

CITY COUNCIL REPORT



Meeting Date: *October 20th, 2026*
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses.*

ACTION

Select Education
UP-0005-2026

Request to consider the following:

1. Adopt Resolution No. 13790 for a Conditional Use Permit for an educational service, elementary and secondary school, on a +/-5 -acre site with Single-Family Residential (R1-190 ESL) zoning located at 9201 E. Happy Valley Road.

Goal/Purpose of Request

The applicant's request is for a Conditional Use Permit for a new school.

Key Items for Consideration

- Conformance with the Conditional Use Permit Criteria
- Student enrollment of 40 with the potential of 250
- Existing on-site parking accommodates proposed use and vehicle queueing for student drop off and pick up.
- One Public comment received in support of this request
- Planning Commission heard this case 9/9/2026 and recommended approval with a vote of 7-0

OWNER

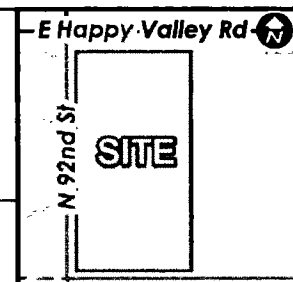
Living Water Lutheran Church
Darnell Pettengill

APPLICANT CONTACT

Joseph Martinka
Select Education LLC
480-516-2868

LOCATION

9201 E Happy Valley Rd



Action Taken _____

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category includes low density and large lot development, including horse privilege neighborhoods and areas with particularly sensitive and unique natural environments.

Zoning

The site is zoned Single-family Residential Environmentally Sensitive Lands (R1-190 ESL). The R1-190 zoning district allows single family homes, churches, and educational services through the Conditional Use Permit process.

Context

The subject property is located at the southeast corner of E Happy Valley Road and N 92nd Street. Single-Family Residential properties are located to adjacent dedicated right-of way surrounding this property. Directly east of the subject property there are Single-Family Residences. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: Single-Family Residential Environmentally Sensitive Lands (R1-70 ESL (HD))
- South: Single-Family Residential Environmentally Sensitive Lands (R1-190 ESL)
- East: Single-Family Residential Environmentally Sensitive Lands (R1-190 ESL)
- West: Single-Family Residential Environmentally Sensitive Lands (R1-43 ESL)

Other Related Policies, References:

Scottsdale General Plan 2035, as amended
Zoning Ordinance

APPLICANT'S PROPOSAL

Development Information

The applicant's request is for approval of a Conditional Use Permit for an educational service, elementary and secondary school, to allow for a new preschool in an existing +/-18,000 square foot single story building located on a +/-5 acre site.

- Existing Use: Place of Worship (POW)
- Proposed Use: Place of Worship & Educational service, elementary and secondary school
- Buildings/Description: 3 detached buildings: totaling +/-18,000 square feet
Northern buildings (2-existing (no changes requested) POW): +/- 9,507 square feet
Southern building (existing, no changes requested): +/- 8,220 square feet
- Parcel Size: +/-178,325 square feet and/or +/- 5 acres
- Building Height Allowed: 30 feet

Planning Commission Report | Select Education

- Building Height Proposed: 28 feet (existing)
- Parking Required: 117 spaces
- Parking Provided: 139 spaces
- Open Space Required: +/-42,816 square feet
- Open Space Provided: +/- 101,131 square feet
- Floor Area Ratio: .099

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. 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.
 - **The proposed educational service use will be conducted primarily indoors within the existing building on-site. The type of use for this site is not anticipated to generate any noise, smoke, odor, dust, vibration or illumination that could negatively impact surrounding areas. A centrally located 6 ft CMU walled outdoor play area exists within proximity to existing single family residences 100+ feet to the east, 100+ feet to the west and 200+ feet to the south and 200+ feet to the north compatible with ordinance requirements. A minimum 25 foot area adjacent residential is provided to supplement the outdoor playground area.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **Parking for the proposed site requires 117 spaces, 139 spaces are provided.**
 - **The circulation plan depicts a counterclockwise flow with vehicles entering from the western driveway on N. 92nd Street and exiting from the western driveway on 92nd Street. Access to the site is also available at the eastern entrance from Happy Valley Road (right in, right out). The subdivision to the west, Solitude, has no direct vehicular or pedestrian access on to N. 92nd Street nor an existing sidewalk. School staff will manage this flow through an operational plan. The proposed land use is not anticipated to negatively affect the overall level of service for the surrounding area.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **The site currently operates as a Place of Worship with a preexisting, freestanding education building. The proposed educational service is reasonably compatible**

Planning Commission Report | Select Education

with the surrounding land uses which includes church assemblies within the subject parcel and single family residential to north, south, east and west.

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

The proposal meets the provisions for educational service as identified in Zoning Ordinance Section 1.403.H., including:

1. There shall be no facilities regularly used for overnight housing or sleeping of students.
 - **No overnight housing or sleeping of students are proposed.**
2. Minimum lot area: 43,000 square feet.
 - **The lot area of the site is +/- 178,325 square feet.**
3. Maximum floor area ratio: 0.2
 - **The floor area ratio of the existing building is less than that allowed by ordinance.**
4. Noise: Outdoor speaker systems or bells are not allowed unless specifically approved by City Council.
 - **No outdoor speakers or bells are proposed.**
5. Required Open Space: Minimum 0.24 multiplied by the net lot area and for building heights over twenty (20) feet, the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - **This property currently has sufficient locations to provide open space in the amount to comply as necessary.**
6. Parking
 - i. Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. On all other street classifications, parking shall be located behind the established front building line(s).
 - **Parking stalls within site are existing and located behind the established building line.**
 - ii. There shall be a 3-foot-tall high landscaped berm or screen wall along the street frontage where parking occurs.
 - **There is a 6-foot existing CMU wall screening the parking from N. 92nd Street. There is a 6-foot CMU wall on top of a berm screening parking along the eastern property line and a screen wall along the northern property line.**
 - iii. A minimum of fifteen (15) percent of all parking areas shall be landscaped in addition to open space required above.
 - **The property is in compliance and is currently a Place of Worship, no additions are proposed to the subject property.**
 - iv. A 20-foot minimum landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (PC), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - **The site plan shows compliance as similarly required when operating as a place of worship.**

