

Y COUNCIL ACTION REPORT



TO: MAYOR & CITY COUNCIL
FROM: PLANNING & ZONING/PROJECT COORDINATION
SUBJECT: CASE 45-Z-90

DATE: 9/17/90

AGENDA ITEM NO. 26

DICK CREW
DON HADDER
STAFF

REQUEST: Amend the approved master development plan, and amend the modified development standards for the Troon North and Estancia planned developments

LOCATION: Along Dynamite Boulevard from 92nd Street to 112th Street

APPLICANT: Jerry Nelson

8787 E. Pinnacle Peak Road
Scottsdale, Arizona

OWNER: PPVN Developers Ltd. Partnership
And

Pinnacle Peak Partners
8787 E. Pinnacle Peak Road
Scottsdale, Arizona

PLANNING COMMISSION RECOMMENDATION: APPROVE subject to the attached stipulations by a vote of 6-0.

STAFF RECOMMENDATION: Per the Planning Commission

CONCURRENCE: None required

PUBLIC COMMENT: No known opposition

GENERAL PLAN: Conforms

ZONING HISTORY: Annexed as R1-190 HC/HD (Single-Family Residential in a Hillside District) in 1982. Rezoned in cases 81-Z-83, 87-Z-85 and 28-Z-89 to a mixed use development.

SITE DETAILS

USE: Mixed use

PARCEL SIZE: 2420+ acres

DWELLING UNITS: 2,374

DENSITY: .98 DU/AC gross

PARKING REQUIRED: n/a

PARKING PROVIDED: n/a

BUILDINGS: n/a

HEIGHT: 30 ft. max.

SETBACKS: per amended

OTHER: Standards and
Stipulations

DISCUSSION:

The proposal is to revise and reallocate land uses and densities within a master planned development which is known as the Troon North and Estancia projects. Since being annexed in the early 1980's, there has been substantial public review of various development proposals for this site. Significant features of the more recent plans include two golf courses, two major resort sites, two major park sites including protection of Pinnacle Peak, a broad mix of residential units, a future desert museum, and a variety of support commercial and office uses.

The proposed revisions focus on minor revisions at the Four Seasons Golf Clubhouse and overall adjustments for the Estancia development (formerly State lands). Specifically, these are:

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1. The Four Seasons Clubhouse is expanding slightly the area zoned for the Four Seasons Resort. This is due to adjustment being made with the final plans for the project.
2. Parcel "S", a small lot single family use, is being expanded westward into an area previously described as Open Space for the Estancia golf course driving range. Unit counts to be used in this expansion are coming from other parcels where more detailed plans have indicated that the originally zoned density will not be achieved.
3. The driving range for the Estancia golf course has been moved southwestward from it's previously planned location. This has resulted in the reconfiguration of the Estancia resort site. The major change to the resort site is that it reaches further south. This parcel shape makes more sense given the topography and golf course layout.
4. The residential uses within the Estancia portion of the development are being changed from a mix of low density single family and townhouse residential into a medium-low density single family concept. Actual lot sizes will likely vary a good deal depending on relationships to perimeters and topographic conditions. Actual yields will likely be less than the proposed density.
5. Hillside conservation boundaries have finally been determined throughout the Estancia project and are reflected on the plan.

The changes to the development standards basically allow buildings along open space (O-S), which includes the golf course and community park, and hillside conservation (HC) district boundaries to be closer than the usual required setback, typically at 0 or 5 feet. This is reasonable given the size, use, and status of lands in these districts on this development.

COMMUNITY IMPACT:

No changes in traffic or utility impacts should result from the proposal.


