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#### **CALL TO ORDER**

[Time: 00:00:23]

Mayor Lane: As I like to say, no need for a gavel this evening. Very cooperative group. Thanks very much, and it's very nice to have you all here for our meeting and with that, I will just announce that it is our September 19<sup>th</sup>, 2017, it's approximately 5 after 5:00 regular meeting. I would like to call this meeting to order with that.

#### **ROLL CALL**

[Time: 00:00:28]

Mayor Lane: We will start with a roll call, please.

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

Carolyn Jagger: Vice Mayor Suzanne Klapp.

Vice Mayor Klapp: Here.

Carolyn Jagger: Councilmembers Virginia Korte.

Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

Carolyn Jagger: David Smith.

Councilman Smith: Present.

Carolyn Jagger: City Manager Jim Thompson.

Jim Thompson: Here.

Carolyn Jagger: City Attorney Bruce Washburn.

Bruce Washburn: Here.

Carolyn Jagger: City Treasurer Jeff Nichols.

Jeff Nichols: Here.

Carolyn Jagger: City Auditor Sharron Walker.

Sharron Walker: Here.

Carolyn Jagger: And the Clerk is present.

[Time: 00:00:52]

Mayor Lane: Thank you very much. A couple of items of business. We do have, if you would like

to speak on any of the subjects that we have on our agenda or for Public Comment, those are the white cards the city clerk is holding up over her head, immediately to my right. And if you would like to give us any written comments on any of the items on the agenda, that's the yellow card which we can read during the course of the proceedings. They are there for you as well. We do have Scottsdale police officers, Jason Glenn and Tony Wells and as usual, they are right here straight in front of me if you have any need for their assistance, they are here to help you. The areas behind the Council dais are reserved for Council and staff, but we do have facilities for you over here, to my left, under the exit sign. And if you are having any difficulty hearing any of the proceedings of our meetings, we do have a hearing assist headset that are available over here at the clerk's desk to my right, just please ask the clerk or the staff and you will receive one.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:50]

Mayor Lane: We have a Pledge of Allegiance to be given by the daughters of the American Revolution, the Grand Canyon chapter. They are here for us. If you are able, please stand. Join us in the pledge.

Daughters of the American Revolution, Grand Canyon Chapter: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: One nation under God, indivisible, with liberty and justice for all.

Mayor Lane: Thank you.

DAR Representative: I represent the daughters of the American Revolution and that's an organization that any woman over the age of 18, regardless of color, creed or race can join. If you can prove, and it can be done, that you had an ancestor that aided in the American Revolution. I will leave a brochure. I will leave a couple of them over at the desk if you are interested. Thank you.

Mayor Lane: Thank you very much. Appreciate that.

**INVOCATION**

[Time: 00:02:46]

Mayor Lane: The invocation this evening is with Pastor Keith Matney.

Pastor Keith Matney: Would you join me in praying. We thank you that you give us such a great privilege to live this wonderful land. We thank you for the men and women who have sacrificed so much to allow us to enjoy this freedom. And Lord, I thank you for men and women that are willing to bear, to bear the responsibility of governing. I ask that you bless these men and women with your knowledge, skill, and compassion and we ask it in the name of Jesus, amen.

**MAYOR'S REPORT**

[Time: 00:03:31]

Mayor Lane: I would like to add also that we like to keep our thoughts and prayers with the people of Mexico City, given some of the immediate designation of a 7.1 as it's initially been indicated, earthquake. That city and there's already some significant casualties. We hope for the very best and keep them in your thoughts and prayers.

Today, for part of my Mayor's Report, we are reading a proclamation for Indigenous Peoples Day. And the proclamation reads as such: Whereas the city of Scottsdale recognizes the indigenous people of the lands that would later become known as the Americas have occupied these lands since time in memorial; and whereas, Scottsdale values the contributions through their knowledge, labor, technology, philosophy, harts and or ancestral contributions that have substantially shaped the culture of our city and state; and whereas, Scottsdale promotes equality for all indigenous peoples and honors our nation's indigenous heritage, history and contribution; and whereas, the city the Scottsdale strongly supports the proposition that Indigenous Peoples Day to celebrate the thriving cultures of indigenous people of our region and whereas the city of Scottsdale appreciates our indigenous community and the strong relationships we have had with our neighboring tribal communities. Now, therefore, I, W.J. "Jim" Lane, proclaim October 9<sup>th</sup>, 2017, as Indigenous Peoples Day and encourage you to learn the history of the indigenous people, in witness whereof, I have set my hand and caused to be affixed the seal of the Scottsdale.

I would like to welcome the Morning Star Leaders Youth Council, including Debbie Manuel, director of the Arizona nonprofit Morning Star Leaders, and please also welcome the Greater Scottsdale Boys and Girls Clubs, Native American Lehigh and Red Mountain branches. So I would also like to invite them as well as Tamara Littlesalt, vice president of the Native American and Community Services to say a few words to come forward and say a few words. Please come forward. In fact, for the photo, it would be good if, yes.

[Time: 00:07:42]

Tamara Littlesalt: Thank you, Mayor Lane and the City Council for this monumental occasion. Standing proudly here with us are youth from the Boys and Girls Club of Greater Scottsdale, Red Mountain and Lehigh branches, as well as the Morning Star Youth Leaders Council which are located in the neighboring Salt River, Maricopa Indian community. To these young people, Indigenous Peoples Day will honor the past, present and future strength and vitality of Arizona's indigenous tribal nation. Their presence here symbolizes a shared and lasting commitment to celebrate every facet of our local, state and national heritage as they will soon become our next 21<sup>st</sup> century leaders. Thank you.

