

SCOTTSDALE CITY COUNCIL  
SPECIAL MEETING MINUTES  
TUESDAY, OCTOBER 12, 2021



CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251

**CALL TO ORDER**

Mayor David D. Ortega called to order a Special Meeting of the Scottsdale City Council at 5:03 P.M. on Tuesday, October 12, 2021.

**ROLL CALL**

Present: Mayor David D. Ortega; Vice Mayor Tammy Caputi; and Councilmembers Tom Durham, Betty Janik, Kathy Littlefield, Linda Milhaven, and Solange Whitehead

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Sonia Andrews, City Auditor Sharron Walker (participating telephonically), and City Clerk Ben Lane

**PLEDGE OF ALLEGIANCE** – Councilwoman Littlefield

**MINUTES**

**Request:** Approve the Special Meeting Minutes of September 14, 2021 and Regular Meeting Minutes of September 14, 2021.

**MOTION AND VOTE – MINUTES**

Councilwoman Whitehead made a motion to approve the Special Meeting Minutes of September 14, 2021 and Regular Meeting Minutes of September 14, 2021. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**CONSENT AGENDA**

- 1. Pima McDowell Non-Major General Plan Amendment and Rezoning (4-GP-2021 and 11-ZN-2021)**

**NOTE:** MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

**Requests:**

1. Adopt **Resolution No. 12287** approving a Non-Major General Plan Amendment to the Scottsdale General Plan 2001 Conceptual Land Use Map from Mixed-Use Neighborhoods to Commercial on a ±7.22-acre site.
2. Adopt **Ordinance No. 4523** approving a zoning district map amendment from General Commercial (C-4) and General Commercial Conditional (C-4(C)) to Highway Commercial (C-3) zoning on a ±7.22-acre site.

**Location:** 8705 E. McDowell Road

**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Mayor Ortega opened public comment.

Tom Frenkel, Applicant, spoke in support of the Pima McDowell Non-Major General Plan amendment and rezoning request.

Mayor Ortega closed public comment.

**MOTION AND VOTE – CONSENT AGENDA**

Vice Mayor Caputi made a motion to approve Consent Agenda Item No. 1 [Pima McDowell Non-Major General Plan Amendment and Rezoning (4-GP-2021 and 11-ZN-2021)] to adopt Resolution No. 12287 and Ordinance No. 4523. Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**REGULAR AGENDA**

**2. Judicial Appointment Advisory Board Interviews and Appointment**

*Nominee(s):* John Gilbert, Robert Gruler, Jr., \*Edward Tybor

*Council to fill one Scottsdale Bar Association Rep vacancy (appointment effective October 12, 2021)*

John Gilbert: Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead.

**Appointment:** John Gilbert was appointed to the Scottsdale Bar Association representative position of the Judicial Appointments Advisory Board, effective October 12, 2021.

\*Nominee withdrew application from consideration for current vacancy.

**3. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for November 9, 2021)**

- Board of Adjustment (one vacancy) – Councilwoman Whitehead nominated Daniel Ishac and Councilwoman Littlefield nominated Julian Anderson.
- Building Advisory Board of Appeals (two vacancies) – There were no applications received.

- Citizens' Bond Oversight Committee (one vacancy) – Councilmember Milhaven nominated Janice Eng.
- Environmental Advisory Commission (two vacancies) – Mayor Ortega nominated Heather Abrahimi and Suzette Gibson; Councilwoman Littlefield nominated Larry Marchman and Alisa McMahon; Councilwoman Janik nominated Andrew Scheck; Councilmember Durham nominated Donna Hartz; Vice Mayor Caputi nominated Ute Brady; and Councilwoman Whitehead nominated Victoria Kauzlarich and Jordan Miller.
- Historic Preservation Commission (one vacancy) – Councilwoman Littlefield nominated Courtney Lage.
- McDowell Sonoran Preserve Commission (one vacancy) – Councilwoman Janik nominated Mark Hackbarth and Vice Mayor Caputi nominated Robert Fishman.
- Parks and Recreation Commission (one vacancy) – Councilmember Durham nominated Alexandra Albert and Mayor Ortega nominated Steve Masear.
- Paths and Trails Subcommittee (one citizen representative position vacancy) – Vice Mayor Caputi nominated Kyle Davis.
- Veterans Advisory Commission (four vacancies) – Councilwoman Whitehead nominated Mark Ashley, Sean Asmus, Steven Jackson, and Joel Stempil; Mayor Ortega nominated Land Anderson; and Councilwoman Littlefield nominated Raymond Sillari.