William B. King
General Manager/Planning & Zoning


Jorge Carrasco
City Manager

ATTACHMENTS: A - Stipulations
#1 - Aerial
#2 - Zoning Map
#3 - Site Plan
#4 - Development Plan
#5 - Amended Property Development Standards
#6 - Planning Commission Minutes of 9/10/90

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S355756 (06/89)

STIPULATIONS FOR CASES 28-Z-89, 45-Z-90

ZONING/DEVELOPMENT PLAN

1. Development shall be in general conformance with the submitted plan of development except as modified by the stipulations.
2. The zoning districts, maximum land use intensities and dwelling and room totals shall be as shown on the following table except as modified below. the specific location and boundaries of each parcel shall be determined at the time of site plan approval for the parcel. The zoning for each parcel shall be adopted prior to the issuance of building permits on the parcel except for parcels V1, V2, either golf course, or any master planned community common facilities. With the action for adoption of each parcel the applicant shall submit a revised master development plan and land use data table indicating the final status of the parcel.

PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4) PROPOSED*	(5)
A	R1-35 HD/HC	158	113 DU	.72 DU/AC
B	R1-43 HD/HC	180	100 DU	.56 DU/AC
C	R1-70 HD/HC	117	47 DU	.40 DU/AC
D	R1-18 HD/HC	207	404 DU	1.95 DU/AC
E	R1-18 HD/HC	118	139 167 DU	1.18 1.42 DU/AC
F	R1-18 HD/HC	121	208 DU	1.72 DU/AC
G	R1-70 HD/HC	86	42 DU	.49 DU/AC
H	R1-18 HD/HC	62	85 DU	1.37 DU/AC
I	R-4 HD/HC	62	218 DU	3.52 DU/AC
J	R-4 HD/HC	30	98 DU	3.27 DU/AC
K	R1-7 HD/HC	51	68 DU	1.33 DU/AC
L	R1-18 HD/HC	62	84 DU	1.35 DU/AC
P	R1-35 HD/HC	40	35 DU	.88 DU/AC
R	R1-43 HD/HC	3	2 DU	.67 DU/AC
S	R1-7 HD/HC	57 45	143 113 DU	2.50 DU/AC
U1	R1-70 HD/HC	10 29	5 14 DU	.48 DU/AC
U2	R1-70 HD/HC	19	9 DU	.48 DU/AC
V2	R1-7 HD/HC	31	144 DU	4.65 DU/AC
AA	R1-18 R1-35 HD/HC	172 232	161 DU 432	.94 DU/AC 1.88
BB	R-4 HD/HC	74	271 DU	3.67 DU/AC
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SUBTOTAL:	1,643 1,648		2,374 DU	1.45 1.44 DU/AC

ATTACHMENT A

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PARCEL	ZONING DISTRICT	APPROX. ACREAGE	DWELLING UNITS OR ROOMS PROPOSED*	LAND USE INTENSITY PROPOSED
(1)	(2)	(3)	(4)	(5)
V1	R-4R HD/HC	34	280 RM	8.24 RM/AC
CC	R-4R HD/HC	74	525 RM	7.14 7.09 RM/AC
SUBTOTAL:		108	805 RM	7.49 7.45 RM/AC
M	C-O HD	10		.20 F.A.R.
N	PCC HD	20		.25 F.A.R.
O	C-O HD	5		.25 F.A.R.
Q	S-R HD/HC	12		.25 F.A.R.
T	C-2 HD/HC	13		.20 F.A.R.
X	C-2 HD	20		.25 F.A.R.
Y	C-2 HD	12		.30 F.A.R.
SUBTOTAL:		92	72	
Z	OS HD	23		
PK/SC	OS HD/HC	37	34	
PK	OS HD/HC	185		
NGC	OS HD/HC	162.5		
SGC	OS HD/HC	155	153	
STREETS DEDICATED AS OF APPLICATION SUBMITTAL		52		
SUBTOTAL:		614.5	609.5	
TOTAL ACREAGE:		2,457.5	2,437.5	

* Adjustments to the proposed units allowed in column 4 and proposed density in column 5 may be approved by project coordination staff subject to the following conditions:

- The total dwelling units and resort rooms for the overall project are not increased;
- A specific site plan has been submitted and reviewed on-site verifying that the proposed change is environmentally sensitive and provides appropriate land use relationships;
- The maximum change for parcels A, B, C, G, U, R₇ and AA is less than 10% for other parcels is less than 20%;

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- d. That the maximum densities of the underlying zone are not exceeded; and
- e. That the applicant submits a revised master development plan and land use table for approval.

