

17. 117-DR-99

SEVILLE AT 90TH STREET
NEC 90TH STREET & NORTH 90TH PLACE
CAWLEY ARCHITECTS, ARCHITECT/DESIGNER

MR. CURTIS presented this request as per the project coordination packet. Staff is recommending approval subject to the attached stipulations.

PAUL DEVERS, applicant, stated that the date palms were requested by the owner. He said that there are existing date palms in the area specifically to the north on Mountain View.

MR. ELBRACHT stated that he cannot support the case today. He had concerns with the architecture of the building. He felt that it was too boxy. He said that there is no break up on the eaves lines, also that the banding that occurs only further emphasizes the fact that it is not broken up and scaled. He stated that the entry element seems out of scale and proportion. With regard to date palms, Mr. Elbracht said that there are more appropriate trees.

MS. FORMAN suggested moving the northern building to the east. She had concerns with the windows coming down to the floor line. She said that she would like to see a different articulation to the western and southern elevations. She said that she cannot support the use of date palms.

COMMISSIONER GULINO concurred with the comments of Mr. Elbracht and Ms. Forman.

COMMISSIONER GULINO MADE A MOTION TO CONTINUE CASE 117-DR-99 FOR 30 DAYS. SECOND BY VICE CHAIRMAN HAMMONS.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

~~18. 118-DR-99~~

THE SUMMIT @ SCOTTSDALE
RETAIL CENTER
NEC ASHLER HILLS DR. & SCOTTSDALE RD.
NELSEN ARCHITECTS, INC., ARCHITECT/DESIGNER

MR. RIEF presented this request as per the project coordination packet. Staff is recommending approval subject to the attached stipulations.

BRAD NELSEN, architect, stated that there have been numerous community meetings with COPP, Winfield, Terravita and a couple meetings with the Empie's. He said that a lot of comments have come to fruition in the plans before the Board today. Mr. Nelsen presented a letter of support from COPP.

MR. ELBRACHT asked about the lighting height. He said that he was concerned about the properties to the east.

FRANCIS KRAHE, with Francis Krahe and Associates, stated that there are mounted lights on the building and exit doors. They are cut off type fixtures that shield and direct light down. The height is about 15 feet. Mr. Krahe stated that they can work with staff regarding the lighting. With regard to the light poles in the parking area, he said that the poles are directed back toward the building. The idea was to minimize the number of fixtures on the building.

MR. ELBRACHT stated that the applicant has done a great job dealing with the scale, colors and massing of the building on the public sides, however, he is disappointed with some of the non-public sides. He still had concerns with the back sides of buildings 1, 4, 6, 7 and 11 because they are visible to people passing through the center. Mr. Elbracht suggested that the applicant use some of the same enhancements that were used on the back of the Target store and buildings 3 and 5. He felt that could come back to a study session.

MS. FORMAN concurred with the comments of Mr. Elbracht. She said that she had concerns with the site plans. She suggested reintroducing the curved entry form so that when you look at the property it does not look forced into the landscape. With regard to the wash between the buildings, Ms. Forman stated that the applicant actually raised the pads for the two buildings as to preclude the use of that space by any future tenants. She asked if there had been any discussions to shove the two buildings together and so as to bring the wash into the pedestrian walkway in front of one of the buildings. She said that the applicant has gone through extensive negotiations with the neighbors, but as a consequence, the applicant has now increased the single mass of the building. She stated that she would like to see the building raised and increase the mass so it does not look like one continuous building. Ms. Forman also encouraged the applicant to increase the slopes of the detention basin and make they connect with each other to form a modified appearance.

MR. NELSEN stated that there needed to be variety in the landscape and he felt by moving the building back and forth that would create variety. He said where the parking come out close to open space there is a lot of berms to the retention basins. With regard to the shape of the retention basins, Mr. Nelsen stated that it is controlled by the untouched scenic corridor on the west side. He said that the neighbors wanted a buffer around the property and that resulted in a rectilinear parking lot. He went on to say that the open space that expands on Scottsdale Road forced them to compress the parking as much as possible.

MS. FORMAN stated that the neighbors do not understand what terraced parking will look like.

COUNCILMAN PETTYCREW stated that it was not just neighbors in the area, it was input from quite a few groups making that request.

MR. NELSEN stated that he gives the neighbors input more credibility. He said that the fact that the site gradually raises at a 2:5 slope, the organization of the parking and major breaks in the landscape do create a terrace effect. He went on to say that as a result of that slope you create an effective buffer which is continuous.

