



Approved September 27, 2023

**CITY OF SCOTTSDALE  
NEIGHBORHOOD ADVISORY COMMISSION  
REGULAR MEETING  
MINUTES**

**WEDNESDAY, JUNE 28, 2023**

**COMMUNITY DESIGN STUDIO - NAVE  
7506 EAST INDIAN SCHOOL ROAD  
SCOTTSDALE, ARIZONA 85251**

**PRESENT:** Jonathan Budwig, Chair  
Larry Hewitt, Vice Chair  
Nancy Doty Brady, Commissioner  
William James, Commissioner  
Louise Lamb, Commissioner  
Bridget Schwartz-Manock, Commissioner (telephonic)  
Richard Siegel, Commissioner

**STAFF:** Adam Yaron, Commission Liaison  
Jesus Murillo, Senior Planner  
Taylor Reynolds, Principal Planner  
Stephanie Tippett, Parks & Recreation Manager

**Call to Order/Roll Call**

The meeting of the Neighborhood Advisory Commission was called to order at 5:01 p.m. A formal roll call was conducted, confirming members present as stated above.

**Public Comment**

No comments were submitted.

**1. Approve Draft Summary Meeting Minutes May 24, 2023**

Chair Budwig called for comments/corrections. One typographical correction was made.

COMMISSIONER DOTY BRADY MOVED TO APPROVE THE MINUTES OF THE MAY 24, 2023 MEETING AS AMENDED. VICE CHAIR HEWITT SECONDED THE MOTION,

WHICH CARRIED SEVEN (7) TO ZERO (0) WITH CHAIR BUDWIG, VICE CHAIR HEWITT AND COMMISSIONERS DOTY BRADY, JAMES, LAMB, SCHWARTZ-MANOCK AND SIEGEL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

## **2. 2-TA-2023: Environmentally Sensitive Lands (ESL) Overlay Text Amendment**

Mr. Yaron prefaced the item by stating that no public comment has been received for this item, which is for information and discussion only.

Jesus Murillo, Senior Planner, stated that the text amendment was initiated by the Planning Commission on May 10th. The current phase includes open houses and outreach to the community. Staff is currently finalizing the text. A brief overview of environmentally sensitive lands in the City was provided, including codification of the Environmentally Sensitive Lands Overlay Ordinance (ESL) in 1991. The ordinance requires that specified percentages of land in the City remain undeveloped. The ordinance was updated in 2001, which added building height restrictions of 26 feet, regardless of underlying zoning. Additional revisions were made in 2002 and 2004, with the most significant revisions in 2004. The height restriction was lowered to 24 feet, regardless of underlying zoning.

It was determined that some elements were missing from the ordinance, specifically in addressing that the City was annexing pieces of the County into its boundaries. In loose terms, it was mandated that development of nonconforming areas of a property may not be developed, unless the nonconformity is corrected. Some properties had been annexed into the City and were subdivided and never took into account whether a site could dedicate natural area or open space. Thus, many of the properties acquired from the County and developed prior to the ESL cannot meet the stated requirements. Since 2004, a number of planners and attorneys have looked at the issue. There was consideration for utilizing the ordinance language for non-ESL lands, which indicates that a piece of property with some areas of historical nonconformity can be developed so long as the development does not increase the nonconformity. The primary purpose of the text amendment will be to assist property owners who are currently unable to develop due to the nonconformity. Other goals of the amendment were briefly outlined. The amendment process will take a phased approach.

Commissioner Siegel asked whether a draft of the text amendment has been created or whether the process is still in the discussion phase. Mr. Murillo stated that staff drafted an initial amendment as per its experience and discussions with residents. The legal department has provided minor changes to the language. Staff will review the amendment again and once finalized, the open houses will begin. This is expected to occur in the next couple of weeks.

Commissioner James asked for clarification that the nonconforming elements involve a height limitation and the natural open area ratio of a property. He also asked whether there is additional applicable nonconforming criteria. Mr. Murillo confirmed that there is other applicable criteria. For example, if a property was developed in 1979, they would have been allowed to develop up to 30 feet in height at that time. There was no limit to the light reflective value of the paint or materials used. The current ordinance states that unless there was a preliminary or final plat or something that codified the ordinance at the

time, the property is under the last ESL ordinance requirements. This would be applicable to building color, height, wall locations and non-dedicated Natural Area Open Space (NAOS). The most recent ordinance requires that walls be set back a minimum of 15 feet from the rear or side property line, which was not applicable prior to 2004.

### **3. Neighborhood Enhancement Grant Update - Parks & Recreation**

Mr. Yaron stated that this is a follow-up item regarding the Neighborhood Enhancement Grant proposal that was approved at the last Commission meeting with an update from Parks & Recreation. No comments have been received.

Stephanie Tippett, Parks & Recreation Manager, provided an update on the projects presented during the May meeting:

- Project 1: Miller & McKellips Roads Landscape Enhancement
- Project 2: Granite Reef Road Bus Stop Landscape Maintenance
- Project 3: Hayden Road Landscape Maintenance

Mr. Yaron summarized that accounting for the three projects approved by the Commission during its last meeting coupled with the item heard earlier in the year regarding Sherwood Heights, funds utilized during Fiscal Year 22/23 total \$25,604.75.

In response to a question from Commissioner James, Mr. Yaron stated that at its last meeting, the Commission approved an amount not to exceed \$19,750,00, which representing roughly the balance remaining from this fiscal year's allocation. Any remaining balance is returned to the General Fund. As part of City Council's adoption for this coming fiscal year, the allocation approved is again \$30,000.

Commissioner Doty Brady asked how the Commission can be more active in finding uses for grant funds, in an effort to avoid the appearance that funding is being used to subsidize the City budget. Mr. Yaron stated that staff endeavors to make the public aware of grant funding opportunities, however, Commissioners are all considered to be advocates for the community and the respective areas in which they live. As community advocates, Commissioners are encouraged to identify opportunities in the community by reaching out to residents and stakeholders that might benefit from the grant funding. The criteria required to make an application was provided in last month's packet and is available online under the Neighborhood Enhancement Grant Program.

Commissioner Lamb thanked Parks & Recreation for their work. She drove past all three projects to observe the results. She received positive input from a resident regarding the palm tree trimming.

Commissioner Lamb noted that along Hayden Road, some properties are City owned and some privately owned. Some privately owned HOA areas have not been taken care of. She inquired whether staff works with Code Enforcement toward this upkeep. Ms. Tippett confirmed that the City does not have purview over privately owned property, but they do submit violations to the code department as needed. At times, Code Enforcement has been unsuccessful in engaging the property owner to complete the work. In such cases, the work may be performed by Parks & Recreation and the costs are then assigned back to the property owner via lien.

#### **4. Scottsdale Neighborhoods Overview**

Taylor Reynolds, Principal Planner, noted that no public comments have been received on this item. This agenda item was in response to a request from Commissioner Schwartz-Manock in February of this year. The item was scheduled for discussion in May and deferred to this meeting. The City was incorporated in 1951 and at that time, there was a focus on agriculture. At that time, the City consisted of approximately one-half square mile and approximately 2,000 residents. Economic growth was spurred by the healthcare and tourism industries along with master planned community development. Currently, Scottsdale is predominantly an infilled revitalization community consisting of 184 square miles. The General Plan land use map was reviewed. Residential use comprises approximately 51 percent of the City's land area. These include HOAs, subdivisions without an HOA and irregular-shaped lots not part of a subdivided neighborhood. Other neighborhoods include historically preserved district, where enforcement is administered through the Historic Preservation Commission.

The focus of the presentation is HOAs and subdivisions without an HOA. A map identifying Scottsdale neighborhoods was reviewed. Approximately 70 percent of neighborhoods are located in HOAs and approximately 30 percent not within an HOA. Approximately 68 percent of neighborhoods in southern Scottsdale are not in an HOA and approximately 30 percent are within an HOA. There are approximately 270 HOAs in northern Scottsdale within 35 square miles, 604 in central Scottsdale within 24 square miles and 340 HOAs within a three-mile area, primarily accounted for by townhome and condominium HOAs. Average livable home space is approximately 3,700 square feet. A deeper dive into northern, central and southern area statistics was provided. Approximately 70 percent of code enforcement complaints come from the southern area. Populations and occupancy totals were reviewed.

Commissioner Schwartz-Manock thanked staff for the informative presentation.

#### **5. Identification of Future Agenda Items**

The following items were identified for future agendas:

- Update on revitalization of Civic Plaza area and upcoming programs
- Criteria for grant program
- Presentation from the Tourism Department

#### **6. Staff Updates**

Mr. Yaron announced that this will be his last meeting with the Commission, as there will be a Commission liaison change. Taylor Reynolds will become the formal liaison going forward. The July and August Commission meetings have been cancelled. The next meeting will be September 27, 2023. Commissioner Lamb noted that she will be unavailable on that date and requested possibly meeting on September 28, 2023. Mr. Yaron stated that formal action cannot be taken this evening, however, Mr. Reynolds can reach out to Commissioners regarding a potential change in dates and confirmation of meeting location.

## **7. Adjournment**

With no further business to discuss, being duly moved by Commissioner Siegel and seconded by Commissioner Lamb, the meeting adjourned at 5:59 p.m.

AYES: Chair Budwig, Vice Chair Hewitt, Commissioners Doty Brady, Hewitt, James, Lamb and Siegel.

NAYS: None

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