

**Correspondence Between  
Staff and Applicant  
Approval Letter**

**TRIP GENERATION COMPARISON TABLE:**

	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Proposed - Mixed Use</b> 78 DU, 25,600 SF Office, 2,000 SF Specialty Retail, 2,000 SF Restaurant, 5,000 SF Office	1,495	111	60	171	65	137	202
<b>Previously Approved - Industrial Park</b> 75,000 SF	1,120	68	15	83	21	79	100
<b>Increase/Decrease</b>	+375	+43	+45	+88	+44	+58	+102

**Traffic Analysis:**

Intersection Level of Service – Using a 2015 horizon year with traffic generated by the build out of the proposed development, the site access intersections are anticipated to operate a level of service C or better for both peak hours. The intersection of 92<sup>nd</sup> Street and Bahia Drive is anticipated to operate at LOS F during peak hours, due to traffic and queuing generated by adjacent businesses.

Additional Traffic Volumes – With the additional site generated traffic and the proposed site access, development of the site is estimated to increase daily traffic volumes along Bahia Drive west of 92<sup>nd</sup> Street by 300 vehicles, east of 92<sup>nd</sup> Street by 75 vehicles, and 92<sup>nd</sup> Street south of Bahia Drive by 188 vehicles.

**Additional Information:**

Currently, traffic from the surrounding businesses, primarily the nearby Scottsdale Preparatory Academy, creates traffic queues in the morning and early afternoon that extend the length of 92<sup>nd</sup> Street and onto Bahia Drive. These queues will potentially block site access for periods up to twenty minutes. The school is working to improve their student drop-off and pickup processes to reduce the congestion on the adjacent streets, but it is likely that this will be an area with traffic congestion as long as the school is located on 92<sup>nd</sup> Street.

**Summary:**

The approval of the zoning district change for the proposed Bahia Work-Live-Play will result in an estimated 1,495 trips generated per day to and from the project site. The development is estimated to generate 171 a.m. peak hour trips, and 202 p.m. peak hour trips. This represents an increase of 375 daily trips over the existing approved industrial park zoning.

With the addition of the proposed site generated traffic, operations at the intersections in the vicinity of the site will continue to operate at acceptable levels (LOS C or better), with the exception of the intersection of 92<sup>nd</sup> Street and Bahia Drive during the morning peak hour (LOS F), due primarily to existing traffic from adjacent businesses including Scottsdale Preparatory Academy private school.

**Comments/Concerns:**

- Transportation staff has concerns about adding a residential land use into an area where there is existing traffic congestion. Residents may be frustrated about the difficulty in getting to and from their residences during the periods that 92<sup>nd</sup> Street and Bahia Drive are congested.
- The site is also located near the City's main event venue, WestWorld, and during major events traffic volumes can be heavy and impact both 94<sup>th</sup> Street and Bahia Drive. Residents may also be frustrated about the difficulty in getting to and from their residences during these major events.

Michele Hammond  
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480-385-2753

01027.0001

October 1, 2014

**RE: 6-GP-2014 and 14-ZN-2014  
Bahia Work Live Play Project  
1<sup>st</sup> Review Response Letter**

Dear Greg:

Please see the following responses to the City's 1<sup>st</sup> Review Letter dated September 26<sup>th</sup>.

Zoning:

1. Pursuant to the Development Application Checklist for Rezoning applications, please provide a revised Project Narrative ("the narrative") that addresses all facets of this request. Some information provided in the narrative is inaccurate, while some information is missing. The following corrections/addendums need to be made:
  - The rezoning request should actually be accompanied by two Non-Major General Plan amendments: One to the General Plan and one to the Greater Airpark Character Area Plan Future Land Use Element (GACAP). The first request is to change the designation in the General Plan from Employment to Mixed-Use Neighborhoods; and the second request is to change the designation in the GACAP from Employment to Airpark Mixed Use – Residential. Please revise the narrative accordingly and provide supporting justification.

**Response:** The Purposed of Request section of the Project Narrative has been revised to include the two Non-Major GPAs. Supporting justification has been added per the Goals & Policies requested in #17. Below.

- The narrative incorrectly indicates this is a request to rezone the site from I-1 and C-2 PCD to PCP PCD AMU-R. The C-2 zoning district was removed from this site in 2007. Refer to case 4-ZN-2007 and Ordinance #3766, which rezoned the site from I-1 PCD and C-2 PCD to I-1 PCD. Please revise the narrative accordingly.

**Response:** This error has been fixed and additional discussion regarding case 4-ZN-2007 has been added to the Project Narrative. Additionally, the request for rezoning has eliminated any discussion of "existing" C-2. We acknowledge that the site is currently zoned PCD I-1.

- Section II of the narrative only refers to the original Horseman's Park zoning case (33-ZN-2000), but does not speak to any of the subsequent zoning entitlements. Please references cases 8-ZN-2000 and 4-ZN-2007, and describe what each request was for in Section II of the narrative.

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**Response:** This error has been fixed and additional discussion regarding case 4-ZN-2007 has been added to the Project Narrative. Additionally, the request for rezoning has eliminated any discussion of "existing" C-2. We acknowledge that the site is currently zoned PCD I-1.

