



August 19, 2008

Perry Bolster
Pranksters Too
7919 E. Thomas Rd #101
Scottsdale, AZ 85251

Re: 356-PA-2007
5-ZN-2008
Indian River Plaza

Dear Perry Bolster,

This is to advise you that the case referenced above was approved at the July 1, 2008 City Council meeting. Enclosed is a copy of the approved ordinance and/or resolutions for the case referenced above. If you have any questions, please contact me at 480-312-4162

Sincerely,

Bonnie Fuller
Planning Specialist

Enclosure

ORDINANCE NO. 3797

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 5-ZN-2008 FROM NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) TO CENTRAL BUSINESS DISTRICT (C-2) ON AN 8.232-ACRE PARCEL LOCATED AT 2820 N. HAYDEN ROAD.

WHEREAS, the Planning Commission held a hearing on June 11, 2008;

WHEREAS, the City Council held a hearing on July 1, 2008; and

WHEREAS, the City Council finds that the proposed development is in substantial harmony with the General Plan of the City of Scottsdale and will be coordinated with existing and planned development; and

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale ("District Map") be amended to conform with the decision of the Scottsdale City Council in Case No. 5-ZN-2008.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

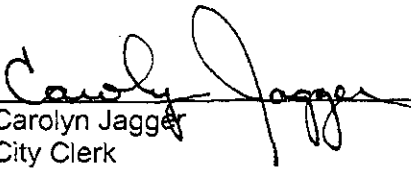
Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended by rezoning a 8.232 acre parcel located at 2820 N. Hayden Road and marked as "Site" (the Property) on the map attached as Exhibit 2, incorporated herein by reference, from Neighborhood Commercial District (C-1) to Central Business District (C-2).

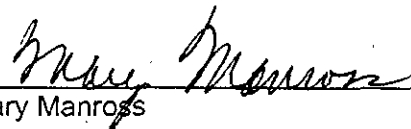
Section 2. That the above rezoning approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 1st day of July 2008.

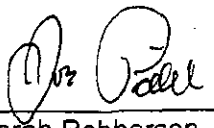
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: 
Carolyn Jagger
City Clerk

By: 
Mary Manross
Mayor

APPROVED AS TO FORM:

By: 
Deborah Robberson
City Attorney

Stipulations for:
Indian River Plaza
Case: 5-ZN-2008

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

SITE DESIGN

1. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Wenger and Associates and with the City Staff date of 3/13/2008, Attachment #8. If there is a conflict between these stipulations and the conceptual site plan, the Zoning Administrator shall determine which document takes precedence. Any proposed significant change to the conceptual site plan, as determined by the Zoning Administrator, shall be subject to additional public hearings before the Planning Commission and City Council.

INFRASTRUCTURE AND DEDICATIONS

2. **CIRCULATION IMPROVEMENTS.** Before any certificate of occupancy is issued for the site, the owner shall make the required dedications and provide the following improvements in conformance with the Design Standards and Policies Manual and all other applicable city codes and policies.
 - a. **STREETS.** Dedicate the following right-of-way and construct the following street improvements:

Street Name	Street Type	Dedications	Improvements	Notes
East Thomas Road	Major Arterial	None required.	Construct an 8-foot wide sidewalk separated from back of curb along the property frontage.	a.1.
North Hayden Road	Major Arterial	None required.	Construct an 8-foot wide sidewalk separated from back of curb along the property frontage.	a.1.

a.1. The sidewalk improvements shall be constructed by the owner if the site is:

- redeveloped, or
- modifications made that affect the existing building foot print(s) as shown on the site plan submitted by Wenger and Associates and with the City Staff date of 3/13/2008 (Attachment #8), or
- construction of an addition or new building, or
- exterior façade modification that are equal to, or combination of, separate façade improvements equal to or greater than twenty-five percent (25%) of the total façade facing to East Thomas Road and North Hayden Road,

