

**Marked Agendas
Approved Minutes
Approved Reports**

**Official signed Ordinances/Resolutions
and approved Minutes can found at:**

<https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

Planning Commission Hearing: 01/24/2018

City Council Hearing: 03/06/2018

Case History: 473-PA-2017

7-TA-2017

**Planned Shared Development (PSD) Condos
(La Via)**

CITY COUNCIL REPORT



Meeting Date: March 6, 2018
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Planned Shared Development (PSD) Condos (La Via) 7-TA-2017

Request to consider the following:

Adopt Ordinance No. 4333 approving a text amendment to the City of Scottsdale Zoning Ordinance Sec. 6.1400., amending the Planned Shared Development Overlay (PSD) district related to condominiums and/or timeshares in the PSD.

Goal/Purpose of Request

The applicant's request is to amend the PSD district to allow condominium and/or timeshare type ownership within the district.

Key Items for Consideration

Planning Commission heard this case on January 24, 2018 and recommended approval with a 7-0 vote.

OWNER

G & J Properties LP and HGJ Investments
480-345-2681

APPLICANT CONTACT

John Berry
Berry Riddell
(602) 463-4081

LOCATION

City-wide

BACKGROUND

In May of 2016 the City Council adopted Ord. 4244 creating the Planned Shared Development Overlay (PSD) district. The purpose of the PSD district is to provide the opportunity for application of development standards to a property as defined by its perimeter, rather than applying the standards to the individual lots, tracts, and parcels within the boundaries of the perimeter. The PSD district allows the City Council to grant amended development standards for the purposes of sharing development standards between the lots, tracts, and parcels within the boundaries of the district.

The PSD district prohibits condominiums and timeshares within the district. These ownership types were originally excluded from the district due to the potential complications associated with documenting and modifying shared development standards, transfer of development rights, and shared facilities through a Development Agreement with the City and all condominium and timeshare property owners.

Other Related Policies, References:

Zoning Ordinance

7-TA-2016 – Ord. 4244 Planned Shared Development Overlay (PSD) district

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is proposing to amend the PSD district to allow condominium and timeshare ownership. Included within the proposed text are provisions that require all condominium type ownership interests within a PSD be represented by a "unit owners' association". As proposed, the owners' association will have the authority to represent all owners within the condominium and enter into or amend any necessary agreements on behalf of the condominium owners, thereby providing a single point of contact and signatory for the group of condominium owners.

IMPACT ANALYSIS

Land Use

The PSD district is a zoning overlay which can be applied to properties with commercial or mixed-use zoning as specified in Zoning Ordinance Tables 4.100.B and 4.100.D., with the exception of the Downtown (D) zoning district. The PSD District refers back to the underlying zoning designation for use restrictions, and therefore does not change or allow any additional uses from what is permitted by the underlying zoning district. This text amendment does not propose any changes related to land use.

Community Involvement

The applicant placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale's interested parties list regarding the proposed text amendment and open house dates. The applicant

held two (2) open house meetings, one September 6, 2016 and the second September 7, 2016. There were a total of five (5) attendees from both open house meetings. Attendees were generally supportive of the request. As of the date of this report no public comment has been received, other than general inquiries.

Community Impact

The proposed text amendment does not change the way the PSD district is applied to a property or affect any of the required development standards or allowed uses of the underlying zoning district. The Zoning Ordinance classifies a residential unit as a "dwelling" and does not make the distinction between ownership types. It is not anticipated that the allowance of condominium or timeshare ownership within the PSD district will have any negative impacts on the community.

Policy Implications

The proposed changes provide additional flexibility for ownership patterns of properties sharing development standards, development rights, and facilities.

OTHER BOARDS & COMMISSIONS

Planning Commission:

Planning Commission heard this case on January 24, 2018 and recommended approval with a 7-0 vote.

Staff recommended that the Planning Commission find that the zoning ordinance text amendment is consistent and conforms with the adopted General Plan, and make a recommendation to City Council for approval.

RECOMMENDATION

Recommended Approach:

Adopt Ordinance No. 4333 approving a text amendment to the City of Scottsdale Zoning Ordinance Sec. 6.1400., amending the Planned Shared Development Overlay (PSD) district related to condominiums and/or timeshares in the PSD.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Bryan Cluff
Senior Planner
480-312-2258
E-mail: bcluff@ScottsdaleAZ.gov

APPROVED BY



Bryan Cluff, Report Author

2/16/18

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

2/16/2018

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

2/18/18

Date

ATTACHMENTS

1. Ordinance No. 4333
2. Applicant's Narrative
3. Citizen Involvement
4. Citizen Notification Map
5. January 24, 2018 Planning Commission meeting minutes

ORDINANCE NO. 4333

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO AMEND ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, AMENDING THE PLANNED SHARED DEVELOPMENT (PSD) DISTRICT RELATED TO CONDOMINIUMS AND/OR TIMESHARES IN THE PSD. AS PROVIDED IN CASE NO. 7-TA-2017.

WHEREAS, the City of Scottsdale wishes to amend the Zoning Ordinance provisions regarding the Planned Shared Development (PSD) District related to condominiums and/or timeshares in the PSD and related City-wide requirements; and

WHEREAS, the Planning Commission held a public hearing on January 24, 2018; and

WHEREAS, the City Council held a public hearing on March 6, 2018 and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 7-TA-2017; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance amendment is in conformance with the General Plan.

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

Section 1. That the Zoning Ordinance of the City of Scottsdale, Article VI. Supplementary Districts, Section 6.1400. (Planned Shared Development Overlay) is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

ARTICLE VI. SUPPLEMENTARY DISTRICTS.

Sec. 6.1400. - Planned Shared Development Overlay (PSD).

Sec. 6.1401. - Purpose.

- A. The purpose of the PSD District is to provide the opportunity for application of development standards to a property as defined by its perimeter, rather than applying the standards to the individual lots, tracts, and parcels within the boundaries of the perimeter. The PSD District allows the City Council to grant amended development standards for the purposes of sharing development standards between the lots, tracts, and parcels within the boundaries of the District.

Sec. 6.1402. - Applicability.

- A. The PSD District may be overlaid upon all commercial and mixed-use districts as specified in Table 4.100.B. and Table 4.100.D., excluding the Downtown (D) District.
- ~~B. Condominiums and/or timeshares shall not be allowed within the PSD District.~~

Sec. 6.1403. - District Size Requirement.

