

CITY COUNCIL REPORT

Item 1



Meeting Date: July 7, 2010
General Plan Element: Land Use
General Plan Goal: Create a sense of community through land uses

ACTION

Downtown Infill Incentive District 1-II-2010

Request to consider the following:

1. Find that the Arizona Revised Statute §9.499.10 criteria to establish an Infill Incentive District have been met and to Adopt Resolution No. 8370 authorizing the designation of the Downtown Infill Incentive District as identified in Exhibit A of Resolution No. 8370, and approve the Downtown Infill Incentive Plan, Exhibit B of Resolution No. 8370.

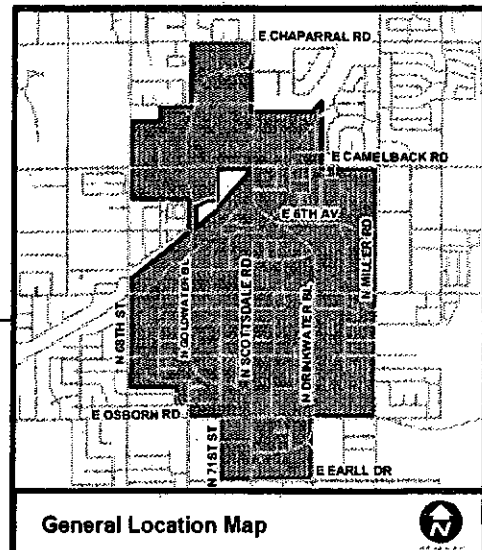
Related Policies, References:

- Arizona Revised Statute §9.499.10
- City of Scottsdale General Plan 2001
- City of Scottsdale Downtown Character Area Plan
- 1-II-2003 Scottsdale Waterfront Infill Incentive District

APPLICANT CONTACT

Dan Symer, AICP
City of Scottsdale
480-312-4218

LOCATION



The Downtown Infill Incentive District is an irregularly shaped area, located between North 68th Street and North Miller Road, and between East Earll Drive and East Chaparral Road. The Downtown Infill Incentive District is more precisely identified as the area depicted in Attachment #2.

Action Taken _____

BACKGROUND

General Plan

The City Council approved, voter ratified, 2001 Scottsdale General Plan Neighborhoods and Economic Vitality Elements contain community value statements, goals, and approaches supporting revitalization, infill development, and redevelopment within the City of Scottsdale including:

- A commitment to community revitalization;
- The preservation, enhancement and revitalization of Scottsdale's residential and commercial neighborhoods;
- Redevelopment and reinvestment in the community's mature areas;
- Incentive programs that encourage context-appropriate infill development and redevelopment efforts;
- Sustaining the long-term economic well being of the city through redevelopment and revitalization efforts;
- Provide opportunities for decision makers to provide exceptions to fees when revitalization or targeted growth (e.g. in Growth Areas) is desired;
- Encourage quality redevelopment in employment areas to provide new jobs, new retail, and new entertainment opportunities in the Scottsdale market;
- Encourage and support the renovation and reuse of underutilized or vacant parcels/buildings/shopping centers;
- Support and encourage appropriate public and private redevelopment and revitalization efforts in the community;
- Encourage redevelopment that invigorates an area while also respecting the character of adjacent neighborhoods;
- Preserve and enhance Downtown Scottsdale as the commercial, cultural, civic, and symbolic center of the community, which is remain competitive in future local, regional, and international markets through urban revitalization.

Continued exploration of implementation tools to help achieve the community's goals regarding infill, revitalization and redevelopment within Scottsdale are important work program items for the city's General, Character, and Neighborhood Planning processes.

Character Area Plan

In addition to the Scottsdale General Plan, the adopted Downtown Character Area Plan (Downtown Plan) establishes public policy that assists the citizens, business community, development community, staff, boards and commissions, and City Council in the decision making processes related to Downtown Scottsdale. One primary principle in the Downtown Plan is that close coordination between the public and private sectors, coupled with development flexibility, will be necessary in order to carefully manage Downtown land use considerations in the future. The involvement of the private sector is pivotal to the successful implementation of the Downtown Plan, and flexible development standards may encourage the private sector to attain a high level of quality development while at the same time assisting in the provision of public amenities and benefits. Thus, encouraging new development, revitalization, redevelopment and infill development that strengthens Downtown's mix of land uses is strongly encouraged.

The allowance for development flexibility on a case-by-case basis was first suggested by the Downtown Scottsdale Town Hall members in their final consensus report to the Scottsdale City Council in 2007 - "the city should be flexible and encourage high quality revitalization and innovative quality developments.... on a case-by-case basis". Following the Downtown Town Hall efforts, allowing for development flexibility continued to be a main theme in the Downtown Plan public outreach sessions. Subsequently, the approved Goals and Policies (Goals LU 4, and EV 3, and Policies LU 4.1, LU 4.2, LU 4.3, EV 2.1, EV 3.2, and EV3.3.) of the Downtown Plan promote flexibility in the Downtown development standards to promote new investment, infill, redevelopment and revitalization.

APPLICANTS PROPOSAL

Goal/Purpose of Request

Request by the City of Scottsdale, applicant, to designate a Downtown Infill Incentive District and adopt the Downtown Infill Incentive Plan in accordance with the Arizona Revised Statute (ARS) §9.499.10, which is in response to the common community support of a case-by-case development flexibility program.

ANALYSIS & ASSESSMENT

Infill Incentive District

The proposed designation of the Downtown Infill Incentive District (District) would be the second District located within the Downtown Scottsdale boundary. The first Infill Incentive District, the Scottsdale Waterfront Infill Incentive District, was designated in 2003, and is specifically limited to the Scottsdale Waterfront site/property and therefore cannot be utilized by any other properties within the Downtown area. The proposed Downtown Infill Incentive District would include all properties(excluding the Scottsdale Waterfront site) within the Downtown Boundary. The District designation would add a new tool to further enable downtown investment, infill, redevelopment and revitalization for both small and large properties. Through the use of this tool and its related Infill Incentive Plan a property owner would be allowed to propose, on a case-by-case basis, projects with amended development standards (including height, intensity, and density amendments which cannot be amended under the current Zoning Ordinance at this time), fee waivers, and expedited zoning or rezoning procedures and the processing of plans and proposals.

Infill Incentive Plan

The overarching objective and purpose of the proposed Downtown Infill Incentive Plan (Plan); (Attachment #3), is to implement the General Plan and Downtown Plan. Incorporated in the Plan, in direct response to the community's and the Downtown Taskforce's desires, is that an application to utilize the provisions of the District and Plan is at the discretion of the City Council, on a case-by-case basis.

As part of the extensive community involvement process conducted for the Downtown Plan update project, some themes related to height and development intensity allowances in the Downtown area have been brought up by the community on a repeated basis including:

- Community support for greatest height and intensity north of the Arizona Canal in the Downtown Regional and Downtown Medical Campus areas of the downtown;
- Recognition that height allowances in downtown will need to be able to accommodate current/updated building standards and practices; and
- A desire to encourage continued high quality revitalization, redevelopment, revitalization and infill projects through development flexibility on a case-by-case basis that takes into account the surrounding context.

As a recommending body for implementation of the Downtown Plan, the Downtown Taskforce has also expressed these objectives. Additionally, the Downtown Taskforce has articulated the need for development to be in compliance with the Downtown Plan Urban Design & Architectural Guidelines, the Scottsdale Sensitive Design Principles, and incorporate contextually appropriate transitions between the Type 1 and Type 2 areas of Downtown, as well as to developments outside of the Downtown boundary.

To comply with the community's and the Downtown Taskforce's desires, staff has incorporated goals and objectives into the Plan that are in addition to the General Plan and the Downtown Plan to address these preferences. Also incorporated in the Plan, is the allowance to modify the development standards of the Zoning Ordinance, which is in compliance with ARS §9.499.10. Furthermore, staff has incorporated the Downtown building height recommendations of the Downtown Taskforce that were made at the May 17, 2010 meeting. The plan does not grant any amendment to the Zoning Ordinance, it specifically states that, "The approval of any amendment shall be at the discretion of the City Council."

In addition to the Goals and Objectives, the Plan incorporates:

- Application and Development Plan Requirements,
- Citizen Review Process Requirements,
- Prohibited Modifications,
- Fee Waviers (at the discretion of the City Council),
- Expedited Zoning or Rezoning Procedures and Processing of Plans and Proposals (at the discretion of the City Council),
- Considerations (at the discretion of the City Council),
- Administration of the Plan, and
- Definitions

Arizona Revised Statute Required Findings

In accordance with the ARS §9.499.10, the governing body of a city (the City Council) may designate an infill incentive district in an area in the city meets any three requirements specifically identified in the statute (Attachment #4). Attachment #5 identifies the four of the requirements that the Downtown area (the proposed infill incentive district) satisfies.

Economic Vitality/ Policy Implications

The proposed District will allow property owners to request amendments to the development standards of the zoning ordinance, fee waivers, and/or expedited application and plan processing.

Currently, only large property with Downtown (D) District zoning may request amended development standards. The proposed District will allow all properties owners the ability to request amended development standards. By not requiring the consolidation of small properties in order to request amended development standards, the proposed District will assist in addressing Policy LU 2.3. of the Downtown Plan, which states, "Retaining the small lot development pattern and active ground level land uses of the Downtown Core" Also, the proposed District addresses several of the policies of Goal EV 2, "Promote private investment and attract new development to downtown" by allowing property owners to make requests for amended developments standards, fee wavier, and/or expedited plan review so that they may reinvest, develop, and redevelop to the highest and best use of their properties.

Community Involvement

As indicated above, at the Downtown Scottsdale Town Hall, and during the Downtown Plan public outreach sessions, community members' expressed desire for wanting a "mechanism" that would allow for development flexibility on a case-by-case basis, that also considers the surrounding context/character (Attachment #6). In addition, at the Downtown Taskforce's April 27, 2010 workshop on building height and development intensity, the Downtown Taskforce members reiterated the need for case-by-case flexibility.

To obtain input from businesses, property owners, designers, and applicant representatives, approximately two hundred (200) notifications were sent to individuals requesting their participation and feedback on the proposed District designation and Plan. Also, information was sent to the Old Town Merchants Association, Fifth Avenue Merchants Association, Sixth Avenue/Stetson Drive/Brown Avenue Business Owners Association, Craftsman Court Association, Scottsdale Gallery Association, the Leadership in Downtown Scottsdale organization, homeowner associations in and near the Downtown that are on file with the city, and individuals on the Planning, Neighborhoods, and Transportation's interested parties list. In addition, a 1/8-page advertisement was published in the local newspaper to advise the open house meetings to the community.

On June 16, 2010, staff conducted two focus group meetings (at 7:30 a.m. and 5:30 pm) to discuss the proposed District. Four citizens attended the meetings. In addition, staff received two phone calls and met separately with one citizen. These individuals desired general information about the District, and Plan and expressed support for both the District designation and Plan. Also, staff has received one letter in support (Attachment #11)

Community Impact

If the District is designated and the Plan adopted, each application to utilize the provision of the District and Infill Incentive Plan will require a public hearing process culminating in City Council review and decision. Any modification to the development standards, a waiver or deferral of fees, and expedited zoning or rezoning procedures and the processing of plans and proposals would be at the discretion of the City Council.

OTHER BOARDS & COMMISSIONS

Planning Commission

On May 26, 2010 and June 9, 2010, staff reviewed the proposed District and Plan at the Planning Commission Study Sessions. The Planning Commission was supportive of the District designation and Plan. In addition, the Planning Commission suggested that staff should also explore infill incentive district designations in the McDowell/Scottsdale Road and Airpark areas of the community.

2009 Downtown Taskforce

On May 17, 2010 and June 7, 2010, staff reviewed the proposed District and Plan with the Taskforce. On June 7, 2010, the Taskforce recommended, eight (8) to three (3) to implement the District and Plan in the Downtown.

City Council Economic Subcommittee

On June 17, 2010, staff presented a brief synopsis of the proposed District and Plan.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the City Council adopt Resolution No. 8370 authorizing the designation of the Downtown Infill Incentive District and approve the Downtown Infill Incentive Plan.

