



Zoning Interpretation Record

Subject of Interpretation:

Request by property owner of 6990 N Scottsdale Road to for an interpretation of what constitutes the required acreage for the Planned Regional Center (PRC) zoning district for land that is held in common ownership but a portion is located in another municipality.

Zoning Ordinance Section Number:

Section 5.2604.G Property Development Standards

Cause for Interpretation

Section 5.2604.G states that the gross land on which there is a PRC development shall not be less than 25 acres. The Code does not define “gross land area”.

Interpretation:

The purpose of the PRC District is to provide for a broad variety of general merchandise and services in full depth and variety within a planned commercial (regional) center, which may include office and residential uses carefully integrated by design to assure that the uses compliment each other and the whole mixed use complex. This purpose is achieved by having a parcel size that is large enough to accommodate the necessary critical mass of uses to be a successful mixed use development.

The zoning ordinance requires the “gross land area” of a property zoned PRC to be not less than 25 acres. While the ordinance does not have a definition for “gross land area”, it does contain definitions for “gross lot area”, “lot” and “parcel”. The pertinent definition related to the PRC requirement is either “lot” or “parcel”. The definitions are as follows:

Gross lot area shall mean the area of a lot including one-half of all dedicated streets and alleys abutting the property.

Lot shall mean a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, and uses customarily incident to it, including the open spaces required by this ordinance and having its principal frontage upon a street as defined in this ordinance

Parcel is a legally defined lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development and open space calculation.

The property at 6990 N. Scottsdale Road consists of 20 acres located in Scottsdale and is part of a larger single ownership of 120 acres that is divided by a political boundary. The overall parcel is being planned as

a mixed use development, with two resorts, office, residential and retail uses. The western 100 acres of the parcel, located within the Town of Paradise Valley, is zoned SUP (Special Use Permit – Resort), which allows for uses similar to those in the PRC District. The development is unique in its ownership that crosses the two jurisdictional boundaries.

The ordinance does not clarify if the required 25 acres must all be located within the City of Scottsdale. In this case, several physical aspects of the resort complex cross over the political boundary: drainage improvements, landscaping, patios, pedestrian paths and a main driveway. The purpose and intent of the PRC district is accomplished by the proposed development and therefore, the required acreage shall consider and apply some of the adjacent acreage within the Town of Paradise Valley in order to meet the ordinance requirement of 25 acres.

This interpretation is based on the applicant's proposed site plan for a minimum 25 acre mixed use development with the infrastructure and site improvements as noted above crossing the jurisdictional boundaries.

Currently there are eight other sites entirely within the city of Scottsdale zoned PRC, all of which exceed 25 acres in size. None of the sites are contiguous to nor partially located in another jurisdiction

This interpretation is limited to the circumstances of the proposed development and is not to be automatically applied to other parcels that may be less than 25 acres in size. The interpretation does not apply to other development standards for the PRC District.

Interpretation by

Connie Padian
Zoning Administrator

February 13, 2009



PHONE: 602-230-0600

FAX: 602-212-1787

2525 E. Arizona Biltmore Circle, Suite A-212, Phoenix, AZ 85016

January 22, 2009

Zoning Administrator
C/O Planning and Development Department General Manager
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Determination of Property Acreage for the Planned Regional Center (PRC)
zoning district

Dear Mr. Richert:

As you are aware, our firm represents Five Star Development in relation to their property located at 6990 North Scottsdale Road (the "Property"). Please see aerial map attached at **TAB 1**. The purpose of this correspondence is to request a formal determination confirming the Property meets the 25-gross acre minimum requirement for the Planned Regional Center (PRC) zoning district.

This property has a unique history in the fact that it was once owned by the City of Scottsdale and has been historically planned as one site with a resort use. This property has also been historically owned under single ownership. Five Star Development purchased the entire 120-acre property as a single property and has planned it accordingly as a single resort development. 100 acres are located within the Town of Paradise Valley while 20 acres are located within the City of Scottsdale.

The Paradise Valley property is currently zoned SUP (Special Use Permit-Resort) which is analogous to the City of Scottsdale's PRC zoning district in the fact that both provide mixed-use opportunities. Uses permitted in both categories include resort/hotel, residential, retail, services and cultural/entertainment/recreation.

In addition to the similarities within the two zoning districts, several physical connections also exist:

- The underground drainage structure located along Indian Bend Road crosses the property line and heads south becoming a scenic wash on the Paradise Valley property.
- The main circulation drive, Palmeraie Drive, and pedestrian access serve both properties.

