



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

THURSDAY, SEPTEMBER 17, 2009

MEETING MINUTES

PRESENT: Suzanne Klapp, Council Member
Michael Edwards, Vice Chairman
Steven Steinke, Planning Commission Member
David Brantner, Development Member
Chris Jones, Design Member
David Ortega, Design Member
Eric Gerster, Development Member

STAFF: Steve Venker
Joe Padilla
Kim Chafin
Keith Niederer
Bob Hults
Meredith Tessier
Bryan Cluff
Brad Carr

CALL TO ORDER

Councilwoman Klapp 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

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

MINUTES

1. Approval of September 3, 2009 Development Review Board Study Session Minutes
2. Approval of September 3, 2009 Development Review Board Meeting Minutes

Councilwoman Klapp noted that the study session minutes indicated an adjournment time of 3:05, which was incorrect.

VICE-CHAIRMAN EDWARDS MOVED TO APPROVE THE SEPTEMBER 3, 2009 MINUTES OF THE DEVELOPMENT REVIEW BOARD INCLUDING THE STUDY SESSION AS AMENDED. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

CONSENT AGENDA

3. 99-DR-2009 Gainey Office Center Master Sign Program Amendment

Vice-Chairman Edwards noted a conflict and recused himself from the vote.

BOARD MEMBER BRANTNER MOVED TO APPROVE 99-DR-2009, GAINEY OFFICE CENTER MASTER SIGN PROGRAM AMENDMENT. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0). VICE-CHAIRMAN EDWARDS WAS RECUSED.

17. 98-DR-2009 RnR Restaurant

BOARD MEMBER BRANTNER MOVED TO MOVE ITEM 98-DR-2009 TO THE REGULAR AGENDA. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

4. 73-DR-2008 NewPath Networks, LLC WFC-H308-02
5. 9-DR-2009 NewPath Networks (H-101-01) 8307 E. Thompson Peak Parkway
6. 10-DR-2009 NewPath Networks (H-280-01) 20317 N. Hayden Rd.
7. 15-DR-2009 NewPath Networks (H-078-01) 10187 E. Happy Valley Rd.
8. 19-DR-2009 NewPath Networks (H099-01) 7235 E. Grayhawk Dr.

9. 31-DR-2009 NewPath Networks, LLC (H-098-01) 21189 N. Hayden Rd.
10. 32-DR-2009 NewPath Networks (H-107-01) 20096 N. 76th St.
11. 100-DR-2009 NewPath Networks, LLC (K705-02) N. 102nd St. & E. Camino del Santo
12. 109-DR-2009 NewPath Networks, LLC (K555-01) 19827 N. 77th Way
13. 110-DR-2009 NewPath Networks, LLC (H-285-01) 19987 N. Grayhawk Dr.
14. 111-DR-2009 NewPath Networks, LLC (H-287-01) 19697 N. Grayhawk Dr.
15. 112-DR-2009 NewPath Network (H-095-01) 7399 E. Rustling Pass
16. 113-DR-2009 NewPath Networks (H-286-04) 8462 E. Talon Dr.

