

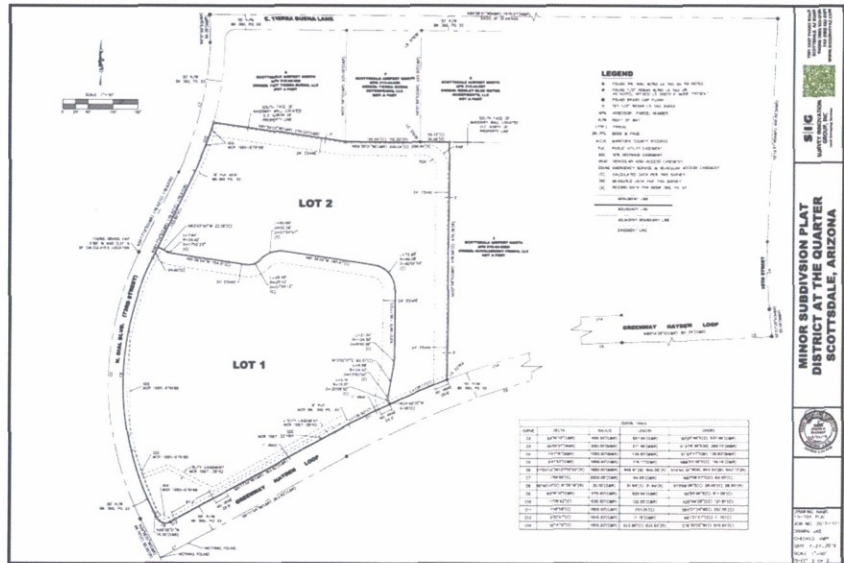
**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**

DISTRICT AT THE QUARTER

(Northeast corner of Greenway-Hayden Loop and 73rd Street)

MINOR SUBDIVISION (MD)

- NARRATIVE -



SUBMITTED BY/APPLICANT:

Beus Gilbert PLLC – Paul E. Gilbert
c/o Dennis Newcombe
701 North 44th Street
Phoenix, Arizona 85008

SUBMITTED FOR:

Kaplan Management Company
520 Post Oak Blvd., Suite 370
Houston, Texas 77027

CASE NUMBER:

SUBMITTED: OCTOBER 5, 2016

12-MD-2016
10/05/16

I. Purpose of Request.

This request is for Minor Subdivision ("MB") approval on 10.29+/- gross acre and 8.83+/- net acre site located at 15501 North 73rd Street (a.k.a. Dial Boulevard) (the "Site"). (See the *Aerial Map* below.) The MB will allow for the "cleaning up" of easements, reconfiguring easements, combining of the existing 2 parcels, and ultimately splitting of the Site into two (2) lots or phases for development purposes. It should be noted that a Non-Major General Plan Amendment (GPA) from Airpark Mixed Use (AMU) and a small portion of Employment (EMP) to Airpark Mixed Use-Residential (AMU-R) and a rezoning from Industrial Park (I-1) to Planned Unit Development (PUD) zoning district are concurrently being processed on this Site (Cases: 3-GP-2016 & 8-ZN-2016, respectively) as well as a Development Review Board ("DRB") application request (Case: 43-DR-2016). The Non-Major General Plan Amendment and rezoning cases are currently scheduled for public hearings in the next 2-months or so. It is anticipated that the Development Review Board case will follow soon thereafter.

With that being said, the development proposal is to create a small mixed-use luxury residential multi-family community of approximately 622 units including ground level live/work units and retail/commercial (i.e. non-residential) components focused at the immediate corner and along Greenway-Hayden Loop and 73rd Street.

AERIAL MAP



II. Kaplan Management Company.

The future developer/owner, Kaplan Management Company ("Kaplan") was formed in 1978 and is based out of Houston, Texas. Kaplan is the diversified operator, owner, and developer of high quality multi-family properties in major metropolitan areas across the United States. Kaplan is active in emerging high growth submarkets, redeveloping existing multi-family housing, and repurposing commercial developments into residential communities, and holds 36 years of successful management experience in the dynamic and evolving multi-family industry. Kaplan would be honored to bring their experience and success to this particular location in Scottsdale.

