



Application

Narrative

Cash Transmittal

Development Standards



**Use Permit Narrative
Aerohead Aviation Heliport
15570 N. 83rd Way
Scottsdale, AZ 85260**

This Use Permit Application seeks permission for a heliport in the most appropriate location possible; at the Scottsdale Airport. Aerohead Aviation, Inc. is seeking permission for a heliport at the existing development on the west side of 83rd Way adjacent to the Scottsdale Airport and within the Scottsdale Airpark. The noise associated with the heliport is not excessive relative to the noise associated with the aircraft and neighboring helicopters currently operating within the airpark. The proposed location of the heliport is on the planned aircraft staging area, an existing paved area that will not allow for vibration to be transferred from the helicopter to the adjacent buildings. There will be no smoke, odor, heat, glare, fumes or electrical interference as a result of this use and the conditions on site and in the area will be unaffected by adding a helicopter use to the airport setting. Further, dust controls are already in place on the site in the form of enhanced landscape areas with large scale gravel that eliminates any dust stirred up by the operation of airplanes and helicopters. The helicopter will be stored within the existing aircraft hangars on the site.

The building on site is a 50,401 square foot aircraft hangar with other mixed uses on the far side of the building. The heliport would not change the use of the building, would not affect the site parking, would not affect the site pedestrian circulation, would not affect the building aesthetics, would not change the surrounding traffic patterns and would not affect the site landscaping. The heliport will only be used by the facility owner between sunrise and sunset. The owner already uses the staging area for similar aircraft operations. The aircraft staging area is within a secure, controlled environment accessible only through locked gates and doors under the control of the project facility operator. The heliport would affect the operational function of the aircraft staging area, an issue the facility operator would need to find a strategy for scheduling arrivals and departures.

The configuration of the proposed heliport in relation to the existing building complex protects pedestrian and vehicular traffic on 83rd Way. The properties to the north, south and west share the existing taxi-lane and associated aircraft traffic. The operations of the heliport will have minimal differences to these properties from the existing operations of the jet aircraft operating procedures.



Aerohead Aviation, Inc. has permits and agreements for aircraft storage, airpark access, and self fueling operations in compliance with Chapter Five – Aviation of the Scottsdale Revised Code. Permits from the Airport Authority Commission and Federal Aviation Administration for the heliport have been applied for at this time.

The Planning Commission and Council should find that this Conditional Use Permit request meets all of the requirements set forth in the City of Scottsdale Zoning Ordinance Section 1.401. Section 1.401 states that the Commission and Council must find that, “the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council’s consideration shall include, but not be limited to, the following factors:”

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

As described above, the Applicant has taken actions to eliminate all dust and vibration issues that would potentially be associated with such use. Further, there is no smoke, odor or illumination issue associated with this request. Finally, the noise associated with the helicopter use is consistent with the surrounding helicopter and airplane uses and does not constitute a nuisance and causes no damage to any property.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

The approval of this Conditional Use Permit will not create increased traffic to the site or the area.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

A helicopter use is absolutely compatible with the adjacent airport. There are currently other helicopter uses and there are numerous aeronautical uses that are compatible with the helicopter use surrounding this property. There is no better place in the entire City for the requested use.

C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

There are no additional criteria identified in Section 1.403 that are applicable to this particular use.

Development Application

Review Methodologies



Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

1. Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. Standard Application Review Methodology:

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov

Development Application

Arizona Revised Statutes Notice



§9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

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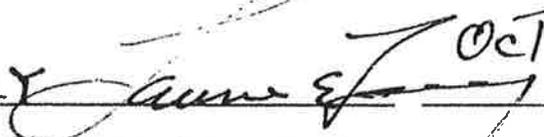
City of Scottsdale's Website: www.scottsdaleaz.gov

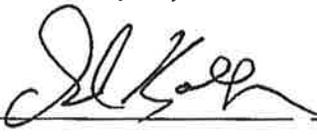
LETTER OF AUTHORIZATION FROM PROPERTY OWNER
GRANTING PERMISSION TO DESIGNATED AGENT

We, the undersigned, are the owners of the property located at 15560 and 15550 and 15570 N. 83rd Way, Scottsdale, AZ 85260 and grant permission for Aerohead Aviation, Inc to apply to the City of Scottsdale, Development Services Department, for Pre-Application, Design Review, Building Plans review and Civil Plans Review and to discuss with the Development Services Department issues and concerns regarding any submitted application.

We, have knowledge of the application and/or permit being requested and understand that any permits which may be issued are subject to the ordinance and regulations adopted by the City of Scottsdale.

Peter Q Ezzell  10/12/18
Printed Name of Property Owner Signature of Property Owner Date

LAWRENCE E TWOMEY  OCT 10, 2018
Printed Name of Property Owner Signature of Property Owner Date

DAVID BALFON  10/9/18
Printed Name of Property Owner Signature of Property Owner Date

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

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 and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.scottsdaleaz.gov

**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:

15570 North 83rd Way, Scottsdale, Arizona 85260

(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.



signed on Blake Stamper behalf per attached letter

Signature of Property Owner

11/30/2018

Date

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: _____
- b. County Tax Assessor's Parcel Number: _____
- c. General Location: _____
- d. Parcel Size: _____
- e. Legal Description: _____

(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

_____	_____, 20__	
_____	_____, 20__	_____
_____	_____, 20__	
_____	_____, 20__	_____

Planning and Development Services

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Larson

Larson Associates Architects, Inc.

LEGAL DESCRIPTION:

LOT 2 AND 3, SUN AIRPARK, CORPORATE CENTER,
ACCORDING TO BOOK 307 OF MAPS, PAGE 38, AND CERTIFICATE OF
CORRECTION RECORDED IN DOCUMENT NO. 87-654599, OFFICIAL RECORDS OF
MARICOPA COUNTY, ARIZONA.

APN: 215-48-007, 215-48-008

Request To Submit Concurrent Development Applications
Acknowledgment and Agreement



The City of Scottsdale recognizes that a property owner may desire to submit concurrent development applications for separate purposes where one or more of the development applications are related to another development application. City Staff may agree to process concurrently where one or more the development applications related to the approval of another development application upon receipt of a complete form signed by the property owner.

Development Application Types		
Please check the appropriate box of the types of applications that you are requesting to submit concurrently		
Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input checked="" type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other
<input checked="" type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Owner: contact= Antony Bongratz

Company: Aerohead Aviation, Inc.

Address: 16061 North 81st street

Phone: applicant **Fax:** _____

E-mail: applicant

As the property owner, by providing my signature below, I acknowledge and agree: 1) that the concurrent development applications are processed at the property owner's risk; 2) to hold the City harmless of all cost, expense, claims, or other liability arising in connection with the concurrent development applications; 3) to the City of Scottsdale's Substantive Policy Statement pertaining to Concurrent Applications; 4) to placing a development application on hold in order to continue processing a concurrent development application that is related to an another development application; and 5) that upon completion of the City review(s) of the development applications, one or more of the development application(s) may not be approved.

Property owner (Print Name): Lance Meinhold Title: Architect, Agent

 Date: _____
 Signature

Official Use Only:	Submittal Date: _____
Request: <input type="checkbox"/> Approved or <input type="checkbox"/> Denied	
Staff Name (Print): _____	
Staff Signature: _____	Date: _____