



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

THURSDAY, MARCH 25, 2009

APPROVED MEETING MINUTES

PRESENT: David Barnett, Chairman
Eric Hess, Vice Chairman
Steven Steinke, Commissioner (left 9:47 p.m.)
Michael D'Andrea, Commissioner (left 9:47 p.m.)
Michael Schmitt, Commissioner
Kevin O'Neill, Commissioner

ABSENT: Jeffrey Schwartz, Commissioner

STAFF: Bryan Cluff
Lusia Galav
Louisa Garbo
Don Hadder
Reed Kempton
Edmond Lamperez
Jesus Murillo
Connie Padian
Joe Padilla
David Richert
Dan Symer
Meredith Tessier
Kira Wauwie

CALL TO ORDER

Chairman Barnett called the meeting of the Scottsdale Planning Commission to order at 5:24 p.m.

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

1. March 11, 2009 Regular Meeting Minutes including Study Session.

Vice Chair Hess said he would appreciate the verbatim minutes for the March 11, 2009 meeting being forwarded to City Council, as opposed to summarized minutes.

VICE CHAIR HESS MOVED APPROVAL OF THE MINUTES OF THE MARCH 11, 2009 REGULAR MEETING. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED BY A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER SCHWARTZ WAS ABSENT.

CONTINUANCES

2. 13-TA-2008 PRC Zoning Ordinance Text Amendment

Request by private property owner for a text amendment to the Zoning Ordinance (Ordinance No. 455) to amend Article V. District Regulations. Sec.5.2604. Property development standards., Planned Regional Center District (P.R.C.) to reduce the required gross land area for the PRC district from twenty-five (25) to twenty (20) acres.

3. 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.

4. 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.

Chairman Barnett opted to hear public testimony for the Palmeraie cases.

Ms. Nancy Cantor noted that based on the previous Planning Commission discussion about who could appeal the Zoning Administrator's interpretation, the Scottsdale Coalition recommended denial of the continuance.

Ms. Sonnie Kirtley, Chairperson for the Coalition of Greater Scottsdale, reiterated their previous concerns, highlighting their three major concerns: Staff's support of the precedent-setting virtual borrowing of land from another city to satisfy ordinance requirements; the circumvention of standard city procedures of disclosure, public review, and hearing by appropriate Commissioners on a major land use change; and the repeated requests for continuances for the past four months by an unprepared developer and its representatives. The Coalition recommended that the Planning Commission deny the continuance request and proceed with a recommendation for City Council.

If the Planning Commission supports the zoning case, 13-ZN-2008, the Coalition of Greater Scottsdale recommended the following stipulations:

- 1) agree to reduce the proposed height of any building to 48 feet, inclusive of all mechanical equipment
- 2) agree to setbacks from the Scottsdale Road property line greater than 40 feet and to stagger the buildings
- 3) agree to a 14-foot, approximately one-story inclusive height limit on buildings facing Scottsdale Road.

Ms. Christine Larkin, resident of Paradise Valley, agreed with requests of the previous speakers. She opined that the developer was manipulating the system and urged the Planning Commission to deny the request for continuance.

Ms. Jane Cole, Paradise Valley resident, felt it was important for the Planning Commission to deny the continuance and forward a recommendation to the City Council.

Chairman Barnett noted that the Commission had a discussion regarding available options during the study session. The discussion resulted in an agreement to continue the case to the April 22nd meeting.

Commissioner Steinke commented that although the request from the Applicant assumed that the Planning Commission would continue the case to May 13th, it is always at the discretion of the Commission whether or not to continue a case. All applicants in the future should be made aware of the proper process.

COMMISSIONER STEINKE MOVED TO CONTINUE CASES 13-TA-2008, PRC ZONING ORDINANCE TEXT AMENDMENT; 13-ZN-2008, PALMERAIE; AND 17-AB-2008, PALMERAIE TO THE APRIL 22, 2009 PLANNING COMMISSION HEARING. COMMISSIONER D'ANDREA SECONDED THE MOTION.

Commissioner D'Andrea encouraged the Applicant to hold a community outreach session for the purpose of alleviating height concerns with citizens prior to April 22nd.

Vice-Chairman Hess commented that the Coalition of Greater Scottsdale has expressed their opinions in a very concise manner; their comments will be taken into consideration. He felt that the Applicant's letter was arrogant and their approach to the Planning Commission was reprehensible.

