



# STAFF APPROVAL LETTER

116-SA-2012

Desert Stages Theater

## STEP 1

### STAFF APPROVAL NOTIFICATION

This letter is notification that your request has been conceptually approved by Current Planning Services staff.

**Additional review and permits may be required. Refer to Final Plan Review Submittal Requirements below.**

This approval expires one (1) year from date of approval if a permit has not been issued, or if no permit is required, work for which approval has been granted has not been completed.

### PROJECT INFORMATION

LOCATION: 4720 N Scottsdale Rd  
PARCEL: 173-37-004  
Q.S.: 18-44  
CODE VIOLATION #:

APPLICANT: Justin Heffner  
COMPANY: Desert Stages Theater  
ADDRESS: 4720 N Scottsdale Rd Scottsdale, AZ 85251  
PHONE: 480-945-5495

**Request:** to construct a wood fence to screen the outside work area for the Desert Stages Theater

### STIPULATIONS

1. This approval is to construct a 6 foot high wood fence to screen the outside work area for the Desert Stages Theater as described in their narrative and on the site plan with the City staff approval date of 3/27/12.
2. The color of the fence shall match the color of the existing building.
3. Trees in the proposed fenced in area shall remain.
4. At final plans, provide a gate at the eastern end of the fence and provide four feet of additional fencing along the sidewalk to fully screen area from the parking lot.

**Related Cases:** 116-SA-2012

SIGNATURE:   
Doris McClay

DATE APPROVED: March 27, 2012

## STEP 2

### FINAL PLAN REVIEW SUBMITTAL REQUIREMENTS

Submit one copy of this approval letter, and a completed Owner/Builder form if applicable, along with the following plan set(s) to the One-Stop-Shop for 15 day plan review:

ARCHITECTURAL:  4 sets of architectural plans and 1 additional site plan and elevation

**This plan set shall be reviewed by the following departments:**

PLANNING:  
BUILDING:  
FIRE:

Staff Reviewer:  
Doris McClay  
TBD  
TBD

**POLICY OF THE CITY OF SCOTTSDALE  
ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS**

**RIGHTS OF PROPERTY OWNER**

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

**APPEAL PROCEDURE**

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

**Hearing Officer, C/O City Clerk**

3939 Drinkwater Blvd.  
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

**If you have questions about this appeal process, you may contact:**

City Manager's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
(480) 312-2422

City Attorney's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

SIGNATURE: \_\_\_\_\_

15ft

Theatre

Sidewalk

8ft

Graveled Area

(B)

23 1/2'