- This request also requires an amendment to the original Horseman's Park PCD zoning case (33-ZN-2000), which included amended development standards. Per the stipulations for case 33-ZN-2000, the maximum FAR allowed for "commercial parcels" in the Horseman's Park West portion of the PCD is 0.3. Additionally, the maximum allowed height per that zoning case is 42 feet inclusive of rooftop mechanical. Please revise the narrative to include these amendments, and provide supporting justification as part of your rezoning request.

**Response:** The current Horseman's Park PCD allows for a maximum FAR of 0.4. The Bahia development is requesting a height and FAR bonus through the PCP district which is outlined on page 38. Additionally, at City Staff's request we are amending the Horseman's Park PCD for this 4.3+/- acre site to accommodate the requested FAR of 1.2 and building height maximum of 65 feet. Please refer to page 40 of the Project Narrative regarding this PCD amendment.

- Residential in the PCP district is subject to certain restrictions (refer to Use Restrictions 2, 4 & 6 in the PCP district). The narrative makes several references to "work/live" but no conceptual floor plans were provided confirming that intent. With the Development Plan, please provide conceptual floor plans for the "work/live" units and include an analysis in the narrative (and/or on the site plan) that confirms the use restrictions are being met.

**Response:** Floor plans for all levels have been provided with the resubmittal. The development complies with the PCP requirements limiting residential on the ground level. In fact, no residential use is proposed on the ground level.

- This proposal includes a request for bonus height, as allowed in the PCP district. The calculations provided in the narrative appear to be correct; however, the allowed and bonus height provisions in the PCP district include rooftop appurtenances. The calculations in the narrative do not take into consideration the rooftop appurtenances. With rooftop appurtenances, the requested bonus height appears to be closer to 77 feet instead of 65 feet. Please adjust the calculations accordingly so the requested bonus height includes rooftop appurtenances. NOTE: this will result in an increased public benefit requirement. (FYI, the definition of "rooftop appurtenances" in Article III of the Zoning Ordinance is as follows: "structures, equipment and screening on the top of a building, including utility penthouses, elevator penthouses, and other non-habitable structures")

**Response:** The maximum height requested for the Bahia project is 65 feet inclusive of mechanical. The calculations on page 38 are correct.

- To satisfy the bonus height/FAR Public Benefit contribution, the narrative indicates both bonuses are to be satisfied by a "direct monetary contribution to the City of Scottsdale". This is not sufficient. Please revise the narrative to indicate specifically for what infrastructure improvements the funds are to be used. A monetary contribution to Public Art in the Airpark area is permissible, but cannot be the sole beneficiary of the contribution funds. Refer to Section 5.4008.F of the PCP district for a list of potential "Special Improvements" that may assist you in your efforts to allocate the funds and revise the narrative accordingly.

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**Response:** Per discussions with City Staff, we are working on a specific public benefit and/or special improvement for the monetary contribution amount per Section 5.4008.F of the PCP. We intend to determine the specifics in the next few weeks and work closely with the City Attorney and Planning Staff on the Development Agreement language associated with this requirement. A note has been added to page 38 of the Project Narrative stating that allocations of these funds will be identified in the Development Agreement.

2. Pursuant to Section 5.4008.H of the PCP district, a Development Agreement is required to memorialize any proposal for special improvements related to bonus height and FAR. A draft Development Agreement is required as part of the 2<sup>nd</sup> submittal for this case. Please coordinate with Planning staff when you are ready to begin those discussions so we can coordinate with the City's Legal Department.

**Response:** See response above. City Staff has confirmed that the City Attorney will draft the Development Agreement.

3. Pursuant to the Development Application Checklist, and Section 5.4003 of the PCP district, a Development Plan is required as part of this request and must be provided with the 2<sup>nd</sup> submittal. Please refer to the PCP district, and Section 7.820 of the Zoning Ordinance for more information on formatting and what must be included in the Development Plan.

**Response:** All elements of the Development Plan identified in Section 7.820 were including with the 1<sup>st</sup> submittal. However, we have prepared the Development Plan "booklets" at the request of City Staff for the 2<sup>nd</sup> submittal to satisfy this requirement.

4. Pursuant to Section 5.4007.E.2.a of the PCP ordinance, a minimum setback of 1:2 is required beginning 38 feet above the setback line on all sides of the site. It would appear the building at the northeast corner of the site conflicts with this requirement. Please provide a setback exhibit with the 2<sup>nd</sup> submittal confirming compliance.

**Response:** The setback of the corner building (the 65' tall structure) has been modified to comply with the required PCP standard. An exhibit depicting the required setback plan is provided with the 2<sup>nd</sup> submittal.

## Circulation:

5. Please provide a revised Traffic Impact Analysis (TIMA) with the 2<sup>nd</sup> submittal. Include the previously reviewed analysis so staff can confirm all comments have been addressed.

**Response:** A revised TIMA was resubmitted to City Staff on September 26<sup>th</sup>.

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## Drainage:

6. Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report with the rest of the resubmittal materials identified in Attachment A.

**Response:** A revised Drainage Report is being provided with the 2<sup>nd</sup> submittal addressing the red-lined comments.

7. The Drainage Report states that storm water storage is not being provided. This conflicts with the requirements for the Bell Road II Improvement District. Please revise the Drainage Report accordingly.

