

**SCOTTSDALE**

# **CITY COUNCIL MEETING**

## **REGULAR/GENERAL PLAN AMENDMENT MEETING**

### **NOTICE AND AGENDA**



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#### **COUNCIL**

W.J. "Jim" Lane, Mayor  
Suzanne Klapp  
Virginia L. Korte  
Robert W. Littlefield

Linda Milhaven  
Guy Phillips  
Dennis E. Robbins

**Tuesday, November 19, 2013**

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*Unless an exception is made, or unless otherwise noted:*

*Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items, and during the open call to public (Public Comment).*

*The Council will not begin discussion on any new items after 10:00 p.m. Consent and Regular Items that are not heard will be continued to November 20, 2013. If the General Plan cases are not completed by 10:00 p.m., the General Plan Amendment meeting may be recessed and reconvened on Wednesday, November 20, 2013.*

**5:00 P.M.**

**MARKED AGENDA**

#### **CITY COUNCIL REGULAR/GENERAL PLAN AMENDMENT MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Call to Order – 5:07 P.M.**

**Roll Call – All present; Councilwoman Milhaven participated telephonically.**

*One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).*

**Pledge of Allegiance – Brownie Troop 587, Troop Leader Stephanie La Loggia**

**Mayor's Report – Mayor Lane requested a moment of silence for the storm victims in the Midwest. Mayor Lane announced that the nation celebrates Small Business Saturday in November. The City will host its celebration on Saturday, November 30, from 11 a.m. to 1 p.m. on the canal in downtown Scottsdale. Citizens were encouraged to join in the festivities and support small business.**

**City Manager's Report – Community Services Executive Director Bill Murphy reported that the Scottsdale Employee Charitable Choices campaign raised \$98,765. Employee contributions were the largest in more than a dozen years, far exceeding the campaign goals. Mr. Murphy thanked everyone for a successful campaign.**

**Presentations/Information Updates – None**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

**Public Comment – Dana Close, Scottsdale Gateway Alliance, commented on the clean-up efforts along McDowell Road.**

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

## **ADDED ITEMS**

**Added Items:** Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

**A1. Added Items**

The supporting materials for Item No. 10 will be added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or to continue the added item to the December 9, 2013 Council meeting.

**– Councilman Littlefield made a motion to accept the agenda as presented. Councilwoman Klapp seconded the motion, which carried 7/0.**

## **CONSENT AGENDA      ITEMS 1-13**

**How the Consent Agenda Works:** The Council may take one vote to act on all of the items on the Consent Agenda, or may remove items for further discussion. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

**– Vice Mayor Korte made a motion to approve Consent Items 1 through 13, absent Item 5. Councilman Phillips seconded the motion, which carried 7/0.**

1. **[Birreria Italia Liquor License \(99-LL-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 3 (microbrewery) State liquor license for an existing location and owner, new series.  
**Location:** 15444 N. Greenway Hayden Loop  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. **[Salty Seniorita Liquor License \(100-LL-2013\)](#) – Approved on Consent.**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 3748 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

3. **Vivo Liquor License (101-LL-2013) – Approved on Consent.**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new location and owner.

**Location:** 6560 N. Scottsdale Road, Suite 105

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

4. **Archstone Apartments at DC Ranch Abandonment (3-AB-2012) – Approved on Consent.**

**Request:** Adopt **Resolution No. 9556** extending the time to fulfill the conditions for abandoning 2,083± square-feet of remnant public right-of-way, located on the south side of East Legacy Boulevard, approximately 360 feet west of North 91<sup>st</sup> Street, adjacent to 18245 North Pima Road with Planned Neighborhood Center, Planned Community District (PNC PCD) zoning.

