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**CALL TO ORDER**

[Time: 00:00:00]

Mayor Ortega: Good evening. I call the October 18th 2022 City Council regular meeting to order. City clerk Ben Lane, please conduct the roll call.

**ROLL CALL**

[Time: 00:00:13]

Clerk Lane: Thank you, Mayor. Mayor David Ortega.

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tom Durham.

Vice Mayor Durham: Here.

Clerk Ben Lane: Councilmembers Tammy Caputi.

Councilmember Caputi: Here.

Clerk Ben Lane: Betty Janik.

Councilmember Janik: Here.

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

Clerk Ben Lane: City Manager Jim Thompson.

Jim Thompson: Here.

Clerk Ben Lane: City Attorney Sherry Scott.

Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews.

Sonia Andrews: Here.

Clerk Ben Lane: City Auditor Sharron Walker.

Sharron Walker: Here.

Clerk Ben Lane: And the Clerk is Present. Thank you, Mayor.

[Time: 00:00:40]

Mayor Ortega: Very good. We have Scottsdale police Sergeant Sean Ryan and Detective Dustin Patrick as well as firefighter Ron Clark. If anyone needs assistance let's begin with the Pledge of Allegiance. Councilwoman Tammy Caputi.

Councilmember Caputi: I Pledge of Allegiance to the flag of the legend States of America and to the republic for which it stands, one nation, under God, individual, with liberty and justice for all.

Mayor Ortega: I want to call our attention to the people and country of Ukraine. They are at the forefront of our thoughts and let's pause in silence as we think of their fight for freedom, peace, and as a nation. Thank you very much.

I want to point out that the Expo this weekend. So that is October 22nd & 23. The Association of canine enforcement teams are inviting over 70 canine teams regionally and even some across the way. They will be showing their skills and to a competition, two-day competition. Admission is only five dollars and if you are 12 or under, you get in free. We do have home arena advantage because our canine Scottsdale canines will be there. Just a reminder and look at that at the indoor arena.

City manager Thompson, do you have anything for us?

City Manager Thompson: Yes, I believe I have the video. Thank you.

(Music)

Video: Hi, I am Stephanie with five fast things happening around the city you need to know. Starting at number five, the preserve months. Take a moment to appreciate the more than 30,500 acres of the protected natural open space. The Scottsdale City Council formally dedicated the first lands for the preserve. The day one preserve consisting of three parcels of city-owned land. This permanently protected sustainable desert habitat encompasses 47 square miles without one-third of Scottsdale's land area. The McDowell Sonoran Conservancy is commemorating this month with plenty of activities including bird walks, bike rides, fitness sessions, and crafting. Get the details at the website and search events.

Coming in at number four, calling all ghouls and boys. Treat yourself to a night at the railroad parks. Stop by between 6:00 to 9:30 p.m. as we transform the park into a haunted Hamlet. This event is perfect for kids of all ages. We will creep it real with a spooky train ride treated with younger children in mind. Get all the frightening fun details at the website and check out special events.

At number three, the right tree, right place program. The city is partnering with SRP to remove approximately 130 trees dangerously encroaching on power lines. Trees more suitable will replace those removed at a ratio of three new trees per each removed. It helps SRP maintain electric reliability and ensure public safety at work toward the goal of adding shade and reducing the urban heat island effect. Heat islands are urbanized areas that experience higher temperatures than outlying areas. This program also reduces the cost of managing vegetation saving taxpayers money. Learn more at the website and search right tree, right place.

ScottsdaleEZ earned an award for excellence for the Center for Digital Government. The annual awards recognizes the achievements and best practices of states, cities and counties that are vertically improving the experiences of government services. ScottsdaleEZ is the city's one stop online report a problem app entirely in-house by city staff. Whether it is a broken streetlight or a missing trashcan this makes it easy for you to report problems with city facilities or services. Visit the website to send us a tip.

[Time: 00:06:03]

Wrapping things up at number one, October is domestic violence awareness month. According to the National coalition against domestic violence, more than 10 million adults experience domestic violence and we in the United States. Right here at home, the victim services nearly 1200 domestic violence victims last fiscal year. This includes helping victims with getting orders of protection or injunctions against harassment that referendums to support services, escorting them to court and advocating on their behalf.

You can help victims by donating hygiene and toiletry items through October 31st. That will be forwarded to the control alt delete a nonprofit that helps victims escape violent situations think get a list of each item and locations where you can drop them off. Visit [scottsdaleaz.gov](http://scottsdaleaz.gov) and search victim services. That is the Fast Five for October. Thanks for watching.

