



COUNCIL ... ON REPORT

TO: Mayor & City Council
FROM: Community Development
PROJECT NAME: McDowell Mountain Ranch Center
CASE NO.: 74-ZN-92#7 & Resolution No. 5374

AGENDA ITEM NO. 12

Meeting Date: 10/05/99
Case Number: 74-ZN-92#7
Staff Contact: Jones/Ekblaw
Ext.: 2524/7064 *KE*

REQUEST: Site Plan approval for Parcel "L" of previous case 74-ZN-92
LOCATION: Southwest corner of McDowell Mountain Ranch Road & 105th Street
APPLICANT: R. Kubicek Architects Assoc. **OWNER:** MZN, Inc.
2233 E. Thomas Rd. 6609 N. Scottsdale Rd., #102
Phoenix, AZ 85016 Scottsdale, AZ 85250

PLANNING COMMISSION RECOMMENDATION: APPROVE on the expedited agenda by a vote of 5-0, and ADOPT Resolution No. 5374 affirming this case, subject to the attached stipulations.

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations

PUBLIC COMMENT: There has been a couple of phone calls from nearby residences inquiring on the nature of the application and potential uses.

SITE DETAILS

USE: Retail, restaurant, day care & office
PARCEL SIZE: 15.1 acres (gross)
GROSS FLOOR AREA: 64,650 square feet
PARKING REQUIRED: 259 stalls
PARKING PROVIDED: 271 stalls

BUILDINGS: Seven (7)
HEIGHT: Single story retail;
Two-story Office
FLOOR AREA RATIO: 9%

SUMMARY OF REQUEST: The request is for site plan approval per the original McDowell Mountain Ranch master zoning case (74-ZN-92). The stipulations within this case required all of the non-residential site plans to return to the Planning Commission and City Council for approval. Parcel "L" is zoned C-2 ESL and is located at the southwest corner of McDowell Mountain Ranch Road and 105th Street.

ZONING CONTEXT:

Current Zoning: The current zoning is C-2 ESL, Central Business District in Environmentally Sensitive Lands.

Zoning History:

- 74-ZN-92 – Master zoning case for the entire McDowell Mountain Ranch master planned community
- 74-ZN-92 #2 – Amended development standards within McDowell Mountain Ranch
- 74-ZN-92 #'s 3 through 6 – Approved site plans for other non-residential parcels and amended development standards for certain zoning districts

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Action Taken: _____

the developer shall stake the boundaries of the Vista Corridor easement as determined by city staff. All Vista Corridors shall be left in a natural state. The final plat or site plan shall show and dedicate all Vista Corridor easements.

4. VISTA CORRIDOR EASEMENTS-DISTURBED AREAS. If areas within any Vista Corridor are disturbed by development, before final site inspection, those areas shall be reconstructed to the satisfaction of city staff.
5. VISTA CORRIDOR EASEMENTS-ADJACENT WALLS. Solid walls adjacent to Vista Corridor easements shall comply with the following standards:
 - a. Walls shall not be constructed within the Vista Corridor easement.
 - b. Walls shall be located only within any approved construction envelopes.
 - c. Solid, opaque walls higher than three (3) feet shall be set back four (4) feet from the approved Vista Corridor easement for each one (1) foot of solid, opaque wall height above three (3) feet. No wall shall exceed six (6) feet in height.
6. LOCATION OF INTERNAL STREETS AND DRIVEWAYS. Prior to the Development Review Board submittal, the developer shall stake the alignments for all internal streets and driveways subject to inspection by city staff to confirm that the proposed alignments result in the least environmental and hydrological impact. The Community Development Administrator may approve the use of rectified aerial photographs in lieu of on-site staking.
7. MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT. Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council.

CIRCULATION

1. SIGNAL WARRANT STUDY. With the Development Review Board submittal, the developer shall submit a signal warrant study for the intersection of McDowell Mountain Ranch Road and 105th Street, which shall be subject to city staff review and approval.
2. ACCESS RESTRICTIONS. Before any certificate of occupancy is issued for the site, the developer, at its expense, shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):

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ESLO DISCUSSION:

The Environmentally Sensitive Lands Ordinance (ESLO) is a special set of zoning regulations which control development on fragile desert lands and mountains in North Scottsdale).