- A. Minimum: Five (5) acres of gross lot area.

Sec. 6.1404. - Development Plan.

- A. The Zoning District Map Amendment application shall be accompanied by a Development Plan as required in Article VII.

Sec. 6.1405. - Use Regulations.

- A. The applicable underlying zoning district use regulations shall apply to the PSD District.

Sec. 6.1406. - PSD District Requirements.

- A. *Development standards.* The property, as defined by the PSD District perimeter boundary, shall comply with all required development standards of the underlying zoning district(s).
- B. *Transfer of development rights.*
1. If the development of the individual lots, parcels, or tracts located within the PSD District will result in transfer of density or other development rights or obligations from one lot, parcel, or tract to another, then the proposed transfer of development rights shall be subject to the following additional requirements:
 - a. The City shall be responsible for the issuance and recordation of instruments necessary to sever development rights and obligations from the sending property and to affix development rights and obligations to the receiving property. Such instrument shall be executed by the affected property owners and lienholders, and shall provide for the following:
 - i. Approval and consent of any transfer of development rights and obligations by the property owners of both the sending and receiving properties.
 - ii. The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner(s) and every successor in interest to the landowner(s).
 - iii. The severance of transferable development rights and obligations from the sending property and the delayed transfer of development rights and obligations to the receiving property.
 - iv. The purchase, sale, exchange or other conveyance of transferable development rights and obligations prior to the rights and obligations being affixed to a receiving property.
 - b. The City shall monitor the severance, ownership, assignment and transfer of transferable development rights and obligations. All severance and transfer of development rights not approved by the City before made are void. Each owner has an affirmative duty to inform the City of any change in ownership and assignment of owner rights and obligations.

- c. The City at its option may purchase development rights and hold them for future resale.
- d. The City may enter into an Intergovernmental Agreement with another municipality or county for the transfer of development rights between jurisdictions.

C. *Development agreement and maintenance of shared facilities.*

1. All proposals for the PSD District are subject to City Council approval of a development agreement that specifies:

- a. The identity of the person(s)/entity(ies) owning all parcels within the PSD District, and a requirement that any person or entity owning a parcel will have an affirmative duty to notify the City of a proposed change in ownership.
- b. The designation of a single City contact and property manager who is responsible for complying with and maintaining the shared facilities.
- c. The legal description of the lots, parcels and tracts located within the PSD District.
- d. The establishment of an association to maintain common areas, shared facilities and community-owned property.
- e. A requirement that the association record a Master Declaration of Easements, Covenants, Conditions and Restrictions in the official records of the Maricopa County Recorder identifying how maintenance of the common areas, shared facilities and community-owned property will be maintained, and that the City be notified of such recordation. Each property owner and the Association will be responsible for the content and enforceability of such Declaration. The City will not be a party to, undertake a review of, approve, or disapprove such Declaration.
- f. An indemnification by the property manager and property owners indemnifying and holding the City, its employees, agents and officials harmless from any and all claims including reasonable attorney's fees and costs that may arise from any person(s)/entity(ies) owning any part of the property within a PSD District, which they may bring against the City resulting from the development or from the division of property within a PSD District.
- g. If, at any time, upon or after its creation, the PSD District includes or seeks to include residential condominiums subject to A.R.S. Section 33-1201 et seq. then, for purposes of the PSD District and this zoning ordinance, the term "property owner" shall mean the "unit owners' association" as defined in such statutes, and the Master Declaration of Easements, Covenants, Conditions and Restrictions for the PSD District shall explicitly so provide.
- h. A requirement that the owners of the parcels within the PSD district are jointly and severally responsible for the maintenance of common areas, shared facilities, and community owned property. In no event will the City be bound by private agreements between property owners as to responsibility for such maintenance.

D. *Plat.* To establish property boundaries in conformance with the Development Plan, the owner shall submit the application for review in conformance with the City's codes, policies and regulations.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this _____ day of _____, 2018.

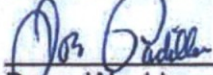
CITY OF SCOTTSDALE, an
Arizona municipal corporation

ATTEST:

By : _____
Carolyn Jagger, City Clerk

By: _____
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney
By: Joe Padilla, Deputy City Attorney

JDM Partners

Text Amendment to the Planned Shared Development (PSD) Overlay District

Project Narrative

473-PA-2017

Request

The purpose of this request is to amend the text of the Planned Shared Development (PSD) overlay district, Sec. 6.1400 of the City of Scottsdale's Zoning Ordinance. The text amendment would allow for condominiums and/or timeshares in the PSD overlay district.

Background

In May 2016, City Council adopted Ordinance 4244 approving case 7-TA-2014, a city-wide text amendment that created the new PSD overlay district, allowing development standards to apply to a site that is defined by its perimeter rather than applying development standards only to individual parcels or lots. Since 2007, prior to the adoption of the PSD overlay district, the City utilized the Perimeter Exception process, which was part of the Land Division Ordinance, to allow for the sharing of development standards as identified by a defined site boundary memorialized through a Plat and Development Agreement. Subsequently, it was determined by the City that the Perimeter Exception process, being part of the Land Division Ordinance, created the potential for a technical zoning deficiency on lots within the Perimeter Exception boundary, and therefore, the process was discontinued and replaced with the PSD overlay district.

Proposed Text Amendment

The only substantive change being requested with this application is the ability to allow for condominiums and/or timeshares within a PSD overlay district.

In 2016, when the new PSD overlay district was drafted by City Staff and adopted by City Council, the legal department was concerned about the mechanics associated with documenting and modifying condominium and timeshare ownership as it relates to the shared development standards, transfer of development rights (land use budget), and shared facilities that are memorialized through the required Development Agreement, which is signed by the owner(s). Although it was discussed with the City Staff during the drafting process, it was ultimately determined to exclude condominiums and timeshares from the PSD overlay district.

To date, there have been a two PSD zoning cases approved by City Council: Chauncey Marketplace and BCB Group Investments, both mixed-use projects that are part of the greater 1000+/- acre Crossroads East development plan. It was through these projects, and others that have considered utilizing the PSD overlay district, that the inclusion of condominiums and

timeshares within the PSD was yet again broached with City Staff. After several meetings, and recognizing the limitations of the current PSD ordinance on new, innovative mixed-use developments, the City has agreed to accept an application for the proposed text amendment to allow condominiums and timeshares in the PSD overlay district. PSD Development Agreements are required to include a mechanism for shared development standards, transfer of development rights (land use budget) and shared facilities. Condominium and timeshare ownership will also need to be party to this agreement and shared facilities will be memorialized through a recorded master declaration.