[Time: 00:08:26]

Debbie Manuel: Good evening, Council, Mayor Jim Lane. Thank you very much for this opportunity

to share with the rest of the community about the importance of our cultural heritage, about our indigenous cultural heritage and to honor the young people who have been a part of this planning process since last October. I think when we began the process, in October, we began to meet with the Human Relations Commission for several reasons.

One was to introduce our students to the legislative process, to what it means to work with commissions and boards, to understand what it means to write a policy, to write the words needed for the proclamation. To understand that they have a voice in their community, both with neighboring communities and where they live. So with that, I really appreciate the work that our young people, you know, pulled together and worked with Sharon Cini's office, with the cultural diversity team. So I really, really appreciate this taking time to acknowledge their work and all of these young people are going to learn that process somewhere along the way. They are going to vote. They are going to become the constituents in your communities and that's something I'm really excited about. So thank you very much.

With me here today are my husband Royce Manuel, he traditionally carries the calendar stick, which marks the important events within the Salt River Indian community and among the Tohono O'odham. I also have students with me, Tyler Johnson who serves as our treasurer for the Youth Council. We also have some of our historian Haley Larose, who just got, both of them just got elected into their executive positions. So this is their first official duties here in the community. So thank you very much.

Mayor Lane: Thank you. Thank you again. It's a very nice group and great to have you here and for this proclamation. There are no further updates or presentations.

#### **PUBLIC COMMENT**

[Time: 00:11:14]

Mayor Lane: We'll move on to Public Comment, which is our next area of things but I see that there are no Public Comment cards. So the Public Comment period is reserved for citizen comments regarding non-agendized item. Comments are limited to issues within the jurisdiction of the City Council and there will be another opportunity at the end of the meeting if there is such a need.

#### **MINUTES**

[Time: 00:11:41]

Mayor Lane: First order of business, official business then would be to request the approval of the Regular Meeting Minutes of August 28<sup>th</sup>, 2017, and August 29<sup>th</sup> of 2017. Those minutes have been distributed to us, unless there are some adds, deletes or other comments on them, I would ask for a motion to approve.

Councilmember Korte: So moved.

Councilwoman Littlefield: Second.

Mayor Lane: The motion has been made from Councilwoman Korte and seconded by Councilwoman Littlefield. So we are now ready for a vote. All of those in favor, please register your vote. Aye. Do we have a defective unit here. Raise your hand for a yes. It may come up again so if we can get that remedied.

### **CONSENT AGENDA**

[Time: 00:12:40]

Mayor Lane: Okay. We have Consent items. The next order of business are Consent items 1 through 13. I'm sorry was that, no. Okay. And we have had a request by Councilman Smith to pull Item 1 for a separate vote. Councilman, do you have any particular comments you want to make on that particular item or.....

Councilman Smith: I do, Mayor. Are you going to deal with this one now in other words?

Mayor Lane: Well, we can vote on it first if you would like to.

Councilman Smith: That's fine.

Mayor Lane: I noticed you indicated only for a separate vote. I should indicate it's Cake Nightclub Liquor License and consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and this is the license for an existing location to a new owner. I want to get that on record. If you have comments other than a separate vote, please.

Councilman Smith: I do. I have a question, I guess for the staff. I looked at the attachment to this Consent item, the application from the applicant, and it says that the public convenience requires that the best interest of the community will be substantially served by the issuance of the liquor license because, and my question is when we as the Council approve an item, are we, in a sense, approving that it is in the best interest of the community and that the best interest of the community will be substantially served by the issuance of this liquor license? Is that what our action here does? Affirm that statement?

Current Planning Director Tim Curtis: Mayor and Councilman Smith, Tim Curtis here with the Planning Department. Yes. That's the criteria which you are being requested. This is a new owner for an existing location and has an existing license.

Councilman Smith: I'm aware of that. That's what I want to make sure that we are confirming. The applicant says how the best interest of the community will be served. And it's quote, we would like to continue to offer our patrons an alcoholic beverage if they choose. In my judgment that's not in the best interest of the community and not in responsive in how it will be in the best interest of the

community. I will urge staff to solicit for a more responsive answer to how the issuance of a license will, in fact, be in the best interest of the community. Thank you, Mayor.

Mayor Lane: For future reference, I suppose, if we want to pull it into Regular and have a presentation, I don't know that we had a vague sort of crossover there. But it works out fine. Given that and the explanation and the request for a separate vote, let's go ahead and I will accept a motion on this particular item separately.

Councilman Smith: I will make a motion to deny it.

Mayor Lane: Vice Mayor Klapp.

Vice Mayor Klapp: I make a motion on case number 69-LL-2017, Cake Nightclub liquor license to move forward, a recommendation of approval to the Arizona Department of Liquor Licenses and control for a series 6 state liquor license for an existing location with a new owner.

Councilmember Korte: Second.

Mayor Lane: Motion has been made and seconded, unless there's any further comment or otherwise. We are then ready for a vote on that item number one. All those in favor, please indicate by aye and register your vote. Aye.

Councilmember Korte: Mayor.

Mayor Lane: Now it shifted over this direction that little virus you had. In any case, motion passes 6-1 with Councilman Smith denying. So we'll move on to the remainder of the Consent items. And I have no request for comments on any, oh, yeah. So David, I presume.....

