



**SCOTTSDALE PLANNING COMMISSOIN  
REMOTE SITE HEARING  
SCOTTSDALE WATER CAMPUS  
8787 E. HUALAPAI DRIVE**

**AUGUST 26, 2009**

**MEETING MINUTES**

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

**STAFF:** Lusia Galav  
Sherry Scott  
Connie Padian  
Erin Perreault  
Carrie Wilhelme

**CALL TO ORDER**

Chairman D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

**ROLL CALL**

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

**ADMINISTRATIVE REPORT**

Ms. Galav mentioned that Commissioner Ottman has asked to receive the Commission packet electronically. She asked that Commissioners consider whether they would prefer to have all packets sent electronically in the future.

Ms. Wilhelme provided an overview of the major general plan amendment process. An amendment is considered major if a property is designated as rural land use and it is changing to anything other than open space. The process requires a remote hearing in addition to the regular hearing where the Planning Commission makes their recommendation to City Council. Major General Plan amendments require a super majority vote by City Council. The two cases being heard are limited to the land use; site plans and zoning will be discussed at future hearings. Additional opportunities for public comment will be available at both the Planning Commission hearing on September 23<sup>rd</sup> and the City Council hearing on October 27th.

### **NON ACTION ITEMS DISCUSSION ONLY**

1. 1-GP-2009 6500 Camelback

Request by owner for a Major General Plan amendment from Rural Neighborhoods to Suburban Neighborhoods on a 3.03+/- acre parcel located at 6430, 6442, and 6502 East Camelback Rd.

Ms. Wilhelme reviewed the context and location of the property, which is located on a minor arterial. Forty-three percent of the site consists of an easement holding and is considered rural with suburban character types. The request is to amend the land use element from rural neighborhoods to suburban neighborhoods for the purpose of developing a townhouse community. She reviewed the key considerations including the land use map, General Plan analysis, and land use impact analysis. Comments on the site plan will be obtained from the Development Review Board prior to returning to Planning Commission for recommendation to City Council.

Mr. John Berry felt it was important to note that the General Plan characterizes the neighborhood as suburban neighborhood, which is permitted to be located near the Downtown area. He explained why the site, which was subdivided in the late 1950s, was unique and the benefits the proposed townhouse development would have on the area. He committed to continue discussions with the community in an effort to address and resolve issues and concerns.

Chairman D'Andrea asked that Mr. Berry provide the Commission with a list of the community concerns and ways in which they were resolved.

Mr. Norman Shaia, representing the neighborhood located to the south, spoke in opposition to the proposal. He noted multiple issues the townhouse development would cause to the community including blocking views of Camelback, surpassing one-story height restrictions, and infringing on the privacy of one-story neighbors. He noted that many neighbors are not available to attend meetings and voice their opinions during the summer months.

In response to a question by Chairman D'Andrea, Ms. Galav confirmed that design elements are subject to review of the Development Review Board and will also be addressed as part of the rezoning case. The General Plan amendment discussion is restricted to land use.

Ms. Lori Shanley added that renderings provided to the neighborhood depicted roof levels that will block the views of the one story homes. She felt that the design of the townhouse upper levels is too contemporary and does not fit with the context of the area.

In response to a question by Commissioner Grant, Ms. Wilhelme explained that the majority of the surrounding neighborhood consists of single-story homes between 12 and 24 feet; however, the current zoning allows up to 30 feet. The R-4 zoning states that if townhomes are developed near single family homes it would be at the discretion of the City Council whether to allow two stories.

2. 3-GP-2009 NWC of Pima & Dynamite

Request by owner for a Major General Plan amendment from Rural Neighborhoods to Commercial on a 8.6+/- acre parcel located at 8738 East Dynamite Blvd.

Ms. Wilhelme reviewed the site context and location, which is in a scenic corridor within the Desert Foothills Character Area plan boundary. She presented the General Plan land use map, land use impact analysis and General Plan analysis, as well as the key considerations stressing that the commercial use cannot be stipulated. The community has expressed concern about setting precedent for the Desert Foothills area. The case will go to the Development Review Board on September 3<sup>rd</sup> for comments on the site plan prior to returning to the Planning Commission for recommendation to the City Council.

