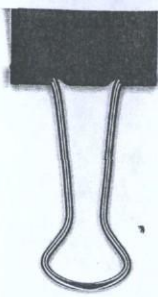


**Correspondence Between
Staff and Applicant**



June 21, 2011

Lynne A Lagarde
Earl, Curley & Lagarde
3101 N. CENTRAL Ave. Ste. 1000
Phoenix, AZ 85012

Re: 738-PA-2009
2-ZN-2010
Pinnacle in the Perimeter Center

Dear Lynne A Lagarde,

This is to advise you that the case referenced above was approved at the April 26, 2011 City Council meeting. Enclosed is a copy of the approved ordinance and/or resolutions for the case referenced above. Please distribute all necessary copies to any persons involved with this project and remove the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-2258.

Sincerely,

Bryan Cluff
Planner

Enclosure



5/12/10

Lynne A Lagarde
Earl, Curley & Lagarde
3101 N. CENTRAL Ave. Ste. 1000
Phoenix, AZ 85012

RE: 2-ZN-2010
Pinnacle in the Perimeter Center

Dear Ms. Lagarde:

The Planning and Development Services Department has completed the review of the above referenced submittal dated 4/8/2010. The following **1st Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

While reading through and addressing the following comments, please keep in mind that the City is aware of the conceptual nature of this request and is willing to work with you to process the application. However, the conceptual nature of this proposal presents a site planning challenge, specifically to the drainage issues that affect this site. Moving the application forward with the stated challenge, staff has identified two (2) options:

- A. Option A is to make the proposed site plan even more conceptual. Reducing the site plan to more of a bubble or block diagram identifying general building location, open space, and access. This will provide a framework to guide the project as it comes through the development review process while providing the opportunity to move components around within the framework to accommodate drainage and other site planning issues that cannot be identified this early in the process. We should meet to discuss this option further, and how it aligns with the Planning Commission's expectations.
- B. Option B is to provide additional information to address site plan issues in the resubmittal. The current proposed site plan will not accommodate the existing drainage flows that enter the site. The additional information required would include a full drainage study and report that identifies how the existing on-site flows and the additional runoff created by new impervious surfaces will be handled.

The following comments will need to be addressed with the resubmittal regardless of the option chosen.

Ordinance Related Issues

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing. Please address the following:

Zoning:

1. Per Section 5.2105 of the Zoning Ordinance, the proposed development must be in substantial harmony with the General Plan. There is much explanation given in the narrative as to how the development meets the goals and intents of the Draft Greater Airport Character Area Plan, but not much consideration given towards the goals and intents of the General Plan. Please provide more detail and justification as to how the proposed amended development standards will help achieve the goals set forth in the Land Use element of the General Plan, relative to the Employment and Regional Use designations. The Perimeter Center area is also identified in the General Plan as a growth area.
2. This is a request for amended development standards for a portion of the Perimeter Center Planned Community District (PCD). As part of a PCD proposal, it is required that a Development Plan is submitted and approved with the zoning case. The Perimeter Center PCD has an approved Development Plan and an associated Master Environmental Design Concept Plan (MEDCP). Please address how this proposal for amended development standards is consistent with the existing Development Plan with regard to the requirements outlined in Sections 5.2103 and 5.2104 of the Zoning Ordinance.
3. Please provide a legislative draft of the proposed amended development standards. The modified text shall be identified with a strike-thru and the new text shown with bold caps.
4. Per Section 5.2102.C of the Zoning Ordinance, the applicant is required to demonstrate how the modification to the development standards will produce a living environment, landscape quality, and life-style superior to that produced by the existing standards. Aside from architectural design of the buildings, please demonstrate how the requested amended standards will create an overall project that is a better quality than can be achieved with the current standards.

Please Note: Based on the conceptual plan that was provided, there are approximately 390 parking spaces provided in excess of the ordinance requirement for an office project of this size. If less surface parking is provided on site, there is the opportunity to provide additional open space, landscape areas, and pedestrian amenities that may help justify the request for additional height.

Building Height:

5. The information provided with the submittal does not specify any special considerations for measuring building height. Based on the current proposal, the building height will be measured as outlined in the Zoning Ordinance, which is a benchmark established by the average top of curb plus one (1) foot. Given the drainage constraints, it is likely that the finished floor elevation of the buildings will need to be established at a level several feet higher than the average curb elevation. This would reduce the actual building height that can be achieved with the proposed structures. Please clarify your request related to measuring building height and amend the application as needed.
6. In order to accurately determine the building height requested, a Basis of Design report for drainage must be submitted to define the methodology that will be used to determine the lowest floor elevation for the proposed buildings. The report shall demonstrate compliance with the accepted master plans for the Perimeter Center, address all off-site flows, existing drainage basins on the property, and how flows will be routed through the site.
7. Please clarify whether the requested 65 feet in building height will include building mounted mechanical equipment or if the mechanical equipment will need to extend beyond the 65 feet.

Airport:

8. Please provide a completed and signed Airport Vicinity Development Guidelines and Checklist to Airport staff.
9. Please submit an FAA FORM 7460-1 to the FAA for approval of the proposed height request. The elevation of the highest point of the structures including the appurtenances must be detailed on the FAA form 7460-1 submittal.

Please Note: Since the proposal is still conceptual, the elevation data presented to the FAA should be a worst case scenario to ensure that proposal will meet the FAA minimum standards.

Legal:

10. According to the title report provided with the application, the property owner is Scottsdale Perimeter I, LLC. The application and owner authorization letter has been signed by Beverly D. Eernisse. Please provide documentation that Ms. Eernisse is authorized to sign on the behalf of Scottsdale Perimeter I, LLC. See attached Affidavit of Authority to Act for Property Owner form.