**Note: The only Council action to be taken on Item No. 3 is to select nominees for appointment consideration at a future Council meeting.**

**4. Development Review Board Membership**

(Removed at the request of Mayor David D. Ortega. This item will be placed on a future City Council meeting agenda, most likely in November.)

**5. The Miller Rezoning (1-ZN-2021)**

**Requests:**

1. Adopt **Ordinance No. 4517** approving a zoning district map amendment from Highway Commercial (C-3) to Downtown/Downtown Multiple Use, Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO), with a development plan and proposed development standards, including but not limited to, building height (76 feet inclusive of rooftop appurtenances), residential density (87 du/ac) and building stepbacks for a new multi-family development consisting of 148 units on a ±1.7-acre (gross) site.
2. Adopt **Resolution No. 12263** declaring the document titled "*The Miller Development Plan*" to be a public record.
3. Adopt **Resolution No. 12257** authorizing Development Agreement No. 2021-139-COS with TB Miller Plaza, LLC.

**Location:** 7570 E. 6<sup>th</sup> Avenue

**Presenter(s):** Greg Bloemberg, Project Coordination Liaison

**Staff Contact(s):** Randy Grant, Planning, Economic Development, and Tourism Executive Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Project Coordination Liaison Greg Bloemberg gave the PowerPoint presentation (attached) on the Miller Rezoning application.

Applicant Representative John Berry gave the presentation on the applicant's rezoning application for Miller Square.

Mayor Ortega opened public comment.

The following spoke in support of the Miller rezoning application:

- Klayton Duxbury, Scottsdale resident
- Julie Newell, Scottsdale resident
- Sarah Bentley, Scottsdale resident, read letters of support from Scottsdale Firefighters Association and the Police Officers of Scottsdale Association
- Jayme Thoma, Scottsdale resident
- Kaitlyn Whittaker, Scottsdale resident, read letters of support from merchants located near the Miller site – Brighton Jewelers and Wilson Camera
- Scott Stewart, owner of Wok 'N Roll located near the Miller site
- Bill Crawford, owner of Basic Training MedX Fitness and Strength Training Center located near the Miller site
- Mary Turner, Scottsdale resident
- Kathleen Livingston, Scottsdale resident
- David Grosse, Scottsdale resident
- Daniel Winans, musician and Scottsdale resident
- Jessica Orozco, Scottsdale resident
- Michael Nardoci, Scottsdale resident
- Danielle Pomasl, Scottsdale resident.

Mayor Ortega closed public comment.

#### **MOTION AND VOTE – ITEM 5**

Councilmember Milhaven made a motion to adopt Ordinance No. 4517 approving a zoning district map amendment, adopt Resolution No. 12263 declaring the document titled "*The Miller Development Plan*" to be a public record, and adopt Resolution No. 12257 authorizing Development Agreement No. 2021-139-COS. Councilwoman Whitehead seconded the motion, which carried 6/1, with Vice Mayor Caputi and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative and Mayor Ortega dissenting.

#### **ADJOURNMENT**

#### **MOTION AND VOTE – ADJOURNMENT**

Councilwoman Janik made a motion to adjourn the City Council Special Meeting. Vice Mayor Caputi seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Caputi; and Councilmembers Durham, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

The Regular City Council Meeting adjourned at 7:12 P.M.

**SUBMITTED BY:**



**Ben Lane, City Clerk**

Officially approved by the City Council on November 9, 2021

## CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 12<sup>th</sup> day of October 2021.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 9<sup>th</sup> day of November 2021.



