



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

**THURSDAY, OCTOBER 1, 2009**

**MEETING MINUTES**

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

**ABSENT:** Michael Edwards, Vice Chairman

**STAFF:** Steve Venker  
Joe Padilla  
Kim Chafin  
Keith Neiderer  
Bob Hults  
Meredith Tessier  
Bryan Cluff  
Reed Kempton  
Doris McClay  
Mary Vandevord  
Erin Perrault

**CALL TO ORDER**

Councilwoman Klapp called the meeting of the Scottsdale Development Review Board to order at 1:07 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 17, 2009 Development Review Board Study Session Minutes
2. Approval of September 17, 2009 Development Review Board Meeting Minutes

**BOARD MEMBER BRANTNER MOVED TO APPROVE THE SEPTEMBER 17, 2009 MINUTES OF THE DEVELOPMENT REVIEW BOARD INCLUDING THE STUDY SESSION. SECONDED BY BOARD MEMBER JONES, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

## **CONSENT AGENDA**

Councilwoman Klapp noted that items six, 53-DR-2009, and seven, 57-DR-2009, were moved to the regular agenda.

3. 86-DR-2009                    Golden Gate Theological Seminary
4. 47-DR-2007#2                DC Ranch Lots 13
5. 77-DR-2008                    NewPath Networks (H146-02) E. Thunderbird Rd. and N. 84<sup>th</sup> St.
8. 87-DR-2009                    NewPath Networks (K688-01) E. Paraiso Dr. and N. Pima Rd.

**COMMISSIONER STEINKE MOVED TO APPROVE 86-DR-2009, GOLDEN GATE THEOLOGICAL SEMINARY; 47-DR-2007#2, DC RANCH LOTS 13; 77-DR-2008, NEWPATH NETWORKS (H146-02) E. THUNDERBIRD RD AND N. 84<sup>TH</sup> ST.; AND 87-DR-2009, NEWPATH NETWORKS (K688-01) E. PARAISO DR. AND N. PIMA RD. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

## **REGULAR AGENDA**

6. 53-DR-2009                    NewPath Networks (K699-0) E. Jenan Dr. and N. Paradise Ln./N. 70<sup>th</sup> St.

Mr. Niederer reviewed the request and facts of the case. The contextual aerial photograph depicted the location of the proposed 24-foot faux cactus on the east side of 70<sup>th</sup> Street next to a City-owned water facility. He noted that NewPath is

not able to co-locate with the existing transformers on the power pole. NewPath is unwilling to enter into a lease agreement with the City to locate on City-owned land. Citizens have expressed concern about the faux cactus disrupting the perceived horse trail. Mr. Niederer noted that no plans are in place to locate a horse trail along that roadway.

Ms. Tracey House expressed concern that the faux cactus would block the right-of-way area residents use as an alternate trail because the Mescal Park trail to the park is not opened. She suggested that the City work with NewPath to find an alternate location or to negotiate the price of locating the installation on City property. It is important to keep the corridor open for equestrians and pedestrians.

Ms. Daniele Waechter, NewPath representative, provided photographs of the site and the area context. She noted that the area in question is 70 feet of dirt trail that is partially blocked. She reiterated that the existing APS pole is not a viable option because of the transformers that are currently attached to it.

In response to questions by Board Member Gerster, Mr. Niederer explained that the low wall is located approximately three-and-a-half feet to the east of the curb; he was unsure of the purpose of its location. Board Member Gerster noted neighbors to the south have a wall out to the back of the curb. He commented that the area was not viable trail access and that the faux saguaro will be more attractive and further outside of the back of the curb than the APS pole.

Mr. Reed Kempton noted that the City currently has no plans to put a trail or sidewalk along 70<sup>th</sup> Street at the location in question. Any future trail along 70<sup>th</sup> Street would look to the other side of the street, primarily because of the location of the existing utility pole. He explained that the area mentioned by Ms. House is a public utility easement that runs between Mescal Park and Cactus Road. Consideration of condemnation for the purpose of providing public access over the utility easement is agendaized for the upcoming City Council meeting.

