



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

THURSDAY, SEPTEMBER 3, 2009

MEETING MINUTES

PRESENT: Suzanne Klapp, Council Member
Michael Edwards, Vice Chairman
Steven Steinke, Planning Commission Member
David Brantner, Development Member
Chris Jones, Design Member
David Ortega, Design Member
Eric Gerster, Development Member

STAFF: Steve Venker
Joe Padilla
Keith Niederer
Meredith Tessier
Edmond Lamperez
Bryan Cluff

CALL TO ORDER

Councilwoman Klapp called the meeting of the Scottsdale Development Review Board to order at 1:23 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

OPENING STATEMENT

Councilwoman Klapp read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting. She made special note of the focus on quality building and design.

MINUTES

1. Approval of August 20, 2009 Development Review Board Study Session Minutes
2. Approval of August 20, 2009 Development Review Board Meeting Minutes

VICE-CHAIRMAN EDWARDS MOVED TO APPROVE THE AUGUST 20, 2009 MINUTES OF THE DEVELOPMENT REVIEW BOARD INCLUDING THE STUDY SESSION. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

CONSENT AGENDA

BOARD MEMBER ORTEGA MOVED TO MOVE ITEMS 94-DR-2009, 18-DR-2009, 42-DR-2009, 62-DR-2008, AND 76-DR-2009 TO THE REGULAR AGENDA. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

6. 10-DR-2009 NewPath Networks (H-280-01) 20317 N. Hayden Rd.
11. 19-DR-2009 NewPath Networks (H099-01) 7235E. Grayhawk Dr.

VICE-CHAIRMAN EDWARDS MOVED TO CONTINUE 10-DR-2009, NEWPATH NETWORKS (H-280-01) 20317 N. HAYDEN RD., AND 19-DR-2009, NEWPATH NETWORKS (H099-01) 7235 E. GRAYHAWK DR., TO THE SEPTEMBER 17, 2009 MEETING. SECONDED BY BOARD MEMBER GERSTER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

3. 92-DR-2009 APS Granite Reef Substation
5. 8-DR-2009 NewPath Networks (H-2709-01) 7599 E. Grayhawk Dr.
7. 11-DR-2009 NewPath Networks (H-106-01) 20112 N. Hayden Rd.
8. 12-DR-2009 NewPath Networks (H-111-01) 19720 N. 76th Street
9. 13-DR-2009 NewPath Networks (H-069-01) 25807 N. Pima Rd.
12. 34-DR-2009 NewPath Networks (H-105-01) N. Scottsdale Rd. & E. Thompson Peak Pkwy.
14. 45-DR-2009 NewPath Networks (H274-02) E. Paraiso Dr. & N. 93rd St.
15. 48-DR-2009 NewPath Networks (H-265-01) 9658 E. Happy Valley Rd.
16. 55-DR-2009 NewPath Networks (H092-01) E. Adobe Dr. & E. Los Gatos Dr.

19. 97-DR-2009 NewPath networks, LLC (K644-01) N. 96th. St. & E. Presidio Rd.
20. 101-DR-2009 NewPath Networks, LLC (H585-02) East Sutton Dr. & N. 87th St.