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

EXPEDITED AGENDA

5. 29-UP-2008 Jest Enterprises, Inc. Heliport

Request by owner for a Conditional Use Permit for an off-airport heliport on a 1.16 +/- acre site located at 15025 N. 74th Street with Industrial Park District (I-1) zoning.

6. 33-UP-2008 Dillon Precision Products Helicopter Use Permit

Request by owner for a Conditional Use Permit for an off-airport heliport on a 4.05+/- acre site located at 8009 E. Dillons Way with Industrial Park District (I-1) zoning.

7. 1-UP-2009 Fire Station 8

Request by applicant for approval of a Municipal Use Master Site Plan for a new city fire station on a 1.98+/- acre parcel located at 9598 East Cactus Road with Single Family Residential (R1-35) zoning.

Ms. KK DuBois, representing Cactus Equestrian Alley, read a letter of concern about the potential impacts noise from the fire station could have on horses. Noise could present an impact on breeding stability. Noise and speed along Cactus Road could present a danger to horse and rider on city trails. They requested that a no-noise zone be imposed from 93rd Street to 101st Street, which would include 94th Street, 96th Street, and 100th Street from Poinsettia to Sweetwater. Inquiries regarding noise impacts on breeding were directed to breeding specialist Dr. Jerry Longworth. She reiterated that they supported the fire station; opposition was relative to noise and speed.

Commissioner Steinke suggested that the letter be forwarded to the City Council.

In response to a question by Commissioner O'Neill, Assistant Fire Chief Bob DeLeon noted that the Fire Department is aware of citizens' concerns. He explained that all of the fire stations practice a good neighbor policy when conducting training and equipment checks. Sirens are only used when necessary to clear traffic and traffic laws are obeyed the majority of the time. Trucks are already responding on the streets of concern from other stations; the new station is a result of the call volume in the area and will reduce response times.

8. 22-UP-2008 El Dorado Park Municipal Use Master Site Plan

Request by applicant for approval to amend a Municipal Use Master Use Site Plan on a 56+/- acre site located east of N. Miller Road from E. McDowell Road, north to E. Murray Lane, with Open Space Zone (O-S) and General Commercial District (C-4) zoning to accommodate a new city fire station.

9. 2-UP-2009 Fire Station 1

Request by applicant for a Conditional Use Permit for a Municipal Use on a 0.97+/- acre site for a new city fire station located at 1901 N. Miller Road with Open Space Zone (O-S) zoning.

Mr. Bob Usdane asked why the City was zoning 56 acres instead of only the area for the fire station. Mr. Symer explained that the zoning is existing and the Conditional Use Permit is stipulated to the site plan. He explained which areas would be included under the use permit and noted that the commercial area of the park is not included because it is privately owned.

COMMISSIONER STEINKE MOVED TO APPROVE 29-UP-2008, JEST ENTERPRISES, INC. HELIPORT, BECAUSE IT MEETS THE USE PERMIT CRITERIA; 33-UP-2008, DILLON PRECISION PRODUCTS HELICOPTER, BECAUSE IT MEETS THE USE PERMIT CRITERIA; 1-UP-2009, FIRE STATION 8, BECAUSE IT MEETS THE USE PERMIT CRITERIA; 22-UP-2008, EL DORADO PARK MUNICIPAL USE MASTER SITE PLAN, BECAUSE IT MEETS THE USE PERMIT CRITERIA; AND 2-UP-2009, FIRE STATION 1, BECAUSE IT MEETS THE USE PERMIT CRITERIA. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

10. 3-UP-2009 Costco Car Wash

Request by owner for a Conditional Use Permit for a 3,200 square-foot private community building located at 7221 E. Belleview St. with Multiple-Family Residential District (R-5) zoning.

Mr. Lamperez responded to concerns expressed by Commissioner Schmitt during the study session. He explained that the Applicant is aware of concerns about the northwest drive aisle of the site plan and would be addressing those concerns in their DR application. The dark line along the southwest portion of the site plan depicts a drive aisle as well as utility lines. Attachment 7 includes a queuing analysis confirming enough area for more than five cars. There will be three entrance areas available to customers.

Commissioner Steinke commented that because of the interior location, the Applicant needs to be aware of signage ordinances. Mr. Lamperez noted that signage would be submitted as a separate application.

11. 8-UP-2009 Family Promise

Request by owner for a Conditional Use Permit for a 1,670+/- square-foot private community building located at 7221 E. Belleview St. with Multiple-Family Residential District (R-5) zoning.

Chairman Barnett noted that there were nine written comment cards submitted in support of the use.

