

ORDINANCE NO. 3901

AN ORDINANCE OF THE 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. 1-ZN-2010 FROM SERVICE RESIDENTIAL (S-R) TO DOWNTOWN REGIONAL COMMERCIAL OFFICE - TYPE 2, PLANNED BLOCK DEVELOPMENT, DOWNTOWN OVERLAY (D/RCO-2 PBD DO) WITH AMENDED SITE DEVELOPMENT STANDARDS, AND AWARD BONUS FLOOR AREA FOR SPECIAL PUBLIC IMPROVEMENTS ON A 9.87+/- ACRE PARCEL LOCATED AT 6801 E. CAMELBACK ROAD.

WHEREAS, the Planning Commission held a hearing on June 9, 2010;

WHEREAS, the City Council held a hearing on July 6, 2010; 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. 1-ZN-2010.

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

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended by rezoning a 9.87+/- acre parcel located at 6801 E. Camelback Road, marked as "Site" (the Property) on the map attached as Exhibit 2, incorporated herein by reference, from Service Residential (S-R) to Downtown Regional Commercial Office - Type 2, Planned Block Development, Downtown Overlay (D/RCO-2 PBD DO) with Amended Development Standards, attached as Exhibit B to Exhibit 1, and award bonus floor area for special public improvements pursuant to Section 5.3090(C)(4) of the Zoning Ordinance.

Section 2. That the above rezoning 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 6th day of July, 2010.

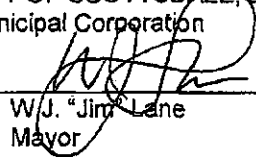
ATTEST:

By:

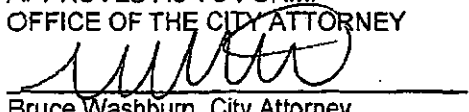

Carolyn Jagger
City Clerk

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By:


W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Bruce Washburn, City Attorney
By: Sherry R. Scott

Stipulations for the Zoning Application:

Optima Sonoran Village

Case Number: 1-ZN-2010

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

Stipulations added by Planning Commission at the June 9, 2010 hearing are shown in **BOLD CAPS**.

SITE DESIGN

1. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by David Hovey and Associates Architect, Inc. with the city staff date of 06/01/2010, attached as Exhibit A to Exhibit 1. Any proposed significant change to the conceptual site 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 site development standards as shown in the table entitled "Amended Site Development Standards", attached as Exhibit B to Exhibit 1. Any change to the amended site development standards shall be subject to additional public hearings before the Planning Commission and City Council.
3. **BUILDING HEIGHT LIMITATIONS.** No building on the site shall exceed twenty-eight (28) feet in height, measured as provided in the applicable section of the Zoning Ordinance, within sixty-three (63) feet of the south property line. No building shall exceed thirty-eight (38) feet in height, measured as provided in the applicable section of the Zoning Ordinance, within one hundred forty-one (141) feet of the south property line.
4. **BUILDING SETBACK.** No building shall be located closer than forty-three (43) feet to the southern property line.
5. **CULTURAL IMPROVEMENT PROGRAM.** The owner shall install and maintain original works of art costing a minimum of one (1) percent of the commercial building valuation in accordance with the Zoning Ordinance and the art in public places program. The owner shall submit a detailed Cultural Improvement Program with the Development Review Board submittal identify specific locations and art pieces to be placed on site to satisfy these requirements.
6. **SPECIAL PUBLIC IMPROVEMENTS.** With the Development Review Board submittal, the owner shall submit a Special Public Improvements master plan identifying specific public improvements to be built by the owner and specific cost estimates for each improvement.
7. **OUTDOOR LIGHTING.** The maximum height of any outdoor lighting source, except any light sources for patios and/or balconies, shall be twenty (20) feet above the adjacent finished grade.
8. **OUTDOOR LIGHTING FOR PATIOS AND BALCONIES.** Light sources that are utilized to illuminate patios and/or balconies that are above twenty (20) feet shall be subject to the approval of the Development Review Board.

