

SCOTTSDALE CITY COUNCIL REPORT



To: The Honorable Mayor and City Council
From: Planning Systems Dept/Community Development Division
Meeting Date: August 21, 2001

ITEM IN BRIEF

Action:

First Assembly Church of God Cul-de-Sac Abandonment

- *Abandon a cul-de-sac right-of-way along 87th Street.*
- *Accept right-of-way dedication along Pima Road.*

3-AB-2001

Purpose:

This request is to abandon the right-of-way dedication of the 87th Street cul-de-sac so that the adjacent three parcels can be reconfigured into two lots.

This request comes from Tom Rief who filed on behalf of First Assembly Church of God and Jill Aguirre, the owners of these properties.

Location:

Southwest corner of Via Dona Road and Pima Road.

Key Considerations:

City Impact:

- DEDICATES RIGHT-OF-WAY along Pima Road.
- DEVELOPMENT REVIEW BOARD application can continue forward with its review. Easements for the scenic corridor, vista corridor, and public trail will be dedicated with the Development Review Board application.

Neighborhood Impact:

- LOWERS THE DENSITY by permitting the applicant to reduce the number of lots from three to two.

Property Owner Impact:

- ALLOWS FOR THE APPROVAL of the lot-split/lot-tie application to reduce the number of lots from three to two.
- Increases the lot area. This is offset with the Pima Road dedication.

APPROVED
8/21/01 bdg
DATE INITIALS

Applicant:

Tom Rief
Land Development Services
4413 N Saddlebag Tr Ste 5
Scottsdale, AZ 85251
(480) 946-5020

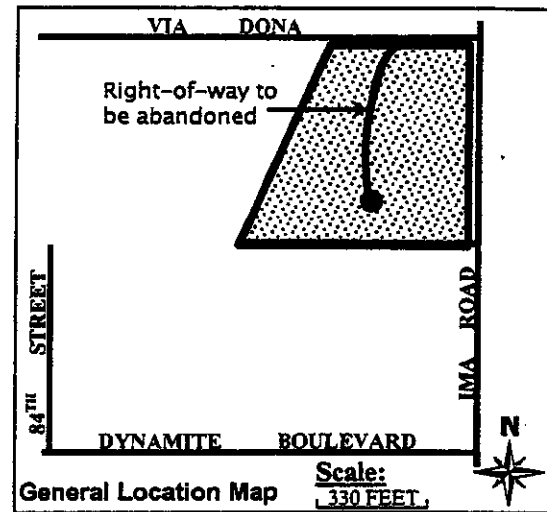
Owners:

First Assembly Church of God
15630 N. 83rd Way Ste. 101
Scottsdale, AZ 85260

Jill Aguirre
8605 E. Via Dona
Scottsdale, AZ 85262

Staff Contact:

Burns Gutzwiller
Planner
(480) 312-7854
E-mail: bgutzwiller@ci.scottsdale.az.us



DISCUSSION**Background/History:**

This property is located in the Desert Foothills Character Area. The subject 40 feet interior cul-de-sac was dedicated in 1997 as part of a lot-split application to serve the newly created lots. As part of the 1997 lot-split request the city also received a 50 feet wide scenic corridor easement along Pima Road.

Currently, the property owners desire to change the lot configuration and reduce the number of lots from three to two, thus eliminating the need for the subject interior cul-de-sac. They have submitted a Development Review Board application for a proposed church located on the southern portion of the site (one of the two proposed parcels).

Description of Applicant's Proposal:

1. Abandon the 40 feet wide public cul-de-sac right-of-way that serves three undeveloped lots.
2. Dedicate 20 feet of right-of-way on Pima Road to match city street standards for a parkway. 55 feet right-of-way is existing, 75 feet half-street required).
3. If the applicant is successful with their Development Review Board application for a church site, the following dedications would be required before the issuance of any building permits.
 - Vista corridor and drainage easement over the wash located on the western property boundary.
 - An additional 50' of scenic corridor along Pima Road for a total of 100'.
 - Dedicate a public trail easement over the wash located on the western property boundary.

This site is bordered by Pima Road to the east, Via Dona Road to the north, and a major wash to the west. Pima Road is currently classified as a parkway and requires a 75 feet half street right-of-way. Currently only 55 feet of right-of-way exists, and an additional 20 feet of right-of-way is required to comply with minimum city street standards. The dedication for the additional 20 feet of right-of-way is on file, and will be recorded if this request is approved.

Via Dona Road is classified as a minor collector which requires a 30 feet half street right-of-way. Currently, 40 feet half-street of right-of-way exists. No abandonment is being requested along Via Dona Road.

The General Plan indicates that a public trail is located in the wash that runs along the western boundary of this site. This trail will be dedicated at the time of development for each of the proposed lots.

Lastly, this abandonment is necessary for the approval of the applicant's lot-split application, which proposes to reduce the number of lots from three to two.

Community Involvement:

None at time the report was drafted.

Proposal Options and Alternatives:

- Approve the abandonment as requested and accept the right-of-way dedication.
- Deny the abandonment, and retain the right-of-way. The city will not receive the Pima Road right-of-way dedication. It would also prevent the lot-split/lot-tie application being approved as currently proposed.

Summary of Planning Commission Comments:

The Planning Commission did not comment on this case.


Planning Commission Recommendation:

The Planning Commission recommended approval 5-0 on the expedited agenda.

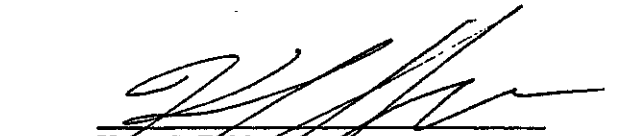
APPROVED
8/21/01
DATE *bell*
INITIALS


Attachments:

Attachment #1: Context Aerial
Attachment #2A: Pre-abandonment
Attachment #2B: Post-abandonment
Attachment #3: 6/13/01 Planning Commission Minutes


Burns Gutzwiller
Planner
Report author


Jon Chase
Quality Assurance/Compliance Director


Kroy S. Ekblaw
Interim Planning Systems General Manager


David Ellison
Assistant City Manager


The following departments/divisions have participated in the staff review of this request and support the stipulations/conditions as presented.

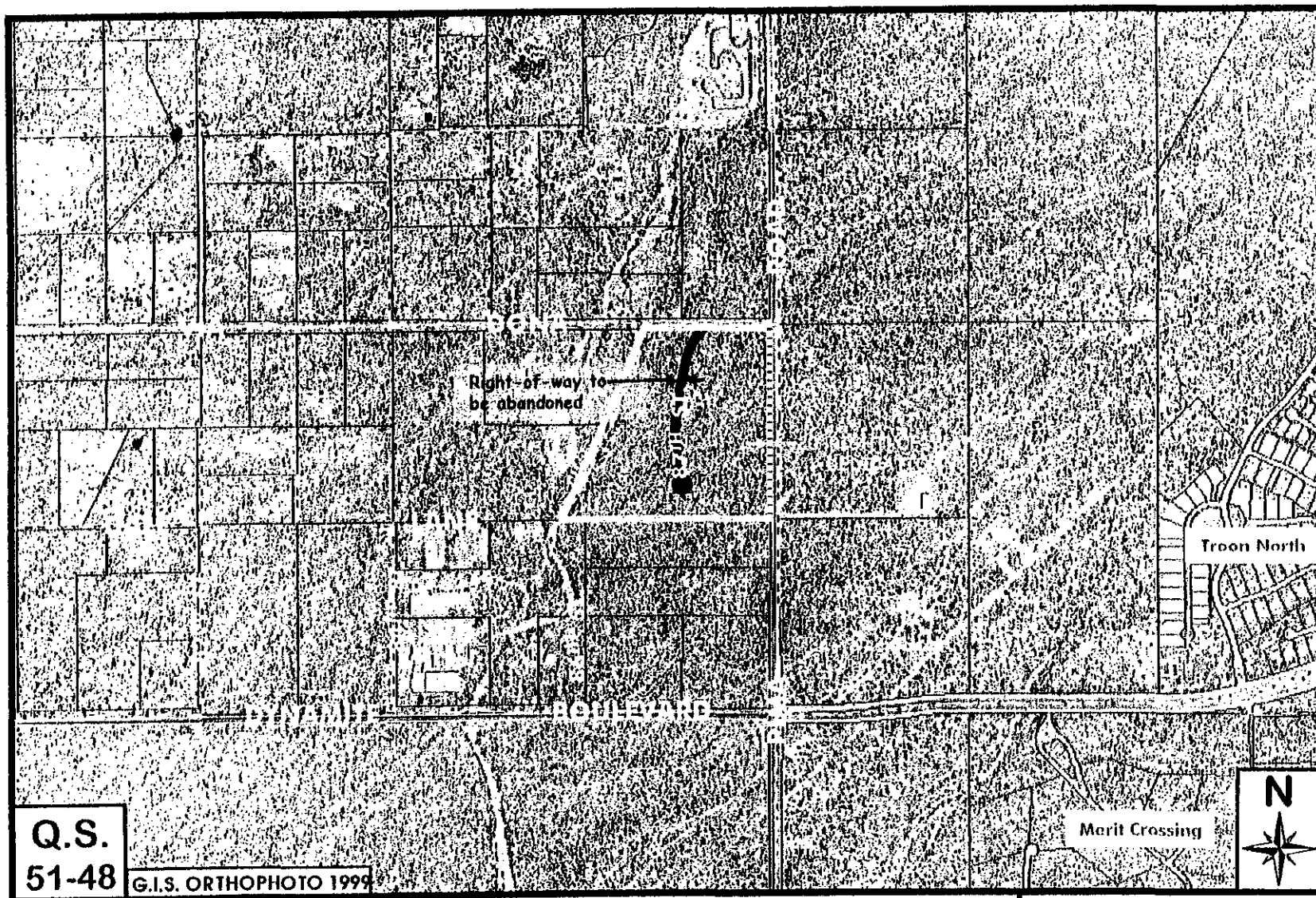
☒ Comprehensive Planning
☒ Public Safety (Police) (Rural Metro)
☒ Municipal Services

☒ Community Services (Trails)
☒ Transportation (Transit) (Drainage)
☒ Water Resources

Scottsdale Unified School District has been notified of this application.

APPROVED

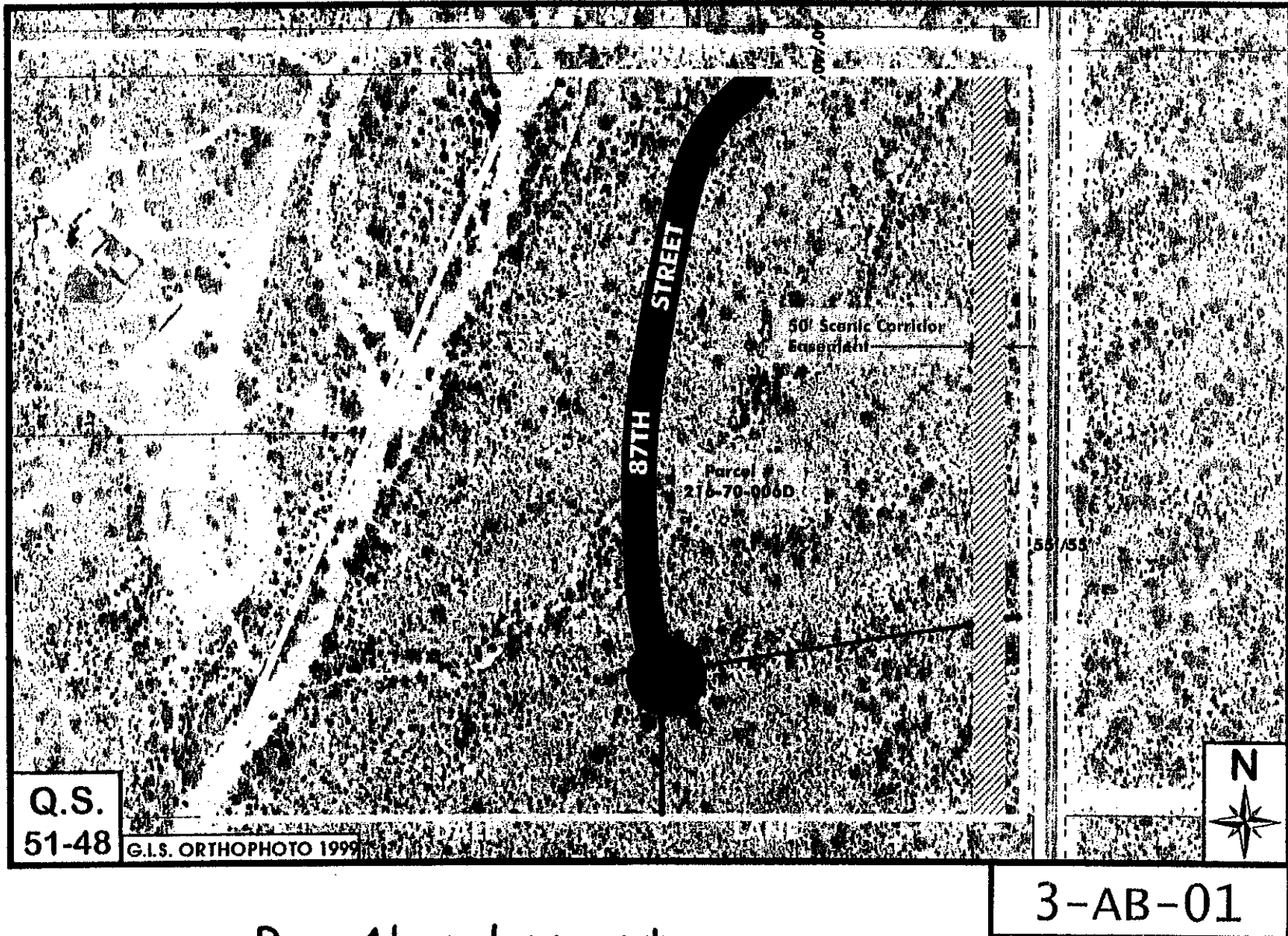
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INITIALS



Abandonment at the Southwest
corner of Pima and Via Dona

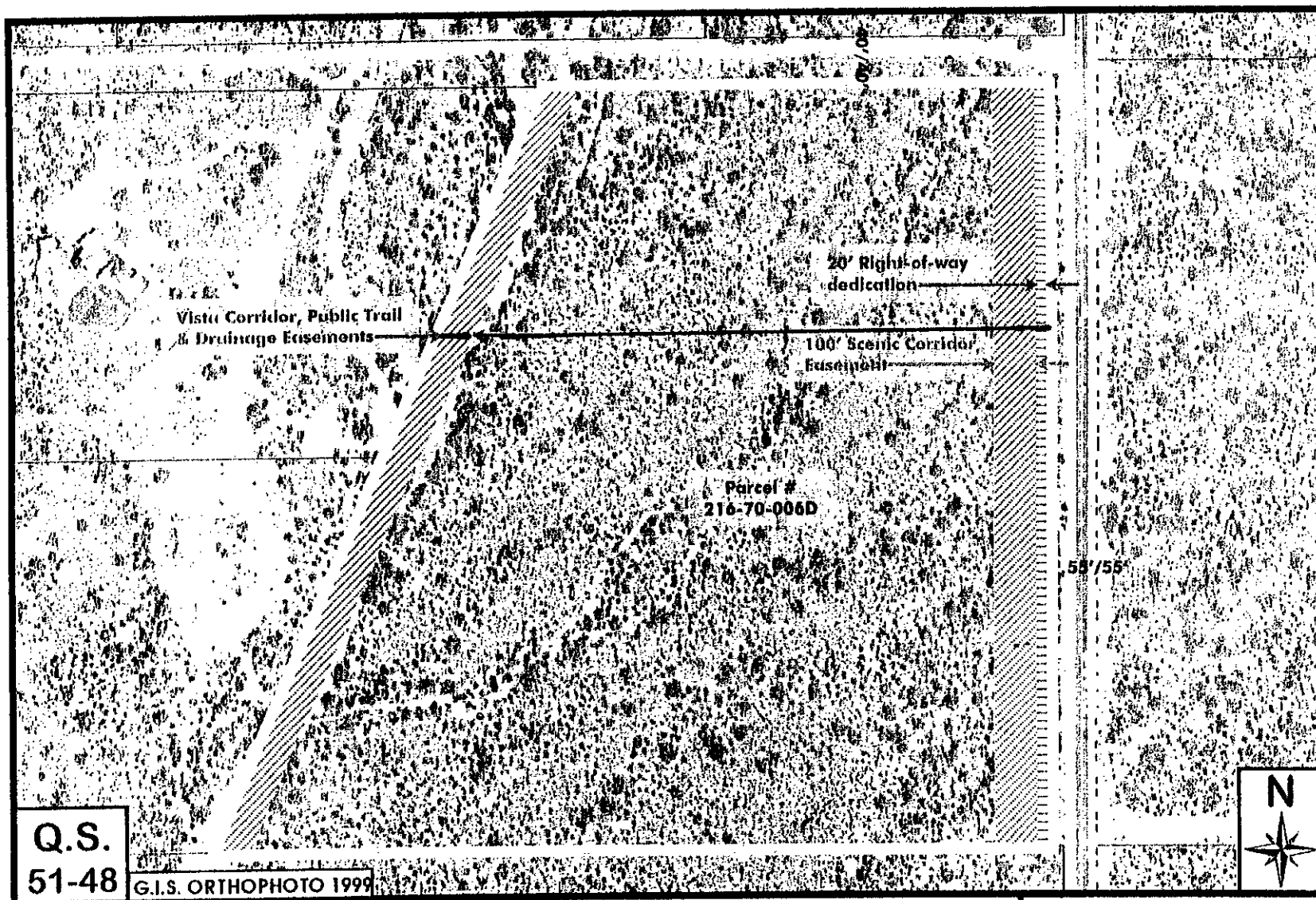
3-AB-01

ATTACHMENT #1



Pre-Abandonment

ATTACHMENT #2A



3-AB-01

Post-Abandonment

ATTACHMENT #2B

CONTINUANCES

2. 7-AB-2001 (North Peak Development Abandonment) request by North Peak Development, Design, Const., LLC, applicant, NPDDC & Robert Tomitz, owners, to abandon a portion of the roadway easement along the 116th Street alignment south of Dynamite Blvd, north of Oberlin Way.
TO BE CONTINUED TO JULY 11, 2001.
3. 5-UP-1992#4 (Camelback Desert School North) request by Jekel & Howard, LLP, applicant, William Barton Jr., owner, for an amendment to an existing conditional use permit for an existing private school in the Single Family Residential (R1-35) District on a 3+- acre site located at 9606 E. Kalil Dr.
TO BE CONTINUED TO JUNE 27, 2001.
4. 8-UP-2001 (Eagle Rider) request by Eagle Rider / David Mc Neil, applicant, Max Haechler Real Estate, owner, for a conditional use permit for motorcycle rental and sales in an existing 4,100 square foot building space located at 2949 N. Scottsdale Rd.
TO BE CONTINUED TO JUNE 27, 2001.

