
From: Thompson, Jim
Sent: Monday, October 18, 2021 5:42 PM
To: Mayor David D. Ortega; Caputi, Tammy; Milhaven, Linda; Littlefield, Kathy; Whitehead, Solange; Janik, Betty; Durham, Thomas
Cc: Scott, Sherry; Lane, Benjamin; Grant, Randy; Stockwell, Brent
Subject: Fwd: Withdrawal of Case Nos. 6-GP-2019 and 16-ZN-2019

Honorable Mayor and Council;

I just spoke with Paul Gilbert and he sent his request to withdrawal his clients case for tomorrow night.

If you should have any questions please feel free to call me.

Thank you.

Best,
Jim
Get [Outlook for iOS](#)

From: Paul E. Gilbert <pgilbert@beusgilbert.com>
Sent: Monday, October 18, 2021 5:06 PM
To: Thompson, Jim
Subject: Withdrawal of Case Nos. 6-GP-2019 and 16-ZN-2019

 **External Email: Please use caution if opening links or attachments!**

Dear Mr. Thompson:

As you are aware, the undersigned represents Harmel and Kaplan, the applicants in the above-referenced cases.

With this correspondence, please be advised that the applicants are withdrawing the above-referenced cases, which are currently scheduled to be heard tomorrow, October 19, 2021 by the Scottsdale City Council.

Paul

Paul E. Gilbert

BEUS GILBERT McGRODER PLLC

701 North 44th Street | Phoenix, AZ 85008

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From: Paul E. Gilbert <pgilbert@beusgilbert.com>
Sent: Thursday, October 14, 2021 11:17 AM
To: Mayor David D. Ortega; Janik, Betty; Caputi, Tammy; Durham, Thomas; Littlefield, Kathy; Milhaven, Linda; Whitehead, Solange
Cc: Thompson, Jim; Grant, Randy; Curtis, Tim; McClay, Doris; Mike Kaplan; Geoffrey N. Simpson; 'Jerry D. Davis (jdavis@kapcorp.com)'; Felipe Zubia; Susan Bitter Smith; Jamie Blakeman
Subject: Request for Continuance - Case Nos. 6-GP-2019 and 16-ZN-2019

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor and Members of City Council:

As you are aware, the undersigned represents Harmel and Kaplan in connection with the above-referenced cases.

Please consider this correspondence a formal request to continue the above-referenced cases, which are currently scheduled to be heard by the Scottsdale City Council on October 19, 2021, to an unspecified date.

This continuance is being made to accommodate some additional changes to the site plan and to address neighborhood concerns.

Thank you for your consideration of this matter.

Very truly,

Paul

Paul E. Gilbert

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CITY COUNCIL REPORT



Meeting Date: October 19, 2021
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

District at 9400 Shea
6-GP-2019 and 16-ZN-2019

Request to consider the following:

1. Adopt Resolution No. 12210 approving a non-major General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Commercial to Mixed-Use Neighborhoods on a +/- 11-acre site located on the south side of E. Shea Blvd east of N. 92nd Street (217-36-001P, 217-36-001M and 217-36-001N).
2. Adopt Ordinance No. 4511 to rezone from Commercial Office Planned Community District (C-O PCD) and Highway Commercial Planned Community District (C-3 PCD) to Planned Unit Development Planned Community District (PUD PCD) on a +/- 11-acre site located on the south side of E. Shea Blvd east of N. 92nd Street (217-36-001P, 217-36-001M and 217-36-001N) to allow for a maximum of 219 new residential units with a development plan.
3. Adopt Resolution No. 12211 declaring "9400 East Shea Boulevard Development Plan" as a public record.

Goal/Purpose of Request

The purpose of the request is to allow for a portion of the site to develop 219 new multi-family dwelling units on +/- 3.6 acres in association with the existing commercial uses on +/- 7.4 acres of the +/- 11 acre overall site - thereby creating a mixed-use environment.

Key Items for Consideration

- Continued from the August 24, 2021 City Council meeting at Applicant's request.
- Opposition from adjacent property owners
- Significant concerns on traffic circulation
- Development of a vacant property within an existing retail center
- Development Review Board recommended approval of the PUD Development plan 5 to 0.



- Planning Commission heard this case on May 26th, 2021 and recommended denial with a 4-3 vote [link](#)

OWNER

94 Hundred Shea, LLP
(480) 429-3065

APPLICANT CONTACT

Felipe Zubia
Beus Gilbert PLLC Attorneys At Law
(480) 429-3065

LOCATION

[South side of E. Shea Blvd east of N. 92nd Street](#) (217-36-001P, 217-36-001M and 217-36-001N)

BACKGROUND

General Plan

The 2001 General Plan Conceptual Land Use Map designates the property as Commercial, a category that provides a variety of goods and services to the people who live in, work in, or visit Scottsdale. This includes commercial centers providing goods and services frequently needed by the surrounding residential population, and retail businesses, major single uses, and shopping centers, which serve community and regional needs. This category may also include other uses, like housing and office uses, to attain environmental and mobility goals. Community or regional commercial uses should usually be located on arterial streets for high visibility and traffic volumes and function best when they are integrated with mixed-use areas.

Character Area Plan

The subject site is located within the boundary of the Shea Character Area, which was adopted by the City Council in June 1993. As defined in the Shea Area Plan, the subject site is located within the Shea Corridor Overlay, which is generally located ¼ mile north and south of Shea Boulevard from Hayden Road to the eastern city limit. The Shea Area Plan contains goals, policies, and guidelines to enhance and protect existing neighborhoods, encourage site planning that is sensitive to environmental features, and to ensure that new development is compatible with existing development.

Zoning

The site was annexed into the City in 1963 (Ord. #168) zoned to the Single-family Residential district (R1-35) zoning designation. Since initial rezoning of the site, the site has been rezoned to Planned Community district (PCD) in 1974, Commercial Office Planned Community district (C-O PCD) in 1980 and in 2002 the northern portion of the property was rezoned to Highway Commercial, Planned Community district (C-3 PCD).

The applicant is requesting to change the zoning to the Planned Unit Development (PUD) district to accommodate the redevelopment proposal on the southern portion of the site. The PUD zoning district promotes a mixed-use development pattern along major/minor arterial/collector streets for small- to medium-sized infill sites which are located outside of the Environmentally Sensitive Lands Overlay and the Downtown Area boundary.

Context

Located on the south side of E. Shea Boulevard, the site is situated in an area of retail uses, office uses and multiple-family residences on the north side of E. Shea Boulevard. The site has existing offices, retail and restaurants on the northern portion of the property. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: E. Shea Boulevard and cemetery zoned Single-family district (R1-35).
- South: 2- story office building complex zoned Commercial Office Planned Community district (C-O PCD)
- East: 1-story office condominium complex zoned Commercial Office district (C-O).
- West: Vacant property zoned C-O PCD and 2-story office buildings and shopping center zoned Planned Unit Development district (PUD) and Highway Commercial Planned Community district (C-3 PCD)

Other Related Policies, References:

Scottsdale General Plan 2001, as amended
Shea Character Area Plan
Zoning Ordinance

APPLICANT’S PROPOSAL

Development Information

The proposed rezoning is to allow for a portion of the site to develop 219 new multi-family dwelling units on +/- 3.6 acres in association with the existing commercial uses on +/-7.4 acres of the +/- 11 acres overall site - thereby creating a mixed-use environment. With this rezoning the northern portion of the property with the existing commercial uses would be legal non-conforming in the PUD requirements of setbacks and parking in front of buildings. Modifications to the northern portion would require conformance with the PUD requirements and approval of an amendment to the Development Plan by City Council.

- | | |
|------------------------------|--|
| • Existing Use: | retail, restaurants and offices on northern portion and vacant on southern portion |
| • Proposed Use: | Mixed-use |
| • Parcel Size: | 11 +/- acres (gross)
451,281 square feet /10.36 acres (net) |
| • Residential Building Area: | 387,454 square feet |
| • Commercial Building Area: | 85,187 square feet |

• Total Building Area:	472,641 square feet
• Floor Area Ratio Allowed:	0.8 (commercial floor area only)
• Floor Area Ratio Provided:	0.19 (commercial floor area only)
• Building Height Allowed:	48 feet (plus 10' for rooftop appurtenances)
• Building Height Proposed:	48 feet (plus 10' for rooftop appurtenances)
• Parking Required for PUD:	commercial - 263 spaces, residential – 342 spaces
• Parking Provided for PUD:	commercial - 357 spaces, residential – 375 spaces
• Open Space Required:	47,916 square feet
• Open Space Provided:	96,747 square feet
• Number of Dwelling Units Allowed:	Per Development Plan
• Number of Dwelling Units Proposed:	219 units
• Density Allowed:	Per Development Plan
• Density Proposed:	21.14 dwelling units per acre (whole site 11 acres), 61 dwelling units per acre (vacant portion of site 3.59 acres)

IMPACT ANALYSIS

General Plan

The request is for a non-major General Plan amendment from Commercial to Mixed-Use Neighborhoods on a +/- 11-acre site. The applicant's request is recognized as a non-major General Plan amendment based upon criteria outlined in the City of Scottsdale General Plan 2001. Criteria #1 outlines that a change from Commercial (Group E) to Mixed-Use Neighborhoods (Group E) does not constitute a major General Plan amendment. Furthermore, the requested area of change (+/-11 acres) is below the 15-acre threshold established by Criteria #2 for this area of the city, and thus does not constitute a major General Plan amendment.

The General Plan Land Use Element describes the Mixed-Use Neighborhoods land use designation as areas with strong access to multiple modes of transportation and major regional access and services, with a focus on human scale development. These areas could accommodate higher density housing combined with complementary office or retail uses or mixed-use structures with residential above commercial or office. Accordingly, the proposal conforms to the General Plan description of Mixed-Use Neighborhoods, maintaining existing commercial uses on site with the addition of 219 new multi-family dwelling units.

Shea Area Plan

The subject site is located within the boundary of the Shea Character Area, which was adopted by the City Council in June 1993. As defined in the Shea Area Plan, the subject site is located within the Shea Corridor Overlay, which is generally located ¼ mile north and south of Shea Boulevard from Hayden Road to the eastern city limit. The Shea Corridor promotes the creation of a variety of residential housing opportunities within this area of the city (Shea Corridor Goal 1). The applicant proposes to include new multi-family residential opportunities within an existing commercial center. The applicant states that the “existing development and the proposed new apartments will blend

seamlessly as one project when completed” as a result of onsite improvements and integration of development.

Policy Implications (General Plan & Shea Area Plan)

One of the Six Guiding Principles, established by CityShape 2020 and incorporated into the City of Scottsdale General Plan 2001, is "Support Economic Vitality". This guiding principle acknowledges Scottsdale's commitment to the economic and fiscal health of the city through directed public policy as a means to build upon Scottsdale's economic strengths. Furthermore, the Shea Area Plan encourages a variety of housing options, as well as investment in vacant properties.

To this end, both the General Plan (Land Use Element Goals 3, 7, and Goal 9, Bullet 3; Neighborhoods Element Goals 4 and 5; and, Economic Vitality Element Goal 7) and Shea Area Plan (Goal1, Policy 1; Shea Corridor Goal 1, Policy 1) support redevelopment or reinvestment that promotes sensitive, context-appropriate integration and transition of development within established areas of the community. The applicant proposes to develop new multi-family residential on a vacant property, while integrating with an existing commercial-office site through the creation of pedestrian and vehicular connections and appropriate landscape transitions.

General Plan 2001 designated Shea Boulevard a Scenic Corridor. Scenic Corridors are roadways found throughout the city that are expected to provide a substantial landscape buffer so as to maintain the community desired desert character as part of the neighborhood setting and to minimize the impact of the highly traveled roadways on adjacent development. Previous approvals (11-ZN-2002) for the subject site allowed for an 80-foot minimum, 100-foot average Scenic Corridor along Shea Boulevard – which was the standard at the time. Consequently, the community revised the standards for these roadways with case 1-GP-2014 and introduced new standards for Scenic Corridors which now includes a 100-foot minimum width for such designated areas. The applicant did not include an updated Scenic Corridor width with this proposal, stating that such an area “will not be changed with the proposed apartment development or the redevelopment of the existing office/retail that may occur in the future”. However, if the existing office/retail center that has frontage to Shea Boulevard redevelops in the future, staff will request that the applicant rededicate the Scenic Corridor to the standard expected by the community, which at current is a 100-foot minimum width.

Land Use Impact Model

In December 2018, Long Range Planning Services contracted with Applied Economics to produce a land use impact model to estimate the socioeconomic, development, and fiscal impacts associated with a change from one General Plan land use designation to another over a 20-year time period (in this instance, 2021-2040). From a fiscal standpoint, the model assesses both revenues generated from development (initial construction expenditures, yearly sales tax generation, etc.) as well as City expenditures (public safety, infrastructure maintenance, etc.), as a means to estimate how much value a project adds (or does not add) over time – or Net Present Value (NPV).

In this instance, the model provided a general assessment of the subject site comparing the existing “community commercial” 20-year outlook with the proposed Mixed-Use Neighborhoods 20-year outlook comprised of “community commercial” on +/- 7.4-acres and “urban residential” on +/- 3.6-acres in the Central Sub-Area of the City. The model shows a positive NPV of \$2,873,318 for the existing “community commercial” over 20 years. Similarly, the proposed combination of “community commercial” and “urban residential” – or Mixed-Use Neighborhoods – on the +/- 11-acre site shows a

positive NPV of \$2,658,655 over the same time period. Although the model results in a difference of \$214,663 over a 20-year time period, it is important to note that the NPV noted for the existing “community commercial” assumes that the +/- 3.6-acres that have remained vacant would develop as commercial within the 20-year time period, creating onsite sales tax that has never been collected as a result of lack of development on the site. The proposed change to Mixed-Use Neighborhoods; however, maintains the majority of this tax base by maintaining commercial use on +/- 7.4-acres of the site. The inclusion of residential use on +/- 3.6-acres of the site will likely maintain or generate an increase in adjacent on-site sales tax, property tax, and rental tax.

The full results of the Land Use Impact Model assessment are located in the case file.

2001 General Plan & Scottsdale General Plan 2035

Arizona Revised Statutes Section 9-461.06 require that local cities and towns update their General Plan every 10 years. Accordingly, and as State Statutes expect, the City has been updating its General Plan since early 2020 with Case 1-GP-2020, Scottsdale General Plan 2035. On June 8th, City Council adopted a new General Plan, Scottsdale General Plan 2035 (Resolution No. 12177). Consequently, and at the time of the drafting of this report, City Council is agendized at their June 22, 2021 Regular Meeting to call a Special Election to occur in November 2021, such that the voters may consider the plan for possible ratification. If the voters ratify the new General Plan, Scottsdale General Plan 2035, the 2001 General Plan is nullified. As per the General Plan Update Adoption Procedures for the “Scottsdale General Plan 2035” (Resolution No. 11851), cases that will be considered by City Council after June 8, 2021 may be reconsidered by the Planning Agency and the Scottsdale City Council for incorporation into the newly ratified General Plan. Consequently, the resolution being considered, Resolution No. 12210, specific to case 6-GP-2019, includes direction for staff to process a separate, future amendment case so as to maintain the same land use designation if case 6-GP-2019 is approved by City Council and the General Plan 2035 is ratified by the voters in November 2021.

Planned Community District (PCD) Findings

As part of the approval or modified approval of an application for a Planned Community District, the Planning Commission and the City Council must find that:

- A. That the development proposed is in substantial harmony with the General Plan, and can be coordinated with existing and planned development of surrounding areas.
 - The proposed development is in conformance with the General Plan and blends in with the surrounding area.
- B. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
 - The project is located adjacent to E. Shea Boulevard, a Major Arterial, to the north with additional access rights through the office condominium development to the south.
 - For vehicles, the accessway for the new residential traffic must traverse through the commercial center to the north to get to E. Shea Boulevard, which has a median break for turning movements. To the south, the existing office condominium development has expressed opposition of additional vehicular traffic through their development.

- The proposed residential units introduce a new character of traffic than the traffic anticipated with the existing office zoning designation. Residential traffic patterns include different hours and days, pedestrians and cyclists, and pets and strollers. The applicant has agreed to provide additional pedestrian connections through the property and to the northwest corner of the development project to connect with the adjacent shopping center to the west.
- Staff has concerns with the challenges provided by the north and south vehicular access points and strongly suggest the applicant work with the property owner to the west for pedestrian and vehicular access to N. 92nd Street. The property owner to the west recently submitted a concurrent non-major general plan amendment and rezoning application for a new multi-family residential development (Cases 3-GP-2021 and [6-ZN-2021](#)), so the opportunities exist to optimize pedestrian and vehicular cross-access for both projects.

C. The Planning Commission and City Council shall further find that the facts submitted with the application and presented at the hearing establish beyond reasonable doubt that:

1. In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding area; and that the sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population. The Planning Commission and City Council shall be presented written acknowledgment of this from the appropriate school district, the Scottsdale Parks and Recreation Commission and any other responsible agency.

- No public facilities are proposed with this project. New multi-family residential for mixed use project will be in harmony with the character of the surrounding area.

2. In the case of proposed industrial or research uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that the design and development standards are such as to create an industrial environment of sustained desirability and stability.

3. In the case of proposed commercial, educational, cultural, recreational and other nonresidential uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that such development will be in harmony with the character of the surrounding areas.

- The mixed-use project will be compatible with the surrounding uses.

PUD Findings

As part of the approval or modified approval of an application for a PUD District, the Planning Commission shall recommend, and the City Council shall find that the following criteria have been met:

- a. **The proposed development promotes revitalization, the goals, policies and guidelines of the General Plan, area plans and design guidelines.**
 - *The proposed zoning district map amendment would allow for additional multi-family residential in a mixed-use format, further implementing of the goals of the Shea Character Area Plan and the General Plan, which encourage redevelopment and revitalization, as well as to acknowledge a need for diversity of housing choice.*
- b. **The proposed development's uses, densities or development standards would not otherwise be permitted by the property's existing zoning.**
 - *The site is currently zoned Commercial Office Planned Community District (C-O PCD) and Highway Commercial Planned Community District (C-3 PCD), which would not allow the proposed development in the requested mixed-use format, with proposed multi-family residential land uses. The PUD district zoning is needed to accommodate the proposed development.*
- c. **The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods.**
 - *The proposed development is consistent in character and scale with other multiple-family residential developments in the area and will contribute to a balance between residential and employment/service uses in a largely commercial area.*
- d. **There are adequate infrastructure and city services to serve the development.**
 - *Based on the submitted reports, City staff has determined that there are adequate infrastructure and City services to serve the development.*
- e. **The proposal meets the following location criteria:**
 - i. **The proposed development is not located within any area zoned Environmentally Sensitive Lands Ordinance (ESL), nor within the boundaries of the Downtown Area.**
 - *The project site is not located in the ESL area, nor is it within the Downtown boundary.*
 - ii. **The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.**
 - *The project site fronts E. Shea Blvd., which is designated as a Major Arterial by the Transportation Master Plan.*

The Development Review Board shall review the DP elements and make a recommendation to the Planning Commission, based on the following considerations:

1. The design contained in the DP is compatible with development in the area that it may directly affect, and the DP provides a benefit to the city and adjacent neighborhoods.

- *The proposed site design uses the existing access points. Further, pedestrian connections are being provided from the proposed site to existing properties adjacent to the site.*
 - *Most of the new proposed parking is located within an above and below ground parking structure that is fully integrated into the proposed building which will reduce the potential impervious area on the site and eliminate visibility and associated impacts on adjacent properties.*
 - *The introduction of residential units will support the businesses in the commercial center within the proposed PUD and adjacent businesses.*
2. The DP is environmentally responsive, incorporates green building principles, contributes to the city's design guidelines and design objectives, and that any deviations from the design guidelines must be justified by compensating benefits of the DP.
- *The site is designed to maximize efficient use of space by vertically stacking floor area, rather than spreading it horizontally across the property, which leaves room for more landscaping and several usable open space areas. Although the PUD district only requires 10% of the site to be open space, approximately 21% of the site will be open space, including pedestrian hardscape, courtyard, and landscaping.*
 - *Most of the parking for the site has been provided in a fully integrated structure to minimize impervious surfaces, reduce the heat-island effect, and fully screen from view. The landscaping will utilize drought tolerant plant material and strategically located to create a pedestrian-friendly environment.*
 - *The design of proposed building on the site uses effective building techniques, such as solar shading, recessed windows, building articulation, varying the roof lines, material selection and paint colors, to effectively integrate the site with the surrounding area and promote the unique character of the Sonoran Desert.*
3. The DP will not significantly increase solar shading of adjacent land in comparison with a development that could be developed under the existing zoning district.
- *The proposed building is 48 feet tall, plus the additional 10 feet for mechanical equipment and other roof top appurtenances. The current zoning district on the south parcel, C-O district, allows 48 feet excluding rooftop appurtenances. The proposed building will be taller than the existing buildings in the area, however setbacks from adjacent properties help mitigate any increase in solar shading.*
4. The DP promotes connectivity between adjacent and abutting parcels and provides open spaces that are visible from the public right-of-way and useful to the development.
- *The proposed development will include enhanced sidewalks and landscaping and pedestrian connections to adjacent properties.*

Traffic

The 94 Hundred Shea development is generally located south of Shea Boulevard, east of 92nd Street and north of Ironwood Square Drive. The site is surrounded by a retail center to the north, medical-office buildings to the south, the CVS Health campus to the east, and retail to the west. Site access is provided exclusively through existing and proposed easements to/from the north to Shea Boulevard along the Becker Lane alignment and at the southwest portion of the site through the Ironwood Square complex. The southwest access is being proposed as an exit only access.

The proposed Shea Boulevard access is being provided via two routes through the retail center complex to the north. The first route is through the center of the retail center that traverses under/through an archway signed with twelve (12)-feet of vertical clearance. The second route is along the approximately sixteen (16)-feet wide drive aisle behind the retail center. The existing drive aisle is primarily used for overflow parking access, fire access, and waste refuse access. The project proposes this to become an access to/from Shea Boulevard. Therefore, staff has requested the drive aisle be upgraded to include a minimum of twenty-four (24)-feet in width if the intention is for two-way traffic flow. The project traffic will comprise residential trips traversing through a retail center and surface parking.

The proposed development is estimated to generate 1,192 weekday daily trips, 79 during the AM peak hour, and 97 trips during the PM peak hour. The current parcel is mostly vacant, with some surface parking along the northern portion of the site. Based on the submitted traffic impact and mitigation analysis (TIMA) and proposed project, the capacity of the adjacent roadway network is anticipated to accommodate the additional traffic. Internal to the site, there will be an increase in traffic that is more residential in nature than what currently exists to/from the north through the retail complex and to/from the south through Ironwood Square office complex. Staff has recommended that the applicant work to gain cross-access with parcels adjacent to and immediate west of the project for a more direct access to/from 92nd Street. On September 29, 2021 the applicant sent City staff the private agreement between the District at 9400 Shea project and the project to the west 92nd Street Rezoning (6-ZN-2021) to provide cross access (see Attachment 10).

According to the site plan and calculations, parking for the proposed 219 dwelling units is provided for the development in accordance with zoning ordinance requirements for a mixed-use development, requiring 310 spaces for the residential and 32 spaces for the commercial land uses (342 total spaces). The developer is providing 11 surface parking spaces and 364 spaces in the parking structure, for a total of 375 spaces. The proposed parking exceeds the ordinance requirements by 33 spaces, which may be used to accommodate guest parking for the residential, and a buffer for the commercial uses during higher demand hours.

The development proposal is anticipated to increase the number of people walking and biking in the surrounding area, as new residents take advantage of nearby services, retail and recreational opportunities. The developer provided a pedestrian circulation plan that depicts on-site pedestrian routing. The internal public sidewalks shall be six (6)-feet wide and all sidewalk facilities shall meet American's with Disability Act guidelines for pedestrian routes. Staff is encouraging pedestrian crossings to be enhanced beyond striping only. Staff would also like to see the pedestrian circulation plan include connections to popular local attractions such as the nearby retail and the Indian Bend Wash Greenbelt.

Water/Sewer

The City's Water Resource Department has reviewed the application and finds that the proposed water and wastewater is adequate to service the development. The developer is responsible for providing all water and wastewater infrastructure improvements, including any new service lines, connections, fire hydrants, and manholes to serve the development.

Public Safety

The nearest fire station is within 1.7 mile of the site and located at 9045 E. Via Linda. The subject site is served by Police District 3, Beat 13. The proposed development is not anticipated to have a negative impact on public safety services.

Open Space

The PUD district requires 10% of the site to be open space and the proposed development is providing approximately 21% of the site as open space.

Community Involvement

With submittal of the application, staff notified all property owners within 750 feet of the site. In addition, the applicant sent notice to all property owners within 750 feet of the site and has been in communication with property owners surrounding the site, including expanded outreach to additional interested parties, and open house meetings. The applicant held a public open house meeting on September 26, 2019 at 6 pm at 9375 E Shea Boulevard and after revising the rezoning application, a virtual open house on September 10, 2020 to provide information and gain input from the community.

As of the publishing of this report, staff has received several emails with concerns about the redevelopment of the property. Many of the concerns are related to the increased traffic, building height and new residential units. The project received approval from the McCormick Ranch Property Owner's Association on July 16, 2021. All public comments received are included with this report in Attachment 11.

On September 29, 2021 the applicant sent City staff the private agreement between the District at 9400 Shea project and the project to the west 92nd Street Rezoning (6-ZN-2021) regarding cross access (see Attachment 10) to alleviate concerns regarding cross access to the south.

Community Impact

Approval of the zoning district map amendment and development plan proposed by the applicant enables the construction of more housing and will introduce the opportunity for a mixed-use development into an existing retail/office center. There are challenges provided by the north and south vehicular access points and the applicant has an agreement the property owner to the west for pedestrian and vehicular access to N. 92nd Street. There is also an agreement with the property owner to the south to alleviate concerns regarding cross access to the south.

In conjunction with state law, staff has considered the scope of the zoning district map amendment and development plan, as well as aspects which would affect the cost of construction. Staff has not identified any factors that would substantially impact the cost to construct housing for sale or rent.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission [heard this case](#) on May 26, 2021 and recommended denial with a 4-3 vote. Planning Commissioners had concerns with the access, traffic, density and use of the PUD zoning.

Development Review Board

The Development Review Board [heard this case](#) on May 6, 2021 and recommended approval of the Development Plan for the proposed PUD rezoning, 5 to 0.

Staff's Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the Planned Unit Development criteria have been met, and determine that the proposed zoning district map amendment and non-major General Plan amendment are consistent and conform with the adopted General Plan, and make a recommendation to City Council for approval, per the attached stipulations.

RECOMMENDATION

Recommended Approach:

1. Adopt Resolution No. 12210 approving a non-major General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Commercial to Mixed-Use Neighborhoods on a +/- 11-acre site located on the south side of E. Shea Blvd east of N. 92nd Street (217-36-001P, 217-36-001M and 217-36-001N).
2. Adopt Ordinance No. 4511 to rezone from Commercial Office Planned Community District (C-O PCD) and Highway Commercial Planned Community District (C-3 PCD) to Planned Unit Development Planned Community District (PUD PCD) on a +/- 11-acre site located on the south side of E. Shea Blvd east of N. 92nd Street (217-36-001P, 217-36-001M and 217-36-001N) to allow for a maximum of 219 new residential units with a development plan.
3. Adopt Resolution No. 12211 declaring "9400 East Shea Boulevard Development Plan" as a public record.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACTS

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Taylor Reynolds
Project Coordination Liaison
480-312-7924
E-mail: treynolds@scottsdaleaz.gov

APPROVED BY



Doris McClay, Report Author

9/30/2021



Taylor Reynolds, Project Coordination Liaison

10/1/2021

Date



Erin Perreault, Planning and Development Area
Director

10/1/2021

Date



Tim Curtis, AICP, Current Planning Director
Planning Commission Liaison
Phone: 480-312-4210
Email: tcurtis@scottsdaleaz.gov

9/30/2021

Date



Randy Grant, Executive Director
Planning, Economic Development, and Tourism
Phone: 480-312-2664
Email: rgrant@scottsdaleaz.gov

10/1/2021

Date

ATTACHMENTS

1. Context Aerial
- 1A. Aerial Close-Up
2. Ordinance No. 4511
 - Exhibit 1: Stipulation
 - Exhibit A to Exhibit 1: Public Access Plan
 - Exhibit B to Exhibit 1: Fire Access Plan
 - Exhibit 2: Proposed Zoning Map
3. Resolution No. 12210
 - Exhibit 1: Proposed General Plan Land Use Map
4. Resolution No. 12211
 - Exhibit 1: “9400 East Shea Boulevard Development Plan”
5. Additional Information
6. Existing General Plan Land Use Map
7. Existing Zoning Map
8. Traffic Impact Summary
9. Community Involvement
10. Private Agreement on Access
11. Correspondence
12. May 6, 2021 Development Review Board Meeting Minutes
13. May 26, 2021 Planning Commission Meeting Minutes
14. City Notification Map



Context Aerial

16-ZN-2019



Close-up Aerial

16-ZN-2019

ORDINANCE NO. 4511

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 16-ZN-2019 FROM COMMERCIAL OFFICE PLANNED COMMUNITY DISTRICT (C-0 PCD) AND HIGHWAY COMMERCIAL PLANNED COMMUNITY DISTRICT (C-3 PCD) TO PLANNED UNIT DEVELOPMENT PLANNED COMMUNITY DISTRICT (PUD PCD) ZONING, INCLUDING APPROVAL OF A DEVELOPMENT PLAN ON A +/- 11 ACRE SITE LOCATED ON THE SOUTH SIDE OF E. SHEA BLVD. EAST OF N. 92ND STREET (217-36-001P, 217-36-001M AND 217-36-001N) TO ALLOW FOR APPROXIMATELY 219 NEW RESIDENTIAL UNITS.

WHEREAS, the Development Review Board held a hearing on May 6th, 2021; and

WHEREAS, the Planning Commission held a hearing on May 26th, 2021; and

WHEREAS, the City Council has considered the probable impact of Zoning Ordinance 4511 on the cost to construct housing for sale or rent; and

WHEREAS, the City Council finds that the proposed development is in substantial harmony with the General Plan of the City of Scottsdale and will be coordinated with existing and planned development; and

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale ("District Map") be amended to conform with the decision of the Scottsdale City Council in Case No. 16-ZN-2019.

WHEREAS, the City Council finds that the following Planned Community District (PCD) district criteria have been met:

- A. That the development proposed is in substantial harmony with the General Plan, and can be coordinated with existing and planned development of surrounding areas.
- B. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
- C. The Planning Commission and City Council shall further find that the facts submitted with the application and presented at the hearing establish beyond reasonable doubt that:

1. In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding area; and that the sites proposed for public facilities, such as schools, playgrounds, and parks, are adequate to serve the anticipated population. The Planning Commission and City Council shall be presented written acknowledgment of this from the appropriate school district, the Scottsdale Parks and Recreation Commission and any other responsible agency.
2. In the case of proposed industrial or research uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that the design and development standards are such as to create an industrial environment of sustained desirability and stability.
3. In the case of proposed commercial, educational, cultural, recreational, and other nonresidential uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that such development will be in harmony with the character of surrounding areas.

WHEREAS, the City Council finds that the following Planned Unit Development (PUD) district criteria have been met:

- a) The proposed development promotes revitalization, the goals, policies and guidelines of the General Plan, area plans and design guidelines.
- b) The proposed development's uses, densities or development standards would not otherwise be permitted by the property's existing zoning.
- c) The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods.
- d) There are adequate infrastructure and city services to serve the development.
- e) The proposal meets the following location criteria:
 - i. The proposed development is not located within any area zoned Environmentally Sensitive Lands Ordinance (ESL), nor within the boundaries of the Downtown Area.
 - ii. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.
- f) That the amended development standards achieve the purposes of the Planned Unit Development (PUD) district better than the existing standards.

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

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended by rezoning a +/- 11 acre site located on the south side of E. Shea Blvd. east of N. 92nd Street (217-36-001P, 217-36-001M and 217-36-001N) and marked as "Site" (the Property) on the map attached as Exhibit 2, incorporated herein by reference, from Commercial Office Planned Community District (C-O PCD) and Highway Commercial Planned Community District (C-3 PCD) to Planned Unit Development Planned Community District (PUD PCD) zoning, and by adopting that certain document entitled "9400 East Shea Boulevard Development Plan" declared as public record by Resolution No. 12211 which is incorporated into this ordinance by reference as if fully set forth herein.

Section 2. That the above rezoning approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 2021.


ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney

Stipulations for the Zoning Application:

District at 9400 Shea

Case Number: 16-ZN-2019

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

CHANGES AFTER PLANNING COMMISSION SHOWN IN STRIKE-THROUGH, BOLD AND CAPITAL LETTERS

SITE DESIGN

1. CONFORMANCE TO DEVELOPMENT PLAN. Development shall conform with the Development Plan, entitled "District at 9400 Shea Development Plan" on Exhibit 1 to Resolution No. 12211. Any proposed significant change to the Development Plan, as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council. Where there is a conflict between the Development Plan and these stipulations, these stipulations shall prevail.
2. MAXIMUM DWELLING UNITS – DENSITY. Maximum dwelling units shall not exceed 219 dwelling units (equivalent to 21.14 du/gross acre of the Development Plan).
3. MAXIMUM BUILDING HEIGHT. No building on the site shall exceed 48 feet (plus 10' for rooftop appurtenances) feet in height measured as provided in the applicable section of the Zoning Ordinance.
4. PROTECTION OF ARCHAEOLOGICAL RESOURCES. Any development on the property is subject to the requirements of Scottsdale Revised Code, Chapter 46, Article VI, Protection of Archaeological Resources, Section 46-134 - Discoveries of archaeological resources during construction.

DEDICATIONS

5. PUBLIC ACCESS EASEMENT. The city reserves the existing blanket public access easement over all existing and proposed pedestrian and vehicle access ways within the development project. Prior to any permit issuance for new construction, the owner shall dedicate to the City a minimum twenty-six (26) foot-wide continuous Public Access Easement along and abutting the west property line of the residential development, with a minimum twenty four (24) foot wide continuous Public Access Easement continuing through the property to the E. Shea Boulevard entry drive (see Exhibit A to Exhibit #1).
6. RESTRICTED ACCESS TO SOUTH. Vehicular access to/from the south shall be restricted to exit only. There shall be no construction access to/from the south.
7. **SHARED FIRE LANE. AT SUCH TIME THAT SHARED ACCESS IS PROVIDED TO 92ND STREET TO THE WEST, THE SHARED FIRE LANE ON THE WEST SIDE AS SHOWN ON THE DEVELOPMENT PLAN SHALL NOT INCLUDE WALLS OR FENCES ON EITHER SIDE OF THIS FIRE LANE.**
8. TRAFFIC SIGNAL PARTICIPATION. At such time that shared access is provided to 92nd Street to the west, the property owner shall participate in half of the construction cost of any warranted traffic signal at the 92nd Street and Cochise Drive intersection.

9. CROSS ACCESS EASEMENT. Prior to issuance of any permit for the development project, the property owner shall dedicate cross access easements, across and to the benefit of all parcels contained within development project.
10. EMERGENCY AND SERVICE VEHICLE ACCESS EASEMENT. Prior to any permit issuance for new construction of the development project, the owner shall dedicate to the City a continuous Emergency and Service Vehicle Access Easement over the portions of the development project designated as Fire Lanes. The final surface treatment of the fire lanes shall be subject to approval by the City of Scottsdale Fire Marshall, or designee.
11. FIRE LANE. With the Development Review Board submittal, the property owner shall provide a minimum twenty four (24) foot fire lane shall surround the residential building with a minimum twenty four (24) foot wide surface area on the north and west side, and at the fire staging areas on the south and east sides shown on Exhibit B to Exhibit 1. The surface area width along the south and east sides shall be reduced to a minimum of sixteen (16) feet and maximum of twenty (20) feet outside of the fire staging areas to accommodate a minimum of four (4) feet and a maximum of six (6) feet for landscaping (no trees), subject to approval by the City of Scottsdale Fire Marshall.

INFRASTRUCTURE

12. CONSTRUCTION COMPLETED. Prior to issuance of any Certificate of Occupancy or Certification of Shell Building, whichever is first, for the development project, the owner shall complete all the infrastructure and improvements required by the Scottsdale Revised Code and these stipulations, as specified below.
13. STANDARDS OF IMPROVEMENTS. All improvements (curb, gutter, sidewalk, curb ramps, driveways, pavement, concrete, water, wastewater, etc.) shall be constructed in accordance with the applicable City of Scottsdale Supplements to the Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, the Design Standards and Policies Manual (DSPM), and all other applicable city codes and policies.
14. WATER AND WASTEWATER IMPROVEMENTS. The property owner shall provide all water and wastewater infrastructure improvements, including any new service lines, connection, fire-hydrants, and man-holes, necessary to serve the development.
15. FIRE HYDRANT. The property owner shall provide fire hydrant(s) and related water infrastructure adjacent to lot, in the locations determined by the Fire Department Chief, or designee.
16. STREETLIGHT POLES. All existing lighting fixtures on streetlights adjacent to the property's street frontage shall be replaced.
17. PEDESTRIAN IMPROVEMENTS. With the Development Review Board submittal, the property owner shall provide plans showing pedestrian improvements through the property providing new pedestrian cross access at the northwest corner of the property as shown on the Development Plan (page 29 of 77). All pedestrian walkways shall be a minimum of six (6) feet wide and ADA accessible, to the extent possible.
 - a. The new opening in the wall along the northwest property line shall be a minimum twelve feet wide.
 - b. The existing thirty four (34) foot wide driveway/loading zoning shall be reduced to a minimum of twenty (20) foot fire lane, curbing, minimum six (6) foot wide walkway, and landscaping, subject to approval by the City of Scottsdale Fire Marshall.

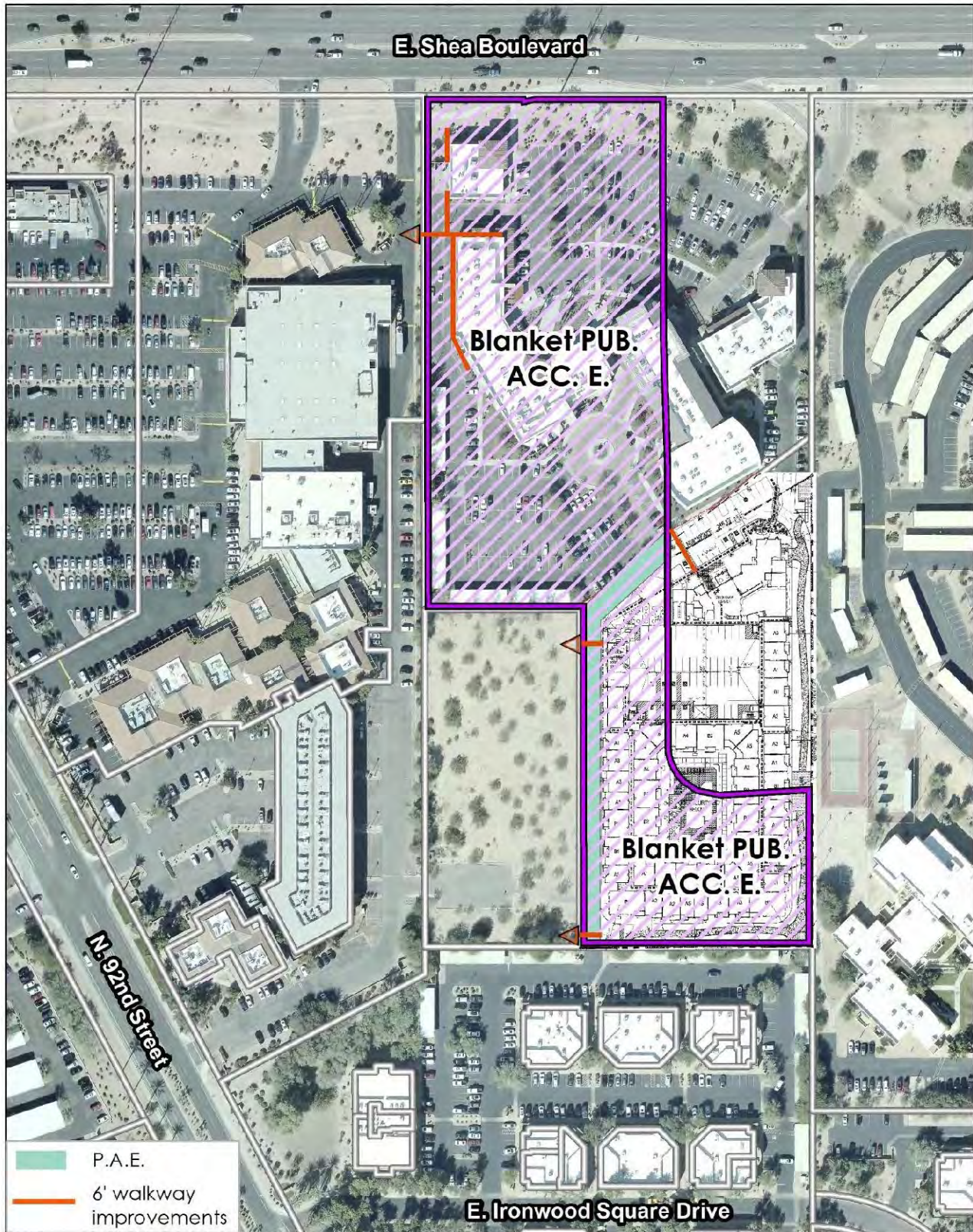
18. PEDESTRIAN CROSSINGS: All new pedestrian crossings at driveways within the development project shall be enhanced pavement treatment and/or raised, subject to Development Review Board approval.
19. SITE ACCESS. Access to the site via the existing public access easements shall not be restricted or blocked by the property owner or building tenants on the site unless the easement is released or modified by the City of Scottsdale.
20. CONSTRUCTION ACCESS. Construction access shall not be routed through adjacent properties utilizing existing public access easements; construction access shall only be through the site to Shea Boulevard.
21. INTERNAL PARKING AISLES. All existing and proposed internal parking aisles shall be a minimum of 24 feet in width (excluding any curb and gutter); parking aisles that are less than 24 feet in width shall be designated as one-way travel.

REPORTS AND STUDIES

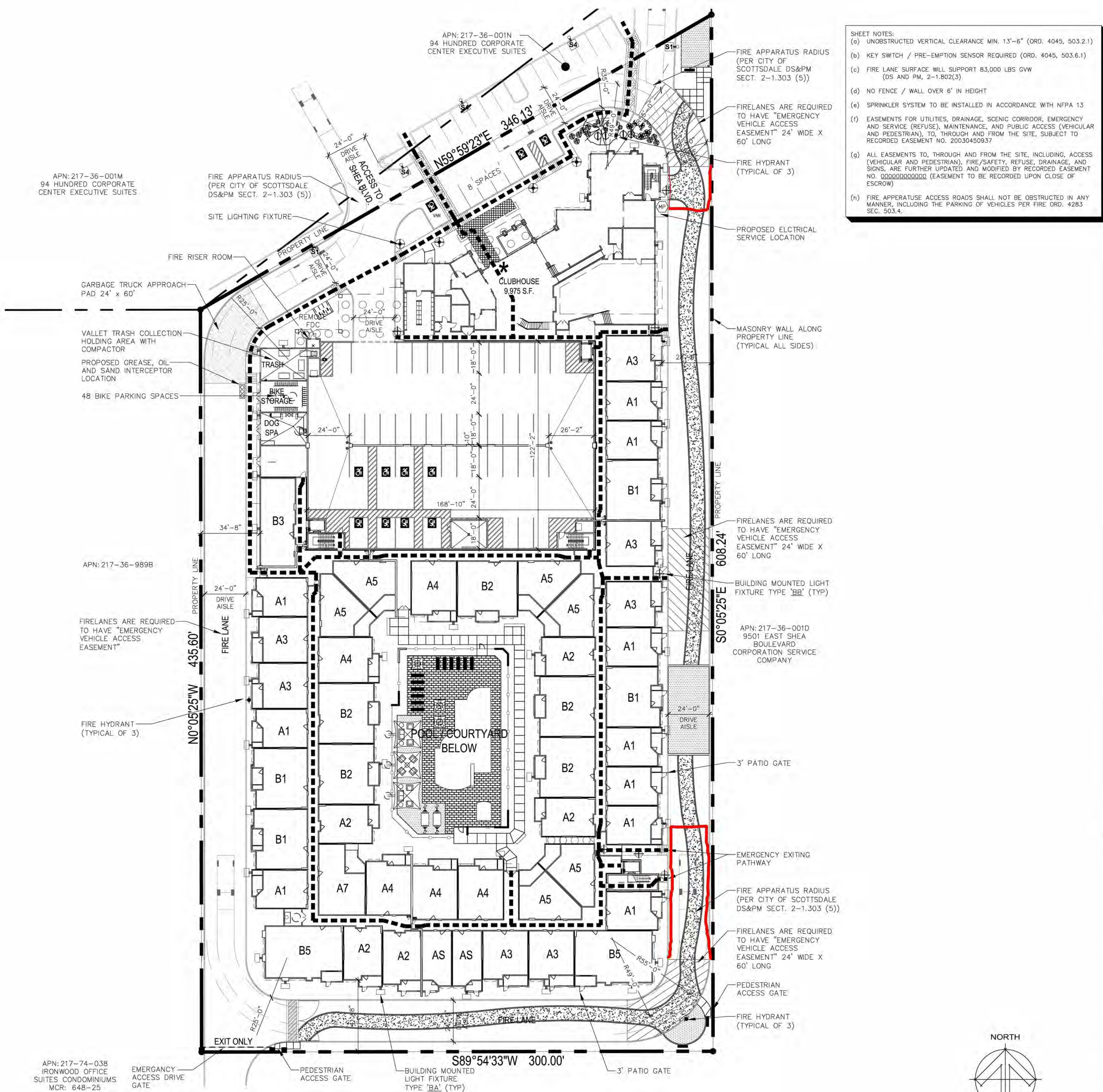
22. DRAINAGE REPORT. With the Development Review Board submittal, the property owner shall submit a Drainage report in accordance with the Design Standards and Policies Manual for the development project.

MASTER PLANS

23. MASTER INFRASTRUCTURE PLANS. The property owner shall have each Master Infrastructure Plan specified below prepared by a registered engineer licensed to practice in Arizona, and in accordance with the Design Standards and Policies Manual. Each Master Infrastructure Plan shall be accepted by city staff before any Development Review Board submittal. Each Master Infrastructure Plan shall include a complete description of project phasing, identifying the timing and parties responsible for construction.
 - a. Master Drainage Systems Plan

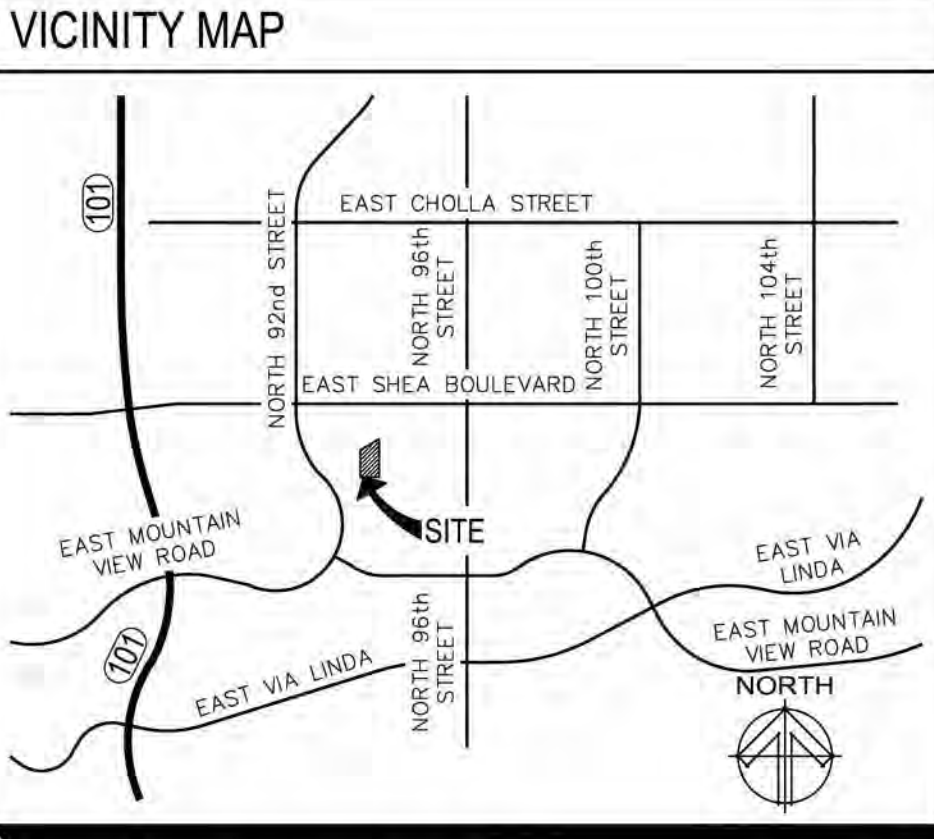


9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC



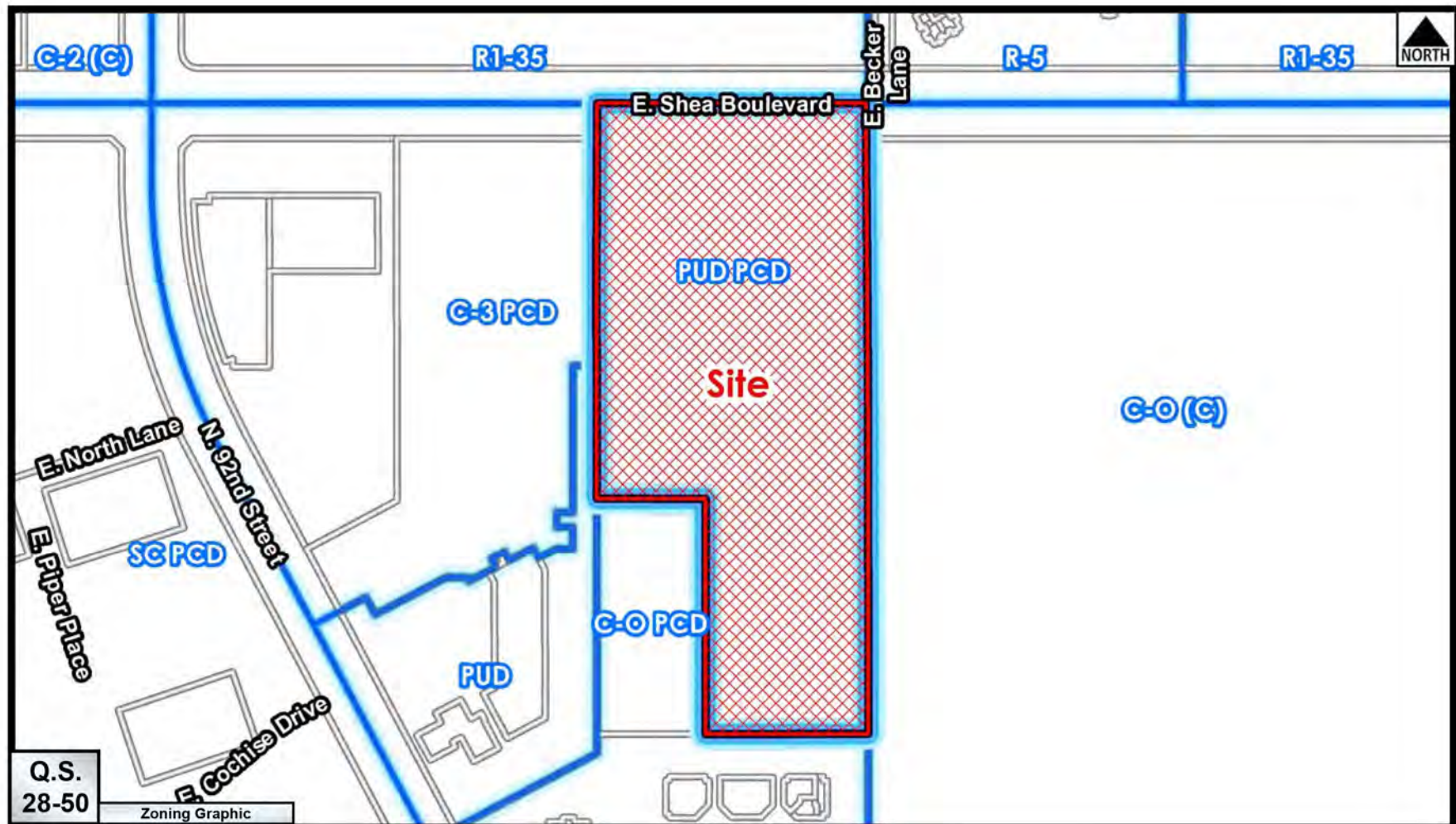
- SHEET NOTES:
- (a) UNOBSTRUCTED VERTICAL CLEARANCE MIN. 13'-6" (ORD. 4045, 503.2.1)
 - (b) KEY SWITCH / PRE-EMPTION SENSOR REQUIRED (ORD. 4045, 503.6.1)
 - (c) FIRE LANE SURFACE WILL SUPPORT 83,000 LBS GWV (DS AND PM, 2-1.303 (5))
 - (d) NO FENCE / WALL OVER 6' IN HEIGHT
 - (e) SPRINKLER SYSTEM TO BE INSTALLED IN ACCORDANCE WITH NFPA 13
 - (f) EASEMENTS FOR UTILITIES, DRAINAGE, SCENIC CORRIDOR, EMERGENCY AND SERVICE (REFUSE), MAINTENANCE, AND PUBLIC ACCESS (VEHICULAR AND PEDESTRIAN), TO, THROUGH AND FROM THE SITE, SUBJECT TO RECORDED EASEMENT NO. 20030450937
 - (g) ALL EASEMENTS TO, THROUGH AND FROM THE SITE, INCLUDING, ACCESS (VEHICULAR AND PEDESTRIAN), FIRE/SAFETY, REFUSE, DRAINAGE, AND SIGNS, ARE FURTHER UPDATED AND MODIFIED BY RECORDED EASEMENT NO. 000000000000 (EASEMENT TO BE RECORDED UPON CLOSE OF ESCROW)
 - (h) FIRE APPERATUSE ACCESS ROADS SHALL NOT BE OBSTRUCTED IN ANY MANNER, INCLUDING THE PARKING OF VEHICLES PER FIRE ORD. 4283 SEC. 503.4.

PROJECT DATA					
OVERALL SITE DATA:					
SITE AREA:	±11.00 GROSS / ±10.36 NET ACRES				
ZONING:	EXISTING: C-O, C-3 PROPOSED: PUD				
APN NUMBERS:	217-36-001M 217-36-001P, 217-36-001N AND 217-36-001N				
PROPOSED USE:	MULTI-FAMILY / RETAIL-OFFICE				
MAXIMUM DENSITY ALLOWED:	N/A				
PROPOSED DENSITY:	219 D.U./10.36 AC = 21.14 DU PER ACRE				
EXISTING RETAIL:	38,971 S.F.				
EXISTING OFFICE:	35,000 S.F.				
BUILDING FOOTPRINT + GARAGE:	85,187 S.F.				
TOTAL LOT COVERAGE:	85,187 S.F./10.36 AC (451,281 S.F.) = 18.9%				
COMMON OPEN SPACE:					
OPEN SPACE REQUIRED: (OFFICE/RETAIL)	(322,591 x .10) = 32,259 S.F.				
OPEN SPACE PROVIDED:	= 71,022 S.F.				
OPEN SPACE REQUIRED: (MULTI-FAMILY)	(156,569 x .10) = 15,657 S.F.				
OPEN SPACE PROVIDED:	= 48,582 S.F.				
TOTAL OPEN SPACE REQUIRED:	47,916 S.F.				
TOTAL OPEN SPACE PROVIDED:	119,604 S.F.				
TOTAL AREA: (MULTI-FAMILY)					
MAXIMUM BUILDING HEIGHT:	48' / 58' TO MECHANICAL				
PROPOSED BUILDING HEIGHT:	48' (4 STORIES) / 58' TO MECHANICAL				
TOTAL GROSS BUILDING AREA:	387,454 S.F.				
TOTAL GROSS LIVABLE AREA (RESIDENTIAL):	191,023 S.F.				
TOTAL GROSS COMMERCIAL AREA (CLUBHOUSE, OFFICE, FITNESS CENTER, LUX, DOG SPA, BIKE STORE MAINTENANCE AND TRASH):	13,784 S.F. = 7.2% OF LIVABLE AREA				
TOTAL GROSS GARAGE AREA:	144,087 S.F.				
UNIT MIX:					
STUDIO UNITS:	8 (3.65%)				
ONE BEDROOM UNITS:	148 (67.58%)				
TWO BEDROOM UNITS:	63 (28.77%)				
TOTAL:	219 D.U.				
UNIT MIX TABLE:					
UNIT NAME	UNIT TYPE	GROSS LIVABLE AREA	ROOFTOP DECKS	NUMBER UNITS	GROSS AREA
UNIT A5	STUDIO	562 S.F.		8	4,496 S.F.
UNIT A1	1 BED/1 BA	651 S.F.	11	32	20,832 S.F.
UNIT A2	1 BED/1 BA	737 S.F.	2	15	10,530 S.F.
UNIT A2	1 BED/1 BA	702 S.F.		2	1,652 S.F.
UNIT A2 ALT	1 BED/1 BA	1,121 S.F.	1	2	2,242 S.F.
UNIT A3	1 BED/1 BA	1,204 S.F.		16	11,984 S.F.
UNIT A4	1 BED/1 BA	914 S.F.	4	24	19,944 S.F.
UNIT A4	1 BED/1 BA	831 S.F.		4	3,956 S.F.
UNIT A5	1 BED/1 BA	989 S.F.	4	24	18,120 S.F.
UNIT A5	1 BED/1 BA	755 S.F.		6	4,590 S.F.
UNIT A6	1 BED/1 BA	769 S.F.	3	6	2,517 S.F.
UNIT A7	1 BED/1 BA	971 S.F.		4	3,884 S.F.
UNIT B1	2 BED/2 BA	1,060 S.F.		17	18,020 S.F.
UNIT B1	2 BED/2 BA	1,173 S.F.	6	24	7,038 S.F.
UNIT B2	2 BED/2 BA	1,130 S.F.		24	27,120 S.F.
UNIT B3	2 BED/2 BA	1,234 S.F.	1	3	1,234 S.F.
UNIT B3	2 BED/2 BA	1,098 S.F.		3	3,297 S.F.
UNIT B5	2 BED/2 BA	1,204 S.F.		1	1,204 S.F.
UNIT B5	2 BED/2 BA	1,377 S.F.		8	11,016 S.F.
UNIT B5	2 BED/2 BA	1,460 S.F.	3		4,380 S.F.
TOTAL:			36 RTD	219 D.U.	191,023 S.F.
AVG. S.F.					872 S.F.
TOTAL PARKING: (MULTI-FAMILY)					
REQUIRED: TABLE 9.103					
1 BEDROOM / STUDIO	156 x 1.3 = 203				
2 BEDROOMS	63 x 1.7 = 107				
OFFICE / FLEX: 1 SPACE PER 325 S.F.	8,014 S.F./325 = 24				
FITNESS CENTER (30%) 1 SPACE PER 325 S.F.	2,401 S.F./325 = 8				
TOTAL REQUIRED:	342 P.S.				
PROVIDED:					
GARAGE PARKING	364 P.S.				
SURFACE PARKING	11 P.S.				
TOTAL PROVIDED: (1.7 SPACES PER UNIT)	375 P.S.				
TOTAL PARKING: (OFFICE - RETAIL)					
PROVIDED:					
COVERED PARKING	42 P.S.				
SURFACE PARKING	315 P.S.				
TOTAL PROVIDED:	357 P.S.				
ACCESSIBLE PARKING REQUIRED:	4% x 375 P.S. = 15 P.S.				
ACCESSIBLE PARKING PROVIDED: (3 VAN = 1:6 SPACES)	= 15 P.S.				
BICYCLE PARKING: SEC.9.103					
(1) SPACES PER 10 VEHICLE REQ'D	(342 x 0.1 = 34.2)				
TOTAL PROVIDED	34 SPACES				



ENLARGED
SITE PLAN
SCALE: 1" = 30'-0"

A1.3
03-25-21



Proposed Zoning

16-ZN-2019

RESOLUTION NO. 12210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A NON-MAJOR AMENDMENT TO THE CITY OF SCOTTSDALE 2001 GENERAL PLAN CONCEPTUAL LAND USE MAP FROM COMMERCIAL TO MIXED-USE NEIGHBORHOODS ON A +/- 11-ACRE SITE LOCATED ON THE SOUTH SIDE OF E. SHEA BLVD. EAST OF N. 92ND STREET (217-36-001P, 217-36-001M, AND 217-36-001N).

WHEREAS, the City Council, through its members and staff, has solicited and encouraged public participation in the consideration of the non-major General Plan amendment, consulted and advised with public officials and agencies as required by Arizona Revised Statutes Section 9-461.06, transmitted to the City Council and submitted a review copy of the general plan amendment proposal to each agency required by ARS Section 9-461.06 and all persons or entities who made a written request to receive a review copy of the proposal, and considered comments concerning the proposed amendment and alternatives; and

WHEREAS, City Council adopted Resolution No. 11851 concerning General Plan Update Adoption Procedures for the "Scottsdale General Plan 2035"; and

WHEREAS the General Plan Update Adoption Procedures direct that any amendment the City Council approves to the Scottsdale General Plan 2001 which is not included in the new General Plan 2035 prior to its adoption, or which is considered after its adoption, will be automatically nullified should the voters ratify the new Scottsdale General Plan 2035. Further, as per the General Plan Update Adoption Procedures, any amendment that is automatically nullified by voter ratification of the new Scottsdale General Plan 2035 may be reconsidered by the Planning Agency and the Scottsdale City Council for incorporation into the newly ratified General Plan; and

WHEREAS, the City Council, adopted a new General Plan, Scottsdale General Plan 2035, on June 8, 2021 as required by Arizona Revised Statutes Section 9-461.06 and the City Council called a Special Election for the voters to consider the new Plan for possible ratification in November 2021; and

WHEREAS, the Planning Commission held a recommendation hearing on May 26, 2021 concerning the General Plan Amendment;

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council hereby amends the 2001 General Plan Conceptual Land Use Map for the City of Scottsdale, for the property located at 9375 E. Shea Blvd. for a +/- 11-acre site from Commercial to Mixed-Use Neighborhoods designation.

