

CITY COUNCIL REPORT



Meeting Date: August 19, 2013
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

The Residences at the Borgata 7-GP-2012 and 18-ZN-2012

Request to consider the following:

1. Adopt Resolution No. 9494 approving a Non-Major General Plan amendment to the City of Scottsdale General Plan 2001 from Commercial Land Use Designation to Mixed Use Land Use Designation on 4.77 +/- acres of a 6.85 +/- acre site located at 6166 N. Scottsdale Road.
2. Adopt Ordinance No. 4101 approving a zoning district map amendment from Central Business District (C-2) to Planned Unit Development (PUD) district with approval of a Development Plan and Amended Development Standards, finding that the Planned Unit Development (PUD) District criteria have been met, and determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan to redevelop existing commercial buildings into 4-story building containing 218 residences on 4.77 +/- acres of a 6.85 +/- acre site located at 6166 N. Scottsdale Road.
3. Adopt Resolution No. 9459 declaring "Residences at the Borgata Development Plan Public Record," as a public record.

OWNER

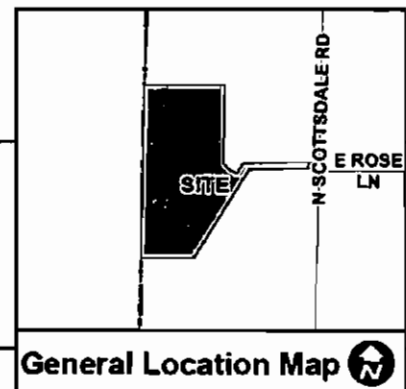
AV Homes, LLC
 480-646-5388

APPLICANT CONTACT

John Berry
 Berry, Riddell and Rosensteel, LLC
 480-385-2727

LOCATION

6166 N Scottsdale Rd



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Commercial. This category includes areas designated for 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.

Character Area Plan

The site is located within the boundaries of South Scottsdale Character Area Plan (SSCAP), which identifies the property as being located within Southern Scottsdale's Resort Corridor. The SSCAP encourages reinvestment of aging properties within this area, and acknowledges a need for a diversity of housing choice.

Zoning

The site is currently zoned Central Business District (C-2), which is intended to permit most types of commercial activities and includes the sale of commodities and performance of services for a larger segment of population than the average neighborhood.

The City Council, in June 2009, approved the creation of the Planned Unit Development (PUD) zoning district which 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.

The purpose of the request for a zoning map amendment from C-2 to PUD is to take advantage of development opportunities, afforded by the PUD zoning district, that are not provided in the C-2 district. For example, the existing C-2 zoning designation allows most commercial, retail and service uses, but limits residential uses and limits building height to 36 feet. The requested PUD zoning designation allows a multi-family residential use and a maximum building height of 48 feet plus 10 feet of architecturally screened mechanical equipment.

Context

Located on the west side of Scottsdale Road, south of Lincoln Drive and north of McDonald Drive, the site is surrounded by numerous developments including residential, commercial retail, and restaurant uses.

Adjacent Uses and Zoning

- North Single-story, commercial retail uses in the Central Business (C-2) zoning district.
- South Two-story condominiums and Kerr Cultural Center in the Resort Residential (R-4R) zoning district.
- East Single-story commercial restaurants in the Central Business (C-2) zoning district.
- West Cottonwoods Resort in Paradise Valley.

Key Items for Consideration

- Two Major Amendments to Planned Unit Development (PUD) development standards.
- Planning Commission heard these cases on June 26, 2013 and recommended approval with a unanimous vote of 5-0.

Other Related Policies, References:

General Plan

Southern Scottsdale Character Plan

Zoning Ordinance

APPLICANTS PROPOSAL

Goal/Purpose of Request

The developer proposes to retain the existing C-2 zoning designation for the two restaurant buildings and parking on the east 2.08-acre portion of the existing Borgata shopping center site, and proposes to rezone the west 4.77-acre portion of the site and demolish the remaining commercial buildings thereon in order to construct 218 new multi-family residential units.

The easterly 2.08-acre C-2 zoned commercial portion of the site will retain a vehicular access point on Scottsdale Road and on Rose Lane (a private street), as well as the existing parking lot that fronts Scottsdale Road, Rose Lane, and the north side of the property. Additional parking spaces will be created along the west side of the existing restaurant buildings.

The westerly 4.77-acre PUD portion of the site will have two vehicular access points from Rose Lane leading to an 11-space surface parking lot, for visitors, on the east side of the residential buildings, and a subterranean parking garage for residents. A cross-access drive and easement is proposed to connect both the existing restaurants and proposed residential uses to the existing Lincoln Village shopping center to the north; however, this future connection will be incomplete until such time when the affected shopping center parking spaces and landscape planter can be converted to a drive aisle.

The easterly 2.08-acre commercial portion of the Borgata site will retain existing pedestrian access from Scottsdale Road and Rose Lane, and additional pedestrian connections will be provided from the commercial site to Rose Lane, Lincoln Village shopping center, and the proposed residences. The proposed residential portion of the site will offer multiple pedestrian connections to encourage passage through the residential site from the existing residential and cultural uses to the south and to the existing Lincoln Village shopping center to the north. All pedestrian connections will be minimum 6-foot-wide sidewalks, and enhanced paving will be provided in locations where pedestrians cross vehicular drive aisles.

The proposed residential site features more than four times the amount of common open space than is required by the zoning ordinance, including a central courtyard containing a pool, spa, fountain, fire pit, barbeque areas, shaded plaza space with seating areas, and a fitness facility. Additionally, publicly accessible open space will be available along the residences' Rose Lane frontage.

The 218 units will be dispersed throughout 3 separate buildings, proposed at 4 stories with a maximum height of 48 feet.

Development Information

- Existing Use: Borgata shopping center
- Proposed Use: Multi-family residential
- Parcel Size: 6.85 +/- acres to be subdivided into 4.77 acres +/- residential parcel and 2.08 +/- commercial parcel.
- Building Size: 262,480 square feet of residential proposed + 12,770 square feet of commercial buildings to be retained
- Building Height Allowed: 48 feet plus 10 feet architecturally integrated mechanical equipment
- Building Height Proposed: 48 feet plus 10 feet architecturally integrated mechanical equipment
- Parking Required: 300 spaces for proposed residential + 118 spaces for commercial buildings to be retained
- Parking Provided: 313 spaces for proposed residential + 118 spaces for commercial buildings to be retained
- Open Space Required: 20,764 square feet / 0.47 acres for proposed residential + 18,830 square feet/0.43 acres for commercial to be retained
- Open Space Provided: 94,570 square feet / 2.17 acres
- Density Allowed: Density determined by Development Plan
- Density Proposed: 45.74 dwelling units per gross acre (218 units)
- Max FAR Allowed: 0.80 (72,528 square feet) for remaining commercial
- FAR Proposed: 0.14 (12,770 square feet) for remaining commercial

IMPACT ANALYSIS

NON-MAJOR GENERAL PLAN AMENDMENT ANALYSIS

General Plan

The applicant is requesting a non-major amendment to the City of Scottsdale General Plan 2001 from the Commercial Land Use designation to the Mixed Use Neighborhoods Land Use designation on 4.77 +/- acres of a 6.85 +/- acre site located at the northwest corner of Scottsdale Road and Rose Lane. The applicant's request is recognized as a non-major amendment based upon criteria outlined in the City of Scottsdale General Plan 2001, specifically the Change in Land Use Category Table and the Area of Change Criteria outlined within the Land Use Element. A change in land use within the

City of Scottsdale from the Commercial Land Use designation to the Mixed Use Neighborhoods Land Use designation is found as keeping within the same “grouping” – Group E – on the Change in Land Use Category Table and does not constitute a Major General Plan amendment. The Area of Change Criteria states that any change in land use within this area of the city that includes 10 or more gross acres would constitute a Major General Plan amendment. The subject site is approximately 4.77 +/- gross acres and would not constitute a Major General Plan amendment.

The General Plan Land Use Element describes the Mixed Use Neighborhoods Land Use designation as areas within the community with *strong access to multiple modes of transportation and major regional access and services, and has 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.*

The proposal conforms to the General Plan description of Mixed Use Neighborhoods. The applicant proposes a residential condominium community with frontage to Scottsdale Road, a major arterial according to the 2008 Transportation Master Plan. Furthermore, Valley Metro local bus route 72 traverses perpendicular to the proposal’s frontage, thus allowing for another mode of transportation for future residents. Finally, the proposal includes approximately 45 dwellings per acre adjacent to established retail.

Policy Implications (Non-Major General Plan Amendment)

One of the Six Guiding Principles, established through the CityShape 2020 process and incorporated into the City of Scottsdale General Plan 2001, is “Enhance Neighborhoods”. This guiding principal acknowledges that Scottsdale’s residential and commercial neighborhoods are a major defining element of this community. It also acknowledges that Scottsdale is committed to maintaining and enhancing existing and future neighborhoods, and states that development, revitalization, and redevelopment decisions, including rezoning, must meet the needs of the neighborhoods in the context of broader community goals.

As such, the proposal is consistent with the 2001 General Plan and implements the following goals:

Land Use

- Goal 6: Promote land use patterns that conserve resources, such as land, clean air, water, and energy, and serve all people, within the community.
- Goal 7: Sensitively integrate land uses into the surrounding physical and natural environments, the neighborhood setting, and the neighborhood itself.
- Goal 9: Provide a broad variety of land uses that create a high level of synergy within mixed-use neighborhoods.

Economic Vitality

- Goal 7: Sustain the long-term economic well-being of the city and its citizens through redevelopment and revitalization efforts.

Housing

- Goal 2: Seek a variety of housing options that blend with the character of the surrounding community.

Neighborhoods

- Goal 2: Use redevelopment and revitalization efforts to provide for the long-term stability of Scottsdale's mature residential and commercial neighborhoods.

Preservation and Environmental Planning

- Goal 7: Promote local and regional efforts to improve air quality.
 - Policy: Use land use strategies, like creating "live, work, play" relationships or mixed-use structures to reduce air quality impact.

Community Mobility

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

The proposal achieves the goals and policies outlined above, by ensuring a compatible, mixed-use, multi-family redevelopment project. The project is in close proximity to established retail and can take advantage of several transportation connections. Consequently, a non-major amendment from the Commercial Land Use designation to the Mixed-Use Neighborhoods Land Use Designation for the subject property is supported by the 2001 General Plan.

Southern Scottsdale Character Area Plan

One of the established values represented in the Southern Scottsdale Character Area Plan expresses the need for reinvestment in residential and commercial properties, while another acknowledges a need for a diversity of housing choice. The proposal seeks to redevelop an existing commercial property as multi-family residential, thus creating more housing choice within the area. As such, the proposal is consistent with the Southern Scottsdale Character Area Plan and implements the following goals:

Land Use, Growth & activity Areas

- Goal LU 3: Promote revitalization, reinvestment, and development along Southern Scottsdale's Corridors.

Economic Vitality

- Goal EV1: Support reinvestment that updates and/or replaces aging commercial properties.

Housing

- Goal H 2: Embrace a wide range of housing options.

The proposal achieves the goals outlined above by promoting reinvestment within Southern Scottsdale's Resort Corridor, redeveloping the aging Borgata property, and providing new housing opportunities. Consequently, a non-major amendment from the Commercial Land Use designation to the Mixed-Use Neighborhoods Land Use Designation for the subject property is supported by the Southern Scottsdale Character Area Plan.

2007 Southern Scottsdale Strategic Recommendations by Gruen Gruen + Associates

In 2007, Gruen Gruen + Associates completed an assessment and forecast report on behalf of the City of Scottsdale. The report summarized the assessment and forecast of the market for retail and office uses in the Southern Scottsdale area. The report states that increased residential uses in the area, including multi-family residential, will appeal to major employers and the local labor force needed for such employers. "Improving the linkages between locations of jobs and housing opportunities and the resulting shorter commute potential will improve the competitive position of Southern Scottsdale as an office location." The process of rezoning obsolete uses to higher-density housing will ultimately help in providing for a wider employment base as well as provide for more patrons to Southern Scottsdale retail and restaurant uses.

2010 Citywide Development Forecast by Applied Economics

In 2009, the City of Scottsdale contracted with Applied Economics to perform forecasts for future development for all of Scottsdale. The study examined Scottsdale in three geographic areas-South, central and north Scottsdale. The South Sub-Area includes the portion of the City south of Indian Bend Road.

According to the study, the South Sub-Area contains a significant amount of land at values that have high "redevelopment potential in a recovering economy". This would allow for the redevelopment of roughly 166 acres to be converted from non-performing retail properties into higher density, urban residential housing. This projection would result in over 2,400 urban residential units being added in the South Sub-Area over the 20 years.

The full Development Forecast text can be found at:

http://www.scottsdaleaz.gov/Assets/Public+Website/generalplan/Development_Forecast_2011.pdf

Land Use Impact Model

Long-Range Planning Services uses a land use impact model to generally assess the impacts of potential changes in General Plan land use designations. The application of the model on the subject property as Mixed-Use Neighborhoods indicates that the change in land use classification would result in an increase in resident population of 516 people. The model indicates an increase of 92 school-aged students across grades K-12 and an increase of 211 workers. The subject property is provided water through EPCOR Utilities (formerly Arizona American Water Company) and therefore will not impact the City's water services. Traffic, according to the model, could generally decrease daily vehicle trips by 2,049 trips over the existing retail land use. Because the existing land use designation allows for a considerable range of use types, the actual increases in measured categories are at best an estimate and should not be considered conclusive.

Land Use

PUD Findings

Zoning Ordinance Section 5.5003.A.1 requires, 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 development promotes revitalization by converting the majority of an existing, struggling commercial center into a residential use that provides additional patrons to help sustain the neighboring commercial centers. In addition, the proposed development promotes the goals, policies and guidelines of the General Plan by providing existing and new residents with pedestrian amenities/connections to the neighboring commercial establishments.**
- 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 Central Business (C-2) district. The C-2 zoning district does not permit residential 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 site of the proposed development is located within a larger area containing a mixture of uses ranging from residential, retail, resort, office and other employment uses. The proposed multi-family development will be compatible with these adjacent uses and promote the stability and integrity of those uses by creating on-site transitions to the existing land uses. The proposed development will help stabilize the area by revitalizing the struggling commercial component with additional residents who will patronize existing businesses to strengthen the Resort Corridor along Scottsdale Road.**
- d. There are adequate infrastructure and city services to serve the development.
 - **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 nor within the boundaries of the Downtown Area.
 - **The proposed development is not located within an area zoned ESL or 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.
 - **The proposed development has a narrow extension that fronts onto a major arterial street, as defined by the Transportation Master Plan.**

Amended Development Standards

To encourage sensitivity to site conditions and provide flexibility in planning, an application for the PUD district may request to amend development standards of the PUD district, other than maximum building height. Any proposed amendments are divided into two types: Minor or

Major Amendments. The applicant is requesting two Major Amendments for consideration:

- 1. Building Setback.** The developer is requesting an amendment to reduce the required minimum setback along the private street from 25 feet to 20 feet, and to eliminate the requirement for an average 30-foot building setback.
 - The proposed amendment to the building setback pertains to the portion of the proposed building that is nearest to the existing two-story Alamos residential condominiums. At the narrowest point, the proposed building would be set back 20 feet from property line; therefore, the request is to amend the setback from 25 feet to 20 feet. The request to eliminate the average setback requirement is due to the curved road and varying building lines and dimensions along the Rose Lane frontage.
- 2. Building Envelope Abutting or Adjacent to a Residential Zoning District.** The developer is requesting an amendment to modify the building envelope of the proposed building to measure from a point 24 feet above the residential zoning district boundary, instead of directly at grade on the residential zoning district boundary.
 - The proposed amendment to the building envelope also pertains to the portion of the proposed building that is nearest to the existing two-story Alamos residential condominiums. The developer notes the gross square footage of the building area that encroaches into the setback is 5,225 square feet, approximately 2% of the total building area.

The applicant's request to encroach into the required building setback and building inclined setback plane represent significant encroachments. However, the Development Plan clarifies that the intent of the proposed amendments is to allow for a very small encroachment into the building setback and the building envelope from the south property line along the Rose Lane frontage. It is important to note that while the building setback along the west property line exceeds that which is required, the owner of the adjacent Cottonwoods Resort in Paradise Valley has expressed concern about the proposed setback and setbacks. As such, approving blanket amendments that could be applied to any portion of the property may not be advisable.

At the time of the writing of the staff report, based on staff's analysis, the exhibits provided by the developer did not conclusively define the relationship between the proposed building and the existing Alamos residences. The developer's request identifies that "The gross square footage of the building area that encroaches into the setback is only 5,225 square feet, which is roughly 2% of the total building area." In staff's analysis, the inclined setback does not affect the total building area. The analysis would more appropriately be based on the gross square footage of the building area that is beneath the inclined setback plane, and then determine the percentage of the gross square footage of the building area that encroaches beyond the inclined setback plane.

The more appropriate analysis described above will explain the impact of the major amendment that is proposed in the location of the setback plane, and allow the City Council to make a more informed decision regarding the proposal. In looking at the inclined setback exhibit, it's clear that the proposed encroachment would represent more than 10% of the overall gross

square footage of the building area that is beneath the inclined stepback plane; therefore, the requested amendment is considered a major rather than a minor amendment. However, the Commission was supportive of the building footprint and building envelope as depicted, and recommends to the City Council a stipulation that limits the encroachments to the building areas currently shown on the site plan, building elevations and building envelope exhibit (see attached Stipulation No. 1.b.)

On June 6, 2013 the Development Review Board also recommended approval of the applicant's proposed amended development standards after consideration of environmental and aesthetic impacts, with a recommendation to include a stipulation that limits the encroachments to the building areas currently shown on the site plan, building elevations and building envelope exhibits. The Development Review Board report findings and minutes are attached.

Traffic

Approval of the proposed Development Plan under the proposing zoning district will generate an estimated 1,450 trips per day, with approximately 111 trips generated in the a.m. peak hour and 138 trips generated in the p.m. peak hour. This represents a decrease of approximately 2,049 trips per day over the existing Specialty Retail land use. With the addition of the proposed site generated traffic, operations at the intersection of Scottsdale Road and Rose Lane will continue to operate at acceptable levels. The proposed mixture of residential and restaurant land use for the overall site, immediately adjacent to neighborhood serving retail uses and office uses, will reduce some of the potential site-generated traffic due to the natural interaction of these land uses.

Water/Sewer

The subject property is provided water through EPCOR Utilities (formerly Arizona American Water Company) and therefore will not impact the City's water services. The City's Water Resources has reviewed the application and finds there are adequate sewer facilities for the proposed use.

Public Safety

The City's public safety departments have reviewed the application and find that there is adequate ability to provide fire and police services for the proposed use. No impacts are anticipated as a result of the proposed rezoning request.

School District Comments/Review

The owner has notified the Scottsdale Unified School District of the proposed request, and the School District has confirmed that there are adequate facilities to accommodate the proposed use.

Open Space

The proposed residential site features more than four times the amount of common open space than is required by the zoning ordinance, including a central courtyard containing a pool, spa, fountain, fire pit, barbeque areas, shaded plaza space with seating areas, and a fitness facility. Additionally, publicly accessible open space will be available along the residences' Rose Lane

frontage.

Community Involvement

The applicant has sent notice to all property owners within 750 feet of the site and hosted an open house meeting on March 7, 2013 to seek input regarding the proposed project. Staff has received several letters from the public expressing opposition to the proposed project (attached), generally citing concerns that the existing Borgata commercial shopping center should not be demolished.

Policy Implications

The Planned Unit Development (PUD) District is intended as a tool to help implement the City's goals of the General Plan's Mixed Use Neighborhoods land use designation. The PUD zoning district provides for that purpose by allowing a mix of uses within the same district, while also allowing for development flexibility through the use of amended development standards. Most amended development standards requests are for flexibility in setbacks, stepbacks or other building design standards.

OTHER BOARDS & COMMISSIONS

Development Review Board

The Development Review Board reviewed the proposed zoning district map amendment case at their June 6, 2013 hearing to make a recommendation to the Planning Commission regarding design compatibility, environmental responsiveness, solar shading, connectivity and open space of the project. The Board also reviewed the owner's proposed amended development standards for Building Envelope and Setback Abutting a Residential Zoning District. The Board voted 5-0 to forward a favorable recommendation of the proposed project, and recommended approval of the owner's proposed amended development standard requests for Building Envelope and Setback Abutting a Residential Zoning District, with a recommendation to include a stipulation that limits the encroachments to the building areas currently shown on the site plan, building elevations and building envelope exhibits.

Planning Commission

Planning Commission heard these cases on June 26, 2013, and recommended approval with a unanimous vote of 5-0.

Staff Recommendation to Planning Commission

1. Recommend that the City Council approve a request for a Non-Major General Plan amendment to the City of Scottsdale General Plan 2001 from Commercial Land Use Designation to Mixed Use Land Use Designation on 4.77 +/- acres of a 6.85+/- site located at 6166 N. Scottsdale Road.
2. Find that the Planned Unit Development (PUD) District criteria have been met, and determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan, and recommend that the City Council approve the Development Plan and a zoning district map amendment from Central Business (C-2) District to Planned Unit Development (PUD) District zoning, including amended development standards for Building Envelope and

Setback Abutting a Residential Zoning District, to redevelop existing commercial buildings into 4-story buildings containing 218 residences on 4.77 +/- acres of a 6.85 +/- acre site located at 6166 N. Scottsdale Road per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

1. Adopt Resolution No. 9494 approving a Non-Major General Plan amendment to the City of Scottsdale General Plan 2001 from Commercial Land Use Designation to Mixed Use Land Use Designation on 4.77 +/- acres of a 6.85 +/- acre site located at 6166 N. Scottsdale Road.
2. Adopt Ordinance No. 4101 approving a zoning district map amendment from Central Business District (C-2) to Planned Unit Development (PUD) district with approval of a Development Plan and Amended Development Standards, finding that the Planned Unit Development (PUD) District criteria have been met, and determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan to redevelop existing commercial buildings into 4-story building containing 218 residences on 4.77 +/- acres of a 6.85 +/- acre site located at 6166 N. Scottsdale Road.
3. Adopt Resolution No. 9459 declaring "Residences at the Borgata Development Plan Public Record," as a public record.

RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation
Current Planning Services

STAFF CONTACT

Kim Chafin, AICP, LEED-AP
Senior Planner
480-312-7734
E-mail: kchafin@ScottsdaleAZ.gov

APPROVED BY



Kim Chafin, AICP, Report Author

7-23-13

Date



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

7/23/2013

Date



Randy Grant, Administrator
Planning, Neighborhood and Transportation
480-312-2664, rgrant@scottsdaleaz.gov

7/30/13

Date

ATTACHMENTS

1. Resolution No. 9494
Exhibit 1. General Plan Map
2. Ordinance No. 4101
Exhibit 1. Stipulations
Exhibit 2. Zoning Map
3. Resolution No. 9459
Exhibit 1. Residences at the Borgata Development Plan Public Record
4. Additional Information
5. Context Aerial
- 5A. Aerial Close-Up
6. Traffic Impact Summary
7. Citizen Participation Report
8. City Notification Map
9. Citizen Comments
10. DRB Report (for findings) and minutes
11. June 26, 2013 Planning Commission minutes

RESOLUTION NO. 9494

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING AN AMENDMENT TO THE 2001 GENERAL PLAN FOR THE CITY OF SCOTTSDALE, FROM COMMERCIAL LAND USE DESIGNATION TO MIXED-USE LAND USE DESIGNATION ON 4.77 +/- ACRES OF A 6.85 +/- ACRE SITE LOCATED AT 6166 NORTH SCOTTSDALE ROAD.

WHEREAS, the City Council, through its members and staff, has solicited and encouraged public participation in the development of the General Plan amendment, consulted and advised with public officials and agencies as required by Arizona Revised Statutes Section 9-461.06, transmitted 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, the Planning Commission held a hearing on June 26, 2013 concerning the General Plan Amendment; and

WHEREAS, the City Council, held a public hearing on August 19, 2013, and has incorporated, whenever possible, the concerns expressed by all interested persons.

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 General Plan Land Use, Element Conceptual Land Use Map for the City of Scottsdale, for the property located at 6166 N. Scottsdale Road from Commercial Land Use Designation to Mixed-Use Land Use Designation.

Section 2. That the above amendment is described in Case No. 7-GP-2012 (relating to zoning case 18-ZN-2012) and on Exhibit 1 attached hereto and incorporated by this reference.

Section 3. That copies of this General Plan amendment shall be on file in the Office of the City Clerk, located at 3939 North Drinkwater Boulevard, Scottsdale, Arizona.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 19th day of August, 2013.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

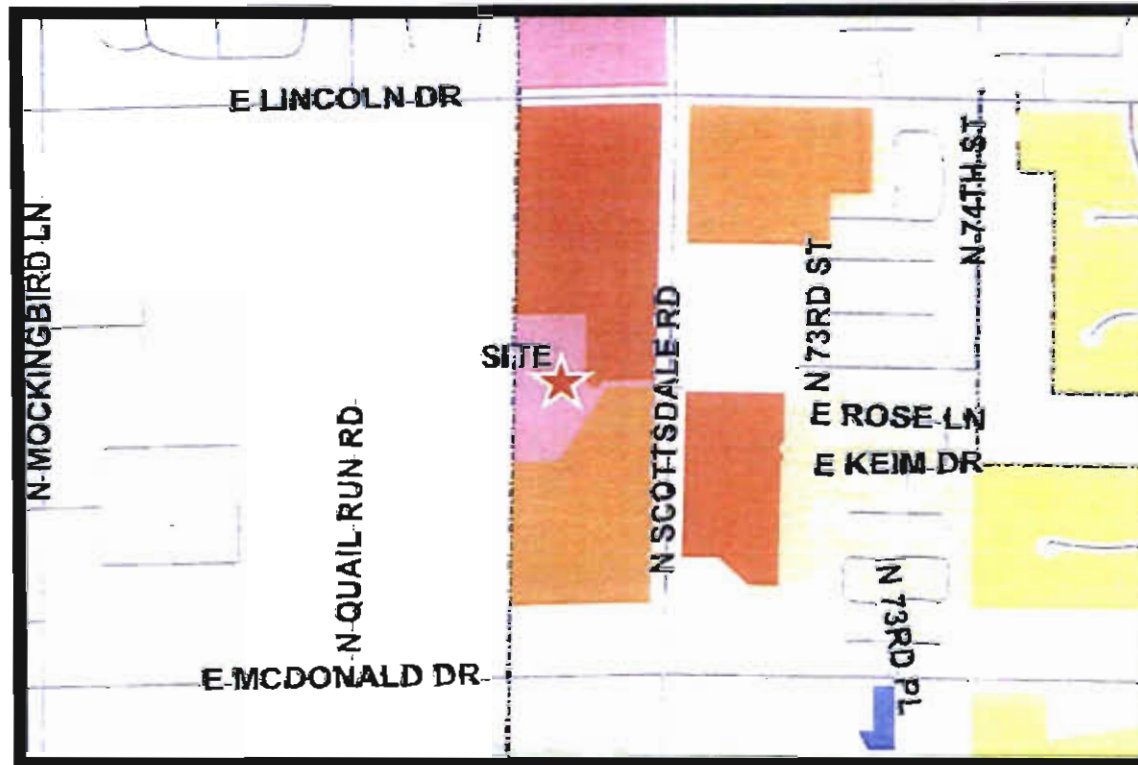
By: _____
Carolyn Jagger
City Clerk

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

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
Bruce Washburn, City Attorney
By: Sherry R. Scott, Deputy City Attorney

Proposed General Plan Land Use Map



7-GP-2012

Exhibit 1
Resolution No. 9494

ORDINANCE NO. 4101

AN ORDINANCE OF THE CITY 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. 18-ZN-2012 FROM CENTRAL BUSINESS DISTRICT (C-2) TO PLANNED UNIT DEVELOPMENT (PUD) WITH APPROVAL OF A DEVELOPMENT PLAN AND AMENDED DEVELOPMENT STANDARDS TO REDEVELOP EXISTING COMMERCIAL BUILDINGS INTO RESIDENTIAL BUILDINGS WITH OVER 200 RESIDENCES ON A 4.77 +/- ACRES OF A 6.85 +/- ACRE SITE LOCATED AT 6166 N. SCOTTSDALE ROAD.

WHEREAS, the Development Review Board held a public meeting on June 6, 2013 and made the required recommendations; and

WHEREAS, the Planning Commission held a public hearing on June 26, 2013, and made the required recommendations; and

WHEREAS, the City Council held a hearing on August 19, 2013; 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. 18-ZN-2012.

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

Section 1. The Planning Commission has made findings in conformance with the requirements of the PUD district and the Council also finds:

- 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 is adequate infrastructure and city services to serve the development;
- E) The proposal meets the following location criteria:

1. The proposed development is not located within any area zoned Environmentally Sensitive Lands Ordinance (ESL) nor within the boundaries of the Downtown Area.
2. The proposed development fronts onto a major or minor arterial and/or major collector street as designated in the Transportation Master Plan.

Section 2. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended on 4.77 +/- acres of a 6.85 +/- acre parcel located at 6166 N. Scottsdale Road, marked as "Site" (the Property) on the map attached as Exhibit 2, to rezone from Central Business District (C-2) to Planned Unit Development (PUD) with approval of a Development Plan and Amended Development Standards to redevelop existing commercial buildings into 4-story buildings containing approximately 218 residences upon finding that the amended development standards achieve the purpose of the PUD better than the existing standards and by incorporating that certain document entitled "Residences at the Borgata Development Plan Public Record," declared a public record by Resolution No. 9459, into this ordinance by reference as if fully set forth herein.

Section 3. That the above 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 19th day of August, 2013.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

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

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Bruce Washburn, City Attorney

By: Sherry R. Scott, Deputy City Attorney

Stipulations for the Zoning Application:

The Residences at the Borgata

Case Number: 18-ZN-2012

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

SITE DESIGN

1. **CONFORMANCE TO DEVELOPMENT PLAN.** Development shall conform with the existing site conditions or the Development Plan, submitted by Davis Architecture and with the city staff date of 4-16-13, entitled "RESIDENCES AT THE BORGATA DEVELOPMENT PLAN PUBLIC RECORD" which is on file with the City Clerk and made a public record by Resolution No. 9459 and incorporated into these stipulations and ordinance by reference as if fully set forth herein. The Development Plan must also:
 - a. **AMENDED DEVELOPMENT STANDARDS.** Development shall conform with the amended development standards that are included as part of the Development Plan.
 - b. **BUILDING ENCROACHMENTS.** Encroachments into the required Building Stepback and the Building Setback Abutting a Residential District shall be limited to those building areas currently shown on the site plan, building elevations and building envelope exhibits referenced in the Development Plan.
 - c. **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY.** Maximum dwelling units and maximum density shall be as indicated on the Land Use Budget Table below.

Parcel	Gross Acres	Zoning	Max DU/AC	Max # of Units
Western 4.77-acre portion of Parcel 174-64-005A	4.77+/-	Planned Unit Development (PUD)	45.74	218

Redistribution of dwelling units is subject to the maximum density in the Land Use Budget Table and subject to city staff approval. The owner's redistribution request shall be submitted with the preliminary plat submittal to the Development Review Board and shall include a revised Master Development Plan and a revised Land Use Budget Table indicating the parcels with the corresponding reductions and increases.

- d. **BUILDING HEIGHT LIMITATIONS.** No building on the site shall exceed 48 feet plus 10 feet for architecturally integrated mechanical equipment, measured as provided in the applicable section of the Zoning Ordinance.
- e. **OUTDOOR LIGHTING.** The maximum height of any outdoor lighting source, except any light sources for patios and/or balconies, shall be 20 feet above the adjacent finished grade.

- f. **COMMERCIAL PARKING.** Provide pedestrian access and parking to meet Zoning Ordinance requirements on the west side of the existing restaurant buildings on the remaining C-2 zoned property to the east.
- g. **ENHANCED PEDESTRIAN CROSSINGS.** Enhanced paving will be provided in locations where pedestrians cross vehicular drive aisles.
- h. **OUTDOOR LIGHTING FOR PATIOS AND BALCONIES.** Light sources that are utilized to illuminate patios and/or balconies that are above 20 feet shall be subject to the approval of the Development Review Board.
- i. **CONNECTING RESIDENTIAL OPEN SPACE WITH EXISTING COMMERCIAL OPEN SPACE.** In order to connect the open space of the proposed residential use with the open space of the existing commercial use to the east, the owner shall install two raised pedestrian crosswalk speed tables: one at the pedestrian crosswalk that is at the main entry to Building A and one at the pedestrian crosswalk to the commercial buildings.
- j. **SOLID WASTE COLLECTION ROUTE.** The owner shall provide a continuous, one-way solid waste collection route through both the proposed residential and the existing commercial development to the east.
- k. **SOLAR SHADING OF ELEVATIONS.** Several windows on the east, south, and west sides of the buildings appear to be unprotected from solar heat gain. Provide shade devices for these windows and/or provide illustrations that demonstrate how proposed roof overhangs, and other design elements provide shade for these windows.

INFRASTRUCTURE AND DEDICATIONS

- 2. **CIRCULATION IMPROVEMENTS.** Before any certificate of occupancy is issued for the site, the owner shall make the required dedications and provide the following improvements in conformance with the Design Standards and Policies Manual and all other applicable city codes and policies.
 - a. **STREETS.** Dedicate the following right-of-way and construct the following street improvements:

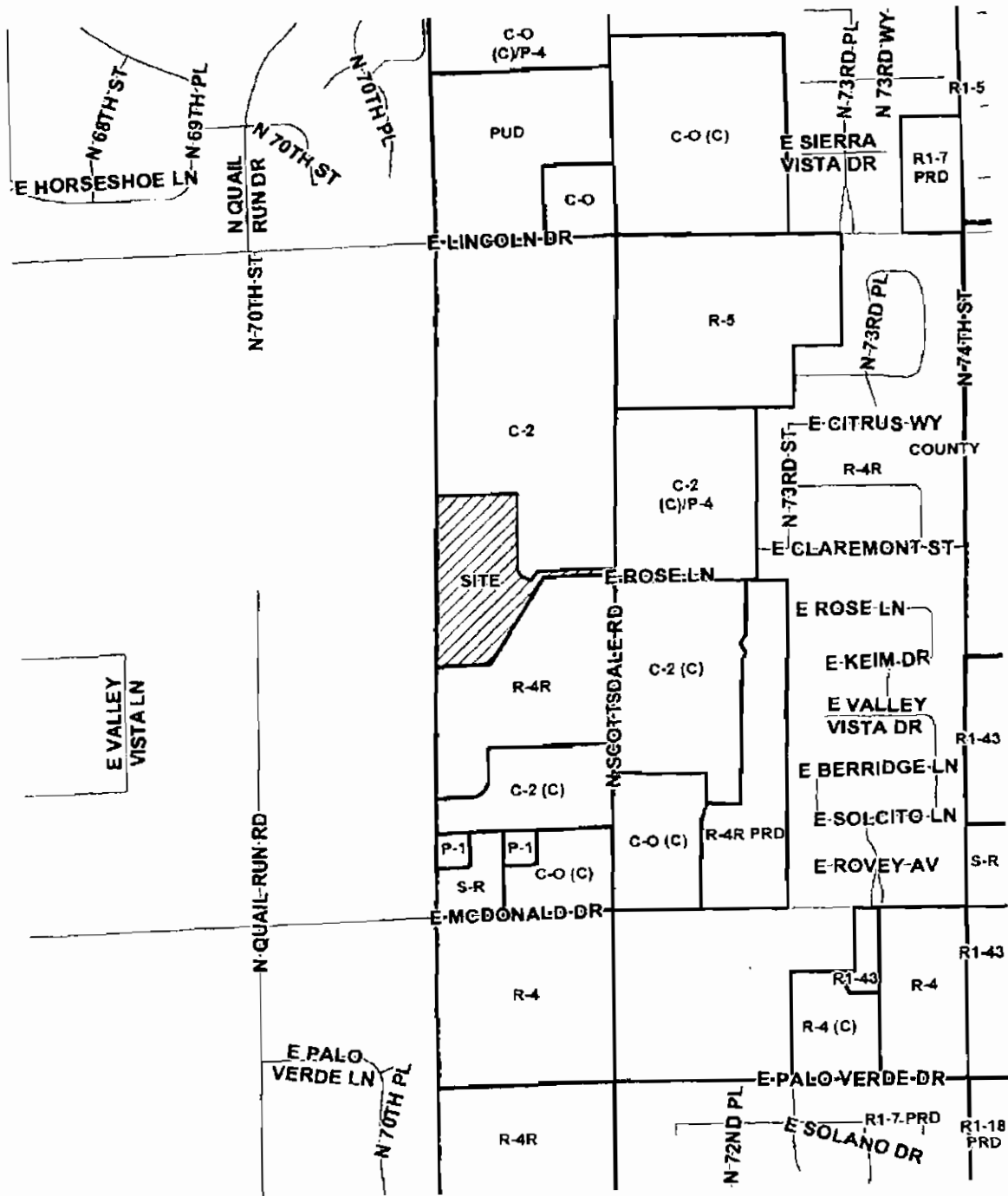
Street Name	Street Type	Dedications	Improvements	Notes
Scottsdale Road	Major Arterial	1' VNAE, Non-Motorized Public Access Easement	Existing	a.1.
Rose Lane	Private	Non-Motorized Public Access Easement	Driveways, sidewalk, vertical curb and gutter, fire lane	a.2., a.3.

- a.1. Prior to issuance of building permits, the owner shall dedicate to the City of Scottsdale, a Non-Motorized Public Access Easement over the portion of public

sidewalk that extends outside of the right-of-way. The easement shall be 5 foot minimum width.

- a.2. Prior to issuance of building permits, the owner shall dedicate to the City of Scottsdale, a Non-Motorized Public Access Easement over the existing Rose Lane Improvement.
- a.3. Prior to issuance of building permits, the owner shall remove existing driveways and construct new driveways and fire lanes at locations consistent with the site plan with a City staff date of 4-16-13. The owner shall replace the removed driveways with vertical curb and gutter. A 6-foot concrete sidewalk along Rose Lane shall be provided as shown on the approved site plan.
- b. **VEHICLE NON-ACCESS EASEMENT.** Dedicate a one foot wide vehicular non-access easement on Scottsdale Road frontage except at the approved street entrance.
- c. **CROSS ACCESS EASEMENT.** Dedicate a cross access easement to the adjacent property to the north over the proposed parking lot connection and pedestrian connection.

Zoning Map



18-ZN-2012

Exhibit 2
Ordinance No. 4101

RESOLUTION NO. 9459

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 "RESIDENCES AT THE BORGATA DEVELOPMENT PLAN PUBLIC RECORD."

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 "Residences at the Borgata Development Plan Public Record," attached as exhibit 1, three copies 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 19th day of August, 2013.