{Time: 00:17:09}

Councilman Smith: I do have a question on item 5, and it's the item the Preserve Trails Design, Construction, Renovation and Rehabilitation job order contract. My question, Mr. Nichols, City Treasurer, this agenda item language and the attaching Council report indicated this \$4 million for construction, renovation and rehabilitation projects in the preserve. Will this eventually be funded by preserve money?

City Treasurer Jeff Nichols: Yes, it will. Preserve sales tax funding.

Councilman Smith: Okay. I think that's important to clarify for the public. I appreciate you confirming that. Thank you.

Mayor Lane: Thank you, Councilman. So no call for a separate vote on that particular item by Councilman Smith. So I will then ask for a motion on the remaining Consent items 1 through 13, well, I should say 2 through 13. That's easy enough.

Councilmember Korte: Mayor, I move to approve Consent Agenda items, 2 through 13.

Vice Mayor Klapp: Second.

Mayor Lane: The motion has been made and seconded. Any further comment from anyone? Seeing none, then I think we are ready to vote on those Consent items as has been indicated. All those in favor, please indicate by aye and register your vote and those opposed with a nay. It's unanimous on these, 7-0. So if you are here and so that completes those items. If you are here for those Consent items, you are certainly welcome to stay for the rest of the evening or, however long that may be but nonetheless, if could you leave quietly, it would be appreciated.

## **REGULAR AGENDA**

### **ITEM 14 - WOLF SPRINGS RANCH REZONING (28-ZN-2016)**

[Time: 00:18:53]

Mayor Lane: Moving right along to our Regular Agenda item, which we have one item and that's Item 14. The Wolf Springs Ranch rezoning, 28-ZN-2016, and we have Keith Niederer our senior planner for the staff presentation.

[Time: 00:19:09]

Senior Planner Keith Niederer: Thank you Mayor Lane, members of the Scottsdale City Council, again, this is the Wolf Springs Ranch rezoning application, case 28-ZN-2016. The request is to rezone 20 gross acres at the northwest corner of 94<sup>th</sup> Street and Cactus as outlined on the screen in front of you in yellow and the request is to rezone that from the current zoning designation of R1-35 to R1-18 PRD, planned residential district, as well as approve a development plan and amended development standards for the project.

Here is a closer up aerial of the sight. The site currently consists of a commercial ranch, two residences and two private schools along the Cactus Road. To the north is a single family residential subdivision, zoned R1-18 PRD and to the east is a single family with zoning ranging from R1-10 to R1-18 to R1-35 on the south side along Cactus Road. To the south is another subdivision across Cactus Road with R1-18 PRD zoning and to the west is an existing equestrian ranch facility, zoned R1-35 PRD.

This development would also remove four existing driveways along Cactus Road that serve the schools and an existing residence, as well as two existing driveways along 94<sup>th</sup> Street. The 2001 Scottsdale General Plan land use map designation for the property is suburban neighborhoods which typically allows for residential densities between 1 and eight dwelling units per acre. And they are requesting two dwelling units per acre. The current zoning designation on the property is R1-35 and the site has had that zoning since annexation since 1963. The request is to go to R1-18, PRD which is consistent with the zoning on the northeast and the south sides of the project. This is the proposed site plan.



It consists of 40 lots on 20 gross acres ranging, the lot sizes ranging in size from 8,000 square feet to 13,000 square feet, with the larger lots being located on north and the west sides of the project. Main access into the development will be via 94<sup>th</sup> Street where a median break is proposed to allow traffic turning left into the subdivision and left out on to northbound 94<sup>th</sup> Street. Throughout the process, there's been significant concerns of traffic exiting this development going north through the existing subdivision up to Sweetwater Avenue. To help alleviate some of these concerns, the developer has offered to construct Larkspur Drive between 94<sup>th</sup> and 93<sup>rd</sup> Street, and that's on the north side of the project, the north side of the subdivision.

At the Planning Commission hearing, the developer was showing an exit only access for the subdivision on to 93<sup>th</sup> Street. That you can see on the southern end of the project. At that time, staff was stipulating full in and out access on to 93<sup>rd</sup> Street and there were some Public Comments brought up at that meeting asking for no access at all to 93<sup>rd</sup> Street, and for the emergency access to be out on Cactus Road instead of 93<sup>rd</sup> Street.

The Planning Commission did vote 4-1 to support the application along with the added condition that it shall be emergency-only access to 93<sup>rd</sup> Street. However, staff continues to recommend that a full access be provided to 93<sup>rd</sup> Street for residents' safety and convenience. The Fire department is also not in support of emergency access out on the Cactus Road but would support it on to 93<sup>rd</sup> Street. Other concerns have been raised throughout the project about traffic, particularly adding traffic calming to the new Larkspur road alignment, as well as traffic calming to Larkspur Lane to Desert Trail, which is the east-west street to the north of the subdivision, as well as 93<sup>rd</sup> Street. However, traffic calming typically is not installed or approved unless a certain criteria is met, reviewed and approved by the Transportation Department.

[Time: 00:24:26]

This exhibit, again, shows the proposed lot sizes, as I mentioned, the majority of the lots are 8,000 square feet and they are the darker shade lots and the lighter shade lots open the north and the west side are 13,000 square feet and those lots on the north and the west side are also stipulated to one story maximum in height. This is just a comparison table that shows the existing R1-35 zoning on the street, as well as R1-18 in the middle column and the third column is the proposed R1-18 PRD zoning. Under the existing R1-35 it would allow 1.5 dwelling units per acre for a maximum 20 lots. And the proposal is 40 lots and two dwelling units per acre. The lot size, the current minimum lot size is 35,000 square feet. The applicant is proposing 8,000 and 13,000 square feet.

