

# Staff Report Z-56-21-2 Davis Kierland PUD

January 7, 2022

Paradise Valley Village Planning January 10, 2022

**Committee** Meeting Date:

Planning Commission Hearing Date: February 3, 2022

Request From: <u>CP/GCP PCD</u> (4.21 acres)

Request To: PUD (4.21 acres)

Proposed Use: Planned Unit Development to allow

multifamily residential and commercial uses.

**Location:** Southwest corner of 71st Street and Marilyn

Road

Owners: Kierland Office Park Condo Assoc, et al

**Applicant:** Michael Lee, Davis Development **Representative:** Nick Wood, Esq., Snell & Wilmer, LLP

**Staff Recommendation:** Approval, subject to stipulations

General Plan Conformity				
General Plan Land Use Map Designation		(Commerc Proposed (Commerc	dustrial and Mixed Use ial / Commerce / Business Park) (GPA-PV-3-21-2): Mixed Use ial / Commerce / Business Park / I 15+ dwelling units per acre)	
Street Map Classification	Marilyn Road	Local Street	30-foot south half street	
	71st Street	Local Street	30-foot west half street	

CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.

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The Davis Kierland Planned Unit Development (PUD) proposes multifamily and commercial uses that are compatible in scale and intensity with the surrounding Kierland area and properties adjacent to the site. The development is in a mixed-use corridor where nearby properties are multifamily or commercial. The project site is also within a designated employment center, thus the concentration of residential uses in this commercial area will promote new and existing businesses. The requested PUD will facilitate ongoing investment and development of the greater Kierland area.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPILE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The Davis Kierland PUD proposes landscaping around the perimeter of the building. Shaded detached sidewalks along 71st Street and Marilyn Road will provide thermal comfort for pedestrians. The PUD requires that public pedestrian pathways be shaded a minimum of 75 percent.

CONNECT PEOPLE & PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should be designed to included convenient bicycle parking.

The proposed development will provide bicycle parking for both residents and guests. The project also is adjacent to a proposed bike lane along 71st Street and will support tenants who prefer using alternative modes of transportation to get to work or nearby entertainment.

# **Applicable Plans, Overlays, and Initiatives**

<u>Maricopa Association of Governments (MAG) Desert Ridge and Kierland Employment</u> <u>Center</u> – See background item No. 5

Tree and Shade Master Plan - See background item No. 7

Complete Streets Guiding Principles – See background item No. 8

Comprehensive Bicycle Master Plan - See background item No. 9

<u>Housing Phoenix Plan</u> – See background item No. 10

Zero Waste PHX – See background item No. 11

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Surrounding Land Uses/Zoning				
	Land Use	Zoning		
On Site	Commercial office	CP/GCP PCD		
North (across Marilyn Road)	Commercial office	CP/GCP PCD		
South (including across 71st Street)	Commercial office	PUD and CP/GCP PCD		
East (across 71st Street)	Commercial office	CP/GCP PCD		
West	Commercial office	PUD		

# Background/Issues/Analysis

#### SUBJECT SITE

- 1. This request is to rezone a 4.21-acre site located on the southwest corner of 71st Street and Marilyn Road. The request is to rezone from CP/GCP PCD (Commerce Park/General Commerce Park, Planned Community District) to PUD (Planned Unit Development) to allow multifamily residential and commercial uses.
- 2. The subject site consists of one parcel that currently contains six two-story office buildings with surface parking. The subject site was annexed into the City of Phoenix on October 15, 1961. At that time the subject site and the surrounding area vastly consisted of vacant land. This area was planned in 1975 as a Planned Community District (PCD) of 1,082 acres, previously known as the Desert Springs PCD and now known as the Kierland PCD, through Rezoning Case No. Z-11-75. Subsequently, the Kierland PCD went through several amendments since its original approval. The current CP/GCP zoning designation was established through Rezoning Case Nos. Z-11-D-75 on June 15, 1994 and Z-11-F-75 on February 19, 1997. Historic aerial imagery indicates that the first property to develop near the site was in approximately 1997 just west of the subject site and the subject property began development in approximately 2002. The PCD Zoning District is intended to establish a development pattern for a larger area while permitting flexibility for specific developments and safeguards that adequate infrastructure needs are met for the area. The proposed PUD also proposes to remove the property from the PCD, and the developer will be required to provide updated infrastructure as needed and determined through the Planning and Development Department's site development process.

