

**Correspondence Between
Staff and Applicant**



December 3, 2015

Alex Stedman
Lva Urban Design Studio LLC
120 S Ash Ave
Tempe, AZ 85281

Re: 358-PA-2015
3-GP-2015 & 12-ZN-2015
Gallery

Dear Alex Stedman,

This is to advise you that the case referenced above was approved at the December 2, 2015 City Council meeting. Ordinance No. 4230, Resolution No. 10279, Resolution No. 10287, and Resolution No. 10308 may be obtained from the City Clerk's office or city website @

<https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx>.

Please remove the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-7713.

Sincerely,

Brad Carr
Senior Planner



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

9/29/2015

Alex Stedman
LVA Urban Design Studio, LLC
120 S Ash Ave
Tempe, AZ 85281

RE: Determination of a Planning Commission hearing.

Dear Mr. Stedman:

Your Development Application 12-ZN-2015, Gallery is scheduled on the October 28, 2015 Planning Commission hearing agenda.

You will likely be required to make a presentation to the Planning Commission. If you choose to present your application to the Planning Commission utilizing a Power Point presentation, I will need to have the electronic file by 1:00 p.m. on Monday, October 26th. Your presentation is limited to a maximum of 10 minutes.

A subsequent letter with your site post requirements will be sent shortly after the required text has been verified. Typically, this is approximately twenty-one (21) days before a hearing date.

The Community & Economic Development Division has had this application in review for 36 Staff Review Days.

Thank you,

Brad Carr, AICP
Senior Planner

C: Case File



RE: SECOND SUBMITTAL OF THE 12-ZN-2015 "GALLERY" APPLICATION ON 8/31/15

APPLICANT RESPONSES TO 1ST REVIEW COMMENTS PROVIDED IN **BOLD** TEXT BELOW.

8/14/2015

Alex Stedman
LVA Urban Design Studio, LLC
120 S Ash Ave
Tempe, AZ 85281

RE: 12-ZN-2015
Gallery

Dear Mr. Stedman:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 7/15/2015. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please submit a revised copy of the Citizen Review Report summary to include details of the most recent public outreach efforts, including any additional public comments that may have been received. (Zoning Ordinance, Sec. 1.305.C.2.b.)

See attached Citizen Review Report Update, pages 3 and 4.

2. The proposed zoning district for the site of R-5 will require adjacent commercial zoned properties (C-3 and C-4) to adhere to a much stricter setback requirement than is currently required. In addition, a rezoning to the R-5 zoning district for the site would make existing buildings on adjacent sites non-conforming to setback requirements. Please revise the application to recognize these potential conflicts with the next submittal, including potential

12-ZN-2015
8/31/15

revisions to the site plan, limits of the rezoning area, etc. (Zoning Ordinance, Sec. 5.1504.D.1.b. and Sec. 5.1604.D.2.)

Currently, the properties to the immediate east and south of the proposed Gallery site are zoned C-4 and are being used for Automotive Repair businesses. Because the proposed Gallery site is also zoned commercial, there is a zero lot line setback between uses. However, rezoning the Gallery site for residential uses will increase the zero setback for any future structures on the adjacent neighboring commercial properties. There are existing structures on both neighboring properties that will be considered legal non-conforming uses. Additionally, the adjacent property to the east has recently been approved for a building expansion which is also considered legal non-conforming. The only effect that this rezoning request will have on the neighboring properties will be for any type of future expansion. Any future structures will be required to comply with the increased setback from residential zoning. To our knowledge, there are no current plans for any additional future structures along the common boundaries to the east and/or south. Our project team has made almost a dozen attempts to schedule a meeting with both adjacent property owners in order to discuss any future expansions and/or address any concern with the increased setback with potential alternative solutions. Neither property owner is willing to meet with our team at this time. If the neighboring properties reconsider a meeting, we are happy to discuss helping to draft an agreement for them to implement with the City to allow for the zero setback, or a variety of other potential solutions.

