



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

THURSDAY, MARCH 19, 2009

MEETING MINUTES

PRESENT: Ron McCullagh, Council Member
Michael Edwards, Vice Chairman
David Brantner, Development Member
Jeremy Jones, Board Member
David Ortega, Design Member
Eric Gerster, Development Member

ABSENT: Michael Schmitt, Planning Commission Member

STAFF: Steve Venker
Joe Padilla
Hank Epstein
Greg Williams
Kim Chafin
Keith Niederer
Brad Carr

CALL TO ORDER

Councilman McCullagh called the meeting of the Scottsdale Development Review Board to order at 1:03 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

OPENING STATEMENT

Councilman McCullagh read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting. He made special note of the focus on quality building and design.

MINUTES

1. Approval of February 26, 2009 Development Review Board Special Meeting Minutes
2. Approval of March 5, 2009 Development Review Board Study Session Minutes
3. Approval of March 5, 2009 Development Review Board Meeting Minutes

VICE-CHAIRMAN EDWARDS MOVED TO APPROVE THE FEBRUARY 26, 2009 DEVELOPMENT REVIEW BOARD SPECIAL MEETING MINUTES AND THE MARCH 5, 2009 DEVELOPMENT REVIEW BOARD MEETING MINUTES INCLUDING THE STUDY SESSION. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

CONSENT AGENDA

Vice-Mayor McCullagh noted that item four, 105-DR-2008, and item six, 111-DR-2008, had been moved to the regular agenda.

5. 21-PP-2003#2 Findlay Property

Mr. Harry Axford commented that the Applicant had been diligent about keeping neighbors informed regarding progress on the project. Because the project had been delayed he wanted to be certain that nothing had been changed since the last information was provided to neighbors. Mr. John Berry provided assurance that the project was moving forward as originally designed.

Board Member Ortega recalled discussion during the retreat regarding extending the time period allotted for DRB approvals on a case by case basis as a method for ensuring that projects move forward as originally approved. Mr. Padilla confirmed that the Development Review Board has the authority to stipulate an extended time limit in addition to the one-year extension that is currently available to applicants.

It was the consensus of the Board to extend the period of approval to 24 months.

7. 7-DR-2009 Sprint/Nextel Ph60xc019
8. 20-DR-2009 NewPath Networks (H154-01) N. 84th St. & E. Sahuaro Dr.

Mr. Jerry Jones submitted an addendum to be included with written objections to the project that were previously submitted. He expressed concern about a phone message he received from a NewPath representative indicating that the

equipment would be installed within the light pole, which was a discrepancy to the plans on file with the City.

Mr. Carr explained that upon further research, NewPath has developed a method for installing the equipment for up to two carriers within the poles; additional carriers would require ground mounted equipment. Because of time constraints the information was not provided in the packets.

Mr. Venker noted that as part of the staff reports for NewPath applications a statement has been included indicating that heat testing was ongoing in the hopes of having the ability to locate equipment inside streetlight poles. Staff's position has been that if NewPath is able to locate equipment inside the pole, the change could be a staff approval because it would be a deintensification to what was originally approved.

9. 23-DR-2009 NewPath Networks (H157-02) N. 96th St. & E. Larkspur Dr.
10. 25-DR-2009 NewPath Networks (H311-01) N. 100th St. & E. Windrose Dr.
11. 24-DR-2009 NewPath Networks (H258-01) N. 128th St. & E. Jenan

Mr. Michael Roberts provided photographs of the light pole that would be used for the NewPath installation, noting concern about obstruction of the view as well as reduced property values. He suggested alternative locations for the installation. He expressed concern about possible health issues related to residing in the vicinity of a utility tower.

Mr. Padilla noted that the Federal regulatory scheme applicable to cell tower providers prohibits the Development Review Board from expressing a preference for alternate locations or considering microwave frequency and radio transmissions from towers as a concern for either approving or denying a request.

Mr. Stephen Garcia confirmed that the heat tests were successful; updated plans will be forthcoming. He noted that the light poles would be able to accommodate two providers; additional providers will be installed in equipment vaults with flush-mounted vents.

In response to a question by Board Member Brantner regarding the status of the Corporation Commission approval, Mr. Garcia noted that the Administrative Law Judge has extended the public comment period. Action will be taken up by the ALJ in April.

12. 26-DR-2009 NewPath Networks (H176-01)12389 E. Via Linda & N. 124th St.
13. 33-DR-2009 NewPath Networks (H077-02) N. Pima Rd. & E. Happy Valley Rd.