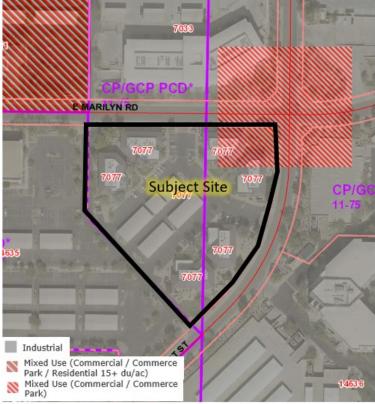
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Historic Aerials, Source: Maricopa County Assessor's Office

3. The General Plan Land Use Map designation for the subject site is Industrial and Mixed Use (Commercial / Commerce Park). The proposal is not consistent with the General Plan Land Use Map designation. A companion General Plan Amendment request (GPA-PV-3-21-2) proposes a Land Use Map designation of Mixed Use (Commercial / Commerce Park / Residential 15+ dwelling units per acre). This Mixed-Use designation will allow residential and commercial land uses the flexibility to locate on any portion of the site in compliance with the PUD's development standards.

> The General Plan Land Use Map designations on three sides of the subject parcel are also



General Plan Land Use Map, Source: City of Phoenix Planning and Development Department

Industrial. To the northeast the General Plan Land Use Map designation is Mixed Use (Commercial / Commerce Park). To the northwest the General Plan Land Use Map designation is Mixed Use (Commercial / Commerce Park / Residential 15+ dwelling units per acre.

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#### SURROUNDING ZONING AND USES

### 4. **North**

The property to the north of the subject site, across Marilyn Road, is a three-story office building zoned CP/GCP (Commerce Park, General Commerce Park).

# **South**

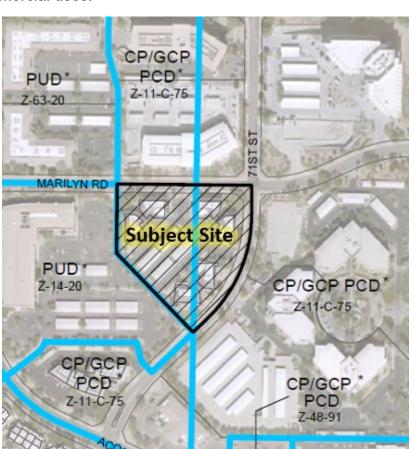
Directly south of the subject site, across 71st Street, is a commercial parking lot that is part of a commercial office development zoned CP/GCP. Abutting the subject site to the south is a property zoned PUD through Rezoning Case No. Z-14-20-2 that allows office with minor commercial uses.

## East

Directly to the east of the subject site, across 71st Street, are three four-story commercial office buildings zoned CP/GCP PCD (Commerce Park/General Commerce Park, Planned Community District).

### West

West of the subject site is a property zoned PUD through Rezoning Case No. Z-14-20-2 that allows office with minor commercial uses.



Zoning Aerial Map, Source: City of Phoenix Planning and Development Department

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> 5. The subject site falls within the boundaries of the Maricopa Association of Governments designated Desert Ridge/Kierland major employment center and in close proximity to a City of Phoenix designated employment center. The Desert Ridge/Kierland employment center extends east from 36th Street to Scottsdale Road between Deer Valley Road and the Central Arizona Project Canal, including the area from 64th Street to Scottsdale Road between the CAP canal and Acoma Drive.



Employment Center Map, Source: City of Phoenix Planning and Development Department

The Desert Ridge/Kierland employment center profile provided by the City of Phoenix Community and Economic Development Department identifies the Kierland area as being comprised of a highly educated, executive, and professional workforce with a large inventory of Class A office space. Providing additional residential options in close proximity to the nearby office spaces will add to the sustainability of the established employment center and the Kierland area overall.

#### **PROPOSAL**

6. The proposal was developed utilizing the PUD zoning district. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant writes a document proposing standards and guidelines that are tailored to the context of a site on a case by case basis.

Where the Davis Kierland PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions shall be applied.

### List of Uses

The Development Narrative proposes several permitted uses. The proposed uses consist of the permitted C-1 uses found in Sections 622 of the Phoenix Zoning Ordinance. Additionally, multifamily residential is permitted with a maximum of 261 residential dwelling units.

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The Development Narrative also proposes restricting certain uses that are inconsistent with the Narrative's vision of mixed-use pedestrian-oriented development such as auto title loan establishments, gas stations, and automobile service stations.

