



207 Waiver

Title

Legal Description / Ads

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

Public Notices



NOTICE OF PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Scottsdale, Arizona, will hold a public hearing on November 18, 2020, at 5:00 P.M in Scottsdale, Arizona. Until further notice, Planning Commission meetings will be held electronically. While physical facilities are not open to the public, Planning Commission meetings are televised on Cox Cable Channel 11 and streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to listen/view the meeting in progress.

Instructions on how to provide Public Comments will be provided on the posted agenda.

9-UP-2020 (Nash Powersports) Request by owner for approval of a Conditional Use Permit to allow for an outdoor vehicle display on a +/- 1.7-acre site with Highway Commercial, Planned Community Development (C-3 PCD) zoning, located at 10781 N. Frank Lloyd Wright Blvd. Staff contact person is Meredith Tessier, 480-312-4211. Applicant contact person is Matt Petrovich, 602-509-9468.

10-UP-2020 (Multi-Use Sport Fields MUMSP) Request by the City of Scottsdale for approval of a Municipal Use Master Site Plan for a new multi-use sports field with field lighting located at 9390 E. Bell Road, zoned Single-family Residential, Environmentally Sensitive Lands, Planned Community District (R1-7, ESL PCD). Staff contact person is Meredith Tessier/Joe Phillips, 480-312-4211. Applicant contact person is Joe Phillips, (480) 861-4823.

14-UP-2020 (DC Ranch Community Park Irrigation Lake MUMSP) Request by the City of Scottsdale for approval of a Municipal Use Master Site Plan and Conditional Use Permit for a park on +/- 14.67 acres located at the Southwest corner of N. 91st Street and E. Trailside View with Open Space, Planned Community District (OS PCD) zoning. Staff contact person is Joe Phillips/Meredith Tessier, 480-312-4211. Applicant contact person is Joe Phillips, 480-312-2522.

18-ZN-2019 (Scottsdale Nazarene Rezoning) Request by owner for a Zoning District Map Amendment from Single-family Residential (R1-7) and Multiple-family Residential (R-5) zoning to Townhouse Residential (R-4) zoning on a +/-5.2-acre site, located at 2340 and 2322 North Hayden Road. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Chris Brown, 602-478-0662.

22-UP-2003#4 (T-Mobile PH23001J Desert Mountain Cactus Wireless Communication Facility (WCF)) Request by owner for approval of a Conditional Use Permit for an existing Type 4 Alternative Concealment Wireless Communication Facility (WCF) concealed within a 30-foot-tall artificial cactus located on a +/-26-acre site located at 39730 N. Cave Creek Road with Open Space Environmentally Sensitive Lands District (O-S ESL) zoning. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is Todd Daoust, 602-549-9054.

14-ZN-2020 (Shoeman Lane) Request by owner for a zoning district map amendment from Central Business District, Parking District, Downtown Overlay and Parking Regulations, Downtown Overlay (C-2/P-3 Do and P-2 DO) to Downtown/Downtown Multiple Use, Type 3, Parking Regulations, Downtown Overlay (D/DMU-3 P-2 DO) for a +/- 0.14-acre site located at 7333, 7335 and 7337 E. Shoeman Lane. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Jason Morris, 602 230-0600.

11-UP-2020 (Shoeman Lane) Approval of a Conditional Use Permit for a Medical Marijuana use on a +/- 0.14-acre site located at 7333, 7335 and 7337 E. Shoeman Lane. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Jason Morris, 602-230-0600.

4-TA-2020 (Text Amendment to Medical Marijuana Ordinance) Request by applicant to amend the Zoning Ordinance (Ord. No. 455), specifically Section 1.403.M.2. (Additional conditions for specific conditional uses), to add criteria for Medical Marijuana uses located within the Old Town boundary, and Table 5.3004.D. (Land Uses) to add "Medical Marijuana Use" to the list of allowed uses in all Downtown (D) District Subdistricts, subject to a Conditional Use Permit. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Jason Morris, 602-230-0600.