STIPULATION SET  
RETAIN FOR RECORDS  
APPROVED

3/27/12 *Cai McLean*  
DATE INITIALS

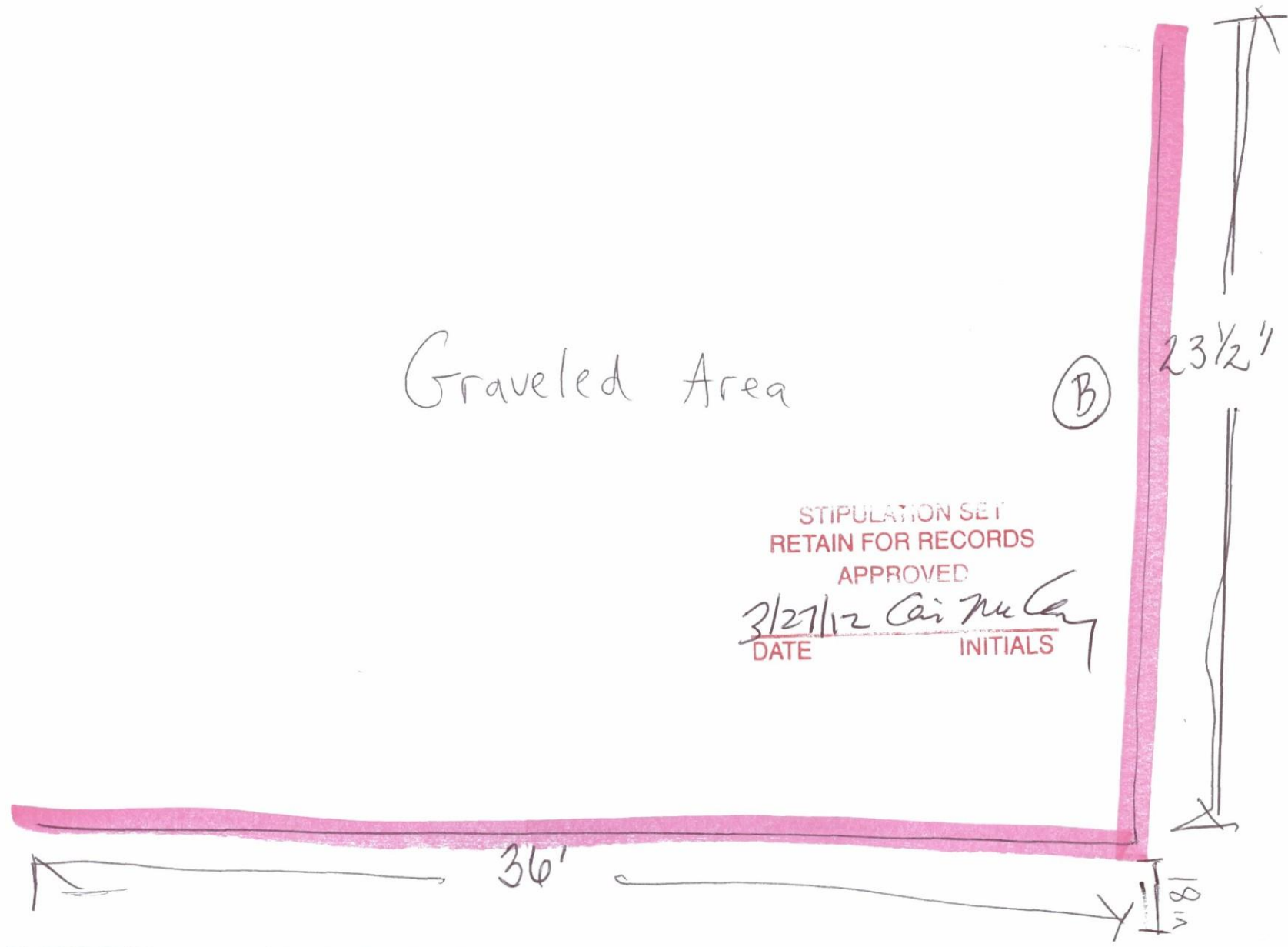
N ↑

(A)

36'

18in

Parking Lot



3.30.2010 01:39 AM

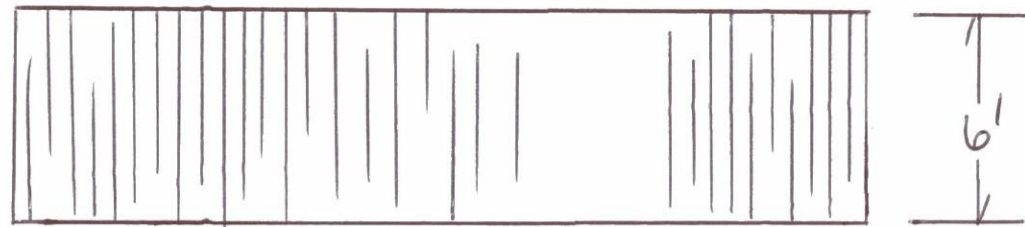
STIPULATION SET  
RETAIN FOR RECORDS

APPROVED

3/27/12 *Carrie McKey*  
DATE INITIALS

3 pre-assembled dog eared wood fencing 6x8

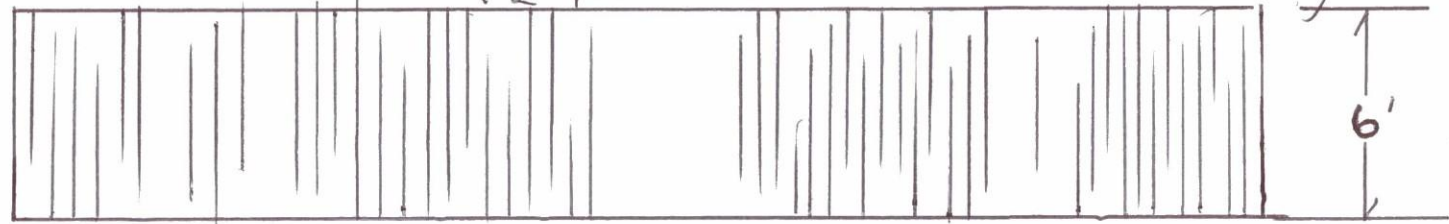
(B)



24'

4 1/2 pre assembled dog eared wood fencing 6x8

(A)



36'



## Desert Stages Theatre

4720 N Scottsdale Rd  
Scottsdale, AZ 85251  
480.483.1664  
866.717.2702-fax  
www.desertstages.org

TAX ID: 86-0796627

March 23, 2012

To Whom It May Concern,

We are requesting a permit to build a fence along the edge of the property with the intention of concealing our major work area in the rear of the building.

