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CALL TO ORDER

[Time: 00:00:07]

Mayor Lane: Good afternoon, everyone. I would like to call to order the November 19th, 2013, City Council meeting and this is a regular and General Plan amendment meeting. We're going to start with a roll call.

ROLL CALL

[Time: 00:00:17]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

Carolyn Jagger: Vice Mayor Virginia Korte.

Vice Mayor Korte: Here.

Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilmember Klapp: Here.

Carolyn Jagger: Bob Littlefield.

Councilman Littlefield: Here.

Carolyn Jagger: Linda Milhaven. Absent. Guy Phillips.

Councilman Phillips: Here.

Carolyn Jagger: Dennis Robbins.

Councilman Robbins: Here.

Carolyn Jagger: City Manager Fritz Behring.

Fritz Behring: Here.

Carolyn Jagger: City Attorney Bruce Washburn.

Bruce Washburn: Here.

Carolyn Jagger: City Treasurer Jeff Nichols.

Jeff Nichols: Here.

Carolyn Jagger: City Auditor Sharron Walker.

Sharron Walker: Here.

Carolyn Jagger: And the City Clerk is present.

Mayor Lane: Thank you. The items of business, we do have cards if you would like to speak on any of the agenda items. That's the white card over the City Clerk's head over here to my right. And if you would write any comments on any items on the agenda, that's the yellow card and we will be reading them during the course of the time of the meeting. We do have Scottsdale police officers Greg Carlin and Tom Cleary. They are here at 12:00 noon from me, if you need their assistance. And, of course, the areas behind the Council dais are reserved for Council and staff and we have facilities over here for anyone who has need for that.

PLEDGE OF ALLEGIANCE

[Time: 00:01:24]

Mayor Lane: Today we welcome Brownie Troop 587 with their leader Stephanie La Loggia. Close? But in any case, if the young ladies would like to come to the microphone and we can all rise, if you can, and join us, join them in the pledge.

I pledge allegiance to the flag of the United States of America and to the republic for which it stands,

one nation, under God, indivisible, with liberty and justice for all.

Mayor Lane: Thank you, ladies. If you would go ahead and turn that microphone around and individually if you would like to introduce yourselves and tell us where you go to school. And what your favorite subject is.

Brownie Troop 587: My name is Julia. I go to Mission Montessori. My favorite subject is math. My name is Alex, and my favorite subject is probably science. And I also go to mission Montessori Academy. My name is Caroline and I go to Mission Montessori and my favorite subject is language. My name is Ava and I go to Anasazi Elementary and my favorite subject is art. My name is Bella, I go to Mission Montessori and my favorite subject in school is music. My name is Ella, and I go to Mission Montessori and my favorite subject is language. My name is Kate I go to Mission Montessori and my favorite subject is math.

Mayor Lane: Thank you, ladies. Okay.

MAYOR'S REPORT

[Time: 00:04:54]

Mayor Lane: In place of an invocation this evening, I would like to, everyone to take and give a moment of silence and for a thought or a prayer for those victims of the tornadoes in the midwest. So if you could, let's just take a moment, please. Certainly with hopes of a quick recovery in that region. Thank you. Well, we have got this, no November, the nation celebrates Small Business Saturday and there's a concerted effort to make the community aware of the positive economic impacts of small business. The city will host a celebration on November 30th, from 11 to 1 on the canal in downtown Scottsdale with gem, giveaways and roasted chestnut to help the holiday spirit. We encourage all of you to join us in these festivities and to support small business. Please note that.

CITY MANAGER'S REPORT

[Time: 00:05:29]

Mayor Lane: It looks to me, Mr. Behring, we have a report from your office.

City Manager Fritz Behring: We do have a report and Bill Murphy will give it.

Community Services Executive Director Bill Murphy: Good evening, Mayor, members of the Council. I'm here tonight to give you some good news about our recent Scottsdale employee charitable choice campaign. This year, we raised \$98,765. That was contributed by 539 employees, compared to last year, that was an increase of 184 donors and over \$35,000. This is the largest employee contribution that we've had in the campaign for a dozen years, and far exceeds the program's goals. And the charitable choice campaign is a city partnership which we do with the Valley of the Sun United Way and it helps to fund nonprofit agencies and programs which contribute to Scottsdale's quality of life.

The employees choose the organizations they want to assist with. And here's some of the top agencies that were supported in our campaign this year, the 100 club of Arizona, the poster outreach, and STARS. I would like to take this opportunity to thank my co-chair, Brad Hardig, who was a great help with the campaign. Also our behind-the-scenes support staff, Amy Davidson and Kelly Corsette, and the team from channel 11, and a special thanks, we really spread out our division liaisons and department liaisons to get the word out this year. They did a tremendous job. So on behalf of all of us, we are thankful for a successful campaign and just some good news as the season starts here.

Mayor Lane: Thank you, Bill. It's a great contribution by the city staff and thank the staff certainly all the way across. Just a note that we have a Public Comment period, and it's reserved for citizen comments regarding non-agendized items with no official action to be taken on these items. The speakers are limited to three minutes. We have a maximum of five speakers. This evening, right now, we do have one public comment and it would be Dana Close.

PUBLIC COMMENT

[Time: 00:08:30]

Dana Close: Good evening, Mayor Lane, Vice Mayor Korte, and members of City Council. My name is Dana Close. I'm a resident of the Hacienda del Ray. I'm S.G.A.'s coordinator of neighborhood and grass roots efforts. As you are aware our organization is working to revitalize the southern gateway corridor. Our ultimate object sieve to rejuvenate southern Scottsdale's economy. On Saturday, November 9th, about 150 volunteers gathered the El Dorado Park and took part in S.G.A.'s first cleanup project of the McDowell corridor. It was a huge success. We were able to pull together both of our residents and businesses to work together to improve the appearance of McDowell Road. We even had people who were walking by in the park ask if they could grab garbage bags as they were going by and joined in on the effort. Together we filled a dumpster with weeds and trash. I would like to take just a brief moment to thank the many sponsors who helped to make that happen. The Scottsdale Firefighters Association came out to help us, Goodwill came out with two trucks and several men, the Trolley helped to shuttle us around. Denny's helped out and Lowe's and Dukes and Peter Piper Pizza provided pizza after the event. I would like to say a special thanks to some people from the city who came out to help also. Randy Grant came out as well as Raun Keagy and others. They brought out equipment such as safety vests and trash grabbers and gloves. It meant a lot to the citizens to have the city come out. S.G.A. is now working with the city to enhance the landscaping across, along McDowell Road, especially along the corridor's eastern gateway. Using a little creativity, we are optimistic that we can collaborate with the city to improve how this area looks. Not only for our businesses and our residents, but our winter visitors have already started to arrive. So time is of the essence. I would like to thank all of you for your renewed focus on the southern area of Scottsdale, and I will be keeping you posted on S.G.A.'s progress on achieving our goals for the Scottsdale gateway corridor. Thank you very much and thank you for all of your support.

Mayor Lane: And thank you, Ms. Close. As I said, that was the only public comment we had during this period. So we will move on to the next order of business which is an added item.

ADDED ITEMS

[Time: 00:11:20]

Mayor Lane: Supporting materials for item 10 were added to the agenda less than 10 days prior to the Council meeting. So it's required that we have a motion to accept or reject the agenda as presented, but I have a motion to accept the agenda as presented or to continue the item, the added items to the November 19th Council meeting. Do I have such a motion.

Councilman Littlefield: Move to second.

Vice Mayor Korte: Second.

Mayor Lane: No further comment on the subject. I think we are then ready to vote. All of those in favor, please indicate by aye and register your vote.

Councilwoman Milhaven: Aye.

Vice Mayor Korte: Ms. Jagger, my box isn't working.

Mayor Lane: I'm not registering it either.

Clerk Jagger: We will see what we can do.

Vice Mayor Korte: Aye.

Mayor Lane: It's unanimous.

Councilman Littlefield: Mine came up. His didn't.

Mayor Lane: Yeah, yours is there. In any case, the tally is actually 7-0. So that item is accepted, as presented.

CONSENT AGENDA

[Time: 00:12:39]

Mayor Lane: Moving on to the next item of business and it's the Consent items 1 through 13. There is a request, I will let them go ahead and take care of that first. Thanks. It was requested to pull item 5 from the consent agenda and that item is the downtown text amendment pertaining to the downtown and related citywide requirements. So we will pull that item and move it to the Regular agenda. So now without item number 5, and it doesn't seem to be any comment from the Council here or comment cards on any of the remaining items. I would accept a motion to approve Consent items 1 through 13 absent item 5.

Vice Mayor Korte: Mayor, I move to accept items 1 through 13, absent item 5.

Councilmember Phillips: Second.

Mayor Lane: A motion has been made and seconded. No further comments, as indicated. We are ready to vote. All those in favor, indicate by saying aye. Motion to accept 1 through 13 absent 5 has been accepted unanimously.

REGULAR AGENDA

[Time: 00:14:24]

ITEM 5 – DOWNTOWN TEXT AMENDMENT PERTAINING TO THE DOWNTOWN AND RELATED CITYWIDE REQUIREMENTS (6-TA-2009#4)

[Time: 00:14:27]

Mayor Lane: So moving right on to our Regular agenda, which now includes item 5 and we will start with that item. Ready for a presentation.

Councilman Littlefield: I don't need a presentation.

Mayor Lane: Why don't you go ahead and explain the item. There's no request for presentation, but maybe if you want to just explain the item so that the public knows what it is that we are voting on separately.