The building height would be limited to 30 feet, however, as I mentioned, the lots on the north and the west sides would be limited to one story. And proposed setbacks would be 10-foot front yard and 20 feet to the garage and 5-foot side yards and it would range between a 15 to 23-foot rear yard depending on which lot. Regarding traffic, under existing R1-35 zoning, the 21 lots would yield approximately 200 daily trips and the 40 lots would yield approximately 381 daily trips. This is the proposed Larkspur Street cross-section, which runs east west on the north side of the property. It would consist of a 46-foot wide right-of-way with sidewalks along both sides the street and the

developer has also agreed to landscape and maintain the area on the north side of Larkspur Road which a lot of this area is actually on, along private lots on the subdivision to the north as it is behind there, their rear yard wall but also a part of the lot. So it's part of the future preliminary plat application, the developer would have to work with those owners to obtain authorization to landscape those lots.

This is the, there's going to be a couple of different trails along the site. One is a new trail will be constructed along the west side of 93<sup>rd</sup> Street north of Cactus and also an interpretive trail is proposed to be constructed along the north side of Cactus, between 93<sup>rd</sup> Street and 94<sup>th</sup> Street and this interpretive trail would include a sculpture, an equestrian sculpture near 93<sup>rd</sup> and Cactus and also some historical information about the Cactus corridor along the trail. Just some history on the application. The Airport Commission did recommend approval of this application by a vote of 7-0 and as I mentioned earlier, the Planning Commission recommended approval by a vote of 4-1. With a condition of no public access to 93<sup>rd</sup> Street with the exception of emergency access. And that concludes staff's presentation. The applicant is here to give their presentation and staff is available for questions as well. Thank you.

[Time: 00:28:24]

Applicant Steven Voss: Thank you Mayor Lane, members of the Council. Thank you, Keith, for that thorough presentation. For your record, my name is Steven Voss. My company is LVA Urban Design Studio, in Tempe. Proud to be a native of Scottsdale. I don't visit here very often, but I'm also proud to hopefully within the next three months live across the street from you. We're excited about that.

I want to thank the many members of the neighborhood, Planning Commission and Council and staff through this process. It's been a tremendous amount of effort and time invested in coming up a plan that we're presenting tonight. It's been a long journey. It started out with a rocky road. We were hired after that, and we're honored to be able to bring you to a plan tonight that's a result of tremendous amount of collective effort both publicly and privately through this process. Just, I won't go through my entire presentation because Keith covered so much of that presentation but I wanted to touch on just a couple items of clarification.

I wanted to point out, for example, in the General Plan, yes, the General Plan does designate this site 1 to 8 units per acre. We are proposing two units per acre. I think what is important to point out, the context, the mustard color is the same designation as this site. We are the doughnut hole of the General Plan of some pretty intense land uses. This is the General Plan that, your current General Plan replaced Cactus corridor study and the site is located here. It's designated 13 or 1 to 2 units per acre. We also fall into the old designation.

There was a lot of comment along the way and some of our neighborhood meetings and questions from various people through the process, whatever happened to the Cactus corridor study. Your current General Plan does replace it. From the standpoint of zoning context around the site, this graphic shows the context of PRD zoning which has been approved and built all the way around the

site and I'm just going to quickly identify all of the equal or more intense PRD zoning districts that surround our site. Again, you can see the site is located within the doughnut hole a well-built neighborhood system that has density actually higher in many cases than our project is concerned.

The site next to us is a working ranch. It doesn't have density, other than a couple of homes on it right now. The Sand Spur ranch. When we took over the project, one the first initial changes that we heard from the neighborhood was we don't want traffic on 93<sup>rd</sup>. And you will notice obviously that's on the plan before you tonight is the access was changed from 93<sup>rd</sup> over to 94th Street. When we made that change, we also carved off well over half the density that had been previously proposed and then we continued to work with the neighborhood at various levels of density and configuration of lots. We have created a plan that creates cul-de-sac lots. We have been able to create a plan that has one-story lot restrictions along the north and along the west. We worked with our neighbors that are contiguous to the site.

I'm probably little under estimating but no less than 20 meetings with the neighbors that are touching this site. And most of our meetings have been with property owner here, here, and a couple around the other sides of the site. But we have tried to very much put our level of attention to not only the context neighborhoods but also the people that are living and working directly adjacent to our site. When we moved that access over to that side, we did not have any other secondary or emergency access on the plan. We went through two reviews of the city before the city came up with the idea of, you know, hey, maybe we should do emergency access. We added that and agreed to that.

And then the city said, well, maybe we should have a little more than that. We have been trying to be flexible from the standpoint of what the neighbors want, as well as what the city wants and your current plan before you, as stipulated by the Planning Commission is for emergency access. There's been a bit of concern from the neighbors that we can change that someday, and we tried to explain and we'll reiterate tonight that that is not the case. It's a stipulation that can't be changed without going through, all the way back through the process and back to you as a Council.

[Time: 00:33:55]

One of the suggestions that came from the neighborhood as well as members of the Council, was to identify our project within the Cactus corridor as an area that's strong in history from an equestrian standpoint. So we have designed it to have equestrian trails and equestrian sculpture and we will have signs that talk about the history of equine in Scottsdale and the Cactus corridor area. They will occur all along the trails, the equestrian trails on site. The equine sculpture will be out on the corner, visible, on Cactus and 93<sup>rd</sup>. We worked with a neighbor to our west who has the working horse ranch to actually locate it there. He preferred it there as opposed to the opposite corner because it's kind of an entry to the working horse ranch.