- Patios (and possible structures) for the hotel property extend onto the Paradise Valley property. (Subject to approval by Paradise Valley)

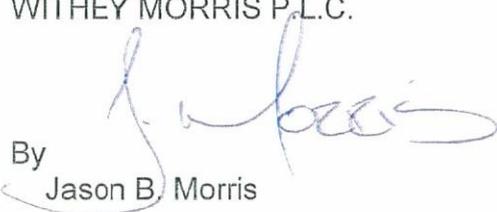
As plans progress, it is highly likely other permanent structures will span both properties, enhancing the physical link between both properties. It is clear, moreover, the property is a unified planning concept inexorably connected regardless of municipal boundaries.

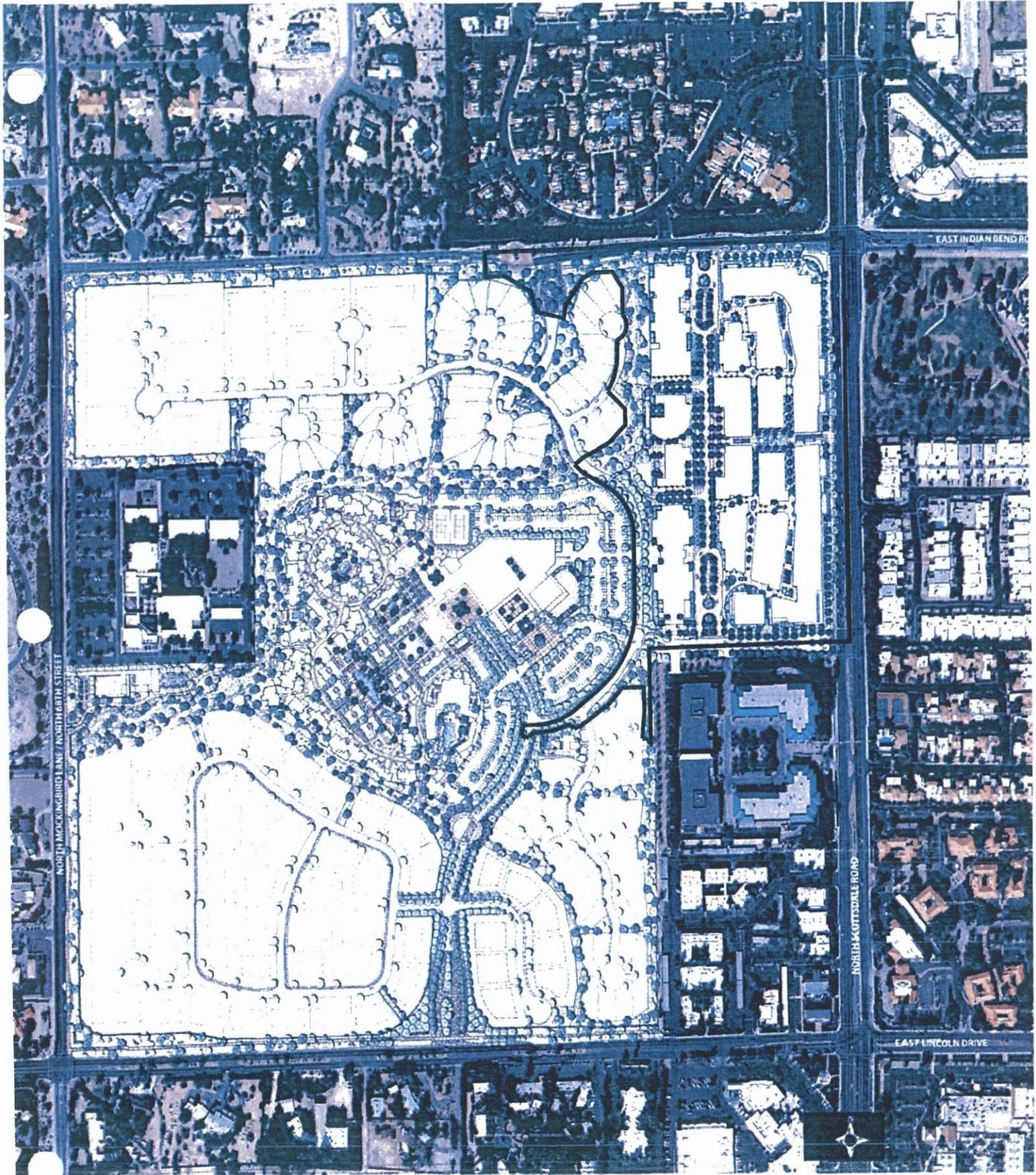
In light of the above outlined connections between the Scottsdale and Paradise Valley property we believe that the subject property meets the intent of the 25-gross acre minimum requirement. It is also worthy of note that there is no requirement that the entire 25-acre minimum property be located within the same municipality. Finally, it should be clear that adequate controls are available to ensure protection of the City's interest.