Commissioner Grant requested that the Commission be provided with background on the creation of the Desert Foothills Character area plan. Ms. Wilhelme noted that the plan development was a two year process and that it is not meant to regulate land use, but to make design recommendations.

Vice-Chairman Steinke asked that the Commission be provided with the final Desert Foothills Character Area Plan in written form, as well as documentation of any previous major General Plan amendment considerations. Ms. Wilhelme noted that in 2006 an application was presented for the corner of Scottsdale Road and Lone Mountain, which was ultimately denied.

Chairman D'Andrea noted the importance of fully understanding the guidelines as outlined in the Desert Foothills area plan.

In response to a comment by Commissioner Filsinger, Ms. Wilhelme noted that the Foothills Overlay does not allow commercial development. The Foothills Overlay would need to be removed in addition to the major General Plan amendment in order to develop a commercial property.

Mr. Berry noted that the Desert Hills Character Area plan was established in 1999 after a decade of work to establish a certain quality for the area. In 2001 the General Plan and the Foothills zoning category were adopted for the eight-square mile area. Since that time the City's attitudes and priorities have

shifted in respect to interaction with the built environment, as well as understanding that a sustainable built environment is essential to the City's future.

The General Plan was structured to be a flexible document that would change as the community needs and direction changes. The land use element including the Desert Foothills Character Plan, are intended to ensure the quality of development and consistency of character, which means the City must consider the context of community-wide goals. The General plan requires promotion and encouragement of context-appropriate new development in established areas of the community.

Mr. Berry noted the importance of providing convenient services such as a fuel station for neighbors, tourists, and citizens interested in visiting the Preserve. He felt that the site is unique because of its proximity to the power line corridor, existing buildings, and the confluence of major roadways at that location.

Mr. Vern Swaback, project architect, reviewed the six elements of the General Plan which encompass the character and lifestyle. He stressed the importance of green building and committed to reaching for LEED platinum certification; the values and visions segment of the General Plan encourages environmentally sensitive development. He noted that in keeping with the context of the Desert Foothills Character Area Plan the development would provide horse amenities and trails.

Mr. Berry concluded by reviewing the General Plan verbiage and presenting context photographs. He reiterated that all character plans should be considered with the community-wide goals in mind.

Chairman D'Andrea noted a significant number of written comments both in support and in opposition to the amendment.

In response to a request by Chairman D'Andrea, Mr. Howard Myers reviewed in detail the history of the development of the character area plan, which was encouraged and supported by a majority of the community. He explained that the areas that are not included did not qualify at the time the plan was adopted; however, residents of that community did express interest in being included. The reason for the plan was primarily to protect the residents' lifestyle in a changing community.

Mr. Myers spoke in opposition to the General Plan amendment. He stressed the fact that commercial development would not be sustainable in a low density area. Neighbors have ample amenities available in commercial developments available in Troon, Pinnacle Peak, and along Scottsdale Road and Pima Road. Removing the overlay and allowing commercial development would set precedent for other developers who have been waiting to come forward with development requests in the area. He was also concerned about the surrounding State land classification being affected.

Ms. Jane Rau spoke in opposition to the General Plan amendment. She stressed that the area has an adequate number of gas stations. She commented that the new developments do not benefit the neighbors because the majority of the long-time residents cannot afford to shop in the newer commercial developments. She noted that she was provided with outdated traffic counts regarding the new Hawk traffic signal placed at the corner of Dynamite and Pima. She expressed concern about the future of the three corners of State Trust land.

Mr. Paul Rooker, representing Echo Ridge Subdivision, spoke in opposition to the General Plan amendment. He gave an example of other instances where neighborhoods fought to maintain the character of their neighborhood. There is no need for additional fuel stations in the area for residents or for visitors.

Ms. Jan House stressed that she and her neighbors moved to the area to be away from commercialism. She noted that the power lines should not be a factor in making a decision about allowing commercial development to intrude on the area. She expressed concern about the McDowell Sonoran Preserve and the State lands.