JDM Partners is filed a zoning proposal for La Via (CrackerJax), case 20-ZN-2017, a 28+/- acre mixed-use development located at 16001 N. Scottsdale Road which included a PSD overlay to allow for the sharing of development standards, transfer of development rights (land use budget), and shared facilities. La Via's proposed mix of uses includes office, hotel, retail, entertainment and residential (rental and condominium) and is the stimulus behind the proposed text amendment request to the PSD overlay district.



CITIZEN REVIEW & NEIGHBORHOOD INVOLVEMENT REPORT
Section 6.1402 B Text Amendment
September 14, 2017

Overview

This Citizen Review Report is being performed in association with a request for a Text Amendment to the Planned Shared Development (PSD) district in Section 6.1402 B of the City of Scottsdale's Zoning Ordinance. This amendment would allow for condominiums and/or timeshares in the PSD district. A companion rezoning request proposed at 16001 N. Scottsdale Road has also been filed in conjunction with this request. This Citizen Review Report will be updated throughout the process.

The entire project team is sensitive to the importance of citizen involvement and creating a positive relationship with property owners, residents, business owners, and other interested parties. Communication with these parties will be ongoing throughout the process. Communication with impacted and interested parties has taken place with verbal, written, and electronic contact.

Community Involvement

The outreach team has been communicating with interested parties and community members by telephone and one-on-one meetings since April of 2017. Members of the outreach team will continue to be available to meet with any interested parties who wish to discuss this amendment request. Additionally, they will be contactable via telephone and/or e-mail to answer any questions relating to the request.

A list provided by the City of interested parties were noticed via first class mail regarding the project. This notification contained information about the project, as well as contact information. This contact person will continue to provide, as needed, additional information and the opportunity to give feedback. The notification also contained information regarding two neighborhood Open Houses that were held on September 6, 2017 at Dominick's Steakhouse and September 7, 2017 at SkySong for those who wished to learn more about the amendment request. The

locations and times of these meetings were published in the Arizona Republic newspaper as per the Citizen Review Checklist.

5 interested people attended the first Open House at Dominick's and 0 people attended the second Open House at SkySong. Attendees were generally supportive of the request. The outreach team will continue to be available to respond to any neighbors who have questions or comments.

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. Again, the entire team realizes the importance of the citizen involvement process and is committed to communication and outreach for this request.

ATTACHMENTS:

Notification Letters
Notification List
Newspaper advertisement
Sign-in sheets



**SEEKING COMMUNITY INPUT ON PROPOSED REVISIONS TO THE
CITY OF SCOTTSDALE ZONING ORDINANCE PERTAINING TO THE:**

Planned Shared Development District (Case No.: 473-PA-2017)

The applicant has submitted a Text Amendment to the Zoning Ordinance to amend the Planned Shared Development (PSD) district in Section 6.1402, B of the City of Scottsdale's Zoning Ordinance. The amendment would allow for condominiums and/or timeshares in the PSD district.

As part of a broad city-wide outreach on this proposal, the community is invited for review and comment.

Wednesday, September 6, 2017
5:00 p.m. to 6:00 p.m.
Dominick's Steakhouse
15169 N. Scottsdale Road
Library Room

OR

Thursday, September 7, 2017
5:00 p.m. to 6:00 p.m.
ASU SkySong
1475 N. Scottsdale Road
Room SS1 241- The Innovation Room

Additional project information is available on the internet at: <http://www.scottsdaleaz.gov/codes/zoning/update>

Applicant Contact:
John Berry
Scottsdale, Arizona 85251
602-385-2727
JB@berryliddell.com

City Staff Contact:
Bryan Cluff
Senior Planner
480-312-2258
BCluff@scottsdaleaz.gov

AR-0008716688-01

☐ PROOF O.K. BY: _____ ☐ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

ADVERTISER: TECHNICAL SOLUTIONS
SALES PERSON: Hannah Best
PUBLICATION: AR-ZONES
SIZE: 4.937 col X 2.42 in

PROOF CREATED AT: 8/22/2017 7:39 PM
PROOF DUE: -
NEXT RUN DATE: 08/26/17

AR-0008716688-01.
INDD



August 25, 2017

Dear Neighbor:

This letter is to inform you of a proposed text amendment (473-PA-2017) to the Planned Shared Development (PSD) district in Section 6.1402. B of the City of Scottsdale's Zoning Ordinance. The amendment would allow for condominiums and/or timeshares in the PSD district.

You are invited to attend an open house to discuss this proposal. The open house will be held on Thursday, September 7, 2017 from 5 p.m. to 6 p.m. in Room SS1 241- The Innovation Room- of SkySong, located at 1475 N. Scottsdale Road.

If you have any questions, please contact the neighborhood outreach team at 602-957-3434 or info@technicalsolutionsaz.com. The City of Scottsdale Project Coordinator for this project is Bryan Cluff, who can be reached at 480-312-2258 or BCluff@ScottsdaleAZ.gov.

Thank you.

Sincerely,

Paul Smith
President

Owner

Annette Petrillo
Chris Schaffner
Dan Sommer
David G. Gulino
Dr. Sonnie Kirtley
Ed Toschik, President
Edwin Bull
Guy Phillips
Jim Funk
Jim Haxby
Jim Lane, Mayor
John Berry/Michele Hammond
John Washington
Leon Spiro
Linda Whitehead
Lori Haye
Maricopa County Superintendent of Schools
Mike McNeal, Supervisor
Planning & Engineering Section Manager
Project Management
Randall P. Brown
Richard Turner, Planning and Zoning Administrator
Sherry Wagner/Right-of-Way Technician, SR.
Steve Weiss
Steven Voss

Kelsey Young
Kevin D. Bollinger
Christian C. Serena
Larry S. Kush
Ali Fakh - Vice Chair
Paul Alessio - Chair
Prescott Smith

THE PLEASURE OF YOUR COMPANY IS REQUESTED

*For An Evening of
Elegance, Excellence & Information regarding
La VIA – The Village for Innovation and Art*

AS PROPOSED FOR 16001 N. SCOTTSDALE RD.

