



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

THURSDAY, MAY 7, 2009

MEETING MINUTES

PRESENT: Ron McCullagh, Vice Mayor
Michael Edwards, Vice Chairman
Michael Schmitt, Planning Commission Member
Chris Jones, Design Member
David Ortega, Design Member

ABSENT: Eric Gerster, Development Member
David Brantner, Development Member

STAFF: Steve Venker
Joe Padilla
Greg Bloemberg
Keith Niederer
Kira Wauwie

CALL TO ORDER

Vice Mayor McCullagh called the meeting of the Scottsdale Development Review Board to order at 1:06 p.m.

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.

ROLL CALL

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

MINUTES

1. Approval of April 16, 2009 Development Review Board Study Session Minutes
2. Approval of April 16, 2009 Development Review Board Meeting Minutes

VICE-CHAIRMAN EDWARDS MOVED TO APPROVE THE APRIL 16, 2009 MINUTES OF THE DEVELOPMENT REVIEW BOARD INCLUDING THE STUDY SESSION. SECONDED BY COMMISSIONER SCHMITT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

CONSENT AGENDA

3. 59-DR-2009 Convenience Store

Ms. Jo Cummings felt that an additional minimart within three blocks of three other minimarts was not necessary for the area. She felt that the proposed design would create an opportunity for crime because it would create an alley next to the three-foot wall behind her property.

Mr. Paul Cummings explained that the neighbors were not against the opportunity for a new business, the primary concern was with the layout of the site plan. He hoped that consideration could be given to a design that would not block his grandparents' property from Thomas Road and that would eliminate the alley.

The item was pulled to the regular agenda for discussion.

4. 30-DR-2009 NewPath Networks, LLC (H171—01) N. 136th St & E. Coyote Rd.

VICE-CHAIRMAN EDWARDS MOVED TO CONTINUE 30-DR-2009 TO THE MAY 21, 2009 DEVELOPMENT REVIEW BOARD MEETING. SECONDED BY COMMISSIONER SCHMITT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

5. 61-DR-2009 NewPath Networks (K700-01) N. 92nd & E. Camino Del Santo

Mr. Toni Brewer expressed concern about the equipment being installed in the greenbelt area and was interested in obtaining further information about the installation. He suggested that locating the equipment either across the street or down the street from the current proposal would have less impact on neighbors. He inquired about the health effects the equipment emissions could have on people in the area.

Vice Mayor McCullagh noted that the Applicant has created a matrix of sites and that because of the nature of the system if one installation is moved it would affect the entire system because they are all interrelated. He clarified that regulating bodies are not permitted to consider health impacts when making decisions regarding public utilities.

VICE-CHAIRMAN EDWARDS MOVED TO APPROVE 61-DR-2009, NEWPATH NETWORKS (K700-01) N. 92ND & E. CAMINO DEL SANTO. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

REGULAR AGENDA

3. 59-DR-2009 Convenience Store

Vice Mayor McCullagh reminded the neighbors that the business location is not within the purview of the Development Review Board; the zoning is already in place. The discussion will focus on the site plan.

Mr. Bloemberg reviewed the zoning map and site plan and context photos. Because of its close proximity to the intersection, the eastern driveway will be eliminated and replaced with landscaping. The elevations indicated that the building color will be integrated with the support columns, and the mechanical screening and trellis will match the existing canopy.

Mr. Steve Eike explained that adjacent to the neighbors the building will be located closer to the lot line and have motion detector lighting, which will limit the potential for loiterers and graffiti in that area. The wall will remain to the east and west of the building and intersect at the corners of the building.

In response to a question by Board Member Jones, Mr. Eike explained that the parking spaces will remain as they are currently; some of the parking spaces will be unavailable during the time when the fuel trucks are filling the tanks.

In response to a question by Commissioner Schmitt, Mr. Bloemberg explained that stipulations require that any light fixtures on the rear of the building be motion-activated emergency lights; when they are activated there will be minimal light trespass onto the property to the north. The traffic department has analyzed and accepted the design for the 70-foot wide driveway onto 70th; however, they would have preferred the driveway to be narrowed to the standard width.

Vice-Chairman Edwards asked what the separation would be between the new building and the existing office building to the south. Mr. Eike noted that a fire wall would be located between the two buildings in accordance with Code. He explained that several options were considered to mitigate potential issues between the building and the neighboring houses; placing the building on the zero lot line and providing security lighting is the most appropriate option because it eliminates the potential for loiterers.

In response to a question by Commissioner Schmitt, Mr. Eike indicated that no signage would be placed on the building.

Commissioner Schmitt expressed concern about the lack of thought given to the architecture. Although the building is in the shadow of the canopy, it is deserving of more attention. He suggested that the area that projects and is visible from Thomas Road and 70th Street could be improved to draw the attention of

customers to the service window and enhance the view for neighboring businesses.

Vice-Chairman Edwards commented that having the north wall of the building at 14 feet with the other walls at three feet gives a utilitarian feel to the site, as does the mechanical screening solution. Mr. Eike noted that Code would allow the fire wall to be lowered and the design adjusted if the roof were fireproofed. He argued that the mechanical screening is standard for a convenience store and would be partially concealed by the canopy.

