

### Community & Economic Development Division Planning and Development Services

7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251

To: Planning Commission

From: Jeff Barnes, Senior Planner  $\mathcal{B}$ 

**Through: Tim Curtis, Current Planning Director** 

Date: June 14, 2023

Re: 10301 N 92nd Street (Mercado Courtyards)

The Mercado Courtyards project (Cases 6-GP-2022 & 12-ZN-2022) was heard by the Planning Commission on 11/9/2022 and by the City Council on 12/7/2022, where it received a denial. The applicant is pursuing a new application submittal reflecting changes made after the original Planning Commission hearing and City Council denial action.

Zoning Ordinance <u>Section 1.705</u> grants the Planning Commission the authority to refuse to accept another development application for the same proposal within a year of the original hearing if a development application is denied by the City Council or withdrawn after the Planning Commission hearing.

The applicant is now requesting Planning Commission authorization to submit a new application prior to the one-year timeframe having elapsed. The applicant asserts in their request that the project has changed significantly since it was last heard by the Planning Commission and thus is comparatively a new and different proposal.

If determined by the Planning Commission to be the same proposal and accepted, or to be a new and different proposal, the applicant will then be able to submit a new development application soon thereafter for city review and public hearing processing. If determined by the Planning Commission to be the same proposal and refused, the applicant will need to wait until November 10, 2023, to submit the new development application.

#### Attachments:

- 1. Applicant's Request Narrative
- 2. Public Comment Received



May 15, 2023

Renee Higgs, Chair Scottsdale Planning Commission Tim Curtis, Current Planning Director 7447 E. Indian School Road, Suite 105 City of Scottsdale, Arizona 85251

#### RE: Zoning Ordinance Section 1.705, Another development application after denial or withdrawal

Dear Ms. Higgs and Mr. Curtis:

As you know, we represent Ironwood 92 LLC, and their land use proposals for the property located south of Shea Boulevard on the east side of 92<sup>nd</sup> Street ("Property"). The project was submitted and processed in 2021 under case numbers 3-GP-2021 and 6-ZN-2021 ("2021 Cases"). The 2021 Cases were withdrawn for various reasons at the City of Scottsdale ("City") City Council's February 2022 hearing. In April of last year, we requested an official Planning Commission reconsideration per section Section 1.705 of the City's zoning ordinance. This section states, "if a development application is denied by the City Council or that the application is withdrawn after the Planning Commission hearing, the Planning Commission shall have the authority to refuse to accept another development application for the same proposal within a year of the original hearing." At that hearing, the Planning Commission recognized that 'changes to the proposal were made' and granted the case another opportunity for the modified land use proposal to apply back through the City's planning processes.

As a result, cases 6-GP-2022 and 12-ZN-2022 ("2022 Cases") were submitted and processed last year culminating in a December 7, 2022, City Council denial. Since the City Council denial, Ironwood 92 LLC has been strategizing and revising the land plan based on input from many stakeholders from the previous two (2) case processing cycles. As such, we are respectfully requesting for another Planning Commission reconsideration per the requirements of Section 1.705 of the City's zoning ordinance.

Case 12-ZN-22 included approximately 273 residential units within a single building that removed the existing, 100% vacant office buildings. The proposed single residential building included the vacant two-acre lot to the east of the existing office buildings. Like the 2021 cases, the 2022 cases also included rezoning the southern portion of the adjacent commercial center ("Sprouts Center") to Planned Unit Development (PUD) for the required mixture of residential and non-residential uses.

We are now proposing a completely different adaptive reuse plan utilizing the existing 2-story office building and four (4) unique but complimentary uses. They are:

- 56 For-sale residential condominium units within the existing larger office building
- A new medical office building relatively in the same place as the existing smaller medical office building along 92nd St.
- 23 For lease or for-sale units on bottom floor to utilize 'Live-Work' opportunities
- 187 Luxury residential apartment units (back 2-acre parcel only)



By keeping the existing larger office-building on the parcel, pedestrians and vehicles on 92<sup>nd</sup> Street will maintain the sites current developed character while blocking a majority of the new residential apartment building to the east as they will be unable to see over it. The redesign ensures a minimalistic, sustainable approach to the current obsolete office building complex while maintaining the brick theme design and character of the adjacent, connected shopping center.

More important, the current parcels with the existing office buildings were approved with a PUD zoning and development plan in 2013 (Case 6-ZN-2013) for a re-use of the existing buildings for approximately 59 dwelling units within the larger office building. Refer to *Tab 1* for a comparison between the approved 2013 PUD development plan and the proposed site plan for the existing office parcels. The current proposal is consistent with that approved development plan with only minor changes to the number of residential dwelling units (56 to 79) and a reconfiguration (new) of the smaller office building along 92<sup>nd</sup> Street.

The current shared rear drive aisle behind the commercial shopping center to the north will remain. Therefore, ingress/egress in the new the site plan has changed from the previous two (2) cases by not redirecting the commercial traffic to a new main drive aisle at Cochise Drive and 92<sup>nd</sup> Street. Again, this design feature is to ensure the redevelopment of the site has minimal to no public perceived changes to the long-standing now vacant office buildings.

A new residential building will be placed on the vacant two-acre lot to the east of the existing abandoned office building site. This stand-alone building will have underground parking and four (4) floors of residential units. By maintaining the existing larger vacant office building, the proposed residential building on the back two-acre parcel will be hardly visible from passersby on 92<sup>nd</sup> Street.

The previous two cases included rezoning a portion of the southern shops space of the adjacent commercial center to provide the mixture of uses required of the PUD zoning district. This request has been removed from consideration as part of the revamped application. Thus, the Sprouts Center is not part of the zoning request. By removing the Sprouts Center from the proposal, there would no longer be the need to amend the General Plan for that portion of the commercial center to the Mixed-Use land use designation and rezone to PUD.

In addition, the removal of the existing small medical office building closest to 92<sup>nd</sup> Street will be replaced with new medical office/mixed-use residential building. The new medical office on the bottom floor will use the existing surface parking that will now be retained. Finally, the prior cases contemplated an access easement for the vacant land further to the east of the Ironwood properties. This is no longer contemplated or necessary for this proposal.

As described above, the new proposal is not the same project the Planning Commission reviewed back on November 9, 2002, for the 2022 Cases. Refer to *Tab 2* for a comparison of the 2022 Cases and the revised proposal. Thus, we request approval to resubmit a new case as described above. Refer to *Tab 3* for a breakdown of the changes made from the 2022 Cases. The Planning Commission's determination would allow us to create the site plans, elevations, perspectives and other documents to demonstrate to the City the significant changes that were made and reconsider the land use request for the non-major General Plan amendment (rear two-acre parcel only), rezoning and Development Plan amendments.



The request before you is not to approve of or comment on the merits of the case, but only to acknowledge that the new proposal is 'not the same proposal' the Commission heard back in November 2022 per the requirements of Section 1.705 of the City's zoning ordinance.

Thank you for your time regarding this important matter and decision for the future of the Property.