ATTEST:

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Carolyn Jagger, City Clerk

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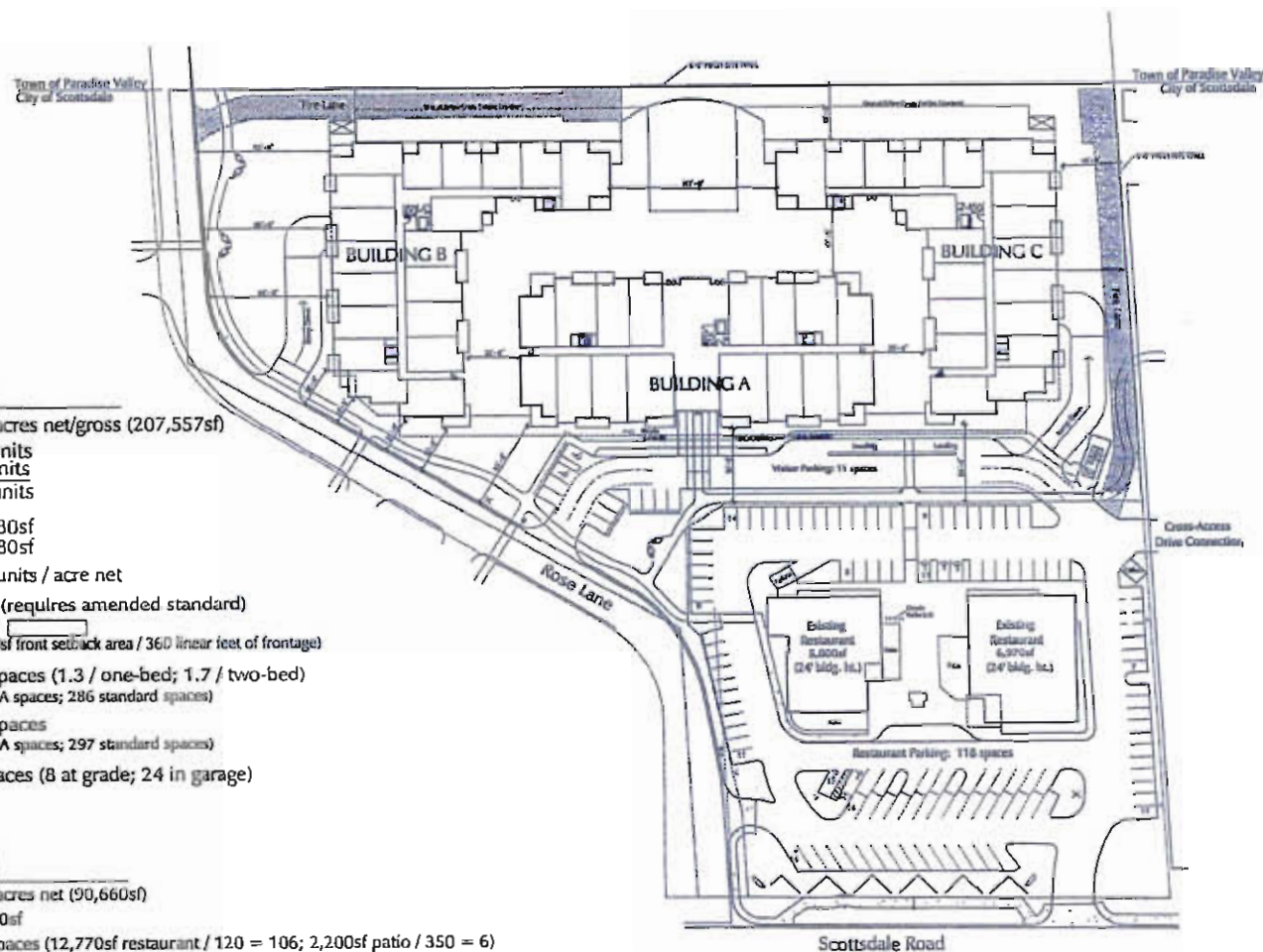
RESIDENCES AT THE BORGATA DEVELOPMENT PLAN PUBLIC RECORD

PUD Parcel Data

Site Area:	4.77 acres net/gross (207,557sf)
One-Bedroom:	177 units
Two-Bedroom:	41 units
Total:	218 units
Total Gross Building Area:	262,480sf
Total Gross Dwelling Unit Area:	226,880sf
Density:	45.70 units / acre net
Minimum Front Setback:	20'-0" (requires amended standard)
Average Front Setback:	52'-6" (18,900sf front setback area / 360 linear feet of frontage)
Parking Required:	300 spaces (1.3 / one-bed; 1.7 / two-bed) (14 ADA spaces; 286 standard spaces)
Parking Provided:	313 spaces (16 ADA spaces; 297 standard spaces)
Bicycle Parking Required/Provided:	32 spaces (8 at grade; 24 in garage)

C2 Parcel Data

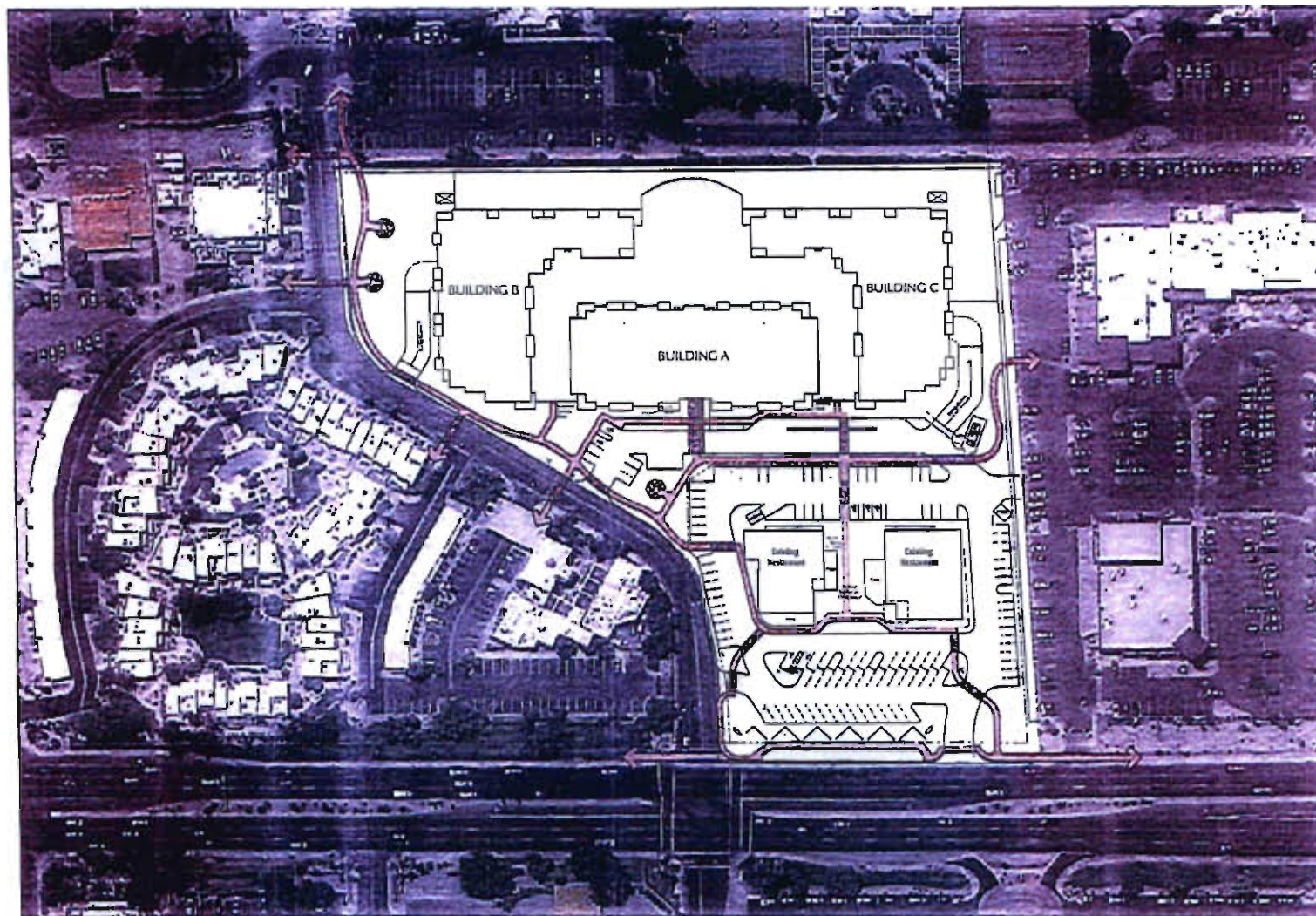
Site Area:	2.08 acres net (90,660sf)
Total Gross Building Area:	12,770sf
Required Parking:	112 spaces (12,770sf restaurant / 120 = 106; 2,200sf patio / 350 = 6) (5 ADA spaces; 107 standard spaces)
Provided Parking:	118 spaces (5 ADA spaces; 113 standard spaces)
Bicycle Parking Required/Provided:	12 spaces



Site Plan



architect
interior architecture
space planning
landscape architecture
civil engineering
planning

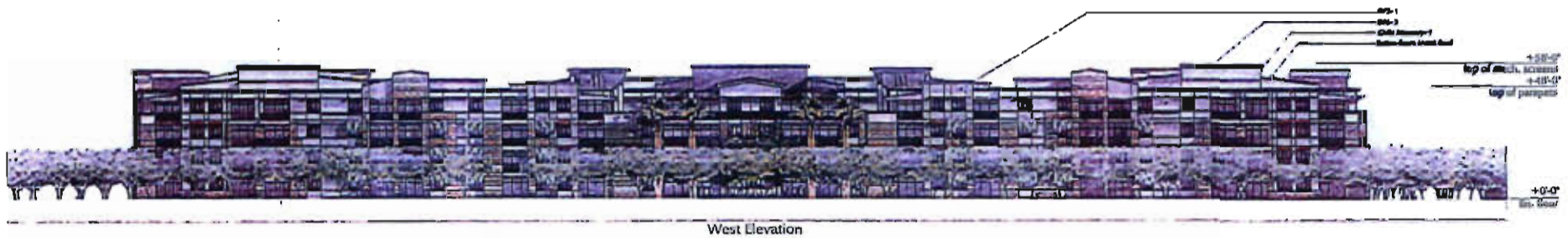
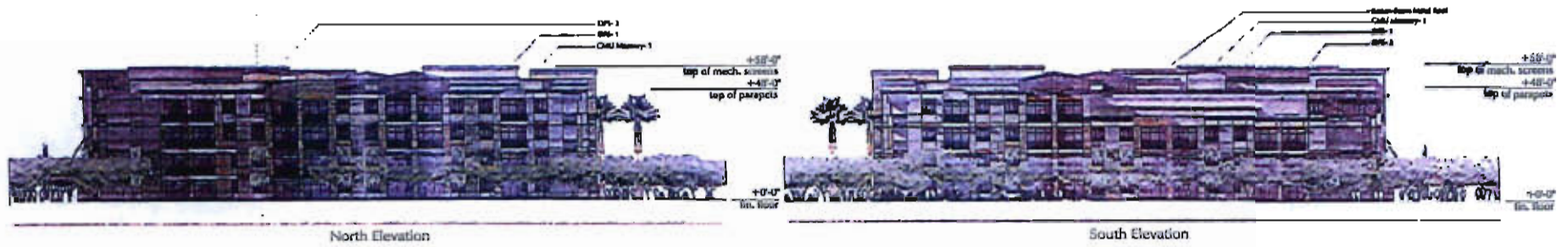


 Pedestrian Circulation (minimum 6' wide)
 Enhanced Paving Area

Pedestrian Circulation Plan

0' 50' 100' 150' 200'
 Residences at Borgata
 Scottsdale, Arizona
 2.20.11





Conceptual Building Elevations

Residences at Borgata
Scottsdale, Arizona



The Residences at Borgata
18-ZN-2012
Amended Development Standards
4-2-2013

Sec. 5.5002. - Application requirements—Development Plan (DP).

- A. An application for the PUD District shall comply with the submittal requirements of Article I Administration and Procedures of this zoning ordinance.
- B. An application for the PUD District shall be accompanied by a DP, the elements of which shall include the following:
 - 1. Character statements, including environmental response, design principles, architectural character, site development character, and landscape character;
 - 2. A master site plan, with a land use budget tabulation, showing the location of development components, the intensity of development, residential density, and building heights;
 - 3. An open space plan;
 - 4. An architectural concepts and design standards plan;
 - 5. Basis of design reports for storm water drainage, water service, and waste water disposal; and
 - 6. Any additional information as necessary to process the DP such as:
 - a. A view shed analysis plan;
 - b. A pedestrian circulation plan;
 - c. A hardscape plan;
 - d. A landscape plan;
 - e. A lighting plan; and/or
 - f. A signage plan.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. § 48), 11-9-10)

Sec. 5.5003. - Approvals required.

- 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.
 - 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 is 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.

B. Amended development standards.

- 1. To encourage sensitivity to site conditions and provide flexibility in planning, development standards outlined in Section 5.5005, excluding C. Allowable building height and D. Exception to building height, may be amended upon recommendation by the Planning Commission and a finding by the City Council that the amended development standards achieve the purposes of the planned unit development district better than the existing standards.

C. Development Plan (DP).

1. Approval.

a. Development review board considerations.

- i. 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.
- (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.
- (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.
- (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.

b. Upon receiving a recommendation from the development review board, the planning commission shall make a recommendation to the City Council for consideration of the DP.

2. Amendments.

a. Minor amendments to achieve a more suitable development plan.

i. Minor amendments are allowed:

(1) For a maximum of ten (10) percent of any individual DP Plan Element.

(2) To adjust the location of uses shown on the DP.

ii. Minor amendments do not include an increase above the building height(s) or exception to building height, or residential density, or commercial intensity.

iii. Minor amendments to the City Council approved DP may be approved by the Zoning Administrator as an administrative action.

b. Major amendments.

i. Major amendments are those that increase the building height(s), residential density, commercial intensity, and/or that exceed ten (10) percent of any individual DP plan element.

ii. Approval of any major amendments will require a public hearing in accordance with Article I of the zoning ordinance by the Planning Commission and the City Council. If the design elements are affected by the request to amend the DP, a public hearing by the Development Review Board shall be required. Upon receiving a recommendation from the Development Review Board, the Planning Commission shall make a recommendation to the City Council for consideration of the major amendment DP.

D. No structure or building shall be built or remodeled upon land in the PUD District until development review board approval has been obtained as outlined in Section 1.900 of Article I of the Zoning Ordinance, and applicable permits have been obtained.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. § 49), 11-9-10)

Sec. 5.5004. - Use regulations.

A. *Permitted uses.* All permitted uses of the Commercial Office (C-O) District and the Planned Regional Center (PRC) District, shall be permitted in the PUD District with horizontal and/or vertical combinations of mixed-uses. Residential uses shall be limited to multi-family dwellings and townhouses.

B. *Uses subject to conditional use permit.* Subject to the approval of a conditional use permit, as specified in Article I, all uses subject to a conditional use permit of the Commercial Office C-O, excluding medical marijuana use, and the Planned Regional Center PRC,

excluding a big box development greater than seventy-five thousand (75,000) square feet, may be permitted in the Planned Unit Development PUD District.

C. Where there is a conflict between the Commercial Office (C-O) District and the Planned Regional Center (PRC) District provisions, the less restrictive provision shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3923, § 1(Exh. § 5), 1-25-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 5), 1-10-12)

Sec. 5.5005. - Development standards.

A. PUD development area.

1. Gross acreage.

a. The minimum gross site area of any PUD development shall be one-half (0.5) acre and the maximum gross site area shall be fifteen (15) acres, except as specified in Section 5.5005.A.1.b.

b. When the PUD is the most appropriate district to achieve mixed-use development, the City Council may authorize a PUD development in a site area greater than fifteen (15) gross acres up to a maximum of twenty-five (25) gross acres.

B. Density and intensity.

1. The overall density of residential uses shall be established by the approved DP.

2. The overall intensity of commercial uses shall not exceed 0.8 floor area ratio, except as provided in Section 5.5005.B.3.

3. The City Council may approve intensity of commercial uses greater than 0.8 floor area ratio subject to any of the following criteria:

a. The proposed DP provides improved dedicated public open space.

b. The proposed DP provides a public parking facility(ies).

c. The proposed DP provides shared parking as established in Article IX parking and loading requirements.

C. Allowable building height.

1. Building height:

a. Shall be a maximum of forty-eight (48) feet, except as otherwise provided in Section 5.5005.D. and 5.5005.F.

D. Exception to building height.

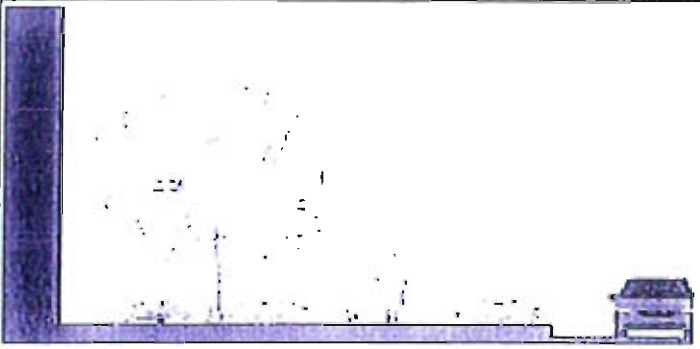
1. Architecturally integrated features, such as roof top mechanical equipment for utility and communication purposes, elevator bulk head, stairwell, screen wall, railing, trellis and patio cover may exceed the building height up to ten (10) feet provided that the area within the said exceptions do not exceed a total of thirty (30) percent of a building's roof area. However, the City Council may approve either greater mechanical height or building roof area coverage where the DP and supporting materials demonstrate the allowable exception cannot reasonably be achieved.

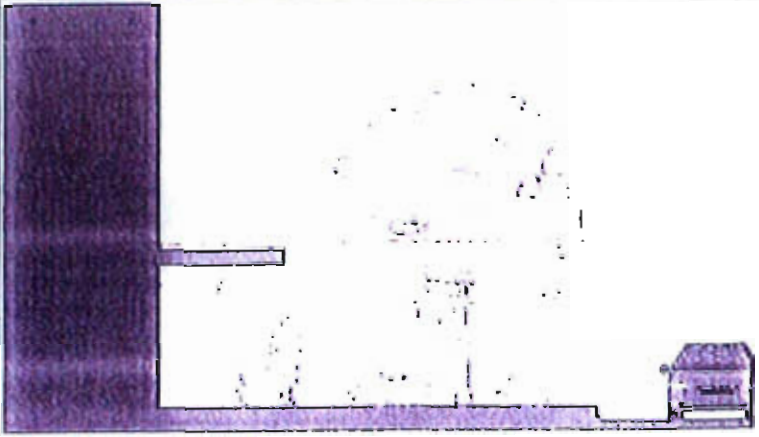
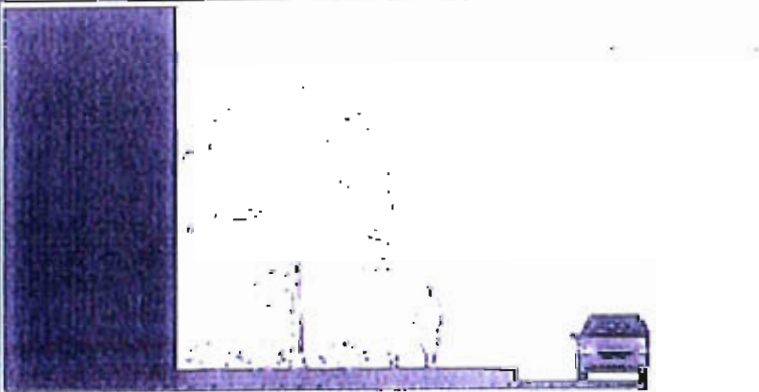
2. Architecturally integrated, active solar systems may exceed thirty (30) percent of a building's roof area subject to development review board approval.

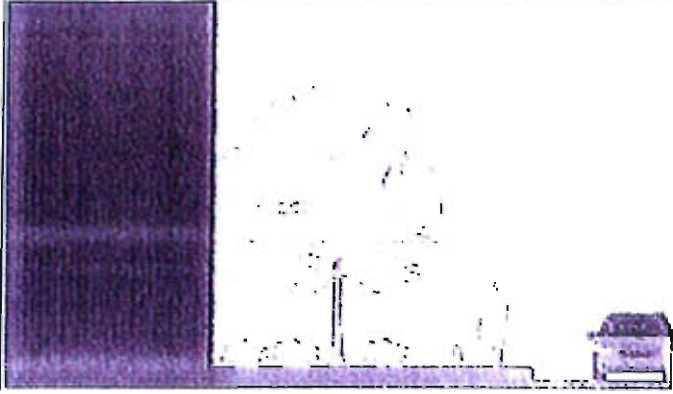
3. Roof top garden structures may exceed the building height up to five (5) feet.

E. *Building setbacks.*

1. *Minimum setback.* Buildings adjacent to public and private streets shall be setback from the back of the planned curb line, including **EXCLUDING** the planned curb line for bus bays and turn lanes, in accordance with **Section 5.5005.E**. Table A. The planned curb line, including the planned location for bus bays and turn lanes, shall be as described in the Transportation Master Plan and the Design Standards & Policies Manual.

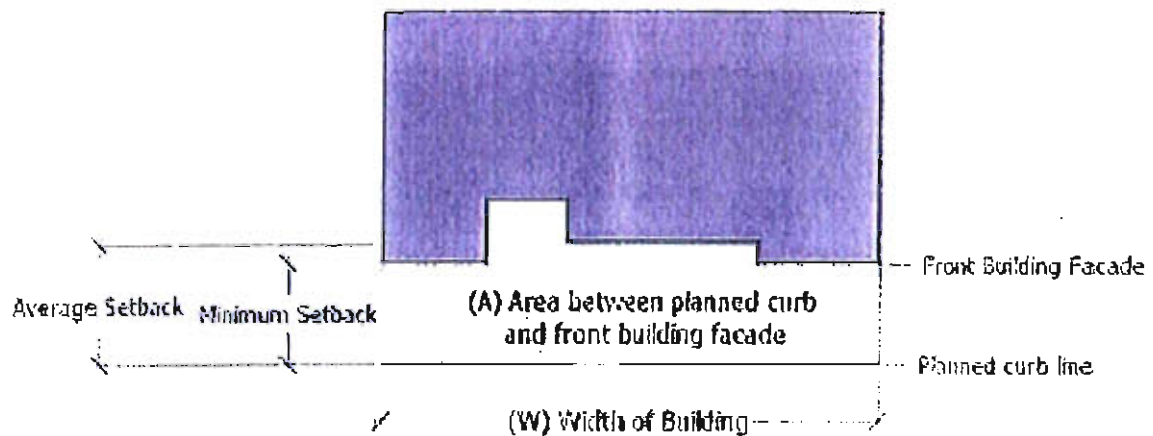
TABLE A			
BUILDING SETBACK FROM BACK OF THE PLANNED CURB ALONG STREETS			
Street Classification Type and Use	Minimum Setback	Average Setback	Setback Diagram - This Illustrates Setbacks, Excluding Average Setback. Dimensions are for Illustrative Purposes.
Major and Minor Arterial - Residential on First Floor Adjacent to the Street	34 feet	40 feet	

Major and Minor Arterial - Retail and Commercial on First Floor Adjacent to the Street	28 feet	32 feet	
Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Residential on First Floor Adjacent to the Street	25 feet 20 FEET	30 feet N/A	

Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Retail and Commercial on First Floor Adjacent to the Street	23 feet	28 feet	
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2. *Average setback.* The front building facade shall be placed to achieve an average setback as specified in Table A. The average setback shall be equal to the land area located between the planned curb line and the front building facade divided by the width of the front building facade.

AVERAGE SETBACK DIAGRAM - THIS DIAGRAM ILLUSTRATES **SECTION 5.5005.E.2.**



$$\frac{(A) \text{ Area}}{(W)} = \text{Average Setback (According to Table A)}$$

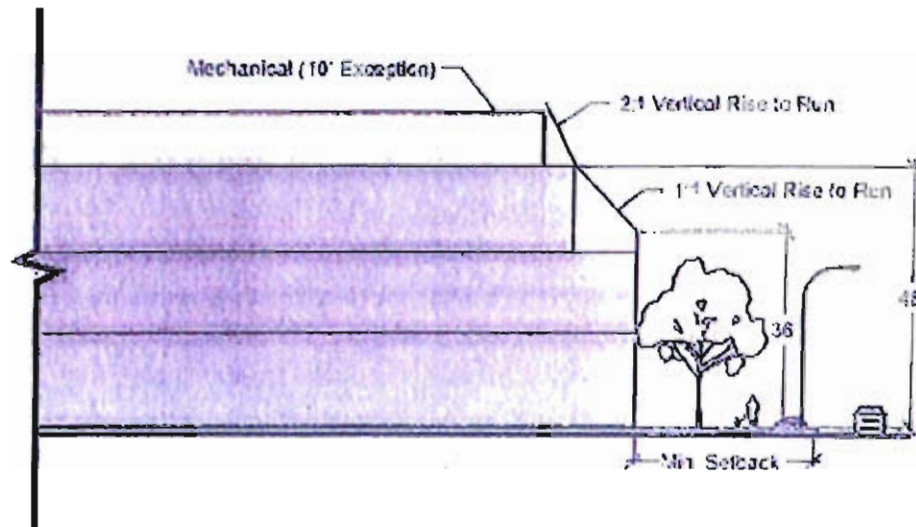
3. *Designated scenic corridor or buffered setback.* Where a designated scenic corridor or a buffered setback is existing or planned the setback shall be the required width of the designated scenic corridor or buffered setback. The Planned Unit Development (PUD) District average setback shall not apply.

F. *Building envelope.*

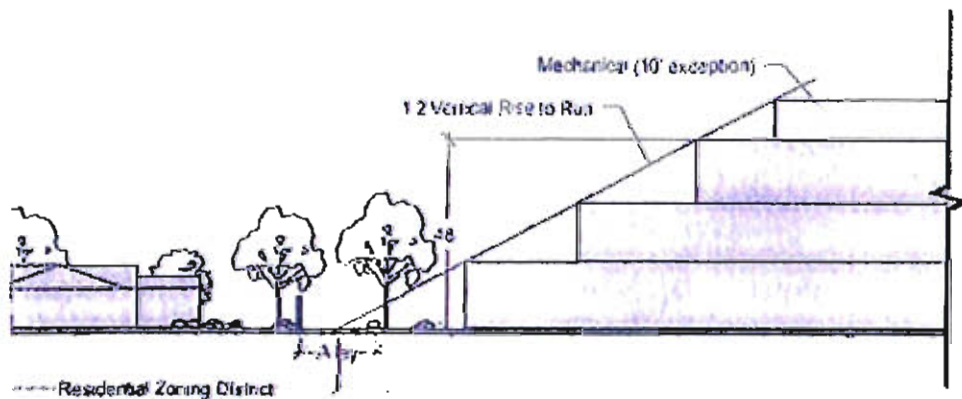
1. Starting at a point thirty-six (36) feet, above the minimum building setback line the building envelope inclined stepback plane shall slope upwards at 1:1 (ratio of the vertical rise to the horizontal run) to a point measured forty-eight (48) feet above the minimum building setback line. Thereafter the building envelope inclined stepback plane shall slope upwards at 2:1 (ratio of the vertical rise to the horizontal run) on all sides of a property adjacent to public and private streets.

2. PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope inclined stepback plane of 1:2 (ratio of the vertical rise to the horizontal run) starting **AT A POINT TWENTY-FOUR (24) FEET ABOVE** on the residential zoning district boundary, except as specified Section 5.5005.F.3.

BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.1.



BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.2.



3. PUD Developments adjacent to a residential zoning district, where the properties are separated by a major and/or minor arterial street as classified by the

Transportation Master Plan and the Design Standards & Policies Manual, shall comply with Section 5.5005.F.1.

G. Encroachment beyond the building envelope.

1. A maximum encroachment of fifteen (15) feet may be allowed for:
 - a. Architectural ornaments and similar features, and
 - b. Trellis, canopies, balconies, patios and partial or full patio enclosures, covered walks, and screen walls.
2. Any encroachment into the right-of-way, roadway easement, or right-of-way easement requires a city issued encroachment permit and/or agreement.
3. The requirements of article vii. General provisions shall not apply to Section 5.5005.G.

H. Setback abutting a residential zoning district.

1. A setback of twenty (20) feet shall be provided along the property line abutting a residential zoning district(s). The setback area shall be landscaped and may include space reserved for services such as refuse, recycling, utility boxes, and amenities such as playground equipment, picnic tables, and screen walls.

I. Required open space. Open space is only required for developments that include residential uses.

1. Private outdoor living space.

- a. Minimum: 0.05 multiplied by the gross floor area of the dwelling unit.
- b. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.

2. Common open space.

- a. Minimum: 0.10 multiplied by the total gross site area of the development.
- b. Common open space is not required if the overall residential density of the development is less than five (5) dwelling units per acre.

J. Landscape improvements. The provisions of Article X. Landscaping requirements shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. §§ 50, 51), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 159), 4-3-12)

Sec. 5.5006. - Off-street parking and loading.

- A. Parking shall not be located between the building and the street; and shall not be located between the average building setback line and the street.
- B. Structured parking and parking garages shall be screened from street views and any views from residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an

underlying zoning district comparable to the residential districts shown on Table 4.100.A. Screening shall be provided by building spaces that are habitable or that provide an architectural screen. Architectural screening shall be subject to Development Review Board approval.

C. The provisions of Article IX. Parking and loading requirements shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 160), 4-3-12)

Sec. 5.5007. - Signs.

A. The provisions of Article VIII. Sign requirements shall apply except a master sign plan shall be submitted at the time of development review application.

(Ord. No. 3854, § 3, 6-9-09)

FOOTNOTE(S):

⁽⁸⁹⁾ ~~Editor's note~~—Ord. No. 3258, § 1, adopted Oct. 5, 1999, amended § 5.2100 in its entirety. Formerly said section pertained to similar subject matter. See the Code Comparative Table. (Back)

**The Residences at Borgata
Northwest Corner
of
Scottsdale Road & Rose Lane

Project Narrative**

**7-GP-2012
18-ZN-2012**

Prepared for:

AV Homes

Prepared by:

Berry Riddell & Rosensteel, L.L.C.

John V. Berry, Esq.
Michele Hammond, Principal Planner

6750 East Camelback Road
Suite 100
Scottsdale, Arizona 85251
480-385-2727

I. Request

The request is for a non-major General Plan Amendment ("GPA") from the Commercial land use category to the Mixed Use land use category and a rezoning from C-2 (Central Business District) to PUD (Planned Unit Development) on a 5+/- gross acre site located at the northwest corner of Scottsdale Road and Rose Lane (the "Property"); commonly referred to as The Borgata. Within the PUD district, the applicant intends to create a condominium community of approximately 218+/- residential units with on-site amenities...

II. About the Developer

Scottsdale based, AV Homes, is an experienced and award-winning homebuilder and community developer. AV Homes is a publicly held company with operations in the Phoenix and Orlando, Florida regions. The company's history dates back to 1933, but its more recent history dates to the late 1960s when it began to focus its activities on the design and development of larger scale master planned communities in Arizona and Florida. The company has received numerous awards for its community planning and homebuilding activities.

III. Existing Improvements/History:

The subject Property is surrounded by a range of zoning districts/uses including a commercial retail center with Trader Joe's and Walgreens (C-2) to the north, Los Alamos Condominiums (R-4R) to the south, the Cottonwoods (SUP-R Paradise Valley) to the west, Scottsdale Forum office building (C-2) and Hilton Village retail center (C-2/C-0) to the east of Scottsdale Road. The Property is walking distance to an established commercial core including a grocery store, multiple restaurants/services, and hotels, and as such, the site plan has been designed with an emphasis on pedestrian connectivity.

The two commercial restaurant pads (Blanco and J. Alexander's) will remain in place and are not part of this non-major GPA request and rezoning application; therefore, the zoning on the front parcel will remain C-2 and will meet its own site development standards.

IV. Project Overview

The proposal is to redevelop the 5+/- gross acre site to allow for approximately 218+/- residential condominium units consistent with the PUD ordinance with an overall density of approximately 44.6+/- dwelling units/acre. The buildings are proposed at 4 stories, 48' in height with underground parking. The development plan consists of 3 separate buildings with a central common area/courtyard including a pool, spa, bbq, fire pit and multiple seating areas.

The site is ideal for residential dwelling units due to its close proximity to the range of support services, retail, restaurant, resort and office uses in the immediate vicinity. The proposal to redevelop this Property from an underutilized struggling retail center to a residential condominium community will bring additional housing options for the residents of Scottsdale and bolster the economic success of surrounding Scottsdale businesses. Additionally, the integration of additional residential units in this location will not only strengthen the nearby existing retail and commercial businesses, but will uphold the City's goals and policies set forth in the Southern Scottsdale Character Area Plan (SSCAP).

About the Design:

The Project will consist of 218+/- dwelling units, designed in one and two bedroom configurations, averaging approximately 1,126 square feet each. Each dwelling unit will have an outdoor balcony living area to provide direct exposure to the outdoor spaces. Resident parking will be provided below grade in an underground parking structure.

All of the units will have access to the Project's full amenity package which will include a large internal courtyard including bbq areas, a swimming pool, spa, fire pit, shaded plaza space with seating areas, and a fitness facility. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible. The buildings and site plan have been designed to engage the surrounding development, specifically the two remaining restaurant pads along Scottsdale Road and the Lincoln Village shopping centering directly to the north, through site design, pedestrian connections and architectural character.

The proposed buildings are 4 stories, 48-feet in height in accordance with the PUD development standards. These buildings do not abut any single-family residential properties and are setback approximately 500 feet from Scottsdale Road. Pedestrian circulation both on-site and internally within buildings is an important feature of the project, as numerous retail, resort, and entertainment uses are within walking distances from this site.

V. Planned Unit Development (PUD)

The purpose of the Planned Unit Development district is to promote the goals of the General Plan, area plans, and design guidelines in areas of the City that are designated by the General Plan for a combination of land uses in a mixed-use development pattern of the either horizontal or vertical design...

...Commercial, employment, hospitality, multi family, residential, and townhouse residential uses are encouraged to be provided with intensities and densities that promote a mix of day and nighttime activities.

The 5+/- acre Property is part of the larger SSCAP which has a range of uses and land use types. The integration of multifamily along the Scottsdale Road Resort Corridor adjacent to a range of existing commercial and resort land uses fulfills the goals and policies set forth in the SSCAP. The integration of a residential community on the subject site contributes towards the mixed use sustainable character planned for this character area and complements the existing urban fabric of the surrounding area creating a quintessential PUD development.

Integrating residential development within an existing commercial core promotes alternative modes of transportation by focusing on a pedestrian network that encourages interaction with the surrounding context and existing sidewalk connections along Scottsdale Road.

PUD Criteria:

Sec. 5.5002. - Application requirements—Development Plan

- A. *An application for the PUD District shall comply with the submittal requirements of Article I Administration and Procedures of this zoning ordinance.*
- B. *An application for the PUD District shall be accompanied by a DP, the elements of which shall include the following:*
 - 1. *Character statements, including environmental response, design principles, architectural character, site development character, and landscape character;*

Response: The proposed design is sensitive to the existing edge conditions in terms of setbacks, building placement, massing, pedestrian-scale and landscaping buffers. The architectural character of the proposed residential community is complementary of the surrounding context and The Borgata architecture associated with this Property.

The development will emphasize sustainable strategies and building techniques to minimize environmental impact and reduce energy consumption. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible. The development is consistent with Scottsdale's Sensitive Design Principles (see Section VIII below).

The development promotes connectivity (see pedestrian circulation plan) internally and between adjacent development and abutting parcels. The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwest climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

The internal courtyard includes a pool, spa, and common plaza areas for the enjoyment of the residents. The vegetation along the perimeter of the site will be enhanced to provide a rich landscape setting for the buildings and also a shaded, comfortable pedestrian experience. The developer has given special consideration to the pedestrian by creating a network of

sidewalks both internal and along the perimeter of the Property. The developer understands the importance of providing connectivity and embracing the collection of uses including retail, resort, office, services, along Scottsdale Road to promote mixed use development.

2. *A master site plan, with a land use budget tabulation, showing the location of development components, the intensity of development, residential density, and building heights;*

Response: See site plan.

3. *An open space plan;*

Response: See site plan worksheet and landscape plan.

4. *An architectural concepts and design standards plan;*

Response: See elevations and renderings.

5. *Basis of design reports for storm water drainage, water service, and waste water disposal; and*

Response: See basis of design reports.

6. *Any additional information as necessary to process the DP such as:*
 - a. *A view shed analysis plan; - not required*
 - b. *A pedestrian circulation plan; - see pedestrian circulation plan*
 - c. *A hardscape plan; - see site plan and landscape plan*
 - d. *A landscape plan; - see landscape plan*
 - e. *A lighting plan; - not required*
 - and/or*
 - f. *A signage plan. - not required*

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 development accomplishes a range of goals including the revitalization of a struggling commercial center, bringing high quality, vibrant architecture and site planning to the area, and creating onsite pedestrian synergy that will tie into the existing pedestrian network. The proposed development meets the goals and policies of the General Plan and SSCAP as highlighted in VI. of this project narrative.

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

Response: The proposed residential development would not be allowed under the existing C-2 zoning designation.

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 development is compatible with adjacent land uses by creating onsite transitions to existing adjacent land uses, and maintaining the integrity of the SSCAP by providing a balance of land uses found in the area. It will help stabilize the area by reinvesting a significant amount of capital into the area and strengthening the Resort Corridor along Scottsdale Road.

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

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

E. That the proposal meets the following location criteria:

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 Property is not located within the ESL area or within the boundaries of the Downtown Plan.

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 proposed development fronts Scottsdale Road, a major arterial.

PUD Development Plan - Section 5.5003. C. 1.a.

(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.

Response: The proposed design is sensitive to the existing edge conditions in terms of setbacks, building placement, massing, pedestrian-scale and landscaping buffers. The architectural character of the proposed residential community is complementary of the surrounding context and The Borgata architecture associated with this Property.

The building edge condition along Rose Lane, adjacent to the 2-story Los Alamos Condominiums, is staggered in plan view and steps down in elevation at the nearest adjacent corner (from 4 to 3 stories). It is important to note that the southeast corner of Building B is the only location where we are requesting an amended development standard, and only for 5,225 s.f. of building area or approximately 2% of the total to encroach into the building setback envelope. The building is not designed as a rectilinear mass, rather, it steps and articulates to provide visual interest, both shade and shadow, while integrating a variety of building materials and textures. The building's exterior design also incorporates canopies, trellis details and recessed windows to provide architectural interest, solar shading and human-scale elements. From the southeast corner of Building B, the setback greatly increases as you move west along Rose Lane providing a large, landscaped open space area along the southern edge of the project. This area is to be planted with mature vegetation and lush groundcover, including seating areas and a tree-shaded pedestrian path.

(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.

Response: The development plans to emphasize sustainable strategies and building techniques to minimize environmental impact and reduce energy consumption. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible. However, specific building materials and techniques have not been established at this early stage of the entitlement process. The development is consistent with Scottsdale's Sensitive Design Principles (see Section VIII below).

This multifamily infill, redevelopment community promotes mixed use development and the benefits associated with mixed use development by providing higher-density residential closer to retail, service and office uses, which reduces automobile traffic and air pollution. Additionally, the below-grade parking structure (almost 100% of the provided parking), reduces the heat island effect created by asphalt and paved surface parking found in typical suburban developments.

(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.

Response: The development will not significantly increase solar shading of adjacent land uses in comparison to the development that could occur on site under C-2 zoning with an allowable building height of 36 feet. Although, the proposed development includes buildings up to 48 feet, which are taller than those on adjacent properties, the location and proximity to other buildings on adjacent properties avoids shading of adjacent land. The placement of the proposed buildings and the additional 12 feet of building height requested under this PUD application does not significantly increase solar shading.

(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.

Response: The development promotes connectivity (see pedestrian circulation plan) internally and between adjacent development and abutting parcels. The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwest climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

The internal courtyard includes a pool, spa, and common plaza areas for the enjoyment of the residents. The vegetation along the perimeter of the site will be enhanced to provide a rich landscape setting for the buildings and also a shaded, comfortable pedestrian experience. The developer has given special consideration to the pedestrian by creating a network of sidewalks both internal and along the perimeter of the Property. The developer understands the importance of providing connectivity and embracing the collection of uses (retail, resort, office, services) along Scottsdale Road to promote mixed use development.

VI. Amended Development Standards

The proposed amended development standards are outlined below. A legislative draft of the amended developments standards has been provided with the application.

Request 1: This amendment is for a small portion of the building corner which encroaches into the 25 foot setback along Rose Lane. See site plan for dimensions. The narrowest point is 20 feet; therefore the setback request is for 20 feet. The request is to eliminate the average setback requirement due to the curved road and varying building lines and dimensions along the Rose Lane frontage. The net average is much greater than 30 feet (approximately 52' 6"), which allows for a meaningful public open space area along the south side of the building.

E. Building setbacks. (for Rose Lane)

Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Residential on First Floor Adjacent to the Street	Minimum Setback	Average Setback
	25-feet	30-feet
	20 FEET	N/A

Request 2: This request is to modify the standard as noted below to allow for a very small encroachment into the building envelope along Rose Lane (where the PUD development abuts a residential zoning district), which does not impact the overall intent of the building envelope requirement. The gross square footage of the building area that encroaches into the setback is only 5,225 s.f., which is roughly 2% of the total building area.

F. Building envelope.

2. PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope inclined setback plane of 1:2 (ratio of the vertical rise to the horizontal run) starting **AT A POINT TWENTY-FOUR (24) FEET ABOVE** on the residential zoning district boundary, except as specified Section 5.5005.F.3.

VII. General Plan/Southern Scottsdale Character Area Plan (SSCAP)

The General Plan sets forth a collection of goals and approaches intended to integrate the Guiding Principles into the planning process and provide as a framework for proposed development and the built environment. These goals and approaches are, however, not intended to be static or inflexible and the General Plan clearly recognizes this by stating: "The General Plan is designed to be a broad, flexible document that changes as the community needs, conditions and direction change." (*emphasis added*) It is with this inherent flexibility in mind that the proposed non-major GPA not only meets but exceeds the goals and approaches established by the City in the General Plan.

General Plan - Six Guiding Principles:

This request is for a non-major General Plan Amendment to the land use category and map contained in the Land Use Element of the General Plan. Per the City's 2001 General Plan, six Guiding Principles articulate how the appropriateness of a land use change to the General Plan is to be qualified. These six Guiding Principles are as follows:

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*

The current 2001 General Plan land use designation for the site is Commercial. This category includes areas designated for commercial centers providing goods and services frequently needed by the surrounding residential population and retail and businesses that also serve a larger community and regional need. Specific zoning categories determine specific building height and setbacks.

The proposed Mixed Use category is designed for areas with strong access to multiple modes of transportation and regional access with a focus on pedestrian linkages and human scale. These areas could accommodate higher density housing combined with complementary office and/or retail uses.

The requested GPA is a non-major GPA based on the criteria set forth in the General Plan (page 20 of the City of Scottsdale General Plan 2001). The "Change in Land Use Category" from Commercial (Group E) to Mixed Use (Group E) does not trigger a major GPA. Also, the "Area of Change Criteria" does not trigger a major GPA based on property size of 5 +/- gross acres which does not exceed the 10 acre threshold for Planning Zone A.

Southern Scottsdale Character Area Plan:

As a result of City Shape 2020, Scottsdale implemented "Character-based General Planning" which includes three distinct levels of planning: 1. City-wide Planning, 2. Character Planning and 3. Neighborhood Planning. Character Plans speak specifically to the goals and policies of an identifiable area of the City. Character Plans ensure that the quality of development and character of the built environment are consistent with the overarching goals of the General Plan while highlighting the goals of distinct areas of town, ie: Airpark, Downtown, Southern Scottsdale.

The City Council adopted the SSCAP in October 2010. The proposed development is not only consistent with the SSCAP but upholds the goals and policies established in this document. The public outreach process for the SSCAP identified five community priorities which are listed below:

1. *Develop a strong economic core with community gathering places*
2. *Focus on local mobility and walkability*
3. *Maintain and enhance existing neighborhoods and identity*
4. *Balance growth*
5. *Promote well designed architecture and sustainability*

From its inception, this proposed project utilized these five priorities as guiding principles to the overall design and architectural character. Bringing new residential living opportunities to the Southern Scottsdale will strengthen the economic core of the area and enhance the existing character of the surrounding neighborhoods.

The proposed residential community will bring new residents and increased retail and restaurant demand to the South Scottsdale Character Area. The residential community is a component of the kind of horizontal mixed use development envisioned in the SSCAP (see graphic below) by providing a mix of housing types with existing, and future, freestanding commercial uses. The Property is immediately surrounded by office, retail and an existing pedestrian network.



Southern Scottsdale Character Area Plan
October 26, 2010

Below are the applicable goals and policies identified in the SSCAP that apply to the proposed development (Land Use, Character & Design, Economic Vitality, Housing, Community Mobility and Open Space & Recreation):

LAND USE

Goal LU 1

Promote residential reinvestment and revitalization through regulatory flexibility.

- **Policy LU 1.1**

Update land use regulations to allow for the revitalization and/or expansion of residential properties to current market standards.

- **Policy LU 1.2**

Encourage new residential development and revitalization that complements the established urban form.

- **Policy LU 1.3**

Provide flexibility in residential mixed-use development standards to encourage revitalization of properties within higher density areas of Southern Scottsdale.

Response: The proposed development meets this land use goal by revitalizing an underutilized property and redeveloping the site with a residential land use that will bring additional housing opportunities to the Scottsdale Road Resort Corridor. The requested PUD zoning provides the flexibility needed to develop the site in a sensitive manner by providing appropriate transitions by respecting the built environment along Scottsdale Road. Integrating residential in this location will strengthen the live, work, play land use concept and bring synergy to the collection of established land uses along the Scottsdale Road corridor.

Goal LU 2

Create a hierarchy of Regional, Opportunity, and Resort Corridors to guide future land use, development and redevelopment throughout Southern Scottsdale.

- **Policy LU 2.3**

The Resort Corridor consists of medium to low intensity development and exists along Scottsdale Road between East Highland Drive and Indian Bend Road. This corridor will:

- *Contain a mixture of land use classifications including mixed-use neighborhood; and*
- *Support, maintain, enhance and expand hospitality/tourism land uses in Southern Scottsdale.*

Response: The subject Property falls within the Scottsdale Road Resort Corridor and is surrounded by a range of uses including the Lincoln Village commercial retail center with Trader Joe's and Walgreens to the north, Los Alamos Condominiums to the south, the Cottonwoods Resort to the west, Scottsdale Forum office building and Hilton Village retail center to the east of Scottsdale Road. The Property is walking distance to an established commercial core including a grocery store, multiple restaurants/services, and hotels, and as such, the site plan has been designed with an emphasis on pedestrian connectivity enhancing the hospitality/tourism land use goal for this area.

Goal LU 3

Promote revitalization, reinvestment and development along Southern Scottsdale's Corridors.

- **Policy LU 3.1**

Create and encourage the utilization of flexible land use regulations as incentives for reinvestment and new development along Corridors.

- **Policy LU 3.4**

Explore a Planned Unit Development (PUD) District Ordinance amendment to assist in alleviating property parcel size and shallow lot development constraints found along Southern Scottsdale Corridors.

• **Policy LU 3.6**

Encourage a diversity of new development, redevelopment, and infill projects that incorporate vertical and horizontal mixed-use development along Southern Scottsdale Corridors.

Response: The PUD Ordinance was adopted by City Council in June 2009 with the purpose of providing a development district to promote the goals and policies of the General Plan, character areas plans and design guidelines encouraging mixed use development. Rezoning the subject Property to PUD will not only allow redevelopment of the site, but will bring development that more closely aligns the goals set forth by the City by integrating quality residential development along the Scottsdale Road Resort Corridor.

The proposed PUD zoning is an appropriate zoning designation for the existing mixed use land use category and will accomplish a range of goals including the revitalization of an underutilized property by integrating high quality, modern architecture and site planning to the area, and creating a pedestrian environment that will tie into and celebrate the existing pedestrian network.

CHARACTER & DESIGN

Goal CD 1

New and redeveloped residential housing should respect existing neighborhood character and design.

• **Policy CD 1.1**

New and redeveloped residential development should be compatible in terms of established neighborhood housing proportions, size, mass and height.

• **Policy CD 1.2**

Architectural housing character should not be restricted to, but remain complementary with, existing neighborhood design.

Response: As an infill redevelopment project, the proposed design is respectful of the edge conditions, view corridors, human-scale and landscaping buffers. The architectural character of the proposed residential community is complementary of the surrounding context.

The predominant exterior building material will be split-faced block in an ashlar pattern and color integrated EIFS with design elements evocative of The Borgata. The roof construction will consist of a flat parapet roof to conceal rooftop mechanical equipment, with lower hip roof elements (along the upper floor) to provide shaded balconies and windows. The exterior

colors will consist of a context appropriate earth-tone palette. The design incorporates the use of balconies (private outdoor spaces) for each unit, canopies, trellis details and recessed windows to provide architectural interest and solar shading.

Goal CD 2

New and redeveloped residential housing should respect existing neighborhood character and design.

• ***Policy CD 1.2***

Architectural housing character should not be restricted to, but remain complementary with, existing neighborhood design.

Response: The proposed architectural character takes inspiration from the existing Borgata retail center through the use of similar materials, colors and architectural detailing. The building character and massing is complementary to the surrounding development including the newly remodeled Lincoln Village retail center immediately to the north and the existing restaurant pads (Blanco and J. Alexander's) along Scottsdale Road, to remain.

Goal CD 4

Site and building design of new development and redevelopment should respond to the Sonoran Desert Climate

• ***Policy CD 4.1***

Encourage new development to incorporate designs such as shade structures, deep roof overhangs and recessed windows to address passive solar cooling opportunities.