BOARD MEMBER BRANTNER MOVED TO APPROVE 92-DR-2009, APS GRANITE REEF SUBSTATION; 8-DR-2009, NEWPATH NETWORKS (H-2709-01) 7599 E. GRAYHAWK DR.; 11-DR-2009, NEWPATH NETWORKS (H-106-01) 20112 N. HAYDEN RD.; 12-DR-2009, NEWPATH NETWORKS (H-111-01) 19720 N. 76TH STREET; 13-DR-2009, NEWPATH NETWORKS (H-069-01) 25807 N. PIMA RD.; 34-DR-2009, NEWPATH NETWORKS (H-105-01) N. SCOTTSDALE RD. & E. THOMPSON PEAK PKWY., WITH THE STIPULATION THAT THE APPLICANT SHALL WORK WITH THE PROPERTY OWNER AT THE SOUTHEAST CORNER OF SCOTTSDALE RD. AND THOMPSON PEAK PKWY. AT THE ONE SCOTTSDALE PROJECT ON THE FINAL LOCATION OF THE PARTIAL VAULT EQUIPMENT RELATIVE TO THE SIDEWALK AND OTHER PLANNED RIGHT-OF-WAY IMPROVEMENTS IN ORDER TO ACHIEVE AN APPROPRIATE AND MUTUALLY ACCEPTABLE SETBACK AND LANDSCAPE SCREEN; 45-DR-2009, NEWPATH NETWORKS (H274-02) E. PARAISO DR. & N. 93RD ST.; 48-DR-2009, NEWPATH NETWORKS (H-265-01) 9658 E. HAPPY VALLEY RD.; 55-DR-2009, NEWPATH NETWORKS (H092-01) E. ADOBE DR. & E. LOS GATOS DR.; 97-DR-2009, NEWPATH NETWORKS, LLC (K644-01) N. 96TH. ST. & E. PRESIDIO RD.; AND 101-DR-2009, NEWPATH NETWORKS, LLC (H585-02) EAST SUTTON DR. & N. 87TH ST. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

4. 94-DR-2009 The Ivy Court – Mixed Use Building

Mr. Lamperez presented the elevations and reviewed case facts. He noted that the Applicant owns the parcel to the south which shares a courtyard.

Mr. Victor Olson reviewed the site plan and elevations, noting that a variety of architectural styles exist in the area. He highlighted the living area, roof garden, herb garden, and third-floor swimming pool.

Mr. Scott Jarson, 3707 North Marshall Way, spoke in opposition to the current proposal because the architectural style is out of context. He expressed concern about the European influenced design, which does not complement the streetscape. He was concerned about the site plan and lost parking and access. He felt that efforts made in the area to develop a soft, native landscape that is inviting to the public should be continued in the project.

Mr. Kevin O'Neill expressed concerns about the design, noting that he has extensive experience with infill development sites. He felt the site plan was unclear on whether the most appropriate solutions were used to address challenges such as parking driveway access and ground floor use. The building

design should consider elements of the Loloma School and the neighboring residential development. He questioned the use of materials for the third floor awnings. Materials and colors need to be assessed to take advantage of design opportunities. The awnings and balconies on the front elevation do not complement and enhance the streetscape.

Mr. Will Bruder, a neighbor living in property adjacent to the site, expressed concerns about the site plan, context and quality of the European design, and parking. The design is inconsistent, and parallel parking and minimal landscaping creates an unwelcoming pedestrian atmosphere. He was concerned about noise from the alley parking disturbing neighbors. He requested that the Board consider a continuance.

Mr. Olson noted that the lower level will be a coffee shop. He reiterated that emergency access has been approved by the Fire Department and all parking requirements have been met.

In response to a question by Board Member Ortega, Mr. Lamperez clarified that the Downtown Ordinance only requires one parking space for residential uses and that space can overlap with another use.

Board Member Ortega expressed concerns about the site plan. He suggested mixing tandem parking with alley access rather than creating a U-turn situation in the alley. Alternatively, visitors could be provided with street parking and users of the building could be provided with alley accessed parking. He recommended assembling the property with the property they own to the south to create a more substantial design fronting Marshall Way and a more comprehensive parking solution. He was not in favor of the garish colors or the European design.

Mr. Olson argued that one Downtown Guideline goal is to create spaces along the street and courtyards between buildings. Parallel parking meets City traffic standards. Board Member Ortega rebutted that 12-foot wide driveways are not found in Downtown Scottsdale and if removed the courtyard could be made larger.

Commissioner Steinke questioned the compatibility of the design with the context of the area. He stressed the importance of incorporating the context into the design and presenting a detailed design. He felt that the case should be continued and more consideration given to the design.

Board Member Jones commented that the packet seemed incomplete for an application that was presented on the consent agenda. Mr. Lamperez explained that cases do not come to study session unless there is discrepancy between the applicant and staff. The item was placed on the consent agenda because it conformed to the Ordinance and the owner was adamant about her design.