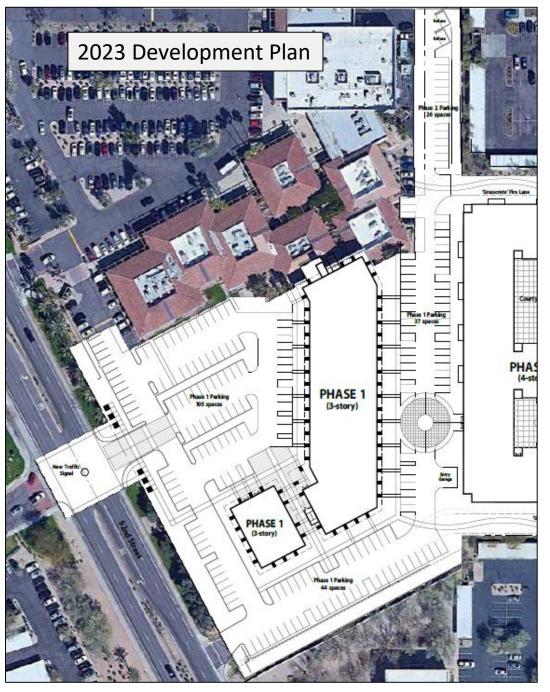
Sincerely,

Kurt Jones,

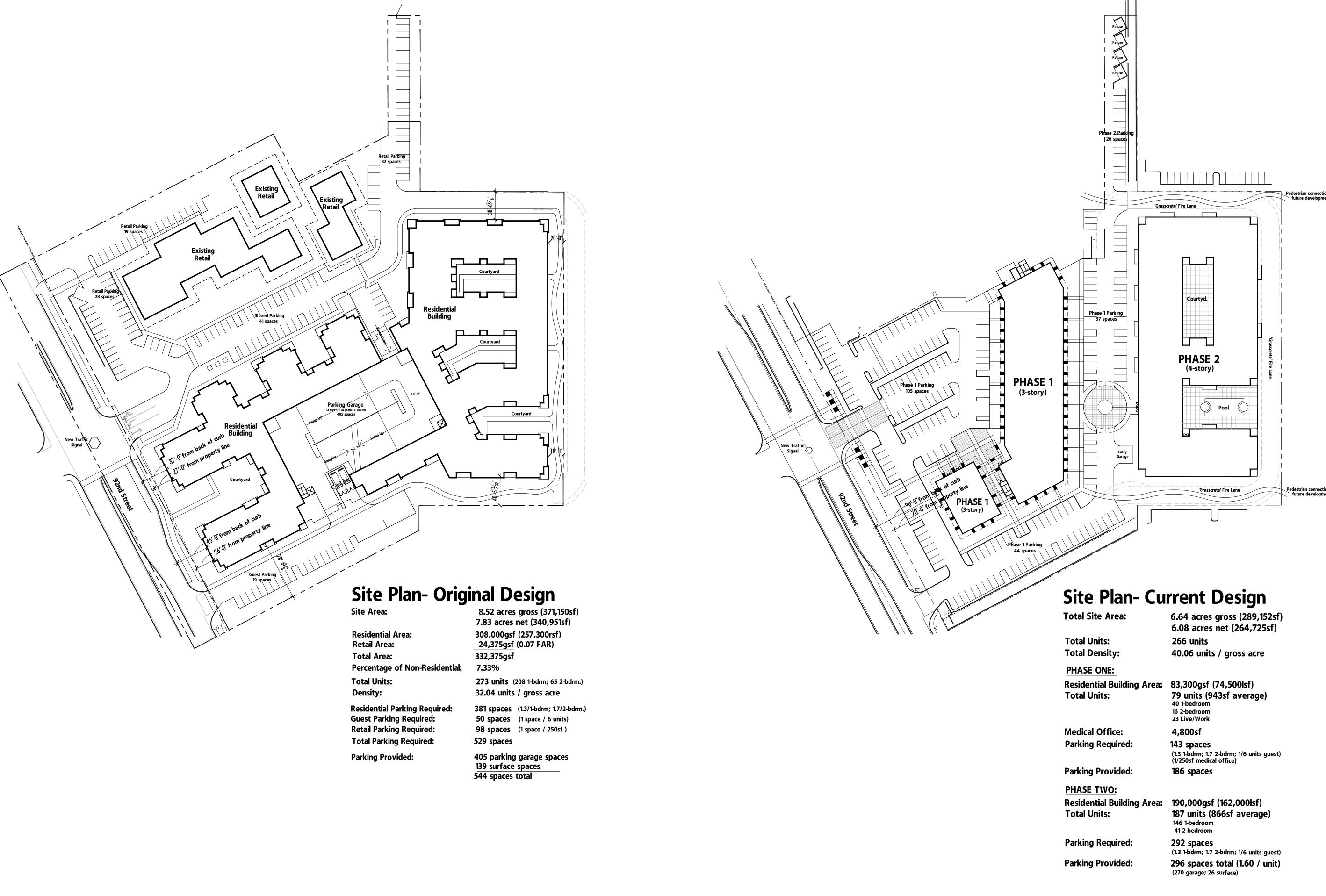
Senior Planner

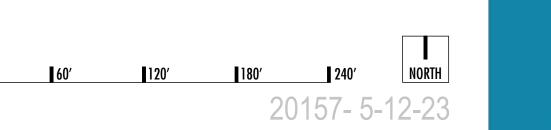
# **TAB 1**

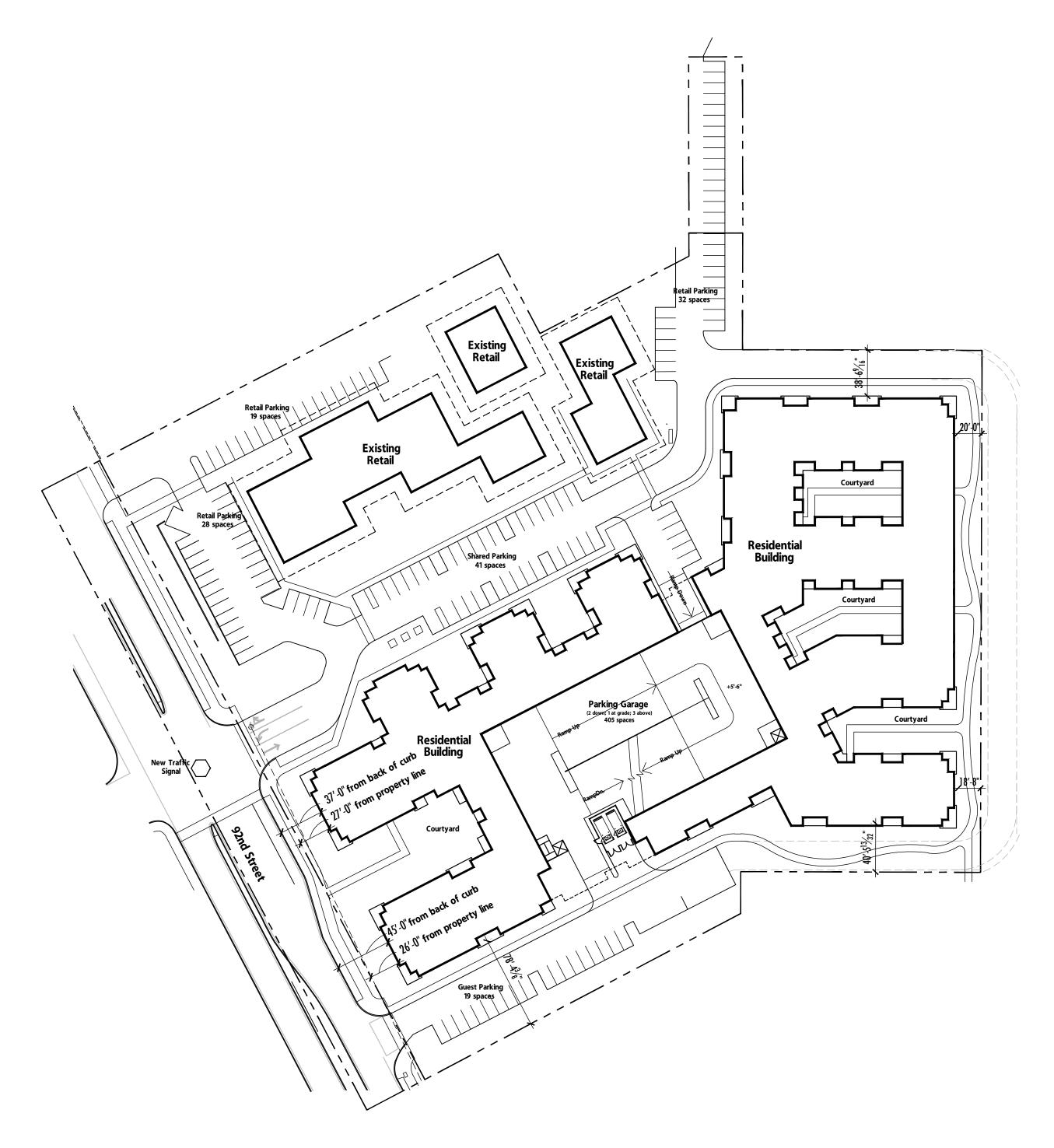




## **TAB 2**







### Parking- Original Design

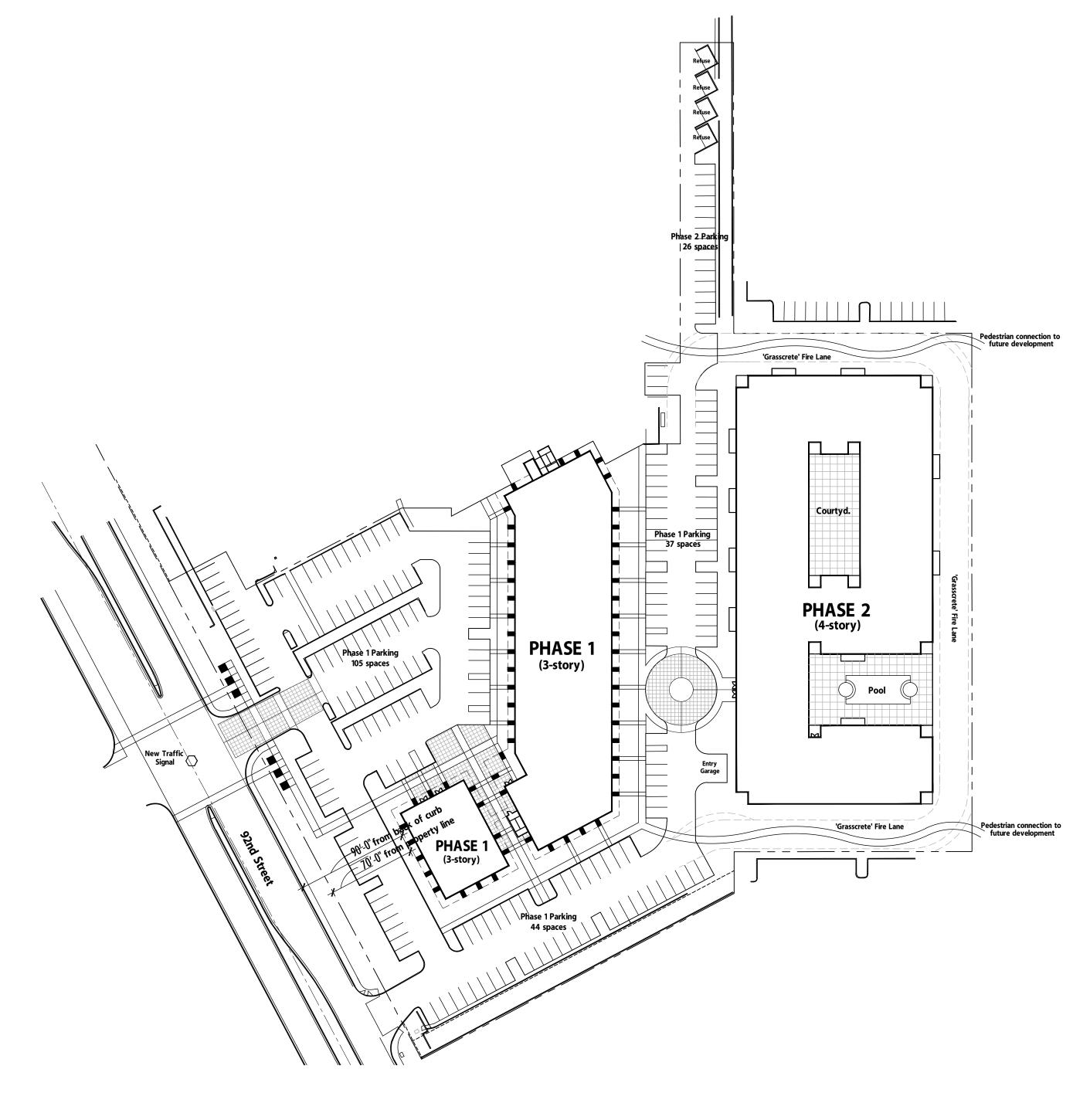
Residential Parking Required: **Guest Parking Required:** Retail Parking Required: **Total Parking Required:** 

**Parking Provided:** 

**381 spaces** (1.3/1-bdrm; 1.7/2-bdrm.) 50 spaces (1 space / 6 units) 98 spaces (1 space / 250sf)

529 spaces