Section 2. That the above amendment is described in Case No. 6-GP-2019 (relating to zoning case 16-ZN-2019, and depicted on Exhibit "1", attached hereto and incorporated by this reference.

Section 3. That one copy and one electronic copy of this General Plan amendment shall be on file in the Office of the City Clerk, located at 3939 N. Drinkwater Boulevard, Scottsdale, Arizona.

Section 4. If Scottsdale General Plan 2035 is ratified by the voters in November 2021, the Scottsdale General Plan 2001 will be nullified, thus City Council hereby directs staff to process a separate, future, General Plan amendment case to the Scottsdale General Plan 2035 so as to maintain and reflect the same land use designation in Scottsdale General Plan 2035 that is approved by this Resolution.

Section 5. If Scottsdale General Plan 2035 is not ratified by the voters in November 2021, the Scottsdale General Plan 2001 will remain in effect as the community's General Plan. As such, the 2001 Future Land Use Map will reflect the land use designation approved by this Resolution and no further action will need be directed by City Council.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 2021.


ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:



Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney



Proposed General Plan Land Use
Mixed-Use Neighborhoods

16-ZN-2019
6-GP-2019

RESOLUTION NO. 12211

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "9400 EAST SHEA BOULEVARD DEVELOPMENT PLAN".

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City of Scottsdale wishes to incorporate by reference amendments to the Zoning Ordinance, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "9400 East Shea Boulevard Development Plan", attached as Exhibit 1, a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2021.


CITY OF SCOTTSDALE, an
Arizona municipal corporation

ATTEST:

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney

9400 East Shea Boulevard

Non-Major General Plan Amendment & Planned Unit Development Project Narrative/Development Plan

9375 East Shea Boulevard



Cases: 6-GP-2019 & 16-ZN-2019

1st Submittal: October 14, 2019

2nd Submittal: August 14, 2020

3rd Submittal: October 16, 2020

4th Submittal: February 19, 2021

Resolution No. 12211

Exhibit 1

Page 1 of 77

Project Narrative/Development Plan

Non-Major General Plan Amendment

&

Rezoning

for

9400 East Shea Boulevard

Case #'s:

6-GP-2019 & 16-ZN-2019

Location: 9375 East Shea Boulevard

Request for a Non-Major General Plan Amendment from a land use designation of Commercial to Mixed-Use Neighborhoods.

- and -

A Zoning District Map Amendment from
C-3 PCD / C-O PCD (Planned Community District – McCormick Ranch) to PUD PCD (Planned
Community District – McCormick Ranch)

on a ± 11 gross acre site to allow for a mixed-use development
to include new residential (apartments) combined with the existing retail/office center.

Development Team

Developer/ Future Owner:

Jerry D Davis
Managing Director
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Beus Gilbert McGroder

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jim@biltform.com



Landscape Architect:

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Vice President
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(P): (832) 730-1901
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I. Purpose of Request:

This request is for a Non-Major General Plan Amendment (GPA) from Commercial to Mixed-Use Neighborhoods and a rezoning from C-3 PCD / C-O PCD (Planned Community District – McCormick Ranch) to PUD PCD (Planned Community District – McCormick Ranch) on a \pm 11 gross acre site to allow for a mixed-use development to include new residential (apartments) combined with the existing retail/office center. The applicant and future owner of the vacant property (i.e., Kaplan Development Group) intends to add a luxury residential multi-family community of approximately 219 units to add vibrancy and a boost to the existing office/retail center. The property is located at 9375 East Shea Boulevard (the “Site”). (See below *Aerial & Exhibit*)

AERIAL



II. Kaplan Development Group

Kaplan Development Group (“Kaplan”) was formed in 1978 and is based out of Houston, Texas. Kaplan is the diversified operator, owner, and developer of high quality multi-family properties in major metropolitan areas across the United States. Kaplan is active in emerging high growth submarkets, redeveloping existing multi-family housing, and repurposing commercial developments into residential communities, and holds 38 years of successful management experience in the dynamic and evolving multi-family industry. Kaplan would be honored to bring their experience and success to this location in Scottsdale.

Resolution No. 12211

Exhibit 1

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III. 9400 East Shea Boulevard (The Proposal)

The 9400 East Shea Boulevard residential community will provide an exciting mix to this existing office/retail project featuring upscale residences that will blend and transition with the retail/commercial businesses in the area as well as being strategically located with employment entities within the McCormick Ranch Center with the hospital and ancillary medical uses. The proposed development would further many of the goals set forth in the Scottsdale General Plan as well as the Shea Area Plan by adding a needed population base and market needed in the area to support the existing retail and employment opportunities in the area as well as to deal with a difficult infill property. The result will be a walkable community based on live, work, and play principles.

The Site is located in the McCormick Ranch Center, which is considered the core of this planned community and where the highest intensity of uses was to be developed. (See below Map)

MCCORMICK RANCH CENTER



The McCormick Ranch Center has seen a lot of offices, medical uses/offices, and retail uses develop in the area. This Site is a remnant parcel that is “tucked” away and difficult to develop into something other than residential due to its lack of street visibility and oversaturation of office/retail uses. However, high density apartments added to this existing office/retail center will help enhance/support the desirability of this center as well as the surrounding context. The retail/commercial (i.e. non-residential) and residential mix proposed will provide an ideal fit for this location and beyond.

The McCormick Ranch Center creates a unique opportunity to blend interrelated land uses and promote the live, work, and play concept. Additionally, the nearby retail and surrounding employment core (i.e., hospital, CVS Health/Caremark, etc.) provides regional appeal for future residents of 9400 East Shea Boulevard. The ease of accessibility via the freeway and Shea Boulevard as well as its proximity to businesses, shopping, recreation, and trail system makes this development a compliment to its surroundings.

a) Existing Conditions & Context

The Site constitutes \pm 11 gross acres and is bordered by Shea Boulevard on the north. Existing offices (C-O) border the Site to the east and south. The west side is bordered by existing commercial businesses (C-3) and a recently completed PUD adaptive reuse of an existing office building.

The Site contains existing office/retail center, some covered and uncovered parking spaces, and a large vacant parcel. The streets, sidewalks, and utilities surrounding the Site have all previously been built, as such this addition of apartments can be “plugged in” to this location with minimal disturbances to the area.

b) Site Plan

The design for this Site, specifically the apartments, provides open space, pedestrian passageways, and rest area inviting for activity and interaction with shaded areas, enhanced paving, a variety of meandering pathways, and landscaping. The addition of apartments to this Site will add to and activate the existing restaurants, retail establishments on-site. In addition, the proposed apartments will provide:

- Parking in excess of parking code (632 spaces – code requires 480 spaces).
- UBER & LYFT Pickup & Drop off area.
- Penthouse units with rooftop deck (spiral staircase).
- Professional indoor sports simulator.
- 11' ceiling in select ground floor units.
- Valet trash service (trash picked up daily at front door of unit).
- Teaching Kitchen with regular classes provided by management.
- Bike repair room located in garage.
- Pet Spa.
- Gaming Lounge (billiards, pool, shuffleboard).
- Oversize two story clubhouse.
- Resort pool with beach entry.
- Coffee bar.
- Free daily breakfast in clubhouse.
- Onsite laundry & dry-cleaning service.
- Gourmet teaching kitchen in clubhouse.
- Equinox style fitness center.
- Outdoor phone & laptop charging stations.
- Valet trash pick-up.
- Concierge service.

A main vehicular access drive bisects the Site and allows for vehicular entry/exist connections located on Shea Boulevard and access to 92nd Street via an existing vehicular access easement, which is proposed to be an “exit-only” access point through the abutting medical office condominium to the south. The fire lane along the perimeter of the apartments will serve dual purposes (i.e. building setback, walking area, and fire safety access). The apartments provide for one (1) main outdoor activity area for both active and passive recreation, relaxation, and an abundance of open space for the future residents. The main building structures are navigated through a series of pedestrian passages that lead throughout the Site and ultimately to the outer pedestrian sidewalk network and the surrounding area. (See *Site Plan Exhibit*)

c) Retail/Commercial (Non-Residential) Component

The retail/commercial (i.e. non-residential) component of this mixed-use development is the existing office/retail center (i.e. non-residential) is more than adequate to support the residents and will help support them as well. The existing development and the proposed new apartments will blend seamlessly as one project when completed. The paved main access driveway and the location of the apartments provides for a nice overall design. In addition, there is more than enough retail/commercial uses in this area and the increase in residential density is important towards balancing and supporting these uses as well as live, work, and play lifestyle concept.

d) Building Architecture

The building architecture features varied massing, varying roof parapets, architectural features, stoops, materials and façade detailing found in many contemporary luxury multi-family developments found in Scottsdale and the Southwest region. The building massing includes a series of towers and recessed facades and patios. The massing and detailing emphasize the promotion of pedestrian activity via lighting, trees, and shade structures such as: awnings and roof overhangs. The color scheme is a blend of shades of brown, white, and tan with some complementary accent colors found within the Sonoran Desert color palette and consistent and appropriate with the surrounding building context. (See *Architectural Plan Set Exhibit*)

Maximum building height is 48’ with all rooftop mechanical equipment and screening, stairwell bulkheads, as well as rooftop deck enclosure walls and fall protection railing that exceed that building height, limited to under 30% total of the roof area for each building. (See *Building Cross Sections Exhibit*)

e) Landscape Theme

The project’s landscape theme will reduce overall water intake include by utilizing native trees, shrubs, accent plants, groundcover, and minimal turf. Site has sidewalks lined with trees and shrubs providing a pleasant/cool environment to walk. The open space areas will also contain a variety of native shrubs and landscaping providing for a friendly, enjoyable, useable, and shaded environment for residents to traverse and use the property. As such, the plan includes one (1) main internal courtyard area which all feature a variety of landscaping and amenities such as a

swimming pool, fountains, fire pit, putting green, televisions, barbeques, and shaded seating and dining areas which are all connected by a system of winding walkways. (See *Landscape Plan Set Exhibit*)

IV. The Development Plan (DP)

Pursuant to the City's Zoning Ordinance for PUD rezoning requests the following four (4) items to be addressed within the required Development Plan ("DP"). They are:

- (1)** The design contained in the DP is compatible with development in the area.

The Site sits in a dense "core" area planned for such intensities and mix of uses. The proposal is for a planned, medium density, mixed-use apartment project added to an appropriate/sustainable level of supporting retail/commercial (non-residential) situated in this "core" area. The ability to provide residential units creating and fostering the live, work, and play concept will further promote and enhance the activity in this area and create a more synergetic "core" area.

The proposed project is compatible with and contributes to its surrounding uses, which has evolved towards a more active, dynamic, and vibrant area. The proposed development by Kaplan, as part of this "core" area, and together with the existing users (i.e., hospital, retail, office, trails, etc.) creates the desired effect envisioned for this area by attracting new development into the McCormick Ranch Center. In addition, the residential units will connect nicely with the Site amenities and users as well as beyond without the use of cars. By downplaying the internalized/structured parking, creating ease access on foot, and increasing the critical mass of people in the area helps to support the businesses in the area on a daily/nightly basis. The proposed apartment development by Kaplan is responding to the demand for housing to support the surrounding retail/commercial/employment uses. The proposed development plan of 219 units is reasonable and provides a density option that can easily be supported with the existing infrastructure (e.g., water, sewer, streets, etc.) as well as uses in the area. With that being said, the 9400 East Shea Boulevard apartments complies in overall height, setbacks, high quality architecture, and pedestrian/vehicular connectivity to seamlessly blend within the area, but it is also a unique residential development option internalized (i.e., seclude) for those looking for a different living experience.

The apartments will be built in one (1) phase. The anticipated timing of construction is expected to begin in the 1st Quarter of 2022. Once the apartments are completed with the existing on-site retail/office users ensures that the intent of the PUD, General Plan, and Area Plan will be met and provide a substantial public benefit along with implementing the components of a lively mixed-use area within an identifiable/unique node of the McCormick Ranch Center.

There are two (2) total usable open space areas integrated into the DP that continue the theme of the surrounding area, which include the main swimming pool. The swimming pool is the largest open space area being approximately and the smallest internal usable open space for

passive/active amenities. Finally, the entire Site is connected by winding walkways which link up to public sidewalks, bike paths/trails, and ultimately to the surrounding area.

- (2) The DP is environmentally responsive, incorporates green building principles, contributes to the city's design guidelines and design objectives, and that any deviations from the design guidelines must be justified by compensating benefits of the DP.

The proposed development is environmentally responsive and provides exceptional public benefits in many ways by including an enhanced common open space, public/private pedestrian areas/connections as well as amenities (e.g., trails, restaurants, shopping, etc.) encouraged in the Scottsdale Design Guidelines. It should be noted that the development will exceed the required 10% open space. Again, these open space areas provide areas of contemplation, recreation (passive/active), cooling, and visual interest both on-site and off-site. The landscape palette is in keeping with a Sonoran Desert theme and water conservation measures by strategically locating low water use trees, shrubs, groundcovers, etc. to create a lush appearance that cools the environment both internally and externally. Turf is strategically located on-site within a few of the areas designated for internal/activities in order to optimize comfort and use. Finally, the entire Site is interconnected by walkways which link up to public sidewalks and bike/trail paths encouraging multimodal options.

The architectural character is a contemporary design which will utilize the most current building materials to provide for an energy efficient development. The building masses are broken by using "bump outs" and other architectural relief/projections to create a less imposing building structure and more human scale. In addition, curve of the north façade of the building creates opportunities for enhanced pedestrian areas and landscaping to emphasize the front entrance and most visible portion of the building. The architectural elevations are broken up vertically by varying the roof lines, alternating between flat parapets and flat roof overhangs, awnings, etc. These architectural treatments help vary the roof lines vertically. Within the flat parapet areas of the building the walls of the building stepback horizontally creating wide recessed areas that provide space for awnings, patios, and visual massing reliefs. This horizontal relief occurs approximately every 100 lineal feet with massing changes, the curve of the building, covered main entrance area, and the natural curvature of the main street (i.e., driveway). The proposed design provides a strong base with a material change from stucco, stone, glass, steel awnings, and pedestrian access points located in strategic locations to "ground" the design. The midsection and top utilized the same materials with the top units accentuated by patio areas as well as bulkhead areas protruding towards the top of the buildings to provide access to the roof decks for those units along with alternating flat parapets and roof overhangs. The overarching intent is to create a compatible development design for the area while also being a unique, high quality, and visually appealing for one to want to live and play while being near work, shopping, restaurants, recreation, etc. thus reducing traffic and pollution while also maintaining long term economic success.

In summation, the project proposes to incorporate/adhere to the following Green Building Code Features.

SITE:

- Native plants including desert responsible landscaping (xeriscape)
- Designed to encourage indoor/outdoor living via the main internal courtyard and use of shade canopies
- Environmentally friendly ground treatments without pesticides
- Heat Island reduction from shade and paint colors
- Pedestrian shading

ENERGY:

- Energy performing modeling (smart homes)
- Energy efficient Appliances
- Energy efficient heating and cooling
- Teal water heating/management system
- Recessed windows with top ledges
- Fresh air ventilation including operational windows
- Smart home-controlled thermostats, doors and lighting
- Ductwork located within climate-controlled areas (corridors)
- Black out window shades

ENVIRONMENTALLY RESPONSIBLE MATERIALS:

- Recyclable building materials wherever possible
- Construction waste management to include recycling (50%)
- Indigenous materials (desert tolerant)
- Select local manufacturers (e.g., Hilton Cabinets)
- Energy wise roofs (non-petroleum)
- Vehicle charging stations
- Valet trash service including recyclables
- Natural lighting occupancy A & B

SAFE INDOOR AIR ENVIRONMENT:

- Low VOC materials specified by Architect
- Fresh air ventilation with operational windows
- Stormwater management
- Low-use landscape irrigation systems
- Building electrical power and lighting system

EFFICIENT WATER USE:

- Low-flow plumbing fixtures
- Desert responsible landscaping (xeriscape)
- Teal system for central water supply

REDUCE GENERATION OF SOLID WASTE:

- Construction waste recycling program mandatory
- Prefab framing to reduce waste of lumber
- Construction efficiency program used by General Contractor

- (3) The DP will not significantly increase solar shading of adjacent land in comparison with a development that could be developed under the existing zoning district.

Comparable heights, uses and generous setbacks created by the abutting streets and internal circular access drive aisle do not significantly increase solar shading of adjacent land in comparison with a development that could be developed under the existing C-O or C-3 zoning districts. Moreover, the C-O or C-3 zoning district allows up to 48' (not inclusive of roof apparatus) in building height, which will be comparable to the proposed development.

- (4) The DP promotes connectivity between adjacent and abutting parcels, and provides open spaces that are visible at the public right-of-way and useful to the development.

The proposed development provides for usable and common open space, with shaded seating and landscaping features that exemplify the promotion of connectivity between on-site and abutting properties. The enhanced/existing open space street frontage landscaping along Shea Boulevard of the Site creates an inviting/enhanced enjoyable streetscape for all modes of transportation. Furthermore, with the addition of individual unit roof decks will help enhance visibility and activity within this internal area of the Site providing greater security for the area. Finally, these open space areas and enhanced connections provide areas of contemplation, recreation (passive/active), cooling, visual interest and connections to the surrounding area. (See the *Landscape Plan Set Exhibit*)

The landscape palette is in keeping with a Sonoran Desert theme with strategically locating trees, shrubs, groundcovers, etc. to create a lush appearance that cools the environment both internally and externally. The entire Site is connected by internal walkways which link up to public sidewalks and bike/trail paths encouraging multimodal options. Vehicular access is centrally located to provide ease of access to Shea Boulevard and 92nd Street (i.e., via an "exit-only" access south through the medical office condominium) and to circulate around the new apartment building for resident access as well as fire access.

V. Non-Major General Plan Determination

The requested GPA is in conformance with a Non-Major General Plan Amendment, based upon the criteria set forth in the General Plan. A detailed explanation of how this proposal is consistent with the 2001 General Plan and the Greater Airpark Character Area Plan is provided below.

1. *Change in Land Use Category*

A change in land use category on the land use plan that changes the land use character from one type to another as delineated in the land use category table (page 20 of the General Plan).

Response: The current 2001 General Plan designation is Commerical and a requested GPA land use change to the Mixed-Use Neighborhoods designation. These land use categories are located within Group E, and therefore do not constitute a Major GPA.

2a. *Area of Criteria Change*

A change in the land use designation that includes the following gross acreages:

*Planning Zones A1, A2, B: 10 acres or more.

*Planning Zones C1, C2, C3, D, E1, and E3: 15 acres or more.

Response: The designated Planning Zone for the Site is Zone C1.

This project in keeping with the mission and values of the General Plan and community, and in addition the Site totals approximately 11 gross acres. Thus under the acreage threshold and meeting the Non-Major General Plan Amendment creiteria.

The proposed mixed-use project uses and design elements of this project closely align with and reinforce the goals of Scottsdale's Mission, among them:

- "Promoting the livability of the community and enhancing and protecting neighborhoods and ensuring and sustaining the quality of life for all residents and visitors."
- "Enhancing and protecting neighborhoods"
- "Ensuring and sustain the quality of life for all residents and visitors."

This request provides a mix of uses, passive and active open spaces, and public benefits that are desired to enhance, protect, and sustain quality of life for the immediate neighborhood. The development provides many of the elements reflective of the goals and policies of the Scottsdale Design Guidelines, Shea Area Plan, and General Plan that speak to the intent of creating livable communities and a high quality of life desired by citizens.

Furthermore, the General Plan continues within the mission values of the land use element that contribute to Scottsdale's identity and provide a balance of uses adequate for the live, work, and play theme. This proposal makes meaningful contributions to these land use element values:

- "Land uses should provide for an unsurpassed quality of life for both its citizens and visitors."
- "Land uses should contribute to the unique identity that is Scottsdale."
- "Land uses should work in concert with transportation systems in order to promote choice and reduce negative impacts upon the lifestyle of citizens and the quality of the environment."
- "Land uses should provide opportunities for the design of uses to fit and respect the character, scale and quality of uses that exist in the community."

The uses and public benefits of this lively development furthers the goals and policies listed above by creating a live, work, and play development that enhances the public realm surrounding this area. These elements collectively meet the future intent of the area as identified in the Scottsdale Design Guidelines, Shea Area Plan, and General Plan. Therefore in keeping with the mission values of the General Plan this request will not need rise to the level of a major amendment.

3. Character Area Criteria

Character areas have been added to the city's planning process in order to recognize and maintain the unique physical, visual and functional conditions that occur in distinct areas across the community. The city recognizes that these form a context that is important to the lifestyle, economic well-being and long term viability of the community. These areas are identified by a number of parameters including but not limited to building scale, open space types and patterns, age of development and topographic setting.

If a proposal to change the land use category has not been clearly demonstrated by the applicant to comply with the guidelines and standards embodied within an approved character area plan it will be considered a major amendment.

Response: Based on the justification and written responses below regarding the Shea Area Plan, the proposed GPA would not constitute a major amendment. This location as indicated in Shea Area Plan is intended to provide a mix of uses located within the shopping and "core" area while protecting and enhancing the "openness" desert environment along Shea Boulevard. This indicates the appropriateness of the proposed mixed-use residential development within this existing retail/office center in this strategic location along with the current housing/development trends that are important to the Shea Area Plan, economic well-being, and long term viability.

4. Water/ Wastewater Infrastructure Criteria

If a proposal to change the planned land use category results in the premature increase in the size of a master planned water transmission or sewer collection facility, it will qualify as a major amendment.

Response: The proposed change in land use does not result in a premature increase in the water and sewer plan, therefore it will not constitute a major amendment. At this time the development team has no plans to change or upgrade any water or sewer infrastructure, but should improvements to these systems be necessary during the final design stages of the project then they will be discussed/negotiated with the city regarding the necessary improvements and what this particular project will be responsible for improving.

VI. 2001 General Plan/Shea Area Plan

2001 General Plan

The current 2001 General Plan designation is Commercial and a requested GPA land use change to Mixed-Use Neighborhoods. (See *2001 General Plan Land Use Existing & Proposed Exhibit*)

The General Plan sets forward collective goals and approaches of the community with the intent to integrate Guiding Principles into the planning process and provide as a framework for proposed development and the built environment. The goals are, however, not intended to be stationary or inflexible, which the General Plan clearly recognizes with this statement:

“The General Plan is designed to be a broad, flexible document that changes as the community needs, conditions and direction change.”

With this statement in mind, this proposed Non-Major General Plan Amendment not only meets, but exceeds the goals and approaches established in the General Plan. In addition, it is important to understand that the current General Plan is 19 years old and the evolving lifestyles and economic development trends of today must meet the needs of a growing and changing city and area.

GENERAL PLAN ELEMENTS

Land Use:

Goal 3, Bullet Point 2: Encourage the location of more intense mixed-use centers and regional employment cores along regional networks while incorporating appropriate transitions to adjoining land uses.

Response: The location of this mixed-use project is appropriately located with the McCormick Ranch Center. The McCormick Ranch Center is the appropriate location for a Mixed-Use

Neighborhoods designation for the proposed intensity of development, which currently provides pedestrian scaled uses and services on-site and the area. In addition, the location will support and enhance both the existing and proposed residential and non-residential uses in this location and transition between the employment users and surrounding retail. This development is replacing a vacant/hidden parcel into a vibrant use that will be a 24-7 days a week use and provide better security for the abutting users in the area too. Moreover, the development of apartments and the sidewalks will create a more walkable and enjoyable environment that helps to complete the overall development.

Goal 4: Maintain a balance of land uses that support a high quality of life, a diverse mixture of housing and leisure opportunities and the economic base needed to secure resources to support the community.

Response: This mixed use development proposes appropriately balanced uses that are consistent with the needs and character of the surrounding developments and area uses and encourage a high quality lifestyle with many leisure opportunities and resources that support the surrounding community. The residential and non-residential uses at this location will support the quality of life and lifestyle desired in the area by providing residential units with some additional non-residential uses to help the balance of uses that support the surrounding community.

Goal 4, Bullet Point 1: Allow for a diversity of residential uses and supporting services that provide for the needs of the community.

Response: This proposed development allows for a unique residential housing opportunity off the main street but helps with supporting services and amenities in the area. The proposed residential and existing non-residential uses at this Site provides for a balance and an appropriate level of unique mixed-use development that complement and complete the surrounding area providing for the needs of community and affords for an exceptional lifestyle.

Goal 4, Bullet Point 2: Ensure the highest level of services and public amenities are provided to the citizens of Scottsdale at the lowest costs in terms of property taxes and travel distances.

Response: High quality and desirable services and amenities are included within this development. Furthermore, the location of the development and uses within walking distance of this development provide residents and nearby citizens the highest level of services with minimal travel. The residential (i.e., apartments) component is the missing piece to this existing non-residential development and area, so by including the proposed apartments provides a nice balance of uses and amenities that promote a healthy lifestyle by encouraging walking and reduced travel (i.e., auto trips). There is a good balance of non-residential and commercial uses on Site that support the apartment development which will help sustain these uses along with pedestrian connections creating a walkable mixed-use development.

Goal 4, Bullet Point 3: Support jobs/housing balance by integrating housing, employment, and supporting infrastructure in mixed-use centers located at appropriate locations.

Response: This development will support the jobs and housing balance by providing an appropriate residential base to support new and existing employment and services. The designated McCormick Ranch Center is an ideal location for live, work, and play based mixed-use development that activates the surrounding area with pedestrians as well as connections while utilizing existing infrastructure.

Goal 4, Bullet Point 4: Provide a variety of housing types and densities and innovative development patterns and building methods that will result in greater housing affordability.

Response: The proposed apartment development provides a unique residential housing option that is not on a major street but tucked back and more secluded for those looking for such an option. In addition, there are various floor plans (i.e., studio, one, and two bedrooms) including roof top access units. Additionally, the density of 219 units proposed is a reasonable number economically for Kaplan to develop and provides a critical mass of people within this immediate area to bolster the retail, restaurants, and employment uses in the area. Moreover, this development is comparable with the larger areas existing apartment developments and at a comparable density too.

Goal 4, Bullet Point 5: Maintain a citywide balance of land uses that support changes in community vision/dynamics (established by future community visioning processes) over time.

Response: The proposed apartment development provides housing opportunities that support the future of the community and Scottsdale by enhancing the long-term viability of the employment users (i.e., hospital, medical, etc.) in the area as well as to appeal to employers looking to locate/expand while also providing an appropriate and transitional mixed-use development at this location in the McCormick Ranch Center. The apartment development provides a balance of uses to the area with the plethora of non-residential users in the area along with ease of access to major streets and the freeway system.

Goal 7, Bullet Point 5: Incorporate open space, mobility, and drainage networks while protecting the area's character and natural systems.

Response: Private and public, passive and active forms of open space are found throughout the overall Site (i.e., proposed and existing). It should be noted that the apartment development will exceed the required 10% open space. Again, these new/existing open space areas provide areas of contemplation, recreation (passive/active), cooling, and visual interest both on-site and off-site. Mobility and connections through the site and surrounding area are enhanced with pathways, landscaping, and ground level architectural elements (i.e., canopies, overhangs, etc.). Use of native landscaping along with strategically location open spaces and drainage areas have been

incorporated in an environmentally sensitive manner with consideration to the character of this area of Scottsdale.

Goal 8, Bullet Point 2: Develop and reinforce links (i.e. trails, paths, open space, transit, and streets) within and between residential, retail, employment, recreational and other public land uses.

Response: Paths, connections, and open spaces have been carefully connected throughout and surrounding the site to provide for comfortable connections and alternative modes of transportation to surrounding land uses and beyond.

Goal 9: Provide a broad variety of land uses that create synergy within mixed-use neighborhoods.

Bullet Point 1: Incorporate a diverse range of residential and non-residential uses and densities within mixed-use neighborhoods.

Response: The proposed apartment development adds needed residential to a predominately non-residential area. The apartment development adds a complimentary balance at this tough/hidden location designated by McCormick Ranch Center and Shea Area Plan for mixed-use development.

Goal 9, Bullet Point 2: Promote residential uses that support the scale and function of retail, commercial and employment uses within these neighborhoods, including the use of mixed-use structures (retail or office on lower level and residential uses on upper levels).

Response: The residential (apartment) mix proposed will be supportive of the existing retail, commercial, and employment uses within these neighborhoods and complete the mixed-use nature of this McCormick Ranch Center and the Shea Area Plan as envisioned.

Goal 9, Bullet Point 3: Encourage compact mixed-use, pedestrian oriented development patterns, at urban densities, that limit the demand for parking and unnecessary automobile trips, and support alternative modes of mobility.

Response: This Site, with the apartments, will utilize the existing infrastructure already in place and will take advantage of this prime location (albeit hidden from view) for such a mixed-use development because of the surrounding employment, retail, trails, and services. With a nice variety of employment and uses within walking distance, this Site and its future apartment development encourages walkability and alternative modes of transportation which limits automobile trips.

Growth Areas Element

Goal 3, Bullet Point 2: Provide open spaces in designated growth areas that encourage public gathering, enhance aesthetics, preserve viewsheds, and serve as buffers between uses of significantly differing function and intensity.

Response: Open spaces (i.e., existing and proposed) have been strategically laid out within the Site. These areas encourage public gathering and activity. The open space corridor along Shea Boulevard continues to preserve viewsheds that also serve as a buffer from Shea Boulevard and provides for a public benefit for the area. The apartment development strengthens the design and character of the Shea Area Plan and promotes a safe, comfortable, and aesthetically pleasing pedestrian environment and overall mixed-use development.

Housing Element

Goal 3, Bullet Point 1: Encourage and establish appropriate incentives for development of aesthetically pleasing housing that will accommodate a variety of income levels and socioeconomic needs.

Response: The proposed apartment development will be aesthetically pleasing and will allow for another housing opportunity within this immediate area.

Goal 3, Bullet Point 6: Consider incentives that encourage the development of diverse housing types, including smaller, more affordable units.

Response: A range of floor plans have been included with the development that provides various levels of living options (i.e. studio, one, and two bedrooms with roof access for some units) as well as amenities (e.g., concierge service).

Goal 4, Bullet Point 1: Encourage a variety of housing densities throughout Scottsdale, with mixed-uses in areas of major employment and transit hubs, to offer greater live/work choices to a broader economic range of households.

Response: This development provides a different level option in housing density while also providing a mix of uses located one of the city's premier employment/residential corridor and further enhancing the live/work philosophy.

Goal 4, Bullet Point 5: Support the use of future innovations in technology and telecommunications as a way to remain flexible to changing demographics, community profiles and quality of life choices, including opportunities like home based businesses, telecommuting, on-line shopping, etc.

Response: The apartment development supports the use of future innovations in technology that provide opportunities for "work from home" based businesses of the present and future while

providing for a high quality of life. The development will utilize state of the art Wi-Fi technology and contains on-site amenities and services within the business center that support future technology workers and can help to eliminate automobile use. The on-site business center has a conference center with meeting space and can assist in home business needs such as printing, which will be located within the development.

Goal 4, Bullet Point 6: Consider a variety of strategies to increase housing intensity and diversity in appropriate locations, such as around commercial areas, near transit centers or major employment.

Response: The proposed apartment development is in a heavily commercial/retail/office area. Moreover, there is bus, trails, and ease of access to the freeway. The apartments will also offer Uber and Lyft pickup & drop off area. Suffice to say, this site is ideal suited for residential apartments at the density proposed.

Goal 4, Bullet Point 9: Work to adjust the housing mix based on changing demographics and economics of the city.

Response: The changing economics and demographics of the city; particularly evolving towards a live, work, and play philosophy which allows for “work from home” options. The Site is in an ideal location to capitalize on that philosophy.

Community Mobility Element

Goal 8 Emphasize live, work, and play land use relationships to optimize the use of citywide systems and reduce the strain on regional and local/neighborhood systems.

Response: This mixed-use development will contribute to the existing live, work, and play theme seen in adjacent developments in this location. The mixed-use nature and design of the proposal provides for walkability and encourages alternative modes of transportation to reduce automobile trips and ultimately the strain on regional and local/neighborhood systems.

Goal 8, Bullet Point 3: Encourage, where appropriate, mixed use developments that physically incorporate residential, shopping and work environments within one area or project and place strong emphasis on connectivity with non-motorized access (pedestrian oriented development).

Response: This Site provides an appropriate mixed-use development with the various commercial/retail/office users in the area. Furthermore, by adding the apartments, the development is designed with the intent to reduce automobile trips and encourage pedestrian oriented development by including ground level uses, live/work units, and services and enhancing the streetscapes to become walkable, comfortable, and aesthetically pleasing.

Goal 11: Provide opportunities for building “community” through neighborhood mobility.

- Encourage the sensitive integration of live, work and play land uses and their physical links within and between neighborhoods to emphasize sense of place.
- Provide a high level of service for pedestrians through facilities that are separated and protected from vehicle travel (e.g., placing landscaping between curbs and sidewalks).
- Emphasize strong pedestrian orientation (e.g. shaded safe paths, links to civic spaces) to foster a strong sense of community.

Response: The design for this mixed-use development provides the opportunity to build community through neighborhood mobility by placing the pedestrian first via enhanced pathways on-site and beyond which will encourage activity and friendly neighborhood interaction. Design consideration includes shade, lighting, seating, bicycle parking, and safe pathways that foster a strong sense of community.

GENERAL PLAN – SIX GUIDING PRINCIPLES

The following request is for a non-major GPA to the land use category and map contained in the Land Use Element of the City of Scottsdale 2001 General Plan. Six guiding principles indicate the appropriateness of a land use change to the General Plan. These six Guiding Principles are:

1. Value Scottsdale’s Unique Lifestyle & Character.
2. Support Economic Vitality.
3. Enhance Neighborhoods.
4. Preserve meaningful Open Space.
5. Seek Sustainability.
6. Advance Transportation.

Responses:

1. Value Scottsdale’s Unique Lifestyle & Character:

Response: Scottsdale is world renowned for a tourism and resort lifestyle. The live, work, and play theme extends the concept of the unique Scottsdale lifestyle by offering an opportunity to utilize the surrounding amenities, services, entertainment, recreation, relaxation, business, and travel within walking distance to a place of residence. With the proximity to the TPC Golf Course, Scottsdale Airpark, and WestWorld among many other businesses this proposed development offers a modern, active, and exciting lifestyle rooted in a location that provides access to some of the best amenities the Scottsdale lifestyle has to offer. From professionals to families, this location provides the location, lifestyle, and services that appeal to everyone.

2. Support Economic Vitality:

Response: This proposed apartment development will generate sales tax revenue from new tenants, property taxes, and indirect revenues spent within the area at nearby businesses, which generates a substantial new economic benefit to the city. The current office zoning on-site would not generate as great of economic benefit as a new community of residents who will generally spend a good portion of their income within the immediate area and Scottsdale as a whole. Moreover, increased residents within an area provides for greater opportunities for new employers to locate or expand due to the close proximity to housing, retail, recreation, etc.

3. Enhance Neighborhoods:

Response: The proposed project will best utilize the Site, which is in the back of an existing development and hidden. This project will enhance pedestrian activity and connectivity of various areas, as well as bring to the area an active residential community and support services. The economic spin-off related to the new community provides revenue to surrounding property owners' businesses through shopping, dining, and nearby recreation/entertainment opportunities.

4. Preserve Meaningful Open Space:

Response: This project provides and has already areas for public rest, interaction, and connections. In addition, the one (1) main internal courtyard within the proposed apartment development along with the Scenic Corridor along Shea Boulevard provides open areas for people to gather/walk. The Scenic Corridor along Shea Boulevard was approved in its current configuration in 2002 with a stipulation (Case: 11-ZN-2002) to provide a minimum of 80-feet and an average of 100-feet in width. The current configuration and design are appropriate and continues to meet the intent/spirit of the Shea Area Plan approved in 1993. As such, this Scenic Corridor will not be changed with the proposed apartment development or the redevelopment of the existing office/retail that may occur in the future. The Site has, and will have, beautiful natural landscaping that enhances the open space areas to be built and as such the landscaping will showcase the beauty Sonoran Desert landscape palette.

5. Seek Sustainability:

Response: Many features of the proposed apartment development will indicate the commitment to sustainability. The density and design of this more urban multi-family development will use less land area and encourages a more mobile lifestyle other than via an automobile (e.g. walking, biking, and transit). Other design considerations include native landscaping which will reduce water use.

6. Advance Transportation:

Response: A mix of uses and nearby services encourages alternative modes of transportation through walking and bicycling. Furthermore, the apartment development Uber and Lyft pickup & drop off area emphasizing the lack thereof of needing a car while providing pedestrian amenities such as shade, seating, and bicycle/scooter parking.

SHEA AREA PLAN

The Shea Area Plan was adopted in June 1993 by Scottsdale's City Council. The following are the goals, intent, and policies from the Shea Area Plan (**emphasis** added) that support our proposal.

GOAL – ENHANCE AND PROTECT EXISTING NEIGHBORHOODS

INTENT: **New development should blend into the existing land use patterns** without creating negative off-site impacts.

POLICY 1 - **New development should be compatible to existing development through appropriate transitions.**

GUIDELINES:

The **following techniques are suggested to encourage compatibility with adjoining land uses:**

...

- 1) **Building heights at the edges of the parcel should reflect those already established by the existing neighborhood.**

...

- 4) **Buffering techniques such as landscaping, open space, parks, and trails should be used whenever possible.**

POLICY 2 - Parcels should develop without encouraging neighborhood assemblages. **It is desirable to unite undeveloped, individually owned parcels into a common development.**

GOAL – ENCOURAGE SITE PLANNING WHICH IS SENSITIVE TO ENVIRONMENTAL FEATURES

INTENT: Existing city policies provided for strong environmental protection and should be followed and actively enforced.

POLICY 1 - Open space should be provided to link neighborhoods with trails and recreational areas, act as buffers between major streets and adjacent land uses, provide for drainage, and protect significant habitat corridors, and to visually enhance the character of the area.

GOAL – PROVIDE FOR AN EFFICIENT ROAD NETWORK AND PROMOTE ALTERNATIVE MODES OF TRAVEL

INTENT: Shea Boulevard should be built according to anticipated traffic demands. Limit site access, median breaks, and traffic signal locations in accordance with the Shea Boulevard Transportation/Access Policy to be approved within six months of the Shea Area Plan.

POLICY 2 - The trail system should be maximized as an alternative transportation route.

GOAL – A VARIETY OF RESIDENTIAL HOUSING CHOICES SHOULD BE PROVIDED

INTENT: Create housing opportunities that will allow residents to live near schools and employment areas.

POLICY 1 - Enhance and protect the existing residential areas while allowing flexibility in residential parcels having Shea frontage.

GUIDELINES:

...

- 5) For parcels at the intersection of Shea and an arterial or greater street, consider multi-family residential projects on any developable corner of the intersection.

Response: The surrounding area is approved for or has been developed with 1, 2, 3, and 4 story buildings, which the proposed apartment development would be consistent, albeit a bit higher, than some of these developments. However, the property is in the rear and behind an existing 2 story office/retail building as well as provides a nice buffer and visibility to Shea Boulevard. More importantly this area was envisioned to have the most

intense developments within the McCormick Ranch community (i.e., the “core”). As properties develop/redevelop height will be important as the area is becoming built out. It is worth noting, the hospital has height of 4-5 stories. Homogenous heights are not ideal, and diversity of heights provides an interest to an area as well as assists in making projects economically sound/viable (i.e., in this case the number of units/people living within the area to support the ancillary uses). Thus, by adding the proposed compatible apartment development to this existing office/retail center will enforce, adhere to, and provide a more sustainable environment envisioned by the Shea Area Plan. And by providing buffers to the existing developments in the area, pedestrian connectivity points on-site and beyond (i.e., to the trail system, employment, retail, etc.) will create a less impactful environment, which is envisioned by the Shea Area Plan.

VII. PUD Criteria

Section 5.5003 of the Zoning Ordinance states that the development proposals shall comply with the following criteria:

A. PUD Zoning District Approval Criteria,

- 1. As part of the approval or modified approval of an application for a PUD district, the Planning Commission shall recommend and the City Council shall find that the following criteria have been met:*

A. The proposed development promotes revitalization, the goals, policies and guidelines of the General Plan, Area Plans and Design Guidelines.

Response: The proposed addition of the apartment development to this Site accomplishes a range of goals including the public benefit of developing and using this hidden vacant lot into use. In addition, the high quality, vibrant architectural and site planning design as well as creating pedestrian synergy will complement the surrounding area. The proposed development meets and furthers the goals and policies of the General Plan and Shea Area Plan as discussed in this narrative. For example, the development of a mix of uses; specifically, residential (apartments) and providing pedestrian connections/pathways thus encouraging less dependency on the auto for the Site and the “core” area (i.e., McCormick Ranch Center).

B. The proposed development’s uses, densities, or development standards would not otherwise be permitted by the property’s existing zoning.

Response: The proposed apartment development would not be permitted under the existing C-O zoning designation on the vacant property and as such the request to PUD to allow for said use as an integrated development. There is a tremendous amount of existing office, potential redevelopment of office, and the potential for future office space that are more ideally located than this current location hidden behind and “sandwiched” between existing developments.

- C. The proposed development will be compatible with adjacent land uses and promotes the stability and integrity of abutting or adjacent residential neighborhoods.*

Response: The proposed apartment development is compatible with adjacent land uses, heights, and maintains the integrity of the Shea Area Plan and McCormick Ranch Center's "core" area by providing a balance between residential and employment/retail type uses. Current multi-family residential projects in the area are compatible and similar character, but this location is hidden from view and a difficult property to develop into something other than residential units.

- D. That there is adequate infrastructure and City services to serve the development.*

Response: There are adequate infrastructure and City services to serve the development.

- E. That the proposal meets the following location criteria:*

- i. The proposed development is not located within any areas zoned environmentally sensitive lands ordinance (ESL) nor within the boundaries of the Downtown Plan.*

Response: The Site is not located within the ESL area or within the boundaries of the Downtown Plan.

- ii. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the City's transportation master plan.*

Response: The Site fronts Shea Boulevard, a major arterial street as well as has access to 92nd Street a minor collector via an existing vehicular access easement, which is proposed to be an "exit-only" access point through the abutting medical office condominium to the south.

VIII. Conclusion

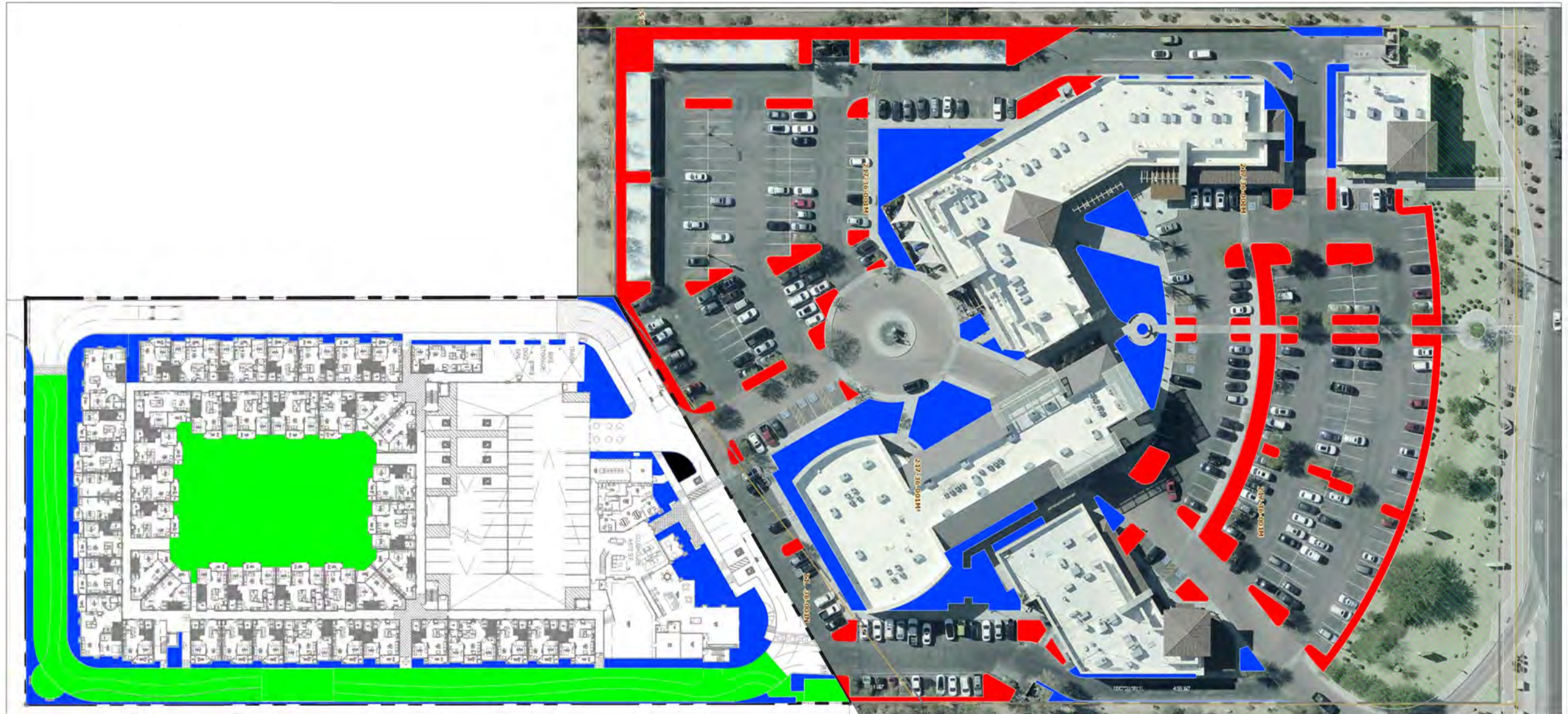
In summary, the applicant is seeking a Non-Major General Plan Amendment and rezoning on an approximately 11+/- gross acre site located at 9375 East Shea Boulevard to create and add a unique luxury multi-family residential development to an existing retail/office center in order to create a mixed-use development with approximately 219 residential units. These residential units will enhance upon the work, live, and play environment encouraged by the McCormick Ranch Center "core" area, the Shea Area Plan, and General Plan as well as the trend in development patterns (i.e., areas more urban and with amenities) currently occurring in Scottsdale and beyond.

Workers, millennials, and professionals alike desire a work/live lifestyle option that is different than a traditional workplace and household environment. One that affords them a flexible schedule to work and play and thus creating a more active (24-hour) environment of live, work,

and play. As such; a development that promotes a mix of land uses, walkability/bike riding, reduced auto trip generation, environmental responsibility, amenities, and professional synergy/contact are important and revered by society today.

The proposed mix of uses envisioned on this 11+/- gross acre site will not only enhance the local area, but Scottsdale in general by providing a unique living experience not available in many areas or cities. As stated, the 11+/- gross acre site is surrounded by a variety of employment, recreation, entertainment, office, and service-related business and as such is perfect for this unique mixed-use concept.

This is a unique and exciting mixed-use project that will not only be a success but will exemplify the vision that the city of Scottsdale, the employers, and the residents had hoped, and hope, to achieve in the area.



SITE DATA

GROSS SITE AREA:	479,160 SQFT
NET SITE AREA:	451,281 SQFT
ZONING:	C-3
PROPOSED ZONING:	PUD

COMMON OPEN SPACE RETAIL SITE

GROSS SITE AREA:	322,591 SQFT
OPEN SPACE FACTOR:	0.10
REQ. OPEN SPACE CALCULATIONS:	- 322,591 X .10 = 32,259 SQ. FT.
TOTAL OPEN SPACE REQUIRED:	32,259 SQ. FT.
TOTAL OPEN SPACE PROVIDED:	71,022 SQ. FT.

COMMON OPEN SPACE MF SITE

GROSS SITE AREA:	156,569 SQFT
OPEN SPACE FACTOR:	0.10
REQ. OPEN SPACE CALCULATIONS:	- 156,569 X .10 = 15,657 SQ. FT.
TOTAL OPEN SPACE REQUIRED:	15,657 SQ. FT.
TOTAL OPEN SPACE PROVIDED:	48,582 SQ. FT.

TOTAL COMMON OPEN SPACE

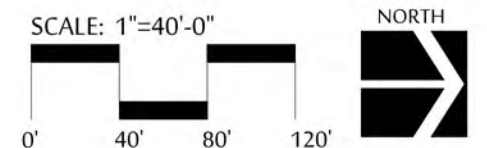
	FRONT AREA OPEN SPACE - 29,696 SQFT
	USABLE OPEN SPACE - 35,359 SQFT
	PARKING LOT LANDSCAPING - 22,857 SQFT
	OTHER OPEN SPACE AREA - 31,692 SQFT
TOTAL OPEN SPACE REQUIRED: 47,916 SQ. FT.	
TOTAL OPEN SPACE PROVIDED: 119,604 SQ. FT.	

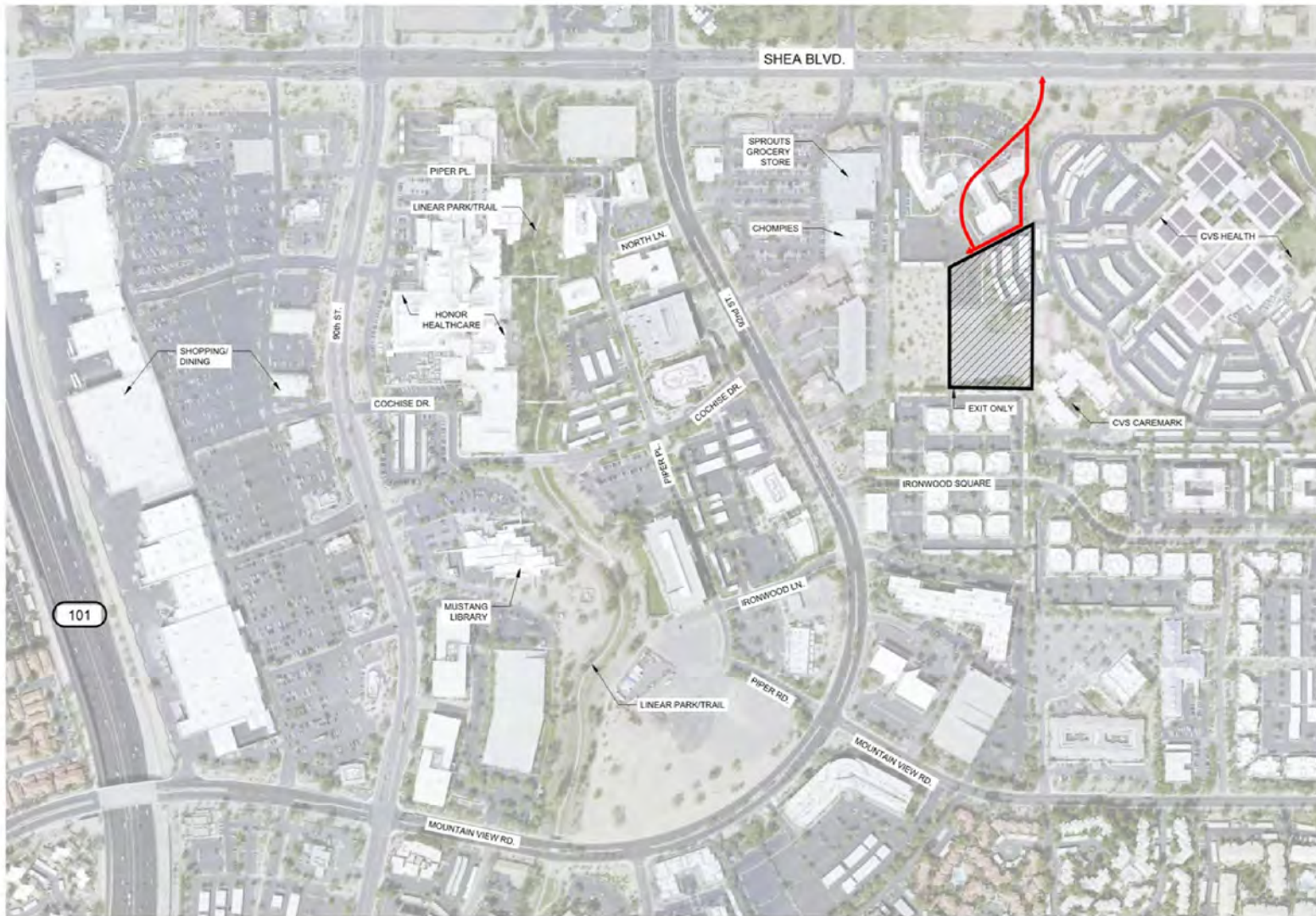
DISTRICT AT 9400 SHEA

OVERALL OPEN SPACE EXHIBIT

9375 E. SHEA BOULEVARD, SCOTTSDALE, AZ 85260
APRIL 1, 2021

Resolution No. 12211
Exhibit 1
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LEGEND



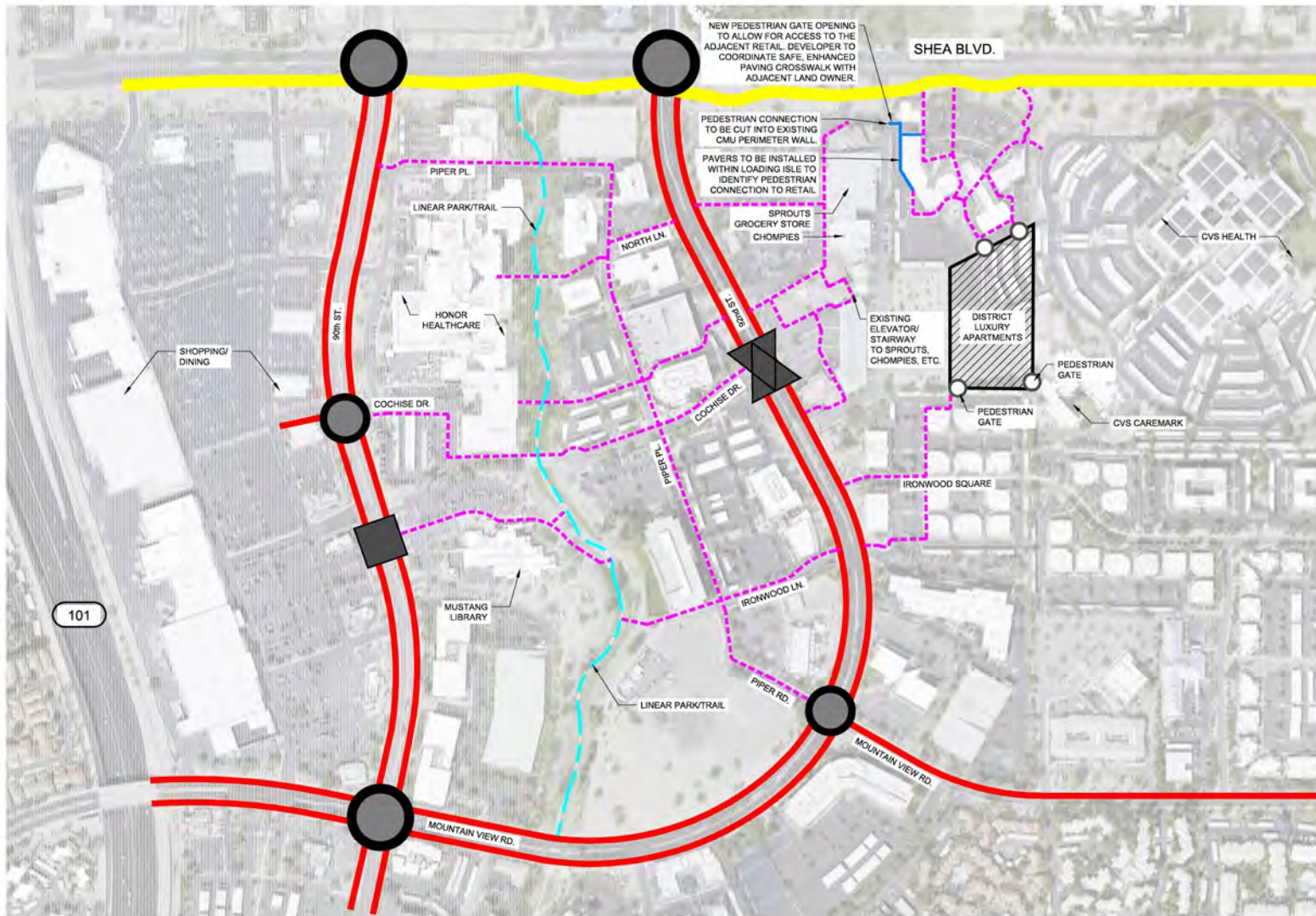
DISTRICT AT 9400 SHEA VEHICULAR SITE ACCESS PLAN

9375 E. SHEA BOULEVARD, SCOTTSDALE, AZ 85260

Resolution No. 12211

Exhibit 1

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LEGEND

- EXISTING 8' DETACHED SIDEWALK (ALONG SHEA BLVD.)
- EXISTING 5' SIDEWALK (ALONG COLLECTORS)
- EXISTING PEDESTRIAN CONNECTIONS
- EXISTING LINEAR PARK TRAIL
- PROPOSED PEDESTRIAN CONNECTION (INSTALLED BY KAPLAN)
- EXISTING TRAFFIC SIGNAL
- EXISTING PEDESTRIAN CROSSING
- PROPOSED PEDESTRIAN CROSSING
- SITE PEDESTRIAN ACCESS LOCATIONS



DISTRICT AT 9400 SHEA PEDESTRIAN NEIGHBORHOOD CONNECTION EXHIBIT

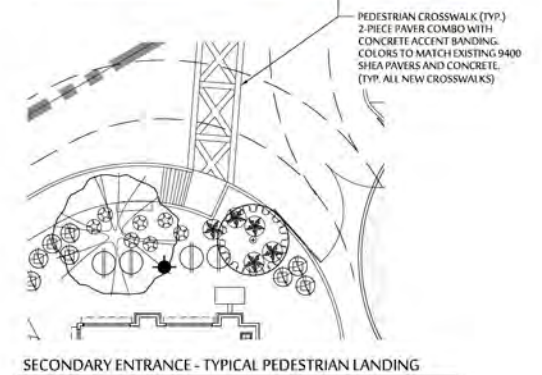
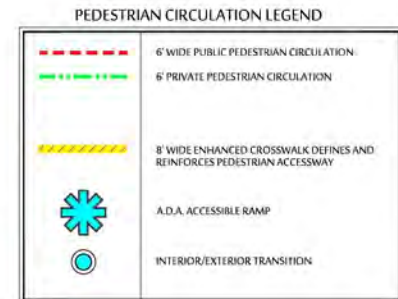
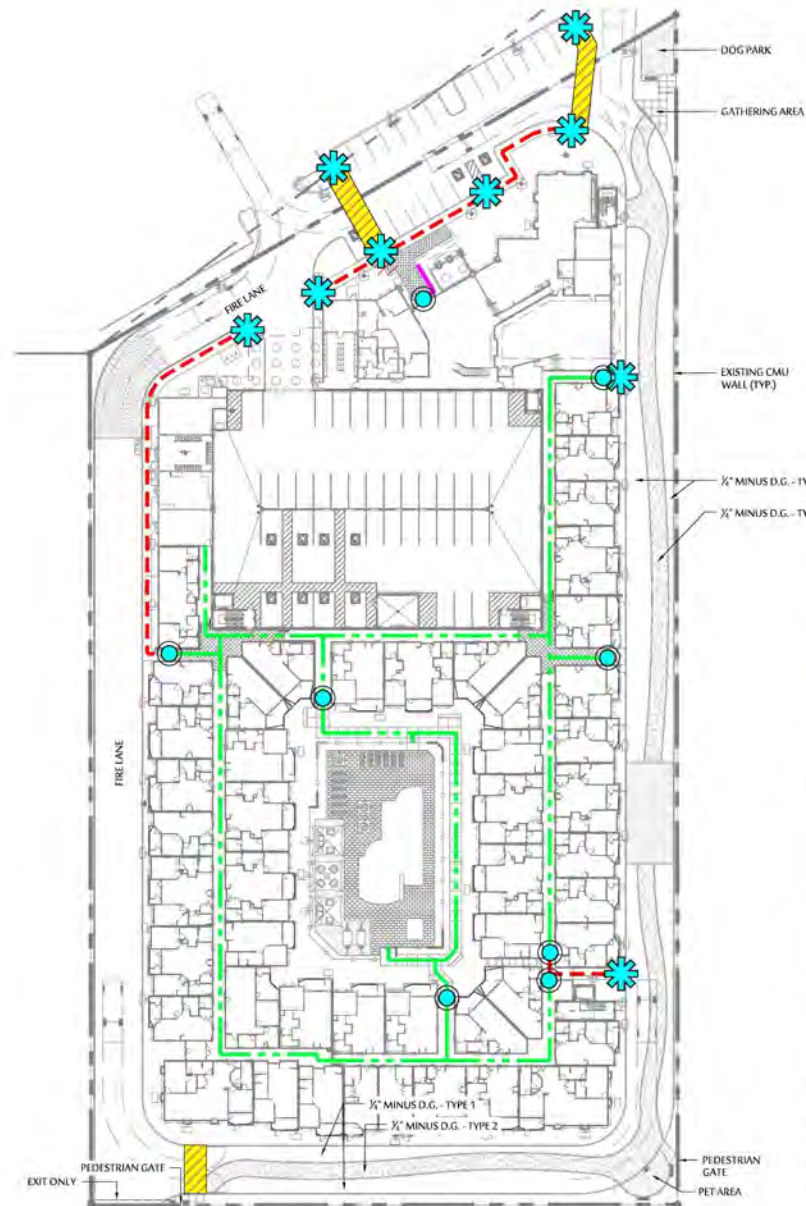
9375 E. SHEA BOULEVARD, SCOTTSDALE, AZ 85260

