

Application
Project Narrative
Background Info.
Justification
Legal Description
Letter of Authorization



Project Application

Project Number: 2 - PA - 2010 Case Number: 1 - ZN - 2010 Date: 2/2/10

Staff Signature required PRIOR to submittal

This Document Constitutes A Public Disclosure Under ARS Section 39-121, Inspection of Public Records

Applicant to Complete Section Below

- Case Type:**
- | | | |
|--|---|---|
| <input type="checkbox"/> Abandonment (AB) | <input type="checkbox"/> Master Plan Map (MP) | <input checked="" type="checkbox"/> Rezoning (ZN) |
| <input type="checkbox"/> Changes to a Recorded Plat (PC) | <input type="checkbox"/> Master Sign Program (MS) | <input type="checkbox"/> Text Amendment (TA) |
| <input type="checkbox"/> Change to Existing Lots (PC) | <input type="checkbox"/> Minor Subdivision (MD) | <input type="checkbox"/> Use Permit (UP) |
| <input type="checkbox"/> Development Review (DR) | <input type="checkbox"/> Preliminary Plat (PP) | <input type="checkbox"/> Variance (BA) |
| <input type="checkbox"/> General Plan Amendment (GP) | <input type="checkbox"/> Other: _____ | |

Project Name: Optima Sonoran Village

Project Address: 6801 East Camelback Road

Current Zoning District: S-R Parcel Number(s): 173_43_006E Quarter Section: 17_44

Request: _____

The property owner shall designate an agent for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required. All contact for this project will be made through the applicant listed below.

Owner: Optima Sonoran Village, LLC
 Company: N/A
 Phone: 480-874-9900 X367 Fax: 480-874-9910
 E-mail: hoveydr@optimaweb.com
 Address: 7147 E. Rancho Vista Dr., Suite 104
Scottsdale, AZ 85251

Developer: Optima DCH Development, Inc.
 Company: N/A
 Phone: 847-835-8400 Fax: 847-835-3073
 E-mail: hoveydr@optimaweb.com
 Address: 630 Vernon Avenue
Glencoe, IL 60022

Architect: David Hovey & Associates Architect, Inc.
 Company: _____
 Phone: 480-874-9900 X367 Fax: 480-874-9910
 E-mail: hoveydr@optimaweb.com
 Address: 7147 E. Rancho Vista Dr., Suite 104
Scottsdale, AZ 85251

Engineer: Kimley-Horn and Associates
 Company: _____
 Phone: 602-906-1367 Fax: 602-944-7423
 E-mail: Don.Willie@kimley-horn.com
 Address: 7878 N. 16th Street, Suite 300
Phoenix, AZ 85020

Applicant Contact: John Berry Phone: 480-385-2727
 Applicant E-mail: jb@berrydamore.com Fax: 480-385-2757
 Applicant Address: 6750 East Camelback Road, Suite 100 Scottsdale, AZ 85251

Owner Signature:

Applicant Signature:

OFFICIAL USE ONLY

Staff Signature: E-mail: dcoc@scottsdaleaz.gov 480-312-2540

This application needs a: New Project Number or Old Project Number: _____ Date: 2-2-10

Planning & Development Services Department

7447 E. Indian School Road, Suite 100, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

Project Narrative 6801 E. Camelback

Rezoning Narrative Report

Request for rezoning from
Service Residential (S-R)
to
Downtown Regional Commercial Office – Type 2
Planned Block Development with Downtown Overlay
(D/RCO-2 PBD DO)

Prepared for:
Optima Sonoran Village, LLC

Prepared by:
Berry & Damore, LLC

John V. Berry, Esq.
Michele Hammond, Principal Planner

6750 E. Camelback Road, Suite 100
Scottsdale, AZ 85251

Date: February 2nd, 2010

I. Overview

This request is for a Rezoning from the existing Service Residential with Downtown Overlay (S-R DO) to Downtown Regional Commercial Office – Type 2, Planned Block Development with Downtown Overlay (D/RCO-2 PBD DO) on approximately 9.8 (+/-) gross acres located on the southeast corner of 68th Street and Camelback Road known as 6801 East Camelback Road (the “Property” a.k.a. 6801 E. Camelback) and legally described as “The North half of the West half of the Northwest quarter of the southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona”.

6801 E. Camelback is envisioned as a pedestrian friendly mixed-use multi-family residential project with 40,000 square feet of commercial space containing uses supporting the residences. The development proposes 493 residential units; approximately 50 dwelling units/gross acre. The design and development has taken inspiration from decades of long efforts by the City to rejuvenate Downtown and the residential districts of Scottsdale with landscape, pedestrian friendly access to shopping, entertainment and the canal developments as well as increasing residential density with a variety of housing options to stimulate and populate this mature area of Scottsdale. The project responds to the evolution of Scottsdale from a young town into a maturing and vibrant desert city. The project provides a mixed-use infill development providing a buffer and link between the residential developments to the west and south to intense commercial developments to the north and east.

Optima was founded in 1978 by David C. Hovey, FAIA to purchase land, design, construct, market, sell, and manage residential and mixed use buildings. The guiding principal and business model is based on providing long range solutions for residential and mixed-use development through high quality design and architecture that compliments the established urban and/or suburban community. Careful attention to detail for both design and construction has elevated Optima as one of the nation’s premier mixed-use residential developers.

Optima is currently in the final phase of construction and sales for Optima Camelview Village, the highly acclaimed 700 unit mixed-use project located one block north of Fashion Square Mall on Scottsdale Road. This project was recently awarded the 2009 “Honor Award” from the Arizona American Institute of Architects, which is the top award selected annually by a national panel of architects. Optima Camelview Village has been the subject of numerous newspaper and magazine articles for excellence in design and urban living since its initial opening in the fall of 2006. David Hovey received a “Proclamation” from The City of Scottsdale in January in recognition of Optima Camelview Village’s significant contribution to downtown Scottsdale and for it’s achievement in architectural design and environmental sustainability.

II Existing Conditions and Context

The Property is located in the downtown district along Camelback Road, a major thoroughfare leading to and from downtown Scottsdale. The Property is adjacent to residential and commercial properties of varying age, character, condition, scale and density; and currently improved by the abandoned Orchidtree Apartments constructed in 1964. The site is generally flat with a nominal natural grade sloped from northwest to southeast. All utilities are available on site or in adjacent easements and/or right-of-ways minimizing the need for off site disturbances.

Scottsdale's planning for Downtown and surrounding land areas contemplated a mix of land uses intended to create a vibrant, dynamic and attractive downtown transitioning to less intense uses beyond the downtown. This rezoning request is consistent and in concert with the mixed-use neighborhood planning principles encouraged by the City of Scottsdale Downtown Plan (the "Plan"). The Plan encourages redevelopment that invigorates an area while also respecting the character of the adjacent neighborhood, which is a core goal for this project.

The proposed development will reduce vehicle miles traveled by encouraging walking and facilitating shorter automobile trips given its close proximity to several nearby retail, office, and entertainment establishments in the Downtown. Additionally, being located along Camelback Road where public transportation is existing, residents may take advantage of alternative modes of transportation to and from the Property.

The Property's close proximity to shopping, entertainment and the waterfront canal make this an ideal site for revitalization. The Project will provide an improved gateway into downtown and provide a buffer from existing commercial development to the north and east and residential development to the south and west consistent with the Plan. The Property is only a 3 minute walk from Fashion Square Mall and a 10 minute walk from the Waterfront offering an inherent pedestrian amenity to Scottsdale's downtown retail, employment and entertainment core.

III. Mixed Use District (D/RCO-2)

The City of Scottsdale Zoning Ordinance indicates the Downtown District / Regional Commercial Office - Type 2 Area (Intermediate Development) D/RCO-2 district is intended to provide for "large-scale development of office and commercial uses, including regional shopping centers. Residential use is permitted in mixed-use development".

IV. Scottsdale's Sensitive Design Principles

The City has established a set of design principles, known as the Scottsdale's Sensitive Design Principles, to reinforce the quality of design in the community. The following Sensitive Design Principles are fundamental to the design and development of 6801 E. Camelback.

1. ***The design character of any area should be enhanced and strengthened by new development.***
 - *Building design should consider the distinctive qualities and character of the surrounding context and, as appropriate, incorporate those qualities in its design.*
 - *Building design should be sensitive to the evolving context of an area over time.*
2. ***Development, through appropriate siting and orientation of buildings, should recognize and preserve established major vistas, as well as protect natural features such as:***
 - *Scenic views of the Sonoran desert and mountains.*
 - *Archaeological and historical resources.*
3. ***Development should be sensitive to existing topography and landscaping.***
 - *A design should respond to the unique terrain of the site by blending with the natural shape and texture of the land while minimizing disturbances to the natural environment.*
4. ***Development should protect the character of the Sonoran desert by preserving and restoring natural habitats and ecological processes.***
5. ***The design of the public realm, including streetscapes, parks, plazas and civic amenities, is an opportunity to provide identity to the community and to convey its design expectations.***
 - *Streetscapes should provide continuity among adjacent uses through use of cohesive landscaping, decorative paving, street furniture, public art and integrated infrastructure elements.*
6. ***Developments should integrate alternative modes of transportation, including bicycles and bus access, within the pedestrian network that encourage social contact and interaction within the community.***
7. ***Development should show consideration for the pedestrian by providing landscaping and shading elements as well as inviting access connections to adjacent developments.***

- *Design elements should be included to reflect a human scale, such as the use of shelter and shade for the pedestrian and a variety of building masses.*
- 8. Buildings should be designed with a logical hierarchy of masses:**
- *To control the visual impact of a building's height and size.*
 - *To highlight important building volumes and features, such as the building entry.*
- 9. The design of the built environment should respond to the desert environment:**
- *Interior spaces should be extended into the outdoors both physically and visually when appropriate.*
 - *Materials with colors and coarse textures associated with this region should be utilized.*
 - *A variety of textures and natural materials should be used to provide visual interest and richness, particularly at the pedestrian level. Materials should be used honestly and reflect their inherent qualities.*
 - *Features such as shade structures, deep roof overhangs and recessed windows should be incorporated.*
- 10. Developments should strive to incorporate sustainable and healthy building practices and products.**
- *Design strategies and building techniques, which minimize environmental impact, reduce energy consumption, and endure over time, should be utilized.*
- 11. Landscape design should respond to the desert environment by utilizing a variety of mature landscape materials indigenous to the arid region.**
- *The character of the area should be emphasized through the careful selection of planting materials in terms of scale, density, and arrangement.*
 - *The landscaping should complement the built environment while relating to the various uses.*
- 12. Site design should incorporate techniques for efficient water use by providing desert adapted landscaping and preserving native plants.**
- *Water, as a landscape element, should be used judiciously.*
 - *Water features should be placed in locations with high pedestrian activity.*

13. ***The extent and quality of lighting should be integrally designed as part of the built environment.***
 - *A balance should occur between the ambient light levels and designated focal lighting needs.*
 - *Lighting should be designed to minimize glare and invasive overflow, to conserve energy, and to reflect the character of the area.*

14. ***Signage should consider the distinctive qualities and character of the surrounding context in terms of size, color, location and illumination.***
 - *Signage should be designed to be complementary to the architecture, landscaping and design theme for the site, with due consideration for visibility and legibility.*

