

CITY COUNCIL REPORT



Meeting Date: March 3, 2015
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

C-4 Text Amendment 1-TA-2015

Request to consider the following:

1. Adopt Ordinance No. 4193 approving case 1-TA-2015 text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455), to amend Article V. (District Regulations) for the purpose of amending regulations of the General Commercial (C-4) zoning district to allow Day Care Center (with drop off or outdoor play area farther than 100 feet from a residential district).

Key Items for Consideration

- Application for text amendment submitted by a property owner
- Proposal adds Day Care Center to the C-4 Zoning District
- Comparable existing C-4 district use is Educational Service (elementary and secondary schools)
- Day care center use supports employment use
- Day care use restricted from close proximity to airport (AC-3)
- Community support, no opposition
- Planning Commission heard this case on January 28, 2015 and recommended approval with a unanimous vote of 7-0.

APPLICANT CONTACT

Carolyn Gladwell
425-351-3111

LOCATION

City Wide

BACKGROUND

General Plan

The General Plan is a policy document that establishes the long term vision and guides the physical development in the City. The Plan encourages high-quality, attractive community for residents, businesses and visitors. The regulations in the Zoning Ordinance implement the goals and objectives of the General Plan. The proposed text amendment affects C-4 properties city-wide. Existing C-4 District zoning is located throughout the City but is more commonly found in The Greater Airport

Area and Southern Scottsdale areas of the community for which Character Area Plans have been adopted.

General Plan 2001. The C-4 District primarily corresponds to the Employment land use category which permits a range of employment uses from light manufacturing to light industrial and office uses. These areas are identified where impacts on residential neighborhoods are limited and access is available to labor pools.

Greater Airpark Character Area Plan. The Greater Airpark Character Area Plan is applicable to the area that surrounds the Scottsdale Airport and is generally bounded on the north by Thompson Peak Parkway and the Grayhawk Master Planned Community; on the northeast by the poser line corridor and WestWorld; on the southeast by 90th Street and Loop 1010/Pima Freeway; on the south by Thunderbird Road; and on the west by Scottsdale Road. This is a major employment center for the community and the region. The Greater Airpark includes a wide range of uses and business activities such as employment, residential, tourism, aviation, signature special events, open space and recreation. Policies that this text amendment implements include:

Land Use

- Policy LU 1.1: Maintain and expand the diversity of land uses in the Greater Airpark.
- Policy LU 1.7: Encourage adaptive reuse of buildings.
- Policy LU 5.1: Update and provide greater flexibility in development regulations to achieve the goals of the Greater Airpark Character Area Plan and encourage revitalization in the area.
- Policy PSF 3.2: Collaborate with private entities to provide an integrated system of human services, such as adult daycare, childcare, personas with disabilities and senior services.

Southern Scottsdale Character Area Plan. The Southern Scottsdale Character Area Plan is applicable to the area south of Indian Bend Road, excluding the Downtown Area. This is the most mature area and as such, revitalization and promotion of the area is a foremost consideration of the Southern Scottsdale Character Area Plan. C-4 zoning in southern Scottsdale is primarily located along McDowell Road.

The Day Care Center amendment to the C-4 zoning will help to provide a complementary and supportive land use to the other uses (major employers, retail, office, research and entertainment/cultural facilities) anticipated and encouraged by both the General and Character Area Plans for this area of the community.

Zoning District

The C-4 District was created in the Zoning Ordinance in 1962, with the intent to provide land use regulations and development standards for all types of general commercial enterprises, including warehouses, distribution activities, light manufacturing and processing. Over the course of the past 50 years, the district has been modified over 25 times with changes to development

standards and uses. The C-4 District has evolved from a Zoning District primarily focused on employment uses into a Zoning District that primarily provides employment uses but also allows other uses more commonly found in other Commercial Districts.

Educational Services (schools) were added to the C-4 District in 1997. However, the Day Care Center use was not added at that time. In 1995 a text amendment was completed to combine “Day Nurseries” and “Pre-school” uses under the use “Day Care Center” and that text amendment did not affect the C-4 District.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant’s request is to add Day Care Center in the General Commercial (C-4) District. The proposal includes limitations consistent throughout the Zoning Ordinance as follows:

- With drop off or outdoor play area farther than 100 feet from a residential district 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.
- Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

IMPACT ANALYSIS

Zoning District

While Day Care Center and Educational Service (elementary and secondary) are not the same use, they are very similar uses. They both serve as places where children spend time, usually during day-light hours. The distinguishing differences between the two uses include the type of facility license, the North American Industrial Classification System number that lists the business use, and the educational instruction grade level served (kindergarten through grade twelve is an Educational Service). Historically Day Care Centers have not operated in conjunction with schools and were typically found in commercial retail zoning districts and located at the perimeter or very near residential development. As the school systems have evolved, with private schools / charter schools becoming more prevalent, and as society has evolved to expect a higher level of education for younger children, some Day Care Centers have a character and operation more similar to Educational Services (elementary and secondary).

Of the Zoning Districts that offer Educational Service, the C-4 District is the only one that does not also offer Day Care Center as a use.

Day Care Centers complement and support employment centers by offering services to workers in close proximity.

Community Involvement

The applicant's community outreach was completed with an advertisement in the newspaper, mailing to the Text Amendment Interested Parties List, and an open house meeting held on January 20, 2015. The result included community support and no opposition. The community involvement report is in the case file.

Community Impact

This proposal will result in additional sites within the community that will be available for a day care center use.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on January 28, 2015 and recommended approval with a unanimous vote of 7-0.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the text amendment is consistent and conforms with the adopted General Plan and make a recommendation to the City Council for approval of case 1-TA-2015, text amendment to the City of Scottsdale Zoning Ordinance (District Regulations) for the purpose of amending regulations of the General Commercial (C-4) zoning district to allow Day Care Center (with drop off or outdoor play area farther than 100 feet from a residential district).

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Adopt Ordinance No. 4193 approving case 1-TA-2015 text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455), to amend Article V. (District Regulations) for the purpose of amending regulations of the General Commercial (C-4) zoning district to allow Day Care Center (with drop off or outdoor play area farther than 100 feet from a residential district).

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Kira Wauwie, AICP

Project Coordination Liaison

480-312-7898

E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY



Kira Wauwie, AICP, Report Author

2-5-2015

Date



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

2/10/2015

Date



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

2/11/15

Date

ATTACHMENTS

1. Ordinance No. 4193
2. C-4 Zoning District Location Map
3. January 28, 2015 Planning Commission Minutes

ORDINANCE NO. 4193

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO AMEND ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, TO AMEND ARTICLE V. (DISTRICT REGULATIONS), SEC. 5.1603. – USE REGULATIONS., IN THE GENERAL COMMERCIAL (C-4) ZONING DISTRICT TO ALLOW DAY CARE CENTER (WITH DROP OFF OR OUTDOOR PLAY AREA FARTHER THAN 100 FEET FROM A RESIDENTIAL DISTRICT) AS PROVIDED IN CASE NO.1-TA-2015.

WHEREAS, the City of Scottsdale wishes to amend the Zoning Ordinance provisions regarding the Penalties and Enforcement and Hotel Interpretation and related City-wide requirements; and

WHEREAS, the Planning Commission held a public hearing on January 28, 2015; and

WHEREAS, the City Council held a public hearing on March 3, 2015 and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 1-TA-2015; and

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

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

Section 1. That the Zoning Ordinance of the City of Scottsdale, Article V. District Regulations, Section 5.1603 (Use Regulations) is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 5.1603. - Use regulations.

The uses allowed in the C-4 District are shown in Table 5.1603. with additional limitations on certain uses listed below.

Table 5.1603. Land Use Table	
Land Uses	Permitted (P) or Conditional Use (CU)
1. Amusement and theme parks	CU
2. Appliance sales	P
3. Arts and craft production	P
4. Big Box	P (1), CU (1)
5. Building material and garden sales	P (2)
6. Car wash	CU
7. Day care center with drop off or outdoor play area farther than 100 feet from a residential district 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.	P (6)

7. 8	Educational service other than elementary and secondary school	P
8. 9	Educational service, elementary and secondary school	P (3) (6)
9. 10	Equipment sales, rental, and storage	P
10. 11	Farm supply sales	P
11. 12	Furniture and home furnishing sales	P
12. 13	Gas station	CU
13. 14	General and specialty trade contractors	P
14. 15	Internalized community storage	P
15. 16	Light manufacturing	P
16. 17	Multimedia production with communication tower equal to or less than 100 feet in height	P
17. 18	Multimedia production with communication tower over 100 feet in height	CU
18. 19	Municipal use	P
19. 20	Outdoor sales display area	CU
20. 21	Recyclable material collection center	P
21. 22	Repair and maintenance	P
22. 23	Scientific research and development	P
23. 24	Seasonal art festival	CU
24. 25	Swimming pool sales (including display and equipment storage)	P
25. 26	Towing service	CU
26. 27	Utility service yard	P
27. 28	Vehicle emissions testing facility	P
28. 29	Vehicle repair	P(4)
29. 30	Vehicle leasing, sales, or rental (with outdoor vehicle display)	P
30. 31	Vehicle storage facility (not including vehicles used as dwelling/camping)	P
31. 32	Veterinary and pet care services	P (5)
32. 33	Wholesale, warehouse and distribution	P
33. 34	Wireless communications facilities, Type 4	CU
34. 35	Wireless communications facilities, Type 1, 2, 3	P

Use Limitations:

- (1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:
 - a. Primary access is from a local residential street, or

- b. Residential property is located within one thousand three hundred (1,300) feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.
- (2) Excludes concrete mixing/manufacturing.
- (3) Educational service, elementary school and secondary school are subject to Development Review Board approval and shall meet the following standards:
 - a. The facility shall be located a minimum of five hundred (500) feet from any adult use.
 - b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.
 - c. The facility shall not have outside speaker systems or bells.
 - d. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.
 - e. A minimum twenty-four-foot setback shall be provided and maintained where parking is adjacent to residential districts.
 - f. All outdoor playgrounds and recreation areas shall be located within the side or rear yard and shall be enclosed by a six-foot-tall wall or fence.
 - g. A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the facility.
 - h. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound attenuation measures to reduce outdoor-to-indoor noise by twenty-five (25) decibels. Compliance with the noise attenuation measures set forth in Appendix F to FAA Part 150 Noise Compatibility Study Section 4.00 is deemed compliance with this requirement.
- (4) Vehicle repair, subject to the following:
 - a. Vehicles may only enter the rear of the building, except vehicles may enter the side of the building if the lot is:
 - i. A corner lot,
 - ii. A lot abutting a residential district as shown on Table 4.100.A.,
 - iii. A lot abutting a 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., or
 - iv. Separated by an alley from one (1) of the districts set for in subsection a.ii. or a.iii. above.
 - b. If the lots meet any requirement of subsection 5.1603(4)a. above, and side entry bays are proposed, the side entry repair bays shall be screened from street views by solid masonry walls, and the landscape plan shall demonstrate to the Development Review Board's satisfaction, that the proposed screening does not impact the streetscape by exposing repair bays, unassembled vehicles, vehicle repair activities, or vehicle parts.
 - c. All vehicles awaiting repair shall be screened from view by a masonry wall or landscape screen.
 - d. Required parking shall not be used for vehicle storage.
 - e. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle repair facility.
- (5) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:
 - a. An employee or pet owner accompanies an animal at all times when the animal is outside the building.
 - b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.
 - c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district.
- (6) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.

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

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 3rd day of March, 2015.

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



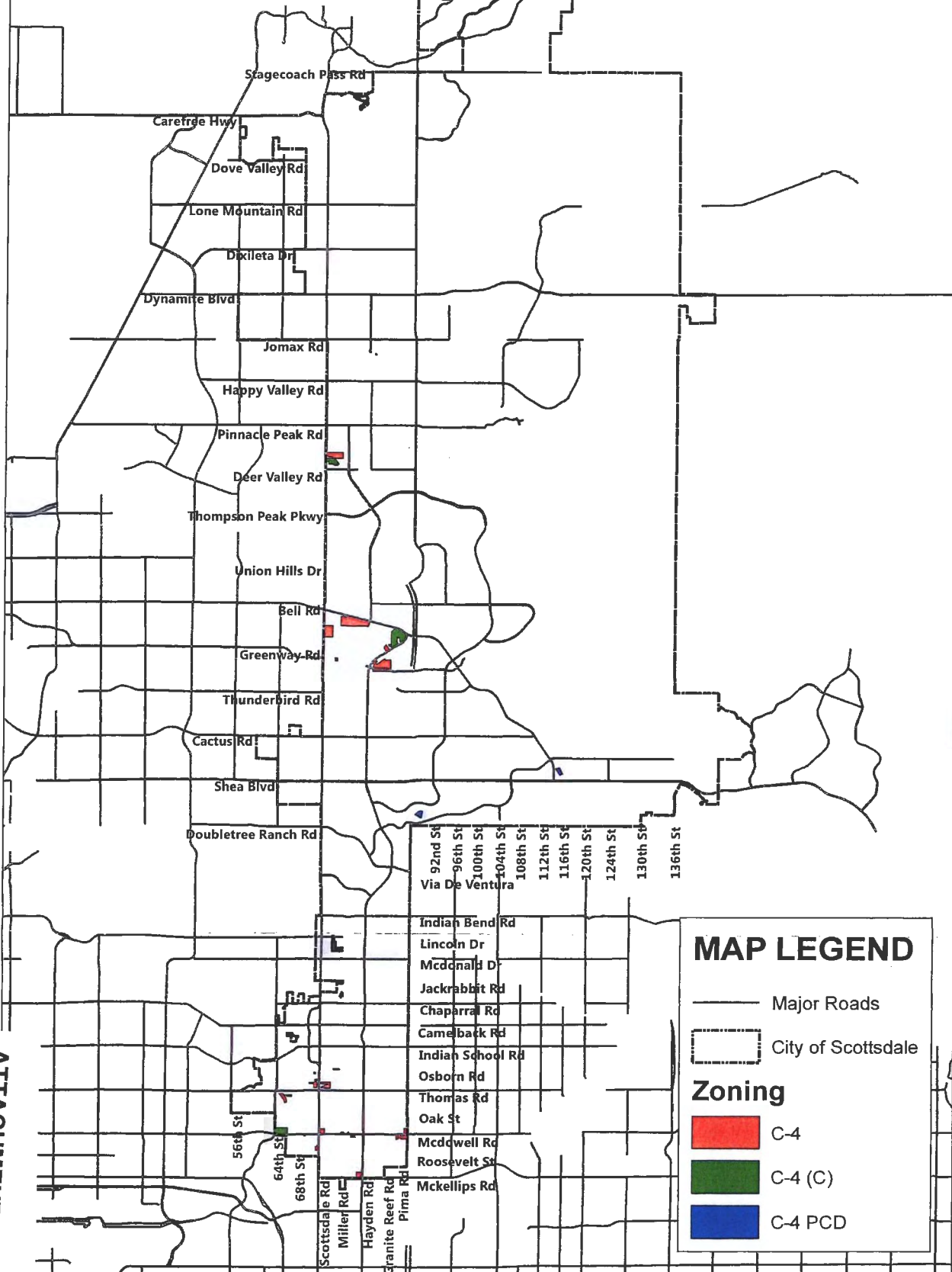
Bruce Washburn, City Attorney

By: Sherry R. Scott, Deputy City Attorney



56th St
64th St
72nd St
80th St
88th St
96th St
104th St
112th St
120th St
128th St
136th St

C-4 Zoning District Locations



ATTACHMENT #2



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

WEDNESDAY, JANUARY 28, 2015

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Ed Grant, Chair
Michael Edwards, Vice Chair excused himself @ 5:45 p.m.
Matt Cody, Commissioner
David Brantner, Commissioner
Ali Fakh, Commissioner
Larry S. Kush, Commissioner
Michael J. Minnaugh, Commissioner

STAFF:

Tim Curtis	Kim Chafin
Sherry Scott	Meredith Tessier
Kira Wauwie	Greg Bloemberg
Adam Yaron	Keith Niederer
Jeff Barnes	Phil Kercher

CALL TO ORDER

Chair Grant called the regular session of the Scottsdale Planning Commission to order at 5:02 p.m.

ROLL CALL

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

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of December 10, 2014 Regular Meeting Minutes.

COMMISSIONER KUSH MOVED TO APPROVE THE DECEMBER 10, 2014 REGULAR MEETING MINUTES, SECONDED BY COMMISSIONER MINNAUGH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED

2. 1-TA-2014 C-4 Text Amendment
3. 9-AB-2014 Shalakhti Residence GLO Abandonment
4. 8-UP-2014 Verizon PHO Dynamic
5. 10-UP-2014 Verizon PHO Macjack
6. 12-UP-2014 Pho Cao Restaurant

RECOMMENDED CITY COUNCIL APPROVE CASES 1-TA-2014, 9-AB-2014, 8-UP-2014, 10-UP-2014 AND 12-UP-2014, PER THE STAFF RECOMMENDED STIPULATIONS; AFTER DETERMINING THAT THE PROPOSED TEXT AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, SECONDED BY COMMISSIONER KUSH. THE MOTION WAS APPROVED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR

7. 2-ZN-2005#2 Artesia

RECOMMENDED CITY COUNCIL APPROVE CASE 2-ZN-2005#2, MOTION BY COMMISSIONER BRANTNER, PER THE STAFF RECOMMENDED STIPULATIONS, AND AFTER DETERMINING THAT THE PCD FINDINGS HAVE BEEN MET, AND THE PROPOSED ZONING MAP AMENDMENT AND DEVELOPMENT PLAN ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, SECONDED BY COMMISSIONER KUSH. COMMISSIONER CODY AND COMMISSIONER FAKIH RECUSED THEMSELVES. THE MOTION WAS APPROVED BY A VOTE OF FOUR (4) TO ZERO (0).

Jan Jones, Barney Etzel, Sharon Ives, Darla Taylor, Timothy Schick, Aaron Wittig, Connie Johnson spoke regarding this item.

Louis & Cynthia Azza had written comments on this item.

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- 8. 2-AB-2014 Agave Residential
- 9. 1-ZN-2014 Agave Residential

RECOMMENDED CITY COUNCIL APPROVE CASES 1-AB-2014 AND 1-ZN-2014, MOTION BY COMMISSIONER KUSH PER THE STAFF RECOMMENDED STIPULATIONS, AND AFTER DETERMINING THAT THE PROPOSED ABANDONMENT AND ZONING DISTRICT MAP AMENDMENT INCLUDING APPROVAL OF THE AMENDED DEVELOPMENT STANDARDS AND DEVELOPMENT PLAN ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, SECONDED BY COMMISSIONER BRANTNER. THE MOTION WAS APPROVED BY A VOTE OF SIX (6) TO ZERO (0).

- 10. REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE 2014 PLANNING COMMISSION YEAR IN REVIEW.

RECOMMENDED CITY COUNCIL APPROVE THE 2014 PLANNING COMMISSION YEAR IN REVIEW, MOTION BY COMMISSIONER CODY, SECONDED BY VICE CHAIR EDWARDS. THE MOTION WAS APPROVED BY SEVEN (7) TO ZERO (0).

- 11. ELECTION OF OFFICERS

VICE CHAIR EDWARDS NOMINATED CHAIR GRANT FOR CHAIR, SECONDED BY COMMISSIONER FAKIH. THE MOTION WAS APPROVED SIX (6) TO ZERO (0). WITH CHAIR GRANT ABSTAINING.

COMMISSIONER BRANTNER NOMINATED VICE CHAIR EDWARDS FOR VICE CHAIR, SECONDED BY COMMISSIONER FAKIH. THE MOTION WAS APPROVED SEVEN (7) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:22 p.m.

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