• ***Policy CD 4.2***

Encourage the use of a variety of textures and natural building materials to provide architectural visual interest and richness, particularly at the pedestrian level.

• ***Policy CD 4.3***

Support landscape design that responds to the desert environment by utilizing indigenous and adapted landscape materials that complement the Southern Scottsdale built environment.

Response: The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwestern climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

Context appropriate desert plant materials will be utilized with the development of the Property, consistent with the established vegetative pattern along Scottsdale Road. A low-water use plant palette will be upheld through the careful selection of plant materials in terms of scale, density, and arrangement.

Goal CD 6

Promote, plan, and implement design strategies that are sustainable.

- **Policy CD 6.4**

Encourage the use of sustainable design principles for remodeling and new development projects to mitigate building construction and operational impacts on the environment.

Response: Sustainable strategies and building techniques, which minimize environmental impact and reduce energy consumption, will be emphasized. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible.

Goal CD 7

Protect low-scale single-family neighborhoods within Southern Scottsdale by utilizing landscape buffers and transitional building forms, shapes, and sizes in the design of new development and redevelopment.

- **Policy CD 7.1**

Encourage architecture and design transitions between new development and existing development.

- **Policy CD 7.3**

Respect, protect, and enhance established suburban neighborhoods as assets within Southern Scottsdale, while allowing for contemporary solutions to evolving development and market trends.

Response: This application includes a range of exhibits (site plan, elevations, landscape plan, and cross-sections) which demonstrate the character and high-level of design proposed for this site. The buildings have been designed in a manner that provides a hierarchy of masses and sensitivity to the surrounding context. The proposed development includes primarily underground parking for its residents with only a few surface parking spaces for guests.

ECONOMIC VITALITY

Goal EV 1

Support reinvestment that updates and/or replaces aging commercial properties.

- **Policy EV 1.1**

Support Opportunity and Regional Corridors, Regional Centers, and Activity Areas for areas of mixed-use and higher-density development as part of an overall economic revitalization strategy.

Response: This redevelopment request will result in a \$50 million investment, replacing an underutilized commercial property in the heart of Southern Scottsdale with residential housing fulfilling a demand for residential units in the area and will bring economic benefit to the nearby Scottsdale businesses.

In 2010 the City of Scottsdale entered into contract with Applied Economics as a consultant to perform a citywide economic study. The City was broken in to three sub-districts (south, central and north) for the purposes of analyzing economic development, land use and fiscal impacts. The study demonstrates the lack of available vacant land in the south sub-district (area south of Indian Bend Road) and the potential for redevelopment to stabilize the economic future of Scottsdale.

The final market condition factor considered in the analysis was the possibility for redevelopment in the City of Scottsdale. Since the supply of available vacant land is very limited in the south subarea, and is becoming constrained in the central subarea, examining the potential for redevelopment was an important part of preparing development forecasts. Our knowledge of Scottsdale indicates that there are areas in both the south and central subareas that could become targets for redevelopment over the next twenty years.

HOUSING

Goal H 2

Embrace a wide range of housing options.

• Policy H 2.1

Promote change to ordinances, policies, and standards that support a greater mix of housing sizes, styles, types, and range of pricing throughout Southern Scottsdale.

• Policy H 2.3

Provide regulatory, policy, and design considerations that focus on accommodating new housing typologies in Southern Scottsdale.

Response: Rezoning the subject Property to PUD will not only allow redevelopment of the site, but will bring development that more closely aligns the goals set forth by the City by integrating quality residential development in along the Scottsdale Road Resort Corridor.

The requested PUD zoning provides the flexibility needed to develop the site in a sensitive manner by providing appropriate buffering to the existing single family residential to the west and respecting the built environment along Scottsdale Road. Integrating residential will increase the range of housing options for the residents of Scottsdale and strengthen the live, work, play land use concept.

COMMUNITY MOBILITY

Goal CM 1

Increase the range of mobility options available to the area residents and businesses.

- ***Policy CM 1.1***

Develop an effective range of safe, reliable, and where feasible, less congested mobility systems for Southern Scottsdale.

- ***Policy CM 1.3***

Provide continuous pedestrian and bicycle pathway access between Regional Centers and Activity Areas, Corridors, park and open spaces and transit systems.

Response: The existing network of mobility options associated with this Property make it ideal for residential redevelopment. Scottsdale Road is a major arterial providing primary north-south connection to through Scottsdale, which has a significant concentration of employment, retail, resort and entertainment land uses. Additionally, Valley Metro Route 72 traverses Scottsdale Road, from Chandler Boulevard to Thompson Peak Parkway. While bus stops are not located directly on the subject Property, there is an existing bus stop just south of the site and also on the east side of Scottsdale Road (The Forum), and thus, the existing and proposed sidewalk connections will tie to these bus stops for convenience. Scottsdale Road has a bike lane in the right-of-way. The site is also a little over one mile west of Indian Bend Wash, the City's most predominate open space corridor with a network of continuous pedestrian and bicycle pathways. Developing housing along the Resort Corridor with a range of employment, retail and entertainment uses with established multi-modal transportation options reduces the number and distance of automobile trips, improves air quality, thereby enhancing the quality of life for surrounding residents.

The anticipated traffic counts for the proposed residential development with 218+/- dwelling units is significantly less than the counts associated with the existing C-2 zoning designation for the site (see Trip Generation Report).

OPEN SPACE & RECREATION

Goal OSR 1

Develop, improve, maintain and enhance the quality of Southern Scottsdale's open space environments.

- ***Policy ORS 1.2***

Protect mature vegetation while encouraging indigenous and adaptive plant materials to inhabit open and recreational spaces, streetscapes and private development landscaping throughout Southern Scottsdale.

Response: To maintain Scottsdale's aesthetic values and environmental standards, the perimeter streetscapes and internal landscape improvements will provide continuity through the cohesive use of mature desert landscaping and hardscape design elements for the

proposed residential community. The internal courtyard will provide a gathering space for residents and will link directly into pedestrian pathways leading both north and south of the site.

VIII. Scottsdale Sensitive Design Principles

The Character and Design Element of the General Plant states that “Development should respect and enhance the unique climate, topography, vegetation and historical context of Scottsdale's Sonoran desert environment, all of which are considered amenities that help sustain our community and its quality of life.” The City has established a set of design principles, known as the Scottsdale's Sensitive Design Principles, to reinforce the quality of design in our community. The following Sensitive Design Principles are fundamental to the design and development of the Property.

- 1. The design character of any area should be enhanced and strengthened by new development.***

Response: The proposed architectural character takes inspiration from the existing Borgata retail center through the use of similar materials, colors and architectural detailing. The building character and massing is complementary to the surrounding development including the newly remodeled Lincoln Village retail center immediately to the north and the existing restaurant pads (Blanco and J. Alexander's) along Scottsdale Road, to remain. The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwestern climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

- 2. Development, through appropriate siting and orientation of buildings, should recognize and preserve established major vistas, as well as protect natural features.***

Response: Although the setting of this redevelopment site is urban in character and does not have natural features such as washes and natural area open space, the developer has taken special consideration in maintaining view corridors for the Los Alamos residents and provide ample open space (over 3 times what is required).

- 3. Development should be sensitive to existing topography and landscaping.***

Response: The property is a redevelopment site. All landscaping will consist of low water use desert appropriate landscaping materials.

4. *Development should protect the character of the Sonoran Desert by preserving and restoring natural habitats and ecological processes.*

Response: The proposed redevelopment will preserve and restore natural habitats and ecological processes through the inclusion of additional desert appropriate landscaping (and some integration of native plants). The site has 3 times the amount of required open space, an increase from the existing condition. Additional landscaping will contribute to the urban habitat for wildlife and improved air quality. Also, desert appropriate plants will be able to withstand the variations of the local climate and as they mature they will become self-sustaining relative to water demand. The existing runoff flow patterns coming from the west and through this site toward Scottsdale Road are maintained with the proposed development. The proposed development reduces the runoff generated on-site due to increased green space compared to existing conditions.

5. *The design of the public realm, including streetscapes, parks, plazas and civic amenities, is an opportunity to provide identity to the community and to convey its design expectations.*

Response: Pedestrian circulation both on-site and internally within buildings is an important feature of the project, as numerous retail, resort, and entertainment uses are within walking distances from this site.

6. *Developments should integrate alternative modes of transportation, including bicycles and bus access, within the pedestrian network that encourage social contact and interaction within the community.*

Response: The subject Property falls within the Scottsdale Road Resort Corridor and is surrounded by a range of uses including the Lincoln Village commercial retail center with Trader Joe's and Walgreens to the north, Los Alamos Condominiums to the south, the Cottonwoods Resort to the west, Scottsdale Forum office building and Hilton Village retail center to the east of Scottsdale Road. The Property is walking distance to an established commercial core including a grocery store, multiple restaurants/services, and hotels, and as such, the site plan has been designed with an emphasis on pedestrian connectivity enhancing the hospitality/tourism land use goal for this area. The site is also a little over one mile west of Indian Bend Wash, the City's most predominate open space corridor with a network of continuous pedestrian and bicycle pathways. Developing housing along the Resort Corridor with a range of employment, retail and entertainment uses with established multi-modal transportation options reduces the number and distance of automobile trips, improves air quality, thereby enhancing the quality of life for surrounding residents.

7. *Development should show consideration for the pedestrian by providing landscaping and shading elements as well as inviting access connections to adjacent developments.*

Response: The proposed development will incorporate design elements that respect human-scale, providing shade and shelter through building, site and landscape design. A detailed pedestrian circulation plan is provided with the application showing connectivity from the site to the north, south, east and west and well connections through the site benefiting adjacent property owners and nearby retail/resort patrons.

8. *Buildings should be designed with a logical hierarchy of masses.*

Response: The proposed use of building massing is compatible surrounding development and is appropriately place back from Scottsdale Road. Building articulation and stepped massing promotes a natural hierarchy.

9. *The design of the built environment should respond to the desert environment.*

Response: The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwest climate by creating abundant outdoor living spaces and amenities for its residents. The development plan far exceeds the base open space requirements.

10. *Developments should strive to incorporate sustainable and healthy building practices and products.*

Response: Sustainable strategies and building techniques, which minimize environmental impact and reduce energy consumption, will be emphasized. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible.

11. *Landscape design should respond to the desert environment by utilizing a variety of mature landscape materials indigenous to the arid region.*

Response: Context appropriate, mature arid-region plant materials will be utilized with the redevelopment of the Property. The desert character will be upheld through the careful selection of plant materials in terms of scale, density, and arrangement.

12. *Site design should incorporate techniques for efficient water use by providing desert adapted landscaping and preserving native plants.*

Response: The proposed development will maintain a low-water use plant palette (see landscape plan). Context appropriate desert plant materials will be utilized with the development of the Property, consistent with the established vegetative pattern along Scottsdale Road.

13. *The extent and quality of lighting should be integrally designed as part of the built environment.*

Response: Lighting will be designed in a manner that is respectful of the surrounding context while maintaining safety for future residents.

14. *Signage should consider the distinctive qualities and character of the surrounding context in terms of size, color, location and illumination.*

Response: Project identification will be low-scale and contextually appropriate.

IX. Conclusion

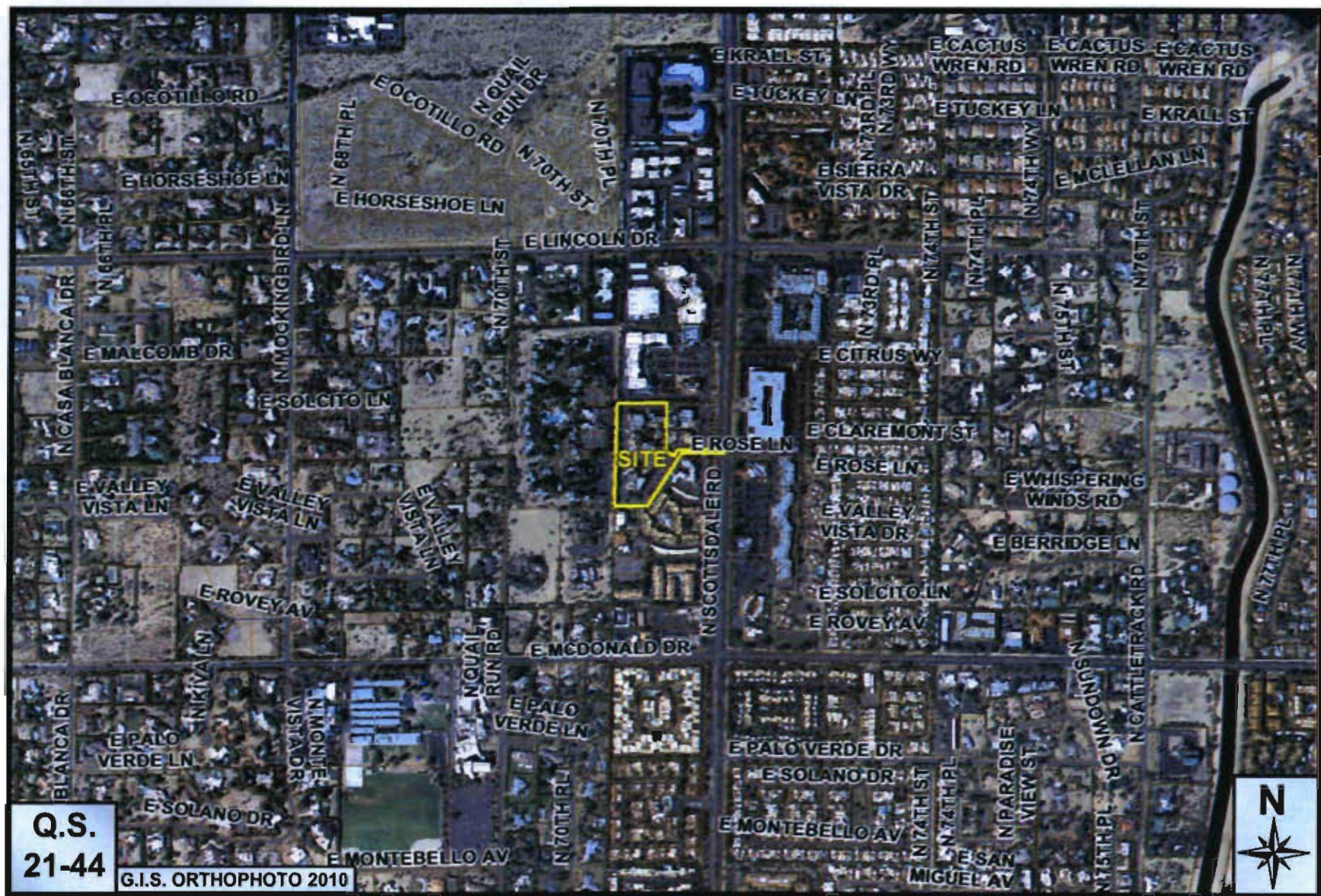
In summary, the applicant is seeking a non-major GPA and rezoning on a 5+/- gross acre site to create a residential condominium community with approximately 218+/- units. Redevelopment of this parcel will revitalize an underutilized commercial retail development and provide additional housing opportunities for the Southern Scottsdale community. It will contribute to the live, work, play land use balance promoted by the SSCAP and essential to the success of Southern Scottsdale. The site is an ideal location for residents to live close to Downtown Scottsdale and along Scottsdale Road, a major transportation corridor. The proposed PUD zoning is an appropriate zoning designation that will accomplish a range of goals including the integration of high quality architecture and site planning to an underutilized site, and promoting pedestrian connectivity and a unique living experience for Scottsdale residence.

Additional Information for:
The Residences at the Borgata
Case: 18-ZN-2012

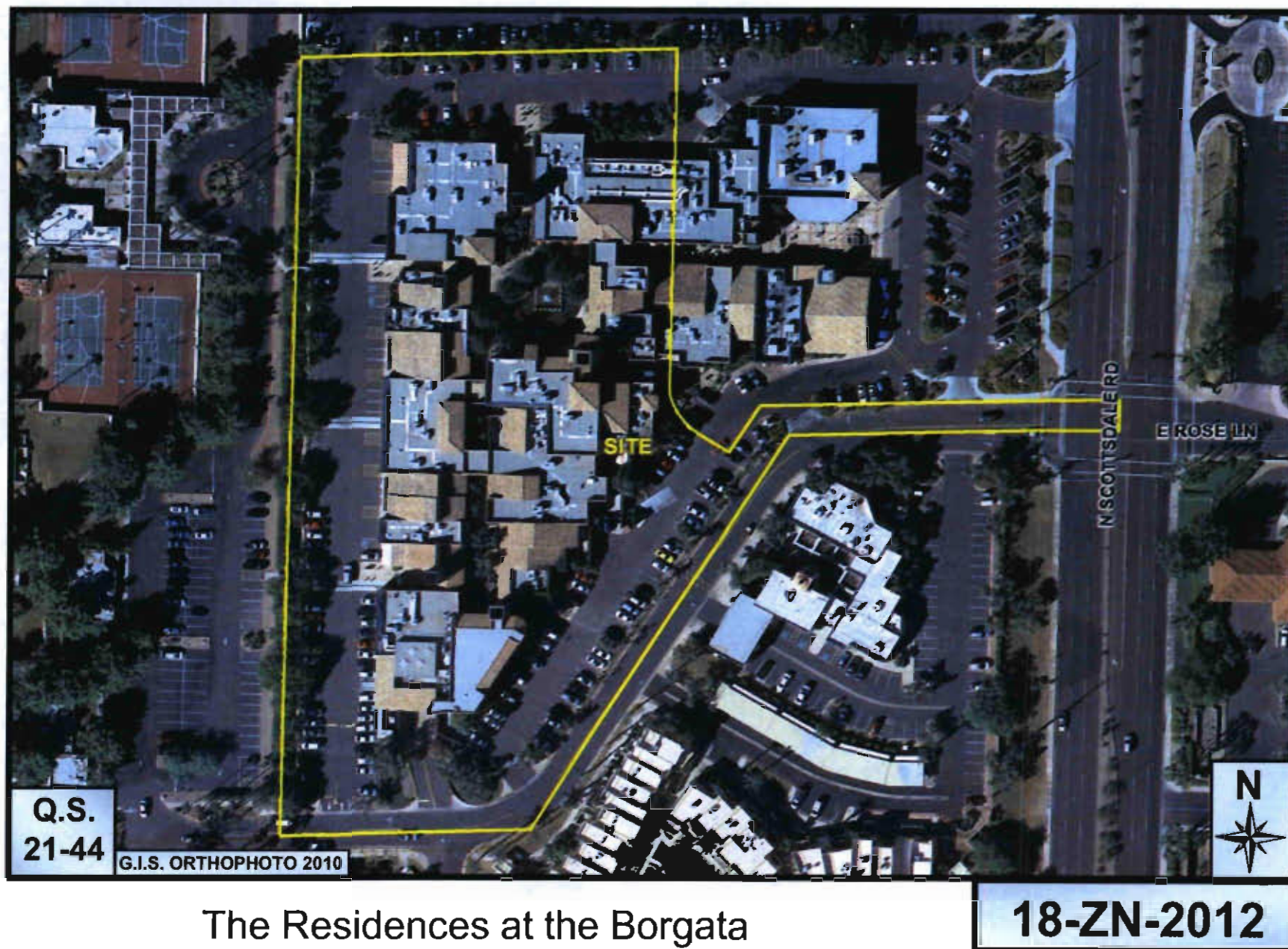
PLANNING/DEVELOPMENT

1. **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. 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).
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. **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.
5. **STORMWATER.** Provide drainage easements for all detention basins and new and existing dry wells.
6. **BASIS OF DESIGN REPORT (WASTEWATER).** Prior to final plan submittal, the owner shall obtain acceptance of the Basis of Design Report from City of Scottsdale Water Resources Department staff.
7. **EASEMENTS.**
 - a. **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 Policy Manual.
 - b. **EASEMENTS CONVEYED BY SEPARATE INSTRUMENT.** Before any building permit is issued for the site, 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.
8. **CONSTRUCTION COMPLETED.** Before any BUILDING PERMIT is issued for the site, the owner shall complete all the infrastructure and improvements required by the Scottsdale Revised Code and

these stipulations, in conformance with the Design Standards and Policies Manual and other applicable standards.



The Residences at the Borgata



The Residences at the Borgata

18-ZN-2012

TRAFFIC IMPACT ANALYSIS SUMMARY
Borgata Development
NWC Scottsdale Road and Rose Lane
697-PA-2012

Summary Prepared by John Bartlett, COS Traffic Engineering
Traffic Impact Study Prepared by Kevin Picanco, David Evans and Associates, Inc

Existing Conditions:

Site Location – Northwest Corner of Scottsdale Road and Rose Lane

Existing Development – Site currently consists of 80,791 sq. ft of retail land use.

Street Classifications –

- Scottsdale Road is classified as a Major Arterial-Suburban street.
- Rose Lane is a 28 foot wide private driveway.

Street Conditions –

- The intersection of Scottsdale Road and Rose Lane is controlled by a traffic signal. Dedicated left turn lanes and permitted-protected phasing are provided on the northbound and southbound approaches. Shared through-left turn lanes and dedicated right turn lanes are provided on the eastbound and westbound approaches.
- The existing development provides one (1) right-in/right-out only access point from Scottsdale Road.
- The existing development provides five (5) full access points from Rose Lane

Existing Volumes –

- There are 43,100 daily vehicles on Scottsdale Road.
- There are 1,700 daily vehicles on Rose Lane.

Existing Speed Limits –

- Scottsdale Road has a posted speed limit of 45 mph near Rose Lane.
- Rose Lane is private driveway; it has a 15 mph speed limit.

Proposed Development:

Description – The proposed change in zoning district from Central Business District (C-2) to Planned Unit Development (PUD) would allow the development of 218 multi-family dwelling units.

Site Access – The proposed development will retain primary access to Scottsdale Road via the signalized intersection at Rose Lane. The applicant is proposing to eliminate two of the existing access points along Rose Lane, the first located 240 feet west of Scottsdale Road, and the second located approximately 620 feet west of Scottsdale Road. The development is proposing a new full access point along Rose Lane approximately 360 feet west of Scottsdale Road. Upon completion the multi-family development will provide two full access points onto Rose Lane; the adjacent shopping center will retain one site driveway on Rose Lane and one right-in, right-out driveway on Scottsdale Road.

TRIP GENERATION COMPARISON TABLE: Vs Specialty Retail

	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Multi-family – 218 d.u.	1,450	22	89	111	90	48	138
Existing, Specialty Retail - 80,921 s.f.	3,499	-	-	-	95	121	216
Increase/Decrease – From Existing Land Use	-2,049	+22	+89	+111	-5	-73	-78

TRIP GENERATION COMPARISON TABLE: Vs Shopping Center

	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Multi-family – 218 d.u	1450	22	89	111	90	48	138
Existing, Shopping Center – 80,921 s.f.	3,450	48	30	78	144	156	300
Increase/Decrease – From Existing Land Use	-2,000	-26	+59	+33	-54	-108	-162

Traffic Analysis:

Intersection Level of Service – A level of service (LOS) comparison between the existing land uses and proposed land shows that the signalized intersection of Scottsdale Road and Rose Lane is anticipated to operate at LOS C or better on all approaches and LOS B overall under both existing and proposed conditions.

The operation of site driveways is anticipated to be acceptable during the peak hours.

Additional Information:

The LOS analysis was performed conservatively by adding all trip generation from the proposed development to the existing traffic (plus traffic volume growth of 2%), without removing any volume for the existing land uses.

Summary:

The approval of the zoning district change for the proposed multi-family development will result in an estimated 1,450 trips generated per day to and from the project site. The facility is estimated to generate 111 a.m. peak hour trips, and 138 p.m. peak hour trips. This represents a decrease of 2,049 daily trips over the existing Specialty Retail land use. (Reduction of 2,000 daily trips over Shopping Center land use)

With the addition of the proposed site generated traffic, operations at the intersection of Scottsdale Road and Rose Lane will continue to operate at acceptable levels (LOS C or better overall).

Comments/Concerns:

In order to secure public access to the properties at the western end of Rose Lane, staff is recommending that a motorized public access easement be dedicated by the applicant over their portion of the street.



CITIZEN REVIEW & NEIGHBORHOOD INVOLVEMENT REPORT

Northwest Corner of Scottsdale Road & Rose Lane

The Residences at Borgata

April 2, 2013

Overview

This citizen outreach and neighborhood involvement report is being performed in association with a zoning request for the redevelopment of approximately 5+/- gross acres located on the northwest corner of Scottsdale Road and Rose Lane (commonly referred to as The Borgata). The request is for a non-Major General Plan Amendment from the Commercial land use category to the mixed use category and a rezoning from C-2 (Central Business District) commercial land use to PUD (Planned Unit Development) residential land use for the purpose of creating a for-sale condominium community. As part of the request, this citizen review and neighborhood involvement report has been prepared and will be updated throughout the process.

The entire project team is sensitive to the importance of neighborhood involvement and creating a 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 stakeholders and preparing for the neighborhood outreach began prior to the application filing and will continue throughout the process.

Community Involvement

The project team began in August of 2012 with outreach into the community focusing on the Alamos neighborhood, the Cottonwoods Resort, existing Borgata tenants, and owners and tenants of Lincoln Village and Hilton Village businesses. The door-to-door work and smaller meetings with homeowners, current tenants, and interested parties that has already begun, will continue throughout the process. Current tenants have all been assisted in their relocation efforts and revisions to the submittal have already been made based on comments from neighbors. Numerous meetings have been held with the Alamos neighbors, their Board, and their Board appointed neighborhood development committee. The current site plan submittal is reflective of changes that have been suggested in these various meetings. Members of the outreach team will continue to be available to meet with any neighbors who wish to discuss the request.

Additionally, they will be contactable via telephone and email to answer any questions relating to the request.

Surrounding property owners and other interested parties were noticed via first class mail regarding the zoning request. This notification contained information about the request, contact information to receive additional information, and the opportunity to give feedback. The notification also contained information regarding a Neighborhood Open House that was held on Thursday, March 7th, 2013 in the Copper Room of Flemings Prime Steakhouse and Wine Bar (6333 N. Scottsdale Road) for anyone who wished to learn more about the request.

Twenty-six interested neighbors, the bulk of whom were from the adjacent Alamos neighborhood, attended the Open House. Attendees were generally supportive of the project. However, a few neighbors had questions about landscaping and traffic along Rose Lane and pedestrian connectivity. Subsequent to the Open House, several meetings were held with the Alamos HOA Development Committee and HOA leadership to insure that all of their questions had been answered and issues addressed.

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. As previously stated the entire team realizes the importance of the neighborhood involvement process and is committed to communication and outreach for the request.

Attachments:

Notification letter
Notification list
Affidavit of posting
Sign-in sheets

Residences at Borgata

Neighborhood Meeting Sign-In Sheet

Thursday, March 7, 2013

[illegible]

Residences at Borgata
Neighborhood Meeting Sign-In Sheet
Thursday, March 7, 2013

[illegible]

Residences at Borgata

Neighborhood Meeting Sign-In Sheet

Thursday, March 7, 2013

[illegible]



February 22nd, 2013

Dear Neighbor:

We are pleased to inform you that AV Homes is proposing a revitalization of the current 5+/- acre parcel on the northwest corner of Scottsdale Road and Rose Lane (the Borgata Retail Center) in the form of a for-sale, multi-family residential community. This proposal will include a non-major General Plan Amendment from the Commercial land use category to the Mixed Use land use category and a change in zoning from its current Central Business District (C-2) commercial zoning designation to Planned Unit Development (PUD) residential zoning designation. This proposal has been filed with the City of Scottsdale and given the case number of 697-PA-2012. The two commercial restaurant pads (J. Alexander's and Blanco) will remain in place and are not part of this request and rezoning application.

We are pleased to invite you to attend an open house to discuss this proposal. The open house will be held in the Copper Room of Flemings Prime Steakhouse and Wine Bar located at 6333 N. Scottsdale Road in Scottsdale, from 5:00 p.m. to 6:00 p.m. on Thursday, March 7th, 2013.

In the meantime, if you have any questions, please contact our neighborhood outreach team, Technical Solutions, at 602-957-3434. The City of Scottsdale Project Coordinator for this project is Kim Chafin, who can be reached at 480-312-7734.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Konderik".

Brian Konderik
Director, Land Development



Affidavit of Sign Posting

☒ Project Under Consideration Sign (White)

☐ Public Hearing Notice Sign (Red)

Case Number: 697-PA-2012
Project Name: Borgata
Location: NWC Scottsdale Road and Rose Lane
Site Posting Date: 2-25-2013
Applicant Name: John Berry
Sign Company Name: Scottsdale Sign A Rama
Phone Number: 480-994-4000

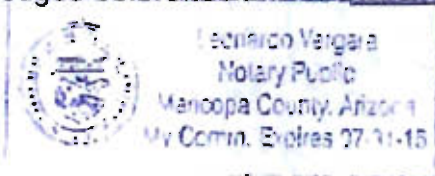
I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

John Berry
Applicant Signature

2-25-2013
Date

Return completed original signed and notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal. E-mail copy to your project coordinator.

Acknowledged before me this the 25TH day of FEBRUARY 2013



[Signature]
Notary Public

My commission expires: 7-31-2015

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



Early Notification of Project Under Consideration

Neighborhood Open House Meeting

Date: March 7th, 2013
Time: 5:00 - 6:00 PM
Location: 6230 N. Scottsdale Rd.

Site Address: HWC of Scottsdale Rd. and Rose Lane
Project Overview:

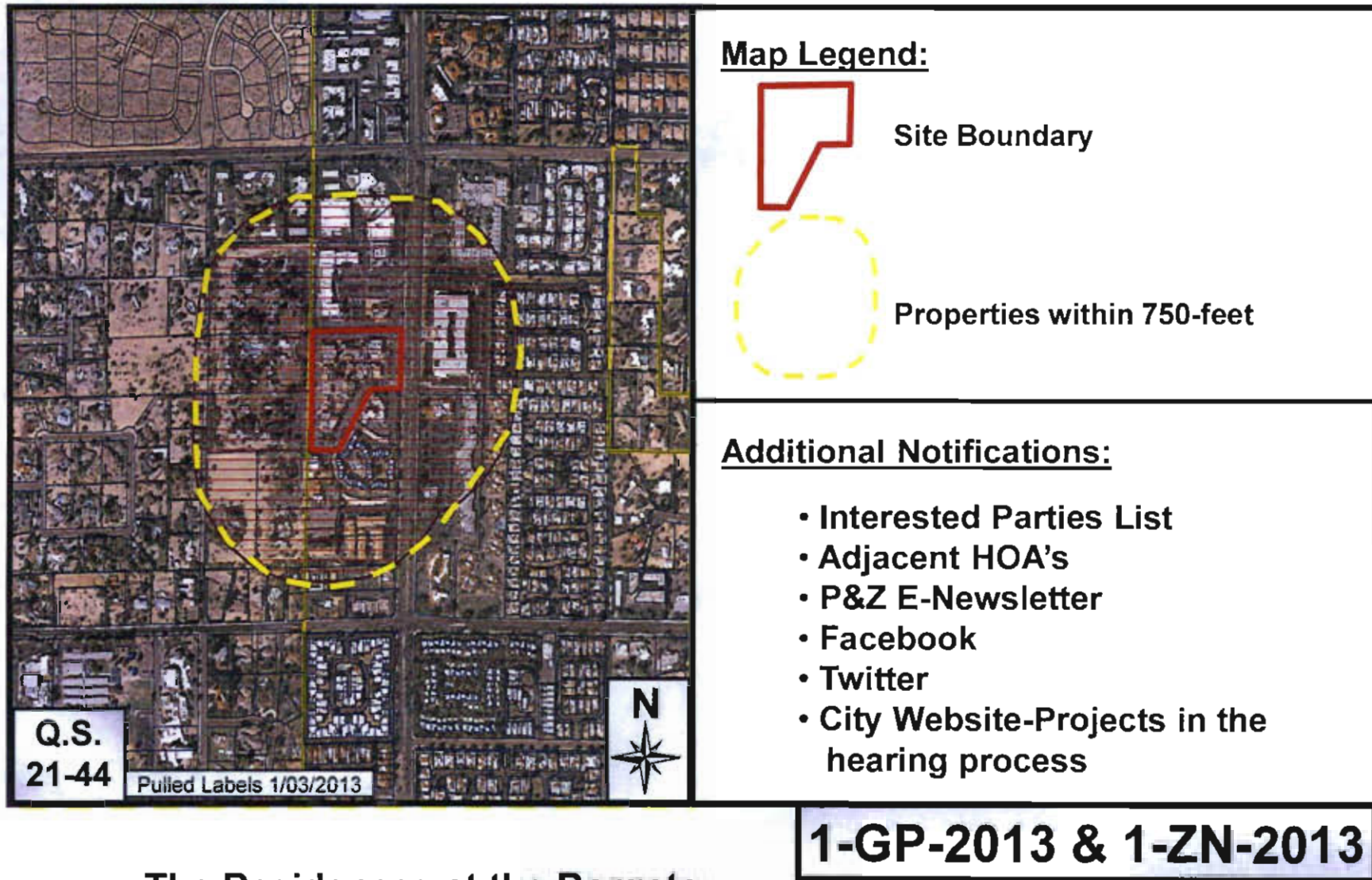
• Developer: HWC of Scottsdale Rd. and Rose Lane
• Site Address: 6230 N. Scottsdale Rd. and Rose Lane
• Project Overview: A new development consisting of a 100,000 sq. ft. retail and office building with a parking lot and a landscaped area.

• Site Address: 6230 N. Scottsdale Rd. and Rose Lane
• Project Overview: A new development consisting of a 100,000 sq. ft. retail and office building with a parking lot and a landscaped area.

• Site Address: 6230 N. Scottsdale Rd. and Rose Lane
• Project Overview: A new development consisting of a 100,000 sq. ft. retail and office building with a parking lot and a landscaped area.



City Notifications – Mailing List Selection Map



The Residences at the Borgata

ATTACHMENT #8

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, June 11, 2013 1:27 PM
To: 'skogan@hallofframes.com'
Cc: City Council; Twist, J.P.; Chafin, Kim
Subject: FW: The Residences at Borgata Project

Dear Mr. Kogan,

Mayor Lane and members of Council asked that I reply and thank you for your input regarding the Residences at the Borgata project.

Best regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

From: Sean Kogan [<mailto:skogan@hallofframes.com>]
Sent: Friday, June 07, 2013 5:28 PM
To: City Council
Subject: The Residences at Borgata Project

To whom it may concern,

My name is Sean Kogan, and I am the V.P. Of Marketing at the Hall of Frames in Hilton Village. I would like to endorse the building at The Residences at Borgata Project. As a local business owner, new developments certainly help the growth of the community and also the business development side for small businesses. For our company, the more residential or commercial walls available, the more potential picture framing we can do.

Thanks again for your time, and I hope that this endorsement helps with moving the project along,

Best Regards,

Sean Kogan V.P. Of Marketing



P: 602.923-4998 F:602.923.9404
6149 N. Scottsdale Rd., Scottsdale, AZ 85250

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, June 11, 2013 1:25 PM
To: 'jdmx07@gmail.com'
Cc: Lane, Jim; Twist, J.P.; Chafin, Kim
Subject: FW: Borgata

Dear Mr. Martinez,

Mayor Lane asked that I thank you for your e-mail and input into the Borgata rezoning proposal.

Best regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

-----Original Message-----

From: JD Martinez [<mailto:jdmx07@gmail.com>]
Sent: Saturday, June 08, 2013 10:26 AM
To: Lane, Jim
Subject: Borgata

Please save the Borgata from demolition!

John D. Martinez

Chafin, Kim

From: Lane, Jim
Sent: Friday, June 07, 2013 7:57 AM
To: Smetana, Rachel
Subject: FW: Please vote no on The Borgata demolition.

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: RonzBox@yahoo.com [mailto:ronzbox@yahoo.com]
Sent: Friday, June 07, 2013 6:44 AM
To: Lane, Jim
Subject: Please vote no on The Borgata demolition.

Mayor Lane,
I have been a resident of Scottsdale for nearly 24 years and have been fortunate enough to live in very close proximity to its beautiful Resort corridor. I am certain that facilitating the destruction of The Borgata would be a colossal mistake and a huge blow to the city's unique character and ambience.

Several years ago, the city lost an impressive world class resort... The Radisson Registry... to a development scheme that was somehow supposed to "improve" the use of that particular land parcel. At least, this was the developer's pitch and promise. That improvement has never materialized. Instead, the project remains unfinished and stalled and far, far less impressive than what was there before it was bulldozed and destroyed. Scottsdale lost big in so many ways with this redevelopment.

This type of redevelopment does not signify growth or improvement. It is merely change for the sake of change and only serves the financial interests of the developer. Insight and careful consideration into what is best for Scottsdale in the long term is being completely disregarded within this issue. Please vote NO on The Borgata demolition!

Sincerely,
Ron Lee

P.O. Box 4071
Scottsdale, AZ 85261

Chafin, Kim

From: Smetana, Rachel
Sent: Thursday, June 06, 2013 12:35 PM
To: 'bis@azpre.com'
Cc: Lane, Jim; Twist, J.P.; Chafin, Kim
Subject: FW: Property Owner Support of Redevelopment at The Borgata
Attachments: SKMBT_C55213060609140.pdf

Importance: High

Dear Mr. Shapiro,

Mayor Lane asked me to thank you for your e-mail and letter in support of the redevelopment of the Borgata.

Best regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

From: Bruce Shapiro [<mailto:bis@azpre.com>]
Sent: Thursday, June 06, 2013 10:37 AM
To: Lane, Jim
Subject: Property Owner Support of Redevelopment at The Borgata
Importance: High

Dear Mayor Lane and Distinguished City Council Members, my firm Arizona Partners is the owner of the restaurant buildings directly adjacent to the existing Borgata retail center. We are in full support of the redevelopment that AV Homes is proposing, which would introduce more mixed-use into the area with added residential rooftops to serve our restaurateurs. Please vote yes!

Regards,

Bruce Shapiro
Principal
Arizona Partners, LLC

Chafin, Kim

From: Smetana, Rachel
Sent: Wednesday, June 05, 2013 4:51 PM
To: 'ryangtoronto@yahoo.com'
Cc: City Council; Twist, J.P.; Chafin, Kim
Subject: RE: scottsdale needs character like The Borgatta

Dear Citizen,

Mayor Lane and members of the City Council asked that I thank you for your e-mail and input regarding the Borgata redevelopment proposal.

Best regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

From: ryangtoronto@yahoo.com [<mailto:ryangtoronto@yahoo.com>]
Sent: Wednesday, June 05, 2013 12:09 AM
To: Lane, Jim
Subject: scottsdale needs character like The Borgatta

In this increasingly disposable world we live in, we should try to preserve things with character. Please save The Borgata!

T-Mobile. America's First Nationwide 4G Network

Chafin, Kim

From: Smetana, Rachel
Sent: Wednesday, June 05, 2013 4:49 PM
To: Chafin, Kim
Subject: FW: Please vote NO on destroying The Borgata

From: Jessica Smothermon [mailto:jsmothermon@gmail.com]
Sent: Tuesday, June 04, 2013 8:26 PM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Subject: Please vote NO on destroying The Borgata

Dear Mayor Lane, Vice Mayor Robbins, and esteemed members of the Scottsdale City Council:

I am a Scottsdale homeowner (7917 E Cactus Wren Rd, Scottsdale, 85250) and I want to briefly voice my opposition to the destruction of The Borgata. I do not believe it is in the long term interests of the Scottsdale community to allow the property to be rezoned for residential use, simply to allow construction of additional non-descript condominiums and townhomes. The property should remain zoned for commercial use, and The Borgata should continue on as a Scottsdale landmark and destination.

One of the most endearing qualities about the Scottsdale area is its appearance. There are not four-story billboards littering the streets. The roads are well maintained. The foliage is tropical and picturesque. The look and feel of the community attracts tourists from around the world. Naturally out-of-state commercial interests wish to capitalize on the popularity of the area, and the money that tourism generates. But the short term economic interests of a few can not, and must not, harm the overall aesthetic that continues to attract homebuyers and tourists to our area. Allowing short term economic considerations to damage that which makes Scottsdale unique ensures that Scottsdale will not be unique in a few short years.

Frankly, the last thing Scottsdale needs is another overgrown condominium complex on Scottsdale Road. There is a new apartment property in mid-construction just up the road - a half mile North. Arizona, and the Phoenix-area in particular, have learned the hard way the lessons of residential over-growth. Foreign capital does not care about our local aesthetic for any longer than it takes to market and sell the condo's built at The Borgata. Once that process is complete, the foreign capital will be gone, and it will be for the local residents to manage the losses for years to come.

Thank you very much for your time, and consideration. Again, in serving the long term interests of our community, please vote NO on destroying The Borgata.

Jessica Smothermon

Chafin, Kim

From: Michele Hammond <mh@brrlawaz.com>
Sent: Tuesday, June 04, 2013 10:09 AM
To: Smetana, Rachel; Chafin, Kim
Subject: FW: The Residences at Borgata Project

Kim/Rachel:

See below, which is a support email that was sent to CC on 5/30. Did you receive this email? We are anticipating other support emails as well.

Thanks.

Michele Hammond

Principal Planner
BERRY RIDDELL & ROSENSTEEL LLC
6750 E. Camelback Road, Suite 100
Scottsdale, Arizona 85251
602-463-4081 cell
480-385-2753 direct
480-385-2757 fax
mh@brrlawaz.com

PLEASE NOTE OUR NEW FIRM NAME AND EMAIL ADDRESSES AS OF 1/1/2013.

This message and any of the attached documents contain information from Berry Riddell & Rosensteel LLC that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information, and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply e-mail and then delete this message. Thank you.

From: Prescott Smith [<mailto:prescott@technicalsolutionaz.com>]
Sent: Tuesday, June 04, 2013 10:06 AM
To: Michele Hammond
Subject: Fwd: The Residences at Borgata Project

----- Forwarded message -----

From: Tin Le <tinle64@yahoo.com>
Date: Thu, May 30, 2013 at 11:43 AM
Subject: The Residences at Borgata Project
To: "citycouncil@scottsdaleaz.gov" <citycouncil@scottsdaleaz.gov>

Dear Mayor and Council Members:

I would like to confirm my support for the proposed condominium project at Borgata. I believe a project such as this is definitely needed in the area and it will prove to be a great thing for the small local business owners. The design looks very nice and tasteful. New people living in this part of Scottsdale will be most welcome. Please vote in favor of this development.

Chafin, Kim

From: Lane, Jim
Sent: Tuesday, June 04, 2013 1:20 PM
To: Smetana, Rachel
Subject: FW: Borgatta

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: dine2calistro@gmail.com [<mailto:dine2calistro@gmail.com>] **On Behalf Of** Dine2 Calistro Bistro
Sent: Tuesday, June 04, 2013 12:06 PM
To: City Council
Cc: Prescott@technicalsolutionsaz.com
Subject: Borgatta

To whom it may concern

My name is Jerry Tingle. I am the Operating Partner at Calistro Bistro restaurant located at 6107 N. Scottsdale Rd. in the Hilton Village. I am in support of the residential development going in across the street where the Borgatta is. I believe all of our local businesses in this area will benefit from this. so my vote is a green light for the project.

Jerry Tingle

--
Calistro California Bistro | Hilton Village
6107 N. Scottsdale Rd., Suite 110
Scottsdale, AZ 85250

480.656.5244

Chafin, Kim

From: Lane, Jim
Sent: Tuesday, June 04, 2013 1:19 PM
To: Smetana, Rachel
Subject: FW: Support of the Borgata

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: habolling1@aol.com [mailto:habolling1@aol.com]
Sent: Tuesday, June 04, 2013 11:27 AM
To: City Council
Cc: Prescott@technicalsolutionaz.com
Subject: Support of the Borgata

I Tony Bolling am in favor of the Borgata becoming Condo's.