APRIL 1, 2021

Resolution No. 12211

Exhibit 1

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DISTRICT AT 9400 SHEA PEDESTRIAN CIRCULATION PLAN

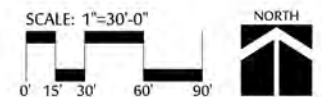
9375 E. SHEA BOULEVARD, SCOTTSDALE, AZ 85260

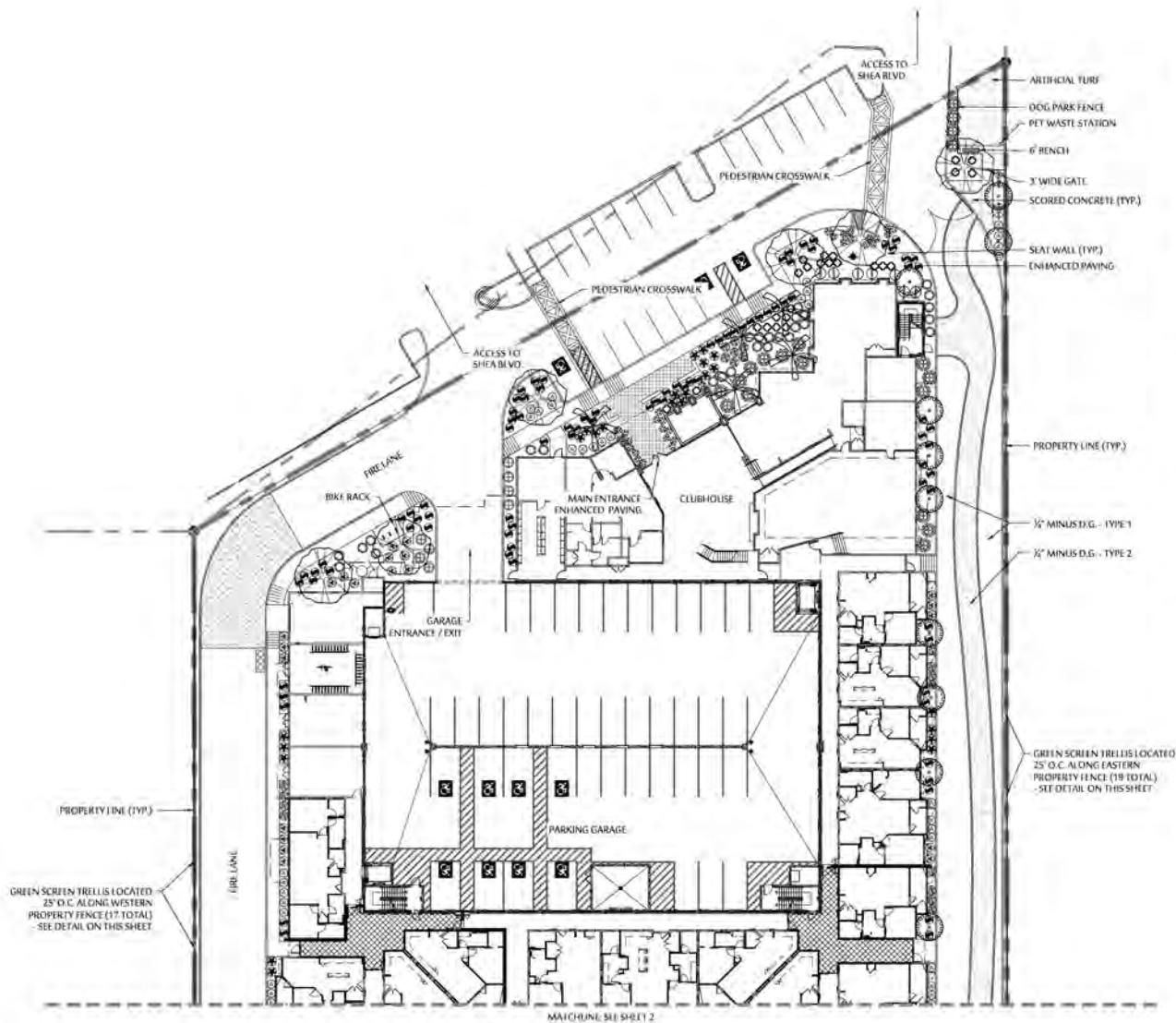
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Resolution No. 12211
























Exhibit 1

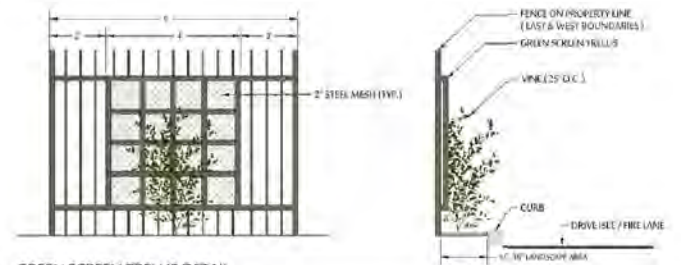
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PLANT LEGEND

SYMBOL	BOTANICAL NAME - COMMON NAME	CALIPER	QTY.	SIZE	COMMENTS
TREES					
	PHOENIX DACTYLIFERA - DATE PALM	-	8	16" BROWN TRUNK	DIAMOND CUT
	QUERCUS VIRGINIANA - CATHEDRAL OAK	3" MIN.	8	48" BOX	STANDARD
	PISTACIA LENTISCULUS - MASTIC	1" MIN	34	24" BOX	STANDARD
	ACACIA ANEURA - MULGA ACACIA	3" MIN.	6	48" BOX	STANDARD
	CHAMPAEROPS HUMILIS - MEDITERRANEAN FAN PALM	-	2	20 GAL	UNIFORM
	CHAMPAEROPS HUMILIS - MEDITERRANEAN FAN PALM	-	6	48" BOX	UNIFORM
SHRUBS / ACCENTS / GROUNDCOVERS					
	RUPELLIA PENINSULARIS - BAIJA RUELLIA		60	5 GAL	CAN FULL
	RUSSELLIA EQUESTIFORMIS - CORAL FOUNTAIN GRASS		56	5 GAL	CAN FULL
	OLEA EUROPAEA 'MONTINA' - LITTLE OLIVE DWARF OLIVE		43	5 GAL	CAN FULL
	MUHLENBERGIA RIGIDA - DEER GRASS		30	5 GAL	CAN FULL
	LEUCOPHYLLUM FRUTESCENS - HEAVENLY CLOUD SAGE		42	5 GAL	CAN FULL
	BOUTELOUA GRACILIS - BLONDE AMBITION		51	5 GAL	CAN FULL
	ERIMOPHILA HYGROPHANA - BLUE BELLS		67	5 GAL	CAN FULL
	ERIMOPHILA GLABRASSA, CANINOSA - WINTER BIAZE		37	5 GAL	CAN FULL
	GENISTA LYDIA - LYDIA		14	5 GAL	CAN FULL
	DODONAEA VISCOSA - HOPILOUSH		23	5 GAL	CAN FULL
	XILOSSMA CONGESTUM - SHINY XYLOSAMA		10	5 GAL	CAN FULL
	LANTANA 'NEW GOLD' - NEW GOLD LANTANA		131	5 GAL	CAN FULL
	ALOE HYBRID - TOPAZ		31	5 GAL	CAN FULL
	CYCAS REVOLUTA - SAGO PALM		8	5 GAL	CAN FULL
	PITTOSPORUM TOBIIRA - TURNER'S VARIEGATED DWARF		10	5 GAL	CAN FULL
	MYRTUS COMMUNIS 'COMPACTA' - DWARF MYRTLE		23	5 GAL	CAN FULL
VINES					
	BIGNONIA CAEPHOLOATA - 'TANGERINE BEAUTY' CROSSVINE			5 GAL	CAN FULL



GREEN SCREEN TRELLIS DETAIL

NOT TO SCALE



DISTRICT AT 9400 SHEA PRELIMINARY PLANTING PLAN

9375 E. SHEA BOULEVARD, SCOTTSDALE, AZ 85260

APRIL 1, 2021

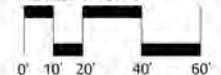
Resolution No. 12211

Exhibit 1

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SHEET 1

SCALE: 1"=20'-0"





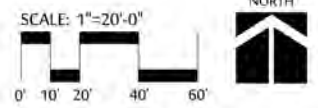
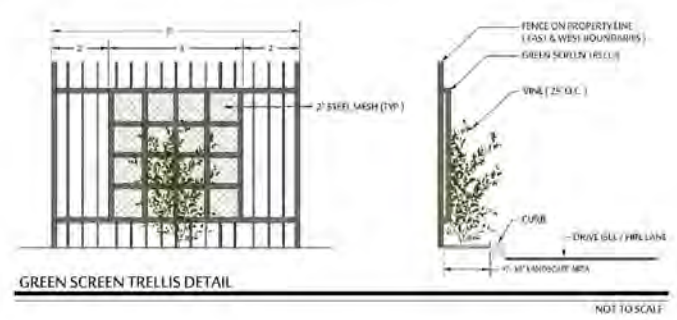
DISTRICT AT 9400 SHEA
PRELIMINARY PLANTING PLAN

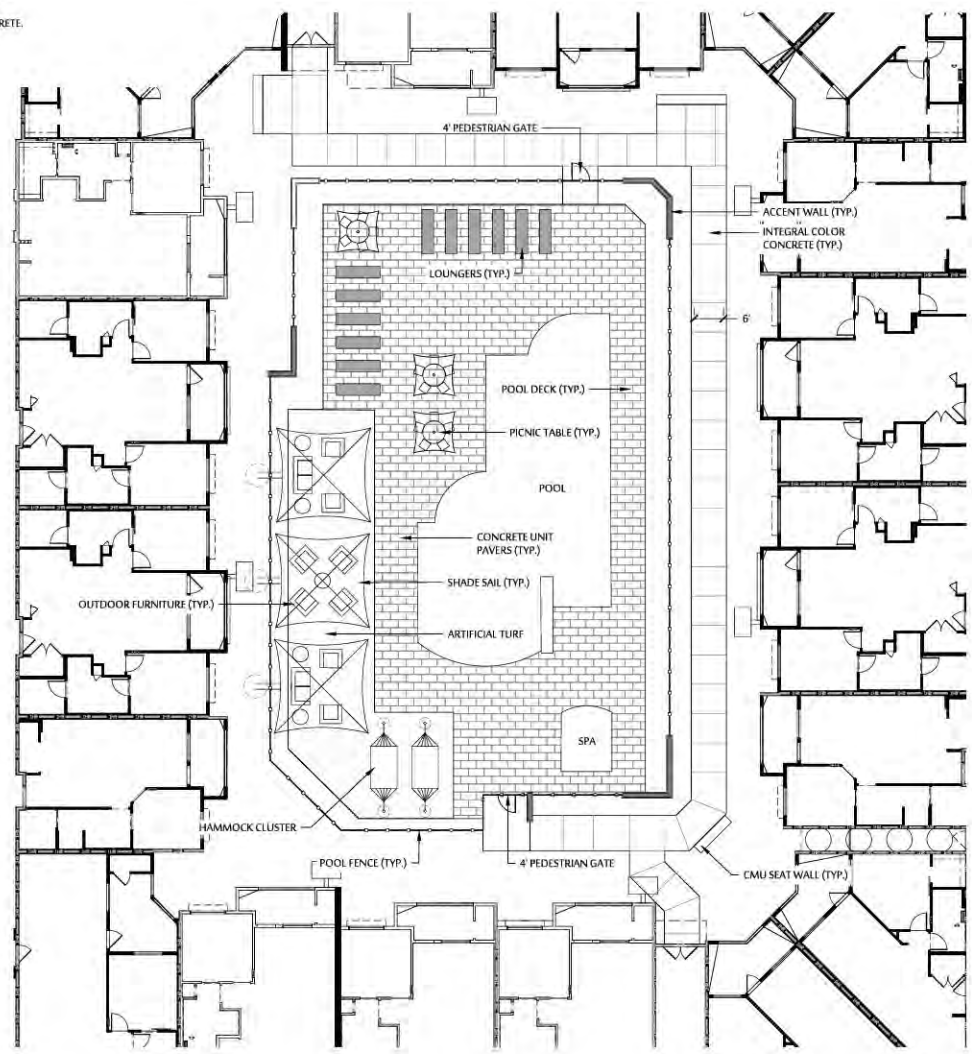
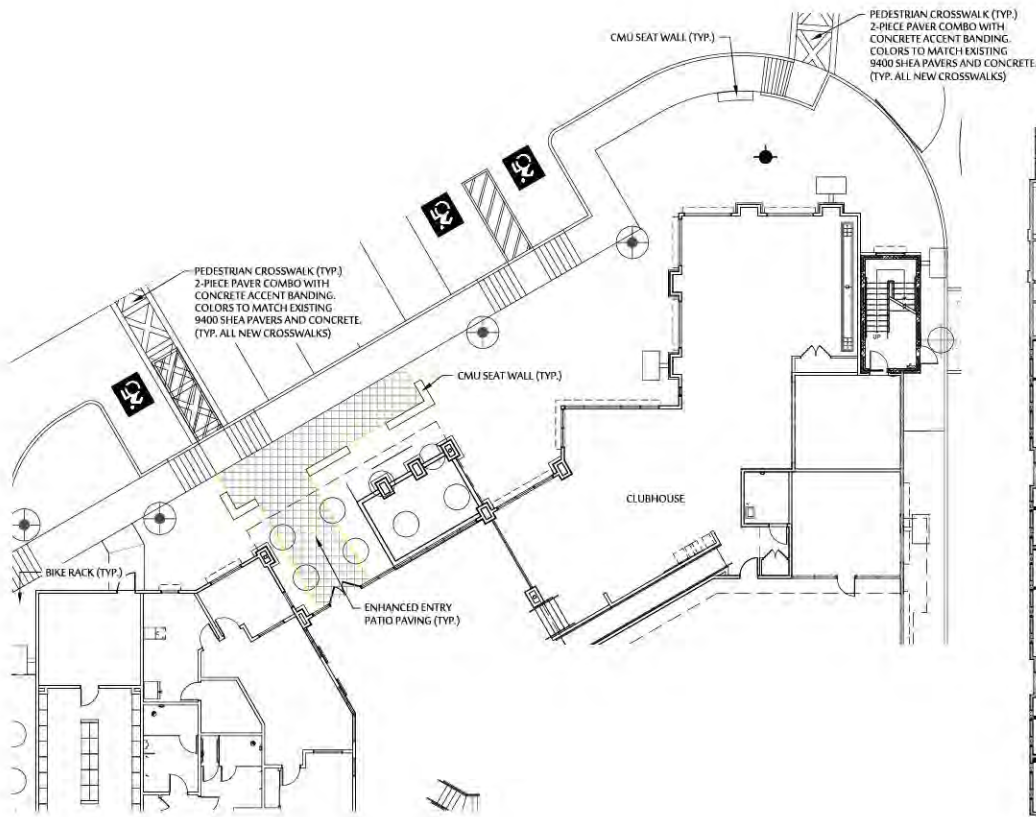
9375 E. SHEA BOULEVARD, SCOTTSDALE, AZ 85260
APRIL 1, 2021

Resolution No. 12211
Exhibit 1
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PLANT LEGEND

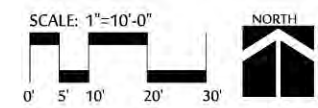
SYMBOL	BOTANICAL NAME - COMMON NAME	CALIPER	QTY.	SIZE	COMMENTS
TREES					
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	CHAMPADROP'S HUMILIS - MEDITERRANEAN FAN PALM	-	2	20 GAL.	UNIFORM
	CHAMPADROP'S HUMILIS - MEDITERRANEAN FAN PALM	-	5	48" BOX	UNIFORM
SHRUBS / ACCENTS / GROUNDCOVERS					
	RUPELLIA PENINSULARIS - BAI RUPELLIA	-	60	5 GAL.	CAN FULL
	RUPELLIA EQUESTIFORMIS - CORAL FOUNTAIN GRASS	-	56	5 GAL.	CAN FULL
	OLEA EUROPAEA MONTRA - LITTLE OLIVE DWARF OLIVE	-	43	5 GAL.	CAN FULL
	MUHLENBERGIA RIGIDA - DEER GRASS	-	30	5 GAL.	CAN FULL
	LEUCOPHYLLUM FRUTESCENS - HEAVENLY CLOUD SAGE	-	42	5 GAL.	CAN FULL
	BOUTELOUA GRACILIS - BLONDE AMBITION	-	51	5 GAL.	CAN FULL
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	GENISTA LYDIA - LYDIA	-	14	5 GAL.	CAN FULL
	DODONAEA VISCOSA - HOPBUSH	-	23	5 GAL.	CAN FULL
	XYLOSMA CONGESTUM - SHINY XYLOSMA	-	10	5 GAL.	CAN FULL
	LANTANA 'NEW GOLD' - NEW GOLD LANTANA	-	131	5 GAL.	CAN FULL
	ALOE HYBRID - TOPAZ	-	31	5 GAL.	CAN FULL
	CYCAS REVOLUTA - SAGO PALM	-	8	5 GAL.	CAN FULL
	PITTOSPORUM TONDA - TURNER'S VARIEGATED DWARF	-	18	5 GAL.	CAN FULL
	MYRTUS COMMUNIS 'COMPACTA' - DWARF MYRTLE	-	23	5 GAL.	CAN FULL
VINES					
	BIGNONIA CAPREOLATA - TANGERINE REALITY CROSSVINE	-	-	5 GAL.	CAN FULL

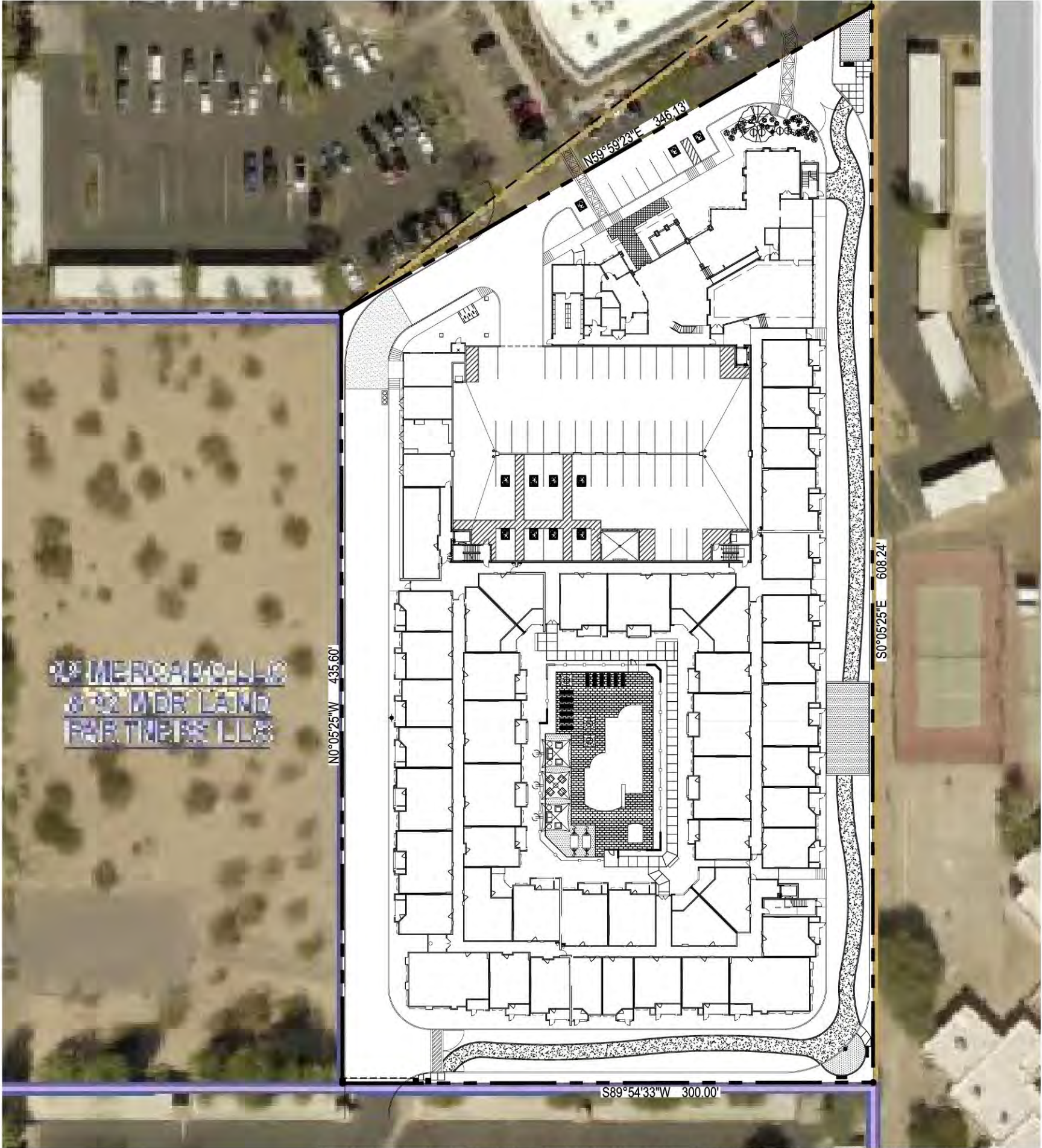




DISTRICT AT 9400 SHEA CONCEPTUAL HARDSCAPE PLAN

9375 E. SHEA BOULEVARD, SCOTTSDALE, AZ 85260
APRIL 1, 2021





9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL NO. 1:
A PORTION OF THE NORTHEAST QUARTER OF SECTION 30,
TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING
MORE DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HAND HOLE AT THE
INTERSECTION OF 96TH STREET AND SHEA BOULEVARD MARKING
THE NORTHEAST CORNER OF SAID SECTION 30, FROM WHICH A
BRASS CAP IN A HAND HOLE AT THE INTERSECTION OF 92ND
STREET AND SHEA BOULEVARD MARKING THE NORTH QUARTER
OF SAID SECTION 30 BEARS SOUTH 69 DEGREES 59 MINUTES
24 SECONDS WEST 2642.28 FEET SAID LINE BEING NORTH LINE
OF THE NORTHEAST QUARTER OF SAID SECTION 30, AND THE
BASIS FOR THE BEARINGS IN THE DESCRIPTION:

THENCE SOUTH 89 DEGREES 59 MINUTES 24 SECONDS WEST,
ALONG SAID NORTH LINE 1321.14 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 25 SECONDS EAST
65.00 FEET TO A LINE 65.00 FEET SOUTH OF AND PARALLEL
WITH SAID NORTH LINE, AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 05 MINUTES 25
SECONDS EAST 490.84 FEET;

THENCE SOUTH 59 DEGREES 59 MINUTES 23 SECONDS WEST
346.13 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 33 SECONDS WEST
200.00 FEET;

THENCE NORTH 00 DEGREES 05 MINUTES 25 SECONDS WEST
664.19 FEET TO A LINE 65.00 FEET SOUTH OF AND PARALLEL
WITH THE NORTH LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 89 DEGREES 59 MINUTES 24 SECONDS EAST,
ALONG SAID PARALLEL LINE 500.00 FEET TO THE POINT OF
BEGINNING.

PARCEL NO. 2:
A PORTION OF THE NORTHEAST QUARTER OF SECTION 30,
TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT
RIVERBASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN A HAND HOLE AT THE
NORTHEAST CORNER OF SAID SECTION 30, FROM WHICH A
FOUND BRASS CAP IN A HAND HOLE AT THE NORTH QUARTER
CORNER OF SAID SECTION BEARS SOUTH 69 DEGREES 59
MINUTES 24 SECONDS WEST, 2642.27 FEET;

THENCE SOUTH 69 DEGREES 59 MINUTES 24 SECONDS WEST,
ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 1321.14
FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 25 SECONDS EAST,
555.84 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 05 MINUTES 25
SECONDS EAST, 606.24 FEET;

THENCE SOUTH 69 DEGREES 54 MINUTES 33 SECONDS WEST,
300.00 FEET;

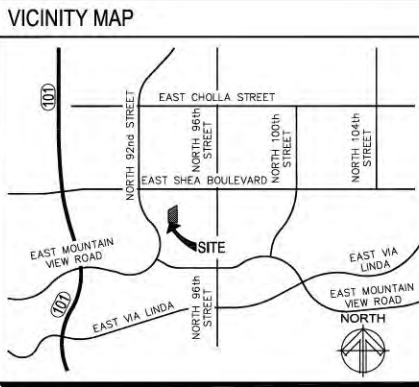
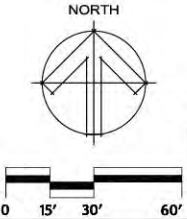
THENCE NORTH 00 DEGREES 05 MINUTES 25 SECONDS WEST,
435.60 FEET;

THENCE NORTH 59 DEGREES 59 MINUTES 23 SECONDS EAST,
346.13 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3:
EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND
EGRESS AS SET FORTH IN EASEMENT AGREEMENT RECORDED
APRIL 04, 2013 AS 2013-0306840 OF OFFICIAL RECORDS.

PARCEL NO. 4:
PUBLIC ACCESS EASEMENT AS SET FORTH ON MAP OF
DEDICATION FOR MOUNTAIN VIEW PARK RECORDED IN BOOK 630
OF MAPS, PAGE 20, OFFICIAL RECORDS, MARICOPA COUNTY,
ARIZONA.

Resolution No. 12211
Exhibit 1
Page 34 of 77



DIMENSIONED
BOUNDARY PLAN
SCALE: 1" = 30'-0"

A1.1
03-25-21

EAST SHEA BOULEVARD

EAST 94th PLACE

C-3
ZONING

C-3
ZONING

C-O
ZONING

R750'-0"

NORTH 92nd STREET

PUD
ZONING

C-O
ZONING

C-O
ZONING

EAST GOLD DUST AVENUE

EAST IRONWOOD SQUARE DRIVE

C-O
ZONING

NORTH 94th PLACE

Resolution No. 12211
Exhibit 1
Page 35 of 77



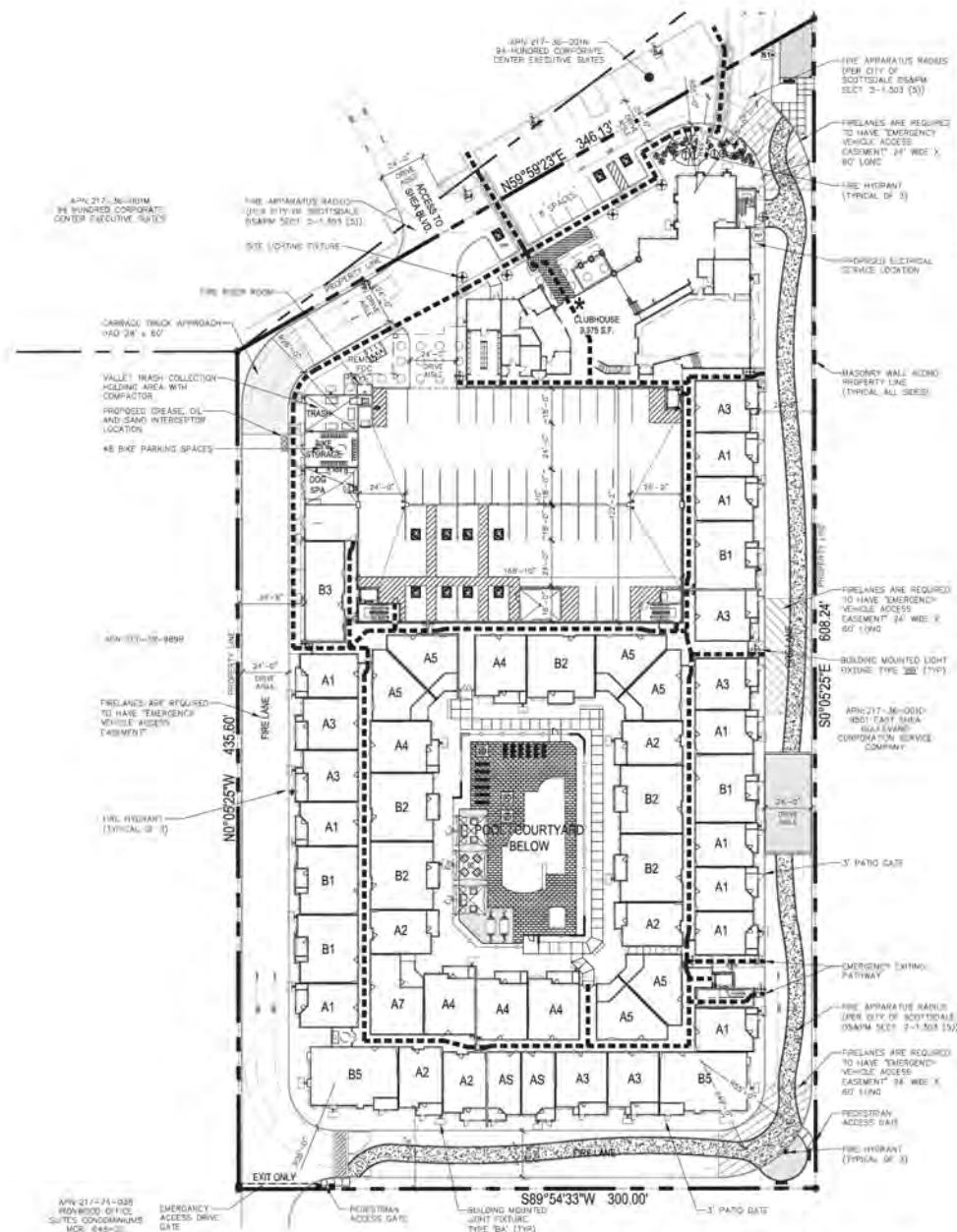
CONTEXT AERIAL

SCALE: 1" = 80'-0"

A1.2
03-25-21

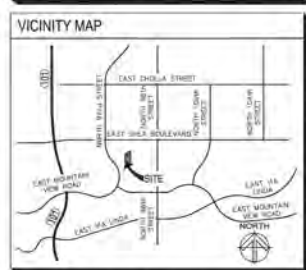
9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

biltform
architecture

[illegible]

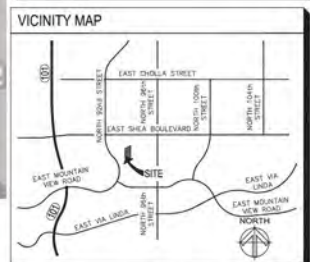
UNIT NAME	UNIT TYPE	SEMI-BA	BALC	TOT. OF	SEMI-BA	SEMI-BA
UNIT #3	STUDIO	54	54	54	54	54
UNIT #1	BA	85.5	85.5	1	85.5	85.5
UNIT #2	BA	72.5	72.5	1	72.5	72.5
UNIT #3	BA	72.5	72.5	1	72.5	72.5
UNIT #4	BA	72.5	72.5	1	72.5	72.5
UNIT #5	BA	72.5	72.5	1	72.5	72.5
UNIT #6	BA	72.5	72.5	1	72.5	72.5
UNIT #7	BA	72.5	72.5	1	72.5	72.5
UNIT #8	BA	72.5	72.5	1	72.5	72.5
UNIT #9	BA	72.5	72.5	1	72.5	72.5
UNIT #10	BA	72.5	72.5	1	72.5	72.5
UNIT #11	BA	72.5	72.5	1	72.5	72.5
UNIT #12	BA	72.5	72.5	1	72.5	72.5
UNIT #13	BA	72.5	72.5	1	72.5	72.5
UNIT #14	BA	72.5	72.5	1	72.5	72.5
UNIT #15	BA	72.5	72.5	1	72.5	72.5
UNIT #16	BA	72.5	72.5	1	72.5	72.5
UNIT #17	BA	72.5	72.5	1	72.5	72.5
UNIT #18	BA	72.5	72.5	1	72.5	72.5
UNIT #19	BA	72.5	72.5	1	72.5	72.5
UNIT #20	BA	72.5	72.5	1	72.5	72.5
UNIT #21	BA	72.5	72.5	1	72.5	72.5
UNIT #22	BA	72.5	72.5	1	72.5	72.5
UNIT #23	BA	72.5	72.5	1	72.5	72.5
UNIT #24	BA	72.5	72.5	1	72.5	72.5
UNIT #25	BA	72.5	72.5	1	72.5	72.5
UNIT #26	BA	72.5	72.5	1	72.5	72.5
UNIT #27	BA	72.5	72.5	1	72.5	72.5
UNIT #28	BA	72.5	72.5	1	72.5	72.5
UNIT #29	BA	72.5	72.5	1	72.5	72.5
UNIT #30	BA	72.5	72.5	1	72.5	72.5
UNIT #31	BA	72.5	72.5	1	72.5	72.5
UNIT #32	BA	72.5	72.5	1	72.5	72.5
UNIT #33	BA	72.5	72.5	1	72.5	72.5
UNIT #34	BA	72.5	72.5	1	72.5	72.5
UNIT #35	BA	72.5	72.5	1	72.5	72.5
UNIT #36	BA	72.5	72.5	1	72.5	72.5
UNIT #37	BA	72.5	72.5	1	72.5	72.5
UNIT #38	BA	72.5	72.5	1	72.5	72.5
UNIT #39	BA	72.5	72.5	1	72.5	72.5
UNIT #40	BA	72.5	72.5	1	72.5	72.5
UNIT #41	BA	72.5	72.5	1	72.5	72.5
UNIT #42	BA	72.5	72.5	1	72.5	72.5
UNIT #43	BA	72.5	72.5	1	72.5	72.5
UNIT #44	BA	72.5	72.5	1	72.5	72.5
UNIT #45	BA	72.5	72.5	1	72.5	72.5
UNIT #46	BA	72.5	72.5	1	72.5	72.5
UNIT #47	BA	72.5	72.5	1	72.5	72.5
UNIT #48	BA	72.5	72.5	1	72.5	72.5
UNIT #49	BA	72.5	72.5	1	72.5	72.5
UNIT #50	BA	72.5	72.5	1	72.5	72.5
UNIT #51	BA	72.5	72.5	1	72.5	72.5
UNIT #52	BA	72.5	72.5	1	72.5	72.5
UNIT #53	BA	72.5	72.5	1	72.5	72.5
UNIT #54	BA	72.5	72.5	1	72.5	72.5
UNIT #55	BA	72.5	72.5	1	72.5	72.5
UNIT #56	BA	72.5	72.5	1	72.5	72.5
UNIT #57	BA	72.5	72.5	1	72.5	72.5
UNIT #58	BA	72.5	72.5	1	72.5	72.5
UNIT #59	BA	72.5	72.5	1	72.5	72.5
UNIT #60	BA	72.5	72.5	1	72.5	72.5
UNIT #61	BA	72.5	72.5	1	72.5	72.5
UNIT #62	BA	72.5	72.5	1	72.5	72.5
UNIT #63	BA	72.5	72.5	1	72.5	72.5

TOTAL PARKING MULTI-FAMILY	
REQUIRED TOTAL	176 + 1.3 = 203
2 BEDROOM (2000)	83 sq ft = 103
3 BEDROOM	8.0 sq ft = 10
4 BEDROOM (1700)	8.0 sq ft = 10
5 BEDROOM (1500)	8.0 sq ft = 10
6 BEDROOM (1300)	8.0 sq ft = 10
TOTAL REQUIRED	242.3 sq ft
2000	83 sq ft
1700	83 sq ft
1500	83 sq ft
1300	83 sq ft
1100	83 sq ft
TOTAL PROVIDED (17 SPACES PER LAW)	176 sq ft
TOTAL PARKING (OFFICE - RETAIL)	
PROPOSED	47 sq ft
COVERED PARKING	375 sq ft
SURFACE PARKING	501 sq ft
TOTAL PROVIDED	884 sq ft
ADDITIONAL PARKING (REQUIRED)	681.7 sq ft
ADDITIONAL PARKING PROVIDED (1 SPAC @ 1.3 SPACES)	1.3 sq ft
TOTAL PROVIDED	885.7 sq ft
1700	83 sq ft
1500	83 sq ft
1300	83 sq ft
1100	83 sq ft
TOTAL PROVIDED	340 sq ft



ENLARGED
SITE PLAN
SCALE: 1" = 30'-0"

- | PROJECT DATA | | | | | | | | | | | | | | |
|--|---------------------------------|-------------------|----------|-------------|--|-------------|----------|--|--|--|--|--|--|--|
| OVERALL SITE DATA | | | | | | | | | | | | | | |
| SITE AREA: | 811.00 GROSS / 810.00 NET ACRES | | | | PROJECTED: 200 | | | | | | | | | |
| ZONING: | | | | | R17-30000 | | | | | | | | | |
| APN NUMBERS: | | | | | 217-56-0070 AND 217-56-0019 | | | | | | | | | |
| PROPOSED USE: | | | | | MULTI-FAMILY (7-16 UNITS) | | | | | | | | | |
| MAXIMUM DENSITY ALLOWED: | | | | | N/A | | | | | | | | | |
| PERMITTED DENSITY: | 219 D.U./35.36 AC | | | | 21.4 D.U./35.36 AC | | | | | | | | | |
| EXISTING RETAIL: | | | | | 38,971 S.F. | | | | | | | | | |
| EXISTING OFFICE: | | | | | 30,020 S.F. | | | | | | | | | |
| BUILDING FOOTPRINT + GARAGE: | | | | | 181,857 S.F./35.36 AC (401,851 S.F. = 184.95 AC) | | | | | | | | | |
| TOTAL LOT COVERAGE: | | | | | | | | | | | | | | |
| COMMON OPEN SPACE: | | | | | | | | | | | | | | |
| OPEN SPACE REQUIRED (OFFICE-RETAIL) | (52,239 S.F. + 10) | | | | = 32,259 S.F. | | | | | | | | | |
| OPEN SPACE REQUIRED (MULTI-FAMILY) | (136,363 S.F. + 10) | | | | = 71,522 S.F. | | | | | | | | | |
| OPEN SPACE REQUIRED: | | | | | 15,837 S.F. | | | | | | | | | |
| TOTAL OPEN SPACE REQUIRED: | | | | | 47,812 S.F. | | | | | | | | | |
| TOTAL OPEN SPACE PROVIDED: | | | | | 118,004 S.F. | | | | | | | | | |
| TOTAL AREA (MULTI-FAMILY): | | | | | | | | | | | | | | |
| MAXIMUM BUILDING HEIGHT: | | | | | 48' / 38' TO MECHANICAL | | | | | | | | | |
| PROPOSED BUILDING HEIGHT: | | | | | 48' (4 STORIES) / 38' TO MECHANICAL | | | | | | | | | |
| TOTAL GROSS GARAGE AREA: | | | | | 18,454 S.F. | | | | | | | | | |
| TOTAL GROSS USABLE AREA (RESIDENTIAL): | | | | | 19,023 S.F. | | | | | | | | | |
| TOTAL GROSS COMMERCIAL AREA: | | | | | | | | | | | | | | |
| CLUBHOUSE, OFFICE, FITNESS CENTER, LUXE, DOG SPA, BIKI STORE, MARIJUANA AND TRADING: | | | | | | | | | | | | | | |
| TOTAL GROSS GARAGE AREA: | | | | | 13,764 S.F. = 1.226 OF USABLE AREA | | | | | | | | | |
| TOTAL GROSS GARAGE AREA: | | | | | 14,067 S.F. | | | | | | | | | |
| UNIT MIX: | | | | | | | | | | | | | | |
| STUDIO UNITS: | | | | | 8 (13.65%) | | | | | | | | | |
| ONE BEDROOM UNITS: | | | | | 26 (42.58%) | | | | | | | | | |
| TWO BEDROOM UNITS: | | | | | 33 (28.77%) | | | | | | | | | |
| TOTAL: | | | | | 67 | | | | | | | | | |
| UNIT NAME | UNIT TYPE | GROSS USABLE AREA | RATIO/RM | TOP OF DECK | # OF UNITS | GROSS AREA | NET AREA | | | | | | | |
| UNIT A1 | 1 BED/2 BA | 650 S.F. | 68.5 F. | 32 | 32 | 20,320 S.F. | | | | | | | | |
| UNIT A2 | 1 BED/2 BA | 805 S.F. | 89.5 F. | 31 | 31 | 25,355 S.F. | | | | | | | | |
| UNIT A2 ALT 1 | 1 BED/2 BA | 805 S.F. | 89.5 F. | 31 | 31 | 25,355 S.F. | | | | | | | | |
| UNIT A2 ALT 2 | 1 BED/2 BA | 1,121 S.F. | 128.5 F. | 31 | 2 | 2,242 S.F. | | | | | | | | |
| UNIT A3 | 1 BED/2 BA | | | | | | | | | | | | | |

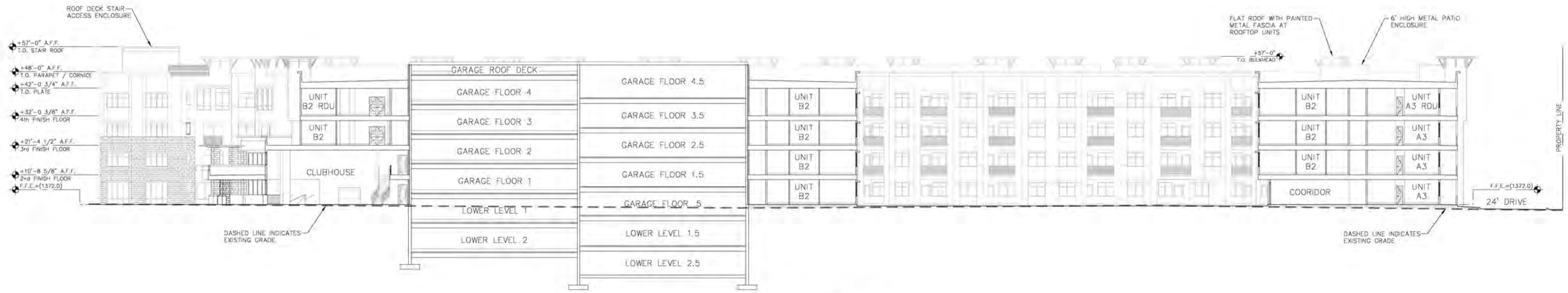


OVERALL
SITE PLAN

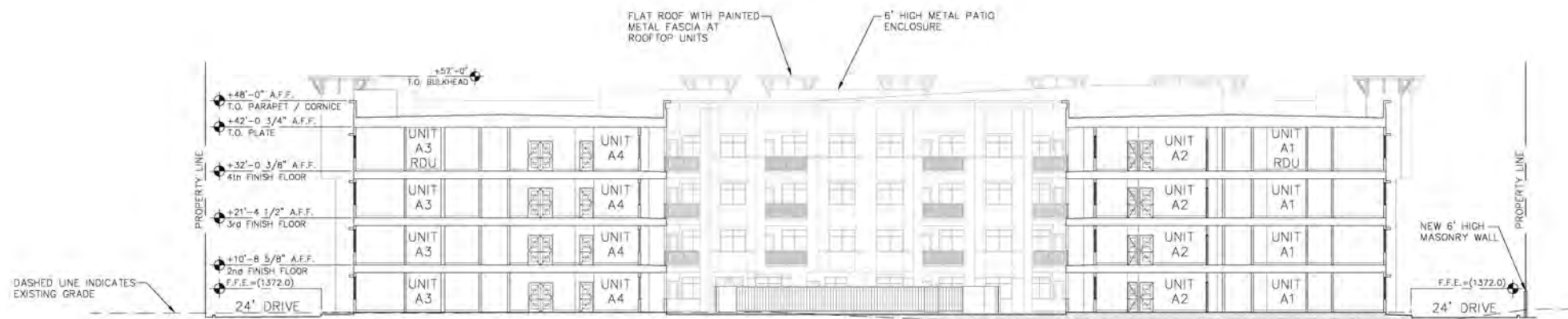
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A1.3.1

03-25-21

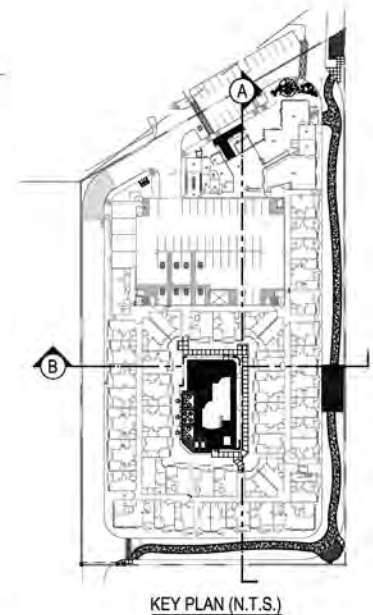


A SITE SECTION
SCALE: 1/16" = 1'-0"



B SITE SECTION
SCALE: 1/16" = 1'-0"

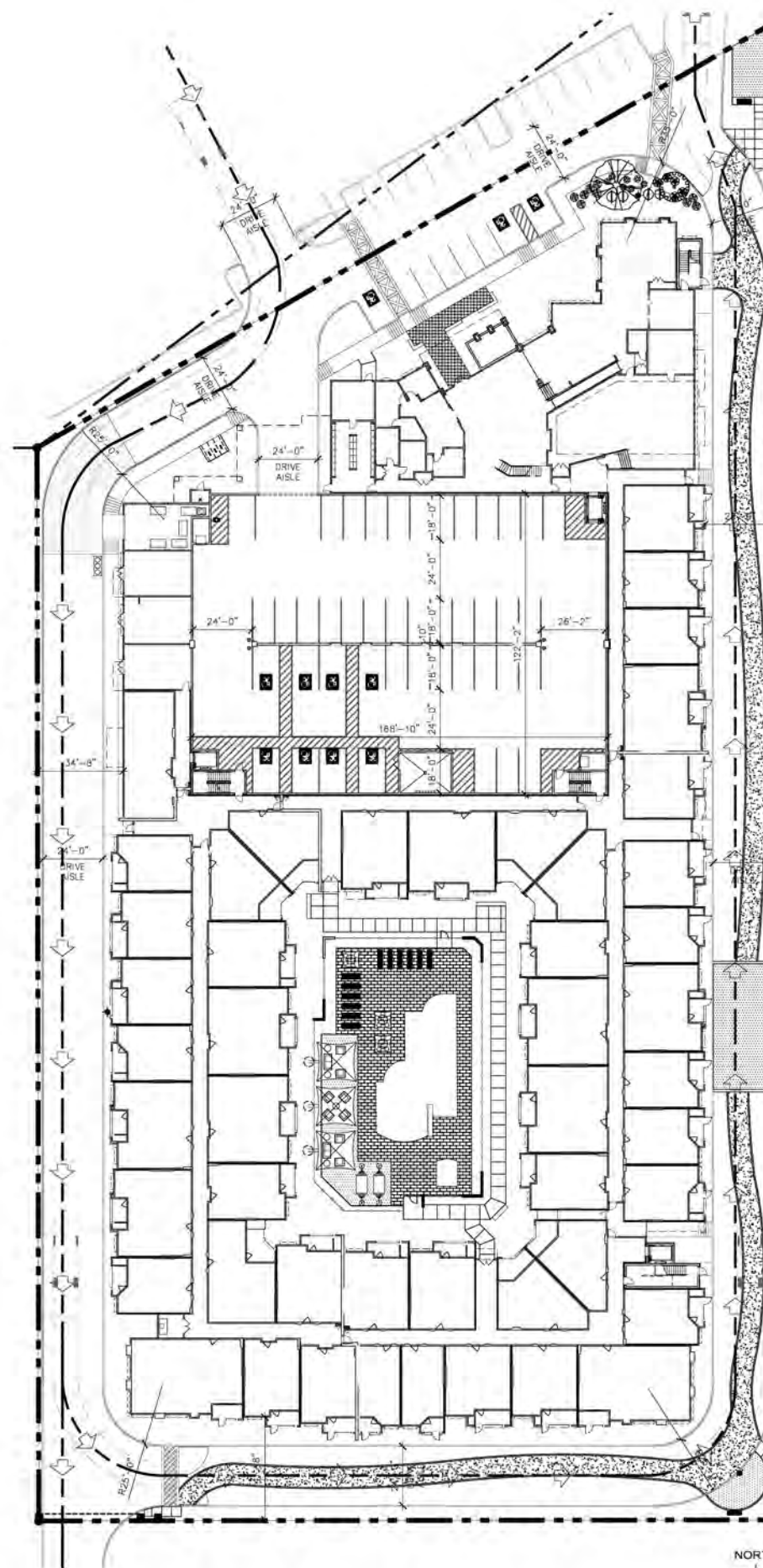
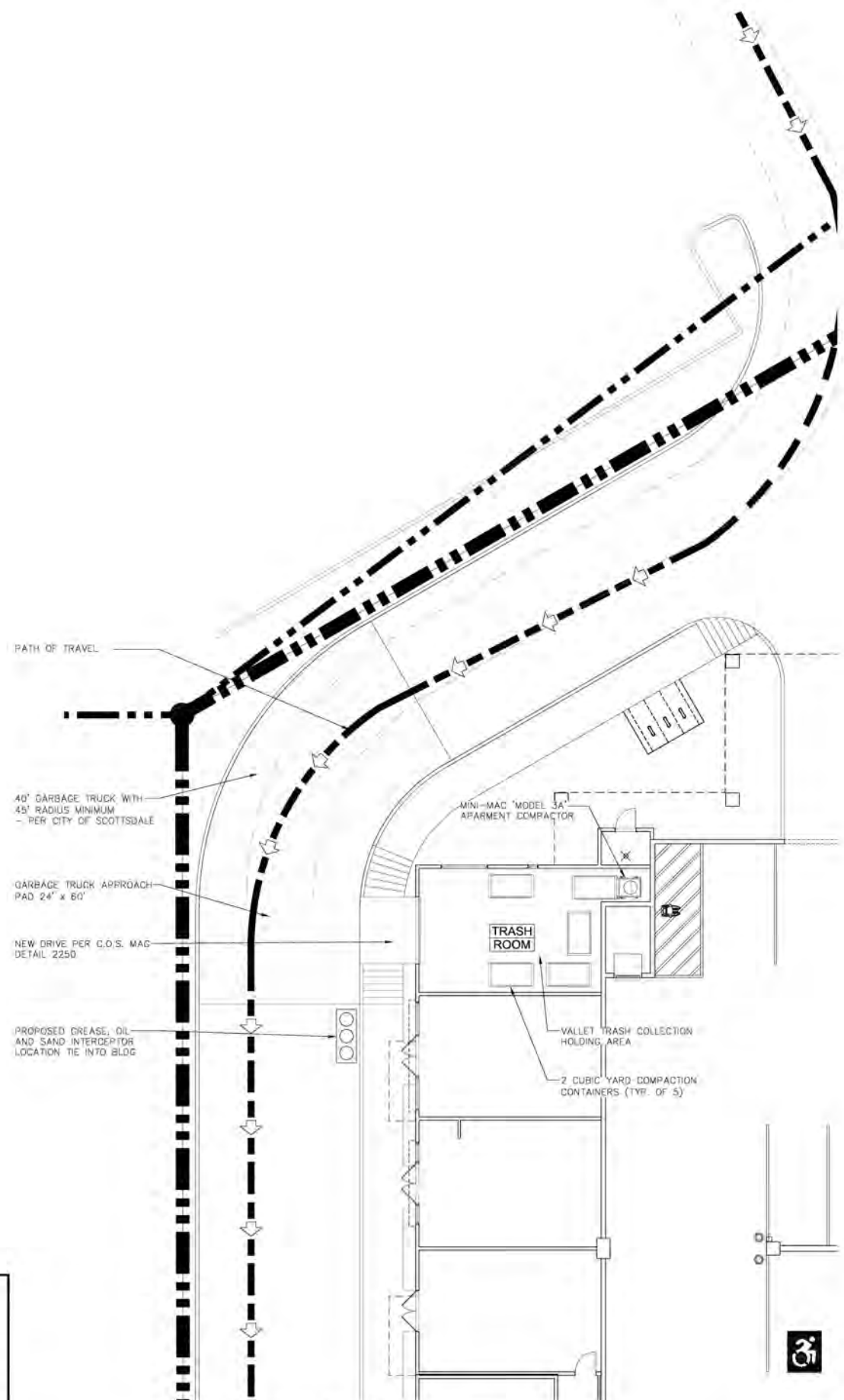
AVERAGE BUILDING ELEVATION HEIGHT IS BASED OFF THE +1377.064 (NAVD88) DATUM OF THE CIVIL ENGINEERS DRAWINGS. THE SPOT ELEVATION FOR THE BACK OF CURB RANGE FROM ±1373.75, NORTHEAST CORNER OF SITE TO ±1368.60 AT THE SOUTHEAST CORNER.



SITE SECTIONS

SCALE: 1/16" = 1'-0"

A1.4
03-25-21



COLLECTION REQUIREMENTS

MULTI FAMILY UNITS:

220 UNITS / 20 UNITS PER ENCLOSURE = 11 ENCLOSURES (44 CUBIC YARDS)

COMPACTION RATIO OF 4:1 = 11 CUBIC YARDS OF COMPACTED WASTE REQUIRED

COLLECTION NOTE

ON COLLECTION DAY THE TRUCK WILL PULL UP NEXT TO THE TRASH ROOM. A PERSON FROM MAINTENANCE WILL ROLL-UP DOOR AND WHEEL OUT TRASH CONTAINERS TO THE TRUCK WHERE THEY WILL BE EMPTIED INTO THE WASTE OR RECYCLE TRUCK. THIS WILL CONSIST OF A TWO PERSON TEAM. ONE WILL OPERATE THE TRUCK WHILE THE OTHER WILL MANEUVER THE CONTAINERS INTO POSITION FOR THE OPERATOR TO EMPTY EACH CONTAINER. MAINTENANCE STAFF WILL BE ON HAND TO CLEAN THE AREA AS NECESSARY AND RELOCATE CONTAINERS INTO THE TRASH ROOM AND CLOSE THE ROLL-UP DOOR.