One of the things that's important to look at, as you look at bringing a design forward like this, is what is the context of the density of this site? We put together a quick summary of densities that are around the site. You can see at our proposed two units per acre, we fit well within the context of the neighborhood. All the way around us, with only one or two exceptions, we are lower in density and I

think you will hear from people that have been concerned about traffic on 93<sup>rd</sup> here that live to the north. They are living in a subdivision that's 2.9 and 4.2 units per acre and there's the density and that's where a lot of traffic is being created. For a point of clarification on the traffic numbers that were presented by staff a moment ago, it appeared that we're increasing the traffic on our site, through this zoning and that's not the case.

Actually the existing traffic today is 478 trips per day and that's because we have not only homes, businesses, but schools operating on site. We are reducing that traffic down with what we are proposing. And, in fact, we just very recently asked our traffic engineer based on the existing zoning of the site, if you only developed what the lots were today, versus the traffic that would be produced for 93<sup>rd</sup> Street, under our new plan, we're going from 114 trips down to zero, except for the emergency traffic. We shared with, after many questions about character and architecture, we shared with the neighbors the character that we are headed for. This is not a design forum or hearing here tonight, but I wanted to share with you because there were several questions from neighbors about the character of the homes that we hoped to proceed with.

[Time: 00:37:07]

And finally, I wanted to just walk you around the site, the various changes and community benefits that we are proposing with our plan. One of the things that we felt was probably most helpful for the neighborhood is that currently without our, without our proposed plan, all of the northern lots here, if they want to go out to 94<sup>th</sup> Street are running through Desert Trail and coming out in this direction. We are proposing at our expense to extend Larkspur from here and actually build it all along our north side here so the collective traffic from the north and neighborhood can go out this way without going through one of our neighborhoods. We worked with the neighbors to the north for quite some time to establish that and most of the neighbors along our edge here are in support of that.

We are also talking to them about providing for speed tables on their street as well as on our street well into the future by city staff. We are providing additional equestrian trail along the west, even though it's not required. It's actually on our neighbor's property. We are relocating the equestrian trail along Cactus Road. Right now one of the comments is we should get it off the street and get it in the landscape. We agreed to redo that equestrian trail and pull it into our open space in this location here. One of the other, one of the final items was that we just recently changed the plan based on the Planning Commission recommendation about going to an emergency access only. What we are proposing there is a Knox gate system. It won't be paved, it will be granular surface. But it will be signs that it may be driven over, rather.

Mayor Lane: Your time has expired. If we have some comments, and we do have some comments from the public, if you want to respond to any, we will give you an opportunity.

Steven Voss: Okay. Thank you.

Mayor Lane: So we will go ahead and start with some of the public testimony that's been requested on this and we start with Sonnie Kirtley.

[Time: 00:39:56]

Sonnie Kirtley: Thank you, Mayor Lane and Vice Mayor Klapp, and Councilmembers, I'm Sonnie Kirtley with COGS, Coalition of Greater Scottsdale. This has been an interesting project, this Wolf Springs Ranch. It's beautiful equestrian area right now and, of course, everybody wishes it could stay that way, hole in the doughnut right our doughnut hole is starting to disappear to the sadness of everyone. This has been a great neighborhood area to work with. We have been working with them for many months.

They are very organized, very careful about facts and very careful about research, very careful about staying focused on what is their position on this new project that's coming in and as going to impact their area. And as was already pointed out, traffic was one of the main items. I want to thank you for looking and taking time this last week at the packet we hand delivered to you. That was prepared by the neighborhood and I'm sure you will agree very organized and very informative for you. It included contents of their position regarding 93<sup>rd</sup> Street access from this gated community. There are also, many, pictures of other subdivisions in the area that only had one access. It also included pictures of proposed projects that only have one access.

I received one recently. One access. This is proposed by LVA at Pinnacle Peak Road and Miller Road. So I think my question to Council is, why are we singling out this one project in saying you have to have that other access? There are only 40 homes on this project. And that 93<sup>rd</sup> Street is a rural street. Emergency access, there can't be a call for that when we have all of these other projects that you have approved with one access. So please listen carefully to the residents as they speak to you. They have done a wonderful job of background and they have a lot to tell you. Thank you.

Mayor Lane: Thank you Ms. Kirtley. Next is Emily Austin. She has an additional card. I will give four minutes for presentation on that and the additional card is from Steve Merkowitz.

[Time: 00:42:31]

Emily Austin: I probably won't need it. So good evening, Mayor Lane, Councilmembers. My name is Emily Austin. I'm a homeowner in Courtyards of Scottsdale and have lived in the area for 31 years. I'm representing my personal views that may not reflect the views of my neighbors. The Empire group is proposing 40 homes on 20 gross acres in their current Wolf Springs application. My concern from the inception has been that numerous experts in the building and the real estate industry told me that Empire's investors paid too much money for this land. This could be the reason Empire proposed 76 homes originally to maximize profits for their investors and fought hard against fewer homes.

My fear is if the project is sold to a builder, because they haven't told us what their plans were. What would stop them from reapplying for even higher density. The cost of the land is already exorbitant. After the land purchases, engineering, infrastructure, and other costs, each lot may average out to more than \$500,000 before they even start to build. If Empire's investors paid too much for this land,

that's their problem. My neighborhood is not responsible for what may possibly be a bad gamble.