### Conceptual Site Plan

The development's main access point is along the private drive bordering the western boundary of the subject site. The project proposes a fivestory, 70-foot tall multifamily building, up to 75 feet to include rooftop amenities. The parking garage is wrapped by dwelling units, except the garage entry point. Two amenity courtyards are proposed and are reserved as private common open space.

Both street frontages will have an enhanced streetscape with a minimum five-foot wide detached sidewalk, framed by landscape areas

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Site Plan, Source: Norris Design

that will include trees, shrubs, and live ground cover.

#### **Development Standards**

The PUD development narrative proposes development standards based on the C-1 Zoning District. These standards vary from the C-1 standards in relation to height, density, lot coverage, open space and building setbacks. All other development standards are comparable.

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The proposed maximum height of the p

The proposed maximum height of the project is 75 feet. The C-1 standards allow a maximum height of 30 feet. Staff is supportive of the additional height due to enhanced design elements, placement, and comparable heights with other developments in the area.

Maximum Residential Unit Count:		
Maximum Dwellings	261 dwelling units	
Maximum Density	62.05 dwelling units per gross acre	
Minimum Lot Width/Depth	No Minimum	
Minimum Building Setbacks	From Property Line	
North (Marilyn Road)	20 feet	
West (Interior property line)	25 feet	
East (71st Street)	20 feet	
Minimum Landscape Setbacks		
North (Marilyn Road)	20 feet	
West (Interior property line)	10 feet	
East (71st Street)	20 feet	
Maximum Building Height	75 feet	
Maximum Lot Coverage	66 percent of total net site area	
Common Area	Minimum 10 percent of net site area	

The lot coverage proposed for the project is 66 percent, while the maximum lot coverage permitted in the C-1 zoning district is 50 percent. However, additional common area (a minimum of 10 percent of the net site area) is being provided, which exceeds the minimum of 5 percent of the gross site area required for multifamily projects.

The required common area per the Zoning Ordinance standards is 9,169 square feet, while the common area proposed is 15,278 square feet.



Open Space Plan, Source: Norris Design

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The proposed interior building setback is 25 feet where 0 feet is required in the C-1 zoning district standards. A 20 foot building setback is proposed along Marilyn Road and 71st Street, which is comparable to the C-1 zoning district requirements.

### Landscape Standards

The PUD proposes landscaping along all sides of the building. The Development Narrative includes increased landscape setbacks adjacent to the street frontages. Minimum landscape setbacks of 20 feet will be provided along 71st Street and Marilyn Road. These areas will incorporate a mixture of two-inch and threeinch caliper trees in all landscape areas and shall utilize existing trees where possible. In addition to the trees, the developer shall install a minimum of five. five-gallon drought tolerant shrubs per tree and achieve 75 percent live ground cover.



Conceptual Landscape Plan, Source: Collaborative Design Studio

The streetscapes along 71st Street and Marilyn Road will include a minimum five-foot wide detached sidewalk and a mixture of two-inch (75 percent) and three-inch (25 percent) caliper trees along the public rights-of-way. This exceeds minimum tree size requirements. The landscaping will provide for a pedestrian-friendly environment with 75 percent shade on all public sidewalks and 50 percent shade at maturity along the private pedestrian pathways. The PUD proposes 50 percent live ground cover within landscape planters which is consistent with the Zoning Ordinance standards.

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# **Design Guidelines and Standards**

The Development Narrative includes design standards that promote pedestrian circulation on and around the site. The graphic below illustrates the proposed pedestrian network for the site.



Circulation Plan, Source: Norris Design

Design standards ensure that the building facade will contain 40 percent masonry, 40 percent fiber cement and 20 percent glazing as depicted in the graphic below. Each unit above the first floor will have at minimum one private balcony per unit and first floor units will include a private patio. Building corners will provide a change in color or material from immediately adjacent building sections on floors one through five. The building corners will include vertical elements that project beyond the facade in order to provide visual interest, as depicted in the graphic below. The final elevations and building plans submitted to the City will incorporate the provisions outlined in the development narrative and shall follow the Design Guidelines of Section 507.Tab A of the Phoenix Zoning Ordinance.

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Conceptual Elevations, Source: Norris Design

The PUD Narrative includes standards that require the parking garage to be wrapped by dwelling units to promote pedestrian orientation onto adjacent streets. Furthermore, streetscape design standards will provide uniform perimeter design. Lastly, several residential amenities are also provided, which are outlined further below.

### **Parking Standards**

The proposed vehicular parking of 1.50 spaces per dwelling unit is consistent with the Zoning Ordinance requirements for one and two-bedroom units. However, this standard proposes a reduction for three-bedroom unit as the Zoning Ordinance requires 2 parking spaces each.

