

Correspondence Between
Staff and Applicant
Approval Letter



2/22/2018

Debra Jo Clark
Scottsdale Elks Lodge # 2148
6398 E Oak St
Scottsdale, AZ 85251

RE: 3-UP-2018
Scottsdale Elks Lodge #2148

Dear Ms. Clark:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 1/29/18. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning:

1. Please submit a revised Project Narrative to address all the Conditional Use Permit criteria as set forth in Sec 1.401.
2. Please submit a revised Project Narrative to remove the request for temporary construction staging from the scope of this application. Temporary construction yards, marshaling yards, or similar temporary uses are not compatible with residentially zoned locations and would not be approvable on this Multiple-family Residential (R-5) zoned property. Commercially and industrially zoned properties are more compatible for that type of temporary commercial/industrial land use.
3. Please revise the site plan and open space plan to show the locations of and include all required open space and front open space calculations to demonstrate compliance with the Zoning Ordinance (Sec 5.1004.B).
4. Please revise the site plan, open space plan, and landscape plan to identify a landscape buffer in compliance with Section 10.602.A.1.b of the Zoning Ordinance.
5. Please delineate the required 15% parking lot landscape requirement on the revised site plan as set forth in Sec. 10.501.F.2 of the Zoning Ordinance.

6. Please delineate the required (1/3) interior parking lot landscape requirement on the revised site plan as set forth in Sec. 10.501.H.2.a. of the Zoning Ordinance.
7. Please provide the net and gross acreage on the site plan.
8. Please revise site plan to label and dimension all drive aisles, adjacent street right-of-way, pedestrian walkways, ADA access, fire primary access/secondary access, etc. in the next submittal.
9. Please revise the site plan to provide parking stalls dimensions, both standard and accessible spaces, in accordance with the requirements of set forth in Sec. 9.106 of the Zoning Ordinance.

Circulation:

10. In accordance with Section 47-10 of the Scottsdale Revised Code, and the original stipulations of Zoning case 141-ZN-1986 and Conditional Use Permit case 59-UP-1986, please revise the site plan to identify the dedication of forty (40) feet of fee title right-of-way along the property's E. Oak Street frontage.
 - a. If this is an existing in-fee dedication to the City (not currently in easement form), please provide documentation showing that has already been done.
11. In accordance with Sections 47-21 and 47-22 of the Scottsdale Revised Code, please revise the site plan to show and identify the construction of a vertical curb and gutter along the E. Oak Street frontage, aligning with the existing curb and gutter to the east and west of this property.

Landscape:

12. Please provide a conceptual landscape plan that includes summary data indicating the landscape area (in square feet) of on-site, right-of-way, and parking lot landscaping, in compliance with Zoning Ordinance Section 10.200. Please refer to Zoning Ordinance Section 1.303.
13. Please revise the site plan and landscape plan to identify a landscape buffer in compliance with Section 10.602.A.1.b of the Zoning Ordinance.
 - a. For all development within the Multiple-family Residential (R-5) district a minimum 15-foot wide buffer shall be planted and maintained wherever a Multiple-family Residential (R-5) district development abuts a single-family residential district shown on Table 4.100.A.
14. Please revise the and landscape plan to provide mature trees at a ratio of one and one-half (1½) tree per nine hundred (900) square feet of required open space, in compliance with Section 10.502.B.2 of the Zoning Ordinance.
15. Please delineate the required 15% parking lot landscape requirement on the revised landscape plan as set forth in Sec. 10.501.F.2 of the Zoning Ordinance.
16. Please delineate the required (1/3) interior parking lot landscape requirement on the revised landscape plan as set forth in Sec. 10.501.H.2.a. of the Zoning Ordinance.

Drainage:

17. Please submit two (2) copies of a Drainage Report to your Project Coordinator with the rest of the resubmittal material identified in Attachment A.
18. A registered professional Civil Engineer will need to be hired to prepare and provide a drainage report and provide 24" x 36" pre-development and post-development grading and drainage improvement plans.