This site is required to provide a minimum of 2.4 acres of natural area open space (NAOS) as part of its requirements under the master zoning case. This site exceeds the required open space (approximately 5.5 acres) by providing the entire southern half of the site as NAOS. This portion of the site is a major wash traversing the master planned community and provides for a major trail connection to the McDowell Mountain Preserve. The northern portion of the site has minimal native vegetation and is the appropriate siting for the proposed commercial project.

PROJECT DISCUSSION: The site is located at the southwest corner of McDowell Mountain Ranch Road and 105th Street in the south central portion of the master planned community. This intersection will be signalized in the future as it acts as the major access point for the numerous residential developments and future golf course clubhouse off 105th Street. The location of the C-2 zoning district in this location is to provide the community with a neighborhood commercial project which provides the goods and services to the immediate surrounding residential developments. In essence, the project will reduce trips from residential projects within McDowell Mountain Ranch to off-site commercial projects.

The stipulations in the master zoning case (74-ZN-92) states that the maximum floor area ratio (FAR) allowed for this parcel is .35. The proposed site plan depicts a .09 FAR with a combination of single and two story buildings on the northern half of the site. The stipulations also expand on the design of the site plan in the following ways:

1. **Strong integration with the on-site pathway system, including orienting building fronts towards paths.** The site plan depicts an integral set of pathways around the site to allow pedestrian usage as well as orientating the building towards the paths and major open space amenity, the scenic trail in the wash.
2. **Shielding of the service and loading functions from adjacent residence and streets.** The site is designed to create small, mixed-use buildings, which do not require major loading and service areas. Dumpster areas are spread throughout the site so as not to interfere with pedestrian movement or outdoor patio areas.
3. **Creation of a "front door" design and orientation of on all sides of the building facing adjacent parcels.** With the major access points off 104th Street and 105th Street, the site is designed with all of the buildings oriented with 360 design characteristics. The buildings provide for major pedestrian walkways along all sides, outdoor patios on the sides and rear of buildings and allows parking at each entrance to each building.
4. **Provisions for outdoor gathering and/or dining areas.** There are outdoor patios proposed for many of the buildings including patios that overlook the major wash and open space area to the south. The day care use also provides for a large outdoor playground on the south side of the building.
5. **A strong building presence along major streets which lessens the frontal impact of parking and encourages pedestrian activity.** The location of Pads B, C & D provides for building presence along 104th Streets and McDowell Mountain Ranch Roads and places the majority of site parking interior to the site. The parking for the day care center is behind a large landscape buffer while the Shops "A" building is positioned towards the front open space with a patio area along 105th Street. An intricate network of on-site pathways connects all of the buildings to one another along with connections to the roadway sidewalks and the scenic trail to the south.

The submitted site plan includes direct site access point to McDowell Mountain Ranch Road. This proposed driveway is located approximately 260 feet west of 105th Street, which is a planned

signalized intersection. The stipulations for 74-ZN-92 state that "Intersections should be located at one-eighth mile intervals [660 feet] along McDowell Mountain Ranch Road." The approved master circulation plan and development site plan did not anticipate any intersections on McDowell Mountain Ranch Road between 104th Street and 105th Street. The proposed location also places the driveway within the existing eastbound deceleration lane for 105th Street. Staff does not support the provision of this access. The Transportation Department stated at the Planning Commission meeting that the traffic signal for the intersection of McDowell Mountain Ranch Road and 105th Street will be installed by the end of November 1999.

STAFF ASSESSMENT OF PROJECT ISSUES:

- Site plan approval stipulated to return for Planning Commission and City Council approval
- Site plan is well under allowed FAR
- Site plan preserves major wash and scenic trail connections to other portions of the master planned community
- Site plan meets the criteria set forth in the master zoning case
- Driveway along McDowell Mountain Ranch Road stipulated to be deleted

COMMUNITY IMPACT: The proposed site plan integrates a small "village" style concept in designing the overall commercial project. The siting of the C-2 district at this intersection provides a central gathering place for the immediate surrounding residential neighborhoods. The overall master plan for McDowell Mountain Ranch provided for this mixed-use commercial development to provide the goods and services necessary to support the density created by this community. The creation of a functional commercial project will ensure the continued sustainability of the overall master planned community.