**Location:** 9009 E. Legacy Boulevard

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

5. **Downtown Text Amendment Pertaining to the Downtown and Related Citywide Requirements (6-TA-2009#4) – Vice Mayor Korte made a motion to approve agenda Item 5. Councilwoman Klapp seconded the motion, which carried 5/2, with Councilmembers Littlefield and Phillipp dissenting.**

**Requests:**

1. Adopt **Resolution No. 9563** declaring the document entitled “6-TA-2009#4, Text Amendment Pertaining to the Downtown and Related City-wide Requirements” to be a public record.
2. Adopt **Ordinance No. 4117** approving a text amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Article I (Administration and Procedures), Article III (Definitions), Article IV (Districts and Boundaries Thereof), Article V (District Regulations), Article VI (Supplementary Districts), Article VII (General Provisions), Article VIII (Sign Requirements), and Article IX (Parking and Loading Requirements) pertaining to the Downtown and Citywide; and determining that the proposed zoning ordinance text amendment is consistent and conforms with the adopted General Plan and Downtown Plan.

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

6. **Adaptive Recreation Building Remodel Construction Bid Award – Approved on Consent.**

**Request:** Adopt **Resolution No. 9542** authorizing Construction Bid Award No. 13PB041 to Providence Builders, the lowest responsive bidder, at their unit price bid of \$295,535, for construction of the Adaptive Recreation Building Remodel Project.

**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

7. **Water Booster Station 42B and Site 71 Well Site and Water Booster Station Improvements Engineering Services Contract – Approved on Consent.**

**Request:** Adopt **Resolution No. 9562** authorizing Engineering Services Contract Modification No. 2013-031-COS-A1 with GHD, Inc., in the amount of \$277,487, for design services for the Water Booster Pump Station 42B and Site 71 Well Site and Water Booster Pump Station Project.

**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

8. **Site 71 Well and Water Booster Station Well Drilling Improvements Construction Services Contract – Approved on Consent.**

**Request:** Adopt **Resolution No. 9568** authorizing CM@Risk Contract No. 2013-178-COS with MGC Contractors, Inc., in the amount of \$1,558,680, for well drilling improvements at the Site 71 Well and Booster Pump Station.

**Staff Contact(s):** Daniel Worth, Public Works Executive Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

9. **Sewer Condition Assessment Program Engineering Services Contract – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9571** authorizing Engineering Services Contract No. 2013-179-COS with Project Engineering Consultants, Ltd., at a cost not to exceed \$160,000, to provide technical expertise, assistance, and review for the sewer condition assessment program.  
**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)
10. **WestWorld Event Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9577** authorizing Contract No. 2013-182-COS with Valley of the Sun Arabian Horse Association and East Valley Arabian Horse Association to utilize WestWorld Equestrian event facilities to produce the Saguaro Classic All Arabian Horse Show.  
**Staff Contact(s):** Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, [pkatsenes@scottsdaleaz.gov](mailto:pkatsenes@scottsdaleaz.gov)
11. **Peace Officer In-service Training Assistance Agreement – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9561** authorizing Agreement No. 2013-177-COS with the Arizona Peace Officer Standards and Training Board for the provision of a Scottsdale police officer to assist with in-service training.  
**Staff Contact(s):** Alan Rodbell, Public Safety Executive Director, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
12. **Fire Department Clinical Modalities Training and Clinical Enhancements Budget Transfer – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9553** authorizing a budget transfer in the amount of \$120,000 from the FY 2013/14 Adopted General Fund Operating Contingency to the Fire Department's General Fund Operating budget for the costs associated with providing new clinical modalities training and clinical enhancements (\$70,000 and \$50,000, respectively).  
**Staff Contact(s):** Tom Shannon, Fire Chief, 480-312-1821, [tshannon@scottsdaleaz.gov](mailto:tshannon@scottsdaleaz.gov)
13. **Fiscal Year 2013/14 Event Venue Fee Program – Approved on Consent.**  
**Request:** Adopt **Resolution No. 9559** authorizing \$20,000 in bed tax funding to be used for development of events to be identified, per the FY 2013/14 Event Venue Fee Program; and authorizing the Mayor to execute individual agreements with each event producer.  
**Staff Contact(s):** Danielle Casey, Economic Development Director, 480-312-7601, [dcasey@scottsdaleaz.gov](mailto:dcasey@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 14-19**