Next Steps:

Upon designation of the Downtown Infill Incentive District and adoption of the Downtown Infill Incentive Plan, staff will be proposing a text amendment to the Zoning Ordinance to codify the application process of a proposal to utilize the provisions of the Downtown Infill Incentive Plan. Staff is anticipating that such an amendment will be brought before the City Council in September, 2010.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation

Current Planning Services & Long Range Planning Services

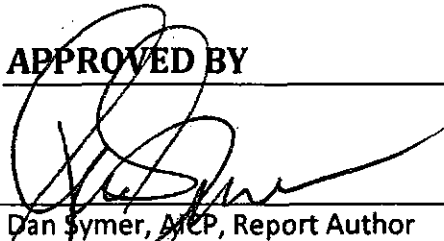
Economic Vitality

Economic Development

STAFF CONTACTS (S)


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APPROVED BY




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6-16/10
Date




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06-22-2010
Date



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6/21/2010
Date



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6/21/2010
Date



Harold Stewart, Executive Director
Economic Vitality
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6-22-10
Date

ATTACHMENTS

1. Adopt Resolution No. 8370
Exhibit A. Downtown Infill Incentive District Map
Exhibit B. Downtown Infill Incentive District Plan
2. Downtown Infill Incentive District Map
3. Downtown Infill Incentive District Plan
4. Arizona Revised Statute §9.499.10
5. Downtown Infill Incentive District Infill Criteria
6. Downtown Taskforce April 27, 2010 Meeting Minutes
7. Downtown Taskforce May 17, 2010 Meeting Minutes
8. Downtown Taskforce June 7, 2010 Draft Meeting Minutes
9. Planning Commission May 26, 2010 Study Session Minutes
10. Planning Commission June 9, 2010 Draft Study Session Minutes
11. Letter of Support

RESOLUTION NO. 8370

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FINDING THE EXISTENCE OF STATUTORY CRITERIA SUPPORTING THE CREATION OF AN INFILL INCENTIVE DISTRICT IN THAT AREA OF THE CITY OF SCOTTSDALE GENERALLY LOCATED BETWEEN NORTH 68TH STREET AND NORTH MILLER ROAD, AND BETWEEN EAST EARLL DRIVE AND EAST CHAPARRAL ROAD, DESIGNATING A PORTION A SPECIFIC PORTION OF THAT AREA TO BE AN INFILL INCENTIVE DISTRICT AND ADOPTING AN INFILL INCENTIVE PLAN.

WHEREAS, the City Council, held a public hearing on July 7, 2010; and

WHEREAS, Arizona Revised Statutes (A.R.S) §9-499.10 authorizes the City to establish Infill Incentive Districts in areas of the city that meet at least three of six property conditions criteria; and

WHEREAS, the City Council deems that in the best interests of the City of Scottsdale that a certain area of the City of Scottsdale depicted in Exhibit A attached hereto and incorporated by reference should be designated as a Infill Incentive District; and

WHEREAS, the City Council finds the designation of a Infill Incentive District is in substantial harmony with the General Plan of the City of Scottsdale; and

WHEREAS, A.R.S §9-499.10 requires that the City Council make certain findings prior to making such a designation and prior to the exercise of the powers granted pursuant to A.R.S. §9-499.10; and

WHEREAS, the City Council has heard and seen evidence that within the area of the City described in Exhibit A there exist a large number of vacant older or dilapidated buildings or structures, a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes, environmentally contaminated sites, and a large number of buildings or other places where nuisances exist or occur, and an absence of development and investment activity compared to other areas in the city; and

WHEREAS, the City Council has considered a plan to encourage development within the area described in Exhibit A to enhance the economic welfare of the community as a whole, and

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

Section 1. That the City Council finds the area of the City depicted in Exhibit A hereto meets at least four of the six statutory criteria in A.R.S. §9-499.10 as follow:

1. There are a large number of vacant older or dilapidated buildings or structures.
2. There are a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes or environmentally contaminated sites.
3. There are a large number of buildings or other places where nuisances exist or occur.
4. There is an absence of development and investment activity compared to other areas in the city or town.

Section 2. That the area of the City of Scottsdale depicted in Exhibit A and labeled as the Downtown Infill Incentive District is hereby established as an Infill Incentive District pursuant to A.R.S. §9-499.10, to be known as the Downtown Infill Incentive District.

Section 3. That pursuant to A.R.S. §9-499.10 the City Council hereby adopts the Downtown Infill Incentive Plan attached hereto as Exhibit B and incorporated herein.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 7th day of July 2010.

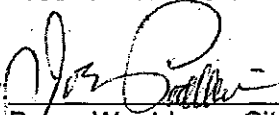
ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

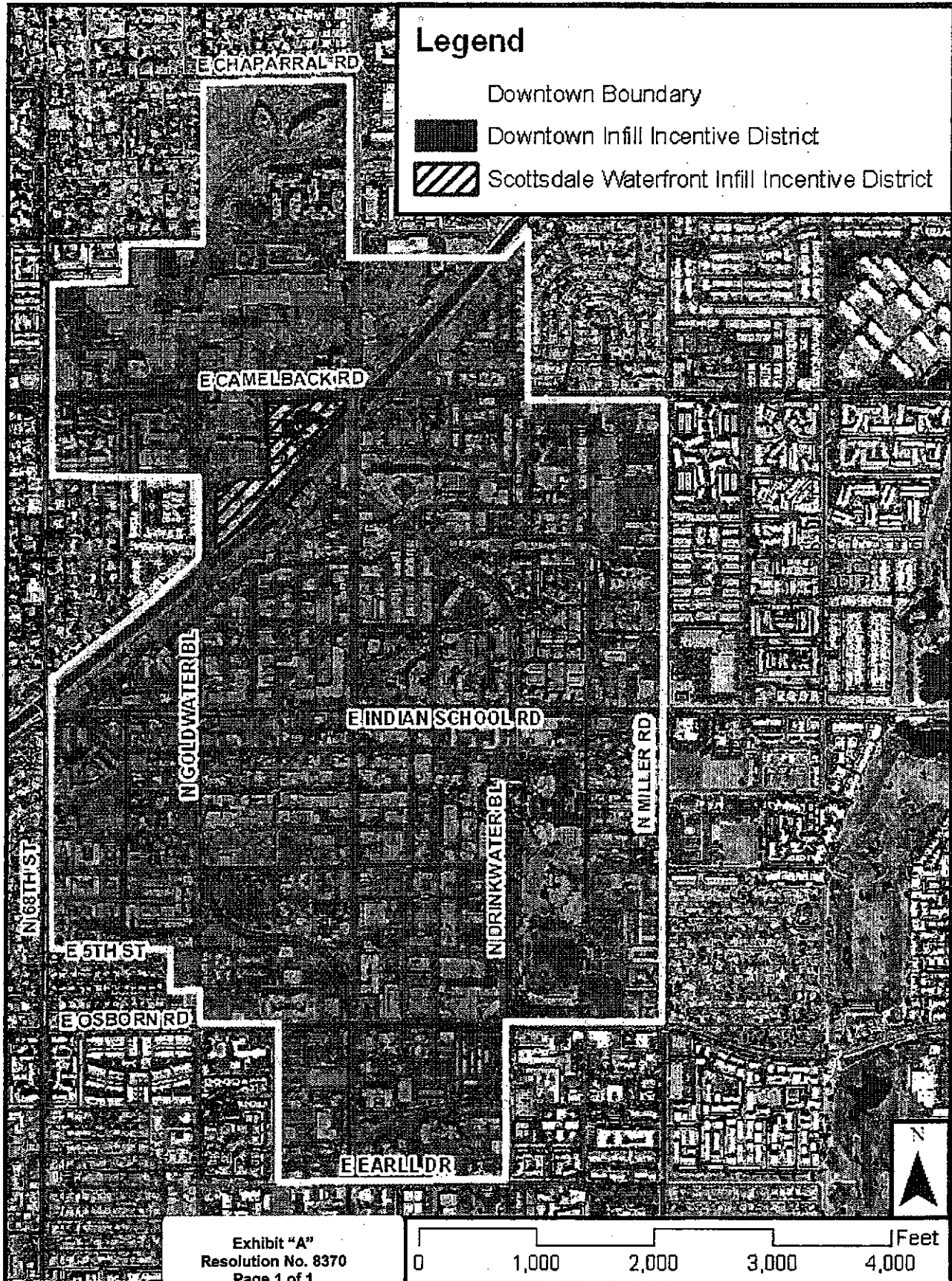
By: _____
Carolyn Jagger, City Clerk

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

Downtown Infill Incentive District



2010

Downtown Infill Incentive Plan

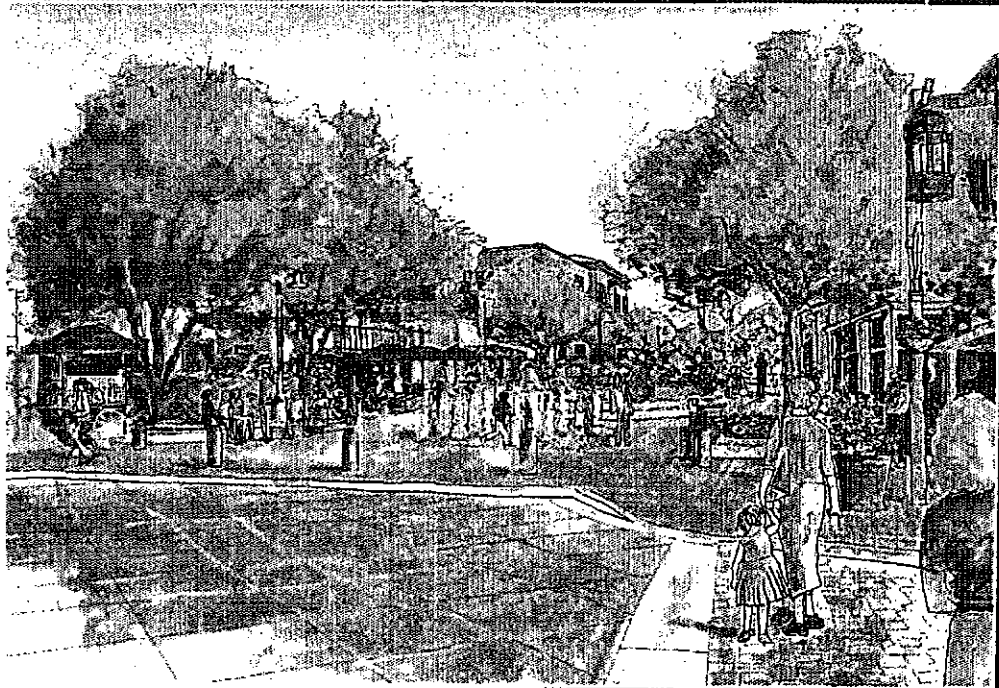


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I. Purpose.

One primary principle of the Downtown Character Area Plan (Downtown Plan) is that coordination between the public and private sectors will be necessary in order to carefully manage Downtown land use considerations in the future. The involvement of the private sector is pivotal to the successful implementation of the Downtown Plan. The flexible application of flexible development standards can be used to encourage the private sector to attain a high level of quality development while at the same time assisting in the provision of public amenities and benefits. Thus, establishing and utilizing a variety of tools for new development, redevelopment and infill development that strengthens Downtown's mix of land uses should be strongly encouraged.

One such tool for the City to utilize is the Infill Incentive District, as provided in Arizona Revised Statute §9.499.10. Adopted as part of the Growing Smarter and Growing Smarter Plus legislation, the Infill Incentive District was added to the Arizona Revised Statutes to promote infill development in cities and towns. The City Council has adopted a Infill Incentive District called the Downtown Infill Incentive District which acknowledges that the conditions to create an Infill Incentive District (Appendix A) exist. Further, the District formation recognizes that the strict application of the underlying zoning and overlay districts' standards and regulations of the City of Scottsdale's Basic Zoning Ordinance (Zoning Ordinance) might inhibit infill, revitalization, redevelopment, and preclude the provision of public amenities and benefits.

II. Downtown Infill Incentive District Boundary.

The Downtown Infill Incentive District is an irregularly shaped area, located between North 68th Street and North Miller Road, and between East Earl Drive and East Chaparral Road. The Downtown Infill Incentive District is more precisely identified as the area depicted in Appendix B which includes a map of the Downtown Infill Incentive District.

III. Goals and Objectives.

The primary guiding plans for the Downtown Infill Incentive District are the Scottsdale General Plan and the Downtown Plan, which are included as part of the Downtown Infill Incentive Plan by this reference. In addition, the goals and objectives contained within this Downtown Infill Incentive Plan are established to promote high quality new development, redevelopment and infill development within the district through the use of flexible development standards.

a. Goals and Objectives that are Specific to the Downtown Infill Incentive District.

Goal 1: *Encourage infill development of vacant parcels, and the revitalization and/or redevelopment of existing buildings in Downtown Scottsdale.*

Objective 1.1: The provisions of the Downtown Infill Incentive District for a development shall implement the goals, approaches, and policies of the General Plan and Downtown Plan related to infill development of vacant

parcels, and the revitalization and/or redevelopment of existing buildings and underutilized properties.

Goal 2: *Development shall be composed of complementary and supportive design relationships with the urban neighborhood in which the development is located, with an adjacent neighborhood outside of the Downtown boundary, and consistent with the Downtown Plan.*

Objective 2.1: Any new development that is within the Type 1 area, as designated by the Downtown Plan, shall promote a compact urban form and encourage sensitive/compatible infill development and redevelopment.

Objective 2.2: Any new development, infill development and redevelopment, that is within Type 2 area, shall incorporate contextually appropriate transitions to the established development that is the Type 1 area.

Objective 2.3: Any new development, infill development and redevelopment that is adjacent to the Downtown boundary shall incorporate contextually appropriate transitions to the established development outside of the Downtown boundary.

Goal 3: *Development shall be in compliance with the Downtown Plan Urban Design & Architectural Guidelines, and the Scottsdale Sensitive Design Principles.*

Objective 3.1: Any new Development in Old Town, Main Street, Fifth Avenue, and Marshall Way-Craftsman Court areas of Downtown shall strictly conform to the character of the area, and the Downtown Plan Urban Design & Architectural Guidelines for Special Districts.

IV. Application and Development Plan Requirements.

a. Downtown Infill Incentive District Application Requirements.