**Response:** See revised Drainage Report.

8. Please revise the Drainage Report to include StormCad analysis for the on-site storm drain

**Response:** See revised Drainage Report

## Airport:

9. Per Chapter 5 of the Scottsdale Revised Code, this project lies within the Airport Influence Area, specifically AC-1. In accordance with Section 5-356 dealing with sensitive uses, any zoning change that includes a sensitive use must go before the Airport Advisory Commission (AAC) for consideration and recommendation to City Council. This request is tentatively scheduled to be considered by the AAC on 10/8/14.

**Response:** Acknowledged.

10. In accordance with Chapter 5 of the Scottsdale Revised Code, please submit a completed Airport Vicinity Development (Short Form), including Fair Disclosure and height analysis with the 2<sup>nd</sup> submittal.

**Response:** This was submitted with the 1<sup>st</sup> submittal. A copy is being provided with the 2<sup>nd</sup> submittal as well.

## Significant Policy Related Issues

### 2001 General Plan:

11. Page 4 of the narrative mentions a "strong market demand" for this type of project. If a market study is part of your justification for this request, please provide a copy of the study with the 2<sup>nd</sup> submittal.

**Response:** A marketing study has been prepared and was delivered to City Staff on September 26<sup>th</sup>.

12. Please modify Page 7 of the narrative to include an analysis of all four major General Plan amendment criteria (refer to pages 62-64 of the 2001 General Plan). Describe how the two proposed amendments do or do not meet the criteria for a major General Plan amendment.

**Response:** Page 8 of the Project Narrative provides an analysis of the four major GPA criteria per the 2001 General Plan. City Staff has confirmed this request is a Non-Major GPA.

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13. Page 9 of the narrative speaks to the GACAP definition of AMU-R, but does not address the GACAP definition of Employment (EMP). With the 2<sup>nd</sup> submittal, please revise the narrative to address the following:

- The definition of Employment within the GACAP states that “Residential is not appropriate in employment areas”. The subject site is on the edge of a large area of Employment and is adjacent to a large Regional Tourism land use. Regional Tourism encourages tourism serving residential in “appropriate and limited locations”. Most areas of AMU-R in the GACAP are either adjacent to, or surrounded by Airpark Mixed Use (AMU), not Employment. The subject site is located in a well-established industrial setting in the GACAP and is surrounded by I-1 zoning. Contextually, this creates a situation where a residential use would be located within an area of businesses and Special Event venues that may not be compatible with the proposed residential use.

**Response:** Language regarding the EMP definition and justification has been added to page 14.

14. Page 10 of the narrative describes a Greater Airpark Type A development type. The narrative accurately defines Type A development; however, it does not sufficiently describe how the proposed project fits the definition. Type A developments allow for lower-scale residential developments north of the Central Arizona Project canal, which is where this site is located. Furthermore, there are few instances of the requested AMU-R found within the Type A Development area. The majority of AMU-R in Type A areas occur along Signature Corridors (i.e. Hayden Road and Scottsdale Road) and/or as part of residential entitlements that occurred prior to adoption of the GACAP. Residential and mixed-use have predominantly been aligned with the Type C Development type in the GACAP.

The response provided on Page 10 states that the proposed development, consisting of several three and four-story buildings and building heights from 40 to 65 feet, fits the Type A development description. Contextually, all adjacent developments are single-story, with the exception of the McDowell Mountain Medical Building northeast of the subject site, which is three stories. Additionally, the Horseman’s Park zoning case (33-ZN-2000) stipulates a maximum building height of 42 feet, inclusive of mechanical, in this area. With the 2<sup>nd</sup> submittal, please revise the narrative to elaborate on how the proposal fits the Type A Development type and respond to Goal LU.4 on Page 13 of the GACAP.

**Response:** A descriptive summary of the surrounding building heights and the appropriateness of the proposed development within the context of the existing Horseman’s Park master plan have been added to the Project Narrative – see pages 16-17.

15. Please revise the narrative to respond to Policy LU.6.1 of the GACAP (“Prioritize employment uses over residential uses in the Greater Airpark area”).

**Response:** Policy LU 6.1 has been added to the Project Narrative – see pages 19-20.

16. Pages 16 and 17 of the narrative speaks to Policy NH.3.2 of the GACAP; however, but does not respond to the first bullet point under the policy, which states “Dwellings will not be adjacent to industrial uses that could be in conflict with residential uses”. Please revise the narrative to respond to this policy, noting that the subject site is located within the larger Horseman’s Park



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PCD, which consists of primarily I-1 PCD zoning that allows for light industrial and manufacturing uses, not residential uses.

**Response:** Additional language has been added to the response under NH 3.2 regarding bullet point number one. See Project Narrative page 22-23.

17. With the 2<sup>nd</sup> submittal, please include an analysis/discussion regarding the City of Scottsdale 2001 General Plan, similar to that of the GACAP (pertinent Goals/Policies from the Plan, with responses). Staff recognizes this proposal is consistent with some of the goals and policies of the 2001 General Plan; however, there are some additional goals that should be addressed in the narrative, as this request seems to fall short of these goals; specifically from a context and compatibility perspective. Specifically, please include discussion regarding the following goals of the Land Use Element (Page 57):

- Goal 3
- Goal 3, Bullet 6
- Goal 5, Policy 8
- Goal 8, Policy 3
- Goal 9, Policy 4

Additionally, please include discussion regarding Goals 4 and 5 of the Neighborhoods Element and Goal 5 of the Community Mobility Element.

