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CALL TO ORDER

[Time: 00:00:02]

Mayor Ortega: Hello, everyone. I call to order the August 22nd, 2022 city council regular meeting to order. City clerk Ben Lane, please conduct the roll call.

ROLL CALL

[Time: 00:00:17]

Clerk Lane: Thank you, Mayor.

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tom Durham.

Vice Mayor Durham: Here.

Clerk Ben Lane: Councilmembers Tammy Caputi.

Councilmember Caputi: Here.

Clerk Ben Lane: Betty Janik.

Councilmember Janik: Here.

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

Clerk Ben Lane: City Manager Jim Thompson.

Jim Thompson: Here.

Clerk Ben Lane: City Attorney Sherry Scott.

Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews.

Sonia Andrews: Here.

Clerk Ben Lane: City Auditor Sharron Walker.

Sharron Walker: Here.

Clerk Ben Lane: And the Clerk is Present. Thank you, Mayor.

[Time: 00:00:43]

Mayor Ortega: Well, welcome back. We have come off our summer recess, and we have Scottsdale police officers Anthony wells and Dustin Patrick as well as firefighter Derrick Owen should anyone need assistance. Let's begin with the Pledge of Allegiance. Councilman Littlefield.

Councilmember Littlefield: 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.

MAYORS REPORT

[Time: 00:01:28]

Mayor Ortega: Well, first of all, I do want to say congratulations to councilwoman Kathy Littlefield and councilwoman Solange Whitehead on your very decisive wins, and that puts the council on track to continue our work and all of your hard work and efforts are well deserved. This brings to mind the cost of democracy and what the people of Ukraine are suffering at this time.

So I would ask that we have a quiet reflection about the -- for the people of Ukraine, and their country and their freedom. Thank you. Well, the city of Scottsdale communication department has been busy, and they created a video which will give us an update on many of the offerings here in Scottsdale. And so I would like us to look at their five quick -- fast five. Thank you.

Stephanie Huerta: Hi, I'm public affairs specialist, Stephanie Huerta Scottsdale's free mediation process. Wish one of your neighbors would be a team player? If you tried talking, and don't know what to do next? For more information, text mediate to 480-312-311 or visit Scottsdaleaz.gov and search mediation.

Scottsdale celebrates the newest park in our number four spot. DC Ranch Park is now open. Patrons can enjoy scenic mountain views and desert wildlife, all while taking a stroll around the lake on the new path. This was mostly funded as part of the voter approved 2019 bond to learn more about the park and how the city continues to invest in our Scottsdale, visit Scottsdaleaz.gov and DC Ranch. Senior centers are offering free movie and popcorn at both Granite Reef and Via Linda Senior Centers. For more details and to see what's playing, call Granite Reef at 480-312-1700. For Via Linda at 480-312-5810.

Interested in learning more about the native plant life in and around the preserve? Then our number two spot is for you. The McDowell Sonoran Conservancy will be presenting flora, Friday, August 27th in the Mustang auditorium. The first part of the series will focus on cacti, trees and large shrubs. To register visit Scottsdalelibrary.org and browse the event calendar.

The Scottsdale airport received more than \$5.4 million in grants from Federal Aviation Administration it will provide funding for an aircraft runup area and make improvements to the taxiway. This will improve the efficiency, safety and capacity of the airport. It's anticipated to be completed by the end of the year. Go to Scottsdaleaz.gov and search Scottsdale grants. I will see you next time.

Mayor Ortega: That was compressed very nicely and a good way to message through.

PUBLIC COMMENT

[Time: 00:05:52]

Mayor Ortega: Next, we will move on to public comment. Public comment begins our agenda. It's an opportunity for citizens, residents to come forward and speak about something which is not on the agenda, but would be within the purview of council. So it's a time for the public to step forward.

If you do have a comment for an agenda item, of course, you can contact the clerk. At this point, we will -- we have three requests to speak from the public. And you have three minutes or less. No, three minutes. Jay Rabins and then Mateo Moric. If you would come forward to the podium, we would appreciate it.

Jay Rabins: Mr. Mayor, councilmembers, distinguished officials, and observers. Thank you for allowing me to speak today. My name is Jay Rabins and I lived in Scottsdale since 1969. Tonight, I'm here to discuss the proliferation of what can only be described as litter infiltrating our lovely city in the form of campaign signs.

It seems to me that if we're going to allow such signs to proliferate our streets, then we should at least consider limiting the amount of time they are allowed to be in public view. If not getting rid of them all together. My suggestion is as follows: Four weeks prior to the Tuesday on which the election is held, campaign signs may go up in limited areas of time.

They may not be placed in residential neighborhoods nor contain any falsehoods or propaganda about one's opponents. It's also my request that they do not obstruct the view of our beautiful green belt, our parks or more important signage. Secondly, the campaign signs must be removed within 72 hours of the election day, regardless of whether a winner has been chosen or not.

Seriously, let's face it -- seriously, let's face it, how many people are actually making their minds up based on a campaign sign that's on the corner of a street? If the candidates who assume they are qualified to run for public office, actually have something of importance to say to their constituents, let them hold town hall meetings and let their constituents spend. Perhaps they could allocate the amount they spend on ineffective signage to rent a ballroom and actually speaking about their policies in front of their constituency.

While I know this particular council may not be interested in hearing about how politics are held in Europe, but in fact, in France anyone who wishes to hold public office must be presented as a suitable candidate by no less than 500 previously elected officials from no less than 30 different government agencies. In addition, they may spend no more than \$18,000. Period. But I'm digressing.

I'm really here tonight to talk about campaign signage litter. Campaign signs on our streets are

nothing short of graffiti. They mean nothing. They do nothing and if a candidate is so certain that his name or slogan or hateful rhetoric, must be in writing, take an ad out in one of our newspapers.

I request that this body directs their attention to Scottsdale zoning ordinance 455. Scottsdale determined that billboards would diminish the beauty of Scottsdale. Certainly, the same could be said for campaign signs. If this council is unable or unwilling to do anything about campaign signage, I would like to know how one goes about putting a proposition on the next ballot that would allow the citizenry of Scottsdale to determine whether they would like to see campaign signs or not on our street corners.

I hope you will take these words to heart, make the right decision and save our streets from the disgusting, unnecessary, and often illiterate signage that politicians are choosing to toss about our street corners like so much garbage. Thank you.

Mayor Ortega: Thank you. Next, we have Mateo Moric.

[Time: 00:10:30]

Mateo Moric: Hello, mayor and city council, my name is Mateo Moric. I'm a resident of the peaceful valley neighborhood. The reason I'm here is to talk about the roundabout project that sits at Miller and Osborn Roads. Public art is typically incorporated into capital improvement projects but in this instance it was not. So Mr. Ortega and councilmembers, I will make you an offer you can't refuse. Dad, bring 'em the goods. Is it okay my father brings you a little gift?

Mayor Ortega: Thank you, sir.

Mateo Moric: So here's a concept sketch of what I'm calling the love fountain, serving as an entry and exit to our downtown area from the southeast. I would like you all to get this or a similar public art project installed at the intersection of Miller and Osborn roads. It would be a vertical artistic -- you can open this concept drawing, please. It would be a vertical artistic piece sitting at the center with a beautiful love fountain which would shoot water into a reflective pond and be surrounded by a variety of colorful flowers.

It would light up and glow at night, and slow cars as they approach in the distance. This would also provide additional safety for both pedestrians and vehicles, as people cross the street and provide a safe island allowing the vehicles to move efficiently and even better yet, it would have vegetation growing on it.

This proposal has received overwhelming community support. I have reached out to many of the neighborhoods of peaceful valley and some surrounding community members, including members of our lady of perpetual help church, and the D.'s convenience store. Please accept this offer of the love fountain or something similar to it. Thank you.

Mayor Ortega: Thank you, Mateo. We do accept it and just to clarify that, we have an art group that reviews position and we'll make sure -- public art, and we'll make sure they contact you and get more information. Thank you for your idea.

Mateo Moric: Thank you.

Mayor Ortega: Next, we have Nelson Strausser.

[Time: 00:13:26]

Nelson Strausser: Thank you very much for allowing us to present our petition with well over 100 names -- oh, is this -- thank you for allowing us to present our petition with over 139 names on it and that represents several other hundred people who are pickleball players! So pickleball is the fastest growing sport in the United States. There's hundreds of new venues being created in this country every month. But nothing in south Scottsdale. Nothing south of Indian Bend.

Funding. Funding is always an issue, but on the Internet, I noticed that the drive behind a construction across the country in many municipalities is funds from had the rescue plan, which the city, I glean from the Internet has gotten \$14 million plus and we'll get another \$14 million next year, but what the heck does COVID and the rescue plan is to alleviate the problems from COVID, but what does COVID have to do with pickleball? One word. Comorbidity.

Those who are fit are more likely going to live. And speaking in that vein, the disease that kills twice as many people as COVID is heart disease and the same prescription to get people away from a sedentary lifestyle and get them out there playing a pickleball. So we have an artist sketch.

One of our players is an architect who does big projects and it's regarding the possible location in Pima park. We have run this by the staff, the planning staff, and they have given it their information. So we would like to see the program at Pima tobacco a -- to be a place to attract people. And the Mecca the same way that tennis is a Mecca to tennis ballplayers. So we have got the need. We've got the location. We've got room for further expansion. And what's left is time.

I know for many of you it's not an exigency, but I'm 78 and there's not that many shopping days until Christmas. In all seriousness this is a health issue, and I would like to see this in the works as soon as possible. So thank you very much, ladies and gentlemen, for listening.

[Applause]

Mayor Ortega: Thank you. Thank you, Nelson Strausser and we are in receipt of the petition and council will be taking action on it. It's part of the agenda that we will take citizen petition. Are

there any other public comment? Yes, it appears there is.

Clerk Lane: We have one more public comment from Barry Dirk.

Mayor Ortega: Okay. Thank you. Please state your name, address and three minutes. Thank you, sir.

[Time: 00:17:30]

Barry Dirk: Good evening, my name is Barry Dirk. I live at 8808 east oscall. I have a question about a possible bias with a councilmember. I raised possible bias with the church that's on the agenda tonight.

And during the Zoom call, Kathy Littlefield seemed quite biased in that phone call, and just recently, I made a phone call to Kathy asking what the status was of the church, and she had informed me that it was voted on unanimously by all councilmembers. And I said, are you sure you got this right? And she said, yes.

Mayor Ortega: Excuse me, sir, if it pertains to the church, you will have to come back at that point.

Barry Dirk: It has to do with the bias towards a --

Mayor Ortega: Are you referring to a case? Because that case is not -- is in play for later today on the agenda.

Barry Dirk: I understand. I just hope there's no bias towards this hearing that she's on, since she will be voting on it.

Mayor Ortega: Excuse me, I don't think that's necessary at this time and you can -- you can be added to the prospect whatever misunderstanding or understanding can be spoken to when the case comes up.

Barry Dirk: Okay.

Mayor Ortega: Thank you, sir.

Next, we have approval of the minutes. And therefore, I would request a motion for the approval of the regular meeting and work study session minutes of June 21st, 2022. Special meeting minutes of June 28th, 2022, executive session minutes of June 28, 2022, work study session number one minutes of July 6th, 2022; relate meeting and work study session number two minutes of July 6th, 2022; special meeting minutes of July 7, 2022; executive session minutes of July 7th, 2022; regular meeting and work study session minutes of July 7th, 2022.

Do I have a motion and a second?

Councilmember Janik: I so move.

Councilmember Whitehead: Second.

Mayor Ortega: Thank you. We have a motion and a second. No discussion. Therefore, please register your vote. And I will make a note, again, that vice mayor Durham is in attendance. He's remote.

Vice Mayor Durham: Vice Mayor Durham votes yes.

Mayor Ortega: Okay. Thank you. Unanimous.