A property owner may request to develop under the provisions of the Downtown Infill Incentive Plan, by submitting an application in accordance with the Scottsdale Zoning Ordinance – Article I.

b. Downtown Infill Incentive District Development Plan Requirements.

An application for the Downtown Infill Incentive District shall be accompanied by a Development Plan. As required by the Zoning Administrator, or designee, the Development Plan shall include the indicated items that are on the Infill Incentive District Application checklist.

V. Citizen Review Process Requirements.

A property owner requesting to develop under the provisions of the Downtown Infill Incentive Plan, shall conduct public outreach in accordance with Citizen Review Process of the Scottsdale Zoning Ordinance – Article I.

VI. Amendments.

To maintain the integrity and character of the City of Scottsdale and its built environment, only certain amendments may be requested. The approval of any amendment shall be at the discretion of the City Council. The allowed and prohibited amendments in the Downtown Incentive Infill District are identified in three categories, Minor Amendments, Major Amendments, and Prohibited Modifications.

a. Minor Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District may include request to amend the following:

- The Scottsdale Zoning Ordinance, except as prohibited below.
 - Projects within the Type 1 Old Town area may request an amendment to the permitted building height, up to a height of forty (40) feet, inclusive of roof top apparatus.
 - Projects within the Type 1 area that are outside of the Old Town area may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that do not have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of sixty-five (65) feet, inclusive of roof top apparatus.
 - Projects that do not have Downtown (D) District zoning may request an amendment of the allowable floor area up to a floor area ratio of 1.5

- Note:
1. The locations of the Type 1 and Type 2 areas are identified in Appendix C.
 2. Minor amendments requesting a change of the current zoning's development standards will be processed as zoning cases until a different process is adopted by the City Council.

b. Major Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District, may include a request to amend the General Plan, the Downtown Plan, or the Zoning Ordinance. If an

amendment is requested in the application, a concurrent application must be submitted to amend the following if the proposed development plan affects:

- the General Plan,
 - requires a General Plan amendment application
- the Downtown Plan,
 - requires a General Plan amendment application
- a change from one zoning district to another zoning district
 - requires a Zoning Map amendment application
- an existing zoning stipulation(s),
 - requires a Zoning Map amendment application
- existing amended development standards,
 - requires a Zoning Map amendment application
- existing Conditional Use Permit and/or related stipulations,
 - requires a Conditional Use Permit application
- the addition of a land use that is not permitted in the property's zoning district, and/or overlay district classification.
 - requires a Zoning Map amendment application
- a land use that requires a Conditional Use Permit,
 - requires a Conditional Use Permit application
- a building height between sixty-five (65) feet and ninety (90) feet, inclusive of roof top apparatus, in the Downtown Multiple Use or Downtown Civic Center Type 2 areas, and/or
 - requires a Zoning Map amendment application
- a building height between sixty-five (65) feet and one-hundred fifty (150) feet, inclusive of roof top apparatus, in the Downtown Regional Multiple Use or Downtown Medical Type 2 areas.
 - requires a Zoning Map amendment application
- properties with Downtown (D) District zoning may request a floor area ratio greater than what is permitted by the zoning district.
 - requires a Zoning Map amendment application
- a density greater than the allowed density of a property's zoning district or overlay district classification.
 - requires a Zoning Map amendment application

Note: The locations of the Downtown Multiple Use, Downtown Civic Center, Downtown Regional, Downtown Medical Type 2 are identified in Appendix C.

c. Prohibited Modifications.

An application to utilize the provisions of the Downtown Infill Incentive District, shall not include modifications to:

- the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures;
- the Scottsdale Zoning Ordinance definitions of Article III. – Definitions, or any other definition that may be located in another article of the Zoning Ordinance;
- any property with the Historic Property zoning overlay district designations; and/or
- reduce the minimum contribution of the Cultural improvements program of the Scottsdale Zoning Ordinance.

VII. Fee Waivers.

A property owner's application may include a request for a waiver of fees, partial waiver of fees, or deferment of fees. The approval of any application that includes a waiver of fees, partial waiver of fees, and/or deferment of fees shall be at the discretion of the City Council, essentials of a waiver of which shall be contained in a binding agreement that is subject to the discretion of the City Council.

VIII. Expedited Zoning or Rezoning Procedures and Processing of Plans and Proposals.

The City of Scottsdale Planning, Neighborhood, and Transportation Division (PNT) staff is committed to review and process applications, development plans, and proposals in an expeditious manner. A property owner may request expedited review and process for applications, development plans, and proposals, however, the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures may not be modified. The approval of any application that includes a request for expedited review and process for applications, development plans, and proposals shall be at the discretion of the City Council. The essentials of expedited review and process for applications, development plans, and proposals shall be contained in a binding agreement that is subject to the discretion of the City Council.

IX. Considerations.

At the discretion of the City Council, an application for an amendment to the development standards, City fees, and the time frames to process zoning application(s), plans and proposals within the Downtown Infill Incentive District shall demonstrate the goals and policies of the General Plan, Downtown Plan, and the specific goals and policies herein specific to the Downtown Infill Incentive District.

X. Administration.

The Downtown Infill Incentive Plan shall be administered and interpreted by the City of Scottsdale Zoning Administrator, or designee.

Recommendations regarding applications to utilize the Downtown Infill Incentive District will be made by city staff to the City Council, and to the appropriate board or commission based upon the merits of the proposals submitted under the Downtown Infill Incentive District and other City Policies and City Code regulations.

XI. Definitions.

The definitions of the Zoning Ordinance, General Plan, and Downtown Character Area Plan shall apply. Undefined terms shall be interpreted by the Zoning Administrator.

Downtown Infill District

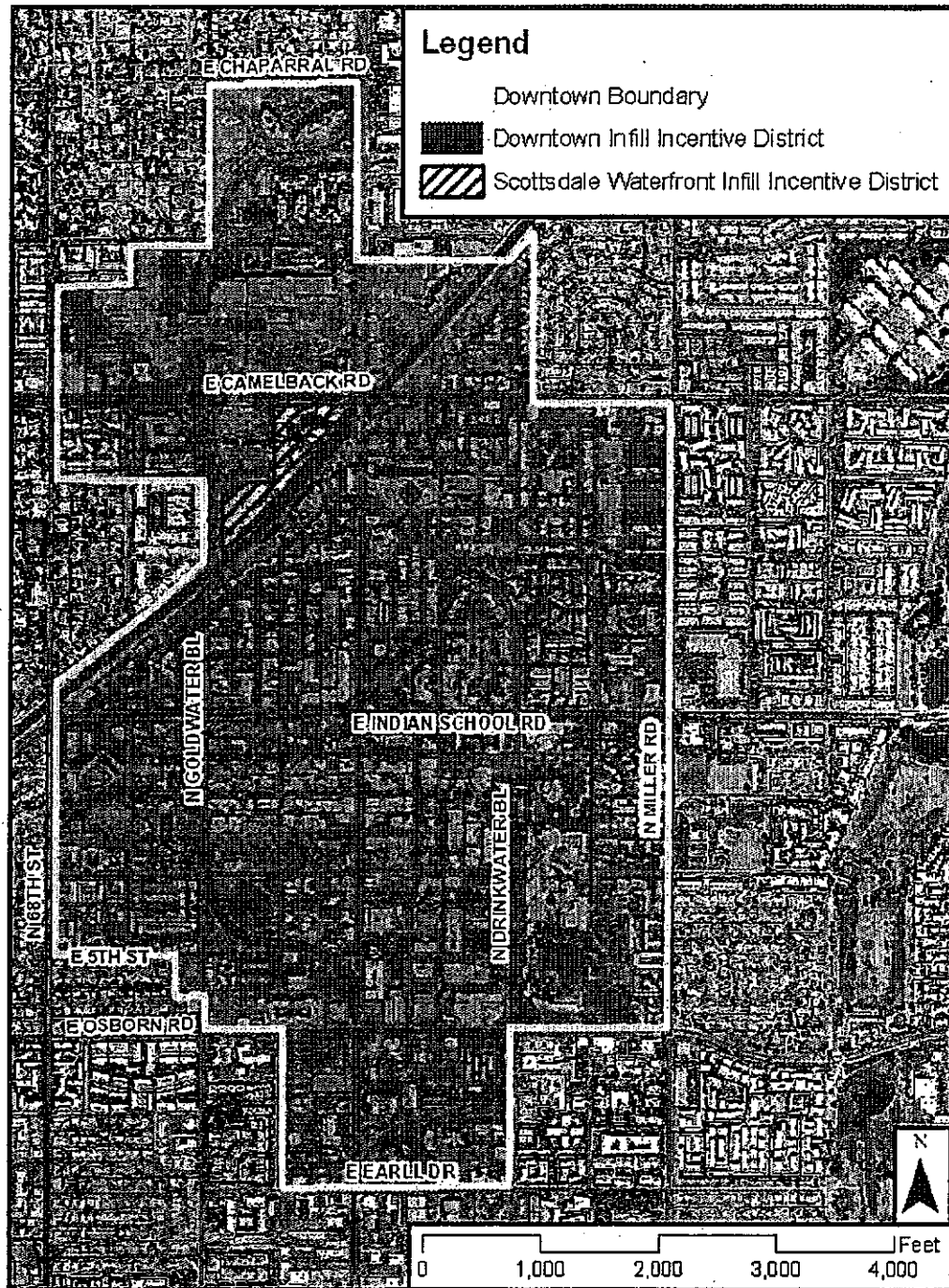
Appendix A - Resolution No. 8370

(Resolution No. 8370, Place Holder: page 1 of 2)

(Resolution No. 8370, Place Holder: page 2 of 2)

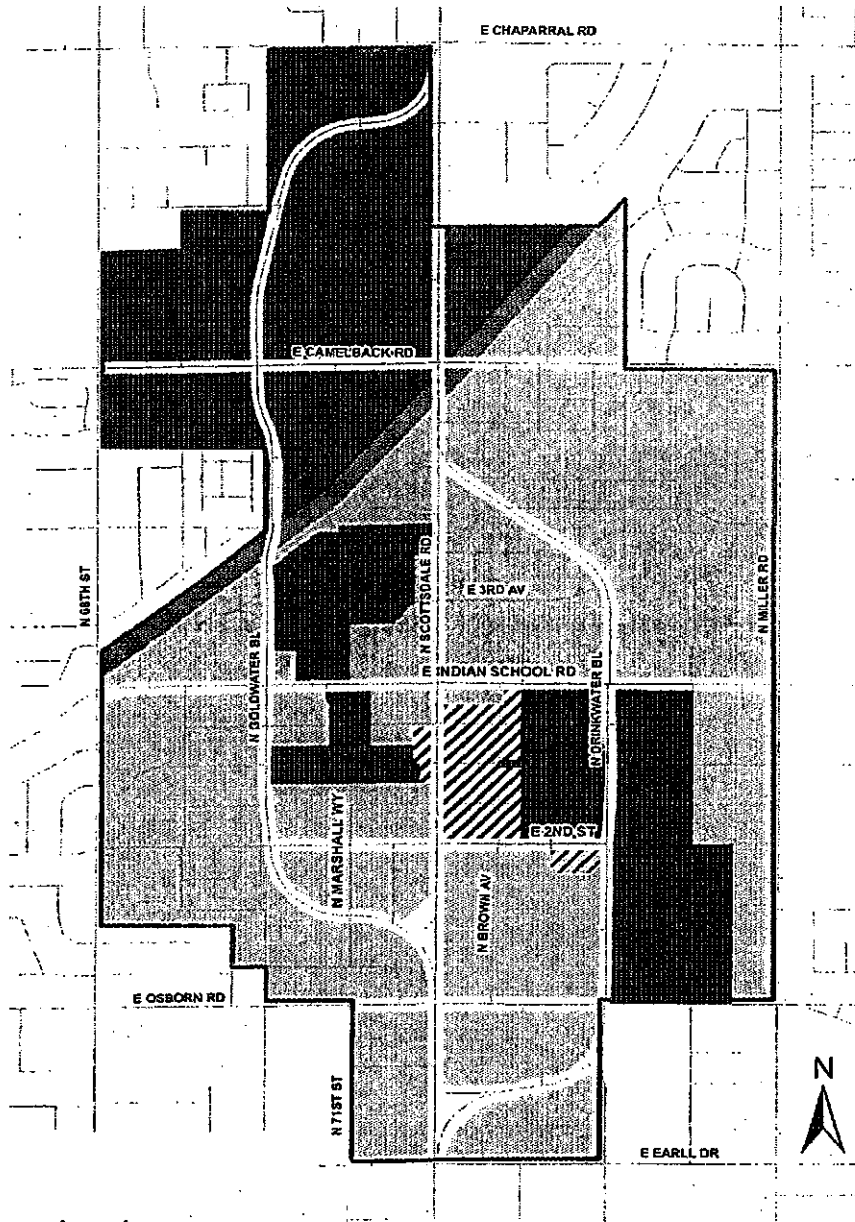
Appendix B - Downtown Infill Incentive District Map.

Downtown Infill Incentive District











Appendix C - Downtown Future Land Use Map.

