

**Marked Agendas
Approved Minutes
Approved Reports**



Wash Modification Staff Approval

9-WM-2016

Desert Mountain Parcel 19

APPLICATION INFORMATION	
LOCATION: 37080 N Cave Creek Rd	APPLICANT: Michele Hammond
PARCEL: 219-13-244	COMPANY: M3 Companies
Q.S.: 62-49	ADDRESS: 4222 E. Camelback Rd Ste H100 Phoenix, AZ 85018
CODE VIOLATION #:	PHONE: 602-463-4081
<u>Request:</u> Request approval for wash modification for the Desert Mountain Parcel 19 site.	

STIPULATIONS

1. All wash modification improvements (channels, retaining walls, and cuts/fills) limited to those locations as shown on preliminary grading and drainage plans, landscape plans, and cuts and fills plans stamped approved with Staff date of May 10, 2017, and submitted by Wood/Patel. Wash Modification approval contingent on the approval of the concurrent case and recordation of concurrent improvements plans – Development Review case (1-PP-2017) and final plans submittal.
2. Channelized areas located within the wash modification areas shall include brushed, desert soil colored finish, and provide natural stones and rocks wherever possible to complete the natural look of the wash channel.
3. Channelized areas located within the wash modification areas shall not be included as Natural Area Open Space (NAOS), this eliminated area shall be provided elsewhere on the site. Provide update NAOS data table with the preliminary plat submittal.
4. Final wash modification approval and permitting will require a detailed, final, landscape plan to be submitted with the associated final plat submittal.
5. Applicant shall not disturb any native plants to the greatest extent possible. If native plants are to be trimmed, removed or relocated, submit for a native plant permit. If native plant permit application is submitted, all proposed disturbed native plants shall be replaced with a plant that is similar in type, size, and kind.
6. The permit for the approved wash modification improvements shall be issued with/or after the recordation of the associated final plat, by Wood/Patel, associated case 1-PP-2017.
7. Each Vista Corridor, a watercourse with a peak flow rate of 750 cubic feet per second or greater, based on the 100 year – 2 hour rain event, shall be dedicated by the owner to the City as a continuous Vista Corridor easement on the final plat. The minimum width of the easement shall be one hundred (100) feet. Each 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 watercourse.
8. Submit a final drainage report that demonstrates consistency with the DSPM and the case drainage report accepted in concept by the Stormwater Manager, or designee. The final drainage report drainage must contain hydrologic analysis from the previous cycles of the case drainage report. Final plat may not be scheduled for City Council review until the Stormwater Department has accepted and approved the report.
9. Provide updated Natural Area Open Space (NAOS) data table showing the required and provided (updated) NAOS for both subdivisions affected by the improvements of this wash modification.
10. All machinery and materials shall be located into the wash site as to minimally disturb the wash.

11. All headwalls and drainage structures shall be integrally colored concrete to blend with the color of the surrounding natural desert.

CONSTRUCTION DOCUMENT PLAN REVIEW SUBMITTAL REQUIREMENTS

Submit one copy of this approval letter, and a completed Owner/Builder form if applicable, and a permit application along with the following plan set(s) to the One-Stop-Shop for plan review:

- IMPROVEMENTS: 4 sets of civil improvement plans
- 4 sets of landscape improvement plans
- OTHER: Native Plant Permit Application and associated material

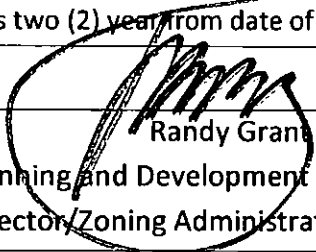
Expiration of Wash Modification Approval

The approval of this application is subject to the criteria set forth in Section 6.1070.G.I of the Zoning Ordinance, which have been established to protect the public health, safety, welfare, and the City of Scottsdale.

This approval expires two (2) year from date of approval if a permit has not been issued.