405 parking garage spaces
139 surface spaces 544 spaces total



### Parking- Current Design

PHASE ONE:
Parking Required:

143 spaces (1.3 1-bdrm; 1.7 2-bdrm; 1/6 units guest) (1/250sf medical office)

**Parking Provided:** 186 spaces

**PHASE TWO:** Parking Required:

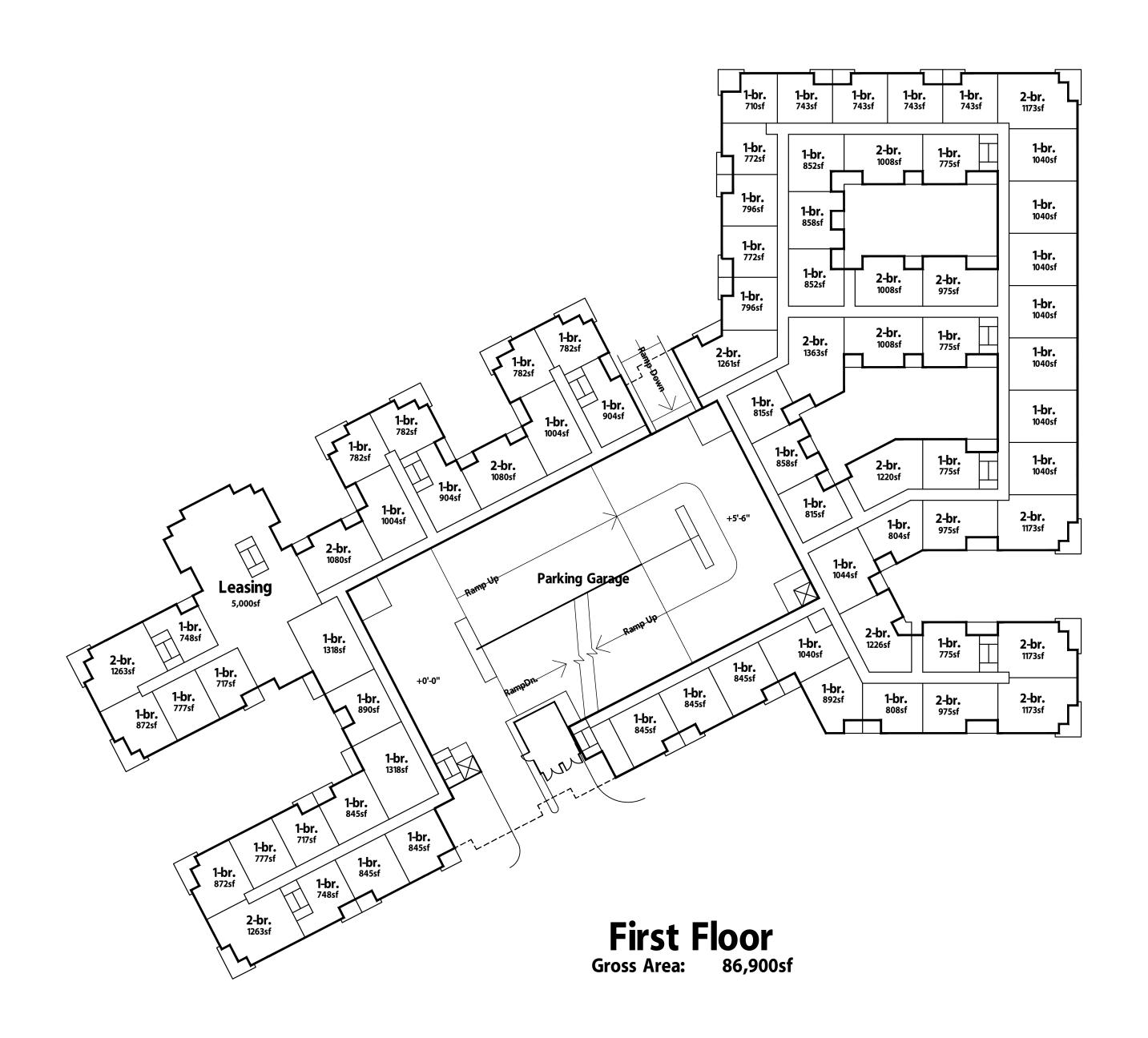
292 spaces

(1.3 1-bdrm; 1.7 2-bdrm; 1/6 units guest) 296 spaces total (1.60 / unit)
(270 garage; 26 surface) **Parking Provided:** 