I own Mackie's Parlour (A Pt Boutique)
located at

61367 North Scottsdale Road Suite B107
Scottsdale Arizona 85250

Thanks

Chafin, Kim

From: Lane, Jim
Sent: Tuesday, June 04, 2013 1:19 PM
To: Smetana, Rachel
Subject: FW: The Residences at Borgata Project

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: Stephanie Walter [<mailto:stephanlewalter8448@yahoo.com>]
Sent: Tuesday, June 04, 2013 11:12 AM
To: City Council
Subject: The Residences at Borgata Project

I work at Kalologie 360 6107 N. Scottsdale Rd. and I think it would be beneficial to the company to have the residence at the Borgata. Please vote yes

Chafin, Kim

From: Lane, Jim
Sent: Tuesday, June 04, 2013 1:19 PM
To: Smetana, Rachel
Subject: FW: The residences at Borgota Project

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: 19 Hilton Village [<mailto:19hiltonvillage@hallofframes.com>]
Sent: Tuesday, June 04, 2013 11:47 AM
To: City Council
Subject: The residences at Borgota Project

To Whom it may concern:

I have worked for the Hall of Frames for over 30 years and have been at the Hilton Village location for the past 3 years since we opened it. I have seen improvement in the economy but believe that our business and others would benefit from new residents to support local business in the area. Please vote yes for the re-zoning for the residences at the Borgata.

Thank you,
Scott Sass
Hall of Frames
6149 N Scottsdale Rd, Suite 104A
Scottsdale Az 85250
480-991-6622

Chafin, Kim

From: Carrie Richer <carriericher@cox.net>
Sent: Monday, June 03, 2013 12:53 PM
To: Lane, Jim
Subject: Borgata

Please do not allow the Scottsdale Borgata to be turned into another ugly unappealing condominium site!! Lets keep Scottsdale beautiful and unique. Thank you.

Carrie Richer RN BSN CMSRN
4 West RN Supervisor
Scottsdale Healthcare Osborn

Chafin, Kim

From: Patrick Nackley <PatrickN@Supersvcs.com>
Sent: Monday, June 03, 2013 9:31 AM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Subject: Please vote NO on destroying The Borgata

Dear Mayor Lane, Vice Mayor Robbins, and esteemed members of the Scottsdale City Council:

I am a Scottsdale homeowner (8320 E. Malcomb Drive, Scottsdale, 85250) and I want to briefly voice my opposition to the destruction of The Borgata. I do not believe it is in the long term interests of the Scottsdale community to allow the property to be rezoned for residential use, simply to allow construction of additional non-descript condominiums and townhomes. The property should remain zoned for commercial use, and The Borgata should continue on as a Scottsdale landmark and destination.

One of the most endearing qualities about the Scottsdale area is its appearance. There are not four-story billboards littering the streets. The roads are well maintained. The foliage is tropical and picturesque. The look and feel of the community attracts tourists from around the world. Naturally out-of-state commercial interests wish to capitalize on the popularity of the area, and the money that tourism generates. But the short term economic interests of a few can not, and must not, harm the overall aesthetic that continues to attract homebuyers and tourists to our area. Allowing short term economic considerations to damage that which makes Scottsdale unique ensures that Scottsdale will not be unique in a few short years.

Frankly, the last thing Scottsdale needs is another overgrown condominium complex on Scottsdale Road. Arizona, and the Phoenix-area in particular, have learned the hard way the lessons of residential over-growth. Foreign capital does not care about our local aesthetic for any longer than it takes to market and sell the condo's built at The Borgata. Once that process is complete, the foreign capital will be gone, and it will be for the local residents to manage the losses for years to come.

Thank you very much for your time, and consideration. Again, in serving the long term interests of our community, please vote NO on destroying The Borgata.

Patrick Nackley
Assistant Vice President/Corporate Counsel
Superior Home Services, Inc.
15279 N. Scottsdale Road, Suite 400
Scottsdale, Arizona 85254
(480) 391-5512
(480) 391-5612 Fax

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of, any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact Patrick Nackley at the aforementioned address and delete/destroy the material. You should scan this e-mail and any attached files for viruses. The sender does not accept liability for any loss or damage, whether caused by sender's negligence or not, that results from a computer virus or defect in the transmission of this e-mail or any other attached file.

Chafin, Kim

From: Lane, Jim
Sent: Monday, June 03, 2013 9:57 AM
To: Twist, J.P.; Smetana, Rachel
Subject: FW: Please vote NO on destroying The Borgata

Categories: Follow up

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

From: Patrick Nackley [<mailto:PatrickN@Supersvcs.com>]
Sent: Monday, June 03, 2013 9:31 AM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Subject: Please vote NO on destroying The Borgata

Dear Mayor Lane, Vice Mayor Robbins, and esteemed members of the Scottsdale City Council:

I am a Scottsdale homeowner (8320 E. Malcomb Drive, Scottsdale, 85250) and I want to briefly voice my opposition to the destruction of The Borgata. I do not believe it is in the long term interests of the Scottsdale community to allow the property to be rezoned for residential use, simply to allow construction of additional non-descript condominiums and townhomes. The property should remain zoned for commercial use, and The Borgata should continue on as a Scottsdale landmark and destination.

One of the most endearing qualities about the Scottsdale area is its appearance. There are not four-story billboards littering the streets. The roads are well maintained. The foliage is tropical and picturesque. The look and feel of the community attracts tourists from around the world. Naturally out-of-state commercial interests wish to capitalize on the popularity of the area, and the money that tourism generates. But the short term economic interests of a few can not, and must not, harm the overall aesthetic that continues to attract homebuyers and tourists to our area. Allowing short term economic considerations to damage that which makes Scottsdale unique ensures that Scottsdale will not be unique in a few short years.

Frankly, the last thing Scottsdale needs is an another overgrown condominium complex on Scottsdale Road. Arizona, and the Phoenix-area in particular, have learned the hard way the lessons of residential over-growth. Foreign capital does not care about our local aesthetic for any longer than it takes to market and sell the condo's built at The Borgata. Once that process is complete, the foreign capital will be gone, and it will be for the local residents to manage the losses for years to come.

Thank you very much for your time, and consideration. Again, in serving the long term interests of our community, please vote NO on destroying The Borgata.

Patrick Nackley
Assistant Vice President/Corporate Counsel
Superior Home Services, Inc.
15279 N. Scottsdale Road, Suite 400
Scottsdale, Arizona 85254
(480) 391-5512
(480) 391-5612 Fax

Chafin, Kim

Subject: FW: SAVE THE BORGATA!

From: Joel Rappaport [<mailto:rappy@cox.net>]
Sent: Monday, June 03, 2013 11:43 PM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert
Subject: SAVE THE BORGATA!

As a 23 year resident of Scottsdale, I've always taken great pride in taking my out of town guests to see the Borgata - just a small, but powerful example of the uniqueness of Scottsdale - and, to a person, they were entranced by its lovely environment. Now, we want to demolish it and replace with CONDOMINIUMS?

Please.....think again! Condos are 'a dime a dozen' - but the uniqueness,serenity, and beauty of the Borgata is truly one of a kind.

Do reconsider!

Sincerely,

Roslyn Rappaport

Chafin, Kim

From: Tin Le <tinle64@yahoo.com>
Sent: Thursday, May 30, 2013 11:43 AM
To: City Council
Subject: The Residences at Borgata Project

Dear Mayor and Council Members:

I would like to confirm my support for the proposed condominium project at Borgata. I believe a project such as this is definitely needed in the area and it will prove to be a great thing for the small local business owners. The design looks very nice and tasteful. New people living in this part of Scottsdale will be most welcome. Please vote in favor of this development.

Regards,

Tin Le

Allure Nails & Spa
6149 N. Scottsdale Road., Suite #103
Scottsdale, AZ 85250

Chafin, Kim

From: Marga Pumilia <margamotheroftwins@yahoo.com>
Sent: Wednesday, May 29, 2013 1:33 PM
To: Lane, Jim
Subject: Please save the Borgata

Please save the Borgata!!!

Chafin, Kim

From: kelly osborne <komontana@gmail.com>
Sent: Monday, May 27, 2013 4:12 PM
To: Lane, Jim
Subject: Please vote NO on demolishing the Borgata

Hello - I was raised in Az and now that I moved, every year I look forward to my visit to Scottsdale and return to the Valley - Every year a part of my vacation is a trip to the Borgata - it is a Scottsdale landmark and the thought of it being torn down is devastating. Then to make matters worse, to think that condo's would be put in, only compounding the already difficult traffic. Please Please Please vote NO and save this beautiful Scottsdale landmark. Let them put in Condo's in at the hotel behind the Borgata - just don't let them tear down this beautiful building!!!

Kelly Osborne
komontana@gmail.com

Chafin, Kim

From: Marilyn Curiel <marylinandjohn@aol.com>
Sent: Sunday, May 26, 2013 12:10 PM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne
Subject: Please save the Borgata

Dear Mayor Lane and members of our City Council,

Please allow Scottsdale to keep the Borgata. This is a symbol of Scottsdale's International appeal. Destroying this treasure to build more condos will just take something from Scottsdale's personality. This is part of our city's heritage, please vote NO to tearing it down.

Respectfully,

Marylin & John Curiel

Chafin, Kim

From: Adam Koelsch <akoelsch74@gmail.com>
Sent: Saturday, May 25, 2013 11:30 AM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Subject: Vote NO on Borgata Zoning Change

I would encourage you to vote no on re-zoning the Borgata to residential. As a Scottsdale resident since 2002, and a small business owner in McCormick Ranch, I typically support a hands-off attitude toward private development. Personally, I don't care if a developer wants to buy up and destroy a beautiful building like the Borgata that stands on private property. However, the Borgata issue is unique. That region is a busy commercial area, and important to local residents and the local economy. Converting that region to high density residential would be a huge mistake and detrimental to our city. It would increase the traffic congestion in the area, and take away an important commercial hub.

Sincerely,
Adam Koelsch, M.D.

Chafin, Kim

From: sbehbaha@gmail.com
Sent: Saturday, May 25, 2013 2:12 PM
To: Lane, Jim
Subject: Borgata

The face of Central Scottsdale is getting disfigured by greedy companies.
Do not allow Borgata demolition

Sent from my iPad

Chafin, Kim

From: Lane, Jim
Sent: Friday, May 03, 2013 1:18 PM
To: Twist, J.P.; Smetana, Rachel
Subject: FW: Please SAVE the Borgata

Carol Michaud
Executive Secretary to the Mayor
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2466

-----Original Message-----

From: Alexandra Duemer [<mailto:alexandrad76@cox.net>]
Sent: Friday, May 03, 2013 1:09 PM
To: Lane, Jim
Subject: Please SAVE the Borgata

Dear Mr. Lane,

I am writing today to voice my concern about the Borgata. I think it would be a real shame to lose this beautiful destination for just more condominiums. Scottsdale is full of them and there is absolutely NO justification for wrecking an iconic Scottsdale landmark!! I grew up visiting the Borgata for special events and memorable visits with family and friends from around the world. They were all enchanted by this unique little spot. It's unlike anything else in town and given the chance, could come back to its glory. Please don't let AV Homes move forward with their plans for condos that will only help around 400 people, instead of the Scottsdale community and economy.

Thank you for your thoughtful consideration.

Sincerely,

Alexandra Duemer

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:38 AM
To: 'sbehbaha@gmail.com'; Lane, Jim
Cc: Twist, J.P.; Chafin, Kim
Subject: RE: Borgata

Mayor Lane asked that I thank you for your comments.

Best regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

-----Original Message-----

From: sbehbaha@gmail.com [<mailto:sbehbaha@gmail.com>]
Sent: Saturday, May 25, 2013 2:12 PM
To: Lane, Jim
Subject: Borgata

The face of Central Scottsdale is getting disfigured by greedy companies.
Do not allow Borgata demolition

Sent from my iPad

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:30 AM
To: Chafin, Kim
Subject: FW: Please save the Borgata

Hi Kim - for the file.

-----Original Message-----

From: Marilyn Curiel [<mailto:marylinandjohn@aol.com>]

Sent: Sunday, May 26, 2013 12:10 PM

To: Lane, Jim; Korte, Virginia; Klapp, Suzanne

Subject: Please save the Borgata

Dear Mayor Lane and members of our City Council,

Please allow Scottsdale to keep the Borgata. This is a symbol of Scottsdale's International appeal. Destroying this treasure to build more condos will just take something from Scottsdale's personality. This is part of our city's heritage, please vote NO to tearing it down.

Respectfully,

Marilyn & John Curiel

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:31 AM
To: 'kelly osborne'
Cc: Lane, Jim; Twist, J.P.; Chafin, Kim
Subject: RE: Please vote NO on demolishing the Borgata

Dear Ms. Osborne,

Mayor Lane asked that I thank you very much for your e-mail. Staff will make certain your comments are part of the information received by each public body that has a vote on this issue (Development Review Board, Planning Commission, and City Council).

Best regards and thank you for continuing commitment to Scottsdale!

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

From: kelly osborne [<mailto:komontana@gmail.com>]
Sent: Monday, May 27, 2013 4:12 PM
To: Lane, Jim
Subject: Please vote NO on demolishing the Borgata

Hello - I was raised in Az and now that I moved, every year I look forward to my visit to Scottsdale and return to the Valley - Every year a part of my vacation is a trip to the Borgata - it is a Scottsdale landmark and the thought of it being torn down is devastating. Then to make matters worse, to think that condo's would be put in, only compounding the already difficult traffic. Please Please Please vote NO and save this beautiful Scottsdale landmark. Let them put in Condo's in at the hotel behind the Borgata - just don't let them tear down this beautiful building!!!

Kelly Osborne
komontana@gmail.com

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:34 AM
To: 'Adam Koelsch'; Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Cc: Twist, J.P.; Chafin, Kim
Subject: RE: Vote NO on Borgata Zoning Change

Dear Dr. Koelsch,

Mayor Lane and members of Council asked that I thank you for your comments regarding the rezoning of the Borgata. This item is expected to be heard by Council in or around August. In the meantime, we will make certain your input is also forwarded to the Development Review Board and the Planning Commission which will hear this case in June.

Best Regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

From: Adam Koelsch [<mailto:akoelsch74@gmail.com>]
Sent: Saturday, May 25, 2013 11:30 AM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Subject: Vote NO on Borgata Zoning Change

I would encourage you to vote no on re-zoning the Borgata to residential. As a Scottsdale resident since 2002, and a small business owner in McCormick Ranch, I typically support a hands-off attitude toward private development. Personally, I don't care if a developer wants to buy up and destroy a beautiful building like the Borgata that stands on private property. However, the Borgata issue is unique. That region is a busy commercial area, and important to local residents and the local economy. Converting that region to high density residential would be a huge mistake and detrimental to our city. It would increase the traffic congestion in the area, and take away an important commercial hub.

Sincerely,
Adam Koelsch, M.D.

Chafin, Kim

From: Ruenger, Jeffrey
Sent: Tuesday, May 28, 2013 7:50 AM
To: Chafin, Kim; Castro, Lorraine
Subject: FW: SaveTheBorgata

-----Original Message-----

From: WebSiteUser@scottsdaleaz.gov [mailto:WebSiteUser@scottsdaleaz.gov]
Sent: Monday, May 27, 2013 5:44 PM
To: Projectinput; Lebovitz, Brandon
Subject: SaveTheBorgata

Do not reply to this message via email.
The Internet user did not provide a return email address:

Why do we need more condos? You are already going to create major traffic issues around Lincoln Drive and Scottsdale Road with all the new condos there. Please don't approve the plans of AV Homes.

This message was feedback from the following web page:
<http://www.scottsdaleaz.gov/projects>
5/27/2013 5:44:29 PM

72.208.246.14 Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.1;
Trident/4.0; .NET CLR 1.1.4322; .NET CLR 2.0.50727; .NET CLR 3.0.04506.30;
NET CLR 3.0.4506.2152; .NET CLR 3.5.30729; AskTbWBR/5.15.4.23821;
NET4.0C) sessionID: 0

E K M A R K & E K M A R K, L.L.C.

ATTORNEYS AT LAW

May 13, 2013

Via E-mail (kchafin@scottsdaleaz.gov) and U.S. Mail

City of Scottsdale
Attn: Kim Chafin, Senior Planner
Planning, Neighborhood & Transportation Division
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

**Re: The Residences at the Borgata/Alamos Association
18-ZN-2012**

Dear Ms. Chafin:

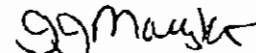
Our firm represents the Alamos Association (the "Association"). The Association is a residential condominium community located immediately southeast of the proposed Borgata redevelopment site (the "Borgata Site"). As you are aware, the Borgata Site is currently subject to applications for zoning, entitlement and development review submitted by its owner, Civila of Arizona, LLC ("Civila"), in conjunction with plans to redevelop the Borgata Site as the Residences at the Borgata.

This letter is to confirm that the Association does not oppose any of Civila's applications with respect to the Residences at the Borgata, as such plans have been presented to the Association¹.

If you have any questions pertaining to this matter, please feel free to contact me.

Thank you.

Sincerely,


Jessica J. Maceyko

cc: Janet Loscher (janetlputt@gmail.com)
Susan Bitter Smith (sbsmith@technicalsolutionsaz.com)

N:\HOA\Alamos - 1014\General Counsel\Expansion of Adjacent Properties\Letters\City of Scottsdale-01.doc

¹ The Association has been informed that Civila plans to redevelop the Borgata Site as a residential active adult condominium community. If substantive changes are later made to this plan, the Association reserves the right to object to any new applications pertaining to the redevelopment of the Borgata Site.

6720 North Scottsdale Road, Suite 261 ♦ Scottsdale, Arizona 85253

Telephone 480/922-9292 ♦ Fax 480/922-9422

Email: jessica@ekmarklaw.com

Chafin, Kim

From: Chafin, Kim
Sent: Wednesday, March 27, 2013 1:18 PM
To: 'rhorowitz@bcattorneys.com'
Cc: Michele Hammond (mh@brrlawaz.com)
Subject: RE: Residences at the Borgata

Good afternoon, Ricki!

No public hearings have been scheduled yet for the Residences at Borgata.

The development team has not yet held a neighborhood meeting.

I am copying Michele Hammond, who is representing the development team for this project, so that you may contact her directly if you wish.

Thanks, Ricki!

Kim Chafin, AICP, LEED-AP
Senior Planner
City of Scottsdale
Ph: 480-312-7734
Fax: 480-312-7088
email: kchafin@ScottsdaleAZ.gov

From: rhorowitz@bcattorneys.com [<mailto:rhorowitz@bcattorneys.com>]
Sent: Wednesday, March 27, 2013 10:50 AM
To: Chafin, Kim
Subject: Residences at the Borgata



Hi Kim - Can you let me know if hearings are set for the GP and Zoning cases for The Residences at the Borgata? Will/has a neighborhood meeting be held? I just would like to get an update on the status of these 2 cases - 18-ZN-12 and 7-GP-12. Thanks. Ricki

Chafin, Kim

To: jmkconstruction@yahoo.com
Cc: Grant, Randy; Kercher, Phillip
Subject: Borgata Development
Attachments: memo to city of scottsdale.pdf

Good afternoon, Mr. Lutz,

Thanks for contacting us regarding your concerns pertaining to the proposed development, Residences at the Borgata. The City is currently reviewing the development proposal, and we have requested the developer to provide a traffic Impact study. Once we receive that, we will review it to ensure the correct methodologies were employed, and will make recommendations on any mitigations measures that may be needed.

From: JMK Construction [<mailto:jmkconstruction@yahoo.com>]
Sent: Monday, February 25, 2013 11:06 AM
To: Grant, Randy; Chafin, Kim
Subject: Borgata Development

Please find the attached memo regarding my concerns for the above mention project.

Thank you, Joel Lutz

Joel Lutz

6150 N. Scottsdale Rd. Unit 43 Scottsdale, AZ 85253
480-483-6489, Work: 480-990-2442

February 25, 2013

Memo to: Mr. Randy Grant-RGrant@scottsdaleaz.gov
Ms. Kim Chafin-kchafin@scottsdaleaz.gov

Ref. to: Borgotta and Cottonwoods construction proposals
Lincoln / Scottsdale Rds. Apartment construction
Cottonwoods Expansion

We met and chatted at the Chase Bank in Fry's a while back and as a one-time developer of industrial properties, I know that when dealing with vacant land the developer can construct the infra-structure (roads, gas & water mains, storm & sanitary sewers and electric power) to accommodate the proposed density. However, this is not the case with the above mentioned projects, as the infra-structure already exists. It is my opinion that the proposed density of the three above mentioned proposals should be based on the existing infra-structure; as for the apartment project, the actual approved density should be used in the density determination as it will have a profound effect on the neighborhood infra-structure. Also, the AV's footprint of the proposed Condo project indicates only 118 car parking for the (2) restaurants, however, there seems to be many more cars during the evening hours when only the restaurants are open. Also, whenever the Kerr Center or the Cottonwoods Conference Center have events there is never enough parking and the attendees start using our condo complex for additional parking and I fear the situation will worsen. What can the City do about the parking requirements?

While I am not anti-development we must not allow the Developers to build and profit while leaving us with an untenable situation.

Chafin, Kim

From: Chafin, Kim
Sent: Tuesday, February 26, 2013 2:22 PM
To: 'jmkconstruction@yahoo.com'
Cc: Grant, Randy; Kercher, Phillip; Michele Hammond (mh@brrlawaz.com); b.konderick@avhomesinc.com
Subject: Borgata Development
Attachments: memo to city of scottsdale.pdf

Good afternoon, Mr. Lutz,

Thanks so much for contacting us to share your thoughts regarding the proposed development, Residences at the Borgata. Copies of any written correspondence we receive will be forwarded to the decision-making bodies for their consideration, i.e., Planning Commission, City Council, Development Review Board.

The City is currently reviewing the development proposal, and has requested the developer to provide a traffic impact study. Once that is received, the City will review it to ensure the correct methodologies were employed, and will make recommendations on any mitigations measures that may be needed.

Thanks again for your comments, Mr. Lutz!

Kim Chafin, AICP, LEED-AP

Senior Planner

City of Scottsdale

Ph: 480-312-7734

Fax: 480-312-7088

email: kchafin@ScottsdaleAZ.gov

From: JMK Construction [<mailto:jmkconstruction@yahoo.com>]

Sent: Monday, February 25, 2013 11:06 AM

To: Grant, Randy; Chafin, Kim

Subject: Borgata Development

Please find the attached memo regarding my concerns for the above mention project.

Thank you, Joel Lutz

Chafin, Kim

From: Chafin, Kim
Sent: Tuesday, February 05, 2013 8:43 AM
To: 'phelpsle1111@gmail.com'
Cc: Michele Hammond (mh@brrlawaz.com)
Subject: RE: Borgata

Good morning, Donna!

Thanks for contacting us regarding the proposed zoning change for the Borgata. The process for a zoning change involves several public hearings before the Development Review Board, Planning Commission and City Council. At this time, public hearings have not yet been scheduled.

I am copying the developer's representative so that they have your contact information in order to keep you apprised. The developer's rep may be able to advise you of their intentions with regard to construction dates. You can also visit the City's website and view the plans and documents, as well as come down to City offices and view all materials in the file. Here is the link to the City's website containing information about the development proposal: <https://eservices.scottsdaleaz.gov/eServices/cases/casesheet.aspx?caseid=41981>

Thanks, Donna!

Kim Chafin, AICP, LEED-AP
Senior Planner
City of Scottsdale
Ph: 480-312-7734
Fax: 480-312-7088
email: kchafin@ScottsdaleAZ.gov

From: phelpsle1111@gmail.com [<mailto:phelpsle1111@gmail.com>]
Sent: Monday, February 04, 2013 9:20 PM
To: Chafin, Kim
Subject: borgata



Has the zoning change been granted allowing the borgata to be demolished and replacing that structure with a high density residential structure? I'm asking because we are planning a wedding ceremony and reception at the cottonwoods resort Oct 2014. This may severely impact our investment if the construction timeliness conflicts with our wedding timeliness. Do you have a demolition/construction/completion timeliness? Thank you. Donna (the Mom)

Chafin, Kim

From: Ruenger, Jeffrey
Sent: Monday, February 04, 2013 1:02 PM
To: 'phelpsie1111@gmail.com'; Chafin, Kim
Subject: RE: borgata/rezoning

Good Afternoon,

The city has received an application for redevelopment of the Borgata site. I have attached a link for you to view the proposed site plan of the applicants submittal. The complete file is available to review at our planning office. I have also included Kim on this email as the project coordinator for the city. The applicant's contact information is available through the attached link.

<https://eservices.scottsdaleaz.gov/eservices/cases/casesheet.aspx?caseid=41981>

Regards
Jeff

-----Original Message-----

From: phelpsie1111@gmail.com [<mailto:phelpsie1111@gmail.com>]
Sent: Sunday, February 03, 2013 12:08 AM
To: Question
Subject: borgata/rezoning

Please tell me Scottsdale City Council hasn't changed the zoning allowing the beautiful Borgata to be demolished and replaced with high density residential property....

Donna Phelps
4803709383
phelpsie1111@gmail.com

This message was feedback from the following web page:

2/3/2013 12:08:19 AM

68.2.95.41 Mozilla/5.0 (Macintosh; U; Intel Mac OS X 10_6_3; en-us; Silk/1.0.22.153_10033210) AppleWebKit/533.16 (KHTML, like Gecko) Version/5.0 Safari/533.16 Silk-Accelerated=true sessionId: 0

Cookson, Frances

From: Chafin, Kim
Sent: Tuesday, July 30, 2013 9:46 AM
To: 'jsnow48706@aol.com'
Cc: Michele Hammond (mh@brrlawaz.com); b.konderik@avhomesinc.com; Cookson, Frances; Kercher, Phillip
Subject: FW: Tear Down of Borgata and exit to Rose Lane with new Condos

Good morning, Mr. Snowden!

Thanks so much for taking the time to contact us regarding your concern pertaining to potential traffic impacts of the proposed Residences at the Borgata.

A traffic impact study was conducted which concluded that the proposed residential use will generate LESS traffic than a commercial shopping center (existing use).

Here is a summary paragraph from the traffic impact study:

"Approval of the proposed Development Plan under the proposing zoning district will generate an estimated 1,450 trips per day, with approximately 111 trips generated in the a.m. peak hour and 138 trips generated in the p.m. peak hour.

This represents a decrease of approximately 2,049 trips per day over the existing Specialty Retail land use. With the addition of the proposed site generated traffic, operations at the intersection of Scottsdale Road and Rose Lane will continue to operate at acceptable levels. The proposed mixture of residential and restaurant land use for the overall site, immediately adjacent to neighborhood serving retail uses and office uses, will reduce some of the potential site-generated traffic due to the natural interaction of these land uses."

Attached is a copy of the link to the City's website pertaining to this project.

FYI, the neighboring condominium association, the Alamos, sent a letter of support for the proposed project.

<https://eservices.scottsdaleaz.gov/eServices/cases/casesheet.aspx?caseid=41981>

Thanks again for contacting us, Mr. Snowden!

Kim Chafin, AICP, LEED-AP
Senior Planner
City of Scottsdale
Ph: 480-312-7734
Fax: 480-312-7088
email: kchafin@ScottsdaleAZ.gov

-----Original Message-----

From: Ruenger, Jeffrey
Sent: Tuesday, July 30, 2013 9:02 AM
To: Chafin, Kim; Cookson, Frances
Subject: FW: Tear Down of Borgata and exit to Rose Lane with new Condos

-----Original Message-----

From: jsnow48706@aol.com [<mailto:jsnow48706@aol.com>]
Sent: Monday, July 29, 2013 10:02 AM
To: Projectinput; Lebovitz, Brandon

Subject: Tear Down of Borgata and exit to Rose Lane with new Condos

Dear Staff I am a resident at 6150 North Scottsdale Road and have been travelling for months and spent time at my canadian home in toronto visiting family. I understand from neighbours that the Borgata project is practically a done deal but has anyone considered the impact that 350 residents are going to have trying to exit Rose Lane on to Scottsdale Road when these condos are all up??? It's a zoo now just trying to get out to Scottsdale Road in the winter time without three more buildings full of residents going up....how in the world did this project ever make it through without having another street exit to Lincoln Road or some other way to eliviate traffic? This thing is going to be a big mess. Best regards Jim Snowden p.s. Would love to hear back from somebody thanks...out of town again for few weeks or I would leave a phone number

James Snowden

jsnow48706@aol.com

This message was feedback from the following web page:

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7/29/2013 10:01:50 AM

75.171.65.75 Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 6.0; Trident/4.0; BTRS129259; GTB7.5; SLCC1; .NET CLR 2.0.50727; Media Center PC 5.0; .NET CLR 3.5.30729; .NET CLR 3.0.30729; .NET4.0C) sessionID: 0

Cookson, Frances

From: Chafin, Kim
Sent: Monday, July 22, 2013 7:59 AM
To: Cookson, Frances; Castro, Lorraine; Perone, Steve
Subject: FW: PLEASE VOTE NO and SAVE the BORGATA

Please provide this this correspondence to the City Council for their August 20th hearing regarding the Residences at the Borgata, Case Nos. 18-ZN-2012 & 7-GP-2012.
Thanks!

Kim Chafin, AICP, LEED-AP
Senior Planner
480-312-7734

From: Smetana, Rachel
Sent: Thursday, July 11, 2013 9:09 AM
To: Chafin, Kim
Subject: FW: PLEASE VOTE NO and SAVE the BORGATA

From: kelly osborne [<mailto:kmontana@gmail.com>]
Sent: Tuesday, July 09, 2013 6:47 PM
To: Lane, Jim
Subject: PLEASE VOTE NO and SAVE the BORGATA

Again, I plead with you to save this beautiful building!!! Do NOT let it be torn down and rezoned - this is a retail area NOT residential.

Kelly Osborne
kmontana@gmail.com
(406) 871-5719

Cookson, Frances

From: Chafin, Kim
Sent: Tuesday, July 02, 2013 12:11 PM
To: Cookson, Frances
Subject: FW: Do Not Allow The Borgata Demolition

From: Smetana, Rachel
Sent: Tuesday, July 02, 2013 8:35 AM
To: Chafin, Kim
Subject: FW: Do Not Allow The Borgata Demolition

-----Original Message-----

From: Michael Reimann [<mailto:mkreimann@gmail.com>]
Sent: Wednesday, June 26, 2013 6:53 PM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Subject: Do Not Allow The Borgata Demolition

I am a Valley Native, born 1977, and grew up in the McDonald and Scottsdale Rd area where I now live with my wife and two year old son. The Borgata has always been a source of pride. We frequent the surrounding restaurants and enjoy strolling around the Borgata before and after dinner, especially with out of town guests. My son's first picture with Santa Claus was taken there.

I remember the revamping of Fashion Square and I remember when they built the Galleria to be a mall; now the Galleria Corporate Center where my office is located. This just shows you, you don't have to tear down something to revitalize the property.

There is already a 200+ unit apartment building being built at Scottsdale Rd and Lincoln (and a Mercedes dealership across from Fashion Square - this is really out of place). The Borgata project will bring more traffic to an already congested area; and we haven't even seen the effects of the new apartment building yet. It will also bring in more of our seasonal visitors who do not have the same "stake" in the community. I understand their dollars are important, but it seems any more, we solely cater to our snowbirds at the misfortune of those of us who live, work and raise our families here year round.

AV Homes is not financially healthy. With all of these new apartments and the housing being built on 68th and Camelback, have they given any projections on how they plan to fill the condos? It would be a shame to replace the struggling Borgata with a defunct housing plan. This is not just a risk for AV Homes, but for all of Scottsdale, especially those of us who live in Central Scottsdale and how this will affect our quality of life.

Thank you for your time and please don't let them tear down the Borgata, especially to build more condos.

Kindest Regards,

--

Michael Reimann

Cookson, Frances

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Sent: Tuesday, July 02, 2013 12:11 PM
To: Cookson, Frances
Subject: FW: Do Not Allow The Borgata Demolition

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Thank you for your time and please don't let them tear down the Borgata, especially to build more condos.

Kindest Regards,

—
Michael Reimann

Cookson, Frances

From: Chafin, Kim
Sent: Friday, June 28, 2013 11:29 AM
To: Cookson, Frances; Perone, Steve
Cc: Michele Hammond (mh@brrlawaz.com)
Subject: public comment RE Borgata 18-ZN-2012

For inclusion in the City Council August 20th packet.
Thanks!

Kim Chafin, AICP, LEED-AP
Senior Planner
City of Scottsdale
Ph: 480-312-7734
Fax: 480-312-7088
email: kchafin@ScottsdaleAZ.gov

From: Smetana, Rachel **On Behalf Of** Lane, Jim
Sent: Friday, June 28, 2013 11:25 AM
To: Chafin, Kim
Subject: FW: Borgata - AV Homes

From: Rick Kidder [<mailto:RKidder@scottsdalechamber.com>]
Sent: Friday, June 28, 2013 11:08 AM
To: City Council
Subject: Borgata - AV Homes

Dear Mr. Mayor and Members of the City Council:

Scottsdale Forward, the annual economic development symposium staged by the Scottsdale Area Chamber of Commerce spawned four groups of citizens working through the summer to address actionable steps we can take to improve our economy. One of those enters on the need for redevelopment and infill in selected sites in our city.

Redevelopment is essential as our city begins to age, and certain properties are prime for re-purposing in new and exciting ways. One of those is the Borgata, once a retail jewel on Scottsdale's signature street and now an outdated and unsuccessful shopping center. No one likes to see iconic properties change, but the changing marketplace dictates that the Borgata must change in order to be productive once again.

Sadly unsuccessful as a retail site for many years, the Borgata is now ready for a new future, one where residents seeking more central and comfortable accommodation can enjoy a peaceful home surrounded by retail shops and restaurants easy within walking distance. The Residences at the Borgata will successfully re-purpose a dated retail center which produced little tax revenue for the city with a n infusion of construction sales tax and new real estate taxes that will help keep our city the finest in the valley.

Retailers in the immediate area are pleased to have new residents who will want to walk to shop, dine and enjoy the many amenities that surround this site. Overwhelmingly those businesses support the redevelopment of the Borgata into an active adult environment, bringing new high-end customers to their doors. The redeveloped center at Lincoln and Scottsdale Road and the Hilton Village shops will see new permanent customers.

The Chamber is working hard every day to help improve our economy, bring more jobs to Scottsdale and enhance our superior quality of life. The Residences at the Borgata will do all three. This is project worthy of support, one where the residents own their properties and invest in the greatness of the southern part of southern part of our great city.

Sincerely,

Rick

*Rick Kidder
President/CEO
Scottsdale Area Chamber of Commerce
7501 E. McCormick Parkway, Suite 202N
Scottsdale, Arizona 85258
Direct Line: 480-355-2709
Main Number: 480-355-2700*

BEUS GILBERT
PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
(480) 429-3000
FAX (480) 429-3100

PAUL E. GILBERT
DIRECT: (480) 429-3002

EMAIL: PGILBERT@BEUSGILBERT.COM

97071-001

25 June 2013

VIA E-MAIL

Kim Chafin, AICP LEED-AP
Senior Planner
City of Scottsdale
7447 E. Indian School Rd., Suite 205
Scottsdale, AZ 85251

Re: 18-ZN-2012

Dear Kim:

As you may know this firm represents WSHR Scottsdale, the owner of the Cottonwoods Resort immediately west of the above referenced zoning case. I am writing now to inform you of our support for the project, as it has been presented at this point in time.

It is my understanding that there is a 40 foot setback from the west property line, a setback our client requested and believes to be acceptable.

We have also requested the applicant provide us an opportunity to review the landscape plans along their westerly border and their west elevation, particularly in relation to the total building height, colors, and materials.

We will continue to support the project provided, of course, that we find these elements satisfactory.

Please call the undersigned if you have any questions concerning this correspondence.

Very truly,

BEUS GILBERT PLLC



Paul E. Gilbert

PEG/NTP:ich

Cookson, Frances

From: Chafin, Kim
Sent: Thursday, July 04, 2013 6:27 PM
To: Cookson, Frances
Subject: FW: please vote no on destroying the Borgata
Attachments: image001.jpg

From: Smetana, Rachel
Sent: Tuesday, July 02, 2013 12:48 PM
To: Chafin, Kim
Subject: FW: please vote no on destroying the Borgata

Hi Kim – Sorry if this is a duplicate. I can't find that I sent it to you last week.

Thanks,
Rachel

From: Barbara Jacober [<mailto:barbara.jacober@cox.net>]
Sent: Tuesday, June 18, 2013 1:39 PM
To: Lane, Jim
Subject: please vote no on destroying the Borgata

Please do not allow the demolition of this beautiful landmark.

Barbara Jacober, REALTOR®
[ROG Logo - Reversed]
7975 N. Hayden Road, Ste. A-101
Scottsdale, AZ 85258
Cell: 480.540.2294
Fax: 480.443.1763
Barbara.jacober@cox.net<<mailto:Barbara.jacober@cox.net>>

DEVELOPMENT REVIEW BOARD REPORT



Meeting Date: June 6, 2013 Item No. 6
General Plan Element: *Character and Design*
General Plan Goal: *Foster quality design that enhances Scottsdale as a unique southwestern desert community.*

ACTION

18-ZN-2012 Residences at the Borgata

Location: 6166 N. Scottsdale Road

Request: Review the Development Plan elements and make a recommendation to the Planning Commission regarding design compatibility, environmental responsiveness, solar shading, connectivity and open spaces, and amended development standards to the Building Setback and Building Envelope requirements, for a proposed Planned Unit Development comprised of three buildings with 262,480 square feet of building area containing 218 residential units, with at-grade and subterranean parking spaces, all on 4.77 net acres, as part of an application for zoning district map amendment from Central Business (C-2) to Planned Unit Development (PUD).

OWNER

AV Homes, LLC
480-646-5388

ARCHITECT/DESIGNER

Mike Edwards
The Davis Experience
480-638-1100

APPLICANT CONTACT

John Berry
Berry & Damore, LLC
480-385-2727

BACKGROUND

Zoning

The site is currently zoned Central Business District (C-2), which is intended to permit most types of commercial activities and includes the sale of commodities and performance of services for a larger segment of population than the average neighborhood.

The City Council, in June 2009, approved the creation of the Planned Unit Development (PUD) zoning district which 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.

The purpose of the request for a zoning map amendment from C-2 to PUD is to take advantage of development opportunities, afforded by the PUD zoning district, that are not provided in the C-2 district. For example, the existing C-2 zoning designation allows most commercial, retail and service uses, but prohibits any non-resort-based residential uses and limits building height to 36 feet. The requested PUD zoning designation allows a residential use and a maximum building height of 48 feet plus 10 feet of architecturally screened mechanical equipment

Context

Located on the west side of Scottsdale Road, south of Lincoln Drive and north of McDonald Drive, the site is surrounded by numerous developments including residential, commercial retail, and restaurant uses.

Adjacent Uses and Zoning

- North Single-story, commercial retail uses in the Central Business (C-2) zoning district.
- South Two-story condominiums and Kerr Cultural Center in the Resort Residential (R-4R) zoning district.
- East Single-story commercial restaurants in the Central Business (C-2) zoning district.
- West Cottonwoods Resort in Paradise Valley.

KEY CONSIDERATIONS

- Developer requesting two Major Amendments to development standards

DEVELOPMENT PROPOSAL

Goal/Purpose of Request

The developer proposes to retain the existing C-2 zoning designation for the two restaurant buildings and parking on the east portion of the existing Borgata shopping center site, and proposes to rezone the west 4.77-acre portion of the site and demolish the remaining commercial buildings thereon in order to construct 218 new multi-family residential units.

The easterly C-2 zoned commercial portion of the site will retain a vehicular access point on Scottsdale Road and on Rose Lane (a private street), as well as the existing parking lot that fronts Scottsdale Road, Rose Lane, and the north side of the property. Additional parking spaces will be created along the west side of the existing restaurant buildings.

The westerly PUD portion of the site will have two vehicular access points from Rose Lane leading to an 11-space surface parking lot, for visitors, on the east side of the residential buildings, and a subterranean parking garage for residents. A cross-access drive and easement is proposed to connect both the existing restaurants and proposed residential uses to the existing Lincoln Village shopping center to the north; however, this future connection will be incomplete until such time when the affected shopping center parking spaces and landscape planter can be converted to a drive aisle.

The remaining commercial portion of the Borgata site will retain existing pedestrian access from Scottsdale Road and Rose Lane, and additional pedestrian connections will be provided from the commercial site to Rose Lane, Lincoln Village shopping center, and the proposed residences. The proposed residential portion of the site will offer multiple pedestrian connections to encourage passage through the residential site from the existing residential and cultural uses to the south and to the existing Lincoln Village shopping center to the north. All pedestrian connections will be minimum 6-foot-wide sidewalks, and enhanced paving will be provided in locations where pedestrians cross vehicular drive aisles.

The proposed residential site features more than four times the amount of common open space than is required by the zoning ordinance, including a central courtyard containing a pool, spa, fountain, fire pit, barbeque areas, shaded plaza space with seating areas, and a fitness facility. Additionally, publicly accessible open space will be available along the residences' Rose Lane frontage.

The 218 units will be dispersed throughout 3 separate buildings, proposed at 4 stories with a maximum height of 48 feet.

Neighborhood Communication

The applicant has sent notice to all property owners within 750 feet of the site and hosted an open house meeting on March 7, 2013 to seek input regarding the proposed project. Staff has received several letters from the public expressing opposition to the proposed project (attached).

DEVELOPMENT REVIEW BOARD CRITERIA ANALYSIS

An application for the PUD District must be accompanied by a Development Plan (DP), the elements of which shall include the following:

1. Character statements, including environmental response, design principles, architectural character, site development character, and landscape character;
 2. A master site plan, with a land use budget tabulation, showing the location of development components, the intensity of development, residential density, and building heights;
 3. An open space plan;
 4. An architectural concepts and design standards plan;
 5. Basis of design reports for storm water drainage, water service, and waste water disposal; and
 6. Any additional information as necessary to process the DP such as:
 - a. A view shed analysis plan;
 - b. A pedestrian circulation plan;
 - c. A hardscape plan;
 - d. A landscape plan;
 - e. A lighting plan; and/or
 - f. A signage plan.
- The applicant's submittal includes a DP which contains all the required elements.

Pursuant to Zoning Ordinance Section 5.5003.C.1.a, 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.
 - To improve traffic flow and minimize congestion, the proposed design includes a cross-access drive and easement for a future connection from both the existing restaurants and proposed residential uses to the existing Lincoln Village shopping center to the north. Minimizing traffic congestion on Scottsdale Road provides a direct benefit to the City and adjacent neighborhoods.
 - The site design includes publicly accessible open space along the Rose Lane frontage.
 - In order to provide a buffer between the proposed four-story building and the existing two-story condominium residences to the south, the proposed building design steps down to a three-story element in the location where the proposed building is nearest to the existing two-story condominiums.
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 multi-family residential development's proximity to office and retail uses, as well as the addition of minimum six-foot-wide sidewalks throughout the site, connecting the proposed residences and existing residential uses to the south to adjacent retail uses, thereby providing the opportunity for reduced vehicle trips.
 - The existing subterranean parking structure will be redeveloped to accommodate shaded resident parking too, thereby the reducing heat island effect created by surface parking lots.
 - The proposed landscape will provide shade for the pedestrian environment throughout the site.
 - The proposed building design incorporates canopies, trellis details and recessed windows to provide architectural interest as well as solar shading.
 - The proposed Development Plan indicates the developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible.
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 development includes buildings which are taller than those on adjacent properties, but its location and proximity to other buildings on adjacent properties avoids solar shading of adjacent land.
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 provides minimum 6-foot-wide sidewalks throughout the site, connecting the proposed residences and existing residential uses to the south to adjacent retail uses.
 - The site design includes publicly accessible open space along the Rose Lane frontage.

The Development Review Board shall review any proposed amendments to the DP and provide a recommendation to the Planning Commission on the proposed amendments. Any proposed

amendments are divided into two types: Minor or Major Amendments. The applicant is requesting two Major Amendments for consideration:

1. **Building Setback.** The developer is requesting an amendment to reduce the required minimum setback along the private street from 25 feet to 20 feet, and to eliminate the requirement for an average 30-foot building setback.
 - The proposed amendment to the building setback pertains to the portion of the proposed building that is nearest to the existing two-story Alamos residential condominiums. At the narrowest point, the proposed building would be set back 20 feet from the property line; therefore, the request is to amend the setback from 25 feet to 20 feet. The request to eliminate the average setback requirement is due to the curved road and varying building lines and dimensions along the Rose Lane frontage.
2. **Building Envelope Abutting or Adjacent to a Residential Zoning District.** The developer is requesting an amendment to modify the building envelope of the proposed building to measure from a point 24 feet above the residential zoning district boundary, instead of directly on the residential zoning district boundary.
 - The proposed amendment to the building envelope also pertains to the portion of the proposed building that is nearest to the existing two-story Alamos residential condominiums. The developer notes the gross square footage of the building area that encroaches into the setback is 5,225 square feet, approximately 2% of the total building area.