Staff Signature: _____

DATE: May 10, 2017



Randy Grant

Planning and Development Services
Director/Zoning Administrator



**ESLO Wash Modifications
(Administrative Staff Approval)
Development Application Checklist**

Official Use:
 City Staff Contact: _____ Email: _____
 Phone: _____

Project Name: Desert Mountain Parcel 19

Property's Address: NE of the intersection of Pima Road and Cave Creek Road **A.P.N.:** 219-13-244

Property's Zoning District Designation:

Application Request: Wash Modification for portions of on-site washes

Owner: Bob Jones **Applicant:** Thomas Warley

Company: DM 19, LLC **Company:** M3 Companies

Address: 10550 E. Desert Hills Dr., Scottsdale, AZ 85262 **Address:** 4222 E. Camelback Rd., Ste. H100, Phx, AZ 85018

Phone: 480-595-4030 **Fax:** **Phone:** 602-386-1317 **Fax:**

E-mail: rjones@desertmt.com **E-mail:** twarley@m3companiesllc.com

Submittal Requirements: Please submit materials requested below. All plans must be folded.

<input checked="" type="checkbox"/> Completed Application (this form) and Application Fee – \$ <u>400.00</u> (fee subject to change every July)	<input checked="" type="checkbox"/> Site plan 24" x 36" 2 color copies folded. Indicate the extent and location of antenna additions, buildings and other structures, including all equipment cabinets. Site plan shall indicate dimensions of existing and proposed structures, dimensions of existing and proposed ROW, setbacks and sight distance visibility triangles. Indicate any improvements, easements, and drainage facilities on adjacent properties within 100 feet of the site.
<input checked="" type="checkbox"/> Affidavit of Authority to Act for Property Owner, letter of authorization, or signature below	
<input checked="" type="checkbox"/> Narrative - Description of request	
<input checked="" type="checkbox"/> Request for Site Visits and/or Inspections form	
<input checked="" type="checkbox"/> Description of Alternatives Considered. Other watercourse management/engineering techniques considered.	<input checked="" type="checkbox"/> Drainage Report. – 2 Copies The Drainage Report shall be prepared in accordance with the Design Standards and Policies Manual.
<input checked="" type="checkbox"/> Justification Form (provided)	<input checked="" type="checkbox"/> Revegetation Plan.
<input checked="" type="checkbox"/> Color photographs of site –on 8-1/2" x 11" sheets (showing existing site, structures & adjacent properties)	<input checked="" type="checkbox"/> Topographic Map contours at 1-foot intervals.
<input checked="" type="checkbox"/> Context Aerial • 24" x 36" – 2 color copies, folded • 8 1/2" x 11" – 1 color copy (quality suitable for reproduction) Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of: _____ 750 foot radius from site _____ 1/4 mile radius from site Other: _____	<input checked="" type="checkbox"/> Native Plant Submittal 24" x 36" 1 – copy, folded. <u>DETAILS FOR ALL PROPOSED EROSION CONTROL MEASURES</u>

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

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 [Signature]

9-WM-2016
9/16/2016



Development Review

Methodologies and Required Notice

Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

1. **Enhanced Application Review Methodology**

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. **Standard Application Review Methodology:**

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

Notice

1. Pursuant to A.R.S. §9-836, an applicant may receive a clarification from the City regarding interpretation or application of a statute, ordinance, code or authorized substantive policy statement. A request to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services Division shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services director designee. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning and Development Services Division's One Stop Shop, or from the city's website: <http://www.scottsdaleaz.gov/bldgresources/forms>.

Planning and Development Services
One Stop Shop
Planning and Development Services Director
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251

Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088
City of Scottsdale Website: www.scottsdaleaz.gov Page 2 of 6