BOARD MEMBER BRANTNER MOVED TO APPROVE 73-DR-2008, NEWPATH NETWORKS, LLC WFC-H308-02; 9-DR-2009, NEWPATH NETWORKS (H-101-01) 8307 E. THOMPSON PEAK PARKWAY; 10-DR-2009, NEWPATH NETWORKS (H-280-01) 20317 N. HAYDEN RD.; 15-DR-2009, NEWPATH NETWORKS (H-078-01) 10187 E. HAPPY VALLEY RD., WITH THE STIPULATION THAT NEWPATH WILL WORK WITH THE NEIGHBORS TO DETERMINE AN APPROPRIATE TREE HEIGHT; 19-DR-2009, NEWPATH NETWORKS (H099-01) 7235 E. GRAYHAWK DR.; 31-DR-2009, NEWPATH NETWORKS, LLC (H-098-01) 21189 N. HAYDEN RD.; 32-DR-2009, NEWPATH NETWORKS (H-107-01) 20096 N. 76TH ST.; 100-DR-2009, NEWPATH NETWORKS, LLC (K705-02) N. 102ND ST. & E. CAMINO DEL SANTO; 109-DR-2009, NEWPATH NETWORKS, LLC (K555-01) 19827 N. 77TH WAY; 110-DR-2009, NEWPATH NETWORKS, LLC (H-285-01) 19987 N. GRAYHAWK DR.; 111-DR-2009, NEWPATH NETWORKS, LLC (H-287-01) 19697 N. GRAYHAWK DR. ; 112-DR-2009, NEWPATH NETWORK (H-095-01) 7399 E. RUSTLING PASS ; 113-DR-2009, NEWPATH NETWORKS (H-286-04) 8462 E. TALON DR. BOARD MEMBER ORTEGA SECONDED THE MOTION.

In response to a question by Vice-Chairman Edwards, Mr. Venker clarified that the landscape stipulation for faux cactus did not need to be read into the motion for item 100-DR-2009 because staff has authority to improve landscape installations.

Mr. Venker read a stipulation that should be added for item 10-DR-2009 and will be included as stipulation 10 under the heading of miscellaneous.

BOARD MEMBER BRANTNER ADDED THAT ITEM 10-DR-2009 WAS TO INCLUDE A STIPULATION MODIFYING THE SUBMITTAL TO INCLUDE ONLY APPROVAL OF THE REPLACEMENT STREETLIGHT WITH THE ILLUMINATION OF THE SEMI-VAULT GROUND EQUIPMENT THAT HAD BEEN LOCATED ON THE SHOPPING CENTER PROPERTY; THE APPLICANT SHALL COORDINATE WITH THE PEDERSON GROUP IN THE INSTALLATION OF THE REPLACEMENT STREETLIGHT IF ANY ACCESS

TO THEIR SITE IS REQUIRED DURING CONSTRUCTION. BOARD MEMBER ORTEGA SECONDED THE MODIFICATION.

Mr. Paul Given, president of the Grayhawk Association, reviewed the agreements included in the letters of authorization provided to NewPath by Grayhawk, including conditional construction easements and maintenance easements. Additional stipulations are being negotiated for various locations within the community.

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

- 20. 105-DR-2009 NewPath Networks (K621-02) N. 113th Place & E. Del Timbre Drive
- 21. 103-DR-2009 NewPath Networks (H341-02) N. 115th Pl. & E. Stonegate Circle
- 22. 104-DR-2009 NewPath Networks (K693-01) E. Mission Ln. & E. San Victor Dr.
- 23. 106-DR-2009 NewPath Networks (H340-02) N. 119th Way & E. Palomino Rd.
- 24. 107-DR-2009 NewPath Networks (H201-01) E. Mountain View Rd. and
E. Stonegate Circle

BOARD MEMBER BRANTNER MOVED TO APPROVE 105-DR-2009, NEWPATH NETWORKS (K621-02) N. 113TH PLACE & E. DEL TIMBRE DRIVE, WITH THE STIPULATION THAT THE ALTERNATIVE CONCEALMENT POLE WILL BE A MAXIMUM OF 24 FEET IN HEIGHT AND WILL BE INSTALLED APPROXIMATELY THREE FEET FROM THE EXISTING LIGHT POLE AT THE TENNIS COURT; ITEM 103-DR-2009, NEWPATH NETWORKS (H341-02) N. 115TH PL. & E. STONEGATE CIRCLE, WITH THE STIPULATION NOT TO EXCEED 24 FEET IN HEIGHT; 104-DR-2009, NEWPATH NETWORKS (K693-01) E. MISSION LN. & E. SAN VICTOR DR. , WITH THE STIPULATION NOT TO EXCEED 24 FEET IN HEIGHT; 106-DR-2009, NEWPATH NETWORKS (H340-02) N. 119TH WAY & E. PALOMINO RD., WITH THE STIPULATION NOT TO EXCEED 24 FEET IN HEIGHT; AND 107-DR-2009, NEWPATH NETWORKS (H201-01) E. MOUNTAIN VIEW RD. AND E. STONEGATE CIRCLE, WITH THE STIPULATION NOT TO EXCEED 30 FEET IN HEIGHT. SECONDED BY VICE-CHAIRMAN EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