V. Adoption of PBD Overlay and Development Plan

Adoption of PBD overlay district and development plan: The Planning Commission shall hold a public hearing on a proposed application as provided for in sections 1.604 and 1.605. Prior to the hearing, the Development Review Board shall make a recommendation on any proposed modifications to section 5.3060, schedule B, site development standards, including any additional regulations which apply. After receiving the Development Review Board's recommendation, the Planning Commission shall recommend, and the City Council shall consider for adoption, an amendment creating a PBD overlay district only after making the following findings:

1. ***That the development plan is consistent with the adopted downtown plan and other applicable policies, and that it is compatible with development in the area it will directly affect.***
 - *The development plan meets the City of Scottsdale Vision and Values as well as the Land Use, Character and Design, Mobility, Arts and Culture, and Economic Vitality principals as described in the Downtown Plan and the General Plan Amendment narrative.*

2. ***That the development plan contributes additionally, beyond the underlying regulations, to the urban design objectives articulated for downtown, and that deviations from the regulations that otherwise would apply are justified by compensating benefits of the development plan.***

- The development plan meets the City of Scottsdale urban design objectives.
 - Like Optima Camelview Village, Optima Sonoran Village is based on providing the City of Scottsdale a 21st century approach to multi-family design, construction, and development that harmoniously blends with the culture, natural landscape, neighborhood, businesses, and adds to the vitality and vibrancy of what has made Scottsdale what it is today.
3. ***That the development plan includes adequate provisions for utilities, services, and emergency vehicle access, and, if warranted connections between underground parking facilities.***
- The Optima development team has met with City of Scottsdale Planning Department officials, Fire Department, traffic engineers and utility companies and will continue to coordinate the adequate provisions for utilities, services, and emergency vehicle access.
4. ***That projected traffic generated by the development plan will not exceed the capacity of affected streets.***
- The Optima development team has met with City of Scottsdale planning Department officials as well as traffic engineers and has submitted coordinated plans to TIMA.
5. ***That the development plan will not significantly increase solar shading of adjacent land in comparison with development under prevailing regulations.***
- Sonoran Village has been designed to meet all D/RCO-2 PBD DO zoning requirements.

V. Conclusion

In summary, the immediate neighborhood contains residential and commercial properties of varying age, character, condition, scale and density. The property currently consists of the abandoned Orchidtree Apartment complex which was originally built in 1964. 6801 E. Camelback is envisioned as a pedestrian friendly mixed-use multi-family residential project with 40,000 square feet of commercial space for uses to support the residences. The development proposes 493 residential units; approximately 50 dwelling units/gross acre. The design and development has taken inspiration from decades of long efforts by the City to rejuvenate Downtown and the residential districts of Scottsdale with landscaped, pedestrian access to shopping, entertainment and the canal developments as well as an increase in residential density of varying types to stimulate and populate this mature area of Scottsdale with new and improved housing. Responding to the evolution of Scottsdale from a young town into a maturing and vibrant desert city, the proposal offers to infill and strengthen the residential

character of downtown while providing a transition between residential uses to the south and west and intense downtown commercial uses to the north and east.

**Optima Sonoran Village
Legislative Modifications of the Downtown District Ordinance
"Amended Development Standards"
2-PA-2010**

Sec. 5.3000. - (D) DOWNTOWN DISTRICT.

Sec. 5.3001. - Purpose.

The purpose of the D downtown district is to identify the downtown area by designation, to delineate special land use subdistricts, and to formulate appropriate development standards toward implementation objectives articulated in the downtown plan adopted by resolution by City Council. Specific objectives of the downtown plan which these D (downtown) district regulations will implement include:

- A. Preserve and protect the character of the Fifth Avenue, Old Town and West Main districts as pedestrian-oriented shopping areas.
- B. Encourage new hotel development to support specialty retailing downtown.
- C. Attract new office development to sites suitable for such use.
- D. Provide opportunities and incentives for residential projects and for mixed-use development.
- E. Encourage historic preservation.
- F. Establish incentives for underground parking and off-site parking in order to promote more efficient use of land and to improve the appearance of downtown.
- G. Allow latitude for creative design and architectural variety within limits established to preserve solar access, light, and privacy and to create definitive streetscapes.
- H. Encourage joint project planning by neighboring property owners.
- I. Establish incentive and bonus system to obtain public amenities.

(Ord. No. 1796, 11-5-85)

Sec. 5.3002. - Conflict with other sections.

Where there is conflict between these D downtown district provisions and other sections of the zoning ordinance, these D (downtown) district regulations (sections 5.3000 through 5.3090) shall govern development within the D downtown district except where specifically superceded by the downtown overlay (DO).

(Ord. No. 1796, 11-5-85; Ord. No. 3520, § 1, 7-1-03)

Sec. 5.3010. - Definitions.

Adjacent curb: An existing curb abutting a lot. On a corner lot or a lot bounded by two (2) or more streets or alleys, the nearest adjacent curb is the curb that is closest to the center of a building pad, which is determined by the intersection of diagonal lines connecting the outermost corners of the building pad. For lots adjacent to elevated or depressed streets, the elevation of the adjacent curb shall be considered to be the elevation as if the street were at grade and not depressed.

Adjacent lot: A lot that either abuts for a distance not less than twenty-five (25) feet along a side or rear lot line of another lot or would so abut for such a distance if not separated by an alley.

Building envelope: The volume within which a building may be designed as shaped by the building setback, the inclined stepback plane, and the height limit.

Building footprint shall mean the building area occupied by a single tenant and associated tenant spaces having common access within the confines of the primary use. The building footprint does not include outdoor activity areas, basements, or floor areas above the first floor level.

Building line: The location of a wall of a building nearest to and most nearly parallel to a property line.

Building height: The vertical distance measured from grade to top of roof structure. Grade shall be either three (3) feet above the lowest adjacent curb, or twelve (12) inches above average curb, whichever is lowest. Top of building in a Type 1.5 and a Type 2 area shall be the highest point of the structural roof element; and in a Type 1 area the highest point of the coping of a flat roof, or the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.

Building setback: The minimum distance a building can be located from the planned curb, centerline of an alley, or a property line, as appropriate to the following:

1. Building setbacks (front or side) from streets shall be measured from the planned curb.
2. Building setbacks from an alley shall be measured from the centerline of the alley.
3. Building setbacks in all other cases shall be measured from the property line.

Where a building setback is not stipulated it shall be considered to be on the property line.

Covered walk: A continuous walkway sheltered by a roof structure adjacent and open to the roadway, and accessible to the public at all times.

Development type: The character of development sought in various parts of downtown designated as type 1, type 1.5 or type 2, and as regulated by standards listed in schedule B, section 5.3060.

Floor area, gross: The sum of the floor areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of a wall separating two (2) buildings. Gross floor area shall not include:

- A. Parking area in building structures.
- B. Uncovered steps.
- C. Exterior balconies.

Floor area ratio (FAR): The ratio of gross building floor area to the net lot area of the building site.

Inclined stepback plane: An imaginary plane sloping inward on the site from a specified height on the building setback, which together with the building setback and the height limit defines the allowable building envelope.

Off-site parking: Parking in a privately or publicly owned parking lot or structure that is not located on the same lot as the use it serves.

Overlay district: A special zoning district prescribing additional regulations to those of an underlying subdistrict (see section 5.3080).

Planned block development (PBD): A plan for a larger parcel area which may include multiple ownerships, allowing flexibility in certain development standards, and requiring approval by City Council. A planned block development may include certain modifications to land use regulations or development standards, and shall be adopted or amended in accord with section 5.3082.

Planned curb: A reference back of curblines along a property frontage from which the building setback is measured and which is established by the public works administrator.

Subdistrict: One (1) of the zoning subdistricts established to regulate land use within the (D) downtown district.

Underground parking: Parking in a structure not higher than three (3) feet above the lowest adjacent top of curb reference point.

(Ord. No. 1796, 11-5-85; Ord. No. 1932, § 1, 4-7-87; Ord. No. 1996, § 1, 2-1-88; Ord. No. 3394, 6-19-01)

Sec. 5.3020. - Approvals required.

No structure shall be built or altered without Development Review Board approval to be obtained as prescribed in article I, section 1.900.

(Ord. No. 1796, 11-5-85; Ord. No. 3225, § 1, 5-4-99)

Sec. 5.3030. - Land use standards.

Within the D district six (6) subdistricts are identified in accordance to their function within the downtown and shown on the official zoning map. Land uses appropriate to each of these subdistricts are identified and shown in schedule

"P"	— Permitted without conditions.
"L"	— Permitted with limitations to size or use characteristics as described in land use classifications (section 5.3050).
"CU"	— Permitted with a conditional use permit.

A. These land uses are allowed at three (3) levels of permitted activity:

SCHEDULE A
LAND USE REGULATION FOR SUBDIVISIONS OF THE (D) DOWNTOWN DISTRICT

<i>Use Classifications</i>	Retail Specialty Subdistrict	Office/ Commercial Subdistrict	Office/ Residential Subdistrict	Regional Commercial Office Subdistrict	Residential/ Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
Residential								
<i>Day Nursery</i>	—	—	CU	—	CU	—	—	CU
<i>Group residential</i>	—	—	CU	—	CU	L(2)	—	CU
<i>Multifamily residential</i>	L(1)	P	P	P	P	P	P	P
<i>Specialized health care facility</i>	—	—	CU	—	—	P	—	—
<i>Minimal health care facility</i>	—	—	CU	—	—	P	—	—
<i>Single-family residential</i>	—	—	P	—	P	—	—	—
<i>Visitor accommodations</i>								
<i>Hotels, motels, and resorts</i>	CU	P	P	P	P	—	—	CU
Commercial								
<i>Adult businesses</i>	—	CU	—	CU	—	—	—	—
<i>Ambulance services</i>	—	—	—	—	—	P	—	—

Animal sales and services								
Animal hospitals	—	P	—	P	—	—	—	—
Pet stores	L(8)	P	—	P	—	—	—	—
Banks and savings & loans	L(3)	P	P	P	—	P	—	—
;i1=&-8q;With drive-up service	—	P	CU	P	—	P	—	—
Catering services	L(8)	P	—	P	—	—	—	—
Commercial recreation and entertainment								
;i1=&-8q;Game center, pool halls, billiard parlors	—	CU	—	CU	—	—	—	—
;i1=&-8q;Other	L(3)	P	—	P	—	—	CU	—
Communications facilities	—	CU	—	CU	—	—	—	—
;i1=&-8q;Small-scale	—	P	P	P	—	—	—	—
Eating and drinking establishments	P	P	P	P	CU	L(2)	—	—
Live entertainment establishment	CU(10)	CU(10)	—	CU(10)	CU(10)	—	—	—
;i1=&-8q;With take-out service	L(3), (8)	L(3)	L(3)	L(3)	—	—	—	—
;i1=&-8q;Drive-through	—	P	—	P	—	—	—	—
;i1=&-8q;Bar/Microbrewery	L	L	—	L	L	—	—	—
;i1=&-8q;Bar/Microbrewery with limited retail and wholesale sales	CU	CU	—	CU	—	—	—	—
Food sales	L(3)	P	P	P	—	—	—	—
Laboratories	—	P	—	P	—	P	—	—
Maintenance and repair services	—	P	—	P	—	—	—	—
Mortuaries	—	CU	—	—	—	—	—	—
Nurseries, plant	—	CU	—	CU	—	—	—	—
Offices, business and professional	L(5)	P	P	P	—	P	—	—
Offices, medical and dental	L(5)	P	P	P	—	P	—	—
Pawnshops	—	P	—	—	—	—	—	—
Personal improvement services	L(5)	P	—	P	—	—	—	—
;i1=&-8q;Health studio	—	P	—	P	—	—	—	—
;i1=&-8q;Massage studio	—	P	—	P	—	—	—	—
Personal and convenience services	L(3), (6)	P	L(2), (3)	P	L(3), (4)	L(2), (3)	—	—
Retail sales								
;i1=&-8q;Arts and crafts	P	—	—	P	L(4)	—	—	—
;i1=&-8q;Big box	—	—	—	P	—	—	—	—
;i1=&-8q;Home furnishings and hardware	L(3)	CU(9), (11)	—	P	—	—	—	—