Revision Date: 05/18/2015



Development Application Process

Enhanced Application Review

Staff Review Applications: SA, WM, & MD

Enhanced Application Review Methodology

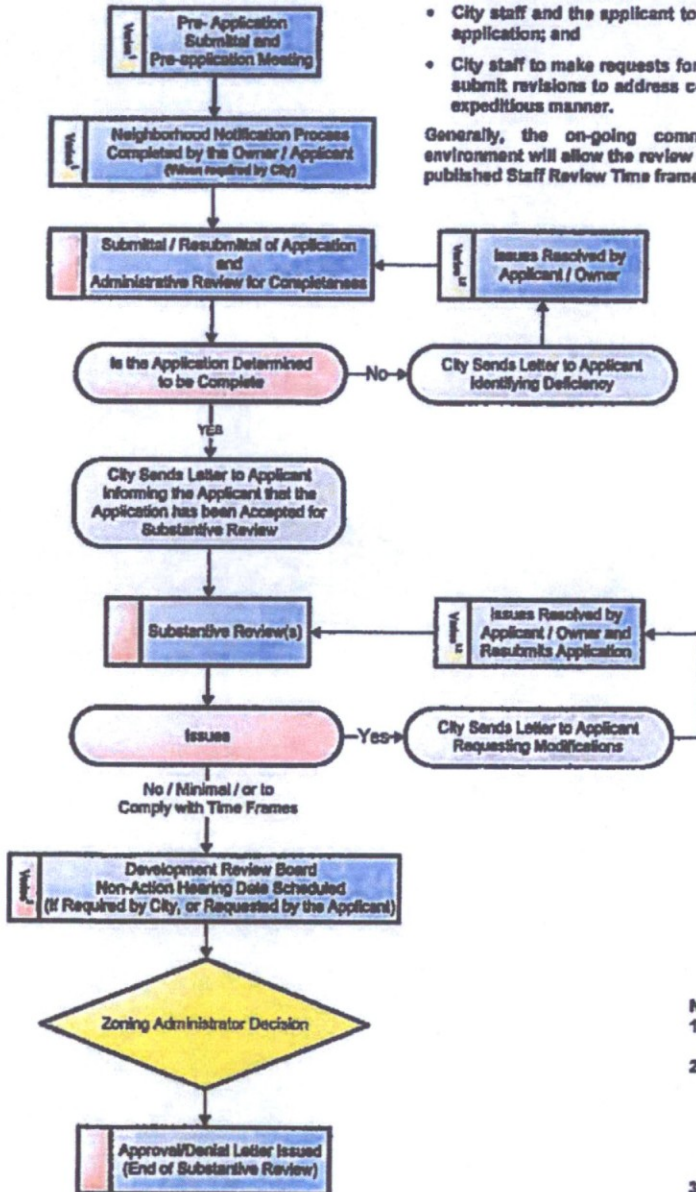
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Application Types:

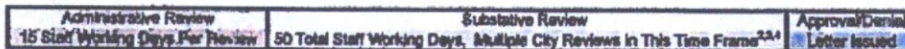
- a. Development Review – Minor (SA)
- b. Wash Modifications (WM)
- c. Land Division – Minor Subdivision (MD)



Note:

1. Time period determined by owner/ applicant.
2. All reviews and time frames are suspended from the date a the letter is issued requesting additional information until the date the City receives the resubmittal from the owner/applicant.
3. Owner/applicant may agree to extend the time frame by 25 percent

Time Line



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Development Application Process

Standard Application Review

Staff Review Applications: SA, WM, & MD

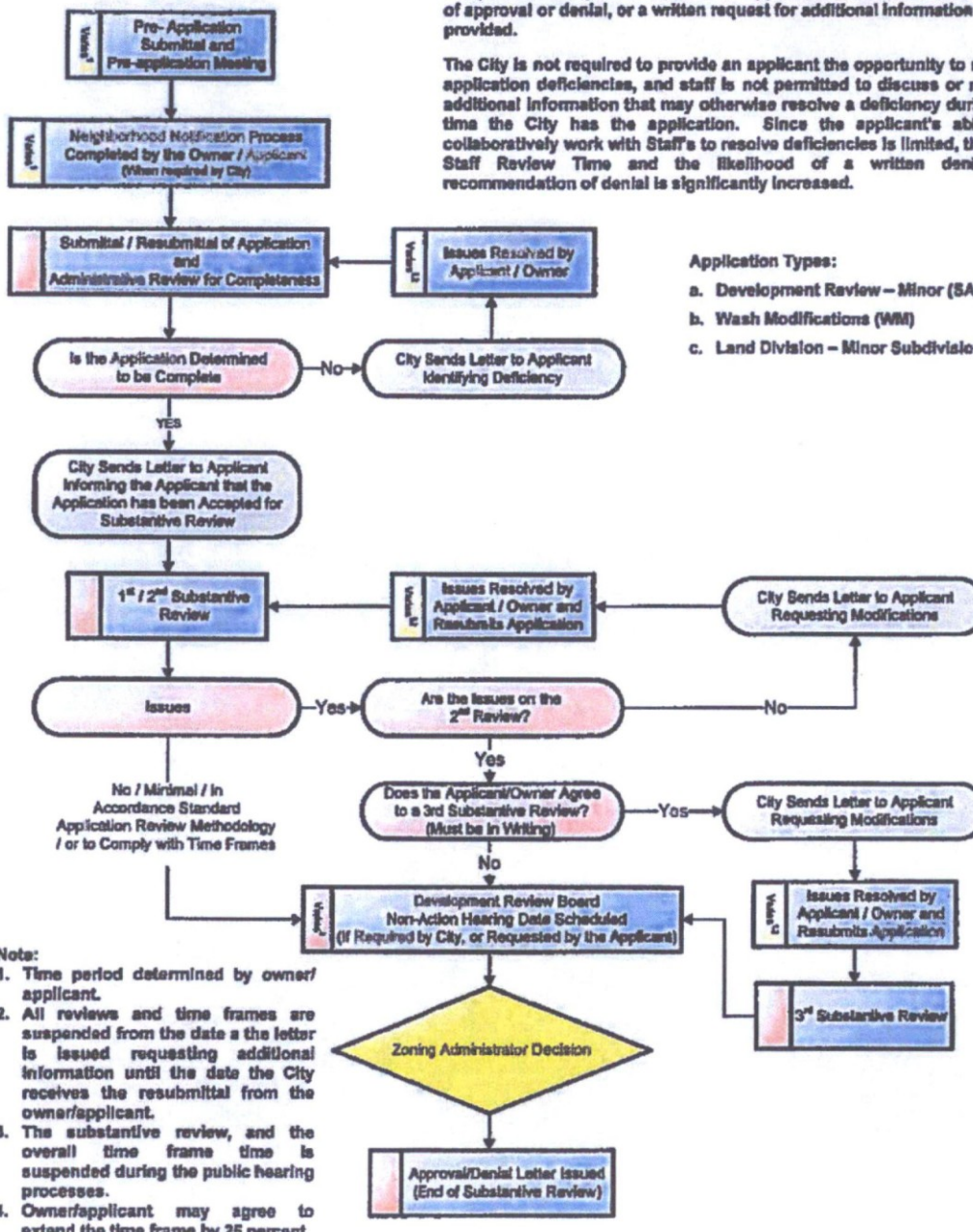
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The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