3. Please revise the site plan to provide calculations for frontage open space per the requirements of Zoning Ordinance Sec. 5.1004.B.1.a.i.

The revised site plan shows calculations for frontage open space per the requirements of Zoning Ordinance Sec. 5.1004.B.1.b. The zoning ordinance shows that within an R-5 district 11% of our net area must be frontage open space. This equates to 5,148 square feet. The proposed plan provides sufficient frontage open space to meet the requirement. To proposed site plan exceeds both the common open space and private open space requirements as defined by the City of Scottsdale Zoning Ordinance.

4. Please revise the site plan to provide calculations for private outdoor living space per the requirements of Zoning Ordinance Sec. 5.1004.B.1.b.

The revised site plan shows provides calculations for private outdoor living space per the requirements of Zoning Ordinance Sec. 5.1004.B.1.b.

5. Pursuant to Section 5.1004.D. Density Requirements, a minimum of 40 percent of trees shall be mature. Please provide a landscape plan that demonstrates compliance with the required landscaping.

Pursuant to Section 5.1004.B Density Requirements, a minimum of 40 percent of trees shall be mature. The revised landscape plan addresses compliance with the required landscaping.

Circulation:

6. Please revise the site plan to indicate a dedication of an additional 10 feet of right-of-way along the Earl Drive frontage for a total of 30-foot half street. (Scottsdale Revised Code Sec. 47-36; DSPM Sec. 5-3.100)

See attached revised Site Plan. The revised site plan includes a callout showing that the developer has agreed to dedicate 10' of additional R.O.W. along Earl Drive. This will bring the overall half street to a consistent 30' to comply with the city's "Urban Collector" Cross Section and will be consistent with R.O.W. easements on surrounding properties.

7. Please revise the site plan to show a minimum 6-foot wide sidewalk along the Earl Drive frontage. (Scottsdale Revised Code Sec. 47-36; DSPM Sec. 5-3.100)

The site plan has been updated to call out the widening of the Earl Drive sidewalk to 6 feet.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. Even though some of these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

8. Please revise the project narrative so that it provides analysis of the Sensitive Design Principles and how they will be implemented by this proposal. (Zoning Ordinance, Sec. 1.204.)

The project narrative has been revised to provide analysis of the Sensitive Design Principles and how they will be implemented by this proposal. See pages 17-20.

Circulation:

9. Internal street must terminate in a cul-de-sac, not a hammerhead as shown. Please revise the site plan accordingly. (DSPM Sec. 5-3.1100; Fig. 5.3-50)

Prior to deciding on the design of the internal hammerhead configuration, the applicant made sure to get feedback from both Scottsdale Fire and Refuse departments. As you can see from Exhibit A – Sanitation Department Approval, Joe Morris indicated that the hammerhead configuration would indeed work for trash pick up as long as there is no parking in the hammerhead. In addition, on July 8, 2015, Ricky King from Scottsdale Fire also gave his approval of the hammerhead design, see Exhibit B – Fire Department Approval. It appears that the hammerhead design can work for trash and safety issues and we are hopeful that given the serious constraints of developing such a small infill piece, that Staff can also support this configuration which does not in any way violate a City Code.

10. Internal street must be designed to Suburban Local Residential Street standard with a 6-foot wide sidewalk required along both sides of the street for lots less than 18,000 square feet. Please revise the site plan accordingly. (DSPM Fig. 5.3-20)

RESPONSE: While the applicant recognizes the requirements of the suburban street standard for sidewalk improvements on both sides of the street, we respectfully request release from the requirement to require sidewalk only on the west side. Eliminating the sidewalk from the eastern edge of the street will allow for increased landscaping along the street frontage and in front of the units, whereby improving the overall community and street aesthetics. In addition, the applicant believes that due to the overall number of units within the community and proximity of units to one another, pedestrian movement can be accommodated through a single sidewalk along the western edge of the street.