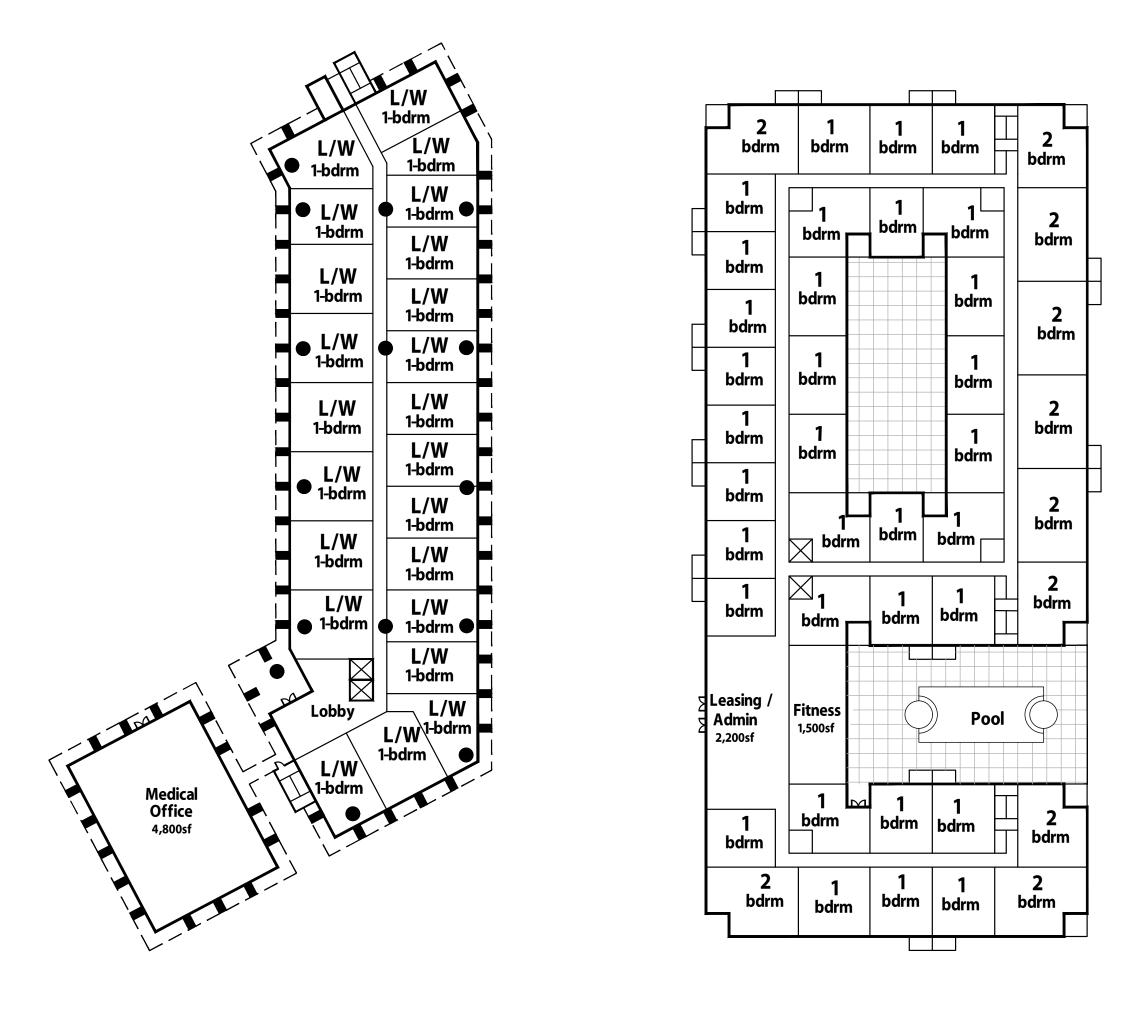




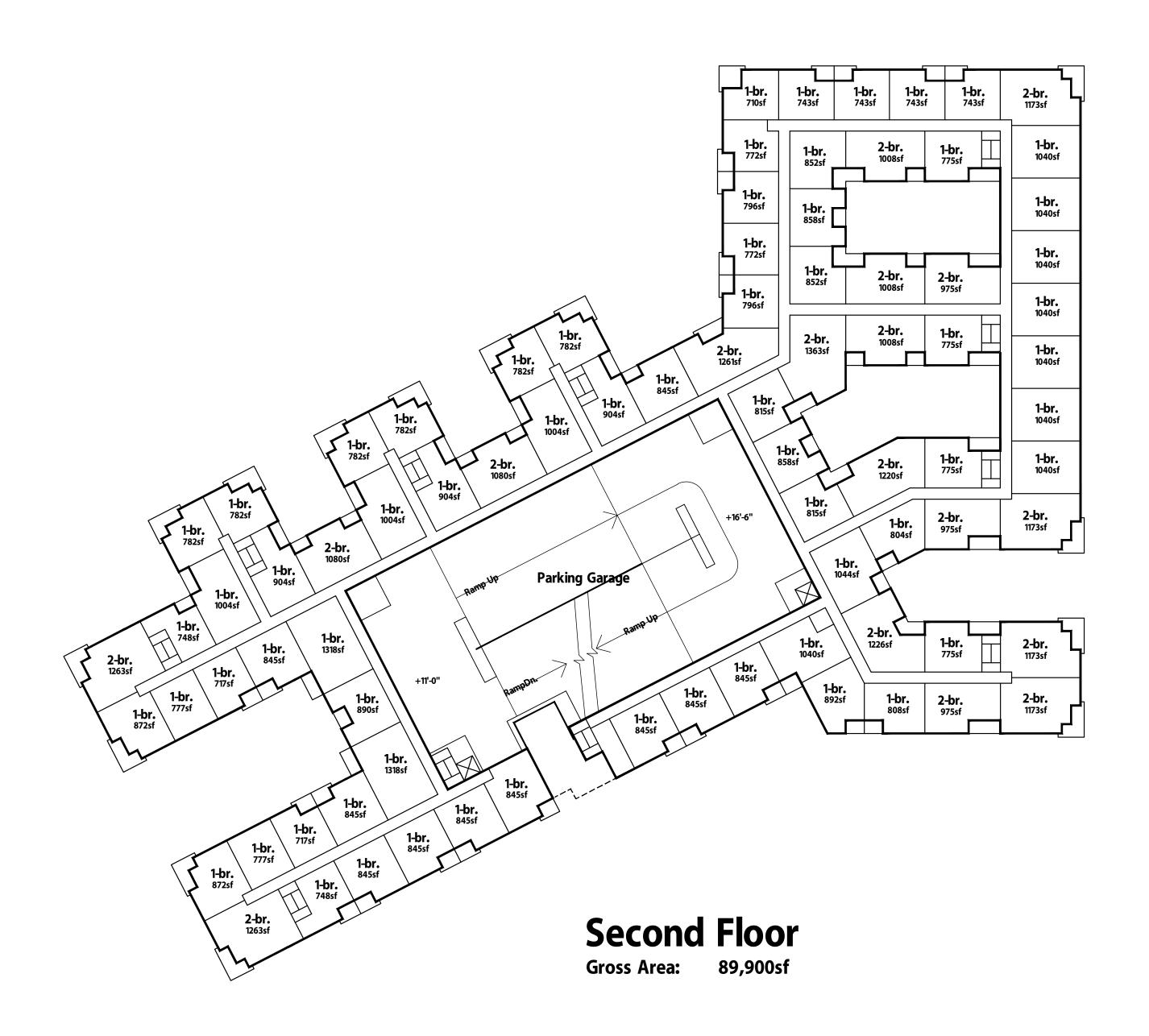




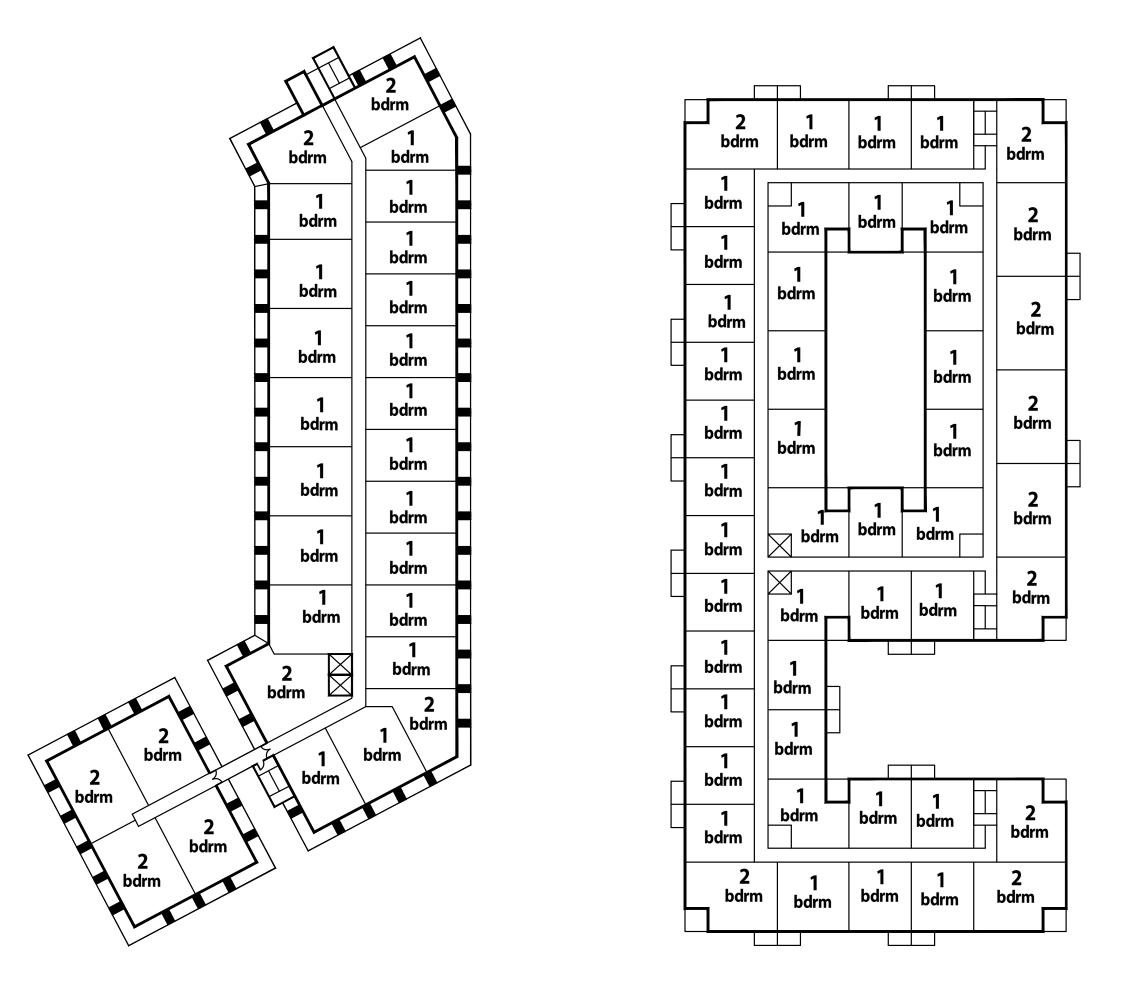
**Original Design** 



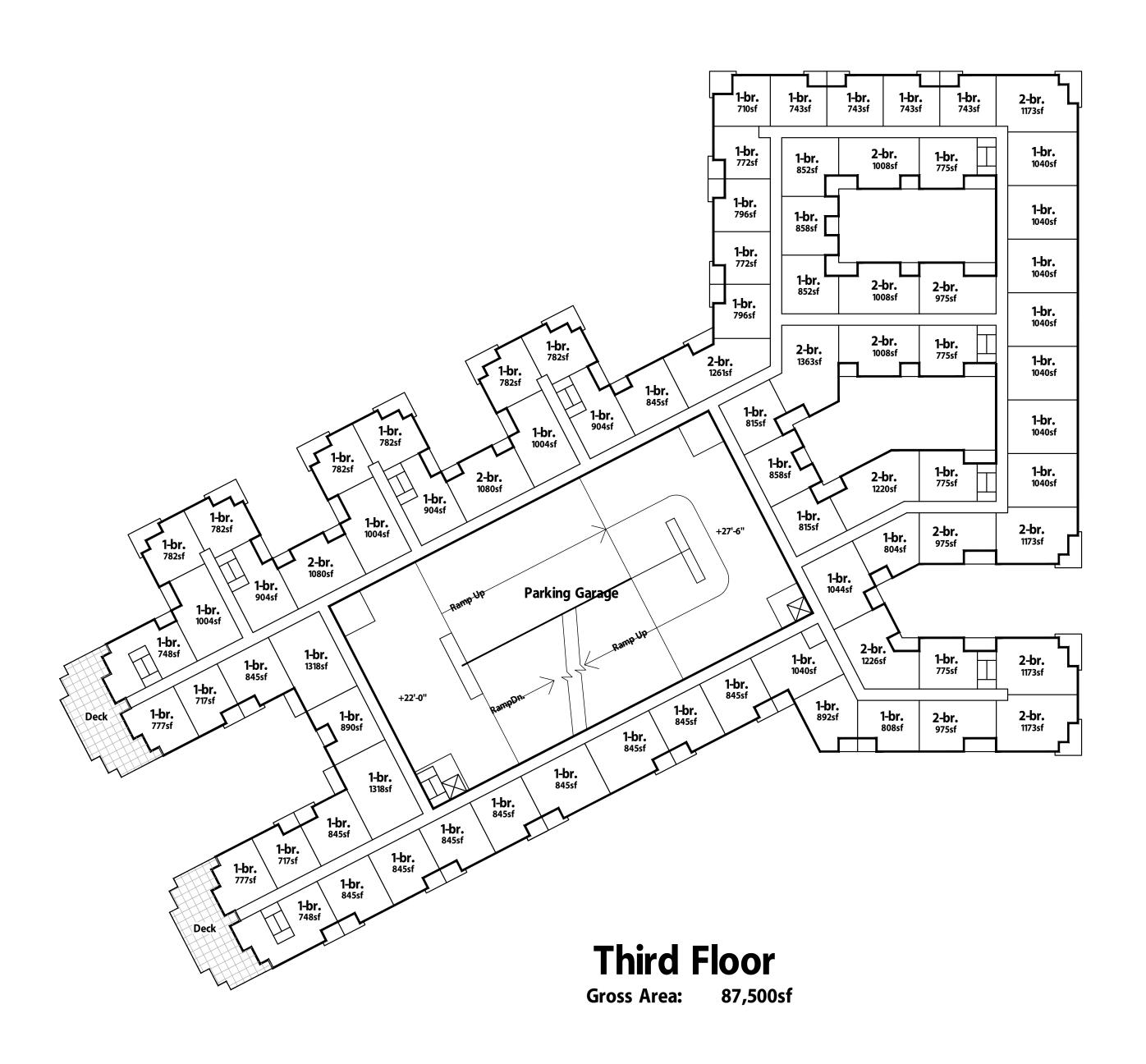
First Floor
Gross Area: 77,300sf



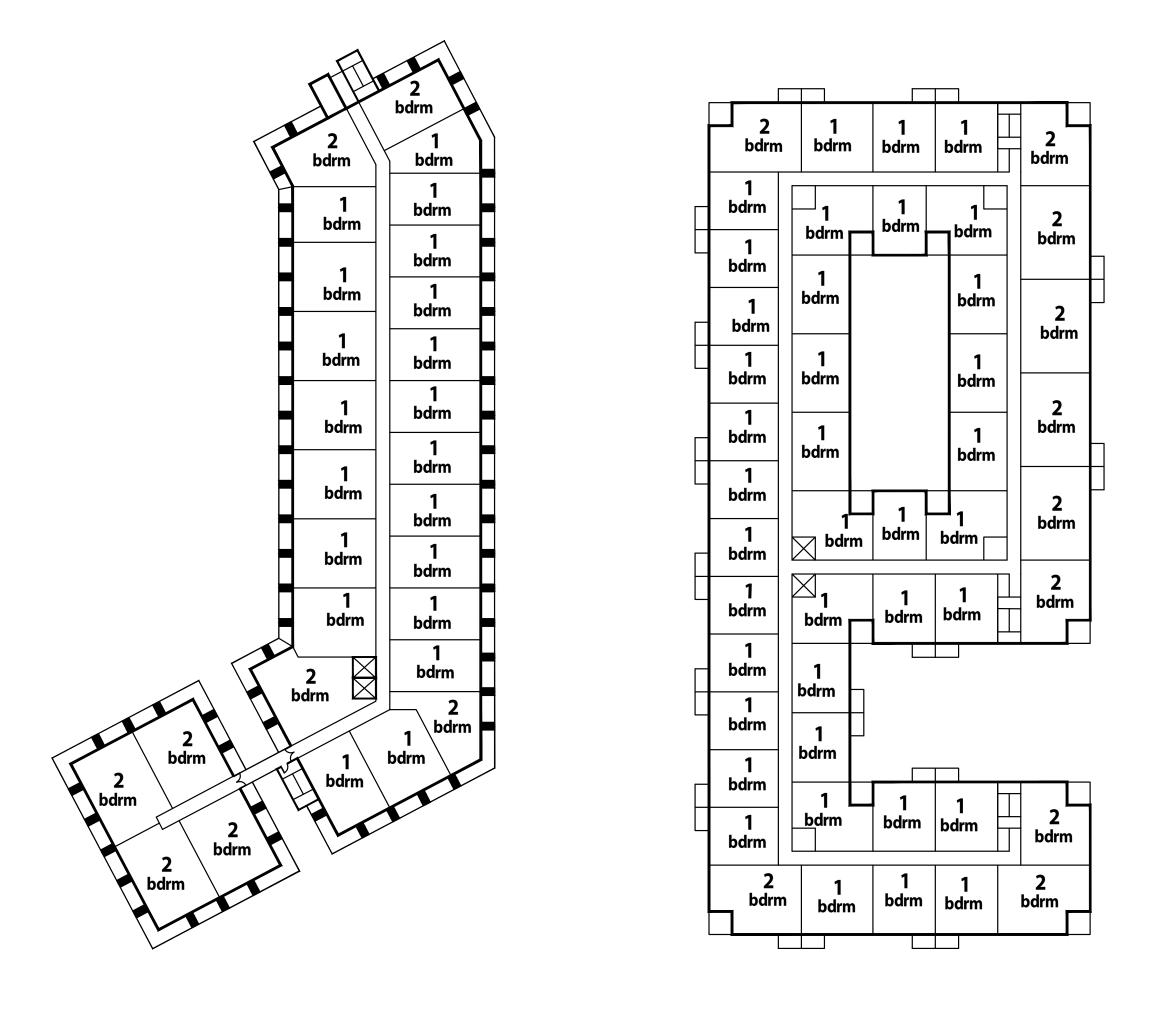
**Original Design** 



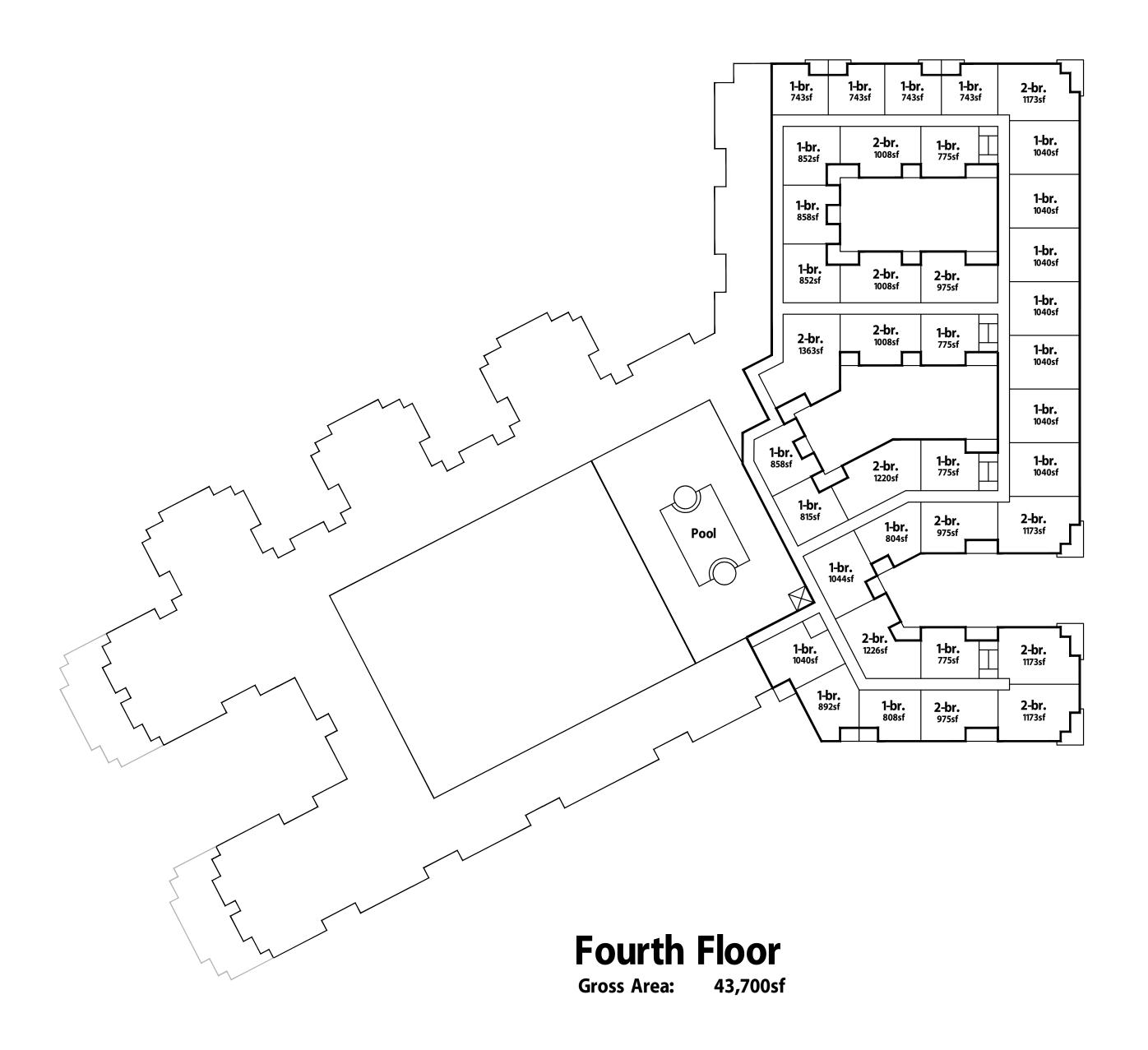
Second Floor
Gross Area: 77,300sf



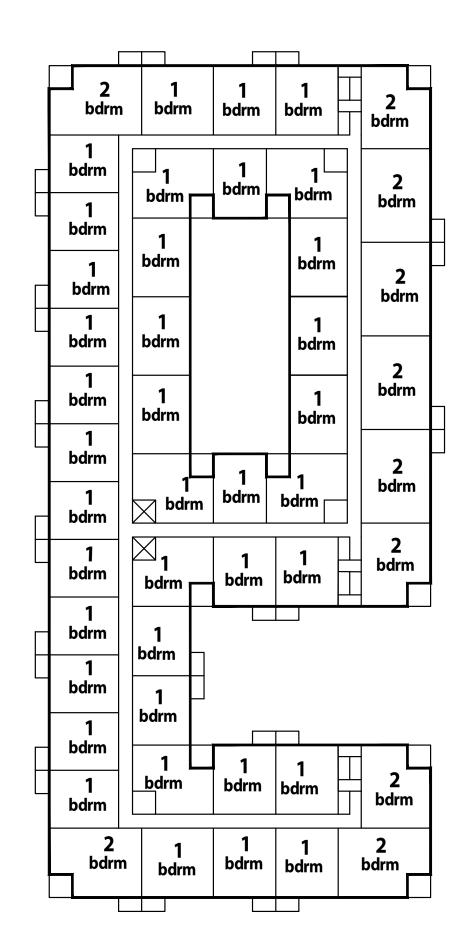
**Original Design** 



Third Floor
Gross Area: 77,300sf



**Original Design** 



Fourth Floor
Gross Area: 47,500sf

## TAB 3

#### Mercado Courtyards - 5/17/2023

#### 2022 Proposal

#### 2023 NEW Application

Plan	100% New Construction	Adaptive Reuse New MF on East Parcel
USES	Two - Apartments and new commercial	Four - For-Sale Residential; Apartments; Live-Work; Medical Office
	Apartments 273	Apartments 187 Condominiums 56 Medical Office 4,800 sqft can be leased or sold Live Work 23 can be leased or sold
New Traffic Signal	YES	YES
Sprouts CTR.	Included in rezone	Not included in rezoning
Parcels East of Ironwood	Vehicular and Pedestrian cross access Shared fire lane	No vehicular cross access No shared fire lane
Buildings	One	Three
Zoning	Amend PUD and add two (2) parcels to PUD	Amend approved development plan* and rezone C-O to PUD
Parking	95% in 4 story new above ground deck	Reuse of 100% of exisiting surface spaces and new 2 level underground on vacant east lot
Height	92nd Roof -34 Mech -40 East Roof -44 Mech-50	92nd Roof- 32 (Setback is greater from 92nd St. Mech - 32 East Roof- 44 Mech-50

<sup>\*</sup> Case 6-ZN-2013 approved re-use of the existing, vacant building for approx. 59 dwelling units and retaining the medical office building on 92nd street.

