

Approved by Planning Commission on
September 10, 2003
Approved by Development Review Board on
September 18, 2003



**SCOTTSDALE DEVELOPMENT REVIEW BOARD & PLANNING COMMISSION
SPECIAL JOINT STUDY SESSION
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
AUGUST 27, 2003
MINUTES**

PRESENT: Cynthia Lukas, Council Member
E.L. Cortez, Vice Chairman
Michael D'Andrea, Design Member
Jeremy Jones, Design Member
Michael Schmitt, Design Member
David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Tony Nelssen, Commissioner
Jeffery Schwartz, Commissioner

ABSENT: Anne Gale, Design Member

STAFF: Kroy Ekblaw
Kurt Jones
Ed Gawf
Randy Grant
Jayna Shewak

CALL TO ORDER

The special joint study session of the Scottsdale Development Review Board and Planning Commission was called to order by Councilman Lukas at 3:05 p.m.

DISCUSSION OF THE SCOTTSDALE WATERFRONT PROJECT

MR. GAWF provided a brief overview of the project. He reviewed the Downtown Vision Principles. He discussed the focus area goals as follows:
Support long term fiscal health of downtown

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Attachment #11

- Active major corridors
- Marshall Way & Canal bank

Creates a Downtown neighborhood

- Residential Component
- Private and public gathering spaces
- Connect north bank and south bank

Embodiment of Scottsdale/southwestern character

Mr. Gawf reviewed the focus of the joint study session. Today's focus is to have a discussion with Development Review Board members regarding Site, Building and Character Design. He reported the Planning Commission would review this proposal on September 10, 2003 as it relates to in fill incentive district, amended development standards and the planning and zoning questions.

Mr. Gawf stated the City Council would act as the Development Review Board for the section of land that is east of Marshall Way. The rest of the project will go through the Development Review Board with appeal to the City Council at a future date.

Mr. Gawf reviewed the discussion points:

- Architecture
- Site Plan
- Context
- Height
- Mixture of Uses
- Marshall Way Orientation

Mr. Gawf reviewed the tests for height that should be considered when reviewing this project. He noted they are encouraging residential on this project.

COMMISSIONER NELSSSEN requested Mr. Gawf to explain in his words what the embodiment of Scottsdale/southwestern character is. Mr. Gawf stated that is a tough one and they have struggled with that. They are not quite sure what it is but it can't be Chicago, Hong Kong or San Francisco but it has to be something that when you see it you say that is Scottsdale Arizona. Commissioner Nelssen inquired if it would be safe to say that if this project moves forward it would define the embodiment of Scottsdale and southwest character. Mr. Gawf stated he thought it helps, noting there are other projects that are doing that throughout the community. They might want to discuss, which ones

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do that. He reported they needed to have a clearer definition of what theme and what concepts they are looking for in that area. Commissioner Nelssen stated he would agree.

COUNCILMAN LUKAS stated the group should discuss what they would view to be uniquely Scottsdale because that is very relative to the discussion about architecture.

COMMISSIONER SCHWARTZ inquired where the benchmark for measuring the height is from. Mr. Gawf provided information on how the heights of the buildings would be calculated.

MR. CORTEZ inquired about the timing of the Development Review Board's review of the elevations and site plan for the Camelback and Scottsdale Road elevations. Mr. Gawf discussed the timing for the project.

LARRY HEINEY, HNS International, provided background information on their company and discussed the projects they have done in Scottsdale. He also provided an overview of the proposed architecture for the project. He reviewed the site plan, elevations and discussed the context. He also reviewed the materials they would be using. He discussed the high quality of the project.

COMMISSIONER STEINBERG inquired about the phasing of the building and how they intend to build it. Mr. Heiney reviewed phase one of the project. Commissioner Steinberg inquired about the construction access. Mr. Heiney pointed out where the construction access would occur. Commissioner Steinberg inquired why the retail edge is first as opposed to doing the residential first. Normally the retail is dependent on the residential so why not do the residential first and the retail second. Mr. Heiney stated the retail could be pre-leased versus with residential they have to get the approval before the sales can occur. Mr. Gawf stated from a staff standpoint, they encouraged them to build the Marshall Way edge that will activate Marshall Way, and will correspond with the opening of the canal bank improvement and the bridge.

JOHN BERRY, Beus Gilbert, 4800 N. Scottsdale Road, legal counsel for the developer, stated they have taken several iterations of this plan out to the community. He further stated the first iteration of the plan was much more density, much more height. They have lowered the height, reduced the density from the last plan the community saw. As part of that public outreach, there was a lot of concern regarding what would happen if one of the residential buildings gets built first and something happens and the rest of the project is not completed. Then you would have a residential building in the middle of these 11 acres with nothing around it.

Commissioner Steinberg stated the edge along Camelback and Marshall Way is strong, but it weakens along the canal. He inquired why they created two separate disjointed plazas just by the site planning of J and K rather than straightening out J and K and creating one major plaza with a mixed use open area within that could create a livelier courtyard space. Mr. Heiney stated they looked at those alternatives. He discussed the concerns with building anything parallel to the canal.

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Commissioner Steinberg requested information on the vehicular access and service and trash removal. He stated it seems very tight and it seems like a lot of methods of circulation are concentrated in one area. Mr. Heiney reviewed the circulation on the site.

Commissioner Steinberg inquired if all of the open spaces were open to the public. Mr. Heiney stated there are two private spaces for the residence of the buildings.

MR. JONES stated there would be a lot of digging to build the garages. He inquired how long trucks would be hauling dirt through Scottsdale. Mr. Heiney stated he did not know the answer to that. He further stated they are in the process of putting that information together.

COMMISSIONER BARNETT inquired if there were any sidewalks along the canal that access the open spaces between J and K.

BETTY DRAKE stated there is a path long both sides of the canal along with a landscape palette. She provided an overview of the outdoor public spaces and trail system for this project. She stated they are trying to work with the aspects of Scottsdale's history.

COMMISSIONER BARNETT inquired if the trail goes straight up to the canal or is there some sort of setback and then the trail. He also inquired if it comes right up to the canal what is to prevent someone from jumping into the canal. Ms. Drake stated there is a separation between the canal and the path and there would be landscaping. Mr. Gawf stated the sun circle trail is on the south side and they would have a paved trail and there will be a continuous trail on the north side. He further stated he has more detailed plans if they desire to see them.

MR. D'ANDREA stated he has seen the earlier iterations of this project and he would like to commend the team for the massing and volumes of the site. He inquired when you look at the retail on the south side of the canal is that bridge proposed to bring vehicular traffic. He also inquired about the connection across Scottsdale Road and the canal because it is a big entertainment district, if there was any thought given to drawing people across Scottsdale Road Down through the canal into the park. Mr. Gawf stated there would not be vehicular traffic across the bridge. This is intended to be a village square point where people come together to attend events and activities.

COMMISSIONER SCHWARTZ asked what elements of the downtown drove your team to come up with the architectural theme of the project. Mr. Heiney stated the buildings in the downtown were the Loloma project and the Old Scottsdale High School as well as some properties in north Scottsdale influenced the architectural theme. Commissioner Schwartz inquired if there was consideration taken from the surrounding elements of Fashion Square and the Galleria. Mr. Heiney replied in the negative.

Commissioner Schwartz stated he would agree with Mr. D'Andrea's comments about vehicle traffic across Marshall Way. He further stated he thought it would behoove them to look at the circulation element for vehicular access on the north canal bank because it is difficult if you are on the north canal bank to get to the south canal.

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Commissioner Schwartz asked a series of questions regarding the height. Mr. Heiney provided information on where the height is measured.

Commissioner Schwartz inquired about the product mix for the project. Mr. Heiney remarked mix is still being worked out but the average would be 1300 to 1600 square feet.

Commissioner Schwartz inquired if there was a rendering showing both of the towers side by side. Mr. Heiney replied there was not. Commissioner Schwartz requested they provide that rendering for the Planning Commission hearing.

Commissioner Schwartz stated he thought an important element would be to bring more height into the landscaping than just the desert theme of the landscaping.

Commissioner Schwartz stated his other concern has to do with the site plan, noting he knows there has been a lot of work done and several iterations over the last six years of the project. He further stated he thought they are losing the sense of what the canal bank was set out to be regarding the interaction of the canal bank and the synergy of the canal bank. It has become more open space for the development. He further remarked he would encourage some discussion on how they can help themselves along the canal bank because he felt like they are turning their backs on it and it is becoming a trail. He noted he did not think a trail system was intended for this canal bank. He further noted it is a high-energy zone. He reported this is the best location in the State of Arizona Scottsdale Road and Camelback. He concluded they need some sense of synergy and interaction of people along this canal bank.

COUNCILMAN LUKAS requested that they structure their discussion and focus their comments on the architecture on Marshall Way AND ON THE TWO RESIDENTIAL BUILDINGS. COUNCILMAN LUKAS ALSO REQUESTED THAT THEY COMMENT ON THE POINTS OF DISCUSSION THAT MR. GAWF LISTED.

COMMISSIONER NELSEN stated he would agree this project has come along way and he would congratulate the design team. He further stated on Marshall Way and Camelback he felt the project was 95 percent there. He remarked the issue is how it relates to the residential behind it. The use of the materials needs to be drawn into the building behind it. He further remarked he is very concerned with what the people driving by on the street see. He noted there is something missing in the middle of the building. He further noted he felt they should put in larger trees because they do have a water source and it would help with the scale of the buildings.

MR. JONES remarked it is always a tough thing to define the local character particularly if you don't do it looking backward. He further remarked there may be some elements from our history but it is unfortunate that they cannot think about what Scottsdale could become and achieve the same pleasant feelings without relying on nostalgia.

Mr. Jones commented the next kind of mall that Westcor did after Fashion Square was to do an indoor/outdoor combination. They used the outdoor spaces to generate activities that bring people and those activate the indoor mall. He further commented there is the possibility that this could be greater intensity and that is what they are after in

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the downtown. And that is why they want a lot of people living in the towers and going out and doing business. He commented it takes increased intensity to make a desert city work. So, packing a lot of things into a tight little streets and bringing in urban housing is what they need to do.

COMMISSIONER HEITEL stated he has seen a lot of different iterations and he would like to applaud the architects. He further stated he liked the nostalgic feel.

MR. D'ANDREA inquired if there were any opportunities to have retail on the inside for the residents. Mr. Heiney stated most of the retail is focused toward the street and wraps to the ends.

MR. SCHMITT stated he has had the chance to follow the evolution of this project and it has come a long way from where it started. He further stated on the space plan between towers J and K seems to be strongly separated from the canal bank. He noted he would like to see that space open up as a public space; a place that invites people in and is not a dead space.

MS. DRAKE noted that this is a moving target. She showed the more current plan. She reviewed how that space would be utilized noting it is a large space. There will be room for events. The programming of the space is something they would work with the city. It is open to public access, and will be an inviting place for people to go.

MR. SCHMITT stated looking at the elevations on Camelback Road and Marshall Way in both cases at the entrance to the inner courtyards there is a second story bridge or breezeway that goes across between the buildings. He inquired about the use or viability. He also inquired if it would benefit those to remain open so it actually makes the building and complex more transparent as seen from the street. Mr. Heiney remarked the bridge joins the two buildings and is meant to be a light structure. Mr. Berry noted it has a practical purpose if someone buys offices on both sides they can move employees and customers.

Mr. Schmitt stated he would hope the developer and the city try to activate the west side of Marshall Way because he felt it is important to the success of Marshall Way.

COUNCILMAN LUKAS inquired if any of the DR Board members have any further comments on the architecture and massing.

MR. CORTEZ asked a series of questions regarding the design elements that are shown in their packet because they seem to be different than what was presented today. Mr. Gawf noted they are different. Mr. Cortez requested that the packet the City Council receives is accurate.

Mr. Cortez requested additional information regarding the stone that would be used. Mr. Heiney presented samples of the types of stone that would be used. He reviewed the materials that would be used on the project.

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Mr. Cortez stated he likes the overall elevations itself. He further stated he likes the massing and the depth and the pedestrian scale that has been created those are very positive elements.

MR. JONES stated with regard to the middle section he felt they need to attempt to break down the mass and developed even further to get a scale that is not just all of a sudden in Scottsdale you have big blocks. He further stated it is a difficult proportion to work with. It needs to be a vertical village and needs to respond to the desert sun with overhangs. They need ways to develop features more vertically that might further break down the blockiness and it would become acceptable at that point.

MR. CORTEZ stated with regard to the residential towers he would concur with Mr. Jones. He further stated ideally from a massing standpoint and a sculptural standpoint the towers should be lowered to fit in the context with the overall presentation. However, he does like what the applicant has done with the attempt to break down the mass lowering the residential component.

COMMISSIONER NELSSSEN stated he is concerned about the use of the red tile. There are more interesting types of tile the same material but different surfaces that could be used. He further stated they should bring it back to the more tactile experience and drawing on some of the traditions of Old Town Scottsdale. They could incorporate a boardwalk type surface that might add some charm.

Commissioner Nelssen expressed his concern regarding the use of tile material at 160 feet in the air. He noted most people who have tile roofs have broken tiles and they fall in winds so it is something to be concerned.

COUNCILMAN LUKAS stated these remarks will be very useful to the City Council, staff, and the developer. She further stated if they have any further remarks to please contact them.

COMMISSIONER GULINO requested the developer provides exhibits on the overall circulation for the site relative to vehicular ingress and egress and service access for the Planning Commission hearing.

ADJOURNMENT

With no further business to discuss, the special joint study session of the Scottsdale Development Review Board and Planning Commission was adjourned at approximately 4:50 p.m.

Respectfully Submitted

"For the Record" Court Reporters

Neighborhoods to Suburban Neighborhoods and from Rural Character to Suburban Character on a 5.5 +/- acre parcel located at the southwest corner of Cattletrack/Miller Road and Lincoln Drive. **Continued to September 24, 2003.**

12-ZN-2003 (Cattletrack Ranch) request by Earl Curley & Lagarde PC, applicant, Diann Henderson & AMZ Homes, owners, to rezone from Single Family Residential District (R1-43 & R1-35) to Single Family Residential District, Planned Residential District (R1-18 PRD) with amended development standards on a 5.5 +/- acre parcel located at the Southwest corner of Cattletrack/Miller Road and Lincoln Drive. **Continued to September 24, 2003.**

COMMISSIONER BARNETT MOVED TO CONTINUE CASES 3-GP-2003, 8-ZN-2003, 11-ZN-2003, 2-GP-2003 AND 12-ZN-2003 TO THE SEPTEMBER 24, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

1-II-2003 (Scottsdale Waterfront) request by Beus Gilbert PLLC, applicant, Scottsdale Waterfront LLC, owner, to designate and qualify an infill incentive district and to adopt an infill incentive plan with amended development standards and establish new stipulations including site plan and elevations approval on a 11.3 +/- acre parcel located at the southwest corner of Scottsdale Road and Camelback Road.

MR. JONES presented this case as per the project coordination packet. Staff recommends approval, subject to attached stipulations. He discussed the height elevation study that was done that showed how the towers would impact the surrounding neighbors. Staff established a set of goals and objectives that encompass the first seven bullets under Key Items for Consideration on page 1 of the Staff report.

1. The application is a key component to the success of the Arizona Canal pedestrian corridor by providing residents directly along its frontage along with providing a public amphitheater and gathering space along the canal.
2. The proposal connects the retail strength of Fashion Square to Downtown Scottsdale's established 5th Avenue District by providing for retail corridor along Marshall Way.
3. As the design of this project is also subject to approval with this process, the design character will be set with a mix of architectural influences present within Scottsdale.
4. With the mixture of uses, open space plazas, pedestrian oriented urban design, arts and cultural components, the proposal will enhance not only the Downtown experience, but continue to support Downtown as tourist destination and gathering place.
5. The provision of transit stops, pedestrian alternatives, trolley stops, and location within Downtown demonstrates the projects access to alternative modes of transportation.
6. The proposal includes approval of colors and materials by the City Council so as to ensure quality materials be used in the overall development of this project.

7. Finally, as the City Council set forth their Downtown Vision Principles, this application, through the use of the Infill Incentive District, created a plan, development standards, stipulations and process to meet these principles.

COMMISSIONER NELSEN inquired if it would be safe to say that if this project moves forward it would define the embodiment of Scottsdale and southwest character. Mr. Jones stated the short answer is yes.

