CITY COUNCIL REPORT

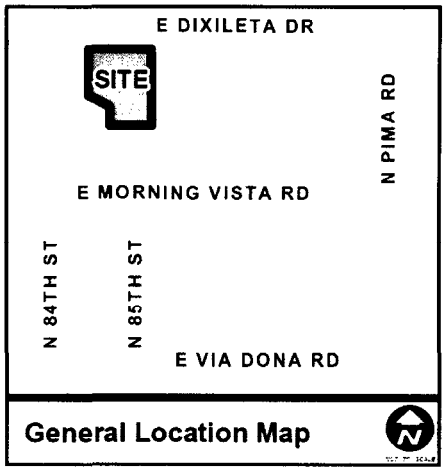
MEETING DATE: December 14, 2004 ITEM NO. 3 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Heitel Ranch - 27-UP-2004**

REQUEST Request a conditional use permit for a Ranch on a 6.2 +/- acre parcel located at 8485 E Dixileta Drive with Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-190 ESL FO) zoning.

Key Items for Consideration:

- Existing site improvements include a single-family house, studio, guesthouse, sheds, barn, riding arenas and pastures.
- The proposal is to use a property for a ranch with horse training and riding lessons.
- The proposed site improvements for the ranch use include a new covered arena and additional sheds.
- No outdoor lighting and no outside speakers are proposed.
- Traffic generated by the proposed ranch use will not affect the local street capacity.
- Planning Commission recommends approval 5-0, subject to the attached conditions.



General Location Map

Policy Documents:
Desert Foothills Character Plan

OWNER James Heitel

APPLICANT CONTACT John Berry
Berry & Damore
480-385-2727

LOCATION 8485 E Dixileta Dr

BACKGROUND **Zoning.**
The site is zoned R1-190 ESL FO (Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay). The R1-190 district allows single-family residential uses. In the R1-190 district ranches are subject to approval of a Conditional Use Permit. The ESL district is an overlay district intended to protect environmentally sensitive lands and this is achieved through natural area easements, building height limitations, control of wash modification and other methods. The FO is also an overlay district intended to preserve and the rural desert character by minimizing the impacts of land development by maximizing open space with specific requirements for space between buildings, distance of buildings from property lines, and

requirements for maximum lot coverage.

Context.
This site is located on the south side of Dixileta Road, between Pima Road and Hayden Road. The area south of Dixileta is comprised of unsubdivided properties while the land north of Dixileta has been subdivided.

Surrounding parcels:

	Zoning	Development
North	R1-70 ESL (HD)	Sincuidados subdivision (single-family residential)
East	R1-190 ESL FO	Single-family residential
South	R1-190 ESL FO	Single-family residential
West	R1-190 ESL FO	Unimproved

Within one-half mile of this property are other ranch uses that have been granted Conditional Use Permits and residential properties with horse facilities.

General Plan / Character Plan.
This site is recommended for Rural Neighborhoods on the Land Use Element of the General Plan. In addition, the Desert Foothills Character Plan recommends to promote or to enhance the rural character of this area.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The applicant proposes to establish a ranch on this property. The 6-acre rural property is currently used as a single-family residence with barn and arena improvements used for personal horse riding activities. The proposed improvements include a covered arena and sheds for a ranch use that consists of an on-site horse trainer and horse riding lessons.

Key Issues.
- The conditional use permit is needed for ranch operations, which in this case consists of horse training and horse riding lessons.

IMPACT ANALYSIS

Traffic.
The traffic generation by the proposed ranch use and the existing residence result in a minimal impact on Dixileta Road, with an estimated maximum of 30 total trips per day (based on the anticipated number of employees and students). The ranch use traffic impact is slight compared to the estimated 10 daily trips that would be assumed if the site were only residential.

Dixileta Road is classified as a minor collector street that provides a connection between Scottsdale Road and Pima Road, the major north-south arterials in this northern area. North Ensueno, which provides access to the Sincuidados Subdivision, is the only intersecting paved street on Dixileta Road between Pima and Hayden Roads.

Parking.

	Parking Ratio	Number of units/stalls	Required parking spaces	Provided parking spaces
Single Family Residence	2 spaces per residential unit	1	2	2
Guest House	1 space per guest house unit	1	1	1
Ranch	0.5 spaces per horse stall	16	8	8 (3 at the guest house and 5 at the barn)

The ranch required parking is located approximately 250 feet south of Dixileta Drive adjacent to the existing barn, and is buffered from adjacent properties by buildings, walls, and open space.

Development information.

- *Existing Use:* Single-family residential.
- *Buildings/Description:* 1 single-family residence with accessory studio building; 1 guesthouse; 2 barns; ancillary storage sheds; 1 open air arena; and 2 corrals; a proposed covered arena is a part of this proposal.
- *Parcel Size:* 6.18 acres
- *Building Height Allowed:* 24-feet
- *Existing Building Height:* Approximately 23-feet

Policy Implications.

This site is located in the Desert Foothills Character Plan area. This plan promotes the rural character of the area by establishing guidelines for the design and development. The key goals are:

1. Preserve the natural, visual qualities of the lush upper desert by using desert-sensitive buildings and techniques. *The ranch request continues the preservation of natural open space already provided by the site's residential development, rural site design, and maximum 24-foot building height as required in the ESL district (the existing development was built prior to the maximum 24-foot height requirement); and also the provisions of the FO district including maximum enclosed lot area, accessory building provisions, and lighting.*
2. Promote connected areas of desert open space and trails. *The natural area open space is not proposed to change. A secondary/local trail is within the right-of-way along the south side of Dixileta Drive. The secondary/local trail connects to other trails which serve the community.*
3. Identify and celebrate the rural desert character of the Desert Foothills

area. *The ranch use will add to the number of horse ranches in this area. The site improvements will be of a rural character, consistent with the character plan.*

Use Permit Criteria.
Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
   1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
      - ***The proposal does not include any loud speakers. A condition is recommended to prohibit outdoor speakers and speakers in the arena and barn where open windows and doors may occur.***
      - ***Cleaning stalls twice a day and removing manure twice a week will control odor per conditions.***
      - ***The east arena is surfaced with washed sand. Washed sand is a ground surface product that is manufactured by washing out dust particles from sand, resulting in a surface that produces minimal dust impacts compared to unwashed sand. The other arenas have a sand surface. Dust control will be implemented by using the Arena Rx® product. Arena Rx® is a synthetic organic dust control fluid that impregnates the arena footing particles. When the arena footing is disturbed into the air, the particles fall onto the surface rather than becoming airborn.***
      - ***The applicant does not propose any arena lights for the open-air arena. The proposed covered arena will be set 3-feet into the existing grade, which will minimize lighting impacts.***
   2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
      - ***The approximately 30 vehicles coming to/from this site will be distributed throughout the day. No new traffic control devices are needed for this low volume of traffic.***
      - ***The site already has horses, which requires delivery of fodder, equipment and supplies; as well as services such as veterinary/farrier. The proposed ranch will make use of those already in place services, and this will not add to the existing traffic volume.***

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
   - ***West of this site on Dixileta is an existing ranch use at the corner of Dixileta and 80th Street. Some of the residences south of Dixileta have horses and all of the abutting properties have horse privileges. The lots to the north of Dixileta do not have as much of a rural horse property character and the subdivision has existed since the mid-1980's within this rural character area.***

C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. Additional conditions of Section 1.403:

1. The minimum property shall be five (5) acres gross.

- **This property is 6.18 acres gross.**

2. Structures or facilities used for the stabling, storing, showing or training of animals and for temporary manure storage shall be set back a minimum of fifty (50) feet from any single-family residential property other than those zoned R1-190 and R1-130. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasturage may occur within the fifty-foot setback area subject to the setback requirements of the applicable zoning district.