Mayor Ortega: Thank you, Mr. Thompson. Moving on, according to our newly amended rules of council procedure, and this evening's posted meeting agenda, any time during tonight's meeting, the Council may make a motion to recess into executive session to discuss and consult with attorneys and representatives of the public body to obtain legal advice on any applicable item on tonight's agenda.

If authorized by a majority vote of the Council, the executive session will be held immediately after the vote and will not be open to the public. The public meeting would resume following the executive session. So this information is provided as -- for informational purposes only. Next, we will move on to public comment.

Public comment is the opportunity for Scottsdale residence, business owners, and/or property owners to comment on knowledge and dived items that are within the City Council's jurisdictions. Advocacy for or against a candidate up for election or a ballot measure during a City Council Meeting is not allowed pursuant to state law and is therefore not deemed to be within the city Council's jurisdiction. In the public comment but not result in any official action to be taken on these items. And the speakers are limited to three minutes to address the Council.

[Time: 00:08:48]

Turning to that clerk we have no request for public comment. So at this point, I would close the public comment. Next, we will on to the minutes. I would ask for a motion for the approval of the minutes regarding Regular meeting and work study session minutes of September 13 2022. Regular meeting and work study session minutes since September 20th 2022. Is there a motion to that second?

Councilmember Janik: I motion to accept and approve them.

Councilmember Littlefield: I second.

Mayor Ortega: Any discussion? Thank you. Please record your vote. Okay. Thank you. It is unanimous. Excuse me.

#### **CONSENT AGENDA**

[Time: 00:09:43]

Mayor Ortega: Next, we will move on to the consent agenda items. Items one through 16. They are all of record and show their individual cases as a consent agenda item, it could be handled with one motion. However, we always allow for public comment on any consent agenda item. If anyone had a wish to speak on an item, they could have registered a request seeing none, on consent agenda items one through 16, I would for close public comment on the consent agenda items.

Next, I would call to see if there's any comment or point to make among counsel. Seeing none, I would then be open to a motion regarding consent to items one through 16.

Councilmember Whitehead: Mayor, I motion to approve items one through 16 and I convinced that for all of the grants.

Vice Mayor Durham: Second.

Mayor Ortega: Thank you. So let's -- please record your vote. Is a little slow. There we go. Thank you. It is unanimous. Moving on to our regular agenda items. I would like to point out that the Council rules asked that those attending observe the same rules and order and decorum applicable to members of counsel ourselves and to city staff.

Unauthorized remarks or demonstrations from the audience such as applause, snapping of feet, whistle, boos yells, and or other demonstrations shall not be permitted. Violations of these rules would result in the removal and just pointing that out in case there is public comment or other comment during our proceedings.

**ITEM 17 – VOITA RESIDENCE – FRONT WINDOW TO DOOR REPLACEMENT (52-HP-2022) APPEAL**

[Time: 00:11:58]

Mayor Ortega: We will now move to item number 17. The residents front window and door replacement of case 52 HP appeal. Presenter is Jesus Murillo, senior planning.

Jesus Murillo: Good evening. Again, Jesus Murillo. Before you today, we will be presenting. Also known as that window and door replacement. This request is actually an appeal to previously approved -- denied case that went before the historic preservation commission. The applicant requested that the front door be replaced with double doors also known as French doors. That request was denied with that vote of 5-1 by the commission.

To give you a general location of the site, it is located on the northwest corner of east Camelback Road and North 78th Street. The site is currently zoned. Also known as townhouse residential with historical properties. This is a closer look at the site. You can see, it is located on the north end and it is part of the townhomes community. This is the side plan that the applicant provided with the case that red line that you see is the location of the existing window which the applicant is requesting to convert to double doors. This is the elevation that the applicant provided with that application. I will zoom in just a little for you.

That area that that you see highlighted there in the blue identifies the location of the existing window and there to the right, you can see the doors that the applicant is proposing to replace the windows where they are located. Staff did a little bit of research for Council.

In the 758 units located within the community, there are about 22 that currently have these French doors. Three of them, two examples that you see here today, were approved by the historic preservation commission in the past. There's about six of them that existed prior to the historic preservation overlay in 2011. And then there's one that the Council appealed about a month ago. And then there's about 12 that appeared to have provided the improvements without any type of approval from the city.

This is the example of the request that was denied in June by the historic preservation commission and the City Council overturned on July 7th. The historic preservation commission denied the request based on the criteria from the guidelines that you see here before you. I will go over them briefly for you. The maintenance of the shape informs. Characterizing the architecture. The preserving of the historic window and window locations and preserving the location number opening in size and those windows.