19. The Grading and Drainage Plan and the site plan should show and label the various types of land surfaces that are existing and proposed. Use labels such as: Undisturbed native soil, concrete pavement, aggregate base course, disturbed soil (graded), lawn or grass, concrete pad, asphalt pavement, sidewalk, etc.
20. The Civil Engineer will need to calculate the weighted runoff coefficient between pre and post development. Based on a review of past aerial photos, it's been determined that this site was previously developed before 1987.
 - a. The City's current stormwater storage policy for previously developed sites is based on the increase in stormwater runoff associated with the proposed development.
 - b. The preliminary drainage report will need to include calculations and an analysis for the required stormwater storage for the proposed development and the development will need to provide stormwater storage facilities to address the required storage as determined by the report.
 - c. A weighted C value for the proposed and existing development should be included in the report and used as the basis for the required volume calculation.
 - d. An exhibit showing the development site based on a current aerial photograph and showing the delineation of the various C value areas should be included in the report along with a weighted C calculation. A similar exhibit should be included for the proposed condition.
21. The Civil Engineer will need to calculate the required stormwater storage volume required for development FOR ANY INCREASE IN RUNOFF CREATED BY AN INCREASE IN IMPERVIOUS AREAS. For sites that have been previously developed, or portions of a site thereof, the formula for determining the required stormwater storage runoff volume is shown below:
$$V_r = \Delta C(R/12) A$$

V_r = Required storage volume in cubic feet.
 R = Precipitation amount = the depth in inches of the 100-year, 2-hour rainfall, from figure in Appendix 4-1C or the NOAA website for the site location.
 A = Area in square feet of total disturbed area attributable to the development, including:
 (1) Easements, tracts and rights-of-way within the development, plus
 (2) Where the development includes street improvements to the rights-of-way on the perimeter of the property, the area of those improvements up to the centerline.
 C = Weighted average runoff coefficient over disturbed area rainfall, from figure in Appendix 4-1C or the NOAA website for the site location.
22. The Grading and Drainage plan will need to show all historical entry and exit locations for runoff and calculate the Q100 at each location.
23. The Grading and Drainage plan will need to show and label all perimeter fences and callout all drainage holes in the fence.
24. A watershed delineation map should be included with the Drainage Report.

Engineering:

25. In accordance with Section 47-80 of the Scottsdale Revised Code, please revise the site plan to show and identify all power poles with electrical and communications lines to be removed, and the electric line and cables placed underground.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. Even though some of these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

26. Please provide a site plan and project data that complies with the Plan & Report Requirements for Development Applications. There will be comments regarding the site plan after it has been received and reviewed by staff. Please refer to Zoning Ordinance Section 1.303.
27. Please revise the site plan to provide the 'Required' and 'Provided' bike parking calculations and the bike rack locations in accordance with section 9.106.C.2.b of the Zoning Ordinance. Bicycle parking spaces and rack design shall be in conformance with City of Scottsdale Standard Detail No. 2285, unless otherwise approved in writing by the City of Scottsdale's Transportation Department.

Engineering:

28. Show on the site plan a dimensioned site boundary, drive aisle widths and locations, parking space typical dimension, dimension the ADA parking (typical space and path), show the ADA compliant path from the ADA parking to the main entry of the building, water main location, sewer main location.
 - a. All non-residential developments shall provide an accessible pedestrian access route from the main entry to the abutting public right of way per DSPM Section 2-1.310.
29. Refuse enclosures are to be identified on the site plan. Refuse areas shall meet the requirements of DSPM Section 2-1.309. Restaurants require a grease containment area. Identify the location(s) on the site plan.
30. On-site circulation and parking areas need to be clearly shown and dimensioned on the site plan per DSPM Section 2-1.300 and Section 5.
31. Show on the site plan all driveways that exist and what is being proposed, location and width, per DSPM Section 5.
32. Per DSPM Section 5-3.202, shared driveways (driveway to the east) are required to have a cross access easement or agreement. If there is already an agreement in place, please provide a copy for our records.
33. This site appears to be on a septic system, show the location on the site plan per DSPM Section 7. If not show the location of the sewer service on the site plan.
34. If site is being used for RV storage, please identify if any special water/sewer connections will be required associated to that activity.