12. 10-UP-2009 Troon North Park Phase I

Request by applicant for approval of a Municipal Use Master Site Plan for a community park on a 34.1+/- acre parcel located at 27775 N. Alma School Parkway with Open Space, Environmentally Sensitive Lands, Hillside District (O-S/ESL(HD)), Single-Family Residential, Environmentally Sensitive Lands, Hillside District (R1-35/ESL (HD)), and Hillside Conservation District, Environmentally Sensitive Lands (HC/ESL) zoning.

14. 128-PA-2009 Planned Commerce Park (PCP) District Text Amendment

Request to initiate a zoning text amendment to the Planned Commerce Park (PCP) District (Section 5.4000) in order to update the District as a mixed-use zoning tool for employment cores in the city.

COMMISSIONER SCHMITT MOVED TO APPROVE 3-UP-2009, COSTCO CAR WASH, BECAUSE IT MEETS THE USE PERMIT CRITERIA; 8-UP-2009, FAMILY PROMISE, BECAUSE IT MEETS THE USE PERMIT CRITERIA; 10-UP-2009, TROON NORTH PARK PHASE I, BECAUSE IT MEETS THE USE PERMIT CRITERIA; AND 128-PA-2009, PLANNED COMMERCE PARK (PCP) DISTRICT TEXT AMENDMENT. SECONDED BY VICE-CHAIRMAN HESS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

13. 14-TA-1008 Terra Verde Sign Amendment

Request by applicant for approval of a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455), to amend Article VIII. Sign Requirements, for the purpose of aligning Commercial Office District (C-O) zoning district sign requirements with other commercial districts' sign requirements.

Ms. Tessier reviewed the key items for consideration. Approval of the text amendment will affect all properties in the commercial office zoning district; any sign proposed to be greater than 24 square feet would be permitted only as approved in the C-O master sign program. If an applicant were to apply for the master sign program, the DRB would review the proposed elements to determine the impact of an increased sign size. Approximately 1,400 C-O parcels currently exist in the city; approximately 50 of those parcels have a master sign program.

Vice-Chairman Hess commented that a side-by-side comparison of the existing sign ordinance with the proposed should have been included in the packets; Commissioners have requested in the past that such comparisons be consistently provided.

Mr. Brandon Frazee explained that the hope is to create a more fair and equitable treatment of signage for C-O compared to other commercial districts, and to preserve the transitional nature with residential areas.

Commissioner D'Andrea opined that signage should be considered in how it is applied to a building, not a need to fit to a particular square footage. The proposed text amendment should be considered in how it would affect the C-O zoning district as a whole. Mr. Frazee recalled that a similar text amendment was approved by the Planning Commission and denied by the City Council because of a concern for the transitional nature of the commercial office districts. The proposed text amendment would allow for signage up to the same limits

allowed in other commercial districts while requiring developments near neighborhoods to apply with the DRB for signage size variations. Ms. Tessier noted that the signage would be presented to the Development Review Board as part of the design package.

Commissioner Schmitt felt that applying the amendment across the city requires development of written criteria as to how it would be administered rather than placed at the discretion of the Development Review Board. Ms. Galav noted that criteria regulating the sign size are spelled out under the Sign Program section as well as under B-2 in the proposed text. Commissioner Schmitt noted that he would be more comfortable if examples of what would be allowed under the existing ordinance compared to the proposed were available. It is incumbent upon the Applicant to demonstrate how the text amendment would be viewed in situations other than their project. He would not be supportive of the application based on the information provided.

In response to a question by Commissioner D'Andrea, Ms. Galav explained that the Applicant does not have the option of bringing the application directly to the DRB; a master sign program could be proposed but would have to meet the existing master sign ordinance as it is written. Commissioner D'Andrea agreed that it would be difficult to approve the text amendment without seeing examples of how it could be applied to other projects.

In response to a question by Commissioner O'Neill, Ms. Tessier confirmed that as the text amendment is proposed, the DRB would be required to approve the larger size signage if a building is more than 500 feet from a residential development, even if they felt the smaller option would be more appropriate.

Vice-Chairman Hess agreed that the verbiage needed refinement; he would not be willing to support changing the sign ordinance to satisfy the needs of one development. He would support a continuance to provide time for staff to revise the language and potentially bring the item to a study session for further discussion.

Ms. Padian assured the Commission that staff has worked extensively with the Applicant in testing various scenarios throughout the city.