DOMINICK'S STEAKHOUSE, LIBRARY ROOM, TOP FLOOR
LOCATED AT 15169 N. SCOTTSDALE RD. (SCOTTSDALE QUARTER)

5:00 – 6:00PM

WEDNESDAY, SEPTEMBER 6, 2017

PLEASE RSVP TO TECHNICAL SOLUTIONS AT:
602.957.3434 / INFO@TECHNICALSOLUTIONSAZ.COM

Regarding City of Scottsdale Case # 473-PA-2017

A request for a Zoning District Map Amendment to rezone from General Commercial (C-4) to Planned Airpark Core Development – Airpark Mixed Use – Residential with a Planned Shared Development overlay (PCP- AMU-R - PSD) on the 28+/- gross acre site located at 16001 N. Scottsdale Road to allow for the development of a unique mixed-use neighborhood project including a possible combination of Office, Retail/Restaurant, Market, Residential, and/or Hotel uses. Maximum height of the project: 134', maximum Floor Area Ratio: 1.6. Currently the project estimates a maximum number of residential units of 838, along with an estimated maximum number of hotel rooms of 180. The number of and allocation of uses, density, and intensity are conceptual and estimates only and may be revised.

Additional information will be available regarding a proposed text amendment to the Planned Shared Development (PSD) district, Section 6.1402. B of the City of Scottsdale's Zoning Ordinance. This amendment would allow for condominiums and/or timeshares in the PSD district.

City of Scottsdale Contact Bryan Cluff at:
480.312.2258 / BCluff@scottsdaleaz.gov
www.scottsdaleaz.gov/projects/projectsinprocess

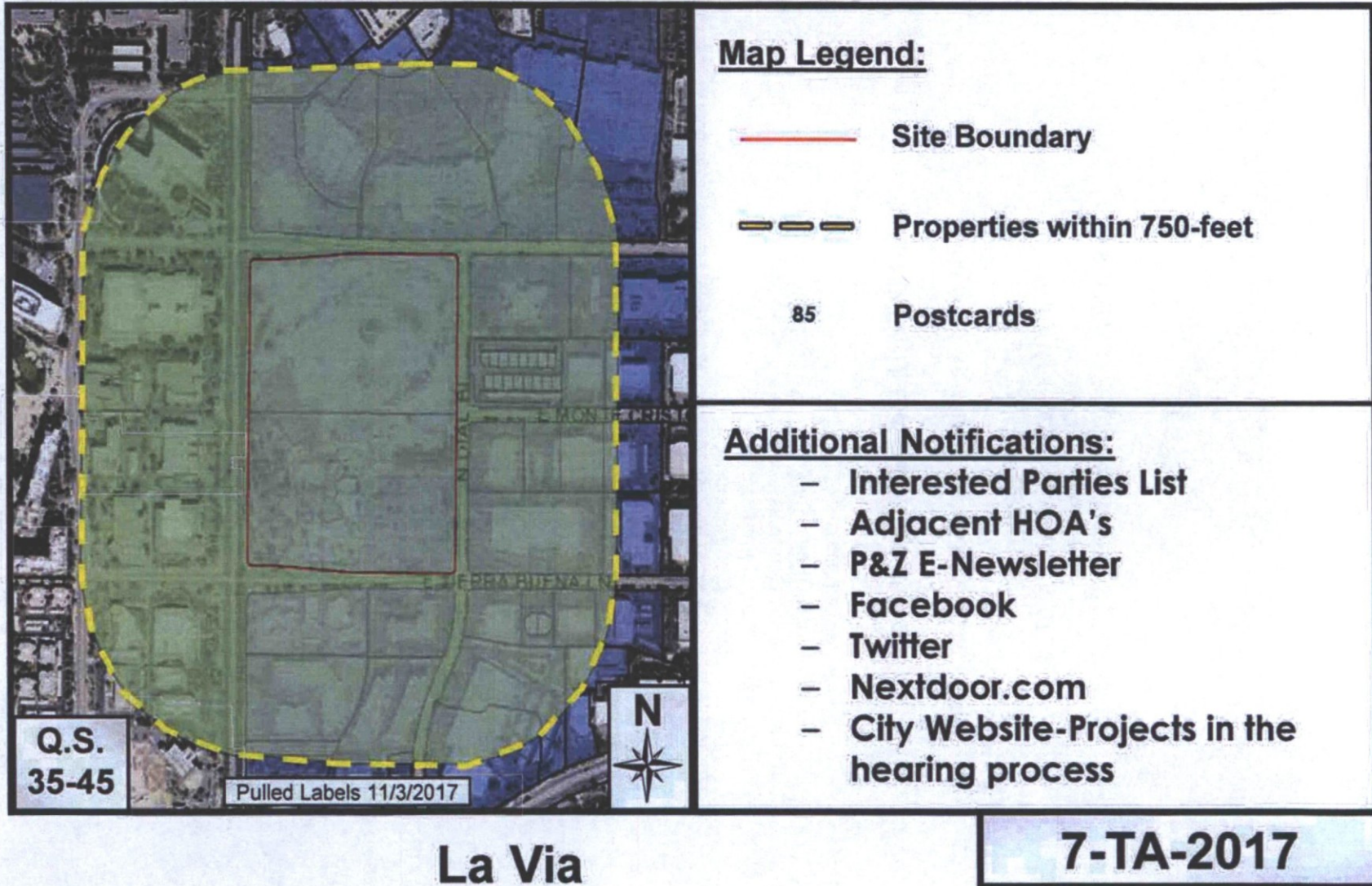
For further information on the project, contact Technical Solutions at:
602.957.3434 / info@technicalsolutionsaz.com

La VIA Zoning and Text Amendment to the Planned Shared Development (PSD) district, Section 10.0
Neighborhood Meeting Sign-In Sheet
Wednesday, September 6, 2017

[illegible]

City Notifications – Mailing List Selection Map

ATTACHMENT 4





**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

WEDNESDAY, JANUARY 24, 2018

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Paul Alessio, Chair
Ali Fakh, Vice Chair
Larry S. Kush, Commissioner
Prescott Smith, Commissioner
Kelsey Young, Commissioner
Kevin Bollinger, Commissioner
Christian Serena, Commissioner

STAFF: Tim Curtis
Joe Padilla
Brad Carr
Jesus Murillo
Doris McClay
Bryan Cluff

CALL TO ORDER

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

MINUTES REVIEW AND APPROVAL

1. Approval of the January 10, 2018 Regular Meeting Minutes including Study Session.

COMMISSIONER KUSH MOVED TO APPROVE THE JANUARY 10, 2018 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION, SECONDED BY COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. 3-AB-2010#2 (Optima Sonoran Village)

Request by owner for re-approval to abandon the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is John Berry, 480-385-2727.

