



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

**WEDNESDAY, AUGUST 12, 2009**

**MEETING MINUTES**

**PRESENT:** Michael D'Andrea, Chairman  
Steven Steinke, Vice Chairman  
Michael Schmitt, Commissioner  
Ed Grant, Commissioner  
Jason Ottman, Commissioner  
Erik Filsinger, Commissioner

**ABSENT:** Kevin O'Neill, Commissioner

**STAFF:** Lusia Galav  
Sherry Scott  
Jim Larson  
Edmond Lamperez  
Tim Curtis  
Jesus Murillo  
Scott Hamilton

**CALL TO ORDER**

Chairman D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:05 p.m.

**ROLL CALL**

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

Ms. Galav informed the Commission that the staff report format would be changing in accordance with the new City Council format. The information contained in the reports will be the same. One noticeable change to the staff report is that the project goals will be directly related to a General Plan goal or policy.

The next Planning Commission meeting will be off-site. The discussion will involve the three General Plan amendments; no action will be taken at the remote meeting. There are three applicant-sponsored open houses scheduled, which Commissioners are welcome to attend; staff will post notice of the possibility of a quorum where necessary.

### **MINUTES REVIEW AND APPROVAL**

1. July 8, 2009 Regular Meeting Minutes

**VI CE-CHAIRMAN STEINKE MOVED TO APPROVE THE JULY 8, 2009 MINUTES OF THE PLANNING COMMISSION. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

### **EXPEDITED AGENDA**

2. 12-UP-2009 Coffey Heliport

Request by applicant for a Conditional Use Permit for an off-airport heliport on a 1.82+/- acre parcel located at 7430 E. Butherus Drive with Industrial Park (I-1) zoning.

3. 21-UP-2009 Enterprise Rent-a-Car

Request by applicant for a Conditional Use Permit for automobile rental or leasing on a 0.23 +/- acre parcel located at 10301 N. Scottsdale Road with Highway Commercial (C-3) zoning.

4. 415-PA-2009 Downtown Districts Text Amendment

Request to initiate a text amendment to the City of Scottsdale Zoning Ordinance (455) for the purpose of updating land use and development regulations pertaining to the Downtown.

**VICE-CHAIRMAN STEINKE MOVED TO APPROVE 12-UP-2009, COFFEY HELIPORT, ASSUMING IT MEETS THE CONDITIONAL USE PERMIT CRITERIA; 21-UP-2009, ENTERPRISE RENT-A-CAR, ASSUMING IT MEETS THE CONDITIONAL USE PERMIT CRITERIA; AND 415-PA-2009, DOWNTOWN DISTRICTS TEXT AMENDMENT. SECONDED BY COMMISSIONER GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

**REGULAR AGENDA**

5. 7-AB-2007 Troon Highlands Estates

Request by applicant for approval to abandon: 1) those portions of N. 119<sup>th</sup> Way, E. Castias Del Rio Drive, E. La Posada Circle, N. 118<sup>th</sup> Way, and E. Calle de Valle Drive, located within the Troon Highlands Estates subdivision, with Single-Family Residential District, Hillside District (R1-18/HD) zoning.; 2) to abandon the varying thirty (30) to fifty (50) feet of E. Paraiso Drive right-of-way located between N. 122<sup>nd</sup> Street and N. 124<sup>th</sup> Street; 3) to abandon the 15-foot N. 122<sup>nd</sup> Street half-street right-of-way extending 125 feet south from the N. 122<sup>nd</sup> Street and E. Paraiso Drive intersection; and 4) to abandon the 20-foot N. 124<sup>th</sup> Street right-of-way extending 40 feet south from the N. 124<sup>th</sup> Street and E. Paraiso Drive intersection with Single-Family Residential District, Environmentally Sensitive Lands (R1-130/ESL) zoning.

Mr. Murillo reviewed the background behind the request including the zoning, area context and the intended goals. Because tracts A and G will have to be altered, a replat of the entire subdivision will be necessary. If the roads are abandoned the Applicant will dedicate public utility easement, non-motorized public access easements, and emergency and service vehicle access easements.

The Transportation Master plan requires that access to the planned major trailhead come from a minor collector or greater. He reviewed the available options. The specific call for the major trailhead to be accessed from a minor collector or greater designation came from the McDowell Sonoran Preserve North Area Access Report. The existing pedestrian access areas through Troon Highland Estates and along the perimeter frontage of the Estates at Miramonte will remain.