Vice-Chairman Hess felt that a continuance would provide time for staff to enlighten the Commission on studies that have been conducted and will provide time to discuss ways in which regulations can be enforced.

In response to a question by Commissioner Schmitt, Mr. Hadder explained that C-O is typically used as a transition between multi-family and employment/commercial areas; when addressing a single-family transition an S-R district is typically used. A C-1 or C-2 district would not be appropriate for this site because it is surrounded by a golf course; this building is part of the employment area. One advantage of using C-O in this area is that it limits to office uses while allowing larger buildings; I-1 would allow both industrial and office.

Mr. Gulino echoed Mr. Frazee's comments, saying that the hope is to bring the C-O zoning category more in line with other categories without requiring a master sign program. He agreed that it was not appropriate to require DRB to automatically allow larger square footage and agreed to change the language.

Chairman Barnett commented that while the text amendment makes sense for the Applicant's project, the Planning Commission has to consider the larger issue. The ideal solution would be an Airpark overlay district with an allowance for C-O.

Mr. Gulino indicated that assuming that a positive recommendation could be forwarded to the City Council in time for hearing prior to summer recess, he would appreciate a continuance.

COMMISSIONER O'NEILL MOVED TO CONTINUE 14-TA-2008, TERRA VERDE SIGN AMENDMENT, TO THE APRIL 22, 2009; PLANNING COMMISSION MEETING. COMMISSIONER SCHMITT SECONDED THE MOTION.

Commissioner Steinke agreed that the possible impacts needed to be better understood and that the language, particularly regarding the 500-foot limitation, should be addressed.

Chairman Barnett suggested that minimum square footage criteria and restrictions on large buildings near residential neighborhoods could be one solution.

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

15. 14-ZN-2008 Pinnacle Peak Resort (Capella)

Request by owner for site plan approval for a future resort on 16 +/- acres including Parcel 216-84-306 located at the northwest corner of East Jomax Road and North 104th Street with Central Business District/Environmentally Sensitive Lands (C-2/ESL) zoning.

Mr. Hadder reviewed the site plan including the overflow parking area designed to relieve the parking for Pinnacle Peak Park along 102nd Way. NAOS requirements will be reached using restoration credits for prior damage to the area and is discounted where there are drainage improvements.

Mr. Randy Grant explained that approval of the conceptual site plan is a stipulation of case 87-ZN-1985 and is not typically required; approval will not affect the existing C-2 zoning entitlement. He reviewed the proposed conceptual site plan and design considerations, including the density and intensity of the use. There will be 220 parking spaces provided in a garage located beneath the hotel building for employees and guests. Additional parking located under the café deck will provide parking for park users. He mentioned improvements within the development and the edge relationships that will be created. He highlighted the primary features of the development and the benefits the use would have to

the community, including multiuse path and bike lane improvements along 102nd Way.

Mr. Mo Stein noted that the site was being designed to accent the desert surroundings; all parking will be located in areas that are not visible; the parking garage near the park entrance under the café deck will be landscaped to form a transition. Redesigning 102nd Way will create a more desirable traffic pattern.

Mr. Jeff Jensen reviewed the design concept, emphasizing that the intent is to create a design unique to the desert.

Mr. Grant reviewed the community benefits, which include replacing potential for a high density commercial use with a resort property unique to the city; providing parking for the park; creating a tourism niche not currently available in Scottsdale; and beautifying a property that was scarred by its historical uses. The low intensity, unique use will reduce the impacts of lighting, noise, traffic, and parking, which will improve area property values. The City Council hearing is scheduled for April 21st.

In response to a request by Chairman Barnett, Mr. Grant explained that at the time the zoning took place the area did not have much development. Because a significant amount of commercial zoning was being granted, it was felt that requiring future commercial uses to go through the public hearing process for site plan review was a necessary precaution. Parking will be centralized and guests will be driven to their individual units and have their cars brought to them as needed. The internal roads are included and designed to accommodate fire and safety requirements.

In response to a question by Commissioner Steinke, Mr. Grant confirmed that the intent is to limit park access to the main entrance; the small homemade trails currently utilized by park patrons will no longer exist. He explained that because the interior of the café was small and only open in the evening, café parking requirements were based on the size of the deck.

Mr. Maurie Chernis, Chairman of Friends of Pinnacle Peak Park, noted that their mission is to support, preserve, and enhance the character of the park. He expressed concern about the parking impacts; the city analysis has indicated an average 83 parking spaces along 102nd Way, which in season holds up to 120 cars. Changes to the existing parking lot could present problems for busses and emergency vehicles; alterations along 102nd Way would restrict access for park users as well as residents. The patio café could potentially prolong the stay of park visitors, which will create additional parking impacts. Once concerns are addressed, the Friends of Pinnacle Peak Park have no objection to the project.