COMMISSIONER OSTERMAN MOVED TO CONTINUE CASE 7-AB-2001 TO THE JULY 11, 2001 PLANNING COMMISSION MEETING AND CASES 5-UP-1992#2 AND 8-UP-2001 TO THE JUNE 27, 2001 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER GULINO.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

CHAIRMAN DRAKE stated the Commission decided in Study Session to move case 30-ZN-2000#2 from the regular agenda to the expedited agenda.

5. 3-AB-2001 (Pima & Via Dona R.O.W. Abandonment) request by Land Development Services, applicant, First Assembly Church of God & Jill Aguirre, owners abandon the right of way dedication of an interior cul-de-sac at the southwest corner of Pima & Via Dona Roads.

(COMMISSIONER GULINO DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE)

MR. GUTZWILLER presented this case as per the project coordination packet.

(THERE WAS NO PUBLIC TESTIMONY)

5. 30-ZN-2000#2 (Paso Fino Estates II) request by Bues Gilbert PLLC, applicant, David & Sheila Schall, owners, to rezone from Single Family Residential (R1-35) to Single Family Residential/Planned Residential District (R1-18 PRD), with amended development standards, on a 3.75+/- acres located at the northwest corner of Cactus Rd & 90th St.

(COMMISSIONER BURNS DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

MS. HAMMOND presented this case as per the project coordination packet. Staff is recommending approval subject to the attached conditions.

CHAIRMAN DRAKE stated there are three citizen comment cards from people not wishing to speak who are in support of this request.

CHAIRMAN DRAKE stated she would like to comment that they did move this case from the regular agenda because it was basically minor additions to an existing approved plan. It matches what is there already and there is no controversy or opposition. Therefore it was the Commission's decision during study session to move this case to the expedited agenda.

VICE CHAIRMAN DUNN MOVED TO FORWARD CASE 30-ZN-2000#2 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER OSTERMAN.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH COMMISSIONER BURNS ABSTAINING.

COMMISSIONER OSTERMAN MOVED FORWARD CASE 3-AB-2001 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER BURNS.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH COMMISSIONER GULINO ABSTAINING.

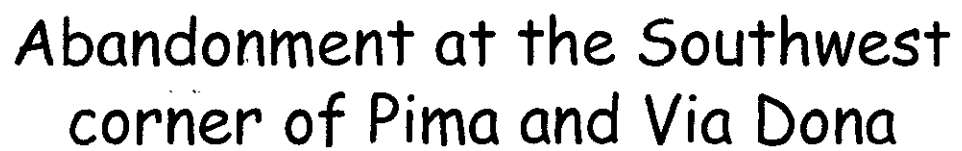
WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 5:15 p.m.

Respectfully Submitted,



ATTACHMENT #1



CITY COUNCIL REPORT

MEETING DATE: September 8, 2003

ITEM NO.

13

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Scottsdale First Assembly of God - Dream Center

REQUEST

Initiate a review of the Development Review Board approval for the Scottsdale First Assembly of God Dream Center.

36-DR-2003

Key Items for Consideration:

- The Development Review Board approved this case on August 21, 2003, by a vote of 5 to 1.
- The Development Review Board approved a height in excess of the standard 24-foot maximum building height requirement in the ESL District.
- There are objections to the proposed 40-foot tall cooling tower/steeple.
- There is both support and opposition to the proposal.

OWNER

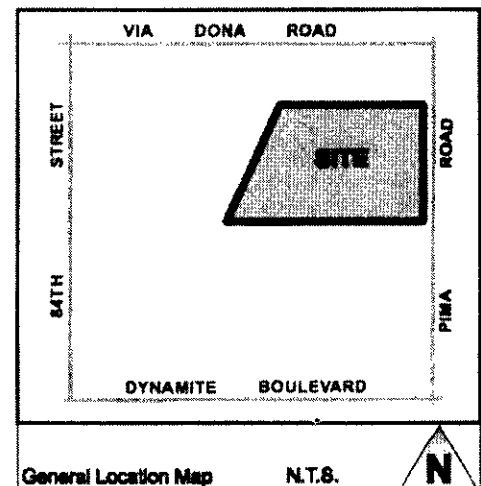
DREAM CENTER Scottsdale First Assembly
480-367-8182

APPLICANT CONTACT

Jack DeBartolo
Debartolo Architects
602-264-6617

LOCATION

South of the Southwest corner of Pima & Via Dona Roads



BACKGROUND

Zoning and Context.

The 24-acre site is located south of Via Dona Road and west of Pima Road in the Desert Foothills Character Area. The Planned McDowell Sonoran Preserve is located on the east side of Pima Road. The property is zoned Low Density Residential/Environmentally Sensitive Lands district (R1-190/ESL), is in the Foothills Overlay district (FO), and is located in the Upper Desert landform. The property's rolling terrain has slopes ranging from 0-15%, and the Rawhide Wash runs through the west side of the property. The site slopes in a southwest direction, with a gradual elevation drop of 50 feet.

Maximum Building Height.

The maximum building height limit in the R1-190/ESL District is 24 feet. The Development Review Board has the authority to approve non-residential buildings that exceed 24 feet in height upon finding that the increased height is appropriate and compatible with the character of the neighborhood (up to 30 feet; and 45 feet for towers). The majority of the proposed building is approximately



24 feet measured from natural grade. Due to the varying terrain, approximately 1/3rd of the roof area exceeds the 24-foot limit (but less than 30 feet tall). The proposed 64-square-foot cooling tower/steeple at the building entrance is approximately 40 feet tall.

DISCUSSION

Request.

This is a request for City Council to initiate its own review of the Development Review Board's decision on Case 36-DR-2003, which was approved by the Development Review Board on August 21, 2003. At the Development Review Board hearing, citizens spoke both in favor and opposition to the project. Opponents criticized the proposed 40-foot tall church cooling tower/steeple, as well as the architecture style and materials.

Key Issues.

Building height
Architectural style and materials

Community Involvement.

Comments have been received from surrounding property owners and other interested citizens expressing opposition to the proposed 40' tower height. Exchanging the tower height for larger and more visible signage on Pima Road was discussed, however an amendment to the sign ordinance would be required. Opposition has also been expressed toward the proposed contemporary architectural style and building materials. At the hearing, there were 59 citizen comment cards submitted, and 1 speaker spoke in opposition. See attachments for Minutes of the Development Review Board's hearing, Staff Report, and citizen review comments for this case.

Future Action.

If a review is initiated, the City Council will decide to uphold, modify, or overrule the Development Review Board's decision at a future meeting.

OTHER BOARDS AND COMMISSIONS

The Development Review Board approved case 36-DR-2003

RECOMMENDATION

Staff recommended approval of case 36-DR-2003

RESPONSIBLE DEPT(S)

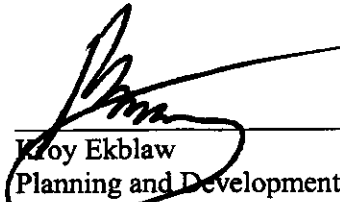
Planning and Development Services Department
Current Planning Services


STAFF CONTACT(S)

Tim Curtis
Project Coordination Manager
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
rgrant@ScottsdaleAZ.gov

APPROVED BY


Troy Ekblaw
Planning and Development Services General Manager
8/22/03
Date


Ed Gawf
Deputy City Manager
8/22/03
Date

ATTACHMENTS

1. Development Review Board Staff Report
2. Development Review Board Minutes
3. Citizen Review Comments

TO: DEVELOPMENT REVIEW BOARD **DATE:** August 21, 2003
FROM: CURRENT PLANNING SERVICES
SUBJECT: CASE 36-DR-2003
REQUEST: Approve site plan & elevations for a new church complex
PROJECT NAME: Scottsdale First Assembly of God - Dream Center
LOCATION: South of the SWC of Pima & Via Dona Roads

DEVELOPER/OWNER: DREAM CENTER Scottsdale First Assembly
ARCHITECT/DESIGNER: Debartolo Architects
ENGINEER: N/A
APPLICANT/COORDINATOR: Debartolo Architects/Jack DeBartolo
4450 N 12 St Rm 268
Phoenix, AZ 85014
602-264-6617

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

PUBLIC COMMENTS: Comments have been received from surrounding property owners and other interested citizens expressing opposition to the proposed 40' tower height. Exchanging the tower height for larger and more visible signage on Pima Road was discussed, however an amendment to the sign ordinance would be required. Opposition has also been expressed toward the proposed contemporary architectural style and building materials.

REQUEST: This is a request for approval of the site plan and elevations of a new place of worship. This is also a request for approval of heights in excess of the 24-foot maximum building height requirement in the Environmentally Sensitive Lands District (ESL).

LOCATION & ZONING: The 24-acre site is located south of Via Dona Road and west of Pima Road in the Desert Foothills Character Area. The Planned McDowell Sonoran Preserve is located on the east side of Pima Road. The property is zoned Low Density Residential/Environmentally Sensitive Lands district (R1-190/ESL), is in the Foothills Overlay district (FO), and is located in the Upper Desert landform.

CHARACTERISTICS: The property's rolling terrain has slopes ranging from 0-15%, and the Rawhide Wash runs through the west side of the property. The site slopes in a southwest direction, with a gradual elevation drop of 50 feet.

DISCUSSION: The 26,600 square foot building is positioned near the center of the 24-acre site, with setbacks ranging from 250 feet to 550 feet from the surrounding property lines. Two driveways are proposed off of Pima Road, and the applicant is providing a 100' scenic corridor easement along Pima Road.


The maximum building height limit in the R1-190/ESL District is 24 feet. The Development Review Board has the authority to approve non-residential buildings that exceed 24 feet in height upon finding that the increased height is appropriate and compatible with the character of the neighborhood (up to 30 feet; and 45 feet for towers). The majority of the proposed building is approximately 24 feet measured from natural grade. Due to the varying terrain, approximately 1/3rd of the roof area exceeds the 24-foot limit (but less than 30 feet tall). The proposed 64-square-foot cooling tower/steeple at the building entrance is approximately 40 feet tall.

The proposed building will be constructed with integrally colored concrete block and has a contemporary design using straight horizontal and vertical lines. Some exterior walls will have weathered cor-ten steel siding and a weathered steel shade trellis. The cooling tower/steeple will also be block and accented at the top with a perforated fiberglass translucent resin material. The accent top of the tower will not be internally lit.

Thirty six percent (36%) of the site will be designated as natural area open space (NAOS), with an additional 35% of the site left as undisturbed open space. New landscaping in disturbed areas will consist of native desert materials. Public trail and drainage, N.A.O.S., and vista corridor easements will be provided along the Rawhide Wash. Low level lighting fixtures will be provided in the parking lot and building areas, with a maximum pole height of 16 feet.

KEY ISSUES: Building height
Architectural style and materials

RELATED CASES: 32-LT-2001, 3-AB-2001


Tim Curtis
Project Coordination Manager
480-312-4210

ATTACHMENTS:

- #1-Project Narrative
- #2-Context Aerial
- #2A-Aerial Close-Up
- #3-Zoning Map
- #4-Site Plan
- #5-Landscaping Plan
- #6-Elevations
- #7-Perspective
- A-Stipulations/Ordinance Requirements

PROJECT NARRATIVE | debartolo architects | may 2003

This proposed project strives to create architecture that is **regionally sympathetic** as well as grounded in the **context** and **community** of its place. We can not fall back on superficial fads or historical "styles" that are so common in this region today. If we imitate the form of these historical buildings without recognition of the original content – we have degraded the importance of history and created a skin-deep copy. We are recommending a new architecture for this place that sensitively responds to the site and the client's needs in this unique context.

The proposed development of 26.2 acres in north Scottsdale is for the congregation of the Dream Center, Scottsdale First Assembly. The native desert site along Pima Road is covered with a scattering of Ironwood, saguaros and yucca and was specifically selected for its natural beauty and physical characteristics. The mild undulating slope of the topography enriches the quality of the site, inviting an intimate and grounded design solution. The views to the nearby Pinnacle Peak provide a distant focus and landmark that locks the building into this unique place. The building complex occupies the central portion of the site adjacent to a major wash(e). The building orientation and geometry are informed by this unique land characteristic.

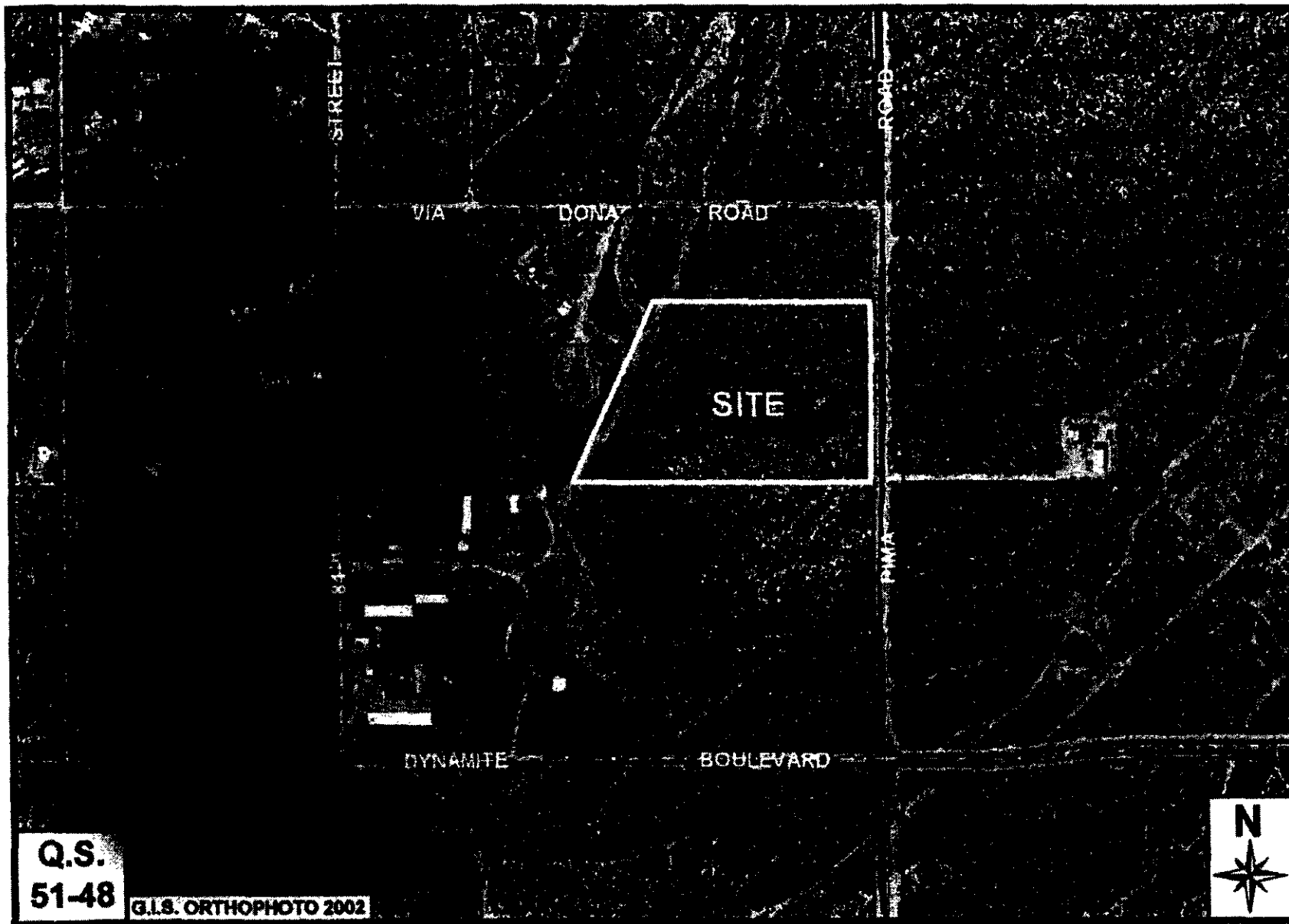
The proposed 27,000 square foot grouping of buildings will accommodate an assembly space, administration and Christian education classrooms. The building is a simple yet rich environment of masonry walls and trellises shaped around the owner's needs and the site. In order to select the material palette, we looked to the local sheds, fences, rails, wagon wheels, vegetation and native landscape – the rich colors, textures and materials of the desert. Complimenting the natural character and richness of the site, we have made an effort to avoid paint and artificiality; the resulting structure roots itself in weathered, humble materials organized in a simple and ordered form to create a 'new' environment for the Scottsdale congregation.