Also, new laws make it more challenging for constituents to fight developers in Arizona. Prior to the purchase of the 20-acre property known as Sand Spur, in 2007, Mr. Voss also the architect for Wolf Springs designed a layout for 22 homes. The developer wanted higher density, but Mr. Voss told me there was resistance from neighbors and the developer complied with 22 luxury homes. This property went into foreclosure and as a result, the land was purchased with the existing R1-35 zoning. One can assume the number of homes at Wolf Springs will mirror the density at Sand Spur should it sell in the future.

Therefore, I think that the number of homes at Wolf Springs should actually mirror the proposed 22 homes at Sand Spur from 2007, just ten years ago. I don't see how a builder to profit with their investment unless, they build 22 luxury homes at Wolf Springs. I encourage you to support the current R1-35 zoning. Otherwise, the fallout will set a precedent and continue to plague our neighborhood with fear of our community being jeopardized with too much density, too much traffic, continuing down the Cactus corridor. Thank you for allowing me to speak and hopefully you will vote no on rezoning this R1-35 property to R1-18 PRD. Thank you.

Mayor Lane: Thank you, Ms. Austin. Next is Dr. Lawrence Scheier. And pardon me, it's a little difficult to read. Scheier. Dr. Scheier has got four cards in total. So you have Lisa Waite, Sharon Cohen, and Patty Badenoch and we'll go up to five minutes.

[Time: 00:46:09]

Lawrence Scheier: Thank you Mayor. Mayor and esteemed members of the Council, I'm Dr. Lawrence M. Scheier. I'm presenting on behalf of 141 homes. Over the past 18 months Empire's development plans have undergone considerable revision with the final input from the city Transportation Division recommending a full secondary access gate. At their meeting on July 26<sup>th</sup>, the Planning Commission, then recommended this be an emergency access gate located on 93<sup>rd</sup> Street. The packet we submitted to your respective offices indicates that residents of our two neighborhoods are adamantly against the placement of an emergency gate anywhere on 93<sup>rd</sup> Street.

Indeed, we find this decision capricious and unfounded with limited support from the city traffic report. As we elaborate here our own research of recent comparable neighborhood developments shows that the decision to add a gate of any type is wholly unsupported. In your same packet are the results of a survey gathered by polling the neighborhood residents before the July 26<sup>th</sup> Planning Commission meeting. As you can see the majority are opposed to any gate for any purpose on 93<sup>rd</sup> Street.

The comps we obtained for the Wolf Springs Ranch development are quite revealing. Here we present pictures of development in the immediate vicinity with up to 160 homes. Interestingly, we don't see any of them having a secondary access gate. Indeed, as the pictures show, all of the comps have a single access gate, even those developments with considerably more than 40 homes. We also point out that the decision to have an emergency access gate is not required by local city, or even

county ordinance.

Also in our packet, we provided you with an abstracted version of the July 26<sup>th</sup> Planning Commission transcript for the Wolf Springs Ranch rezoning request. You can see the precise language stipulated by the commission was if there was a gate, it would be for emergency access only. The discussion at that time was heavily influenced by commissioner Lawrence Kush, a reputable builder who also felt the development did not require a secondary access gate even for emergency purposes. Also in your packet is a map showing the northbound route used to access Sweetwater through the narrow windy, residential streets of our neighborhood that would be fed from 93<sup>rd</sup> Street, drivers utilizing this most direct route pass 22 very short driveways.

Interestingly, the traffic report makes no mention of this potential route to access the commercial businesses nearby on Frank Lloyd Wright. Now we turn to the issue of why Cactus Road is not being used for the emergency access gate. The location is much more suitable for several reasons. To begin with, our conversation with the assistant Fire marshal Jim Ford indicates that the quickest route to Wolf Springs Ranch is via 94<sup>th</sup> Street and also by Cactus Road. Cactus has an existing westbound deceleration lane for emergency responders from the Fire station number 8, which is located at 96<sup>th</sup> and Cactus. These two access points cut down on the number of vehicular turns and dramatically quicken first responder response time. Neither the development nor LVA contacted the local Fire station for input on the location of an emergency access gate. In closing, we would also like to point out that the traffic report that you have received is rife with problems. Based on an inadequate sampling plan and wholly inaccurate. There are gross inconsistencies in the report suggesting different impressions of daily traffic volume projected in this Cactus corridor.

[Time: 00:50:04]

In one document, Mr. Kercher states 427 trips and in another one, he suggests 644 trips on a daily basis. At no point in time was the simulation of car traffic presented that incorporated the eventual stand spur ranch conversion to homes. Commissioner Kush also raised this concern as he suggested both properties should be treated as one large development from a traffic perspective. As we note, the comparable developments don't justify the emergency access gate. Even a 55-home at Pinnacle Peak has no secondary access gate.

Mr. Kercher defends his position and I quote from one of his emails, for driver safety and convenience that access to 93<sup>rd</sup> Street should be considered. End quote. However, there's no precedence in recent history to support his position. No ordinance, and likewise, no written policy. At the July 26<sup>th</sup> Planning Commission hearing, LVA went on the record as tipping they did not require a secondary 93<sup>rd</sup> Street.

Mayor Lane: If you could wrap it up.

Lawrence Scheier: One more minute.

Mayor Lane: I'm sorry, just as quick as you can.

Lawrence Scheier: And two of the five voting commissioners voiced concern that led to a carefully worded stipulation for an emergency access gate only. To summarize, it is our position that the process of designing the Wolf Springs Ranch development demands further review and consideration of the local neighborhood needs. Thank you.

Mayor Lane: Thank you, Dr. Scheier. All right. Next comment is from David Bost and has two additional cards from Kerry Behar and Sarah Mauricio. Four minutes, Mr. Bost.