Desert Stages is one of the busiest theatres in the nation, putting on 13 full productions a year. Each show has a different set and we have to construct a lot of these sets outside while another production is in process. The only place available for construction outside is in the rear of the building in a graveled area. However, it is in view of Fashion Square and Days Inn customers and we did receive a code violation from the City of Scottsdale. We sincerely apologize for the violation and have taken aggressive action to become compliant.

In order to stay compliant, look better and yet be able to do what is required of our business, we would like to build a wood privacy fence bordering the graveled area in the back. This would block any construction from the sightlines of traffic passing through the parking lots. The fence would be made of pre-assembled dog ear panels 6 feet high and 8 feet wide. We would paint the fence the same color as the building with the purpose of making it as inconspicuous as possible. We believe this look will be far better than it ever has been and will allow us to continue putting on productions and being a valued part of the Arts community here in Scottsdale.

The property is owned by Scottsdale Fashion Square and we do have their approval to build the fence as described above.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Justin Heffner".

Justin Heffner

Business Manager

Desert Stages Theatre

A handwritten signature in blue ink, appearing to read "Steve Helm".

Steve Helm

General Manager

Scottsdale Fashion Square



cblanco  
3/23/2012 2:22:19 PM

Notice: This document is provided for general information purposes only. The City of Scottsdale does not warrant its accuracy, completeness, or suitability for any particular purpose. It should not be relied upon without field verification.



mapquest m<sup>q</sup>

Map of:

**4720 N Scottsdale Rd**

Scottsdale, AZ 85251-7608

Notes



©2011 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)



# Staff Approval Application

## Submittal Requirements

Project Name: Back Fence City Staff Contact: DORIS McCLARY

Project Address: 4720 N Scottsdale Rd

Zoning: \_\_\_\_\_ A.P.N.: \_\_\_\_\_ Quarter Section: \_\_\_\_\_

Associated References: Project Number: 201-PA-1012 Plan Check Number \_\_\_\_\_ Case(s) \_\_\_\_\_

Request: FENCING To conceal Back Work Area

Is there an outstanding Code Enforcement citation or Notice of Compliance?  Yes  No If yes, provide a copy.

Owner: Scottsdale Fashion Square Applicant: Justin Heffner

Company: Macerich Company: Desert Stages Theatre

Phone: 480-945-5495 Fax: 480-423-1455 Phone: 480-296-8746 Fax: 866-717-2702

E-mail: steve.helm@macerich.com E-mail: justinheffner106@hotmail.com

Address: 7014-590 E Camelback Rd. Scottsdale, AZ 85251 Address: 4720 N Scottsdale Rd Scottsdale, AZ 85251

**Submittal Requirements: Please submit 1 copy of materials requested below. All plans must be folded.**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Completed Application (this form) and Application Fee-- \$ <u>87</u> (fee subject to change every July)   | <input type="checkbox"/> Cross Sections- for all cuts and fills  |
| <input checked="" type="checkbox"/> Context Aerial with site highlighted  | <input type="checkbox"/> Floor Plan(s) of additions, alterations, or new structures. The floor plan shall be dimensioned and clearly delineate existing and proposed construction.   |
| <input type="checkbox"/> Site Location Map  | <input type="checkbox"/> Landscape Plan indicating location of existing and new plants, location and dimension of paving, a plant palette with names, symbols, sizes, spacing & quantities, and open space/landscaping calculations. |
| <input type="checkbox"/> Maricopa County Assessor's Parcel Map with site location highlighted   | <input checked="" type="checkbox"/> Elevation Drawings or Color Photosimulations of new additions, buildings, or other changes with materials and colors noted and keyed to material samples.  |
| <input checked="" type="checkbox"/> Narrative describing nature of request  | <input checked="" type="checkbox"/> Material Samples- color chips, awning fabric, glazing, etc.  |
| <input checked="" type="checkbox"/> Property Owner's Authorization, or signature below  | <input type="checkbox"/> Conceptual Grading & Drainage Plan showing existing & proposed drainage flows, channels and retention.  |
| <input type="checkbox"/> Homeowners/Property Owners Association Approval (if applicable).   | <input type="checkbox"/> Copy of Liquor License Application (For all bars/restaurants/patios)  |
| <input type="checkbox"/> Color Photographs of site- including all areas of change.  | <input type="checkbox"/> Airport Vicinity Development Checklist- provided  |
| <input checked="" type="checkbox"/> Site plan indicating extent and location of additions, buildings and other structures, indicate dimensions of existing and proposed structures, sidewalks, or driveways as well as any required setbacks. | <input type="checkbox"/> Current Title Report  |
| <input type="checkbox"/> Lighting- provide cut sheets, details, photometric for any proposed lighting.  | <input type="checkbox"/> Other: _____  |

**Please Note:** After staff review, it may be determined that this request requires approval by the Development Review Board through the public hearing process. If approved at staff level, this approval expires twelve (12) months from date of approval if a permit is required but has not been issued.