- 17. 98-DR-2009 RnR Restaurant

Mr. Carr reviewed the context photographs, site plan, and elevations, noting the inclusion of two levels of outdoor patio.

Board Member Ortega noted the attributes of the Downtown's covered walkways. He recommended adding an overhang element that would wrap beyond the corner, tying Scottsdale Road to 2nd Street. He suggested sloping the overhang on 2nd Street to match the overhang on Scottsdale Road. Mr. Brian Cox

explained that he designed the overhang on 2nd Street to better relate to the context of the neighboring buildings; however, he would be willing to slope the awning and create a connection at the corner.

Board Member Ortega noted that the extensive use of glass was not appropriate on a west-facing building. He felt that that second story needed additional shading elements and could be designed with a more unique motif. Mr. Cox explained that the shading elements on the second level patio were designed to take advantage of the views which would be desirable for the majority of the year. A misting system and mature trees will aid in mitigating any shading issues. Board Member Ortega suggested that design elements be added to the brick veneer area at the corner to give the appearance of activity at the pedestrian level.

Mr. John Casale owner of Furio Restaurant, mentioned that he sent a letter expressing concerns about the RnR restaurant development which he was told would be forwarded to the Board Members. He noted that he was supportive of the project itself but feared that at 26 feet the building will block the view of his restaurant from Scottsdale Road. Because the entrance to RnR will be located north of the patio area along Scottsdale Road and because of the corner design, pedestrians will be enticed to cut through the alley to the north end of the building leaving the corner of Scottsdale Road and 2nd Street unactivated, to the detriment of Furio Restaurant.

Mr. Ron Singh owner of the pawnshop on 2nd Street and the building where Furio Restaurant is located, expressed concern about the visibility of its sign from Scottsdale Road once the building is erected. He suggested that the building be moved north and the parking placed at the corner of Scottsdale Road and 2nd Street.

Mr. John Berry noted that by right another developer would have the ability to build to 26 feet in height and up to the zero lot line. Any building over 15 feet would block visibility of the buildings which are set back and have streetfront parking. He reviewed the benefits the development would have to the City in the current economy including activating the corner.

Mr. Berry agreed that the overhangs could be extended to the corner and placed at an angle as suggested by Board Member Ortega. In addition, a pedestrian access gate will be located on the patio at the corner of Scottsdale Road and 2nd Street and a public art piece depicting the history of Scottsdale will be placed along 2nd Street. Windows cannot be placed at the pedestrian level along 2nd Street because the kitchen is located just inside that wall. He noted that the windows along the west side open to provide an open air feeling for patrons.

Board Member Jones commented that a restaurant is a great use for the corner. He had concerns about the floor plan, building orientation, and elevations at the corner. He felt that if the entrance were at the corner it would activate both Scottsdale Road and 2nd Street rather than treating 2nd Street like an alley. Consideration should also be given to potential development of the lot to the south. He suggested flipping the floor plan and moving the kitchen to the north would allow an opportunity to open the south side and would provide better alley

access for the kitchen employees. Mr. Berry argued that placing the entrance at the corner would create a dead zone for the restaurant along Scottsdale Road because there would not be a connection with the other area restaurants. The current proposal places the entrance near the logical pedestrian walkway from the City parking structure. The owner feels strongly about the site plan and if he is unable to gain approval he will miss the coming season.