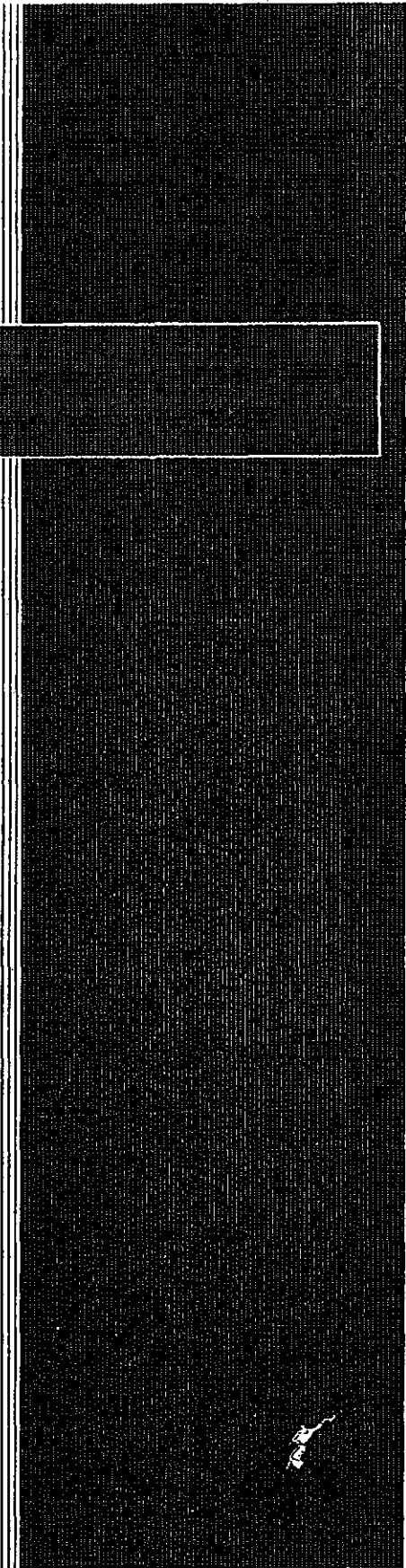
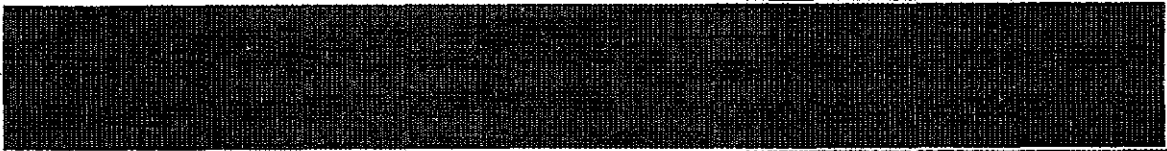
Note: Refer to the Scottsdale Downtown Plan for the approved Downtown Future Land Use Map.



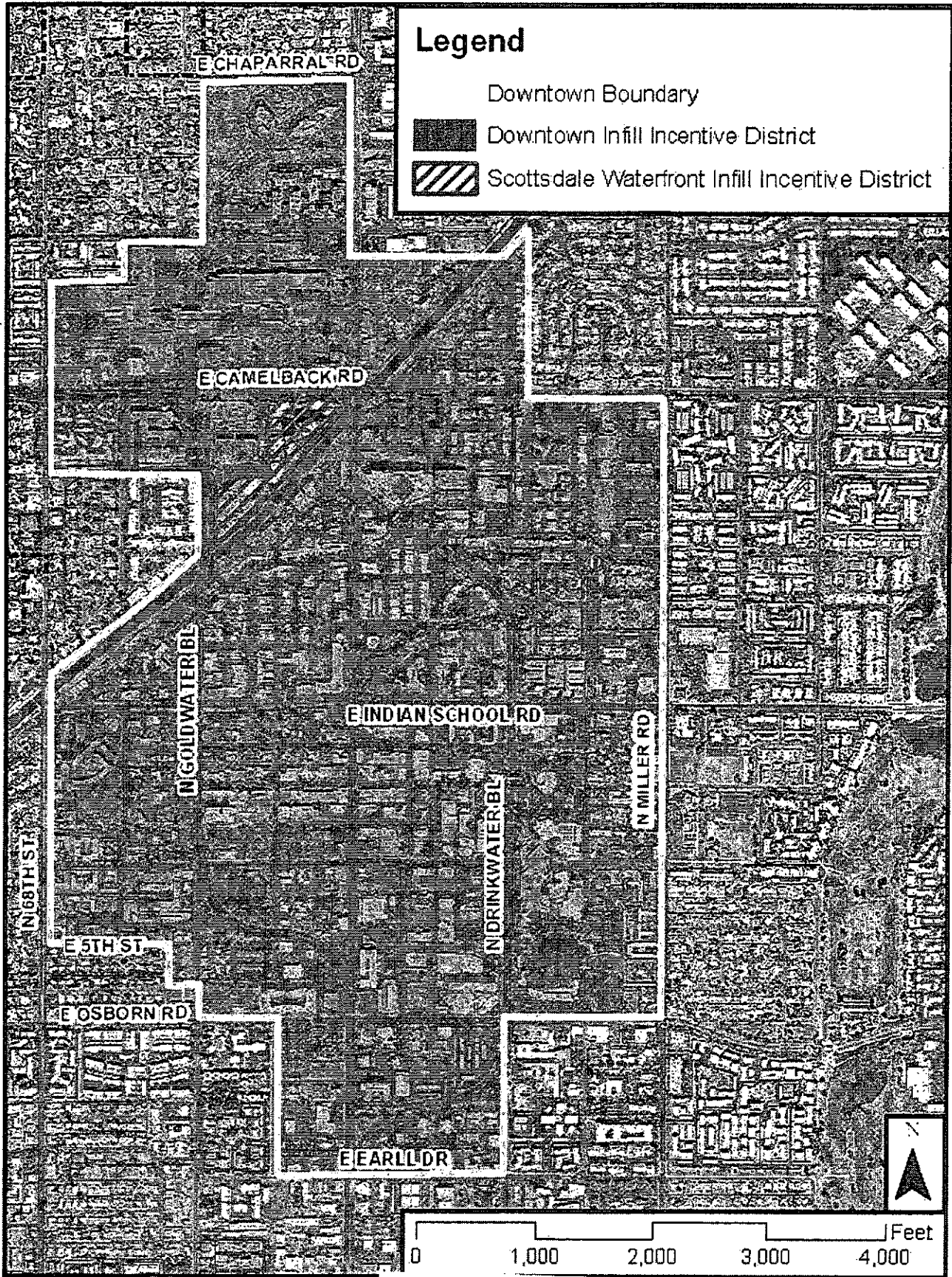
Legend

-  Downtown Boundary
-  Downtown Regional - Type 2
-  Downtown Civic Center - Type 2
-  Downtown Civic Center or Medical - Type 2
-  Downtown Core (Old Town) - Type 1
-  Downtown Core (Remainder) - Type 1
-  Downtown Medical - Type 2
-  Downtown Multiple Use - Type 2

**DOWNTOWN FUTURE LAND USE MAP
(AMENDED FOR ILLUSTRATIVE PURPOSES)**

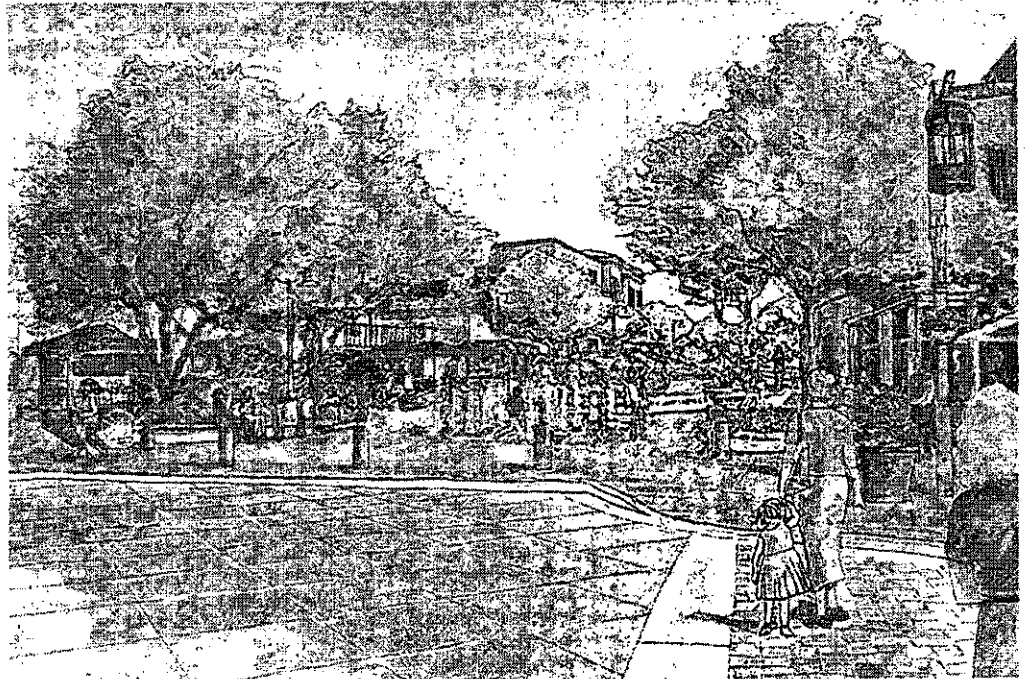


Downtown Infill Incentive District



2010

Downtown Infill Incentive Plan



ATTACHMENT #3



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I. Purpose.

One primary principle of the Downtown Character Area Plan (Downtown Plan) is that coordination between the public and private sectors will be necessary in order to carefully manage Downtown land use considerations in the future. The involvement of the private sector is pivotal to the successful implementation of the Downtown Plan. The flexible application of flexible development standards can be used to encourage the private sector to attain a high level of quality development while at the same time assisting in the provision of public amenities and benefits. Thus, establishing and utilizing a variety of tools for new development, redevelopment and infill development that strengthens Downtown's mix of land uses should be strongly encouraged.

One such tool for the City to utilize is the Infill Incentive District, as provided in Arizona Revised Statute §9.499.10. Adopted as part of the Growing Smarter and Growing Smarter Plus legislation, the Infill Incentive District was added to the Arizona Revised Statutes to promote infill development in cities and towns. The City Council has adopted a Infill Incentive District called the Downtown Infill Incentive District which acknowledges that the conditions to create an Infill Incentive District (Appendix A) exist. Further, the District formation recognizes that the strict application of the underlying zoning and overlay districts' standards and regulations of the City of Scottsdale's Basic Zoning Ordinance (Zoning Ordinance) might inhibit infill, revitalization, redevelopment, and preclude the provision of public amenities and benefits.

II. Downtown Infill Incentive District Boundary.

The Downtown Infill Incentive District is an irregularly shaped area, located between North 68th Street and North Miller Road, and between East Earl Drive and East Chaparral Road. The Downtown Infill Incentive District is more precisely identified as the area depicted in Appendix B which includes a map of the Downtown Infill Incentive District.

III. Goals and Objectives.

The primary guiding plans for the Downtown Infill Incentive District are the Scottsdale General Plan and the Downtown Plan, which are included as part of the Downtown Infill Incentive Plan by this reference. In addition, the goals and objectives contained within this Downtown Infill Incentive Plan are established to promote high quality new development, redevelopment and infill development within the district through the use of flexible development standards.

a. Goals and Objectives that are Specific to the Downtown Infill Incentive District.

Goal 1: *Encourage infill development of vacant parcels, and the revitalization and/ or redevelopment of existing buildings in Downtown Scottsdale.*

Objective 1.1: The provisions of the Downtown Infill Incentive District for a development shall implement the goals, approaches, and policies of the General Plan and Downtown Plan related to infill development of vacant

parcels, and the revitalization and/or redevelopment of existing buildings and underutilized properties.

Goal 2: *Development shall be composed of complementary and supportive design relationships with the urban neighborhood in which the development is located, with an adjacent neighborhood outside of the Downtown boundary, and consistent with the Downtown Plan.*

Objective 2.1: Any new development that is within the Type 1 area, as designated by the Downtown Plan, shall promote a compact urban form and encourage sensitive/compatible infill development and redevelopment.

Objective 2.2: Any new development, infill development and redevelopment, that is within Type 2 area, shall incorporate contextually appropriate transitions to the established development that is the Type 1 area.

Objective 2.3: Any new development, infill development and redevelopment that is adjacent to the Downtown boundary shall incorporate contextually appropriate transitions to the established development outside of the Downtown boundary.

Goal 3: *Development shall be in compliance with the Downtown Plan Urban Design & Architectural Guidelines, and the Scottsdale Sensitive Design Principles.*

Objective 3.1: Any new Development in Old Town, Main Street, Fifth Avenue, and Marshall Way-Craftsman Court areas of Downtown shall strictly conform to the character of the area, and the Downtown Plan Urban Design & Architectural Guidelines for Special Districts.

IV. Application and Development Plan Requirements.

a. **Downtown Infill Incentive District Application Requirements.**

A property owner may request to develop under the provisions of the Downtown Infill Incentive Plan, by submitting an application in accordance with the Scottsdale Zoning Ordinance – Article 1.

b. **Downtown Infill Incentive District Development Plan Requirements.**

An application for the Downtown Infill Incentive District shall be accompanied by a Development Plan. As required by the Zoning Administrator, or designee, the Development Plan shall include the indicated items that are on the Infill Incentive District Application checklist.

