



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

THURSDAY, JULY 9, 2009

MEETING MINUTES

PRESENT: Wayne Ecton, Council Member
Michael Edwards, Vice Chairman
David Brantner, Development Member
Michael D'Andrea, Planning Commission Member
David Ortega, Design Member

ABSENT: Eric Gerster, Development Member
Chris Jones, Design Member

STAFF: Greg Bloemberg
Kim Chafin
Joe Collins
Lusia Galav
Vivek Galav
Louisa Garbo
Don Hadder
Keith Niederer
Joe Padilla
Dan Symer
Meredith Tessier
Greg Williams

CALL TO ORDER

Councilman Ecton 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

Councilman Ecton 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 June 18, 2009 Development Review Board Study Session Minutes
2. Approval of June 18, 2009 Development Review Board Meeting Minutes

BOARD MEMBER BRANTNER MOVED TO APPROVE THE JUNE 18, 2009 DEVELOPMENT REVIEW BOARD MINUTES INCLUDING THE STUDY SESSION. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0). VICE-CHAIRMAN EDWARDS ABSTAINED. BOARD MEMBERS GERSTER AND JONES WERE ABSENT.

CONSENT AGENDA

COMMISSIONER D'ANDREA MOVED TO MOVE 5-DR-2009, 6-DR-2009, 54-DR-2009, AND 88-DR-2005#6 TO THE REGULAR AGENDA. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBERS GERSTER AND JONES WERE ABSENT.

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| 6. | 138-DR-2006 | <u>Coolwater Christian Church</u> |
| 7. | 25-DR-2007#2 | <u>The 4333 Building</u> |
| 8. | 14-DR-2009 | <u>Janus Custom Building Products</u> |
| 10. | 63-DR-2009 | <u>City of Grace-Student Ministry Center</u> |
| 11. | 28-DR-2009 | <u>NewPath Networks (H178-01) E. Via Linda & N. 128th St.</u> |
| 12. | 29-DR-2009 | <u>NewPath Networks (H-174-02) E. Via Linda & N. 118th St.</u> |
| 13. | 41-DR-2009 | <u>NewPath Networks (H259-02) SWC E. Jenan Dr. & N. 132nd St.</u> |

Mr. Daniel Hurley expressed concern about the NewPath cell towers being installed close to residential areas. He felt that staff did not properly address

concerns associated with this particular site and that the application was pushed through without proper representation from the neighbors.

14. 68-DR-2009 NewPath Networks (H342-01) N. 106th Pl. & E. Bella Vista
15. 71-DR-2009 NewPath Networks (H196-02) E. Mountain View Rd. & N. 112th Pl.

COMMISSIONER D'ANDREA MOVED TO APPROVE 138-DR-2006, COOLWATER CHRISTIAN CHURCH; 25-DR-2007#2, THE 4333 BUILDING; 14-DR-2009, JANUS CUSTOM BUILDING PRODUCTS; 63-DR-2009, CITY OF GRACE-STUDENT MINISTRY CENTER; 28-DR-2009, NEWPATH NETWORKS (H178-01) E. VIA LINDA & N. 128TH ST.; 29-DR-2009, NEWPATH NETWORKS (H-174-02) E. VIA LINDA & N. 118TH ST.; 41-DR-2009, NEWPATH NETWORKS (H259-02)SWC E. JENAN DR. & N. 132ND ST.; 68-DR-2009, NEWPATH NETWORKS (H342-01) N. 106TH PL. & BELLA VISTA; AND 71-DR-2009, NEWPATH NETWORKS (H196-02) E. MOUNTAIN VIEW RD. & N. 112TH PL. SECONDED BY VICE-CHAIRMAN EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBERS GERSTER AND JONES WERE ABSENT.

REGULAR AGENDA

3. 5-DR-2009 Scottsdale Fire Station No. 1

Mr. Symer presented the site plan and building elevations. He explained changes that would be made to the existing driveway and parking.

Mr. Bill Louie reviewed the site plan, noting that the existing south driveway would be used as ingress and the response driveway would be located to the north of the building. He explained changes that were made in response to previous DRB comments.

Board Member Brantner commented that the revised design was more complementary to the area and that previous concerns had been addressed.

In response to a question by Vice-Chairman Edwards, Mr. Louie noted that they agreed to the stipulation to put a glass panel on the south door, even though the roof design admits a significant amount of natural light.

Ms. Connie Flynn expressed concern about the location of the fire station and the use of the existing southern driveway relative to the neighboring community. She felt that there had not been ample opportunity for community input. She inquired what other locations were considered, arguing that the number of emergency calls in the area does not necessitate a fire station in the proposed location.