Any other changes or appeals to staff decisions regarding proposed changes are subject to public hearing review and approval by the city council.

Note: The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, NAOS requirements, 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.

- 3. The property development standards for the zoning districts shall be amended as submitted except as modified by the following stipulations:
 - ~~a. The single-family residential development standards shall apply to all R1 districts within the development plan.~~
 - ~~b. The minimum lot size shall be 5,500 square feet and subject to the density limits of the parcel and the standards included in chart "A".~~
 - a. Detached guest houses shall not be permitted on lots less than 18,000 square feet in size.
 - b. If guest houses on a parcel are intended to have cooking facilities, the applicant shall submit for rezoning to R-2. The R1 development standards shall apply to R-2 lots. Both dwellings shall meet the required front, side and rear yard requirements.
 - ~~c. The rear improvement setback where required shall be an average 12 feet with a minimum of 7 feet.~~
 - ~~f. Side yard setback "variances" as described shall be subject to recordation of the adjusted side yard dimensions on all affected lots and submittal reflecting such recordation to the subdivision file of the City of Scottsdale. Project Review staff approval shall be required prior to recordation.~~
 - ~~g. Note that the Project Review/Coordination Staff interprets all three dimensional structures with any form of top covering, i.e. roof, lattice, tent, awning, etc., as being a building.~~
 - ~~h. The parking standards of article IX shall apply.~~

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- ~~i. The applicant shall submit revised sketches for the development standards for each unit type which is an accurate, uniformly scaled depiction of typical standard key, through, corner, flag and cul-de-sac lots.~~
4. Within the 3 acre minimum lot size area shown on the submitted development plan, the improvement envelope shall be set back an average of 80 feet from the project perimeter. An 80 feet minimum improvement envelope setback shall be provided along the project perimeter on parcels A, B, G and H where the parcels are adjacent to R1-190, R1-130, R1-70, R1-43, or R1-35 zoning.
 5. The site plan for the commercial, resort and office sites shall be approved through the public hearing process. The museum site shall obtain use permit approval through the public hearing process. The use permit application shall include ownership, use and role of the City in the operation (if any). Note - completed as a condition of sale.
 6. The Vista Corridor Washes shall be maintained by a homeowners association. Proof that such an association has been established shall be required prior to issuance of any single family building permits on any plat adjacent to a Vista Corridor.

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7. On November 17, 1983 and November 21, 1985 the Development Review Board recommended approval of an adjustment to the "no-development line" subject to the attached stipulations (Exhibit A).
8. The no-development line is conceptual only and all adjustments are to be contingent on Development Review Board approval of site plan for each parcel prior to its submittal for preliminary plat review. The applicant shall deliver a deed of dedication or a non-development scenic easement for the property within the Hillside Conservation (HC) area on that parcel prior to issuance of any building permits on that parcel.
9. At the time of zoning adoption, any property above the adjusted no-development line, as approved by the Development Review Board, shall be adopted as HC (Hillside Conservation). The zoning for properties below the adjusted no-development line shall be adopted in accordance with the approved development plan at the time more specific information can be provided, as each parcel comes through for site plan development review approval.
10. The construction of each golf course may begin prior to the start of either resort subject to the following:
 - A. The north resort site shall begin construction within five years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the north resort within the specific time frame the north resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the north golf course shall be reserved for the north resort site. At least fifty percent (50%) of the total play time on the north golf course shall be available for general public play until such time as the north resort construction has begun. Resort construction shall be defined as construction on at least ten percent of the ultimate planned resort rooms, casitas, villas or similar type unit.