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible. Please address the following:

207 Waiver:

11. Please have the property owner sign the attached Proposition 207 Waiver form and return the original prior to the City Council hearing.

Design Guidelines:

12. Please explain how the proposed guidelines relate to and exceed the existing standards set forth in the Scottsdale Sensitive Design Principles and Design Guidelines for Office Development. It should be the intent of the proposed design guidelines to create a project of a higher quality than would be achieved if only the current guidelines were followed.
13. It appears the intent for the proposed development is to push the buildings as far east as possible to maximize freeway visibility and minimize the impacts of the height on adjacent parcels. Please consider proposing a requirement that will restrict the location of the 65 foot tall structures to the eastern portion of the site. It may be beneficial to impose a building step back plane from the west property line to provide assurances to the adjacent parcels.

Site Design:

14. Please provide additional site/building sections as outlined below to help illustrate the relationship between the building height proposed on the site and the existing building height on the adjacent parcels.
 - North/South section cutting through the proposed north building mass and the adjacent parcel to the north.
 - North/South section cutting through the proposed south building mass, Princess Drive, and the parcel to the south.
 - East/West section that provides context to the north side of the freeway.
 - East/West section that provides context west of St. John Road.
 - Since there has been opposition from the adjacent properties to the west and southwest regarding the impacts this height request will have on their visibility, it may be beneficial to provide some site sections and views analysis relative to those site/buildings.

Circulation:

15. The proposed driveway location on Princess Drive is not consistent with the Perimeter Center Master Circulation Plan and is not supported by the Transportation Department. Site access to Princess Drive is provided by the existing driveway located on the hotel property adjacent

to the west. The Development Review Board case for the hotel site stipulated the provision of a cross access easement for the benefit of the Pinnacle site. Please amend the site plan to show access to Princess Drive from this shared driveway. The on-site driveway should align with the existing drive on the hotel parcel.

Please Note: There is not a copy of a cross access easement in this location on file in City records. The easement may have been dedicated as a private easement between property owners that the City was not a party to. Verification that the easement exists may be necessary.

16. The proposed driveway in the cul-de-sac at the intersection of 85th Street and St. John will create turning movement conflicts and is not supported by the Transportation Department. Please relocate this driveway to the straight section north of the cul-de-sac.
17. Please identify St. John Road on the site plan and show existing driveways along both sides of 85th Street, St. John, and Princess Drive. New driveways should be aligned with existing driveways or off-set a minimum distance 125 feet.

Technical Corrections

The following technical corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect the final plans submittal (construction set) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

18. There is a discrepancy between the amount of open space that is identified on the site plan and the amount called out on the site data sheet. Please clarify which number is accurate.

Fire:

19. **Please Note:** On-site fire hydrants will be required. All fire lanes must support a Gross Vehicle Weight of 83,000lbs.

Water and Waste Water:

20. **Please Note:** A water/sewer basis of design report must be submitted and accepted demonstrating compliance with the accepted master plans for the Perimeter Center prior to submittal of improvement plans. The reports shall also include the results of a fire hydrant flow test.

Please resubmit the revised legal requirements, revised plans, and a written summary response addressing the comments/corrections identified above as soon as possible for further review (**Please see Attachment A, Resubmittal Checklist, for a consolidated list of information to be resubmitted**). The City will then review the revisions to determine if it is ready to be scheduled for a hearing date.

In an effort to get this development request to a Planning Commission hearing, City staff has identified the following potential schedules (read schedule left to right):

Track	Response/resubmittal by applicant (complete set of revisions)	City to provide status update	Potential DR Hearing Date	Potential PC Hearing Date
15-10	No later than 5/21/2010	6/4/2010	7/15/2010	8/25/2010
16-10	No later than 6/4/2010	6/18/2010	8/19/2010	9/8/2010
17-10	No later than 6/18/2010	7/2/2010	9/2/2010	9/22/2010

22-10

8/13
8/27
9/24

10/22 - 12/8 7C

10/27
11/17

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING OR THE ABOVE MEETING SCHEDULE MAY BE AFFECTED. THIS WILL HELP MAKE SURE I AM AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS.

This schedule is based on the original submittal track and relies on a timely, complete and accurate response/resubmittal to the items addressed in this letter. Please be advised that the **1st Review Comments** are valid for a period of 45 days from the date on this letter. While the case will remain active, failure to resubmit within the 45 days will require the project to begin a new "First Review" track to refresh the review. Failure to resubmit within 190 days may cause the project to be considered inactive.

If you have any questions, or need further assistance please contact me at 480-312-2258 or at bcluff@ScottsdaleAZ.gov.

Sincerely,

A handwritten signature in green ink, appearing to read 'Bryan Cluff', with a long horizontal line extending to the right.

Bryan Cluff
Planner

cc:

ATTACHMENT A
Resubmittal Checklist

Case Number: 2-ZN-2010

Please provide the following documents, in the quantities indicated, with the first submittal (all plans larger than 8 1/2 x 11 shall be folded):

- ☒ One copy: COVER LETTER- Respond to all the issues identified in the first review comment letter.
- ☒ One copy: Revised CD of submittal (DWG format only)
- ☒ One original: Signed Prop. 207 Waiver Request
- ☒ One original: Letter of Authorization-actual owner of record
- ☒ One copy: Legislative Draft of Amended Standards
- ☒ One copy: Revised Project Data Sheet
- ☒ One copy: Revised Narrative for Project
- ☒ One copy: Project Design Guidelines

☒ Revised Site Plan (conceptual diagram):

6 24" x 36" 3 11" x 17" 3 8 1/2" x 11"

☒ Site/Building Sections:

<input type="checkbox"/> Color	<u> </u>	24" x 36"	<u> </u>	11" x 17"	<u> </u>	8 1/2" x 11"
<input checked="" type="checkbox"/> B/W	<u>6</u>	24" x 36"	<u>3</u>	11" x 17"	<u>3</u>	8 1/2" x 11"

Technical Reports:

☒ 2 copies of Drainage Basis of Design Report: Plan Check No.