CONSENT AGENDA

[Time: 00:20:21]

Mayor Ortega: For the record, we will be moving on to consent agenda items. Consent agenda items as posted were items that are all of record, and require a -- a motion to approve or disapprove.

I do want to point out that they are listed as items 1 through 20, however, item number 14 shadow ridge north rezoning and abandonment, that's case 1-ZN-2022 and the abandonment case, 1-AB-2022 has been withdrawn by the applicant. So that case is no longer on our agenda tonight.

We do have the opportunity, if anyone would like to comment on the consent agenda items, items 1 through 20, excluding item number 14. Do we show any public comment? Okay. I would also -- so I would close public comment on those consent agenda items. Do I have a motion on the consent agenda items? Councilwoman Whitehead and then Councilwoman Caputi.

Councilmember Whitehead: Thank you, mayor. I would like to pull item number 13 on to the regular agenda.

Mayor Ortega: Okay. 13 therefore is pulled. And Councilwoman Caputi.

Councilmember Caputi: Just two comments. Consent agenda item 20 is going to be making our compensation package for our police officers more competitive. And I just want to say that I'm very proud to join this entire council in supporting our police officers here in Scottsdale and public safety in general.

And then second, I don't necessarily need to pull, but item number 12, I have two quick questions, if the applicant is here. I don't know if it's acceptable to ask a few questions.

Mayor Ortega: Yes, and just respond first of all, the case as far as what it's pertaining to and -- is the applicant able to answer a question? Please proceed, Ms. Caputi.

Councilmember Caputi: Great. Thank you so much. Just the tiniest bit concerned about the water usage on this case. I know our planning commission had made the same -- they had brought up the same concern and it is sort of an urban farm here in Scottsdale.

If you could maybe walk us through some of the irrigation efficiency measures have you taken. And then I'm also a little bit interested in how you are going to be handling the wastewater.

Applicant: Okay. So first, I would just like to say that our water usage for the cultivation does not in any way significantly impact water supply. I can go through what we have done to make that happen, if you would like.

Councilmember Caputi: If it's quick.

Applicant: Our usage is 1771 gallons per day, and significant industry use is 250,000 gallons per day. So we're way, way below. We are all contained in -- it's all repurposed, et cetera. Any other questions on that? And we don't use any -- let's see -- any hazardous chemicals of any type. We are completely organic in our farming. There's no runoff. There's no negative impact to the environment whatsoever.

Councilmember Caputi: Okay. Thank you.

Mayor Ortega: Councilwoman Janik.

Councilmember Janik: I have a question about that as well. How effective -- do you have recycling present and about how much of that water do you recapture?

[Time: 00:24:17]

Applicant: We're in position to recapture about 30%.

Councilmember Janik: 30%?

Applicant: Mm-hmm.

Councilmember Janik: What is the process --

Applicant: I mean, it's all in one recycled system, but the gray water that we recycle is 30%.

Councilmember Janik: Okay. I'm not sure what that means. I'm sorry. I'm not --

Applicant: So there's a black line that's for waste and then gray is if we have watered the plants, it's an agricultural situation. So if we water the plants 30% gets reused again.

Councilmember Janik: And then -- then 70% is lost.

Applicant: And we are still way under. Of our 2300 of usage, 920 of those gallons is recyclable, which brings us down to 966 gallons in our current space and then we are adding a space and that would bring it up to 1771.

Councilmember Janik: Have you considered trying to recycle more than 30%?

Applicant: Sure. We have put every system in place. Tim could speak to that. Our usage is so much lower.

Councilmember Janik: I understand it's below, but every drop of water saved helps the city.

Applicant: Our current water usage, we have plumbed the entire building for a reclamation system. So I believe that's what you are speaking to.

Councilmember Janik: Yes.

Applicant: So our water reclamation system will reclaim all drainage water that is not waste. For example, a restroom, that will not be reclaimed. Everything that goes down the drain -- so I.E., runoff, after the plants were watered, even the cleaning of the facility, you know, just washing down tables, everything, we will be reclaiming all of that water.

Due to the water reclamation process, you are basically same way in the water treatment facility. Not all of that water is salvageable. Some of it will have to go down the drain. Due not fact that we have the water reclamation. We will reclaim every drop of water that is possible in that facility which will drastically reduce our water usage.

[Time: 00:26:34]

Similar cultivation facilities, we will be using about 60% less water than a standard cultivation facility, and that was all done at significant cost, but we have taken that upon ourselves just to be as forward with water saving, environmentally friendly options as we can possibly be.

Councilmember Janik: Thank you. That's what I was looking for. It sounds like you are doing a very good job. So we appreciate that.

Applicant: Thank you. Thank you.

Mayor Ortega: Councilwoman Whitehead.

Councilmember Whitehead: That's impressive. The water that is not recycling through your gray water goes to our system and is recycled. I'm glad the question came up.

Applicant: And we take great lengths. Basically, all the sanitary equipment and cleaning supplies that we use are all completely environmentally friendly, as well as the fertigation or the fertilizers that we use, everything is completely water soluble. And it's inert. So once it goes down the sewer system, it puts no significant -- actually it puts no strain on the water treatment facilities past what's already there. So, yeah, we're doing the best we can and I think it's quite a bit.

Councilmember Whitehead: So it's like setting the bar high.

Applicant: That's what we are trying to do. Thank you.

Councilmember Whitehead: Thank you.

Mayor Ortega: Thank you. I will comment also on two of the items on the consent agenda. First one is item 19, that deals with the deferred retirement, which is applicable to police officers and it is enabled by state statute.

[Time: 00:28:18]

So we're very pleased that that was conducted and Scottsdale is able to utilize that tool. The second one has to do with the pay step program which, actually, again, our security and safety is a prime concern and the reevaluation of the pay grades, qualifications and so forth, on a -- on a planned step pay program, are now defined, and this hasn't been done for about 15 years.

So this meets our goal to have personal safety, business safety, and then to make sure that we're competitive with all the other law enforcement agencies in the valley. So at this point, I'm open to a motion. First of all to clarify, item 14, there is no action. That one was withdrawn. The second one is that item 13 will go to the regular agenda. So I would be open for a motion for consent agenda items, excluding 13 and, of course, 14 was pulled.

Councilmember Janik: I would like to make a motion to accept the -- to approve the consent agenda, with the exception of number 13, and -- which was moved to the regular agenda, and number 14, which --

Mayor Ortega: No action.

Councilmember Whitehead: I will second that motion.

Councilmember Littlefield: Second.

Mayor Ortega: Thank you. We have a motion and a second by Councilwoman Littlefield. Any other discussion? Okay. Please record your vote.

Vice Mayor Durham: Vice Mayor Durham votes yes.

Mayor Ortega: Thank you. That is unanimous. Next, we will move on to our regular agenda. I do want to point out to our audience that we abide by rules of procedure and the rules of procedure as well as decorum apply to ourselves and speakers as well as the audience.

And so for clarity, certainly, people will be called on to comment, and we'll observe the same rules and order of decorum that are applicable to mayor and council. We don't need unauthorized remarks or demonstrations from the audience, such as applause. I think I heard some earlier, but things move much quicker, not looking at a shouting match and I'm saying that up front as we -- as we be considerate of one another.

Now, it's true that if it gets out of hand, and perhaps if there's discussion after we vote on a case, and there's more discussion probably it can be best moved outside because we have other business to handle. So with a smile, and good listening, we'll be proceeding.

ITEM 13 – ALAMEDA 5 ACRES REZONING (4-ZN-2021)

[Time: 00:31:48]

At this point, we will hear the case of agenda item number 13, it will be presented by staff, and then we'll have an opportunity for the public and applicant -- well, the applicant and then the public. Please come forward. It's called Alameda acres, 5 acres, case 4-ZN-2021, and coordinator is Katie Posler.

Katie Posler: Good evening, I will be presenting case 4-ZN-2021, which is the Alameda 5 acres. The site is located north Scottsdale, it's south of Alameda Road and west of the north 132nd alignment. Here's a closer look at the property. It's currently vacant and home to a large wash that bisects the site.

The zoning on the site today is R1-130 ESL which is single-family residential, environmentally sensitive lands and it was annexed into the city in 1993. The request in front of you is two parts, the first to adopt ordinance number 4553 which is approving a zoning district map amendment from single-family residential environmentally sensitive lands R1-130 ESL, to single family residential, planned residential development, environmentally sensitive lands R1-43 PRD ESL, and zoning and approval of a development plan with amended development standards for lot area for a four lot subdivision.

And the second one is resolution 12526. Here's a proposed zoning site plan. It's composed of

four lots, a large wash, which is being protected in a common area tract, and naos, a private internal street, a 50 another average quarter setback and that complies with the other Storyrock subdivisions nearby.

In terms of amended development standards, they are not requesting an increase in density. They are actually requesting to amend the lot area and lot width and setbacks to make the lots smaller so that the large wash can be protected in that large tract.

In terms of naos, they are required to dedicate 2.16 acres and they are dedicating over that at 2.75, and 98% of that naos is in tracts which results in better long-term protection than if it was on the individual lots.

[Time: 00:34:55]

Here you can see the site in the top right corner which is four lots. It will be connected with the Storyrock phase three a subdivision, which is 78 lots. So previously the orange area and the yellow and green were two separate subdivisions which resulted into dead end cul-de-sacs and with this new piece, that's four lots, they were able to be connected together so now there's an internal street that goes throughout the entire subdivision, with access along Alameda and north 128th instead of the two dead end cul-de-sac.

So it results in better connectivity for the area. The key points of this case is that the PRD amended development standards provide greater flexibility, compatibility, with the neighboring Storyrock standards and protect the wash and a common tract. 98% of that naos is in the common area tract instead of on lot.

It conforms with the general plan 2035 in terms of density and the Storyrock master plan. We haven't received any public opposition, and planning commission heard this case back in June and voted approval with a 7-0 vote.

In concludes staff's presentation but the applicant is also here to present and we're both here to answer questions. Thank you.

Mayor Ortega: Thank you very much. Next, we will have the applicant present your case please state your name and so forth.

Keith Nichter: Mr. Mayor, members of the council, let me scoot this up a little bit. I'm a little taller than Katie. Welcome back. My name is Keith Nichter. I'm a land planner and the applicant for this. 1001 west southern avenue, Mesa, Arizona. Katie did a great job presenting the case. I do have a presentation.

So I will go through it the best of my ability without duplicating too much of the information. But I will give you a little more background as well. As Katie mentioned, the sites, the rural

neighborhoods, it's also within the dynamite hills character area.

As it relates to the overall density and the large lots and specifically the preservation of the natural open space that's found in this area. Our density at point -- sorry, 0.75 is under the allowed maximum of 1.20 per acre that's allowed on this area. This constitutes the four proposed lots and then as far as the preservation of the open space goes, 62% of our site will be open space.

52% is natural area open space which will be dedicated and preserved in easements or tracts. 98% of that 52% is within a tract. So that allows preservation and maintenance for the H.O.A. As far as the zoning goes, this is a good overall match of the Storyrock development. Storyrock was approved way back when. I was involved in that as well in 2014.

[Time: 00:38:26]

We created a plan that was sensitive to the area and had overall 50% NOAS requirement at the time. We are in line with that at 52%. We wanted to keep a consistent character. You will also see with Storyrock, it was developed to transfer density. So we kind of basically transitioned from the outside in, as far as the zoning types and the lot types.

You see on the perimeter we have the green R1-43 and then as you get into the center of the project, you have the R1-18. When we went to have your pre-application meeting with the city, we discussed what the best alternative for zoning would be here. The R1-43, PRD seemed like a good fit because from the density stand point, we would not have to amend any density with our four lots but the PRD, one thing we wanted to put that in place for was because there is a very large wash, on this site which I will show you later and with the typical R1-43 lots, the way they are developed out here is you have a development environment and then everything else on that lot is open space.