Please revise the narrative to include responses to these additional GP goals.

**Response:** The 2001 General Plan Goals & Policies have been added – see pages 9-13 of the Project Narrative.

18. With the 2<sup>nd</sup> submittal, please revise the narrative to include graphics depicting the existing and proposed Land Use maps for both the City of Scottsdale 2001 General Plan and the GACAP.

**Response:** Additional graphics are provided with the 2<sup>nd</sup> submittal depicting the land use map change from Employment to Mixed-Use Neighborhoods per the 2001 General Plan.

19. The City's major event facility (Westworld), which located in close proximity to the project site, has expressed some concerns with regard to the proposed project. They are summed up as follows:

- The proposed project is closer to the Westworld facility than an existing community located at 94<sup>th</sup> Street & Bell Road. Westworld staff regularly receives complaints from residents of the community whenever there is a concert or other event that generates elevated noise levels. The concern is that residents of this community, being even closer to the facility, will also complain about noise generated by special events.
- Traffic from large events has the potential to inconvenience residents of the proposed project. Bahia Drive is a major point of ingress/egress for large events at Westworld, even though traffic is encouraged to use Bell Road to 94<sup>th</sup> Street. This has the potential to create conflicts between event traffic and residents attempting to enter and/or exit the proposed project.

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**Response:** We have spoken directly to Brian Dygert, GM of Westworld, who is supportive of the request. The comments above were given to make us aware of potential future concerns. Future property owners at Bahia will be buying with the understanding of surround context, mix of uses, noise level and special event activity. We will provide disclosures to all property owners regarding Westworld and Airport activity.

#### Circulation

20. The Traffic Impact Analysis (TIMA) for this request indicates that current traffic conditions at the intersection of 92<sup>nd</sup> Street & Bahia are unacceptable during some periods of the day. Additionally, the site driveways for this project may be blocked during these peak periods. With these factors in mind, Transportation staff has concerns about increasing traffic in this area, as well as concerns that the existing traffic congestion may not be acceptable for a residential use. Please respond to these concerns, either by way of an update to the TIMA and/or as part of your response letter. From the TIMA: "Due to current traffic circulation [generated by] the Scottsdale Preparatory Academy, the intersection of 92<sup>nd</sup> Street and Bahia also experiences a level-of-service "F" during the morning arrival peak hour with the proposed development. Excessive queuing that would block the northern access driveway only occurs for 20 minutes during the morning arrival peak hour and 20 for 30 minutes during the evening dismissal peak hour".

**Response:** The TIMA has been revised and resubmitted to City Staff on September 26<sup>th</sup>. Per discussions with Phil Kercher, we suggested signing 92<sup>nd</sup> and Bahia for "no parking" during high activity periods (associated with the school) ie: 7:30-8am and 2:30-3:30 pm. City Staff is not opposed to this consideration but suggested that we wait to see if staggered Scottsdale Prep drop off and pick up times improve the situation before considering this option. With the development of the Bahia site, we will continue to work with City Staff to address any traffic and/or parking concerns on an as-needed basis.

#### Technical Corrections

##### Site:

21. As proposed, the northernmost refuse enclosure is not in compliance with City standards. Per Section 2-1.804 of the DS&PM, commercial refuse enclosures must be oriented at a 30-degree angle adjacent to drive aisles. Please revise the site plan accordingly.

**Response:** The refuse enclosures have been modified to comply with Sec. 2-1.804 of the DS&PM. See revised site plan.

22. Per Section 2-1.804 of the DS&PM, a minimum of four refuse enclosures is required for 78 residential units. Additionally, a separate refuse enclosure w/ a grease containment area is required for the building with 1<sup>st</sup> floor commercial occupancy. Please revise the site plan to demonstrate compliance.

**Response:** The refuse enclosures have been modified to comply with the DS& PM. See revised site plan.

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23. NOTE: New driveways must be designed to be consistent with City of Scottsdale Driveway Type CL-1. Refer to City of Scottsdale Supplement to MAG Detail #2256 and Section 5-3.200 of the DS&PM. Please keep in mind for any future Development Review Board submittal.

**Response:** See civil plan for notation regarding Driveway Type CL-1.

24. Please revise the site plan to show existing pavement markings on both Bahia Drive and 92<sup>nd</sup> Street along the site frontages.

**Response:** The exiting markings for both street frontages are per the survey and lane markings are indicated accordingly on the site plan.

25. NOTE: Though it is not critical to the zoning application, the site plan does not provide information on accessible parking, bike parking or parking lot landscaping, as required by Articles IX and X of the Zoning Ordinance. With the first Development Review Board submittal, please revise the site plan to include these requirements.

**Response:** Acknowledged. Accessible parking, bike parking and parking lot landscaping will be provided with the DRB submittal.

