

**207 Waiver**

**Title**

**Legal Description**

**Policy or Appeals**

**Correspondence Between Legal & Staff**

**Letter of Authorization**



**AFFIDAVIT OF POSTING  
OFFICE OF THE CITY CLERK**

STATE OF ARIZONA            )  
  )  
COUNTY OF MARICOPA        )            ss

I, Pete Peralta, being first duly sworn, depose and say:

That on 10-2-13, I posted notification poster(s) for the properties indicated below.

**Site(s) must be posted on or before: September 27, 2013**

Case No.	Description and Location of Project	No. of Signs	Date Posted
3-HP-2013	Pink Pony, 3881 N. Scottsdale Rd.	1	10-2-13

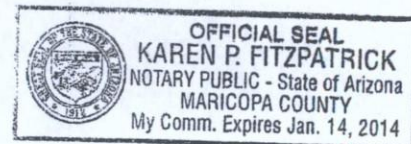
**Date of Historic Preservation Commission Public Meeting:** October 10, 2013, AT 5:30 P.M. IN THE ONE CIVIC CENTER, SCOTTSDALE, ARIZONA.

Pete Peralta  
(Signature)

Acknowledged this 8<sup>th</sup> day of OCTOBER 2013.

Karen P. Fitzpatrick  
(Notary Public)

My commission expires 1/14/14



# PUBLIC HEARING NOTICE

**REQUEST:** Approval of a Certificate of Appropriateness and approval of site plan and building elevations for a restaurant on a 0.20 acre site.

**CASE#:** 3-HP-2013

**DATE:** October 10, 2013

UNLESS OTHERWISE NOTIFIED, ALL  
PUBLIC HEARINGS ARE HELD AT:

One Civic Building  
7447 E. Indian School Rd. Ste. 105

YOUR COMMENTS ABOUT THIS REQUEST CAN BE  
MADE PRIOR TO OR AT THE ABOVE PUBLIC HEARING

HEARING DATE SUBJECT TO CHANGE  
PLEASE CHECK OUR WEBSITE FOR LATEST  
INFORMATION

**5:30 P.M.**

Historic Preservation Commission

**480-312-7000**

10/2/13

[www.ScottsdaleAz.gov/projects](http://www.ScottsdaleAz.gov/projects)



**AFFIDAVIT OF POSTING  
OFFICE OF THE CITY CLERK**

STATE OF ARIZONA            )  
  )  
COUNTY OF MARICOPA        )        SS

I, Larry Smallwood, being first duly sworn, depose and say:

That on August 27, 2013, I posted notification poster(s) for the properties indicated below.

**Site(s) must be posted on or before: August 27, 2013**

Case No.	Description and Location of Project	No. of Signs	Date Posted
3-HP-2013	Pink Pony, 3831 N Scottsdale Rd.	1	8-27-13

**Date of Historic Preservation Commission Public Meeting:** September 12, 2013, AT 5:30 P.M. IN THE One Civic Center 7447 E. Indian School Rd. Ste. 105, SCOTTSDALE, ARIZONA.

[Handwritten Signature]  
(Signature)

Acknowledged this 27 day of AUGUST 2013.

[Handwritten Signature: Karen P. Fitzpatrick]  
(Notary Public)

My commission expires 1/14/14



# PUBLIC HEARING NOTICE

**REQUEST:** Request for a Certificate of Appropriateness and approval of site plan and building elevations for a restaurant on 0.20 +/- acres located at 3831 N. Scottsdale Road.

**CASE#:** 3-HP-2013

**DATE:** September 12, 2013

HEARING DATE SUBJECT TO CHANGE  
PLEASE CHECK OUR WEBSITE FOR LATEST INFORMATION

UNLESS OTHERWISE NOTIFIED, ALL PUBLIC HEARINGS ARE HELD AT:

ONE CIVIC CENTER  
7447 E. INDIAN SCHOOL ROAD, SUITE 105

YOUR COMMENTS ABOUT THIS REQUEST CAN BE MADE PRIOR TO OR AT THE ABOVE PUBLIC HEARING

**5:30 P.M.**  
HISTORIC PRESERVATION  
COMMISSION



**480-312-7000**

POSTING DATE: **8/27/2013**

[www.ScottsdaleAz.gov/projects](http://www.ScottsdaleAz.gov/projects)



# Appeals of Dedication, Exactions, or Zoning Regulations

## Rights of Property Owner

In addition to the 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) when 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 decision.

## Appeal Procedure

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

- 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 nevo with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

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

Address your appeal to:  
Hearing Officer, C/O City Clerk  
3939 Drinkwater Blvd  
Scottsdale, AZ 85251

**3-HP-2013**  
**8/7/2013**

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.

## Planning, Neighborhood and Transportation Division

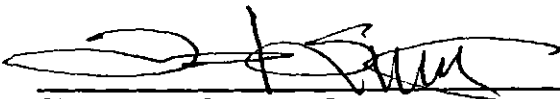
7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

Owner Certification  
Acknowledging Receipt  
Of  
Notice Of Right To Appeal  
Exactions And Dedications

I hereby certify that I am the owner of property located at:

3831 N. SCOTTSDALE RD SCOTTSDALE AZ 85251  
(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.



Signature of Property Owner

Date

7/31/2013