7. Lighting:

- i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
- ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line.
- iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 - **All exterior lighting is existing and is glare shielded and in compliance, with no additional lighting proposed.**

8. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- **An existing landscape buffer is provided along the side and rear property lines that are adjacent to a residential district.**

9. Access and Circulation Plan:

- i. All private schools, universities and colleges shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater.
- ii. Side Street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250).
 - **The maximum number of enrolled students is not to exceed two hundred and fifty (250).**
- iii. A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
 - **A drop off area is designated at the building entrance that will accommodate five (5) vehicles.**
- iv. The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area(s), potential van and bus drop-off area(s), parking, access driveway(s), pedestrian paths, and bicycle paths on site.
 - **The school proposes to re-stripe the area on the west side of the site to provide 5 parallel parking spaces instead of the ten existing, typical parking spaces. During school drop-off and pick-up, the site would temporarily close the 5 parallel parking stalls on the west portion of the site. A "coned off" pathway would be provided between the drop-off / pick-up area and the entrance to the Education Building where school will be held. The school and church will work with the garbage collection service provider to make sure that the trash enclosure is not serviced during school beginning and end times.**

Planning Commission Report | Select Education

10. Operations:

- i. No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit.
 - **An existing playground is attached to the preschool and the applicant agrees to this condition.**
 - ii. Any additions to, expansions of, or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any property with a zoning of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.
 - **The existing playground is approximately 85 feet from the nearest residential district.**
 - iii. Any additions to, expansions of, or proposed playgrounds or outdoor activity areas shall be setback twenty-five (25) feet from the property line (including right-of-way width) of any property with a zoning of Two-family Residential (R-2), Medium Density Residential (R-3), Townhouse Residential (R-4), Resort/Townhouse Residential (R-4R), Multiple-family Residential (R-5), or Manufactured Home (M-H).
 - **The application complies with this requirement**
 - iv. All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
 - **An existing 6-foot-tall fence adequately screens the existing playground.**
11. Building Design: All buildings shall be designed to be compatible with the surrounding residential neighborhood, subject to review and approval by the Development Review Board.
- **No design changes are proposed to the existing building.**

Water/Sewer

All infrastructure upgrades necessary to serve this project will be completed by the applicant. No water or sewer improvements will be required at this time.

Public Safety

There are no anticipated police and fire services impacts as a result of the proposed use. The nearest fire station is within 2 miles and located at 26380 N Hayden Rd.

Community Involvement

The City of Scottsdale promotes public participation in the development of the built environment. The applicant has complied with the city's suggested best practices for public outreach. The site was posted with the required signage and property owners within 750 feet of the site were notified

Planning Commission Report | Select Education

by mail from both the applicant and City. As of writing this report staff has received one email in support of the project, shown in attachment 5.

Community Impact

This proposal provides additional educational opportunities for the area. The site is designed to accommodate both vehicular drop-off and pick-up of children, with adequate queuing, as well as parental walk-ups.

Other Boards and Commissions**Planning Commission:**

Planning Commission heard this case on September 9, 2026 and recommended approval with a 7-0 vote.

Recommended Approach:

Staff recommended that the Planning Commission find that the CUP criteria have been and that the proposed conditional use permit is consistent and conforms with adopted General Plan, per the attached stipulations.

STAFF RECOMMENDATION

Recommended Approach:

1. Adopt Resolution No. 13790 for a Conditional Use Permit for an educational service, elementary and secondary school, on a +/-5 -acre site with Single-Family Residential (R1-190 ESL) zoning located at 9201 E. Happy Valley Road.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Chris Zimmer