- **The site plan demonstrates conformity with this design requirement. The abutting properties are zoned R1-190.**

3. The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.

- **The existing development conforms to the front yard setback. The proposed ranch does not introduce new construction in the front yard area of the site.**

4. There shall be no shows or other activities which would generate more traffic than is normal to a residential area unless the proposed site has direct access from a major street as set forth in the City of Scottsdale right-of-way standards. Permission for such shows may be obtained from City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, accommodations for spectators, traffic impacts and additional parking for cars and trailers. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.

- **No shows are proposed and no other activities are proposed.**

5. All pasture and animal storage shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.

- **The existing fences meet this standard and are not changing. The arenas are not used for pasture or animal storage. No new walls or fences are proposed.**

6. The applicant shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts on adjacent parcels. The spreading and tilling of manure into the soil of paddock, pasture or arena areas may be considered manure disposal.

- **The application contents state that the stalls will be cleaned twice a day; the manure removed from the stalls will be stored in a refuse container that will be emptied of its contents twice a week.**

7. The owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.

- **The proposal is to remove the manure twice a week and clean the stalls twice a day.**
- **Flies can be minimized by:**
  - **Refuse containers with no holes and snug fitting lids.**
  - **Keeping the refuse container and surroundings neat and clean.**
  - **Washing the refuse container weekly.**

These methods of fly control are included in the recommended conditions.

8. All laws applicable to the public health must be complied with for the entire period of operation of the ranch.

- **The County Health Services enforce public health related complaints.**

9. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression as approved by the project review-director.

- **The applicant is proposing to use the Arena Rx® product. The east arena is surfaced with washed sand.**

10. Upon revocation of the use permit or abandonment of the ranch operation any accessory residential structures shall be removed.

- **There are no accessory residential structures requested with this conditional use permit.**

Community Involvement.
The applicant completed community involvement requirements by sending a letter to nearby property owners and holding a meeting with interested parties. The applicant received favorable comments as a result of this out-reach.

Staff has received two letters and one phone call from two different neighbors opposing the proposal. One e-mail has been received in support of the request. Their concerns were regarding the operations and impact of the ranch on their residential property. Staff explained the application and the conditions the city will enforce to minimize impacts on surrounding property.

Community Impact.
This ranch will add to the number of available horse training and boarding facilities in the Desert Foothills area. The proposal will modify the existing use from a residential home with private equestrian facilities to a residential home with public equestrian facilities.

OTHER BOARDS AND COMMISSIONS

Planning Commission.
The Planning Commission heard this case on October 27, 2004 as an expedited agenda item with no discussion. Finding that the request meets the Zoning Ordinance Criteria for this Conditional Use, the Planning Commission recommends approval 5-0 subject to the attached conditions.

STAFF RECOMMENDATION

Recommended Approach:
Staff recommends approval, subject to the attached conditions.

RESPONSIBLE DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

APPROVED BY

Randy Grant — Date 11/30/04
Chief Planning Officer

Ed Gawf — Date 12/1/04
Deputy City Manager

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Trip Generation
8. Citizen Involvement
9. City Notification Map
10. October 27, 2004 Planning Commission Minutes
11. Site Plan

Narrative
Heitel Ranch Permit

We are applying to the City of Scottsdale for a Ranch Permit which is a permitted conditional use in our current residential zone. This would allow my wife's dressage trainer to board outside horses and work on our property.

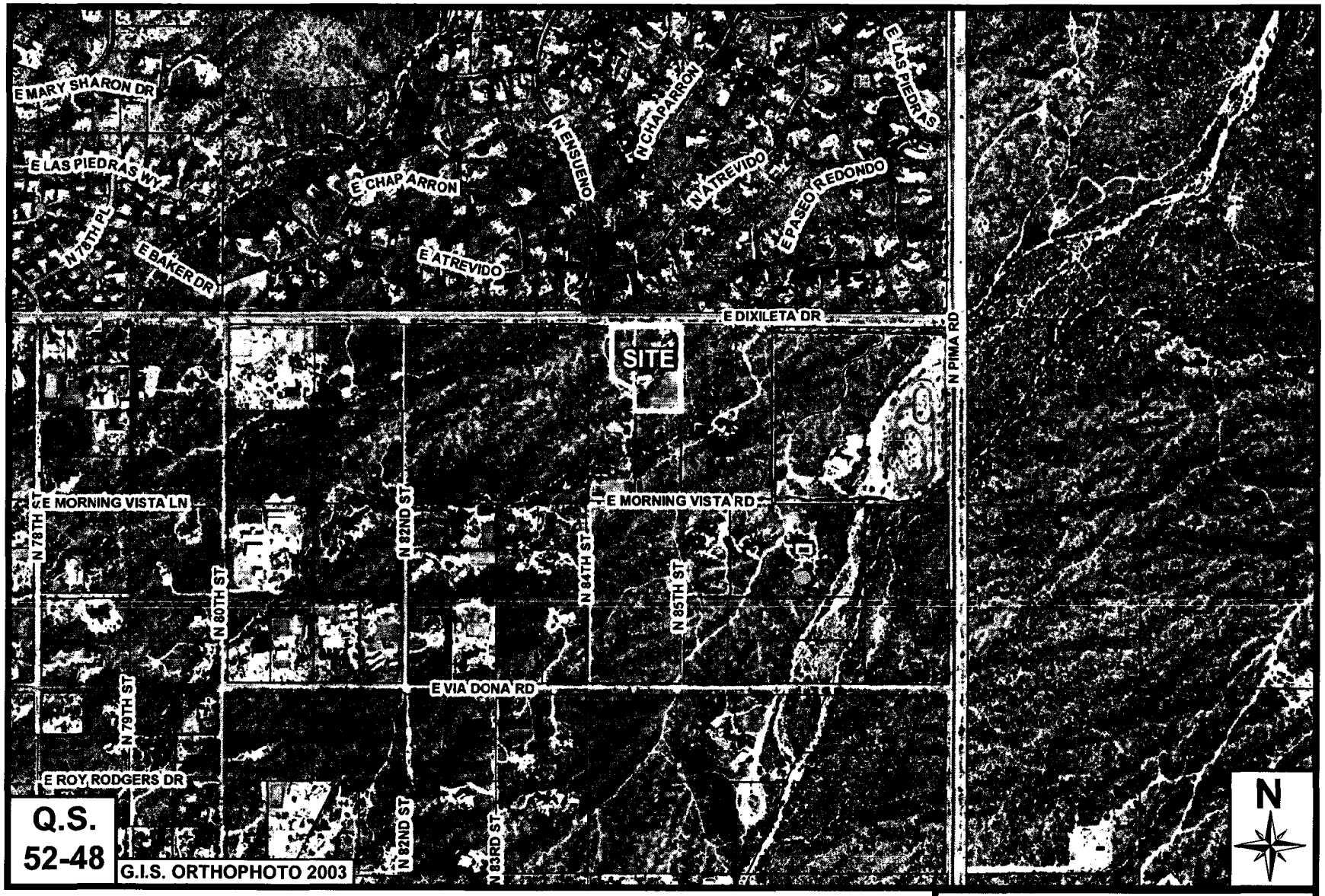
Currently we own 11 horses and have a 12 stall enclosed barn, guest house, hay barns, turn outs and riding arenas so most improvements are already constructed on the property. We have lived on this property since late 1998, and because we have been using the horse facilities personally since moving in, the typical daily activity under the Ranch Permit would be very similar to that which currently goes on at our property with the same barns, turn outs and arenas so the proposed use is as the current use, extremely compatible with the neighborhood and the equestrian nature of the area. It is important to note we are not going to remove any of our lush vegetation or change our existing NAOS areas.