9. **PERMANENT BARRIER PROVISION. THE DEVELOPER SHALL PROVIDE AND MAINTAIN A PERMANENT BARRIER, INCLUDING GATE(S) FOR EMERGENCY VEHICLES AND EQUIPMENT AS REQUIRED, AT THE NORTHERN TERMINUS OF 69TH STREET NEAR THE SOUTHEAST CORNER OF THE SITE TO RESTRICT ACCESS FROM THE DEVELOPMENT TO 69TH STREET.**

INFRASTRUCTURE AND DEDICATIONS

10. **CIRCULATION IMPROVEMENTS.** Before any certificate of occupancy is issued for the site, the owner shall make the required dedications and provide the following improvements in conformance with the Design Standards and Policies Manual and all other applicable city codes and policies.

- a. **STREETS.** Dedicate the following right-of-way and construct the following street improvements:

Street Name	Street Type	Dedications	Improvements	Notes
Camelback Road	Minor Arterial	Additional Right-of-way or roadway easement, transit stop easement	10-foot wide sidewalk, 2 deceleration lanes, 2 fire access pads, Transit stop	a.1., a.2., a.3., a.4., a.5.
68 th Street	Minor Collector	Additional right-of-way or roadway easement	8-foot wide sidewalk, a deceleration lane	a.4., a.6., a.7.
Public Alley (to be abandoned)	Alley	Public Utility Easement		a.5

- a.1. The owner shall construct a deceleration lane with Scottsdale Fire Department access pad at the entrance to the site on Camelback Road.
- a.2. A transit stop shall be provided west of the entrance on Camelback Road, east of the intersection of 68th Street. If a "drop off" area is to be provided along E. Camelback Road, it shall require further review and approval by City Transportation Department staff prior to Development Review Board approval.
- a.3. The owner shall provide a ten (10) foot wide sidewalk located at the back of curb along site frontage at Camelback Road.
- a.4. The owner shall dedicate to the City of Scottsdale, right-of-way or roadway easement along Camelback Road and 68th Street over the public sidewalk, deceleration lanes and Scottsdale Fire Department access pads. A transit stop easement shall be dedicated to include the transit shelter and pad.

- a.5. The owner shall provide at the time of Development Review Board submittal a plan to repave, or otherwise treat as approved by the Development Review Board, the alley south of the site.
 - a.6. The owner shall construct a deceleration lane at the entrance to the site on 68th Street. The length of the deceleration lane may be shortened in order to minimize the impact to the adjacent property to the south.
 - a.7. The owner shall provide an 8-foot wide sidewalk along site frontage at 68th Street. The sidewalk shall be separated from the back of curb with a five (5) foot minimum separation.
 - b. **VEHICLE NON-ACCESS EASEMENT.** Dedicate a one foot wide vehicular non-access easement on N. 68th Street and E. Camelback Road except at the approved street entrance(s).
 - c. **AUXILIARY LANE.** Dedicate the necessary right-of-way, as determined by city staff, and construct right-turn deceleration lanes at 68th Street and Camelback Road and at all site entrances.
11. **TRANSIT FACILITIES.** Before any certificate of occupancy is issued for the site, the owner shall construct a bus bay and stop facilities (landscaping, bench, trash can and a bike rack) on Camelback Road, east of 68th Street as shown on the submitted site plan with the city staff date of 06/01/2010. The shelter shall be located behind the sidewalk. The owner may use City of Scottsdale Standards for the design of transit improvements or submit a design that reflects the architecture of the site. Transit design shall be reviewed and approved by City of Scottsdale Transportation Engineering staff.
12. **ACCESS RESTRICTIONS.** Access to the site shall conform to the following restrictions (distances are measured to the driveway or street centerlines):
- a. There shall be a maximum of two site driveways, one from Camelback Road and the other from 68th Street, with a minimum of 330 feet between the driveway(s) and street intersection(s).

