close to Downtown Scottsdale, Downtown Phoenix, and Tempe. Additionally, the Property is located next to the canal and close to Papago Park, the Phoenix Zoo, and the Desert Botanical Gardens.

Attachment A

Required Stipulations for Almeria Road Home Owners Affected by Las Aguas (8-ZN-2012) to be in Support of the Proposed Apartments

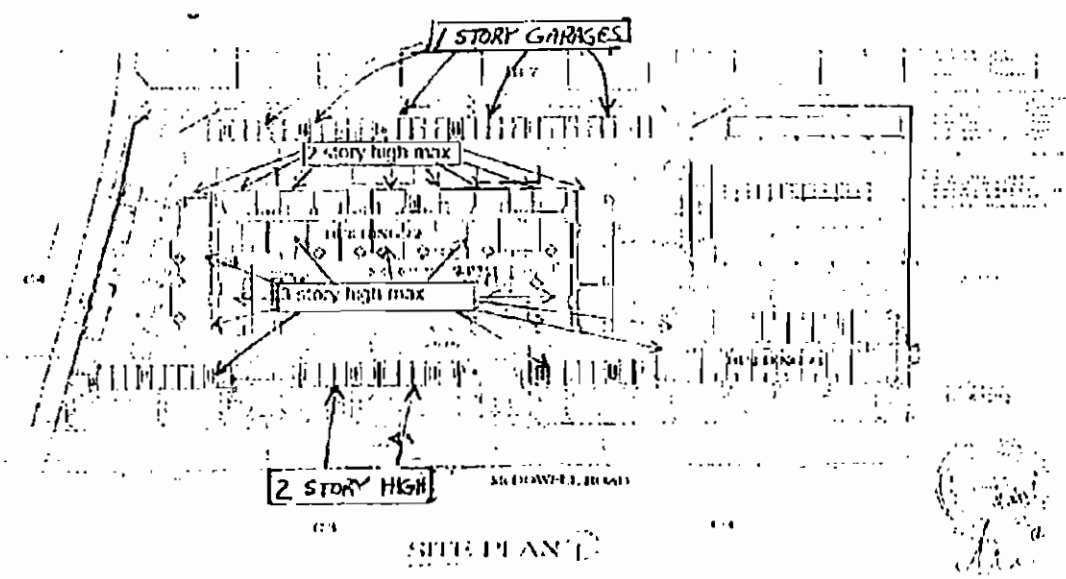
- 1) The standard 5.5005. F. 2. shall be amended to allow for a neighborhood requested buffer in the form of one story garage structures that lines the northern boundary of the property and is dimensionally defined in the submitted plans as "Site Cross Section" and "Rear Garage Elevation", and "Site Plan" dated 4/19/2012. The garage structure is the primary mitigation feature and must be built dimensionally as show on the submitted plans and elevations of the 4/19/2012 submittal. The amended standard specific to this project shall allow for the following:

PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope included step back plane of 4:2 1:1 **FOR THE FIRST 30 (THIRTY) FEET OF SETBACK FROM THE PROPERTY LINE AND 1:2 THEREAFTER** (ratio of vertical rise to horizontal run) starting on the residential zoning district boundary, except a specified in Section 5.5005.F.3.



- 2) The existing wall on the north side of the property, which currently averages a height of approximately 7', shall be raised to a height of 8'-8" CMU block. The developer is responsible for insuring this wall is engineered for this configuration. Furthermore, the wall shall be continuous and only have breaks as defined in the site plan for two (2) dumpster stations. There shall be no access through the north wall. This block wall is the second most important mitigation feature.

- 3) The dumpster stations shown along the north wall shall be gated with a 7' high solid metal swinging or rolling gate that is locked at all times except when unlocked for dumpster service by the garbage truck. The dumpsters shall be promptly locked from the alley side by the garbage truck service provider and not left open for a period longer than required to service the dumpsters.
- 4) The east wall of the property shall be raised to a height of 6' minimum and be continuous without any openings.
- 5) The existing wall on the canal side (west side) shall be kept at the existing height and shall be continuous without any openings except near the McDowell Road region.
- 6) The landscaping on the north boundary shall be a dense growing type tree (applicant agrees to Acacia variety with a minimum 3-inch caliper) which provides an additional continuous visual barrier which will be maintained. This vegetation shall never be considered a substitute for items 1) and 2) above, which is of paramount importance to the acceptance of Las Aguas.
- 7) The apartment elevations for the site shall not exceed three (3) stories and shall be at lesser elevations (heights) as approaching the northern boundary as show in the following graphic:



- 8) The number of apartments units at Las Aguas shall not exceed one hundred sixty (160) units.
- 9) There will be no north facing balconies in any apartments.
- 10) Las Aguas shall be a gated community, which allows access to only residents, guests and required services.
- 11) Existing healthy trees (some of which are over 50 years old) along the northern boundary of Las Aguas shall be saved and incorporated into the landscaping plan, to the satisfaction of City Staff.
- 12) Required construction sequence for Las Aguas:
 - a. Raise existing CMU block wall along northern property line to 8'-8" and construct gated penetrations for dumpsters as shown on the plans submitted 4/19/2012.
 - b. Perform site grading.
 - c. Install foundations of alley (northern) garage buildings.
 - d. Construct exterior portion of alley (northern) garage buildings prior to commencing construction of other buildings on site.

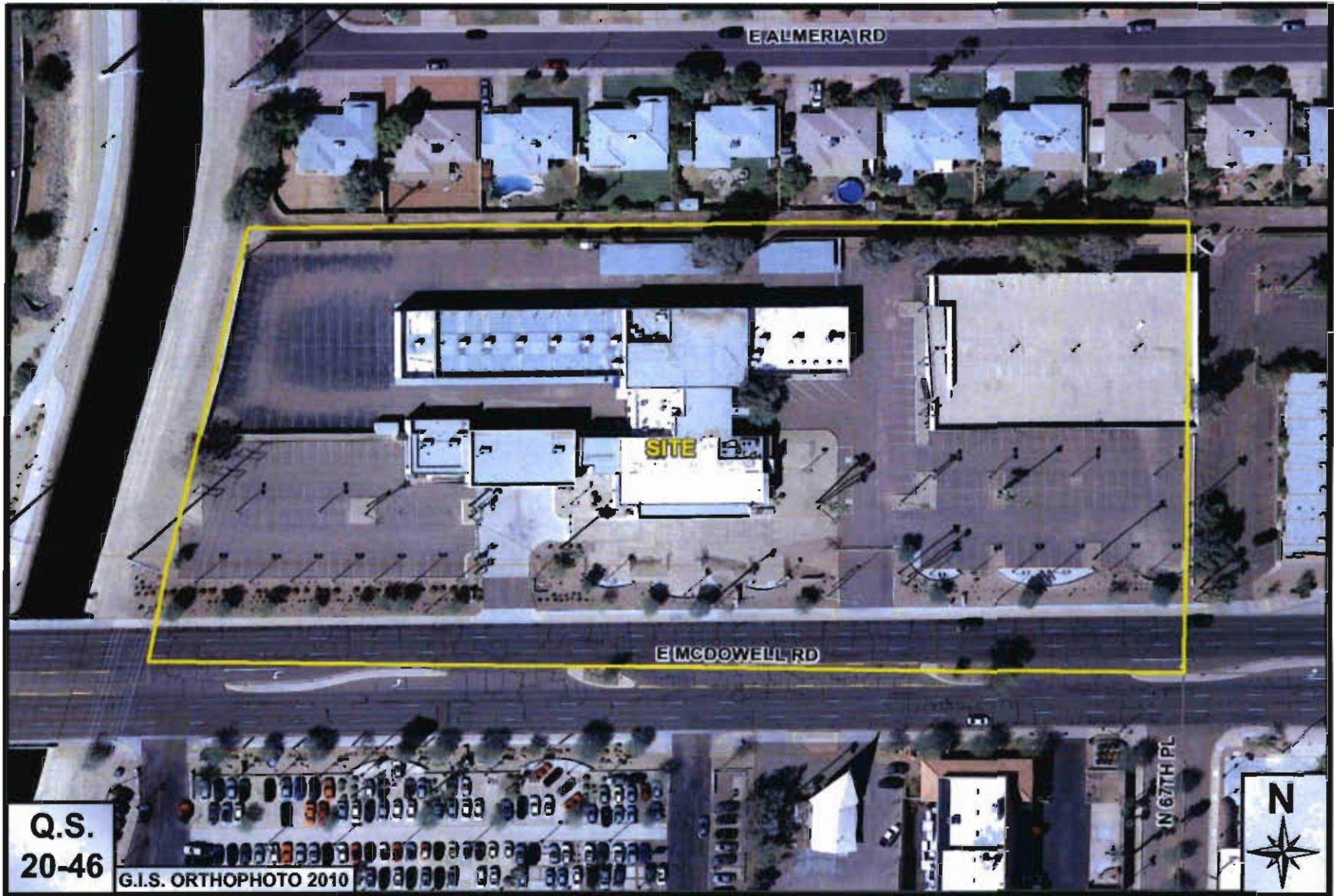
Summary: It should be noted for the record, the requested stipulations and mitigating features are all things which the developer's representative (Technical Solutions) has agreed to and are consistent with the plans submitted on 4-19-2012.



Las Aguas

8-ZN-2012

ATTACHMENT #5

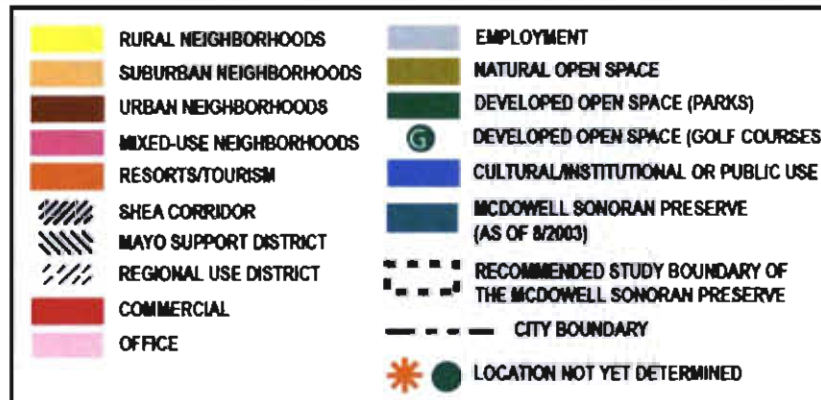
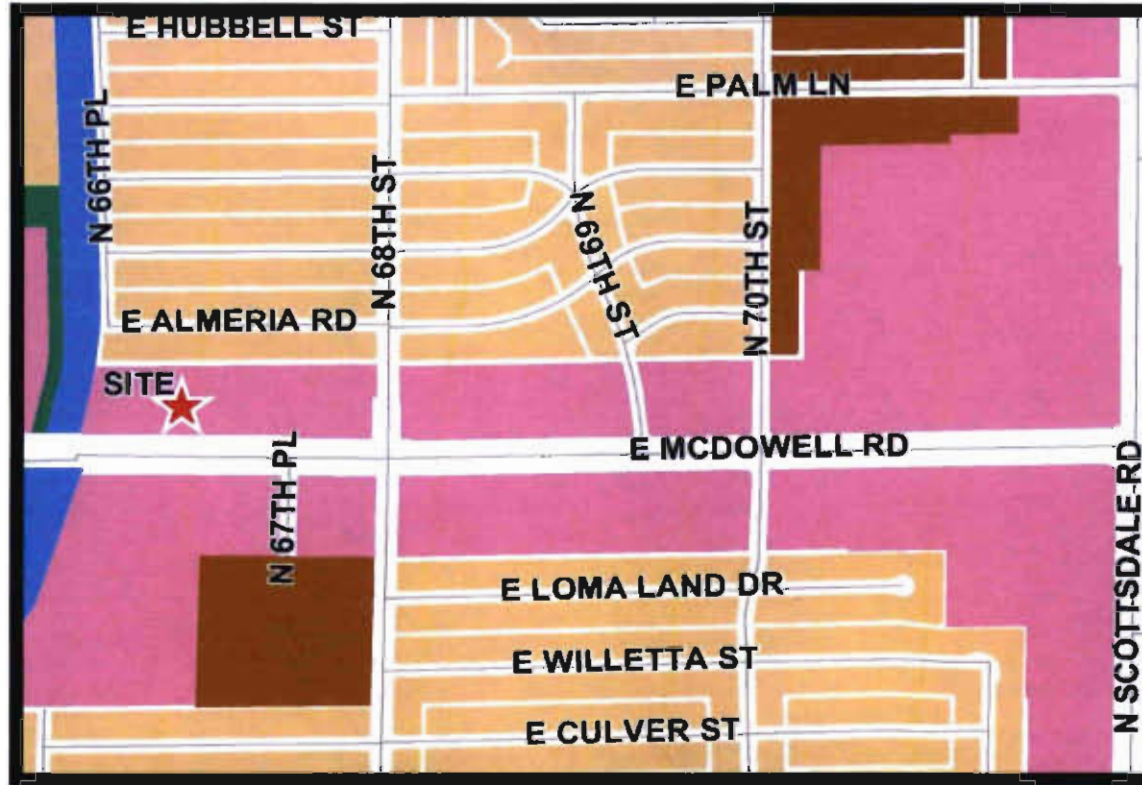


Las Aguas

8-ZN-2012

ATTACHMENT #5A

Existing General Plan Land Use Map



8-ZN-2012

ATTACHMENT #6

TRAFFIC IMPACT ANALYSIS SUMMARY
Las Aguas Apartments
McDowell Road between 64th Street & 68th Street
8-ZN-2012

Summary Prepared by Phillip Kercher, COS Traffic Engineering
Traffic Impact Study Prepared by Paul Basha, eps group, inc.

Existing Conditions:

Site Location – 6640 East McDowell Road.

Existing Development – The site is currently vacant; it had previously been occupied by an auto dealership.

Existing Zoning – Highway Commercial, C-3.

Street Classification – McDowell Road is classified as a Major Arterial street; 68th Street is classified as a Minor Collector street; 64th Street is classified as Minor Arterial Street.

Existing Intersection Conditions –

The McDowell Road and 68th Street intersection is signalized with northbound dual left turn lanes, and eastbound and southbound exclusive right turn lanes.

The McDowell Road and 64th Street intersection is signalized with exclusive right turn lanes on all approaches. The south leg of the intersection is in the City of Phoenix.

Existing Street Conditions –

McDowell Road has three lanes each direction with a center raised median.

68th Street has one lane each direction with a two-way left-turn lane.

64th Street has two lanes in each direction with a center raised median and bike lanes.

Existing Volumes –

There are approximately 30,900 daily vehicles on McDowell Road adjacent to the site.

There are approximately 9,000 daily vehicles on 68th Street north of McDowell Road.

There are approximately 14,700 daily vehicles on 64th Street north of McDowell Road.

Existing Speed Limits - The posted speed limit is 45 mph on McDowell Road and 35 mph on both 64th Street and 68th Street.

Proposed Development:

Description - The proposed development plan consists of 154 multi-family dwelling units.

Site Access – A full access driveway is proposed near the midpoint of the site frontage on McDowell Road; a restricted right-in, right-out only driveway is proposed approximately 200 feet west of the main entrance. The existing McDowell Road medians will be modified to provide the proposed access. The existing site has two full access driveways.

TRIP GENERATION COMPARISON TO EXISTING DEVELOPMENT:

	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Devel. - Multi-family	1,514	24	90	114	90	49	139
Existing Devel.- New Car Sales	1,050	47	17	64	32	50	82
Increase/Decrease	464	-23	73	50	58	-1	57

The site could be developed with more intensity under the current C-3 zoning district. A comparison trip generation is provided below comparing the proposed development to the site if it were developed as a shopping center.

TRIP GENERATION COMPARISON TO POTENTIAL DEVELOPMENT:

	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Devel. - Multi-family	1,514	24	90	114	90	49	139
Potential Devel.- Shopping Center	4,574	66	42	108	207	216	423
Increase/Decrease	-3,060	-42	48	6	-117	-167	-284

Traffic Analysis:

Intersection Level of Service -

- The intersection of McDowell Road and the main site driveway is expected to operate at level of service (LOS) B for right turn exiting traffic movements during both the a.m. peak hour and the p.m. peak hour. The left turn entering movements are expected operate at LOS B during both of the peak hours.
- The intersection of McDowell Road and the main site driveway is expected to operate at LOS E for left turn exiting traffic movements during both the a.m. peak hour and LOS C the p.m. peak hour. The left turn movement entering the traffic flow at uncontrolled intersections is traditionally the most difficult maneuver; there are other options to travel east from this site if drivers wish to avoid this movement.
- The intersection of McDowell Road and the secondary site driveway is expected to operate at LOS B for exiting traffic during both the a.m. peak hour and the p.m. peak hour.

Additional Information:

McDowell Road Median Modifications – The proposed site plan will relocate an existing driveway to align with an existing driveway on the south side of the street. The existing raised median will be modified to accommodate the left turn storage for

the site driveway and to restrict the western driveway to right-in, right-out. This will eliminate a left-turn overlap situation that exists with the current driveway locations.

Summary:

The approval of the mixed-use development plan for the proposed site will result in an estimated 1,514 trips generated per day to and from the project site. The development is estimated to generate 114 a.m. peak hour trips, and 139 p.m. peak hour trips. This represents a minor increase from the traffic that is estimated to be generated by the previous land use on the site; however, the existing commercial zoning would allow development that could generate significantly more trips than the proposed development plan.

With the addition of the proposed site generated traffic, the majority of turning movements at the site driveways are expected to operate at acceptable levels of service. Left turns from the main site driveway on McDowell Road may be difficult during the peak hours; however, there are alternatives to making this left turn for drivers desiring to head eastbound on McDowell Road.

CITIZEN REVIEW PLAN & NEIGHBORHOOD INVOLVEMENT REPORT

6640 E. McDowell Road

Las Aguas

July 6, 2012

Overview

This citizen outreach and neighborhood involvement report is being performed in association with a zoning request for the redevelopment of approximately 5 gross acres located at 6640 E. McDowell Road. The design team has created a project that is architecturally striking and sensitive to neighboring properties. As part of the request, this citizen review and neighborhood involvement report has been written and will be updated throughout the process.