III. District at the Quarter (The Proposal).

The District at the Quarter residential community will provide an exciting mixed-use project featuring upscale residences including ground level live/work units and retail/commercial (i.e. non-residential) components that blends and transitions with the retail/commercial businesses strategically located along with employment entities within the Scottsdale Airpark, which is the second largest employment center in the state of Arizona. The proposed development would further many of the goals set forth in the Greater Airpark Character Area Plan ("GACAP") by creating a dynamic walkable community based on live, work, and play principles.

The Site is a transitional piece that defines the boundary between employment and retail/commercial uses within Scottsdale Airpark. (See the *Context Aerial Map* on the following page.) This important and strategic location is bounded by two (2) Signature Corridors which also forms a Landmark Intersection as defined within the GACAP. As such, this Site will provide an appropriate level of mixed-use and residential live, work, and play community that will transition, activate and define the shopping/retail activities to the west/southwest, employment sector to the east, and formalize/enhance the Signature Corridors (i.e. Greenway-Hayden Loop and 73rd Street). The transition and addition of this mixed-use proposal at this location will help to continue enhancing the desirability of this location and the surrounding context. The retail/commercial (i.e. non-residential) and residential mix proposed will provide an ideal fit for this location and beyond. The natural progression of uses and development along Scottsdale Road, 73rd Street, and throughout the Airpark will continue draw people and activity to this location from surrounding areas, which in turn will build upon the placemaking and character that is envisioned at this Landmark Intersection.

The Airpark as a whole creates a unique opportunity to blend interrelated land uses and promote the live, work, and play concept, which is memorialized numerous times throughout the GACAP. Additionally, the nearby retail and surrounding employment core provides regional appeal for future owners of the District at the Quarter. The ease of accessibility, proximity to businesses, shopping, entertainment, recreation, and airport makes this development a compliment to its surroundings.

CONTEXT AERIAL MAP



a) Existing Conditions & Context

The Site constitutes 10.29 gross acres and bordered by Greenway-Hayden Loop on the west and 73rd Street (a.k.a. Dial Boulevard) to the south. Existing businesses (I-1) border the Site to the north, east, and south. The west side is bordered by existing commercial businesses (C-3) and a recently completed multi-family development (PUD). (See above *Context Aerial Map*.)

The redevelopment parcels contain an office building currently occupied by “International Cruise & Excursions” (“ICE”), a travel and vacation service company. The Site contains covered and uncovered parking surrounding the main building structure. The streets, sidewalks, and utilities surrounding the Site have all previously been built, as such this redevelopment project can be “plugged in” to this location with minimal disturbances to the area.

b) Site Plan

The design for this Site features an enhanced Landmark Intersection including an enhanced public open space, pedestrian passageway, and rest area inviting public activity and interaction provided by shaded rest areas, enhanced paving, a variety of meandering pathways, and landscaping. The Landmark Intersection of the Site is activated with ground level uses

anchored by an approximately 7,855 sq. ft. clubhouse that provides services and amenities such as: porte-cochere/valet on-site drop-off dry cleaning service, business center, restaurant, office space, fitness center, barista station, etc. The Signature Corridor of Greenway-Hayden Loop will also feature an approximately 5,354 sq. ft. fitness center located on the ground level facing Greenway-Hayden Loop along with seven (7) live/work units located on both Greenway-Hayden Loop and 73rd Street.

A main vehicular access drive bisects the Site and allows for two (2) vehicular entry connections located at the mid-block of 73rd Street and Greenway-Hayden Loop. Additionally, this vehicular access drive will serve as access to the internal parking garages and provide for fire lane emergency access. The secondary fire lane/enhanced setback along the perimeter of the Site will be gated and serve dual purposes (i.e. building setback, vehicular pavers, landscaping, turfstone, dog walk/wash area, walking area/fitness trail/fitness station clusters, and fire safety access). The site design consists of two (2) (i.e. 2 phases) 4-story luxury residential buildings that enclose a total of five (5) interior courtyards, featuring various amenities, open space, and landscaping. These outdoor activity areas provide for both active and passive recreation, relaxation, and an abundance of open space for the future residents. The main building structures are navigated through a series of pedestrian passages that lead throughout the Site and ultimately to the outer pedestrian sidewalk network and the surrounding area. The north and east boundaries of the Site are nicely buffered by a 27'-40' building setback, vehicular pavers, landscaping, turfstone, walking area/fitness trail/fitness station clusters, and fire safety access road from the proposed units. (See *Site Plan* as a part of this MD submittal package.)