26. As proposed, the site plan does not provide any pedestrian connections from the building at the northeast corner of the site to the street sidewalks. Additionally, there is no established connection between the residences and the commercial building. Please revise the site plan and Pedestrian circulation plan to include connections from the street sidewalk on both Bahia and 92<sup>nd</sup> Street to the commercial building, and demonstrate how residents will be able to safely walk from their residences to the commercial building. Refer to Section 2-1.708 of the DS&PM.

**Response:** There are pedestrian connections provided throughout – see circulation plan and site plan for these connection points.

27. In accordance with the Plan & Report Requirements for Development Submittals, please revise the site plan to include all existing and proposed easements.

**Response:** The site plan has been revised to show all existing and proposed easements.

## Fire/Public Safety:

28. Please revise the site plan to demonstrate compliance with required commercial turning radii for emergency and service vehicles (49' and 55'). Refer to Section 2-1.801 of the DS&PM.

**Response:** The site plan complies – see the added dimensions.

29. Please revise the site plan to include locations for all existing and/or proposed fire hydrants. Refer to Section 6-1.502 of the DS&PM.

**Response:** The site plan complies – see hydrant locations on site plan.

30. With the first Development Review Board submittal, please revise the site plan to indicate drive aisles will meet the minimum width requirement of 24 feet. Refer to Fire Ordinance 4045, 503.2.1.

**Response:** With the DRB submittal, 24' will be provided per the Fire Ordinance.

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31. With the first Development Review Board submittal, please revise the site plan to include confirmation that proposed vehicular gates will be equipped with "key switch/pre-emption sensor" equipment for emergency access. Refer to Fire Ordinance 4045, 503.6.1.

**Response:** With the DRB submittal, vehicular gates will be noted to indicate the key switch/pre-emption sensor required by the Fire Ordinance.

Elevations:

32. Please provide building elevations that are black line drawings without any gray tones, so that building elevations will be readable. Refer to the Plan & Report Requirements for Development Applications.

**Response:** The building elevations have been revised to show black lines without gray tones for improved readability.

Airport:

33. In accordance with Chapter 5 of the City Code, please note this project must include dedication of an Avigation Easement; to be dedicated as part of any final plans review process. Noise attenuation of the building to protect residents/occupants from outside noise will be expected.

**Response:** An Avigation Easement will be provided as part of the final plans submittal. The developer agrees to implement noise attenuation measures.

If you have any questions regarding the above information please feel free to contact me.

Very truly yours,

Michele Hammond  
Principal Planner

MH/kaw  
Enclosures



September 26, 2014

Irene Clary  
Catclar Investments  
14676 N 100 PI  
Scottsdale, AZ 85260

RE: 6-GP-2014 and 14-ZN-2014  
Bahia Work Live Play Project

Dear Ms. Clary:

City staff has completed review of the above referenced development applications submitted on 8/28/14. The following **1<sup>st</sup> 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 should 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. Pursuant to the Development Application Checklist for Rezoning applications, please provide a revised Project Narrative ("the narrative") that addresses all facets of this request. Some information provided in the narrative is inaccurate, while some information is missing. The following corrections/addendums need to be made:
  - The rezoning request should actually be accompanied by two Non- Major General Plan amendments: One to the General Plan and one to the Greater Airpark Character Area Plan Future Land Use Element (GACAP). The first request is to change the designation in the General Plan from Employment to Mixed-Use Neighborhoods; and the second request is to change the designation in the GACAP from Employment to Airpark Mixed Use – Residential. Please revise the narrative accordingly and provide supporting justification.
  - The narrative incorrectly indicates this is a request to rezone the site from I-1 and C-2 PCD to PCP PCD AMU-R. The C-2 zoning district was removed from this site in 2007. Refer to case 4-ZN-2007 and Ordinance #3766, which rezoned the site from I-1 PCD and C-2 PCD to I-1 PCD. Please revise the narrative accordingly.

- Section II of the narrative only refers to the original Horseman's Park zoning case (33-ZN-2000), but does not speak to any of the subsequent zoning entitlements. Please reference cases 8-ZN-2000 and 4-ZN-2007, and describe what each request was for in Section II of the narrative.
  - This request also requires an amendment to the original Horseman's Park PCD zoning case (33-ZN-2000), which included amended development standards. Per the stipulations for case 33-ZN-2000, the maximum FAR allowed for "commercial parcels" in the Horseman's Park West portion of the PCD is 0.3. Additionally, the maximum allowed height per that zoning case is 42 feet inclusive of rooftop mechanical. Please revise the narrative to include these amendments, and provide supporting justification as part of your rezoning request.
  - Residential in the PCP district is subject to certain restrictions (refer to Use Restrictions 2, 4 & 6 in the PCP district). The narrative makes several references to "work/live" but no conceptual floor plans were provided confirming that intent. With the Development Plan, please provide conceptual floor plans for the "work/live" units and include an analysis in the narrative (and/or on the site plan) that confirms the use restrictions are being met.
  - This proposal includes a request for bonus height, as allowed in the PCP district. The calculations provided in the narrative appear to be correct; however, the allowed and bonus height provisions in the PCP district include rooftop appurtenances. The calculations in the narrative do not take into consideration the rooftop appurtenances. With rooftop appurtenances, the requested bonus height appears to be closer to 77 feet instead of 65 feet. Please adjust the calculations accordingly so the requested bonus height includes rooftop appurtenances. NOTE: this will result in an increased public benefit requirement. (FYI, the definition of "rooftop appurtenances" in Article III of the Zoning Ordinance is as follows: "structures, equipment and screening on the top of a building, including utility penthouses, elevator penthouses, and other non-habitable structures")
  - To satisfy the bonus height/FAR Public Benefit contribution, the narrative indicates both bonuses are to be satisfied by a "direct monetary contribution to the City of Scottsdale". This is not sufficient. Please revise the narrative to indicate specifically for what infrastructure improvements the funds are to be used. A monetary contribution to Public Art in the Airpark area is permissible, but cannot be the sole beneficiary of the contribution funds. Refer to Section 5.4008.F of the PCP district for a list of potential "Special Improvements" that may assist you in your efforts to allocate the funds and revise the narrative accordingly.
2. Pursuant to Section 5.4008.H of the PCP district, a Development Agreement is required to memorialize any proposal for special improvements related to bonus height and FAR. A draft Development Agreement is required as part of the 2<sup>nd</sup> submittal for this case. Please coordinate with Planning staff when you are ready to begin those discussions so we can coordinate with the City's Legal Department.
  3. Pursuant to the Development Application Checklist, and Section 5.4003 of the PCP district, a Development Plan is required as part of this request and must be provided with the 2<sup>nd</sup> submittal. Please refer to the PCP district, and Section 7.820 of the Zoning Ordinance for more information on formatting and what must be included in the Development Plan.

