

EARL, CURLEY & LAGARDE
ATTORNEYS AT LAW

Telephone (602) 265-0094
Telefax (602) 265-2195

3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012

June 24, 1997

Chairman Robert Wexler and
Board of Adjustment Members
c/o Lisa Collins
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Interpretation by Zoning Administrator of Permitted Cross Access and
Parking Uses in S-R Zoning District - Letter Dated March 28, 1997
Doubletree Paradise Valley Resort

Dear Chairman Wexler and Board of Adjustment Members:

On July 2, 1997 you will consider an appeal of the Zoning Administrator's interpretation regarding the permitted uses of the parking lot for the office building in the S-R (Service Residential) zoning district located at 5225 North Scottsdale Road. This appeal was taken from the written interpretation by John Faramelli, Community Development Administrator, (dated March 28, 1997) that the S-R office building's surplus parking can be appropriately used for overflow Resort employee and valet parking uses under limited conditions. We are submitting this letter on behalf of the Doubletree Paradise Valley Resort to assist in your consideration of this matter. We strongly believe that Mr. Faramelli has correctly interpreted the Scottsdale Zoning Ordinance for several reasons.

First, the Scottsdale Zoning Ordinance is constructed without any limitations on cross access and shared parking opportunities between properties, regardless of the zoning classification of the affected properties. This conclusion is evident through a review of the articles of the Zoning Ordinance concerning Administration and Procedures, General Provisions and Parking. And in fact, the City had encouraged cross access and shared parking opportunities between commercial properties of various zoning categories to minimize traffic congestion, promote safe traffic movements and to promote parking efficiency. For example, along both sides of Scottsdale Road south of Lincoln Drive at Hilton Village and the Borgata there is a combination of R-4, R-4R, C-2 and C-O zoning for these separate hotel, office and commercial retail uses. And yet cross access and open parking with free flowing movement between the parking lots of these projects has been freely permitted. Another prime example of cross access and open parking between different commercial uses that specifically involves a S-R zoned office building with resort and office uses can be found on Scottsdale Road at Highland Avenue. At this location, you find the former Valley Bank office building zoned S-R that has unrestricted access

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and open parking with the three story office complex (zoned C-2) to the south and the Safari Resort (zoned Downtown RCO-2/PBD) south of that building. These cross access and open parking arrangements have been permitted without incident and without any restrictions or conditions.

The use of surplus parking on the S-R zoned office building property for overflow parking by adjacent residential or commercial uses is consistent with the purpose statement of the S-R zoning district which reads in part as follows:

A district composed of certain land and structure used primarily to provide an administrative, clerical and professional offices of a residential scale and character, to serve nearby residential and commercial areas, as well as the city as a whole.

The use of surplus parking spaces on the S-R zoned office building benefits the adjacent Resort parcel by relieving a practical problem of overflow parking demand during peak periods, as well as the neighborhood by providing a proper, controlled outlet for this parking which might otherwise find its way on to the adjacent residential streets.

The value and acceptability of cross access and off-site parking can also be inferred from Article IX, Parking and Loading Requirements. Under the purpose statement for the parking ordinance of the City of Scottsdale, the following statements can be found:

- Provide parking, citywide and particularly within the downtown, which will improve pedestrian circulation, reduce traffic congestion and improve the character and functionality of all developments;
- Promote the free flow of traffic in the streets;
- Design and situate parking facilities so as to ensure their usefulness;

These provisions certainly do not prohibit cross access or shared parking opportunities. If anything, they encourage it to "reduce traffic congestion," "improve the functionality of all development," "promote free flow of traffic" and to "situate parking facilities so as to ensure their usefulness."

By allowing overflow parking from the Doubletree Resort to utilize the excess parking spaces of the adjacent S-R office building (through a cross-access easement) during peak periods, the City will be reducing traffic congestion since cars will not loop around the Resort or be encouraged to park on the adjacent streets. This S-R office building has more than double the number of parking spaces required by code. Allowing the excess parking to be utilized by the Resort for overflow employee and valet parking is ensuring the usefulness of these surplus spaces and mitigating potential adverse impacts on land adjacent to these facilities. Therefore, as Staff indicated to the Resort, cross-access parking between the office and Resort parcels is not

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prohibited by the Scottsdale Zoning Ordinance and therefore does not really require any interpretation by the City.

Background Information:

In February 1996, prior to purchasing the S-R zoned office building, the owner of Doubletree Paradise Valley Resort sought written confirmation from the City of Scottsdale that an opening through the wall between the parking lots for the Resort and the office building to connect the parking areas for cross access and overflow parking was allowed by the Zoning Ordinance. We are attaching for your review the written acknowledgment from Leslie Himes, Associate Planner, City of Scottsdale dated February 23, 1996 that "there are no Scottsdale requirements that need to be met by the owners of the Doubletree Paradise Valley Resort in order to connect the Resort and the Adjacent Parcel and use the Adjacent Parcel for uses in compliance with the S-R Service Residential zoning and for parking for the Resort . . ."

In March of 1997, in connection with an amendment of the Special Use Permit in the Town of Paradise Valley for some renovations to the Doubletree Resort, a second letter was requested from the Scottsdale Zoning Administrator to reconfirm the Resort's ability under certain identified and controlled circumstances to utilize surplus parking on the office property for overflow Resort use by employee and valet parking during peak periods. A copy of this request is attached. The City's reconfirmation letter dated March 28, 1997 is also attached. The Resort has relied upon these written confirmations from the Scottsdale Planning Staff in proceeding with its planned renovation.

With regard to the accuracy or jurisdiction of the Staff's interpretation, the Scottsdale Zoning Ordinance in Section 1.202, Interpretation, paragraph C clearly states, "When the provisions of this ordinance are interpreted or applied, they shall be held to the minimum requirements for the promotion of public safety, health and general welfare." (emphasis added).