ATTACHMENTS: A - Stipulations
B - Additional Information
#1 - Aerial
#2 - Zoning Map
#3 - Vicinity Map
#4 - Land Use Plan
#5 - Applicant's Narrative
#6 - Resolution No. 5374
C - Site Plan
#7 - 8/25/99 Planning Commission Minutes
#8 - Site Plan



Debbie Dollar
Planning Systems General Manager



Richard A. Bowers
City Manager

The following departments/divisions have participated in the staff review of this request and support the recommendation as stated.



Community Planning



Water Resources



Transportation (Transit) (Drainage)



Urban Design Studio

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STIPULATIONS FOR CASE 74-ZN-92#7

NOTE: CHANGES MADE BY STAFF AFTER PLANNING COMMISSION ARE IN BOLD CAPS AND UNDERLINED

NOTE: STIPULATIONS OF CASE 74-ZN-92 SHALL STILL APPLY.

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO DEVELOPMENT SUBMITTAL. Development shall be in conformance with the site plan and development program submitted by Robert Kubicek Architects and Associates, Inc. and dated 7/8/99. These stipulations take precedence over the above-referenced site plan and development program. Any proposed significant change, as determined by the Community Development Administrator shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. ZONING CASE CONFORMANCE. Development shall conform to the stipulations of cases 74-ZN-92 and 9-GP-92 except as modified by the stipulations included herein, to the satisfaction of City staff.
3. PLAY EQUIPMENT/PATIO LOCATIONS. With the Development Review Board submittal, THE DEVELOPER SHALL SUBMIT A REVISED ~~revise~~ the site plan, to the satisfaction of City staff, to remove or relocate any patios or playground equipment requiring footings or foundations out of the sewer easement on the south end of the site. Improvement plans shall demonstrate that the easement is free from those structures that may cause damage to the existing sewer line. Any improvements accepted by Project Review shall REQUIRE THE DEVELOPER TO SUBMIT A SIGNED ~~cause an indemnity agreement~~ PROVIDING THAT THE ~~to be signed and submitted~~ owner will be liable for any damage to utilities within the easement.
4. PEDESTRIAN ACCESS. With the Development Review Board submittal, the developer shall submit a plan providing pedestrian access to the commercial and recreational areas on and adjacent to the site.

ENVIRONMENTAL DESIGN

1. ALTERATIONS TO NATURAL WATERCOURSES. Any proposed alteration to the natural state of watercourses with a 100 year peak flow rate estimated between 250 cfs and 749 cfs shall be subject to Development Review Board approval.
2. VISTA CORRIDOR WATERCOURSES. All watercourses with a 100 year peak flow rate of 750 cfs or greater shall be designated as Vista Corridors.
3. VISTA CORRIDOR EASEMENTS. Each Vista Corridor shall be established by a continuous scenic easement. The minimum width of the easement shall be one hundred feet. Each Vista Corridor easement shall include, at a minimum, any existing low flow channels, all major vegetation, and the area between the tops of the banks of the watercourses. At the time of the Development Review Board submittal,

ATTACHMENT A

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- a. McDowell Mountain Ranch Road- There shall be no direct site access to McDowell Mountain Ranch Road. The developer shall dedicate a one foot wide vehicular non-access easement on this street along the site frontage.
- b. 105th Street - There shall be a maximum of one site driveway from 105th Street. The driveway shall be located a minimum distance of 330 feet from McDowell Mountain Ranch Road.
- c. 104th Street - There shall be a maximum of two site driveways from 104th Street. Driveways shall be located with a minimum separation of 165 feet. The southern driveway shall be located a minimum distance of 125 feet north of the existing school access driveway to the west.

