



APPROVED 2/11/2009 bl

**SCOTTSDALE PLANNING COMMISSION  
KIVA-CITY HALL  
3939 DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA**

**THURSDAY, JANUARY 27, 2009**

**MEETING MINUTES**

**PRESENT:** David Barnett, Chairman  
Eric Hess, Vice Chairman  
Steven Steinke, Commissioner  
Kevin O'Neill, Commissioner  
Michael D'Andrea, Commissioner

**ABSENT:** Jeffrey Schwartz, Commissioner  
Michael Schmitt, Commissioner

**STAFF:** Connie Padian  
Joe Padilla  
David Reichert  
Don Hadder  
Phil Kercher  
Jesus Murillo  
Brad Carr  
Bryan Cluff

**CALL TO ORDER**

Chairman Barnett called the meeting of the Scottsdale Planning Commission to order at 5:06 p.m.

**ROLL CALL**

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

Chairman Barnett reviewed changes to the agenda, including moving item four, 12-ZN-2008, to the regular agenda.

## **MINUTES REVIEW AND APPROVAL**

1. January 14, 2009 Regular Meeting Minutes including Study Session.

Chairman Barnett noted that on page eight of the regular meeting minutes, under election of officers, the vote should have been four to zero.

**COMMISSIONER STEINKE MOVED TO APPROVE THE JANUARY 14, 2009 MEETING MINUTES AS AMENDED INCLUDING THE STUDY SESSION. SECONDED BY VICE-CHAIRMAN HESS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

## **WITHDRAWALS**

2. 4-GP-2008 Charles Miller Square

Request by owner for a non-major General Plan Amendment from the Office Residential, Type 2 land use description to the Office Commercial, Type 2 land use description on a +/- 29,240 square-foot site located at 6838, 6950, 6956, and 6990 E. 1<sup>st</sup> Street.

## **CONTINUANCE**

3. 9-AB-2004#2 Summit Vistas

Request by owner to abandon the alignment of E. Loving Tree Lane located west of N. 110<sup>th</sup> Street to the existing cul-de-sac with Single-Family Residential District, Environmentally Sensitive Lands (R1-43 ESL) zoning.

**COMMISSIONER STEINKE MOVED TO CONTINUE 9-AB-2004#2, SUMMIT VISTAS, TO A DATE TO BE DETERMINED. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

## **EXPEDITED AGENDA**

5. 11-AB-2008 Hawk Nest Estates Abandonment

Request by applicant to abandon the northern 15 feet of the existing 40-foot right-of-way at 8604 E. Hawk Nest Road with Single-Family Residential District, Environmentally Sensitive Lands Ordinance (R1-35 ESL) zoning.

6. 27-UP-2008 NSA8 (Sunstate)

Request by applicant for a Conditional Use Permit for an off-airport heliport on a 1.3 +/- acre parcel located at 7975 E. McClain Drive with Industrial Park District (I-1) zoning.

7. 28-UP-2008 Sandbar Mexican Grill

Request by applicant for an amendment to an existing Conditional Use Permit for a bar expansion on a 4.3 +/- acre parcel site located at 10050 N. Scottsdale Road, Suite 127 with Central Business District (C-2) zoning.

**COMMISSIONER STEINKE MOVED TO APPROVE 11-AB-2008, HAWK NEST ESTATES ABANDONMENT, INCLUDING THE REVISED STIPULATIONS; 27-UP-2008, NSA8 (SUNSTATE), BECAUSE IT MEETS THE USE PERMIT CRITERIA; AND 28-UP-2008, SANDBAR MEXICAN GRILL, BECAUSE IT MEETS THE USE PERMIT CRITERIA. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

**REGULAR AGENDA**

4. 12-ZN-2008 Charles Miller Square

Request by applicant to rezone from Multiple-Family Residential District/Downtown Overlay (R-5/DO) to Downtown/Office Commercial Type 2/Downtown Overlay (D/OC-2/DO) on a +/- 29,240 square-foot site located at 6938, 6950, 6956, and 6990 E. 1<sup>st</sup> Street.

Mr. Carr presented the site plan, zoning, and land use plan. The request is to transfer two homes to the site. The homes will be renovated and used for office, retail, and restaurant purposes. The uses fit within the mixed-use land use designation.

Mr. Richard Funke explained that once it has been moved and renovated, he hopes to have the Charles Miller house placed on the Historic Registry. He noted that delays have arisen because of confusion in the permitting process concerning footings. He felt that the development would add charm to the Downtown.

Mr. Robert Roe addressed the Commission in opposition to the rezoning. He felt the houses had been on blocks for an excessive length of time.