The entire project team is sensitive to the importance of neighborhood involvement and creating a relationship with property owners, residents, business owners, homeowners associations, and other interested parties. Communication with these parties will be ongoing throughout the process. Work on compiling stakeholders and preparing for the neighborhood outreach began prior to the application filing and will continue throughout the process. Communication with impacted and interested parties will take place with verbal, written, electronic, and door-to-door contact.

Community Involvement

The project team has been busy conducting outreach into the community to date. Door-to-door work and meetings with nearby homeowner's associations and neighborhood groups has occurred and will continue throughout the process. Members of the outreach team will continue to be available to meet with any neighbors who wish to discuss the request. Additionally, they will be contactable via telephone and email to answer any questions relating to the request.

Surrounding property owners and other interested parties were noticed via first class mail regarding the request. This notification contained information about the request, contact information to receive additional information, and the opportunity to give feedback. The notification also contained information regarding a Neighborhood Open House that was held for anyone who wished to learn more about the request (see attached notification letter). This Open House was held on May 16th, 2012 from 5-6 PM at ASU Skysong. 12 interested neighbors attended the Open House (see attached sign-in sheets). Attendees were generally supportive of the project with a couple of neighbors wishing for the site to remain commercial. In addition, the outreach team has been

meeting with a small group of neighbors immediately proximate to the site to work on site plan issues.

A vital part of the outreach process is to allow people to express their concerns and understand issues and attempt to address them in a professional and timely matter. As previously stated the entire team realizes the importance of the neighborhood involvement process and is committed to communication and outreach for the request.

Attachments:

Sign-in Sheets

Notification letter

Notification list



Affidavit of Sign Posting

Project Under Consideration Sign (White)

Public Hearing Notice Sign (Red)

Case Number: 75-PA-2012

Project Name: Las Aguas

Location: 6640 E. McDowell Rd

Site Posting Date: 05/04/2012

Applicant Name: John Berry

Sign Company Name: Scottsdale Sign A Rama

Phone Number: 480-994-4000

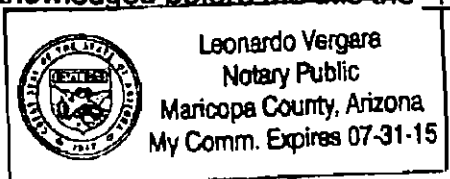
I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

[Signature]
Applicant Signature

5/4/12
Date

Return completed original signed and notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal. E-mail copy to your project coordinator.

Acknowledged before me this the 9TH day of MAY 2012



[Signature]
Notary Public
My commission expires: 7-31-2015

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

Early Notification of Project Under Consideration

Neighborhood Open House Meeting

Date: 05/16/2012

Time: 5pm-6pm

Location: 1475 N. Scottsdale Rd.

Site Address: 6640 E. McDowell Rd

Project Overview:

- Request: Rezoning request from Highway Commercial District (C-3) to Planned Urban Development (PUD) for the purpose of a multi-family, residential development.
- Site Acreage: 5 +/- acres
- Site Zoning: C-3

Applicants Contact: John Berry
Phone number: 480-385-2727

City Contacts: Kim Chafin
Phone number: 480-312-7734

Case Number #: 75-PA-2012

Available at The City of Scottsdale: 480-312-7000

After submittal, project information is available at: www.scottsdaleaz.gov/projects/ProjectsInProgress

Posting Date: 04/06/2012 --Penalty for removing or defacing sign prior to date of last hearing

-Applicant Responsible for Sign Removal

05. 04. 2012



May 4, 2012

Dear Neighbor:

We are pleased to inform you of a proposed architecturally significant, luxury multi-family project on the currently vacant parcel located west of the northwest corner of 68th Street and McDowell Road (the old Pitre Buick car dealership site). The proposed development requires a change in zoning from its current Highway Commercial (C-3) designation to Planned Unit Development (PUD). The current General Plan land use category for the site is Mixed Use and the proposed PUD zoning district complies with the existing General Plan land use category.

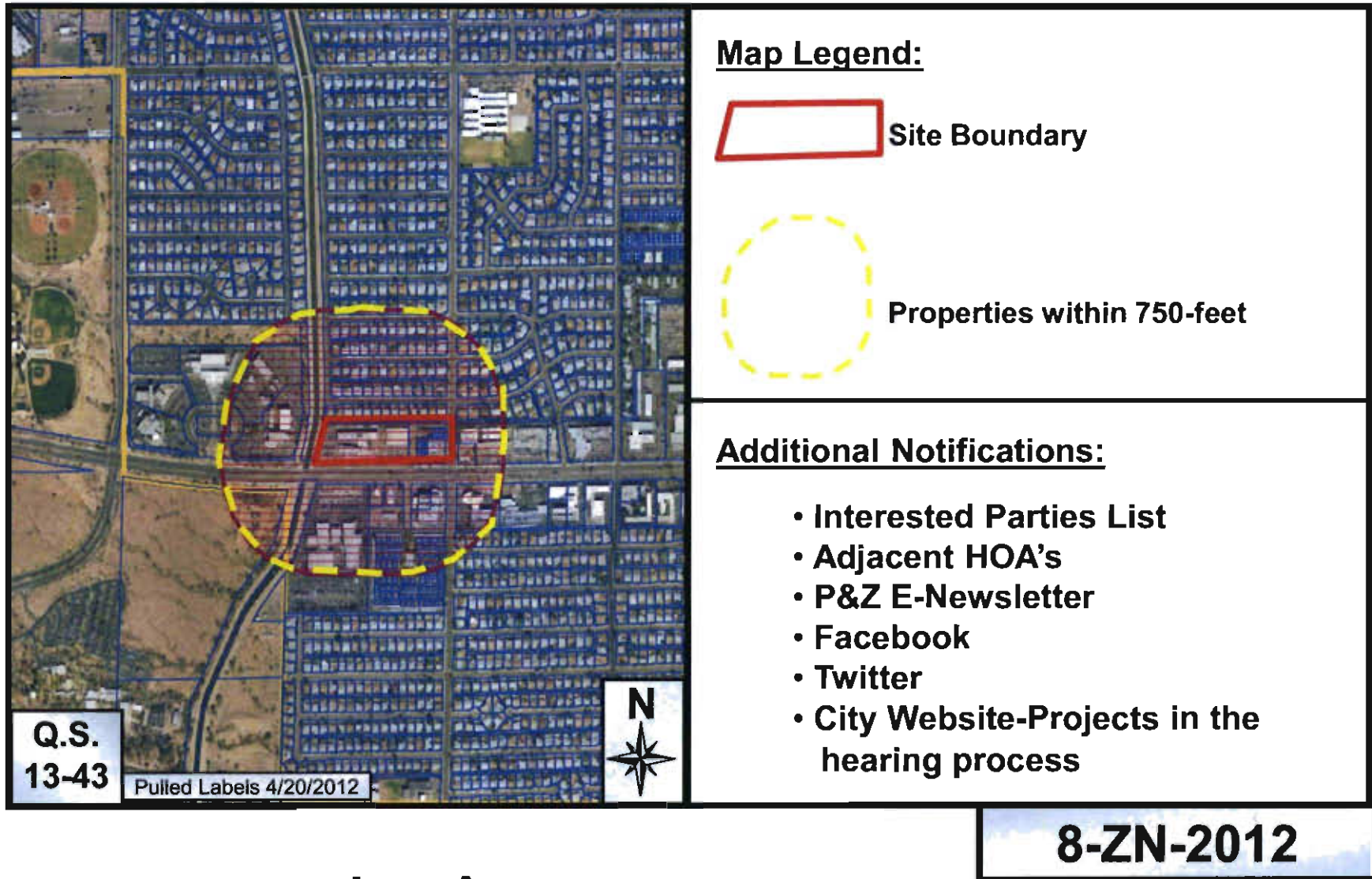
We are pleased to invite you to attend an open house to discuss our proposal. The open house will be held at the Arizona State University SkySong located at 1475 N. Scottsdale Road in the Ingenuity Room, from 5:00 p.m. to 6:00 p.m. on Wednesday, May 16th, 2012.

In the meantime, if you have any questions, please contact our neighborhood outreach team, Technical Solutions, at 602-957-3434. The City of Scottsdale Project Coordinator for this project is Kim Chafin, who can be reached at 480-312-7734.

Sincerely,

Paul Smith
President

City Notifications – Mailing List Selection Map



Las Aguas

ATTACHMENT #9

Perone, Steve

From: Ruenger, Jeffrey
Sent: Monday, May 07, 2012 8:05 AM
To: Chafin, Kim; Lebovitz, Brandon
Subject: FW: Las Aguas 8-ZN-2012

From: Jane Burtnett [<mailto:janeburtnett@yahoo.com>]
Sent: Sunday, May 06, 2012 2:04 PM
To: Projectinput
Subject: Las Aguas 8-ZN-2012

Hello.

While I do not oppose to rezoning for this project, I do object to the height of this project.

Our neighborhood is a designated historic district, and allowing a three-story project here would destroy the character of our neighborhood, which is what the city did not want to happen when they designated the historic district.

Please keep this in mind as you continue with the rezoning process. It doesn't make sense that one department of the city (zoning) would undermine another department of the city (historic preservation), nor go against the wishes of those of us living within in the historic district.

If someone wants to build residences, consider ones that would reflect the history of this portion of the city. Two or three story buildings do not fit in.

Thank you for your time.

Sincerely,
Jane S. Burtnett
Scottsdale Leadership Class XIV
E. Granada Rd. Block Watch Captain

ATTACHMENT #10

PETITION IN OPPOSITION TO LAS AGUAS (8-ZN-2012)

To the Mayor, City Council and City Clerk:

We, the undersigned, oppose the proposed Las Aguas apartment development at 6640 E. McDowell Rd (8-ZN-2012). However, we the undersigned when provided with guaranteed stipulations requiring defined mitigating features will change from opposition to support of Las Aguas. The guarantee of these mitigating features is defined by the written approval of these stipulations by the Mayor, City Council, Zoning Commission and any other city agency with authority in the final "Approved for Construction" drawings and documents. These mitigating features which will provide a visual, sound, and security buffer from the proposed apartments include the following:

1) The standard 5.5005.F.3. Shall be amended to allow for a neighborhood requested buffer in the form of a one story garage structure that lines the north boundary of the property and is dimensionally defined in the submitted plans as "Site Cross Section" and "Rear Garage Elevation", and "Site Plan" submitted 4/19/12. The garage structure is the primary mitigating feature and must be built dimensionally as shown on the submitted plans and elevations of the 4/19/12 submittal. The amended standard specific to this project shall allow for:

PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope included step back plane of 1:2 1:1 FOR THE FIRST 30 (THIRTY) FEET OF SETBACK FROM THE PROPERTY LINE AND 1:2 THEREAFTER (ratio of vertical rise to horizontal run) starting on the residential zoning district boundary, except as specified in Section 5.5005.F.3.

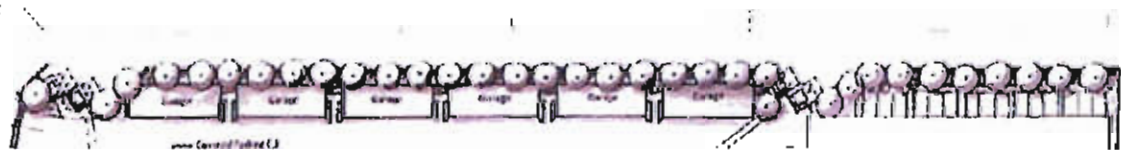
19' Elevation



REAR GARAGE ELEVATION

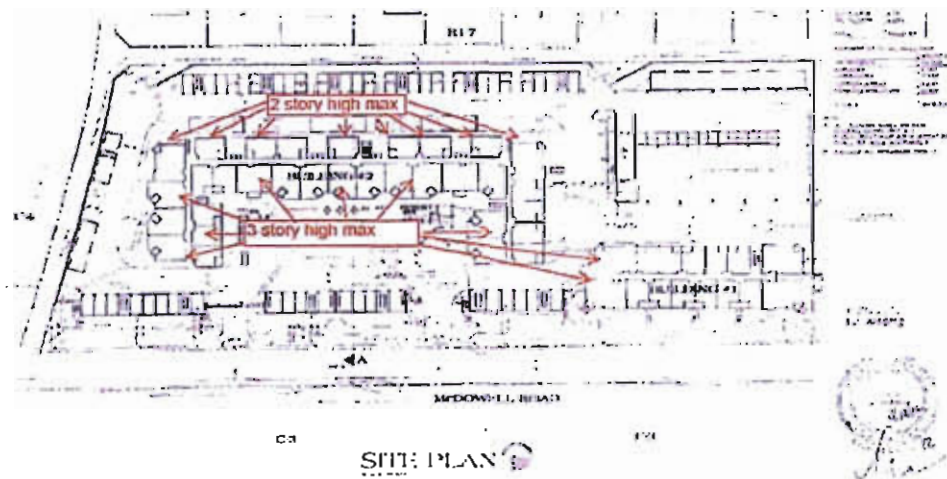


SITE CROSS SECTION



PETITION IN OPPOSITION TO LAS AGUAS (8-ZN-2012)

- 2) The existing wall on the north side of the property, which currently averages a height of approximately 7', shall be raised to a height of 8'-8". The developer is responsible for insuring this wall is engineered for this configuration. Furthermore the wall shall be continuous and only have breaks as defined in the site plans for two dumpster stations. There shall be no access through the north wall. This block wall is the 2nd most important mitigating feature.
- 3) The dumpster stations shown along the north wall shall be gated with a 7' high solid metal swinging or rolling gate that is locked at all times except when unlocked for dumpster service by the trash truck. The dumpsters shall be promptly locked from the alley side by the garbage truck service provider and not left open for a period longer than required to service the dumpsters.
- 4) The east wall of the property shall be raised to a height of 6' minimum and be continuous without any openings.
- 5) The existing wall on the canal side (west side) shall be kept at the existing height and be continuous without any openings except near the McDowell road region.
- 6) The landscaping on the north boundary shall be a dense growing type tree which provides an additional virtual continuous visual barrier which will be maintained. This vegetation shall never be considered a substitute for items 1 and 2 above which are of paramount importance to acceptance of Las Aguas.
- 7) The apartment elevations for the site shall not exceed three stories and shall be at lesser elevations as approaching the north boundary as shown in the following:




Summary – It should be noted for the record, the requested stipulations and mitigating features are all things which the developer's representative has agreed to (Technical Solutions) and are consistent with plans that are submitted. However the purpose of this petition is to obtain guarantees from all entities with authority to change plans before, during or after construction starts that these stipulations are firm and unchangeable.

PETITION IN OPPOSITION TO LAS AGUAS (8-ZN-2012)

	SIGNATURE	PRINTED NAME	ADDRESS	DATE OF SIGNING
1		Richard Stolper	6637 E. Almeria Rd Scottsdale, AZ 85257	5-6-2012
2		FRANK LECHUGA	6632 E. ALMERIA RD Scottsdale AZ 85257	5-6-2012
3		ROBERT S. LAROCHE	6643 E. ALMERIA	5-7-12
4		Nancy Burns	6625 E Almeria Rd Suts A 85257	5-7-12
5		SIGNE HORVATH	6619 E ALMERIA RD SCOTTSDALE, AZ 85257	5-7-12
6		John Jacks	6626 E. Almeria Rd. Scottsdale, AZ 85257	5/7/12
7		JOAN E. BOYER	6631 E. ALMERIA Rd Scottsdale AZ 85257	5-7-12
8		ROY SOSA	6725 E. ALMERIA RD. SCOTTSDALE AZ 85257	5-10-12
9		Kathleen Berntson	6720 E. Almeria Rd Scottsdale AZ 85257	5-10-12
10		Kate Larson	6713 E. Almeria Rd Scottsdale, AZ 85257	5/11/12
11		Becky Eaton	6702 E Almeria Rd. Scott AZ 85257	5-11-12
12		Charles Rydén	6732 E. Almeria Rd 85257	5-12-12
13		Rosemary Burchard	6726 E. Almeria Rd. 85257	5-12-12
14		Thierry Desjardins	6635 E. Almeria Rd. 85257	5-12-12
15		John Swinnen	6708 E. ALMERIA Rd 85257	5-12-12
16		Mark Penna	6719 E Almeria Rd 85257	5-14-12
17		RICHARD LESIAK	6714 E ALMERIA RD	5-14-12

PETITION IN OPPOSITION TO LAS AGUAS (8-ZN-2012)

	SIGNATURE	PRINTED NAME	ADDRESS	DATE OF SIGNING
18		MARIKO CRUZ	6744 E. Almeria Rd, Scottsdale, AZ	5/19/12
19	Kem Browning	KEM BROWNING	6731 E. Almeria Rd. Scottsdale AZ	5/20/12
21				
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(Print name)

OFFICE OF THE
CITY CLERK

2012 AUG 21 AM 9:52

Legal Protest Letter

Kim Chafin

Staff Coordinator

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona 85251

Phone: (480) 312-7734

Ref: Legal protest regarding case number 8-ZN-2012 LAS AGUAS

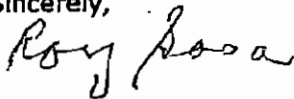
Property located at 6640 E. McDowell Road

To Whom It May Concern:

The above referenced project abuts Almeria Street to the north which is within the 150 feet of the required distance of the City of Scottsdale ordinance Section 1.706 and consisting of more than 20% of the above project.

We are opposed to the above project and want to file a legal protest against the zoning change from Highway Commercial District, (C-3) zoning to Planned Unit Development, (PUD).

Sincerely,



8-6-12

Name(s)

ROY SOSA
6725 E ALMERIA RD,
SCOTTSDALE, ARIZONA
85257

480 947-6955

Legal Protest Letter

Kim Chafin

Staff Coordinator

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona 85251

Phone: (480) 312-7734

Ref: Legal protest regarding case number 8-ZN-2012 LAS AGUAS

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We are opposed to the above project and want to file a legal protest against the zoning change from Highway Commercial District, (C-3) zoning to Planned Unit Development, (PUD).

