



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

**THURSDAY, APRIL 16, 2009**

**MEETING MINUTES**

**PRESENT:** Ron McCullagh, Vice Mayor  
Michael Edwards, Vice Chairman  
Michael Schmitt, Planning Commission Member  
David Brantner, Development Member  
Chris Jones, Design Member  
David Ortega, Design Member  
Eric Gerster, Development Member

**STAFF:** Steve Venker  
Joe Padilla  
Brad Carr  
Meredith Tessier  
Dan Symer  
Greg Williams  
Bob Hults

**CALL TO ORDER**

Vice Mayor McCullagh called the meeting of the Scottsdale Development Review Board to order at 1:05 p.m.

**ROLL CALL**

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

**OPENING STATEMENT**

Vice Mayor 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 April 2, 2009 Development Review Board Study Session Minutes
2. Approval of April 2, 2009 Development Review Board Meeting Minutes

**VICE CHAIRMAN EDWARDS MOVED TO APPROVE THE APRIL 2, 2009 DEVELOPMENT REVIEW BOARD MINUTES INCLUDING THE STUDY SESSION. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

## **CONSENT AGENDA**

Items six and eight were moved to the regular agenda.

3. 37-DR-2009 NewPath Networks (K704-01) E. Shea Blvd & N. 77<sup>th</sup> Pl.
4. 38-DR-2009 NewPath Networks (K697-01) E. Cholla St.
5. 39-DR-2009 NewPath Networks (K694-01) E. Cholla St. & N. 109<sup>th</sup> St.
7. 49-DR-2008 NewPath Networks – Antenna Site # (H257-02)

**VICE CHAIRMAN EDWARDS MOVED TO APPROVE 37-DR-2009, NEWPATH NETWORKS (K704-01) E. SHEA BLVD & 77<sup>TH</sup> PL; 38-DR-2009, NEWPATH NETWORKS (K697-01) E. CHOLLA; 39-DR-2009, NEWPATH NETWORKS (K694-01) E. CHOLLA ST & N. 109<sup>TH</sup> ST; AND 49-DR-2008, NEWPATH NETWORKS – ANTENNA SITE # (H257-02). SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

9. 12-PP-2008 Jomax & 120<sup>th</sup>

Board Member Jones noted a conflict and recused himself from the discussion.

**BOARD MEMBER BRANTNER MOVED TO APPROVE 12-PP-2008, JOMAX & 120<sup>TH</sup>. BOARD MEMBER ORTEGA SECONDED THE MOTION.**

Board Member Ortega noted three reasons for agreeing with staff's request for a two-year approval on this particular case:

- 1) approval would lock in a 38-percent NAOS, which is substantially more than the minimum requirement
- 2) the automatic gate alleviates need for discussion about architectural design related to a guard shack
- 3) the subdivision approval process can take from eight months to a year.

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0). BOARD MEMBER JONES WAS RECUSED.**

## **REGULAR AGENDA**

6. 52-DR-2009 NewPath Networks (K625-01) E. Gold Dust Ave. & N. 110<sup>th</sup> St.

Mr. Marshall Rich noted that the proposed light pole was in direct view from his home and would obstruct the natural views he currently enjoys. He suggested an alternate location for the pole that would not be an encumbrance upon any of the neighbors.

Jim Tadaro noted that the community had several open house opportunities to voice their concerns. The adjustments suggested by Mr. Rich were not feasible because it would place the antenna outside of the network cluster and inside of a gated community, which would then require that entire network area to be reconfigured with the possibility of additional locations as determined by the engineers. Mr. Carr confirmed that the installation could not be moved more than a few hundred feet and the location suggested by Mr. Rich is more than a thousand-foot difference.

In response to a question by Vice Chairman Edwards, Mr. Tadaro explained that locations are determined based on demand and location of existing upright structures. When required due to geography and traffic, tighter clusters are created.

Board Member Gerster asked whether the Development Review Board has the authority to make a relocation decision that could increase the number of facilities. Mr. Padilla clarified that the DRB has the authority to consider the design of the pole and its relationship with the surrounding area and based on that determination recommend relocation if necessary. However, the DRB does not have the purview to require changes that would increase costs to the carrier.

Board Member Ortega commented that the aesthetics of the facility was acceptable, consisting of canisters that have been previously approved. The DRB should not make determinations that would interfere with the efficiency of the system.

**BOARD MEMBER ORTEGA MOVED TO APPROVE 52-DR-2009, NEWPATH NETWORKS (K625-01) E. GOLD DUST AV & 110<sup>TH</sup> ST. BOARD MEMBER BRANTNER SECONDED THE MOTION.**

In response to a question by Board Member Jones, Mr. Tadaro explained that it is difficult to relocate light poles because it would affect the pole layout design as well as the light pattern. Board Member Jones suggested that moving the mechanical equipment five or ten feet to the south along the wall behind the hedge would make it less obtrusive than the current proposed location in the community entrance. Mr. Tadaro agreed to take the suggestion as a condition, as long as it works from an engineering perspective.