JOHN BERRY, 4800 N. Scottsdale Road, stated tonight together they have the opportunity to take an important step forward to achieve the vision this community has had for decades. A vision of a place where people can live, work, play, and be entertained in an area that is a utility corridor and celebrates water and the canal in Scottsdale. This is something this community has looked forward to for a long time. He provided background information on this property. He remarked they wrote down the value of the land and therefore his client was able to attract an internationally recognized family-owned real estate business based in Chicago to be their partner. The name of the company is Golub & Company.

LEE GOLUB, Golub & Company, stated he was honored to be part of the Scottsdale Waterfront partners. He further stated the plan they have presented tonight has evolved with the city and community input. He commented they are very happy to be part of this project and to work with the team that has been assembled.

MR. BERRY provided information on the team that has been assembled on this project. He presented information on the history of this site. He reported they have listened to the community and neighbors concerns. He provided a brief overview of the architecture and site plan.

BETTY DRAKE stated before Scottsdale was the West's most western town, Scottsdale was a place where people came to enjoy the environment and the weather and the resort lifestyle. Their legacy is as much resorts and tourism as it is cowboys and Indians. She provided information on the architectural theme of the project. She also provided an overview of the outdoor public spaces and trail system for this project. She discussed the pedestrian amenities that would be incorporated into the project. She also discussed the materials that would be used. She discussed the elevations of the buildings. She reviewed the circulation plan.

COMMISSIONER NELSEN requested information on the non-reflective glass that would be used. Mr. Heiney presented information on the glass that would be used noting it is low-reflective glass rather than non-reflective glass.

MR. BERRY provided an overview of the community outreach that has occurred and the support they have received for the project.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

NORWOOD SISSON, 7431 E. Portland, stated he did not know if these people have Phoenix envy, of Tempe envy because they certainly don't have Scottsdale envy. He further stated Marshall Way looks like somebody has been down on Mill Avenue lately.

The lanes have been changed from two lanes to four lanes and that is something that has not gone over well on Mill Avenue so that has not been a good economic driver for them. He commented that this project is not going to be pedestrian scale. He further commented that he did not think the height and architecture has southwest character. He concluded this project does not look like Scottsdale.

SAM WEST, 8160 N. Hayden #1-210, complimented the people who have worked on this project. He expressed his concern regarding the height of the towers. He stated a substantial majority of the people who live in Scottsdale came here as tourists. They came here for reasons and ended up moving here for reasons. He further stated he is convinced part of that reason is what they have right now that has been here for 100 years. He inquired what will be the impact of those towers on the reason tourists have come here. What is the long-term implication on the tourist that comes here? He concluded that he felt the mass and height of the towers is detrimental and contrary to what people have perceived as Scottsdale for over 100 years.

RICK ROBERTSON, 4321 N. 68th Place, spoke in opposition to this request. He stated he has been a resident of downtown Scottsdale for the past 20 years. He further stated he is primarily concerned about the height of the two towers. He reported he would like the Commission to understand that he objects to granting a variance to allow anything higher than the maximum allowed. For the past 25 years they have not had a single high-rise building built in our community. He further reported he does not understand why their views have to be marred by two 13 story residential towers. He added Scottsdale does not need these towers no matter how attractive they may appear. He concluded he is requesting the Planning Commission enforce the building code.

PATTY BADENOCK, 5027 N. 71st Place, quoted from an article dated January 30th in reference to the two towers that expressed her opposition to the height of the towers. She quoted from the same article: "Once they are built they are there for all of our lifetimes". She quoted from another article dated February 10, 1998: "Yes, the city needs to change the ordinance to eliminate the exemptions to go over 65 and 72 feet. Buildings taller than the 65, 72 feet are not necessary to the downtown plan. Profitable developments can be done to the downtown without jeopardizing the skyline." This quote was said by Ms. Susan Bitter Smith now a paid consultant for Star wood to do community outreach in support of the two towers.

