



APPROVED 2/11/2009 bl

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

THURSDAY, JANUARY 27, 2009

STUDY SESSION 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

1. CALL TO ORDER

Chairman Barnett called the study session of the Scottsdale Planning Commission to order at 4:04 p.m.

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

2. **ADMINISTRATIVE REPORT**

Ms. Padian noted staff is hoping to agendize a discussion including talking points and draft language on the PUD text amendment for the February 11, 2009 hearing.

A study session or non-action item for discussion of the Downtown plan, including more concise policies, the glossary, and a revised introduction, is tentatively scheduled for February 25, 2009.

3. **REVIEW OF JANUARY 27, 2009 AGENDA**

WITHDRAWALS

4-GP-2008 Charles Miller Square

Ms. Padian noted that the item was withdrawn because it was determined that a General Plan amendment was not necessary.

CONTINUANCE

9-AB-2004#2 Summit Vistas

Mr. Murillo explained that the case was continued at the request of the Applicant because the plat was not yet completed. In response to a question by Commissioner Barnett regarding an emergency ingress and egress, Mr. Murillo explained that East Loving Tree Lane would be dedicated as right of way.

EXPEDITED AGENDA

12-ZN-2008 Charles Miller Square

Ms. Padian recommended moving the item to the regular agenda because of the significant public interest. She noted that a transportation representative would be available for questions.

11-AB-2008 Hawk Nest Estates Abandonment

Ms. Padian noted that the request would include additional stipulations, one of which would include a 15-foot non-motorized easement in the area of the abandonment.

27-UP-2008 NSA8 (Sunstate)

Mr. Hadder explained that a conditional use permit has been required for heliports in the I-1 area for approximately 25 years as a method of tracking locations, which allows for smoother airport operations and safety; the use permit process is currently under evaluation. Control is conducted by the FAA through the tower.

Staff anticipates additional heliport use permit applications to come forth because Code Enforcement has begun identifying non-permitted sites.

28-UP-2008 Sandbar Mexican Grill

In response to a question by Commissioner D'Andrea, Ms. Padian noted that per the mixed parking analysis, the site does meet the parking requirements.

REGULAR AGENDA

17-AB-2008 Palmeraie

13-ZN-2008 Palmeraie

13-TA-2008 PRC Zoning Ordinance Text Amendment

Ms. Padian explained that because portions of the development are occurring in both Paradise Valley and Scottsdale, an interpretation is being done to determine whether the property can be considered as a whole and the 25-acre requirement for the PRC can be considered satisfied. The Applicant's intention was to proceed with the request, assuming the PRC zoning; the interpretation of the text amendment would need approval prior to the case going to City Council.

Commissioner Steinke commented that the substance of the application had not changed from the previous presentation. He felt that the Commission should have all PRC options available prior to hearing the case.

Mr. Reichert felt that the interpretation would confirm a connection between the Paradise Valley and Scottsdale portions of the site that would satisfy the 25-acre requirement for the PRC. He hoped that the Commission would move on the case in anticipation of the interpretation, which would allow enough time for appeal to the Board of Adjustment if necessary.

Commissioner D'Andrea expressed concern about the legality of borrowing five acres from Paradise Valley to justify the PRC, as well as the potential precedent that could be set.

Vice-Chairman Hess opined that until the interpretation is completed a presentation from the Applicant would be irrelevant. He agreed that the possibility of setting precedent for other projects was a concern.

Chairman Barnett commented that there are many ways to develop in conjunction with neighboring cities regardless of the ownership structure. He agreed that it would not be productive to hear the case prior to obtaining the interpretation.

Mr. Reichert noted that the goal was to complete the interpretation prior to the next Planning Commission hearing. He mentioned that in an effort to work within the developer's time frame, he would be meeting with the Paradise Valley planning director to gain a clear understanding of roadblocks the Applicant has encountered there; the case has been delayed several times.

Commissioner O'Neill expressed an interest in hearing the case, noting that regardless of the interpretation the text amendment should be heard before the zoning or abandonment cases.

Chairman Barnett suggested that the cases be continued for two weeks.

Vice-Chairman Hess agreed that a continuance would be the most appropriate solution.

Commissioner Steinke felt it would be most productive to acquire the legal interpretation prior to hearing the cases.

Commissioner D'Andrea suggested that public comment be accepted and that the Applicant be allowed to provide a brief presentation.

Commissioner O'Neill agreed that it would be beneficial to have a brief presentation and public comment. He opined that if Mr. Reichert had been on staff prior to the application submittal, the zoning administrator would have made the decision that a text amendment was not necessary and the case would have come forward without the text amendment.

Chairman Barnett suggested that the Commission wait to decide on the order of the presentations based on the public testimony.

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.

4. **REVIEW OF FEBRUARY 11, 2009 AGENDA**

Ms. Padian noted that in addition to a possible PUD text amendment discussion, there will be a use permit, 18-UP-2008, on the expedited agenda; staff is expected to request a continuance for 10-TA-2008.

5. **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 4:38 p.m.

Respectfully submitted,
AV-Tronics, Inc