SYMBOL LEGEND

REFUSE TRUCK PATH

TRUCK TURNING PATH

Mini-Mac® Apartment Compactor

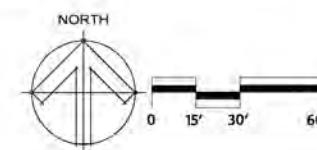
Dimensions and Specifications

Model	Capacity (cu yd)	Weight (lb)	Dimensions (L x W x H)
Mini-Mac 3A	3	1,200	10' x 6' x 6'
Mini-Mac 4A	4	1,500	12' x 8' x 8'
Mini-Mac 5A	5	1,800	14' x 10' x 10'

RAMJET

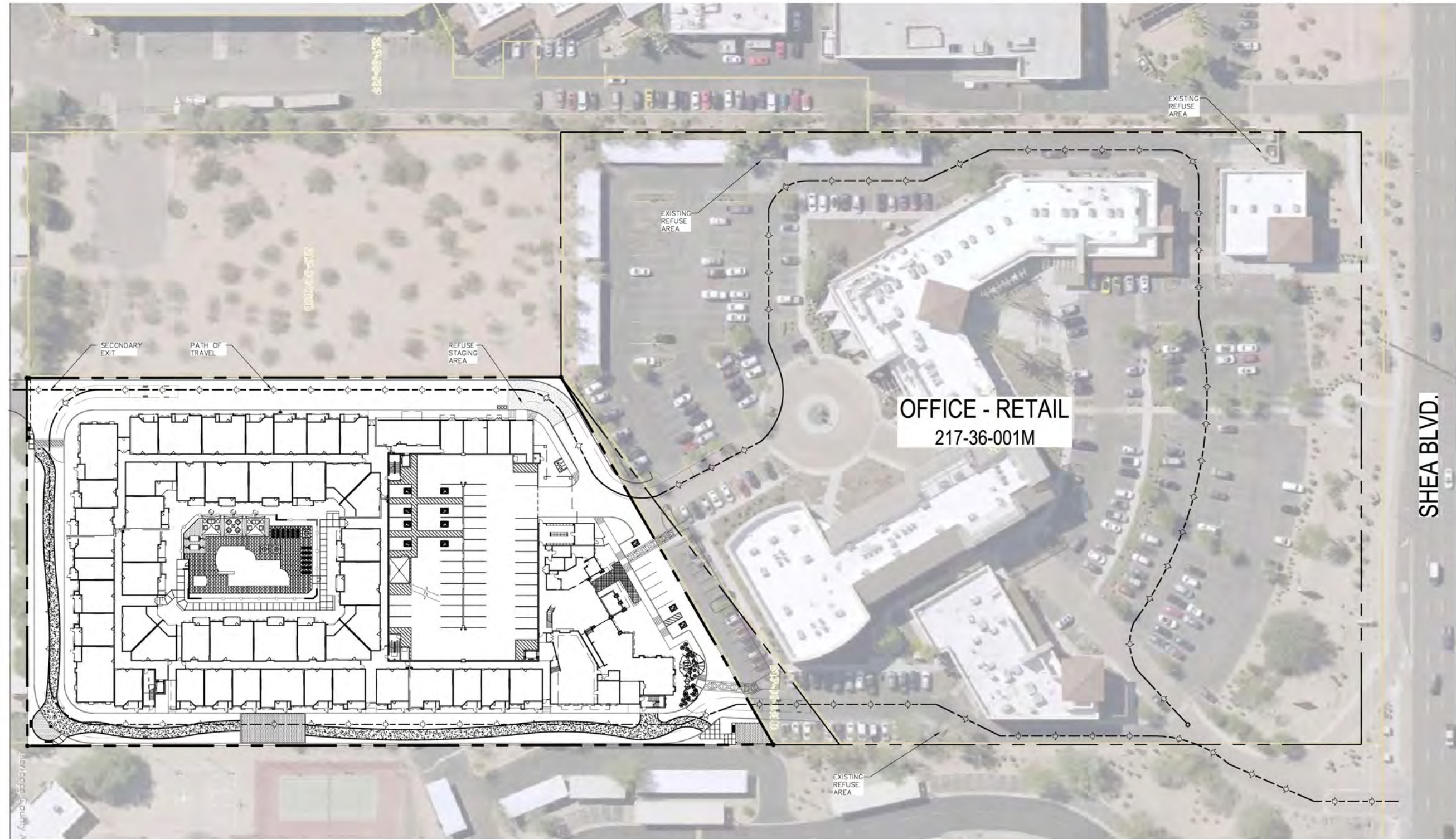
**Resolution No. 12211
Exhibit 1
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9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC



SITE PLAN
REFUSE COLLECTION
SCALE: AS NOTED

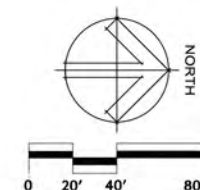
A1.5
03-25-21



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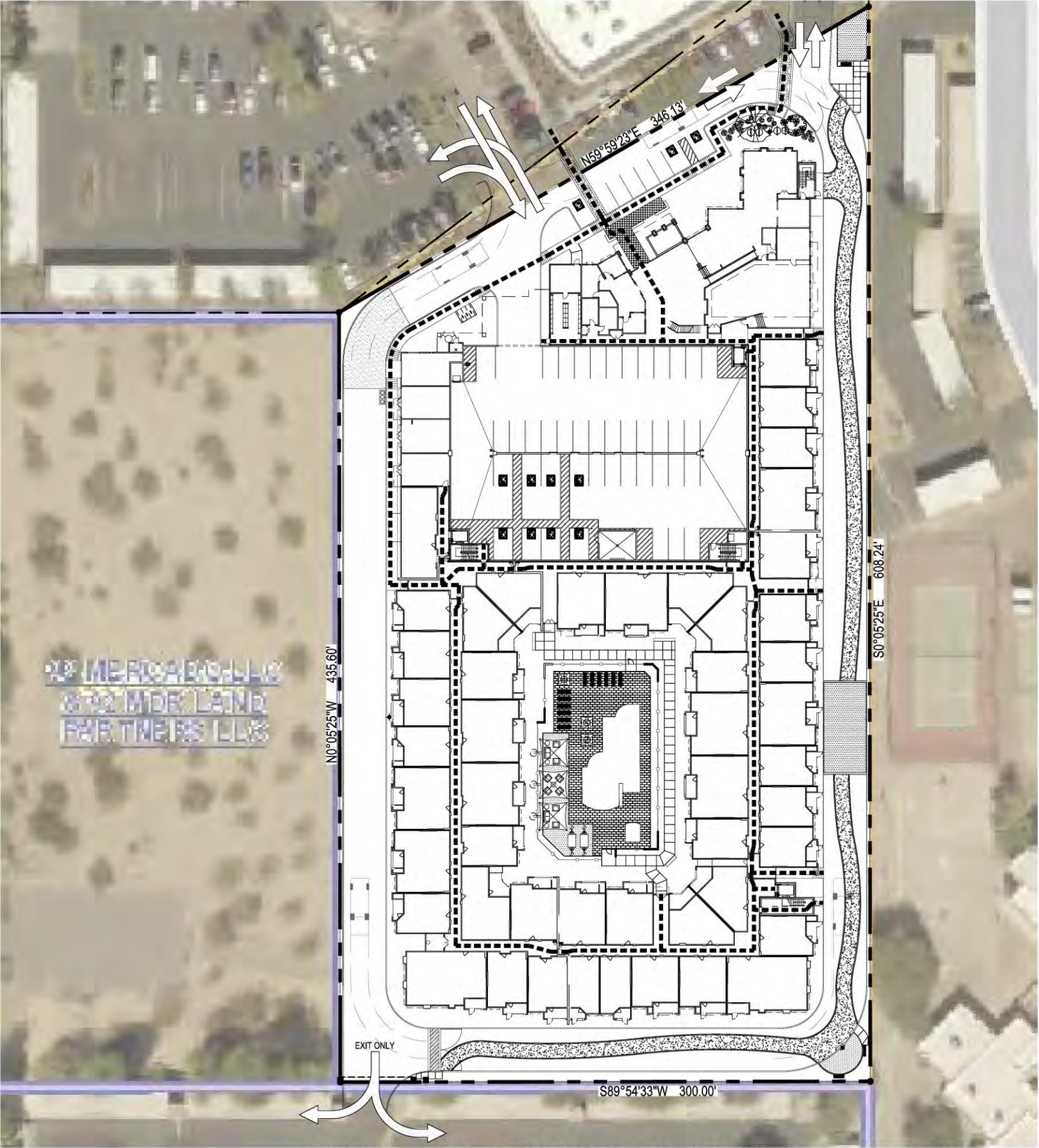
9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC

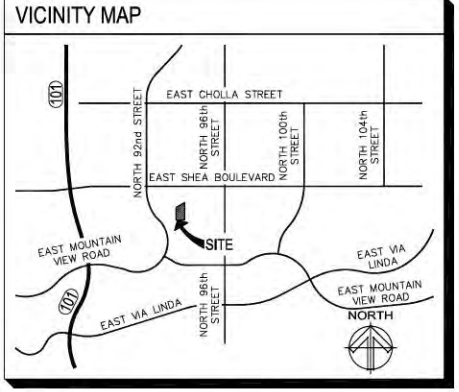
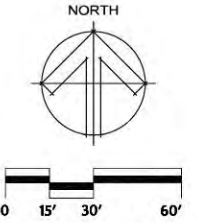
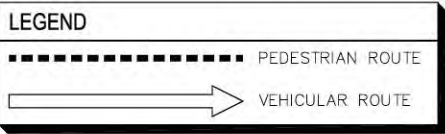


REFUSE
PATH OF TRAVEL
SCALE: 1" = 40'-0"

A1.5.1
03-25-21



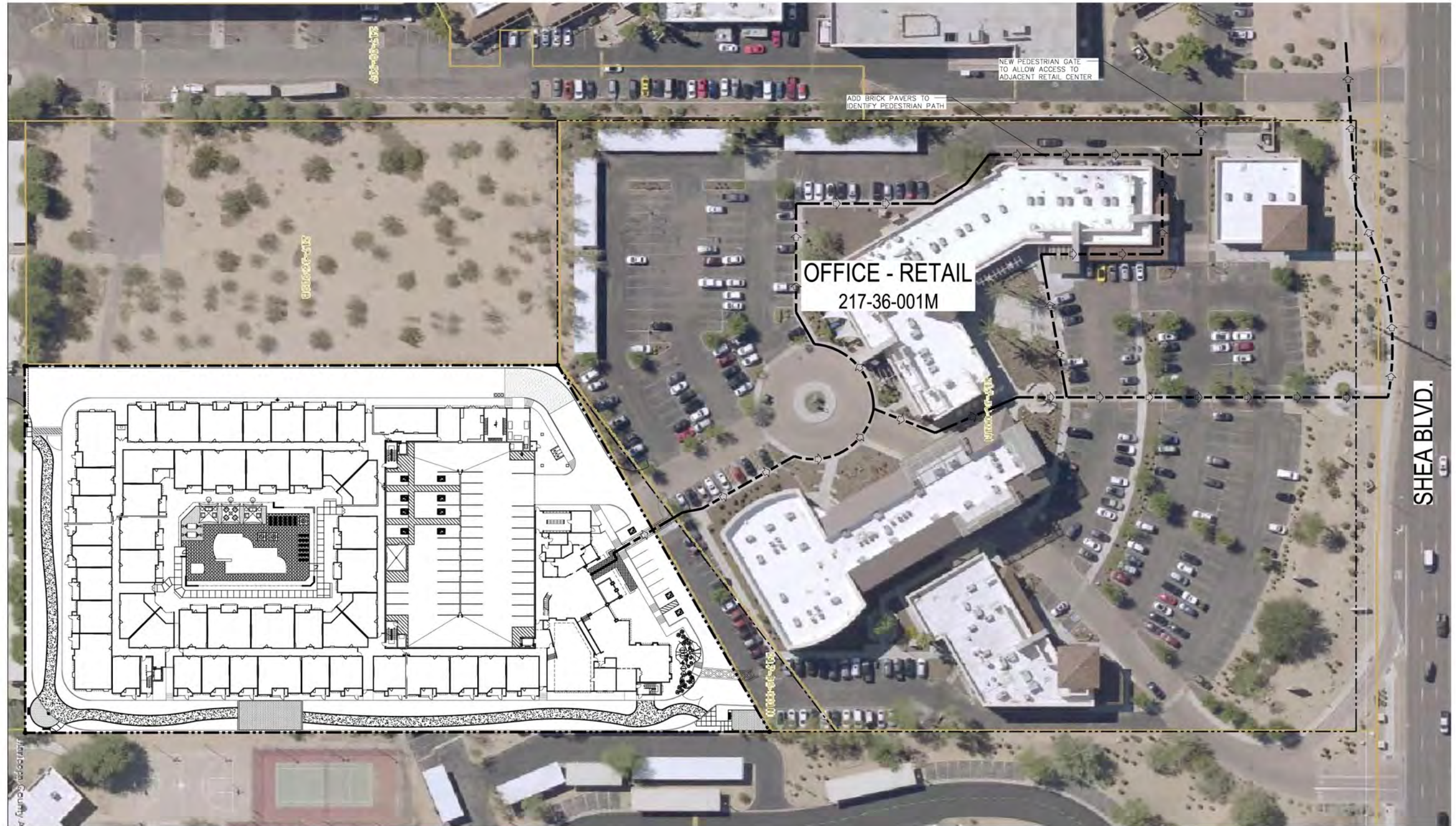
9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

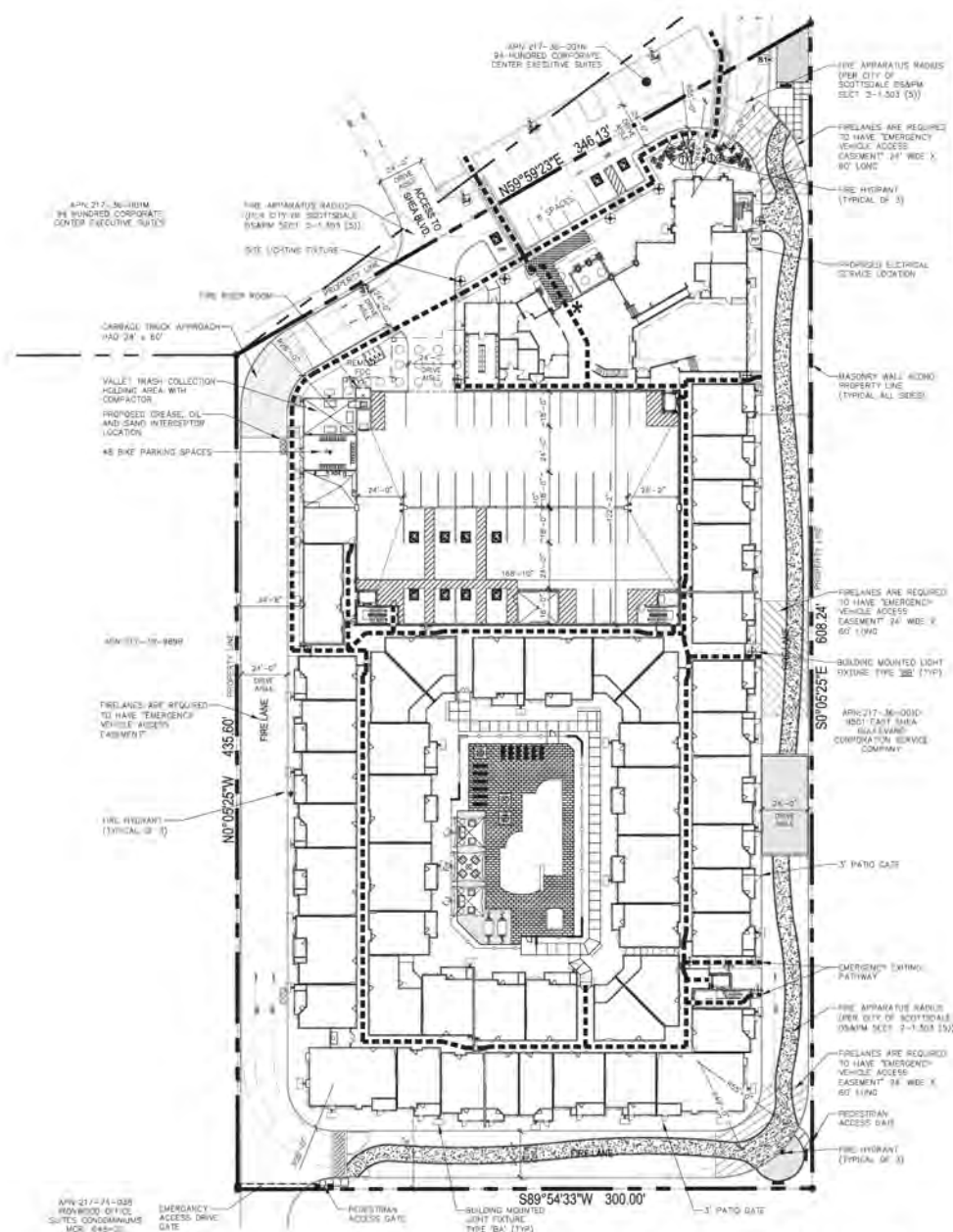


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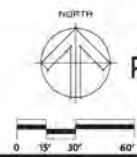
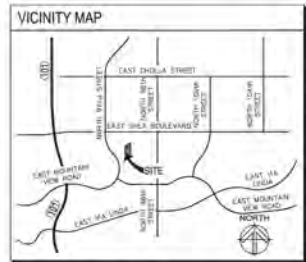
PEDESTRIAN AND VEHICULAR
CIRCULATION PLAN
SCALE: 1" = 30'-0"

A1.6
03-25-21





- [illegible]



PRE-EMERGENCY
PLAN (P.E.P)
SCALE: 1" = 30'-0"

A1.8
03-25-21

Resolution No. 12211
Exhibit 1
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EAST SHEA BOULEVARD

EAST 94th PLACE

EXISTING EMERGENCY
ACCESS ROUTE

C-3
ZONING

C-3
ZONING

C-O
ZONING

C-O
ZONING

PUD
ZONING

EMERGENCY
ACCESS
GATE

C-O
ZONING

C-O
ZONING

EAST GOLD DUST AVENUE

EAST IRONWOOD SQUARE DRIVE

NORTH 94th PLACE

NORTH 92nd STREET

NORTH



0 40' 80' 160'

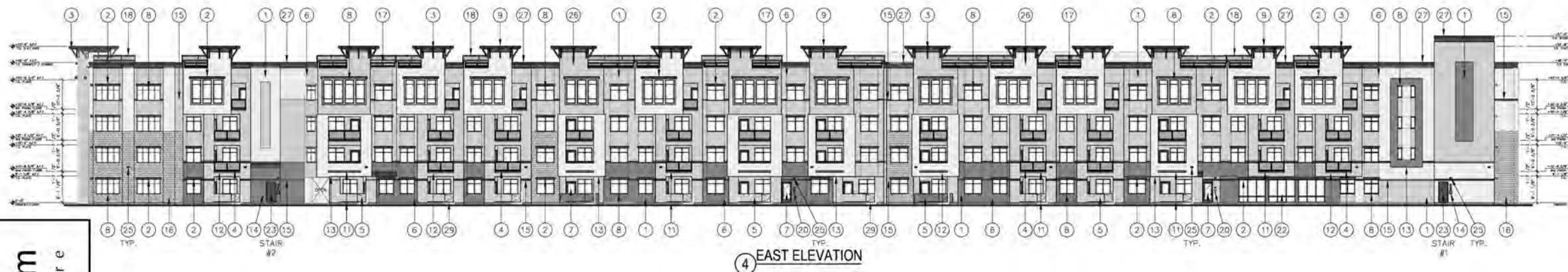
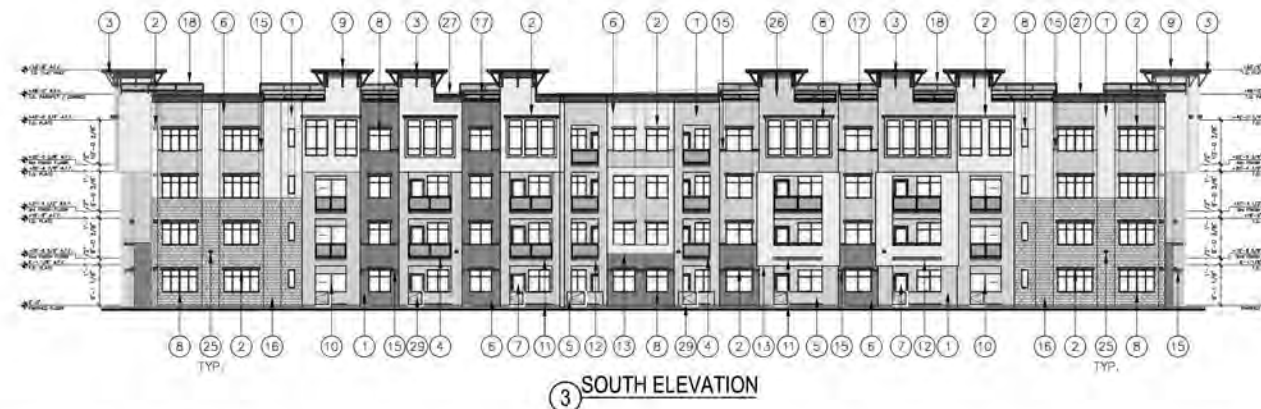
Resolution No. 12211
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EMERGENCY
ACCESS
SCALE: 1" = 80'-0"

A1.9
03-25-21

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

biltform
architecture



EXTERIOR ELEVATIONS KEYED NOTES

1. EXTERIOR STUCCO SYSTEM
2. 12" DEEP EYEBROW WITH STUCCO FINISH - SHADING DEVICE
3. TUBE STEEL CORBEL AT STAIR BULKHEAD - PAINTED
4. TUBE STEEL RAILING WITH MESH INFILL 4x2" A.F.F. - PAINTED
5. 36" HIGH PATIO WALL WITH STUCCO FINISH
6. STUCCO CONTROL JOINT
7. EXTERIOR FRENCH DOOR - PAINTED
8. BRONZE ANODIZED ALUMINUM WINDOW SYSTEM
9. FLAT ROOF WITH PAINTED METAL FASCIA AT ROOF DECKS
10. BRONZE ANODIZED ALUMINUM SLIDING GLASS PATIO / BALCONY DOOR
11. 4" HIGH OPENING FOR PATIO / BALCONY DRAINAGE
12. GALVANIZED DRIP EDGE - PAINTED TO MATCH ADJACENT COLOR
13. 6" DEEP FRAMED WALL ELEMENT WITH STUCCO FINISH
14. FIRE DEPARTMENT ADDRESS SIGN, NET STANDPIPE SIGN, KNOX BOX AND KNOX BOX KEY
15. 4" METAL REGLET - PAINTED
16. STONE VENEER - SEE COLOR CHART FOR SPECIFICATIONS
17. METAL PATIO GUARDRAIL SYSTEM, 18" ABOVE PARAPET TO A MINIMUM OF 42" A.F.F.
18. METAL PATIO RAILING ENCLOSURE, 24" ABOVE ENCLOSURE WALL TO 6" A.F.F.
19. OVERHEAD ROLL UP DOOR - PAINTED
20. FIRE DEPARTMENT ACCESS SIGN, KNOX BOX AND KNOX BOX KEY
21. EXTERIOR STUCCO SYSTEM OVER FRAMED COLUMN BASE
22. BRONZE ANODIZED ALUMINUM STOREFRONT SYSTEM
23. HOLLOW METAL DOOR AND FRAME - PAINTED
24. BUILDING SIGNAGE (UNDER SEPARATE SUBMITTAL AND PERMIT)
25. EXTERIOR LIGHT - SEE ELECTRICAL FOR SPECIFICATIONS
26. ROOF DECK STAIR ACCESS ENCLOSURE
27. PARAPET / CORNICE WITH CAP - PAINTED
28. DECORATIVE TUBE STEEL TRELLIS - PAINTED
29. 3" METAL PATIO GATE (TYP.) - PAINTED

EXTERIOR COLOR SCHEME

	LIGHT BODY COLOR	GREEK VILLA SHERWIN WILLIAMS - SW7551
	MEDIUM BODY COLOR	WOOL SKIN SHERWIN WILLIAMS - SW6148
	DARK BODY COLOR	QUIVER TAN SHERWIN WILLIAMS - SW6150
	ACCENT COLOR	THUNDER GRAY SHERWIN WILLIAMS - SW7645
	CORNICE / TYP. REGLET / RAILINGS / DOOR / CANOPIES / TRIM COLOR	CELLULOID DUNN EDWARDS - DE7619
	WINDOWS / STOREFRONT	BRONZE
	STONE VENEER	SAHARA BEIGE 8" CLASSIC JERUSALEM CORONADO STONE

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architecture

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

BUILDING ELEVATIONS
BLACK AND WHITE
SCALE: 1" = 20'-0"

A2.1
03-25-21



1 NORTH ELEVATION



2 WEST ELEVATION



3 SOUTH ELEVATION



4 EAST ELEVATION

EXTERIOR ELEVATIONS KEYED NOTES #

1. EXTERIOR STUCCO SYSTEM
2. 12" DEEP EYEBROW WITH STUCCO FINISH - SHADING DEVICE
3. TUBE STEEL CORBEL AT STAIR BULKHEAD - PAINTED
4. TUBE STEEL RAILING WITH MESH INFILL +42" A.F.F. - PAINTED
5. 36" HIGH PATIO WALL WITH STUCCO FINISH
6. STUCCO CONTROL JOINT
7. EXTERIOR FRENCH DOOR - PAINTED
8. BRONZE ANODIZED ALUMINUM WINDOW SYSTEM
9. FLAT ROOF WITH PAINTED METAL FASCIA AT ROOF DECKS
10. BRONZE ANODIZED ALUMINUM SLIDING GLASS PATIO / BALCONY DOOR
11. 4" HIGH OPENING FOR PATIO / BALCONY DRAINAGE
12. GALVANIZED DRIP EDGE - PAINTED TO MATCH ADJACENT COLOR
13. 6" DEEP FRAMED WALL ELEMENT WITH STUCCO FINISH
14. FIRE DEPARTMENT ACCESS SIGN, WET STANDPIPE SIGN, KNOX BOX AND KNOX BOX KEY
15. 4" METAL REGLET - PAINTED
16. STONE VENEER - SEE COLOR CHART FOR SPECIFICATIONS
17. METAL PATIO GUARDRAIL SYSTEM, 18" ABOVE PARAPET TO A MINIMUM OF 42" A.F.F.
18. METAL PATIO RAILING ENCLOSURE, 24" ABOVE ENCLOSURE WALL TO 6" A.F.F.
19. OVERHEAD ROLL UP DOOR - PAINTED
20. FIRE DEPARTMENT ACCESS SIGN, KNOX BOX AND KNOX BOX KEY
21. EXTERIOR STUCCO SYSTEM OVER FRAMED COLUMN BASE
22. BRONZE ANODIZED ALUMINUM STOREFRONT SYSTEM
23. HOLLOW METAL DOOR AND FRAME - PAINTED
24. BUILDING SIGNAGE (UNDER SEPARATE SUBMITTAL AND PERMIT)
25. EXTERIOR LIGHT - SEE ELECTRICAL FOR SPECIFICATIONS
26. ROOF DECK STAIR ACCESS ENCLOSURE
27. PARAPET / CORNICE WITH CAP - PAINTED
28. DECORATIVE TUBE STEEL TRELLIS - PAINTED
29. 3' METAL PATIO GATE (TYP.) - PAINTED

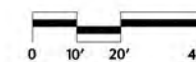
EXTERIOR COLOR SCHEME

	LIGHT BODY COLOR	GREEK VILLA SHERWIN WILLIAMS - SW7551
	MEDIUM BODY COLOR	WOOL SKEIN SHERWIN WILLIAMS - SW6148
	DARK BODY COLOR	QUIVER TAN SHERWIN WILLIAMS - SW6151
	ACCENT COLOR	THUNDER GRAY SHERWIN WILLIAMS - SW7645
	CORNICE / FRY REGLET / RAILINGS / DOOR / CANOPIES / TRIM COLOR	CELLULOID DUNN EDWARDS - DET619
	WINDOWS / STOREFRONT	BRONZE
	STONE VENEER	SAHARA BEIGE 8" CLASSIC JERUSALEM CORONADO STONE

biltform
architecture

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

BUILDING ELEVATIONS
COLOR
SCALE: 1" = 20'-0"



A2.2
03-25-21

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Exhibit 1
Page 46 of 77







UNIT AS
1st FLOOR
GROSS LIVABLE AREA: 562 S.F.
PATIO OR BALCONY AREA: 54 S.F.



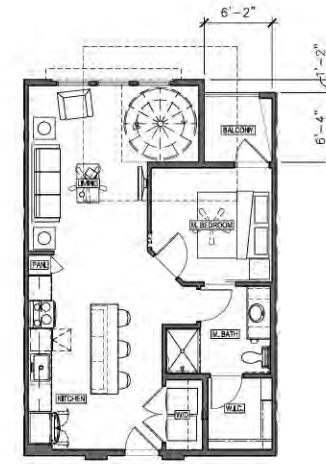
UNIT AS
2nd - 4th FLOORS
GROSS LIVABLE AREA: 562 S.F.
PATIO OR BALCONY AREA: 54 S.F.



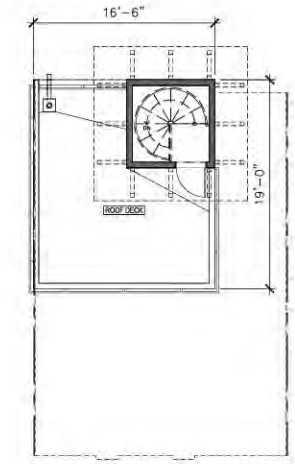
UNIT A1
1st FLOOR
GROSS LIVABLE AREA: 651 S.F.
PATIO OR BALCONY AREA: 68 S.F.



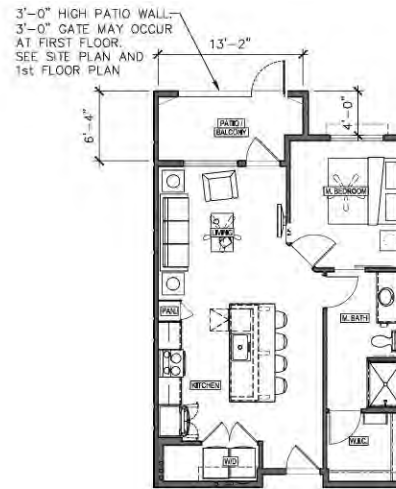
UNIT A1
2nd - 4th FLOORS
GROSS LIVABLE AREA: 651 S.F.
PATIO OR BALCONY AREA: 68 S.F.



UNIT A1 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 737 S.F.
PATIO OR BALCONY AREA: 39 S.F.



UNIT A1 ROOF DECK
ROOF
PATIO AREA: 250 S.F.



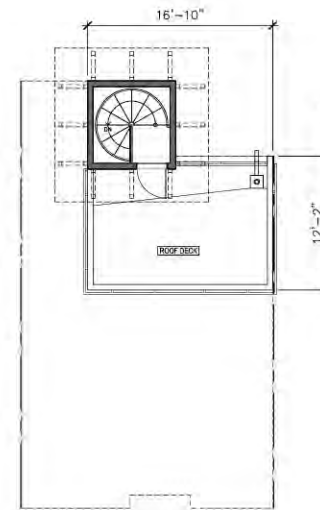
UNIT A2
1st FLOOR
GROSS LIVABLE AREA: 702 S.F.
PATIO OR BALCONY AREA: 80 S.F.



UNIT A2
2nd - 4th FLOORS
GROSS LIVABLE AREA: 702 S.F.
PATIO OR BALCONY AREA: 80 S.F.



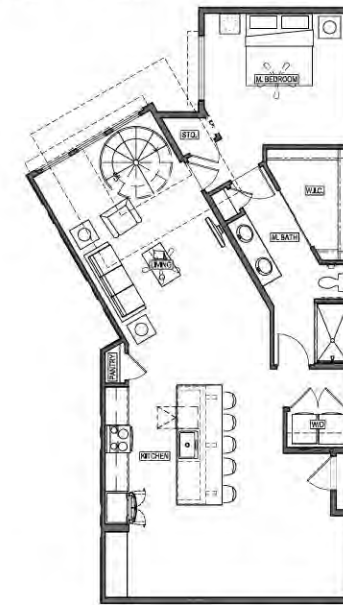
UNIT A2 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 826 S.F.



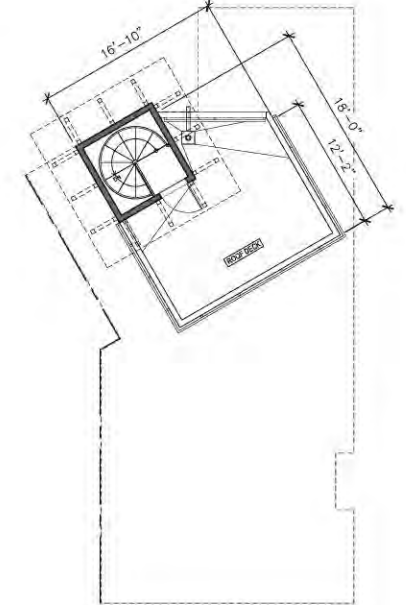
UNIT A2 ROOF DECK
ROOF
PATIO AREA: 196 S.F.



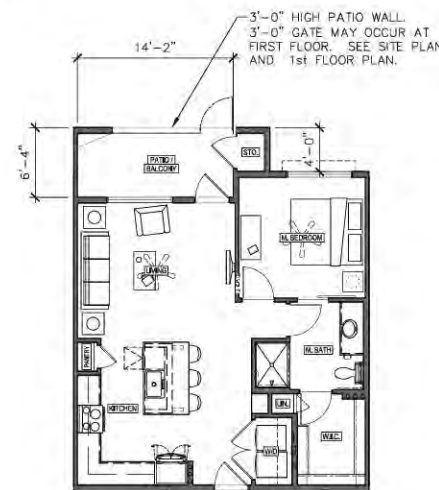
UNIT A2 ALT
2nd - 3rd FLOORS
GROSS LIVABLE AREA: 1,121 S.F.
PATIO OR BALCONY AREA: 68 S.F.



UNIT A2 ALT ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,204 S.F.



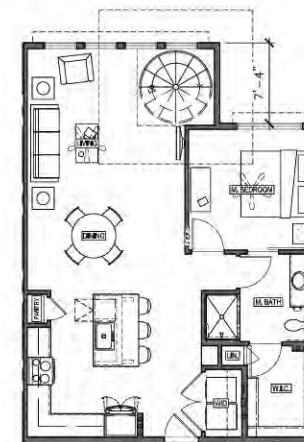
UNIT A2 ALT ROOF DECK
ROOF
PATIO AREA: 224 S.F.



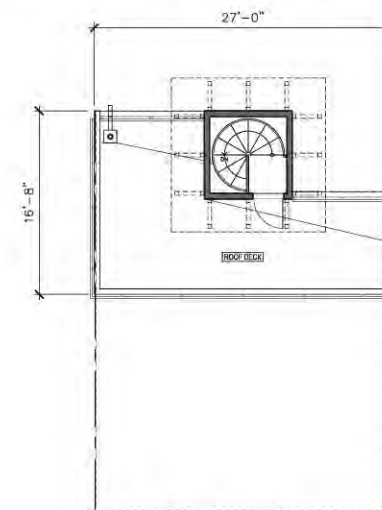
UNIT A3
1st FLOOR
GROSS LIVABLE AREA: 749 S.F.
PATIO OR BALCONY AREA: 90 S.F.



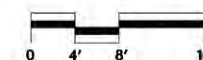
UNIT A3
2nd - 4th FLOORS
GROSS LIVABLE AREA: 749 S.F.
PATIO OR BALCONY AREA: 90 S.F.



UNIT A3 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 914 S.F.



UNIT A3 ROOF DECK
ROOF
PATIO AREA: 320 S.F.



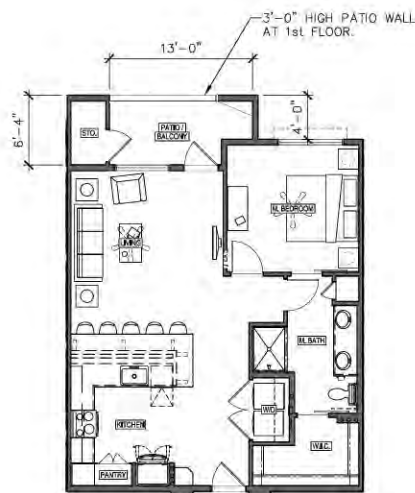
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FLOOR PLAN
UNIT PLANS
SCALE: 1/8" = 1'-0"

A4.1
03-25-21

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

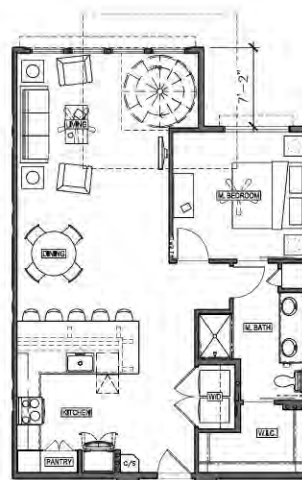
biltform
architecture



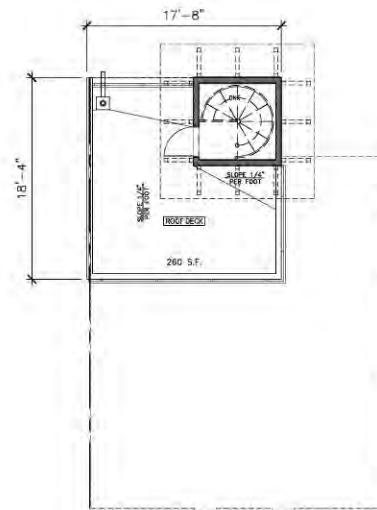
UNIT A4
1st FLOOR
GROSS LIVABLE AREA: 831 S.F.
PATIO OR BALCONY AREA: 76 S.F.



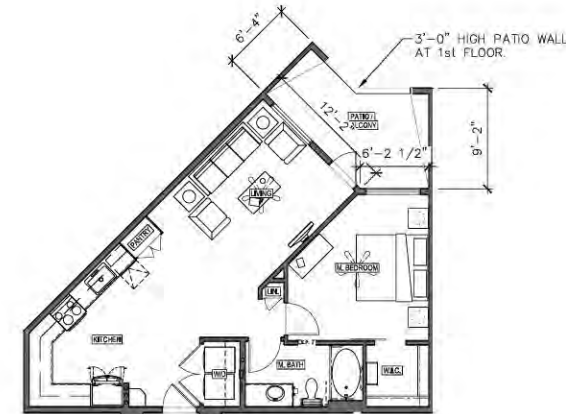
UNIT A4
2nd - 4th FLOORS
GROSS LIVABLE AREA: 831 S.F.
PATIO OR BALCONY AREA: 76 S.F.



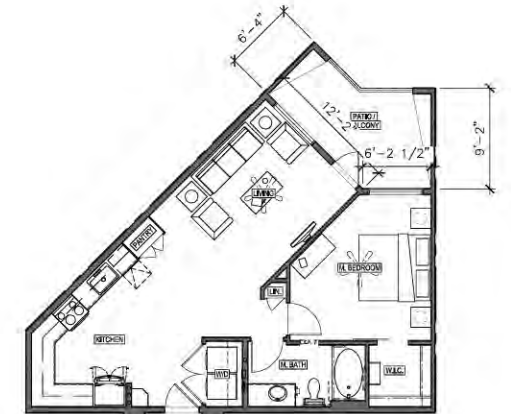
UNIT A4 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 989 S.F.



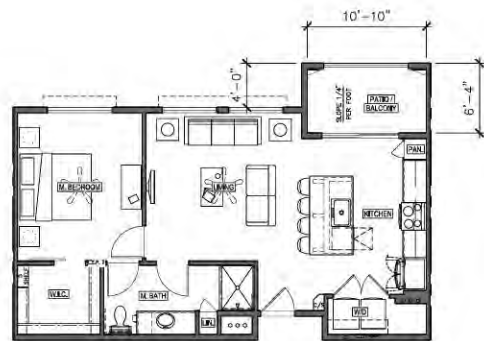
UNIT A4 ROOF DECK
ROOF
PATIO AREA: 260 S.F.



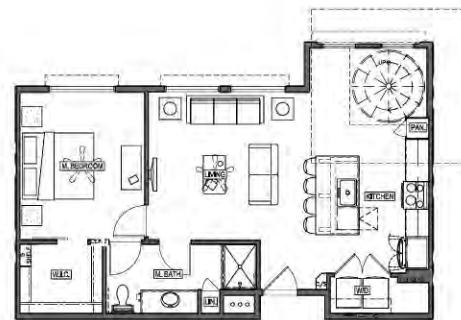
UNIT A5
1st FLOOR
GROSS LIVABLE AREA: 755 S.F.
PATIO OR BALCONY AREA: 114 S.F.



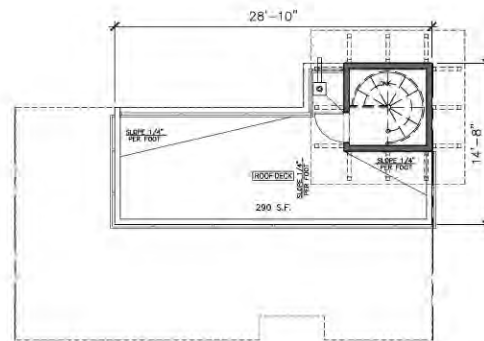
UNIT A5
2nd - 4th FLOORS
GROSS LIVABLE AREA: 755 S.F.
PATIO OR BALCONY AREA: 114 S.F.



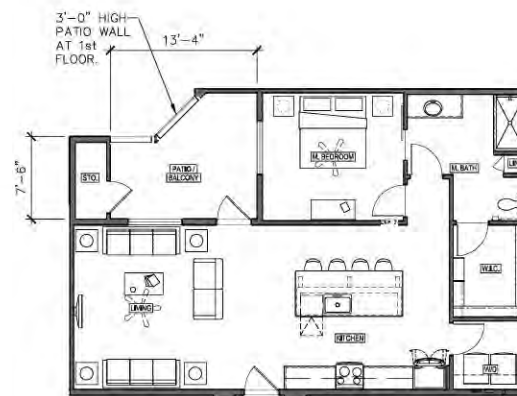
UNIT A6
2nd - 3rd FLOORS
GROSS LIVABLE AREA: 765 S.F.
PATIO OR BALCONY AREA: 69 S.F.



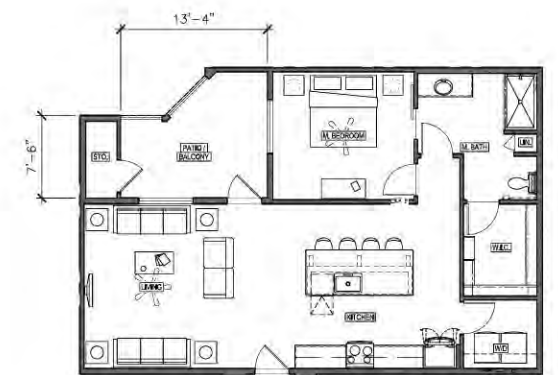
UNIT A6 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 839 S.F.



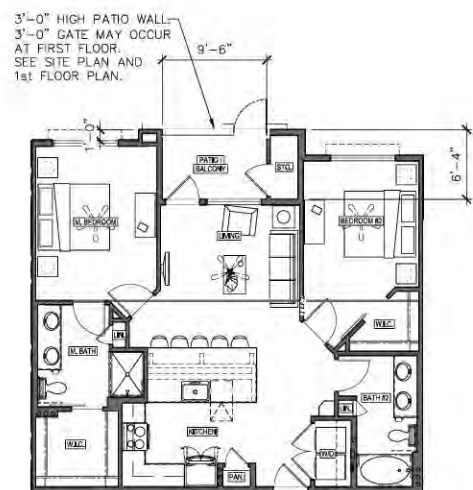
UNIT A6 ROOF DECK
ROOF
PATIO AREA: 290 S.F.



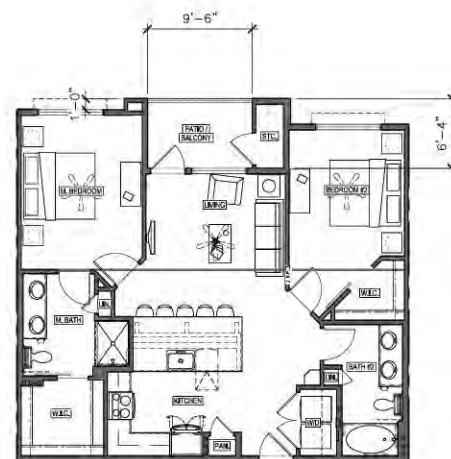
UNIT A7
1st FLOOR
GROSS LIVABLE AREA: 971 S.F.
PATIO OR BALCONY AREA: 129 S.F.



UNIT A7
2nd - 4th FLOORS
GROSS LIVABLE AREA: 971 S.F.
PATIO OR BALCONY AREA: 129 S.F.



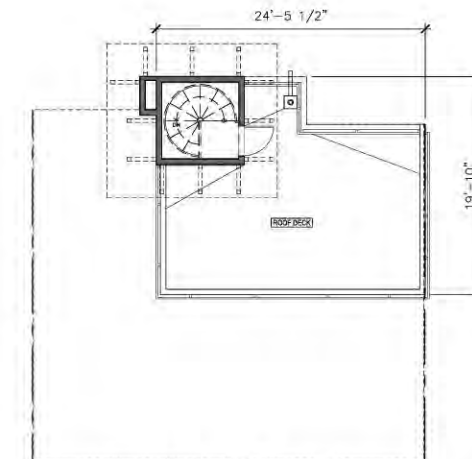
UNIT B1
1st FLOOR
GROSS LIVABLE AREA: 1,060 S.F.
PATIO OR BALCONY AREA: 60 S.F.



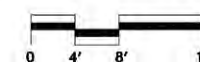
UNIT B1
2nd - 4th FLOORS
GROSS LIVABLE AREA: 1,060 S.F.
PATIO OR BALCONY AREA: 60 S.F.



UNIT B1 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,173 S.F.



UNIT B1 ROOF DECK
ROOF
PATIO AREA: 370 S.F.



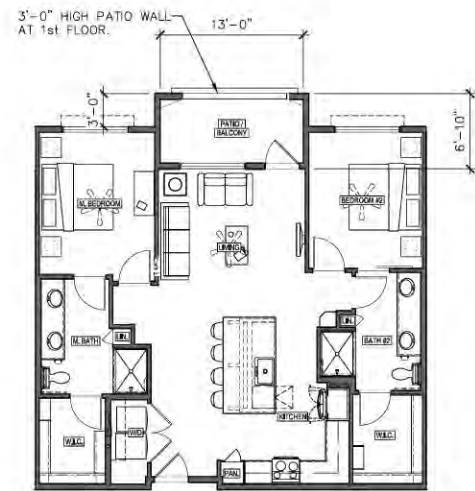
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FLOOR PLAN
UNIT PLANS
SCALE: 1/8" = 1'-0"

A4.2
03-25-21

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

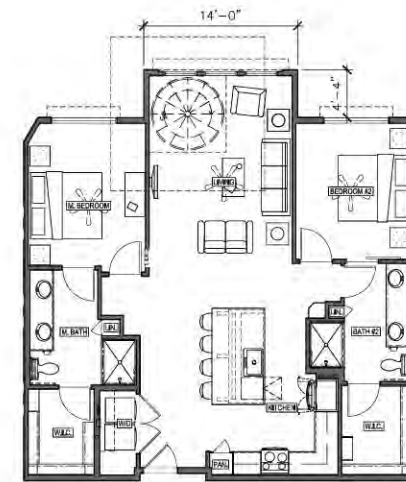
biltform
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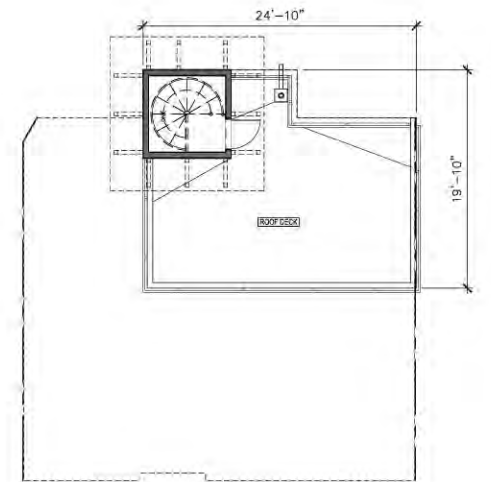
UNIT B2
1st FLOOR
GROSS LIVABLE AREA: 1,130 S.F.
PATIO OR BALCONY AREA: 82 S.F.



UNIT B2
2nd - 4th FLOORS
GROSS LIVABLE AREA: 1,130 S.F.
PATIO OR BALCONY AREA: 82 S.F.



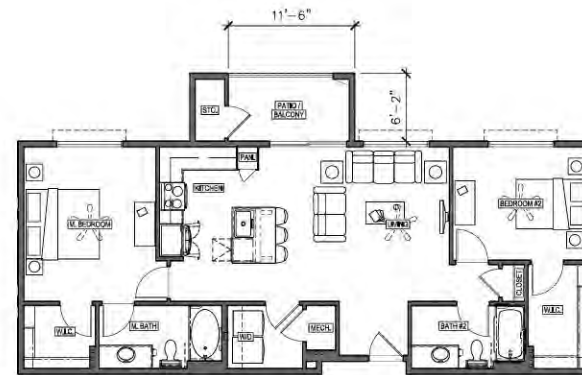
UNIT B2 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,234 S.F.



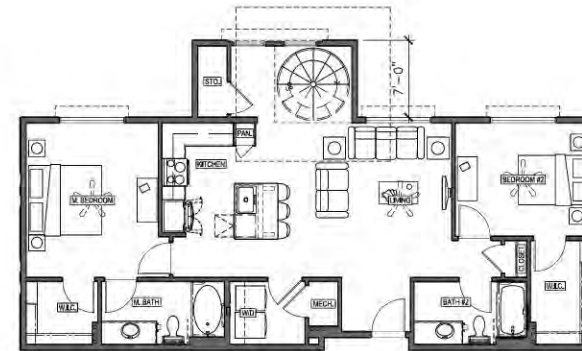
UNIT B2 ROOF DECK
ROOF
PATIO AREA: 377 S.F.



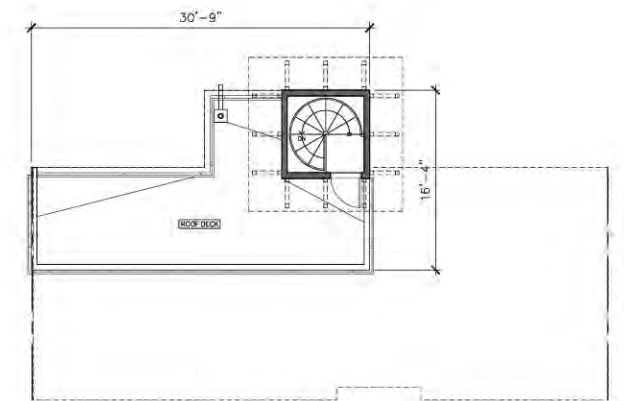
UNIT B3
1st FLOOR
GROSS LIVABLE AREA: 1,099 S.F.



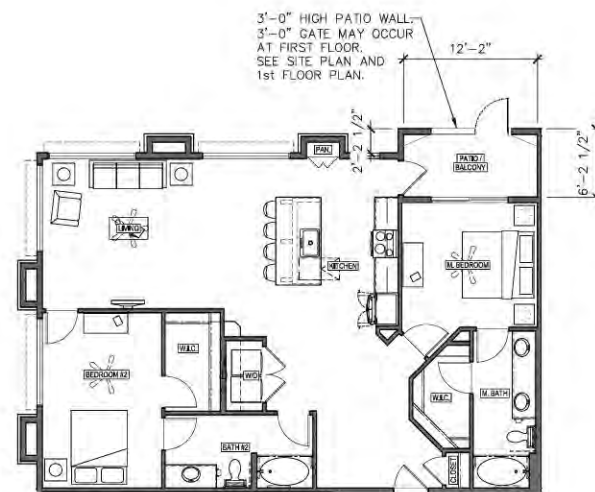
UNIT B3
2nd - 3rd FLOORS
GROSS LIVABLE AREA: 1,099 S.F.
PATIO OR BALCONY AREA: 88 S.F.



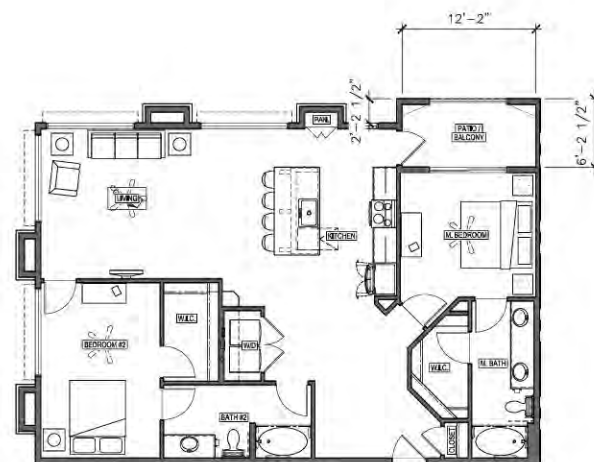
UNIT B3 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,204 S.F.



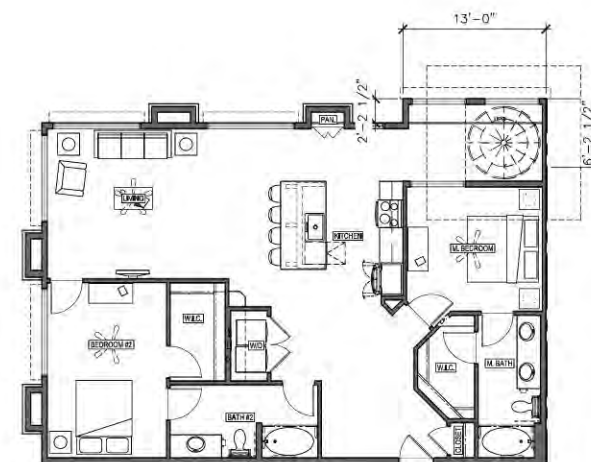
UNIT B3 ROOF DECK
ROOF
PATIO AREA: 328 S.F.



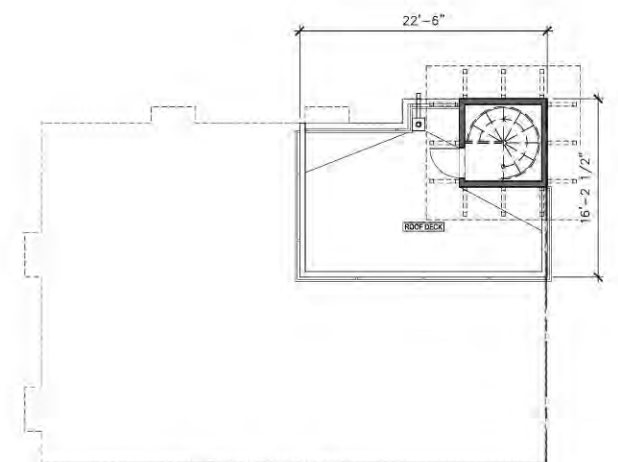
UNIT B5
1st FLOOR
GROSS LIVABLE AREA: 1,377 S.F.
PATIO OR BALCONY AREA: 76 S.F.



UNIT B5
2nd - 4th FLOORS
GROSS LIVABLE AREA: 1,377 S.F.
PATIO OR BALCONY AREA: 76 S.F.



UNIT B5 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,460 S.F.

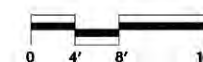


UNIT B5 ROOF DECK
ROOF
PATIO AREA: 280 S.F.

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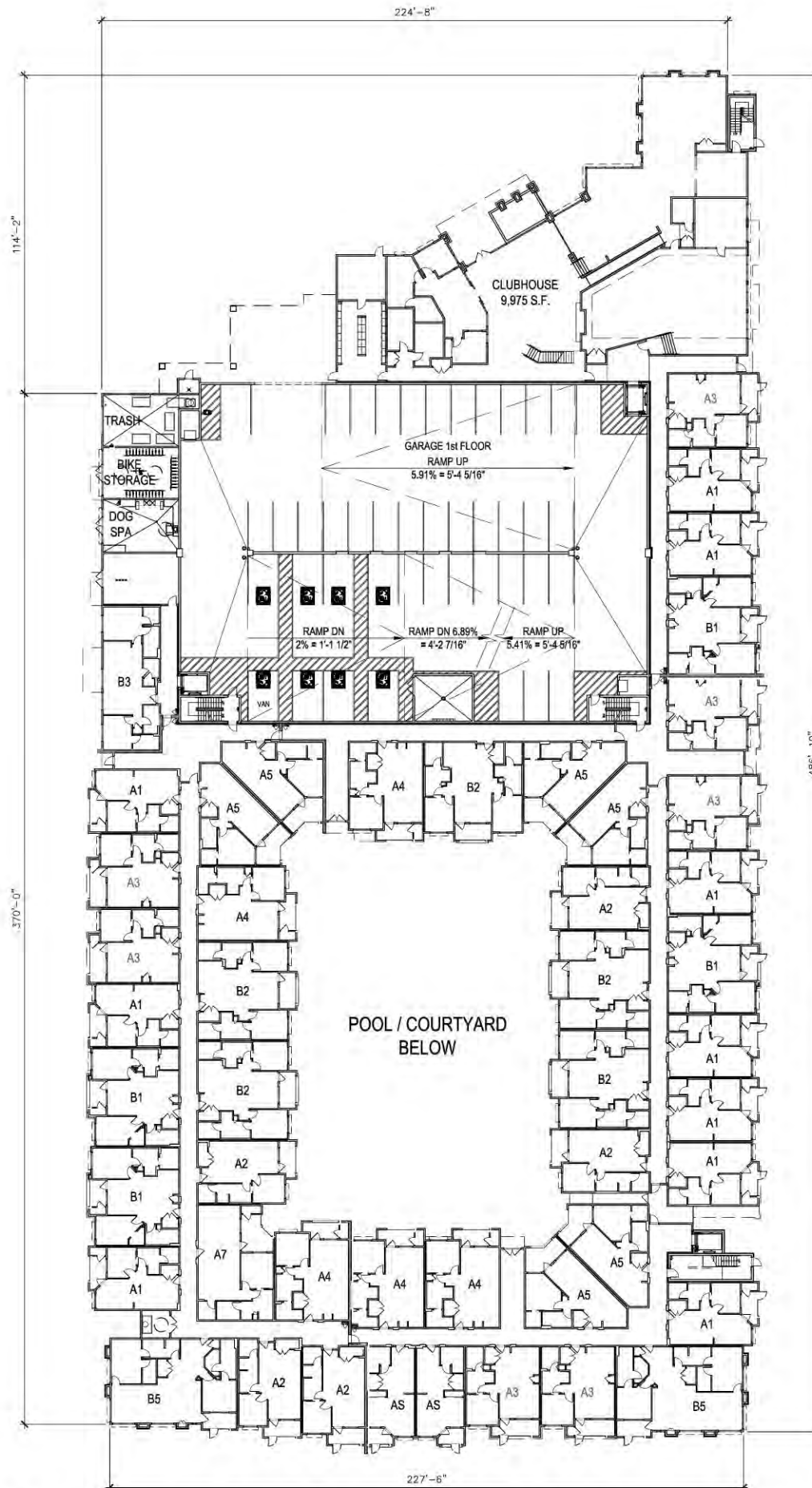
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9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC



FLOOR PLAN
UNIT PLANS
SCALE: 1/8" = 1'-0"

A4.3
03-25-21

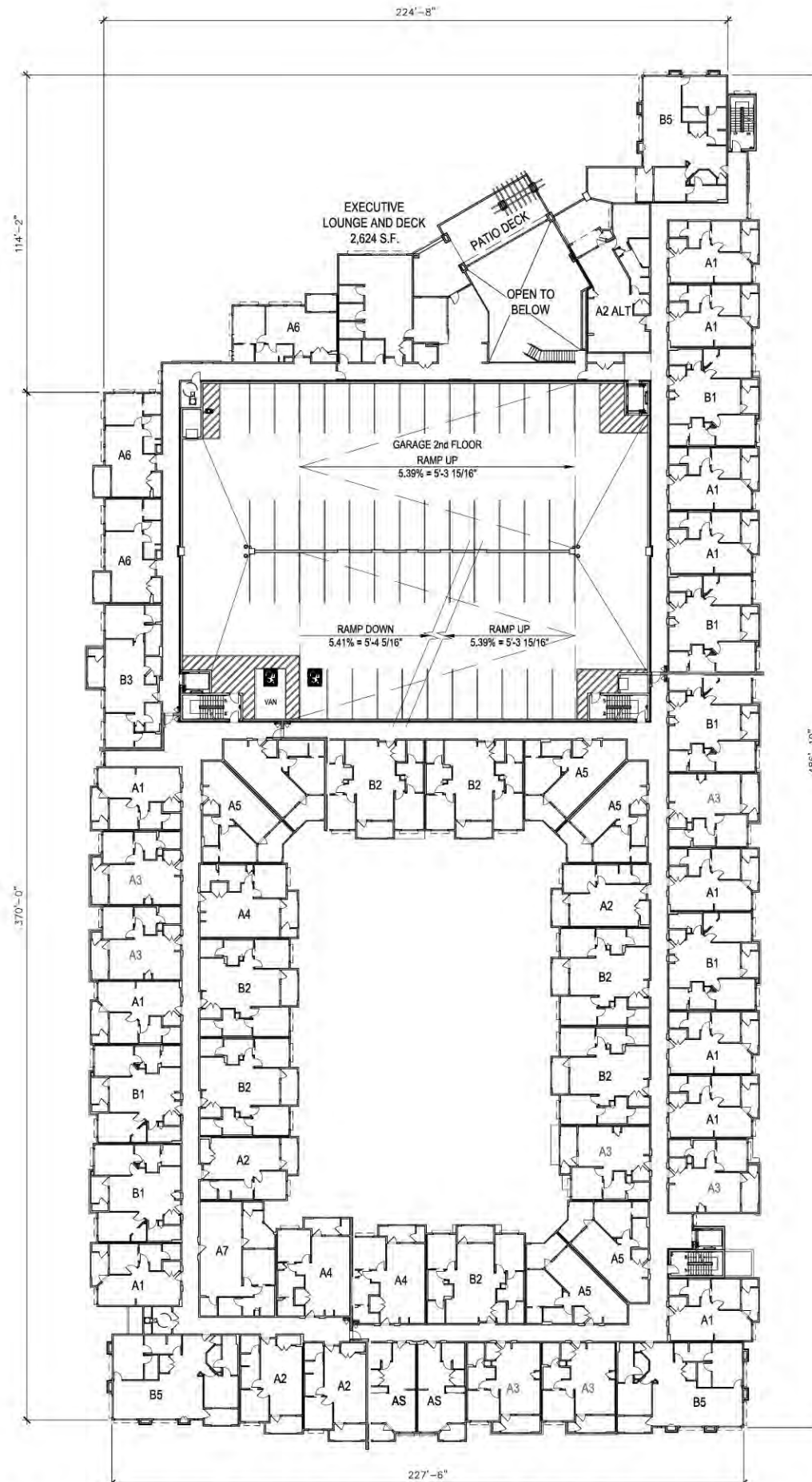


9400 EAST SHEA BOULEVARD KAPLAN ACQUISITIONS, LLC

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FLOOR PLAN
BUILDING 1st FLOOR
SCALE: N.T.S.

A4.4
03-25-21

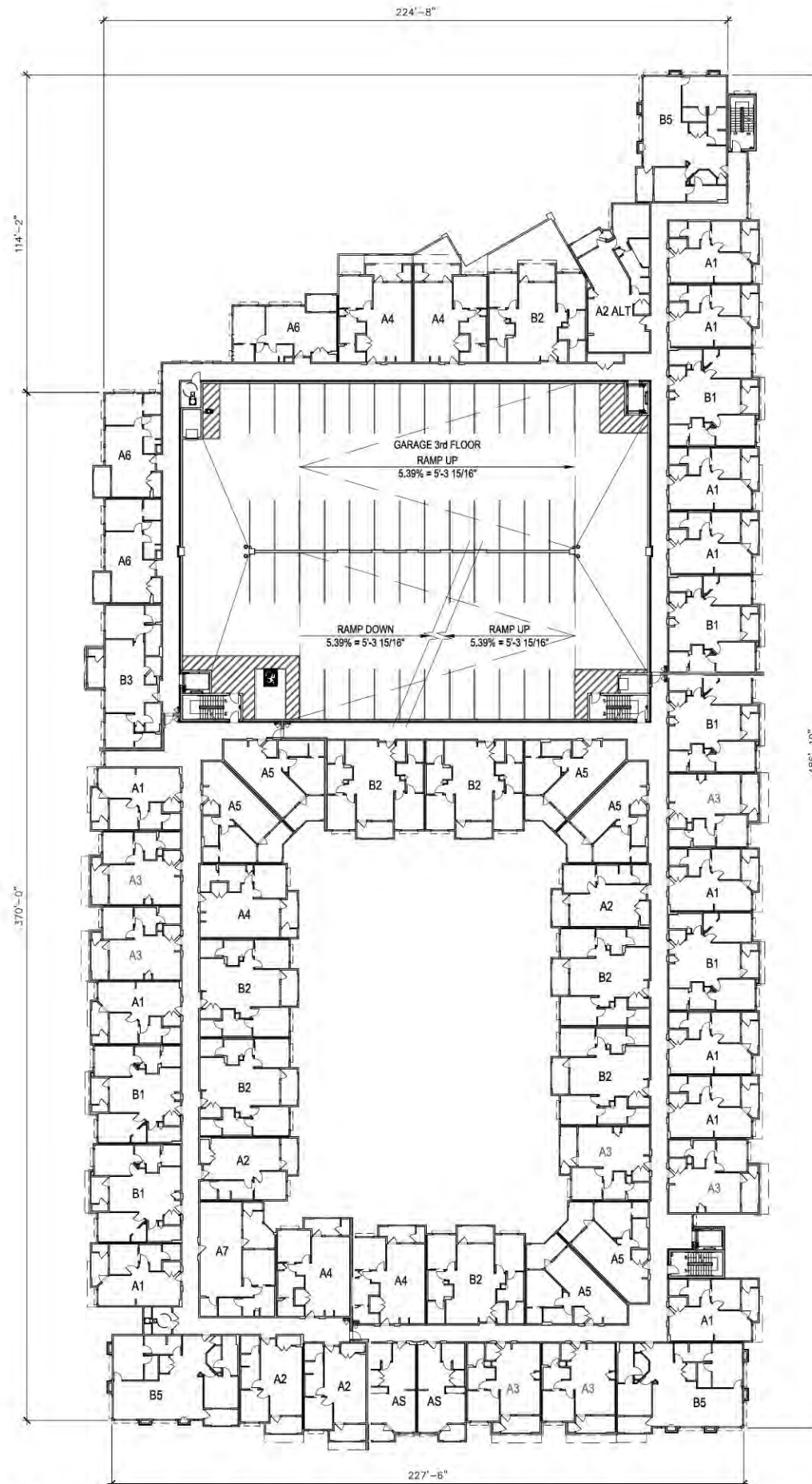


9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

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FLOOR PLAN
BUILDING 2nd FLOOR
SCALE: N.T.S.

