

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

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
ADRIAN FONTES  
20180293329,04/18/2018 03:40,  
Electronic Recording  
32317-3-1-1--,N

**WHEN RECORDED RETURN TO:**  
CITY OF SCOTTSDALE  
ONE STOP SHOP/RECORDS  
(Bryan Cluff )  
7447 East Indian School Road, Suite 100  
Scottsdale, AZ 85251

City of Scottsdale Case No. 7-ZN-2017 & 1-II-2017

**AGREEMENT FOR THE WAIVER OF CLAIMS  
FOR DIMINUTION IN VALUE OF PROPERTY**

THIS AGREEMENT FOR THE WAIVER OF CLAIMS FOR DIMINUTION IN VALUE OF PROPERTY (the "Agreement") is made in favor of the City of Scottsdale ("City") by 4221 Associates AZ a LLC ("Owner").

**RECITALS**

A. Owner is the fee title owner of property, Parcel No(s). 173-51-005, 173-51-006, 173-51-007, 173-51-020, 172-51-019, 173-51-018, 173-51-017, 173-51-016, 173-51-015, 173-51-014 173-51-013, 173-51-012 located at 4221 and 4223 N. Scottsdale Road and 4234 and 4216 N. Winfield Scott Plaza (the "Property").

B. Owner acknowledges that he/she has made a request to the City for application of its land use laws for the development of the Property and is under no compulsion, economic or otherwise, to enter into this Agreement.

C. Arizona statute ARS § 12-1134.A provides that a city must pay just compensation to a land owner, in some cases, if the city approves a land use law that reduces the fair market value of the owner's property. This law is sometimes referred to as "Proposition 207" or the "Private Property Rights Protection Act". (ARS 12-1131, et.seq.)

D. The Private Property Rights Protection Act (e.g., A.R.S. § 12-1134.I) authorizes private property owners to enter into agreements with political subdivisions to waive any claim for diminution in value of their property in connection with any action requested by the property owner.

E. City and Owner seek to resolve whether the application of the City's land use laws to the Property constitute a "diminution in value" of the Property or other harm entitling Owner, now or in the future, to seek compensation from the City under the Private Property Rights Protection Act.

**IT IS AGREED AS FOLLOWS:**

Owner hereby makes the following acknowledgements and representations:

1. Owner acknowledges that:

a. The recitals set forth above are true and correct and are incorporated herein by this reference.

b. Owner is aware of the Private Property Rights Protection Act. (ARS 12-1131, et. seq.)

c. Owner has independently determined and believes that the application of the City's land use laws to the Property will not reduce the fair market value of the Property.

d. Owner is aware that, as a condition of receiving approvals under the City's land use laws, the City may impose various requirements upon the Property, such as requirements for right-of-way dedications, time limitations for development, and other zoning ordinance stipulations and conditions.

2. The undersigned Owner agrees as follows:

a. The Owner agrees that the stipulations and conditions set forth in Case No. 7-ZN-2017 & 1-II-2017 shall be included as part of the ordinance that will be considered by the Scottsdale City Council. Owner agrees that compliance with the stipulations and conditions set forth in Case No. 7-ZN-2017 & 1-II-2017 will govern development of the property. Owner further understands and agrees that stipulations and conditions may be added or modified during the public hearing process and that those stipulations and conditions will be incorporated into this Agreement.

b. Owner hereby waives and fully releases any and all financial loss, injury, claims and causes of action that Owner may have, now or in the future, for any "diminution in value" and for any "just compensation" under the Private Property Rights Protection Act based on the Owner's request in Case No. 7-ZN-2017 & 1-II-2017. This waiver constitutes a complete release of any and all claims and causes of action under the Private Property Rights Protection Act that may arise out of the Owner's request in Case No. 7-ZN-2017 & 1-II-2017.

c. Owner hereby agrees to indemnify, hold harmless and defend City, its officers, employees and agents, from any and all claims, causes of actions, demands, losses and expenses, including reasonable attorney's fees and litigation costs asserted by or resulting from any of the present owners of any interest in the Property seeking any potential compensation, damages, attorney's fees or costs under the Private Property Rights Protection Act that they may have based on the Owner's request in Case No. 7-ZN-2017 & 1-II-2017.

d. This Waiver Agreement shall run with the land and shall be binding upon all present and future owners of any interest in the Property. Owner consents to the recording of this Agreement with the County Recorder in which the Property is located.

e. The Owner agrees that, as of the effective date of this Agreement, he/she has received equal protection of the laws and due process of all claims and requests, and has not suffered any compensable regulatory taking (as those terms and their related claims are defined by Arizona state and federal constitutional jurisprudence).