[Time: 00:52:13]

David Bost: Four? Not five?

Mayor Lane: No.

David Bost: Okay. I'm David Bost, I'm a resident of 9289 East Corine Drive here in Scottsdale. I lived there for 22 years. I'm a member of the Sweetwater Ranch Estate's number two and I serve as treasurer. I am here representing a board and 148 homes that straddle immediately north of that development, and 149 homes northeast of the proposed Wolf Springs development. In the packet we provided you, before this hearing, we contested the legality of the proposed rezoning. By legality, I mean who owns and therefore controls the 20-foot easement behind the lots, 41 through 44. Along our south wall facing Wolf Springs. The developer has proposed making this easement into an extension of the Larkspur Roadway to accommodate traffic and from the main gate of 94<sup>th</sup> Street which we have four issues with. First, Arizona statute prohibits the alienating and cleaving of the easement by the Serbian state. A decision renders and upheld by several Arizona courts.

Second, Empire proposes leasing the land that makes up the easement, however, homeowners whose properties abut this easement are not legally empowered to execute this lease. We have in our place covenants, and restrictions. We are, we have written to protect all the members of our HOA. At the point of the HOA, they take title to the property and they are bound by the CC & Rs. Our section 3 of covenants prohibits a homeowner for modifying and alternating leasing or subleasing any portion of the HOA. The city of Scottsdale is really concerned about liability, because in their policy statement July 21<sup>st</sup>, 2004, about the GLO abandonments they say about the key benefit of such abandonment is eliminating that liability. Resolution 2807 passed June 27<sup>th</sup>, 1986. Scottsdale City Council vacated and abandoned a portion of the right-of-way, 25 feet on the rear lot lines of properties 41 and 44. And this exhibit that I display, the abandonment goes prior owner and that's our HOA.

[Time: 00:54:55]

Finally, I want to highlight the secretive nature of negotiations that transpired between Empire and the urban land company of LVA acting as their agent and the four lots in question of Sweetwater. Empire/LVA approached the homeowners directly to release the land for the purpose of the Larkspur Road extension, failing to bring this matter to our HOA and we have legal power to act on this behalf. Had Empire approached the HOA in good faith, rather than undermining our authority, we might have



memorialized a written agreement regarding the drainage easement however, this was not done.

The HOA regulates the easement and any decision to modify the terms of the easement has to be done by our HOA. Any negotiations regarding the easement therefore must include regarding reconveyance of the land, redrawing the plat maps and indemnification and damages to protect the interests of our HOA, legal transfer of the burden of management and maintenance, none of this has been resolved by our HOA and have been addressed.

We hold that the proposed Larkspur was a conciliatory gesture in lots 41 through 44 to prevent them from filing a legal protest. Our HOA at its discretion has the legal power to litigate and enforce the governing documents of the CC & Rs. With the combined forces of our two neighborhoods representing over 256 homes, we are in agreement that 94<sup>th</sup> Street entrance to the Wolf Springs Ranch development is sufficient for the proposed 40 homes. There's no need for an access gate for any reason on 93<sup>rd</sup> Street nor is there a need for Larkspur roadway extension. It's with this in mind that we ask the City Council to vote against this proposed rezoning and specifically remove the proposed Larkspur rezoning as part of the rezoning request. Thank you, Mayor and Council.

Mayor Lane: Thank you, Mr. Bost. That completes the Public Comment on this item. Mr. Voss, I will give you an opportunity if there are items that you would like to explain to us.

[Time: 00:57:15]

Steven Voss: Thank you Mayor, members of the Council. I would like to address each one of the comments directly, if I may. I would like to thank Sonnie Kirtley for spending the time through the process that we did work with her in several meetings. She did email me support for the plan and the density. She did express concern about the emergency access. I'm sorry that I can't address Emily Austin's concerns. The concern for a home that is too expensive, based on value is not really in the purview of this hearing here tonight. We are planning on homes that will start at about \$900,000. They will probably push \$1 million pretty fast depending on at additions to the homes. This is normal. This is less than many of the condos in the area here in downtown Scottsdale.

Mr. Scheier, I'm not sure if I got the name correctly either. Just a point of clarification. He said that we didn't reach out to the local Fire station. Rather, we did reach out to the Fire chief. The Fire chief explicitly said no fire access on Cactus Road. It would not be accepted and that they prefer 93<sup>rd</sup>. We spent several meetings with Mr. Bost working with him on many issues. He did ask us for copies of the agreements with the adjoining neighbors. It's a private agreement between my client and those neighbors. It's a private piece of property. For clarification, the property that he is referring to, this is right out of the CC & Rs and we added a graphic to make it a little more clear. This is our property here. Wolf Springs Ranch.

The four units he's referring to are located here. The abandonment occurred here. This right out of their CC & Rs basically states that the only HOA property that the HOA has purview is for the area colored in yellow which is along the public right-of-way of 94<sup>th</sup> and Larkspur here. That designation in their CC & Rs does not exist on the four lots in question that we have an agreement with. The

situation there is that there is an existing area that's not being maintained by anybody right now behind their wall. We agreed, basically to come in and landscape it so that the landscape along that wall will match the landscape along our wall and so that it's basically mirrored with the new street on both sides.