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**Ben Lane, City Clerk**

# The Miller

## 1-ZN-2021

City Council  
October 12, 2021

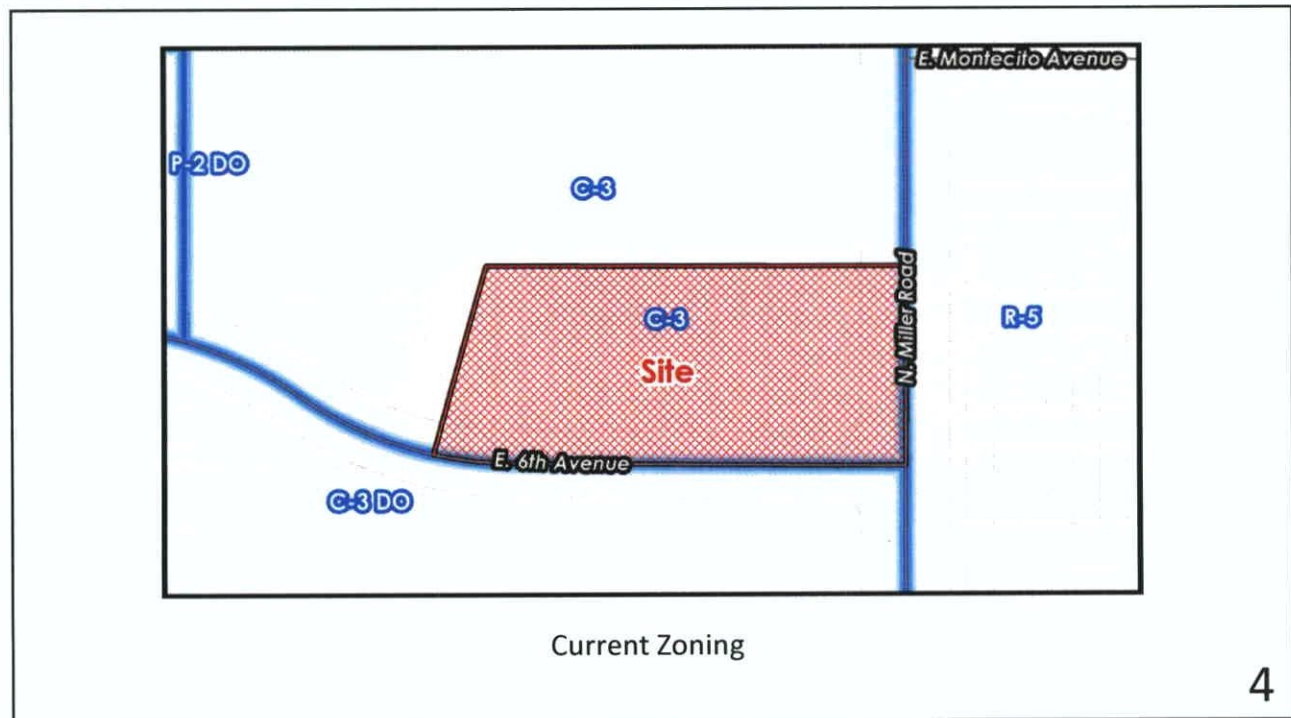
Coordinator: Greg Bloemberg





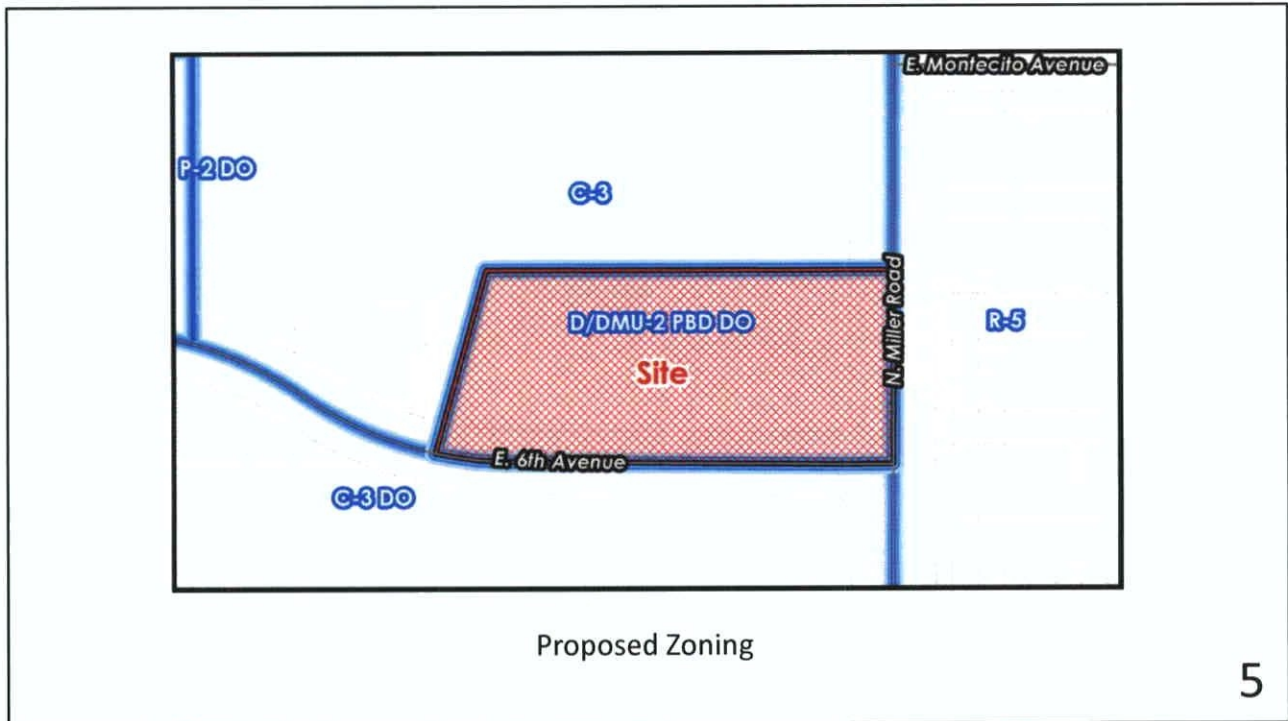


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Proposed Zoning

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Old Town Character Area  
Plan Land Use Designation

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### REQUEST SUMMARY

- Rezone from C-3 to D/DMU-2 PBD DO
- Proposed development standards (PBD)
- New multi-family project w/ sub-grade parking

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**PROPOSED DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARD	REQUIRED/ALLOWED	PROPOSED w/ PBD
<i>Building Height</i>	66 feet + maximum 6 feet for rooftop appurtenances (72 feet)	76 feet (inclusive of rooftop appurtenances) <b>*4 feet of bonus height proposed</b>
<i>Setback for rooftop appurtenances</i>	15 feet from all sides of the building	Eliminate
<i>Residential Density</i>	50 du/ac (based on gross lot area = 85 units for this site)	87 du/ac <b>*37 du/ac bonus density proposed (148 units)</b>