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- B. The south resort site shall begin construction within ten years of the date of council approval of case 28-Z-89 and shall proceed to completion in a diligent manner. If construction has not commenced on the south resort within the specific time frame the south resort site shall be deeded to the city for development of a resort hotel. A minimum of fifty percent (50%) of total play time on the south golf course shall be reserved for the south resort site. At least fifty percent (50%) of the total play time on the south golf course shall be available for general public play until such time as the south resort construction has begun.
11. Lot lines on a recorded plat may extend into the HC area. If development standards require minimum lot sizes, property beyond the no-development line shall not be included in the required area of any Hillside development parcel.
12. Density will be based on the gross development area of each parcel. Future determination of the "no-development line" will not affect the total number of units approved for each parcel or the project as a whole, but may require adjustments to the approved zoning on some parcels.
13. The applicant understands and acknowledges that the natural area open space requirements within developable areas are in addition to any area designated Hillside Conservation (HC).
14. Golf course development shall be in substantial general conformance with the site plan submitted as part of this application. Lighting of the driving range(s) shall be prohibited. The location of the half-way house and maintenance facilities shall be determined at the time of development review. The golf course site plan and the exterior design of the clubhouse, maintenance facilities, and other related facilities, including the color and physical character of the facilities, shall be subject to Development Review Board approval. The Development Review Board shall pay particular attention to the following:
- a. A detailed study showing the peak day and average day water demand, and area in turf, revegetated and natural desert
 - b. Design and layout of the parking lot for the golf course clubhouse to ensure minimal cuts and fills and a design which compliments the natural topography of the site
 - c. Cart path locations and street crossings
 - d. Proposed lighting
 - e. Driving ranges
 - f. Public address systems to insure minimal noise pollution
15. All improvement plans for common open space or common service amenities and buildings, including the landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included), major drainage ways, wall designs, etc., shall be approved by the Development Review Board.

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16. A Scenic Corridor easement shall be provided along both sides of Dynamite Boulevard, with an average width of 50 feet and a minimum width of 40 feet adjacent to single-family uses, and an average width of 100 feet and a minimum width of 80 feet adjacent to all other uses. The Scenic Corridor is to be maintained as undisturbed natural area. The Scenic Corridor width is to be measured starting at the road right-of-way. The width of the Scenic Corridor may be adjusted by the Development Review Board if protection of significant natural features can be better achieved.
17. Dedication of the park sites shall occur prior to Development Review Board OR PRELIMINARY PLAT approval of any abutting parcel (I, J, Q, R, AA, and Z). Prior to dedication the master site plans for the park shall be reviewed and approved by the Parks Commission, Planning Commission and City Council. DEDICATION OF THE COMMUNITY PARK/SCHOOL SITE SHALL OCCUR WITHIN SIX MONTHS OF CITY APPROVAL OF THE DRAINAGE SOLUTION FOR THE PARK SITE. DEDICATION OF THE PINNACLE PEAK MOUNTAIN PARK SITE SHALL OCCUR PRIOR TO JANUARY 1, 1992. The applicant shall contribute \$200,000 toward the initial improvement of the community park site WITHIN 12 MONTHS OF THE DEDICATION OF THE COMMUNITY PARK. In lieu of the contribution or agreement with the city, the applicant may provide on-site improvements (such as rough grading and native plant relocation) subject to an agreement approved by the parks commission and city council. ~~The contribution shall be provided prior to the development of any parcel adjacent to either park site.~~ The applicant shall provide all necessary off-site facilities.
18. A 40 feet average/30 feet minimum width natural area buffer shall be provided along Alma School Parkway south of Dynamite.
19. The maximum floor area of any single retail use on parcels T and Y shall be 15,000 net square feet.
20. Prior to the issuance of any construction permits on parcels AA, BB, or Y the applicant shall submit verification to the city that a non-profit organization has been established and funded which will own, finance, design, build and ultimately operate the desert museum use identified for parcel Z. It is understood that the city shall assume no responsibility for the development or operations of the facility, unless otherwise determined by the City Council.
21. The city shall not be responsible for providing any fencing or walls in order to provide security and site identification for the park perimeters for adjacent development. THE DEVELOPMENT REVIEW OR PRELIMINARY PLAT PLANS FOR ANY ADJACENT PARCEL SHALL INCLUDE THE DESIGN, LOCATION AND SPECIFICATIONS FOR DEVICES WHICH SHALL CLEARLY DELINEATE THE COMMON BOUNDARY WITH THE PARK.
22. Building designs should include wherever possible the following materials or features: Heavily textured surfaces, muted earth tones, deep overhangs and recessed windows and entries, low sloping or parapet roof lines, stepped and multi-faceted building forms, and softened building edges.
23. THE EQUESTRIAN CENTER ON THE ISOLATED SEGMENT OF PARCEL "CC" CAN BE USED ONLY FOR GUESTS OF THE MAIN RESORT USE ON PARCEL "CC".