Senior Planner

480-312-2347

E-mail: czimmer@ScottsdaleAZ.gov

APPROVED BY



Chris Zimmer, Report Author

9/21/26

Date



Tim Curtis, AICP, Current Planning Director

Planning Commission Liaison

Phone: 480-312-4210 Email: tcurtis@scottsdaleaz.gov

10/1/2026

Date



Erin Perreault, AICP, Sr. Director

Planning and Development Services

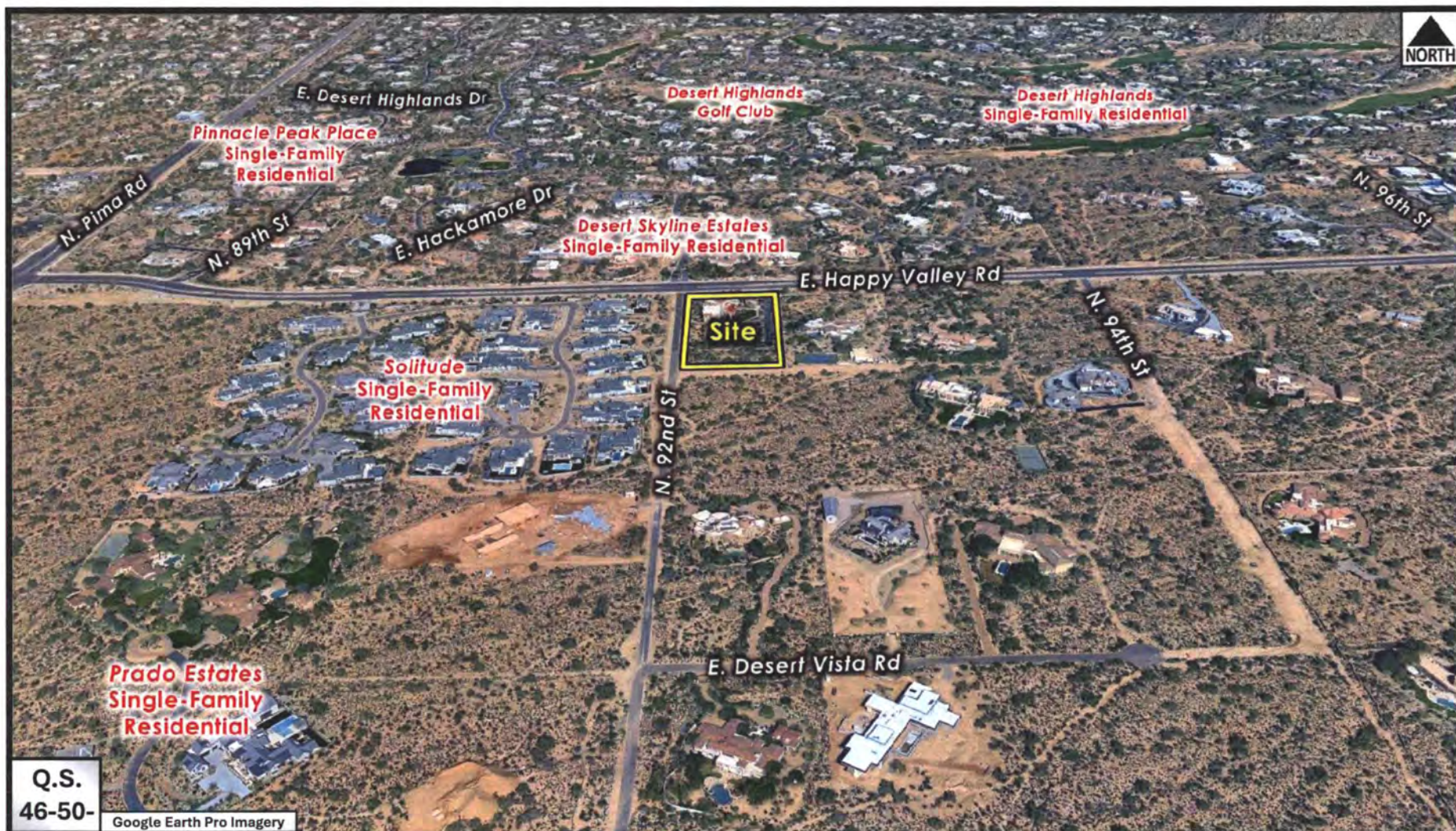
Phone: 480-312-7093 Email: eperreault@scottsdaleaz.gov

10/05/2026

Date

ATTACHMENTS

1. Context Aerial
2. Applicant narrative
3. Resolution No. 13790
 - Exhibit 1: Aerial Close Up
 - Exhibit 2: Stipulations
 - Exhibit A to Exhibit 2: Site Plan
 - Exhibit B to Exhibit 2: Floor Plan
 - Exhibit 3: Additional Conditions
4. Existing Zoning Map
5. Community Involvement
6. City Notification Map
7. Planning Commission Meeting Minutes September 9, 2026



50
Context Aerial

UP-0005-2026

ATTACHMENT #1

Living Water Lutheran Church and Select Education LLC
Conditional Use Permit / Project Narrative

Request by owner for a conditional use permit for an Educational service, elementary school on a +/-4.09 acre site with Single-Family Residential Environmental Sensitive Lands (R1-190 ESL) zoning located at 9201 E Happy Valley Rd.

The proposed use is consistent with the intent of Scottsdale Zoning Ordinance Section 5.102 because it provides an educational service that benefits local families while maintaining compatibility with the surrounding area. Select Education serves a limited number of students in a structured academic environment focused on individualized instruction, student growth, and educational enrichment.

The operation is designed to minimize impacts on neighboring properties. Student enrollment is intentionally limited, resulting in significantly lower traffic generation, noise levels, and site activity than many other permitted institutional or commercial uses. Activities are conducted primarily indoors during normal daytime hours, and outdoor activities are supervised and organized to ensure compatibility with adjacent properties.

Adequate parking is available on-site for staff, parents, and visitors. Student drop-off and pick-up procedures are managed to promote safety and minimize traffic congestion. The use will not create excessive noise, lighting, or other nuisances that would adversely affect surrounding properties.

The proposed educational use supports Scottsdale's commitment to providing diverse educational opportunities for families and contributes positively to the surrounding community by offering a high-quality learning environment focused on academic achievement, personal growth, and community engagement.

For these reasons, Select Education believes the proposed use is consistent with the intent and purpose of Section 5.102 and satisfies the findings necessary for approval of the requested Use Permit.

A. 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.

- The proposed educational service use will be conducted primarily indoors within the existing building on-site. The type of use for this site is not anticipated to generate any noise, smoke, odor, dust, vibration or illumination that could negatively impact surrounding areas. A centrally located 6 ft CMU walled outdoor play area exists with its proximity to existing single family residences 100+ to the east, 100+ to the west and 200+ to the south and 200+feet to the north away compatible with the ordinance

ATTACHMENT #2

requirement. A minimum of 25 feet to adjacent residential to supplement the outdoor playground area.

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

- The circulation plan depicts a counterclockwise flow with entering vehicles from the western driveway on N. 92nd St. and exiting vehicles from the western driveway on 92nd St. Access to the site is also available at the eastern entrance from Happy Valley Road, which is divided at that location (right in, right out). The subdivision to the west Solitude has no direct vehicular or pedestrian access to N. 92nd St. nor an existing sidewalk. School staff will manage this flow through an operational plan. The proposed land use is not anticipated to negatively affect the overall level of service for the surrounding area.

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

- The site currently operates as a Place of Worship with a preexisting, freestanding education building. The proposed educational service is reasonably compatible with the surrounding land uses which include church assemblies to the north and single family residential to north, south, east and west.

