



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

**WEDNESDAY, OCTOBER 14, 2009**

**STUDY SESSION MINUTES**

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

**ABSENT:** Jason Ottman, Commissioner

**STAFF:** Lusia Galav  
Sherry Scott  
Keith Niederer  
Don Hadder  
Louisa Garbo  
Greg Bloemberg

**1. CALL TO ORDER**

Chairman D'Andrea called the study session of the Scottsdale Planning Commission to order at 4:00 p.m.

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

**2. ADMINISTRATIVE REPORT**

Ms. Galav asked Chairman D'Andrea to call for a special meeting for November 11<sup>th</sup> because of a scheduling conflict on November 18<sup>th</sup>. She reminded Commissioners that only one regular meeting will be held in both November and December.

**3. REVIEW OF OCTOBER 14, 2009 AGENDA**

6-UP-2009	<u>Airpark Billorado, LLC</u>
24-UP-2009	<u>K O'Donnell's American Bar &amp; Grill</u>
27-UP-2009	<u>Rhythm &amp; Wine</u>

In response to a question by Chairman D'Andrea, Ms. Galav clarified that the conditional use permit is associated with a series 12 (Restaurant) and will not be in conflict with the state statutes. If the permit were for a series 6 bar use the conditions would be different.

**4. REVIEW OF OCTOBER 28, 2009 AGENDA**

Ms. Galav reviewed the tentative agenda for the October 28, 2009 meeting, noting that she expects three study session items to be agendized.

In response to a question by Commissioner O'Neill, Ms. Galav explained that the Scratch Pastries is in a PNC district and intends to sell beer and wine associated with a breakfast and lunch menu.

**5. 5-ZN-2009 STATE LAND PARCEL (NECFLW and LOOP 101)**

Mr. Hadder reviewed the process involved with State land and zoning cases. He provided a map depicting existing State lands along the 101 freeway, highlighting the various development areas. Many areas of State land have entitlements obtained many years ago and are awaiting development. Rezoning applications usually are presented either as a submittal by the State Land Department itself, sometimes in partnership with the City, or applications are brought through by a development group on behalf of the State or subsequent to auction. State lands are released for development under two different methods: as leases or through sale; the State Land Department does not develop land.

Mr. Niederer reviewed the State Land Department request and area context, noting a City water pump facility located immediately to the south of the site. The site plan is conceptual and no buyer, developer, or tenant has been identified. The State Land Department is interested in rezoning the parcel to be more compatible with the surrounding commercial land uses in order to attract new tenants. The Frank Lloyd Wright median will be reconstructed to allow for an extended dual turning lane westbound onto the southbound Loop 101. There will not be access available from the site to the Loop 101 frontage road.

In response to a question by Commissioner Grant, Mr. Niederer confirmed that notification was sent to neighbors and an open house was held in June. No opposition has been voiced regarding the rezoning.

In response to a comment by Commissioner Filsinger, Mr. Hadder confirmed that installing an entrance at the eastern traffic light would be impractical because of the City water facility. Commissioner Filsinger suggested that study be done on

the feasibility of a right-turn deceleration lane on the westbound traffic on the north side into the new entrance. Mr. Niederer noted that the site plan has two entrances one towards the center of the site and one to the east. Mr. Hadder added that a stipulation is included requiring that if needed a TIMA study must be conducted prior to Development Review Board review.

In response to a question by Commissioner Schmitt, Mr. Niederer confirmed that with the median reconfiguration there will be no ability to turn eastbound from the site. If required, a right-turn lane could potentially be accommodated to the east next to the water pump station, because there would be sufficient space to install a deceleration lane.

Commissioner O'Neill commented that because zoning the site C-2 is appropriate and the user is not yet identified, he would be in favor of approving the rezoning without a stipulation to conformance with a site plan.

Vice-Chairman Steinke noted that the Development Review Board expressed concerns about the traffic flow and changes along Frank Lloyd Wright and the best way to access the property. If proper access is not available the business will suffer. Working together with the traffic department to develop an appropriate plan is crucial.

Chairman D'Andrea agreed that the site should not be stipulated to a site plan because of the limitations that would be placed on a developer. He commented about the lack of u-turn opportunities heading eastbound on Frank Lloyd Wright noting that the other side of Frank Lloyd Wright has direct access to the frontage road. Mr. Hadder explained that ADOT closed off access at the northwest corner of the site because of the danger posed partially by the gain in elevation. A future user has the ability to have a traffic engineer work with ADOT to rectify the situation, but the City would not have involvement in the process.

Chairman D'Andrea commented that the site is currently unkempt and in need of attention.

## **6. ADJOURNMENT**

With no further business to discuss, the study session of the Planning Commission adjourned at 4:31 p.m.

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