Mr. Symer explained that the location was approved by City Council on May 7, 2009 and that numerous public meetings were held, including a neighborhood walk, four open houses and presentations to the Parks and Recreation Commission as well as the Development Review Board. He noted that of the

several locations considered, the Eldorado location was the only adequate site available. Because the southern driveway currently exists, the fire station use will not make any additional impact on the community.

Commissioner D'Andrea noted that a written comment card from Barbara Hancock expressed concern about the fire station location in relation to the Boys and Girls Club. Mr. Galav explained that because the Boys and Girls club is located a quarter of a mile to the north, the fire station would not have an impact.

In response to a question by Commissioner D'Andrea, Mr. Symer explained that the southern doors were stipulated to be roll-up doors similar to those on Fire Station 2. Commissioner D'Andrea commented that the paving material on the existing southern driveway might require adjustment to accommodate the weight of the fire trucks.

Councilman Ecton commented that the fire station location is not an issue because the City Council has already approved the location and multiple opportunities were provided for public comment. He agreed that the driveway access would not impact residents.

In response to a question by Board Member Ortega, Mr. Louie confirmed that the fire station at Thomas and Miller would be closed. Board Member Ortega felt that Eldorado was a more appropriate location from a safety standpoint because of bottleneaking that occurs at the corner of Thomas and Miller.

Board Member Ortega recommended that if a window panel is added to the southern facing apparatus bay doors, the windows above the southern facing door be eliminated. Having windows both above and on the door would cause heat accumulation.

BOARD MEMBER ORTEGA MOVED TO APPROVE 5-DR-2009, FIRE STATION No. 1, WITH THE REMOVAL OF THE GLASS ABOVE THE APPARATUS BAY DOORS. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBERS GERSTER AND JONES WERE ABSENT.

4. 6-DR-2009 Fire Station 8

Ms. Garbo presented the site plan, landscape plan, and elevations, noting that earlier Board Member comments had been incorporated into the design.

Mr. Louie presented a comparison between the original and the updated renderings. Primary changes include use and combination of materials and color. One primary change was the incorporation of stone material, which provides a richer, more durable finish. Because the skylight can only be used on the north side, additional glazing area was incorporated, which will stream morning sunlight into the station.

Commissioner D'Andrea noted that he liked the improvements made to the colors and materials. He commented that the extensive glass on the east

elevation should be reconsidered because it would allow an uncomfortable amount of sun into the building in the mornings. He suggested adding pop-outs around the windows instead of leaving a gap between the brick and the windows.

Board Member Brantner felt the elevations were inconsistent with each other and the overall design did not match the context of the area.

Vice-Chairman Edwards agreed that the glazing, particularly on the east side and the skylights, should be reconsidered because of the heat load they could create.

Board Member Ortega felt that the glass above the bay doors should be eliminated and an efface provided in that location. He suggested that either a bifold or rolled coil bay door should be included in the stipulations. He suggested that the stone veneer be limited to a horizontal element extending approximately two feet up with no added detail around the windows.

BOARD MEMBER ORTEGA MOVED TO CONTINUE 6-DR-2009, FIRE STATION 8.

In response to a question by Commissioner D'Andrea, Mr. Louie confirmed that both fire stations are on track for a minimum of LEED Gold. Primary features will include solar hot water and high efficiency gas-fired HVC units with individual controls.

Mr. Galav noted urgency in moving the project forward and requested that the Board approve the project with additional stipulations. Councilman Ecton was unsure that additional stipulations would be sufficient to satisfy the Board's concerns.

BOARD MEMBER ORTEGA WITHDREW HIS MOTION FOR CONTINUANCE.

BOARD MEMBER ORTEGA MOVED TO APPROVE THE SITE PLAN, LANDSCAPE PLAN, BUILDING CONFIGURATION AND ELEVATION FOR 6-DR-2009, FIRE STATION No. 8, WITH THE STIPULATION THAT THE APPLICANT RETURN TO A REGULAR DEVELOPMENT REVIEW BOARD HEARING WITH REVISED ELEVATIONS ELIMINATING EXCESS GLASS AND CHANGING THE STONE VENEER AS WELL AS WITH FURTHER EXPLANATION OF LEED QUALIFYING ELEMENTS. COMMISSIONER D'ANDREA SECONDED THE MOTION.

In response to a request by Commissioner D'Andrea, Mr. Galav agreed to provide a tentative list of anticipated LEED points. He noted that City Council requires all municipal buildings to achieve a minimum of LEED Gold.

THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO ONE (1). BOARD MEMBER BRANTNER DISSENTED. BOARD MEMBERS GERSTER AND JONES WERE ABSENT.