While the proposed amendments represent significant encroachments, the Development Plan clarifies that the intent of the proposed amendments is to allow for a very small encroachment into the building setback and the building envelope from the south property line along the Rose Lane frontage. It is important to note that while the building setback along the west property line exceeds that which is required, the owner of the adjacent Cottonwoods Resort in Paradise Valley has expressed concern about the proposed setback and setbacks. As such, approving blanket amendments that could be applied to any portion of the property may not be advisable.

At the time of the writing of the staff report, based on staff's analysis, the exhibits provided by the developer did not conclusively define the relationship between the proposed building and the existing Alamos residences. The developer's request identifies that "The gross square footage of the building area that encroaches into the setback is only 5,225 square feet, which is roughly 2% of the total building area." In staff's analysis, the inclined setback does not affect the total building area. The analysis would more appropriately be based on the gross square footage of the building area that is beneath the inclined setback plane, and then determine the percentage of the gross square footage of the building area that encroaches beyond the inclined setback plane. The more appropriate analysis described above will explain the impact of the major amendment that is proposed in the location of the setback plane, and allow the DRB to make an informed recommendation regarding the proposal. In looking at the inclined setback exhibit, it's clear that the proposed encroachment would represent more than 10% of the overall gross square footage of the building area that is beneath the inclined setback plane; therefore, the requested amendment is considered a major rather than a minor amendment. However, if the Board is supportive of the building footprint and building envelope as depicted, but does not wish to approve blanket

amendments that could be applied to any portion of the property, then the Board may decide to recommend to the Planning Commission a stipulation that limits the encroachments to the building areas currently shown on the site plan, building elevations and building envelope exhibits.

Development Information

- Existing Use: Borgata shopping center
- Proposed Use: Multi-family residential
- Parcel Size: 4.77 acres net/gross
- Building Size: 262,480 square feet
- Building Height Allowed: 48 feet plus 10 feet architecturally integrated mechanical equipment
- Building Height Proposed: 48 feet plus 10 feet architecturally integrated mechanical equipment
- Parking Required: 300 spaces
- Parking Provided: 313 spaces
- Open Space Required: 20,764 square feet / 0.47 acres
- Open Space Provided: 94,570 square feet / 2.17 acres
- Density Allowed: Density determined by DP
- Density Proposed: 45.74 dwelling units per gross acre (218 units)

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Development Review Board recommend to the Planning Commission that the proposed Development Plan is acceptable with regard to design compatibility, environmental responsiveness, solar shading, connectivity and open spaces and recommend approval of the proposed Planned Unit Development comprised of 262,480 square feet of building area with 218 residential units, surface and subterranean parking spaces on 4.77 gross/net acres, with a stipulation that the proposed encroachments into the Building Setback and the Building Envelope Abutting or Adjacent to a Residential Zoning District shall be limited to the areas shown on the Site Plan (Attachment #4), Building Stepback Analysis (Attachment #7), and Conceptual Building Elevations (Attachment #8) exhibits that are included in the Development Plan.

Proposed Next Steps:

After the Planning Commission and City Council review and make a determination on the requested zoning district map amendment, the Development Review Board will consider a development review application, which has more detailed information concerning building elevations, materials/ colors and landscape design.

RESPONSIBLE DEPARTMENT

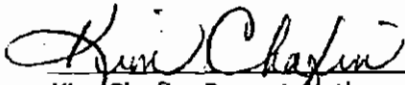
Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

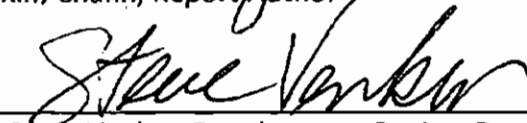
Kim Chafin, AICP, LEED-AP Senior Planner 480-312-7734 E-mail: kchafin@scottsdaleaz.gov

APPROVED BY


Kim Chafin, Report Author

5-22-13

Date



Steve Venker, Development Review Board Coordinator

Phone: 480-312-2831 E-mail: svenker@ScottsdaleAZ.gov

5/22/13
Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Zoning Map
4. Site Plan
5. Landscape Plan
6. Pedestrian Circulation Plan
7. Stepback Exhibit
8. Building Elevations, Aerial Perspectives, Design Details
9. Proposed Amended Development Standards
10. Citizen Involvement

**The Residences at Borgata
Northwest Corner
of
Scottsdale Road & Rose Lane**

Project Narrative

**7-GP-2012
18-ZN-2012**

Prepared for:

AV Homes

Prepared by:

Berry Riddell & Rosensteel, L.L.C.

John V. Berry, Esq.
Michele Hammond, Principal Planner

6750 East Camelback Road
Suite 100
Scottsdale, Arizona 85251
480-385-2727

I. Request

The request is for a non-major General Plan Amendment ("GPA") from the Commercial land use category to the Mixed Use land use category and a rezoning from C-2 (Central Business District) to PUD (Planned Unit Development) on a 5+/- gross acre site located at the northwest corner of Scottsdale Road and Rose Lane (the "Property"); commonly referred to as The Borgata. Within the PUD district, the applicant intends to create a condominium community of approximately 218+/- residential units with on-site amenities.

II. About the Developer

Scottsdale based, AV Homes, is an experienced and award-winning homebuilder and community developer. AV Homes is a publicly held company with operations in the Phoenix and Orlando, Florida regions. The company's history dates back to 1933, but its more recent history dates to the late 1960s when it began to focus its activities on the design and development of larger scale master planned communities in Arizona and Florida. The company has received numerous awards for its community planning and homebuilding activities.

III. Existing Improvements/History:

The subject Property is surrounded by a range of zoning districts/uses including a commercial retail center with Trader Joe's and Walgreens (C-2) to the north, Los Alamos Condominiums (R-4R) to the south, the Cottonwoods (SUP-R Paradise Valley) to the west, Scottsdale Forum office building (C-2) and Hilton Village retail center (C-2/C-0) to the east of Scottsdale Road. The Property is walking distance to an established commercial core including a grocery store, multiple restaurants/services, and hotels, and as such, the site plan has been designed with an emphasis on pedestrian connectivity.

The two commercial restaurant pads (Blanco and J. Alexander's) will remain in place and are not part of this non-major GPA request and rezoning application; therefore, the zoning on the front parcel will remain C-2 and will meet its own site development standards.

IV. Project Overview

The proposal is to redevelop the 5+/- gross acre site to allow for approximately 218+/- residential condominium units consistent with the PUD ordinance with an overall density of approximately 44.6+/- dwelling units/acre. The buildings are proposed at 4 stories, 48' in height with underground parking. The development plan consists of 3 separate buildings with a central common area/courtyard including a pool, spa, bbq, fire pit and multiple seating areas.

The site is ideal for residential dwelling units due to its close proximity to the range of support services, retail, restaurant, resort and office uses in the immediate vicinity. The proposal to redevelop this Property from an underutilized struggling retail center to a residential condominium community will bring additional housing options for the residents of Scottsdale and bolster the economic success of surrounding Scottsdale businesses. Additionally, the integration of additional residential units in this location will not only strengthen the nearby existing retail and commercial businesses, but will uphold the City's goals and policies set forth in the Southern Scottsdale Character Area Plan (SSCAP).

About the Design:

The Project will consist of 218+/- dwelling units, designed in one and two bedroom configurations, averaging approximately 1,126 square feet each. Each dwelling unit will have an outdoor balcony living area to provide direct exposure to the outdoor spaces. Resident parking will be provided below grade in an underground parking structure.

All of the units will have access to the Project's full amenity package which will include a large internal courtyard including bbq areas, a swimming pool, spa, fire pit, shaded plaza space with seating areas, and a fitness facility. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible. The buildings and site plan have been designed to engage the surrounding development, specifically the two remaining restaurant pads along Scottsdale Road and the Lincoln Village shopping centering directly to the north, through site design, pedestrian connections and architectural character.

The proposed buildings are 4 stories, 48-feet in height in accordance with the PUD development standards. These buildings do not abut any single-family residential properties and are setback approximately 500 feet from Scottsdale Road. Pedestrian circulation both on-site and internally within buildings is an important feature of the project, as numerous retail, resort, and entertainment uses are within walking distances from this site.

V. Planned Unit Development (PUD)

The purpose of the Planned Unit Development district is to promote the goals of the General Plan, area plans, and design guidelines in areas of the City that are designated by the General Plan for a combination of land uses in a mixed- use development pattern of the either horizontal or vertical design...

...Commercial, employment, hospitality, multi family, residential, and townhouse residential uses are encouraged to be provided with intensities and densities that promote a mix of day and nighttime activities.

The 5+/- acre Property is part of the larger SSCAP which has a range of uses and land use types. The integration of multifamily along the Scottsdale Road Resort Corridor adjacent to a range of existing commercial and resort land uses fulfills the goals and policies set forth in the SSCAP. The integration of a residential community on the subject site contributes towards the mixed use sustainable character planned for this character area and complements the existing urban fabric of the surrounding area creating a quintessential PUD development.

Integrating residential development within an existing commercial core promotes alternative modes of transportation by focusing on a pedestrian network that encourages interaction with the surrounding context and existing sidewalk connections along Scottsdale Road.

PUD Criteria:

Sec. 5.5002. - Application requirements—Development Plan

- A. An application for the PUD District shall comply with the submittal requirements of Article I Administration and Procedures of this zoning ordinance.*
- B. An application for the PUD District shall be accompanied by a DP, the elements of which shall include the following:*
 - 1. Character statements, including environmental response, design principles, architectural character, site development character, and landscape character;*

Response: The proposed design is sensitive to the existing edge conditions in terms of setbacks, building placement, massing, pedestrian-scale and landscaping buffers. The architectural character of the proposed residential community is complementary of the surrounding context and The Borgata architecture associated with this Property.

The development will emphasize sustainable strategies and building techniques to minimize environmental impact and reduce energy consumption. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible. The development is consistent with Scottsdale's Sensitive Design Principles (see Section VIII below).

The development promotes connectivity (see pedestrian circulation plan) internally and between adjacent development and abutting parcels. The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwest climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

The internal courtyard includes a pool, spa, and common plaza areas for the enjoyment of the residents. The vegetation along the perimeter of the site will be enhanced to provide a rich landscape setting for the buildings and also a shaded, comfortable pedestrian experience. The developer has given special consideration to the pedestrian by creating a network of

sidewalks both internal and along the perimeter of the Property. The developer understands the importance of providing connectivity and embracing the collection of uses including retail, resort, office, services, along Scottsdale Road to promote mixed use development.

2. *A master site plan, with a land use budget tabulation, showing the location of development components, the intensity of development, residential density, and building heights;*

Response: See site plan.

3. *An open space plan;*

Response: See site plan worksheet and landscape plan.

4. *An architectural concepts and design standards plan;*

Response: See elevations and renderings.

5. *Basis of design reports for storm water drainage, water service, and waste water disposal; and*

Response: See basis of design reports.

6. *Any additional information as necessary to process the DP such as:*

- a. *A view shed analysis plan; - not required*
- b. *A pedestrian circulation plan; - see pedestrian circulation plan*
- c. *A hardscape plan; - see site plan and landscape plan*
- d. *A landscape plan; - see landscape plan*
- e. *A lighting plan; - not required*
- and/or*
- f. *A signage plan. - not required*

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 development accomplishes a range of goals including the revitalization of a struggling commercial center, bringing high quality, vibrant architecture and site planning to the area, and creating onsite pedestrian synergy that will tie into the existing pedestrian network. The proposed development meets the goals and policies of the General Plan and SSCAP as highlighted in VI. of this project narrative.

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

Response: The proposed residential development would not be allowed under the existing C-2 zoning designation.

- 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 development is compatible with adjacent land uses by creating onsite transitions to existing adjacent land uses, and maintaining the integrity of the SSCAP by providing a balance of land uses found in the area. It will help stabilize the area by reinvesting a significant amount of capital into the area and strengthening the Resort Corridor along Scottsdale Road.

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

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

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

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 Property is not located within the ESL area or within the boundaries of the Downtown Plan.

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 proposed development fronts Scottsdale Road, a major arterial.

PUD Development Plan - Section 5.5003. C. 1.a.

(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.

Response: The proposed design is sensitive to the existing edge conditions in terms of setbacks, building placement, massing, pedestrian-scale and landscaping buffers. The architectural character of the proposed residential community is complementary of the surrounding context and The Borgata architecture associated with this Property.

The building edge condition along Rose Lane, adjacent to the 2-story Los Alamos Condominiums, is staggered in plan view and steps down in elevation at the nearest adjacent corner (from 4 to 3 stories). It is important to note that the southeast corner of Building B is the only location where we are requesting an amended development standard, and only for 5,225 s.f. of building area or approximately 2% of the total to encroach into the building setback envelope. The building is not designed as a rectilinear mass, rather, it steps and articulates to provide visual interest, both shade and shadow, while integrating a variety of building materials and textures. The building's exterior design also incorporates canopies, trellis details and recessed windows to provide architectural interest, solar shading and human-scale elements. From the southeast corner of Building B, the setback greatly increases as you move west along Rose Lane providing a large, landscaped open space area along the southern edge of the project. This area is to be planted with mature vegetation and lush groundcover, including seating areas and a tree-shaded pedestrian path.

(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.

Response: The development plans to emphasize sustainable strategies and building techniques to minimize environmental impact and reduce energy consumption. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible. However, specific building materials and techniques have not been established at this early stage of the entitlement process. The development is consistent with Scottsdale's Sensitive Design Principles (see Section VIII below).

This multifamily infill, redevelopment community promotes mixed use development and the benefits associated with mixed use development by providing higher-density residential closer to retail, service and office uses, which reduces automobile traffic and air pollution. Additionally, the below-grade parking structure (almost 100% of the provided parking), reduces the heat island effect created by asphalt and paved surface parking found in typical suburban developments.

(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.

Response: The development will not significantly increase solar shading of adjacent land uses in comparison to the development that could occur on site under C-2 zoning with an allowable building height of 36 feet. Although, the proposed development includes buildings up to 48 feet, which are taller than those on adjacent properties, the location and proximity to other buildings on adjacent properties avoids shading of adjacent land. The placement of the proposed buildings and the additional 12 feet of building height requested under this PUD application does not significantly increase solar shading.

(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.

Response: The development promotes connectivity (see pedestrian circulation plan) internally and between adjacent development and abutting parcels. The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwest climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

The internal courtyard includes a pool, spa, and common plaza areas for the enjoyment of the residents. The vegetation along the perimeter of the site will be enhanced to provide a rich landscape setting for the buildings and also a shaded, comfortable pedestrian experience. The developer has given special consideration to the pedestrian by creating a network of sidewalks both internal and along the perimeter of the Property. The developer understands the importance of providing connectivity and embracing the collection of uses (retail, resort, office, services) along Scottsdale Road to promote mixed use development.

VI. Amended Development Standards

The proposed amended development standards are outlined below. A legislative draft of the amended developments standards has been provided with the application.

Request 1: This amendment is for a small portion of the building corner which encroaches into the 25 foot setback along Rose Lane. See site plan for dimensions. The narrowest point is 20 feet; therefore the setback request is for 20 feet. The request is to eliminate the average setback requirement due to the curved road and varying building lines and dimensions along the Rose Lane frontage. The net average is much greater than 30 feet (approximately 52' 6"), which allows for a meaningful public open space area along the south side of the building.

E. Building setbacks. (for Rose Lane)

Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Residential on First Floor Adjacent to the Street	Minimum Setback	Average Setback
	25 feet	30 feet
	20 FEET	N/A

Request 2: This request is to modify the standard as noted below to allow for a very small encroachment into the building envelope along Rose Lane (where the PUD development abuts a residential zoning district), which does not impact the overall intent of the building envelope requirement. The gross square footage of the building area that encroaches into the setback is only 5,225 s.f., which is roughly 2% of the total building area.

F. Building envelope.

2. PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope inclined setback plane of 1:2 (ratio of the vertical rise to the horizontal run) starting **AT A POINT TWENTY-FOUR (24) FEET ABOVE** on the residential zoning district boundary, except as specified Section 5.5005.F.3.

VII. General Plan/Southern Scottsdale Character Area Plan (SSCAP)

The General Plan sets forth a collection of goals and approaches intended to integrate the Guiding Principles into the planning process and provide as a framework for proposed development and the built environment. These goals and approaches are, however, not intended to be static or inflexible and the General Plan clearly recognizes this by stating: "The General Plan is designed to be a broad, flexible document that changes as the community needs, conditions and direction change." (*emphasis added*) It is with this inherent flexibility in mind that the proposed non-major GPA not only meets but exceeds the goals and approaches established by the City in the General Plan.

General Plan - Six Guiding Principles:

This request is for a non-major General Plan Amendment to the land use category and map contained in the Land Use Element of the General Plan. Per the City's 2001 General Plan, six Guiding Principles articulate how the appropriateness of a land use change to the General Plan is to be qualified. These six Guiding Principles are as follows:

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*

The current 2001 General Plan land use designation for the site is Commercial. This category includes areas designated for commercial centers providing goods and services frequently needed by the surrounding residential population and retail and businesses that also serve a larger community and regional need. Specific zoning categories determine specific building height and setbacks.

The proposed Mixed Use category is designed for areas with strong access to multiple modes of transportation and regional access with a focus on pedestrian linkages and human scale. These areas could accommodate higher density housing combined with complementary office and/or retail uses.

The requested GPA is a non-major GPA based on the criteria set forth in the General Plan (page 20 of the City of Scottsdale General Plan 2001). The "Change in Land Use Category" from Commercial (Group E) to Mixed Use (Group E) does not trigger a major GPA. Also, the "Area of Change Criteria" does not trigger a major GPA based on property size of 5 +/- gross acres which does not exceed the 10 acre threshold for Planning Zone A.

Southern Scottsdale Character Area Plan:

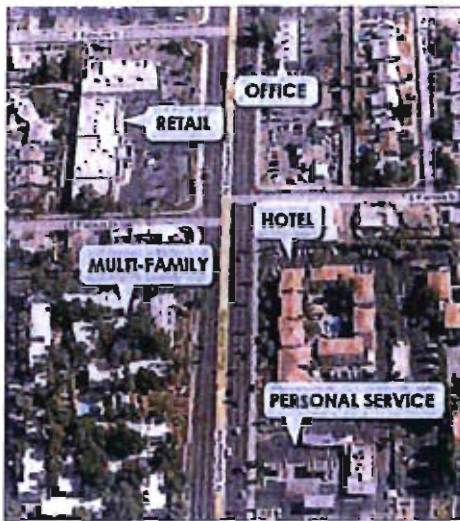
As a result of City Shape 2020, Scottsdale implemented "Character-based General Planning" which includes three distinct levels of planning: 1. City-wide Planning, 2. Character Planning and 3. Neighborhood Planning. Character Plans speak specifically to the goals and policies of an identifiable area of the City. Character Plans ensure that the quality of development and character of the built environment are consistent with the overarching goals of the General Plan while highlighting the goals of distinct areas of town, ie: Airpark, Downtown, Southern Scottsdale.

The City Council adopted the SSCAP in October 2010. The proposed development is not only consistent with the SSCAP but upholds the goals and policies established in this document. The public outreach process for the SSCAP identified five community priorities which are listed below:

1. *Develop a strong economic core with community gathering places*
2. *Focus on local mobility and walkability*
3. *Maintain and enhance existing neighborhoods and identity*
4. *Balance growth*
5. *Promote well designed architecture and sustainability*

From its inception, this proposed project utilized these five priorities as guiding principles to the overall design and architectural character. Bringing new residential living opportunities to the Southern Scottsdale will strengthen the economic core of the area and enhance the existing character of the surrounding neighborhoods.

The proposed residential community will bring new residents and increased retail and restaurant demand to the South Scottsdale Character Area. The residential community is a component of the kind of horizontal mixed use development envisioned in the SSCAP (see graphic below) by providing a mix of housing types with existing, and future, freestanding commercial uses. The Property is immediately surrounded by office, retail and an existing pedestrian network.



Southern Scottsdale Character Area Plan
October 26, 2010

Below are the applicable goals and policies identified in the SSCAP that apply to the proposed development (Land Use, Character & Design, Economic Vitality, Housing, Community Mobility and Open Space & Recreation):

LAND USE

Goal LU 1

Promote residential reinvestment and revitalization through regulatory flexibility.

• Policy LU 1.1

Update land use regulations to allow for the revitalization and/or expansion of residential properties to current market standards.

• Policy LU 1.2

Encourage new residential development and revitalization that complements the established urban form.

- **Policy LU 1.3**

Provide flexibility in residential mixed-use development standards to encourage revitalization of properties within higher density areas of Southern Scottsdale.

Response: The proposed development meets this land use goal by revitalizing an underutilized property and redeveloping the site with a residential land use that will bring additional housing opportunities to the Scottsdale Road Resort Corridor. The requested PUD zoning provides the flexibility needed to develop the site in a sensitive manner by providing appropriate transitions by respecting the built environment along Scottsdale Road. Integrating residential in this location will strengthen the live, work, play land use concept and bring synergy to the collection of established land uses along the Scottsdale Road corridor.

- **Goal LU 2**

Create a hierarchy of Regional, Opportunity, and Resort Corridors to guide future land use, development and redevelopment throughout Southern Scottsdale.

- **Policy LU 2.3**

The Resort Corridor consists of medium to low intensity development and exists along Scottsdale Road between East Highland Drive and Indian Bend Road. This corridor will:

- *Contain a mixture of land use classifications including mixed-use neighborhood; and*
- *Support, maintain, enhance and expand hospitality/tourism land uses in Southern Scottsdale.*

Response: The subject Property falls within the Scottsdale Road Resort Corridor and is surrounded by a range of uses including the Lincoln Village commercial retail center with Trader Joe's and Walgreens to the north, Los Alamos Condominiums to the south, the Cottonwoods Resort to the west, Scottsdale Forum office building and Hilton Village retail center to the east of Scottsdale Road. The Property is walking distance to an established commercial core including a grocery store, multiple restaurants/services, and hotels, and as such, the site plan has been designed with an emphasis on pedestrian connectivity enhancing the hospitality/tourism land use goal for this area.

- **Goal LU 3**

Promote revitalization, reinvestment and development along Southern Scottsdale's Corridors.

- **Policy LU 3.1**

Create and encourage the utilization of flexible land use regulations as incentives for reinvestment and new development along Corridors.

- **Policy LU 3.4**

Explore a Planned Unit Development (PUD) District Ordinance amendment to assist in alleviating property parcel size and shallow lot development constraints found along Southern Scottsdale Corridors.

• **Policy LU 3.6**

Encourage a diversity of new development, redevelopment, and infill projects that incorporate vertical and horizontal mixed-use development along Southern Scottsdale Corridors.

Response: The PUD Ordinance was adopted by City Council in June 2009 with the purpose of providing a development district to promote the goals and policies of the General Plan, character areas plans and design guidelines encouraging mixed use development. Rezoning the subject Property to PUD will not only allow redevelopment of the site, but will bring development that more closely aligns the goals set forth by the City by integrating quality residential development along the Scottsdale Road Resort Corridor.

The proposed PUD zoning is an appropriate zoning designation for the existing mixed use land use category and will accomplish a range of goals including the revitalization of an underutilized property by integrating high quality, modern architecture and site planning to the area, and creating a pedestrian environment that will tie into and celebrate the existing pedestrian network.

CHARACTER & DESIGN

Goal CD 1

New and redeveloped residential housing should respect existing neighborhood character and design.

• **Policy CD 1.1**

New and redeveloped residential development should be compatible in terms of established neighborhood housing proportions, size, mass and height.

• **Policy CD 1.2**

Architectural housing character should not be restricted to, but remain complementary with, existing neighborhood design.

Response: As an infill redevelopment project, the proposed design is respectful of the edge conditions, view corridors, human-scale and landscaping buffers. The architectural character of the proposed residential community is complementary of the surrounding context.

The predominant exterior building material will be split-faced block in an ashlar pattern and color integrated EIFS with design elements evocative of The Borgata. The roof construction will consist of a flat parapet roof to conceal rooftop mechanical equipment, with lower hip roof elements (along the upper floor) to provide shaded balconies and windows. The exterior

colors will consist of a context appropriate earth-tone palette. The design incorporates the use of balconies (private outdoor spaces) for each unit, canopies, trellis details and recessed windows to provide architectural interest and solar shading.

Goal CD 2

New and redeveloped residential housing should respect existing neighborhood character and design.

• **Policy CD 1.2**

Architectural housing character should not be restricted to, but remain complementary with, existing neighborhood design.

Response: The proposed architectural character takes inspiration from the existing Borgata retail center through the use of similar materials, colors and architectural detailing. The building character and massing is complementary to the surrounding development including the newly remodeled Lincoln Village retail center immediately to the north and the existing restaurant pads (Blanco and J. Alexander's) along Scottsdale Road, to remain.

Goal CD 4

Site and building design of new development and redevelopment should respond to the Sonoran Desert Climate

• **Policy CD 4.1**

Encourage new development to incorporate designs such as shade structures, deep roof overhangs and recessed windows to address passive solar cooling opportunities.

• **Policy CD 4.2**

Encourage the use of a variety of textures and natural building materials to provide architectural visual interest and richness, particularly at the pedestrian level.

• **Policy CD 4.3**

Support landscape design that responds to the desert environment by utilizing indigenous and adapted landscape materials that complement the Southern Scottsdale built environment.

Response: The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwestern climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

Context appropriate desert plant materials will be utilized with the development of the Property, consistent with the established vegetative pattern along Scottsdale Road. A low-water use plant palette will be upheld through the careful selection of plant materials in terms of scale, density, and arrangement.

Goal CD 6

Promote, plan, and implement design strategies that are sustainable.

- **Policy CD 6.4**

Encourage the use of sustainable design principles for remodeling and new development projects to mitigate building construction and operational impacts on the environment.

Response: Sustainable strategies and building techniques, which minimize environmental impact and reduce energy consumption, will be emphasized. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible.

Goal CD 7

Protect low-scale single-family neighborhoods within Southern Scottsdale by utilizing landscape buffers and transitional building forms, shapes, and sizes in the design of new development and redevelopment.

- **Policy CD 7.1**

Encourage architecture and design transitions between new development and existing development.

- **Policy CD 7.3**

Respect, protect, and enhance established suburban neighborhoods as assets within Southern Scottsdale, while allowing for contemporary solutions to evolving development and market trends.

Response: This application includes a range of exhibits (site plan, elevations, landscape plan, and cross-sections) which demonstrate the character and high-level of design proposed for this site. The buildings have been designed in a manner that provides a hierarchy of masses and sensitivity to the surrounding context. The proposed development includes primarily underground parking for its residents with only a few surface parking spaces for guests.

ECONOMIC VITALITY**Goal EV 1**

Support reinvestment that updates and/or replaces aging commercial properties.

- **Policy EV 1.1**

Support Opportunity and Regional Corridors, Regional Centers, and Activity Areas for areas of mixed-use and higher-density development as part of an overall economic revitalization strategy.

Response: This redevelopment request will result in a \$50 million investment, replacing an underutilized commercial property in the heart of Southern Scottsdale with residential housing fulfilling a demand for residential units in the area and will bring economic benefit to the nearby Scottsdale businesses.

In 2010 the City of Scottsdale entered into contract with Applied Economics as a consultant to perform a citywide economic study. The City was broken in to three sub-districts (south, central and north) for the purposes of analyzing economic development, land use and fiscal impacts. The study demonstrates the lack of available vacant land in the south sub-district (area south of Indian Bend Road) and the potential for redevelopment to stabilize the economic future of Scottsdale.

The final market condition factor considered in the analysis was the possibility for redevelopment in the City of Scottsdale. Since the supply of available vacant land is very limited in the south subarea, and is becoming constrained in the central subarea, examining the potential for redevelopment was an important part of preparing development forecasts. Our knowledge of Scottsdale indicates that there are areas in both the south and central subareas that could become targets for redevelopment over the next twenty years.

HOUSING

Goal H 2

Embrace a wide range of housing options.

- ***Policy H 2.1***

Promote change to ordinances, policies, and standards that support a greater mix of housing sizes, styles, types, and range of pricing throughout Southern Scottsdale.

- ***Policy H 2.3***

Provide regulatory, policy, and design considerations that focus on accommodating new housing typologies in Southern Scottsdale.

Response: Rezoning the subject Property to PUD will not only allow redevelopment of the site, but will bring development that more closely aligns the goals set forth by the City by integrating quality residential development in along the Scottsdale Road Resort Corridor.

The requested PUD zoning provides the flexibility needed to develop the site in a sensitive manner by providing appropriate buffering to the existing single family residential to the west and respecting the built environment along Scottsdale Road. Integrating residential will increase the range of housing options for the residents of Scottsdale and strengthen the live, work, play land use concept.

COMMUNITY MOBILITY

Goal CM 1

Increase the range of mobility options available to the area residents and businesses.

- ***Policy CM 1.1***

Develop an effective range of safe, reliable, and where feasible, less congested mobility systems for Southern Scottsdale.

- ***Policy CM 1.3***

Provide continuous pedestrian and bicycle pathway access between Regional Centers and Activity Areas, Corridors, park and open spaces and transit systems.

Response: The existing network of mobility options associated with this Property make it ideal for residential redevelopment. Scottsdale Road is a major arterial providing primary north-south connection to through Scottsdale, which has a significant concentration of employment, retail, resort and entertainment land uses. Additionally, Valley Metro Route 72 traverses Scottsdale Road, from Chandler Boulevard to Thompson Peak Parkway. While bus stops are not located directly on the subject Property, there is an existing bus stop just south of the site and also on the east side of Scottsdale Road (The Forum), and thus, the existing and proposed sidewalk connections will tie to these bus stops for convenience. Scottsdale Road has a bike lane in the right-of-way. The site is also a little over one mile west of Indian Bend Wash, the City's most predominate open space corridor with a network of continuous pedestrian and bicycle pathways. Developing housing along the Resort Corridor with a range of employment, retail and entertainment uses with established multi-modal transportation options reduces the number and distance of automobile trips, improves air quality, thereby enhancing the quality of life for surrounding residents.

The anticipated traffic counts for the proposed residential development with 218+/- dwelling units is significantly less than the counts associated with the existing C-2 zoning designation for the site (see Trip Generation Report).

OPEN SPACE & RECREATION

Goal OSR 1

Develop, improve, maintain and enhance the quality of Southern Scottsdale's open space environments.

- ***Policy ORS 1.2***

Protect mature vegetation while encouraging indigenous and adaptive plan materials to inhabit open and recreational spaces, streetscapes and private development landscaping throughout Southern Scottsdale.

Response: To maintain Scottsdale's aesthetic values and environmental standards, the perimeter streetscapes and internal landscape improvements will provide continuity through the cohesive use of mature desert landscaping and hardscape design elements for the

proposed residential community. The internal courtyard will provide a gathering space for residents and will link directly into pedestrian pathways leading both north and south of the site.

VIII. Scottsdale Sensitive Design Principles

The Character and Design Element of the General Plant states that “Development should respect and enhance the unique climate, topography, vegetation and historical context of Scottsdale’s Sonoran desert environment, all of which are considered amenities that help sustain our community and its quality of life.” The City has established a set of design principles, known as the Scottsdale’s Sensitive Design Principles, to reinforce the quality of design in our community. The following Sensitive Design Principles are fundamental to the design and development of the Property.

- 1. The design character of any area should be enhanced and strengthened by new development.***

Response: The proposed architectural character takes inspiration from the existing Borgata retail center through the use of similar materials, colors and architectural detailing. The building character and massing is complementary to the surrounding development including the newly remodeled Lincoln Village retail center immediately to the north and the existing restaurant pads (Blanco and J. Alexander’s) along Scottsdale Road, to remain. The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwestern climate by creating outdoor living spaces for each unit, recreational amenities, and gathering places for its residents.

- 2. Development, through appropriate siting and orientation of buildings, should recognize and preserve established major vistas, as well as protect natural features.***

Response: Although the setting of this redevelopment site is urban in character and does not have natural features such as washes and natural area open space, the developer has taken special consideration in maintaining view corridors for the Los Alamos residents and provide ample open space (over 3 times what is required).

- 3. Development should be sensitive to existing topography and landscaping.***

Response: The property is a redevelopment site. All landscaping will consist of low water use desert appropriate landscaping materials.

4. *Development should protect the character of the Sonoran Desert by preserving and restoring natural habitats and ecological processes.*

Response: The proposed redevelopment will preserve and restore natural habitats and ecological processes through the inclusion of additional desert appropriate landscaping (and some integration of native plants). The site has 3 times the amount of required open space, an increase from the existing condition. Additional landscaping will contribute to the urban habitat for wildlife and improved air quality. Also, desert appropriate plants will be able to withstand the variations of the local climate and as they mature they will become self-sustaining relative to water demand. The existing runoff flow patterns coming from the west and through this site toward Scottsdale Road are maintained with the proposed development. The proposed development reduces the runoff generated on-site due to increased green space compared to existing conditions.

5. *The design of the public realm, including streetscapes, parks, plazas and civic amenities, is an opportunity to provide identity to the community and to convey its design expectations.*

Response: Pedestrian circulation both on-site and internally within buildings is an important feature of the project, as numerous retail, resort, and entertainment uses are within walking distances from this site.

6. *Developments should integrate alternative modes of transportation, including bicycles and bus access, within the pedestrian network that encourage social contact and interaction within the community.*

Response: The subject Property falls within the Scottsdale Road Resort Corridor and is surrounded by a range of uses including the Lincoln Village commercial retail center with Trader Joe's and Walgreens to the north, Los Alamos Condominiums to the south, the Cottonwoods Resort to the west, Scottsdale Forum office building and Hilton Village retail center to the east of Scottsdale Road. The Property is walking distance to an established commercial core including a grocery store, multiple restaurants/services, and hotels, and as such, the site plan has been designed with an emphasis on pedestrian connectivity enhancing the hospitality/tourism land use goal for this area. The site is also a little over one mile west of Indian Bend Wash, the City's most predominate open space corridor with a network of continuous pedestrian and bicycle pathways. Developing housing along the Resort Corridor with a range of employment, retail and entertainment uses with established multi-modal transportation options reduces the number and distance of automobile trips, improves air quality, thereby enhancing the quality of life for surrounding residents.

7. *Development should show consideration for the pedestrian by providing landscaping and shading elements as well as inviting access connections to adjacent developments.*

Response: The proposed development will incorporate design elements that respect human-scale, providing shade and shelter through building, site and landscape design. A detailed pedestrian circulation plan is provided with the application showing connectivity from the site to the north, south, east and west and well connections through the site benefiting adjacent property owners and nearby retail/resort patrons.

8. *Buildings should be designed with a logical hierarchy of masses.*

Response: The proposed use of building massing is compatible surrounding development and is appropriately place back from Scottsdale Road. Building articulation and stepped massing promotes a natural hierarchy.

9. *The design of the built environment should respond to the desert environment.*

Response: The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwest climate by creating abundant outdoor living spaces and amenities for its residents. The development plan far exceeds the base open space requirements.

10. *Developments should strive to incorporate sustainable and healthy building practices and products.*

Response: Sustainable strategies and building techniques, which minimize environmental impact and reduce energy consumption, will be emphasized. The developer intends to incorporate sustainable design elements into the building design and plans to develop in accordance with green building standards where possible.

11. *Landscape design should respond to the desert environment by utilizing a variety of mature landscape materials indigenous to the arid region.*

Response: Context appropriate, mature arid-region plant materials will be utilized with the redevelopment of the Property. The desert character will be upheld through the careful selection of plant materials in terms of scale, density, and arrangement.

12. *Site design should incorporate techniques for efficient water use by providing desert adapted landscaping and preserving native plants.*

Response: The proposed development will maintain a low-water use plant palette (see landscape plan). Context appropriate desert plant materials will be utilized with the development of the Property, consistent with the established vegetative pattern along Scottsdale Road.

13. *The extent and quality of lighting should be integrally designed as part of the built environment.*

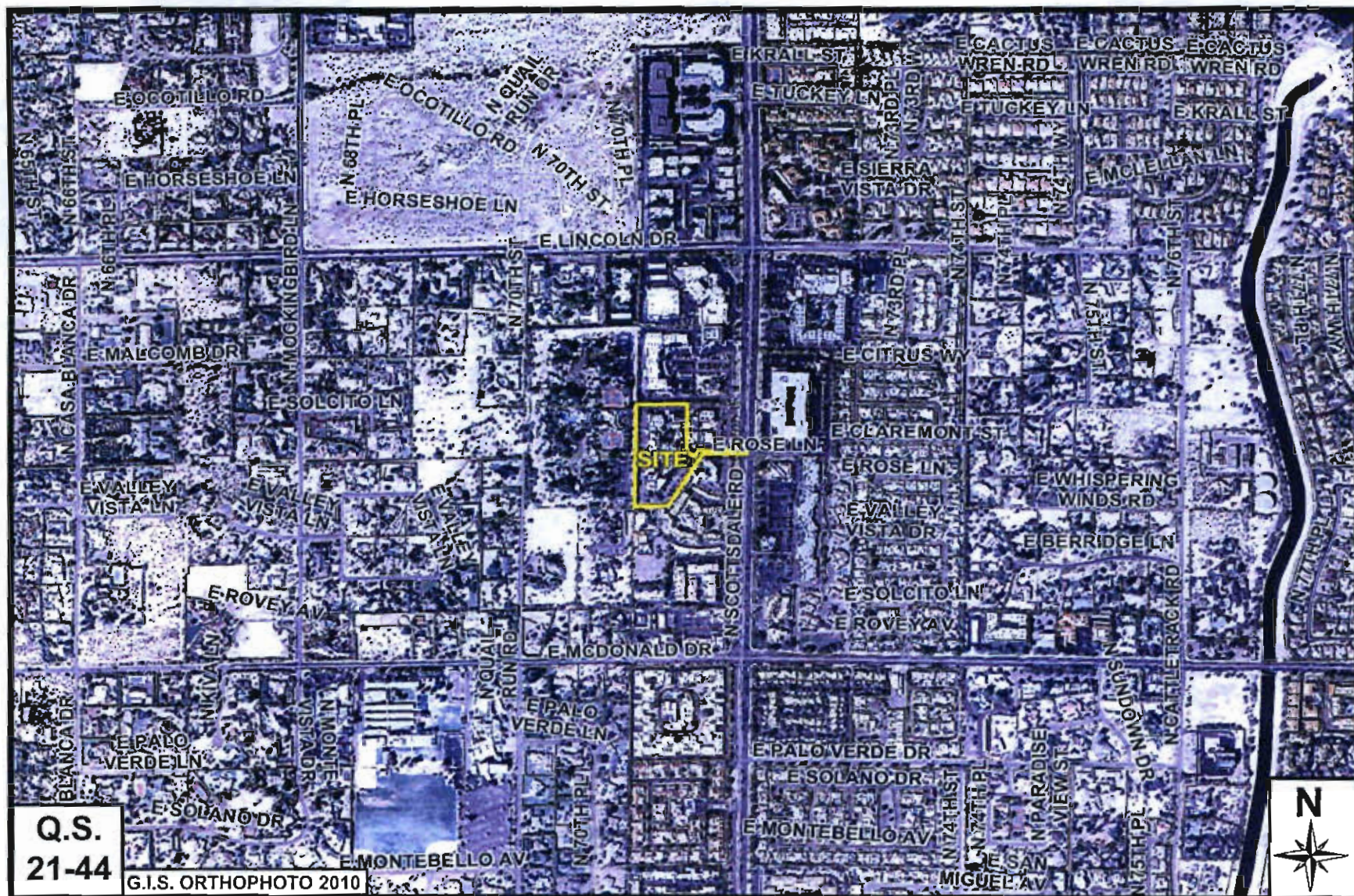
Response: Lighting will be designed in a manner that is respectful of the surrounding context while maintaining safety for future residents.

14. *Signage should consider the distinctive qualities and character of the surrounding context in terms of size, color, location and illumination.*

Response: Project identification will be low-scale and contextually appropriate.

IX. Conclusion

In summary, the applicant is seeking a non-major GPA and rezoning on a 5+/- gross acre site to create a residential condominium community with approximately 218+/- units. Redevelopment of this parcel will revitalize an underutilized commercial retail development and provide additional housing opportunities for the Southern Scottsdale community. It will contribute to the live, work, play land use balance promoted by the SSCAP and essential to the success of Southern Scottsdale. The site is an ideal location for residents to live close to Downtown Scottsdale and along Scottsdale Road, a major transportation corridor. The proposed PUD zoning is an appropriate zoning designation that will accomplish a range of goals including the integration of high quality architecture and site planning to an underutilized site, and promoting pedestrian connectivity and a unique living experience for Scottsdale residence.