That means that this wash would have been on someone's lot. We wanted to amend them down so that we have smaller lots that factored in the development envelopes and allowed the wash to be in a track and I will describe that a little further as we move along. This is the overall Storyrock master plan.

When we first came through with this rezoning, and med cap that as approved in 2014. Unfortunately, this property was not available. It recently became available and we were pretty excited about it because at the time, there was a doughnut hole that didn't allow us to complete access.

So phase three, as Katie mentioned ended with a cul-de-sac. The main entry was out to 128th street. And we only were able to accommodate emergency access up in the northeast corner of our site. When it became available and we were able to add it in, it not only improved access for the overall community but it also improved our ability to connect utilities and create a

loop, as well as emergency access and fire access there with the second entry on Alameda. Again, this is an overall phases, especially with Storyrock.

This will be added in phase three which is the green area over on the right and then on the left, this overall exhibit shows that overall transportation plan that was approved with Storyrock, you will see how that cul-de-sac ended and was not able to connect with Alameda. We are excited to make that connection now.

As a mentioned, typically up here, the lots because they are so large, aren't fully developed. So you put in a development envelope, that allows you to construct the building and the regard and then everything else on that lot is preserved open space. You see on the right, we have Storyrock's typical R1-35 and R1-43 lots.

[Time: 00:41:57]

So large lots with development envelopes and then all the natural features are preserved on those lots. On the left, you will see the R1-18 typical lots and those are developed like a typical lot would be, where the whole lot is developed, but then the environmental features are preserved within tracts.

And the ordinance allows both NOAS, whether it's in tract or on lot. But staff and a lot of people prefer tracts because that's another layer of protection and maintained by the HOA, rather than an individual lot owner. This exhibit kind of depicts that. If we were to zone this just R1-43, we can accommodate the large lots and the lot areas, but as you can see, we have a lot of area outside the development envelope that is on lot open space.

So, again this large wash that you will see here coming up, it would be on someone's lot. By amending the standards on the right, we are taking away all that on lot open space and putting it within a common area, a tract within the community. And, again this doesn't affect density and it amends the lot sizes. Here you go.

This is what I'm talking about in relationship to that large wash that you will see is going through the middle of the property. We're now able to have that within a tract and, again, this community provides that secondary access now on Alameda Road. All four lots will be developed with phase three of Storyrock and ultimately the 100-acre phase three will be developed with 82 lots. And that's it. I'm open to questions if you have any.

Mayor Ortega: Thank you. Councilwoman Whitehead.

Councilmember Whitehead: Yes, I have a question, probably for staff. If you don't mind. So if I understand correctly, the number of -- the current zoning, how many houses would be allowed on the lot?

Katie Posler: Mayor, councilmember, with R1-130, only one house would be allowed on the property.

Councilmember Whitehead: Thank you. In the agreement, is there any -- any use of 128th street.

Katie Posler: So in terms of Storyrock, they were required as part of their development agreement to use Rio Verde and 128th for their construction path. This, because it's a separate piece, that came after, they are not a part of that development agreement.

So I think the applicant is open to a stipulation if there are other routes that would be beneficial as avoiding 128th and that area that's emergency only. So we do have a drafted stipulation if that's what you are referring to.

[Time: 00:45:13]

Councilmember Whitehead: Okay. Yes, I am. Since Storyrock was approved, this council adopted policy that made 128th an emergency only access road. So that would prohibit any additional construction trucks using that road and should not be in any agreement. The difference between one and four doesn't seem like a lot, I will wait to see what my councilmembers think, but let me tell you, that Storyrock -- there's two.

When I think of two developments that should not have been approved in this city, that's one of them. It has had a negative impact. It's a very fragile area of our preserve and it's a wildlife corridor there, and the data that I'm getting from our -- from the McDowell Sonoran Conservancy, our partner is that we already had a very negative impact on wildlife because of the intensity of the development of Storyrock. And similarly, zoned project in that area.

I'm pleased that item number 14 -- I guess I would like to thank that development team for pulling that item. And this one is small, but it still has an impact, but I will wait to see what my colleagues have to say.

Mayor Ortega: Well, one thing to clarify. We are at the point of asking questions, however, I will open it up for public comment on this item. So Councilwoman Janik?

Councilmember Janik: I too am concerned about the Storyrock development in general. It's had a harmful effect on all of our open spaces, and it does a pretty good job of drawing water to that area, which is expensive because it's rather far away from the central core of the city.

And I think it's time that we began to realize our whole environment is fragile. And, again going from 1 to 4, maybe not a big deal, but once you do more and more and more, and then we have these smaller lots that were allowed in Storyrock, what you have done is you have kind of altered the character and the environmental features that made that part of the city what it was.

So I'm very much inclined not to vote for this development and I think that as a council, we really need to be thinking about all of this increased density that I'm not quite sure we are prepared to handle. So thank you.

Mayor Ortega: Councilmember Milhaven and Whitehead, before we go into public comment.

Councilmember Milhaven: Thank you. I have to disagree with some of my colleagues. I think that Storyrock and this proposal actually makes incredibly sensitive treatment to our desert, and the rock outcroppings and the washes.

To put four lots on five acres I don't think is a burdensome density. And as we have seen, it's doing a much better job protecting the natural desert. I was on council when we approved Storyrock. Storyrock is absolutely, I think, an example of really sensitive development. It does so much more to protect our desert than if we built a grid of one acre lots. I have to disagree with my colleagues in that regard.

If they simply prefer to have 1 house per 5 acres I don't agree but that makes a better argument to say I would rather see lower density. I think this is very density. Also my friends at the McDowell Sonoran Conservancy. I don't see how this is creating any more of a burden and we have a beautiful preserve. I don't know that we need to stop people from building homes. So I will support this, but I'm not sure the rest of my colleagues will. Thank you.

[Time: 00:49:24]

Mayor Ortega: Okay. Councilwoman Whitehead.

Councilmember Whitehead: So we haven't seen certain species of animals in this area for a couple of years. So there's no question that humans -- we all know that. Humans have an impact. Cars have a huge impact. And I will say that we came dangerously close to putting a four-lane road in our preserve! And there are people on this council that wanted to do it.

That would undermine 30 years of voter intent, 30 years of voters going to the ballot box. 30 years of voters raising their taxes to protect not only the land, but to protect the integrity of the preserve so that it would be a living desert, not just open space. So Storyrock was -- it's 5 acres. So was it done well? Absolutely for what it is. Was it appropriate for this fragile area, that's up to each of us to have an opinion on. I say no. But it's built, and a lot of it is built, and I do appreciate the sensitivity that went into it, but I'm not going to support additional density in that area.

Mayor Ortega: Thank you. Just to get a break in here, at this point, I will call for public comment. There is no public comment on this for or against it. So I will close public comment. And that's part of what we do is allowing people to come forward. Getting back to Councilmember

Milhaven.

Councilmember Milhaven: I would like to say I have no recollection any member of this council suggesting a four lane road through the preserve, and any home is going to affect whether it's one per acre. Certainly, if you don't support, it I certainly respect the difference of opinion, but I would like to just correct the record. Thank you.

Councilmember Whitehead: Let me respond to it. There was a four-lane road proposed in our transportation action plan which this council this year -- it's been a long year, but this year we did pull it out and so 128th street for those of you who are interested will now have two dead ends.

So the section within the preserve will not be accessible by any vehicle other than emergency vehicles and it will be locked once Storyrock is completed because we had an agreement with Storyrock to use that road that predated the transportation action plan. Anyway, thank you. Again, this is a small ask but it's an area that in my opinion within overburdened with houses. Thank you.

Mayor Ortega: Okay. Councilwoman Janik.

Councilmember Janik: I was prepared to make a motion, as long as everybody has had a chance to speak.

Mayor Ortega: I was going to add some comment, but we can -- Councilwoman Caputi and then myself and then we will have a motion.

Councilmember Caputi: I wasn't really picturing us having this conversation tonight, but I just want to add one tiny comment. I want to remind everyone in the audience that we do have the largest urban preserve in America. We have 30,000 acres set aside for preserve land in our city. I absolutely think that we need to be respectful of our preserve and I think we are doing a great job.

[Time: 00:53:03]

The point is when we start coming out farther and farther from the preserve, where does that end? So I appreciate that you are trying to be respectful of the topography there and keep the natural wash area. And, again, I'm grateful that we have put aside so much land of our city into a preserve to never be touched. I'm confused about the idea of a four-lane highway through the preserve, but we can obviously discuss that later. Those are my comments.

Keith Nichter: Mr. Mayor, there was a mention of a stipulation, will I be able to address that real quick.

Mayor Ortega: Yes, please.

Keith Nichter: Katie mentioned there may be some concern about construction access because Alameda 5 is not part of Storyrock. So just to clarify, I understand concerns about previous approvals and how Storyrock is being developed may have some other opinions. I want to be clear that this is a standalone project. The four lots only represent less than 1% of the Storyrock development and the benefits of adding this to Storyrock immensely improve the overall development.

So we're open to making specific stipulations to this site but I hope it's viewed upon as its own project and not Storyrock. It's here to hopefully improve Storyrock and provide a second access to Alameda.

[Time: 00:54:42]

It will continue by providing a majority of the site as open space. If it's developed by one lot, the reality is the majority of that lot could be developed with a giant house that takes up more water or you don't have control over how that one lot could be developed. So with the four lots being introduced into the Storyrock H.O.A. and development, there will be required that what type of architecture, the type of quality that's built for the four homes. They are smaller lots.

The majority of the site will be desert open space. So again 62%. That means there's less water usage. No turf or anything like that, that could be associated with a mega mansion or whatever it may be.

Again, I would just say that we are open to stipulations specific to this case, but I would hope that the vote be based on this individual site and not what was previously approved. Again, I just want to make sure that that's clear and I appreciate that. And I'm open to talk about that.

Mayor Ortega: I will comment then whether or not permitted by your client to stipulate to any question -- such as a pro rated share of whatever development that has to be paid, utilities or whatever.

You can look into that to see whether you are stating -- you are open to a stipulation. But I don't know that you are permitted by the owner at this point. Think about that one.

The second point I would make is I do see the value of the connectivity when you have two cul-de-sacs and you have a barrier in between, people tend to route back and go another direction and make the wrong turn and so forth.

So having that connectivity between this property and Alameda makes sense. The approach of having the so-call naos within the ex -- excluded from the pad area, is also something that makes sense, in terms of being able to say, well, 50% of -- the property is -- remains natural. So

that's a plus.

The other thing that I see here is that the R1- 18, to the north, I see that density and it's like a sore thumb. That's right abutting this property. And then I believe to the east, you also have R1-18.

So, of course if you came in with R1-18, it would be dead in the water, as far as I was concerned. Now that would have been three times more density per acre than just the acre request. So it seems like it's a rational request, somewhat customized for the lot and the big plus is being able to either service that area police that area and then having the pro rated share of the entire development. Is that a rational situation? When I saw this culvert across the wash, I was thinking is that elevated or pretty much flat? Can you describe that a little bit?

Keith Nichter: Yes, it will be elevated to allow the water flows underneath the road. And, again that might not be something that would be guaranteed if this was developed on its own.

[Time: 00:58:33]

Mayor Ortega: Well, I'm just saying so rabbits or whatever could go through that culvert, I guess is what I was thinking when I first saw it. But I don't know if it was exaggerated. So obviously, the fallout from Storyrock remains. Obviously, in my opinion, you know, had this been a two lot density, rather than, you know, it would have been a more compatible step down, so to speak, because I think it would have been a -- almost 1.75 houses. It's over close to 5 acres. So it would have been closer to a two lot or two house density.