Ms. Joann Netland felt that once concerns were addressed the resort would be a good addition to the area. She expressed concern about the traffic along 102nd Way becoming congested for both park users and Estancia residents. She felt that the underground parking would not adequately accommodate the parking that is currently on 102nd Way. The lack of visibility in the underground garage would lead to security problems. She was unsure what types of signage and special events could be associated with the café. Her greatest concern was

with the five residential buildings being placed near the existing residential area. She presented depictions of the potential building elevations, noting that they should be more than 50 feet from the boundary and should not block out natural open spaces. Improvements should be made to solve potential problems and improve views for visitors.

Ms. Lynne Lagarde, representing the Four Seasons, commented that the resort as presented would be synergistic with their resort. She noted that the land approval process was put in place to protect the surrounding residential development. The Four Seasons wants to be assured that the project presented is what will be developed and that the natural desert setting and open feeling will be preserved. She requested that refinements be made to the site plan, particularly on the west side of the park because the amount of building has negative visual impacts. The entrance encircling the park hides and obscures the park entrance. Because of the concern about adequate parking, prohibitions should be implemented limiting guest and employee parking. She asked that a stipulation be included in the approval requiring conformance to the site plan and to the development program as described in the narrative and that modifications be made to de-intensify the western area of the site and prevent encircling of the park entrance.

Mr. Ken Kitt expressed concern about adequate parking for park users, noting that over time park use will increase. Narrowing of 102nd Way could inhibit access for emergency vehicles. He was worried that the resort would try to acquire exclusive use of the park for their patrons.

Mr. Carl Reign, resident of Desert Highlands, read a message from Mr. Bob Viero from the Coalition of Pinnacle Peak focusing on specific points of concern, a copy of which was provided to staff.

Mr. Harold Samloff, resident of Desert Highlands expressed concerns about adequate parking. He agreed that the analysis of 83 average cars parked along 102nd Way was an underestimate and that the parking to be provided would not be adequate for park users, guests and resort employees.

Mr. Ronald Harman expressed concern about adequate parking for hikers and for resort guests and asked that staff reevaluate the parking needs.

Mr. Mark Kunkel, representing the Estancia Community Association, expressed concerns about how 102nd Way and Pinnacle Peak Park will be developed and how parking will be addressed; limiting parking will force parking into surrounding areas and pedestrians will have to walk in the street. He felt that rerouting traffic on the other side of the resort would be a more appropriate alternative. Once issues are resolved, the resort will be a positive attribute for the area.

Chairman Barnett noted that several written comments cards had been submitted in opposition to the project.

Mr. Grant stressed that parking plans were based on community input and the interest in achieving a more secure environment. He reviewed the site plan and examples of the residential buildings and possible visual impacts, noting that the

appropriate time for design review will be at the Development Review Board when the plans are completed. He asked that the Planning Commission consider the application on the merit that it is considerably less intense than allowed by C-2 and less than what a residential project would be built to.

In response to a question by Chairman Barnett, Mr. Hadder mentioned possible parking options that would be available if the resort were not involved. Approximately 22 additional spaces could be accommodated into the existing parking area while maintaining the character of the parking facility. Additional land could be acquired which would require condemnation and funding. Usage restrictions could be imposed on the park limiting the number of users. With the additional parking spaces added to the existing lot and the addition of the parking garage by the developer, he felt that the current parking demand would be satisfied. He noted that because of park maintenance issues, the Preserve Master Plan has identified trailheads in an attempt to disperse usage.

Commissioner Steinke commented that when he visited the trailhead he wondered if moving the park entrance had been considered. Realigning Jomax north of Desert Highlands and shifting the site plan north would relieve neighbors' concerns about the five residential units, and would eliminate the 102nd Way park entrance and enable additional parking along Jomax. Mr. Grant noted that residents would take issue with traffic being directed through that area; he felt the 102nd Way proposal was the most appropriate.

In response to a question by Commissioner O'Neill, Mr. Hadder noted that no criteria were applied at the time the stipulations were set.

Commissioner O'Neill inquired about the reasons for the site choice and whether or not the re-vegetation credit was a factor in their selection. Mr. Jensen indicated that the site was selected for its unique qualities and its location in an area of Scottsdale that has limited development. Mr. Grant explained that the same density could have been achieved if the NAOS requirement was higher; the site is not taking advantage of their full entitlement. Commissioner O'Neill commented that quality and service are more important than density and height.