AMENDED DEVELOPMENT STANDARDS

1-ZN-2010

Optima Sonoran Village

SCHEDULE B

SITE DEVELOPMENT STANDARDS

			Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
I. Development Requirements						
	1.	Basic Floor Area Ratio (FAR)	0.8	0.8	0.8	Section 5.3090
	a.	Underground parking FAR bonus maximum	0.3	0.3	0.3	Section 5.3090 C1, 9.108.C.3
	b.	Historic site FAR bonus maximum	0.2	0.2	0.2	Section 5.3090 C2.
	c.	Special Improvements FAR bonus maximum	0.3	0.3	0.3	Section 5.3090 C4
	d.	Planned block development FAR bonus max.	0.1	0.1	0.1	Sections 5.3061 A, 5.3082
	2.	Total maximum FAR (excluding residential bonus and right-of-way credit)	1.5	1.4	1.4	Sections 5.3061 B, 5.3065
	a.	Residential/hotel FAR bonus maximum	0.5	0.4	0.4	Section 5.3090 C3
	3.	Total maximum FAR (including residential but excluding right-of-way credit)	2.0	1.8	1.8	Section 5.3061 L
II. Site Requirements						
	1.	Minimum Site Area	None required	None required	None required	
	2.	Minimum Front Building Setback	12 feet from planned curb	20 feet from planned curb except designated street frontages	20 feet from planned curb except designated street frontages	Sections 5.3066, 5.3061 G, 5.3061 H, 5.3081 C
	3.	Minimum Interior Side Building Setback	None	None	None	Sections 5.3066, 5.3061 I
	4.	Minimum Corner Side Building Setback	12 feet from planned curb	20 feet from planned curb	20 feet from planned curb	Section 5.3066
	5.	Minimum Rear Building Setback	No minimum except as required for off- street loading and trash storage	No minimum except as required for off-street loading and trash storage	No minimum except as required for off-street loading and trash storage	Sections 5.3066, 5.3061 I
	6.	Landscaping	No minimum	No minimum	No minimum	Section 5.3062
	7.	Parking	Pursuant to article IX	Pursuant to article IX	Pursuant to article IX	Pursuant to article IX
	8.	Signs				Section 5.3061K
III. Building Design Requirements						
	1.	Basic Height Maximum (all uses)	26 feet (not more than 2 levels)	26 feet	38 feet (not more than 3 levels)	Section 5.3061C
	2.	Bonused Height Maximums				Section 5.3090
	a.	Planned block development (all uses)				Section 5.3082

			Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
		100,000 sq. ft. minimum parcel	None	None	50 feet (not more than 4 levels)	
		200,000 sq. ft. minimum parcel	None	30 feet (not more than 4 levels)	65 feet (not more than 5 levels)	
	b.	Residential use	36 feet (not more than 3 levels)	38 feet (not more than 3 levels)	50 feet (not more than 5 levels)	Section 5.3061 M
	c.	Hotel use	36 feet (not more than 3 levels)	38 feet (not more than 3 levels)	72 feet (not more than 8 levels)	
3.	Building Size Maximum		None	350 feet any side, 550 feet two adj. sides. Above 38- foot elevation, 200 feet maximum	350-495 feet any side, 550 610 feet two adj. sides. Above 38-foot elevation, 200-495 feet maximum	Section 5.3061 D
4.	Spacing Between Buildings Minimum		None	10% of two longest sides	40% of two longest sides 10 FEET	Section 5.3061 E
5.	Large Walls					
	a.	Vertical dimension maximum	26 feet	26 feet	38-65 feet without additional setback	Section 5.3061 F
	b.	Horizontal dimension	None	200 feet without "break"	200 feet without "break"	Section 5.3061 F
6.	Building Envelope, starting at a point 26 feet above the building setback line, the inclined setbacks plane slopes at:		2:1 on the front, and 1:1 on the other sides of a property	1:1 up to a height of 38 feet, 2:1 thereafter on all sides of a property	1:1 up to a height of 38 feet, 2:1 thereafter on all sides of a property	Section 5.3061 J, 5.3061 N
7.	Encroachments Beyond Inclined Stepback Plane		Not permitted	A max. vertical encroachment of 15 ft. is permitted on a maximum of 25% of the length of an elevation	A max. vertical encroachment of 15 ft. is permitted on a maximum of 25% of the length of an elevation	Sections 5.3063, 5.3066
8.	Building Lines		At the first level minimum 50% of front building face shall be at front building setback.	Minimum 25 % of area of front bldg. face below 26 ft. shall be at front building setback. At first level, min. 25% of width of projected street elevation must be at least 10 ft. behind front building setback.	Minimum 25 % of area of front bldg. face below 26 ft. shall be at front building setback. At first level, min. 25% of width of projected street elevation must be at least 10 ft. behind front building setback.	
9.	Private Outdoor Living Space		Minimum area of 60 sq. ft. per dwelling unit required with minimum dimensions of 6 ft.	Minimum area of 60 sq. ft. per dwelling unit required with minimum dimensions of 6 ft.	Ground-floor dwelling unit; min. dimension 10 ft. Upper floor unit; min. dimensions 6 ft. with min. area of 60 ft.	