[Time: 00:14:53]

Senior Planner Dan Symer: Sure. Mayor, members of Council, Dan Symer. The item is the last of a series of text amendments for the Downtown Plan. This one primarily addresses signs and the downtown. It has a handful of modifications for just clarity and conflicts that exist throughout the ordinance that are being resolved and some typographical errors. As I said, it's primarily signs. There's two major items, and a couple of minor on signs. We are reestablishing the Council's ability to do architectural signs. When in 2005/2006, when we passed the ordinance to prohibit signs in the right-of-way, we took away the Council's ability to do the Old Town signs, and the signs over Main Street, and on Fifth Avenue. We are re-establishing that ability. Believe it or not, open and close signs are prohibited by the ordinance. We are establishing open and close signs. We are addressing the L.E.D. lighting. And we are clarifying to a handful of cleanup clarifications and consolidation of standards. So now other requirements are included in the ordinance.

Mayor Lane: Thank you. That was at the request of Councilman Littlefield. Councilman, you would like to speak to it?

[Time: 00:16:31]

Councilman Littlefield: well, this may primarily be about signs, there are some other things buried in here, particularly an article that amends the C2 district, to make it clear that the downtown overlay density provisions, which I opposed and which I believe are a disaster for downtown supersede the land use density provisions of the district. So that's why I pulled this. I don't need a presentation. I just have always been opposed to the downtown overlay. I think it was a bad idea. I think it's bad for the character of downtown, and so anything that implements it, I intend to oppose.

Mayor Lane: I thank you, Councilman. Thank you, Dan. I think then we are ready to vote since there are no other questions on.....

Councilman Littlefield: There's no motion.

Mayor Lane: You are absolutely right.

Vice Mayor Korte: Mayor. I move to accept item 5.

Mayor Lane: Okay. A motion has been made.

Councilwoman Klapp: Second.

Mayor Lane: And seconded and there's no further comment on this item. So we are now then ready to vote with that motion. All of those in favor, please indicate by aye and those opposed with a nay. The motion passes 5-2 in the final tally with Councilman Littlefield and Councilman Phillips opposing. That completes the item from the Consent that was moved to Regular agenda.

ITEM 14 – PURE BLISS PREMIUM MEDIBLES CONDITIONAL USE PERMIT (10-UP-2013)

[Time: 00:18:05]

We will move on then to our next item on the Regular agenda, which is item 14. The Pure Bliss Premium Medibles conditional use permit. We have Mr. Bloemberg.

Planner Greg Bloemberg: Yes, thank you, Mayor Lane and City Council, Greg Bloemberg with Current Planning. Council has quite a large regular agenda, and so in the interest of time, I will give you a brief introduction to this case we can open up to question, the case is 10-UP-2013. It's located east of the airport on Evans Road and occupies a suite in an existing industrial building. There's a close-up view of that suite location. The floor plan is a little difficult to read. 65 to 70% of the floor place is cooking space and there's office and rest room space. The location was previously approved for medical marijuana use, once in 2011 and once in 2012. Obviously neither one of those uses opened. The Planning Commission recommended approval by a unanimous vote 6-0. That concludes staff's presentation, and I'm open to question and the applicant's team is also here.

Mayor Lane: We have one request to speak on this subject. I will go to that first and that's David Dow.

[Time: 00:19:38]

David Dow: Thank you, Mayor Lane, Vice Mayor Korte, and members of the Council. David Dow on behalf of the applicant. The property is 7655 East Evans Suite 8. It's for a conditional use permit that we are asking. It's more than meets all of the distances significantly from schools, parks and residences. We are not asking for any variances. There have been two prior approvals by this City Council of this exact location. We did receive both staff support and we did receive a 6-0 unanimous approval at the Planning Commission. This is essentially a wholesale bakery. It's not a retail operation. There will not be individual customers coming there, but rather other retailers wishing to purchase from them. They will only be there by appointment only to purchase what are essentially baked goods from this location. The average patient will not be purchasing from them, but rather other dispensaries involved in retail operation. The security that we have there, we have a detailed camera system which has been approved by the Scottsdale police department, entry into it is only allowed with a remote entry and approval. It's a block building. It is what they call edibles and there's no exterior sign. It will only be people going there from other retailers that have a prior appoint. There's a strict product control and inventory control required by the D.H.S. We also have installed appropriate HEPA filters and carbon filters to minimize or eliminate any possible smell that could possibly escape the premises. We don't think that will be likely, given what this is, it's a small, in essence, wholesale bakery. The management, the medical director is Dr. Elaine burns. She's won many awards for her research and her involvement in this area. The chef is Tim Burns who has been previously a master chef at several country clubs throughout the valley and in other states. Public health and safety is not impaired in the least by what's going on here. There would not be a large amount of traffic. So traffic wouldn't be impaired. There wouldn't be any dust, odor, vibration or other lighting. It's compatible with the area. It is an industrial area. It complies with all other codes and given this Council's prior two approvals of this exact location and the unanimous approval of the Planning Commission, we would request that you approve this conditional use permit. Thank you, Mayor Lane.

Mayor Lane: Thank you, David. It looks like we have no other, we have no other requests from the public on testimony, but we do have, Councilman Robbins.

[Time: 00:22:48]

Councilman Robbins: I would like to ask the applicant a question. You talked about one of the criterias for the special use permit, is dust, and illumination. In your application it says that you are only cultivating clones and there's no emission of dust and fumes but then you talked about having to install a filtration system. If you do not emit any problems why would you have to put in a filtration system.

David Dow: You know why we have done that? It's because all of the dispensaries and the grow facilities are doing that. And so almost in an overabundance of caution, we are doing that just to make sure there's zero chance of that occurring.

Councilman Robbins: Thank you.

Mayor Lane: Thank you, Councilman. Seeing that there's no further comments to be made on this, I will just indicate that, because I'm not sure how clear it may end up being but it's to adopt resolution 9554, to approve a conditional use permit for a medical marijuana infusion bakery. We have gotten the staff report on it and, of course and David's comments on this. It doesn't look like we have any further comments on this, except to say that this has been a struggling area for a number of individuals here on the Council, as far as voting for the development of an area where we have conflicting areas of law that designate or that I should say rule on this area of things, federal law and, of course, our local laws according to passage of the ballot measure. So it is something that the federal government has indicated that they are selectively allowing, even though the law stays in place, there is a desire, somewhat arbitrarily to not enforce the law as in the current situation. So with that, I think we are ready then to vote. And we just would need a motion on it.

[Time: 00:24:58]

Vice Mayor Korte: Mayor. Mayor, I move to adopt Resolution 9554, approving the C.U.P. for medical marijuana use.

Mayor Lane: A motion has been made.

Councilwoman Klapp: Second.

Mayor Lane: And seconded. Would the second like to speak to it?

Councilwoman Klapp: No.

Mayor Lane: We have further comment from Councilman Robbins.

Councilman Robbins: I want to explain why I'm going to vote against this. First of all, I don't think that it complies with our conditional use permit criteria. I don't think it's compatible with existing uses in the surrounding area. Secondly, what I don't like about this is that it's using a license to operate medical marijuana from a mesa location. So it seems to me it's a little bit analogous to the Indians buying land in Glendale and then putting a casino in Glendale and saying it's Indian land. I worry that we have this type of thing. We start bringing not guilty licenses from all other jurisdictions into our community and the citizens expected to have three or four of these and now we could have potentially a lot of other ones. So I'm not going to vote in favor of this. I just don't think it's the right thing to do for our community and frankly, it's again federal law. So I'm voting, I'm not voting for it because of the C.U.P. criteria, but I think it has a lot of other problems as well. Thank you.

Mayor Lane: Thank you, Councilman. Ms. Jagger.

[Time: 00:26:44]

Clerk Jagger: Mayor, I would like to clarify that the motion includes finding that the conditional use permit criteria have been met.

Mayor Lane: Understood.

Vice Mayor Korte: Yes.

Clerk Jagger: Thank you.

Mayor Lane: Okay. That's understood then. Thank you. All right. Then I think we are then ready to vote on the subject. So all those in favor please indicate by aye and opposed by a nay. And register your vote. Nay.

Mayor Lane: The motion fails with Council woman Milhaven, Council woman Klapp and Vice Mayor Korte in favor of. That completes that item 14.

ITEM 15 – BOULDERS VILLAS MAJOR GENERAL PLAN AMENDMENT AND REZONING (4-GP-2013 AND 11-ZN-2013)

[Time: 00:27:31]

Mayor Lane: It moves us on to the next item, 15. That's the Boulders Villas major General Plan amendment and 4-GP-2013 and 11-ZN-2013. Mr. Yaron I presume.