5. 54-DR-2009 Belmont Village Assisted Living

Commissioner D'Andrea noted that he pulled the item to the regular agenda because he was interested in learning more about how the retail components of the project dovetail with the assisted living facility.

Ms. Garbo presented the site plan, recalling elements of the commercial building phase located at the western portion of the site. Board comments regarding design and materials were incorporated into the phase two assisted living elevations.

Commissioner D'Andrea expressed concern about the lack of detail on the east and west elevations, which will be visible to both neighboring communities and facility residents; adding stone to those elevations would provide added interest. He commented that the window pattern on the east elevation is inconsistent with the rest of the building. He was curious from a solar perspective why the south and west windows were larger than those on the east.

Mr. Dan Ortega explained that the dormer elements were added in response to Board Member requests that the elevation be broken up with added points of interest. He noted a willingness to add a stipulation for stone elements to the east and west sides of the elevation. He explained that the window elements are inconsistent because of a need for interior functionality.

Commissioner D'Andrea stressed the importance of being consistent in application and construction techniques if emulating Taliesin. Mr. Dan Ortega explained that the stone application would be visually similar to Taliesin; however because stone veneer is being used, the application and construction techniques will differ. He noted that because veneer was used on the commercial portion of the development, staff requested that they use matching materials for the assisted living facility. Commissioner D'Andrea noted a preference for natural stone.

Board Member Brantner agreed that the stone materials should be natural. He suggested using a natural stone that varies in appearance from the commercial development to add visual interest to the development.

Vice-Chairman Edwards agreed that the stone does not have to exactly match the pattern of the commercial phase.

Board Member Ortega suggested adding a fence to the interior of the residential perimeter wall for additional safety and visual appeal. He felt that adding fencing would provide added safety and control of assisted living residents who might wander into undesirable areas. Mr. Dan Ortega agreed to incorporate a fence element along the eastern and southern perimeter.

BOARD MEMBER BRANTNER MOVED TO APPROVE 54-DR-2009, BELLMONT VILLAGE ASSISTED LIVING, WITH THE STIPULATION THAT REAL STONE BE USED, THAT THE STONE ELEMENT BE ADDED TO THE EAST AND WEST ELEVATIONS, AND THAT THE APPLICANT RETURN TO A DEVELOPMENT REVIEW BOARD STUDY SESSION FOR REVIEW OF THE

STONE TO BE USED BEFORE STAFF APPROVAL. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBERS GERSTER AND JONES WERE ABSENT.

9. 88-DR-2005#6 SkySong 3

Mr. Bloemberg reviewed the site plan and elevations, explaining how the building interacts with the SkySong structure.

Commissioner D'Andrea complimented the design team, noting the superior quality of cutting-edge design. He particularly appreciated the extensive use of glass. He stressed the importance of focusing on the corner to create activity, because the entry, building, and plaza space are critical to the central area of the project.

Councilman Ecton agreed with Commissioner D'Andrea and expressed hope that the design will set the tone for more quality innovative design in the future.

In response to a question by Board Member Ortega, Mr. Matthew Pridemore explained that any future signage would come under a separate application. The current signage is limited to the pedestrian-level blade signs. Board Member Ortega commented that care should be taken not to allow signage clutter that would detract from the building design.

BOARD MEMBER ORTEGA MOVED FOR APPROVAL OF 88-DR-2005#6, SKYSONG 3. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBERS GERSTER AND JONES WERE ABSENT.

16. 80-DR-2009 La Posada Ranch (Carriage Hills Phase I)

Mr. Hadder reviewed the history behind the request. The subdivision was originally approved with an approved plant list and required NAOS areas, which were applied to each individual lot. Over time plants that are not approved for the area have been added; every lot is in violation. The homeowners are requesting that the original landscape plant list for front yards be modified to include additional plants. Staff recommended denial of the application and suggested incorporation of the City's updated ESL list of desert appropriate plants.

Mr. Dave Froehlich, president of the La Posada Ranch HOA, addressed the Board in support of the application. He reviewed the history of the development, noting that many new homeowners were not provided with an approved plant list and, in fact, had their property landscaped by the developer approved landscaper. Requiring homeowners to remove and replace mature plants would be a financial burden on the community.

Mr. William Oxford agreed that requiring residents to remove plants that have been on their property for a decade would be unfair. Removal of the existing mature plants would be a disservice to the appearance of the community.

Mr. Charlie Sasso, La Posada Ranch HOA member, supported grandfathering the existing plants onto the approved plant list. He noted that the majority of the surrounding neighborhoods have the plants that are being discussed. Removal would have a detrimental financial impact on the neighborhood.