Circulation:

35. In accordance with Scottsdale Revised Code 47-36 - Street Improvements; 2008 Transportation Master Plan: Ch. 7, Sec. 8, please revise the site plan to identify the construction of a 6-foot-wide sidewalk along the property's E. Oak Street frontage.
36. Please revise the site plan to identify the construction of CL-1 driveways at both site access points on E. Oak Street, in accordance with COS Standard Detail #2256. DSPM 5-3.200; DSPM Sec. 5-3.205.

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Circulation:

37. The dedication of a minimum 10-foot-wide cross access easement over the shared driveway along the eastern property line will be required. Please update the site plan to reflect this.
38. Please revise the site plan to define 24 to 28-foot-wide parking aisles to direct drivers through the western and northern portions of the site.
39. Submit a trip generation estimate for the vehicle storage component of the site that relates to the use permit.

Please resubmit the revised application requirements and additional information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional information is necessary.

PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

The Planning & Development Services Division has had this application in review for 18 Staff Review Days since the application was determined to be administratively complete.

These **1st Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-2376 or at jbarnes@ScottsdaleAZ.gov.

Sincerely,



Jeff Barnes
Senior Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: **3-UP-2018**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x11 shall be folded):

- ☒ One copy: COVER LETTER – Respond to all the issues identified in this 1st Review Comment Letter
- ☒ Four copies: Revised Narrative for Project
- ☒ Two copies: Trip Generation Study

☒ Site Plan:

12	24" x 36"	1	11" x 17"	1	8 ½" x 11"
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☒ Landscape Plan:

2	24" x 36"	1	11" x 17"	1	8 ½" x 11"
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☒ Open Space Plan:

2	24" x 36"	1	11" x 17"	1	8 ½" x 11"
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☒ Grading and Drainage plan:

2	24" x 36"	1	11" x 17"	1	8 ½" x 11"
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Technical Reports:

- ☒ 2 copies of Drainage Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 1/29/2018
Contact Name: DEBRA JO CLARK
Firm Name: SCOTTSDALE ELKS LODGE #2148
Address: 6398 E. OAK STREET
City, State, Zip: SCOTTSDALE, AZ 85251

RE: Application Accepted for Review.

230 - PA - 2017

Dear DEBRA JO CLARK:

It has been determined that your Development Application for AMENDMENT TO CONDITIONAL USE PERMIT has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Name: Jeff Barnes
Title: Sr. Planner
Phone Number: (480) 312-2376
Email Address: jbarnes @ScottsdaleAZ.gov

3-UP-2018
1/29/18



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: _____
Contact Name: _____
Firm Name: _____
Address: _____
City, State, Zip: _____

RE: Minimal Submittal Comments

_____ - PA - _____

Dear _____:

It has been determined that your Development Application for _____
Does not contain the minimal information, and has not been accepted for review.

Please refer to the application checklist and the Minimal Information to be Accepted for Review Checklist, and the Plan & Report Requirements pertaining to the minimal information necessary to be accepted for review.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

These **Minimal Submittal Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

Sincerely,

Name: _____
Title: _____
Phone Number: (480) 312 - _____
Email Address: _____@ScottsdaleAZ.gov



CARPENTER HAZLEWOOD

Carpenter, Hazlewood, Delgado & Bolen, LLP

ATTORNEYS AT LAW

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Jeff Barnes
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Scottsdale, Arizona 85251

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CARPENTER HAZLEWOOD

Carpenter, Hazlewood, Delgado & Bolen, LLP

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F 480-427-2801

Mark K. Sahl, Esq.

