

CITY COUNCIL ACTION REPORT

TO: MAYOR AND CITY COUNCIL DATE: 3/16/93
FROM: PLANNING & COMMUNITY DEVELOPMENT
SUBJECT: CASE 9-GP-92, RES. NO. 3773,
74-ZN-92 AND ORD. NO. 2525

AGENDA ITEM NO. 24

John Faramelli
Don Hadder

STAFF

REQUEST: Rezoning from R1-43 ESL (Single-Family Residential) and R1-35 ESL (Single-Family Residential) to R1-35 ESL (Single-Family Residential), R1-18 ESL (Single-Family Residential), R1-10 ESL (Single-Family Residential), R1-7 ESL (Single-Family Residential), R1-5 ESL (Single-Family Residential), R-4 ESL (Townhouse Residential), R-4R ESL (Resort District), R-5 ESL (Multi-Family Residential), S-R ESL (Service Residential), O-S ESL (Open Space), P.CO.C. ESL (Planned Convenience Center), PCC ESL (Planned Community Center), C-2 ESL (Central Business District) and C.O.S. ESL (Conservation Open Space) (All With Environmentally Sensitive Lands Overlay) with amended development standards and General Plan amendment from 1/8 to 1/2, 1/2 to 1, 1 to 2 units per acre residential subject to density transfer, commercial, office and open spaces and equestrian district support uses to 1 to 2, 2-4, 4-8, and 12-22 units per acre residential uses, commercial, minor office, and developed and undeveloped open spaces as well as amendments to the circulation, public facilities and environmental design elements

LOCATION: Southeast corner of Bell and 100th Street

APPLICANT: G. William Larson Assoc.
16212 Red Mountain Trail
Fountain Hills, Az.

OWNER: Gary Herberger
7045 E. Camelback Rd.
Scottsdale, Az.

PLANNING COMMISSION RECOMMENDATION: APPROVE Case 9-GP-92 and 74-ZN-92 by a vote of 7-0, subject to the attached stipulations.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

GENERAL PLAN: Does not conform (see discussion)

ZONING HISTORY: Annexed as R1-35 and R1-43 from 1963 to 1975

SITE DETAILS

USE: Mixed use

PARCEL SIZE: 3,198 acres

DWELLING UNITS: 4,667 du

DENSITY: 1.40 du/ac

PARKING REQUIRED: N/A

PARKING PROVIDED: N/A

BUILDINGS: N/A

HEIGHT: Per Amended Development Standards

SETBACKS: Per Amended Development Standards

OTHER: 840+ acres of conservation area

DISCUSSION:

A. General Plan

The proposal represents amendments to the Land Use, Streets, Bikeways, Physical Character, Public Buildings, and Parks and Schools plans within the City's General Plan.

ACTION TAKEN

APPROVED

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INITIALS S355754 (6-90)

The current General Land Use Plan anticipates an overall density of between 3,400 and 3,900 units along with commercial, employment and public facility uses. The current Plan is very vague in it's land use layout, primarily because a major proposal has always been anticipated. The net increase is probably most visible in the central and southern parts of the western segment of the plan. Corresponding with this land use change is the increased area of "desert suburban" character and elimination of "desert rural" neighborhood character as a result of this plan.

The applicant's original submittal of 4,664 units has been reduced to 4,500 with the agreement of the applicant. This is essentially an increase of 20 percent over the General Plan but staff believes this density change is appropriate based upon the quality of the plan and the significant community benefits incorporated in the plan.

The primary changes in the circulation element essentially involve the addition of major streets and bikerooutes which have not been shown on the General Plan previously. For the most part these changes are internal to the proposed development.

The General Plan changes involving public buildings, parks and schools are typically relocations of facilities already shown on the plans in the general area to this site.

B. PROJECT DESCRIPTION

The proposed development will create a major planned community at the southwest corner of the McDowell Mountains. Physically, the site is separated into two relatively distinct development areas. One, the largest of the two, lies west of the mountains and is bordered to the south and west by Taliesin and Westworld. The second, a much smaller area, lies generally south of the mountains.

The larger, western portion of the site is generally divided into four broad topographic zones. The first at the northwestern segment is a relatively smooth alluvial plain broken only occasionally by washes, which run in parallel alignments. The second is a segmented, fairly steep bowl shaped valley at the northeast which is crossed by a number of deep washes. The third is a broad dome surrounding a small rocky hill which is serrated by deep washes along the edges. The third is a mildly rolling alluvial plain bounded on the north and south by a major wash.

The smaller, southeastern portion of the site has two relatively fractured areas at the base of the mountains which are crossed by major washes.

Currently the property is surrounded by vacant lands for the most part. However, much of the surrounding lands have been rezoned in the past few years or have master plans for future growth. From a rezoning standpoint, this application is essentially an infill proposal, even though development on the site will be pioneering for the vicinity.

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INITIALS S355756 (06/89)

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There are two significant adjacent developments which have been necessary to consider in developing this plan include Westworld and Taliesin West. Both are major attraction complexes which will have an impact on adjacent uses. The physical character of these two facilities are different and planning resources are therefore somewhat different. Westworld has been buffered by public uses and higher intensity uses. Taliesin has been buffered by open space and low density uses.

The planning concept for the proposal has been to achieve a strong sense of "neighborhood" which has a balanced mix of residential densities combined with those commercial, recreational and educational services which support the immediate, daily needs of the neighborhood. Another significant aspect of the planning concept has been to create a neighborhood which not only respects and protects the sensitive natural features of the site but also integrates the desert setting into the fabric of the neighborhoods. Additional goals have been to foster strong pedestrian activity, to encourage the future use of transit, and to give the project a unique visual identity.

These concepts are exhibited in the plan by major and minor private amenity centers which provide focus for local neighborhoods; local street systems which will discourage through traffic while still providing internal access from one subdivision to another; a very well developed pathway system which ties all neighborhoods to each other, the amenities, local commercial facilities, and parks and schools; dispersed local commercial facilities; and numerous major natural open space corridors.

Densities within the plan generally are highest in the northwest quadrant and reduce in intensity toward the south and east. This is due to the nature of the terrain as well as the fact that this is where access and utilities will typically enter the property. Phasing within the project will generally begin in the northwest and proceed eastward and southward for essentially the same reasons.

The project is expected to establish a residential character and lifestyle in many ways to Scottsdale Ranch, Stonegate and Sweetwater Ranch. The major differences will be the intergration of amenities, pathways and open spaces.

Although the proposal represents a fairly significant increase in density from what the General Plan envisions, it is our opinion that the plan is a good one for the following reasons:

1. The intensity and placement of land uses within the plan relates well with planned and projected uses in the area, most notably on the Corrigan and State Lands properties.

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2. The project will provide a number of opportunities for public facilities which will not only serve this site but also the community at-large, including a community park and center site, a branch library site, transit facilities, school sites, reservoir sites, a fire station site, major public trail corridors and significant preservation of portions of the McDowell Mountains.
3. The density supports the provisions of internal amenities, the extensive pathway system, and the ability to support non-vehicular circulation.
4. The project will spearhead development into an area which will be the backbone of the city's growth over the next 10 to 20 years.
5. The integration and protection of natural features is equal to or better than on any previous master plan approved by the city. The proposal does include revisions to the E.S.L.O. Landforms Maps which have been reviewed and supported by staff. The proposal also includes amended development standards for each district which will allow for creativity and innovation with future development.

C. COMMUNITY COMMENT

The proposal has been reviewed in depth by the Parks Commission and Transportation Commission. On January 27, 1993 the Parks Commission unanimously endorsed the parks and trails portions of the plan. The Transportation Commission has had extensive review of the proposal and unanimously approved the proposal on February 4, 1993.

In addition, there has been substantial contact with the Scottsdale School District and the State Land Department. In addition to the city's notice, the applicant has also contacted adjacent property owners, and in some cases has had a number of follow-up meetings.

The applicant has also made contact with area-wide homeowners groups from the East Shea and Pinnacle Peak neighborhoods.

Project Coordination staff have received very little contact from any interested parties.