Item No. 2: Recommended City Council to approve case 3-AB-2010#2 by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Abandonment is consistent with and conforms with the adopted General Plan, 2nd by Commissioner Serena, Commissioner Smith recused himself.

Written comments Card: Pat French

Speaker Card: Rick Robertson

3. 7-TA-2017 (Planned Shared Development (PSD) Condos (La Via))

Request by applicant for approval of a text amendment to the City of Scottsdale Zoning Ordinance (Sec. 6.1400), amending the Planned Shared Development (PSD) District related to condominiums and/or timeshares in the PSD. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is John Berry, (480) 385-2727.

Item No. 3: Recommended City Council to approve case 7-TA-2017 by a vote of 5-0; Motion by Commissioner Kush, after determining that the proposed Text Amendment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Bollinger, Vice Chair Fakih and Commissioner Smith recused themselves.

Adjournment – Motion to adjourn at 5:09 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

Smith, Erica

From: Jagger, Carolyn
Sent: Monday, March 05, 2018 2:23 PM
To: Smith, Erica; Butteweg, Cathleen
Subject: FW: Planned Shared Development Condos (La Via) Text Amendment (7-TA-2017)
Attachments: ContextPSDmap_.pdf; ClosePSDmap_.pdf

From: Cluff, Bryan
Sent: Monday, March 05, 2018 2:22 PM
To: Lane, Jim; Korte, Virginia; Littlefield, Kathy; Klapp, Suzanne; Smith, David N; Phillips, Guy; Milhaven, Linda
Cc: Thompson, Jim; Curtis, Tim; Grant, Randy; Washburn, Bruce; Jagger, Carolyn; Padilla, Joe
Subject: Planned Shared Development Condos (La Via) Text Amendment (7-TA-2017)

Honorable Mayor and Councilmembers,

The Planning Department received a request from a Councilmember regarding Item #8 on tomorrow's City Council agenda (Planned Shared Development Condos (La Via) Text Amendment (7-TA-2017)). The request was for a map identifying all existing PSD zoned properties within the City. The requested map is attached, identifying the three PSD zoned properties within the City, including a zoomed-in version of the properties.

Please feel free to contact me if there are any other questions/concerns.

Thank you,

Bryan D. Cluff, LEED AP
Senior Planner
City of Scottsdale
Planning & Development
Phone: 480-312-2258
Fax: 480-312-7088
bcluff@ScottsdaleAZ.gov

Get informed!

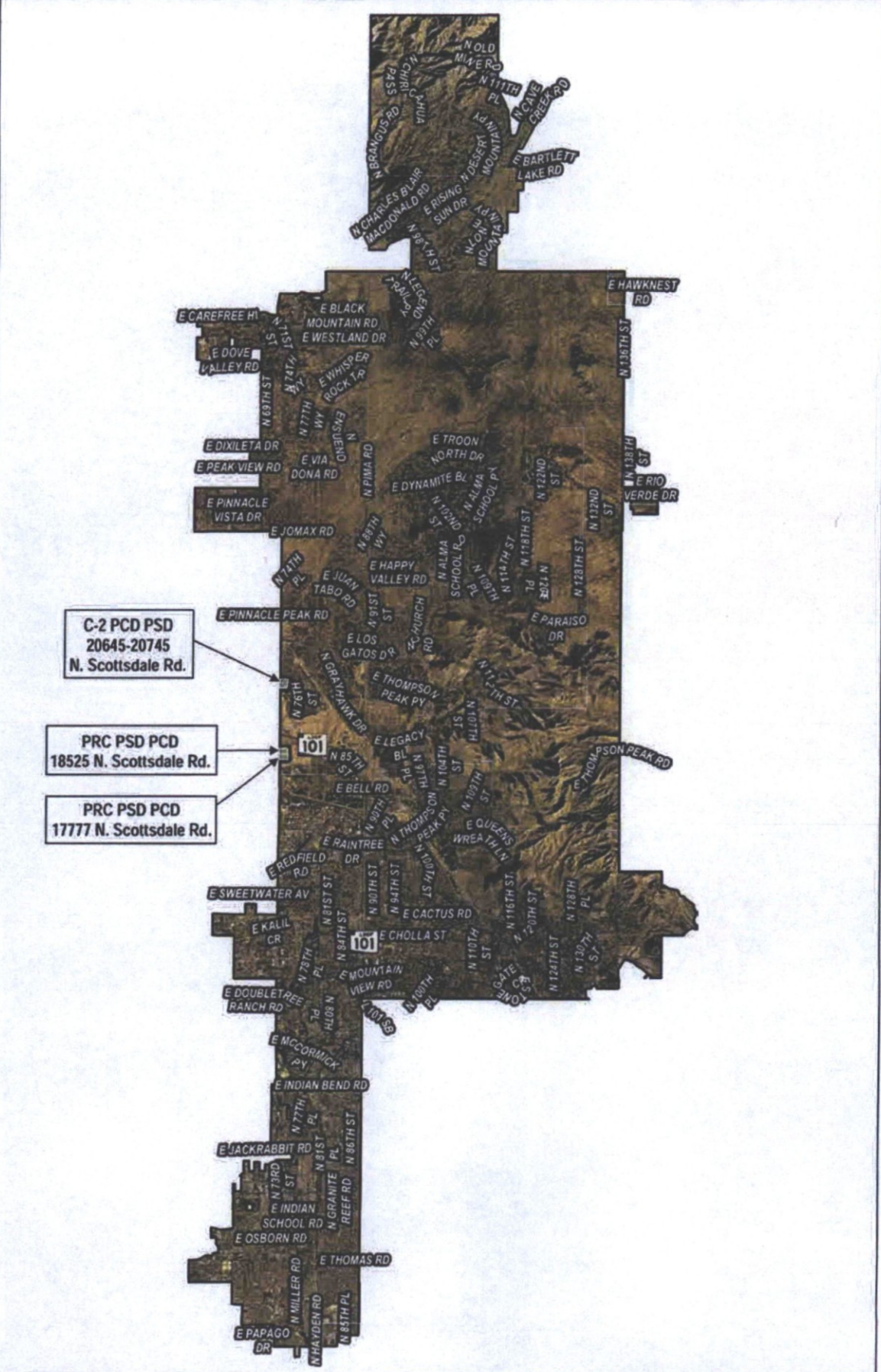
Subscribe to [Scottsdale P & Z](#) Link newsletter



follow us on Facebook

twitter

PSD Overlay Zoning in Scottsdale - Extent



[illegible]

PLANNING COMMISSION REPORT



Meeting Date: January 24, 2018
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Planned Shared Development (PSD) Condos (La Via) 7-TA-2017

Request to consider the following:

1. A recommendation to City Council regarding a request by owner for approval of a text amendment to the City of Scottsdale Zoning Ordinance Sec. 6.1400., amending the Planned Shared Development Overlay (PSD) district related to condominiums and/or timeshares in the PSD.