<i>;i1=&-8q;Other</i>	L(3)	P	—	P	—	—	—	—
<i>;i1=&-8q;Pharmacies and medical supplies</i>	—	P	—	P	L(4)	L(2)	—	—
<i>Seasonal art festival</i>	CU	—	—	CU	—	—	—	—
<i>Secondhand appliance sales</i>	—	P	—	—	—	—	—	—
<i>Travel services</i>	L(3)	P	L(2)	P	L(4)	P	—	—
<i>Vehicle/equipment sales and services</i>								
<i>;i1=&-8q;Automobile rentals</i>	L(7)	CU	—	CU	L(7)	—	—	—
<i>;i1=&-8q;Automobile washing</i>	—	CU	—	CU	—	—	—	—
<i>;i1=&-8q;Commercial parking facility</i>	CU	CU	CU	CU	—	CU	—	—
<i>;i1=&-8q;Service stations</i>	—	CU	CU	CU	—	—	—	—
<i>;i1=&-8q;Vehicle/equipment repair</i>	—	CU	—	CU	—	—	—	—
<i>Wireless communications facilities, (see sections 1.400, 1.906, 3.100 and 7.200)</i>								
<i>Types 1, 2, and 3</i>	—	L(12)	L(12)	L(12)	L(12)	L(12)	L(12)	L(12)
<i>Type 4</i>	—	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)
<i>Public and Semi-Public</i>								
<i>Clubs and lodges</i>	L(5)	P	CU	P	CU	—	—	CU
<i>Colleges and universities</i>	—	CU	CU	CU	—	—	—	—
<i>Cultural institutions</i>	CU	CU	CU	—	CU	—	CU	—
<i>Government offices</i>	—	P	P	P	—	—	CU	—
<i>Hospitals, clinics</i>	—	—	—	—	—	CU	—	—
<i>Municipal uses</i>	—	P	P	P	P	—	CU	—
<i>Religious assembly</i>	—	CU	CU	CU	CU	—	—	CU
<i>Schools, public or private</i>	—	—	CU	—	CU	—	—	CU
<i>Transportation facilities</i>	CU	CU	—	CU	—	—	—	—
<i>;i1=&-8q;Limited</i>	CU	CU	CU	CU	—	CU	—	—
<i>Utilities</i>	—	CU	CU	CU	—	—	—	—
<i>Accessory</i>								
<i>Accessory parking, separate</i>	L(8)	P	P	P	—	P	CU	—
<i>Accessory uses and structures</i>	P	P	P	P	P	P	CU	P

ADDITIONAL REGULATIONS PERTAINING TO LAND USE SUBDISTRICTS

- (1) Not permitted on first-floor and cannot occupy more than twenty-five (25) percent of floor area.
- (2) Permitted only in mixed-use development as an accessory use.

- (3) Only "limited" or "small-scale "uses allowed, as defined by use classifications.
- (4) Permitted as accessory use on the site of a hotel or resort only if there is no separate entrance or sign for the limited use.
- (5) Not permitted on ground-floor within twenty-five (25) feet of a street property line.
- (6) Total ground level frontage occupied by this use classification shall not exceed fifteen (15) percent of the street frontage on a block face plus the street property lines forming the sides of corner lots.
- (7) On-site storage limited to two (2) rental cars.
- (8) Not permitted in (P) pedestrian overlay district; see section 5.3081.
- (9) Type two (2) districts only.
- (10) See section 1.403 for criteria.
- (11) Only "medium-scale" uses allowed, as defined by use classification.
- (12) Permitted when building or roof mounted; see sections 1.400, 1.906 and 3.100.

(Ord. No. 1796, 11-5-85; Ord. No. 1932, § 1, 4-7-87; Ord. No. 2232, § 1, 6-6-89; Ord. No. 2311, § 1, 8-21-90; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2620, § 1, 8-2-94; Ord. No. 3020, § 1(a), 6-3-97; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3394, 6-19-01; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.3040. - Subdistrict classifications.

- A. *(RS) retail/specialty subdistrict.* This subdistrict classification protects the established character of the downtown retail specialty area and, together with development standards, regulates to achieve a compact concentration of those uses appropriate to a pedestrian-oriented selective shopping environment. Residential use is permitted in mixed-use development.
- B. *(OC) office/commercial subdistrict.* This subdistrict is intended to provide opportunities for a full range of retail and service businesses appropriate in downtown. Residential use is permitted in mixed-use development.
- C. *(OR) office/residential subdistrict.* This subdistrict provides for an environment compatible with office and residential uses either as mixed uses on one (1) site or as neighboring uses. Ancillary uses such as retail are permitted for local convenience, but limited in scale and design to protect against dispersion of these activities from other designated subdistricts.
- D. *(RCO) regional commercial office subdistrict.* This subdistrict is intended to provide for large-scale development of office and commercial uses, including regional shopping centers. Residential use is permitted in mixed-use development.
- E. *(RH) residential/hotel subdistrict.* This subdistrict provides for residential/hotel development in an attractive, landscaped environment protected from incompatible uses. Retail and other commercial uses are permitted within hotels and resorts in order to serve the convenience of guests, but limited for the primarily residential character of this subdistrict and to direct the concentration of retail businesses and other appropriate subdistricts.
- F. *(M) medical subdistrict.* This subdistrict provides for medical uses and supporting services, with residential development permitted in mixed-use projects. Limitations on nonmedical uses are intended to favor this area primarily for medical activity.
- G. *(CC) civic center subdistrict.* This subdistrict regulates development and activities in an area designated principally for public and semi-public land uses.
- H. *(RHD) residential high density subdistrict.* This subdistrict provides for a residential environment appropriate for multifamily residential development, and includes standards designed to ensure that light and reasonable privacy are preserved and that adequate open space is provided.

(Ord. No. 1796, 11-5-85)

Sec. 5.3050. - Land use classifications.

Sec. 5.3051. - Residential use classifications.

- A. *Day care center.* Public or private establishment providing nonmedical care and supervision for five (5) or more *persons not related to the operator. This classification includes nursery schools, pre-schools, and day care centers for children and adults.
- B. *Group residential.* Shared living quarters without separate kitchen facilities for each room or unit, including convents, and other special residences.
- C. *Multifamily residential.* Two (2) or more dwelling units on a lot.
- D. *Specialized health care facility.* Convalescent homes or nursing homes.
- E. *Minimal health care facility.* Apartment-like accommodation but with some central services such as central dining, transportation service and limited medical assistance.
- F. *Single-family residential.* One (1) dwelling unit on a lot.

(Ord. No. 1796, 11-5-85)

Sec. 5.3052. - Visitor accommodations use classifications.

- A. *Hotels, motels, and timeshare facilities.* Establishments offering daily, weekly, or monthly lodging in dwelling units or guest units. These facilities may provide for ancillary recreation and athletic activities such as golf, horseback riding, swimming, shuffleboard, tennis, and similar activities, and offer eating, drinking, and banquet services. Guest units are defined as living and sleeping accommodations for an individual or family without cooking facilities, and within a hotel, resort or timeshare facility.

(Ord. No. 1796, 11-5-85)

Sec. 5.3053. - Commercial use classifications.

- A. *Adult uses.* A business based primarily upon materials or performances that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas," as defined in article III.
- B. *Ambulance services.* Provision of emergency transportation which may include medical care, and including storage and maintenance of vehicles.
- C. *Animal sales and services.*
 - 1. *Animal Hospitals.* Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air conditioned. Grooming and temporary (up to thirty (30) days) boarding of animals is included if incidental to the hospital use.
 - 2. *Pet Stores.* Retail sales of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of forty-eight (48) hours.
- D. *Art gallery.* A place or establishment where the main business activity is that of buying and selling primarily original paintings, sculpture or limited edition art prints and those items of handcrafting generally considered as types of fine art, such as ceramics, glass, wood, fiber, mixed media and other materials; having an office or gallery staff on-site in person; being open to the public or art dealers on a regular basis. For the purpose of this definition, "primary" shall mean that at least eighty (80) percent of physical space and business activity shall be committed to buying, selling, displaying and storing original or one-of-a-kind works of art.
- E. *Banks and savings and loans.* Financial institutions that provide retail banking services. This classification includes only those institutions engaged in the on-site circulation of cash.
 - 1. *With Drive-up Service.* Institutions providing services to persons who remain in their automobiles.
 - 2. *Small-scale.* Limited to facilities occupying less than two thousand (2,000) square feet.
- F. *Catering services.* Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

- G. *Commercial/recreation and entertainment.* Provision of participant or spectator recreation or entertainment.
 - 1. Game Center, Pool Hall, Billiard Parlor.
 - 2. Other. Bowling alleys, ice/roller skating rinks, tennis/racquetball courts, and indoor theaters.
 - a. Limited. Indoor movie theaters and performing arts theaters.
- H. *Communications facilities.* Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms but excluding utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.
 - 1. Small-scale. Limited to communication facilities occupying less than two thousand (2,000) square feet of space and without transmitter towers.
- I. *Eating and drinking establishments.* Businesses serving prepared food or beverages for consumption on or off the premises.
 - 1. Bars With Live Entertainment/Patron Dancing.
 - 2. With Take-out Service. Establishments at which twenty (20) percent or more of the transactions are sales for off-site consumption.
 - a. Drive-through. Service from a building to persons in vehicles through an outdoor service window. This classification excludes "drive-in" service where food or drink are ordered from and served by persons outside of a building.
 - b. Limited. Establishments that do not serve persons in vehicles.
 - 3. Bar/Microbrewery; Facility with provision for the brewing of beer for on-premises consumption only. Limited ability to supply catered functions. Maximum of fifteen (15) percent of floor area shall be devoted to the brewery.
 - 4. Bar/Microbrewery with Limited Retail and Wholesale Sales. A maximum of thirty (30) percent of floor area may be used for the brewing, bottling and/or packaging of the product.
- J. *Food sales.* Retail sales of packaged food and food for home preparation. This includes bakeries, candy stores, grocery stores and supermarkets.
 - 1. Small-Scale. Occupying less than five thousand (5,000) square feet of space.
- K. *Laboratories.* Establishments providing medical or dental laboratory services; or establishments occupying less than two thousand (2,000) square feet that provide photographic, analytical, or testing services. Other laboratories are excluded from this classification.
- L. *Maintenance services and repair services.* Establishments providing appliance repair, office machine repair, and upholstery, or establishments providing building maintenance (janitorial) services. This classification excludes maintenance and repair of vehicles (see vehicle/equipment repair).
- M. *Mortuaries.* Provision of services such as preparing the deceased for burial and conducting funerals. This classification excludes cemeteries, crematoriums, columbariums, and mausoleums.
- N. *Offices, business and professional.* Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, and legal offices. This classification excludes banks and savings and loans, and medical and dental offices.
- O. *Offices, medical and dental.* Offices providing medical or dental services, including laboratories incidental to an office use.
- P. *Pawnshops.* Establishments in which the business of pawnbrokers is conducted, subject to the requirements of the City Code.
- Q. *Personal improvement services.* Provision of instructional services or facilities, including the teaching of photography, fine arts, crafts; dance or music studios; driving schools; business and trade schools, reducing salons and fitness studios.
 - 1. Health Studios or Spas. Establishments with equipment for exercise and physical conditioning.
 - 2. Massage Studios. Establishments providing massage services. Establishments offering massage by one (1) person to another of the other gender are not permitted.
- R. *Personal and convenience services.* Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, tailors, shoe repair shops, dry cleaning establishments (excluding bulk cleaning), photocopying, and self-service laundries.
 - 1. Limited. Excludes dry cleaning establishments and self-service laundries.