Again, the historic preservation commission heard the case. As per ordinance, this request and appeal is within the purview of the City Council. So the City Council can decide to denied the request and uphold the HPC commission decision. Approve the request overturning the HBC decision. Approve the request with stipulations potentially overturning the decision or to the continued the case for more information. So again, the request is to appeal the decision by the commission to deny the exchange of that wind up with the. That concludes staff's presentation. Staff is here to answer any questions and I believe Mr. Voita is also in the audience to provide presentation of his own.

Mayor Ortega: Councilwoman Janik.

Councilmember Janik: How many total homes are in Villa Monterrey unit 2?

Jesus Murillo: I don't know the exact answer. There's probably about 36. That is about the average for each plat that existed there.

Councilmember Janik: I think you said 22 homes had converted to the double doors?

Jesus Murillo: That is correct.

Councilmember Janik: 22 out of --

Jesus Murillo: 22 out of that 758 units for the entire site.

Councilmember Janik: Thank you.

Mayor Ortega: Vice Mayor Durham?

[Time: 00:16:48]

Vice Mayor Durham: Thank you. You just mentioned of the 22. Do you have a breakdown of the process that was followed for those 22 in terms of getting permission from the historic preservation commission or counsel or whatever?

Jesus Murillo: Mayor Ortega and Vice Mayor Durham, only three of them actually received approval and all three of them went to the historic preservation commission.

Vice Mayor Durham: Okay so the other 19 were just done without any approval or anything like that?

Jesus Murillo: Six of them existed before the overlaying or one of them was just recently added and then 12 of them, we could not find any evidence.

Vice Mayor Durham: Okay, thank you.

Mayor Ortega: Councilwoman Littlefield.

Councilmember Littlefield: Of the three that were approved -- I'm sorry. What is the difference between those three and this one?

Jesus Murillo: I'm sorry. Mayor Ortega and Councilwoman Littlefield, I don't think there is a difference between them. They look pretty similar.

Councilmember Littlefield: Thank you.

Mayor Ortega: Let's move onto the applicant. Well, just let me ask one more question here. If you look at the existing front door, which is not going to be changed, that is what we call a ten light French door. And then the replacement of the window, they are looking for one light, one in each section. Okay. Go back to the other picture the full frontal. Okay.

Appears to me that -- is there a door behind that bush there where that goes or is that -- okay. So what is being requested, I see what is shown. But what I'm saying is you still would have the three French windows to the left of that picture. Right? Is that correct? It would be just the entry? Is that a new entry door with the double doors? Proposed?

Jesus Murillo: Mayor Ortega that is correct. It is a little dark. You can see it. This could windows. This will be new entry into the home.

Mayor Ortega: Okay. So the new entry would somewhat contrast with the ten light Windows window element to the left. Appears to have multiple lights or we called them lights. This would clearly show a double door for an entry as a doorway without -- they did not propose having a ten light. You can get doors with ten lights in that. But these are much cleaner as a single lights. Is that right?

Jesus Murillo: Mayor Ortega that is correct.

Mayor Ortega: Okay. Let's move on to the applicant.

[Time: 00:20:26]

Patrick Voita: Good evening, everyone. I appreciate. The first thing I wanted to start off with was I appreciate the process and the opportunity to get up and have their ear and time to speak and share my thoughts and I wanted to thank Jesus Murillo, Ben Moriarty, and Ben Lane for their accommodating me throughout this process and helping me and kind and never speaking down to me and always treating me with respect and I appreciate that, guys. Secondly, regardless of the outcome, I'm grateful to be here and grateful to have the opportunity.

I have lived in Scottsdale. I was born in Phoenix and lived in Scottsdale for the past 35 years. I got married here. I ran my own company for 30 years and sold it recently. I live here and, you know, I love my town. And I'm pretty involved and just my day-to-day life is here and I care about the historic preservation commission and the objectives and I'm really trying or have tried to fit within the parameters of what they are trying to do and I agree with what they are trying to do.

Ben Moriarty, we had talked few times and he said to go around and start counting homes. I said I walked the neighborhood all the time and event and he said count. But I counted was 54 homes with French's, French doors. 40 of those homes are original construction in Villa Monterey. The bigger community. Not in Villa Monterey two where I have my home.

And so those homes were it is the second floor that has -- that was built originally with the French doors. And so it is not like they are foreign to the design or the feel of Villa Monterey. They were there in the beginning. But they were not done on the first floor by the original builder.

And then secondly, I wanted to -- so we have 40 homes that were built with French's on the second floor and the breakdown about the ones on the first floor. And when I come into the neighborhood, when I first started, you know, as a kid, I rode by on my bike. When it started to appeal to me -- appear to me, it was the French doors that were installed and they had been tastefully done. It is not like they are thrown in.