DRAINAGE AND FLOOD CONTROL

1. **CONCEPTUAL DRAINAGE REPORT.** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall be in conformance with the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
 - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes which exit the property.
 - b. Determine easement dimensions necessary to accommodate design discharges.
 - c. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
2. **FINAL DRAINAGE REPORT.** With the final improvement plans submittal to Project Review, the developer shall submit a final drainage report and plan subject to Project Review approval. The final drainage report and plan shall be in conformance with the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the final drainage report and plan shall:
 - a. *Demonstrate consistency with the approved master drainage plan and report.*
 - b. Provide final calculations and detailed analysis that demonstrate consistency with the accepted conceptual drainage plan and report.
3. **DRAINAGE EASEMENTS.** Before any building permit for the site is issued, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

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WATER

1. NEW WATER FACILITIES. Before the issuance of Letters of Acceptance by the city, the developer, at its expense, shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.
2. WATERLINE EASEMENTS. Before any building permit for the site is issued, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

1. NEW WASTEWATER FACILITIES. Prior to the issuance of Letters of Acceptance by the City, the Developer, at its expense, shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.
2. SANITARY SEWER EASEMENTS. Before any building permit for the site is issued, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.
3. NO PLAY EQUIPMENT OR PATIOS THAT REQUIRE FOUNDATIONS AND OR FOOTERS SHALL BE CONSTRUCTED IN THE SEWER EASEMENT. Improvement plans shall demonstrate that the easement is free from those structures that may cause damage to the existing sewer line. Any improvements accepted by Project Review shall cause an indemnity agreement to be signed and submitted – owner will be liable for any damage to utilities within the easement

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ADDITIONAL INFORMATION

PLANNING/DEVELOPMENT

DEVELOPMENT REVIEW BOARD. The City Council directs the Development Review Board's attention to:

- a. a plan indicating the treatment of washes and wash crossings,
- b. wall design,
- c. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use,
- d. major stormwater management systems,
- e. Vista Corridor watercourses (all watercourses with a 100 year flow of 750 cfs or greater),
- f. alterations to natural watercourses (all watercourses with a 100 year flow of 250 cfs to 749 cfs),
- g. signage,

ENGINEERING

1. EPA. The EPA requires that all construction activities that disturb five or more acres obtain coverage under the NPDES General Permit for Construction Activities. Completion of a Notice of Intent (NOI) and preparation of a Storm Water Pollution Prevention Plan (SWPPP) are required by EPA. A copy of the NOI must accompany final plan submittal to the city before final plans are approved. Contact Region 9 of the U.S. Environmental Protection Agency, (415) 744-1500 EPA, Arizona Department of Environmental Quality at (602) 207-4574, or at the web site <http://www.epa.gov/region9>. NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100.
2. SECTION 404 PERMITS. Before the City issues development permits for a project, the developer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
3. DUST CONTROL PERMITS. Prior to the start of grading on sites 1/10 acre or larger, a Dust Control Permit (earth moving equipment permit) shall be obtained from Maricopa County Division of Air Pollution Control. Call the county (507-6727) for fees and application information.
4. RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE. The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or

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ATTACHMENT B

5. phase of the development, including but not limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
6. FEES. The construction of water and sewer facilities necessary to serve the site shall not be in lieu of any water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee which is applicable at the time building permits are granted. Call City Water Resources Analysts at 312-5686 or 312-5688 for fee information.

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RESOLUTION NO. 5374

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING THE SITE PLAN FOR PARCEL "L" IN THE McDOWELL MOUNTAIN RANCH COMMUNITY OF PREVIOUSLY APPROVED CASE NO. 74-ZN-92, ON PROPERTY LOCATED ON THE SOUTHWEST CORNER OF McDOWELL MOUNTAIN RANCH ROAD AND 105TH STREET.

WHEREAS, Case No. 74-ZN-92#7, has been properly notice for city council consideration, pursuant to the requirements of the Zoning Ordinance of the City of Scottsdale and the statutes of the State of Arizona, and the necessary hearings have been completed; and

[WHEREAS, the Council of the City of Scottsdale approved case 74-ZN-92 on March 16, 1993; and

WHEREAS, the Council of the City of Scottsdale wishes to adopt the site plan for Parcel "L" of the McDowell Mountain Ranch Community of case 74-ZN-92 previously approved by the City of Scottsdale;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, as follows:

Section 1. That the City Council adopts the site plan of McDowell Mountain Ranch Parcel "L" as set forth on Attachment C, attached hereto and incorporated by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 5th day of October, 1999.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