Paragraph D of Section 1.202, Interpretation, states another very important element of the Scottsdale Zoning Ordinance:

The presumption established in this ordinance is that all general uses of land are permissible within at least one (1) zoning district in the City's planning jurisdiction. Therefore, as the use regulations set forth in each district cannot be all inclusive, those listed in each district shall be interpreted liberally to include other uses, which have similar impacts to the list of uses. . . . (emphasis added)

The S-R zoning district allows business and professional offices, medical or dental offices (including laboratory and pharmacy) municipal uses, hospitals for animals (including boarding and lodging), and studios for professional work and for teaching of any form of commercial or fine arts such as photography, music, drama or dance. Several of these uses can have a greater impact on this area than the proposed use of the property as administrative offices for the Doubletree Paradise Valley Resort with the cross access and overflow parking under the

June 24, 1997

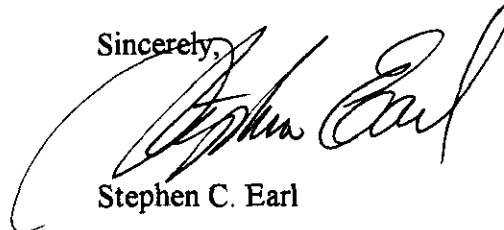
Page 4

tightly controlled circumstances set forth in the letters attached hereto. For example, medical and dental offices are appropriately located in the S-R zoning district and yet these uses have a trip generation rate of over six times higher than that of a General Office use. Ironically, the S-R zoning district also allows multiple family dwelling units and churches, which have historically stirred up tremendous opposition in neighborhoods because of their perceived impacts. These are permitted uses in S-R. The opposition's position is fundamentally inconsistent with the provisions of Section 1.202 of the Scottsdale Zoning Ordinance.

Conclusion:

In summary, the use of the S-R office building property for the cross access and parking uses described in this letter and the attachments is really permitted by right without the need for any interpretation by the Staff. And as referenced earlier, there are clear examples in the City both north and south of the subject property along Scottsdale Road where cross access and parking between retail, resort and office uses (including S-R offices) have been freely permitted. Therefore, we believe that the Zoning Administrator has been conservative in his interpretation of ordinance provisions continuing the Resort's right to cross access and to utilize the excess parking spaces on the S-R office building parcel for overflow employee and valet parking use in peak periods with the controls on that parking agreed to by the parties. The S-R (Service Residential) zoning district allows for uses which can be more intrusive for this area than that being proposed. Based upon these circumstances, we respectfully request that the Board of Adjustment uphold the Zoning Administrator's interpretation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Earl", written over a large, sweeping flourish that extends to the left.

Stephen C. Earl

SCE:GK/jgs:pfr

Enclosures

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STREICH LANG

A PROFESSIONAL ASSOCIATION
ATTORNEYS

Writer's Direct Line:
602 229-5624

February 23, 1996

VIA HAND DELIVERY

Ms. Leslie Himes
Associate Planner
City of Scottsdale
Planning & Development Department
7447 East Indian School Road
P.O. Box 1000
Scottsdale, Arizona 85252-1000

Re: Verification of Scottsdale Requirements

Dear Ms. Himes:

Our firm represents Pension Management Corporation, the owner of the DoubleTree Paradise Valley Resort (the "Resort"). The Resort is located at the southeast corner of Jackrabbit Road and Scottsdale Road in the Town of Paradise Valley.

As I discussed with you recently, although the Resort has sufficient parking to meet Paradise Valley requirements, it has become evident that during high peak periods there is a practical shortage of parking on the Resort site. To provide more parking, the owners of the Resort are proceeding with the possible purchase of a developed parcel located immediately south of the Resort (the "Adjacent Parcel"). The Adjacent Parcel is located at the northeast corner of Vista Drive and Scottsdale Road, in the City of Scottsdale.

The Adjacent Parcel is currently developed with a one-story office building (previously occupied by a Dean Witter office), a surface parking lot, and an underground parking garage. The owners of the Resort intend to create an opening in the wall which runs along the boundary between the Resort and the Adjacent Parcel, and construct a driveway to connect the parking area on the south side of the Resort site with the surface parking area on the Adjacent Parcel. Construction of the driveway between the two sites will result in the loss of two to three parking spaces located

RENAISSANCE ONE

TWO N CENTRAL AVENUE

PHOENIX, ARIZONA

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TUCSON

LOS ANGELES

LAS VEGAS

A PROFESSIONAL ASSOCIATION
ATTORNEYS

along the north boundary of the Adjacent Parcel. The Resort also intends to use the building on the site for uses permitted by the existing SR-Service Residential zoning.

I recently discussed with you the Resort's plans to use the Adjacent Parcel (as set forth above) in order to determine what requirements, if any, Scottsdale would have prior to the initiation of such use. It is my understanding that you presented these facts to the Scottsdale Development Services Screening Committee (the "Screening Committee") and that the Screening Committee determined that there were no Scottsdale requirements for completion of the connection between these two sites and the Resort's subsequent use of the Adjacent Parcel. Because our client is relying on this conclusion in proceeding with the purchase of the Adjacent Parcel, they have asked us to obtain written confirmation of the City of Scottsdale's conclusion.

The purpose of this letter, therefore, is to confirm that there are no Scottsdale requirements to be met by our client related to the completion of the connection between these two sites and the Resort's use of the Adjacent Parcel as set forth in this letter. Please indicate your verification of this conclusion by signing the acknowledgment on the attached copy of this letter (or by obtaining the properly authorized signature of the acknowledgement) and returning the signed copy to us. Please return the signed acknowledgment to us by fax (229-5690) or call me when it is ready and I will arrange for a runner to pick up the signed acknowledgment.

Thank you for your help on this matter. Please call me immediately if you need any further information or if there is any problem with signing the acknowledgment.