c) Retail/Commercial (Non-Residential) Component

The retail/commercial (i.e. non-residential) component of this mixed-use development is strategically located at the Landmark Intersection of the Site in the form of a highly amenitized clubhouse (7,855 sq. ft.), restaurant (7,035 sq. ft.), office space (1,781 sq. ft.), and fitness center (5,354 sq. ft.) that will continue along Greenway-Hayden Loop with seven (7) live/work units proposed as well along both Greenway-Hayden Loop and 73rd Street. This project provides design and uses that cater to the pedestrian at the ground level particularly at the Landmark Intersection, which supports pedestrian interest and walking as well as enhancing the streetscape. These uses will be also open to the public that will generate additional interest and vibrancy.

The amount of retail/commercial (i.e. non-residential) proposed is adequate and supported within the context of the existing overall retail/commercial in the surrounding area. There is already a sufficient amount of retail/commercial in this area, and proposed in the future, that an increase in residential density is important towards balancing and supporting these uses as well as live, work, and play lifestyle concept. It is worth noting that there is currently 116,000 sq. ft. of retail and 250,000 sq. ft. of office space within the Scottsdale Airpark North; which this development would be a part of. Within walking distance of the Site, there is: 437,000 sq. ft. at Kierland Commons, 400,000 sq. ft. at Scottsdale Quarter, 700,000 at Scottsdale Promenade, and 100,000 at Zocallo. Thus, if one considers a modest 5% vacancy rate, which is typical, then

that would equate to nearly 100,000 sq. ft. of vacant retail space, which at this time includes neighboring Crescent's ground floor space being vacant. To that end, the amount of retail/commercial proposed with this development (i.e. 22,025 sq. ft.), we believe, is more than adequate to properly serve the future residents of this development and to provide a proper balance with the existing and future population, employment, and retail base within this area.

d) Building Architecture

The building architecture features varied massing, varying roof parapets, architectural features, stoops, materials and façade detailing found in many contemporary luxury multi-family developments found in Scottsdale and the Southwest region. The building massing includes a series of towers and recessed facades and patios. The massing and detailing emphasize the promotion of pedestrian activity including a walkable street level building design lined with lighting, trees, and shade structures such as: porte-cochere, awnings, and roof overhangs. The color scheme is a blend of shades of brown, off-white, and tan with some complementary accent colors found within the Sonoran Desert color palette and consistent and appropriate with the surrounding building context. (See *Architectural Plan Set* as a part of the DRB submittal package; case: 43-DR-2016.)

Maximum building height proposed is 48' with all rooftop mechanical equipment and screening, stairwell bulkheads, as well as rooftop deck enclosure walls and fall protection railing that exceed that building height, limited to under 30% total of the roof area for each building. (See *Building Cross Sections, Height Diagrams, Height Exception Area, and Roof Plans* as a part of the DRB submittal package; case: 43-DR-2016.)

More specifically, the architectural character is a contemporary design which will utilize the most current building materials to provide for an energy efficient development. The building masses are broken up into two (2) main buildings. The south building which faces Greenway-Hayden Loop is varied in its setback providing visual interest; enhanced planting areas; stoops, etc. The architectural elevations are also broken up vertically by varying the roof lines, alternating between flat parapets and flat roof overhangs, awnings, porte-cochere, the fitness center area bumps out, and live/work units. These architectural treatments help vary the roof lines vertically. Moreover, within the flat parapet areas of the building, the walls of the building stepback horizontally creating wide recessed areas that provide space for awnings, patios, and visual massing reliefs. This horizontal relief occurs approximately every 100 lineal feet with massing changes, the bump out of the fitness center, live/work units, porte-cochere, and the natural curvature of the streets. The proposed design provides a strong base with a material change from stucco, Fry Reglet architectural metal, stone, glass, steel awnings, ground floor fitness center, live/work units and stoops located in strategic locations to "ground" the overall design. The midsection and top utilized the same materials with the top units accentuated by patio areas as well as bulkhead areas protruding towards the top of the buildings to provide access to the roof decks for some units, along with alternating flat parapets and roof overhangs. The overarching intent is to create a compatible development design for the area while also being a unique, high quality, and visually appealing for one to want to live and play while being

in close proximity to work, entertainment, restaurants, etc. thus reducing traffic and pollution while also maintaining long term economic success.