DARLENE PETERSEN, 7327 E. Wilshire, stated she found a newspaper article dated February 10, 1988. She stated people went ballistic at that time when the bank building on the corner, which is 100.5 feet tall and the Amtrust building 143.1 feet tall. She further stated the applicant has met with the community and it is beautiful architecture. It is something to be proud of but the Commission and City Council need to think about the height. She expressed her concern regarding the heights of the towers. She further remarked that if the height were to be lowered she would be fine with this project because the architecture is gorgeous.

Ms. Peterson reported on Saturday, September 13th from 7:00 to 10:00 a.m. at the canal there will be a balloon put up to the same height as these towers if anyone is interested in coming down.

MARC HARTLEY, 4607 N. 74TH Place, stated he lives in downtown Scottsdale because it is a wonderful place. He further stated he lives there because of the charm and the idea of not living in a big city with tall buildings. He remarked he likes the idea of revitalizing downtown Scottsdale. He further remarked he is opposed to the height of the towers regardless of the architecture and materials because they are too big. He concluded he hopes they consider their concerns regarding height.

PAT LAMER, 6945 E. Glenrosa, stated he lives in community of Villa Adrian across the street from the waterfront project on Goldwater. He further stated his community association has been involved from the very beginning of the plans that were presented over eight years ago. Over the years, there have been many meetings. He remarked over the period of the discussions with the developer they have come to accept a lesser of evils. They were steadfastly opposed to the height until they saw the computer graphic representation of the heights of the buildings and the skyline to the east. What they have seen is that the evasive nature of those buildings is diminished and totally gone away. He stated his community association supports this plan.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MR. BERRY stated that tonight they have seen a classic example of community outreach and community involvement. He further stated he appreciates all of the comments but he would respectfully disagree on what the implications of the project are for the downtown. He remarked he would like to focus on the loss of views. He inquired about the view of the downtown they will have if they don't take proactive steps. Everyone has agreed they need to bring residential ownership to downtown but how do they achieve that without doing something like this. If they don't do this, they would get 11 acres of Scottsdale High development of 65-foot tall offices with apartments. What does that mean to their long-term sustainability. He further remarked decline does not happen overnight. Decline happens over time. They have to in the spirit of Scottsdale history act to prevent the decline of the downtown, and assist in the renaissance of downtown with these types of projects that take vision and leadership.

Mr. Berry stated he appreciated Mr. Lamer's comments regarding the computer graphic representation of the heights of the buildings and the skyline that allowed their community to have an understanding of how the heights would impact their neighborhood.

VICE CHAIRMAN STEINBERG inquired if approved would these be the highest buildings in Scottsdale. Mr. Berry replied in the affirmative.

Vice Chairman Steinberg inquired if they have the ability to fight a fire in a tower of this size. Mr. Berry stated in the stipulations there are fire and public safety stipulations. He further stated the building does comply with the fire codes.

Vice Chairman Steinberg stated by virtue of the site being on the canal and the name being Waterfront he would like to see more water brought going into the project. He further stated he shares Commissioner Nelssen's feelings that it should have a western character. He noted the inspiration for any project here should be the Sonoran desert. He further noted that he is a little unsettled about the fact that the towers look like they

could be in any city. They are not Sonoran in flavor. By Sonoran, he means they don't seem to respect the ecology and orientation of the sun as well as some of the great examples of architecture in the community.

Vice Chairman Steinberg stated the project is a great concept and he is favor of the project. He further stated he is in favor of revitalization of the downtown. He remarked he felt they should look at the architecture a little more seriously. He noted he is a little concerned about the heights because it will recreate the Camelback corridor skyline forever and that is something they have to grapple with. It is a big decision. It is a great project and he supports many aspects he just wished it had more of a Sonoran aspect to it.

MR. BERRY stated that was the critical component for involving local architects. He further stated that although it is hard to see in the drawing that is the intent of this project to make it uniquely Scottsdale and to have a southwestern feel.

COMMISSIONER BARNETT thanked the group for putting together a fantastic plan. He further stated he likes the buildings, office, and retail. He also thanked the people who have put their money into the project and realize they have unlimited choices of places to build buildings around the country and he is flattered they have chosen to spend the time and effort so far to get to this point.