The Residences at the Borgata

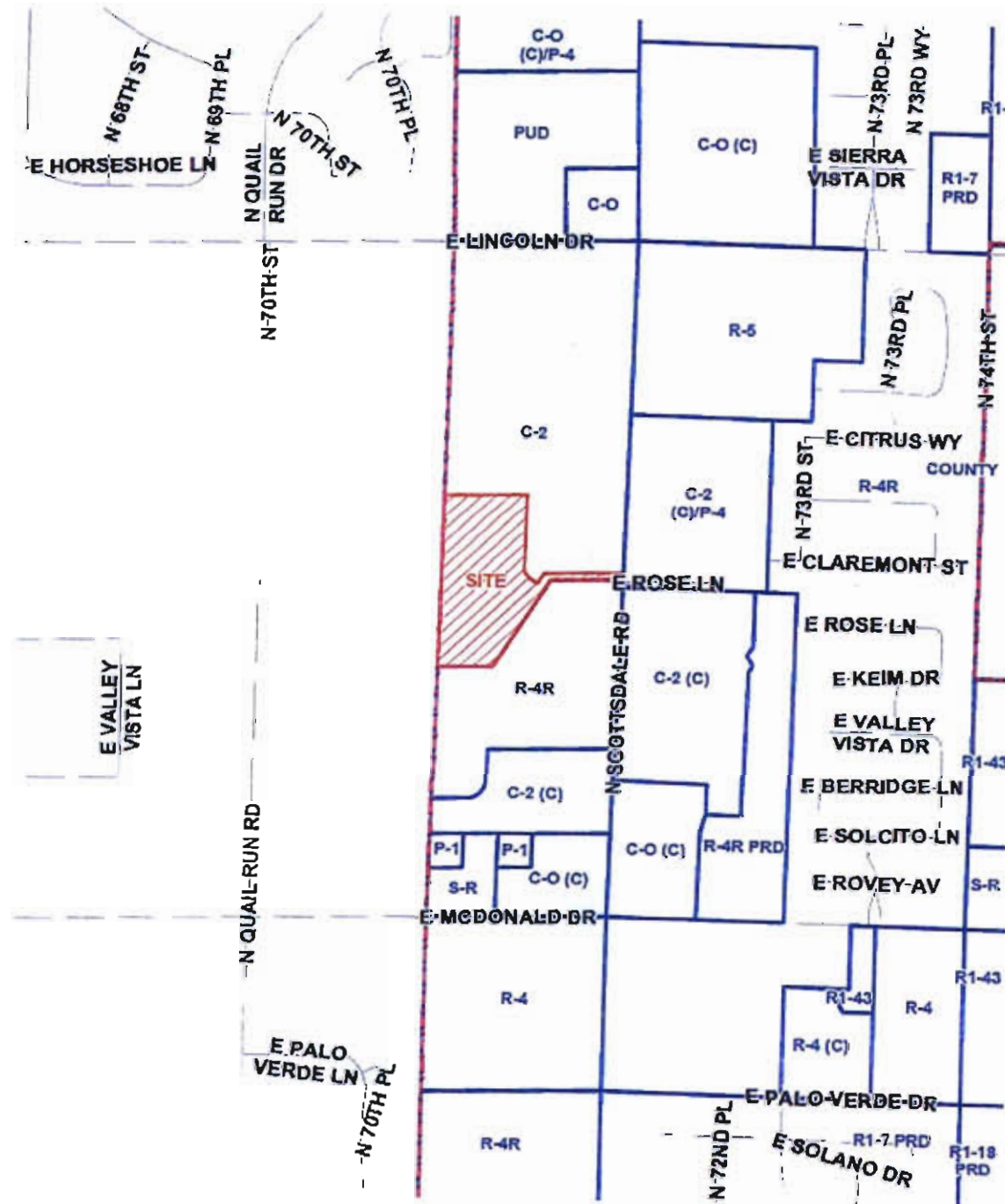


The Residences at the Borgata

18-ZN-2012

ATTACHMENT #2A

Zoning Map



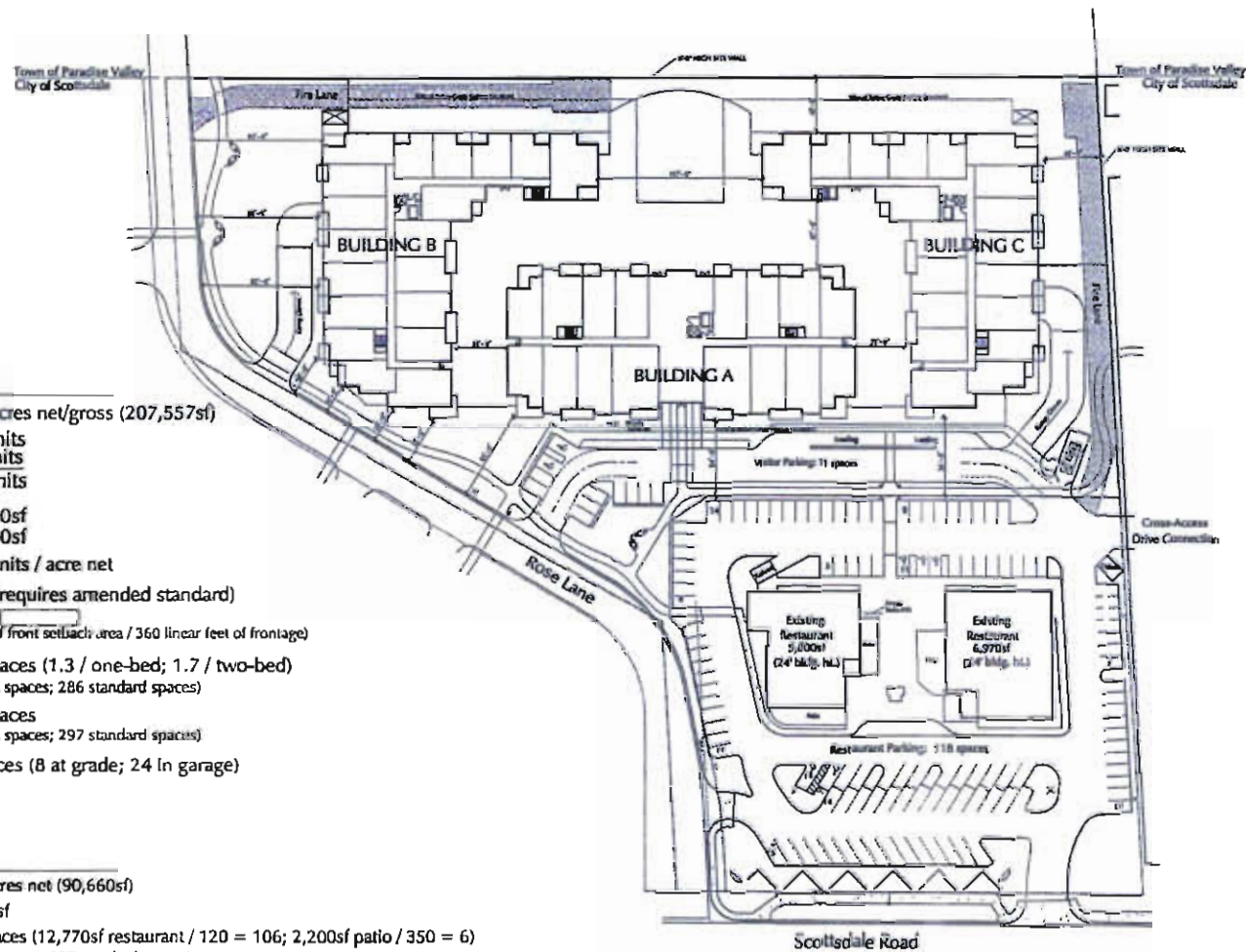
18-ZN-2012
ATTACHMENT #3

PUD Parcel Data

Site Area:	4.77 acres net/gross (207,557sf)
One-Bedroom:	177 units
Two-Bedroom:	41 units
Total:	218 units
Total Gross Building Area:	262,480sf
Total Gross Dwelling Unit Area:	226,880sf
Density:	45.70 units / acre net
Minimum Front Setback:	20'-0" (requires amended standard)
Average Front Setback:	52'-6" (18,900sf front setback area / 360 linear feet of frontage)
Parking Required:	300 spaces (1.3 / one-bed; 1.7 / two-bed) (14 ADA spaces; 286 standard spaces)
Parking Provided:	313 spaces (16 ADA spaces; 297 standard spaces)
Bicycle Parking Required/Provided:	32 spaces (8 at grade; 24 in garage)

C2 Parcel Data

Site Area:	2.08 acres net (90,660sf)
Total Gross Building Area:	12,770sf
Required Parking:	112 spaces (12,770sf restaurant / 120 = 106; 2,200sf patio / 350 = 6) (5 ADA spaces; 107 standard spaces)
Provided Parking:	118 spaces (5 ADA spaces; 113 standard spaces)
Bicycle Parking Required/Provided:	12 spaces



Site Plan

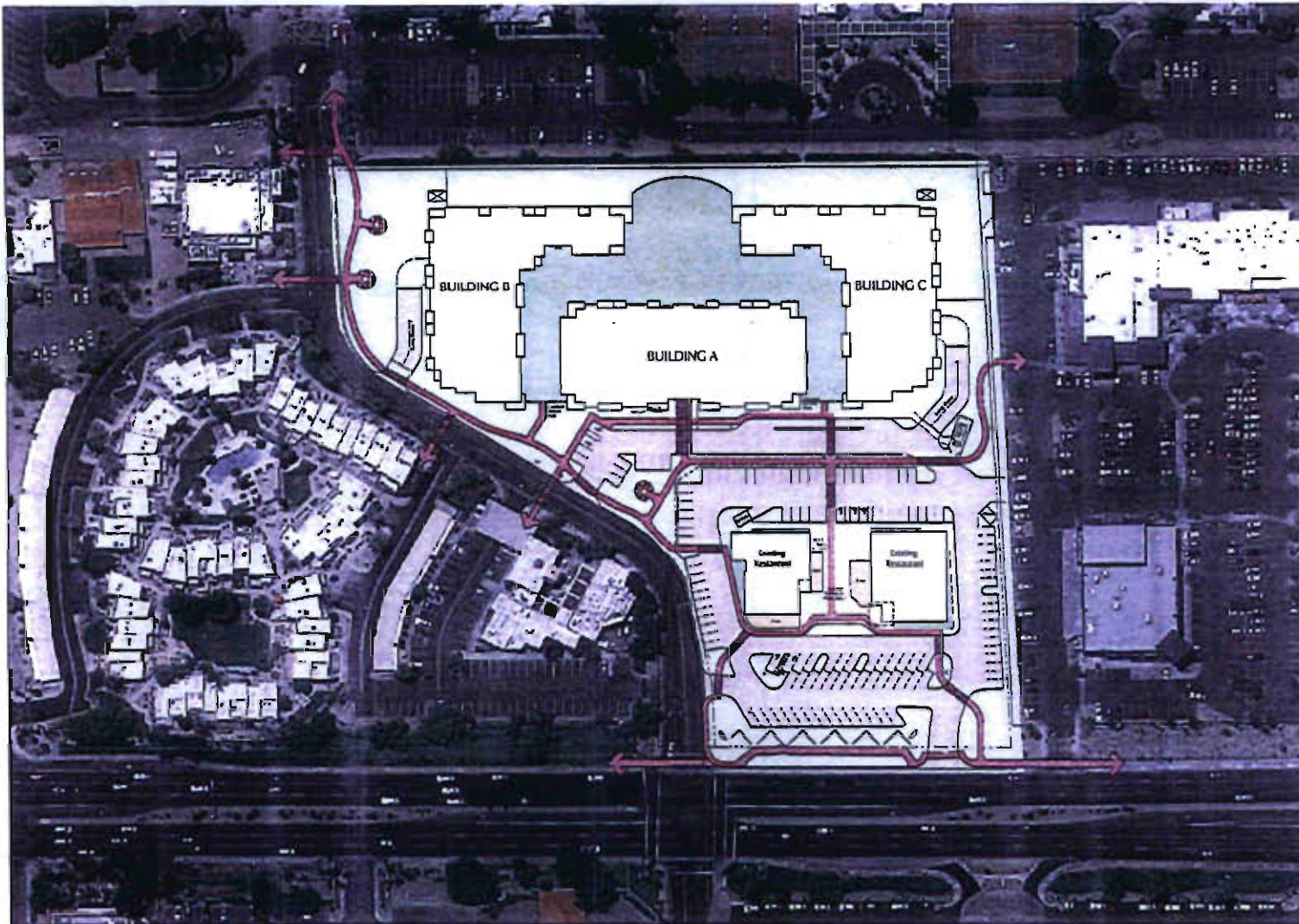


Residences at Borgata
Scottsdale, Arizona

12/11
16-Apr-12



18-ZN-2012
4/16/13



 Pedestrian Circulation (minimum 6' wide)
 Enhanced Paving Area

Pedestrian Circulation Plan

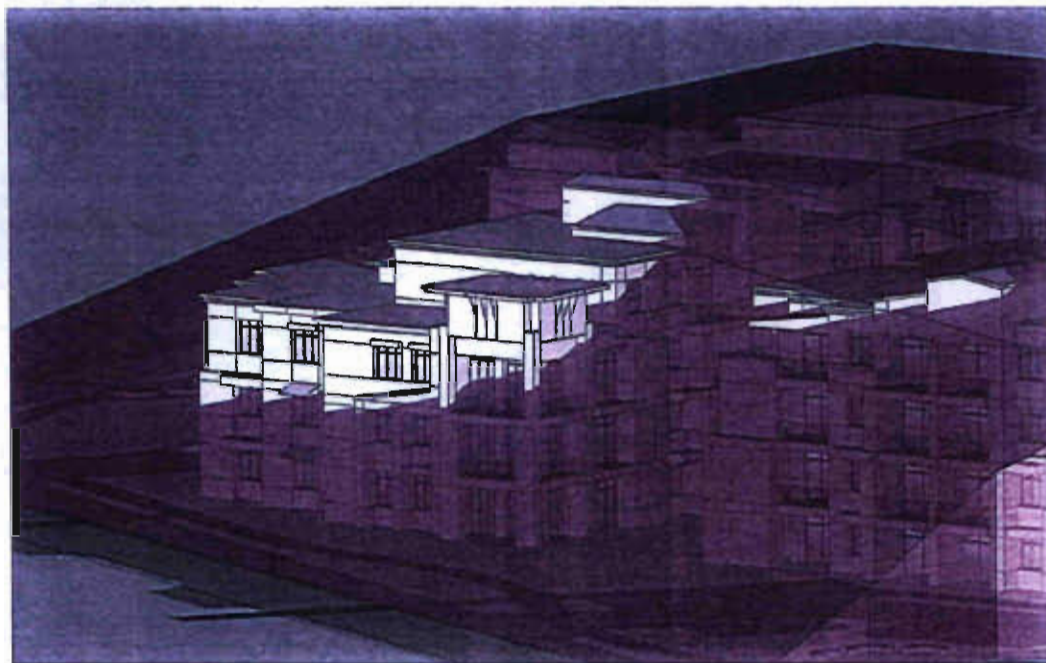
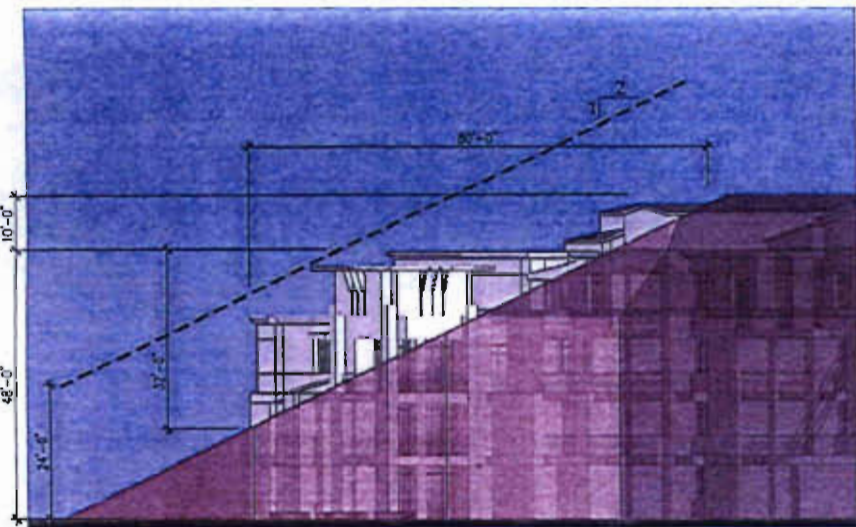
DAVIS

architecture
 interior architecture
 master planning
 facilities management
 field planning
 landscape architecture
 graphic design

Residences at Borgata
Scottsdale, Arizona

0114
 1.20.13


 HOMES



Building Stepback Analysis
(Purple shaded area indicates allowed Building Envelope zone.)



multimedia
 interior architecture
 space planning
 facilities management
 food planning
 landscape architecture
 graphic design

Residences at Borgata
 Scottsdale, Arizona

1234
 1.1.13





North Elevation



South Elevation



West Elevation



East Elevation

Conceptual Building Elevations

Residences at Borgata
Scottsdale, Arizona

0214
26-Apr-11



Architect
Interior Architecture
Space Planning
Exterior Management
Cost Estimating
Landscape Architecture
Graphic Design



View Looking East on Rose Lane



View Looking Southwest on Rose Lane



Aerial View from Southwest



Aerial View from Northeast

18-ZN-2012
4/16/12



multimedia
creative architecture
space planning
landscape management
land planning
landscape architecture
graphic design

Residences at Borgata
Scottsdale, Arizona

DAVIS
16 April 12



All drawings are preliminary and subject to change.





18-ZN-2012
5/17/2012



18-ZN-2012
6/17/2012



Landscape Vignette - East



Trellis Above



Deep Overhangs



Awnings



Planter Boxes

Solar Shading Solutions

100% sustainable energy and water use design



Residences at Borgata
Scottsdale, Arizona

1254
16-Apr-13

AV
HOMES.

18-ZN-2012
4/16/13

DAVIS

architecture
interior architecture
space planning
landscape architecture
graphic design

Sec. 5.5002. - Application requirements—Development Plan (DP).

A. An application for the PUD District shall comply with the submittal requirements of Article I Administration and Procedures of this zoning ordinance.

B. An application for the PUD District shall be accompanied by a DP, the elements of which shall include the following:

1. Character statements, including environmental response, design principles, architectural character, site development character, and landscape character;
2. A master site plan, with a land use budget tabulation, showing the location of development components, the intensity of development, residential density, and building heights;
3. An open space plan;
4. An architectural concepts and design standards plan;
5. Basis of design reports for storm water drainage, water service, and waste water disposal; and
6. Any additional information as necessary to process the DP such as:
 - a. A view shed analysis plan;
 - b. A pedestrian circulation plan;
 - c. A hardscape plan;
 - d. A landscape plan;
 - e. A lighting plan; and/or
 - f. A signage plan.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. § 48), 11-9-10)

Sec. 5.5003. - Approvals required.

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.
- 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 is 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.

B. Amended development standards.

- 1. To encourage sensitivity to site conditions and provide flexibility in planning, development standards outlined in Section 5.5005, excluding C. Allowable building height and D. Exception to building height, may be amended upon recommendation by the Planning Commission and a finding by the City Council that the amended development standards achieve the purposes of the planned unit development district better than the existing standards.

C. Development Plan (DP).

1. Approval.

- a. Development review board considerations.
 - i. 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.
 - (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.
 - (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.
 - (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.

- b. Upon receiving a recommendation from the development review board, the planning commission shall make a recommendation to the City Council for consideration of the DP.

2. *Amendments.*

a. *Minor amendments to achieve a more suitable development plan.*

- i. Minor amendments are allowed:
 - (1) For a maximum of ten (10) percent of any individual DP Plan Element.
 - (2) To adjust the location of uses shown on the DP.
- ii. Minor amendments do not include an increase above the building height(s) or exception to building height, or residential density, or commercial intensity.
- iii. Minor amendments to the City Council approved DP may be approved by the Zoning Administrator as an administrative action.

b. *Major amendments.*

- i. Major amendments are those that increase the building height(s), residential density, commercial intensity, and/or that exceed ten (10) percent of any individual DP plan element.
- ii. Approval of any major amendments will require a public hearing in accordance with Article I of the zoning ordinance by the Planning Commission and the City Council. If the design elements are affected by the request to amend the DP, a public hearing by the Development Review Board shall be required. Upon receiving a recommendation from the Development Review Board, the Planning Commission shall make a recommendation to the City Council for consideration of the major amendment DP.

D. No structure or building shall be built or remodeled upon land in the PUD District until development review board approval has been obtained as outlined in Section 1.900 of Article I of the Zoning Ordinance, and applicable permits have been obtained.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. § 49), 11-9-10)

Sec. 5.5004. - Use regulations.

A. *Permitted uses.* All permitted uses of the Commercial Office (C-O) District and the Planned Regional Center (PRC) District, shall be permitted in the PUD District with horizontal and/or vertical combinations of mixed-uses. Residential uses shall be limited to multi-family dwellings and townhouses.

B. *Uses subject to conditional use permit.* Subject to the approval of a conditional use permit, as specified in Article I, all uses subject to a conditional use permit of the Commercial Office C-O, excluding medical marijuana use, and the Planned Regional Center PRC,

excluding a big box development greater than seventy-five thousand (75,000) square feet, may be permitted in the Planned Unit Development PUD District.

C. Where there is a conflict between the Commercial Office (C-O) District and the Planned Regional Center (PRC) District provisions, the less restrictive provision shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3923, § 1(Exh. § 5), 1-25-11; Ord. No. 3982, § 1(Res. No. 8902, Exh. A, § 5), 1-10-12)

Sec. 5.5005. - Development standards.

A. PUD development area.

1. Gross acreage.

a. The minimum gross site area of any PUD development shall be one-half (0.5) acre and the maximum gross site area shall be fifteen (15) acres, except as specified in Section 5.5005.A.1.b.

b. When the PUD is the most appropriate district to achieve mixed-use development, the City Council may authorize a PUD development in a site area greater than fifteen (15) gross acres up to a maximum of twenty-five (25) gross acres.

B. Density and intensity.

1. The overall density of residential uses shall be established by the approved DP.

2. The overall intensity of commercial uses shall not exceed 0.8 floor area ratio, except as provided in Section 5.5005.B.3.

3. The City Council may approve intensity of commercial uses greater than 0.8 floor area ratio subject to any of the following criteria:

a. The proposed DP provides improved dedicated public open space.

b. The proposed DP provides a public parking facility(ies).

c. The proposed DP provides shared parking as established in Article IX parking and loading requirements.

C. Allowable building height.

1. Building height:

a. Shall be a maximum of forty-eight (48) feet, except as otherwise provided in Section 5.5005.D. and 5.5005.F.

D. Exception to building height.

1. Architecturally integrated features, such as roof top mechanical equipment for utility and communication purposes, elevator bulk head, stairwell, screen wall, railing, trellis and patio cover may exceed the building height up to ten (10) feet provided that the area within the said exceptions do not exceed a total of thirty (30) percent of a building's roof area. However, the City Council may approve either greater mechanical height or building roof area coverage where the DP and supporting materials demonstrate the allowable exception cannot reasonably be achieved.

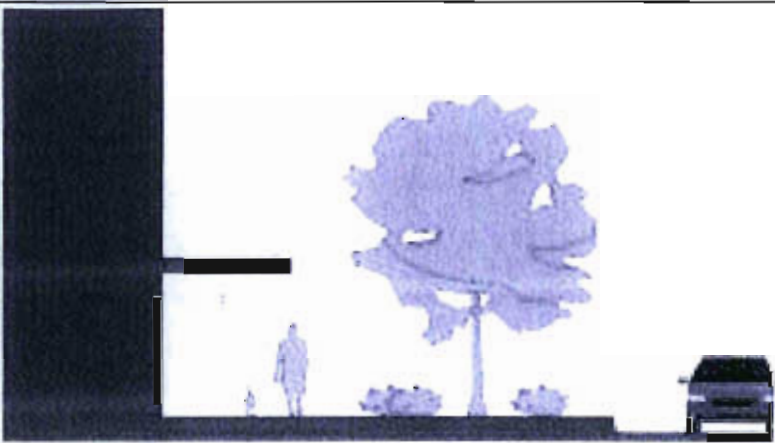
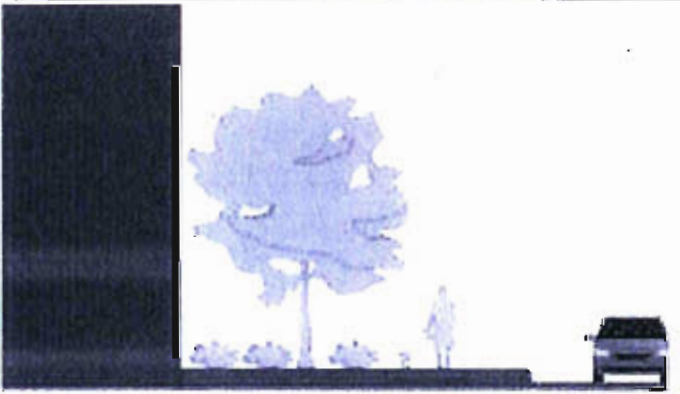
2. Architecturally integrated, active solar systems may exceed thirty (30) percent of a building's roof area subject to development review board approval.

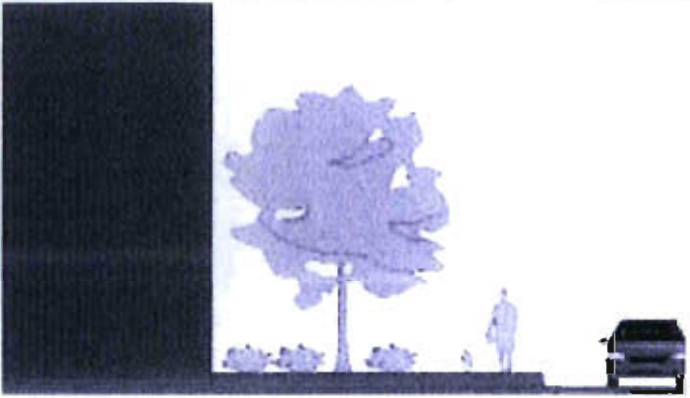
3. Roof top garden structures may exceed the building height up to five (5) feet.

E. Building setbacks.

1. **Minimum setback.** Buildings adjacent to public and private streets shall be setback from the back of the planned curb line, ~~including~~ **EXCLUDING** the planned curb line for bus bays and turn lanes, in accordance with [Section 5.5005](#).E. Table A. The planned curb line, including the planned location for bus bays and turn lanes, shall be as described in the Transportation Master Plan and the Design Standards & Policies Manual.

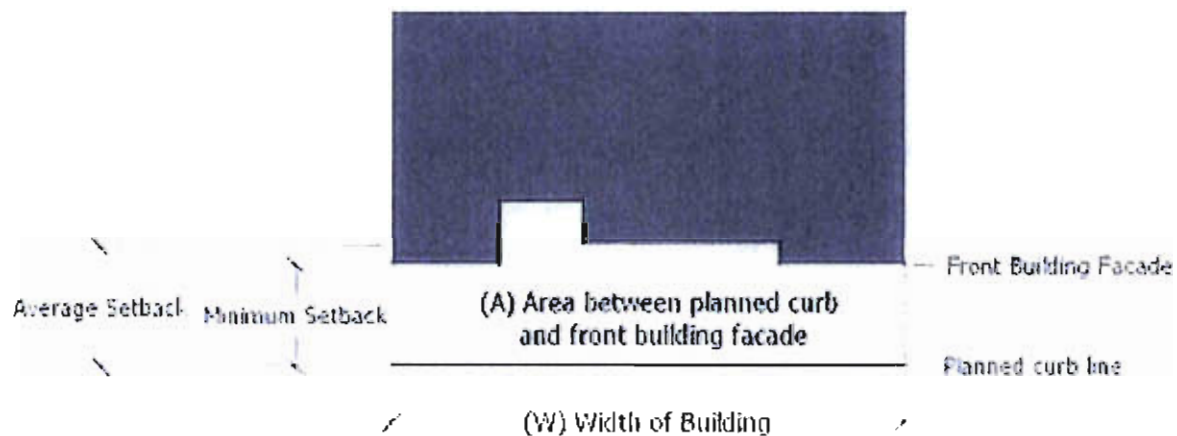
TABLE A			
BUILDING SETBACK FROM BACK OF THE PLANNED CURB ALONG STREETS			
Street Classification Type and Use	Minimum Setback	Average Setback	Setback Diagram - This Illustrates Setbacks, Excluding Average Setback. Dimensions are for Illustrative Purposes.
Major and Minor Arterial - Residential on First Floor Adjacent to the Street	34 feet	40 feet	

Major and Minor Arterial - Retail and Commercial on First Floor Adjacent to the Street	28 feet	32 feet	
Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Residential on First Floor Adjacent to the Street	25 feet 20 FEET	30 feet N/A	

Major and Minor Collector, Local Streets, and Unclassified Streets (Including Private Streets but Excluding Alleys) - Retail and Commercial on First Floor Adjacent to the Street	23 feet	28 feet	
---	---------	---------	--

2. *Average setback.* The front building facade shall be placed to achieve an average setback as specified in Table A. The average setback shall be equal to the land area located between the planned curb line and the front building facade divided by the width of the front building facade.

AVERAGE SETBACK DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.E.2.



$$\frac{(A) \text{ Area}}{(W)} = \text{Average Setback (According to Table A)}$$

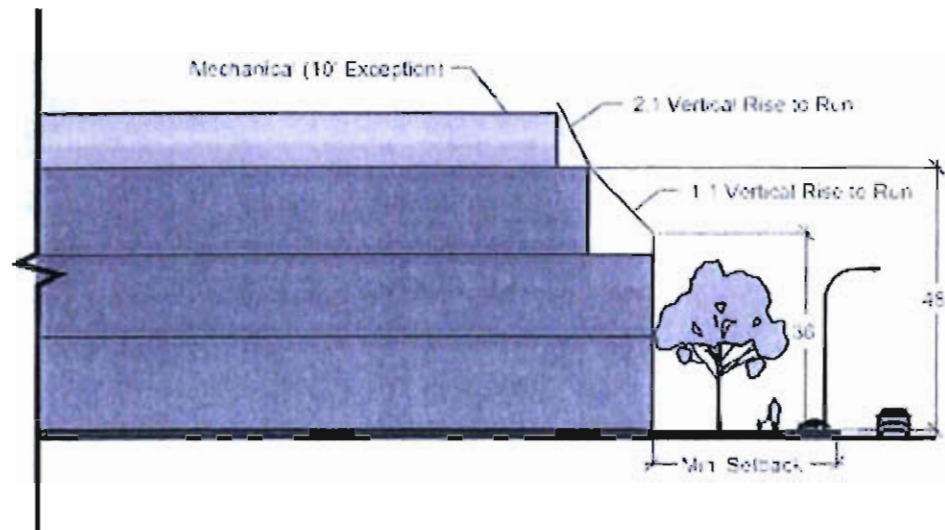
3. *Designated scenic corridor or buffered setback.* Where a designated scenic corridor or a buffered setback is existing or planned the setback shall be the required width of the designated scenic corridor or buffered setback. The Planned Unit Development (PUD) District average setback shall not apply.

F. *Building envelope.*

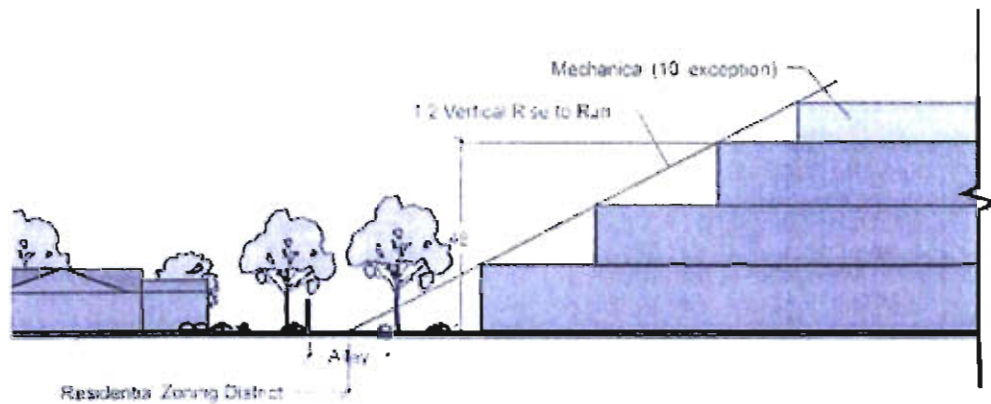
1. Starting at a point thirty-six (36) feet, above the minimum building setback line the building envelope inclined stepback plane shall slope upwards at 1:1 (ratio of the vertical rise to the horizontal run) to a point measured forty-eight (48) feet above the minimum building setback line. Thereafter the building envelope inclined stepback plane shall slope upwards at 2:1 (ratio of the vertical rise to the horizontal run) on all sides of a property adjacent to public and private streets.

2. PUD Developments abutting or adjacent to a residential zoning district shall have a building envelope inclined stepback plane of 1:2 (ratio of the vertical rise to the horizontal run) starting **AT A POINT TWENTY-FOUR (24) FEET ABOVE** on the residential zoning district boundary, except as specified Section 5.5005.F.3.

BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.1.



BUILDING ENVELOPE DIAGRAM - THIS DIAGRAM ILLUSTRATES SECTION 5.5005.F.2.



3. PUD Developments adjacent to a residential zoning district, where the properties are separated by a major and/or minor arterial street as classified by the

Transportation Master Plan and the Design Standards & Policies Manual, shall comply with Section 5.5005.F.1.

G. *Encroachment beyond the building envelope.*

1. A maximum encroachment of fifteen (15) feet may be allowed for:
 - a. Architectural ornaments and similar features, and
 - b. Trellis, canopies, balconies, patios and partial or full patio enclosures, covered walks, and screen walls.
2. Any encroachment into the right-of-way, roadway easement, or right-of-way easement requires a city issued encroachment permit and/or agreement.
3. The requirements of article vii. General provisions shall not apply to Section 5.5005.G.

H. *Setback abutting a residential zoning district.*

1. A setback of twenty (20) feet shall be provided along the property line abutting a residential zoning district(s). The setback area shall be landscaped and may include space reserved for services such as refuse, recycling, utility boxes, and amenities such as playground equipment, picnic tables, and screen walls.

I. *Required open space.* Open space is only required for developments that include residential uses.

1. Private outdoor living space.
 - a. Minimum: 0.05 multiplied by the gross floor area of the dwelling unit.
 - b. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
2. Common open space.
 - a. Minimum: 0.10 multiplied by the total gross site area of the development.
 - b. Common open space is not required if the overall residential density of the development is less than five (5) dwelling units per acre.

J. *Landscape improvements.* The provisions of Article X. Landscaping requirements shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 3920, § 1(Exh. §§ 50, 51), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 159), 4-3-12)

Sec. 5.5006. - Off-street parking and loading.

- A. Parking shall not be located between the building and the street; and shall not be located between the average building setback line and the street.
- B. Structured parking and parking garages shall be screened from street views and any views from residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an

underlying zoning district comparable to the residential districts shown on Table 4.100.A. Screening shall be provided by building spaces that are habitable or that provide an architectural screen. Architectural screening shall be subject to Development Review Board approval.

C. The provisions of Article IX. Parking and loading requirements shall apply.

(Ord. No. 3854, § 3, 6-9-09; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 160), 4-3-12)

Sec. 5.5007. - Signs.

A. The provisions of Article VIII. Sign requirements shall apply except a master sign plan shall be submitted at the time of development review application.

(Ord. No. 3854, § 3, 6-9-09)

FOOTNOTE(S):

⁽⁸⁹⁾ *Editor's note—Ord. No. 3258, § 1, adopted Oct. 5, 1999, amended § 5.2100 in its entirety. Formerly said section pertained to similar subject matter. See the Code Comparative Table. (Back)*

Chafin, Kim

From: info@savetheborgata.com
Sent: Wednesday, February 06, 2013 8:50 AM
To: Chafin, Kim
Subject: 7-GP-2012



We strongly oppose the proposal by AV Homes, Inc and Berry & Damore that attempts to justify a zoning change thereby enabling the destruction of The Borgata. We heartily urge you to follow this link: <http://savetheborgata.com/rebuttal-to-av-homes-borgata-plan/> and review a solid and sensible rebuttal to this proposal. This rebuttal was formulated and based on more than 100 comments posted by Scottsdale citizens and other people who have expressed their concerns and opposition to AV Homes' plan through SaveTheBorgata.com. This website has received more than 10,000 unique page views since its launch in November, 2012. Furthermore, this website has enjoyed no major media publicity and its visitations and usage have been solely dependent on word-of-mouth... amazing in light of the fact that visitors to the site represent nearly every part of the country. This issue is very important to the citizens of Scottsdale who know about it. However, we fear the very vast majority of the community population does not know about this impending action and would be outraged if it did.

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Chafin, Kim

From: Castro, Lorraine
Sent: Wednesday, February 20, 2013 7:59 AM
To: Chafin, Kim
Subject: FW: Please vote NO on Rezoning for Borgata/Housing Development Proposal!!

From: Gail Kursel [<mailto:gfkspkcol@mac.com>]
Sent: Tuesday, February 19, 2013 1:52 PM
To: Planning Commission
Subject: Please vote NO on Rezoning for Borgata/Housing Development Proposal!!

To Mr. Michael D'Andrea, Chair of the Scottsdale Planning Commission, and the Members of the Commission:

I have been coming to Scottsdale as a nonresident for almost twenty years. In recent years I have been an annual long-term renter during the winter months at The Alamos, located next door to the Borgata Shopping Plaza. In previous years our family has vacationed in Scottsdale, which in our view was unique and special among cities of the U.S. Southwest. Our son and his wife have settled here and love their relationship with the community.

PLEASE consider how you want to shape Scottsdale's position among vacation cities when asked to rezone the Borgata Plaza site to residential to accommodate the use of the land for 55+ housing! The Borgata is unique to Scottsdale, and provides a beautiful and peaceful landmark setting for visitors and residents, but it needs capable management and marketing to thrive.

Scottsdale Road has become so congested with traffic over the years that 200-400 additional people in the area could cause gridlock from one light to another, already a reality at peak times of the day. Certainly a study of the infrastructure - electric, water, sewer, traffic - will be done by an IMPARTIAL firm to determine at the very least the practical impact this new development would have.

From my point of view, by approving rezoning for this project, you would be taking Scottsdale in the opposite direction of where it should be: to yet another nondescript Southwestern American city which has lost its "points of difference." PLEASE VOTE NO!

Thank you

Gail Kursel

Chafin, Kim

From: Gail Kursel <gfkspicoli@mac.com>
Sent: Friday, February 22, 2013 7:55 PM
To: Planning Commission; Lane, Jim; Korte, Virginia; Klapp, Suzanne; Milhaven, Linda; Robbins, Dennis E; Littlefield, Robert; Phillips, Guy; Chafin, Kim
Cc: Smetana, Rachel
Subject: The Borgata Redevelopment Project and Scottsdale's Future

To Mayor Lane, Michael D'Andrea, Kim Chafin, the members of the Scottsdale Planning Commission and the City Council:

I have been encouraged by Rachel Smetana, Assistant to Mayor Lane, to continue to voice my thoughts about the shape of Scottsdale's future using the Borgata proposal as a framework. I have been an out-of-state renter in Scottsdale for twenty years.

Following is a quote that seems to represent what I see happening here in Scottsdale. It is from Arizona, A Cavalcade of History, by Marshall Trimble, Official Arizona State Historian. The future direction of Scottsdale culture lies in the hands of the Scottsdale government!

"Former Arizona Republic publisher Pat Murphy pretty well summed it up when he noted:

'One of the greatest weaknesses in a state such as Arizona, where the growing population increasingly is made up of people with roots elsewhere, is that it tends to be a gathering place for strangers with not much sense of tradition or historic perspective on their new home.

Without those values, newcomers tend to lack the spirit to preserve, to protect and to perpetuate qualities that attracted them here in the first place.' "

I am frightened to think of the congestion and demands created by 200+ potential additional people in the 6100 block of Scottsdale Road, people who likely have no sense of the value of Arizona's past nor future. In my view it's very important not to overbuild, to consider quality of life, where Scottsdale is now, and where it wants to be in the future.

Thank you!

Gail Kursel
gfkspicoli@mac.com

Joel Lutz

6150 N. Scottsdale Rd. Unit 43 Scottsdale, AZ 85253
480-483-6489, work: 480-990-2442

February 25, 2013

Memo to: Mr. Randy Grant-RGrant@scottsdaleaz.gov
Ms. Kim Chafin-kchafin@scottsdaleaz.gov

Ref. to: Borgotta and Cottonwoods construction proposals
Lincoln / Scottsdale Rds. Apartment construction
Cottonwoods Expansion

We met and chatted at the Chase Bank in Fry's a while back and as a one-time developer of industrial properties, I know that when dealing with vacant land the developer can construct the infra-structure (roads, gas & water mains, storm & sanitary sewers and electric power) to accommodate the proposed density. However, this is not the case with the above mentioned projects, as the infra-structure already exists. It is my opinion that the proposed density of the three above mentioned proposals should be based on the existing infra-structure; as for the apartment project, the actual approved density should be used in the density determination as it will have a profound effect on the neighborhood infra-structure. Also, the AV's footprint of the proposed Condo project indicates only 118 car parking for the (2) restaurants, however, there seems to be many more cars during the evening hours when only the restaurants are open. Also, whenever the Kerr Center or the Cottonwoods Conference Center have events there is never enough parking and the attendees start using our condo complex for additional parking and I fear the situation will worsen. What can the City do about the parking requirements?

While I am not anti-development we must not allow the Developers to build and profit while leaving us with an untenable situation.

Chafin, Kim

From: Gail Kursel <gfkspicoli@mac.com>
Sent: Wednesday, February 27, 2013 11:29 AM
To: Planning Commission; Lane, Jim; Korte, Virginia; Klapp, Suzanne; Milhaven, Linda; Robbins, Dennis E; Littlefield, Robert; Phillips, Guy; Chafin, Kim
Cc: Smetana, Rachel
Subject: Additional Thoughts About the Borgata Proposal: Walking

To Mayor Lane, Michael D'Andrea, Kim Chafin, the members of the Scottsdale Planning Commission and the City Council:

Walking in our neighborhood of the 6100 block of Scottsdale Road, between McDonald and Lincoln, is an important factor in the quality of life for us as long term renters! There is enough traffic on Scottsdale Road to create a sense of urgency and stress....something none of us needs. Walking is good for our physical and mental health and keeps cars off the roads.

From where I'm now sitting, here in our two-story condo of The Alamos, the following are within walking distance: AJ's Market, Trader Joe's, Walgreen's, several restaurants, many shops, full-service gas station, the Kerr Center of ASU, The Cottonwoods Resort grounds including their Fitness Trail, and of course The Alamos centrally located swimming pool area, which encourages socialization with neighbors. Also integrated into this area and walking accessible is the Borgata, a peaceful setting and in a direct line from here to Lincoln Village.

In previous messages I've passed along my thoughts about the proposal to develop the Borgata. In the past few days I've realized how important it is to me and my husband to be within walking distance of these resources and services! The quality of our time here in Scottsdale is made more special because of it.

Thank you!

Gail Kursel
gfkspicoli@mac.com

Joel Lutz

6150 N. Scottsdale Rd. Unit 43 Scottsdale, AZ 85253
480-483-6489, work: 480-990-2442

March 18, 2013

Memo to: ilane@scottsdaleaz.gov; vkorte@scottsdaleaz.gov; sklapp@scottsdaleaz.gov;
Imilhaven@scottsdaleaz.gov; drobbins@scottsdaleaz.gov;
rlittlefield@scottsdaleaz.gov; gphillips@scottsdaleaz.gov
rgrant@scottsdaleaz.gov; kchafin@scottsdaleaz.gov

Ref. to: ANTICIPATED TRAFFIC PROBLEMS
Borgotta Condo proposals case# 697-PA-2012
Kerr Cultural Center & Alamos Condos
Cottonwoods Expansion-Paradise Valley

As I learn more about the above neighborhood expansion I fear for Rose Lane's ability to handle all the additional cars. I have learned that the provided and proposed total parking could exceed 900 cars.

Cottonwoods Resort : 171 cars provided plus proposed expansion

Cottonwoods Confr. Ctr.: unknown

Kerr Cultural Center: 170 car parking provided; some events bring in 300 people

Restaurants: 118 car parking provided

Borgotta Condos: 340 possible car parking

Alamos Condos: 100 car parking provided

All of this seems extremely excessive for a community with only one ingress & egress. I also feel that 210 +/- units on 5 +/- acre site is excessive (40 units/acre). Perhaps a lower density is worth considering.

E K M A R K & E K M A R K, L.L.C.

ATTORNEYS AT LAW

May 13, 2013

Via E-mail (kchafin@scottsdaleaz.gov) and U.S. Mail

City of Scottsdale
Attn: Kim Chafin, Senior Planner
Planning, Neighborhood & Transportation Division
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

**Re: The Residences at the Borgata/Alamos Association
18-ZN-2012**

Dear Ms. Chafin:

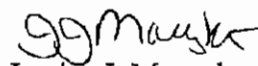
Our firm represents the Alamos Association (the "Association"). The Association is a residential condominium community located immediately southeast of the proposed Borgata redevelopment site (the "Borgata Site"). As you are aware, the Borgata Site is currently subject to applications for zoning, entitlement and development review submitted by its owner, Civila of Arizona, LLC ("Civila"), in conjunction with plans to redevelop the Borgata Site as the Residences at the Borgata.

This letter is to confirm that the Association does not oppose any of Civila's applications with respect to the Residences at the Borgata, as such plans have been presented to the Association¹.

If you have any questions pertaining to this matter, please feel free to contact me.

Thank you.

Sincerely,


Jessica J. Maceyko

cc: Janet Loscher (janet1putt@gmail.com)
Susan Bitter Smith (sbsmith@technicalsolutionsaz.com)

N:\HOA\Alamos - 1014\General Counsel\Expansion of Adjacent Properties\Letters\City of Scottsdale-01.doc

¹ The Association has been informed that Civila plans to redevelop the Borgata Site as a residential active adult condominium community. If substantive changes are later made to this plan, the Association reserves the right to object to any new applications pertaining to the redevelopment of the Borgata Site.

6720 North Scottsdale Road, Suite 261 ♦ Scottsdale, Arizona 85253

Telephone 480/922-9292 ♦ Fax 480/922-9422

Email: jessica@ekmarklaw.com

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:38 AM
To: 'sbehbaha@gmail.com'; Lane, Jim
Cc: Twist, J.P.; Chafin, Kim
Subject: RE: Borgata

Mayor Lane asked that I thank you for your comments.

Best regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

-----Original Message-----

From: sbehbaha@gmail.com [<mailto:sbehbaha@gmail.com>]
Sent: Saturday, May 25, 2013 2:12 PM
To: Lane, Jim
Subject: Borgata

The face of Central Scottsdale is getting disfigured by greedy companies.
Do not allow Borgata demolition

Sent from my iPad

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:30 AM
To: Chafin, Kim
Subject: FW: Please save the Borgata

Hi Kim - for the file.

-----Original Message-----

From: Marilyn Curiel [<mailto:marylinandjohn@aol.com>]

Sent: Sunday, May 26, 2013 12:10 PM

To: Lane, Jim; Korte, Virginia; Klapp, Suzanne

Subject: Please save the Borgata

Dear Mayor Lane and members of our City Council,

Please allow Scottsdale to keep the Borgata. This is a symbol of Scottsdale's International appeal. Destroying this treasure to build more condos will just take something from Scottsdale's personality. This is part of our city's heritage, please vote NO to tearing it down.

Respectfully,

Marilyn & John Curiel

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:31 AM
To: 'kelly osborne'
Cc: Lane, Jim; Twist, J.P.; Chafin, Kim
Subject: RE: Please vote NO on demolishing the Borgata

Dear Ms. Osborne,

Mayor Lane asked that I thank you very much for your e-mail. Staff will make certain your comments are part of the information received by each public body that has a vote on this issue (Development Review Board, Planning Commission, and City Council).