11. Entry gate must be designed to City standard detail. Please revise the site plan accordingly. (DSPM Sec. 2-1.806; DSPM Fig. 2.1-3)

As previously communicated to staff, K. Hovnanian intends to sell a product new to the Scottsdale downtown market, 18 attached ownership "lock and leave" home sites at a price

point of \$500k+ in this infill transitioning location – a gate is necessary to sell this product, in that area, at that price point. The typical depth of the gated entry driveway area is a reflection of queuing and stacking of vehicles primarily associated with guest entry (those using a keypad to gain access). The proposed community meets on-site parking requirements by providing 2-car garages for each unit, but does not allow for on-site parking for additional guests which will be required to park off-site utilizing existing streets that accommodate on-street parking (in similar manner to how adjacent residential properties currently operate). Therefore non-resident access will be very limited.

The applicant has shifted the gate back as far as they can and eliminated one unit but the applicant is unable to make the economics of the project work if they have to eliminate more housing by moving the gate back. An analysis of vehicular queuing has been previously shared with staff indicating sufficient queuing depth at the entry. Exhibit C – Entry Stacking Plan shows the sufficient queuing at the reduced setback and in addition there will be signage indicating no guest parking available behind the gate. Exhibit D – On Street Parking Analysis demonstrates that there are plenty of on street parking opportunities in the immediate downtown core area. We are hopeful that Staff will support an administrative Variance for a reduced front entry gate setback to make this unique development viable.

Considerations

The following considerations have been identified in the first review of this application. While these considerations are not critical to scheduling the application for public hearing, they may improve the quality and may reduce the delays in obtaining a decision regarding the proposed development. Please consider addressing the following:

Site Design:

12. The proposed development area of the site will result in a reconfigured lot configuration for the area. This will create a non-conforming lot (existing address of 3107 N. 71st Street). Please note that the city cannot approve a land division configuration that will result in a lot that does not have a street frontage.

The applicant will work with adjacent property owners to identify a specific course of resolution as a condition of the current zoning case.

Technical Corrections

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

Site:

13. Individual refuse containers are required for single family development, not a commercial container as shown on the site plan. Please revise the site plan accordingly. (Zoning Ordinance, Sec. 1.204.)

Since the city's code does not currently address this new type of housing product, our project team would respectfully request that the Staff realize the benefit of one refuse container on

this tight infill piece as opposed to 18 individual refuse containers crowding the internal access street. The City Sanitation Department's initial authorization of the hammerhead design on April 29, 2015 relative to refuse collection demonstrates that having one refuse container versus 18 individual containers in a community of this density will create a more aesthetic and more efficient collection process. We are hopeful Staff will agree with this assessment and support this minor Variance.

Drainage:

14. Proposed rezoning is acceptable to stormwater management. The preliminary plat submittal will need to include a preliminary grading and drainage plan and preliminary drainage report for stormwater review and approval. The development has the following issues that will need to be addressed and resolved as part of the preliminary plat submittal:
 - a. The drainage report states the site will be graded to drain from south to north which is in conflict with existing grades which slope north to south. Based on minimum street slope requirements and the need to tie the proposed internal street into existing Earll Drive grades, the grading concept will likely require filling of the site with the use of up to around four feet of retaining walls (at south end) around the perimeter of the site to make up grade differences between proposed grades and adjacent existing site grades/ privacy walls/ and buildings on property lines. The City of Scottsdale will recommend the applicant and his engineer consider the use of site grading that generally follows existing site grades with the use of a storm drain system to distribute site flows that would be collected in the proposed cul de sac and distribute them to the existing storm drain system in Earll Drive.
The site will be graded for minimum disturbance adjacent property while providing proper drainage improvements.
 - b. The preliminary drainage report requests a full waiver of stormwater storage requirements based on the capacity of the existing storm drain system located in Earll Drive. The preliminary drainage report in support of the preliminary plat application will need to illustrate there is excess capacity in the Earll Drive storm drain system including reaches of this system downstream to qualify for a waiver under this criteria which the current analysis does not accomplish.
The stormwater storage waiver is being removed from the drainage report and onsite storage will be provided.
 - c. Based on a review of aerial photographs, the site was previously developed around the 1960's with what appears to be single family residence with substantial disturbance and use of the remainder of the site. The applicant and his engineer should be aware of the City's stormwater storage policy relating to previously developed sites as it will likely reduce the total required storage volume for this site as calculated in the report and may influence the decision to pursue a stormwater storage waiver as requested in item number 2 above. The policy is based on the increase in stormwater runoff from the proposed and previous developments. Richard Anderson of Stormwater Management should be contacted at 480-312-2729 to discuss city policy and requirements relating to this issue. The preliminary drainage report in support of the preliminary plat application will need to include calculations that determine the required stormwater storage volume for this project based on this policy.

