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## NEXT COPP MEMBER MEETING

June 11, 2001 at 7:00 pm

Legend Trail  
Community Center  
(see directions on page 4)

### On the Agenda:

Scottsdale City Councilmen O'Hearn, Silverman and Zraket will reflect on the past year.

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## Two Important Environmental Ordinances

At its meeting on June 19, the Scottsdale City Council will take public testimony on proposed revisions to two very important zoning ordinances. We urge our members to attend that meeting in support of the revisions as outlined below. If you cannot attend in person, then please fax or E-mail your comments and concerns to the Mayor and City Council. To send an E-mail, you can use the link to the Mayor and City Council that is on COPP's website ([www.COPPeak.org](http://www.COPPeak.org)). Just click on COPP Directory at the bottom of the home page, then click on Scottsdale City Council. Or, fax your comments to 480-312-2738.

### *Big Box Text Amendment*

On May 9 the Planning Commission approved the Planning staff's recommendation for a Text Amendment to regulate big boxes. The staff's proposal, as approved by the Planning Commission, does not exclude big boxes within the boundaries of the Environmentally Sensitive Lands Ordinance (ESL) as unanimously

recommended by the Ideas Team. COPP members Bob Vairo, Wayne Ecton and Paul Scharr are part of the City's Ideas Team that was formed to provide recommendations for a Big Box Ordinance.

The vote at the Planning Commission was 3-1 with Lotzar, Gulino and Burns in favor and Chairwoman Drake opposed. While Commissioner Burns said he agrees that big boxes should be excluded from the ESL, he voted in favor of the motion to move the amendment along in the interest of getting it to the Council for its consideration.

It was unfortunate that only four members of the PC were in attendance at that meeting because the last time the Text amendment came before the PC for study, the majority favored excluding big boxes from the ESL.

The Ideas Team supports the staff's proposal, except for the ESL issue. In all other respects, the amendment does a good job of regulating big boxes throughout Scottsdale by protecting residential neighborhoods and, at the same time,

*(see "Environmental Ordinances" on page 2)*

## *Calendar of Events*

June 11	COPP Member Meeting
June 19	City Council hearing on Big Box Text Amendment and Environmentally Sensitive Lands Ordinance

*COPP's mission is to educate the public and hold government officials accountable to the public on any issue that poses a threat to neighborhoods, the environment, and fiscal responsibility.*

# Environmental Ordinances *(continued from page 1)*

allowing them in appropriate commercial zoning districts. For unknown reasons, the staff keeps supporting the inclusion of big boxes in the ESL even though the Ideas Team has consistently recommended their exclusion throughout its seven meetings.

It doesn't make sense to include big boxes in an area that the City has decided to closely regulate to protect views, noise, traffic, lighting and other issues through the ESL ordinance. Further, the City has also approved character area studies for large areas of the ESL to guide future development in the interest of preserving the unique nature of the upper Sonoran Desert. Couple this with preservation efforts and plans for the area and it just doesn't add up that big boxes should be permitted within the ESL boundaries, even with a conditional use permit.

The Council met with the Planning Commission to discuss the Big Box Text Amendment on May 22 at a study session during which no action was taken. The Amendment is currently scheduled for a City Council, public hearing and decision June 19.

The Coalition of Pinnacle Peak supports adoption of the proposed text amendment, but with the exclusion of big boxes in the ESL. We urge our members and other interested parties to attend the June 19 City Council meeting to show your support for this amendment.

## *Environmentally Sensitive Lands Ordinance (ESLO)*

The Environmentally Sensitive Lands Ordinance (ESLO) is a set of zoning regulations adopted by the City Council in 1991 to guide development throughout 134 square miles of desert and mountain areas of Scottsdale.

These areas are located north and east of the Central Arizona Project Canal.

In 1998, the Scottsdale City Council requested that the Environmental Quality Advisory Board (EQAB) review the existing Environmentally Sensitive Lands Ordinance, and update it to reflect the community's desire to preserve the desert, provide for wildlife habitats and corridors, and protect significant natural features. The ordinance will now recognize the McDowell Sonoran Preserve, and will provide guidelines on how adjoining properties may interface with the preserve. Additionally, this ordinance regulates building heights and massing in the ESL area.

The EQAB held public hearings and directed City Staff to update the ordinance based on testimony at those hearings. EQAB then presented the proposed ordinance to McDowell Sonoran Preserve Commission and incorporated their suggestions into the revisions. Most recently, the ordinance had four public hearings at the Planning Commission.