e) Landscape Theme

The project's landscape theme will reduce overall water intake include by utilizing native trees, shrubs, accent plants, groundcover, and minimal turf. The two (2) Signature Corridors (i.e. Greenway-Hayden Loop and 73rd Street) abutting the Site has sidewalks lined with trees and shrubs providing a pleasant/cool environment to walk. The main vehicular access drive and open space areas will also contain a variety of native shrubs and landscaping providing for a friendly, enjoyable, useable, and shaded environment for residents to traverse and use the property. As such, the plan includes a total of five (5) internal courtyards which all feature a variety of landscaping and amenities such as a swimming pool, fountains, fire pit, putting green, televisions, barbeques, and shaded seating and dining areas which are all connected by a system of winding walkways. (See *Landscape Plan Set* as a part of the DRB submittal package; case: 43-DR-2016.)

The five (5) usable common open space areas are strategically located throughout the Site to provide areas for the residents to recreate and contemplate. The open space at the Landmark Intersection includes approximately 4,000 sq. ft. of public usable common. The Site also has a total of 46,114 sq. ft. of total common open space area (excluding street frontage area or parking lot landscaping) or 10.3% and 96,402 sq. ft. total landscape space provided (including all open space, street frontage, and parking landscape areas) or 21.5% for the Site. It should be noted that both phases of development will exceed the required 10% open space. Again, these open space areas provide areas of contemplation, recreation (passive/active), cooling, and visual interest both on-site and off-site. The landscape palette is in keeping with a Sonoran Desert theme and water conservation measures by strategically locating low water use trees, shrubs, groundcovers, etc. to create a lush appearance that cools the environment both internally and externally (i.e. along the street frontages). Turf is strategically located on-site within a few of the areas designated for internal/activities in order to optimize comfort and use. Finally, the entire Site is interconnected by walkways which link up to public sidewalks and bike paths encouraging multimodal options.

IV. Development Review Board Criteria. (Please reference the DRB submittal package; case: 43-DR-2016.)

1. *Describe the design and theme of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan.*

Response: The building architecture features varied massing, varying roof parapets, architectural features, stoops, materials and façade detailing found in many contemporary luxury multi-family developments found in Scottsdale

and throughout the Southwest region. The building massing includes a series of towers and recessed facades and patios as well as shade elements such as: metal shade canopy, metal awnings, and 8" deep stucco finish window eyebrows strategically placed throughout. The massing and detailing emphasize the promotion of pedestrian activity, including a walkable street level building design lined with lighting, trees, and shade structures such as: porte-cochere, awnings, and roof overhangs. The color scheme is a blend of shades of brown, off-white, and tan with some complementary accent colors found within the Sonoran Desert color palette and consistent and appropriate with the surrounding building context.

(See also Section IV. Long Range Planning (page 8) previously discussed within this DRB narrative case (43-DR-2016).)

2. *The architectural character, landscaping and site design of the proposed development shall:*
 - a. *Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood;*
 - b. *Avoid excessive variety and monotonous repetition;*
 - c. *Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles;*

Responses to a, b, & c:

1. The architecture provides relief and recesses that creates impression of "movement" along the street frontages.
2. Incorporation of ground plain interest/activity for the pedestrian such as: The corner enhancement, clubhouse, fitness center, stoops, walkways, and main/secondary entries along the street frontages as well as outdoor areas (areas of respite) created due to the curvature/undulation of the street and building too.
3. Pop-outs such as: awnings, balconies, etc. provide visual relief to the building massing.
4. The curvature of the streets forces the buildings back providing more openness along the street frontages.
5. Repeated architectural elements throughout such as: a recessed base, similar roof forms, and awnings provide pedestrian scale to the massing.
6. The building is designed as a composition of smaller parts. The building design reduces its perceived height and bulk by dividing the building mass into smaller-scale components (i.e. base, middle, and top). The proposed

design has a strong base with a material changes from stucco, stone, Fry Reglet architectural metal, glass, steel awnings, and stoops as well live/work units fitness center that create bumps out located in strategic locations. The midsection and top provide for similar materials as the base, but provide for massing changes, recesses, balconies, roof deck areas for individual units, and topped with alternating flat parapets and roof overhang areas. The building also differentiates its top story by developing a lighter color scheme and thus provides for a more grounded base.