JOHN BERRY, representing the owners of the property, stated that there is one minor change to the stipulation number 7 dealing with the driveway issue. He said that he has reviewed it with staff and the City attorney and they are comfortable with the change. The change would come after c) court order resolving property rights; and read as **or d) such other access for public uses as may be acceptable to City Staff**. Mr. Berry stated that would give staff the flexibility to work through other access issues if the need arises.

(COUNCILMAN PETTYCREW OPENED PUBLIC TESTIMONY)

SUNNIE EMPIE, 32227 N. Scottsdale Road, spoke in opposition to this request. She stated that they had asked for a continuance, but as long as this case includes the taking of private property it should not be on the table. She said that their private road is being taken from them. She also said that she cannot accept the change to stipulation number 7 as stated by Mr. Berry. She said that nothing should be done without the consent of her and her husband. Ms. Empie stated that the Target store will be 600 feet from her home. She said that there will be no buffer on the east side of the property.

JACK FORD, president of Winfield, said that he did not understand why there will be access into a commercial property from residential property. He said that the City needs to protect the residents as best they can.

RONALD ROESSLER, 6075 E. Evening Glow Drive, stated that the developers did an excellent job communicating with the residents of the surrounding subdivisions. He said that trees will minimize the impact because they will be stepped up. His main concern was the location of the north entrance. He felt that it should be moved up to the north end of the property. He also stated that they need an unbroken median from the north entrance to Dove Valley.

JANE RAU, 8148 E. Dale Lane, spoke in favor of this request. She stated that there have been numerous meeting with the surrounding neighbors and because of the input there have been a lot of changes for the positive. She went on to say that color, low lighting and blending into the terrain are the most important things.

MARGE GALLAGHER, 7467 Quieno Sabe Way, stated that she faces the project and she is very concerned with the visual impact. She said that it needs to be landscaped all the way around so that they neighbors do not have to look at a long continuous building.

(THERE WERE THREE ADDITIONAL CARDS FROM CITIZENS NOT WISHING TO SPEAK; TWO IN FAVOR AND ONE OPPOSED. COUNCILMAN PETTYCREW CLOSED PUBLIC TESTIMONY)

MR. BERRY stated that stipulation number 7 addresses the concerns of Ms. Empie and it also insures her rights are protected. He said that there will be no taking of private property and no impact on her legal rights. Mr. Berry stated that this piece of property and the property to the north between Winfield has been zoned C-2 since before it was annexed into the City. He said that they have worked long and hard to make sure that the impacts are minimized. He also stated that the northern edge of the property will have landscaping along it. With regard to ingress/egress being pushed farther north, Mr. Berry said that they went to the major tenants and asked if they agreed with that and they said yes.

VICE CHAIRMAN HAMMONS stated that he had concerns with the area along the wash on the east side. He said that the applicant has a great opportunity to have courtyards in those areas. He also felt that a bridge element would make it a more inviting environment.

MR. ELBRACHT MADE A MOTION TO APPROVE CASE 118-DR-99 WITH THE ELEVATIONS OF BUILDINGS 1, 4, 6, 7 AND 11 RETURNING TO A STUDY SESSION, WITH LIGHTING ON THE BACK OF THE LARGE STORES TO BE WORKED ON TO MINIMIZE THE IMPACT ON AREAS TO THE EAST, WITH REVISED STIPULATIONS REGARDING THE RETENTION BASINS, WITH REVISIONS TO STIPULATION NUMBER 7 REGARDING ACCESS, THAT REVISION OF THE NORTHERN ENTRANCE BE WORKED OUT WITH STAFF AND RETURN TO A STUDY SESSION, AND ADDITIONAL SCREENING FROM VEHICLES, NOISE AND LOADING DOCKS BE APPROVED BY STAFF. SECOND BY COMMISSIONER GULINO.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO ONE (1) WITH MS. FORMAN DISSENTING.

**REGULAR AGENDA:
PRELIMINARY PLATS**

19.	31-PP-99	TROON MOUNTAIN
	119-DR-99	73 LOTS
		NEC HAPPY VALLEY ROAD & WINDY WALK
		FLEET-FISHER ENGINEERING, INC., ENGINEER

MS. SHEWAK presented this request as per the project coordination packet. Staff is recommending approval subject to the attached stipulations.

MR. ELBRACHT stated that he wanted staff to be creative with regards to the cul-de-sacs so as to minimize the impact.