Licensed in Arizona

e-mail: marks@carpenterhazlewood.com
direct: 480-427-2859

May 7, 2018

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, FIRST-CLASS MAIL, AND E-MAIL

(citycouncil@ScottsdaleAz.gov; projectinput@ScottsdaleAz.gov;
kkuester@scottsdaleaz.gov; jbarnes@ScottsdaleAZ.gov;
codeenforcement@scottsdaleaz.gov)

Members of the City Council
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Scottsdale Elks Lodge #2148
6398 E Oak St.
Scottsdale, Arizona 85257

Jeff Barnes
Planning and Development Services
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Eric Allen
Zoning Enforcement
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Mayor Jim Lane
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Re: **CONDITIONAL USE PERMIT- ELKS LODGE #2148**
Papago Buttes Homeowners Association
3-UP-2018

Dear Council Members for the City of Scottsdale and Mayor Lane:

As you are aware, this firm represents the Papago Buttes Homeowners Association ("Association"). We are in receipt of both the April 19, 2018 correspondence on behalf of the Valley Field Riding and Polo Club ("Polo Club") as well as the April 25, 2018 correspondence from the Scottsdale Elks Lodge #2148 ("Elks Lodge") regarding the Elks

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Lodge's proposed amendment to an existing Conditional Use Permit to allow for the following additional uses: (1) temporary construction staging multiple times per year, (2) long-term storage for up to twenty (20) Recreational Vehicles, and (3) storage for up to fifteen (15) charter buses. The Association has already thoroughly supported its position in this matter and will not, therefore, revisit its position with regards to the requested amendment, but wishes to reiterate its request for the *denial of the amendment to the Conditional Use Permit as the Association believes that permitting the amendment would negatively impact and be incompatible with the residential use of the Association and the surrounding communities.*

To that end, the recently exchanged correspondence illustrates the necessity for immediate code enforcement with regards to the Elks Lodge. Both the Polo Club and the Association have observed continued non-compliance with the Elks Lodge's Conditional Use Permit, despite and with disregard to the city's September 27, 2017 Code Enforcement notice. Several buses and recreational vehicles are still present on the property, in violation of the conditional use permit.

The Elks Lodge admits that their bus storage is not compliance with their conditional use permit and that the property was being used for staging by slurry seal companies. In response, the Elks Lodge merely suggests that Eric Allen of the Code Enforcement gave the bus companies permission to stay and operate at the Elks Lodge until the final decision was made on the revision to its conditional permit. Regardless of the accuracy of this statement, Mr. Allen lacks the authority to unilaterally grant a variance to the conditional use permit held by the Elks Lodge. City of Scottsdale Revised Code Section 1.402(B) provides, in relevant part, as follows:

An amendment to a condition use permit is required **before** implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. . . . An amendment **must be approved as provided in Section 1.400 et seq, for the approval of conditional use permits.**

The continued non-compliance with the conditional use permit must be corrected. As the Code Enforcement notices have not curbed the violations, the Association respectfully requests that the City Council revoke the conditional use permit held by the Elks Lodge, pursuant to the authority set forth in Section 1.707 of the Scottsdale Revised Code, as the Elks Lodge changed the use without an amendment, fails to comply with the conditions prescribed on the permits, and such continued misuse is detrimental to the community.

The Association appreciates the services that the Elks Lodge provides to the community, but income generation that exceeds the nature of property use by a private club cannot come at the continued expense of the quiet enjoyment of the residents and the corresponding diminution of their property values.

Please contact me directly at (480) 427-2859 if you have any questions or need any additional information or documents from the Association with respect to this issue. Additionally, please let me know what action the City of Scottsdale is taking to ensure that the Conditional Use Permit described above is being enforced. The Association looks forward to hearing from the City, and working with the City on this matter to ensure compliance with all City codes.