7. Large or long continuous wall planes are avoided within the proposed design. The architectural elevations are broken up vertically by varying the rooflines by alternating between flat parapets, roof deck areas, and elevated architectural features. This horizontal relief occurs approximately every 100 lineal feet with the bump out of the fitness center, live/work units, porte-cochere, and the natural curvature of the streets.
8. Building surfaces are created with a change of wall planes that provide strong shadow and visual interest; thus, reducing the massing.
9. Recessed balconies create a sense of depth in the building wall, contrasting surfaces exposed to the sun with those in the shadow. The strong, alternating light and dark pattern proposed in the design is a distinctive quality.
10. Projections are used to emphasize important architectural elements as well as shading, such as entrances, bays, stoops, stair towers, roof overhangs, balconies, porte-cochere, and verandas.

The proposed project is compatible with and contributes to its surrounding uses, which has evolved towards a more active, dynamic, and vibrant corner. The proposed development by Kaplan, as part of this Landmark Intersection, and together with the existing mixed-use corners adjacent, creates the desired effect envisioned for this Landmark Intersection and along these two (2) Signature Corridors, which are: transitioning development away from Scottsdale Road, attracting new development into the airpark, connecting pedestrians without the use of cars, internalizing/structured parking, creating an identity/gateway, and increasing the critical mass of people to support the businesses in the area on a daily/nightly basis. There are two (2) adjacent recent mixed-use developments that help to complete two (2) of the corners of this Landmark Intersection which provide for residential living within a mixed-use environment while being within a different context/lifestyle of living. These developments are concentrated at the corners and help to complete the Landmark Intersection. Crescent Scottsdale Quarter is a 5-story apartment complex over supporting retail uses within the successful Scottsdale Quarter. The other is immediately to the west across 73rd Street called Liv North Scottsdale, which is approximately the same height of 48'. The proposed development by Kaplan and these two (2)

other projects are responding to the demand for housing to support the surrounding retail/commercial/employment uses. The proposed development plan of approximately 60.4 du/ac would be of comparable intensity by providing a density option roughly within the middle of Liv North and Crescent (i.e. if we focus only on the ground area devoted to the residential use). With that being said, the District at the Quarter complies in overall height, setbacks, high quality architecture, and pedestrian/vehicular connectivity to seamlessly blend within the area, but also be a unique residential development option.

d. *Conform to the recommendations and guidelines in the Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District; and*

Response: The project is not located within Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District.

e. *Incorporate unique or characteristic architectural features, including building height, size, shape, color, texture, setback or architectural details, in the Historic Property Overlay District.*

Response: The project is not located within a Historic Property Overlay District.

3. *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.*

Response: Pedestrian access is restricted with security gates architectural designed to be inviting, visible, and safe for residences and visitors, which will be located throughout the Site and along the street frontages. Vehicular access is through a main drive aisle to two (2) internal parking garages for each of the two (2) phases. The proposed development is environmentally responsive and provides exceptional public benefits in many ways by including an enhanced common open space plan areas for amenities/activities as well as a public pedestrian area at the Landmark Intersection featuring with shaded seating, varied pathway connections, landscaping, pedestrian scaled design (i.e. integral color concrete), etc.

There are five (5) total usable open space areas integrated Site, which includes the main swimming pool. The swimming pool is the largest open space area being approximately 12,000 sq. ft. and the smallest internal usable open space being approximately 2,600 sq. ft. It should also be noted that a dog walk/wash areas will be provided abutting Greenway-Hayden Loop of the property (i.e. Phase Two). Finally, the entire Site is connected by winding well-lit walkways which link up to public sidewalks, bike paths, and ultimately to the surrounding area.

4. *If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.*

Response: All mechanical equipment will be roof mounted and hidden from view by screen walls and other architectural features associated with the building. Electrical meters are hidden from public view and integrated into the elevation design. All roof drainage will be directed to pipe inside the walls and not visible from any exterior view.