BOARD MEMBER JONES MOVED TO APPROVE ITEM 21-PP-2003#2, FINDLAY PROPERTY, WITH THE REVISED STIPULATIONS; 7-DR-2009, SPRINT/NEXTEL Ph60Xc019; 20-DR-2009, NEWPATH NETWORKS (H154-01)N. 84TH ST. & E. SAHUARO DR INCLUDING THE ALTERNATIVE

INSTALLATION METHOD; 23-DR-2009, NEWPATH NETWORKS (H157-02) N. 96TH ST. & LARKSPUR DR. INCLUDING THE ALTERNATIVE INSTALLATION METHOD; 25-DR-2009, NEWPATH NETWORKS (H311-01) N. 100TH ST. & E. WINDROSE DR. INCLUDING THE ALTERNATIVE INSTALLATION METHOD; 24-DR-2009, NEWPATH NETWORKS (H258-01) N. 128TH ST. & E. JENAN; 26-DR-2009; NEWPATH NETWORKS (H176-01) 12389 E. VIA LINDA & N. 124TH STREET; AND 33-DR-2009, NEWPATH NETWORKS (H077-02) N. PIMA RD. & E. HAPPY VALLEY RD. INCLUDING THE ALTERNATIVE INSTALLATION METHOD. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

4. 105-DR-2008 CKJ Place fka Karas Office Building

Mr. Epstein reviewed the context aerial and elevations. The three story multi-use building will be located between an existing office building and nightclub. Parking requirements will be satisfied with two on-site spots and through an agreement with the neighboring nightclub. Handicapped parking will be located on the street in coordination with the Transportation Department and the ADA Coordinator.

In response to a question by Board Member Gerster, Mr. Bryan Rains confirmed that the elevator is handicapped accessible. Board Member Gerster opined that it would be more practical for the elevator to be located towards the front of the building. Board Member Ortega noted that the elevator was in compliance with ADA regulations.

In response to a question by Vice-Chairman Edwards, Mr. Epstein explained that emergency services would access the building from 6th Avenue; access is not available from the alley.

Vice-Mayor McCullagh inquired whether the design fit within the conceptual Downtown Plan. Mr. Epstein noted that the building setbacks are allowed to be an average of the existing development for infill projects; the building was adjusted to maintain a minimum eight-foot clearance. Overhangs were not required for the front of the building because analysis determined that the building height would provide ample shading for the north-facing building.

Discussion ensued regarding the required parking accommodations. Vice-Mayor McCullagh felt that the development was an ideal candidate for the in lieu parking offered by the City. Mr. Epstein explained that seven spaces were required and ten were being provided, including two handicapped spaces that would be located on street and available for the entire block. Because the parking for the nightclub is used primarily in the evening, the daytime use agreement is ideal. The parking spaces to the rear of the building are assumed to be used as part of the residential element. If in the future parking problems arise, the Applicant will reconsider the in lieu parking opportunity.

Board Member Ortega expressed interest in extending the approval from 12 to 24 months in order to ensure that the building is able to be developed as

approved. Mr. Rains indicated that he expects the building to be completed within the year.

BOARD MEMBER JONES MOVED TO APPROVE 105-DR-2008, CKJ PLACE fka KARAS OFFICE BUILDING, AS REVISED IN THE MOST RECENT SUBMITTAL. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

6. 111-DR-2008 Scottsdale 5-Plex

Ms. Chafin presented the site plan and elevations noting that a five-unit, three-story townhouse project with a different architectural style was previously approved for this site under a different ownership. She noted that minor changes had been made in response to Board Member comments provided in response to information in the initial packet.

Mr. Lance Baker noted that four out of the five units had already been purchased as vacation homes. He reviewed revisions made based on comments by Board Member Jones, including creating a stronger statement with the awnings and a second color option that is more complementary to the rust color.

In response to a question by Vice-Mayor McCullagh, Ms. Chafin explained that the Ordinance does not require guest parking for this type of development where street parking is available.

BOARD MEMBER BRANTNER MOVED TO APPROVE 111-DR-2008, SCOTTSDALE 5-PLEX. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

On behalf of staff, Mr. Venker thanked Board Member Jones for his years of service on the Development Review Board. Board Members individually expressed their appreciation for his valuable guidance and support and for the strong imprint he has made on the character of the city of Scottsdale.

Board Member Jones thanked his fellow Board Members as well as his wife and staff for their support. He encouraged the Board Members to be supportive of the Planning Department in their efforts.

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 2:34 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.