From: <u>Jessica Batory</u>
To: <u>Barnes, Jeff</u>

**Subject:** Re: Reguest 10301 N 92nd Street (Mercado Courtyards)

**Date:** Sunday, May 21, 2023 2:19:55 PM

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

Thank you for sharing! I appreciate the updates and would like to see additional reduction in height and where water efficiency would be.

On Fri, May 19, 2023 at 2:14 PM Barnes, Jeff < JBarnes@scottsdaleaz.gov > wrote:

You are receiving this email because you had previously expressed interest in the development proposal(s) on the property located at 10301 N 92<sup>nd</sup> Street (Mercado Courtyards).

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By law, the applicant is entitled to submit this request and the City is obligated to process this request.

Attached for your reference is a PDF of the applicant's submitted request for consideration by the Planning Commission on this matter of acceptance. Should you have questions about the specifics of the new proposal, the applicant contact information is as follows:

**Kurt Jones** 

Senior Planner

An agenda for the upcoming June 14, 2023 Planning Commission meeting will be posted 7 days prior on the Planning Commission's webpage: https://www.scottsdaleaz.gov/boards/planning-commission  Jeff Barnes Senior Planner City of Scottsdale Planning & Development Services ibarnes@scottsdaleaz.gov (480) 312-2376  Checkoul Our Online Services: https://www.scottsdoleaz.gov/planning-development	Tiffany & Bosco P.A.