Furthermore, the PUD proposes a minimum of 0.25 bicycle parking spaces per unit for multifamily development, up to maximum of 25 spaces. These shall comply with Section 1307.H. of the City of Phoenix Zoning Ordinance.

#### Fences/Walls

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All fences and walls will adhere to the Zoning Ordinance requirements per Section 703. In addition, all screen walls shall include architectural detailing consistent or complementary to the building facade.

### **Amenities**

The PUD proposes amenities intended for use by residents and guests to include a clubhouse and fitness center no less than 8,000 square feet. If a fifth floor sky lounge is provided, then at least three of the following will be provided:

- Lounge area
- Shaded outdoor dining area
- Water features
- Barbeque grills
- Fire features
- Seating nodes

Internal courtyards will include at least three of the following at a minimum:

- Shaded outdoor dining area
- Outdoor furniture grouping
- Two barbeque grills
- Water and fire feature
- Three seating nodes
- Art installation
- Outdoor game

Additionally, other amenities, such as a pool and spa, may be provided on the parking garage roof deck.

#### Shade

The proposed shade standards require that a minimum of 75 percent of shade cover be provided at maturity over public sidewalks and 50 percent shade coverage over private sidewalks. The required shade standards along public sidewalks exceed the Zoning Ordinance requirements.

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# **Lighting Plan**

All lighting will be consistent with the standards of Section 704 (Environmental Performance Standards), Section 507 Tab. A, and Section 23-100 of the City Code.

### Signage

The proposed sign standards shall comply with Section 705.C of the City of Phoenix Zoning Ordinance with some exceptions to blade signs, ground signage and walls signs.

If the site develops with only commercial uses, then the sign standards from the Walkable Urban Code would apply.

### **Sustainability**

The Development Narrative proposes several options to incorporate sustainability principals including drought-tolerant landscaping, LED landscape and exterior building lighting, and recycling receptacles. The project also proposes retaining established tree where possible along 71st Street and Marilyn Roads, where possible and the utilization of low flow water fixtures.

# **PUD Compatibility to Zoning Ordinance**

The PUD proposes building setbacks that are comparable or greater than what is required by the Phoenix Zoning Ordinance in the C-1 zoning district. The interior setbacks are proposed at 25 feet, while the Zoning Ordinance requires 0 feet. The proposed street setback standards are 20 feet, while the Zoning Ordinance requires an average 25-foot, minimum 20-foot building setback along perimeter streets. All property boundaries adjacent to public streets will include enhanced landscaping with five-foot-wide detached sidewalks. Shade coverage at 75 percent at tree maturity will be provided to increase pedestrian comfort and activity. Regarding open space, this PUD proposes a minimum of 10 percent of the net site are as common area, while the Zoning Ordinance requires a minimum of 5 percent of the gross site area be provided as open space for multifamily uses. The PUD landscape setbacks proposed are comparable or greater compared to the minimum requirement of the Phoenix Zoning Ordinance. The hearing draft of the development narrative requires that 75 percent of trees be a minimum of two-inch caliper and 25 percent be three-inch caliper planted along all public rights-of-way to include 71st Street and Marilyn Road.

### **Phasing**

The project will be constructed in one phase.

### AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

### 7. Tree and Shade Master Plan

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and

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development process. In addition, a vision in the master plan is to raise awareness by leading by example. The proposal includes shaded pedestrian walking paths, open space areas and greater planting standards than otherwise required by the City of Phoenix Zoning Ordinance.

# 8. Complete Streets Guiding Principles

In 2014, the Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, and connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. There are proposed detached sidewalks adjacent to the public streets and pathways throughout the site which provides a safer and more comfortable pedestrian experience.

### 9. Comprehensive Bicycle Master Plan

The Comprehensive Bicycle Master Plan also supports options for both short and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The proposal requires bicycle parking spaces be provided on the site. Bicycle racks shall consist of an inverted-U or other decorative design and installed per the requirements of Section 1307. H. of the City of Phoenix Zoning Ordinance.

### 10. Housing Phoenix Plan

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by allowing up to 261 multifamily residential units and contributing to the variety of housing types in the area.

#### 11. Zero Waste PHX

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, and mixed-use developments. The provision of recycling is addressed in the PUD narrative. Recycling receptacles and chutes will be provided in the refuse room.