The nature of the dressage trainer's activities is very low key with horse training generally done individually. Monthly or so, well known outside trainers sometimes conduct training on the property however those are mostly "one on one" lessons as with the daily training. No crowds or audiences are part of any of this program. With the permit we will apply additional dust control (probably using the Arena Rx product purchased from a current City dust control supplier) in an effort to conserve the unnecessary use of water and will continue with the manure removal and fly control program currently under way, which involves a minimum of twice a day stall cleaning and twice a week manure dumpster removal. We have volunteered to specifically not allow any outside speakers, or outdoor arena lights. There would probably be some sort of lighting in the proposed covered arena when designed and constructed. We have already gone to considerable expense in the area for the proposed covered arena with prior permits moving trees to visually buffer the location and excavating the proposed area solely for the purpose of reducing the ultimate height of the constructed structure. Traffic impacts should go unnoticed in the neighborhood as a number of trips we make out of the property will be reduced or eliminated and having no outdoor lighting will naturally limit hours of operation.

ATTACHMENT #1

Telephone 480-563-5924
Mobile 602-301-3150

27-UP-2004
9-3-04



Heitel Ranch

27-UP-2004

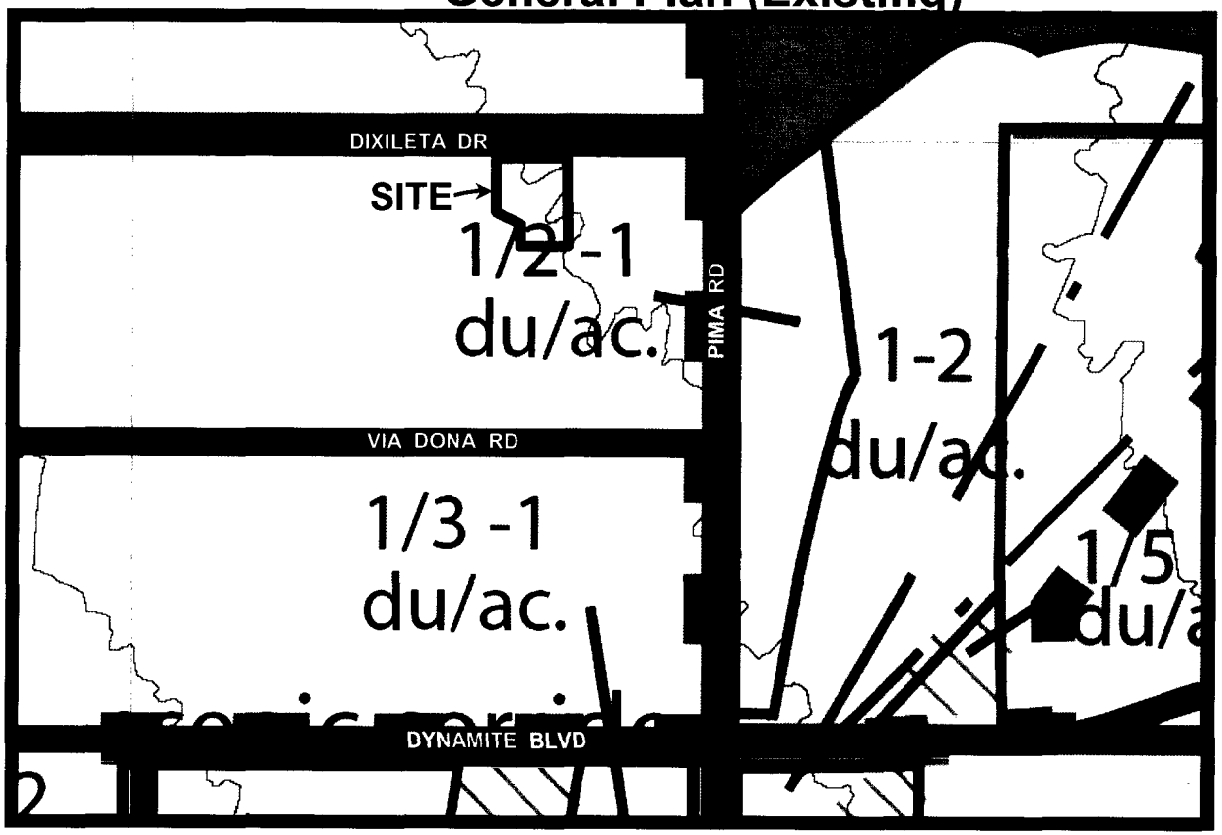
ATTACHMENT #2

Heitel Ranch

27-UP-2004

ATTACHMENT #2A

General Plan (Existing)



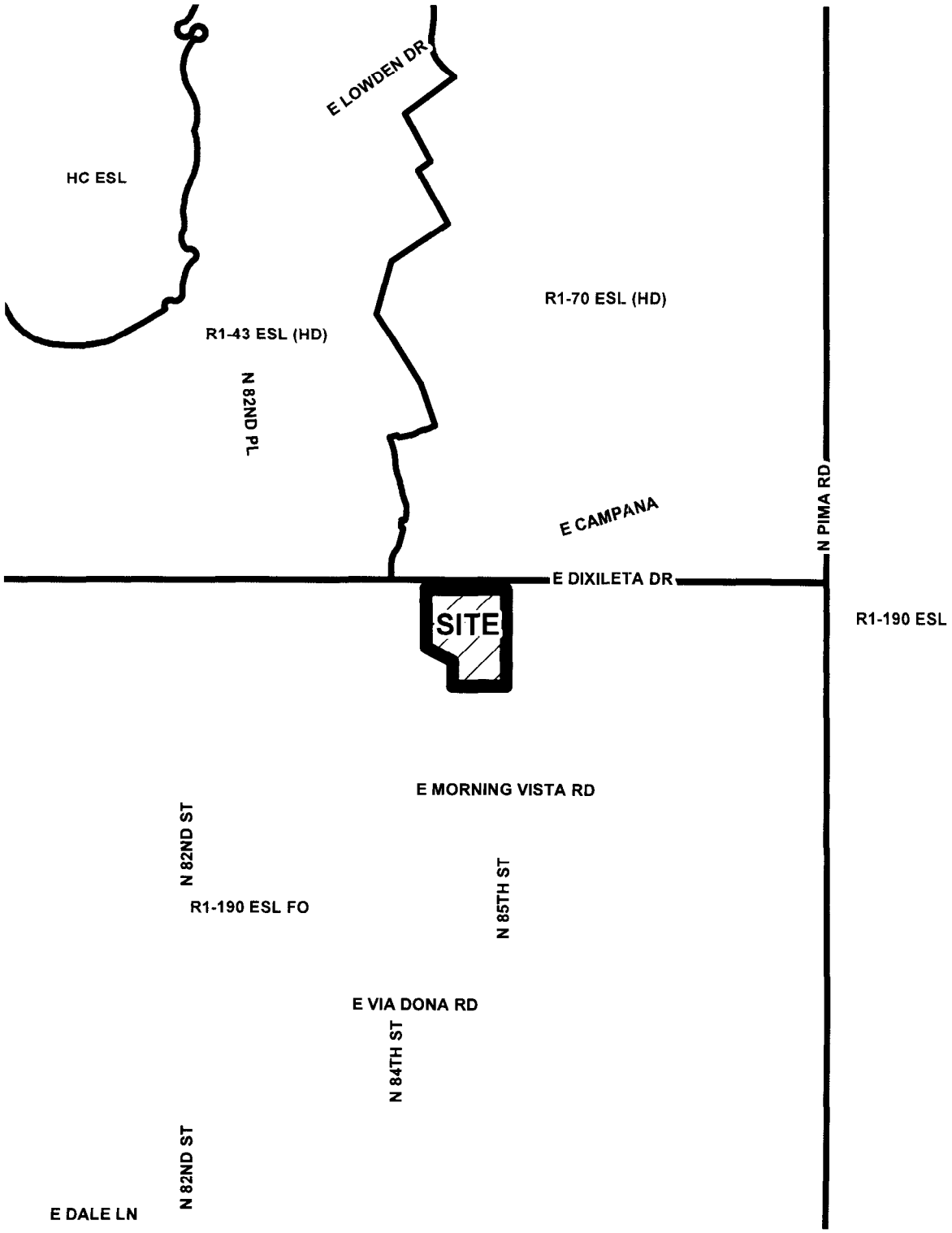
Rural Neighborhoods
Suburban Neighborhoods
Urban Neighborhoods
Mixed-Use Neighborhoods
Resorts/Tourism
Shea Corridor
Mayo Support District
Regional Use District
Commercial
Office
Employment
Natural Open Space
Developed Open Space (Parks)
Developed Open Space (Golf Courses)
Cultural/Institutional or Public Use