[Time: 00:27:51]

Planner Adam Yaron: Yes. Mayor, members of Council, Adam Yaron, Long Range Planning Services. I will be presenting tonight one of two major General Plan amendments for 2013. This first case being 4-GP-2013, Boulder Villas. Per state statute, the major General Plan amendment is as follows: the request is heard at a City Council hearing in the same year as submitted. For Scottsdale, the application deadline was May. And tonight we're at City Council asking for your recommendation and approval tonight. The process requires two Planning Commission hearings with one being a remote site hearing. It was at the remote site hearing that the Planning Commission had an opportunity to ask questions and mostly hear public input. The amendment requests also requires two-thirds majority vote of City Council to be adopted. Arizona state statute defines a major amendment as a proposal that results in a substantial alteration of the municipality land use mixture or balance as established in the municipality's existing general land use element. It further established that each city establish criteria to determine in the proposed change qualifies as a major amendment. For Scottsdale an amendment to the General Plan is defined as a major amendment, if it meets any of the one following criteria, a change in land use category, a change in acreage, a character area criteria, and water or wastewater infrastructure criteria. So this next series of slides will be identifying those four criteria. For criteria number one, change in land use category, the request is to change a designated land use category from one type to another, as delineated in the land use matrix and that change is designated

a yes on the matrix. The request is determined to be a major amendment. In this case, Category E to Category B qualifies as a major amendment. After examining the land use table, the next criteria that could trigger a major General Plan amendment is the area or the acreage of change. A change in the land use category that's either 10 or more acres in the area down south, or 15 or more acres north in the northern portions of the city, basically in the E, D and C sections north of the C.A.P. Canal. 15 or more acres qualifies that as a major General Plan amendment. The applicant's proposal is 18 acres in size and in the E-1 and this qualifies it as a major amendment since it's over the 15-acre threshold. The third criteria for a major amendment is that the land use category change does not clearly comply with an approved character area plan. There is no character area designated for the subject property, thus this does not apply to this particular request. Finally, the fourth criteria for a major amendment is in the change in land use category would trigger a prematurity increase in the size of water or sewer facilities in the area, and with this application, there's no premature increase associated with this proposal. This context aerial shows the location of the property at the northeast corner of North Scottsdale Road and East Westland Drive. This site is also directly south of the Boulders resort. And El Pedregal. And it's west of the subject property. Closer aerial shows there are no current uses or buildings established on the site. And in regards to the applicant's request, the change in land use category, again, criteria one, from commercial to suburban neighborhoods, and the acreage of land use change, which is criteria number two, of approximately 18 acres qualifies this as a major amendment. The applicant is also requesting a zoning map amendment that you will hear from a colleague in their own presentation this evening, but that request is from central business district plan neighborhood center, plan community district, environmentally sensitive land overlay which is C-2, PC-ESL development plan, and which is R4, PDCL on approximately 18-acre site. This maps shows the General Plan context and the existing 2001 land use plan designation of commercial on the left and the proposed land use of suburban neighborhoods represented on the right.

[Time: 00:32:39]

Some highlights from the commercial General Plan land use definition include providing a variety of goods and services at appropriate scales and locations, the size and the scale of neighborhood commercial centers should be compatible with surrounding residential uses with care being taken for undesirable impacts in surrounding areas and community and regional uses that are integrated best with mixed use areas. In regards to the suburban neighborhood land use definition, highlights from that definition are including medium to small lot, single family neighborhoods or subdivisions. They can be incorporated in or adjacent to nonresidential activity centers, and these uses may be used as a transition between less intense residential areas, and nonresidential areas such as offices or retail centers. Preservation of environmental features is a key consideration and in the past is often accommodated through the use of master plan communities. Key considerations with this proposal is the compatibility with the surrounding land uses, again suburban neighborhoods. The conversion of 18 acres of commercial designated land to suburban neighborhoods that will alter the amount of land use designated both citywide and within the northern portion of the Scottsdale. This conversion will remove the commercial land that was originally established to provide support uses to the Boulders Resort as part of the Boulders master plan and compliance with the scenic corridor along North Scottsdale Road. In regards to that first consideration mentioned, in 2010, the City of Scottsdale contracted with applied economics for development forecasting. According to the study, north area is

projected to absorb approximately another 3600 acres of residential land by 2030 and that's that area Deer Valley north to the city's northern limits. 95% of residential development forecasted in that area is that of traditional rural residential and its associated density pattern has amounted to an approximate .77 dwelling units per acre. The retail land uses in the north area will have expected gains in order to support the residential development and projected increase tourism activity. So the request represents a 1% decrease in citywide General Plan commercial land, and a 4% decrease in the General Plan commercial land north of Deer Valley Road. Within the yellow box is the subject site that shows Scottsdale Road as a designated scenic corridor. It's important to note that the subject property has frontage to the desert foothills scenic corridor and the intent of the scenic corridors to encourage the restoration of the natural setting along the roadway and provide views of nearby land forms, allow the connectivity of non-vehicular traffic safely from vehicular traffic and linked to vista corridors and washes and other open spaces and buffer adjacent land uses from the adverse effects of traffic along major roadways. Having received scenic corridor approval for 50-foot minimum as part of the Boulders plan in 1989, for a preliminary plat approved in 2008, the proposal meets the intent of the scenic corridor requirement. In terms of community involvement with this proposal, the applicant had an open house on August 7th with the city sponsored open house on August 15th. Major comments received from the community was that the surrounding residents in the area wanted to make sure it was consistent with other product types in the area, specifically wanting single family residential. Concerns about new development being located adjacent to the Boulders Golf Resort and concerns were with respect to the scenic corridor width. General support was expressed for the change in land use from commercial to suburban land use. That concludes a General Plan portion of my presentation and Keith Niederer will be presenting the zoning submittal. Thank you very much.

Mayor Lane: Thank you, Adam.

[Time: 00:37:05]

Senior Planner Keith Niederer: Mayor, members of Council, this is the corresponding case, case 11-ZN-2013. I'm Keith Niederer with the Planning Department. Just a little history on this subject property. It is part of the Boulders community, which the property and the development plan was annexed into the city from Maricopa County in 1984. In 1985, the City Council approved the Boulders development plan, and the amended development standards for master plan community. In 1986 and 1988, there were further amendments to the Boulders development plan which also included the site plan approval on the C-2 properties to the north subject property where el Pedregal is today. The Boulders development plan was further amended in 1992 as were the development standards. It also included amended development standards for the R-4 district and the 1989 case set, I'm sorry the 1988 case set the scenic corridor along Scottsdale Road. In 2003, the City Council gave site plan approval for the subject property to build a 38-lot live/work community and in 2008, the City Council approved the final plat and subsequently recorded for the 38 lot live/work community. Here's the subject property outlined in yellow. The northern portion of the property is currently zoned C-2 ESL and the southern part is PNC ESL. The application before you this evening is to rezone from a comparable planned neighborhood center, environmentally sensitive land to a comparable C2, environmentally sensitive land, I'm sorry, the request is to rezone from PNC and C2 to a comparable R-4 ESL in the planned community district. The graphic before you shows another portion of the request

which is to amend the Boulders master development plan by approving a new development for the 18 acres that are outlined in yellow at the northeast corner of Westland and Scottsdale Road. The development plan will be similar to the 28 lot live/work development that was approved back in 2006, and platted in 2008. But there will be two additional lots in the area circled in orange, which were previously where a community center was located on the previous plan. So there will be a total of 40 lots with this proposal. Here's a closer look at the proposed development plan. As I mentioned, 40 lots are proposed at a density of 2.2 dwelling units per acre. The project complies with the Scottsdale Road scenic corridor width of 50 feet minimum and an average of 75 feet, which was set with the Boulders master plan and was also reflected on the approved 2006 site plan. A 50-foot landscape buffer is also proposed along Westland drive. 8-foot wide trails will be provided along both street frontages, and the perimeter sidewalks are already in place along Scottsdale Road and Westland drive. The proposed subdivision will be gated with the main access being from Westland drive on the south side. A secondary gated entrance will be provided to the southwest of lot 31, which is a private access way that comes down from the el Pedregal area. Another portion of the request is to amend the approved development plan for the C-2 zoned el Pedregal development.

[Time: 00:41:21]

This amendment is required because 2.5 acres of C-2 zoning are being rezoned to R-4. That is a requirement that we amend the entire development plan for the C-2. The final portion of the request is to amend the R-4 PCB ESL standards for this community this table shows what the development standard is, what the straight R-4 zoning for the zoning code would allow, the existing Boulders R-4 standards and the R-4 standards that are being requested by the developer. Lot width requirement, there's no requirement in the R-4 zoning. The existing R-4 standards show the 7500 square foot lot area and the applicant is proposing a 6,000 minimum lot area. Lot width, the existing Boulders standard shows 60-foot wide with flag lots of 20 feet and there's no proposed change for that. The building height, a straight R-4 standard allows 30 feet from natural grade. The existing R-4 standards list 19 feet except that a third of the lot can go up to 22 feet. The applicant is asking that they be allowed to build 24 feet above finished floor but have also agreed that all the homes proposed would be one-story only. Our front yard setbacks there's no requirement in the straight R-4 district of the existing Boulders R-4 has a 15-foot minimum with a 20-foot average with the garage at 25 feet. The applicant is requesting the 5-foot front yard as long as the garage is set back 18 feet.

Side yard requirement existing Boulders R-4 is 10 feet. The request is for 5. The rear yard is 15 feet minimum with a 20-foot average and the applicant is requesting 15 and finally, for walls, the straight R-4 allows 8 feet with 3-foot walls in the required front yards and existing Boulders standards allowed 6 feet with 3 feet in the front yard and there's no requested changes to that. That concludes staff's presentation. The applicant is here to give their presentation as well and staff is available for any questions.

Mayor Lane: Thank you, Keith. Mr. Berry.

[Time: 00:44:05]

Applicant Representative John Berry: Mayor, members of Council, for your record, John Berry, 6750 East Camelback Road in Scottsdale. Phew! That was two different staff members presenting what seemed like a lot of things we need to do on this 18 acres of commercial land that's never been developed in the history of the Boulders master plan. And it seems like it's very complicated, but it's actually much to do about nothing. A very simple case. The reality is that since 2008, five years ago, when the City Council approved a residential plat for single family homes on this property, since 2008, there's been a recorded plat that allows single family one-story detached homes on this commercial property. But in order to build this subdivision, there has to be, unless this action occurs this evening, and this is a floor plan for the single family detached one-story homes that are already approved, and can be built today without having to go through any of these hearings before you this evening. And in order to do that, each of the homes has to have some type of office associated with it thus the live/work component under the commercial zoning that exists today. When you have a commercial or office component with the balance of the residential floor plan, you are required to meet the requirements for office parking and signage in a neighborhood. So this developer, Taylor Morrison, does not want to go through the fiction of creating offices as part of the residential community.

