



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

**THURSDAY, APRIL 1, 2009**

**APPROVED MEETING MINUTES**

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

**STAFF:** Connie Padian  
David Richert  
Joe Padilla  
Lusia Galav  
Greg Bloemberg  
Kira Wauwie

**CALL TO ORDER**

Chairman Barnett called the meeting of the Scottsdale Planning Commission to order at 5:22 p.m.

**ROLL CALL**

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

## **EXPEDITED AGENDA**

1. 9-UP-2009 McDowell Village Residential Health Care Facility

**COMMISSIONER SCHMITT MOVED TO APPROVE 9-UP-2009 ASSUMING IT MEETS THE CONDITIONAL USE PERMIT CRITERIA. SECONDED BY VICE-CHAIRMAN HESS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

## **REGULAR AGENDA**

2. 6-TA-2007, 7-TA-2007, 8-TA-2007 R1-7 Single-Family Residential District

Ms. Wauwie reviewed phase two of the R1-7 zoning district update. The work program looked at carport conversions, setbacks, accessory buildings, and providing graphics in a user-friendly manual. Rear yard setbacks will be included as part of phase three because they would be best considered together with building heights. As part of the work program, input was solicited from the community, the Neighborhood Enhancement Commission, the Green Building Advisory Committee, and the Planning Commission.

Challenges included enclosed parking areas and additional living area. The proposal is to allow carports to be enclosed creating garages, storage, or habitable space by allowing a five-foot side yard on both sides of residences with a zero setback for carport additions on one side of the lot line. Other considerations include incorporating front stoops into patio areas and allowing fireplaces in front patio areas.

In response to a question by Commissioner O'Neill, Ms. Wauwie explained that the easement would require five feet between buildings; it is up to the property owner to obtain an easement from the neighboring property owner. Commissioner O'Neill expressed concern about uncomfortable situations that could be created between neighbors.

Commissioner Steinke asked if there were any issues expressed by citizens that were not able to be addressed. Ms. Wauwie noted that one challenging area was lots smaller than 7,000 square feet that were annexed under County standards. Nonconforming properties are permitted to remain nonconforming, but improvements must be done in conformance with existing standards; some lots would not be capable of all desired improvements.

Commissioner D'Andrea agreed that asking homeowners to acquire rights to a five foot easement from their neighbors could breed contention between neighbors. He inquired whether side yard and rear yard setbacks provided adequate access for trash pickup. Ms. Wauwie noted that all scenarios were considered and no problems are anticipated.

In response to a question by Commissioner Schwartz, Ms. Wauwie explained that no conflicts with neighboring rear yard garages are anticipated. Access from alleys into rear yard garages must have an adequate turn radius onto the property. Commissioner Schwartz shared concerns about side yard setbacks; he

felt it was impractical to ask neighbors to give five feet of their property in an R1-7 district.

Commissioner Schmitt agreed that requiring homeowners to compel their neighbors to give a five-foot setback could be problematic. He commented that he does not agree with five or six-foot front yard walls because they take away from the quality of the aesthetic of the neighborhood. Ms. Wauwie noted that six-foot high walls are currently permitted in front yard areas. She explained that where carports are converted into livable space, homeowners are still required to provide parking for two vehicles.

Vice-Chairman Hess shared concerns about the front yard wall height and the side yard easements.

Commissioner D'Andrea suggested one solution for the six-foot front yard walls would be to allow three feet of solid wall with three feet of view fence.

In response to a question by Chairman Barnett, Ms. Wauwie noted that the neighborhood has generally been supportive of the six-foot walls. One citizen spoke out against any front yard improvements, including patios and carports. Reminding the Commission that a six-foot front yard wall is currently permitted, she suggested that the wall height issue could be included as part of phase three.

Chairman Barnett opined that the rear yard garages should be at least 15 feet to allow flexibility for additional storage. Commissioner Schmitt agreed, adding that the proposed 10 feet would preclude the ability to be architecturally compatible with homes that have pitched roofs. Ms. Wauwie felt that the accessory building height could be included as part of phase three.

Commissioner Schwartz recalled an earlier discussion about the importance of approving all aspects of the zoning district update at one time so all possible ramifications would be understood. Ms. Wauwie noted that phase three should be forthcoming by September.

Discussion ensued regarding the height of rear yard accessory buildings. Commissioners expressed concern about providing ample room for storage, garage door mechanics, and aesthetic considerations while keeping runoff on the owner's property. Ms. Wauwie explained the difference between the provisions allowed for accessory buildings and the provisions allowed for garages; for garages anything over 12 feet requires an additional two-foot setback for each additional one foot of height. Commissioners felt 12 feet was too low.

**COMMISSIONER SCHWARTZ MOVED TO APPROVE CASES 6-TA-2007, 7-TA-2006, AND 8-TA-2007, INCLUDING REVISING THE LANGUAGE IN SECTION ONE, ITEM C, CHANGING 10 FEET TO 15 FEET AND 12 FEET TO 15 FEET. COMMISSIONER STEINKE SECONDED THE MOTION.**

Commissioner O'Neill noted that he would prefer to have additional discussion regarding the 15-foot height for accessory buildings and the language regarding peaked roofs along an alley. He felt that requiring property owners to request

easements from their neighbors could create neighborhood issues because most people will not willingly forfeit five feet of their property.