Sincerely,

Kem Browning

8/6/12

Name(s)

KEM BROWNING

6731 E. ALMERIA ROAD

SCOTTSDALE, AZ 85257

480-291-7495

Legal Protest Letter

Kim Chafin

Staff Coordinator

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona 85251

Phone: (480) 312-7734

Ref: Legal protest regarding case number 8-ZN-2012 LAS AGUAS

Property located at 6640 E. McDowell Road

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Sincerely,

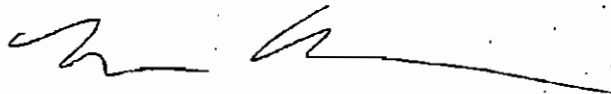
Name(s)

MARK Penna

6719 E. Almeria Rd

Scottsdale, AZ 85257

8/13/2012



Legal Protest Letter

Kim Chafin

Staff Coordinator

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona 85251

Phone: (480) 312-7734

Ref: Legal protest regarding case number 8-ZN-2012 LAS AGUAS

Property located at 6640 E. McDowell Road

To Whom It May Concern:

The above referenced project abuts Almeria Street to the north which is within the 150 feet of the required distance of the City of Scottsdale ordinance Section 1.706 and consisting of more than 20% of the above project.

We are opposed to the above project and want to file a legal protest against the zoning change from Highway Commercial District, (C-3) zoning to Planned Unit Development, (PUD).

Sincerely,



8/6/12

Name(s)

RYAN D. LARSON (480) 329-4522

6713 E. ALMERIA RD.

SCOTTSDALE, AZ 85257

Legal Protest Letter

Kim Chafin

Staff Coordinator

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona 85251

Phone: (480) 312-7734

Ref: Legal protest regarding case number 8-ZN-2012 LAS AGUAS

Property located at 6640 E. McDowell Road

To Whom It May Concern:

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We are opposed to the above project and want to file a legal protest against the zoning change from Highway Commercial District, (C-3) zoning to Planned Unit Development, (PUD).

Sincerely,

Name(s) *Herbert L. Jones*
6701 E Almeria Rd Scottsdale Az. 85257
480 343 6171 7 Aug 2012

Legal Protest Letter

Kim Chafin

Staff Coordinator

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona 85251

Phone: (480) 312-7734

Ref: Legal protest regarding case number 8-ZN-2012 LAS AGUAS

Property located at 6640 E. McDowell Road

To Whom It May Concern:

The above referenced project abuts Almeria Street to the north which is within the 150 feet of the required distance of the City of Scottsdale ordinance Section 1.706 and consisting of more than 20% of the above project.

We are opposed to the above project and want to file a legal protest against the zoning change from Highway Commercial District, (C-3) zoning to Planned Unit Development, (PUD).

Sincerely,

Joan E. Boyer

8-4-12

Name(s)

JOAN E. BOYER

6631 E. ALMERIA RD

SCOTTSDALE, AZ. 85257

480-947-5661

Legal Protest Letter

Kim Chafin

Staff Coordinator

Planning and Development Services

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona 85251

Phone: (480) 312-7734

Ref: Legal protest regarding case number 8-ZN-2012 LAS AGUAS

Property located at 6640 E. McDowell Road

To Whom It May Concern:

The above referenced project abuts Almeria Street to the north which is within the 150 feet of the required distance of the City of Scottsdale ordinance Section 1.706 and consisting of more than 20% of the above project.

We are opposed to the above project and want to file a legal protest against the zoning change from Highway Commercial District, (C-3) zoning to Planned Unit Development, (PUD).

Sincerely,

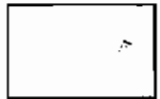
Signe M. Horvath *AUGUST 4, 2012*

Name(s)

*SIGNE HORVATH
6619 E ALMERIA RD
SCOTTSDALE, AZ 85257
480-945-4926*



REQUEST TO SPEAK



Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.

Public testimony is limited to three (3) minutes per speaker.

Additional time **MAY** be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) Cecile Rosales MEETING DATE 12-12-12

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 6725 E Granada ZIP 85257

HOME PHONE 480-990-0207 WORK PHONE 480-639-9030

E-MAIL ADDRESS (optional) _____

I WISH TO SPEAK ON AGENDA ITEM # 9 I WISH TO DONATE MY TIME TO _____

I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.



REQUEST TO SPEAK



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Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) KELLY VAUGHAN MEETING DATE 12-12-12

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 6726 E GRANADA ZIP 85257

HOME PHONE 6023918201 WORK PHONE 480 592 2882

E-MAIL ADDRESS (optional) _____

I WISH TO SPEAK ON AGENDA ITEM # 9 I WISH TO DONATE MY TIME TO _____

I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

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Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) Roy Sosa MEETING DATE 12-12-12

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 6725 E ALMERIA RD ZIP 85257

HOME PHONE 480-947-6955 WORK PHONE _____

E-MAIL ADDRESS (optional) _____

I WISH TO SPEAK ON AGENDA ITEM # _____ I WISH TO DONATE MY TIME TO _____

I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING LAD ACUAD

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

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REQUEST TO SPEAK

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Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) Lois Bray
Sonya Edmund MEETING DATE 12/12/12

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 6732 E. Granada Rd ZIP 85257

HOME PHONE 480-941-8506 WORK PHONE 480-242-4222

E-MAIL ADDRESS (optional) _____

I WISH TO SPEAK ON AGENDA ITEM # 9 I WISH TO DONATE MY TIME TO _____

I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

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Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) ROBERT LAROCHE MEETING DATE 12-12-12

NAME OF GROUP/ORGANIZATION (if applicable) N/A

ADDRESS 6643 E. ALMERIA ZIP 85257

HOME PHONE 602-686-2947 WORK PHONE _____

E-MAIL ADDRESS (optional) _____

I WISH TO SPEAK ON AGENDA ITEM # 9 I WISH TO DONATE MY TIME TO _____

I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING LAS AGUAS

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"More than within reason!"



REQUEST TO SPEAK

9

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Additional time MAY be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) MARK Penna MEETING DATE 12/12/12

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 6719 E. Almeria ZIP 85257

HOME PHONE _____ WORK PHONE _____

E-MAIL ADDRESS (optional) _____

I WISH TO SPEAK ON AGENDA ITEM # _____ I WISH TO DONATE MY TIME TO _____

I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING Las Aguas

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.

Jagger, Carolyn

From: Chafin, Kim
Sent: Monday, January 14, 2013 12:06 PM
To: City Council
Cc: Jagger, Carolyn; Washburn, Bruce; Padilla, Joe; Katsenes, Paul; Grant, Randy; Curtis, Tim
Subject: Las Aguas Legal Protest, Case 8-ZN-202

Mayor and Council Members,

As you may know, a legal protest was filed on August 21, 2012 against case 8-ZN-2012, Las Aguas, a rezoning request from C-3 to PUD.

After careful consideration and evaluation of property within 150 feet of the rezoning area, it has been determined that the Legal Protest is valid under Zoning Ordinance Section 1.706.

This application is scheduled to be heard by the City Council on January 22, 2013.

Please let me know if you have any questions.

Thank you,

Kim Chafin, AICP, LEED-AP
Senior Planner
City of Scottsdale
Ph: 480-312-7734
Fax: 480-312-7088
email: kchafin@ScottsdaleAZ.gov

Cookson, Frances

From: Chafin, Kim
Sent: Tuesday, January 22, 2013 10:24 AM
To: Cookson, Frances
Subject: FW: Letter of opposition regarding Las Aguas (8-ZN-2012)

Good morning, Frances!
Received this email expressing opposition to the Las Aguas development proposal.
Thanks!

Kim Chafin, AICP, LEED-AP
Senior Planner
480-312-7734

From: Roy Cohen [mailto:callroyc@gmail.com]
Sent: Monday, January 21, 2013 5:28 PM
To: Chafin, Kim
Cc: Roy Cohen
Subject: Fwd: Delivery Status Notification (Failure)

----- Forwarded message -----

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Mon, Jan 21, 2013 at 2:23 PM
Subject: Delivery Status Notification (Failure)
To: callroyc@gmail.com

Delivery to the following recipient failed permanently:

KCHAFIN@scottsdale.gov

Technical details of permanent failure:
DNS Error: Domain name not found

----- Original message -----

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=callroyc@gmail.com; s=20120113;
h=mime-version:x-received:date:message-id:subject:from:to:cc
:content-type;
bh=JBwy2cTc0ll764hVuJT2seYegoi2c5k8E6j0ZpxNi0o=;
b=uTNVbU32tL0IIL+pOG5Ecg2vlt66y4f3tP7QQ/eBtm+oBy0EBhzAmUmSSrgxsCij6
A3P3XjZfbugpwWwul/FwqiXRWcenKjvOZstOxgCKlCuzHcj9KbwDlukvDTDTFtGOKrLW
x/kFECQkSFfzV0b3qk5llbaBdlVPpBQd9HUFrHZn5v56+MvnXtCtP8U9C8yfGfgxjt2
s4KvkFaVxFxKoGCHpU3g5oIldVQ62NwIUPr4kjn8MrbjFndiUAF1cP3vB2vRBO+4Ij



Stevens, Katie

From: Cookson, Frances
Sent: Thursday, January 24, 2013 9:31 AM
To: Stevens, Katie
Cc: Chafin, Kim
Subject: FW: Las Aguas (8-ZN-2012)

Katie,
Below is the email from a concerned citizen regarding 8-ZN-2012. Please, if able, add to the City Council Report for 2/5/2013.

Thanks

Frances Cookson
Planning Specialist
Current Planning
(480) 312-2542 | fax (480) 312-7088

 follow us on Facebook
 Twitter
Subscribe to [Scottsdale P & Z Link](#) newsletter

From: Chafin, Kim
Sent: Thursday, January 24, 2013 8:36 AM
To: Cookson, Frances
Subject: FW: Las Aguas (8-ZN-2012)

Good morning, Frances!
Just received this email from a neighbor who has concerns regarding the Las Aguas project. Is it too late to get it into the Council packet for Feb 5th?
Please advise.
Thanks, Frances!

Kim Chafin, AICP, LEED-AP
Senior Planner
480-312-7734

From: kelly vaughan [<mailto:kelleene@gmail.com>]
Sent: Thursday, January 24, 2013 8:27 AM
To: Chafin, Kim; Planning Customer Relations; Grant, Randy
Subject: Las Aguas (8-ZN-2012)

Kim Chafin, AICP

Senior Planner

City of Scottsdale Planning Department

7447 East Indian School Road

Scottsdale, AZ 85251

Re: Las Aguas (8-ZN-2012)

Property located at 6640 East McDowell Road

Interested Parties,

I am opposed to the zoning district amendment from Highway Commercial District (C-3) to Planned Unit Development (PUD) for the above referenced project. Additionally, I have objections to the Amended Development Standards as submitted for the Las Aguas project.

As you head east over the red buttes of Papago Park and are rewarded with the view of the McDowell Mountains, Four Peaks, and Superstitions, McDowell Road becomes the gateway to South Scottsdale. While I agree that a deteriorating auto dealership does not make a good first impression, neither does the proposed Las Aguas apartment complex. These three-story apartments along the street frontage will block the view of the mountainous skyline and landscape for which Scottsdale is known.

The neighborhood directly adjacent to the north side of the property, Village Grove 1-6, is one of Scottsdale's three residential historic districts. By design these single-story Ranch homes define the suburban character of the neighborhood, and any new construction within Village Grove 1-6 must heed to the one-story historic district height scale. It is counterproductive to Scottsdale's Historic Preservation Ordinance to allow a three-story apartment complex adjacent to the historic neighborhood as it would not respect the existing area character.

With the projects already under construction the McDowell Road Corridor is progressing toward an oversupply of apartments in the area. Less than one mile to the east, the Mark-Taylor Development will add 536 units and the new residential units at SkySong will add 325 units. With the influx of residents from these two large-scale projects, the proposed Las Aguas 154-unit project will further tax our local infrastructure. The 6640 East McDowell property is better suited for commercial development that will serve the surrounding neighborhood.

The submitted Amended Development Standards for Las Aguas are concerning. Within Section 5.5005.H the developer "is requesting an amendment to reduce the required setback from the residential zoning district from 20 feet to 10 feet." This setback on the north side of the property (*of which per Development Standards may include landscaping, refuse service, recycling, utility boxes, and amenities such as playground equipment, picnic tables and screen walls*) is bordered by a proposed continuous 8'8" CMU block fence (Attachment A, Required Stipulations, 2) and the 19' tall garage units to the south. Within this amended 10-foot setback the developer states, "The landscaping on the north boundary shall be a dense growing type tree (applicant agrees to Acacia variety with a minimum 3-inch caliper) which provides an additional continuous visual barrier which will be maintained." (Attachment A, Required Stipulations, 6). As the amended setback is only 10 feet, this does not provide adequate room for mature, dense growing trees. Additionally, as Acacia variety trees require

full sun and the garages are to be 19 feet tall, there will be little if any sunlight within the 10-foot setback. Security and unsavory activity within this 10-foot setback will be an additional concern; however, the lighting required to monitor the area (developer states, "maximum height...shall be 20 feet above the adjacent finished grade) will have a negative effect on the neighborhood to the North.

The Las Aguas project is not suited for the property at 6640 East McDowell Road and, as such, the zoning should remain Highway Commercial District (C-3).

Sincerely,

Kelly Vaughan

6726 East Granada Road

Scottsdale, AZ 85257

Stevens, Katie

From: WebSiteUser@scottsdaleaz.gov
Sent: Tuesday, January 29, 2013 10:31 PM
To: Jagger, Carolyn; Stevens, Katie
Subject: Agenda Item Comment for 02/05/13 - Item 17)Las Aguas Rezoning (8-ZN-2012)

Meeting Date: 02/05/13
Item Number: 17)Las Aguas Rezoning (8-ZN-2012)

Contact Information (if blank, user did not provide):

Name: Lisa Sampson
Address: 6632 East Hubbell Street
C/S/Z: Scottsdale, AZ 85257
Phone:

Comment for 02/05/13 Item 17)Las Aguas Rezoning (8-ZN-2012) :

Having lived just N of the proposed apt. site, for over 20yrs, I am in opposition to possibly 300-600 transient apartment dwellers living next to our "Historic District". This is not desirable for our peaceful low crime S. Scottsdale neighborhood. Signed petitions will be presented.

Chafin, Kim

From: Grant, Randy
Sent: Friday, February 01, 2013 12:07 PM
To: Curtis, Tim; Chafin, Kim
Cc: Katsenes, Paul
Subject: FW: LAS Aguas

Tim and Kim, for the file. Thanks!

From: Janice Duhamé [<mailto:jduhame@cox.net>]
Sent: Friday, February 01, 2013 11:27 AM
To: Grant, Randy
Subject: LAS Aguas

Scottsdale needs to set a better tone if it expects McDowell Rd to fulfill it's potential...where is Herb Drinkwater and his inspirational visions of solid development when he is needed most.

McDowell Rd is the biggest and best op we have...do it right or wait!
Let get a grand plan and make it happen.
Everything right there waiting to blossom.

Janice Duhamé
From 1960 a resident of our great city

Chafin, Kim

From: Jane Burtnett <janeburtnett@yahoo.com>
Sent: Thursday, January 31, 2013 9:24 PM
To: Chafin, Kim
Subject: Las Aguas (8-ZN-2012)

Kim Chafin, AICP
Senior Planner
City of Scottsdale Planning Department
7447 East Indian School Road
Scottsdale, AZ 85251
Re: Las Aguas (8-ZN-2012)
Property located at 6640 East McDowell Road
Dear Ms. Chafin:

I am opposed to the zoning district amendment from Highway Commercial District (C-3) to Planned Unit Development (PUD) for the above referenced project. Here is why:

I love being able to see the mountains, something that is getting harder and harder to do in south Scottsdale. These three-story apartments along the street frontage will block the view of the mountains, thus diminishing, once again, the view I and many residents love.

The neighborhood directly adjacent to the north side of the property, Village Grove 1-6, is one of Scottsdale's three residential historic districts. By design, these single-story ranch homes define the suburban character of the neighborhood, and any new construction within Village Grove 1-6 must heed to the one-story historic district height scale. It is counterproductive to Scottsdale's Historic Preservation Ordinance to allow a three-story apartment complex adjacent to the historic neighborhood as it would not respect the existing area character. We in the neighborhood have agreed to the restrictions that come with being named an historic neighborhood, and I find it disconcerting that the city will allow the building of non-conforming structures to be built in the neighborhood after spending time and money to create the historic designation

There is already traffic congestion at the intersection of 68th Street and McDowell Road. It can take two or more lights before I can continue south on 68th Street during rush hour. These apartments will add to the congestion, something we don't need. With additional apartments going up around SkySong, there will already be added traffic; we do not need more from proposed apartments at 6640 East McDowell Road.

For these reasons, the Las Aguas project is not suited for the property at 6640 East McDowell Road.

Thank you for your consideration.
Sincerely,
Jane S. Burtnett
6713 East Granada Road
Scottsdale, AZ 85257

Petition in Opposition to Las Aguas (8-ZN-2012)

We, the undersign, oppose the proposed Las Aguas apartment development at 6640 E. McDowell Rd (8-ZN-2012)

Sign only if you've a registered voter - TX

	Name	Address	Signature	Date
1	Jane S. Burtnett	6713 E. Granda 85257	<i>Jane S. Burtnett</i>	1/26/13
2	Mac Sampson	10032 E. Granda St	<i>Mac Sampson</i>	1/29/13
3	Thor Norland	6644 E HUBBELL		1/29/13
4	DAVID VOUGHT	6638 E. Hubbell	<i>David Vought</i>	1/31/13
5	Marilyn Maradea	6743 E Hubbell	<i>Marilyn Maradea</i>	1/31/13
6	TODD LAURENT	6025 E HUBBELL ST	<i>Todd Laurent</i>	01-31-13
7	Sandra Zwick	6631 E Hubbell St	<i>Sandra Zwick</i>	1/31/13
8	STEVEN SAMPSON	6632 E Hubbell St	<i>Steven D. Sampson</i>	1/31/13
9	TODD STARK	10030 E. HUBBELL ST.	<i>Todd Stark</i>	1/31/13
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OFFICE OF THE CITY CLERK
2013 FEB - 1 AM 11:34

Registered Voters
ONLY
Thx!

