

EXPEDITED AGENDA

20-ZN-2003 (Sugar Bowl Restaurant Historic Property Overlay) request by City of Scottsdale, applicant, Huntress Trust, Jaclyn Krawczyk, Margery Morton, and Fredrick Huntress, owners, to rezone from Central Business District, Downtown Overlay (C-2 DO) to Central Business District, Downtown Overlay, Historic Property (C-2 DO HP) for the Sugar Bowl Restaurant (.13 +/- acre parcel) at 3935 & 4005 N Scottsdale Road and to place the property on the Scottsdale Historic Register.

(PULLED TO REGULAR AGENDA)

19-ZN-2003 (Pink Pony Restaurant Historic Property Overlay) request by City of Scottsdale, applicant, Gwen Briley, owner, to rezone from Central Business District Downtown Overlay (C-2 DO) to Central Business District, Downtown Overlay, Historic Property (C-2 DO HP) for the Pink Pony Restaurant (.2 +/- acre parcel) at 3831 N Scottsdale Road and to place the property on the Scottsdale Historic Register.

(PULLED TO REGULAR AGENDA)

1-UP-2004 (E4 Development Group) request by E4 Group LLC, applicant/owner, for a conditional use permit for a bar on a .98 +/- acre parcel located at 4282 N. Drinkwater Blvd with Downtown/Office Residential Type 2, Planned Block Development, Downtown Overlay (D/OR-2 PBD DO) zoning.

4-UP-2004 (Dirty Dogg Bar use Permit) request by Fire House Management, applicant, MAGs Ham Bun, Inc, owner, for a conditional use permit for a bar in an existing building located at 10409 N Scottsdale Road with Highway Commercial District (C-3) zoning.

5-UP-2004 (Jamaican Blue) request by Jamaican Blue, applicant/owner, for a conditional use permit for a Bar in an existing 5,356+/- square feet building located at 4017 N Scottsdale Road, Suite 104 with Downtown, Retail Specialty Type 1 District, Downtown Overlay (D/RS-1 DO) zoning.

COMMISSIONER BARNETT MOVED TO FORWARD CASES 1-UP-2004, 4-UP-2004 AND 5-UP-2004 WITH A RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL SUBJECT THAT THEY MEET THE USE PERMIT CRITERIA AND THE AMENDED STIPULATIONS ON 1-UP-2004 AND 4-UP-2004. SECOND BY COMMISSIONER STEINKE.

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

REGULAR AGENDA

20-ZN-2003 (Sugar Bowl Resturant Historic Property Overlay) request by City of Scottsdale, applicant, Huntress Trust, Jaclyn Krawczyk, Margery Morton, and Fredrick Huntress, owners, to rezone from Central Business District, Downtown Overlay (C-2 DO) to Central Business District, Downtown Overlay, Historic Property (C-2 DO HP) for the Sugar Bowl Restaurant (.13 +/- acre parcel) at 3935 & 4005 N Scottsdale Road and to place the property on the Scottsdale Historic Register.

MS. ABELE presented this case as per the project coordination packet. The Historic Preservation Officer and Staff recommend approval. She reported that the property owners' support the designation.

(Chairman Gulino arrived at 5:25 p.m.)

COMMISSIONER BARNETT requested information on the process and why the City is the applicant. He inquired why the Historic Preservation Commission did not have anything to say in the minutes regarding these designations. Ms. Abele provided an overview of the process noting that State Law requires the use of zoning and then the City can formally recognize a property as historically significant. She explained that perhaps the reason there were not a lot of questions and comments by the Historic Preservation Commission in the minutes is because they have been looking at these properties for over three years and are very familiar and they have been brought forward to them at various stages.

Commissioner Barnett inquired if the City has advised the property owners to seek legal counsel regarding how the HP designation would severely restrict what they can and cannot do on their property. Ms. Abele commented that she did not believe it severely restricts their property but they are advised about the consequences of the designation. She further commented that they would advise property owners regarding obtaining legal counsel.

Commissioner Barnett inquired why the Valley Ho project only received HP designation on half of the property. Ms. Abele explained that the entire site did not meet the criteria for designation. She further explained that the ordinance allows them to draw boundaries around the property to coincide with the significant resources.

Commissioner Barnett stated their literature indicates they are looking at having another 24 buildings come through the process. He further stated that it would make a lot of sense to have all of them come through at one time. Ms. Abele stated they would try to bring them together by the year's end.

COMMISSIONER STEINKE inquired if the HP designations could be removed. Ms. Abele replied in the affirmative noting that the same process would be used to place them on the list as to take them off the list.

CHAIRMAN GULINO stated that he would agree with Commissioner Barnett regarding staffs advising the property owners to receive outside legal advice. Ms. Abele reiterated that staff would ensure that occurs.

COMMISSIONER STEINKE MOVED TO FORWARD CASE 20-ZN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HEITEL.

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

19-ZN-2003 (Pink Pony Restaurant Historic Property Overlay) request by City of Scottsdale, applicant, Gwen Briley, owner, to rezone from Central Business District Downtown Overlay (C-2 DO) to Central Business District, Downtown Overlay, Historic Property (C-2 DO HP) for the Pink Pony Restaurant (.2 +/- acre parcel) at 3831 N Scottsdale Road and to place the property on the Scottsdale Historic Register.

MS. ABELE presented this case as per the project coordination packet. The Historic Preservation Officer and Staff recommend approval. She reported that the property owner supports the designation.

COMMISSIONER BARNETT stated he would reiterate his comments regarding advising the property owner to seek external legal counsel. He noted in the report it indicates that there have been citizen comments regarding what assistance the city would provide owners with historic designation. He further noted it seems to be an inherent conflict of interest where the city is saying they will give them the HP zoning with the implicit understanding from the owner that they would be given assistance by the city in exchange for allowing the designation. He added he felt the process does not work very well. Ms. Abele explained the HP Ordinance specifically states that the city provides incentives and assistance to the owners of historic properties.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 19-ZN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY VICE CHAIRMAN STEINBERG.

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

1-ZN-2004 (Main Street Residences & Main Street Mews) request by Arizona Investments, applicant, MSR Properties LLC, owner, to rezone from Highway Commercial, Downtown Overlay District (C-3 DO) to Downtown District,