



2/22/2024

Kurt Jones  
Tiffany & Bosco, PA  
2525 E Camelback Rd  
Phoenix, AZ 85016

RE: Mercado Village  
**1-GP-2024**  
**H3682 (Key Code)**  
**1-ZN-2024**  
**6K913 (Key Code)**

Kurt Jones:

Planning & Development Services has completed review of the above referenced development application submitted on 1/22/2024. The following comments represent issues or deficiencies identified by the review team and are intended to provide you with guidance for compliance with city codes, policies, and guidelines.

**Significant Zoning Ordinance or Scottsdale Revise Code Issues**

The following code and ordinance related issues have been identified and must be addressed with the resubmittal. Addressing these items is critical to determining the application for public hearing and may affect staff's recommendation. Please address the following:

**Current Planning:**

1. The proposed PUD zoning is a mixed-use district, but the proposed development plan configuration appears to only account for 8 "live-work" units and 5,000sqft of "co-work space". This is a departure from the level of commercial/office space that was included in the limits of the current PUD approval (3-GP-2013 & 6-ZN-2013) on the western portion of the site, and a departure from the prior iterations of applications on this site to expand the PUD, which included maintaining or accounting for commercial/office space quantities that currently existed within the limits of the proposed PUD development plans. For context, the existing approved PUD development plan accounts for 13,700sqft of office space relative to its 56 dwelling units. Please evaluate the ability to incorporate and demonstrate a larger mix of uses within the PUD development plan area boundary to further support the PUD zoning request.
2. Please also provide additional clarification on the "live-work" units and "co-work space". Typically, multi-family residential projects will incorporate shared workspaces for the use and benefit of their residents (without it being viewed as a separate use). It will be beneficial to understand how these areas are intended to operationally function as compared to other applications of leasable commercial and office tenant spaces.

Transportation:

3. Please identify that a Non-Motorized Public Access easement will be provided from the intersection of N. 92<sup>nd</sup> Street and E. Cochise Drive through the development, extending to the eastern site boundary. Please also account for the necessary easements to provide for non-vehicular public access to and from the adjacent property to the northeast and southeast of this development site, as depicted on the Pedestrian and Vehicular Circulation plan submitted.

Public Safety:

4. Please revise the plans to show and dimension the following Fire Ordinance requirements:
  - a. Dedicated fire lane(s) per Fire Ord. 4562 Sec.503
  - b. Identify fire lane(s) width per Fire Ord. 4562 Sec. 503.2.1
  - c. Demonstrate location of FDC(s) Fire Ord. 4562 Sec. 912
  - d. Show location of existing and proposed fire hydrants per Fire Ord. Sec. 507

Building Design:

5. Please provide the building height calculations based on the average top of curb elevation (plus 12-inches) calculation as laid out in the definition of Building Height per Sec. 3.100 of the Zoning Ordinance. This will ensure consistency and accuracy as this project moves through the development process.
6. The provided Building Elevation Worksheet indicates a 36-foot building height to the top of the parapet above the parking garage, a 40-foot height at the lower mechanical screen, and a 50-foot height to the top of the upper mechanical screening. Please clarify the height of the indicated fitness center adjacent to the rooftop pool and its conformance to the maximum allowable building height under the PUD development standards.

Storm Water:

7. Please revise and resubmit the Drainage Report and Grading & Drainage Plan addressing the comments provided on the marked-up versions of those documents.

**Significant Policy Issues**

The following policy related issues have been identified. Though these issues may not be as critical to determining the application for public hearing, they may affect staff's recommendation and should be addressed with the resubmittal. Please address the following:

Long Range Planning:

8. Page 11 of the submitted narrative includes a graphic with supporting text that may confuse this request and submittal with previous cases attributed to the site. With a resubmittal:
  - a. Update the title of the graphic to state General Plan 2035 Land Use Map Comparison.
  - b. Update the sub-heading of the graphic to note this case – 1-GP-2024 – Mercado Village.
  - c. Update the text following the graphic to state that the request is to amend +/- 2 acres of a +/- 6.64-acre site.
9. The purpose of the PUD zoning district is to promote the goals and policies of the General Plan, Character Area Plans, and design guidelines in areas of the city that are designated by the General Plan to be in a development pattern of either horizontal or vertical designed mixed use. General

Plan 2035 designates Activity Areas where future development is concentrated, but to a lesser degree than the Growth Areas. Throughout all designated Activity Areas, the PUD district has been utilized twice – resulting in an average density of 19 dwelling units per acre. This includes the subject site, which was previously approved at 12.2 dwelling units per acre (92nd Street Lofts, case 6-ZN-2013), as well as Wolff Scottsdale Senior Living, which was approved at 25.7 dwelling units per acre (13-ZN-2017). Page 4 of the first submittal narrative states that this proposal is revised from previous requests, lowering requested building heights and density. The previously case attributed to this site (12-ZN-2022) included a request for 273 dwelling units over an 8.52-acre site, equating to a density of 32 dwelling units per acre. This request includes a request for 255 dwelling units over a +/- 6.64-acre site, equating to a density of 38.4 dwelling units per acre. Consequently, this updated request includes more density than both the previous request of the applicant as well as the average density approved for Activity Areas throughout the community. With a resubmittal, please provide expanded discussion and comparison that notates approved residential densities within the context area, and citywide, to the Mercado proposal. Consider reducing the amount of requested dwelling units, which could be implemented through further building undulation along the site's N. 92<sup>nd</sup> Street frontage (similar to the previous case submittal) and/or variation in building heights.