5. *Within the Downtown Area.*

Response: N/A. The project is not located within the Downtown Area.

6. *The location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program.*

Response: No artwork is being provided on-site at this time.

V. Conclusion.

Based on current development patterns and the market desire/need for more high quality, mid-urban, and diverse housing opportunities within more established areas of the Valley, we believe a superb opportunity exists today to provide this type of use at this location within the City of Scottsdale and the Scottsdale Airpark. The proposed development is ideally positioned to be an attractive, less intense, alternative (but compatible) use without overburdening existing services, facilities, or infrastructure within the city or the Airpark. Thus, the request for a Minor Subdivision approval at 15501 North 73rd Street (a.k.a. Dial Boulevard) to create a mixed-use luxury residential multi-family community of approximately 622 units including ground level live/work units and retail/commercial (i.e. non-residential) components focused along the immediate corner and Greenway-Hayden Loop and 73rd Street is justifiable as outlined within this narrative.

To that end, we envision many positive impacts being generated by this development, such as: the property is surrounded by a variety of employment, recreation, entertainment, office, instructional/education and service related business in the Scottsdale Airpark and there is a strong demand for this type of unique work/live concept. This is a very unique and exciting project that will not only be a success, but will exemplify the vision that the city of Scottsdale hopes to achieve in the area. Simply put, the two (2) parcels that would ultimately be created with this Minor Subdivision approval will allow for the project to move forward in a logical and systematic development timeframe without creating an undevelopable parcel(s) in the future for the city of Scottsdale. Moreover, the approval will be tied to those cases (i.e. 3-GP-2016, 8-ZN-2016, and 43-DR-2016) currently being processed through the city.



City of Scottsdale Cash Transmittal

108156

108156
 3 00938765
 10/5/2016 PLN-1STOP
 KWHEELER HPDC600552
 10/5/2016 2:57 PM
 \$1,236.00

Received From :

DENNIS NEWCOMBE
 1001 W WHITTON AVE
 PHOENIX, AZ 85013

Bill To :

Beus Gilbert PLLC c/o Dennis M. Newcombe
 701 North 44th Street
 Phoenix, AZ 85008
 480-429-3065

| | | | |
|-----------------------------------|--------------------------|------------------------|-------------|
| Reference # | 724-pa-2016 | Issued Date | 10/5/2016 |
| Address | 15501 N DIAL BL | Paid Date | 10/5/2016 |
| Subdivision | SCOTTSDALE AIRPARK NORTH | Payment Type | CREDIT CARD |
| Marketing Name | | Cost Center | |
| MCR | 390-33 | County | No |
| APN | 215-44-007 | Gross Lot Area | 0 |
| Owner Information | | NAOS Lot Area | 0 |
| Rowley Blue Water Investments LLC | | Net Lot Area | 0 |
| 7231 East Princess Boulevard, | | Number of Units | 1 |
| Scottsdale, AZ 85255 | | Density | |
| 602-749-2171 | | Water Zone | |
| | | Water Type | |
| | | Sewer Type | |
| | | Meter Size | |
| | | QS | 35-45 |

| Code | Description | Additional | Qty | Amount | Account Number |
|------|-----------------------------|------------|-----|------------|-----------------|
| 3194 | MINOR SUBDIVISION PLAT FEES | | 1 | \$1,236.00 | 100-21300-44221 |

SIGNED BY DENNIS NEWCOMBE ON 10/5/2016

Total Amount \$1,236.00

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANS

12-MD-2016
10/05/16



Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: 724 - PA - 2016

Project Name: District at the Quarter

Project Address: 15501 N. 73rd St. Scottsdale, AZ 85260

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: Paul E. Gilbert, Esq. Beus Gilbert PLLC

Print Name

Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

Rev. 7/2012

12-MD-2016
10/05/16



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- o Have the City staff member present a photo ID.
- o Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- o Know the amount of inspection fees if applicable.
- o An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - o Receive copies of any documents taken during the inspection.
 - o Receive a split of any samples taken during the inspection.
 - o Receive copies of any analysis of the samples taken when available.
- o Be informed if statements are being recorded.
- o Be given notice that any statements may be used in an inspection report.
- o Be presented with a copy of your inspection rights.
- o Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- o The inspection is conducted pursuant to the authority of A.R.S § 9-462.05, and/or Scottsdale Revised Code, Appendix B, Article I, Section 1.203.
- o Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- o Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I, Section 1.801.
- o There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, Bryan Cluff
at the following number (480)-312-2258

Signature: _____ Date: _____

Printed Name: Paul E. Gilbert, Esq.