Sincerely,

A handwritten signature in black ink, appearing to read 'M K Sahl', with a stylized flourish at the end.

Mark K. Sahl, Esq.

for

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

cc: The Association

Marc C. Cavness
4531 N. 16th St., Ste. 122
Phoenix, Arizona 85016
marccavness@msn.com



CARPENTER HAZLEWOOD

Carpenter, Hazlewood, Delgado & Bolen, LLP

ATTORNEYS AT LAW

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May 7, 2018

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, FIRST-CLASS MAIL, AND E-MAIL

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6398 E Oak St.
Scottsdale, Arizona 85257

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Eric Allen
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City of Scottsdale
3939 N. Drinkwater Blvd.
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Mayor Jim Lane
City of Scottsdale
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Sincerely,

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Mark K. Sahl, Esq.

for

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

cc: The Association

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Phoenix, Arizona 85016
marccavness@msn.com

LAW OFFICES OF

MARC C. CAVNESS

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PHOENIX, ARIZONA 85016

PHOENIX

AZ 852

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Jeff Barnes

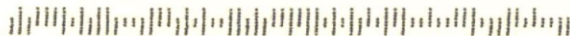
Planning and Development Service

City of Scottsdale

3939 N. Drinkwater Blvd.

Scottsdale, Arizona 85251

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May 8, 2018

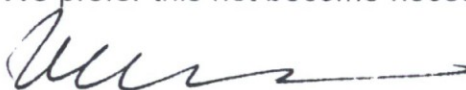
Deborah J. Clark, Lodge Secretary
Scottsdale Elks #2148
6398 E. Oak Street
Scottsdale, Arizona 85257-1102

Dear Ms. Clark:

I write in response to your April 25 letter which arrived while I was out of state.

I do not intend to quibble or argue with you, as it is my practice to reserve arguments to proceedings before the decision maker, whether a judge, council or commission. However, there are a few points that require correction:

1. My April 19 letter was not "supposedly" from the Valley Field Riding & Polo Club; it states it was written as a member of the VFR&PC Board, and at the direction of the board. I did not and do not freelance.
2. I cannot speak to your threat to file a harassment suit against Paul Valardes, although he told me he has only been on your property once, accompanied by one of your members or officers, when he took pictures. I do not speak for Mr. Velardes, nor does VFR&PC act at his direction.
3. Neither Mr. Valardes nor VFR&PC imposes regulations upon the Elks use of its property, though we do ask that the city enforce its codes.
4. I must correct your claim that the city issued a permit to allow slurry seal operations on your property or granted permission for bus operations to continue. Neither was present in the files I was furnished by the city when I asked to review all zoning, use permit and other files concerning your parcel. Your January 29, 2018 application to change the current conditional permit from 7 to 30 days, to permit storage of buses and to allow temporary construction staging areas was filed January 29, 2018, four months after the city issued its code enforcement notice dated September 27, 2017.
5. If litigation or other proceedings are required to enforce city codes or abate a nuisance, contracts and financials of the offending operations will be available by subpoena. We prefer this not become necessary.



Marc C. Cavness
mcc\ridingcl\clarkk.1

c: Mayor Jim Lane
Members of City Council
Jeff Barnes
Eric Allen

SCOTTSDALE ELKS LODGE 2148
6398 E. OAK ST.
SCOTTSDALE AZ, 85257

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Jeff Barnes
Planning & Development
3939 N Deuker Blvd
Scottsdale, AZ 85251

MEETING 3rd MONDAY
7:00pm



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SCOTTSDALE ELKS LODGE #2148
BENEVOLENT & PROTECTIVE ORDER OF ELKS
6398 E OAK ST
SCOTTSDALE AZ 85257-1102

April 25, 2018

Mayor W.J. "Jim" Lane
Vice Mayor Virginia Korte
Council Members Suzanne Klapp, Kathy Littlefield, Linda Milhaven, Guy Phillips, and David N Smith