They simply want to build literally this exact same platted subdivision that exists today without having to build these offices that are associated with single family detached homes that are already platted in the neighborhood. In essence, that's all this case is about. We have to go through a major General Plan amendment to go from commercial on the General Plan to residential which required five affirmative votes from the City Council for the major General Plan amendment. We have to down zone and amend development standards and do all of these things to simply be able to build what's already platted without the work component of a live/work home. Mayor, members of Council, I'm happy to go into a lot more detail if you would like me to, but that is the essence of the case.

Mayor Lane: I think there are a couple of cards.

John Berry: I'm happy to wait to answer questions until after public comment, whatever the pleasure of the Mayor and the Council is.

Mayor Lane: Thank you, Mr. Berry. We will do that. We only have one card request to speak on this. And it's Bob Cappel.

[Time: 00:47:29]

Bob Cappel: Mayor Lane, Vice Mayor Korte, members of the Council, my name is Bob Cappel, and I'm here representing two groups tonight. Winfield homeowner's association board of directors, which I'm vice president. Winfield is a community of 511 homes directly south of this proposed development. And the greater Pinnacle Peak association, and its friends of scenic drive, which is responsible for the formation and the continuing efforts for Scottsdale scenic drive. I'm here tonight for John Berry to support this project from both organizations. We feel it's a good project. Both the Pinnacle Peak and Winfield are in complete agreement with this and we look forward to having this built in our area. We think it's very appropriate and want to support it. Thank you. My address is 33600 North 79th Way in Scottsdale.

Mayor Lane: Thank you, Bob. I don't presume there's any rebuttal to any of that Mr. Berry.

John Berry: I just have to memorialize this. The number of times that Bob and I have politely and civilly disagreed on projects. I just want to bask in this moment. No, no rebuttal to that. And thank you, Bob. It's nice to be on the same side. Thank you.

Mayor Lane: All right. But we do have at least one question or comment from Councilman Littlefield.

Councilman Littlefield: Live and work, no play?

John Berry: Mayor, members of the Council, no lawyers will be allowed in the community.

[Time: 00:49:18]

Mayor Lane: That's the extent of comment on it. So we don't seem have any other questions and no other cards on it. Thank you, Mr. Berry. Seeing that we don't have any further comment here on the Council or otherwise, I might just ask, looking to the sky for speakers but Councilwoman Milhaven, do you have any comment?

Councilwoman Milhaven: No thank you, Mayor.

Mayor Lane: I think we are ready to accept a motion.

Councilman Robbins: Mayor, let me move that the Council adopt resolution 9557 approving the major General Plan amendment and adopt Ordinance Number 4115 approving the zoning district map amendment to the planned community zoning. And, I'm sorry, also adopt Resolution Number 9564 declaring the document entitled "Villas at the Boulders development plan" as a public record.

Mayor Lane: Very good.

Vice Mayor Korte: Second.

Mayor Lane: Would the second like to speak to it at all? Okay. We have a motion and a second and we are now ready to vote. All those in favor, indicate with an aye, and those with a nay. The votes under and it's 7-0. Unanimous. I'm also going to bask in a unanimous vote on a zoning matter. We have to move on. I thank you all for your participation in that last one.

ITEM 16 – 77 ON THE PARK MAJOR GENERAL PLAN AMENDMENT AND REZONING (7-GP-2013 and 9-ZN-2013)

[Time: 00:50:58]

Mayor Lane: Item 16, which is the 77 on the Park major General Plan amendment and rezoning 7-GP-

2013 and 9-ZN-2013. And we have Mr. Yaron for a presentation.

[Time: 00:51:12]

Planner Adam Yaron: Thank you again, Mayor and Council. Adam Yaron, Long Range Planning Services. The second case that you will hear tonight is again the second major General Plan amendment that was filed in 2013. The case is 7-GP-2013 known as 77 on the Park. The purpose of this presentation is to discuss the major General Plan amendment as it related to 7-GP-2013. I will be presenting on the 77 on the Park request and present what the timeline was for this process. You heard with the previous case, for Scottsdale, the four major amendment criteria include a change in land use category, the area of change or acreage of change, the character area criteria, and the water wastewater infrastructure criteria. In regards to the four criteria, this case and their proposal qualifies against the first criteria of being of the change in land use category with the request proposing a change from Category B to Category C, which qualifies as a major amendment. Again, that request is cultural, institutional or public use, to urban neighborhoods. After examining the land use table, the next criteria that could trigger a major General Plan amendment is the area, the area or the acreage of change. The applicant's proposal is 3 acres in size and its location in the A-1 planning zone does not qualify this proposal as being a major amendment since it's less than the 10 acres that is the threshold for this area. The third criteria for a major amendment is that the land use category change does not clearly comply with the approved character area plan. It is worth noting that this is the only case from this year's submittals which fall within an approved character area plan, the Southern Scottsdale Character Area Plan. The request substantially conforms to the character area plan and thus this criteria would not qualify it as a major amendment.

[Time: 00:53:28]

Finally the fourth criteria, for a major amendment is that the change in land use category would trigger a premature increase to the size of water or sewer facilities in the area. With this proposal, there's no premature increase triggered by the request and thus this criteria does not apply to this case. The context aerial shows the location of the property south of the southwest corner of north 77th Street and East McDowell Road. West of the subject property is the Indian Bend Wash and in terms of contextual area, the site is between the General Dynamics campus to the east, and the SkySong campus to the west. The closer aerial here shows the subject property adjacent to the Indian Bend Wash and east to the residential neighborhood. The uses previously established on it property have been a rehabilitation center and charter school. These uses no longer occupy the site and/or will be vacating with this development. In regards to the applicant's request, the request is to change the land use category, again criteria number one from cultural, institutional or public use to urban neighborhoods, qualifies this as a major amendment. The applicant is also requesting a zoning map amendment from the service residential to multiple family residential to R-5 zoning on the approximate 1.5-acre site associated with the zoning site to develop it as a multifamily residential development. In regards to the General Plan amendment proposal, again, the applicant's request is to change the land use category represented on the left, showing the existing land use category designation of cultural or institution to residential which is represented in brown. The highlights from the cultural or institution include private facilities or schools, zoning for these tunes should be based

on a demonstration of the project can be successfully completed and have good transportation access and comparable with surrounding areas. Highlights from the urban neighborhood land use definition, is that it includes areas of multifamily dwellings and apartments, access to transportation choices, being pedestrian, bicycle, transit or otherwise is a key consideration for urban neighborhoods. Areas containing high density. So key considerations with this proposal are the compatibility with the surrounding land uses, the conversion of 3 acres of land currently designated cultural, institution or public use to urban neighborhoods that would alter the amount of land for cultural, institutional or public use originally established for community type land use purposes. Within this area of the city by replacing it with residential development adjacent to developed open space that being the Indian Bend Wash and housing is a key consideration, providing a variety to existing housing unit with the close proximity to SkySong, General Dynamics and others and major transportation corridors being McDowell Road connections to the 101 and Indian Bend Wash.

To address that first key consideration, this proposal is within the growth area as designated by the 2001 General Plan, and the growth area approaches growth management from the prospective of identifying areas of the community that are most appropriate for development focus. 7-GP-2013 as depicted above confirms the subject site is within the east-west elliptical growth area along east McDowell Road. The second consideration, again, is that this proposal is part of the Southern Scottsdale Character Area Plan, and 7-GP-2013 as depicted above confirms that it's located within the Indian Bend Wash revitalization as designated by the Southern Scottsdale Character Plan. This plan encourages revitalization of identified properties, and promotes new recreation, entertainment, and/or housing options in such areas. And so, again, that's the subject property is identified here in red as part of this revitalization area. In regards to community involvement, the applicant had an open house on June 4th. The city sponsored open house was on August 15th. Major comments was that the residents generally supported the project. Some residents questioned the density and the intensity, adjacent to the Indian Bend Wash. That concludes staff's presentation of the General Plan portion of it and Dan Symer will be conducting, or providing the zoning presentation. Thank you.

Mayor Lane: Thank you, Mr. Yaron.

[Time: 00:58:42]

Senior Planner Dan Symer: Thank you, Adam. Mayor, members of Council, Dan Symer, Current Planning Services. The zoning case before you is 77 on the Park. As Adam has previously noted, it's south of McDowell and 77th Street. It is only a portion of the property that currently offered a General Plan amendment as shown here. The yellow area is the General Plan amendment. The zoning boundary is the red line. As shown here, the property to the north is already zoned R-5. So it does not need to be included in the zoning case. The development is for a multifamily project with approximately 20 dwelling units per acre on two acres and it's 36-C. Adam has gone through the public comments we have received and now I will turn it over to the applicant for their presentation.

Mayor Lane: Thank you, Dan. Is the applicant here for their presentation? Oh, okay.