C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for educational service as identified in Zoning Ordinance Section 1.403.H., including:

1. There shall be no facilities regularly used for overnight housing or sleeping of students.

- Not Applicable. No overnight housing or sleeping of students are proposed.

2. Minimum lot area: 43,000 square feet.

- Lot area of the site is 217,773 sq/ft.

3. Maximum floor area ratio: 0.2

- The floor area ratio of the existing building is less than the required.

4. Noise: Outdoor speaker systems or bells are not allowed unless specifically approved by City Council.

- Not applicable. No outdoor speakers or bells are proposed.

5. Required Open Space: Minimum 0.24 multiplied by the net lot area and for building heights over twenty (20) feet, the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

- Existing Open Space: 42,816ft required. 101,131 sq ft provided.

- First 20 ft of height equals 24% of net lot area.

- Area equals 0.24 times 178,398 sq ft equals 42,816 sq ft. Next 20 ft of height equals 0.04% per sq ft. times net total area. Lot area equals .004 times 17 times 178,393 sq ft equals 12,131 sq ft. Total open space required equals 54,947 sq ft. Total open space provided 101.131 sq ft.

- This application is within an existing education building and there are no proposed changes to the existing building.

- The property is currently a Place of Worship. The proposed educational service will operate within the preexisting, detached, freestanding educational building.

6. Parking

i. Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. On all other street classifications, parking shall be located behind the established front building line(s).

- Parking stalls within the site are existing and located at the southeast corner of the parking lot screened from the streets by existing sight walls.

ii. There shall be a 3-foot-tall high landscaped berm or screen wall along the street frontage where parking occurs.

- There is a 6ft existing CMU wall screening the parking from N. 92nd St. There is a 6ft CMU wall on top of a berm screening parking along the eastern property line. There is a screened wall along the North side along Happy Valley Road.

iii. A minimum of fifteen (15) percent of all parking areas shall be landscaped in addition to open space required above.

- The property is in compliance and is currently a Place of Worship, no additions are proposed to the subject property.

iv. A 20-foot minimum landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (PC), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- The properties to the east are zoned R1-190-ESL and are not planned residential developments.

7. Lighting:

i. All pole-mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

ii. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line.

iii. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

- All exterior lighting is existing and is glare shielded and will comply, with no additional lighting proposed.

8. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned

Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- An existing landscape buffer is provided along the side and rear property lines that are adjacent to a residential district.

9. Access and Circulation Plan:

i. All private schools, universities and colleges shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater.

ii. Side Street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250).

iii. A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.

- A drop off area is designated at the building entrance that will accommodate five (5) vehicles.

- The school proposes to re-stripe the area on the west side of the site to provide 5 parallel parking spaces instead of the ten existing, typical parking spaces.

- During school drop-off and pick-up, the site would temporarily close the 5 parallel parking stalls on the west portion of the site.

- A "coned off" pathway would be provided between the drop-off / pick-up area and the entrance to the Education Building where school will be held.

- The school and church will work with the garbage collection service provider to make sure that the trash enclosure is not serviced during the school begin and end times.

iv. The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area(s), potential van and bus drop-off area(s), parking, access driveway(s), pedestrian paths, and bicycle paths on site.

- The applicant has provided a circulation plan that identifies a one-way circulation pattern through the site and a 5 car drop-off southwest of the entrance of the existing education building. At no time will there be more than 40 student vehicles on site at one time and school provides staggered drop off and pickup times.

10. Operations:

i. No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit.

- An existing playground is attached to the education building. Per applicants agreement with Living Water Lutheran Church, no activities shall go beyond 7pm and the applicant agrees to this condition.

ii. Any additions to, expansions of, or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any property with a zoning of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community (P- C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district

comparable to the single-family residential districts shown on Table 4.100.A.

- The existing playground is approximately 100+/- feet from the nearest residential district.

iii. Any additions to, expansions of, or proposed playgrounds or outdoor activity areas shall be setback twenty-five (25) feet from the property line (including right-of-way width) of any property with a zoning of Two-family Residential (R-2), Medium Density Residential (R-3), Townhouse Residential (R-4), Resort/Townhouse Residential (R-4R), Multiple-family Residential (R-5), or Manufactured Home (M-H).

- The applicant complies with this requirement

iv. All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community (P-C), or any portion of a Planned Residential Development (PRD) with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.

- An existing 6-foot-tall CMU wall adequately screens the existing playground.

11. Building Design: All buildings shall be designed to be compatible with the surrounding residential neighborhood, subject to review and approval by the Development Review Board.

- No design changes are proposed to the existing building

RESOLUTION NO. 13790

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR AN EDUCATIONAL SERVICE, ELEMENTARY AND SECONDARY SCHOOL, WITH THEIR RELATED SERVICES AND ACTIVITIES, ON A +/-5 ACRE SITE WITH SINGLE-FAMILY RESIDENTIAL (R1-190 ESL) ZONING LOCATED AT 9201 E. HAPPY VALLEY ROAD.

WHEREAS, the Planning Commission held a public hearing on September 9, 2026;

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on **Exhibit 2** will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

Section 2. That a description of the conditional use permit is set forth in Case No. UP-0005-2026. The property that is subject to the conditional use permit is shown on **Exhibit 1** and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in **Exhibits 2 and 3**. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this _____ day of _____, 2026.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Ben Lane, City Clerk

By: _____
Lisa Borowsky, Mayor

APPROVED AS TO FORM:

By:  _____
Luis E. Santaella, City Attorney
By: Joe Padilla, Deputy City Attorney



Close-up Aerial

Resolution No. 13790
Exhibit 1
Page 1 of 1

UP-0005-2026

Stipulations for the Conditional Use Permit
For an Educational Service, Elementary and Secondary School
Select Education
Application Number: UP-0005-2026

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

SITE DESIGN

1. CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform with the conceptual site plan attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. OUTDOOR SPEAKERS OR BELLS. No outdoor speaker systems or bells shall be permitted.
3. OPERATIONS. No outdoor activities shall be permitted after 8:00 P.M. unless otherwise approved through a special event permit.
4. OUTDOOR LIGHTING. Any new pole mounted lighting shall be directed down and shielded and shall be a maximum height of sixteen (16) feet. Any new outdoor lighting adjacent to a residential district shall be setback a minimum of thirty (30) feet from the property line.

