

Subject of Interpretation:

Clarification of Zoning Stipulation No. 15 associated with Case 20-ZN-2002#3, One Scottsdale.

Title of Stipulation:

Timing of Scottsdale Road Street Improvements

Original Stipulation Language:

STREETS

15. TIMING OF SCOTTSDALE ROAD STREET IMPROVEMENTS. No certificate of occupancy shall be granted for any new site building once 937 residential units in Planning Unit II have been permitted, or once 1,793,358 square feet of commercial/retail/office space have been permitted, unless N. Scottsdale Road has been completed to a full six-lane cross section or equivalent capacity is achieved by interim improvements, to the satisfaction of the City's Transportation Director.

Cause for Interpretation:

The Zoning Administrator (ZA) has determined that the language of Stipulation No. 15 in Scottsdale Zoning Case 20-ZN-2002#3 is ambiguous and subject to multiple interpretations. Therefore, in accordance with the authority set forth in A.R.S. § 9-462.05 and Scottsdale Revised Code, App. B, § 1.1.202, the ZA is issuing this interpretation to clarify implementation of Stipulation No. 15 associated with One Scottsdale, Planning Unit II and the issuance of building permits, certificates of occupancy and the timing of improvements to North Scottsdale Road

Interpretation:

TIMING OF SCOTTSDALE ROAD STREET IMPROVEMENTS. The Zoning Administrator has reviewed the record history of Zoning Case No. Case 20-ZN-2002#3 including, but not limited to, the record files of the Planning & Development Department and City Council public hearings in relation thereto. Based on the review thereof, the ZA has determined that the intent of the City Council in adopting Stipulation No. 15 was to limit occupancy of new residences or buildings until such time as the stated improvements to Scottsdale Road are completed as defined therein. The City Council's intent was not to have Stipulation No. 15 applied in such a manner as to have building permits issued by the City which could be left in fluctuation and unable to obtain a certificate of occupancy. Accordingly, Stipulation No.15 is interpreted by the ZA as to limit issuance of both building permits and associated certificates of occupancy within One Scottsdale Planning Unit II. No new building permits will be issued by the City in excess of the 937 residential units, or upon 1,793,358 square feet of commercial/retail/office space having been permitted (threshold), unless the North Scottsdale Road improvements have been completed to a full six-lane cross section or equivalent capacity is achieved by interim improvements, to the satisfaction of the City's Transportation Director. Any building permit issued by the City prior to reaching the stated threshold will be eligible for a certificate of occupancy so long as such building otherwise meets the requirements of the building code and any other applicable development regulations or stipulations.



Interpretation By

Erin Perreault, AICP
Zoning Administrator

August 24, 2022

Date