V. Citizen Review Process Requirements.

A property owner requesting to develop under the provisions of the Downtown Infill Incentive Plan, shall conduct public outreach in accordance with Citizen Review Process of the Scottsdale Zoning Ordinance – Article I.

VI. Amendments.

To maintain the integrity and character of the City of Scottsdale and its built environment, only certain amendments may be requested. The approval of any amendment shall be at the discretion of the City Council. The allowed and prohibited amendments in the Downtown Incentive Infill District are identified in three categories, *Minor Amendments, Major Amendments, and Prohibited Modifications.*

a. Minor Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District may include request to amend the following:

- The Scottsdale Zoning Ordinance, except as prohibited below.
 - Projects within the Type 1 Old Town area may request an amendment to the permitted building height, up to a height of forty (40) feet, inclusive of roof top apparatus.
 - Projects within the Type 1 area that are outside of the Old Town area may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that do not have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of sixty-five (65) feet, inclusive of roof top apparatus.
 - Projects that do not have Downtown (D) District zoning may request an amendment of the allowable floor area up to a floor area ratio of 1.5

- Note:
1. The locations of the Type 1 and Type 2 areas are identified in Appendix C.
 2. Minor amendments requesting a change of the current zoning's development standards will be processed as zoning cases until a different process is adopted by the City Council.

b. Major Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District, may include a request to amend the General Plan, the Downtown Plan, or the Zoning Ordinance. If an

amendment is requested in the application, a concurrent application must be submitted to amend the following if the proposed development plan affects:

- the General Plan,
 - requires a General Plan amendment application
- the Downtown Plan,
 - requires a General Plan amendment application
- a change from one zoning district to another zoning district
 - requires a Zoning Map amendment application
- an existing zoning stipulation(s),
 - requires a Zoning Map amendment application
- existing amended development standards,
 - requires a Zoning Map amendment application
- existing Conditional Use Permit and/or related stipulations,
 - requires a Conditional Use Permit application
- the addition of a land use that is not permitted in the property's zoning district, and/or overlay district classification.
 - requires a Zoning Map amendment application
- a land use that requires a Conditional Use Permit,
 - requires a Conditional Use Permit application
- a building height between sixty-five (65) feet and ninety (90) feet, inclusive of roof top apparatus, in the Downtown Multiple Use or Downtown Civic Center Type 2 areas, and/or
 - requires a Zoning Map amendment application
- a building height between sixty-five (65) feet and one-hundred fifty (150) feet, inclusive of roof top apparatus, in the Downtown Regional Multiple Use or Downtown Medical Type 2 areas.
 - requires a Zoning Map amendment application
- properties with Downtown (D) District zoning may request a floor area ratio greater than what is permitted by the zoning district.
 - requires a Zoning Map amendment application
- a density greater than the allowed density of a property's zoning district or overlay district classification.
 - requires a Zoning Map amendment application

Note: The locations of the Downtown Multiple Use, Downtown Civic Center, Downtown Regional, Downtown Medical Type 2 are identified in Appendix C.

c. Prohibited Modifications.

An application to utilize the provisions of the Downtown Infill Incentive District, shall not include modifications to:

- the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures;
- the Scottsdale Zoning Ordinance definitions of Article III. – Definitions, or any other definition that may be located in another article of the Zoning Ordinance;
- any property with the Historic Property zoning overlay district designations; and/or
- reduce the minimum contribution of the Cultural improvements program of the Scottsdale Zoning Ordinance.

VII. Fee Waivers.

A property owner's application may include a request for a waiver of fees, partial waiver of fees, or deferment of fees. The approval of any application that includes a waiver of fees, partial waiver of fees, and/or deferment of fees shall be at the discretion of the City Council, essentials of a waiver of which shall be contained in a binding agreement that is subject to the discretion of the City Council.

VIII. Expedited Zoning or Rezoning Procedures and Processing of Plans and Proposals.

The City of Scottsdale Planning, Neighborhood, and Transportation Division (PNT) staff is committed to review and process applications, development plans, and proposals in an expeditious manner. A property owner may request expedited review and process for applications, development plans, and proposals, however, the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures may not be modified. The approval of any application that includes a request for expedited review and process for applications, development plans, and proposals shall be at the discretion of the City Council. The essentials of expedited review and process for applications, development plans, and proposals shall be contained in a binding agreement that is subject to the discretion of the City Council.

IX. Considerations.

At the discretion of the City Council, an application for an amendment to the development standards, City fees, and the time frames to process zoning application(s), plans and proposals within the Downtown Infill Incentive District shall demonstrate the goals and policies of the General Plan, Downtown Plan, and the specific goals and policies herein specific to the Downtown Infill Incentive District.

X. Administration.

The Downtown Infill Incentive Plan shall be administered and interpreted by the City of Scottsdale Zoning Administrator, or designee.

Recommendations regarding applications to utilize the Downtown Infill Incentive District will be made by city staff to the City Council, and to the appropriate board or commission based upon the merits of the proposals submitted under the Downtown Infill Incentive District and other City Policies and City Code regulations.

XI. Definitions.

The definitions of the Zoning Ordinance, General Plan, and Downtown Character Area Plan shall apply. Undefined terms shall be interpreted by the Zoning Administrator.

Downtown Infill District

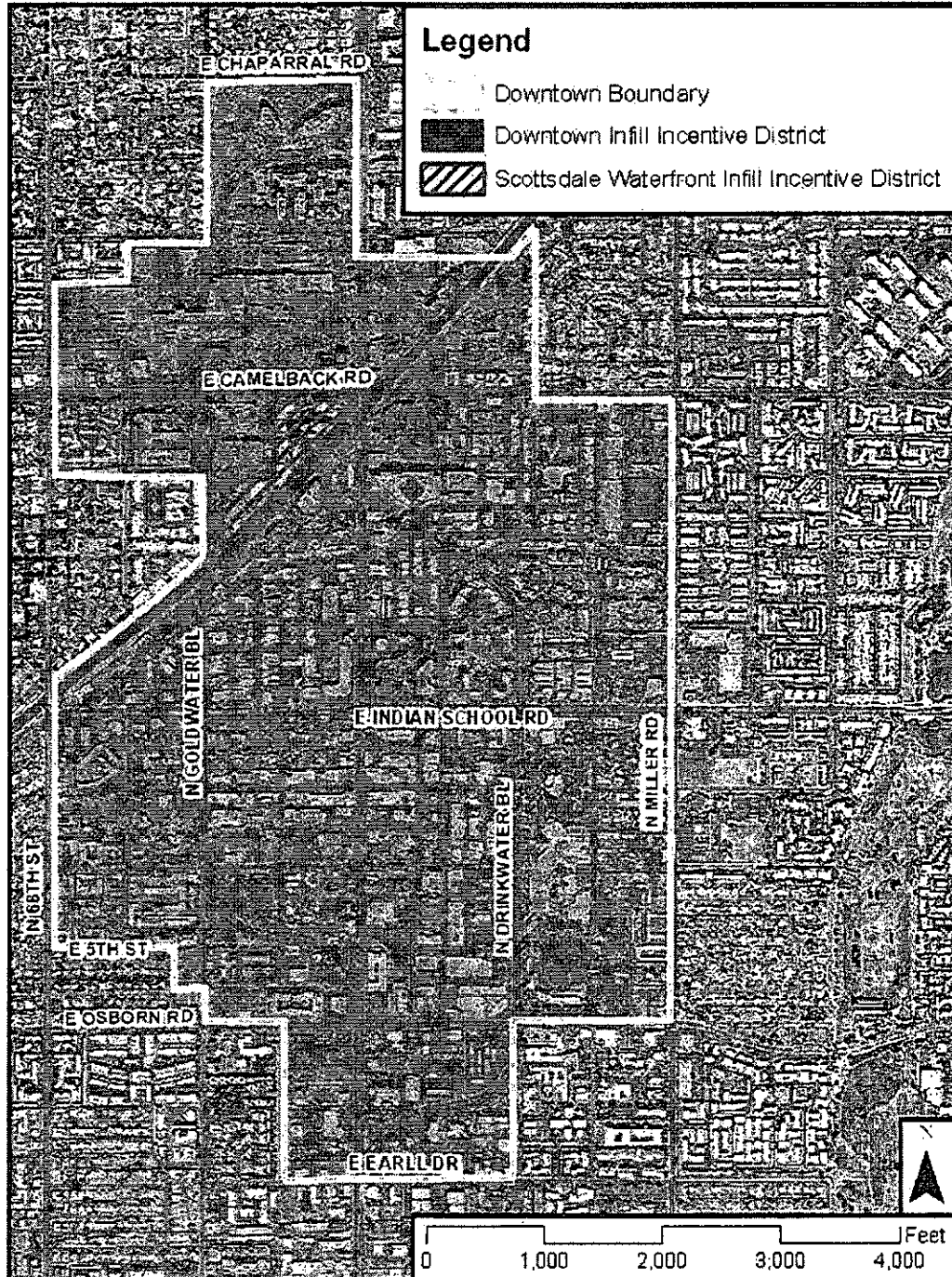
Appendix A - Resolution No. 8370

(Resolution No. 8370, Place Holder: page 1 of 2)

(Resolution No. 8370, Place Holder: page 2 of 2)

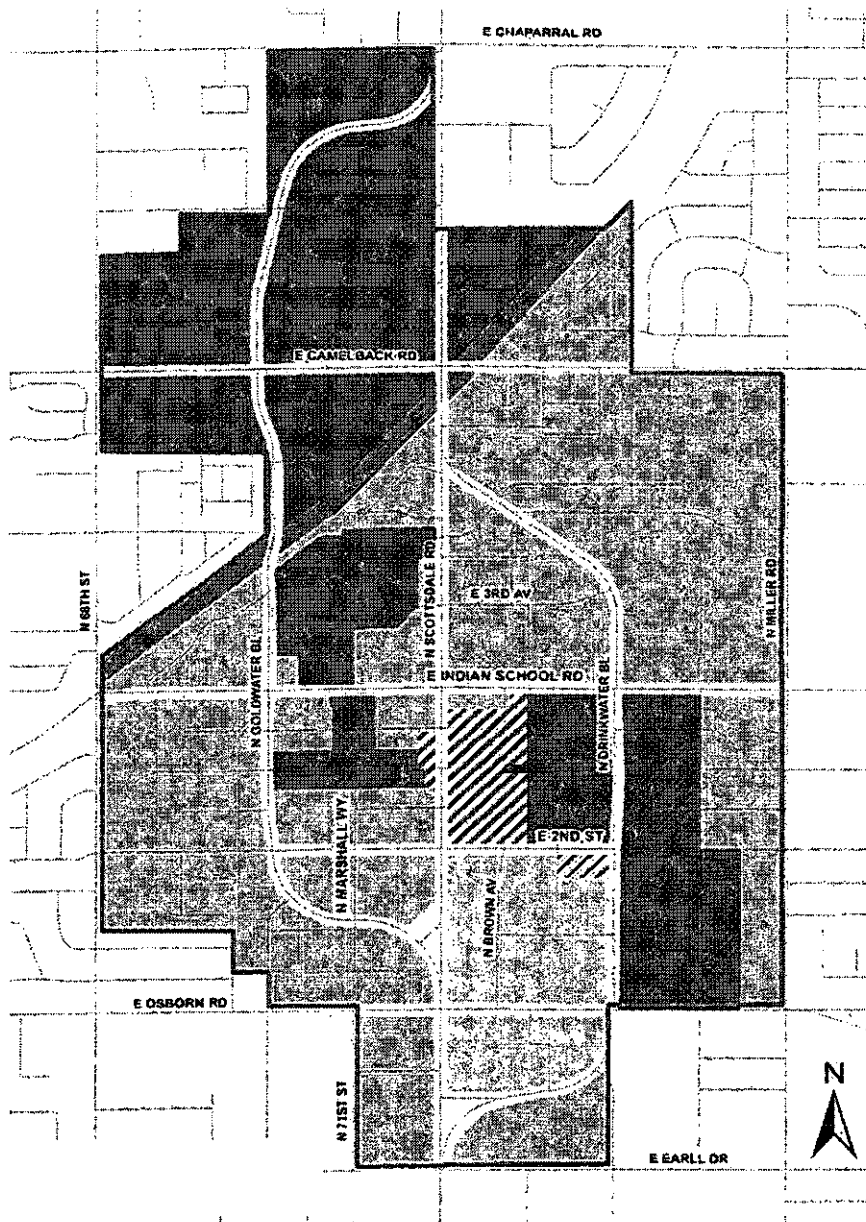
Appendix B - Downtown Infill Incentive District Map.