3. Owner warrants and represents that Owner is the owner of the fee title to the Property.

4. The person who signs this Agreement on behalf of Owner personally warrants and guarantees to City that he has legal power to bind Owner to this Agreement.

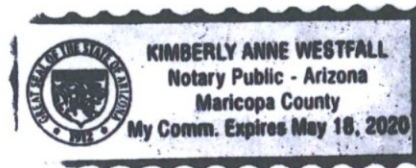
Owner: [Signature] Its: manager

STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

Subscribed, sworn to and acknowledged before me  
by David Slattery, Jr. on this 3rd day of April, 2018.

My commission expires:  
May 18, 2020

Kimberly Anne Westfall  
Notary Public





April 14, 2017

**Via Hand-Delivery, to:**

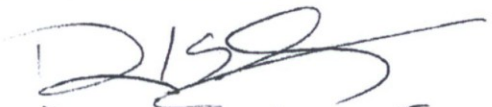
City of Scottsdale  
Planning & Development Services Department  
7447 East Indian School Road, Suite 105  
Scottsdale, Arizona 85251

***Re: Letter of Authorization – Winfield Hotel 993-PA-2016***

To Whom It May Concern:

This letter authorizes the firms and companies of Berry Riddell LLC, Davis, and Technical Solutions to represent and act on behalf of **4221-Associates AZ LLC** in connection with the Zoning, Infill Incentive, Abandonment and Development Review Board applications and related City matters for property located at 4221 N. Scottsdale Road (APN#173-51-005, 173-51-006, 173-51-007, 173-51-014, 173-51-016, 173-51-017, 173-51-018, 173-51-019, 173-51-020) the City of Scottsdale, Maricopa County, Arizona.

**4221-Associates AZ LLC**

  
By: David E Slattery Jr  
Its: Manager

October 3, 2016

**Via Hand-Delivery, to:**

City of Scottsdale  
Planning & Development Services Department  
7447 East Indian School Road, Suite 105  
Scottsdale, Arizona 85251

**Re: Letter of Authorization – 4234 N. Winfield Scott Plaza, Scottsdale, AZ 85251**

To Whom It May Concern:

This letter authorizes the firms and companies of Berry Riddell LLC, David E. Slattery Esq., DESCO Arizona, LLC, 4221-Associates, AZ, LLC, Davis Design Solutions, LLC and Technical Design Solutions, LLC to represent and act on behalf of Ream Barry T V/Heidi H/R G Hougham/Ann (the Property Owners) in connection with the General Plan Amendment, Zoning and Development Review Board applications and related City matters for property located at 4234 N. Winfield Scott Plaza APN# 173-51-012 and 173-51-013, the City of Scottsdale, Maricopa County, Arizona.

x  10/3/16

By: Heidi Fransway

On behalf of the Property Owners of:  
4234 N. Winfield Scott Plaza, Scottsdale, AZ 85251

**7-ZN-2017**  
**04/28/17**



DECLARATION OF CONFLICT OF INTEREST OR PERSONAL INTEREST

NAME: Kelsey Young

PUBLIC BODY: Planning Commission

DATE OF PUBLIC MEETING: 2/28/18 AGENDA ITEM NO.: 3,4,5

DESCRIPTION OF ITEM: Winfield

I declare that I have a "substantial interest" in the above-referenced decision or matter, as provided in A.R.S. § 38-501 et seq., and, therefore, declare that I have a conflict of interest in the decision or matter.

Describe the substantial interest held by you or your relative(s) referred to above:

I don't believe that I have a substantial interest in the above-referenced decision or matter and, therefore, do not have a conflict of interest as provided by Arizona law, but I believe that my active participation in the above-referenced decision or matter might raise the perception of undue influence or impropriety.

Explain:

To avoid a conflict of interest or the perception of undue influence or impropriety, as indicated above, I will refrain from participating in any manner in the decision(s) or matter(s) identified above.