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#### COMMUNITY INPUT SUMMARY

12. At the time the staff report was written, staff has received one letter of opposition. Concerns include change of the character of the area, oversaturation of multifamily residential in the area and increased traffic.

#### INTERDEPARTMENTAL COMMENTS

- 13. The Street Transportation Department has proposed stipulations requiring that all streets within and adjacent to the development, shall be constructed with all required elements, including meeting ADA requirements. Furthermore, no preliminary approval of plans shall be granted until a Traffic Impact Study is reviewed and approved by the City. These are addressed in Stipulation Nos. 2 and 3.
- 14. The City of Scottsdale Aviation Department expressed concern with the location of this project as it relates to the airports flight paths and the 55 and 60 Day Night Average Sound Level (DNL) noise contours of Scottsdale Airport. The City of Scottsdale comments and proposed stipulations were provided to the City of Phoenix Aviation Department for review.
- 15. The City of Phoenix Aviation Department has noted that the site is within the Scottsdale Municipal Airport (SDL) traffic pattern airspace, therefore, the developer shall provide notice to prospective purchasers of the existence and operation characteristics of the Scottsdale Airport and shall provide documentation that Form 7460-1 from has been filed with the FAA. The requirements are addressed in Stipulation Nos. 4 and 5.
- 16. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.
- 17. The City of Phoenix Floodplain Management division of the Public Works
  Department has determined that this parcel is not in a Special Flood Hazard Area
  (SFHA), and is located in Shaded Zone X, on panel 1760 L of the Flood Insurance
  Rate Maps (FIRM) dated October 16, 2013.
- 18. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development. However, there is potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.

#### **OTHER**

19. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of

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Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 6.

20. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

# **Findings**

- 1. The proposed development is compatible with the existing land use pattern in the area and is consistent with the proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce Park / Residential 15+ dwelling units per acre).
- 2. The proposed development contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The development will provide increased shade which will help to reduce the urban heat island effect.
- 3. The proposed development will provide additional housing options close to employers in a designated Major Employment Center.

### **Stipulations**

- 1. An updated Development Narrative for the Davis Kierland PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped November 16, 2021, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:

1st Submittal: August 10, 2021 2nd Submittal: October 01, 2021 Hearing Draft: November 16, 2021

City Council adopted: TBD

- b. Reorder pages 42 and 43.
- 2. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and

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approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.

- 4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be approved by the Planning and Development Department.
- 5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
- 6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