The intent and purpose of ESLO is to identify and protect environmentally sensitive lands in the City and to promote public health and safety by controlling development on these lands. The ordinance requires that a percentage of each property be permanently preserved as natural open space and that specific environmental features including vegetation, washes, and mountain ridges and peaks be protected from inappropriate development.

### ESLO Highlights:

The existing ordinance has preserved over 1000 acres of NAOS in the ESLO area in the year 2000. Together with its predecessor, the Hillside Ordinance, 15,000 acres of desert open space has been preserved.

The revised ordinance will:

- Simplify and clarify the regulations, making it easier to understand and enforce.
- Eliminate NAOS reductions for conservation areas, golf courses and similar turf areas.
- Revise the density bonus calculation to provide for more open space.
- Require common tract NAOS on lot sizes 25,000 sq. ft. and smaller (Up from 12,000 sq. ft.) by raising the minimum lot size for common tract NAOS, it will provide greater protection for the environment, allow for better wildlife corridors, and create continuous, rather than fragmented NAOS.
- Require construction envelopes for all "on-lot" NAOS.
- Set maximum building height at 30 feet. (However, Development Review Board can allow up to 40'.)
- Allow for minimal maintenance of NAOS areas. This will allow homeowners to clean up trash and remove grasses and some underbrush in order to prevent fires. It will still protect all native plants and vegetation that grow in the NAOS area.

In order to get the revised ordinance through the Planning Commission, some significant changes were made to what was recommended by the EQAB:

- Boulder Definitions – Large boulders (25'x20') were protected, and boulder clusters (groups of boulders at least 8' in diameter) were protected with 20' setbacks (from the boulder/cluster). However, there is a need for the protection of smaller boulder features perhaps with less setback – this needs to be added to the ordinance.
- The Planning Commission inserted a grandfather clause that would allow pending applications to be grandfathered to the current ESL. The EQAB recommends that pending applications not be grandfathered.

# The Butchering of Continental Mountain

By Phyllis Strupp

*"In the relations of man with the animals, with the flowers, with the objects of creation, there is a great ethic, scarcely perceived as yet, which will at length break forth into the light."*

Victor Hugo (1802-1885)

If you have ever driven north on Pima Road above Dynamite Road, then you know Continental Mountain.

This particular object of creation is the blackish, tall mountain that serves as a scenic backdrop for many miles as you drive north on Pima Road. It rises to 4,000 feet and is studded with saguaros.

This is an ancient hunk of rock, consisting of metamorphosed schist and gneiss that is over 1.5 BILLION years old--some of the oldest rock that can be found anywhere in Arizona.

Unfortunately, in the summer of 1998, a developer from Phoenix bought 340 acres of county land around the top of Continental Mountain. He plans to build a 48-home gated community up there, with no regard for the fact that he has no practical legal access or utilities to his acreage, nor for the destruction of habitat and scenery he is causing.

These "minor" obstacles did not stop the developer from blazing a road near the summit of the mountain in April of 1999. This action created a highly visible gash and destroyed numerous saguaro. It also produced an outcry in the surrounding communities of Cave Creek, Carefree and Scottsdale as the county government overlooked the infractions of county regulations committed by the developer.

The developer also waged a battle of intimidation, complete with threats and legal maneuvers, in an apparent attempt to force homeowners living along Fleming Springs Road to sell out to him so he can have legal access up the gash he cut into Continental Mountain.

In an effort to battle this development, the town of Cave Creek successfully pursued the annexation of the county land that lies between Cave Creek and the developer's land. In early April, the developer sued to reverse the annexation, and led a referendum effort in the town to get the matter brought before Cave Creek voters this fall.

Recently, the referendum initiative failed due to insufficient signatures on the petition. This, of course, is no surprise in a community that fought for the preservation of Spur Cross and voted to tax itself for the maintenance of this beautiful, wild land.

The lawsuit to block the annexation is still pending.

At this point, the fate of the butchered Continental Mountain still hangs in the balance. In her May 9th column, Laurie Roberts of the *Arizona Republic* drew attention to the plight of Continental Mountain, and said, "This land is as stunning as Spur Cross and more visible. Yet there is no talk of saving it, no call to arms."

Let's prove Laurie wrong on this. Stay tuned for future updates about what is going on, and what you can do to help.

# A Message from former COPP Board member, Phyllis Strupp

When I joined the COPP board in September, 1997, I had no clue as to what I was in for. COPP was a fledgling organization that began in January, 1997; by that September, COPP was still a relatively unknown name in Scottsdale. Amidst various struggles, COPP rose to become an important voice in Scottsdale.