Kelsey Young Signature

2-28-18 Date Signed

PLEASE NOTE: Completion and filing of this form with the City Clerk's Office is not, by itself, sufficient for a public officer to meet the requirements of the Conflict of Interest law and Code of Ethical Behavior (S.R.C. § 2-47 et seq.). To complete the requirements the public officer must state publicly at the meeting of the public body that he or she has a conflict of interest, or that participation might raise the perception of undue influence or impropriety; then recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

A copy of this form will be filed as a supplement to the public officer's Personal Interest Disclosure form.





DECLARATION OF  
CONFLICT OF INTEREST OR PERSONAL INTEREST

NAME: Prescott Smith

PUBLIC BODY: Planning Commission

DATE OF PUBLIC MEETING: 2/28/13 AGENDA ITEM NO.: 3, 4, 5

DESCRIPTION OF ITEM: Winfield Hotel & Residences

I declare that I have a "substantial interest" in the above-referenced decision or matter, as provided in A.R.S. § 38-501 et seq., and, therefore, declare that I have a conflict of interest in the decision or matter.

Describe the substantial interest held by you or your relative(s) referred to above:

I have done work on this project

I don't believe that I have a substantial interest in the above-referenced decision or matter and, therefore, do not have a conflict of interest as provided by Arizona law, but I believe that my active participation in the above-referenced decision or matter might raise the perception of undue influence or impropriety.

Explain: \_\_\_\_\_

To avoid a conflict of interest or the perception of undue influence or impropriety, as indicated above, I will refrain from participating in any manner in the decision(s) or matter(s) identified above.

  
Signature

2/28/13  
Date Signed

PLEASE NOTE: Completion and filing of this form with the City Clerk's Office is not, by itself, sufficient for a public officer to meet the requirements of the Conflict of Interest law and Code of Ethical Behavior (S.R.C. § 2-47 et seq.). To complete the requirements the public officer must state publicly at the meeting of the public body that he or she has a conflict of interest, or that participation might raise the perception of undue influence or impropriety; then recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

A copy of this form will be filed as a supplement to the public officer's Personal Interest Disclosure form.





DECLARATION OF CONFLICT OF INTEREST OR PERSONAL INTEREST

NAME: Ali Fakih

PUBLIC BODY: Planning Commission

DATE OF PUBLIC MEETING: 02-28-18 AGENDA ITEM NO.: 34, 9, 5

DESCRIPTION OF ITEM: Hotel / Assisted living

I declare that I have a "substantial interest" in the above-referenced decision or matter, as provided in A.R.S. § 38-501 et seq., and, therefore, declare that I have a conflict of interest in the decision or matter.

Describe the substantial interest held by you or your relative(s) referred to above: Company involved in civil.

I don't believe that I have a substantial interest in the above-referenced decision or matter and, therefore, do not have a conflict of interest as provided by Arizona law, but I believe that my active participation in the above-referenced decision or matter might raise the perception of undue influence or impropriety.

Explain:

To avoid a conflict of interest or the perception of undue influence or impropriety, as indicated above, I will refrain from participating in any manner in the decision(s) or matter(s) identified above.

Signature

02-28-18 Date Signed

PLEASE NOTE: Completion and filing of this form with the City Clerk's Office is not, by itself, sufficient for a public officer to meet the requirements of the Conflict of Interest law and Code of Ethical Behavior (S.R.C. § 2-47 et seq.). To complete the requirements the public officer must state publicly at the meeting of the public body that he or she has a conflict of interest, or that participation might raise the perception of undue influence or impropriety; then recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

A copy of this form will be filed as a supplement to the public officer's Personal Interest Disclosure form.



**DECLARATION OF  
CONFLICT OF INTEREST OR PERSONAL INTEREST**

NAME: Ali Fakih

PUBLIC BODY: DRB

DATE OF PUBLIC MEETING: 11-16-17 AGENDA ITEM NO.: 11

DESCRIPTION OF ITEM: Winfield Hotel 7-20-2017

I declare that I have a "substantial interest" in the above-referenced decision or matter, as provided in A.R.S. § 38-501 et seq., and, therefore, declare that I have a conflict of interest in the decision or matter.