And that would -- would or could be more palatable as far as stepping down versus, you know, digging in our heels for a one house per acre solution. So that's the technical side of it. If this were a two lot solution, with adjoining or I want to call it a life safety road, connecting -- having a continuation here, it would make a lot of sense to me rather than, you know, somehow being an obstacle or an obstacle property.

[No audio]

You know, a little dumping area or whatever, if nobody is actually monitoring it. So I -- I'm just speaking generally that it seems like the solution of transecting -- bisecting this property makes sense to me. It seems like the standards you are saying you will keep up with Storyrock's standards but I don't think that you have an agreement other than saying it verbally right now in the resolution that would come forward.

There any other -- go ahead, Councilwoman Janik.

Councilmember Janik: I was going to make a motion.

Mayor Ortega: Sure.

Councilmember Janik: I would like to make a motion to continue this to first meeting in September. So that we can see some of these stipulations that we have discussed in writing and perhaps review or having you consider making it a two lot subdivision or rather than a five lot.

Councilmember Whitehead: Second.

Mayor Ortega: We have a motion and a second. Thank you. Any further discussion? I show Councilwoman Whitehead.

Councilmember Whitehead: I just wanted to say you did make an excellent case for -- you know so I do appreciate that and I do support the continuance, because I appreciated what you said and the mayor followed up with the benefit of connecting these and the benefit of possibly adding some stipulations.

My main concern was pulling 128th and that appears to be an option to pull that out. Yes, I support the continuation and some discussions between now and then.

[Time: 01:01:54]

Mayor Ortega: Okay. Thank you. Wherever there is a request for a continuance, we must talk to the city clerk because the city clerk handles our calendar. I will defer to you, Ben Lane.

Clerk Lane: Thank you, mayor. I was going to add in the motion could be amended to say until the September 13th meeting. That's the first meeting in September.

Councilmember Janik: That's fine. Thank you. So I amend it to the September 13th meeting.

Mayor Ortega: Thank you. And the second agrees. So -- second agrees. City attorney would you have a comment or to weigh in, please?

[Off microphone comments]

Mayor Ortega: So as we have pointed out, perhaps reviewing with the owner and looking at those stipulations. It would be, perhaps that the earliest date could be September or to be determined? If we added that verbiage, would that allow for us to move forward? So good point at this time. So the maker the motion says that September 13th --

Councilmember Janik: Or a date to be determined.

Mayor Ortega: The second agrees and we are in good shape. If -- if -- I mean, it's subject to the -- do you want to clarify it further?

City Attorney Scott: I'm sorry. I have too many people talking to me at one time. I'm not sure I heard all of this conversation, but for legal notice requirements, it's best to have the date set forward.

So if we don't know what date it would be, it would be better for the motion to a date to be determined.

Councilmember Janik: I'm fine with that. So the motion would be that we put this -- we continue this request for had the ordinances 4553 and 12526 to be discussed at a date to be determined.

Mayor Ortega: Thank you. That was a motion for the continuance. And the second.

Councilmember Whitehead: I second it.

Mayor Ortega: Thank you. Any further discussion? Seeing none, please record your vote.

Vice Mayor Durham: Vice Mayor Durham votes yes.

Mayor Ortega: Okay. It carries 6-1. Ms. Caputi dissenting. Next, we will move to the -- thank you very much. Good luck with your project.

ITEM 21 – MEGERDICHIAN RESIDENTIAL HEALTH CARE FACILITY REZONING AND CUP (25-ZN-2018 AND 19-UP-2018)

[Time: 01:05:06]

Mayor Ortega: Okay. Next, we will move on to item 21 on the regular agenda. Megerdichian residential healthcare facility rezoning and conditional use permit. There would be two actions taken, one is case 25-ZN-2018, and the other would be the case 19-UP-2018 use permit. Our presenter staff coordinator Greg Bloemberg.

Greg Bloemberg: Thank you, Mayor Ortega, councilmembers, Greg Bloemberg here to give you an introductory presentation for cases 25-ZN-2018 and 19-UP-2018, the applicant will also have a presentation after mine. The site is located on East Cholla Street, basically just -- this is the loop 101 freeway to the west. I think this is either 88th place or 88th way. I can't remember which. But that's the intersection where this property is located.

There's single family residential to the north, to the east, and to the south. Closer look at the property, there's an existing church or a place of worship, I should say that occupies the northern third or so of the property. The request is to rezone approximately two-thirds of the parcel, basically the southern two-thirds to r4 to allow for residential healthcare facility, a place of worship. Zoning to remain R1-35.

As I mentioned, the property is presently zoned, the entire property is zoned R1-35. In this request is approve -- if this request is approved there would be R-4 and then the R1-35 for the place of worship would remain. The general plan land use is suburban neighborhoods and has been determined that this site is consistent with that -- or the proposed use is consistent with that classification.

So a little bit of a request summary and background for you. Again, the request is to rezone from R1-35 to R-4 for approximately 4.8 acres of a 7-acre site. And also a conditional use permit for a residential healthcare facility on that same area. There's been considerable dialogue between the applicant team and neighbors. I believe at least four open houses have been done to date. I don't know if there's been any more but the applicant can go into that.

Primary concerns raised by the neighbors to staff's knowledge are traffic and contextual compatibility of the proposed use. So at the January 26th planning commission, the -- both items were on the regular agenda, and the planning commission did recommend approval of the rezone 4-2, however, they voted 3-3 on a motion to recommend denial of the CUP for the residential healthcare facility, which for the bylaws constitutes a recommendation of denial on the conditional use permit.

[Time: 01:08:35]

So I want to make sure that that was clear. Revisions to the project design since the P.C., the planning commission hearing, there was quite a bit of comment about the design of the project in terms of the compatibility and the applicant has made several changes that I want to point out and they will go into more detail in their presentation as well.

There will be additional trees along the east and the south property lines. There's going to be step backs added to the east elevation at the northeast and the southeast corners the building to mitigate some of the massing and building height. Windows and balconies were originally proposed on the east elevation and there's no eyes looking to the east towards the residential and the building design was designed to incorporate residential elements into its design.

So in terms of development standard for the r-4, the proposed r-4 zoning, building height allowed is 36 feet, exclusive of roof top appurtenances. So there will be no mechanical screening or anything of that the nature above 34 feet 11 inches. Open space required is 46,293 square feet provided. 73,736 square feet. And so quite a bit more than was required. From a density perspective, there's two different types of uses proposed.

There's two different types I should say intensity proposed for this project, specialized is where 24-hour care is needed, and minimal is where the residents are more independent, and don't necessarily need all that 24-hour care. For the specialized portion of the residential healthcare facility, the maximum density is 28 pedestrians per acre and the minimal, 14 dwelling units per

acre. That's a maximum of 115 units allowed and 57 units allow. And the applicant has agreed to allow the density to 10 pedestrians per acre or 48 beds and 10 dwelling units per acre, 48 units.

The minimum requirement is 247 spaces for the entire site, 153 required for the church, 94 for the residential healthcare facility and 251 spaces are provided. A context aerial, you have residential surrounding, exception for the 101. You see the main building here. That will be used for residential healthcare. This is the proposed building. And landscaping and open space along that property line adjacent to the residential is somewhat enhanced. And it will include some additional trees. As I mentioned.

To that end, this is a tree case, and it's stipulated in the ordinance. They are committed to adding 36 and 48-inch box trees in addition to what was shown. So there will be vegetation along those property lines. So there was discussion about the property -- about the building design, there was a concern that the building design was not residential enough in character.

It looked more commercial or institutional this was the original perspective that was presented to staff, and that has since changed. So I wanted to make sure that that was clear. This is the latest perspective there's another one following this is the northeast corner. You can see the step back, this is the second story or the third story. Which was the request of the neighbors.

[Time: 01:12:45]

As I noted, no balconies or windows are on the east elevation anymore. Here's a better view of that step back for your consideration. So the action recommended by staff is to adopt ordinance 4558, approving a rezoning from R1-35 to R1-4, for approximately 4.8-acre portion of a 7.4-acre site. And approve the resolution 12557, for approving a conditional use permit. I will turn it over to the applicant for its presentation.

Mayor Ortega: Thank you, Greg. At this point, we will move on to the applicant's presentation and then public comment. I believe we have Ed Bull.

Ed Bull: Ed Bull, 1850 north central avenue. As you know, I'm here on behalf of the diocese and the local church. We have an archbishop here. We have the diocese manager here. We have the project architect, and a number of others. We appreciate –

Mayor Ortega: Use the mic.

Ed Bull: Ed Bull, 1850 north central avenue. I'm here on behalf of both the diocese and the local church. This is, as you know, a church-owned property, a church-owned senior housing facility. An archbishop is here, and diocese manager and others. Taking a look at this particular aerial, as you can see, this site lass about 990 feet adjacency next to the freeway.

As is indicated on the aerial that freeway carries between 165 and 195,000 trips a day. It carried

195 pre-pandemic. It's probably back up close to that now. As you can also see on this site, there's no pedestrian access, except the northern perimeter used by the church for years. On this particular aerial, the yellow buildings up towards the north end and the south end exist and will remain.

It's the purple h shaped building that is intended to -- is proposed to be built. I would like to say to the north side of the h, towards the west end is where employee and guest parking would be. Down next to the building on the south on the west side is where additional employee parking would be provided.

As staff pointed out, we have excess of parking. And in this building there will be trash and dining and those kind of activities. Those activities are far to the west, underground and away from any neighborhood. The entrance to this site, to the building itself, is also on the west side. So all activities are over on the 101 side of the building.

This is really a duplication of what Greg was saying, the r-4 and the conditional use on the blue and the cross hatching. Importantly, I believe is that I should point out as you already know, that the r-4 with the conditional use permit limits the use to this particular residential care facility. It's not an apartment. It's a minimal care and specialized care residential facility.

[Time: 01:17:40]

As was mentioned, looking at it on the campus. We have more open space than is required. We have more open space on the conditional use. We have only about 14.5% building coverage on the site. The planning commission asked that we address three issues. One is to provide for additional and larger perimeter trees.

And the second is the step back on the east southern tip of the h and thirdly was deal with some architectural enhancements. If we look at this exhibit on the left-hand side, the red box outlines where the commission asked us to put larger trees in. The right box as staff had on the screen, shows where the church has agreed to put larger trees. 36-inch and 40-inch box sized trees.

We were also asked subsequent to the commission hearing to change out a previously proposed species from mesquites. We changed them out to blue Palo Verde. Again, large trees at planting all along the east and south perimeter, although the commission's request was just to the east of the h shaped building.

As staff had on the screen, sorry. I'm jumping around here somehow. As staff had on the screen, on the left is the original design the building. And while art I know believes the original design was perfect the way it was, the commission asked us to stair step back the h part. We took them down to two stories along the eastern-most edge. The general plan, as you know, talks about senior housing and the importance of senior housing, which is exactly what this would be.

As you know, we are proposing 48 minimal care communities and 48 plus 10 specialized care units for those totals. The general plan, as you know designates the site on suburban neighborhood. Based upon how the uses are set up in r-4, the -- when you are dealing with residential healthcare, 48 minimal care units, are really the functional equivalent of about 27 homes. We can do the math on the density, but 48 on the r-4 is about 6.75 if you are looking at it as being the equivalent of 27 home or on the overall church campus, because this is the only residential that's being added 3.65 homes. These perspectives you have seen. Again, showing that stair stepping back.

We also know that a benefit of this proposed development it's being located proxy mate to the freeway. We had an independent expert run his analysis. It will result in a 5.2 decibel reduction in traffic. What does that mean? What means per Tony Sola who is a respected acoustical consultant is the effect of reducing traffic by about 70%. We have heard in various meetings. There's only one way in and out of the church campus. We respectfully disagree.