I greatly appreciate having had the opportunity to serve on the COPP board. This experience rewarded me with opportunities for learning and personal growth.

Contrary to what our opponents say, COPP is all about equality in the community, not elitism; otherwise, I would have never served on the board at all, let alone for three and a half years.

Thanks to all of you who are a part of COPP, and have helped COPP become the strong community advocate that it is today.

There is still much work to be done, as we endeavor to protect the beautiful Sonoran Desert we see around us. I will continue to fight for the preservation and survival of our desert.

Continental Mountain, anyone?

Editor's Note: While Phyllis is no longer a COPP Board member, she will still be involved in environmental, preservation and land use issues. She has promised to continue being our eyes and ears in Carefree and Cave Creek as well as the unincorporated areas of the Northeast Valley and to continue providing stories for the COPP News on issues affecting those areas.

# ESLO (continued from page 2)

- Density Bonus – The existing ESL Ordinance allows density bonuses to be given across all zoning categories (R1-5 through R1-190) for providing more NAOS. The EQAB recommended that density bonuses be limited to zoning categories R1-70 through R1-190. The Planning Commission amendment revised this to include the smaller R1-43 category. It is felt that lot sizes R1-43 and below are too small to provide meaningful additional open space and should not be considered calculating a density bonus. This should be changed back to minimum lot size of R1-70.

- Amended Development Standards. Amended Development Standards allow the Development Review Board or City Council to modify lot size and/or setbacks which may result in increased density if certain criteria are met. The Planning Commission made a positive change in this section by allowing lot sizes and setbacks to only be reduced by 15%, rather than 30% (lots) and 25% (setbacks) as originally proposed.

The ESL ordinance was presented to the City Council and Planning Commission in a work session on May 22, where no public testimony was taken. The ESLO public hearing will be on June 19 before the City Council. It is important that there be a significant showing of support for this ordinance and for the revisions as outlined above. The updated Environmentally Sensitive Land Ordinance will help keep Scottsdale unique.

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## Legend Trail Community Center directions:

North on Pima Road past Lone Mountain (1.5 miles)

To Legend Trail Parkway on right – then 1.5 miles on right to Community Center.

# An Update on the FAA

The Federal Aviation Administration (FAA) is preparing a Supplemental Draft Environmental Assessment for the proposed Northwest 2000 project. Northwest 2000 is a proposal by FAA to modify certain flight tracks in the Phoenix terminal area, ostensibly to increase safety, gain operational efficiency, and to reduce delays.

However, many citizens believe the driving force behind the plan comes from the airlines and their desire to reduce operating costs and increase the number of flights in and out of Sky Harbor Airport. On April 9, 2001, the FAA released a Draft EA for this proposal and during the week of April 23, 2001, a number of public outreach meetings were held in the various communities throughout the metropolitan area.

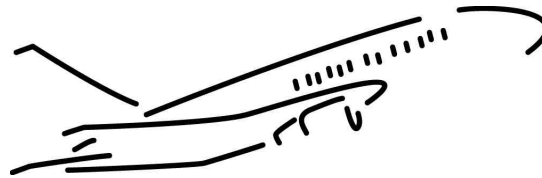
The Supplemental Draft EA is being distributed to all federal, state, and local government agencies, interested groups, individuals and local

libraries. The Supplemental Draft EA will advise the public of the potential environmental consequences of a third alternative which has been added to the scope of the project in response to public comments received.

The Supplemental Draft EA will be made available on or before June 25, 2001. A thirty-day comment period beginning on June 25 and ending on July 25, 2001 will provide the public an opportunity for input. Public informational meetings will not be held in association with the Supplemental Draft EA.

At its May 15 meeting, the Scottsdale City Council agreed to enter into a Contract for Legal Services that will allow the city to receive expert legal representation in the areas of air traffic noise and governmental compliance with the National Environmental Policy Act (NEPA). This outside counsel will work with the city's aviation consultant in the preparation of the city's comments on the FAA's proposals. They will also provide the city with advice on its legal options if the FAA fails to adequately address community concerns over aircraft noise and other issues.

Additionally, Senator John McCain has agreed to work with residents and the FAA to make sure concerns are addressed and all alternatives considered before changes in flight paths are implemented. Senator McCain chairs the Senate Committee on Commerce, Science and Transportation, which has direct oversight of the FAA.