Jeff Barnes, Planning and Zoning, City of Scottsdale

Eric Allen, Zoning Enforcement, City of Scottsdale

Valley Field Riding and Polo Club
2530 N 64th St, Scottsdale AZ 85257
PO Box 10570, Phoenix AZ

Mark Sahl
Carpenter Hazelwood
1400 E Southern Ave Ste 400
Tempe AZ 85282-5691

Paul Velarides
6315 E Wilshire Dr
Scottsdale AZ 85257

Marc C Cavness
4531 N 16th St Ste 122
Phoenix AZ 85016

To All:

This is in response to the letter received from Mr. Cavness, supposedly from the Valley Field Riding and Polo Club dated April 19, 2018.

I am addressing this to all that his original letter addressed to as the Scottsdale Elks is on the verge of filing a harassment suit against Mr. Paul Velarides.

Mr. Velarides first attempt at intimidation with a letter from his HOA attorneys apparently did not elicit the response he wanted so he is now involved another attorney "representing" the Polo Club to continue his fight against the Scottsdale Elks Lodge. As the complaint of early morning and late into the evening noise complaint, Eric Allen of the Code Enforcement gave the Bus company permission to stay and operate on our property. The Blood Bank buses also leave early in the morning and return late into the evening. The Slurry Seal companies are no longer allowed to stage on our property so the dust and noise from that complaint is old and irrelevant.

I appreciate all the research this gentleman has done into our history but resent his implications that our Fraternal organization needs to show proof of our community involvement.

Mr. Velarides continues to trespass on private property and has confronted several of our Elk members.

Jeff Barnes of the Planning and Zoning has the copies of the ballots from our Town Hall meeting that was overwhelmingly favorable to all our requests EXCEPT for the buses. We requested the bus company move but the owner went to Code compliance and got permission to stay as there is limited property in Scottsdale for him to house his buses until the final decision was made on the revision to our conditional permit.

Mr. Velarides has caused such a commotion at the City that Code enforcement is now telling me that my members are not allowed to park their vehicles on the back portion of my lot out of site of the street. David Diaz had originally told us that as long as they were members and tags were current it would not be a problem.

Planning and Zoning has requested such a financially restrictive upgrade to our property to allow us to store up to 20 vehicles on our property and to increase the length of stay of our RV spaces that we are in the process of a counter narrative. We are making no changes to the property, just long-term storage of RV's trailers, and such. No dry camping or occupation of stored vehicles is permitted. No maintenance is allowed on the property either. Again, how this is disruptive to the neighborhood I fail to understand.

Scottsdale Elks is a non-profit Fraternal organization that has been on this property for over 50 years. We do a lot of community work with Tonalea k-8 school and the veterans. If all our income is restricted and or taken away, it will force us to stop a lot of our community projects. We have never received any type of complaint from the Polo Club prior to this, and the Heritage East neighborhood has not issued any complaints

I would like to see these photographs that Scott Battle has. If they are of the Slurry Seal company, they have not been on the property since late last year when we were issued a permit from the City of Scottsdale for them to be here. We saw no reason to include in the Town Hall meeting as a permit was required from the City for them to be on our property not a consideration in our Conditional Use permit

The officers of VFRPC have no authority to request any copies of contracts with our private Elks members anymore than I have the rights to see all contracts VFRPC has with their members.

I resent the attempts on behalf of Mr. Velarides to intimidate the City of Scottsdale and the Scottsdale Elks to appease him. His use of attorneys, phone calls, and continued trespassing to harass the Elks is unnecessary as we have not disturbed our adjacent neighbors, other than the buses and there is no way to tell if they are the buses parked on our property or the buses belonging to the Blood Bank adjacent to our property that are coming and going early in the morning until late into the evening. Will we not allow the Blood Bank to use their buses either?

I realize that our zoning is residential, but we are adjacent to a church, the Polo Club, the Blood Bank and across the street from the Military Reserve so I am again unsure how our request to store RVs and increase the length of our RV stay in any way deters from the Neighborhood. This is all restricted to Elks members only.