TRAFFIC MANAGEMENT PLAN

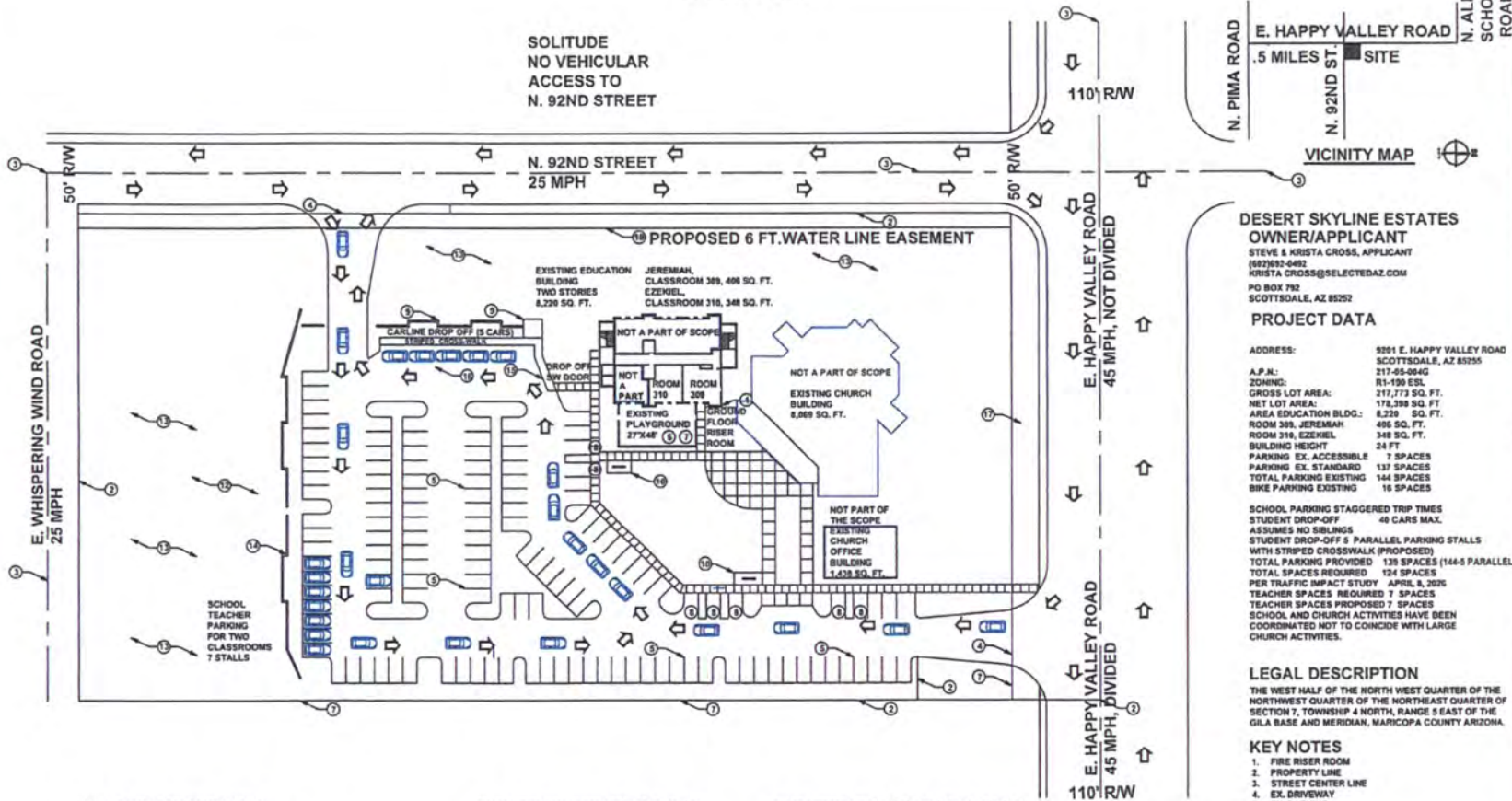
5. The owner/developer shall have school administration comply with the following conditions:
 - A. School administration and its successors shall manage the traffic activity on school property to not cause any incidents that result in vehicle queues for drop-off and loading of students to extend out onto any abutting street(s) that blocks adjacent property access, including promoting entrance from the west driveway, in coordination with the City Transportation Dept.
 - B. At time of final plans submittal, the applicant/developer shall submit a circulation and stripping plan that depicts access from the northern driveway. Any and all necessary restriping or improvements associated with Exhibit A to Exhibit 2 shall be submitted, reviewed, and approved by the transportation designee, to that reviewer's satisfaction, prior to the issuance of any permit.
 - C. The school administration shall manage on-site circulation and site access by providing staggered start and dismissal times as necessary, in coordination with the City Transportation Dept
 - D. The school administration shall notify the City of Scottsdale Transportation Dept. at the time of any changes made to the student drop-off and loading procedure.

OPERATIONS

6. The owner/developer shall have school administration comply with the following conditions:
 - A. At time of enrollment a copy of the circulation and stripping plan shall be provided to all students, and/or their respective drivers, to reinforce access to and from the property.
 - B. Hours of operation shall begin no earlier than 7:00 AM and shall end no later than 6:00 PM, not including special events.
 - C. No more than 250 students shall be allowed on campus at any one time.