# Development Updates

## *More on the Former Home Depot Site*

At the April 9 COPP Member Meeting, Greg Tryhus, President of Grayhawk Development, told COPP members he was negotiating with State Farm to obtain an option on the parcel of land previously sought by Home Depot. It appears that those negotiations were successful. Tryhus will now proceed to present his plan to the City of Scottsdale for creating a "Village" concept for the land around the Summit Shopping Center.

The existing zoning is a combination of C-2 (the former Home Depot parcel), I-1 (along the northeast quadrant of the C-2 parcel), R1-70 (adjacent to the Empie property) and R1-43. The properties included in his plan form a semi-circle around the north, east and south borders of the Summit Shopping Center.

Grayhawk is committed to setting aside 15 acres of land for some type of park, where the city would like to build a library. The remainder of that 15 acres would be developed with input from the surrounding neighbors as to what type of park they would like to have there. Grayhawk will also donate a 5 acre site where a Cultural Center or Center for the Arts would be constructed.

The I-1 zoned parcel would become patio homes. The C-2 zoned parcel would be developed as retail, but a type of retail that would be compatible with the character of the surrounding area.

By a show of hands, COPP members who heard Mr. Tryhus' presentation indicated they felt his conceptual plan was a step in the right direction and warranted further exploration as a viable alternative to the problems created by the current zoning.

## *A Progress Report on The Summit*

According to officials at Donahue Schriber/Koll Development, The Summit at Scottsdale is on schedule for a summer opening.

Included among the expected tenants are the following firms: Custom Jeweler Cornelis Hollander, Chico's Women's Apparel, Kincaid Furniture, Ciel Home Furnishings, Herndon House, Starbucks, Rubios Restaurant, Pei Wei's Restaurant, Coldstone Creamery, Hallmark Gifts, LA Nails and Valley Vitamins and Bath & Body Works. Construction of the buildings housing these shops will be completed by summer, with the various tenants opening throughout the summer and into the fall.

As respects the anchor tenants, Target and Safeway, installation of interior fixtures is underway at Target as is exterior stone panels, site work and landscaping. Target is "on target" for a July opening. Building permits have been issued for the Safeway that will feature expanded specialty offerings in the Deli, Fish, Produce and Wine Departments. Construction on the Safeway should begin shortly, with opening expected in October.

Improvements to Scottsdale Road and Ashler Hills Road are underway. It is expected that a traffic signal will be installed at the intersection of Scottsdale Road and Ashler Hills Road as part of the off-site improvements. A raised, landscaped median may also be built along Scottsdale Road.

## *A Proposal for the Southeast Corner of FLW Boulevard and Scottsdale Road*

At the May 14 COPP Member Meeting, representatives of The Pederson Group presented their plan for the

18-acre parcel at the Southeast corner of Frank Lloyd Wright Boulevard and Scottsdale Road. This parcel is Phase II of the Promenade project.

Highlights of their proposal include:

- A 125-foot high spire designed by Frank Lloyd Wright
- A 7500 square foot building designed by Frank Lloyd Wright to be used as a visitor's center with space to be provided with free rent and utilities to various tourism-oriented non-profit organizations. Potential tenants include the McDowell Sonoran Land Trust, Scottsdale Historical Society, Scottsdale Cultural Council, SRPM Indian Center, and the Convention and Visitors Bureau.
- A public meeting space for the use of civic organizations
- 2 three-story buildings with office space above ground floor retail
- 2 four-story parking garages, with 1 story underground. These buildings would be screened from Scottsdale and FLW
- More than 3 acres of open space
- Extensive Public Art

The already approved site plan calls for 230,000 square feet of retail space contained in 2-story buildings. While the new plan would increase square footage on the site by nearly 100,000 square feet, representatives of the Pederson Group said that because office space generates substantially less traffic than retail, the new plan should be an improvement over the previous plan as far as traffic congestion is concerned. In the question and answer period that followed the presentation, while generally reacting favorably to the proposal, COPP members expressed concerns about the height of the spire and how it may be illuminated, and the impact the project could have on traffic congestion in an already congested area of the community.



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**COPP's mission is to educate the public and hold government officials accountable to the public on any issue that poses a threat to neighborhoods, the environment, and fiscal responsibility.**

*I support COPP's mission and would like to join COPP.* Your membership and/or donation is greatly appreciated.

Annual Membership \$50 per household       Donation of \$ \_\_\_\_\_       I would like to volunteer

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 Start Date \_\_\_\_\_ End Date \_\_\_\_\_

In what neighborhood/HOA do you live? \_\_\_\_\_

In which city do you vote? \_\_\_\_\_

Comments/Suggestions \_\_\_\_\_  
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