4. Pursuant to Section 5.4007.E.2.a of the PCP ordinance, a minimum setback of 1:2 is required beginning 38 feet above the setback line on all sides of the site. It would appear the building at the northeast corner of the site conflicts with this requirement. Please provide a setback exhibit with the 2<sup>nd</sup> submittal confirming compliance.

Circulation:

5. Please provide a revised Traffic Impact Analysis (TIMA) with the 2<sup>nd</sup> submittal. Include the previously reviewed analysis so staff can confirm all comments have been addressed.

Drainage:

6. Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report with the rest of the resubmittal materials identified in Attachment A.
7. The Drainage Report states that storm water storage is not being provided. This conflicts with the requirements for the Bell Road II Improvement District. Please revise the Drainage Report accordingly.
8. Please revise the Drainage Report to include StormCad analysis for the on-site storm drain

Airport:

9. Per Chapter 5 of the Scottsdale Revised Code, this project lies within the Airport Influence Area, specifically AC-1. In accordance with Section 5-356 dealing with sensitive uses, any zoning change that includes a sensitive use must go before the Airport Advisory Commission (AAC) for consideration and recommendation to City Council. This request is tentatively scheduled to be considered by the AAC on 10/8/14.
10. In accordance with Chapter 5 of the Scottsdale Revised Code, please submit a completed Airport Vicinity Development (Short Form), including Fair Disclosure and height analysis with the 2<sup>nd</sup> submittal.

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:

2001 General Plan:

11. Page 4 of the narrative mentions a "strong market demand" for this type of project. If a market study is part of your justification for this request, please provide a copy of the study with the 2<sup>nd</sup> submittal.
12. Please modify Page 7 of the narrative to include an analysis of all four major General Plan amendment criteria (refer to pages 62-64 of the 2001 General Plan). Describe how the two proposed amendments do or do not meet the criteria for a major General Plan amendment.
13. Page 9 of the narrative speaks to the GACAP definition of AMU-R, but does not address the GACAP definition of Employment (EMP). With the 2<sup>nd</sup> submittal, please revise the narrative to address the following:
  - The definition of Employment within the GACAP states that "Residential is not appropriate in employment areas". The subject site is on the edge of a large area of Employment and is

adjacent to a large Regional Tourism land use. Regional Tourism encourages tourism serving residential in “appropriate and limited locations”. Most areas of AMU-R in the GACAP are either adjacent to, or surrounded by Airpark Mixed Use (AMU), not Employment. The subject site is located in a well-established industrial setting in the GACAP and is surrounded by I-1 zoning. Contextually, this creates a situation where a residential use would be located within an area of businesses and Special Event venues that may not be compatible with the proposed residential use.

14. Page 10 of the narrative describes a Greater Airpark Type A development type. The narrative accurately defines Type A development; however, it does not sufficiently describe how the proposed project fits the definition. Type A developments allow for lower-scale residential developments north of the Central Arizona Project canal, which is where this site is located. Furthermore, there are few instances of the requested AMU-R found within the Type A Development area. The majority of AMU-R in Type A areas occur along Signature Corridors (i.e. Hayden Road and Scottsdale Road) and/or as part of residential entitlements that occurred prior to adoption of the GACAP. Residential and mixed-use have predominantly been aligned with the Type C Development type in the GACAP.

The response provided on Page 10 states that the proposed development, consisting of several three and four-story buildings and building heights from 40 to 65 feet, fits the Type A development description. Contextually, all adjacent developments are single-story, with the exception of the McDowell Mountain Medical Building northeast of the subject site, which is three stories. Additionally, the Horseman’s Park zoning case (33-ZN-2000) stipulates a maximum building height of 42 feet, inclusive of mechanical, in this area. With the 2<sup>nd</sup> submittal, please revise the narrative to elaborate on how the proposal fits the Type A Development type and respond to Goal LU.4 on Page 13 of the GACAP.