Petition in Opposition to Las Aguas (8-ZN-2012)

We, the undersign, oppose the proposed Las Aguas apartment development at 6640 E. McDowell Rd (8-ZN-2012)

	Name	Address	Signature	Date
1	William Pombratz	6637 E. Holly	<i>William Pombratz</i>	29 JAN 2013
2	Rich Lehnand	6631 E Holly	<i>Rich Lehnand</i>	29 Jan 2013
3	James Benavides	6701 E Holly	<i>James Benavides</i>	29 Jan 2013
4	Katharine Anderson	6702 E Holly	<i>Katharine Anderson</i>	29 Jan 2013
5	Robert Anderson	6702 E Holly	<i>Robert Anderson</i>	29 Jan 2013
6	RANDY Klus KLUS	6725 E. Holly	<i>Randy Klus</i>	29 JAN 2013
7	Kate Martin	6735 E Holly	<i>Kate Martin</i>	29 Jan 2013
8	Sarah Martin	6737 E Holly	<i>Sarah Martin</i>	29 Jan 2013
9	Cheryl Martin	6737 E Holly	<i>Cheryl Martin</i>	29 JAN 2013
10	CLAYTON Martin	6737 E Holly	<i>Clayton Martin</i>	29 Jan 2013
11	Russell Reiten	6774 E Holly St	<i>Russell Reiten</i>	1-30-13
12	Wally Tubbs	6733 E Holly St	<i>Wally Tubbs</i>	1-30-13
13	Lucile HASBROOK	6713 E HOLLY	<i>Lucile Hasbrook</i>	1-30-13
14	Sarah Danielle Mikulencak	6631 E. Holly St	<i>Sarah Mikulencak</i>	1-30-13
15	Max Malouff	6704 E. Holly St	<i>Max Malouff</i>	1-30-13
16	Richard Dippold	345 E Taylor	<i>Richard Dippold</i>	1-30-13
17	DARCO BRLOBAS	6638 E. HOLLY ST.	<i>Darco Brlobas</i>	1-30-2013
18	KASS HOENKE	2614 N 68TH PL	<i>Kass Hoenske</i>	1-30-2013
19	Dale Orub	6626 E. Holly St	<i>Dale Orub</i>	1-30-13
20	Debra Orub	6626 E. Holly St.	<i>Debra Orub</i>	1-30-13
21				
22				2013 FEB -1 PM 12:00
23				CITY CLERK
24				OFFICE OF THE
25				



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, DECEMBER 12, 2012

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Michael D'Andrea, Chairman
Ed Grant, Vice-Chair
Erik Filsinger, Commissioner
David Brantner, Commissioner
Matt Cody, Commissioner
Jay Petkunas, Commissioner
Michael Edwards, Commissioner

STAFF: Tim Curtis
Joe Padilla
Kim Chaffin
Greg Bloemberg
Jeff Barnes
Lorraine Castro

CALL TO ORDER

Chair D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:02 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:

www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of November 14, 2012 Regular meeting Minutes including Study Session.

COMMISSIONER CODY MOVED TO APPROVE THE NOVEMBER 14, 2012 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION. SECONDED BY VICE-CHAIR GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. 27-UP-2006#2 (T-Mobile Scottsdale Ranch)
3. 24-UP-2012 (Hollywood Live)
4. 21-UP-2012 (Derby Public House)
5. 22-UP-2012 (Derby Public House)
6. 5-AB-2012 (Brusally Ranch)
7. 13-AB-2010#2 (Notre Dame Preparatory High School)

COMMISSIONER FILSINGER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASES 27-UP-2006#2, 24-UP-2012, 21-UP-2012, 22-UP-2012, 5-AB-2012 AND 13-AB-2010#2 PER THE STAFF RECOMMENDED STIPULATIONS, AFTER FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

8. (Approval of 2013 Calendar)

COMMISSIONER PETKUNAS MOVED TO APPROVE THE 2013 CALENDAR, SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

REGULAR AGENDA

9. 8-ZN-2012 (Las Aguas)

COMMISSONER BRANTNER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR THE APPROVAL OF CASE 8-ZN-2012 INCLUDING THE DEVELOPMENT PLAN, PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE PLANNED UNIT DEVELOPMENT FINDINGS HAVE BEEN MET, AND AFTER DETERMINING THAT THE PROPOSED ZONING MAP AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN. SECONDED BY VICE-CHAIR GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

Robert LaRoche, Mark Penna, Roy Sosa, Sonya Edmond, Cecile Rosales and Kelly Vaughn provided comments.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:17 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

Las Aguas

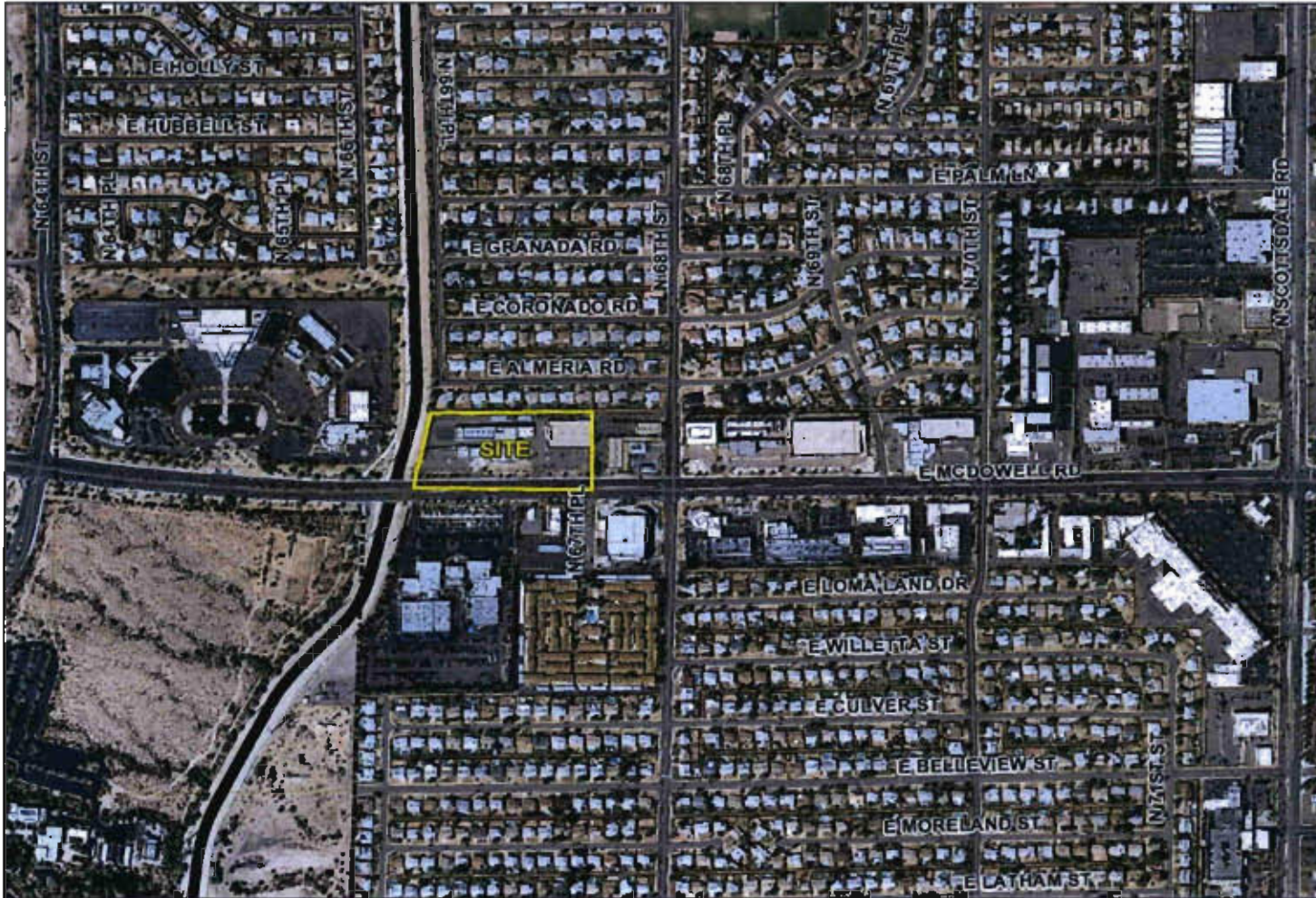
8-ZN-2012

City Council

March 5, 2013

Coordinator: Kim Chafin, AICP, LEED-AP

Las Aguas



CONTEXT AERIAL

8-ZN-2012

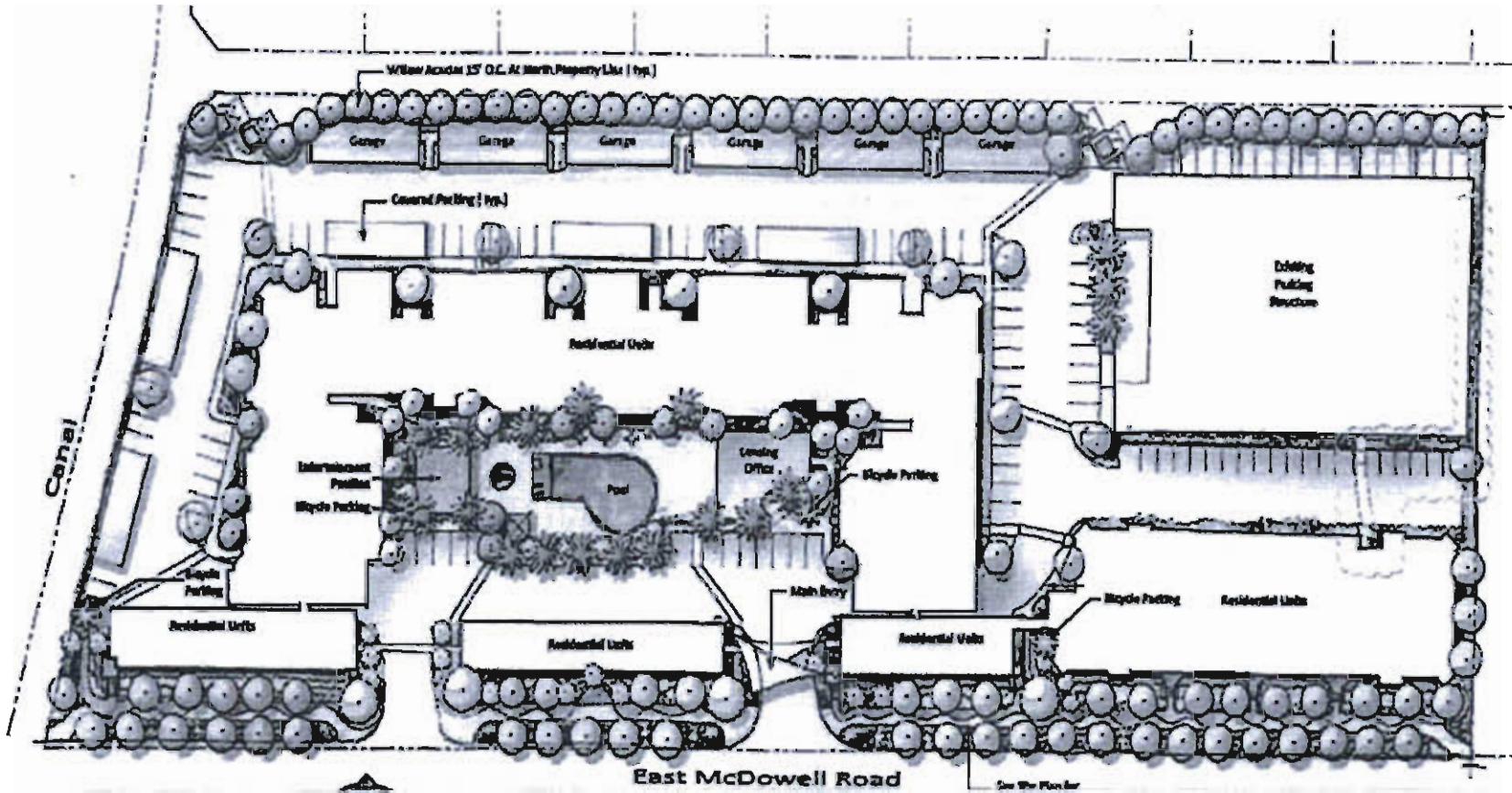
Las Aguas



CLOSE-UP AERIAL

8-ZN-2012

Las Aguas



SITE/LANDSCAPE PLAN

8-ZN-2012

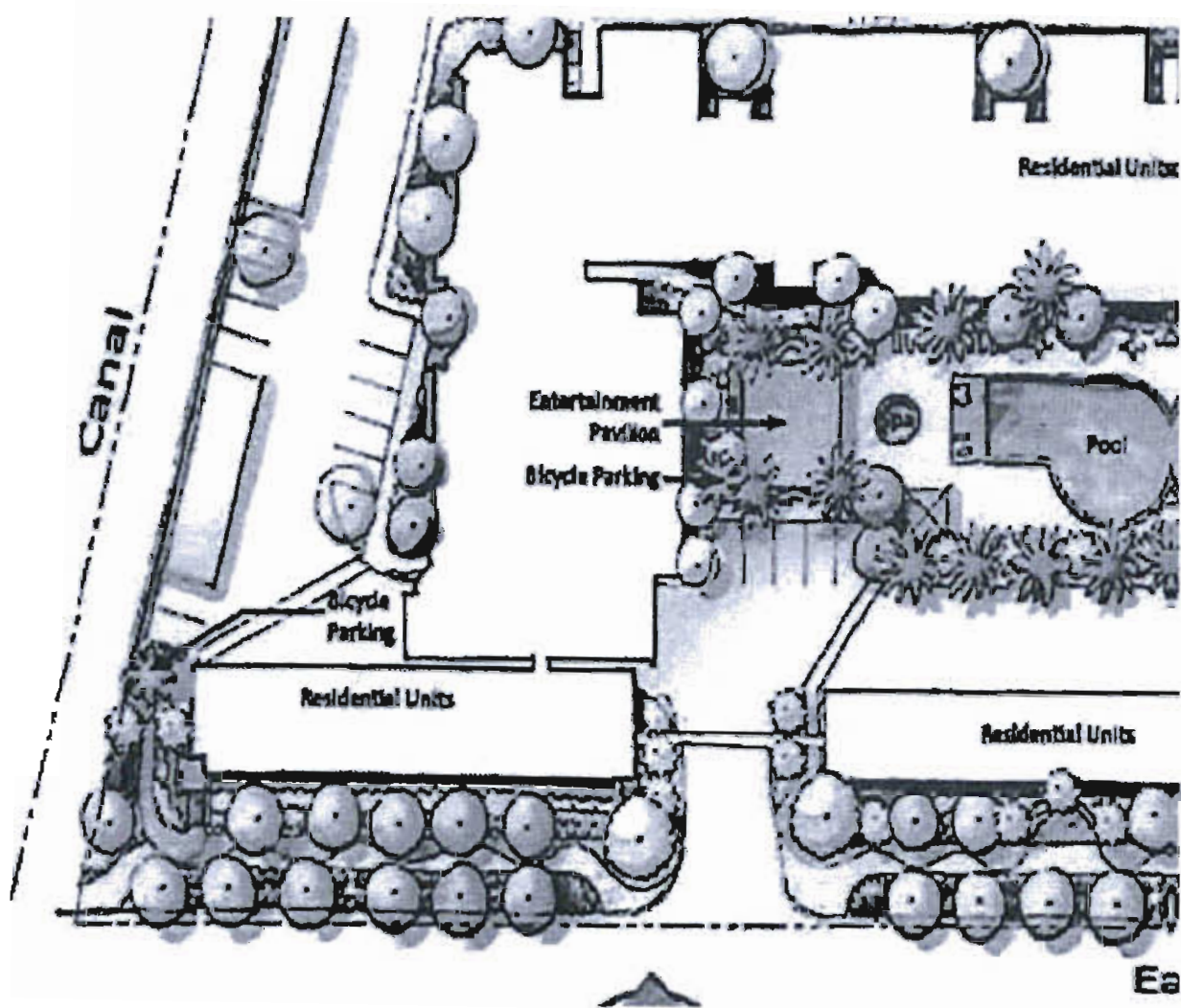
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

Las Aguas



Enhanced Pedestrian Connections

8-ZN-2012

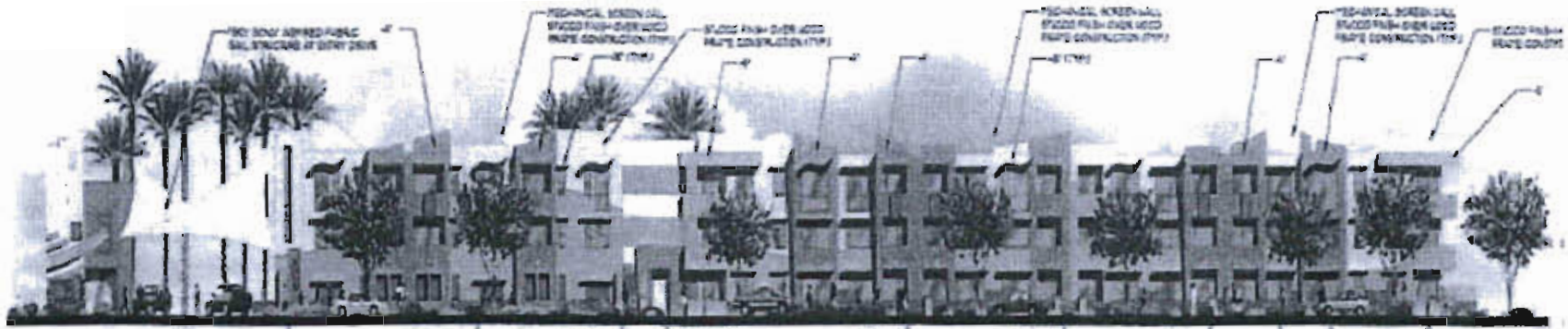
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