Driving into the site from Pima Road, one first passes through the natural desert and rises 10' immediately from the elevation of Pima to park in the desert-parking garden. Walking along pedestrian paths, one is shaded by native Ironwood, Mesquite and Palo Verde trees. Entering into the mesquite plaza, an urban gathering place, one is drawn by a 40-foot tall cool-tower that passively cools the plaza as it invites the cool air from above to fall to the plaza floor below. The thermal effect will be enhanced by a fine mist of cool water emitted by dozens of stainless steel atomizing nozzles located in the tower. The heat exchange that takes place as the water evaporates in the dry climate creating a cushion of air cooled 20 degrees without a mechanical system. The top of the tower, fabricated of perforated fiberglass resin, is translucent – evoking the changing ambient light of the desert and rising above the surrounding structure creating a soft edge to the sky. Shaded by native desert vegetation, the plaza becomes the central meeting point for the congregation.

The church's weathered cor-tin steel and masonry forms, like some rusted artifact from a cowboy camp, are oriented to frame prime views. The texture of the exterior contrasts with the refinement of the interior palette of white plaster, stainless steel, maple and translucent glass. The unpainted integral colored masonry walls (articulated by using a combination of 4" and 8" block) to reinforce human scale and interest while supporting the science of thermal mass absorbing heat during the day and releasing it at night. Entering the low volume lobby from the mesquite plaza – with its shaded south-facing 1" insulated low-e solex glazing, one is welcomed by an efficient and orderly space with access to the sanctuary. The sanctuary serves as the main assembly space of the project – accommodating up to 1,000 people for services and special events. The high-volume, acoustically tuned space maximizes the 24' limit and focuses itself on the ministry platform.

Access to the classrooms and administration spaces is along outdoor walkways, shaded by a simple weathered galvanized trellis – the connection to the site is maximized and the visitor is united repeatedly with the place and views to the mountains and washes beyond. Using a simple palette of thermal mass materials, natural ventilation, shaded trellis walkways, deep set windows and weathered cor-tin steel – the weathered desert church will quietly and respectfully blend into the desert site.

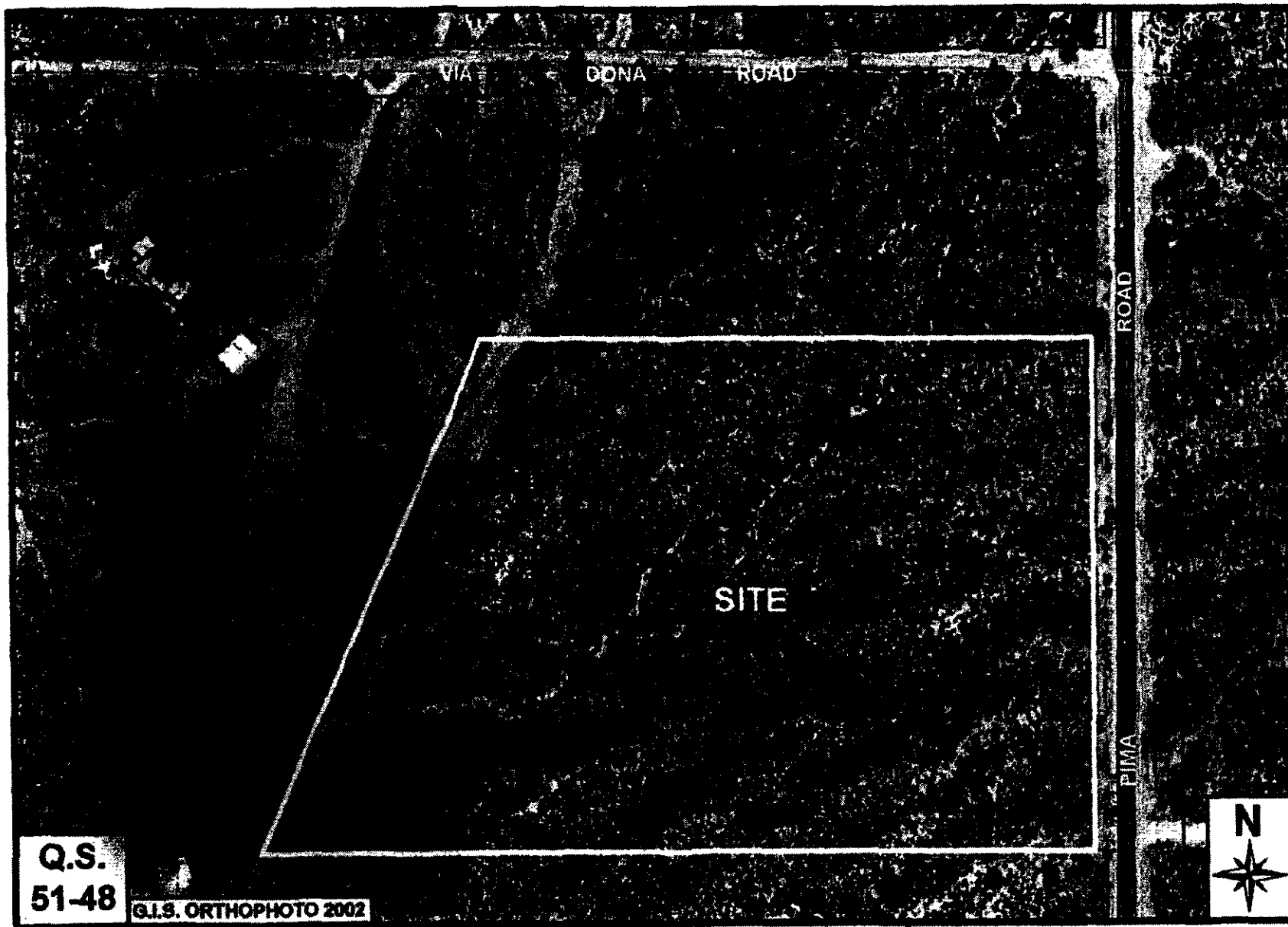
With the significantly increased setbacks, the site lends itself to preserving the quality of the desert without limiting the vision of the church. Through sensitive development and preservation of nature, this new congregation will gently occupy the site and fulfill the demand for culture and faith in the north Scottsdale community.



Scottsdale First Assembly of God –
Dream Center

36-DR-2003

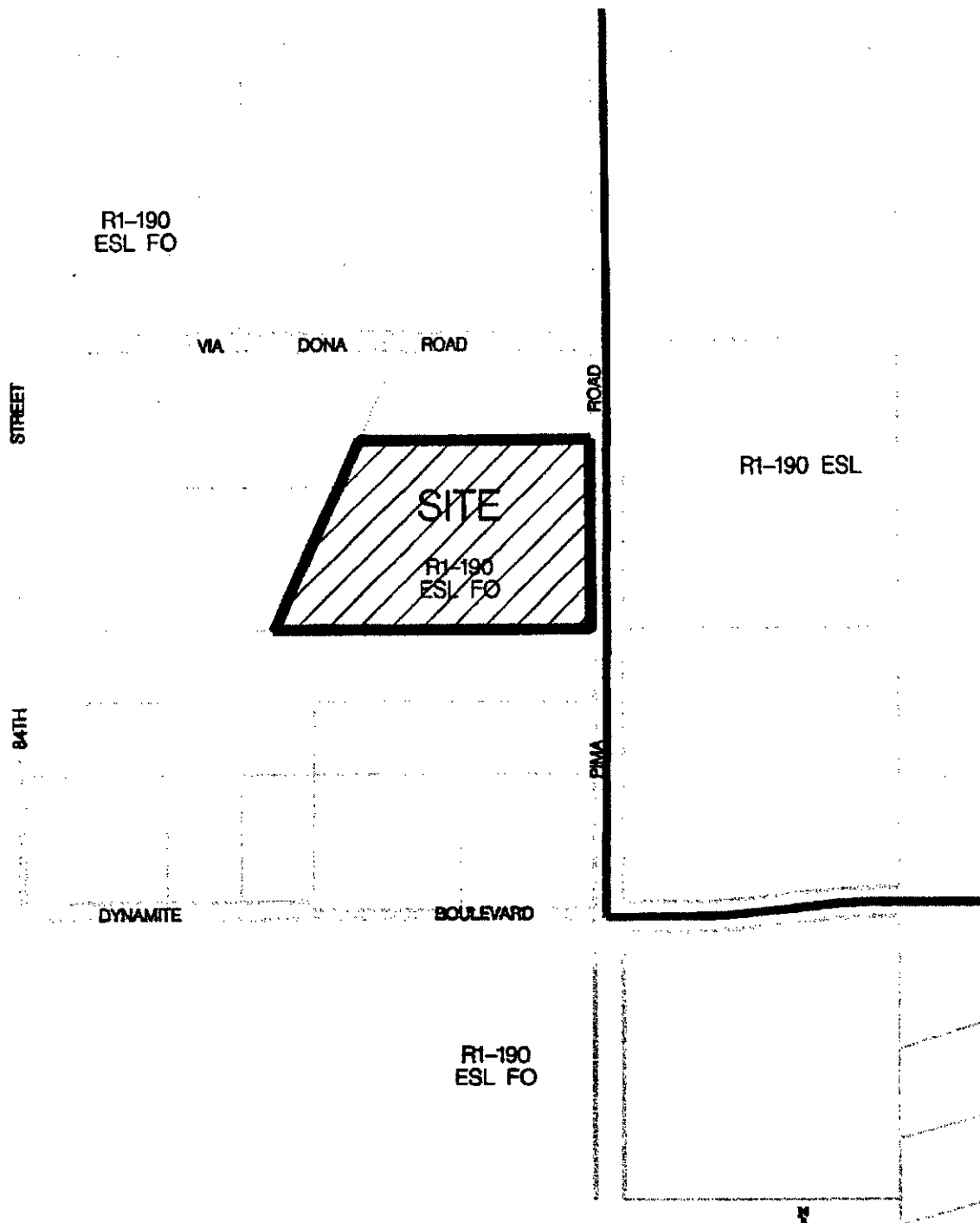
ATTACHMENT #2



Scottsdale First Assembly of God –
Dream Center

36-DR-2003

ATTACHMENT #2A



36-DR-2003
ATTACHMENT #3

site legend

- 1. EXISTING LOT LINES
- 2. EXISTING BUILDING FOOTPRINTS
- 3. EXISTING DRIVEWAYS
- 4. EXISTING SIDEWALKS
- 5. EXISTING UTILITIES
- 6. EXISTING TREES
- 7. EXISTING FENCES
- 8. EXISTING EROSION CONTROL
- 9. EXISTING ADJACENT PROPERTIES
- 10. EXISTING STREETS
- 11. EXISTING ZONING
- 12. EXISTING EASEMENTS
- 13. EXISTING ENCROACHMENTS
- 14. EXISTING SETBACKS
- 15. EXISTING DISTANCES
- 16. EXISTING HEIGHTS
- 17. EXISTING VOLUMES
- 18. EXISTING AREAS
- 19. EXISTING PERIMETERS
- 20. EXISTING CENTERS
- 21. EXISTING POINTS
- 22. EXISTING LINES
- 23. EXISTING SURFACES
- 24. EXISTING MATERIALS
- 25. EXISTING CONDITIONS
- 26. EXISTING SITUATIONS
- 27. EXISTING CIRCUMSTANCES
- 28. EXISTING FACTORS
- 29. EXISTING INFLUENCES
- 30. EXISTING EFFECTS
- 31. EXISTING IMPACTS
- 32. EXISTING CONSEQUENCES
- 33. EXISTING RESULTS
- 34. EXISTING OUTCOMES
- 35. EXISTING END RESULTS
- 36. EXISTING FINAL OUTCOMES
- 37. EXISTING ULTIMATE RESULTS
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- 96. EXISTING FINAL-STATE RESULTS
- 97. EXISTING ULTIMATE-STATE RESULTS
- 98. EXISTING END-STATE RESULTS
- 99. EXISTING FINAL-STATE RESULTS
- 100. EXISTING ULTIMATE-STATE RESULTS

area calculations

AREA CALCULATIONS
TOTAL AREA: 10.00 ACRES
TOTAL BUILDING AREA: 10,000 SQ. FT.
TOTAL PARKING AREA: 10,000 SQ. FT.
TOTAL DRIVEWAY AREA: 10,000 SQ. FT.
TOTAL SIDEWALK AREA: 10,000 SQ. FT.
TOTAL UTILITY AREA: 10,000 SQ. FT.
TOTAL TREE AREA: 10,000 SQ. FT.
TOTAL FENCE AREA: 10,000 SQ. FT.
TOTAL EROSION CONTROL AREA: 10,000 SQ. FT.
TOTAL ADJACENT PROPERTY AREA: 10,000 SQ. FT.
TOTAL STREET AREA: 10,000 SQ. FT.
TOTAL ZONING AREA: 10,000 SQ. FT.
TOTAL EASEMENT AREA: 10,000 SQ. FT.
TOTAL ENCROACHMENT AREA: 10,000 SQ. FT.
TOTAL SETBACK AREA: 10,000 SQ. FT.
TOTAL DISTANCE AREA: 10,000 SQ. FT.
TOTAL HEIGHT AREA: 10,000 SQ. FT.
TOTAL VOLUME AREA: 10,000 SQ. FT.
TOTAL AREA: 10,000 SQ. FT.

parking calculation

PARKING CALCULATION
TOTAL PARKING SPACES: 100
TOTAL PARKING AREA: 10,000 SQ. FT.
TOTAL PARKING DISTANCE: 10,000 SQ. FT.
TOTAL PARKING HEIGHT: 10,000 SQ. FT.
TOTAL PARKING VOLUME: 10,000 SQ. FT.
TOTAL PARKING AREA: 10,000 SQ. FT.

parking calculation - total

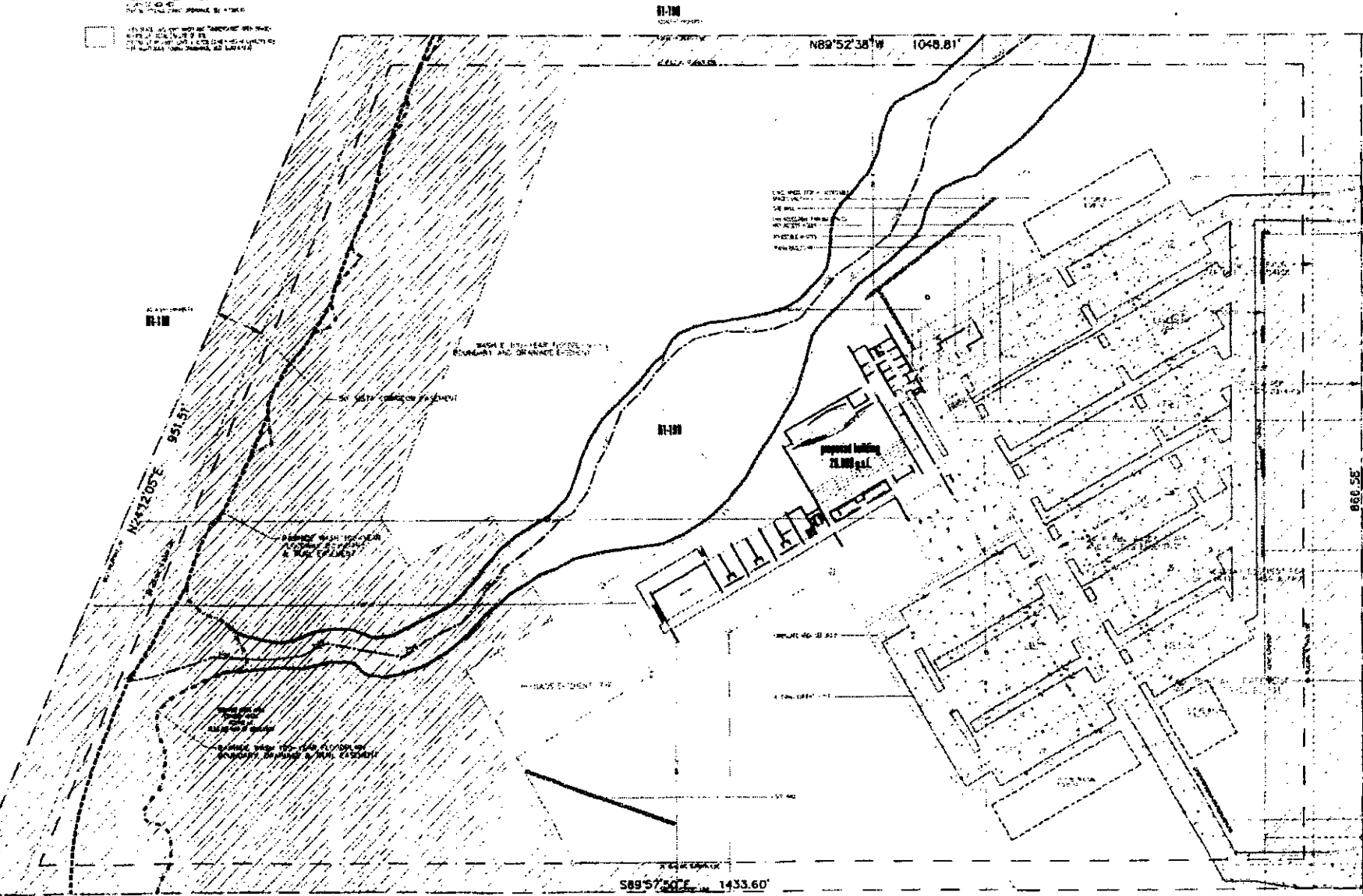
PARKING CALCULATION - TOTAL
TOTAL PARKING SPACES: 100
TOTAL PARKING AREA: 10,000 SQ. FT.
TOTAL PARKING DISTANCE: 10,000 SQ. FT.
TOTAL PARKING HEIGHT: 10,000 SQ. FT.
TOTAL PARKING VOLUME: 10,000 SQ. FT.
TOTAL PARKING AREA: 10,000 SQ. FT.