15. Please revise the narrative to respond to Policy LU.6.1 of the GACAP (“Prioritize employment uses over residential uses in the Greater Airpark area”).
16. Pages 16 and 17 of the narrative speaks to Policy NH.3.2 of the GACAP; however, but does not respond to the first bullet point under the policy, which states “Dwellings will not be adjacent to industrial uses that could be in conflict with residential uses”. Please revise the narrative to respond to this policy, noting that the subject site is located within the larger Horseman’s Park PCD, which consists of primarily I-1 PCD zoning that allows for light industrial and manufacturing uses, not residential uses.
17. With the 2<sup>nd</sup> submittal, please include an analysis/discussion regarding the City of Scottsdale 2001 General Plan, similar to that of the GACAP (pertinent Goals/Policies from the Plan, with responses). Staff recognizes this proposal is consistent with some of the goals and policies of the 2001 General Plan; however, there are some additional goals that should be addressed in the narrative, as this request seems to fall short of these goals; specifically from a context and compatibility perspective. Specifically, please include discussion regarding the following goals of the Land Use Element (Page 57):

- Goal 3
- Goal 3, Bullet 6
- Goal 5, Policy 8
- Goal 8, Policy 3
- Goal 9, Policy 4



Additionally, please include discussion regarding Goals 4 and 5 of the Neighborhoods Element and Goal 5 of the Community Mobility Element.

Please revise the narrative to include responses to these additional GP goals.

18. With the 2<sup>nd</sup> submittal, please revise the narrative to include graphics depicting the existing and proposed Land Use maps for both the City of Scottsdale 2001 General Plan and the GACAP.
19. The City's major event facility (Westworld), which located in close proximity to the project site, has expressed some concerns with regard to the proposed project. They are summed up as follows:
  - The proposed project is closer to the Westworld facility than an existing community located at 94<sup>th</sup> Street & Bell Road. Westworld staff regularly receives complaints from residents of the community whenever there is a concert or other event that generates elevated noise levels. The concern is that residents of this community, being even closer to the facility, will also complain about noise generated by special events.
  - Traffic from large events has the potential to inconvenience residents of the proposed project. Bahia Drive is a major point of ingress/egress for large events at Westworld, even though traffic is encouraged to use Bell Road to 94<sup>th</sup> Street. This has the potential to create conflicts between event traffic and residents attempting to enter and/or exit the proposed project.

#### Circulation

20. The Traffic Impact Analysis (TIMA) for this request indicates that current traffic conditions at the intersection of 92<sup>nd</sup> Street & Bahia are unacceptable during some periods of the day. Additionally, the site driveways for this project may be blocked during these peak periods. With these factors in mind, Transportation staff has concerns about increasing traffic in this area, as well as concerns that the existing traffic congestion may not be acceptable for a residential use. Please respond to these concerns, either by way of an update to the TIMA and/or as part of your response letter. From the TIMA: "Due to current traffic circulation [generated by] the Scottsdale Preparatory Academy, the intersection of 92<sup>nd</sup> Street and Bahia also experiences a level-of-service "F" during the morning arrival peak hour with the proposed development. Excessive queuing that would block the northern access driveway only occurs for 20 minutes during the morning arrival peak hour and 20 for 30 minutes during the evening dismissal peak hour".

#### 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:

21. As proposed, the northernmost refuse enclosure is not in compliance with City standards. Per Section 2-1.804 of the DS&PM, commercial refuse enclosures must be oriented at a 30-degree angle adjacent to drive aisles. Please revise the site plan accordingly.
22. Per Section 2-1.804 of the DS&PM, a minimum of four refuse enclosures is required for 78 residential units. Additionally, a separate refuse enclosure w/ a grease containment area is required for the building with 1<sup>st</sup> floor commercial occupancy. Please revise the site plan to demonstrate compliance.
23. NOTE: New driveways must be designed to be consistent with City of Scottsdale Driveway Type CL-1. Refer to City of Scottsdale Supplement to MAG Detail #2256 and Section 5-3.200 of the DS&PM. Please keep in mind for any future Development Review Board submittal.
24. Please revise the site plan to show existing pavement markings on both Bahia Drive and 92<sup>nd</sup> Street along the site frontages.
25. NOTE: Though it is not critical to the zoning application, the site plan does not provide information on accessible parking, bike parking or parking lot landscaping, as required by Articles IX and X of the Zoning Ordinance. With the first Development Review Board submittal, please revise the site plan to include these requirements.
26. As proposed, the site plan does not provide any pedestrian connections from the building at the northeast corner of the site to the street sidewalks. Additionally, there is no established connection between the residences and the commercial building. Please revise the site plan and Pedestrian circulation plan to include connections from the street sidewalk on both Bahia and 92<sup>nd</sup> Street to the commercial building, and demonstrate how residents will be able to safely walk from their residences to the commercial building. Refer to Section 2-1.708 of the DS&PM.
27. In accordance with the Plan & Report Requirements for Development Submittals, please revise the site plan to include all existing and proposed easements.