COMMISSIONER NELSEN stated he would agree with a lot of the sentiment that Commissioner Steinberg mentioned. He further stated he would reluctantly support this project because he thought there was more good than bad. He read from the minutes of the August 27th joint meeting:

"COMMISSIONER NELSEN requested Mr. Gawf to explain in his words what the embodiment of Scottsdale/southwestern character is. Mr. Gawf stated that is a tough one and they have struggled with that".

He remarked in two weeks, they seem to be able answer that question, and that is in a city that historically has taken years to get anything done. He remarked that is troubling to him.

Commissioner Neissen remarked he still has issues with the character and height. He commented he felt this does need to move on to the City Council and will be a big burden for the City Council. He stated they can either get credits for this project or take the blame for this project and he certainly hopes it is the former.

COMMISSIONER SCHWARTZ stated he has a prepared statement he would like to give:

It may seem that we have before us one project to recommend approval or denial but in fact, we have two. One is for the applicant's proposal the other its impact on the character of our community. I would ask we consider very carefully two questions: Considering the amount of time, energy and money already invested in the canal does this project add the desired mixed use people place that prior applicants caused us to expect. I would say it does not. Secondly, is there something about this one project for

which we are willing to see the entire downtown infill area and beyond changed by our endorsement. Make no mistake a vote for these 13 story buildings on this site is the first step for 13 story buildings elsewhere in downtown infill area and eventually throughout the city. That may seem unthinkable to us now but is no more unthinkable than how tonight's proposal would have seemed in the past.

To summarize to recommend approval for this project is to greatly lower our sights for creating a mixed use festival like people place along the canal. To recommend approval of this project is to pave the way for 13 story buildings elsewhere in our community including those that will one day block the views this development believes will be there forever because he hopes to have a monopoly on your approval of height. This is an unrealistic hope and time will show this is precedence breaking and precedence setting mandate that will forever alter Scottsdale's low profile character to one more common to urban areas everywhere. We have some sobering questions to ask ourselves, what will be the future for our city.

CHAIRMAN GULINO stated for the record there were 9 or 10 cards from folks in support of this request but did not wish to speak.

Chairman Gulino inquired if they have standards or guidelines that this project must follow to ensure they have a good mix of public, private and open space. Mr. Berry replied in the affirmative noting there is a development agreement that is being prepared that will set forth the responsibilities of all parties to ensure there is public open space and public access.

Chairman Gulino inquired if the design guidelines provide the applicant enough flexibility as he refines this design that he would be able to work directly with staff to move forward rather than having to come back to the public hearing process. Mr. Berry replied in the affirmative. He stated that in terms of the major constraints they are set. There is not an opportunity to vary the heights or move the location.

Chairman Gulino inquired where the benchmark for measuring the height is from. Mr. Jones provided information on how the heights of the buildings would be calculated.

COMMISSIONER NELSEN inquired if they would allow any wireless appurtenances to be attached to the top of these buildings. Mr. Berry stated they have not addressed that issue. Mr. Ekblaw stated if they were to allow wireless appurtenances on these buildings they would have to comply with the ordinance that was recently adopted.

CHAIRMAN GULINO stated he felt it was important that Council in their approval give the applicant enough flexibility that the project as a whole does not get bogged down as they come up with better ways to develop it. He further stated he was glad to hear that if there are changes to the site plan they would have to come back to a public hearing.

Chairman Gulino stated the whole issue tonight comes down to the height of these two towers. He further stated in his mind Scottsdale as a city is not in the same category as Phoenix, Los Angeles, or Dallas so they need to be more sensitive to height here. They are more of a suburban community than an urban community. However, he does not have a problem with the height. He commented he likes the site plan. He further

commented he thought the residential ownership is very important. He remarked he thought the downtown is in trouble and needs something and he felt this project was a step in that direction. He noted he can understand the reservations about the height. He further noted he has lived here for 20 years and has seen it change. He commented that they can't stop growing and whether or not they like it, it is a part of the evolution process for the community. He further commented he felt it was important that people continue to stay involved. A checks and balance system will keep them from getting out of control. He concluded he supports this request as it has been presented.

COMMISSIONER BARNETT MOVED TO FORWARD CASE 1-II-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE ATTACHED STIPULATIONS. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 7:10 p.m.

Respectfully Submitted,

"For the Record " Court Reporters