In response to a question by Board Member Gerster, Mr. Berry explained that the lot to the south is owned by Scottsdale Healthcare and development is not expected for up to ten years. He reiterated the design elements of the entrance and patio, stressing the importance of relating to the neighboring restaurants and parking garage.

Board Member Brantner commented that the corner should be designed to be welcoming to traffic entering Old Town. He agreed that wrapping the shade elements would be one step towards creating a more pedestrian-friendly design. He wondered why there was not a study session for a development that will have a dramatic impact on the corner. He noted that he was in support of the proposed entrance location because the pedestrian traffic will come from the north side of the building heading south.

Mr. Berry said that if staff would commit to expediting plan review so the business can open for this coming season, a two- or four-week continuance would be agreeable.

Commissioner Steinke agreed that the corner should stand out as an entrance to Old Town. In addition to extending the overhang, further enhancement is needed. He agreed that the mid-block entrance was appropriate because of the pedestrian flow in the area. He commented that it would have been helpful to be provided with the letter from Mr. Casella.

Vice-Chairman Edwards agreed that the entrance was appropriately located. He noted concerns about the south façade and suggested that additional detail was desirable. He suggested moving the grease trap to the north near the trash enclosure, making it more convenient and removing the potential for bothering neighbors with the odor.

Mr. Cox commented that the digital renderings were not accurately depicting the view from Scottsdale Road and offered to return with a more accurate rendering that would depict the interplay and sculptural beauty of the building.

Councilwoman Klapp suggested mirroring the creative signage that is used on Scottsdale Road on 2nd Street if signage requirements will allow the addition. She agreed that the entrance was placed appropriately.

Board Member Gerster opined that the entrance should be placed at the corner because it would provide a more welcoming solution for the corner.

Board Member Ortega commented that every corner is a postcard opportunity and should have more bold elements. He suggested that the architect look at two buildings built in the 60s that have a similar motif.

BOARD MEMBER ORTEGA MOVED TO CONTINUE 98-DR-2009, RnR RESTAURANT TO A MEETING DATE WITHIN 30 DAYS. BOARD MEMBER JONES SECONDED THE MOTION.

Board Member Ortega noted that Board Members would be available to provide input.

Board Member Jones commented that if the entry was to remain at the current proposed location, the corner should provide a sense of arrival to traffic moving north on Scottsdale Road that could include a door or design elements wrapping the corner. He suggested that the technical aspects of the trash and grease trap location and delivery entrance be reevaluated.

In response to a question by Board Member Brantner, Mr. Berry confirmed that benefit would be gained from approving the site plan and not the building elevations.

BOARD MEMBER ORTEGA MODIFIED HIS MOTION TO APPROVE THE SITE PLAN 98-DR-2009, RnR RESTAURANT, AND CONTINUING THE ELEVATIONS TO A MEETING DATE WITHIN 30 DAYS. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

18. 91-DR-2009 NewPath Networks, LLC (K706-01) N. 112th Pl. & E. Jenan Dr.

Mr. Niederer reviewed the alternative locations that were considered because of neighborhood opposition. He noted that the HOA is no longer in opposition to the application.

In response to a question by Board Member Jones, Mr. Niederer explained that the median was not a viable option because construction would have required lane closures and a greater chance of vehicular collision with the equipment.

BOARD MEMBER BRANTNER MOVED TO APPROVE 91-DR-2009, NEWPATH NETWORKS, LLC (K706-01) N. 112TH PL. & E. JENAN DR. SECONDED BY VICE-CHAIRMAN EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

19. 42-DR-2009 NewPath Networks (H172-02 E. Via Linda & E. Lupine Avenue

Mr. Cluff reviewed the proposal, which would be a replacement streetlight pole located at Via Linda east of 140th Street. He noted that placing an alternative concealment pole across Via Linda to the east has been identified by the Applicant as an alternative in response to neighborhood concerns.