McDowell Sonoran Preserve (as of 8/2003)
Recommended Study Boundary of the McDowell Sonoran Preserve
City Boundary
Location not yet determined

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of August 2003
Revised to reflect Case 4-GP-2002, adopted by City Council October 29, 2002

N

27-UP-2004
ATTACHMENT #3



27-UP-2004

ATTACHMENT #4

STIPULATIONS FOR CASE 27-UP-2004

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO DEVELOPMENT SUBMITTAL. Development shall conform with the site plan entitled Heitel Ranch Permit originally designed by Anderson-Nelson, Inc. with a city received date of 9/3/04. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.

2. USE.
   a. Any shows shall be subject to approval by the City Council.
   b. Any activities that generate traffic greater than normal to the permitted ranch use on this site shall be subject to approval by the City Council.

3. NOISE.
   a. There shall be no outside speakers, voice amplification, or public address system on this site.
   b. There shall be no speakers, voice amplification, or public address system for the covered arena and barn.

4. MANURE DISPOSAL.
   a. Method.
      (1). The barn stalls, open and covered arenas, and animal storage areas including pastures shall be cleaned of manure twice a day.
      (2). The manure shall be put into a refuse container immediately after removal from the stalls.
   b. Refuse container(s). Before operating the ranch, the owner shall provide a refuse container that meet the following standards and the refuse containers shall meet these standards for the duration of the ranch use.
      (1). Refuse container(s) for collecting and storing arena, paddock, and stable manure to be disposed off-site shall be provided and shall be enclosed by walls.
      (2). The refuse container(s) shall be maintained in good condition, with snug fitting lids and no holes in the sides, bottom or top of the refuse container(s).
      (3). The refuse container(s) shall be emptied twice a week.
      (4). The refuse container(s) shall be washed and sanitized once a week.
      (5). The refuse container(s) shall be monitored to ensure a neat and clean state.
      Conformance to these refuse container standards shall be satisfactory to City staff.

5. DUST CONTROL.
   a. All driveway and parking areas shall be regularly treated for dust suppression as needed or shall be paved, to the satisfaction of City staff.
   b. The property owner shall use and maintain Arena Rx, or alternative treatment subject to Planning and Development staff approval, for the surface of the arena to the satisfaction of City staff.

6. LIGHTING.
   a. There shall be no lighting of the outdoor arena.
   b. Any lighting of the covered arena shall conform to the following:
      (1). Ambient light levels for low light illuminance not to exceed 1.5 fc average and 6 fc maximum;
      (2). Ambient low light trespass standards not to exceed 0.3 fc at the property line;
      (3). All lighting shall be full cutoff and directed down;
      (4). All light sources shall not be visible from off-sight; and
      (5). Lighting shall be subject to Development Review Board review and approval.

ENVIRONMENTAL DESIGN

1. NATURAL AREA OPEN SPACE MAINTENANCE AND PRESERVATION. At the time of Develoment Review Board submittal or Plan submittal for permitting, a revised NAOS plan shall be provided and subject to approval by City staff.

CIRCULATION

1. ACCESS RESTRICTIONS. Before the issuance of any building permit for this site, the property owner shall record a 1-foot vehicular non-access easement along Dixileta Drive except at existing driveway locations, to the satisfaction of City staff.

DRAINAGE AND FLOOD CONTROL

1. DRAINAGE EASEMENTS. Before the issuance of any building permit for this site, the property owner shall dedicate to the City, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

2. DRAINAGE REPORT/STATEMENT. The property owner shall submit a conceptual drainage report or drainage statement for any proposed site improvements at the time of Development Review Board submittal or permit submittal.

ADDITIONAL INFORMATION FOR CASE 27-UP-04

PLANNING/DEVELOPMENT

1. DEVELOPMENT REVIEW BOARD. The City Council directs the Development Review Board's attention to:

   a. A plan indicating the total lot coverage allowable under the Foothills Overlay,
   b. Wall design.

ENGINEERING

1. RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE. The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.

2. FEES. The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.

3. STREET CONSTRUCTION STANDARDS. The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.

4. CITY CONTROL OF ACCESS. The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

Heitel Ranch Permit
Additional Traffic and Other Information

1. Number of Horses We currently own 11 horses and there are that number currently on site. While we own 11 horses they are all not ridden. Currently of the 11 on site 5 are not ridden at all as 1 is a broodmare in foal and 4 are too infirm to be ridden. The trainer would have 10 she would bring with her.

2. Number of "employees" on site at any given time A.M. 3 & P.M. 3
This would include the trainer/ groom/ maintenance morning and afternoon.

3. Number of students and additional information regarding trips per day.

	Trips	*Trips*
People (min/max)	***a.m (min/max)***	***p.m. (min/max)***
1-2 daily morning	*2/4*	
1-3 daily afternoon		*2/6*
3-6 Weekend day	*6/8*	*6/8*
Homeowner	*2/4*	*2/4*
Trainer	*1/2*	*1/2*
Groom	*1/2*	*1/2*
Barn Staff (live on site)	*1/2*	*1/2*
Daily Trips Weekdays	***7/14***	***7/16***
Daily Trips Weekends	***11/18***	***11/18***

Summary ***14 – 30 trips / day on weekdays***
22- 36 trips/day on weekends

ATTACHMENT #7

BEUS GILBERT
PLLC
ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7630
(480) 429-3000
FAX (480) 429-3100

JOSEPH D. GOFORTH
PLANNING CONSULTANT
DIRECT (480) 429-3065

EMAIL: JGOFORTH@BEUSGILBERT.COM

44071-001

2 September 2004

Ms. Kira Wauwie
City of Scottsdale
7447 E. Indian School Rd
Scottsdale, AZ 85251

Re: Heitel Ranch Use Permit Neighborhood Meeting

Dear Kira:

The purpose of this letter is to provide the documentation pursuant to the "neighborhood involvement" requirements for the matter referenced above.

On Wednesday, September 1st, between the times of 1:00 and 2:00 p.m., an open house meeting was conducted at the La Mirada Desert Park facility to provide interested parties an opportunity to review our preliminary and as yet unfilled use permit application for the Heitel ranch.

In addition to posting the property with a sign declaring, "Early Notification of Project Under Consideration," we conducted our neighborhood meeting, and I am optimistic that this request is, for the moment well received in the neighborhood, as no one attended the meeting. While we interpret the absence of attendees at our meeting as positive indication that this request is both appropriate for the area and consistent with the expectations of area residents, we will continue our neighborhood outreach to assure that all interested parties be made fully aware of the breadth of this application.

If you have any questions or comments, please contact me directly.

Very truly yours,

BEUS GILBERT PLLC

Joseph D. Goforth /wsb

Joseph D. Goforth

JDG/wsb

cc: Jim Heitel

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ATTACHMENT #8

27-UP-04
9-3-04

ANOTHER INFORMAL NOTICE BY HOA 8/29/04

SINCUIDADOS

Dear Selected Neighbors,
[Lots: 133-140, 162-166, 177, 178, and 293-296]

As a Sincuidados Board Member, I have been in communication with Jim Heitel. Jim and his wife live at 8485 East Dixileta Drive, on the south side of Dixileta, directly across from Sincuidados lot #137.