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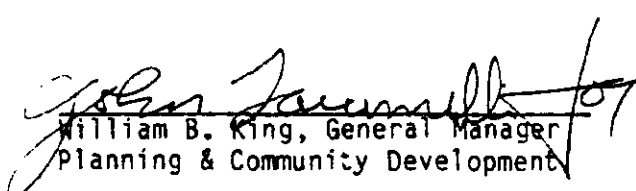
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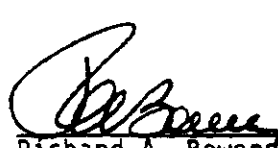
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COMMUNITY IMPACT:

Development of this plan will provide a number of significant public facilities, as discussed previously. These will be phased into service over the next 10 to 15 years. Because the project will likely pioneer development in the area, it will probably lead to additional development on adjacent properties. This in turn will further stimulate the need for the city to lead and complete the development of major infrastructure in the area such as the Thompson Peak Parkway crossing of the C.A.P., the Reata Pass/Beardsley Wash Greenbelt and the East Shea/C.A.P. sewer trunkline.

Development in this area will also lead to increased awareness of and a need for better sensitivity by functions at Westworld and Taliesin West. Greater public access to the mountains will also occur, stimulating more awareness of the desire to preserve the range.


William B. King, General Manager
Planning & Community Development


Richard A. Bowers
City Manager

- ATTACHMENTS:**
- A - Stipulations
 - #1 - Location Map
 - #2 - Location Map
 - #3 - Development Master Plan
 - #4 - Phasing Master Plan
 - #5 - Site Plan
 - #6 - Conceptual Roadway Sections
 - #7 - Open Space/Recreation Master Plan
 - #8 - E.S.L.O. Landform Boundary Adjustment
 - #9 - Amended Development Standards
 - #10 - Parks Commission and Transportation Commission Minutes
 - #11 - Resolution No. 3773
 - Exhibit A - General Plan Maps
 - #12 - Ordinance No. 2525
 - Exhibit A - Zoning Map

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STIPULATIONS FOR CASE 74-ZN-92 & 9-GP-92

ZONING/DEVELOPMENT

Note: For the purpose of these stipulations it is understood that "applicant" shall mean "subsequent applicant(s), successor(s), successive owner(s), lessee(s) or designee(s)".

1. Development shall be in substantial conformance with the submitted plan and development program. Any proposed significant change, as determined by the Planning and Community Development Administrator, shall require approval through a subsequent public hearing.

The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements and other site constraints which will need to be resolved at the time of preliminary plat or site plan approval. The applicant understands that appropriate design solutions to these constraints may preclude achievement of the approved density on any or all parcels.

2. Maximum densities and dwelling unit counts shall be as indicated on the approved development plan except that in no case shall the total unit count for the entire project exceed 4,475 without a subsequent public hearing. Redistribution of dwelling units between development parcels is subject to maximum densities and units for each parcel and Project Coordination staff approval. All such requests shall include a revised master development plan and a revision to the following table indicating the parcels with the corresponding reduction/increase.

Parcel	Proposed Gross Acres	Proposed Zoning	Proposed # Units	Maximum # Units	Proposed DU/AC	Maximum DU/AC
(Notes)	a.		b.	c.	a.,b.	c.,d.,e.
A.	5.5	O-S ESL	0	0	0	0
B.	66.5	R1-7 ESL	234	277	3.52	4.16
C.	83.7	R1-10 ESL	222	261	2.65	3.12
D.	76.3	R1-18 ESL	119	134	1.56	1.75
E.	4.3	P.Co.C ESL	0	2	0	.30 FAR
F.	45.6	R1-5 ESL	212	228	4.65	5.00
G.	28.4	R1-18 ESL	42	47	1.48	1.67
H.	148.0	R-4R ESL*S.F.:	201	222	1.36	1.50
		*Townhouse:	249	296	1.68	2.00
		*Resort:	350 rm.	370 rm.	2.36	2.50
I.	94.9	R-4 ESL*S.F.:	0	332	0	3.50
		*Townhouse:	377	427	3.97	4.50
J.	73.8	O-S ESL	0			
K.	4.3	P.Co.C ESL	0			.30 FAR

ATTACHMENT A

APPROVED
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 DATE BY

Parcel	Proposed Gross Acres	Proposed Zoning	Proposed # Units	Maximum # Units	Proposed DU/AC	Maximum DU/AC
(Notes)	a.		b.	c.	a.,b.	c.,d.,e.
L.	14.1	C-2 ESL	0	(25)		.35 FAR
M.	18.0	R-4 ESL	100	120	5.56	6.65
N.	97.0	R1-5 ESL	473	485	4.88	5.00
O.	58.0	R-5 ESL	628	812	10.83	14.00
P.	84.4	R1-7 ESL	268	351	3.18	4.16
Q.	16.6	S-R ESL	0	166	0	10.00
						.25 FAR
R.	37.7	P.C.C. ESL				.30 FAR
S.	170.4	R1-10 ESL	365	409	2.14	2.40
T.	192.7	R1-18 ESL	238	270	1.24	1.40
U.	35.8	R-4 ESL	128	143	3.58	4.00
V.	46.7	R1-7 ESL	93	103	1.99	2.20
W.	133.2	R1-10 ESL	226	233	1.70	1.75
X.	93.9	R1-7 ESL	285	296	3.04	3.15
Y.	40.5	R1-18 ESL	60	65	1.48	1.60
Z.	87.6	R1-18 ESL	128	131	1.46	1.50
AA.	103.3	R1-35 ESL	64	69	.62	.67
BB.	77.0	R1-35 ESL	22	25	.29	.33
CC.	266.8	R-4R ESL *S.F.: 81		93	.30	.35
		*Townhouse:	175	200	.66	.75
		*Resort:	250 rm	280 rm	.94	1.05
DD.	85.7	R-4R ESL *S.F.: 105		107	1.23	1.25
		*Townhouse:	133	143	1.55	1.67
		*Resort:	190 rm	227 rm	2.22	2.65
EE.	843.4	C.O.S. ESL				
Misc.	63.9					
Total	3,198.0					
Maximum				4,475		1.40

* These are alternate uses allowed in this district at the densities indicated in this table. The assumed density cap for transfer and project density purposes shall be the townhouse figures.

- Notes: a. The proposed gross acres for each parcel are subject to revisions resulting from approvals of detailed master plans as identified by the stipulations herein. In addition, the "miscellaneous" category shall be redistributed into the appropriate parcels; doing so will not adjust the maximum numbers of units allocated for each parcel. Once the master plans are approved the applicant shall submit a revised table reflecting the corrected and accurate parcel boundaries and the notes and stipulations contained herein.
- b. The proposed units column is the mid-point as submitted on the Development Master Plan.

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ORDINANCE NO. 2525

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 74-ZN-92.

WHEREAS, zoning case no. 74-ZN-92, has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the zoning staff to prepare an ordinance and map changing the zoning on the properties described in the aforementioned case from R1-43 ESL (Single-Family Residential) and R1-35 ESL (Single-Family Residential) to R1-35 ESL (Single-Family Residential), R1-18 ESL (Single-Family Residential), R1-10 ESL (Single-Family Residential), R1-7 ESL (Single-Family Residential), R1-5 ESL (Single-Family Residential), R-4 ESL (Townhouse Residential), R-4R ESL (Resort District), R-5 ESL (Multi-Family Residential), S-R ESL (Service Residential), O-S ESL (Open Space), P.CO.C. ESL (Planned Convenience Center), PCC ESL (Planned Community Center), C-2 ESL (Central Business District) and C.O.S. ESL (Conservation Open Space) (All With Environmentally Sensitive Lands Overlay) with amended development standards, and,

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the decision of the Scottsdale City Council in case no. 74-ZN-92

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, that the "District Map" adopted as a part of Ordinance No. 455, showing the zoning district boundaries in the City of Scottsdale, is amended, subject to compliance with all stipulations, as illustrated on the attached zoning map, attached hereto as Exhibit A and incorporated herein by reference,

PASSED AND ADOPTED by the Council of the City of Scottsdale this 16th day of March, 1993.

CITY OF SCOTTSDALE
A MUNICIPAL CORPORATION

By: _____
Herbert R. Drinkwater, Mayor

ATTEST:

Sonia Robertson
City Clerk

By: _____
City Clerk

APPROVED AS TO FORM:

By: Richard W. Garnett III
Richard W. Garnett III, City Attorney

Sec. 5.1400. (C-2) central business district.

Sec. 5.1401. Purpose

This district is intended to permit all uses permitted in the (C-1) neighborhood commercial district, plus commercial activities designed to serve the community. This district includes uses usually associated with the central business district and shopping facilities which are not ordinarily compatible with residential development.

Sec. 5.1402. Approvals required.

No structure or building shall be built or remodeled upon land in the C-2 district until development review (board) approval has been obtained as outlined in article I, section 1.400 hereof.