- S. *Plant nurseries.* Establishments primarily engaged in the sale of plants in which all merchandise other than plants are kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.
- T. *Retail sales.*
1. Arts and Crafts. Establishments selling art objects, art supplies, antiques, jewelry, handmade glass, custom photographs, pottery, porcelain, leather goods, and similar products. This classification includes art galleries, antique shops, craft shops, jewelry design and creation studios, photo studios, and wholesale distribution of high-value, low-bulk arts and crafts merchandise, such as gems, works of art, and handmade crafts.
 2. Big box shall mean any single retail space with a building footprint of equal to or greater than 75,000 square feet.
 3. Home Furnishings and Hardware. Establishments selling awnings and canvas, home appliances, carpets and floor coverings, hardware, furniture, kitchen utensils, paint, and wallpaper.
 - a. Small-scale. Occupying less than three thousand (3,000) square feet.
 - b. Medium-scale. Occupying up to twelve thousand (12,000) square feet.
 4. Other Retail Sales. This classification includes department stores, drugstores, clothing stores, and fabric stores, and businesses retailing the following goods: toys, hobby materials, books, guns, cameras, photographic supplies, electronic equipment, records, sporting goods, shoes, office supplies, stationery, bicycles, and new automotive parts and accessories (excluding service and installation).
 - a. Small-scale. Occupying less than three thousand (3,000) square feet.
 5. Pharmacies and Medical Supplies. Establishments primarily selling prescription drugs and medical supplies and equipment at wholesale or retail. This classification excludes dispensing opticians and drugstores primarily selling general merchandise.
- U. *Secondhand appliance sales.* The retail sale of used appliances. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.
- V. *Travel services.* Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies (see vehicle/equipment sales and services).
1. Small-scale. Limited to establishments occupying less than two thousand (2,000) square feet.
- W. *Vehicle/equipment sales and services.*
1. Automobile Rentals. Rental of automobiles, including storage, but excluding maintenance.
 2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
 3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.
 4. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
 5. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage, tire retreading or recapping, and body and fender shops.

(Ord. No. 1796, 11-5-85; Ord. No. 2232, § 1, 6-6-89; Ord. No. 2279, § 1, 1-16-90; Ord. No. 3020, § 1(b), 6-3-97; Ord. No. 3394, 6-19-01)

Sec. 5.3054. - Public and semi-public use classifications.

- A. *Clubs and lodges.* Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests.
- B. *Colleges and universities.* Public or private educational institutions that offer a course of study leading to a recognized degree.
- C. *Cultural institutions.* Nonprofit institutions displaying or preserving objects of interest in one (1) or more of the arts or sciences. This classification includes libraries, museums, and nonprofit art galleries.
- D. *Government offices.* Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

- E. *Hospitals.* Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, and twenty-four-hour emergency clinics, as well as training, research, and administrative services for patients and employees.
- F. *Municipal uses.* Any use providing service to the general public that is operated by or contracted for by the City of Scottsdale.
- G. *Wireless communications facilities,* subject to the requirements of sections 1.400, 1.906, 3.100 and 7.200.
- H. *Religious assembly.* Facilities for religious worship and incidental religious education.
- I. *Schools, public or private.* Public elementary or secondary schools or private schools that offer a curriculum comparable to that of the public schools of the State of Arizona, excluding colleges and universities.
- J. *Transportation facilities.* Facilities for loading, unloading, and transferring passengers, baggage, and incidental freight between links of transportation. This classification includes bus terminals, public transit and trolley stations.
 - 1. Limited. Transit stops and trolley stations.
- K. *Utilities.* Electrical substations, refuse collection or disposal facilities, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines are excluded.

(Ord. No. 1796, 11-5-85; Ord. No. 2430, § 1, 1-21-92; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.3055. - Accessory use classification.

- A. *Accessory parking, separate.* Required automobile parking on a site separate from the use it serves.
- B. *Accessory uses and structures.* Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site.

(Ord. No. 1796, 11-5-85)

Sec. 5.3060. - Site development standards.

Schedule B prescribes two (2) types of development standards applicable to areas in the D district as shown on the official zoning map: Development type 1 for areas of compact development, and development type 2 for areas of intermediate and large-scale development. Basic development standards within each development type are listed. References in the additional regulations column refer to regulations located elsewhere in the zoning ordinance.

(Ord. No. 1796, 11-5-85)

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 5.3061 K
		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
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 5.3061 C
2.	Bonused Height Maximums				Section 5.3090
	a. Planned block development (all uses)				Section 5.3082
	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	10% of two longest sides 15 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 maximum	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	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	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 (PBD) 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** (~~300~~**141**) 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 ~~forty~~**NINETY FIVE** (~~350~~**495**) feet in any horizontal dimension.
 - 2. ~~Five~~**SIX** hundred ~~forty~~**TEN** (~~550~~**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** ~~forty~~ thousand (~~50~~**200,000**) 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 curbline. Buildings fronting on the couplet road and located in a type 2 area shall be set back thirty (30) feet from the planned curbline.

- 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 (2) 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)

Sec. 5.3062. - Screening and landscaping.

- A. *Screening.* Fences, walls, hedges, or berms shall not exceed three (3) feet in height between a building setback line and a street property line or eight (8) feet in height between a building setback line and an interior side or rear property line.

A nonresidential use shall be screened from adjoining ground floor residential use or an adjacent residential district by masonry walls of the maximum heights permitted by this section unless the Development Review Board finds that such walls are unnecessary or inappropriate at the specific location.

All operations and storage shall be conducted within a completely enclosed building or within an area screened by a wall or fence approved by the Development Review Board or prescribed by the use permit if such is required for a principal use on the site.

- B. *Landscaping.* All setback areas visible from the street shall be improved with landscaping, paving, walks or other appropriate materials. Landscaping shall include mature trees: In a type 1 area in accordance with requirements of the Development Review Board; and in a type 2 area, one (1) mature tree per ~~four~~NINE hundred (400900) square feet of landscape area.
- C. *Maintenance of required planting areas.* Required planting areas shall be permanently maintained. This includes watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of the plant materials.
- D. *Preservation of mature trees.* The removal or alteration of one (1) or more mature trees shall be by permit, issued by the project review director. The project review director's decisions shall be in accord with guidelines for tree planting, alteration, and removal established by the Development Review Board. The project review director may require that a tree removed to remedy adverse affects on views, privacy and amenity, be replaced by a mature tree at the same or another location.

(Ord. No. 1796, 11-5-85)

Sec. 5.3063. - Exceptions to height limits.

- A. A maximum vertical building encroachment of fifteen (15) feet is permitted into the inclined stepback plane for not more than twenty-five (25) percent of the length of the building's elevation, but not above the maximum allowable bonused building height.

- B. The ridge of sloping roof or a parapet wall, in addition to A above, may encroach vertically into the inclined stepback plane and into the maximum allowable height no more than four (4) feet in type 2 and type 1.5 areas only.
- C. The following paragraph supersedes sections 7.100—7.103 (exceptions to height restrictions) which shall not apply within the D district.

Towers, spires, chimneys, transmission towers, fire towers, flag poles, utility penthouses, enclosures for necessary mechanical equipment, and similar structures covering not more than 10 percent of the ground area covered by the structure to which they are accessory may exceed the allowable maximum bonused height by five (5) feet in a type 1 area, and by fourteen (14) feet in a type 1.5 or a type 2 area. Such structures located on top of a hotel or a multifamily building may, however, exceed the maximum allowable bonused height by eighteen (18) feet in a type 1.5 or a type 2 area. All such structures shall be set back a minimum of ten (10) feet from the **FURTHEST** outside edge of the roof on which they are located, and shall comply with the stepback requirements of section 5.3060, schedule B. Roofs and parapets on top of mechanical penthouses, elevator penthouses and similar structures shall not be allowed to exceed these additional height allowances.

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

Sec. 5.3064. - Exceptions to maximum vertical and horizontal dimensions of walls.

Upon request, the City Council, after receiving a recommendation from the Planning Commission and the Development Review Board, may modify the maximum vertical dimension of wall or maximum horizontal dimension standards prescribed in schedule B if it finds that the beneficial intent of the regulations is exceeded by a particular design.

(Ord. No. 1796, 11-5-85; Ord. No. 1996, § 1, 2-1-88)

Sec. 5.3065. - Credit for area in dedicated right-of-way.

For the purpose of FAR calculations, right-of-way dedications shall not reduce the land area base size to less than eighty (80) percent of the original site size.

(Ord. No. 1796, 11-5-85)

Sec. 5.3066. - Building projections.

Maximum projections permitted into a required setback area but not beyond property line shall be as follows:

- A. *Fireplaces or chimneys:* Two (2) feet.
- B. *Uncovered porches, terraces, platforms, underground garages, and patios not more than three (3) feet above grade:* May extend into a front setback yard not closer than five (5) feet to the property line.
- C. *Cornices, eaves, and ornamental features:* Two (2) feet.
- D. *Balconies, stairs, canopies, awnings, and covered porches:* Four (4) feet beyond a front or rear setback and two (2) feet beyond a side setback, not exceeding twenty-five (25) percent of the length of the adjoining property line.
- E. *Bay windows:* Two and one-half (2½) feet if not on ground.

(Ord. No. 1796, 11-5-85)

Sec. 5.3070. - Parking regulations.

The provisions of article IX shall apply.

(Ord. No. 2736, § 1, 3-7-95)

Secs. 5.3071—5.3074. - Reserved.

Ord. No. 2736, § 1, adopted Mar. 7, 1995, repealed former §§ 5.3071—5.3074, which pertained to various parking regulations.

Sec. 5.3080. - Overlay regulations.

Sec. 5.3081. - (P) pedestrian overlay district.