10. As an implementing tool of the General Plan, the current zoning district map amendment request is to implement the Mixed-Use Neighborhood land use designation with the Planned Unit Development (PUD) zoning district. The purpose of the PUD zoning district is to promote the goals and policies of the General Plan, Character Area Plans, and design guidelines in areas of the city that are designated by the General Plan to be in a development pattern of either horizontal or vertical design. Within this district uses are encouraged to be provided with intensities and densities that promote a mix of day and nighttime activities. Notably, the subject site provides a limited non-residential floor area - approximately 13,142 square feet or 5% of the total floor area with a higher overall site density (38.4 du/ac). The subject site is not near other areas designated by the Mixed-Use Neighborhoods land use designation; however, within the context area is near an area that contains a mix of uses which are designated within the General Plan as Commercial and Employment: Office. Of note, the average percentage of floor area allocated to non-residential (not inclusive of parking garages) of PUD applications citywide has been approximately 8%. Although no explicit development standard exists within the PUD district for applications to provide a fixed ratio of mixed uses, with a resubmittal, please increase the amount of non-residential floor area and respond as to how the provided amount is appropriate for the subject site. Consider increasing or creating space that is obviously non-residential in use and layout – as live work floor plans have typically been implemented through simple apartment units, and not conducive to business activities.
11. The McCormick Ranch Landscape Master Plan (Case 46-DR-2016) informs landscaping materials to be utilized within all landscaped areas owned and managed by the McCormick Ranch Property Owners Association. Although the subject property will not be managed by this entity or governed by the referenced document, ensuring that landscaping reinforces the character of the area is important as per both the General Plan (Character and Design Element Goal 6) and Shea Area Plan (Goal 1). With a resubmittal, demonstrate how this proposal will be compatible with the above referenced document, both narratively and graphically (updated Landscape Plan). To assist with the response; the noted plan can be found at:  
<https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/46730>

12. To better achieve General Plan 2035 Character and Design Element Goal CD 5 as well as Open Space Element Policy OS 8.8, please maintain all mature trees as designated by the City's Zoning Ordinance along the N. 92<sup>nd</sup> Street frontage where possible. Revise the narrative and landscape plan to reflect the mature trees that will be protected and/or added.
13. If further outreach has been conducted since the original submittal, and as a response to Goal CI 1 of the Community Involvement Element as well as Policy LU 3.5 of the Land Use Element, with a resubmittal, please provide an updated Citizen Involvement Report that describes the key issues that have been identified through the public involvement process and how the forthcoming resubmittal has responded to such items.

**Civil Engineering:**

14. In accordance with DSPM 2-1.303, a 24-foot minimum drive aisle width is required. Please update the plans accordingly. Sidewalk may not be placed within this 24-foot-wide drive aisle area, including the east end loop around the building.
15. In accordance with DSPM 6-1.202 + 7-1.201, the Preliminary Basis of Design Reports must be reviewed and accepted by the Water Resources Department prior to zoning approval. Please update the BODs accordingly per the Water Resources review.

**Public Safety:**

16. Please revise the plans to show and dimension the following Fire design requirements:
  - a. Dimensions of divided entrance(s) and drive thru bypass lanes per DSPM 2-1.303(8)
  - b. Note fire lane surface shall support 83k GVW per DSPM 2-1.303(3)
  - c. Demonstrate turning radii per DSPM 2-1.303(5)
  - d. Demonstrate location of fire riser(s) per DSPM 6-1.504(1)

**Building Design:**

17. The initial submittal only appears to have included a building elevation view of the front (N. 92<sup>nd</sup> Street) elevation. Please consider providing elevation views of the other sides of the building for massing, step-back, and context visualization.

**Technical Issues**

The following technical corrections have been identified. Though these items may not be critical to scheduling the case for public hearing, they may affect a decision on the construction plan submittal and should be addressed as soon as possible. Please address the following:

**Current Planning:**

18. The Fire Access Site Plan identifies a notation of future connection of the fire lane at the northeast corner of the site to the property to the east, anticipating future service and connectivity to that development. Please also show this segment as a vehicular and pedestrian connection in the development plan, ensuring that area is wide enough to account for a standard vehicular traffic and a separate pedestrian sidewalk connection to occur. The adjacent applications 3-GP-2022 & 8-ZN-2022 are still active, and as with the prior iterations of development applications on this site, a corresponding cross-access connection is still important to circulation for any redevelopment of this site and the adjacent site to the east.
  - a. Please identify providing a Public Access Easement that extends from the 92<sup>nd</sup> Street intersection through the site, to the north around the back side of the commercial center

(which this site shares half the drive aisle), and to the east through the northern fire lane (accommodating cross-access).