**BOARD MEMBER BRANTNER MOVED TO APPROVE 53-DR-2009, NEWPATH NETWORKS (K699-01) E. JENAN DR. AND N. PARADISE LN./ N. 70<sup>TH</sup> ST. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

7. 57-DR-2009                      NewPath Networks (H-087-01) 10032 E. Pinnacle Peak Rd.

Ms. Tessier reviewed the context aerial, elevations, and simulated photographs.

In response to a question by Board Member Jones, Ms. Tessier explained that the two other cell tower locations along Pinnacle Peak are scheduled to be seen by the Development Review Board on October 15<sup>th</sup>. Ms. Susan Makinson noted that NewPath is aware of concerns regarding having several towers located on a single street and has taken steps to provide variation in the faux cactus design.

Ms. Waechter said that the prototype faux cactus would be made available at the WestWorld location probably within the next two to three weeks. The faux cactus

can be made available for Board Members prior to the WestWorld viewing at the manufacturer's warehouse.

**BOARD MEMBER BRANTNER MOVED TO APPROVE 57-DR-2009, NEWPATH NETWORKS (H-087-01) 10032 E. PINNACLE PEAK RD. BOARD MEMBER ORTEGA SECONDED THE MOTION.**

Board Member Gerster expressed concern about the corner location and the lack of vegetation that would be surrounding the faux cactus. Mr. Niederer noted that the Board has the ability to stipulate additional landscaping in the area.

**BOARD MEMBER BRANTNER AMENDED HIS MOTION TO INCLUDE MOVING THE INSTALLATION TOWARDS THE WEST WHERE ADDITIONAL VEGITATION IS AVAILABLE. BOARD MEMBER ORTEGA SECONDED THE AMENDMENT.**

Board Member Jones suggested continuing the case so that all three cases along Pinnacle Peak Road could be considered together.

**BOARD MEMBER JONES MOVED TO CONTINUE 57-DR-2009, NEWPATH NETWORKS (H-087-01) 10032 E. PINNACLE PEAK RD, TO THE OCTOBER 15, 2009 MEETING. SECONDED BY BOARD MEMBER GERSTER, THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO TWO (2). COUNCILWOMAN KLAPP AND BOARD MEMBER ORTEGA DISSENTED.**

9. 66-DR-2009 Schick Design Group

Mr. Niederer recalled the previous hearing that was brought forth because of a notice of non-compliance for painting a building without prior approval. He presented before and after photographs as well as proposed changes, which were based on previous Board Member comments. He noted that although the dark gray color does not fit within the Downtown Guidelines, the color is acceptable for the Old Town area.

In response to a question by Board Member Jones, Ms. Janelle Schick explained that the lighter tile sample will be used on the column and the charcoal tile will be used on the front doorstep.

Board Member Ortega suggested that an in ground planter replace the proposed potted plants; cuts into the sidewalk area could be made and a pot capstone placed to give the illusion of a potted plant. In-ground planting would provide better drainage, would be more durable, and would require less maintenance.

In response to a question by Board Member Gerster, Mr. Hults opined that other buildings in the area are not as dark as the building in question; however, they are in a similar color family.

In response to a question by Councilwoman Klapp, Ms. Schick explained that because there is an olive tree on the 4<sup>th</sup> Avenue corner of the building, she was

suggesting that the City replace the palm tree on the east side of the building along N. Brown Avenue with an olive tree. She offered to install a water drip system to the right-of-way area in order to maintain any landscaping that was installed; however, she is financially unable to install a replacement tree. She noted that there are no other palm trees in the area. Mr. Hults noted that the City does not maintain any landscaping in the area.

In response to a question by Commissioner Steinke, Mr. Hults explained that staff was recommending denial because the Applicant chose to break up the offending color by installing vines that could be unstable, which is not in keeping with the Downtown policy. Ms. Schick noted that in addition to the trellises potted plants, tiles on the tower element and bright colored awnings were proposed.