Sincerely,

Lori J. Schleier

Lori J. Schleier, AICP
Land Use Planner/Legal Assistant

cc: Pat Marrs, GEPT
Diane Haller

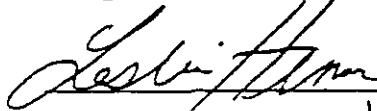
PROFESSIONAL ASSOCIATION

ATTORNEYS

ACKNOWLEDGMENT

I hereby confirm and acknowledge that there are no Scottsdale requirements to be met by the owners of the DoubleTree Paradise Valley Resort in order to connect the Resort and the Adjacent Parcel and use the Adjacent Parcel for uses in compliance with the SR-Service Residential zoning and for parking for the Resort as set forth in this letter.

City of Scottsdale



Printed Name Leslie Himes
Title Associate Planner

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To: Lorie Schleiter	From: Leslie Himes	
Co: Streich Lang	Co: Dev. Services	
Dept:	Phone # 994-7820	
Fax # 229-5690	Fax #	

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3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012

March 21, 1997

John Faramelli
City of Scottsdale
7447 E. Indian School Road, Suite 205
Scottsdale, AZ 85251

Re: Reconfirmation of Use of Surplus Office Building Parking for Overflow
Resort Parking Located at 5225 N. Scottsdale Road, Scottsdale, Arizona

Dear John:

I am writing to request that you reconfirm the City of Scottsdale's written position regarding the Doubletree Resort's limited use of the surplus parking for the office building at the northeast corner of Scottsdale Road and Vista Drive (located in the City of Scottsdale) for overflow employee parking and valet parking during the Resort's peak use periods.

On February 23, 1996, the attorneys for the owners of the Doubletree Paradise Valley Resort wrote to Leslie Himes in the City's Planning Department, because they were contemplating the purchase of this office building in the City of Scottsdale which borders the south end of the Resort. The owners of the Resort had two reasons for purchasing this office building: (1) to move their administrative and executive offices from the Resort to this office building to free up valuable space within the Resort for other purposes; and (2) to create a connection through the wall between the Resort and office building to utilize the surplus parking (i.e., in excess of Scottsdale's code required parking) located on the office parcel for overflow Resort use. They wrote to Ms. Himes outlining their intended uses of the office building and parking and requested back the City's written confirmation that these proposed uses were acceptable and appropriate to the City under the S-R (Service Residential) zoning on the office building. Ms. Himes signed the acknowledgment confirming zoning compliance after the facts were reviewed by the Scottsdale Development Services Screening Committee and in reliance upon this written confirmation, the owners of the Resort made the multi-million dollar investment to purchase the office building.

The Doubletree Paradise Valley Resort is now in the process of amending its Special Use Permit in the Town of Paradise Valley to make some Resort renovations. As part of these renovations, they have now sought approval from the Town of Paradise Valley to create the

access-way connection between the Resort and office building so that the office building's surplus parking can be put to two specific and limited overflow parking uses: (1) employee parking; and (2) valet parking. Very tight restrictions on this access-way have been agreed to by the Resort as a part of the Special Use Permit itself. These limitations include the following:

- The Resort parking spaces on the office parcel may be utilized only by employees of the Resort and for valet parking. No guest self parking shall be permitted. The overnight employee shift shall not be permitted to use those parking spaces. The valet parking attendants shall not add parked cars on the office parcel past 10:00 p.m. and shall not use Vista Drive for access or egress.
- The vehicular access between the Resort and the office parking lot shall be restricted to one travel lane as reflected on the applicant's submittals and shall be gated with card access at all times. Access through the vehicular gate shall be limited to hotel employees and valet parking attendants. No resort guest vehicular access shall be permitted through the gate.
- No buses or semi-trucks shall be allowed to utilize the office building parking lot.
- The permit shall not be issued until the Declaration of Easement and Restrictions ("Easement") approved in form by the Town Attorney restricting use of the office building and parking is recorded in the office of the Maricopa County Recorder. Use of the office building shall be restricted to S-R uses as defined by the Scottsdale Zoning Ordinance and as reflected in the Easement. This Easement shall be incorporated into the Special Use Permit. Failure or termination or revocation of the Easement shall be deemed a violation of the Special Use Permit.
- The resort shall work with the City of Scottsdale to install a traffic directional sign on the office building surface parking lot entrance to read "Right Turn Only" and also to install a "No Outlet" sign.
- The Resort must engineer and construct the driveway so as to not adversely affect the water lines located beneath the driveway.

Based upon these tight controls over the Resort's overflow use of the surplus parking spaces on the office building property, there will be no change in character or intensification of the S-R parcel. These parking spaces were created as a part of the S-R office building. No additional parking spaces are being added to the office building parking lot. The Resort is merely utilizing the surplus spaces for overflow use. It is common in the City of Scottsdale (as well as other valley cities) to allow resorts to make use of parking spaces on adjacent properties for overflow purposes. In fact, the Resort currently has an agreement with the church across Scottsdale Road in the Town of Paradise Valley to utilize their parking area for

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overflow purposes. The valet parking use for these surplus spaces will not have any impact on Vista Drive, because the valets will not be allowed to use Vista Drive. They must access the surplus parking only through the gate. Other employees who will use these spaces from time to time may reach the surplus spaces either through the gate or from Vista Drive. However, these employees are normally coming at non-peak times when Vista Drive is not otherwise being used by the neighborhood.

With the controls outlined above, the traffic impact was studied by Lee Engineering. A copy of their report is attached. They have concluded that this limited use of the office building surplus parking space will have "no visible or noticeable impact on the signalized intersection at Scottsdale Road and Vista Drive." The report further goes on to state:

The intersection functions at a LOS A for the existing conditions and will continue to function at an LOS A with remodeling of the resort. The LOS for Vista Drive is currently a B. There will be no change in the impact of the LOS for westbound Vista Drive after the remodeling project. The LOS will remain at B and a calculated delay per vehicle will increase only by 0.1 second.