Check box if signature refused

Copy of Bill of Rights left at: _____

- E. The Inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
 - 1. Committed intentionally.
 - 2. Not correctable within a reasonable period of time as determined by the municipality
 - 3. Evidence of a pattern of noncompliance.
 - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
 - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
 - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
 - 1. Shall not be used to exclude evidence in a criminal proceeding.
 - 2. Does not apply to a municipal inspection that is requested by the regulated person.



Development Application

Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

| Zoning | Development Review | Signs |
|--|--|--|
| <input type="checkbox"/> Text Amendment (TA) | <input type="checkbox"/> Development Review (Major) (DR) | <input type="checkbox"/> Master Sign Program (MS) |
| <input type="checkbox"/> Rezoning (ZN) | <input type="checkbox"/> Development Review (Minor) (SA) | <input type="checkbox"/> Community Sign District (MS) |
| <input type="checkbox"/> In-fill Incentive (II) | <input type="checkbox"/> Wash Modification (WM) | Other: |
| <input type="checkbox"/> Conditional Use Permit (UP) | <input type="checkbox"/> Historic Property (HP) | <input type="checkbox"/> Annexation/De-annexation (AN) |
| Exemptions to the Zoning Ordinance | Land Divisions (PP) | <input type="checkbox"/> General Plan Amendment (GP) |
| <input type="checkbox"/> Hardship Exemption (HE) | <input checked="" type="checkbox"/> Subdivisions (Minor) | <input type="checkbox"/> In-Lieu Parking (IP) |
| <input type="checkbox"/> Special Exception (SX) | <input type="checkbox"/> Condominium Conversion | <input type="checkbox"/> Abandonment (AB) |
| <input type="checkbox"/> Variance (BA) | <input type="checkbox"/> Perimeter Exceptions | Other Application Type Not Listed |
| <input type="checkbox"/> Minor Amendment (MA) | <input type="checkbox"/> Plat Correction/Revision | <input type="checkbox"/> |

Project Name: "District at the Quarter"

Property's Address: 15501 N. 73rd St. Scottsdale, AZ

Property's Current Zoning District Designation: Current I-1 to Proposed PUD (Cases: 3-GP-2016, 8-ZN-2016, & 43-DR-2016)

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

| | |
|--|--|
| Owner: Rowley Blue Water Investments LLC | Agent/Applicant: Paul E. Gilbert, Esq. c/o Dennis M. Newcombe |
| Company: In care of: Marcia Rowley | Company: Beus Gilbert PLLC |
| Address: 10030 N. 25th Ave. Scottsdale, AZ 85201 | Address: 701 N. 44th St., Phoenix, AZ 85008 |
| Phone: (602) 749-2171 Fax: | Phone: (480) 429-3002 / (480) 429-3065 Fax: (480) 429-3100 |
| E-mail: marcia.rowley@icecenterprise.com | E-mail: pgilbert@beusgilbert.com / dnewcombe@beusgilbert.com |
| Designer: Jim Applegate / Chad Gnant | Engineer: Jason Segneri, RLS / Laurie L. Castillo |
| Company: Biltform Architecture Group of Companies | Company: Survey Innovation Group, Inc |
| Address: 11460 N. Cave Creek Rd., Suite 11, Phoenix, AZ | Address: 7301 E. Evans Rd., Scottsdale, AZ, 85260 |
| Phone: (602) 285-9200 Fax: 85020 | Phone: (480) 922-0780 Fax: (480) 922-0781 |
| E-mail: jim@biltform.com / chad@biltform.com | E-mail: jasons@sigsurveyaz.com / lauriec@sigsurveyaz.com |

Please Indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications will be reviewed in a format similar to the Enhanced Application Review methodology.

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

Official Use Only

Submittal Date:

Development Application No.: