

Council to consider downtown zoning change

Text amendment would alter city policy

By Edward Gately
The Republic | azcentral.com

A change in city zoning policy that would create flexibility for small property owners in downtown Scottsdale and push taller projects away from adjacent neighborhoods will go before the City Council next week.

The text amendment to the city's zoning ordinance is the culmination of a long process that began in August 2009.

It includes recommendations made by the Downtown Task Force, said Dan Symer, senior city planner. It has gone through 35 public meetings with the task force, 11 with the Planning Commission, four with the Development Review Board and two major open-house meetings, he said.

The council will consider the measure at its meeting at 5 p.m. Wednesday.

The proposal lays out requirements for those applying to rezone in the downtown district.

Symer said the proposal adopts a number of task force recommendations and requires developers to "tell people what they're doing."

"It does not change the Downtown Plan or the General Plan. And it does not modify noise abatement, nothing in this is about noise abatement," Symer said.

The downtown zoning district was adopted in January 1985 and has been amended to update allowable land uses.

A separate, downtown overlay was adopted in July 2003 to simplify parking requirements, promote downtown reinvestment and redevelopment of residential, retail, office and dining, and incorporate conditional-use permit criteria for bars, nightclubs, tattoo establishments and related uses.

Symer said the proposal would eliminate conflicts between the zoning district and overlay.

The text amendment does have its critics, including Bill Crawford, presi-



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Former mayoral candidate

dent of the Association to Preserve Downtown Scottsdale's Quality of Life, and John Washington, former mayoral candidate.

Crawford said the text amendment would conform to the current city noise ordinance, which he said is inadequate.

Washington said he is "very concerned that the text amendment process has been abused by developers to circumvent the General Plan."

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If approved, the text amendment would go into effect in mid-December.

Betty Drake, who served as vice chairwoman of the downtown task force, said the text amendment is "very true to the intent of the task force" outside of some minor modifications by the city's legal staff.

"I'm quite pleased with it," she said. "I think it really takes it to the next step."

The task force was particularly interested in allowing flexibility to small property owners to create a more inviting and attractive experience for pedestrians, such as allowing a business in Old Town to add an outdoor patio, she said.

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The text amendment also incorporates development standards for projects near and adjacent to the downtown boundary to step back building height and transition down to the smaller-scale development outside the downtown area, Symer said.

"This would be to push the greater heights away from the non-downtown area ... and forces the taller buildings away from the older parts of downtown, the core as we call it," he said.

In addition, the text amendment includes specific guidelines for applicants to request bonuses, such as building height and density, in exchange for providing public amenities such as workforce housing, public open space, compliance with the city's green building program, and special improvements such as infrastructure improvements and public parking.

ers used for live entertainment within 500 feet of a residential district, but says nothing about outdoor speakers used for amplified music. He also said it removes language requiring bars to keep all doors closed during business hours.

"Doors and service windows may be open temporarily to allow passage," he said. "There's no definition on that and every door in town is going to be open. What's temporary? Temporary is 23.99 hours a day."

Symer disagrees that the amendment eases restrictions on bars. He said the amendment requires more transparency when bars apply for conditional-use permits.

"It clarifies that no external speakers are allowed with live entertainment unless specifically approved," he said.

John Berry, a zoning attorney involved in numerous development projects in Scottsdale, said the amendment accomplishes many of the task force and community's goals, and that it helps en-