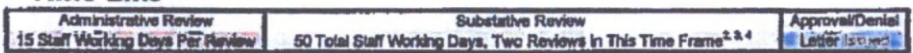
Application Types:

- a. Development Review – Minor (SA)
- b. Wash Modifications (WM)
- c. Land Division – Minor Subdivision (MD)



- Notes:**
1. Time period determined by owner/ applicant.
 2. All reviews and time frames are suspended from the date a the letter is issued requesting additional information until the date the City receives the resubmittal from the owner/applicant.
 3. The substantive review, and the overall time frame time is suspended during the public hearing processes.
 4. Owner/applicant may agree to extend the time frame by 25 percent

Time Line



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ESLO Wash Modifications

Justification for Modification

The Zoning Administrator may authorize a Wash Modification if ALL of the following criteria are met. Use the space provided to present your evidence that the requested exemption satisfies the modification requirements; please attach all supporting documentation.

- 1. Proposed modifications will result in an equal or enhanced quality of open space:

See proposed Landscape Plan and Wash Exhibit which details the equal and/or enhanced quality of open space.

- 2. Modifications will include restoration of the watercourse with vegetation of the same type and density removed:

See the Native Plant Inventory and Revegetation Plan. The restoration of the watercourse with vegetation of the same type of density removed is demonstrated on the Revegetation Site Plan.

- 3. Is the wash being redirected or modified? No Yes

If yes, the wash must enter and exit the site at the historic locations, and the result of the modifications shall not impact drainage considerations for adjacent properties:

As can be see on the attached Exhibit and substantiated within the Preliminary Drainage Report for DM-19, the washes proposed for modification all enter and exit the site at the historic locations and the result of the modification does not impact drainage considerations for adjacent properties.

- 4. Is the wash being diverted into a structural solution (e.g. underground pipe)? No Yes

If yes, the change must not impact the drainage conditions on adjacent properties and shall not reduce the integrity of any upstream or downstream corridor as meaningful open space:

As can be seen within the attached Exhibit and substantiated within the Preliminary Drainage Report for DM-19, all proposed diversions into a structural solution are on-site and the flow is returned into the downstream washes prior to exiting the site. As a result, the proposed change does not impact the drainage conditions on adjacent properties and shall not reduce the integrity of any upstream or downstream corridor as meaningful open space.

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City of Scottsdale Website: www.scottsdaleaz.gov Page 5 of 6

Revision Date: 05/18/2015



**ESLO Wash Modifications
(Administrative Staff Approval)
Arizona Revised Statutes Notice**

59-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.