Commissioner Schmitt commented that by allowing 15 feet property owners are provided the tools for appropriate building design.

**THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ONE (1).  
COMMISSIONER O'NEILL DISSENTED.**

3. Consider a motion to rescind the Planning Commission vote on case 14-ZN-2008 (Pinnacle Peak Resort (Capella)) request by owner for site plan approval taken on March 25, 2009, and to set the case for a public hearing on April 22, 2009.

Chairman Barnett recalled that during the previous meeting the Applicant was offered a continuance and chose to have an up or down vote; the Applicant has since reconsidered. Rescinding is an administrative method for providing a continuance for the case heard during the last meeting. The Commission has concerns regarding the way the five houses were sited, maintaining the quality of the development at the Applicant's stated six-star, high-quality objective, and minor modifications to transportation, traffic, some turning, staging of cars, and parking near the trailhead. The Applicant would like to make modifications to the site plan and return with alternatives for consideration. One of the Applicant's initial concerns was they were hoping to be on the April 21 City Council agenda; they are now tentatively on the May 4 City Council agenda, which provides time for reconsideration at the April 22 Planning Commission meeting.

Commissioner O'Neill expressed interest in learning what changes the Applicant was considering to their application. He needed additional information in order to make a decision on whether or not to support a rescission.

In response to a comment by Commissioner D'Andrea, Mr. Padilla noted that Robert's Rules does allow the Planning Commission to rescind a previous vote and allow the Applicant to present additional or updated information.

Commissioner Schwartz commented that the intention was to allow the Applicant the opportunity to work with the community to resolve concerns. The Commission can debate the details of the proposal when they return for a full, advertised hearing on April 22.

Vice-Chairman Hess felt that it would be fair to rescind if the Applicant were able to say that there were specific issues that they are prepared to address. He did not want to hear details until the formal hearing.

Mr. Grant explained that the reason they were concerned about having a recommendation forwarded during the previous meeting was because the owners were at the time scheduled to fly in for the April 21 City Council hearing. He assured the Commission that he would be able to better address Commission and citizen concerns if provided the opportunity.

Mr. Carl VanCleaf spoke on behalf of the Friends of Pinnacle Peak Park in support of a rescission. He mentioned several other issues that had failed to get

adequate attention during the prior hearing. Chairman Barnett requested that Mr. VanCleaf provide written information regarding outstanding issues to the Applicant and staff and that he speak on the issues during the April 22 meeting.

Ms. Joanne Netland, representing 90 people who signed a letter requesting removal or relocation of the five residential units, spoke in opposition to a rescission. She was concerned that a rescission would eliminate the discussion held previously and allow the Applicant to move forward to a new hearing. She noted that the Applicant has not contacted the HOA at Desert Highlands.

Mr. Fred Widding, resident of Desert Highlands, was opposed to the rescission. He felt the developer had made no changes to the plan and initiated no contact with concerned parties. The denial should remain in place so the developer will feel pressure to resolve issues in a satisfactory fashion.

Commissioner Schwartz noted that he would support the rescission because it would provide the same opportunity that would have been provided by a continuance.

Vice-Chairman Hess spoke highly of the professionalism of the Applicants. He was confident they would address the issues at hand. He assured the public that if issues were not addressed satisfactorily, the Commission would vote again to recommend denial.

Commissioner Steinke was uncomfortable with the process and felt that allowing public comment and Applicant comment gave the appearance of being inappropriate.

**COMMISSIONER SCHWARTZ MOVED TO RESCIND THE PREVIOUS PLANNING COMMISSION VOTE ON 14-ZN-2008 TAKEN AT THE MARCH 25, 2009 HEARING. VICE-CHAIRMAN HESS SECONDED THE MOTION.**

Commissioner O'Neill noted that he would not be supportive of the motion. The Applicant came through the process and received comments from the Commission and the public that can be used to address issues prior to the City Council hearing on May 4th. He felt that even if provided the opportunity, it was not possible for the Applicant to be prepared in time for the April 22 Planning Commission meeting.

**THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2). COMMISSIONERS STEINKE AND O'NEILL DISSENTED.**

In response to a question by Commissioner O'Neill, Mr. Padilla explained that according to Robert's Rules of Order, any member is permitted to participate in a vote to rescind, whether or not they were present for the initial hearing.

Ms. Galav noted that a motion was necessary to agendize the item for the April 22, 2009 agenda.

Commissioner O'Neill reiterated his belief that the Applicant could not be prepared by April 22.

**COMMISSIONER SCHWARTZ MOVED TO AGENDIZE ITEM 14-ZN-2008 ON THE APRIL 22, 2009 AGENDA. SECONDED BY COMMISSIONER HESS, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2). COMMISSIONERS STEINKE AND O'NEILL DISSENTED.**

**ADJOURNMENT**

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

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