Downtown Infill Incentive District



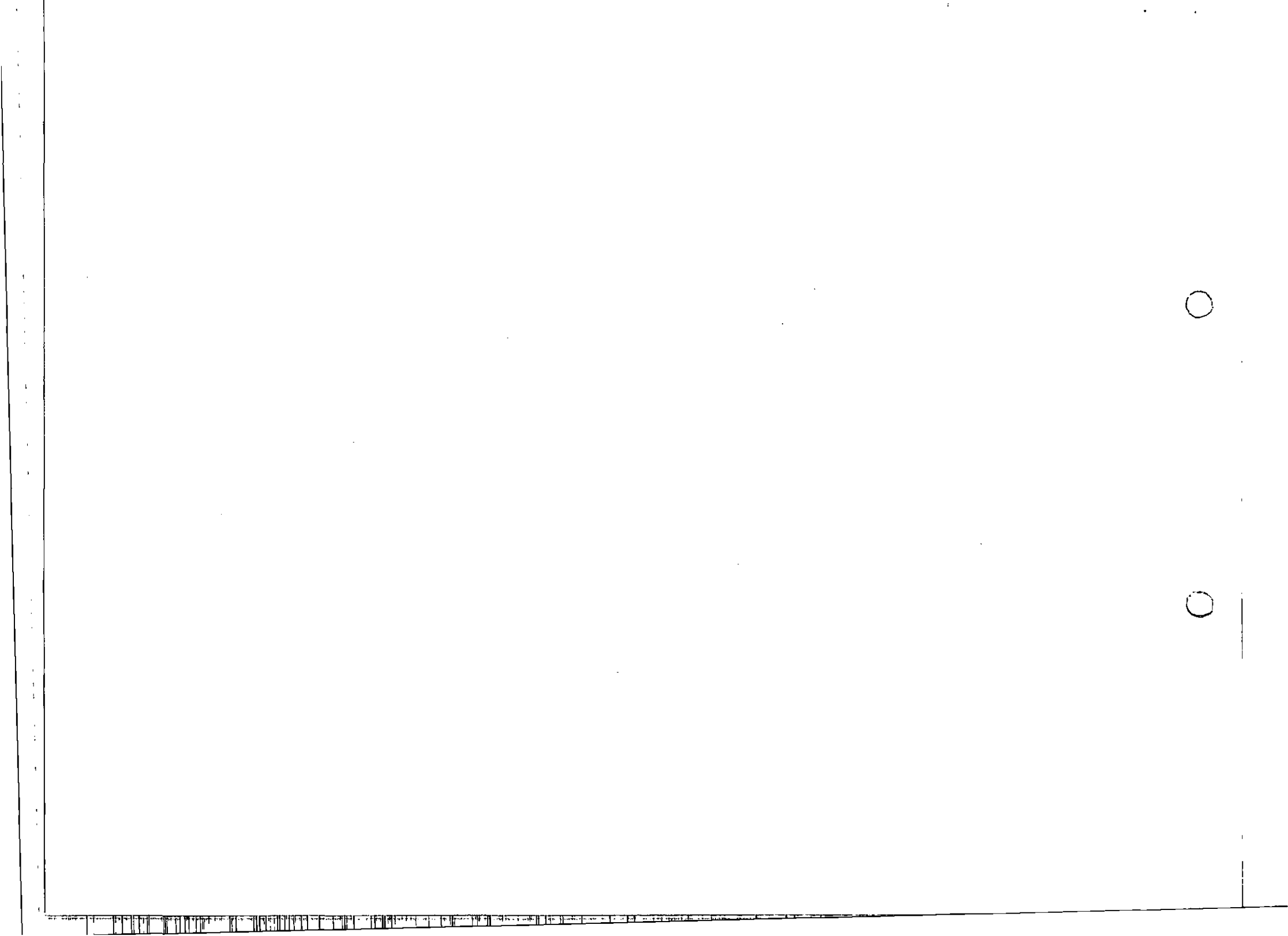
Appendix C - Downtown Future Land Use Map.

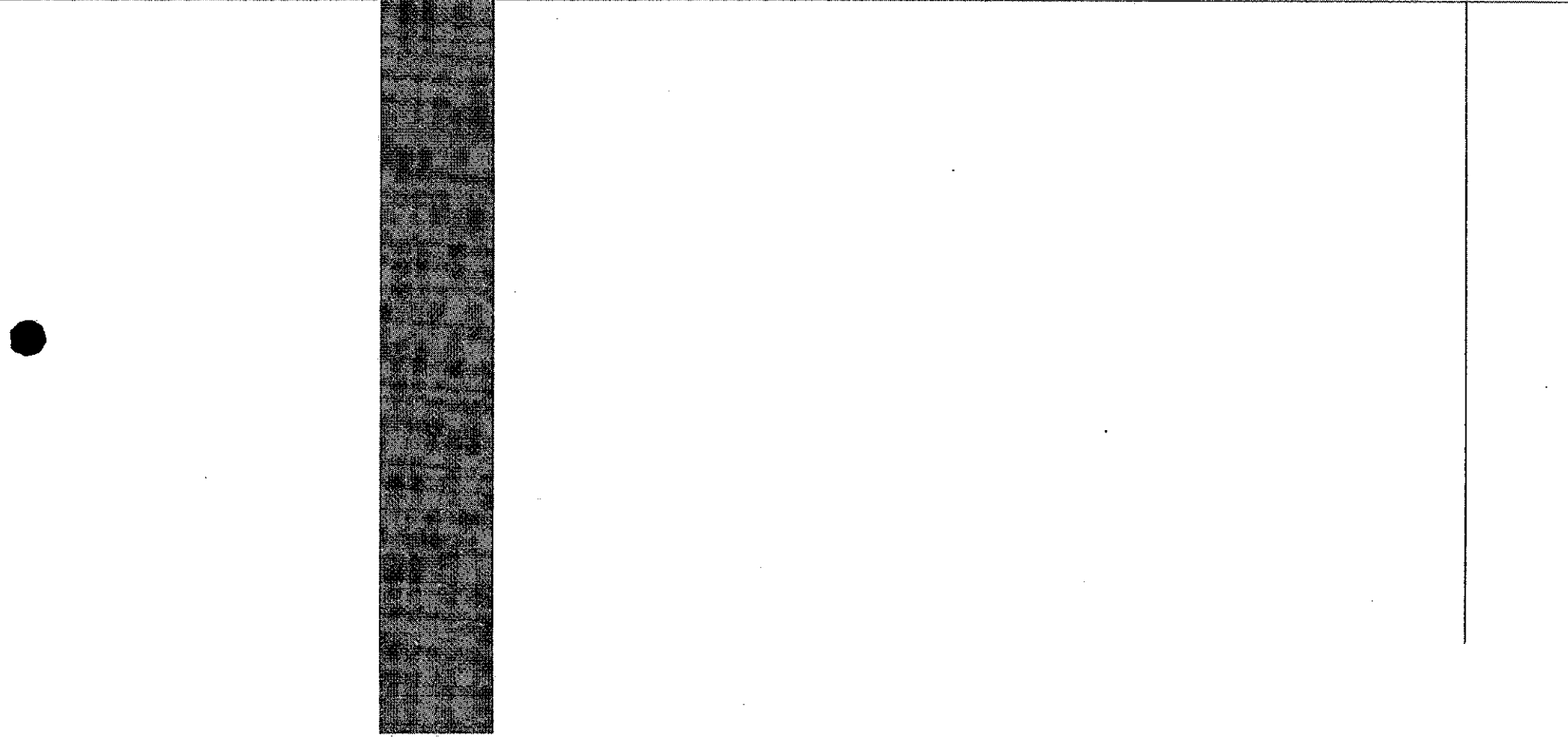
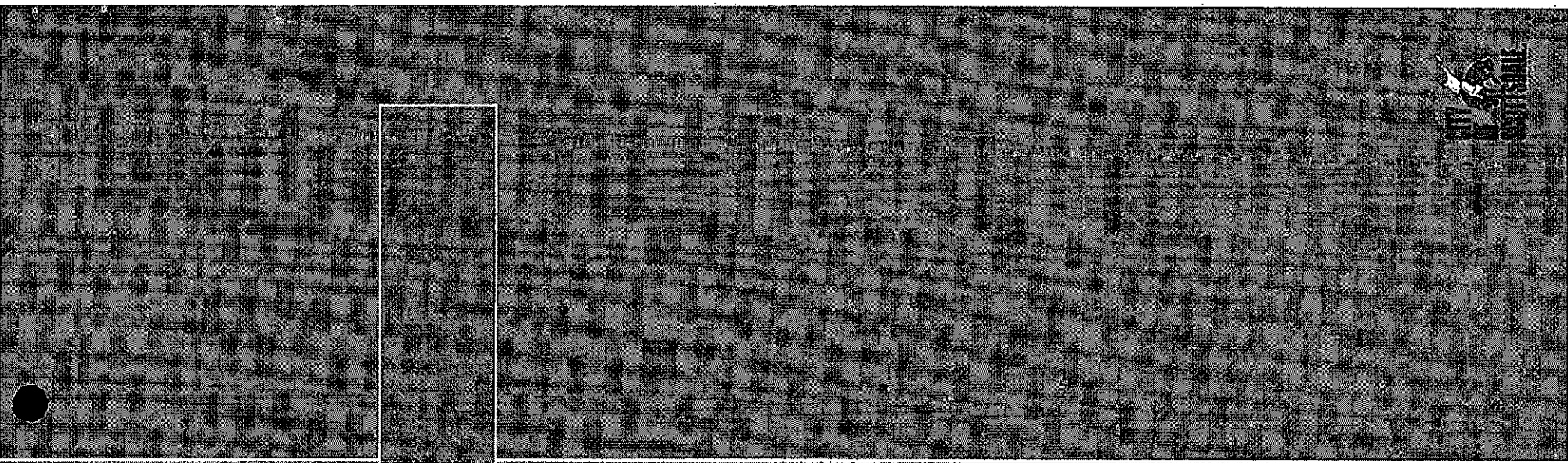
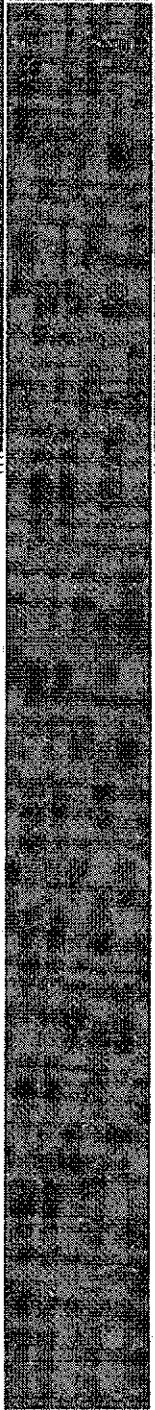
Note: Refer to the Scottsdale Downtown Plan for the approved Downtown Future Land Use Map.



- Legend**
- Downtown Boundary
 - Downtown Regional - Type 2
 - Downtown Civic Center - Type 2
 - Downtown Civic Center or Medical - Type 2
 - Downtown Core (Old Town) - Type 1
 - Downtown Core (Remainder) - Type 1
 - Downtown Medical - Type 2
 - Downtown Multiple Use - Type 2

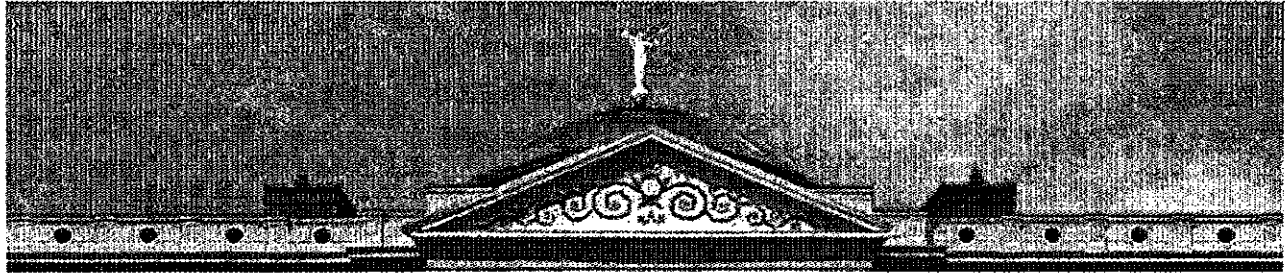
**DOWNTOWN FUTURE LAND USE MAP
(AMENDED FOR ILLUSTRATIVE PURPOSES)**





Arizona State Legislature

Bill Number Search:



Forty-ninth Legislature - Second Regular Session

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9-499.10. Infill incentive districts

A. The governing body of a city or town may designate an infill incentive district in an area in the city or town that meets at least three of the following requirements:

1. There is a large number of vacant older or dilapidated buildings or structures.
2. There is a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes or environmentally contaminated sites.
3. There is a large number of buildings or other places where nuisances exist or occur.
4. There is an absence of development and investment activity compared to other areas in the city or town.
5. There is a high occurrence of crime.
6. There is a continuing decline in population.

B. If the governing body establishes an infill incentive district, it shall adopt an infill incentive plan to encourage redevelopment in the district. The plan may include:

1. Expedited zoning or rezoning procedures.
2. Expedited processing of plans and proposals.
3. Waivers of municipal fees for development activities as long as the waivers are not funded by other development fees.
4. Relief from development standards.

Downtown Infill Incentive District Infill Criteria

Criterion 1 - There is a large number of vacant older or dilapidated buildings or structures.