Ms. Anita Johnson reiterated the comments of previous speaker. She blamed the developer, the landscaper, and the City for the violations and felt that one homeowner complaint should not be allowed to create a burden on an entire neighborhood.

Mr. Milton Miles felt that allowing the existing landscaping to remain harmed no one but requiring that it be removed would harm an entire neighborhood.

Mr. Jim Tomlinson, original HOA member, noted that the issue of which plants were acceptable came up two to three years after the subdivision was completed. At that time it was decided that the plants that were installed were to be added to the approved plant list; due to poor record keeping there is no record of those decisions. He felt that it was important to make a decision that benefits the neighborhood; removing existing mature plants will have a major economic impact on residents.

Ms. Pat Lynch noted that when she purchased her home there was no information provided regarding plant limitations. Requiring removal of mature plants would economically impact the majority of the homeowners.

Mr. George Milton, 8701 E. Valley View Road, addressed the Board in opposition to the application. He noted that the community's rules clearly state that the area is to be preserved in its natural state in perpetuity in accordance with the City of Scottsdale Hillside Ordinance. The Coalition of Greater Scottsdale, the Scottsdale Coalition and the Coalition of Pinnacle Peak agree that the request should be denied.

In response to questions by Board Member Brantner, Mr. Hadder explained that the City's NAOS inspection process was not as thorough when the subdivision was developed as it is currently. He verified that the recorded CC&Rs do indicate that 910 square feet of each front lot must be dedicated NAOS areas; the Hillside Ordinance did not limit landscaping in the front yards. Much of the confusion is a result of the break in continuity caused during the change of ownership when the original developer went bankrupt.

Board Member Brantner noted that he would be supportive of approving the requested plant list with the exception of the citrus trees and palm trees. He commented that the subdivision obviously had a rough start and a lot of people are now being subjected to problems left by previous owners. Requiring landscaping to be removed under the circumstances would be unfair to the homeowners.

In response to a question by Board Member Ortega, Mr. Hadder confirmed that the right-of-way areas are required to be maintained with native plant materials. The fact that the Hillside Ordinance is no longer a normal part of the Ordinance but is referenced in the ESL limits the ability to change the Hillside Ordinance. If

Code Enforcement were to issue notice to homeowners regarding right-of-way areas, the City's native plant expert would assist in creating a plan for transitioning the areas back into compliance. Mr. Hadder explained that the City has developed a new desert landscaping list which includes plant materials that were unavailable when the original palette was created in 1987. If the request is denied, the City will work with each property owner on an individual basis to identify areas of noncompliance.

Commissioner D'Andrea noted that it is important to preserve the desert but it is also important to be prudent, practical, and reasonable. He felt it would be most appropriate to support the homeowners' request. He recommended to the homeowners that if the request was ultimately denied they consider pursuing legal action against the developer.

Mr. Hadder noted that after discussion, the HOA has consented to removing the citrus trees and palm trees from their plant list.

In response to questions by Vice-Chairman Edwards, Mr. Hadder reviewed the process of determining and enforcing NAOS and reiterated the City's intent to work with homeowners to come into compliance. One reason a desert appropriate plant list was developed for ESL areas is because of similar situations occurring in the area. Some of the desert compatible plants provide more color than typical native plants.

Councilman Ecton felt that the City would be able to work with homeowners on a case by case basis to help bring them into compliance. He mentioned a personal situation he had been involved in where he was in a similar position as La Posada Ranch homeowners and realized the right thing to do was to follow the CC&Rs as they were intended. He noted that he would support staff's recommendation because he had an obligation to follow the Ordinance as it is written.

BOARD MEMBER BRANTNER MOVED TO APPROVE 80-DR-2009, LA POSADA RANCH (CARRIAGE HILLS PHASE I) REQUESTED PLANT LIST, WITH THE STIPULATION REMOVING THE PALM TREE AND CITRUS TREE FROM THE LIST AND ADDING TO THE LIST THE CITY DEVELOPED ESL DESERT APPROPRIATE PLANT LIST. COMMISSIONER D'ANDREA SECONDED THE MOTION.

Commissioner D'Andrea inquired whether staff's position would have been different if the citrus trees and palm trees had not been on the list and the ESL desert appropriate plant list had been included. Mr. Hadder indicated that staff would have stayed consistent with City Council policy regarding ESL and would likely have had a similar recommendation for denial.

**THE MOTION CARRIED WITH A VOTE OF THREE (3) TO TWO (2).
COUNCILMAN ECTON AND BOARD MEMBER ORTEGA DISSENTED.
BOARD MEMBERS GERSTER AND JONES WERE ABSENT.**

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 3:25 p.m.

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