#### Writer

David Simmons January 7, 2022

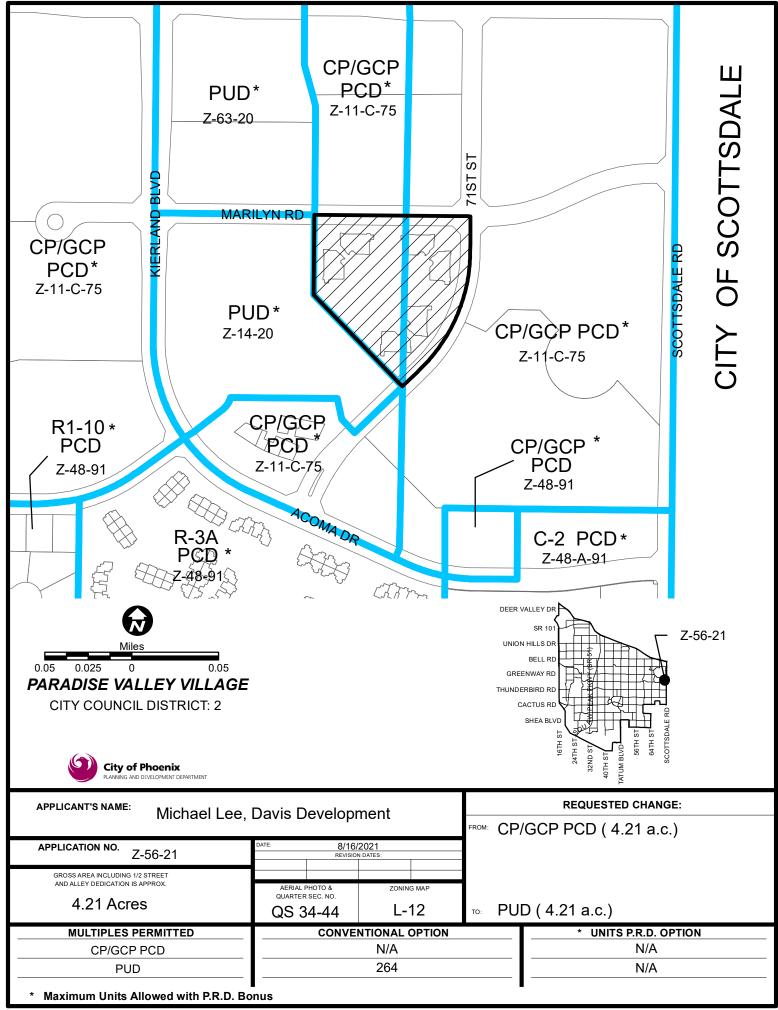
### **Team Leader**

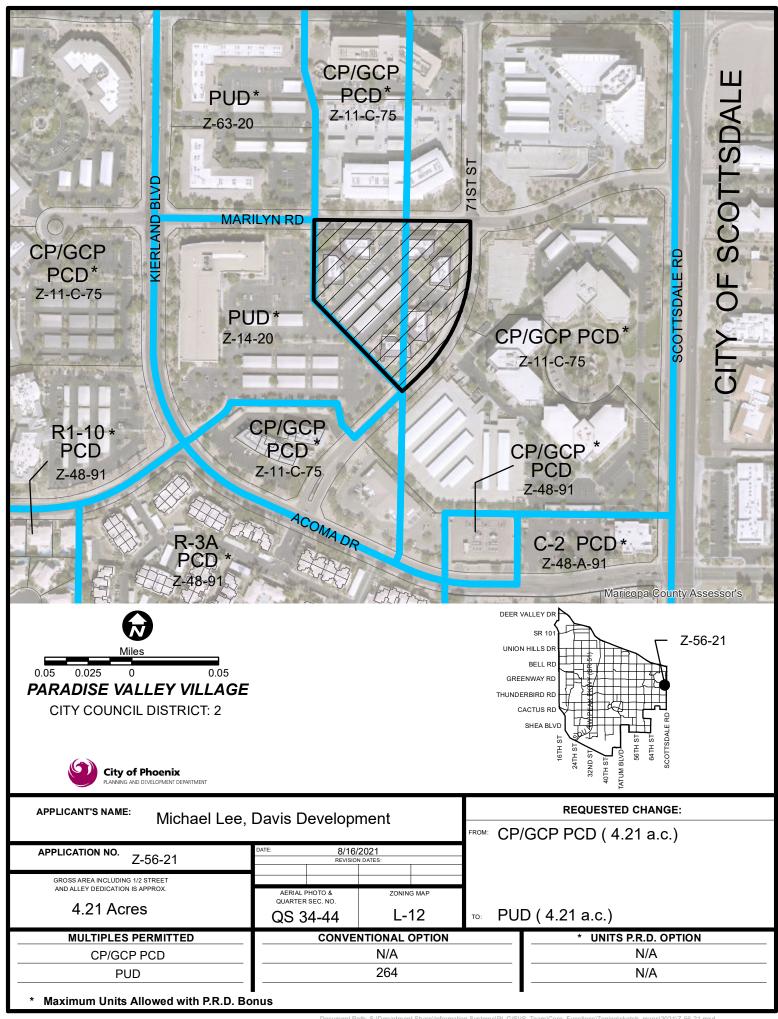
Samantha Keating

#### **Exhibits**

Zoning Sketch Map Zoning Aerial Map Community Correspondence (1 page)

Davis Kierland PUD Development Narrative date stamped November 16, 2021





### **David O Simmons**

From: Joanne Thomas < joanne.e.thomas68@gmail.com>

Sent: Tuesday, September 28, 2021 9:24 AM

**To:** David O Simmons

**Subject:** Case Nos. GPA-PV-3-21-2 and Z-56-21-2

My husband and I own a condo within two blocks of the planned site and we <u>strongly oppose</u> changing the current zoning from industrial and mixed use (commercial/commerce park) to mixed use (commercial/commerce park/residential 15+ dwelling units per acre). This area is already over saturated with personal residences and traffic. Please do not support the changes requested by the applicant. This area does not need more residential housing. The street off of the proposed site, E. Acoma, is a already a pass through that is highly used to escape traffic from Scottsdale Rd and Kierland Blvd. Adding the apartment buildings onto E. Marilyn and N. 71<sup>st</sup> Street will only increase the traffic pass through on E. Acoma.

Again, we strongly oppose this project. Leave the area zoned as it is now, industrial/commercial.

Thank you.

Joanne and Jeff Thomas

Sent from Mail [go.microsoft.com] for Windows