Best regards and thank you for continuing commitment to Scottsdale!

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

From: kelly osborne [<mailto:komontana@gmail.com>]
Sent: Monday, May 27, 2013 4:12 PM
To: Lane, Jim
Subject: Please vote NO on demolishing the Borgata

Hello - I was raised in Az and now that I moved, every year I look forward to my visit to Scottsdale and return to the Valley - Every year a part of my vacation is a trip to the Borgata - it is a Scottsdale landmark and the thought of it being torn down is devastating. Then to make matters worse, to think that condo's would be put in, only compounding the already difficult traffic. Please Please Please vote NO and save this beautiful Scottsdale landmark. Let them put in Condo's in at the hotel behind the Borgata - just don't let them tear down this beautiful building!!!

Kelly Osborne
komontana@gmail.com

Chafin, Kim

From: Smetana, Rachel
Sent: Tuesday, May 28, 2013 9:34 AM
To: 'Adam Koelsch'; Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Cc: Twist, J.P.; Chafin, Kim
Subject: RE: Vote NO on Borgata Zoning Change

Dear Dr. Koelsch,

Mayor Lane and members of Council asked that I thank you for your comments regarding the rezoning of the Borgata. This item is expected to be heard by Council in or around August. In the meantime, we will make certain your input is also forwarded to the Development Review Board and the Planning Commission which will hear this case in June.

Best Regards,

Rachel Smetana
Management Assistant to the Mayor
City of Scottsdale
480-312-7977
rsmetana@scottsdaleaz.gov

From: Adam Koelsch [<mailto:akoelsch74@gmail.com>]
Sent: Saturday, May 25, 2013 11:30 AM
To: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Littlefield, Robert; Phillips, Guy; Milhaven, Linda; Robbins, Dennis E
Subject: Vote NO on Borgata Zoning Change

I would encourage you to vote no on re-zoning the Borgata to residential. As a Scottsdale resident since 2002, and a small business owner in McCormick Ranch, I typically support a hands-off attitude toward private development. Personally, I don't care if a developer wants to buy up and destroy a beautiful building like the Borgata that stands on private property. However, the Borgata issue is unique. That region is a busy commercial area, and important to local residents and the local economy. Converting that region to high density residential would be a huge mistake and detrimental to our city. It would increase the traffic congestion in the area, and take away an important commercial hub.

Sincerely,
Adam Koelsch, M.D.

Chafin, Kim

From: Ruenger, Jeffrey
Sent: Tuesday, May 28, 2013 7:50 AM
To: Chafin, Kim; Castro, Lorraine
Subject: FW: SaveTheBorgata

-----Original Message-----

From: WebSiteUser@scottsdaleaz.gov [mailto:WebSiteUser@scottsdaleaz.gov]
Sent: Monday, May 27, 2013 5:44 PM
To: Projectinput; Lebovitz, Brandon
Subject: SaveTheBorgata

Do not reply to this message via email.
The Internet user did not provide a return email address:

Why do we need more condos? You are already going to create major traffic issues around Lincoln Drive and Scottsdale Road with all the new condos there. Please don't approve the plans of AV Homes.

This message was feedback from the following web page:

<http://www.scottsdaleaz.gov/projects>

5/27/2013 5:44:29 PM

72.208.246.14 Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.1;
Trident/4.0; .NET CLR 1.1.4322; .NET CLR 2.0.50727; .NET CLR 3.0.04506.30;
NET CLR 3.0.4506.2152; .NET CLR 3.5.30729; AskTbWBR/5.15.4.23821;
NET4.0C) sessionID: 0



CITIZEN REVIEW & NEIGHBORHOOD INVOLVEMENT REPORT
Northwest Corner of Scottsdale Road & Rose Lane
The Residences at Borgata
April 2, 2013

Overview

This citizen outreach and neighborhood involvement report is being performed in association with a zoning request for the redevelopment of approximately 5+/- gross acres located on the northwest corner of Scottsdale Road and Rose Lane (commonly referred to as The Borgata). The request is for a non-Major General Plan Amendment from the Commercial land use category to the mixed use category and a rezoning from C-2 (Central Business District) commercial land use to PUD (Planned Unit Development) residential land use for the purpose of creating a for-sale condominium community. As part of the request, this citizen review and neighborhood involvement report has been prepared and will be updated throughout the process.

The entire project team is sensitive to the importance of neighborhood involvement and creating a 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 stakeholders and preparing for the neighborhood outreach began prior to the application filing and will continue throughout the process.

Community Involvement

The project team began in August of 2012 with outreach into the community focusing on the Alamos neighborhood, the Cottonwoods Resort, existing Borgata tenants, and owners and tenants of Lincoln Village and Hilton Village businesses. The door-to-door work and smaller meetings with homeowners, current tenants, and interested parties that has already begun, will continue throughout the process. Current tenants have all been assisted in their relocation efforts and revisions to the submittal have already been made based on comments from neighbors. Numerous meetings have been held with the Alamos neighbors, their Board, and their Board appointed neighborhood development committee. The current site plan submittal is reflective of changes that have been suggested in these various meetings. Members of the outreach team will continue to be available to meet with any neighbors who wish to discuss the request.

Additionally, they will be contactable via telephone and email to answer any questions relating to the request.

Surrounding property owners and other interested parties were noticed via first class mail regarding the zoning request. This notification contained information about the request, contact information to receive additional information, and the opportunity to give feedback. The notification also contained information regarding a Neighborhood Open House that was held on Thursday, March 7th, 2013 in the Copper Room of Flemings Prime Steakhouse and Wine Bar (6333 N. Scottsdale Road) for anyone who wished to learn more about the request.

Twenty-six interested neighbors, the bulk of whom were from the adjacent Alamos neighborhood, attended the Open House. Attendees were generally supportive of the project. However, a few neighbors had questions about landscaping and traffic along Rose Lane and pedestrian connectivity. Subsequent to the Open House, several meetings were held with the Alamos HOA Development Committee and HOA leadership to insure that all of their questions had been answered and issues addressed.

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. As previously stated the entire team realizes the importance of the neighborhood involvement process and is committed to communication and outreach for the request.

Attachments:

Notification letter

Notification list

Affidavit of posting

Sign-in sheets

Residences at Borgata

Neighborhood Meeting Sign-In Sheet

Thursday, March 7, 2013

[illegible]

**Residences at Borgata
Neighborhood Meeting Sign-In Sheet
Thursday, March 7, 2013**

[illegible]



February 22nd, 2013

Dear Neighbor:

We are pleased to inform you that AV Homes is proposing a revitalization of the current 5+/- acre parcel on the northwest corner of Scottsdale Road and Rose Lane (the Borgata Retail Center) in the form of a for-sale, multi-family residential community. This proposal will include a non-major General Plan Amendment from the Commercial land use category to the Mixed Use land use category and a change in zoning from its current Central Business District (C-2) commercial zoning designation to Planned Unit Development (PUD) residential zoning designation. This proposal has been filed with the City of Scottsdale and given the case number of 697-PA-2012. The two commercial restaurant pads (J. Alexander's and Blanco) will remain in place and are not part of this request and rezoning application.

We are pleased to invite you to attend an open house to discuss this proposal. The open house will be held in the Copper Room of Flemings Prime Steakhouse and Wine Bar located at 6333 N. Scottsdale Road in Scottsdale, from 5:00 p.m. to 6:00 p.m. on Thursday, March 7th, 2013.

In the meantime, if you have any questions, please contact our neighborhood outreach team, Technical Solutions, at 602-957-3434. The City of Scottsdale Project Coordinator for this project is Kim Chafin, who can be reached at 480-312-7734.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Konderik".

Brian Konderik
Director, Land Development



Affidavit of Sign Posting



Project Under Consideration Sign (White)



Public Hearing Notice Sign (Red)

Case Number: 697-PA-2012
Project Name: Borgata
Location: NWC Scottsdale Road and Rose Lane
Site Posting Date: 2-25-2013
Applicant Name: John Berry
Sign Company Name: Scottsdale Sign A Rama
Phone Number: 480-994-4000

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

[Signature]
Applicant Signature

2-25-2013
Date

Return completed original signed and notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal. E-mail copy to your project coordinator.

I acknowledged before me this the 25th day of FEBRUARY 2013



Leonardo Vergara
Notary Public
Maricopa County, Arizona
My Comm. Expires 07-31-15

[Signature]
Notary Public

My commission expires: 7-31-2015

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



Early Notification of Project Under Consideration Neighborhood Open House Meeting

Date: March 7th, 2015
Time: 5:00 - 8:00 PM
Location: 4030 N. Scottsdale Rd.

Site Address: NWC of Scottsdale Rd. and Rose Lane

Project Overview:

- Description of Project: A new 100,000 sq. ft. commercial building with a parking lot and landscaping. The project is located on the NWC of Scottsdale Rd. and Rose Lane, adjacent to the existing 100,000 sq. ft. building.
- Site Address: NWC of Scottsdale Rd. and Rose Lane
- Site Address: NWC of Scottsdale Rd. and Rose Lane
- Site Address: NWC of Scottsdale Rd. and Rose Lane

City Contact: City Clerk
Phone Number: 480-770-2222

Case Number: 14-07-PD-2012

Project: 14-07-PD-2012

Project: 14-07-PD-2012



Owner	MAIL_ADDR1	MAIL_CITY	MAIL_STATE	MAIL_ZIP	MAIL_COUNTRY
ANN R DOVE REVOCABLE TRUST THE	6150 N SCOTTSDALE RD NO 21	SCOTTSDALE	AZ	85253	USA
ARIZONA BOARD OF REGENTS	PO BOX 870401	TEMPE	AZ	85287	USA
ARIZONA BOARD OF REGENTS	1125 N VINE AVE STE 103	TUCSON	AZ	85721	USA
AYRES MICHAEL O/DELYTE	BOX 59554	POTOMAC	MD	20859	USA
BANKS SUK-HUI	2711 N 27TH ST	PHOENIX	AZ	85008	USA
BAYSE MICHELLE MITCHELL/HAGEMANN BRUCE A	6817 COLUMBINE WY	PLANO	TX	75093	USA
BEAUVAIS EDWARD R/MARY ELLEN	7485 E SAN MIGUEL AVE	SCOTTSDALE	AZ	85250	USA
BERGER STEVEN N (LEASE)	6314 N 73RD ST	SCOTTSDALE	AZ	85250	USA
BERNARD STEPHEN Z/ELIZABETH A (LEASE)	7302 E KEIM DR	SCOTTSDALE	AZ	85253	USA
BLACKWELL ROBERT L ETAL	1625 E NORTHERN AVE STE 200	PHOENIX	AZ	85020	USA
BLACKWELL ROBERT L ETAL	42 S HAMILTON PL STE 101	GILBERT	AZ	85233	USA
BRAGA REVOCABLE LIVING TRUST	25513 PASEO DE CUMBRE	MONTEREY	CA	93940	USA
BRAGA STANLEY A/VALERIE A TR/ETAL	25513 PASEO DE CUMBRE	MONTEREY	CA	93940	USA
BROWNFIELD EDWARD H/ROBERTA F	1126 DRYDEN LANE	CHARLOTTESVILLE	VA	22903	USA
BUTLER ROBERT E/DOROTHY M TR	812 MCKENZIE CREST DR	SPRINGFIELD	OR	97477	USA
CHOLAKIAN DIANE MAE	6150 N SCOTTSDALE RD UNIT 20	SCOTTSDALE	AZ	85253	USA
CITARELLO JOE L	7308 E KEIM DR	SCOTTSDALE	AZ	85250	USA
CIVILA OF ARIZONA LLC	8601 N SCOTTSDALE RD STE 225	SCOTTSDALE	AZ	85253	USA
CONWAY DENNIS D/MARY C TR	6150 N SCOTTSDALE RD 45	SCOTTSDALE	AZ	85253	USA
CORVENT GROUP INC	3044 BLOOR ST W STE 256	TORONTO		M8X 1CA	ONTARIO CANADA
CP/IPERS PRINCE FORUM LLC (LEASE)	601 S SIGUEROA ST	LOS ANGELES	CA	90017	USA
CRAFT MARVIN C JR/MARGARET JEAN (LEASE)	6308 N 73RD ST	SCOTTSDALE	AZ	85250	USA
DERRICO CELIA/MANERI CAMILLE A	6150 N SCOTTSDALE RD	SCOTTSDALE	AZ	85251	USA
DEWEY DOUGLAS CRAIG/SHELLEY K	689 TERRACE ST	LAKE OSWEGO	OR	97034	USA
DONALD D OHSMAN TRUST (LEASE)	7314 E CLAREMONT ST	SCOTTSDALE	AZ	85250	USA
EILTS PATRICIA S	6706 LUPINE CIR	ARVADA	CO	80007	USA
ELFANT SEYMOUR	6258 N 73RD ST	SCOTTSDALE	AZ	85250	USA
FILLMANN FRANK	7302 E ROSE LN	SCOTTSDALE	AZ	85250	USA
GERMAN DOBSON CVS LLC (LEASE)	1 CVS DR	WOONSOCKET	RI	2895	USA
GIESA MICHAEL W TR	1023 FALLS PARC DR UNIT 5	SHEBOYGAN FALLS	WI	53085	USA
GRI LINCOLN VILLAGE LLC	4350 EAST-WEST HIGHWAY STE 400	BETHESDA	MD	20814	USA
HADL JOHN/DIANA	3700 QUAIL CREEK CT	LAWRENCE	KS	66047	USA
HARMS ZUM SPRECKEL CORD/JANE HARMS ZUM TR	19815 N SCOTTSDALE RD UNIT 44	SCOTTSDALE	AZ	85253	USA

HARRIS BARBARA	6146 N SCOTTSDALE RD CONDO 40	SCOTTSDALE	AZ	85253	USA
HARRIS THOMAS J/MARILYN J	6150 N SCOTTSDALE RD #6	PARADISE VALLEY	AZ	85253	USA
HELLER SALLIE J	5200 N KNOXVILLE NO 306N	PEORIA	IL	61614	USA
HILLIS JEFFREY W/JENNIFER ANN TR	6136 N QUAIL RUN RD	PARADISE VALLEY	AZ	85253	USA
HOLMES BRIAN G	89 BRAID BEND	STOUFFVILLE	ON	L4A 1R8	CANADA
HONORA E LOGAN FAMILY TRUST	3709 RANCH VIEW CT	RENO	NV	89509	USA
HPTRI CORPORATION	PO BOX 579	LOUISVILLE	TN	37777	USA
HURWORTH SAMUEL G	713 GASMAN	PORT ANGELES	WA	98362	USA
J SCOTT PROPERTIES LLC	PO BOX 22107	SEATTLE	WA	98122	USA
JANET S PALMER TRUST	6150 N SCOTTSDALE RD 34	SCOTTSDALE	AZ	85253	USA
KEISTER MATTHEW M	7026 E MCDONALD DR	PARADISE VALLEY	AZ	85253	USA
LAVIGNE RICHARD/MARY C TR	2523 HAVERTON RD	MENDOTA HEIGHTS	MN	55120	USA
LEGROW HAROLD R/MARY F	28 EDMERE RD	LYNNFIELD	MA	1940	USA
LINCOLN MEDICAL LLC	6402 E CHENEY DR	PARADISE VALLEY	AZ	85253	USA
LINCOLN PLAZA LIMITED LIABILITY CO	6310 N SCOTTSDALE RD	SCOTTSDALE	AZ	85253	USA
LINSCOTT HOTEL CORP LEASE	6333 N SCOTTSDALE RD	SCOTTSDALE	AZ	85250	USA
LIVI ANGIOLO	6927 E QUAIL RUN RD	PARADISE VALLEY	AZ	85253	USA
LUTZ JOEL & JUDITH	29508 SOUTHFIELD RD 200	SOUTHFIELD	MI	48076	USA
MAHONEY RICHARD B/PATRICIA	6150 N SCOTTSDALE RD 13	SCOTTSDALE	AZ	85253	USA
MANERI CAMILLE A/DERRICO CELIA	6150 N SCOTTSDALE RD STE 35	SCOTTSDALE	AZ	85253	USA
MARLETTE 7313 LLC	3219 E CAMELBACK RD STE 325	PHOENIX	AZ	85018	USA
MARQUARDT A JOHN	3875 OLD INTL AIRPORT RD	ANCHORAGE	AK	99502	USA
MARQUARDT JOHN	6150 N SCOTTSDALE RD	SCOTTSDALE	AZ	85253	USA
MENSCH KATHRYN G	6250 N SCOTTSDALE #7	SCOTTSDALE	AZ	85253	USA
MICHAUD JANETTE M/JOSEPH E (LEASE)	7308 E ROSE LN	SCOTTSDALE	AZ	85253	USA
MILLER SCOTT E/PHYLLIS P (LEASE)	7307 E CLAREMONT ST	SCOTTSDALE	AZ	85250	USA
MITCHELL OWEN H TR/MITCHELL NORMA T	7313 E CITRUS WY	SCOTTSDALE	AZ	85250	USA
MOORE LAURA E	9400 N FRYER RD	PEORIA	IL	61615	USA
MURPHY MICHAEL T/NANNEN DAWN M TR	2543 E 21ST ST	FREMONT	NE	68025	USA
ORVIS PAUL W JR & CELIA C	234 FIDDLERS POINT DR	ST AUGUSTINE	FL	32080	USA
OWEN SIDNEY E	17015 437TH AVE	HENRY	SD	57243	USA
PALMER JANET S TR	6150 N SCOTTSDALE RD 34	SCOTTSDALE	AZ	85253	USA
RANDALL BARBARA ANN TR	6150 N SCOTTSDALE RD UNIT 14	SCOTTSDALE	AZ	85253	USA
RANDOLPH NEAL D/BETTY L TR	938 W CROSS ST	WOODLAND	CA	96695	USA

RASMUSSEN ROBERT V/EILEEN I TR	6102 N QUAIL RUN RD		SCOTTSDALE	AZ	85253	USA
RILEY WILLIAM A/SUSANNA J TR	684 TAHOS RD		ORINDA	CA	94563	USA
ROBERTS JOAN I/GROUP THETIS M	7307 E ROSE LN		SCOTTSDALE	AZ	85250	USA
ROGERS DAVID J/CAROLYN M TR	2745 HIGHLAND TRR		SHEBOYGAN	WI	53083	USA
RUTTLE CURT J/MARIA D H TR	6316 N QUAIL RUN RD		PARADISE VALLEY	AZ	85253	USA
SCAP 1 L L C	7170 E MCDONALD DR STE 6		SCOTTSDALE	AZ	85253	USA
SCHNEIDER JIMME R/PAMELA A	32229 11TH AVE SW		FEDERAL WAY	WA	98023	USA
SCOTT THOMAS E/JUNE L (LEASE)	7314 E MARLETTE AVE		SCOTTSDALE	AZ	85250	USA
SHARPLES COLIN/THERESA ANN	POUNSLY MILL BARN		BLACKBOYS UCKFIELD		EAST SUSSEX TN 22 5HP	ENGLAND
SHRIMPLIN MALCOLM R	6130 N SCOTTSDALE RD STE 15		SCOTTSDALE	AZ	85250	USA
SMOKE TREE RESORT	7101 E LINCOLN DR		SCOTTSDALE	AZ	85253	USA
SNOWDEN JAMES PATRICK	8514 E SAN BRUNO DR		SCOTTSDALE	AZ	85258	USA
STEINBERG FRED R/COLLEEN TR	6118 N QUAIL RUN RD		SCOTTSDALE	AZ	85253	USA
STOREY FAMILY TRUST 3	7050 E MCDONALD DR		PARADISE VALLEY	AZ	85253	USA
STORRER MARTHA W TR	202 EDGEHILL CT		E PEORIA	IL	61611	USA
SUNCHASE CENTURY LLC	5665 N SCOTTSDALE RD STE 135		SCOTTSDALE	AZ	85250	USA
TIOA MASTER LIMITED PARTNERSHIP LEASE	6333 W SCOTTSDALE RD		SCOTTSDALE	AZ	85250	USA
TRAN HOAN DINH (IMPROVEMENTS ONLY)	20701 BEACH BLVD - 95		HUNTINGTON BEACH	CA	92648	USA
VARADY DALE/PATRICIA A	850 CLIFTON CT		BENICIA	CA	94510	USA
WALKER ANDREW J/ELIZABETH A	6150 N SCOTTSDALE RD 49		PARADISE VALLEY	AZ	85253	USA
WEBER WINSTON D/PHYLLIS D TR	16140 KENNEDY RD		LOS GATOS	CA	95032	USA
WEISSBLUTH JOY	6264 N 73RD ST		SCOTTSDALE	AZ	85250	USA
WSRH SCOTTSDALE COTTONWOODS LLC	3340 PLAYERS CLUB PKWY	STE 2	MEMPHIS	TN	38125	USA
WSRH SCOTTSDALE COTTONWOODS LLC	6160 N SCOTTSDALE RD		SCOTTSDALE	AZ	85253	USA
YATES BETTY I	7101 W YALE AVE UNIT 3204		DENVER	CO	80227	USA
ZAIS MARTIN H/ROSEMARY E TR (LEASE)	6252 N 73RD ST		SCOTTSDALE	AZ	85250	USA
ZOE THAIS	7904 E CHAPARRAL RD STE A110-259		SCOTTSDALE	AZ	85250	USA
ZOOK JOHN (LEASE)	6619 N SCOTTSDALE RD		SCOTTSDALE	AZ	85250	USA



Approved 6-20-2013 (SP)

**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

Thursday, June 6, 2013

SUMMARIZED MEETING MINUTES

PRESENT:

Linda Milhaven, Council Member
Jay Petkunas, Planning Commissioner
Chris Jones, Vice Chair
Eric Gerster, Development Member
Ali Fakh, Design Member
David Gulino, Development Member
Kevin Bollinger, Design Member

ABSENT:

All Present

STAFF:

Steve Venker
Brad Carr
Kim Chafin
Bryan Cluff
Keith Niederer
Jesus Murillo
Steve Perone

CALL TO ORDER

Councilwoman Milhaven called the meeting of the Scottsdale Development Review Board to order at 1:02 p.m.

ROLL CALL

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

ADMINISTRATIVE REPORT

1. Identify supplemental information, if any, related to the June 6, 2013 Development Review Board agenda items, and other correspondence.

MINUTES

2. Approval of May 16, 2013 Development Review Board Meeting Minutes
BOARD MEMBER GERSTER MOVED TO APPROVE THE MAY 16, 2013 DEVELOPMENT REVIEW BOARD MEETING MINUTES, SECONDED BY VICE CHAIR JONES, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

CONSENT AGENDA

3. 1-DR-2013 Chick-fil-A
VICE CHAIR JONES MOVED TO APPROVE 1-DR-2013 SECONDED BY BOARD MEMBER FAKIH THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).
4. 2-PP-2013 Whisper Ridge
BOARD MEMBER GERSTER MOVED TO APPROVE 2-PP-2013 SECONDED BY COMMISSIONER PETKUNAS THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0) WITH VICE CHAIR JONES RECUSING HIMSELF.
5. 33-DR-2012 Scottsdale Pinnacle Center
VICE CHAIR JONES MOVED TO APPROVE 33-DR-2012 SECONDED BY BOARD MEMBER FAKIH THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

6. 18-ZN-2012 The Residences at the Borgata
BOARD MEMBER GERSTER MOVED TO RECOMMEND 18-ZN-2012 TO THE PLANNING COMMISSION 2ND BY BOARD MEMBER BOLLINGER THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0) WITH ADDED STIPULATION AND VICE CHAIR JONES AND BOARD MEMBER FAKIH RECUSING THEMSELVES.
7. 6-ZN-2013 Scottsdale 92 Lofts
BOARD MEMBER GULINO MOVED TO RECOMMEND 6-ZN-2013 TO THE PLANNING COMMISSION 2ND BY BOARD MEMBER FAKIH THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0)

NON-ACTION ITEM

8. Scottsdale Road Scenic Drive

**AFTER A PRESENTATION BY STAFF AND THE APPLICANT THE BOARD
PROVIDED COMMENTS REGARDING THE PROJECT.**

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 2:22 P.M.



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

WEDNESDAY, JUNE 26, 2013

SUMMARIZED MEETING MINUTES

PRESENT: Michael D'Andrea, Chairman
Michael Edwards, Commissioner
Erik Filsinger, Commissioner
Matt Cody, Commissioner
David Brantner, Commissioner
Jay Petkunas, Commissioner

ABSENT: Ed Grant, Vice-Chair

STAFF: Tim Curtis
Sherry Scott
Keith Niederer
Kim Chafin
Kira Wauwie

CALL TO ORDER

Chair D'Andrea 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.

MINUTES REVIEW AND APPROVAL

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:

www.scottsdaleaz.gov/boards/PC.asp

1. Approval of June 12, 2013 Regular Meeting Minutes including Study Session.

COMMISSIONER BRANTNER MOVED TO APPROVE THE JUNE 12, 2013 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION. SECONDED BY COMMISSIONER CODY, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

2. 361-PA-2013 (Nonconforming and conflicting provisions Text Amendment)

COMMISSIONER PETKUNAS MOVED TO INITIATE CASE 361-PA-2013 SECONDED BY COMMISSIONER BRANTNER. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

3. 17-UP-2012 (Axis/Radius Bar Conditional Use Permit

4. 61-UP-1997#3 (Axis/Radius)

5. 3-ZN-2006#2 (MT San Victor)

6. 6-ZN-2013 (Scottsdale 92 Lofts)

COMMISSIONER PETKUNAS MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASES 17-UP-2012, 61-UP-1997#3 and 3-ZN-2006#2, PER THE STAFF RECOMMENDED STIPULATIONS AS AMENDED, AFTER DETERMINING THAT THE PROPOSED ZONING MAP AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN, AFTER FINDING THAT THE PLANNED COMMUNITY (PC) DISTRICT FINDINGS HAVE BEEN MET AND BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET; SECONDED BY BRANTNER.

7. 7-GP-2012 (THE RESIDENCES AT THE BORGATA)

8. 18-ZN-2012 (THE RESIDENCES AT THE BORGATA)

COMMISSIONER FILSINGER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASES 7-GP-2012 AND 18-ZN-2012, PER THE STAFF RECOMMENDED STIPULATIONS AS AMENDED, AND AFTER DETERMINING THAT THE PROPOSED ZONING MAP AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN, AND AFTER

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**DETERMINING THAT THE PLANNED UNIT DEVELOPMENT (PUD)
FINDINGS HAVE BEEN MET; SECONDED BY COMMISSIONER
PETKUNAS; COMMISSIONER EDWARDS RECUSE**

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:08 p.m.

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www.scottsdaleaz.gov/boards/PC.asp

FOX RESTAURANT CONCEPTS

Established 1998

Item 35

June 27, 2013

Mayor Lane and City Council
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Mayor Lane and City Council,

On behalf of Fox Restaurant Concepts, and more specifically, Blanco Tacos and Tequila located at the Scottsdale Borgata, I am writing today to support the proposed Residences at the Borgata project. I believe this luxury condominium development will meet a need in the area for this type of residential community. It will also bring new people to the area that will support other businesses in the community, including our own. As the majority owner and founder of Blanco Tacos and Tequila and its parent company, Fox Restaurant Concepts, I wanted to express my excitement given the prospect of this complementary development and respectfully request that you vote to approve it.

Sincerely,



Sam Fox
Manager
Fox Restaurant Concepts LLC

ARNOLD ROY, P.L.L.C.

Architect
Taliesin West
Scottsdale, AZ 85261

Direct 480-627-5350
Fax 480-860-8472
architect@arnoldroypllc.com

June 19, 2013

Mayor Jim Lane & Scottsdale City Council
3939 Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Mayor Lane & Council:

I have had the honor of spending nearly all of my Scottsdale days at Taliesin West, the beautiful home of Frank Lloyd Wright that has become a tourist and architectural destination. Indeed, I am one of the last living apprentices to have worked alongside Mr. Wright himself.

Perhaps this perch, along with a bit of experience, provides me some perspective about a nascent effort known as "Save the Borgata." I saw an article some time back in the Arizona Republic. Absent any courage or pride due to the site's anonymity it pretends a community posture greatly concerned over the future of this ill-conceived project. As if there should be.

The anchorless project never sought to engage the land as Mr. Wright preached, and I practiced in my architectural career. Instead, the project seemingly invoked Disney with its faux Italian village that became a revolving door for tenants. While the property was foreign those who tried to make it successful were anything but. Excellent retail operators like the owner of Scottsdale Fashion Square and downtown Phoenix's new CityScape development couldn't figure it out. Consequently, the land was offered for sale.

Those who might want to save the architecturally and historically insignificant Borgata could have purchased the property when available. They did not do so.

Now, a proposal has emerged to redevelop the inefficient, unproductive, always-failing retail site into an active-adult community with promise. While I must profess to not having reviewed these plans in great detail, the use is certainly an appropriate one for the location, especially with a 3-story building across the street and some height already

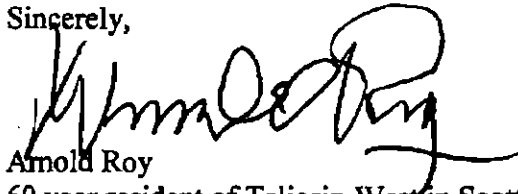
understood by the community due to the Borgata's 58-foot feudalistic tower that has crowned it for years.

I always have suspicions about opposition to senior-oriented communities, of which I am proudly one! Is "Save The Borgata" really age discrimination in disguise? I don't know but it wouldn't be the first time, and it won't be the last, unfortunately.

As I gain years I don't comment publicly or privately as much as I used to. But since I do so love this wonderful place I had to take a moment to proffer what I truly feel about the anonymous waxing ineloquent about design.

Please don't "save" the architectural embarrassment that is the Borgata. It's as misplaced as that harness racing track along the I-10. Our community will be improved and enriched if and hopefully when you approve its redevelopment.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Roy". The signature is fluid and cursive, with a large loop at the end.

Arnold Roy
60 year resident of Taliesin West in Scottsdale

June 6, 2013

Honorable Mayor Jim Lane
and City Council Members
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

RE: Residences at Borgata
6161 North Scottsdale Road
Scottsdale, Arizona

Dear Mayor Lane and City Council Members:

A 'Residences at Borgata' development is being proposed at The Borgata, an existing 7.5 acre specialty retail complex that was built in 1981.

This correspondence is being forwarded to put into context the nature and status of the existing Borgata structure. As you may know this retail development was highly influenced by the Italian hill town San Gimignano, a town that I have personally visited. It sits on a hilltop and is quite prominent in the landscape with its cluster of tall towers built for fortification; and displaying wealth, influence, and power. The original Borgata architects did visit this town and they were directed to simulate the rustic architecture. No one questions that The Borgata did in fact capture the town's character, materials, details, and scale.

It was debated when the project was built and continues to this day about whether it was appropriate to simply transport a foreign architectural character from an Italian hilltop to the urban infill site on north Scottsdale Road. From a logical, philosophical and academic perspective, the answer would be an obvious no it is not appropriate. It is not of this special place we call Scottsdale and as found within the lower Sonoran Desert, but an ill-conceived import. It has struck a temporary entertainment chord, but has always struggled as a retail center.

As the Founding Chairman of the Scottsdale Historic Preservation Commission I can assure you that the existing Borgata is not historic, is not a candidate to be designated historic, and is not a landmark. It was an interesting experiment that did not work and it should not be viewed as a precious object that requires saving. Hope this helps in your deliberations. Thank you for the opportunity to share these thoughts.



Cordially,

A handwritten signature in black ink, appearing to read 'Doug Sydnor'. The signature is fluid and cursive, with a long horizontal line extending to the right.

Douglas B. Sydnor, FAIA
Cc: Rose, file

**BEUS GILBERT
PLLC**

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85006-6504
TEL: (480) 429-3000
FAX (480) 429-3100

PAUL E. GILBERT
DIRECT: (480) 429-3002

EMAIL: PGILBERT@BEUSGILBERT.COM

97071-001

25 June 2013

VIA E-MAIL

Kim Chafin, AICP LEED-AP
Senior Planner
City of Scottsdale
7447 E. Indian School Rd., Suite 205
Scottsdale, AZ 85251

Re: 18-ZN-2012

Dear Kim:

As you may know this firm represents WSHR Scottsdale, the owner of the Cottonwoods Resort immediately west of the above referenced zoning case. I am writing now to inform you of our support for the project, as it has been presented at this point in time.

It is my understanding that there is a 40 foot setback from the west property line, a setback our client requested and believes to be acceptable.

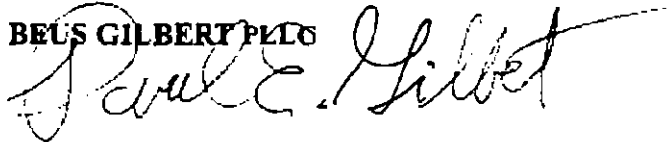
We have also requested the applicant provide us an opportunity to review the landscape plans along their westerly border and their west elevation, particularly in relation to the total building height, colors, and materials.

We will continue to support the project provided, of course, that we find these elements satisfactory.

Please call the undersigned if you have any questions concerning this correspondence.

Very truly,

BEUS GILBERT PLLC



Paul E. Gilbert

PEG/NTP:ich

June 4, 2013

Mayor Lane and City Council
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

Dear Mayor Lane and City Council Members:

The purpose of this letter is to offer our continued support for the proposed Residences at Borgata project. This proposal represents a true redevelopment of a functionally obsolete property within the City of Scottsdale core and a reuse of developed land that doesn't involve the development of our remaining native desert areas.

We believe this luxury condominium development meets a demand in the area for this type of residential community. It will also encourage an influx of new residents to the area that will support the local restaurants and retail businesses whose tax base revenue promote and maintain capital improvement and public infrastructure for the City of Scottsdale. As the owners of the Shops at Hilton Village Retail Center adjacent to the project on Scottsdale Road, we believe this anticipated development will have a positive economic impact on our tenants and overall stability of the shopping center.

We ask that you please consider these points when judging the projects overall merit and hope that you will ultimately grant approval for the Residences at Borgata.



Sincerely,

A handwritten signature in blue ink, appearing to read "Barry Shannahan", with a stylized flourish at the end.

Barry Shannahan
Vice President of Development | RED Development, LLC

FIRST WASHINGTON REALTY, INC.

4350 EAST-WEST HIGHWAY, SUITE 400, BETHESDA, MARYLAND 20814 (301) 907-7800

Facsimile
(301) 907-4911

June 6, 2013

Mayor Lane and City Council
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

Dear Mayor Lane and City Council Members:

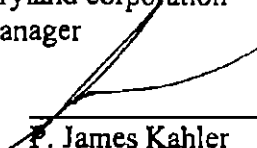
I am writing today to express our support for the newly proposed Residences at Borgata project in Scottsdale. I believe this luxury condominium development will meet a need in the area for this type of residential community. It will bring new residents to the area that will support the businesses in the community such as those found in our shopping center. As the owner of Lincoln Village directly adjacent to the Borgata, we ask that you vote to approve of this project.

Regards,

GRI-LINCOLN VILLAGE, LLC,
a Delaware limited liability company

By: Global Retail Investors, LLC,
a Delaware limited liability company
Its sole member

By: First Washington Realty, Inc.,
a Maryland corporation
Its manager

By: 
P. James Kahler
Senior Vice President

E K M A R K & E K M A R K, L.L.C.

ATTORNEYS AT LAW

May 13, 2013

Via E-mail (kchafin@scottsdaleaz.gov) and U.S. Mail

City of Scottsdale
Attn: Kim Chafin, Senior Planner
Planning, Neighborhood & Transportation Division
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

**Re: The Residences at the Borgata/Alamos Association
18-ZN-2012**

Dear Ms. Chafin:

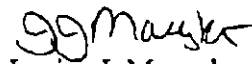
Our firm represents the Alamos Association (the "Association"). The Association is a residential condominium community located immediately southeast of the proposed Borgata redevelopment site (the "Borgata Site"). As you are aware, the Borgata Site is currently subject to applications for zoning, entitlement and development review submitted by its owner, Civila of Arizona, LLC ("Civila"), in conjunction with plans to redevelop the Borgata Site as the Residences at the Borgata.

This letter is to confirm that the Association does not oppose any of Civila's applications with respect to the Residences at the Borgata, as such plans have been presented to the Association¹.

If you have any questions pertaining to this matter, please feel free to contact me.

Thank you.

Sincerely,


Jessica J. Maceyko

cc: Janet Loscher (janet1putt@gmail.com)
Susan Bitter Smith (sbsmith@technicalsolutionsaz.com)

N:\HOA\Alamos - 1014\General Counsel\Expansion of Adjacent Properties\Letters\City of Scottsdale-01.doc

¹ The Association has been informed that Civila plans to redevelop the Borgata Site as a residential active adult condominium community. If substantive changes are later made to this plan, the Association reserves the right to object to any new applications pertaining to the redevelopment of the Borgata Site.

6720 North Scottsdale Road, Suite 261 ♦ Scottsdale, Arizona 85253

Telephone 480/922-9292 ♦ Fax 480/922-9422

Email: jessica@ekmarklaw.com



August 8, 2013

Honorable Mayor Lane & Scottsdale City Council
3939 Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Mayor & Council:

My two sisters and I own My Sister's Closet, My Sister's Attic and Well Suited. Combined we are proud to let you know that they stand among the largest women-owned businesses in Arizona.

Several of our stores are in Scottsdale, including our Lincoln Village stores near Scottsdale Road and Lincoln. They are located in close proximity to The Borgata, which a new property owner has applied to redevelop.

It's no secret that The Borgata has struggled in many recent years, despite some of the best retail operators in the country owning it. Conversely, the nearby retail developments in Lincoln Village and Hilton Village have strengthened. This has a lot to do with parking issues at The Borgata and increased specialty retail competition the anchorless outdoor center now faces to the north and south.

Fortunately, there is a better option. The affluent active adult community planned by AV Homes will provide new life for The Borgata property and new customers for businesses like ours.

We think the proposed new use is appropriate and beneficial. We stand with the residential and business neighbors supporting this plan. Thank you for your consideration of our opinion and hopefully for your support of this worthwhile new project.

Sincerely,

Ann Siner
Co-Owner
My Sister's Closet, My Sister's Attic, Well Suited

Cookson, Frances

From: Chafin, Kim
Sent: Wednesday, August 14, 2013 10:35 AM
To: Cookson, Frances
Subject: FW: Letter from principal of Mohave Middle School
Attachments: Letter from C Asmussen - Mohave MS.pdf

Hey Frances!

Could you please ensure that this letter regarding the Borgata gets to the City Council for its August 19th hearing.
 Thanks, Frances!

Kim Chafin, AICP, LEED-AP
Senior Planner
 480-312-7734

From: Smetana, Rachel **On Behalf Of** Lane, Jim
Sent: Tuesday, August 13, 2013 11:05 AM
To: Chafin, Kim
Subject: FW: Letter from principal of Mohave Middle School

From: Lynn Judge [<mailto:ljudge@susd.org>]
Sent: Tuesday, August 13, 2013 10:55 AM
To: Lane, Jim
Subject: Letter from principal of Mohave Middle School

Dear Mayor Lane,

Attached please find a letter from Chris Asmussen, the principal of Mohave Middle School, regarding our developing partnership with AV Homes, a Scottsdale based company. AV Homes has committed \$10,000 to our school with the intention of building and developing inter-generational connections between our school and the active adult community at the Borgata.

Thank you for your attention to the attached letter and to the generosity of AV Homes in our community.

Sincerely,

Lynn Judge
 Administrative Assistant Coordinator
 Mohave Middle School
 480-484-5203
ljudge@susd.org



Scottsdale *Unified* School District

One of Arizona's Most Excelling School Districts

Mohave Middle School
8490 E Jackrabbit Rd
Scottsdale, Arizona 85250-6712

Telephone: 480-484-5200

FAX: 480-484-5201

Web site: <http://susd.mohave.schoolfusion.us/>

August 12, 2013

Mayor Lane & Scottsdale City Council
3939 Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Mayor & Council:

RE: Borgata Redevelopment; Positive For Scottsdale

Dear Mayor & Council:

The new owners of the long-languishing Borgata retail center in central Scottsdale are hoping to transform the property into one called the Residences at Borgata, populated by a luxury active adult community.

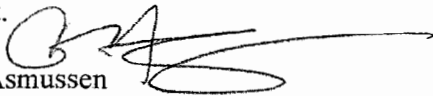
Reading about some of the funding struggles the school district is having and hearing about our impressive band and strings program at Mohave Middle School, they reached out to us hoping to build a multi-generational partnership.

AV Homes, stepped up with a \$10,000 commitment to our band and strings program to support our programming and to begin this multi-generational partnership. These monies and these kinds of collaborative programs will make a difference for our students.

With this partnership, we hoping the future residents will get involved in our learning community and engage our students with their expertise and mentorships. In turn, I'm looking forward for our students getting the opportunity to perform for them and the nearby community. Indeed, we are even kicking off these multi-generational efforts and performances August 15th to celebrate our kids coming back to school and the potential for that property to become an active adult living facility.

I wanted you to be aware that AV Homes, a Scottsdale-based company, has stepped forward and is building a partnership with our school. They have already worked with us on these multi-generational programs, including the upcoming concert with our students and the Scottsdale Philharmonic at the Kerr Cultural Center adjacent to their Borgata.

We are hopeful that their endeavors to transform the property are met with consideration and support.


Chris Asmussen
Principal
Mohave Middle School

Cookson, Frances

From: Chafin, Kim
Sent: Thursday, August 15, 2013 12:48 PM
To: Cookson, Frances
Subject: FW: Twelve steps of Greed
Attachments: IMG_4647[2].JPG; IMG_4649[2].JPG; IMG_4651[2].JPG; IMG_4653[2].JPG; IMG_4655[2].JPG; IMG_4656[2].JPG; IMG_4657[2].JPG; IMG_4659[2].JPG; IMG_4660[2].JPG; IMG_4661[2].JPG; IMG_4698[2].JPG; IMG_4703[2].JPG; IMG_4957[2].JPG; P1110036[2].JPG

Please include this in the letters to the City Council for their Monday public hearing regarding the Borgata.

From: Smetana, Rachel
Sent: Thursday, August 15, 2013 12:43 PM
To: Chafin, Kim
Subject: FW: Twelve steps of Greed

From: JerryRed@aol.com [<mailto:JerryRed@aol.com>]
Sent: Thursday, August 15, 2013 12:01 AM
To: Lane, Jim
Subject: RE: Twelve steps of Greed

Mayor W.J. "Jim" Lane:

I hope you will take a few minutes from your busy schedule and review my letter and photos. As a concerned resident of Scottsdale I worry about our future and where we are headed. I believe in great architecture located at the proper locations and at reasonable densities. I had also sent two earlier letters and 24 other photos of the Borgata our landmark ICON.

Thanks for sharing my concerns. Jerry Grethen

The twelve steps of greed!

I have attached 12 new photos of pavers at the Borgata complex. They were taken after a rain and the sun came out and each stone paver in the Borgata has its own unique character! It truly reflects the character of Europe as if you are walking down a narrow street in a quaint little village far away in Europe!

1. GREED: The number one cause of this building project is the greed of the amount of money to be made. As almost all condo and apartment projects in the past have been given the green light and these developers have been giving the existing tenants notice months ago to move out! High density re-zoning is out of control!

2. BUILDER: AV Homes is an out of state builder from Florida with a stock that is going down due to numerous law suits and class action lawsuits! Has the City Council and planning commission done the due diligence to check all the past history of this company? Has the City Council read the info on Savetheborgata.com?

3. ENORMOUS PROFITS: Somewhere it was noted that this was a 50 million dollar project! This reflects an initial 10 million land cost for the less than 4 acres and 40 million construction cost! If the 223 units sell for an average of \$495,000 each that provides an easy profit of over 65 million in less than two years time! Maybe double that profit if the sale prices go higher!

4. MORE CONDO'S and apartments: When other builders, handymen, speculators etc. see this easy money they will come from other states and Canada to stake there claim on this gold mine of opportunity. Other a lot less attractive buildings then the Borgata will be the target for these 4 story or more barracks. Robert Littlefield has been saying this for years, but no one seems to listen! No one will be able to have a view of Camelback Mountain when this wall of 4-10 story buildings or barracks are built along Scottsdale road!

