



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

**WEDNESDAY, SEPTEMBER 23, 2009**

**MEETING MINUTES**

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

**STAFF:** Lusia Galav  
Sherry Scott  
David Richert  
Connie Padian  
Carrie Wilhelme  
Jesus Murillo  
Kim Chafin  
Keith Niederer

**CALL TO ORDER**

Chairman D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

**ROLL CALL**

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

**MINUTES REVIEW AND APPROVAL**

1. September 9, 2009 Regular Meeting Minutes including Study Session.

**COMMISSIONER O'NEILL MOVED TO APPROVE THE SEPTEMBER 9, 2009 PLANNING COMMISSION MINUTES, INCLUDING THE STUDY SESSION. SECONDED BY VICE-CHAIRMAN STEINKE, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

**CONTINUANCE**

2. 5-ZN-2009 State Land Parcel (NEC FLW & LOOP 101)

Request by applicant to rezone from Industrial Park District (I-1) zoning to Central Business District (C-2) zoning on a 9 +/- acre parcel located at 15815 N. Frank Lloyd Wright Blvd.

**VICE-CHAIRMAN STEINKE MOVED TO CONTINUE 5-ZN-2009, STATE LAND PARCEL (NEC FLW & LOOP 101), TO THE OCTOBER 28, 2009 PLANNING COMMISSION MEETING. SECONDED BY COMMISSIONER GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

**EXPEDITED AGENDA**

3. 2-AB-2009 Feldman Residence

Request by owner to abandon a thirty-foot roadway and public utility easement located along the eastern boundary, and a fifteen-foot roadway and public utility easement located along the southern boundary of the parcel located at 12192 E. Redbird Road with Single-Family Residential District, Environmentally Sensitive Lands (R1-130/ESL) zoning.

In response to Commissioner Filsinger's question during study session, Mr. Murillo presented the State Trust Land acquisition priorities map D approved by City Council that depicted the location of the Feldman residence in relation to the Preserve boundary.

Commissioner Filsinger commented that it is essential to abandon properties located within planned areas of acquisition.

4. 25-UP-2009 Harvest Restaurant

Request by applicant for a Conditional Use Permit for sale of alcoholic beverages as an accessory use in a restaurant of 6,264 +/- square feet within an existing shopping center located at 7615 E. Pinnacle Peak Rd. with Neighborhood Commercial District, Environmentally Sensitive Lands (C-1 ESL) zoning.

5. 9-ZN-2009 TPC Desert & Stadium Golf Course Rezone from R1-35 & R-5 to O-S

Request by applicant to rezone from Single-Family Residential District (R1-35) zoning and Multiple-Family Residential District (R-5) zoning to Open Space District (O-S) zoning on a 505+/- acre parcel located at 17020 N. Hayden Rd., 16638 N. Pima Rd.

**COMMISSIONER O'NEILL MOVED TO APPROVE 2-AB-2009, FELDMAN RESIDENCE; 25-UP-2009, HARVEST RESTAURANT; AND 9-ZN-2009, TPC DESERT & STADIUM GOLF COURSE REZONE FROM R1-35 & R-5 TO O-S. SECONDED BY COMMISSIONER SCHMITT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

### **REGULAR AGENDA**

6. 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 presented the context aerial, highlighting the undeveloped property surrounded on three sides by golf course easements. The General Plan designates the parcels as rural neighborhood within a suburban character type. The Applicant wishes to change the land use element from rural to suburban neighborhoods, which will allow one to eight dwelling units per acre. Community outreach has revealed concern about traffic, blocked views, erosion of a single-family neighborhood, and erosion of the rural character of the neighborhood.

7. 8-ZN-2009 6500 Camelback

Request by owner for approval to rezone from Single-Family Residential District (R1-35) zoning to Townhouse Residential District (R-4) zoning on a 3.03 +/- acre parcel located at 6430, 6442, and 6502 East Camelback Rd.

Ms. Chafin reviewed the current and proposed zoning and the proposed site plan. A deceleration lane is planned along Camelback Road at the entrance to the gated community as well as two egress points. The Applicant request is for 16 units, which is fewer than the allowed 25; 43 percent of the property is landscaped golf course easement. The preliminary elevations are evolving as the Applicant works with the neighborhood regarding their concerns.

