

City of Scottsdale Board of Adjustment
Administrative Order
for
Case Number 6-BA-2024

Documents submitted by Mr. Brent Bieser (Appellant) and Mr. Michael T. Maerowitz' letter dated June 17, 2024, regarding Mr. Bieser's appeal have been forward to the undersigned by City staff. Mr. Maerowitz is counsel for Cardone Ventures which owns the property located at 5225 N. Scottsdale Road. The undersigned has also received and reviewed the Zoning Administrator's letter dated April 2, 2024, to Appellant.

The Board of Adjustment has jurisdiction to "hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of a zoning ordinance." A.R.S. § 9-462.06.G.1. See *also* Sec. 1.805.A.(1), Scottsdale Zoning Ordinance. Jurisdiction over an application is presumed unless challenged by an opponent of the appeal. Rule 401, Rules of Procedure, Board of Adjustment. Cardone Ventures has challenged the jurisdiction of the Board of Adjustment, in essence asserting that the Zoning Administrator's letter dated April 2, 2024, is not "an order, requirement or decision." Rule 401 provides that when its jurisdiction is challenged, "the Board shall hear arguments and vote the question." Cardone Ventures also asserts that (1) the shared parking issue should be treated as *stare decisis* by this Board in that the issue was decided by the Zoning Administrator in March of 1997, which decision was affirmed by the Board of Adjustment on July 2, 1997 (Case 8-BA-1997) and not appealed to the Arizona Superior Court, and (2) that the appeal of whether Cardone Ventures' proposed project should have been processed as a minor development application is untimely. Lastly, the Board must decide whether Appellant has standing to maintain an appeal before reaching the merits of an appeal. Accordingly,

IT IS HEREBY ORDERED granting Cardone Ventures' request to be treated as an interested party.

IT IS FURTHER ORDERED that the hearing on July 18, 2024, shall be limited to the issues of (1) whether the Zoning Administrator's letter dated April 2, 2024, is "an order, requirement or decision" over which the Board has jurisdiction, (2) whether any issue addressed in that letter is subject to review by the Board [see delineated issues (1) and (2) in paragraph two above], and (3) whether Appellant has standing to maintain an appeal. Should the Board decide those preliminary legal issues in the affirmative, the merits of the appeal will be heard at the Board's meeting on September 4, 2024.

IT IS FURTHER ORDERED that any supplemental memorandum from either Mr. Bieser or Cardone Ventures shall be submitted no later than the close of business on **July 8, 2024**. That memorandum shall be limited to the issues identified in the above

paragraph. Any memorandum shall not exceed ten (10) pages, double-spaced, in length exclusive of any attachments. If court opinions or legal treatises are cited in a memorandum, a copy of each opinion and the section from the legal treatise containing the referenced comment shall be attached to the memorandum.

Dated this 2nd day of July, 2024.



Gary E. Donahoe
Chairman

City of Scottsdale Board of Adjustment

Copy of this Administrative Order is emailed
to the following this 2nd day of July, 2024:

Mr. Brent Bieser
Appellant
Bbieser2@cox.net

Mr. Michael T. Maerowitz
Snell & Wilmer
Counsel for Cardone Ventures
mmaerowitz@swlaw.com

BOARD OF ADJUSTMENT REPORT



Meeting Date: 7/18/2024

ACTION

5225 N Scottsdale Road - Appeal
6-BA-2024

Request to consider the following:

1. Request for appeals of the Zoning Administrator's written responses dated April 2, 2024 regarding multiple requested interpretations, pertaining to parking at a property located at 5225 N Scottsdale Road.

APPLICANT/APELLANT CONTACT

Brent Bieser
7317 E Vista Drive
(602) 568-7261

SUBJECT PROPERTY OWNER

5225 N Scottsdale Road LLC/Cardone Ventures

SUBJECT PROPERTY LOCATION

5225 N Scottsdale Road

SUBJECT PROPERTY ZONING

Service Residential (S-R)

BACKGROUND

Context

The appellant is a property owner in the residential neighborhood in the vicinity of the subject property. The appellant requested 5 interpretations of the Zoning Administrator pertaining to parking and land use related aspects of the subject property and a recent minor development review approval issued for that site. The subject property is located at the northeast corner of N. Scottsdale Road and E. Vista Drive at the address of 5225 N. Scottsdale Road. The appellant's property is located approximately 650-feet east of the subject property, at 7317 E. Vista Drive.



History/Timeline

- March 21, 1997: The subject property owner's representative submitted a request to the Zoning Administrator to confirm the City of Scottsdale's position on shared parking between the office and the hotel to the north.
- March 28, 1997: The Zoning Administrator at the time issued an interpretation/decision that the land use of the subject site (office) and the shared parking with the hotel to the north was acceptable under the Scottsdale Zoning Ordinance.
- May 9, 1997: Brent Bieser filed an appeal of that Zoning Administrator interpretation/decision to the Board of Adjustment.
- July 2, 1997: The appeal was heard by the Board of Adjustment at that time, and the Zoning Administrator's interpretation/decision was upheld by the Board.
- February 18, 2024 and February 22, 2024: Four requests for interpretation were submitted to the Zoning Administrator from Bent Bieser (the current appellant and previous appellant), with one additional request submitted on a delay, seeking interpretations pertaining to the property at 5225 N. Scottsdale Road. Four of the five requests referenced the same shared parking question from the previous appeal years ago, and the fifth request with regard to a minor development application and approval that was rendered.
- April 2, 2024: The Zoning Administrator provided a letter responding to the appellant's interpretation requests.
- May 1, 2024: The appellant filed an appeal of the Zoning Administrator's response with the City Clerk's Office.
- May 23, 2024: Appeal Case 6-BA-2024 was accepted as a complete application for processing to the Board of Adjustment.
- June 13, 2024: The City Attorney's Office responded to Mr. Bieser's inquiry about a stay of proceedings request regarding permits for proposed construction work at 5225 N. Scottsdale Road.
- June 17, 2024: Snell & Wilmer (representing 5225 N. Scottsdale Road LLC/Cardone Ventures) provided a letter stating their position on the matter.

Adjacent Uses and Zoning

- North City of Scottsdale jurisdictional boundary line, Double Tree Resort in Paradise Valley jurisdiction beyond.
- South The Dale spa; zoned Service Residential (S-R).
- East Vista Bonita residential subdivision; zoned Single-family Residential (R1-10).
- West City of Scottsdale jurisdictional boundary line, residential subdivisions in Paradise Valley jurisdiction beyond.

Community Input

Staff received correspondence from Snell & Wilmer, representing the owner of the subject property at 5225 N. Scottsdale Road, pertaining to the Zoning Administrator responses and Mr. Bieser's appeals. That document is included with the report attachments for the Board's reference.

Zoning Ordinance Requirements

Jurisdiction:

The "jurisdiction" or authority of the Board of Adjustment is addressed in section 9-462.06 of the Arizona Revised Statutes:

- C. A board of adjustment shall hear and decide appeals from the decisions of the Zoning Administrator...
- G. A board of adjustment shall:
 - 1. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of a zoning ordinance adopted pursuant to this article...
 - 3. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary...

The "jurisdiction" of the Board of Adjustment is also addressed in Section 1.805 of the Scottsdale Zoning Ordinance:

The Board shall hear appeals from the Zoning Administrator's interpretation of the Zoning Ordinance or other decisions. The Board of Adjustment shall determine those matters over which it has jurisdiction.

The jurisdiction of the Board of Adjustment is granted by state statute and municipal ordinance. The Zoning Code of the City of Scottsdale and the Rules of Procedure for the Board of Adjustment give the Board the authority to make the determination whether the Board has jurisdiction - not the Zoning Administrator or other city staff. If the Board acts in a matter over which it has no jurisdiction, the action taken has no effect.

Under state law, the Zoning Ordinance, and the Board's by-laws, the Board's jurisdiction is limited to variances from the terms of the Zoning Ordinance, appeals of Zoning Administrator decisions and interpretations of the Zoning Ordinance, and the General Manager interpretations and decisions made under the Land Divisions Ordinance.

Standing:

In order to have standing, the Applicant must be an aggrieved party. Section 1.202.B of the Scottsdale Zoning Ordinance states the following about aggrieved parties:

“The appeal of ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the City affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection, an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public.”

Action:

Upon finding that an application for appeal has both Jurisdiction and Standing, the Board of Adjustment can then discuss the merits of the case to determine whether or not the Zoning Administrator decision or action was arbitrary, capricious or an abuse of discretion as specified in Section 1.805.D.(1) of the Zoning Ordinance.

Procedural Note:

Per the Administrative Order issued by the Chairman of the Board of Adjustment dated July 2, 2024, the hearing on July 18, 2024 shall be limited to the legal items of jurisdiction and standing. Therefore, the discussion of this report has been limited to those topics. Should the Board decide the preliminary jurisdiction and standing in the affirmative, the merits of the appeal will be heard at a future Board of Adjustment meeting, and staff will issue another report discussing such merits.

Findings: Jurisdiction and Standing

Jurisdiction:

Staff questions whether the Board has jurisdiction in this appeal. The Zoning Administrator-issued responses to appellant requests 1-4 indicate that a prior interpretation/decision for the same scope was issued by the Zoning Administrator at that time, then appealed by Mr. Bieser in 1997 (same appellant currently), and upheld by the Board of Adjustment. The Zoning Administrator’s present-day responses indicated that given the applicable history, no new interpretation(s) were required as the prior decisions by the Board of Adjustment still stand. It is unclear what jurisdiction exists for the Board of Adjustment to hear an appeal of an interpretation request that was already appealed and upheld by the Board.

Note: The fifth request, pertaining to the minor development application (119-SA-2023), has been identified as not appealable to the Board of Adjustment. Under the provisions of the Scottsdale Zoning Ordinance Sec. 1.909, appeals regarding minor development applications allow for appeals by the property owner (the appellant is not the property owner), within 30 days (appellant’s appeal was post the 30-day time period), and to the Development Review Board (not to the Board of Adjustment). Therefore, the Board of Adjustment would not be the

appropriate entity to hear such an appeal. Consequently, there is no action to be taken on this matter by the Board of Adjustment.

Standing:

Staff questions whether the appellant has the necessary standing in these appeals. With the identification that in 1997 the same request by the same appellant had been interpreted and upheld by the Board, and no new interpretation was necessary or has been provided, it is unclear that the appellant would be considered aggrieved or adversely impacted by the Zoning Administrator simply referring to the prior interpretation, in which case the necessary standing to appeal would not exist.

Applicant/Appellant's Request for Interpretation

On February 18, 2024 (received February 19, 2024) four requests for interpretation were submitted to the Zoning Administrator from the appellant, and on February 22, 2024 an additional request was submitted to be included with the others. In those requests Mr. Bieser (the appellant) was seeking interpretations pertaining to the property located at 5225 N. Scottsdale Road.

The first four requests sought interpretation on parking related matters involving an existing shared parking agreement with the subject property and the hotel property to the north which is located in the Town of Paradise Valley. The fifth interpretation request pertained to case 119-SA-2023 which was approved as a minor development application for alterations to the existing building on the subject property. Those requests were generally provided as follows:

The first request referenced the Purpose section (Sec. 5.1101) of the Service Residential (S-R) zoning district, but more specifically questioned "Is hotel parking, with its more intense land use and adverse impacts on the R1-10 district, allowed on S-R zoned parcels in the City of Scottsdale where the parking is directly adjacent to an R1-10 single-family district?"

The second request referenced the Purpose and Scope section (Sec. 9.101) of the Parking and Loading Requirements, but more specifically questioned "Based on Parking Ordinance Sec. 9.101 (9) hotel parking, and its "adverse impacts" upon the adjacent land uses, is not allowed on S-R zoned parcels in the City of Scottsdale?"

The third request referenced Article XI, Land Use Table 11.201.A, stating that the land use table does not allow hotels on S-R zoned properties, but more specifically questioned "Is hotel shared parking, with the more intense 24-hour, 7 day a week, 365 days a year parking use of a hotel, allowed on an S-R parcel adjacent to an R1-10 single-family district in your interpretation?"

The fourth request referenced the shared parking agreement between the subject property and the adjacent hotel, but more specifically questioned "Is Scottsdale going to allow the sharing of parking spaces with the Hotel even though the hotel parking use is more intense than the S-R zoning and will result in "adverse impacts" to the adjacent R1-10 district?"

The fifth request referenced Article I, Administration and Procedures, Sec. 1.908 pertaining to the Zoning Administrator review of minor development applications, as applicable to case 119-SA-2023 which was approved as a minor development application. This request included annotated details from that case approval and provided an opinion that the scope should have been taken to the Development Review Board for action, rather than being processed administratively.

Zoning Administrator's Response

The Zoning Administrator, in response to the requests for interpretation received, reviewed the available information and provided a response on April 2, 2024.

The response letter notes that the first four requests for interpretation focus primarily on the parking agreement for shared parking between the subject property and the adjacent hotel use to the north. Noted in the response is that the question of shared parking between the subject property and the hotel to the north was the subject of a prior request for an interpretation which was provided by the Zoning Administrator at that time in March of 1997, and subsequently appealed by Mr. Bieser in May of 1997 to the Board of Adjustment (Case 8-BA-1997). That case was heard and upheld by the Board of Adjustment in July of 1997. The Zoning Administrator's current response letter indicated that the 1997 decision determined that the shared parking between the two properties was allowed and was upheld by the Board of Adjustment, and those results would still be applicable today with no new interpretation(s) required to be rendered. The Zoning Administrator's response also provided the appellant with the meeting minutes from the July 2, 1997 Board of Adjustment Meeting.

The Zoning Administrator's response letter notes that the fifth request pertains to an approved minor development case 119-SA-2023 and identifies that the relative determination of process was made in May of 2023, with an application submitted under that minor process in November of 2023, and an approval issued in December of 2023. With that information the Zoning Administrator noted that there was no new decision or interpretation to be made, and identified that based on the timing of those actions, those decisions were beyond the point of appeal as specified in Sec. 1.909 or Sec. 1.202.B of the Zoning Ordinance.

Applicant/Appellant's Request for Appeal

On May 1, 2024, an appeal of the Zoning Administrator's response was received through the City Clerk's Office. The appellant was provided a request to fill out and submit a development application and elaborating information pertaining to the appeal request. On May 23, 2024, appeal case 6-BA-2024 was accepted as a complete application for processing the requested appeals to the Board of Adjustment.

The appellant states he has been a resident at 7317 E. Vista Drive for over 27 years and a practicing registered architect for over 40 years, with areas of practice primarily in single-family, multi-family residential, and light commercial/mixed use. He goes on to identify that the Zoning Administrator's interpretations being appealed address the S-R zoned office building and parking lot parcel located at 5225 N. Scottsdale Road, which is located near his home, and that the office building and parking lot parcel is also included in complex layers of Special Use Permits and Access Easements imposed by the Town of Paradise Valley and a previous Doubletree Paradise Valley Hotel owner onto the City of Scottsdale S-R zoned office parcel. He states in his submittal that the ownerships of the Hotel and office property have changed several times since this case was last heard by the Board of Adjustment, the status of the Special Use Permit imposed by the Town of Paradise Valley has also changed which puts this case into a new light, and this new condition requires a fresh look by the City of Scottsdale.

Discussion

On February 23, 1996, the management representative for the hotel property in Paradise Valley, adjacent to the subject property, had reached out to City of Scottsdale staff requesting confirmation of discussed sharing of parking with the subject office property. Planning Staff at that time provided that confirmation. On March 21, 1997, the subject office property owner's representative submitted a request to the Zoning Administrator seeking confirmation from the City of Scottsdale about the City's position on shared parking between the office and the hotel, effectively seeking re-confirmation for their records of what the Planning Staff had indicated to the hotel management.

On March 28, 1997, the Zoning Administrator at that time (as requested by the subject property owner's representative) provided an interpretation/decision that the land use of the subject site and its shared parking agreement with the hotel site in Paradise Valley to the north was acceptable. The then and current appellant, Brent Bieser, filed an appeal of that interpretation/decision to the Board of Adjustment on May 9, 1997. At their July 2, 1997 hearing, the Board of Adjustment upheld the Zoning Administrator's interpretation/decision.

On February 18, 2024, four requests for interpretation were submitted to the current Zoning Administrator from the appellant, seeking interpretations pertaining to the shared parking on the subject property at 5225 N. Scottsdale Road, and on February 22, 2024 he submitted an additional request for the subject property pertaining to the minor development review approval of Case 119-SA-2023.

On April 2, 2024, the Zoning Administrator provided a response letter to the 5 received requests indicating the prior Board decision regarding the shared parking was still applicable and that no new interpretation or decision needed to be provided. Mr. Bieser filed an appeal of the Zoning Administrator's response with the City Clerk's Office on May 1, 2024. That filing

prompted a request from staff for a corresponding development application and supporting materials from the appellant, which were received and accepted as a complete application on May 23, 2024. At the time of submitting his supporting materials and development application form, Mr. Bieser had inquired about his appeal filing staying the proceedings of the associated active plan review and permitting for the proposed work at the subject site, 5225 N. Scottsdale Road.

On June 13, 2024, the City Attorney's Office responded to Mr. Bieser's request with a letter identifying that no proceedings would be stayed based on the explanation provided in that letter. Additionally, the letter explained that the fifth request pertaining to the approval of Case 119-SA-2023 was beyond the allotted timeframe to request an appeal and that the Board of Adjustment would not have been the applicable hearing body for such an appeal.

On June 17, 2024, Snell & Wilmer in representation of the subject property owner (5225 N. Scottsdale Road LLC/Cardone Ventures) provided a letter stating their position on the matter and their request to be a party of interest at the Board of Adjustment hearing.

As identified in the Zoning Administrator's written response on April 2, 2024, the subject matter of the current appeal (requests 1-4) was already decided by the Board of Adjustment in 1997 with the action of upholding the then Zoning Administrator's decision on the parking matter. Although the appellant indicates that ownership of the involved properties may have changed over time, and that the Town of Paradise Valley may have imposed or be imposing additional regulations on the hotel site within their jurisdiction, the current property owners have not rescinded the shared parking agreement between the two properties, the land uses remain the same, and the subject site still retains excess parking that can be shared under the Scottsdale Zoning Ordinance. Consequently, it appears that the core facts of the decisions in 1997 rendered by both the Zoning Administrator and the Board of Adjustment still stand.

The Board of Adjustment is tasked with hearing appeals of interpretations of the Zoning Ordinance text made by the Zoning Administrator, and the Board shall determine those matters over which it has jurisdiction. In staff's assessment, if an Zoning Administrator interpretation was previously heard and upheld, and no new interpretation or new decision made by the current Zoning Administrator because of that previous Board decision, it would be reasonable to conclude that no corresponding appeal could be made of the 1997 Board of Adjustment action or the 2024 Zoning Administrator response, thus the Board of Adjustment should find that no jurisdiction exists to hear such an appeal.

Per Sec. 1.202.B of the Zoning Ordinance, in order to have standing, an applicant must be an aggrieved person, where an "aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or

impacts upon the general public.” In staff’s assessment, based on the criteria, and the Zoning Administrator-issued response that did not include a new interpretation or decision, it would be reasonable to conclude that no one would be considered aggrieved or adversely impacted by that outcome, in which case the necessary standing to make an appeal would not exist.

As staff cautioned to Mr. Bieser initially, as was identified in the April 2, 2024 Zoning Administrator response letter, and as is laid out in the June 13, 2024 letter from the City Attorney’s Office, for the 5th request pertaining to the approval of minor development application 119-SA-2023, the Board of Adjustment would not be the appropriate entity to hear such an appeal under the provisions of the Scottsdale Zoning Ordinance Sec. 1.909 – such appeals are designated for the Development Review Board. Additionally, under Sec. 1.909, appeals of minor development applications are specific to the property owner being the entity that can appeal (Mr. Bieser is not the property owner) and that such an appeal must be made to the Development Review Board within 30-days after the date of the Zoning Administrator’s written decision (Mr. Bieser’s appeal occurred after this 30-day timeframe). Thus, there is no action to be taken on that matter by the Board of Adjustment.

It should be noted that the authority of the Zoning Administrator to process minor development applications and associated criteria was added to the Development Review Board section of the Zoning Ordinance in 1995 through a City Council public hearing and adoption of Ordinance 2830. Separately from the current interpretation request and appeal, on March 5, 2024 Mr. Bieser had petitioned the City Council to initiate an amendment to the Zoning Ordinance language regarding processing minor development applications in the Service Residential (S-R) zoning district, to which the City Manager’s Office provided analysis and response, and the City Council opted not to pursue an ordinance change.

Conclusion

As identified in the Zoning Administrator’s written response on April 2, 2024 the subject matter of the current appeal requests was already decided by the Board of Adjustment in 1997 when it upheld the prior Zoning Administrator’s decision regarding shared parking. As no new interpretation or decision was issued per the current requests, staff questions the jurisdiction for the Board of Adjustment to hear any appeal on a matter that was already decided by the Board of Adjustment and where no interpretation has been rendered or decision made by the Zoning Administrator currently. Similarly, without new interpretations or decisions there would be no standing to file an appeal, nor would there be an aggrieved party or adverse impact resulting.

Should the Board of Adjustment find that there is both Jurisdiction and Standing in this matter, this will be brought back to the Board for a future hearing specific to the merits of the case and the determination of whether or not the Zoning Administrator's response was arbitrary, capricious or an abuse of discretion.

Findings

In a typical request to the Board of Adjustment, the Board must review and determine if the required four (4) findings have been justified to allow a Zoning Variance. In the case of an appeal of the Zoning Administrator decision, such as this one, these findings are not required, and the Board of Adjustment will need to:

- Determine whether or not it has jurisdiction over this matter;
- Determine whether the Applicant (appellant) has standing; and, if the Board first finds that it has jurisdiction over the matter and that the applicant has standing, then the Board shall;
- Discuss the merits of the case to determine whether or not the Zoning Administrator's Decision was arbitrary, capricious or an abuse of discretion.

APPROVED BY



Jeff Barnes, Report Author
480-312-2376, jbarnes@scottsdaleaz.gov

6/26/2024

Date



Bryan Cluff, Board of Adjustment Liaison
480-312-7713, bcarr@scottsdaleaz.gov

6/26/2024

Date



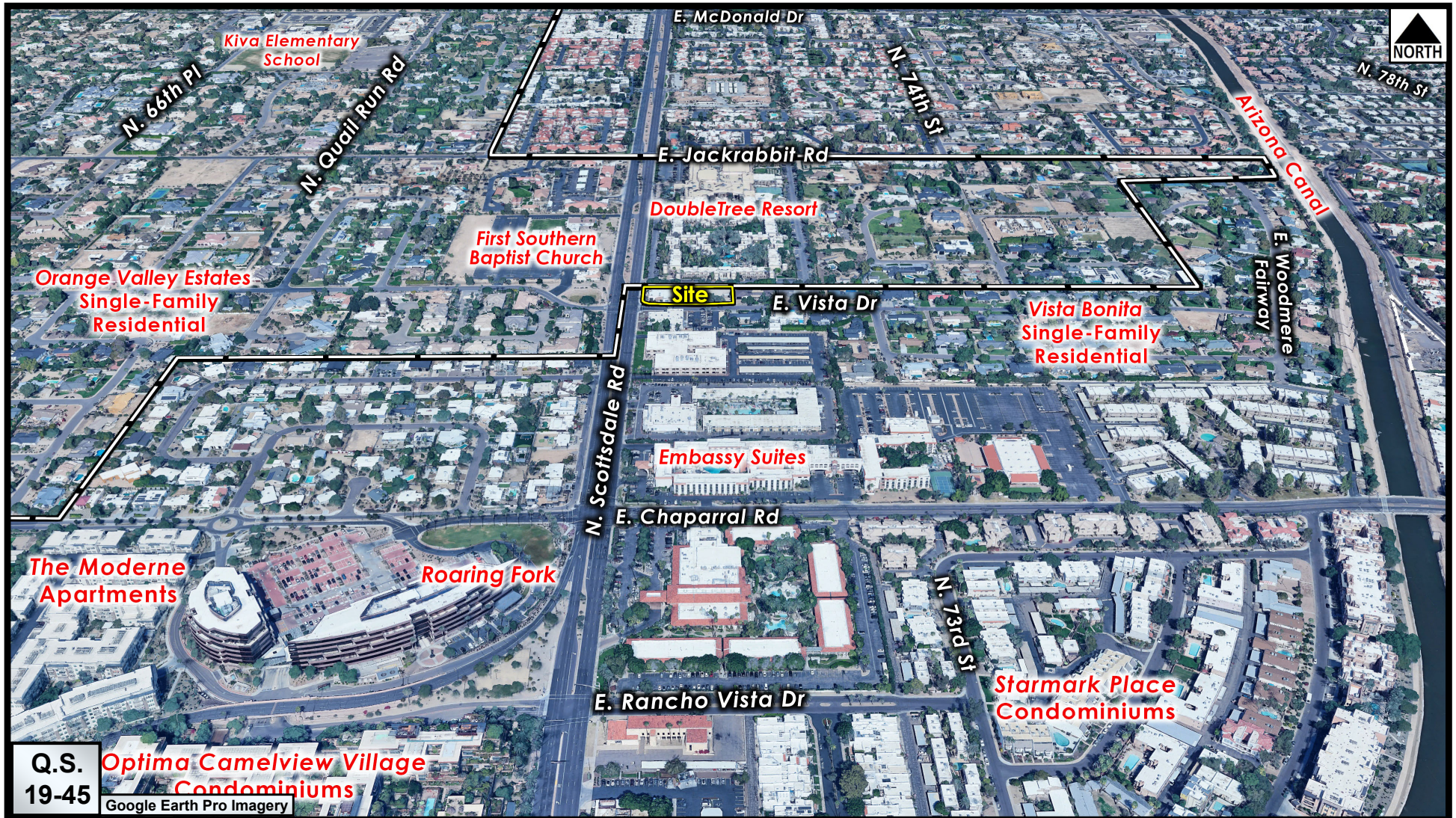
Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

6/28/2024

Date

ATTACHMENTS

1. Context Aerial
2. Close-Up Aerial
3. Zoning Map
4. May 23, 2024 Appeal of the Zoning Administrator's Response
Exhibit A: April 2, 2024 Zoning Administrator's Response
5. May 1, 2024 Appeal filing with the City Clerk
6. April 2, 2024 Zoning Administrator's Response
7. February 18, 2024 Request for Zoning Administrator's Interpretation
8. February 22, 2024 Request for Zoning Administrator's Interpretation (additional)
9. March 12, 1998 Parking Agreement Document
10. 119-SA-2023 approval documents
11. 8-BA-1997 Zoning Administrator Correspondence
12. 8-BA-1997 Board of Adjustment Report
13. June 17, 2024 Snell & Wilmer's Correspondence
14. June 13, 2024 City Attorney's Office letter
15. March 22, 2024 Citizen Petition response letter



Context Aerial

6-BA-2024

ATTACHMENT #1



Q.S.
19-45
Google Earth Pro Imagery

Close-up Aerial

ATTACHMENT #2

6-BA-2024



Zoning Aerial

ATTACHMENT #3

6-BA-2024

May 23, 2024 Appeal of the Zoning Administrator's Response

ATTACHMENT #4

City Scottsdale Board of Adjustments
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

Re: Board of Adjustments case 105-PA-2024

Dear Board of Adjustments Members,

At the suggestion of Scottsdale Planner Jeff Barnes, I am submitting this letter of introduction with my official Appeal documents to the Scottsdale Board of Adjustments.

I am the Applicant submitting this official Appeal to the Board of Adjustments.

My name is Brent Bieser and I am a resident of Scottsdale and I live at 7317 East Vista Drive. I have been a resident at this location for over 27 years. I am also a registered architect and have been practicing in Arizona and the southwest United States for over 40 years. I have been a registered architect in Arizona for nearly 35 years. My areas of practice have been primarily single-family, multi-family residential and light commercial/ mixed use.

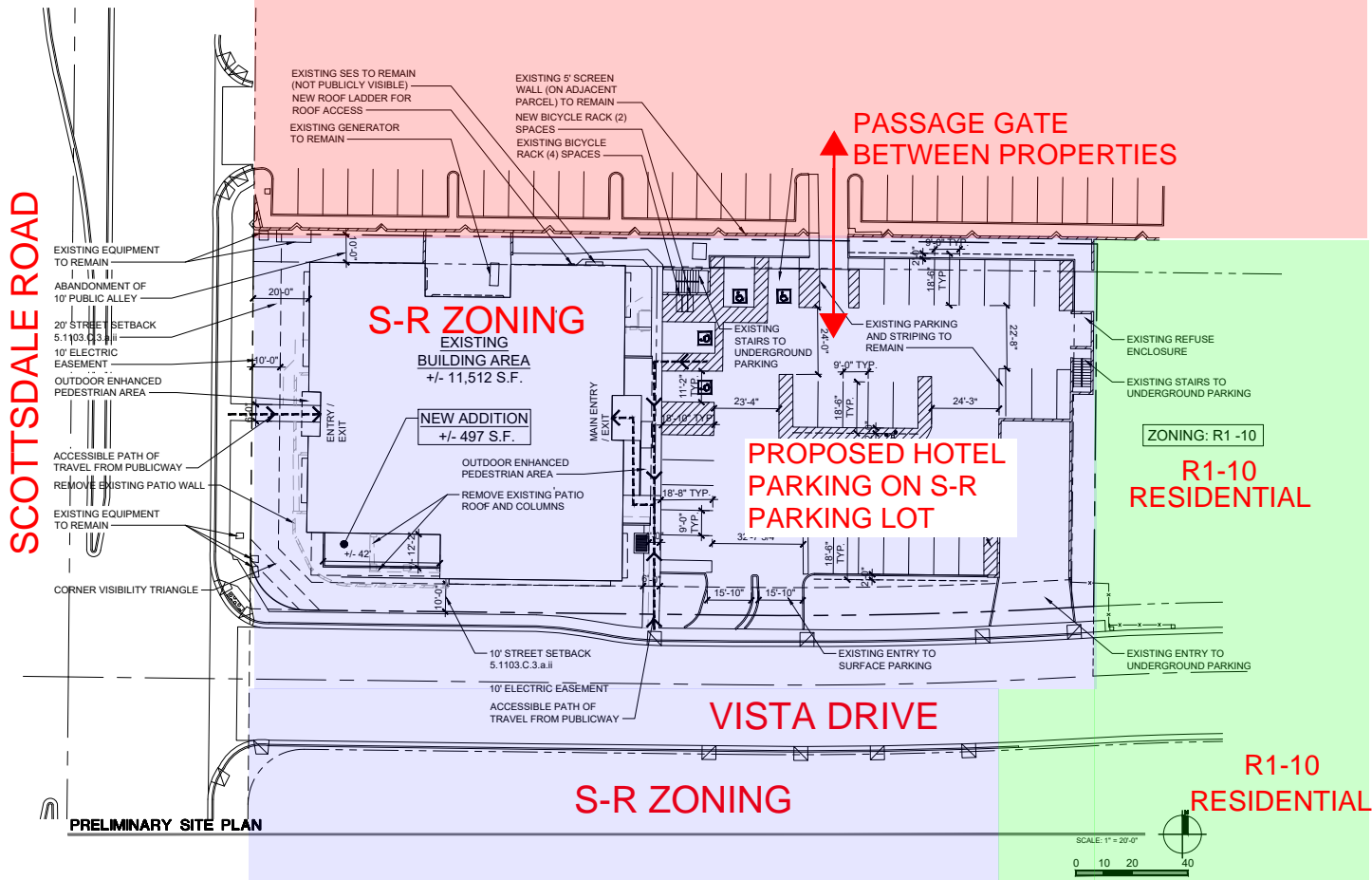
The Zoning Administrator's interpretations I am appealing address the S-R Zoned office building and parking lot parcel located at 5225 N. Scottsdale Road. This property is located a few doors west of my home. This office building and parking lot parcel is also included in complex layers of Special Use Permits and Access Easements imposed by the Town of Paradise Valley and a previous Doubletree Paradise Valley Hotel owner onto the Scottsdale S-R office parcel. The ownerships of the Hotel and office property have changed several times since this case was last heard by the Board of Adjustments. The status of the Special Use Permit imposed by the Town of Paradise Valley has also changed which puts this case into a new light. This new condition requires a fresh look by the City of Scottsdale.

I have included a Narrative with my official submittal package that goes into greater depth regarding the situation and the reasons for my zoning interpretations and appeals.

Thank you and I look forward to submitting my Presentation to your Board.

Brent M. Bieser (Architect)
7317 East. Vista Drive
Scottsdale, AZ 85250
602-568-7261
Bbieser2@cox.net

SCOTTSDALE ROAD



Project: Cardone Ventures

Location: 5225 N Scottsdale Road, Scottsdale AZ 85250

Parcel: 173-23-012

RE: Project Narrative; DR Minor (SA)

Date: 5/19/2023

From: LGE Design Group; Carlos Elias

Project Overview

LGE Design Group is proposing a 680 S.F. addition to an existing building located at 5225 N Scottsdale Road, Scottsdale AZ 85250. Work includes a tenant improvement which consists of demo all/most of interior partitions to receive brand new interior layout. Exterior work intends to modernize the street appeal on all sides of the building. Sitework also includes a new 1,261 S.F. on the existing parking area.

Site

The existing site consists of two parcels (173-23-012 & 173-23-013A) which are located on a at 5225 N Scottsdale Road, Scottsdale AZ 85250, corner with E Vista Dr. The site is zoned S-R, with SUP-R zoning to the north, R1-10 to the east, and S-R to the south.

Both parcels will be combined in a Lot-Tie application which is intended to be submitted concurrent with Design Review Process.

Parking for the project will remain as noted in the site plan. 1 parking space will be removed and 6 parking spaces will be covered in the new garage. There are 31 sub-total parking spaces at ground level parking (including 4 ADA) and 43 spaces at underground parking – for a grand total of 74. All parking spaces will meet the code requirements for their use, and ADA/pedestrian access will be provided.

The existing refuse enclosure will remain as is.

Landscape will be improved to meet ordinance standards.

Proposed Use

The current zoning for the project is S-R and intended to remain. The proposed use is Medical Office (please refer to attachment 05A) for further description. Business license (#2028000) was provided to planning staff on 5/9/23 (please refer to attachment 05B).

Building Design

A fresh new look with clean, modern aesthetic, Four-sided architecture is intended for the overall design of the building. The most visible elevations are the West facing Scottsdale Road and South facing E Vista Dr which are planned to carry and elevate the modern architectural precedence found in Scottsdale Road.

The proposed architectural theme of the building will utilize colors that attract the public users and interest in the area. The materials planned for the building include metal panel cladding, painted/ exposed masonry, and insulated glazing storefront.

Street facing façade will be carry the light grey base, with dark metal fins along aluminum storefront. The existing patio located at the corner of Scottsdale Rd and E Vista Dr will be enclosed to add conditioned square footage and cladded with similar materials and colors to provide stronger outdoor presence.

The building section will allow for roof top screening for all of the mechanical roof top equipment by a mechanical screen and the parapet. The parapet is to be raised up to 18 feet AFF (max. allowed per zoning). The mechanical roof top units will be accessed via roof access ladders and hatches internal to the building.

The exterior lighting within the proposed project will be integrally designed as a part of the building and outdoor pedestrian spaces with the intent of providing adequate safety while avoiding glare, hot spots and within compliance of the dark sky ordinance. Exterior lighting will be shielded and directed downward to meet the City of Scottsdale design guidelines.

Signage will be in harmony with the character, scale and context of the building reflecting the appropriate size, materials, color, location and illumination.



Sincerely,



Designing your vision. Building your future.

Carlos Elias

Design Manager

O: 480.966.4001

1200 N. 52nd St., Phoenix, AZ 85008



5225 N SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85250

SHEET: **A1.1.1**

CITY OF SCOTTSDALE LANDSCAPE NOTES:

AN AUTOMATIC IRRIGATION SYSTEM WILL BE INSTALLED GUARANTEEING 100% COVERAGE TO ALL LANDSCAPE AREAS.

ALL LANDSCAPE AREAS WILL BE TOP-DRESSED WITH A 2" DEPTH OF DECOMPOSED GRANITE.

PROVIDE 8% SLOPE AWAY FROM WALK OR CURB FOR 5' ALONG ALL STREETS.

ALL RIGHT OF WAYS ADJACENT TO THIS PROPERTY SHALL BE LANDSCAPED AND MAINTAINED BY THE PROPERTY OWNER

ANY EXISTING LANDSCAPE MATERIALS INCLUDING TREES DAMAGED OR DESTROYED AS A RESULT OF THIS CONSTRUCTION SHALL BE REPLACED TO THE SATISFACTION OF CITY STAFF, WITH LIKE KIND AND SIZE PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY.

AREAS WITHIN THE SIGHT DISTANCE TRIANGLES IS TO BE CLEAR OF LANDSCAPING, SIGNS, OR OTHER VISIBILITY OBSTRUCTIONS WITH A HEIGHT GREATER THAN 1'-6". TREES WITHIN THE SAFETY TRIANGLE SHALL HAVE A CANOPY THAT BEGINS AT 8 FEET IN HEIGHT UPON INSTALLATION. ALL HEIGHTS ARE MEASURED FROM NEAREST STREET LINE ELEVATION.

ALL RIGHT-OF-WAY ADJACENT TO THIS PROPERTY SHALL BE LANDSCAPED AND MAINTAINED BY THE PROPERTY OWNER.

ALL SLOPES ON SITE ARE 4:1 MAX

NO TURF AREAS ARE TO BE PROVIDED.

SEE ARCHITECTURAL SITE PLAN FOR SETBACK DIMENSIONS.

SEE ARCHITECTURAL FOR SITE LIGHTING LOCATIONS. SEE ELECT. DRAWINGS FOR ALL LIGHTING SPECIFICATIONS.

SEE ARCHITECTURAL FOR SITE WALL ELEVATIONS, COLORS

SEE CIVIL DRAWINGS FOR ALL RETENTION AREAS, SECTIONS, AND SLOPE RATIOS.

SEE ARCHITECTURAL FOR BIKE RACK DETAILS.

ALL SIGNS REQUIRE SEPARATE APPROVALS & PERMITS.

"SETBACK ALL SPRAY & STREAM TYPE IRRIGATION HEADS 1'-0" FROM BACK OF CURB OR SIDEWALK TO REDUCE OVER SPRAY."

A MINIMUM 50 PERCENTAGE (UNLESS OTHERWISE STIPULATED BY THE DEVELOPMENT REVIEW BOARD, and/or THE ZONING ORDINANCE REQUIREMENTS) OF THE PROVIDED TREES SHALL BE MATURE TREES, PURSUANT TO THE CITY OF SCOTTSDALE'S ZONING ORDINANCE ARTICLE X, SECTION 10.301, AS DEFINED IN THE CITY OF SCOTTSDALE'S ZONING ORDINANCE ARTICLE III, SECTION 3.100.

A SINGLE TRUNK TREE'S CALIPER SIZE, THAT IS TO BE EQUAL TO OR LESS THAN 4-INCHES, SHALL BE DETERMINED BY UTILIZING THE SMALLEST DIAMETER OF THE TRUNK 6-INCHES ABOVE FINISHED GRADE ADJACENT TO THE TRUNK.

A TREE CALIPER SIZE, FOR SINGLE TRUNK TREES WHICH HAVE A DIAMETER GREATER THAN 4-INCHES, SHALL BE DETERMINED BY UTILIZING THE SMALLEST DIAMETER OF THE TRUNK 12-INCHES ABOVE FINISHED GRADE ADJACENT TO THE TRUNK.

A MULTI TRUNK TREE'S CALIPER SIZE IS MEASURED AT 6-INCHES ABOVE THE LOCATION THAT THE TRUNK SPLITS ORIGINATES, OR 6-INCHES ABOVE FINISHED GRADE OF ALL TRUNKS ORIGINATE FROM THE SOIL.

RETENTION/DETENTION BASINS SHALL BE CONSTRUCTED SOLELY FROM THE APPROVED CIVIL PLANS. ANY ALTERATION OF THE APPROVED DESIGN (ADDITIONAL FILL, BOULDERS, ECT.) SHALL REQUIRE ADDITIONAL FINAL PLANS STAFF REVIEW AND APPROVAL.

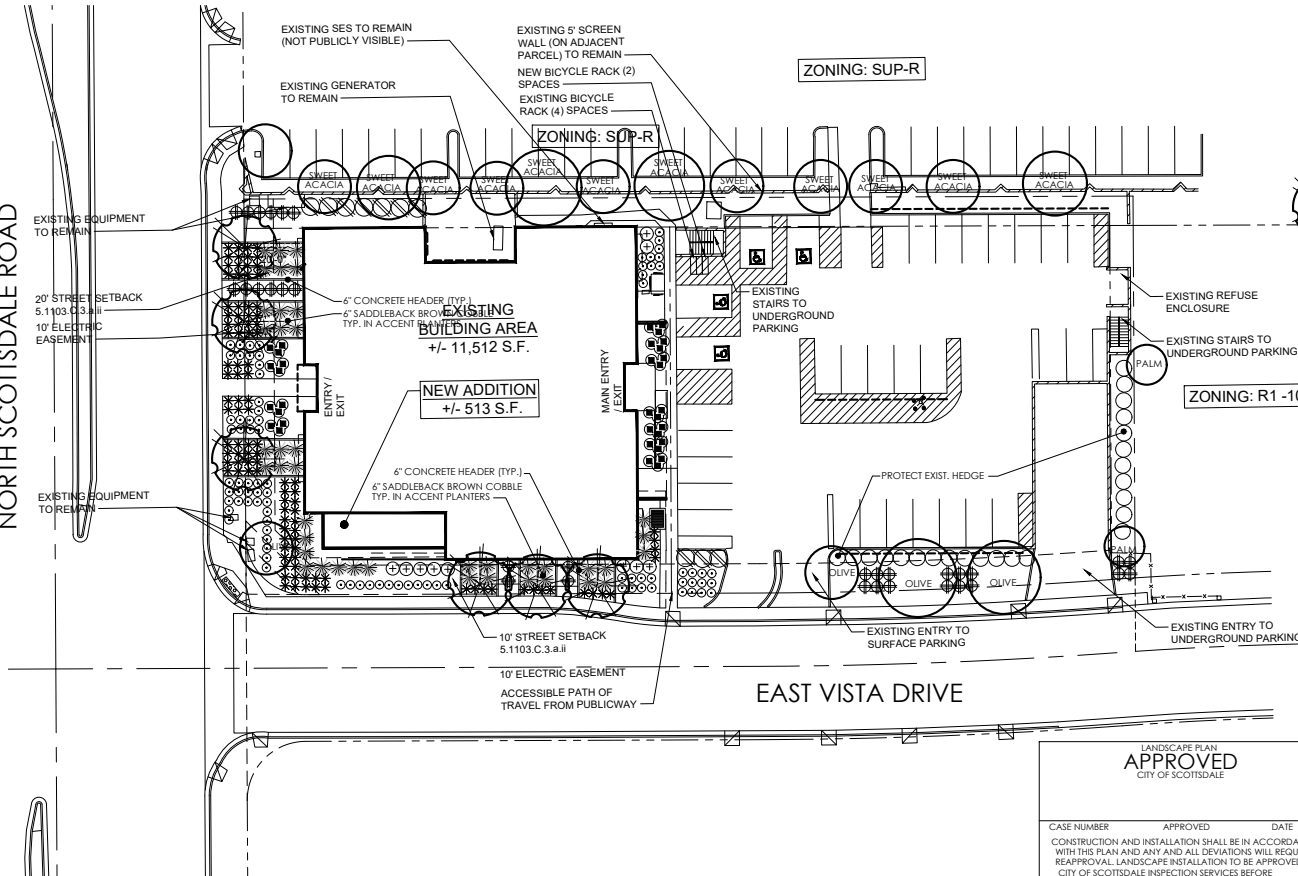
NO LIGHTING IS APPROVED WITH THE SUBMITTAL

THE LANDSCAPE SPECIFICATION SECTION(S) OF THESE PLANS HAVE NOT REVIEWED AND SHALL NOT BE A PART OF THE CITY OF SCOTTSDALE'S APPROVAL.

NEW LANDSCAPING, INCLUDING SALVAGED PLANT MATERIAL, AND LANDSCAPING INDICATED TO REMAIN, WHICH IS DESTROYED, DAMAGED, OR EXPIRES DURING CONSTRUCTION SHALL BE REPLACED WITH LIKE SIZE, KIND, AND QUALITY PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY / LETTER OF ACCEPTANCE TO THE SATISFACTION OF THE INSPECTION SERVICES STAFF.

VICINITY MAP

SCOTTSDALE, ARIZONA



LANDSCAPE LEGEND

- TREES**
- OLEA EUROPEA 'SWAN HILL'
 - 'SWAN HILL OLIVE
 - 48" BOX (MATCHING) (MULTI)
- EXISTING TREE**
- PROTECT FROM CONSTRUCTION
- LARGE SHRUBS**
- TECOMA 'ORANGE JUBILEE'
 - 'ORANGE JUBILEE
 - 5 GALLON
- MEDIUM SHRUBS**
- EREMOPHILA MACULATA
 - VALENTINE EMU BUSH
 - 5 GALLON
- ACCENTS**
- DASYLIRON LONGISSIMA
 - TOOTHLESS DESERT SPOON
 - 5 GALLON
- AGAVE DESMETIANA
 - SMOOTH AGAVE
 - 5 GALLON
- PACHYCEBUS MARGINATUS
 - MEXICAN FENCE POST
 - 3-STALK GROUPING (2.5', 2', 1' TALL)
- HEPESALOE PERLA
 - BRAKE LIGHT RED YUCCA
 - 5 GALLON
- GROUND COVER**
- LANTANA MONTEVIDENSIS
 - 'GOLD MOUND
 - 1 GALLON

1/2" SCREENED MADISON GOLD
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS

LANDSCAPE PLAN

SCALE: 1" = 20'-0"

0 10 20 40

APPROVED
CITY OF SCOTTSDALE

CASE NUMBER APPROVED DATE
CONSTRUCTION AND INSTALLATION SHALL BE IN ACCORDANCE WITH THIS PLAN AND ANY AND ALL DEVIATIONS WILL REQUIRE REAPPROVAL. LANDSCAPE INSTALLATION TO BE APPROVED BY CITY OF SCOTTSDALE INSPECTION SERVICES BEFORE CERT. OF OCCUPANCY IS ISSUED.

Case No: 119 - SA - 2023

T.J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE

URBAN DESIGN

SITE PLANNING

10450 N. 74th Street, Suite 120
Scottsdale, Arizona 85258
P: (602) 955-0350

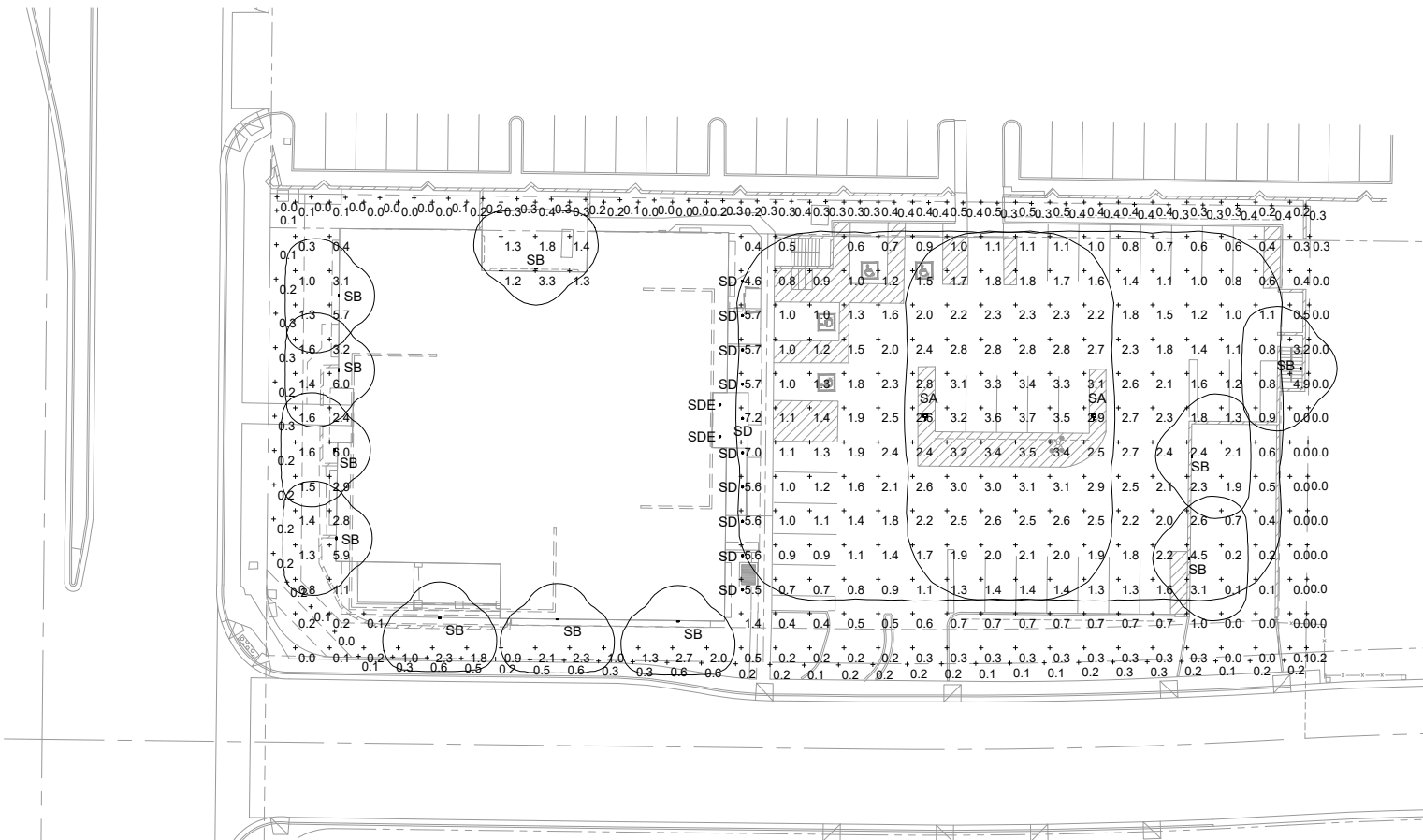
EMAIL: timmcqueen@tjma.net



CARDONE VENTURES




NUMBER REVISION DATE



SITE PHOTOMETRIC PLAN
 1/16" = 1'-0"

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
FC ON SITE AT GRADE	+	1.6 fc	7.2 fc	0.0 fc	N/A	N/A
PROP LINE @ 8' AFG	+	0.2 fc	0.6 fc	0.0 fc	N/A	N/A

PROJECT: 23064 DRB



Zee Engineering Group, LLC

1830 S. Alma School Road,
 Suite 120
 Mesa, Arizona 85210

V. 480.222.8835
 F. 480.222.8836



LGE DESIGN GROUP
 1200 N. 52nd Street • Phoenix, AZ • 85008
 P. 480.966.4001

CARDONE VENTURES 5225 N SCOTTSDALE

5225 N SCOTTSDALE ROAD
 SCOTTSDALE, ARIZONA 85250



SHEET TITLE:
 SITE PHOTOMETRIC PLAN

ISSUE DATE: 05/19/2023

DRAWN BY: YC

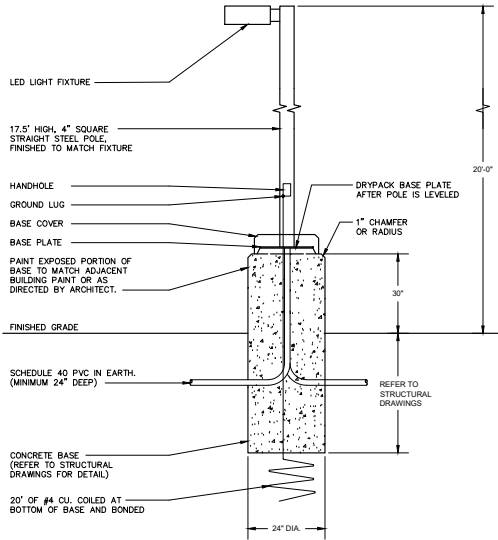
CHECKED BY: SS

PROJECT No.: _____

SHEET: **E1**


Luminaire Schedule							
Label	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power
SA	Lithonia Lighting	DSX0 LED P6 30K 70CRI TSM FLAT BLACK FINISH/ SSS 17.5' POLE ON 2.5' BASE	D-Series Size 0 Area Luminaire P6 Performance Package 3000K CCT 70 CRI Type 5 Medium, LISTED FOR WET LOCATIONS	1	17168.28	0.95	137
SB	Lithonia Lighting	WPX1 LED P1 30K Mvolt FLAT BLACK FINISH	WPX1 LED wallpack 1500lm 3000K color temperature 120-277 Volts, LISTED FOR WET LOCATIONS	1	1537.08	0.95	11.49
SD	Gotham Architectural Lighting	EVO6 30/05 AR MWD LSS	EVO 6IN ROUND, 80 CRI, 3000K, 500LM, MED WIDE DIST, CLEAR, SEMI-SPEC, LISTED FOR WET LOCATIONS	1	493.1849	0.95	6.2
SDE	Gotham Architectural Lighting	EVO6 30/05 AR MWD LSS EL	EVO 6IN ROUND, 80 CRI, 3000K, 500LM, MED WIDE DIST, CLEAR, SEMI-SPEC, WITH 90 MINUTE BATTERY BACK-UP, LISTED FOR WET LOCATIONS	1	493.1849	0.95	6.2

- CURFEW LIGHTING CONTROLS SHALL BE PROVIDED AS FOLLOWS:
- THE PRE-CURFEW LIGHTING DESIGN HOURS SHALL BE DEFINED AS DUSK TO 10:00 PM AND THE POST-CURFEW LIGHTING DESIGN HOURS SHALL BE DEFINED AS 10:00 PM TO DAWN. ALL EXTERIOR LIGHTS SHALL BE TURNED OFF DURING THE POST-CURFEW HOURS WITH THE EXCEPTION OF LIGHTS FOR SECURITY PURPOSES.
 - A PROGRAMMABLE TIMER, AND PHOTOCELLS SHALL CONTROL THE PRE- AND POST-CURFEW LIGHTS. PHOTOCELLS SHALL BE MOUNTED ON THE NORTH SIDE OF THE BUILDING. THE PROGRAMMABLE TIMER MAY CONTAIN A MAXIMUM 1-HOUR MANUAL OVERRIDE WITH AN AUTOMATIC TURN OFF FOR AFTER HOURS AND SPECIAL EVENTS USE ONLY.



'SA' FIXTURE POLE MOUNTING DETAIL
N.T.S.

PROJECT: 23064 DRB



Zee Engineering Group, LLC

1830 S. Alma School Road,
Suite 120
Mesa, Arizona 85210

V. 480.222.8835
F. 480.222.8836

LGE

DESIGNGROUP

1200 N. 52nd Street • Phoenix, AZ • 85008

P. 480.966.4001

CARDONE VENTURES 5225 N SCOTTSDALE

5225 N SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85250

NUMBER

REVISION

DATE

ISSUE DATE:

05/19/2023

DRAWN BY:

YC


CHECKED BY:

SS


PROJECT No.:

SHEET:






E2








Specifications



WPX LED Wall Packs

Size	SB
Finish	
Color	
Material	

Ordering Information

Order #	Qty./Standard Box	Unit Price	Est. Total	Notes
WPX100	100/Standard Box	\$48.00	\$4,800.00	100W LED
WPX150	100/Standard Box	\$60.00	\$6,000.00	150W LED
WPX200	100/Standard Box	\$72.00	\$7,200.00	200W LED
WPX300	100/Standard Box	\$108.00	\$10,800.00	300W LED

EXAMPLE: WPX12 40K 90WLT D0002

Order #	Qty./Standard Box	Unit Price	Est. Total	Notes
WPX120	100/Standard Box	\$48.00	\$4,800.00	100W LED
WPX120	100/Standard Box	\$60.00	\$6,000.00	150W LED
WPX120	100/Standard Box	\$72.00	\$7,200.00	200W LED
WPX120	100/Standard Box	\$108.00	\$10,800.00	300W LED

Notes: The current output and input power values in this ordering form are average representations of configurations options. Specific use and application may require further engineering consultation.

FEATURES & SPECIFICATIONS

STANDARD USE

- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.

CONSTRUCTION

- WPX LED Wall Packs are constructed from high quality materials.
- WPX LED Wall Packs are constructed from high quality materials.
- WPX LED Wall Packs are constructed from high quality materials.
- WPX LED Wall Packs are constructed from high quality materials.

ELECTRICAL

- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.

WARRANTY

- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.


INSTALLATION

- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.

MAINTENANCE

- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
- WPX LED Wall Packs are designed for use in outdoor applications.
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Notes: The current output and input power values in this ordering form are average representations of configurations options. Specific use and application may require further engineering consultation.



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WPX 023

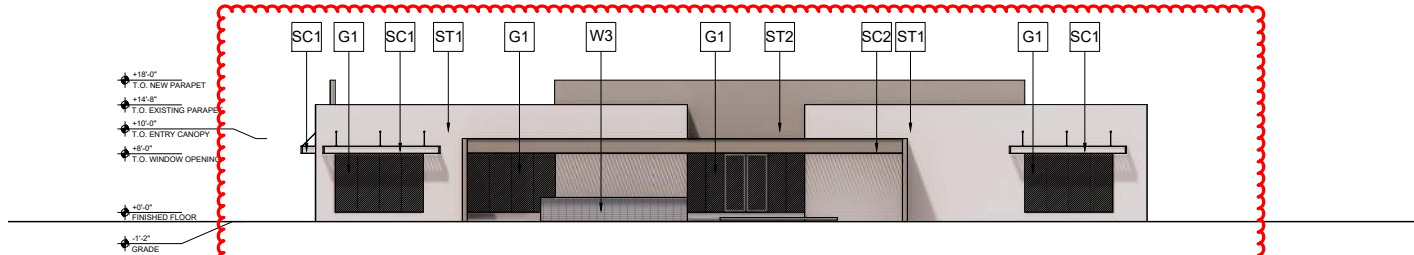
Rev 03/2018

[illegible]

CARDONE VENTURES 5225 N SCOTTSDALE

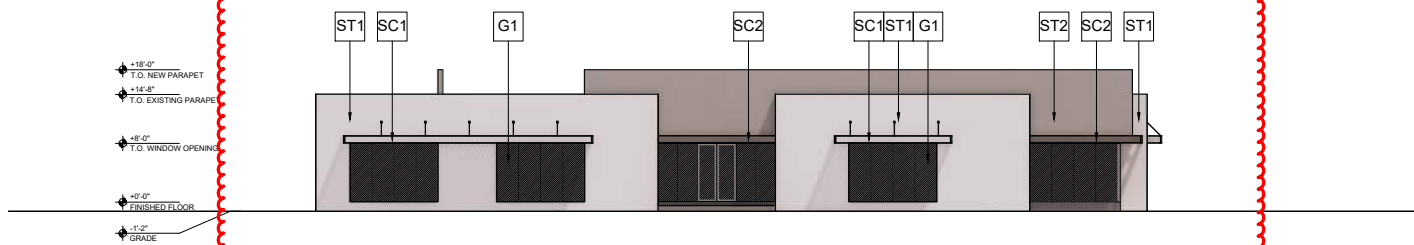
LGE		SECTION WORLD
NUMBER _____	REVISION _____	DRAWN BY _____

		
SHEET TITLE CUTSHEETS		
ISSUE DATE:		05/19/02
DRAWN BY:		
CHECKED BY:		
PROJECT No.: _____		
SHEET:		
E3		



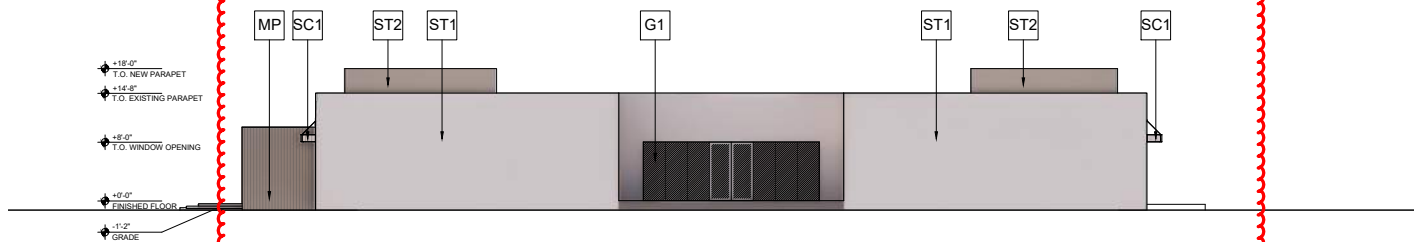
WEST ELEVATION

SCALE: 1/8" = 1'-0"



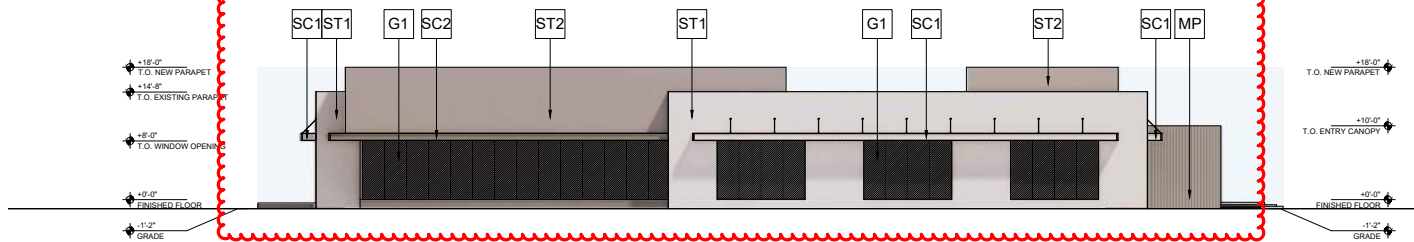
EAST ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL/FINISH SCHEDULE:

KEY:	DESCRIPTION:
EXTERIOR WALLS:	
W1	EXISTING SLUMP BLOCK WALL
W2	METAL FRAME WALL - 6" METAL STUDS
W3	GROUND FACE CMU BLOCK WALL - COLOR - TRENDSTONE - DURANGO
MP	ROLLFAB 4MM ALUMAKOR A1000 WALL PANEL - COLOR - DUNN EDWARDS - METAL FRINGE
ST1	EIFS STUCCO SYSTEM - COLOR - DUNN WEDWARDS - CRISP MUSLIN
ST2	EIFS STUCCO SYSTEM - COLOR - DUNN WEDWARDS - METAL FRINGE
C1	CONCRETE SLAB - FINISH - TBD BY G.C. IN FIELD

CANOPY KEY:

KEY:	DESCRIPTION:
SC1	EXTERIOR METAL CANOPY - STL STRUCTURE W/ ALUMINUM LOUVERS - COLOR - DUNN EDWARDS - CRISP MUSLIN
SC2	EXTERIOR METAL CANOPY - STL STRUCTURE W/ ALUMINUM LOUVERS - COLOR - DUNN EDWARDS - METAL FRINGE

GLAZING KEY:

MATERIAL:	DESCRIPTION:
FRAMES	
	ALUMINUM STOREFRONT - 4 1/2" (SEALANT JOINT VERTS) DARK BRONZE ANODIZED (A8-7)
G1	SOLARBAN 60 1" INSULATED GLAZING LOW-E EXTERIOR GLAZING

PAINT KEY

P1	DUNN EDWARDS (LIGHT GREY) 'CRISP MUSLIN' DET212 (LRV 71)
P2	DUNN EDWARDS (DARK GREY) 'METAL FRINGE' DET226 (LRV 21)

GENERAL NOTES:

- GLAZING TO BE G1 UNLESS NOTED OTHERWISE



P1 - DE6212 "Crisp Muslin"
Dunn Edwards



P2 - DET626 "Metal Fringe"
Dunn Edwards



G1 - Solarcool Solarblue
Glazing



Anodized Aluminum Storefront
Dark Bronze (AB-6) Arcadia



Rendering View





EXISTING SOUTH ELEVATION



STREET VIEW - SCOTTSDALE RD. & VISTA

Sec. 1.202. - Interpretations and decisions.