A4.5
03-25-21

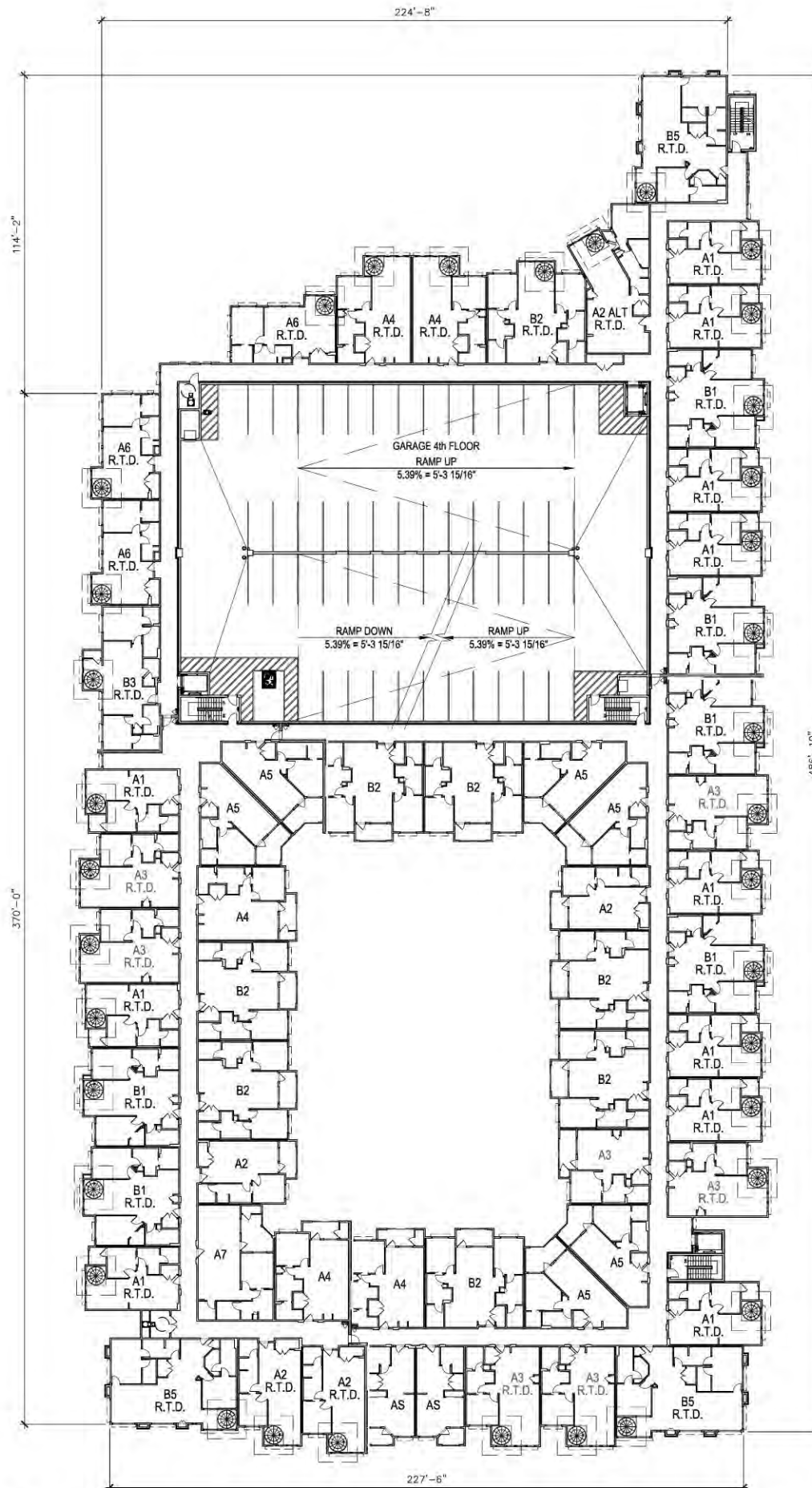


9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

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FLOOR PLAN
BUILDING 3rd FLOOR
SCALE: N.T.S.

A4.6
03-25-21



*NOTE:
R.T.D. = ROOFTOP DECK

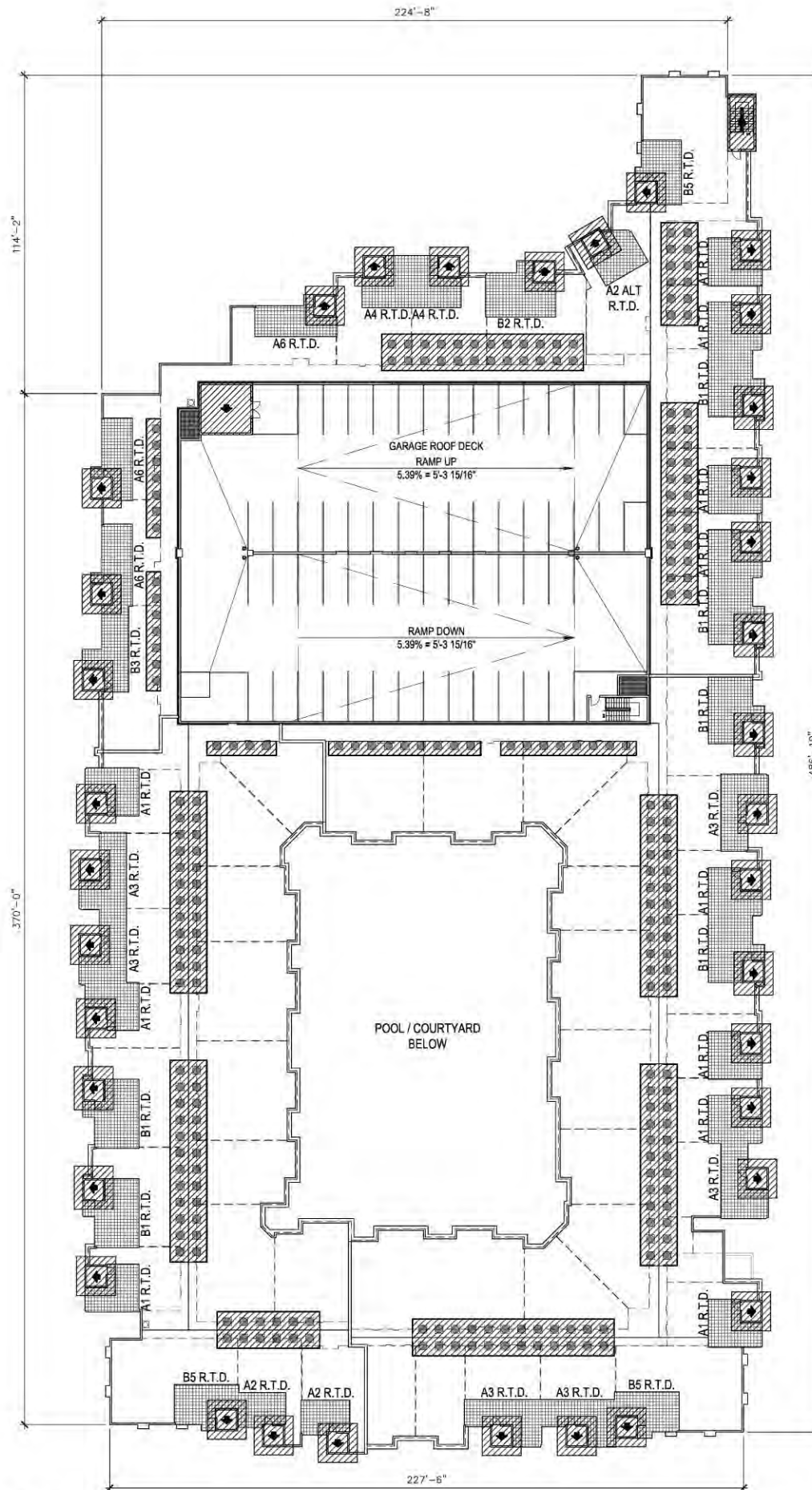
9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

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FLOOR PLAN
BUILDING 4th FLOOR
SCALE: N.T.S.

A4.7
03-25-21

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC



SYMBOL LEGEND

- DIRECTION OF ROOF SLOPE AT 1/4" PER FOOT MINIMUM
- MECHANICAL CONDENSING UNIT ON REDWOOD SLEEPERS
- INDICATES ROOFTOP DECK LOCATIONS
- INDICATES AREA ABOVE 48'-0"

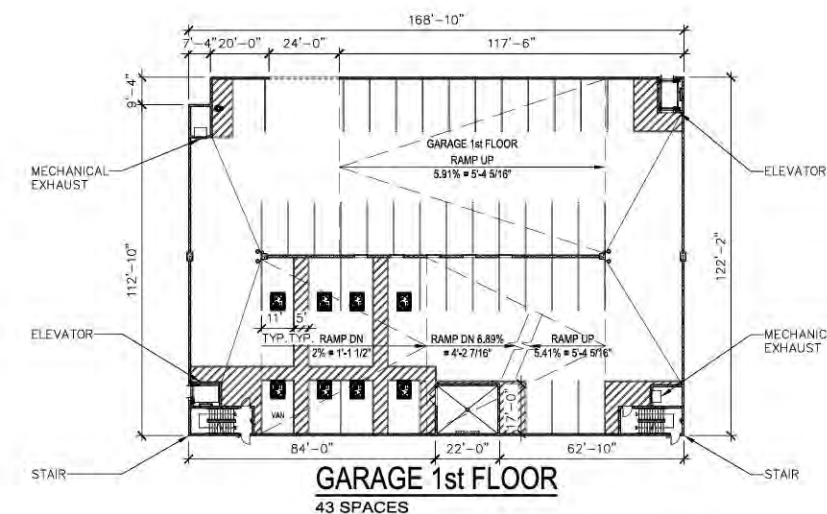
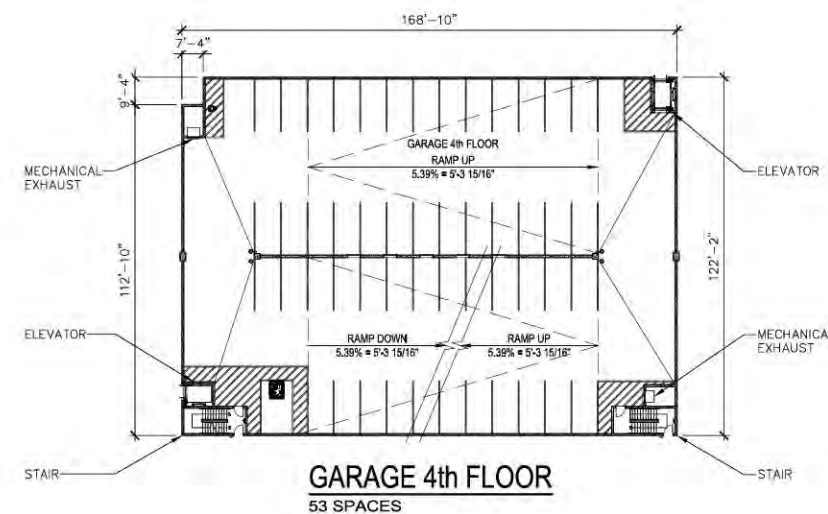
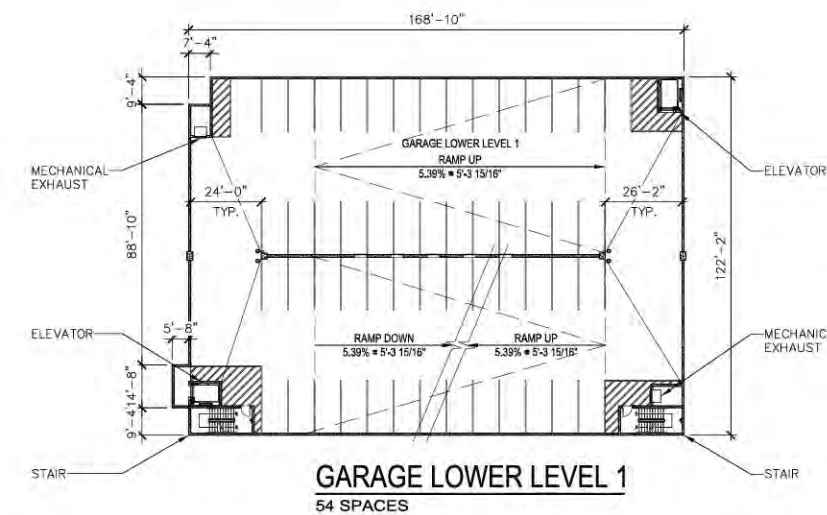
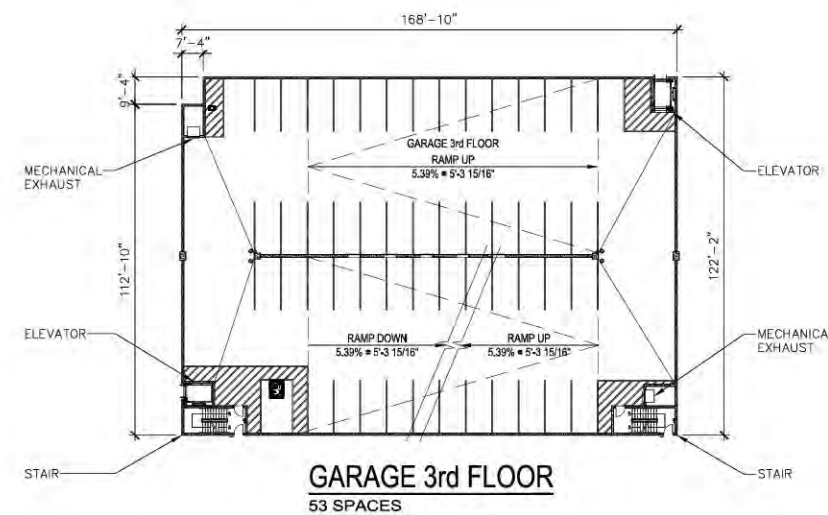
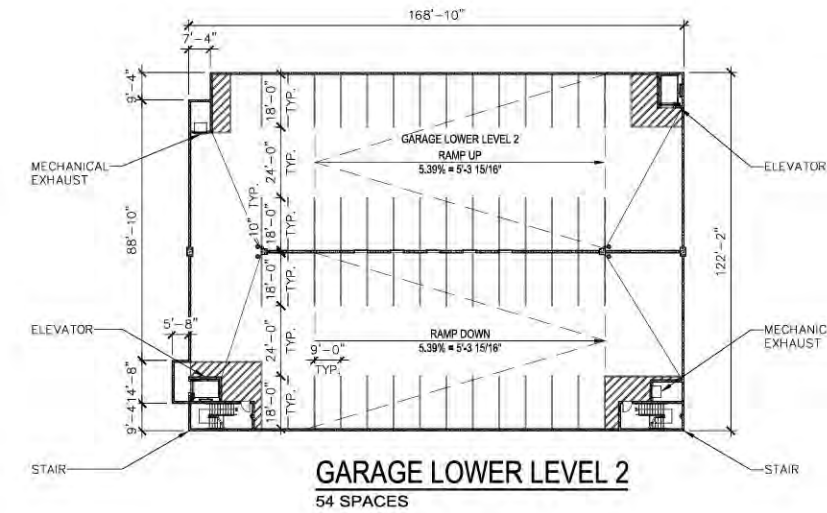
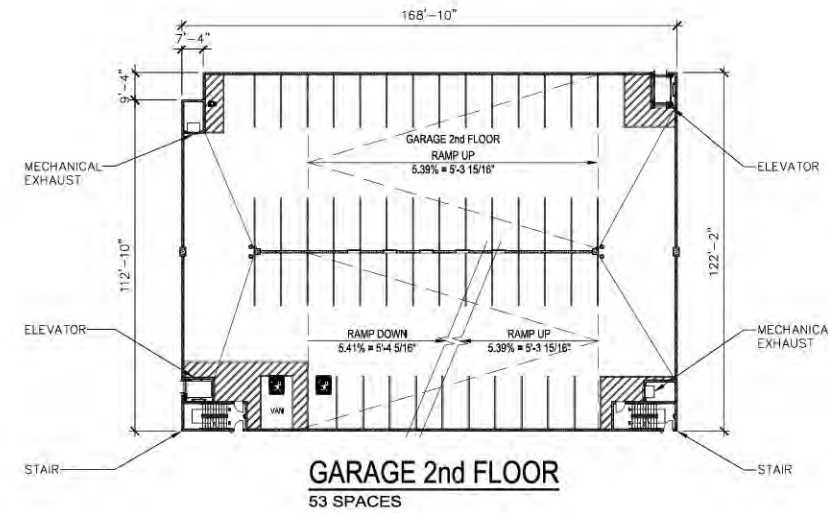
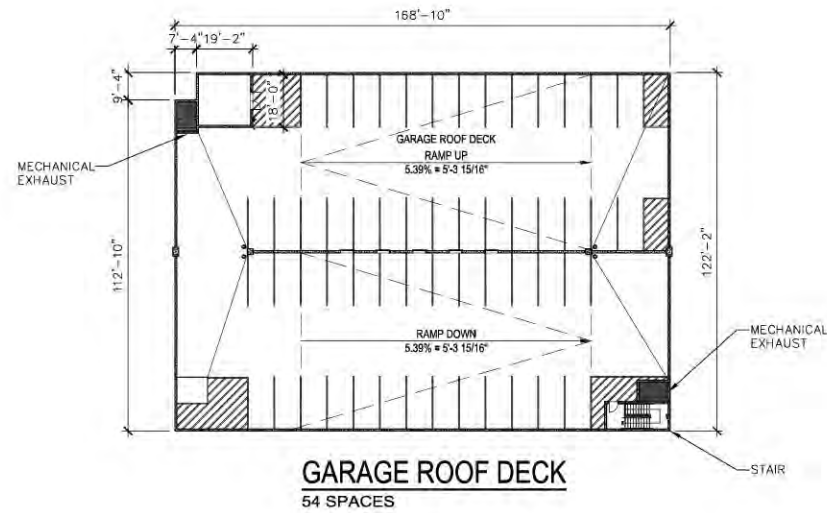
ROOF PLAN GENERAL NOTES

- ALL PENETRATIONS OF FIRE-RESISTIVE ROOF OR WALLS SHALL BE PROTECTED BY MATERIALS AND INSTALLATION DETAILS THAT CONFORM TO UNDERWRITER'S LABORATORIES LISTINGS FOR "THROUGH-PENETRATION FIRE STOP SYSTEMS." CONTRACTOR SHALL SUBMIT SHOP DRAWING DETAILS, FURNISHED BY THE MANUFACTURER OF THE FIRE STOP MATERIAL, WHICH SHOW COMPLETE CONFORMANCE TO THE U.L. LISTING TO THE ARCHITECT, AND SUCH DRAWINGS SHALL BE AVAILABLE TO THE CITY OF SCOTTSDALE. THE DRAWINGS SHALL BE SPECIFIC FOR EACH PENETRATION, WITH APPROPRIATE U.L.# PROVIDED WITH ALL VARIABLES DEFINED.
- DRAFTSTOPS ARE NOT REQUIRED PER 2015 I.B.C. SECTION 718.3.2 EXCEPTION 1.
- ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH SPECIFICATIONS AND MANUFACTURER'S RECOMMENDATIONS.
- SEE BUILDING SECTIONS AND EXTERIOR ELEVATIONS FOR ADDITIONAL HEIGHTS.
- TYPICAL ROOF SLOPE IS 1/4" PER FOOT. ALL CRICKETS TO HAVE A MINIMUM SLOPE OF 1/4" PER FOOT.
- ALL ROOFS MUST BE A MINIMUM OF CLASS "B" RATING.
- ALL MECHANICAL EQUIPMENT SHALL NOT BE PLACED WITHIN 10' OF PERIMETER PARAPET.
- OPTIONAL FOAM ROOF SYSTEM - CLASS "A" SPRAYED POLYURETHANE FOAM A MINIMUM OF 1" THICK.
- MINIMUM 24" OF SEPARATION TO ADJACENT PENETRATIONS, CANT STRIP, SCUPPERS, ETC.
- NO PITCH POCKETS. USE STANDARD ROUND ROOF FLASHING AS AN ALTERNATIVE.
- NO USE OF 'L' OR SQUARE IRON ATTACHED TO ROOF FRAMING AND SEALED IN A PITCH POCKET. USE ROUND PIPE ATTACHED TO FRAMING AND SEALED WITH STANDARD ROOF FLASHING.
- DRAINAGE COLLECTED FROM A ROOF, AWNING OR CONDENSATE FROM MECHANICAL EQUIPMENT SHALL NOT FLOW OVER A PUBLIC WALKING SURFACE PER 2015 I.B.C. 3201.4.

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FLOOR PLAN
BUILDING ROOF
SCALE: N.T.S.

A4.8
03-25-21

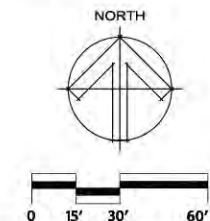


PARKING SUMMARY - (MULTI-FAMILY)			
TOTAL PARKING: (MULTI-FAMILY)			
REQUIRED: TABLE 9.103			
1 BEDROOM / STUDIO	156 x 1.3 =	203	
2 BEDROOMS	63 x 1.7 =	107	
OFFICE / FLEX: 1 SPACE PER 325 S.F.	X,XXX S.F./325 =	XX	
FITNESS CENTER (30%) 1 SPACE PER 325 S.F.	X,XXX S.F./325 =	X	
TOTAL REQUIRED:		XXX P.S.	
PROVIDED:			
GARAGE PARKING		364 P.S.	
SURFACE PARKING		11 P.S.	
TOTAL PROVIDED: (1.7 SPACES PER UNIT)		375 P.S.	
ACCESSIBLE PARKING REQUIRED:			
	4% x 375 P.S. =	15 P.S.	
ACCESSIBLE PARKING PROVIDED: (3 VAN = 1:6 SPACES)		= 15 P.S.	
BICYCLE PARKING: SEC.9.103			
(1) SPACES PER 10 VEHICLE REQ'D	(342 x 0.1 =	34.2)	
TOTAL PROVIDED:		34 SPACES	



9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC



Resolution No. 12211
Exhibit 1
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FLOOR PLAN
BUILDING GARAGE
SCALE: 1" = 30'-0"

A4.9
03-25-21



UNIT AS
1st FLOOR
GROSS LIVABLE AREA: 562 S.F.
PATIO OR BALCONY AREA: 54 S.F.



UNIT AS
2nd - 4th FLOORS
GROSS LIVABLE AREA: 562 S.F.
PATIO OR BALCONY AREA: 54 S.F.



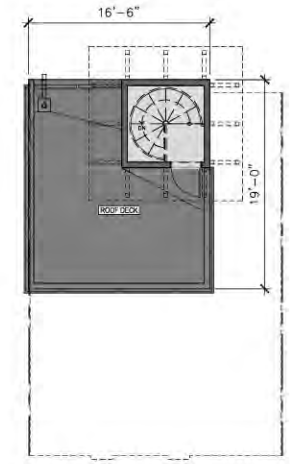
UNIT A1
1st FLOOR
GROSS LIVABLE AREA: 651 S.F.
PATIO OR BALCONY AREA: 68 S.F.



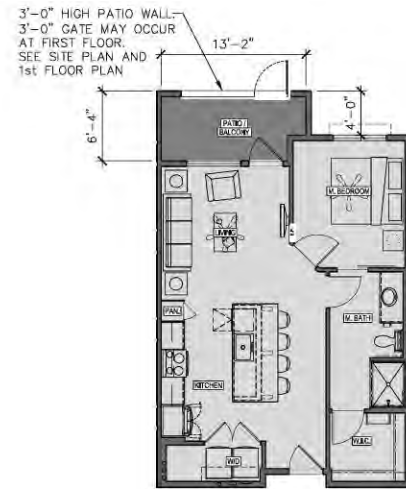
UNIT A1
2nd - 4th FLOORS
GROSS LIVABLE AREA: 651 S.F.
PATIO OR BALCONY AREA: 68 S.F.



UNIT A1 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 737 S.F.
PATIO OR BALCONY AREA: 39 S.F.



UNIT A1 ROOF DECK
ROOF
PATIO AREA: 250 S.F.



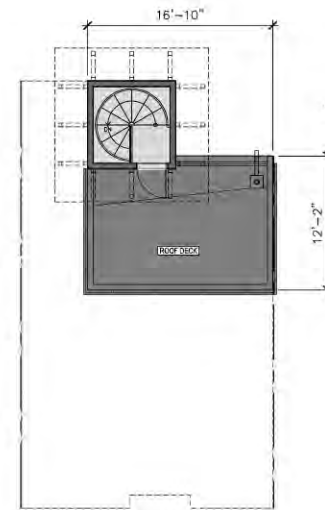
UNIT A2
1st FLOOR
GROSS LIVABLE AREA: 702 S.F.
PATIO OR BALCONY AREA: 80 S.F.



UNIT A2
2nd - 4th FLOORS
GROSS LIVABLE AREA: 702 S.F.
PATIO OR BALCONY AREA: 80 S.F.



UNIT A2 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 826 S.F.



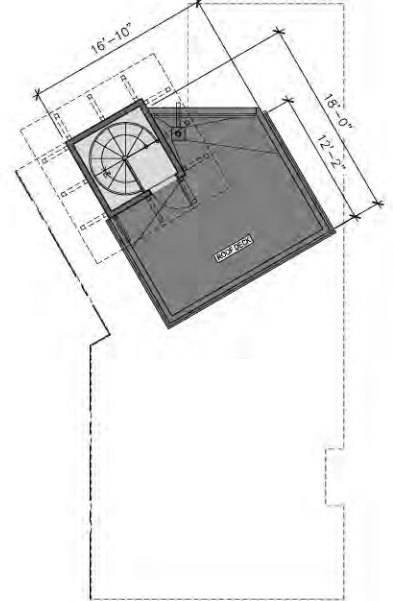
UNIT A2 ROOF DECK
ROOF
PATIO AREA: 196 S.F.



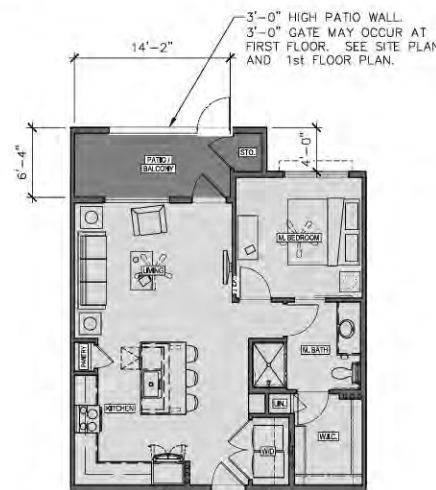
UNIT A2 ALT
2nd - 3rd FLOORS
GROSS LIVABLE AREA: 1,702 S.F.
PATIO OR BALCONY AREA: 80 S.F.



UNIT A2 ALT ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,804 S.F.



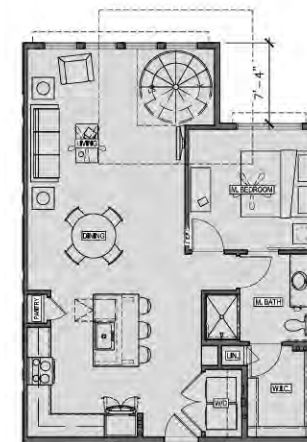
UNIT A2 ALT ROOF DECK
ROOF
PATIO AREA: 296 S.F.



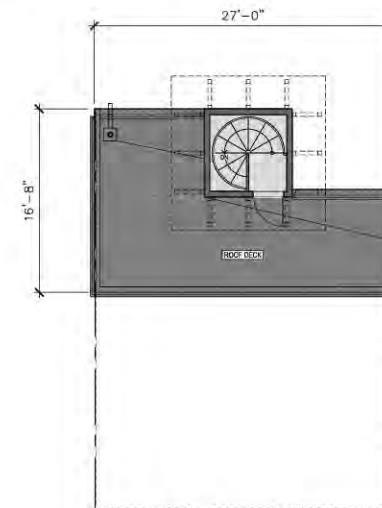
UNIT A3
1st FLOOR
GROSS LIVABLE AREA: 749 S.F.
PATIO OR BALCONY AREA: 90 S.F.



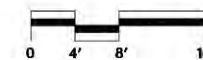
UNIT A3
2nd - 4th FLOORS
GROSS LIVABLE AREA: 749 S.F.
PATIO OR BALCONY AREA: 90 S.F.



UNIT A3 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 914 S.F.



UNIT A3 ROOF DECK
ROOF
PATIO AREA: 320 S.F.



9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC

Resolution No. 12211
Exhibit 1
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FLOOR PLAN
WORKSHEET
UNIT PLANS
SCALE: 1/8" = 1'-0"

A5.1
03-25-21

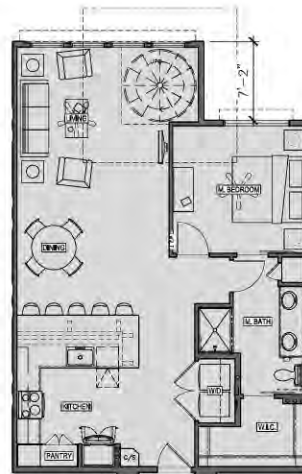
biltform
architecture



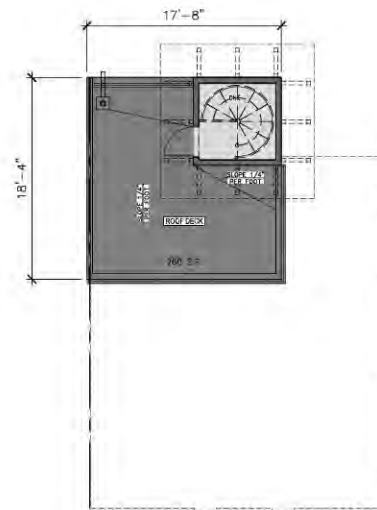
UNIT A4
1st FLOOR
GROSS LIVABLE AREA: 831 S.F.
PATIO OR BALCONY AREA: 75 S.F.



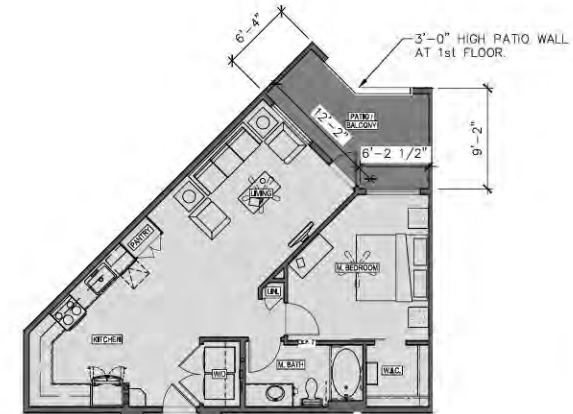
UNIT A4
2nd - 4th FLOORS
GROSS LIVABLE AREA: 831 S.F.
PATIO OR BALCONY AREA: 75 S.F.



UNIT A4 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 389 S.F.



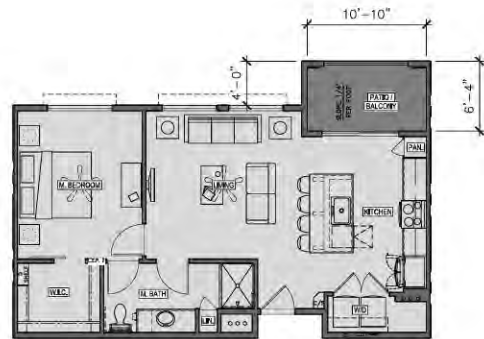
UNIT A4 ROOF DECK
ROOF
PATIO AREA: 260 S.F.



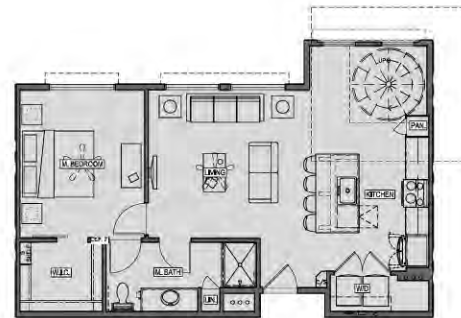
UNIT A5
1st FLOOR
GROSS LIVABLE AREA: 755 S.F.
PATIO OR BALCONY AREA: 114 S.F.



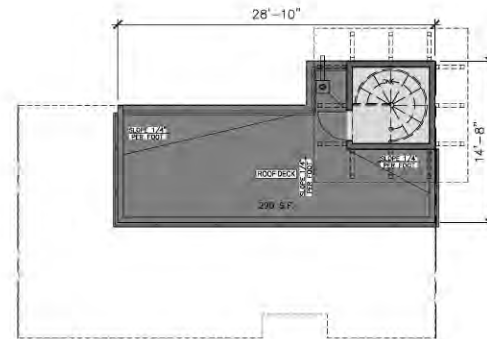
UNIT A5
2nd - 4th FLOORS
GROSS LIVABLE AREA: 755 S.F.
PATIO OR BALCONY AREA: 114 S.F.



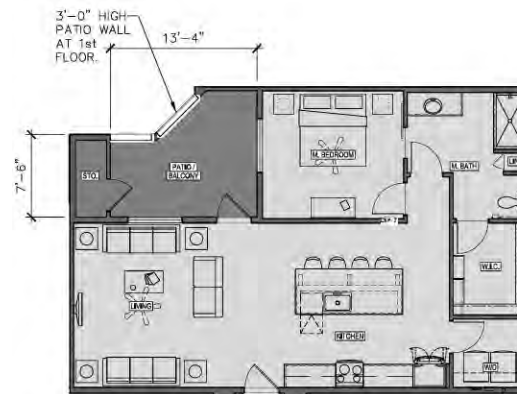
UNIT A6
2nd - 3rd FLOORS
GROSS LIVABLE AREA: 755 S.F.
PATIO OR BALCONY AREA: 69 S.F.



UNIT A6 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 839 S.F.



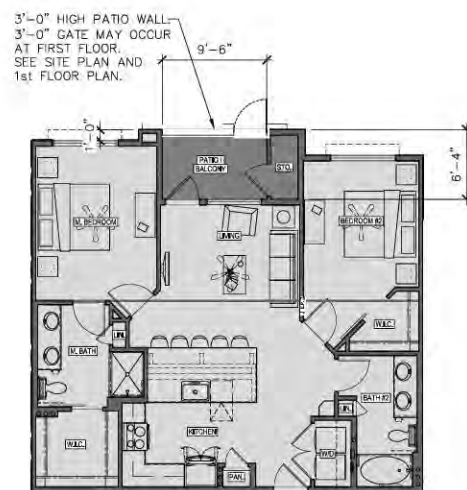
UNIT A6 ROOF DECK
ROOF
PATIO AREA: 290 S.F.



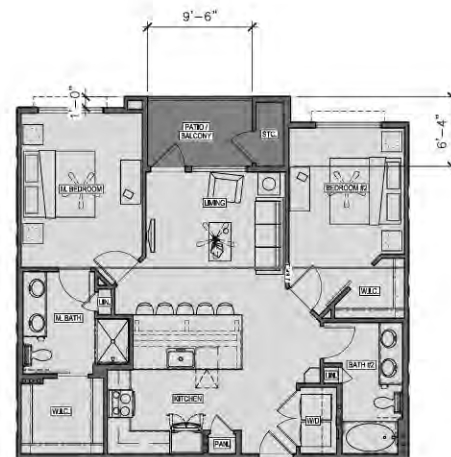
UNIT A7
1st FLOOR
GROSS LIVABLE AREA: 971 S.F.
PATIO OR BALCONY AREA: 129 S.F.



UNIT A7
2nd - 4th FLOORS
GROSS LIVABLE AREA: 971 S.F.
PATIO OR BALCONY AREA: 129 S.F.



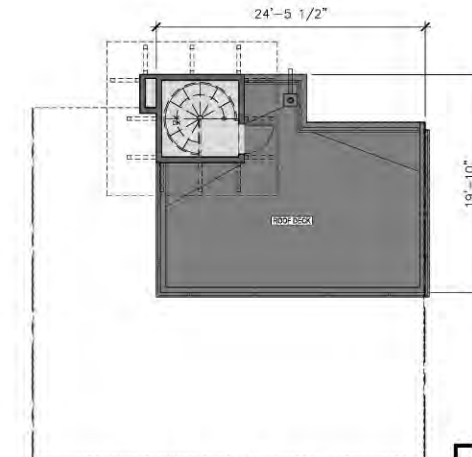
UNIT B1
1st FLOOR
GROSS LIVABLE AREA: 1,060 S.F.
PATIO OR BALCONY AREA: 60 S.F.



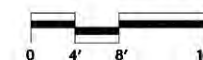
UNIT B1
2nd - 4th FLOORS
GROSS LIVABLE AREA: 1,060 S.F.
PATIO OR BALCONY AREA: 60 S.F.



UNIT B1 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,173 S.F.



UNIT B1 ROOF DECK
ROOF
PATIO AREA: 370 S.F.



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FLOOR PLAN
WORKSHEET
UNIT PLANS
SCALE: 1/8" = 1'-0"

A5.2
03-25-21

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

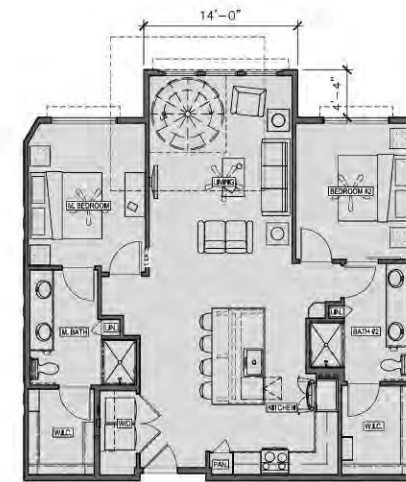
biltform
architecture



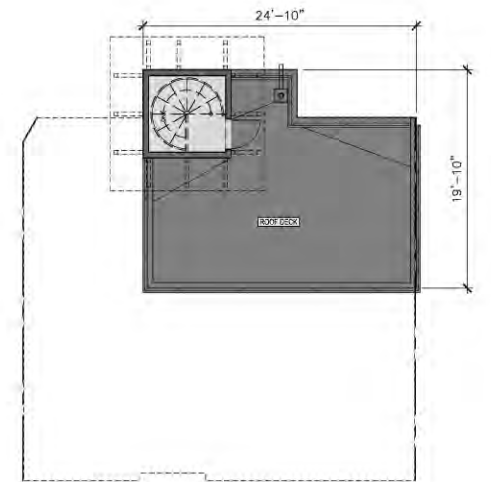
UNIT B2
1st FLOOR
GROSS LIVABLE AREA: 1,130 S.F.
PATIO OR BALCONY AREA: 82 S.F.



UNIT B2
2nd - 4th FLOORS
GROSS LIVABLE AREA: 1,130 S.F.
PATIO OR BALCONY AREA: 82 S.F.



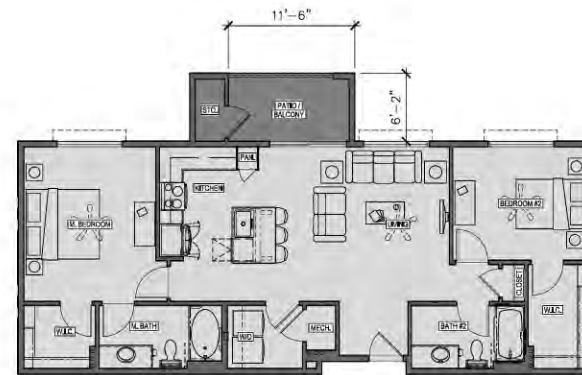
UNIT B2 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,234 S.F.



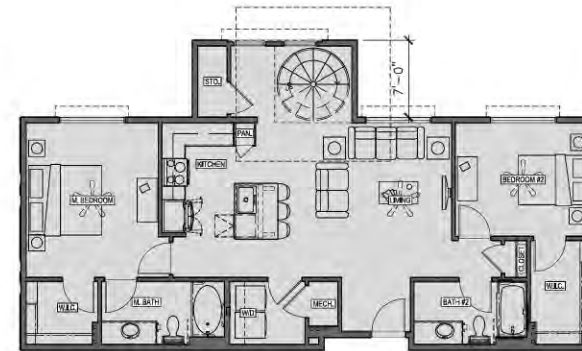
UNIT B2 ROOF DECK
ROOF
PATIO AREA: 377 S.F.



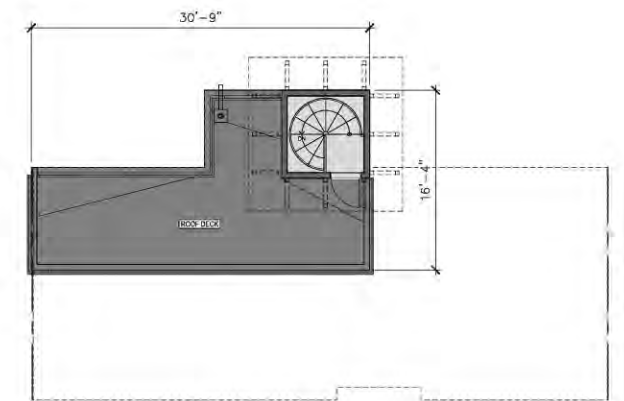
UNIT B3
1st FLOOR
GROSS LIVABLE AREA: 1,099 S.F.



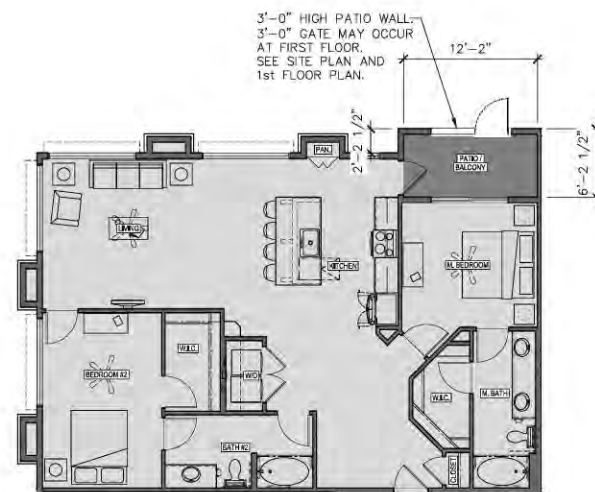
UNIT B3
2nd - 3rd FLOORS
GROSS LIVABLE AREA: 1,099 S.F.
PATIO OR BALCONY AREA: 88 S.F.



UNIT B3 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,204 S.F.



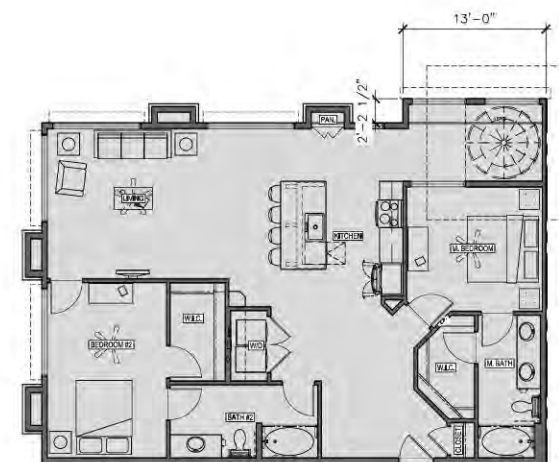
UNIT B3 ROOF DECK
ROOF
PATIO AREA: 328 S.F.



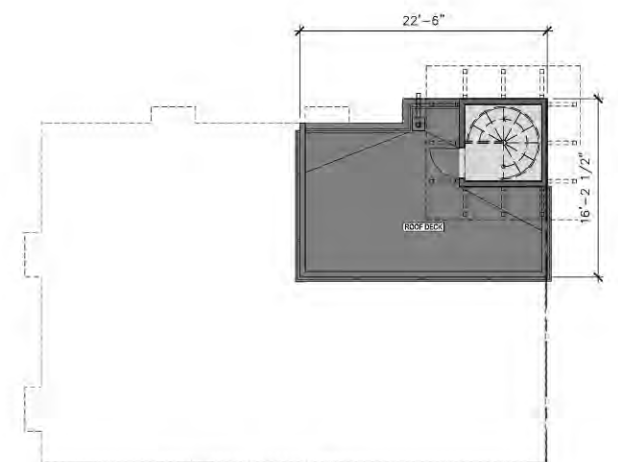
UNIT B5
1st FLOOR
GROSS LIVABLE AREA: 1,377 S.F.
PATIO OR BALCONY AREA: 76 S.F.



UNIT B5
2nd - 4th FLOORS
GROSS LIVABLE AREA: 1,377 S.F.
PATIO OR BALCONY AREA: 76 S.F.



UNIT B5 ROOF DECK UNIT
4th FLOOR
GROSS LIVABLE AREA: 1,460 S.F.



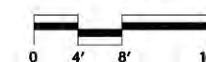
UNIT B5 ROOF DECK
ROOF
PATIO AREA: 280 S.F.

biltform
architecture

Resolution No. 12211
Exhibit 1
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9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

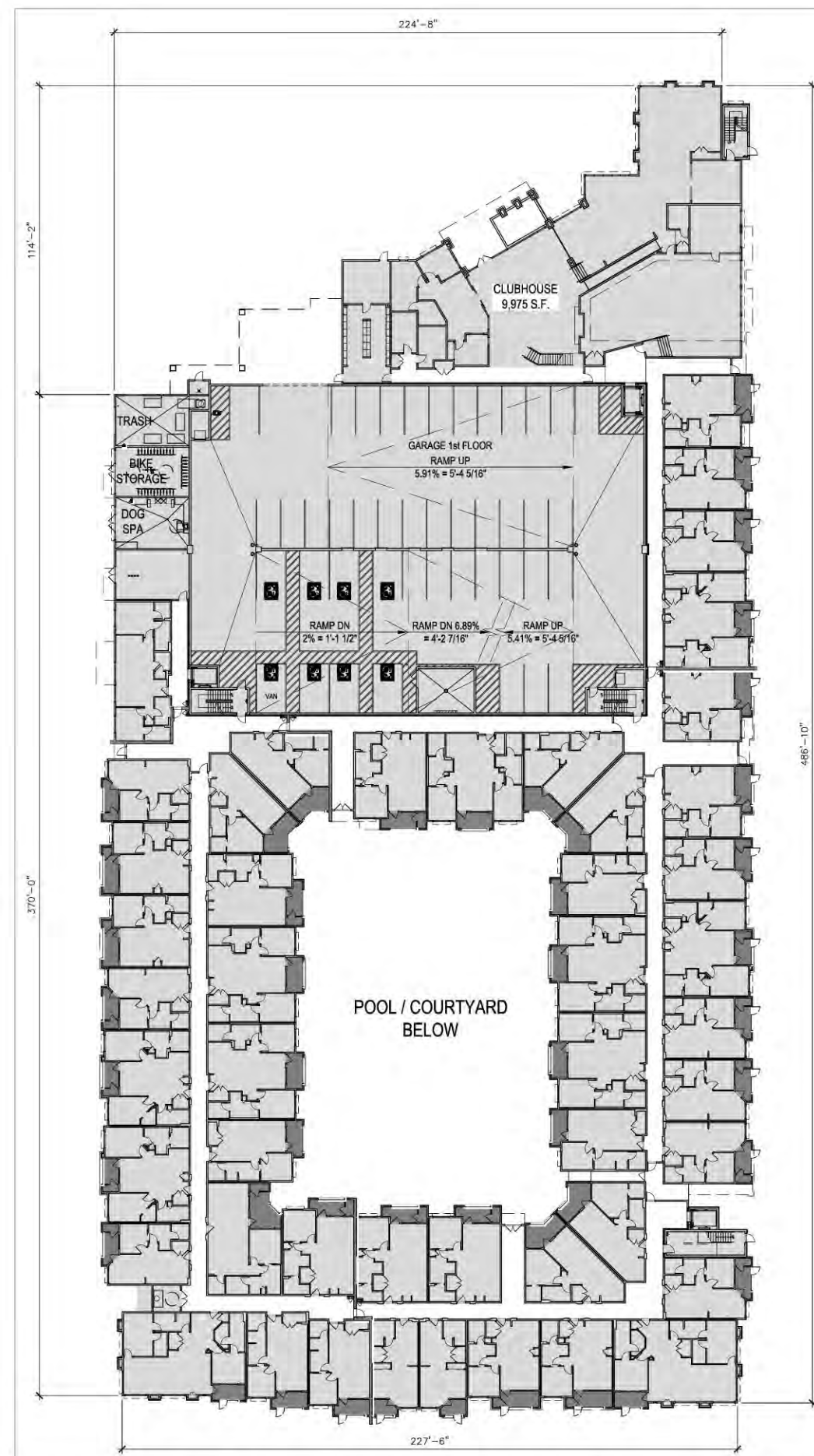
FLOOR PLAN WORKSHEET
UNIT PLANS
SCALE: 1/8" = 1'-0"



A5.3
03-25-21

9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC

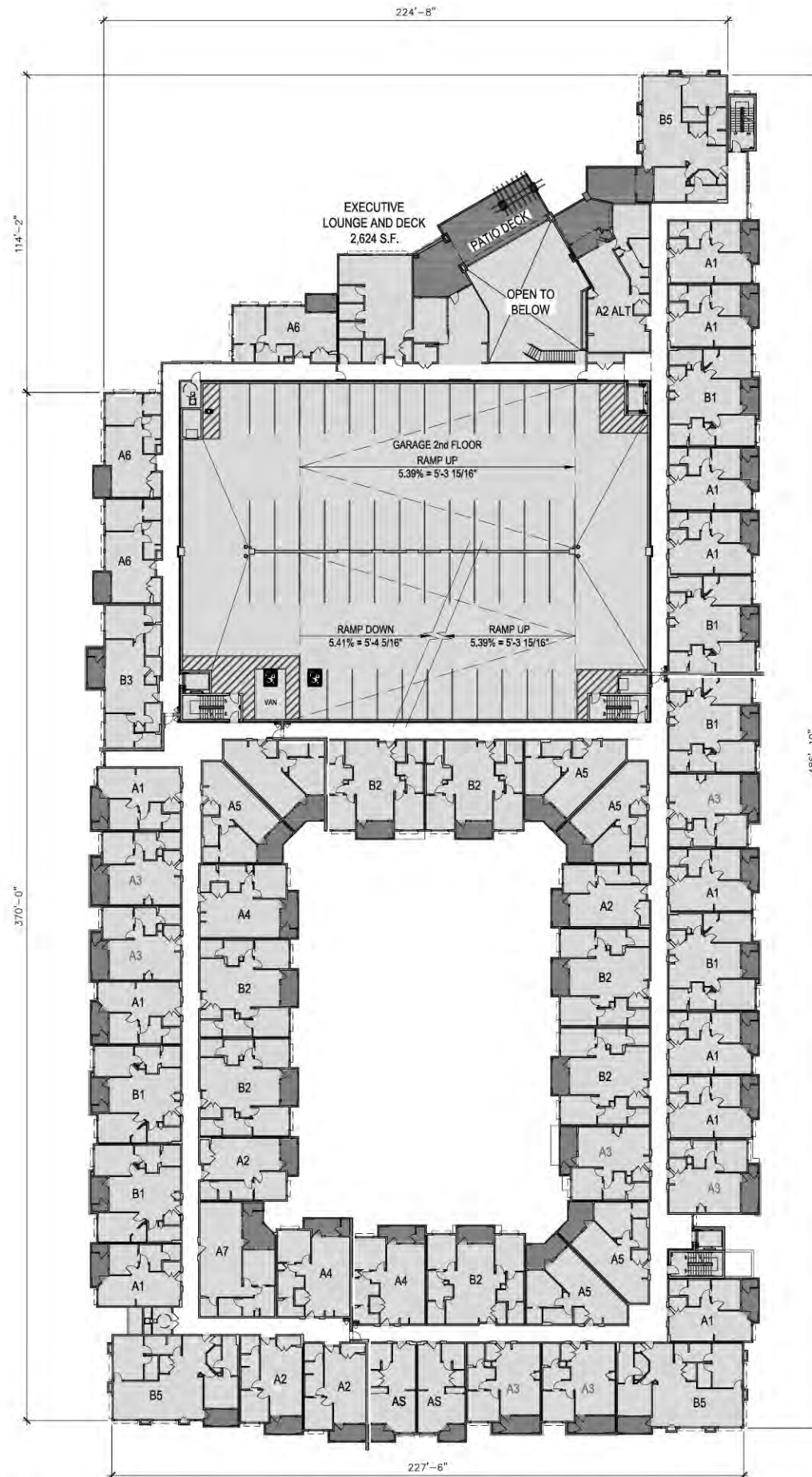


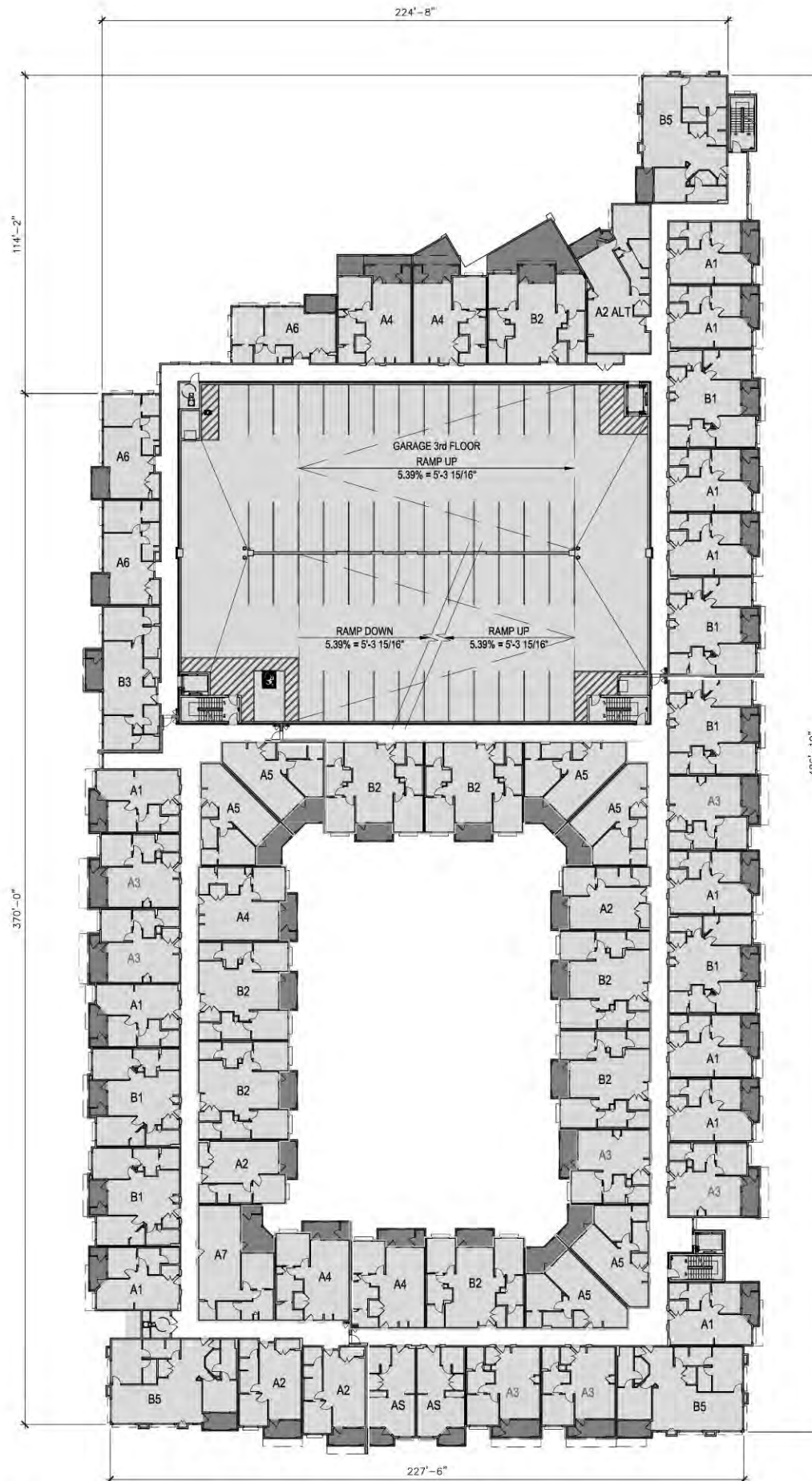
FLOOR PLAN WORKSHEET
BUILDING 1st FLOOR
SCALE: N.T.S.

A5.4
03-25-21

9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC





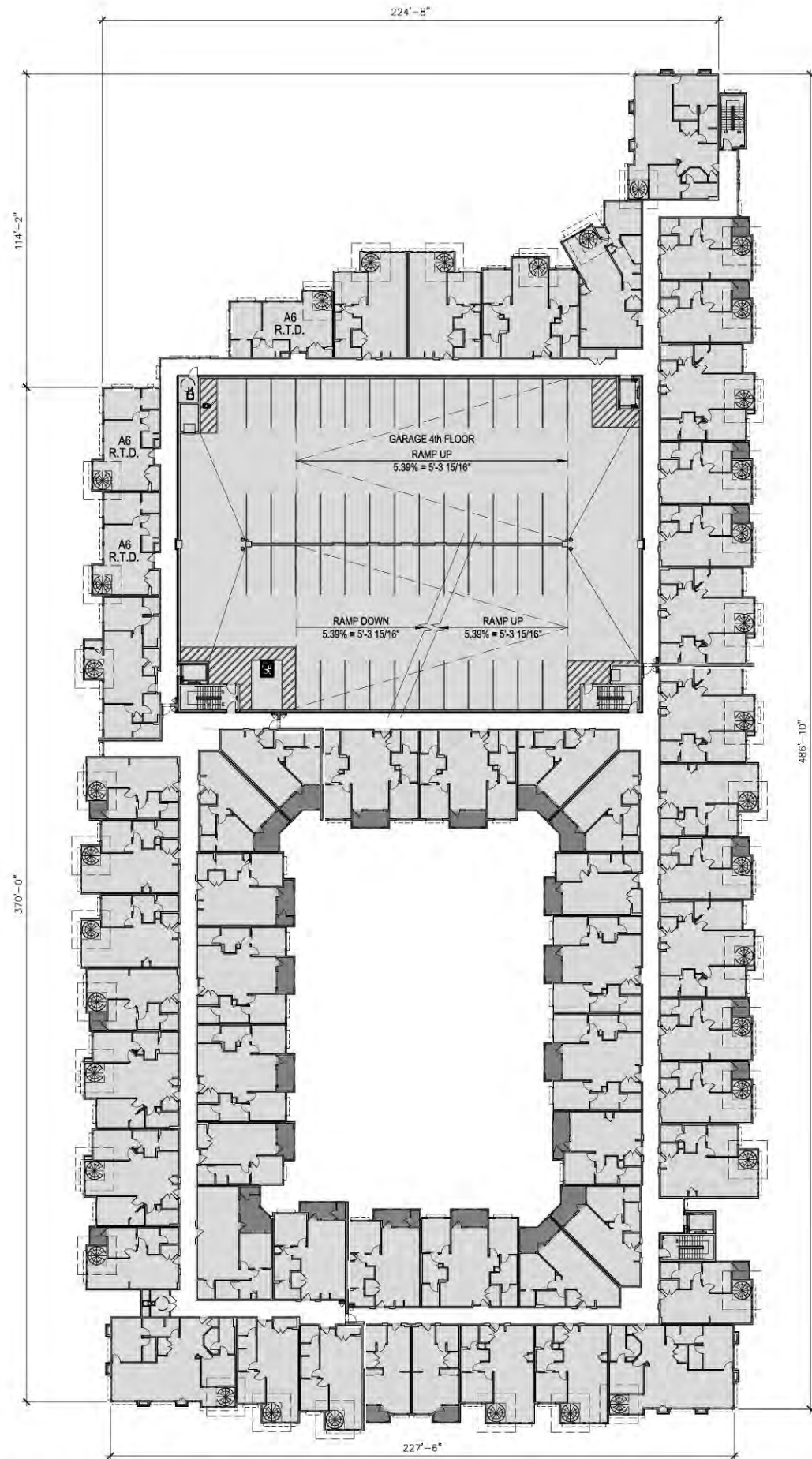
9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

FLOOR PLAN WORKSHEET
BUILDING 3rd FLOOR
SCALE: N.T.S.

A5.6
03-25-21

9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC

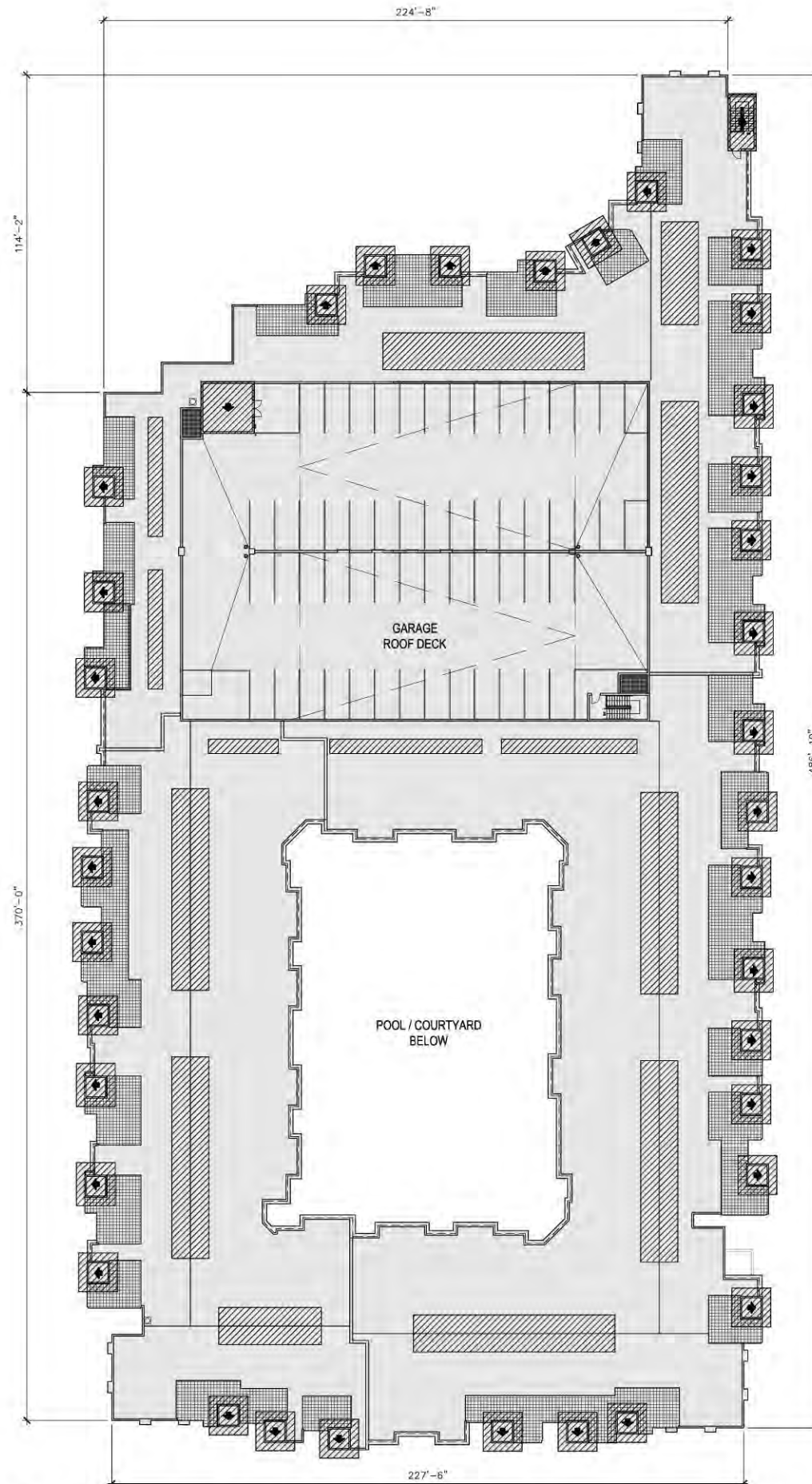





*NOTE:
R.T.D. = ROOFTOP DECK

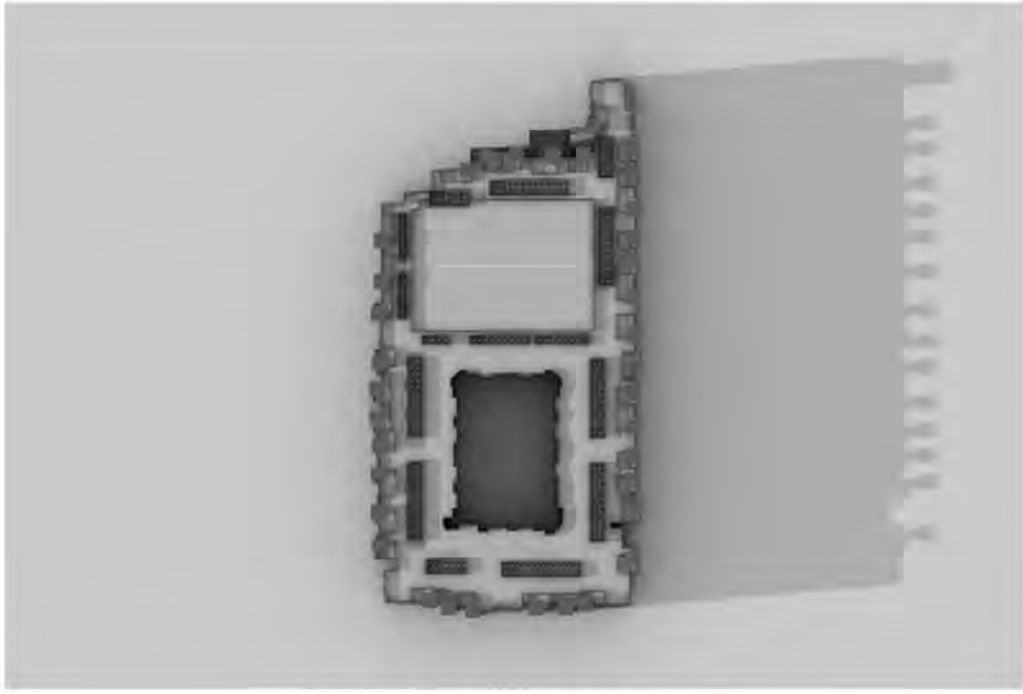
FLOOR PLAN WORKSHEET
BUILDING 4th FLOOR
SCALE: N.T.S.