[Time: 01:00:01]

Applicant Kristjan Sigurdsson: My name is Kristjan Sigurdsson of KRR homes. And I'm the architect for the project here representing the owner and the applicant Tom Frenkel of the company, who would like to speak on the project when I'm done. Staff did a great job on their presentation in terms of the details of the General Plan requirements and compliance and in some respects the zoning case. I'm going to breeze through. Mine is a duplicate of what they already talked about to a large degree so I will breeze through that fairly quickly not to waste much of your time and we can spend some time for questions, if appropriate. So how do I change? I pushed every button. Nothing works. Oh, there we go. Okay. And again, to repeat what's already been said. So I will breeze through this real quick. Just an overall vicinity map showing the proximity to the transportation corridor and the Indian Bend Wash park, the overall location, the overall site location. Here we have an overall aerial overlay showing the context, again, the park to the east. We have multifamily residential of similar density on the west side of the park to the north of us, we have commercial uses of various nature. There's a hotel directly to the north of us, and then to the east of us, we have a single family subdivision zoned R-17 and directly to the south is The New Foundation School, which is currently part of the cultural institutional use category and will remain so. This is the map showing the parcel owners that were notified as part of our process, with a 750-foot radius. We held our open house. A few people showed up. Everybody that showed up was in favor. We haven't received any comments or concerns over the project since or at least not directly addressed to us, the politic or the applicant or the owner. Aerial overview of the three parcels that are included in the General Plan amendment and this is a specific lot configuration, just to show how 77th Street dead ends at these four parcels and only serves these four parcels. The original plat for this area included these four lots, designated here as U, V, W and X. The General Plan amendment applies to V, W and X, those three lots. Lot U will retain its designation as a cultural and institutional use. And the other three were requesting the General Plan amendment. As far as the zoning case is concerned, we are only rezoning the V and X because X is already zoned as an R-5. These are just some quick exhibits and staff went through these.

[Time: 01:03:27]

So I will just go through that real quickly just showing the existing General Plan maps and the properties location in relations to that, and the current existing land uses and the land use elements. Transportation system, both regional and city from streets, as well as the parks with its paths and bikeways. As staff said, we are part of the Southern Scottsdale Character Plan and we are in full compliance and compatible with that. And the, as well as the character type map designated on the General Plan. This shows the proposed land uses and the residential density in context with the existing uses and the proposed land use map of the urban neighborhood and this clearly shows how on the other side of the park, you know, the same land use already in place, similar height and density. So, again, on the zoning case in particular, just wanted to point out, again, that we are only rezoning lots V and W, lot X is already zoned R5 and actually, we have already been through design review on that and been approved for a 22-unit boutique-style apartment project on lot X. So we are not here to talk about that, as far as the rezoning case, but V and W are basically a continuation of that and that's what we are here to talk about. Here's the site plan for the overall project phase 1 and phase 2. Again, phase 1 is the lot that's already zoned, and been approved through D.R. Phase two is a continuation of that. This site shows how we have set the buildings back from the street. We have got

a large landscape buffer that separates the project from the single family residential area to the east. As I said earlier, the 77th Street dead ends right there. There's no connection between, into the residential area to the east. There's a wall and a big landscape buffer and an alley and then another wall that separates us from that.

This also shows how we are focusing our units towards the park, including our community areas, the swimming pools and focusing those towards the park and taking advantage of that amendment for the residents. As far as open space, we are providing about 45% of the net lot area as open space, which I think is 34% more than what is required by ordinance, based on our density. We are also providing more than twice the required private open space for the proposed residential units. And this exhibit here is simply to represent the impact or lack thereof on the residential area to the east. As I said, the street dead ends. There's about a 15-foot oleander hedge continuous along the street that buffers that street from the residential area to the east, and then you have an alley and a wall and then you have somebody's yard and with the big landscape buffer that we have got in front of ours, it's highly unlikely that anybody will even see our building from their backyard. This is a prospective from 77th looking at the project from 77th Street again showing the large landscape buffer in the front, first building on the right-hand side is our phase one, which, again, has already been approved through D.R. Phase two is a continuation of that, maintains the same look. So it becomes a unified project with everything completed, and this is a view of the project from the park side showing how the interaction between our common areas, we have a continuous view fence along the park and several access points where our residents can access the park directly from the property. That concludes my presentation. I would be happy to any questions specifically to that and I know Tom wants to actually speak here as well and I will back up for him a little bit to that slide.

[Time: 01:08:17]

Tom Frenkel: Mayor, Council, Tom Frenkel, 6716 East Montecito. Very quickly, I own all of my properties and have kept them long term. This is an excellent opportunity to develop a small boutique complex on the green belt, which is ideally suited for it. First time I have ever gone through this process of a General Plan amendment. It's a bit of an exhaustive, time consuming process which included two community meetings, a neighborhood meeting, two community meetings offsite with Planning Commission, culminating today. Prior to yesterday, we did not have any opposition and we did get a letter from the school, which yesterday, I got a phone call from the school yesterday which was presented to me tonight, which in discussions on the phone, I said, well, is the letter I'm going to see oppose it or favor. He says well, it's kind of neutral and when I read it today, I hardly thought it was neutral, but their big concern, which the first issue, the first time I heard it was today, was it's an open school which allows their residents or their boarders to come and go as they please. And I guess my comments to that would be certainly, we can coexist with them. If my apartment complex next door, which I intend to own and keep is an enticer to them to leave the campus and disrupt their activities, I don't know that the current zoning where it's zoned for a charter school, anybody would have a problem with that. So I don't, I was a little surprised to hear their opposition, but other than them, we have only had positive comments from neighbors. None of the homes to the east, which are directly would be most affected had any problems with it, and Councilman Phillips whom I have never met. I have been working in downtown Scottsdale and south Scottsdale for 28 years and I know you

are very outspoken about your opposition to any more apartment complexes. I think this is a boutique excellent opportunity on the site and I would hope for your support. If you have any questions.

Mayor Lane: Thank you, Mr. Frankel. It looks like there may be some, but we do have one request to speak on the subject. So let me go ahead and go with that. If you stand by, there might be some questions on it. And it is, yeah, there's one, Nancy Cantor.

[Time: 01:11:24]

Nancy Cantor: Nancy Cantor, Scottsdale Coalition and all of my information is on file. I'm not here to speak in opposition. I am here basically to express the concerns that the school had. New School is a special needs campus. So that would be their consideration and I know it's part of a life skills program to allow people to come and go. So that's a consideration that I have. Some people who contacted me in regards to the density. I don't see this project as having a problem with density, but I do see it raising a question in regard to Indian Bend Wash. Indian Bend Wash, yes, it's a park. It's an open space. Primarily it's a flood control channel and as we are developing and providing in-fill opportunities for developers, we need to keep that in mind. I grew up here. I know what it looks like when that thing goes crazy and floods went we washed homes down to the Salt River. See that happening with this project, however, I do see a potential for problems. In 2008, there was another project that was proposed further north just basically south of the OfficeMax, Osborn and Hayden. At that time in the spring we asked that the city do some research into flood control issues as we are providing redevelopment and infill along the southern portion of the Indian Bend Wash. We went through a transition of city managers and nobody ever picked it up. The outgoing City Manager, it was on his desk when he left and the incoming City Manager never got around to doing it. We need to take a look at it. That's critical, not just for housing, for investment, but it's also critical for environmental issues. We need to take a look at it so that we don't have any potential problems in the future.

Mayor Lane: Thank you, Nancy. There are no further comments on this proper project from the public but we do have some questions or comments from Councilman Phillips.

[Time: 01:13:51]

Councilmember Phillips: Thank you, Mayor. And I'm sorry if I wasn't paying attention but what's on the property on the V and W right now?

Kristjan Sigurdsson: They are existing school buildings, if you will.

Councilmember Phillips: So that is the school?

Kristjan Sigurdsson: No, it's a different school. A different type of school. The school she's talking about is the one that's remaining to the south on lot U. That's The New Foundation.

Councilmember Phillips: That's The New Foundation.

Tom Frenkel: Councilman Phillips, the three properties are all vacant at this time.

Councilmember Phillips: They are all vacant, except for U. Alright. So 40 units you are planning on building; is that correct?

Tom Frenkel: Each lot is 22 units. First one has already been approved and they ask that I include it in the General Plan amendment, just so it's consistent. I don't need any, in order to build it, I'm already approved for it. I have already been through D.R. The two are kind of the subject of the rezoning, which are the two southern lots that would be two 22 unit buildings, 44 units.

Councilmember Phillips: Okay. So what I'm wondering is has anybody done a traffic study on this? Is there a street light at 77th and McDowell?

Tom Frenkel: This was a traffic study done and I think it's included in the packet but the prior schools on the south lots, which closed about a month and a half ago I believe had 250 children, which the concerns of the school to the south that wrote the letter, the street, the entire street, both sides was parked up and down and during parent pickup, there's no comparison to what would be a 44 unit apartment complex which self-parks without any street parking.

Councilmember Phillips: So it's probably a lot less traffic then actually.

Tom Frenkel: I would think so.

Councilmember Phillips: Okay. Okay. And then I would think, as far as the flood control goes, if you tend to build something, that will go through the city and they will make sure you have any retaining walls.

[Time: 01:16:06]

Tom Frenkel: We carry very good insurance so if they float down the flood, the greenbelt, I think we would rebuild them but I don't think that's of concern.

Councilmember Phillips: I think we will make sure that that doesn't happen. Thank you.

Mayor Lane: Thank you Councilman Phillips. There doesn't seem to be any further comments from the dais.

Vice Mayor Korte: Mayor, I would like to move to adopt Resolution Number 9558, approving a major General Plan amendment, to the City of Scottsdale's 2001 General Plan, and adopt Ordinance 4116 approving the zoning map amendment to rezone from service residential to multiple family residential as defined.

Mayor Lane: A motion has been made.

Councilmember Phillips: Second.

Mayor Lane: And seconded. Councilman Phillips any further comments on your second? Very good. Then we have no further comments or orders or otherwise. so we are now ready then to vote. All those in favor of the item as has been the motion, please indicate by aye and those opposed with a nay. The tally is 7-0. Unanimously approved. Thank you very much, Mr. Frenkel. That does complete item 16.