Jim is applying to the City of Scottsdale for a Ranch Permit (449-PA-2004), an allowed Conditional Use in their zoning area. The property is posted with a notice of a Public Meeting to discuss his application for the Ranch Permit, and you may have received a notice by mail. The Public Meeting is scheduled for September 1st, 1pm to 2pm' at the La Mirada Desert Park, 8950 East Pinnacle Peak Road. If you have any questions about the Heitel Ranch Permit application, I urge you to attend the Public Meeting. The meeting time may be inconvenient for many, so Jim has told me he will meet privately with any Sincuidados resident who cannot attend the scheduled Public Meeting.

Conditional Use Ranch Permit Background

This would allow a private trainer to give individual and small group horse riding lessons on their equestrian property. Jim and I discussed the following topics that may be of concern to Sincuidados neighbors, and he indicates:

- They currently own 11 horses, have a 12 stall barn and other facilities on their property.
- They will change any of their lush vegetation or NAOS areas as part of this Ranch Permit.
- The Ranch Permit is specifically limits residential facilities to individual and small group training.
- The typical daily activity would be similar to that which currently goes on at their property.
- The nature of dressage riding and training is very low key and does not cause disruptive neighborhood impacts from noise and dust.
- Jim committed to controlling any dust (using special EPA approved compounds), not allowing any outside speakers systems, and prohibiting outdoor arena lights,
- The nature of the training is generally individual so traffic impacts should go unnoticed and with no outdoor lighting, training will naturally be limited to daylight hours.

I was impressed by Jim's candor, his commitment to work with neighbors in advance, and his stated commitment to have a residentially compatible equestrian operation.

Should you have any concerns or questions, please attend the scheduled Public Meeting in Septermber 1st, or contact Jim for a private briefing if you cannot attend the meeting. Jim may be reached at 480 563 5924 (office) or 602 301 3150 (mobile). Also, please don't hesitate to call me to share your thoughts on this matter; 480 488 5470 (home), or 480 216 8160 (cell).

Regards,

Doug Newton
for the Sincuidados Board of Directors

27-UP-2004
9-3-04

INFORMAL EMAIL TO NEIGHBORS

August 24, 2004

Sorry I have been real busy with work so I have not had the chance to let you know what I was contemplating in regards to my house. I have been trying to process a ranch permit, which as you know is a permitted conditional use in our current residential zone. This would allow my wife's dressage trainer to work on our property. The nature of the dressage trainer's activities is very low key and unobtrusive, so this use will be consistent with the activity already on our ranch property and the neighborhood.

I have already spent some time discussing my plans with the Sincuidados neighborhood directly across the street from me and thru their Board have sent informal notices of my plans to adjacent neighbors. There is no concern as of yet that the Board or myself have heard. They will be discussing this issue at their meeting tonight and will expand their notice to their homeowners. I have volunteered to meet with their residents if they find there is any interest for such.

Most improvements needed for this use, we already have on the property, and we are not going to remove any of our lush vegetation or NAOS areas. Because the Ranch Permit is specifically intended to limit residential facilities to individual training and training of small groups, the typical daily activity would be similar to that which currently goes on at our property. Traffic impacts should go unnoticed and I intend on specifying that no outdoor arena lighting will be allowed, as with any outdoor speakers. With the permit we will apply additional dust control (probably using the Arena Rx product) provided by the same City dust control company supplying another product used on our City interior dirt roads.

The only anticipated improvements that would come are ones we have been considering anyhow. I will probably add a 4 stall mare motel set up west of the current barn where I have planted some trees as buffers and where I will add a few more trees to make it even more obscure. Additionally we would probably add a covered arena behind our barn in an area I am able to dig down approximately 3' below existing grade so that the maximum building height above grade should be around 15-17'. It will be situated so that it will be almost obscured from the street and neighbors. I have a number of trees along that entire perimeter now and will add some more to also buffer the appearance. The arena would be designed to have a nearly flat (6" slope in 12') roof.

We will be sending out the required formal notices and asking that the DPOA & COPP consider this permit request and if they have not objection indicate so in some letter of non objection. Don't hesitate to call if you have any questions or suggestions, I may be reached at 480 563 5924 (office) or 602 301 3150 (mobile). I have also asked Tony Nelssen to help me navigate thru this process so don't hesitate on calling him as well (480-585-3840).

Of course if you or anyone you know would like either of us to explain what we are doing in more detail, please don't hesitate to call.