- A. The provisions of this Zoning Ordinance shall be interpreted and applied by the Zoning Administrator. Any request for a Zoning Ordinance interpretation or decision must be made in writing to the Zoning Administrator. The Zoning Administrator shall respond in writing to such requests for Zoning Ordinance interpretations or other decisions within forty-five (45) days from the date of the written request, provided no building permits have been issued on the subject development. A record of the Zoning Administrator's responses shall be available for public review.
- B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written interpretation or decision. Any timely appeal shall be processed pursuant to [Section 1.805](#)

Sec. 1.805. - Appeals from interpretations and decisions under the Zoning Ordinance and Land Divisions ordinance.



A. The Board shall hear appeals from the:

- (1) Zoning Administrator's interpretation of the Zoning Ordinance or other decisions; and
- (2) Under the Land Divisions ordinance, the General Manager's interpretations and decisions made on appeals.

The Board of Adjustment shall determine those matters over which it has jurisdiction.

B. An appeal shall stay all proceedings in the matter appealed from, unless the person from whom the appeal is taken certifies in writing to the Board the stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the person from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof.

C. An appeal hearing pursuant to this subsection shall be conducted by the Board of Adjustment following the notice and hearing procedures of [section 1.802](#), except posting on the subject property is not required when no specific property is at issue.

D. The Board shall determine whether:

- (1) The Zoning Administrator's interpretation of the Zoning Ordinance or other decision is arbitrary, capricious or an abuse of discretion; or
- (2) Under the Land Divisions ordinance, the General Manager's interpretation or decision on an appeal is arbitrary, capricious or an abuse of discretion.

E. A concurring vote of a majority of all the members of the Board shall be necessary to reverse an interpretation or a decision on appeals. Unless a majority of the board affirmatively votes to reverse the interpretation or decision, the decision of the Board shall be to uphold the interpretation or decision.

F. The decision of the Board of Adjustment may be appealed as provided in [section 1.806](#) of this Zoning Ordinance.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3788, § 3, 5-20-08; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 42, 43), 5-6-14)

Sec. 1.908. - Zoning Administrator review of minor development applications.



A. The Zoning Administrator shall have the authority to approve, approve with stipulations, or deny minor development applications. The Zoning Administrator shall have the discretion to determine if a development application is minor. Minor development applications which do not reduce any development standard and do not significantly alter previous Development Review Board decisions, or other previous approvals, may include, but are not limited to:

1. Demolition and post-demolition site improvements;
2. Exterior finish and color changes;
3. Minor additions;
4. Landscaping;
5. Signs;
6. Site plan revisions;
7. Satellite receiving earth stations in excess of one (1) meter in diameter in all districts; or
8. Type 1 and Type 2 wireless communications facilities, subject to Article VII.

(Ord. No. 2830, § 1, 10-17-95; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 12), 11-14-12; Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 4), 8-25-14)

Sec. 1.909. - Appeals of Zoning Administrator decisions on minor development applications.



- A. The Zoning Administrator's decision regarding a minor development application shall be final unless, within 30 days after the date of the written decision, the property owner files an appeal of the decision in writing to the Zoning Administrator.
- B. The Zoning Administrator shall schedule an appeal to the Development Review Board on the second regularly-scheduled Development Review Board meeting after the appeal has been filed.
- C. The Development Review Board at its meeting, shall affirm, modify, or reverse the decision of the Zoning Administrator.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 13), 11-14-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 48), 5-6-14)

PARKING ORDINANCE

Sec. 9.101. - Purpose and scope.



The purpose of preparing and adopting the parking regulations within this Zoning Ordinance is to implement the goals of the City of Scottsdale as they are set forth by the city's General Plan and further refined here. These regulations are to provide adequate parking within the community without sacrificing urban design which enhances the aesthetic environment, encourage the use of various modes of transportation other than the private vehicle and provides a generally pleasant environment within the community. Several purposes are identified herein to achieve the above stated purpose.

The purposes of the parking ordinances of the City of Scottsdale are to:

1. Provide parking facilities which serve the goal of a comprehensive circulation system throughout the community;
2. Provide parking, city-wide that will improve pedestrian circulation, reduce traffic congestion, and improve the character and functionality of all developments;
3. Promote the free flow of traffic in the streets;
4. Encourage the use of bicycles and other alternative transportation modes;
5. Design and situate parking facilities so as to ensure their usefulness;
6. Provide an adequate number of on-site bicycle parking facilities, each with a level of security, convenience, safety, access, and durability;
7. Provide for adequate parking at transfer centers and selected transit stops in order to encourage the use of mass transit;
8. Ensure the appropriate development of parking areas throughout the city; and
9. Mitigate potential adverse impacts upon land uses adjacent to parking facilities.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3896, § 1(Exh. § 6), 6-8-10; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 44), 12-6-11; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 244), 5-6-14)

Editor's note— Ord. No. 2736, § 1, adopted Mar. 7, 1995, did not specifically repeal §§ 9.100—9.104, which pertained to off-street parking; hence, §§ 9.100—9.108 adopted in said ordinance have been treated as superseding former §§ 9.100—9.104.

Sec. 5.1101. - Purpose.

This district is transitional, intended primarily to provide offices of a residential scale and character, to serve nearby neighborhoods; and secondarily, to offer medium density residential land uses. Strict property development standards lessen the impact of more intense land uses on adjacent single-family residential districts, while encouraging sensitive design.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 5.1102. - Use regulations.

- A. Permitted uses. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:
1. Any use shown as permitted in Table 11.201.A., subject to the limitations as listed.
- B. *Uses permitted by conditional use permit.*
1. Any use shown as permitted by conditional use permit in Table 11.201.A., subject to the limitations as listed, and any additional conditional use permit criteria.

(Ord. No. 4176, § 1, 11-18-14; Ord. No. 4404, § 1(Res. No. 11515, § 1(Exh. A, § 1)), 6-25-19)

Sec. 5.1103. - Property development standards.

The following property development standards shall apply to all land and buildings in the S-R District.

A. *Density*.

1. Maximum: 12 dwelling units per acre of gross lot area.

B. *Building height (excluding rooftop appurtenances)*. Maximum: 18 feet.C. *Required open space*.

1. Density based uses. Minimum open space: 0.36 multiplied by the net lot area.
2. Non-density based uses. Minimum open space: 0.24 multiplied by the net lot area.
3. Minimum open space is distributed as follows:
 - a. Frontage open space minimum: 0.12 multiplied by the net lot area, except as follows:
 - i. Lots with one (1) street frontage. Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage excluding driveways.
 - ii. Lots with two (2) or more street frontages.
 - (1) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage excluding driveways, for one (1) street.
 - (2) Minimum: Ten (10) square feet per one (1) linear foot of public street frontage excluding driveways, for all other streets.
 - b. The remainder of the minimum open space, less the frontage open space, shall be common open space.
4. Private outdoor living space.
 - a. Ground floor dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.
 - b. Above the ground floor dwelling units, minimum: 0.05 multiplied by the gross floor area of the unit.
 - c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
5. Parking areas and parking lot landscaping are not included in the required open space.
6. NAOS may be included in the required open space.

D. *Distance between buildings*.

1. Minimum: 10 feet between all buildings.
2. However an accessory building with two or more open sides, one which is adjacent to the main building, minimum: 6 feet to the main building.

E. *Walls and fences.*

1. On side and rear property lines, walls and fences are permitted. Maximum height: eight feet.
2. Within frontage open space: Maximum height: three feet.

F. *Screening.*

1. All operations shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review Board approval.

(Ord. No. 4176, § 1, 11-18-14)

Sec. 1.202. - Interpretations and decisions.



- A. The provisions of this Zoning Ordinance shall be interpreted and applied by the Zoning Administrator. Any request for a Zoning Ordinance interpretation or decision must be made in writing to the Zoning Administrator. The Zoning Administrator shall respond in writing to such requests for Zoning Ordinance interpretations or other decisions within forty-five (45) days from the date of the written request, provided no building permits have been issued on the subject development. A record of the Zoning Administrator's responses shall be available for public review.
- B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written interpretation or decision. Any timely appeal shall be processed pursuant to [Section 1.805](#)
- C. When the provisions of this Zoning Ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.
- D. The presumption established in this Zoning Ordinance is that all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. The use regulations set forth in each district cannot be all inclusive, and may include general use descriptions that encompass several specific uses. Uses specified in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses. However, the use regulations shall not be interpreted to allow more than one principal use in a dwelling in a 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 in Table 4.100.A., or to allow an unspecified use in one (1) zoning district which more closely relates to a use that is permissible in another zoning district. The Zoning Administrator shall interpret uses within each district.
- E. Accessory uses are allowed in all districts. Accessory uses shall not alter the primary use of building or lot, or adversely affect other properties in the district. All accessory uses shall be reasonably compatible with the types of uses permitted in the surrounding areas.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3920, § 1(Exh. § 2), 11-9-10; Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 1), 3-6-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 2), 5-6-14; Ord. No. 4326, § 1(Res. No. 10963, § 1 (Exh. A)), 12-5-17)



BUS PARKING - IDLING FOR HOURS



SEMI TRAILER PARKING



LATE HOUR VALET PARKING



PLANNING, ECONOMIC DEVELOPMENT & TOURISM

7447 E. Indian School Rd., Suite 105
Scottsdale, AZ 85251

April 2, 2024

Brent Bieser
7317 E. Vista Drive
Scottsdale, AZ 85250

This letter is in response to your requests for interpretation, dated February 18, 2024 (received February 19, 2024) and dated/received February 22, 2024, pertaining to the property located at 5225 N. Scottsdale Road. Your requests seek interpretations relative to the S-R zoning district, parking regulations, land use, and the processing of development applications.

The following sections address each of the 4 requests received together and the 5th received in supplement to the others.

1. Your first request references the language in the Purpose section (Sec. 5.1101) of the Service Residential (S-R) zoning district and seeks clarity for the question "Is hotel parking, with its more intense land use and adverse impacts on the R1-10 district, allowed on S-R zoned parcels in the City of Scottsdale where the parking is directly adjacent to an R1-10 single-family district?"

Each zoning district in the Zoning Ordinance has a purpose section, but the implementation of that purpose comes through specific development standards and regulation of primary land uses. The shared parking in question is permissible by the zoning ordinance and is not viewed as a separate primary land use on the property. In this instance parking is a function of the property development standards, accessory to and supporting the primary use of this site, rather than parking as a standalone land use.

As to the question of shared parking between the subject property and the hotel to the north, that was the subject of your prior request for an interpretation which was rendered by the Zoning Administrator in March of 1997, and your subsequent appeal of that decision to the Board of Adjustment (Case 8-BA-1997), which upheld the Zoning Administrator's determination in July of 1997. The 1997 decision determined that the shared parking between the two properties was allowed and that determination and the Board of Adjustment decision still apply today, thus no new interpretation is required. Please see the attached Minutes from the July 2, 1997 Board of Adjustment Meeting for reference.

2. Your second request references the language in the Purpose and Scope section (Sec. 9.101) of the Parking and Loading Requirements, specifically purpose statement #9, and seeks clarity for the question "Based on Parking Ordinance Sec. 9.101 (9) hotel parking, and its "adverse impacts" upon the adjacent land uses, is not allowed on S-R zoned parcels in the City of Scottsdale?"

Although this request references different provisions of the Zoning Ordinance, the question posed in this second request is the same as the question posed in your first request, which is whether hotel parking is allowed on an S-R parcel adjacent to an R1-10 single-family district. Please refer to the above response to the question posed in your first request.

3. Your third request references Article XI, Land Use Table 11.201.A, stating that the land use table does not allow hotels on S-R zoned properties, and seeks clarity for the question “Is hotel shared parking, with the more intense 24 hour, 7 day a week, 365 days a year parking use of a hotel, allowed on an S-R parcel adjacent to an R1-10 single-family district in your interpretation?”

Although this request references different provisions of the Zoning Ordinance, the question posed in this third request is the same as the question posed in your first request, which is whether hotel parking is allowed on an S-R parcel adjacent to an R1-10 single-family district. Please refer to the above response to the question posed in your first request.

4. Your fourth request pertains to the shared parking between the subject office property and the adjacent hotel property, and seeks clarity for the question “Is Scottsdale going to allow the sharing of parking spaces with the Hotel even though the hotel parking use is more intense than the S-R zoning and will result in “adverse impacts” to the adjacent R1-10 district?”

The question posed in your fourth request is the same as the question posed in your first request, which is whether hotel parking is allowed on an S-R parcel adjacent to an R1-10 single-family district. Please refer to the above response to the question posed in your first request.

5. Your fifth request references Article I, Administration and Procedures, Sec. 1.908 pertaining to the Zoning Administrator review of minor development applications. You’ve indicated your disagreement with the recent processing of case 119-SA-2023 as a minor development application. You have requested an interpretation of the proposed scope of work under that application in the context of Sec. 1.908.

For case 119-SA-2023 the determination of process was already made based on the pre-application submittal back in May of 2023 and issued an approval under that minor process in December of 2023, so no new decision or interpretation is needed, and the outcome is beyond the point of appeal as specified in Sec. 1.909 of the Zoning Ordinance.

Providing clarity on that decision and process, Sec. 1.908 allows the Zoning Administrator to approve, approve with stipulations, or deny minor development applications. As stated in the code, minor development applications which do not reduce a development standard and do not significantly alter previous Development Review Board decisions, or other previous approvals, may include but are not limited to:

- Demolition and post-demolition site improvements;
- Exterior finish and color changes;
- Minor additions;
- Landscaping;

- Signs;
- Site plan revisions;
- Satellite receiving earth stations in excess of one (1) meter in diameter in all districts; or
- Type 1 and Type 2 wireless communications facilities, subject to Article VII.

The review and processing of minor development applications are completed using the same Development Review Board criteria, related Design Guidelines, the Sensitive Design Principles, property development standards, and other applicable regulations as would any other development application going before the Development Review Board for action. These items were considered in the review and processing of case 119-SA-2023. The scope of Case 119-SA-2023 included exterior finish and color changes similar to those that are found in the surrounding commercial and residential neighborhood context, a site plan modification corresponding to a minor addition which was the enclosure of a 497 square foot patio at the southwest corner of the building and furthest away from the neighborhood, and landscaping, all of which are listed examples in the types of applications available for processing under the minor development application process.

Respectfully,

A handwritten signature in black ink, appearing to read 'Erin Perreault', with a large, stylized circular flourish above the name.

Erin Perreault, AICP
Zoning Administrator
City of Scottsdale

**DRAFT MINUTES
BOARD OF ADJUSTMENT
KIVA-CITY HALL
3939 N. CIVIC CENTER BOULEVARD
WEDNESDAY, JULY 2, 1997 - 5:30 P.M.**

PRESENT	Robert Wexler, Chairman Dennis Alonso Gene Lenahan Isabel McDougall Wendy Springborn-Pitman
ABSENT	Susan Kayler, Vice Chairman Robert Edwards
STAFF	Lisa Collins Alan Ward Margaret Wilson

CALL TO ORDER:

The regular meeting of the Scottsdale Board of Adjustment was called to order at 5:40 p.m. by Chairman Wexler.

ROLL CALL:

A formal roll call confirmed members present as stated above.

CHAIRMAN WEXLER announced that he had received a letter of resignation from Vice Chairman Susan Kayler.

APPROVAL OF MINUTES:

June 4, 1997

MR. LENAHA MADE A MOTION TO APPROVE THE JUNE 4, 1997 MINUTES AS SUBMITTED. **SECOND BY MS. SPRINGBORN-PITMAN.**

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

BOARD OF ADJUSTMENT MINUTES
JULY 2, 1997
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WITHDRAWALS:

06-BA-97 Revocation of conditional user permit for live entertainment
7117 East Third Avenue
City of Scottsdale, Applicant

MS. COLLINS stated that a revocation can be re-initiated at any time and this at no time states that the City of Scottsdale will not pursue a revocation if there are problems in the future. She also stated that the Cajun House has been informed of this.

REGULAR AGENDA:

08-BA-97 Request for appeal from Zoning Administrator's interpretation
of the zoning ordinance
5225 N. Scottsdale Road
Brent Bieser, applicant

(CHAIRMAN WEXLER EXPLAINED THE MEETING PROCEDURES FOR THE APPEAL OF AN ADMINISTRATIVE DECISION.)

MS. COLLINS presented this request as per the project coordination packet. Staff recommendation is uphold the interpretation of the Zoning Administrator for the reasons stated in the report.

MR. ALONSO asked how the building would be used by the resort.

MS. COLLINS stated that office building will be used by the resort for offices and for sales activities and normal professional office uses.

MR. ALONSO asked if this would be an acceptable use under S-R zoning if this was not connected with the resort.

MS. COLLINS stated that it would be acceptable and the existing uses in the building were office type uses.

MR. LENAHAn asked if the current zoning will allow valet parking on the property.

MS. COLLINS stated that the valet parking is considered an ancillary use of the site. She said that the site currently has parking that exceeds the need required for the size of office building the exists on the property. She stated that the excess parking is the portion that will be used for the valet parking.

MR. LENAHAn asked if there would be any egress onto Vista from the valet parking.

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MS. COLLINS stated that the applicant requested to use this site. She said that the Town of Paradise Valley does have some requirements that would control access however Scottsdale Zoning Ordinance would not be able to prohibit that.

MS. MCDUGALL commented that the Town of Paradise Valley had imposed some stipulations on the use of this property. She asked how they can do that.

MS. COLLINS stated that the Paradise Valley Resort has apparently agreed to those conditions however the City of Scottsdale has agreed to uphold those to the best of their ability. She said that the Town of Paradise Valley does not have the ability to enforce regulations on Scottsdale's property and the City of Scottsdale does not have the ability to enforce their stipulations.

CHAIRMAN WEXLER asked if hypothetically the Board were to buy the office would there be anything from prohibiting them to lease the building to the resort for office space.

MS. COLLINS stated that anyone could own the property and lease it to someone else.

CHAIRMAN WEXLER asked if under that same scenario the current owner would be able to tear the wall down and sublease those parking spaces to the Paradise Valley Resort or anyone else.

MS. COLLINS stated that the wall is not required as part of the zoning ordinance. She said that there are some sections that require walls separating certain uses but this does not. She said that they could not restrict vehicular access across the property.

MS. SPRINGBORN-PITMAN asked if there are any requirements in the S-R that relate to the storage of large trucks or semi-tractor trailers on the property.

MS. COLLINS stated that there are no restrictions on types of vehicles on the property.

MR. LENAHA asked if the Administrator was aware of any increased traffic and congestion problems on Vista Drive when he agreed to this property being dual use.

MS. COLLINS stated that when the City of Scottsdale looked at whether this was an S-R service residential use they did check the traffic studies to determine that this was similar to any other type of service residential office use. She said that they did review that and found that the traffic levels were consistent.

MR. ALONSO stated that the applicant did contact him several months ago and the applicant requested the procedure for the Board of Adjustment and after reviewing the conversation with the City Attorney it was determined that there was no conflict of interest existed.

BRENT BIESER, applicant, 7317 East Vista, gave a brief presentation. He said that he represents the Vista Bonita Homeowners Association. He stated that the only access out of the community is at the intersection of Vista and Scottsdale Road. He said that their concern is the impact that the resort is going to have on the office building property to the south. He said that the resort will then be able to allow resort valet parking and resort employee parking on the Scottsdale parking lot. He stated that there was a petition presented to the Board of Adjustment from the homeowners association opposing this case. He said that they are very concerned that this case never went through the proper channels. He stated that this went to the highest level in Paradise Valley and the lowest level in Scottsdale. He said that the office building is going to be used as conference rooms for guests at the resort.

MS. MCDOUGALL asked the applicant if he felt the main impact on the community would be the number of vehicles and the timing of it being used 24 hours a day 7 days a week.

MR. BIESER stated that is a part of the issue. He said that there are three items they have concerns with; punching a hole in the wall for resort uses onto S-R; resort valet parking on S-R property; and resort employee parking on S-R property.

MS. SPRINGBORN-PITMAN asked the applicant to explain the impact on the community if access for these vehicles will only be going through the wall and not onto Vista.

MR. BIESER stated that is not the case at this point. He said that right now traffic can go from the resort through the gate onto the Scottsdale lot and onto Vista.

MR. ALONSO asked if the hotel's anticipated use of the building were the same with no access onto Vista Drive would that be acceptable.

MR. BIESER stated that may be acceptable to the neighborhood but then the only main access that the building has as required by S-R zoning is to be able to have a main access way to the building property. He said that one solution given that the Paradise Valley meeting was to construct a low wall that divided the office building parking lot into one third west and two thirds east so only the eastern two thirds could be accessed on the resort for valet and employee parking and then the western one third of the parking lot closest to the building would have access onto to Vista. He stated that the resort turned down the solution.

CHAIRMAN WEXLER asked if it would be more beneficial to let cars ingress/egress through the hole in the wall than to always have to come in and out of Vista.

MR. BIESER stated that there would be no benefit if the employees only way to get into the parking lot was from Vista. He said that would not be acceptable and would violate the S-R.

CHAIRMAN WEXLER asked staff if he would be violating S-R zoning if he were to buy the property as zoned S-R and made a deal with the resort to lease that parking lot for either resort employee parking or resort valet parking.

MS. COLLINS stated no if it were an ancillary use. She said clearly parking lots as a primary use are not permitted in S-R districts. She stated if there is excess parking that is not required for the office building based on the ordinance and square footage calculations it could be used by other properties.

CHAIRMAN WEXLER asked how many parking spaces they have and what is the excess number.

MS. COLLINS stated that she would need to look up the numbers.

STEPHEN EARL, attorney representing the Doubletree Paradise Valley Resort, gave a brief presentation. He handed out aerial photographs to the Board. He stated the fundamental question to be answered is whether cross access parking is prohibited or permitted. He said that John Faramelli's answer was that cross access parking between parcels is permitted by the S-R Ordinance and is commonly done in the City of Scottsdale. He stated that cross access reduces traffic congestion. He said that the resort has complied with all the conditions in the special use permit. He gave several examples of resorts and buildings in the area that open access and cross access parking.

MS. SPRINGBORN-PITMAN commented that the stipulations from the Town of Paradise Valley states no cars will be permitted to be valet parked after 10:00 p.m. and not shall not use Vista Drive for access. She asked if that is for both ingress and egress.

MR. EARL stated that is correct. He said if the resort kept the cars on the property they reduced that chances of accidents. He stated that the resort agreed ingress/egress would only come through the gate and they would not have any valet parking after 10:00 p.m.

MS. SPRINGBORN-PITMAN asked if that access is to be used by the executives and employees of the resort rather than using Vista Drive.

MR. EARL stated that the tenants of the office building can use the underground parking. He said that the employees will use the surface parking. He said that the employees cannot use Vista Drive to exit the resort.

CHAIRMAN WEXLER asked if Mr. Earl was stating that no resort guests would have occasion to attend that building or park in that lot.

MR. EARL stated that if a resort guest was going over to an administrative office for any event then the guest would be entitled to go over there. He said that would be an administrative function.

CHAIRMAN WEXLER asked if Mr. Earl was stating that at no time would valet's have ingress or egress onto Vista Drive and that they would only be allowed to use the gate where the wall currently is.

MR. EARL stated that is correct.

MS. MCDOUGALL asked for clarification on the underground parking.

MR. EARL stated that currently they are not using the underground parking for valet or employee parking. He said that the underground parking is only for the tenants of the building.

MS. MCDOUGALL asked if they went through the DRB when the buildings were remodeled.

MR. EARL stated that they did not remodel the exterior of the building so they were not required to go through the DRB. He said that they were basically tenant improvements which are not a issue for the DRB.

MS. SPRINGBORN-PITMAN asked if the resort would be decreasing the valet parking that it currently has and pushing it over to the S-R.

MR. EARL stated no. He said that the resort vastly prefers the valet parking in the current location just next to the main entrance.

MR. ALONSO asked if there is a barrier or gate on the parking garage.

MR. EARL stated that there is no barrier or gate and there never has been.

MS. SPRINGBORN-PITMAN asked if the semi-tractor trailers shown in the picture are parked there on a regular basis.

MR. EARL stated that during the renovation process there may have been larger vehicles parked on the surface parking. He said they the resort has specifically stipulated with the neighbors that no large vehicles can be parked in that parking lot.

MR. LENAHAN asked if Mr. Earl has come across any cross municipality parking.

MR. EARL stated that he did not look specifically at cross municipality parking but he specifically looked at Scottsdale for S-R because that was the issue.

MR. LENAHAN asked if that was germane to the issue.

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MR. EARL stated that is absolutely germane. He said that the Scottsdale staff has made it very clear that the wall could come down tomorrow. He said that there is no limitation on cross access parking.

MR. LENAHAN commented that they are talking about two different entities. He said that one is controlling the stipulations and one is not. He asked what happens when something goes wrong on the Scottsdale side of the deal. He wanted to know where the Paradise Valley residents turn to then.

MR. EARL stated that this is a split neighborhood with some people living in Scottsdale and the others living in Paradise Valley. He said that Scottsdale does not control the issue. He said that the resort has limited their own special permit to comply with these stipulations. He stated that if there is a complaint lodged it goes to the Town of Paradise Valley for the whole hotel. He said that the Town of Paradise Valley does not have resort zoning so the resort has a special use permit. He stated that any time there is a change at the resort you must go back and amend the special permit.

MR. LENAHAN asked if the Town of Paradise Valley has to listen to the complaints from City of Scottsdale citizens.

MR. EARL stated that at the hearing they did not draw any distinction between Paradise Valley citizens and Scottsdale citizens.

MS. MCDOUGALL asked staff if Scottsdale could put stipulations of use on the property.

MS. COLLINS stated that the concern and the problem with that is the procedure. She said that the procedure and process in the Town of Paradise Valley is the use permit process of the hotel. She stated that in this case there is an S-R zoned property and the building is existing so there was no process or procedure to go through in order to apply the stipulations.

MR. ALONSO asked what the hotel's feeling are on the suggestion of splitting the parking lot into a small section available to Vista Drive or possibly blocking off the Vista Drive access with some sort of crash gate.

MR. EARL stated that there are neighborhoods that surround this property to the south, east and north. He said that currently the resort accesses to Jackrabbit Road at the north end of the site. He stated that there is a neighborhood in Scottsdale on the north side of Jackrabbit road and they have been taking the brunt of all the access the resort has. He said that when the issue of blocking this off came up the neighbors were violently opposed because now the resort would have very little access to Vista Drive. He stated that is when the resort agreed to put up a barrier at 10:00 p.m. to that there would be no overnight use on Vista Drive.

CHAIRMAN WEXLER asked what type of barrier would be put up and who would be the responsible party for it.

MR. EARL stated that it could be a gate that comes down so as to prevent cars from using the exit. He said that they have not as yet come up with what will be used. He said that the days this area will be used the resort will block it off after 10:00 p.m.

(CHAIRMAN WEXLER OPENED PUBLIC TESTIMONY.)

JOHN HARPER, 7331 East Vista Drive, spoke in favor to this request. He represents the Vista Bonita Homeowners Association. He stated that the main concerns are the access in and out of the neighborhood on Vista Drive and also the appropriate use of the office building. He said that the examples Mr. Earl gave of properties having cross access did not have cross access through established neighborhoods or through a road that supports an established neighborhood.

BILL VAN VLEET, 7250 East Arlington Road, spoke in opposition to this request. He represents La Jolla Blanca Homeowners Association. He stated that the association feels the Doubletree Inn is an asset to the neighborhood and to the City of Scottsdale.

PAT MADERIA, 7285 East Buena Tierra Way, spoke in opposition to this request. He also is with the La Jolla Blanca Homeowners Association. He said that every delivery truck for the resort goes down Jackrabbit Road. He felt that it was time for the resort to compromise with the neighborhoods to the north and south.

DAVID EVANS, 7230 East Vista Drive, stated that he is the original developer of the two buildings on Vista Drive. He said that he was never notified about this meeting. He stated that when he developed the buildings he designed the property to fit into the neighborhood. He stated that he was required to put a site wall up if the hotel did not and that there is a site wall between the hotel and residential along with a landscape buffer.

CHAIRMAN WEXLER asked Mr. Evans if he developed the actual buildings and land that the City of Scottsdale purchased.

MR. EVANS stated that is correct.

CHAIRMAN WEXLER asked if the City of Scottsdale had zoning stipulations to put the wall up.

MR. EVANS stated that there was to be a wall between the residential and the developer was waived the responsibility of putting a wall up because the resort already had a wall so it was to be shared.

MR. LENAHAN asked Mr. Evans if he sold this property.

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MR. EVANS stated that they sold the land one year later to an investor in Phoenix with existing tenants in place.

MR. LENAHAN asked if the wall was put up by Doubletree.

MR. EVANS stated that is correct.

MR. ALONSO commented that the Board has seen photographs of this parking lot full of cars and trucks. He asked if there is any passage from the hotel.

MR. EVANS stated that the parking lot is structured now for the building south across Vista Drive. He said that the underground parking is common shared.

PHIL HAWKES, 7321 East Bonita Drive; spoke in support of this request. He said that he was at the Town of Paradise Valley meeting and the citizens complained about the noise from the tennis courts. He said that the complaints from this meeting have to do with remodeling. He felt that the resort would get away with any violations until they were busted. He said that he did not trust the Doubletree Hotel.

(THERE WAS ONE CARD FROM A CITIZEN WHO DID NOT WISH TO SPEAK BUT WAS OPPOSED TO THIS REQUEST.)

(CHAIRMAN WEXLER STATED THAT THERE WERE SIX CARDS FROM CITIZENS WHO DID NOT WISH TO SPEAK BUT GAVE THEIR COMMENTS ON THE CARDS. HE READ THE COMMENTS INTO THE RECORD.)

CHRIS BEYER, 7411 East Vista Drive, commented we are very concerned with increasing the traffic in our neighborhood and request that the city respect our intent to preserve the integrity of our neighborhood.

BARRETT R. HINSVARK, 5311 North Woodmere Fairway, commented my family is opposed to the Doubletree Resort expansion into my neighborhood because of traffic safety concerns we have with the planned valet parking system and hotel delivery trucks which will be parked on Vista Drive.

PAUL J. MCGOLDRICK, 7430 East Vista Drive, commented currently the resort is parking large trailers/busses on property. Zoning Variance Appeal has merit. The changes to Doubletree adversely effect the neighborhood which is located in Scottsdale. Traffic has increased. Parking on lot with valet parking for P.V. Resort to utilize Scottsdale parking lot is not in best interest of Scottsdale residents.

IVAN SADDLER, 7229 East Vista Drive, commented the decision to allow proposed uses should have been in a public forum where Scottsdale residents could have been heard.

REBECCA PETERSON, 5133 North Woodmere Fairway, commented I think if the Doubletree wants to use the parking lot of the building for valet and employee parking they should block access to Vista Road from that parking lot. My reasons are: the increased traffic waiting for a light that is green for only a few seconds may create traffic hazards, potential increased traffic into a neighborhood teeming with small children, another user will use the property for light office use not a parking lot, the resort does not seem to want to restrict access to Vista even though the surface lot is to be used primarily for valet parking, increased noise from vehicles coming and going until the wee hours, hotel has changes hands several times.

CAROLE D. HUBER, 5201 North Woodmere Fairway, opposes the usage derived by Paradise Valley Resort/Office Building is not within limits of the present zoning. It will impact the neighborhood with high usage late in the evening and on weekends - not usual to S-R zoning for business offices. Also, it will cause congestion and greater difficulty getting out of the subdivision for residents - this is our only entrance/exit.

MS. SPRINGBORN-PITMAN asked if the stipulations from Paradise Valley would carry over if the property were sold. She also asked what stipulations were put on S-R building during the initial build out. She also wanted to know if this were approved by the Board tonight is there an appeal process for the neighborhood if the resort is not abiding by what it agreed to with the neighbors.

MS. COLLINS stated with respect to the stipulations relating to the sale of the property, the property owner could probably answer that better but she believed that the conditions as for Scottsdale go with the property. She said style needs to be complied with. She stated that stipulations on the S-R parcel to her knowledge there are no stipulations relative to specifications of uses of walls. She said that limiting uses through a zoning case is not typical. She said she thought that the developer of the building was saying that a wall was required but staff found evidence or proof of that. She said that the resort did build the wall.

MS. SPRINGBORN-PITMAN asked in the event this is passed does the neighborhood have the ability to act again.

MS. COLLINS stated the city will continue to enforce the conditions of the S-R zoning regardless of what the Town of Paradise Valley does. She said that if staff felt there was a violation the zoning enforcement department would enforce the ordinance.

(CHAIRMAN WEXLER CLOSED PUBLIC TESTIMONY.)

MR. BEISER stated that one of the stipulations on the P.V. side stated no trucks or semi-trailers are to be parked on the Scottsdale parcel. He said that Ms. Collins stated that Scottsdale zoning does not have that kind of restraint on parking. He said that the association did not suggest to the resort to go see John Faramelli and get authorization. He said that it was not staff's decision. He felt that the zoning ordinance should have gone through the proper procedures in a public forum. He said that when he spoke with Mayor Campana she said to make sure he brings up the tax issue. He said they get a greater tax benefit on the resort side and then they pocket the tax revenues. He stated that the Town of Paradise Valley is coming in and reaching into our pockets. He said there are three possible ways to go with this case. The Board could come back and say that staff was correct or that they were wrong or say it was not staff's decision to make. He felt that it was not staff's decision to make. He stated that the zoning ordinance states the zoning administrator can make decisions on minor issues and that there is nothing minor about this case.

MR. LENAHAN asked Mr. Beiser if he disagrees with the fact that remodeling is not a nature that is required to go to the city.

MR. BEISER stated that it should go to the city for S-R zoning. He said that for remodeling you go before the DRB. He stated because of the wall being modified it should have gone through the DRB and that it should also go through a public forum.

CHAIRMAN WEXLER asked staff what votes it would take to effect the decision.

MS. WILSON stated that if the Board agrees to uphold it would take a three to two vote and if you were to overturn the zoning administrator's decision it would take a four to one vote. She said that anything else other than a majority is a fail.

MR. ALONSO asked if failing a majority vote means that the zoning administrator's decision is upheld.

MS. WILSON stated that if you have fewer than four votes then her decision is not upheld.

MR. ALONSO asked if there is a three to two vote what would happen.

MS. WILSON stated that the Board would need a four to one vote to uphold the decision.

CHAIRMAN WEXLER asked what if a motion was made to uphold and it was a three to two vote, would it fail. He also asked what if a motion was made to overturn which also results in a three to two vote, would it fail. He stated that he is trying to get all these questions answered so that the Board will know what their options are.

MS. MCDOUGALL MADE A MOTION TO RECESS FOR FIVE MINUTES SO THAT STAFF COULD DISCUSS THE OPTIONS WITH THE BOARD. SECOND BY **MS. SPRINGBORN-PITMAN**.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

(**CHAIRMAN WEXLER** CALLED THE MEETING BACK TO ORDER AT 7:25 P.M.)

MS. WILSON stated that ordinance says a majority vote is necessary to reverse any interpretation of the zoning administrator and a four to one vote to reverse a decision.

CHAIRMAN WEXLER asked if there was a motion to reverse. There was no motion presented from the Board.

THE CASE WAS UPHELD AND NO MOTION AND NO VOTE WERE NECESSARY.

(**CHAIRMAN WEXLER** EXPLAINED THE RULES AND PROCEDURES OF THE BOARD OF ADJUSTMENT AND STATED A VARIANCE CAN ONLY BE GRANTED IF ALL FOUR OF THE CRITERIA ARE MET.)

9-BA-97

Request to allow a garage in the front yard setback
31616 N. 70th Street
George Craig, applicant/owner

MR. WARD presented this request as per the project coordination packet. Staff is recommending denial for the reasons stated in the report.

GEORGE CRAIG, 31616 North 70th Street, gave a brief presentation. He stated there was no place to put the garage between the house and the NAOS area. He stated all his neighbors agreed he put the garage in the best place he could. He said that the was going to use the structure for storage of his grandchildren's motorbikes and bicycles and go-carts.

MS. SPRINGBORN-PITMAN asked how long ago was the area outlined in blue on the overhead drawing cleared.

MR. CRAIG stated that it was done in the latter part of May. He said that the only thing taken out was an old scraggly sagebrush.

MS. SPRINGBORN-PITMAN asked if this would be used for storage only or vehicle also.

MR. CRAIG stated that it would be for storage only. He said that there will be no electric or water. He said that the will make the necessary runs from the house to the garage but leaving them blank so that if someone in the future wanted to use it for a garage they could. He stated that the would wire it for electricity but it will not be connected.

BOARD OF ADJUSTMENT MINUTES
JULY 2, 1997
PAGE 13

MR. ALONSO asked the applicant to point out on the overhead where the garbage cans, propane tank and utility trailer are located.

MR. CRAIG stated that they are adjacent to the garage hidden by a six foot redwood fence. He said that the fence is to hide the dog pen and also to fence off the 250 gallon propane tank.

MR. ALONSO asked if the applicant could construct a storage area where the utility area is now located.

MR. CRAIG stated that the pool equipment is there. He said a six foot fence hides the equipment and that the along the fence is the dog area and the pool.

MS. MCDOUGALL asked if the applicant built the house.

MR. CRAIG stated that he designed it and had a contractor build it.

MS. MCDOUGALL asked if he designed it with the orientation of the garage in place.

MR. CRAIG stated that is correct. He said that the existing garage is big enough for a work bench along one side and enough room for two cars and the motorhome and plenty of room in between. He stated that he did not know he was going to inherit bikes, motorbikes and go-carts.

MS. MCDOUGALL asked if the applicant felt that the view contributed to the special circumstances.

MR. CRAIG stated that the view is a part of it.

CHAIRMAN WEXLER asked how long ago the lot was purchased.

MR. CRAIG stated that he purchased the lot in June of 1994 or 1995 and at that time it was in the City of Scottsdale. He stated that the views from every direction are fantastic because of the way his home is situated.

MR. LENAHAn commented that during the study session he had asked Mr. Ward whether the scenic value of this piece of property had any precedent over the ordinance and Mr. Ward said it does not. He felt that the Board should consider that as being a guideline to the decision.

CHAIRMAN WEXLER asked if there was an option for him to center his house were the address was off Gloria.

MR. WARD stated that 70th Street is the frontage to the property.

MR. ALONSO stated that the views are impressive in the area but he did not feel the four criteria were met.

MR. ALONSO MADE A MOTION TO DENY CASE 9-BA-97. SECOND BY MS. MCDOUGALL.

MS. MCDOUGALL agreed with Mr. Alonso about the views but felt that there was no special circumstances that applied to this property. She said that under Criteria No. 3 she felt that the applicant did have a hand in making some decisions that left him in this situation.

CHAIRMAN WEXLER stated that this is one of those cases that does not make enjoyable to sit on the Board. He said that he has looked at the property and the area and he would not want to impede any views. He said unfortunately the State Statute requires some sort of special circumstance to the land classification. He said that he did not see that has been met. He said that he would have support denial.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

10-BA-97

Request to allow parking canopies within the front yard
setback

15501 North Dial Boulevard
Ryan Companies, USA, Inc.

MR. WARD presented this request as per the project coordination packet. Staff is recommending denial for the reasons stated in the report.

MS. MCDOUGALL asked if the 433 parking spaces were required.

MR. WARD stated that 433 parking spaces are required and that applicant is providing 529 spaces.

MS. MCDOUGALL asked if they could not cover all the parking spaces would it just remain parking or would it be landscape.

MR. WARD stated that those are legally parking spaces and that they would remain uncovered structures.

MS. MCDOUGALL asked if there is landscaping between the uncovered lots and the roads.

MR. WARD stated that there is required landscaping along the open space of the frontage property. He said that the landscaping would remain.

MR. LENAHAN commented that the owner indicated he wanted covered parking for everybody. He asked will 433 spaces take care of the "everybody" phrase or is that a requirement of the city for that many spaces.

MR. WARD stated that they are requesting additional amount of spaces as the number of people using the building. He said in other words, if 529 spaces are not utilized, there would be a certain amount that would not be covered parking.

MR. LENAHAN asked of the 88 that are not covered is that surplus parking or including the number of employee parking.

MR. WARD stated that he could not specifically answer for the use of 433 spaces.

PATRICK HAYES, applicant, stated that the 529 spaces are the total required parking spaces for this particular user. He said that they are not anticipating surplus. He said that the development guidelines specify a minimum of parking spaces. He stated that the owner would like all the parking spaces covered. He said that the particular site was designed for a specific user that had lower parking requirements and had heavier trucking access. He stated that the project was stopped and that the City of Scottsdale was very active in pursuing a corporate user to come to Scottsdale and to this site. He said that the DRB was very excited about the look of the canopies.

(CHAIRMAN WEXLER OPENED PUBLIC TESTIMONY.)

WENDY SCHWINGEL, Vice President Real Estate and Building Services for the Dial Corporation, stated that the impact to the neighbors to the west has gone from users where there was heavy trucking to now where it is just passenger vehicles. She said that Dial has invested millions of dollars into this project.

CHAIRMAN WEXLER asked if the parking was supplemented when the building was purchased.

MR. HAYES stated that additional lot shown on the schematic was purchased and they had the project designed and built with trucking access that extended some right turn outs only.

CHAIRMAN WEXLER asked if the red parking on the upper left-hand corner and going down to the lower portion of the schematic was asphalt when the property was purchased.

MR. HAYES stated that was parking but it existed in a slightly different form.

CHAIRMAN WEXLER asked if the area on the east side of the property was parking or asphalt.

MR. HAYES stated that adjacent lots were purchased and that it was a raw lot. He said that the other area was parking.

MS. MCDOUGALL asked if the building was originally built for a warehouse facility.

MR. HAYES stated that it was originally designed for Unitech. He said that the second floor was offices, the first floor was light assembly and the rest was warehouse.

MR. LENAHAN asked Mr. Ward in his opinion as a planner how much of a violation is covered parking to the benefits that would be derived from it.

MR. WARD stated that in his opinion it does set a precedent for the entire Airpark. He said that it is a standard that was applied throughout. He stated that visually it is beautiful but relatively close to the street and would affect the angle of the building along the frontage.

MR. HAYES stated that he understands they would be setting a precedent and that is not all bad. He said that they are asking for approval on the basis of this being for a different use than originally anticipated when the Airpark was received.

CHAIRMAN WEXLER asked what is the purpose of this building.

MR. HAYES stated that it is 100 percent Dial offices.

(CHAIRMAN WEXLER CLOSED PUBLIC TESTIMONY.)

CHAIRMAN WEXLER asked what the front yard setback requirements on C-3 parcels and just north of that C-4.

MR. WARD stated that there are no setback requirements for open space in that area. He said that open space has to be provided in the front yard.

CHAIRMAN WEXLER asked if the parcel is not zoned other than commercial or industrial then the applicant would be applying for zoning permit on that parcel.

MR. WARD stated that commercial office would accommodate this kind of office but industrial also does.

CHAIRMAN WEXLER asked for the percentage of open space requirement for the parcel.

MR. WARD stated that it would be about 10-15 percent.

MR. LENAHAAN MADE A MOTION TO APPROVE CASE 10-BA-97 STATING THE REASONS FOR HIS MOTION. THERE WAS NO SECOND.

THE MOTION DIED FOR LACK OF A SECOND.

MS. SPRINGBORN-PITMAN MADE A MOTION TO DENY CASE 10-BA-97 FOR THE REASONS STATED IN THE REPORT. SECOND BY MS. MCDOUGALL.

MS. MCDOUGALL commented that the board is not in the business of setting a precedent. She said while it is admirable to provide parking for everybody but maybe a better way to attack this problem would be to change the ordinance.

MR. ALONSO stated that he will support the motion to deny.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO ONE (1) WITH MR. LENAHAAN DISSENTING.

ADJOURNMENT:

MS. MCDOUGALL MADE A MOTION TO ADJOURN. SECOND BY MS. SPRINGBORN-PITMAN.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

Chairman Wexler adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Teague Court Reporting, Inc.

May 1, 2024 Appeal filing with the City Clerk

ATTACHMENT #5

Barnes, Jeff

From: Lane, Benjamin
Sent: Wednesday, May 1, 2024 1:47 PM
To: Brent Bieser
Cc: Barnes, Jeff
Subject: RE: 5225 N. Scottsdale Rd. - Zoning Interpretation clarifications

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you Mr. Bieser – acknowledging receipt of your appeal. It has been forwarded to Board of Adjustment staff and they will be contact with you regarding next steps.

Thank you,
Ben



Ben Lane | City Clerk
City of Scottsdale
3939 N. Drinkwater Blvd. | Scottsdale, AZ 85251
480-312-2411 | [Scottsdale.Vote](https://www.scottsdale.vote)

From: Brent Bieser <BBieser@toddassoc.com>
Sent: Wednesday, May 1, 2024 1:18 PM
To: Lane, Benjamin <BLane@Scottsdaleaz.gov>
Cc: Barnes, Jeff <JBarnes@Scottsdaleaz.gov>
Subject: FW: 5225 N. Scottsdale Rd. - Zoning Interpretation clarifications

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

Good afternoon City Manager Lane,
I was instructed by Jeff Barnes to send my appeal of the Zoning Administrator's interpretations to your attention.
Please let me know if there are any questions.
Thanks, Brent Bieser
602-568-7261

I have received the official interpretations by the Zoning Administrator.

I am officially appealing the (5) interpretations of the Zoning Administrator and am requesting a hearing by the Scottsdale Board of Adjustments.

Thank you, Brent M. Bieser
7317 E,. Vista Drive
Scottsdale, AZ. 85250
602-568-7261

From: Brent Bieser
Sent: Wednesday, May 1, 2024 10:22 AM
To: Barnes, Jeff <JBarnes@Scottsdaleaz.gov>
Cc: Perreault, Erin <EPERREAUULT@scottsdaleaz.gov>
Subject: RE: 5225 N. Scottsdale Rd. - Zoning Interpretation clarifications

Good afternoon Mr. Barnes.
I have received the official interpretation by the Zoning Administrator.

I am officially appealing the (5) interpretations of the Zoning Administrator and am requesting a hearing by the Scottsdale Board of Adjustments.

Thank you, Brent M. Bieser
7317 E,. Vista Drive
Scottsdale, AZ. 85250
602-568-7261

From: Barnes, Jeff <JBarnes@Scottsdaleaz.gov>
Sent: Tuesday, April 2, 2024 3:54 PM
To: Brent Bieser <BBieser@toddassoc.com>
Cc: Perreault, Erin <EPERREAUULT@scottsdaleaz.gov>
Subject: RE: 5225 N. Scottsdale Rd. - Zoning Interpretation clarifications

In follow-up to your requested interpretations below, and the supplemental request you sent in on 2/22, the Zoning Administrator has issued the attached response letter.

Jeff Barnes
Principal Planner
City of Scottsdale
Planning & Development Services
jbarnes@scottsdaleaz.gov
(480) 312-2376

Checkout Our Online Services:

<https://eservices.scottsdaleaz.gov/bldgresources>

- Avoid long waits at the One Stop Shop Service Counters by checking real-time wait times:
<https://eservices.scottsdaleaz.gov/bldgresources/WaitTimes>
- Explore our Planning and Development Services page:
<https://www.scottsdaleaz.gov/planning-development>

From: Brent Bieser <BBieser@toddassoc.com>
Sent: Sunday, February 18, 2024 1:25 PM
To: Perreault, Erin <EPERREAUULT@scottsdaleaz.gov>
Cc: Mary Sue Lotzar <msl@lotzar.com>; City Council <CityCouncil@scottsdaleaz.gov>; Barnes, Jeff <JBarnes@Scottsdaleaz.gov>
Subject: 5225 N. Scottsdale Rd. - Zoning Interpretation clarifications

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

Good afternoon Ms. Perreault,

As I have been working with planner Jeff Barnes on my Pre-App meeting for the Board of Adjustments zoning interpretations you gave me in your January 17 email, Jeff has indicated I need to get interpretations from you in a more formal manner.

Here are the four zoning interpretations I need:

Service Residential (S-R)

Sec. 5.1101 - Purpose

This district is transitional, intended primarily to provide offices of a residential scale and character, to serve nearby neighborhoods; and secondarily, to offer medium density residential land uses. Strict property development standards lessen the impact of more intense land uses on adjacent single-family residential districts, while encouraging sensitive design.

Based upon the above Zoning Ordinance wording, S-R development standards apply to the property to lessen impact of more intense land uses on adjacent single family districts.

1. Is hotel parking, with its more intense land use and adverse impacts on the R1-10 district, allowed on S-R zoned parcels in the City of Scottsdale where the parking is directly adjacent to an R1-10 single-family district?

Sec. 9.100 - Parking

Sec. 9.101 – Purpose and scope

The purpose of preparing and adopting the parking regulations within this Zoning Ordinance is to implement the goals of the City of Scottsdale as they are set forth by the city's General Plan and further refined here. These regulations are to provide adequate parking within the community without sacrificing urban design which enhances the aesthetic environment, encourage the use of various modes of transportation other than the private vehicle and provides a generally pleasant environment within the community. Several purposes are identified herein to achieve the above stated purpose.

The purposes of the parking ordinances of the City of Scottsdale are to:

- 1. Provide parking facilities which serve the goal of a comprehensive circulation system throughout the community;**
- 2. Provide parking, city-wide that will improve pedestrian circulation, reduce traffic congestion, and improve the character and functionality of all developments;**
- 3. Promote the free flow of traffic in the streets;**
- 4. Encourage the use of bicycles and other alternative transportation modes;**
- 5. Design and situate parking facilities so as to ensure their usefulness;**
- 6. Provide an adequate number of on-site bicycle parking facilities, each with a level of security, convenience, safety, access, and durability;**

7. Provide for adequate parking at transfer centers and selected transit stops in order to encourage the use of mass transit;

8. Ensure the appropriate development of parking areas throughout the city; and

9. Mitigate potential adverse impacts upon land uses adjacent to parking facilities.

Based upon the above Parking Ordinance wording in Sec 9.101 (9), the purpose of the Parking Ordinance is to mitigate potential adverse impacts upon land uses adjacent to parking facilities. The hotel has a long history of adverse impacts with its shared parking on the S-R parcel and the direct adjacency to R1-10 single-family homes.

2. Based on Parking Ordinance Sec. 9.101 (9) hotel parking, and its “adverse impacts” upon the adjacent land uses, is not allowed on S-R zoned parcels in the City of Scottsdale? What is your interpretation?

- **Sec. 11.200. - Commercial, Industrial, and Parking Land Uses Table.**
- **Sec. 11.201. - Use regulations.**

Permitted uses. The uses allowed in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for uses noted.

Uses permitted by conditional use permit. The uses allowed by conditional use permit in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed, and any additional conditional use permit criteria.

Drive-through and drive-in services are not permitted in the Downtown Area.

Drive-through and drive-in services are not permitted in the Service Residential (S-R) zoning district.

3. Zoning Article XI, Land Use Table 11.201.A covers Sec.11.200 - Commercial, Industrial and Parking Land Uses. Parking is listed as a Land Use according to 11.200. The table clearly does not allow hotel uses or hotel parking on S-R zoned land. The hotel has a history of parking idling busses, semi tractors and trailers and noisy late-night valet parking on the S-R parcel directly adjacent to the R1-10 homes. Is hotel shared parking, with the more intense 24 hour, 7 day a week, 365 days a year parking use of a hotel, allowed on an S-R parcel adjacent to an R1-10 single-family district in your interpretation?

The office building property is considering **sharing** its excess parking with the Paradise Valley Hotel property located to the north. The hotel has a long history of “adverse impacts” with its parking on the S-R parcel with the adjacent R1-10 single-family homes.

4. The idea of sharing parking spaces seems reasonable under thoughtful conditions. Common sense would indicate that the shared parking should be of an equal or lesser intensity than is consistent with the zoning of the property upon which the parking spaces are being shared. Historically, Scottsdale will allow less intense uses on zoned property but not uses of greater intensity. Is Scottsdale going to allow the sharing of parking spaces with the Hotel even though the hotel parking use is more intense than the S-R zoning and will result in “adverse impacts” to the adjacent R1-10 district?

It would be great if you can provide your four interpretations prior to my Feb 22nd Pre-App meeting.

Thanks and I'll look forward to your formal interpretations.

Brent Bieser
602-568-7261

April 2, 2024 Zoning Administrator's Response

ATTACHMENT #6



PLANNING, ECONOMIC DEVELOPMENT & TOURISM

7447 E. Indian School Rd., Suite 105
Scottsdale, AZ 85251

April 2, 2024

Brent Bieser
7317 E. Vista Drive
Scottsdale, AZ 85250

This letter is in response to your requests for interpretation, dated February 18, 2024 (received February 19, 2024) and dated/received February 22, 2024, pertaining to the property located at 5225 N. Scottsdale Road. Your requests seek interpretations relative to the S-R zoning district, parking regulations, land use, and the processing of development applications.

The following sections address each of the 4 requests received together and the 5th received in supplement to the others.

1. Your first request references the language in the Purpose section (Sec. 5.1101) of the Service Residential (S-R) zoning district and seeks clarity for the question "Is hotel parking, with its more intense land use and adverse impacts on the R1-10 district, allowed on S-R zoned parcels in the City of Scottsdale where the parking is directly adjacent to an R1-10 single-family district?"

Each zoning district in the Zoning Ordinance has a purpose section, but the implementation of that purpose comes through specific development standards and regulation of primary land uses. The shared parking in question is permissible by the zoning ordinance and is not viewed as a separate primary land use on the property. In this instance parking is a function of the property development standards, accessory to and supporting the primary use of this site, rather than parking as a standalone land use.

As to the question of shared parking between the subject property and the hotel to the north, that was the subject of your prior request for an interpretation which was rendered by the Zoning Administrator in March of 1997, and your subsequent appeal of that decision to the Board of Adjustment (Case 8-BA-1997), which upheld the Zoning Administrator's determination in July of 1997. The 1997 decision determined that the shared parking between the two properties was allowed and that determination and the Board of Adjustment decision still apply today, thus no new interpretation is required. Please see the attached Minutes from the July 2, 1997 Board of Adjustment Meeting for reference.

2. Your second request references the language in the Purpose and Scope section (Sec. 9.101) of the Parking and Loading Requirements, specifically purpose statement #9, and seeks clarity for the question "Based on Parking Ordinance Sec. 9.101 (9) hotel parking, and its "adverse impacts" upon the adjacent land uses, is not allowed on S-R zoned parcels in the City of Scottsdale?"

Although this request references different provisions of the Zoning Ordinance, the question posed in this second request is the same as the question posed in your first request, which is whether hotel parking is allowed on an S-R parcel adjacent to an R1-10 single-family district. Please refer to the above response to the question posed in your first request.

3. Your third request references Article XI, Land Use Table 11.201.A, stating that the land use table does not allow hotels on S-R zoned properties, and seeks clarity for the question “Is hotel shared parking, with the more intense 24 hour, 7 day a week, 365 days a year parking use of a hotel, allowed on an S-R parcel adjacent to an R1-10 single-family district in your interpretation?”

Although this request references different provisions of the Zoning Ordinance, the question posed in this third request is the same as the question posed in your first request, which is whether hotel parking is allowed on an S-R parcel adjacent to an R1-10 single-family district. Please refer to the above response to the question posed in your first request.

4. Your fourth request pertains to the shared parking between the subject office property and the adjacent hotel property, and seeks clarity for the question “Is Scottsdale going to allow the sharing of parking spaces with the Hotel even though the hotel parking use is more intense than the S-R zoning and will result in “adverse impacts” to the adjacent R1-10 district?”

The question posed in your fourth request is the same as the question posed in your first request, which is whether hotel parking is allowed on an S-R parcel adjacent to an R1-10 single-family district. Please refer to the above response to the question posed in your first request.

5. Your fifth request references Article I, Administration and Procedures, Sec. 1.908 pertaining to the Zoning Administrator review of minor development applications. You’ve indicated your disagreement with the recent processing of case 119-SA-2023 as a minor development application. You have requested an interpretation of the proposed scope of work under that application in the context of Sec. 1.908.

For case 119-SA-2023 the determination of process was already made based on the pre-application submittal back in May of 2023 and issued an approval under that minor process in December of 2023, so no new decision or interpretation is needed, and the outcome is beyond the point of appeal as specified in Sec. 1.909 of the Zoning Ordinance.

Providing clarity on that decision and process, Sec. 1.908 allows the Zoning Administrator to approve, approve with stipulations, or deny minor development applications. As stated in the code, minor development applications which do not reduce a development standard and do not significantly alter previous Development Review Board decisions, or other previous approvals, may include but are not limited to:

- Demolition and post-demolition site improvements;
- Exterior finish and color changes;
- Minor additions;
- Landscaping;

- Signs;
- Site plan revisions;
- Satellite receiving earth stations in excess of one (1) meter in diameter in all districts; or
- Type 1 and Type 2 wireless communications facilities, subject to Article VII.

The review and processing of minor development applications are completed using the same Development Review Board criteria, related Design Guidelines, the Sensitive Design Principles, property development standards, and other applicable regulations as would any other development application going before the Development Review Board for action. These items were considered in the review and processing of case 119-SA-2023. The scope of Case 119-SA-2023 included exterior finish and color changes similar to those that are found in the surrounding commercial and residential neighborhood context, a site plan modification corresponding to a minor addition which was the enclosure of a 497 square foot patio at the southwest corner of the building and furthest away from the neighborhood, and landscaping, all of which are listed examples in the types of applications available for processing under the minor development application process.

Respectfully,

A handwritten signature in black ink, appearing to read 'Erin Perreault', with a large, stylized circular flourish above the name.

Erin Perreault, AICP
Zoning Administrator
City of Scottsdale

**DRAFT MINUTES
BOARD OF ADJUSTMENT
KIVA-CITY HALL
3939 N. CIVIC CENTER BOULEVARD
WEDNESDAY, JULY 2, 1997 - 5:30 P.M.**

PRESENT Robert Wexler, Chairman
 Dennis Alonso
 Gene Lenahan
 Isabel McDougall
 Wendy Springborn-Pitman

ABSENT Susan Kayler, Vice Chairman
 Robert Edwards

STAFF Lisa Collins
 Alan Ward
 Margaret Wilson

CALL TO ORDER:

The regular meeting of the Scottsdale Board of Adjustment was called to order at 5:40 p.m. by Chairman Wexler.

ROLL CALL:

A formal roll call confirmed members present as stated above.

CHAIRMAN WEXLER announced that he had received a letter of resignation from Vice Chairman Susan Kayler.

APPROVAL OF MINUTES:

June 4, 1997

MR. LENAHA MADE A MOTION TO APPROVE THE JUNE 4, 1997 MINUTES AS SUBMITTED. **SECOND** BY **MS. SPRINGBORN-PITMAN**.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

BOARD OF ADJUSTMENT MINUTES
JULY 2, 1997
PAGE 2

WITHDRAWALS:

06-BA-97 Revocation of conditional user permit for live entertainment
7117 East Third Avenue
City of Scottsdale, Applicant

MS. COLLINS stated that a revocation can be re-initiated at any time and this at no time states that the City of Scottsdale will not pursue a revocation if there are problems in the future. She also stated that the Cajun House has been informed of this.

REGULAR AGENDA:

08-BA-97 Request for appeal from Zoning Administrator's interpretation
of the zoning ordinance
5225 N. Scottsdale Road
Brent Bieser, applicant

(CHAIRMAN WEXLER EXPLAINED THE MEETING PROCEDURES FOR THE APPEAL OF AN ADMINISTRATIVE DECISION.)

MS. COLLINS presented this request as per the project coordination packet. Staff recommendation is uphold the interpretation of the Zoning Administrator for the reasons stated in the report.

MR. ALONSO asked how the building would be used by the resort.

MS. COLLINS stated that office building will be used by the resort for offices and for sales activities and normal professional office uses.

MR. ALONSO asked if this would be an acceptable use under S-R zoning if this was not connected with the resort.

MS. COLLINS stated that it would be acceptable and the existing uses in the building were office type uses.

MR. LENAHAn asked if the current zoning will allow valet parking on the property.

MS. COLLINS stated that the valet parking is considered an ancillary use of the site. She said that the site currently has parking that exceeds the need required for the size of office building the exists on the property. She stated that the excess parking is the portion that will be used for the valet parking.

MR. LENAHAn asked if there would be any egress onto Vista from the valet parking.

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JULY 2, 1997
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MS. COLLINS stated that the applicant requested to use this site. She said that the Town of Paradise Valley does have some requirements that would control access however Scottsdale Zoning Ordinance would not be able to prohibit that.

MS. MCDOUGALL commented that the Town of Paradise Valley had imposed some stipulations on the use of this property. She asked how they can do that.

MS. COLLINS stated that the Paradise Valley Resort has apparently agreed to those conditions however the City of Scottsdale has agreed to uphold those to the best of their ability. She said that the Town of Paradise Valley does not have the ability to enforce regulations on Scottsdale's property and the City of Scottsdale does not have the ability to enforce their stipulations.

CHAIRMAN WEXLER asked if hypothetically the Board were to buy the office would there be anything from prohibiting them to lease the building to the resort for office space.

MS. COLLINS stated that anyone could own the property and lease it to someone else.

CHAIRMAN WEXLER asked if under that same scenario the current owner would be able to tear the wall down and sublease those parking spaces to the Paradise Valley Resort or anyone else.

MS. COLLINS stated that the wall is not required as part of the zoning ordinance. She said that there are some sections that require walls separating certain uses but this does not. She said that they could not restrict vehicular access across the property.

MS. SPRINGBORN-PITMAN asked if there are any requirements in the S-R that relate to the storage of large trucks or semi-tractor trailers on the property.

MS. COLLINS stated that there are no restrictions on types of vehicles on the property.

MR. LENAHA asked if the Administrator was aware of any increased traffic and congestion problems on Vista Drive when he agreed to this property being dual use.

MS. COLLINS stated that when the City of Scottsdale looked at whether this was an S-R service residential use they did check the traffic studies to determine that this was similar to any other type of service residential office use. She said that they did review that and found that the traffic levels were consistent.

MR. ALONSO stated that the applicant did contact him several months ago and the applicant requested the procedure for the Board of Adjustment and after reviewing the conversation with the City Attorney it was determined that there was no conflict of interest existed.

BOARD OF ADJUSTMENT MINUTES
JULY 2, 1997
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BRENT BIESER, applicant, 7317 East Vista, gave a brief presentation. He said that he represents the Vista Bonita Homeowners Association. He stated that the only access out of the community is at the intersection of Vista and Scottsdale Road. He said that their concern is the impact that the resort is going to have on the office building property to the south. He said that the resort will then be able to allow resort valet parking and resort employee parking on the Scottsdale parking lot. He stated that there was a petition presented to the Board of Adjustment from the homeowners association opposing this case. He said that they are very concerned that this case never went through the proper channels. He stated that this went to the highest level in Paradise Valley and the lowest level in Scottsdale. He said that the office building is going to be used as conference rooms for guests at the resort.

MS. MCDOUGALL asked the applicant if he felt the main impact on the community would be the number of vehicles and the timing of it being used 24 hours a day 7 days a week.

MR. BIESER stated that is a part of the issue. He said that there are three items they have concerns with; punching a hole in the wall for resort uses onto S-R; resort valet parking on S-R property; and resort employee parking on S-R property.

MS. SPRINGBORN-PITMAN asked the applicant to explain the impact on the community if access for these vehicles will only be going through the wall and not onto Vista.

MR. BIESER stated that is not the case at this point. He said that right now traffic can go from the resort through the gate onto the Scottsdale lot and onto Vista.

MR. ALONSO asked if the hotel's anticipated use of the building were the same with no access onto Vista Drive would that be acceptable.

MR. BIESER stated that may be acceptable to the neighborhood but then the only main access that the building has as required by S-R zoning is to be able to have a main access way to the building property. He said that one solution given that the Paradise Valley meeting was to construct a low wall that divided the office building parking lot into one third west and two thirds east so only the eastern two thirds could be accessed on the resort for valet and employee parking and then the western one third of the parking lot closest to the building would have access onto to Vista. He stated that the resort turned down the solution.

CHAIRMAN WEXLER asked if it would be more beneficial to let cars ingress/egress through the hole in the wall than to always have to come in and out of Vista.