Accordingly, we respectfully request a written interpretation confirming that: the subject property meets the 25-gross acre minimum requirement for purpose of compliance with the provisions of Section 5.2604.G of the Scottsdale Zoning Ordinance. If you have any questions or need additional information to process this request, please do not hesitate to contact me at 602-230-0600 or jason@witheymorris.com. We appreciate your continued attention to this matter. Thank you.

Sincerely,

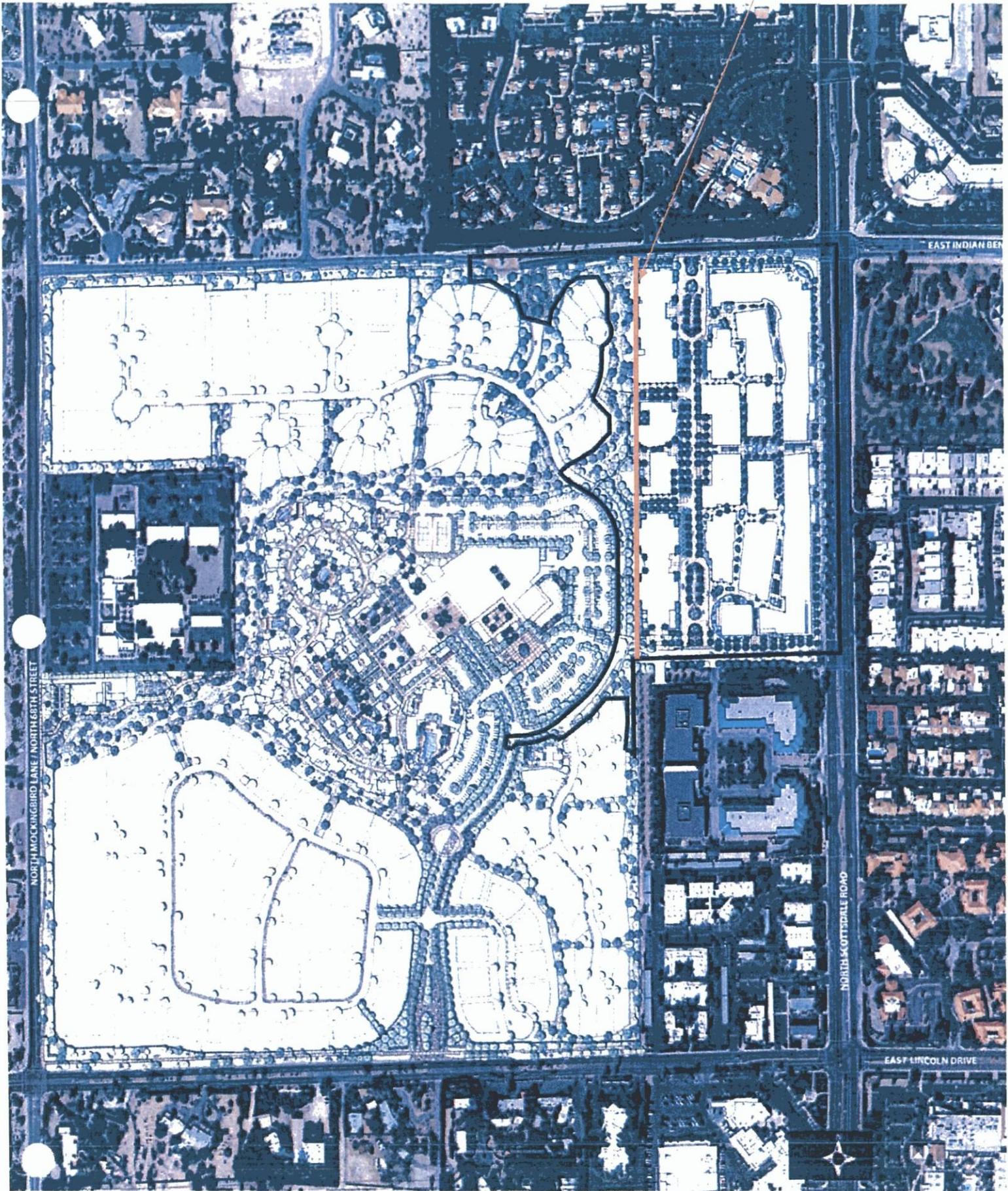
WITHEY MORRIS P.L.C.

By 
Jason B. Morris



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