Ms. Gayle Weiss addressed the Commission in opposition to the rezoning on behalf of the residents at Gateway Plaza. She noted that the houses had been stored in the location on blocks with no maintenance, which presents a danger to the community. Fines should be imposed when property is not properly maintained. Neighbors have concerns that if approved the property would not be developed in a professional and timely manner that would benefit the neighborhood. The requested zoning would allow undesirable uses.

In response to a question by Commissioner D'Andrea, Ms. Padian explained that the requested zoning change would allow for a variety of homes on the site to develop as commercial. Code enforcement violations are being addressed as a separate issue unrelated to the zoning case.

Ms. Beth McGehee, business owner on the southwest corner of Goldwater across the street from the site, spoke in opposition to the rezoning. Noting that she recently renovated her property, she presented photographs of the site and the house as well as a timeline for what has occurred on the property. In addition to being unsightly, the current condition of the property has invited derelicts to the neighborhood. She noted that she is a proponent of historic preservation but did not feel that the home was a candidate for preservation.

Chairman Barnett noted that David Vincent, Ed Adler and Kathleen Lockheart were in opposition and donated their time to Beth McGehee. Darlene Peterson submitted written comments in favor of the rezoning.

Mr. Funke explained that his original agreement with City staff was to apply for the permit for the footings and wait to submit any further applications; the agreement was later rescinded by staff. Once Code Enforcement was involved he was told that submitting his DR and zoning applications would relieve the violations; however, staff has not responded to his inquiries. He noted that he has installed 225 feet of blacktop, curb and sidewalks, which was not required of his neighbor, Ms. McGehee, when she did her renovations.

In response to questions by Chairman Barnett, Ms. Padian explained that recommendations on site plans are generally only provided by the Development Review Board on larger sites. Mr. Phil Kercher of the Transportation Department explained that parking in the rear alley is acceptable; 90-degree angled parking is recommended. Parking spaces are calculated according to the anticipated use; the requirement was lowered because the site has Downtown parking credits.

Chairman Barnett commented that the Downtown Overlay called for increased density and pedestrian traffic in the area. Ms. Padian noted that contrary to the major assemblages that were anticipated, more low scale, single-property projects are being seen.

Commissioner O'Neill felt that looking at the case from a land use standpoint it presented a unique, creative reuse of a historic quaint neighborhood. He stressed that the code violation issues were not within the purview of the Planning Commission.

Commissioner Steinke suggested that if recommended, strict time frames be imposed. The Development Review Board should pay close attention to minor issues and concerns.

**COMMISSIONER O'NEILL MOVED TO APPROVE 12-ZN-2008.  
COMMISSIONER HESS SECONDED THE MOTION.**

Commissioner D'Andrea noted that he would not support the motion because he felt that it was not an appropriate land use for the area.

Chairman Barnett noted that he would support the motion with reservations. He applauded the creative use; however, he would prefer to see more intensity in the area.

**THE MOTION CARRIED WITH A VOTE OF THREE (3) TO TWO (2).  
COMMISSIONER STEINKE AND COMMISSIONER D'ANDREA DISSENTED.**

8. 17-AB-2008 Palmeraie

Request by owner to abandon fifteen (15) feet of right-of-way along the south half of E. Indian Bend Road generally located at the southwest corner of N. Scottsdale Road and E. Indian Bend Road with Resort District (R4-R) zoning.

9. 13-ZN-2008 Palmeraie

Request by applicant to rezone from Resort/Townhouse Residential District (R-4R) to Planned Regional Center (PRC) zoning on a 20+/- acre site located at 6990 N. Scottsdale Road.

10. 13-TA-2008 PRC Zoning Ordinance Text Amendment

Mr. Morris noted that in light of the conversation during the study session regarding the text amendment, they wanted to request a continuance to the February 11th agenda. He agreed that it would be beneficial to hear public comments.

Mr. Hadder reviewed 13-ZN-2008 and 17-AB-2008, including the site plan and a graphic indicating the building heights. A PRC would allow for a mixed use development with additional building height. The resort corridor along Scottsdale Road was originally created as an opportunity for an increase in resort uses as well as retail. Setbacks along Scottsdale Road are inconsistent and have a minimum of 25-foot setbacks. The Applicant will incorporate landscape themes and concepts specified in the Scottsdale Road Streetscape guidelines.

Commissioner D'Andrea felt it was important to maintain setbacks with lush turf areas in the resort corridor. Mr. Hadder noted that a lush look can be accomplished through the use of landscaping; turf is not permitted in right-of-way areas.