MR. BIESER stated that there would be no benefit if the employees only way to get into the parking lot was from Vista. He said that would not be acceptable and would violate the S-R.

CHAIRMAN WEXLER asked staff if he would be violating S-R zoning if he were to buy the property as zoned S-R and made a deal with the resort to lease that parking lot for either resort employee parking or resort valet parking.

MS. COLLINS stated no if it were an ancillary use. She said clearly parking lots as a primary use are not permitted in S-R districts. She stated if there is excess parking that is not required for the office building based on the ordinance and square footage calculations it could be used by other properties.

CHAIRMAN WEXLER asked how many parking spaces they have and what is the excess number.

MS. COLLINS stated that she would need to look up the numbers.

STEPHEN EARL, attorney representing the Doubletree Paradise Valley Resort, gave a brief presentation. He handed out aerial photographs to the Board. He stated the fundamental question to be answered is whether cross access parking is prohibited or permitted. He said that John Faramelli's answer was that cross access parking between parcels is permitted by the S-R Ordinance and is commonly done in the City of Scottsdale. He stated that cross access reduces traffic congestion. He said that the resort has complied with all the conditions in the special use permit. He gave several examples of resorts and buildings in the area that open access and cross access parking.

MS. SPRINGBORN-PITMAN commented that the stipulations from the Town of Paradise Valley states no cars will be permitted to be valet parked after 10:00 p.m. and not shall not use Vista Drive for access. She asked if that is for both ingress and egress.

MR. EARL stated that is correct. He said if the resort kept the cars on the property they reduced that chances of accidents. He stated that the resort agreed ingress/egress would only come through the gate and they would not have any valet parking after 10:00 p.m.

MS. SPRINGBORN-PITMAN asked if that access is to be used by the executives and employees of the resort rather than using Vista Drive.

MR. EARL stated that the tenants of the office building can use the underground parking. He said that the employees will use the surface parking. He said that the employees cannot use Vista Drive to exit the resort.

CHAIRMAN WEXLER asked if Mr. Earl was stating that no resort guests would have occasion to attend that building or park in that lot.

MR. EARL stated that if a resort guest was going over to an administrative office for any event then the guest would be entitled to go over there. He said that would be an administrative function.

CHAIRMAN WEXLER asked if Mr. Earl was stating that at no time would valet's have ingress or egress onto Vista Drive and that they would only be allowed to use the gate where the wall currently is.

MR. EARL stated that is correct.

MS. MCDOUGALL asked for clarification on the underground parking.

MR. EARL stated that currently they are not using the underground parking for valet or employee parking. He said that the underground parking is only for the tenants of the building.

MS. MCDOUGALL asked if they went through the DRB when the buildings were remodeled.

MR. EARL stated that they did not remodel the exterior of the building so they were not required to go through the DRB. He said that they were basically tenant improvements which are not a issue for the DRB.

MS. SPRINGBORN-PITMAN asked if the resort would be decreasing the valet parking that it currently has and pushing it over to the S-R.

MR. EARL stated no. He said that the resort vastly prefers the valet parking in the current location just next to the main entrance.

MR. ALONSO asked if there is a barrier or gate on the parking garage.

MR. EARL stated that there is no barrier or gate and there never has been.

MS. SPRINGBORN-PITMAN asked if the semi-tractor trailers shown in the picture are parked there on a regular basis.

MR. EARL stated that during the renovation process there may have been larger vehicles parked on the surface parking. He said they the resort has specifically stipulated with the neighbors that no large vehicles can be parked in that parking lot.

MR. LENAHAN asked if Mr. Earl has come across any cross municipality parking.

MR. EARL stated that he did not look specifically at cross municipality parking but he specifically looked at Scottsdale for S-R because that was the issue.

MR. LENAHAN asked if that was germane to the issue.

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MR. EARL stated that is absolutely germane. He said that the Scottsdale staff has made it very clear that the wall could come down tomorrow. He said that there is no limitation on cross access parking.

MR. LENAHAn commented that they are talking about two different entities. He said that one is controlling the stipulations and one is not. He asked what happens when something goes wrong on the Scottsdale side of the deal. He wanted to know where the Paradise Valley residents turn to then.

MR. EARL stated that this is a split neighborhood with some people living in Scottsdale and the others living in Paradise Valley. He said that Scottsdale does not control the issue. He said that the resort has limited their own special permit to comply with these stipulations. He stated that if there is a complaint lodged it goes to the Town of Paradise Valley for the whole hotel. He said that the Town of Paradise Valley does not have resort zoning so the resort has a special use permit. He stated that any time there is a change at the resort you must go back and amend the special permit.

MR. LENAHAn asked if the Town of Paradise Valley has to listen to the complaints from City of Scottsdale citizens.

MR. EARL stated that at the hearing they did not draw any distinction between Paradise Valley citizens and Scottsdale citizens.

MS. MCDOUGALL asked staff if Scottsdale could put stipulations of use on the property.

MS. COLLINS stated that the concern and the problem with that is the procedure. She said that the procedure and process in the Town of Paradise Valley is the use permit process of the hotel. She stated that in this case there is an S-R zoned property and the building is existing so there was no process or procedure to go through in order to apply the stipulations.

MR. ALONSO asked what the hotel's feeling are on the suggestion of splitting the parking lot into a small section available to Vista Drive or possibly blocking off the Vista Drive access with some sort of crash gate.

MR. EARL stated that there are neighborhoods that surround this property to the south, east and north. He said that currently the resort accesses to Jackrabbit Road at the north end of the site. He stated that there is a neighborhood in Scottsdale on the north side of Jackrabbit road and they have been taking the brunt of all the access the resort has. He said that when the issue of blocking this off came up the neighbors were violently opposed because now the resort would have very little access to Vista Drive. He stated that is when the resort agreed to put up a barrier at 10:00 p.m. to that there would be no overnight use on Vista Drive.

CHAIRMAN WEXLER asked what type of barrier would be put up and who would be the responsible party for it.

MR. EARL stated that it could be a gate that comes down so as to prevent cars from using the exit. He said that they have not as yet come up with what will be used. He said that the days this area will be used the resort will block it off after 10:00 p.m.

(CHAIRMAN WEXLER OPENED PUBLIC TESTIMONY.)

JOHN HARPER, 7331 East Vista Drive, spoke in favor to this request. He represents the Vista Bonita Homeowners Association. He stated that the main concerns are the access in and out of the neighborhood on Vista Drive and also the appropriate use of the office building. He said that the examples Mr. Earl gave of properties having cross access did not have cross access through established neighborhoods or through a road that supports an established neighborhood.

BILL VAN VLEET, 7250 East Arlington Road, spoke in opposition to this request. He represents La Jolla Blanca Homeowners Association. He stated that the association feels the Doubletree Inn is an asset to the neighborhood and to the City of Scottsdale.

PAT MADERIA, 7285 East Buena Tierra Way, spoke in opposition to this request. He also is with the La Jolla Blanca Homeowners Association. He said that every delivery truck for the resort goes down Jackrabbit Road. He felt that it was time for the resort to compromise with the neighborhoods to the north and south.

DAVID EVANS, 7230 East Vista Drive, stated that he is the original developer of the two buildings on Vista Drive. He said that he was never notified about this meeting. He stated that when he developed the buildings he designed the property to fit into the neighborhood. He stated that he was required to put a site wall up if the hotel did not and that there is a site wall between the hotel and residential along with a landscape buffer.

CHAIRMAN WEXLER asked Mr. Evans if he developed the actual buildings and land that the City of Scottsdale purchased.

MR. EVANS stated that is correct.

CHAIRMAN WEXLER asked if the City of Scottsdale had zoning stipulations to put the wall up.

MR. EVANS stated that there was to be a wall between the residential and the developer was waived the responsibility of putting a wall up because the resort already had a wall so it was to be shared.

MR. LENAHAN asked Mr. Evans if he sold this property.

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MR. EVANS stated that they sold the land one year later to an investor in Phoenix with existing tenants in place.

MR. LENAHAN asked if the wall was put up by Doubletree.

MR. EVANS stated that is correct.

MR. ALONSO commented that the Board has seen photographs of this parking lot full of cars and trucks. He asked if there is any passage from the hotel.

MR. EVANS stated that the parking lot is structured now for the building south across Vista Drive. He said that the underground parking is common shared.

PHIL HAWKES, 7321 East Bonita Drive; spoke in support of this request. He said that he was at the Town of Paradise Valley meeting and the citizens complained about the noise from the tennis courts. He said that the complaints from this meeting have to do with remodeling. He felt that the resort would get away with any violations until they were busted. He said that he did not trust the Doubletree Hotel.

(THERE WAS ONE CARD FROM A CITIZEN WHO DID NOT WISH TO SPEAK BUT WAS OPPOSED TO THIS REQUEST.)

(CHAIRMAN WEXLER STATED THAT THERE WERE SIX CARDS FROM CITIZENS WHO DID NOT WISH TO SPEAK BUT GAVE THEIR COMMENTS ON THE CARDS. HE READ THE COMMENTS INTO THE RECORD.)

CHRIS BEYER, 7411 East Vista Drive, commented we are very concerned with increasing the traffic in our neighborhood and request that the city respect our intent to preserve the integrity of our neighborhood.

BARRETT R. HINSVARK, 5311 North Woodmere Fairway, commented my family is opposed to the Doubletree Resort expansion into my neighborhood because of traffic safety concerns we have with the planned valet parking system and hotel delivery trucks which will be parked on Vista Drive.

PAUL J. MCGOLDRICK, 7430 East Vista Drive, commented currently the resort is parking large trailers/busses on property. Zoning Variance Appeal has merit. The changes to Doubletree adversely effect the neighborhood which is located in Scottsdale. Traffic has increased. Parking on lot with valet parking for P.V. Resort to utilize Scottsdale parking lot is not in best interest of Scottsdale residents.

IVAN SADDLER, 7229 East Vista Drive, commented the decision to allow proposed uses should have been in a public forum where Scottsdale residents could have been heard.

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REBECCA PETERSON, 5133 North Woodmere Fairway, commented I think if the Doubletree wants to use the parking lot of the building for valet and employee parking they should block access to Vista Road from that parking lot. My reasons are: the increased traffic waiting for a light that is green for only a few seconds may create traffic hazards, potential increased traffic into a neighborhood teeming with small children, another user will use the property for light office use not a parking lot, the resort does not seem to want to restrict access to Vista even though the surface lot is to be used primarily for valet parking, increased noise from vehicles coming and going until the wee hours, hotel has changes hands several times.

CAROLE D. HUBER, 5201 North Woodmere Fairway, opposes the usage derived by Paradise Valley Resort/Office Building is not within limits of the present zoning. It will impact the neighborhood with high usage late in the evening and on weekends - not usual to S-R zoning for business offices. Also, it will cause congestion and greater difficulty getting out of the subdivision for residents - this is our only entrance/exit.

MS. SPRINGBORN-PITMAN asked if the stipulations from Paradise Valley would carry over if the property were sold. She also asked what stipulations were put on S-R building during the initial build out. She also wanted to know if this were approved by the Board tonight is there an appeal process for the neighborhood if the resort is not abiding by what it agreed to with the neighbors.

MS. COLLINS stated with respect to the stipulations relating to the sale of the property, the property owner could probably answer that better but she believed that the conditions as for Scottsdale go with the property. She said style needs to be complied with. She stated that stipulations on the S-R parcel to her knowledge there are no stipulations relative to specifications of uses of walls. She said that limiting uses through a zoning case is not typical. She said she thought that the developer of the building was saying that a wall was required but staff found evidence or proof of that. She said that the resort did build the wall.

MS. SPRINGBORN-PITMAN asked in the event this is passed does the neighborhood have the ability to act again.

MS. COLLINS stated the city will continue to enforce the conditions of the S-R zoning regardless of what the Town of Paradise Valley does. She said that if staff felt there was a violation the zoning enforcement department would enforce the ordinance.

(CHAIRMAN WEXLER CLOSED PUBLIC TESTIMONY.)

MR. BEISER stated that one of the stipulations on the P.V. side stated no trucks or semi-trailers are to be parked on the Scottsdale parcel. He said that Ms. Collins stated that Scottsdale zoning does not have that kind of restraint on parking. He said that the association did not suggest to the resort to go see John Faramelli and get authorization. He said that it was not staff's decision. He felt that the zoning ordinance should have gone through the proper procedures in a public forum. He said that when he spoke with Mayor Campana she said to make sure he brings up the tax issue. He said they get a greater tax benefit on the resort side and then they pocket the tax revenues. He stated that the Town of Paradise Valley is coming in and reaching into our pockets. He said there are three possible ways to go with this case. The Board could come back and say that staff was correct or that they were wrong or say it was not staff's decision to make. He felt that it was not staff's decision to make. He stated that the zoning ordinance states the zoning administrator can make decisions on minor issues and that there is nothing minor about this case.

MR. LENAHAN asked Mr. Beiser if he disagrees with the fact that remodeling is not a nature that is required to go to the city.

MR. BEISER stated that it should go to the city for S-R zoning. He said that for remodeling you go before the DRB. He stated because of the wall being modified it should have gone through the DRB and that it should also go through a public forum.

CHAIRMAN WEXLER asked staff what votes it would take to effect the decision.

MS. WILSON stated that if the Board agrees to uphold it would take a three to two vote and if you were to overturn the zoning administrator's decision it would take a four to one vote. She said that anything else other than a majority is a fail.

MR. ALONSO asked if failing a majority vote means that the zoning administrator's decision is upheld.

MS. WILSON stated that if you have fewer than four votes then her decision is not upheld.

MR. ALONSO asked if there is a three to two vote what would happen.

MS. WILSON stated that the Board would need a four to one vote to uphold the decision.

CHAIRMAN WEXLER asked what if a motion was made to uphold and it was a three to two vote, would it fail. He also asked what if a motion was made to overturn which also results in a three to two vote, would it fail. He stated that he is trying to get all these questions answered so that the Board will know what their options are.

MS. MCDOUGALL MADE A MOTION TO RECESS FOR FIVE MINUTES SO THAT STAFF COULD DISCUSS THE OPTIONS WITH THE BOARD. SECOND BY **MS. SPRINGBORN-PITMAN**.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

(CHAIRMAN WEXLER CALLED THE MEETING BACK TO ORDER AT 7:25 P.M.)

MS. WILSON stated that ordinance says a majority vote is necessary to reverse any interpretation of the zoning administrator and a four to one vote to reverse a decision.

CHAIRMAN WEXLER asked if there was a motion to reverse. There was no motion presented from the Board.

THE CASE WAS UPHELD AND NO MOTION AND NO VOTE WERE NECESSARY.

(CHAIRMAN WEXLER EXPLAINED THE RULES AND PROCEDURES OF THE BOARD OF ADJUSTMENT AND STATED A VARIANCE CAN ONLY BE GRANTED IF ALL FOUR OF THE CRITERIA ARE MET.)

9-BA-97

Request to allow a garage in the front yard setback
31616 N. 70th Street
George Craig, applicant/owner

MR. WARD presented this request as per the project coordination packet. Staff is recommending denial for the reasons stated in the report.

GEORGE CRAIG, 31616 North 70th Street, gave a brief presentation. He stated there was no place to put the garage between the house and the NAOS area. He stated all his neighbors agreed he put the garage in the best place he could. He said that he was going to use the structure for storage of his grandchildren's motorbikes and bicycles and go-carts.

MS. SPRINGBORN-PITMAN asked how long ago was the area outlined in blue on the overhead drawing cleared.

MR. CRAIG stated that it was done in the latter part of May. He said that the only thing taken out was an old scraggly sagebrush.

MS. SPRINGBORN-PITMAN asked if this would be used for storage only or vehicle also.

MR. CRAIG stated that it would be for storage only. He said that there will be no electric or water. He said that he will make the necessary runs from the house to the garage but leaving them blank so that if someone in the future wanted to use it for a garage they could. He stated that he would wire it for electricity but it will not be connected.

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MR. ALONSO asked the applicant to point out on the overhead where the garbage cans, propane tank and utility trailer are located.

MR. CRAIG stated that they are adjacent to the garage hidden by a six foot redwood fence. He said that the fence is to hide the dog pen and also to fence off the 250 gallon propane tank.

MR. ALONSO asked if the applicant could construct a storage area where the utility area is now located.

MR. CRAIG stated that the pool equipment is there. He said a six foot fence hides the equipment and that along the fence is the dog area and the pool.

MS. MCDOUGALL asked if the applicant built the house.

MR. CRAIG stated that he designed it and had a contractor build it.

MS. MCDOUGALL asked if he designed it with the orientation of the garage in place.

MR. CRAIG stated that is correct. He said that the existing garage is big enough for a work bench along one side and enough room for two cars and the motorhome and plenty of room in between. He stated that he did not know he was going to inherit bikes, motorbikes and go-carts.

MS. MCDOUGALL asked if the applicant felt that the view contributed to the special circumstances.

MR. CRAIG stated that the view is a part of it.

CHAIRMAN WEXLER asked how long ago the lot was purchased.

MR. CRAIG stated that he purchased the lot in June of 1994 or 1995 and at that time it was in the City of Scottsdale. He stated that the views from every direction are fantastic because of the way his home is situated.

MR. LENAHAN commented that during the study session he had asked Mr. Ward whether the scenic value of this piece of property had any precedent over the ordinance and Mr. Ward said it does not. He felt that the Board should consider that as being a guideline to the decision.

CHAIRMAN WEXLER asked if there was an option for him to center his house were the address was off Gloria.

MR. WARD stated that 70th Street is the frontage to the property.

MR. ALONSO stated that the views are impressive in the area but he did not feel the four criteria were met.

MR. ALONSO MADE A MOTION TO DENY CASE 9-BA-97. SECOND BY MS. MCDOUGALL.

MS. MCDOUGALL agreed with Mr. Alonso about the views but felt that there was no special circumstances that applied to this property. She said that under Criteria No. 3 she felt that the applicant did have a hand in making some decisions that left him in this situation.

CHAIRMAN WEXLER stated that this is one of those cases that does not make enjoyable to sit on the Board. He said that he has looked at the property and the area and he would not want to impede any views. He said unfortunately the State Statute requires some sort of special circumstance to the land classification. He said that he did not see that has been met. He said that he would have support denial.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

10-BA-97	Request to allow parking canopies within the front yard setback 15501 North Dial Boulevard Ryan Companies, USA, Inc.
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MR. WARD presented this request as per the project coordination packet. Staff is recommending denial for the reasons stated in the report.

MS. MCDOUGALL asked if the 433 parking spaces were required.

MR. WARD stated that 433 parking spaces are required and that applicant is providing 529 spaces.

MS. MCDOUGALL asked if they could not cover all the parking spaces would it just remain parking or would it be landscape.

MR. WARD stated that those are legally parking spaces and that they would remain uncovered structures.

MS. MCDOUGALL asked if there is landscaping between the uncovered lots and the roads.

MR. WARD stated that there is required landscaping along the open space of the frontage property. He said that the landscaping would remain.

MR. LENAHAn commented that the owner indicated he wanted covered parking for everybody. He asked will 433 spaces take care of the "everybody" phrase or is that a requirement of the city for that many spaces.

MR. WARD stated that they are requesting additional amount of spaces as the number of people using the building. He said in other words, if 529 spaces are not utilized, there would be a certain amount that would not be covered parking.

MR. LENAHAn asked of the 88 that are not covered is that surplus parking or including the number of employee parking.

MR. WARD stated that he could not specifically answer for the use of 433 spaces.

PATRICK HAYES, applicant, stated that the 529 spaces are the total required parking spaces for this particular user. He said that they are not anticipating surplus. He said that the development guidelines specify a minimum of parking spaces. He stated that the owner would like all the parking spaces covered. He said that the particular site was designed for a specific user that had lower parking requirements and had heavier trucking access. He stated that the project was stopped and that the City of Scottsdale was very active in pursuing a corporate user to come to Scottsdale and to this site. He said that the DRB was very excited about the look of the canopies.

(CHAIRMAN WEXLER OPENED PUBLIC TESTIMONY.)

WENDY SCHWINGEL, Vice President Real Estate and Building Services for the Dial Corporation, stated that the impact to the neighbors to the west has gone from users where there was heavy trucking to now where it is just passenger vehicles. She said that Dial has invested millions of dollars into this project.

CHAIRMAN WEXLER asked if the parking was supplemented when the building was purchased.

MR. HAYES stated that additional lot shown on the schematic was purchased and they had the project designed and built with trucking access that extended some right turn outs only.

CHAIRMAN WEXLER asked if the red parking on the upper left-hand corner and going down to the lower portion of the schematic was asphalt when the property was purchased.

MR. HAYES stated that was parking but it existed in a slightly different form.

CHAIRMAN WEXLER asked if the area on the east side of the property was parking or asphalt.

MR. HAYES stated that adjacent lots were purchased and that it was a raw lot. He said that the other area was parking.

MS. MCDOUGALL asked if the building was originally built for a warehouse facility.

MR. HAYES stated that it was originally designed for Unitech. He said that the second floor was offices, the first floor was light assembly and the rest was warehouse.

MR. LENAHAN asked Mr. Ward in his opinion as a planner how much of a violation is covered parking to the benefits that would be derived from it.

MR. WARD stated that in his opinion it does set a precedent for the entire Airpark. He said that it is a standard that was applied throughout. He stated that visually it is beautiful but relatively close to the street and would affect the angle of the building along the frontage.

MR. HAYES stated that he understands they would be setting a precedent and that is not all bad. He said that they are asking for approval on the basis of this being for a different use than originally anticipated when the Airpark was received.

CHAIRMAN WEXLER asked what is the purpose of this building.

MR. HAYES stated that it is 100 percent Dial offices.

(CHAIRMAN WEXLER CLOSED PUBLIC TESTIMONY.)

CHAIRMAN WEXLER asked what the front yard setback requirements on C-3 parcels and just north of that C-4.

MR. WARD stated that there are no setback requirements for open space in that area. He said that open space has to be provided in the front yard.

CHAIRMAN WEXLER asked if the parcel is not zoned other than commercial or industrial then the applicant would be applying for zoning permit on that parcel.

MR. WARD stated that commercial office would accommodate this kind of office but industrial also does.

CHAIRMAN WEXLER asked for the percentage of open space requirement for the parcel.

MR. WARD stated that it would be about 10-15 percent.

MR. LENAHAAN MADE A MOTION TO APPROVE CASE 10-BA-97 STATING THE REASONS FOR HIS MOTION. THERE WAS NO SECOND.

THE MOTION DIED FOR LACK OF A SECOND.

MS. SPRINGBORN-PITMAN MADE A MOTION TO DENY CASE 10-BA-97 FOR THE REASONS STATED IN THE REPORT. SECOND BY MS. MCDOUGALL.

MS. MCDOUGALL commented that the board is not in the business of setting a precedent. She said while it is admirable to provide parking for everybody but maybe a better way to attack this problem would be to change the ordinance.

MR. ALONSO stated that he will support the motion to deny.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO ONE (1) WITH MR. LENAHAAN DISSENTING.

ADJOURNMENT:

MS. MCDOUGALL MADE A MOTION TO ADJOURN. SECOND BY MS. SPRINGBORN-PITMAN.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

Chairman Wexler adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Teague Court Reporting, Inc.

February 18, 2024 Request for Zoning Administrator's Interpretation

ATTACHMENT #7

Barnes, Jeff

From: Brent Bieser <BBieser@toddassoc.com>
Sent: Sunday, February 18, 2024 1:25 PM
To: Perreault, Erin
Cc: Mary Sue Lotzar; City Council; Barnes, Jeff
Subject: 5225 N. Scottsdale Rd. - Zoning Interpretation clarifications

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

Good afternoon Ms. Perreault,

As I have been working with planner Jeff Barnes on my Pre-App meeting for the Board of Adjustments zoning interpretations you gave me in your January 17 email, Jeff has indicated I need to get interpretations from you in a more formal manner.

Here are the four zoning interpretations I need:

Service Residential (S-R)

Sec. 5.1101 - Purpose

This district is transitional, intended primarily to provide offices of a residential scale and character, to serve nearby neighborhoods; and secondarily, to offer medium density residential land uses. Strict property development standards lessen the impact of more intense land uses on adjacent single-family residential districts, while encouraging sensitive design.

Based upon the above Zoning Ordinance wording, S-R development standards apply to the property to lessen impact of more intense land uses on adjacent single family districts.

1. Is hotel parking, with its more intense land use and adverse impacts on the R1-10 district, allowed on S-R zoned parcels in the City of Scottsdale where the parking is directly adjacent to an R1-10 single-family district?

Sec. 9.100 - Parking

Sec. 9.101 – Purpose and scope

The purpose of preparing and adopting the parking regulations within this Zoning Ordinance is to implement the goals of the City of Scottsdale as they are set forth by the city's General Plan and further refined here. These regulations are to provide adequate parking within the community without sacrificing urban design which enhances the aesthetic environment, encourage the use of various modes of transportation other than the private vehicle and provides a generally pleasant environment within the community. Several purposes are identified herein to achieve the above stated purpose.

The purposes of the parking ordinances of the City of Scottsdale are to:

- 1. Provide parking facilities which serve the goal of a comprehensive circulation system throughout the community;**
- 2. Provide parking, city-wide that will improve pedestrian circulation, reduce traffic congestion, and improve the character and functionality of all developments;**

3. Promote the free flow of traffic in the streets;
4. Encourage the use of bicycles and other alternative transportation modes;
5. Design and situate parking facilities so as to ensure their usefulness;
6. Provide an adequate number of on-site bicycle parking facilities, each with a level of security, convenience, safety, access, and durability;
7. Provide for adequate parking at transfer centers and selected transit stops in order to encourage the use of mass transit;
8. Ensure the appropriate development of parking areas throughout the city; and
9. Mitigate potential adverse impacts upon land uses adjacent to parking facilities.

Based upon the above Parking Ordinance wording in Sec 9.101 (9), the purpose of the Parking Ordinance is to mitigate potential adverse impacts upon land uses adjacent to parking facilities. The hotel has a long history of adverse impacts with its shared parking on the S-R parcel and the direct adjacency to R1-10 single-family homes.

2. Based on Parking Ordinance Sec. 9.101 (9) hotel parking, and its “adverse impacts” upon the adjacent land uses, is not allowed on S-R zoned parcels in the City of Scottsdale? What is your interpretation?

- **Sec. 11.200. - Commercial, Industrial, and Parking Land Uses Table.**
- **Sec. 11.201. - Use regulations.**

Permitted uses. The uses allowed in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for uses noted.

Uses permitted by conditional use permit. The uses allowed by conditional use permit in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed, and any additional conditional use permit criteria.

Drive-through and drive-in services are not permitted in the Downtown Area.

Drive-through and drive-in services are not permitted in the Service Residential (S-R) zoning district.

3. Zoning Article XI, Land Use Table 11.201.A covers Sec.11.200 - Commercial, Industrial and Parking Land Uses. Parking is listed as a Land Use according to 11.200. The table clearly does not allow hotel uses or hotel parking on S-R zoned land. The hotel has a history of parking idling busses, semi tractors and trailers and noisy late-night valet parking on the S-R parcel directly adjacent to the R1-10 homes. Is hotel shared parking, with the more intense 24 hour, 7 day a week, 365 days a year parking use of a hotel, allowed on an S-R parcel adjacent to an R1-10 single-family district in your interpretation?

The office building property is considering **sharing** its excess parking with the Paradise Valley Hotel property located to the north. The hotel has a long history of “adverse impacts” with its parking on the S-R parcel with the adjacent R1-10 single-family homes.

4. The idea of sharing parking spaces seems reasonable under thoughtful conditions. Common sense would indicate that the shared parking should be of an equal or lesser intensity than is consistent with the zoning of the property upon which the parking spaces are being shared. Historically, Scottsdale will allow less intense uses on zoned property but not uses of greater intensity. Is Scottsdale going to allow the sharing of parking spaces with the Hotel even

though the hotel parking use is more intense than the S-R zoning and will result in “adverse impacts” to the adjacent R1-10 district?

It would be great if you can provide your four interpretations prior to my Feb 22nd Pre-App meeting.

Thanks and I’ll look forward to your formal interpretations.

Brent Bieser

602-568-7261

February 22, 2024 Request for Zoning Administrator's Interpretation (additional)

ATTACHMENT #8

Barnes, Jeff

From: Brent Bieser <BBieser@toddassoc.com>
Sent: Thursday, February 22, 2024 6:05 AM
To: Perreault, Erin
Cc: Stockwell, Brent; Barnes, Jeff; City Council
Subject: 5225 N. Scottsdale Rd. Office Building - Zoning interpretation
Attachments: West Elevation.JPG; South Elevation.JPG; 00_Cardone Ventures 5225 - Combined.pdf

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

Good morning Ms. Perreault,

I need another zoning interpretation please.

According to Zoning Ordinance Sec. 1.908, any design submittals that significantly alters from what the Development Review Board has approved needs to be returned to the D.R. Board for another review.

The Zoning Administrator is given authority to approved only minor design changes.

As you can see from the existing and proposed design documents attached, the developer is making major design changes to the exterior of the building on all four sides with new materials and colors from top to bottom. They are also enlarging the conditioned area by over 400 feet on the southwest corner of the building. By any reasonable analysis, these proposed building modifications represent major design changes and are nowhere close to what the D.R. Board approved and this building design proposal needs to be sent back to the Development Review Board for a proper and legal review. I have clouded the areas on the Cardone Ventures set where the building deviates from the Development Review Board's approved design.

The Planning staff should have applied the Zoning Ordinance as written and sent this to the D.R. Board.

Can you please provide an interpretation on the above?

Thanks, Brent Bieser

602-568-7261





CLIENT:	CARDONE VENTURES
PROJECT ADDRESS:	5225 N SCOTTSDALE RD SCOTTSDALE, AZ 85250
ARCHITECT:	LGE DESIGN GROUP 1200 N 52ND STREET PHOENIX, AZ 85008 ARCHITECT: MARK CONE APPLICANT: CARLOS ELIAS, DESIGN MANAGER PHONE: 480-960-4000 E-MAIL: CARLOSE@LGEDESIGNGROUP.COM

REQUIRED PARKING CALCS:

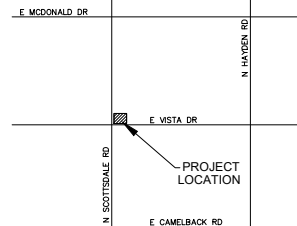
PARKING PROVIDED:

PARKING PROVIDED:

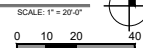
TOTAL PARKING SPACES PROVIDED: 71 SPACES

BICYCLE PARKING REQUIRED: 1/10VEHICLE PARKING	5 BICYCLE SPACES
BICYCLE PARKING PROVIDED:	6 BICYCLE SPACES

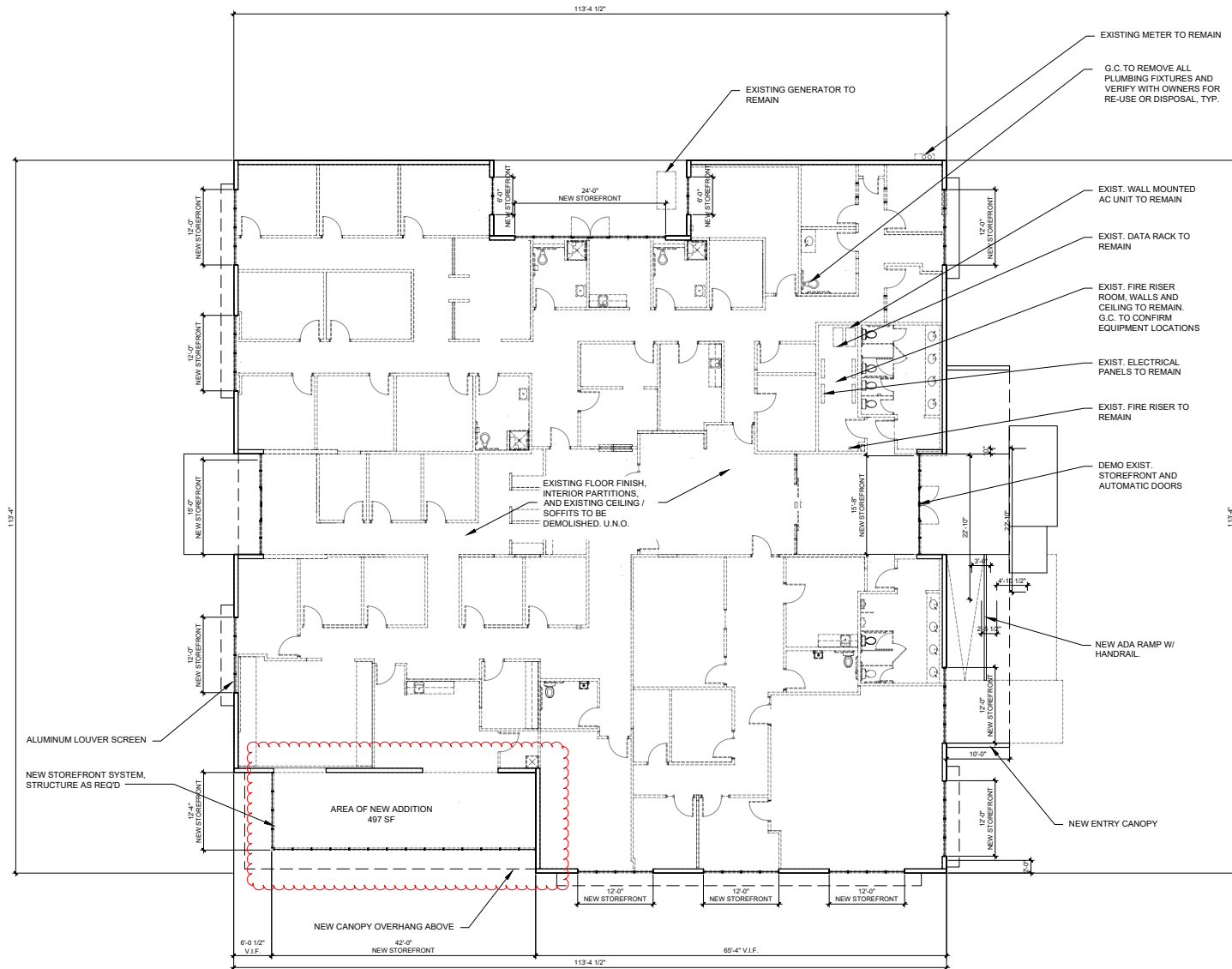
SCOTTSDALE, ARIZONA



PRELIMINARY UNDERGROUND PARKING PLAN



PRELIMINARY SITE PLAN



PLAN



SCALE: 1/8" = 1'-0"

CARDONE VENTURES 5225



NUMBER	REVISION	DATE

PRELIMINARY NOT FOR CONSTRUCTION

SHEET TITLE: PLAN
 ISSUE DATE: 06/25/2023
 DRAWN BY: RHT
 CHECKED BY: RHT
 PROJECT No.:
 SHEET:

A2.1.4

5225 N SCOTTSDALE ROAD
 SCOTTSDALE, ARIZONA 85250

CITY OF SCOTTSDALE LANDSCAPE NOTES:

AN AUTOMATIC IRRIGATION SYSTEM WILL BE INSTALLED GUARANTEEING 100% COVERAGE TO ALL LANDSCAPE AREAS.

ALL LANDSCAPE AREAS WILL BE TOP-DRESSED WITH A 2" DEPTH OF DECOMPOSED GRANITE.

PROVIDE 8% SLOPE AWAY FROM WALK OR CURB FOR 5' ALONG ALL STREETS.

ALL RIGHT OF WAYS ADJACENT TO THIS PROPERTY SHALL BE LANDSCAPED AND MAINTAINED BY THE PROPERTY OWNER

ANY EXISTING LANDSCAPE MATERIALS INCLUDING TREES DAMAGED OR DESTROYED AS A RESULT OF THIS CONSTRUCTION SHALL BE REPLACED TO THE SATISFACTION OF CITY STAFF, WITH LIKE KIND AND SIZE PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY.

AREAS WITHIN THE SIGHT DISTANCE TRIANGLES IS TO BE CLEAR OF LANDSCAPING, SIGNS, OR OTHER VISIBILITY OBSTRUCTIONS WITH A HEIGHT GREATER THAN 1'-6". TREES WITHIN THE SAFETY TRIANGLE SHALL HAVE A CANOPY THAT BEGINS AT 8 FEET IN HEIGHT UPON INSTALLATION. ALL HEIGHTS ARE MEASURED FROM NEAREST STREET LINE ELEVATION.

ALL RIGHT-OF-WAY ADJACENT TO THIS PROPERTY SHALL BE LANDSCAPED AND MAINTAINED BY THE PROPERTY OWNER.

ALL SLOPES ON SITE ARE 4:1 MAX

NO TURF AREAS ARE TO BE PROVIDED.

SEE ARCHITECTURAL SITE PLAN FOR SETBACK DIMENSIONS.

SEE ARCHITECTURAL FOR SITE LIGHTING LOCATIONS. SEE ELEC. DRAWINGS FOR ALL LIGHTING SPECIFICATIONS.

SEE ARCHITECTURAL FOR SITE WALL ELEVATIONS, COLORS

SEE CIVIL DRAWINGS FOR ALL RETENTION AREAS, SECTIONS, AND SLOPE RATIOS.

SEE ARCHITECTURAL FOR BIKE RACK DETAILS.

ALL SIGNS REQUIRE SEPARATE APPROVALS & PERMITS.

"SETBACK ALL SPRAY & STREAM TYPE IRRIGATION HEADS 1'-0" FROM BACK OF CURB OR SIDEWALK TO REDUCE OVER SPRAY."

A MINIMUM 50 PERCENTAGE (UNLESS OTHERWISE STIPULATED BY THE DEVELOPMENT REVIEW BOARD, and/or THE ZONING ORDINANCE REQUIREMENTS) OF THE PROVIDED TREES SHALL BE MATURE TREES, PURSUANT TO THE CITY OF SCOTTSDALE'S ZONING ORDINANCE ARTICLE X, SECTION 10.301, AS DEFINED IN THE CITY OF SCOTTSDALE'S ZONING ORDINANCE ARTICLE III, SECTION 3.100.

A SINGLE TRUNK TREE'S CALIPER SIZE, THAT IS TO BE EQUAL TO OR LESS THAN 4-INCHES, SHALL BE DETERMINED BY UTILIZING THE SMALLEST DIAMETER OF THE TRUNK 6-INCHES ABOVE FINISHED GRADE ADJACENT TO THE TRUNK.

A TREE CALIPER SIZE, FOR SINGLE TRUNK TREES WHICH HAVE A DIAMETER GREATER THAN 4-INCHES, SHALL BE DETERMINED BY UTILIZING THE SMALLEST DIAMETER OF THE TRUNK 12-INCHES ABOVE FINISHED GRADE ADJACENT TO THE TRUNK.

A MULTI TRUNK TREE'S CALIPER SIZE IS MEASURED AT 6-INCHES ABOVE THE LOCATION THAT THE TRUNK SPLITS ORIGINATES, OR 6-INCHES ABOVE FINISHED GRADE OF ALL TRUNKS ORIGINATE FROM THE SOIL.

RETENTION/DETENTION BASINS SHALL BE CONSTRUCTED SOLELY FROM THE APPROVED CIVIL PLANS. ANY ALTERATION OF THE APPROVED DESIGN (ADDITIONAL FILL, BOULDERS, ECT.) SHALL REQUIRE ADDITIONAL FINAL PLANS STAFF REVIEW AND APPROVAL.

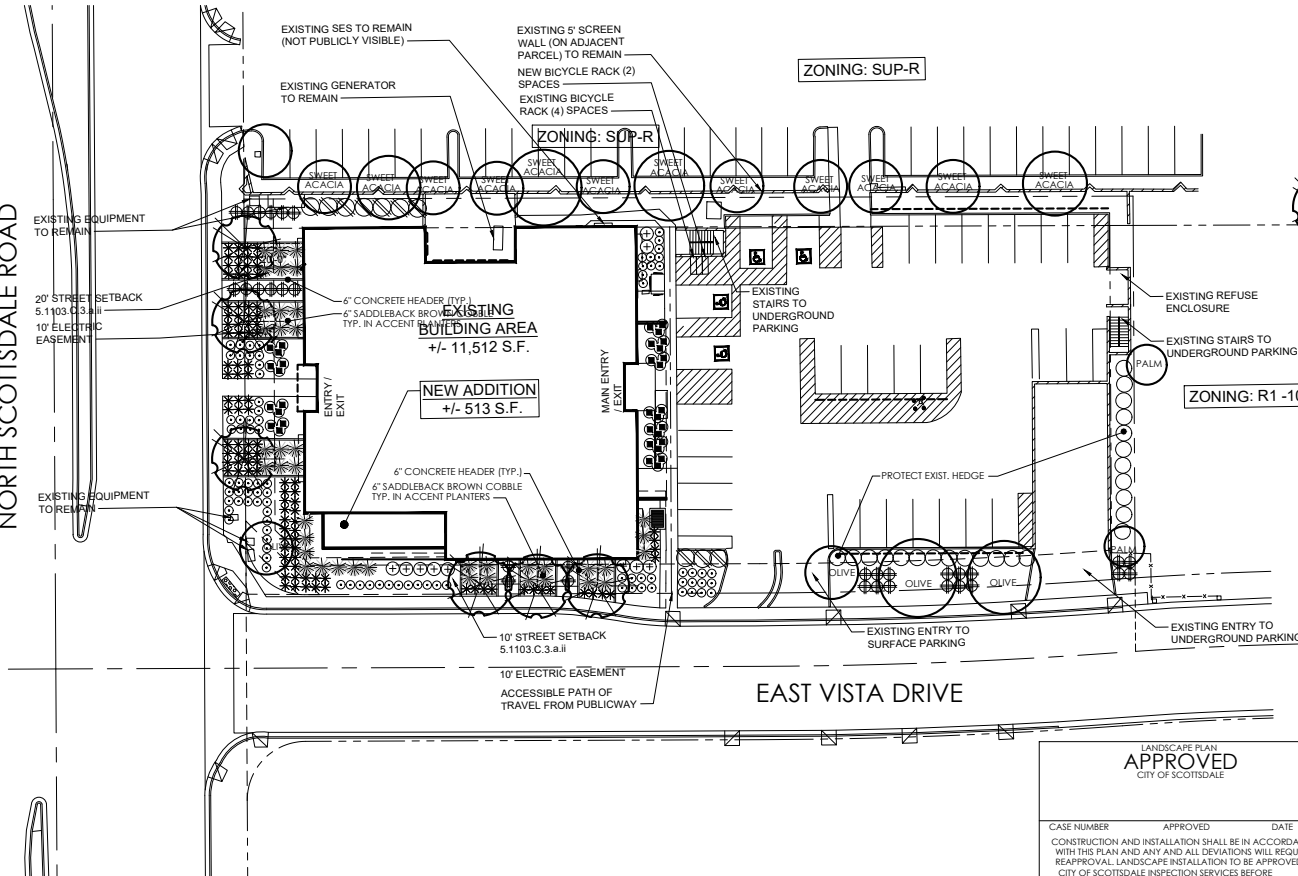
NO LIGHTING IS APPROVED WITH THE SUBMITTAL

THE LANDSCAPE SPECIFICATION SECTION(S) OF THESE PLANS HAVE NOT REVIEWED AND SHALL NOT BE A PART OF THE CITY OF SCOTTSDALE'S APPROVAL.

NEW LANDSCAPING, INCLUDING SALVAGED PLANT MATERIAL, AND LANDSCAPING INDICATED TO REMAIN, WHICH IS DESTROYED, DAMAGED, OR EXPIRES DURING CONSTRUCTION SHALL BE REPLACED WITH LIKE SIZE, KIND, AND QUALITY PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY / LETTER OF ACCEPTANCE TO THE SATISFACTION OF THE INSPECTION SERVICES STAFF.

VICINITY MAP

SCOTTSDALE, ARIZONA



LANDSCAPE LEGEND

- TREES**
- OLEA EUROPEA 'SWAN HILL'
 - 'SWAN HILL OLIVE
 - 48" BOX (MATCHING) (MULTI)
- EXISTING TREE**
- PROTECT FROM CONSTRUCTION
- LARGE SHRUBS**
- TECOMA 'ORANGE JUBILEE'
 - 'ORANGE JUBILEE
 - 5 GALLON
- MEDIUM SHRUBS**
- EREMOPHILA MACULATA
 - VALENTINE EMU BUSH
 - 5 GALLON
- ACCENTS**
- DASYLIRON LONGISSIMA
 - TOOTHLESS DESERT SPOON
 - 5 GALLON
- AGAVE DESMETIANA
 - SMOOTH AGAVE
 - 5 GALLON
- PACHYCEBUS MARGINATUS
 - MEXICAN FENCE POST
 - 3-STALK GROUPING (2.5', 2', 1' TALL)
- HEPESALOE PERLA
 - BRAKE LIGHT RED YUCCA
 - 5 GALLON
- GROUND COVER**
- LANTANA MONTEVIDENSIS
 - 'GOLD MOUND
 - 1 GALLON

1/2" SCREENED MADISON GOLD
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS

LANDSCAPE PLAN
SCALE: 1" = 20'-0"

0 10 20 40

LANDSCAPE PLAN
APPROVED
CITY OF SCOTTSDALE

CASE NUMBER APPROVED DATE
CONSTRUCTION AND INSTALLATION SHALL BE IN ACCORDANCE WITH THIS PLAN AND ANY AND ALL DEVIATIONS WILL REQUIRE REAPPROVAL. LANDSCAPE INSTALLATION TO BE APPROVED BY CITY OF SCOTTSDALE INSPECTION SERVICES BEFORE CERT. OF OCCUPANCY IS ISSUED.

Case No: 119 - SA - 2023

T.J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING

10450 N. 74th Street, Suite 120
Scottsdale, Arizona 85258
P: (602) 955-0350

EMAIL: timmcqueen@tjma.net



LCR | DESIGNBUILD

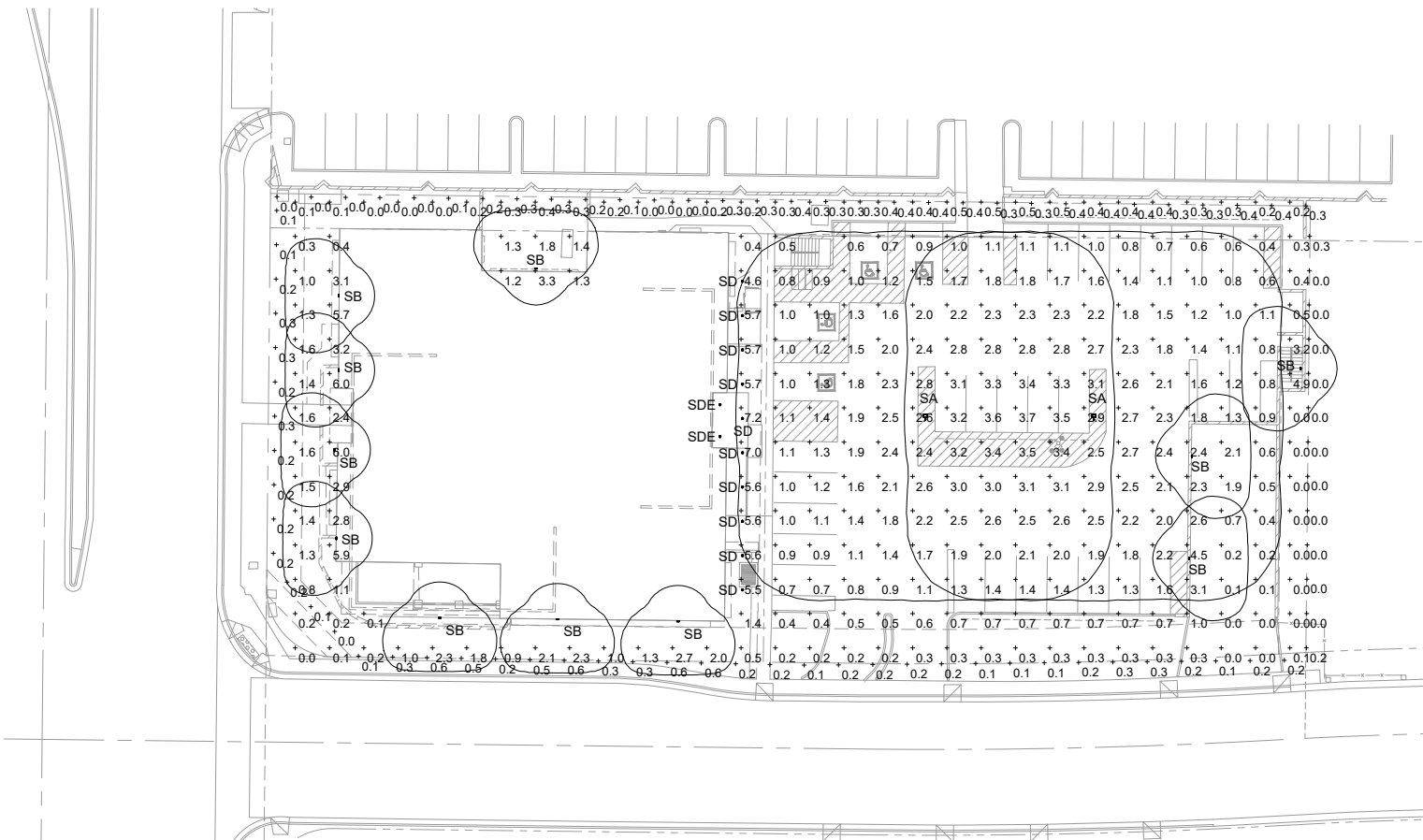
7200 N. 52nd Street • Phoenix, AZ 85008
P: 480.866.4001

CARDONE VENTURES

5225 N. SCOTTSDALE ROAD
SCOTTSDALE, AZ 85050

LCR | DESIGNBUILD

NUMBER REVISION DATE



SITE PHOTOMETRIC PLAN
 1/16" = 1'-0"

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
FC ON SITE AT GRADE	+	1.6 fc	7.2 fc	0.0 fc	N/A	N/A
PROP LINE @ 8' AFG	+	0.2 fc	0.6 fc	0.0 fc	N/A	N/A

PROJECT: 23064 DRB

Zee Engineering Group, LLC

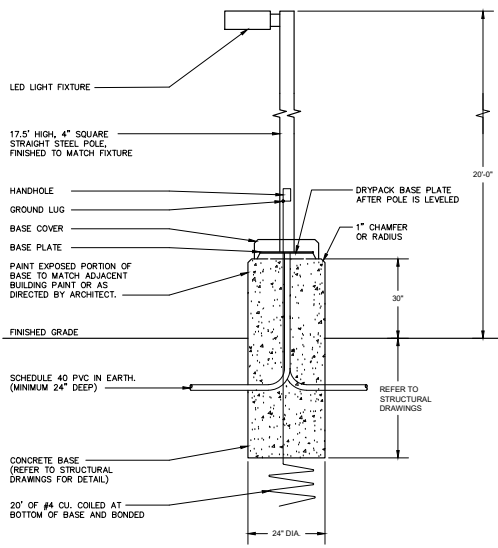
1830 S. Alma School Road,
 Suite 120
 Mesa, Arizona 85210

V. 480.222.8835
 F. 480.222.8836

NUMBER	REVISION	DATE


Luminaire Schedule							
Label	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power
SA	Lithonia Lighting	DSX0 LED P6 30K 70CRI TSM FLAT BLACK FINISH/ SSS 17.5' POLE ON 2.5' BASE	D-Series Size 0 Area Luminaire P6 Performance Package 3000K CCT 70 CRI Type 5 Medium, LISTED FOR WET LOCATIONS	1	17168.28	0.95	137
SB	Lithonia Lighting	WPX1 LED P1 30K Mvolt FLAT BLACK FINISH	WPX1 LED wallpack 1500lm 3000K color temperature 120-277 Volts, LISTED FOR WET LOCATIONS	1	1537.08	0.95	11.49
SD	Gotham Architectural Lighting	EVO6 30/05 AR MWD LSS	EVO 6IN ROUND, 80 CRI, 3000K, 500LM, MED WIDE DIST, CLEAR, SEMI-SPEC, LISTED FOR WET LOCATIONS	1	493.1849	0.95	6.2
SDE	Gotham Architectural Lighting	EVO6 30/05 AR MWD LSS EL	EVO 6IN ROUND, 80 CRI, 3000K, 500LM, MED WIDE DIST, CLEAR, SEMI-SPEC, WITH 90 MINUTE BATTERY BACK-UP, LISTED FOR WET LOCATIONS	1	493.1849	0.95	6.2

- CURFEW LIGHTING CONTROLS SHALL BE PROVIDED AS FOLLOWS:
- THE PRE-CURFEW LIGHTING DESIGN HOURS SHALL BE DEFINED AS DUSK TO 10:00 PM AND THE POST-CURFEW LIGHTING DESIGN HOURS SHALL BE DEFINED AS 10:00 PM TO DAWN. ALL EXTERIOR LIGHTS SHALL BE TURNED OFF DURING THE POST-CURFEW HOURS WITH THE EXCEPTION OF LIGHTS FOR SECURITY PURPOSES.
 - A PROGRAMMABLE TIMER, AND PHOTOCELLS SHALL CONTROL THE PRE- AND POST-CURFEW LIGHTS. PHOTOCELLS SHALL BE MOUNTED ON THE NORTH SIDE OF THE BUILDING. THE PROGRAMMABLE TIMER MAY CONTAIN A MAXIMUM 1-HOUR MANUAL OVERRIDE WITH AN AUTOMATIC TURN OFF FOR AFTER HOURS AND SPECIAL EVENTS USE ONLY.



'SA' FIXTURE POLE MOUNTING DETAIL
N.T.S.

PROJECT: 23064 DRB



Zee Engineering Group, LLC

1830 S. Alma School Road,
Suite 120
Mesa, Arizona 85210

V. 480.222.8835
F. 480.222.8836

LGE

DESIGNGROUP

1200 N. 52nd Street • Phoenix, AZ • 85008

P. 480.966.4001

CARDONE VENTURES 5225 N SCOTTSDALE

5225 N SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85250

NUMBER

REVISION

DATE

SEAL

Professional Engineer

State of Arizona

001796 06/04/2008

SHEET TITLE

LUMINAIRE SCHEDULE AND DETAIL

ISSUE DATE:

05/19/2023

DRAWN BY:

YC

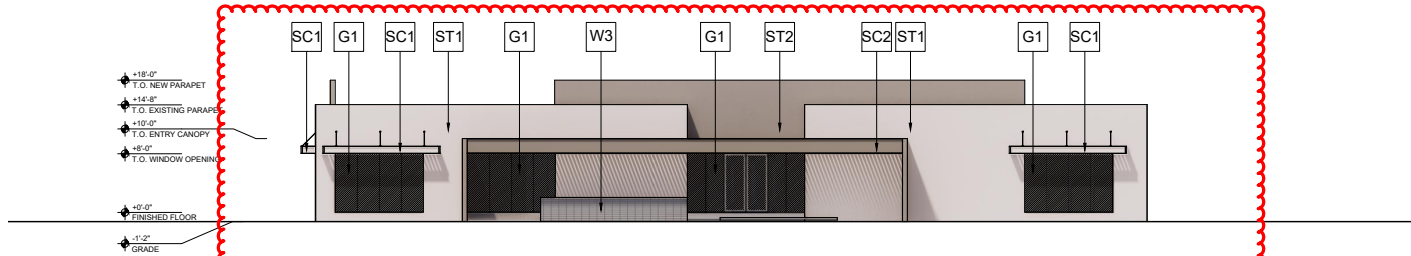
CHECKED BY:

SS

PROJECT No.:

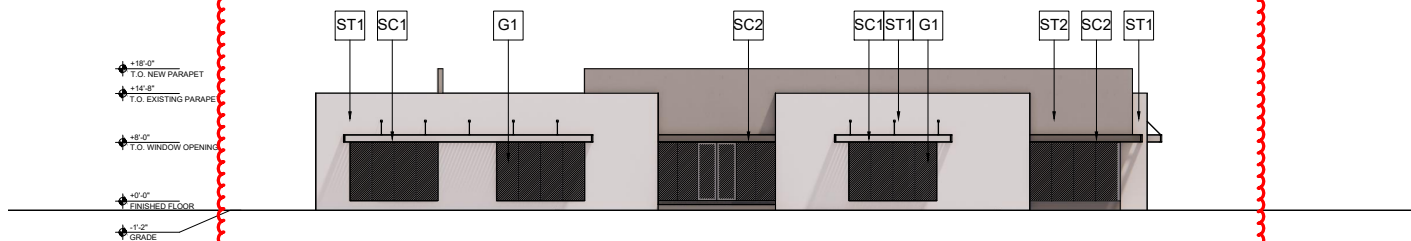
SHEET:

E2



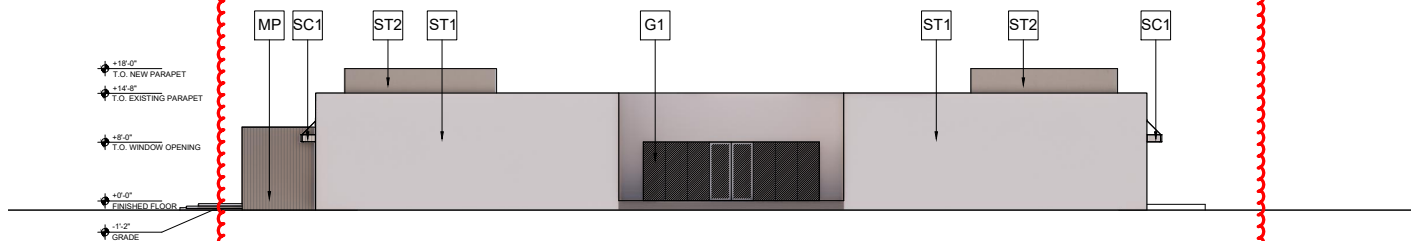
WEST ELEVATION

SCALE: 1/8" = 1'-0"



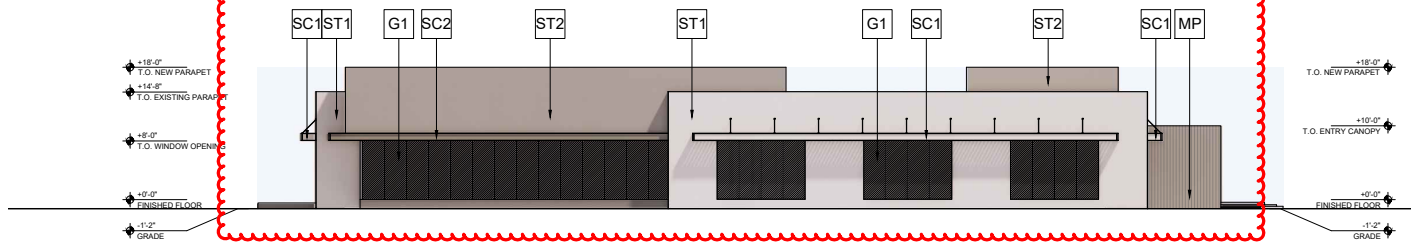
EAST ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL/FINISH SCHEDULE:

KEY:	DESCRIPTION:
EXTERIOR WALLS:	
W1	EXISTING SLUMP BLOCK WALL
W2	METAL FRAME WALL - 6" METAL STUDS
W3	GROUND FACE CMU BLOCK WALL - COLOR - TRENDSTONE - DURANGO
MP	ROLLFAB 4MM ALUMAKOR A1000 WALL PANEL - COLOR - DUNN EDWARDS - METAL FRINGE
ST1	EIFS STUCCO SYSTEM - COLOR - DUNN WEDWARDS - CRISP MUSLIN
ST2	EIFS STUCCO SYSTEM - COLOR - DUNN WEDWARDS - METAL FRINGE
C1	CONCRETE SLAB - FINISH - TBD BY G.C. IN FIELD

CANOPY KEY:

KEY:	DESCRIPTION:
SC1	EXTERIOR METAL CANOPY - STL STRUCTURE W/ ALUMINUM LOUVERS - COLOR - DUNN EDWARDS - CRISP MUSLIN
SC2	EXTERIOR METAL CANOPY - STL STRUCTURE W/ ALUMINUM LOUVERS - COLOR - DUNN EDWARDS - METAL FRINGE

GLAZING KEY:

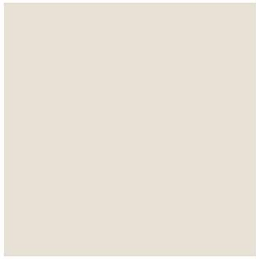
MATERIAL:	DESCRIPTION:
FRAMES	
G1	ALUMINUM STOREFRONT - 4 1/2" (SEALANT JOINT VERTS) DARK BRONZE ANODIZED (A8-7)
GLAZING	
G1	SOLARBAN 60 1" INSULATED GLAZING LOW-E SOLARCOOL SOLARGRAY

PAINT KEY

P1	DUNN EDWARDS (LIGHT GREY) 'CRISP MUSLIN' DET212 (LRV 71)
P2	DUNN EDWARDS (DARK GREY) 'METAL FRINGE' DET226 (LRV 21)

GENERAL NOTES:

- GLAZING TO BE G1 UNLESS NOTED OTHERWISE



P1 - DE6212 "Crisp Muslin"
Dunn Edwards



P2 - DET626 "Metal Fringe"
Dunn Edwards



G1 - Solarcool Solarblue
Glazing



Anodized Aluminum Storefront
Dark Bronze (AB-6) Arcadia

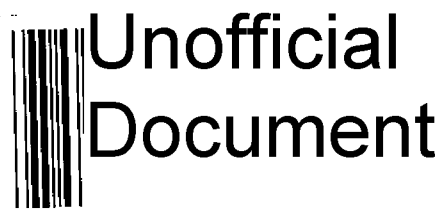


Rendering View

March 12, 1998 Parking Agreement Document

ATTACHMENT #9

Put in stretch long box



When recorded, return to:

Streich Lang
Renaissance One
Two North Central Avenue
Phoenix, Arizona 85004
Attn: Diane M. Haller, Esq.

MA

98-0204014

BECKY

1 OF 1

DECLARATION OF EASEMENT AND RESTRICTIONS

THIS DECLARATION OF EASEMENT AND RESTRICTIONS ("Declaration") is entered into as of the 12th day of March, 1998, by PENSION MANAGEMENT CORPORATION, a Delaware corporation ("Declarant").

1. Resort Property and Office Property. Declarant owns that real property located in Maricopa County, Arizona and legally described on Exhibit "A" attached hereto ("Resort Property") upon which a resort, parking lot and related facilities are constructed. The Resort Property is located in the Town of Paradise Valley ("Town"). Declarant also owns that real property adjacent to the Resort Property and legally described on Exhibit "B" attached hereto ("Office Property") upon which an office building, parking lot and related facilities are constructed. The Office Property is located in the City of Scottsdale ("City"). A block fence has been constructed on the common boundary of the Resort Property and the Office Property ("Fence"). A map showing the respective locations of the Resort Property and the Office Property is attached hereto as Exhibit "C".

2. Background. Declarant intends to construct an opening in the Fence to permit direct vehicular and/or pedestrian ingress and egress between the Resort Property and the Office Property. In connection therewith, Declarant desires to (i) provide a permanent easement for parking on the Office Property, which easement shall benefit the Resort Property, and (ii) restrict the use of the Office Property, all as more fully set forth in this Declaration.

3. Grant of Easement. Grantor hereby establishes a permanent exclusive easement ("Easement") appurtenant to the Resort Property on, over, under and across the portion of the Office Property depicted on the map attached hereto as Exhibit "C", which Easement shall be solely for the purpose of vehicular parking, and vehicular and pedestrian ingress and egress to and from the Resort Property to the extent reasonably necessary for such purposes. The Easement shall not serve any other property, and shall be for a total of forty-five (45) parking spaces. The Owner of the Office Property shall have the right to designate from time to time the parking spaces that may be used by the Resort Property pursuant to this Declaration.