project data

PROJECT DATA
PROJECT NAME: DREAM CENTER
PROJECT ADDRESS: 1000 10TH AVE
PROJECT CITY: SCOTTSDALE, ARIZONA
PROJECT STATE: ARIZONA
PROJECT ZIP: 85251
PROJECT PHONE: (480) 344-1111
PROJECT FAX: (480) 344-1112
PROJECT EMAIL: info@dreamcenter.com
PROJECT WEBSITE: www.dreamcenter.com



location map



DR2.0

Scottsdale First Amendment

DREAM CENTER

1000 10TH AVE, SCOTTSDALE, ARIZONA

30 June 2003

DR2.0

DR2.0 architects

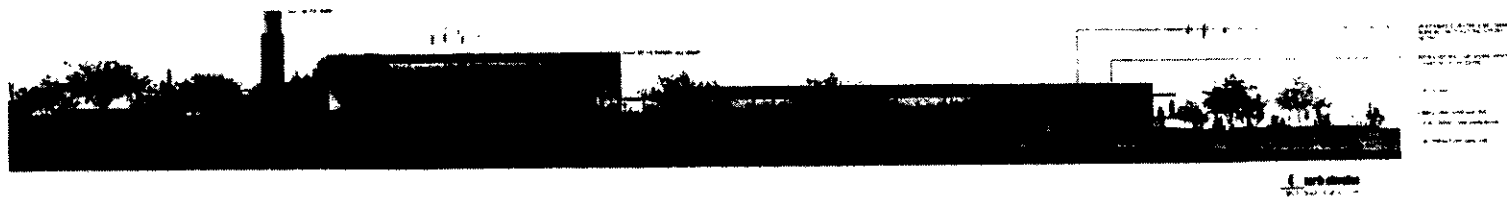
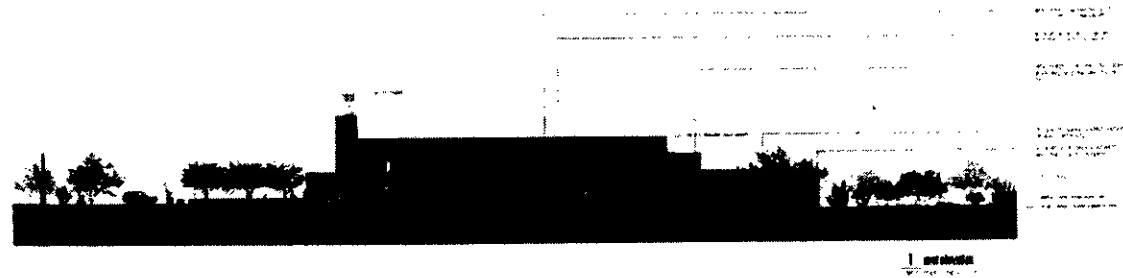
4000 10TH AVE, SCOTTSDALE, ARIZONA 85251

PHONE: (480) 344-1111

FAX: (480) 344-1112

WWW.DR2.0.COM

Development
Review Board
Meeting
10/1/2003



3600 PDR PG 2001

DR5.0

DR5.0
Development Review Board
Meeting
10/1/2003

DR5.0
Development Review Board
Meeting
10/1/2003

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Development Review Board
Meeting
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Development Review Board
Meeting
10/1/2003

ATTACHMENT #6

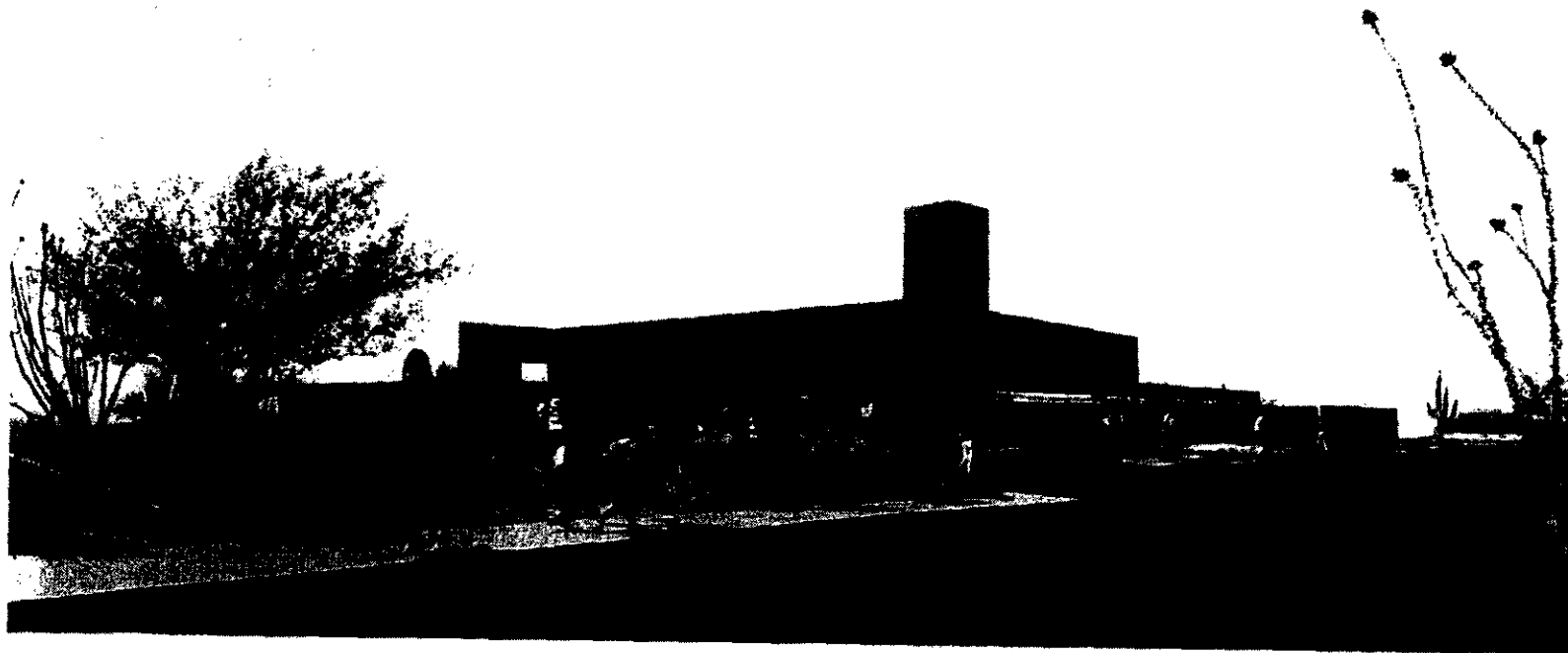
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88-PA-2001#2

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DREAM CENTER

88-PA-2001#2



ATTACHMENT #7

88-PA-2001#2

36-DR-2003
05/20/2003

**Stipulations for Case:
Scottsdale First Assembly of God – Dream Center
36-DR-2003**

Unless otherwise stated, the applicant agrees to complete all requirements prior to final plan approval, to the satisfaction of Project Coordinator and the Final Plans staff.

PLANNING

APPLICABLE DOCUMENTS AND PLANS:

DRB Stipulations

1. Except as required by the City Code of Ordinances, Zoning Regulations, Subdivision Regulations, and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
 - a. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevations submitted by DeBartolo Architects with a drawing date of May 13, 2003.
 - b. The location and configuration of all site improvements shall be constructed to be consistent with the context site plan submitted by DeBartolo Architects with a staff received date of 7/24/2003.
 - c. Landscaping, including quantity, size, and location of materials shall be installed to be consistent with the conceptual landscape plan submitted by DeBartolo Architects with a staff received date of 5/20/2003.
 - d. Building height from natural grade shall be constructed to be consistent with the Roof Plan submitted by DeBartolo Architects with a staff received date of 7/24/2003.

ARCHITECTURAL DESIGN:

DRB Stipulations

2. Colors and materials shall match the samples on file with the City.
3. All exterior mechanical, utility, and communications equipment shall be screened by parapet or wall that matches the architectural color and finish of the building. Wall or parapet height for roof-mounted units shall meet or exceed the height of the tallest unit. Wall height for ground-mounted units shall be a minimum of 1' higher than the tallest unit.
4. Any exterior conduit and raceways shall be painted to match the building.
5. No exterior roof ladder shall be allowed where they are visible to the public or from an off-site location.
6. Roof drainage systems shall be interior, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural design.
7. Wall enclosures for refuse bins or trash compactors shall be constructed of materials that are compatible with the building(s) on the site in terms of color and texture.
8. All walls shall match the architectural color, materials and finish of the building(s).

Ordinance

- A. The light reflective value of colors on the building exterior shall not exceed 35, and shall be disclosed on the architectural elevation drawings at the time of final plans submittal.

SITE DESIGN:

DRB Stipulations

9. Future buildings shown on the applicable site plan document require separate approval from the Development Review Board.
10. Public use trail locations shall be shown on the site plan at the time of final plans submittal. The trail location shall be subject to the approval of the City Trails Coordinator.

Ordinance

- B. The site plan shall be revised to indicate the required number of bicycle parking spaces within 50 feet of the main building entrance.

LANDSCAPE DESIGN:

DRB Stipulations

11. Upon removal of the salvageable native plants the salvage contractor shall submit completed Native Plant Tracking Form as well as a list identifying the tag numbers of the plants surviving salvage operations to the City's Inspection Services Unit within 3 months from the beginning of salvage operations and/or prior to the issuance of the Certificate of Occupancy.
12. Cut and fill slopes shall be rounded to blend with the existing contours of the adjacent natural grades.
13. At the time of final plans, the landscape plan shall show N.A.O.S. locations consistent with the site plan and the proposed instrument of dedication.
14. Any drainage structures, if proposed, shall be integrally colored to blend with the colors of the surrounding natural desert.
15. Rip rap, if proposed, shall be indigenous stone, and shall be treated with a desert varnish (eonite or equal).

Ordinance

- C. The landscape plan shall be revised to clearly distinguish between existing trees to remain, existing trees as relocated, and new trees by species and location.
- D. The quantity of all species used shall be specified in the plant palette at the time of final plans submittal.
- E. The landscape plan will demonstrate conformance with an approved Native Plant Permit and associated documents.
- F. Non-Residential: Mature Trees – 50% of the trees required of this project shall be the following sizes: a) 1.5-inch average caliper for multi-trunked trees, b) 3-inch caliper for single trunk trees c) 16 foot minimum trunk height for palms.
- G. The species of all new plants on site shall be selected solely from the City of Scottsdale Indigenous Plants for Environmentally Sensitive Lands list.

EXTERIOR LIGHTING DESIGN:

DRB Stipulations

16. All exterior luminaries shall meet all IESNA requirements for full cutoff, and shall be aimed downward and away from property line, except sign, parking lot canopy and landscape lighting.
17. The individual luminaire lamp shall not exceed 250 watts.
18. The "warmth" of light emitting from all fixtures shall be 3000 degrees Kelvin or "warmer".
19. The minimum Light Loss Factors used on the photometric study shall be 0.70.
20. The maximum height from finished grade to the bottom of the any exterior luminaire shall not exceed 16 feet.
21. All exterior light poles, pole fixtures, and yokes, shall be a flat black or dark bronze.

22. No lighting shall be permitted in dedicated NAOS easements, Vista Corridor easements.

23. Incorporate into the project's design, the following:

Parking Lot and Site Lighting:

- a. The maintained average horizontal illuminance level, at grade on the site shall not exceed 6.0 foot-candles.
- b. The maintained maximum horizontal illuminance level, at grade on the site, shall not exceed 1.5 foot-candles. All exterior luminaries shall be included in this calculation.
- c. The initial vertical illuminance at 6.0 foot above grade, along the entire property line (or 1 foot outside of any block wall exceeding 5 foot in height) shall not exceed 0.3 foot-candles. All exterior luminaries shall be included in this calculation.

Building Mounted Lighting:

- d. All luminaries shall be recessed or shielded so the light source is not directly visible from property line.

Landscape Lighting

- e. All landscape lighting directed upward shall utilize the extension visor shields to limit the view of the lamp source.
- f. Landscaping lighting shall only be utilized to accent plant material.
- g. All landscape lighting directed upward, shall be aimed away from property line.
- h. All landscape lighting hanging in vegetation, shall contain recessed lamps, and be directed downward and away from property line.
- i. The landscape lighting lamp shall be an incandescent or halogen incandescent source, and shall not exceed 50 watts.

VEHICULAR AND BICYCLE PARKING:

DRB Stipulations

24. Bike rack design shall be in conformance with City of Scottsdale M.A.G. Details unless otherwise approved in writing by the City of Scottsdale's Transportation Department.

ADDITIONAL PLANNING ITEMS:

DRB Stipulations

25. No exterior vending or display shall be allowed.

26. Flagpoles, if provided, shall be one piece, conical, and tapered.

27. Patio umbrellas shall be solid colors and shall not have any advertising in the form of signage or logos.

RELEVANT CASES:

Ordinance

H. At the time of review, the applicable zoning case for the subject site was: 36-ZN-1984.

ENGINEERING

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all inclusive of project requirements. The developer shall submit engineering design reports and plans that demonstrate compliance with city ordinances, the Scottsdale Revised Code and the Design Standards and Policies Manual.

APPLICABLE DOCUMENTS:

28. Preliminary Drainage Report for the Dream Center – Scottsdale First Assembly, prepared by HEC Engineering, dated November 25, 2002.

DRAINAGE AND FLOOD CONTROL:

DRB Stipulations

29. A final drainage report shall be submitted that demonstrates consistency with the conceptual drainage report approved in concept by the Planning and Development Services Department.
- a. Before the approval of improvement plans by city staff, the developer shall submit two (2) hard copies and one (1) compact disc copy of the complete final drainage report and plan.
30. Basin Configuration:
- a. Basin side slopes shall not be steeper than 4:1, and basin depths shall not exceed 3 feet.
 - b. A maximum of 50% of the front open space may be used as a retention/detention basin unless approved by the Project Coordination Manager
 - c. Stormwater Storage on Paved Surfaces. Up to 50% of required stormwater storage may be provided in parking areas when the following conditions are met:
 - d. Storage system shall be designed to store first 30% of required runoff volume off paved areas (to avoid ponding of nuisance water on pavement).
 - e. Parking lot storage areas shall be designed so as to minimize interference with pedestrian traffic. Depth of water shall not exceed six inches within the parking area.

Ordinance

- I. On-site stormwater storage is required for the full 100-year, 2-hour storm event. The design of the storage basin capacity shall account for any proposed landscaping improvements. The landscaping improvements within the basins shall not reduce the capacity of the basins under the required volume.
 - (1) Basin bleed-off rates shall be set so that the storage basins do not drain completely in less than 24 hours. Storage basins must drain completely within 36 hours.
 - (2) Infiltration of stormwater through the basin floor is not acceptable as the sole means of draining the basin. Stormwater storage basins should be designed to meter flow to the historic out-fall point. Where an historic out-fall point does not exist (or metering is not possible), other methods of discharge such as pumps, etc. may be considered.
 - (3) Stormwater storage basins may not be constructed within utility easements or dedicated right-of-way (exceptions may be granted with written approval from appropriate utility company).
 - (4) Off-site runoff must enter and exit the site as it did historically.
 - (5) All development shall be designed to satisfactorily convey the 100-year peak discharge through the site without significant damage to structures.
- J. With the final improvement plans submittal to the Plan Review and Permit Services Division, the developer shall submit a final drainage report and plan, subject to City staff approval.
- K. Underground Stormwater Storage:

- (1) Underground stormwater storage is prohibited unless approval is obtained from the City's Floodplain Administrator.
- (2) Drywells are not permitted.

L. Street Crossings:

- (1) Watercourse crossings for roads shall be designed to provide for 100-year access to all lots by at least one route. Accessibility will be considered to exist if it can be shown by the engineer that at the time of the peak flow, the depth of flow over the road will not be greater than 1 foot.

ROADWAY, INTERSECTION, AND ACCESS DESIGN:

Streets and other related improvements:

STREET NAME	STREET TYPE	R.O.W. DEDICATION	ROADWAY IMPROVEMENT	CURB TYPE	BIKE PATH, SIDEWALK, TRAILS
Pima Road	Major Arterial	75 ft half street (75 ft existing)	Driveways, left turn lanes and right turn lanes. In lieu contribution for half street improvements to Pima Road.	None	No sidewalk 6 foot bike lane, continuous through the deceleration lanes.

DRB Stipulations

31. The north and south site driveways on Pima Road shall be designed in general conformance with city of Scottsdale Type CH-1, Standard Detail #2257.
32. The developer shall determine the thickness of the existing pavement section on Pima Road (asphalt and base material). All new Pima Road pavement shall match the existing pavement section on Pima Road.
33. With the final plan submittal, the developer's traffic engineer shall determine the appropriate length for the left and right turn bays on Pima Road based upon traffic engineering principles.
34. Provide a 6 foot wide bike lane on the east and west sides of Pima Road. The bike lanes shall be continuous through the deceleration lanes on Pima Road.
35. Provide a southbound right turn deceleration lane for both the north and south driveway entrances.
36. Provide a northbound left turn bay from Pima Road into the south site driveway.
37. Provide a 10 foot wide pavement shoulder on the west side of Pima Road along the entire site frontage. Call Rod Ramos or Bob Forsyth at 480-312-8111 for shoulder pavement structure details.
38. 10 foot wide shoulders may exist on both sides of Pima Road. The developer shall not use the pavement of the existing shoulders for the new turn lanes for this site. The shoulder pavement does not have the durability for regular use.
39. The developer shall provide in-lieu contributions for half street improvements to Pima Road. The basis of costs for the half street improvements shall consists of one-traffic lane with curb and gutter, and an 8-foot sidewalk along the entire site frontage, or otherwise determined by the Transportation Dept. General Manager. The in-lieu contributions shall be deposited into the Pima Road construction account. Please contact the Transportation Department for the proper account number.
40. The north site driveway shall be approximately 660 ft south of Via Donna, and access at this driveway shall be restricted to right in/right only. Also, the developers shall construct a raised concrete control feature in the driveway to delineate the right in/ right out access. Information signs will also be required.

