



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

THURSDAY, JULY 23, 2009

MEETING MINUTES

PRESENT: Wayne Ecton, Council Member
Michael D'Andrea, Planning Commission Member
David Brantner, Development Member
Eric Gerster, Development Member
Chris Jones, Design Member
David Ortega, Design Member

ABSENT: Michael Edwards, Vice Chairman

STAFF: Brad Carr
Bryan Cluff
Hank Epstein
Don Hadder
Jesus Murillo
Keith Niederer
Joe Padilla
Meredith Tessier
Greg Williams
Steve Venker

CALL TO ORDER

Councilman Ecton called the meeting of the Scottsdale Development Review Board to order at 1:04 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 July 9, 2009 Development Review Board Study Session Minutes
2. Approval of July 9, 2009 Development Review Board Meeting Minutes

BOARD MEMBER BRANTNER MOVED TO APPROVE THE JULY 23, 2009 DEVELOPMENT REVIEW BOARD MINUTES INCLUDING THE STUDY SESSION. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

CONSENT AGENDA

3. 34-DR-1996#6 Four Seasons Resort Scottsdale
4. 12-PP-2007 Desert Mountain Phase III, Unit 46 Parcel 10
5. 51-DR-2009 NewPath Networks (K642-01) N. 124th Street & Doubletree Ranch Road
6. 61-DR-2008 NewPath Networks – Antenna Site: H244-02

Mr. Michael Stinson expressed concern about the health risks of the radio frequency being on his property. He felt that too many companies were being permitted to install cellular equipment in one area and was concerned that additional cellular companies would install equipment on the traffic signal.

Mr. Niederer clarified that the traffic signal in question is located in a right-of-way area, not on Mr. Stinson's property. Staff policy is to allow only one wireless installation per traffic signal pole. It would be possible for carriers to utilize the additional light signals located at the northwest and southeast corners.

7. 65-DR-2009 Model Railroad Building, McCormick-Stillman Railroad Park
8. 83-DR-2009 NewPath Networks (K696-01) N. 91st St. and E. Cortez St.
9. 85-DR-2009 NewPath Networks (K6606-04) E. Via Linda & 110th St.
11. 93-DR-2009 Verizon Pho Oleander

COMMISSIONER D'ANDREA MOVED TO APPROVE 34-DR-1996#6, FOUR SEASONS RESORT SCOTTSDALE; 12-PP-2007, DESERT MOUNTAIN PHASE III, UNIT 46 PARCEL 10; 51-DR-2009, NEWPATH NETWORKS (K642-01) N. 124TH STREET & DOUBLE TREE RANCH ROAD; 61-DR-2008, NEWPATH NETWORKS-ANTENNA SITE: H244-2; 65-DR-2009, MODEL

**RAILROAD BUILDING, MCCORMICK-STILLMAN RAILROAD PARK;
83-DR-2009, NEWPATH NETWORKS (K696-01) N. 91ST ST. AND E. CORTEZ
ST.; 85-DR-2009, NEWPATH NETWORKS (K606-04) E. VIA LINDA &
N. 100TH ST.; AND 93-DR-2009, VERIZON PHO OLEANDER. SECONDED BY
BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH
A VOTE OF SIX (6) TO ZERO (0).**

REGULAR AGENDA

10. 89-DR-2009 NewPath Networks, LLC (H598-01) N. 104th St. &
E. Sunnyside Dr.

Ms. Tessier presented the context aerial, site plan, and elevations of the proposed saguaro in relation to the existing and proposed landscaping and an inventory of existing stealth saguaros in the area.

In response to a question by Board Member Jones, Mr. Jim Tadaro explained that the HOA requested the saguaro installation and that it be placed back from the right of way into the greenbelt area.

Board Member Jones suggested that the cellular installation be placed on a new light in the unlit roadway leading to the tennis court instead of installing a faux cactus. Installing a cactus at that location would look artificial because there is a lack of desert landscaping and cactus in that area. Ms. Tessier noted that a stipulation was included requiring that an additional real saguaro of at least 12 feet in height be planted near the faux cactus.

Ms. Susan Babendure expressed concern about the proximity of the site to homes in her community. She noted that her homeowners association has not been contacted about location or style of the structure. She requested that additional information be provided to homeowners about hazards of radio frequencies, effects on property values, and the maintenance plan.

Councilman Ecton inquired about the confusion regarding HOA support. Ms. Lagarde explained that the information was provided by an outside consultant; she was unable to verify the information. NewPath will be responsible for the maintenance regardless of the site location. Ms. Tessier clarified that the installation site is located within the right-of-way area.

Mr. Tadaro apologized, noting that he had been mistaken in his earlier comments and was confusing this site with another location. The site was moved away from the homes on the corner of East Sunnyside, north into the open space right-of-way area.

Board Member Ortega expressed concern that the saguaro might encroach on the public trail easement. Ms. Tessier clarified that the trail easement is actually on private property and the Saguaro and equipment must be maintained outside of the trail area.