Mr. Hadder confirmed that adequate parking was provided to satisfy requirements. Although square footage of the restaurant and meeting spaces has not been determined, they are sufficiently over-parked to make up any differences. He noted that stipulation 15 addresses queuing issues and requires a special study to verify stacking distances.

Commissioner O'Neill inquired about the resort residences. Mr. Hadder explained that the single-family residences will be required to comply with the Ordinances time-share requirements. Commissioner O'Neill commented that because of the nature and location of the site, it would never be developed as anything other than resort or residential; if it were being zoned today, C-2 zoning would not have been applied. Mr. Jensen reviewed the proposed elevations and their relationship to the existing residences and the view of Pinnacle Peak. Commissioner O'Neill inquired whether moving the five residences to the location where the cottages are would be a feasible solution. Mr. Jensen indicated that

the residences should be located near the existing residential development and that moving them would interrupt the harmony of the resort.

Commissioner O'Neill felt that having Cappella as part of the community would be of great benefit to the City and to the neighbors. He noted that without criteria to follow he continued to have questions and concerns about the site plan and whether or not it meets all of the requirements that should be considered.

Commissioner Schmitt asked why the more direct service road along the east side of the property was not used as the entrance. Mr. Jensen explained that the long scenic drive will add drama to the arrival for the resort guests. Commissioner Schmitt opined that that entering the resort would be an anticlimactic experience.

In response to a comment by Commissioner Schmitt about ways to incorporate view corridors as part of the residential units design, Mr. Jensen explained that a north/south view corridor would be impractical because of the angled building orientation. In an attempt to lessen the impacts and increase buyer interest, the one story portion has been placed near the residential areas and sub-grade square footage is being considered. Commissioner Schmitt asked that the Applicant consider ways to create a view corridor and reduce the "wall" feeling of the five residential units.

Commissioner D'Andrea commented that the site plan did not appear consistent with the level of quality shown in the images. He wondered if any guarantee existed that the project being presented is what will be developed once the site plan is approved. Mr. John Wanninger explained that as the developer, they had the choice of working with Capella or with Starwood. They chose Capella because of its unique qualities. He confirmed that a binding contract is in place and, if approved, the Capella project will move forward. Commissioner D'Andrea felt that the amount of parking being provided was adequate considering the maximum number of visitors the park can withstand. He was concerned about the condition of the café and parking hiding the park entrance and providing no signage. He commented that that the drive experience that will be provided to the park users is not equal to the experience being provided to the Capella guests. Mr. Grant stressed the importance of an extravagant drive experience along 102nd Way for the hotelier. He noted that because the terrain falls dramatically from the northwest to the southeast the parking lot is 40 feet above 102nd Way, which means that placing a building near the park is not going to diminish the experience of park users. Mr. Jensen added that the goal is to camouflage the parking garage through the use of buildings and landscaping.

Commissioner D'Andrea agreed that the five residential units created a wall feeling and the perpendicular angle provided no view corridor for existing residents. He suggested that if the homes were angled in line with the existing houses to the south, regardless of the two-story element, a view corridor could be created. Mr. Jensen noted that because of the varying grades, the building roof heights would vary.

In response to a question by Chairman Barnett, Mr. Grant noted that the

concept is supported by the Estancia Association, Sassi, and the Four Seasons with a few modification requests. Neighbors agree that the resort would be an improvement and would be a beneficial use.

Chairman Barnett recalled that the two most common concerns regarded parking and the location, height, and orientation of the five residential units. He inquired whether information could be provided depicting other iterations that were considered.

Mr. Grant explained that the five residential units are a critical element of the development. A number of elements were considered and the proposed location is the most appropriate because it will be a buffer between the resort and the neighborhood. Being asked to consider mitigation techniques during the conceptual site plan hearing is difficult because the buildings have yet to be designed.

Chairman Barnett commended the efforts put forth in moving the cars off of 102nd Way, but noted that he was not convinced that the parking area was satisfactory. Mr. Grant explained that that with the existing 58 spaces and 100 being created in the garage and an additional 20 that could be gained through efficiencies on the existing lot, parking spaces are available for more users than the park can withstand.

In response to a comment by Chairman Barnett, Mr. Jensen confirmed that after much consideration the site orientation and access location were the best configuration for the resort. Interior roads are included only because of fire regulations.