41. The developer shall dedicate a 25-foot wide strip of right way or roadway and public utility easement at the southeast corner of the site as shown on the Map of Dedication for the site.
42. The location of the south driveway shall be in general conformance to the location shown on the preliminary site plan dated 7/24/2003 for case no. 36-DR-2003.

Ordinance

- M. The developer shall submit a detailed striping and signage plan with final plans. The striping and signage plan shall include all existing improvements and striping within 300 feet of the limits of construction, and all signs, striping, or other traffic control devices proposed to accommodate phased and ultimate construction.

INTERNAL CIRCULATION:**DRB Stipulations**

43. The developer shall provide a minimum parking-aisle width of 24 feet.
44. The developer shall provide internal circulation that accommodates emergency and service vehicles with an outside turning radius of 45 feet and inside turning radius of 25 feet.

Ordinance

- N. Parking areas shall be improved with a minimum of 2.5 inches of asphalt over 4 inches of aggregate base.

EASEMENTS AND DEDICATIONS

EASEMENT / DEDICATION	DESCRIPTION
Vista Corridor Easement	All watercourses with a 100 year peak flow rate of 750 cfs or greater shall be designated as Vista Corridors. The easement shall be a minimum of 100 feet wide, and to include any existing low flow channels, all major vegetation, and the area between the tops of the banks of the watercourses.
Scenic Corridor Easement	Total width of 100' measured from the Pima Road Right-of-Way.
Natural Area Open Space Easement	In accordance with the Zoning Ordinance to be dedicated by Map of Dedication.
Emergency and Services Vehicle Access Easement	The developer shall dedicate a minimum 24-foot wide emergency and service vehicle access easement over the main internal drive aisles.
Public Access Easement	Dedicate a public access easement equal to the length and width of the drainage easement over the large main wash along the west property line.

DRB Stipulations**45. Easements:**

- a. Sight distance easements shall be dedicated over sight distance triangles.
- b. Sight distance triangles must be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between 2 feet and 7 feet in height.
- c. Refer to the following figures: 3.1-13 and 3.1-14 of Section 3.1 of the City's Design Standards and Policies Manual, published December 1999.

46. Vehicular Non-Access Easement:

- a. Prior to final plan approval, the developer shall dedicate a 1-foot wide vehicular non-access easement along the property frontage on Pima Road except at approved driveway locations.

47. Indemnity Agreements:

- a. When substantial improvements or landscaping are proposed within a utility easement, an indemnity agreement shall be required. The agreement shall acknowledge the right of the City to access the easement as necessary for service or emergencies without responsibility for the replacement or repair of any improvements or landscaping within the easement.

Ordinance

O. Drainage Easement:

- (1) Drainage and flood control easements shall be dedicated to the City to the limits of inundation for all vista corridor washes, for all washes having a discharge rate of 50 cfs or more, for all FEMA regulatory floodways to the extent of the 100-year base flood elevation, and for all stormwater storage basins. All drainage and flood control easements shall be dedicated to the City with maintenance responsibility specified to be that of the property owner.

P. Waterline and Sanitary Sewer Easements:

- (1) Before the issuance of any building permit for the site, the developer shall dedicate to the City, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all water easements necessary to serve the site.

Q. Vista Corridor Easements:

- (1) All vista corridor easements, drainage easements and easements for stormwater storage shall be dedicated to the City as drainage and flood control easements, with maintenance the responsibility of the owner.

REFUSE:

DRB Stipulations

- 48. Refuse enclosures shall be constructed to City of Scottsdale's standards. Details for construction of trash enclosures can be found in the City of Scottsdale Supplements to MAG Standards.**

49. Enclosures must:

- a. Provide adequate truck turning/backing movements for a design vehicle of turning radius R (minimum) = 45 feet vehicle length of L = 40 feet.
- b. Be positioned to facilitate collection without "backtracking."
- c. Be easily accessible by a simple route.
- d. Not require backing more than 35 feet.
- e. Not be located on dead-end parking aisles.
- f. Enclosures serviced on one side of a drive must be positioned at a 30-degree angle to the centerline of the drive.

Ordinance

- R. Refuse enclosures are required as follows: This site shall provide 2 refuse enclosures.**

- (1) **Commercial Building Space:** One for 0 to 20,000 s.f., Two for 20,001 to 40,000 s.f., Three for 40,001 to 60,000 s.f., etc.

- S. Underground vault-type containers are not allowed.**

- T. Refuse collection methods, i.e., site plan circulation will be approved at final plan review.**

- U. Refuse collection can be provided by the City of Scottsdale's Sanitation Division, at 480-312-5600.**

WATER AND WASTEWATER STIPULATIONS

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all-inclusive of project requirements. Water and sewer lines and services shall be in compliance with City Engineering Water and Sewer Ordinance, the Scottsdale Revised Code and Sections 4 and 5 of the Design Standards and Policies Manual.

DRB Stipulations

50. Where walls cross or run parallel with public water mains, public sewer mains, or public fire lines the following shall apply:
- For walls constructed parallel to these pipes, the walls shall be a minimum of six (6) feet from the outside diameter of the pipe.
 - For walls constructed across or perpendicular to these pipes, the walls shall be constructed with gates or removable wall panels for maintenance and emergency access.

Ordinance**V. Water and Sewer Needs Report.**

- (1) A completed Water and Sewer Needs Report shall be submitted for review with the final improvement plans. Approval will not be given for improvement plans until the Plan Review and Permit Services Division approves the Water and Sewer Needs Report.

WATER:**DRB Stipulations****51. Basis of Design Report (Water):**

- Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer shall obtain approval of the Water Basis of Design Report from the City's Water Resources Department. The report shall conform to the draft Water and Wastewater Report Guidelines available from the City's Water Resources Department.

Ordinance

- W. The water system for this project shall meet required health standards and shall have sufficient volume and pressure for domestic use and fire protection.
- X. The developer shall pay a Water Development Fee and Water Resources Development Fee for City water supply in accordance with City Ordinance. This fee shall be paid at the time, and as a condition of the issuance of a building permit, or if the development does not require a building permit, prior to connection to the City water system. All questions may be referred to Water Resources at 480-312-5650.
- Y. Prior to the issuance of any building permit, the developer shall pay a Water Meter Fee for connection to the City water system in accordance with City Ordinance. If there is an existing water meter for this project, applicable water meter fees must be paid only if a larger meter is required.
- Z. Arizona Department of Environmental Quality (ADEQ):
- (1) The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and applicable chapters of the Arizona Administrative Code, Title 18, Environmental Quality. In addition:

AA. Maricopa County Environmental Services Department (MCESD):

- (1) Before approval of final improvement plans by the Plan Review and Permit Services Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
- (2) Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and or Wastewater Systems has been submitted to the MCESD. This evidence will be on a document developed and date stamped by the MCESD staff.
- (3) Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
- (4) Before issuance of Letters of Acceptance by the City's Inspection Services Division, the developer shall provide to the City a final set of as-built mylars of the improvements.

WASTEWATER:**DRB Stipulations**

52. Wastewater Basis of Design Report. Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer shall obtain approval of the Wastewater Basis of Design Report from the City's Water Resources Department. The report shall conform to the draft Water and Wastewater Report Guidelines available from the City's Water Resources Department.
53. On-site sanitary sewer shall be privately owned and maintained.
54. Existing water and sewer service lines to this site shall be utilized or shall be abandoned by disconnection at the main.

Ordinance

- BB. Privately owned sanitary sewer shall not run parallel within the waterline easement.
- CC. The developer shall pay a Sewer Development Fee for City sewer service in accordance with City Ordinance. This fee shall be paid at the time, and as a condition of the issuance of a building permit, or if the development does not require a building permit, prior to connection to the City sewer system. All questions may be referred to Water Resources at 480-312-5650.
- DD. Connection to the sanitary sewer system may be made without payment of a connection fee. Please provide sanitary sewer tap location on engineering plans.

CONSTRUCTION REQUIREMENTS**DRB Stipulations**

55. City staff may at any time request the developer to submit as-built plans to the Inspection Services Division.
 - a. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor.
 - b. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins, underground storm water storage tanks, and bridges as determined by city staff.

Ordinance

- EE. Arizona Department of Environmental Quality (ADEQ) Requirements: All construction activities that disturb one or more acres shall obtain coverage under the Arizona Pollutant Discharge Elimination System (AZPDES) Construction General Permit. To gain coverage, operators of construction sites must:
- (1) Submit a Notice of Intent (NOI) to ADEQ;

- (2) Prepare a Stormwater Pollution Prevention Plan (SWPPP) and keep a copy on site;
- (3) Send a Notice of Termination (NOT) to ADEQ when construction is completed.
- (4) Contact ADEQ at 602-771-4449 for further information. Forms are available from the City of Scottsdale One Stop Shop, or from ADEQ.

FF. Section 404 permits. With the improvement plan submittal to the Plan Review and Permit Services Division, the developer's engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]

VERIFICATION OF COMPLIANCE

DRB Stipulations

56. Condition for issuance of grading and drainage permit: Before the issuance of a Grading & Drainage Permit:

- a. Add any conditions that would have to be met prior to final plan approval.

Ordinance

GG. Before the approval of the improvement plans, the Plan Review and Permit Services Division staff shall specify those drainage facilities that shall be required to have Special Inspections. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.

- (1) The developer shall certify that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and,
- (2) The Inspecting Engineer shall complete the Certificate of Compliance form.
- (3) The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer

36-DR-2003

Scottsdale First Assembly of God
Dream Center
Site Plan & Elevations
South of Pima & Via Dona Roads
Debartolo Architects. Architects/Designer

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

MR. SCHMITT inquired if there were any future expansion plans. Mr. Curtis replied that would be a good question for the applicant, noting he was not informed of the overall plans for the future of the campus.

JACK DEBARTOLO JR., 4450 N. 12th street, Phoenix, AZ, architect, stated they would be making a presentation in a duet fashion.

JACK DEBARTOLO III, 4450 N. 12th street, Phoenix, AZ, provided an overview of the history and thinking that occurred. He discussed the characteristics of the site and provided an analysis of the property. He also discussed where the NAOS would be located on the site. He reviewed where the parking would be located on the site. He provided information on how the site would be shielded. He provided an overview on the siting of the buildings. He reviewed the elevations of the site.

MR. DEBARTOLO JR. presented information on the challenges on the site with regard to the topography. He discussed the clustered approach to minimize the impact.

MR. DEBARTOLO III provided information on the proposed cool-tower that would be located in the plaza. He reported the 40-foot cool-tower/steeple will passively cool the plaza as it invites the cool air from above to fall to the plaza floor below. The top of the tower, fabricated of perforated fiberglass resin, is translucent – evoking the changing ambient light of the desert and rising above the surrounding structure creating a soft edge to the sky. The plaza will be shaded by native desert vegetation. He further reported this element is important because it serves as identification of the building.

MR. DEBARTOLO III stated with the significantly increased setbacks, the site lends to preserving the quality of the desert without limiting the vision of the church. Through sensitive development and preservation of nature, this new congregation will gently occupy the site and fulfill the demand for culture and faith in the north Scottsdale community.

COUNCILMAN LUKAS inquired if the tower would be lit. Mr. Debartolo III replied in the negative.

Councilman Lukas inquired about the expansion plans for the future. Mr. DeBartolo III stated the plan does represent long-range growth, but there are no specific plans at this time.

MR. HEITEL stated he is fortunate enough to live in the Desert Foothills neighborhood and has had the opportunity to visit with Pastor Friend and Mr. DeBartolo III but there are still a lot of unanswered questions. He requested clarification on the application before the Board. He noted he was confused by the letter sent out to number of the neighbors on August 18th by the applicants legal counsel that referenced reducing the height of the tower to 24 feet if they were allowed additional signage. He inquired if the application in front of the Board has been amended by virtue of this letter.

WENDY REIDELL, 4800 N. Scottsdale Road, stated many of the neighbors have expressed concerns regarding the proposed height of the tower so in the spirit of compromise the idea was proposed that they increase signage adjacent to Pima Road and the tower height would be reduced to 24 feet. She further stated the City is in the process of a Signage Text Amendment and as a part of that amendment they would hope to get additional signage on Pima Road. If that is approved in the next 18 months, they would be satisfied with the tower at a maximum height of 24 feet. If the amendment is not approved, they would go forward with building the tower at 40 feet as is proposed today.

COUNCILMAN LUKAS requested legal counsel comment on the potential process that was just suggested. Ms. Bronski reported there would be significant difficulties with doing that type of stipulations because there are a lot of unknowns. If the Board wishes to proceed in that direction they could certainly pursue that but they would be relying on an ordinance that has not been passed. She noted they are not sure how it would be worded.

MR. HEITEL stated the way he read the proposal and from the information, he has heard at this hearing that it seems straightforward. Ms. Reidell stated from their perspective it can be accomplished legally. Councilman Lukas noted there are two legal opinions.

MR. JONES stated he would prefer that the Board judge the case on its merits noting that he does not like the lets make a deal approach.

COUNCILMAN LUKAS stated there are 57 citizen comment cards and 55 are in favor of the proposal.

(COUNCILMAN LUKAS OPENED PUBLIC TESTIMONY.)

TONY NELSEN, 7730 E. Redbird Road, spoke in opposition to this request. He stated there are a couple of things he would like to set straight. This case

was started under the premise that the Desert Foothills Overlay allowed churches to be built above 24 feet. It specifically did not but the underlying zoning did. Desert Foothills overlay on R1-190 property is 24-foot height. That presented a conflict with ESLO, ELSO II was changed not to be in conflict with Desert Foothills overlay with no exceptions for churches and that was unanimously approved by City Council. He reported Desert Foothills Overlay does have a provision for variances in height above the 24 feet and if it goes above 25 percent those issues come before this Board and beyond 25 percent goes to the City Council. This tower is in excess of 25% and this decision needs to be made by the City Council.

Mr. Nelssen stated he would like to compliment the architect design team and Pastor Friend for the siting of this property. He further stated he felt the contemporary design does not fit in with the character of the area. He presented pictures of buildings that fit in with the character of the area. He also presented pictures of contemporary architecture that do not fit in with the area.

Mr. Nelssen stated he wishes the Dream Center well but times change and people move out and what they will be left with is a commercial building on a residential lot, which is unfortunate.

Mr. Nelssen stated he had a couple of concerns about the trail easement and the stipulations on the LRV. He further stated there is also an issue regarding the galvanized steps noting reflective surfaces are not allowed in ESLO. He concluded by discussing why it is very important not to allow an exception to the 24-foot height and the issue of discrimination.

MR. HEITEL inquired if one of the issues is that the tower would be very visible because it would be located on a high portion of the landform. Mr. Nelssen stated the siting provides considerable screening for the Dream Center from Pima Road but the neighborhood would take the brunt of it.

GARY GARRETT, 15650 N. 83rd Way, spoke in favor of the request. He stated he has a business on Frank Lloyd Wright and Pima and he lives in Fountain Hills. He further stated he would like the Board to look at this request without the heavy weight of the discrimination issues. There could be an equal point made that if they have made height exceptions in the past that it might be discriminatory not to make one for this church.

SANDRA PANEK, 14248 N. Ashbrook Dr. No. 3, spoke in favor of this request. She stated that she resides in Fountain Hills but owns a Day Spa in Scottsdale. She further stated above and beyond this being a church this is a community. She noted she raises her daughter alone and has been involved with the church for two years and it is a great place for her daughter to go. She commented on

the importance of buildings having signage or a landmark to appeal to the community.

(COUNCILMAN LUKAS CLOSED PUBLIC TESTIMONY.)

MR. JONES stated he felt this site blended into its surroundings. He further stated he felt diminishing the tower would diminish the spirit of the building and they should not consider that. He added he is in favor of this project.

MS. GALE stated she supports this project. She further stated she is persuaded the architects have made a very careful analysis of the site and have been sympathetic. The materials that have been chosen are clearly contextual with the site. The architecture is so simple that it blends with the desert. This seems to sink into the desert gracefully and offers dignity. She concluded she supports the project as it is submitted.

MR. HEITEL stated he agrees that a lot of work has been done in locating the site and working the building into the landform and he would congratulate them on doing that. He further stated he would like them to consider the spirit of the Desert Foothills area noting he felt it would be compromised by placing a 40-foot tower with a glass element. He further stated this is a particularly fragile area and that is why he is in favor of the applicant's proposal and compromise to bring the height of the tower down to 24 feet. This compromise shows consideration for respecting the spirit of the neighborhood. He noted he would like to work toward getting legal staff to come up with a way to deal with entry feature and the signage. He further noted he felt they could deal with that down the road so the applicant can get moving on this project but the neighbors would have a comfort level that they are not going to see a 40 foot tower in the sky.

MR. SCHMITT stated he was perplexed when he first saw the trade off for the lower tower for additional signage on Pima. After further study he felt it would result in an unfortunate consequence to the architecture, taking an element that is nicely proportioned to the building and the site particularly given the distance from the property line. Also given it is mostly shielded by desert vegetation. He remarked he thought it would be a compromise to the project to reduce the tower. He further remarked this sets a dangerous precedence to consider putting larger signs in the scenic corridor. He concluded he supports this project as submitted.

