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Legal Description
Policy or Appeals
Correspondence Between Legal & Staff
Letter of Authorization

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NOTICE OF CITY COUNCIL HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Scottsdale, Arizona, will hold a public hearing on August 23, 2017, at 5:00 PM in the City Hall Niva, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona, for the purpose of hearing all persons who wish to comment on the following:

25-2M-2015 (Scottsdale Fashion Square Mall) Request by owner for a Zoning District Map Amendment on a +/- 66-acre site from Downtown Regional Commercial Office - Type 2, Planned Block Development, Downtown Overlay (D/DO-2 PBD 88) to Downtown/Downtown Regional Use - Type 2, Planned Block Development, Downtown Overlay (D/DO-2 PBD 00) and approval of a Development Plan with building height up to 150 feet, located on the northwest corner of Camelback Road and Scottsdale Road (8900, 7000, 7003, 7014, 7032, 7102, 7190, 7055 E. Camelback Road, 4640 N. Goldwater Blvd., 7000 E. Via Solari Drive, 4710, 4600, 4510, 4510, 4526, 4700, 4720 N. Scottsdale Road, and 7001 E. Highland Avenue). Staff contact person is Bryan Chaff, 480-312-2258. Applicant contact person is John Berry, 480-389-2727.

1-1E-2016 (Scottsdale Fashion Square Mall) Request by owner for approval of a Downtown Infill Incentive District application over +/- 1.3-acre of a +/- 66-acre site with Downtown/Downtown Regional Use - Type 2, Planned Block Development, Downtown Overlay (D/DO-2 PBD 00) zoning by approving a Development Plan and amendments to Property Development Standards of the Zoning Ordinance regarding the Infill stepback plan adjacent to the Downtown Boundary, specifically at the northeast corner of the Development Plan area located on the northwest corner of Camelback Road and Scottsdale Road. Staff contact person is Bryan Chaff, 480-312-2258. Applicant contact person is John Berry, 480-389-2727.

1-UP-2017 (Scottsdale Discount Auto) Request by the applicant for a Conditional Use Permit for Vehicle Repair located at 1620 North 67th Street with Highway Commercial (C-3) zoning. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Herbert Wagner, 480-745-8555.

3-UP-2017 (Oli Restaurant) Request by owner for a Conditional Use Permit for live entertainment on a +/- 13,042 square foot site with Highway Commercial (C-3) zoning located at 8740 E. Frank Lloyd Wright Blvd. Staff contact person is Keith Niedermayr, 480-312-2363. Applicant contact person is Mike Leary, 480-891-1111.

A case file on the subject properties is on file at 7447 E. Indian School Road, Suite 105, where it may be viewed by any interested person.

A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE FOLLOWING

City Hall, 3939 N. Drinkwater Boulevard

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.


ALL NON-REMOTE SITE PUBLIC HEARINGS ARE HELD IN THE COUNCIL CHAMBERS, SCOTTSDALE CITY HALL, 3939 N. DRINKWATER BOULEVARD, SCOTTSDALE, ARIZONA.

CHAIRMAN

Attend

For additional information visit our web site at www.scottsdaleaz.gov

PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8839) MAY CONTACT THE CLERK'S OFFICE AT (480-312-2412).


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10-2M-2015 Riverside Real Townhomes (aka Hudson East) Request by owner for a Zoning District Map Amendment from Neighborhood Commercial (N-C) to Neighboring Residential (N-3) zoning on a +/- 1.27-acre site located at 6340 & 6350 E. McDowell Drive. Staff contact person is Dan Syme, ACP, 480-312-4218. Applicant contact person is Alexander Schuchler, 480-647-8800.

3-UP-2016 Riverside Real Townhomes (aka Hudson East) Request by owner for a Conditional Use Permit for a General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Commercial to Urban Neighborhoods on a +/- 1.27-acre site located at 6340 & 6350 E. McDowell Drive. Staff contact person is Dan Syme, ACP, 480-312-4218. Applicant contact person is Alexander Schuchler, 480-647-8800.

