



August 4, 2021

David Richert  
Richert & Associates  
7525 E Gainey Ranch Rd Ste 147  
Scottsdale, AZ 85258

RE: **10-ZN-2021**

Rezoning @ 13647 N. 87th Street  
**928V1 (Key Code)**

Dear David Richert:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 6/29/2021. The following **1<sup>st</sup> 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.

**General Plan, 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:

General Plan:

1. The community's current and ratified General Plan is General Plan 2001, as responded to by the applicant in the first submittal. However, City Council recently adopted Scottsdale General Plan 2035 on June 8, 2021. Consequently, City Council has called for a special election in November 2021 for the voters to consider possible ratification. If Scottsdale General Plan 2035 is ratified by the voters prior to City Council acting upon this proposal, an updated narrative that responds to the goals and policies of the Scottsdale General Plan 2035 will be required prior to scheduling any public hearing. The recent City Council adopted plan can be found here: [2035\\_CityCouncilADOPTED.pdf \(scottsdaleaz.gov\)](#)
2. Please format the narrative to respond to the General Plan 2001 goals and approaches. Please include the enumerated goal or approach as well as discussion as to how the proposal intends to implement the cited goal or approach.

EXAMPLE:

## LAND USE

Goal 1: Recognize Scottsdale's role as a major regional economic and cultural center, featuring business, tourism, and cultural activities.

Bullet 1: Strengthen the identity of Scottsdale by encouraging land uses that contribute to the character of the community and sustain a viable economic base.

### **Response:...**

3. Please format the narrative to respond to the 1993 Shea Character Area Plan goals and policies. Please include the enumerated goal or policy as well as discussion as to how the proposal intends to implement the cited goal or policy. The 1993 Shea Area Plan can be found here: [SheaArea.pdf \(scottsdaleaz.gov\)](#)

### EXAMPLE:

#### GOAL - ENHANCE AND PROTECT EXISTING NEIGHBORHOODS

POLICY 1 - New development should be compatible to existing development through appropriate transitions.

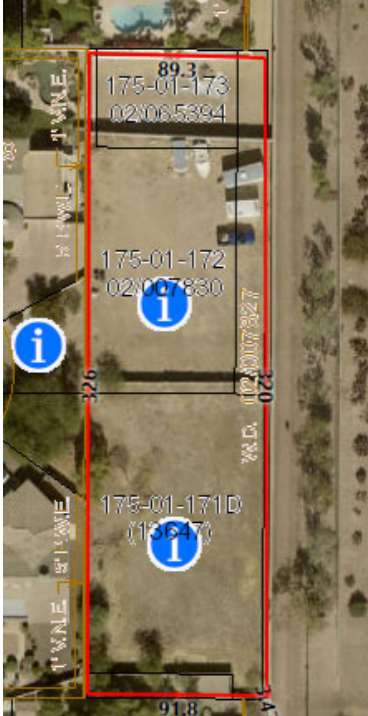
GUIDELINE 1) Building heights at the edges of the parcel should reflect those already established by the existing neighborhood.

### **Response:...**

4. The narrative states that the proposal is within the density prescribed for this area. Please provide graphic and narrative response that notates surrounding densities within the context area south of Thunderbird Road, east of 84<sup>th</sup> Street, north of Sweetwater, and east of Loop 101.
5. The General Plan 2001 (Land Use Element Goal 7; Housing Element Goal 2, Bullet 2; and, Neighborhood Preservation & Revitalization Goal 1) and 1993 Shea Character Area Plan (GOAL - ENHANCE AND PROTECT EXISTING NEIGHBORHOODS. POLICY 1, GUIDELINES 1 and 2) encourages new development to blend with and provide transition to existing Neighborhoods. The existing and adjacent development, McDowell Shadow Estates IV has approved, amended development standards that include limitations to building height (21') (case 48-ZN-1993). With a resubmittal, please provide narrative response that discusses how the proposed development will blend with the existing development within a revised narrative and site plan. The discussion should include a comparison of this proposal's requested development standards to the McDowell Shadow Estates IV approved, amended development standards. The comparison should notate where the proposal aligns with adjacent standards and where it differs.
6. The case support petition provided with the first submittal material is from approximately eight years ago (2-BA-2012). Please provide updated letters and clarify within an updated Citizen Involvement Report.
7. If further outreach has been conducted since the original submittal, please provide an updated Citizen Involvement Report.

### Zoning:

8. Please be advised the ADOT remnant property from the construction of Loop 101 right-of-way is a legal non-conforming parcel with the R1-35 zoning (as shown below). The subsequent splitting of this property from a different owner was not approved by the City of Scottsdale and are not legal non-conforming parcels as stated in the 2-BA-2012 Board of Adjustment report. Also, the split of Tract C was not approved by the City. Please refer to the e-mail sent on May 6, 2021 attached.



Drainage:

9. Please submit the revised Drainage Report and Grading and Drainage Plan with the rest of the resubmittal material identified in Attachment A.