SENT BY EMAIL TO COPP DPOA, DEAN, ZUKERMAN, KETTLE ACEO, LAS PIEDRAS BOARD

27-UP-2004
9-3-04

Sent Mon 8/23/04 FORMAL NOTICE BY BELLS GILBERT

MCILWEE MICHAEL P/BARBARA
8400 E DIXILETA #140
SCOTTSDALE, AZ 85262

SHIPLEY EDWARD L/DARREL D
30600 N PIMA RD
SCOTTSDALE, AZ 85262

THURWATER WILLIAM A
8400 E DIXILETA DR #133
SCOTTSDALE, AZ 85262

ADKIMS THOMAS A/ANGEL S
8400 E DIXILETA DR
SCOTTSDALE, AZ 85262

WESALA WAYNE D/PAMELA K TR
8300 E DIXILETA DR #250
SCOTTSDALE, AZ 85262

LOWY DONNA C
8300 E DIXILETA UNIT 248

SCHONEBERGER BERT J/LINDA L TR
PO BOX 5990
CAREFREE, AZ 85377

HANSON RICHARD P/ROBERTA E
8400 E DIXILETA DR #134
SCOTTSDALE, AZ 85262

LAMALFA ANTHONY A JR/PHYLLIS
8449 DIXILETA DR
SCOTTSDALE, AZ 85262

HEITEL JAMES T/CATHERINE H
8485 E DIXILETA
SCOTTSDALE, AZ 85262

STRAMAGLIO
MICHAELT/MAUREEN A
8300 E DIXILETA RD #294
SCOTTSDALE, AZ 85262

ANDERSON LLOYD E/CONSTANCE
16627 HARNEY ST
OMAHA, NE 681182709

SINCUIDADOS HOMEOWNERS ASSOCIATION
2400 E ARIZONA BILTMORE CIR
STE 1300
PHOENIX, AZ 85016

LOY R STEVE/LINDA R
30600 N PIMA RD #164
SCOTTSDALE, AZ 85262

ANKEN LLC
9 BRAY HALLOW CT
FREEHOLD, NJ 07728

HARCO PROPERTIES LLC
4207 E PALO VERDE DR
PHOENIX, AZ 85018

HAMMACK KATHERINE
5425 E BLANCHE
SCOTTSDALE, AZ 85262

COOK WAYNE A/MARJORIE S TR
30600 N PIMA #135
SCOTTSDALE, AZ 85262

FOOT CREEK CORPORATION OF ARIZONA
8711 E PINNACLE PEAK RD STE 141
SCOTTSDALE, AZ 85255

PLISKIN DAVID/GOLDSTEIN DEBORAH
8400 E DIXILETA DR
SCOTTSDALE, AZ 85262

DARAGONA FRANCESCO S/CLAUDIE F S TR
10634 E CHOLLA LN
SCOTTSDALE, AZ 85259

KRYCH DENNIS J/ROBIN M
7417 E MARY SHARON DR
SCOTTSDALE, AZ 85262

GORRIN GERALD B/SHIRLEY M
11909 N 80TH PL
SCOTTSDALE, AZ 85260

KNAPP MICHAEL F/REGINA
8300 E DIXILETA DR #295
SCOTTSDALE, AZ 85262

WITTMAN TODD/DENISE
6526 E CRESTED SAGUARO LN
SCOTTSDALE, AZ 85262

MOORE RICHARD A
3153 CAMBRIA CT
AURORA, IL 60504

GENDREAU INVESTMENTS ENTERPRISES LLC
10710 E MARY KATHERINE DR
SCOTTSDALE, AZ 85259

DAVIS LINDA S DEAN TR
PO BOX 1733
CAVE CREEK, AZ 85327

HIDDEN HORSE RANCH LLC
29607 N HAYDEN RD
SCOTTSDALE, AZ 85262

ZUCKERMAN GORDON R/JULIA A/JOHN'S S TR ETAL
7677 E PRINCESS BLVD
SCOTTSDALE, AZ 85255

27-UP-2004
9-3-04

ALBAS CAROL L TR
7060 E STAGECOACH PASS
CAREFREE, AZ 85377

WISEMAN RAY D/JOY A
29392 N 84TH ST
SCOTTSDALE, AZ 85262

CONSTANTINE TOMMY
PO BOX 26870
SCOTTSDALE, AZ 852550131

COALITION AT PINNACLE PEAK
10040 E HAPPY VALLEY RD #451
SCOTTSDALE, AZ 85255

BOB VAIRO
COALITION AT PINNACLE PEAK
10040 E. HAPPY VALLEY RD.
SUITE #451
SCOTTSDALE, AZ 85255

INFORMAL NOTICE BY HOA 7/28/04

SINCUIDADOS

Dear Neighbors,
(McIlwee, #140, Hammack, #138, Adkins, # 137, Loy, #164, and Bridgewater, # 163)

As a Sincuidados Board Member, I received a call from Jim Heitel. Jim and his wife live at 8485 East Dixileta Drive, directly across from Sincuidados lot #137.

Jim is anticipating applying to the City of Scottsdale for a Ranch Permit which he indicates is a permitted conditional use in the current residential zone. This would allow Jim's wife's dressage trainer to give private horse riding lessons on their equestrian property. He called as a courtesy, and to give advance notice to relevant Sincuidados neighbors prior to proceeding. It's important to Jim to brief interested neighbors on his plans and to get their input so he can address any concerns that may arise prior to applying for this Ranch Permit.

Jim and I discussed the following topics that may be of concern to Sincuidados neighbors, and he indicates:

- They currently own 11 horses and have an existing 12 stall barn and other facilities already on their property.
- They are not going to change any of their lush vegetation or NAOS areas.
- The Ranch Permit is specifically intended to limit residential facilities to individual training and training of small groups.
- The typical daily activity would be similar to that which currently goes on at their property.
- The nature of dressage riding and training is very low key and does not cause disruptive neighborhood impacts from noise and dust.
- Jim indicates he is committed to controlling any dust (using special EPA approved compounds), not allowing any outside speakers, and prohibiting outdoor arena lights,
- The nature of the training is generally individually given so traffic impacts should go unnoticed and no outdoor lighting will naturally limit hours of operation,

I was impressed by Jim's candor, his commitment to work with neighbors in advance, and his stated commitment to have at his home a residentially compatible equestrian operation.

Jim would like to discuss the plans for the Ranch Permit with the most adjacent neighbors in Sincuidados. He will contact each of you by phone to provide you with additional background information, and an opportunity for you to personally discuss this with him. Should you have any concerns, please avail yourselves of Jim's offer when he calls. Jim may be reached at 480 563 5924 (office) or 602 301 3150 (mobile). Also, please don't hesitate to call me to share your thoughts on this matter; 480 488 5470 (home), or 480 216 860 (cell).

Regards,

Doug Newton
for the Sincuidados Board of Directors

8/4 – MESSAGES PHONE:
McIlwee 4882204
HAMMACK 5756681
ADKINS 5951121
8/4 LOY – SPOKE ON PHONE
5759726 GLAD NO OUTDOOR LIGHTS
8/9 BRIDGEWATER 661 6935
WONDERED ABOUT TRAFFIC

27-UP-2004
9-3-04

Re: Heitel Ranch Permit
8485 E. Dixileta Drive
449-PA-2004

This is to confirm that the Project Under Consideration sign was installed on the above property on Monday August 23, 2004. A copy of a photograph of the sign is attached hereto.

James T. Heitel

August 23, 2004

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd day of September, 2004 by

JAMES T. HEITEL.

My Commission Expires:

3-15/08

NOTARY PUBLIC

OFFICIAL SEAL
PATRICIA A. OSBACK
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Mar. 15, 2008

27-UP-2004
9-3-04

EARLY NOTIFICATION OF PROJECT UNDER CONSIDERATION

Site Address: 8485 East Dixileta Road

Neighborhood Open House Meeting:

Date: Wednesday, 09/01/04 Time: 1pm - 2pm

Location: LaMirada Desert Park, 8950 E. Pinnacle Pk Rd

Project Overview:

Existing Zoning: R-190 ESL FO / Proposed Zoning: R-190 ESL FO

- Site Acreage: Approx. 6.2 acres
- Description of Project & Proposed Use: Request for Ranch Permit

Applicant/Contact:

John Berry, Beus Gilbert, PLLC
480-429-3103
jberry@beusgilbert.com

City Staff Contact:

Kira Wauwie
480-312-7000
kwauwie@scottsdaleaz.gov

Pre-Application Case No: 449-PA-2004

Case File Available at City of Scottsdale: 480-312-7000
Project Info: www.scottsdaleaz.gov/project/ProjectsInProcess

- Posting Date: 08/23/04

BEUS GILBERT
PLLC
ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7630
(480) 429-3000
FAX (480) 429-3100

JOSEPH D. GOFORTH
PLANNING CONSULTANT
DIRECT (480) 429-3065

EMAIL: JGOFORTH@BEUSGILBERT.COM

44071-001

10 September 2004

VIA CERTIFIED MAIL

Mr. John Gordon, Superintendent
Cave Creek Unified School District 93
P.O. Box 426
Cave Creek, AZ 85331

Re: Heitel Ranch Use Permit

Dear Mr. Gordon:

The purpose of this letter is to inform you that an application has or will be submitted to the City of Scottsdale requesting approval of a conditional use permit to allow a commercial ranch in the R1-190 zoning district.

The subject property is located at 8485 E. Dixileta Road and is currently improved with a single-family residence, guest house, horse stables, corrals, a pasture and other improvements incidental to the breeding and training of horses.

As you are aware, the City of Scottsdale requires that the School District be notified of land use issues within the boundaries of the Unified School District and accordingly, this letter is intended to provide you with contact information in the event that you or the district has an interest in this case. This particular land use action has no demonstrative effect on the School District, as approval by the City of Scottsdale of the use permit will allow our client to operate a dressage training operation on his property. Approval of this request will not add additional students into the District, nor can we foresee it taxing any of the District's resources.

Should you wish to be continually informed about the status of this application as we proceed through the City's public hearing process, please contact me directly as I am always happy to share information about the land use actions that we handle for our clients.

Very truly yours,

BEUS GILBERT PLLC

Joseph D. Goforth

JDG/wsb

cc: Jim Heitel
Kira Wauwie

HARCO PROPERTIES
4207 E. PALO VERDE DRIVE
PHOENIX, ARIZONA 85018
(602) 840-6643

9-20-04

Re: Zoning Case 27-UP-2004
Heitel Ranch
8455 E. Dixaleta Dr.

Kira Wauwie
Scottsdale planning and Zoning
7447 E. Indian School Rd
Suite #105
Scottsdale, AZ 85252

Dear Ms Wauwie:

I am the property owner of parcel # 216-70-0036 which is very close to the above described property requesting a conditional use permit for a Ranch. this is to advise you that I believe this proposed use would seriously impact my property not only decreasing my properties value but also the quite lifestyle that has drawn me to this special area. I would strongly urge you to deny this applicants proposed use.