Ms. Mary Hamway, Paradise Valley Council member, spoke in opposition to the rezoning request. She noted that when the Ritz Carleton project was brought forward by Five Star, the Paradise Valley Town Council was told that the Scottsdale project would be developed under the R-4R zoning. The Paradise Valley Planning Commission was not provided with the Palmeraie plans prior to their approval of the Ritz Carleton, although they are touted as a joint master planned project. She mentioned that serious issues had begun to surface regarding drainage and traffic that will require collaboration between the municipalities. She felt that the City of Scottsdale and the Town of Paradise Valley should work together to develop an economically viable master planned project that protects the views of Camelback Mountain.

In response to a question by Chairman Barnett, Ms. Hamway confirmed that she is in favor of the use; her primary concern was the height because the PRC allows 60 feet, which would obstruct the view of Camelback Mountain. She noted that a change in zoning would allow the density to increase from

25 percent to almost 80 percent lot coverage. The underground parking prevents retention, which will create a possibility of sheet flooding into McCormick-Stillman Railroad Park.

Mr. Edward Patera spoke in opposition to the zoning change and the additional height that it would allow. He felt as proposed the project would be out of character with the resort corridor.

Dr. Samuel Feinstein, president of the Cuernavaca HOA, addressed the Commission in opposition to the rezoning request. He noted that if the case is continued he will bring the matter before his association and is certain that he will obtain authorization to represent the entire homeowners association.

Mr. Paul Streich, Paradise Valley resident, was opposed to the zoning change and additional height. He felt that added height would not be beneficial to Scottsdale or Paradise Valley. The two communities should work together to preserve the beauty of the area.

Mr. James Otto, president of the Paradise Valley Citizen's Forum, felt the development was too dense and would be detrimental to the neighboring property values.

Mr. Lou Werner, Paradise Valley Planning Commission member, was supportive of a mixed-use environment and stressed the importance of either tying stipulations to the PRC zoning or agreeing on an alternate zoning solution. He commented that Scottsdale's General Plan required a major General Plan amendment when moving from a group C to a group E land use. He mentioned traffic problems that would be generated on both Indian Bend and Lincoln Road and had questions regarding retention. It is important to maintain the character of the area by limiting the height, density, and setbacks. He noted that when the Applicant presented the development to the PV Planning Commission they indicated that they were satisfied with the R-4R zoning on the Scottsdale site.

Mr. Tom Campbell, Paradise Valley Planning Commission member, requested denial of the zoning request. He reiterated that the Applicant indicated the site would be developed under R-4R zoning and would be compatible with the resort. He expressed concerns about height obstructing the view of Camelback Mountain, traffic leading onto a two-lane residential street, and the effects the height and density could have on neighborhood quality of life. He commented that the code restricts planned regional centers to 25 acres because larger sites are able to accommodate the issues that are part of height and density.

Chairman Barnett noted that Mel Rowal, Caroline Bissell, and Scott Lamar submitted written comments in opposition to the project. William Schuckert, Wendy Woodard, Tessa Bejema, Jennifer Lawhead, and Keslie Abbott submitted written comments in favor of the project.

Chairman Barnett summarized that comments were favorable for the use; most concerns focused on height and density.

Mr. Reichert noted that staff's goal was to return with the interpretation in two weeks. If additional time is needed, staff will notify the public, including those speakers who submitted contact information.

**COMMISSIONER STEINKE MOVED TO CONTINUE 17-AB-2008, 13-ZN-2008, AND 13-TA-2008 TO THE FEBRUARY 11, 2009 PLANNING COMMISSION HEARING. COMMISSIONER O'NEILL SECONDED THE MOTION.**

Chairman Barnett suggested using roof areas as open, active space would increase density while maintaining views and reducing density.

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

11. Discussion and possible action regarding how the Planning Commission will present its previously decided recommendation on the Solis/Waterview cases (9-ZN-2007, 8-AB-2007, and 12-AB-2008) to the City Council at the upcoming City Council meeting regarding the Solis/Waterview cases.

Vice-Chairman Hess stressed the importance of sending a representative of the Planning Commission to the City Council hearing on the Solis/Waterview cases to underscore the recommendation.

Discussion ensued regarding the appropriateness of sending multiple representatives and the possibility of a quorum of Commissioners being present at the City Council hearing. It was decided that one official representative would be adequate; if other members wish to speak they can do so as private citizens.

**COMMISSIONER O'NEILL MOVED TO ELECT CHAIRMAN BARNETT AS REPRESENTATIVE OF THE PLANNING COMMISSION TO ATTEND THE CITY COUNCIL MEETING AND REITERATE THE PLANNING COMMISSION'S RECOMMENDATION ON 9-ZN-2007, 8-AB-2007, AND 12-AB-2008. SECONDED BY COMMISSIONER STEINKE, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

Chairman Barnett requested that his fellow Commissioners send him any questions or points they would like him to make.

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 7:04 p.m.

Respectfully submitted,  
AV-Tronics, Inc