Mr. Olson explained that the property sharing the courtyard is owned by a separate entity of which Ms. Lockhart (phonetic) is a part. Ms. Lockhart explained that she was combining the properties by incorporating the mixed-use courtyard; the apartment building has been renovated. She stressed that the

parallel parking spaces were for business use and she does not anticipate much traffic. She felt that the building's design was in context with the Loloma School.

Vice-Chairman Edwards agreed that the building design was not befitting the area context. The design does not reflect a high level of quality and the elements are not synthesized and predominantly one material. He felt the package was incomplete.

BOARD MEMBER BRANTNER MOVED TO CONTINUE 94-DR-2009, THE IVY COURT-MIXED USE BUILDING, TO A DATE TO BE DETERMINED. BOARD MEMBER ORTEGA SECONDED THE MOTION.

Mr. Olson argued that because the building is a live/work and owner occupied, the design should be allowed to reflect her personal style. He felt that the design was appropriate for the neighborhood.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

10. 18-DR-2009 NewPath Networks (H-264-02) 9207 E. Happy Valley Rd

Mr. Niederer reviewed the photo simulations of the location, noting that two 24-inch Palo Verde trees and one real 12-foot saguaro cactus have been stipulated. He reviewed additional site applications along Happy Valley that will be coming forth.

Ms. Kris Crow, representing the Happy Valley Lutheran Church, noted that because of a mistake by the Maricopa County Assessor's office, the church did not receive notification until the sign was posed at the site. She expressed concerns about the faux saguaro and landscaping obscuring the church's sign and other potential negative implications to the church.

Ms. Lagarde apologized for the notification mix-up and offered to stipulate to work through staff to address any concerns. The saguaro and rock concealing the equipment can be adjusted so as not to interfere with the aesthetics of the church or sign.

In response to a suggestion by Commissioner Steinke, Mr. Niederer explained that an additional stipulation was needed to allow flexibility of the site location.

BOARD MEMBER BRANTNER MOVED TO APPROVE 18-DR-2009, WITH THE STIPULATION THAT THE APPLICANT WORK WITH THE CHURCH FOR THE ADJUSTMENT OF THE LOCATION OF THE FAUX CACTUS AND EQUIPMENT AS NEEDED, TO BE APPROVED BY STAFF; IF THE CHURCH AND THE APPLICANT CANNOT COME TO AN AGREEMENT, THE APPLICATION WILL RETURN TO THE DEVELOPMENT REVIEW BOARD. BOARD MEMBER ORTEGA SECONDED THE MOTION.

In response to a question by Board Member Jones, Mr. Niederer confirmed that the Wireless Ordinance would allow for the wireless facility to be located on

church property through a lease agreement. Board Member Jones expressed concern about the number of stealth cacti being located on Happy Valley Road.

Vice-Chairman Edwards shared a concern about creating a "picket fence" effect down Happy Valley Road. He noted an interest in learning about alternate installation opportunities for the area. He said that he would not support any motions for faux cactus until an example is completed.

Ms. Lagarde noted that a saguaro sample is currently being painted in Chandler and can be made available for viewing. She mentioned that an alternative concealment device has been designed and is available for installation.

A discussion ensued about the difference between a monopole and the alternative concealment device Ms. Lagarde presented. Mr. Hadder expressed concern about the single use facility concept of the alternative concealment device noting that he would prefer if an artistic element were added to it. Many neighborhoods would prefer the alternative concealment device if staff were to confirm that the device was allowed by Ordinance.

Ms. Lagarde agreed to arrange for the faux cactus being built in Chandler to be brought to a central Scottsdale location for viewing by interested citizens.