**How the Regular Agenda Works:** The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Request to Speak card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time **may** be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on that item.**

14. **Pure Bliss Premium Edibles Conditional Use Permit (10-UP-2013) – Vice Mayor Korte made a motion to adopt Resolution No. 9554 approving a Conditional Use Permit for a Medical Marijuana Use and finding that the conditional use permit criteria have been met. Councilwoman Klapp seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Littlefield, Phillips, and Robbins dissenting.**  
**Request:** Adopt **Resolution No. 9554** approving a Conditional Use Permit for a Medical Marijuana Use (Infusion Bakery) in a 1,385± square-foot space with Industrial Park District (I-1) zoning; and finding that the conditional use permit criteria have been met.

**Location:** 7655 E. Evans Road, Suite 5

**Presenter(s):** Greg Bloemberg, Planner

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

15. **[Boulders Villas Major General Plan Amendment and Rezoning \(4-GP-2013 and 11-ZN-2013\)](#)**  
**– Councilman Robbins made a motion to: (1) Adopt Resolution No. 9557 approving a Major General Plan Amendment; (2) adopt Ordinance No. 4115 approving a Zoning District Map Amendment to amend the Planned Community (P-C) zoning; and (3) adopt Resolution No. 9564 declaring the document entitled “Villas at the Boulders-Development Plan” as a public record. Vice Mayor Korte seconded the motion, which carried 7/0.**

**Requests:**

1. Adopt **Resolution No. 9557** approving a Major General Plan Amendment to the City of Scottsdale 2001 General Plan to change the land use designation from Commercial to Suburban Neighborhoods on an 18± acre site for Case No. 4-GP-2013.
2. Adopt **Ordinance No. 4115** approving a Zoning District Map Amendment to amend Planned Community (P-C) zoning from a comparable Planned Neighborhood Center, Environmentally Sensitive Lands (PNC ESL) and a comparable Central Business District, Environmentally Sensitive Lands (C-2 ESL) to a comparable Townhouse Residential, Environmentally Sensitive Lands (R-4 ESL) zoning in a Planned Community (P-C) District, including the following:  
(A) amend the amended R-4 P-C ESL development standards for the proposed development;  
(B) amend the approved C-2 P-C ESL Development Plan for the El Pedregal development at the southeast corner of North Scottsdale Road and East Carefree Highway; (C) amend the Development Plan for the Boulder’s Master Development by approving a new Development Plan; and finding that the Planned Community (P-C) District criteria have been met for an approximate 18± acre site, for Case No. 11-ZN-2013.
3. Adopt **Resolution No. 9564** declaring the document entitled “Villas at the Boulders-Development Plan” as a public record.

**Location:** Northeast corner of East Westland Drive and North Scottsdale Road

**Presenter(s):** Adam Yaron, Planner; Keith Niederer, Senior Planner

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

16. **[77 on the Park Major General Plan Amendment and Rezoning \(7-GP-2013 and 9-ZN-2013\)](#)**  
**– Vice Mayor Korte made a motion to: (1) Adopt Resolution No. 9558 approving a Major General Plan Amendment to the City of Scottsdale 2001 General Plan; and (2) adopt Ordinance No. 4116 approving the zoning map amendment to rezone from Service Residential (S-R) to Multiple-Family Residential (R-5) zoning and finding that the proposed zoning map amendment is consistent and conforms with the adopted General Plan on approximately 1.9± acres located at 1250 and 1300 North 77<sup>th</sup> Street for Case No. 9-ZN-2013. Councilman Phillips seconded the motion, which carried 7/0.**

**Requests:**

1. Adopt **Resolution No. 9558** approving a Major General Plan Amendment to the City of Scottsdale 2001 General Plan to change the land use designation from Cultural/Institutional or Public/Use to Urban Neighborhoods on 3± acres located at 1250, 1300, and 1350 North 77<sup>th</sup> Street for Case No. 7-GP-2013.
2. Adopt **Ordinance No. 4116** approving the zoning map amendment to rezone from Service Residential (S-R) to Multiple-Family Residential (R-5) zoning; and finding that the proposed zoning map amendment is consistent and conforms with the adopted General Plan on approximately 1.9± acres located at 1250 and 1300 North 77<sup>th</sup> Street for Case No. 9-ZN-2013.

**Location:** 1250 North 77<sup>th</sup> Street, 1300 North 77<sup>th</sup> Street, and 1350 North 77<sup>th</sup> Street

**Presenter(s):** Adam Yaron, Planner; Dan Symer, Senior Planner

**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)



17. [Scottsdale Mountain Villas Rezoning \(3-ZN-2013\)](#) – Councilwoman Klapp made a motion to: (1) Adopt Ordinance No. 4097 approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Single-Family Residential, Environmentally Sensitive Lands (R1-5 ESL) zoning, and finding that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on approximately 5± acres South side of East Coyote Road, West of North 135<sup>th</sup> Place; and (2) amend Exhibit 1 to Ordinance No. 4097, to add “except for Lot 1, which shall not exceed 20.5 feet above the finished floor” to the end of Stipulation 5. Councilman Littlefield seconded the motion, which carried 7/0.  
**Request:** Adopt **Ordinance No. 4097** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Single-Family Residential, Environmentally Sensitive Lands (R1-5 ESL) zoning; and finding that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on approximately 5± acres.  
**Location:** South side of East Coyote Road, West of North 135<sup>th</sup> Place  
**Presenter(s):** Keith Niederer, Senior Planner  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
18. [Hawknest Rezoning \(10-ZN-2013\)](#) – Councilman Robbins made a motion to adopt Ordinance No. 4114 approving a zoning map amendment from Single-Family Residential Environmentally Sensitive Lands (R1-190 ESL) to Single-Family Residential Environmentally Sensitive Lands (R1-43 ESL) on 22.90± acres and to Single-Family Residential Environmentally Sensitive Lands (R1-35 ESL) on 13.46± acres and finding that the proposed zoning map amendment is consistent and conforms with the adopted General Plan. Councilwoman Klapp seconded the motion, which carried 7/0.  
**Request:** Adopt **Ordinance No. 4114** approving a zoning map amendment from Single-Family Residential Environmentally Sensitive Lands (R1-190 ESL) to Single-Family Residential Environmentally Sensitive Lands (R1-43 ESL) on 22.90± acres and to Single-Family Residential Environmentally Sensitive Lands (R1-35 ESL) on 13.46± acres; and finding that the proposed zoning map amendment is consistent and conforms with the adopted General Plan.  
**Location:** Southeast corner of North 84<sup>th</sup> Street and East Hawknest Road (8595 E. Hawknest Road and 35025 N. 84<sup>th</sup> Street)  
**Presenter(s):** Keith Niederer, Senior Planner  
**Staff Contact(s):** Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
19. [Prankster’s Too Teletrack Wagering Establishment License \(Application No. 1095146\)](#) – Councilman Littlefield made a motion to approve the application for a new teletrack wagering license for Prankster’s Too. Councilman Phillips seconded the motion, which carried 7/0.  
**Request:** Consider approval of an application for a new teletracking (off track betting) license for Prankster’s Too.  
**Location:** 7919 E. Thomas Road, Suite 101  
**Presenter(s):** Terry Hogle, Business Services Manager  
**Staff Contact(s):** Dennis Enriquez, Business Services Director, 480-312-5925, [denriquez@scottsdaleaz.gov](mailto:denriquez@scottsdaleaz.gov)

**Public Comment – None**

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

## CITIZEN PETITIONS

### ITEM 20

**Citizen Petitions:** This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

#### 20. Receipt of Citizen Petitions – None

**Request:** Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items – None**

**Adjournment – 7:11 P.M.**