Mr. Hadder clarified that the Planning Commission was looking at the request from a site plan perspective as a follow-up on a case from 1985. The site has vested C-2 zoning. Everything in the site plan would fit within an R-4 category, which is the zoning of the Estancia development. Six stipulations relative to various buffering regulations were included in an attempt to address staff's concerns regarding the five residential units. Mr. Hadder noted that because the Applicant had an interest in beautifying 102nd Way, they are helping address the city's Pinnacle Peak parking issue. Overall, the use is reasonable and the site plan does meet Ordinance standards.

Mr. Richert agreed that additional consideration was needed for the five residential units, some of which could be handled through a Planning Commission stipulation. He stressed how important addressing the parking situation is to the city.

Vice-Chairman Hess noted that he was reasonably comfortable with the parking solution. The park is being overused and at some point it is possible that access will have to be limited. He expressed dissatisfaction with the proposed solutions for the five residential units; additional consideration should be given to location, orientation, and height. He questioned whether the site plan constituted a six-star rating. The city has a responsibility to the citizens who will be affected by this project as well as to the image of the project as it relates to Scottsdale.

Commissioner Steinke reiterated his concerns about the parking and the five residential units. He felt that although Pinnacle Peak is an amenity for the resort, the resort is detracting from the park. Even though the city will gain parking there is no partnership.

Chairman Barnett felt that the Applicant needed time to address citizen and city concerns. He suggested that they invite neighbors to walk through the project to discuss specific aspects of the site plan. He noted that the Applicant has conducted extensive public outreach and had support for the majority of the site plan; however, he would be supportive of a continuance to allow time to address concerns.

Mr. Grant indicated that his clients would prefer a recommendation over a continuance.

COMMISSIONER O'NEILL MOVED FOR DENIAL OF 14-ZN-2008, PINNACLE PEAK RESORT (CAPELLA). SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO ONE (1). COMMISSIONER SCHMITT DISSENTED.

Chairman Barnett commented that five to one was a strong message to move forward to City Council with. He encouraged the Applicant to work with neighbors to find solutions to their concerns prior to the City Council hearing.

In response to a question by Mr. Grant, Chairman Barnett confirmed that any Planning Commission member had the option to call for another vote in order to allow for a modified application to come forward.

16. 9-TA-2007 Planned Unit Development (PUD) Text Amendment

Request to approve a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance 455). Article III. Definitions.; Article IV. Districts and Boundaries Thereof, Sec. 4.100. Division of City into Districts; Enumeration.; Article V. District Regulations.; Article VIII. Sign Requirements.; Article IX. Parking and Loading Requirements.; Article X. Landscaping Requirements. For the purpose of establishing a Planned Unit Development zoning district.

Ms. Galav reviewed the background and purpose of the text amendment and provided an overview of its components and input received from citizens and the development community. The PUD district would be an addition to the existing seven districts in Scottsdale. The PUD district focuses on addressing the mixed use designation in the General Plan by modifying the Ordinance to create opportunity for infill development on smaller parcels, provide flexible development standards, and contextually compatible development. Green building and sustainable elements are provided, as well as specific buffers and assurances for adjacent single family residential neighborhoods.

Once initiated by the Planning Commission, staff met with the Planning Commission, the DRB, the Housing Board, and citizens to develop the PUD model. A key component of the PUD is the Master Development Concept Plan; the MDCP is used in other planned districts and is a required stipulation for all

major projects. The master development plan components include a master site plan, an open space plan, architectural form and concepts and the primary concepts for water, wastewater, and any additional information staff would require.

The PUD would promote revitalization associated with the General Plan and all associated plans where there are community area plans or design elements that would not otherwise be permitted in an existing district. PUDs would be located on arterial and major collector streets; the most appropriate area for the mixed-use development is infill sites in the southern parts of the City. The PUD is not applicable in the ESL or Downtown areas.

Ms. Galav reviewed the key issues expressed at the March 11, 2009 Planning Commission meeting, which included site size, height, mechanical equipment, location criteria, and development quality. Approval requests would go through the regular process with additional emphasis on the Development Review Board input. Staff is hoping to be able to forward a Planning Commission recommendation take to City Council on their June 19th calendar. An update will be provided to the Development Review Board prior to the City Council hearing.

Ms. Darlene Peterson expressed concern about allowing height in southern Scottsdale. She requested that verbiage be included specifying that the 78-foot height is only allowed for hotel uses. She stressed the importance of encouraging retail businesses to move into southern Scottsdale.