The yellow lines indicate Cholla is a west-east way in and out and there's multiple north-south ways in and out coming down from cactus. We offered, it was not accepted -- maybe it will be tonight. We offered and studied whether any traffic mitigation is required on Cholla. Our traffic engineer, Don Cartier concluded no. I believe your staff also concluded no. It is not required and I asked Don hatter to talk with city staff about that, transportation staff. It's my understanding they still believe no mitigation is necessary.

[Time: 01:22:27]

Nonetheless, we have offered on the church's nickel if the city will allow it, to put up 25 speed limit signs and the south side of Cholla to put up no parking signs. We have door-to-door, website, and meetings and this slide is now out of date. We have submitted about 350 letters, emails, signatures, so on and so forth in support. In conclusion, on behalf of the diocese and the local church, senior housing is an important part of the church's mission.

We have worked hard to answer questions and concerns and made many changes along the wail and took the challenges provided to us by the planning commission on landscaping and architecture and so on and did far more than asked. We know the community, if allowed to develop it, will see benefit from this development.

We know we will be reducing noise and we know we will generate minimal traffic and we know we are providing more parking, more open space, more landscaping, more setbacks than what your code calls for.

We thank you for -- we thank you for allowing us to be here with you this evening. And we request your council's approval in accordance with staff's recommendations. If you have questions of us now, I will do my best to answer them.

Mayor Ortega: At this point, we will move to public comment and we can reserve your response to other questions.

Ed Bull: Thank you.

Mayor Ortega: Thank you very much. At this point, we will have public comment on this case. I ask you to refrain from any outbursts or clapping and so forth. We will get delayed. Let's keep the conversation cordial and direct and with that we will begin. I do have a list. I encourage everyone to keep to three minutes or less. At this point, I would ask his eminence archbishop to please come forward.

[Time: 01:25:08]

Hovnan Derderian: Thank you, Your Honor. As well as honorable members of the city council, and distinguished guests. I'm delighted to be here on behalf of the western diocese, which has been established 1898, in North America. And we are a growing community and I'm responsible for 13 states where we have communities in the West Coast, west of Mississippi.

And Arizona is one of our most important communities and I'm very happy and appreciative to see that communities thriving and growing, specifically with God-pleasing missions and this is to me very important mission. A mission for the people of God to serve the people of God to make sure that our seniors are living comfortably.

I believe that Saint Apkarak is pursuing a noble mission, a humanitarian mission, with the initiative of senior residential living facility. So that is the goal. That is the purpose, and I was so happy to see the project was presented in a very rational way. We are abiding by the law.

It's a God-pleasing mission but it also has to be law-abiding steps and that, I believe, has been taken care of very, very seriously. The facility itself, as I said, will serve not only the church community, about you also the larger community. We are not building a senior facility for the Armenian church and Apkarak, the apostolic church. It will be a facility for the community.

Yes, we want to keep our identity as the Armenian church, but we are immersed in this community. We live in this country. We are dedicated citizens of the United States of America, and in as much as we love our culture and heritage, we also love our neighbors. We care for them and we will continue to do so for the future.

So truly, this initiative, in this initiative, taking this important initiative, we are partnering with the city of Scottsdale to make sure that we serve our people in the most efficient way. God bless you and thank you for this opportunity.

Mayor Ortega: Thank you. Next we have Harute Markarian, and then we have George Urtel.

Harute Markarian: Good evening, everyone. Councilmembers, city officials, we have been a part of this neighborhood for over 30 years. As many of you are aware, we have been exploring the expansion plans options for many years over four years to be exact. At the core of our intent, are two equally important pillars.

First one is alignment of the Armenian church and the second one is equally as important, is the impact on our neighborhood. On multiple occasions and absolute good faith worked with our team to address the various concerns our neighbors have had. We've had -- we have addressed many of those concerns to the best of our abilities, stopping short of terminating our plans.

We fully understand, unfortunately, we cannot appease everyone. But we have done our utmost to address major concerns and look at the building heights and setbacks from the nearest neighbors. We genuinely believe that a senior facility would be the least intrusive project in our neighborhood. Contrary to what some may believe, senior facilities do not generate the amount of traffic as a school, for example, would.

Nor would it generate a substantial amount of noise. Our land remains vacant for many years as we kick around ideas on what to do. Our land cannot be vacant forever. Our intentions were never to maximize the space we have, but it was to build something that would become a part of our -- part of the fabric of our community.

[Time: 01:30:00]

We want to maintain the fabric of our neighborhood, just as everyone in the neighborhood. He would ask the councilmembers to approve our project to build a care home that will serve our greater community. Thank you in advance for your consideration. God bless you all.

Mayor Ortega: Thank you. We have George Urtel and then a mark Roman Mach.

George Urtel: George Urtel, north 128th way, Scottsdale. Mr. Mayor, council, when these two items came before the planning commission last January, I voted against recommendation on both the zoning and the use permit. Why?

Because in this neighborhood, three stories and a block building is just too tall. It wasn't about traffic, as the traffic projections based on employees, residences in support, are modest using the engineers may tricks. It wasn't about noise. If anything this building would help to buffer noise from the 101. My issue was all about relative height.

The proposed setback on one corner just wasn't enough. But here was my mistake. The conditional use permit is not about height. While the discussion and the stipulations turned it into a vote on height, the reality is the permit is not about height. The use permit is about residents. I lost sight of that. I was wrong to vote no on a use permit for a senior health care residence. This location is an ideal site for this.

A quiet neighborhood, an affiliated church. It's just a great location for a senior residential facility. And clearly, such a residence would contribute to fulfilling Scottsdale's value on aging in place. And lastly, we hear a lot about being resident-friendly. There are a lot of residents in Scottsdale who rent, and the folks who would be living in this proposed senior home really have no choice but to rent. They are at a stage of life where they cannot take care of a house. Let's be residential friendly.

It's been fixed by not just a setback at one corner but the entire eastern edge. What was a height issue last January, should not be an issue. I would recommend the zoning amendment. Given the facts and values, I was wrong to vote against recommending the use permit. I hope you approve both the zoning and the use. Thank you.

[Time: 01:32:52]

Mayor Ortega: Thank you, Mark Romanmach. And I believe we might have a remote -- do we have anybody -- okay. Excuse me.

Mark Mach: My name is Mark Mach, I live on north 188 place in Scottsdale. I have been a resident here since 2011. Good evening, mayor, Vice Mayor, councilmembers and fellow residents. The proposed site is just over the rear wall of my backyard. On behalf of the community, I provided a petition to the council, it demonstrates strong resistance to this project by the surrounding community.

We received 168 signatures, that's one person for every two houses within the community surrounding the area. The preamble discusses the many concerns many more than were presented earlier held by the community about this site. I strongly encourage the review of it, because it is a key piece of evidence that represents the community's sentiment. One of the key factors about this issue is the character of the community. We have three single family neighborhoods and all sides of this site, even across the freeway, they are single family communities showing that single family communities can live adjacent to freeways.

The proposed structures unprecedented. It has a dining room bigger than my entire house. It's three stories in height. It towers over the neighboring properties and there's nothing in the surrounding neighborhood that has any of this. Nothing approaches the same population density, the amount of parking or the number of residents. Why does it need to go here? Why can't it go someplace else more suitable?

I find the need for this location to be the site rather odd considering that there's already 20 assisted living places within 20 miles and three major facilities within a mile. Given these options, why would we force an incompatible structure into the neighborhood? As I called out in the preamble of the petition, we can expect impacts of property values, privacy, noise, traffic, and many other concerns.

I ask that this proposal be disapproved and that the diocese find another location where this facility can be compatible with the surrounding neighborhood. This would give us a win/win scenario for all involved. I would like to address a couple of more items that were brought up earlier.

I noticed that there were accommodations made to decrease the noise. We currently have no complaints with the existing noise. Everybody is living happily, there a 5-decibel noise reduction, it may be helpful, but we never asked for that. We don't expect that and I would rather have the facility not in that case. Additionally, the trees will block additional sun from my backyard.

I go back in the evening and the trees will be blocking the sun, something I will no longer have. The four neighborhood meetings resulted in this project growing in scale from the original concept. I don't understand how all of these meetings can go and the project only gets worse and worse and worse and not better. Thank you for your time.

[Time: 01:36:10]

Mayor Ortega: Thank you. Sadeek Martida. And then Dan Ishac. So do we have Sadeeka? Thank you. We will then go to Dan Ishac and Paul Katz.

Dan Ishac: Mr. Mayor and council, Dan Ishac, I believe the council should be making two criteria. One does it meet the needs of the city and the residents; and two, it do so without materially harming the community.

With regard to need, everyone on that dais is well aware of the housing shortage not only in the city but in the valley. Most of you have expressed the concern on the impact on seniors not just the housing costs but the inflation we are currently facing. And most of you are aware of the benefit of seniors to be able to age in place. This project does that.

Opponents incorrectly conclude that there is no need based on a Google Search of similar facilities that ignores the demand side and therefore their conclusion is false. Note the project would also benefit the city with increased employment and related economic activity. So second, what is the impact on the community?

The opponents have reasonably expressed concern with several items and we'll get to that. While I do believe that the council does need to take input from residents, I would like to remind you that we are a city of 240,000 residents, a few hundred opinions expressed do not necessarily reflect the entire city. And note that both the proponents and the opponents of this include people who are not even in the community.

So the reasonable concerns that the opponents include traffic, lighting, privacy, noise, trash, et cetera. With regard to traffic, as is already presented, the traffic study showed that this is not

going to be a significant impact. The opponents disagree with this study, but I would like to point out that just because you don't like the outcome of a study doesn't mean that it is wrong.

Haven't we had enough of that nonsense with the 2020 election. With regard to the other concerns, the church, its representatives and the designer have made considerable changes to the project to address them. With -- and we already heard about the windows, the balconies, the lighting, moving the outdoor space for employees, the trash being housed and the tree line perimeter what remains is the mistaken belief is that purchasing a property gives the resident the right to control what happens on adjacent properties.

I purchased my home on a development across from tribal land. I understand I have no claim over that tribal land and at any point the nation can choose to build something that would significantly impact negatively my community. Moreover, my specific lot abuts naos by the city. They can decide that a path or tree removal for fire mitigation or a canal for flood mitigation would be necessary. I don't get to agree that. Some of the opponents have also said that single family homes would be okay. I wonder if they wonder what if short-term rentals were built in that area instead of that project. That would be a far greater impact on them.

This project meets the significant need of the city. And it has minimal adjacent need and it's far better than other options. I encourage the council to support this project. Thank you.

[Time: 01:40:11]

Mayor Ortega: Thank you. We have Paul Katz and then Artin Nagin.

Paul Katz: Mayor Ortega, members of the city council, my name is Paul Katz. I live at 8862 east Cortez Street which is on the northwest corner of 89th street and Cortez. And I have been a superior court -- I was a superior court judge here for 21 years on the Maricopa County superior court. I have been practicing law for 46 years and the last 12 years I have been representing the Arizona State land department doing a lot of planning and zoning work on Arizona State trust land.

So I am familiar with a lot of the zoning requirements of the state and of this city. And the developments of this area, when we bought our home in 1978, and we have been in it for 44 years, we were the only subdivision that was built with three or four homes per acre. Everything around us, including the church property was one home per acre. The densities have dramatically increased over the years and I don't have a complaint with that.

But the acreage that the church received was donated to them. It's 8 acres and completely unfit for residential or commercial development because it is totally land locked. The church has been a wonderful neighbor, and it was built with no opposition or very little opposition from our community, and there was only an increase of traffic on Sundays, until a couple of years ago, without notice to the community, a school was opened up to the church facility and now we

have traffic coming on Cholla.

And Cholla avenue or Cholla street is the only entrance that you can get to this church, and I will put up some photographs in just a minute. But the school was added and now we have traffic coming down 89th street, the street I live off of and on Cholla during the school year. The church is climbing multiple roadway access. That map is a farce or a fiction. The real access is cactus to 89th street south to Cholla and then you go west on Cholla to the church entrance.