<i>Private Outdoor Living Space</i>	Minimum 6 feet in depth and 60 square feet	Eliminate 6-foot depth requirement

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DEVELOPMENT STANDARD	REQUIRED/ALLOWED	PROPOSED
<i>Stepbacks (building envelope)</i>	<p><u>In a Type 2 Area:</u> 1:1 at 30 feet above minimum setback and all other property lines up to 45 feet, 2:1 there after</p> <p><u>Where Downtown boundary abuts a public street (Miller Road):</u> 1:1 at 30 feet above minimum setback up to 45 feet, 1:3 thereafter</p>	<p><u>Downtown boundary (Miller Road):</u> <b>No change</b></p> <p><u>6<sup>th</sup> Avenue:</u> Maintain required <b>except for 10% encroachment (measured by area) above 3<sup>rd</sup> floor</b></p> <p><u>West property line:</u> <b>2:1 at 45 feet above property line</b></p> <p><u>North property line:</u> <b>2:1 at 45 feet above property line</b></p>

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DEVELOPMENT STANDARD	REQUIRED/ALLOWED	PROPOSED
<i>Exceptions to building location, prevailing setback and stepback</i>	Maximum 15-foot exception to stepback above the 1st floor for projections that are less than 50% of the length of a façade segment	<b>20-foot exception</b> for projections less than <b>60%</b> of the length of a façade segment