Fire/Public Safety:

28. Please revise the site plan to demonstrate compliance with required commercial turning radii for emergency and service vehicles (49' and 55'). Refer to Section 2-1.801 of the DS&PM.
29. Please revise the site plan to include locations for all existing and/or proposed fire hydrants. Refer to Section 6-1.502 of the DS&PM.
30. With the first Development Review Board submittal, please revise the site plan to indicate drive aisles will meet the minimum width requirement of 24 feet. Refer to Fire Ordinance 4045, 503.2.1.
31. With the first Development Review Board submittal, please revise the site plan to include confirmation that proposed vehicular gates will be equipped with "key switch/pre-emption sensor" equipment for emergency access. Refer to Fire Ordinance 4045, 503.6.1.

Elevations:

32. Please provide building elevations that are black line drawings without any gray tones, so that building elevations will be readable. Refer to the Plan & Report Requirements for Development Applications.

Airport:

33. In accordance with Chapter 5 of the City Code, please note this project must include dedication of an Avigation Easement; to be dedicated as part of any final plans review process. Noise attenuation of the building to protect residents/occupants from outside noise will be expected.

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.

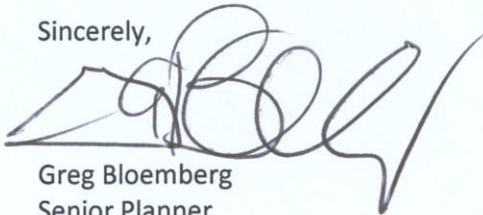
**PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL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

The Community & Economic Development Division has had this application in review for 20 Staff Review Days since the application was determined to be administratively complete.

These **1<sup>st</sup> 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 480-312-4306 or at [gbloemberg@ScottsdaleAZ.gov](mailto:gbloemberg@ScottsdaleAZ.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Bloemberg', with a stylized flourish extending to the right.

Greg Bloemberg  
Senior Planner

cc: file

**ATTACHMENT A  
Resubmittal Checklist**

Case Number: **14-ZN-2014**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 1/2 x11 shall be folded):

- Five copies: COVER LETTER – Respond to all the issues identified in the first review comment letter.
- One copy: Revised CD of submittal (DWG or DWF format only)
- One original: Signed Prop. 207 Waiver Request (Long Form)
- Five copies: Revised Narrative for Project
- Three copies of the Revised Traffic Impact Mitigation Analysis (TIMA)

Site Plan:

\_\_\_\_\_ 5 \_\_\_\_\_ 24" x 36"      \_\_\_\_\_ 1 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 1 \_\_\_\_\_ 8 1/2" x 11"

Open Space Plan:

\_\_\_\_\_ 1 \_\_\_\_\_ 24" x 36"      \_\_\_\_\_ 1 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 1 \_\_\_\_\_ 8 1/2" x 11"

Elevations:

Color	_____ 2 _____	24" x 36"	_____ 1 _____	11" x 17"	_____ 1 _____	8 1/2" x 11"
B/W	_____ 2 _____	24" x 36"	_____ 1 _____	11" x 17"	_____ 1 _____	8 1/2" x 11"

Elevation Worksheet/Stepback Exhibit:

\_\_\_\_\_ 1 \_\_\_\_\_ 24" x 36"      \_\_\_\_\_ 1 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 1 \_\_\_\_\_ 8 1/2" x 11"

Development Plan Booklets, including all documents requested with the application checklist

The Development Plan booklets shall be clipped together separately, and not be bounded.

Color      \_\_\_\_\_ 2 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 1 \_\_\_\_\_ 8 1/2" x 11"

- 8 1/2" x 11" – 3 color copy on archival (acid free paper) (To be submitted after the Planning Commission hearing.)

Technical Reports:

- 2 copies of Revised Drainage Report:

Resubmit the revised Drainage Reports to your Project Coordinator with any prior City mark-up documents.




## Current Planning Services

One Civic Center  
7447 E Indian School Road, Suite 105  
Scottsdale, AZ 85251

### MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**FROM:** Greg Bloemberg, Senior Planner

**THROUGH:** Tim Curtis, AICP, Current Planning Director 

**DATE:** 11/19/2014

**SUBJECT:** **Bahia Work Live Play Project (6-GP-2014 & 14-ZN-2014)**

The following items will be provided in the supplemental packet on Monday, November 24, 2014, for the above cases scheduled to the December 2, 2014 City Council Hearing:

**Ordinance No. 4184** approving a Zoning District Map Amendment to amend the development standards for case 33-ZN-2000 (Horseman's Park), and amend the Planned Community (P-C) District zoning from the comparable Industrial Park (I-1 PCD) District to Planned Airpark Core Development, Airpark Mixed Use – Residential (PCP AMU-R PCD), including a Development Plan, increasing the allowed Floor Area Ratio (FAR) for commercial parcels in the Horseman's Park PCD (specific to this site) from 0.3 to 1.2, and the allowed building height from 42 feet including mechanical screening, to 65 feet inclusive of rooftop appurtenances, utilizing PCP bonuses for building height and FAR, finding that the PCD criteria have been met, and finding that the zoning district map amendment is consistent with and conforms to the adopted General Plan for a 5.1 +/- gross acre property located at 16576 N. 92<sup>nd</sup> Street.

**Resolution No. 9969** authorizing Development Agreement 2014-188-2014 for construction of a Mixed Use Development located at 16576 N. 92<sup>nd</sup> Street.