Finally the report concludes:

On a average day, the proposed remodeling of the hotel will not add any noticeable delay to the signalized intersection of Vista Drive and Scottsdale Road compared with re-use of the office building on the northeast corner of Vista Drive and Scottsdale Road.

A full copy of the Lee Engineering report dated March 13, 1997 is included for your review.

The S-R office building will house administrative offices (i.e., sales, marketing and accounting for the Resort) and related functions. In the future some of this office space may be sublet to other administrative or professional uses in compliance with the S-R zoning requirements. The Resort will not conduct any use within the office building that is not in compliance with the S-R Ordinance.

The Town of Paradise Valley has requested a reconfirmation of the City of Scottsdale's original zoning confirmation signed by Leslie Himes dated February 23, 1996. The Town has a copy of this letter. Even though this original confirmation was open ended allowing "parking for the Resort on the office parking lot," that general use has now been dramatically narrowed and restricted by the stipulations set forth herein, so as to truly have no noticeable impact on the neighborhood street of Vista Drive. With these limitations, this narrow use of the surplus parking spaces clearly fits with the character of the S-R zoning district. Would you please confirm back to me in writing that the City of Scottsdale stands behind its original confirmation of

March 21, 1997

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February 23, 1996 as further circumscribed by the conditions set forth in this letter. The Town of Paradise Valley has requested this letter be given to them no later than April 1, 1997.

Very truly yours,

Stephen C. Earl
Stephen C. Earl

SCE/pfr

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cc: Pat Marrs
Diane Haller
Renier Milan

The City of Scottsdale confirms and agrees with the terms of the foregoing letter:

Dated: _____, 1997

By: _____
John Faramelli



• "Most Livable City" U.S. Conference of Mayors •

March 28, 1997

Mr. Stephen C. Earl
Earl, Curley & Lagarde, P.C.
3101 N. Central Avenue
Suite 1000
Phoenix, AZ 85012

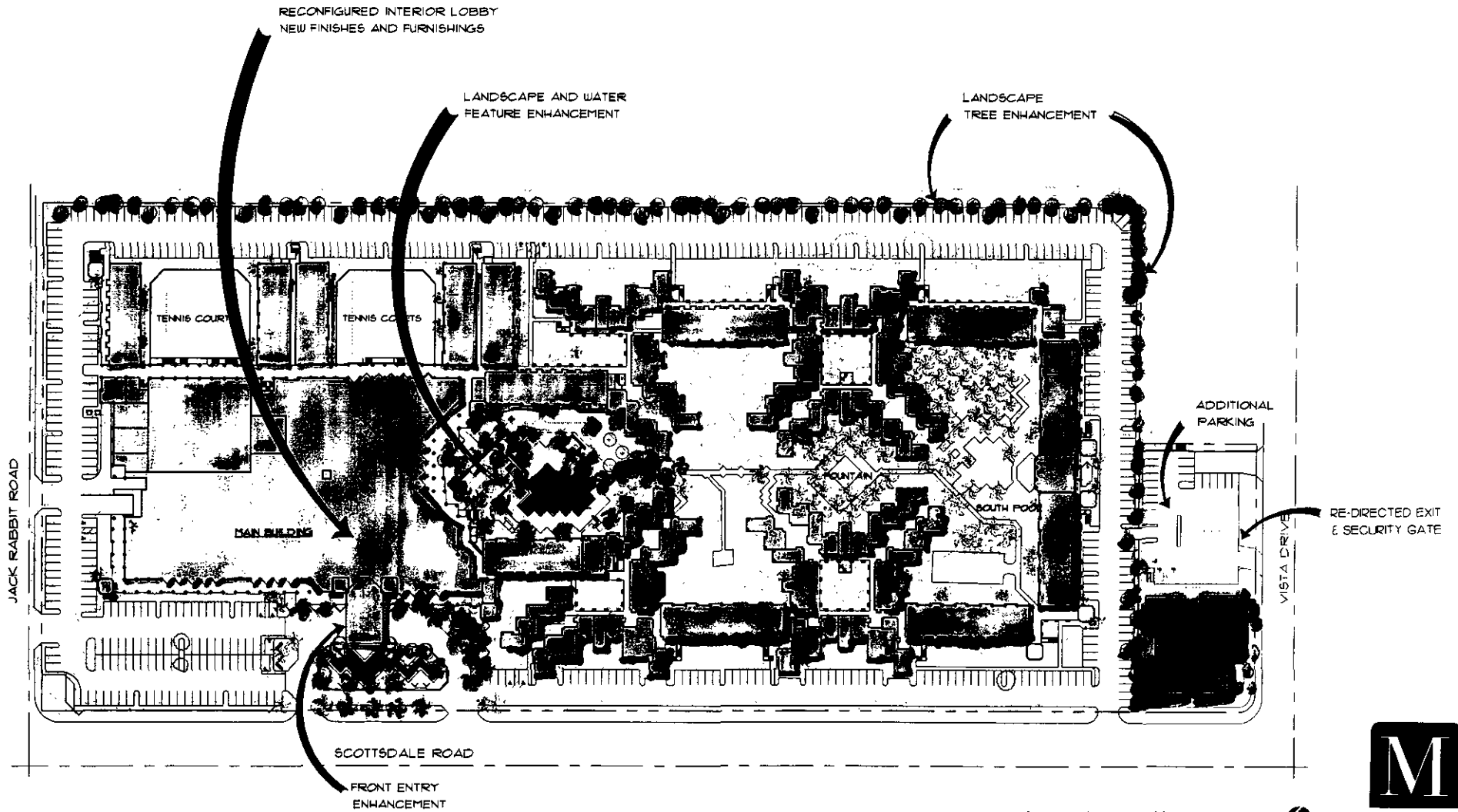
RE: Reconfirmation of Use of Surplus Office Building Parking for Overflow Resort
Parking Located at 5225 N. Scottsdale Road, Scottsdale, Arizona.