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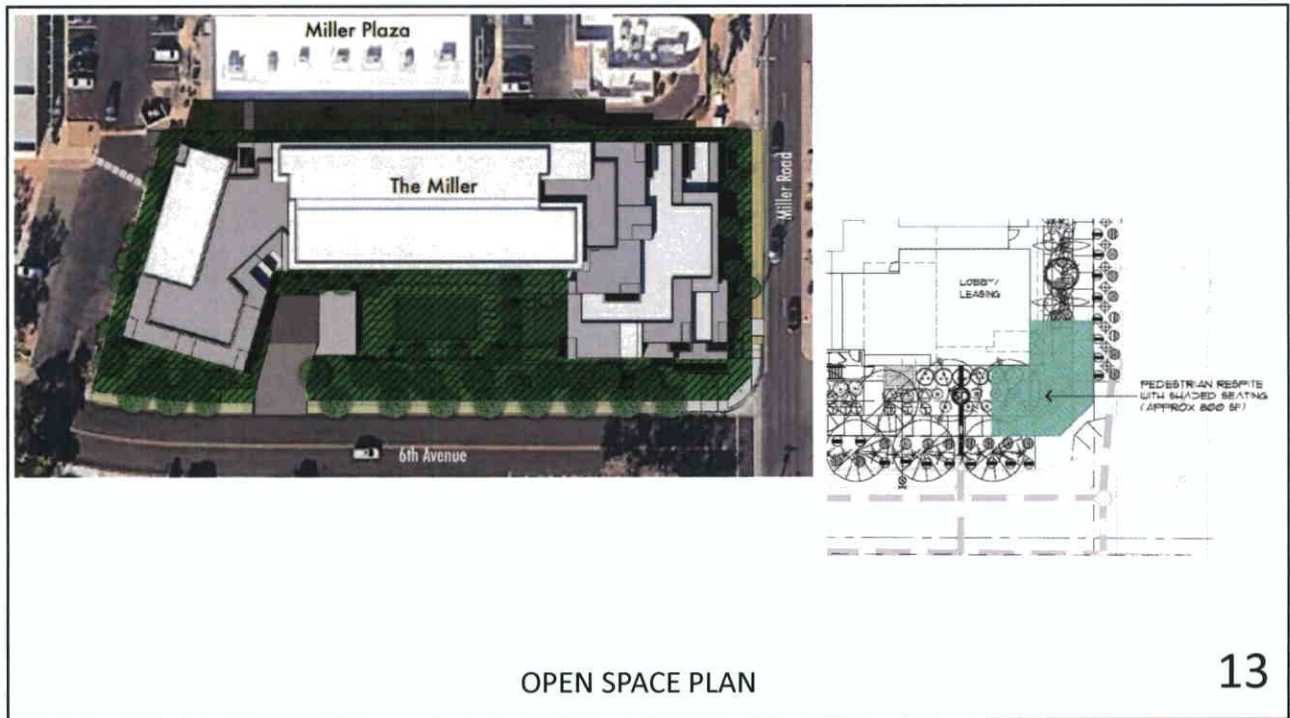
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SITE/LANDSCAPE PLAN

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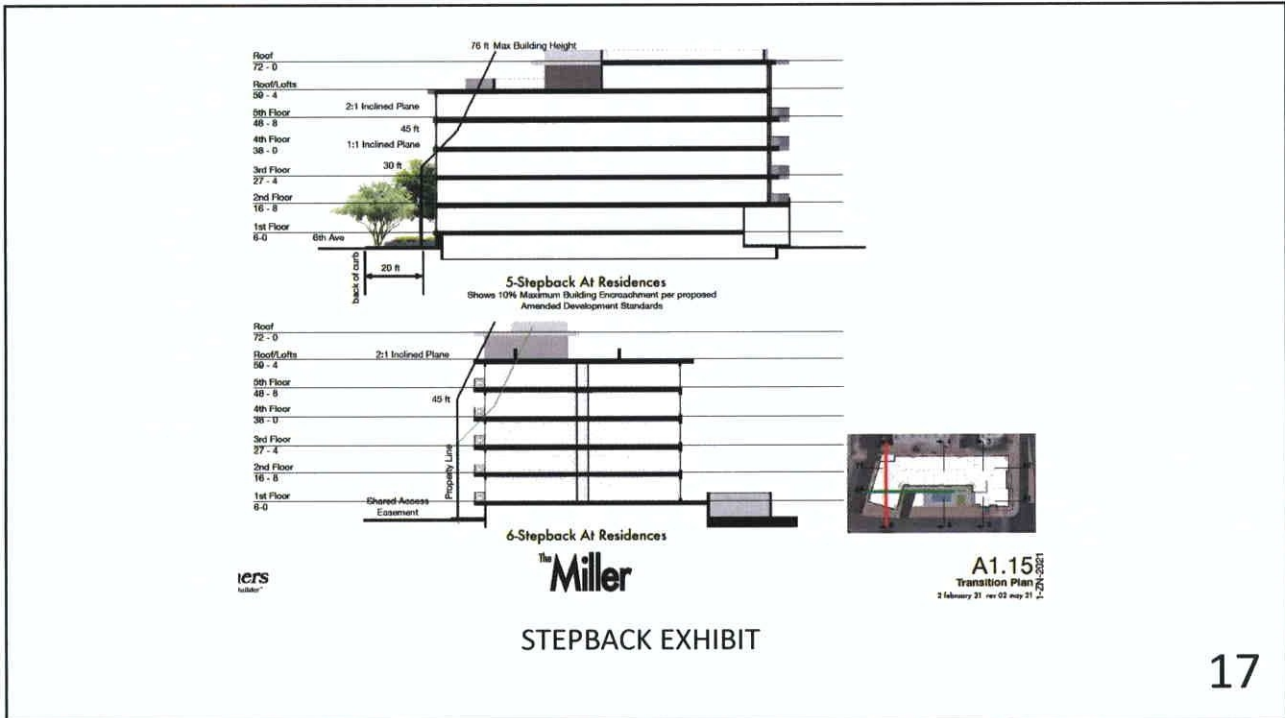