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MASTER PLANS

1. Prior to any zoning map adoption, application for Development Review Board approval, or application for preliminary plat approval for parcels "A" through "V" except V1, V2 or U, the applicant shall submit the following Amended Master Plans and Studies: A, C and E; and for Parcels "Z" through "CC" the applicant shall submit all of the following:
 - A. Provide and secure staff approval of the following amended master plans and reports covering the entire phase of the development proposal:
 1. Master drainage plan and report (see Schedule A)
 2. Master water plan and report (see Schedule B)
 3. Master wastewater plan and report (see Schedule C)
 4. Master circulation plan (see Schedule D)
 5. Master environmental design concept plan (see Schedule F)
 6. Master grading plan and report (see Schedule G)
 - B. Enter into an agreement with the City for participation in development of a regional wastewater reclamation facility as proposed in the city's approved Wastewater Collection-water Reclamation Master Plan pursuant to agreement No. 880090 (May 15, 1989).
 - C. Provide a summary report indicating the proposed phasing of development and the on-site and off-site improvements required for each phase as indicated by the above master plans.
 - D. Dedicate the required right-of-way as shown in Schedules J and K.
 - E. Submit a revised plan of development which reflects the stipulations of approval.

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HILLSIDE/ENVIRONMENT

1. All washes with a 100 year flow of 750 cfs or greater shall be designated as Vista Corridors and preserved in a natural state as determined by the Development Review Board. A scenic easement with an average width of 100 feet shall be provided along these washes concurrent with any other easements. The scenic easement shall include the washes major vegetation, and low flow channels. If there are areas within these washes which are disturbed by development proposed by this case, the wash areas shall be restored as closely as possible to their natural, pre-development state. The location and treatment of the Vista Corridor shall be approved prior to site plan or preliminary plat approval on the adjacent parcels.
2. Any proposed alteration to the natural state of washes with a 100 year flow of 50 cfs or greater or proposed improvements within these washes shall be subject to Project Review staff approval.
3. The design and construction of walls, as defined in Section 3.100 of the Zoning Ordinance, along the Vista Corridor wash shall comply with the following standards:
 - A. The location of the top of the bank of the wash shall be determined jointly by the developer and Project Review staff and staked by the developer.
 - B. The Natural Area/Vista Corridor easements of the wash shall be continuous up the bank to the approved corridor alignment.
 - C. Walls shall be located only within approved building envelopes.
 - D. Walls shall be set back 4' from the approved alignment for every 1' of wall height.
 - E. The color and materials of the wall shall match the exterior materials of the house or blend into the natural terrain.
4. As part of the Development Review application, developable areas shall be reflected on the site plan. Developable areas are that portion of the site which is not natural area.
5. All preliminary plats and site plans shall show all major boulders (in excess of 4 feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the Project Review staff and the applicant at the time of site plan review.
6. All Hillside Conservation and off-lot natural areas shall be accurately surveyed and 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. The natural area open space required on individual lots shall be defined prior to the issuance of building permits on each lot.