Goal/Purpose of Request

The applicant's request is to amend the PSD district to allow condominium and/or timeshare type ownership within the district.

OWNER

G & J Properties LP and HGJ Investments
480-345-2681

APPLICANT CONTACT

John Berry
Berry Riddell
(602) 463-4081

LOCATION

City-wide

BACKGROUND

In May of 2016 the City Council adopted Ord. 4244 creating the Planned Shared Development Overlay (PSD) district. The purpose of the PSD district is to provide the opportunity for application of

Action Taken _____

development standards to a property as defined by its perimeter, rather than applying the standards to the individual lots, tracts, and parcels within the boundaries of the perimeter. The PSD district allows the City Council to grant amended development standards for the purposes of sharing development standards between the lots, tracts, and parcels within the boundaries of the district.

The PSD district prohibits condominiums and timeshares within the district. These ownership types were originally excluded from the district due to the potential complications associated with documenting and modifying shared development standards, transfer of development rights, and shared facilities through a Development Agreement with the City and all condominium and timeshare property owners.

Other Related Policies, References:

Zoning Ordinance

7-TA-2016 – Ord. 4244 Planned Shared Development Overlay (PSD) district

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is proposing to amend the PSD district to allow condominium and timeshare ownership. Included within the proposed text are provisions that require all condominium type ownership interests within a PSD be represented by a "unit owners' association". As proposed, the owners' association will have the authority to represent all owners within the condominium and enter into or amend any necessary agreements on behalf of the condominium owners, thereby providing a single point of contact and signatory for the group of condominium owners.

IMPACT ANALYSIS

Land Use

The PSD district is a zoning overlay which can be applied to properties with commercial or mixed-use zoning as specified in Zoning Ordinance Tables 4.100.B and 4.100.D., with the exception of the Downtown (D) zoning district. The PSD District refers back to the underlying zoning designation for use restrictions, and therefore does not change or allow any additional uses from what is permitted by the underlying zoning district. This text amendment does not propose any changes related to land use.

Community Involvement

The applicant placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale's interested parties list regarding the proposed text amendment and open house dates. The applicant held two (2) open house meetings, one September 6, 2016 and the second September 7, 2016. There were a total of five (5) attendees from both open house meetings. Attendees were generally supportive of the request. As of the date of this report no public comment has been received, other than general inquiries.

Community Impact

The proposed text amendment does not change the way the PSD district is applied to a property or affect any of the required development standards or allowed uses of the underlying zoning district. The Zoning Ordinance classifies a residential unit as a “dwelling” and does not make the distinction between ownership types. It is not anticipated that the allowance of condominium or timeshare ownership within the PSD district will have any negative impacts on the community.

Policy Implications

The proposed changes provide additional flexibility for ownership patterns of properties sharing development standards, development rights, and facilities.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the zoning ordinance text amendment is consistent and conforms with the adopted General Plan, and make a recommendation to City Council for approval.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Bryan Cluff
Senior Planner
480-312-2258
E-mail: bcluff@ScottsdaleAZ.gov

APPROVED BY



Bryan Cluff, Report Author

1/18/18
Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

1/18/2018
Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

1/18/18
Date

ATTACHMENTS

1. Applicant's Narrative
2. Citizen Involvement
3. Draft Text Amendment

JDM Partners

Text Amendment to the Planned Shared Development (PSD) Overlay District

Project Narrative

473-PA-2017

Request

The purpose of this request is to amend the text of the Planned Shared Development (PSD) overlay district, Sec. 6.1400 of the City of Scottsdale's Zoning Ordinance. The text amendment would allow for condominiums and/or timeshares in the PSD overlay district.

Background

In May 2016, City Council adopted Ordinance 4244 approving case 7-TA-2014, a city-wide text amendment that created the new PSD overlay district, allowing development standards to apply to a site that is defined by its perimeter rather than applying development standards only to individual parcels or lots. Since 2007, prior to the adoption of the PSD overlay district, the City utilized the Perimeter Exception process, which was part of the Land Division Ordinance, to allow for the sharing of development standards as identified by a defined site boundary memorialized through a Plat and Development Agreement. Subsequently, it was determined by the City that the Perimeter Exception process, being part of the Land Division Ordinance, created the potential for a technical zoning deficiency on lots within the Perimeter Exception boundary, and therefore, the process was discontinued and replaced with the PSD overlay district.

Proposed Text Amendment

The only substantive change being requested with this application is the ability to allow for condominiums and/or timeshares within a PSD overlay district.

In 2016, when the new PSD overlay district was drafted by City Staff and adopted by City Council, the legal department was concerned about the mechanics associated with documenting and modifying condominium and timeshare ownership as it relates to the shared development standards, transfer of development rights (land use budget), and shared facilities that are memorialized through the required Development Agreement, which is signed by the owner(s). Although it was discussed with the City Staff during the drafting process, it was ultimately determined to exclude condominiums and timeshares from the PSD overlay district.

To date, there have been a two PSD zoning cases approved by City Council: Chauncey Marketplace and BCB Group Investments, both mixed-use projects that are part of the greater 1000+/- acre Crossroads East development plan. It was through these projects, and others that have considered utilizing the PSD overlay district, that the inclusion of condominiums and

timeshares within the PSD was yet again broached with City Staff. After several meetings, and recognizing the limitations of the current PSD ordinance on new, innovative mixed-use developments, the City has agreed to accept an application for the proposed text amendment to allow condominiums and timeshares in the PSD overlay district. PSD Development Agreements are required to include a mechanism for shared development standards, transfer of development rights (land use budget) and shared facilities. Condominium and timeshare ownership will also need to be party to this agreement and shared facilities will be memorialized through a recorded master declaration.