CARLINE PLAN

SOLITUDE
NO VEHICULAR
ACCESS TO
N. 92ND STREET



DESERT SKYLINE ESTATES OWNER/APPLICANT

STEVE & KRISTA CROSS, APPLICANT
(882)932-0482
KRISTA.CROSS@SELECTEDAZ.COM
PO BOX 702
SCOTTSDALE, AZ 85252

PROJECT DATA

ADDRESS: 5001 E. HAPPY VALLEY ROAD
SCOTTSDALE, AZ 85255
A.P.N.: 217-05-004G
ZONING: R1-190 ESL
GROSS LOT AREA: 217,773 SQ. FT.
NET LOT AREA: 178,398 SQ. FT.
AREA EDUCATION BLDG.: 8,229 SQ. FT.
ROOM 308, JEREMIAH: 406 SQ. FT.
ROOM 310, EZEKIEL: 348 SQ. FT.
BUILDING HEIGHT: 24 FT.
PARKING EX. ACCESSIBLE: 7 SPACES
PARKING EX. STANDARD: 137 SPACES
TOTAL PARKING EXISTING: 144 SPACES
BIKE PARKING EXISTING: 16 SPACES

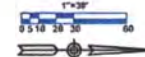
SCHOOL PARKING STAGGERED TRIP TIMES
STUDENT DROP-OFF: 40 CARS MAX.
ASSUMES NO SIBLINGS
STUDENT DROP-OFF 8 PARALLEL PARKING STALLS
WITH STRIPED CROSSWALK (PROPOSED)
TOTAL PARKING PROVIDED: 138 SPACES (144-6 PARALLEL)
TOTAL SPACES REQUIRED: 124 SPACES
PER TRAFFIC IMPACT STUDY: APRIL 8, 2025
TEACHER SPACES REQUIRED: 7 SPACES
TEACHER SPACES PROPOSED: 7 SPACES
SCHOOL AND CHURCH ACTIVITIES HAVE BEEN
COORDINATED NOT TO COINCIDE WITH LARGE
CHURCH ACTIVITIES.

LEGAL DESCRIPTION

THE WEST HALF OF THE NORTH WEST QUARTER OF THE
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 7, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE
GILA BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA.

KEY NOTES

1. FIRE RISER ROOM
2. PROPERTY LINE
3. STREET CENTER LINE
4. EX. DRIVEWAY
5. EX. PARKING
6. EX. PLAYGROUND
7. EX. 6 FT. CMU WALL
8. EX. ADA PARKING
9. EX. TRASH ENCLOSURE/CMU w/ BOLLARDS
10. EX. BIKE RACK
11. EX. CMU WALL
12. RETENTION BASIN
13. MANS
14. EX. RETAINING WALL WITH GUARD RAIL ON TOP
15. STRIPED CROSS-WALK
16. 100 FT. WIDE CARLINE
17. SIDEWALK 51ST STREET TO STUDENT DOOR
18. PROPOSED 6 FT. WATER LINE EASEMENT 51ST ST.



EXISTING PARKING LOT LANDSCAPING
10% OF PARKING AREA = 215 X 54,893 SF = 5,114 SF
MINIMUM REQUIRED IN LANDSCAPE ISLAND
= 8.33 X 8,144 SF = 2,678 SF
AREA PROVIDED
LANDSCAPE ISLANDS = 3,346 SF
OTHER LANDSCAPE AREAS = 4,878 SF
TOTAL PARKING LOT LANDSCAPING = 8,224 SF

EXISTING H.A.O.S.
54,443 SQ. FT. REQUIRED.
54,443 SQ. FT. PROVIDED
38,658 SQ. FT. PROVIDED UNDISTURBED AREAS
16,331 SQ. FT. REVEGETATED AREAS

EXISTING OPEN SPACE
42,816 SQ. FT. REQUIRED.
191,131 SQ. FT. PROVIDED
FIRST 20 FT. OF HEIGHT = 24% OF NET LOT AREA
AREA = 0.24 X 178,398 SQ. FT. = 42,816 SF
NEXT 20 FT. OF HEIGHT = .04% PER FT. X NET
LOT AREA = 0.04 X 17 X 178,393 SQ. FT. = 12,131 SF
TOTAL OPEN SPACE REQUIRED = 54,947 SF
OPEN SPACE PROVIDED 191,131 SF

PHASE 1 (EXISTING) PARKING SPACES REQUIRED:
WORKSHOP AREA: 2,949 SQ. FT.
CLASSROOM & MEETING AREAS:
MULTI-PURPOSE: 1,899 SQ. FT.
CLASSROOM: 396 SQ. FT.
CLASSROOM: 406 SQ. FT.
CLASSROOM: 348 SQ. FT.
CLASSROOM: 452 SQ. FT.
CLASSROOM: 452 SQ. FT.
NURSERY: 402 SQ. FT.
TOTAL CLASSROOM & MEETING AREA: 3,556 SQ. FT.

PHASE 1 REQUIRED PARKING SPACE CALCULATIONS
WORKSHOP AREA: 2,949 SQ. FT. @ 90-98
CLASSROOM & MEETING AREA: 3,556 SQ. FT. @ 90-12
TOTAL SPACES REQUIRED: 110

PHASE 2 (SECOND FLOOR) PARKING SPACES REQUIRED
MEETING ROOM: 406 SQ. FT.
MEETING ROOM: 348 SQ. FT.
PHASE 2 REQUIRED PARKING SPACE CALCULATIONS
MEETING ROOMS: 754/200=3
CLASSROOM: SELECT ED 566 SQ. FT.
CLASSROOM: SELECT ED 452 SQ. FT.
CLASSROOMS: 1,018/200=4
TOTAL SPACES REQUIRED FOR PHASES 1 AND 2 117

