CITY OF SCOTTSDALE
NEIGHBORHOOD ADVISORY COMMISSION
REGULAR MEETING
MINUTES

WEDNESDAY, MAY 22, 2019

COMMUNITY DESIGN STUDIO
7506 E. INDIAN SCHOOL ROAD
SCOTTSDALE, AZ 85251

PRESENT: Jennifer Fabiano, Chair
Carol Miraldi, Vice Chair
Ross Cromarty, Commissioner
William James, Commissioner
Amanda Nash, Commissioner

ABSENT: Joe Meli, Commissioner
Rachel Putman, Commissioner

STAFF: Adam Yaron, Project Coordination Liaison
Brandon McMahon, Associate Planner
Michelle Holmes, Operation Fix It

Call to Order/Roll Call

The meeting of the Neighborhood Advisory Commission was called to order at 5:02 p.m.
A formal roll call was conducted, confirming members present as stated above.

Public Comment

There were no members of the public who wished to speak.

1. Approve Draft Summary Meeting Minutes April 24, 2019

Chair Fabiano called for comments and/or corrections. Commissioner James made a correction. He was absent and did not vote for adjournment.
COMMISSIONER CROMARTY MOVED TO APPROVE THE MINUTES OF THE APRIL 24, 2019 MEETING AS AMENDED. VICE CHAIR MIRALDI SECONDED THE MOTION, WHICH CARRIED 5-0 WITH CHAIR FABIANO, VICE CHAIR MIRALDI, COMMISSIONERS CROMARTY, JAMES AND NASH VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

2. **2019 Major General Plan Amendment Process**

Adam Yaron, Project Coordination Liaison, stated that an amendment to the general plan is defined as a major amendment, if it meets one of the following criteria:

- Change in the land use category
- Area of change criteria (gross acreage)
- Character area criteria
- Water/Wastewater infrastructure criteria

This year’s application is qualifying under the first two criteria. The applicant is requesting to go from urban neighborhoods (Group C) to Group E, mixed use neighborhoods. There is also a change in the land use designation in the A-1 planning zone. At greater than 10 acres, a major General Plan amendment is required. Major General Plan amendments are heard at City Council in the same year as they are submitted, based on State statutes. The submittal deadline this year was May 17th. Counsel is scheduled to hear the request on December 3rd, 2019. The process requires additional remote hearing of the Planning Commission for public input as well as two-third majority vote approval of City Council.

The case number is 3-GP-2019 and is called Gentry on the Green. It is 41.5 acre site located at the southwest corner of Hayden and Camelback. The site is currently developed as an apartment complex and the applicant proposes a new multifamily development with mixed use development. The applicant proposes a two-phase process. East of 78th Street will be Phase 1 (27 acres, 1,200 units and retail) and west of 78th Street will be Phase 2. In response to a question from Chair Fabiano, Mr. Yaron stated that it will be 48 feet in height, maximum of four stories.

Commissioner Cromarty asked if the development will include connections for the neighborhood to access the green space. Mr. Yaron said the applicant proposes to remove the existing wall and extend the green space to the upper limits of the wash. The development will incorporate cafes, areas of bicycle tourism and a potential Experience Scottsdale station to direct people. There is the potential to connect into the Scottsdale trails system to travel as far north as the McDowells and as far south as Tempe Town Lake.

Commissioner James asked whether anyone will be displaced with the proposed redevelopment. Mr. Yaron said that with all redevelopment proposals, there will be affected parties. The understanding is that from a housing standpoint the difference in time between Phase 1 and 2 will be approximately ten years. Existing leases in Phase 1 do not extend more than one year. They will provide housing opportunities for people to move into existing Phase 2. The applicant will be asked
to provide a plan to provide some assistance regarding differences in rent levels with the new development.

In response to a question from Chair Fabiano, Mr. Yaron stated his understanding that the developments will all be apartments as opposed to condos. Although the City has not yet received the zoning case, although it is expected. The applicant is seeking a mixed use zoning category called PUD, and the differences between the entitlements in the site today versus what the applicant is seeking will benefit the City and ultimately the public. This will include additional open space that is required out of the PUD zoning district, versus its current R-5 zoning district. Nonresidential uses are not allowed in the R-5 district.

With regard to the major general plan amendment process, the City will have a City-hosted open house on September 12th. The remote Planning Commission hearing will be on October 2nd. Possible City Council adoption will take place on December 3rd.

3. Neighborhood Enhancement Grant Proposal: 70th Street Salt River Project Neighborhood Irrigation System

Mr. Yaron stated that in February 2019, a neighborhood watch captain contacted city staff regarding an alley that was not being maintained. Subsequently, Code Enforcement reached out to the neighborhood to investigate. Residents voiced complaints regarding not understanding their maintenance obligations. Code Enforcement staff sought the assistance of the Commission in bringing resolution. Photographs of the area (70th Street south of Thomas) were reviewed.