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Senior Planner  City of Scottsdale  Planning & Development Services  jbarnes@scottsdaleaz.gov  (480) 312-2376  Checkout Our Online Services:  • Explore our Planning and Development Services page:	
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Planning & Development Services  jbarnes@scottsdaleaz.gov  (480) 312-2376  Checkout Our Online Services:  • Explore our Planning and Development Services page:	Senior Planner
<pre>ibarnes@scottsdaleaz.gov (480) 312-2376  Checkout Our Online Services: • Explore our Planning and Development Services page:</pre>	City of Scottsdale
(480) 312-2376  Checkout Our Online Services:  • Explore our Planning and Development Services page:	Planning & Development Services
Checkout Our Online Services:  • Explore our Planning and Development Services page:	<u>jbarnes@scottsdaleaz.gov</u>
Explore our Planning and Development Services page:	(480) 312-2376
	Checkout Our Online Services:
https://www.scottsdaleaz.gov/planning-development	Explore our Planning and Development Services page:
	https://www.scottsdaleaz.gov/planning-development

From: <u>Joel Broder</u>
To: <u>Barnes, Jeff</u>

**Subject:** RE: Request 10301 N 92nd Street (Mercado Courtyards)

**Date:** Friday, May 19, 2023 2:58:01 PM

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

Jeff, as the person who originally rezoned the site to mixed-use, and lives in Scottsdale Ranch for 25+ years, I have a unique perspective.

I think this is a huge step in the right direction. But I don't think they have worked out the vehicular access issues yet. And I think it would be a big missed opportunity not to incorporate the new multifamily with 9400 Shea (although I guess they would have pedestrian connection).