- A. *Purpose.* The purpose of the (P) pedestrian overlay district is to augment site development standards and land use regulations in order to obtain and preserve the compact character of certain pedestrian-oriented areas. The overlay district requirements are intended to encourage development and redevelopment that enhances the scale of the street frontages and the architecture, [and] the linkage of pedestrian activities.
- B. *Boundaries.* The boundaries of the downtown shopping special use area shall be as indicated on the zoning district map by a "P" designator.
- C. *Site development regulations.* Site development standards for the (P) overlay district shall be those specified in section 5.3060 schedule B with the addition of the following requirements:
1. Covered Walkways: On designated frontage shown on the zoning district map (or a supplementary map illustrating the pedestrian overlay areas), a continuous covered walk shall be required. Configuration of the covered walk shall be as follows:
 - (a) On frontages identified as local streets in the downtown plan, a building setback of twelve (12) feet is required, superseding requirements of schedule B. The covered walkway shall project in front of the building with the roof supported at a column line three (3) feet back of the planned curb line. Where a property line is more than twelve (12) feet from the planned curb, the required building setback shall be considered to be the property line.
 - (b) On frontages identified as major streets in the downtown plan, the covered walkway shall project in front of the building setback ten (10) feet to a column line supporting the roof structure.
 2. Interior Side Lot Line Setbacks: Where side yards exist, they shall be screened to provide design continuity on the building frontage.
 3. Views Into Buildings: At least two-thirds of the width of each frontage shall consist of openings or clear glass windows providing views of merchandise displays, building interiors, or courtyards.
 4. Location of Parking: Parking in the pedestrian overlay district shall be located pursuant to article IX.
- D. *Subdistrict overlay regulations.* Special needs of specific subdistricts are served by the following regulations:
1. (RS) Retail Specialty Subdistrict:
 - a. The following use classifications, which are permitted in the RS subdistrict, are not permitted in the overlay district:
 - (1) Accessory parking, separate.
 - (2) Animal sales and services: Pet stores.
 - (3) Catering services.
 - (4) Eating and drinking establishments with take-out service.
 - (5) Automobile rental.
 - b. Storefront width: Apparent storefront width shall not exceed fifty (50) feet, except along the adjoining side lot line of a corner lot.

(Ord. No. 1796, 11-5-85; Ord. No. 1932, § 1, 4-7-87; Ord. No. 1992, § 1, 1-5-88; Ord. No. 2736, § 1, 3-7-95)

Sec. 5.3082. - (PBD) planned block development overlay district.

- A. *Purpose.* To capitalize on additional opportunities offered at larger scales of development, flexibility in certain land-use and development standards is available upon recommendation of the Planning Commission and express approval of City Council through the PBD overlay district.
- B. *Area requirements:* Each PBD overlay district shall include a minimum contiguous land area of sixty thousand (60,000) square feet in the RS subdistrict and one hundred thousand (100,000) square feet in other underlying subdistricts, including intervening streets and alleys, and shall have no dimension less than one hundred twenty-two (122) feet. The net lot area in a PBD project shall include, for the purposes of calculating the minimum land area and allowable building gross floor area, property above or below dedicated right-of-way held either in ownership or as an easement, provided that such holdings are developed and provide pedestrian linkage acceptable to the city.
- C. *Status.* Adoption of a PBD overlay district proposal shall be by amendment to the zoning district map, but the ordinance amendment shall not alter the use regulations or development standards of the underlying subdistrict except as specifically permitted below.
- D. *Allowable modifications to use regulations and development standards.* Available FAR and height bonuses shall be as defined in schedule B (section 5.3060). The following modifications in use regulations and development standards may be approved as part of PBD overlay district:
1. Allowable floor area may be transferred between parcels within the same subdistrict in a PBD overlay district proposal provided that a legal instrument satisfactory to the city attorney shall be recorded limiting the building floor area on parcels from which floor area is transferred.
 2. Regulations for specific use classifications may be modified by the development plan text to accommodate appropriately sized accessory uses.
 3. Site development standards, not including base FAR and required parking spaces, may be modified by the development plan text or map, provided that the maximum allowable heights shall not exceed the maximums specified in schedule B (section 5.3060).
- E. *Application for designation.*
1. A proposed amendment to create a PBD overlay district may be initiated by seventy-five (75) percent of the owners of the land area within the boundaries of the proposed PBD, by the city Planning Commission, or by the City Council, as prescribed by section 1.300.
 2. An application initiated by property owners shall include:
 - a. A map indicating the proposed boundaries for the PBD overlay district; the property of participating type designations.
 - b. Development plan consisting of a map and explanatory material as may be necessary to delineate land uses and locations, existing and projected building types and schematic designs, height, FAR (including any proposals for transfer of FAR), site development standards, existing and proposed open space, circulation, traffic impacts, on-site and off-site parking and any other pertinent information.
 - c. A cultural improvements component which conforms with the provisions of the downtown cultural improvements ordinance and which describes artworks, cultural facilities and cultural programs included in the project.
 - d. A comparison between underlying subdistrict regulations and standards and any proposed modified regulations and standards, together with resulting impacts.
 - e. A statement of the reasons for any requested modifications to regulations and standards, and a description of proposed means of mitigating any adverse effects.
 - f. A three-dimensional model, photomontage, or computer-generated perspective drawings depicting the relationship between proposed buildings and existing buildings within three hundred (300) feet of the proposed PBD district boundaries.
- F. *Adoption of PBD overlay district and development plan:* The city Planning Commission shall hold a public hearing on a proposed application as provided for in sections 1.604 and 1.605. Prior to the hearing, the Development Review Board shall make a recommendation on any proposed modifications to section 5.3060, schedule B, site development standards, including any additional regulations which apply. After receiving the Development Review Board's recommendation, the Planning Commission shall recommend, and the City Council shall consider for adoption, an amendment creating a PBD overlay district only after making the following findings:
1. That the development plan is consistent with the adopted downtown plan and other applicable policies, and that it is compatible with development in the area it will directly affect.

2. That the development plan contributes additionally, beyond the underlying regulations, to the urban design objectives articulated for downtown, and that deviations from the regulations that otherwise would apply are justified by compensating benefits of the development plan.
3. That the development plan includes adequate provisions for utilities, services, and emergency vehicle access, and, if warranted, connections between underground parking facilities.
4. That projected traffic generated by the development plan will not exceed the capacity of affected streets.
5. That the development plan will not significantly increase solar shading of adjacent land in comparison with development under prevailing regulations.

(Ord. No. 1796, 11-5-85; Ord. No. 1992, § 1, 1-5-88; Ord. No. 1996, § 1, 2-1-88; Ord. No. 3225, § 1, 5-4-99)

Sec. 5.3083. - Cultural improvements program.

A. *Purpose.* The City Council finds as follows:

- [1.] That the continued vitality of the downtown district is essential to the economic, social, and aesthetic well-being of the City of Scottsdale;
- [2.] That downtown Scottsdale has an established artistic and cultural component, based on elements including the Scottsdale Center for the Arts, the many art galleries and a variety of public activities;
- [3.] That enhancement of this cultural and artistic component will contribute to the continued welfare and revitalization of the downtown district to the benefit of both the private and public sectors;
- [4.] That the integration of publicly visible works of art into private development projects will strengthen the downtown as the cultural center of the city by incorporating the arts into the urban environment;
- [5.] That the City Council wishes to promote these goals by encouraging collaboration between developers, artists, architects, landscape architects, engineers and other project planners, and by providing a means to finance art works and cultural facilities and programs in key public areas in the downtown [district];
- [6.] That a developer of a planned block development in the downtown district is afforded certain incentives and bonuses not available to developers of similar projects.

B. *Definitions.*

1. *Art in public places program.* The program established pursuant to the provisions of Scottsdale Revised Code section 20-121 and 20-121.1 providing for the selection and installation of original works of art in public places within the City of Scottsdale.
2. *Art work or works of art.* All forms of limited edition or one-of-a-kind original creations of visual art created by an artist.

An original work of art, shall not include any of the following, unless specifically allowed by the Scottsdale Cultural Council. Directional elements such as supergraphics, signage or color coding except where these elements are integral parts of the original works of art; art objects which are mass-produced of standard design such as playground equipment, fountains or statuary objects; reproduction by mechanical or other means of original works of art; decorative, ornamental or functional elements created by the project architect instead of an artist commissioned for this purpose; landscape architecture or gardening except for elements designed by the artist as an integral part of the work of art; electrical, water or mechanical service for activation of the works of art; art exhibitions and educational activities; security and publicity concerning works of art, architects fees, land costs.

3. *Artist.* A practitioner in the visual arts, generally recognized by his or her critics and peers as a professional possessing serious artistic intent and ability.
4. *Building valuation.* The building valuation as determined by the development services director or his or her designee, based on the building valuation data published by the International Conference of Building Officials, and noted on the building permits. For purposes of this ordinance only, calculation of building valuation shall not include public improvements square footage, residential uses other than hotel, or hospitals as defined in section 3.100 of the zoning ordinance.
5. *Cultural trust fund.* The separate fund into which shall be placed only the monies received pursuant to this ordinance. This fund may be used only for the purposes authorized by this ordinance.
6. *Planned block development.* A plan for a large parcel area which may include multiple ownerships, allowing flexibility in certain development standards, and subject to specific review, all as provided in section 5.3082, et seq., of the Scottsdale Zoning Ordinance.

7. *Public improvements square footage.* Square footage which is attributable to a special public improvement constructed pursuant to section 5.3090(C)(4) of the zoning ordinance, for which the developer received bonus floor area.
8. *Scottsdale Cultural Council.* The entity, and any successor, designated by the City Council to administer the art in public places program.
9. *Visual arts professional.* An artist, art educator, art critic, art administrator, designer, art historian, art museum curator or director or fine art collector, who is well respected in his or her field, and recognized by his or her peers as being knowledgeable in regard to visual art.

C. *Imposition of percent for arts obligation.*

1. In a planned block development (PBD) in the downtown district, original works of art costing a minimum of one (1) percent of the building valuation shall be installed and maintained in accordance with the provisions of this ordinance, and the art in public places program.

The cost of the art work may include: Structures which enable the display of art work(s); expenses incurred within the artist's budget to cover professional fees for the artist(s); labor of assistants; materials and contracted services required for the production and installation of the work(s) of art; travel expenses of the artist for site visitation and research; transportation of the work of art to the site; site preparation for art work installation; and other installation costs of the completed art work.

2. The artists and art work shall be selected by one of the following procedures, at the option of the developer:
 - a. The developer may select a visual arts professional to act as a consultant. The visual arts professional will aid the developer in selecting the artist and the art work, in accordance with the guidelines set forth in this ordinance; or
 - b. The developer may utilize the resources and services of the Scottsdale Cultural Council in selecting the artist and/or art work, in accordance with procedures and guidelines established by the entity.
3. Original art work is to be placed within the PBD, on a site which takes into account the following: Unobstructed public viewing and accessibility; public safety; interior and exterior use patterns which are consistent with existing or future architectural and natural features; and primary uses of the building, and relationship of the proposed art work to existing art works within the site or area. Art work should be placed where visible from the street, or in exterior spaces such as walkways, plazas, and exterior building surfaces.

D. *In-lieu fee.* The developer of a PBD may pay an amount equal to one (1) percent of the building valuation or any portion of the obligation not used on site, into the cultural trust fund, in lieu of installing original art work in the PBD. Such amount shall be disbursed in accordance with the provisions of the art in public places program, provided that art work purchased with monies deposited in the cultural trust fund, shall be placed only in the downtown district.

E. *Cultural trust fund.* There is hereby established a cultural trust fund (CTF), into which shall be deposited all sums collected pursuant to the provisions of this ordinance. The CTF shall be used exclusively for the purposes and through the processes set forth in this ordinance, and in the art in public places program.

F. *Project completion.*

1. A preliminary art plan and schematic design which identifies location, type and approximate scale of the art work shall be submitted to the planning and zoning department prior to Development Review Board approval of the development project.

The Scottsdale Cultural Council will review the developer's proposed public art plan prior to Development Review Board for consistency with the public art master plan and make a written nonbinding recommendation to the Development Review Board, providing a copy to the developer.