Sonnie Kirtley, representing the Coalition of Greater Scottsdale, noted appreciation for the many hours staff spent working on the PUD, and for their efforts to reflect citizen input. Because the draft document was completed only a week ago, she felt that additional time was needed to review the document. She listed concerns that the Coalition would like reviewed in the draft, noting that a document outlining the concerns had been provided to staff and the Commission; the PUD should enhance flexibility and predictability.

She mentioned that Mayor Lane is hosting a southern Scottsdale Summit of leaders in the community on Saturday, April 18th. She hoped for a continuation to the 22nd in order to allow for further consideration while ensuring that the three exiting Commission members are available to participate in the final review.

Mr. Mike Leary reviewed his written statement outlining concerns which was previously submitted to the Commissioners. He felt that the PUD should be applicable in areas other than infill and redeveloping locations with the exception of Downtown and ESL. He noted that he had previously requested that a user group made up of developers and zoning attorneys be formed.

Ms. Lynne Lagarde agreed with comments made by Mr. Leary, particularly with respect to providing for amended development standards. She agreed with allowing additional height from an economic and environmental standpoint. The PUD is made most usable by the fact that it is simple and does not require exorbitant costs. She was concerned about prolonging the process by adding

the DR review. She was enthusiastic about moving forward with a user-friendly tool.

In response to a question by Commissioner O'Neill, Ms. Galav explained that the intent of the district is to deal with small parcels and small infill parcels. Staff intentionally recommended ½ to 15 acres because that is the range that is missing from other planned districts. In cases where development would be appropriate for a larger site, City Council has the ability to include an increase as part of the site plan approval. By right, 48 feet can be achieved through the development standard; the City Council has the discretion to allow height above 72 feet.

Commissioner O'Neill felt that the PUD should be available to development in the Downtown as well as in neighborhoods. Opportunities are available for unique mixed-use pocket developments that would be welcomed by the community within residential neighborhoods. Allowing limited parking between the building and the street would provide a necessary buffer. The PUD should be a tool providing applicants with maximum flexibility and options that will encourage creative developments.

Commissioner Schmitt opined that a method for including mechanical equipment should be decided on and applied in all cases without changing the requirement based on the height of the building. He noticed on the 48-foot version a 10-foot mechanical allowance was given; typically for larger buildings the mechanical equipment ranges from 12 to 14 feet high. He agreed that amended development standards should be allowed in order to make the PUD as flexible as possible. He noted that he would like a few adjustments to be made before the text amendment is approved.

Vice-Chairman Hess noted that he would be uncomfortable recommending the text amendment with any height allowance over 48 feet including the mechanical equipment. By going from 36 feet to 48 feet, the City is already giving 25 percent. He expressed concern about protecting the ESLO areas from creative developers who might find a way to apply the PUD. He was supportive of the text amendment when applied appropriately.

Ms. Galav explained that when restricting height to 48 feet including mechanical there is not any giveaway because the current code and provisions allows extra height for the mechanical equipment.

In response to a comment by Chairman Barnett, Mr. Hadder reviewed current height allowances compared to what would be allowed under the PUD, as well as potential problems that could arise if kept within 48 feet. Ms. Galav added that staff felt that 48 feet plus 10 feet for mechanical equipment was a good compromise, based on analysis and input from the Planning Commission and the development community. Both Chairman Barnett and Vice-Chairman Hess indicated that they were comfortable with the additional 10 feet.

Chairman Barnett did not agree with the setback provision of 50 percent of the front building facade and the other 50 percent can be variations to create an articulation at the street frontage. He suggested that a range of 40 to 60 feet

with the rest of the building articulating from that would prevent ending up with building designs that would look like half-buildings. Ms. Galav indicated that staff would review the setbacks. Chairman Barnett added that a range would give more flexibility, which developers need when working with different sizes of infill parcels.

He stressed the importance of keeping height in the Downtown area. Developers need incentives to build in the Downtown area because only approximately 30 percent of the building mass area is currently being used.

Chairman Barnett noted that Commissioner Steinke and Commissioner D'Andrea both indicated an interest in a 48-foot limit.

COMMISSIONER O'NEILL MOVED TO CONTINUE 9-TA-2007 TO THE APRIL 22, 2009 PLANNING COMMISSION MEETING. SECONDED BY VICE-CHAIRMAN HESS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0). COMMISSIONER STEINKE AND COMMISSIONER D'ANDREA NOT PRESENT.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 10:54 p.m.

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