Sec. 5.1403. Use regulations.

A. Uses permitted. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.
 - a. Business and professional offices.
 - b. Business schools.
 - c. Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof buildings.
 - d. Medical or dental offices including laboratory.
 - e. Museum.
 - f. Optician.
 - g. Municipal uses.
 - h. School, private, operated as a commercial enterprise.
 - i. Studio for professional work or teaching of any form of commercial or fine arts.

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F. *Yards*

1. Front Yard.

a. No front yard is required except as listed in the following three (3) paragraphs and in article VII hereof, unless a block is partly in a residential district, in which event the front yard regulations of the residential district shall apply.

~~b. A minimum of one-half of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and a streetscape containing a variety of spaces.~~

c. All areas between a building and a street frontage, except for access drives and walks, shall be meaningful open space. Where parking occurs between a building and the street an area thirty-five (35) feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of twenty (20) feet if special circumstances warrant approval by use permit or development review (board) approval, such circumstances being:

(1) Depressed parking.

(1.[2.]) Wall and berming.

The landscaped area shall include street trees and contain an underground irrigation system, as approved by the development review board.

d. There shall be a landscaped area a minimum of four (4) feet in depth between any parking area not described in subsection "c" above, and from any street frontage. All parking areas shall be screened from all streets by a three-foot masonry wall and landscaping.

2. Side Yard.

a. A side yard of not less than ~~thirty (30)~~ **EIGHTY (80)** feet shall be maintained where the side of the lot abuts a single-family residential district, or abuts any alley which is adjacent to the single-family residential district. The ~~thirty (30)~~ **EIGHTY (80)** feet may include the width of the alley.

2. Residential.

- a. Dwelling units physically integrated with commercial establishments (limited to one (1) dwelling unit for each business establishment).

3. Retail sales.

- a. Antique store.
- b. Appliance store.
- c. Art gallery.
- d. Automobile parts store.
- e. Bakery.
- f. Bars and cocktail lounges without live entertainment or patron dancing.
- g. Bicycle store.
- h. Bookstore.
- i. Camera store.
- j. Candy store.
- k. Carpet and floor covering store.
- l. Clothing store.
- m. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.
- n. Department store.
- o. Drugstore.
- p. Electronic equipment store.
- q. Fabric store.
- r. Florist.
- s. Furniture store.
- t. Gift shop.
- u. Grocery store or supermarket.
- v. Gun shop.
- w. Hardware store.
- x. Hobby or toy store.
- y. Home improvement store.

- z. Ice cream store.
- aa. Import store.
- bb. Liquor store.
- cc. Music store.
- dd. Pawnshop.
- ee. Pet shop.
- ff. Restaurants, excluding drive-in or drive-through types.
- gg. Sporting goods store.
- hh. Stationery store.
- ii. Swimming pool supply store.
- jj. Variety store.

4. Services.

- a. Appliance repair.
- b. Bank.
- c. Barber or beauty shop.
- d. Bowling alley.
- e. Broadcasting station and studio, radio or television excluding transmitting or receiving towers except as provided in section 5.1403 B.
- f. Clothes cleaning agencies and laundromats excluding industrial cleaning and dyeing plants.
- g. Fitness studio.
- h. Hotel, motel, and timeshare project.
- i. Movie theater (indoor only).
- j. Pool hall.
- k. Post office.
- l. Printing, lithography, publishing or photostating establishment.
- m. Private clubs, fraternities, sororities and lodges.
- n. Shoe repair.
- o. Taxidermist.
- p. Telephone answering service.
- q. Theater for the performing arts.
- r. Turkish bath that may include masseur and/or masseuse.

5. Other uses.

- a. Accessory building.
- b. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

8. *Uses permitted by a conditional use permit.*

- ~~1. Adult uses (see section 2.208 for criteria.)~~
- 2. Automated carwash.
- 3. Bars and cocktail lounges with live entertainment or patron dancing.
- ~~4. Bus station, excluding overnight parking and storage of buses.~~
- 5. Church.
- 6. Day nursery or pre-school (see section 2.208 for criteria.).
- 7. Funeral home and chapel.
- 8. Game center.
- 9. Gasoline service station (see section 2.208 for criteria).
- 10. Health studio.
- 10.1 Plant nursery (see section 2.208 for criteria).
- 11. Pool hall.
- 12. Residential health care facility (see section 2.208 for criteria).
- 13. Teen dance center (see section 2.208 for criteria).
- 14. Internalized community storage (see section 2.208 for criteria).

(Ord. No. 1851, S 1, 11-5-85; Ord. No. 1902, S 1, 9-2-86; Ord. No. 1971, S 1, 8-4-87)

Sec. 5.1404. Property development standards.

The following property development standards shall apply to all land and buildings in the C-2 district:

- A. *Floor area ratio.* In no case shall the gross floor area of a structure exceed the amount equal to ~~eight-tenths~~ **THIRTY-FIVE HUNDREDTHS (0.35)** multiplied by net lot area in square feet.
- B. *Volume ratio.* In no case shall the volume of any structure exceed

the product of the net lot area in square feet multiplied by ~~9.6~~ 5.0 feet.

C. *Open space requirement.*

1. In no case shall the open space requirement be less than ten (10) percent of the net lot area for zero feet to twelve (12) feet of height, plus four-tenths percent of the net lot for each foot of height above twelve (12) feet. **NOTE: THE MINIMUM OPEN SPACE REQUIREMENT FOR THE C-2 PARCEL SHALL BE AS STATED ABOVE, OR THE MINIMUM N.A.O.S. REQUIRED BY THE E.S.L.O. LANDFORM AND SLOPE CATAGORIES, WHICHEVER IS GREATEST.**
2. Any part of the total lot area not required for N.A.O.S., buildings, structures, loading and vehicular access ways, streets, parking and utility areas, pedestrian walks and hard surfaced activity areas shall be landscaped with grass, trees, shrubs and may include other organic materials such as water and aggregate. All landscape areas and material shall be maintained in a healthy, neat, clean, weed-free condition. Dead plant material shall be replaced with plant material of equal size and maturity.
3. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.

D. *Building height.* No building shall exceed **THIRTY (30)** ~~thirty-six (36)~~ feet in height except as otherwise provided in article VI or article VII. **MECHANICAL EQUIPMENT SHALL BE SCREENED FROM ADJACENT PROPERTY BY A MINIMUM OF ONE (1) FOOT ABOVE EQUIPMENT.**

E. *Density.*

1. Hotels, motels, and timeshare projects shall provide not less than ten (10) guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square feet per unit.
2. Multiple-family dwellings shall provide a minimum floor area of five hundred (500) square feet for each dwelling unit.

exceed ~~thirty (30)~~ **THIRTY-FIVE (35)** acres.

- H. *Remodeling of existing shopping center.* None of the above criteria shall prohibit the city council from considering an application to reconstruct or remodel an existing shopping center.

Sec. 5.2505. Off-street parking.

The provisions of article IX shall apply with the following exceptions:

- A. Retail and services shall provide one (1) parking space for each two hundred fifty (250) square feet of net floor area.
- B. Restaurants shall provide one (1) parking space for each eighty (80) square feet of indoor public floor area; and one (1) parking space for each two hundred fifty (250) square feet of outdoor dining area.
- C. Theaters shall provide one (1) parking space for each ten (10) seats.
- D. Residential uses shall provide two (2) parking spaces for each dwelling unit.

Sec. 5.2506. Signs

The provisions of article VIII shall apply except a master sign plan shall be submitted at the time of development review application.

MCDOWELL MOUNTAIN RANCH
 Scottsdale, Arizona
AMENDED DEVELOPMENT STANDARDS

PROPOSED ZONING CATEGORY	MINIMUM LOT AREA SQ.FT.		MINIMUM LOT WIDTH		MINIMUM SETBACK REQUIREMENTS					
	ORD.	PRO.	ORD.	PRO.	FRONT		REAR		SIDE	
					ORD.	PRO.	ORD.	PRO.	ORD.	PRO.
R1-35	35,000	18,000	135'	100'	40'	25'	35'	20'	15'	10'
R1-18	18,000	9,500	120'	80'	35'	20'	30'	20'	10'	7'
R1-10	10,000	7,000	80'	65'	30'	20'	25'	20'	7'	5'
R1-7	7,000	4,900	70'	45'	20'	R1-5 Std.	25'	15'	5' 0' or 5' 14' tot.	10' tot.
R1-5	4,750	4,200	45'	40'	15/20'	NC	15' or 25'	NC	0 or 5' 10' tot.	NC
R-4	5,240	3,800	N/A		15'		15'	NC	15'	

PROPOSED ZONING CATEGORY	BUILDING HEIGHT		FLOOR AREA RATIO		OTHER CHANGES	
	ORD.	PRO.	ORD.	PRO.	DENSITY FOR NON-RESORT USES	
R-4R	35'	30'				
R-5	36'	NC				
S.R.	18'	36'		0.25		
C-2	36'	30'	0.3	0.35		
P.C.C.	36'	NC	0.3	NC		
P.Co.C.	24'	NC	0.2	0.30	PROPERTY SIZE MAXIMUM INCREASED TO 3 ACRES.	
O.S.	24'	30'				

*20'-15" Avg. adjacent to dedicated street, corner lots: 10' on one street.