I hope that the Scottsdale Elks will be allowed to continue our community work without further harassment from Mr. Velarides and his friends. We have tried to abide the best we can within our neighborhood without disruption to others.

If I can provide any further legitimate requests for information, please feel free to contact me.

Respectfully,

Debra J Clark
Lodge Secretary
Scottsdale Elks 2148

Cc via e-mail citycouncil@scottsdaleaz.gov
projectinput@scottsdaleaz.gov
kuester@scottsdaleaz.gov **FAILED**
jbarnes@scottsdaleaz.gov
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LAW OFFICES OF

MARC C. CAVNESS

4531 NORTH 16TH STREET, SUITE 122

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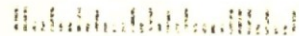


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Jeff Barnes

Planning and Development Service

City of Scottsdale

3339 N. Drinkwater Blvd.

Scottsdale, Arizona 85251

85251-446899



April 19, 2018

Mayor W. J. (Jim) Lane
Vice Mayor Virginia Korte
Council Members Suzanne Klapp, Kathy Littlefield,
Linda Milhaven, Guy Phillips, David N. Smith,
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

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Eric Allen
Zoning Enforcement
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3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Scottsdale Elks Lodge #2148
6398 E. Oak Street
Scottsdale, Arizona 85257

Gentlemen & Ladies:

I enclose a letter I have written on behalf of the Valley Field Riding and Polo Club concerning violations by Scottsdale Elks Lodge #2148 of its conditional use permit and opposing the extension or continuation of the unauthorized uses.

While the letter was written with the authority of the Valley Field Riding and Polo Club and on its letterhead, any response requiring further action on our part should be sent with a copy to me so that I am in a position to promptly respond.



Marc C. Cavness
Encls



Valley Field Riding and Polo Club

April 19, 2018

Mayor & Members of the City
Council
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Eric Allen
Zoning Enforcement
City of Scottsdale
3939 N. Drinkwater Blvd.
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Jeff Barnes
Planning and Development Service
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Scottsdale Elks Lodge #2148
6398 E. Oak Street
Scottsdale, Arizona 85257

re: Conditional Use Permit-Elks Lodge #2148

Dear Mayor Lane, Council Members,
City Officials and Members of the Elks Lodge:

I am a Director of, and write as directed by the Board of the Valley Field Riding & Polo Club ("VFRPC"), which has since 1937 been located in a historic structure at 2530 North N. 64th Street, Scottsdale, Arizona, immediately north and adjacent to the Scottsdale Elks Lodge. VFRPC requests that any applications by Scottsdale Elks Lodge No. 2148 to enlarge or continue its conditional use permits be denied, and that it be immediately ordered to terminate activities which violate Scottsdale City Code and its prior use permits.

History:

Scottsdale Case No. 005-PA-92 (sometimes noted 006-SA-93) includes a February 5, 1992 letter from the Elks to the City which claims the member guest RV parking generates funds donated to Elks' charities, and the guests contribute to the Scottsdale economy. On March 25, 1992 the Elks Lodge wrote that while there were eight parking spaces, electrical hookups are limited to six.

On March 2, 1992 Scottsdale Project Coordination Manager Lisa Collins wrote the Elks that RV parking with no hookups for utilities would be considered ancillary to the use of the property as a private lodge and given staff approval.

A request to expand the R.V parking area from 8 to 34 spaces, a purported non-commercial use for Elks members only, was set for public hearing December 13, 1993, and was opposed by Raymond Cosgrove, a neighbor.

A December 22, 1993 staff memo notes that the R5 District does not allow RV parks. Lisa Collins wrote the Elks December 30 that the request to have additional RVs would not be permitted under the current R5 Zoning, noting that the request to increase the number of RVs was determined by staff to be more than ancillary and was now a primary use of the site. On February 11, 1994 Ms. Collins wrote confirming that the Elks had withdrawn their application for an amended permit to allow more than eight RVs.