Mr. Jim Heitel noted that he was a member of the Planning Commission during the time when the Desert Hills Overlay was approved. He offered to answer questions at any time. He highlighted the fact that the Foothills Overlay zoning document was created specifically to protect the character area. He found it interesting that the Applicant was talking about locating a sustainable gas station where the overlay was implemented as an assurance of sustaining the low-density, rural character. He noted that the developer knew he was buying land that was in the Foothills overlay and waited until enough time had passed for the community to forget the importance of the overlay to move forward. He noted that the other buildings in the area were built prior to the Foothills overlay implementation and were impetuses for its enactment. He expressed concern about maintaining the unique character of the area and the impact a commercial development would have on the State land zoning.

Ms. Judy Eisenhower spoke in support of the major General Plan amendment. She noted changes that have taken place in Scottsdale, highlighting the fact that the majority of the north areas were rural less than a decade ago. Progress is inevitable and beneficial for the City.

Mr. John Arterburn opined that the Applicant was interested in making money, not in the betterment of the community. He noted that he owns the Ace Hardware at Pinnacle Peak and that because of the limited population in the area he and his fellow business owners would be impacted if competing businesses were opened in the vicinity. Commercial development is not appropriate to the context of the Desert Foothills area.

Ms. Nancy Godfrey spoke in opposition to the major General Plan amendment. Changing the overlay and the character would be precedent setting, jeopardizing the character of the area. She agreed that there is no need for another service station in the area and that the power lines were not relevant.

Mr. Chris Krvidenier felt that the commercial development would be an asset to the Pinnacle Peak area.

Ms. Jamie Stratman expressed concern about the other four sites that could become commercial developments if this request is allowed to set precedent. She feared that if the zoning were changed the Applicant would sell the property and there would be no control in place over what types of business were developed. Residents live in the area because of its remote, rural nature.

Mr. Jerome Landau noted that the property owners vowed to sit on the property until they were able to develop it commercially and that a "for sale" sign was currently on the property. The Applicants hired Mr. Berry and Mr. Swaback because of their reputations and prominence in the community. The area does not need the planned amenities and the additional traffic would create increased danger at an already dangerous intersection.

Mr. Joseph Taglia, representing the Troon North HOA, spoke in opposition to the major General Plan amendment. He stressed that people move to the area because of the desert environment. Changing the zoning would increase the property value for the Applicant and create precedent issues. He invited the Commissioners to survey the area themselves, noting that the power lines are not located on the site in question.

Mr. Berry opined that change creates uncertainty in people. He noted that when Troon North was developed people were afraid the development would detract from the rural desert environment. He noted that Mr. Swaback was not being included just because of his reputation in the community; he had a genuine personal interest in creating a sustainable legacy project in the area. The question to be answered is whether the corner is appropriate to be kept in the Foothills Overlay. He reiterated that the General Plan indicates that new appropriate development is to be encouraged and the project exceeds the requirements of the General Plan.

In response to a question by Commissioner Filsinger, Ms. Galav explained that if the parcel were to be removed from the Foothills Overlay the process would be included as part of the rezoning case.

In response to a question by Commissioner Grant, Mr. Berry explained that the "for sale" sign on the property had been in place for a long period of time and was supposed to have been removed. He noted that inquiries about the property were primarily in the interest of developing church uses, which he noted could include a school under the current zoning. The question is whether a church and school would further the goals of the General Plan and the character area.

Noting that one of the options to achieve the goals of this request would be by a text amendment, Commissioner O'Neill inquired why the current process was used and what the benefits of going through a text amendment would be versus amending the General Plan. Ms. Padian explained that the Foothills Overlay could be amended to allow the commercial use. If the Foothills Overlay were amended to allow for Commercial uses it would be in conformance with the

General Plan. An alternate option would be to look at the Character Area Plan for possible modifications.

In response to a question by Vice-Chairman Steinke, Ms. Galav recalled that the practice has been to bring comments from the Development Review Board on the site plan forward to the Planning Commission. Ms. Scott added that the zoning case is contingent on the approval of the General Plan amendment.

In response to a question by Commissioner Schmitt, Ms. Galav explained that a church use would have the ability to go through the DRB process with no changes to the current entitlements or use permit under the current zoning.

Chairman D'Andrea thanked the citizens for their comments and thanked Mr. Swaback for his interest in the project.

### **ADJOURNMENT**

With no further business to discuss, the remote site hearing of the Planning Commission adjourned at 7:47 p.m.

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