Mr. Murillo reviewed the phasing schedule and timing of the trailhead, including the phasing and responsibility for paving. Directional signage began to be installed in October 2008 to retrain users of the Preserve and will continue to be installed as needed through the completion of the project. In January of 2009 it was decided that the Preserve would install a gate along East Paraiso Drive; that installation has been postponed pending the outcome of the Troon Highlands Estates case. If the Troon Highlands Estates case is approved, the Preserve will install their gate in an alternate location. Trailhead construction is anticipated to be completed in spring of 2011.

Evaluations of traffic counts, volume, and speed showed that the area did not meet specified requirements for traffic calming measures. Analysis of queuing distances showed 125 feet to the property line of the subdivision and 170 feet from the property line to the first driveway.

In response to a question by Commissioner Ottman, Mr. Murillo clarified that the trailhead would remain open during construction. If people become uncomfortable using 128<sup>th</sup> Street, a proposal could be made to close the trailhead.

In response to a question by Chairman D'Andrea, Mr. Murillo explained the anticipated progression of roadway paving. As depicted on the plans it is anticipated that the blue line would be improved by the first subdivision to develop, with the other subdivisions repaving their portion as they are developed. It is not guaranteed that the blue line area will be completed all the way to the green line area being paved by the City during the construction time period.

Mr. Berry reviewed the accomplishments made since the previous Planning Commission hearing, noting that on two occasions meetings were arranged to discuss issues with the neighboring community with no one choosing to attend. He stressed the fact that even if the request for abandonment is denied, the Preserve will place a gate, which will prohibit vehicular access while allowing pedestrian access. The proposed abandonment will provide the same result of prohibiting vehicular access and allowing pedestrian access.

The location of the abandonment at the end of a two-mile dead-end road combined with the severe topography presents a unique situation. The area is often used for extreme skateboarding as well as other undesirable activities because of the obscure location. Many incidents are on record with the police department and it is understood that many incidents are not reported. Because of the unusual circumstances, allowing the abandonment and gate will not set a precedent.

Mr. Berry presented a gate management plan that has been developed that should address queuing concerns as well as concerns about access and safety. He asked that the management plan be stipulated as part of the abandonment resolution. Until the Preserve access is completed the gate would be left open from sunrise to sunset, which are the same hours that the Preserve is open to the public. Gate codes would be provided to all construction vehicles and homeowners and a 24-hour phone number will be posted for complaints.

In response to a question by Commissioner Filsinger, Mr. Berry clarified that the handwritten addition to the gate management plan regarding the Design Standards and Policies Manual were intended to be included as part of the plan. He agreed that it should be clarified in the plan that access codes would be provided to all service providers, in addition to the construction vehicles.

In response to a question by Vice-Chairman Steinke, Mr. Murillo depicted the areas currently dedicated as right-of-way and areas of the Preserve. Mr. Berry explained that the roadway improvements were installed by Mr. Shawn Murphy.

In response to a question by Commissioner Ottman, Mr. Murillo explained that according to the DSPM, alternate materials can be used to satisfy the paving requirement for the Preserve access area along 128<sup>th</sup> Street; gates will remain open during the construction period even if completion goes beyond the estimated 2011. Violations of stipulations or the Ordinance would go through the City's code enforcement; any other complaints would be reported to the police department.

Commissioner Filsinger expressed concerns about people attempting to access Tom's Thumb trailhead parking in the subdivision because they are unaware of the proper access to the trailhead. Mr. Berry reiterated that access signage would be in place, noting that the Tom's Thumb map discouraged vehicular access on the unpaved trail. Mr. Hamilton explained that a decision will not be made on placement of the Preserve gate until the Troon Highlands abandonment has been resolved; timing and the relationship to the potential gated community is critical.

Ms. Rochelle Gatt spoke in opposition to the abandonment. She felt that the benefits of the gate were unfairly represented. She expressed concerns about queuing and the additional crime and safety concerns that would be pushed into her neighborhood to the north. She noted that neighborhood meetings were not discussions intended to obtain neighbor's opinions. The invitation distributed to her cul-de-sac community was offensive because it read that they were "seeking to end this as soon as we can."

Ms. Gina Horn spoke in support of the abandonment. She provided examples of incidences of loitering, parties, near collisions, and extreme skateboarding. She felt the gate was necessary for the safety and security of the area.

Mr. J. Ed Lynn agreed with Ms. Horn's comments. His key concern was with safety. He felt that the installation of proper directional signage would prevent problems with traffic and people trying to access the trailhead parking area.

Mr. Shawn Murphy spoke in support of the abandonment. He lives in the area behind the gate and has witnessed and addressed many problems personally. He felt that because the gate would be left open during the day there would be no queuing problems. The gate would ultimately benefit all residents in the area by reducing traffic.

Chairman D'Andrea thanked Mr. Murphy for the extra work he has put forth in clearing the area and making the roads accessible.

