

STIPULATIONS FOR CASE 16-ZN-2004

Revised stipulations by City Council are shown in **BOLD CAPS** and ~~strikethrough~~.

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform with the conceptual site plan submitted by Allen Consulting Engineers, Inc. and dated 1/12/2005. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **MAXIMUM DWELLING UNITS.** The number of dwelling units on the site shall not exceed ~~twenty six (26)~~ **TWENTY THREE (23)** without subsequent public hearings before the Planning Commission and City Council.
3. CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS. Development shall conform with the amended development standards shown in Attachment 7. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
4. BUILDING HEIGHT LIMITATIONS. No building on the site shall exceed 30 feet in height, measured as defined in the Scottsdale Zoning Ordinance. Buildings on Lots 12 and 13 of the site plan shall be restricted to a maximum of one (1) story, and shall have no outside stairs or rooftop decks, roof top patios, or balconies.
5. OPEN SPACE: With the Preliminary Plat submittal, the developer shall provide a minimum of 56,000 square feet of landscaped open space as follows:
 - a) Along 94th Street and Sweetwater Avenue as shown as Tract A on the site plan:
 - 1) A minimum fifteen (15) feet along 94th Street and Sweetwater Avenue, excepting the subdivision access location, as shown as Tract A on the site plan.
 - 2) A triangular shaped area at the northwest corner of the site having a minimum one hundred twenty (120) foot long leg dimensions measured along 94th Street and Sweetwater Avenue (commencing at the corner of 94th Street and Sweetwater Avenue).
 - b) Within the stormwater retention basin / recreation area required as necessary for this development, as shown as Tract B on the site plan.
 - c) Within the subdivision, as shown as Tracts C and D on the site plan.
 - d) Within the drainage easement over the existing wash at the northeast corner of the site, as shown as Tract E on the site plan.
6. EQUESTRIAN TRAIL EASEMENT: With the Development Review Board submittal, the developer shall provide a minimum fifteen (15) feet wide trail easement along the portion of the site adjacent to Sweetwater Avenue.
7. WALLS. With the Development Review Board submittal, the developer shall demonstrate that walls provided along 94th Street and Sweetwater Avenue will meander, and that open space in Tracts A, B, and E will be visible from these streets.

ENVIRONMENTAL DESIGN

1. DRAINAGE EASEMENT. Prior to development, the property owner shall dedicate a drainage easement over the wash at the northeast corner of the site to protect the limits of inundation during a 100-year stormwater event. The property owner shall be responsible for the maintenance of the drainage easement.

- 2 **ALTERATIONS TO NATURAL WATERCOURSES** Any proposed alteration to the natural state of watercourses with a 100 year peak flow rate estimated between 250 cfs and 749 cfs shall be subject to Development Review Board approval
- 3 **MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council

CIRCULATION

- 1 **STREET CONSTRUCTION** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual

Street Name/Type	Dedications	Improvements	Notes
94 th STREET	EXISTING 55 FT R O W	EXISTING	
SWEETWATER AVENUE	EXISTING 45 FT R O W	EXISTING, 5 FT SIDEWALK REQUIRED	5 FT SIDEWALK ALONG THE ENTIRE FRONTAGE SEE NOTE "B" BELOW
LOCAL ON-SITE STREETS (PRIVATE)	40 FT	28 FT B/C-B/C, ROLL CURBS, 5 FT SIDEWALK ON BOTH SIDES OF STREETS	SEE NOTE "A" BELOW