ITEM 17 – SCOTTSDALE MOUNTAIN VILLAS REZONING (3-ZN-2013)

[Time: 01:17:47]

Mayor Lane: That moves us on to item 17, which is the Scottsdale Mountain Villas rezoning at 3-ZN-2013 and the request is to adopt ordinance 4097. It looks like we have Mr. Niederer to give us a presentation from staff.

[Time: 01:18:02]

Senior Planner Keith Niederer: Thank you, this is the Scottsdale Mountain Villas rezoning application amendment, 3-ZN-2013. This 5-acre site is located on the south side of Coyote Road, west of 135th Place as outlined in yellow on the exhibit. To the west, is the Vista Collina subdivision with 20 homes at 4 units to the acre. This is the outlook 2 condominiums zoned R-4 sense ESL with 78 units with five units to the acre. To the east is summit view townhomes zoned R-4 with 60 homes at 6 units to the acre and to the north is Coyote Canyon single family residential subdivision, zoned R1-18, with 18 homes on approximately 20 acres. Here's a closer view of the subject property outlined in yellow. Access to the proposed development is via Coyote Road and the access of the entrance will be just east of the Coyote Canyon subdivision call box. The current General Plan land use designation for this property is suburban neighborhoods which allows for residential densities of up to eight homes per acre. The proposed density for this project is two homes per acre. The current zoning on this property is R-143 ESL and has been since the property was annexed in 1975. The request this evening is for a zoning map amendment, to R-15 environmentally sensitive lands to allow the construction of ten single family homes. The exhibit on the screen in front of you is the 17-lot site plan that was previously proposed back in May to the Scottsdale Planning Commission. There was significant opposition to this plan at that time. And a valid legal protest was subsequently committed to the City Clerk's office. Since that time, the applicant has worked with many of the neighbors and the result was this ten lot site plan that's on the screen before you. This plan has greater buffered setbacks and open space areas than the previous 17 lots plan.

The developer has agreed to enhance the landscaped within the buffered setbacks on the west and the east sides, north to the rest. This would be done using salvaged plant tree and plant materials on the site that will be transplanted into these buffers to provide additional privacy to the existing neighbors. This is a comparison chart of the proposed development standards that compare the existing zoning with the proposed zoning. As I previously mentioned, the request is for two dwelling

units per acre and 10 lots. Existing R-143 zoning would allow 83 dwelling units per acre for a maximum of four lots.

The standard R1-45 zoning would allow up to 5 units per acre and a maximum of 20 lots. There are 40-foot front yards and 35-foot rear yards. The applicant is asking for a 12-foot front yard and the rest are standard R1-5, the 10-foot side yards and to the foot rear yards except on lots 5 and 6, where there will be a 15-foot rear yard setback. The building height is standard in environmentally sensitive land district for single family, it's 24 feet above natural grade. The applicant has also agreed in this case to limit all the homes to one story in height. Natural area open space, the requirement on the site, based on slope is 1.43 acres. The applicant is proposing 1.54. The minimum lot size and the existing R-143 district, it's 43,000 square feet, and the standard R-5 minimum lot size will be 4700 square feet and in this case, the applicant is proposing 10,800. Minimum lot width is 150 in the R-143. 45-foot lot width in the R1-5 and the applicant is proposing 90 feet. Traffic with four lots on the site, will be an estimated 38 daily trips. At the maximum amount of lots allowed in the R1-5, which is 24 lots, it would be 228 daily trips and the proposed 10 lot subdivision would generate approximately 95 trips. In summary, the proposed zoning will conform that the existing General Plan designation of suburban neighborhoods it's less than 8 dwelling units for the acre. Since the Planning Commission hearing, the applicant has worked with several of the adjacent concern property owners, and came to the resolution that's before you this evening. Many, but not all of the legal protest petitions have been rescinded to date, making the legal protests invalid. I would now like to turn the presentation over to the applicant and staff would be happy to answer any questions you may have.

Mayor Lane: Thank you, Mr. Niederer. We do have the applicant here to present.

[Time: 01:24:22]

Applicant Steven Earl: Good evening, Mayor and members of the City Council. My name is Steven Earl. My address is 3101 North Central Avenue in Phoenix. I'm here tonight on behalf of the owners of the property, Ray and Gail Frank as well as for the Scottsdale Mountain Villa property metropolitan communities who will be purchasing and then developing the subject property for residential use. As the Mayor and the Council know all too well, this property has been under consideration for a long time. In June, when we, or may when we appeared in front of the Planning Commission with the 17-lot plan, many folks appeared in very active opposition to the case. We felt we were in compliance with the General Plan, and at that time, we were below the densities to the west, the south and the east, however, in an infill case like, this you can see that every single property around it has been developed. So infill cases are always very challenging because people have gotten used to the fact that there's no development on this property, even though it's privately held and has been so before any of the other properties were developed. Indeed, Mr. Frank watched all the other properties develop over the years he's held the property. A legal protest was filed on the west, on the east, and on the north. So we had our work cut out for us. In fact, at the end of the Planning Commission hearing, members of the commission said, you've got a job to do. You have to reach out and work with these residents to find a way to resolve the concern. And over the ensuing months and by the way, I appreciate the graciousness of the Council on granting a number of continuances that allowed us to address the concerns of each of the adjoining communities. I would like to put up this exhibit.

As I begin to talk about all the things we have begun to do with the neighbors. In one of the things I'm doing and presenting to let all the neighbors that I worked with, to show all the things that we have agreed to, all the things that are now in the staff report and are stipulations in this case and attached as exhibits in this case are, in fact, being agreed to obviously the first and the major thing that had to be reduced was to reduce the density from 17 lots down to 10. And so now we're at two units per acre and in an infill case like this, where you have one unit to the acre to the north of you, and three, four, four, five and six units to the south, we become the transition parcel, between larger lots to the north and smaller lots. And so in a very real sense, one of things we had to deal with is we were bringing homes into an area that's been open in the past. And so after agreeing to the ten lots which was the number one thing that, which was important to do, we began to deal with the edges of the property as well as how the homes would be developed. This shows the effort that was, that we made to really deal with not only the setbacks on the east and the west, but also the setbacks in the corners of the property. Especially to the north, 61 feet on the west side and 87 feet on the east side because that's where the larger development or larger homes and larger lots are to north. But even to the south, you can see that on one side, the summit view side, we have 68 feet. On the west side, with 61 and 74 feet we have made a sincere effort to create major blocks of open space that will enhance this development. The next significant thing that was done, and I will put this exhibit was to deal with, first of all, the height of the homes that will go on these lots. Your staff presentation showed that we're allowed to have 24 feet of building height, but that's not what we have agreed to. We have agreed that the building height of all of these homes will be 21.5 feet above finished grade. And the finished grade has actually been reduced as much as possible. That is the paths that we are going to put the homes on, because we have a wash on both sides of this property and so there are actually FEMA and city regulations on drainage that we have to live by and we have only been able to do the preliminary grading drainage report, and when we do the planning, we will get into the final. We did enough to know that we could lower the pad height from the natural grade and there's a drop of over 20 feet from the north portion of this property to the south. So the land falls away to the south and the lots fall away in height as well. So we agreed that we would not have any home higher than 21.5 feet from finished grade and they would all be one story and they are all single family. Then when we looked at the adjacent properties, we realized that we had to deal with both enhancement of landscaping and the perimeter walls. So this first blowup is also attached to your staff report. It's one of the exhibits and it shows Vista Collina on the south side of the exhibit, on the north or top part of the exhibit. All of the landscaping you see there, green, exists today. The landscaping that you see in purple or red or any other color is landscaping which we have agreed, during the process of grading the site for the road or the paths to take these trees and move them over into the buffer areas so that we enhance the landscaping along both the west and the east sides of this project.

[Time: 01:30:54]

We have also agreed that the walls that will, there will be no perimeter walls on this project, but the walls that enclose the rear yards of these homes will be a combination of block with view fence on the top so that the highest portion of the block will be 3-point, or 3 feet 9 inches and the balance of 2 feet 3 inches will be open. This is a blowup of the east side of the project next to summit view. You will see a very large green tree in the very corner. That was very important to the owner of the lot next

door and summit view because you will see where the access road for this project needs to be in order to address a concern that Coyote Canyon to the north had, that they had their call box and gates already located and they were in a public right-of-way. Ultimately working with staff, we agreed to move the access for this project to the east so that it would not disturb the call box and gates for Coyote Canyon. However, by moving it to the east, we also had to be careful that we were bringing it closer to summit view and the Villa Montalvo folks to the east and so the landscaping has been added into that area to act as a buffer. We have also agreed with them that we prefer to have a need sign there instead of a stop sign, a yield sign there instead of a stop sign. There's very little traffic coming in and out of this area. They can see the people in Coyote Canyon exit their gate. It seems better to use a yield sign and flow through the intersection if possible. That was something that was pretty important to the summit view folks. Let me go back to the first exhibit that shows the entire property. We made a series of concession requirements that are now incorporated into your stipulations and into the exhibits attached to your staff report. We have committed to all the things which I just mentioned and we have also indicated to them that during the construction of this project, we will make every effort to use off-site locations for construction trucks until on site street has been constructed and they can park on site. That's in an effort to prevent cars from parking along Coyote Road which acts as a local street. I would be glad to respond any questions that you might have. I'm pleased to report that while we may not have eliminated every single person who was originally proposed, we have removed the legal protest associated with the test and there are here tonight a number of neighbors that I worked very well with over the last several months and are now feeling to come and support the case.

Mayor Lane: Thank you. And we do have some requests to speak on this and if you would be standing by if we have questions from the dais as well. So we will start with Scott McCoy, followed by Martin Lieberman.