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7. Prior to the commencement of construction on each residential lot, the natural area 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 there has been minimal disruption to the natural area around the construction site.
8. The applicant and subsequent owners of record shall be ultimately responsible for the preservation and maintenance of all natural area proposed throughout the development in a natural state.
9. A native plant survey and preservation plan which complies with the requirements of the Zoning Ordinance shall be submitted for Project Review staff approval at the time of Development Review on each 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 cactii which are suitable for transplanting and are necessarily uprooted for road building or similar construction shall be stockpiled during construction and shall be replanted in landscaped areas or donated for public use in accordance with State Statute and permit procedure.
10. Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site.
11. Each preliminary plat submittal shall clearly show all HC areas and shall indicate proposed improvement envelopes on each lot.
12. The applicant shall submit a master Natural Area Open Space calculation for the project and a master N.A.O.S. allocation program subject to approval by Project Coordination. The initial allocation is understood to be approximate and shall be revised in detail for each development site plan when the site plan is submitted for approval.
13. On-lot Natural Area Open Space shall not be credited to the parcel N.A.O.S. allotment on lots less than 18,000 square feet in size, except as dedicated as contiguous N.A.O.S. on a plat subject to the provisions of stipulation number 14 below.
14. On parcels D, F, I, J, K, S, and ~~BB~~ all required N.A.O.S. shall be provided in common tracts which have a minimum dimension of 40 feet and a minimum area of 5,500 square feet, and as noted in stipulations number 13 above. Exceptions may be approved by the Development Review Board or Project Coordination staff, as appropriate, where the applicant can clearly demonstrate that conservation of important natural features can be better achieved by the exception.
15. The maximum height of any outdoor lighting source shall be 14 feet above natural grade except for recreation uses which shall follow the normal standards of section 7.600 of the zoning ordinance. Low level lighting is encouraged wherever such an approach is feasible.

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CIRCULATION

1. Dedication and improvement of street rights-of-way and easements shall be according to Schedules I, J, K, L and M.
2. The main street system within this development shall be in substantial conformance with that shown on the development plan submitted as part of this application.
3. The streets within this development shall be designed and constructed to "Hillside standards" with special attention given to any cuts and fills required for roadway construction.
4. Bicycle paths and equestrian trails shall be provided as shown at the locations on the approved circulation master plan (Exhibit B).
5. Direct trail access shall be provided to the 185 acre park from the east along the southern property boundary.
6. Median breaks and access to Dynamite Boulevard and Alma School Parkway south of Dynamite Boulevard shall be limited to intervals of 660 feet or greater as determined at the time of Master Street plan approval.
7. Dynamite Road and the realigned Alma School Parkway shall not be open to public use until accepted by the City. Opening shall not occur until all required roadway safety features (guard rails, traffic signs, safety banners, traffic signals, etc.) have been installed.
8. A pedestrian/bike way/golf cart crossing on Dynamite Boulevard shall be required and shall be grade separated. Cart path underpasses or other means acceptable to the Project Review Director may be required where these crossings occur on any collector street.
9. The design concept of all drainage crossings shall be reviewed and approved by City staff concurrent with the approval of the Development Review application for an affected phase.
10. Prior to the approval of each site plan application, the alignments for all internal street/driveways within that application shall be staked by the developer and inspected on-site by the City staff to insure minimal environmental and hydrological impact.
11. There shall be no direct residential access to arterial streets. A 1' V.N.E. (vehicular non-access easement) shall be required adjacent to these streets except at approved intersections.

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12. There shall be no direct lot or unit access to interior collector streets except as approved by the Project Review Director. 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 vehicular non-access easement (vne) shall be required adjacent to these streets.
13. All private streets shall be constructed to full public street standards, including observance of the full public street right-of-way, from which all setbacks shall be measured. In all cases minimum lane widths and design speed criteria shall be met but equivalent construction materials or wider cross-sections may be approved by project review staff.
14. 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. An automobile turn-around shall be provided between the public street and the security gate.
15. If there are to be internal private streets, they 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.
16. Access points to private streets shall be posted to identify that vehicles are entering a private street system.
17. No certificate of occupancy or final clearances shall be issued for any residential or commercial structures without two-way, paved access.
18. The applicant shall provide reasonable access to the adjacent parcels south of the Dynamite section line in Section 31 subject to approval by the traffic engineering director. It is understood that access shall mean right-of-way, easements or other such legal access and does not represent design or construction of any physical access improvements.