4. Restrictions. The Office Property shall be used for office and related uses (including parking) and such other purposes as are permitted under the City's SR (service residential) zoning ordinance, a copy of which is attached hereto as Exhibit "D", and for no other purposes without the consent of the owner of the Resort Property and the Town. In no event will the owner of the Office Property enlarge the office building located on the Office Property to the extent that the enlargement would encroach upon the guaranteed number of parking spaces

described in Paragraph 3 above. The Town has the right to enforce against the Office Property the terms and provisions of the Special Use Permit for the Resort Property, to the extent such terms and provisions apply to the Office Property.

5. Not a Public Dedication. Nothing contained in this Declaration shall be deemed to be a gift or dedication of any portion of the Office Property to the general public or for the general public or for any public purpose whatsoever, and this Declaration shall be strictly limited to and for the purposes expressed herein.

6. Covenants to Run with Land. All provisions of this Declaration shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of Declarant. The provisions of this Declaration shall be enforceable by the Town, and the Town is hereby designated as a third party beneficiary of this Declaration.

7. Amendment. This Declaration may be amended, terminated, or canceled only by the agreement of the owner of the Resort Property, the owner of the Office Property, and the Town; provided, however, that the owner of the Resort Property and the owner of the Office Property may enter into an agreement relating to the sharing of maintenance obligations and costs relating to the Easement without the consent of the Town. No such amendment, termination or cancellation shall be effective until a written instrument setting forth its terms has been executed, acknowledged and recorded in the records of Maricopa County, Arizona.

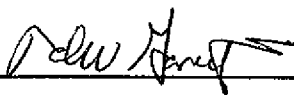
8. Incorporation of Exhibits. All ^{Unofficial Document} exhibits attached to this Declaration are by this reference incorporated herein.

9. Arizona Law. This Agreement shall be governed by the laws of the State of Arizona.

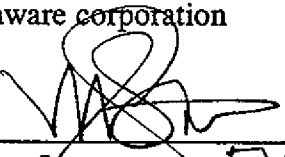
10. Legal Fees. The prevailing party in any action to enforce the terms of the Declaration shall be entitled to recover from the non-prevailing party reasonable attorneys' fees and costs, such amount to be set by a court and not a jury.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date set forth above.

APPROVED AS TO FORM
TOWN OF PARADISE VALLEY

By: 
Name: _____
Its Town Attorney

PENSION MANAGEMENT CORPORATION, a
Delaware corporation

By: 
Its EVP

STATE OF Connecticut
County of Fairfield) ss.

The foregoing instrument was executed before me this 13th day of March, 1998
by Michael J. Strone the EVP of PENSION
MANAGEMENT CORPORATION, a Delaware corporation, on behalf of that corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

CORINNE BASTA
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2000

Corinne Basta
Notary Public

My commission expires:

AUGUST 31, 2000

Unofficial Document

EXHIBIT "A"

LEGAL DESCRIPTION OF RESORT PROPERTY

PARCEL NO. 1:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THE SOUTH 172 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 172 FEET; AND

EXCEPT THE EAST 63 FEET OF THE WEST 96 FEET OF THE NORTH 66 FEET.

Unofficial Document

EXHIBIT "B"

LEGAL DESCRIPTION OF OFFICE PROPERTY

PARCEL NO. 1:

Lot 1, VISTA BONITA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 71 of Maps, page 6;

TOGETHER WITH that portion of the abandoned alley, 10 feet in width, lying North of and adjacent to said Lot 1 and lying between the Northerly extension of the East and West lines of said Lot 1, as abandoned by Resolution No. 2339 recorded in Document No. 83-288786, Official Records, Maricopa County, Arizona.

PARCEL NO. 2:

Lot 2, VISTA BONITA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 71 of Maps, page 6;

TOGETHER WITH that portion of the abandoned alley, 10 feet in width, lying North of and adjacent to said Lot 2 and lying between the Northerly extensions of the East and West lines of said Lot 2, as abandoned by Resolution No. 2339, recorded in Document No. 83-288786, Official Records of Maricopa County, Arizona.

PARCEL NO. 3:

The Westerly 8 feet of Lot 3, VISTA BONITA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 71 of Maps, page 6;

TOGETHER WITH the Westerly 8 feet of that portion of the abandoned alley, 10 feet in width, lying North of and adjacent to said Lot 3 and lying between the Northerly extensions of the East and West lines of said Lot 3, as abandoned by Resolution No. 2339, recorded in Document No. 83-288786, Official Records of Maricopa County, Arizona.

EXHIBIT "C"
MAP

VISTA DRIVE

Parking

Office
Property

RESORT PROPERTY

Unofficial Document

SCOTTSDALE ROAD

JACK RABBIT ROAD

EXHIBIT "D"
SR ZONING ORDINANCE

[See attached.]

Unofficial Document

ALLOWABLE DENSITY		STANDARDS	
1	2	3	4
18 (2422)	25.5 (1708)	25	50
19 (2292)	27 (1613)	28	60
20 (2180)	28.5 (1528)	31	70
21 (2074)	30 (1452)	34	80
22 (1980)	31.5 (1382)	37	90
23 (1890)	33 (1320)	40	100

E. *Building setback.*

1. Wherever an R-5 development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained.
2. Wherever an R-5 development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review Board or City Council if the existing or future development of the area around the site warrants such larger yards.

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. *Walls, fences and required screening.*

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open spaces, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.

2. All parking areas adjacent to a public street shall be screened with a wall to a height of three (3) feet above the parking surface.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by Development Review [Board].

H. *Access.* All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by Development Review Board.

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(Ord. No. 1840, § 1(5.1004), 10-15-85; Ord. No. 1922, § 1, 11-4-86; Ord. No. 2430, 1-21-92; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95)

Sec. 5.1065. *Off-street parking.*

The provisions of article IX shall apply.

Sec. 5.1006. *Signs.*

The provisions of article VIII shall apply.

Sec. 5.1100. *(S-R) SERVICE RESIDENTIAL.*

Sec. 5.1101. *Purpose.*

A district composed of certain land and structures used primarily to provide administrative, clerical, and professional offices, of a residential scale and character, to serve nearby residential and commercial areas, as well as the city as a whole. These uses are characterized by low volume of direct daily customer contact. Secondly, this district provides for medium density residential. This district is designed to be a transitional

zone, and should be used to buffer low density residential uses from more intense land uses, districts, and heavily traveled transportation routes. The property development standards, while strict in order to protect adjacent low density residential uses, are designed to be flexible enough to allow experimentation in office and housing design, and to allow housing constructed within this district to incorporate its own protection from more intense adjacent uses.

Sec. 5.1102. Approval required.

No structure or building shall be built or remodeled upon land in the S-R district until Development Review [Board] approval has been obtained as outlined in article I, section 1.400 hereof.

Sec. 5.1103. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.

- a. **Business and professional offices:** ^{Unofficial Document} Offices in which merchandise, wares or goods are not created, displayed, sold or exchanged.
- b. Hospital for animals including boarding and lodging, provided that there are no open kennels maintained and provided that all activities will be in soundproof buildings.
- c. Medical or dental offices including laboratories.
- d. Studio for professional work or teaching of any form of commercial or fine arts such as photography, music, drama or dance.
- e. Municipal uses.

2. Residential.

- a. Accessory buildings, private swimming pools, private tennis courts, home occupations and other accessory uses.
- b. Dwelling units, multifamily.
- c. Dwelling units, single family.

- d. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- e. Temporary sales office buildings and model homes.

3. Retail.

- a. Pharmacy, prescription, limited to pharmaceuticals only, as an appurtenant use to an office building, provided the entrance to the pharmacy is from the interior of the building, lobby or arcade.

4. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:

- a. Lot area: The minimum lot area shall be no less than twenty thousand (20,000) square feet (net).
- 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. Building height: Building height, including steeples, towers, spires, and mechanical equipment (such equipment must be screened) shall be limited to thirty (30) feet in height, except that a maximum of ten (10) percent of the roof area may exceed the height limit by ten (10) feet. All such structures in excess of thirty (30) feet shall be set back a minimum of ten (10) feet from the edge of the structure on which they are located. Height is subject to Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes sections 7.100—7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
- d. Open space: In no case shall the open space requirement 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 requirement subject to compliance with NAOS standards.

- e. **Parking:** Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified by the Scottsdale General Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. 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 shall be landscaped.

A ten-foot minimum landscape 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 set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- 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 that are adjacent to residential districts.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

- h. **Access:** All churches must have primary access to a street classified by the Scottsdale General Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. **Operations:** No outdoor activities shall be permitted after 10:00 p.m. No external speakers or paging systems.

5. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

B. Uses subject to a conditional use permit.

1. Bank (see section 2.208 for criteria).
2. Cellular communication facility; minor and major (see section 2.208 for criteria).

Unofficial Document

3. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 2.208 for criteria).

4. Jewelry design or creation.

5. Vocational school for the teaching of culinary arts and sciences. School facilities may include the following:

- a. Kitchen(s).
- b. School offices.
- c. Classrooms.
- d. Ancillary public dining area(s). Food preparation for the dining facility shall only be serviced by students/classroom activities in connection with the school curriculum.

6. Wholesale sales of jewelry and works of art. (Ord. No. 2335, § 1, 1-15-91; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95)

Sec. 5.1104. Property development standards.

The following property development standards shall apply to all land and building in the S-R district.

A. Open space requirements.

1. Main land uses that are density-based shall provide a minimum of thirty-six (36) percent of the net lot area in open space.
2. Main land uses that are not density-based shall provide a minimum of twenty-four (24) percent of the net lot area in open space.
3. Open space required by 1 and 2 above shall be provided in the following proportions:
 - a. A minimum of twelve (12) percent of the net lot area shall be provided as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage excluding drives. *Exception:* Where a lot has two (2) or more street frontages, there shall be no less than twenty (20) square feet of open space per one (1) foot of street frontage for one (1) street and no less than ten (10) square feet of open space per one (1) foot of street frontage excluding drives for other street(s).
 - b. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of ten (10) percent of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of five (5) percent of the gross size of the dwelling unit.
 - c. The remainder of the required open space shall be provided in common open space.

- d. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.

B. *Building height.* No building shall exceed eighteen (18) feet in height except as otherwise provided in article VII.

C. *Density.* The minimum gross land area per dwelling unit shall be three thousand five hundred (3,500) square feet.

D. Building setback.

1. Wherever an S-R development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained, except that accessory buildings for purposes of storage or carports may be constructed to within fifteen (15) feet of the adjacent district boundary line.
2. Wherever an S-R development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.
3. Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.

E. Distance between buildings.

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to

the main building, may be built to within six (6) feet of the main building.

F. Walls, fences and required screening.

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line of within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas shall be screened from view from all public streets.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by the Development Review Board.

G. Access. All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95)

Sec. 5.1105. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1106. Signs.

The provisions of article VIII shall apply.

Sec. 5.1107. Reserved.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.1200. (C-S) REGIONAL SHOPPING CENTER.

Sec. 5.1201. Purpose.

This district is intended to provide for well-designed shopping facilities which serve a large regional area. Area zoned C-S should be recognized as substantial traffic generators and should be located at the intersection of two (2) major arterials.

It is intended that the (C-S) regional shopping center district shall be laid out and developed as a unit according to an approved plan so that the purpose of the district may be accomplished.

Sec. 5.1202. Approvals required.

No structure or building shall be built or remodeled upon land in the C-S district until Development Review [Board] approval has been obtained as outlined in article I, section 1.400 hereof.

Sec. 5.1203. Use regulations.

A. Permitted uses. Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional.
 - a. Medical or dental office with laboratory.
 - b. Professional and business offices.
 - c. Travel agencies.
 - d. Municipal uses.
2. Retail sales.
 - a. Appliance store including repair of small or household appliances.
 - b. Art gallery.
 - c. Bakery.
 - d. Bicycle store.
 - e. Candy shop including the making of candy.
 - f. Carpet and floor covering store.
 - g. Clothing store.
 - h. Delicatessen.
 - i. Department store.
 - j. Drugstore.
 - k. Furniture store.
 - l. Gift shop, bookstore.
 - m. Grocery store.
 - n. Hardware store.
 - o. Ice cream parlor including the making of ice cream.

Unofficial Document

119-SA-2023 approval documents

ATTACHMENT #10



Development Review (Minor) Staff Approval

119-SA-2023

Cardone Ventures Medical
Office

APPLICATION INFORMATION

LOCATION:	5225 N Scottsdale Rd	APPLICANT:	Carlos Elias
PARCEL:	173-23-012	COMPANY:	LGE Design Group
Q.S.:	19-45	ADDRESS:	1200 N 52nd Street Phoenix, AZ 85008
ZONING:	S-R (C)	PHONE:	(480) 966-4001

Request: Request for approval of a renovation to an existing building and parking garage for a new medical office use located at 5225 N Scottsdale Road and 7218 E Vista Drive with Service Residential (S-R) zoning.

STIPULATIONS

1. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevations submitted by LGE Design Group, with a city staff date of 12/18/2023.
2. The location and configuration of all site improvements shall be consistent with the site plan submitted by LGE Design Group, with a city staff date of 12/18/2023.
3. Landscape improvements, including quantity, size, and location shall be installed to be consistent with the preliminary landscape plan submitted by T.J. McQueen & Associates, Inc., with a city staff date of 12/18/2023.
4. Exterior lighting, including site photometrics, luminaire details and cutsheets shall be consistent with the exterior lighting plans prepared by See Engineering Group, LLC. With a city staff date of 12/18/2023.
5. Exterior windows shall be recessed a minimum of 50% of the wall thickness. Exterior doors shall be recessed a minimum of 30% of the wall thickness.
6. Lot assemblage of parcels 173-23-012 and 173-23-013A required prior to final plans issuance.

CONSTRUCTION DOCUMENT PLAN REVIEW SUBMITTAL REQUIREMENTS

Submit a copy of this approval letter to the e-Services Planning Online Center:
Digital submittals link: <https://eservices.scottsdaleaz.gov/bldgresources/plans>

ARCHITECTURAL: ☒ Commercial Architectural Plans (full plan set)

Expiration of Development Review (Minor) Approval

This approval expires two (2) years from date of approval if a permit has not been issued, or if no permit is required, work for which approval has been granted has not been completed.

Staff Signature: _____

Date: _____

12/18/2023

Wayland Barton, 480-312-2817

Planning and Development Services

7447 East Indian School Road, Suite 105, Scottsdale, Arizona 85251 • www.ScottsdaleAZ.gov

Project: Cardone Ventures

Location: 5225 N Scottsdale Road, Scottsdale AZ 85250

Parcel: 173-23-012

RE: Project Narrative; DR Minor (SA)

Date: 5/19/2023

From: LGE Design Group; Carlos Elias

Project Overview

LGE Design Group is proposing a 680 S.F. addition to an existing building located at 5225 N Scottsdale Road, Scottsdale AZ 85250. Work includes a tenant improvement which consists of demo all/most of interior partitions to receive brand new interior layout. Exterior work intends to modernize the street appeal on all sides of the building. Sitework also includes a new 1,261 S.F. on the existing parking area.

Site

The existing site consists of two parcels (173-23-012 & 173-23-013A) which are located on a at 5225 N Scottsdale Road, Scottsdale AZ 85250, corner with E Vista Dr. The site is zoned S-R, with SUP-R zoning to the north, R1-10 to the east, and S-R to the south.

Both parcels will be combined in a Lot-Tie application which is intended to be submitted concurrent with Design Review Process.

Parking for the project will remain as noted in the site plan. 1 parking space will be removed and 6 parking spaces will be covered in the new garage. There are 31 sub-total parking spaces at ground level parking (including 4 ADA) and 43 spaces at underground parking – for a grand total of 74. All parking spaces will meet the code requirements for their use, and ADA/pedestrian access will be provided.

The existing refuse enclosure will remain as is.

Landscape will be improved to meet ordinance standards.

Proposed Use

The current zoning for the project is S-R and intended to remain. The proposed use is Medical Office (please refer to attachment 05A) for further description. Business license (#2028000) was provided to planning staff on 5/9/23 (please refer to attachment 05B).

Building Design

A fresh new look with clean, modern aesthetic, Four-sided architecture is intended for the overall design of the building. The most visible elevations are the West facing Scottsdale Road and South facing E Vista Dr which are planned to carry and elevate the modern architectural precedence found in Scottsdale Road.

The proposed architectural theme of the building will utilize colors that attract the public users and interest in the area. The materials planned for the building include metal panel cladding, painted/ exposed masonry, and insulated glazing storefront.

Street facing façade will be carry the light grey base, with dark metal fins along aluminum storefront. The existing patio located at the corner of Scottsdale Rd and E Vista Dr will be enclosed to add conditioned square footage and cladded with similar materials and colors to provide stronger outdoor presence.

The building section will allow for roof top screening for all of the mechanical roof top equipment by a mechanical screen and the parapet. The parapet is to be raised up to 18 feet AFF (max. allowed per zoning). The mechanical roof top units will be accessed via roof access ladders and hatches internal to the building.

The exterior lighting within the proposed project will be integrally designed as a part of the building and outdoor pedestrian spaces with the intent of providing adequate safety while avoiding glare, hot spots and within compliance of the dark sky ordinance. Exterior lighting will be shielded and directed downward to meet the City of Scottsdale design guidelines.

Signage will be in harmony with the character, scale and context of the building reflecting the appropriate size, materials, color, location and illumination.



Sincerely,



Designing your vision. Building your future.

Carlos Elias

Design Manager

O: 480.966.4001

1200 N. 52nd St., Phoenix, AZ 85008

5225 N. SCOTTSDALE RD

PROGRAMING PROPOSAL

AREA 1 | SUPERHUMAN PROTOCOL

Each step in the Superhuman Protocol works together to restore order in your body by charging and separating your cells, allowing for more oxygen, and optimal light absorption. Therapy session overseen and recommended to patients by a board certified medical professional, such as an MD, RN, PA, NP, etc.

AREA 2 | IV THERAPY

Intravenous or IV therapy is a form of therapy that involves the use of intravenous fluids and medications to treat a variety of medical conditions. It can be used to treat a wide range of conditions including, but not limited to dehydration, infection, malabsorption, and vitamin deficiencies. Therapy is administered and overseen by a board certified medical professional, such as an MD, RN, APRN, or EMT-P.

AREA 3 | GENETIC TESTING

Genetic Testing can be used to determine the genetic causes of a variety of health issues, including identifying problems with the methylation cycle, which is essential for the body to function properly. This test can help identify deficiencies which 10X Health uses to create a customized plan to allow the body to work how it should. While the test is typically self-administered, results and recommendations are made by a medical professional such as an MD, PN, APRN, PA, MA, etc.

AREA 4 | BLOOD TESTING

Blood Testing is used to detect a wide range of health conditions and can determine whether they are getting enough essential vitamins and minerals. Testing may also uncover any underlying genetic disorders, screen for infections and even test for diseases. Blood testing can be conducted by any specialized lab or center, or by any licensed medical professional, such as an MD, RN, APRN, PA, NP, etc.

AREA 5 | COSMETIC INJECTABLES

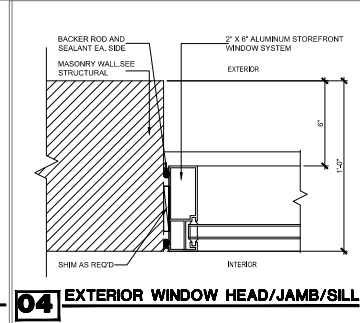
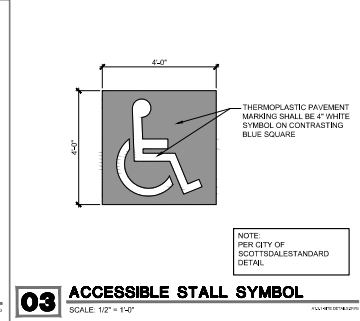
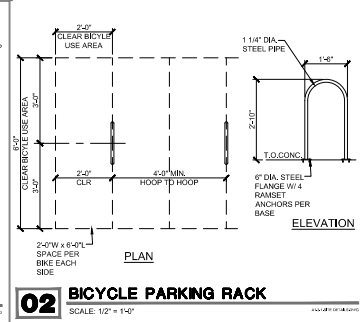
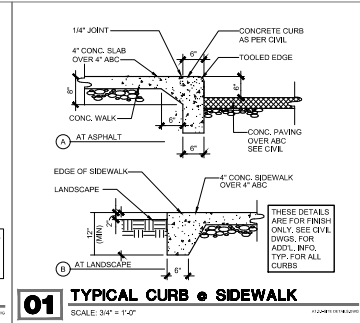
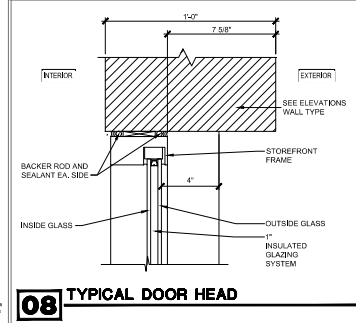
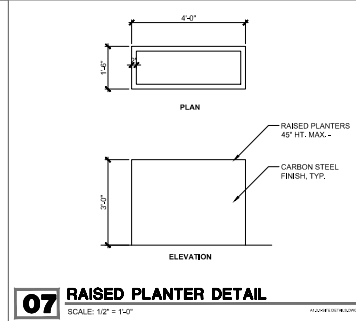
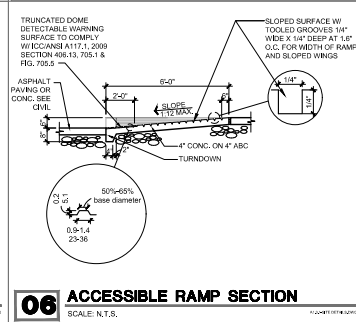
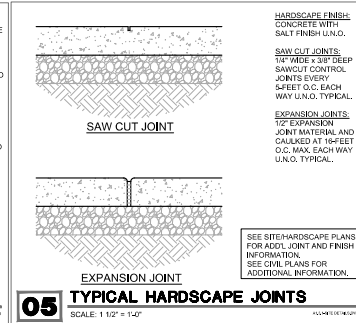
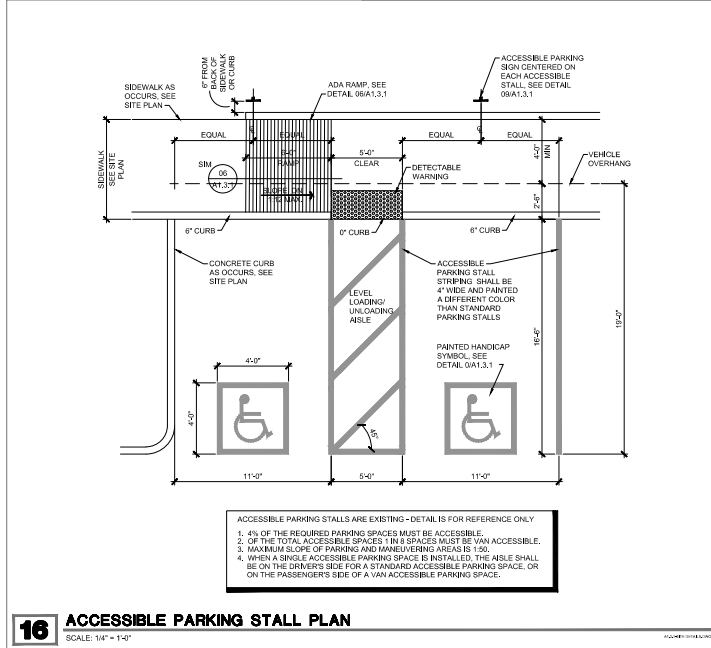
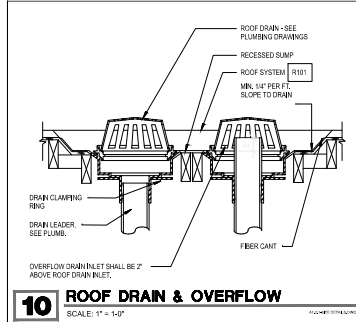
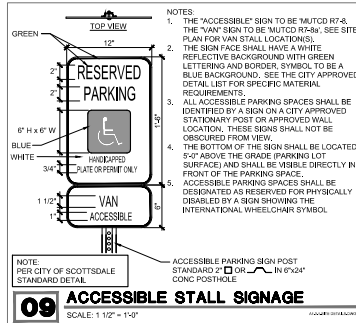
Cosmetic injectables are substances injected into the body to improve the appearance of certain areas such as wrinkles, facial contours, and lips. Common injectables include Botox, dermal fillers, and muscle relaxants. These treatments may be used to address a variety of cosmetic concerns and can help enhance a client's overall look. Cosmetic injectables are overseen and administered by state-licensed medical professionals, dermatologists, and aestheticians.

AREA 6 | COSMETIC DENTAL

Cosmetic dental refers to the various procedures and treatments used to improve the appearance of your teeth and smile. Common cosmetic dental treatments include whitening, bonding, veneers, crowns and bridges, braces, implants, gum lifts, and recontouring. Cosmetic dental procedures are overseen by a DDS or DMD and can be performed by a variety of healthcare specialists including dentists, orthodontists, and periodontists.

AREA 7 | PAIN MANAGEMENT

Pain management is an area of medicine focused on relieving and preventing pain. It involves a wide variety of treatments including medications, physical therapies, injections, nerve blocks and minimally-invasive procedures. Ultimately, pain management aims to reduce pain and improve the quality of a client's life by providing strategies and interventions to cope with pain, identify and address its root causes, and manage symptoms. Pain management is overseen by a licensed physician or nurse practitioner with an *Advanced Pain Certification* from a nationally recognized accreditation or certification entity.



L&L DESIGN GROUP

1200 N. 52nd Street • Phoenix, AZ • 85008
P: 480.566.4001

CARDONE VENTURES 5225

5225 N SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85250

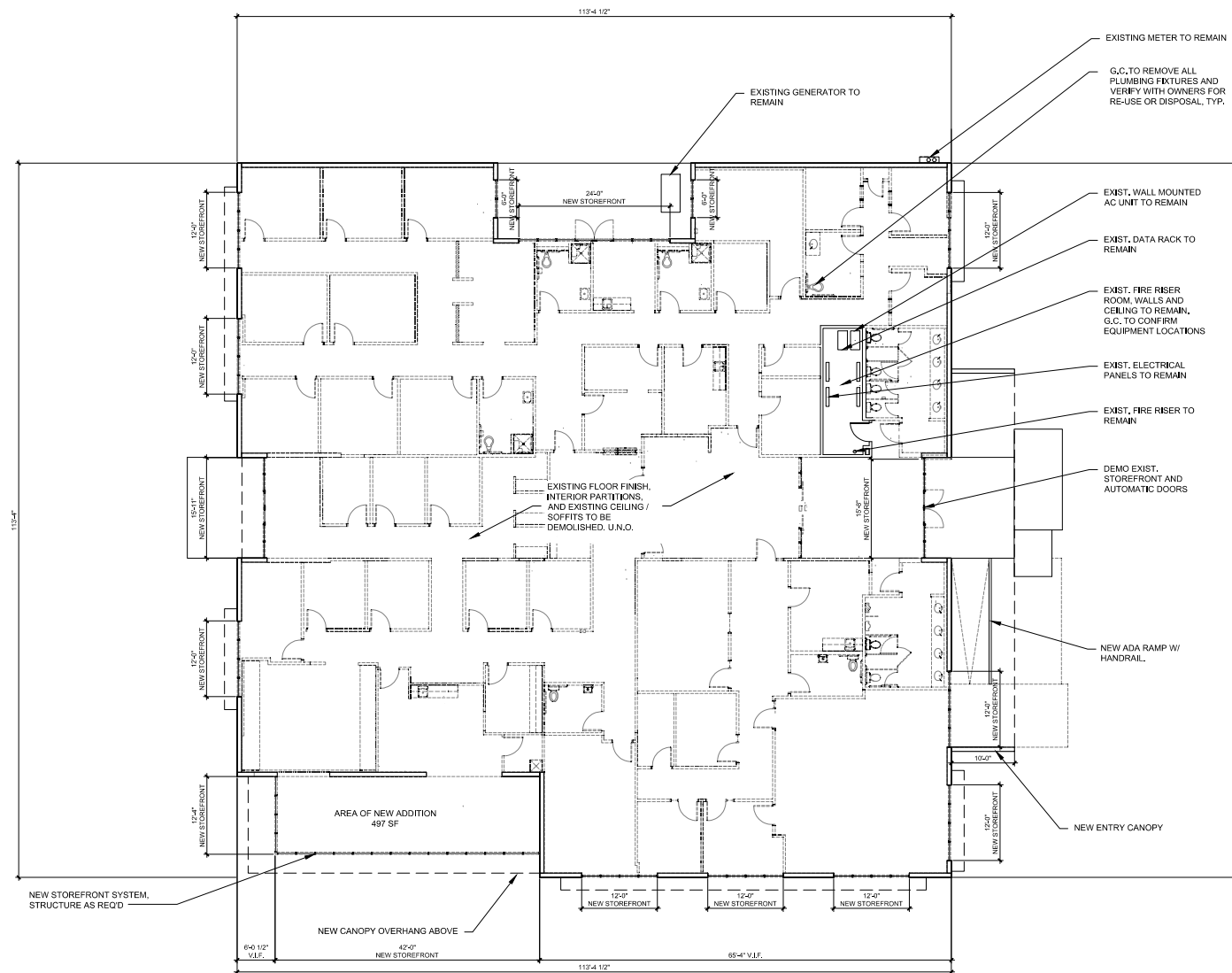
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A1.3.1

02 DRB SUBMITTAL 10/18/23

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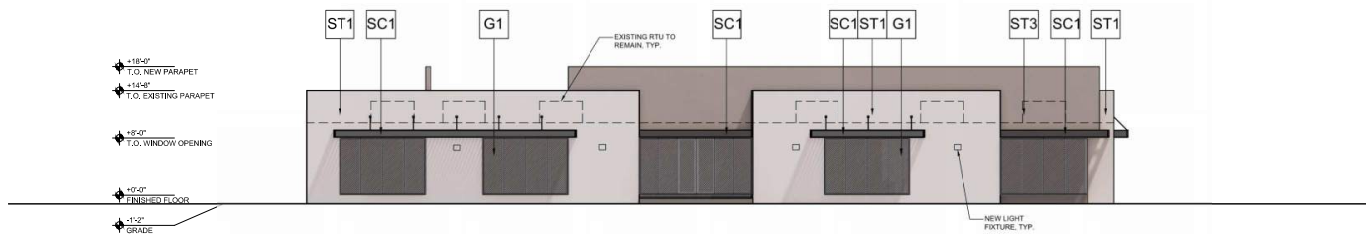


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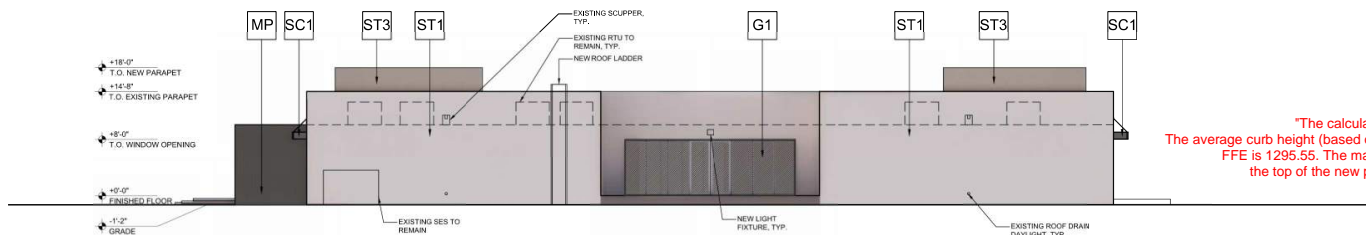
EAST ELEVATION

SCALE: 1/8" = 1'-0"



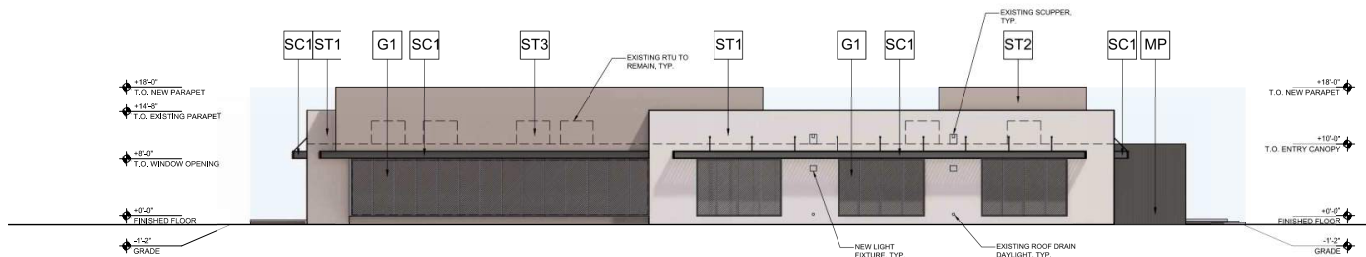
WEST ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL/FINISH SCHEDULE:

KEY:	DESCRIPTION:
EXTERIOR WALLS:	
W3	GROUND FACE CMU BLOCK WALL - COLOR - TRENDSSTONE - DURANGO
W4	ROLL-FAB 4MM ALUMINUM A1000 WALL PANEL - COLOR TO MATCH STOREFRONT DARK BRONZE (AB-4)
ST1	EFS STUCCO SYSTEM OVER EXISTING SLUMP BLOCK WALL - COLOR - DUNN WEDWARDS - CREB MUSLIN
ST2	EFS STUCCO SYSTEM OVER EXISTING SLUMP BLOCK WALL - COLOR - DUNN WEDWARDS - METAL FRINGE
ST3	EFS STUCCO SYSTEM OVER 6" METAL FRAME WALL - COLOR - DUNN WEDWARDS - METAL FRINGE
C1	CONCRETE SLAB - FINISH - T80 BY G.C. IN FIELD

CANOPY KEY:

KEY:	DESCRIPTION:
SC1	EXTERIOR METAL CANOPY - STL STRUCTURE W/ STL LOUVERS - COLOR TO MATCH STOREFRONT DARK BRONZE (AB-4)

GLAZING KEY:

MATERIAL:	DESCRIPTION:
FRAMES:	
	ALUMINUM STOREFRONT - 4 1/2" (SEALANT JOINT VERTS) DARK BRONZE ANODIZED (AB-4)
GLAZING:	
G1	SOLARBAN 60
ST1	1" INSULATED GLAZING LOW-E SOLARCOOL SOLARGRAY

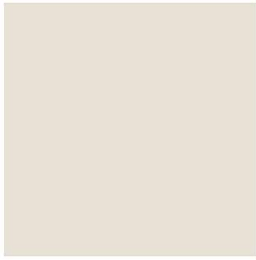
PAINT KEY

KEY:	DESCRIPTION:
P1	DUNN EDWARDS (LIGHT GREY) 'CREB MUSLIN' DER212 (LRV 71)
P2	DUNN EDWARDS (DARK GREY) 'METAL FRINGE' DER205 (LRV 21)

GENERAL NOTES:

- GLAZING TO BE G1 UNLESS NOTED OTHERWISE

"The calculated mean curb height is 1295.58.
 The average curb height (based on the topographic survey) is 1294.58 + 12" = 1295.58.
 FFE is 1295.55. The maximum allowable building height is 1313.58 -
 the top of the new parapet will not exceed this height." - LGE



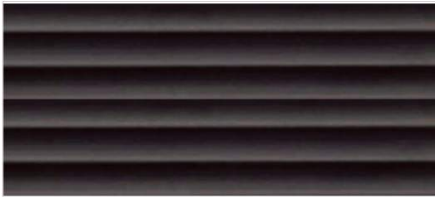
P1 - DE6212 "Crisp Muslin"
Dunn Edwards



P2 - DET626 "Metal Fringe"
Dunn Edwards



G1 - Solarcool Solarblue
Glazing



Anodized Aluminum Storefront
Dark Bronze (AB-6) Arcadia



Rendering View



1.1

SE CORNER VIEW



1.2

SW CORNER VIEW



1.4

SOUTH VIEW



1.3

EAST VIEW

CITY OF SCOTTSDALE LANDSCAPE NOTES:

AN AUTOMATIC IRRIGATION SYSTEM WILL BE INSTALLED GUARANTEEING 100% COVERAGE TO ALL LANDSCAPE AREAS.

ALL LANDSCAPE AREAS WILL BE TOP-DRESSED WITH A 2" DEPTH OF DECOMPOSED GRANITE.

PROVIDE 8% SLOPE AWAY FROM WALK OR CURB FOR 5' ALONG ALL STREETS.

ALL RIGHT OF WAYS ADJACENT TO THIS PROPERTY SHALL BE LANDSCAPED AND MAINTAINED BY THE PROPERTY OWNER.

ANY EXISTING LANDSCAPE MATERIALS INCLUDING TREES DAMAGED OR DESTROYED AS A RESULT OF THIS CONSTRUCTION SHALL BE REPLACED TO THE SATISFACTION OF CITY STAFF, WITH LIKE KIND AND SIZE PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY.

AREAS WITHIN THE SIGHT DISTANCE TRIANGLES IS TO BE CLEAR OF LANDSCAPING, SIGNS, OR OTHER VISIBILITY OBSTRUCTIONS WITH A HEIGHT GREATER THAN 1'-6". TREES WITHIN THE SAFETY TRIANGLE SHALL HAVE A CANOPY THAT BEGINS AT 8 FEET IN HEIGHT UPON INSTALLATION, ALL HEIGHTS ARE MEASURED FROM NEAREST STREET LINE ELEVATION.

ALL RIGHT-OF-WAY ADJACENT TO THIS PROPERTY SHALL BE LANDSCAPED AND MAINTAINED BY THE PROPERTY OWNER.

ALL SLOPES ON SITE ARE 4:1 MAX

NO TURF AREAS ARE TO BE PROVIDED.

SEE ARCHITECTURAL SITE PLAN FOR SETBACK DIMENSIONS.

SEE ARCHITECTURAL FOR SITE LIGHTING LOCATIONS, SEE ELEC. DRAWINGS FOR ALL LIGHTING SPECIFICATIONS.

SEE ARCHITECTURAL FOR SITE WALL ELEVATIONS, COLORS

SEE CIVIL DRAWINGS FOR ALL RETENTION AREAS, SECTIONS, AND SLOPE RATIOS.

SEE ARCHITECTURAL FOR BIKE RACK DETAILS.

ALL SIGNS REQUIRE SEPARATE APPROVALS & PERMITS.

"SETBACK ALL SPRAY & STREAM TYPE IRRIGATION HEADS 1'-0" FROM BACK OF CURB OR SIDEWALK TO REDUCE OVER SPRAY".

A MINIMUM 50 PERCENTAGE (UNLESS OTHERWISE STIPULATED BY THE DEVELOPMENT REVIEW BOARD, AND/OR THE ZONING ORDINANCE REQUIREMENTS) OF THE PROVIDED TREES SHALL BE MATURE TREES, PURSUANT TO THE CITY OF SCOTTSDALE'S ZONING ORDINANCE ARTICLE X, SECTION 10.301, AS DEFINED IN THE CITY OF SCOTTSDALE'S ZONING ORDINANCE ARTICLE III, SECTION 3.100.

A SINGLE TRUNK TREE'S CALIPER SIZE, THAT IS TO BE EQUAL TO OR LESS THAN 4-INCHES, SHALL BE DETERMINED BY UTILIZING THE SMALLEST DIAMETER OF THE TRUNK 6-INCHES ABOVE FINISHED GRADE ADJACENT TO THE TRUNK.

A TREE CALIPER SIZE, FOR SINGLE TRUNK TREES WHICH HAVE A DIAMETER GREATER THAN 4-INCHES, SHALL BE DETERMINED BY UTILIZING THE SMALLEST DIAMETER OF THE TRUNK 12-INCHES ABOVE FINISHED GRADE ADJACENT TO THE TRUNK.

A MULTI TRUNK TREE'S CALIPER SIZE IS MEASURED AT 6-INCHES ABOVE THE LOCATION THAT THE TRUNK SPLITS ORIGINATES, OR 6-INCHES ABOVE FINISHED GRADE OF ALL TRUNKS ORIGINATE FROM THE SOIL.

RETENTION/DETENTION BASINS SHALL BE CONSTRUCTED SOLELY FROM THE APPROVED CIVIL PLANS. ANY ALTERATION OF THE APPROVED DESIGN (ADDITIONAL FILL, BOULDERS, ETC.) SHALL REQUIRE ADDITIONAL FINAL PLANS STAFF REVIEW AND APPROVAL.

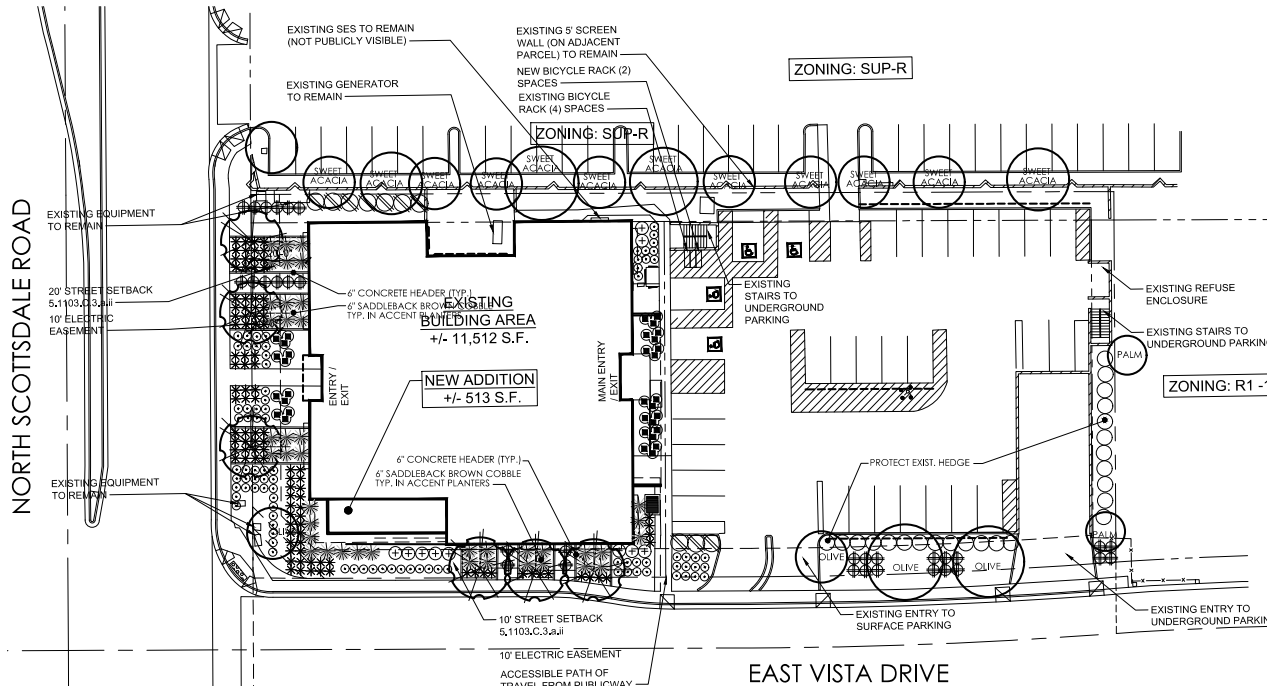
NO LIGHTING IS APPROVED WITH THE SUBMITTAL.

THE LANDSCAPE SPECIFICATION SECTION(S) OF THESE PLANS HAVE NOT REVIEWED AND SHALL NOT BE A PART OF THE CITY OF SCOTTSDALE'S APPROVAL.

NEW LANDSCAPING, INCLUDING SALVAGED PLANT MATERIAL, AND LANDSCAPING INDICATED TO REMAIN, WHICH IS DESTROYED, DAMAGED, OR EXPIRES DURING CONSTRUCTION SHALL BE REPLACED WITH LIKE, SIZE, KIND, AND QUALITY PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY / LETTER OF ACCEPTANCE TO THE SATISFACTION OF THE INSPECTION SERVICES STAFF.

VICINITY MAP

SCOTTSDALE, ARIZONA



LANDSCAPE LEGEND

- TREES**
- OLEA EUROPEA 'SWAN HILL'
 - SWAN HILL OLIVE
 - 48" BOX (MATCHING) (MULTI)
- EXISTING TREE**
PROTECT FROM CONSTRUCTION
- LARGE SHRUBS**
- TECOMA 'ORANGE JUBILEE'
 - ORANGE JUBILEE
 - 5 GALLON
- MEDIUM SHRUBS**
- EREMOPHILA MACULATA
 - VALENTINE EMU BUSH
 - 5 GALLON
- ACCENTS**
- DASYLIRION LONGESIMA
 - TOOTHLESS DESERT SPOON
 - 5 GALLON
 - AGAVE DESMETIANA
 - SMOOTH AGAVE
 - 5 GALLON
 - PACHYCEPHEUS MARGINATUS
 - MEXICAN FENCE POST
 - 3-STALK GROUPING (2.5', 2', 1' TALL)
 - HESPERALOE PERPA
 - BRAKE LIGHT RED YUCCA
 - 5 GALLON
- GROUND COVER**
- LANTANA MONTEVIDENSIS
 - 'GOLD MOUND'
 - 1 GALLON
- 1/2" SCREENED MADISON GOLD**
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS

LANDSCAPE PLAN

SCALE: 1" = 20'-0"



LANDSCAPE PLAN
APPROVED
CITY OF SCOTTSDALE

CASE NUMBER APPROVED DATE
CONSTRUCTION AND INSTALLATION SHALL BE IN ACCORDANCE WITH THIS PLAN AND ANY ALL DEVIATIONS WILL REQUIRE REAPPROVAL. LANDSCAPE INSTALLATION TO BE APPROVED BY CITY OF SCOTTSDALE INSPECTION SERVICES BEFORE CERT. OF OCCUPANCY IS ISSUED.

Case No: 119 - SA - 2023

T.J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE

URBAN DESIGN

SITE PLANNING

10450 N. 74th Street, Suite 120

Scottsdale, Arizona 85258

P: 602.955-5360

EMAIL: timmcqueen@tjm.com

DESIGNBUILD
L&B

1200 N. 52nd Street • Phoenix, AZ 85008
P: 480.566.4001

CARDONE VENTURES

5225 N. SCOTTSDALE ROAD
SCOTTSDALE, AZ 85050

DESIGNBUILD
L&B

NUMBER REVISION DATE

12/18/2023

DATE

APPROVED BY

SHEET TITLE

LANDSCAPE PLAN

ISSUE DATE: 12/18/2023

DRAWN BY:

CHECKED BY:

PROJECT NO.:

SHEET

STIPULATION SET

RETAIN FOR RE-CORDS

APPROVED

12/18/2023

DATE

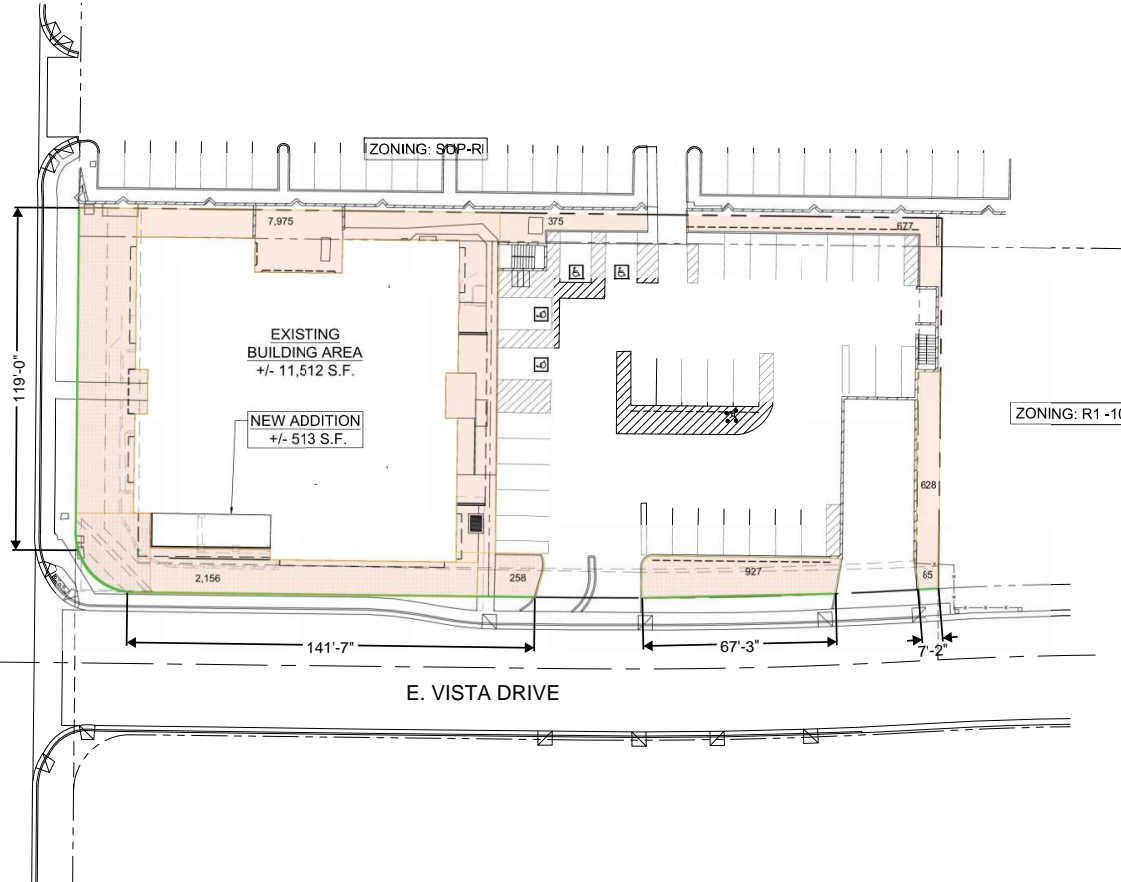
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SHEET

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2ND DRB SUBMITTAL 10/18/23

N. SCOTTSDALE RD



ZONING: SGP-R

ZONING: R1-10

EXISTING
BUILDING AREA
+/- 11,512 S.F.

NEW ADDITION
+/- 513 S.F.

E. VISTA DRIVE

OPEN SPACE EXHIBIT

SCALE: 1" = 20'-0"



PROJECT DATA:

OPEN SPACE AREA (COMBINED LOTS)

PROJECT DATA ZONING: S-R
SITE AREA: +/- 40,800 S.F.
BUILDING HEIGHT: 18'-0"

TOTAL BUILDING AREA: 12,025 S.F.

OPEN SPACE REQUIRED: 0.24
OPEN SPACE PROVIDED: 9,744

FRONT OPEN SPACE
11'0" @ SCOTTSDALE DR
145'0" @ 2,920 SF REQUIRED
PROVIDED = 2,879

11'0" @ VISTA DR
247'15.4'0" SF REQUIRED
PROVIDED = 3,426

OPEN SPACE
REQUIRED: 40,600x24% = 9,744 SF

FRONTAGE OPEN SPACE:
40,600'x12% = 4,872 SF REQUIRED
N. SCOTTSDALE RD:
MIN. 20x1 LF (119'x20' = 2,380 SF REQUIRED)
2,879 SF PROVIDED
E. VISTA DR: MIN. 10x1 LF (215'x10' = 2,150 SF
REQUIRED)
3,426 SF PROVIDED

TOTAL FRONTAGE OPEN SPACE PROVIDED: 6,305 SF
TOTAL OPEN SPACE PROVIDED: 9,905 SF

VICINITY MAP

SCOTTSDALE, ARIZONA



ICM DESIGN GROUP
1200 N. 52nd Street • Phoenix, AZ • 85008
P: 480.566.4001

CARDONE VENTURES 5225

ICM DESIGN GROUP

NUMBER REVISION DATE

AS NOTED
STIPULATION SET
RETAIN FOR RECORDS
APPROVED

12/18/2023
DATE APPROVED BY

SHEET TITLE:
OPEN SPACE EXHIBIT

DATE: 10/18/2023

DRAWN BY:

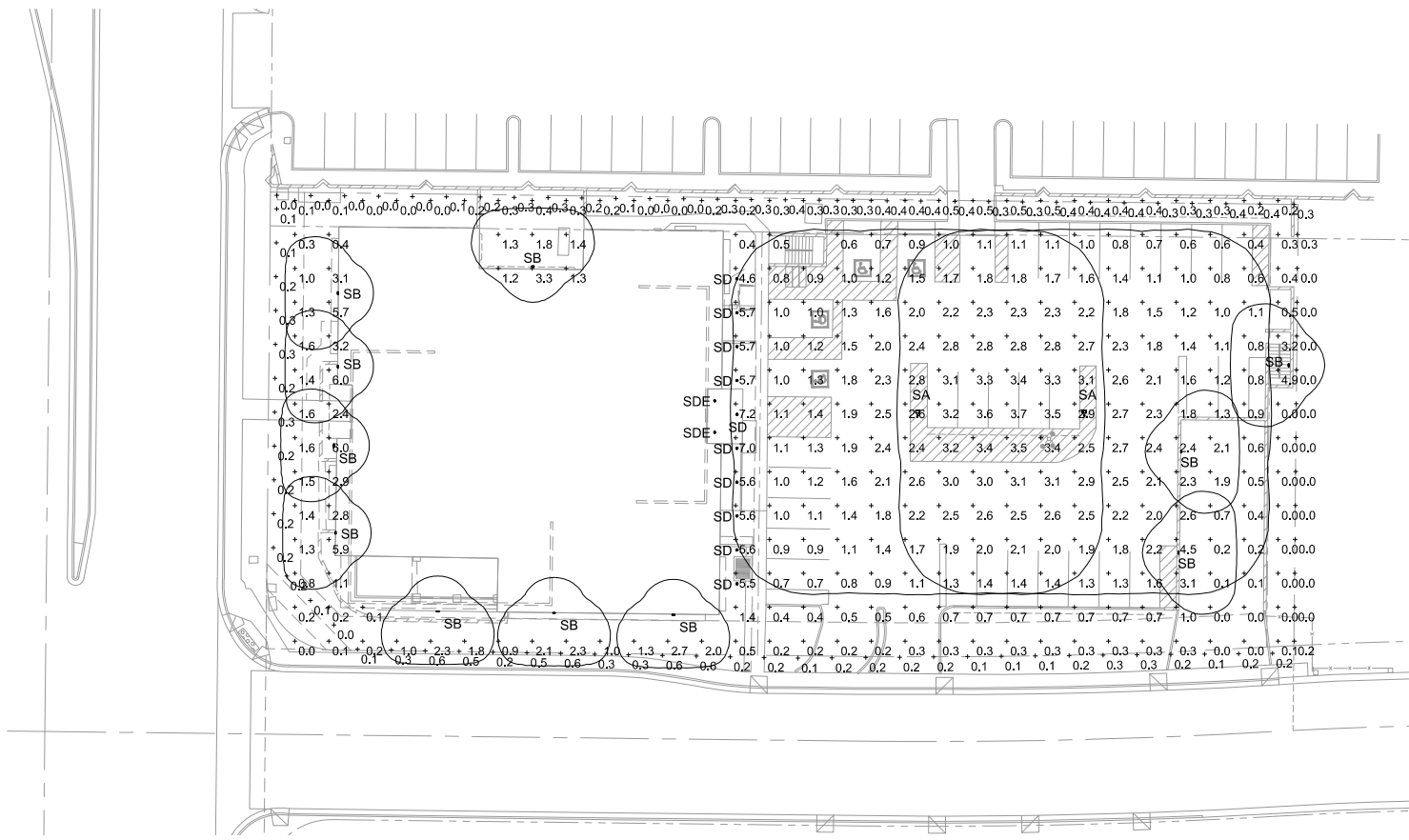
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2ND DRB SUBMITTAL 10/18/23



SITE PHOTOMETRIC PLAN
1/16" = 1'-0"

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
FC ON SITE AT GRADE	+	1.6 fc	7.2 fc	0.0 fc	N/A	N/A
PROP LINE @ 6' AFG	+	0.2 fc	0.6 fc	0.0 fc	N/A	N/A

STIPULATION SET
RETAIN FOR RECORDS
APPROVED
12/18/2023
DATE APPROVED BY

PROJECT: 23004 DRB



Zoo Engineering Group, LLC

1630 S. Alma School Road,
Suite 100
Mesa, Arizona 85210
V. 480.222.8835
F. 480.222.8836

CARDONE VENTURES 5225 N SCOTTSDALE

5225 N SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85250



NUMBER REVISION DATE



SHEET TITLE
SITE PHOTOMETRIC PLAN

ISSUE DATE: 10/18/2023

DRAWN BY: Y/C

CHECKED BY: SS

PROJECT NO:

SHEET:

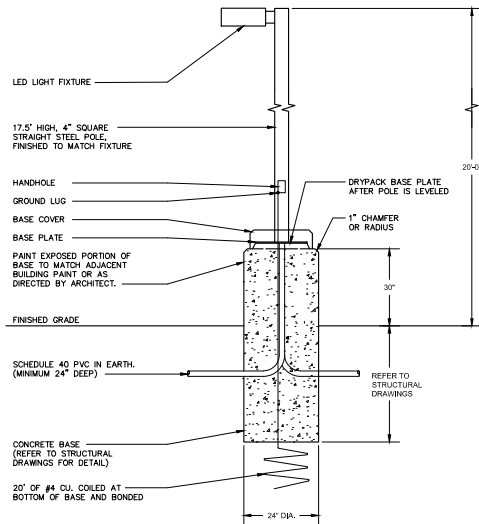
E1

2ND DRB SUBMITTAL 10/18/23

Luminaire Schedule							
Label	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power
SA	Lithonia Lighting	DSX0 LED P6 30K 70CRI TSM FLAT BLACK FINISH/ SSS 17.5' POLE ON 2.5' BASE	D-Series Size 0 Area Luminaire P6 Performance Package 3000K CCT 70 CRI Type 5 Medium, LISTED FOR WET LOCATIONS	1	17168,28	0,95	137
SB	Lithonia Lighting	WPX1 LED P1 30K Mvdt FLAT BLACK FINISH	WPX1 LED wallpack 1500lm 3000K color temperature 120-277 Volts, LISTED FOR WET LOCATIONS	1	1537,08	0,95	11,49
SD	Gotham Architectural Lighting	EVO6 30/05 AR MWD LSS	EVO 6IN ROUND, 80 CRI, 3000K, 500LM, MED WIDE DIST, CLEAR, SEMI-SPEC, LISTED FOR WET LOCATIONS	1	493,1849	0,95	6,2
SDE	Gotham Architectural Lighting	EVO6 30/05 AR MWD LSS EL	EVO 6IN ROUND, 80 CRI, 3000K, 500LM, MED WIDE DIST, CLEAR, SEMI-SPEC, WITH 90 MINUTE BATTERY BACK-UP, LISTED FOR WET LOCATIONS	1	493,1849	0,95	6,2


CURFEW LIGHTING CONTROLS SHALL BE PROVIDED AS FOLLOWS:

- THE PRE-CURFEW LIGHTING DESIGN HOURS SHALL BE DEFINED AS DUSK TO 10:00 PM AND THE POST-CURFEW LIGHTING DESIGN HOURS SHALL BE DEFINED AS 10:00 PM TO DAWN. ALL EXTERIOR LIGHTS SHALL BE TURNED OFF DURING THE POST-CURFEW HOURS WITH THE EXCEPTION OF LIGHTS FOR SECURITY PURPOSES.
- A PROGRAMMABLE TIMER, AND PHOTOCELLS SHALL CONTROL THE PRE- AND POST-CURFEW LIGHTS. PHOTOCELLS SHALL BE MOUNTED ON THE NORTH SIDE OF THE BUILDING. THE PROGRAMMABLE TIMER MAY CONTAIN A MAXIMUM 1-HOUR MANUAL OVERRIDE WITH AN AUTOMATIC TURN OFF FOR AFTER HOURS AND SPECIAL EVENTS USE ONLY.



'SA' FIXTURE POLE MOUNTING DETAIL
N.T.S.

PROJECT: 23004 DRB



Zee

Engineering

Group, LLC

1630 S. Alma School Road,
Suite 100
Mesa, Arizona 85210

T: 480.222.8835
F: 480.222.8836



DESIGN

GROUP

1200 N. 52nd Street • Phoenix, AZ • 85008
P: 480.565.4001

CARDONE VENTURES 5225 N SCOTTSDALE

5225 N SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85250



DESIGN

GROUP

NUMBER	REVISION	DATE



SHEET TITLE: LUMINAIRE SCHEDULE AND DETAIL

DATE: 10/18/2023


DRAWN BY: YJC

CHECKED BY: SS


PROJECT NO:

SHEET:

E2




WPX LED Wall Packs



Size	100W, 150W, 200W, 300W, 400W, 500W
Color	3000K, 4000K, 5000K
Beam	120°, 150°, 180°

Specifications



Front View

Side View

Model	Height (mm)	Width (mm)	Depth (mm)	Weight (kg)	Beam Angle	Color Temperature (K)
WPX100	100	100	100	0.15	120°	3000K
WPX150	150	150	150	0.25	150°	4000K
WPX200	200	200	200	0.35	180°	5000K
WPX300	300	300	300	0.55	120°	3000K
WPX400	400	400	400	0.75	150°	4000K
WPX500	500	500	500	1.05	180°	5000K

Introduction

The WPX LED wall packs are energy efficient, cost effective, and aesthetically appealing solutions for both LED wall pack replacement and new construction opportunities. Available in three sizes, the WPX family delivers 1,500 to 9,700 lumens with a wide, uniform distribution.

The WPX LED cut-off solutions allow users the comfort of the LED light fixture they require, providing a most resiliant and an upgraded appearance. Rugged IP66 construction and enclosed LED lumens maintenance remains in long service life. Physical and emergency approval battery options make WPX ideal for every wall mounted lighting application.

Ordering Information

EXAMPLE: WPX LED 40K 10W/OLT DOWEL

Code	Units	Dimensions	Wattage	Options	Notes
WPX100P1	1200	100mm x 100mm	10W	4000K	120° Beam Angle
WPX150P1	1200	150mm x 150mm	15W	4000K	150° Beam Angle
WPX200P1	1200	200mm x 200mm	20W	4000K	180° Beam Angle
WPX300P1	1200	300mm x 300mm	30W	4000K	120° Beam Angle
WPX400P1	1200	400mm x 400mm	40W	4000K	150° Beam Angle
WPX500P1	1200	500mm x 500mm	50W	4000K	180° Beam Angle

Note: The lumens output and input power shown in the following table are average representations of all configuration options. Specific values are available on request.

FEATURES & SPECIFICATIONS

Optical Performance

WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance.

Electrical Performance

WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance.

RELIABILITY


WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance.

WARRANTY


WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance.

Notes

- All WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance.
- WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance.
- WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance. The WPX LED wall packs are designed to provide a long service life, energy efficiency and high performance.



One Lafayette Way • Douglas, Georgia 30135 • Phone: 1-800-786-0000 • www.lithonia.com
© 2015 Lithonia Lighting. All rights reserved. Lithonia Lighting is a registered trademark of Lithonia Lighting.



ICB | **DESIGNGROUP**
1200 N. 52nd Street ■ Phoenix, AZ ■ 85008
P. 480.966.4001

[illegible]

CARDONE VENTURES 5225 N SCOTTSDALE

CARDONE VENTURES
5225 N SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85250

SHEET TITLE:
CUTSHEETS

ISSUE DATE: 10/16/2023

DRAWN BY: YC

CHECKED BY: SS

PROJECT No.:

SHEET:

E3



Planning and Development Services

7447 East Indian School Road
Scottsdale, Arizona 85251

May 26, 2023

Carlos Elias
Carlos Elias
1200 N 52nd Street
Phoenix, AZ 85008

RE: Administrative Completeness Determination.

Dear Carlos Elias:

It has been determined that your Development Application 119-SA-2023, Cardone Ventures Medical Office, is administratively complete. Your Development Application is being reviewed under the City's Enhanced Application Review Methodology, as requested on your Development Application form. City Staff will begin their substantive review of the application material after payment has been received. Please submit payment for this application by either:

- 1) Submitting payment through the online interface for the Digital Case Submittal process utilizing the Key Code 5140F,

OR

- 2) If you need to make other arrangements for payment please contact us at PlanningInfo@scottsdaleaz.gov.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information; or City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me at 480-312-2817 or at wbarton@Scottsdaleaz.gov.