VICE CHAIRMAN CORTEZ stated one of his major concerns has been addressed when the applicant stated it would not be a lighted tower. He further stated he does not have an objection to the cool-tower element. Vice Chairman Cortez requested additional clarification regarding the conflict between the ordinances. Ms. Bronski provided clarity on this issue. She stated the code provisions allow for height up to 24 feet it is the underlying zoning in R1-

190 that has a height requirement of 30 feet but it would allow going up to 45 feet. So 24 feet is the baseline but if the Board believes that there are reasons that would allow them to go to a higher point the maximum of 45 feet would be allowable.

MR. HEITEL expressed his concern about this Board moving forward under a nonspecific resolution to the authority of what they can do with regard to heights. Ms. Bronski reviewed the Board's authority in this case. Mr. Heitel reiterated his concern that they are moving into ground that they don't have the authority. Ms. Bronski stated that although they have different views than Mr. Heitel staff believes the Board has the authority to act and make a recommendation.

COUNCILMAN LUKAS stated she appreciated the neighborhood input. She stated she would like staff to address Mr. Nelssen's concerns about the trail easement, LRV, and the galvanized steps.

Councilman Lukas stated the whole question seems to stem around if this is compatible with the neighborhood. She further stated she is familiar with this neighborhood and felt that it is compatible because of how the buildings are sited and the shielding of the site. The colors and materials are compatible with the desert. Taking all of those points into consideration she felt it is compatible.

MR. CURTIS stated with regard to the trail easement there is a trail easement stipulation for the Rawhide Wash.

MS. REIDELL stated the galvanized steps are out. She further stated the LRV are well below 35.

MR. DEBARTOLO III provided information on where the trails are located on the site.

VICE CHAIRMAN CORTEZ requested additional information on how the water would be integrated into the cool-tower. Mr. Debartolo III provided information on the technology used for the cool-tower. Vice Chairman Cortez stated it is important to keep in the mind the maintenance that would be needed for the cool-tower.

MS. GALE inquired if the galvanized steel would be used elsewhere on the project. Mr. Debartolo III replied it would be used on the underside of the tower to prevent water from dripping on peoples clothing.

MR. JONES MOVED TO APPROVE CASE 36-DR-2003 AS PRESENTED WITH THE ATTACHED STIPULATIONS. SECOND BY MR. SCHMITT.

MR. HEITEL stated he is not able to support this request. He further stated he couldn't emphasize enough his disappointment that regarding after the 20 years of effort that has gone into the ESLO that in three months it is set aside with regard to height issue. He remarked that is immensely disappointed and he is very, very upset.

COUNCILMAN LUKAS requested that Ms. Bronski go over one more time so that they are clear they do have the authority to do this despite the Foothills overlay and the recently passed ESLO II. Ms. Bronski stated because the language in the ESLO II provides that the maximum height in district would be 24 feet or if the DRB decides it is warranted to go to the maximum height in the underlying zoning which in this case is R1-190.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH MR. HEITEL DISSENTING.

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7630
(480) 429-3000
FAX (480) 429-3100

WENDY RECTOR RIDDELL
DIRECT (480) 429-3018

EMAIL: WRIDDELL@BEUSGILBERT.COM

27072-001

18 August 2003

VIA HAND-DELIVERY

Linda Dean

Re: Case No. 36-DR-2203/ Dream Center Scottsdale First Assembly

Dear Ms. Dean:

As you may know, we are requesting approval from the Development Review Board for the City of Scottsdale (the "City") for our site plan and elevations for Dream Center Scottsdale First Assembly ("Dream Center"). Dream Center will be a place of worship located on approximately twenty-six acres south of Via Dona Road and west of Pima Road.

The architect incorporated a thirty-eight foot (38') tower that would also be an environmentally sensitive cooling tower. We understand several of the neighbors have raised concerns that with the tower the site will be too visible. Accordingly, to resolve the neighbors concerns, we would propose the following:

Dream Center will reduce the tower height from thirty-eight feet (38') to twenty-four feet (24'), for a period not exceeding eighteen (18) months, while a text amendment regarding the location and size of the signage is processed. This text amendment would specifically permit Dream Center to install a sign eight feet (8') in height and 50 square feet (50 ft.²) in size immediately adjacent to the Pima Road right-of-way. If, after the end of the eighteen (18) month period the City has not acted upon or approved the text amendment permitting the type of signage Dream Center is requesting as noted above, then Dream Center shall be permitted to construct the tower up to thirty-eight feet (38') in height without going through the public hearing process or having to obtain any other approvals from the City.

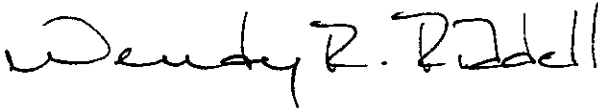
We sincerely appreciate your willingness to work toward a resolution of these issues and hope that you are satisfied with the result. If the foregoing is acceptable to you, please acknowledge your assent to this agreement by signing below where indicated. Should you have any questions regarding this agreement, please feel free to contact the undersigned at 602-616-8771.

Linda Dean
18 August 2003
Page 2

Dream Center looks forward to continuing our positive relationship with the community.

Very Truly Yours,

BEUS GILBERT PLLC

 MSB

Wendy R. Riddell

Reviewed and Agreed to by:

Linda Dean

WRR/MSB:ich

cc: Tim Curtis
Kroy Ekblaw
Kurt Jones
Paul E. Gilbert



SPEAKER/CITIZEN COMMENT CARD

This card is for providing comments when attending City Council and other public meetings, whether or not you wish to speak.

All cards **MUST** be submitted **BEFORE** public testimony has begun on the item. Testimony is limited to 3 minutes per speaker. Additional time **MAY** be granted to speakers representing two or more persons.

8

PLEASE PRINT NAME

Eric Hess

MEETING DATE

8.21.03

IF APPLICABLE, NAME THE GROUP OR ORGANIZATION YOU REPRESENT

ADDRESS

8375 Via Dona Rd.

ZIP

85262

HOME PHONE

480 473 3051

WORK PHONE

☐ YES, I WISH TO SPEAK REGARDING ITEM #

☒ NO, I DO NOT WISH TO SPEAK, BUT WISH TO COMMENT ON BACK OF THIS CARD.

☐ I AM IN FAVOR OF AGENDA ITEM #

☒ I AM OPPOSED TO AGENDA ITEM # 8

☐ I WISH TO SPEAK DURING "PUBLIC COMMENTS" CONCERNING

Public comments are limited to items not otherwise listed on the agenda. Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during the meeting. Council will listen to your remarks, but is prohibited by state law from discussing items which are not specifically listed on the agenda and posted at least 24-hours before the meeting begins.

This card constitutes a public record under Arizona law.

Please give this card to the clerk at the meeting BEFORE public testimony begins on the item you wish to address.

HOW TO ADDRESS THE COUNCIL OR BOARD/COMMISSION:

- The chair will call your name when it is your turn to speak.
- Approach the podium and state your name and address for the record.
- Groups wishing to speak should elect a spokesperson to represent the views of the group.

Comments are limited to 3 minutes.

Speakers representing two or more persons may be granted additional time

A green light will appear when you begin your comments

A yellow light will appear when you have one minute remaining

A red light will appear when your 3 minutes are up

Comments

I AM A NEIGHBOR AND AM VERY OPPOSED
TO THE PROPOSED TOWER ON THE DREAM CENTER.



CITY COUNCIL REPORT

MEETING DATE: October 14, 2003

ITEM NO.

5

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Scottsdale First Assembly of God - Dream Center

REQUEST

Review the Development Review Board approval of the proposed 40-foot tall church cooling tower/steeple element at a proposed new church.

36-DR-2003

Key Items for Consideration:

- On September 8, the City Council voted to review only the cooling tower/steeple element by a vote of 6 to 1.
- On August 21, 2003, the Development Review Board approved the site plan and all building elevations by a vote of 5 to 1.
- The Development Review Board approved a height above the standard 24-foot maximum building height requirement in the ESL District to allow a 40-foot tall cooling tower/steeple.
- There is both support and opposition to the proposal.

OWNER

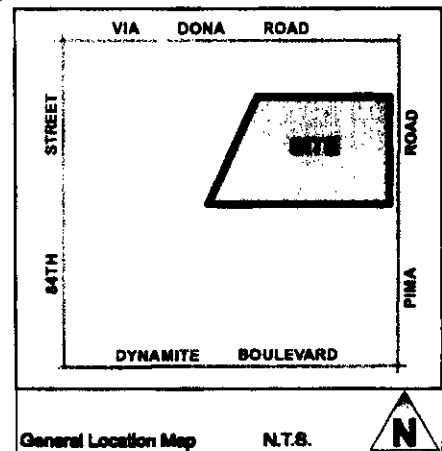
DREAM CENTER Scottsdale First Assembly
480-367-8182

APPLICANT CONTACT

Jack DeBartolo
Debartolo Architects
602-264-6617

LOCATION

South of the Southwest corner of Pima & Via Dona Roads



BACKGROUND

Zoning and Context.

The 24-acre site is located south of Via Dona Road and west of Pima Road in the Desert Foothills Character Area. The Planned McDowell Sonoran Preserve is located on the east side of Pima Road. The property is zoned Low Density Residential/Environmentally Sensitive Lands district (R1-190/ESL), is in the Foothills Overlay district (FO), and is located in the Upper Desert landform. The property's rolling terrain has slopes ranging from 0-15%, and the Rawhide Wash runs through the west side of the property. The site slopes in a southwest direction, with a gradual elevation drop of 50 feet.

Maximum Building Height.

The maximum building height allowed in the R1-190/ESL District is 24 feet. The Development Review Board has the authority to approve non-residential buildings that exceed 24 feet in height upon finding that the increased height is appropriate and compatible with the character of the neighborhood (up to 30 feet;



and 45 feet for towers). (See building height code provisions, Attachment #4)

DISCUSSION**Request.**

On September 8, the Council voted to review the portion of the Development Review Board's August 21, 2003 decision that approved the proposed 40-foot tall church cooling tower/steeple. The proposed cooling tower/steeple has setbacks ranging from 400 feet to 820 feet from the surrounding property lines. The cooling tower/steeple will be constructed with block and accented at the top with a perforated fiberglass translucent resin material. The accent top of the tower will not be internally lit. The Development Review Board found that the proposed increased height for the tower and steeple is appropriate and compatible with the character of the neighborhood.

Community Involvement.

Comments have been received from surrounding property owners and other interested citizens expressing opposition to the proposed 40' tower height. Exchanging the tower height for larger and more visible signage on Pima Road was discussed, however an amendment to the sign ordinance would be required. At the Development Review Board hearing, citizens spoke both in favor and opposition to the project. Opponents criticized the proposed 40-foot tall church cooling tower/steeple, as well as the architecture style and materials. At the hearing, there were 59 citizen comment cards submitted, and 1 speaker spoke in opposition.

See attachments for Minutes of the 8/21/03 Development Review Board's hearing and Staff Report, Minutes of the 9/8/03 City Council hearing, and citizen review comments for this case.

Options.

The City Council may find that the proposed height for the tower/steeple is appropriate and compatible with the character of the neighborhood, and uphold the Development Review Board's decision and approve the height of the proposed tower/steeple.

The City Council may find that the proposed height for the tower/steeple is not appropriate or compatible with the character of the neighborhood, and deny or modify the height of the proposed tower/steeple.

Future Action.

The Environmentally Sensitive Lands (ESL) ordinance is scheduled to be reviewed and updated before the end of the year, which will provide an opportunity to revise building height regulations. The sign ordinance is also scheduled to be reviewed and updated within the next 12 months, which will provide an opportunity to increase sign opportunities along scenic corridors.

**OTHER BOARDS AND
COMMISSIONS
RECOMMENDATION**

The Development Review Board approved case 36-DR-2003.

Staff recommended approval of case 36-DR-2003.

Scottsdale City Council Report

36-DR-2003

**RESPONSIBLE
DEPT(S)**

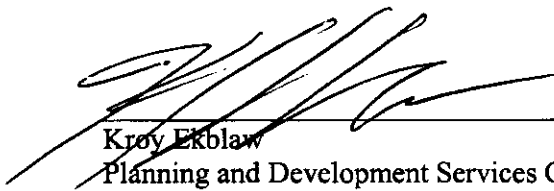
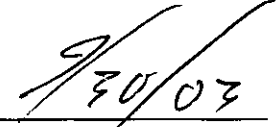
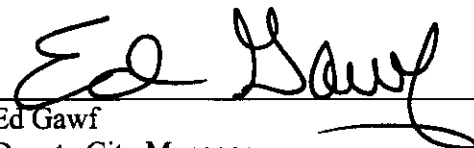
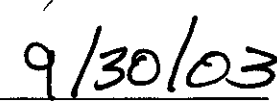
Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Tim Curtis
Project Coordination Manager
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
rgrant@ScottsdaleAZ.gov

APPROVED BY

	
Kroy Ekblaw	Date
Planning and Development Services General Manager	
	
Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

1. Development Review Board Staff Report
2. August 21, 2003 Development Review Board Minutes
3. September 8, 2003 City Council Minutes
4. Building Height Code Provisions
5. Citizen Review Comments

TO: DEVELOPMENT REVIEW BOARD **DATE:** August 21, 2003
FROM: CURRENT PLANNING SERVICES
SUBJECT: CASE 36-DR-2003
REQUEST: Approve site plan & elevations for a new church complex
PROJECT NAME: Scottsdale First Assembly of God - Dream Center
LOCATION: South of the SWC of Pima & Via Dona Roads

DEVELOPER/OWNER: DREAM CENTER Scottsdale First Assembly
ARCHITECT/DESIGNER: Debartolo Architects
ENGINEER: N/A
APPLICANT/COORDINATOR: Debartolo Architects/Jack DeBartolo
4450 N 12 St Rm 268
Phoenix, AZ 85014
602-264-6617

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

PUBLIC COMMENTS: Comments have been received from surrounding property owners and other interested citizens expressing opposition to the proposed 40' tower height. Exchanging the tower height for larger and more visible signage on Pima Road was discussed, however an amendment to the sign ordinance would be required. Opposition has also been expressed toward the proposed contemporary architectural style and building materials.

REQUEST: This is a request for approval of the site plan and elevations of a new place of worship. This is also a request for approval of heights in excess of the 24-foot maximum building height requirement in the Environmentally Sensitive Lands District (ESL).

LOCATION & ZONING: The 24-acre site is located south of Via Dona Road and west of Pima Road in the Desert Foothills Character Area. The Planned McDowell Sonoran Preserve is located on the east side of Pima Road. The property is zoned Low Density Residential/Environmentally Sensitive Lands district (R1-190/ESL), is in the Foothills Overlay district (FO), and is located in the Upper Desert landform.

CHARACTERISTICS: The property's rolling terrain has slopes ranging from 0-15%, and the Rawhide Wash runs through the west side of the property. The site slopes in a southwest direction, with a gradual elevation drop of 50 feet.

DISCUSSION: The 26,600 square foot building is positioned near the center of the 24-acre site, with setbacks ranging from 250 feet to 550 feet from the surrounding property lines. Two driveways are proposed off of Pima Road, and the applicant is providing a 100' scenic corridor easement along Pima Road.

The maximum building height limit in the R1-190/ESL District is 24 feet. The Development Review Board has the authority to approve non-residential buildings that exceed 24 feet in height upon finding that the increased height is appropriate and compatible with the character of the neighborhood (up to 30 feet; and 45 feet for towers). The majority of the proposed building is approximately 24 feet measured from natural grade. Due to the varying terrain, approximately 1/3rd of the roof area exceeds the 24-foot limit (but less than 30 feet tall). The proposed 64-square-foot cooling tower/steeple at the building entrance is approximately 40 feet tall.

The proposed building will be constructed with integrally colored concrete block and has a contemporary design using straight horizontal and vertical lines. Some exterior walls will have weathered cor-ten steel siding and a weathered steel shade trellis. The cooling tower/steeple will also be block and accented at the top with a perforated fiberglass translucent resin material. The accent top of the tower will not be internally lit.

Thirty six percent (36%) of the site will be designated as natural area open space (NAOS), with an additional 35% of the site left as undisturbed open space. New landscaping in disturbed areas will consist of native desert materials. Public trail and drainage, N.A.O.S., and vista corridor easements will be provided along the Rawhide Wash. Low level lighting fixtures will be provided in the parking lot and building areas, with a maximum pole height of 16 feet.

KEY ISSUES: Building height
Architectural style and materials

RELATED CASES: 32-LT-2001, 3-AB-2001

Tim Curtis
Project Coordination Manager
480-312-4210

ATTACHMENTS: #1-Project Narrative
#2-Context Aerial
#2A-Aerial Close-Up
#3-Zoning Map
#4-Site Plan
#5-Landscaping Plan
#6-Elevations
#7-Perspective
A-Stipulations/Ordinance Requirements

MR. VERSCHUREN requested specific direction.

MR. JONES AMENDED THE MOTION THAT THE REVISED FAÇADE BE RESUBMITTED TO THE DEVELOPMENT REVIEW BOARD IN A STUDY SESSION FOR REVIEW OF THE USE OF COLOR AND MATERIALS ON THE FAÇADE.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

36-DR-2003

Scottsdale First Assembly of God
Dream Center
Site Plan & Elevations
South of Pima & Via Dona Roads
Debartolo Architects. Architects/Designer

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

MR. SCHMITT inquired if there were any future expansion plans. Mr. Curtis replied that would be a good question for the applicant, noting he was not informed of the overall plans for the future of the campus.

JACK DEBARTOLO JR., 4450 N. 12th Street, Phoenix, AZ, architect, stated they would be making a presentation in a duet fashion.