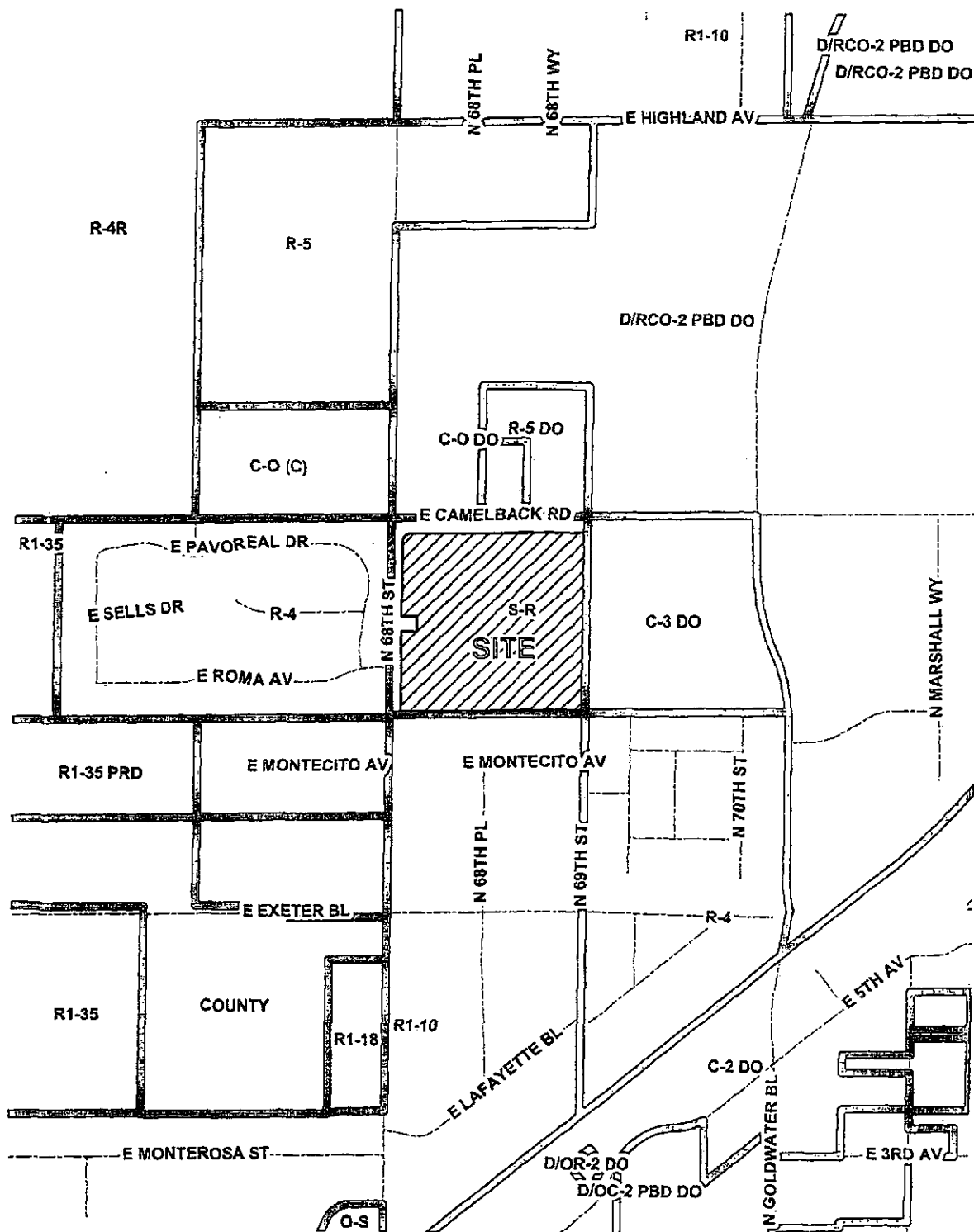
(Ord. No. 1796, 11-5-85; Ord. No. 1932, § 1, 4-7-87; Ord. No. 1996, § 1, 2-1-88; Ord. No. 2736, § 1, 3-7-95; Ord. No. 3225, § 1, 5-4-99)

Sec. 5.3061. – Additional regulations.