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WATER/SEWER

1. Any water reservoir required for public utility use shall be subject to Municipal Use master site plan approval. The location and design of all reservoirs and related sites shall be subject to Development Review Board approval. Such design shall include the color and physical character of the tank and the width and grade of access to the tank. Water reservoirs shall not be located within any Hillside Conservation (HC) area.
2. An easement over the golf courses shall be provided to allow for the application of effluent from the reclamation plant(s) in excess of irrigation needs.
3. The applicant shall provide an access easement from the public street system to any wastewater reclamation facility. The access shall be paved and in place at the time facility construction begins.
4. If water and sewer lines are to be installed in advance of the preparation of detailed street/driveway improvements plans, the applicant shall prepare for the approval of the City, a detailed Master Plan of those streets giving the precise vertical and horizontal alignments. This will be required prior to the preparation of any water or sewer plans. The street alignment for those streets shall be staked by the developer and inspected on-site by the City staff to ensure minimal environmental and hydrological impact.
5. Included with any application for preliminary plat or development review, the applicant shall provide typical service access routes from the main service lines to the individual units to ensure minimal disruption to the natural areas. Utility service access to each lot shall be shown on the preliminary and final plats. Easements for utilities shall not be considered natural area unless otherwise provided by the Hillside section of the zoning ordinance.
6. 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.
7. The applicant understands and acknowledges that he is responsible for the construction and dedication to the City of all water and sewer facilities necessary to serve this development. Water and sewer facilities shall conform to the respective City Master Plan for this area and city design standards.

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8. Building permits shall be subject to all fees and conditions in effect at the time of permit issuance. The applicant understands and agrees that constructing water and sewer facilities as provided herein shall not be in lieu of any water development fee, sewer development fee, or development tax which is applicable at the time building permits are issued subject to the following:
 - a. The applicant or successors shall be entitled to receive credit for the cost of constructing the wastewater treatment facility which may be applied toward the sewer development fees which the applicant is required to pay. Also in consideration for the transfer of C.A.P. water rights to the city by the applicant, the water resources fee for the development shall be reduced equivalent to the extent of the transfer as approved by the water resources staff.
9. The City of Scottsdale shall be under no obligation to provide wastewater originating outside of the subject property to any wastewater treatment plant constructed pursuant to these stipulations or any other wastewater treatment plant constructed for the purpose of watering a golf course to serve this development except as may be provided in future agreements between the applicant and the City.
10. Unless resolved otherwise, the City staff shall submit an application to the director of the Arizona Department of Water Resources for a modification of the applicable maximum gallons per capita per day (GPCPD) goal of the City of Scottsdale for all non-residential water use including the resort. In the event that the director of the Department of Water Resources does not approve the requested adjustment, permits shall not be issued for any of the non-residential uses, unless an alternate solution is approved by the City Council.
11. The master water plan shall include future connection to Section 31, adjacent to the west, as identified by Water Resources staff, and at such location(s) approved by the applicant. The applicant shall not be responsible for detailed design and improvement costs associated with the connection.

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12. Prior to any zoning map adoption, subsequent application for Development Review Board or preliminary plat on parcels "Z" through "CC" the developer of said parcels shall contribute his prorata share for the development of the 24" waterline in dynamite boulevard and the pump station of reservoir number 43. Conditions of this contribution are as set forth in an agreement between the City of Scottsdale and the Nelson Development Company, dated August 17, 1987 (Contract # 870299).
13. Prior to the issuance of any permits for construction within the state trust land parcels, the developer shall assign to the City of Scottsdale those cap water rights allocated to the State land parcels in this project. Undue delays in the assignment of these rights which are not caused by the developer or the city shall not delay the issuance of permits. The State shall implement and cooperate with the City to amend the CAP subcontracts that the state has with the Central Arizona Water Conservation District and the federal government, decreasing their subcontract by the following annual demand of water and increasing the CAP subcontract between City and said conservation district and the federal government in the same amount.