In any event, I think they should be allowed to bring it back to P&Z with a stipulation. That the timing is done to maximize the number of neighbors who are aware of the project and can participate in the process. Having this unfold in summer will limit, alienate and infuriate neighbors. And the P&Z should condition the approval to refile on a specific public input process (i.e. where, when and how many meetings, how advertised, etc.).

Thanks for sending me this email.

#### Joel Broder

Principal

VISIQUEST PROPERTIES

602-524-8588 Cell

480-767-1330 Off

www.Visiquest.us

LinkedIn Profile

**From:** Barnes, Jeff <JBarnes@Scottsdaleaz.gov>

**Sent:** Friday, May 19, 2023 2:14 PM

Subject: Request 10301 N 92nd Street (Mercado Courtyards)

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Kurt Jones Senior Planner Tiffany & Bosco P.A. 602-452-2729 kajones@tblaw.com

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Jeff Barnes Senior Planner City of Scottsdale Planning & Development Services jbarnes@scottsdaleaz.gov (480) 312-2376

#### **Checkout Our Online Services:**

 Explore our Planning and Development Services page: https://www.scottsdaleaz.gov/planning-development From: Jim Bushlow
To: Barnes, Jeff

**Subject:** new proposal for mercado courtyards . **Date:** Friday, May 19, 2023 2:19:44 PM

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

Thank you for contacting me about this . The people have made themselves clear about this ridiculous and totally unneeded project . Please use your authority to decline the developer's proposal .