The current commercial vacancy as of the first quarter of 2010 in the Downtown Infill Incentive District is twenty-four and one-tenth percent (24.1 %). Based on the recorded data, a vast amount of the buildings that have vacancies (69%) are over thirty (30) years old. Furthermore, of that sixty-nine percent (69%), over thirty percent (30%) are over forty (40) years old. In addition, twenty-one and one half percent (21.5%) of buildings that have vacancies are between twenty (20) and thirty (30) years old. The criterion for vacant older buildings or structures is clearly demonstrated with these vacancies rates and the age of the buildings data when compared to vacancies of building less ten years old which is only six and seven-tenths percent (6.7%).

Criterion 2 - There is a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes or environmentally contaminated sites.

When the Downtown Character Area Plan (Downtown Plan) was initially adopted in 1984, development expectations for Downtown Scottsdale were established and the instrument for achieving such expectations was the adopted Downtown (D) District in the Scottsdale Zoning Ordinance. It was contemplated that the Downtown area, which is now also identified as the Downtown Infill Incentive District, would develop to its highest and best land uses through reinvestment over a twenty (20) year period. However, as of the first quarter of 2010, only forty five and one-half percent (45.5%) of the Downtown has rezoned to the Downtown (D) District to take advantage of the highest and best use of the property that is permitted under the Scottsdale Zoning Ordinance. Additionally, of the properties that did rezone to the Downtown (D) District to take advantage of their property's development potential, twenty two and one-half percent (22.5%) did not enact their development entitlements under their approved Downtown (D) District zoning. Therefore, sixty four and six-tenths percent (64.6 %) of the area properties in the Downtown Infill Incentive District have not taken advantage of the development potential that the Downtown (D) District provides for and the community anticipates. Thus, the criterion for a large number of underused parcels of property is met.

In addition to the information above, thirteen and one-half percent (13.5%), or eighty-nine (89) acres of the Downtown Infill Incentive District is vacant land or surface parking lots. The Downtown Plan, Downtown (D) District, and Downtown Plan Urban Design & Architectural Guidelines contemplate and promote urban design that encourages underground and/or structured parking rather than large amounts of surface parking so as to encourage Downtown Scottsdale to develop to its highest and best use as a General Plan designated growth area. The large amount of surface parking lots are remnants of antiquated suburban design, which furthers the amount of underused properties in a downtown and in a growth area context.

Finally, the southeast quadrant of the Downtown Infill Incentive District contains an environmentally contaminated site (soil contamination). Even though the site has been under environmental remediation for some time, continuation of remediation is still required. In addition, approximately one-third of the Downtown Infill Incentive District falls within the North Indian Bend Wash Superfund

site plume (water contamination) which is also part of a long term Environmental Protection Agency remediation plan. Therefore, the environmentally contaminated sites portion of the criterion is met as well.

3. There is a large number of buildings or other places where nuisances exist or occur.

Compared to the remainder of the City, over the past calendar year the area within the Downtown Infill Incentive District had seven (7) times more nuisance violations, or six hundred eighty nine (689) per square mile, more than the remainder of the city. The remainder of the city had ninety-eight (98) nuisance violations per square mile. Consequently, there is a large number of buildings or other places where nuisances exist or occur.

Criterion 4 - There is an absence of development and investment activity compared to other areas in the city or town.

The absence of development and investment activity within the Downtown Infill Incentive District is demonstrated when comparing the commercial vacancy rates per square mile for the city and the area within the infill district. As of the first quarter of 2010, there was approximately eight hundred ninety five thousand seven hundred fifty (895,750) square feet of vacant commercial space per square mile in the Downtown Infill Incentive District, which is six and one-half (6.5) times greater than the rest of the city. The remainder of the city has one hundred thirty five thousand eight hundred ninety (135,890) square feet vacant commercial space per square mile. The larger amount of commercial vacancies as compared to the remainder of the city demonstrates the absence of development and investment activity in the Downtown Infill Incentive District.



**DOWNTOWN TASK FORCE
GRANITE REEF SENIOR CENTER - ROOM 7
1700 N. GRANITE REEF ROAD
SCOTTSDALE, ARIZONA 85251**

TUESDAY, APRIL 27, 2010

*** SUMMARIZED MEETING MINUTES**

PRESENT:

R. Lamar Whitmer, Chair
Marilynn Atkinson, Task Force Member (arrived at 8:12 a.m.)
Janie White, Task Force Member
Fred Unger, Task Force Member
Susie Wheeler, Task Force Member
Kathy Duley, Task Force Member
Tom Giller, Task Force Member
Bret Sassenberg, Task Force Member
Scott Nelson, Task Force Member
Alan Larson, Task Force Member
Betty Drake, Vice-Chair
Jude Nau, Task Force Member (left at 8:52 a.m.)

ABSENT:

Gary Baker, Task Force Member
Debbie Saba-Cooper, Task Force Member
Jay Petkunas, Task Force Member

STAFF:

Connie Padian
Dan Symer
Steve Venker
Erin Perreault
Joe Padilla
Brandon Lebovitz

CALL TO ORDER

Chair Whitmer called the meeting of Downtown Task Force to order at 8:05 a.m.

ROLL CALL

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

ATTACHMENT #6

AGENDA

1. Type 1 / Type 2 Height and Buffer / Transition Area Discussion and Possible Action on Consensus for Recommendations to City Council.

The Downtown Task Force formed consensus on a need for a way to get to higher heights; a mechanism to achieve something special, where additional height can be earned.

The Task Force noted that the current process requires architectural review through the Development Review Board, and public benefit lists are weighed in on every project, which include open space and public art.

The Task Force suggested a base that is reasonable and reflects specified uses. In addition, the Task Force suggested height incentives be earned through additional open space, public art, or some other public benefit contribution.

2. Discussion and possible action on items to be included as Task Force recommendations to City Council (Consensus Report).

The Task Force did not address this agenda item. This item has been tabled for a future meeting.

3. Public Comment

The Task Force received comments from three citizens regarding the following:

- Zoning and entitlements should only be changed if the original zoning applied to the property was wrong, or if there is no major change to physical, social or economic characteristics in the area surrounding the parcel in question. Downtown's evolution and a need for the creation of what tourists want/expect to see.
- One alternative to increased heights is a look at floor area ratios and increasing the amount of floor area that can be built on a lot in order to better utilize the height that currently exists by maximizing the development potential.
- To encourage redevelopment, three-story areas need to be allowed more height and density incentives for assembling parcels and providing vertical mixed use.

4. Staff and Task Force Updates (A.R.S. 38-431.02 (K))

No staff or Task Force updates.

5. Identification of Future Agenda Items

The Task Force identified discussion and possible action on revisions to the Downtown Trolley operation, and discussion and possible action on Parking Text Amendments for the May 10, 2010 meeting.

The Task Force identified discussion and possible action on reclassifying current Type 2 Regional/Medical to a new Type 3 designation, and discussion and possible action on a

use/height schedule for the purposes of updating the Downtown Plan, for a special meeting on May 17, 2010.

The Task Force agreed to cancel the May 24, 2010 meeting.

ADJOURNMENT

With no further business to discuss, the meeting of Downtown Task Force adjourned at 11:29 a.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Downtown Task Force website at:
<http://www.scottsdaleaz.gov/boards/TaskForces/DowntownTaskForce.asp>



**DOWNTOWN TASK FORCE
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA 85251**

MONDAY, MAY 17, 2010

SUMMARIZED MEETING MINUTES

PRESENT:

R. Lamar Whitmer, Chair
Betty Drake, Vice-Chair
Marilynn Atkinson, Task Force Member
Janie White, Task Force Member
Fred Unger, Task Force Member
Susie Wheeler, Task Force Member
Kathy Duley, Task Force Member
Alan Larson, Task Force Member
Jude Nau, Task Force Member
Scott Nelson, Task Force Member
Jay Petkunas, Task Force Member
Tom Giller, Task Force Member
Debbie Saba-Cooper, Task Force Member
Bret Sassenberg, Task Force Member

ABSENT:

Gary Baker, Task Force Member

STAFF:

Connie Padian
Joe Padilla
Erin Perrault
Dan Symer
Ben Moriarity

CALL TO ORDER

Chair Whitmer called the meeting of Downtown Task Force to order at 7:35 a.m.

ROLL CALL

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

ATTACHMENT #7

AGENDA

1. May 10, 2010 Meeting Minutes

TASK FORCE MEMBER PETKUNAS MOVED TO APPROVE THE MAY 10, 2010 MEETING MINUTES. SECONDED BY TASK FORCE MEMBER DULEY, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FOURTEEN (14) TO ZERO (0).

2. Downtown height discussion (including a potential designation of Type 3 and a use/height schedule) and possible action on recommendations to City Council.

Staff provided a brief overview and presentation, including the height table below.

| Typical Building Heights Considerations | Maximum Height | Additional Height for Mechanical, etc |
|---|---|---------------------------------------|
| Old Town (Type 1) | 40 – Feet ^A | None |
| Remainder of the Downtown Core (Type 1) | 48 – Feet ^A | None |
| Multiple Use (Type 2) | 66 ^B – 90 Feet ^C | None |
| Regional (Type 2) | 90 ^B – 150 Feet ^C | None |
| Medical (Type 2) | 90 ^B – 150 Feet ^C | None |

Note: A. Regardless of having a Planned Block Development overlay designation.
B. Non-Planned Block Development overlay development height maximum.
C. Planned Block Development overlay developments height maximum.

The Task Force Members discussed and commented generally as follows:

- ~~In favor of earned height~~
- Green building for more incentives
- New standards and updates should not reduce existing property rights, should be able to opt-in, as approved by City Council
- Compromise should occur between vertical box and pyramid developments
- Minimum 16' step backs
- DRB should determine when a step back is relieved at a certain height
- Buffers to residential neighborhoods and to Type 1 will continue to exist, and should be shown on all graphics

Vice-Chair Drake moved to recommend approval to City Council of the proposed standards for consideration as developed by staff, with the following revisions:

- Minimum setbacks for Old Town and Downtown Core (Type 1) should be 16 feet;
- Medical and Regional (Type 2) should be presented as Type 3;
- A clarification that transitions between these areas and surrounding uses will apply, to be determined, and that these setbacks apply to street-side setbacks.

2010

Downtown Infill Incentive Plan



APPROVED
7-7-10
DATE INITIALS



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I. Purpose.

One primary principle of the Downtown Character Area Plan (Downtown Plan) is that coordination between the public and private sectors will be necessary in order to carefully manage Downtown land use considerations in the future. The involvement of the private sector is pivotal to the successful implementation of the Downtown Plan. The flexible application of flexible development standards can be used to encourage the private sector to attain a high level of quality development while at the same time assisting in the provision of public amenities and benefits. Thus, establishing and utilizing a variety of tools for new development, redevelopment and infill development that strengthens Downtown's mix of land uses should be strongly encouraged.

One such tool for the City to utilize is the Infill Incentive District, as provided in Arizona Revised Statute §9.499.10. Adopted as part of the Growing Smarter and Growing Smarter Plus legislation, the Infill Incentive District was added to the Arizona Revised Statutes to promote infill development in cities and towns. The City Council has adopted a Infill Incentive District called the Downtown Infill Incentive District which acknowledges that the conditions to create an Infill Incentive District (Appendix A) exist. Further, the District formation recognizes that the strict application of the underlying zoning and overlay districts' standards and regulations of the City of Scottsdale's Basic Zoning Ordinance (Zoning Ordinance) might inhibit infill, revitalization, redevelopment, and preclude the provision of public amenities and benefits.

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The Downtown Infill Incentive District is an irregularly shaped area, located between North 68th Street and North Miller Road, and between East Earll Drive and East Chaparral Road. The Downtown Infill Incentive District is more precisely identified as the area depicted in Appendix B which includes a map of the Downtown Infill Incentive District.

III. Goals and Objectives.

The primary guiding plans for the Downtown Infill Incentive District are the Scottsdale General Plan and the Downtown Plan, which are included as part of the Downtown Infill Incentive Plan by this reference. In addition, the goals and objectives contained within this Downtown Infill Incentive Plan are established to promote high quality new development, redevelopment and infill development within the district through the use of flexible development standards.

a. Goals and Objectives that are Specific to the Downtown Infill Incentive District.

Goal 1: *Encourage infill development of vacant parcels, and the revitalization and/or redevelopment of existing buildings in Downtown Scottsdale.*

Objective 1.1: The provisions of the Downtown Infill Incentive District for a development shall implement the goals, approaches, and policies of the General Plan and Downtown Plan related to infill development of vacant

parcels, and the revitalization and/or redevelopment of existing buildings and underutilized properties.

Goal 2: *Development shall be composed of complementary and supportive design relationships with the urban neighborhood in which the development is located, with an adjacent neighborhood outside of the Downtown boundary, and consistent with the Downtown Plan.*

Objective 2.1: Any new development that is within the Type 1 area, as designated by the Downtown Plan, shall promote a compact urban form and encourage sensitive/compatible infill development and redevelopment.

Objective 2.2: Any new development, infill development and redevelopment, that is within Type 2 area, shall incorporate contextually appropriate transitions to the established development that is the Type I area.

Objective 2.3: Any new development, infill development and redevelopment that is adjacent to the Downtown boundary shall incorporate contextually appropriate transitions to the established development outside of the Downtown boundary.