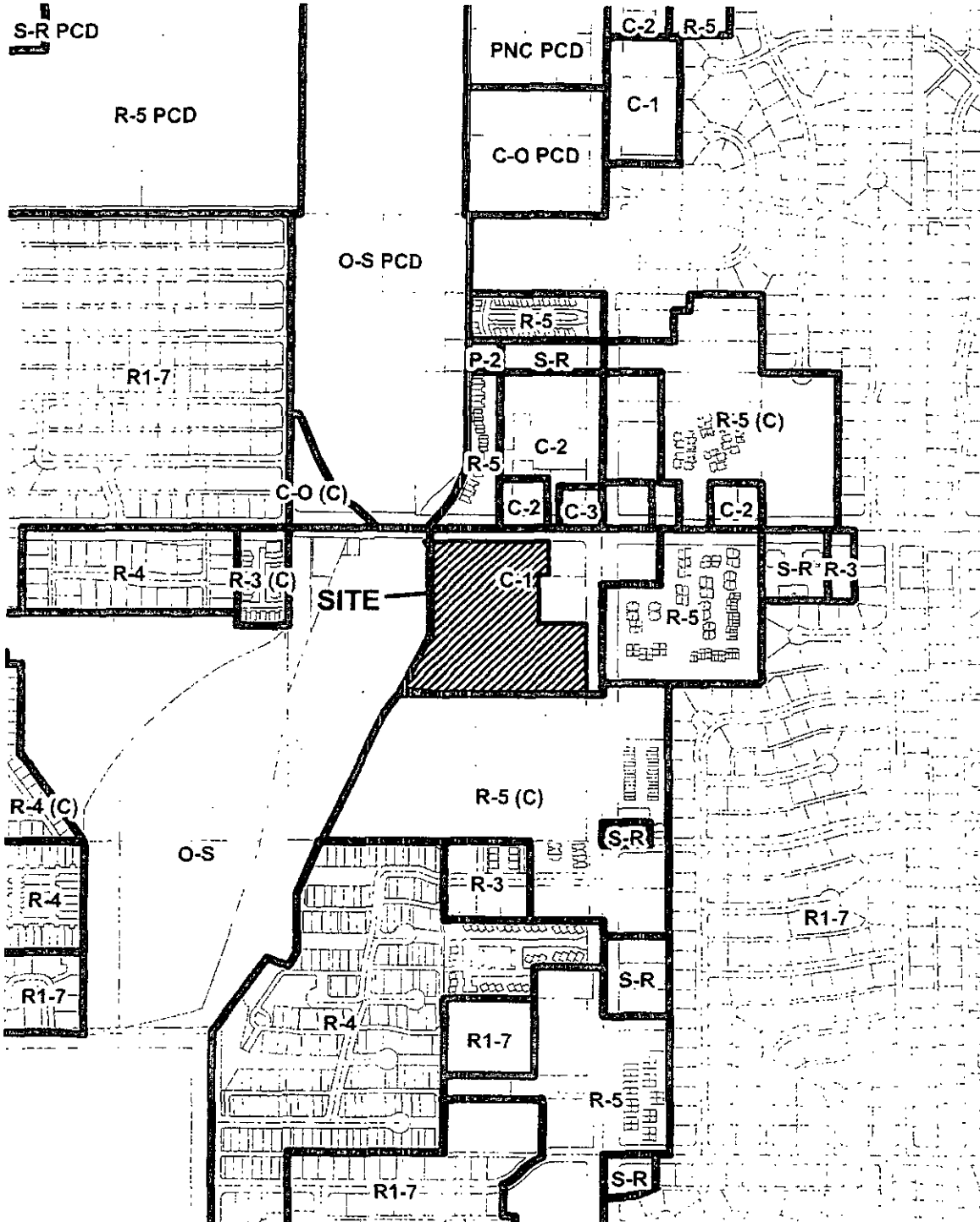
as determined by the Planning and Development Services Manager or designee.

b. VEHICLE NON-ACCESS EASEMENT. Dedicate a one-foot wide vehicular non-access easement on East Thomas Road and on North Hayden Road except at the approved driveway entrances.

3. TRAFFIC IMPACT MITIGATION ANALYSIS. The owner shall submit a Traffic Impact Mitigation Analysis with any future application for a "Big Box" development.

4. EASEMENTS.

a. EASEMENTS CONVEYED BY SEPARATE INSTRUMENT. Before any building permit is issued for the site, each easement conveyed to the City separate from a Final Plat shall be conveyed by an instrument or map of dedication subject to City Staff approval, and accompanied by a title policy in favor of the City, in conformance with the Design Standards and Policies Manual.



5-ZN-2008

EXHIBIT 2