Sincerely,

Wayland Barton
Planner

C: Case File

Development Review Minor (SA)

Administrative Staff Approval

Development Application Checklist

**Official Use:**City Staff Contact: Wayland BartonPhone: 480-312-2817

Staff Signature: _____

Email: wbarton@scottsdaleaz.gov

<input checked="" type="checkbox"/> Completed Application (this form) and Application Fee – \$ <u>110.00</u> (fee subject to change every July)	<input checked="" type="checkbox"/> Landscape Plan (____ copy(ies)) – indicate location of existing and new plants, location and dimension of paving, a plant palette with names, symbols, sizes, spacing & quantities, and open space/landscaping calculations.
<input checked="" type="checkbox"/> Affidavit of Authority to Act for Property Owner, letter of authorization, or signature below	
<input type="checkbox"/> Request to Submit Concurrent Development Applications	<input type="checkbox"/> Cross Sections – for all cuts and fills applications
<input checked="" type="checkbox"/> Signed Owner Certification Acknowledging Receipt of Notice of Right to Appeal Exactions and Dedications	<input type="checkbox"/> Conceptual Grading & Drainage Plan – show existing, proposed drainage flows, channels, retention, etc.
<input checked="" type="checkbox"/> Request for Site Visits and/or Inspections form	<input type="checkbox"/> Copy of Liquor License Application (for all bars or restaurants patio applications)
<input checked="" type="checkbox"/> Narrative – describing nature of request <u>confirm medical use</u>	
<input type="checkbox"/> Homeowners or Property Owners Association Approval	<input type="checkbox"/> Airport Vicinity Development Checklist
<input checked="" type="checkbox"/> Color photographs of site – include area of request	
<input checked="" type="checkbox"/> Site plan (____ copy(ies)) indicate the extent and location of additions, buildings and other structures, dimensions of existing and proposed structures, sidewalks, and/or driveways as well as any required setbacks.	<input checked="" type="checkbox"/> Floor Plan(s) – show additions, alterations, or new structures. The floor plan shall be dimensioned and clearly delineate existing and proposed construction.
<input checked="" type="checkbox"/> Material Samples – color chips, awning fabric, glazing, etc.	<input checked="" type="checkbox"/> Exterior Lighting – provide cut sheets, details and photometrics for any proposed lighting. <u>for any exterior lighting proposed</u>
<input checked="" type="checkbox"/> Elevation Drawings or Color Photo simulations (____ copy(ies)) – of additions, buildings, or other changes with materials and colors noted and keyed	<input checked="" type="checkbox"/> Other: <u>Refuse Plan. FYI -land assemblage required</u>

Submittal Requirements:Please submit materials requested below. **All digital files must be uploaded in PDF format.**Project No.: 1090 -PA- 2022 Key Code: 46C50Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalMenu>Project Name: Cardone Ventures 5225Property's Address: 5225 N Scottsdale RdA.P.N.: 173-23-012 & 173-23-013AProperty's Zoning District Designation: S-RApplication Request: Development Review Minor (SA)Owner: Breanne KayApplicant: Carlos EliasCompany: Cardone VenturesCompany: LGE Design BuildAddress: 4800 N Scottsdale Rd, Suit 5500Address: 200 N. 52nd St, Phoenix, AZ 85008Phone: 480-818-7633

Fax:

Phone: 480.966.4001

Fax:

E-mail: bkay@cardoneventures.comE-mail: carloase@lgedesignbuild.com

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2):

☒ **Enhanced Application Review:** I hereby authorize the city of Scottsdale to review this application utilizing the Enhanced Application Review methodology.☐ **Standard Application Review:** I hereby authorize the city of Scottsdale to review this application utilizing the Standard Application Review methodology.
Owner Signature
Agent/Applicant Signature

Planning and Development Services

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

8-BA-1997 Zoning Administrator Correspondence

STREICH LANG

A PROFESSIONAL ASSOCIATION
ATTORNEYS

Writer's Direct Line:
602 229-5624

February 23, 1996

VIA HAND DELIVERY

Ms. Leslie Himes
Associate Planner
City of Scottsdale
Planning & Development Department
7447 East Indian School Road
P.O. Box 1000
Scottsdale, Arizona 85252-1000

Re: Verification of Scottsdale Requirements

Dear Ms. Himes:

Our firm represents Pension Management Corporation, the owner of the DoubleTree Paradise Valley Resort (the "Resort"). The Resort is located at the southeast corner of Jackrabbit Road and Scottsdale Road in the Town of Paradise Valley.

As I discussed with you recently, although the Resort has sufficient parking to meet Paradise Valley requirements, it has become evident that during high peak periods there is a practical shortage of parking on the Resort site. To provide more parking, the owners of the Resort are proceeding with the possible purchase of a developed parcel located immediately south of the Resort (the "Adjacent Parcel"). The Adjacent Parcel is located at the northeast corner of Vista Drive and Scottsdale Road, in the City of Scottsdale.

The Adjacent Parcel is currently developed with a one-story office building (previously occupied by a Dean Witter office), a surface parking lot, and an underground parking garage. The owners of the Resort intend to create an opening in the wall which runs along the boundary between the Resort and the Adjacent Parcel, and construct a driveway to connect the parking area on the south side of the Resort site with the surface parking area on the Adjacent Parcel. Construction of the driveway between the two sites will result in the loss of two to three parking spaces located

RENAISSANCE ONE
TWO N CENTRAL AVENUE
PHOENIX, ARIZONA

55004-2391

PHONE (602) 229-5200

FAX (602) 229-5690

PHOENIX
TUCSON
LOS ANGELES
LAS VEGAS

STREICH LANG

Ms. Leslie Himes
February 23, 1996
Page 2

A PROFESSIONAL ASSOCIATION

ATTORNEYS

along the north boundary of the Adjacent Parcel. The Resort also intends to use the building on the site for uses permitted by the existing SR-Service Residential zoning.

I recently discussed with you the Resort's plans to use the Adjacent Parcel (as set forth above) in order to determine what requirements, if any, Scottsdale would have prior to the initiation of such use. It is my understanding that you presented these facts to the Scottsdale Development Services Screening Committee (the "Screening Committee") and that the Screening Committee determined that there were no Scottsdale requirements for completion of the connection between these two sites and the Resort's subsequent use of the Adjacent Parcel. Because our client is relying on this conclusion in proceeding with the purchase of the Adjacent Parcel, they have asked us to obtain written confirmation of the City of Scottsdale's conclusion.

The purpose of this letter, therefore, is to confirm that there are no Scottsdale requirements to be met by our client related to the completion of the connection between these two sites and the Resort's use of the Adjacent Parcel as set forth in this letter. Please indicate your verification of this conclusion by signing the acknowledgment on the attached copy of this letter (or by obtaining the properly authorized signature of the acknowledgment) and returning the signed copy to us. Please return the signed acknowledgment to us by fax (229-5690) or call me when it is ready and I will arrange for a runner to pick up the signed acknowledgment.

Thank you for your help on this matter. Please call me immediately if you need any further information or if there is any problem with signing the acknowledgment.

Sincerely,

Lori J. Schleier

Lori J. Schleier, AICP
Land Use Planner/Legal Assistant

cc: Pat Marrs, GEPT
Diane Haller

STREICH LANG

Ms. Leslie Himes
February 23, 1996
Page 3

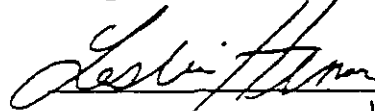
PROFESSIONAL ASSOCIATION

ATTORNEYS

ACKNOWLEDGMENT

I hereby confirm and acknowledge that there are no Scottsdale requirements to be met by the owners of the DoubleTree Paradise Valley Resort in order to connect the Resort and the Adjacent Parcel and use the Adjacent Parcel for uses in compliance with the SR-Service Residential zoning and for parking for the Resort as set forth in this letter.

City of Scottsdale



Printed Name Leslie Himes
Title Associate Planner

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To: Lorie Schleier	From: Leslie Himes	
Co: Streich Lang	Co: Dev. Services	
Dept:	Phone # 994-7820	
Fax # 229-5690	Fax #	

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Telefax (602) 265-2195

3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012

March 21, 1997

John Faramelli
City of Scottsdale
7447 E. Indian School Road, Suite 205
Scottsdale, AZ 85251

Re: Reconfirmation of Use of Surplus Office Building Parking for Overflow
Resort Parking Located at 5225 N. Scottsdale Road, Scottsdale, Arizona

Dear John:

I am writing to request that you reconfirm the City of Scottsdale's written position regarding the Doubletree Resort's limited use of the surplus parking for the office building at the northeast corner of Scottsdale Road and Vista Drive (located in the City of Scottsdale) for overflow employee parking and valet parking during the Resort's peak use periods.

On February 23, 1996, the attorneys for the owners of the Doubletree Paradise Valley Resort wrote to Leslie Himes in the City's Planning Department, because they were contemplating the purchase of this office building in the City of Scottsdale which borders the south end of the Resort. The owners of the Resort had two reasons for purchasing this office building: (1) to move their administrative and executive offices from the Resort to this office building to free up valuable space within the Resort for other purposes; and (2) to create a connection through the wall between the Resort and office building to utilize the surplus parking (i.e., in excess of Scottsdale's code required parking) located on the office parcel for overflow Resort use. They wrote to Ms. Himes outlining their intended uses of the office building and parking and requested back the City's written confirmation that these proposed uses were acceptable and appropriate to the City under the S-R (Service Residential) zoning on the office building. Ms. Himes signed the acknowledgment confirming zoning compliance after the facts were reviewed by the Scottsdale Development Services Screening Committee and in reliance upon this written confirmation, the owners of the Resort made the multi-million dollar investment to purchase the office building.

The Doubletree Paradise Valley Resort is now in the process of amending its Special Use Permit in the Town of Paradise Valley to make some Resort renovations. As part of these renovations, they have now sought approval from the Town of Paradise Valley to create the

access-way connection between the Resort and office building so that the office building's surplus parking can be put to two specific and limited overflow parking uses: (1) employee parking; and (2) valet parking. Very tight restrictions on this access-way have been agreed to by the Resort as a part of the Special Use Permit itself. These limitations include the following:

- The Resort parking spaces on the office parcel may be utilized only by employees of the Resort and for valet parking. No guest self parking shall be permitted. The overnight employee shift shall not be permitted to use those parking spaces. The valet parking attendants shall not add parked cars on the office parcel past 10:00 p.m. and shall not use Vista Drive for access or egress.
- The vehicular access between the Resort and the office parking lot shall be restricted to one travel lane as reflected on the applicant's submittals and shall be gated with card access at all times. Access through the vehicular gate shall be limited to hotel employees and valet parking attendants. No resort guest vehicular access shall be permitted through the gate.
- No buses or semi-trucks shall be allowed to utilize the office building parking lot.
- The permit shall not be issued until the Declaration of Easement and Restrictions ("Easement") approved in form by the Town Attorney restricting use of the office building and parking is recorded in the office of the Maricopa County Recorder. Use of the office building shall be restricted to S-R uses as defined by the Scottsdale Zoning Ordinance and as reflected in the Easement. This Easement shall be incorporated into the Special Use Permit. Failure or termination or revocation of the Easement shall be deemed a violation of the Special Use Permit.
- The resort shall work with the City of Scottsdale to install a traffic directional sign on the office building surface parking lot entrance to read "Right Turn Only" and also to install a "No Outlet" sign.
- The Resort must engineer and construct the driveway so as to not adversely affect the water lines located beneath the driveway.

Based upon these tight controls over the Resort's overflow use of the surplus parking spaces on the office building property, there will be no change in character or intensification of the S-R parcel. These parking spaces were created as a part of the S-R office building. No additional parking spaces are being added to the office building parking lot. The Resort is merely utilizing the surplus spaces for overflow use. It is common in the City of Scottsdale (as well as other valley cities) to allow resorts to make use of parking spaces on adjacent properties for overflow purposes. In fact, the Resort currently has an agreement with the church across Scottsdale Road in the Town of Paradise Valley to utilize their parking area for

March 21, 1997

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overflow purposes. The valet parking use for these surplus spaces will not have any impact on Vista Drive, because the valets will not be allowed to use Vista Drive. They must access the surplus parking only through the gate. Other employees who will use these spaces from time to time may reach the surplus spaces either through the gate or from Vista Drive. However, these employees are normally coming at non-peak times when Vista Drive is not otherwise being used by the neighborhood.

With the controls outlined above, the traffic impact was studied by Lee Engineering. A copy of their report is attached. They have concluded that this limited use of the office building surplus parking space will have "no visible or noticeable impact on the signalized intersection at Scottsdale Road and Vista Drive." The report further goes on to state:

The intersection functions at a LOS A for the existing conditions and will continue to function at an LOS A with remodeling of the resort. The LOS for Vista Drive is currently a B. There will be no change in the impact of the LOS for westbound Vista Drive after the remodeling project. The LOS will remain at B and a calculated delay per vehicle will increase only by 0.1 second.

Finally the report concludes:

On an average day, the proposed remodeling of the hotel will not add any noticeable delay to the signalized intersection of Vista Drive and Scottsdale Road compared with re-use of the office building on the northeast corner of Vista Drive and Scottsdale Road.

A full copy of the Lee Engineering report dated March 13, 1997 is included for your review.

The S-R office building will house administrative offices (i.e., sales, marketing and accounting for the Resort) and related functions. In the future some of this office space may be sublet to other administrative or professional uses in compliance with the S-R zoning requirements. The Resort will not conduct any use within the office building that is not in compliance with the S-R Ordinance.

The Town of Paradise Valley has requested a reconfirmation of the City of Scottsdale's original zoning confirmation signed by Leslie Himes dated February 23, 1996. The Town has a copy of this letter. Even though this original confirmation was open ended allowing "parking for the Resort on the office parking lot," that general use has now been dramatically narrowed and restricted by the stipulations set forth herein, so as to truly have no noticeable impact on the neighborhood street of Vista Drive. With these limitations, this narrow use of the surplus parking spaces clearly fits with the character of the S-R zoning district. Would you please confirm back to me in writing that the City of Scottsdale stands behind its original confirmation of

March 21, 1997

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February 23, 1996 as further circumscribed by the conditions set forth in this letter. The Town of Paradise Valley has requested this letter be given to them no later than April 1, 1997.

Very truly yours,

Stephen C. Earl
Stephen C. Earl

SCE/pfr

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cc: Pat Marrs
Diane Haller
Renier Milan

The City of Scottsdale confirms and agrees with
the terms of the foregoing letter:

Dated: _____, 1997

By: _____
John Faramelli



• "Most Livable City" U.S. Conference of Mayors •

March 28, 1997

Mr. Stephen C. Earl
Earl, Curley & Lagarde, P.C.
3101 N. Central Avenue
Suite 1000
Phoenix, AZ 85012

RE: Reconfirmation of Use of Surplus Office Building Parking for Overflow Resort
Parking Located at 5225 N. Scottsdale Road, Scottsdale, Arizona.

Dear Mr. Earl:

Based upon our review of all relevant information, we can now reconfirm to you through this letter that the Resort's limited use of the office building's surplus parking lot for overflow use by valet parking attendants and employees of the Resort during peak periods is acceptable under the Scottsdale Zoning Ordinance with the limitations on that use as contained in your letter. While the proposed reuse of the S-R building initially contained large meeting rooms, the traffic report clarifies that offices for administrative and resort employees totaling 70 will use the facility.

Very truly yours,

A handwritten signature in cursive script that reads "John Faramelli".

John Faramelli,
Community Development Administrator

8-BA-1997 Board of Adjustment Report



TO: BOARD OF ADJUSTMENT DATE: 7/02/97
FROM: COMMUNITY DEVELOPMENT
SUBJECT: CASE 8-BA-97

STAFF: Lisa Collins

REQUEST: Appeal from Zoning Administrator's interpretation of the zoning ordinance regarding the Paradise Valley Resort office building

LOCATION: 5225 N. Scottsdale Road

APPLICANT/OWNER: Brent Bieser, applicant

STAFF RECOMMENDATION: UPHOLD the interpretation of the Zoning Administrator for the reasons stated in the report.

CODE ENFORCEMENT ACTIVITY: N/A

PUBLIC COMMENT: A neighbor has requested, in accordance with Section 1.804 Appeals from Zoning Administrator's interpretation of the zoning ordinance, a hearing to appeal an interpretation. See attached appeal information and petition.

ZONE: The property is zoned service residential (S-R)

ORDINANCE REQUIREMENTS:

Section 1.202 Interpretation.

- A. The provisions of the zoning ordinance shall be interpreted by the Zoning Administrator
- B. The appeal of ordinance interpretations may be initiated by persons aggrieved who demonstrate to the Board of Adjustment substantial interest in the appeal or who receives a particular and direct impact from the interpretation which is distinguishable from the effects or impacts upon the general public.

Section 1.804. Appeals from Zoning Administrator's interpretation of the zoning ordinance. The Board shall hear appeals of interpretations of the zoning ordinance text made by the zoning administrator

Section 5.1103 (S-R) Service Residential Use regulations.
Buildings, structures or premises shall be used and structures shall hereafter be erected, altered or enlarged only for the uses listed in Section 5.1103. Use Regulations of the Scottsdale zoning ordinance.

DISCUSSION:

This request is for an appeal from the Zoning Administrator's interpretation of the zoning ordinance relating to uses permitted in the (S-R) service residential zoning district.

Property zoned service residential (S-R) is located on the northeast corner of Scottsdale Road and Vista Drive. The S-R zoning classification allows a variety of uses to provide administrative, clerical and professional offices of a residential scale and character to serve nearby residential and commercial areas as well as the city as a whole. In addition to the office uses, specific uses allowed include single and multiple family residential, limited retail, Churches and places of worship and day care centers.

The building on this S-R property is existing and the uses are business and professional office in accordance with the allowed uses in Section 5.1103 of the Scottsdale zoning ordinance. The property owner and user is the Paradise Valley Resort located immediately to the north. In addition to the primary office use, the resort will also use any existing excess parking areas for valet parking. Access will be provided through a break in the wall, which is permitted by the zoning ordinance but not required, separating the two properties.

Access to properties zoned S-R is permitted in accordance with Section 5.1104, G. Access, where secondary access is specifically permitted and requires Development Review Board approval if there is no frontage and access from a dedicated street. In this particular situation, there is existing primary access from Vista Drive. The secondary access, proposed as controlled access, is to the north through the resort property.

The Zoning Administrator has interpreted the use of the property at the northeast corner of Scottsdale Road and Vista Drive to be in accordance with the (S-R) service residential zoning district.

ATTACHMENTS: Application
 Applicant 's supporting documentation
 #1- Aerial Map
 #2- Vicinity Map
 #3- Zoning Map
 #4- Site Location Map
 #5- Site Plan



8-0H-47

CITY OF SCOTTSDALE
NOTICE OF APPEAL OF ADMINISTRATIVE DECISION

DATE 5-9-97

I acknowledge my right of appeal to the Board of Adjustment and request the Board to schedule my appeal of the above decision as provided under the terms of the Zoning Ordinance.

WK. 941-0840

PHONE Hm. 941-5413

Signature Brent M. Bieser

7317 E. Vista Drive
(Street Address)

Scottsdale, Az. 85250
(City, State, ZIP)

Representing Vista Bonita
Homeowners Association

7331 E. Vista Drive
(Street Address)

Scottsdale, Az. 85250
(City, State, ZIP)

.....
NOTE: An Appeal shall include: A description of the way it is alleged the Ordinance should be interpreted, together with diagrams, charts, plans, photos, etc., illustrating the erroneous and the proper application of the map or text provisions of the Ordinance, and a statement by the official giving his/her reasons for the interpretation of the Ordinance.
.....

TO: Brent M. Bieser

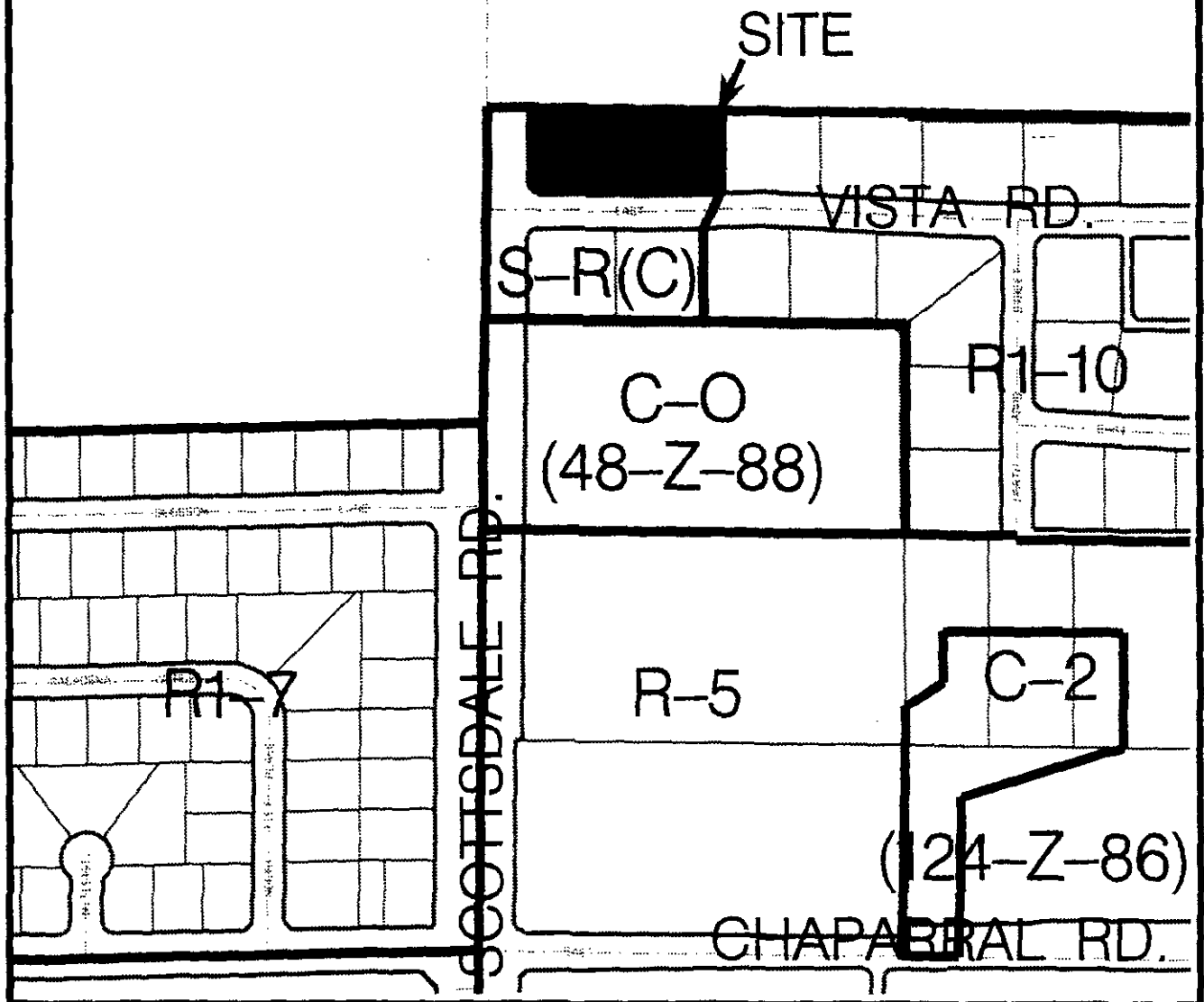
7317 E. Vista Drive

Scottsdale, Az. 85250

This is to notify you that the Board of Adjustment on _____, 19____
acted on the above matter and on amendments thereto approved by you, and voted to
DENY / GRANT the appeal, subject to:

Chairman of the Board

NOT IN SCOTTSDALE



8-BA-97

ATTACHMENT #3

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

DEAR BOARDMEMBERS,

PLEASE ACCEPT THIS NOTICE OF APPEAL OF ADMINISTRATIVE DECISION.

I WISH TO BRING TO THE BOARD'S ATTENTION A TROUBLING SITUATION THAT OUR SCOTTSDALE NEIGHBORHOOD HAS RECENTLY BECOME EMBROILED IN REGARDING THE RECENT PURCHASE AND RENOVATION BY THE DOUBLETREE PARADISE VALLEY RESORT OF THE OFFICE BUILDING ON THE NORTHEAST CORNER OF SCOTTSDALE ROAD AND VISTA DRIVE.

OUR NEIGHBORHOOD IS LOCATED TO THE EAST AND SOUTH OF THE RESORT AND IS COMPRISED OF ONE HUNDRED HOMES LOCATED IN SCOTTSDALE AND PARADISE VALLEY. VISTA DRIVE REPRESENTS OUR ONLY ACCESS TO THE REST OF THE CITY. THE OFFICE PROPERTIES, LOCATED AT THE INTERSECTION OF SCOTTSDALE ROAD AND VISTA DRIVE, ALSO REPRESENT THE ENTRANCE TO OUR COMMUNITY. NATURALLY, WE ARE EXTREMELY CONCERNED ANYTIME A PROPOSAL SURFACES THAT IMPACTS OUR NEIGHBORHOOD IN ANY WAY.

THE DOUBLETREE RESORT IS LOCATED IN PARADISE VALLEY WHILE THE OFFICE BUILDING IS LOCATED IN THE CITY OF SCOTTSDALE. THE COOPERATION BETWEEN THE CITIES ON THIS CONTROVERSIAL ISSUE APPEARS TO BE NON- EXISTENT AND THE ATTORNEYS REPRESENTING THE RESORT ARE PROPOSING DIFFERENT SCENARIOS TO EVERY PARTY THEY STAND BEFORE. UNFORTUNATELY THE SAFETY AND QUALITY OF OUR WONDERFUL NEIGHBORHOOD IS CAUGHT IN THE MIDDLE OF THIS STRANGE SITUATION.

AS PART OF A MULTI-MILLION DOLLAR RENOVATION TO THE RESORT PROPERTY IN PARADISE VALLEY, THE RESORT IS RELOCATING SEVERAL OF ITS UNDESIRABLE USES TO THE SCOTTSDALE OFFICE BUILDING PROPERTY. THE PURPOSE OF THE USE RELOCATION IS TO FREE UP VALUABLE RESORT AREA TO ENHANCE ITS PROFITABILITY BY ENLARGING THE CONFERENCE FACILITIES, RESTAURANT, GIFT SHOP AND LOUNGE. IN ADDITION TO INTERIOR IMPROVEMENTS, THE RESORT IS ALSO PROPOSING A DRIVEWAY PENETRATION THRU THE WALL THAT CURRENTLY SEPARATES THE RESORT PROPERTY FROM THE OFFICE BUILDING. BY CREATING THIS HOLE IN THE WALL AND DRIVEWAY, THE RESORT WILL BE ABLE TO FREE UP VALUABLE GUEST PARKING SPACES AT THE RESORT BY DUMPING ITS EMPLOYEE AND VALET PARKING ONTO THE OFFICE PROPERTY IN SCOTTSDALE.

IT IS IMPORTANT TO NOTE THAT THIS OFFICE BUILDING PROPERTY CURRENTLY ENJOYS A ZONING STATUS OF S-R (SERVICE RESIDENTIAL). SERVICE RESIDENTIAL ZONING REPRESENTS THE LIGHTEST COMMERCIAL ZONING THAT SCOTTSDALE OFFERS. S-R ZONING IS DESIGNED TO FUNCTION AS A BUFFER BETWEEN MORE INTENSE USES AND LOW DENSITY RESIDENTIAL COMMUNITIES. YOU WILL NOTE THAT SEVERAL OF THE ABOVE MENTIONED USES ARE ENTIRELY INCONSISTENT WITH THE INTENT AND SPIRIT OF THE S-R ZONING. A RESORT REPRESENTS A 24 HOUR-A-DAY, SEVEN DAY A WEEK INTENSE BUSINESS USE. ALLOWING THOSE USES, IN ANY FORM, TO SPILL ONTO A S-R ZONED PIECE OF PROPERTY IS INCOMPREHENSIBLE. OUR NEIGHBORHOOD, WHICH IS COMPRISED OF A COMBINATION OF SCOTTSDALE R1-10 RESIDENTIAL AS WELL AS ONE ACRE MINIMUM PARADISE VALLEY HOMES HAS VOICED ITS CONCERN BOTH VERBALLY, BY ATTENDING THE PARADISE VALLEY MEETINGS AS WELL AS BY PETITION, AS I HAVE PROVIDED WITH THIS PACKET.

SOMEHOW, THIS PROPOSAL WAS REVIEWED AND APPROVED ON NOTHING MORE THAN A STAFF LEVEL WITHIN THE CITY OF SCOTTSDALE PLANNING AND ZONING DEPARTMENT WHILE IT HAS GONE ALL THE WAY TO THE PARADISE VALLEY TOWN COUNCIL FOR APPROVAL. BY THE FACT THAT ALL THE DAMAGING USES ARE BEING PLACED IN SCOTTSDALE, IT WOULD SEEM THAT THIS PROPOSAL SHOULD HAVE BEEN REVIEWED ON AN EQUALLY HIGH LEVEL IN SCOTTSDALE. THIS PROPOSAL HAS BEEN REVIEWED BY NEITHER THE SCOTTSDALE DEVELOPMENT REVIEW BOARD, THE SCOTTSDALE PLANNING COMMISSION NOR THE SCOTTSDALE CITY COUNCIL. OUR COMMUNITY FINDS THIS FACT PARTICULARLY DISTURBING.

IT IS EXTREMELY IMPORTANT TO NOTE THAT ON APRIL 10, 1997, THE TOWN OF PARADISE VALLEY COUNCIL SPENT NEARLY THREE HOURS DISCUSSING HOW THE RESORT SHOULD USE A PIECE OF PROPERTY IN SCOTTSDALE. THE PARADISE VALLEY TOWN COUNCIL ENTHUSIASTICALLY APPROVED THE PROPOSAL WITH FOURTEEN STIPULATIONS. NEARLY HALF OF THOSE STIPULATIONS DEAL WITH USES THAT ARE CARRIED OUT IN THE CITY OF SCOTTSDALE. THE FEELING OF HELPLESSNESS WHILE WATCHING PARADISE VALLEY, IN ALL ITS ARROGANCE, DUMP ALL OVER OUR SCOTTSDALE COMMUNITY WAS SICKENING. OUR NEIGHBORHOOD IS LOOKING TO THE MEMBERS OF THE BOARD OF ADJUSTMENTS TO EXERCISE THIS IMPORTANT CORRECTION.

MAY 19, 1997

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

CONT.

OUR NEIGHBORHOOD IS EXTREMELY DISCOURAGED BY THE SCOTTSDALE PLANNING AND ZONING DEPARTMENT'S HANDLING OF THIS EXTREMELY COMPLEX AND CONTROVERSIAL PROJECT. CONSIDERING THE MULTI- JURISDICTIONAL STATUS OF THE RESORT PROPERTIES AS WELL AS THE NEIGHBORHOOD BEING DAMAGED, THIS SHOULD NEVER HAVE BEEN APPROVED ON JUST A STAFF LEVEL.

OUR NEIGHBORHOOD RESPECTFULLY REQUESTS THAT THE CITY OF SCOTTSDALE BOARD OF ADJUSTMENTS REVERSE THE DECISION MADE BY THE SCOTTSDALE STAFF AND DENY THE PROPOSED USE INTENSIFICATIONS APPROVED BY MR. JOHN FARAMELLI IN RESPONSE TO THE WRITTEN REQUEST MADE BY THE DOUBLETREE PARADISE VALLEY RESORT AND ITS REPRESENTATIVES. WE WOULD APPRECIATE ANY ASSISTANCE THAT THE BOARD CAN PROVIDE IN CORRECTING THIS DAMAGING INTERPRETATION.

THE PROPOSED USES THAT ARE PARTICULARLY OBVIOUS VIOLATIONS OF THE INTENT AND SPIRIT OF S-R (SERVICE RESIDENTIAL) ZONING INCLUDE:

1. RESORT GUEST CONFERENCE ROOMS. (3 ROOMS VARYING FROM 900 - 1500 SQUARE FEET)
2. RESORT EMPLOYEE PARKING.
3. RESORT VALET PARKING.
4. PENETRATION AND DRIVEWAY THROUGH THE WALL CONNECTING TWO PROPERTIES OF DIS-SIMILAR USE INTENSIFICATIONS.
5. PENETRATION AND DRIVEWAY THROUGH THE WALL CONNECTING TWO PROPERTIES OF DIFFERENT JURISDICTIONS.

IN ADDITION TO THE OBVIOUS ZONING VIOLATIONS OF THE RESORT PROPOSAL, THERE ARE THE NEGATIVE IMPACTS THAT THESE VIOLATIONS INVITE SUCH AS INCREASED TRAFFIC AND NOISE FROM RESORT AUTOMOBILE USES OCCURRING ON THE SCOTTSDALE PROPERTY AND SPILLING ONTO VISTA DRIVE. THE USE OF THE PARKING LOT FOR SEMI- TRAILERS AND LARGE TRUCKS IS ALSO OCCURRING AT THIS TIME. I AM ENCLOSEING PHOTOGRAPHS OF THESE HUGE TRUCKS BEING LEFT FOR EXTENDED PERIOD OF TIME ON THE OFFICE PARKING LOT. WE HAVE NOTICED A LONG TERM TRUCK STORAGE CONDITION OCCURRING WITH A LARGE FRIEGHT TRUCK BEING STORED ON THE OFFICE BUILDING PROPERTY FOR WEEKS AT A TIME.

OUR NEIGHBORHOOD WELCOMES USES CONSISTENT WITH THE CURRENT S-R ZONING AND WE ARE COUNTING ON THE CITY OF SCOTTSDALE TO EXERCISE PROPER ZONING MANAGEMENT WHEN REVIEWING ANY PROPOSAL THAT IMPACTS THIS PROPERTY.

OUR NEIGHBORHOOD HAS BEEN IN CONTACT WITH MEMBERS OF THE SCOTTSDALE CITY COUNCIL. I AM ENCLOSEING LETTERS PROVIDED TO ME BY COUNCILMEMBERS DENNIS ROBBINS AND MARY MANROSS AS WELL AS VICE MAYOR ROBERT PETTYCREW. EACH COUNCILMEMBER EXPRESSED THEIR CONCERNS FOR THE DIRECTION THAT THIS PROPOSAL WAS GOING AND THE NEGATIVE IMPACT THAT IT WOULD HAVE ON OUR NEIGHBORHOOD. THE COUNCILMEMBERS ASKED ME TO PRESENT THESE LETTERS TO THE PARADISE VALLEY TOWN COUNCIL IN AN ATTEMPT TO STOP THE RESORT'S PROPOSAL. THE COUNCILMEMBERS ARE ALSO EXTREMELY CONCERNED ABOUT THE STIPULATION THAT KEEPS ALL THE TAX BENEFITS OF THE RESORT RENOVATION IMPROVEMENTS IN PARADISE VALLEY WHILE DUMPING THE GARBAGE USES IN SCOTTSDALE.

PLEASE BE AWARE THAT THE RESORT IS ALREADY VIOLATING THE PARADISE VALLEY APPROVED STIPULATIONS, BUT THE NEIGHBORHOOD HAS NO IDEA WHO TO CONTACT AS FAR AS ENFORCEMENT.

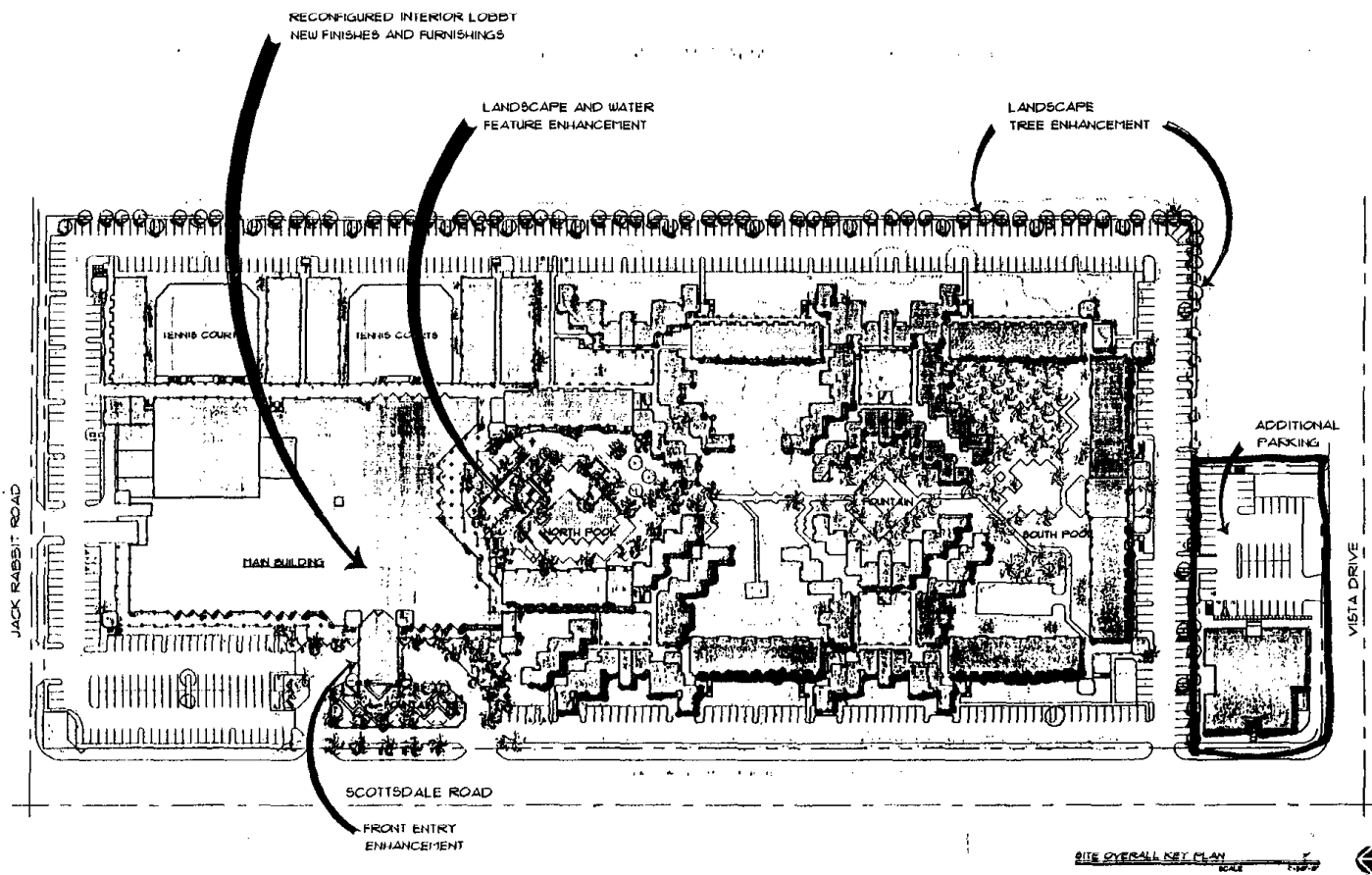
I AM ENCLOSEING SEVERAL CRITICAL DOCUMENTS TO ASSIST THE BOARD IN MAKING ITS DETERMINATION. I AM ALSO MARKING THE KEY SECTIONS OF THE SCOTTSDALE ORDINANCE THAT ARE CRITICAL REGARDING THE STAFF'S ZONING INTERPRETATIONS.

THANK YOU VERY MUCH FOR YOUR ATTENTION TO THIS EXTREMELY IMPORTANT ISSUE.

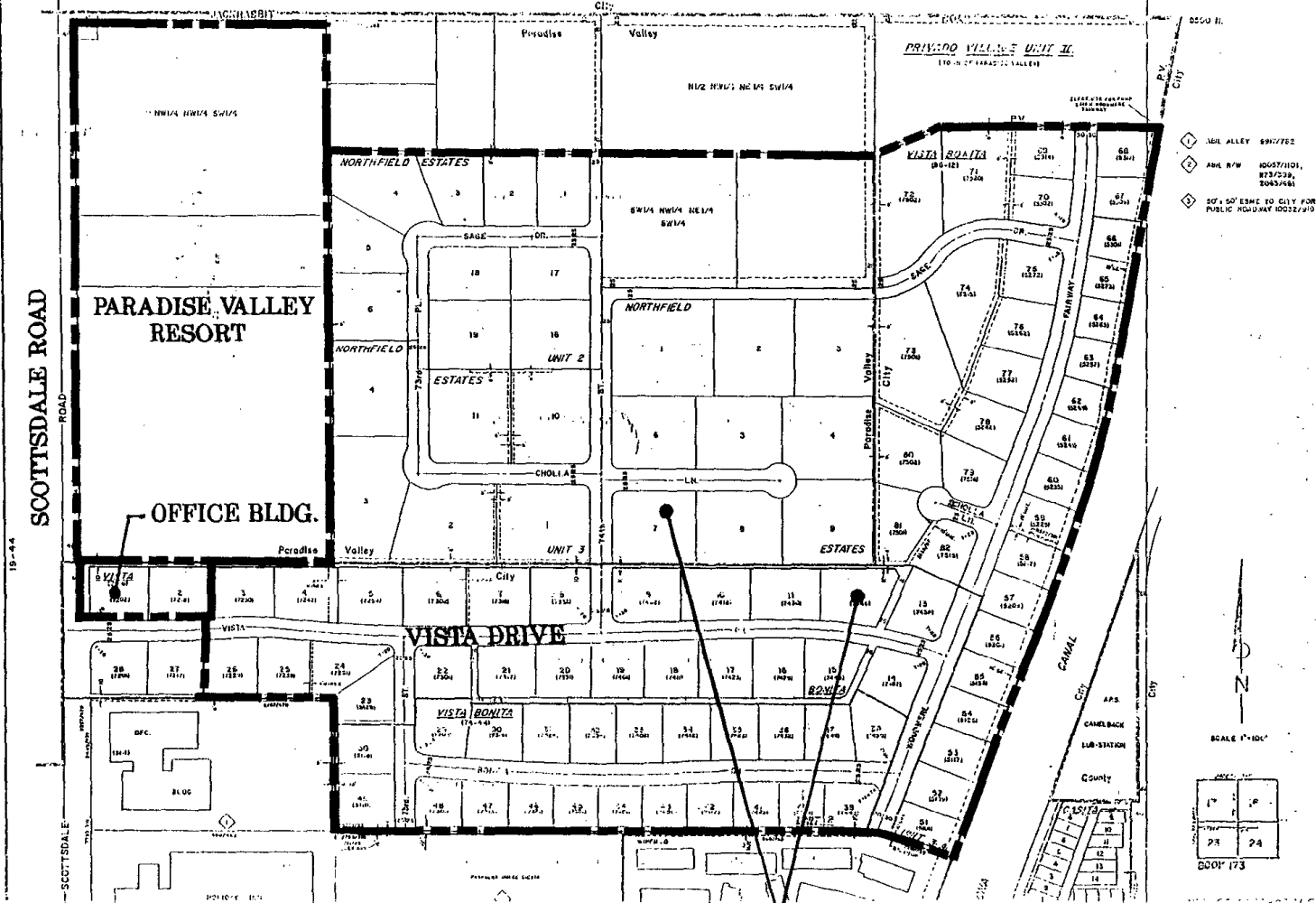
RESPECTFULLY,



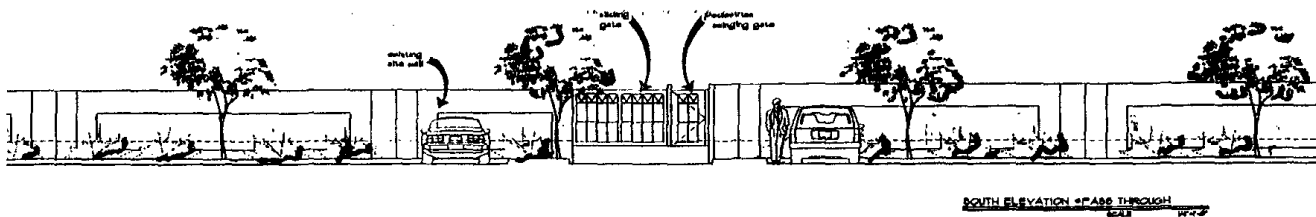
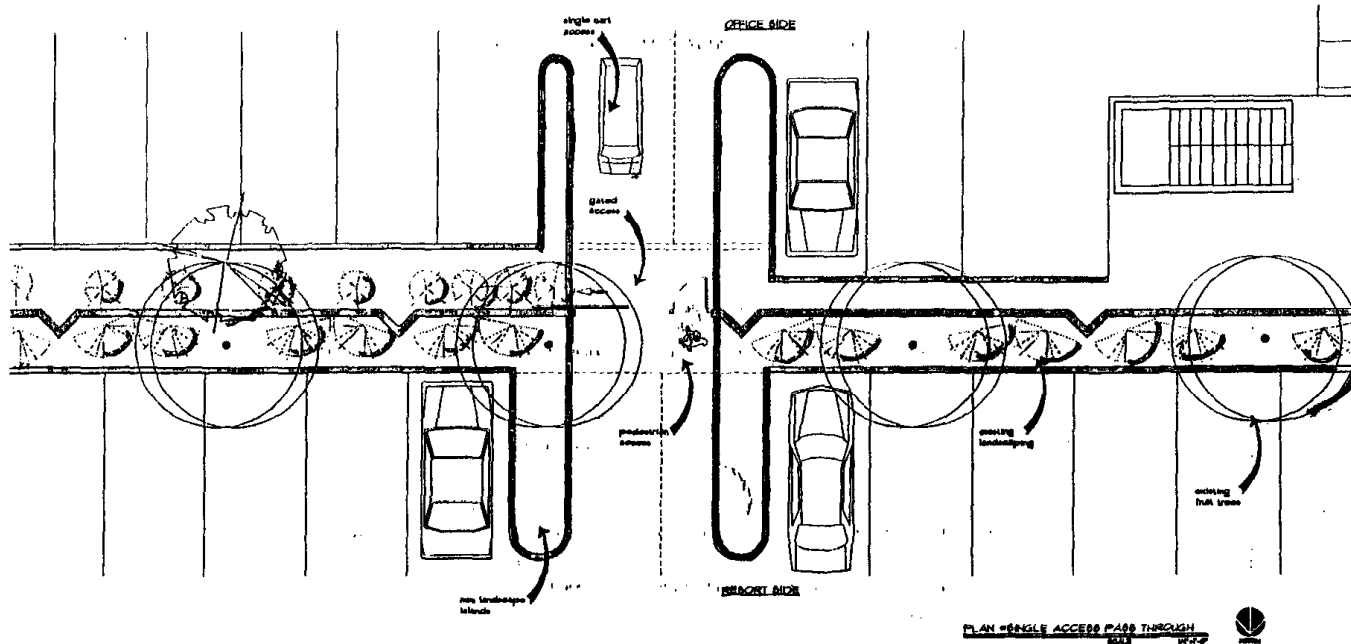
BRENT M. BIESER
7317 EAST VISTA DRIVE
SCOTTSDALE, ARIZONA 85250
HOME: 602-941-5413
OFFICE: 602-941-0840



JACKRABBIT ROAD



NEIGHBORHOOD BEING DAMAGED BY ZONING INTERPRETATION



M
R

ORDINANCE NO. 455

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, COMPREHENSIVELY AMENDING ORDINANCE NO. 147, AS AMENDED, ESTABLISHING LAND USE CLASSIFICATIONS; DIVIDING THE CITY INTO DISTRICTS; IMPOSING REGULATIONS, PROHIBITIONS AND RESTRICTIONS FOR THE PROMOTION OF HEALTH, SAFETY, CONVENIENCE AND WELFARE; GOVERNING THE USE OF LAND FOR RESIDENTIAL AND NONRESIDENTIAL PURPOSES; REGULATING AND LIMITING THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; LIMITING LOT OCCUPANCY AND THE SIZE OF YARDS AND OTHER OPEN SPACES; ESTABLISHING STANDARDS OF PERFORMANCE AND DESIGN; ADOPTING A MAP OF SAID LAND USE DISTRICTS; CREATING BOARDS AND DEFINING THE POWERS AND DUTIES OF SAID BOARDS; PRESCRIBING PROCEDURES FOR CHANGES OF DISTRICTS, CONDITIONAL USE PERMITS, VARIANCES, AND OTHER PERMITS; PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Ordinance No. 147 of the City of Scottsdale, as amended, is hereby comprehensively amended to read as follows; and the district map, as amended, is hereby comprehensively amended by Maps 1 and 2 dated June 17, 1969, which are incorporated herein and by this reference made a part hereof:

ARTICLE I. ADMINISTRATION AND PROCEDURES*

Sec. 1.100. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

Sec. 1.101. Purpose and title.

A. *Purpose:* The purpose this ordinance is to promote and protect the public health, safety, and

*Editor's note—Ord. No. 2830, § 1, adopted Oct. 17, 1995, amended art. I and incorporated the provisions of art. II into art. I. See the Code Comparative Table for a detailed analysis of this ordinance.

welfare of the citizens of the City of Scottsdale and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, as reflected in the General Plan.

B. *Title:* This ordinance may be cited as the "Zoning Ordinance of the City of Scottsdale". (Ord. No. 2830, § 1, 10-17-95)

Sec. 1.102. Severability.

Any provisions of this ordinance held to be invalid shall be ineffective to the extent of such invalidity without invalidating the remaining provisions of this ordinance. (Ord. No. 2830, § 1, 10-17-95)

Sec. 1.103. Conflict.

This ordinance is not intended to interfere with or abrogate or annul any easement, covenant or other agreement between parties. (Ord. No. 2830, § 1, 10-17-95)

Sec. 1.104. Zoning in newly annexed areas.

Unincorporated areas annexed by the City of Scottsdale may retain Maricopa County zoning until such time as city zoning is adopted by the City Council. City zoning shall be adopted within six (6) months from the effective date of the annexation. (Ord. No. 2830, § 1, 10-17-95)

Sec. 1.200. ZONING ADMINISTRATOR.

The Community Development Administrator, or such other city official as the City Manager may designate, shall serve as the Zoning Administrator. The Zoning Administrator may delegate to subordinate staff those duties assigned by the zoning ordinance to the Zoning Administrator. (Ord. No. 2830, § 1, 10-17-95)

Sec. 1.201. Enforcement.

The Zoning Administrator shall enforce this ordinance and the stipulations or conditions of zoning map amendments, conditional use permits, municipal use master plans, development review, abandonments, variances and subdivision

plats through the use of notices or orders as may be necessary for the purpose of enforcing compliance.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.202. Interpretation.

A. The provisions of this ordinance shall be interpreted by the Zoning Administrator. The Zoning Administrator shall respond in writing to written requests for ordinance interpretations within forty-five (45) days from the date of the written request, provided no building permits have been issued on the subject development. A record of the Zoning Administrator's responses shall be kept on file in the Planning and Development Department and shall be available for public review.

B. The appeal of ordinance interpretations by the Zoning Administrator may be initiated by any office, department, board or commission of the city, or by other person(s) aggrieved who demonstrates to the Board of Adjustment substantial interest in the appeal or who receives a particular and direct impact from the interpretation which is distinguishable from the effects or impacts upon the general public. The appeals shall be processed pursuant to Section 1.804.

C. When the provisions of this ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

D. The presumption established in this ordinance is all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. Therefore, as the use regulations set forth in each district cannot be all inclusive, those uses listed in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses. However, the use regulations shall not be interpreted to allow a use in one (1) zoning district which more closely relates to a use that is permissible in another zoning district. The Zoning Administrator shall interpret uses within each district.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.203. Inspections.

Inspections may be made by the Zoning Administrator.

If such inspection reveals that any property or portion of a project is not in compliance with the requirements of the applicable ordinances and codes, the Zoning Administrator shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.204. Rules.

For carrying into effect the provisions of this ordinance, the Zoning Administrator may adopt rules consistent with this ordinance.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.205. Records.

The Zoning Administrator shall keep records of applications received, permits issued, inspections made, reports rendered and notices or orders issued.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.206. Processing of development applications.

The Zoning Administrator shall process the following development applications:

General Plan amendments, zoning district map amendments, zoning ordinance text amendments, conditional use permits, municipal use master site plan approvals, abandonments; development review, variances, conditional use permits, revocations and subdivision plats.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.600. PLANNING COMMISSION.**Sec. 1.601. Powers of the Planning Commission.**

The Planning Commission shall hold public hearings as required by law and make recommendations to the City Council on all matters concerning or relating to General Plan amendments, zoning district map amendments, zoning ordinance text amendments, conditional use permits, municipal use master plans and abandonments and any other matters within the scope of the planning and zoning powers available to cities in Arizona. The Planning Commission acts as an advisory board to the City Council on land use and zoning matters. The Planning Commission is also authorized to confer with other advisory commissions.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.602. Organization.

There is hereby created a Planning Commission.

A. The Planning Commission shall consist of seven (7) members who shall be appointed by the City Council. The length of term and other conditions of appointment are set forth in Section 2-241 of the Scottsdale Revised Code. The members of the Planning Commission shall serve without compensation.

B. The Planning Commission may adopt rules and by-laws as it deems necessary for matters relative to its work and administration of its duties.

(Ord. No. 2830, § 1, 10-17-95)

Charter reference—Boards, commissions, etc., art. 5, § 1 et seq.

Sec. 1.603. Election of officers.

The Planning Commission shall elect its own chairman and vice-chairman. The secretary to the Zoning Administrator shall serve as the secretary of the Planning Commission. The Zoning Administrator shall sign all reports and recommendations to the City Council and, when desired, furnish the council with the facts as to the adoption of any such report or recommendation and

particularly with reference to the number of members of the Planning Commission who participated at the meeting at which any such report or recommendation was authorized, and such other information as to the work of the Planning Commission as the City Council may request.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.604. Planning Commission hearings; report to City Council.

All development applications for General Plan amendments, zoning map amendments, zoning ordinance text amendments, conditional use permits, municipal use master plans and abandonments shall first be submitted to the Planning Commission. The Planning Commission shall hold a public hearing in relation to the proposed development application at which citizens shall have an opportunity to be heard. The Planning Commission shall then make a recommendation to the City Council.

The City Council or City Manager may submit other proposed city policies related to the General Plan to the Planning Commission on which to hold a public hearing and to make a recommendation to the City Council.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.605. Hearing and notice of Planning Commission meetings for zoning map amendments, zoning ordinance text amendments, conditional use permits, municipal use master plans and abandonments.

The notice of Planning Commission meetings shall include the date, time and place of the meeting, general explanations of the matters to be considered and general descriptions of the areas affected. Such notice shall be given at least fifteen (15) days before the hearing in the following manner:

A. The notice shall be published at least once in a newspaper of general circulation published or circulated in the City of Scottsdale. If there is no such newspaper, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten (10) public

major amendment to an existing General Plan is being considered, the Planning Commission shall hold two (2) or more public hearings at different locations within the city. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by:

- A. Publication at least once in a newspaper of general circulation published or circulated in the city, or if there is none, the notice shall be posted in at least ten (10) public places in the city.
- B. Such other manner in addition to publication as the city may deem necessary or desirable.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.607. Action of Planning Commission.

Upon completion of the public hearing on a development application, the Planning Commission shall within fifteen (15) days of its public hearing transmit a copy of its findings and recommendations to the applicant and the City Council. The report of the Planning Commission shall be numbered consecutively in the order of filing and become a permanent record of the Planning Commission and the City Clerk.

- A. The findings of the Planning Commission on a zoning map amendment shall include a determination that the proposed zoning map amendment is consistent with the adopted General Plan.
- B. The findings of the Planning Commission on a conditional use permit shall be pursuant to Section 1.401.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.608. Failure of Planning Commission to report on a development application.

The Planning Commission shall report to the City Council on development applications within ninety (90) days after the filing of the application. The reports shall be a recommendation of approval, denial or continuance. If after twelve (12)

months after the filing of the application the Planning Commission has not forwarded a recommendation for approval or denial, the City Council may direct the Planning Commission to recommend either approval or denial within a time period specified by the City Council.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.700. CITY COUNCIL.

Sec. 1.701. Powers of the City Council.

The City Council shall hold public hearings as required by law on all matters concerning or relating to General Plan amendments, zoning district map amendments, zoning ordinance text amendments, conditional use permits, municipal use master plans, abandonments, and appeals from Development Review Board.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.702. Hearing and notice of City Council meetings.

A. After the Planning Commission has held a public hearing on a zoning map amendment, text amendment, conditional use permit, municipal use master plans or abandonment application, the City Council may adopt the recommendation of the Planning Commission without soliciting public testimony if there is no objection, no request for public hearing, nor other protests. The City Council shall hold a second public hearing if requested by any party aggrieved, by any member of the public or by the City Council.

B. Notice of the time and place of the City Council hearing per Section 1.702.A. shall be given in the time and manner provided for notice of the hearing by the Planning Commission pursuant to Section 1.605. In addition, the city may give notice of the hearing in such other manner as it may deem necessary or desirable.

C. The City Council shall hold at least one (1) public hearing before adopting the General Plan or any General Plan amendment. Notice of the time and place of the hearing shall be given in the time and manner provided for notice of the hearing by the Planning Commission pursuant to Section 1.606.

(Ord. No. 2830, § 1, 10-17-95)

ment extending one hundred fifty (150) feet from the dedicated street frontage of the opposite lots.

(Ord. No. 2495, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.800. BOARD OF ADJUSTMENT.

Sec. 1.801. Powers of the Board of Adjustment.

The Board of Adjustment shall hear all applications for variances from the provisions of this ordinance. The Board shall determine when exceptional or extraordinary conditions exist that will cause an unnecessary hardship not created by the applicant or property owner. The Board shall also hear appeals from the Zoning Administrator's interpretation of the zoning ordinance and revocations of conditional use permits. (Ord. No. 2830, § 1, 10-17-95)

Sec. 1.802. Organization.

There is hereby created a "Board of Adjustment".

A. The Board shall consist of seven (7) members who shall be appointed by the City Council. The length of and other conditions of appointment are set forth in Section 2-241 of the Scottsdale Revised Code. The members of the Board of Adjustment shall serve without compensation.

B. The Board of Adjustment may adopt rules and by-laws as it deems necessary for matters relative to its work and administrative duties.

(Ord. No. 2830, § 1, 10-17-95)

Charter reference—Boards, commissions, etc., art. 5, § 1 et seq.

Sec. 1.803. Hearing and notice of Board of Adjustment meetings.

Upon receipt in proper form of an application, the Board of Adjustment shall proceed to hold a public hearing upon said application not more than sixty-five (65) days, nor less than fifteen (15) days after such filing, at which time all persons shall be given an opportunity to be heard. The date, time and place of the Board of Adjustment

meeting shall be published in a newspaper of general circulation in the City of Scottsdale and shall be posted on the property which is the subject of the application included in the request. Both such publication and posting shall not be less than fifteen (15) days before the hearing. The notices shall describe the nature of the variance, appeal or conditional use permit revocation requested.

(Ord. No. 2332, 2-5-91; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.804. Appeals from Zoning Administrator's interpretation of the zoning ordinance.

The Board shall hear appeals of interpretations of the zoning ordinance text made by the Zoning Administrator. The Board of Adjustment shall determine those matters over which it has jurisdiction.

1. An appeal shall stay all proceedings in the matter appealed from, unless the Zoning Administrator from whom the appeal is taken, certifies in writing to the Board the stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the Zoning Administrator from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof.

2. Pursuant to Section 1.803, a vote of a majority of all the members of the Board shall be necessary to reverse any interpretation of the Zoning Administrator.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.805. Findings.

1. A variance from the provisions of this ordinance shall not be authorized unless the Board shall find upon sufficient evidence:

A. That there are special circumstances or conditions applying to the land, building or use referred to in the application which do not apply to other properties in the district; and

- B. That such special circumstances were not created by the owner or applicant; and
- C. That approval of the variance is necessary for the preservation and enjoyment of substantial property rights; and
- D. That approval of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

2. The Board of Adjustment may not make any changes in the uses permitted in any zoning classification.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.806. Action of the Board of Adjustment.

The Board may prescribe in connection with any variance such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this ordinance. Violation of any such condition shall be a violation of this ordinance and such violation shall render the variance null and void. The concurring vote of a majority of all the members of the Board shall be necessary to pass or affect any variance from the terms and conditions of this ordinance, any appeal of administrative decision or revocation of a conditional use permit.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.807. Conditional use permit revocation.

A. The Zoning Administrator may recommend to the Board of Adjustment and the Board may effect revocation of a conditional use permit upon a finding of:

- 1. A material change in the conditional use without an amendment; or
- 2. Material noncompliance with the conditions prescribed upon issuance of the conditional use permit or with representations by the permittee as to the nature of the conditional use to be conducted; or

- 3. Operation of the conditional use in such a manner as to cause a substantial detrimental impact on neighboring persons or property; or

B. A revocation hearing shall be conducted by the Board of Adjustment following the notice and hearing procedures of Section 1.803.

C. The conditional use permit shall be revoked if four (4) of the Board of Adjustment members find that one (1) or more of conditions set forth above in paragraph A. of this section has occurred.

D. The decision of the Board of Adjustment may be appealed as provided in Section 1.808 of this ordinance.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.808. Appeals of Board of Adjustment decisions.

Any person aggrieved by a decision of the Board of Adjustment, or any taxpayer, city officer or department affected by a decision of the Board, may appeal the Board's decision to the Superior Court at any time within thirty (30) days after the Board has rendered its decision.
(Ord. No. 2332, 2-5-91; Ord. No. 2820, § 1, 8-1-95; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.809. Expiration of approval.

A variance shall be considered void if the use has not commenced or a building permit has not been issued within one (1) year from the date of the Board of Adjustment's decision, or within any other time frame stipulated by the Board of Adjustment. Extensions of approval may be granted by the Board. Such requests for extension shall be processed pursuant to Section 1.300.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.900. DEVELOPMENT REVIEW BOARD.

Sec. 1.901. Purpose.

The purpose of the Development Review Board is to review all aspects of a proposed development including, but not limited to, site planning and the relationship of the development to the sur-

rounding environment and the community. The Development Review Board recognizes the interdependence of land values, aesthetics and good site planning, for it is a well-known fact that Scottsdale's economic and environmental well-being depends a great deal upon the distinctive character and natural attractiveness which contribute substantially to its potential as a recreational resort area and regional trade center. Development review is intended to enrich the lives of all the citizens of Scottsdale by promoting harmonious, safe, attractive and compatible development, and is therefore considered to be in furtherance of public health, safety and general welfare.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.902. Powers of the Development Review Board.

A. The Development Review Board shall have the power to approve, conditionally approve, or disapprove all applications for development review and make recommendations on municipal site plans and on public art (as required in Section 1.905.A.3) basing its decision on the criteria as set down in Section 1.904 and, where applicable, the consistency of plats with the purposes of the ESL regulations in Section 7.810. Decisions of the Development Review Board are subject to City Council review or appeal.

B. It shall be the responsibility of the applicant to prove that the intent and purpose established in Section 1.901 will be accomplished.

C. The Development Review Board, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this ordinance. Violation of any such condition shall be a violation of this ordinance and such violation shall render any related permit null and void.

D. Prior to the development, construction, remodel, change or alteration of any proposed or existing development within a zoning district subject to development review, the property owner or agent shall secure approval of the Development Review Board.

(Ord. No. 2301, § 1, 7-17-90; Ord. No. 2305, § 1, 2-19-91; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.903. Organization.

There is hereby created a Development Review Board.

A. The Development Review Board shall consist of seven (7) members. The membership shall consist of a City Council member; a Planning Commission member; five (5) public members, three (3) of whom shall be architects, landscape architects, environmental scientists or persons otherwise qualified by design background training, or experience; and two (2) of whom shall be land developers, builders, or contractors.

B. The five (5) public members of the Development Review Board shall be appointed by the City Council. The length and term and other conditions of appointment are set forth in Section 2-241 of the Scottsdale Revised Code. The City Council member and the Planning Commission member shall serve three-month revolving terms. The five (5) public members shall serve without compensation.

C. The Development Review Board may adopt by-laws and rules as it deems necessary for matters relative to its work and administration of its duties.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 2830, § 1, 10-17-95)

Charter reference—Boards, commissions, etc., art. 5, § 1 et seq.

Sec. 1.904. Criteria.