[Time: 01:34:42]

Scott McCoy: Good evening, Mr. Mayor, members of Council. For your record, my name is Scott McCoy with the law firm of McCoy, my address is 3200 North Central in Phoenix, 85012. I'm here on behalf of Coyote Canyon Homeowners Association. We have with us the president of the H.O.A. and the vice president of the H.O.A. They didn't necessarily want to speak tonight, but they did authorize me to come out and lend the Coyote Canyon H.O.A. support to the Scottsdale Mountain Villas' zoning application. I can tell you, this case certainly represented a challenge, not only for the applicant, but also for the Coyote Canyon H.O.A. As you might imagine whenever an infill project like this comes along and seeks to develop property that previously hadn't been developed with an existing large lot subdivision nearby, issues drop up that need to be addressed.

Chief among those was the density issue. You saw the exhibit that Keith showed you earlier showing the 17 homes on this site. We felt that that represented entirely too much density. We were, through the efforts of Mr. Jones, the Franks and Mr. Earl to skinny that up to a density that we could live with. I could tell you that we couldn't have reached the compromise that we did, and get this case to this point without staff's help, staff Keith and Tim Curtis brokered a number of meetings between us and other H.O.A.s and the developer. They were even good enough to bring some of the city staff out to

the site to look at some of the challenges that we confronted when trying to address some of the access issues and some of the engineering efforts that needed to take place on this site. So I think Mr. Earl has it right, the staff report and the stipulations and the conditions attached to the resolution, we believe, capture the bulk of our concerns. As the belt and suspenders approach, we also had the franks execute a deed restriction, which it will be recorded against the property which will forever memorialize the stipulations and the agreements between the parties as it relates to the development of the property. And then one final concern that my client had and Mr. Earl addressed just briefly at the very end was the issue of Coyote Road and parking and staging of construction equipment and materials and workers' vehicles on Coyote Road. It's a very narrow road. It serves the entire community back there and so our concern is to make sure that there's no traffic or no staging of vehicles during the construction process and it sounds like Mr. Jones and Mr. Earl have agreed to that. So with that, the Coyote Canyon H.O.A. lends our support to the Scottsdale Mountain Villas rezoning effort and we hope the Council can see to it to approve the matter. Thank you very much.

Mayor Lane: Thank you, Mr. McCoy. Martin Lieberman, followed by Bick Smith.

[Time: 01:37:52]

Martin Lieberman: Good evening. Mayor Lane and members of the City Council, my name is Martin Lieberman. My wife and I live at 11639 North 134th Street. We are residents of Scottsdale. I'm the president of the Vista Collina H.O.A. The parcel immediately west of the subject parcel. Initially, in May of this year, we filed legal protest. The protest was sustained. We since have had an opportunity to work with Mr. Earl on behalf of the owner and the developer, and we have finally forged some deed restrictions as alluded to by Scott McCoy and we have seen the city stipulations, the city office regulations which also satisfied all of our concerns regarding density, spacing between our parcels and the proposed housing, a suffer zone, and lower height for the single family dwelling and we are satisfied with the results and have made an effort and, indeed, achieved a withdraw of all the valid protests that had previously been on file. And we are pleased to support a proposed rezoning subject, of course, to the rezoning being, or the owner and the dweller being in compliance with the deed restrictions and the stipulations which are to be filed. Thank you for listening to us.

Mayor Lane: Thank you, Mr. Lieberman. Bick Smith?

[Time: 01:39:38]

Bick Smith: Hi, my name is Bick Smith. I was, I live at 11768 North 135th Place. We're the homeowners association to the east of this project. I led a group of people that live on the west side that overlook this particular project. Gary and Steve really went out of their way to try to come up with a good solution or as I like to say a win/win for everybody. I think a couple of things are really interesting. They are very open to ideas or like I like to say, ideas for consideration. They went, in my opinion, well beyond the call of duty. And it's been alluded to earlier, that a number of people have not withdrawn their objection. Well, everybody on our side that was able to be contacted with, withdrew their objection. There are a number of people that signed their paperwork. They do not live here full-time and we were never able to get to them to show them the changes that were taking place. I wanted to

make sure that you were aware of that. The bottom line. I'm proud with how they worked with all of our neighbors. I want to thank the city for the time to let me talk and thank Steve and Gary for a good job. Thank you very much.

Mayor Lane: thank you, Mr. Smith. Next is Bruce and I can't quite make out the last name. It might be Meyer. Bruce Meyer. Meyer. And Mr. Meyer has additional donated time from Mary S. Patterson. So Mr. Meyer, you have four minutes then, please.

[Time: 01:41:15]

Bruce Meyer: Good evening, Mayor, Vice Mayor Korte, and the rest of the City Council. We have, the Patterson's and Meyers, I live at 13567 East Janan Drive. It's Villa Montalvo. You notice we were not always included in a lot of these discussions and we still may have objections unless the developer agrees to a modification of stipulation of a five and provided they agree to this modification, which I will present, which I have given to Mr. Niederer earlier today, and talked with Mr. Earl. Then I will save you from the rest of the discussion. And what we are doing with the amendment to stipulation number 5 is to limit the maximum height on unit 1 from 21 and a half feet to 20 and a half feet. Is this acceptable for modification? So with that being said, we will not oppose our continuing opposition if we make this modification to stipulation number 5, which the developer and his attorneys have agreed to.

Mayor Lane: Well, I mean, we don't really have that as a matter of record right now, I'm sorry. Is that an agreeable change? And if you want to state that for the record.

[Time: 01:42:52]

Stephen Earl: Mayor, Members of Council, the owner of the home in the corner, southwest corner of the Villa Montalvo which is Mr. and Mrs. Patterson, as well as Mr. Meyer, who lives next door to them, they have a very unique situation, which is they look directly over, today they look directly over this property, with views to the south. And although there is a significant fall in the land, as I have indicated of about 20 feet from the north end to the south end, the first house, which is lot one is the one that's directly adjacent to them and although we are about 175 feet away from house to house still and there's a significant drop of about 17 feet you still have the potential for a view impairment. And so Mr. Patterson and Mr. Meyer asked us today if we would be willing to have that one house have its maximum height be 20.5 feet instead of 21.5 feet. In other words reduce the overall height to give them clearance. Even though it allows us to modify that house, we felt it was necessary and we wanted to accommodate Mr. Patterson and so we have agreed to this additional modification to stipulation number five. It's really just that one phrase that would be added to stip 5.

Mayor Lane: we are talking about for this one particular lot or only.....

Stephen Earl: Only yes, yes, I want to make this really clear. This relates only to lot 1 and that's only because lot 1 is the closest home in the development to Mr. Patterson and Mr. Meyer.

Mayor Lane: So whatever stipulation modification needs to indicate that as well.

Stephen Earl: Yes, I think this language, if I can read it to you for the record.

Mayor Lane: I haven't been able to see it.

Stephen Earl: It says at the end of stip 5, it would say, except for lot 1, which will not exceed 20.5 feet from finished floor. And I'm happy to read you all the stip 5, it's to limit the building height to 21.5 feet and we add this one phrase for this one lot we would go down one foot.

Mayor Lane: I understand. So that's something that we can modify, you know, Mr. Niederer, maybe you can modify that stipulation, if it's agreed to.

Keith Niederer: Yes, Mayor Lane, if the Council desires to incorporate that modification of stipulation number five, that can be done as part of the motion.

Mayor Lane: Okay. Very good. Thank you. Thank you, gentlemen. So that completes the public comment. And so we do have some comments from Council, and we'll start with Councilman Littlefield.

[Time: 01:45:58]

Councilman Littlefield: Well, having been involved in the negotiations that have happened, there was one point I want to make, this is an example of exactly why we have legal protests and the legal protest turned out well for everyone. For a proposal that offends so many people around it, that you can get enough for a legal protest, the legal protest allowed the time and the negotiations to take place that turned this from a problem from the neighbors into something that neighbors very happy with. So I just wanted to point that out.

Mayor Lane: Thank you, Councilman. There's no further public comment and there is no further comment here on the dais. At this point in time I would accept a motion in whatever form would be requested.

[Time: 01:46:48]

Councilwoman Klapp: Mayor, I would like to make a motion that we adopt Ordinance Number 4097 approving a zoning district map amendment from R1-43-ESL environmental sensitive line to R1-5 ESL, finding that the proposed zoning district map amendment is consistent and conforms with the adopted general plan, on approximately 5 plus or minus acres located on the south side of Coyote Road, west of 135th Place with the addition of a modification to stipulation 5 that notes that lot 1 will not exceed a height of 20.5 feet.

Mayor Lane: Motion has been made and seconded. Councilman, any further comment on that, on the second? No further comments on this we do have a motion to accept as modified, and it has been

seconded. So I think we are now ready to vote. All those in favor, please indicate by aye and those opposed with a nay. Okay. The vote is tallied and we have a unanimous vote, 7-0. Thank you very much, gentlemen and thank you all for the input.

ITEM 18 – HAWKNEST REZONING (10-ZN-2013)

[Time: 01:48:20]

Mayor Lane: Moving on to the next item, which is item 18, and that is the Hawknest rezoning, that 10-ZN-2013 and in this case it is a request to adopt Ordinance Number 4114, approving a zoning map amendment from single family residential environmentally sensitive lands R1-190-ESL to single family environmental sensitive lands R1-43-ESL on 22.9 acres and it continues. Mr. Niederer.