PARKING EX. ACCESSIBLE: 7 SPACES
PARKING EX. STANDARD: 137 SPACES
TOTAL PARKING EXISTING: 144 SPACES
MINUS 6 PARALLEL SPACES FOR CARLINE
PARKING PROVIDED: 138 SPACES
BIKE PARKING EXISTING: 16 SPACES

Resolution No. 13790
Exhibit A to Exhibit 2
Page 1 of 1

SELECT EDUCATION
USE PERMIT SITE PLAN
PROPOSED 6-10-2026

DATE: 8/28/26

1 of 1

EXHIBIT 3

Excerpt from the Zoning Ordinance of the City of Scottsdale, Section 5.102.B.8

8. Private or charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards, including, but not limited to, the following as well as those otherwise required in the district.
- a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. There shall be no outside speaker system or bells.
 - d. Open space: In no case shall the open space, including play area, be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified by the Scottsdale General Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas in addition to open space in d. above shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts.
 - f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 - g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts.
 - h. Access: All private and charter schools shall have frontage on a street classified by the Scottsdale General Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one time.

- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from any R1 district property line (including right-of-way width) or setback twenty-five (25) feet from any R2, R3, R4, R4-R, R5 or M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
- k. Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.



Zoning Aerial

UP-0005-2026

ATTACHMENT #4

From: Kristin Wanek <kristinwanek@gmail.com>

Sent: Tuesday, March 31, 2026 3:24 PM

To: Curtis, Tim <tcurtis@scottsdaleaz.gov>

Subject: Select ED AZ Microschool

External Email: Please use caution if opening links or attachments!

Dear Members of the Scottsdale Planning Committee,

I am writing to respectfully request your support for Arizona Select ED, proposed to operate at Living Water Lutheran Church in Scottsdale.

Arizona Select ED is designed to provide a Montessori-based educational option for children who benefit from hands-on, experiential learning. These students often thrive in structured yet flexible environments that emphasize movement, individualized pacing, and tactile engagement.

In addition to the educational value this program brings to families, we want to emphasize that this small school will operate in a manner fully compatible with surrounding land uses and consistent with planning objectives. The school will remain small and support the nearby community with unique family educational needs.

Traffic Impact

The program is intentionally small in scale, serving a limited number of students. Arrival and dismissal will occur during defined windows, similar to other low-intensity institutional uses already permitted in the area. Because enrollment is modest, vehicle volume will be minimal and dispersed over short periods rather than creating sustained congestion. Additionally, the existing church property already accommodates periodic peak traffic during services and events, meaning the infrastructure is well suited for this level of weekday activity.

ATTACHMENT #5

Noise Considerations

Montessori programs are intentionally calm, structured environments. Classroom activities are primarily indoors and designed to promote focus and independent work. Outdoor time is supervised, limited in group size, and occurs during standard daytime hours. The scale of the program ensures noise levels remain consistent with typical daytime activity in institutional or residential-adjacent settings.

Community Compatibility

This use aligns with the character of faith-based and community-serving institutions that provide educational and enrichment opportunities within established neighborhoods. It strengthens community resources without introducing commercial intensity, evening operations, or high-traffic programming.

Arizona Select ED offers meaningful educational choice for families whose children require a different learning environment to succeed, while maintaining a low-impact operational footprint. We believe this proposal supports Scottsdale's values of community, educational diversity, and thoughtful land use planning. For my family in particular, we are members of the church and look forward to hosting a school that supports our daughters unique educational needs which failed to be met at our local public institutions.

Thank you for your time and consideration. We respectfully request your approval and support of this important initiative.