Thank you , James Bushlow 6927 East Gary Rd. Scottsdale From: Kurth, Rebecca

To: <u>Dhayes@treanllc.com</u>; <u>City Council</u>

Cc: Barnes, Jeff

**Subject:** RE: Request 10301 N 92nd Street (Mercado Courtyards)

**Date:** Wednesday, May 24, 2023 10:59:16 AM

Good Morning Mr. Hayes,

Thank you for contacting the City Council with your thoughts on this topic. On June 14, 2023, the Scottsdale Planning Commission will be considering a request by an applicant for the consideration of the acceptance of a new application at the site of a previously denied application (Mercado Courtyards). If determined by the Planning Commission to be the same proposal and accepted, or if determined to be a different proposal, the applicant will then be able to submit new development application(s) soon thereafter to begin the review and public hearing process again. If determined by the Planning Commission to be the same proposal and refused, the applicant will need to wait until November 10, 2023, to submit the new development application(s).

Respectfully,

Rebecca Kurth

Rebecca Kurth | Management Assistant to Mayor & City Council City of Scottsdale | Office of Mayor David D. Ortega 480.312.7977 | rkurth@scottsdaleaz.gov

----Original Message-----

From: Dhayes@treanllc.com <dhayes@treanllc.com>

Sent: Wednesday, May 24, 2023 9:37 AM

To: City Council < CityCouncil@scottsdaleaz.gov>

Subject: Request 10301 N 92nd Street (Mercado Courtyards)

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

This developer has already been turned down and now they come back with the same proposal.

The proposal was turned down because the public are vehemently opposed.

What are the developers trying to do? Wear the public out so they can get their way?

I urge you to reject this proposal again.

Desmond Hayes 10148 E Topaz Dr

Sent from my iPad

From: <u>Carolyn Kinville</u>
To: <u>Barnes, Jeff</u>

**Subject:** FW: Request 10301 N 92nd Street (Mercado Courtyards)

**Date:** Friday, May 19, 2023 4:51:47 PM **Attachments:** Consideration Request Narrative.pdf

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

Thank you Mr. Barnes. I am familiar with this area as my urologist's office was located here. My personal view is that even with the proposed changes there is still too much construction in a small area. Further, 187 <u>luxury residential apartments</u> terminology bothers me, especially the word <u>luxury.</u>

Carolyn Kinville

From: Barnes, Jeff <JBarnes@Scottsdaleaz.gov>

**Sent:** Friday, May 19, 2023 2:14 PM

**Subject:** Request 10301 N 92nd Street (Mercado Courtyards)

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Jeff Barnes Senior Planner City of Scottsdale Planning & Development Services jbarnes@scottsdaleaz.gov (480) 312-2376

#### **Checkout Our Online Services:**

 Explore our Planning and Development Services page: https://www.scottsdaleaz.gov/planning-development From: <u>Krasnow Diana</u>
To: <u>Barnes, Jeff</u>

**Subject:** Re: Reguest 10301 N 92nd Street (Mercado Courtyards)

**Date:** Friday, May 19, 2023 7:53:11 PM

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

Thank you for sending this. I am still not a fan of a four-story apartment complex in that area that is already congested whether they decrease the number of units or not.

#### Diana Krasnow

On May 19, 2023, at 2:13 PM, Barnes, Jeff < <u>JBarnes@Scottsdaleaz.gov</u>> wrote:

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#### kajones@tblaw.com

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**Jeff Barnes Senior Planner City of Scottsdale** Planning & Development Services jbarnes@scottsdaleaz.gov (480) 312-2376

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<Consideration Request Narrative.pdf>

From: <u>Earl McCurdy</u>
To: <u>Barnes, Jeff</u>

**Subject:** Re: Reguest 10301 N 92nd Street (Mercado Courtyards)

**Date:** Friday, May 19, 2023 2:29:10 PM

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

They are determined to F the neighborhood and home owners and overcrowd the area with people and cars that will devalue our area. Help save our neighborhood!!!! Earl

Sent from my iPhone

On May 19, 2023, at 2:18 PM, Barnes, Jeff < JBarnes@scottsdaleaz.gov> wrote:

**WARNING: External Email** 

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#### **Jeff Barnes**

Senior Planner City of Scottsdale Planning & Development Services <u>ibarnes@scottsdaleaz.gov</u> (480) 312-2376

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<Consideration Request Narrative.pdf>

From: Bonnie

To: Barnes, Jeff; kajones@tblaw.com
Cc: Solange Whitehead; Littlefield, Kathy

Subject: Re: Request 10301 N 92nd Street (Mercado Courtyards)

Date: Friday, May 19, 2023 5:17:22 PM
Attachments: Consideration Request Narrative.pdf

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

Thank you for your explanation regarding your proposal. Please note for your client that anything involving more residential units is something I am vehemently against, as are the majority of Scottsdale residents who have concerns like myself that projects like these further increase traffic issues with our already over congested roads and are a burden to our already over stressed water supply. Residents are currently being urged to take out grass and limit our water use, with the knowledge also that the scarcity of water in the near future will drive up cost for this precious commodity and you wish to add an inordinate number of dwelling units to further add to water demands that are not sustainable into the future This is a poor plan not only for Scottsdale traffic and water supply but also a poor plan for those of us that are concerned about development and it's impact on for the environment.

If you insist on the development of this particular parcel of land so close to the hospital, your efforts would be better served in the direction of medical use development that would support our wonderful hospital system, which is also already over stressed with the amount of residents it serves.

Many residents will fight your current proposal that is short sided and inconsiderate of Scottsdale residents. It is obvious that the developers real plan is only to make money, not a plan make this a better place to live.

Sincerely,

Bonnie O'Day

On May 19, 2023, at 2:14 PM, Barnes, Jeff < JBarnes@scottsdaleaz.gov> wrote:

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Jeff Barnes
Senior Planner
City of Scottsdale
Planning & Development Services
jbarnes@scottsdaleaz.gov
(480) 312-2376

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 Explore our Planning and Development Services page: https://www.scottsdaleaz.gov/planning-development From: <u>Mike Reithinger</u>

To: solangeforscottsdale@gmail.com

Cc: Barnes, Jeff

**Subject:** FW: Request 10301 N 92nd Street (Mercado Courtyards)

Date: Friday, May 19, 2023 3:02:30 PM
Attachments: Consideration Request Narrative.pdf

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

Hello Ms Whitehead.

From time to time I receive e-mails on matters affecting our city that are just irritating. I'm forwarding this one because it is about an attempted end-run on the Mercado Courtyards development, an issue which I thought was resolved/nixed/dead! I have not read the included PDF on the "new proposal". I will leave it to you and the other concerned council members to make sense of it and let us know if we need another citzen meeting to show our opposition.

Thank you, Mike Reithinger

**From:** Barnes, Jeff [mailto:JBarnes@Scottsdaleaz.gov]

**Sent:** Friday, May 19, 2023 2:14 PM

**Subject:** Request 10301 N 92nd Street (Mercado Courtyards)

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From: <u>Joan Levin Sacks</u>
To: <u>Barnes, Jeff</u>

Cc: David; Caren Berk; Michele Gusdorff; Michelle Lopez; sabrahouselcsw; Stacey C; Mark Chulew; michael; SHERI

MARION; Michael Marion; Joan Neiman

**Subject:** Re: Reguest 10301 N 92nd Street (Mercado Courtyards)

**Date:** Friday, May 19, 2023 8:22:58 PM

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

Hello Mr. Barnes, Thank you for being in touch concerning such an important topic. Currently, our wonderful City of Scottsdale has too much traffic & the intersection of 92nd Street & Shea Blvd., is already crowded & a vehicle and pedestrian nightmare. We are a city that most cities envy. Our tax base is huge. Between all of our hotels, restaurants, Westworld, our state of the art airport & airpark, professional baseball fields, hospitals, etc., etc. The congestion at the Walmart Center with more apartments & less parking is a hazard. Please, we don't need or want anymore development at 92nd & Shea. Thank you for your most needed consideration. Warmest regards, Joan Levin Sacks, 12039 E Mercer Lane, Scottsdale, 85259

On May 19, 2023, at 2:13 PM, Barnes, Jeff < <u>JBarnes@Scottsdaleaz.gov</u>> wrote:

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