Describe the substantial interest held by you or your relative(s) referred to above:

Engineer of record

I don't believe that I have a substantial interest in the above-referenced decision or matter and, therefore, do not have a conflict of interest as provided by Arizona law, but I believe that my active participation in the above-referenced decision or matter might raise the perception of undue influence or impropriety.

Explain: \_\_\_\_\_

To avoid a conflict of interest or the perception of undue influence or impropriety, as indicated above, I will refrain from participating in any manner in the decision(s) or matter(s) identified above.

[Signature] 11-16-17  
Signature Date Signed

PLEASE NOTE: Completion and filing of this form with the City Clerk's Office is not, by itself, sufficient for a public officer to meet the requirements of the Conflict of Interest law and Code of Ethical Behavior (S.R.C. § 2-47 et seq.). To complete the requirements the public officer must state publicly at the meeting of the public body that he or she has a conflict of interest, or that participation might raise the perception of undue influence or impropriety; then recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

A copy of this form will be filed as a supplement to the public officer's Personal Interest Disclosure form.





# Affidavit of Posting

**Required: Signed, Notarized originals.**  
Recommended: E-mail copy to your project coordinator.

Project Under Consideration Sign (White)

Public Hearing Notice Sign (Red)

Case Number: 993-PA-2016

Project Name: \_\_\_\_\_

Location: 4221 N. Scottsdale Rd., 4216 & 4234 N. Winfield Scott Plaza

Site Posting Date: 03/31/2017

Applicant Name: John Berry

Sign Company Name: Scottsdale Signarama

Phone Number: 480-994-4000

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

John Berry  
Signature

March 31st 2017  
Date

Return completed original notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal.

Acknowledged before me this the 31 day of March 2017



[Signature]  
Notary Public

My commission expires: 2/15/20

**City of Scottsdale Current Planning Division**

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



# Early Notification of Project Under Consideration

## Neighborhood Open House Meeting

Date: Thursday, April 13, 2017

Time: 5:00 PM – 6:00 PM

Location: 4221 N Scottsdale Road

Site Address: 4221 N. Scottsdale Rd., 4216 & 4234 N. Winfield Scott Plaza

### Project Overview:

- Description of Request: The request is for a Zoning District Map Amendment from Central Business Downtown Overlay (C-2 DO) and Central Business Parking P-3 District Downtown Overlay (C-2/P-3/DO) to Downtown / Downtown
- Multiple Use - Type -2 Planned Block Development Overlay Downtown Overlay (D/DMU-2 PBD DO) and Downtown / Downtown Multiple Use - Type -2 Planned Block Development Overlay Parking P-3 District Downtown Overlay (D/DMU -2 PBD P-3 DO) with an Infill Incentive District. Additionally, there is a request to abandon (90)feet of the north-south alley right-of-way north of East 3rd Avenue between East 3rd Avenue and East 4th Avenue, and west of North Scottsdale Road.
- Site Acreage: .71+/- Acres
- Site Zoning: C-2 DO & C-2/P-3/DO

Applicant Contact: John Berry

Phone number: 480-385-2727

Email: JB@BerryRiddell.com

City Contacts: Dan Symer

Phone number: 480-312-4218

Email: DSymer@ScottsdaleAZ.gov

Pre-Application #: 993-PA-2016

Available at The City of Scottsdale: 480-312-7000

Project Information may be researched at: <http://eservices.scottsdaleaz.gov/bldgresources/PreApp/Search>

Posting Date: 02-27-2017

-Penalty for removing or defacing sign prior to date of last hearing

-Applicant Responsible for Sign Removal

03/31/2017





# Affidavit of Posting

Required: Signed, Notarized originals.  
Recommended: E-mail copy to your project coordinator.



Project Under Consideration Sign (White)



Public Hearing Notice Sign (Red)

Case Number: 993-PA-2016

Project Name: \_\_\_\_\_

Location: 4221 N. Scottsdale Rd., 4216 & 4234 N. Winfield Scott Plaza

Site Posting Date: 03/31/2017

Applicant Name: John Berry

Sign Company Name: Scottsdale Signarama

Phone Number: 480-994-4000

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

Annal Brys

Signature

March 31st 2017

Date

Return completed original notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal.