In considering any application for development review approval, the Development Review Board shall be guided by the following criteria:

A. The Board shall examine the application to insure that all provisions of this ordinance and all other ordinances, master plans, General Plans and standards of the City of Scottsdale shall be complied with where applicable.

B. The proposed development shall not have any detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood; or shall not be detrimental or injurious to the neighborhood.

- C. The proposed development shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood.
- D. The height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the development, the neighborhood and the community.
- E. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.
- F. The architectural character of the proposed structure shall be in harmony with, and compatible to, those structures in the neighboring environment, and the architectural character adopted for any given area, avoiding excessive variety or monotonous repetition.
- G. All mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.
- H. The architectural character of a development shall take cognizance of the unique climatological and other environmental factors of this region and promote an indigenous architectural feeling.
- I. Within the environmentally sensitive land (ESL) district, the site planning, landscaping, and all buildings and structures except single family detached homes shall be designed and reviewed in accordance with the recommendations and guidelines in the environmentally sensitive lands ordinance, Section 7.800.
- J. Within the H-P district, special cognizance shall be taken of any unique or characteristic architectural features, including, but not limited to, building height, size, shape, color, texture, setback or architectural detail.
- K. Within the downtown district, building designs shall reflect the urban character and pedestrian orientation of the area.

L. Within the downtown district, building designs shall reflect traditional or southwestern design vernaculars, break the overall massing into smaller elements, express small scale detailing, and recess fenestrations.

M. Within the downtown district, the Board shall review projects for conformance with specific design guidelines embodied in administrative regulations, as authorized by the Zoning Administrator.
(Ord. No. 2305, § 1, 2-19-91; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.905. Findings.

A. The Development Review Board may approve, with or without conditions, a development or portion thereof, if it finds the development application complies with all provisions of master plans and the General Plan where applicable.

B. The Development Review Board may deny a total development, or a portion of a development, if they find that any conditions of this article, the General Plan, or the development policies and standards of the City of Scottsdale have not been complied with.

C. The Development Review Board shall recommend to the Scottsdale Cultural Council approval, conditional approval or denial of public art applications. These recommendations shall be limited to the site plan and setting as it pertains to existing ordinances and compatibility with the overall design theme of the city building, project or right-of-way.
(Ord. No. 1950, § 1, 7-6-87; Ord. No. 2034, § 1, 7-19-88; Ord. No. 2287, § 1, 6-5-90; Ord. No. 2301, § 1, 7-17-90; Ord. No. 2663, § 1, 6-6-94; Ord. No. 2830, § 1, 10-17-95)

Sec. 1.906. Zoning Administrator review of minor applications.

The Zoning Administrator shall have the authority to approve minor development applications to the Development Review Board. The Zoning Administrator shall have the discretion to determine if a development application is minor. The applications may include, but not be limited to, exterior finish and color changes, minor additions, landscaping, signs and/or site plan review.

sions which do not result in a reduction of any development standard and do not significantly alter the character established with the original Development Review Board approval. Appeals filed by the applicant of conditions of administrative approvals or administrative denials of minor cases shall be heard by the Development Review Board.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.907. Appeals of Development Review Board decisions.

A. The approval, with or without conditions, or denial by the Development Review Board of an application shall be final unless within twenty (20) days from the date of the Board's decision the applicant shall appeal the decision in writing to the City Council. Such appeal shall be submitted to the City Clerk and shall include a brief statement of the grounds of the appeal and the relief requested. The appeal shall be processed pursuant to Section 1.907.C.

B. The City Council shall have the right and prerogative to initiate its own review of any decision of the Development Review Board and shall uphold, modify or over-rule said decision. Notice of such council-initiated review of any decision of the Development Review Board shall be given to the applicant by the City Clerk within twenty (20) days after action upon the application in question or the decision of the Development Review Board shall be deemed to be final and binding upon the City of Scottsdale. Such notice shall be considered the first City Council hearing held regarding the appeal. The second City Council hearing held regarding the appeal shall be processed pursuant to Section 1.907.C.

C. The City Clerk shall schedule the appeal for a City Council agenda, not more than forty (40) nor less than fifteen (15) days following submittal of the appeal. The City Council at its meeting, shall uphold, modify, or over-rule the decision of the Development Review Board. The decision of the City Council shall be final.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.908. Expiration of approval.

1. The approval of plans for development shall expire and become null and void one (1) year from

the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of Development Review Board approval.

2. A one-time extension of approval for up to one (1) year may be granted by the Zoning Administrator if the applicant files for the extension prior to the approval becoming void.
(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.909. Enforcement.

1. Prior to the issuance of a building permit within any district subject to development review, the Planning and Development Department shall ascertain that the Development Review Board has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this ordinance or the Development Review Board have not lapsed.

2. The Zoning Administrator shall insure that all matters approved by the Development Review Board are undertaken and completed according to the approval of the Development Review Board and is hereby authorized to cause to be stopped any work attempted to be done without or contrary to the approval of the Development Review Board and may issue civil complaint pursuant to Section 1.1304.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.1000. BUILDING PERMITS.

Sec. 1.1001. When required.

It shall be unlawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the Zoning Administrator an application in writing and obtaining a formal permit.

(Ord. No. 2830, § 1, 10-17-95)

Sec. 1.1002. Partial approvals.

Nothing in this section shall be construed to prevent the Zoning Administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

DEAR BOARDMEMBERS,

BELOW IS THE TIMELINE OF HOW THIS PROPOSAL HAS PROCEEDED THROUGH BOTH JURISDICTIONS TO THE BEST OF MY KNOWLEDGE.

FEBRUARY 23, 1996

LESLIE HIMES, A JUNIOR PLANNER FROM THE CITY OF SCOTTSDALE, SIGNS A LETTER FOR THE LAW FIRM OF STREICH LANG INDICATING THAT THERE ARE NO REQUIREMENTS BY THE CITY OF SCOTTSDALE PERTAINING TO APPROVING A TWO-WAY UNRESTRICTED DRIVEWAY CONNECTING THE RESORT PROPERTY TO THE S-R- ZONED OFFICE PROPERTY. (LETTER ATTACHED).

FEBRUARY, 1997

NEIGHBORHOOD RECEIVES FIRST NOTICE OF MEETING OF PARADISE VALLEY PLANNING COMMISSION TO DISCUSS PROPOSAL BY RESORT.

MARCH 4, 1997

DOUBLETREE PARADISE VALLEY RESORT'S ATTORNEYS REQUEST APPROVAL OF PROPOSAL TO RENOVATE THE RESORT AND PROVIDE DRIVEWAY ACCESS THROUGH WALL TO SCOTTSDALE OFFICE BUILDING. PLANNING COMMISSION VOTES TO CONTINUE CASE TO MARCH 18, 1997 DUE TO LACK OF PREPARATION BY THE RESORT AND CONSIDERABLE DISAPPROVAL BY THE NEIGHBORS TO THE PROPOSAL.

MARCH 10, 1997

RESORT REPRESENTATIVES MEET WITH MEMBERS OF THE McDOWELL WATER COMPANY TO DISCUSS IMPACT OF THE PROPOSED DRIVEWAY ON THE FIFTY YEAR OLD CONCRETE IRRIGATION WATER LINES THAT SURROUND THE RESORT PROPERTY AND ARE LOCATED IN THE CITY OF SCOTTSDALE. RESORT IS INFORMED THAT THE McDOWELL WATER COMPANY IS OPPOSED TO THE DRIVEWAY OVER ITS WATER LINE DUE TO A HISTORY OF DAMAGE THE RESORT HAS INFLICTED ON THE WATERLINES IN THE PAST AND THE LACK OF RESPONSIVENESS ON THE PART OF THE RESORT.

MARCH 11, 1997

DURING A RESEARCH TRIP TO THE CITY OF SCOTTSDALE RECORDS DEPARTMENT, THE NEIGHBORHOOD DETERMINES THAT THE CITY OF SCOTTSDALE PLANNING DEPARTMENT HAS APPROVED THE INTERIOR RENOVATION OF THE OFFICE BUILDING TO INCLUDE THREE LARGE CONFERENCE ROOMS FROM APPROXIMATELY 900 TO 1500 SQUARE FEET EACH. CITY-PLANNER CARLOS LUJAN DETERMINES THAT A ERROR HAS BEEN MADE IN APPROVING THE CONFERENCE ROOM USES ON AN S-R ZONED PROPERTY AND IMMEDIATELY ISSUES AN INSPECTION STOP ON THE JOB THROUGH THE SCOTTSDALE INSPECTION SERVICES DEPARTMENT. (STOP ORDER ATTACHED).

MARCH 12, 1997

DOUBLETREE RESORT HOLDS NEIGHBORHOOD MEETING TO PROPOSE REVISED DRIVEWAY ACCESS BETWEEN THE RESORT AND THE OFFICE PROPERTY. RESORT ALSO MAKES FIRST INDICATION OF PROPOSAL TO USE THE OFFICE PARKING LOT FOR RESORT VALET PARKING. OUR NEIGHBORHOOD REMAINS OPPOSED TO WALL PENETRATION AND INCREASED OFFICE PROPERTY USES. NEIGHBORHOOD BECOMES AWARE FOR THE FIRST TIME OF THE DAMAGING LETTER PROVIDED BY LESLIE HIMES TO THE PARADISE VALLEY RESORT.

MARCH 18, 1997

TOWN OF PARADISE VALLEY PLANNING COMMISSION APPROVES OF THE PROPOSAL WITH THE ADDITION OF FIFTEEN STIPULATIONS AND FORWARDS THE PROPOSAL TO THE TOWN COUNCIL. SEVERAL NEIGHBORS VOICE CONCERNS OVER THE PROPOSAL AND THE RESORT'S HISTORY OF DISREGARD FOR PARADISE VALLEY REGULATIONS.

MARCH 20, 1997

JOHN HARPER, PRESIDENT OF VISTA BONITA HOMEOWNERS ASSOCIATION, AND BRENT BIESER HAVE A MEETING WITH JOHN FARAMELLI AND VOICE OUR DISAPPROVAL WITH THE PROPOSED USE INTENSIFICATIONS ON THE S-R ZONED OFFICE PROPERTY. WE ALSO SHARE OUR CONCERN THAT THE PROJECT NEVER WENT BEFORE ANY PUBLIC FORUM FOR REVIEW WITHIN THE CITY OF SCOTTSDALE.

MARCH 21, 1997

LETTER FROM STEVE EARL OF EARL, CURLEY & LEGARDE SENT TO JOHN FARAMELLI REQUESTING ADDITIONAL LETTER FROM CITY OF SCOTTSDALE APPROVING THE INTENSIFICATIONS ON THE OFFICE PROPERTY WITH THE CLARIFICATION THAT THE CONFERENCE ROOMS WILL NOT BE USED FOR GUEST CONFERENCE USES.

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

MARCH 21, 1997

LETTER SENT TO JOHN FAREMELLI EXPRESSING GRATITUDE FOR MEETING WITH MEMBER OF OUR COMMUNITY AND RECONFIRMING OUR OPPOSITION TO THE USE INTENSIFICATIONS ON THE OFFICE PROPERTY. (LETTER ATTACHED)

MARCH 28, 1997

JOHN FAREMELLI SENDS LETTER TO STEVE EARL APPROVING THE USE INTENSIFICATIONS AS REQUESTED IN MR. EARL'S LETTER AND CLARIFYING THAT THE CONFERENCE ROOMS CANNOT BE USED FOR GUEST CONFERENCE USES. (LETTER ATTACHED).

APRIL 1, 1997

MEETING WITH JOHN FAREMELLI AND LISA COLLINS TO DISCUSS PROPOSAL AND SUGGESTION OF SEVERAL STIPULATIONS IN THE EVENT THAT THE WALL PENETRATION AND DRIVEWAY CANNOT BE HALTED.

APRIL 9, 1997

LISA COLLINS SENDS A LETTER TO BRENT BIESER REGARDING THE PROPOSED STIPULATION SUGGESTIONS. LETTER PROVES OF LITTLE VALUE IN ATTEMPT TO ADDRESS TANGIBLE CONCERNS OF THE NEIGHBORHOOD AND THE PROPOSED INTENSIFICATIONS ON THE PROPERTY. MS. COLLINS INDICATES THAT THE CITY ARRIVED AT ITS DECISION BASED ON A TRAFFIC STUDY PRODUCED BY A CONSULTANT THAT WAS PAID BY THE RESORT.

APRIL 9, 1997

LETTER RECEIVED BY BRENT M. BIESER FROM CITY COUNCILMAN DENNIS ROBBINS SHARING CONCERN FOR THE DIRECTION OF THE PROPOSAL AND THE IMPACT ON OUR SCOTTSDALE NEIGHBORHOOD. COUNCILMAN ROBBINS SUGGESTS SHARING LETTER AT PARADISE VALLEY TOWN COUNCIL MEETING. (LETTER ATTACHED).

APRIL 10, 1997

LETTER RECEIVED BY BRENT M. BIESER FROM VICE MAYOR ROBERT PETTYCREW AND COUNCILWOMAN MARY MANROSS SHARING CONCERN FOR THE DIRECTION OF THE PROPOSAL AND THE IMPACT ON OUR SCOTTSDALE NEIGHBORHOOD. BOTH COUNCILMEMBERS STRONGLY SUGGEST INTRODUCING THE LETTER TO PARADISE VALLEY TOWN COUNCIL AS A MEANS OF STOPPING THE DAMAGING EFFECTS OF THE PROPOSAL IN THE CITY OF SCOTTSDALE. (LETTER ATTACHED).

APRIL 10, 1997

PARADISE VALLEY TOWN COUNCIL DISCUSSES FOR THREE HOURS HOW TO HANDLE THE USES ON THE CITY OF SCOTTSDALE OFFICE PROPERTY. THE TOWN COUNCIL THEN APPROVES THE PROPOSAL WITH FOURTEEN STIPULATION INCLUDING A NEW STIPULATION THAT FUNNELS ALL THE RESORT TAX REVENUES TO THE TOWN OF PARADISE VALLEY.

APRIL 22, 1997

LETTER FAXED TO COUNCILWOMAN JANE COLE OF PARADISE VALLEY EXPRESSING CONCERN FOR THE WORDING OF THE STIPULATIONS DIFFERENT FROM THOSE DISCUSSED BY THE COUNCIL. ITEMIZED LIST SENT TO COUNCILWOMAN COLE INDICATING ERRORS. (LETTER ATTACHED).

APRIL 24, 1997

PARADISE VALLEY TOWN COUNCIL APPROVES STIPULATIONS AS REWRITTEN BY TOWN ATTORNEY JILL KENNEDY. REWORDING OF STIPULATIONS BY MS. KENNEDY PROVES EVEN MORE DAMAGING THAN THE STIPULATIONS AS DISCUSSED BY THE TOWN COUNCIL AT THE APRIL 10 MEETING.

MAY 6, 1997

FINAL WORDING OF PARADISE VALLEY STIPULATIONS RECEIVED BY BRENT M. BIESER. (STIPULATIONS ATTACHED).

MAY 6, 1997

BRENT M. BIESER STANDS BEFORE SCOTTSDALE CITY COUNCIL AND INFORMS COUNCIL BRIEFLY ABOUT THE CASE IN THE THREE MINUTE ALLOTTED PERIOD OF TIME. CITY ATTORNEY FREDDA BISMAN SUGGESTS FILING AN APPEAL TO THE BOARD OF ADJUSTMENTS REGARDING THE STAFF'S APPROVAL. PACKET OF INFORMATION IS PROVIDED TO SCOTTSDALE CITY COUNCIL IN ADDITION TO A NEIGHBORHOOD PETITION THAT HAD BEEN CIRCULATED IN THE DAYS BEFORE THE PARADISE VALLEY TOWN COUNCIL HEARING. (PACKET ATTACHED)

MAY 9, 1997

APPEAL OF ADMINISTRATIVE DECISION FILED AND DATE STAMPED AT THE SCOTTSDALE CITY CLERK'S OFFICE.

NEIGHBORHOOD PETITION

DEAR NEIGHBORS,

AS MOST OF YOU ARE AWARE, THE DOUBLETREE PARADISE VALLEY RESORT HAS RECENTLY PURCHASED AND NEARLY COMPLETED REMODELING OF THE FORMER DEAN WITTER BUILDING ON THE NORTHEAST CORNER OF SCOTTSDALE ROAD AND VISTA DRIVE. THE RESORT'S PLANS CALL FOR SEVERAL PROPOSALS THAT CAN CAUSE SUBSTANTIAL IMPACT TO THE ENTRANCE OF OUR COMMUNITY. THE PROPOSALS THAT CAN CREATE THE MOST DAMAGE INCLUDE:

1. A VEHICULAR DRIVEWAY THROUGH THE EXISTING WALL SEPARATING THE RESORT PROPERTY FROM THE OFFICE BUILDING PROPERTY.
2. VALET PARKING FOR RESORT GUESTS ON THE OFFICE BUILDING SURFACE PARKING LOT.
3. EMPLOYEES OF THE RESORT FACILITY UTILIZING THE OFFICE BUILDING PARKING SPACES.
4. CONFERENCE ROOMS IN THE OFFICE BUILDING FOR USE BY GUESTS OF THE RESORT.

EACH OF THESE PROPOSALS LISTED REPRESENT A VIOLATION OF THE INTENT AND SPIRIT OF THE CURRENT ZONING THAT IS IN PLACE ON THE OFFICE PROPERTY. AS A COMMUNITY, WE HAVE BEEN UNABLE TO SECURE THE ASSISTANCE OF THE CITY OF SCOTTSDALE PLANNING AND ZONING DEPARTMENT TO PROTECT OUR NEIGHBORHOOD. IN THE INTEREST OF PROTECTING THE QUALITY OF OUR COMMUNITY AND THE SAFETY OF OUR FAMILIES, WE ARE NOW FORCED TO BAND TOGETHER AS FELLOW NEIGHBORS AND MAKE OUR VOICES HEARD.

BY SIGNING THIS PETITION YOU ARE REQUESTING THAT THE PROPOSALS LISTED ABOVE AND ANY OTHER USES THAT VIOLATE THE INTENT AND SPIRIT OF THE CURRENT ZONING BE DENIED BY BOTH THE CITY OF SCOTTSDALE AND THE TOWN OF PARADISE VALLEY.

NAME	ADDRESS	TELEPHONE NUMBER
Burgess	5109 N. Woodmere Fairway	945-4854
Margery Rose-Clapp	5125 N. Woodmere Fairway	947-3530
Roppert-Huber	5201 N. Woodmere Fy	949-9202
Stevens	5217 N. Woodmere Fairway	945-5535
Hinkley-Jensen	5212 Woodmere Fairway	946-4347
Christina Smith	5311 N. Woodmere	423-2982
Dorothy B. Martin	5252 N. Woodmere	947-9363
Libby Friedberg	7515 E Cholla	994-9699
Nicholas Friedberg	7515 E Cholla	994-9699
Carolyn Denney	7502 E. Sage	874-9746
Jana Snodgrass	7516 E Cholla Ln	970-8446
Alexis Woods	5101 N. Woodmen Fwy	941-1971
Virginia D. Daynott	5117 N Woodmere Fwy	947-2882
Robert L. Daynott (M)	"	"
Jana D. Daynott	"	"
Mike Jones	7501 E Sage Ln	9901141
Deen Jones	5265 N Woodmen Fairway	949-9755

APRIL 5, 1997

NEIGHBORHOOD PETITION

DEAR NEIGHBORS,

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NAME:

ADDRESS:

TELEPHONE NUMBER

Les P. Sikorski 5314 N. Woodmere Parkway, Scott. 85250 945-6976
Bob Peter 5133 N. Woodmere Parkway Scottsdale 85250 949-7917
Rafaela Peter 5133 N. Woodmere Parkway - Scottsdale AZ 85250 949-7917
Mike Kuntz 5209 N. Woodmere Parkway Scottsdale AZ 85250 970-3077
Jacqui Raga 7446 E. Vista Dr. Scott. Az 85250 941-3717
Patricia Pennington 7450 E. Bounta Dr Scott. Az 85250 994-9461
Madeline Murphy-Larkin 7457 E. VISTA DR., SCOTTSDALE, AZ 85250 990-3669
BPCN 5235 N. woodmere Scottsdale AZ 85250 949-8126
Margie Lister 7520 E. Sage DR. Scottsdale AZ 85250 874-2447
Blay Hazel 5311 N. 74th St. Scottsdale AZ 85250 940-1672
Samuel Gibson 7458 E Vista Dr Scottsdale AZ 85250 944-9252
Carol Green 5304 N. Woodmere " " 949-1978
Don W. W. W. 7502 E CHICK LANE Scott. AZ 85250
Joseph P. Fuh 7457 E. Vista Dr., Scott 85250 990 3669
Mike Zupke 5302 N. Woodmere Parkway Scott. Az 85250
Jim W. W. 7501 E CHICK LANE Scottsdale AZ 85250

NEIGHBORHOOD PETITION

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NAME:	ADDRESS:	TELEPHONE NUMBER
Cynthia Harper	7331 E. Vista Dr.	945-3332
Regina McGoldrick	7430 E. Vista Dr	945-1368
Susan Turner	7429 E. Vista Dr	946-4266
CHRIS BEYER	7411 E. VISTA DR.	994-3555
Gyrla Lee	7401 E. Vista Dr	945-3479
Wanda Dwyer	7515 E SAGE DR	941-4703
Edna R. Rios	7317 E. Vista Dr.	941-5413
Ann M.	7429 E. Vista Dr	946-4266
Paul McGoldrick	7430 E VISTA	945-1368
Joseph S. Kelly Jr	7416 E Vista Dr.	949-7225
Penny & Kelly	7416 E. Vista Dr.	949-7225
Peggy Halpin	7402 E. Vista Dr.	947 7034
SEAN HALPIN	7402 E. VISTA DR.	947-7034
W. Schuch	7318 E. VISTA DR	946-7157
P. K. K. K.	72514 Vista Dr	9451350
Donna Evans	7230 E. Vista Dr.	941-4781
Ivan R. Saddle	7229 E. VISTA DR.	946-7118

APRIL 5, 1997

NEIGHBORHOOD PETITION

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NAME:

ADDRESS:

TELEPHONE NUMBER

Matthew S. Torrance	7334 E. Bonita Dr.	949-0795
June Torrance	7334 E. Bonita Dr.	949-0795
Susan L. Speirs	7402 E. Bonita Dr.	947-6396
Kim Fisher	7331 E. Bonita Dr.	947-1549
Jeff Fisher	7331 E. Bonita Dr.	947-1549
Dave Boggiano	5118 N. 73 St.	945-8695
Jennifer Haffner	5118 N. 73rd St.	945-8695
Tracy McKnight	5110 N. 73rd St.	941-8684
Tom Ransberger	7401 E. Bonita Dr.	945-5925
Jane Ransberger	7401 E. Bonita Dr.	945-5925
Ligia A. Bery	7314 E. Bonita	990-3846
Ralph J. Stamodinos	7301 E. Bonita Dr.	945-7513
J. L. Goss	7324 E. Bonita	N/A

NEIGHBORHOOD PETITION

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NAME:

ADDRESS:

TELEPHONE NUMBER

John C. Jennings	7401 E. Scott Dr. Paradise Valley AZ 85250	946-6301
Charles E. Jennings	7401 E. Scott Dr. Paradise Valley	946-6301
Mong Stacy	7335 E. Cholla Ln. P.V. 85250	9451412
Laura L. Lally	5236 N. 73rd. Scotts 85250	9941645
Alan L. Lally	5236 N. 73rd Pl. PV 85250	9941645
Anne Mc. Mallick	7317 E. Vista Scottsdale 85250	9415413
John W. Hager	7331 E. Vista Dr. Scotts 85250	945-3332

APRIL 5, 1997

NEIGHBORHOOD PETITION

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NAME:

ADDRESS:

TELEPHONE NUMBER

<u>Gina Harper</u>	<u>7442 E. BOWTIE DR.</u>	<u>481-9043</u>
<u>Shirley</u>	<u>7433 E. BOWTIE DR.</u>	<u>944-1053</u>
<u>Patricia</u>	<u>7442 E. BOWTIE DR.</u>	<u>481-9043</u>

APRIL 5, 1997

NEIGHBORHOOD PETITION

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NAME:

ADDRESS:

TELEPHONE NUMBER

Margaret Cyr *7402 E Challadane* *PV* *946-6900*

APRIL 5, 1997

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

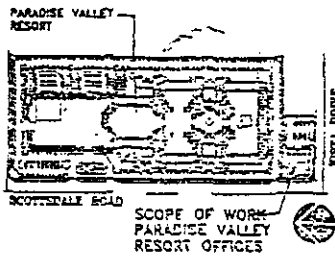
THE FOLLOWING 5 PAGES COVER THE ACTUAL RENOVATION OF THE BUILDING ITSELF.

PLEASE NOTE THAT THE BUILDING WAS ACTUALLY SUBMITTED AND APPROVED BY THE CITY OF SCOTTSDALE PLANNING AND ZONING DEPARTMENT WITH THE CONSTRUCTION DOCUMENT SHEETS LABELED AS CONFERENCE FACILITIES. YOU WILL ALSO NOTE THAT THE OCCUPANCY TYPE SUBMITTED WAS FOR TYPE A-3. AS INDICATED BY THE UNIFORM BUILDING CODE, A TYPE A-3 OCCUPANCY COVERS ASSEMBLY SPACES FOR UP TO 300 PEOPLE. THIS TYPE OF OCCUPANCY IS INCONSISTENT WITH THE INTENT AND SPIRIT OF S-R ZONING.

MR. CARLOS LUJAN FROM THE CITY OF SCOTTSDALE WAS MADE AWARE OF THE PROBLEM AND SWIFTLY PLACED AN INSPECTION STOP ON THE PROJECT. THE RESORT HAS GIVEN ITS WORD THAT THE CONFERENCE ROOMS WILL ONLY BE USED FOR EMPLOYEE MEETING USES. GIVEN THE RESORT'S HISTORY OF INDIFFERENCE TO ZONING COMPLIANCE, OUR NEIGHBORHOOD HAS NO REASON TO TRUST THIS PROMISE. THE CONFERENCE ROOMS ARE, AS OF THIS DATE, STILL IN PLACE. THE STOP WAS LIFTED BASED ON THE PROMISE OF THE RESORT AND THE PROJECT IS MOVING FORWARD AGAIN.

DOUBLE TREE

PARADISE VALLEY RESORT
5225 NORTH SCOTTDALE ROAD
SCOTTDALE ARIZONA 86250



09.09.95 CITY SUBMITTAL
AND PRICING
10.21.96 CITY REVISIONS

DIMENSIONED
FLOOR PLAN
OFFICE BUILDING

DHC105

A1.2

OWNER:

Building Owner Representative:

Name: DoubleTree Hotel Corp.
Address: 410 N. 44th St., #700
Contact: Bill Tom
Phone: 602-220-6283
Fax: 602-244-0125

Interior Architecture:

Name: Miller Rausch
Address: 2817 E. Camelback Rd. #500
Contact: Judith Testani
Laurio Jackson
Phone: 602-955-4228
Fax: 602-955-8772

Mechanical/Plumbing/Electrical Engineer:

Name: Associated Engineering Inc.
Address: 695 E. Colter Street
Contact: Ludran M. Hammer
Phone: 602-274-8988
Fax: 602-274-9186

Kitchen Consultant:

Name: James Brockman Assoc.
Address: 8102 N. 23rd Ave., Suite E
Contact: Jim Brockman
Phone: 602-955-7550
Fax: 602-955-7313

DETAILS:

ZONING: SR-SCOTTSDALE
OCCUPANCY TYPE: B, A-3
OCCUPANCY CONTENT: OFFICE, CONFERENCE
GROSS AREA S.F.: 11,588 S.F.
NET BLDG. AREA: 10,519 S.F.
NO. OF STORIES: 1
TYPE OF CONSTRUCTION: III-N
OCCUPANCY LOAD: OFFICE: 4,206 S.F. @ 1/100 = 42
CONF: 3,790 S.F. @ 1/15 = 253
TOTAL: 295

(PRE-FUNCTION AREA 2,239 S.F. @ 1/15 = 149 PEOPLE)

CONSIDERED ACCESSORY USE AREA UNDER UBC 1994 1002.1.1 EXCEPTION. I.E. THIS AREA SHALL BE PROVIDED WITH EXITS AS THOUGH FULLY OCCUPIED BUT ITS OCCUPANT LOAD IS NOT INCLUDED IN TOTAL OCCUPANT LOAD OF THE BUILDING.)

MIXED BUILDING OCCUPANCY

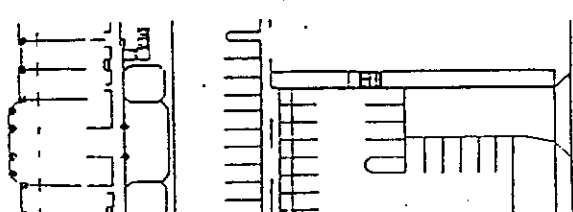
SEPARATION: NONE REQUIRED
MIXED TENANT OCCUPANCY
SEPARATION: N/A
REQUIRED EXITS: 2
FIRE SPRINKLERS: YES
STAND PIPES: YES - RIA 135
FIRE ALARMS/STROBES/
ANNUNCIATORS: YES
SMOKE DETECTORS: YES
FIRE EXTINGUISHERS: YES
EMERGENCY LIGHTING: YES
EXIT SIGNS: YES
PANIC HARDWARE: YES
AGE OF BUILDING: 1984
REQUIRED PARKING SPACES:
(200 NET S.F. PER CAR)
10,519 S.F. + 200 = 53.0 CARS
PROVIDED PARKING SPACES:
91 CAR SPACES (4 ACCESSIBLE)

CODES AND AMENDMENTS PER THEIR ADOPTING

SECTION 2B (SEC. 1627.2 AS AMO.)

INFORMATION PROVIDED ON THESE DOCUMENTS REFLECTS
REPORT MAY BE SUBJECT TO ADDITIONAL FEES
FOR DESIGN FEES, CONSTRUCTION COSTS AND
DATE

ORDER TO CONFIRM UNIT QUANTITIES OF BUILDING
MAY HAVE AN IMPACT ON COST. ALL DISCREPANCIES
RECEIPT OF BID INDICATES THAT THE GENERAL
DRAWINGS AND AS BUILT CONDITIONS.



may be further reduced to one hour where the area of such Group S, Division 3 Occupancy does not exceed 3,000 square feet (279 m²).

3. In the one-hour occupancy separation between Group R, Division 3 and Group U Occupancies, the separation may be limited to the installation of materials approved for one-hour fire-resistive construction on the garage side and a self-closing, tight-fitting solid-wood door 1³/₈ inches (35 mm) in thickness, or a self-closing, tight-fitting door having a fire-protection rating of not less than 20 minutes when tested in accordance with Part II of U.B.C. Standard 7-2, which is a part of this code, is permitted in lieu of a one-hour fire assembly. Fire dampers need not be installed in air ducts passing through the wall, floor or ceiling separating a Group R, Division 3 Occupancy from a Group U Occupancy, provided such ducts within the Group U Occupancy are constructed of steel having a thickness not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) and have no openings into the Group U Occupancy.

4. Group H, Division 2 and Group H, Division 3 Occupancies need not be separated from Group H, Division 7 Occupancies when such occupancies also comply with the requirements for a Group H, Division 7 Occupancy.

302.5 Heating Equipment Room Occupancy Separation. In Groups A; B; E; F; I; M; R, Division 1; and S Occupancies, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a one-hour occupancy separation.

EXCEPTIONS: 1. In Groups A, B, E, F, I, M and S Occupancies, boilers, central heating plants or hot-water supply boilers where the largest piece of fuel equipment does not exceed 400,000 Btu per hour (117.2 kW) input.

2. In Group R, Division 1 Occupancies, a separation need not be provided for such rooms with equipment serving only one dwelling unit.

In Group E Occupancies, when the opening for a heater or equipment room is protected by a pair of fire doors, the inactive leaf shall be normally secured in the closed position and shall be openable only by the use of a tool. An astragal shall be provided and the active leaf shall be self-closing.

In Group H Occupancies, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a two-hour occupancy separation. In Divisions 1 and 2, there shall be no openings in such occupancy separation except for necessary ducts and piping.

For opening in exterior walls of equipment rooms in Groups A, E or I Occupancies, see Section 303.8.

302.6 Water Closet Room Separation. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

{ SECTION 303 — REQUIREMENTS FOR GROUP A OCCUPANCIES }

303.1 General.

303.1.1 Group A Occupancies defined. Group A Occupancies include the use of a building or structure, or a portion thereof, for the gathering together of 50 or more persons for purposes such as civic, social or religious functions, recreation, education or instruction, food or drink consumption, or awaiting transportation. A room or space used for assembly purposes by less than 50 persons and accessory to another occupancy shall be included as a part of that major occupancy. Assembly occupancies shall include the following:

Division 1. A building or portion of a building having an assembly room with an occupant load of 1,000 or more and a legitimate stage.

Division 2. A building or portion of a building having an assembly room with an occupant load of less than 1,000 and a legitimate stage.

Division 2.1. A building or portion of a building having an assembly room with an occupant load of 300 or more without a legitimate stage, including such buildings used for educational purposes and not classed as Group B or E Occupancies.

Division 3. A building or portion of a building having an assembly room with an occupant load of less than 300 without a legitimate stage, including such buildings used for educational purposes and not classed as Group B or E Occupancies.

JOB HOLD & RELEASE FORM

This form is to be utilized when a department wishes to place a hold on an existing building permit or encroachment permit. When the problem/issue is resolved, please submit another one.

Please note that when a hold is placed, ALL inspections cease.

Please supply all the following information and forward to Bob Petrillo, Inspection Services Supervisor. Send via E-Mail or FAX to 391-5704.

Completing this form and forwarding it to Inspection Services helps our staff answer any questions the hold/release may generate from the public and other departments. It also ensures that the permit history contains the most accurate and up-to-date information. Thank you for your cooperation.

HOLD INFORMATION —

PERMIT #: 113467

DATE: 03-13-97

PROJECT ADDRESS: 5225 N SCOTTSDALE ROAD
LOT #:

OWNER: DOUBLETREE HOTEL CORPORATION

PHONE # 220-6883

BUILDER/CONTRACTOR WEITZ COMPANY

PHONE #: 225-0225

REASON FOR HOLD: USE IS NOT PERMITTED/QUESTION CONCERNING REZONING

RELEASE INFORMATION

DATE OF RELEASE:

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

THE FOLLOWING 5 PAGES COVER THE CITY OF SCOTTSDALE S-R ZONING ORDINANCE.

ACCORDING TO THE DEFINITION OF PURPOSE OF THE S-R DISTRICT, S-R ZONED LAND IS TO SERVE AS A 'BUFFER BETWEEN LOW DENSITY RESIDENTIAL USES FROM MORE INTENSE LAND USES' THE S-R ZONED OFFICE PARCEL IS ACTUALLY SUPPOSED TO PROTECT OUR NEIGHBORHOOD FROM THE TYPES OF USES THAT RESORTS ENGAGE IN. THE ZONING INVITES PROFESSIONAL OFFICE AND ADMINISTRATIVE TYPES OF USES AND THE NEIGHBORHOOD WOULD WELCOME THE RESORT UTILIZING THE OFFICE BUILDING FOR ITS ADMINISTRATIVE OFFICE TYPE FUNCTIONS. THE WORDING OF THE S-R ZONING CLEARLY SHOWS THE STRONG RESPONSIBILITY THAT THE S-R PARCEL HAS WITH ITS RESIDENTIAL NEIGHBORS HENCE THE NAME 'SERVICE RESIDENTIAL'. THE ZONING ALSO STATES THAT 'DEVELOPMENT STANDARDS ARE STRICT IN ORDER TO PROTECT ADJACENT LOW DENSITY RESIDENTIAL USES'

PLEASE NOTE THAT THE RESORT TYPE USES THAT WERE ALLOWED BY MR. FAREMELLI'S LETTER ARE NOT INCLUDED IN THIS ZONING TYPE. THE S-R ZONING DISTRICT IS ACTUALLY DESIGNED TO FORBID MANY OF THE TYPES OF USES THAT THE RESORT IS PROPOSING.

RESORT USES ARE ALLOWED IN THE R-4R RESORT DISTRICT ZONING. THE RESORT'S REQUEST FOR RESORT VALET PARKING, RESORT EMPLOYEE PARKING AS WELL AS RESORT CONFERENCE FACILITIES ARE MORE CONSISTENT WITH AN R-4R ZONING.

ACCORDING TO SEC. 5.1102 OF THE SCOTTSDALE ZONING ORDINANCE, 'NO STRUCTURE OR BUILDING SHALL BE BUILT OR REMODELED UPON LAND IN THE S-R DISTRICT UNTIL DEVELOPMENT REVIEW (BOARD) APPROVAL HAS BEEN OBTAINED AS OUTLINED IN ARTICLE I, SECTION 1.400 HEREOF.' THIS BUILDING UNDERWENT A SIGNIFICANT GUTTING OF ITS INTERIOR WALLS AND RECEIVED A MAJOR REMODELING OF ITS INTERIOR SPACES. BY DEFINITION, THIS PROJECT SHOULD HAVE GONE BEFORE THE DEVELOPMENT REVIEW BOARD.

Sec. 5.1100. (S-R) SERVICE RESIDENTIAL.**Sec. 5.1101. Purpose.**

A district composed of certain land and structures used primarily to provide administrative, clerical, and professional offices, of a residential scale and character, to serve nearby residential and commercial areas, as well as the city as a whole. These uses are characterized by low volume of direct daily customer contact. Secondly, this district provides for medium density residential. This district is designed to be a transitional

zone, and should be used to buffer low density residential uses from more intense land uses, districts, and heavily traveled transportation routes. The property development standards, while strict in order to protect adjacent low density residential uses, are designed to be flexible enough to allow experimentation in office and housing design, and to allow housing constructed within this district to incorporate its own protection from more intense adjacent uses.

Sec. 5.1102. Approval required.

No structure or building shall be built or remodeled upon land in the S-R district until Development Review [Board] approval has been obtained as outlined in article I, section 1.400 hereof.

Sec. 5.1103. Use regulations.

A. Permitted uses. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.

- a. Business and professional offices: Offices in which merchandise, wares or goods are not created, displayed, sold or exchanged.
- b. Hospital for animals including boarding and lodging, provided that there are no open kennels maintained and provided that all activities will be in soundproof buildings.
- c. Medical or dental offices including laboratories.
- d. Studio for professional work or teaching of any form of commercial or fine arts such as photography, music, drama or dance.
- e. Municipal uses.

2. Residential.

- a. Accessory buildings, private swimming pools, private tennis courts, home occupations and other accessory uses.
- b. Dwelling units, multifamily.
- c. Dwelling units, single family.

d. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

e. Temporary sales office buildings and model homes.

3. Retail.

- a. Pharmacy, prescription, limited to pharmaceuticals only, as an appurtenant use to an office building, provided the entrance to the pharmacy is from the interior of the building, lobby or arcade.

4. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:

- a. Lot area: The minimum lot area shall be no less than twenty thousand (20,000) square feet (net).
- 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. Building height: Building height, including steeples, towers, spires, and mechanical equipment (such equipment must be screened) shall be limited to thirty (30) feet in height, except that a maximum of ten (10) percent of the roof area may exceed the height limit by ten (10) feet. All such structures in excess of thirty (30) feet shall be set back a minimum of ten (10) feet from the edge of the structure on which they are located. Height is subject to Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes sections 7.100—7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
- d. Open space: In no case shall the open space requirement 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 requirement subject to compliance with NAOS standards.

- e. **Parking:** Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified by the Scottsdale General Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. 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 shall be landscaped.

A ten-foot minimum landscape 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 set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- 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 that are adjacent to residential districts.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

- h. **Access:** All churches must have primary access to a street classified by the Scottsdale General Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. **Operations:** No outdoor activities shall be permitted after 10:00 p.m. No external speakers or paging systems.

5. **Day care center,** if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

B. Uses subject to a conditional use permit.

1. Bank (see section 2.208 for criteria).
2. Cellular communication facility; minor and major (see section 2.208 for criteria).
3. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 2.208 for criteria).
4. Jewelry design or creation.
5. Vocational school for the teaching of culinary arts and sciences. School facilities may include the following:
 - a. Kitchen(s).
 - b. School offices.
 - c. Classrooms.
 - d. Ancillary public dining area(s). Food preparation for the dining facility shall only be serviced by students/classroom activities in connection with the school curriculum.

6. Wholesale sales of jewelry and works of art. (Ord. No. 2335, § 1, 1-15-91; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95)

Sec. 5.1104. Property development standards.

The following property development standards shall apply to all land and building in the S-R district.

A. Open space requirements.

1. Main land uses that are density-based shall provide a minimum of thirty-six (36) percent of the net lot area in open space.
2. Main land uses that are not density-based shall provide a minimum of twenty-four (24) percent of the net lot area in open space.
3. Open space required by 1 and 2 above shall be provided in the following proportions:
 - a. A minimum of twelve (12) percent of the net lot area shall be provided as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage excluding drives. *Exception:* Where a lot has two (2) or more street frontages, there shall be no less than twenty (20) square feet of open space per one (1) foot of street frontage for one (1) street and no less than ten (10) square feet of open space per one (1) foot of street frontage excluding drives for other street(s).
 - b. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of ten (10) percent of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of five (5) percent of the gross size of the dwelling unit.
 - c. The remainder of the required open space shall be provided in common open space.

d. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.

B. *Building height.* No building shall exceed eighteen (18) feet in height except as otherwise provided in article VII.

C. *Density.* The minimum gross land area per dwelling unit shall be three thousand five hundred (3,500) square feet.

D. Building setback.

1. Wherever an S-R development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained, except that accessory buildings for purposes of storage or carports may be constructed to within fifteen (15) feet of the adjacent district boundary line.
2. Wherever an S-R development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.
3. Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.

E. Distance between buildings.

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to

the main building, may be built to within six (6) feet of the main building.

F. Walls, fences and required screening.

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line of within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas shall be screened from view from all public streets.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by the Development Review Board.

G. Access. All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95)

Sec. 5.1105. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1106. Signs.

The provisions of article VIII shall apply.

Sec. 5.1107. Reserved.

(Ord. No. 2470, § 1, 6-16-92)

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

THE FOLLOWING 3 PAGE LETTER REPRESENTS THE FIRST ZONING VIOLATION ALLOWED BY THE SCOTTSDALE PLANNING AND ZONING STAFF.

HAD THE STAFF RESEARCHED THIS PROPOSAL MORE THOROUGHLY, THEY WOULD HAVE REALIZED THAT THE RESORT'S PARKING USES WERE CLEAR VIOLATIONS OF THE S-R ZONING. THE STAFF ALSO SHOULD HAVE REALIZED THAT THE MULTI-JURISDICTIONAL NATURE OF THIS CASE, AS WELL AS THE NEIGHBORHOOD BEING DAMAGED, MADE IT ENTIRELY TOO COMPLEX TO APPROVE ON SUCH A JUST A STAFF LEVEL. THIS PROJECT SHOULD HAVE BEEN FORWARDED TO THE DEVELOPMENT REVIEW BOARD AND THE CITY COUNCIL AS REQUIRED BY SCOTTSDALE CITY ORDINANCE.

PLEASE NOTE THAT THE RESORT STATES IN THEIR LETTER THAT THEY ARE GOING TO USE THE BUILDING ONLY FOR USES PERMITTED BY THE S-R ZONING. BASED ON THE BUILDING CONSTRUCTION DOCUMENTATION SUBMITTED TO THE CITY OF SCOTTSDALE, THAT STATEMENT WAS CLEARLY A LIE. THE RESORT HAS HAD NO INTENTION OF USING THIS PROPERTY FOR S-R CONSISTENT USES. THE RESORT IS SIMPLY ATTEMPTING TO SIDESTEP THE PROPER PROCEDURES THAT SCOTTSDALE HAS IN PLACE TO HANDLE ZONING MANAGEMENT.

STREICH LANG

Post-It™ brand fax transmittal memo 7671		# of pages > 3
To <i>Brent Bieser</i>	From <i>Karen Hatten</i>	
Co.	Co. <i>for Jeff Fisher</i>	
Dept.	Phone # <i>944-2546</i>	
Fax # <i>949-1041</i>	Fax # <i>944-7011</i>	

Writer's Direct Line:
602 229-5624

February 23, 1996

VIA HAND DELIVERY

Ms. Leslie Himes
Associate Planner
City of Scottsdale
Planning & Development Department
7447 East Indian School Road
P.O. Box 1000
Scottsdale, Arizona 85252-1000

Re: Verification of Scottsdale Requirements

Dear Ms. Himes:

Our firm represents Pension Management Corporation; the owner of the DoubleTree Paradise Valley Resort (the "Resort"). The Resort is located at the southeast corner of Jackrabbit Road and Scottsdale Road in the Town of Paradise Valley.

As I discussed with you recently, although the Resort has sufficient parking to meet Paradise Valley requirements, it has become evident that during high peak periods there is a practical shortage of parking on the Resort site. To provide more parking, the owners of the Resort are proceeding with the possible purchase of a developed parcel located immediately south of the Resort (the "Adjacent Parcel"). The Adjacent Parcel is located at the northeast corner of Vista Drive and Scottsdale Road, in the City of Scottsdale.

The Adjacent Parcel is currently developed with a one-story office building (previously occupied by a Dean Witter office), a surface parking lot, and an underground parking garage. The owners of the Resort intend to create an opening in the wall which runs along the boundary between the Resort and the Adjacent Parcel, and construct a driveway to connect the parking area on the south side of the Resort site with the surface parking area on the Adjacent Parcel. Construction of the driveway between the two sites will result in the loss of two to three parking spaces located

RENAISSANCE ONE

TWO N. CENTRAL AVENUE

PHOENIX, ARIZONA

85004-2391

PHONE (602) 229-5200

FAX (602) 229-5690

PHOENIX

TUCSON

LOS ANGELES

LAS VEGAS

PROFESSIONAL ASSOCIATION

ATTORNEYS

along the north boundary of the Adjacent Parcel. The Resort also intends to use the building on the site for uses permitted by the existing SR-Service Residential zoning.

I recently discussed with you the Resort's plans to use the Adjacent Parcel (as set forth above) in order to determine what requirements, if any, Scottsdale would have prior to the initiation of such use. It is my understanding that you presented these facts to the Scottsdale Development Services Screening Committee (the "Screening Committee") and that the Screening Committee determined that there were no Scottsdale requirements for completion of the connection between these two sites and the Resort's subsequent use of the Adjacent Parcel. Because our client is relying on this conclusion in proceeding with the purchase of the Adjacent Parcel, they have asked us to obtain written confirmation of the City of Scottsdale's conclusion.

The purpose of this letter, therefore, is to confirm that there are no Scottsdale requirements to be met by our client related to the completion of the connection between these two sites and the Resort's use of the Adjacent Parcel as set forth in this letter. Please indicate your verification of this conclusion by signing the acknowledgment on the attached copy of this letter (or by obtaining the properly authorized signature of the acknowledgment) and returning the signed copy to us. Please return the signed acknowledgment to us by fax (229-5690) or call me when it is ready and I will arrange for a runner to pick up the signed acknowledgment.

Thank you for your help on this matter. Please call me immediately if you need any further information or if there is any problem with signing the acknowledgment.

Sincerely,

Lori J. Schleier

Lori J. Schleier, AICP
Land Use Planner/Legal Assistant

cc: Pat Marrs, GEPT
Diane Haller

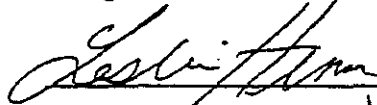
A PROFESSIONAL ASSOCIATION

ATTORNEYS

ACKNOWLEDGMENT

I hereby confirm and acknowledge that there are no Scottsdale requirements to be met by the owners of the DoubleTree Paradise Valley Resort in order to connect the Resort and the Adjacent Parcel and use the Adjacent Parcel for uses in compliance with the SR-Service Residential zoning and for parking for the Resort as set forth in this letter.

City of Scottsdale

Printed Name Leslie Himes
Title Associate Planner

CITY OF SCOTTSDALE COMMUNITY DEVELOPMENT OFFICE.
SCOTTSDALE, ARIZONA.

MARCH 21, 1997

RE: PARADISE VALLEY RESORT RENOVATION PROJECT.

COMMUNITY ADMINISTRATOR JOHN FARAMELLI

DEAR MR. FARAMELLI:

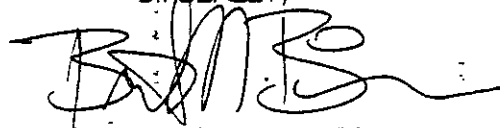
I WISH TO FIRST THANK YOU FOR MEETING WITH MR. JOHN HARPER AND MYSELF ON SUCH SHORT NOTICE REGARDING OUR NEIGHBORHOOD DILEMMA. PER OUR DISCUSSION, I AM FORWARDING THE ENCLOSED COPY OF THE MINUTES AND STIPULATIONS REGARDING THE DOUBLETREE PARADISE VALLEY RESORT RENOVATION AND SCOTTSDALE OFFICE BUILDING. THIS PROJECT IS CURRENTLY APPROVED BY THE PARADISE VALLEY PLANNING COMMISSION WITH THE ENCLOSED FIFTEEN (15) STIPULATIONS. THE PROPOSED PROJECT IS DUE TO BE HEARD BY THE PARADISE VALLEY TOWN COUNCIL SOMETIME IN EARLY APRIL. I AM ALSO FORWARDING A COPY OF THESE STIPULATIONS TO COUNCILMAN PETTYCREW PER HIS REQUEST.

AS YOU ARE AWARE, OUR COMMUNITY IS OPPOSED TO ANY INTENSIFICATION OF USE OF THE SCOTTSDALE OFFICE BUILDING PROPERTY THAT IS CURRENTLY ZONED AS S-R. WE WILL REMAIN EQUAL OPPOSED SHOULD THIS PROPERTY BE SUBMITTED FOR REZONING TO A MORE INTENSE ZONING CLASSIFICATION THAT WOULD PERMIT RESORT-TYPE USES.

OUR COMMUNITY OF SCOTTSDALE AS WELL AS PARADISE VALLEY RESIDENTS WOULD APPRECIATE ANY ASSISTANCE THE CITY OF SCOTTSDALE CAN PROVIDE TO PROTECT OUR NEIGHBORHOOD. PARADISE VALLEY SEEMS TO BE INDIFFERENT TO THE CONCERNS OF THE SCOTTSDALE RESIDENTS AS WELL AS THEIR OWN.

PLEASE CALL ME ANYTIME IF THERE IS ANY HELP I CAN PROVIDE REGARDING THIS ISSUE.

SINCERELY,



BRENT M. BIESER
1317 EAST VISTA DRIVE
SCOTTSDALE, ARIZONA 85250
WORK: (602) 941-0840
FAX: (602) 949-1041
HOME: (602) 941-5413

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

THE FOLLOWING 17 PAGE LETTER COVERS THE SECOND REQUEST OF THE RESORT TO PLACE SEVERAL RESORT USES ON THE S-R ZONED OFFICE BUILDING PROPERTY.

PLEASE NOTE THAT THE RESORT IS NOW INDICATING THE INTENTION OF USING THE OFFICE BUILDING PARKING LOT FOR PARKING USES EVEN MORE INTENSE THAN THE ORIGINAL LETTER HAD IMPLIED. THE TONE OF THE LETTER TRIES TO LEAD ONE TO BELIEVE THAT S-R ZONING INVITES RESORT TYPE PARKING. THIS COULD NOT BE FURTHER FROM THE TRUTH.

THIS LETTER ALSO INCLUDES A TRAFFIC STUDY PERFORMED FOR THE BENEFIT OF THE RESORT TO SUGGEST THAT TRAFFIC IMPACT ON VISTA DRIVE WOULD BE MINIMAL. EVEN THOUGH THE POTENTIAL FOR TRAFFIC PROBLEMS EXISTS, THE TRAFFIC IMPACT IS ONLY A SMALL PART OF THE PICTURE. EVEN IF THE ACCESS TO VISTA DRIVE FROM THE OFFICE LOT WAS REMOVED, THE RESORT WOULD STILL BE IN VIOLATION OF THE S-R ZONING BY USING THE OFFICE LOT FOR RESORT VALET/ EMPLOYEE PARKING. CONSIDERING THE RESORT'S BEHAVIOR PROBLEMS OVER THE YEARS AND THE GENUINE POSSIBILITY THAT THE RESORT COULD CHANGE MANAGEMENT AT ANYTIME, THE IDEA OF ALLOWING AN OPENING IN THE WALL SIMPLY OPENS A CAN OF WORMS THAT WOULD LEAD TO NOTHING BUT PROBLEMS.

IT IS EXTREMELY IMPORTANT TO NOTE THAT THE STIPULATIONS LISTED BY MR. EARL IN HIS LETTER ARE NOT THE FINAL APPROVED STIPULATIONS ADOPTED BY THE TOWN OF PARADISE VALLEY. THE FINAL STIPULATIONS ARE EVEN MORE DAMAGING TO THE NEIGHBORHOOD THAN THOSE LISTED. THIS IS JUST ONE MORE EXAMPLE OF HOW THE RESORT AND ITS ATTORNEYS ARE PLAYING THE CITIES AGAINST EACH OTHER TO ACHIEVE THEIR GOALS.

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Telefax (602) 265-2195

3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012

March 21, 1997

John Faramelli
City of Scottsdale
7447 E. Indian School Road, Suite 205
Scottsdale, AZ 85251

Post-It™ brand fax transmittal memo 7671		# of pages: 24
To: Brent Bieser	From: Nicole	
Co.	Co.	
Dept.	Phone #	994-7013
Fax #	Fax #	994-2672

Re: Reconfirmation of Use of Surplus Office Building Parking for Overflow
Resort Parking Located at 5225 N. Scottsdale Road, Scottsdale, Arizona

Dear John:

I am writing to request that you reconfirm the City of Scottsdale's written position regarding the Doubletree Resort's limited use of the surplus parking for the office building at the northeast corner of Scottsdale Road and Vista Drive (located in the City of Scottsdale) for overflow employee parking and valet parking during the Resort's peak use periods.

On February 23, 1996, the attorneys for the owners of the Doubletree Paradise Valley Resort wrote to Leslie Himes in the City's Planning Department, because they were contemplating the purchase of this office building in the City of Scottsdale which borders the south end of the Resort. The owners of the Resort had two reasons for purchasing this office building: (1) to move their administrative and executive offices from the Resort to this office building to free up valuable space within the Resort for other purposes; and (2) to create a connection through the wall between the Resort and office building to utilize the surplus parking (i.e., in excess of Scottsdale's code required parking) located on the office parcel for overflow Resort use. They wrote to Ms. Himes outlining their intended uses of the office building and parking and requested back the City's written confirmation that these proposed uses were acceptable and appropriate to the City under the S-R (Service Residential) zoning on the office building. Ms. Himes signed the acknowledgment confirming zoning compliance after the facts were reviewed by the Scottsdale Development Services Screening Committee and in reliance upon this written confirmation, the owners of the Resort made the multi-million dollar investment to purchase the office building.

The Doubletree Paradise Valley Resort is now in the process of amending its Special Use Permit in the Town of Paradise Valley to make some Resort renovations. As part of these renovations, they have now sought approval from the Town of Paradise Valley to create the

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access-way connection between the Resort and office building so that the office building's surplus parking can be put to two specific and limited overflow parking uses: (1) employee parking, and (2) valet parking. Very tight restrictions on this access-way have been agreed to by the Resort as a part of the Special Use Permit itself. These limitations include the following:

- The Resort parking spaces on the office parcel may be utilized only by employees of the Resort and for valet parking. No guest self parking shall be permitted. The overnight employee shift shall not be permitted to use those parking spaces. The valet parking attendants shall not add parked cars on the office parcel past 10:00 p.m. and shall not use Vista Drive for access or egress.
- The vehicular access between the Resort and the office parking lot shall be restricted to one travel lane as reflected on the applicant's submittals and shall be gated with card access at all times. Access through the vehicular gate shall be limited to hotel employees and valet parking attendants. No resort guest vehicular access shall be permitted through the gate.
- No buses or semi-trucks shall be allowed to utilize the office building parking lot.
- The permit shall not be issued until the Declaration of Easement and Restrictions ("Easement") approved in form by the Town Attorney restricting use of the office building and parking is recorded in the office of the Maricopa County Recorder. Use of the office building shall be restricted to S-R uses as defined by the Scottsdale Zoning Ordinance and as reflected in the Easement. This Easement shall be incorporated into the Special Use Permit. Failure or termination or revocation of the Easement shall be deemed a violation of the Special Use Permit.
- The resort shall work with the City of Scottsdale to install a traffic directional sign on the office building surface parking lot entrance to read "Right Turn Only" and also to install a "No Outlet" sign.
- The Resort must engineer and construct the driveway so as to not adversely affect the water lines located beneath the driveway.

Based upon these tight controls over the Resort's overflow use of the surplus parking spaces on the office building property, there will be no change in character or intensification of the S-R parcel. These parking spaces were created as a part of the S-R office building. No additional parking spaces are being added to the office building parking lot. The Resort is merely utilizing the surplus spaces for overflow use. It is common in the City of Scottsdale (as well as other valley cities) to allow resorts to make use of parking spaces on adjacent properties for overflow purposes. In fact, the Resort currently has an agreement with the church across Scottsdale Road in the Town of Paradise Valley to utilize their parking area for

March 21, 1997

Page 3

overflow purposes. The valet parking use for these surplus spaces will not have any impact on Vista Drive, because the valets will not be allowed to use Vista Drive. They must access the surplus parking only through the gate. Other employees who will use these spaces from time to time may reach the surplus spaces either through the gate or from Vista Drive. However, these employees are normally coming at non-peak times when Vista Drive is not otherwise being used by the neighborhood.

With the controls outlined above, the traffic impact was studied by Lee Engineering. A copy of their report is attached. They have concluded that this limited use of the office building surplus parking space will have "no visible or noticeable impact on the signalized intersection at Scottsdale Road and Vista Drive." The report further goes on to state:

The intersection functions at a LOS A for the existing conditions and will continue to function at an LOS A with remodeling of the resort. The LOS for Vista Drive is currently a B. There will be no change in the impact of the LOS for westbound Vista Drive after the remodeling project. The LOS will remain at B and a calculated delay per vehicle will increase only by 0.1 second.

Finally the report concludes:

On a average day, the proposed remodeling of the hotel will not add any noticeable delay to the signalized intersection of Vista Drive and Scottsdale Road compared with re-use of the office building on the northeast corner of Vista Drive and Scottsdale Road.

A full copy of the Lee Engineering report dated March 13, 1997 is included for your review.

The S-R office building will house administrative offices (i.e., sales, marketing and accounting for the Resort) and related functions. In the future some of this office space may be sublet to other administrative or professional uses in compliance with the S-R zoning requirements. The Resort will not conduct any use within the office building that is not in compliance with the S-R Ordinance.

The Town of Paradise Valley has requested a reconfirmation of the City of Scottsdale's original zoning confirmation signed by Leslie Himes dated February 23, 1996. The Town has a copy of this letter. Even though this original confirmation was open ended allowing "parking for the Resort on the office parking lot," that general use has now been dramatically narrowed and restricted by the stipulations set forth herein, so as to truly have no noticeable impact on the neighborhood street of Vista Drive. With these limitations, this narrow use of the surplus parking spaces clearly fits with the character of the S-R zoning district. Would you please confirm back to me in writing that the City of Scottsdale stands behind its original confirmation of

March 21, 1997

Page 4

February 23, 1996 as further circumscribed by the conditions set forth in this letter. The Town of Paradise Valley has requested this letter be given to them no later than April 1, 1997.

Very truly yours,

Stephen C. Earl
Stephen C. Earl

SCE/pfr

D:\DOC\STREETCROSS\BUTLER\TNS\FARAMELLI.DOC

cc: Pat Marrs
Diane Haller
Renier Milan

The City of Scottsdale confirms and agrees with
the terms of the foregoing letter:

Dated: _____, 1997

By: _____
John Faramelli



3240 E. CAMELBACK ROAD
SUITE 180
PHOENIX, ARIZONA 85018
602/955-7208 FAX 602/955-7349

LEE ENGINEERING

March 13, 1997

Ms. Judy Testani
Miller Rausch
2817 E. Camelback Road
Suite 500
Phoenix Arizona 85016

Dear Ms. Testani:

The purpose of this letter is to determine the traffic impacts of remodeling the Paradise Valley Resort on the traffic signal at Vista Drive and Scottsdale Road in Paradise Valley. Current traffic volumes were collected, trip generations for the resort were calculated, and the PM peak hour capacity analysis was performed for two conditions:

1. With the improvements proposed by Paradise Valley Resort added to existing traffic.
2. With existing traffic plus traffic from the building if it were re-used for general offices.

DESCRIPTION

This project consists of remodeling the Doubletree Paradise Valley Resort and moving its administrative offices to the existing building on the northeast corner of Vista Drive and Scottsdale Road. The existing office building is being remodeled for use by the Resort's administrative offices. A proposed gated driveway, with an electronic key, between the resort and the offices will allow hotel employees and valet car attendants to pass through from the resort to the administrative offices without traveling on Scottsdale Road or Vista Drive. Valet parking attendants will pick-up and drop-off cars at the main hotel entrance. This use will not generate any traffic on Vista Drive. However, the driveway will be gated so guest traffic will not be able to exit and enter the resort from the office building parking lot.

All other accesses to the site will remain the same. The main access to the proposed offices is located on Vista Drive. The resort will retain the three accesses on Scottsdale Road.

BACKGROUND TRAFFIC

Table 1 presents the background average daily traffic (ADT) volumes for year 1997 conditions.

Table 1: Background Average Daily Traffic Volumes

Roadway	1997 ADT
Scottsdale Road	47,000
Vista Drive	350

The 1997 traffic volume along Scottsdale Road was obtained from the *Average Weekday Traffic Count Map* produced by *Maricopa Association of Governments* for 1995 and increased by 2.5% to reflect 1997 average daily traffic. The average daily traffic for Vista Drive was calculated from peak hour traffic volumes collected by Lee Engineering on February 27, 1997. 1997 PM peak hour turning movement counts for the intersection of Scottsdale Road/Vista Drive were also collected at the same time.

TRIP GENERATION

The next step in estimating traffic from the proposed development is to calculate the total vehicle trips to and from this project on an average weekday. This is called trip generation. *Trip Generation, Fifth Edition*, published by the Institute of Transportation Engineers (ITE) 1991, and the *Trip Generation, February 1995 Update to the 5th Edition*, were used to calculate average weekday, AM peak hour and PM peak hour trip ends.

The administrative office building will provide administrative offices for 35 persons for the Paradise Valley resort. There will also be some inbound traffic for hotel employees working at the main building and parking in the office parking lot. As a worst case, it was assumed for this analysis that there are as many employees for the hotel property using Vista Drive as there are employees in the administrative building.

In the second case, trips generation were calculated for the building if it were re-used as general offices. In this case there is no pass-through traffic from the hotel.

Table 2 displays trips generated in the evening peak hour and added to existing traffic on Vista Drive. With remodeling, 62 trips are added to Vista Drive. With re-use of the office building, 31 trips are added to Vista Drive.

Table 2: Trip Generation

Development	After remodeling of resort		Before remodeling of resort
Land Use	Hotel Employees Using Vista Dr.	Office	Office
ITE Land Use Code		710	710
Amount		9,000 sq. ft.	9,000 sq. ft.
RATES:			
AM Peak Hour		3.20/TGSF	3.20/TGSF
PM Peak Hour		3.40/TGSF	3.40/TGSF
Ave. Weekday		24.60/TGSF	24.60/TGSF
DIRECTIONAL SPLIT: (%in/%out)			
AM Peak Hour	89/11	89/11	89/11
PM Peak Hour	17/83	17/83	17/83
Ave. Weekday	50/50	50/50	50/50
TOTAL TRIPS:			
AM Peak Hour	28	28	28
PM Peak Hour	31	31	31
Ave. Weekday	221	221	221

TRIP DISTRIBUTION AND ASSIGNMENT

Trips generated by the site were distributed to the roadway network according to the location of parking areas around the site. It was assumed that all trips to the administrative offices would use the Vista Drive/Scottsdale Road intersection. It was also assumed that a portion of the trips generated by the resort employees would use the proposed pass through. Traffic entering the site from the south would continue through the intersection to the main entrance. It was also assumed that traffic entering and exiting the resort from the north would use the signalized intersection at Jackrabbit Road and Scottsdale Road, based on discussions with the Bell Captain at the resort.