Las Aguas

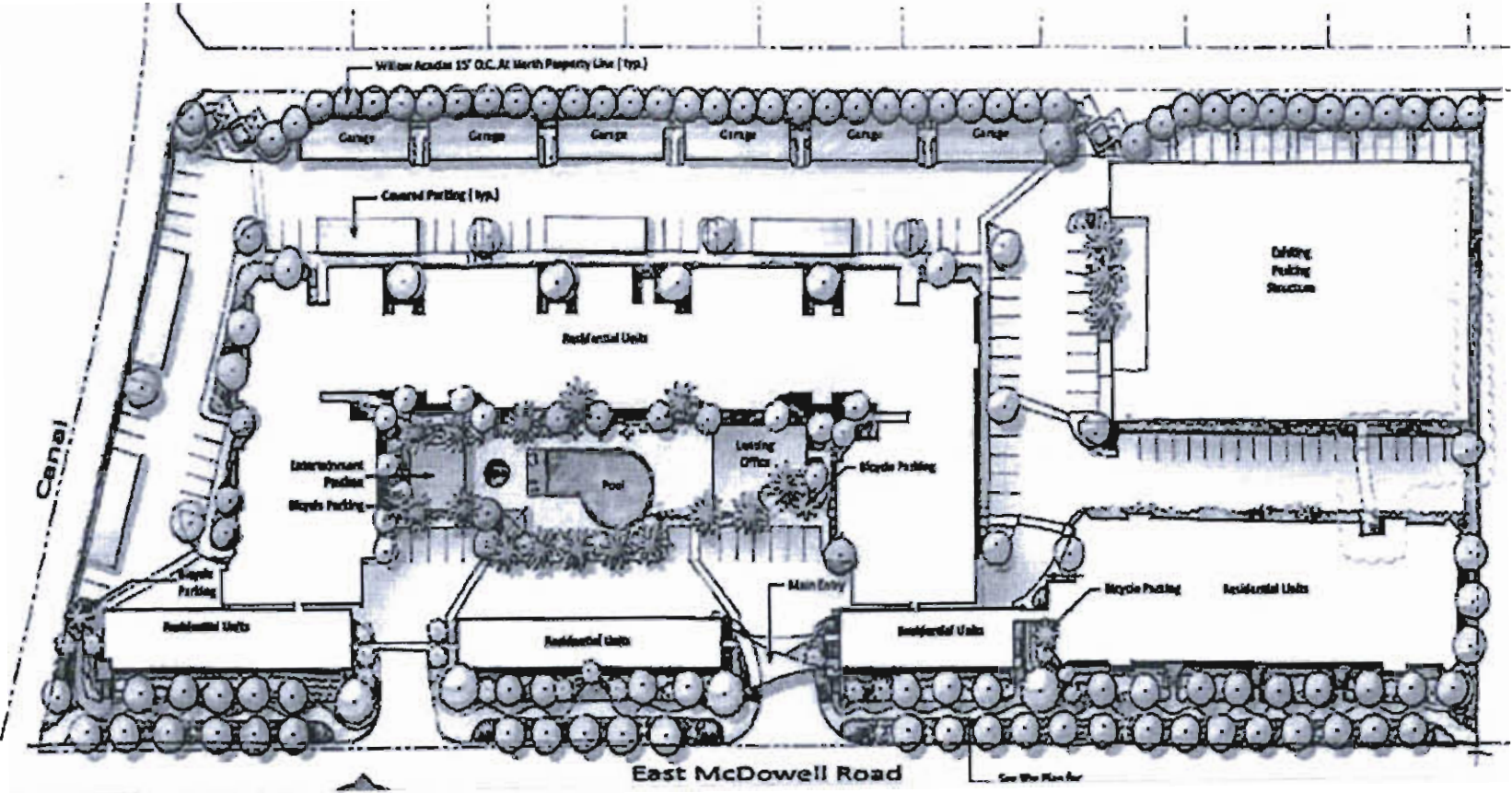


Enlarged McDowell Road Elevation (East of Main Entry Drive)



Enlarged McDowell Road Elevation (West of Main Entry Drive)

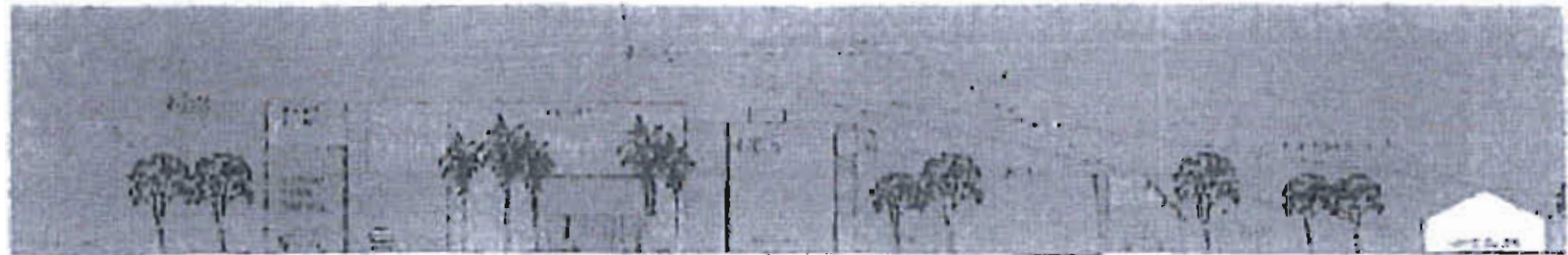
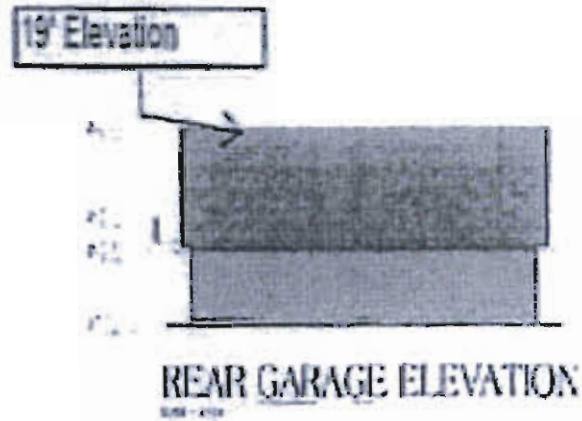
Las Aguas



SITE/LANDSCAPE PLAN

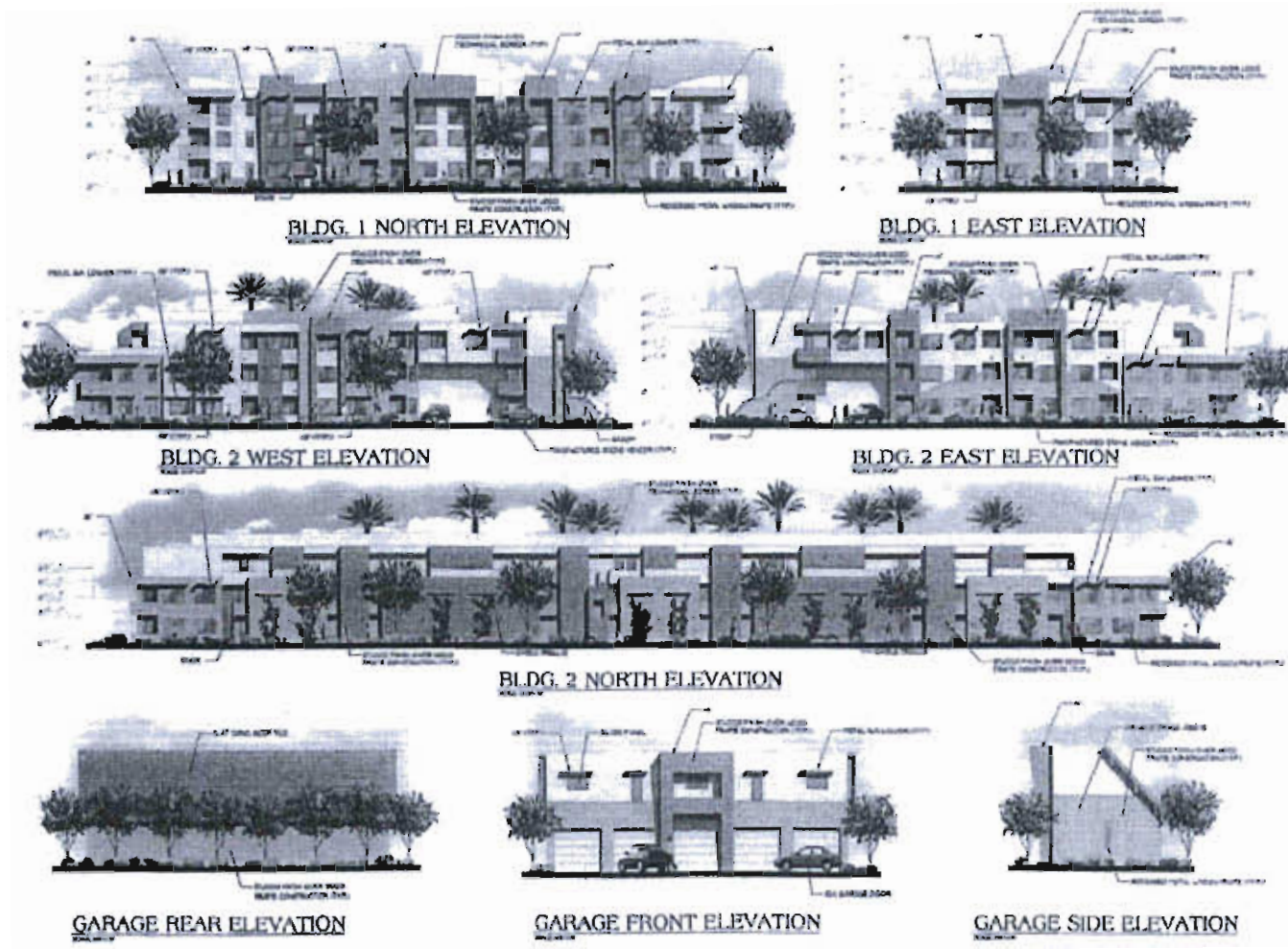
8-ZN-2012

Las Aguas



SITE CROSS SECTION

Las Aguas



Building Elevations

8-ZN-2012

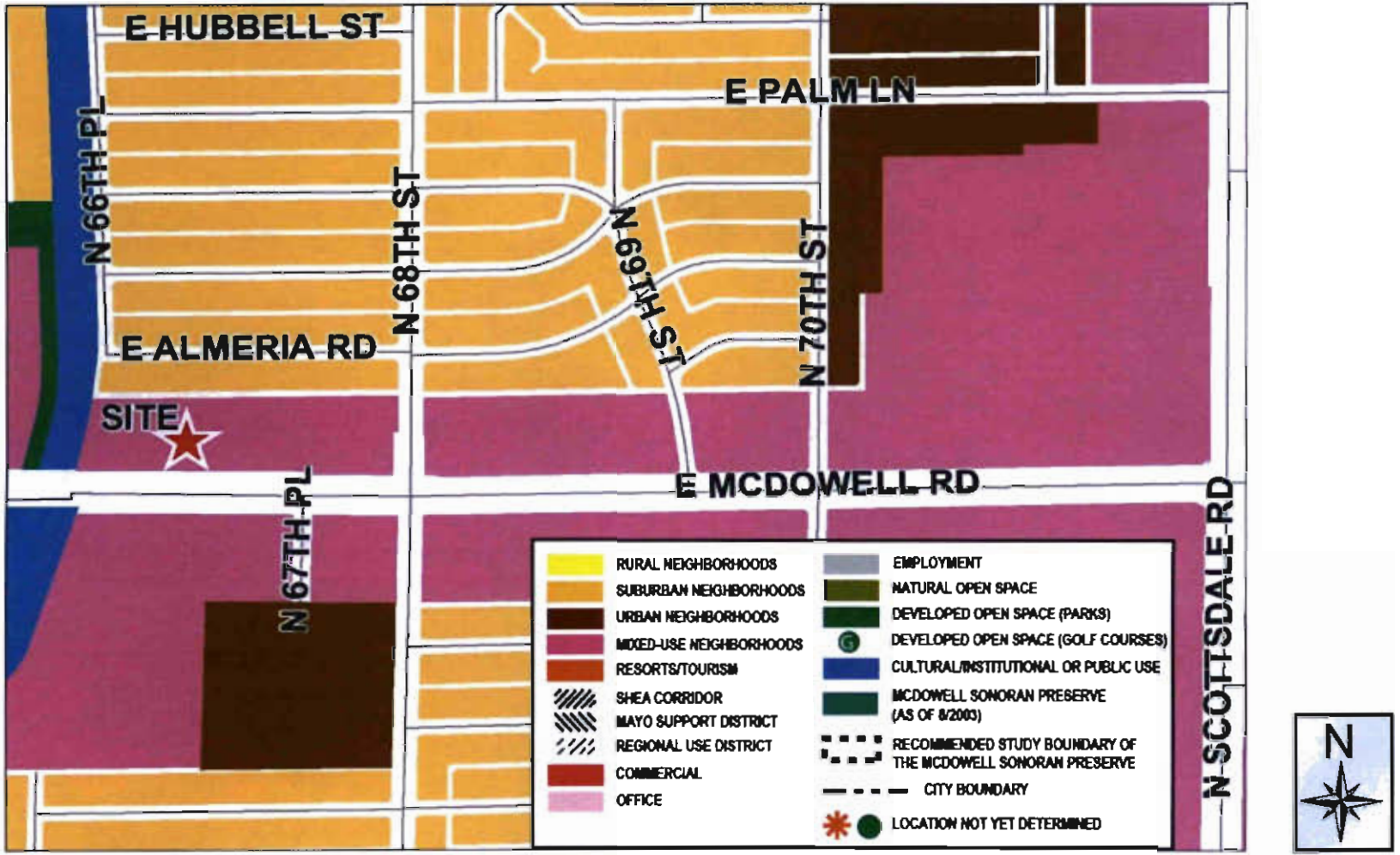
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

Las Aguas



LAND USE

8-ZN-2012

Las Aguas



ZONING MAP

8-ZN-2012

Stevens, Katie

From: WebSiteUser@scottsdaleaz.gov
Sent: Tuesday, March 05, 2013 11:55 AM
To: Jagger, Carolyn; Stevens, Katie
Subject: Agenda Item Comment for 03/05/13 - Item 12

Meeting Date: 03/05/13
Item Number: 12

Contact Information (if blank, user did not provide):

Name: Lisa Sampson
Address: 6632 E. Hubbell Street
C/S/Z: Scottsdale, AZ 85257
Phone:

Comment for 03/05/13 Item 12:

Would like the counsel to hear a local citizen's neighborhood opinion.
Also have citizen petitions collected for submission against this proposed development.

BERRY RIDDELL & ROSENSTEEL LLC

Michele Hammond
Principal Planner
(480) 385-2753 Direct
mh@brrlawaz.com

client no: 00684.0001

March 4, 2013

Via Email

Kim Chafin, Senior Planner
Carolyn Jagger, City Clerk
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

*Re: 8-ZN-2012 / Las Aguas
Continuance Request*

Dear Ms. Chafin/ Ms. Jagger:

Please accept this letter on behalf of our client, Chason Development, requesting a continuance of the City Council hearing regarding the above referenced case to the April 9, 2013 City Council hearing. This will allow us to continue our outreach efforts with the neighborhood. We will endeavor to notify the neighbors of this request prior to the City Council hearing on March 5th.

Please do not hesitate to contact me should you have any questions or concerns.

Very truly yours,



Michele Hammond
Principal Planner

cc: Mark Chason, via email
Jeff Birtch, via email
Skip Niemiec, via email
Susan Bitter Smith, via email