[Time: 01:48:48]

Senior Planner Keith Niederer: Thank you, Mayor, Keith Niederer from the Planning Commission, 10-ZN-2013. It's located at the east corner of Hawknest Road and 84th Street in the northern part of the city. The site currently has two existing homes on approximately 20 acres each. To the east of the desert springs subdivision, zoned R1-35 as many as ESL. To the south is undeveloped property which was rezoned from R1-190 to R1-70 back in 2007, but has not been developed. To the west is the Sunflower Two and the Vista Viento Estates subdivision, both zoned R1-43 ESL and also is a 5-acre property as indicated by this red zero, zoned R1-190 ESL. To the north we have two existing homes and one vacant 9-acre property on properties zoned R1-35 ESL. The General Plan land use designation for this property, rural neighborhoods, which typically has densities of one home per acre. The overall proposed density of this application does comply with the General Plan. The subject property is zoned R1-190 ESL and has been zoned since, had that zoning since 1985. The request is to rezone the majority of the property to R1-43 ESL and R1-35 ESL, the eastern 115 feet of this subdivision would remain R1-190 ESL zoning. Here's the proposed site plan. The western approximately 23 acres would be rezoned to R1-43 ESL and the other would be R1-35 ESL. The eastern approximately 3.5 acres, as I mentioned would remain R1-190, R1-190 in the 115-foot wide strip and would be dead natured as natural area open space with the plat that will come after the zoning change. The 33 lot development would be accessed via Hawknest Road to the north which is currently an unimproved road. The site plan is contingent upon the right-of-way abandonment which was recently submitted and come before the City Council in the next few months, which will abandon 5 feet along Hawknest and 84th Street. In compliance with the desert scenic roadway requirements a 40-foot wide buffer is being along both Hawknest Road and 84th Street. The natural open space with the exception will be provided along with the 115-foot wide buffer of natural open space which will be platted with the subdivision plat. With the preliminary plat submittal, it will be seeking amended development standards and that's approved in the environmentally sensitive lands area by the Development Review Board. This chart in front of you has existing R1-190 zoning on the property. The strait R1-43 standards and the proposed R1-43 standards.

[Time: 01:52:43]

The minimum lot area for the R1-190 is 190,000 square feet. The straight R1-43 goes to down to 43,000 and the applicant is proposing 32,250 square foot lots. The proposed minimum lot width is 125 feet, front and rear setbacks are 30 feet with side setbacks of 15 feet. Building height in the environmentally sensitive lands district is 24 feet above natural grade and the applicant is also agreed to stipulating to only one story homes which was important to the surrounding neighborhoods. The proposed density is .83 dwelling units per acre in the R1-43 area and there are 19 lots within the R1-43 zoned area. The existing R1-190 zoning would have allowed up to four lots on the property. This table is the R1-35 proposed standards. Again, the minimum lot area and this should say R1-35, I apologize. The minimum lot area is 26,250 square feet. Minimum lot width of 125. The setbacks remain the same at 30, 30-foot front, 30-foot rear and a 15-foot side yard and all the homes will be above natural grade and one story. That concludes staff's presentation. The applicant is here to give their presentation and staff is available for any questions.

Mayor Lane: Thank you Mr. Niederer. Mr. Berry.

[Time: 01:54:30]

Applicant Representative John Berry: Mayor, members of the Council, John Berry, 6750 E. Camelback Road in Scottsdale. Do you have any cards? I think you have one card on this and I believe it's Mr. Cappel in support. Given the hour and the agenda you have, before I begin, I will give to the City Clerk before I, when I finish my comments 12 letters of support and petitions signed by 30 area neighbors and property owners. The staff did a great job of introducing the case. I would simply supplement their presentation in the interest of time with one graphic. What this graphic shows is here's the 40-acre site that's the subject of our hearing this evening and keep in mind that this is in conformance with the General Plan allows one house to the acre. Not even one house to the acre but less than one house to the acre. And what this graphic shows is we split the property, where less than half of it is R1-35 and more than half of it is R1-43. The reason we did that is because the green shows the existing R1-43 zoning in the area and the blue shows the existing R1-35. So what we have done in working with the neighbors very closely is to mirror what was happening on either side of this. So rather than doing all R1-35, we actually have done more than half the property to match what was happening around us to the west and to the east, do R1-35 to match what was happening to the east. That has garnered the support of area residents and neighbors and has ruled in a project that's less than one unit to the acre and has more open space than is required by the environmentally sensitive land requirements. I'm happy to answer any questions.

Mayor Lane: Thank you Mr. Berry, we probably should give Mr. Cappel an opportunity to confirm his support as represented by the applicant, for the record.

[Time: 01:56:42]

Bob Cappel: Bob Cappel. Vice president of the Winfield homeowners association, Winfield is the community south and west of this proposed development. But we are in contact with a number of communities around this. John will be very elated since, and basking in the second time I'm here to support one of his projects and we are happy to do so. We think this fits in well with the

neighborhood. They worked together with the neighbors to come up with this plan and from our perspective, we are in support of this. Thank you.

Mayor Lane: Thank you Mr. Cappel. You didn't want to deny Mr. Berry of that second basking?

Bob Cappel: No.

John Berry: No, this is not to bask. I don't want there to be any sunburn in here. But it's just to announce the formation of a new firm. It's actually Cappel, Berry, Riddell and Rosensteel. So that's only after he supported both of these cases, I wanted to make that announcement. Thank you, Mayor. No additional comments.

Mayor Lane: All right. Good. I'm not seeing any further comments here from the dais and nor are there any further cards. So I think we are maybe ready then for a motion on this item.

[Time: 01:58:02]

Councilman Robbins: Mayor, I move that the Council approve, adopt Ordinance 4114 approving a zoning map amendment from single family R1-190 ESL to single family residential R1-43 ESL and finding the proposed zoning map consistent in conformance with the adopted General Plan.

Mayor Lane: Very good. The motion has been made.

Councilwoman Klapp: Second.

Mayor Lane: Would the second like to speak to it at all? Okay. We therefore are ready then for a vote. All those in favor of the motion as it's been expressed, please indicate by aye and register your vote. The tally has been made and it's 7-0. Thank you very much, Mr. Berry and the applicant.

ITEM 19 – PRANKSTER’S TOO TELETRACK WAGERING ESTABLISHMENT LICENSE (APPLICATION NO. 1095146)

[Time: 01:59:04]

Mayor Lane: Moves us on to the next item, item 19 which is the Prankster's Too teletrack wagering establishment license, it's application number 109-5146. And the request here is to consider approval and an the application for a new teletrack, teletrack offbetting for Pranksters Too. So we have Mr. Enriquez.

[Time: 01:59:29]

Business Services Manager Terry Hoglund: I'm Terry Hoglund. I'm Business Services Manager. I'm here to present to you a teletrack wagering establishment license application for Prankster's Too located at 7919 East Thomas Road, Suite 101. For a little background, it was originally adopted in 1992

and the latest update to the code was made in 2009. At that time, the term of the license was changed from a one-year license to a three-year term and that was to be consistent with the time the state department of racing renewal time frame. There's currently one other licensed teletrack establishment in the City of Scottsdale, and this is at Tavern Grill, which is located at 8880, Via Linda Suite 106. This is for a new license request for Prankster's Too, located at 7919 East Thomas Road. It's located in a strip mall that includes mixed use businesses, such as a cell phone retailer, a pharmacy, a pizza shop and a 99-Cent store among other uses. The area does have dedicated parking. Prankster's Too is planning on putting in four pari-mutual betting windows within their existing floor plan. In all off track betting establishments, the operator the windows is the responsibility of the track, in this case that is Turf Paradise. All operators must obtain a license from the City of Scottsdale, as well as maintain a license with the Arizona department of racing. The applicant is responsible for security, and that is written into the plan of operation that they have to submit with their application. Off track betting activities are regulated by the Arizona Department of Racing and the Arizona Racing Commission. Into the code there are location requirements built in, and Prankster's Too has met all the application requirements and the location requirements for this license. The closest Scottsdale teletrack wagering facility is 7 miles to the north of the Prankster's Too location. There's also an off track betting site at a Tempe location, which is 5.5 miles south of Prankster's Too. The closest city school or park is Scottsdale Thomas Road bike stop park, which is more than 500 feet to the west of the location. Because Prankster's Too is located in the CD district which is a mixture of office and retail uses close to neighborhoods, they were required to circulate a petition to residents within 500 feet of the location for permission to allow the teletrack establishment license. The requires signatures were received and verified. Notices were mailed to all of residents and businesses within 500 feet of this property.

[Time: 02:02:56]

One response was received from a resident who was concerned that this use might increase noise in the area. A notice of meeting and application was posted at the Prankster's Too location on October 17th, and a notice of this meeting was also published on October 19th in a local newspaper. The two possible Council actions are to vote to approve or to deny license. I will be glad to answer any questions.

Mayor Lane: Thank you, Ms. Hoglund. At this time, we don't have any public testimony on this, nor do I have a comment from the Council right now. So we appreciate your presentation. Thank you very much and I will accept a motion to approve, which I think I just received previous to my request from Councilman Littlefield.

Councilmember Phillips: Second.

Mayor Lane: And we have a second. Then I think we are then ready to vote on it. So all of those in favor please indicate with aye and those opposed with a nay. The motion is tallied and unanimous, 7-0. So thank you again very much for that presentation. That completes the business of the evening. We do not have any further public comment. I presume we have no petitions. Mayor/Council items. Bob is always trying to jump ahead on.

ADJOURNMENT

[Time: 02:04:24]

Mayor Lane: We will entertain a motion to adjourn. Thank you Councilman Littlefield. Do we have a second?

Councilwoman Klapp: Second.

Mayor Lane: It is pretty entertaining at times. All of those in favor of adjournment please indicate by aye. We are adjourned and thank you very much.

Councilwoman Milhaven: Good night everybody.