Sincerely,

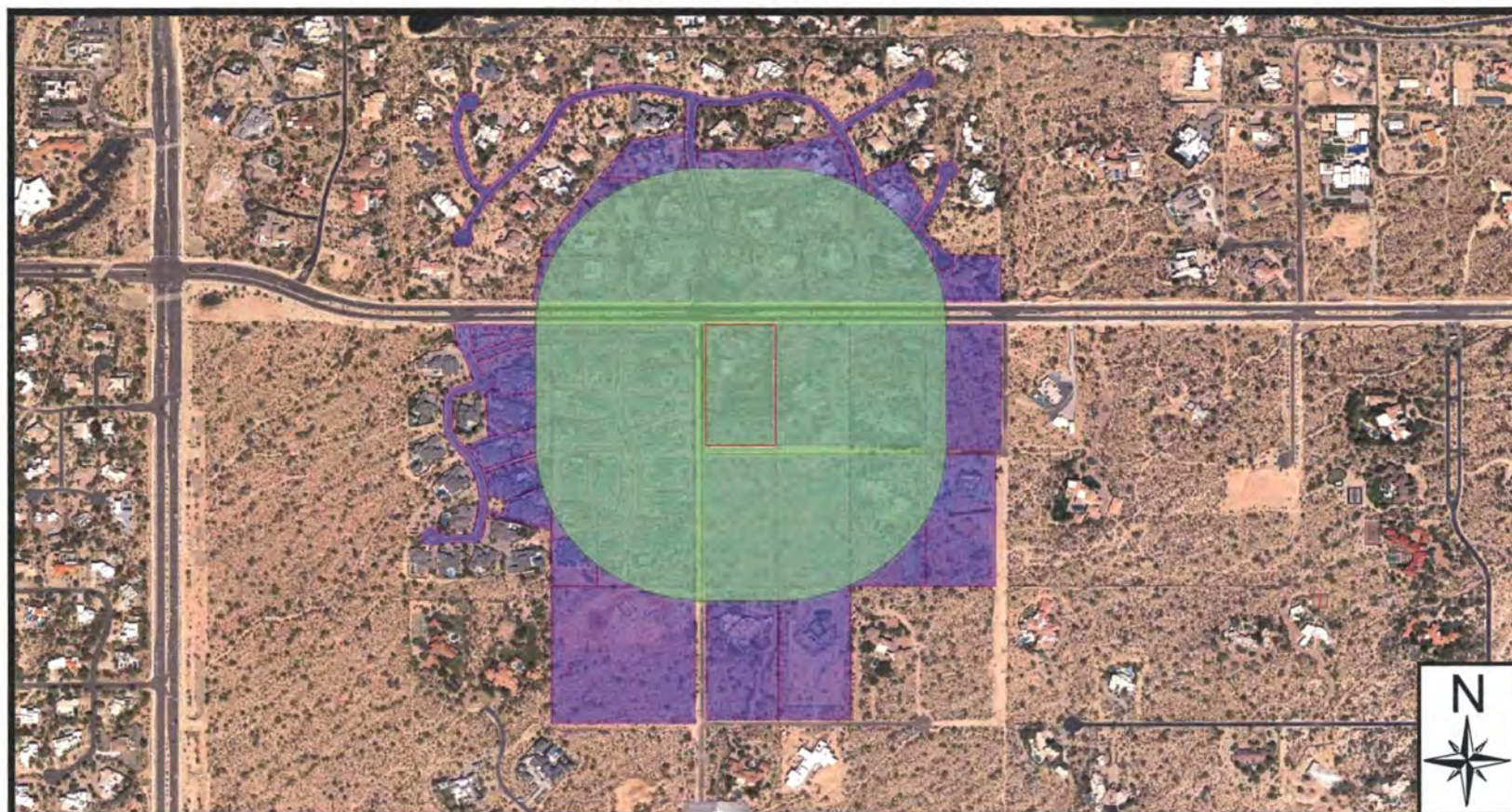
Kristin Wanek

815-354-7007

Sent from my iPhone

City Notifications – Mailing List Selection Map

Select Education School



Additional Notifications:

Interested Parties List
Adjacent HOA's
P&Z E-Newsletter
Facebook
Nextdoor.com
City Website-Projects in the hearing process

Pulled Labels
June 23, 2026

Map Legend:



Site Boundary



Properties within 750-feet

Postcards: 36

UP-0005-2026

ATTACHMENT #6



Approved 9/23/2026

**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, SEPTEMBER 9, 2026

***SUMMARIZED MEETING MINUTES ***

PRESENT: Joe Young, Chair
William Scarbrough, Vice Chair
George Ertel, Commissioner
Michal Ann Joyner, Commissioner
Doug Drake, Commissioner
Barney Gonzales, Commissioner
David Reid, Commissioner

ABSENT: None

STAFF: Tim Curtis
Joe Padilla
Becca Cox
Jeff Barnes
Chris Zimmer
Jason Katz
Jack Kelly
Jason McWilliams

CALL TO ORDER

Chair Young called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of the August 12, 2026 [Regular Meeting Minutes](#).
Commissioner Reid made a motion to approve the August 12, 2026 Regular Meeting Minutes. Second by Commissioner Drake, the motion passed unanimously by a vote of seven (7) to zero (0).

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

ATTACHMENT #7

CONSENT AGENDA

2. [4-AB-2025 \(Sierra Pinta Residence Abandonment\)](#)

Request by owner for the City of Scottsdale to abandon a twenty-five (25) foot roadway easement along the northern boundary of the residential property located at 9021 E Sierra Pinta Drive with Single-family Residential Environmentally Sensitive Lands Overlay (R1-35 ESL) zoning. Owner to dedicate property interests, if required, to the City of Scottsdale. Staff contact person is Jason Katz, 480-312-2542. **Applicant contact person is Treg Day, 602-377-9060.**

3. [AB-0002-2026 \(60th St. Abandonment\)](#)

Request by applicant for the City of Scottsdale to abandon sixty-six feet of right-of-way along the N 60th Street alignment between E Quail Track Drive and E Pinnacle Vista Drive adjacent to the property located at 5932 E Quail Track Drive with existing Single-family Residential Environmentally Sensitive Lands Foothills Overlay (R1-43 ESL FO) zoning. Property owner to dedicate necessary Water and Sewer Facilities Easement with plat combining existing parcels and subject right-of-way. Staff contact person is Jason Katz, 480-312-2542. **Applicant contact person is Margaret Walker, 480-250-8022.**

4. [AB-0003-2026 \(Scottsdale and Dixileta GLO Abandonments\)](#)

Request by owner for re-approval of an expired abandonment approval of certain 33-foot General Land Office Patent (GLO) easement segments and the east 13-feet of the 33-foot (GLO) easement running along N. 71st Street, all within a +/-17.52-acre site, located at the northwest corner of N. Scottsdale Road and E. Dixileta Drive with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay zoning (R1-43 ESL FO). Owner to dedicate property interests to the City. Staff contact person is Jeff Barnes, 480-312-2376. **Applicant contact person is Jon Gitt, 480-207-2687.**

Items No. 2, 3 & 4; Vice Chair Scarbrough made a motion for recommendation of approval to City Council for cases 4-AB-2025, AB-0002-2026 and AB-0003-2026 after finding that the proposed abandonments are consistent and conform with the adopted General Plan, per the attached stipulations. Second by Commissioner Ertel, the motion passed unanimously by a vote of seven (7) to zero (0).

5. [UP-0005-2026 \(Select Education\)](#)

Request for a Conditional Use Permit for an educational service, elementary and secondary school, on a +/-5 -acre site with Single-Family Residential (R1-190 ESL) zoning located at 9201 E. Happy Valley Road. Staff contact person is Chris Zimmer, 480-312-2347. **Applicant contact person is Joseph Martinka, 480-516-2868.**

Item No. 5; Moved to Regular Agenda. Commissioner Ertel made a motion for recommendation of approval to City Council for case UP-0005-2026 after finding that the CUP criteria have been met and that the proposed Conditional Use Permit is consistent and conforms with the adopted General Plan, per the attached stipulations. Second by Commissioner Drake, the motion passed unanimously by a vote of seven (7) to zero (0).

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:21 p.m.