Dear Mr. Earl:

Based upon our review of all relevant information, we can now reconfirm to you through this letter that the Resort's limited use of the office building's surplus parking lot for overflow use by valet parking attendants and employees of the Resort during peak periods is acceptable under the Scottsdale Zoning Ordinance with the limitations on that use as contained in your letter. While the proposed reuse of the S-R building initially contained large meeting rooms, the traffic report clarifies that offices for administrative and resort employees totaling 70 will use the facility.

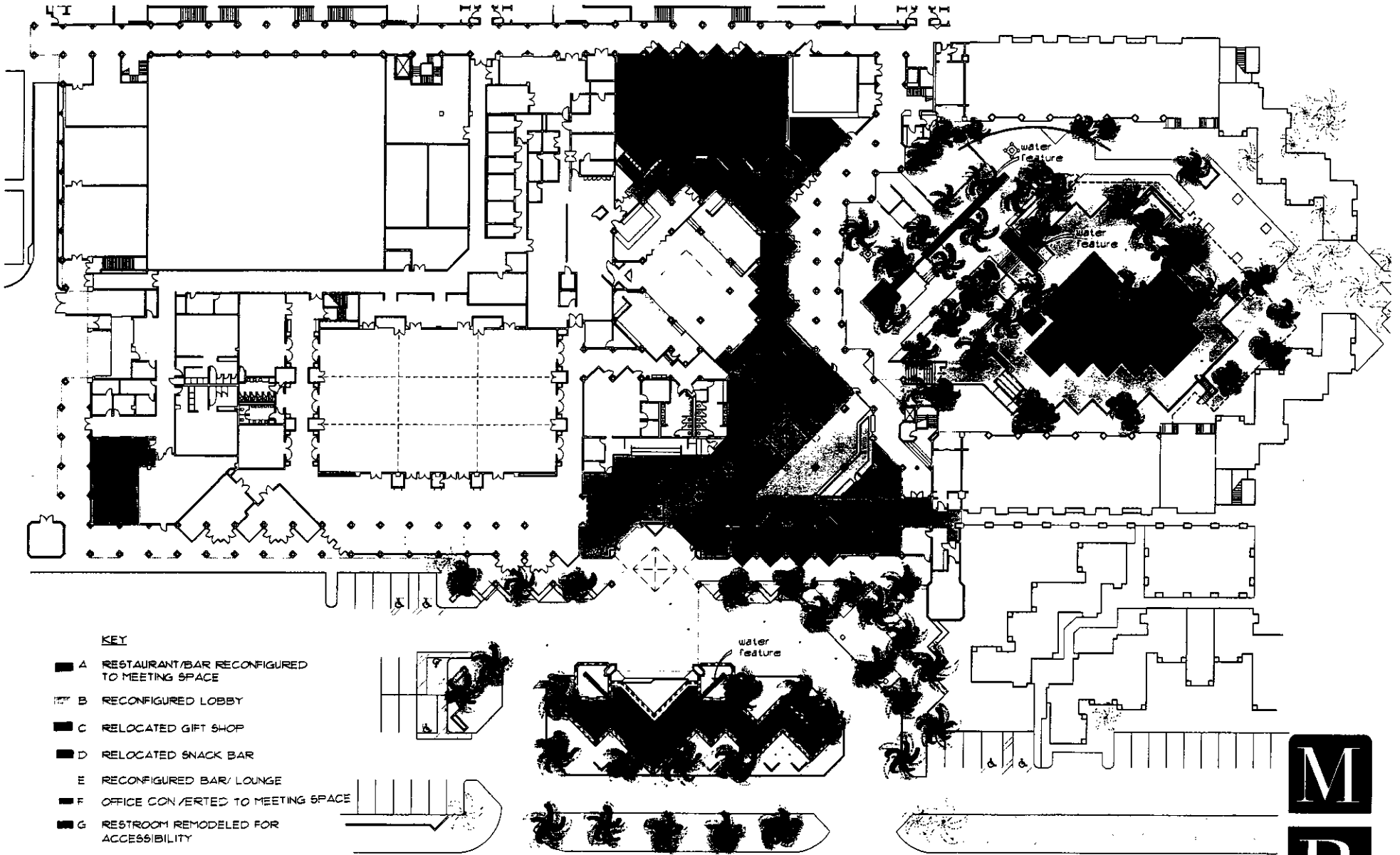
Very truly yours,

John Faramelli,
Community Development Administrator



SITE OVERALL KEY PLAN
SCALE 1"=40'-0"