**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:

Airport:

10. Please be advised an aviation easement will be required with a noise disclosure notice.

Per code, The owner of new development (and natural growth and construction equipment associated with new development), to be located within the twenty-thousand-foot radius of the Scottsdale Airport, that penetrates the 100:1 slope from the nearest point of the runway shall submit to the FAA the appropriate forms for FAA review. See

FAA Form 7460-1. Before final plan approval, the owner shall submit the FAA response to FAA Form 7460-1.

Please resubmit the revised application requirements and additional/supplemental 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/supplemental information is necessary.

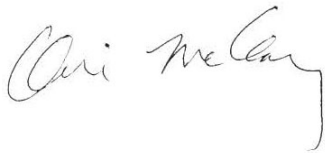
In an effort to get this Zoning District Map Amendments request to a Development Review Board / Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 30 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These **1<sup>st</sup> 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 480-312-4214 or at [dmcclay@ScottsdaleAZ.gov](mailto:dmcclay@ScottsdaleAZ.gov).

Sincerely,



Doris McClay  
Senior Planner

cc: Hoon Koo

**ATTACHMENT A**  
**Resubmittal Checklist**

**Case Number: 10-ZN-2021**  
**Key Code: 928V1**

Please follow the plan and document submittal requirements below. **All files shall be uploaded in PDF format.** Provide one (1) full-size copy of each required plan document file. Application forms and other written documents or reports should be formatted to 8.5 x 11.

A digital submittal Key Code is required to upload your documents: **928V1**. Files should be uploaded **individually** and in **order** of how they are listed on this checklist.

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalLogin>

Digital submittals shall include one copy of each identified below.

- COVER LETTER – Respond to all the issues identified in this 1st Review Comment Letter
  - Revised Narrative for Project
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  - Other Supplemental Materials:
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Technical Reports: Please submit one (1) digital copy of each report requested

- Revised Drainage Report and Grading and Drainage Plan

## McClay, Doris

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**From:** McClay, Doris  
**Sent:** Thursday, May 06, 2021 10:46 AM  
**To:** David Richert; Hoon Koo  
**Cc:** Curtis, Tim  
**Subject:** Rezoning and other issues  
**Attachments:** FreewayParcels\_Owners.jpg; FreewayParcels\_APNs.jpg; RE: KOO Rezone T-Bird+87th 544-PA-2020; RE: Scottsdale Rd and Earll Drive

**Importance:** High

Hoon and David,

While you are anxious to file the rezoning case, please keep in mind that the proposed rezoning alone won't fix the non-conforming statuses that resulted from the subsequent improper land divisions. The challenges our outlined below, which we discussed many times previously in the past.

Because of improper land divisions that created the smaller sub-parcels did not go through the city process, the city only recognizes the larger remnant parcel left over from the ADOT acquisition (partially shown in the blue zoning outline below that encompasses sub-parcels labeled 2,3,4,7,8 below left). The city also does not recognize the division of McDowell Shadows Estates IV Tract C (labeled as sub-parcels 5,6 below left).





The larger parcel resulting from the ADOT acquisition (sub-parcels labeled 2,3,4,7,8) had a legal non-conforming parcel size of approximately 29,000 square feet in the R1-35 zoning district (35,000 square foot minimum lot size). However, the subsequent improper land divisions exacerbated the zoning non-conformities for each of the sub-parcels labeled 2,3,4,7,8). The proposed rezoning of Hoon’s sub-parcels (6,7) to R1-10 will highlight the non-conformities of sub-parcels 2,3,4,8 that continue to be zoned R1-35. There should be a zoning solution for those parcels running concurrently with the proposed Hoon rezoning.

Also, from a proper land division standpoint, to recognize one or all of the sub-parcels, the following should also occur simultaneously concurrent with the rezoning or soon after:

- Hoon needs to replat south ½ of Tract C (6) into Hoon’s other property (7). We may be able to process this without the other 4 lots of McDowell Shadows Estates IV participating, although they may object.
- Walid needs to replat north ½ of Tract C (5) and sub-parcels 3 and 4 into 13667 N 87<sup>th</sup> Street (Lot 7 of McDowell Shadows Estates IV, Walid property). We may be able to process this without the other 3 lots of McDowell Shadows Estates IV participating, although they may object.
- Zahn needs to replat sub-parcel 8 into 9 (8764 E Celtic Dr., Lot 7 of McDowell Shadows Estates II, Zahn property).
- Banning needs to replat sub-parcel 2 into 1 (8757 E Sharon Dr., Lot 1 of McDowell Shadows Estates III, Banning property).

These issues will be continued to be outlined in any rezoning proposal, so hopefully cooperative proposals from all properties affected will be submitted soon. Let me know if you have any questions.

Sincerely,



Doris McClay  
Senior Planner  
Current Planning  
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Scottsdale, AZ 85251  
Tele: 480-312-4214  
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