Sincerely
Gordon S. Harco
Harco properties

Wauwie, Kira

From: tony nelssen [redbirdranch@earthlink.net]
Sent: Wednesday, September 29, 2004 3:15 PM
To: kwauwie@scottsdaleaz.gov
Subject: letter of support

> another letter of support
thanks
tony

> James T. Heitel
> 7702 E. Doubletree Ranch Road, Ste. 300
> Scottsdale, AZ. 85258
> 480-563-5924 (office)
> 602-301-3150
>
>
> -----Original Message-----
> From: Rick Mineweaser [mailto:rick@diamond-pacific.com]
> Sent: Wednesday, September 29, 2004 9:13 AM
> To: Jim Heitel
> Cc: Bob Pope / Treasure & Board Member; Kirstin Litt / Board Member;
> Lloyd Doerr / President & Board Memberr; Lorice Gray / Vice Presdident
> &
> Board Member; Nelson Yockey / City Property Management Co; Pat Fowler /
> Secretary & Board Member
> Subject: Las Piedras Property Owners Association - Ranch Permit Support
> Importance: High
>
> Jim - This is just a quick memo to let you know that the Board of
> Directors of the Las Piedras Property Owners Association at last
> night's
> monthly meeting unanimously approved our Association's support of your
> request for a Ranch Permit on your property located on Dixileta. At
> your discretion, you are welcomed to submit this memo for Public
> Record.
>
> Rick Mineweaser
> Board Member
> Las Piedras Homeowners Owners Association
> H: 480-515-1329
>

Wauwie, Kira

From: tony nelssen [redbirdranch@earthlink.net]
Sent: Wednesday, September 29, 2004 3:10 PM
To: kwauwie@scottsdaleaz.gov
Subject: harco letter

hi kira,

i am forwarding jim's response to the harco letter of concern.

tony

I received the Harco letter you sent. The property has been vacant and for sale by them for as long as I can remember, and every year it does not sell they increase it higher. It has a major drainage which will be required to be preserved in its natural state on their north side which will further buffer anything built if they ever do sell it. I have to maintain the FO set back requirement on any arena I build which I believe is 75 feet so there will be no impact to their property. They are directly adjacent to an 18 stall barn to their west who is my adjacent neighbor also. They obviously do not feel my presence these many years with the same type of operation and horses and riding arenas has impacted their property values as they continue to raise their asking price annually. It sounds like I have helped increase their values.

Please pass this along to Kira

James T. Heitel

7702 E. Doubletree Ranch Road, Ste. 300

Scottsdale, AZ. 85258

480-563-5924 (office)

McClay, Doris

From: Wauwie, Kira
Sent: Thursday, October 21, 2004 10:39 AM
To: McClay, Doris
Subject: FW: Heitel Ranch Permit
Importance: High

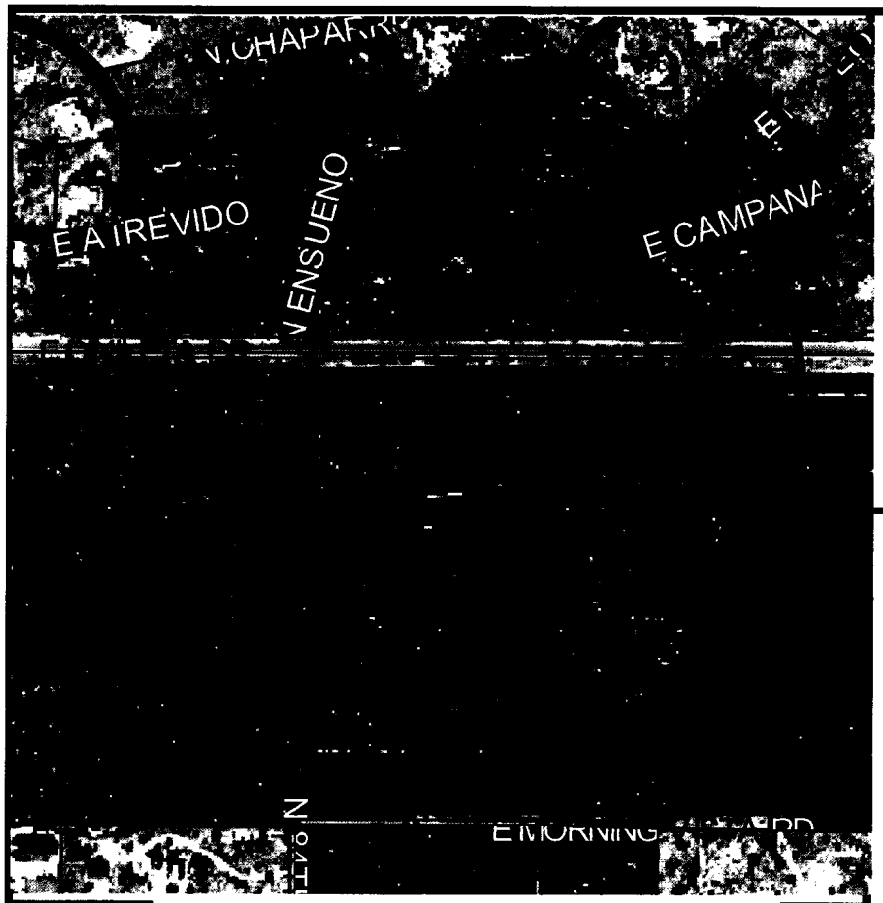
For the report attachments under community involvement...
-----Original Message-----
From: Sonoran@aol.com [mailto:Sonoran@aol.com]
Sent: Thursday, October 21, 2004 10:32 AM
To: kwauwie@ScottsdaleAZ.gov
Subject: Heitel Ranch Permit

For the Public Record
Dear Kira:

The Coalition has evaluated the Heitel application for a ranch permit and want to go on record that we will not oppose it. We are very concerned about the effect that use permits have on the surrounding neighborhood. Our investigations determined that the majority of the surrounding neighbors do not oppose the Heitel request and that they find the use compatible with the character of the area.

Bob Vairo, President
Coalition of Pinnacle Peak, Inc.

City Notifications – Mailing List Selection Map



Q.S. 52-48

Labels pulled 9/7/04

N

Map Legend:

Site Boundary

Properties within 750-feet

Additional Notifications:

- Interested Parties
- Sincuidados
- Lone Mountain Vista
- Las Piedras Homeowners Association
- Friends of the Scenic Drive

Heitel Ranch

27-UP-2004

ATTACHMENT #9

16-AB-2004 (Kalarama Apartments) request by Kalarama LLC, applicant/owner, to abandon the existing Kalarama Street cul-de-sac.

27-UP-2004 (Heitel Ranch) request by Beus Gilbert PLLC, applicant, James Heitel, owner, for a conditional use permit for a Ranch on a 6.2 +/- acre parcel located at 8485 E. Dixileta Drive with Single Family Residential, Environmentally Sensitive Lands. Foothill Overlay (R1-190 ESL FO) zoning.

(COMMISSIONER HEITEL DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

COMMISSIONER BARNETT MOVED TO FORWARD CASE 27-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT TO IT MEETS THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH COMMISSIONER HEITEL ABSTAINING.

COMMISSIONER STEINKE MOVED TO FORWARD CASE 16-AB-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER BARNETT.

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

REGULAR AGENDA

27-UP-2004 (Heitel Ranch) request by Beus Gilbert PLLC, applicant, James Heitel, owner, for a conditional use permit for a Ranch on a 6.2 +/- acre parcel located at 8485 E. Dixileta Drive with Single Family Residential, Environmentally Sensitive Lands. Foothill Overlay (R1-190 ESL FO) zoning.

(PULLED TO EXPEDITED AGENDA)

19-UP-2004 (The Coach House) request by Jorden Bischoff McGuire Rose & Hiser, PLC, applicant, Jim Brower for Coach House, owner, for a conditional use permit for a bar on a 3,700 +/- sq. ft. parcel located at 7011 E. Indian School Road with Central Business District; Downtown Overlay (C-2, DO) zoning.

MR. VERSCHUREN presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations. He stated the applicant has asked that stipulation No. 4 is removed. He further stated we have looked at that with the Transportation Department and that is something that could be placed in additional information and does not need to be a stipulation so staff would be in favor of removing that stipulation.