The required stormwater storage for the site was calculated using a pre- vs. post-development runoff coefficient. The calculations are included in the report.

Water and Waste Water:

15. Preliminary design reports are accepted with minor comments. Final Basis of Design Reports must be accepted by the Water Resources Department prior to the submittal of improvement plans to the One-Stop-Shop. Final Basis of Design Reports shall address the following comments:

- a. The 8-inch and 12-inch sewer pipes along the west lot line must be capped and abandoned per applicable state and county requirements.

A statement has been added to the report explaining the abandonment of the existing sewer pipes.

- b. The onsite water extension must terminate in a blow-off assembly or fire hydrant per DS+PM Sec. 6-1.403 and must be located within a landscape area.

A statement has been added to the report explaining that a blow-off assembly or fire hydrant will be constructed at the end of the water line.

- c. Provide a 20-foot wide exclusive water easement encompassing the water and sewer lines, fire hydrant, blow-off assembly and all meters per DS+PM Sec. 6-1.419.

A statement has been added to the report explaining a 20-foot wide exclusive water easement for the proposed water and sewer will be dedicated.

Other:

16. Development Agreement – 2007-017-COS (10-ZN-2006) – contemplated restrictions on the existing C-3 district, specifically prohibiting liquor stores, bars, or cocktail lounges. Although the restrictions created by the agreement have no bearing on the applicant's request, the agreement will need to be severed for this current request to move forward. (Zoning Ordinance, Sec. 1.204.)

Staff is in agreement with the applicant that Development Agreement 2007-017-COS (10-ZN-2006) will be terminated subject to rezoning approval.

17. Please provide a site plan that complies with the Plan & Report Requirements for Development Applications. There will be comments regarding the site plan after it has been received and reviewed by staff. (Zoning Ordinance, Sec. 1.303.)

A revised Site Plan which complies with the Plan & Report Requirements for Development Applicants has been provided with this submittal.

Please resubmit the revised application requirements and additional information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional information is necessary.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A

SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURN TO THE APPLICANT.

The Planning & Development Services Division has had this application in review for 23 Staff Review Days since the application was determined to be administratively complete.

These **1st Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-7713 or at bcarr@ScottsdaleAZ.gov.

Sincerely,

Brad Carr, AICP
Senior Planner

cc: Mockingbird Group, LLC
William Lund
6632 N. 66th Place
Paradise Valley, AZ 85253

Rose Law Group
Jennifer Hall
7144 E. Stetson Drive, Ste 300
Scottsdale, AZ 85251

ATTACHMENT A
Resubmittal Checklist

Case Number: **12-ZN-2015**

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

- ☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter.
- ☒ One copy: Revised CD of submittal (PDF format)
- ☒ Four copies: Revised Narrative for Project

- ☒ Context Aerial with the proposed Site Plan superimposed

Color	<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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- ☒ Site Plan:

<u>10</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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- ☒ Landscape Plan:

Color	<u>1</u>	24" x 36"	<u>1</u>	11" x 17"	<u>1</u>	8 ½" x 11"
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8/14/2015

Alex Stedman
LVA Urban Design Studio, LLC
120 S Ash Ave
Tempe, AZ 85281

RE: 12-ZN-2015
Gallery

Dear Mr. Stedman:

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Zoning:

1. Please submit a revised copy of the Citizen Review Report summary to include details of the most recent public outreach efforts, including any additional public comments that may have been received. (Zoning Ordinance, Sec. 1.305.C.2.b.)
2. The proposed zoning district for the site of R-5 will require adjacent commercial zoned properties (C-3 and C-4) to adhere to a much stricter setback requirement than is currently required. In addition, a rezoning to the R-5 zoning district for the site would make existing buildings on adjacent sites non-conforming to setback requirements. Please revise the application to recognize these potential conflicts with the next submittal, including potential revisions to the site plan, limits of the rezoning area, etc. (Zoning Ordinance, Sec. 5.1504.D.1.b. and Sec. 5.1604.D.2.)
3. Please revise the site plan to provide calculations for frontage open space per the requirements of Zoning Ordinance Sec. 5.1004.B.1.a.i.
4. Please revise the site plan to provide calculations for private outdoor living space per the requirements of Zoning Ordinance Sec. 5.1004.B.1.b.

5. Pursuant to Section 5.1004.D. Density Requirements, a minimum of 40 percent of trees shall be mature. Please provide a landscape plan that demonstrates compliance with the required landscaping.

Circulation:

6. Please revise the site plan to indicate a dedication of an additional 10 feet of right-of-way along the Earll Drive frontage for a total of 30-foot half street. (Scottsdale Revised Code Sec. 47-36; DSPM Sec. 5-3.100)
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Circulation:

9. Internal street must terminate in a cul-de-sac, not a hammerhead as shown. Please revise the site plan accordingly. (DSPM Sec. 5-3.1100; Fig. 5.3-50)
10. Internal street must be designed to Suburban Local Residential Street standard with a 6-foot wide sidewalk required along both sides of the street for lots less than 18,000 square feet. Please revise the site plan accordingly. (DSPM Fig. 5.3-20)
11. Entry gate must be designed to City standard detail. Please revise the site plan accordingly. (DSPM Sec. 2-1.806; DSPM Fig. 2.1-3)

Considerations

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Site Design:

12. The proposed development area of the site will result in a reconfigured lot configuration for the area. This will create a non-conforming lot (existing address of 3107 N. 71st Street). Please note that the city cannot approve a land division configuration that will result in a lot that does not have a street frontage.

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items

before the hearing may also help clarify questions regarding these plans. Please address the following:

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plans to the One-Stop-Shop. Final Basis of Design Reports shall address the following comments:

- a. The 8-inch and 12-inch sewer pipes along the west lot line must be capped and abandoned per applicable state and county requirements.
- b. The onsite water extension must terminate in a blow-off assembly or fire hydrant per DS+PM Sec. 6-1.403 and must be located within a landscape area.
- c. Provide a 20-foot wide exclusive water easement encompassing the water and sewer lines, fire hydrant, blow-off assembly and all meters per DS+PM Sec. 6-1.419.

Other:

16. Development Agreement – 2007-017-COS (10-ZN-2006) – contemplated restrictions on the existing C-3 district, specifically prohibiting liquor stores, bars, or cocktail lounges. Although the restrictions created by the agreement have no bearing on the applicant's request, the agreement will need to be severed for this current request to move forward. (Zoning Ordinance, Sec. 1.204.)
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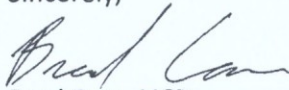
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If you have any questions, or need further assistance please contact me at 480-312-7713 or at bcarr@ScottsdaleAZ.gov.

Sincerely,



Brad Carr, AICP
Senior Planner

cc: Mockingbird Group, LLC
William Lund
6632 N. 66th Place
Paradise Valley, AZ 85253

Rose Law Group
Jennifer Hall
7144 E. Stetson Drive, Ste 300
Scottsdale, AZ 85251

ATTACHMENT A
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Case Number: **12-ZN-2015**

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