19. Please revise the plans to provide the front building setback and average setback dimensions on the Site Plan relative to the 1<sup>st</sup> floor building positioning. The dimensions provided with the initial submittal appear to only reflect the setback relative to the 3<sup>rd</sup> floor.
20. The submitted Site Plan indicates an anticipated 53 surface parking spaces attributed to the live-work and co-work areas of the proposed development, directly adjacent to that portion of the building. Please provide clarification, possibly in the narrative, about how those are anticipated to be controlled so they remain available for their intended purpose. It seems likely that customers of the adjacent existing commercial/office tenants to the north would anticipate continuing to use parking spaces in that area (as they likely have up to this point).
21. The submitted Site Plan indicates 32 "Retail Parking" spaces on the northeast side of the Site Plan. Please provide clarification as to whether these spaces meet the subject site's parking needs or if they are attributed to the parking requirements/calculations of the adjacent commercial center (as they likely currently serve as employee parking for some of those adjacent businesses).
22. Guests who enter the site through the southern driveway do not appear to have a clear turn-around area in the instance they do not have access to the parking garage. Please clarify if and where the parking structure gate is intended to be located and how non-resident turn around maneuvering can be accomplished.
23. Please update the Hardscape Plans to include dimensions for the proposed sidewalk widths.

Transportation:

24. Please reconfigure the entry drive to create a perpendicular drive aisle connection to the existing drive aisle accessing along N. 92<sup>nd</sup> Street to the commercial center to the north. The "Y" configuration shown in the initial submittal creates undesirable turning movements and vehicular interactions for vehicles moving to or from the proposed traffic signal. Please also look at widening more of the drive aisle in the area where queuing will occur waiting for the signalized intersection.
25. Please revise the plans to show crosswalks on all four legs of the E. Cochise Drive and N. 92<sup>nd</sup> Street intersection and modify the existing sidewalk ramps as necessary.
26. Please revise the plans to show and identify the dedication of safety triangle easements at both site driveways on N. 92<sup>nd</sup> Street, per DSPM 5-3.123; Fig. 5-3.27

Land Division/Subdivision:

27. In accordance with SRC 48-3 and 4, platting will be required prior to permit issuance to assemble all project lots into one parcel. Easement dedications, via plat, will be required for any public infrastructure running through private parcels. Easements in conflict with proposed development will need to be abandoned via MOR. Infrastructure work required to approve release of public easements are to be completed by applicant prior to MOR, final plat and main project's permit issuance. Please acknowledge these requirements and provide notations on site plan accordingly.
28. In accordance with SRC Ch. 48, covenant to construct and assurances for public infrastructure will be required prior to final plat recordation. Dollar values will be based on city costs to complete infrastructure. Please acknowledge these requirements and provide notations on site plan accordingly.

Public Safety:

29. Please revise the plans to address the following Fire requirements:

- a. Provide cross-access easements as required before approval
- b. Provide and complete a Pre-Emergency Planning (P.E.P) Program
- c. Provide an emergency response circulation site plan
- d. Reference uploaded Fire Site Plan Corrections

30. With redevelopment proposals on this site and the site to the east, we have seen both projects propose paralleling emergency vehicle access loops and have historically directed the combination of those into a single combined emergency access route serving both properties. Please assess the existing and proposed easement rights and revise the plans to identify that a singular emergency access loop can be provided at the east end of this site (on this site, on the neighboring site, or some form of shared improvements splitting the boundary between the two).

Green Building

31. As of the date of this letter, the Green Building staff has not completed their review. Please see the Green Building Program requirements and updates information online at <https://www.scottsdaleaz.gov/green-building-program>

Water Resources:

32. Please perform an updated fire hydrant flow test as the current test results in report are almost 3 years old. Please revise the calculations and modeling in the BOD using the updated flow test results.

Please submit the revised application requirements and supplemental information identified in Attachment A. Once reviewed, staff will determine if the application is ready to be determined for a hearing, or if additional information is needed.

The Zoning Administrator may consider an application withdrawn if a resubmittal 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, contact case reviewer identified below.

Regards,



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**ATTACHMENT A**  
**Resubmittal Checklist**

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalLogin>

All files shall be uploaded in PDF format. Application forms and other written documents or reports should be formatted to 8.5 x 11, and plans should be formatted to 11 X 17.

- Comment Response Letter – Provide responses to the issues identified in this letter
- Summary of modifications made resulting from Public Input and staff comments
- Project Narrative
- Basis of Design Report (water)
- Basis of Design Report (sewer)
- Fire Flow Test
- Drainage Report
- Storm Water Storage Waiver
- Grading & Drainage Plan
- Context Aerial with the proposed Site Plan superimposed
- Site Plan
- Open Space Plan
- Landscape Plan
- Refuse Plan
- Circulation Plan
- Building Elevations
- Building Elevation Worksheet
- Perspectives
- Floor Plans
- Floor Plan worksheets
- Roof Plan