JDM Partners is filed a zoning proposal for La Via (CrackerJax), case 20-ZN-2017, a 28+/- acre mixed-use development located at 16001 N. Scottsdale Road which included a PSD overlay to allow for the sharing of development standards, transfer of development rights (land use budget), and shared facilities. La Via's proposed mix of uses includes office, hotel, retail, entertainment and residential (rental and condominium) and is the stimulus behind the proposed text amendment request to the PSD overlay district.



CITIZEN REVIEW & NEIGHBORHOOD INVOLVEMENT REPORT
Section 6.1402 B Text Amendment
September 14, 2017

Overview

This Citizen Review Report is being performed in association with a request for a Text Amendment to the Planned Shared Development (PSD) district in Section 6.1402 B of the City of Scottsdale's Zoning Ordinance. This amendment would allow for condominiums and/or timeshares in the PSD district. A companion rezoning request proposed at 16001 N. Scottsdale Road has also been filed in conjunction with this request. This Citizen Review Report will be updated throughout the process.

The entire project team is sensitive to the importance of citizen involvement and creating a positive relationship with property owners, residents, business owners, and other interested parties. Communication with these parties will be ongoing throughout the process. Communication with impacted and interested parties has taken place with verbal, written, and electronic contact.

Community Involvement

The outreach team has been communicating with interested parties and community members by telephone and one-on-one meetings since April of 2017. Members of the outreach team will continue to be available to meet with any interested parties who wish to discuss this amendment request. Additionally, they will be contactable via telephone and/or e-mail to answer any questions relating to the request.

A list provided by the City of interested parties were noticed via first class mail regarding the project. This notification contained information about the project, as well as contact information. This contact person will continue to provide, as needed, additional information and the opportunity to give feedback. The notification also contained information regarding two neighborhood Open Houses that were held on September 6, 2017 at Dominick's Steakhouse and September 7, 2017 at SkySong for those who wished to learn more about the amendment request. The

locations and times of these meetings were published in the Arizona Republic newspaper as per the Citizen Review Checklist.

5 interested people attended the first Open House at Dominick's and 0 people attended the second Open House at SkySong. Attendees were generally supportive of the request. The outreach team will continue to be available to respond to any neighbors who have questions or comments.

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. Again, the entire team realizes the importance of the citizen involvement process and is committed to communication and outreach for this request.

ATTACHMENTS:

Notification Letters
Notification List
Newspaper advertisement
Sign-in sheets



**SEEKING COMMUNITY INPUT ON PROPOSED REVISIONS TO THE
CITY OF SCOTTSDALE ZONING ORDINANCE PERTAINING TO THE:**

Planned Shared Development District (Case No.: 473-PA-2017)

The applicant has submitted a Text Amendment to the Zoning Ordinance to amend the Planned Shared Development (PSD) district in Section 6.1402. B of the City of Scottsdale's Zoning Ordinance. The amendment would allow for condominiums and/or timeshares in the PSD district.

As part of a broad city-wide outreach on this proposal, the community is invited for review and comment.

Wednesday, September 6, 2017

5:00 p.m. to 6:00 p.m.

Dominick's Steakhouse

15169 N. Scottsdale Road

Library Room

OR

Thursday, September 7, 2017

5:00 p.m. to 6:00 p.m.

ASU SkySong

1475 N. Scottsdale Road

Room SS1 241 - The Innovation Room

Additional project information is available on the internet at: <http://www.scottsdaleaz.gov/codes/zoning/update>

Applicant Contact:

John Berry
Scottsdale, Arizona 85251
602-385-2727
JB@berryriddell.com

City Staff Contact:

Bryan Cluff
Senior Planner
480-312-2258
BCluff@scottsdaleaz.gov

AR-0008716688-01

☐ PROOF O.K. BY: _____ ☐ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

ADVERTISER: TECHNICAL SOLUTIONS
SALES PERSON: Hannah Best
PUBLICATION: AR-ZONES
SIZE: 4.937 col X 2.42 in

PROOF CREATED AT: 8/22/2017 7:39 PM
PROOF DUE: -
NEXT RUN DATE: 08/26/17

AR-0008716688-01.
INDD



August 25, 2017

Dear Neighbor:

This letter is to inform you of a proposed text amendment (473-PA-2017) to the Planned Shared Development (PSD) district in Section 6.1402. B of the City of Scottsdale's Zoning Ordinance. The amendment would allow for condominiums and/or timeshares in the PSD district.

You are invited to attend an open house to discuss this proposal. The open house will be held on Thursday, September 7, 2017 from 5 p.m. to 6 p.m. in Room SS1 241- The Innovation Room- of SkySong, located at 1475 N. Scottsdale Road.

If you have any questions, please contact the neighborhood outreach team at 602-957-3434 or info@technicalsolutionsaz.com. The City of Scottsdale Project Coordinator for this project is Bryan Cluff, who can be reached at 480-312-2258 or BCluff@ScottsdaleAZ.gov.

Thank you.

Sincerely,

Paul Smith
President

Owner

Annette Petrillo
Chris Schaffner
Dan Sommer
David G. Gulino
Dr. Sonnie Kirtley
Ed Toschik, President
Edwin Bull
Guy Phillips
Jim Funk
Jim Haxby
Jim Lane, Mayor
John Berry/Michele Hammond
John Washington
Leon Spiro
Linda Whitehead
Lori Haye
Maricopa County Superintendent of Schools
Mike McNeal, Supervisor
Planning & Engineering Section Manager
Project Management
Randall P. Brown
Richard Turner, Planning and Zoning Administrator
Sherry Wagner/Right-of-Way Technician, SR.
Steve Weiss
Steven Voss

Kelsey Young
Kevin D. Bollinger
Christian C. Serena
Larry S. Kush
Ali Fakh - Vice Chair
Paul Alessio - Chair
Prescott Smith

THE PLEASURE OF YOUR COMPANY IS REQUESTED

*For An Evening of
Elegance, Excellence & Information regarding
La VIA – The Village for Innovation and Art*

AS PROPOSED FOR 16001 N. SCOTTSDALE RD.