HEITEL ~~GUEST~~ RANCH ~~HOUSE~~ PERMIT

SITE PLAN

A PORTION OF THE NORTH 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 25, T. 5 N., R. 4 E. OF THE G. & S. R. B. & M., MARICOPA COUNTY, ARIZONA

NOTE

1 NO NATIVE PLANTS ON SITE PER CITY REQUIREMENTS
2 LOT TIE CASE NUMBER 38-1199
3 ZONING: RURAL 190
4 STREET ADDRESS IS 8485 EAST DIXILETA ROAD
5 GUEST HOUSE WILL NEVER BE OFFERED FOR RENT
6 NO RETAINING WALLS ARE TO BE BUILT EXCEPT IN FUTURE COVERED ARENA AREA OTHER FILL SLOPES
7 CURB ELEVATIONS ARE SHOWN ON PINNACLE ENGINEERING GRADING PLAN (JOB No. 20 015) AND AS APPROVED BY THE CITY IN CASE 95-0027

BENCHMARK

BRASS CAP FLUSH AT THE INTERSECTION OF ARTE VIDA AND ENSUENO ELEVATION: 2298.57 (C.O.S. DATUM NGVD 29); NAVD BENCHMARK AND TOPOGRAPHIC CONTOURS ARE FROM PINNACLE ENGINEERING GRADING PLAN (JOB No. 20 015) AND AS APPROVED BY THE CITY IN CASE 95-0027. CONVERSION TO NAVD "88" REQUIRES ADDING 1.770 FT. TO NGVD DATUM

CERTIFICATION

I HEREBY CERTIFY THAT ALL ELEVATIONS REPRESENTED ON THIS PLAN ARE BASED ON THE ELEVATION EQUATION DATUM FOR THE CITY OF SCOTTSDALE BENCHMARK PROVIDED ABOVE

LAND SURVEYOR _____ DATE _____

FEMA BLOCK

FLOOD INSURANCE RATE MAP

COMMUNITY No	PANEL No.	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEVATION
045012	0820	E	9-30-95	X	OUTSIDE 500 YR.

IN "AO" ZONE GIVE DEPTH AND VELOCITY

HEITEL N.A.O.S. AREA

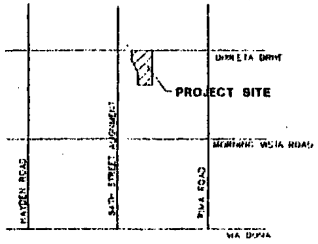
PARCEL	AREA
H1	0.35 Ac.
H2	0.33 Ac.
H3	0.20 Ac.
H4	0.71 Ac.
TOTAL	1.59 Ac.
REQUIRE NAOS AREA	1.56 Ac.
SLOPE CATEGORY	2 - 5%

SITE DATA

TOTAL AREA OF SITE IS 6.23 ACRES
N.A.O.S. ☒ REQUIRED IS 25% OR 1.56 ACRES

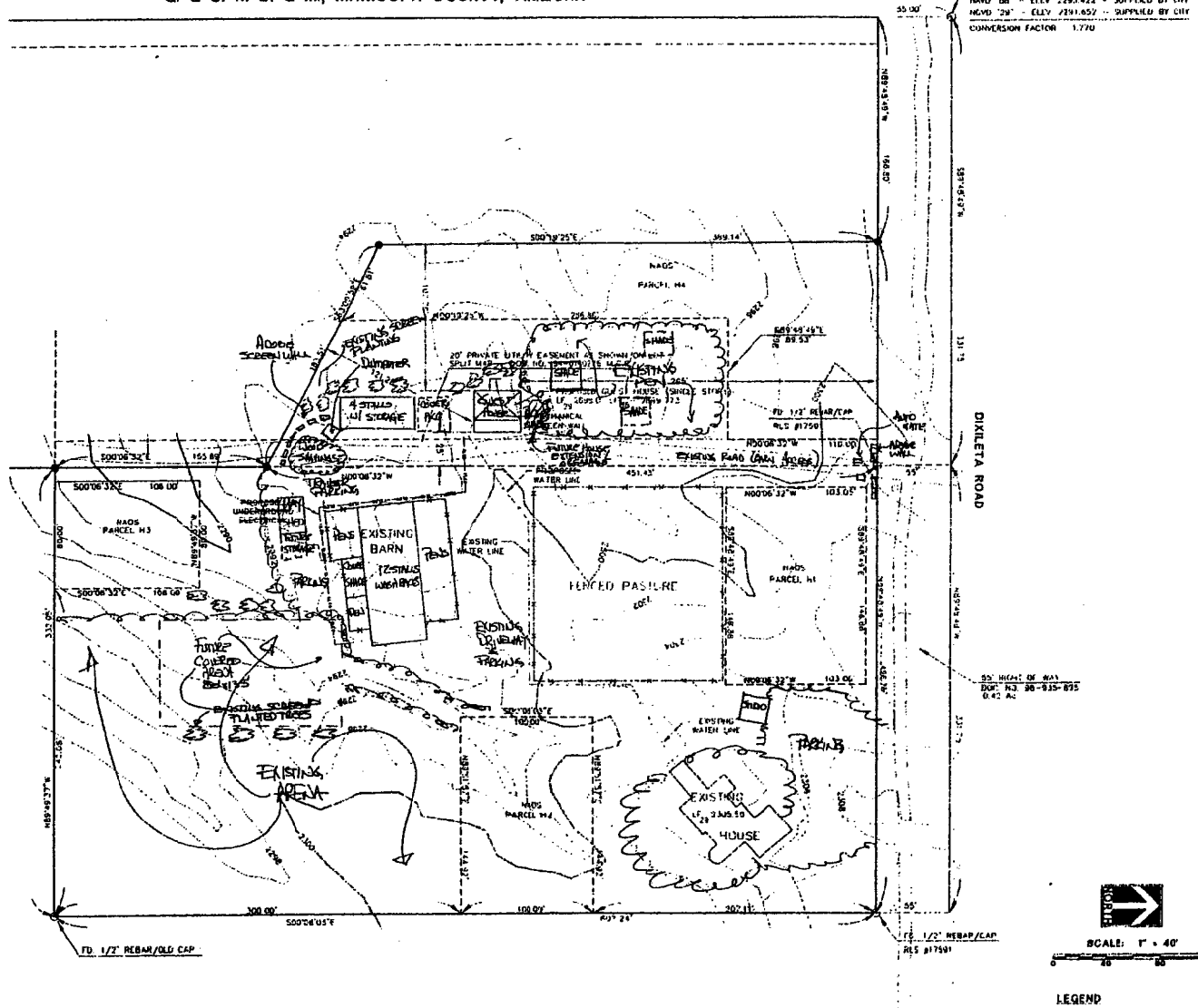
PROPERTY OWNER

JAMES T. AND CATHERINE H. HEITEL
8485 E. DIXILETA DRIVE
SCOTTSDALE, AZ 85262



VICINITY MAP

N.T.S.



LEGEND

SET 1/2" REBAR/CAP
RLS #10260
OWER FLOOR ELEVATION

PLAN CHECK PROJECT # 2007-99A

Attachment #11

27-UP-2004
9-3-04

HEITEL ~~GUEST~~ RANCH ~~HOUSE~~ PERMIT

CASE MAP BY: **Anderson - Nelson, Inc.**
Engineering - Surveying - Site Grading Plans - Subdivision Development - Hydrology
Construction Management - Computer Services

4441 East McDowell Road
Phoenix, Arizona 85008
(602) 273-1850
Bullhead City, AZ (520) 754-7372
Fountain Hills, AZ (602) 837-9332

DESIGNED		REVISIONS	DATE	BY
DRAWN	EDN			
APPROVED	TJP			
DATE	9/08/99			

SITE PLAN

263-1100

SHEET 1 OF 1

FILE ____ BOX ____ TUBE ____