Las Aguas

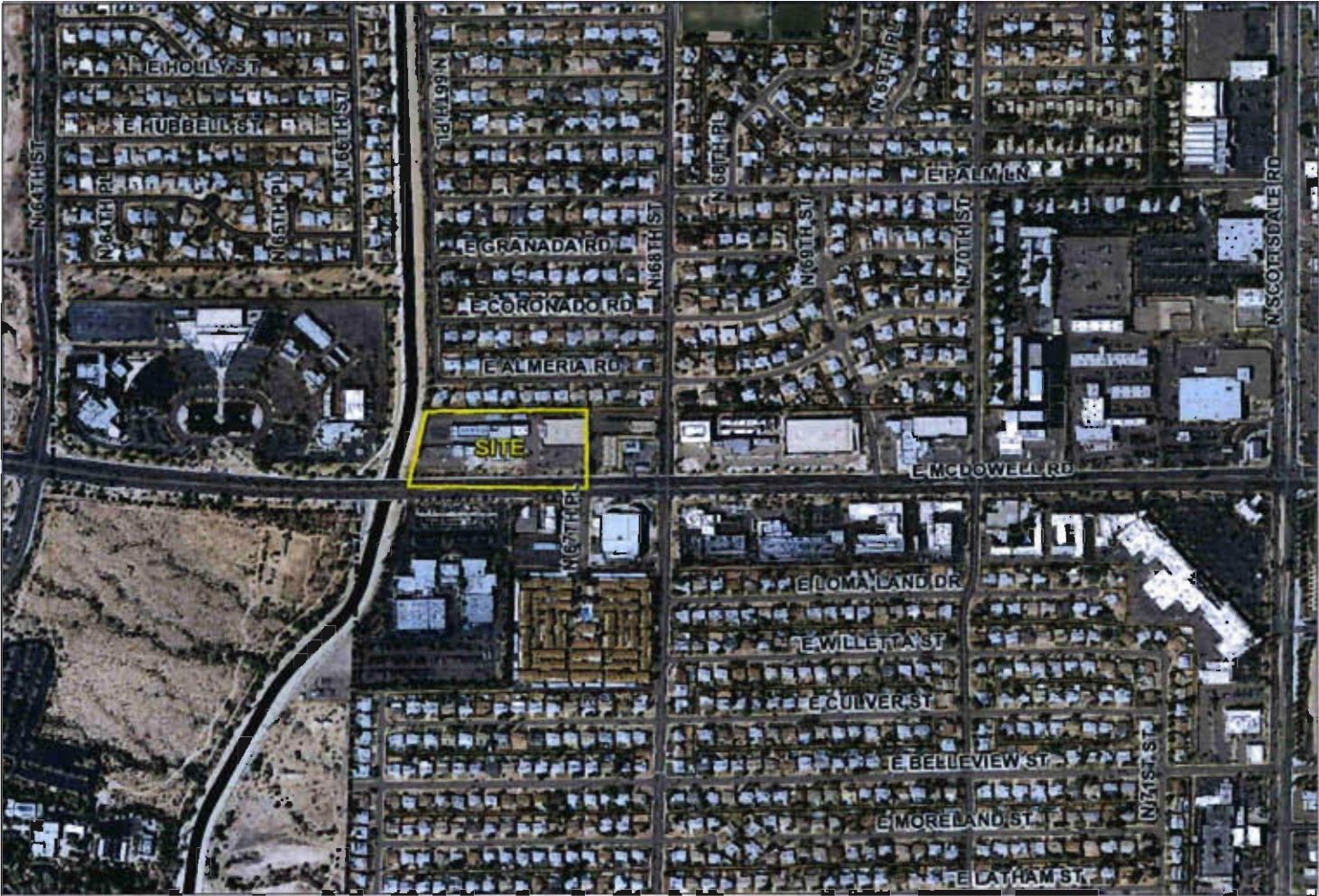
8-ZN-2012

City Council

April 9, 2013

Coordinator: Kim Chafin, AICP, LEED-AP

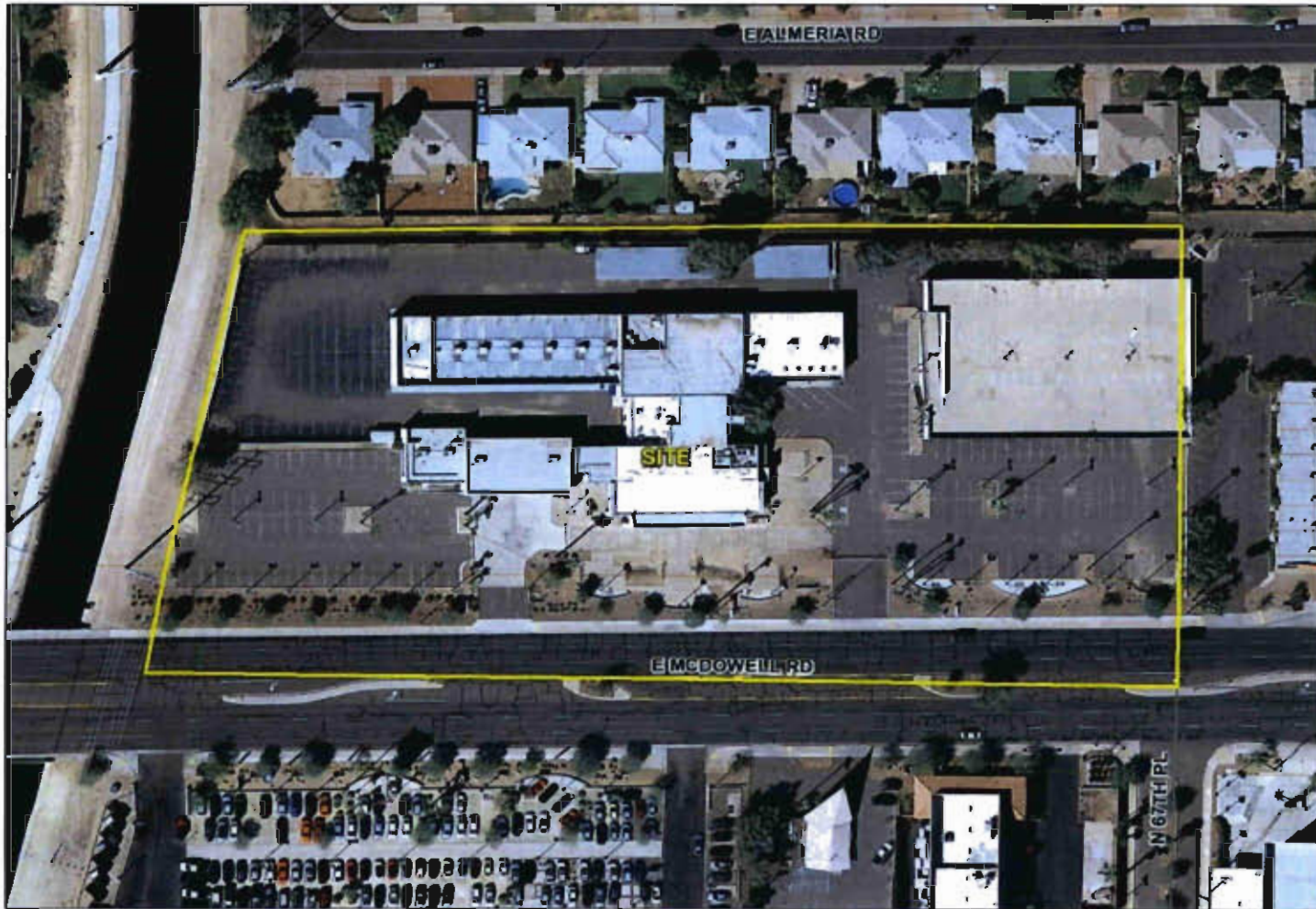
Las Aguas



CONTEXT AERIAL

8-ZN-2012

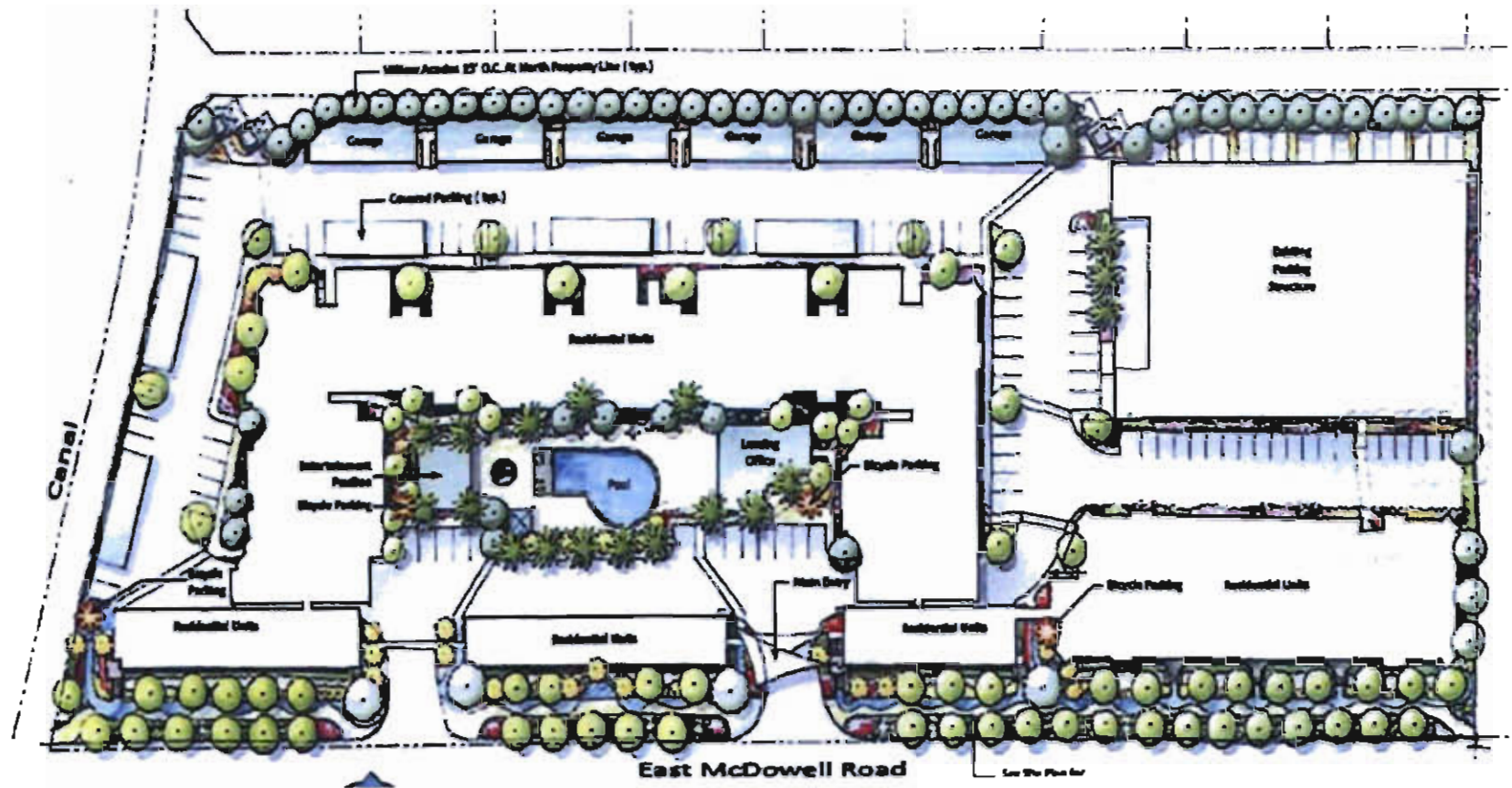
Las Aguas



CLOSE-UP AERIAL

8-ZN-2012

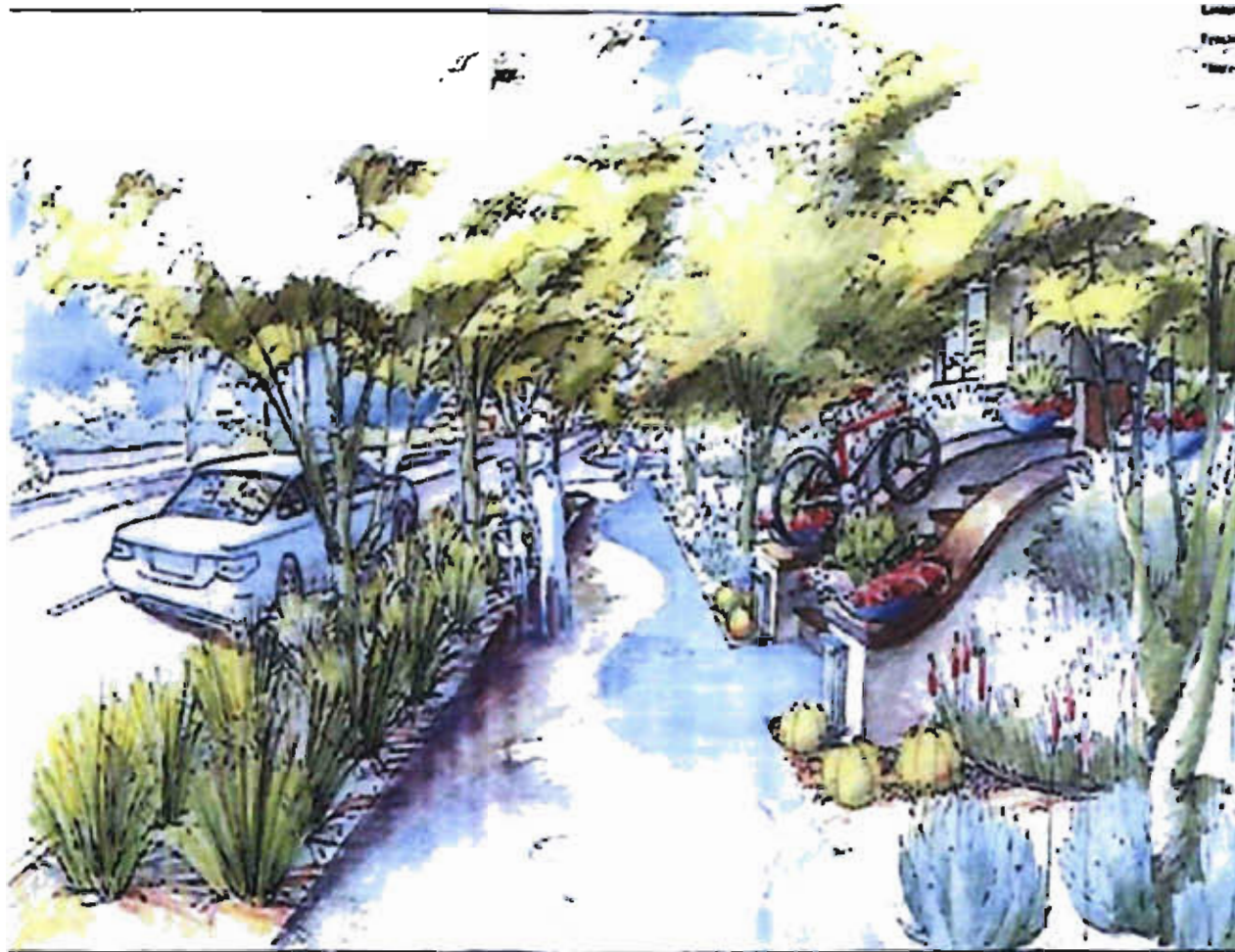
Las Aguas



SITE/LANDSCAPE PLAN

8-ZN-2012

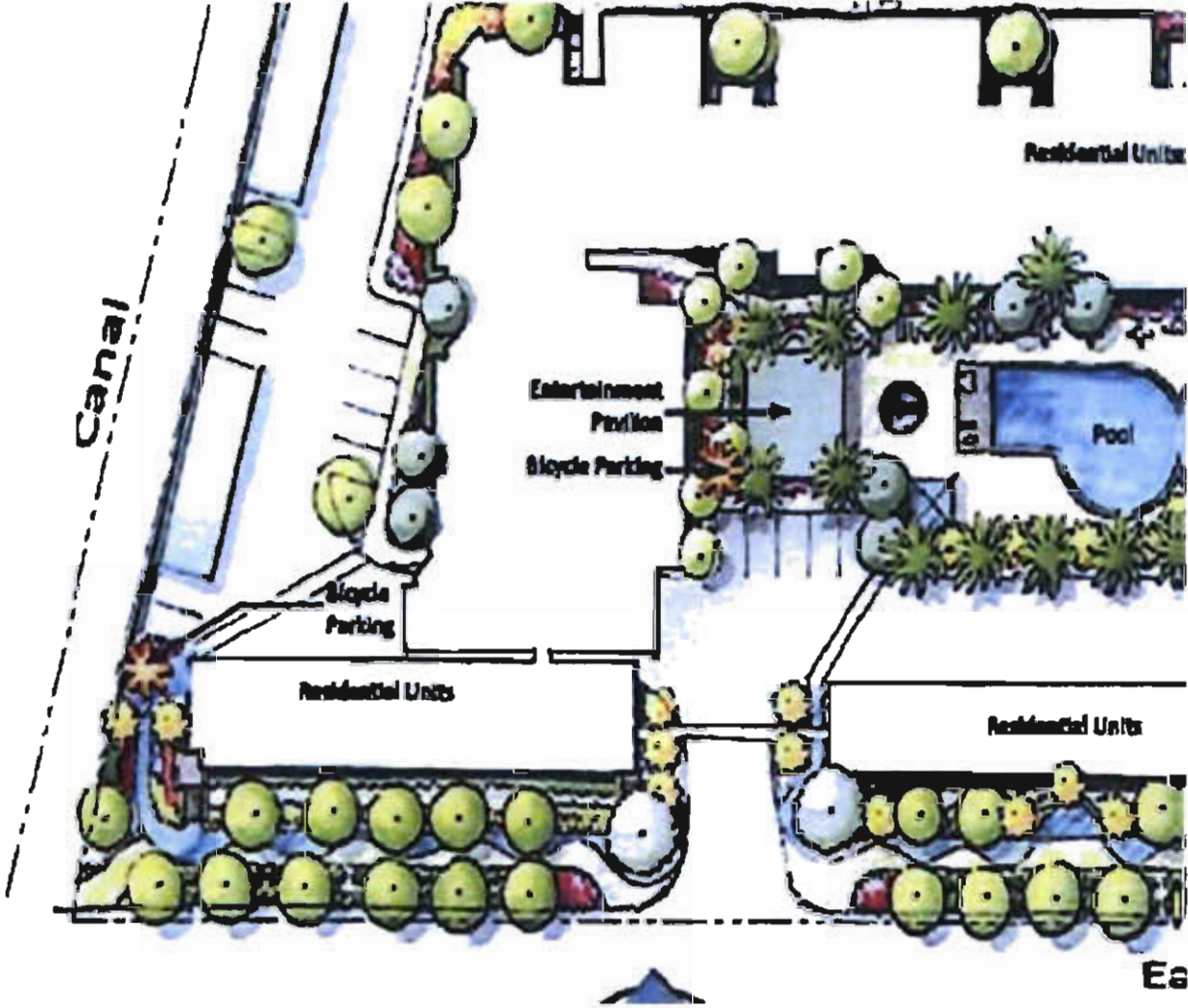
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

Las Aguas

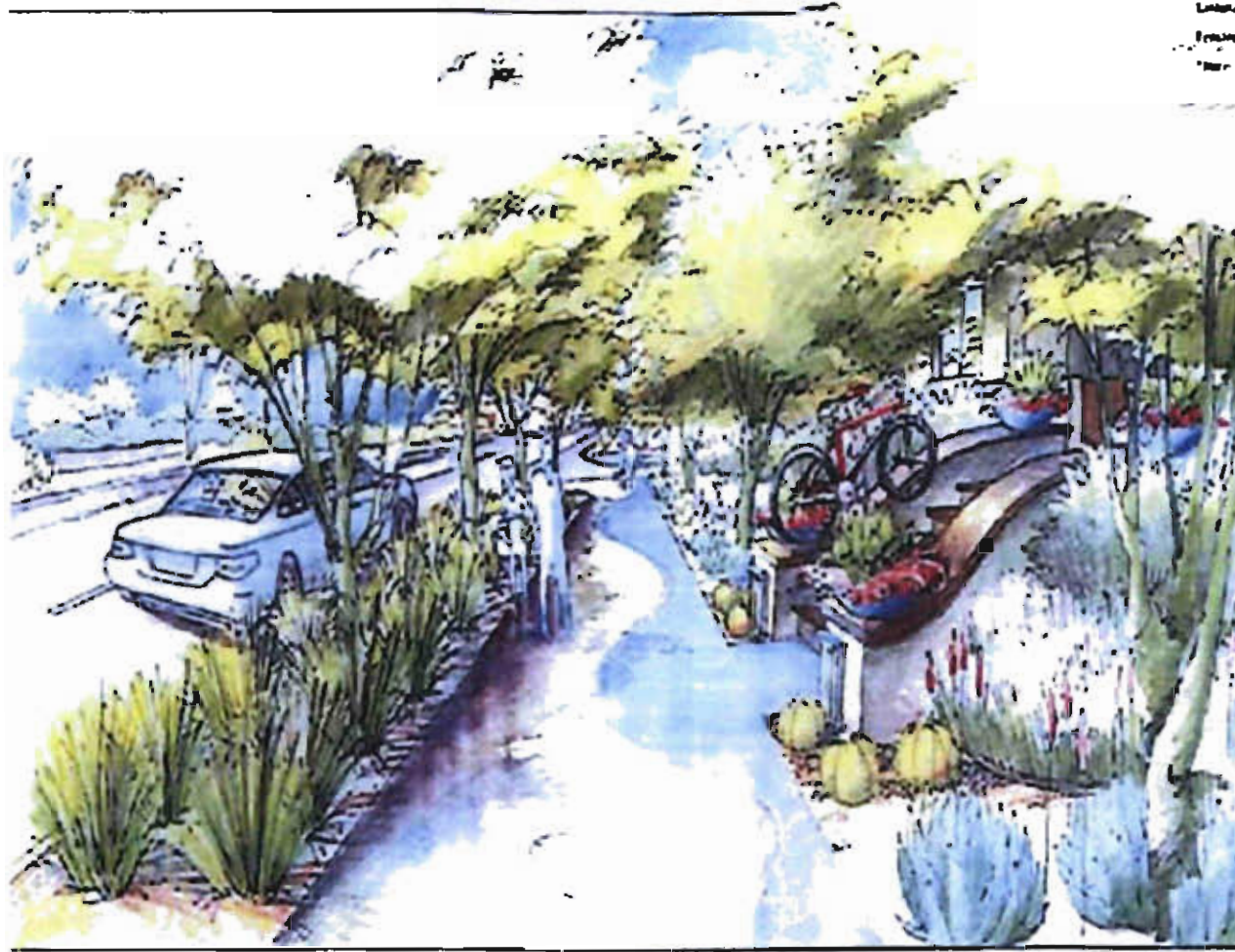


Enhanced Pedestrian Connections



8-ZN-2012

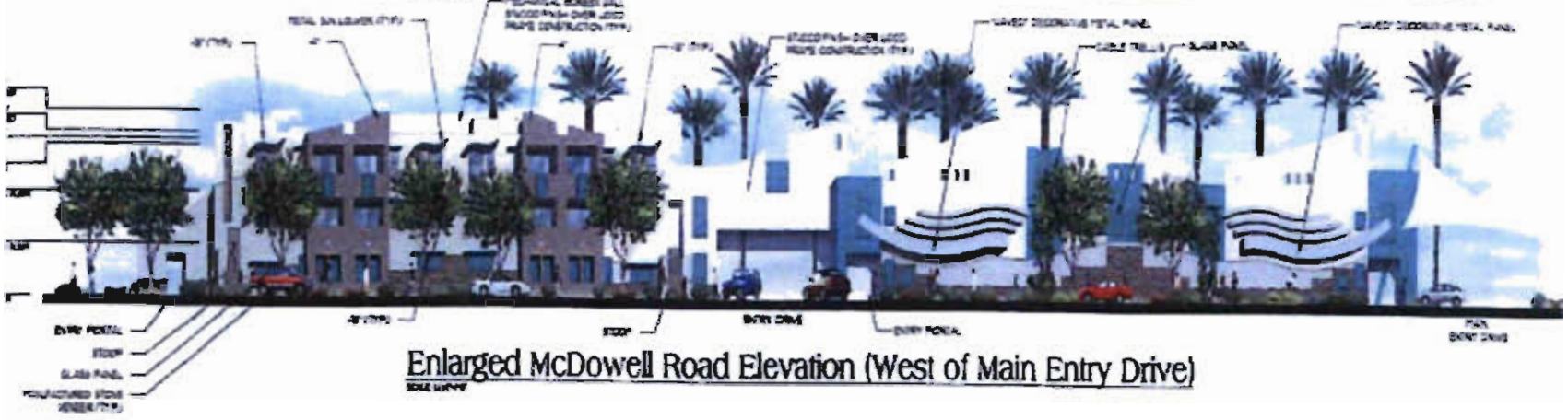
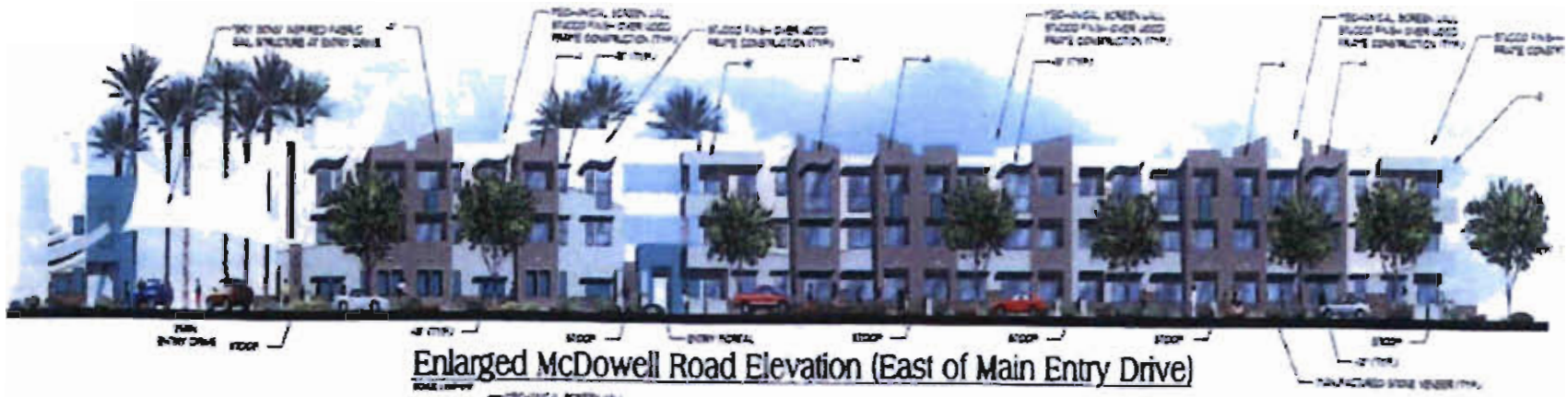
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

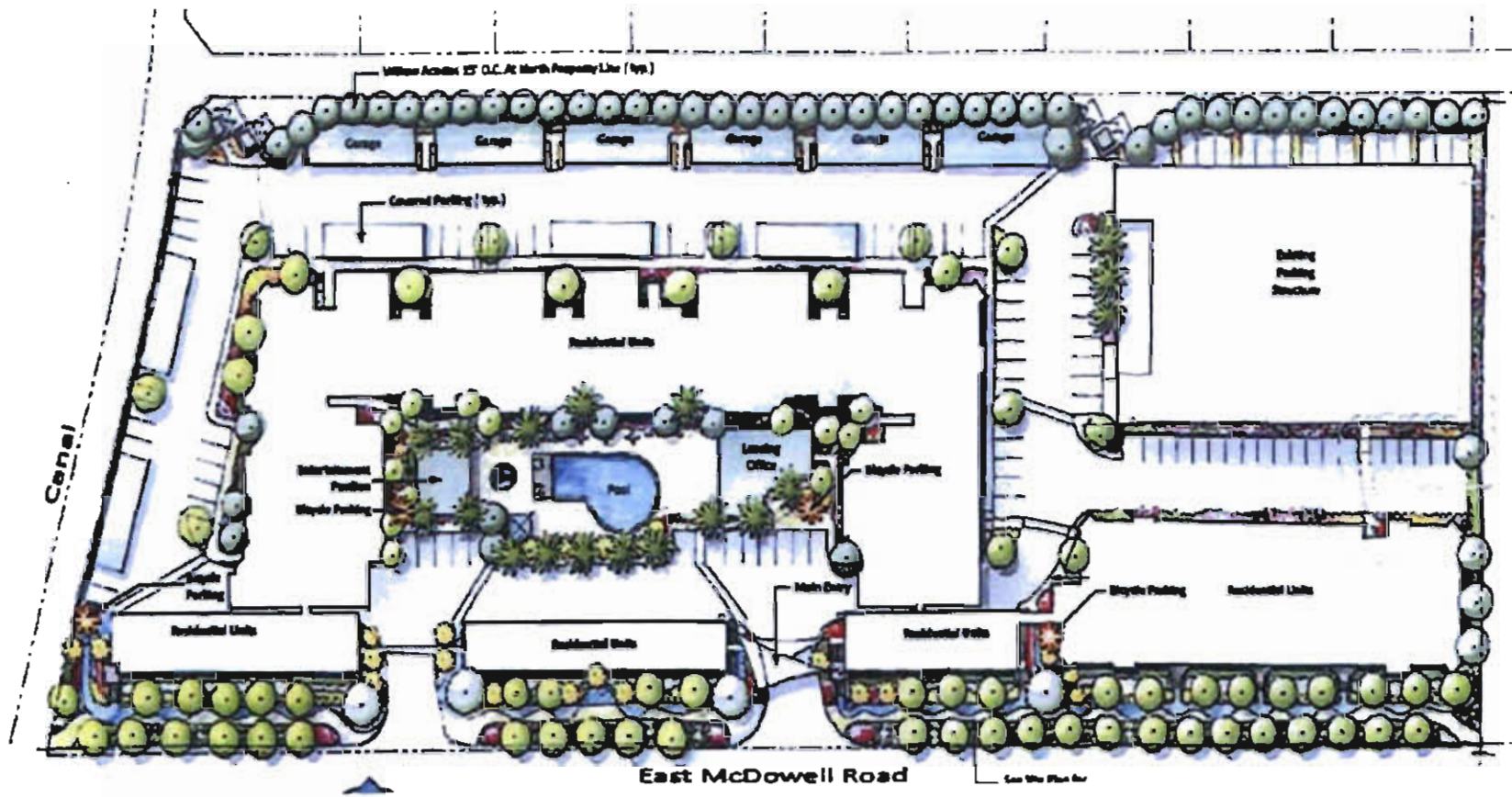
Las Aguas



McDowell Road Building Elevations

8-ZN-2012

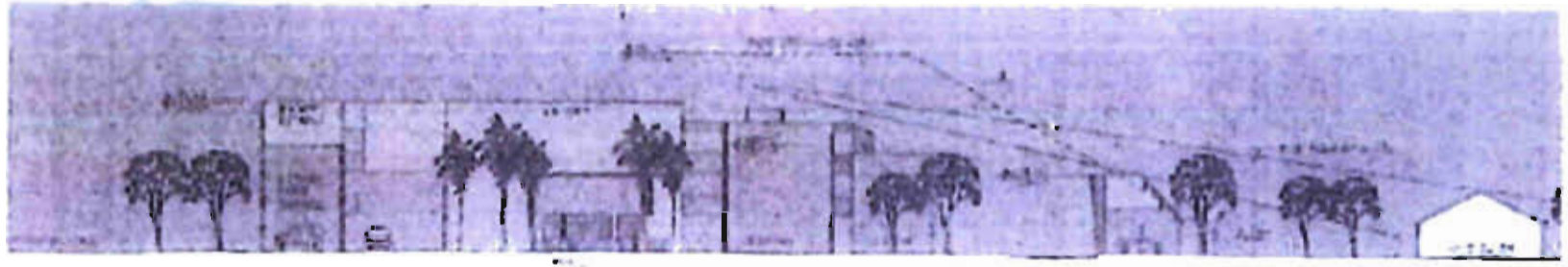
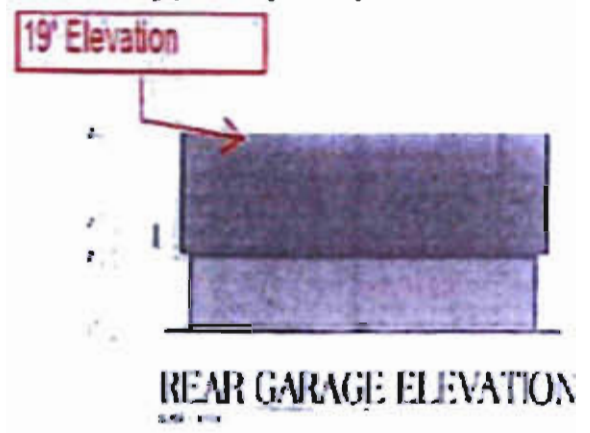
Las Aguas



SITE/LANDSCAPE PLAN

8-ZN-2012

Las Aguas



SITE CROSS SECTION

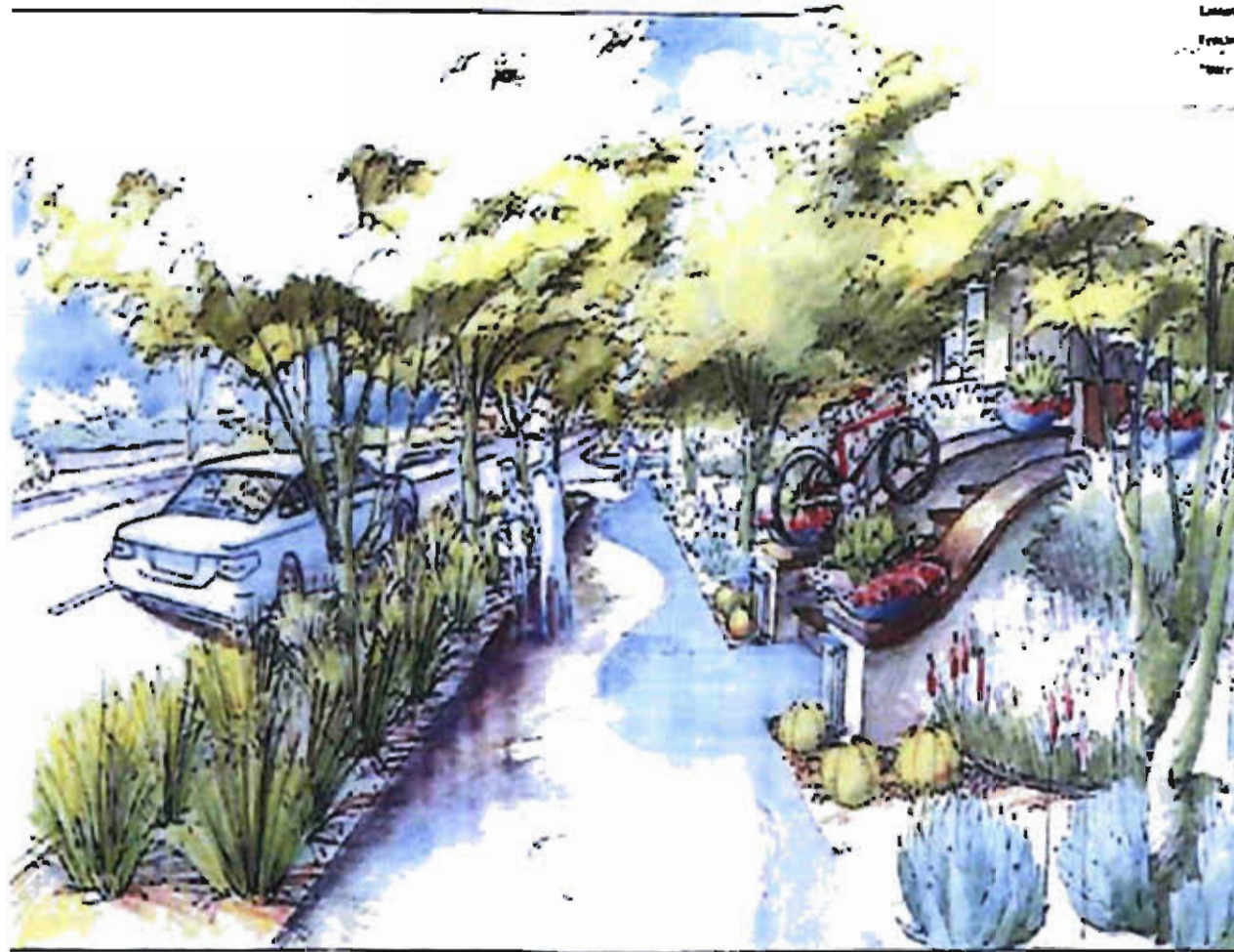
Las Aguas



Building Elevations

8-ZN-2012

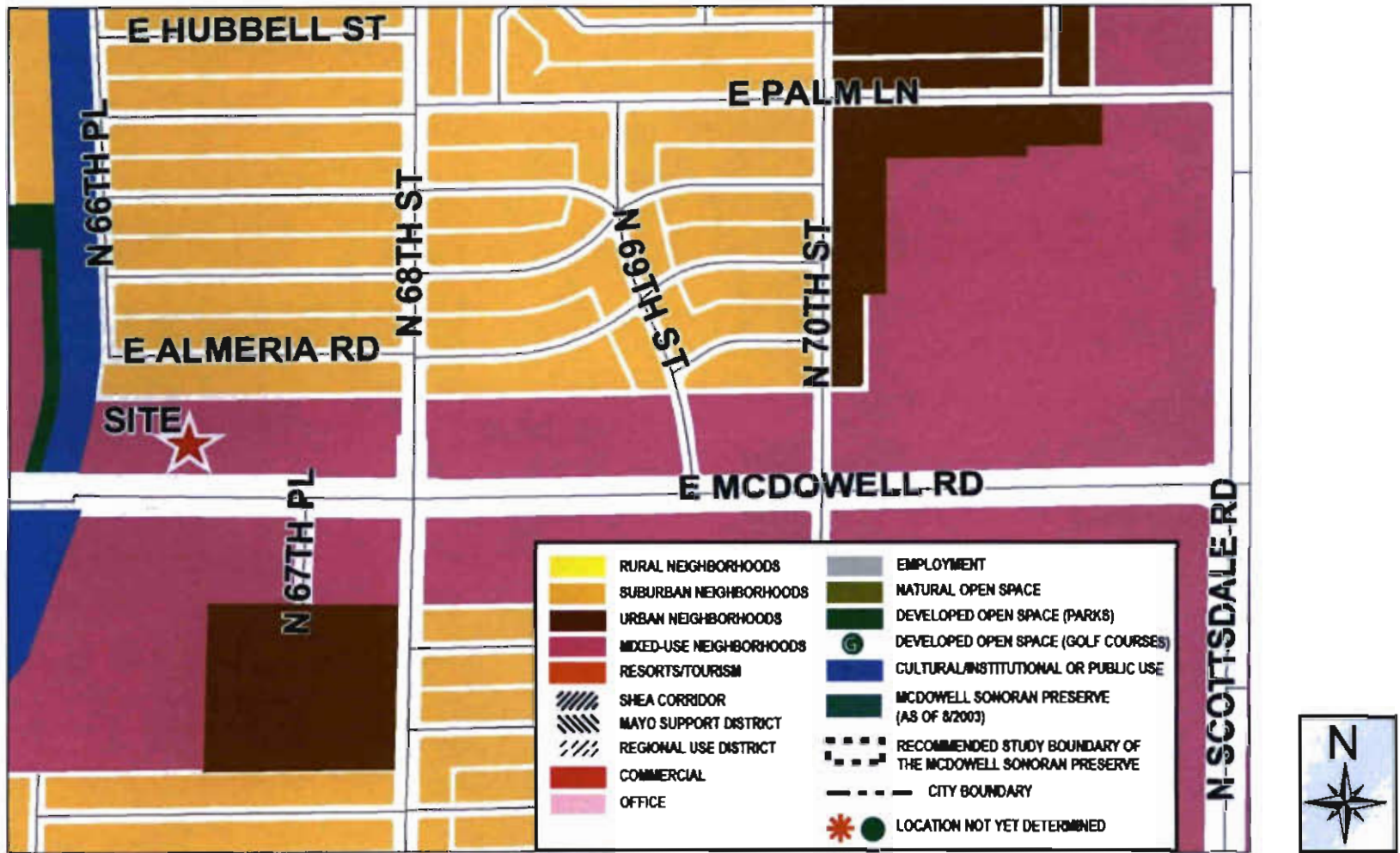
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

Las Aguas



LAND USE

8-ZN-2012

Las Aguas



ZONING MAP



8-ZN-2012

Las Aguas

8-ZN-2012
City Council
April 9, 2013

Coordinator: Kim Chafin, AICP, LEED-AP

Las Aguas



CONTEXT AERIAL



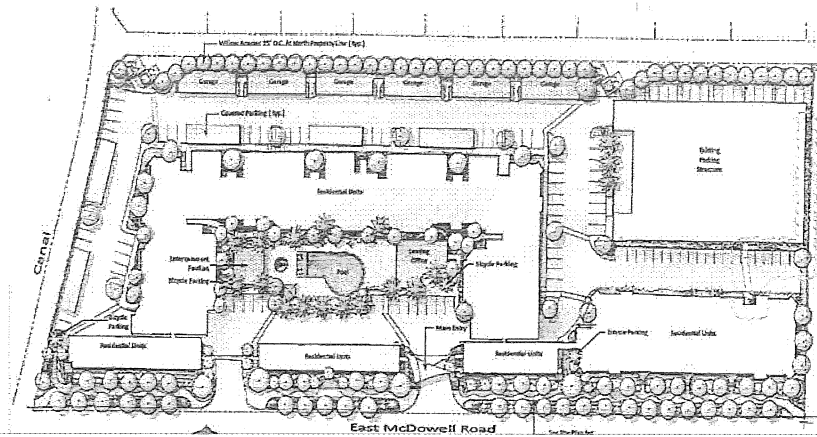
Las Aguas



CLOSE-UP AERIAL

8-ZN-2012

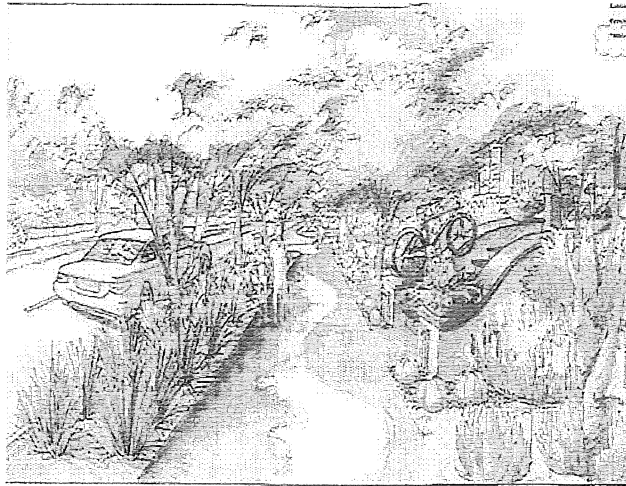
Las Aguas



SITE/LANDSCAPE PLAN

8-ZN-2012

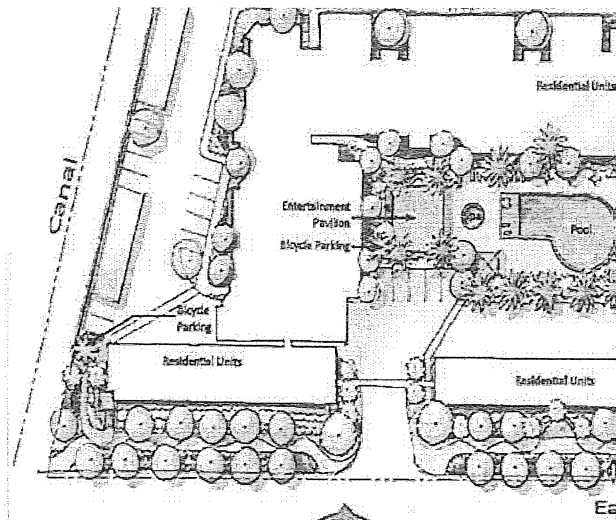
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

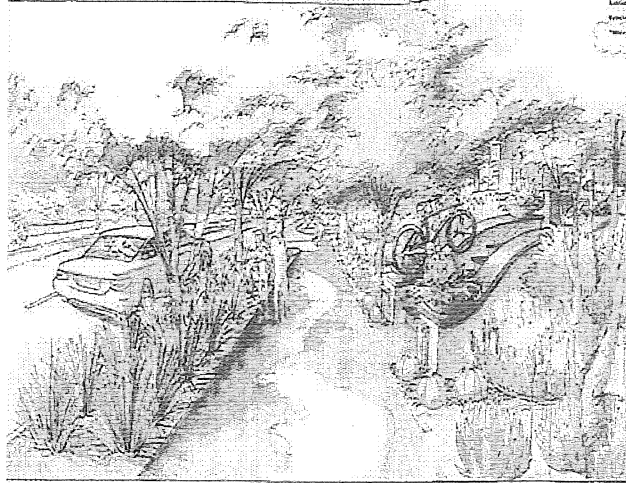
Las Aguas



Enhanced Pedestrian Connections

8-ZN-2012

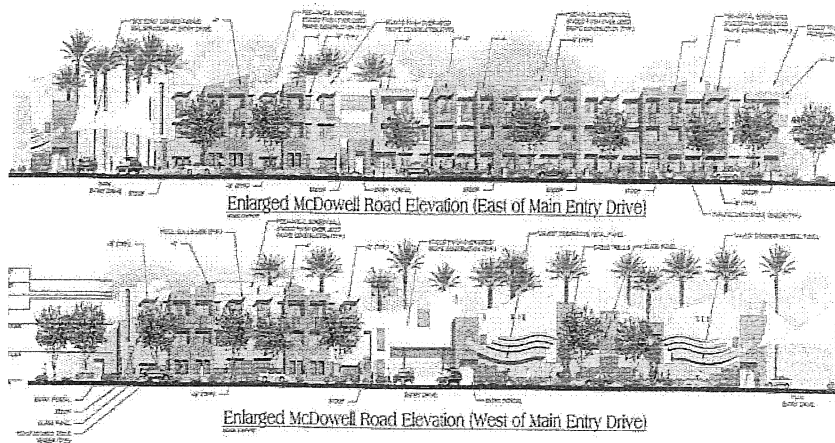
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

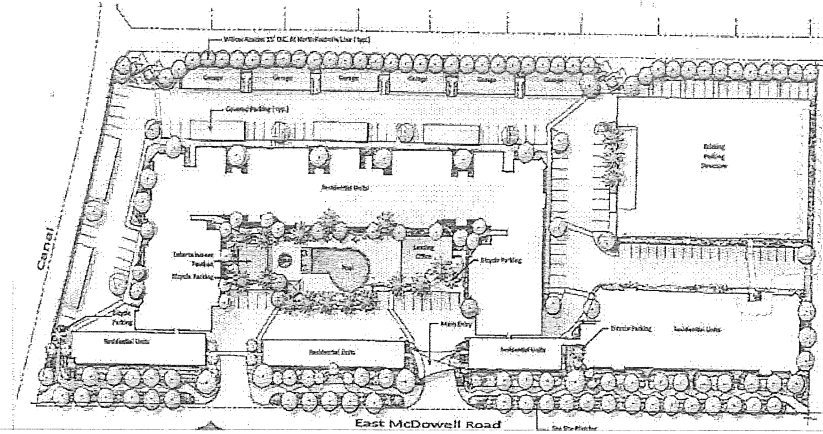
Las Aguas



McDowell Road Building Elevations

8-ZN-2012

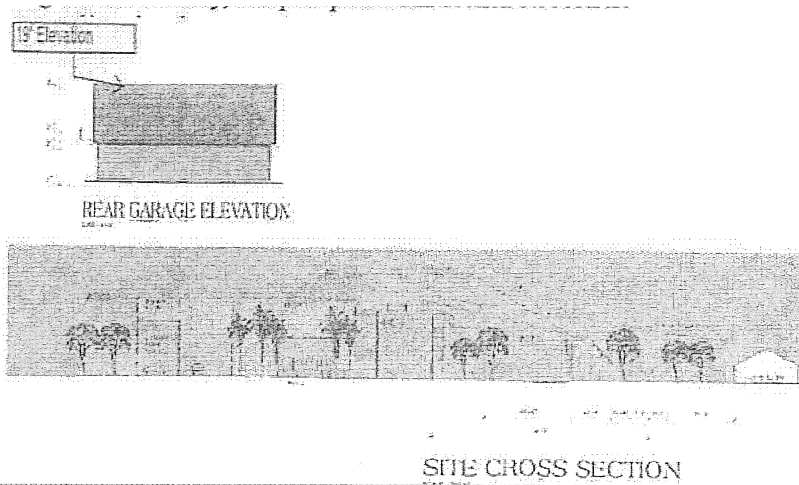
Las Aguas



SITE/LANDSCAPE PLAN

8-ZN-2012

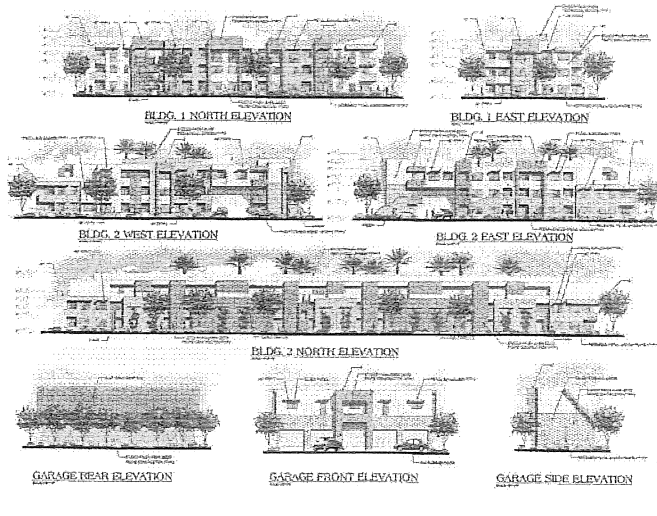
Las Aguas



Site Cross-Section

8-ZN-2012

Las Aguas



Building Elevations

8-ZN-2012

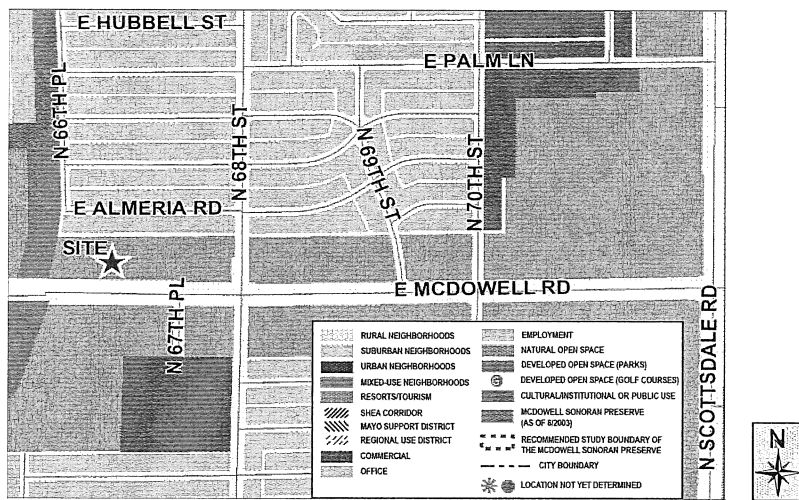
Las Aguas



Streetscape Perspective
N.T.S.

8-ZN-2012

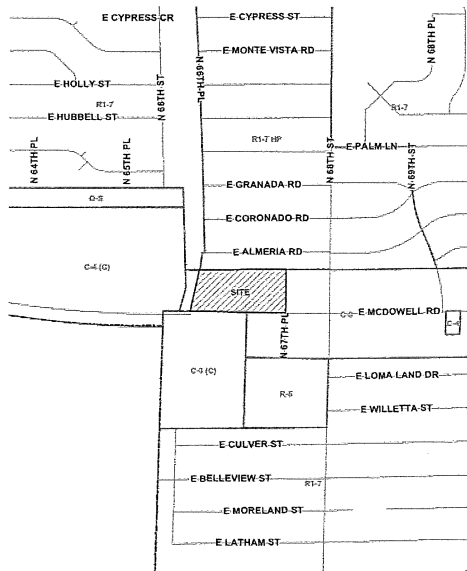
Las Aguas



LAND USE

8-ZN-2012

Las Aguas



ZONING MAP

8-ZN-2012

Stevens, Katie

From: Jagger, Carolyn
Sent: Tuesday, April 09, 2013 10:10 AM
To: Stevens, Katie
Subject: FW: ALERT: April 9, 2013 Council Meeting - Item 25 Las Aguas Rezoning

From: Chafin, Kim
Sent: Tuesday, April 09, 2013 10:09 AM
To: Klapp, Suzanne; Korte, Virginia; Lane, Jim; Littlefield, Robert; Milhaven, Linda; Phillips, Guy; Robbins, Dennis E
Cc: Worth, Daniel; Walker, Sharron; Washburn, Bruce; Smith, David; Katsenes, Paul; Grant, Randy; Curtis, Tim; Jagger, Carolyn
Subject: RE: ALERT: April 9, 2013 Council Meeting - Item 25 Las Aguas Rezoning

Mayor and City Council Members,

On April 5th, several neighboring property owners withdrew their previous legal protests. The applicant's April 8th reconfiguration of the rezoning area resulted in less than 20% legal protest area in the North protest boundary area, and resulted in less than 20% legal protest area the East protest boundary area.

After careful consideration and evaluation of property within 150 feet of the applicant's **April 8th revision** to the rezoning area, it has been determined that the remaining protest is **no longer valid** under Zoning Ordinance Section 1.706, as it does not meet the area location requirements.

Please let me know if you have any questions.

Thank you,

Kim Chafin, AICP, LEED-AP
Senior Planner
City of Scottsdale
Ph: 480-312-7734
Fax: 480-312-7088
email: kchafin@ScottsdaleAZ.gov

From: Jagger, Carolyn
Sent: Monday, April 08, 2013 4:40 PM
To: Klapp, Suzanne; Korte, Virginia; Lane, Jim; Littlefield, Robert; Milhaven, Linda; Phillips, Guy; Robbins, Dennis E
Cc: Worth, Daniel; Walker, Sharron; Washburn, Bruce; Smith, David; Katsenes, Paul; Grant, Randy; Chafin, Kim; Curtis, Tim
Subject: ALERT: April 9, 2013 Council Meeting - Item 25 Las Aguas Rezoning
Importance: High

Your Honor and Members of the Council,

The applicant for the Las Aguas Rezoning (Item No. 25 on the April 9, 2013 Agenda) has further amended the proposal to eliminate a 25-foot by 30-foot portion of land located at the northeast corner of the site. As a result, the exhibits to Ordinance No. 4056 and Resolution No. 9251, which are related to the case, have been amended to reflect the change. A memo from staff and copies of the revised documents for Item 25 are attached, have been posted, and will be available in DropBox before 5:00 p.m.

Please do not hesitate to call me if you have any questions.

Best regards,

Carolyn
312-2411

Wyant, Erica

From: Jagger, Carolyn
Sent: Tuesday, April 09, 2013 2:36 PM
To: Klapp, Suzanne; Korte, Virginia; Lane, Jim; Littlefield, Robert; Milhaven, Linda; Phillips, Guy; Robbins, Dennis E
Cc: Worth, Daniel; Walker, Sharron; Washburn, Bruce; Smith, David; Katsenes, Paul; Grant, Randy; Chafin, Kim; Curtis, Tim; 'kbrowning11@cox.net'
Subject: FW: Agenda Item Comment for 04/09/13 - Item 25 - Las Aguas Development

Your Honor and Members of the City Council,

Below is a comment from Kem Browning regarding Item No. 25, *Las Aguas Rezoning*, on tonight's agenda.

Best regards,

Carolyn

-----Original Message-----

From: kbrowning11@cox.net [mailto:kbrowning11@cox.net]
Sent: Tuesday, April 09, 2013 2:18 PM
To: Jagger, Carolyn; Stevens, Katie
Subject: Agenda Item Comment for 04/09/13 - Item 25 - Las Aguas Development

Meeting Date: 04/09/13
Item Number: 25 - Las Aguas Development

Contact Information (if blank, user did not provide):

Name: Kem Browning
Address: 6731 E. Almeria Road
C/S/Z: Scottsdale, AZ 85257
Phone:

Comment for 04/09/13 Item 25 - Las Aguas Development:

My home is behind Car Dealership where Las Aguas wants to develop apt complex which will result in my complete loss of privacy in my own backyard, blocking winter sun which will adversely affect, potentially destroy my landscape and the enjoyment of my property in winter, which is prime time for me in my backyard. Adding an apt

complex right behind my and my neighbors homes will greatly increase traffic, noise, crime and loss of the peace we enjoy in our quiet, historic neighborhood. Please do not allow these developers to build apt complex. This is wrong on many levels, including over-building of apts in 5 mile radius where vacancies are plentiful and vacancy will increase as our economy and housing ownership returns and rentals increasingly no longer needed. There are also other close by apt complexes being built. Let's work to develop better options for McDowell corridor; access to downtown Scottsdale from Phoenix, botanical garden and Phoenix zoo. How about a visitor center, shops, restaurants and/or small grocery market? Not apt building. I have heard there would only be 10 ft easement which is not nearly enough buffer to our neighborhood. I support neighborhood initiative to keep this apt complex from being built. Kem Browning