15-UP-2016 Mijerle's Sports Grill Request by owner for a Conditional Use Permit for a bar on a +/- 7,846 square foot site with Central Business District/Parking P-3 Downtown Overlay (C-2P-3 DO) zoning located at 4425 N. Scottsdale Trail. Staff contact person is Greg Bloomberg, 480-312-4306. Applicant contact person is Ricky Hensley, 480-899-9999.

16-UP-2016 Mijerle's Sports Grill Request by owner for a Conditional Use Permit for live entertainment on a +/- 7,846 square foot site with Central Business District/Parking P-3 Downtown Overlay (C-2P-3 DO) zoning located at 4425 N. Scottsdale Trail. Staff contact person is Greg Bloomberg, 480-312-4306. Applicant contact person is Ricky Hensley, 480-899-9999.

2-UP-2016 Mijerle's Sports Grill Request by owner for approval of twenty-one (21) in-lieu parking credits for a business on 7,846 sq. ft. of a +/- 12,673 square foot site with Central Business District/Parking P-3 Downtown Overlay (C-2P-3 DO) zoning located at 4425 N. Scottsdale Trail. Staff contact person is Greg Bloomberg, 480-312-4306. Applicant contact person is Ricky Hensley, 480-899-9999.

17-UP-2017 Liverno (aka Skyline) Renovation Request by owner for an amendment to an existing Conditional Use Permit for a bar, consisting of a change to the floor plan and addition of a patio, on a +/- 16,329 square foot space located at 7340 E. Indian Plaza with Central Business District, Downtown Overlay (C-2P-3 DO) and P-2 DO zoning. Staff contact person is Greg Bloomberg, 480-312-4306. Applicant contact person is Brad Ryan, 480-899-9901.

61-UP-2017 Liverno (aka Skyline) Renovation Request by owner for an amendment to an existing Conditional Use Permit for live entertainment, consisting of a change to the floor plan and addition of a patio, on a +/- 16,329 square foot space located at 7340 E. Indian Plaza with Central Business District, Parking District, Downtown Overlay (C-2P-3 DO and P-2 DO) zoning. Staff contact person is Greg Bloomberg, 480-312-4306. Applicant contact person is Brad Ryan, 480-899-9901.

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January 28, 2016

City of Scottsdale
Planning, Neighborhood & Transportation Division
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Re: Authorization – 7300 N. Via Paseo Del Sur - APN# 177-03-216

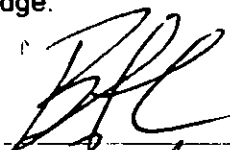
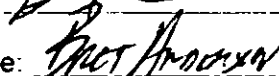

To Whom It May Concern:

Please accept this letter and signature below as consent and authorization for Withey Morris, P.L.C. to file applications necessary with the City of Scottsdale to obtain land use entitlements for the above stated property. I hereby certify that I am the owner or an authorized agent on the above stated property and that the information indicated here is true and correct to the best of my knowledge.

By: _____

Name: _____

Title: _____



Affidavit of Authority to Act as the Property Owner

1. This affidavit concerns the following parcel of land:

- a. Street Address: 7300 N Via Paseo Del Sur, Scottsdale
- b. County Tax Assessor's Parcel Number: 177-03-216
- c. General Location: SEC of Hayden Road and McCormick Parkway
- d. Parcel Size: +/- 2.5 acres
- e. Legal Description: See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Date

Signature

Bret Anderson
GEORGE RIQUEL II

2/11/2014
2/11/2016

[Signature]
[Signature]

_____, 20____
_____, 20____

Planning and Development Services

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

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

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 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.

**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:

7800 N. VIA PASEO DEL SUR
(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.

BRL
Signature of Property Owner

2/1/16
Date

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Tract "B" PASEO VILLAGE AMENDED, according to Book 154 of Maps, page 13, records of Maricopa County, Arizona;

Except all groundwaters underlying said property as reserved in Deed recorded in Recording No. Docket 10829, page 1253, records of Maricopa County, Arizona.

APN: 177-03-216