Recent Action:

The City issued a Code Enforcement notice dated September 27, 2017 concerning unauthorized activity on the site, which illegal uses continue. The Elks' January 29, 2018 application to change the current conditional permit from a seven to thirty days, to permit storage of busses, and to allow temporary construction staging areas came after the citation for code violations.

A neighborhood Town Hall meeting was held by the Elks in September 2017, at which it distributed written ballots (which inaccurately bear the printed date of August 31, 2017). Most of those who spoke at the meeting expressed opposition to the proposed commercial uses of the property; despite this, the Elks filed with the City many ballots showing approval, many by non-neighbors. Many of the filed ballots expressed concern about dust control, a problem with has not been remedied.

It is noteworthy that the meeting and the written ballots prepared by the Elks did not give notice of, or include a request to approve the slurry seal operation which began four days later (an unauthorized commercial/industrial use which generates a great deal of noise and dust). If the Elks did not know that use was soon to begin, its contract with VSS permitting its operations on their property would confirm that fact. Absent proof that the slurry use was a sudden and unexpected opportunity, it appears that the Elks displayed bad faith in their representations to neighbors at the Town Hall meeting they convened.

Because the Elks claim a charitable purpose (supporting youth, veterans, the needy and scholarships) to justify their unauthorized commercial activities, we request that the City require them to produce for inspection:

1. Written documentation of all gifts and expenses which qualify as charitable purposes, or are relied upon to justify the commercial uses of the Elks property. The 990 tax returns for exempt organizations filed by the Elks for 2014, 2015 and 2016 do not include a listing of charitable expenses or contributions.
2. All contracts and memoranda concerning agreements to park RVs or buses, or conduct slurry seal or other industrial uses on the property from the time such activities began. The contracts will identify the commencement dates of such activities, which will confirm that violation of the conditional use permit and code has been flagrant and continuing.
3. Copies of all receipts, ledgers, and other records identifying or disclosing payments made by RV owners to park on the premises, bus operators to park or operate on the premises, and for the slurry seal operations. Such records will identify the periods of time in which such violations occurred, and can be compared to determine if the income from such commercial activities have any relationship to claimed charitable purposes.

If necessary, the records identified above may be sealed and furnished to officers of VFRPC under a confidentiality agreement. If the City will not require that they be furnished to the Mayor, Council, city staff and to the immediate neighbor which is detrimentally affected by these activities, they would be available by subpoena if it becomes necessary to file a civil action to abate and recover damages for nuisance. We would prefer that this not become necessary.

Scottsdale City Code Section 5.1001 states that R5 zoning "is intended to provide for development of multiple family residential and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and *promotes a high quality environment* though aesthetically oriented property development standards."

Scottsdale Mayor, Council, Staff
Scottsdale Elks Lodge #2148
April 19, 2018
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The uses the Elks have made of their property are inconsistent with the purposes of the zoning district. They show a persistent and continuing disregard for the code restrictions, use permit conditions, and for the rights of their neighbors.

The activities create noise from early morning until late at night, dust, disruption, and are entirely inconsistent with the residential character of the neighborhood. There are other locations within or adjacent to the city of Scottsdale at which these activities can lawfully be conducted, and there is no justification or necessity to intrude on the residential district.

VFRPC's caretaker Scott Battle has photographs and videos which give evidence of the conduct damaging to the club and inconsistent with the rights of the neighbors and of the standards of the zoning district. If you require further information from Mr. Battle or, from me, or from other members of the VFRPC, please let me know and I will obtain them.



Marc C. Cavness

c: Mark K. Sahl
Carpenter Hazelwood
1400 East Southern Avenue, Suite 400
Tempe, Arizona 85282-5691

Paul Velarides
6315 East Wilshire Drive
Scottsdale, Arizona 85257

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