Signature: [Signature] Circle One: (Applicant) Owner

Date: 3-19-12

### Official Use Only:

Submittal Date: \_\_\_\_\_ City Staff Signature: \_\_\_\_\_

## Planning & Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7800

## VIOLATION DETAIL(S)

Please be advised that an investigation has shown that this property is in violation of the City Nuisance and Property Maintenance Ordinance or City Code in the following areas(s):

**Correct all violation(s) by: Wednesday, February 29, 2012**

### Violation Description:

Unightly, unsafe or unsanitary conditions including, but not limited to, the accumulation of litter or debris; buildings, accessory improvements and structures with holes, breaks, rot crumbling, cracking, peeling or rusting; landscaped areas that are characterized by bare dirt, dead, damaged or uncontrolled plant growth or lack of maintenance; and any other similar condition of neglect, excessive use, decay, degeneration, disrepair, deterioration or infestation that constitutes a fire hazard or may have an adverse affect upon the health, safety, aesthetic or general welfare of citizens.

### Corrective Action:

garbage, debris, old props, pile of dirt and dead landscaping trimmings by dumpster are not allowed. remove all garbage, debris, old props, junk, piles of landscaping debris and dirt from all landscaped areas and parking areas.

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**Violation Code:** 18-9(C) - Maintain Parking Lot/Lanscaped Areas (Business)

### Violation Description:

The owner and/or occupant of a business shall maintain the parking lot and landscaped areas adjacent to or surrounding the business free of grass higher than (6) inches, weeds, garbage, litter and debris.

### Corrective Action:

Garbage and debris throughout parking lot and landscaped areas throughout property. Parking lot and all landscaped areas must be regularly maintained and kept in a clean condition.

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**Violation Code:** 5.1403(C-2) - Central Business District

### Violation Description:

You are maintaining a use in a commercial zoned district that is not permitted. The City's zoning ordinance allows certain permitted uses for land, according to its zoning district.

### Corrective Action:

Mobile Mini in rear of proeprty is not permitted. either obtain approvals and permits to retain mobile mini or remove unit from property. Apply for permit at the One Stop Shop 7447 E Indian School Rd Suite 100. If no permit can be obtained unit must be removed.

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**Violation Code:** 5.1404.F.4(C-2) - Operations and Storage to take place inside buildings

### Violation Description:

All operations and storage shall be conducted within a completely enclosed building or within an area contained by wall or fence as determined by Development Review [Board] approval or use permit.

### Corrective Action:

Storage and operations occuring outside of approved areas. Cease all storage and operations occuring outside building and approved enclosed areas. remove all garbage, debris, old props, debris from these areas.



# City of Scottsdale Cash Transmittal

## # 89811

89811  
 6 00448131  
 03/23/12 PLN-1STDP  
 CBLANCO HPDC600510  
 3/23/2012 2:30 PM  
 \$108.00

**Received From :**

DESERT STAGES THEATER  
 4720 N SCOTTSDALE RD  
 SCOTTSDALE, AZ 85251  
 480-296-8746

**Bill To :**

DESERT STAGES THEATER  
 4720 N SCOTTSDALE RD  
 SCOTTSDALE, AZ 85251  
 480-296-8746

**Reference #** 201-PA-2012  
**Address** 4720 N SCOTTSDALE RD  
**Subdivision** PROPERTY DIVISION  
**Marketing Name**  
**MCR** 1000-42  
**APN** 173-37-004  
**Owner Information**  
 SCOTTSDALE FASHION SQUARE  
 7014 E CAMELBACK RD  
 SCOTTSDALE, AZ 852511204

**Lot Number** 2  
**County** No  
**Gross Lot Area** 0  
**NAOS Lot Area** 0  
**Net Lot Area** 0  
**Number of Units** 1  
**Density**

**Issued Date** 3/23/2012  
**Paid Date** 3/23/2012  
**Payment Type** CHECK  
**Cost Center**  
**Metes/Bounds** No  
**Water Zone**  
**Water Type**  
**Sewer Type**  
**Meter Size**  
 QS 18-44

Code	Description	Additional	Qty	Amount	Account Number
3180	PRE-APPLICATION / SA		1	\$87.00	100-21300-44221
3199	RECORDS PACKET FOR PREAPPS		1	\$21.00	100-21300-44221

SIGNED BY JUSTIN HEFFNER ON 3/23/2012

Total Amount \$108.00

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

**TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 89811**