They treat that front sitting area that has become pretty popular in the valley and it creates this dynamic where people are walking by and social aspect to it. So people come out and they sit on their little brick patio and

share and there's a sense of community as a result of that development, I believe. So I researched historic preservation and I found three headings preservation, rehabilitation and construction. And that rehabilitation part of it is what caught my eye. Rehabilitation talks about as a property evolves and its use changes.

It is a part of historic preservation to change a property, so it will where the current need or evolution of the environment or the structure. And we had a situation in Villa Monterey Road, a gentleman a stroke and in most of the homes in Villa Monterey, you open the front door and they could not get The Guardian because it can't make the turn. And they had to -- the guy was 200 pounds.

They had to get more people to lift him and discuss the risk of waiting and the time is precious. So on that hand you know, we have double French doors in front. People are older and you have that ability to just open them up and get them out. That is one positive that I research and found and it was not part of my objective or is why I want to do this. I'm more of the aspect that we are creating this really neat way to interact and have a place that is comforting and enjoyable.

[Time: 00:25:45]

And then the other aspect of that is that that '50s and '60s in the valley, people would sit on the front patio and visit and Villa Monterey I believe I have been told and with that it kind of had that intention in the beginning and people don't do that anymore. And you have cars and it is -- to get out the front door and negotiate the car. It does not promote that social aspect and so that is why. Historic preservation had said, we love front patios. We don't have anything against the front patios. And -- but they have nothing to do with what the original builders intended. They were not there.

But they are part of the evolution of the neighborhood and the way people interact in the Valley and in neighborhoods. So I believe that adding the French door, there's a lot of them there. They are done well. I don't believe it takes away from the historic Valley and that is a personal opinion. I understand that everyone has their opinions and concerns. It is in step with the original design, the French doors. And Mayor Ortega, you are mentioning the existing Windows.

The existing Windows the ten lights, and they are not the original design. They actually go away from historic preservation in the original Windows work like trailer windows. They were that aluminum single pane glass slider. And so that is actually what I have come back with but now they are dual pane. Most people because the H.O.A. is not going to let you come in and introduce the ten lights Frenches because those are the only ones in Villa Monterey. Sometimes they will do them on a weekend try to get in another radar. Little bit easier for what

I understand 20 years ago but not anymore. I just wanted to make that clear that I'm -- I really believe that I'm following rehabilitation and the space to be involved or has involved -- evolved and that look. If you look -- if you drop the neighborhood and look at the Frenches that are on the second floor, they are in line with each other. It is not does not like we are a wandering away from the original intent. We just moved into the first floor. The evolution of the space and the way has changed. I think that is it. Any questions?

Mayor Ortega: Thank you very much Patrick. You have more time but let's move on to public comment and then certainly you could respond as well. So have three requests. One is from Brin Sherrin, if you could please come forward to state their name and address and -- We have three minutes or less. Thank you.

Brin Sherrin: Is it on? My name is Brent Sharon. I'm on the historic preservation commission.



But I'm just here speaking for myself. I just wanted to talk about the guidelines that were not met by this request. If you add French doors according to policy two, I'm just reiterating what Mr. Murillo already said. It changes the front façade. And that is into historic preservation guidelines. I don't -- that is just my personal opinion.

The second policy number nine, you don't want to change the number of original doors or windows. And to add French doors or changing the location, changing the number of doors or changing the number of windows. Thank you for letting me speak and thank you.

Mayor Ortega: Next, we have Rose Smith. I also have a third person. Who is the third person? Thank you.

City Clerk Lane: The third speaker is Kevin Lesk.

Rose Smith: Good evening. I'm Rose Smith. Thank you, council members. My opinion is my own. They are not reflected of the -- my Trim on the historic preservation commission, I've been impressed by the dedication on the part of staff and commissioners to examine individual cases and research historical documentation of properties.

In reviewing cases involving historical appropriateness, it has been my experience that changes to the backs of homes or those areas out of public view are generally approved. As they are not considered to be of impact to the integrity of the city's historical destination guidelines. Notable changes to the front, however lovely, convenient, and trendy today, may affect the initial vision of the original architect and compromise the character of the historical destination.

These cases are never easy. Citizens are entitled to appeal to HBC decisions to this council which I totally support. Listing just listening to recorded audio of the meetings, it validates how commissioners review each individual case to determine evidence within policies, historical documentation, and original architectural renderings. Discussion among conditioners and with the kind -- applicant are fact-based and professional. I cannot express enough my respect for the work of my fellow commissioners. In the processes entrusted to the commission by the city and councilmembers.