Commission staff consulted with Code Enforcement to implement the following:

- Education and awareness campaign to surrounding neighborhoods
- One-time cleanup to the area noted.

A letter has been drafted outlining the maintenance obligation and notice of resource allocation to address the issue. The letter will be sent in advance of any work being done. Staff recommends approval of the 70th Street SRP Neighborhood Irrigation System with the allocation of Neighborhood Enhancement Grant Program funding not to exceed $2,800.

Commissioner James noted that the SRP User’s Manual suggests the creation of a neighborhood association to manage the irrigation responsibilities, which are quite considerable. He asked if the neighborhood has such an organization and the possibility of connecting the funding with a neighborhood mechanism for continuing the maintenance. Mr. Yaron said that the intent is that this hopefully garners neighborhood participation and organization. Discussions can be had between Code Enforcement officers and neighborhood members. He has placed his name on the letter as a point of contact.

Commissioner James noted that the SRP documentation does not provide clear guidance as to how the organizational efforts are put into practice. He suggested it would be prudent to have the neighborhood watch group which identified the
issue, address continuing maintenance before providing the funding. Mr. Yaron said he was unaware of a mechanism for mandating this requirement. In discussing the issue with the code enforcement officer, there have been conversations with the neighborhood watch captain. Certainly there can be follow-up to educate captains on the situation. Commissioner James asked if the neighborhood watch group could be given the direction and the funds to complete the task themselves. Mr. Yaron stated that they are not at liberty to issue financial resources, whether or not they participate in City programs. It must be allocated through City departmental staff.

Commissioner Nash suggested a stipulation that the funding is available contingent upon the neighborhood forming a five member board. Mr. Yaron confirmed that this is a possible strategy. The ultimate obligation to maintain such areas (regardless of a neighborhood board), falls upon the adjacent property owner, based on Scottsdale’s property maintenance ordinance. In response to a question from Commissioner Nash, Mr. Yaron stated that while he could look into how many of the residents are renters, he has not done so as yet. Challenges include the fact that many residents do not have pedestrian gate access. Because it is an open ditch, they cannot drive back to the location.

In response to a question from Commissioner James, Mr. Yaron said it has been made clear to the residents what the enforcement action will be. It would include a notice of violation potentially involving a civil penalty.

Commissioner Cromarty asked if the buyer is made aware at the time of purchase regarding the easement and maintenance requirements. Mr. Yaron was unable to provide an immediate answer. Commissioner James stated his hope that everyone affected receives a clear statement of what the amount of the fine is and when it will next occur. Chair Fabiano added that “civil penalty” should be stated clearly as a monetary fine in a specific dollar amount. Mr. Yaron stated that the contractor performing the upcoming work can also be contacted to discuss the cost of regular maintenance. This information can then be provided to residents. The letter will be updated to indicate the possibility of future fines if maintenance is not provided.

COMMISSIONER CROMARTY MOVED TO APPROVE THE PROJECT. VICE CHAIR MIRALDI SECONDED THE MOTION, WHICH CARRIED 5-0 WITH CHAIR FABIANO, VICE CHAIR MIRALDI, COMMISSIONERS CROMARTY, JAMES AND NASH VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

4. NAC Meeting Dates in June, July and August, 2019

Discussion ensued regarding upcoming meeting dates. The September meeting will be September 25th.

COMMISSIONER NASH MOVED TO CANCEL THE REGULAR MEETINGS FOR JULY AND AUGUST. COMMISSIONER JAMES SECONDED THE MOTION, WHICH CARRIED 5-0 WITH CHAIR FABIANO, VICE CHAIR MIRALDI, COMMISSIONERS CROMARTY, JAMES AND NASH VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.
5. **Staff Updates**

Mr. Yaron addressed regulation of vacation and short-term rentals, noting that Governor Ducey signed HB 2672 yesterday. It is one of Scottsdale’s key issues in the 2019 legislative agenda. Key provisions include restricting a vacation or short-term rental from being used for nonresidential uses, including special events, restaurant, retail, banquet space or other similar uses. It institutes fines for short-term rental owners for violations. It allows cities to require the owner to provide the city with contact information as to who is responsible for responding to complaints in a timely manner. It prohibits owners from offering lodging without a current transaction privilege tax license.

Mr. Yaron provided photographs of the Agua Linda Park Project renovations. Basketball resurfacing will occur before June 30th. He also provided before and after photographs of the Rotary Park renovations.

The next NAC meeting is June 26th.

6. **Adjournment**

With no further business to discuss, being duly moved by Commissioner Cromarty and seconded by Vice Chair Miraldi, the meeting adjourned at 5:47 p.m.

AYES: Chair Fabiano, Vice Chair Miraldi, Commissioners Cromarty, James and Nash.
NAYS: None

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