For additional information visit our web site at www.scottsdaleaz.gov search "Scottsdale Planning Case Files" or in your URL search bar you can type in <https://eservices.scottsdaleaz.gov/bldgresources/Cases/>

A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE FOLLOWING

Online at: <http://www.ScottsdaleAZ.gov/Boards/planning-commission>

CHAIRMAN

Attest
Lorraine Castro
Planning Assistant

For additional information visit our web site at www.scottsdaleaz.gov



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CLERK'S OFFICE AT (480-312-7767). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CLERK'S OFFICE AT (480-312-7767).

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CHAIRMAN

Attest
Bronte Ibsen

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Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 601 -PA- 2020

Project Name: Build Multi-Use Sports Fields in the Area of Bell Road

Project Address: 9390 E Bell Road

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 owner's agent: Joe Phillips

Print Name


Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

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

CONDITION OF TITLE REPORT

SCHEDULE A

Effective Date: May 14, 2020 at 8:00 A.M.

File No. 00113223-090-

Fee: \$500.00

Ref. No.:

1. This report is for informational purposes only and is not to be considered a commitment to insure or a commitment to issue a policy of title insurance; no insurance, guarantee or other assurance is intended or afforded hereby. This report is for the sole use and benefit of the parties set forth in Number 2 below and liability is hereby limited to the amount of the fee paid.

This report was prepared from only those items of public record shown in the title plant indices of the issuing company to show the condition of title as reflected by same. Those items to which the hereinafter described land is subject are set forth in Schedule B.

2. For the use and benefit of:

City of Scottsdale and Survey Innovation Group, Inc.

3. The estate or interest in the land described herein is:

A FEE

4. Title to said estate or interest at the date hereof is vested in:

City of Scottsdale

5. The land referred to in this report is located in Maricopa County, ARIZONA and is described as:

See Exhibit A attached hereto and made a part hereof.

American Title Service Agency, LLC.



By: Steve Owen/so,
Title Department

EXHIBIT A

WORKING LEGAL ONLY – NOT FOR TITLE INSURANCE PURPOSES

That portion of Tract 23, of STATE PLAT NO. 16 CORE SOUTH, according to the survey of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 324 of Maps, Page 50, lying West of the Westerly right-of-way line of 94th Street.

WORKING LEGAL ONLY – NOT FOR TITLE INSURANCE PURPOSES

SCHEDULE B – Part I

EXCEPTIONS

1. Taxes for the year of 2020, a Lien, but not yet due and payable.
First half due and payable October 1, 2020 and delinquent on November 1 of that year. Second half payable on or before March 1 of the following year, and delinquent May 1 of that same year.
2. Reservations contained in State of Arizona Patent recorded in Document No. 2005-1651323, reading as follows:

"This Patent is issued subject to any and all easements or rights-of-way heretofore legally obtained and now in full force and effect".
3. Water rights, claims or title to water, whether or not the matters excepted are shown by the public records.
4. Easements, restrictions, reservations, conditions, setback lines and all other matters as set forth on the plat recorded in Book 324 of Maps, Page 50, deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 U.S.C. 3604(c).
5. An easement for electric transmission line and rights incidental thereto, recorded in Docket 655, page 175.
6. A Right of Way as set forth in the State Land Department State of Arizona Amendment Right-of-Way R/W No. 16-53638 recorded in Document No. 1997-0652885
7. A Right of Way as set forth in the State Land Department State of Arizona Right-of-Way R/W No. 16-109905 recorded in Document No. 2005-0728632.
8. A Right of Way as set forth in the State Land Department State of Arizona Right-of-Way R/W No. 16-109423 recorded in Document No. 2005-0945794.

END OF SCHEDULE B – Part I

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 of 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 violations 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 of 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:

9390 E. Bell Road Scottsdale, AZ 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.



Signature of Property Owner

9/11/2020

Date

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 93960 E Bell Road
- b. County Tax Assessor's Parcel Number: 215-07-023D
- c. General Location: Northwest corner of Bell Road and N 94th St
- d. Parcel Size: 40 Acres
- e. Legal Description: "See Attached 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)

Joe Phillips

Date

September, 20 20
 _____, 20
 _____, 20
 _____, 20

Signature



Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • www.ScottsdaleAZ.gov

9390 E. Bell Road
Legal Description:

THAT PORTION OF TRACT 23, OF STATE PLAT NO. 16 CORE SOUTH, ACCORDING TO THE SURVEY OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 324 OF MAPS, PAGE 50, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF 94TH STREET.