The other access is off of Shea to 92nd street north and you turn west on Cholla and then you are heading into the neighborhood. The -- at the zoning committee hearing, the church did a marvelous job of bringing 10 or 25 church members, none of whom live in the neighborhood and affected by increased traffic. When you have 70 or 80 apartments, three shift changes and trash and food trucks coming in and out, three shift changes.

Nothing but a church probably would have been allowed there. I just wanted to post -- I'm going to wrap things up but I wanted to post three pictures if I might on the Elmo. If I might. I don't know if this is on.

Mayor Ortega: 4 seconds.

Paul Katz: This is Cholla. It's narrow. This is the only -- this is still on Cholla. The church is on the left and its only entrance is right there. And lastly, this is the entrance there. That's the only way in and out of this property. I think the church is going a marvelous job with its religious and educational programs, but it's not a fit location for a huge development that will substantially increase traffic.

Mayor Ortega: Thank you, Mr. Katz. Next we have Artin and then Gian.

[Time: 01:44:40]

Artin Kanagin: Good evening, Mr. Mayor, councilmembers. As the mayor said, my name is Artin Kanagin, I have an architectural office. I have been a registered architect for 40 years both in Canada and here in Arizona. I practiced architecture here since 1998, and have been blessed to be involved in a multitude of projects, ranging from seniors residences to the Jewish community campus, the Wickenburg seniors community center, the financial center at Kierland office building and semi-custom homes for Camelot homes.

Mayor Ortega: Get closer to the microphone.

Artin Kanagin: As a principal of our firm, I think the team has worked diligently to create a design that supports our client's needs, while at the same time responding to the neighbor's concerns. However, I'm not here to discuss the architectural merits. I think others have done a fine job regarding all of that.

I'm here to talk about a larger vision for our community and about compassion. I had the honor the last six years to assist my dear friend who went through many travails up to his death at 91 years of age this past April. Furthermore, I have just returned from Montreal, where I had gone to attend the funeral of my dearest mother-in-law. She passed away at 89 years old, after many difficult months of life the last months of her life.

Tonight, I arrived -- the night I arrived in Montreal, I rushed from the airport to flurry hospital to visit my own mother who had fallen, broken her hip, had surgery, then stopped breathing the day I arrived. That was the day of my mother-in-law's funeral. My mother was in the ICU barely conscious. I was in disbelief wondering if I was living some unreal parallel universe, life in some other universe.

I'm pleased to say that so far, my mother on my sixth day in Montreal was able to return to a regular hospital bed out of ICU. At 88 years old, she miraculously came back. Trust me, I wouldn't have ever dreamed of making any of this up. The story is about our lives. And why is my recent life's story relevant to what I'm asking for today?

Because it tells the story of our elderly, our parents, our friends, and if we are blessed, with long lives, our lives. The best societies in the world are judged by how they treat the most vulnerable groups in the community. The elderly population has enough issues to go through on a daily basis. We need to be compassionate.

Mayor Ortega: Thank you, you are expired.

Artin Kanagin: I firmly ask the council and the mayor to support this project.

[Time: 01:48:39]

Mayor Ortega: Thank you very much. We have Mary Sadian. And then Scott Mardian.

Mary Sadian: Thank you, Mayor. Thank you, council. My name is Mary Siadian, I live on east Clinton Street in Scottsdale, just two miles away from our church. I am a St. Apkara community member and councilmember. I had aging parents. As a daughter of parents who were in need of care, seniors are near and dear to my heart.

As they grow old, I know firsthand how we need to take care of them, and how vital it is that they are cared for with all their necessities. And many times it is difficult for us as their children to give them the care and the nurturing that they need, the attention, the emotional care, the entertainment, the exercise. Just imagine the ability to come to church for services, to attend community functions right next door, without having to drive there. And this center is for everyone. It is not limited just to Armenians.

The number of seniors in our growing aging population is outstanding, and therefore, the need of a center for them to live with professional caregivers is vital. And I feel very strongly for the approval of this project and I hope you will have the compassion to vote yes. Thank you very much.

Mayor Ortega: Scott Mardian and Gary Parazini.

Scott Maridan: Good evening. Thank you for the opportunity to speak in favor of this request. My name is Scott mardian. My address is 5710 north third avenue in Phoenix, Arizona. For the last 16 years I was a senior member of the staff at the Beatitudes campus in Phoenix. The Beatitudes has 650 residents and 450 employees. The campus was founded in 1964, as a church-based senior living rental community. And is nationally known for excellent care.

During last 16 years, the beatitudes has requested two major zoning PUD requests. In 2005, the first city hearing the first rezoning request, a few of the neighbors voiced forceful oppositions for issues that happened with the campus years before. In that first vote -- with the Alhambra, so six weeks later, we were able to make another presentation after they had heard what complaints the neighbors had.

In that next vote, with the Alhambra, it was in favor and each vote successfully after that, the board of adjustment and the city council meetings were all votes that were unanimous. I relate this to demonstrate that once the facts were fully presented and the community understood the entire scope of the project, the objections subsided. That project was 199 new units, not 48. 199.

[Time: 01:52:29]

Property values were suggested and that project was also three stories. Ten years later, in 2015, the campus went for a second rezoning request under the PUD system. At those hearing Alhambra, the neighborhood spoke in favor of the redevelopment because they had a chance to live ten years with the campus and see the advantages that the campus brought. Which is affordable living for senior aging relatives, classes and activities.

The primary source for new residents at the beatitudes is those residents closest to the neighborhood. You get more from the first mile. The next group is two miles, three miles, four miles, five miles out. I'm here to tell you today that based on my experience, once this project is completed, the surrounding will no longer have fear of the structure. 199 units is what we were able to complete. There's a tidal wave of elders coming. Sorry about that.

There's a tidal wave of elders coming, additional excellent care facilities are needed. I believe this development will be another excellent and sorely needed senior living community. Thank you.

Mayor Ortega: Thank you Mr. Mardian. Gary Parazini and then Dr. Garin Palangian. And so we have Gary.

Gary Parazini: Good evening. Thank you, mayor, councilmembers. I'm Gary Parazini, 8825 east lupine avenue. I have been there since 2002. I have been a Realtor and a real estate broker in the city of Scottsdale for over 30 years. I have been in and out of communities, rating these communities for my clients for decades. And this sort of development in this community will have a huge impact because the traffic alone, had you have, I'm sure, what's considered light density, but the problem is that you have all the support vehicles.

You have all the construction vehicles. You have all the visitation vehicles, all the staff vehicles, and there truly is one way in and one way out. So lupine is the first street north of the entrance. And I'm the first house in. So the impact is definitely going to be felt. The church has been a phenomenal neighbor. I have experienced them over the entire time I have lived there. They reach out very nicely.

And it really has nothing to do with any sort of religious or bad neighbor sort of circumstance. We are talking about an ecosystem here, much like you have up around the preserve and in this environment, we are preserving the quiet enjoyment of the homes that these people live in. And then we happen to be one of them. The interesting thing is I have never met Paul. Paul hit every single detail that was on my mind. I never met Paul.

[Time: 01:56:36]

So these are not imagined and this is the nature of that neighborhood. I'm not quite sure what to say to the church. I understand that they need to commercialize in some way but the ecosystem we're in now has five vacation rentals, two treatment-center type homes, one care center in one of the cul-de-sacs and what we have is the commercialization of these neighborhoods.

We are inserting business into these residential neighborhoods and the impact of this business piece in addition to all of those other components completing changes the ecosystem. Thank you for your time.

Mayor Ortega: Thank you. We have Dr. Garen Palangian and then Steve Ovanasin.

Garen Palangian: Good evening councilmembers and thank you for giving me the student to share my excitement for the Megerdichian residential healthcare facility. I want to express that I'm an ordinary person who came here. And as you read my name, I heard some of the opponents in the crowd scoff and I heard negative types of comments being made despite there are pleas for trying to say there's no issue with our community.

So I just would like to express I feel a little bit of that tension and that threat from them, which is

unfortunate because I'm an ordinary person. I'm a faculty associate at ASU Mary Lou Fulton Teachers College. I don't live behind the church but I actively enjoy the arts and the cultural events of the city. I especially also enjoy attending the St. Apkar Armenian church, which is where I go and I enjoy the educational and cultural events that take place there.

I'm sorry if I'm shaking a little bit. I'm disappointed that members of this community have so much hatred for people who offer nothing but just being contributing positive and I'm keeping an eye on the clock. So yes, building on -- so the fact that there's educational opportunities. Spiritual events and the Armenian fest will be in November for the dance and food festival that we.

Have building on these contributions I believe that the center will only be able to further enrich the cultural fabric of our society. The facility will offer full services awe already heard the details to the elderly in a warm, friendly environment. And I'm here to urge you all to vote in favor of number 21, the Megerdichian residential health center. Thank you for taking time to hear my voice.

Mayor Ortega: Thank you, Steven, and Barry Dirk. So Steven is not here. Barry Dirk.

Barry Dirk: I was prepared for six minutes to discuss both agenda items. So I really condensed it.

Mayor Ortega: Please state your name and address.

Barry Dirk: Barry Dirk. 8808 east Pasquel. I oppose this nursing home being built at the corner of Cholla. This is similar to what I read, spot zoning, using a classification totally different for the benefit of the owner of such a property and to the detriment to the owners and it will be really a nuisance.

[Time: 02:01:05]

Secondly, Scottsdale general plan was to protect the character of the neighborhood and it's a suburban character with low building height and this will be a higher height. Suburban streetscape to strive compatibility and safety, which increased traffic will be a real detriment to people's safety.

The goals and the policies of the land use reflect careful consideration of designed lap uses and criteria that should be carefully considered when contemplating a change in land use categories like this one. How much time do I have?

The character is not compatible with the types of use permitted in the surrounding neighborhood, including the design height and other elements consistent with the surrounding neighborhood. What happens if the project fails? Nursing homes do, you know, go out of business. It's a business. What will happen to this eye sore? Okay.

I had a question. There was a family member -- there was -- I live on the southeast side of the church. There was a large plume of smoke and we looked over the wall and there was a fire surrounding the neighborhood. The family member went over to the Armenian church to find out what was happening with the uncontrolled fire with nobody there. And Jerry told the person, you cost me \$10,000.

So in other words, these photos will show the trees in question. We called code enforcement many, many times on the church to no avail. They had to get code enforcement out.

Mayor Ortega: Try to stay close to the mic. Otherwise, we are not reading you.

Barry Dirk: Here's the swimming pool that they refuse to drain the water out of. That was part of the church asking them to clean up. We had homeless people coming around, jumping over my wall. My home was broken into. Asked them to please clean it up to no avail. It's part of the trees that were there at one time. Can you see it okay? And those are the trees that they were probably burning. Another part of the house they refuse to clean up.

Mayor Ortega: Thank you, Mr. Dirk. I think we see your point if you want to wrap up.

Barry Dirk: And this is the old. And this is the current. The current status of the group home that I live behind. Nobody is living there. I took this picture of the front entrance. Beautiful cactus tree. That's the entrance to the church. Here's the back of the church, the group home. Same driveway 20, 30 years ago. Nothing has been cleaned up. I have to look at these weeds behind me.

Mayor Ortega: Mr. Dirk, I'm sorry you expired on time. We have gone over two minutes. So I appreciate it. You can –

Barry Dirk: Weeds. It just goes on and on. Gophers. It's unsafe. This is my backyard. It should be denied.

Mayor Ortega: Next speaker is Bedros, and next speaker Eve. So if we have Bedros.

[Time: 02:05:21]

Bedros Dersian: Good evening Mr. Mayor, members of council, city staff, my name is Bedros Dersian, I live in Phoenix, Arizona, I'm a member of the Armenian church, I'm the treasurer there. I'm for the Megerdichian rezoning project. This project is very important for the community and the surrounding neighbors at large. It will provide the services needed for seniors in need.