Board Member Ortega commented that although on a tight site, the building has many green aspects. The shading element provides a pedestrian-friendly environment and adds color. He suggested that the wire grille element be painted a lighter shade of gray to mitigate the elevations. He reiterated his suggestion to replace the potted plants with in-ground planters. He recommended eliminating the stipulation to remove the palm tree because if the City were to change the landscaping the local businesses would eventually be assessed for the expenses. He hoped that the upgrades would encourage neighboring business owners to update their buildings.

**BOARD MEMBER ORTEGA MOVED TO APPROVE 66-DR-2009, SCHICK DESIGN GROUP WITH THE STIPULATION THAT THE PLANTING BE EMBEDDED IN THE GROUND WITH A CAPSTONE PLANTER, THAT THE TRELLIS BE PAINTED A LIGHTER SHADE OF GRAY AND END AT THE TOP OF THE WINDOWS, AND THAT THE STIPULATION FOR THE CITY TO REPLACE THE PALM TREE WITH AN OLIVE TREE BE ELIMINATED. BOARD MEMBER GERSTER SECONDED THE MOTION.**

Mr. Hults suggested that a three-month time frame be stipulated because of the length of the non compliance. Board Member Ortega felt that because most projects are given 12 months approval, six months would be fair.

**BOARD MEMBER ORTEGA AMENDED THE MOTION TO INCLUDE A STIPULATION THAT ALL UPDATES ARE TO BE COMPLETED WITHIN SIX MONTHS. BOARD MEMBER GERSTER SECONDED THE AMENDMENT.**

Commissioner Steinke asked if with the approval progress was made to bring the design in conformance with the Downtown Design guidelines. Mr. Venker noted that staff's opinion was that no progress had been made.

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

## **NON-ACTION AGENDA**

### 10. Greater Airpark Community Area Plan

Ms. Vandevord discussed the project overview and purpose as well as a background of the history of character area plans which will ultimately become components of the 2011 update. She reviewed the Greater Airpark area boundary and conditions analysis, draft plan structure based on the General Plan, community values, and the draft vision statement, which is an integral part of the plan.

Ms. McClay reviewed the land use plan and goals of the development types for the Greater Airpark. Type A conceptual model includes the employment land use. Type B conceptual model includes aviation land use. Type C conceptual model includes mixed use land uses. The goal is to promote sustainability and green design as well as to encourage innovative design and branding. She reviewed the upcoming steps and meeting dates.

In response to a question by Board Member Ortega, Ms. Perrault explained that the intent is not to do an overlay. Implementation is trying to set up a PCP zoning where properties would come through and rezone to get the flexibility of the zoning.

Board Member Ortega felt that not providing an overlay was a mistake because it would promote a piecemeal cycle of approval without vesting. He recalled problems with the Downtown Plan in 1984, which became burdensome and provided little progress in terms of Downtown rezoning. The process was streamlined once the Downtown model was changed to an overlay, which provided vesting. He noted that the existing zoning provided an obvious contrary and underutilized character. He mentioned that the daycare category that currently requires rezoning outside of industrial park should be included as part of the overlay.

Commissioner Steinke noted that staff provided a presentation about the regional use overlay that addresses the issue of process to the Planning Commission. Ms. Perrault explained that the Airpark currently has a General Plan overlay, which is different than a zoning overlay that is intended to allow for land-use flexibility wherever the overlay occurs on properties if a property is trying to build or attract a regional use. A regional use has the flexibility to be implemented without a lot of bureaucratic red tape.

In response to a question by Councilwoman Klapp, Ms. Vandevord confirmed that Ring Road would be a signature corridor under the current plan.

In response to a question by Board Member Ortega, Ms. Perrault explained that in some cases the regional requirement would require rezoning and in some cases it would not. Board Member Ortega asked for clarification information to be provided as well as the regional information that was presented to the Planning Commission.

**ADJOURNMENT**

With no further business to discuss, the regular session of the Development Review Board adjourned at 2:47 p.m.

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