We are not leasing that property. He claims that we are in violation of something within their CC & Rs. We are not leasing the property. We are paying them and building landscape on their property. We are paying them for permission to do that, and we believe it's a great solution not only for the neighborhood, but for kind of an unsightly condition at this point. He did ask for, as I mentioned for the documents between the private agreement between us and the neighbors and we referred him to go and talk to his neighbors. If he wanted to get a copy from them, he could do that, apparently he's not done that. He agrees that there's no need for access on 93<sup>rd</sup> Street. We agreed with them quite a while on that. In fact, he and his neighbors made a suggestion that instead of full access, we should do an exit only. In fact, he was in my conference room and designed an exit only design for access to 93<sup>rd</sup> Street. So we changed all of our plans to do that and then a couple of weeks later, that was not acceptable either and now he's resisting to the emergency access that staff is recommending. With that, I would be happy to answer any questions you might have. Thank you very much.

Mayor Lane: Thank you, Mr. Voss and I thank all of those who gave, lent us some public testimony to the topic. To the Councilmembers, if they have some questions or there are some items they would like to address on this particular item at this time. And I will start with Councilman Smith.

Councilman Smith: Thank you, Mayor. I would like for somebody from staff to respond to the question of, that was raised about this particular property must have two access points and other properties of similar size do not.

Keith Niederer: Mayor Lane, Councilman Smith, I will have Paul Basha from our Transportation division answer that.

[Time: 01:02:14]

Transportation Director Paul Basha: Mayor Lane, Councilman Smith, yes, we are well aware that there are numerous subdivisions throughout Scottsdale that are this size and larger and only have one access. That's part of the reason why we know it's not effective. We are now recommending two accesses to most subdivisions. We require them for subdivisions of 80 or more homes.

The issue is one of choice. The issue is one of concentration of traffic on existing streets. Our initial recommendation was there be no access to 94<sup>th</sup> Street, that the exclusive access for this property be 93<sup>rd</sup> Street to avoid 9<sup>th</sup> arterial street of 94<sup>th</sup> and the higher traffic volumes on 94<sup>th</sup> Street. We are concerned that the single access on 94<sup>th</sup> Street might become congested in the future and that this neighborhood may request a traffic signal to accommodate their exit from this neighborhood. That is why we are proposing a secondary access on to 93<sup>rd</sup> Street to disperse the traffic and to avoid concentration and congestion at an arterial intersection.

Councilman Smith: Thank you, Paul. Well, I share the concern expressed by some that this is another disappearance of an equestrian property and what we have always hoped we could keep as an equestrian town. I have to commend the developer for, I think, sensibly and respectfully designing this property, reaching out to the neighbors, doing apparently a great deal of work trying to create the Larkspur extension, which is of no advantage to this particular property, but just eases the traffic flows for the properties to the north. And the other amenities, the horse trails, the equestrian statue, whatever it turns out to be, Mr. Voss is right, I can't get into the issue of whether the developer paid too much money for the property or what he's going to have to do to develop it, but obviously if it were to come back to us in the future for higher density, that's a whole new discussion. But tonight, all we are being asked to do is look at the project as it's designed.

On the question of 93<sup>rd</sup> Street, I don't think I can see any reason to go along with the Planning Commission that would be both ingress and egress for the residents. I certainly can see value to having it an exit for the Fire department use, well, exit or entrance for the Fire department use but that certainly shouldn't infringe on the rights or traffic flows of any neighborhood. And I guess I feel for the applicant in this particular case, that they tried to be agreeable in every respect. You know, no entrance and exit on to 93<sup>rd</sup>. Okay. That's not what you want. How about an emergency entrance and exit? No, you don't want that. It's kind of complicated and I think what we have come up with, is a workable solution for the neighbors and I would like to make a motion to adopt Ordinance number 4319, and Resolution 10877 for the Wolf Springs Ranch rezoning.

Mayor Lane: Thank you, Councilman.

Councilmember Korte: I will second that.

Mayor Lane: The motion has been seconded. Would the second like to speak to it? Is that a no? Okay. With that motion is made and seconded by Councilwoman Korte. We do still have some questions. Councilwoman Littlefield.

[Time: 01:06:18]

Councilwoman Littlefield: Thank you, Mayor. Mr. Basha, why did the Fire department not want the emergency entrance on Cactus Road?

Keith Niederer: Mayor Lane, Councilwoman Littlefield from what I understand, the Fire department or the chief prefers to have these emergency access points on lower volume streets where it's possible and in this case 93<sup>rd</sup> was an option and they preferred it to be there rather than Cactus.

Councilwoman Littlefield: Okay. Thank you. I support the motion as long as it holds with the secondary access being gated only for emergency access and to be on 93<sup>rd</sup> Street. And I would like also if we can to put that into perpetuity so it cannot be changed. Thank you.

Mayor Lane: Thank you, Councilwoman. I see no further questions. Councilwoman Milhaven.

[Time: 01:07:30]

Councilwoman Milhaven: Sorry, I want to clarify. So are you saying emergency access only?  
Thank you.

Councilman Smith: Yes, I am.

Mayor Lane: All right. Unless there's any other questions, then I think we are ready to vote. All those in favor, please indicate by aye and register your vote. Those opposed with a nay. That's unanimous, 7-0. The motion passes. Thank you to the applicant and thank you for all those who participated with their input on the subject.

That completes our Regular Agenda items for this evening. We have no further Public Comment cards. No petitions. Mayor or Council items?

**ADJOURNMENT**

[Time: 01:08:18]

Mayor Lane: Seeing none, hearing none, I would ask for a motion to adjourn.

Councilmember Korte: So moved.

Vice Mayor Klapp: Second.

Mayor Lane: The motion has been made and seconded. All those in favor of adjournment, please indicate by aye. We are adjourned. Thank you all.