- A. Within a planned block development (PDB) transfer of floor area between abutting parcels in the same ownership shall be permitted. Transfer of floor area between parcels under different ownerships in the same planned block development shall be permitted, subject to special conditions of approval for the planned block development (section 5.3082).
- B. An additional square foot of allowable floor area will be permitted for each square foot of required right-of-way dedicated to the city before December 31, 1987.
- C. Maximum building height shall not exceed thirty-eight (38) feet in the following areas:
 - 1. Within ~~three~~ **ONE** hundred **FORTY ONE (300141)** feet of an R-1 district.
 - 2. Within one hundred (100) feet of a type 1 area, except that planned block development projects may be approved with a bonused height maximum of up to fifty (50) feet.

- D. Maximum building length shall not exceed:
1. ~~Three~~**FOUR** hundred ~~thirty~~**NINETY FIVE** (360**495**) feet in any horizontal dimension.
 2. ~~Five~~**SIX** hundred ~~thirty~~**TEN** (560**610**) feet total for any two (2) adjacent building enclosure dimensions (e.g. front and side).
 3. ~~Two~~**FOUR** hundred **NINETY FIVE** (200**495**) feet for the upper portion of a building above the thirty-eight-foot elevation.
- E. Spacing between two (2) buildings on the same site shall be not less than ten (10) ~~FEET percent of the larger building's two (2) longest adjacent sides at the space (e.g. front and side).~~
- F. Large wall surfaces shall be controlled in vertical dimension and horizontal dimension by the following:
1. *Horizontal dimension:* No wall surface shall be more than two hundred (200) feet long without a "break" (a break shall be an interruption of the building wall plane with either a recess or an offset measuring at least twenty (20) feet in depth, and one-quarter of the building in length. The offset angle constituting the "break" recess shall be between ninety (90) degrees and forty-five (45) degrees to the wall).
 2. *Vertical dimension:* ~~A tall wall shall be set back an additional two (2) feet for every foot it measures in excess of thirty-eight (38) feet in vertical dimension. Such a wall shall constitute less than fifty (50) percent of the building's length as projected to any street or alley frontage. (Parallel vertical wall planes offset less than ten (10) feet shall be considered to be in the same plane).~~
 3. Interior side walls farther than sixteen (16) feet from a side property line and within one hundred (100) feet of the front setback line shall not have a vertical dimension greater than thirty-eight (38) feet without an offset of at least ten (10) feet. Offset angles shall be between ninety (90) degrees and forty-five (45) degrees to the wall. Exempt from this requirement are multifamily dwellings, hotels, and buildings containing less than **TWO HUNDRED ~~thirty~~-thousand-(50200,000)** square feet in gross floor area.
- G. Where existing setbacks on forty (40) percent or more of a blockface are less than the specified setback, the required setback on a site to be developed shall be the average setback of the developed portion of the blockface. Section 7.201 (adjustment of front yard requirements) shall not apply.
- H. Buildings fronting on Camelback Road, Indian School Road, and on Scottsdale Road north from Camelback Road and south from Osborn Road to the D district boundary, shall be set back forty (40) feet from the planned curblane. Buildings fronting on the couplet road and located in a type 2 area shall be set back thirty (30) feet from the planned curblane.
- I. No building wall shall be so placed as to create a yard measuring less than three (3) feet at a property line between two 92) private properties.
- J. Adjoining an R-1 district, the inclined stepback plane shall be 1:1 from a ten-foot high stepback line.
- K. RHD subdistrict signs shall comply with article VIII R-5 regulations. Signs in all other subdistricts shall conform with C-2 district regulations.
- L. For residential development and timeshare facilities (as defined in section 3.100), density shall not exceed fifty (50) dwelling units per gross acre.
- M. In order to qualify for the fifty-foot bonused height maximum a residential use shall be on a site larger than twenty thousand (20,000) square feet.
- N. The inclined stepback plane shall not apply to interior property lines within a planned block development.

(Ord. No. 1796, 11-5-85; Ord. No. 1899, § 1, 7-15-80; Ord. No 1932, § 1, 4-7-87; Ord. No. 1996, § 1, 2-1-88)



1-ZN-2010

Exhibit 2
Ordinance No. 3901
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