

# SCOTTSDALE REPUBLIC

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## ZONING'S 'GENERAL'

Scottsdale zoning attorney John Berry has his share of critics and fans. One backer calls him a "general" who moves the "troops" in controversial development cases.

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# Zoning attorney puts passion for city into work

By Edward Gately  
The Republic | azcentral.com

Scottsdale residents recently packed the City Hall Kiva hoping to persuade the City Council to reject Crown Community Development's plan for a resort and higher-density residential in the Sereno Canyon subdivision.

In late October, another group of residents implored the Planning Commission to vote against Phoenix Motor Co.'s plan to locate a Mercedes-Benz dealership across from Scottsdale Fashion Square.

In both of those cases and many others, Scottsdale zoning attorney John Berry was there to defend the proposals and address opponents' concerns.

And in both cases he gained the council's approval for his clients.

"He did a masterful job, and he is a general," said Chuck Theisen, president of Phoenix Motor Co. "He can move all the troops and figure out how to accommodate every side in a way that they're satisfied usually, and deliver an excellent result."

A Scottsdale resident, Berry has represented property owners and developers in some of the most controversial zoning cases that have come before the city.

"I certainly don't wish controversy," he said. "There are many cases that I do that you never hear about ... and I also turn down a lot of cases. If I don't think that it's something that I will want to drive my children around town and say, 'Your dad had something to do with that,' then I don't want to take the case."

Berry can often find himself defending projects that have drawn the ire of residents, so he is not without his critics.

When addressing the council and commission on controversial cases, snickers and sighs can be heard from the crowd. Residents at times can be heard hurling insults in his direction whenever he disputes their claims.

Howard Myers, president of the Desert Property Owners Association in north Scottsdale, opposed the Sereno Canyon Spa & Resort, which Berry represented before the city.

He said Berry "gets what his clients want, period."

He said Berry is "always cordial, but it is easy to do that when you always win."

"He works with neighbors only to the point of making sure no one has a legal challenge," Myers said. "He does try to mitigate concerns to the point where people won't speak out against the project, but all that is to make it pass. I don't see any compromise in the projects for the sake of making it better for Scottsdale, just to get



Zoning attorney John Berry walks past the Scottsdale Waterfront, a project he championed amid controversy between residents and developers. MARK HENLE/THE REPUBLIC

it passed."

Sonnie Kirtley, another longtime Scottsdale activist and chairwoman of the Coalition of Greater Scottsdale, said Berry "meets all the expectations of his clients."

"I just wish the residents could afford him," she said.

Berry said he welcomes opposition because it makes for better projects.

"The neighbors almost always have very valid points," he said. "They've got great insights. They know their neighborhood better than I ever will and better than my client ever will. So it's an interactive process. The key is to listen carefully, make changes and still have a project that's economically viable."

## Kalamazoo to Scottsdale

Berry was born in Kalamazoo, Mich. When he was 2, his parents "had the good sense to leave" and move to Scottsdale.

"I went to Scottsdale High School when there was one, and ironically I eventually rezoned it," he said.

Berry went to the University of Arizona and then graduated from Stanford Law School.

After law school, Berry went to work for the Phoenix firm Snell & Wilmer, where he handled corporate securities litigation. Founded in 1938, the firm has more than 400 attorneys practicing in nine locations throughout the western United States and in Mexico.

"One day, one of the senior partners came in and said 'John, we'd like you to be a zoning lawyer. We don't have one, and we'd like you to be one,'" he said. "I said, 'That's great. What's zoning?' It's funny where life takes you."

After five years, Berry went to work

## JOHN BERRY

» **Age:** 55.

» **Family:** Wife, Naomi, two daughters and three stepdaughters.

» **Education:** Graduated from University of Arizona and Stanford Law School.

» **Profession:** Zoning attorney at Berry & Damore in Scottsdale.

for Beus Gilbert, a law firm specializing in complex commercial litigation and real estate, and then opened his own firm, Berry & Damore, in 2004 with his high-school friend Dave Damore.

Berry's first zoning case was representing the Mayo Clinic when it wanted to build its Shea Boulevard campus in Scottsdale in the mid-1980s.

"That was not an easy case," he said. "It was taking land that back then was at the fringe of the city ... and there were some property owners and neighbors in the area, they were folks who didn't believe we should change the zoning, should change the General Plan to accommodate the Mayo Clinic."

Controversy followed in many other cases, such as the Scottsdale Waterfront, Troon North, Optima Camelview Village and the W Scottsdale.

Berry said input from neighbors and community activists improved those projects.

"The Waterfront is a classic example of that," he said. "The proposals for what these buildings were going to look like, how much open space there was going to be, traffic concerns, creating a pedestrian environment, public-art contributions, the

bridge over the canal, all of those things were items the community felt strongly about.

"As a result," he said, "... we had more public art, better pedestrian grounds, better pedestrian connectivity, more bridges, more open space and better architecture."

City Planning Director Tim Curtis said Berry is a "familiar face" in the Planning Department.

"He's knowledgeable and he does a lot of business here," he said. "I'll save the personal stuff for his eulogy, which I hope we never get there."

## More than money

Myers said Berry used to be "more concerned about how good a project was for Scottsdale, but now it is just getting what his clients want instead."

However, Berry is quick to point out that he's not just "this lawyer that comes in for the buck, and takes my money and goes to La Jolla or something."

"I grew up here, my girls were raised here," he said. "If it was all about the money, there wouldn't be a case that I turn down. I'm grateful that people want me to assist them in Scottsdale, but that doesn't mean I'm always willing to assist them."

Berry has been involved in the community in various capacities through the years. He was board chairman of the Scottsdale Cultural Council and has served on the city's Transportation Commission, the Board of Adjustment and the Charter Review Advisory Commission.

"I served on the visioning task force and was involved in all of the efforts to raise taxes and funding for the McDowell Sonoran Preserve," he said. "On the one hand it's like well, don't you just gobble up the desert with your cases, but on the other hand, I work very hard to raise money and support, every effort to create the preserve and expand it."

Bill Crawford, president of the Association to Preserve Downtown Scottsdale's Quality of Life, said there are few people in Scottsdale whose quality of life has not benefited from Berry's work.

"John has been a key player in building Scottsdale's future," he said. "The fact (that) he is compensated for his efforts is well deserved."

Berry said his love for Scottsdale stems from the passion of its people.

"All of those activists don't get paid, they do it because they love the city," he said. "I love the city, too. I get paid for it, but we all share the goal of loving the city and wanting it to be better. We can just disagree on what better is."