ORD = Existing ordinance

PRO = Proposed Amendment

NC = No Change

DATE PREPARED: 12-2-92

DATE REVISED: 2-25-93

APPROVED
 10/1/93
 DATE: INITIALS: **DL**

SCHEDULE G - DRAINAGE MASTER PLAN

The applicant shall prepare a Master Drainage Plans and Reports in accordance with the city's design procedures and Criteria which addresses, but is not limited to, the following:

1. Maps showing watersheds draining onto and through the property, the estimated peak flow runoff rates from 2, 10, 25, and 100 year storms, where the flows enter and leave the property, where the flows cross streets shown on the Master Street Plan.
2. A comparison of runoff leaving the property prior to and after development.
3. The location, flow capacity, and type of structure to be constructed where streets shown on the Master Street Plan cross a wash or channel. Include the culvert size calculation sheets and calculations for flow depth estimates where flows cross road dip-sections. All road/wash crossings shall be designed in accordance with city standards.
4. A portrayal of the preliminary or conceptual design of channels to be constructed or improved showing planned improvements including landscaping concepts, trails, etc. Include channel design calculations.
5. The phasing of the construction of streets, storm drains, channels, detention/retention basins, and other stormwater management facilities and a comparison of this phasing with the planned phasing of development.
6. Identify parties responsible for maintenance of all facilities.
7. Proposed permanent and interim erosion and sediment control methods.
8. The persons or agencies responsible for constructing each stormwater management facility.
9. Approximate boundaries of 100-year floodwater surface.
10. Easement dimensions necessary for major watercourses to accommodate design discharges.
11. Proposed locations for stockpiling excavated material.

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ENVIRONMENTAL DESIGN

1. A plan indicating the treatment of the washes, wash crossings, the Scenic Corridors, common open space, wall design, etc. adjacent or within individual parcels shall be approved by the Development Review Board at the time of site plan approval or prior to preliminary plat approval of any individual parcel.
2. Vista Corridor Watercourses.
 - a. All watercourses with a 100 year flow of 750 cfs or greater shall be designed as Vista Corridors and shall generally be left in a natural state, except that a Vista Corridor may incorporate street and utility right-of-way crossings and stormwater management systems, which may include flood control structures, multi-use recreational facilities, and other similar improvements, subject to Development Review Board review.
 - b. The location of the Vista Corridor shall be established by a scenic easement with conditions consistent with these stipulations, which easement shall have a minimum average width of 100 feet. The Vista Corridor easement shall be continuous and shall, at a minimum, include:
 1. Any existing low flow channels.
 2. Major vegetation.
 3. The area between the tops of the banks of the watercourse. The location of the top of the banks of the watercourse shall be determined jointly by the owner and Project Review staff and staked by owner.
 - c. If areas within the Vista Corridor are disturbed by the proposed development except those changes allowed under this Section, those watercourse areas shall be reconstructed as closely as reasonably possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved by the Development Review Board prior to site plan or preliminary plat approval on the adjacent parcels.
3. Any proposed alteration to the natural state of watercourses with a 100 year flow of 250 cfs or greater or proposed improvements within such watercourses shall be subject to Development Review Board approval.
4. Any proposed alteration to the natural state of watercourses with a 100 year flow of 50 cfs or greater or proposed improvements within such watercourses shall be subject to Project Coordination staff approval.
5. Walls Adjacent to Vista Corridors. The design and construction of walls, as defined in Section 3.100 of the Zoning Ordinance, adjacent to required Vista Corridors shall comply with the following standards:
 - a. Solid walls shall not be constructed within the Vista Corridor easement.
 - b. Solid walls shall be located only within 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 alignment for every one (1) foot of solid, opaque wall height above three (3) feet, but shall not exceed the maximum height of six (6) feet.
 - d. Wire fence or other open fencing shall be allowed along the development perimeter at Parcels AA and BB.

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23. The applicant shall provide means of disclosure of the Scottsdale Airport location, flight patterns, and existing and future air traffic volumes to all home buyers, including but not limited to informational brochures, notice in deed restrictions, and language on plats. The disclosure shall be approved by the City of Scottsdale Airport Director.
24. All public trail corridors as shown on the submitted plans shall be dedicated or appropriate easements provided to the city prior to final plat or final plans approval on adjacent parcels. The specific locations and dimensions shall be subject to the approval of the City's Trail Coordinator.
25. The applicant shall provide for interim trail access which generally reflects the final trail routing approved in the Circulation Master Plan but which allows for rerouting and detours that allow for the ongoing development of the property. The applicant shall establish access controls, trail signage, and notification of impending construction activity in conjunction with the city's Trails Coordinator so that trail useage ccan be compatible with the ongoing development of the property. Trail access shall be diverted away from the Dodge and Taliesin properties.
26. Public trail crossings of any local collector or larger street and any major pathway crossings of any minor arterial or larger street shall be grade separated, except the pathway crossing of Thompson Peak Parkway can be done at grade.
27. Public access shall be provided through the development to the adjacent parcels at the following locations:
 - a. between Parcels J/L to the south
 - b. thru Parcels U/V to the west
 - c. thru Parcel Y to the southwest
 - d. thru Parcel DD to the east
 - e. thru Parcel O to the west

Additionally, public access shall be provided to Parcels S and T if this parcel is not included as part of this development. The exact location of access shall be determined at the time of prliminary plat or development review submittal and shall be coordinated through the Transportation Planning Department.

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SCHEDULE H - ENVIRONMENTAL DESIGN MASTER PLAN

A Environmental Design Master Plan for each Planning Unit shall be submitted by the applicant and approved by the Development Review Board which addresses the following:

1. Open space design concepts for open space areas, including location, plant and landscape character, open space corridors, trails and bikeways and integration of Drainage Plans.
2. Native plant relocation programs and revegetation guidelines.
3. Overall streetscape concept which incorporates streetside and median landscape design concepts, plant and landscape materials and perimeter and screen wall designs and locations.
4. Typical outdoor lighting plan for streetlights and concepts and general specifications for parking lot lighting.
5. General design and architectural themes assuring overall design compatibility of all buildings and structures.
6. General signage/graphic concepts for development signs, including locations and typical design concepts.
7. Identify responsible parties for the construction and agreed upon maintenance of specified open space, paths and trails, walls, signs and drainage facilities within the Planning Unit.
8. Equestrian trail design and use, including trail design standards and alignment, design and location of trail amenities, management and controls on trail use and implementation of plan recommendations through city ordinances and policies.

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SCHEDULE E - WATER MASTER PLAN

A Master Water System Report shall be submitted for review and approved by the Water Resources Department prior to any Development Review Board application. The master plan shall be integrated with the city's master plans for both water and sewer. The Master Water Plan shall include but not necessarily be limited to the following:

- a. The location and size of a water system components including both on and off-site lines, pump stations, and storage facilities needed to serve the development with water demand generation factors based upon land use.
- b. A table specifying the timing of and responsible party for the construction of the necessary water system.
- c. A flow and pressure analysis of the proposed system which includes a simulation of the system operation using a computer model with average day demands, maximum day demands with fire-flow requirements, maximum day demands with reservoir tanks closed and peak hour demands.
- d. The off-site water system components shall include a transmission line from the Scottsdale Water Company treatment plant to the site, additional pumps at the Scottsdale Water Company pumping station and a reservoir to be located along Bell Road at the approximate location shown in the city Water System Master Plan.
- e. The city also requires a reservoir and pumping station to be located at approximately Cactus Road and 120th Street. Construction of this reservoir by the city is to begin in 1994. If approval of a preliminary plat for the area which includes the site of the reservoir is requested prior to the city's acquisition of the site, dedication of the site will be included in the approved plat. If the city acquires the site prior to approval of the preliminary plat the applicant will contribute a cash payment for their share of the reservoir and pumping station, as determined within their approved Master Water System Report, prior to the recordation of any plat on Parcels "CC" or "DD" respectively.