Acknowledged before me this the 31 day of March 2017

Dana Holland  
Notary Public

My commission expires: 2/15/20



City of Scottsdale - Current Planning Division

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



# Affidavit of Posting

**Required: Signed, Notarized originals.**  
Recommended: E-mail copy to your project coordinator.

Project Under Consideration Sign (White)

Public Hearing Notice Sign (Red)

Case Number: 993-PA-2016

Project Name: \_\_\_\_\_

Location: 4221 N. Scottsdale Rd., 4216 & 4234 N. Winfield Scott Plaza

Site Posting Date: 02/27/2017

Applicant Name: John Berry

Sign Company Name: Scottsdale Signarama

Phone Number: 480-994-4000

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

*Cynthia Ouelo*  
Signature

2-27-2017  
Date

**Return completed original notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal.**

Acknowledged before me this the 27<sup>th</sup> day of February 2017



*Bereia Lynn*  
Notary Public  
My commission expires: 09/06/2020

## City of Scottsdale -- Current Planning Division

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



# Early Notification of Project Under Consideration

## Neighborhood Open House Meeting

Date: Thursday, March 9, 2017  
Time: 5:00 PM – 6:00 PM  
Location: 4221 N Scottsdale Road

Site Address: 4221 N. Scottsdale Rd., 4216 & 4234 N. Winfield Scott Plaza

### Project Overview:

- Description of Request: The request is for a Zoning District Map Amendment from Central Business Downtown Overlay (C-2 DO) and Central Business Parking P-3 District Downtown Overlay (C-2/P-3/DO) to Downtown / Downtown Multiple Use - Type -2 Planned Block Development Overlay Downtown Overlay (D/DMU-2 PBD DO) and Downtown /Downtown Multiple Use - Type - 2 Planned Block Development Overlay Parking P-3 District Downtown Overlay (D/DMU -2 PBD P-3 DO). Additionally, there is a request to abandon (90)feet of the north-south alley right-of-way north of East 3rd Avenue between East 3rd Avenue and East 4th Avenue, and west of North Scottsdale Road.

■ Site Acreage: .71+/- Acres

■ Site Zoning: C-2 DO & C-2/P-3/DO

Applicant Contact: John Berry  
Phone number: 480-385-2727  
Email: JB@BerryRiddell.com

City Contacts: Dan Symer  
Phone number: 480-312-4218  
Email: DSymer@ScottsdaleAZ.gov

Pre-Application #: 993-PA-2016 Available at The City of Scottsdale: 480-312-7000

Project Information may be researched at: <http://eservices.scottsdaleaz.gov/bldgresources/PreApp/Search>

Posting Date: 02-27-2017

-Penalty for removing or defacing sign prior to date of last hearing  
-Applicant Responsible for Sign Removal

02/27/2017 11:36



# Early Notification of Project Under Consideration Neighborhood Open House Meeting

Date: Thursday, March 9, 2017  
Time: 5:00 PM - 6:00 PM

Location: 4221 N Scottsdale Road

Site Address: 4221 N. Scottsdale Rd., 4216 & 4234 N. Winfield Scott Plaza

### Project Overview

- Description of Request: The request is for a Zoning District Map Amendment from Central Business Downtown Overlay (C-2 DO) and Central Business Parking P-3 District Downtown Overlay (C-2/P-3DO) to Downtown / Downtown Multiple Use - Type -2 Planned Block Development Overlay Downtown Overlay (DDMU-2 PBD DO) and Downtown / Downtown Multiple Use - Type -1 Planned Block Development Overlay Parking P-3 District Downtown Overlay (DDMU-1 PBD P-3 DO). Additionally, there is a request to abandon 100 feet of the north-south alley right-of-way north of East 3rd Avenue between East 3rd Avenue and East 4th Avenue, and west of North Scottsdale Road.

Site Acreage: .71 +/- Acres

Site Zoning: C-2 DO & C-2/P-3DO

Applicant Contact: John Berry

Phone number: 480-385-2727

Email: JB@BerryRiddell.com

Pre-Application #: 993-PA-2016

Project information may be researched at: <http://eservices.scottsdaleaz.gov/bid/resources/PreAppSearch>