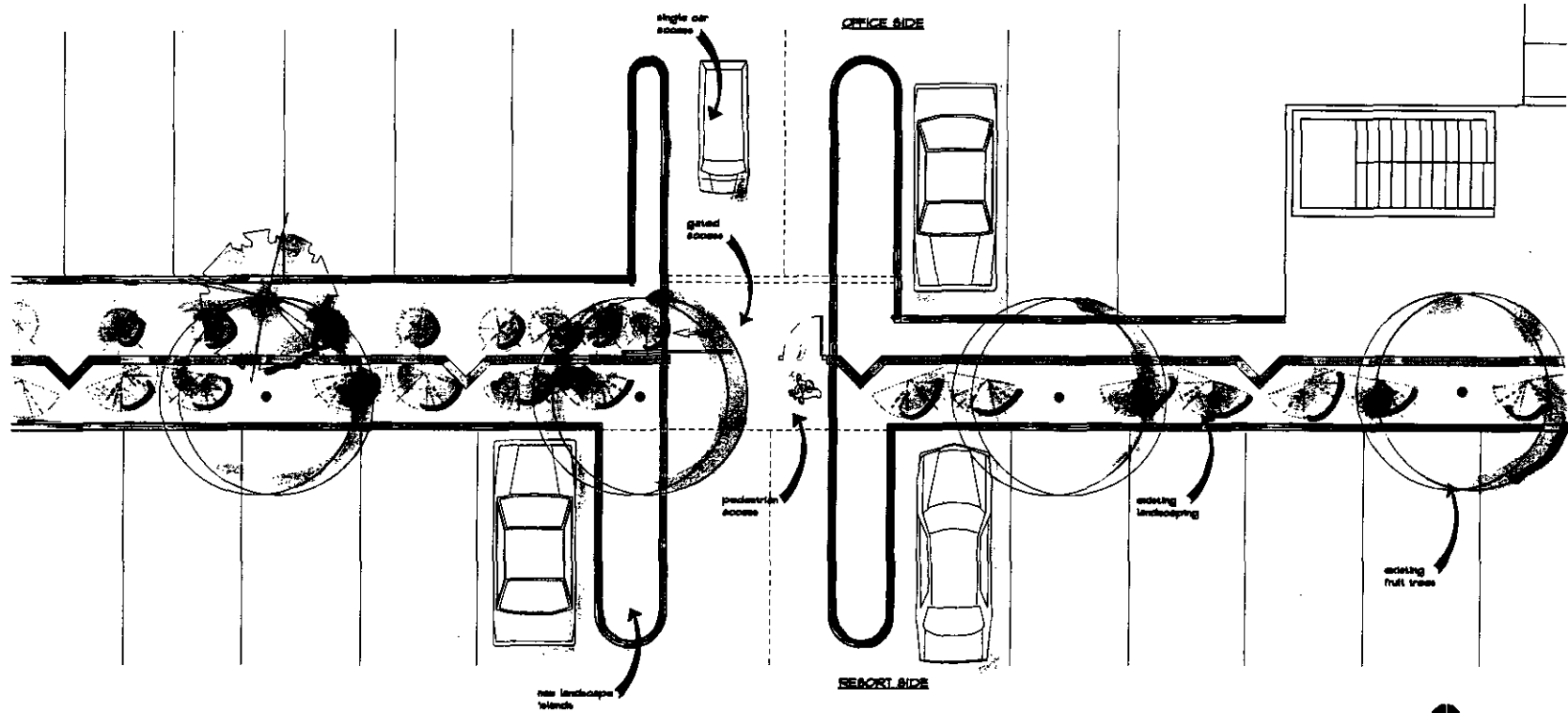


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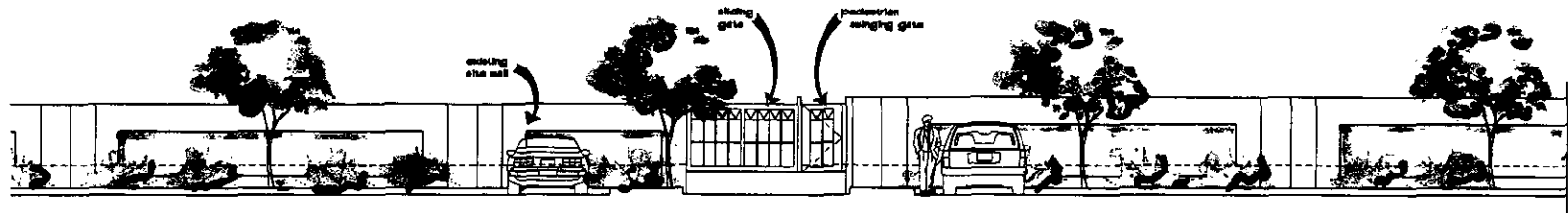
- A RESTAURANT/BAR RECONFIGURED TO MEETING SPACE
- ▨ B RECONFIGURED LOBBY
- C RELOCATED GIFT SHOP
- D RELOCATED SNACK BAR
- E RECONFIGURED BAR/ LOUNGE
- F OFFICE CONVERTED TO MEETING SPACE
- G RESTROOM REMODELED FOR ACCESSIBILITY

MAIN BUILDING GROUND FLOOR PROPOSED PLAN
SCALE 1/8" = 1'-0"





PLAN #SINGLE ACCESS PASS THROUGH
SCALE 1/8" = 1'-0"



SOUTH ELEVATION #PASS THROUGH
SCALE 1/8" = 1'-0"



CITY OF SCOTTSDALE BOARD OF ADJUSTMENT
3939 N. CIVIC CENTER BOULEVARD
SCOTTSDALE, ARIZONA 85251

AUGUST 5, 1997

RE: CASE# 8-BA-97
APPEAL OF ADMINISTRATIVE DECISION
PARADISE VALLEY RESORT OFFICE BUILDING

ATTENTION: CHAIRMAN ROBERT WEXLER

DEAR MR. WEXLER,

AT YOUR REQUEST, I AM FORWARDING A COPY OF THE SCOTTSDALE DEVELOPMENT REVIEW BOARD STIPULATIONS OF CASE #111-DR-83 FROM 1983 AS THEY PERTAIN TO THE OFFICE BUILDING PROPERTY REFERENCED ABOVE. PLEASE SUPPLEMENT THE RECORD WITH THE ATTACHED DOCUMENTS TO THE ABOVE REFERENCED AND UNDERLYING BOARD OF ADJUSTMENT CASE.

YOU INDICATED THAT IF NEW DOCUMENTATION CAME TO LIGHT REGARDING THE ISSUE OF THE PROPERTY LINE WALL THAT SEPARATES THE OFFICE PROPERTY FROM THE RESORT PROPERTY, THAT COULD CAUSE THE BOARD OF ADJUSTMENT TO RE-EVALUATE ITS DECISION REGARDING THE ADMINISTRATIVE APPEAL.