JACK DEBARTOLO III, 4450 N. 12th street, Phoenix, AZ, provided an overview of the history and thinking that occurred. He discussed the characteristics of the site and provided an analysis of the property. He also discussed where the NAOS would be located on the site. He reviewed where the parking would be located on the site. He provided information on how the site would be shielded. He provided an overview on the siting of the buildings. He reviewed the elevations of the site.

MR. DEBARTOLO JR. presented information on the challenges on the site with regard to the topography. He discussed the clustered approach to minimize the impact.

MR. DEBARTOLO III provided information on the proposed cool-tower that would be located in the plaza. He reported the 40-foot cool-tower/steeple will passively cool the plaza as it invites the cool air from above to fall to the plaza floor below. The top of the tower, fabricated of perforated fiberglass resin, is translucent – evoking the changing ambient light of the desert and rising above the surrounding structure creating a soft edge to the sky. The plaza will be shaded by native desert vegetation. He further reported this element is important because it serves as identification of the building.

MR. DEBARTOLO III stated with the significantly increased setbacks, the site lends to preserving the quality of the desert without limiting the vision of the church. Through sensitive development and preservation of nature, this new congregation will gently occupy the site and fulfill the demand for culture and faith in the north Scottsdale community.

COUNCILMAN LUKAS inquired if the tower would be lit. Mr. Debartolo III replied in the negative.

Councilman Lukas inquired about the expansion plans for the future. Mr. DeBartolo III stated the plan does represent long-range growth, but there are no specific plans at this time.

MR. HEITEL stated he is fortunate enough to live in the Desert Foothills neighborhood and has had the opportunity to visit with Pastor Friend and Mr. Debartolo III but there are still a lot of unanswered questions. He requested clarification on the application before the Board. He noted he was confused by the letter sent out to number of the neighbors on August 18th by the applicant's legal counsel that referenced reducing the height of the tower to 24 feet if they were allowed additional signage. He inquired if the application in front of the Board has been amended by virtue of this letter.

WENDY REIDELL, 4800 N. Scottsdale Road, stated many of the neighbors have expressed concerns regarding the proposed height of the tower so in the spirit of compromise the idea was proposed that they increase signage adjacent to Pima Road and the tower height would be reduced to 24 feet. She further stated the City is in the process of a Signage Text Amendment and as a part of that amendment they would hope to get additional signage on Pima Road. If that is approved in the next 18 months, they would be satisfied with the tower at a maximum height of 24 feet. If the amendment is not approved, they would go forward with building the tower at 40 feet as is proposed today.

COUNCILMAN LUKAS requested legal counsel comment on the potential process that was just suggested. Ms. Bronski reported there would be significant difficulties with doing that type of stipulations because there are a lot of unknowns. If the Board wishes to proceed in that direction they could certainly

pursue that but they would be relying on an ordinance that has not been passed. She noted they are not sure how it would be worded.

MR. HEITEL stated the way he read the proposal and from the information, he has heard at this hearing that it seems straightforward. Ms. Reidell stated from their perspective it can be accomplished legally. Councilman Lukas noted there are two different legal opinions.

MR. JONES stated he would prefer that the Board judge the case on its merits noting that he does not like the lets make a deal approach.

COUNCILMAN LUKAS stated there are 57 citizen comment cards and 55 are in favor of the proposal.

(COUNCILMAN LUKAS OPENED PUBLIC TESTIMONY.)

TONY NELSEN, 7730 E. Redbird Road, spoke in opposition to this request. He stated there are a couple of things he would like to set straight. This case was started under the premise that the Desert Foothills Overlay allowed churches to be built above 24 feet. It specifically did not but the underlying zoning did. Desert Foothills overlay on R1-190 property is 24-foot height. That presented a conflict with ESLO. ELSON II was changed not to be in conflict with Desert Foothills overlay with no exceptions for churches and that was unanimously approved by City Council. He reported Desert Foothills Overlay does have a provision for variances in height above the 24 feet and if it goes above 25 percent those issues come before this Board and beyond 25 percent goes to the City Council. This tower is in excess of 25% and this decision needs to be made by the City Council.

Mr. Nelsen stated he would like to compliment the architect design team and Pastor Friend for the siting of this property. He further stated he felt the contemporary design does not fit in with the character of the area. He presented pictures of buildings that fit in with the character of the area. He also presented pictures of contemporary architecture that do not fit in with the area.

Mr. Nelsen stated he wishes the Dream Center well but times change and people move out and what they will be left with is a commercial building on a residential lot, which is unfortunate.

Mr. Nelsen stated he had a couple of concerns about the trail easement and the stipulations on the LRV. He further stated there is also an issue regarding the galvanized steps noting reflective surfaces are not allowed in ESL. He concluded by discussing why it is very important not to allow an exception to the 24-foot height and the issue of discrimination.

MR. HEITEL inquired if one of the issues is that the tower would be very visible because it would be located on a high portion of the landform. Mr. Nelssen stated the siting provides considerable screening for the Dream Center from Pima Road but the neighborhood would take the brunt of it.

GARY GARRETT, 15650 N. 83rd Way, spoke in favor of the request. He stated he has a business on Frank Lloyd Wright and Pima and he lives in Fountain Hills. He further stated he would like the Board to look at this request without the heavy weight of the discrimination issues. There could be an equal point made that if they have made height exceptions in the past that it might be discriminatory not to make one for this church.

SANDRA PANEK, 14248 N. Ashbrook Dr. No. 3, spoke in favor of this request. She stated that she resides in Fountain Hills but owns a Day Spa in Scottsdale. She further stated above and beyond this being a church this is a community. She noted she raises her daughter alone and has been involved with the church for two years and it is a great place for her daughter to go. She commented on the importance of buildings having signage or a landmark to appeal to the community.

(COUNCILMAN LUKAS CLOSED PUBLIC TESTIMONY.)

MR. JONES stated he felt this site blended into its surroundings. He further stated he felt diminishing the tower would diminish the spirit of the building and they should not consider that. He added he is in favor of this project.

MS. GALE stated she supports this project. She further stated she is persuaded the architects have made a very careful analysis of the site and have been sympathetic. The materials that have been chosen are clearly contextual with the site. The architecture is so simple that it blends with the desert. This seems to sink into the desert gracefully and offers dignity. She concluded she supports the project as it is submitted.

MR. HEITEL stated he agrees that a lot of work has been done in locating the site and working the building into the landform and he would congratulate them on doing that. He further stated he would like them to consider the spirit of the Desert Foothills area noting he felt it would be compromised by placing a 40-foot tower with a glass element. He further stated this is a particularly fragile area and that is why he is in favor of the applicant's proposal and compromise to bring the height of the tower down to 24 feet. This compromise shows consideration for respecting the spirit of the neighborhood. He noted he would like to work toward getting legal staff to come up with a way to deal with entry feature and the signage. He further noted he felt they could deal with that down the road so the applicant can get moving on this project but the neighbors would have a comfort level that they are not going to see a 40 foot tower in the sky.

MR. SCHMITT stated he was perplexed when he first saw the trade off for the lower tower for additional signage on Pima. After further study he felt it would result in an unfortunate consequence to the architecture, taking an element that is nicely proportioned to the building and the site particularly given the distance from the property line. Also given it is mostly shielded by desert vegetation. He remarked he thought it would be a compromise to the project to reduce the tower. He further remarked this sets a dangerous precedence to consider putting larger signs in the scenic corridor. He concluded he supports this project as submitted.

VICE CHAIRMAN CORTEZ stated one of his major concerns has been addressed when the applicant stated it would not be a lighted tower. He further stated he does not have an objection to the cool-tower element.

Vice Chairman Cortez requested additional clarification regarding the conflict between the ordinances. Ms. Bronski provided clarity on this issue. She stated the code provisions allow for height up to 24 feet it is the underlying zoning in R1-190 that has a height requirement of 30 feet but it would allow going up to 45 feet. So 24 feet is the baseline but if the Board believes that there are reasons that would allow them to go to a higher point the maximum of 45 feet would be allowable.

MR. HEITEL expressed his concern about this Board moving forward under a nonspecific resolution to the authority of what they can do with regard to heights. Ms. Bronski reviewed the Board's authority in this case. Mr. Heitel reiterated his concern that they are moving into ground that they don't have the authority. Ms. Bronski stated that although they have different views than Mr. Heitel staff believes the Board has the authority to act and make a recommendation.

COUNCILMAN LUKAS stated she appreciated the neighborhood input. She stated she would like staff to address Mr. Nelssen's concerns about the trail easement, LRV, and the galvanized steps.

Councilman Lukas stated the whole question seems to stem around if this is compatible with the neighborhood. She further stated she is familiar with this neighborhood and felt that it is compatible because of how the buildings are sited and the shielding of the site. The colors and materials are compatible with the desert. Taking all of those points into consideration she felt it is compatible.

MR. CURTIS stated with regard to the trail easement there is a trail easement stipulation for the Rawhide Wash.

MS. REIDELL stated the galvanized steps are out. She further stated the LRV are well below 35.

MR. DEBARTOLO III provided information on where the trails are located on the site.

VICE CHAIRMAN CORTEZ requested additional information on how the water would be integrated into the cool-tower. Mr. Debartolo III provided information on the technology used for the cool-tower. Vice Chairman Cortez stated it is important to keep in the mind the maintenance that would be needed for the cool-tower.

MS. GALE inquired if the galvanized steel would be used elsewhere on the project. Mr. Debartolo III replied it would be used on the underside of the tower to prevent water from dripping on peoples clothing.

MR. JONES MOVED TO APPROVE CASE 36-DR-2003 AS PRESENTED WITH THE ATTACHED STIPULATIONS. SECOND BY MR. SCHMITT.

MR. HEITEL stated he is not able to support this request. He further stated he couldn't emphasize enough his disappointment that regarding after the 20 years of effort that has gone into the Desert Foothills Overlay and the ESLO that it is set aside with regard to height issue. He remarked that is immensely disappointed and he is very, very upset.

COUNCILMAN LUKAS requested that Ms. Bronski go over one more time so that they are clear they do have the authority to do this despite the Foothills Overlay and the recently passed ESLO II. Ms. Bronski stated because the language in the ESLO II provides that the maximum height in district would be 24 feet or if the DRB decides it is warranted to go to the maximum height in the underlying zoning which in this case is R1-190.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH MR. HEITEL DISSENTING.

39-DR-2003

Northsight Parcel
Site Plan & Elevations
8680 E. Raintree Drive
KDRA Architects, Architect/Designer

MR. VERSCHUREN presented this case as per the project coordination packet. He stated the applicant is requesting a staging plan for this project so staff would like to add to the following stipulation: The applicant must follow the staging plan. He reviewed the staging plan. Staff recommends approval subject to the attached stipulations.

KIMBERLY GRIMM, Continental Properties, 10850 W. Park Place, Milwaukee, WI, provided an overview of this retail project. The building elevations have a

Mayor Manross explained that WestWorld has been going through a growing phase while trying to balance the needs of the users.

COUNCILMAN ORTEGA MOVED TO ADOPT RESOLUTION NO. 6366, AUTHORIZING THE WESTWORLD RATES AND FEES SCHEDULE. THE PROPOSED 2004 FEE SCHEDULE INCLUDES A FIVE PERCENT (5%) RATE AND FEE INCREASE, A PROPOSED "MANURE HAUL OFF" RATE INCREASE FROM \$5.00 PER STALL PER SHOW TO \$7.50 PER STALL PER SHOW, AND EXCLUDES INCREASES TO BILLABLE HOURLY LABOR RATES AND SPECIFIED EQUIPMENT RENTAL RATES. COUNCILMAN ECTON SECONDED THE MOTION WHICH CARRIED 7/0.

13. Scottsdale First Assembly of God

Request: Initiate a review of the Development Review Board approval for the Scottsdale First Assembly of God Dream Center.

Location: South of the Southwest corner of Pima Road and Via Dona Road

Reference: 36-DR-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, kekblaw@ScottsdaleAZ.gov

Kroy Ekblaw introduced item 13 with a brief slide presentation that has been outlined below.

36-DR-2003 - Dream Center

•To consider appeal of the Development Review Board Decision regarding site plan and elevation approval

Options for City Council

- Vote to appeal Development Review Board's Decision
 - a public hearing will be scheduled within 15 to 40 days
- Vote to not appeal Development Review Board's decision
- Development Review Board Decision stands

Building Height

- Underlying zoning allows 30-foot buildings with 45-foot tall towers
- Foothills zoning allows 40-foot tall churches (with large setbacks)
- ESL allows 24-foot buildings, with exceptions not to exceed the underlying zoning
- DRB approved the exception for the 40-foot tower

Mr. Ekblaw noted that the site consists of approximately 24 acres.

Vice Mayor O'Hearn explained that he requested that this item be placed on the agenda for Council's consideration to clarify the approved changes to ESLO on April 1st. He encouraged speakers to limit their comments to the procedural issues. He noted that the Council clearly confirmed the ESLO 24' height limit. He explained that during the meeting, Council directed that several of the issues be brought forward for Council's review within six months.

Vice Mayor O'Hearn explained that during the April 1st meeting, Councilman Ecton was very specific in his questions to City Attorney Pennartz to ensure that the choices available to Council would not be violating any laws. He emphasized that it was clear that the height limit was 24' and there would be a

variance process in place to review the requests on a case-by-case basis. He suggested that the ambiguity was created when a detailed process was not outlined for clarity and agreement. He stated his belief that when a variance is requested, it would go through a series of steps and processes. As it turned out, the variance process was written in such a way that an applicant could go to the DRB to request the change that would be approved or denied.

In response to questions from Vice Mayor O'Hearn, Mr. Ekblaw explained that there are different ways a variance could be structured. The ordinance does speak to a variance procedure that would go through the Board of Adjustment that would meet certain criteria as established by state statutes and confirmed by the city's ordinances. He stated that the structure of the ESLO was written in such a way that the variance process involved the Development Review Board.

Vice Mayor O'Hearn questioned if the proposed review process was included in staff's presentation. Mr. Ekblaw explained that he was not in attendance at the April 1st meeting; therefore, he would have to review the tape of the meeting.

Vice Mayor O'Hearn explained that he was unaware on April 1st that the variance process would be as simple as it was written. He emphasized that tonight's consideration is about process not about the actual church design.

Councilman Ortega clarified that Council received a memo from Randy Grant stating that the Scottsdale First Assembly of God case as approved meets all the ordinance, setback, and height requirements. Council also received a follow up memo from the City's Attorney stating that the property also meets the ordinance, the intent of the ordinance, and is legal.

He explained that he was concerned on April 1st that churches would have special consideration due to assembly space requirements. He pointed that height and setback requirements vary with different size lots. He stated that the setbacks are adequate this case due to the size of the lot.

Councilman Ecton clarified that this item is on the agenda for discussion due to the fact that the DRB approved an exception in height from 24' to 40'. He noted that special circumstances apply to the church since it is being built in a residentially zoned area. The DRB is authorized to approve variances of up to 45' in height in this district if it is appropriate with the character of the neighborhood. He quoted the section of the city's zoning ordinance that allows City Council to initiate its own review of any of the DRB's decisions, and uphold, modify, or over-rule the said decision. He emphasized that the purpose of tonight's agenda item is to allow Council to consider initiating a review of the DRB decision regarding this case. If Council conducts a review, their decision will be final.

Mayor Manross opened public testimony.

Wendy Riddell, 4800 N. Scottsdale Road, from the law firm of Beus Gilbert, spoke on behalf of the pastor and parishioners. She noted that this has been a long and arduous process. She clarified that the number of cards submitted by church members in favor of the project are in favor of the project being approved tonight as it was approved by the DRB. She explained that the steeple is a faith element that is more than 400' from the property line. She acknowledged that some members of the neighboring community believe that the steeple should not be permitted in the foothills area, although that was never the intent of the ordinance. She noted that the church would be willing to reduce the steeple height if the city could increase the church's signage allowance in the scenic corridor.

Pastor David Friend, 23487 N. 77th Place, spoke as pastor of the Scottsdale First Assembly Church. He felt it is important to understand the church is designed to serve our Lord and the community. He stated that he doesn't understand the reasoning behind slowing down the process because the city cannot determine whether there is a 24' or a 45' height restriction. He reiterated that the church has no problem with Council continuing discussion on the steeple element as long as the church can continue in the permitting process for the facility excluding the steeple element. He assured everyone that the church will be a great neighbor.

Mayor Manross questioned if it would be possible for Council to allow the church to move forward on the permitting process excluding the steeple element of the plan. City Attorney Woodford clarified that if Council votes to place the item on the agenda for review, it stays the action taken by the DRB. He stated that the only way that could happen is if the building officials would allow a partial building permit to be approved that did not include the steeple element. Mr. Ekblaw confirmed that if Council's appeal is focused on the tower element, the rest of the site could be disengaged. Staff could proceed with review of plans and permitting for the site and building improvements as long as they don't include the tower element until approved by Council.

Darlene Petersen, 7327 E. Wilshire, explained that there is not one person in the room against having the church built. She explained that she attended the DRB meeting the night the variance was approved. She wondered why the board didn't consider the compromise that the church suggested (lowering the steeple if larger signage would be allowed along the scenic corridor).

Howard Myers, 6631 E. Horned Owl Trail, stated that this Council has always been supportive of protecting the character areas of the city. He felt the height issue is extremely critical in the northern part of the city to maintain views. He explained that his only issue with the church itself is the height and the building material itself. He stressed that he has issues with the fundamental problems that allowed the process to produce this result.

Lynne Sczruba, 11454 E. Four Peaks, explained that she lives close to the church property. She noted that she is very understanding about Council's concern over this issue; however, she felt that using the church as a case to clarify the variance process isn't right. She encouraged Council to be sensitive to the fact that the church has been working for years to move this project forward.