Posting Date: 02-27-2017

City Contacts: Dan Symer

Phone number: 480-312-4218

Email: DSymer@ScottsdaleAZ.gov

Available at The City of Scottsdale: 480-312-7888

Penalty for removing or defacing sign prior to date of last hearing

Applicant Responsible for Sign Removal

02/27/2017 10:48



Pre-application No.: 993 PA 2016  
 Project Name: Winfield Hotel & Residences

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1. This affidavit concerns the following parcel of land:

a. Street Address: 4221 N. Scottsdale  
 b. County Tax Assessor's Parcel Number \_\_\_\_\_  
 c. General Location: Scottsdale Rd & 3rd Avenue  
 d. Parcel Size: 1.27 gross acres  
 e. Legal Description: See ACTA & title report

(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 general manager of the Scottsdale Planning and Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the general manager of the City of Scottsdale Planning and 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 or 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
<u>4221-Associates AZ LLC</u>	<u>April 26<sup>th</sup></u> , 20 <u>17</u>	<u>[Signature]</u>
<u>by David Slattery, Manager</u>	_____, 20____	_____
_____	_____, 20____	_____
_____	_____, 20____	_____



## Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: 993-PA-2016  
Project Name: Winfield Hotel & Residences  
Project Address: 4221 N. Scottsdale Rd.

### STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

### STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: David E. Slattery Jr., Manager  
Print Name

[Signature]  
Signature

### City Use Only:

Submittal Date: \_\_\_\_\_ Case number: \_\_\_\_\_

### Planning, Neighborhood & Transportation Division

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

Rev. 9/2012

**7-ZN-2017**  
**04/28/17**





# Affidavit of Posting

Office of the City Clerk

STATE OF ARIZONA            )  
  )        ss  
COUNTY OF MARICOPA        )


I, Alex Acevedo, being first duly sworn, depose and say:

That on November 1, 2017, I posted notification poster(s) for the properties indicated below.

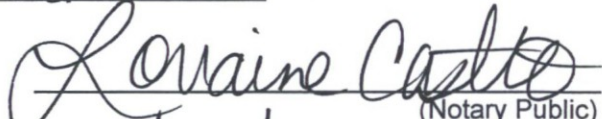
**Site(s) must be posted on or before: November 1, 2017**

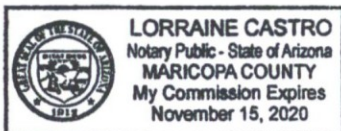
Case No.	Description and Location of Project	No. of Signs	Date Posted
7-ZN-2017	Winfield Hotel & Residences, 4221 North Scottsdale Road	1	11-1-17

**Date of Development Review Board Public Meeting:** November 16, 2017, AT 1:00 P.M. IN THE CITY HALL KIVA, SCOTTSDALE, ARIZONA.

  
(Signature)

Acknowledged this 1<sup>st</sup> day of November 2017.

  
(Notary Public)  
My commission expires 11/15/2020



## Planning and Development Services

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



# PUBLIC HEARING NOTICE

**REQUEST:** Approval of a Zoning District Map Amendment application from Central Business, Downtown Overlay (C-2 DO), Central Business, Parking, Downtown Overlay (C-2/P-3/DO) and Passenger Vehicle Parking, Downtown Overlay (P-2 DO) to Downtown/Downtown Multiple Use - Type 2, Planned Block Development, Downtown Overlay (D/DMU - Type 2 PDB DO) zoning with amended Development Standards.

**CASE#:** 7-ZN-2017

**DATE:** November 16, 2017

HEARING DATE SUBJECT TO CHANGE  
PLEASE CHECK OUR WEBSITE FOR LATEST  
INFORMATION

UNLESS OTHERWISE NOTIFIED, ALL  
PUBLIC HEARINGS ARE HELD AT:

SCOTTSDALE CITY HALL  
3535 N. DRINKWATER BLVD.

YOUR COMMENTS ABOUT THIS REQUEST CAN BE  
MADE PRIOR TO OR AT THE ABOVE PUBLIC HEARING  
IF YOU WISH TO SPEAK AT THIS MEETING PLEASE  
ALLOW ENOUGH TIME TO FILL OUT A COMMENT  
CARD.



**480-312-7000**

**1:00 P.M.**

POSTING DATE:

November 1, 2017

<http://www.ci.scottsdale.az.us/development/Cases>

DEVELOPMENT REVIEW BOARD



## 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:

4221 N. Scottsdale Rd., Scottsdale, AZ 85251

(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.

  
\_\_\_\_\_  
Signature of Property Owner  
4221-ASSOCIATES AZ LLC

4/12/2017  
Date