We have seniors that don't have loved ones that live next to them to take care of them, like

some of the members mentioned that require a senior living in this way. And also some of the seniors that wouldn't have loved ones around them, or living by themselves, they would like to live on the church's ground and live close to the church. Not just Armenians. Anyone in the neighborhood.

One thing I ask of you, is you must see beyond the negatives that was brought in tonight about this project. And look into the future that this project will serve the community at large. One thing that was mentioned about too much noise, every day, every hour, every minute, you hear trucks going by, planes flying, trash cans being kicked around. We get the trash company come and pick up our trash. They make noise. Noise cannot be eliminated. We have to live with noise. That's part of life. So noise cannot be controlled.

Like I said, I ask of you to see beyond the large benefit this project will bring to the community. And also some of these pictures that saw, they are not there anymore. This is probably, you know, many, many years ago.

And one thing I should mention, when the land was vacant without the existing senior living, we had numerous, numerous residents that the jump the fence and create disturbance and the police report reflects how many incidents that the politician was called into our complex. Thank you very much and God bless you all.

[Time: 02:08:02]

Mayor Ortega: Thank you. We have Eve Nagian and Taja stoleki.

Eve Nagian: Hello, my name is eve. I grew up going to the Armenian church for the last, what, 25 years and now I'm a mom too. And so I'm kind of looking to the future. Yes, it's big and different and a big change to the neighborhood, but I see it as a way to help our small community continue to flourish and just allow us to also extend our rich culture and heritage and yummy foods and all of that into our community.

And so -- what else did I want to say? Armenians will do everything with love and care. We already tried to accommodate what our neighbors are requesting. And we will sin to do that because we respect our neighbors so greatly, just as we hope they respect us, which I'm hearing a lot of you already do.

So I think that kind of concludes what I wanted to say. And who knows, maybe some of you neighbors will be able to stay in the neighborhood if this gets built and just move behind your house and stay nearby your Fry's and Barnes and noble. I grew up in this neighborhood too. And I hope you approve this project that is near and dear to our hearts.

Mayor Ortega: Thank you very much. Targa Soleki. Are there any others that you saw?

Tarria Soleki: Hello, my name is Tarria and I live about two blocks from the church. I had no intention of speaking tonight. This is the first time I have really listened to the proposal. I simply have a request. I'm not against it. I love the idea of working with seniors. I also love the idea of expanding the neighborhood.

My two requests are potentially -- the road is pretty skinny that does drive to the Armenian church. I have two kids and we bike all around there. The idea of huge trucks and a lot of other things there does create a bit of concern.

So my main wonder is whether or not we can expand the sidewalk into that wash so that it opens the treat a bit more so it's just safe for the children in the neighborhood? So, you know, that's one piece. And then also is it a potential that the neighborhood could appreciate the landscape? I'm aware that we have owls coyotes and different wildlife that will get displaced by creating this. That's life. I know that.

It would be wonderful, though to know can we participate in this space? Is there a way to incorporate the neighborhood children or some -- something that creates light and, you know, young life that can be witnessed by seniors or incorporating more the community to enjoy the beautiful space that you are wanting to create? So that's just coming to me. I'm for harmony.

[Time: 02:11:50]

I'm for if it's meant to be do it, it sounds beautiful and I support it. And I also just want to make sure the residents are sort of supported, right, that we -- that we also know that some of our needs are being met and see specially because we have children that are young, I have concern.

I walk that area all the time and even now without extra cars, which I don't know how many more it will produce, there are so many people that don't notice walkers and bikers. So it does bring a bit of concern but I'm aware that's sort of everywhere, right? So I do love the idea of adding the speed limit signs even though they are not required, just because of safety and I would -- just because I'm an environmentalist, I love what we have done with the preserve. I fought very hard for that as well.

I would love the idea of incorporating some of the natural landscape, the creosote bush is incredible and it's good for the environment and the animals around. Maybe not completely annihilating, it but incorporating some of what's already there. And I guess that's really what I had to say. I bought a home in this area because my kids went to the mission Montessori there. I love being there. The energy has been great.

I think it's wonderful to have this as a hub and I just would love to see it sort of maybe more encompassing of the community since it has a little bit of challenging energy. I have never done this before. Thank you for listening to me mayor and councilwomen.

Mayor Ortega: Well, you hit a home run. Honestly. I thank you very much for your honesty and the feeling that you have brought to the forum today.

At this interest point, we would call back in the applicant to answer any questions or discuss any issues that were brought up in public testimony. Accordingly, I will close public testimony. Go ahead, sir.

Ed Bull: Thank you, mayor, council. This is a church owned vacant infill site adjacent to a freeway that carries somewhere between 165 and 195,000 cars a day. This is a comparatively small development. It is for senior housing on a church campus that will be respectful. You will drive past the sanctuary to get to and from the front door of this facility if it's approved, the front door that will be on the freeway side. It certainly is not spot zoning. If we had a zoning map up on the screen, you would see immediately east of us is R-4 zoning. Our ask is R-4 with a CUP that does not allow some of the R-4 uses but instead is limited to this facility. It will not be an apartment project.

[Time: 02:15:03]

It will be a senior housing facility owned and managed by a church that will be respectful and will continue to be respectful of its neighbors many of which were complimentary of the church tonight. Some weren't. We recognize it. We saw some photos, some of which were probably 20 years old or older is what art tells me.

But the church has been respectful in neighborhood meetings and other ways. We have not reached agreement on everything. But we have made numerous changes to increase compatibility. And yes, we will in accordance with the last speaker's request, and in accordance with the requirement, art has assured me that salvage trees that could be boxed and relocated on site or preserved in place will be to the new trees installed. We don't want trash trucks coming at 3:00.

We expect it will be a private haul service and the hours of that can be controlled, but furthermore, as I mentioned early on, the trash that was located on the eastern perimeter, it has been relocated to the basement, accessible from the southwest portion of the h-shaped building.

I can't imagine that trash in the basement of this building is going to be problematic for any of our neighbors. I can go on and discuss some other things if you like but I do believe that a church-owned senior housing facility is not only needed but will be a phenomenal neighbor. I respect the fears of the unknown and the concerns that we have been working with. And we'll continue to work and talk with neighbors and the city, of course.

But the people involved in this church on the local level and the diocese level have, I believe, emphasized this evening that this is a part of their mission. It is something they take very

seriously, and I have every confidence if allowed to develop it will do a phenomenal job. That will be a fine and compassionate and compatible neighbor in this neighborhood. We thank you and request your approval.

Mayor Ortega: Thank you. At this point, I do have a request from Councilwoman Caputi and if there's any other questions. So go ahead, and if there are any other questions to the applicant. Councilwoman Caputi.

Councilmember Caputi: Thank you. So we set up here and we usually have to weigh sort of the needs and desires of the existing residents with what's coming in. It seems like you have been working on this for years and it seems to me that the church has been attempting very hard to be a good neighbor. So there's so much -- there's a lot of moving parts here.

Can you walk me through the list of things that the church has done. The planning commission has made some requests and other requests have come in along the way. It seems like you have done a lot of things to make the project better. I know this was a comment about the project keeps getting wore but my perception is you tried very hard to make the project better. So –

Ed Bull: Mayor, councilmember, many, many changes and compromised have on made. If you want me to put a site plan up on the screen, I can but I will verbalize them. One of the things that art purposefully does was to design it with a h-shaped building. The eastern tips of that h are separated 50 feet to the neighborhood to the east where the houses are. Northern part of the h is adjacent to open space. There are no houses adjacent to the northern part.

[Time: 02:19:12]

The portion of the site that is back inside of the h is set back well over 100 feet. The code required setback along the eastern perimeter, it's either 0 or 10 feet. We are 50 feet minimum to what is required. We are 5x. So the h-shaped building was an important part of it. We also at one point initially thought that this would need to be an r-5 rezoning application along with a C.U.P.

Along with a lot of help from Don hatter and brainstorming with staff we figured out that r-4 is an acceptable rezoning, the same zoning that existed in the neighborhood to the east of us. We relocated a drive I will that was in the parking lot east of the north portion of the h. There was a drive aisle that came close to the neighborhood to the east. We relocated one of those connections.

The activity areas, not just the trash but the entry, the loading, the unloading, all of the services, have been relocated from anything on the east side of the campus, to west side, proximate to the 101. At one time we had an outdoor common area at grade. East of the building. You can see -- maybe see inside of the Hs. There's three trees there. That area is sunken.

It's a common area that's at the basement level that further moves any noise and activity out of the way. We not only did the things that I talked about, that the planning commission asked us to do. We doubled on those items with the tree sizes and locations. And in response to concerns with, I guess you could say invasion of privacy. Art designed the eastern edge of the building as staff talked about to eliminate some windows that were on the east side, and to make other windows fretted or, you know, kind of etched and so on so there's not visibility out of those upper floors on the east side.

In addition to that, we did the traffic study that asked -- that staff requested, of course own that was reviewed further we did a speed study some neighbors expressed concern with speed on Cholla, Don Cartier or others can talk about that as well.

While there's a speeding problem further to the east, there's not a speeding problem here proximate to the church campus. So I could go on if you want but I think you get the gist of we've tried.

[Time: 02:22:25]

Councilmember Caputi: I have one other question. There was a comment about your facility towering over the rest of the neighborhood. I thought it was comparable to the heights in the rest of the neighborhood.

Ed Bull: Again to the east of us R-4. R-4 allows 36 feet in height. We are not 36 feet in height. Technically our height gets measured off of Cholla and we are 30 feet measured from Cholla, but even if you look aside from that part of the code, the height here on the three-story portion of the building is a little under 35 feet.

I'm not saying a resident so the east of us has a house that's 36 feet -- tall. I don't know how tall that some of their houses are. In addition to that, importantly so, the eastern tips of this h have been reduced to two story down to 22 feet. To the top of parapet. It's comparable, particularly recognizing our proximity to about almost 1,000 feet of freeway frontage.

Councilmember Caputi: Thank you. I do have some traffic questions for staff as well, but I will let some of my other colleagues ask some questions first. Thank you.

Mayor Ortega: Okay. I think you are concluded on responding. At this point -- and just as a reminder, Vice Mayor Tom Durham is also present, but remotely. Thank you, sir. Okay.

My views on this project and in handling a case which has the potential for multigenerational campus. As I see it, that is knowing that there is a Montessori school there, knowing that it generally has a quiet use, although religious freedom is one of the tenets of our country.

It's good to have a faith and try to build and support that faith. The main questions I have

regarding a case would be adequate buffering? That is, is there an area between the use, in this case, the r-4 use. The question is for r-4 zoning, but limited use according to the use permit? That means that for instance, even their church itself through a site plan had to have a use permit with designated parking and so forth.

This is a -- [No audio]

Is it contained on site well enough and is it multigenerational? I think those are the four things that I would say are going -- are positives for this project. On the other hand, the nuance element of the highway -- in a way, Scottsdale ends at that wall, right?

That is this is not going to be pawned off as another R-4 property that would have a -- another development that would have had a higher density. Half of the use is bedside. That is, people that are -- have to be attended to.

[Time: 02:26:55]

So, again, that's not a boisterous use, per se, in terms having a conflict with the neighborhood. I know at west minister down the road, they have a problem with electric wheelchair sometimes down the hallways. I know I have heard of that.

So in terms of the experience of a well-rounded city, with characteristics where the betterment for the city and putting it forward for a singular use. The traffic count and so forth with all of the noise and deliveries happening against the freeway, I think is a -- is a good solution and a good design solution. The height is typical in R-4.

You notice there was a large park, a common area on the adjoining R-4 property. So that's probably great for, you know, dog park and community use. So there you have that potential for a lot of positive inaction.