Goal 3: *Development shall be in compliance with the Downtown Plan Urban Design & Architectural Guidelines, and the Scottsdale Sensitive Design Principles.*

Objective 3.1: Any new Development in Old Town, Main Street, Fifth Avenue, and Marshall Way-Craftsman Court areas of Downtown shall strictly conform to the character of the area, and the Downtown Plan Urban Design & Architectural Guidelines for Special Districts.

IV. Application and Development Plan Requirements.

a. Downtown Infill Incentive District Application Requirements.

A property owner may request to develop under the provisions of the Downtown Infill Incentive Plan, by submitting an application in accordance with the Scottsdale Zoning Ordinance – Article I.

b. Downtown Infill Incentive District Development Plan Requirements.

An application for the Downtown Infill Incentive District shall be accompanied by a Development Plan. As required by the Zoning Administrator, or designee, the Development Plan shall include the indicated items that are on the Infill Incentive District Application checklist.

V. Citizen Review Process Requirements.

A property owner requesting to develop under the provisions of the Downtown Infill Incentive Plan, shall conduct public outreach in accordance with Citizen Review Process of the Scottsdale Zoning Ordinance – Article I.

VI. Amendments.

To maintain the integrity and character of the City of Scottsdale and its built environment, only certain amendments may be requested. The approval of any amendment shall be at the discretion of the City Council. The allowed and prohibited amendments in the Downtown Incentive Infill District are identified in three categories, Minor Amendments, Major Amendments, and Prohibited Modifications.

a. Minor Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District may include request to amend the following:

- The Scottsdale Zoning Ordinance, except as prohibited below.
 - Projects within the Type 1 Old Town area may request an amendment to the permitted building height, up to a height of forty (40) feet, inclusive of roof top apparatus.
 - Projects within the Type 1 area that are outside of the Old Town area may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that do not have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of forty (48) feet, inclusive of roof top apparatus.
 - Projects in the Type 2 area that have Downtown (D) District zoning may request an amendment to the permitted building height, up to a height of sixty-five (65) feet, inclusive of roof top apparatus.
 - Projects that do not have Downtown (D) District zoning may request an amendment of the allowable floor area up to a floor area ratio of 1.5

Note: 1. The locations of the Type 1 and Type 2 areas are identified in Appendix C.
2. Minor amendments requesting a change of the current zoning’s development standards will be processed as zoning cases until a different process is adopted by the City Council.

b. Major Amendments.

An application to utilize the provisions of the Downtown Infill Incentive District, may include a request to amend the General Plan, the Downtown Plan, or the Zoning Ordinance. If an

amendment is requested in the application, a concurrent application must be submitted to amend the following if the proposed development plan affects:

- the General Plan,
 - requires a General Plan amendment application
- the Downtown Plan,
 - requires a General Plan amendment application
- a change from one zoning district to another zoning district
 - requires a Zoning Map amendment application
- an existing zoning stipulation(s),
 - requires a Zoning Map amendment application
- existing amended development standards,
 - requires a Zoning Map amendment application
- existing Conditional Use Permit and/or related stipulations,
 - requires a Conditional Use Permit application
- the addition of a land use that is not permitted in the property's zoning district, and/or overlay district classification.
 - requires a Zoning Map amendment application
- a land use that requires a Conditional Use Permit,
 - requires a Conditional Use Permit application
- a building height between sixty-five (65) feet and ninety (90) feet, inclusive of roof top apparatus, in the Downtown Multiple Use or Downtown Civic Center Type 2 areas, and/or
 - requires a Zoning Map amendment application
- a building height between sixty-five (65) feet and one-hundred fifty (150) feet, inclusive of roof top apparatus, in the Downtown Regional Multiple Use or Downtown Medical Type 2 areas.
 - requires a Zoning Map amendment application
- properties with Downtown (D) District zoning may request a floor area ratio greater than what is permitted by the zoning district.
 - requires a Zoning Map amendment application
- a density greater than the allowed density of a property's zoning district or overlay district classification.
 - requires a Zoning Map amendment application

Note: The locations of the Downtown Multiple Use, Downtown Civic Center, Downtown Regional, Downtown Medical Type 2 are identified in Appendix C.

c. *Prohibited Modifications.*

An application to utilize the provisions of the Downtown Infill Incentive District, shall not include modifications to:

- the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures;
- the Scottsdale Zoning Ordinance definitions of Article III. – Definitions, or any other definition that may be located in another article of the Zoning Ordinance;
- any property with the Historic Property zoning overlay district designations; and/or
- reduce the minimum contribution of the Cultural improvements program of the Scottsdale Zoning Ordinance.

VII. Fee Waivers.

A property owner’s application may include a request for a waiver of fees, partial waiver of fees, or deferment of fees. The approval of any application that includes a waiver of fees, partial waiver of fees, and/or deferment of fees shall be at the discretion of the City Council, essentials of a waiver of which shall be contained in a binding agreement that is subject to the discretion of the City Council.

VIII. Expedited Zoning or Rezoning Procedures and Processing of Plans and Proposals.

The City of Scottsdale Planning, Neighborhood, and Transportation Division (PNT) staff is committed to review and process applications, development plans, and proposals in an expeditious manner. A property owner may request expedited review and process for applications, development plans, and proposals, however, the Scottsdale Zoning Ordinance regulations in Article I. – Administration and Procedures may not be modified. The approval of any application that includes a request for expedited review and process for applications, development plans, and proposals shall be at the discretion of the City Council. The essentials of expedited review and process for applications, development plans, and proposals shall be contained in a binding agreement that is subject to the discretion of the City Council.

IX. Considerations.

At the discretion of the City Council, an application for an amendment to the development standards, City fees, and the time frames to process zoning application(s), plans and proposals within the Downtown Infill Incentive District shall demonstrate the goals and policies of the General Plan, Downtown Plan, and the specific goals and policies herein specific to the Downtown Infill Incentive District.

X. Administration.

The Downtown Infill Incentive Plan shall be administered and interpreted by the City of Scottsdale Zoning Administrator, or designee.

Recommendations regarding applications to utilize the Downtown Infill Incentive District will be made by city staff to the City Council, and to the appropriate board or commission based upon the merits of the proposals submitted under the Downtown Infill Incentive District and other City Policies and City Code regulations.

XI. Definitions.

The definitions of the Zoning Ordinance, General Plan, and Downtown Character Area Plan shall apply. Undefined terms shall be interpreted by the Zoning Administrator.

Downtown Infill District

Appendix A - Resolution No. 8370

(Including Exhibit A of Resolution No. 8370, which is the Downtown Infill Incentive Plan itself)

RESOLUTION NO. 8370

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FINDING THE EXISTENCE OF STATUTORY CRITERIA SUPPORTING THE CREATION OF AN INFILL INCENTIVE DISTRICT IN THAT AREA OF THE CITY OF SCOTTSDALE GENERALLY LOCATED BETWEEN NORTH 68TH STREET AND NORTH MILLER ROAD, AND BETWEEN EAST EARLL DRIVE AND EAST CHAPARRAL ROAD, DESIGNATING A PORTION A SPECIFIC PORTION OF THAT AREA TO BE AN INFILL INCENTIVE DISTRICT AND ADOPTING AN INFILL INCENTIVE PLAN.

WHEREAS, the City Council, held a public hearing on July 7, 2010; and

WHEREAS, Arizona Revised Statutes (A.R.S) §9-499.10 authorizes the City to establish Infill Incentive Districts in areas of the city that meet at least three of six property conditions criteria, and

WHEREAS, the City Council deems that in the best interests of the City of Scottsdale that a certain area of the City of Scottsdale depicted in Exhibit A attached hereto and incorporated by reference should be designated as a Infill Incentive District; and

WHEREAS, the City Council finds the designation of a Infill Incentive District is in substantial harmony with the General Plan of the City of Scottsdale; and

WHEREAS, A.R.S §9-499.10 requires that the City Council make certain findings prior to making such a designation and prior to the exercise of the powers granted pursuant to A.R.S. §9-499.10; and

WHEREAS, the City Council has heard and seen evidence that within the area of the City described in Exhibit A there exist a large number of vacant older or dilapidated buildings or structures, a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes, environmentally contaminated sites, and a large number of buildings or other places where nuisances exist or occur, and an absence of development and investment activity compared to other areas in the city; and

WHEREAS, the City Council has considered a plan to encourage development within the area described in Exhibit A to enhance the economic welfare of the community as a whole, and

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Page 1 of 2

Resolution 8370

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

Section 1. That the City Council finds the area of the City depicted in Exhibit A hereto meets at least four of the six statutory criteria in A.R.S. §9-499.10 as follow:

1. There are a large number of vacant older or dilapidated buildings or structures.
2. There are a large number of vacant or underused parcels of property, obsolete or inappropriate lot or parcel sizes or environmentally contaminated sites.
3. There are a large number of buildings or other places where nuisances exist or occur.
4. There is an absence of development and investment activity compared to other areas in the city or town.

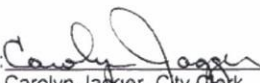
Section 2. That the area of the City of Scottsdale depicted in Exhibit A and labeled as the Downtown Infill Incentive District is hereby established as an Infill Incentive District pursuant to A.R.S. §9-499.10, to be known as the Downtown Infill Incentive District.

Section 3. That pursuant to A.R.S. §9-499.10 the City Council hereby adopts the Downtown Infill Incentive Plan attached hereto as Exhibit B and incorporated herein.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 7th day of July 2010.

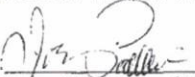
ATTEST:

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

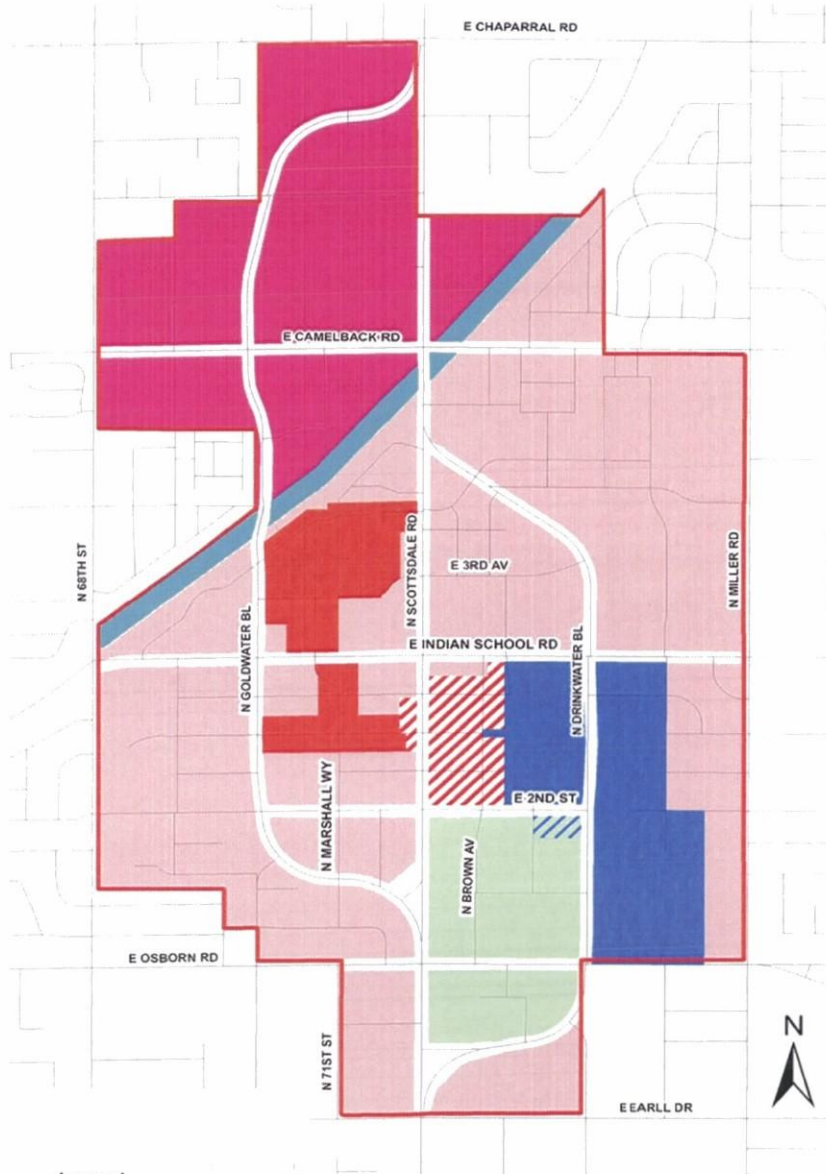
Appendix B - Downtown Infill Incentive District Map.

Downtown Infill Incentive District



Appendix C - Downtown Future Land Use Map.

Note: Refer to the Scottsdale Downtown Plan for the approved Downtown Future Land Use Map.



- Legend**
- Downtown Boundary
 - Downtown Regional - Type 2
 - Downtown Civic Center - Type 2
 - Downtown Civic Center or Medical - Type 2
 - Downtown Core (Old Town) - Type 1
 - Downtown Core (Remainder) - Type 1
 - Downtown Medical - Type 2
 - Downtown Multiple Use - Type 2

**DOWNTOWN FUTURE LAND USE MAP
(AMENDED FOR ILLUSTRATIVE PURPOSES)**