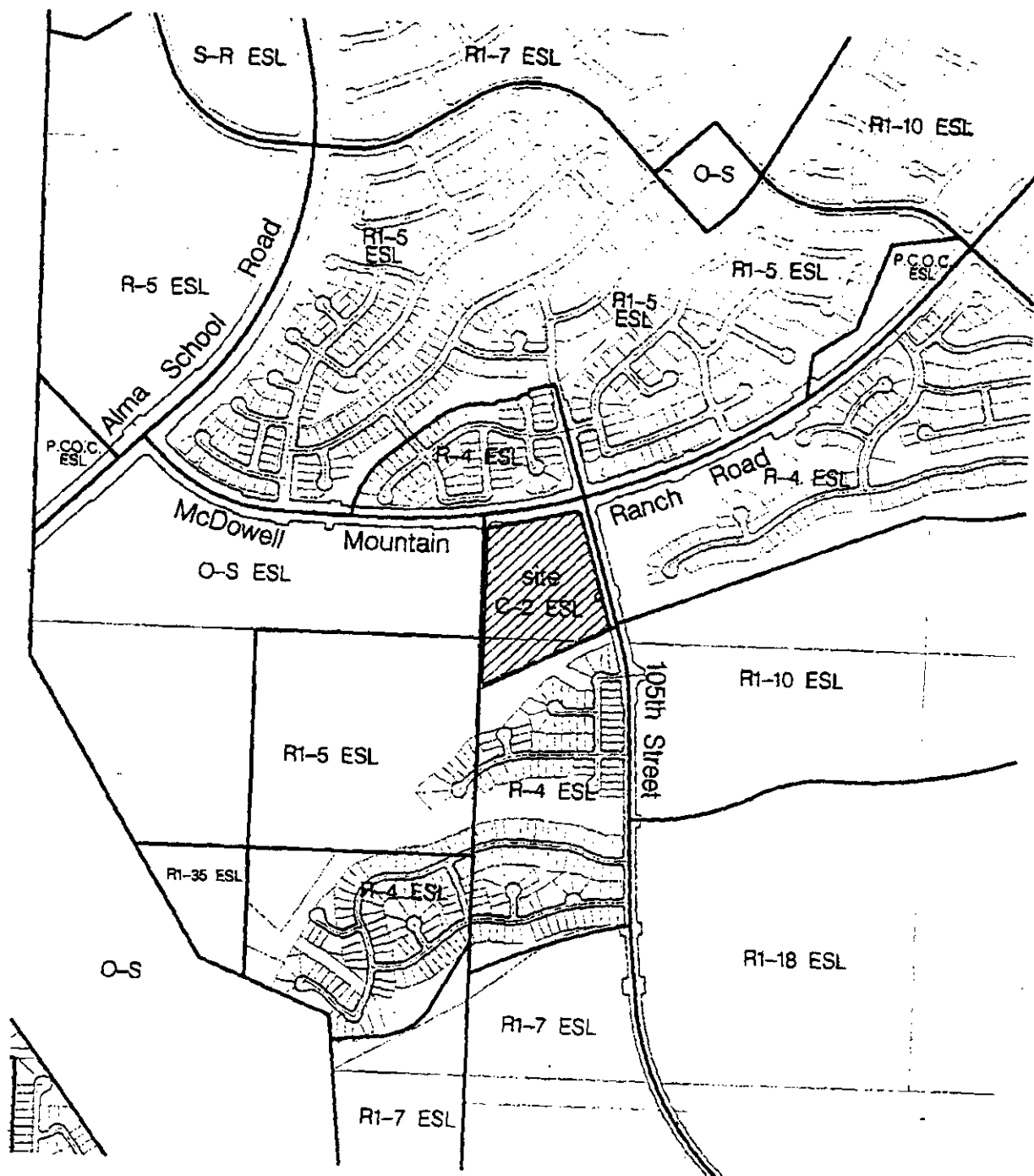
By: _____
Sonia Robertson
City Clerk

By: _____
Sam Kathryn Campana
Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

DRAFT



74-ZN-92#7
Attachment C