DOMINICK'S STEAKHOUSE, LIBRARY ROOM, TOP FLOOR
LOCATED AT 15169 N. SCOTTSDALE RD. (SCOTTSDALE QUARTER)

5:00 – 6:00PM

WEDNESDAY, SEPTEMBER 6, 2017

PLEASE RSVP TO TECHNICAL SOLUTIONS AT:
602.957.3434 / INFO@TECHNICALSOLUTIONSAZ.COM

Regarding City of Scottsdale Case # 473-PA-2017

A request for a Zoning District Map Amendment to rezone from General Commercial (C-4) to Planned Airpark Core Development – Airpark Mixed Use – Residential with a Planned Shared Development overlay (PCP- AMU-R - PSD) on the 28+/- gross acre site located at 16001 N. Scottsdale Road to allow for the development of a unique mixed-use neighborhood project including a possible combination of Office, Retail/Restaurant, Market, Residential, and/or Hotel uses. Maximum height of the project: 134', maximum Floor Area Ratio: 1.6. Currently the project estimates a maximum number of residential units of 838, along with an estimated maximum number of hotel rooms of 180. The number of and allocation of uses, density, and intensity are conceptual and estimates only and may be revised.

Additional information will be available regarding a proposed text amendment to the Planned Shared Development (PSD) district, Section 6.1402. B of the City of Scottsdale's Zoning Ordinance. This amendment would allow for condominiums and/or timeshares in the PSD district.

City of Scottsdale Contact Bryan Cluff at:
480.312.2258 / BCluff@scottsdaleaz.gov
www.scottsdaleaz.gov/projects/projectsinprocess

For further information on the project, contact Technical Solutions at:
602.957.3434 / info@technicalsolutionsaz.com

La VIA Zoning and Text Amendment to the Planned Shared Development (PSD) district, Section 10
Neighborhood Meeting Sign-In Sheet
Wednesday, September 6, 2017

[illegible]

La VIA Zoning and Text Amendment to the Planned Shared Development (PSD) district, Section 1
Neighborhood Meeting Sign-In Sheet
Wednesday, September 6, 2017

[illegible]

PSD Text Amendment

Sec. 6.1400. - Planned Shared Development Overlay (PSD).

Sec. 6.1401. - Purpose.

- A. The purpose of the PSD District is to provide the opportunity for application of development standards to a property as defined by its perimeter, rather than applying the standards to the individual lots, tracts, and parcels within the boundaries of the perimeter. The PSD District allows the City Council to grant amended development standards for the purposes of sharing development standards between the lots, tracts, and parcels within the boundaries of the District.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1402. - Applicability.

- A. The PSD District may be overlaid upon all commercial and mixed-use districts as specified in Table 4.100.B. and Table 4.100.D., excluding the Downtown (D) District.

~~B. Condominiums and/or timeshares shall not be allowed within the PSD District.~~

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1403. - District Size Requirement.

- A. Minimum: Five (5) acres of gross lot area.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1404. - Development Plan.

- A. The Zoning District Map Amendment application shall be accompanied by a Development Plan as required in Article VII.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1405. - Use Regulations.

- A. The applicable underlying zoning district use regulations shall apply to the PSD District.

(Ord. No. 4244, § 2, 5-17-16)

Sec. 6.1406. - PSD District Requirements.

A. *Development standards.* The property, as defined by the PSD District perimeter boundary, shall comply with all required development standards of the underlying zoning district(s).

B. *Transfer of development rights.*

1. If the development of the individual lots, parcels, or tracts located within the PSD District will result in transfer of density or other development rights or obligations from one lot, parcel, or tract to another, then the proposed transfer of development rights shall be subject to the following additional requirements:

a. The City shall be responsible for the issuance and recordation of instruments necessary to sever development rights and obligations from the sending property and to affix development rights and obligations to the receiving property. Such instrument shall be executed by the affected property owners and lienholders, and shall provide for the following:

i. Approval and consent of any transfer of development rights and obligations by the property owners of both the sending and receiving properties.

ii. The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner(s) and every successor in interest to the landowner(s).

iii. The severance of transferable development rights and obligations from the sending property and the delayed transfer of development rights and obligations to the receiving property.

iv. The purchase, sale, exchange or other conveyance of transferable development rights and obligations prior to the rights and obligations being affixed to a receiving property.

b. The City shall monitor the severance, ownership, assignment and transfer of transferable development rights and obligations. All severance and transfer of development rights not approved by the City before made are void. Each owner has an affirmative duty to inform the City of any change in ownership and assignment of owner rights and obligations.

c. The City at its option may purchase development rights and hold them for future resale.

d. The City may enter into an Intergovernmental Agreement with another municipality or county for the transfer of development rights between jurisdictions.

C. *Development agreement and maintenance of shared facilities.*

1. All proposals for the PSD District are subject to City Council approval of a development agreement that specifies:

- a. The identity of the person(s)/entity(ies) owning all parcels within the PSD District, and a requirement that any person or entity owning a parcel will have an affirmative duty to notify the City of a proposed change in ownership.
 - b. The designation of a single City contact and property manager who is responsible for complying with and maintaining the shared facilities.
 - c. The legal description of the lots, parcels and tracts located within the PSD District.
 - d. The establishment of an association to maintain common areas, shared facilities and community-owned property.
 - e. A requirement that the association record a Master Declaration of Easements, Covenants, Conditions and Restrictions in the official records of the Maricopa County Recorder identifying how maintenance of the common areas, shared facilities and community-owned property will be maintained, and that the City be notified of such recordation. Each property owner and the Association will be responsible for the content and enforceability of such Declaration. The City will not be a party to, undertake a review of, approve, or disapprove such Declaration.
 - f. An indemnification by the property manager and property owners indemnifying and holding the City, its employees, agents and officials harmless from any and all claims including reasonable attorney's fees and costs that may arise from any person(s)/entity(ies) owning any part of the property within a PSD District, which they may bring against the City resulting from the development or from the division of property within a PSD District.
 - g. If, at any time, upon or after its creation, the PSD District includes or seeks to include residential condominiums subject to A.R.S. Section 33-1201 et. seq., then, for purposes of the PSD District and this zoning ordinance, the term "property owner" shall mean the "unit owners' association" as defined in such statutes, and the Master Declaration of Easements, Covenants, Conditions and Restrictions for the PSD District shall explicitly so provide.
 - h. A requirement that the owners of the parcels within the PSD district are jointly and severally responsible for the maintenance of common areas, shared facilities, and community owned property. In no event will the City be bound by private agreements between property owners as to responsibility for such maintenance.
- D. *Plat.* To establish property boundaries in conformance with the Development Plan, the owner shall submit the application for review in conformance with the City's codes, policies and regulations.

(Ord. No. 4244, § 2, 5-17-16)