**BOARD MEMBER JONES MOVED TO CONTINUE 89-DR-2009 TO THE
AUGUST 20, 2009 MEETING IN ORDER TO PROVIDE THE OPPORTUNITY**

FOR THE APPLICANT TO CONSIDER THE OPTION OF INSTALLING A STREETLIGHT AND TO MEET WITH THE NEIGHBORING HOA. SECONDED BY BOARD MEMBER GERSTER, THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO TWO (2). COUNCILMAN ECTON AND BOARD MEMBER ORTEGA DISSENTED.

12. 70-DR-2009 NewPath Networks (H345-03) 104th Street south of Mission Lane

Mr. Niederer presented the contextual aerial, an overview map of the area, and photo simulations of the proposed site. An agreement has been entered into between NewPath and the homeowner's association; NewPath has a letter of authorization from Scottsdale Ranch to proceed with the installation of the cellular site. Although a streetlight is available, Scottsdale Ranch's preference was that NewPath install a faux saguaro.

Board Member D'Andrea expressed concerns about multiple carriers being located near a neighborhood walking path. Mr. Niederer explained that although there are multiple carriers in the area, NewPath would be the only faux saguaro and is capable of handling multiple carriers as needed in the future. The location was chosen out of a need for network alignment.

In response to a question by Board Member Gerster, Mr. Niederer clarified that 104th Street was abandoned in 1997 and there are no future plans of extending the street. The abandoned area is under the ownership of the Scottsdale Ranch Community Association.

BOARD MEMBER BRANTNER MOVED TO APPROVE 70-DR-2009, NEWPATH NETWORKS (H345-03) 104TH STREET SOUTH OF MISSION LANE. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

13. 107-DR-2008 Verizon PHO Sluggo

BOARD MEMBER ORTEGA MOVED TO CONTINUE 107-DR-2008, VERIZON PHO SLUGGO, TO A DATE TO BE DETERMINED. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

14. 10-DR-2007#7 Scottsdale Quarter

Mr. Cluff explained that the 10x20 panels are considered architectural features because they are not seen beyond the southern boundary of the development, which puts the responsibility of approval on the Development Review Board. He reviewed the master site plan and the project phasing plan. The panels will be located on Building E and J elevations.

In response to questions by Board Member Ortega, Mr. Paul Gilbert confirmed that the panels would be stabilized and would not be animated or scrolling. Maintenance stipulations have been included as part of the application.

Scottsdale Quarter will control advertizing through contracts with the individual users.

Councilman Ecton noted that he was comfortable with the maintenance agreement.

In response to a question by Board Member Gerster, Mr. Gilbert explained that a change in location of the signs would require DRB approval; however, no approval will be required for sign content.

Commissioner D'Andrea inquired what recourse the City would have if the sign content was offensive. Mr. Padilla explained that that would be getting into a First Amendment issue; complaints would be the responsibility of the facility owner, not the City of Scottsdale.

Board Member Gerster clarified that he was not concerned about the maintenance and sign content while the project is being managed by the current developer. His concern was with management that may have control in the distant future and the inability of the City to be able to step in if problems arise.

COMMISSIONER D'ANDREA MOVED TO APPROVE 10-DR-2007#7, SCOTTSDALE QUARTER. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

15. 78-DR-2009 The Ryerson at One Scottsdale

Mr. Williams reviewed the request and the development information. Mr. Kurt Jones noted that his presentation was the same as seen at the June 4th presentation and opened himself to questions.

Commissioner D'Andrea was pleased with the overall quality of the design and felt that the materials were fitting for the area. He was concerned about the elevations because of the large spans of area with one base color. He suggested that consideration be given to adding additional color or materials vertically on the building.

Board Member Brantner indicated a preference for the real limestone material as opposed to the optional faux material.

In response to a question by Board Member Gerster, Mr. David Davis explained that the overall vision and MDCP does include traditional style buildings; the traditional character is regionally appropriate and complimentary to the character and style of Grayhawk. Mr. Kurt Jones added that four architectural styles were approved; as the development progresses the land use will determine which architectural style is used.

Mr. Hadder explained that the two limestone options were provided so that the developer would have flexibility in the application as the project moves forward. Materials will be submitted with the final plans and staff will ensure product consistency. Mr. Kurt Jones further explained that the philosophy behind the two

options is cost and view. It is anticipated that the natural limestone will be used at the pedestrian level and that the faux material will be used at higher elevations and areas not frequented by pedestrians.

Board Member Ortega highlighted the importance of sustainable building and using local materials. Mr. Davis noted that both the veneer and natural limestone materials would come from local sources. He explained that the limestone would be used additionally in treating the edges between phase I and phase II along with temporary landscaping; the vision and character for the building is high quality aesthetic.

In response to a question by Commissioner D'Andrea, Mr. Davis noted that the developer would retain ownership moving forward. The development will consist of 318 independent living units and 48 transitional care units. Commissioner D'Andrea commented that higher quality is usually maintained with an owner/operator investment.

BOARD MEMBER BRANTNER MOVED TO APPROVE 78-DR-2009, THE RYERSON AT ONE SCOTTSDALE. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 2:14 p.m.

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