Mr. Mike Brown expressed concern about traffic at the gate. He noted that because of incoming developments there will be construction traffic in the area for many years. Trucks approaching the gate will have to stop and punch a key instead of driving straight in, which will slow traffic because of the steep grade, creating a nuisance for the residents.

Mr. Ken Dirks agreed that gating the community would address security concerns. Because the area is secluded it is used as a trash dump and for undesirable activities by non-residents. He noted that if the abandonment is approved, the community would be able to provide their own traffic calming devices.

Diane Wolff spoke in support of the abandonment for reasons of safety and security. She suggested locations for Tom's Thumb signage that would direct people away from the neighborhood. She reminded the neighboring community

that the gate would remain open during daytime hours, which would prevent traffic concerns.

Mr. Luke Taylor spoke in support of the installation of a security gate. He felt that a security gate would be a win-win situation for all parties including neighbors, the City, and the Preserve; the gate management plan allows flexibility to adjust with any reasonable demands; installation of a gate would help eliminate garbage dumping, deter crime, and enhance safety; gate installation would not hamper access to the Preserve area and would decrease the amount of traffic on North 119<sup>th</sup> Way; the City's responsibility for street maintenance would be diminished and property taxes would be increased, benefiting the City. He felt that in the future all members of the community would realize that abandonment and installation of a gate was the best solution for everyone.

Mr. Berry reiterated the benefits of the abandonment and the agreements set forth in the management plan. He stressed that the situation is unique to the area and would not set a precedent. He noted that the concern stated by Mr. Brown was not valid; construction vehicles would need to stop at the entrance regardless of whether or not a gate was present because of the existing stop sign. Because most security concerns exist in the evening hours, leaving the gate open during daylight hours is an ideal solution.

In response to a question by Commissioner Ottman, Mr. Murillo confirmed that the abandonment is in full compliance with the fire department regulations and City queuing requirements.

Commissioner Filsinger expressed appreciation for the effort that has been made to resolve problems. He felt that the nighttime closures during phase one addressed the potential of possible impacts on the Preserve while the daytime access coincides with the hours of the Preserve. This is supportive of recreational use. He suggested that the Preserve staff coordinate the timing of the operation of the gate on the west end of the Preserve with the community gate. He noted that impacts to the neighbors will not be known until phase two when the gate will be closed during the day.

In response to a question by Commissioner Schmitt, Mr. Berry clarified that including the time it will take to complete the approval process the gate is anticipated to be completed within a year and a half or two years.

In response to a question by Commissioner Grant, Mr. Hamilton explained that the intention of the Preserve gate was to permanently close vehicular access, forcing vehicles to approach Tom's Thumb from 128<sup>th</sup> Street. The automatic electric gate would be accessible for Mr. Murphy who lives within the Preserve boundary as well as emergency and maintenance crews. Mr. Hamilton mentioned several alternate locations for the Preserve gate if the Troon Highlands abandonment is approved.

Vice-Chairman Steinke stressed the importance of beginning to retrain Preserve users immediately through the use of directional signs. He speculated that if

signage had been used correctly in the past the existing problems would not have developed.

Chairman D'Andrea inquired whether the proposed traffic management plan changed the opinion of neighbors in opposition to the abandonment. Neighbors responded negatively.

Chairman D'Andrea commented that the decision was difficult because it is hard to predict what impact a gate would have on the existing problems; gated communities sometimes provide a false sense of security and undesirable users may continue to find their way in to the area. He expressed concern about setting precedent for allowing gated communities in the areas surrounding the Preserve. He felt that once the streets are completed and the proper signage is posted, Preserve users will understand how best to access the trailhead.

Commissioner Grant commented that the gate management plan addressed most concerns. He felt that any continuing problems would be properly addressed by the City of Scottsdale.

**VICE-CHAIRMAN STEINKE MOVED THAT ITEM 7-AB-2007, TROON HIGHLANDS ESTATES, BE APPROVED SUBJECT TO THE STIPULATION OF THE REPLAT TO RECORD THE MODIFICATIONS OF TRACTS A AND G AND THAT THE TROON HIGHLANDS ESTATES HOMEOWNERS ASSOCIATION WILL RECORD AN AGREEMENT TO MAINTAIN ALL PORTIONS OF THE RIGHT-OF-WAY AND THE ABANDONMENT AREA AND THE ADDITIONAL STIPULATION TO INCLUDE THE GATE MANAGEMENT PLAN INCLUDING THE DISCUSSED AMENDMENTS. SECONDED BY COMMISSIONER GRANT, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO ONE (1). CHAIRMAN D'ANDREA DISSENTED.**

### **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:52 p.m.

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