Mr. Berry reviewed constraints associated with the site and a map depicting the unique nature of the site which is surrounded by multifamily and resort uses. He stressed that the General Plan anticipates the land use response to transition areas of Downtown.

Discussions are ongoing with the neighbors to the south. Density has been reduced from 16 units to 14 units, building height has been reduced from 28 feet to 26 feet, and additional setbacks allow front garages with a 15-foot, one story height. Privacy concerns have been addressed by redirecting second story windows and balconies to the north-facing elevations. Poles were erected to demonstrate for neighbors how heights will be viewed from their homes. Design character has been changed from the original urban design to a more suburban character with varied massing, pitched roofs, and entry courtyards.

Traffic analysis concluded that the townhouse development would have no impact on Camelback turning movements or level of service; however, in respecting neighbors' concerns a deceleration lane with queuing distances in excess of the standard has been added.

In response to a question by Commissioner Grant, Mr. Berry reviewed the floor plan and orientation of the garages, which are oriented to the front of the units and are no longer planned to be sub-grade.

In response to a question by Commissioner Ottman, Mr. Berry confirmed that the revised plan conforms to the previously approved site plan.

Chairman D'Andrea noted that Barbara Fargotstein submitted a petition in opposition to the plan containing 29 signatures, dated July 17, 2009.

Ms. Barbara Fargotstein spoke in opposition to the project, noting that it does not fit the guiding principles of the General Plan and ignores the current deed restrictions for one home per acre. She was concerned about the proposed density, traffic, and character of the neighborhood. She noted that privacy of the homes in her neighborhood to the north would be impacted by the north-facing balconies and windows.

Mr. John Fargotstein opined that the parcel is not three acres. He mentioned that he spoke with a surveyor on the property who quoted that the parcel is only two acres. He pointed out the golf course easement on an aerial photograph, highlighting the buildable area and noting that Camelback Road is a major arterial, not minor as stated by staff.

Mr. Berry noted that the legal description with an ALTA survey sets the exact size of the parcel; the surveyor that Mr. Fargotstein spoke to was dealing with drainage issues. He agreed that Camelback Road is a major arterial, which is one reason the property is not appropriate for single-family homes. He noted that neighborhood concerns will continue to be taken into consideration.

In response to a question by Vice-Chairman Steinke, Ms. Scott noted that the legal department has not reviewed the Camelback Club Estates deed restrictions. Deed restrictions are a private property right and are not within the purview of City regulations. Mr. Berry noted that a real estate attorney has reviewed the deed restrictions.

Ms. Christine Freiland expressed concern about the views from her property in the area to the north. She agreed that the development would change the neighborhood character.

Chairman D'Andrea asked staff to clarify the gross acreage. Ms. Chafin confirmed that the gross acreage is 3.03 with a density; density is based on gross land area.

Mr. Norm Shaia noted that the neighborhood to the south was pleased with the technical solutions that have resulted from discussions with the neighborhood. He remains concerned about view impacts and property values resulting from the development of the property.

Chairman D'Andrea noted appreciation for the efforts the Applicant has put forth in working with neighbors and encouraged continued efforts.

Commissioner Filsinger commented that design concerns can be directed to the Development Review Board. The purpose of the General Plan is to set general land uses and the proposal is consistent with the character and lifestyle of the neighborhood.

In response to a question by Commissioner O'Neill, Ms. Chafin confirmed that staff was comfortable with the changes presented by the Applicant, noting that the new design appeared to conform to the approved site plan.

**COMMISSIONER O'NEILL MOVED TO APPROVE 1-GP-2009, 6500 CAMELBACK. COMMISSIONER GRANT SECONDED THE MOTION.**

In response to a question by Chairman D'Andrea, Ms. Chafin confirmed that a stipulation limited the number of units allowed to 16 or fewer.

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

Mr. Berry clarified that the exact number of units would be stipulated to at City Council.

**COMMISSIONER O'NEILL MOVED TO APPROVE 8-ZN-2009, 6500 CAMELBACK. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:06 p.m.

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