Board Member Jones was concerned about the reflective white color being used on the building shade structure. He suggested that an accent color be used that will draw attention to the architectural element. Mr. Eike explained that the white color is standard for Shell station pump canopies. He agreed that using an accent color on the metal shade structure that wraps the building would make a more bold statement.

Board Member Ortega agreed that eliminating the eastern driveway would improve the flow of the site and reduce possible traffic hazards. He felt that placing the building on the zero lot line would be a better solution than leaving a three-foot area for potential loiterers and trash accumulation; the exposed columns could be minimized with a vending area. He noted that the reduction of store-front glass would be an asset, because full front glass exposes the back sides of displays which are not aesthetically appealing. Mr. Eike pointed out that locating the building on the zero lot line would require encroachment on the neighbor's property for construction and maintenance purposes. Board Member Ortega agreed, noting that there would need to be cooperation with the neighbors.

BOARD MEMBER ORTEGA MOVED TO CONTINUE 59-DR-2009, CONVENIENCE STORE, TO THE JUNE, 4, 2009 DEVELOPMENT REVIEW BOARD MEETING. COMMISSIONER SCHMITT SECONDED THE MOTION.

Vice Mayor McCullagh remarked that a high standard for quality design is expected from all development in Scottsdale, including convenience stores. He listed his concerns which included the Spartan design, lights encroaching on the neighbor's property, modest landscaping, and the dumpster location. He encouraged the Applicant to do outreach to the neighbors, particularly the neighbor to the north, to gain insight on how the development can complement the neighborhood.

Board Member Jones suggested replacing the turf landscaping with an appropriate desert landscaping.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

NON-ACTION ITEM

6. 9-TA-2007 Planned Unit Development (PUD) text

Ms. Wauwie provided a brief history of the development of the PUD district, including community outreach and the Planning Commission recommendation. She reviewed the key components of the PUD, noting that the City currently has seven planned districts. Development Review Board key considerations when reviewing a PUD would include: looking at compatible features of the plan; whether the plan demonstrates environmental responsiveness; responsiveness to the City's existing development design guidelines; solar shading issues; and connectivity. Increases to height, density, or intensity would require going through the full development process, including Planning Commission and City Council approval.

In response to questions about the practicality of the PUD by Board Member Ortega, Ms. Wauwie explained that the intent of the district is to create an opportunity for mixed-use development on smaller parcels, which aligns with the mixed-use designation in the General Plan. Ms. Galav confirmed that an existing building could be integrated with a new building as part of a development program; however, one of the existing districts will be used if it allows the goal of the development to be achieved, because the PUD comes with additional requirements. The key target is the Scottsdale Road, McDowell corridor.

Ms. Galav explained that there are two street setback requirements and one setback requirement from single-family residential neighborhoods. The staff's recommendation would not allow setback amendments; Planning Commission's recommendation would allow amendments to the setback requirements. She reiterated that the PUD is a tool to accommodate development that does not fit into the current Zoning Ordinance and the ability to mix uses and allow creativity and flexibility.

In response to a question by Vice-Chairman Edwards, Ms. Wauwie reviewed the application process which would include the master development plan and may include a DR application as well. Once the first part of the process is completed the Applicant will be able to provide an overarching idea of the proposal and the concept and type of design components that can be expected; once approved, the development plan becomes the zoning for the parcel.

Ms. Galav explained that the applicants would have an entitlement up to 48 feet; 72 feet is not guaranteed and would require additional requirements.

Commissioner Schmitt inquired about the arduousness of the application process. Ms. Galav explained that the process would require one application including the development plan, which is similar to the current zoning process. Commissioner Schmitt commented that it was important to make the process as streamlined as possible.

Vice Mayor McCullagh noted that he was glad to see the DRB element where it is in the process. He commented that it might be beneficial to consider putting the Development Review Board in the front of the review process so that the

design intention is known prior to City Council granting zoning. Ms. Galav responded that it would be burdensome to both developers and staff to require that elevation drawings, et cetera, be provided without entitlement.

Mr. Mike Leary felt the proposed Planned Unit Development contained some fatal flaws. The ordinance is set as district specific zoning classification that does not include ESL or Downtown and will be difficult to utilize in areas just south of the ESL. The PUD is tied to the mixed-use General Plan classification and very few areas are shown in the General Plan as being appropriate for mixed use. Much of the development community hopes that the PUD can be implemented in redevelopment of the Airpark, which he felt would not be possible because mixed use is limited. He suggested that it would be appropriate to designate the Planned Unit Development as an overlay, which would protect the underlying zoning and would eliminate the need for a General Plan amendment.

Ms. Wauwie reminded the Board Members that their purview is restricted to design and not location criteria and uses. She noted that an overlay district would not capture the ability to have flexible standards and may not have the ability to achieve the mixed – uses as proposed in the district. As with any other zoning change, a General Plan amendment would be required if a request does not meet the land use designation.

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 2:58 p.m.

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