Your Project Coordinator will verify that the applicable report(s) and/or waiver(s) have been resubmitted at the resubmittal meeting. If these report(s) and/or waiver(s) have not been resubmitted, your resubmittal of this application may be declined.



November 4, 2010

Lynne A Lagarde
Earl, Curley & Lagarde
3101 N. CENTRAL Ave. Ste. 1000
Phoenix, AZ 85012

RE: 2-ZN-2010
Pinnacle in the Perimeter Center

Dear Ms. Legarde:

The Community & Economic Development Division has completed the review of the above referenced submittal dated October 13, 2010. The following **2nd Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

Ordinance Related Issues

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing. Please address the following:

Circulation:

1. The project narrative states that the new street at the 85th Street alignment will have "full access" on to Princess Drive. Please clarify whether you propose to have left in and left out, or propose to limit the access to left in only as it exists today. If left in left out is proposed, a traffic study will be required to determine the feasibility.

Airport:

2. The 1st review comments included a request for the completed Airport Vicinity Development checklist and a copy of the 7460-1 form that was sent to the FAA. The applicant response was that these items have been included in the resubmittal. The documents cannot be located in the submittal information, please provide another copy of these materials.

Site:

3. Please revise the conceptual site plan to provide a fifty (50) feet wide building setback on the west site boundary where the new ROW dedication will be made.

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible. Please address the following:

General Plan:

4. Since the first submittal was made, the Greater Airpark Character Area Plan has been approved by City Council. The project narrative refers to the plan still in its draft form. Now that the plan has been adopted, more specific effort should be made while addressing the project's conformance to the plan.

This project will be one of the first to take advantage of the newly adopted GACAP, and is prominently located along the 101 corridor. Please amend your narrative to reflect the adoption of the plan and to address the following chapters of the plan:

- Land Use
 - Economic Vitality
 - Environmental Planning
 - Character and Design
5. Policy LU 5.1 of the GACAP states that "public amenities and benefits should be provided by the private sector when development bonuses, such as increased floor area, greater intensity, greater height, development standard flexibility, and/or street abandonment are considered." Please identify what public amenities, if any, will be provided with the development of this project to justify the request for greater height.

Standards:

6. Please amend the methodology for measuring building height to be "measured from natural grade plus three feet". This is in line with the cross sections provided (allowing up to 68'), but is more specifically applied over the entire site. Using only three benchmarks over the entire site (as currently proposed) will overly restrict height in some areas and allow too much height in others. Also, please add this standard to the legislative draft of the amended development standards.
7. The project narrative states that 32% of the site will be open space. Please note that 32% open space for this site is in line with the standard ordinance requirement for open space, which is based on building height. The narrative leads the reader to believe that more open space is being provided than what the ordinance requires. If increased open space is being used as justification for the increase in building height, please consider providing more open space. Also, please add this standard to the legislative draft of the amended development standards.

Site Design:

8. The project narrative states that there will be view corridors created between building masses on the site allowing visibility into the Perimeter Center from the freeway and enhanced open space amenities. Please identify the potential location of these view corridors on the conceptual development plan. These corridors should be established based on the layout and needs of the existing developments to the west as well as the needs of this site.
9. Based on feedback provided from the Planning Commission, the expectations for site plan content includes on-site circulation and parking areas, stormwater storage areas, and open space areas in addition to what is already included on your conceptual site plan. Please take these expectations under consideration as you move forward with the request.

Design Guidelines:

10. Please re-phrase the open space guideline so that it reads as a requirement rather than a statement. Also, the requirement should be increased so that it is in excess of the ordinance requirements.
11. Please clarify that the open space requirement discussed in the design guidelines is exclusive of the parking lot landscape ordinance requirements.

12. Please consider additional guidelines in the Site Planning section related to parking lot design, area, and quantity. The guidelines should be sensitive to environmental and drainage impacts, i.e. pervious pavement, shaded parking, quantity of spaces, lot coverage.
13. Please consider additional guidelines in the Site Planning section related to perimeter setbacks and open space / landscape buffers. The proposed conceptual site plan is providing the minimum ordinance requirements for setbacks and landscape buffers. Additional buffers may help justify the request for increased height.
14. Please re-phrase the landscape palette design guideline so that it reads as a requirement rather than a statement.

Technical Corrections

The following technical corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect the final plans submittal (construction set) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Landscaping:

15. Please revise the conceptual site plan to provide a thirty-five (35) feet wide landscape setback along the 101 frontage and Princess Drive frontage in accordance with Section 10.402.C.1 of the Zoning Ordinance.

Please resubmit the revised plans and a written summary response addressing the comments/corrections identified above as soon as possible for further review (**Please see Attachment A, Resubmittal Checklist, for a consolidated list of information to be resubmitted**). The City will then review the revisions to determine if it is ready to be scheduled for a hearing date.

In an effort to get this development request to a Planning Commission hearing, City staff has identified the following potential schedules (read schedule left to right):

Track	Response/resubmittal by applicant (complete set of revisions)	City to provide status update	Potential DR Study Session Date	Potential PC Hearing Date
1-11	No later than 11/12/10	11/19/2010	12/16/2010	1/12/2011
2-11	No later than 11/19/2010	12/3/2010	1/6/2011	1/26/2011
3-11	No later than 12/3/2010	12/17/2010	1/20/2011	2/9/2011

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING OR THE ABOVE MEETING SCHEDULE MAY BE AFFECTED. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS.

This schedule is based on the original submittal track and relies on a timely, complete and accurate response/resubmittal to the items addressed in this letter. Please be advised that the **1st Review Comments** are valid for a period of 45 days from the date on this letter. While the case will remain active, failure to resubmit within the 45 days will require the project to begin a new "First Review" track to refresh the review. Failure to resubmit within 190 days may cause the project to be considered inactive.

If you have any questions, or need further assistance please contact me at 480-312-2258 or at bcluff@ScottsdaleAZ.gov.

Sincerely,

A handwritten signature in green ink, consisting of several loops and a long horizontal stroke extending to the right.

Bryan Cluff
Planner

cc: Lynne A Lagarde
Scottsdale Perimeter 1 LLC
60 E Rio Salado Pkwy Ste 200
Tempe, AZ 85281

ATTACHMENT A
Resubmittal Checklist

Case Number: 2-ZN-2010

Please provide the following documents, in the quantities indicated, with the second submittal (all plans larger than 8 ½ x11 shall be folded):

- ☒ One copy: COVER LETTER- Respond to all the issues identified in the second review comment letter.
- ☒ One copy: Revised Narrative for Project

☒ Revised Conceptual Site Plan:

3 24" x 36" 3 11" x 17" 3 8 ½" x 11"



5/12/10

10/5/10

To: Bryan Cluff

Lynne A Lagarde
Earl, Curley & Lagarde
3101 N. CENTRAL Ave. Ste. 1000
Phoenix, AZ 85012

RE: 2-ZN-2010
Pinnacle in the Perimeter Center

Dear Ms. Lagarde:

The Planning and Development Services Department has completed the review of the above referenced submittal dated 4/8/2010. The following **1st Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

While reading through and addressing the following comments, please keep in mind that the City is aware of the conceptual nature of this request and is willing to work with you to process the application. However, the conceptual nature of this proposal presents a site planning challenge, specifically to the drainage issues that affect this site. Moving the application forward with the stated challenge, staff has identified two (2) options:

- A. Option A is to make the proposed site plan even more conceptual. Reducing the site plan to more of a bubble or block diagram identifying general building location, open space, and access. This will provide a framework to guide the project as it comes through the development review process while providing the opportunity to move components around within the framework to accommodate drainage and other site planning issues that cannot be identified this early in the process. We should meet to discuss this option further, and how it aligns with the Planning Commission's expectations.

A Conceptual Development Plan is being resubmitted identifying the 65' building height zone -and restricting 65' buildings to only 50% of that 65' building height zone. The remainder of the site would be limited to 50' in height. The Plan requires 32% open space and identifies access locations to be finalized in the Development Review Board (DRB) process. Storm water management for the site will comply with the Master Drainage Plan for The Perimeter Center and utilize its existing drainage channel system.

The application has been amended to include the northern portion of the property along the Loop 101 Freeway also owned by Furst Properties.

- B. Option B is to provide additional information to address site plan issues in the resubmittal. The current proposed site plan will not accommodate the existing drainage flows that enter the site. The additional information required would include a full drainage study and

report that identifies how the existing on-site flows and the additional runoff created by new impervious surfaces will be handled.

The following comments will need to be addressed with the resubmittal regardless of the option chosen.

Ordinance Related Issues

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing. Please address the following:

Zoning:

1. Per Section 5.2105 of the Zoning Ordinance, the proposed development must be in substantial harmony with the General Plan. There is much explanation given in the narrative as to how the development meets the goals and intents of the Draft Greater Airpark Character Area Plan, but not much consideration given towards the goals and intents of the General Plan. Please provide more detail and justification as to how the proposed amended development standards will help achieve the goals set forth in the Land Use element of the General Plan, relative to the Employment and Regional Use designations. The Perimeter Center area is also identified in the General Plan as a growth area.

The Project Narrative has been revised to expand the General Plan discussion section as requested.

2. This is a request for amended development standards for a portion of the Perimeter Center Planned Community District (PCD). As part of a PCD proposal, it is required that a Development Plan is submitted and approved with the zoning case. The Perimeter Center PCD has an approved Development Plan and an associated Master Environmental Design Concept Plan (MEDCP). Please address how this proposal for amended development standards is consistent with the existing Development Plan with regard to the requirements outlined in Sections 5.2103 and 5.2104 of the Zoning Ordinance.

The Project Narrative has been revised to include a discussion of the MEDCP implementation.

3. Please provide a legislative draft of the proposed amended development standards. The modified text shall be identified with a strike-thru and the new text shown with bold caps.

Provided with resubmittal.

4. Per Section 5.2102.C of the Zoning Ordinance, the applicant is required to demonstrate how the modification to the development standards will produce a living environment, landscape quality, and life-style superior to that produced by the existing standards. Aside from architectural design of the buildings, please demonstrate how the requested amended standards will create an overall project that is a better quality than can be achieved with the current standards.

The Project Narrative has been revised to provide the requested demonstration of how the amended standards create a better quality project.

Please Note: Based on the conceptual plan that was provided, there are approximately 390 parking spaces provided in excess of the ordinance requirement for an office project of this size. If less surface parking is provided on site, there is the opportunity to provide additional open space, landscape areas, and pedestrian amenities that may help justify the request for additional height.

The Conceptual Development Plan has eliminated the identification of specific parking areas. Parking will be provided to meet or exceed Ordinance requirements in order to accommodate corporate headquarter or other user needs.

Building Height:

5. The information provided with the submittal does not specify any special considerations for measuring building height. Based on the current proposal, the building height will be measured as outlined in the Zoning Ordinance, which is a benchmark established by the average top of curb plus one (1) foot. Given the drainage constraints, it is likely that the finished floor elevation of the buildings will need to be established at a level several feet higher than the average curb elevation. This would reduce the actual building height that can be achieved with the proposed structures. Please clarify your request related to measuring building height and amend the application as needed.

Building height shall be measured from natural grade as identified on the Building Height Maximum Elevations Exhibit submitted with this application, and in no case shall drainage considerations result in building height exceeding the maximum elevations of 1654.53', 1658.48' and 1661.59' as shown on the Exhibit.

6. In order to accurately determine the building height requested, a Basis of Design report for drainage must be submitted to define the methodology that will be used to determine the lowest floor elevation for the proposed buildings. The report shall demonstrate compliance with the accepted master plans for the Perimeter Center, address all off-site flows, existing drainage basins on the property, and how flows will be routed through the site.

No longer applicable with resolution of building height maximum elevations.

7. Please clarify whether the requested 65 feet in building height will include building mounted mechanical equipment or if the mechanical equipment will need to extend beyond the 65 feet.

The elevator overrun and mechanical equipment may extend beyond the 65' in accordance with Ordinance provisions in Sec.7.102. A, but will be limited to 18' and only 20% of the roof area rather than 50% allowed.

Airport:

8. Please provide a completed and signed Airport Vicinity Development Guidelines and Checklist to Airport staff.

Provided.

9. Please submit an FAA FORM 7460-1 to the FAA for approval of the proposed height request. The elevation of the highest point of the structures including the appurtenances must be detailed on the FAA form 7460-1 submittal.

Provided.

Please Note: Since the proposal is still conceptual, the elevation data presented to the FAA should be a worst case scenario to ensure that proposal will meet the FAA minimum standards.

Legal:

10. According to the title report provided with the application, the property owner is Scottsdale Perimeter I, LLC. The application and owner authorization letter has been signed by Beverly D. Eernisse. Please provide documentation that Ms. Eernisse is authorized to sign on the behalf of Scottsdale Perimeter I, LLC. See attached Affidavit of Authority to Act for Property Owner form.

The signed Affidavit of Authority is included with the resubmittal.

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible. Please address the following:

207 Waiver:

11. Please have the property owner sign the attached Proposition 207 Waiver form and return the original prior to the City Council hearing.

Acknowledged.

Design Guidelines:

12. Please explain how the proposed guidelines relate to and exceed the existing standards set forth in the Scottsdale Sensitive Design Principles and Design Guidelines for Office Development. It should be the intent of the proposed design guidelines to create a project of a higher quality than would be achieved if only the current guidelines were followed.

The Project Narrative has been revised to include an expanded discussion of the Design Guidelines, which are made regulatory to incorporate specificity in implementation techniques beyond the general principles in Scottsdale Design Guidelines for Office Development.

13. It appears the intent for the proposed development is to push the buildings as far east as possible to maximize freeway visibility and minimize the impacts of the height on adjacent parcels. Please consider proposing a requirement that will restrict the location of the 65 foot tall structures to the eastern portion of the site. It may be beneficial to impose a building step back plane from the west property line to provide assurances to the adjacent parcels.

The Conceptual Development Plan restricts the 65' building height zone to only the eastern portion of the site adjacent to the Loop 101 Freeway and provides an allowed height of 50' on the remainder of the site.

Site Design:

14. Please provide additional site/building sections as outlined below to help illustrate the relationship between the building height proposed on the site and the existing building height on the adjacent parcels.

Although this comment is no longer applicable using the Option A Conceptual Development Plan approach, examples of potential site sections are included with the resubmittal.

- North/South section cutting through the proposed north building mass and the adjacent parcel to the north.
- North/South section cutting through the proposed south building mass, Princess Drive, and the parcel to the south.
- East/West section that provides context to the north side of the freeway.
- East/West section that provides context west of St. John Road.
- Since there has been opposition from the adjacent properties to the west and southwest regarding the impacts this height request will have on their visibility, it may be beneficial to provide some site sections and views analysis relative to those site/buildings.

Provided.

Circulation:

15. The proposed driveway location on Princess Drive is not consistent with the Perimeter Center Master Circulation Plan and is not supported by the Transportation Department. Site access to Princess Drive is provided by the existing driveway located on the hotel property adjacent to the west. The Development Review Board case for the hotel site stipulated the provision of a cross access easement for the benefit of the Pinnacle site. Please amend the site plan to show access to Princess Drive from this shared driveway. The on-site driveway should align with the existing drive on the hotel parcel.

Although this issue had been resolved in accordance with Planning and Transportation Staff and a rights in/rights out driveway allowed with the final location as approved by the Development Review Board approximately 300' from the center line of the driveway to the west, the Conceptual Development Plan now shows a public street connection to Princess Drive on the 85th Street alignment. This connection would require dedication of right-of-way solely on the subject property and would provide access more consistent with what was envisioned originally for the site. The existing median break on Princess Drive would be reconfigured to align with the new street. The proposed street would improve circulation in the area and provide a more prominent entry for the neighboring hotel to the west which is currently accessed from a barely identifiable driveway. The street should also eliminate the current cut-through traffic being experienced on the adjacent hotel site.

Please Note: There is not a copy of a cross access easement in this location on file in City records. The easement may have been dedicated as a private easement between property owners that the City was not a party to. Verification that the easement exists may be necessary.

No such easement has been located.

16. The proposed driveway in the cul-de-sac at the intersection of 85th Street and St. John will create turning movement conflicts and is not supported by the Transportation Department. Please relocate this driveway to the straight section north of the cul-de-sac.

This driveway location will- be determined in the DRB process in accordance with the meeting with Planning and Transportation Staff and the problem will potentially be avoided with the public street proposal.

17. Please identify St. John Road on the site plan and show existing driveways along both sides of 85th Street, St. John, and Princess Drive. New driveways should be aligned with existing driveways or off-set a minimum distance 125 feet.

Done.

Technical Corrections

The following technical corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect the final plans submittal (construction set) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

18. There is a discrepancy between the amount of open space that is identified on the site plan and the amount called out on the site data sheet. Please clarify which number is accurate.

Provided on the Conceptual Development Plan.

Fire:

19. **Please Note:** On-site fire hydrants will be required. All fire lanes must support a Gross Vehicle Weight of 83,000lbs.

Water and Waste Water:

20. **Please Note:** A water/sewer basis of design report must be submitted and accepted demonstrating compliance with the accepted master plans for the Perimeter Center prior to submittal of improvement plans. The reports shall also include the results of a fire hydrant flow test.

Please resubmit the revised legal requirements, revised plans, and a written summary response addressing the comments/corrections identified above as soon as possible for further review
(Please see Attachment A, Resubmittal Checklist, for a consolidated list of information to

be resubmitted). The City will then review the revisions to determine if it is ready to be scheduled for a hearing date.

In an effort to get this development request to a Planning Commission hearing, City staff has identified the following potential schedules (read schedule left to right):

Track	Response/resubmittal by applicant (complete set of revisions)	City to provide status update	Potential DR Hearing Date	Potential PC Hearing Date
15-10	No later than 5/21/2010	6/4/2010	7/15/2010	8/25/2010
16-10	No later than 6/4/2010	6/18/2010	8/19/2010	9/8/2010
17-10	No later than 6/18/2010	7/2/2010	9/2/2010	9/22/2010

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This schedule is based on the original submittal track and relies on a timely, complete and accurate response/resubmittal to the items addressed in this letter. Please be advised that the **1st Review Comments** are valid for a period of 45 days from the date on this letter. While the case will remain active, failure to resubmit within the 45 days will require the project to begin a new "First Review" track to refresh the review. Failure to resubmit within 190 days may cause the project to be considered inactive.

If you have any questions, or need further assistance please contact me at 480-312-2258 or at bcluff@ScottsdaleAZ.gov.

Sincerely,

Bryan Cluff
Planner

cc:

ATTACHMENT A
Resubmittal Checklist

Case Number: 2-ZN-2010

Please provide the following documents, in the quantities indicated, with the first submittal (all plans larger than 8 ½ x11 shall be folded):

- ☒ One copy: COVER LETTER- Respond to all the issues identified in the first review comment letter.
- ☒ One copy: Revised CD of submittal (DWG format only)
- ☒ One original: Signed Prop. 207 Waiver Request
- ☒ One original: Letter of Authorization-actual owner of record
- ☒ One copy: Legislative Draft of Amended Standards
- ☒ One copy: Revised Project Data Sheet
- ☒ One copy: Revised Narrative for Project
- ☒ One copy: Project Design Guidelines

☒ Revised Site Plan (conceptual diagram):

6 24" x 36" 3 11" x 17" 3 8 ½" x 11"

☒ Site/Building Sections:

<input type="checkbox"/> Color	24" x 36"	11" x 17"	8 ½" x 11"
<input checked="" type="checkbox"/> B/W	6 24" x 36"	3 11" x 17"	3 8 ½" x 11"

Technical Reports:

☒ 2 copies of Drainage Basis of Design Report: Plan Check No. _____

Your Project Coordinator will verify that the applicable report(s) and/or waiver(s) have been resubmitted at the resubmittal meeting. If these report(s) and/or waiver(s) have not been resubmitted, your resubmittal of this application may be declined.



November 4, 2010

11/18/10

To: Bryan Cluff

Lynne A Lagarde
Earl, Curley & Lagarde
3101 N. CENTRAL Ave. Ste. 1000
Phoenix, AZ 85012

RE: 2-ZN-2010
Pinnacle in the Perimeter Center

Dear Ms. Lagarde:

The Community & Economic Development Division has completed the review of the above referenced submittal dated October 13, 2010. The following **2nd Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

Ordinance Related Issues

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing. Please address the following:

Circulation:

1. The project narrative states that the new street at the 85th Street alignment will have "full access" on to Princess Drive. Please clarify whether you propose to have left in and left out, or propose to limit the access to left in only as it exists today. If left in left out is proposed, a traffic study will be required to determine the feasibility.

The Development Plan Narrative has been revised to clarify that full access with lefts in and out is proposed based upon the meeting with Transportation Staff in which it was indicated that Staff was open to consider full access at this location. A stipulation requiring a traffic study to be submitted with the DRB application to determine feasibility is acceptable to the applicant.

Airport:

2. The 1st review comments included a request for the completed Airport Vicinity Development checklist and a copy of the 7460-1 form that was sent to the FAA. The applicant response was that these items have been included in the resubmittal. The documents cannot be located in the submittal information, please provide another copy of these materials.

Without identified building locations the form cannot be completed. This needs to be stipulated to be provided at the time of DRB submittal.

Site:

3. Please revise the conceptual site plan to provide a fifty (50) feet wide building setback on the west site boundary where the new ROW dedication will be made.

The Conceptual Site Plan has been revised accordingly.

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible. Please address the following:

General Plan:

4. Since the first submittal was made, the Greater Airpark Character Area Plan has been approved by City Council. The project narrative refers to the plan still in its draft form. Now that the plan has been adopted, more specific effort should be made while addressing the project's conformance to the plan.

This project will be one of the first to take advantage of the newly adopted GACAP, and is prominently located along the 101 corridor. Please amend your narrative to reflect the adoption of the plan and to address the following chapters of the plan:

- Land Use
- Economic Vitality
- Environmental Planning
- Character and Design

The Development Plan Narrative has been revised to acknowledge adoption of the GACAP and to add additional detail on these sections.

5. Policy LU 5.1 of the GACAP states that "public amenities and benefits should be provided by the private sector when development bonuses, such as increased floor area, greater intensity, greater height, development standard flexibility, and/or street abandonment are considered." Please identify what public amenities, if any, will be provided with the development of this project to justify the request for greater height.

Included in revised Development Plan Narrative.

Standards:

6. Please amend the methodology for measuring building height to be "measured from natural grade plus three feet". This is in line with the cross sections provided (allowing up to 68'), but is more specifically applied over the entire site. Using only three benchmarks over the entire site (as currently proposed) will overly restrict height in some areas and allow too much height in others. Also, please add this standard to the legislative draft of the amended development standards.

Included in the revised Development Plan Narrative and legislative draft of amended development standards.

7. The project narrative states that 32% of the site will be open space. Please note that 32% open space for this site is in line with the standard ordinance requirement for open space, which is based on building height. The narrative leads the reader to believe that more open space is being provided than what the ordinance requires. If increased open space is being used as justification for the increase in building height, please consider providing more open space. Also, please add this standard to the legislative draft of the amended development standards.

This clarification is included in the revised Development Plan Narrative and legislative draft of amended development standards.

Site Design:

8. The project narrative states that there will be view corridors created between building masses on the site allowing visibility into the Perimeter Center from the freeway and enhanced open space amenities. Please identify the potential location of these view corridors on the conceptual development plan. These corridors should be established based on the layout and needs of the existing developments to the west as well as the needs of this site.

Addressed with proposed stipulation to require adequate view corridors.

9. Based on feedback provided from the Planning Commission, the expectations for site plan content includes on-site circulation and parking areas, stormwater storage areas, and open space areas in addition to what is already included on your conceptual site plan. Please take these expectations under consideration as you move forward with the request.

Acknowledged.

Design Guidelines:

10. Please re-phrase the open space guideline so that it reads as a requirement rather than a statement. Also, the requirement should be increased so that it is in excess of the ordinance requirements.

Included in revised Development Plan Narrative.

11. Please clarify that the open space requirement discussed in the design guidelines is exclusive of the parking lot landscape ordinance requirements.

Included in revised Development Plan Narrative.

12. Please consider additional guidelines in the Site Planning section related to parking lot design, area, and quantity. The guidelines should be sensitive to environmental and drainage impacts, i.e. pervious pavement, shaded parking, quantity of spaces, lot coverage.

Shaded parking is provided for in the Design Guidelines.

13. Please consider additional guidelines in the Site Planning section related to perimeter setbacks and open space / landscape buffers. The proposed conceptual site plan is providing the minimum ordinance requirements for setbacks and landscape buffers. Additional buffers may help justify the request for increased height. **More than one-third of the site will be open space and buffers have been increased per Ordinance along Princess and the new public street. Flexibility and sufficient developability must be maintained to allow for an economically viable project.**

14. Please re-phrase the landscape palette design guideline so that it reads as a requirement rather than a statement.

Included in revised Development Plan Narrative.

Technical Corrections

The following technical corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect the final plans submittal (construction set) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Landscaping:

15. Please revise the conceptual site plan to provide a thirty-five (35) feet wide landscape setback along the 101 frontage and Princess Drive frontage in accordance with Section 10.402.C.1 of the Zoning Ordinance.

Done on revised plan.

Please resubmit the revised plans and a written summary response addressing the comments/corrections identified above as soon as possible for further review (**Please see Attachment A, Resubmittal Checklist, for a consolidated list of information to be resubmitted**). The City will then review the revisions to determine if it is ready to be scheduled for a hearing date.

In an effort to get this development request to a Planning Commission hearing, City staff has identified the following potential schedules (read schedule left to right):

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If you have any questions, or need further assistance please contact me at 480-312-2258 or at bcluff@ScottsdaleAZ.gov.

Sincerely,

Bryan Cluff
Planner

cc: Lynne A Lagarde
Scottsdale Perimeter 1 LLC
60 E Rio Salado Pkwy Ste 200
Tempe, AZ 85281

ATTACHMENT A
Resubmittal Checklist

Case Number: 2-ZN-2010

Please provide the following documents, in the quantities indicated, with the second submittal (all plans larger than 8 ½ x11 shall be folded):

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- ☒ One copy: Revised Narrative for Project

☒ Revised Conceptual Site Plan:

3 24" x 36" 3 11" x 17" 3 8 ½" x 11"

2-ZN-2010
3rd: 11/18/2010



Updated 1/11/11

November 4, 2010

11/18/10

To: Bryan Cluff

Lynne A Lagarde
Earl, Curley & Lagarde
3101 N. CENTRAL Ave. Ste. 1000
Phoenix, AZ 85012

RE: 2-ZN-2010
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Dear Ms. Lagarde:

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1. The project narrative states that the new street at the 85th Street alignment will have "full access" on to Princess Drive. Please clarify whether you propose to have left in and left out, or propose to limit the access to left in only as it exists today. If left in left out is proposed, a traffic study will be required to determine the feasibility.

The Development Plan Narrative has now been revised to clarify that an access driveway is shown on Princess Drive at the location recommended in the initial meeting with Transportation Staff. The access shall be rights-in and rights-out only. No new street is proposed.

Airport:

2. The 1st review comments included a request for the completed Airport Vicinity Development checklist and a copy of the 7460-1 form that was sent to the FAA. The applicant response was that these items have been included in the resubmittal. The documents cannot be located in the submittal information, please provide another copy of these materials.

Without identified building locations the form cannot be completed. This needs to be stipulated to be provided at the time of DRB submittal.

2-ZN-2010
4th: 1/14/2011

Site:

3. Please revise the conceptual site plan to provide a fifty (50) feet wide building setback on the west site boundary where the new ROW dedication will be made.

The Conceptual Site Plan has been revised accordingly.

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible. Please address the following:

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This project will be one of the first to take advantage of the newly adopted GACAP, and is prominently located along the 101 corridor. Please amend your narrative to reflect the adoption of the plan and to address the following chapters of the plan:

- Land Use
- Economic Vitality
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The Development Plan Narrative has been revised to acknowledge adoption of the GACAP and to add additional detail on these sections.

5. Policy LU 5.1 of the GACAP states that "public amenities and benefits should be provided by the private sector when development bonuses, such as increased floor area, greater intensity, greater height, development standard flexibility, and/or street abandonment are considered." Please identify what public amenities, if any, will be provided with the development of this project to justify the request for greater height.

Included in revised Development Plan Narrative.

Standards:

6. Please amend the methodology for measuring building height to be "measured from natural grade plus three feet". This is in line with the cross sections provided (allowing up to 68'), but is more specifically applied over the entire site. Using only three benchmarks over the entire site (as currently proposed) will overly restrict height in some areas and allow too much height in others. Also, please add this standard to the legislative draft of the amended development standards.

Included in the revised Development Plan Narrative and legislative draft of amended development standards.

7. The project narrative states that 32% of the site will be open space. Please note that 32% open space for this site is in line with the standard ordinance requirement for open space, which is based on building height. The narrative leads the reader to believe that more open space is being provided than what the ordinance requires. If increased open space is being used as justification for the increase in building height, please consider providing more open space. Also, please add this standard to the legislative draft of the amended development standards.

This clarification is included in the revised Development Plan Narrative and legislative draft of amended development standards.

Site Design:

8. The project narrative states that there will be view corridors created between building masses on the site allowing visibility into the Perimeter Center from the freeway and enhanced open space amenities. Please identify the potential location of these view corridors on the conceptual development plan. These corridors should be established based on the layout and needs of the existing developments to the west as well as the needs of this site.

View corridors are generally located as shown on revised Conceptual Development Plan.

9. Based on feedback provided from the Planning Commission, the expectations for site plan content includes on-site circulation and parking areas, stormwater storage areas, and open space areas in addition to what is already included on your conceptual site plan. Please take these expectations under consideration as you move forward with the request.

Acknowledged.

Design Guidelines:

10. Please re-phrase the open space guideline so that it reads as a requirement rather than a statement. Also, the requirement should be increased so that it is in excess of the ordinance requirements.

Included in revised Development Plan Narrative.

11. Please clarify that the open space requirement discussed in the design guidelines is exclusive of the parking lot landscape ordinance requirements.

Included in revised Development Plan Narrative.

12. Please consider additional guidelines in the Site Planning section related to parking lot design, area, and quantity. The guidelines should be sensitive to environmental and drainage impacts, i.e. pervious pavement, shaded parking, quantity of spaces, lot coverage.

Structured and covered parking are provided for as shown on the revised Conceptual Development Plan and in the Design Guidelines.

13. Please consider additional guidelines in the Site Planning section related to perimeter setbacks and open space / landscape buffers. The proposed conceptual site plan is providing the minimum ordinance requirements for setbacks and landscape buffers. Additional buffers may help justify the request for increased height.

More than one-third of the site will be open space, and buffers have been increased per Ordinance along Princess Drive. Flexibility and sufficient developability must be maintained to allow for an economically viable project.

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Done on revised plan.

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Sincerely,

Bryan Cluff
Planner

cc: Lynne A Lagarde
Scottsdale Perimeter 1 LLC
60 E Rio Salado Pkwy Ste 200
Tempe, AZ 85281

ATTACHMENT A
Resubmittal Checklist

Case Number: 2-ZN-2010

Please provide the following documents, in the quantities indicated, with the second submittal (all plans larger than 8 ½ x11 shall be folded):

- ☒ One copy: COVER LETTER- Respond to all the issues identified in the second review comment letter.
- ☒ One copy: Revised Narrative for Project

☒ Revised Conceptual Site Plan:

<u>3</u>	24" x 36"	<u>3</u>	11" x 17"	<u>3</u>	8 ½" x 11"
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Cluff, Bryan

From: Kercher, Phillip
Sent: Thursday, May 20, 2010 2:07 PM
To: Cluff, Bryan
Subject: 2-ZN-2010

Bryan:

We reviewed the zoning case stipulations and master circulation plan for the Perimeter Center, and the both appear to allow access to arterial streets at 330 foot intervals; therefore, we can support their request for a site driveway on Princess Drive. The preferred location would actually be approximately 300 feet from the existing driveway on the property to the west to keep it further away from the Pima/Princess interchange.

ADOT does retain some control of access on the streets that have interchanges with freeways. We think that this limit is probably the location where the concrete roadway surface transitions to asphalt, but the applicant should probably check with ADOT to be sure.

The idea of connecting to the Loop 101 - Pima/Princess southbound off-ramp was mentioned during our meeting. We actually think that for the proposed site location with the assemblage of the four lots and the desire for most drivers to access the 101 Freeway that this is worth exploring with ADOT. The applicant could contact ADOT directly or we could help facilitate this discussion.

Finally, we do still see some benefit to sharing access with the adjacent hotel property. Although we will not require the two property owners to work together, the applicant should still consider ways that shared access might benefit both properties.

Phil