A5.7
03-25-21

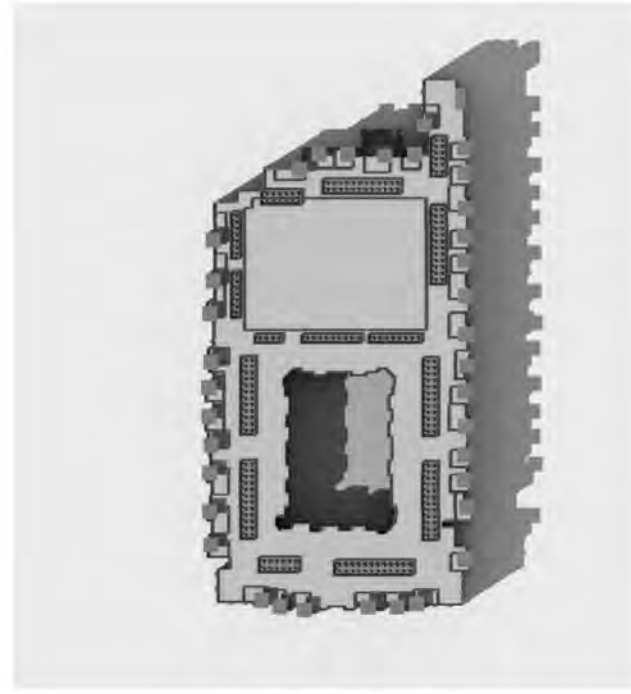
9400 EAST SHEA BOULEVARD KAPLAN ACQUISITIONS, LLC



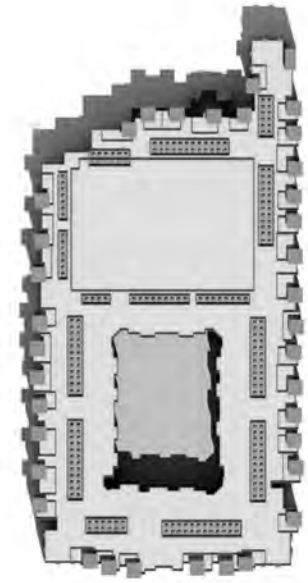
ROOFTOP DECK ENCLOSURE AREA		10,917 S.F.
AREA ABOVE AVERAGE ROOF HEIGHT OF 48'-0"		7,752 S.F.
TOTAL ROOF AREA		89,777 S.F.
ROOF AREA % ABOVE AVERAGE ROOF HEIGHT OF 48'-0" $18,669 \text{ S.F.} / 89,777 \text{ S.F.} = 20.8\%$		
ROOF AREA CALCULATION, 30% MAXIMUM PER 5.5005.0		
ROOF TOP DECK UNITS:		
A1	=	11
A2	=	2
A2 ALT	=	1
A3	=	6
A4	=	2
A6	=	3
B1	=	6
B2	=	1
B3	=	1
B5	=	3
36 TOTAL ROOF TOP DECK UNITS		



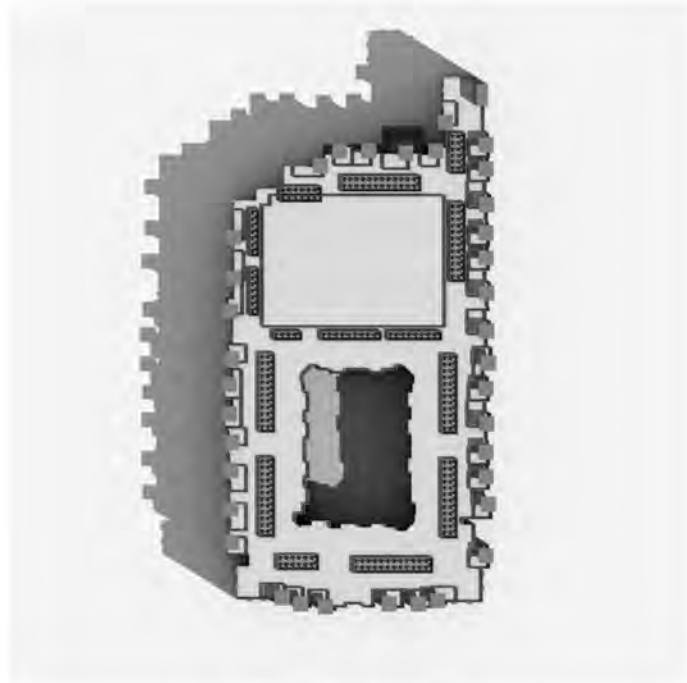
MARCH 21st - 6PM



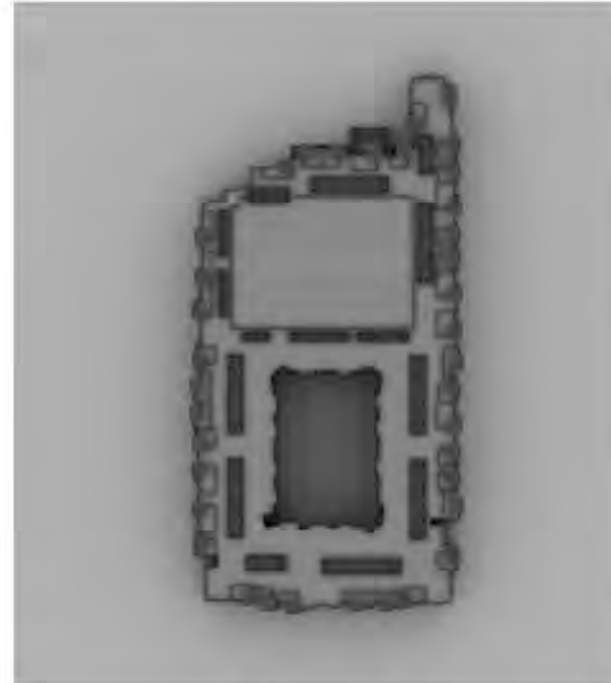
MARCH 21st - 3PM



MARCH 21st - 12PM

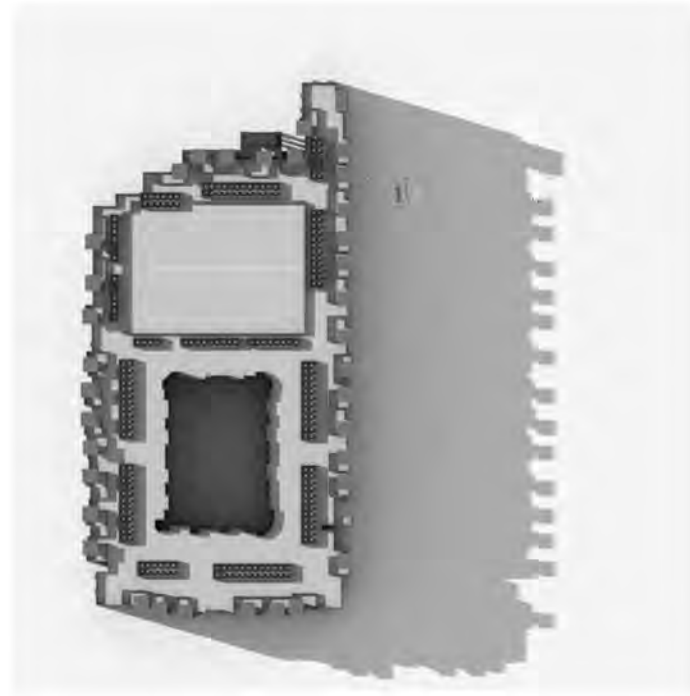


MARCH 21st - 9AM

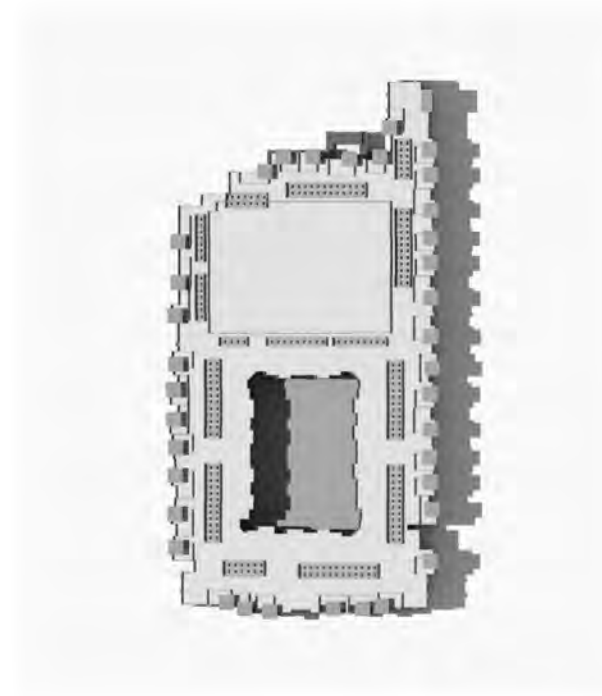


MARCH 21st - 6AM

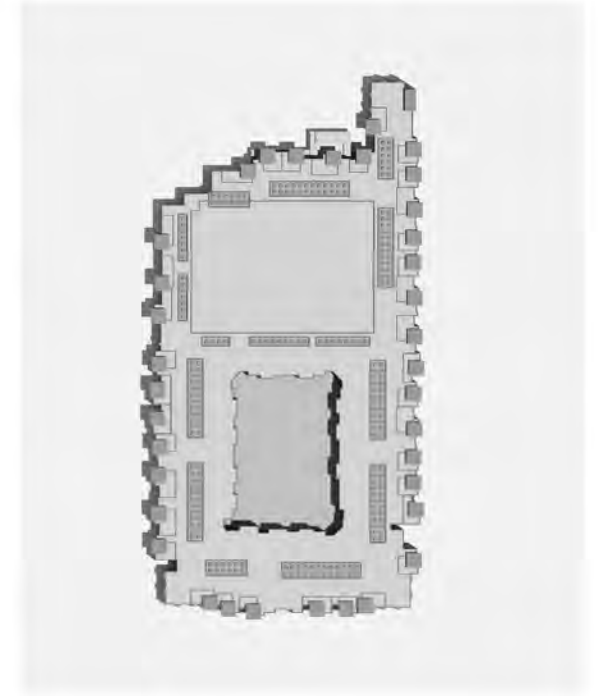




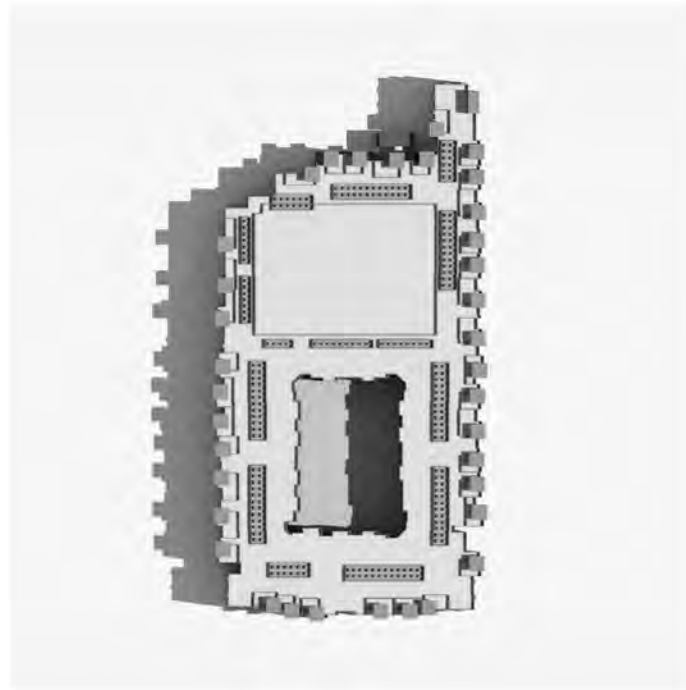
JUNE 21st - 6PM



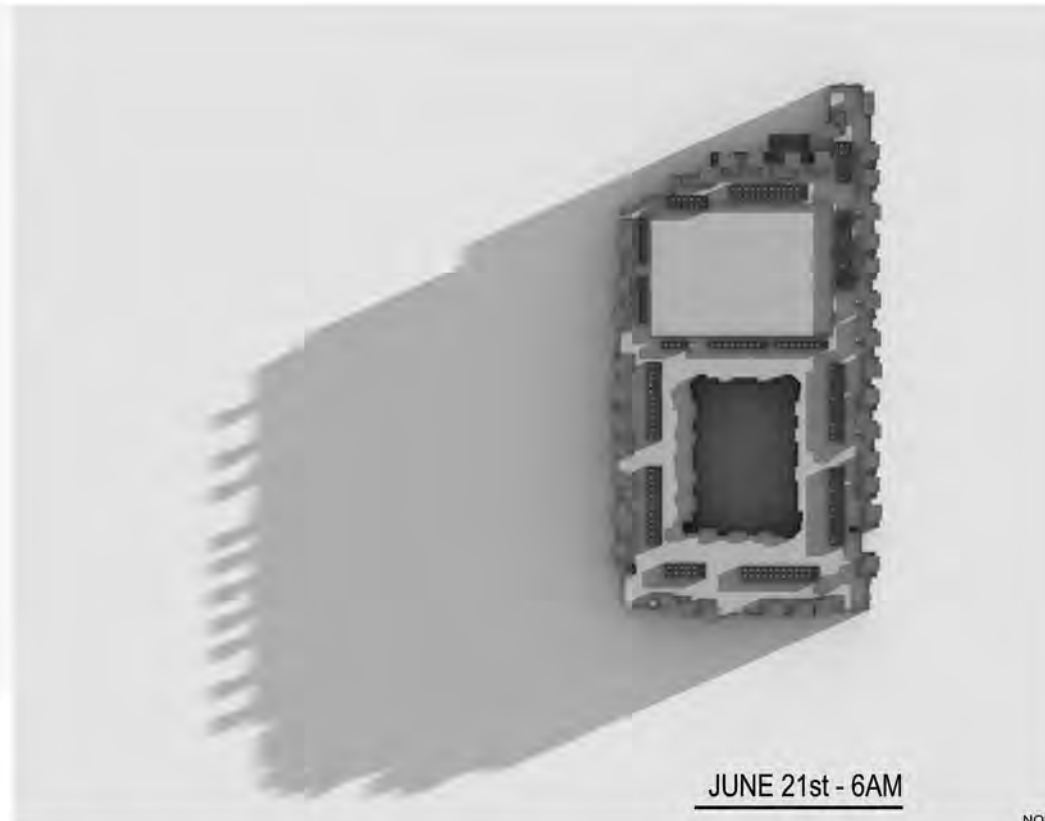
JUNE 21st - 3PM



JUNE 21st - 12PM

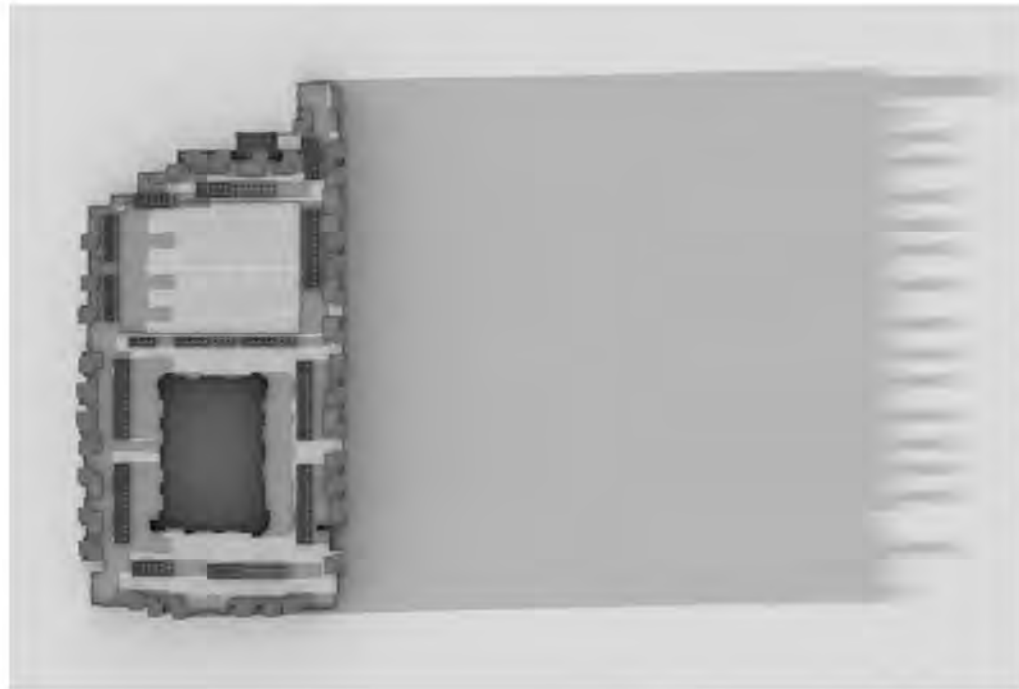


JUNE 21st - 9AM

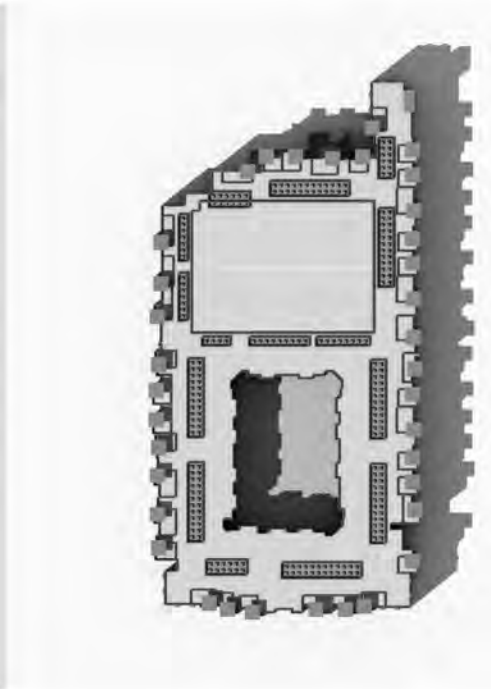


JUNE 21st - 6AM

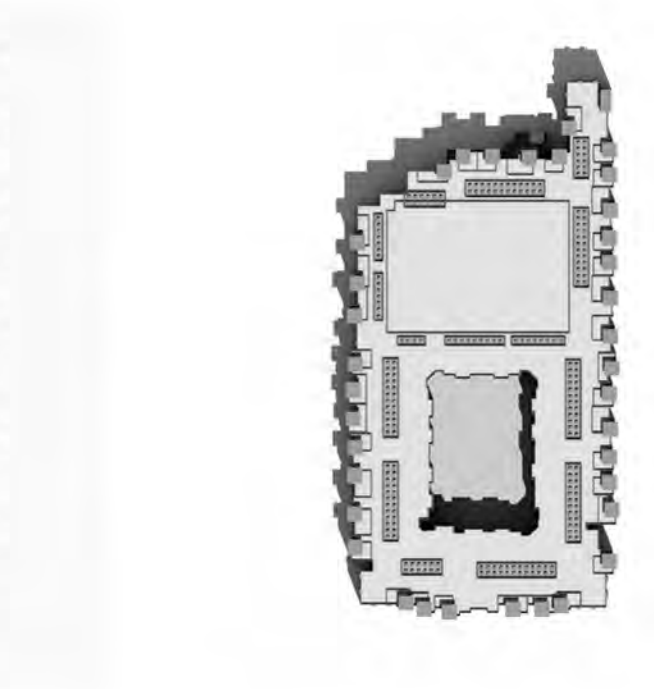




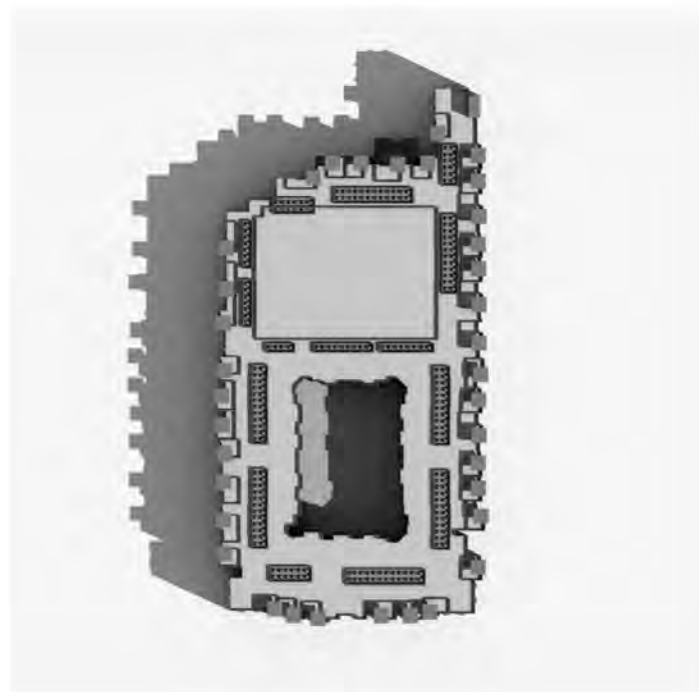
SEPTEMBER 21st - 6PM



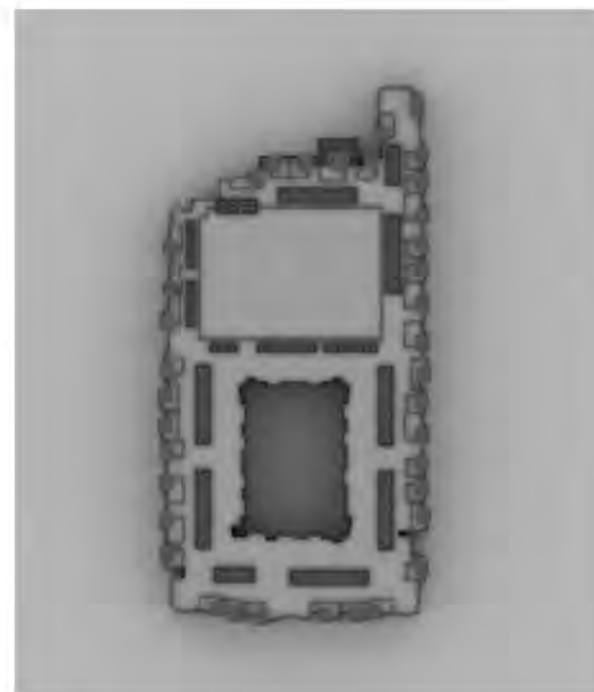
SEPTEMBER 21st - 3PM



SEPTEMBER 21st - 12PM

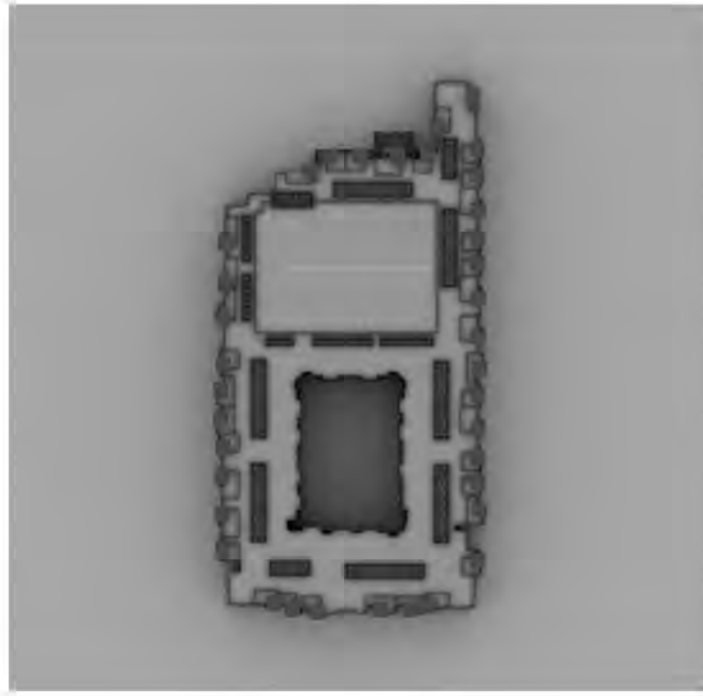


SEPTEMBER 21st - 9AM

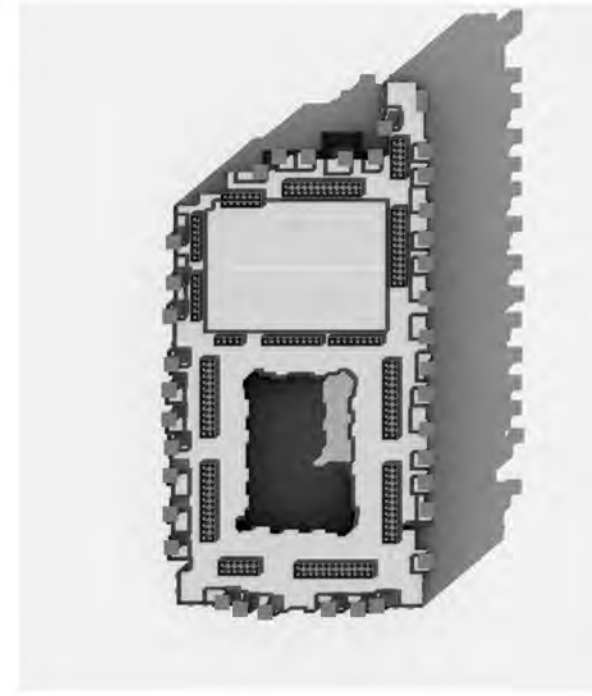


SEPTEMBER 21st - 6AM

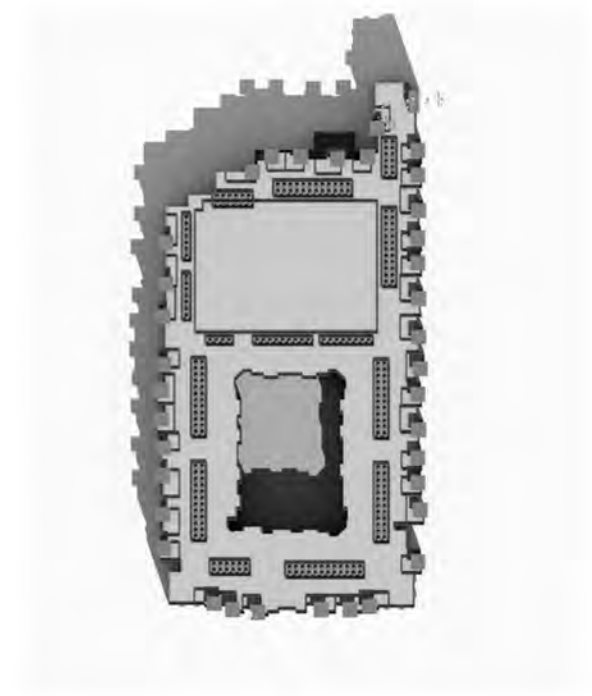




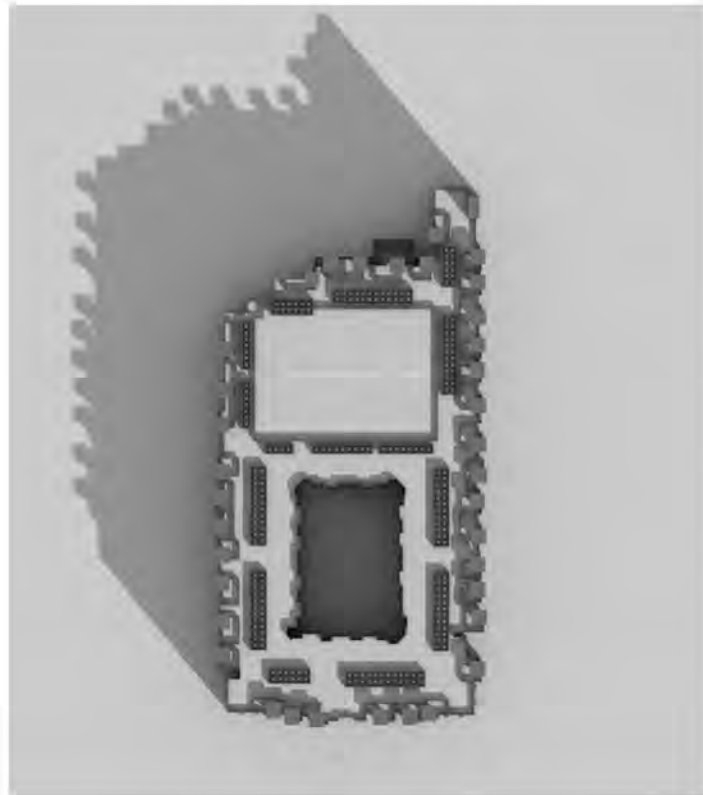
DECEMBER 21st - 6PM



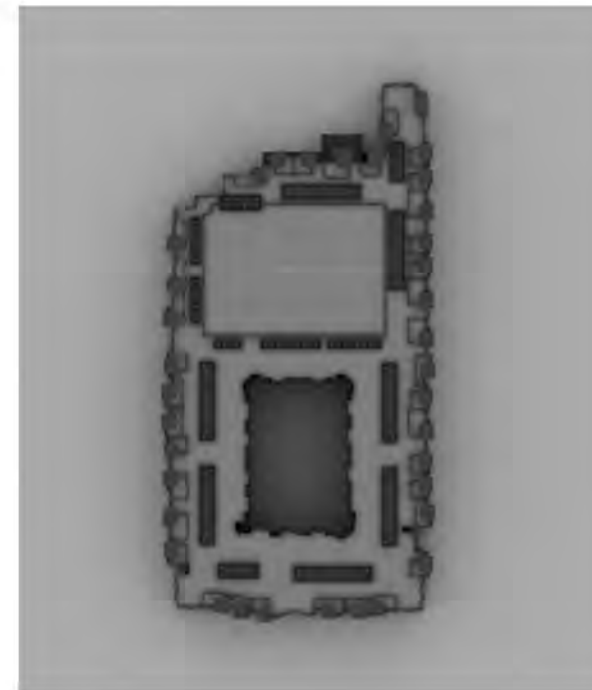
DECEMBER 21st - 3PM



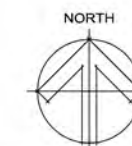
DECEMBER 21st - 12PM

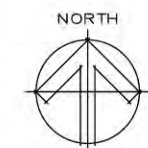
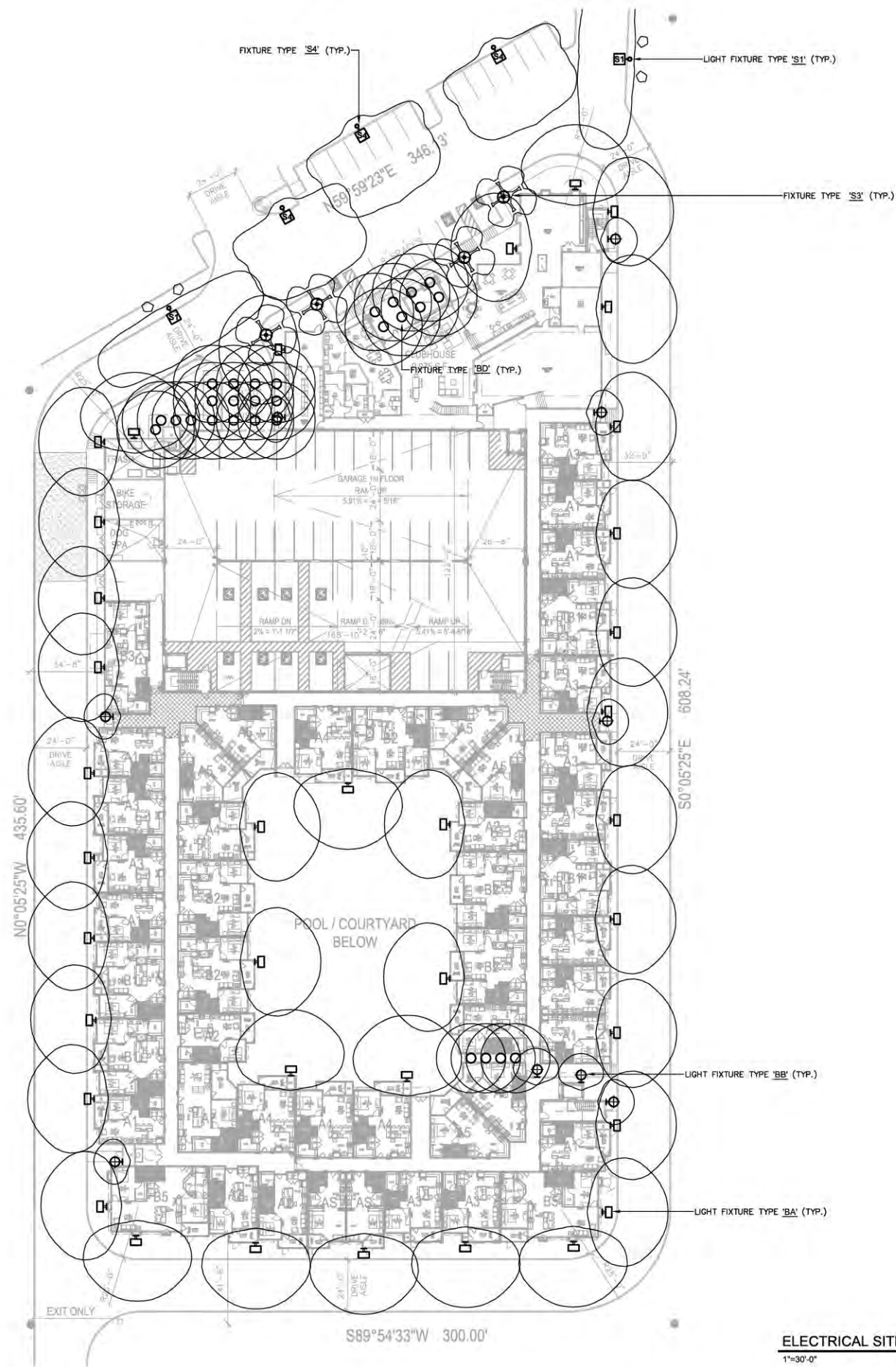


DECEMBER 21st - 9AM



DECEMBER 21st - 6AM





ELECTRICAL SITE LIGHTING PLAN
1"=30'-0"

















Resolution No. 12211
Exhibit 1
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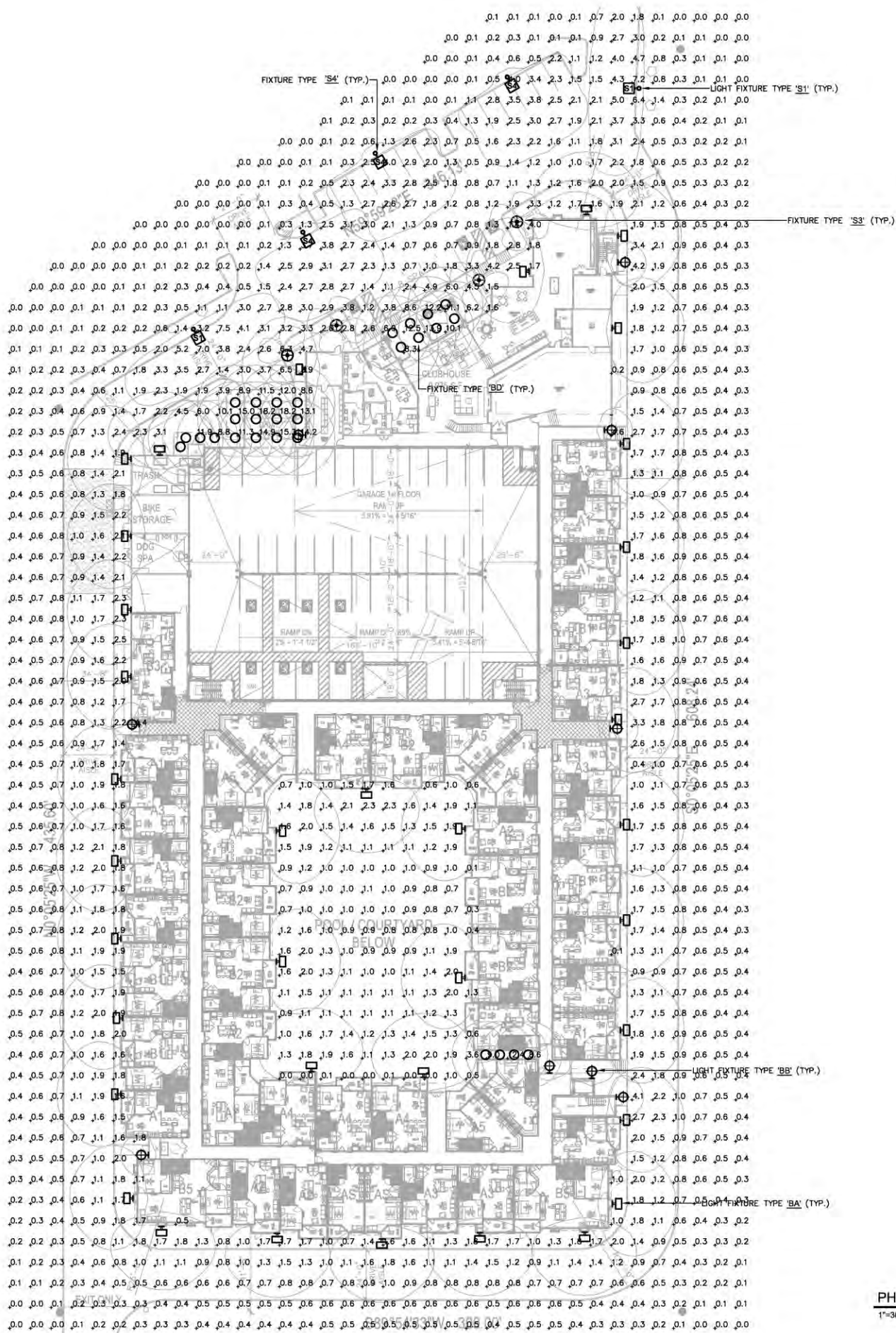
9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC

02-13-20

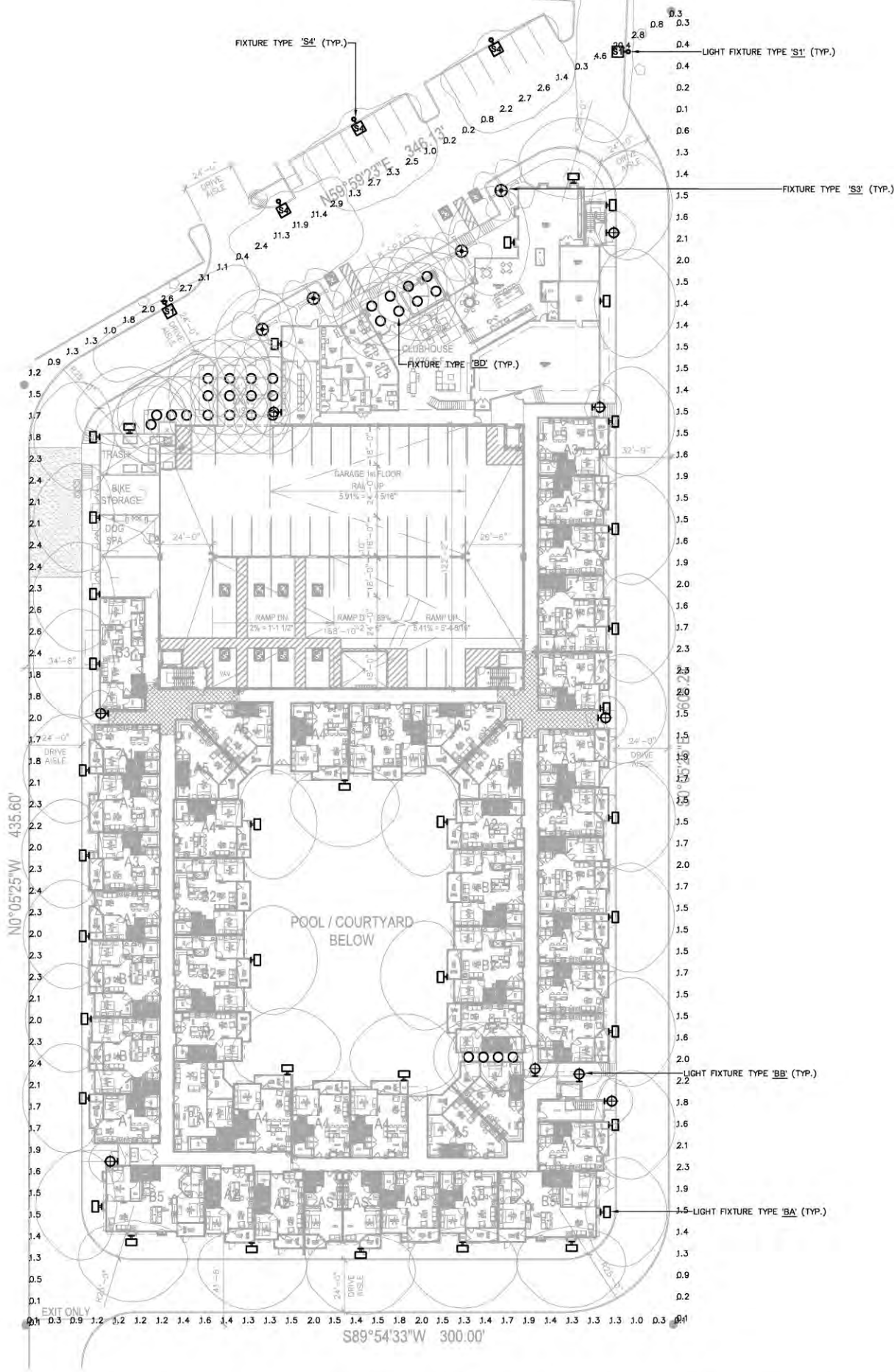


Schedule								
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Light Loss Factor	Wattage
		45	DesignPlan	FA770-W	Area Light	LED	0.9	36
		6	DesignPlan	FA100-W	Wall Sconce	LED	0.9	12
		8	Prescolite	LF6SL 6LFSL 11L 30K	6" LED OPEN DOWNLIGHT	LED	0.9	12.6
		25	Prescolite	LF6SL 6LFSL 20L 30K	6" LED OPEN DOWNLIGHT	LED	0.9	22.1
		16	Hubbell Lighting	VPS 36L-65 3K7 4	Pole Light	LED	0.9	66.7
		10	Hubbell Lighting	VPS 36L-65 3K7 5W	Pole Light	LED	0.9	66.7
		1	Hubbell Lighting	VPS 36L-65 3K7 2	Pole Light	LED	0.9	66.7
		4	Lumux Lighting	PL3014/LED/120-277/	Column Light	LED	0.9	45



PHOTOMETRIC PLAN
1"=30'-0"

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC



Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
East - Vertical	+	1.5 fc	2.3 fc	0.1 fc	23.0:1	15.0:1
North - Vertical	+	3.1 fc	20.4 fc	0.2 fc	102.0:1	15.5:1
South - Vertical	+	1.3 fc	2.0 fc	0.1 fc	20.0:1	13.0:1
West - Vertical	+	1.9 fc	2.6 fc	0.1 fc	26.0:1	5.5:1

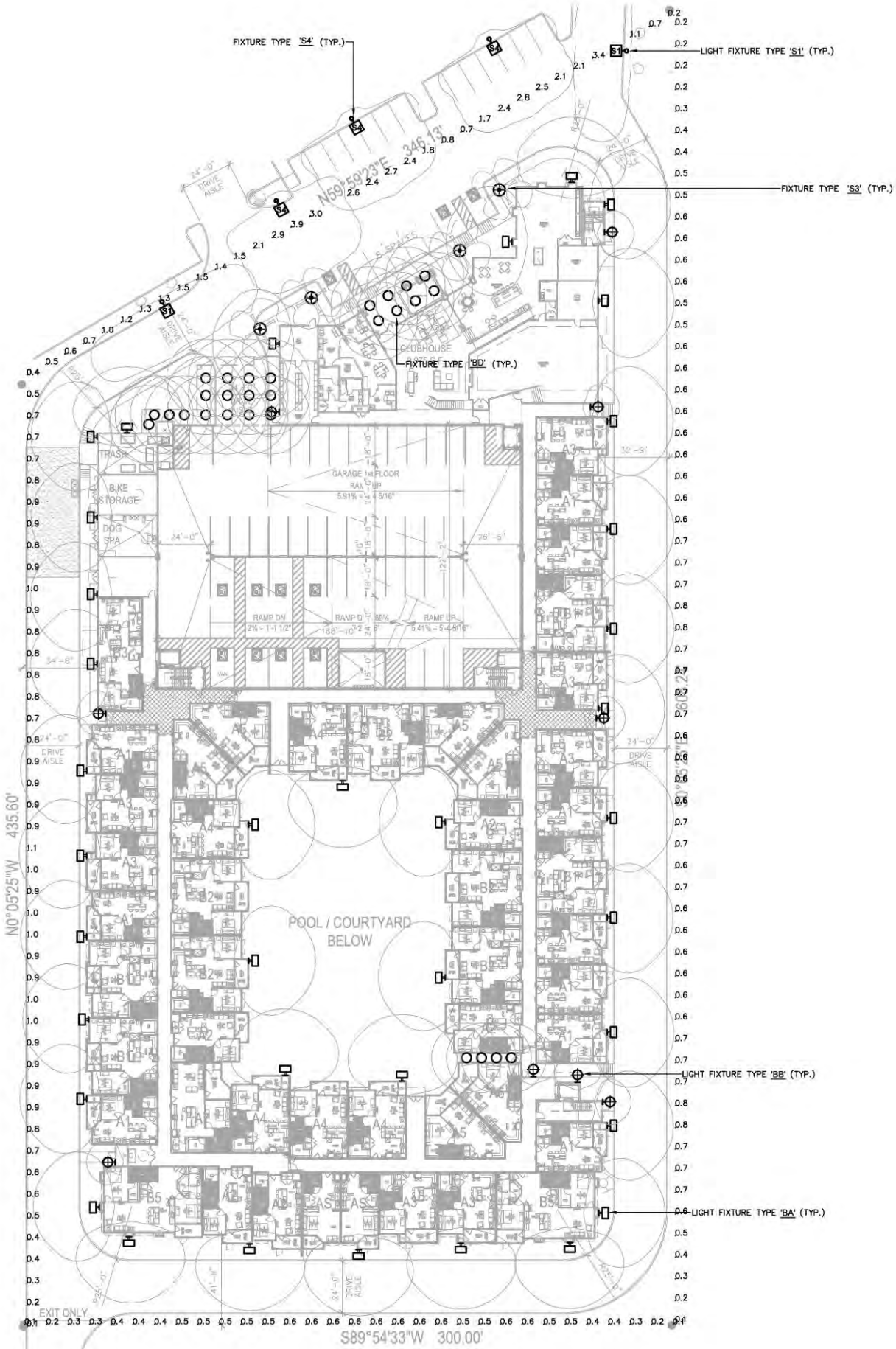
STATISTICS

PHOTOMETRIC PLAN - VERTICAL FC 6'
ABOVE GRADE AT PROPERTY LINE

1"=30'-0"



9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC



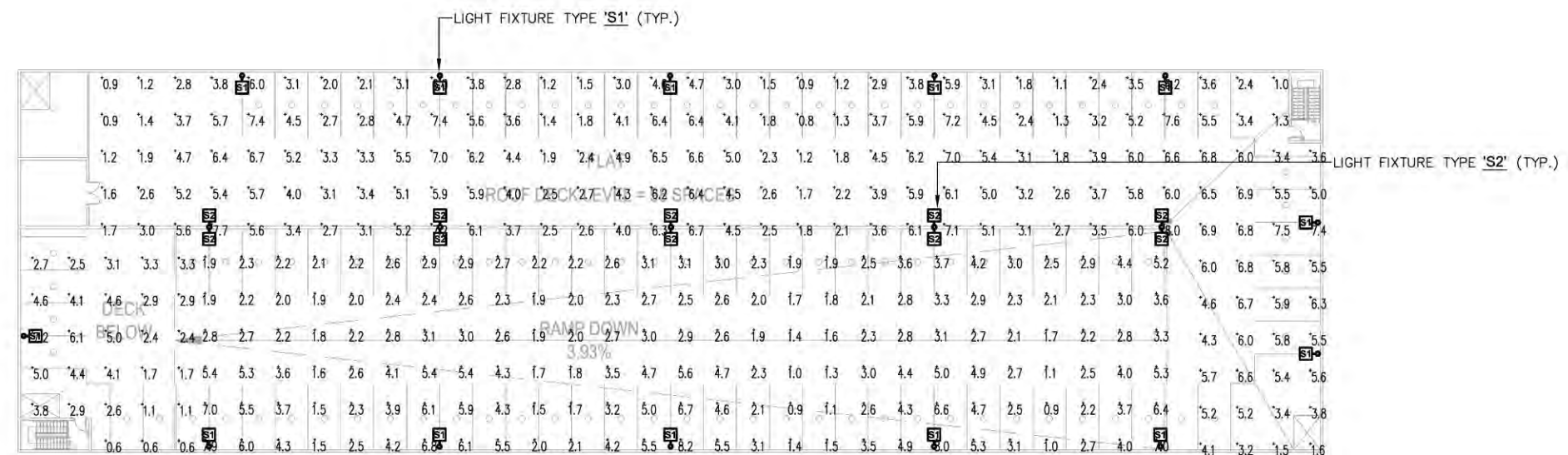
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
East - Horizontal	+	0.6 fc	0.8 fc	0.1 fc	8.0:1	6.0:1
North - Horizontal	+	2.0 fc	9.2 fc	0.2 fc	46.0:1	10.0:1
South - Horizontal	+	0.5 fc	0.6 fc	0.1 fc	6.0:1	5.0:1
West - Horizontal	+	0.8 fc	1.1 fc	0.1 fc	11.0:1	8.0:1

STATISTICS

PHOTOMETRIC PLAN - HORIZONTAL FC
MEASURE AT GRADE

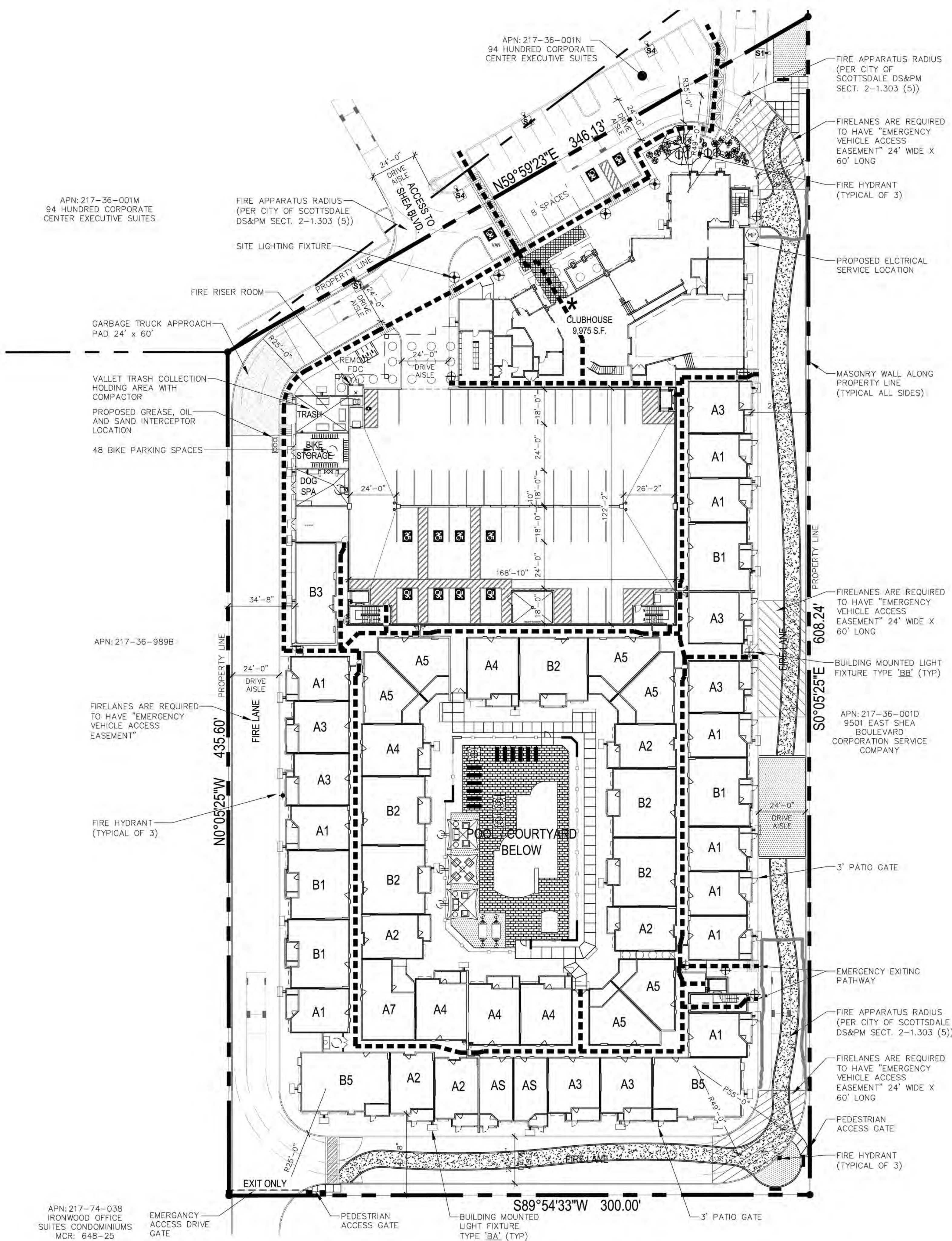
1"=30'-0"





9400 EAST SHEA BOULEVARD

KAPLAN ACQUISITIONS, LLC



- SHEET NOTES:
- (a) UNOBSTRUCTED VERTICAL CLEARANCE MIN. 13'-6" (ORD. 4045, 503.2.1)
 - (b) KEY SWITCH / PRE-EMPTION SENSOR REQUIRED (ORD. 4045, 503.6.1)
 - (c) FIRE LANE SURFACE WILL SUPPORT 83,000 LBS GVW (DS AND PM, 2-1.802(3))
 - (d) NO FENCE / WALL OVER 6' IN HEIGHT
 - (e) SPRINKLER SYSTEM TO BE INSTALLED IN ACCORDANCE WITH NFPA 13
 - (f) EASEMENTS FOR UTILITIES, DRAINAGE, SCENIC CORRIDOR, EMERGENCY AND SERVICE (REFUSE), MAINTENANCE, AND PUBLIC ACCESS (VEHICULAR AND PEDESTRIAN), TO, THROUGH AND FROM THE SITE, SUBJECT TO RECORDED EASEMENT NO. 20030450937
 - (g) ALL EASEMENTS TO, THROUGH AND FROM THE SITE, INCLUDING, ACCESS (VEHICULAR AND PEDESTRIAN), FIRE/SAFETY, REFUSE, DRAINAGE, AND SIGNS, ARE FURTHER UPDATED AND MODIFIED BY RECORDED EASEMENT NO. 000000000000 (EASEMENT TO BE RECORDED UPON CLOSE OF ESCROW)
 - (h) FIRE APPERATUSE ACCESS ROADS SHALL NOT BE OBSTRUCTED IN ANY MANNER, INCLUDING THE PARKING OF VEHICLES PER FIRE ORD. 4283 SEC. 503.4.

PROJECT DATA

OVERALL SITE DATA:

SITE AREA:	±11.00 GROSS / ±10.36 NET ACRES
ZONING:	EXISTING: C-O, C-3 PROPOSED: PUD
APN NUMBERS:	217-36-001P, 217-36-001M AND 217-36-001N
PROPOSED USE:	MULTI-FAMILY / RETAIL-OFFICE
MAXIMUM DENSITY ALLOWED:	N/A
PROPOSED DENSITY:	219 D.U./10.36 AC = 21.4 DU PER ACRE
EXISTING RETAIL:	38,971 S.F.
EXISTING OFFICE:	35,000 S.F.
BUILDING FOOTPRINT + GARAGE:	85,187 S.F.
TOTAL LOT COVERAGE:	85,187 S.F./10.36 AC (451,281 S.F.) = 18.9%

COMMON OPEN SPACE:

OPEN SPACE REQUIRED: (OFFICE/RETAIL)	
(322,591 x .10)	= 32,259 S.F.
OPEN SPACE PROVIDED:	= 71,022 S.F.
OPEN SPACE REQUIRED: (MULTI-FAMILY)	
(156,569 x .10)	= 15,657 S.F.
OPEN SPACE PROVIDED:	= 48,582 S.F.
TOTAL OPEN SPACE REQUIRED:	47,916 S.F.
TOTAL OPEN SPACE PROVIDED:	119,604 S.F.

TOTAL AREA: (MULTI-FAMILY)

MAXIMUM BUILDING HEIGHT:	48' / 58' TO MECHANICAL
PROPOSED BUILDING HEIGHT:	48' (4 STORIES) / 58' TO MECHANICAL
TOTAL GROSS BUILDING AREA:	387,454 S.F.
TOTAL GROSS LIVABLE AREA (RESIDENTIAL):	191,023 S.F.
TOTAL GROSS COMMERCIAL AREA	
(CLUBHOUSE, OFFICE, FITNESS CENTER, LUX, DOG SPA, BIKE STORE MAINTENANCE AND TRASH):	13,784 S.F. = 7.2% OF LIVABLE AREA
TOTAL GROSS GARAGE AREA:	144,087 S.F.

UNIT MIX:

STUDIO UNITS:	8 (3.65%)
ONE BEDROOM UNITS:	148 (67.58%)
TWO BEDROOM UNITS:	63 (28.77%)
TOTAL:	219 D.U.

UNIT NAME	UNIT TYPE	GROSS LIVABLE AREA	ROOFTOP DECKS	NUMBER UNITS	GROSS AREA
UNIT A5	STUDIO	562 S.F.	8	8	4,496 S.F.
UNIT A1	1 BED/1 BA	651 S.F.		32	20,832 S.F.
UNIT A2	1 BED/1 BA	702 S.F.	11	15	10,530 S.F.
UNIT A2 ALT	1 BED/1 BA	826 S.F.	2	2	1,652 S.F.
UNIT A3	1 BED/1 BA	1,204 S.F.		1	1,204 S.F.
UNIT A4	1 BED/1 BA	749 S.F.		16	11,984 S.F.
UNIT A5	1 BED/1 BA	914 S.F.	4	24	3,656 S.F.
UNIT A6	1 BED/1 BA	831 S.F.		4	19,944 S.F.
UNIT A7	1 BED/1 BA	989 S.F.		4	3,956 S.F.
UNIT B1	1 BED/1 BA	755 S.F.		6	18,120 S.F.
UNIT B2	1 BED/1 BA	765 S.F.		6	4,590 S.F.
UNIT B3	1 BED/1 BA	839 S.F.	3	4	2,517 S.F.
UNIT B5	1 BED/1 BA	971 S.F.		4	3,884 S.F.
UNIT B1	2 BED/2 BA	1,060 S.F.		17	18,020 S.F.
UNIT B2	2 BED/2 BA	1,173 S.F.		6	7,038 S.F.
UNIT B3	2 BED/2 BA	1,130 S.F.		24	27,120 S.F.
UNIT B5	2 BED/2 BA	1,234 S.F.		1	1,234 S.F.
UNIT B5	2 BED/2 BA	1,089 S.F.		3	3,297 S.F.
UNIT B5	2 BED/2 BA	1,204 S.F.		1	1,204 S.F.
UNIT B5	2 BED/2 BA	1,377 S.F.		8	11,016 S.F.
UNIT B5	2 BED/2 BA	1,460 S.F.		3	4,380 S.F.