Personally, thank you, Mayor and Council for continuing to highlight community partner programs in Scottsdale and supporting the historical distinction of the significant properties and neighborhoods in our lovely city. Thank you.

Mayor Ortega: Thank you. Week next have Kevin. Please come forward. State your full name and appreciate your input.

[Time: 00:32:43]

Kevin Lesk: My name is Kevin less assume expect I am one of two of the most recent residence of Villa Monterey. Having closed on June 22nd. My property on East rancho Vista Drive when look through my kitchen directly across the street is is actually a single level townhouse and in the development that is exactly with this gentleman -- I don't know a gentleman who has the request or anyone who has spoke in is exactly -- it had been two windows.

The architect is Ralph Haver and he is known for a '60s take on midcentury modern architecture and all the single level townhouses have two windows. Anything that has two-story or has a door or a window in a front or

if it has an upper level, may have what appears to be a door opening to a balcony, but there are no balconies. It is a fellow Berkeley.

Something, suggesting that there is a balcony, but you can't walk out. That gives it kind of a whimsical future year. And Mr. Mayor, you mentioned that the left window when I drove by and received the notice on the 27th of September, the court was the multi-pane light of the window on the left and the one on the right. When I happened to just drive by this evening, the left window, the frame divided the window is now a single and the word mill guard window onto left.

That is what compelled me to speak because and also the photo that was provided shows a -- you are allowed to have a patio, without a block all in the front. There's depletions already enforced for the guidelines and for that. And there is a patio, or there's a wall in front of but originally have been not deceiving but after receiving the card, it does, foot wall when you drive by, if I did not know -- if I had not received this card, I would not know if it was a door and a window or a window and a window because of the solid block wall in front. You don't do a double take. Oh that looks different.

[Time: 00:35:01]

And as I say, the change that apparently he is proposing I'm not quite sure with that replacement very recent of the left window. It seems to conform. Conformity of what this gentleman is trying to do at with the other homeowners are trying to do in order to -- what do we call it?

Keep that intention of the original architect, Ralph Haver. It does not seem to change the conform depict what I liked about the complex is that everyone -- unlike the newer units in the valley, you can plant whatever types of plants you want to prevent dust put in. You can put metal sculpture. It does not detract from the existing conformity of what is there or what -- in my opinion this gentleman is tried to do, he is up with the 20 to fix the property that has some structural damage in the property.

I myself where I am between who happen to be neighbors, it happens to be the president of the overall president of the H.O.A. and that I'm a single level and the double townhouse. I can't exit my patio. There's no gate. I am handicapped. The only way I can get out just to go to the front of the house. So I understand the comment about, you know, if you need help with something, it is hard. In my case, I have no gate. I can't go through another property owner's property. But to me, there forward he is there in my opinion.

Mayor Ortega: Thank you, sir. Next, Patrick Voita can come up and if there's any questions, I see Councilmember Milhaven and Vice Mayor Durham. Why don't we see if there's some questions among us to Patrick and -- or did you have any response -- let's go with Councilmember Milhaven.

Councilmember Milhaven: I'm willing to wait.

Mayor Ortega: Was there any need to respond? We may have a couple questions, too.

Patrick Voita: The wall went through historic. The gentleman was talking about. It is called an El Dorado. It is those block that you can see it through that kind of look like a Clover leaf. '60s retro. They are just coming back. They are in all of that new development. Is what that wall is and we have a really strict -- we had in Villa Monterey, one had to come down a couple months ago because it was just over the desired height -- so I'm at 32 and that is all approved and check.

That was approved by Ben and his staff. That did not have to go to the commission. The French door had to go to the commission. But all the other things I did are approved without having to go to the commission.

Mayor Ortega: Thank you. Councilmember Milhaven and then Vice Mayor Durham.

Councilmember Milhaven: I want to apologize to the members of the commission. I think this is not the first case we have heard from the -- Villa Monterey. And, you know, your job is to enforce the rules and clearly, if there's a will that says how many doors you are allowed to have, that is pretty black and white. I know when we have looked at other cases here, it was, you know, vague interpretation. You know, counting how many is not vague. It is pretty specific.

On the other hand, the H.O.A. says they are okay with this door. So when I think about, you know, the historic preservation commission members know, the community comes forward and says, hi that we want to be historically designated. We want to be held. We want to hold ourselves to design guidelines. They come to the city and they say, city, it will be approved that?

And then after that, the city plays a role in approving or not approving something. Well, if the community is not going to enforce its own rules, and I don't think as a city, we should be stepping in because it is sort of the comedic ruling itself. So I apologize to the members of the historic preservation commission because you are in a tough spot. They are not enforcing the guidelines and you are doing exactly what we are asking you to do, which is to enforce the guidelines.

But I think as I said the last time we saw this, I would like to see the Villa Monterey community revisit their design guidelines either requested have the historic designation removed or clarify the guidelines if it is going to be okay and the H.O.A. is going to say that it is okay to have a door, don't continue to put the city in the awkward position. Having said that, I would like to make a motion to approve that request and overturned the historic preservation commission.

Councilmember Whitehead: I will second that motion.

Mayor Ortega: Okay. We also have a comment from Vice Mayor Durham and Councilman Littlefield before we vote on the motion.

[Time: 00:40:06]

Vice Mayor Durham: Thank you. I'm a little confused about exactly what is being proposed. As Mayor Ortega mentioned that some of the drawings of the door show panes and individual glass panes. But there's another picture in here, which looks like it is from Amazon or some place where it looks like you purchased a door as a price tag on it.

But that picture of the door does not have any panes or anything. It just shows two glass doors with no panes. So can you clarify exactly what is being --

Patrick Voita: So the original homes that were built in the '60s, they were single pane. And when I say the art like trailer windows, it is a quality of window where it is a single pane and it is the actual the cover of aluminum and sliders. So the windows in the front are 306 oh's or 3-foot 6 feet. And 4 feet 6 feet.

The original Windows get the historic designated objective is to keep those -- that look to two large single pane windows. The windows that Ortega was referring to our not in step with historic preservation. They are put in prior I think, prior to the overlay and they are the only house in Villa Monterey.

So if I'm good to go in and put in new windows, I need to go back and comply with the original intend of the builders, which now we are not going to go to a single pane or a single pane window. It is going to be a dual pane for the R-value and hot and cold. But we are going to stay with the look of the original. So those windows that you see in the pictures are really not relevant to the situation in that they would not be approved by the H.O.A. or by historic preservation but they were existing when I bought the home.

When I make changes I have to bring it up to you know, to the objectives of the original intend of the builder. I don't know if that make sense or if that is confusing.

Vice Mayor Durham: Yeah. I'm still confused because there was one picture at where the double doors were drawn in. Onto their existing house and those double doors and had various panes.

[Time: 00:43:02]

Patrick Voita: The double doors are like the Amazon picture. The double doors are the Amazon picture. They are called single light Frenches in that.

Vice Mayor Durham: Okay, so there would be no panes in those.

Patrick Voita: Correct.

Vice Mayor Durham: Okay. I'm going to vote to support the historic preservation commission on this. It is a tough decision because as council member Milhaven pointed out, there's inconsistencies between what the H.O.A. is saying and what our roles are saying. So this is difficult because there's been a lack of consistency. But as far as I can see, it seems clear that this would violate the rules. As I read them.

And you have pointed out that there are a number of double doors on the second stories of various buildings. But I don't saying those necessarily help your case because they were part of the original architecture. And the rules require protecting the original architecture and so the double doors there have that protection. There are two architects, I think, on the historic preservation commission and so I feel a need to defer to and also to defer to our own staff's judgment.

I understand this would make use of your home more convenient. But I think that is part of the price of living in historic district. So I would agree that it would be helpful at some point to sort of figure out what everybody wants about this.

Mayor Ortega: There are other comments.

Vice Mayor Durham: Thank you, mayor.

Mayor Ortega: Councilmember Littlefield?

Councilmember Littlefield: Thank you, Mayor. I'm going to be supporting the appeal. But I have to say I 100% agree with Milhaven's comments because she is right. This kind of thing and it is -- has come before us before

has put us between the H.O.A. and the historic preservation commission. And that is not a place where we should be.

I think that the H.O.A.s whether they want to be historic or not. And live with it one way or the other and I think that that is something that really has happened before, probably will happen again. But it is not appropriate as far as the way the city is running this historic preservation thing. So I'm going to vote for this time. It looks to me from the history that I saw that a number of doors have already put been put in since it became historic. The changes are starting to be made. I understand what you want it. It honestly will be more convenient for you.

And to me, you know, that is an important part of owning a home. But I really saying that perhaps the correct way to go at this point after this vote is to get with the preservation commission and determine, which way do you want to go? Do you want to go, distraction or this direction and make it happen? But thank you very much.

Mayor Ortega: Councilwoman Whitehead. Councilwoman Janik afterwards.

[Time: 00:46:54]

Councilmember Whitehead: I want to thank the historic commission is. The commissioners have really rigid guidelines on how -- and they have a lot more leeway and I agreed that this H.O.A. needs to get together and talk about and not put this -- not put the differences to the city to decide. I think they need to get together. I think this is a functional change. Because it is not just about a veneer.

It is about a door to the front patio and I think that is not a star that is going to wait anytime soon. I think it is an important change and it is a change that I have seen throughout the neighborhood. I do also want to think the commissioners because you have a hard job and I hope we can make that part of it easier. So thank you.

Mayor Ortega: Okay. Councilman Janik.

Councilmember Janik: To make this is a debate between the spirit of the law and the letter of the law and the historic preservation committee represents the letter of the law and the homeowner kind of represents the spirit of the law. It is difficult decision to make. It is not the first time we have had to make it.

I agree with what Councilman Milhaven said as well and I'm inclined to vote for the spirit of the law which would be in favor of the homeowner and I would request please get their act together and get the spirit and the letter as one and I do appreciate all of the work, all of our commissions and boards make. So thank you and I do know it was difficult.

Mayor Ortega: Councilwoman Caputi.

Councilmember Caputi: Since everyone else has since spoken, mostly just because it seems incredibly random. I echo everything said. It is too random for us to say. And it makes perfect sense. I can imagine not having a front door in my house and I presently don't think that this necessarily undoes the historical essence of this architecture.

The word that caught in my head and really convinced me was when you said evolution. I think it is perfectly acceptable to have history evolved and I don't see any conflict in keeping something historical but moving forward as the times suggest. So I am in support of appeal. Thank you.

Mayor Ortega: Thank you. You may sit down. My comments are that there are three levels of review. What is the H.O.A. themselves. And the other is historical overlay, the H.O.A. and other -- that neighborhood subscribe to make themselves historic another purview of the historic preservation and finally, comes to us. There's also another code that we are looking at which is the energy conservation code.

So the old windows were what we called reckless. They would just rattle and they would get dust and they work -- they needed to be replaced basically obviously. They probably cost 30 bucks but they were recently installed. By complying and upgrading installation and went out and curb appeal. It can still stay within the character. I find that it is not, you know, a way out of character.

Also in reviewing what the HP has approved number five, HP 2016. It shows double doors just like what is proposed here. I think that is consistent. Part of these homes is rather awkward. Because in order to get out to your -- well, as soon as you pull into your carport, it is the only one front door and it is tucked in that quarter. So it is awkward and then it is usually a step up because we have been in there. It is a 4 inches step here. There's this.

If you did have a patio, if you did have a patio on the outside, you basically had to still come out of that door underneath the carport to even enjoy the patio. So functioning, it is part of the so-called character of this patio life and leisure life and Scottsdale. So for that reason, yes, I am supporting it.

And at this point that we have all spoken, so please record your vote. Okay. We have 6-1 in favor. Thank you very much. Good luck with your project.

**ITEM 18 – ALEMEDA 5 ACRES REZONING (4-ZN-2021)**

[Time: 00:51:50]

Mayor Ortega: Next, we will move on to item number 18. 3 acres rezoning. Case number four the end 2021 presenters Katie Posler senior planner.

Katie Posler: Hi, good evening, mayor, council members. My name is Katie Posler. I'm a senior planner and I'm here to present. It is the 5 acres. The site is located in North Scottsdale. West of North 132nd Street. Here's a closer look at the property.

It is currently vacant and home to a large wash and surrendered by other story rocks of subdivisions. The current zoning on the site is our 1130 ESL which stands for single-family residential environment took sensitive lands. There are two requests in front of you today.

The first part is to adopt ordinance number 4553 approving zoning district map amendment from our 130 ESL to R143 PRD ESL. And approval of a development plan with the development standards for 3 lot subdivision and in the second part is to adopt resolution number 12526 to declare a limit of 5 acres development plan as a public record. Here's a proposed zoning of our 143 PRD I cell. It is very comparable to our wind 18 subdivision next-door.

So previously this case was heard by City Council on August 22nd. It was continued for 2 reasons. The first was to reduce the lot number from four at the second was construction access to the site. Is caught the revised site plan. The applicant has reduced the lot number from four down to three. They removed the northernmost lot which helped provide additional NOS. And then also agreed to the construction access stipulation which

restricts them to the using ranch gate Road and then heading south on North to avoid the emergency access portion.

The other key items of this case is that planning commission approved the recommended approval on June 22nd. They admitted standards for greater flex building design and help protect then AOS which leads to better protection. Protecting the large wash on that side. This does conform with the general plan. It is reduced in density when he last saw it to .56. It is consistent with the master plan and also connects with the subdivision. Instalift two individual plats, it connects throughout the site and we have not received any public opposition at this point. That concludes staff presentation and the applicant is also here to present.

[Time: 00:55:23]

Mayor Ortega: We will ask the applicant to take their presentation.

Keith Nichter: All right, good evening. Mr. Mayor, members of the Council. My name is Keith Nichter. On a land plaintiff. Address is 1001 last southern Avenue, Mesa, Arizona. Katie did a great job having a quick presentation. I will do my best to do the same. I have been fortunate to talk with a few of you and also had a lot of time over this past couple of months to discuss with staff and I will say just at the last hearing, we definitely heard what you had to say. I went back to the drawing board. With our team and I think as a result, we have ended up with a better plan. And definitely heard what you had to say about construction access and as Katie mentioned, we were more than willing and support that request make sure that construction access does not occur on 128th Street.

That being said, since I have done this once before for you, I will do my best to make this the Cliff Notes version. Just to reiterate some of the points that we are located within the rural neighborhoods which allows up to a maximum of -- which will allow five lots on this property. We are down to now three which puts us as Katie mentioned at .56 dwelling units per acre. That is more in line with R 170 type density. So that is down from the .75 that we previously show to you back in August. I will also just point out that the -- some of the other goals of the designation is to preserve the open desert character. We are now with that loss of lot one. Up to 67% of it being open space.

So I say that we are probably more than in line with that requirement and I think again, creates a better setting on Alameda and ultimately a better condition for the existing environmental features. Just to show a little context again, we are surrounded on three of our four sides by the zoning and we are well within the density of our surrounding context and obviously much less now. With her plan revisions. So even though we are proposing the R143, we are more at the R170 density. Quick overview of the type of lots within the community.

You will see at the top left in the existing surrounding community, we have lots that are developed where you can develop your whole lot and the open space and environment will features are within the tract and you have the typical development envelope style down on the bottom right, which only a portion of the lot is developed and the remaining open space and environmental features occurs on a lot. With our proposal, we are requesting the PRD to reduce the lot size to make sure that our environmental features which occupy a good portion of the property are all in tracts as Katie mentioned. Which is also the preference of staff.

Again, we originally came forward with the plan at that dwelling units per acre for 4 lot. After much discussion with staff and also some of you, we were able to remove lot one which was a long Alameda Road. The reason we chose that lot is because it creates the largest tract possible along Alameda Road and also allows uninterrupted desert scenic roadway buffer. And takes away that lot that was adjacent to the portion of the

wash that is on the northern end of that site. It also kind of sets the table as far as character goes when you entered the community. You have hundreds of feet now of open desert. So it creates a nice setting as you arrive into the community.

And just to reiterate the benefits of this proposal is by including this 5 acres, we are able to create the access point that the 95-acre phase three portion did not have to originally. All of the access came out on 128th street and there was a dead end cul-de-sac south of the property. Not only do we improve access we improve fire access and utility connections. It is a benefit to the surrounding community into the character of that existing approval.

With that being said, I appreciate the opportunity to come before you again and I appreciate your comments at the last hearing and we are all hopeful and I believe that we have addressed those comments and would be happy to answer any questions if there are any.

Mayor Ortega: Is there any public comment? No public comment. I would close public comment. I see a hand up from Councilwoman Whitehead.

[Time: 01:01:46]

Councilmember Whitehead: I just want to thank staff and the applicant's team for doing a great job but I'm very supportive. I really like how this turned out. With that, I motion to adopt approving a zoning district map. To single-family residential plan residential development. Zoning and approval of the development plan with the amended deferment standards for lot with and setbacks for 3 lot subdivision on a 5.6-acre site. To clear the document titled.

Councilmember Caputi: Second.

Mayor Ortega: And what we have a motion and a second. Lead you can because her. Please record your vote. Unanimous. Good luck with your project.

Okay. Next, we will return to public comment. Second opportunity for the Scottsdale residence, business owners, property owners to step forward with a comment on any knowledge in dived item. That would be within Council's jurisdiction. Advocacy for or against a particular candidate or ballot measure is not permitted. Pursuant to state law. And therefore, we would not want to hear that.

No official action can be taken on public comment items cooking there are none of the second public comment opportunity. Therefore, I will close public comment. Next, I will open the top. Of citizen petitions. Citizen positions permitted and requested or appointed out in our city charter as an opportunity for citizens to bring forth a petition. Seeing none, they would normally have been recorded at the clerk's office.

At this point, I will close the citizen petition portion of this meeting. Next, we will go to any mayor or council items. As you know, we were -- our rules would allow that we try to do get noticed so that they could be posted. With that, I see no other hands up or requests to speak so I would request a motion and a second to adjourn.

Councilmember Janik: So moved.

Mayor Ortega: Thank you. Please record your vote. Unanimous. Good evening. Have a good evening, everyone.