Vice Chairman Edwards inquired about regulations on removal of facilities once technology has improved. Mr. Venker explained that once a facility has been decommissioned it must be removed within six months.

**THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2). BOARD MEMBERS GERSTER AND JONES DISSENTED.**

8. 107-DR-2006#2 First & Sixty Ninth

Mr. Symer reviewed the elevations, renderings, and phasing plan for the previously approved project. The applicant's request was for an additional two-year approval with the potential for a one-year administrative extension, which would potentially result in five years from the initial approval.

Rick Strusiner reviewed the site and landscape plans, explaining that the project had not been completed because of the length of time involved in the approval process and the current economic situation. Reapproval is needed in order to maintain loan security and move forward with presales.

Board Member Ortega inquired how the building edge will be handled during the phasing process. Mr. Hugh Knoell explained that the wall is required to be painted if it is left exposed for more than 90 days. Improvements for the entire property including sidewalks and landscaping will be completed during the first phase of the project. Mr. Strusiner commented that the exposed wall and unfinished property will have a pleasing appearance as a selling point for the phase one units; he noted a willingness to add landscaping to the exposed wall if the phasing goes beyond six months. Board Member Ortega suggested that rather than just painting the exposed wall, a trim color or banding could be added to give a finished appearance.

Commissioner Schmitt reiterated the concerns of the Planning Commission with regard to extending approvals beyond one year with a one-year administrative extension. He inquired whether it would be possible to give a one-year approval and allow multiple administrative approvals. Mr. Padilla explained that the language is clear that the zoning administrator is limited to a one-time one-year extension.

In response to questions by Board Member Brantner, Mr. Strusiner noted that stone would be purchased for the entire project in one lot. Mr. Symer explained that the reapplication took longer to come forward partially because the new subdivision ordinance was in process; the plat has been approved and recorded. He noted that the project must be approved prior to May 15<sup>th</sup> to continue to qualify for the storm water fee waiver; the storm water fee waivers for Downtown were not extended in the new budget.

In response to a question by Vice Mayor McCullagh, Mr. Symer confirmed that once ground is broken for phase one of the project, the DR approval is vested. Vice Mayor McCullagh expressed reservations about granting a two-year approval for a project that is returning for its second approval.

Board Member Ortega commented that the time frame for the approval is not as important as ensuring that the project is developed as it has been approved, because whatever is built will be in place for many years. One key consideration should be that the developer has assembled five lots in the Downtown, which is an asset for the City. He noted a willingness to allow a 24-month approval.

**BOARD MEMBER ORTEGA MOVED FOR APPROVAL OF 107-DR-2006#2, FIRST & SIXTY NINTH, INCLUDING THE 24-MONTH APPROVAL. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO THREE (3). VICE MAYOR MCCULLAGH, VICE CHAIRMAN EDWARDS, AND COMMISSIONER SCHMITT DISSENTED.**

10. 66-DR-2009 Schick Design Group

Mr. Hults presented before and after photographs of the building, noting that an addition of light beige tile was planned for the corner column. The owner was issued a notice of non-compliance by Code Enforcement because she failed to make proper application prior to remodeling the building exterior and the color does not meet the Downtown guidelines.

Ms. Janelle Schick explained that she was not aware that a permit was required to paint the building. She noted that her intent was to modernize the building and that she hoped that the City would allow her to do improvements to the landscaping in the right-of-way. She presented photographs of buildings in the Downtown area that were of similar color, hue or style.

Mr. Venker explained that because Ms. Schick is working with the City to resolve the situation, Code Enforcement actions have been suspended.

Commissioner Schmitt stressed the importance of process. He suggested that the case be continued in order to provide opportunity for the Applicant to put together a comprehensive presentation, including landscaping and awnings.

Board Member Ortega agreed that a continuance would be beneficial for the Applicant. He suggested that the tile being proposed for the pillar together with an accent paint color provided an opportunity to integrate accents into other areas, which would break up the dark color and add interest to the building.

Vice Mayor McCullagh agreed that a continuance would provide an opportunity for the Applicant to bring forward a complete presentation that would satisfy the City's concerns.

Board Member Brantner felt that the tone of the gray could be toned down.

**BOARD MEMBER BRANTNER MOVED TO CONTINUE 66-DR-2009, SCHICK DESIGN GROUP. BOARD MEMBER ORTEGA SECONDED THE MOTION.**

Board Member Brantner clarified that in the revised package the Applicant should include the location of the proposed tile, color variations, and color and materials to be used for the awnings, as well as the way in which the building will blend with the area context.

Mr. Venker agreed to research what steps would need to be taken in order to provide water to the right-of-way area and to allow the Applicant to upgrade the landscaping.

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

**ADJOURNMENT**

With no further business to discuss, the regular session of the Development Review Board adjourned at 2:55 p.m.

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