TOTAL:	36 RTD	219 D.U.	191,023 S.F.
AVG. S.F.			872 S.F.

TOTAL PARKING: (MULTI-FAMILY)

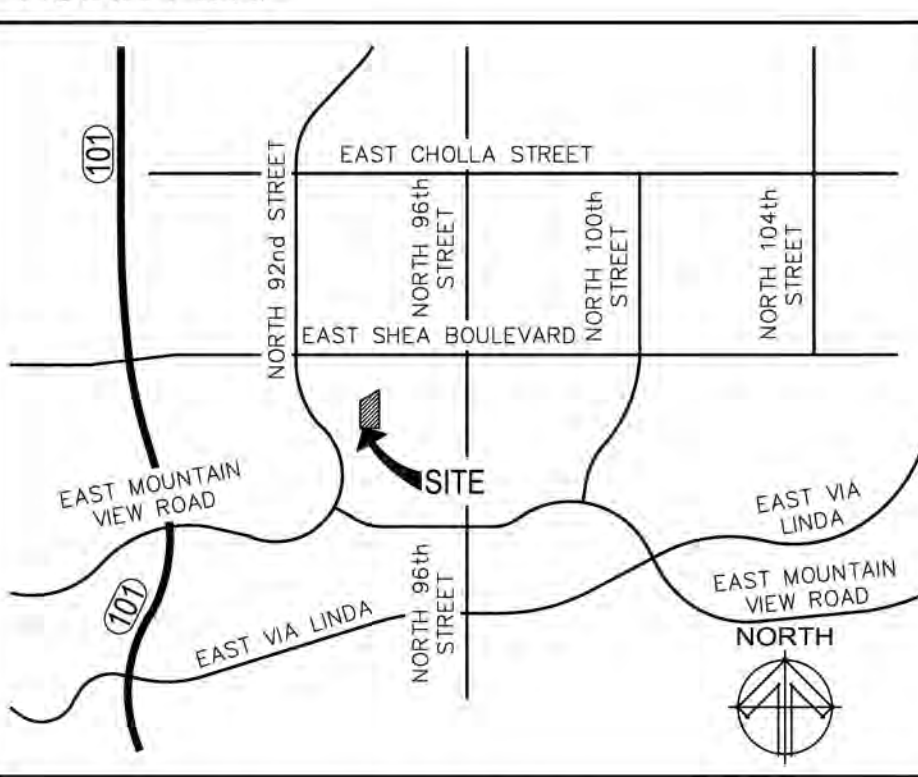
REQUIRED: TABLE 9.103	
1 BEDROOM / STUDIO	156 x 1.3 = 203
2 BEDROOMS	63 x 1.7 = 107
OFFICE / FLEX: 1 SPACE PER 325 S.F.	8,014 S.F./325 = 24
FITNESS CENTER (30%) 1 SPACE PER 325 S.F.	2,401 S.F./325 = 8
TOTAL REQUIRED:	342 P.S.

PROVIDED:	
GARAGE PARKING	364 P.S.
SURFACE PARKING	11 P.S.
TOTAL PROVIDED: (1.7 SPACES PER UNIT)	375 P.S.

TOTAL PARKING: (OFFICE - RETAIL)

PROVIDED:	
COVERED PARKING	42 P.S.
SURFACE PARKING	315 P.S.
TOTAL PROVIDED:	357 P.S.
ACCESSIBLE PARKING REQUIRED:	4% x 375 P.S. = 15 P.S.
ACCESSIBLE PARKING PROVIDED: (3 VAN = 1:6 SPACES)	= 15 P.S.
BICYCLE PARKING: SEC.9.103	
(1) SPACES PER 10 VEHICLE REQ'D	(342 x 0.1 = 34.2)
TOTAL PROVIDED	34 SPACES

VICINITY MAP



ENLARGED SITE PLAN

SCALE: 1" = 30'-0"

A1.3

03-25-21

Additional Information for:

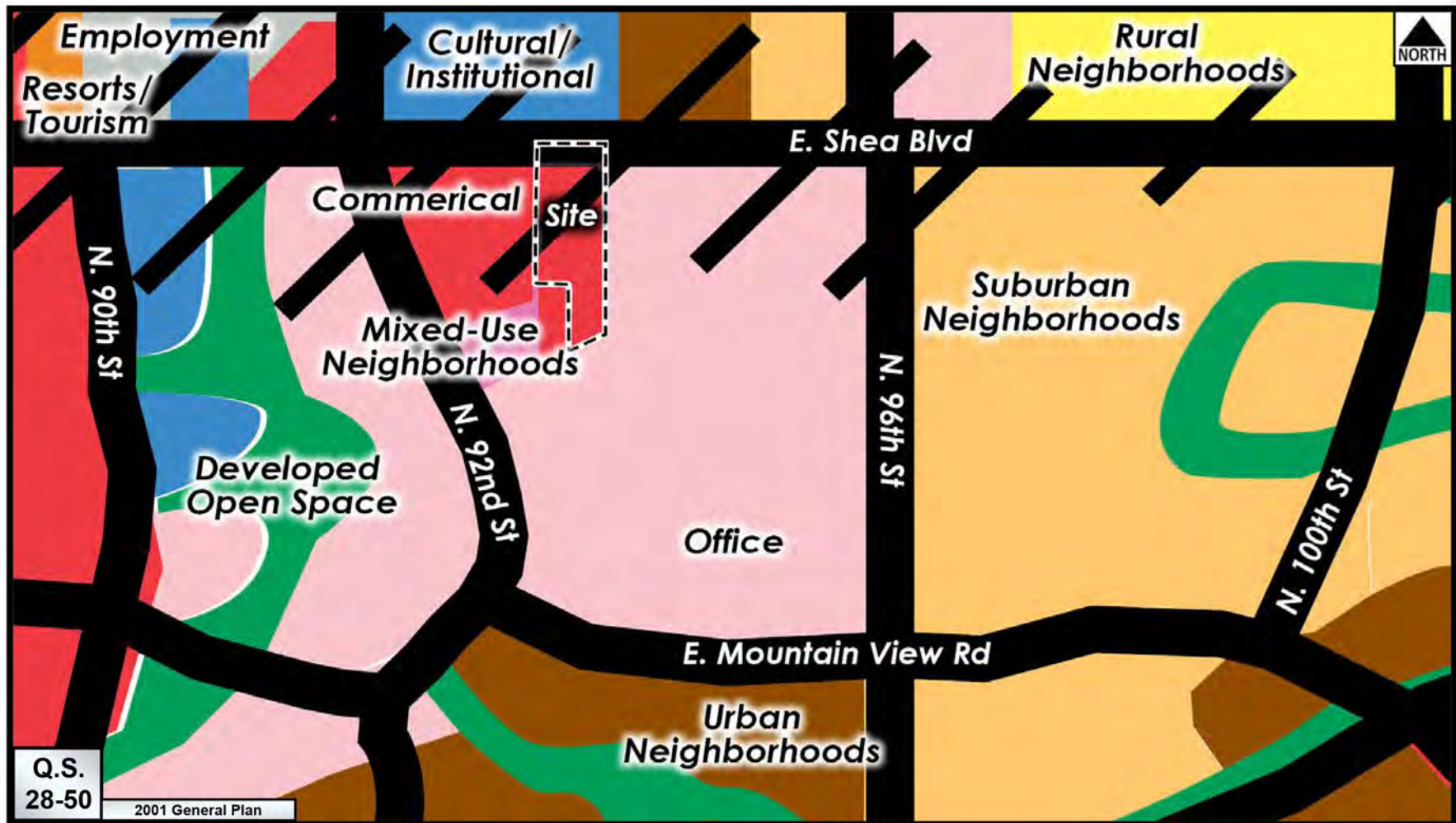
District at 9400 Shea

Case: 16-ZN-2019

PLANNING/DEVELOPMENT

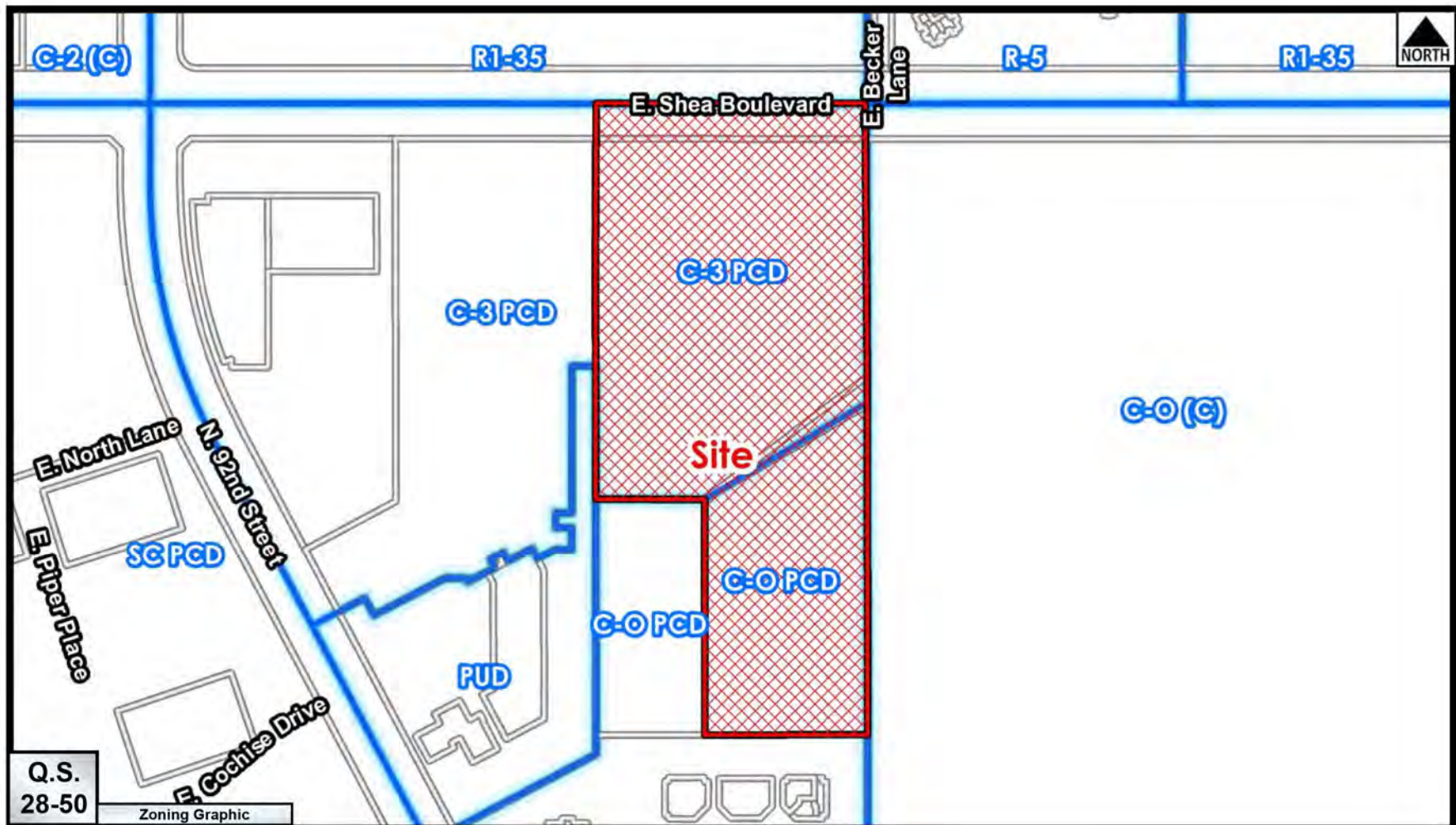
1. **DEVELOPMENT CONTINGENCIES** Each element of this zoning case—including density/intensity, lot/unit placement, access and other development contingencies—may be changed as more information becomes available to address public health, safety and welfare issues related to drainage, open space, infrastructure and other requirements.
2. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
 - a. wall design,
 - b. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use,
 - c. scenic corridors,
 - d. improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included).
 - e. major stormwater management systems, and
 - f. signage.
3. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
4. **EASEMENTS DEDICATED BY PLAT.** The owner shall dedicate to the city on the final plat, all easements necessary to serve the site, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
5. **EASEMENTS CONVEYED BY SEPARATE INSTRUMENT.** Prior to issuance of any building permit for the development project, each easement conveyed to the city separate from a final plat shall be conveyed by an instrument or map of dedication subject to city staff approval, and accompanied by a title policy in favor of the City, in conformance with the Design Standards and Policies Manual.
6. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee,

sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.



Existing General Plan Land Use
Commercial

16-ZN-2019
6-GP-2019



Existing Zoning

16-ZN-2019

ATTACHMENT #7



1. INTRODUCTION AND EXECUTIVE SUMMARY

1.1. PURPOSE OF REPORT AND STUDY OBJECTIVES

Lōkahi, LLC (Lōkahi) was retained by Kaplan Development Group to complete a Traffic Impact & Mitigation Analysis for the proposed District at 9400 Shea development. The development is located at 9400 E. Shea Boulevard in Scottsdale, Arizona. The objective of this Traffic Impact & Mitigation Analysis is to analyze the traffic related impacts of the proposed development to the adjacent roadway network. See **Figure 1** for the vicinity map.

The proposed residential development will be comprised of 219 multifamily residential units of which there will be 8 studio units, 148 one-bedroom units, and 63 two-bedroom units.

1.2. EXECUTIVE SUMMARY

This report presents the analyses and the results of a traffic study prepared for the proposed District at 9400 Shea development that will be located approximately 850 feet south of Shea Boulevard and approximately 425 feet east of 92nd Street, in Scottsdale, Arizona. The proposed development will be comprised of 219 multifamily residential units of which there will be 8 studio units, 148 one-bedroom units, and 63 two-bedroom units.

This Traffic Impact and Mitigation Analysis includes:

- Level of service analysis of existing conditions for the weekday AM and PM peak hours
- Trip Generation for the proposed development
- Level of service analysis for the opening year (2023) weekday AM and PM peak hours
 - 2023 Build

The following are the ten (10) intersections included in this study:

- Shea Boulevard and 92nd Street (1)
- Shea Boulevard and Driveway/Paradise Memorial Gardens (2)
- Shea Boulevard and Driveway A (3)
- Shea Boulevard and Becker Lane/Driveway B (4)
- Shea Boulevard and 96th Street (5)
- 92nd Street and Cochise Drive/Driveway C (6)
- 92nd Street and Driveway D (7)
- 92nd Street and Ironwood Square Drive (8)
- 92nd Street and Ironwood Lane/Driveway E (9)
- 96th Street and Ironwood Square Drive (10)





Existing Capacity Analysis

The AM and PM peak hour existing conditions capacity analysis were completed for the ten (10) existing study intersections. Four (4) of the ten (10) intersections currently operate with movements at a LOS E or LOS F. This includes the following intersections:

Shea Boulevard and 92nd Street (1) - Signalized

- NB left AM and PM peak hours operate at LOS E
- SB left PM peak hour operates at LOS E
- SB right PM peak hour operates at LOS E
- WB left AM and PM peak hours operate at LOS E

Shea Boulevard and Driveway/Paradise Memorial Gardens (2) – Unsignalized

- NB left PM peak hour operates at LOS F

Shea Boulevard and 96th Street (5) – Signalized

- NB left AM and PM peak hours operate at LOS E
- NB through AM peak hour operates at LOS E
- NB right AM and PM peak hours operate at LOS E and F, respectively
- SB left PM peak hour operates at LOS E
- SB through AM and PM peak hours operate at LOS E
- SB right AM and PM peak hour operates at LOS E and F, respectively

92nd Street and Driveway C/Cochise Drive (6) - Unsignalized

- WB shared left-through-right PM peak hour operates at LOS E

Trip Generation

The proposed development is anticipated to generate 1,192 weekday trips, with 79 trips occurring during the AM peak hour and 97 trips occurring during the PM peak hour.

Future Conditions

The opening year (2023) analyses was completed with the build out (build) of the proposed development. An annual growth rate of 0.25% was applied to the existing traffic volumes to create the future background traffic volumes for year 2023.

Year 2023

Capacity analyses were completed for both the AM and PM peak hours for year 2023, with the build out of the proposed District at 9400 Shea development. All movements operate at a LOS D or better, or are maintained at the existing level of service, with the exception of the following movement:



Shea Boulevard and Driveway/Paradise Memorial Gardens (2) – Unsignalized

- NB left AM and PM peak hour operates at LOS F

Delays at stop controlled intersections in urban areas during peak hours are not uncommon. Typically, drivers will opt to make these turn movements at signalized intersections.

Recommendations

It is concluded that the proposed District at 9400 Shea development will have a minimal impact to the adjacent roadway network.



CITIZEN REVIEW & NEIGHBORHOOD INVOLVEMENT REPORT

9400 E. Shea Blvd.

September 11, 2020

Overview

This Citizen Review Report is being performed in association with a request for a Zoning District Map Amendment from C-3 PCD/C-O PCD to PUD PCD and a Non-major General Plan Amendment from Commercial to Mixed-Use Neighborhoods of an approximately 11+/- acre site located at 9375 E. Shea Blvd. The proposed project would result in a mixed-use development that would include new residential combined with the existing retail/office uses. This Citizen Review Report will be updated throughout the process.

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

Community Involvement

The outreach team has been communicating with neighboring property owners, HOA's, and community members by telephone, one-on-one meetings, and door-to-door outreach since July 2019. The outreach team visited **over 110 residential neighbors** to get their feedback on the project. A majority of this feedback was either neutral or favorable to this proposal. Members of the outreach team will continue to be available to meet with any neighbors who wish to discuss the project. Additionally, they will be contactable via telephone and/or e-mail to answer any questions relating to the project.

ATTACHMENT #9

Surrounding property owners, HOAs and other interested parties were noticed via first class mail regarding the project. The distribution of this notification met the City's 750' radius mailing requirements as specified in the Citizen Review Checklist. 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 a neighborhood Open Houses that was held on September 26, 2019 for those who wished to learn more about the project. The site and time were posted on an Early Notification Sign on the property.

10 interested people (see attached sign-in sheets) attended the Open House. Attendees mainly had questions regarding vehicular access and onsite circulation. All questions were addressed at the Open House to the best of our ability and knowledge. No additional questions or comments have been received at this time.

Prior to the Open House, the outreach team communicated with the leadership of the McCormick Ranch POA and the Scottsdale Ranch Community Association. Both groups were pleased to see that there is not planned access to 94th Street. The outreach team will continue to be available to respond to any neighbors who have questions or comments.

Subsequent to the September 26, 2019 Open House, the proposal changed slightly due the elimination of one parcel in the request. As a result of the change, a second Virtual Open House was held, consistent with COVID 19 protocols, on September 10, 2020. Surrounding property owners, HOA's, and other interested parties were notified via first class mail regarding the Virtual Open House. The distribution of this notification met the City's 750' radius mailing requirements as specified in the Citizen Review Checklist.

Information about the revised project was available online for over 36 hours as well as an opportunity for neighbors to either call or email the development team with questions or comments about the project. The website address and the accompanying day and time for the public to ask questions and provide comments was also posted on the notification sign on the property.

44 individuals viewed the information on the website. Three people contacted the development team: the property owner to the west of our site, an individual condo owner in the Ironwood Office Condo Community, and an attorney representing the Ironwood Office Condos.

Questions were asked about the height of the building, the location of the pool, and the proposed access points. These questions were addressed to the best of our ability and knowledge. In addition, the development team reached out the McCormick Ranch POA and the Scottsdale Ranch Community Association to update them about the new proposal.

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 neighborhood involvement process and is committed to communication and outreach for the project.

ATTACHMENTS:

- Notification Letters (2019 and 2020).
- Notification Lists (2019 and 2020).
- Affidavit of Postings (2019 and 2020).
- Sign-in sheets from the 2019 Open House.
- August 25, 2020, Email from Divyesh Patel (i.e., abutting property owner west) allowing pedestrian connection/improvements to retail shopping center.

AGREEMENT

THIS AGREEMENT ("Agreement") is made as of the 23 day of September, 2021, by and between IRONWOOD 92 PARTNERS, LLC, an Arizona limited liability company ("Ironwood") whose address is 7120 E. Kierland Blvd., #807, Scottsdale, Arizona 85254, and KAPLAN ACQUISITIONS, L.L.C., a Texas limited liability company (together with its assignees, "Kaplan") whose address is 777 Post Oak Boulevard, Suite 850, Houston, Texas, 77056.

BACKGROUND:

A. Ironwood owns the real property located in the City of Scottsdale, Arizona legally described on Exhibit A attached hereto and made a part hereof (the "Ironwood Property").

B. Kaplan has certain real property located in the City of Scottsdale, Arizona legally described on Exhibit B attached hereto and made a part hereof in escrow to purchase upon obtaining multifamily zoning from the City of Scottsdale to permit the construction of 219 units thereon (the "Kaplan Property").

C. It is the intention of the parties to enter into various agreements to assist in the development of the Ironwood Property and the Kaplan Property and to provide for certain improvements and enhanced access and egress to both properties, as described in more detail, and on the terms and conditions set forth below.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Ironwood and Kaplan covenant and agree for themselves, and their successors and assigns as follows:

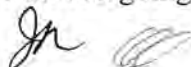
AGREEMENT:

1. **Incorporation of Background Provisions.** The Background provisions are incorporated herein as a material part of the agreements of the parties.

2. **Ironwood Obligations.** Ironwood agrees to the following ("Ironwood Obligations"):

2.1 **Access Easement.** Upon satisfaction of the Ironwood Contingencies (as herein after defined) Ironwood shall grant a non-exclusive access easement ("Access Easement") connecting the Kaplan property to 92nd Street and providing for unfettered vehicular and pedestrian ingress and egress, located at the location shown on the depiction attached as Exhibit C. Ironwood shall cause its lenders to subordinate to the Access Easement. The Access Easement shall not be recorded unless and until Kaplan closes escrow on its purchase and becomes the owner of the Kaplan Property. The Access Easement shall be substantially in the form attached as Exhibit D.

2.2 **Construction.** Ironwood shall be solely responsible for constructing and maintaining a paved roadway and related improvements (such as curbs, gutters and traffic control signs) on the Access Easement. In addition to the foregoing, Ironwood, at Ironwood's sole cost and



expense, shall construct, install, and maintain a traffic light at the intersection of 92nd Street and the Access Easement. The paved roadway, related improvements, and traffic light (collectively, the "Access Improvements") will satisfy and be in accordance with all governmental requirements, including those of the City of Scottsdale. The Access Easement, together with the construction and maintenance of all Access Improvements, shall be for the mutual benefit of the Ironwood Property and the Kaplan Property.

3. **Ironwood Contingencies.** Ironwood's obligation to execute and record the Access Easement is contingent upon (i) Kaplan obtaining unappealable zoning approval, with terms and conditions acceptable to Kaplan, in its sole and absolute discretion from the City of Scottsdale for a multifamily (residential apartments) project ("Kaplan Project") (ii) Ironwood obtaining unappealable zoning approval, with terms and conditions acceptable to Ironwood in its sole discretion, from the City of Scottsdale for a multifamily (residential apartments) project ("Ironwood Project"); (iii) Ironwood completing its construction obligations described in Section 2.2 above, (iv) Ironwood obtaining a commitment for title insurance relating to the Fire Lane (defined below) in form and substance reasonably acceptable to Ironwood; (v) completion of the Fire Lane on Kaplan's property for access for Ironwood as described in Section 4.2 below; (vi) disbursement of the Kaplan Deposit from Escrow (defined below) to Ironwood simultaneous with recording of the Access Easement (the "Ironwood Contingencies"). If Ironwood defaults on any of its obligations as described in Section 2, following the notice and cure provisions of Section 6, Kaplan may enforce any of the remedies provided in Section 6, or terminate this Agreement and obtain a full release of the Kaplan Deposit from Escrow. If Kaplan defaults on any of its obligations in this Agreement, following Notice to Cure provisions as stated herein, Ironwood may enforce its remedies as provided herein, or terminate this Agreement.

4. **Kaplan Obligations.** Kaplan agrees to the following ("Kaplan Obligations"):

4.1 **Termination of South Entry Access.** Within ten (10) days of Ironwood completing the traffic signal and roadway for the Access Easement (with approval from City of Scottsdale Fire Company that the access road is approved and safe for vehicular access), recordation of the Access Easement, and completion of the Ironwood Project, Kaplan shall permanently close the south access point to the Ironwood condominium offices, subject to any required access for City emergency vehicles, including ambulances, police vehicles, and fire trucks. Ironwood shall not be required to provide Kaplan access to the Access Easement until construction of the Ironwood Project is complete.

4.2 **Fire Lane.** Kaplan shall construct a fire lane over a twenty-four (24) foot wide area, more particularly depicted on Exhibit C, for the ingress and egress of emergency vehicles, including ambulances, police vehicles, and fire trucks ("Fire Lane"). All municipally required improvements, if any, related to the Fire Lane shall be constructed, installed and maintained at the sole cost and expense of Kaplan. Upon the completion of the construction of the Fire Lane, Kaplan shall grant an easement for the Fire Lane to the City of Scottsdale Fire Department, pursuant to the terms and conditions of a separate agreement, which, provided the Access Easement has been granted, shall include Ironwood's non-exclusive right to use such Fire Lane. If Kaplan commits to constructing the fire lane and commences construction not less than 180 days of the estimated completion of the Ironwood Project, Kaplan shall complete the fire lane to city specifications within 180 days. Commencement of construction is defined as actual in the field (on-site) construction activity. If Kaplan has not commenced construction of the Fire Lane



within One Hundred and Eighty days (180) days of the estimated completion of the Ironwood project, Ironwood shall be permitted to access the Kaplan property and install the Fire Lane and Kaplan shall be obligated to reimburse Ironwood for 100% of Ironwood's reasonable cost to install the Fire Lane, and Kaplan shall provide Ironwood with Temporary Construction Easement effective until Ironwood's completion of the Fire Lane.

4.3 Water Lines. In the event Kaplan (or Ironwood pursuant to the preceding section 4.2) constructs the Fire Lane, Kaplan shall provide Ironwood the option to connect to Kaplan's existing water line, at Ironwood's sole cost and expense. However, in the event Kaplan does not construct the Fire Lane, or in the event Ironwood declines to connect to Kaplan's already-existing water line, Ironwood shall be solely responsible for all costs and expenses associated with the construction, installation and maintenance of 8' water lines, as more particularly described on Exhibit E attached hereto and made a part hereof.

4.4 Kaplan Contingencies. Kaplan's obligations set forth in Sections 4.1, 4.2, 4.3, and 12 are expressly contingent upon Kaplan obtaining unappealable zoning approval, with terms and conditions acceptable to Kaplan, in its sole and absolute discretion from the City of Scottsdale for the Kaplan Project, Kaplan's acquisition of the Kaplan Property, the prior satisfaction of the Ironwood Contingencies, and recordation of the Access Easement, , and in each case Kaplan obtaining a commitment for title insurance or title insurance policy relating to the Access Easement in form and substance reasonably acceptable to Kaplan.

5. **Mutual Obligations**. Kaplan and Ironwood agree to the following:

5.1 Establishment of Escrow. Ironwood and Kaplan shall, promptly following the execution of this Agreement, and City Council zoning approval for the Ironwood Project and Kaplan Project and Kaplan's acquisition of the Kaplan Property, establish a commercial escrow with Landmark Title Assurance Agency Attn: Neil Moffett ("Escrow"). Within five (5) days following the commencement of the construction of the Access Improvements, Kaplan shall deposit into Escrow the sum of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) ("Kaplan Deposit") to be disbursed to Ironwood or Kaplan as and when described herein. Commencement of the construction of the Access Improvements shall mean the beginning of installation of the Access Improvements, not mere demolition of prior structures and improvements or making the Access Easement ready for construction of Access Improvements. If the Access Easement is not recorded, the Kaplan Deposit shall be disbursed to Kaplan, upon Kaplan providing Notice to Ironwood and Ironwood having a 45 day period to complete the Access Improvements and record the Access Easement.

5.2 Municipal Approvals. Kaplan shall support Ironwood as reasonably requested, and Ironwood shall support Kaplan as reasonably requested, in their respective zoning cases (Case Nos. 6-GP-2019 & 16-ZN-2019 and 3-GP-2021 & 6-ZN-2021). If based upon the results on the zoning cases Kaplan and Ironwood agree that either the Ironwood Project or the Kaplan Project cannot be completed or the Ironwood Obligations or the Kaplan Obligations cannot be completed, then either party shall have the right to terminate this Agreement upon written notice to the other, and Kaplan shall be entitled to obtain a full release of the Kaplan Deposit from Escrow. If Ironwood does not obtain unappealable zoning approval, with terms and conditions acceptable to Ironwood in its sole discretion, from the City of Scottsdale for the Ironwood Project on or before December 31, 2021, this Agreement shall terminate. If Kaplan does not obtain



unappealable zoning approval, with terms and conditions acceptable to Kaplan in its sole discretion, from the City of Scottsdale for the Kaplan Project on or before December 31, 2021, this Agreement shall terminate.

5.3 Limitation on Exercise of Easement Rights. No fence or other barrier shall be erected or permitted within or across the Easements which would prevent or obstruct the passage of pedestrian or vehicular travel provided, however, that the foregoing shall not prohibit the temporary erection of barricades which are reasonably necessary for security and/or safety purposes in connection with the construction, reconstruction, repair and maintenance of the Easements, it being agreed however, that all such work shall be conducted in the most expeditious manner reasonably possible to minimize the interference with the use of easements by any party, and such work shall be diligently prosecuted to completion.

6. Enforcement.

6.1 Defaults and Remedies. Except as expressly set forth herein, in the event of any breach, default, non-compliance, violation or failure to perform or satisfy any of the covenants, restrictions and easements contained in this Agreement by a party or their respective permittees (collectively referred to herein as a "default"), and the default is not cured within thirty (30) days after written notice describing the default as given to such owner ("Defaulting Owner") by the other ("Enforcing Owner"), or if such default is not reasonably capable of being cured within such 30-day period, then if the Defaulting Owner has not commenced to cure the default promptly after such notice is given and has not thereafter diligently continued to prosecute such cure to completion, then the Enforcing Owner may enforce any one or more of the following rights or remedies set forth in this Section, or any other rights or remedies available at law or in equity, whether or not set forth in this Agreement. All rights and remedies in this Agreement shall be cumulative and not mutually exclusive.

6.2 Damages. The Enforcing Owner may bring a suit for damages arising from or with respect to any such default.

6.3 Declaratory Relief. The Enforcing Owner may bring suit for declaratory relief to determine the enforceability of any of the provisions of this Agreement.

6.4 Injunctive Relief; Specific Performance. It is recognized that a default under this Agreement may cause material injury or damage not compensable by an award of money damages and that the Enforcing Owner shall be entitled to bring an action in equity or otherwise for specific performance to enforce compliance with this Agreement, or for any injunctive relief to enjoin the continuance of any default or to prevent a default.

6.5 Waiver. No waiver of a breach of this Agreement and no delay or failure to enforce this Agreement shall be construed or held to be a waiver of any preceding or succeeding breach of the same by an owner. No express waiver shall affect a breach other than as specified in said waiver. The consent to or approval of any action shall not be deemed to waive or render unnecessary consent to or approval of any subsequent similar acts.

6.6 Costs of Enforcement. If any legal or equitable action or proceeding is instituted to enforce any provision of this Agreement, the party prevailing in such action

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shall be entitled to recover from each non-prevailing party all of its costs, including court costs and reasonable attorneys' fees and expenses, as determined by the court and not the jury.

7. **Indemnification.** Each party shall and does hereby indemnify, hold harmless and shall protect and defend the other party for, from and against any and all costs, expenses (including, without limitation, attorneys' fees and costs), damages, claims, liabilities, liens. Encumbrances and charges arising or alleged to arise from the use of the Easements by such party and its successors, assigns, employees, invitees, licensees, agents, tenants and subtenants.

8. **Additional Provisions.**

8.1 **Definitions.** The Access Easement and Fire Lane Easement shall collectively be referred to as the "Easements".

8.2 **Headings.** The headings used herein are for convenience only and do not in any way limit or define the scope or intent of the provisions hereof.

8.3 **Invalidity of Any Provision.** If any provision of this instrument shall be adjudged by a court of competent jurisdiction to be void or unenforceable for any reason, the same shall in no way affect any other provision of this instrument, or the application or any such provision under circumstances different from those adjudicated by the court, or the validity or enforceability of this instrument as a whole.

8.4 **Governing Law; Time of the Essence; Exhibits.** This Agreement shall be construed and governed under the laws of the State of Arizona. Time is of the essence with respect to each of the covenants in this Agreement. All exhibits attached hereto are a part of this Agreement.

8.5 **Force Majeure.** Each party shall be excused from performing any of its respective obligations in this Agreement (except obligations to pay sums of money) for as long as the performance of any such obligation is prevented, delayed or hindered by act of God, flood or other weather conditions of unusual severity, explosion, war (declared or undeclared), riot, inability to procure or general shortage of labor, equipment, facilities or materials in the open market, failure of transportation, strikes, order of government or civil or defense authorities, or other cause not within the reasonable control of the parties (financial inability excepted).

9. **Amendment.** This Agreement may be amended only by an agreement in writing signed by each of the then owner(s) of the Ironwood Property and the Kaplan Property.

10. **Authority.** Each individual executing this Agreement represents and warrants that he or she is duly authorized to bind the entity on behalf of which he or she is signing.

11. **Counterparts, Electronic Signatures and Transmission.** Ironwood and Kaplan expressly agree that this Agreement may be executed by DocuSign electronic means and are intended to be fully enforceable by and between such parties. Counterparts delivered by electronic transmission (e.g. facsimile, e-mail or DocuSign) shall be effective in all respects as an original.

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12. **Reciprocal Right of First Refusal and Confidentiality.**

12.1 Kaplan Property ROFR.

12.1.1 Kaplan agrees to provide Ironwood with a Right of First Refusal (the "Kaplan Property ROFR") to match any bona fide written offer from a third party that is not Affiliated with Kaplan (or any holder of, directly or indirectly, interests in Kaplan) (a "Kaplan Property Offer"), which Kaplan Property Offer is acceptable to Kaplan, to purchase (a) the Kaplan Property and associated approval rights prior to construction of the Kaplan Project, or (b) the Kaplan Property during or after construction is completed. For purposes of Section 12.1, a purchase shall not include a contribution or sale to a Person in which Kaplan or an Affiliate thereof retains an interest.

12.1.2 Ironwood shall have a period expiring five (5) days after Kaplan gives notice to Ironwood of a Kaplan Property Offer to give notice to Kaplan of Ironwood's exercise of the Kaplan Property ROFR ("Kaplan Property Exercise Notice"). If Ironwood gives a Kaplan Property Exercise Notice, Kaplan and Ironwood shall enter into a Purchase Agreement with price and other terms of the Kaplan Property Offer in the form of Purchase Agreements used by affiliates of Kaplan in selling property in Scottsdale; provided that Ironwood shall have a maximum of forty-five (45) days after the Kaplan Property Exercise Notice is given to close escrow and purchase the Kaplan Property.

12.1.3 The Kaplan Property ROFR shall become effective on the date of this Agreement and shall continue for a period of eighteen (18) months, at the expiration of which eighteen (18) month period the Kaplan Property ROFR shall terminate unless Ironwood has previously commenced framing of the multifamily improvements for the Ironwood Project under a site plan that provides for the Access Easement in the location described in this Agreement ("Ironwood Framing Condition"). If the Kaplan Property ROFR terminates under the preceding sentence, the Kaplan Property ROFR may recommence on and as of the date that the Ironwood Framing Condition is satisfied and Ironwood gives notice thereof to Kaplan. The Kaplan Property ROFR shall terminate on the earliest of (a) on the date that is eighteen (18) months after the date of this Agreement, as provided above, (b) the date that is ten (10) years after the date of this Agreement, (c) the close of business on the fifth day after Kaplan gives notice to Ironwood of a Kaplan Property Offer, unless Ironwood gives a Kaplan Property Exercise Notice prior to such time, (d) ten (10) days after the Kaplan Property Exercise Notice is given, unless Kaplan and Ironwood have entered into a Purchase Agreement, (e) forty-six (46) days after the Kaplan Property Exercise Notice is given, (f) upon an Elective Termination by Ironwood, or (g) upon foreclosure of a Mortgage or deed in lieu thereof. Upon termination of the Kaplan Property ROFR, Ironwood shall have no further rights under Section 12.1.

12.2 Ironwood Property ROFR.

12.2.1 Ironwood agrees to provide Kaplan with a Right of First Refusal (the "Ironwood Property ROFR") to match any bona fide written offer from a third party that is not Affiliated with Ironwood (or any holder of, directly or indirectly, interests in Ironwood) (an "Ironwood Property Offer"), which Ironwood Property Offer is

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acceptable to Ironwood, to purchase (a) the Ironwood Property and associated approval rights prior to construction of the Ironwood Project, or (b) the Ironwood Property during or after construction is completed. For purposes of Section 12.2, a purchase shall not include a contribution or sale to a Person in which Ironwood or an Affiliate thereof retains an interest.

12.2.2 Kaplan shall have a period expiring five (5) days after Ironwood gives notice to Kaplan of an Ironwood Property Offer to give notice to Ironwood of Kaplan's exercise of the Ironwood Property ROFR ("Ironwood Property Exercise Notice"). If Kaplan gives an Ironwood Property Exercise Notice, Kaplan and Ironwood shall enter into a Purchase Agreement with price and other terms of the Ironwood Property Offer in the form of Purchase Agreements used by affiliates of Ironwood in selling property in Scottsdale; provided that Kaplan shall have a maximum of forty-five (45) days after the Ironwood Property Exercise Notice is given to close escrow and purchase the Ironwood Property.

12.2.3 The Ironwood Property ROFR shall become effective on the date of this Agreement and shall continue for a period of eighteen (18) months, at the expiration of which eighteen (18) month period the Ironwood Property ROFR shall terminate unless the Ironwood Framing Condition is satisfied. If the Ironwood Property ROFR terminates under the preceding sentence, the Ironwood Property ROFR may recommence on and as of the date that the Ironwood Framing Condition is satisfied and Kaplan gives notice thereof to Ironwood. The Ironwood Property ROFR shall terminate on the earliest of: (a) on the date that is eighteen (18) months after the date of this Agreement, as provided above, (b) the date that is ten (10) years after the date of this Agreement, (c) the close of business on the fifth day after Ironwood gives notice to Kaplan of an Ironwood Property Offer, unless Kaplan gives an Ironwood Property Exercise Notice prior to such time, (d) ten (10) days after the Ironwood Property Exercise Notice is given, unless Kaplan and Ironwood have entered into a Purchase Agreement, (e) forty-six (46) days after the Ironwood Property Exercise Notice is given, (f) upon an Elective Termination by Kaplan, or (g) upon foreclosure of a Mortgage or deed in lieu thereof. Upon termination of the Ironwood Property ROFR, Kaplan shall have no further rights under Section 12.2.

12.3 Kaplan and Ironwood agree to provide each other with notice if either party engages a brokerage firm or commences a marketing campaign to sell their Property to give the other party awareness and the courtesy that an offer may be forthcoming. The terms and provisions of Section 12, as well as the financial provisions throughout this Agreement, shall be held in strict confidence by Kaplan and Ironwood and shall not be disclosed to any third party without prior written permission from the non-disclosing party, except that a party may disclose the existence of the right of first refusal affecting its property to its brokers and prospective lenders and purchasers. The parties will be permitted to disclose to the City of Scottsdale, and to prospective purchasers non-financial details pertaining to the Traffic Signal, Waterline, Access Easement, Fire Lane Easement and other public information.

12.4 Exclusion. Notwithstanding anything to the contrary contained in this Agreement, Kaplan and Ironwood may, free of any obligation to send a Kaplan Property Exercise Notice or Ironwood Property Exercise Notice, execute and deliver from

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time to time any Mortgage. Furthermore, Kaplan and Ironwood shall have no obligations or rights with respect to the Kaplan Property ROFR or Ironwood Property ROFR, in respect to any sale of the Kaplan Property or Ironwood Property, pursuant to a foreclosure conducted under or pursuant to a Mortgage or in regard to a conveyance in lieu thereof.

12.5 **Non-Cash Consideration.** If the consideration to be paid pursuant to a Kaplan Property Offer or an Ironwood Property Offer includes property other than cash, the fair market value thereof shall be determined and Ironwood or Kaplan shall, in lieu of providing such non-cash consideration to the other, pay the fair market value thereof in cash.

12.6 **Definitions.**

The following defined terms are used in this Agreement:

12.6.1 "Affiliate" means with respect to any Person, any other person which is controlled by, under common control with or which controls the first such Person.

12.6.2 "Elective Termination" means the termination of a Purchase Agreement by the purchaser during a due diligence or inspection period.

12.6.3 "Mortgage" means any mortgage or deed of trust now or hereafter affecting or encumbering all or any part of the Kaplan Property or Ironwood Property that is held by a Person that is not an Affiliate of Kaplan or Ironwood, respectively.

12.6.4 "Person" means any individual, corporation, partnership, limited liability company, association, trust or other entity or organization.

12.7 **Sale of Interests.** For purposes of Section 12.1.1 and Section 12.2.1, an offer received by owners or holders of 51% or more of the direct or indirect interests in Kaplan or Ironwood for the sale or conveyance of such interests shall be deemed, for purposes of this Agreement, to constitute an offer to purchase the Kaplan Property or Ironwood Property, respectively.

12.8 **Subordination.** The Kaplan Property ROFR and rights and interests of Ironwood with respect thereto are subordinate to each Mortgage which may now exist or hereafter encumber all or any part of the Kaplan Property, all without the need of execution of any other documents, instruments or agreements in confirmation thereof or with respect thereto. The Ironwood Property ROFR and rights and interests of Kaplan with respect thereto are subordinate to each Mortgage which may now exist or hereafter encumber all or any part of the Ironwood Property, all without the need of execution of any other documents, instruments or agreements in confirmation thereof or with respect thereto.

12.9 **Notices.** Any notice required or permitted to be given under the provisions of this Agreement shall be sent next business day delivery by nationally recognized overnight courier service providing dated evidence of delivery, directed as to the recipient at the address set forth in the opening paragraph of this Agreement. Unless otherwise specified herein, each such communication addressed and sent as set forth above shall be effective as of the date which is one (1) business day after such communication is



delivered to the overnight courier service. Any party may change its address under this Section 12.9 by notice to the party, provided that no such address shall be located outside of the United States of America. Counsel for a party may give or send any notice required or permitted hereunder on behalf of said party.

12.10 No Assignment of Kaplan Property ROFR or Ironwood Property ROFR. Ironwood may not, directly or indirectly, transfer or assign its rights under the Kaplan Property ROFR without the prior written consent of Kaplan, which consent may be given or withheld in the sole and absolute discretion of Kaplan; provided, however, that the Kaplan Property ROFR and Ironwood's rights shall run with the Ironwood Property and automatically transfer to Ironwood's successors in title to the Ironwood Property. Kaplan may not, directly or indirectly, transfer or assign its rights under the Ironwood Property ROFR without the prior written consent of Ironwood, which consent may be given or withheld in the sole and absolute discretion of Ironwood; provided, however that the Ironwood Property ROFR and Kaplan's rights shall run with the Kaplan Property and automatically transfer to Kaplan's successors in title to the Kaplan Property. Any purported transfer or assignment in violation of this Section 12.10 shall be null and void and of no force or effect.


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[Signature Page to Agreement.]

IN WITNESS WHEREOF, the undersigned has executed this Agreement as of the date first written above.


“IRONWOOD”

Ironwood 92 Partners, LLC
an Arizona limited liability company

By:  9-23-2021
James Riggs, manager

“Kaplan”

Kaplan Acquisitions, L.L.C.,
a Texas limited liability company

By: 
Michael R. Kaplan, Manager

**EXHIBIT A
TO
AGREEMENT
(Ironwood legal description)**

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**92ND STREET WEST
OVERALL PARCEL**

August 11, 2021
Job No. 13186
Page 1 of 2

A PORTION OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 30, BEING MARKED BY A FOUND BRASS CAP IN HANDHOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 30, BEING MARKED BY A FOUND BRASS CAP IN HANDHOLE, BEARS SOUTH 89 DEGREES 56 MINUTES 30 SECONDS WEST, A DISTANCE OF 2642.28 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1820.03 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 37 SECONDS EAST, DEPARTING SAID NORTH LINE, A DISTANCE OF 484.63 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 00 DEGREES 05 MINUTES 37 SECONDS EAST, A DISTANCE OF 244.45 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS EAST, A DISTANCE OF 200.00 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 37 SECONDS EAST, A DISTANCE OF 435.60 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 23 SECONDS WEST, A DISTANCE OF 200.00 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 37 SECONDS EAST, A DISTANCE OF 35.06 FEET;

THENCE SOUTH 62 DEGREES 00 MINUTES 22 SECONDS WEST, A DISTANCE OF 297.36 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 92ND STREET;

THENCE NORTH 27 DEGREES 57 MINUTES 50 SECONDS WEST, ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 454.08 FEET;

THENCE NORTH 62 DEGREES 19 MINUTES 22 SECONDS EAST, DEPARTING SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 54.37 FEET;

THENCE SOUTH 27 DEGREES 56 MINUTES 09 SECONDS EAST, A DISTANCE OF 36.00 FEET;

THENCE NORTH 62 DEGREES 19 MINUTES 22 SECONDS EAST, A DISTANCE OF 147.65 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS EAST, A DISTANCE OF 41.76 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 37 SECONDS EAST, A DISTANCE OF 6.77 FEET;

THENCE NORTH 62 DEGREES 05 MINUTES 02 SECONDS EAST, A DISTANCE OF 57.19 FEET;

THENCE NORTH 27 DEGREES 56 MINUTES 09 SECONDS WEST, A DISTANCE OF 18.08 FEET;

Survey Innovation Group, Inc.

\\cp.rickeng.com\projects\IP_SIG_H\2013-186 - MERCADO DEL RANCHO\DOCS\LEGALSV\13186 OVERALL PARCEL 8-11-21.docx



THENCE NORTH 62 DEGREES 05 MINUTES 02 SECONDS EAST, A DISTANCE OF 27.00 FEET;

THENCE SOUTH 27 DEGREES 56 MINUTES 09 SECONDS EAST, A DISTANCE OF 18.08 FEET TO A POINT ON THE SOUTHERLY FACE OF AN EXISTING BUILDING;

THENCE NORTH 62 DEGREES 05 MINUTES 02 SECONDS EAST, ALONG THE FACE OF SAID EXISTING BUILDING, A DISTANCE OF 50.58 FEET;

THENCE SOUTH 27 DEGREES 38 MINUTES 36 SECONDS EAST, DEPARTING THE FACE OF SAID EXISTING BUILDING, A DISTANCE OF 21.95 FEET;

THENCE NORTH 61 DEGREES 48 MINUTES 01 SECONDS EAST, A DISTANCE OF 36.44 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS EAST, A DISTANCE OF 30.95 FEET;

THENCE NORTH 00 DEGREES 05 MINUTES 37 SECONDS WEST, A DISTANCE OF 41.00 FEET;

THENCE SOUTH 89 DEGREES 54 MINUTES 23 SECONDS WEST, A DISTANCE OF 29.63 FEET;

THENCE NORTH 00 DEGREES 05 MINUTES 37 SECONDS WEST, A DISTANCE OF 27.00 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS EAST, A DISTANCE OF 29.63 FEET;

THENCE NORTH 00 DEGREES 05 MINUTES 37 SECONDS WEST, A DISTANCE OF 269.29 FEET;

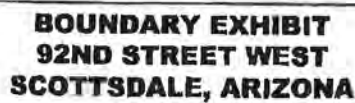
THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS EAST, A DISTANCE OF 45.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 263,946 SQUARE FEET, OR 6.059 ACRES, MORE OR LESS.

Survey Innovation Group, Inc.

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[illegible]

33423 N. 16th ST., SUITE 1
PHOENIX, ARIZONA 85024
PHONE (480) 822-8780
FAX (480) 817-0181
WWW.INGUENITYAZ.COM

**EXHIBIT B
TO
AGREEMENT
(Kaplan legal description)**

gn

A portion of the Northeast quarter of Section 30, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a found brass cap in a hand hole at the Northeast corner of said Section 30, from which a found brass cap in a hand hole at the North quarter corner of said Section bears South 89 degrees 59 minutes 24 seconds West, 2642.27 feet;

THENCE South 89 degrees 59 minutes 24 seconds West, along the North line of said Northeast quarter, 1321.14 feet;

THENCE South 00 degrees 05 minutes 25 seconds East, 555.84 feet to the POINT OF BEGINNING;

THENCE continuing South 00 degrees 05 minutes 25 seconds East, 608.24 feet;

THENCE South 89 degrees 54 minutes 33 seconds West, 300.00 feet;

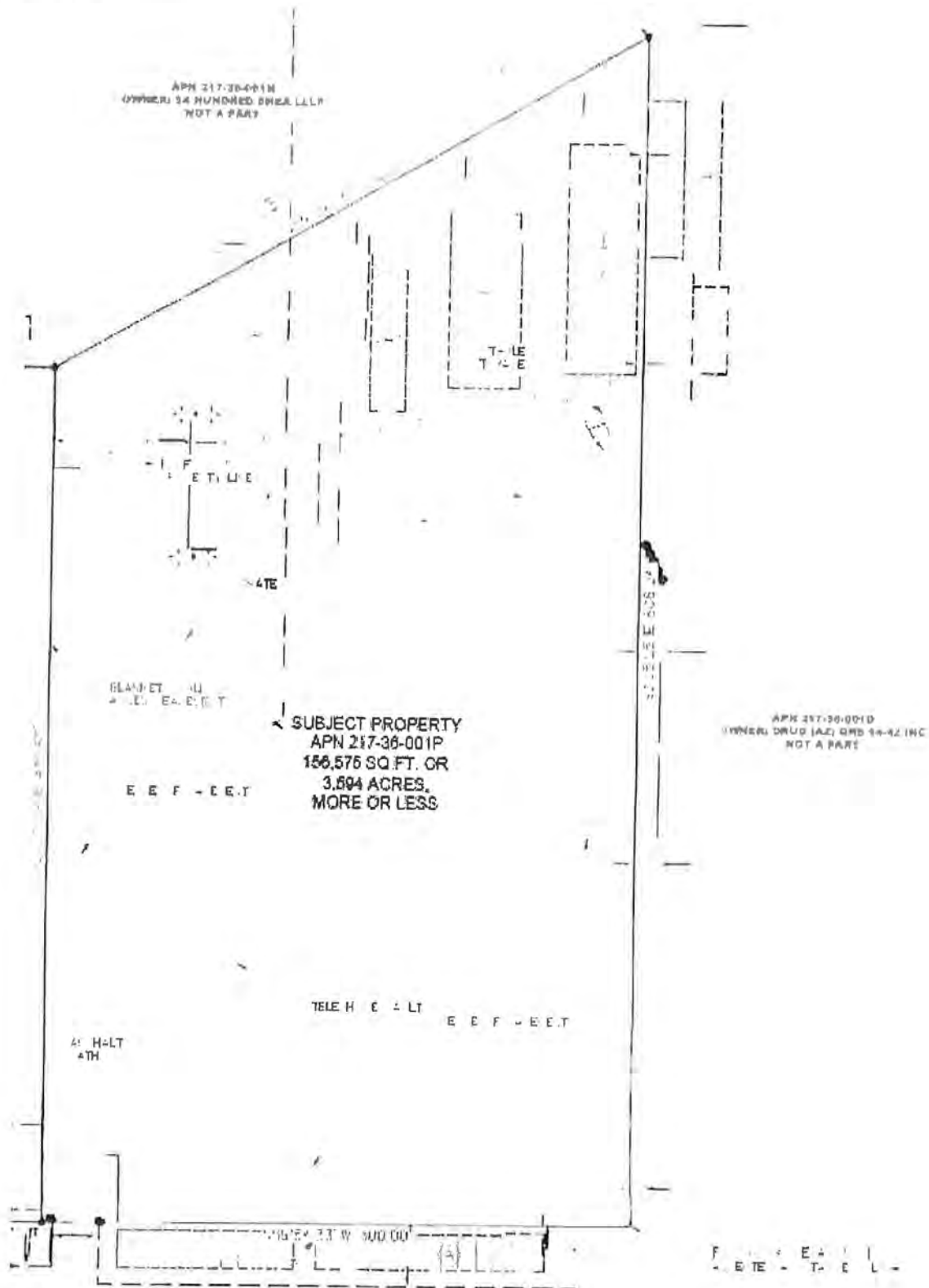
THENCE North 00 degrees 05 minutes 25 seconds West, 435.60 feet;

THENCE North 59 degrees 59 minutes 23 seconds East, 346.13 feet to the POINT OF BEGINNING

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EXHIBIT 'B'

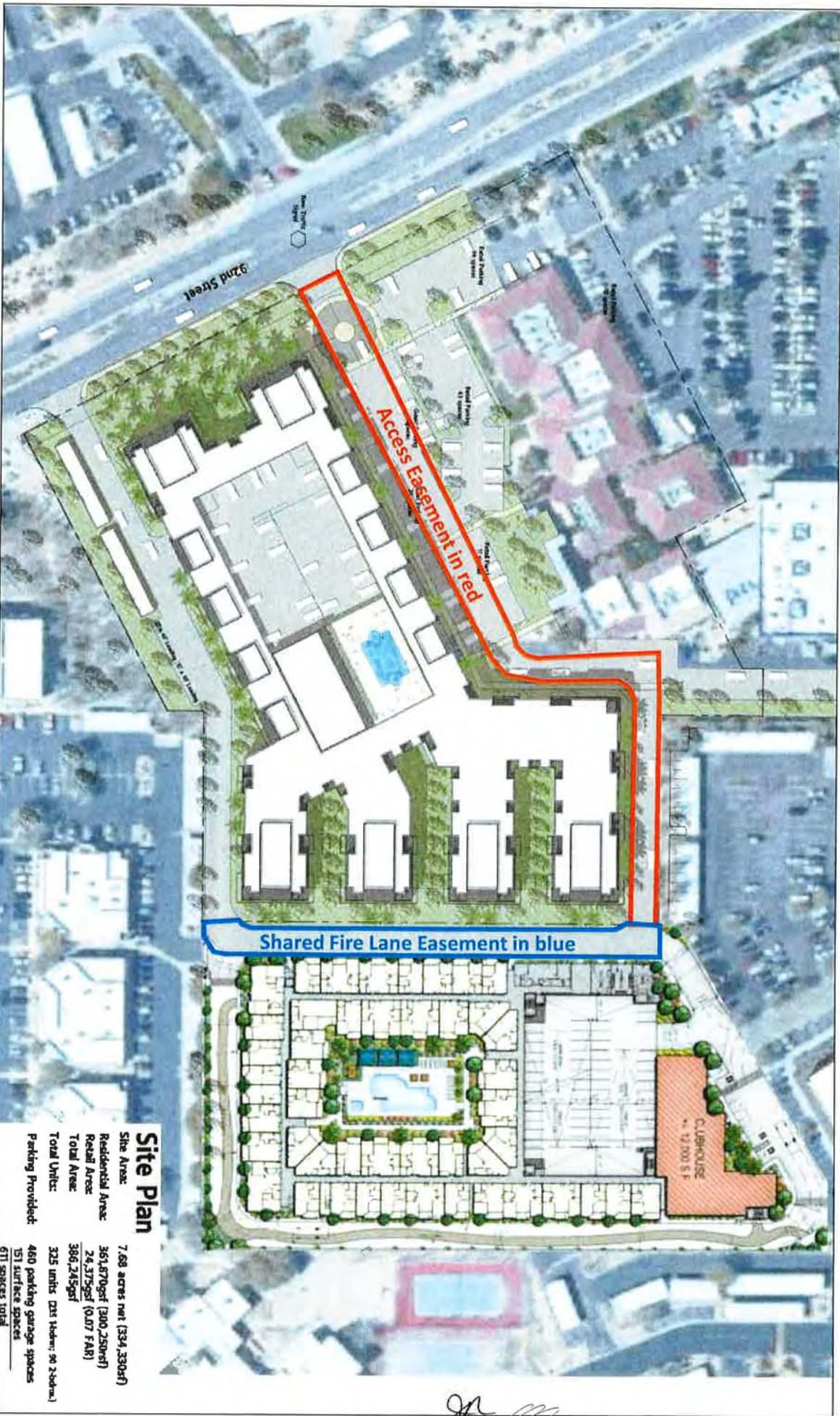
Page 2 of 2



jm

**EXHIBIT C
TO
AGREEMENT
(Access Easement and Fire Lane Easement depictions)**

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Site Plan

Site Area:	7.68 acres net (334,330sf)
Residential Area:	361,870sf (300,250sf)
Retail Area:	24,375sf (0.07 FAR)
Total Area:	386,245sf
Total Units:	325 units (205 Modern; 90 2-beds)
Parking Provided:	460 parking garage spaces 151 surface spaces 611 spaces total

[Handwritten signature]

**EXHIBIT D
TO
AGREEMENT
(form of access easement)**

WHEN RECORDED RETURN TO:

Beus Gilbert McGroder PLLC
701 N. 44th St.
Phoenix, Arizona 85008
Attn: Paul E. Gilbert

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT ("Agreement") is made this ____ day of _____, 202_ ("Effective Date") by and between IRONWOOD 92 PARTNERS LLC ("Ironwood") whose address is 7120 Kierland Blvd No. 807, Scottsdale, Arizona 85253 and _____ ("Kaplan"), whose address is 777 Post Oak Blvd, #850, Houston, Texas, 77056.

RECITALS

A. Ironwood owns the real property located in the City of Scottsdale, Arizona legally described on Exhibit "A" attached hereto and made a part hereof (the "Ironwood Property").

B. Kaplan owns the real property located in the City of Scottsdale, Arizona legally described on Exhibit "B" attached hereto and made a part hereof (the "Kaplan Property").

C. Ironwood and Kaplan desire by this Agreement to create a non-exclusive access easement over a portion of the Ironwood Property utilized for vehicular and pedestrian traffic in order to provide the Kaplan Property access to and from 92nd Street, Scottsdale, Arizona ("92nd Street").

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Ironwood and Kaplan covenant and agree for themselves, and their successors and assigns as follows:

AGREEMENT





1. Grant of Access Easement to Ironwood. Ironwood hereby grants to Kaplan, its successors and assigns, a perpetual, non-exclusive easement on, over and across that portion of the Ironwood Property legally described on Exhibit "C" attached hereto and made a part hereof for the purpose of vehicular and pedestrian access, ingress and egress to and from the Kaplan Property and 92nd Street (the "Access Easement").

1.1 Construction. Ironwood shall be solely responsible for constructing and maintaining a paved roadway and related improvements (such as curbs, gutters, and traffic control signs) on the Access Easement. In addition to the foregoing, Ironwood, at Ironwood's sole cost and expense, shall construct, install, and maintain a traffic light at the intersection of 92nd Street and the Access Easement. The Access Easement, together with the construction of all related improvements, shall be for the mutual benefit of the Ironwood Property and the Kaplan Property.

2. Maintenance/No Walls, Fences or Barriers. Ironwood will install a paved road on the Kaplan Easement and shall keep and maintain the Access Easement in good and safe condition. Ironwood shall not construct or allow any walls, fences, grade differentials or other physical conditions which create an unreasonable impediment to the use and enjoyment of the Access Easement.

3. Termination of Agreement. This Agreement and the Access Easement granted herein may be terminated only by an agreement in writing signed by each of the then owner(s) of the Ironwood Property and the Kaplan Property and recorded in the Official Records of Maricopa County, Arizona.

4. Indemnification. Each party shall and does hereby indemnify, hold harmless and shall protect and defend the other party for, from and against any and all costs, expenses (including, without limitation, attorneys' fees and costs), damages, claims, liabilities, liens, encumbrances and charges arising or alleged to arise from the use of the Access Easement by such party and its successors, assigns, employees, invitees, licensees, agents, tenants and subtenants.

5. Run With The Land. The Access Easement hereby granted, and the agreements herein contained shall run with the land and shall insure to the benefit of, and be binding upon, the parties hereto and their successors and assigns, including, but not limited to, all subsequent owners of the Ironwood Property and the Kaplan Property and all persons claiming under them.

6. Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to its subject matter. There are no other understandings or agreements between the parties with respect to the subject matter hereof.



7. Modification. The provisions hereof may be abrogated, modified, rescinded or amended in whole or in part only by written instrument executed by the parties hereto and recorded with the County Recorder for Maricopa County, Arizona.

8. Notices. All notices under this Agreement shall be in writing and delivered personally, mailed by certified mail, return receipt request, postage prepaid, or delivered by national overnight courier service, addressed to the parties at the addresses shown above or such other address as may from time to time be provided by written notice pursuant to this Section.

9. Non-Waiver. No delay or failure by either party to exercise any right under this Agreement and no partial or single exercise of that right shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.

10. Governing Law. This Agreement shall be governed by, and construed and enforced in accordance with, the internal substantive laws of the State of Arizona (without reference to choice of law principles). Each party hereto irrevocably submits to the process, jurisdiction and venue of the courts of the State of Arizona, Maricopa County, for the purpose of suit, action or other proceeding arising out of or relating to this Agreement or the subject matter hereof.

11. Partial Invalidity. If any provision hereof or the application thereof to any party or to any person or circumstance shall be held to be invalid, void or illegal, the remaining provisions hereof and the application of such provisions other than those as to which it is held to be invalid, void or illegal, shall nevertheless remain in full force and effect and not be affected thereby.