- A The streets for this site shall be designed and constructed to the *LOCAL RESIDENTIAL* requirements of the City of Scottsdale D S & P M. Five foot wide sidewalks are required on both sides of the local residential streets for lots less than 20,000 square feet in area. The 40' dedication is for access, emergency and service vehicle and water and sewer easement
 - B The developer shall provide a five-foot sidewalk along Sweetwater Avenue or an approved alternate pedestrian route, as determined by city staff
 - C The developer shall provide any improvements supported by the approved traffic impact study for the site, as determined by the city staff
- 2 **ACCESS RESTRICTIONS** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines)
 - a 94th Street and Sweetwater Avenue - The developer shall dedicate a one-foot wide vehicular non-access easement on these streets except any approved street entrance
 - b There shall be a maximum of one site driveway from either Sweetwater Avenue or 94th Street, with a minimum of 350 feet between the driveway and the intersection of Sweetwater Avenue and 94th Street. Access from Sweetwater Avenue shall align with 94th Place to the north
 - c At the Development Review Board submittal, the developer shall submit a site plan showing

the exact location of the site's access from the existing street

- 3 PEDESTRIAN CIRCULATION PLAN With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval This plan shall indicate the location and width of all sidewalks and pedestrian pathways
- 4 PRIVATE STREET CONSTRUCTION All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff In addition, all private streets shall conform to the following requirements
 - a No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city
 - b Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system
 - c Secured access shall be provided on private streets only The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street The developer shall provide a vehicular turn-around between the public street and the security gate

ADDITIONAL INFORMATION FOR CASE 16-ZN-2004

PLANNING/DEVELOPMENT

- 1 DENSITY CONTINGENCIES The approved density for each parcel may be decreased due to drainage issues and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.
- 2 FINAL LOT & TRACT LOCATION The specific location of each lot & tract shall be subject to Development Review Board approval.
- 3 DEVELOPMENT REVIEW BOARD The City Council directs the Development Review Board's attention to
 - a a plan indicating the treatment of washes,
 - b wall and gate design,
 - c improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included)
 - d major stormwater management systems,
 - e alterations to natural watercourses (all watercourses with a 100 year flow of 250 cfs to 749 cfs),
 - f perimeter landscaping
- 4 NOTICE TO PROSPECTIVE BUYERS The developer shall give the following information in writing to all prospective buyers of lots on the site
 - a The closest distance from the lot to the midpoint of the Scottsdale Airport runway
 - b The development's private streets shall not be maintained by the city
 - c The city shall not accept any common areas on the site for ownership or maintenance
- 5 NATIVE PLANT PRESERVATION The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

ENGINEERING

- 1 RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
- 2 FEES The construction of water and sewer facilities necessary to serve the site shall not be in lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.

- 3 **STREET CONSTRUCTION STANDARDS** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual
- 4 **CITY CONTROL OF ACCESS** The city retains the right to modify or void access within city right-of-way The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above

EQUESTRIAN

- 1 Public use trail(s) location shall be approved by plan review and permit services staff and are to be shown on the final plat or site plan
- 2 Trails and paths shall be consistent with the *Design Standards and Policies Manual* for the City of Scottsdale

WATER

- 1 **BASIS OF DESIGN REPORT (WATER)** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval The basis of design report shall conform to the Design Standards and Policies Manual In addition, the basis of design report and plan shall
 - a Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc
 - b Identify the timing of and parties responsible for construction of all water facilities
 - c Include a complete description of requirements relating to project phasing

WASTEWATER

- 1 **BASIS OF DESIGN REPORT (SANITARY SEWER)**) Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval The basis of design report shall be in conformance with the Design Standards and Policies Manual In addition, the basis of design report and plan shall
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 - b Identify the timing of and parties responsible for construction of all sanitary sewer facilities
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OTHER REQUIREMENTS

- 1 **CONVEYANCE OF TRACTS/LOTS** Unless otherwise agreed to in writing by the Asset Management Coordinator, each tract or lot dedicated to the city shall be
 - a conveyed by a general warranty deed, and
 - a accompanied by a title policy in favor of the city, both to the satisfaction of city staff as designated by the Asset Management Coordinator

Buffalo Ranch

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Lot width?
Lot Area

Abate
See Strip Cactus Estate for
Ped. Connection

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