BOARD MEMBER BRANTNER MOVED TO APPROVE 18-DR-2009, WITH THE STIPULATION THAT THE APPLICANT WORK WITH THE CHURCH FOR THE ADJUSTMENT OF THE LOCATION OF THE DEVICE AND EQUIPMENT AS NEEDED AND TO DETERMINE WHETHER THEY WOULD PREFER THE SAGUARO CACTUS OR THE ALTERNATIVE CONCEALMENT DEVICE, TO BE APPROVED BY STAFF; IF THE CHURCH AND THE APPLICANT CANNOT COME TO AN AGREEMENT, THE APPLICATION WILL RETURN TO THE DEVELOPMENT REVIEW BOARD. BOARD MEMBER ORTEGA SECONDED THE MOTION. THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ONE (1). VICE-CHAIRMAN EDWARDS DISSENTED.

13. 42-DR-2009 NewPath Networks (H172-02) E. Via Linda & Lupine Avenue

Ms. Lagarde requested a continuance for the purpose of resolving technical issues with the alternative concealment design.

VICE-CHAIRMAN EDWARDS MOVED TO CONTINUE 42-DR-2009, NEWPATH NETWORKS (H172-02) E. VIA LINDA & LUPINE AVENUE, TO THE SEPTEMBER 17, 2009 MEETING. SECONDED BY COMMISSIONER STEINKE, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

17. 62-DR-2008 NewPath Networks, LLC (H309-03) northeast corner of 100th St. & 102nd St.

Mr. Niederer reviewed the history behind the current location of the light pole, which was previously adjusted to be further away from the existing homes and

the State Trust parcel. Mr. Garcia noted that the light pole could be adjusted south by approximately 20 feet from its current location.

BOARD MEMBER GERSTER MOVED TO APPROVE 62-DR-2008, NEWPATH NETWORKS, LLC (H309-03) NORTHEAST CORNER OF 100TH ST. & 102ND ST, WITH THE STIPULATION THAT THE LIGHT POLE BE MOVED 20 FEET FURTHER TO THE SOUTH. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

18. 76-DR-2009 NewPath Networks (H194-04) E. Mountain View Rd. & N. 118th Way Alignment

In response to a question by Board Member Gerster, Mr. Cluff explained that APS has restrictions against new verticalities in the easement corridor. Ms. Lagarde noted a willingness to stipulate to shift the location of the installation out of view of the home on tract C as long as it does not obstruct the view for another neighbor. Board Member Gerster conceded that he did not recollect past hearings on the case and would accept the application as it is, as long as there were no concerns from the neighbors. As a general rule, he suggested locating installations in open space areas or power line corridors away from homes.

Vice-Chairman Edwards inquired whether the alternative concealment device was offered as an alternative for the location. Ms. Lagarde explained that the alternative concealment device was a new design that was not available when the case was presented to the community. There have been no objections to the location.

Vice-Chairman Edwards noted that he would be opposed to the application because he has yet to see a finished faux saguaro.

BOARD MEMBER BRANTNER MOVED TO APPROVE 76-DR-2009, NEWPATH NETWORKS (H194-04) E. MOUNTAIN VIEW RD. & N. 118TH WAY ALIGNMENT. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2). VICE-CHAIRMAN EDWARDS AND BOARD MEMBER JONES DISSENTED.

21. 89-DR-2009 NewPath Networks, LLC (H598-01) N. 104th St. & E. Sunnyside Dr.

Ms. Lagarde noted that the neighborhood was offered the choice between a faux cactus and an alternative concealment device and opted for the saguaro. The neighborhood requested that the cactus be moved onto the association property, close to the tennis court behind a Palo Verde tree and requested that an additional Sage and boulders be added.

BOARD MEMBER ORTEGA MOVED TO APPROVE 89-DR-2009, NEWPATH NETWORKS, LLC (H598-01) N. 104TH ST. & E. SUNNYSIDE DR. SECONDED BY BOARD MEMBER BRANTNER, THE MOTION CARRIED WITH A VOTE

OF FIVE (5) TO TWO (2). VICE-CHAIRMAN EDWARDS AND BOARD MEMBER JONES DISSENTED.

Mr. Venker announced that Fire Station #2 on Indian School achieved a LEED Platinum designation.

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 3:05 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.