12. Descriptive Headings. The descriptive headings of the sections hereof are inserted for convenience only and shall not control or affect the meanings or construction of any provisions hereof.

13. Attorneys' Fees. In the event that suit is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover its court costs and reasonable attorneys' fees (as set by the court) from the non-prevailing party.

14. Specific Performance. This Agreement may be specifically enforced by either party.

[Signatures on following page]

Two handwritten signatures are visible at the bottom of the page. The first signature is a stylized 'Jm' and the second is a more complex, cursive signature.

This Agreement has been executed on the _____ day of _____, 202_ to be effective as of the date recorded in the official records of the Maricopa County Arizona Recorder.

IRONWOOD 92 PARTNERS LLC

By _____
James Riggs, Its Manager

Notary

By _____
Its _____

Notary

Subordination of Ironwood's lenders:

Notary

Handwritten signature and initials in black ink at the bottom center of the page.

**EXHIBIT E
TO
AGREEMENT
(waterline diagram)**

jm

10301 N 92ND STREET SCOTTSDALE, AZ 85258







- CENTRUE
EASMENT LINE AS NOTED
DRAINAGE FENCE
TREE

- SEWER LINE
SEWER MANHOLE
WATER LINE
WATER VALVE
FIRE HYDRANT

- STORM DRAIN LINE
STORM CATCH BASIN
STORM MANHOLE
GAS LINE
IRRIGATION LINE

- SCM
SITE
FEED

- PROPERTY LINE
EASEMENT LINE
6" WATER LINE

- | | |
|---|--------------|
|  | FIRE HYDRANT |
|  | FDC |
|  | WATER METER |
|  | GATE VALVE |

- TSVB AC
BACK RJO
PILGRIM
CAN

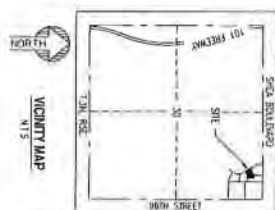
- BUILDING CONNECTION
SEWER MANHOLE
SEWER CLEAN OUT

- ### PRELIMINARY SEWER CONSTRUCTION KEY NOTES

3. CONDUITS SHALL VERIFY THE LOCATION OF THE EXISTING SANITARY SEWER LINE BEFORE PROCEEDING WITH TRENCHING. CONTRACTOR SHALL CONTACT ENGINEER IF EXISTING SEWER ELEVATION IS HIGHER THAN PROPOSED 12-IN. INVERT PRIOR TO ANY CONSTRUCTION ACTIVITY.
5. FINISH AND INSTALL 12" PVC SDR-35 SEWER LINE, SIZE, LENGTH AND SLOPE PER PLAN & PROFILE. WARNING: A WARNING CONCERNING BUILDING CONNECTION, FEET TO BUILDING PLUMBING PLANS FOR CONTINUATION.

PRELIMINARY WATER CONSTRUCTION KEY NOTE

- 1 CON TOWER TO CENTER SIZE AND LOCATION OF EXISTING WATER MAIN PRIOR TO CONSTRUCTION.
- 2 DENSEST AND NOTIFY "X" X' CITY-NR. ITC.
- 3 DENSEST AND NOTIFY PER PREVIOUS AGREEMENT (COMPLETED WITH CITY) TO CONSTRUCT 12" DUCTILE IRON PIPE CLASS 300 BUT EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 4 DENSEST AND NOTIFY "X" X' CITY-NR. ITC.
- 5 DENSEST AND NOTIFY STATE WATER WITHIN 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 6 DENSEST AND NOTIFY "X" DUCTILE IRON PIPE CLASS 300 BUT EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 7 DENSEST AND NOTIFY "X" DUCTILE IRON PIPE CLASS 300 WITH EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 8 DENSEST AND NOTIFY PER PREVIOUS AGREEMENT (COMPLETED WITH CITY) TO CONSTRUCT 12" DUCTILE IRON PIPE CLASS 300 BUT EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 9 DENSEST AND NOTIFY "X" DUCTILE IRON PIPE CLASS 300 BUT EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 10 DENSEST AND NOTIFY "X" DUCTILE IRON PIPE CLASS 300 BUT EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 11 DENSEST AND NOTIFY "X" DUCTILE IRON PIPE CLASS 300 BUT EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.
- 12 DENSEST AND NOTIFY "X" DUCTILE IRON PIPE CLASS 300 BUT EXCEEDING LENGTH 100' PER C.O.S. SET 24" DUCTILE IRON PIPE UNDER EXISTING WATER MAIN.



PLAN VIEW

0 40 80 120

SCALE: 1" = 40'

PRELIMINARY
NOT FOR
CONSTRUCTION

**SUSTAINABILITY
ENGINEERING
GROUP**

SEG

TIME: 02:00PM DATE: 01/11/2014 PAGE: 12/24
WWW.AZISO.COM TEL: 480-508-1226 FAX: 480-359-3531

CLIENT LOGO

92ND & SHEA
SCOTTSDALE AZ 85258

07/20/2021
REVIEWPRELIMINARY
UTILITY PLAN

C4.00

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF SUSTAINABILITY ENGINEERING GROUP, AND SHALL REMAIN THEIR PROPERTY. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT IS PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE.

District at 9400 Shea

Attachment 11

Correspondence



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
REMOTE ELECTRONIC MEETING
THURSDAY, MAY 6, 2021
*SUMMARIZED MEETING MINUTES***

PRESENT:

Solange Whitehead Councilmember
Renee Higgs, Planning Commissioner
Shakir Gushgari, Vice Chair
Michal Ann Joyner, Development Member
Jeff Brand, Design Member
Ali Fakhri, Development Member, attended electronically and remotely.
Board Member Fakhri left meeting at 3:45 pm.

ABSENT:

Doug Craig, Design Member

STAFF:

Brad Carr	Jeff Barnes
Joe Padilla	Katie Posler
Bryan Cluff	Chad Sharrard
Greg Bloemberg	Bronte Ibsen
Jesus Murillo	Karen Hemby
Doris McClay	Lorraine Castro

CALL TO ORDER

Councilmember Whitehead called the meeting of the Development Review Board to order at 1:02 PM.

ROLL CALL

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

ADMINISTRATIVE REPORT

1. Identify supplemental information, if any, related to May 6, 2021 Development Review Board agenda items, and other correspondence.

**NOTE OF ADDITIONAL PUBLIC COMMENT FOR ITEM #12, GREENBELT 88;
JOINT MEETING OF THE DEVELOPMENT REVIEW BOARD AND PLANNING
COMMISSION WILL BE POSTPONED TO A LATER DATE.**

* Note: These are summary action minutes only. A complete copy of the meeting audio/video is available on the Development Review Board website at:
http://scottsdale.granicus.com/ViewPublisher.php?view_id=36

PUBLIC COMMENT

2. Public Comment time is reserved for citizens to comment on non-agendized items that are within the Development review Board's jurisdiction. No official Development Review Board action can be taken on the items.

NO PUBLIC COMMENT RECEIVED.

MINUTES

3. Approval of the April 15, 2021 Development Review Board Regular Meeting Minutes.

BOARD MEMBER BRAND MOVED TO APPROVE THE APRIL 15, 2021 DEVELOPMENT REVIEW BOARD MEETING MINUTES AS PRESENTED, 2ND BY BOARD MEMBER JOYNER. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY COUNCILMEMBER WHITEHEAD, COMMISSIONER HIGGS, VICE CHAIR GUSHGARI, BOARD MEMBERS JOYNER, FAKIH AND BRAND WITH A VOTE OF SIX (6) TO ZERO (0).

CONSENT AGENDA

4. 50-DR-2011#2 (Quik Trip #1418I)

Request by applicant for approval of a site plan, landscape plan, and building elevations for a new 16-pump QuikTrip gasoline station and a 5,134 square feet convenience store on a +/-2.37-acre site with General Commercial (C-4) zoning.
8780 E. McDowell Road KDF Architectural Group, Architect

5. 10-DR-2020 (3413 N. Paiute Apartments)

Request by applicant for approval of the site plan, landscape plan, and building elevations for a new five-unit apartment development on a +/-0.24-acre site with Multiple-family Residential (R-5) zoning.
3413 N. Paiute Way Sundell Design, Architect/Designer

6. 19-DR-2020 (Comfort Suite – Addition)

Request for approval of the site plan, landscape plan, and building elevations for new a 9-room, 10,500 square foot addition to an existing 60-room hotel on a +/-1.32-acre site with Highway Commercial, Downtown Overlay (C-3 DO) zoning.
3275 N. Drinkwater Boulevard Valley Architecture, Inc., Architect
MOVED TO REGULAR AGENDA. MOTION BY BOARD MEMBER BRAND TO APPROVE 19-DR-2020 WITH A STIPULATION THAT THE APPLICANT WORK WITH THE ADJACENT PROPERTYT OWNER ADD SIGNAGE AND POSSIBLE COLORED PARKING STRIPING TO DESTINGUISH PARKING BETWEEN THE TWO PROPERTIES. 2ND BY COMMISSIONER HIGGS. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY COUNCILMEMBER WHITEHEAD, COMMISSIONER HIGGS, VICE CHAIR GUSHGARI, BOARD MEMBERS JOYNER, FAKIH AND BRAND WITH A VOTE OF SIX (6) TO ZERO (0).

7. 43-DR-2020 (9100 Legacy)

Request for approval of the site plan, landscape plan, and building elevations for a new commercial development, with approximately 19,600 square feet of commercial floor area, on a +/- 2.35-acre site with Planned Neighborhood Center, Planned Community Development (PNC PCD) zoning.
9100 E. Legacy Boulevard Arc One Associates, Architect

8. 1-DR-2021 (Raintree Drive Residential)

Request by applicant for approval of the site plan, landscape plan, and building elevations for a new 5-story residential development with 192 units and 218,419 square feet of building area on a +/- 3.12-acre site with Planned Community, Planned Airpark Core Development – Airpark Mixed Use Residential, Planned Shared Development overlay (P-C PCP-AMU-R PSD) zoning.

8555 E. Raintree Drive

ESG Architecture & Design, Architect

MOTION BY BOARD MEMBER BRAND TO APPROVE THE ITEMS ON THE CONSENT AGENDA, EXCEPTING ITEM #6, WITH A STIPULATION ON ITEM #5 FOR THE APPLICANT TO WORK WITH STAFF TO ADD A SITE WALL IN CHARACTER WITH THE SURROUNDING NEIGHBORHOOD, 2ND BY COMMISSIONER HIGGS. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY COUNCILMEMBER WHITEHEAD, COMMISSIONER HIGGS, VICE CHAIR GUSHGARI, BOARD MEMBERS JOYNER, FAKIH AND BRAND WITH A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

9. 42-DR-2020 (7220 Retail/Office Redevelopment)

Request for approval of the site plan and building elevations for a new two-story retail and office development on a +/- 5575 sq. ft. site with Highway Commercial, Downtown Overlay (C-3 DO) zoning.

7220 E. 2nd Street

LEA Architects, LLC, Architect

MOTION BY VICE CHAIR GUSHGARI TO CONTINUE 42-DR-2020 TO A DATE TO BE DETERMINED, WITH DIRECTION TO THE APPLICANT TO WORK ON HOW THE BUILDING CAN TRANSITION TO THE HISTORICAL OLD TOWN BUILDINGS NORTH OF THE SITE, 2ND BY COUNCILWOMAN WHITEHEAD. THE MOTION CARRIED IN FAVOR BY COUNCILMEMBER WHITEHEAD, COMMISSIONER HIGGS, VICE CHAIR GUSHGARI, AND BOARD MEMBER JOYNER WITH A VOTE OF FOUR (4) TO ZERO (2), WITH BOARD MEMBER FAKIH AND BOARD MEMBER BRAND DISSENTING.

10. 25-DR-2020 (Maya Hotel)

Request for approval of the site plan, landscape plan and building elevations for a new, 163-room, 148,000 square foot hotel, and a temporary parking lot on the south side of Shoeman Lane across from the hotel site, on a +/- 0.29-acre site with Downtown/Downtown Multiple-Use, Type 3, Planned Block Development. Downtown Overlay (D/DMU-3 PBD DO) zoning.

7301 E. Indian Plaza

RSP Architects, Architect/Designer

MOTION BY BOARD MEMBER JOYNER TO APPROVE 25-DR-2020, 2ND BY VICE CHAIR GUSHGARI. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY COUNCILMEMBER WHITEHEAD, COMMISSIONER HIGGS, VICE CHAIR GUSHGARI AND BOARD MEMBER JOYNER WITH A VOTE OF FOUR (4) TO ZERO (0), WITH BOARD MEMBER FAKIH AND BOARD MEMBER BRAND RECUSING.

11. 16-ZN-2019 & 6-GP-2019 (District at 9200 Shea)

Pursuant to the requirements of the Planned Unit Development (PUD) zoning district, Zoning Ordinance Section 5.5003, the Development Review Board shall provide a recommendation to the Planning Commission and City Council regarding the Development Plan elements related to design compatibility, environmental responsiveness, solar shading, connectivity and open spaces, and amended development standards to the building setback requirements, for a zoning district map amendment from Commercial Office, Planned Community District (C-O PCD) and Highway Commercial, Planned Community District (C-3 PCD) to Planned Unit Development (PUD) to allow for a new, 219-unit multi-family residential development within a mixed use center on a +/- 11-acre site located on the south side of E. Shea Blvd east of N. 92nd Street.

9375 E. Shea Boulevard

Biltform Architecture Group, Architect

MOTION BY BOARD MEMBER BRAND TO RECOMMEND APPROVAL OF 16-ZN-2019 & 6-GP-2019 TO THE PLANNING COMMISSION AND CITY COUNCIL, 2ND BY BOARD MEMBER JOYNER. THE MOTION CARRIED UNANIMIOUSLY IN FAVOR BY COUNCILMEMBER WHITEHEAD, COMMISSIONER HIGGS, VICE CHAIR GUSHGARI, BOARD MEMBERS JOYNER AND BRAND WITH A VOTE OF FOUR (5) TO ZERO (0).

12. 15-ZN-2020 (Greenbelt 88)

Pursuant to the requirements of the Planned Unit Development (PUD) zoning district, Zoning Ordinance Section 5.5003, the Development Review Board shall provide a recommendation to the Planning Commission and City Council regarding the Development Plan elements related to design compatibility, environmental responsiveness, solar shading, connectivity and open spaces, and amended development standards to the building setback requirements, for a zoning district map amendment from Planned Neighborhood Center, Planned Community District (PNC PCD) to Planned Unit Development (PUD) to allow a mixed use center including 288 multi-family dwelling units and approximately 25,000 square feet of commercial floor area on a 7-acre site.

3308-3370, 3388 N. Hayden Road

Nelson Partners, Inc., Architect

MOTION BY COMMISSIONER HIGGS TO RECOMMEND APPROVAL OF 15-ZN-2019 TO THE PLANNING COMMISSION AND CITY COUNCIL, 2ND BY BOARD MEMBER JOYNER. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY COUNCILMEMBER WHITEHEAD, COMMISSIONER HIGGS, VICE CHAIR GUSHGARI AND BOARD MEMBER JOYNER, WITH A VOTE OF FOUR (4) TO ZERO (0), WITH BOARD MEMBER BRAND RECUSING.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Development Review Board adjourned at 5:05 PM.



Approved 6/9/2021 BI

**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, MAY 26TH 2021

***SUMMARIZED MEETING MINUTES ***

PRESENT: Joe Young, Vice Chair
Renee Higgs, Commissioner
William Scarbrough, Commissioner
Barry Graham, Commissioner
Christian Serena, Commissioner
George Ertel, Commissioner

ABSENT:

STAFF: Tim Curtis
Margaret Wilson
Meredith Tessier
Doris McClay
Bronte Ibsen
Karen Hemby
Nicole Garcia

CALL TO ORDER

Vice Chair Young 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.

ADMINISTRATIVE ITEMS

* 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"

1. Updated 2021 [Planning Commission Calendar](#)

MINUTES REVIEW AND APPROVAL

2. Approval of June 14, 2019 Regular Meeting Minutes.

Commissioner Scarbrough moved to approve the May 12, 2021 regular meeting minutes. Seconded by Commissioner Ertel, the motion carried unanimously with a vote of seven (7) to zero (0).

CONSENT AGENDA

3. [3-TA-2020 \(Ina Levine Jewish Community Campus\)](#)
Request by applicant for a text amendment to the Zoning Ordinance (Ord. No. 455), specifically the Use Regulations identified in Section 6.803 of the Special Campus (SC) District, to allow for community buildings and recreational facilities not publicly owned, educational services and residential healthcare facilities. Staff contact person is Meredith Tessier, 480-312-4211. **Applicant contact person is John Berry, 480-385-2719.**
4. [11-ZN-2020 \(Ina Levine Jewish Community Campus\)](#)
Request by applicant for a zoning district map amendment from Single-family Residential (R1-35) District to Special Campus, Planned Shared Development District (SC PSD) District, including a Development Plan with amended (Transition) performance standards for building setbacks, building stepbacks and landscape buffers, on a +/- 28.5-acre site located at 12701, 12752, and 12707 N. Scottsdale Road. Staff contact person is Meredith Tessier, 480-312-4211. **Applicant contact person is John Berry, 480-385-2719.**

Items No. 3&4; Recommended City Council approve cases 3-TA-2020 and 11-ZN-2020 by a vote of 7-0, after determining that the proposed Text Amendment, Zoning District Map Amendment, and Development Plan are consistent and conform with the adopted General Plan. Motion by Commissioner Serena, 2nd by Commissioner Scarbrough.

The motion carried unanimously with a vote of seven (7) to zero (0); by Vice Chair Young, Commissioner Higgs, Commissioner Scarbrough, Commissioner Graham, Commissioner Ertel, Commissioner Serena, and Commissioner Gonzales.

REGULAR AGENDA

5. [6-GP-2019 \(District at 9400 Shea\)](#)
Request by owner for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Commercial to Mixed-Use Neighborhoods on a +/- 11-acre site located at 9375 E. Shea Blvd. Staff contact person is

* 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"

Doris McClay, 480-312-4214. **Applicant contact person is Felipe Zubia, (480) 429-3065.**

6. [16-ZN-2019 \(District at 9400 Shea\)](#)

Request to rezone from Commercial Office Planned Community District (C-O PCD) and Highway Commercial Planned Community District (C-3 PCD) to Planned Unit Development Planned Community District (PUD PCD) on a +/- 11-acre site located on the south side of E. Shea Blvd east of N. 92nd Street to allow for approximately 219 new residential units. Staff contact person is Doris McClay, 480-312-4214. **Applicant contact person is Felipe Zubia, (480) 429-3065.**

Items No. 5&6; Recommend City Council approve cases 6-GP-2019 and 16-ZN-2019 per the staff recommended stipulations, after determining that the PCD and PUD findings have been met, and that the proposed Zoning District Map Amendment and Development Plan are consistent and conform with the adopted General Plan. Motion by Commissioner Scarbrough, failed due to lack of second.

Items No. 5&6; Recommended City Council deny cases 6-GP-2019 and 16-ZN-2019 by a vote of 4-3. Motion by Commissioner Ertel, 2nd by Commissioner Gonzales.

The motion carried with a vote of four (4) to three (3); with Commissioner Graham, Commissioner Ertel, Commissioner Serena, and Commissioner Gonzales voting in favor, and Vice Chair Young, Commissioner Higgs, and Commissioner Scarbrough dissenting.

7. Planning Commission Election of Officers

Nomination for Chair:

Commissioner Ertel nominated Commissioner Higgs for Chair. The nomination passed by a vote of 4-3.

The motion carries with a vote of four (4) to three (3); with Commissioner Ertel, Commissioner Scarbrough, Commissioner Higgs, and Vice Chair Young voting in favor, and Commissioner Graham, Commissioner Serena, and Commissioner Gonzales dissenting.

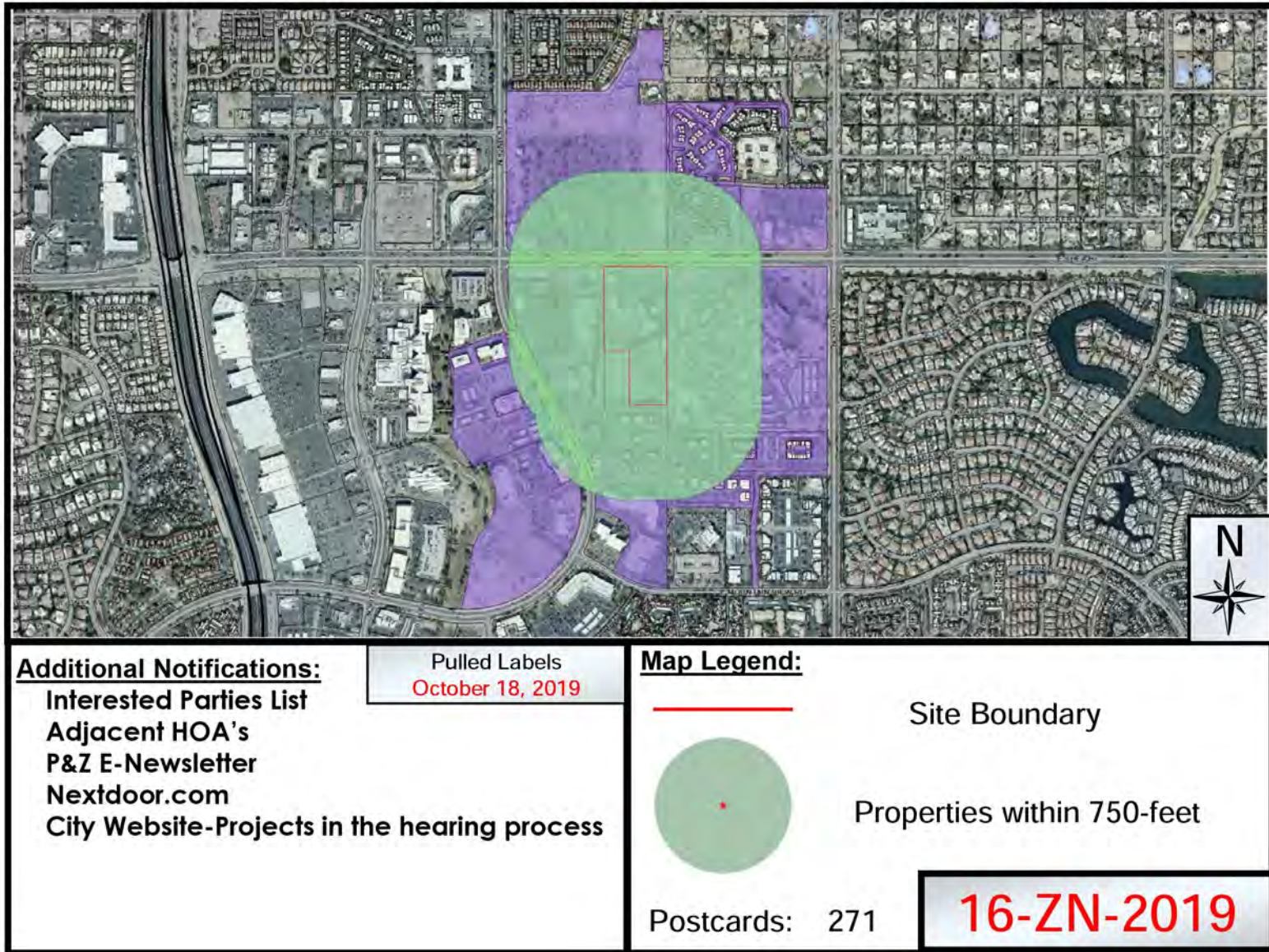
Commissioner Graham nominated Commissioner Gonzales for Chair. The nomination had no vote.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 7:00 p.m.

City Notifications – Mailing List Selection Map

District at 9400 Shea



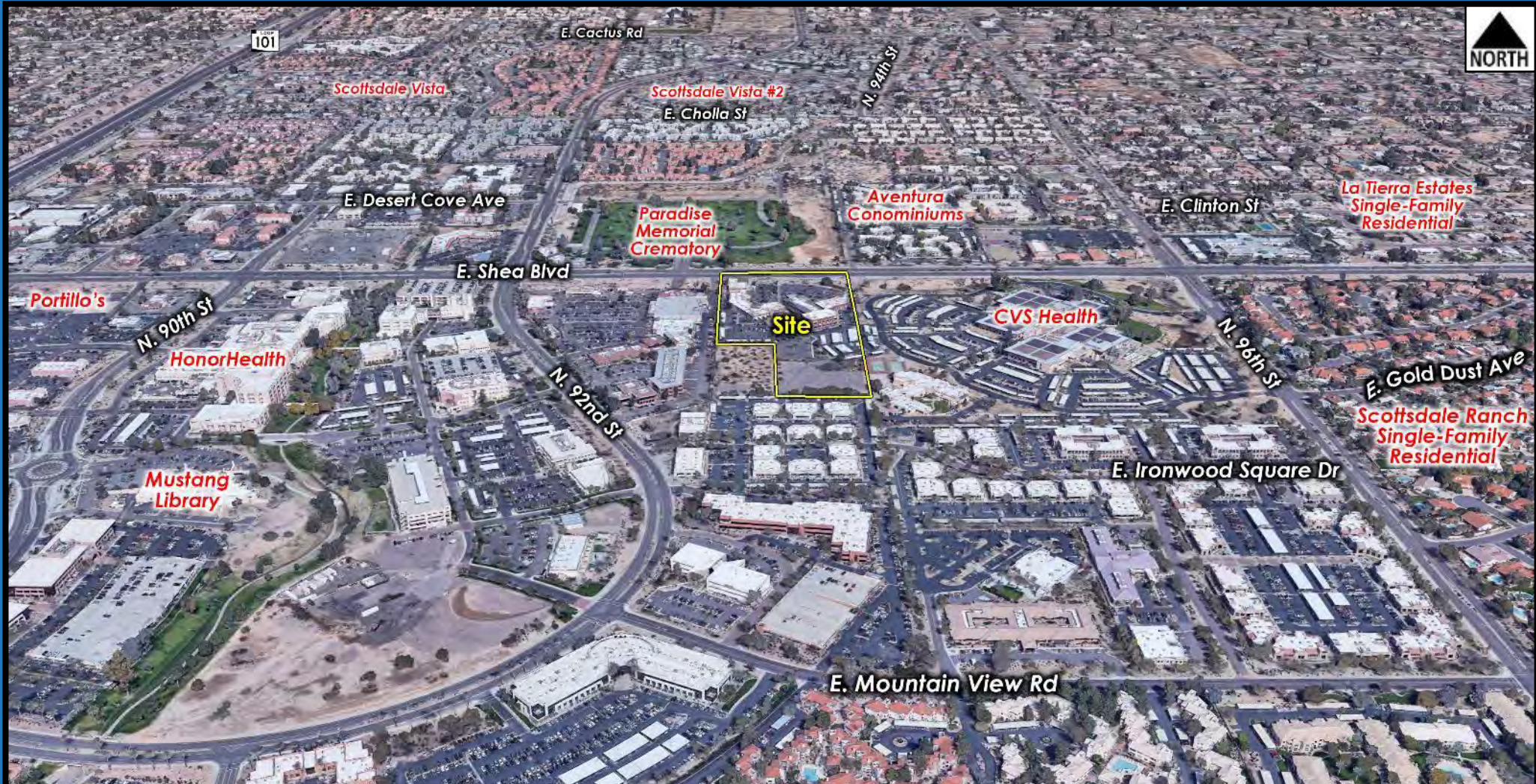


District at 9400 Shea

6-GP-2019 & 16-ZN-2019

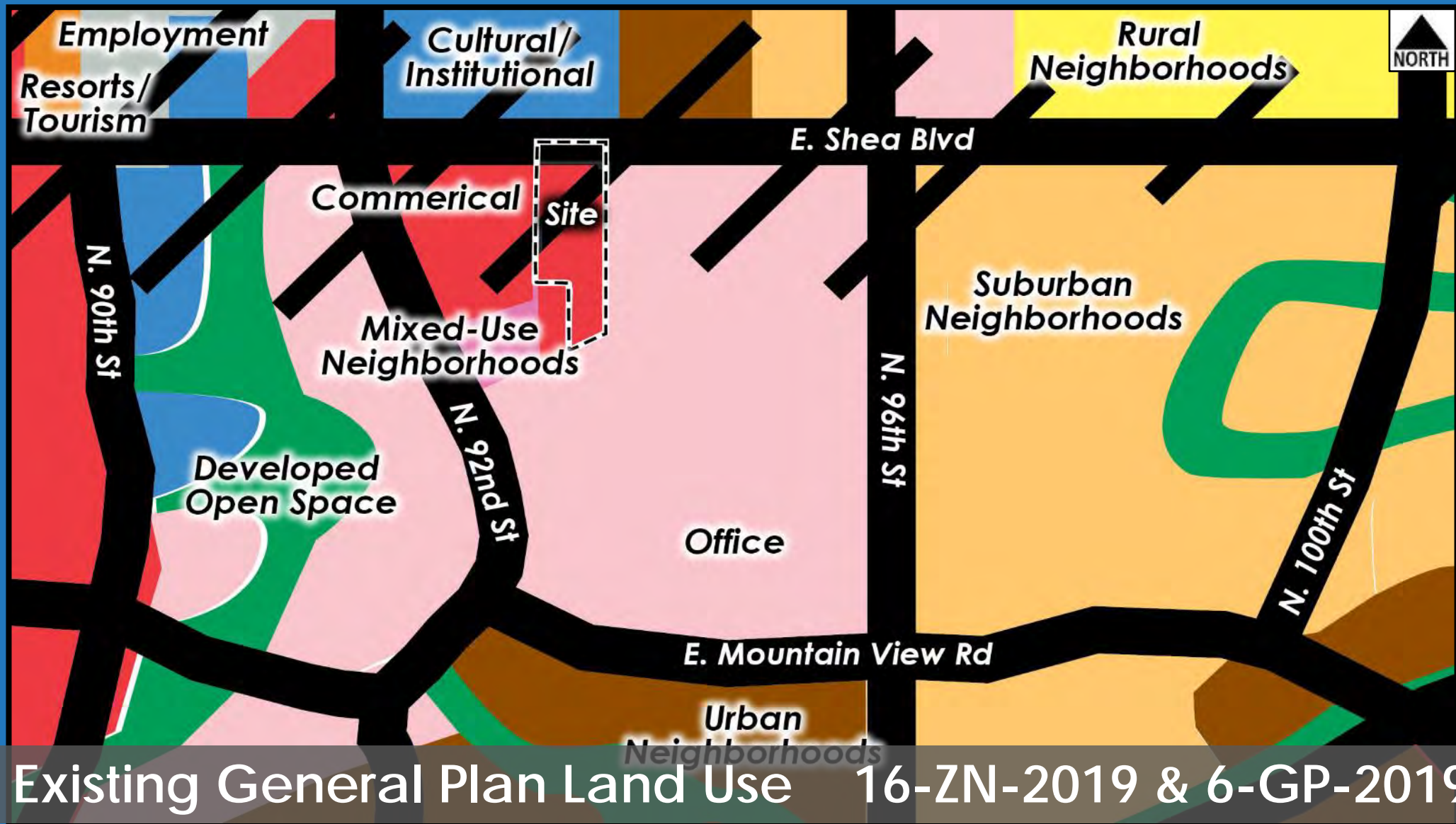
**City Council
October 19, 2021**

Coordinator: Doris McClay

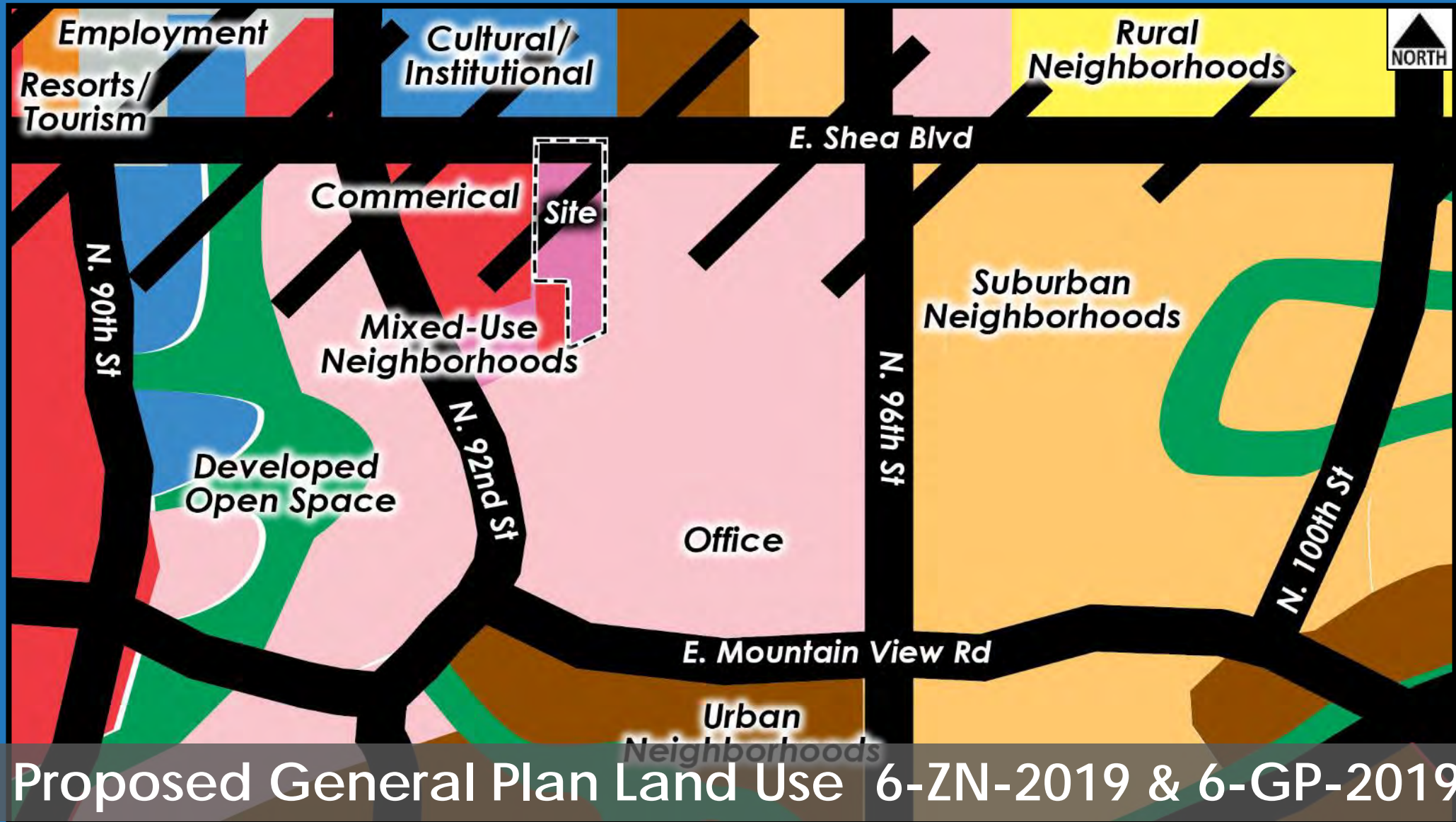


Context Aerial

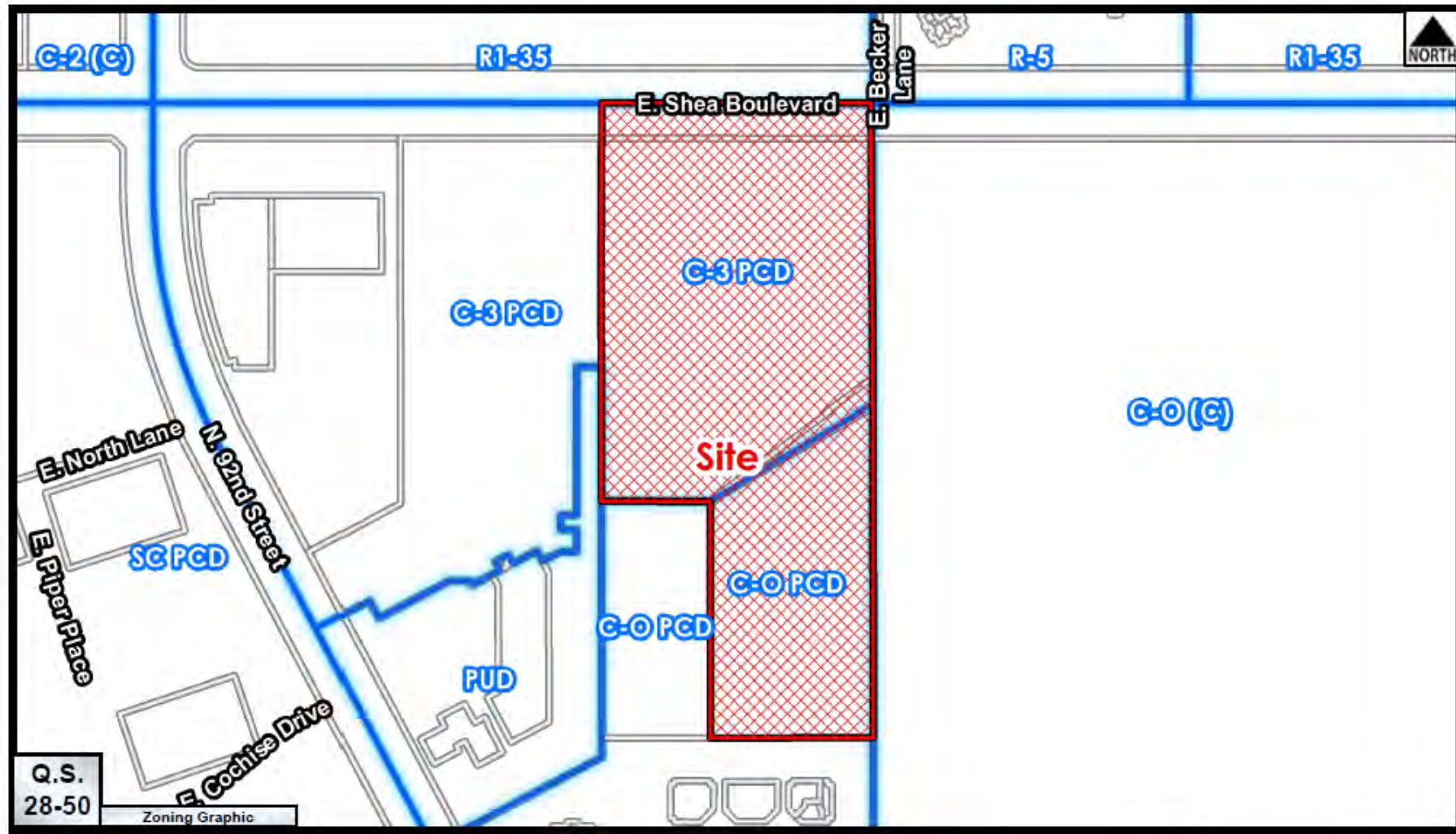
6-GP-2019 & 16-ZN-2019



Existing General Plan Land Use 16-ZN-2019 & 6-GP-2019

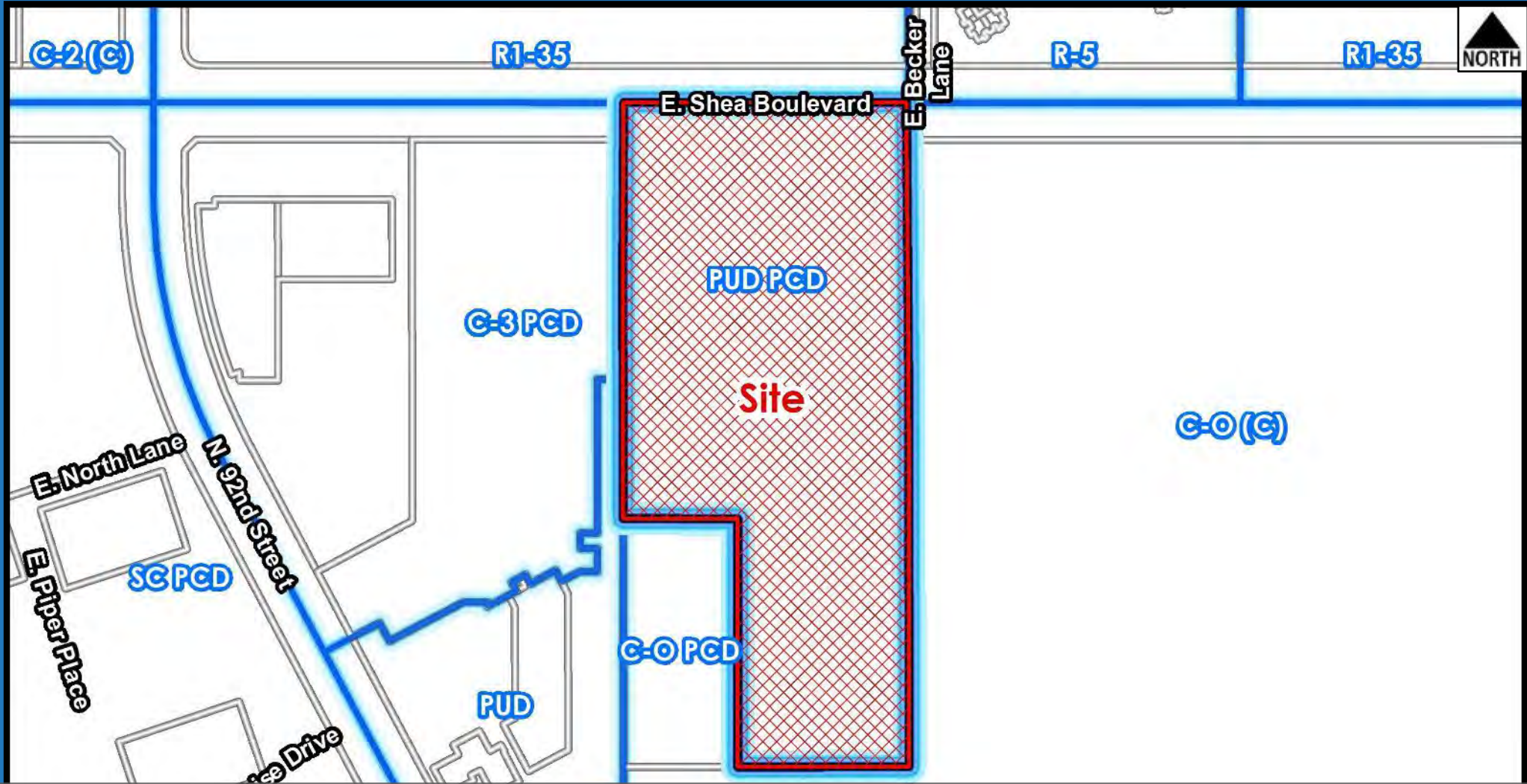


Proposed General Plan Land Use 6-ZN-2019 & 6-GP-2019



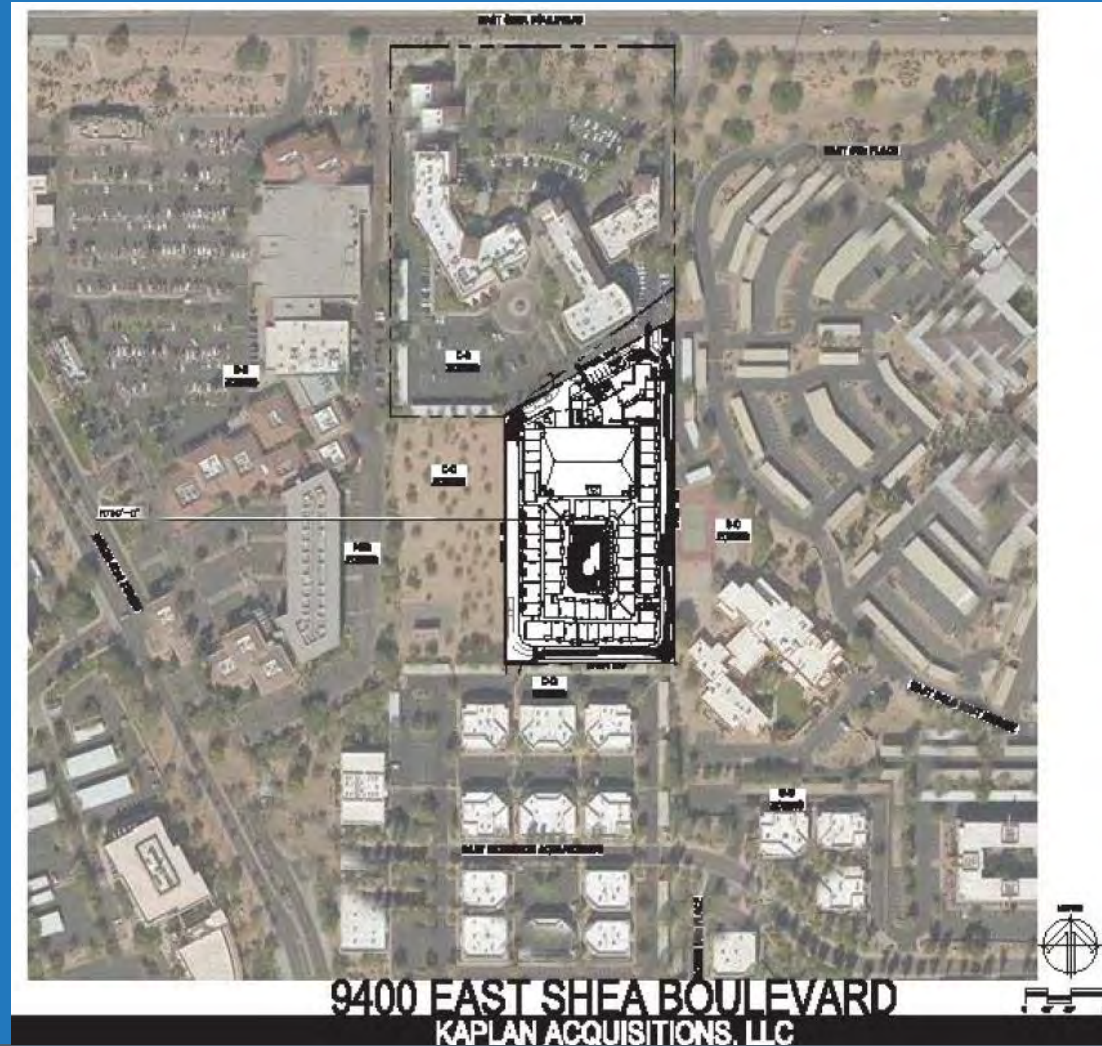
Existing Zoning

6-GP-2019 & 16-ZN-2019



Proposed Zoning

6-GP-2019 & 16-ZN-2019



Overall site plan

6-GP-2019 & 16-ZN-2019



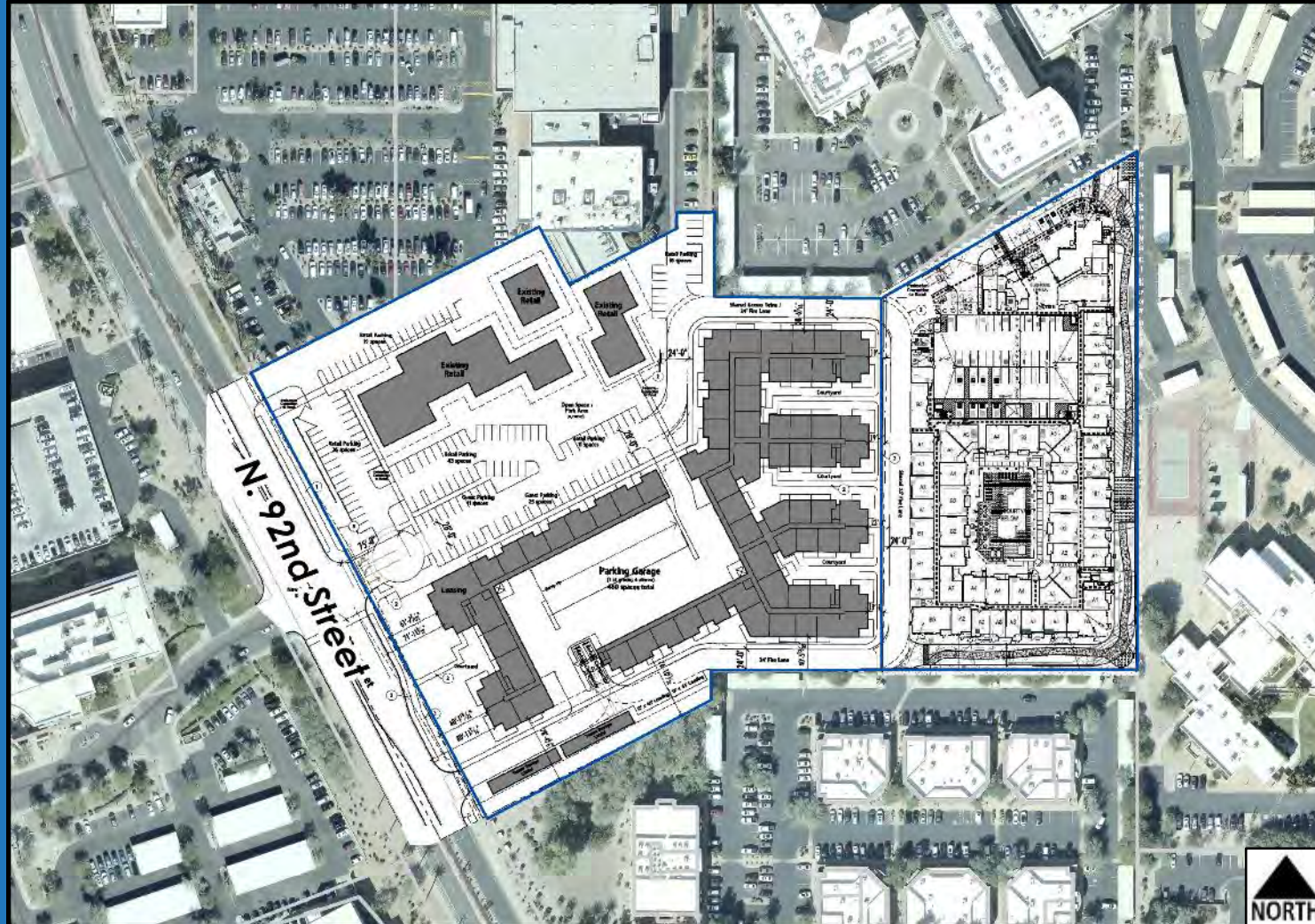
Detail Aerial

6-GP-2019 & 16-ZN-2019



Street view on Shea Blvd

6-GP-2019 & 16-ZN-2019



Future development in the area

16-ZN-2019 & 6-GP-2019



1 NORTH ELEVATION



2 WEST ELEVATION



3 SOUTH ELEVATION



4 EAST ELEVATION

EXTERIOR ELEVATIONS KEYED NOTES

1. EXTERIOR STUCCO SYSTEM
2. 1/2" DEEP EXTERIOR WITH STUCCO FINISH - SHIMING, GRACE
3. FABE STEEL CORREL AT STAIR WALKWAYS - PAINTED
4. FABE STEEL RAILING WITH MESH INFILL - 4"X7" A.F.F. - PAINTED
5. 3/4" HIGH FABS WALL WITH STUCCO FINISH
6. STUCCO CONTROL JOINT
7. EXTERIOR TRENCH DOOR - PAINTED
8. IMPROVED ANODIZED ALUMINUM WINDOW SYSTEM
9. GILT ROOF WITH PAINTED METAL FLASHING AT ROOF DOORS
10. IMPROVED ANODIZED ALUMINUM SLIDING GLASS PATIO / BALCONY DOOR
11. 4" HIGH OPENING FOR PATIO / BALCONY DRAINAGE
12. GALVANIZED STEEL EDGE - PAINTED TO MATCH ADJACENT COLUMN
13. 4" DEEP FRAMED WALL ELEMENT WITH STUCCO FINISH
14. FIRE DEPARTMENT ACCESS WALL, MET STAIRWELL DOOR, WOOD BOX AND WOOD BOX KEY
15. 4" METAL ROSETTE - PAINTED
16. STONE VENEER - SEE COLOR CHART FOR SPECIFICATIONS
17. METAL FINISH CLIMBERAL SYSTEM, 1/2" ABOVE PARAPET TO A MINIMUM OF 4" A.F.F.
18. METAL FINISH RAILING ENCLOSURE, 24" ABOVE ENCLOSURE WALL TO 4" A.F.F.
19. OVERHEAD ROLL UP DOOR - PAINTED
20. FIRE DEPARTMENT ACCESS WALL, WOOD BOX AND WOOD BOX KEY
21. EXTERIOR STUCCO SYSTEM OVER FRAMED COLUMN SIZE
22. IMPROVED ANODIZED ALUMINUM STAIRWELL SYSTEM
23. YELLOW METAL DOOR AND FRAME - PAINTED
24. BUILDING SIGNAGE UNDER SIGNAGE SUBMITTAL AND FRAME
25. EXTERIOR LIGHT - SEE ELECTRICAL FOR SPECIFICATIONS
26. ROOF DECK STAIR ACCESS ENCLOSURE
27. PARAPET / CORNER WITH CAP - PAINTED
28. DECORATIVE FABE STEEL TRAILER - PAINTED
29. 8" METAL HAND GARD (HWS) - PAINTED

EXTERIOR COLOR SCHEME

LIGHT BODY COLOR	SHIM, HILLA
MEDIUM BODY COLOR	SHIM, HILLA - SHIMING
DARK BODY COLOR	SHIM, HILLA - SHIMING
ACCENT COLOR	SHIM, HILLA - SHIMING
CORNER / FIVE WISLEY / WALKWAY / DOOR / CORNER / STAIR COLOR	SHIM, HILLA - SHIMING
WALKWAY / STAIRWELL	SHIM, HILLA - SHIMING
STONE VENEER	SHIM, HILLA - SHIMING

Building elevations

6-GP-2019 & 16-ZN-2019

9400 EAST SHEA BOULEVARD
KAPLAN ACQUISITIONS, LLC

BUILDING ELEVATIONS
COLOR
SCALE: 1"=20'

A2.2
03/25/21

Staff Recommendation

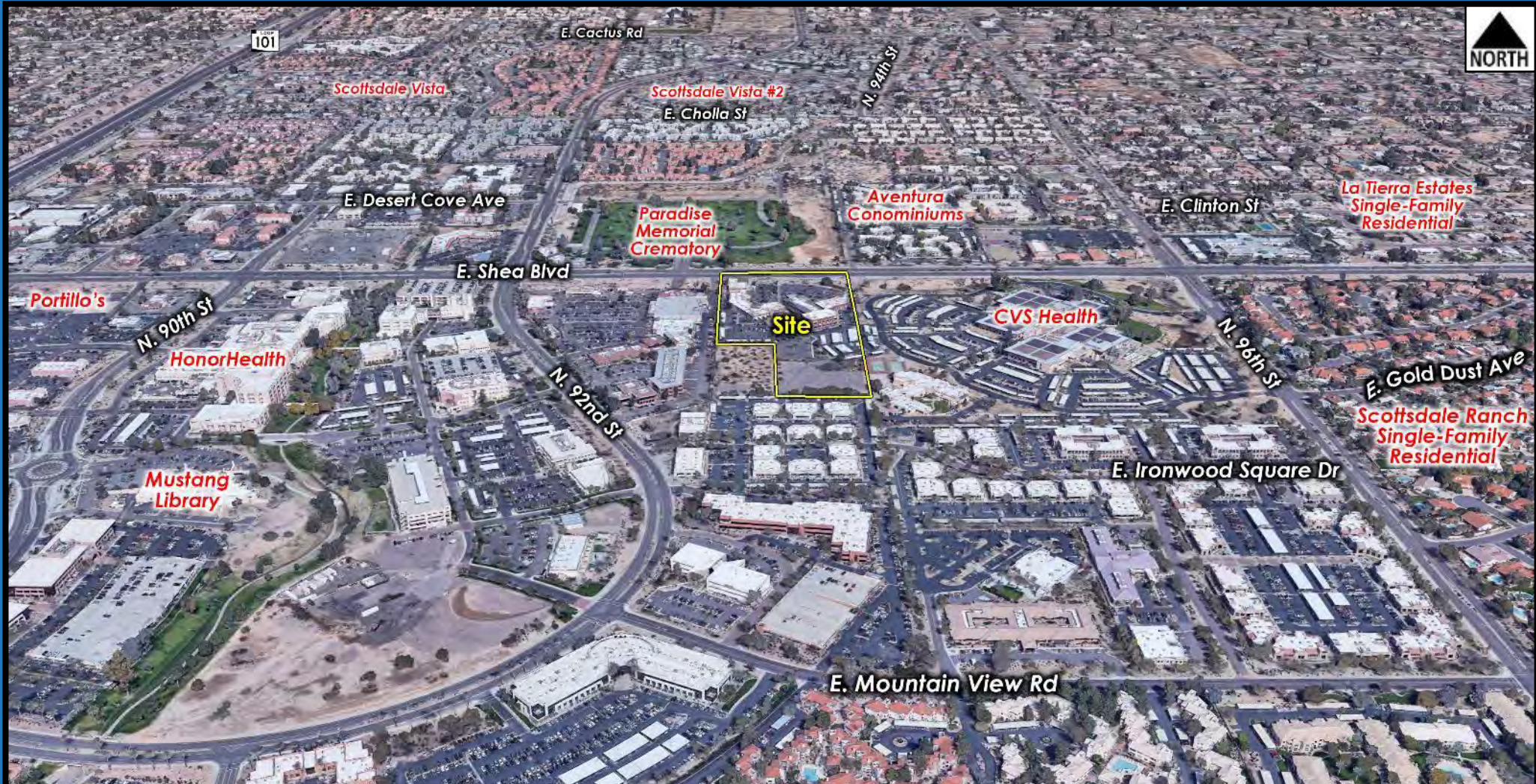
PUD and PCD criteria have been met and conforms with adopted General Plan, per stipulations.

DRB Recommendation of Development plan

Recommended approval 5-0

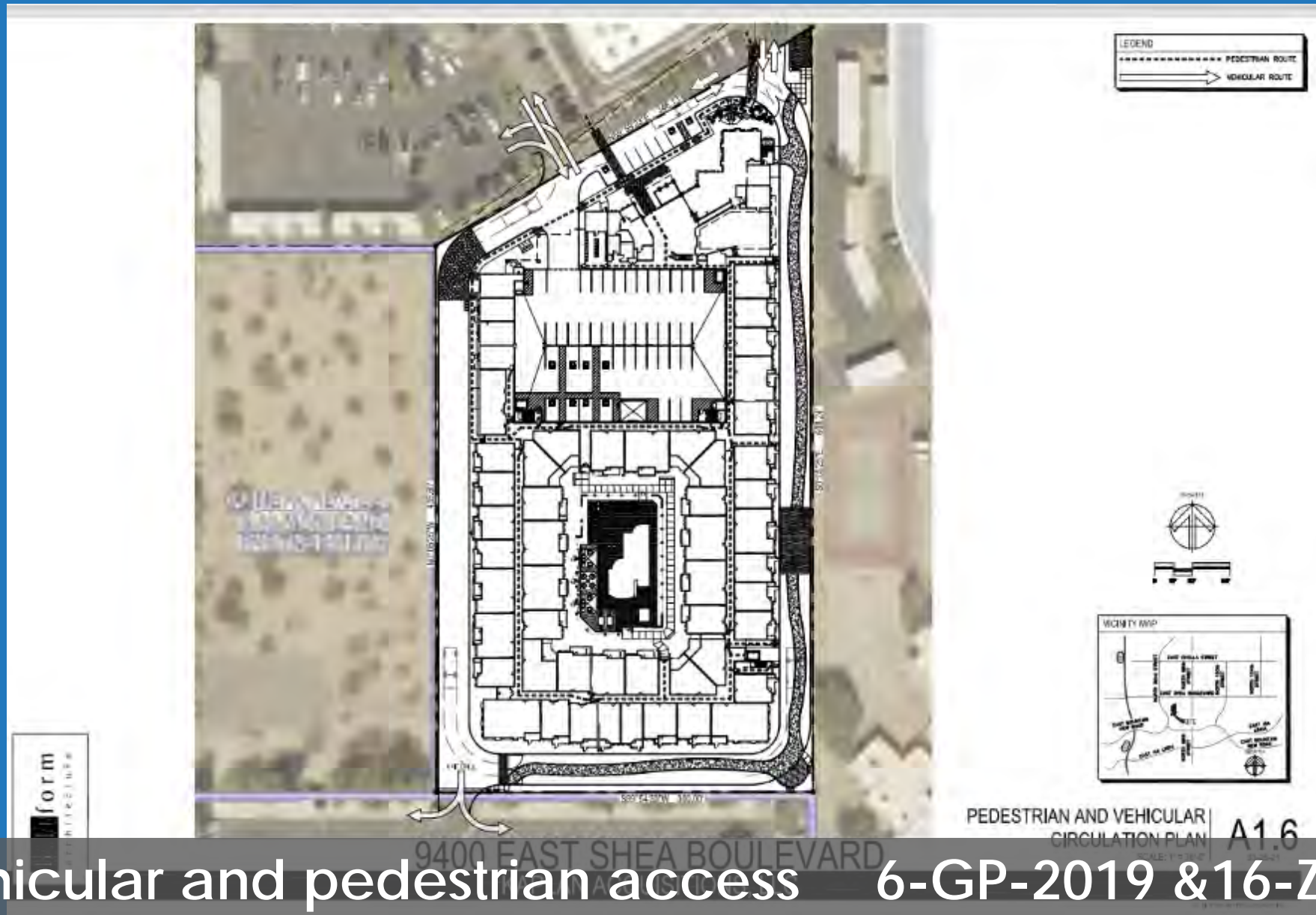
PC Recommendation

Recommended denial 4-3 Access, traffic and density



Context Aerial

6-GP-2019 & 16-ZN-2019



Vehicular and pedestrian access

6-GP-2019 & 16-ZN-2019