5. GREED: Yes, greed and more greed fuels the fire. I think You get the picture of this wonderful ICON-THE BORGATA, a shopping destination for nearby cites to come too! Yes, 6 or 7 people hold the destiny of THE BORGATA in their hands! Who will stand up and be brave enough to stop this gold rush? I could go on with the last 7 steps but I think you get the picture! 12 photos of the pavers in the Borgata are included. THE FINAL MEETING IS MONDAY 8-19 City Hall. Also 2 photos of the apartments under construction one mile North. This would be similar 4 story buildings blocking all views!

Jerry Grethen 8-15-2013





























FOX RESTAURANT CONCEPTS

Established 1998

June 27, 2013

Mayor Lane and City Council
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, AZ 85251

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Sincerely,



Sam Fox
Manager
Fox Restaurant Concepts LLC

ARNOLD ROY, P.L.L.C.

Architect
Taliesin West
Scottsdale, AZ 85261

Direct 480-627-5350
Fax 480-860-8472
architect@arnoldroypllc.com

June 19, 2013

Mayor Jim Lane & Scottsdale City Council
3939 Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Mayor Lane & Council:

I have had the honor of spending nearly all of my Scottsdale days at Taliesin West, the beautiful home of Frank Lloyd Wright that has become a tourist and architectural destination. Indeed, I am one of the last living apprentices to have worked alongside Mr. Wright himself.

Perhaps this perch, along with a bit of experience, provides me some perspective about a nascent effort known as "Save the Borgata." I saw an article some time back in the Arizona Republic. Absent any courage or pride due to the site's anonymity it pretends a community posture greatly concerned over the future of this ill-conceived project. As if there should be.

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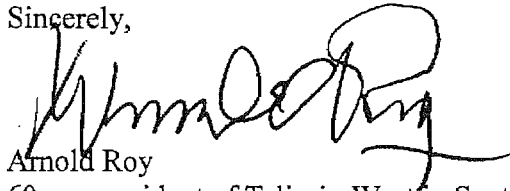
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Please don't "save" the architectural embarrassment that is the Borgata. It's as misplaced as that harness racing track along the I-10. Our community will be improved and enriched if and hopefully when you approve its redevelopment.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Roy". The signature is fluid and cursive, with a large loop at the end.

Arnold Roy
60 year resident of Taliesin West in Scottsdale

June 6, 2013

Honorable Mayor Jim Lane
and City Council Members
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

RE: Residences at Borgata
6161 North Scottsdale Road
Scottsdale, Arizona

Dear Mayor Lane and City Council Members:

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This correspondence is being forwarded to put into context the nature and status of the existing Borgata structure. As you may know this retail development was highly influenced by the Italian hill town San Gimignano, a town that I have personally visited. It sits on a hilltop and is quite prominent in the landscape with its cluster of tall towers built for fortification; and displaying wealth, influence, and power. The original Borgata architects did visit this town and they were directed to simulate the rustic architecture. No one questions that The Borgata did in fact capture the town's character, materials, details, and scale.

It was debated when the project was built and continues to this day about whether it was appropriate to simply transport a foreign architectural character from an Italian hilltop to the urban infill site on north Scottsdale Road. From a logical, philosophical and academic perspective, the answer would be an obvious no it is not appropriate. It is not of this special place we call Scottsdale and as found within the lower Sonoran Desert, but an ill-conceived import. It has struck a temporary entertainment chord, but has always struggled as a retail center.

As the Founding Chairman of the Scottsdale Historic Preservation Commission I can assure you that the existing Borgata is not historic, is not a candidate to be designated historic, and is not a landmark. It was an interesting experiment that did not work and it should not be viewed as a precious object that requires saving. Hope this helps in your deliberations. Thank you for the opportunity to share these thoughts.



Cordially,

A handwritten signature in black ink, which appears to read 'Douglas B. Sydnor', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Douglas B. Sydnor, FAIA
Cc: Rose, file

BEUS GILBERT
PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
800 429-3000
FAX (480) 429-3100

PAUL E. GILBERT
DIRECT: (480) 429-3002

EMAIL: PGILBERT@BEUSGILBERT.COM

97071-001

25 June 2013

VIA E-MAIL

Kim Chafin, AICP LEED-AP
Senior Planner
City of Scottsdale
7447 E. Indian School Rd., Suite 205
Scottsdale, AZ 85251

Re: 18-ZN-2012

Dear Kim:

As you may know this firm represents WSHR Scottsdale, the owner of the Cottonwoods Resort immediately west of the above referenced zoning case. I am writing now to inform you of our support for the project, as it has been presented at this point in time.

It is my understanding that there is a 40 foot setback from the west property line, a setback our client requested and believes to be acceptable.

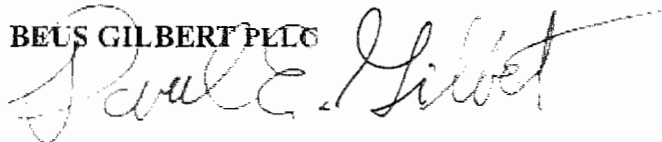
We have also requested the applicant provide us an opportunity to review the landscape plans along their westerly border and their west elevation, particularly in relation to the total building height, colors, and materials.

We will continue to support the project provided, of course, that we find these elements satisfactory.

Please call the undersigned if you have any questions concerning this correspondence.

Very truly,

BEUS GILBERT PLLC



Paul E. Gilbert

PEG/NTP:ich

June 4, 2013

Mayor Lane and City Council
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

Dear Mayor Lane and City Council Members:

The purpose of this letter is to offer our continued support for the proposed Residences at Borgata project. This proposal represents a true redevelopment of a functionally obsolete property within the City of Scottsdale core and a reuse of developed land that doesn't involve the development of our remaining native desert areas.

We believe this luxury condominium development meets a demand in the area for this type of residential community. It will also encourage an influx of new residents to the area that will support the local restaurants and retail businesses whose tax base revenue promote and maintain capital improvement and public infrastructure for the City of Scottsdale. As the owners of the Shops at Hilton Village Retail Center adjacent to the project on Scottsdale Road, we believe this anticipated development will have a positive economic impact on our tenants and overall stability of the shopping center.

We ask that you please consider these points when judging the projects overall merit and hope that you will ultimately grant approval for the Residences at Borgata.



Sincerely,

A handwritten signature in dark ink, appearing to read "Barry Shannahan", with a stylized flourish at the end.

Barry Shannahan
Vice President of Development | RED Development, LLC

FIRST WASHINGTON REALTY, INC.

4350 EAST WEST HIGHWAY, SUITE 400, BETHESDA, MARYLAND 20814 (301) 907-7800

Facsimile
(301) 907-4911

June 6, 2013

Mayor Lane and City Council
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

Dear Mayor Lane and City Council Members:

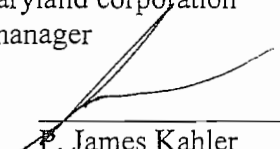
I am writing today to express our support for the newly proposed Residences at Borgata project in Scottsdale. I believe this luxury condominium development will meet a need in the area for this type of residential community. It will bring new residents to the area that will support the businesses in the community such as those found in our shopping center. As the owner of Lincoln Village directly adjacent to the Borgata, we ask that you vote to approve of this project.

Regards,

GRI-LINCOLN VILLAGE, LLC,
a Delaware limited liability company

By: Global Retail Investors, LLC,
a Delaware limited liability company
Its sole member

By: First Washington Realty, Inc.,
a Maryland corporation
Its manager

By: 
P. James Kahler
Senior Vice President

E K M A R K & E K M A R K, L.L.C.

ATTORNEYS AT LAW

May 13, 2013

Via E-mail (kchafin@scottsdaleaz.gov) and U.S. Mail

City of Scottsdale
Attn: Kim Chafin, Senior Planner
Planning, Neighborhood & Transportation Division
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

**Re: The Residences at the Borgata/Alamos Association
18-ZN-2012**

Dear Ms. Chafin:

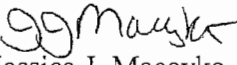
Our firm represents the Alamos Association (the "Association"). The Association is a residential condominium community located immediately southeast of the proposed Borgata redevelopment site (the "Borgata Site"). As you are aware, the Borgata Site is currently subject to applications for zoning, entitlement and development review submitted by its owner, Civila of Arizona, LLC ("Civila"), in conjunction with plans to redevelop the Borgata Site as the Residences at the Borgata.

This letter is to confirm that the Association does not oppose any of Civila's applications with respect to the Residences at the Borgata, as such plans have been presented to the Association¹.

If you have any questions pertaining to this matter, please feel free to contact me.

Thank you.

Sincerely,


Jessica J. Maceyko

cc: Janet Loscher (janet1putt@gmail.com)
Susan Bitter Smith (sbsmith@technicalsolutionsaz.com)

N:\HOA\Alamos - 1014\General Counsel\Expansion of Adjacent Properties\Letters\City of Scottsdale-01.doc

¹ The Association has been informed that Civila plans to redevelop the Borgata Site as a residential active adult condominium community. If substantive changes are later made to this plan, the Association reserves the right to object to any new applications pertaining to the redevelopment of the Borgata Site.

6720 North Scottsdale Road, Suite 261 ♦ Scottsdale, Arizona 85253

Telephone 480/922-9292 ♦ Fax 480/922-9422

Email: jessica@ekmarklaw.com



August 8, 2013

Honorable Mayor Lane & Scottsdale City Council
3939 Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Mayor & Council:

My two sisters and I own My Sister's Closet, My Sister's Attic and Well Suited. Combined we are proud to let you know that they stand among the largest women-owned businesses in Arizona.

Several of our stores are in Scottsdale, including our Lincoln Village stores near Scottsdale Road and Lincoln. They are located in close proximity to The Borgata, which a new property owner has applied to redevelop.

It's no secret that The Borgata has struggled in many recent years, despite some of the best retail operators in the country owning it. Conversely, the nearby retail developments in Lincoln Village and Hilton Village have strengthened. This has a lot to do with parking issues at The Borgata and increased specialty retail competition the anchorless outdoor center now faces to the north and south.

Fortunately, there is a better option. The affluent active adult community planned by AV Homes will provide new life for The Borgata property and new customers for businesses like ours.

We think the proposed new use is appropriate and beneficial. We stand with the residential and business neighbors supporting this plan. Thank you for your consideration of our opinion and hopefully for your support of this worthwhile new project.

Sincerely,

Ann Siner
Co-Owner
My Sister's Closet, My Sister's Attic, Well Suited

The Residences at the Borgata

18-ZN-2012 & 7-GP-2012

City Council
August 19, 2013

Coordinator: Kim Chafin, AICP, LEED-AP

The Residences at the Borgata



CONTEXT AERIAL

18-ZN-2012

The Residences at the Borgata



CLOSE-UP AERIAL

18-ZN-2012

The Residences at the Borgata

Process:

1. DRB - review of PUD application
2. Planning Commission – recommend to Council on PUD criteria & Development Plan with Amended Development Standards for rezoning to PUD & non-major General Plan amendment
3. City Council – review/approval on Development Plan for rezoning to PUD & non-major General Plan amendment
4. DRB - review of Development Review application

18-ZN-2012

The Residences at the Borgata



← Pedestrian Circulation (minimum 6' wide)
Enhanced Paving Area

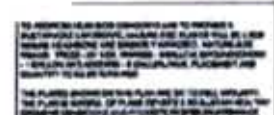
Pedestrian Circulation Plan



Pedestrian Circulation Plan

18-ZN-2012

18-ZN-2012
4/16/13



18-ZN-2012

The Residences at the Borgata

Proposed amended development standards:

1. Reduce building setback from 25 ft. to 20 ft. and eliminate the requirement for average maximum building setback of 30 feet
2. Measure inclined stepback from point 24 ft. *above grade of* residential zoning district boundary (instead of at grade on boundary) to allow building to encroach into required inclined stepback

The Residences at the Borgata



— Pedestrian Circulation (minimum 6' wide)
— Enhanced Paving Area

Pedestrian Circulation Plan



Pedestrian Circulation Plan

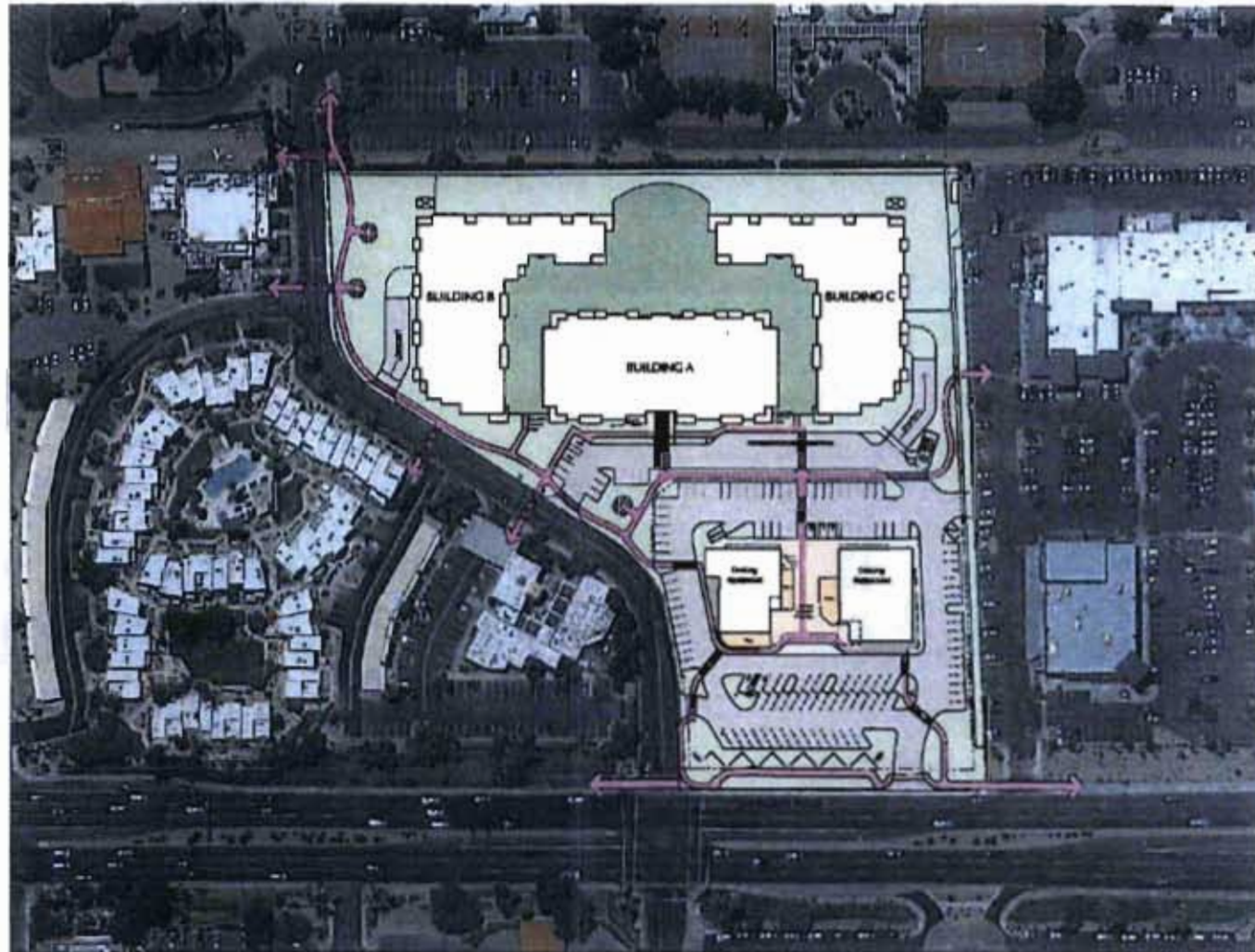
18-ZN-2012

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18-ZN-2012

The Residences at the Borgata



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Enhanced Paving Area

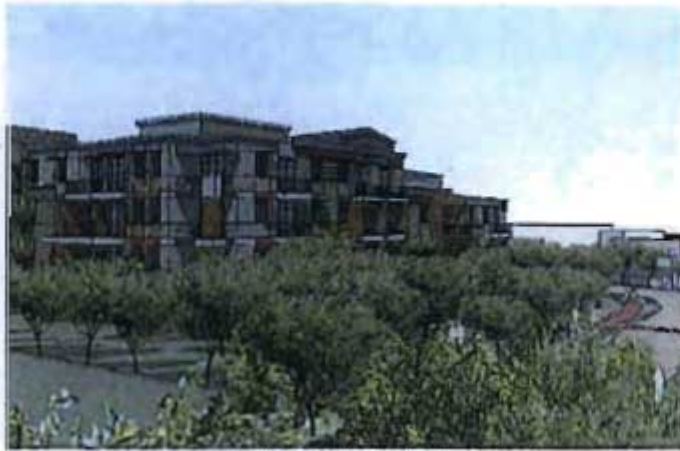
Pedestrian Circulation Plan



Pedestrian Circulation Plan

18-ZN-2012

The Residences at the Borgata



View Looking East on Rose Lane



View Looking Southwest on Rose Lane



Aerial View from Southwest



Aerial View from Northeast

Aerial Perspectives

18-ZN-2012

The Residences at the Borgata



Perspective View - Westward on Rose Lane

18-ZN-2012

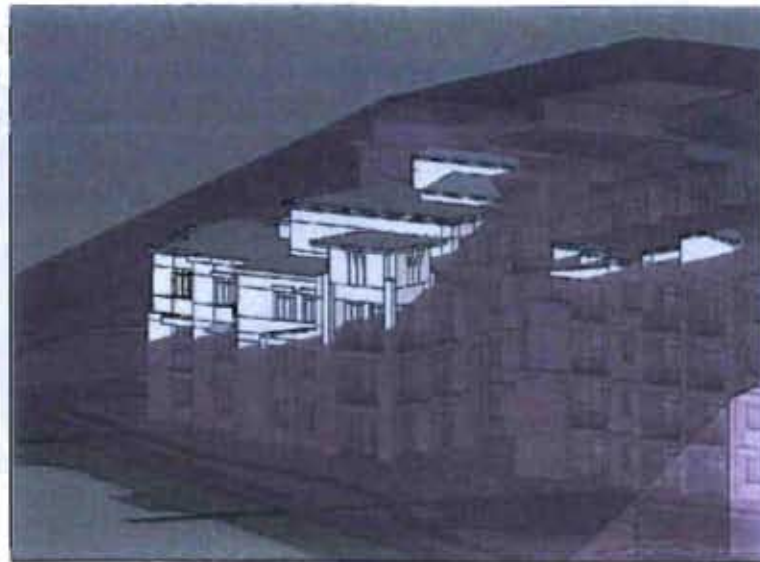
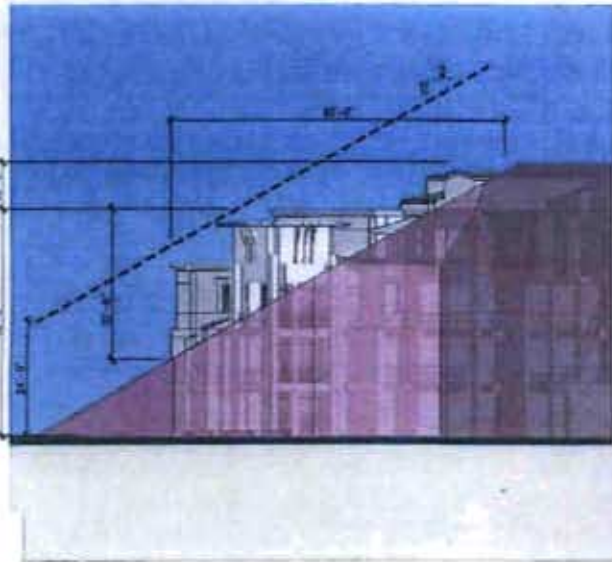
The Residences at the Borgata



Perspective View - Eastward on Rose Lane

18-ZN-2012

The Residences at the Borgata



Building Stepback Analysis

(Purple shaded area indicates allowed Building Envelope zone.)

Building Stepback Analysis

18-ZN-2012

The Residences at the Borgata



North Elevation



South Elevation



West Elevation



East Elevation

Conceptual Building Elevations

Building Elevations

18-ZN-2012

18-ZN-2012
4/18/13

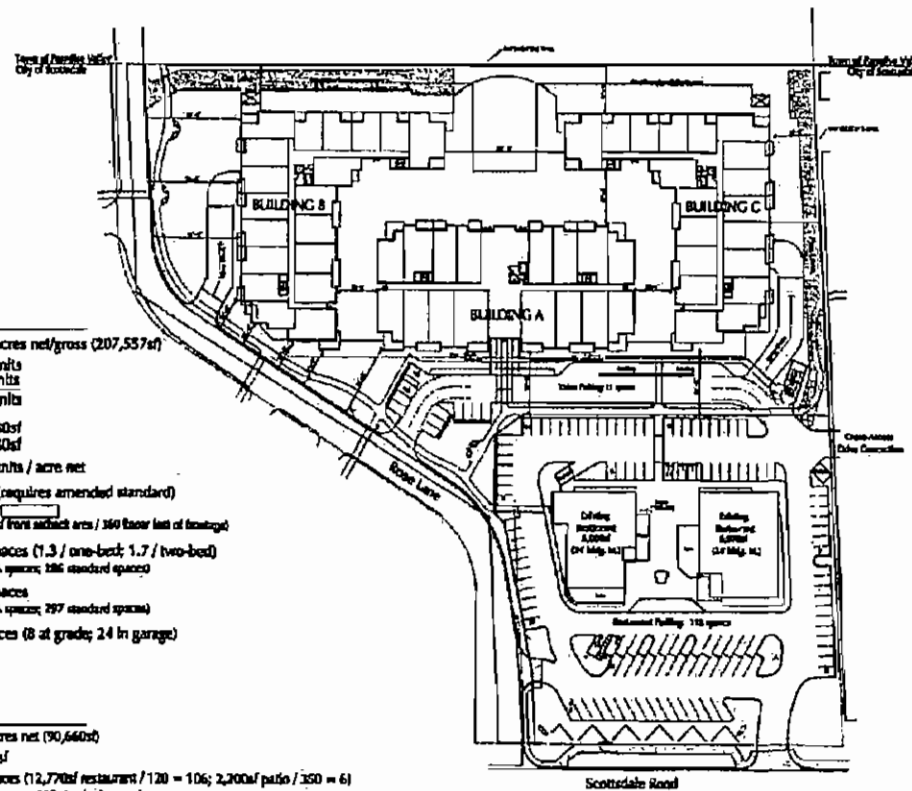
The Residences at the Borgata

PUD Parcel Data

Site Area:	4.77 acres net/gross (207,557sf)
One-Bedroom:	177 units
Two-Bedroom:	41 units
Total:	218 units
Total Gross Building Area:	262,480sf
Total Gross Dwelling Unit Area:	226,880sf
Density:	45.70 units / acre net
Minimum Front Setback:	20'-0" (requires amended standard)
Average Front Setback:	52'-6"
	(16,800sf front setback area / 360 ft x 47 ft lot width)
Parking (Required):	300 spaces (1.3 / one-bed; 1.7 / two-bed)
	(14 ADA spaces; 286 standard spaces)
Parking Provided:	313 spaces
	(16 ADA spaces; 297 standard spaces)
Bicycle Parking Required/Provided:	32 spaces (8 at grade; 24 in garage)

C2 Parcel Data

Site Area:	2.08 acres net (90,640sf)
Total Gross Building Area:	12,770sf
Required Parking:	113 spaces (12,770sf restaurant / 120 = 106; 2,700sf patio / 350 = 6)
	(5 ADA spaces; 107 standard spaces)
Provided Parking:	118 spaces
	(5 ADA spaces; 113 standard spaces)
Bicycle Parking Required/Provided:	12 spaces



Site Plan



Site Plan

18-ZN-2012

18-ZN-2012

The Residences at the Borgata

Recommendation:

- Recommend approval of Non-Major General Plan Amendment
- Recommend that PUD criteria have been met & proposed zoning map amendment is consistent & conforms with adopted General Plan
- Recommend approval of rezoning from C-2 to PUD and approval of a Development Plan and Amended Development Standards, per attached stipulations

The Residences at the Borgata

CLOSE AERIAL



18-ZN-2012

The Residences at the Borgata



Landscape Vignette - East



Façade Above



Deep Overhang



Awnings



Landscape Vignette - South



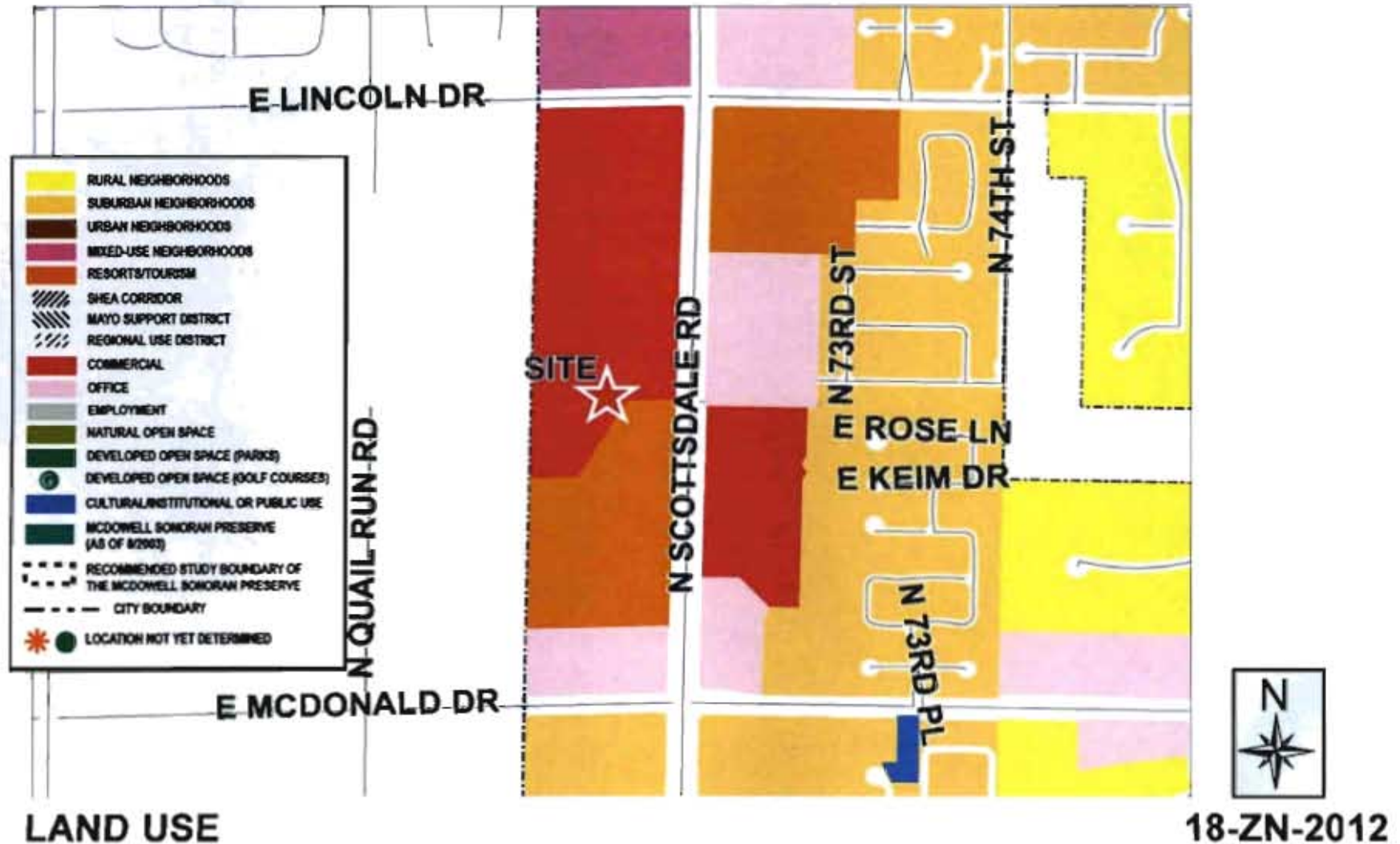
Planter Boxes

Solar Shading Solutions

Landscape Vignettes and Solar Shading Details

18-ZN-2012

The Residences at the Borgata



ZONING MAP



18-ZN-2012

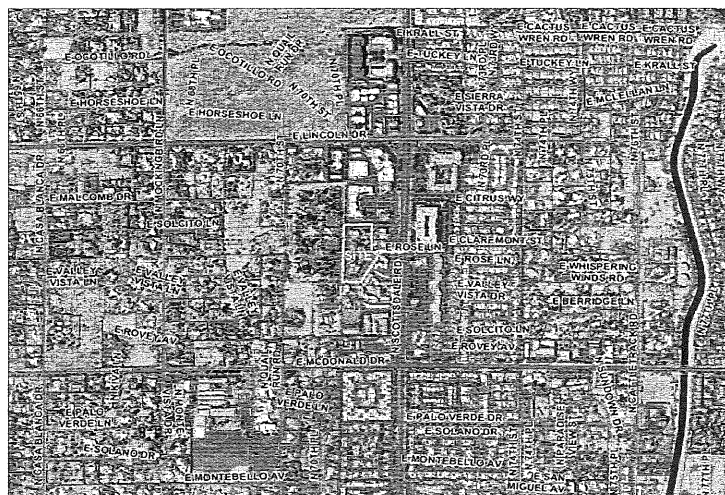
The Residences at the Borgata

18-ZN-2012 & 7-GP-2012

City Council
August 19, 2013

Coordinator: Kim Chafin, AICP, LEED-AP

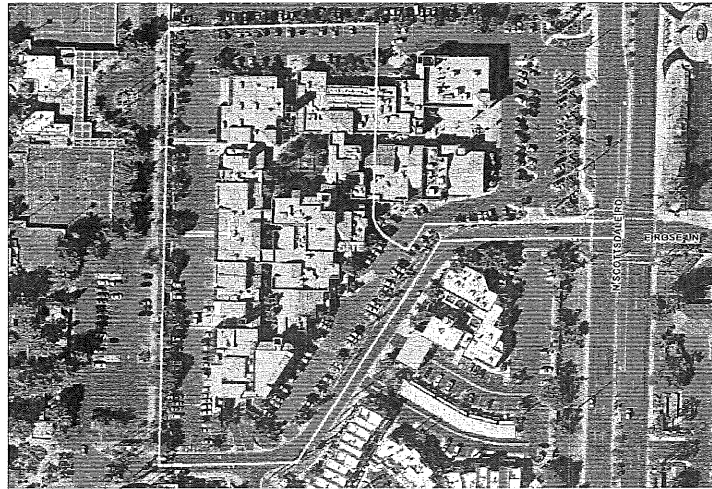
The Residences at the Borgata



CONTEXT AERIAL

18-ZN-2012

The Residences at the Borgata



CLOSE-UP AERIAL

18-ZN-2012

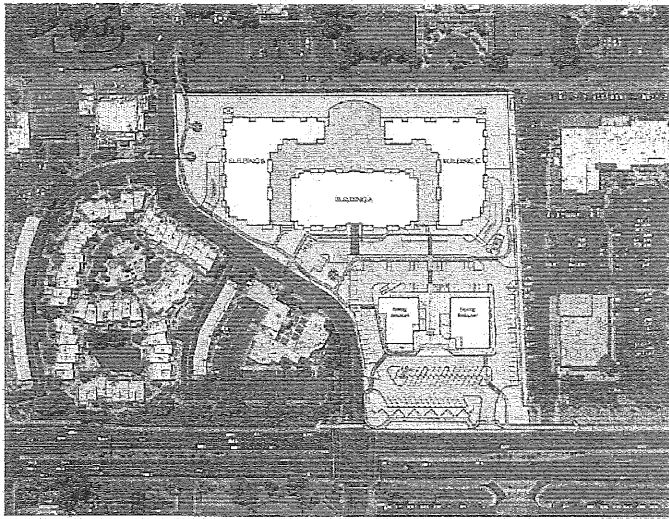
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18-ZN-2012

The Residences at the Borgata



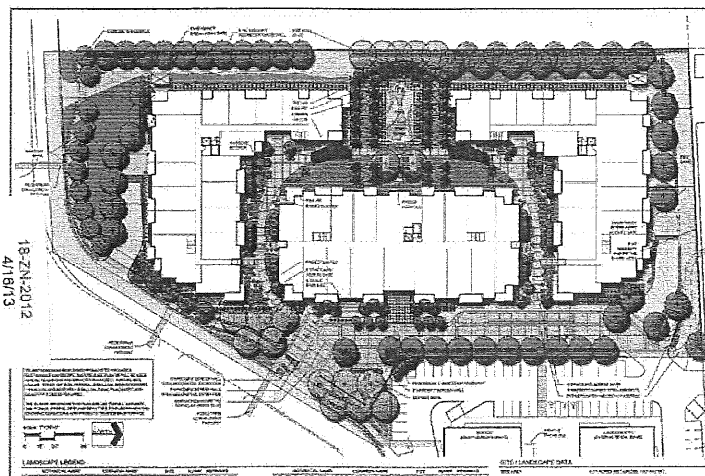
Pedestrian Circulation Plan

Pedestrian Circulation Plan



18-ZN-2012

The Residences at the Borgata



Landscape Plan



18-ZN-2012

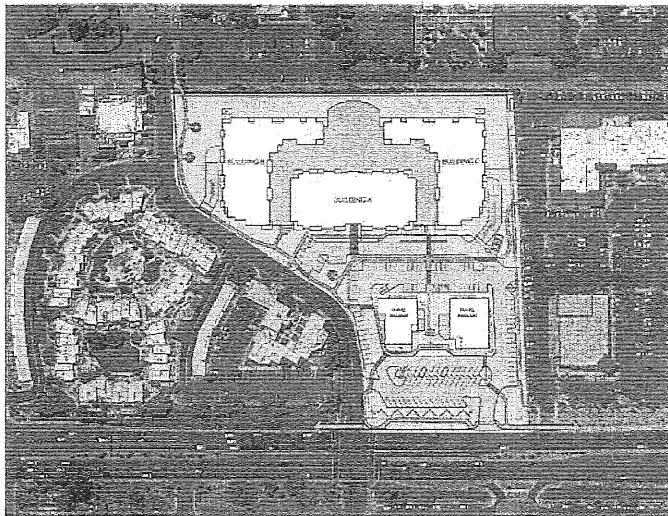
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The Residences at the Borgata

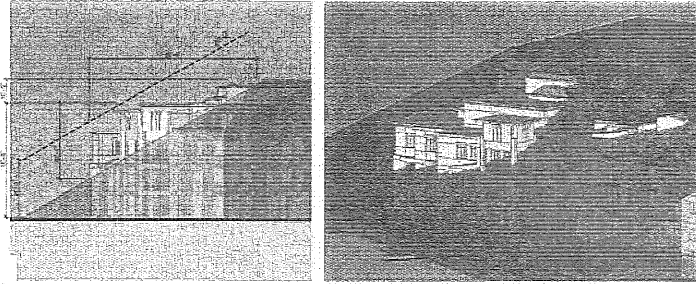


Pedestrian Circulation Plan

Pedestrian Circulation Plan

18-ZN-2012

The Residences at the Borgata



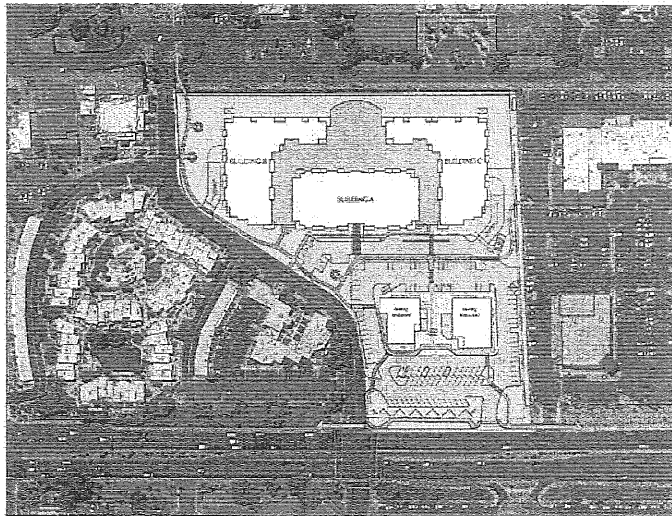
18-ZN-2012

Building Stepback Analysis
(Purple shaded area indicates allowed Building Envelope zone)

Building Stepback Analysis

18-ZN-2012

The Residences at the Borgata

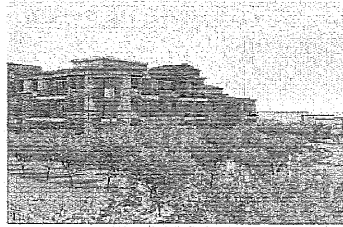


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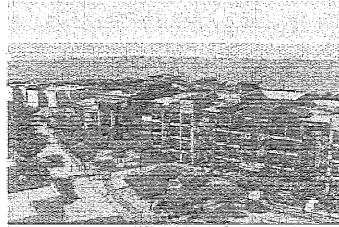
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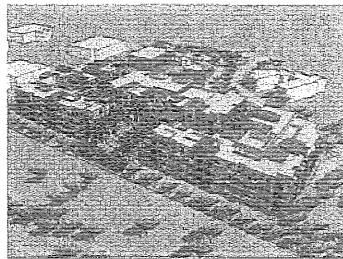
The Residences at the Borgata



View looking East on Rose Lane



View looking Southwest on Rose Lane



Aerial View from Southwest

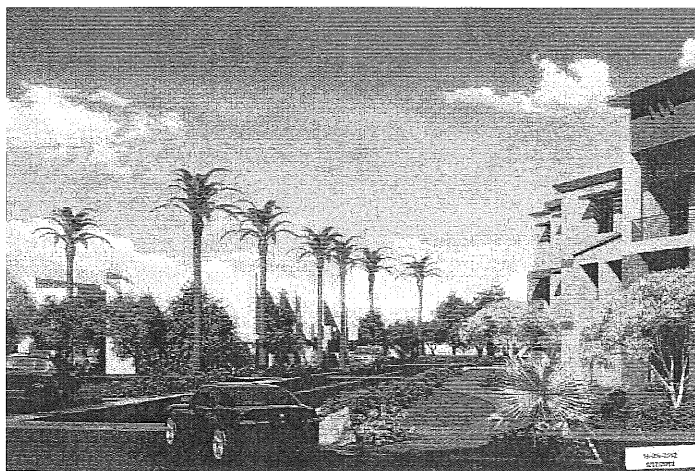


Aerial View from Northeast

Aerial Perspectives

18-ZN-2012

The Residences at the Borgata



Perspective View - Westward on Rose Lane

18-ZN-2012

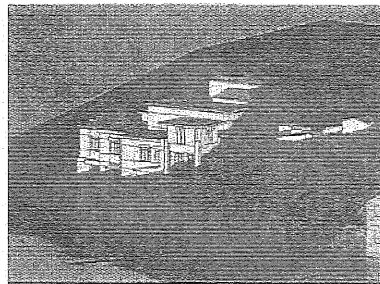
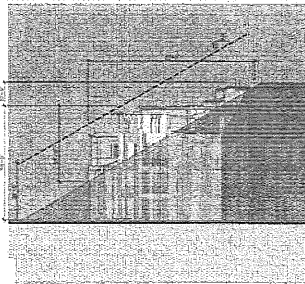
The Residences at the Borgata



Perspective View - Eastward on Rose Lane

18-ZN-2012

The Residences at the Borgata



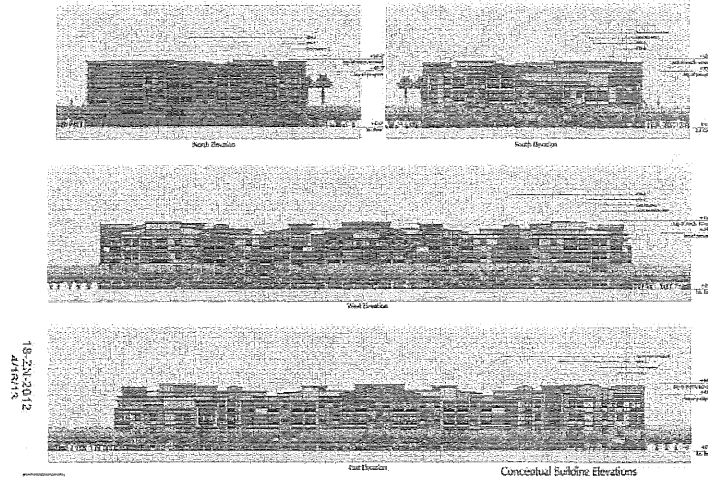
18-ZN-2012

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Building Stepback Analysis

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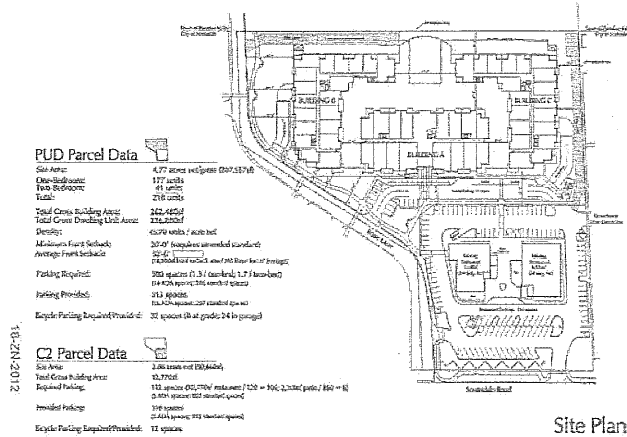
The Residences at the Borgata



Building Elevations

18-ZN-2012

The Residences at the Borgata



Site Plan

18-ZN-2012

The Residences at the Borgata

Recommendation:

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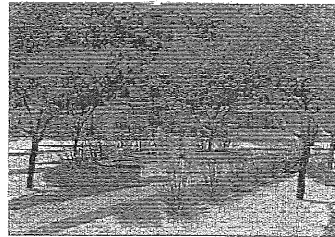
The Residences at the Borgata

CLOSE AERIAL

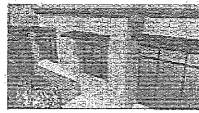


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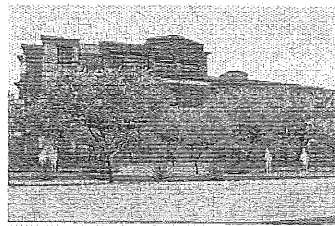
The Residences at the Borgata



Landscape Vignette - East



Traffic View



Landscape Vignette - South



Aerial View

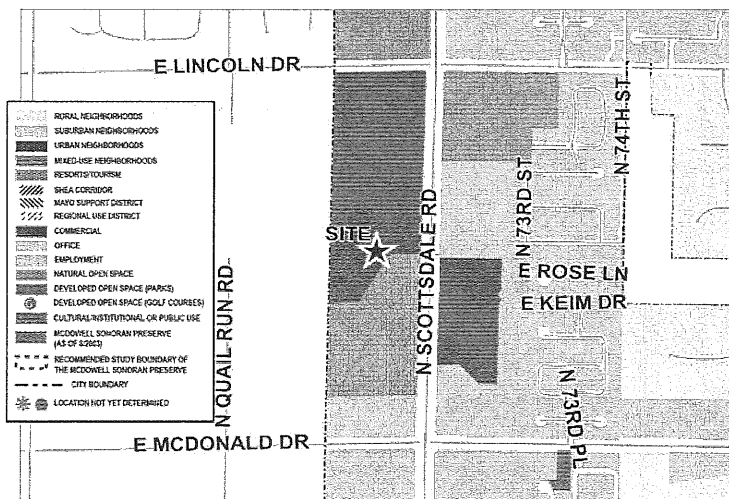


Water Shading Solutions

Landscape Vignettes and Solar Shading Details

18-ZN-2012

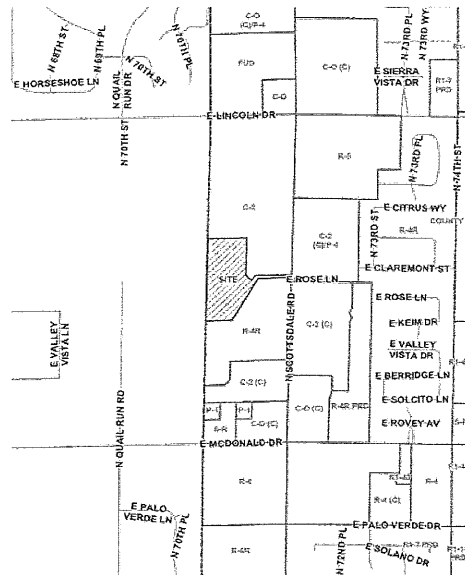
The Residences at the Borgata



LAND USE

18-ZN-2012

ZONING MAP



18-ZN-2012