Ms. Lagarde explained that the reason for the alternative location was concern by neighbors about the close proximity of the light pole to homes. She reviewed the location options.

Mr. Venker noted that staff opposes the alternative location because it is contrary to the primary objective of the wireless ordinance, which is to use existing vertical

structures in the right-of-way. Additionally, staff opposes the use of the alternative concealment pole unless a sign or banner is incorporated to fit into the alternative concealment concept.

Ms. Sandra Goldenberg, president of the Hidden Hills HOA, spoke in support of the alternate location across Via Linda to the east. She explained that the proposed location would be 25 feet away from the nearest house, creating aesthetic and perceived wcf health concerns. Hidden Hills would prefer not having a banner added to the pole; however, they will consider an addition if it is not obtrusive.

In response to a question by Board Member Jones, Mr. Venker noted that on a previous agenda the possibility of an alternative device and location was mentioned; a new submittal is not required. He noted that staff had concern because although communication has been ongoing with the Applicant the alternate proposal has not been thoroughly reviewed by staff.

Board Member Jones inquired why the alternate location was placed across from the end of the T entrance into Hidden Hills subdivision. Mr. Garcia noted that NewPath works with communities and HOAs to consider alternatives and the location was chosen through that process. Flexibility is available to shift the pole to the north or to the south, away from the intersection if needed.

Board Member Jones felt that any of the other considered locations would be preferable to the alternate location in the open space at the end of the T intersection. He was concerned that information was not provided to staff or the Board for consideration prior to the meeting.

Mr. Garcia explained that NAOS restrictions prohibited locating the installation on the tract to the north. The traffic department was opposed to installation in the median or on right-of way at the corner to the north.

Board Member Ortega felt that it would be redundant to add an additional pole when a light pole is available within the right-of-way. Adding an additional pole when one is available could be precedent setting and is not consistent with the wireless ordinance.

In response to a question by Vice-Chairman Edwards, Mr. Niederer explained that the Transportation Department was not asked about potentially relocating the light pole to the west side of Via Linda. Mr. Garcia noted that if agreeable to the Transportation Department and the neighborhood, the west side would be a potential alternative. Ms. Goldenberg argued that the west side location would be in the line of sight of residents and would be near the school bus stop. She was opposed to the suggestion of moving the site north on Via Linda away from the corner. She was adamant that the preferred location was across Via Linda in the open space area.

Vice-Chairman Edwards agreed that the proposed location across Via Linda at the end of the T intersection was inappropriate. The location could be moved 20 or 30 feet to the north or south.

In response to a question by Councilwoman Klapp, Mr. Venker noted that changes to the proposal would have to be stipulated to concurrence with the Transportation Department.

Board Member Brantner noted that unique cases do exist where an alternative concealment device is warranted; however, because a streetlight is existing and would require only a six-foot canister addition presenting minimal impact on the community, placing an additional pole in the vicinity would be precedent setting. He stressed the importance of working with the community and taking their comments into consideration.

BOARD MEMBER BRANTNER MOVED TO APPROVE 42-DR-2009, NEWPATH NETWORKS (H172-02 E. VIA LINDA & E. LUIPINE AVENUE, AS SUBMITTED. BOARD MEMBER JONES SECONDED THE MOTION.

Board Member Ortega commented that placing the device on an existing streetlight was doing the community a service by not creating duplication of poles.

THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ONE (1). VICE-CHAIRMAN EDWARDS DISSENTED.

In response to a question by Board Member Brantner, Ms. Lagarde noted that it is expected that a faux cactus and ground equipment will be available for viewing at WestWorld in the next 10 to 14 days. She expressed an interest in following up the viewing with a study session with the goal of streamlining the process and standardizing stipulations.

Mr. Venker confirmed that the alternative concealment poles are an acceptable alternative design. Staff was opposed to the design in case 42-DR-2009 because an alternative already existed.

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 3:04 p.m.

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