Traffic assignments were prepared for the year 1997 with remodeling of the site completion. Assignments were only prepared representing the PM peak hour due to the greater traffic volumes

observed in the evening peak hour in comparison with the morning peak hour. A traffic assignment was not prepared for the weekend scenario. Weekend site traffic is greater than weekday site traffic; however, weekend background traffic does not include commuter traffic. Therefore, the weekday background traffic is usually greater in the peak hours than on the weekend.

Turning movements at the intersection of Vista Drive and Scottsdale Road were collected by Lee Engineering. Estimated site traffic that use the intersection was then determined from trip generation and trip distribution.

The background trips were added to the site generated trips to determine the total amount of traffic that would enter and exit the administrative office and resort on Vista Drive. This was compared to traffic with the building operating as independent offices.

TRAFFIC ANALYSIS

The intersection of Scottsdale Road and Vista Drive was analyzed using the methodologies presented in the *Highway Capacity Manual, Special Report 209, Updated 1994*. The Scottsdale Road and Vista Drive was analyzed as a signalized intersection with the Highway Capacity Software (version 2.4d). Signalized intersection analysis is based on approach stopped delay. The capacity criteria for the signalized intersection analysis is presented in Table 3.

Table 3: Level of Service Criteria for Signalized Intersections

Level of Service	Stopped Delay (sec/veh)
A	≤ 5.0
B	>5.0 and ≤ 15.0
C	>15.0 and ≤ 25.0
D	>25.0 and ≤ 40.0
E	>40.0 and ≤ 60.0
F	>60.0

Source: Table 9-1, *Highway Capacity Manual, Special Report 209, Updated 1994*, Transportation Research Board.

Scottsdale Road and Vista Drive was first analyzed in the present condition plus re-use of the office building to determine the level of service (LOS) of the intersection. The intersection currently operates as a LOS A with an intersection delay of four (4) seconds per vehicle. Vista Drive westbound currently operates at a LOS B with approximately 14 seconds of delay per vehicle.

Next, the intersection of Scottsdale Road and Vista Drive was analyzed after the remodeling of the resort. The second analysis shows that the intersection will continue to operate at LOS A, and the delay will remain at approximately four (4) seconds per vehicle. Vista Drive westbound will operate at a LOS B without noticeable change in the delay.

CONCLUSIONS

The remodeling of the Doubletree Paradise Valley Resort will have no visible or noticeable impact on the signalized intersection at Scottsdale Road and Vista Drive. The majority of trips will enter and exit the resort after it has been remodeled, similarly to the present conditions. Because the proposed pass through will be gated, there will be no noticeable changes in the parking circulation. Some hotel employees and valet parking attendants will be able to use the gate with an electronic key to travel from the office parking area to the hotel area.

Delays at the intersection of Jackrabbit Road and Scottsdale Road will not be effected by the gated entrance on the south side of the resort. Since the traffic circulations in the parking area will not be changed, there will be no noticeable change to the signalized intersection.

Trips to and from the administrative offices were added to the background traffic at the intersection of Vista Drive and Scottsdale Road and the LOS was computed. The LOS was also calculated for the existing conditions plus re-use of the office building on the northeast corner. The intersection functions at a LOS A for the existing conditions and will continue to function at a LOS A with the remodeling of the resort. The LOS for westbound Vista Drive is currently a B. There will be no change in the impact of the LOS for westbound Vista Drive after the remodeling project. The LOS will remain at B and calculated delay per vehicle will increase by only 0.1 second.

On an average day, the proposed remodeling of the hotel will not add any noticeable delay to the signalized intersection of Vista Drive and Scottsdale Road compared with re-use of the office building on the northeast corner of Vista Drive and Scottsdale Road.

Even with uncontrolled access to the hotel, this project would not have any noticeable impact on Vista Drive. This is due to the low peak hour trip generation of the hotel rooms; Resort visitor's trips are spread throughout the day.

RECOMMENDATION

To minimize the possible or perceived impact on Vista Drive, we recommend that the vehicle passage between the hotel and the administrative offices be gated and controlled to allow use by employees of the resort and valet parking only.

Ms. Judy Testani
March 13, 1997
Page 6

CLOSURE

If you have any questions or if I can be of further help, please contact me at 602/955-7206. I appreciate the opportunity to work with you on this project.

Sincerely,



Ken Howell, P.E.
Project Manager

J:\60001\Letter.wpd

KMH:nlm
Attachments: (2)

Streets: (E-W) Vista Drive (N-S) Scottsdale Road
Analyst: Sarah Simpson File Name: REMODEL.HC9
Area Type: Other 3-11-97 1997
Comment: existing traffic + remodel of hotel

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	<	1	1	<	1	3	<	1	3	<
Volumes	7	1	13	43	1	57	51	1810	25	16	1782	6
Lane W (ft)	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vols			0			0			0			0
Lost Time	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	*				NB Left	*		
Thru	*				Thru	*		
Right	*				Right	*		
Peds					Peds			
WB Left	*				SB Left	*		
Thru	*				Thru	*		
Right	*				Right	*		
Peds					Peds			
NB Right					EB Right			
SB Right					WB Right			
Green	12.0P				Green	40.0P		
Yellow/AR	4.0				Yellow/AR	4.0		
Cycle Length: 60 secs Phase combination order: #1 #5								

Intersection Performance Summary

	Lane	Group:	Adj Sat	v/c	g/C	Delay	LOS	Approach:	Delay	LOS
	Mvmts	Cap	Flow	Ratio	Ratio					
EB	L	323	1492	0.022	0.217	14.1	B	14.1	B	
	TR	347	1602	0.043	0.217	14.1	B			
WB	L	367	1695	0.123	0.217	14.4	B	14.5	B	
	TR	344	1588	0.177	0.217	14.6	B			
NB	L	124	182	0.434	0.683	4.8	A	3.9	A	
	TR	3811	5577	0.557	0.683	3.8	A			
SB	L	124	182	0.137	0.683	2.6	A	3.7	A	
	TR	3817	5586	0.542	0.683	3.8	A			

Intersection Delay = 4.1 sec/veh Intersection LOS = A
Lost Time/Cycle, L = 6.0 sec Critical v/c(x) = 0.466

Streets: (E-W) Vista Drive (N-S) Scottsdale Road
Analyst: Sarah Simpson File Name: REUSE.HC9
Area Type: Other 3-11-97 1997
Comment: existing traffic + reuse of office building

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	<	1	1	<	1	3	<	1	3	<
Volumes	7	1	13	30	1	44	51	1810	22	14	1782	6
Lane W (ft)	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vols			0			0			0			0
Lost Time	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

Signal Operations

Phase Combination		1	2	3	4	5	6	7	8
EB	Left	*				NB Left	*		
	Thru	*				Thru	*		
	Right	*				Right	*		
	Peds					Peds			
WB	Left	*				SB Left	*		
	Thru	*				Thru	*		
	Right	*				Right	*		
	Peds					Peds			
NB	Right					EB Right			
SB	Right					WB Right			
Green		12.0P				Green	40.0P		
Yellow/AR		4.0				Yellow/AR	4.0		
Cycle Length: 60 secs Phase combination order: #1 #5									

Intersection Performance Summary

Lane Group:		Adj Sat	v/c	g/C	Delay	LOS	Approach:	
Mvmts	Cap						Delay	LOS
EB	L	336	1549	0.021	0.217	14.1	B	14.1
	TR	347	1602	0.043	0.217	14.1	B	
WB	L	367	1695	0.087	0.217	14.3	B	14.4
	TR	344	1589	0.137	0.217	14.4	B	
NB	L	124	182	0.434	0.683	4.8	A	3.9
	TR	3812	5578	0.556	0.683	3.8	A	
SB	L	124	182	0.121	0.683	2.5	A	3.7
	TR	3817	5586	0.542	0.683	3.8	A	

Intersection Delay = 4.0 sec/veh Intersection LOS = A

Lost Time/Cycle, L = 6.0 sec Critical v/c(x) = 0.455

STIPULATIONS BEING OFFERED BY
PARADISE VALLEY DOUBLETREE RESORT TO
ADDRESS NEIGHBORHOOD CONCERNS

1. The Resort parking spaces on the office parcel may be utilized only by employees of the Resort and for valet parking. No guest self parking shall be permitted. The overnight employee shift shall not be permitted to use those parking spaces. The valet parking attendants shall not add parked cars on the office parcel past 10:00 p.m. and shall not use Vista Drive for access.
2. Outdoor activity conducted on the tennis courts shall be required to end no later than 10:00 p.m. on any day.
3. The vehicular access between the Resort and the office parking lot shall be restricted to one travel lane as reflected on the applicant's submittals and shall be gated with card access at all times. Access through the vehicular gate shall be limited to hotel employees and valet parking attendants. No resort guest vehicular access shall be permitted through the gate.
4. No buses or semi-trucks shall be allowed to utilize the office building parking lot.
5. New landscaping shall be added to the east and south perimeters of the resort pursuant to the landscape plan submitted as a part of the Special Use Permit Amendment. These trees shall be 24" box trees in size.
6. The permit shall not be issued until the Declaration of Easement and Restrictions ("Easement") restricting use of the office building is recorded. Use of the office building shall be restricted to S-R uses as defined by the Scottsdale Zoning Ordinance and as reflected in the Easement. This Easement shall be incorporated into the Special Use Permit.
7. The resort shall work with the City of Scottsdale to install a traffic directional sign on the office building surface parking lot entrance to read "Right Turn Only."
8. At least seven (7) days before conducting, or permitting ^{the} a conduct, of any event on the property that would require guests to park their vehicles off-site, the Resort will obtain approval from the Paradise Valley Police Department of a plan for traffic control, parking, litter control and security.
9. No outdoor amplified sound is permitted nor noise level which exceeds the Town's applicable noise regulation.
10. The Resort shall complete the following improvements as contained in the submitted documents within one (1) year of the approval of the Special Use Permit amendment and no transfer of the Special Use Permit shall be allowed until these improvements are completed: landscaping, lighting and parking. All of the other improvements contained in the Special Use Permit amendment may be made according to the Resort timing and budget.

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

THE FOLLOWING 1 PAGE LETTER IS THE RESPONSE OF MR. FARAMELLI TO THE LETTER OF STEVE EARL APPROVING THE USE INTENSIFICATIONS ON THE S-R ZONED OFFICE BUILDING PROPERTY.

A WEEK BEFORE MR. FARAMELLI PRODUCED THIS DAMAGING LETTER, MR. JOHN HARPER, THE PRESIDENT OF OUR HOMEOWNERS ASSOCIATION AND MYSELF SAT DOWN WITH MR. FARAMELLI EXPRESSING OUR CONCERN FOR THE DAMAGING EFFECTS OF THE RESORT'S PROPOSAL. EVEN AFTER HEARING ALL OUR CONCERNS, MR. FARAMELLI CHOSE TO BYPASS ANY PUBLIC FORUM AND APPROVED THIS EXTREMELY COMPLEX AND CONTROVERSIAL PROPOSAL ON NOTHING MORE THAN A STAFF LEVEL. TO THIS DAY, WE CANNOT UNDERSTAND THE STAFF'S RELUCTANCE TO ALLOW THIS PROPOSAL TO BE HEARD IN ANY KIND OF PUBLIC FORUM.

03/31/97

13:28

2502 994 2672

P & CD/ED

10001



• "Most Livable City" U.S. Conference of Mayors •

March 28, 1997

Mr. Stephen C. Earl
Earl, Curley & Lagarde, P.C.
3101 N. Central Avenue
Suite 1000
Phoenix, AZ 85012

RE: Reconfirmation of Use of Surplus Office Building Parking for Overflow Resort
Parking Located at 5225 N. Scottsdale Road, Scottsdale, Arizona.

Dear Mr. Earl:

Based upon our review of all relevant information, we can now reconfirm to you through this letter that the Resort's limited use of the office building's surplus parking lot for overflow use by valet parking attendants and employees of the Resort during peak periods is acceptable under the Scottsdale Zoning Ordinance with the limitations on that use as contained in your letter. While the proposed reuse of the S-R building initially contained large meeting rooms, the traffic report clarifies that offices for administrative and resort employees totaling 70 will use the facility.

Very truly yours,

John Faramelli,
Community Development Administrator

Post-It® Fax Note	7671	Date	# of pages 1
To Brent Bieser		From Nicole	
Co./Dept.		Co.	
Phone #		Phone # 994-7013	
Fax # 949-1041		Fax # 994-2672	

CITY OF SCOTTSDALE • 3939 CIVIC CENTER BOULEVARD • P.O. Box 1000 • SCOTTSDALE, ARIZONA • 85252

RE: PARADISE VALLEY RESORT OFFICE BUILDING RENOVATION PROJECT

THE FOLLOWING 9 PAGES COVER THE MINUTES AND APPROVED STIPULATIONS BY THE TOWN OF PARADISE VALLEY COUNCIL.

IT IS EXTREMELY IMPORTANT TO NOTE THAT NEARLY HALF OF THE STIPULATIONS INVOLVE USES AND ENFORCMENT ISSUES RELATING TO THE CITY OF SCOTTSDALE PARCEL. THE PARADISE VALLEY TOWN COUNCIL SPENT FULLY THREE HOURS DISCUSSING HOW THE RESORT SHOULD USE A PIECE OF PROPERTY IN SCOTTSDALE.

IT IS WORTH NOTING THAT MAYOR SAM CAMPANA AND VICE MAYOR ROBERT PETTYCREW HAVE BOTH EXPRESSED A HIGH DEGREE OF CONCERN FOR THIS PROPOSAL AND THE IMPACT OF PARADISE VALLEY IMPOSING STIPULATIONS OUTSIDE OF THEIR JURISDICTION. BOTH COUCILMEMBERS ARE ALSO CONCERNED ABOUT THE TOWN OF PARADISE VALLEY POCKETING TAX REVENUES THAT MAY VERY LIKELY BELONG TO THE CITY OF SCOTTSDALE.

I AM ALSO INCLUDING COPIES OF THE LETTERS THAT COUNCILMEMBERS ROBERT PETTYCREW, MARY MANROSS AND DENNIS ROBBINS SUGGESTED THAT I PRESENT TO THE PARADISE VALLEY TOWN COUNCIL EXPRESSING THEIR CONCERN FOR THE DIRECTION THAT THIS PROPOSAL WAS HEADING AND THE RESULTING DAMAGE TO OUR SCOTTSDALE NEIGHBORHOOD.



"Most Livable City"
U.S. Conference of Mayors

April 9, 1997

Mr. Brent Bieser
7317 E. Vista
Scottsdale, AZ 85250

Dear Mr. Bieser:

Thank you for informing me about the proposed changes to the Paradise Valley Resort and the adjacent office building located in Scottsdale. I share you and your neighbors concerns over the changes, not only to the resort but also to the office complex next door, and the resort employees parking privileges extended onto the office property. There is also a concern regarding valet parking in a Service Residential (S/R) use.

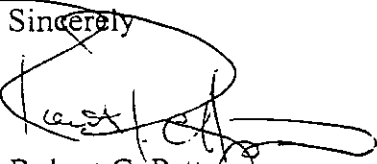
As you know, the office complex is zoned Service Residential. This is the least intensive commercial use allowed in our city. Service Residential zoning is designed to protect our neighborhoods from intense commercial uses.


In the present case, I have concerns about the actual uses of the commercial office building. Under the proposal, the office building will be used by hotel staff only. The new conference rooms cannot be used by hotel guests. We have been assured by the hotel that the office will comply with S/R zoning and only hotel staff will be using the conference rooms.

Our Code Enforcement staff will, as always, be very attentive to the situation. We will try to ensure, as we do all over our city, that proposed uses are actual uses. Our staff will continue to enforce S/R zoning. We will make every attempt to insure that your neighborhood is not negatively impacted.

I appreciate your efforts in this matter. You and your neighbors are what make Scottsdale a great place to live!

Sincerely,


Robert C. Pettycrew
Vice Mayor


Mary Manross
City Councilwoman





"Most Livable City"
U.S. Conference of Mayors

CITY OF SCOTTSDALE
OFFICE OF THE CITY COUNCIL
Dennis E. Robbins

April 9, 1997

Mr. Brent Bieser
7317 E. Vista
Scottsdale, AZ 85250

Dear Mr. Bieser:

Thank you for informing me about the proposed changes to the Paradise Valley Resort and the adjacent office building located in Scottsdale. I share you and your neighbors concerns over the changes, not only to the resort but also to the office complex next door.

As you know, the office complex is zoned Service Residential. This is the least intensive commercial use allowed in our city. Service Residential (S/R) zoning is designed to protect our neighborhoods from intense commercial uses.

In the present case, I have concerns about the actual uses of the commercial office building. Under the proposal, the office building will be used by hotel staff only. The new conference rooms cannot be used by hotel guests. We have been assured by the hotel that the office will comply with S/R zoning and only hotel staff will be using the conference rooms.

Seeing is believing. Our Code Enforcement staff will be very attentive to this situation. We will ensure, as we do all over our city, that proposed uses are actual uses. In this case, our staff will enforce S/R zoning. We will make every attempt to insure that your neighborhood is not negatively impacted.

I appreciate your efforts in this matter. You and your neighbors are what make Scottsdale a great place to live!

Sincerely

A handwritten signature in black ink, appearing to read "Dennis E. Robbins", is written over a horizontal line.

Dennis E. Robbins
City Councilman

*Thanks
Brent!*



420.

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
APRIL 24, 1997**

CALL TO ORDER

The regular meeting of the Town Council of the Town of Paradise Valley, Arizona, was called to order by Mayor Marvin Davis at 7:00 p.m. on Thursday, April 24, 1997, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

ROLL CALL

Answering the Roll Call:

Mayor Marvin Davis
Vice Mayor Sylvia Yoder
Councilmember Jane Cole
Councilman John "Jack" Hook
Councilman Vik Jackson

Councilman Gerry Thomas and Councilmember Sara Moya were absent.

STAFF MEMBERS PRESENT

Town Manager James R. Siket
Town Clerk Lenore Lancaster
Town Attorney Jill Kennedy
Chief of Police John D. Wintersteen
Town Engineer William C. Mead
Planning Director Carl Stephani

PRESENTATION OF COLORS BY GIRL SCOUT TROOP 1123

Mayor Davis introduced Troop 1123 from Kiva Elementary School, who presented the colors and lead the pledge of allegiance. Troop members participating in the ceremony were Sarah Chesteen, Robin Brown, Ashley Caddenhead, Kristi Clarkson, Emily Harper and Brittany Tenneson. Also present were troop leaders Carolyn Chesteen and Blanny Hagenah.

NATIONAL ANTHEM SUNG BY JANELLE PLAZA

Mayor Davis introduce Janelle Plaza, who sung the national anthem.

TOWN COUNCIL MEETING - MINUTES
APRIL 24, 1997

Mike Smith of the architect firm Lescher & Mahoney, presented a key to the newly renovated Town Hall to the Mayor.

CONSENT AGENDA

The following items were on the Consent Agenda:

- a. Minutes of Town Council Work Session of April 5, 1997.
- b. Minutes of Town Council Special Meeting of April 10, 1997.
- c. Minutes of Town Council Meeting of April 10, 1997.
- d. Minutes of Town Council Work Session of April 17, 1997.
- e. Minutes of Town Council Special Meeting of April 17, 1997.
- f. Report of Bills and Payrolls as of April 24, 1997.
- g. Report on Investments.
- h. Consideration of Lease Purchases.
- i. Report of Payments made by the Municipal Property Corporation.
- j. Consideration of Special Event Liquor License for Phoenix Swing Dance Club to be held at Camelback Inn, 5402 East Lincoln Drive, on July 4-6, 1997.
- k. Consideration of Special Event Liquor License for American Civil Liberties Union to be held at Unitarian Universalist Church, 4027 East Lincoln Drive, on May 10, 1997.
- l. Confirmation of Appointment of Dr. Art Nelson to Fill the Unexpired Term on Municipal Property Corporation Board of Directors.
- m. Consideration of Ratification of Stipulations for Doubletree Paradise Valley Resort Special Use Permit Amendment.

Councilmember Cole pulled item 6c and item 6m.

Mayor Davis moved acceptance of 6l, confirmation of Dr. Art Nelson to fill the unexpired term on the Municipal Property Corporation Board of Directors. Vice Mayor Yoder seconded the motion, which carried 4-0. Mayor Davis introduced Dr. Nelson.

TOWN COUNCIL MEETING - MINUTES
APRIL 24, 1997

Mayor Davis moved approval of items 6a, b, d, e, f, g, h, i, j, and k. Vice Mayor seconded the motion, which carried 4-0.

Councilmember Cole asked that 6m, Ratification of Stipulations for Doubletree Paradise Valley Resort Special Use Permit Amendment, be considered first. Councilmember Cole moved approval of 6m. Councilman Hook seconded the motion, which carried 3-0, with Vice Mayor Yoder abstaining.

Councilmember Cole moved approval of item 6c. Councilman Hook seconded the motion, which carried 4-0.

VOX POPULI

Dr. Alan Leibowitz, 9916 N. 52nd St., presented a letter of concern to the Council on the N. 52nd Street traffic and speeding problems and requested that traffic mitigation measures be implemented.

Dr. Thomas Wood 9900 N. 52nd St. supported Dr. Leibowitz's statement.

PUBLIC HEARINGS

Consideration of Butler Estates Preliminary Plat, Zoning Change, Road Vacation, and Special Use Permits for Private Road and Guardgate

Mr. Skip Nelson, 4222 E. McClelland, Tempe, represented the applicant and requested a continuance of this agenda item.

Councilman Hook moved to continue Butler Estates to an open date. Vice Mayor Yoder seconded the motion, with the addition that Mr. Nelson notify neighbors of the new date. Councilman Hook accepted the change, and the motion carried 4-0.

MAYOR AND COUNCIL REPORTS

Councilmember Cole reported on her role as legislative liaison. She updated Council on the matters that concern the Town. Councilmember Cole complimented staff on the recent issue of the Town Reporter.

Councilmember Cole reported that they have had a good response on the surveys on the use of the house at 6517 E. Lincoln Drive.

Councilman Hook reminded everyone of the Founders Day event on May 3.

Vice Mayor Yoder announced that the General Plan will be on the May 22, 1997 agenda.

RECOGNITION

Mayor Davis stated that Paradise Valley was awarded the Tree City USA plaque by the National Arbor Day Foundation. Mr. Larry Krueger of Arizona Public Service presented the Town with an ironwood tree in recognition of this prestigious award. The Town is one of 12 cities in the state that qualifies for this honor.

PUBLIC HEARINGS

Consideration of Doubletree Paradise Valley Resort Special Use Permit Amendment

Mr. Stephani presented the application of Doubletree Paradise Valley Resort Special Use Permit Amendment for Council's consideration.

Mr. Stephen Earl, 3101 North Central Avenue, Phoenix, spoke on behalf of the applicant, Doubletree Paradise Valley Resort, and presented the application to the Council.

Mr. John Harper, 7331 East Vista Drive, Scottsdale, president of the Vista Bonita Homeowners Association, spoke on behalf of the 100 families who live east of Doubletree Paradise Valley Resort, who are opposed to the proposed amendment.

Mr. Pat Maderia, 7285 East Buena Tierra Way, Scottsdale, north of the resort, spoke in favor of the proposed amendment to the Doubletree Paradise Valley Resort special use permit.

Mr. David Evans, 7230 East Vista Drive, opposed the amendment to the special use permit for Doubletree Paradise Valley Resort.

Mr. Brent Bieser, 7317 East Vista, opposed the amendment to the special use permit for Doubletree Paradise Valley Resort.

Mrs. Helen Harold, 5729 Palo Cristi, stated that she lives near a resort and they are not allowed to park offsite. She stated that this amendment might set a precedent on parking offsite. She said resort parking ought to be limited to onsite.

Ms. Sheila Carmody, 6831 East Vista Drive, opposed the amendment to the special use permit because it would produce additional traffic onto Vista Drive which will continue east to 68th Street.

Mr. Robert Lyngstad, 7245 East Arlington Road, spoke in favor of the amendment to the special use permit.

Ms. Susan Turner, 7429 East Vista Drive, opposed the amendment to the special use permit because it will increase traffic.

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Mr. Joe Kelly, 7416 East Vista Drive, opposed the amendment to the special use permit.

Mr. Claude Mattox, 10540 West Indian School Road, #1A, Phoenix, 85037, Doubletree Paradise Valley Resort public relations manager, stated he spoke to the neighbors. He read a letter from Lawrence E. Zuhn, a neighbor behind the resort who is in favor of the amendment to the Doubletree Paradise Valley Resort special use permit. He said that 18 other neighbors are in favor of it also.

Ms. Rebecca Peterson, 5133 North Woodmere Fairway opposed the amendment to the special use permit.

Mr. Joe Hall, pastor of the church across from the resort at 5230 North Scottsdale Road, spoke in favor of the amendment to the special use permit. He stated that the church parking lot is available to the resort for the overflow.

Mr. Paul McGoldrick, 7430 East Vista Drive, opposed the amendment because it would increase traffic.

Mr. Barrett Hinsvark, 5311 North Woodmere Fairway, stated he is concerned about the safety of the children and opposed the amendment to the Doubletree Paradise Valley Resort special use permit.

Mrs. Madalene Larkin, 7457 East Vista Drive, stated she is concerned about the safety of the children and opposed the amendment.

Mr. Sam Calabrese, 7501 East Cholla Lane, stated he is concerned about the safety of the children and is opposed to the amendment.

Mr. Earl responded to the concerns of the neighbors.

Councilman Hook moved approval of the Doubletree Paradise Valley Resort Special Use Permit Amendment, with the following stipulations:

1. Parking Lot and Access to and from the Office Parcel
 - a. Vehicular access between the Resort and the parking lot on the Office Parcel shall be restricted to one travel lane as reflected on the applicant's submittals and shall be gated with card access at all times. Access through the vehicular gate shall be limited to hotel employees and valet parking attendants. No Resort guest vehicular access shall be permitted through the gate.
 - b. A gate or other barrier acceptable to the Town shall be installed at the exit from the surface parking lot onto Vista Drive. This gate or barrier shall be in place between the hours of 10:00 p.m. and 5:00 a.m. on any day when the lot is used for valet parking to prohibit egress or ingress onto Vista Drive from the parking lot during those times. This gate or barrier shall be accessible for emergency services.

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- c. The Resort parking spaces on the Office Parcel may be utilized only by employees of the Resort and for valet parking. No guest self parking shall be permitted. The overnight employee shift shall not be permitted to use those parking spaces on the Office Parcel. The valet parking attendants shall not add parked cars on the Office Parcel past 10:00 p.m. and shall not use Vista Drive for ingress or egress after 10:00 p.m.
- d. No buses or semi-trucks shall be allowed to utilize the parking lot on the Office Parcel.
- e. The Resort shall work with the City of Scottsdale to install a traffic directional sign on the Office Parcel parking lot exits onto Vista Drive to read "Right Turn Only" and to install a "No Outlet" sign on Vista Drive. The Resort shall construct the surface driveway exit so that traffic leaving the parking lot will exit to the right (west) onto Vista Drive and so that no left turn (east) movements onto Vista Drive are permitted from the parking lot.
- f. The Resort shall provide, and be able to produce evidence of such to the Town, instructions to all employees of the Resort who are permitted to utilize the Office Parcel parking lot as follows:

You are not allowed to use Vista Drive west of Scottsdale Road for access to and from your employment or for valet parking. You are directed to obey all posted speed limits and other traffic regulations of the City of Scottsdale and Town of Paradise Valley.

The Resort agrees that it will require all such employees to comply with these instructions and that the Resort will take appropriate disciplinary action for noncompliance by any employee.

2. Outdoor activity conducted on the tennis courts shall be required to end no later than 10:00 p.m. on any day.
3. New landscaping shall be added to the east and south perimeters of the Resort pursuant to the landscape plan submitted as a part of the special use permit amendment. These ninety-five (95) trees shall be 24" box trees in size.
4. The permit shall not be issued until the Declaration of Easements and Restrictions ("Easement") approved in form by the Town Attorney restricting use of the office building and parking is recorded in the office of Maricopa County Recorder. Use of the Office Parcel shall be restricted to S-R uses as defined by the Scottsdale Zoning Ordinance and as reflected in the Easement. This Easement shall be incorporated into the Special Use Permit. Failure, termination or revocation of the Easement shall be deemed a violation of the Special Use Permit unless specifically agreed to by the Town.
5. At least seven (7) days before conducting or permitting the conduct of any event on the Resort property that would require parking of guests to park their vehicles off-site, the Resort will obtain approval from the Paradise Valley Police Department of a plan for traffic control, parking, litter control and security.

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6. No outdoor amplified sound of any kind is permitted nor noise levels which exceed the Town's applicable noise regulation.
7. The Resort shall complete the following improvements as contained in the submitted documents within one year of the approval of the special use permit amendment and no transfer of the special use permit shall be allowed until these improvements are completed: landscaping, lighting and parking. All of the other improvements contained in the special use permit amendment may be made according to the Resort timing and budget.
8. The special use permit is dependent on the parking and use described in the application being permitted by the City of Scottsdale. The terms, conditions and statements in the applicant's letter of March 21, 1997, to the City of Scottsdale, and the City of Scottsdale reply dated March 28, 1997, related to the parking and use on the Office Parcel, are incorporated by reference and enforceable in the special use permit.
9. The Resort will construct an engineered entrance between the Resort and the Office Parcel so as to not adversely affect the current irrigation pipe and all necessary measures will be taken to ensure the engineering and construction will be done to the Town's satisfaction.
10. The Resort shall raise the block wall in the southeast corner of the property as shown on exhibit L-4 of the proposed plan.
11. All stipulations of the Resort's special use permit relating to the Office Parcel shall be incorporated as terms and conditions of any leases or subleases of the Office Parcel. Any breach or default of such stipulations by a tenant or subtenant also shall be deemed a breach or default by the Resort and enforceable by the Town.
12. The Resort shall provide, and be able to produce evidence of such to the Town, instructions to all of its vendors and contractors as follows:
In order to be a vendor and/or contractor in good standing with the Doubletree Paradise Valley Resort, you must confine your travel routes to and from the Resort to arterial streets (ie, Scottsdale Road) or collector streets (ie Jackrabbit Road), and you must not use local streets through neighborhoods (i.e. Vista Drive east or west off Scottsdale Road). In addition, you must obey all posted speed limits and other traffic regulations of the City of Scottsdale and Town of Paradise Valley.
The Resort agrees that it will require all contractors and vendors to comply with these instructions as a condition of doing business with the Resort and enforce this requirement against any vendor or contractor in the event of noncompliance.

Councilman Thomas seconded the motion.

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Councilmember Moya stated that stipulation 1c. should be stated that the exit design should be so that they can turn only right. Councilman Hook agreed. Councilman Thomas agreed.

Councilmember Moya added the following stipulation:

13. Because the operations of the hotel are in Paradise Valley, all bed tax and sales tax are to accrue to Paradise Valley regardless of where the cash box is located. Paradise Valley will be in the same relative fiscal position as it is currently after all of these improvements are completed.

Councilman Hook agreed. Councilman Thomas agreed.

Mayor Davis added the following stipulation:

14. A violation of any of the stipulations or terms of the special use permit or applicable Town Code is enforceable against the Resort and grounds for revocation of the special use permit.

Councilman Hook agreed. Councilman Thomas agreed.

Ms. Kennedy suggested the following wording be added to stipulation 8: The terms, conditions and statements in the applicant's letter of March 21, 1997, to the City of Scottsdale, and the City of Scottsdale reply dated March 28, 1997, related to the parking and use on the Office Parcel, are incorporated by reference and enforceable in the special use permit. Councilmembers Hook and Thomas agreed.

Mr. Earl asked for clarification on the valet parking. Mayor Davis stated that there will be no valet parking whatsoever.

Councilman Jackson asked if there is another area of the parking lot which can be utilized for valet parking.

Mayor Davis said the hotel needs the valet parking. Councilman Thomas suggested that the exit to Vista be blocked off after 10:00 p.m. and the cars will have to exit to Scottsdale Road. Mayor Davis made the amendment to stipulation 1a. and 1c. to allow valet parking with an appropriate barricade installed at the exit on Vista Drive so that cars will only use the Scottsdale Road exit after 10:00 p.m.

Councilmembers Hook and Thomas accepted the amendment to allow valet parking.

Mr. David Harper, 7442 East Bonita Drive, recommended the irrigation line be relocated if the entrance of the parking garage is re-routed to the Doubletree property.

Ms. Kennedy asked for clarification regarding the leasing and subleasing mentioned in stipulation 11. Mayor Davis stated that the tenant or subtenant is responsible and shall

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assume all the terms and conditions of the Resort. If a tenant or subtenant is in default of such stipulations, the Resort is in default.

The motion carried 5-1, with Councilmember Cole voting no.

Councilman Thomas left the meeting at 10:45 p.m.

MAYOR AND COUNCIL REPORTS

Councilmember Cole commented that the Town Code Enforcement Committee held a hearing held on April 9, 1997. The Committee has scheduled a walk-through of the kennels at 10:30 a.m. on April 15, followed by an Executive Session at Town Hall at 12:00 p.m., and then a public hearing at 1:30 p.m. at which time the Committee will announce their decision.

Councilman Hook stated Founders' Day activities are scheduled for Saturday, May 3, 1997 at Kachina Country Day School, 9:00 a.m. to 1:00 p.m.

Councilmember Moya commented on the new Town Code. She thanked the Town Manager for the new Town Hall facilities.

TOWN MANAGER'S REPORT

Consideration and Authorization to Transfer Funds from Contingency for the Stanford Drive Landscape Project

Mr. Siket requested Council approval to transfer \$10,000 from the Contingency Account to complete the Stanford Drive landscaping along the Arizona Canal in a single phase.

Councilmember Cole moved approval of the transfer of \$10,000 to allow the landscaping on Stanford Drive to be completed in a single phase.

Councilman Jackson seconded the motion which passed 4-1, with Councilmember Moya voting no.

Consideration and Authorization to Award Bid and Execute Contract for Lincoln Drive Medians and Sewer

Mr. Siket recommended Council authorize approval to execute a contract with Calyber Contracting, Inc., the lowest responsive bidder, to perform construction services for Lincoln Drive median islands and sewer line, including landscaping at the bid amount of \$827,686.85.

Mr. Ciccarelli said that Phoenix, Scottsdale and Tempe have used this contractor and all indications were favorable.

APRIL 22, 1997

DEAR COUNCILWOMAN COLE,

I WOULD LIKE TO FIRST THANK YOU FOR THE WONDERFUL SUPPORT YOU SHOWED TO OUR NEIGHBORHOOD REGARDING THE PARADISE VALLEY RESORT OFFICE BUILDING PROPOSAL. IN THE LETTERS I HAVE SENT TO THE SCOTTSDALE CITY COUNCIL, I HAVE SHARED YOUR CONCERN REGARDING THE RESORT'S PROPOSAL AND THE IMPACT ON OUR NEIGHBORHOOD. YOUR SUPPORT IS GREATLY APPRECIATED.

DUE TO THE FRIENDLINESS OF OUR NEIGHBORHOOD'S RESIDENTS, THE NEWS OF THE ISSUE IS SPREADING LIKE WILDFIRE. I HAVE NEIGHBORS CALLING ME BOTH AT HOME AND WORK ASKING HOW THEY CAN HELP IN PROTECTING OURSELVES FROM THE DAMAGING EFFECTS OF THE RESORT'S PROPOSAL. WITH THE ISSUE BASICALLY OVER IN PARADISE VALLEY, I HAVE SUGGESTED THAT THEY CONTACT OUR ELECTED SCOTTSDALE OFFICIALS AND SHARE THEIR CONCERNS.

AS I STATED ON THE PHONE, I NOTICED SEVERAL DISTURBING WORDINGS ON THE STIPULATIONS THAT SCOTT McCULLOUGH FAXED TO ME FROM THE APRIL 10th TOWN COUNCIL MEETING. I HAVE BEEN ATTENDING EVERY MEETING POSSIBLE REGARDING THIS ISSUE AND THERE SEEMS TO BE INCREDIBLE INCONSISTENCY FROM WHAT IS SAID IN THE MEETINGS AND WHAT ACTUALLY GOES ON PAPER. BELOW, I WILL LIST THE STIPULATIONS THAT ARE PROBLEMATIC AND I RESPECTFULLY ASK THAT THESE BE CORRECTED PRIOR TO APPROVAL OF THE MINUTES AND STIPULATIONS AT THE NEXT TOWN COUNCIL MEETING.

1. (b.) THE COUNCIL MEETING INDICATED A BARRIER/ GATE FROM THE OFFICE BUILDING TO VISTA DRIVE USED DAILY FROM THE HOURS OF 10:00 P.M. TO 5:00 A.M. THIS WORDING MEANT THAT ALL RESORT TRAFFIC WOULD ACCESS DIRECTLY TO SCOTTSDALE ROAD AFTER 10:00 P.M. THE CURRENT WORDING IS NOW ALLOWING RESORT STAFF TO ACCESS VISTA DRIVE DURING THE LATE NIGHT HOURS. THERE IS NO REASONABLE WAY TO IMPLEMENT THE GATE USAGE THE WAY THE STIPULATION IS CURRENTLY WORDED SINCE SOMEONE WOULD NEED TO BE RESPONSIBLE FOR DETERMINING THE VALET USE ON A DAY TO DAY BASIS. EXTREMELY UNLIKELY GIVEN THE RESORT'S HISTORY OF DISREGARD FOR PARADISE VALLEY REGULATIONS.

1. (c.) THE COUNCIL MEETING INDICATED THAT VALET STAFF WOULD NOT USE VISTA DRIVE AT ANY TIME. VALET STAFF WAS LIMITED TO THE USE OF THE SURFACE LOT ONLY. THE CURRENT STIPULATION WORDING ALLOWS VALET USAGE OF VISTA DRIVE BETWEEN THE HOURS OF 5:00 A.M. AND 10:00 P.M.

1. (e.) THE COUNCIL DISCUSSED THE PROPER CONSTRUCTION OF AN ENTRANCE TO THE OFFICE PROPERTY FROM VISTA DRIVE AND THE GATED PROTECTION OF THIS ACCESS FROM AFTERHOURS MISUSE. THIS CONCERN IS COMPLETELY MISSING FROM THE STIPULATIONS.

1. (f.) THE STIPULATION WORDING HAS BEEN SOFTENED REGARDING PARADISE VALLEY ENFORCEMENT OF THE SPECIAL USE PERMIT WITH RESPECT TO ILLEGAL USE BY THE RESORT STAFF OF VISTA DRIVE WEST OF SCOTTSDALE ROAD. THE CURRENT WORDING HAS THE RESORT POLICING ITSELF REGARDING ILLEGAL BEHAVIOR OF ITS STAFF. THE COUNCIL'S DISCUSSION WORDED A RESORT STAFF VIOLATION AS A 'VIOLATION BY THE RESORT OF THE TERMS AND CONDITIONS OF ITS SPECIAL USE PERMIT'. THE RESORT SHOULD BE RESPONSIBLE FOR INFORMING THEIR STAFF OF THE RULES OF THE STIPULATION AND THE RESORT SHOULD BE PENALIZED FOR STAFF VIOLATIONS.

8. THIS STIPULATION IGNORES THE FACT THAT THE LETTER PRODUCED BY THE APPLICANT FROM MR. JOHN FARAMELLI OF THE CITY OF SCOTTSDALE IS IN VIOLATION OF SCOTTSDALE CITY ORDINANCE AS IT PERTAINS TO S-R ZONING. THE DISCUSSION OF THE PARADISE VALLEY COUNCIL AS WELL AS THE TOWN ATTORNEY INDICATED THAT THE APPLICANT MUST PRODUCE A VALID AND LEGAL WRITTEN AUTHORIZATION FROM THE CITY OF SCOTTSDALE DEVELOPMENT REVIEW BOARD AS REQUIRED BY SCOTTSDALE CITY ORDINANCE PRESENTED DIRECTLY TO THE TOWN OF PARADISE VALLEY. THE WORDING OF THE LETTERS BETWEEN THE RESORT'S ATTORNEYS AND THE CITY OF SCOTTSDALE IS WORDED SO AMBIGUOUSLY AS TO BE UNENFORCEABLE.

9. THE MAYOR INDICATED THAT THIS STIPULATION WOULD TAKE INTO ACCOUNT THAT THE McDOWELL WATER COMPANY IRRIGATION PIPE IS LOCATED IN SCOTTSDALE AND THAT ENGINEERING APPROVAL WOULD BE HANDLED ACCORDINGLY. AS WAS MENTIONED IN THE COUNCIL MEETING, THE CITY OF SCOTTSDALE ENGINEERING DEPARTMENT ROUTINELY INSPECTS ENGINEERING ISSUES IN ITS OWN JURISDICTION. THE McDOWELL WATER COMPANY SHOULD BE ALLOWED TO REVIEW AND APPROVE THE ENGINEERING OF THE DRIVE OVER ITS PIPELINE. THIS PIPELINE IS APPROXIMATELY FIFTY YEARS OLD AND REQUIRES EXTREME CARE. REWORDING OF THE STIPULATION TO ADDRESS THE APPROVAL OF THE McDOWELL WATER COMPANY WOULD BE EXTREMELY IMPORTANT IN PRESERVING THE UNINTERRUPTED SERVICE OF THIS PIPELINE TO APPROXIMATELY FIFTY TWO REGULAR USERS.

12. THIS STIPULATION WORDING HAS BEEN SOFTENED IN A SIMILAR FASHION TO THE WORDING OF STIPULATION 1. (f.) AS IT PERTAINS TO ENFORCEMENT OF THE PARADISE VALLEY SPECIAL USE PERMIT. THIS STIPULATION DEALS WITH THE VENDORS OF THE RESORT AND THEIR USE OF THE NEIGHBORING COMMUNITIES AND STREETS.

APRIL 22, 1997

I AM HOPING THAT THE WORDING OF STIPULATION 14 WILL OVERRIDE THE SOFT WORDING OF STIPULATIONS 1 (F.) AND 12. I CANNOT TELL FROM THE PACKAGE THAT I AM REVIEWING HOW THIS WORKS. NATURALLY THE RESORT WILL LOOK TO THE MOST LENIENT INTERPRETATION.

IT IS WORTH NOTING THAT THE RESORT IS ALREADY IN VIOLATION OF THE SCOTTSDALE ORDINANCE THAT THEY AGREED TO FOLLOW ON THE OFFICE BUILDING PROPERTY. THE PROBLEM IS, DO THE RESIDENTS NOTIFY PARADISE VALLEY FOR VIOLATIONS OF SCOTTSDALE ORDINANCES THAT THE TOWN IS ALLOWING THE RESORT TO VIOLATE OUTSIDE OF THE TOWN'S JURISDICTION? WHO DO WE TURN TO?

THANK YOU VERY MUCH FOR ANY ASSISTANCE YOU CAN BRING TO CLARIFY THESE DISTURBING STIPULATIONS. OUR NEIGHBORHOOD FEELS THAT THE ONLY PROTECTION WE HAVE AT THIS TIME IS THE EXTREMELY CAREFUL WORDING AND ENFORCEMENT MEASURES THAT CAN BE INTEGRATED INTO THE STIPULATIONS. PLEASE INTRODUCE ANY FURTHER CLARIFICATIONS YOU FEEL CAN PROTECT OUR NEIGHBORHOOD MOST FULLY.

RESPECTFULLY,



BRENT M. BIESER
7317 EAST VISTA DRIVE
SCOTTSDALE, ARIZONA 85250
HOME: 602-941-5413
OFFICE: 602-941-0840
FAX: 602-949-1041

**DRAFT MINUTES
BOARD OF ADJUSTMENT
KIVA-CITY HALL
3939 N. CIVIC CENTER BOULEVARD
WEDNESDAY, JULY 2, 1997 - 5:30 P.M.**

PRESENT Robert Wexler, Chairman
 Dennis Alonso
 Gene Lenahan
 Isabel McDougall
 Wendy Springborn-Pitman

ABSENT Susan Kayler, Vice Chairman
 Robert Edwards

STAFF Lisa Collins
 Alan Ward
 Margaret Wilson

CALL TO ORDER:

The regular meeting of the Scottsdale Board of Adjustment was called to order at 5:40 p.m. by Chairman Wexler.

ROLL CALL:

A formal roll call confirmed members present as stated above.

CHAIRMAN WEXLER announced that he had received a letter of resignation from Vice Chairman Susan Kayler.

APPROVAL OF MINUTES:

June 4, 1997

MR. LENAHA MADE A MOTION TO APPROVE THE JUNE 4, 1997 MINUTES AS SUBMITTED. **SECOND** BY **MS. SPRINGBORN-PITMAN**.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

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WITHDRAWALS:

06-BA-97 Revocation of conditional user permit for live entertainment
7117 East Third Avenue
City of Scottsdale, Applicant

MS. COLLINS stated that a revocation can be re-initiated at any time and this at no time states that the City of Scottsdale will not pursue a revocation if there are problems in the future. She also stated that the Cajun House has been informed of this.

REGULAR AGENDA:

08-BA-97 Request for appeal from Zoning Administrator's interpretation
of the zoning ordinance
5225 N. Scottsdale Road
Brent Bieser, applicant

(CHAIRMAN WEXLER EXPLAINED THE MEETING PROCEDURES FOR THE APPEAL OF AN ADMINISTRATIVE DECISION.)

MS. COLLINS presented this request as per the project coordination packet. Staff recommendation is uphold the interpretation of the Zoning Administrator for the reasons stated in the report.

MR. ALONSO asked how the building would be used by the resort.

MS. COLLINS stated that office building will be used by the resort for offices and for sales activities and normal professional office uses.

MR. ALONSO asked if this would be an acceptable use under S-R zoning if this was not connected with the resort.

MS. COLLINS stated that it would be acceptable and the existing uses in the building were office type uses.

MR. LENAHAN asked if the current zoning will allow valet parking on the property.

MS. COLLINS stated that the valet parking is considered an ancillary use of the site. She said that the site currently has parking that exceeds the need required for the size of office building the exists on the property. She stated that the excess parking is the portion that will be used for the valet parking.

MR. LENAHAN asked if there would be any egress onto Vista from the valet parking.

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MS. COLLINS stated that the applicant requested to use this site. She said that the Town of Paradise Valley does have some requirements that would control access however Scottsdale Zoning Ordinance would not be able to prohibit that.

MS. MCDUGALL commented that the Town of Paradise Valley had imposed some stipulations on the use of this property. She asked how they can do that.

MS. COLLINS stated that the Paradise Valley Resort has apparently agreed to those conditions however the City of Scottsdale has agreed to uphold those to the best of their ability. She said that the Town of Paradise Valley does not have the ability to enforce regulations on Scottsdale's property and the City of Scottsdale does not have the ability to enforce their stipulations.

CHAIRMAN WEXLER asked if hypothetically the Board were to buy the office would there be anything from prohibiting them to lease the building to the resort for office space.

MS. COLLINS stated that anyone could own the property and lease it to someone else.

CHAIRMAN WEXLER asked if under that same scenario the current owner would be able to tear the wall down and sublease those parking spaces to the Paradise Valley Resort or anyone else.

MS. COLLINS stated that the wall is not required as part of the zoning ordinance. She said that there are some sections that require walls separating certain uses but this does not. She said that they could not restrict vehicular access across the property.

MS. SPRINGBORN-PITMAN asked if there are any requirements in the S-R that relate to the storage of large trucks or semi-tractor trailers on the property.

MS. COLLINS stated that there are no restrictions on types of vehicles on the property.

MR. LENAHAN asked if the Administrator was aware of any increased traffic and congestion problems on Vista Drive when he agreed to this property being dual use.

MS. COLLINS stated that when the City of Scottsdale looked at whether this was an S-R service residential use they did check the traffic studies to determine that this was similar to any other type of service residential office use. She said that they did review that and found that the traffic levels were consistent.

MR. ALONSO stated that the applicant did contact him several months ago and the applicant requested the procedure for the Board of Adjustment and after reviewing the conversation with the City Attorney it was determined that there was no conflict of interest existed.

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BRENT BIESER, applicant, 7317 East Vista, gave a brief presentation. He said that he represents the Vista Bonita Homeowners Association. He stated that the only access out of the community is at the intersection of Vista and Scottsdale Road. He said that their concern is the impact that the resort is going to have on the office building property to the south. He said that the resort will then be able to allow resort valet parking and resort employee parking on the Scottsdale parking lot. He stated that there was a petition presented to the Board of Adjustment from the homeowners association opposing this case. He said that they are very concerned that this case never went through the proper channels. He stated that this went to the highest level in Paradise Valley and the lowest level in Scottsdale. He said that the office building is going to be used as conference rooms for guests at the resort.

MS. MCDOUGALL asked the applicant if he felt the main impact on the community would be the number of vehicles and the timing of it being used 24 hours a day 7 days a week.

MR. BIESER stated that is a part of the issue. He said that there are three items they have concerns with; punching a hole in the wall for resort uses onto S-R; resort valet parking on S-R property; and resort employee parking on S-R property.

MS. SPRINGBORN-PITMAN asked the applicant to explain the impact on the community if access for these vehicles will only be going through the wall and not onto Vista.

MR. BIESER stated that is not the case at this point. He said that right now traffic can go from the resort through the gate onto the Scottsdale lot and onto Vista.

MR. ALONSO asked if the hotel's anticipated use of the building were the same with no access onto Vista Drive would that be acceptable.

MR. BIESER stated that may be acceptable to the neighborhood but then the only main access that the building has as required by S-R zoning is to be able to have a main access way to the building property. He said that one solution given that the Paradise Valley meeting was to construct a low wall that divided the office building parking lot into one third west and two thirds east so only the eastern two thirds could be accessed on the resort for valet and employee parking and then the western one third of the parking lot closest to the building would have access onto to Vista. He stated that the resort turned down the solution.

CHAIRMAN WEXLER asked if it would be more beneficial to let cars ingress/egress through the hole in the wall than to always have to come in and out of Vista.

MR. BIESER stated that there would be no benefit if the employees only way to get into the parking lot was from Vista. He said that would not be acceptable and would violate the S-R.

CHAIRMAN WEXLER asked staff if he would be violating S-R zoning if he were to buy the property as zoned S-R and made a deal with the resort to lease that parking lot for either resort employee parking or resort valet parking.

MS. COLLINS stated no if it were an ancillary use. She said clearly parking lots as a primary use are not permitted in S-R districts. She stated if there is excess parking that is not required for the office building based on the ordinance and square footage calculations it could be used by other properties.

CHAIRMAN WEXLER asked how many parking spaces they have and what is the excess number.

MS. COLLINS stated that she would need to look up the numbers.

STEPHEN EARL, attorney representing the Doubletree Paradise Valley Resort, gave a brief presentation. He handed out aerial photographs to the Board. He stated the fundamental question to be answered is whether cross access parking is prohibited or permitted. He said that John Faramelli's answer was that cross access parking between parcels is permitted by the S-R Ordinance and is commonly done in the City of Scottsdale. He stated that cross access reduces traffic congestion. He said that the resort has complied with all the conditions in the special use permit. He gave several examples of resorts and buildings in the area that open access and cross access parking.

MS. SPRINGBORN-PITMAN commented that the stipulations from the Town of Paradise Valley states no cars will be permitted to be valet parked after 10:00 p.m. and not shall not use Vista Drive for access. She asked if that is for both ingress and egress.

MR. EARL stated that is correct. He said if the resort kept the cars on the property they reduced that chances of accidents. He stated that the resort agreed ingress/egress would only come through the gate and they would not have any valet parking after 10:00 p.m.

MS. SPRINGBORN-PITMAN asked if that access is to be used by the executives and employees of the resort rather than using Vista Drive.

MR. EARL stated that the tenants of the office building can use the underground parking. He said that the employees will use the surface parking. He said that the employees cannot use Vista Drive to exit the resort.

CHAIRMAN WEXLER asked if Mr. Earl was stating that no resort guests would have occasion to attend that building or park in that lot.

MR. EARL stated that if a resort guest was going over to an administrative office for any event then the guest would be entitled to go over there. He said that would be an administrative function.

CHAIRMAN WEXLER asked if Mr. Earl was stating that at no time would valet's have ingress or egress onto Vista Drive and that they would only be allowed to use the gate where the wall currently is.

MR. EARL stated that is correct.

MS. MCDOUGALL asked for clarification on the underground parking.

MR. EARL stated that currently they are not using the underground parking for valet or employee parking. He said that the underground parking is only for the tenants of the building.

MS. MCDOUGALL asked if they went through the DRB when the buildings were remodeled.

MR. EARL stated that they did not remodel the exterior of the building so they were not required to go through the DRB. He said that they were basically tenant improvements which are not a issue for the DRB.

MS. SPRINGBORN-PITMAN asked if the resort would be decreasing the valet parking that it currently has and pushing it over to the S-R.

MR. EARL stated no. He said that the resort vastly prefers the valet parking in the current location just next to the main entrance.

MR. ALONSO asked if there is a barrier or gate on the parking garage.

MR. EARL stated that there is no barrier or gate and there never has been.

MS. SPRINGBORN-PITMAN asked if the semi-tractor trailers shown in the picture are parked there on a regular basis.

MR. EARL stated that during the renovation process there may have been larger vehicles parked on the surface parking. He said they the resort has specifically stipulated with the neighbors that no large vehicles can be parked in that parking lot.

MR. LENAHAAN asked if Mr. Earl has come across any cross municipality parking.

MR. EARL stated that he did not look specifically at cross municipality parking but he specifically looked at Scottsdale for S-R because that was the issue.

MR. LENAHAAN asked if that was germane to the issue.

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MR. EARL stated that is absolutely germane. He said that the Scottsdale staff has made it very clear that the wall could come down tomorrow. He said that there is no limitation on cross access parking.

MR. LENAHAN commented that they are talking about two different entities. He said that one is controlling the stipulations and one is not. He asked what happens when something goes wrong on the Scottsdale side of the deal. He wanted to know where the Paradise Valley residents turn to then.

MR. EARL stated that this is a split neighborhood with some people living in Scottsdale and the others living in Paradise Valley. He said that Scottsdale does not control the issue. He said that the resort has limited their own special permit to comply with these stipulations. He stated that if there is a complaint lodged it goes to the Town of Paradise Valley for the whole hotel. He said that the Town of Paradise Valley does not have resort zoning so the resort has a special use permit. He stated that any time there is a change at the resort you must go back and amend the special permit.

MR. LENAHAN asked if the Town of Paradise Valley has to listen to the complaints from City of Scottsdale citizens.

MR. EARL stated that at the hearing they did not draw any distinction between Paradise Valley citizens and Scottsdale citizens.

MS. MCDOUGALL asked staff if Scottsdale could put stipulations of use on the property.

MS. COLLINS stated that the concern and the problem with that is the procedure. She said that the procedure and process in the Town of Paradise Valley is the use permit process of the hotel. She stated that in this case there is an S-R zoned property and the building is existing so there was no process or procedure to go through in order to apply the stipulations.

MR. ALONSO asked what the hotel's feeling are on the suggestion of splitting the parking lot into a small section available to Vista Drive or possibly blocking off the Vista Drive access with some sort of crash gate.

MR. EARL stated that there are neighborhoods that surround this property to the south, east and north. He said that currently the resort accesses to Jackrabbit Road at the north end of the site. He stated that there is a neighborhood in Scottsdale on the north side of Jackrabbit road and they have been taking the brunt of all the access the resort has. He said that when the issue of blocking this off came up the neighbors were violently opposed because now the resort would have very little access to Vista Drive. He stated that is when the resort agreed to put up a barrier at 10:00 p.m. to that there would be no overnight use on Vista Drive.

CHAIRMAN WEXLER asked what type of barrier would be put up and who would be the responsible party for it.

MR. EARL stated that it could be a gate that comes down so as to prevent cars from using the exit. He said that they have not as yet come up with what will be used. He said that the days this area will be used the resort will block it off after 10:00 p.m.

(CHAIRMAN WEXLER OPENED PUBLIC TESTIMONY.)

JOHN HARPER, 7331 East Vista Drive, spoke in favor to this request. He represents the Vista Bonita Homeowners Association. He stated that the main concerns are the access in and out of the neighborhood on Vista Drive and also the appropriate use of the office building. He said that the examples Mr. Earl gave of properties having cross access did not have cross access through established neighborhoods or through a road that supports an established neighborhood.

BILL VAN VLEET, 7250 East Arlington Road, spoke in opposition to this request. He represents La Jolla Blanca Homeowners Association. He stated that the association feels the Doubletree Inn is an asset to the neighborhood and to the City of Scottsdale.

PAT MADERIA, 7285 East Buena Tierra Way, spoke in opposition to this request. He also is with the La Jolla Blanca Homeowners Association. He said that every delivery truck for the resort goes down Jackrabbit Road. He felt that it was time for the resort to compromise with the neighborhoods to the north and south.

DAVID EVANS, 7230 East Vista Drive, stated that he is the original developer of the two buildings on Vista Drive. He said that he was never notified about this meeting. He stated that when he developed the buildings he designed the property to fit into the neighborhood. He stated that he was required to put a site wall up if the hotel did not and that there is a site wall between the hotel and residential along with a landscape buffer.

CHAIRMAN WEXLER asked Mr. Evans if he developed the actual buildings and land that the City of Scottsdale purchased.

MR. EVANS stated that is correct.

CHAIRMAN WEXLER asked if the City of Scottsdale had zoning stipulations to put the wall up.

MR. EVANS stated that there was to be a wall between the residential and the developer was waived the responsibility of putting a wall up because the resort already had a wall so it was to be shared.

MR. LENAHAN asked Mr. Evans if he sold this property.

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MR. EVANS stated that they sold the land one year later to an investor in Phoenix with existing tenants in place.

MR. LENAHAN asked if the wall was put up by Doubletree.

MR. EVANS stated that is correct.

MR. ALONSO commented that the Board has seen photographs of this parking lot full of cars and trucks. He asked if there is any passage from the hotel.

MR. EVANS stated that the parking lot is structured now for the building south across Vista Drive. He said that the underground parking is common shared.

PHIL HAWKES, 7321 East Bonita Drive; spoke in support of this request. He said that he was at the Town of Paradise Valley meeting and the citizens complained about the noise from the tennis courts. He said that the complaints from this meeting have to do with remodeling. He felt that the resort would get away with any violations until they were busted. He said that he did not trust the Doubletree Hotel.

(THERE WAS ONE CARD FROM A CITIZEN WHO DID NOT WISH TO SPEAK BUT WAS OPPOSED TO THIS REQUEST.)

(CHAIRMAN WEXLER STATED THAT THERE WERE SIX CARDS FROM CITIZENS WHO DID NOT WISH TO SPEAK BUT GAVE THEIR COMMENTS ON THE CARDS. HE READ THE COMMENTS INTO THE RECORD.)

CHRIS BEYER, 7411 East Vista Drive, commented we are very concerned with increasing the traffic in our neighborhood and request that the city respect our intent to preserve the integrity of our neighborhood.

BARRETT R. HINSVARK, 5311 North Woodmere Fairway, commented my family is opposed to the Doubletree Resort expansion into my neighborhood because of traffic safety concerns we have with the planned valet parking system and hotel delivery trucks which will be parked on Vista Drive.

PAUL J. MCGOLDRICK, 7430 East Vista Drive, commented currently the resort is parking large trailers/busses on property. Zoning Variance Appeal has merit. The changes to Doubletree adversely effect the neighborhood which is located in Scottsdale. Traffic has increased. Parking on lot with valet parking for P.V. Resort to utilize Scottsdale parking lot is not in best interest of Scottsdale residents.

IVAN SADDLER, 7229 East Vista Drive, commented the decision to allow proposed uses should have been in a public forum where Scottsdale residents could have been heard.

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REBECCA PETERSON, 5133 North Woodmere Fairway, commented I think if the Doubletree wants to use the parking lot of the building for valet and employee parking they should block access to Vista Road from that parking lot. My reasons are: the increased traffic waiting for a light that is green for only a few seconds may create traffic hazards, potential increased traffic into a neighborhood teeming with small children, another user will use the property for light office use not a parking lot, the resort does not seem to want to restrict access to Vista even though the surface lot is to be used primarily for valet parking, increased noise from vehicles coming and going until the wee hours, hotel has changes hands several times.

CAROLE D. HUBER, 5201 North Woodmere Fairway, opposes the usage derived by Paradise Valley Resort/Office Building is not within limits of the present zoning. It will impact the neighborhood with high usage late in the evening and on weekends - not usual to S-R zoning for business offices. Also, it will cause congestion and greater difficulty getting out of the subdivision for residents - this is our only entrance/exit.

MS. SPRINGBORN-PITMAN asked if the stipulations from Paradise Valley would carry over if the property were sold. She also asked what stipulations were put on S-R building during the initial build out. She also wanted to know if this were approved by the Board tonight is there an appeal process for the neighborhood if the resort is not abiding by what it agreed to with the neighbors.

MS. COLLINS stated with respect to the stipulations relating to the sale of the property, the property owner could probably answer that better but she believed that the conditions as for Scottsdale go with the property. She said style needs to be complied with. She stated that stipulations on the S-R parcel to her knowledge there are no stipulations relative to specifications of uses of walls. She said that limiting uses through a zoning case is not typical. She said she thought that the developer of the building was saying that a wall was required but staff found evidence or proof of that. She said that the resort did build the wall.

MS. SPRINGBORN-PITMAN asked in the event this is passed does the neighborhood have the ability to act again.

MS. COLLINS stated the city will continue to enforce the conditions of the S-R zoning regardless of what the Town of Paradise Valley does. She said that if staff felt there was a violation the zoning enforcement department would enforce the ordinance.

(CHAIRMAN WEXLER CLOSED PUBLIC TESTIMONY.)

MR. BEISER stated that one of the stipulations on the P.V. side stated no trucks or semi-trailers are to be parked on the Scottsdale parcel. He said that Ms. Collins stated that Scottsdale zoning does not have that kind of restraint on parking. He said that the association did not suggest to the resort to go see John Faramelli and get authorization. He said that it was not staff's decision. He felt that the zoning ordinance should have gone through the proper procedures in a public forum. He said that when he spoke with Mayor Campana she said to make sure he brings up the tax issue. He said they get a greater tax benefit on the resort side and then they pocket the tax revenues. He stated that the Town of Paradise Valley is coming in and reaching into our pockets. He said there are three possible ways to go with this case. The Board could come back and say that staff was correct or that they were wrong or say it was not staff's decision to make. He felt that it was not staff's decision to make. He stated that the zoning ordinance states the zoning administrator can make decisions on minor issues and that there is nothing minor about this case.

MR. LENAHAN asked Mr. Beiser if he disagrees with the fact that remodeling is not a nature that is required to go to the city.

MR. BEISER stated that it should go to the city for S-R zoning. He said that for remodeling you go before the DRB. He stated because of the wall being modified it should have gone through the DRB and that it should also go through a public forum.

CHAIRMAN WEXLER asked staff what votes it would take to effect the decision.

MS. WILSON stated that if the Board agrees to uphold it would take a three to two vote and if you were to overturn the zoning administrator's decision it would take a four to one vote. She said that anything else other than a majority is a fail.

MR. ALONSO asked if failing a majority vote means that the zoning administrator's decision is upheld.

MS. WILSON stated that if you have fewer than four votes then her decision is not upheld.

MR. ALONSO asked if there is a three to two vote what would happen.

MS. WILSON stated that the Board would need a four to one vote to uphold the decision.

CHAIRMAN WEXLER asked what if a motion was made to uphold and it was a three to two vote, would it fail. He also asked what if a motion was made to overturn which also results in a three to two vote, would it fail. He stated that he is trying to get all these questions answered so that the Board will know what their options are.