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SCHEDULE F - WASTEWATER MASTER PLAN

A Master Sewer System Report shall be submitted for review and approved by the Water Resources Department prior to any Development Review Board application. The master plan shall be integrated with the city's master plans. A Master Sewer Plan shall include but not be limited to the following:

- a. The location, size, type, and capacity of the wastewater transmission and treatment system components and an analysis of the impact of the proposed development on the existing system with wastewater demand generation factors based upon land use.
- b. A table specifying the timing of and responsible party for the construction of the necessary wastewater system.
- c. The calculations necessary to substantiate the selection of the sizes, types and capacities of the wastewater transmission and treatment facilities including approximate invert and rim elevations for all manholes where there is a change in pipe size, slope or direction.
- d. Line sizing to accommodate contributing off-site flows from an area that can be gravity serviced through the subject property.
- e. Compliance with the current City Wastewater Collection-Water Reclamation master plan for the respective area.
- f. A detailed analysis of the feasibility of conducting all wastewater flow from sections 9 and 10 of township 3 north, range 5 east by gravity flow sewers along the northeast side of the Central Arizona Canal.

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- c. The maximum number of units is the stipulated upper limit of units and may differ from the range submitted on the Development Master Plan. As parcels are platted and/or approved by the Development Review Board, the applicant shall provide updated lists showing the final number of units for each parcel along with a summary as to how many units remain within the project and parcel maximums.
 - d. The maximum dwelling units per acre are stipulated reflecting the submitted gross parcel areas and will be adjusted as miscellaneous acreage is reallocated to the various parcels, however, shall in no case exceed the E.S.L. base density table. When the applicant submits the revised table as is stipulated above, these shall be revised to reflect the final detailed numbers.
 - e. The floor area ratios are stipulated maximums.
3. Adoption of the zoning shall occur on individual parcels as each is approved for development by preliminary plat and or Development Review Board approval and prior to issuance of permits, or when a legal description of a parcel is provided by the applicant and approved by Project Coordination staff.
4. All residential subdivision plats within 3 miles of the Scottsdale Airport shall contain notice of the distance to the closest midpoint of the Scottsdale Airport runway.
5. A scenic setback with an average width of 30 feet and a minimum width of 25 feet shall be provided for all buildings, walls, parking lots, signage or other development improvements along Thompson Peak Parkway. This setback is to be left in a natural condition or revegetated with approval from the Development Review Board. This width is to be measured from the outside edge of the road right-of-way. The minimum width of the setback may be reduced by the Development Review Board if protection of significant natural features can be better achieved. This may be applied for use as required N.A.O.S. for the adjacent parcels. Any drainage facilities shall not occupy more than 33% of the width or area of this setback.
6. All improvement plans for common improved open space or common amenities and buildings such as the landscape buffers on public or private property (back-of-curb to right-of-way or access easement line included), major stormwater management systems and wall designs, shall be approved by the Development Review Board.

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7. Where residential lots located on the perimeter of the development are within 50 feet of the boundary of parcels having less intensive residential zoning, the minimum rear yard setbacks of such lots may not be less than the minimum rear yard setbacks in the less intensive zoning district. In addition, minimum lot widths of such perimeter lots shall not be reduced by use of modified development standards. The setbacks shall be determined at the time of final plat approval and shall not be affected by subsequent rezoning on the adjacent parcels.
8. The development standards submitted by the applicant and approved by staff as part of this application shall apply, except as otherwise provided herein.
9. Site grading will be coordinated by Project Review staff and timed to occur on a phased basis as necessary and consistent with the initiation of building construction.
10. All rights-of-way within the development shall be landscaped and maintained by subsequent applicant(s), owner(s), lessee(s) or established homeowner associations.
11. Prior to the first to occur of the following:
 - a. Preliminary plat or Development Review Board approval for residential projects totalling 2,000 units or more, or
 - b. Preliminary plat or Development Review Board approval on Parcels S, T, U, V, W, X, Y, Z, AA or BB, or
 - c. January 1, 2000,

the applicant shall dedicate to the city Parcel J as identified on the submitted plan. At the time the city begins construction of the community park located on Parcel J the applicant will provide the city with a cash payment of \$100,000, or some in lieu contribution approved by Project Review staff, to be used toward construction of the community park facilities. If the portion of Parcel J identified as an elementary school site (the eastern 15 acres) is not developed as a school within 10 years of the date of its dedication to the city it shall be returned to the applicant without any consideration for the value of the land.

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12. Prior to the first to occur of a preliminary plat or Development Review Board approval on Parcels H, W, X, or BB the applicant agrees to dedicate to the city a minimum of 320 acres for a natural public park within Parcel EE straddling the canyon east and north of the parcels listed herein. The exact location of this parcel shall be included in the Environmental Design Element.
13. The remaining portions of Parcel EE shall be dedicated as permanent conservation areas to an entity and in a manner acceptable to the Project Coordination staff.
14. The dedication of the major open space corridors to the city shall be prior to final plat or Development Review Board approval on the following parcels in a phased manner as they relate to the listed wash segments:
 - a. South Wash (except portion south and east of Parcels AA and BB otherwise called the Dodge and Taliesin wash): Parcels T, V, X, Y, Z, BB;
 - b. North Wash Main Segment: Parcels I, L, S;
 - c. North Wash North Fork: Parcels D, G;
 - d. North Wash East Fork: Parcels G, H, W; and
 - e. Lost Dog Wash: Parcels CC, DD.
15. The portions of the hill surrounded by Parcels S, T and X which are as steep or steeper than 25 percent slopes shall be zoned C.O.S.
16. Prior to any on-site development on Parcel R, the applicant shall dedicate to the city a 1.5 acre parcel within Parcel R to be used as a fire station site. The applicant shall permit the city to use the 1.5 acre site on an interim basis if the site is necessary to maintain fire protection service levels on the project prior to the required time for dedication. The city agrees to accept a parcel which will not impact future development of Parcel R as a commercial center.
17. The site plans for Parcels E, K, L, Q, and R shall be approved by the City Council through the public hearing process prior to submittal to the Development Review Board. These site plans shall provide the following where applicable:
 - a. Strong integration with the on-site pathway system, including orienting building fronts toward the paths;
 - b. Shielding of service and loading functions from adjacent residences and streets;
 - c. Creation of a "front door" design and orientation on all sides of the building facing adjacent parcels;
 - d. Provisions for outdoor gathering and/or dining areas; and
 - e. A strong building presence along major streets which lessens the frontal impact of parking and encourages pedestrian activity.

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18. The applicant and the adjacent owners to Parcels AA and BB, known as the Dodge and Taliesin parties, have agreed to the following transition and buffering conditions for Parcels AA and BB:
- a. Residence, walls and related structures shall be constructed using ESLO site development design standards for upper desert and hillside landforms as set forth in subparagraphs (a) through (c) of Section 7.854.E.2 of the Zoning Ordinance.
 - b. No recreational amenities or open space areas which are open to the general public shall be erected or maintained within Parcels AA or BB. Private amenities or open space areas for the exclusive use of the residents of this project are allowed on the parcels except that no recreational amenities or areas shall be placed on or near the common boundaries with the Dodge or Taliesin properties.
 - c. There shall be a continuous row of residential lots platted behind a 50-foot wide NAOS buffer (to be maintained by the Parcels AA and BB homeowner's associations) along the common boundaries, except that a single point of access at a location mutually acceptable to the applicant and Dodge shall be provided to the Dodge property.
 - d. The regular development standards of the R1-35 zoning district, except for the minimum lot area, shall apply to the row of lots described in 18.c above.
 - e. The N.A.O.S. setback and R1-35 development standards for the transition area as described herein may be modified subject to the written acceptance by representatives of the Dodge and Taliesin properties and approval by Project Coordination staff. These modifications shall be included in the final plat.

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MASTER PLANS

The applicant shall prepare the following Master Plans as specified in the schedules identified below:

A. Master Plans (Schedules A-H)

Each Master Plan shall be prepared by a registered engineer licensed to practice in the State of Arizona except Schedule "H". The following Master Plans shall be approved by the City's Master Planning and Project Review staffs prior to the adoption of the zoning of any individual parcel, application to the Development Review Board or submittal of a preliminary plat on any portion of the site; except Schedule "H". Schedule "H" provisions shall be submitted prior to preliminary plat or Development Review Board submitted on any given parcel.

1. Schedule A - Circulation Plan
2. Schedule B - Dedications
3. Schedule C - Timing of Roadway Improvements
4. Schedule D - Required Traffic Signal Participation
5. Schedule E - Water Plan
6. Schedule F - Wastewater Plan
7. Schedule G - Drainage Plan
8. Schedule H - Environmental Design Plan

It is understood that the master plan submittals may be phased. Prior to any master plan submittals the Planning & Community Development and Transportation General Managers or their designees shall approve a plan for the phasing of the master plans.

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6. Identification of On-Lot Buildable Areas. As part of a preliminary plat or Development Review application, construction envelopes shall be shown on the site plan for the parcels listed below in Stipulation #12. The construction envelopes shall be identified at the time of final plat submittal on an unrecorded supplemental document.
7. Identification of Natural Area Open Space. The boundaries of natural area open space shall be accurately surveyed and any boundaries between such open spaces and areas being developed shall be clearly staked in accordance with the approved grading plans. Such surveying and staking shall be inspected and approved prior to construction in each development phase. Any required natural area open space to be provided on an individual parcel shall be identified prior to the issuance of building permits for that parcel.
8. Protection of Natural Area Open Space During Construction. Prior to the commencement of construction in each residential parcel, the natural area open space shall be suitably protected during the time of construction with access corresponding to the approved site plan. At the time of final building inspection for a dwelling unit on a lot, there shall be a site inspection to ensure that any disruption to the natural area open space around the construction site has been revegetated as approved on plans submitted to Project Review.
9. A native plant survey and preservation plan which complies with the requirements of the City Code and Zoning Ordinance shall be submitted for Project Review staff approval at the time of Development Review Board or preliminary plat of any individual parcel. The Project Review staff will work with the applicant to minimize the extent of the survey required within large areas of undevelopable open space. All significant cacti which are suitable for transplanting and are necessarily uprooted for construction shall be stockpiled during construction and shall be replanted in landscape areas or donated for public use in accordance with State Statute and permit procedure, or may be offered for sale if deemed as surplus material.
10. Outdoor Lighting. The maximum height of any outdoor lighting source for parking or building lighting shall be 16 feet above natural grade at the base of the light standard except for recreation uses, which shall comply with the outdoor lighting standards of Section 7.600 of the Zoning Ordinance.
11. Location of Internal Streets and Driveways. Prior to the approval of a site plan by the Development Review Board or preliminary plat approval, the alignments for all internal streets and extended accessways shall be staked by the applicant and inspected on-site by the city staff to confirm that the proposed alignment results in the least environmental, within reasonable planning and engineering practice and consideration, and hydrological impact. It is anticipated that the Community Development Administrator will approve the use of rectified aerial photographs in lieu of on-site staking under the following conditions:

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- a. Natural area open space requirements have been satisfied and consolidated grading is permitted; or
 - b. Topographical and other on-site physical conditions permit reasonable analysis of site conditions through the use of aerial photographs.
12. **Low Density Residential Construction Limits.** All development sites that are in the zoning category of R1-35 and Parcels H and the eastern 400 feet of Parcel Z or any portions of any other parcel which proposes development on natural slopes of 15 percent or steeper shall provide on-lot construction envelopes establishing the limits of construction for each lot or clusters of lots which provide natural areas between clusters. Field review at the time of preliminary plat submittal in order to assure that the locations of buildings minimize impacts to sensitive environmental features and to blend the development into the natural setting. Perimeter fencing as described in 5.d. above shall be allowed for Parcels AA and BB.
 13. The developable area within each parcel shall be established by field review prior to preliminary plat or Development Review Board submittal and shall not include established Vista Corridors or any slopes of 25 percent or steeper.
 14. The applicant shall maintain on file with the city an accurate up-to-date accounting of all N.A.O.S. requirements allocations and dedications for the project as a whole.

MISCELLANEOUS

1. **Responsibility for construction of infrastructure.** All improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development as defined by the master plans required in these stipulations shall be constructed in full by the applicant, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.
2. **Maintenance responsibility for common areas.** The responsibility for the maintenance of landscape buffers on public and private property (back-of-curb to right-of-way or access easement line included) and drainageways shall be borne by the applicant, and provisions, shall be set forth as approved by the Project Review Administrator which establish a means for such maintenance and which shall be recorded in the records of the Maricopa County Recorder. Failure to maintain the designated common areas could result in a civil action brought by the City for costs incurred by the City for said maintenance.

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3. **Acceptance by City for maintenance of common areas.** Those areas of designated common area including landscape buffers, drainage easements, private access ways, etc. shall not be accepted for maintenance or ownership by the City except by resolution of the City Council. Information to this effect shall be provided on sales information and on the final plat. Before any improvement is accepted, it shall meet City standards, codes, and ordinance.
4. **Preservation and maintenance of natural and conservation areas.** The applicant shall be ultimately responsible for the preservation and maintenance of all natural and conservation areas proposed throughout the development.
5. The subsequent phasing of circulation, drainage, water, and sewer facilities shall follow the program identified in Schedules C, E, F and G.

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CIRCULATION

1. Dedication and improvement of street rights-of-way and easements shall be according to Schedules A, B, C and D or as amended by a schedule provided in the approved Circulation Master Plan.
2. Intersections should be located at intervals which maximize street capacities while providing necessary access. Median breaks shall be limited to one quarter mile spacing along Thompson Peak Parkway and one-eighth mile spacing along Bell Road. Intersections should be located at one-eighth mile intervals along McDowell Mountain Ranch Road.
3. Warranted traffic signals shall be installed at approximate 1/2 mile intervals along Thompson Peak Parkway; the minimum spacing shall be 2,200 feet. Warranted traffic signals shall be installed to maintain minimum 1/2 mile spacing on Bell Road and McDowell Mountain Ranch Road.
4. The primary street system within the property shall be in substantial conformance with that shown on Schedules A and B or as modified by the approved Circulation Master Plan. If city staff determines that the plans are not in substantial conformance, approval shall be required through a subsequent public hearing.
5. There shall be no direct residential access to arterial streets (Thompson Peak Parkway, Bell Road, and McDowell Mountain Ranch Road). A one foot vehicular non-access easement (V.N.E.) shall be required along these arterial streets except at approved intersections.
6. There shall be no direct vehicular access from individual residential lots or dwelling units to local collector streets except as approved by Project Review staff. Where such access is proposed, a design solution for adequate safety provisions with minimal disturbance to the collector street and the natural area shall be shown. When such access is prohibited, a one foot V.N.E. shall be required adjacent to these streets except at approved intersections.
7. Sight distance easements shall be provided for development sites with driveways on streets with horizontal curves.
8. Private Street Standards: If there are to be internal private streets, the following design standards shall apply:
 - a. All private streets shall be constructed to full public street standards, including observance of the full width of comparable public right-of-ways, from which all setbacks shall be measured. In all cases City of Scottsdale minimum lane widths and design speed criteria shall be met; however, equivalent construction materials or wider cross-sections may be approved by Project Review staff.

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- b. Private streets shall not be incorporated into the city's public street system at a future date unless they are constructed and maintained in conformance with the city's public street standards, and inspected and approved by the city at the time of construction and prior to acceptance as a public street. In any case, notice shall be given in the public records of the Maricopa County Recorder indicating that the private streets shall not be maintained by the city unless and until they are incorporated into the public street system of the city.
 - c. If any streets are to be private, the indicated right-of-way shall be an access and utility easement. The dedication shall also include easements for all applicable drainage ways required to carry stormwater through the site. The dedication shall include statements identifying maintenance responsibility.
 - d. Secured access shall be provided on private streets only. Security gates shall be located a minimum of 75 feet from the back-of-curb of the intersecting street. A vehicular turn-around shall be provided between the public street and the security gate.
 - e. Access points to private streets shall be posted to identify that vehicles are entering a private street system.
 - f. Assurance, as approved by the city, shall be provided at the time of final plat approval for providing methods for adequate funding for maintenance of the streets at a standard equal to that normally followed on public streets.
- 9. Local streets which are expected to carry more than 1,500 vehicles per day shall be designated as local collector streets.
 - 10. No certificate of occupancy or final clearances shall be issued for any residential or commercial structures without two-way, paved access (minimum width 20').
 - 11. Right-turn deceleration lanes shall be constructed at all commercial site entrances and at all collector or arterial street intersections along Thompson Peak Parkway, Bell Road, and McDowell Mountain Ranch Road.
 - 12. Bicycle parking which accommodates locking both front and rear tires shall be provided in all commercial areas of the site at a rate of one bike space per every 20 vehicular parking spaces required. These facilities shall be provided in well lit settings along major pedestrian walkways and in proximity to the main entrances of major tenants.

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13. Bicycle parking which accommodates locking both front and rear tires shall be provided at all community centers, fitness facilities, and parks at a rate of one bike space per every 10 vehicular parking spaces required. These facilities shall be provided in well lit settings along major pedestrian walkways. In lieu credit for vehicular parking may be granted by Project Review staff subject to a shared parking study as provided in the ordinance.
14. Bicycle parking which accommodates locking both front and rear tires shall be provided at all bus pull-outs. There shall be five bike spaces at every pull-out.
15. Bike lanes shall be included on all major arterials, minor arterials, and major collectors. They shall be signed and striped per city specifications. These shall be on phased cross-sections as well as final cross-sections.
16. All on street bike lanes shall be considered public and available to the general public.
17. The community center path connecting Parcel "A" to Parcels "E" and "J" shall be 12 feet in width.
18. All internal major community paths shall be a minimum width of 10 feet; all internal minor community paths shall be a minimum width of 8 feet. These shall be designated on the Circulation Master Plan.
19. Farside bus pull-outs shall be constructed at intersections as designated in Schedule A (generally at signalized intersections on multi-lane streets).
20. Shelters shall be constructed at all pull-outs. Shelters shall be built to the City of Scottsdale design standards or one designed by the developer and approved by the City Transportation Department. Sidewalks or pedestrian paths shall connect these pull-outs to nearby neighborhoods, retail centers, and public facilities.
21. Shelters shall not be required for installation until bus service begins in the area. The developer has the option of paying \$7,000 per shelter to the City within 30 days of bus service initiation or constructing them within 90 days of bus service initiation.
22. The applicant agrees to dedicate land on Parcel R for a Park and Ride/Transfer facility. The dedication shall be a minimum of 2.5 acres in size and have convenient access to Thompson Peak Parkway or Bell Road. The city shall be responsible for the construction of the facility. The timing for the dedication and the design review process shall be established by the Circulation Master Plan. Parking within this site may be credited to the retail center by Project Review subject to a joint-use parking study. The city agrees to accept a parcel which will not adversely impact future development of the parcel as a community center.

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28. Applicant shall participate along with other property owners in the cost of future crossing of the C.A.P. canal by Thompson Peak Parkway. Participation may consist of in-kind contributions (including, but not limited to engineering and construction by applicant) or of payments to city, or a combination of each of these. The dollar amount or in-kind contribution to be provided by applicant shall be not less than 12 percent nor more than 24 percent of the total cost of design and construction. Applicant's participation shall be determined by reference to the following or other relevant factors:
- a. Traffic generated by this project and others in the general area.
 - b. The city's traffic modeling for the general area.
 - c. Unique traffic characteristics resulting from this and other developments in the area.

The exact amount of applicant's participation and timing of payments or other contributions shall be set forth in a development agreement between applicant and city, which shall be executed within 6 months of City Council approval or approval by the Bureau of Reclamation of the crossing concept of this case. However, in no event shall full payment or contribution occur later than when 2,200 residential units have been permitted for construction within the project and construction of the bridge has been included in the city's five year Capital Improvement program.

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DRAINAGE AND FLOOD CONTROL

1. The following stipulations are intended to supplement, but not in any manner reduce or eliminate, the applicants obligations and responsibilities under the City's Floodplain and Drainage Ordinance, Scottsdale Code, Chapter 37. Under the City's Floodplain and Drainage Ordinance, the applicant is responsible for management of all stormwater generated on the property, and all stormwater generated off the property which historically crossed the Property. Management requirements and practices shall be as specified in the Scottsdale Code, and applicable portions of the City of Scottsdale General Plan and Design Procedures and Criteria.
2. The applicant proposes that onsite retention/detention requirements be waived for development within the McDowell Mountain Ranch. Only those areas of McDowell Mountain Ranch development which can fulfill the following requirements will be considered for waivers from the stormwater storage requirements.
 - a. The applicant shall show that the runoff has been included in a storage facility at another location. The runoff from this site must be safely conveyed to the other location, generally assumed to be the retention area behind the C.A.P. dike, through an existing watercourse or a man made watercourse which has been adequately designed and constructed to convey at least the 100-year event.
 - b. The developer must provide engineering analysis to city staff which demonstrates to the satisfaction of city staff that the watercourse does have the additional capacity and the potential for flooding downstream properties won't be increased.
3. In lieu of providing stormwater retention/detention, in those areas which meet the criteria set forth in 2a and 2b above, the applicant shall contribute services, construction, or cash fees to be applied to the design and construction of community off-site drainage and flood control facilities. In-lieu contributions must be designated and agreed upon by the city and the applicant prior to issuance of permits. In-lieu fees will not be required if the applicant fulfills the requirements of items 2a and 2b above by constructing facilities which safely convey stormwater falling on the subject property and stormwater which historically crossed the property to regional retention/detention basins.
4. Prior to granting of a waiver, and prior to or concurrent with submittal of development plans which would ordinarily require onsite stormwater storage, the applicant shall submit for review and approval analysis, design, and construction documents which will fulfill the requirements of items 2a and 2b above. Included as part of the submittal will be documentation which shows that the downstream property owners have been informed of and agree to the elements of the stormwater management plan which relate to their property. The applicant is responsible for acquiring written authorization and easements from downstream property owners to construct drainage improvements and alter historic flow courses or discharge amounts. The intent is that downstream property owners may authorize acceptance of limited increased pass-through stormwater flows but shall not be required to accept stormwater storage on their properties.

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5. The applicant shall prepare a Master Drainage Plan and Report for each of the two major watersheds in accordance with the City's Design Procedures and Criteria with particular emphasis regarding potential alluvial fan flooding on the northwest corner of the property. The two major watersheds are that area west of the McDowell Mountains drainage divide, which shall be defined as the area draining to the Central Arizona Project (CAP) Reach II Detention facility known as Dike No. 4, and that area east of the McDowell Mountains drainage divide, which shall be those areas draining to the Cactus Detention Basin located behind the CAP Canal at the Cactus Road alignment.
6. For the area west of the McDowell Mountain drainage divide the Master Report shall address, but not be limited to, the items listed in Schedule G and the following:
 - a. Outline the issues arising from alluvial fan flooding which originates to the north of the subject property. Describe the obligations and alternatives the applicant has for managing the stormwater.
 - b. Through coordination with City of Scottsdale staff, determine the best stormwater management alternative.
 - c. Identify steps necessary to implement the management plan, including coordination with other parties/agencies, right-of-way acquisition, construction, funding options, etc.
 - d. Prepare and submit cost estimates for the selected alternative, both interim and final construction.
7. For the area east of the McDowell Mountain drainage divide, the Master Plan and Report shall address the following:
 - a. Conceptual location, configuration, sizing, and outlet arrangement for stormwater management facilities which comply with Scottsdale Revised Code Section 37-42(12). These facilities shall be designed to capture stormwater runoff from the developed portions of the site and shall not allow runoff from off-site or from undeveloped portions of the property to enter into them.
8. Applicant shall participate with city in the Lost Dog Wash Flood Control Project for that portion of the development located within the Lost Dog Wash watershed. Applicant's participation may consist of in-kind contributions (including, but not limited to property dedications, engineering, construction) or of payments to city, or a combination of each of these. The dollar amount or in-kind contribution to be provided by applicant shall be determined by considering the following or other relevant factors:
 - a. Stormwater runoff that will be caused by the development when completed, compared to runoff from the property in a natural condition.
 - b. Percentage of the Lost Dog Wash watershed which is part of the development.
 - c. The Lost Dog Wash Flood Control Project: Alternative Feasibility Analysis, Cost Estimate and Benefits Assessment Study ("Lost Dog Wash Study").

The timing of and type of applicant's contribution shall be detailed in a development agreement, which must be executed within 12 months of acceptance by the City Council of the Lost Dog Wash Study or within 12 months of applicant's submittal of the Master Drainage Plan for the drainage area east of the McDowell Mountains, whichever occurs first.

