



CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL DATE: 05/21/85
FROM: COMMUNITY DEVELOPMENT/PROJECT REVIEW
SUBJECT: CASE 41-Z-85 - R1-35 TO I-1, C-0, R-5
AND R-4 - SEC C.A.P. PARKWAY/PIMA ROAD

AGENDA ITEM NO. 12
James L. Roberts
Neal T. Pascoe
STAFF

Owner: Double A Investments, et al. Applicant: Lou Jekel

RECOMMENDATION

The Planning Commission recommends that the City Council APPROVE Case 41-Z-85, a rezoning request from R1-35 to I-1, C-0, R-5, and R-4 for 80+ acres located at the southeast corner of C.A.P. Parkway and Pima Road, subject to the attached stipulations.

The Zoning staff concurs with the Planning Commission recommendation.

FACTS

1. Relationship of Request to General Plan:

_____ Conforms _____ Marginal X Does Not Conform

The General Plan indicates industrial land use (I-1) west of 90th Street and residential at a density of 4-8 units per acre (R-4) east of 90th Street.

2. Prior Zoning History:

Adopted as R1-35 upon annexation. Case 142-Z-84 was an identical request to the original development proposal submitted with this application but was withdrawn prior to hearing.

3. No public opposition.

4. Applicant concurs with stipulations except for #11.

The City Council at their May 7, 1985 meeting referred Case 41-Z-85 back to the Planning Commission for reconsideration of a revised request. The original proposal consisted of a mixed land use development consisting of a hotel, auto center complex, industrial park, and medium density residential. At the southeast corner of Pima Road and the C.A.P. Parkway, 12.9+ acres were planned for a hotel site for the anticipated development of 400 rooms at a density of 31 units per acre. An auto center complex was planned on 21+ acres to encompass four dealerships with approximately 5 acres designated to each dealership. Development of an industrial park subdivision was proposed on 22.7+ acres south of the hotel and auto center. Medium density residential (R-3) was proposed on 20.5+ acres for the development of 233 units at a density of 12 units per acre.

The revised development proposal eliminates the auto center in favor of commercial office development (parcel 1). Additionally, the residential component east of 90th Street reflects a higher density R-5 core (parcel 4) wrapped by a lower density R-4 edge (parcel 5) in lieu of medium density R-3 on both parcels.

APPROVED

ACTION TAKEN

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The Northwest Community Area Plan recommends the area between 90th Street and Pima Road south of C.A.P. Parkway as industrial. Additionally, the portion of the application east of 90th Street is planned for residential at a maximum of eight units per acre. The only portions of the application which strictly conform to the General Plan are the industrial park portion in the southwestern section of the site and the R-4 portion along the southeastern edge. The staff recommended denial.

No one spoke in opposition at the May 14, 1985 Planning Commission meeting. The Commission voted unanimously to forward the case to the City Council with a recommendation for approval subject to the attached stipulations which includes the elimination of the R-5 component east of 90th Street. Although the staff had originally recommended denial of the application as requested, the staff now concurs with the recommendation of the Planning Commission. The staff recommendation has been reviewed by and has the concurrence of the Development Team.

**Tommy J. Davis
Assistant City Manager**

**Attachments: #1-Planning Commission Report 5/14/85
#1a-Conditions
#2-Vicinity Map/General Plan
#3-Zoning Map
#4-Original Development Plan
#5-Revised Development Plan
#6-Narrative**

CONDITIONS FOR 41-Z-85

1. The development shall be in substantial conformance with the plans submitted as part of the application.
2. Building permits and construction shall commence within 24 months of the date of City Council approval. At its option, the City Council may extend the time in which construction must commence.
3. The site plan for the hotel shall require use permit approval through the public hearing process.
4. Dedication of the following right-of-way shall be made within six months of the date of City Council approval:

<u>STREET</u>	<u>RIGHT-OF-WAY</u>	<u>CROSS-SECTION</u>
Pima Road	95' (Half)	44.5' (Half)(a)
C.A.P. Parkway	65' (Half) tapering to 130' (Full)	44.5' (Half) to 89' (Full) (a)
90th Street	90' (Full)	61' (Full)
89th Street	60' (Full) tapering to 30' (Half)	41' (Full) to 20.5' (Half)

(a) Ultimate half-street cross-section consists of three lanes and half-median. The development responsibility for half-streets shall consist of two lanes and half-median (34.5') in conformance with the Subdivision Ordinance.

5. 1' V.N.E. (vehicular non-access easement) shall be provided along C.A.P. Parkway and Pima Road. Access shall be permitted 330' westerly of 89th Street and 660' westerly of 90th Street. No other access to the C.A.P. Parkway shall be permitted either temporarily or permanently.
6. The applicant shall provide 50% financing for the design and construction of a signal at 90th Street and the C.A.P. Parkway.
7. Median breaks will be permitted at 89th Street and 90th Street. At the time of Development Review, a median break may be permitted at the access located 660' westerly of 90th Street. No other median breaks shall be permitted.
8. A 6' bike path shall be provided along both sides of 90th Street.
9. A 15' equestrian trail easement shall be provided along the west side of 90th Street.
10. Depressed parking and landscaping shall be utilized on the hotel site to create an open, attractive streetscape.
11. ~~Parcel 4 shall be zoned R-4.~~
11. Prior to dedication of right-of-way for C.A.P. Parkway, lot split approval shall be obtained for the expected parcel created north of the eastern half of the C.A.P. Parkway.
12. Prior to adoption of zoning, real property shall be exchanged to provide acceptable access to the north.

APPROVED

MOTION : There being no further discussion, Councilman Gentry moved to concur with the Planning Commission recommendation and approve Case 41-Z-85, subject to the stipulations already on file, and the addition of Stipulations Nos. 12 and 13 as discussed. At this point in the discussion, Mr. Roberts advised that Stipulation # 11 should be deleted, which was agreed to by Council. Further, upon compliance, staff is instructed to prepare the map and change the ordinance to change the zoning. The motion was then seconded by Councilman Black, and carried unanimously.

18. 48-Z-85 — COUNCIL INITIATIVE — Amending Scottsdale Zoning Ordinance
Application Fees; AND
Adopt Ordinance No. 1715 — Affirming the amendment

It is recommended that the City Council:

1. Approve as recommended by the Planning Commission, Case 48-Z-85, a Council Initiative to amend the Scottsdale Zoning Ordinance for the purpose of amending the application fees for Development Review, variances, use permits, rezonings, and signs, per Attachment # 3; AND
2. Adopt Ordinance No. 1715 affirming the amendment.

Mayor Drinkwater stated that, if adopted, Ordinance 1715 would carry the Emergency Clause so that changes in fees can be put into effect immediately. He then asked if there were any questions from Council, or if anyone in the audience wished to speak.

MOTION : When there was no response, Councilman Black moved to approve Case 48-Z-85 as recommended, and to adopt Ordinance 1715. This motion was seconded by Councilman Walton, and carried unanimously.

19. 51-Z-85 — C-2 to D/RS-1 — 4215 North Marshall Way

The Planning Commission recommends that the City Council approve Case 51-Z-85, a rezoning request from C-2 to D/RS-1 (Downtown Specialty Retail - Type 1 Development Standards) for a 4,500 square foot lot at 4215 North Marshall Way.

The Zoning staff concurs with the Planning Commission recommendation.

MOTION : Mayor Drinkwater asked if anyone in the audience wished to oppose this application, and when there was no response, Councilman Walton moved to concur with the Planning Commission recommendation and approve Case 51-Z-85. Further, upon compliance, staff is instructed to prepare the map and ordinance to change the zoning. This motion was seconded by Councilman Black, and carried unanimously.

22. 54-Z-85 — R1-70 HD to R1-43 HD — Northwest corner of Alma School and Happy Valley Roads

The Planning Commission recommends that the City Council approve Case 54-Z-85,