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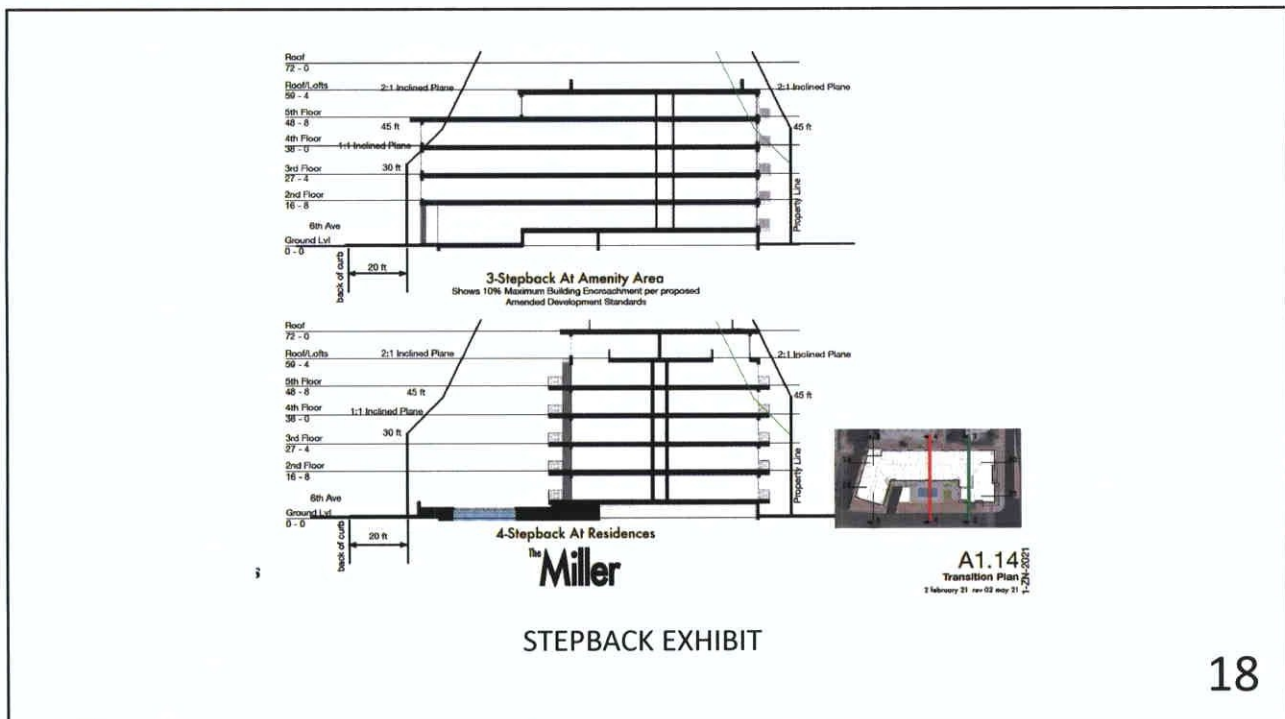
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- Considerations**
- Request for bonus height (76 feet) and density (87 du/ac)
  - No change to setback at Old Town boundary
  - Relationship of garage entrance to pedestrian realm (6<sup>th</sup> Ave.)
  - 800 sq. ft. pedestrian plaza w/ seating elements at intersection
  - Public comment received
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### Other Boards & Commissions

- Development Review Board heard this case on 8/19/21 and recommended approval (6-0)
- Planning Commission heard this case on 9/22/21 and recommended approval (6-1)

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**The Miller**

**1-ZN-2021**

**City Council  
October 12, 2021**

**Coordinator: Greg Bloemberg**

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