FOLLOWING THE JULY 2ND HEARING, I RESEARCHED THE DEVELOPMENT REVIEW BOARD CASE FROM 1983. I WAS ABLE TO CONFIRM THE REFERENCE MR. DAVID EVANS MADE DURING THE BOARD OF ADJUSTMENT HEARING. MR. EVANS INDICATED THAT THE CITY OF SCOTTSDALE HAD REQUIRED THE MASONRY WALL ALONG THE NORTH PROPERTY LINE TO SEPARATE THE TWO PROPERTIES. SINCE THE HISTORY OF THE WALL WAS AT ISSUE PRIOR TO THE JULY 2ND HEARING, I WAS SURPRISED AND DISAPPOINTED THAT THE STAFF MEMBERS IN ATTENDANCE AT THE HEARING WERE UNABLE TO PUBLICLY CONFIRM WHAT WAS IN THE RECORD FOR THE PROPERTY

MR. EVANS WAS ABSOLUTELY CORRECT. THE CITY OF SCOTTSDALE PLANNING DEPARTMENT REQUESTED THE COMPLETION OF THE NORTH PROPERTY WALL AND THE TEXTURING OF THE WALL TO MATCH THE OFFICE BUILDING.

I AM ENCLOSING A COPY OF THE STAFF RECOMMENDATIONS REGARDING THIS DEVELOPMENT REVIEW CASE. THE PLANNING DEPARTMENT STAFF WENT TO THE TROUBLE OF HAND WRITING THE REQUEST REGARDING THE PROPERTY LINE WALL.

I AM ALSO ENCLOSING A COPY OF THE DEVELOPMENT REVIEW BOARD MINUTES OF CASE 111-DR-83. YOU WILL NOTICE THAT THE COMPLETION OF THE PROPERTY LINE WALL IS A STIPULATED REQUIREMENT IN THE APPROVED CASE.

THE CITY OF SCOTTSDALE ZONING ORDINANCE DOES NOT ALLOW MR. JOHN FAREMELLI TO REVERSE A DEVELOPMENT REVIEW BOARD STIPULATION. THIS CASE INDEED SHOULD HAVE GONE THROUGH THE PROPER CHANNELS AS MANDATED BY THE SCOTTSDALE ZONING ORDINANCE.

I RESPECTFULLY REQUEST IN LIGHT OF THIS NEW INFORMATION, THAT THE BOARD OF ADJUSTMENT REVERSE ITS DECISION OF JULY 2, 1997 FOR CASE# 8-BA-97. A REVERSAL WILL ALLOW THIS CASE THE OPPORTUNITY TO RECEIVE THE CAREFUL STUDY AND PUBLIC REVIEW THAT IT SHOULD HAVE RECEIVED ALL ALONG.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT ANY TIME.

THANK YOU FOR YOUR COURTEOUS ASSISTANCE REGARDING OUR NEIGHBORHOOD'S CONCERNS.

SINCERELY,



BRENT M. BIESER
7317 EAST VISTA DRIVE
SCOTTSDALE, ARIZONA 85250
HOME: 941-5413
OFFICE: 941-0840

CC: MAYOR SAM CAMPANA; VICE MAYOR ROBERT PETTYCREW; COUNCILMAN GREG BIELLI;
COUNCILWOMAN MARY MANROSS; COUNCILMAN DON PRIOR; COUNCILMAN DENNIS ROBBINS; COUNCILMAN
RICHARD THOMAS; SUSAN KAYLER; DENNIS ALONSO; GENE LENAHAN; ISABEL McDOUGALL; WENDY
SPRINGBORN- PITMAN; ROBERT EDWARDS; JOHN FAREMELLI; JEFF FISHER; LISA COLLINS

7401 East Sage Drive
Paradise Valley, Arizona 85250
June 19, 1997

Board of Adjustment
7447 E. Indian School Road
Scottsdale, Arizona 85251

Gentlemen:

This letter is to protest the variances of the zoning ordinance regarding the Paradise Valley Resort office building at 5225 N. Scottsdale Road and on East Vista Drive. The interpretation by the Scottsdale Planning and Zoning Commission to allow valet parking, employee parking, and other uses of the office building by the Doubletree Paradise Valley Resort is not in accordance with its current zoning.

Vista Drive is the only entrance and egress for any residents east of Scottsdale Road in that area. With other parking allowed, there will be (and already has been) greatly increased traffic in that area. This will make a tremendous impact not only on the residents of Vista adjacent to the parking lot, but on all who have to drive by it going to their homes, on children riding bicycles and people walking and jogging in the area of quiet residences. Just three days ago, as I drove down Vista to Scottsdale Road, a huge tour bus made a wide turn into the parking lot, turned around and parked in it. This is a residential neighborhood, not a parking lot for a motel. It is not zoned for that.

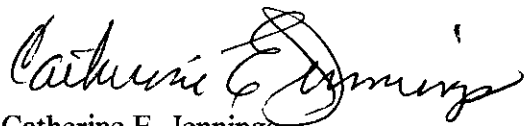
The proponents of the change claim it will only be for office parking and valet parking. Already, they are using it for more than office parking. As we drive down Vista to stop at Scottsdale Road, drivers exit the parking lot at full speed, never looking to the left to see what might be approaching from the east. They speed out of the parking lot without stopping, and if a person on a bicycle or in a car or on foot doesn't leap out of the way, jerk to the wrong side of the street or slam on the brakes, the people exiting the parking lot would run them over.

You will say we used to have the parking lots for the customers of Dean Witter. True. But those people were totally different. They did not all arrive or leave at the same time. Seldom was more than one car entering or leaving at a time. Those drivers drove carefully, looking for pedestrians or other cars on Vista, and never did they almost hit me as I drove by. Also, the Investment firms were not open at night as the motel will be. They occasionally had an evening meeting, but very infrequently. Never was a tour bus parked there emitting diesel fumes as it sat and idled.

I strongly protest the interpretation that resort parking can be allowed in a residential area under the current zoning. I urge you to follow the law rather than yield to the pressures of a large business chain. I urge you to consider the character of this Scottsdale/Paradise Valley

neighborhood. The needs and life style and safety of your residents should come before the monetary gains of big business. If they need more parking, they can take the tent off their tennis courts and use them for parking.

