



## STAFF APPROVAL LETTER

299-SA-2011

### Drinkwater Hotel Landscape

#### STEP 1

#### STAFF APPROVAL NOTIFICATION

This letter is notification that your request has been conceptually approved by Current Planning Services staff.

**Additional review and permits may be required. Refer to Final Plan Review Submittal Requirements below.**

This approval expires one (1) year 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.

#### PROJECT INFORMATION

LOCATION: 4000 N Drinkwater Bl  
PARCEL: 130-23-206  
Q.S.: 16-45  
CODE VIOLATION #:

APPLICANT: Luis Fabara  
COMPANY: Sydel Scottsdale LLC  
ADDRESS: 50 Broadway 4Th Floor New York, Ny 10004  
PHONE: 480-385-4802

Request: Landscaping plans removing/ replanting new plants/// 2953-11

#### STIPULATIONS

1. Landscape installation/removal must be consistent with plans with City Approval stamp dated 8-26-11.
2. Dead Pine tree at Drinkwater Boulevard entrance must be removed.
3. All new plantings must be tied into and irrigated from hotel irrigation system as the City irrigation valve will be capped.
4. Four existing *Acacia farnesiana* & three *Eucalyptus citriodora* remaining within the proposed landscape renovation will be maintained by City of Scottsdale maintenance staff. Due to maturity & drought resistant characteristics of these trees, supplement irrigation will be discontinued and City irrigation valve will be capped. Aforementioned *Acacia* trees will be selectively pruned to remove dead growth and raise the canopy. All pruning will be performed by City of Scottsdale only.
5. With the exception of City-owned trees located within the proposed landscape area, hotel is responsible for ongoing landscape and irrigation maintenance.
6. Landscape construction must be timed and performed so as not to interfere with Civic Center Mall turf overseeding, scheduled September 26, 2011 through November 3, 2011.
7. Hotel will be responsible for repairs of damaged turf, landscape, hardscapes and City irrigation system incurred during construction.

#### Related Cases:

SIGNATURE: \_\_\_\_\_

*Kim Chafin*  
Kim Chafin, AICP, LEED-AP

DATE APPROVED: 8-26-11

**POLICY OF THE CITY OF SCOTTSDALE  
ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS**

**RIGHTS OF PROPERTY OWNER**

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

**APPEAL PROCEDURE**

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

**Hearing Officer, C/O City Clerk**

3939 Drinkwater Blvd.  
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

**If you have questions about this appeal process, you may contact:**

City Manager's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
(480) 312-2422

City Attorney's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

SIGNATURE: \_\_\_\_\_





# Staff Approval Application

## Submittal Requirements

518-PA-2011

Project Name: Drinkwater Hotel Landscape City Staff Contact: Kim Chafin  
Project Address: 4000 N. DRINKWATER ST, SCOTTSDALE, AZ 85251  
Zoning: \_\_\_\_\_ A.P.N.: \_\_\_\_\_ Quarter Section: \_\_\_\_\_  
Associated References: Project Number: 518-PA-2011 Plan Check Number: \_\_\_\_\_ Case(s): 299-SA-2011  
Request: 299-SA  
Is there an outstanding Code Enforcement citation or Notice of Compliance? ☐ Yes ☒ No If yes, provide a copy.  
Owner: SPYDELL SCOTTSDALE LLC Applicant: LOUIS EFABRERA  
Company: \_\_\_\_\_ Company: \_\_\_\_\_  
Phone: 480 385 4802 Fax: \_\_\_\_\_ Phone: 649 432 9958 Fax: 012  
E-mail: LEFABRERA@SPYDELLGROUP.COM E-mail: gane 480 385 4802  
Address: 4000 N. DRINKWATER ST, SCOTTSDALE, AZ 85251 Address: \_\_\_\_\_

**Submittal Requirements: Please submit 1 copy of materials requested below. All plans must be folded.**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> <b>Completed Application (this form) and Application Fee-- \$ <u>87</u></b> (fee subject to change every July)  | <input type="checkbox"/> <b>Cross Sections-</b> for all cuts and fills   |
| <input type="checkbox"/> <b>Context Aerial</b> with site highlighted  | <input type="checkbox"/> <b>Floor Plan(s)</b> of additions, alterations, or new structures. The floor plan shall be dimensioned and clearly delineate existing and proposed construction. <u>one</u> <u>one</u>  |
| <input type="checkbox"/> <b>Site Location Map</b>   | <input checked="" type="checkbox"/> <b>Landscape Plan</b> indicating location of <u>existing</u> and <u>new</u> plants, location and dimension of paving, a plant palette with names, symbols, sizes, spacing & quantities, and open space/landscaping calculations. |
| <input type="checkbox"/> <b>Maricopa County Assessor's Parcel Map</b> with site location highlighted  | <input type="checkbox"/> <b>Elevation Drawings or Color Photosimulations</b> of new additions, buildings, or other changes with materials and colors noted and keyed to material samples.  |
| <input checked="" type="checkbox"/> <b>Narrative</b> describing nature of request   | <input type="checkbox"/> <b>Material Samples-</b> color chips, awning fabric, glazing, etc.  |
| <input checked="" type="checkbox"/> <b>Property Owner's Authorization</b> , or signature below  | <input type="checkbox"/> <b>Conceptual Grading &amp; Drainage Plan</b> showing existing & proposed drainage flows, channels and retention.   |
| <input type="checkbox"/> <b>Homeowners/Property Owners Association Approval</b> (if applicable).  | <input type="checkbox"/> <b>Copy of Liquor License Application</b> (For all bars/restaurants/patios)   |
| <input type="checkbox"/> <b>Color Photographs of site-</b> including all areas of change.   | <input type="checkbox"/> <b>Airport Vicinity Development Checklist-</b> provided   |
| <input type="checkbox"/> <b>Site plan</b> indicating extent and location of additions, buildings and other structures, indicate dimensions of existing and proposed structures, sidewalks, or driveways as well as any required setbacks. | <input type="checkbox"/> <b>Current Title Report</b>   |
| <input type="checkbox"/> <b>Lighting-</b> provide cut sheets, details, photometric for any proposed lighting.   | <input type="checkbox"/> <b>Other:</b> _____   |

**Please Note:** After staff review, it may be determined that this request requires approval by the Development Review Board through the public hearing process. If approved at staff level, this approval expires twelve (12) months from date of approval if a permit is required but has not been issued.

Signature

Circle One:

Applicant

Owner

Date

11 Aug 2011

**Official Use Only:**

Submittal Date:

8-11-11

City Staff Signature:

Kim Chafin

**Planning & Development Services Department**

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7800