Mayor Manross closed public testimony. One hundred and ten cards were received in favor of the proposed church project from citizens not wishing to speak.

Councilwoman Lukas pointed out that according to staff, the ordinance requirements were met and the DRB did have the authority to approve the variance. The DRB felt that the facility is an important architectural element that is appropriate and compatible with the neighborhood. She explained that she is willing to review the case if the review is limited to the height of the steeple. She stated that the city must look at the matter from all viewpoints and any precedent that the case may set.

Councilwoman Lukas explained that the DRB did discuss the matter of the signage in an Executive Session. She noted that she also asked questions in open session regarding this issue; however, since the city's sign ordinance was incomplete at that time, it was not a possibility.

Councilman Ortega pointed out that he also attended the DRB meeting when this case was presented. He explained that the signage issue is irrelevant since the sign ordinance prohibits signs in that area. He stated his belief that it is not appropriate for Council to delay the church's progress on the project.

Vice Mayor O'Hearn explained that Council is using the Dream Center as a case study since it was integral to the discussion on April 1st. He stated that he would not have been supportive of the variance process if it were clear that it would simply be a ruling by the DRB. He stated his support of allowing the church to move forward with its plans excluding the tower design.

VICE MAYOR O'HEARN MOVED TO INITIATE A REVIEW OF THE DRB APPROVAL FOR THE SCOTTSDALE FIRST ASSEMBLY OF GOD DREAM CENTER THAT IS TO BE RESTRICTED TO A DISCUSSION OF THE TOWER ELEMENT. THIS WOULD ALLOW FOR THE CHURCH TO WORK WITH STAFF TO DETERMINE IF IT IS POSSIBLE TO PROCESS THEIR PLANS EXCLUSIVE OF THE TOWER ELEMENT. COUNCILMAN SILVERMAN SECONDED THE MOTION (WHICH CARRIED 6/1 (D.O.)).

Mayor Manross stated her support for the motion since she felt some clarification is needed. She stressed that the city wants to encourage churches not discourage them.

Ms. Dolan clarified that the motion doesn't include bringing back the ESLO.

Vice Mayor O'Hearn explained that he would like to see the various components of the ESLO review (as directed by Council on April 1st) placed on the agenda as soon as possible. However, since there are a lot of issues technical in nature that will require quite a bit of deliberation, the item should be placed on a relatively light meeting agenda.

Councilman Ortega clarified that Council is in support of ESLO standards that have some flexibility. He also stated that the church itself has complied with the letter of those standards.

Councilman Ecton encouraged Council to move as quickly as possible on the ESLO issue to place it on the agenda as soon as possible so this type of situation doesn't occur in the future.

Ms. Dolan explained that the ESLO issue is intended to be placed on the agenda sometime in November since staff is still working on some of the issues to be presented.

After further discussion, THE MOTION CARRIED 6/1 (D.O.).

14. Construction Bid Award for Civic Center Mall Amphitheater and Nevelson Sculpture Re-siting

Request: Authorize Construction Bid Award No. 04PB004 to Howard S. Wright Construction, the lowest responsive bidder, at their lump sum bid of \$347,021.00.

Staff Contact(s): Bill Peifer, Sr. Project Manager, bpeifer@scottsdaleaz.gov (480) 312-7869; Al Dreska, 480-312-2776, adreska@scottsdaleaz.gov

Al Dreska introduced item 14 as a request for a construction bid award to Howard S. Wright for \$347,021. The project would involve the construction and renovation of the east mall amphitheater area. The project has a long history with this being the third design to go through the public bidding process.

Mr. Dreska presented slides illustrating the three conceptual drawings of the plans to provide a brief overview of the evolution of the design. The first two plans cost \$710,000 and \$485,000, while the cost of the currently proposed plan is \$347,000. All three of the designs carry a common theme, i.e., reduction of surface water area, replacement of all pumping system, reduced operating costs, and a drier environment for the sculpture.

36-DR-2003
Maximum Building Height Requirements for Churches
in R1-190/FO/ESL District

R1-190 maximum building height for churches = 30 feet; 45 feet for towers
(Sec. 5.012.A.12.c.)

Building height: Development Review Board may allow building heights, including, towers, spires, and mechanical equipment (such equipment must be screened) limited to **thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet.** Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes section 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)

Foothills Overlay (FO) maximum building height for churches = 40 feet
(Sect. 6.1004)

1. *Buildings in general:* No building shall exceed twenty-four (24) feet in height, except as otherwise provided in this section.
2. *Institutional buildings:* Public, semipublic or public service buildings, **institutions**, or schools, when permitted in a district, may be erected to a **height not exceeding forty (40) feet**, provided that the buildings are set back from each property line at least twenty-five (25) feet for each one (1) foot of additional building height above twenty-four (24) feet and provided that the building meets all yards and setbacks provided herein and within the underlying district. If the parcel of such a use or building is less than ten (10) gross acres in size the maximum building height shall be twenty-four (24) feet.

(40 foot building requires 400 foot setback; 411 foot setback is provided)

ESL maximum building height in R1-190 = 30 feet; 45 feet for towers
(Sect. 6.1070B.1.b.)

The maximum building height for all buildings in single-family residential (R1) districts including the foothills overlay shall be twenty-four (24) feet. The **Development Review Board shall have the authority to review and consider a request to exceed this height and to approve non-residential buildings that exceed twenty-four (24) feet but not exceeding the maximum allowed under the underlying zoning district** in Article V, District Regulations, upon finding that the increased height is appropriate and compatible with the character of the neighborhood.

McClay, Doris

From: Ekblaw, Kroy
Sent: Tuesday, September 23, 2003 6:44 AM
To: McClay, Doris
Cc: Curtis, Tim; Jones, Kurt A.; Grant, Randy
Subject: FW: Dream Center ? City Council hearing on October 14th
Importance: High

for the file

-----Original Message-----

From: Lewis, Natalie N.
Sent: Monday, September 22, 2003 6:24 PM
To: Gawf, Ed; Ekblaw, Kroy
Subject: FW: Dream Center ? City Council hearing on October 14th
Importance: High

FYI

-----Original Message-----

From: Rick Mineweaser [mailto:rick@diamond-pacific.com]
Sent: Monday, September 22, 2003 10:20 AM
To: Cynthia Lukas/Council Member; David Ortega/Council Member; Jan Dolan / City Manager; Mary Manross/Mayor-City of Scottsdale; Ned O'Hearn/Council Member; Robert Littlefield / Council Member; Scottsdale City Council; Tom Silverman/Council Member; Wayne Ection / Council Member
Cc: Lloyd Doerr / President of Las Piedras Homeowners Association
Subject: Dream Center ? City Council hearing on October 14th
Importance: High

Dream Center: It has come to my attention that this church's request for 40 foot tower with a glass dome just on Pima Road, just south of Via Dona, was approved by DRB. This 40 foot tower plus other building heights are in excess of the 24 maximum allowed by both the Desert Foothills Overlay (DFHO) and Environmentally Sensitive Lands Ordinance (ESLO). In April of this year, the City Council approved changes to the ESLO that limited the height of any and all buildings on residentially zoned land to 24 feet. It is obvious that Staff and DRB have blatantly ignored the Council's decision.

As a homeowner in the immediate area who's skyline will be directly effected, I encourage you to enforce the height limitations outlined in DFHO and ESLO for all the logical reasons these ordinances were created.

Your attention to this issue is appreciated.

Rick & Susie Mineweaser
7669 E. Baker Dr.
Scottsdale, AZ 85262-2244
H: 480-515-1329
O: 480-951-4118

McClay, Doris

From: Ekblaw, Kroy
Sent: Tuesday, September 23, 2003 6:42 AM
To: McClay, Doris
Cc: Curtis, Tim; Jones, Kurt A.; Grant, Randy
Subject: FW: Objection to Dream Center Tower Height Variance

for the file

-----Original Message-----

From: Lewis, Natalie N.
Sent: Monday, September 22, 2003 6:23 PM
To: Gawf, Ed; Ekblaw, Kroy
Subject: FW: Objection to Dream Center Tower Height Variance

FYI

-----Original Message-----

From: Hdberkner@cs.com [mailto:Hdberkner@cs.com]
Sent: Monday, September 22, 2003 5:40 PM
To: mmanross@scottsdaleaz.gov; clukas@scottsdaleaz.gov; tsilverman@scottsdaleaz.gov;
NOHearn@scottsdaleaz.gov; DOrtega@scottsdaleaz.gov; littlefield@scottsdaleaz.gov; wecton@scottsdaleaz.gov;
JDolan@scottsdaleaz.gov
Cc: howard_myers@sensor-tech.com
Subject: Objection to Dream Center Tower Height Variance

Ref: Dream Center Tower Variance

We have just spent many years to accept a set of plans DFHO and ESLO to try to regulate the buildings and structures in north Scottsdale. Now a church would like to violate these plans by building a huge tower. We do not live in the Victorian age where a tower is required to toll the bells and show the people where the house of worship is located. We are a modern community with many communication tools other than a huge tower. By trying to fit to the guidelines established the church should modify its plans to fit into the residential desert community it intends to serve.

Please do not allow the church to go outside the guidelines established by DFHO and ESLO.

Horst Berkner
Resident and Director Friends of Scenic Drive
6744 E Horned Owl Tr.
Scottsdale AZ 85262

Fuller, Bonnie

From: jsaleo [jsaleo@msn.com]
Sent: Wednesday, August 20, 2003 9:16 PM
To: Howard Myers; Fuller, Bonnie
Cc: Tony & Marg Nelssen; James & Catherine Heitel; Rick Hess; Linda S Dean
Subject: Re: DRB case 36-DR-2003

Bonnie,

As a Director of the Desert Property Owners' Assn. and participant in both the Desert Foothills Character area and Overlay, I agree with Howard Meyer's statement. In addition, I can't be at the hearing, and ask that the time that I would have taken to express my opinion be given to Tony Nelssen.

Please pass this onto the members of the Development Review Board.

----- Original Message -----

From: "Howard Myers" <howard_myers@sensor-tech.com>
To: "Bonnie Fuller" <bfuller@scottsdaleaz.gov>
Cc: "Tony & Marg Nelssen" <redbirdbranch@earthlink.net>; "John & Lora Aleo" <jsaleo@msn.com>; "James & Catherine Heitel" <JTHEITEL@mindspring.com>; "Rick Hess" <ericjhess@msn.com>; "Linda S Dean" <deancuttinghorses@worldnet.att.net>
Sent: Wednesday, August 20, 2003 8:51 PM
Subject: DRB case 36-DR-2003

: Bonnie,

:

: Please distribute the attached memo to members of the DRB prior to
: tonight's meeting. If you have any questions, you can reach me at
: 480-483-1997.

:

: Thanks

:

: Howard Myers

:

Fuller, Bonnie

From: Howard Myers [howard_myers@sensor-tech.com]
Sent: Wednesday, August 20, 2003 8:51 PM
To: Fuller, Bonnie
Cc: Tony & Marg Nelssen; John & Lora Aleo; James & Catherine Heitel; Rick Hess; Linda S Dean
Subject: DRB case 36-DR-2003



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Bonnie,

Please distribute the attached memo to members of the DRB prior to tonight's meeting. If you have any questions, you can reach me at 480-483-1997.

Thanks

Howard Myers

Dear Development Review Board Members.

I am writing you in reference to case 36-DR-2003, The Dream Center, which you will hear on August 21. I am writing you as the president of the Desert Property Owners' Association, an organization of homeowners in the Desert Foothills character area. This organization, along with many other citizens and City staff, worked long and hard to get the Desert Foothills Zoning Overlay, and changes to ESLO, passed that would protect the character of this area and this case is the first real test of these ordinances. While we have no problem with almost all aspects of this case, we do have a major problem with the height variance proposed for the tower. Height was a critical issue, addressed in both of the above ordinances, to protect views and maintain dominance of desert vegetation, which define the character of this area. Therefore how this case is handled is critical to the future of the area and the City's ability to enforce these ordinances as other cases come forward. While the applicant has the right to ask for a variance, to grant it without an extremely compelling reason, would undermine the height restriction in both these ordinances as well as all the hard work that went into them. We have worked with the applicant to try to resolve this issue before it went to the DRB, but my understanding is that they are still asking for the tower or will use it to bargain for an extremely large monument in the scenic corridor setback. For the record, we agreed to help change the sign ordinance to allow monument and other signs in the scenic corridor setback, however the reasoning was to reduce the size of the sign required because it would be closer to the road and therefore more visible to drivers. We therefore do not support any agreement that would allow a large monument sign in the scenic corridor setback, for any reason. We would be more than happy to support a reasonable size sign (4 to 5 feet maximum height or whatever dimensions come out of the process to change the ordinance), in the scenic setback. I am also a board member of the Friends of the Scenic Drive, an influential citizen group concerned with scenic corridors, and they do support this approach as well, as long as the signs are not obtrusive and are designed to fit the character of the area.

With regard to churches in residential districts, this discussion took place when the changes to ESLO were approved and the both the Council and City attorney agreed that churches can be required to conform to our ordinances. Federal law does not allow churches to circumvent local ordinances, it just requires that these ordinances do not discriminate against churches. Clearly in this case, all we are asking is that they do conform to the same regulations as everyone else. To interpret this law any other way is reverse discrimination, which clearly was not the intent. Exceptions should be granted only if required for the practice of their religion or "is compatible with the surrounding development". We don't believe the tower meets either criteria, though the suggested use may seem interesting and unique.

We would hope that when you are done, this development would be an example of how to develop responsibly in the Desert Foothills area rather than something that is inappropriate and sticks out. The rest of the site plan does seem responsible so we would hope that you would insure that all aspects are compatible with the surrounding development and zoning overlay that serves to protect that character.

Since I can't be there when you hear this case, I ask that you grant Tony Nelssen the time he needs to express the position of this organization, as he is the vice president and was also heavily involved with both the Desert Foothills Zoning Overlay and revisions to ESLO.

Thank you for your attention.

Howard Myers
President, Desert Property Owners' Association

Fuller, Bonnie

From: tony nelssen [redbirdbranch@earthlink.net]
Sent: Thursday, August 21, 2003 1:11 AM
To: Fuller, Bonnie
Subject: the law



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CONGRESS.pdf

please see that drb receives this. the first couple of paragraphs
pretty much sums it up.
churches must be treated the SAME as surrounding properties
tony

106th CONGRESS

2d Session

S. 2869

AN ACT

To protect religious liberty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Religious Land Use and Institutionalized Persons Act of 2000'.

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.**(a) SUBSTANTIAL BURDENS-**

(1) **GENERAL RULE-** No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) **SCOPE OF APPLICATION-** This subsection applies in any case in which--

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) DISCRIMINATION AND EXCLUSION-

- (1) **EQUAL TERMS-** No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.
- (2) **NONDISCRIMINATION-** No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.
- (3) **EXCLUSIONS AND LIMITS-** No government shall impose or implement a land use regulation that--
 - (A) totally excludes religious assemblies from a jurisdiction; or
 - (B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

- (a) **GENERAL RULE-** No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person--
 - (1) is in furtherance of a compelling governmental interest; and
 - (2) is the least restrictive means of furthering that compelling governmental interest.
- (b) **SCOPE OF APPLICATION-** This section applies in any case in which--
 - (1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or
 - (2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 4. JUDICIAL RELIEF.

- (a) **CAUSE OF ACTION-** A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.
- (b) **BURDEN OF PERSUASION-** If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.
- (c) **FULL FAITH AND CREDIT-** Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.
- (d) **ATTORNEYS' FEES-** Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended--

(1) by inserting 'the Religious Land Use and Institutionalized Persons Act of 2000,' after 'Religious Freedom Restoration Act of 1993,'; and

(2) by striking the comma that follows a comma.

(e) PRISONERS- Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT- The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) LIMITATION- If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

(a) RELIGIOUS BELIEF UNAFFECTED- Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) RELIGIOUS EXERCISE NOT REGULATED- Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) CLAIMS TO FUNDING UNAFFECTED- Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED- Nothing in this Act shall--

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE- A government may avoid the

preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) **EFFECT ON OTHER LAW**- With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) **BROAD CONSTRUCTION**- This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) **NO PREEMPTION OR REPEAL**- Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) **SEVERABILITY**- If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the 'Establishment Clause'). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term 'granting', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) **DEFINITIONS**- Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2) is amended--

(1) in paragraph (1), by striking 'a State, or a subdivision of a State' and inserting 'or of a covered entity';

(2) in paragraph (2), by striking 'term' and all that follows through 'includes' and inserting 'term 'covered entity' means'; and

(3) in paragraph (4), by striking all after 'means' and inserting 'religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.'.

(b) **CONFORMING AMENDMENT**- Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is

amended by striking 'and State'.

SEC. 8. DEFINITIONS.

In this Act:

- (1) **CLAIMANT**- The term 'claimant' means a person raising a claim or defense under this Act.
- (2) **DEMONSTRATES**- The term 'demonstrates' means meets the burdens of going forward with the evidence and of persuasion.
- (3) **FREE EXERCISE CLAUSE**- The term 'Free Exercise Clause' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.
- (4) **GOVERNMENT**- The term 'government'--
 - (A) means--
 - (i) a State, county, municipality, or other governmental entity created under the authority of a State;
 - (ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and
 - (iii) any other person acting under color of State law; and
 - (B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.
- (5) **LAND USE REGULATION**- The term 'land use regulation' means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.
- (6) **PROGRAM OR ACTIVITY**- The term 'program or activity' means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).
- (7) **RELIGIOUS EXERCISE**-
 - (A) **IN GENERAL**- The term 'religious exercise' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.
 - (B) **RULE**- The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.