Sincerely,

A handwritten signature in cursive script, reading "Catherine E. Jennings". The signature is written in black ink and is positioned above the printed name.

Catherine E. Jennings

John W. Graham
7434 East Cholla Lane
Paradise Valley, Arizona 85250
(602) 244-1440

June 27, 1997

Mr. Robert Wexler
Chairman
Board of Adjustment
City of Scottsdale
7447 East Indian School road
Scottsdale, AZ 85251

VIA FAX: 994-7781

Re: 08-BA-97

Dear Robert:

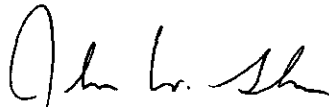
I reside at 7434 East Cholla Lane which is east of the Paradise Valley Resort and accessed from Scottsdale Road via Vista Drive. Vista is our only access in and out of our Scottsdale and Paradise Valley subdivision.

The request of the Paradise Valley Resort to use the parking lot of the old Dean Witter building for valet and employee parking, and other uses of the office building, is unacceptable. The physical connection of the parking lots of the office building and hotel will lead to commercial intrusion of our neighborhood and cut-thru traffic from the resort utilizing the traffic signal at Vista Drive and Scottsdale Road for left-hand movements. I believe this not only creates a noise and traffic problem, it also creates a safety issue for this stable and family-oriented neighborhood.

This is a breach of previous commitments made by the developers of the resort to not burden the surrounding neighborhood with any traffic circulation. The only connection between the parking lots that I find acceptable would be for pedestrians or golf carts.

Our neighborhood would hope that your Board denies the request of the resort. Thank you for your attention to this matter.

Sincerely,



John W. Graham

cc: John Harper
7331 East Vista Drive
Scottsdale, AZ 85250

STANLEY L. AND KRISTIN S. SCHLOEMER

7422 East Bonita Drive
Scottsdale, Arizona 85250
Phone and Fax (602) 994-9458

June 30, 1997

City of Scottsdale
Board of Adjustment
7447 E. Indian School Road, Suite 125
Scottsdale, AZ 85251

Re: 08-BA-97: Applicant's Request
Regarding Paradise Valley Resort Office Building at 5225 N. Scottsdale Road

Ladies and Gentlemen:

We are writing concerning the appeal from the Zoning Administrator's interpretation of the zoning ordinance regarding the above-referenced property. We do not necessarily disagree with the interpretation, but do request that it be implemented in such a way as to help assure that no unnecessary additional motor vehicle traffic will enter our residential neighborhood behind (to the east) of the Resort and Office Building.

Vista Drive is the only entrance into our residential neighborhood. It is accessed by turning east off Scottsdale Road immediately south of the Office Building. Vista Drive is also the only access to the Office Building parking lot. After turning onto Vista Drive, motorists see traffic signs stating that there is no other outlet from the neighborhood.

We believe that people driving out of the Office Building parking lot will not always remember the "No Outlet" signs they may have seen coming in. Then they will think that driving through our neighborhood is a shortcut to Miller or Hayden Roads, which it is not. Therefore, we request that additional directional and informational signs be placed inside the parking lot so that Resort personnel and guests exiting the parking lot are reminded before they drive onto Vista Drive to drive immediately to Scottsdale Road instead of making a useless and unnecessary drive through our neighborhood first. There also needs to be more strategically placed signs advising people parking on the street.

Since Resort personnel and guests can not get anywhere by driving through our neighborhood, we hope that the City and Resort management will agree that it is in everybody's best interest (1) to use appropriate signage to inform motorists that there is no outlet from the Office Building or Resort except directly onto Scottsdale Road, and (2) to protect our many neighborhood children from unnecessary motor vehicle traffic.

Thank you for your consideration.

Sincerely,

Stan L. Schloemer
Kristin Schloemer

John W. Graham
7434 East Cholla Lane
Paradise Valley, Arizona 85250
(602) 244-1440

June 27, 1997

Mr. Robert Wexler
Chairman
Board of Adjustment
City of Scottsdale
7447 East Indian School road
Scottsdale, AZ 85251

VIA FAX: 994-7781

Re: 08-BA-97

Dear Robert:

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Sincerely,


John W. Graham

cc: John Harper
7331 East Vista Drive
Scottsdale, AZ 85250



NOTICE
BOARD OF ADJUSTMENT
WEDNESDAY, JULY 2, 1997

NOTICE IS HEREBY GIVEN that the Scottsdale Board of Adjustment will hold a public meeting for the purpose of hearing all property owners for or against variances to the following zoning ordinance requirements:

08-BA-97: APPLICANT'S REQUEST. A request by Brent Bleser, applicant, for an appeal from Zoning Administrator's interpretation of the zoning ordinance regarding the Paradise Valley Resort office building located at 5225 N. Scottsdale Road in accordance with Section 1.804 of the Scottsdale Zoning Ordinance. **STAFF COORDINATOR IS:** Lisa Collins, 994-7059.

INTERESTED PARTIES ARE INVITED TO ATTEND AND PARTICIPATE IN THE MEETING OF JULY 2, 1997 at 5:30 p.m. in the Kiva at City Hall, 3939 N. Civic Center Boulevard, Scottsdale, Arizona. If unable to attend the meeting, a letter of protest or support may be sent to the City of Scottsdale, Board of Adjustment, 7447 E. Indian School Road, Suite 125, Scottsdale, Arizona 85251.

INTERESTED PARTIES ARE INVITED TO ATTEND AND OBSERVE A STUDY SESSION OF AGENDA ITEMS. This portion of the meeting is to allow Board Members and City Staff only to discuss the above requested variances in the Kiva Conference Room, City Hall, 3939 N. Civic Center Boulevard at 5:00 p.m. prior to the meeting.

ROBERT WEXLER, CHAIRMAN

ATTEST:
SANDRA ROBERTS, PLANNING ASSISTANT
Publish May 31, 1997
City Clerk Acct #37970