With that, I would love to adopt ordinance number 4558, approving zoning district map amended for single family residential R1-35 to town house residential R-4 zoning on property located at 8849 East Cholla and secondly, adopt resolution, number 12557, approving the conditional use permit for a residential health care facility on the site at R1-35 zoning located at 8849 East Cholla Street.

Councilmember Caputi: Second.

Mayor Ortega: Okay. We have a motion and a second. We are getting into discussion.
Councilwoman Janik. Councilwoman Whitehead.

Councilmember Janik: Thank you, mayor. I think it's admirable that you want to do this project. I know it's a need. I know that you have compromised or responded to all the requests. I too

have a mom who passed away and she graduated to the type of facility you are requesting. When I looked at the diagram, when I look at it, to me, it is just too compact. We're talking about 86 beds in less than 5 acres.

And originally I thought it was just going to be 48 town houses. I was totally fine with that, but then I find out, no, we have another component to it. And I know that this is cherry and it's wonderful, but I also know that I don't think it's an a deal location for the seniors. I don't think it's great that it's next to the expressway, because the air quality is not particularly good there either. For those reasons I'm against to this development.

If you came back and it was less dense, I think I would look at it and say fine. I also have to tell you, I am so confused as to how the density was calculated. At one point you said 48 condos or town houses are equivalent to 27 homes. Was that what was used in the calculation? Then we're talking about specialty beds. How did that get reduced to specialty beds equal one house?

Then when we add that density together, are we still within the guidelines for R-4? And truthfully, I have pages of calculations. I'm not convinced we are. Once again, when I look at it to me, it's too dense. So I do appreciate your effort and I thank you.

Mayor Ortega: Thank you. Councilwoman Whitehead and then Councilwoman Littlefield.

[Time: 02:31:08]

Councilmember Whitehead: There is I don't think anybody on this dais -- we have approved -- I should have brought the number of assisted living senior living projects this council has approved over the last four years that I have been on it, so absolutely.

All the issues that have been brought up could be addressed with one simple solution, and that's right sizing the project. And so the issue for me is the height. So we talked about having added signage.

Believe me, I used to chase cars that were speeding when my kids were young. I probably still would do it. You know, we stalked about traffic, speeding, noise, and the -- all of the added trees that were offered. All of this would go away if we -- if this application built something that fit with the neighborhood.

I spent eight or nine months going door to door, and I'm hearing. This is a one to two story facility would fit in beautifully with this community, and I love the idea and we have approved other projects where you have the church, the school, and the senior living all on one campus. That makes a lot of sense.

A two-story project also blocks the noise from the freeway. But I just think that I heard loud and clear. The project was built higher than the homes, the two-story homes that it's adjacent to

and now all of those homes are looking the a big building instead of something similar to their -- to their community, what they bought into.

So I have gone to the open houses. I have spoken with a lot of residents. I have -- every time I bike by the area, I go down to the dead end and I stand on that lot. I hope that's not trespassing but I have really, really considered this and I absolutely -- how much senior living do we need? I don't know.

We have approved a lot, but I think having it on site, on the church is a great idea. It just has to be right sized and then all the other problems go away. Thank you.

Mayor Ortega: Okay. Councilwoman Littlefield.

Councilmember Littlefield: I would like to make a personal comment. Primarily to Mr. Dirk. I apologize -- I have to admit I don't remember talking to you on the phone. I apologize if I said it was already voted on. I have no connection whatsoever with this church. I have no connection whatsoever with the development that is being planned here or thought. I have been in the church twice, both times going to open houses.

One at the very beginning to see what it was they were planning to do and what it is they wanted to do and once later on when I went to see whether the changes were that they were making in order to accommodate the concerns of the neighbors. I like this project. I think it's good.

[Time: 02:34:24]

It will cause some problems during the construction phase and I'm hoping that during that phase, if this project is approved, that it will be everything in your possible ability to keep the noise and the traffic down to the least amount of inconvenience to the neighbors that can be done.

But I just wanted to make it clear in case anybody had any questions that this is just like any other project that we have come before us. I take a look at it. I study it. I go listen to people at open houses. Sometimes I like it. Sometimes I don't.

Thank you, Mr. Ortell. And I just wanted to make that very, very clear that there is no connection to this church or to anyone would is associated with this project. Thank you.

Mayor Ortega: Thank you. I see no other hands up.

Vice Mayor Durham: Mayor Ortega.

Mayor Ortega: Tom Durham, yes.

Vice Mayor Durham: Vice Mayor Durham, I want to make a few comments. Many of the people who have been critical of this project have asked, you know, why does it have to be here? Why can't you do it someplace else?

And I think there's a very simple answer to that, which is that the church as a significant infill property, that's part of an entire campus, and the church would like to use part of this campus for this purpose, and I -- I think in most cases we should be in favor of the church being entitled to use its own property.

I think as was pointed out that infill projects are good and consistent with the general plan, in terms of senior housing. Care for the elderly is a religious purpose, as is education and obviously, this project has some commercial purpose, but it's also a charitable and religious purpose.

And many people talked about the societal need to age in place and I can see why this is very convenient for some people in this neighborhood who might want to age in place on a campus that's connected to the church and to the school. The applicant has made a number of reasonable accommodations, I think, to address some of the issues, traffic. You know, traffic will increase, but that's primarily going to be from the staff. That's going to be staffing the property. So that's going to be shift changes, in particular.

You know, I appreciate the thought that a less dense property might be a good idea, but that -- that also goes to the aspect of who would be able to afford this. So for all of those reasons, I think this is a good use of the property and I will be voting in favor of this. Thank you.

Mayor Ortega: Thank you. I saw Councilwoman Caputi and then we will take a vote.

[Time: 02:38:02]

Councilmember Caputi: Just one more quick question. I had a little note to myself that if you build out this project as existing, it's going to be -- it could be up to two and a half times currently what is built.

I guess I'm confused by my colleague's comments about this particular proposal being overly tall or overly dense. Is that not the case, that if it were built as the existing zoning, it would actually be two and a half times as impactful as what's being proposed?

Mayor Ortega: You know, I think we're done with the applicant. You're talking about a speculative something else had a which we don't have before us. If that is what it is on your part --

Councilmember Caputi: Sure, it seems like --

Mayor Ortega: I just want to say, I'm not ready to talk about six stories or five stories or anything else. I don't know that anyone will answer a hypothetical question.

Councilmember Caputi: I don't know that it's hypothetical.

Mayor Ortega: The choice of what was presented today was a compromise through a long process and now you are going back to some other time.

Councilmember Caputi: Councilwoman Janik seemed confused about the density.

Mayor Ortega: I don't think you should say that she was confused. That's disrespectful. If you want -- it's not to judge or say someone --

Councilmember Caputi: I'm certainly not trying to judge.

Mayor Ortega: I suggest you withdraw that. But the topic is ready to discuss if you wish to discuss your vote or -- that would be appropriate. I'm trying to manage this so that we don't get down the wrong path.

Councilmember Caputi: Okay. Again, I was trying to clarify because it seemed like there were still some questions on this dais, but if everyone feels clear, I will retract my question.

Mayor Ortega: Okay. At this point, we have had full discussion, please register your vote.

[Time: 02:40:09]

Vice Mayor Durham: Vice Mayor Durham votes yes.

Mayor Ortega: The motion carries 5-2. Thank you. Good luck with your project and I really do invite Ms. Soleki in the future to get involved with the city, and build a better city. Thank you, bye.

Next, we will get on to public comment. Thank you very much. We have had quite a crowd here and appreciate everyone's observing the rules. Next, we will have public comment.

So second opportunity for the public to come forward with anything which is not on the agenda. And it cannot be in our jurisdiction no official action can be taken on these items. At this point, I open public comment. Seeing none, I will then close public comment.

ITEM 22 – CITIZEN PETITION

[Time: 02:41:17]

Mayor Ortega: We will next move on to the citizen petition listed as item number 22. As per our charter, Scottsdale recognizes the importance of the citizen petition and we have received one for the item as presented earlier in the meeting. Our clerk has duly received it and it is registered for now to be on discussion. Councilwoman Whitehead.

Councilmember Whitehead: We might want to tell people to move on out.

Mayor Ortega: Yes. We are getting ready for this one. Thank you again for being good guests. Please speak outside with your groups. If you could carry on, that would be better for everyone.

So at this point, we will acknowledge and accept the petition to build additional pickle ball courts in south Scottsdale. We have received the petition, which was read allowed. Pickleball is the fastest growing sport in the U.S. and their recommendation that something be provided south of Indian Bend.

[Time: 02:42:40]

We have three possible actions, which could be taken on a petition. One is to -- one is to accept an acknowledge receipt of this petition. Any member of the council may make a motion to be voted on by the council. The motion can be, number one, direct the city manager to direct the petition for further discussion. Item number two, direct the city manager to investigate the matter and prepare a written response. To the council, or behind door number three, take no action. I recognize Councilwoman Whitehead.

Councilmember Whitehead: Thank you, mayor. Yeah, I'm real excited about this petition. I spoke with our city manager about this subject today. I just would like to -- I would like to direct the city manager -- sorry, number, two direct the city manager to investigate the matter and prepare a written response to council and then for a future agenda item and I just want to specify that this gentleman proposed a very specific location, but I know Mr. Murphy is far more creative than just one location. I would like to recommend a number of locations be considered in the south. And then investigate, come back to us and have an agenda item following that.

Councilmember Littlefield: I will second that.

Mayor Ortega: That's item number two, would be direct the city manager to look in and investigate. We have a motion and a second. Any further discussion? Vice Mayor Durham? Okay.

Vice Mayor Durham: I vote yes.

Mayor Ortega: Okay. Let's vote. Thank you. That is unanimous. Therefore, we are done with that item.

ITEM 23 – MAYOR AND COUNCIL ITEMS

[Time: 02:44:47]

Mayor Ortega: And moving on to the mayor and council items, the item number 23 is the acting city manager appointment. As duly posted, it is brought forward by the mayor and council. And I'm not in any need of a presentation. Does anyone need a presentation of this? Okay. Okay. Thank you. I would then be open for a motion.

Councilmember Janik: I make a motion to adopt resolution number 12588 to authorize -- do I need to read it all? Items 1 through 5 or do you want me to read it all?

Mayor Ortega: I think adopt resolution to -- yeah, you should read it all, I think.

Councilmember Janik: Number one, the acceptance of city manager Jim Thompson's request to terminate employment contract 2016-188-COS effective October 10, 2022, as a result of his upcoming retirement/resignation. Number two, appoint Jim Thompson as acting city manager effective October 12, 2022, until a new city manager or acting city manager is appointed, but no longer than October 13, 2023. Approving Jim Thompson to continue to perform services for the city through the city's contract with educational services Inc., E.S.I. at a salary of \$347,000 per year base compensation. Number four, directing the human resources director and E.S.I. contract administrator, city treasurer and city attorney to prepare such documents and take such actions as necessary to carry out the intent of this resolution, and number five, directing the city manager to report back to council prior October 10, 2022 on the proposed internal changes or restructuring that will be put in place as a result of this action.

Mayor Ortega: Good. I heard a motion.

Councilmember Whitehead: Second.

Mayor Ortega: Second from Councilwoman Whitehead. I do want to explain my vote. I have a great deal of confidence in the management, however, I am not comfortable with a third-party arrangement. I believe that things can be worked out or might be worked out by the October deadline. So I would respectfully -- that's the explanation for my vote. Please register your vote.

Vice Mayor Durham: Vice Mayor Durham votes yes.

Mayor Ortega: Thank you. It carries 6-1. With that, that concludes all our agenda items and I would request a motion to adjourn.

Councilmember Whitehead: So moved.

Mayor Ortega: And I second that. So please register your vote.

Vice Mayor Durham: Vice Mayor Durham votes yes.

Mayor Ortega: Thank you. That is unanimous. Terrific. And we are adjourned.