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9. Until a final decision is made on the upstream detention features of the Lost Dog Wash Flood Control Project, the applicant shall plan and maintain open spaces in the vicinity of the west fork of Lost Dog Wash and the east property boundary (near the middle of Section 14, T3N, R5E, Gila and Salt River Base and Meridian), below the 1,850 foot elevation (City of Scottsdale Datum) to accommodate potential future detention facilities. Encroachment into this area shall be detailed in the agreement referenced in Drainage and Flood Control Stipulation No. 8 above.

The applicant shall also take into consideration in the planning of the infrastructure for this area the potential for detention facilities (damsites and associated storage reservoirs) located at Sites C2, D and E as detailed in the Draft Lost Dog Wash Working Paper for Detention Basin and Channelization Alternatives dated October 22, 1991, revised November 13, 1991.

10. A drainage report fulfilling all requirements of city ordinances and Design Procedures and Criteria shall be submitted with each plat or development plan. Where exceptions to normal city requirements apply, the report shall reference the Master Plan Report, waiver form, or other documents of record which justify the exception.
11. At the time of preliminary plat submittal, the applicant shall delineate the 100-year fully developed conditions flood boundary of, and shall designate as a "special flood hazard area" any watercourse which has a tributary area of 320 acres or larger, or an estimated 100-year discharge of 500 cfs or greater. The "special flood hazard area" shall include the channel and any overbank portion of the floodplain. The "special flood hazard area" may, but is not required to, be expanded to include all or portions of any open space area that jointly utilizes the same space as the watercourse.
12. The U.S. Environmental Protection Agency requires a permit for construction activities which disturb 5 or more acres shall require a permit under the National Pollutant Discharge Elimination System (NPDES). A Notice of Intent (NOI), and a Storm Water Pollution Prevention Plan (SWPPP), must be filed with the Environmental Protection Agency and the City before development permits can be issued. Contact the Stormwater Hotline at (703)821-4823 or Project Review at 994-7887 for more information.
13. A Section 404 permit from the U.S. Army Corp of Engineers may be required for discharges of dredged or fill materials within jurisdictional washes. Contact the Phoenix Regulatory Office of the Corps of Engineers for a jurisdictional determination and further information. Written communication with the State Historic Preservation Officer may be required as part of the 404 permit process.
14. As required by city Ordinance, the applicant must submit evidence that all State and Federal permits have been obtained before the city can issue any development permits (this includes 404 permits).

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WATER AND WASTEWATER

1. The following stipulations are intended to supplement, but not in any manner reduce or eliminate, the owners obligations and responsibilities under the Subdivision Ordinance, Chapter 48, and the Water, Sewer and Sewerage Disposal Ordinance, Chapter 49 of the Scottsdale Revised Code, and the City Design Procedures and Criteria.
2. The applicant understands and acknowledges the responsibility for the construction and dedication of all water and sewer facilities necessary to serve the development. The applicant shall be required to construct and dedicate at his expense all water and sewer lines necessary to serve the development. Sewer facilities shall conform to the city Wastewater Master Plan and water facilities shall conform to the city Water System Master Plan.
3. The applicant understands that constructing water and sewer facilities provided herein shall not be in lieu of any water development fee or development tax, water replenishment district charge, pump tax, water resource development fee, or any other water, sewer, or effluent fee which is applicable at the time building permits are granted.
4. The applicant understands and agrees that the granting of zoning does not and shall not commit the city to the extension, construction, or development of either water or sewer facilities (including but not limited to lines, mains, boosters, and storage facilities) to, on, or near the subject property.
5. Water and sewer mains shall not be placed within stream beds except at points of crossing. Locations other than within street right-of-way shall provide vehicular access and shall be approved by the Water Resources and Planning & Community Development Departments.
6. The city may elect to oversize any component of the water or sewer system submitted for plan review. In such a case, the city will pay for the difference in size between the line required by applicant and that required by city, provided there are sufficient funds in the Capital Improvements budget. Payment of the development's share of actual design and construction costs will be required prior to award of the construction contract.

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SCHEDULE A - CIRCULATION MASTER PLAN

A circulation master plan and report shall be prepared in accordance with the city's design procedures and criteria, by a registered professional engineer who is licensed to practice in the State of Arizona. The master plan shall include, but not be limited to the following:

- A. A street plan showing the primary streets and driveways including street classification, required right-of-way, and proposed improvements. Estimated average daily volumes shall be indicated for all roadway segments and major intersections.
- B. All intersection locations of collector or larger streets with conceptual geometric design and estimated peak hour volumes for each movement indicated.
- C. Access considerations including driveway locations, proposed median break locations, vehicle storage lengths, and any required auxiliary lanes to accommodate site generated trips.
- D. Trip generation, distribution and assignment of proposed project trips to the roadway system.
- E. General locations of bus bays, the major pathway system, pedestrian paths, and public trails.
- F. A table specifying the timing, phasing strategy, and responsible party for the construction of the improvements indicated by each of the plan elements.
- G. Traffic signal warrant analyses following MUTCD guidelines for all locations where traffic signals are proposed.
- H. Access provisions to all adjacent parcels without alternative access.

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SCHEDULE B - DEDICATIONS

<u>Roadway</u>	<u>Street Classification</u>	<u>Minimum Right-of-way</u>	<u>Street Section</u>
Thompson Peak Parkway	Major Arterial	150' (full)	4 lanes
Bell Road	Minor Arterial	55' (half)	half-street
McDowell Mtn Ranch Rd	Minor Arterial	110' (full)	full-street
East Collector	Major Collector(E)	90' (full)	full-street
South Collector	Major Collector(E)	90' (full)	full-street
Middle Collector	Minor Collector	60' (full)	full-street
Cactus Road	Minor Collector	30' (half)	half-street

Notes:

- A. Additional right-of-way may be necessary to protect the natural environment, to provide for auxiliary lanes, or to serve the immediate area with a higher street standard.
- B. The dedications shall include easements for all applicable drainageways, trails, bikeways, and natural area buffers. Statements identifying the responsibility for maintenance shall be included as part of the dedication.
- C. Roadway names correspond to the applicant's traffic study. Street names shall be approved at the time of approval of the Circulation Master Plan.
- D. Cross-sections of street improvements shall conform to the standard City of Scottsdale roadway cross-sections except as amended by the approved Circulation Master Plan.
- E. Length of this section to be determined with the master plan. The remaining portions shall use the minor collector (60') right-of-way and cross-section.

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SCHEDULE C - TIMING OF ROADWAY IMPROVEMENTS

<u>Roadway</u>	<u>Time required</u>
Thompson Peak Parkway	In conjunction with any on-site development within 1/4 mile of the roadway or any development on parcels S, T, U, V, W, X, Y, or Z. The improvements may be phased in two-lane increments.
Bell Road	In conjunction with the first development phase if Thompson Peak Parkway is not completed to the south of the C.A.P. canal; if Thompson Peak Parkway is completed across the C.A.P. Canal, as any portion of adjacent parcels develop. The improvements may be phased in two-lane increments.
McDowell Mtn. Ranch Rd.	As any portion of adjacent parcels develop; or at the time access to the street is proposed; or prior to the construction of either the East or South Collector roads. The improvements may be phased in two-lane increments.
East Collector	Required as adjacent parcels develop as determined by Project Review staff.
South Collector	Required as adjacent parcels develop as determined by Project Review staff.
Middle Collector	Required as adjacent parcels develop as determined by Project Review staff.
Cactus Road	Concurrent with any adjacent development.

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SCHEDULE D - REQUIRED TRAFFIC SIGNAL PARTICIPATION

As the property develops, the applicant shall be responsible for participation in the design and installation of a traffic signal, if and when warranted as determined by the Traffic Signal Warrant Analysis following MUTCD guidelines, at the following locations for the percent participation indicated:

<u>Intersection</u>	<u>Notes</u>	<u>Participation</u>
Thompson Peak Pkwy and Bell Road	A	50%
Thompson Peak Pkwy and Middle Access	B	100%
Thompson Peak Pkwy and McDowell Mtn Ranch	B	100%
McDowell Mtn Ranch and South Collector	B	100%
McDowell Mtn Ranch and East Collector	B	100%
Bell Road and 108th Street	B	50%

- A. Cash payment or an irrevocable letter of credit for 100% of the applicant's portion of the design and construction shall be required prior to issuance of any permits for any parcel immediately adjacent to the intersection.
- B. Cash payment or an irrevocable letter of credit may be required with adjacent development if a signal is determined to be warranted at the time of development.

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