2. A final art plan and design consisting of appropriate drawings and models shall be submitted to the planning and zoning department at or before the submission of final construction drawings.
3. On site art work must be installed by the artist, and the visual arts professional or the Scottsdale Cultural Council must certify that the requirements of this ordinance have been met, and/or the in-lieu fee must be deposited, before a certificate of occupancy will be issued for the project. Certification shall be by the Scottsdale Cultural Council only when the developer has opted not to employ a visual arts professional, and has chosen to select the artist as provided in section C(2)(b) of this ordinance.

The certification shall include: (1) a statement that the art work, artist and site meet the criteria established by this ordinance, (2) the date on which the installation or deposit was completed, and (3) an itemized account of the expenses incurred by the developer in fulfilling the requirements of this ordinance.

- G. *Exemptions.* This ordinance shall not apply to:
- (1) Those portions of a planned block development for which a building permit has been issued prior to the effective date;
 - (2) Individual tenant improvements; or
 - (3) Alterations and reconstruction less than thirty thousand (30,000) square feet.
- H. *General provisions.*
1. The fee imposed by this ordinance shall be in addition to and supplemental to all other fees imposed by the city.
 2. If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions which can be given effect without the valid provision. To this end, the provisions of this ordinance are declared to be severable.

(Ord. No. 2018, 6-21-88; Ord. No. 2301, § 1, 7-17-90; Ord. No. 3225, § 1, 5-4-99)

Sec. 5.3090. - Bonus/incentive provisions.

- A. *Purpose:* The bonus provisions make available incentives for private sector participation in pursuing specifically identified downtown objectives. Bonuses are available for: Underground or off-site parking, historic preservation, residential land use, contribution of special public improvements, and PBD projects (refer to schedule B). Bonuses are available in two (2) forms:
1. Increased building intensity *via* floor area ratio (FAR) bonuses.
 2. Additional Building Height: Reserved for residential uses, hotel/resort uses and PBD projects.
- B. *Applications:* An application for bonus floor area shall be submitted with the application for development review, and shall include appropriate documents and identify features of the project that qualify for the bonus floor area.
- C. *Computation of bonus floor area or bonus FAR:*
1. A FAR bonus for underground and on-site structure parking may be permitted pursuant to section 9.108.C.3.
 2. Historic Preservation: On a site within the D district that is also zoned (HP) historic property, a bonus floor area equal to twice that of the existing historic structure may be transferred to any other site in the D district. The floor area transferred shall not exceed an FAR of two-tenths for the receiving property. An instrument satisfactory to the city attorney shall be recorded specifying the amount of bonus floor area transferred from the historic property site and the remaining amount not transferred, and ensuring permanent maintenance of the exterior appearance of the historic property as seen from public streets.
 3. Residential Space: The bonus shall equal the total residential floor area on the site, determined on the basis of space used for dwelling units, but shall not exceed the maximum permitted by the FAR ratios in section 5.3060, schedule B. In large projects with bonus floor area for residential space, each phase of construction must contain an equal proportion of residential space, unless the project review director finds that requirement is infeasible because of the building design. The residential height and floor area ratio bonuses shall not apply to specialized health care facilities and minimal health care facilities.
 4. Special Public Improvements: Bonus floor area, not to exceed a three-tenths FAR, may be awarded to a project by City Council at its discretion for contributions to a special downtown improvement fund, or for dedication of land and construction of improvements in excess of those required of similarly situated properties. The bonus floor area shall be the cost the contribution divided by the per square foot value of the project's land as determined by the city. At its discretion, the city may commission one (1) or more fair market appraisals, to be paid for by the contributor, to assist in estimating the per square foot value of the project's land.
 5. Planned Block Development: A FAR bonus not to exceed one-tenth will be provided for participation in a planned block development, pursuant to section 5.3082.

(Ord. No. 1796, 11-5-85; Ord. No. 1992, § 1, 1-5-88; Ord. No. 2736, § 1, 3-7-95; Ord. No. 3225, § 1, 5-4-99)

**Optima Sonoran Village
Legislative Modifications of the Downtown District Ordinance
“Proposed Amended Development Standards Justification”
2-PA-2010**

Section 5.3060.Schedule B.III.2.a.

The standard specifies a height limit of 65-feet *and* 5-stories. This same feet and story limit was applicable at Optima Camelview Village and the City of Scottsdale accepted the deletion of the specified story limitation allowing the construction of a seven story multi-family residential building. This amended standard request allows Optima to provide (i) a greater diversity of unit types and sizes to meet market demands and (ii) a higher quality project further enabling Optima to effectively address the following 6 guiding principals of the General Plan:

- 1.0 Value Scottsdale’s Unique Lifestyle & Character
- 2.0 Support Economic Vitality
- 3.0 Enhance Neighborhoods
- 4.0 Preserve Meaningful Open Space
- 5.0 Seek Sustainability
- 6.0 Advance Transportation

This request is identical to that requested and approved at Optima Camelview Village.

Section 5.3060. Schedule B.III.8:

The standard requires a minimum of 25% of the area of the building be located at the front building setback line from grade to elevation 26-feet above grade. The applicant proposes eliminating this requirement. 68th Street is not a commercial street where holding the street edge would be appropriate. 68th Street is a transitional street between the downtown zoning district and residential districts. Optima Sonoran Village incorporates building setbacks of two to three times the setback requirement at grade to establish a generous landscape buffer to adjoining districts. Located along the western border of the downtown district; Optima Sonoran Village is designed as a gateway into downtown Scottsdale. A minimum 40 foot setback is maintained along Camelback to provide a generous landscape buffer and provide shade and screening for pedestrians walking into downtown. The development is predominately residential with a small commercial component to support the residential functions. The development provides a transition between more intense downtown commercial uses and neighboring residential uses. Holding the street edge is less important than providing adequate landscaping to buffer the residential uses, provide an adequate transition to neighboring districts and augment the gateway qualities of the development.

Section 5.3061.C:

The standard requires a three hundred foot setback to an R-1 district for any portion of the building height exceeding thirty eight feet. The applicant proposes reducing this setback requirement to one hundred forty-one feet. In June of 2009 the City approved the City of Scottsdale Downtown Plan establishing the City’s policy goals with regard to development in the Downtown District. Policy CD 2.1 states, “The scale of existing developments surrounding the Downtown Plan boundary should be acknowledged and respected through sensitive edge transition buffer established on a location specific basis, that may include transitional development types, landscape buffers and sensitive architectural design solutions to

address building mass and height.” With the design of Optima Sonoran Village we have addressed all of these policy goals.

Optima Sonoran Village is a multi-family use which provides a transitional development type from the more intense land uses to the north and east. Optima Sonoran Village incorporates building setbacks which exceed the minimum requirement by two to four times to create generous landscaped buffers between the building and adjacent properties as well as 68th Street. Additionally, the parking for the entire development is located underground to minimize the amount of surface paving and maximize the amount of landscaped open space within the development. The development as proposed contains approximately 6.0 acres of landscaped open space. Limiting the building height to 38-feet within three hundred feet of an R-1 district would require a larger building footprint thereby reducing setbacks and grade level open space by nearly two acres (a 33% reduction). Incorporating a larger footprint mitigates the effectiveness of providing underground parking, since most of the site would be covered by buildings. The vertically stacked courtyard design of Optima Sonoran Village was developed in part to create fenestration treatments which focus views from within buildings into the development rather than out toward the R-1 district to the south.

The applicant has provided greater building setbacks than required by the zoning ordinance on the western, southern and eastern property lines; these setbacks are significantly landscaped. The southernmost building in the development (identified as 6875 E Camelback Road (“6875”)) is setback forty-six feet at grade more than required by the Zoning Ordinance. Additionally, in response to neighborhood feedback received during informal neighborhood meetings initiated by the Applicant, the Applicant has removed the south facing units on the fourth floor of 6875. This voluntary revision effectively limits the height of occupied portions on the south side of 6875 to less than 30-feet in height. Despite being allowed by ordinance, there are no encroachments into the stepped inclined setback line along the southern border of the property. The roof line of 6875 is not visible from the rear yards of the adjoining single family residences to the south.

The easternmost and westernmost buildings in the development (identified as 6895 (“6895”) and 6815 (“6815”) E Camelback Road respectively) are setback from the south property line over 96-feet and 106-feet respectively. The height of Buildings 6895 and 6815 are stepped toward the R-1 District such that the height steps down from sixty-five feet to thirty-eight feet within 141-feet and 151-feet respectively of the southern boundary. The buildings are oriented so only the narrow ends are parallel to the southern property line thereby facing all dwellings above thirty-eight feet east and west away from the R-1 District. Furthermore, the combined widths of these two buildings represent less than 30 percent of the total width of the Property along the southern boundary adjoining the R-1 district. The next nearest building to the southern boundary is the building located in the center of the development (identified as 6855 E Camelback Road (“6855”)). 6855 has a height of sixty-five feet and is located 230-feet from the nearest point along the southern boundary.

The intent of Section 5.3061.C.1 and the policy goals as outlined in the City of Scottsdale Downtown Plan is to mitigate the impact of developments in downtown districts on neighboring R-1 districts. As noted above the transitional development type, landscape buffers and sensitive architectural design solutions incorporated into the proposed development meets that intent. Therefore, the applicant recommends the development standard be revised and the steps taken thus far to mitigate the height impact on neighboring properties be approved by the City Council.

Section 5.3061.D:

The standard requires the maximum building length be limited to (i) 350-feet in any horizontal dimension, (ii) 550-feet in any two adjacent dimensions, and (iii) 200-feet in any dimension above thirty-eight feet. The applicant proposes increasing these limitations to 495-feet, 610-feet and 495-feet respectively. The five buildings comprising Optima Sonoran Village are composed of vertically stacked courtyard homes. This unique design creates a series of fifteen foot wide “bay-window” like elements separated by deep recesses varying between fifteen and thirty feet wide. When placed side-by-side, these vertically stacked components have the lineal scale and form similar to the neighboring townhome developments to the

west and southeast. Unlike most townhome developments where each home is technically an individual building thereby meeting the above standard despite being ganged adjacent to similar units forming a very long façade, Optima Sonoran Village is technically defined as a single building even though it has a similar form as the neighboring townhome developments. See the Context Aerial plan (Part I, Item 11) to see the relationship between the building length of Optima Sonoran Village and the townhome developments of Pavoreal to the west and Villa Adrian to the southeast. Optima Sonoran Village's courtyard design was specifically developed to blend appropriately with the existing context of adjacent townhome communities.

Section 5.3061.E:

The standard requires spacing between buildings on the same site be not less than ten percent of the longest two adjacent sides. The applicant proposes establishing ten feet as this minimum distance. Optima Sonoran Village is composed of five buildings organized around two very large landscaped courtyards. The relationship of each building to another is established to better define the open space within the development, provide a sense of privacy and create a dramatic contrast with the generously sized courtyards. The vertically stacked courtyard design provides privacy and additional natural light while focusing views internally within the unit's courtyard thereby minimizing the affects of neighboring units on one another. The arrangement of buildings within the development is not cramped or scattered; rather it is a well thought out, unified composition.

Section 5.3061.F.2:

The standard requires that a vertical façade wall in excess of thirty-eight feet be set back two feet for every foot of additional height, but not less than ten feet. The applicant proposes this requirement be deleted in its entirety. The five buildings comprising Optima Sonoran Village are composed of vertically stacked courtyard homes. This unique design creates a series of fifteen foot wide "bay-window" like elements separated by deep recesses varying between fifteen and thirty feet wide. Each level of the stacked units has a landscaped terrace that helps define the courtyard and provides a livable outdoor landscaped space for each home. The landscaped terraces are interconnected and arranged in an asymmetrical composition on the façade. The terraces provided ten to thirty foot offsets in the façade although not in a prescribed ziggurat manner, but in a dynamic, vibrant composition of shades, deep shadows and rich textures. Since the terraces are all landscaped, the building façade becomes a living vertical garden with an ever-changing array of plant life, vines and flowers.

Section 5.3061.F.3:

The standard requires that vertical façades between sixteen feet and one hundred feet of a front setback be stepped in a similar way as Section 5.3061.F.2 above except for multifamily dwellings less than 50,000 square feet. The applicant proposes to increase the exemption to buildings less than 200,000 square feet. Please see the statements associated with Section 5.3061.F.2 above for justification for this modification.

Section 5.3061.H:

The standard requires that buildings fronting Camelback, Indian School, and portions of Scottsdale Roads be setback forty feet from the existing curb. The applicant proposes to delete Camelback Road. Optima Sonoran Village is setback forty to forty-five feet along Camelback Road at grade, but does not utilize the sloped step-back above 38-feet. The sloped step-back above 38-feet is accommodated with the standard 20-foot front yard setback. Buildings in the development are positioned as far north as possible to minimize the impact on the adjacent R-1 district to the south and to provide a generous landscape buffer along the southern boundary of the site. The buildings proximity to the curb, at and above grade was also established to create a gateway into downtown Scottsdale while relating to the large commercial structures to east including the Scottsdale Fashion Square Mall.

Section 5.3062.B:

The standard requires that all setback areas visible from the street include mature trees every 400 square feet. The applicant proposes to increase this requirement to 900 square feet. Optima Sonoran Village incorporates large setbacks which will be landscaped in a variety of species and sizes as shown in Part II, Item 5 to provide a natural setting that relates to surrounding neighborhoods. 900 feet requires trees be planted at approximately thirty foot centers, which will help support proper growth and crowns.

Section 5.3063.C:

The standard requires that mechanical/utility roof enclosures be setback a minimum 10 feet from the outside edge of the roof. The applicant proposes this requirement be limited from the "furthest" outside edge of the roof. The five buildings comprising Optima Sonoran Village are composed of vertically stacked courtyard homes. This unique design creates a series of fifteen foot wide "bay-window" like elements separated by deep recesses varying between fifteen and thirty feet wide. As a result the roof plane is highly serrated (see Site Plan; Part II, Item 1). Roof enclosures will be setback from the furthest projection of the roof, but align with the recesses of the courtyards integrated with the overall form and façade of the building.



Citizen Review Checklist (ZN)

The Citizen Review Process is required for all: Rezoning, Zoning Stipulation Amendments, Council Approved Amended Development Standards, and City Council Site Plan Approvals. This packet has been prepared in conformance with and as a supplement to Zoning Ordinance, Section 1.305.C, Citizen Review Process. *If you have questions on these requirements, please contact the Current Planning Division at 480-312-7000*

This application is for a:

- Rezoning
- Zoning Stipulation Amendments
- Council Approved Amended Development Standards
- City Council Site Plan Approvals

If you are filing for a General Plan amendment, you must comply with Resolution 5135 for Neighborhood Involvement. If you are filing an application for any other type of project you need a Neighborhood Notification Packet; please contact your Project Coordinator for more information.

The Citizen Review Process ensures early notification and involvement prior to the filing of a formal application.

Step 1: Citizen Review Plan: Provide a written statement to your Project Coordinator, at least two weeks prior to the first open house meeting, outlining the information below.

- Where and when the open house will be held
- How and when neighbors will be notified:

<p>Provide information by:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1st Class Letter or Postcard <input type="checkbox"/> In Person <input type="checkbox"/> Phone call <input type="checkbox"/> Certified Mail <input type="checkbox"/> Door Hangers/Flyers 	<p>To:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> All property owners and HOAs within proposed area <input checked="" type="checkbox"/> Property owners and HOAs within 750' <input checked="" type="checkbox"/> School District(s)* <input checked="" type="checkbox"/> Interested Party list (provided by Project Coordinator) <input type="checkbox"/> Residents/Tenants
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- When the "Project Under Consideration" sign will be posted and what it will say
- How many neighborhood meetings will be held?

* School districts shall be notified 30 days prior to filing the formal application when the rezoning from a non-residential to a residential district or when greater residential densities are proposed. Refer to the Collaborative City and School Planning packet.

Step 2: Project Under Consideration: Post the Sign - (4'x4' Black and White sign) post on-site at least ten (10) calendar days prior to the first open house meeting. The sign shall include the following:

- Project Overview: description of request, proposed use, site acreage, site zoning
- Time, Date and Location of the open house meeting/s
- Applicant and City Staff Contact Information- contact persons and phone numbers to call for more information, and the Pre-Application number
- City's web site address: www.scottsdaleAZ.gov/projects/ProjectsInProgress
- Sign posting date

1-ZN-2010
1st: 2/02/10



Citizen Review Checklist (ZN)

Step 3: Notification Letters: Send a letter, by first class mail at least ten (10) calendar days* prior to the open house meeting. Include the following items:

- Time, date, and location of the open house meeting
- Applicant and City staff contacts, telephone numbers and email addresses
- City case file number (Pre-Application Number) and City web site address
- A detailed description of the project and information concerning the applicant's request
- Preliminary site plan and/or project location map

Step 4: Open House Meeting: Hold the Open House Neighborhood Meeting onsite or at a location near the site, within *45 days prior* to your formal submittal. E-mail open house information to project coordinator and to: planninginfo@scottsdaleaz.gov. From the Open House provide the following:

- Sign-in sheets
- Comment sheets
- Written summary of meeting.
- Additional Open House Meeting(s) required 1.** In some cases, the City of Scottsdale Project Coordinator may require more than one applicant-held Open House. Additional open house meetings have the same requirements and shall be advertised in the same manner as the initial open house meeting.

Step 5: Complete a Citizen Review Report: All citizen outreach and input shall be documented in the Citizen Review Report and shall be submitted with the formal application. The Citizen Review Report shall include:

- A. Details of the methods used to involve the public including:
1. A map showing the number of and where notified neighbors are located.
 2. A list of names, phone numbers/addresses of contacted parties (e.g. neighbors/property owners, School District representatives, and HOA's).
 3. The dates contacted, how they were contacted, and the number of times contacted.
 4. Copies of letters or other means used to contact neighbors, school districts, and HOA's.
 5. The completed affidavit of mailing. (See attached)
 6. List of dates and locations of all meetings
 7. The Open house sign-in sheets, a list of people that participated in the process, and comment sheets.
 8. The completed affidavit of sign posting with a time/date stamped photo. (See attached)
- B. A written summary of the comments, issues, concerns and problems expressed by citizens during the process including:
1. The substance of the comments, issues, concerns and problems.
 2. The method by which the applicant has addressed or intends to address the issues, concerns and problems identified during the process.

Related Resources:

- Project Under Consideration Sign Posting Requirements
- Public Hearing Sign Posting
- Collaborative City and School Planning packet
- Affidavit of Posting

**1-ZN-2010
1st: 2/02/10**

CITIZEN REVIEW PLAN & NEIGHBORHOOD INVOLVEMENT PLAN
Southeast Corner of Camelback Road & 68th Street
Optima Sonoran Village (formerly Orchidtree)
January 28, 2010

Overview

This citizen outreach and neighborhood involvement plan is being performed in association with a minor general plan amendment and rezoning request for the redevelopment of approximately 9.8 gross acres located on the southeast corner of Camelback Road and 68th Street. The design team has created a project that is architecturally striking and sensitive to neighboring properties. As part of the request, this citizen review and neighborhood involvement plan has been drafted and will be ongoing throughout the process.

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

Community Involvement

The project team has already been busy conducting outreach into the community to date. Door to door work and smaller meetings with homeowners and interested parties in key neighborhoods such as Whitwood, Pavoreal, Villa Adrian, and Villa D'Este began in October of 2009 and will continue throughout the process. Members of the outreach team will be available to meet with any neighbors who wish to discuss the project. Additionally, they will be contactable via telephone and email to answer any questions relating to the project.

Surrounding property owners and other interested parties will be noticed via first class mail regarding the project. This notification will contain information about the project, contact information to receive additional information, and the opportunity to give feedback. The notification will also contain information regarding a Neighborhood Open House that will take place for anyone who wishes to learn more about the project. This Open House will be held at a yet to be determined time and place.

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



February 1, 2010

Dr. Gary T. Catalani, Superintendent
Scottsdale Unified School District
3811 N. 44th Street
Phoenix, AZ 85018

Dear Dr. Catalani:

This letter is being sent to you pursuant to City of Scottsdale Code (Ordinance No.455), Article 1. Administration and Procedures, Section 1.1500, Collaborative City And School Planning.

Please be advised that we are applying for a rezoning request that changes the residential zoning classifications resulting in a greater residential density allowed on the subject property. The property is currently developed with 279 residential units; our application will result in a total of 493 units allowed, an increase of 76%.

Enclosed please find a detailed project narrative, a location map, site plan, and the Determination Form required by the City per the above Ordinance. If you have any questions I can be reached at 602-957-3434.

Sincerely,

Paul Smith
Technical Solutions

Cc: City of Scottsdale Current Planning Services

1-ZN-2010
1st: 2/02/10

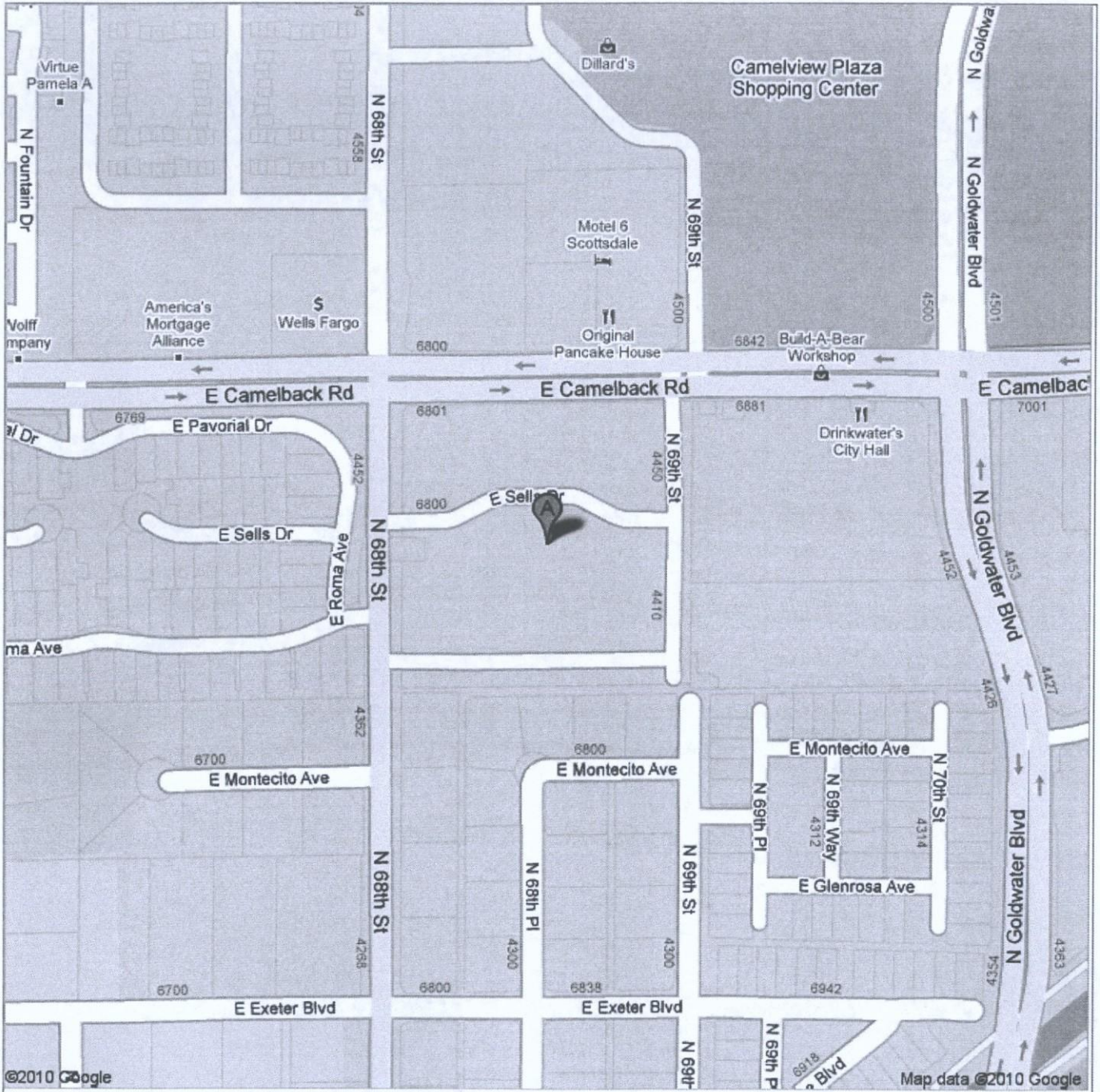
Google maps

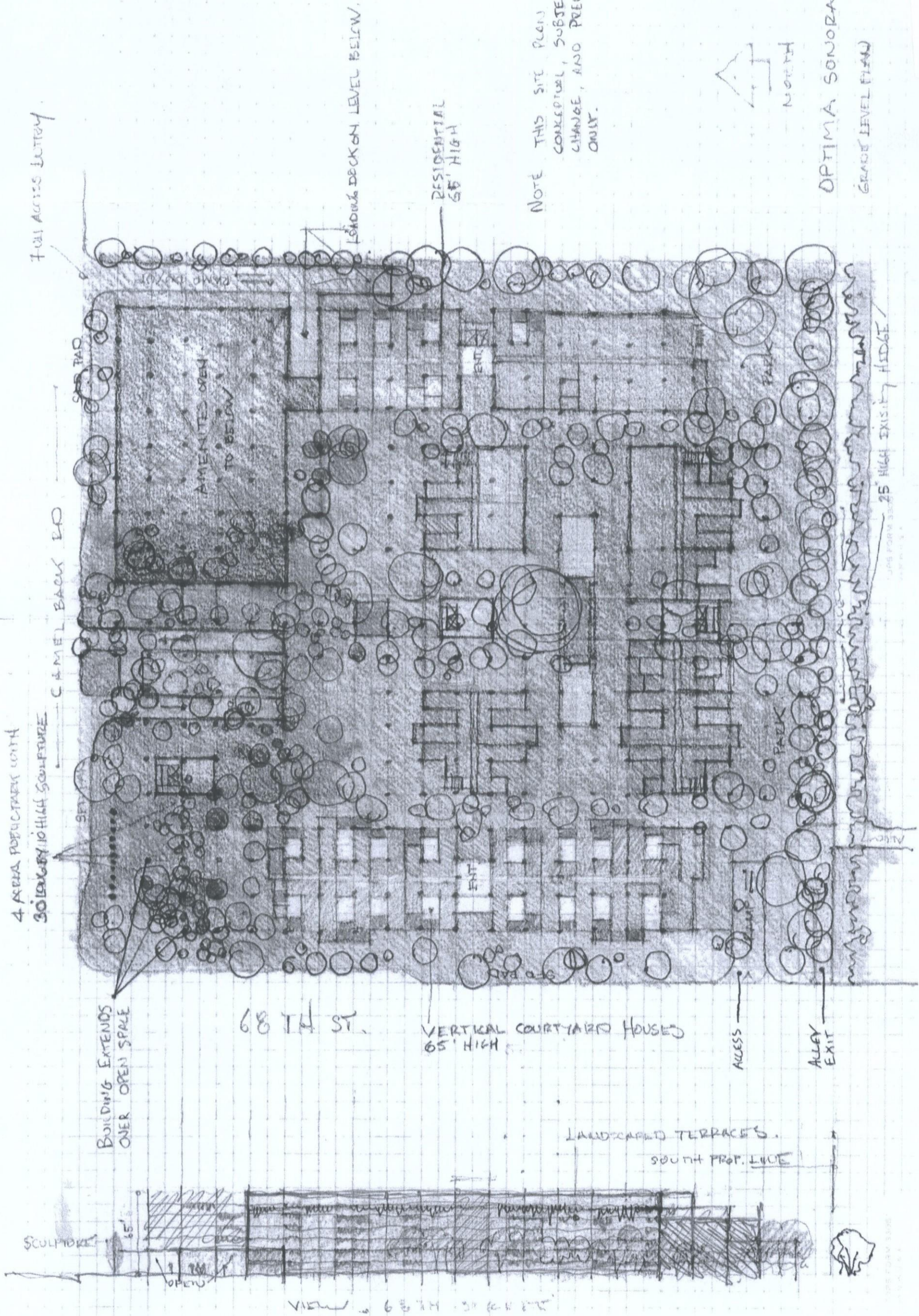
Address 6801 E Camelback Rd
Scottsdale, AZ 85251

Get Google Maps on your phone



Text the word "GMAPS" to 466453





NOTE THIS SITE PLAN IS CONCEPTUAL, SUBJECT TO CHANGE, AND PRELIMINARY ONLY.



OPTIMA SONORAN VILAGE
GRADE LEVEL PLAN
11-2009

1-ZN-2010
1st: 2/02/10

TYPE FORM 330-1
DATE 11/10/09



City of Scottsdale
Current Planning Services

SCHOOL DISTRICT
 Determination of Adequate Facilities

To be completed by Applicant

City of Scottsdale Project Number: 2 - PA - 2010

Project Name: OPTIMA SONORAN VILLAGE

Project Location: SEC 68th St & CAMELBACK

Applicant Name: OPTIMA

Phone: (480) 488-5230

Applicant E-mail: _____

Fax: (480) 488-5302

School District: SCOTTSDALE UNIFIED

I, DAVID PETERSON, hereby certify that the following determination has been made in regards to the above referenced project:

- The school district has adequate school facilities to accommodate the projected number of additional students generated by the proposed rezoning within the school district's attendance area; or
- The school district will have adequate school facilities via a planned capital improvement to be constructed within one (1) year of the date of notification of the district and located within the school district's attendance area; or
- The school district has determined an existing or proposed charter school as contracted by the district can provide adequate school facilities for the projected increase in students; or
- The applicant and the school district have entered into an agreement to provide, or help to provide, adequate school facilities within the school district's attendance area in a timely manner (a copy of said agreement is attached hereto); or
- The school district does not have adequate school facilities to accommodate projected growth attributable to the rezoning.

Attached are the following documents supporting the above certification:

- Maps of attendance areas for elementary, middle and high schools for this location
- Calculations of the number of students that would be generated by the additional homes.
- School capacity and attendance trends for the past three years.

Or

I, _____, hereby request a thirty (30) day extension of the original discussion and response time.

[Signature]
 Superintendent or Designee

05 FEB 09
 Date

Planning and Development Services

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

RECEIVED
 FEB 9 2010
 BY: BRAD CARR

Optima, Inc.
www.optimaweb.com

7147 East Rancho Vista Dr. Suite 104
Scottsdale, AZ 85262

480-874-9900
480-874 9910 fax

January 22, 2010

Via Hand-Delivery, to:

City of Scottsdale
Planning & Development Department
7447 East Indian School Road
Scottsdale, Arizona 85251

Re: Letter of Authorization

Dear Sir or Madam:

This letter authorizes the firm of Berry & Damore, L.L.C. to represent Optima Sonoran Village, LLC in all matters related to the General Plan Amendment and Rezoning of the property located at 6801 E. Camelback Road (APN: 173-43-006E) in the City of Scottsdale, Maricopa County, Arizona.

Optima Sonoran Village, LLC,
an Arizona limited liability company

BY

Optima Opportunity Partners, LLC.

By: _____


David C. Hovey - Manager

1-ZN-2010
1st: 2/02/10

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1. This affidavit concerns the following parcel of land:

- a. Street Address: 6801 E. Camelback Rd.
- b. County Tax Assessor's Parcel Number 173-43-006E
- c. General Location Scottsdale, Intersection of 68th St. and Camelback Rd.
- d. Parcel Size: 9.86 acres ACRES
- e. Legal Description: Attached

(If the land is a platted lot, then write the lot number, subdivision, name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the general manager of the Scottsdale Planning and Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the general manager of the City of Scottsdale Planning and Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land and may expose me or the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

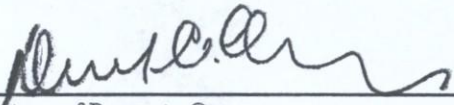
Name (printed)	Date	Signature
<u>DAVID Hovey Jr.</u>	<u>1/21</u> 20 <u>10</u>	<u>[Signature]</u>
<u>T.S. LENICK</u>	<u>1/21</u> 20 <u>10</u>	<u>[Signature]</u>
<u>DAVID Hovey</u>	<u>1/21</u> 20 <u>10</u>	<u>[Signature]</u>
<u>JOHN BERRY</u>	<u>1/21</u> 20 <u>10</u>	<u>[Signature]</u>
<u>Michelle Hammond</u>	<u>1/21</u> 20 <u>10</u>	<u>[Signature]</u>

**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

6801 E. CAMELBACK RD. SCOTTSDALE AZ
(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.


Signature of Property Owner

1/22/10
Date

OWNER: Optima Sonoran Village LLC.
By: Optima Opportunity Partners LLC.

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

POLICY OF THE CITY OF SCOTTSDALE ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

RIGHTS OF PROPERTY OWNER

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

If you have questions about this appeal process, you may contact:

City Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

CULTURAL IMPROVEMENTS PROGRAM
Southeast Corner of Camelback Road & 68th Street
Optima Sonoran Village (formerly Orchidtree)
April 14, 2010

Overview

This Cultural Improvements Program is designed to meet the standards set forth in Zoning Ordinance Sec. 5.3083.

Requirement

The requirement for a Planned Block Development (PBD) in the Downtown District is original works of art costing 1% of the building valuation (i.e. construction cost) not including public improvements, residential other than hotel, or hospital uses.

Total commercial space (non-residential) at Optima Sonoran Village = 40,000 square feet.

The Anticipated cost of construction for the commercial space equals \$4,000,000.00.

Required contribution for Original Artwork = \$40,000.00 ($\$4,000,000 \times 0.01$)

Plan

Our plan is to provide original artwork in the value of \$40,000 in the northwest area of the project. The artwork for this requirement will be selected by the Scottsdale Cultural Council and David Hovey. We will continue to work with Scottsdale Cultural Council Vice President Valerie Valada Homer and Associate Director Margaret Bruning in selecting the artwork.