

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

March 30, 2005

Tom Frenkel
The Clayton Companies
8339 E Indian School Rd Ste 202
Scottsdale, AZ 85251

RE: Peppin Site

Dear Mr. Frenkel,

This letter is being sent to you attention to clarify any uncertainty regarding the parking supply credited to run with the land in perpetuity at the Park at the Mall site (7363 Scottsdale Mall). As you know, the City calculates parking demand and then requires all development to provide the required parking on site. In situations where a parcel in the Downtown area can not provide adequate parking, there are programs available to provide this parking.

In 1974, the parcel of land generally referred to today as the Peppin property, purchased through lease agreement in the form of an Improvement District (ID), 12 parking stalls. There is no record of any other supply of parking, either on site or through other City program at that time. Common logic would assume that no one would purchase 12 parking stalls unless such a purchase was the difference between what was required and what was provided for or credited through other means. However, there is no record of any such credit which would run with the land at the above mentioned parcel, either at that time, or now.

The City is prepared to recognize that in 1974, there must have been a credit granted when the parking structure was built, but not properly recorded, which would account for the differential in parking supply at the time of the purchase of the 12 Improvement District stalls. This credit, in addition to the 12 stalls previously purchased will represent the sum total of the parking "credit" which exists on the site and will run in perpetuity on the site.

This is clearly out of the norm for the City of Scottsdale, and does not represent the usual situation in calculating parking demand and supply. The City's General Plan clearly suggests that all new development must "pay it's own way" and the zoning ordinance enforces this philosophy by requiring all parcels to create their "own" parking onsite. The City can neither prove nor disprove that a "credit" or on site supply existed at the time of the purchase of the 12 stalls. Therefore, the City will recognize that a credit of some type must have been granted on this parcel. This same logic will not hold true on *all* downtown parking calculations and should not be considered to be a universal approach. In general, parcels must

provide for their own supply to meet the demand they are creating; and the onus of proof rests with the property owner.

Parking Credit

At this time, the City is prepared to grant you a credit for a grand total of 53 parking stalls; 16 through Improvement District and the remaining 37 through "credit" granted as part of the unclear nature of the construction of the garage. These credits are based on old, historical staff reports which indicate that various projects through the years on the Mall meet parking demand and assigns a credit for parking to each site. To reiterate the point made above, while the City recognizes a credit for parking in this situation, it should not be considered to a uniform approach to parking calculation in the Downtown Area, and projects outside the scope of the Mall must be able to show how their supply meets the demand of the proposed land use.

If you would like any further explanation or information regarding this information, please do not hesitate to contact me at (480) 312-7059 or by email at mcummins@scottsdaleaz.gov.

Sincerely,



Mac Cummins, AICP
Senior Planner
City of Scottsdale

Cc: Randy Grant, Chief Planning Officer
Madeline Clemann, Downtown Group
Kurt Jones, AICP, Director of Current Planning

SEE Attachments

14-UP-1992

14-UP-1992#2