MS. MCDOUGALL MADE A MOTION TO RECESS FOR FIVE MINUTES SO THAT STAFF COULD DISCUSS THE OPTIONS WITH THE BOARD. SECOND BY **MS. SPRINGBORN-PITMAN**.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

(CHAIRMAN WEXLER CALLED THE MEETING BACK TO ORDER AT 7:25 P.M.)

MS. WILSON stated that ordinance says a majority vote is necessary to reverse any interpretation of the zoning administrator and a four to one vote to reverse a decision.

CHAIRMAN WEXLER asked if there was a motion to reverse. There was no motion presented from the Board.

THE CASE WAS UPHELD AND NO MOTION AND NO VOTE WERE NECESSARY.

(CHAIRMAN WEXLER EXPLAINED THE RULES AND PROCEDURES OF THE BOARD OF ADJUSTMENT AND STATED A VARIANCE CAN ONLY BE GRANTED IF ALL FOUR OF THE CRITERIA ARE MET.)

9-BA-97

Request to allow a garage in the front yard setback
31616 N. 70th Street
George Craig, applicant/owner

MR. WARD presented this request as per the project coordination packet. Staff is recommending denial for the reasons stated in the report.

GEORGE CRAIG, 31616 North 70th Street, gave a brief presentation. He stated there was no place to put the garage between the house and the NAOS area. He stated all his neighbors agreed he put the garage in the best place he could. He said that the was going to use the structure for storage of his grandchildren's motorbikes and bicycles and go-carts.

MS. SPRINGBORN-PITMAN asked how long ago was the area outlined in blue on the overhead drawing cleared.

MR. CRAIG stated that it was done in the latter part of May. He said that the only thing taken out was an old scraggly sagebrush.

MS. SPRINGBORN-PITMAN asked if this would be used for storage only or vehicle also.

MR. CRAIG stated that it would be for storage only. He said that there will be no electric or water. He said that the will make the necessary runs from the house to the garage but leaving them blank so that if someone in the future wanted to use it for a garage they could. He stated that the would wire it for electricity but it will not be connected.

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MR. ALONSO asked the applicant to point out on the overhead where the garbage cans, propane tank and utility trailer are located.

MR. CRAIG stated that they are adjacent to the garage hidden by a six foot redwood fence. He said that the fence is to hide the dog pen and also to fence off the 250 gallon propane tank.

MR. ALONSO asked if the applicant could construct a storage area where the utility area is now located.

MR. CRAIG stated that the pool equipment is there. He said a six foot fence hides the equipment and that along the fence is the dog area and the pool.

MS. MCDOUGALL asked if the applicant built the house.

MR. CRAIG stated that he designed it and had a contractor build it.

MS. MCDOUGALL asked if he designed it with the orientation of the garage in place.

MR. CRAIG stated that is correct. He said that the existing garage is big enough for a work bench along one side and enough room for two cars and the motorhome and plenty of room in between. He stated that he did not know he was going to inherit bikes, motorbikes and go-carts.

MS. MCDOUGALL asked if the applicant felt that the view contributed to the special circumstances.

MR. CRAIG stated that the view is a part of it.

CHAIRMAN WEXLER asked how long ago the lot was purchased.

MR. CRAIG stated that he purchased the lot in June of 1994 or 1995 and at that time it was in the City of Scottsdale. He stated that the views from every direction are fantastic because of the way his home is situated.

MR. LENAHAn commented that during the study session he had asked Mr. Ward whether the scenic value of this piece of property had any precedent over the ordinance and Mr. Ward said it does not. He felt that the Board should consider that as being a guideline to the decision.

CHAIRMAN WEXLER asked if there was an option for him to center his house were the address was off Gloria.

MR. WARD stated that 70th Street is the frontage to the property.

MR. ALONSO stated that the views are impressive in the area but he did not feel the four criteria were met.

MR. ALONSO MADE A MOTION TO DENY CASE 9-BA-97. SECOND BY MS. MCDOUGALL.

MS. MCDOUGALL agreed with Mr. Alonso about the views but felt that there was no special circumstances that applied to this property. She said that under Criteria No. 3 she felt that the applicant did have a hand in making some decisions that left him in this situation.

CHAIRMAN WEXLER stated that this is one of those cases that does not make enjoyable to sit on the Board. He said that he has looked at the property and the area and he would not want to impede any views. He said unfortunately the State Statute requires some sort of special circumstance to the land classification. He said that he did not see that has been met. He said that he would have support denial.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

10-BA-97	Request to allow parking canopies within the front yard setback 15501 North Dial Boulevard Ryan Companies, USA, Inc.
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MR. WARD presented this request as per the project coordination packet. Staff is recommending denial for the reasons stated in the report.

MS. MCDOUGALL asked if the 433 parking spaces were required.

MR. WARD stated that 433 parking spaces are required and that applicant is providing 529 spaces.

MS. MCDOUGALL asked if they could not cover all the parking spaces would it just remain parking or would it be landscape.

MR. WARD stated that those are legally parking spaces and that they would remain uncovered structures.

MS. MCDOUGALL asked if there is landscaping between the uncovered lots and the roads.

MR. WARD stated that there is required landscaping along the open space of the frontage property. He said that the landscaping would remain.

MR. LENAHAN commented that the owner indicated he wanted covered parking for everybody. He asked will 433 spaces take care of the "everybody" phrase or is that a requirement of the city for that many spaces.

MR. WARD stated that they are requesting additional amount of spaces as the number of people using the building. He said in other words, if 529 spaces are not utilized, there would be a certain amount that would not be covered parking.

MR. LENAHAN asked of the 88 that are not covered is that surplus parking or including the number of employee parking.

MR. WARD stated that he could not specifically answer for the use of 433 spaces.

PATRICK HAYES, applicant, stated that the 529 spaces are the total required parking spaces for this particular user. He said that they are not anticipating surplus. He said that the development guidelines specify a minimum of parking spaces. He stated that the owner would like all the parking spaces covered. He said that the particular site was designed for a specific user that had lower parking requirements and had heavier trucking access. He stated that the project was stopped and that the City of Scottsdale was very active in pursuing a corporate user to come to Scottsdale and to this site. He said that the DRB was very excited about the look of the canopies.

(CHAIRMAN WEXLER OPENED PUBLIC TESTIMONY.)

WENDY SCHWINGEL, Vice President Real Estate and Building Services for the Dial Corporation, stated that the impact to the neighbors to the west has gone from users where there was heavy trucking to now where it is just passenger vehicles. She said that Dial has invested millions of dollars into this project.

CHAIRMAN WEXLER asked if the parking was supplemented when the building was purchased.

MR. HAYES stated that additional lot shown on the schematic was purchased and they had the project designed and built with trucking access that extended some right turn outs only.

CHAIRMAN WEXLER asked if the red parking on the upper left-hand corner and going down to the lower portion of the schematic was asphalt when the property was purchased.

MR. HAYES stated that was parking but it existed in a slightly different form.

CHAIRMAN WEXLER asked if the area on the east side of the property was parking or asphalt.

MR. HAYES stated that adjacent lots were purchased and that it was a raw lot. He said that the other area was parking.

MS. MCDOUGALL asked if the building was originally built for a warehouse facility.

MR. HAYES stated that it was originally designed for Unitech. He said that the second floor was offices, the first floor was light assembly and the rest was warehouse.

MR. LENAHAN asked Mr. Ward in his opinion as a planner how much of a violation is covered parking to the benefits that would be derived from it.

MR. WARD stated that in his opinion it does set a precedent for the entire Airpark. He said that it is a standard that was applied throughout. He stated that visually it is beautiful but relatively close to the street and would affect the angle of the building along the frontage.

MR. HAYES stated that he understands they would be setting a precedent and that is not all bad. He said that they are asking for approval on the basis of this being for a different use than originally anticipated when the Airpark was received.

CHAIRMAN WEXLER asked what is the purpose of this building.

MR. HAYES stated that it is 100 percent Dial offices.

(CHAIRMAN WEXLER CLOSED PUBLIC TESTIMONY.)

CHAIRMAN WEXLER asked what the front yard setback requirements on C-3 parcels and just north of that C-4.

MR. WARD stated that there are no setback requirements for open space in that area. He said that open space has to be provided in the front yard.

CHAIRMAN WEXLER asked if the parcel is not zoned other than commercial or industrial then the applicant would be applying for zoning permit on that parcel.

MR. WARD stated that commercial office would accommodate this kind of office but industrial also does.

CHAIRMAN WEXLER asked for the percentage of open space requirement for the parcel.

MR. WARD stated that it would be about 10-15 percent.

MR. LENAHAAN MADE A MOTION TO APPROVE CASE 10-BA-97 STATING THE REASONS FOR HIS MOTION. THERE WAS NO SECOND.

THE MOTION DIED FOR LACK OF A SECOND.

MS. SPRINGBORN-PITMAN MADE A MOTION TO DENY CASE 10-BA-97 FOR THE REASONS STATED IN THE REPORT. SECOND BY MS. MCDOUGALL.

MS. MCDOUGALL commented that the board is not in the business of setting a precedent. She said while it is admirable to provide parking for everybody but maybe a better way to attack this problem would be to change the ordinance.

MR. ALONSO stated that he will support the motion to deny.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO ONE (1) WITH MR. LENAHAAN DISSENTING.

ADJOURNMENT:

MS. MCDOUGALL MADE A MOTION TO ADJOURN. SECOND BY MS. SPRINGBORN-PITMAN.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

Chairman Wexler adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Teague Court Reporting, Inc.

June 17, 2024 Snell & Wilmer's Correspondence

ATTACHMENT #13

Snell & Wilmer

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June 17, 2024

VIA EMAIL

blane@scottsdale.gov

Ben Lane
City of Scottsdale – City Clerk
3939 N. Drinkwater Boulevard
Scottsdale, AZ 85251

Re: Board of Adjustment Case Number 6-BA-2024

Dear Mr. Lane:

Snell & Wilmer represents Cardone Ventures (“Cardone”). Cardone owns the property located at 5225 N. Scottsdale Road (the “Property”).

We are in receipt of a letter from Mr. Brent Bieser purporting to appeal responses issued by Zoning Administrator, Erin Perreault, in which she declined to issue any new interpretation or decision of Scottsdale’s Zoning Ordinance (“SZO”) with respect to Mr. Bieser’s five (5) interpretation requests related to Cardone’s Property. Specifically, in response to Mr. Bieser’s first four (4) requests submitted to the Zoning Administrator via email on February 18, 2024, in her letter dated April 2, 2024, the Zoning Administrator declined to issue a new interpretation or decision because the single question posed by these requests—namely, whether shared parking is permitted on Cardone’s Property—is the same question that was decided by the Zoning Administrator and Board of Adjustment in 1997 under Case No. 8-BA-1997 (which was a zoning interpretation request submitted and then subsequently appealed by Mr. Brent Bieser). In response to Mr. Bieser’s fifth (5th) request submitted to the Zoning Administrator via email on February 22, 2024, the Zoning Administrator also declined to issue a new interpretation because the question posed by this request—namely, whether Cardone’s development plan review application (Case No. 119-SA-2023) was a minor or major development plan review—was previously decided by the Zoning Administrator in February of 2023 and the outcome of this development plan review application (which was approved on December 18, 2023) is beyond appeal.

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We have been informed that Mr. Bieser has submitted an appeal application to the Board of Adjustment (“BOA”) and that the appeal of the Zoning Administrator’s response to his first four (4) requests has been scheduled for a BOA hearing on July 18, 2024. Because Cardone and its Property are the express target of Mr. Bieser’s interpretation requests, the purpose of this letter is as follows:

- i. To request that Cardone, as an interested party, be provided an opportunity to participate in the BOA hearing scheduled for July 18, 2024.
- ii. To provide our analysis demonstrating that the BOA does not have jurisdiction to consider or overturn the responses provided by the Zoning Administrator.
- iii. To provide our analysis demonstrating that Mr. Bieser does not have standing to appeal the Zoning Administrator’s response to the BOA.

i. Cardone is and interested party.

As noted above, the four (4) interpretation requests in Case No. 6-BA-2024 that will be considered by the BOA are specific to Cardone’s Property. Any decision by the BOA with respect to 6-BA-2024 will therefore directly impact Cardone’s property interests. Cardone therefore receives a particular and direct impact from any decision the BOA makes on this case, which is distinguishable from the effects or impacts upon the general public.

As an interested party, Cardone respectfully requests an opportunity to participate in the BOA hearing on July 18, 2024.

ii. The BOA does not have jurisdiction over 6-BA-2024.

The BOA does not have jurisdiction to consider the merits of Mr. Bieser’s appeal and overturn the response by the Zoning Administrator.

By way of background, under Arizona law (A.R.S. § 9-462.05(C)), the Zoning Administrator is responsible for enforcement of the Zoning Ordinance. To fulfill this responsibility, Scottsdale’s Zoning Ordinance (SZO) Section 1.202(A) empowers the Zoning Administrator to make interpretations and decisions with respect to the provisions of Scottsdale’s Zoning Ordinance.

Under SZO Section 1.202(A), any person may make a written request to the Zoning Administrator for a Zoning Ordinance interpretation or decision and the Zoning Administrator must “respond” to such requests within forty-five (45) days. Importantly, under Scottsdale’s Zoning Ordinance, the Zoning Administrator is not compelled to make new interpretations or decisions each time a written request for an interpretation or decision is submitted to the Zoning

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Administrator. That is, SZO Section 1.202(A) requires the Zoning Administrator to “respond in writing” to all requests for Zoning Ordinance interpretations or decision and declares that all “responses” of the Zoning Administrator must be available for public review. However, there is no provision within Scottsdale’s Zoning Ordinance or requirement under Arizona law that compels the Zoning Administrator to make a new interpretation or decision if the written request concerns a previous interpretation or decision made by the Zoning Administrator. In such instances, the Zoning Administrator has the authority to decline to issue a new interpretation or decision.

Here, consistent with the Zoning Administrator’s authority under Arizona law and Scottsdale’s Zoning Ordinance, the Zoning Administrator’s April 2, 2024 letter responded to Mr. Bieser’s request by declining to issue a new interpretation or decision—as Mr. Bieser’s written requests concerned a question that was previously decided by the Zoning Administrator and BOA in Case No. 8-BA-1997.

The Board of Adjustment’s authority (both under Arizona law and the SZO) is limited to hearing and deciding appeals from “interpretations” or “decisions” of the Zoning Administrator (A.R.S. § 9-462.06(C) and SZO Section 1.801(B)). Simply put, the Zoning Administrator’s April 2, 2024 letter response is not an “interpretation” or “decision.” Rather, as required of the Zoning Administrator, the Zoning Administrator provided a response in writing, but made clear in her response that she is not providing an interpretation or decision.

Not all responses by the Zoning Administrator are “interpretations” or “decisions”; and not all responses can be appealed to and considered by the BOA. Only responses that constitute “interpretations” or “decisions” can be appealed to and considered by BOA. Because the Zoning Administrator’s response is neither an “interpretation” or “decision,” it is not subject to consideration by the BOA. Said otherwise, reviewing the merits of a response that is not an interpretation or decision, or even telling the Zoning Administrator to issue a different response that would constitute an interpretation or decision, is not within the scope of the BOA’s authority.

iii. Mr. Bieser does not have standing to appeal 6-BA-2024 to the BOA

Lastly, Mr. Bieser does not have standing to appeal the Zoning Administrator’s April 2, 2024 letter response.

Under Scottsdale’s Zoning Ordinance, the appeal of Zoning Ordinance interpretations or decisions by the Zoning Administrator may be initiated by any “aggrieved person” (SZO Section 1.202(A)). Mr. Bieser is not an “aggrieved person” under Scottsdale’s Zoning Ordinance.

An “aggrieved person” is defined in SZO Section 1.202(A) as follows:

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“For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public.”

As demonstrated above, the Zoning Administrator’s response was expressly not an interpretation or decision of the Zoning Ordinance. Rather, it was a response declining to issue an interpretation or decision. It therefore necessarily follows that Mr. Bieser cannot be an “aggrieved person”, as the definition *requires* an interpretation or decision (the existence of an interpretation or decision is an element of the definition of an “aggrieved person”). In other words, Mr. Bieser cannot have received a particular and direct adverse impact from an interpretation or decision to satisfy the definition of an “aggrieved party” in the absence of any interpretation or decision having been made by the Zoning Administrator in this case.

As a final note, given the jurisdiction and standing considerations at issue here, the BOA hearing on July 18, 2024 should be limited to the consideration of these two issues. If the BOA determines that either (i) it does not have jurisdiction to consider the merits of the appeal, or (ii) Mr. Bieser does not have standing, then the BOA cannot consider the merits of the Zoning Administrator’s response. In the alternative, if the BOA determines that it does have jurisdiction and that Mr. Bieser does have standing to appeal (though we would disagree with such decisions), then a new hearing should be scheduled for the BOA to consider the merits of the Zoning Administrator’s response.

Thank you for your time and consideration of this letter. If you have any questions or need additional information, please do not hesitate to contact me.

Respectfully submitted,
Snell & Wilmer

Michael Maerowitz

Michael T. Maerowitz

Cc (via email):

Erin Perreault, Zoning Administrator (eperreault@scottsdaleaz.gov)

Joe Padilla, Deputy City Attorney (jpadilla@scottsdaleaz.gov)

Jeff Barnes, Principal Planner (JBarnes@Scottsdaleaz.gov)

Bryan Cluff, BOA Liaison (BCluff@scottsdaleaz.gov)

June 13, 2024 City Attorney's Office letter

ATTACHMENT #14



Sherry R. Scott
City Attorney

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June 13, 2024

Via E-Mail and First-Class Mail

Brent Bieser
7317 E. Vista Drive
Scottsdale, AZ 85260
BBieser@toddassoc.com

Re: Board of Adjustment Case Number 6-BA-2024

Mr. Bieser,

My office has reviewed your email of May 23, 2024 (attached), inquiring about a hold on the project and your demand for a hearing by the Board of Adjustment regarding various requests you have directed to the Zoning Administrator concerning the property located at 5225 North Scottsdale Road, and in this letter I will explain certain determinations that have been made regarding those requests.

In total, you directed five separate requests to the Zoning Administrator.

Your first four requests, which were submitted via email on February 18, 2024, all concern shared parking between the subject property at 5225 North Scottsdale Road and the hotel located immediately to the north of the subject property. As noted by the Zoning Administrator in her April 2, 2024 response to your various requests, although each of these requests reference different provisions of the Zoning Ordinance, they all pose the same ultimate question, which is whether hotel parking is allowed on an S-R zoned parcel. The following quotes from your February 18, 2024 email highlight the repeated nature of these requests:

- "1. Is hotel parking... allowed on S-R zoned parcels in the City of Scottsdale where the parking is directly adjacent to an R1-10 single-family district?"
- "2. ... hotel parking... is not allowed on S-R zoned parcels in the City of Scottsdale? What is your interpretation?"
- "3. ... Is hotel shared parking... allowed on an S-R parcel adjacent to an R1-10 single-family district in your interpretation?"
- "4. ... Is Scottsdale going to allow the sharing of parking spaces with the Hotel even though the hotel parking use is more intense than the S-R zoning...?"

It is the opinion of this office that the Zoning Administrator's responses to your first four requests, which were contained in her letter to you dated April 2, 2024, did not constitute an "interpretation of the Zoning Ordinance" or an "other decision" within the meaning of Scottsdale Revised Code (S.R.C.) § 1.801,

and therefore such responses are not appealable to the Board of Adjustment. In response to your first request, the Zoning Administrator stated:

"As to the question of shared parking, that was the subject of a prior determination by the Zoning Administrator back in March of 1997 and your subsequent appeal of that decision to the Board of Adjustment (case 8-BA-1997), which upheld the Zoning Administrator's determination in July of 1997. The 1997 decision that the shared parking was acceptable still applies today and does not require new interpretation. Please see the attached Minutes from the July 2, 1997 Board of Adjustment Meeting for reference."

In response to your second, third, and fourth requests, the Zoning Administrator noted that each of those requests posed the same ultimate question as your first request and referred you to the above response. As such, none of the Zoning Administrator's responses to your first four requests constituted an interpretation of the Zoning Ordinance or a decision regarding enforcement of the Zoning Ordinance. The Zoning Administrator responded to advise you that you had previously posed this same question to the Zoning Administrator in 1997, subsequently appealed the response you received to the Board of Adjustment in 8-BA-1997, and that your current requests were duplicative of those efforts.

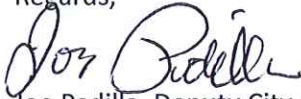
Nonetheless, as provided in S.R.C. § 1.805, the Board of Adjustment has authority to determine those matters over which it has jurisdiction. As such, your purported appeals in connection with your first four requests have been consolidated into one matter, which has been assigned case number 6-BA-2024 and will be heard by the Board of Adjustment on July 18, 2024.

Under S.R.C. § 1.805(B), an appeal to the Board of Adjustment will result in a stay of all proceedings in the matter appealed from, subject to certain exceptions. However, because S.R.C. § 1.805 is a city ordinance, it is subordinate to state law. Arizona Revised Statutes (A.R.S.) § 9-462.06 governs municipal boards of adjustment, and subsection E of that statute provides that "[p]roceedings shall not be stayed if the appeal requests relief that has previously been denied by the board except pursuant to a special action in superior court as provided in subsection K of this section."

My office has reviewed the records from 8-BA-1997 and determined that the relief you have requested in connection with your first four requests, as discussed above, is the same relief that you previously requested and were denied by the Board of Adjustment. As noted in the Minutes from the July 2, 1997 Board of Adjustment meeting, and the public notice associated therewith, in 8-BA-1997 you appealed the Zoning Administrator's interpretation of the Zoning Ordinance concerning the property located at 5225 North Scottsdale Road. Specifically, you challenged the Zoning Administrator's interpretation to the extent that he determined that hotel parking was permitted under the applicable S-R zoning. In your first four requests, as discussed above, although you have employed different arguments and the present matter has a different procedural posture, the relief you have requested is the same: you are seeking to invalidate the 1997 interpretation of the Zoning Ordinance to the extent that it allows hotel parking on the property located at 5225 North Scottsdale Road. As such, it is my office's determination that the relief you have requested in your first four requests, as discussed above, is the same relief that you previously requested and were denied by the Board of Adjustment in 8-BA-1997. **As such, no proceedings shall be stayed in connection with those requests, as provided in A.R.S. § 9-462.06(E).**

As to your fifth and final request, which was submitted via email on February 22, 2024, my office has determined that you have directed your appeal to the incorrect body and that your request for an appeal is procedurally barred. In that request, you objected to the Zoning Administrator processing Case Number 119-SA-2023 as a minor development application. Although you phrased your email as a request for an interpretation, the substance of your email only addresses the minor development application procedures under S.R.C. § 1.908 and does not concern anything other than those procedures. Under S.R.C. § 1.909, appeals concerning a minor development application may only be heard by the Development Review Board. Further, pursuant to S.R.C. § 1.909(A), the Zoning Administrator's decisions regarding a minor development application shall be final unless, within 30 days after the date of the written decision (which occurred on December 18, 2023), the property owner files an appeal of the decision in writing to the Zoning Administrator. In the present matter, you are not the property owner and the 30-day deadline, was on January 17, 2024, and had already passed by the time you made your request. As such, the Zoning Administrator's decision to process Case Number 119-SA-2023 has become final and is no longer appealable to the Development Review Board. Additionally, such an appeal cannot be made to the Board of Adjustment.

Regards,



Joe Padilla, Deputy City Attorney

cc: Erin Perreault
Jeff Barnes

Via
Email: Michael Maerowitz

From: Brent Bieser <BBieser@toddassoc.com>

Sent: Thursday, May 23, 2024 12:59 PM

To: Barnes, Jeff <JBarnes@Scottsdaleaz.gov>

Subject: 6-BA-2024 Application & fee

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

Good afternoon Jeff,

My Board of Adjustment package is submitted and fee paid.

The Planner at the One-Stop Shop counter who checked me in on Tuesday, confirmed that the 5225 North Scottsdale Road office building project will be placed on hold pending the outcome of the Board of Adjustment hearing.

I will look forward to my next instructions so we can move the process forward.

Thanks, Brent Bieser

602-568-7261

March 22, 2024 Citizen Petition response letter

ATTACHMENT #15



City Manager's Office

Will Brooks | Management Associate to the City Manager

3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

PHONE 480-312-7826
WEB ScottsdaleAZ.gov

Date: March 22, 2024
To: Honorable Mayor and City Council
Through: Jim Thompson, City Manager
From: Will Brooks, Management Associate to the City Manager
Subject: Service Residential Zoning Petition Response

Petition and Summary

On March 5, 2024, Brent Bieser presented a citizen petition to the City Council. (Attachment 1). This petition was directed, by action of the City Council, to the City Manager's Office to be investigated with a written response. The petition requests the City to amend the zoning ordinance to reinstate the full Development Review Board (DRB) requirement for Service Residential (S-R) Zoning.

The City has made zoning ordinance changes to make the development process more efficient and recommends keeping the current review process. Granting the petitioner's request creates two major problems:

1. Creates an unfair application review process
2. Increases the time required to review applications and City staff and Development Review Board workload

Current Process Allows for Consistent and Timely Review

Scottsdale aims to make the development process helpful, speedy and smooth. The Zoning Ordinance was changed in 1995 to allow staff to determine whether an application is minor. The change also gave the Zoning Administrator the authority to review and process all minor development applications that were determined not to require a hearing by the Development Review Board (Attachment 2). By changing the ordinance to allow staff to review minor development applications, the City bypasses lengthy review processes while still maintaining the same standards. In addition, staff review of minor development applications use the same criteria as the Development Review Board applications, including Design Guidelines, the Sensitive Design Principles and property development standards.

The City Strives for Fair and Consistent Processes

Requiring all S-R district development applications to the Development Review Board for review and action creates an unfair disadvantage. Development proposals in all Commercial, Mixed-Use, Industrial, and Multi-family Residential zoning districts are currently equally afforded the Development Review and Development Review (Minor)

process types, as applicable based on the details of their proposed scope of work. Changing the S-R zoning district code specifically to exclude the availability of the Development Review (Minor) process would create an inconsistency for S-R zoned development applications.

Time and Workload Increases

There are on average 375 minor applications processed compared to the average 75 Development Review applications per year that go to the Development Review Board. Including a DRB review would significantly extend the process. These reviews often take months depending on complexity. Directing all S-R projects to be reviewed by the DRB would impose added process time, costs and construction delays, impacting both the City and development community.

Conclusion

The City recommends keeping the current review process. City Council has been purposeful in changing the zoning ordinance to create more efficient review processes. In addition, granting the petitioner's request would add time and costs as well as create an unfair disadvantage for S-R applicants. The City understands the importance of quality review processes and will continue to examine current systems for improvement.

Attachments

1. Citizen Petition
2. Minor Development Review Timeline

City of Scottsdale City Council
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

March 5, 2024

Dear Mayor and City Council members,

As a Scottsdale resident of over 35 years and a registered Architect in the State of Arizona since 1989, I respectfully request an amendment to the Scottsdale Zoning Ordinance.

Over the last several years, there has been a serious lack of care on the part of the Planning Department staff regarding the administering and enforcement of the S-R Zoning Ordinance as written. This lack of care has resulted in numerous problems that have occurred within our residential neighborhood.

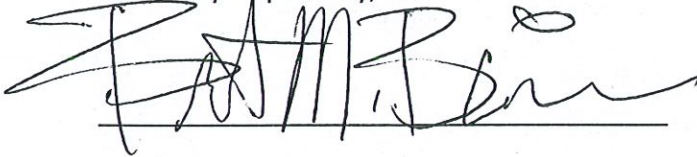
It has come to my attention that at some point in the past, the Scottsdale City Council removed the requirement that any new construction and remodels on S-R zoned parcels were required to go before the full Development Review Board for review and approval with the appropriate public notifications. The Scottsdale Planning staff has neither the time nor resources to properly research these projects for the proper handling these important projects require. This mishandling has resulted in damage occurring to our residential neighborhood that is virtually impossible to repair through the available City channels.

In light of the special nature of S-R Zoning and the sensitive treatment that this zoning is supposed to possess, it would be in the best interest of the citizens who live adjacent to S-R parcels to reinstitute the full Development Review Board requirement.

I have attempted to find out how Zoning Amendments are supposed to be formally submitted but my emails have been unanswered.

Please accept this letter as my formal request to amend the S-R Zoning ordinance and reinstitute the Development Review Board requirement.

Yours very respectfully,

A handwritten signature in black ink, appearing to read 'Brent M. Bieser', written over a horizontal line.

Brent M. Bieser
7317 East. Vista Drive
Scottsdale, AZ 85250
602-568-7261
Bbieser2@cox.net

Zoning Minor Development Review Process Timeline

Prior to 1995: the Development Review Board section of the Zoning Ordinance did not expressly include procedures for processing minor development applications.

1995: Text Amendment 6-TA-1995#2 was adopted by Ordinance 2830 and updated the Administration and Procedures Article of the Zoning Ordinance to allow the Zoning Administrator to determine if an application is minor, and provide the Zoning Administrator the authority to review and process all minor development applications that were determined not to require a hearing by the Development Review Board.

1999: Subsequent amendments to the Zoning Ordinance updated the S-R code (Ordinance 3225) to correct the section reference to the Development Review process in the Approvals Required section to refer to Sec. 1.900 per the previous amendment (Ordinance 2830 in 1995).

2014: Additional Text Amendments were adopted by Ordinance 4176, which removed the Approvals Required section directly from the S-R code and in doing so removed the integrated reference to the Development Review approvals and Section 1.900.

**Applicant Supplemental
Materials**
(Received 7/8/2024)

City of Scottsdale Planning Department
Board of Adjustments – Chairman

Chairman Gary E. Donahoe,

Please accept his letter and attached documents in response to the questions regarding the standing and status of my Appeal.

Shared Parking Interpretation:

Zoning Administrator Perreault and the attorney for the office building property are claiming that the appeal regarding the sharing of parking between the Double Tree Paradise Valley Resort and the 5225 North Scottsdale Road Office building was decided in a previous appeal to the Board of Adjustments in 1997.

They are incorrect in this assertion.

The previous appeal was based upon an interpretation that was made by Zoning Administrator John Faramelli. That previous appeal and decision by the Board of Adjustments was based on a cooperative relationship of the hotel property and the office building property. That appeal also included a Special Use Permit (attachment 1) that was specifically crafted around the common ownership structure of the Hotel and Office properties with oversight by the Town of Paradise Valley. The Special Use Permit was structured around a cooperative relationship where the Office Building parking lot was only being used by hotel staff and limited-hours valet parking with special instructions regarding the use of the connecting gate and the office building parking lot exit onto Vista Drive and drive restricted bollards. The Special Use Permit specifically mentioned that trucks and busses were not allowed on the office parking lot.

The subject properties no longer have a common ownership structure and the shared parking new interpretation by the Zoning Administrator has changed from limited hotel staff and valet parking on the extra spaces to unlimited parking on the extra spaces. This new interpretation opens up the parking lot on the S-R parcel to unlimited parking with unlimited types of vehicles. This new interpretation is in direct violation of Zoning Sec 1.202C and Sec 1.202E (attachment 4). A more appropriate interpretation that would be compliant with the Ordinance would be to allow shared parking with the Hotel property that is limited to Hotel staff only. That would be within the reasonable scope of the S-R Ordinance and would be in keeping with requirement of Sec. 1.202C and Sec. 1.202E to apply the ordinances in a “minimum” way with “promotion of the public safety, health and general welfare” as well as inviting “accessory uses that shall not alter the primary use of the building or lot, or adversely affect other properties in the district”.

Zoning Administrator Faramelli’s interpretation was based on an agreement with the Town of Paradise Valley and the common ownership of the two properties.

In the attached Modification Agreement to Declaration of Restrictions (attachment 2), it clearly states that only “office” uses are allowed on the office property lots. Ms. Perreault’s Zoning interpretation allowing unlimited shared parking uses is in direct violation of the recorded law.

Doubletree Paradise Valley Resort SUP Stipulation Checklist

5401 N. Scottsdale Road SUP- 80-6, 81-3, 82-6, 84-1, 85-6, 87-3, 95-9, 97-2, 97-7, 97-8

1. The real property ("Property") subject to this Special Use Permit is located in the Town of Paradise Valley, Maricopa County, Arizona, at the southeast corner of Jackrabbit and Scottsdale Roads, and is more particularly described as follows:
 - a. The West $\frac{1}{2}$ of the NW $\frac{1}{4}$ th of the SW $\frac{1}{4}$ th of Section 14, T2N, R4E, of the G&SRB&M, Maricopa County, Arizona
2. The development, construction, and usage of the Property shall be in strict compliance with those certain documents marked and certified by the Paradise Valley Town Clerk as:
 - a. Exhibit A: Site Plan, prepared by Frizzell-Hill-Moorhouse-Beaubois, amended December 5th, 1985
 - b. Exhibit A-1: Satellite Dish Plan, consisting of three pages, approved February 14th, 1985.
 - c. Exhibit B: Sign Plan, prepared by Frizzell-Hill-Adams, updated September 29th, 1995
 - d. Exhibit C: Landscape and Lighting Plan prepared by Frizzell-Hill-Moorhouse-Beaubois, updated 10-6-82
 - e. Exhibit D: Grading and Drainage Plan, prepared by Samer, Olmstead, and Lahlum, Inc. dated May, 1980
 - f. Exhibit E: Photographs and architectural rendering, prepared by Frizzell-Hill-Adams
 - g. Exhibit F: Site Lighting Plan, prepared by Frizzell-Hill-Moorhouse-Beaubois, Amended December 12th, 1984
 - h. Exhibit G: Site Plan showing location of tennis court lights prepared by Trammell Crow, dated 10-27-87
 - i. Exhibit H: Cross section drawing of tennis court prepared by Trammell Crow, dated 10-22-87

These exhibits are incorporated into this Special Use Permit and made an integral part hereof.
3. The Property may be used for a resort hotel only, and no changes, expansions, additions, or alterations to the Property or improvement thereon shall be allowed without an express written amendment to this Special Use Permit.
4. The use of the Property shall at all times conform to all applicable State laws and Town ordinances.
5. Should the Property be used or developed in a manner inconsistent with the terms stated herein, this Special Use Permit may be terminated in its entirety by the Paradise Valley Town Council or the Council may in its sole discretion and in lieu of termination and revocation hereof, upon determination that a violation of the terms and conditions hereof has taken place, assess a fine against the Grantee not to exceed one thousand dollars (\$1,000.00) for each violation. Any day or portion thereof that a violation continues is deemed a separate violation.
6. This Special Use Permit is non-transferable until the completion of all construction in accordance with Exhibit A through H; and until Certificates of Occupancy have been issued by the Town of Paradise Valley.

7. This Special Use Permit shall be binding on the Grantees, their heirs, assigns, personal representatives, or successors in interest.
8. Outdoor lighting shall be restricted to low-level lighting not to exceed four (4) feet and to those as shown on Exhibit C as amended.
9. This Special Use Permit is granted upon the condition that the Grantees comply with the following stipulations:
 - a. Grantee shall pay one-half of the cost of a traffic signal to be installed at the intersection of Jackrabbit Road and Scottsdale Road, the other one-half to be paid by the City of Scottsdale.
 - b. The well site on the southeast corner of Jackrabbit Road and Scottsdale Road shall be relocated or vaulted so that the existing hazard is eliminated and the well site complies with Section 1022 of the Town Zoning Ordinance.
 - c. The wall on the east and south sides of the property shall be constructed at the beginning of construction on the project.
 - d. Grantees shall construct paving on Scottsdale Road and Jackrabbit Road in accordance with the paving plan dated May, 1980, submitted to the Town consisting of eight (8) pages.
 - e. No outdoor public address system shall be utilized except as needed for emergency purposes.
 - f. Whenever there is a local function on the site, only one or the other of the grand ballroom and the sports and alternative display meeting and banquet room may be utilized, or the two rooms together may be partially used so that not more than 850 people occupy both rooms.
10. In addition to the limitation of Paragraph 8, the tennis courts approved as shown in Exhibit G and H shall be subject to:
 - a. The lights will be installed only on the northwest and southwest courts
 - b. The lights for each court shall be extinguished when the court is not in use
 - c. Radiant light at any property line shall not exceed .75-foot candles.
 - d. All permitted lights may be used from dusk until 10:00 P.M. local time
 - e. The Zoning Administrator will visit the site at least three times per year, meter the light spillage and present a formal report to the planning and zoning commission through the planning director. If a violation is found a citation shall be issued immediately and an order to cease and desist shall be given to the grantee.
 - f. Use of the tennis courts is limited to: registered guests of the resort, guests of registered guests, employees of the resort, guests of employees.
 - g. Suitable landscaping will be planted to shield the lights completely from adjacent properties.
 - h. All tennis courts are to be used for tennis only; spectator events, exhibitions, or other displays are prohibited.
 - i. Outdoor amplifiers, space heaters and bleachers are prohibited in the vicinity of all tennis courts.
 - j. Tennis court fence shall not exceed ten feet (10') in height above parking lot grade.
 - k. Courts shall be converted to clay surface prior to lighted use.

1. Unrelated items shown on exhibits G & H are excluded from this specific grant.
11. If any section, subsection, sentence, clause, or phrase of this Special Use Permit is for any reason held illegal, invalid, or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
12. The Special Use Permit shall automatically terminate eighteen (18) months from the date of the granting of this amendment to Special Use Permit if the Grantees have not commenced construction on the project.
13. Parking Lot and Access to and from the Office Parcel
 - a. Vehicular access between the Resort and the parking lot on the Office Parcel shall be restricted to one travel lane as reflected on the applicant's submittals and shall be gated with card access at all times. Access through the vehicular gate shall be limited to hotel employees and valet parking attendants. No Resort guest vehicular access shall be permitted through the gate.
 - b. A gate or other barrier acceptable to the Town shall be installed at the exit from the surface parking lot onto Vista Drive. This gate or barrier shall be in place between the hours of 10:00 p.m. and 5:00 a.m. on any day when the lot is used for valet parking to prohibit egress or ingress onto Vista Drive from the parking lot during those times. This gate or barrier shall be accessible for emergency services.
 - c. The Resort parking spaces on the Office Parcel may be utilized only by employees of the Resort and for valet parking. No guest self-parking shall be permitted. The overnight employee shift shall not be permitted to use those parking spaces on the Office Parcel. The valet parking attendants shall not add parked cars on the Office Parcel past 10:00 p.m. and shall not use Vista Drive for ingress or egress after 10:00 p.m.
 - d. No buses or semi-trucks shall be allowed to utilize the parking lot on the Office Parcel.
 - e. The Resort shall work with the City of Scottsdale to install a traffic directional sign on the Office Parcel parking lot exits onto Vista Drive to read "Right Turn Only" and to install a "No Outlet" sign on Vista Drive. The Resort shall construct the surface driveway exit so that traffic leaving the parking lot will exit to the right (west) onto Vista Drive and so that no left turn (east) movements onto Vista Drive are permitted from the parking lot.
 - f. The Resort shall provide, and be able to produce evidence of such to the Town, instructions to all employees of the Resort who are permitted to utilize the Office Parcel parking lot as follows:

You are not allowed to use Vista Drive west of Scottsdale Road for access to and from your employment or for valet parking. You are directed to obey all posted speed limits and other traffic regulations of the City of Scottsdale and Town of Paradise Valley.
14. Outdoor activity conducted on the tennis courts shall be required to end no later than 10:00 p.m. on any day.

15. New landscaping shall be added to the east and south perimeters of the Resort pursuant to the landscape plan submitted as a part of the special use permit amendment. These ninety-five (95) trees shall be 24" box trees in size.
16. The permit shall not be issued until the Declaration of Easements and Restrictions ("Easement") approved in form by the Town Attorney restricting use of the office building and parking is recorded in the office of Maricopa County Recorder. Use of the Office Parcel shall be restricted to S-R uses as defined by the Scottsdale Zoning Ordinance and as reflected in the Easement. This Easement shall be incorporated into the Special Use Permit. Failure, termination or revocation of the Easement shall be deemed a violation of the Special Use Permit unless specifically agreed to by the Town.
17. At least seven (7) days before conducting or permitting the conduct of any event on the Resort property that would require parking of guests to park their vehicles off-site, the Resort will obtain approval from the Paradise Valley Police Department of a plan for traffic control, parking, litter control and security.
18. No outdoor amplified sound of any kind is permitted nor noise levels, which exceed the Town's applicable noise regulation.
19. The Resort shall complete the following improvements as contained in the submitted documents within one year of the approval of the special use permit amendment and no transfer of the special use permit shall be allowed until these improvements are completed: landscaping, lighting and parking. All of the other improvements contained in the special use permit amendment may be made according to the Resort timing and budget.
20. The special use permit is dependent on the parking and use described in the application being permitted by the City of Scottsdale. The terms, conditions and statements in the applicant's letter of March 21, 1997, to the City of Scottsdale, and the City of Scottsdale reply dated March 28, 1997, related to the parking and use on the Office Parcel, are incorporated by reference and enforceable in the special use permit.
21. The Resort will construct an engineered entrance between the Resort and the Office Parcel so as to not adversely affect the current irrigation pipe and all necessary measures will be taken to ensure the engineering and construction will be done to the Town's satisfaction.
22. The Resort shall raise the block wall in the southeast corner of the property as shown on exhibit L-4 of the proposed plan.
23. All stipulations of the Resort's special use permit relating to the Office Parcel shall be incorporated as terms and conditions of any leases or subleases of the Office Parcel. Any breach or default of such stipulations by a tenant or subtenant also shall be deemed a breach or default by the Resort and enforceable by the Town.
24. The Resort shall provide, and be able to produce evidence of such to the Town, instructions to all of its vendors and contractors as follows:
In order to be a vendor and/or contractor in good standing with the Doubletree Paradise Valley Resort, you must confine your travel routes to and from the Resort to arterial streets (ie, Scottsdale Road) or collector streets (ie Jackrabbit Road), and you must not use local streets through

- neighborhoods (i.e. Vista Drive east or west off Scottsdale Road). In addition, you must obey all posted speed limits and other traffic regulations of the City of Scottsdale and Town of Paradise Valley.
25. Because the operations of the hotel are in Paradise Valley, all bed tax and sales tax are to accrue to Paradise Valley regardless of where the cash box is located. Paradise Valley will be in the same relative fiscal position as it is currently after all of these improvements are completed.
 26. A violation of any of the stipulations or terms of the special use permit or applicable Town Code is enforceable against the Resort and grounds for revocation of the special use permit.
 27. The tenant or subtenant is responsible and shall assume all the terms and conditions of the Resort. If a tenant or subtenant is in default of such stipulations, the Resort is in default.

Unofficial Document

(attachment 2)

WHEN RECORDED MAIL TO:
Robert F. McKenzie
1112 W. Camelback
Suite 201
Phoenix, Arizona 85013

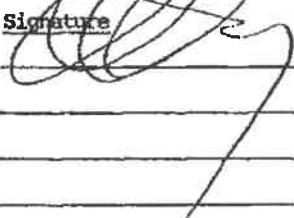
TICOR TITLE INSURANCE COMPANY

A72-83-62

MODIFICATION AGREEMENT TO
DECLARATION OF RESTRICTIONS

MOD RSTW

We the undersigned as owners of the below designated lots in the Vista Bonita subdivision, Scottsdale, Arizona, hereby agree that lots one (1), two (2), twenty-seven (27) and twenty-eight (28) in said Vista Bonita subdivision shall be excluded from the Declaration of Restrictions executed by Phoenix Title and Trust Company, as Trustee, dated March 19, 1957, as recorded in the records of Maricopa County, Arizona and shall not be subject to the covenants, stipulations and restrictions thereof, so long as said lots are used as a site for one (1) story professional office space and said lots are developed pursuant to plans approved by the Development Committee of the Vista Bonita Homeowner's Association.

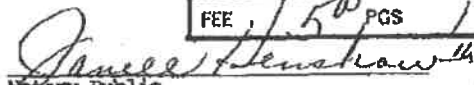
	Signature	Date
Lot No. <u>one</u> , Vista Bonita		<u>6-6-83</u>
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____

This Agreement is to Modify the Declaration of Restrictions recorded in Docket 2133, page 155, records of Maricopa County, Arizona of VISTA BONITA, Book 71 of Maps, page 6, records of Maricopa County, Arizona.

This Modification Agreement was acknowledged before me the 6th day of June, 1983, by Al Gazley S/S owner of Lot one, Vista Bonita.

My Commission expires: 4-9-84

RECORDED IN OFFICIAL RECORDS
OF MARICOPA COUNTY, ARIZONA
DEC 20 1983-800
BILL HENRY, COUNTY RECORDER
FEE 1.50 PGS 1


Notary Public

Unofficial Document

WHEN RECORDED MAIL TO:
Robert F. McKenzie
1112 W. Camelback
Suite 201
Phoenix, Arizona 85013

TICOR TITLE INSURANCE COMPANY

MODIFICATION AGREEMENT TO
DECLARATION OF RESTRICTIONS

83 508364

MOD RSTR

A-12-53-62

We the undersigned as owners of the below designated lots in the Vista Bonita subdivision, Scottsdale, Arizona, hereby agree that Lots one (1), two (2), twenty-seven (27) and twenty-eight (28) in said Vista Bonita subdivision shall be excluded from the Declaration of Restrictions executed by Phoenix Title and Trust Company, as Trustee, dated March 19, 1957, as recorded in the records of Maricopa County, Arizona and shall not be subject to the covenants, stipulations and restrictions thereof, so long as said lots are used as a site for one (1) story professional office space and said lots are developed pursuant to plans approved by the Development Committee of the Vista Bonita Homeowner's Association.

	Signature	Date
Lot No. <u>two</u> , Vista Bonita	<u>Law W. Cook</u>	<u>6/13/83</u>
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____
Lot No. _____, Vista Bonita	_____	_____

This Agreement is to Modify the Declaration of Restrictions recorded in Docket 2133, page 155 records of Maricopa County, Arizona of VISTA BONITA, Book 71 of Maps, page 6, records of Maricopa County, Arizona.

This Modification Agreement was acknowledged before me the 13th day of June, 1983, by Law W. Cook owner of Lot two, Vista Bonita.

My Commission expires: June 1, 1985

Notary Public

RECORDED IN OFFICIAL RECORDS
OF MARICOPA COUNTY, ARIZONA

DEC 20 1983-800

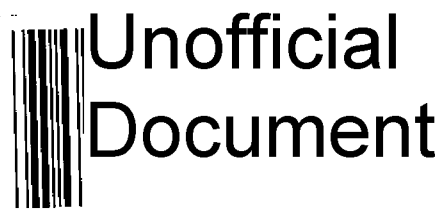
BILL HENRY, COUNTY RECORDER

FEE

500

15

Put in stretch Lang box



When recorded, return to:

(attachment 3)

Streich Lang
Renaissance One
Two North Central Avenue
Phoenix, Arizona 85004
Attn: Diane M. Haller, Esq.

MA

98-0204014

BECKY 1 OF 1

DECLARATION OF EASEMENT AND RESTRICTIONS

THIS DECLARATION OF EASEMENT AND RESTRICTIONS ("Declaration") is entered into as of the 12th day of March, 1998, by PENSION MANAGEMENT CORPORATION, a Delaware corporation ("Declarant").

1. Resort Property and Office Property. Declarant owns that real property located in Maricopa County, Arizona and legally described on Exhibit "A" attached hereto ("Resort Property") upon which a resort, parking lot and related facilities are constructed. The Resort Property is located in the Town of Paradise Valley ("Town"). Declarant also owns that real property adjacent to the Resort Property and legally described on Exhibit "B" attached hereto ("Office Property") upon which an office building, parking lot and related facilities are constructed. The Office Property is located in the City of Scottsdale ("City"). A block fence has been constructed on the common boundary of the Resort Property and the Office Property ("Fence"). A map showing the respective locations of the Resort Property and the Office Property is attached hereto as Exhibit "C".

2. Background. Declarant intends to construct an opening in the Fence to permit direct vehicular and/or pedestrian ingress and egress between the Resort Property and the Office Property. In connection therewith, Declarant desires to (i) provide a permanent easement for parking on the Office Property, which easement shall benefit the Resort Property, and (ii) restrict the use of the Office Property, all as more fully set forth in this Declaration.

3. Grant of Easement. Grantor hereby establishes a permanent exclusive easement ("Easement") appurtenant to the Resort Property on, over, under and across the portion of the Office Property depicted on the map attached hereto as Exhibit "C", which Easement shall be solely for the purpose of vehicular parking, and vehicular and pedestrian ingress and egress to and from the Resort Property to the extent reasonably necessary for such purposes. The Easement shall not serve any other property, and shall be for a total of forty-five (45) parking spaces. The Owner of the Office Property shall have the right to designate from time to time the parking spaces that may be used by the Resort Property pursuant to this Declaration.

4. Restrictions. The Office Property shall be used for office and related uses (including parking) and such other purposes as are permitted under the City's SR (service residential) zoning ordinance, a copy of which is attached hereto as Exhibit "D", and for no other purposes without the consent of the owner of the Resort Property and the Town. In no event will the owner of the Office Property enlarge the office building located on the Office Property to the extent that the enlargement would encroach upon the guaranteed number of parking spaces

described in Paragraph 3 above. The Town has the right to enforce against the Office Property the terms and provisions of the Special Use Permit for the Resort Property, to the extent such terms and provisions apply to the Office Property.

5. Not a Public Dedication. Nothing contained in this Declaration shall be deemed to be a gift or dedication of any portion of the Office Property to the general public or for the general public or for any public purpose whatsoever, and this Declaration shall be strictly limited to and for the purposes expressed herein.

6. Covenants to Run with Land. All provisions of this Declaration shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of Declarant. The provisions of this Declaration shall be enforceable by the Town, and the Town is hereby designated as a third party beneficiary of this Declaration.

7. Amendment. This Declaration may be amended, terminated, or canceled only by the agreement of the owner of the Resort Property, the owner of the Office Property, and the Town; provided, however, that the owner of the Resort Property and the owner of the Office Property may enter into an agreement relating to the sharing of maintenance obligations and costs relating to the Easement without the consent of the Town. No such amendment, termination or cancellation shall be effective until a written instrument setting forth its terms has been executed, acknowledged and recorded in the records of Maricopa County, Arizona.

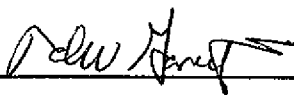
8. Incorporation of Exhibits. All ^{Unofficial Document} exhibits attached to this Declaration are by this reference incorporated herein.

9. Arizona Law. This Agreement shall be governed by the laws of the State of Arizona.

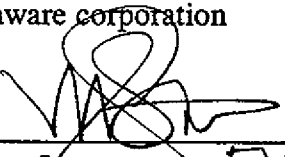
10. Legal Fees. The prevailing party in any action to enforce the terms of the Declaration shall be entitled to recover from the non-prevailing party reasonable attorneys' fees and costs, such amount to be set by a court and not a jury.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date set forth above.

APPROVED AS TO FORM
TOWN OF PARADISE VALLEY

By: 
Name: _____
Its Town Attorney

PENSION MANAGEMENT CORPORATION, a
Delaware corporation

By: 
Its EVP

STATE OF Connecticut
County of Fairfield) ss.

The foregoing instrument was executed before me this 13th day of March, 1998
by Michael J. Strone the EVP of PENSION
MANAGEMENT CORPORATION, a Delaware corporation, on behalf of that corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

CORINNE BASTA
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2000

Corinne Basta
Notary Public

My commission expires:

AUGUST 31, 2000

Unofficial Document

EXHIBIT "A"

LEGAL DESCRIPTION OF RESORT PROPERTY

PARCEL NO. 1:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THE SOUTH 172 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 172 FEET; AND

EXCEPT THE EAST 63 FEET OF THE WEST 96 FEET OF THE NORTH 66 FEET.

Unofficial Document

EXHIBIT "B"

LEGAL DESCRIPTION OF OFFICE PROPERTY

PARCEL NO. 1:

Lot 1, VISTA BONITA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 71 of Maps, page 6;

TOGETHER WITH that portion of the abandoned alley, 10 feet in width, lying North of and adjacent to said Lot 1 and lying between the Northerly extension of the East and West lines of said Lot 1, as abandoned by Resolution No. 2339 recorded in Document No. 83-288786, Official Records, Maricopa County, Arizona.

PARCEL NO. 2:

Lot 2, VISTA BONITA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 71 of Maps, page 6;

TOGETHER WITH that portion of the abandoned alley, 10 feet in width, lying North of and adjacent to said Lot 2 and lying between the Northerly extensions of the East and West lines of said Lot 2, as abandoned by Resolution No. 2339, recorded in Document No. 83-288786, Official Records of Maricopa County, Arizona.

PARCEL NO. 3:

The Westerly 8 feet of Lot 3, VISTA BONITA, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 71 of Maps, page 6;

TOGETHER WITH the Westerly 8 feet of that portion of the abandoned alley, 10 feet in width, lying North of and adjacent to said Lot 3 and lying between the Northerly extensions of the East and West lines of said Lot 3, as abandoned by Resolution No. 2339, recorded in Document No. 83-288786, Official Records of Maricopa County, Arizona.

EXHIBIT "C"
MAP

VISTA DRIVE

Parking

Office
Property

RESORT PROPERTY

Unofficial Document

SCOTTSDALE ROAD

JACK RABBIT ROAD

EXHIBIT "D"
SR ZONING ORDINANCE

[See attached.]

Unofficial Document

ALLOWABLE DENSITY		STANDARDS	
1	2	3	4
18 (2422)	25.5 (1708)	25	50
19 (2292)	27 (1613)	28	60
20 (2180)	28.5 (1528)	31	70
21 (2074)	30 (1452)	34	80
22 (1980)	31.5 (1382)	37	90
23 (1890)	33 (1320)	40	100

E. Building setback.

1. Wherever an R-5 development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained.
2. Wherever an R-5 development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review Board or City Council if the existing or future development of the area around the site warrants such larger yards.

F. Distance between buildings.

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one of which is adjacent to the main building, may be built to within six (6) feet of the main building.

G. Walls, fences and required screening.

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open spaces, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.

2. All parking areas adjacent to a public street shall be screened with a wall to a height of three (3) feet above the parking surface.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by Development Review [Board].

H. Access. All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by Development Review Board.

Unofficial Document

(Ord. No. 1840, § 1(5.1004), 10-15-85; Ord. No. 1922, § 1, 11-4-86; Ord. No. 2430, 1-21-92; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95)

Sec. 5.1065. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1006. Signs.

The provisions of article VIII shall apply.

Sec. 5.1100. (S-R) SERVICE RESIDENTIAL.**Sec. 5.1101. Purpose.**

A district composed of certain land and structures used primarily to provide administrative, clerical, and professional offices, of a residential scale and character, to serve nearby residential and commercial areas, as well as the city as a whole. These uses are characterized by low volume of direct daily customer contact. Secondly, this district provides for medium density residential. This district is designed to be a transitional

zone, and should be used to buffer low density residential uses from more intense land uses, districts, and heavily traveled transportation routes. The property development standards, while strict in order to protect adjacent low density residential uses, are designed to be flexible enough to allow experimentation in office and housing design, and to allow housing constructed within this district to incorporate its own protection from more intense adjacent uses.

Sec. 5.1102. Approval required.

No structure or building shall be built or remodeled upon land in the S-R district until Development Review [Board] approval has been obtained as outlined in article I, section 1.400 hereof.

Sec. 5.1103. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.

- a. **Business and professional offices:** ^{Unofficial Document} Offices in which merchandise, wares or goods are not created, displayed, sold or exchanged.
- b. Hospital for animals including boarding and lodging, provided that there are no open kennels maintained and provided that all activities will be in soundproof buildings.
- c. Medical or dental offices including laboratories.
- d. Studio for professional work or teaching of any form of commercial or fine arts such as photography, music, drama or dance.
- e. Municipal uses.

2. Residential.

- a. Accessory buildings, private swimming pools, private tennis courts, home occupations and other accessory uses.
- b. Dwelling units, multifamily.
- c. Dwelling units, single family.

d. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

e. Temporary sales office buildings and model homes.

3. Retail.

- a. Pharmacy, prescription, limited to pharmaceuticals only, as an appurtenant use to an office building, provided the entrance to the pharmacy is from the interior of the building, lobby or arcade.

4. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:

- a. Lot area: The minimum lot area shall be no less than twenty thousand (20,000) square feet (net).
- 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. Building height: Building height, including steeples, towers, spires, and mechanical equipment (such equipment must be screened) shall be limited to thirty (30) feet in height, except that a maximum of ten (10) percent of the roof area may exceed the height limit by ten (10) feet. All such structures in excess of thirty (30) feet shall be set back a minimum of ten (10) feet from the edge of the structure on which they are located. Height is subject to Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes sections 7.100—7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
- d. Open space: In no case shall the open space requirement 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 requirement subject to compliance with NAOS standards.

- e. **Parking:** Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified by the Scottsdale General Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. 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 shall be landscaped.

A ten-foot minimum landscape 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 set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- 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 that are adjacent to residential districts.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

- h. **Access:** All churches must have primary access to a street classified by the Scottsdale General Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. **Operations:** No outdoor activities shall be permitted after 10:00 p.m. No external speakers or paging systems.

5. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.

B. Uses subject to a conditional use permit.

1. Bank (see section 2.208 for criteria).
2. Cellular communication facility; minor and major (see section 2.208 for criteria).

Unofficial Document

3. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 2.208 for criteria).

4. Jewelry design or creation.

5. Vocational school for the teaching of culinary arts and sciences. School facilities may include the following:

- a. Kitchen(s).
- b. School offices.
- c. Classrooms.
- d. Ancillary public dining area(s). Food preparation for the dining facility shall only be serviced by students/classroom activities in connection with the school curriculum.

6. Wholesale sales of jewelry and works of art. (Ord. No. 2335, § 1, 1-15-91; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95)

Sec. 5.1104. Property development standards.

The following property development standards shall apply to all land and building in the S-R district.

A. Open space requirements.

1. Main land uses that are density-based shall provide a minimum of thirty-six (36) percent of the net lot area in open space.
2. Main land uses that are not density-based shall provide a minimum of twenty-four (24) percent of the net lot area in open space.
3. Open space required by 1 and 2 above shall be provided in the following proportions:
 - a. A minimum of twelve (12) percent of the net lot area shall be provided as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage excluding drives. *Exception:* Where a lot has two (2) or more street frontages, there shall be no less than twenty (20) square feet of open space per one (1) foot of street frontage for one (1) street and no less than ten (10) square feet of open space per one (1) foot of street frontage excluding drives for other street(s).
 - b. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of ten (10) percent of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of five (5) percent of the gross size of the dwelling unit.
 - c. The remainder of the required open space shall be provided in common open space.

- d. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.

- B. *Building height.* No building shall exceed eighteen (18) feet in height except as otherwise provided in article VII.

- C. *Density.* The minimum gross land area per dwelling unit shall be three thousand five hundred (3,500) square feet.

D. Building setback.

1. Wherever an S-R development abuts an R-1, R-2, R-3, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained, except that accessory buildings for purposes of storage or carports may be constructed to within fifteen (15) feet of the adjacent district boundary line.
2. Wherever an S-R development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.
3. Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.

E. Distance between buildings.

1. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to

the main building, may be built to within six (6) feet of the main building.

F. Walls, fences and required screening.

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line of within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas shall be screened from view from all public streets.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by the Development Review Board.

G. Access. All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95)

Sec. 5.1105. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.1106. Signs.

The provisions of article VIII shall apply.

Sec. 5.1107. Reserved.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.1200. (C-S) REGIONAL SHOPPING CENTER.

Sec. 5.1201. Purpose.

This district is intended to provide for well-designed shopping facilities which serve a large regional area. Area zoned C-S should be recognized as substantial traffic generators and should be located at the intersection of two (2) major arterials.

It is intended that the (C-S) regional shopping center district shall be laid out and developed as a unit according to an approved plan so that the purpose of the district may be accomplished.

Sec. 5.1202. Approvals required.

No structure or building shall be built or remodeled upon land in the C-S district until Development Review [Board] approval has been obtained as outlined in article I, section 1.400 hereof.

Sec. 5.1203. Use regulations.

A. Permitted uses. Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional.
 - a. Medical or dental office with laboratory.
 - b. Professional and business offices.
 - c. Travel agencies.
 - d. Municipal uses.
2. Retail sales.
 - a. Appliance store including repair of small or household appliances.
 - b. Art gallery.
 - c. Bakery.
 - d. Bicycle store.
 - e. Candy shop including the making of candy.
 - f. Carpet and floor covering store.
 - g. Clothing store.
 - h. Delicatessen.
 - i. Department store.
 - j. Drugstore.
 - k. Furniture store.
 - l. Gift shop, bookstore.
 - m. Grocery store.
 - n. Hardware store.
 - o. Ice cream parlor including the making of ice cream.

Unofficial Document

Sec. 1.202. - Interpretations and decisions.



- A. The provisions of this Zoning Ordinance shall be interpreted and applied by the Zoning Administrator. Any request for a Zoning Ordinance interpretation or decision must be made in writing to the Zoning Administrator. The Zoning Administrator shall respond in writing to such requests for Zoning Ordinance interpretations or other decisions within forty-five (45) days from the date of the written request, provided no building permits have been issued on the subject development. A record of the Zoning Administrator's responses shall be available for public review.
- B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written interpretation or decision. Any timely appeal shall be processed pursuant to [Section 1.805](#)
- C. When the provisions of this Zoning Ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.
- D. The presumption established in this Zoning Ordinance is that all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. The use regulations set forth in each district cannot be all inclusive, and may include general use descriptions that encompass several specific uses. Uses specified in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses. However, the use regulations shall not be interpreted to allow more than one principal use in a dwelling in a 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 in Table 4.100.A., or to allow an unspecified use in one (1) zoning district which more closely relates to a use that is permissible in another zoning district. The Zoning Administrator shall interpret uses within each district.
- E. Accessory uses are allowed in all districts. Accessory uses shall not alter the primary use of building or lot, or adversely affect other properties in the district. All accessory uses shall be reasonably compatible with the types of uses permitted in the surrounding areas.

(Ord. No. 2552, § 1, 4-20-93; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3314, § 1, 4-18-00; Ord. No. 3920, § 1(Exh. § 2), 11-9-10; Ord. No. 4002, § 1(Res. No. 8967, Exh. A, § 1), 3-6-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 2), 5-6-14; Ord. No. 4326, § 1(Res. No. 10963, § 1 (Exh. A)), 12-5-17)

The current status of the separate ownership structure of the two properties, the non-applicable Special Use Permit, the recorded Modification Agreement and the new interpretation of the shared parking on the S-R parcel by the Zoning administrator, makes stare decisis non-applicable.

Development Review Board - Review of Reconstruction:

In the April 2, 2024 Zoning Administrator's interpretation, Ms. Perreault is claiming that she reviewed the reconstruction design of the office building project and deemed it Minor. That is not the case. The project was only reviewed at a staff level and the staff failed to apply the zoning ordinance as written.

Since the date of the 1997 Board of Adjustment Appeal, a 1998 Declaration of Easement (attachment 3) was created by the Hotel Ownership revising the Office Parking Lot sharing agreement and requiring that any remodels upon the S-R parcel must obtain the Development Board approval. The Zoning Administrator and the Scottsdale Planning staff are in violation of this law by bypassing the Development Review Board's approval that is required in the legally recorded document.

According to the Zoning Ordinance, remodels and rebuilding projects that deviate significantly from the previously approved design of the Development Review Board, must be returned to the D.R Board for a new review. Discussions with Planner Wayland Barton indicated that Ms. Perreault was not a part of the review of this project. In light of the fact that the project was only reviewed and approved at just a staff level and was done behind closed doors and in violation of the attached Declaration of Easement (attachment 3), this appeal to the Board of Adjustments is valid.

There is no indication in the Scottsdale Zoning Ordinance that Planning Department staff decisions cannot be appealed. In light of the fact that staff level reviews are conducted by lesser qualified members of the Planning Department, an appeal of those decisions clearly fall within the jurisdiction of the Board of Adjustments.

According to Ordinance Sec. 1.202B, I may initiate an appeal of the Zoning Administrator's interpretation to the Board of Adjustments.

Brent M. Bieser - Appeal Applicant
7317 E. Vista Drive
Scottsdale, Az 85250
602-568-7261