The total quantity of CAP water previously allocated to the State Land Department which is committed to the lands involved in these cases by the State Land Department is:

<u>Use</u>	<u>Annual Demand in Acre Feet</u>
Golf Course	120
Other	410

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14. For any water demand not met through assignment to the City of Rights to State Trust Land Cap Water in connection with the purchase of State land parcels or other cap water rights acquired by the developer and assigned to the City, the developer or his successors or assignees agrees to:
- A. Pay a one-time water resources development fee in accordance with the City's fee schedule at the time of the issuance of building permits as proscribed in Section 49-74.1 of the City code, and
 - B. pay any non-reimbursable contribution toward development of the reclaimed water distribution system on a prorated basis as provided in Agreement No. 880090 dated May 15, 1989.

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FIRE PROTECTION

1. No building permit shall be issued prior to the installation of an approved and operational water system with an approved fire protection system (hydrant, stand-pipe, etc.) in place and operable in the area of the building during the construction period.
2. Firebreaks shall be provided and maintained within developable areas when buildings are to be located near Vista Corridors, washes, or other major natural areas. The type and location of firebreaks proposed for the protection of buildings shall be subject to the approval of the Fire Chief or his authorized representative.

MISCELLANEOUS

1. 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 subsequent homeowners associations, and provisions, therefore, shall be set forth in a separate agreement between the applicant and the City which shall be recorded in the records of the Maricopa County Recorder.
2. Those areas of designated common area shall not be accepted for maintenance or ownership by the City without expressed action of the City Council. Before any improvement is accepted, it shall meet City standards. 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.
3. All improvements associated with a development or phase of a development and/or required for access or service to the development or phase of a development shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curbs and gutters, paving, sidewalks, streetlights, street signs and landscaping.
4. At the time of building permits, a park development fee may be required. The fee would be a proportionate share of the cost for land acquisition and improvements for a park to serve that portion of the community. Dedication of an acceptable park site may be provided for the entire project in lieu of any applicable park development fee.

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SCHEDULE A (MASTER DRAINAGE PLAN AND REPORT)

A revised master drainage plan and report shall be required for this development which reflects revisions in accordance with current stormwater storage requirements. The report shall specifically include the following:

- A. Comparison of design peak discharges with recently completed "Scottsdale North Area Master Plan". Where estimates from the two studies differ, additional support data shall be required.
- B. Map showing portions of this development lying within special flood hazard area (SFHA) boundaries.
- C. Conceptual design and description of proposed floodwater management system, including proposed measures necessary to secure letter of map revision from Federal Emergency Management Agency (FEMA) for development within special flood hazard areas with city assistance. Application for L.O.M.R. shall be made through the City of Scottsdale.
- D. Required stormwater storage volume for each parcel (or watershed) shall be determined as part of the master drainage plan. Proposed locations of storage basins shall be shown on the plan.
- E. Approximate boundaries of 100-year floodwater surface for all channels with capacity of 250 c.f.s. or greater.
- F. Conceptual easement dimensions necessary for major watercourses to accommodate design discharges.
- G. Approximate location, type of structure, and flow capacity of major watercourse crossings.
- H. Conceptual design of all man-made channels that includes landscaping concept, typical trails, bikepaths, or other proposed amenities.
- I. Phasing plan showing proposed timing of all drainage improvements relative to development of streets and adjacent parcels.
- J. Table specifying the timing of, and persons or agencies responsible for dedication of drainage easements and construction of stormwater management facilities.
- K. Proposed permanent and interim erosion and sediment control methods.
- L. Proposed locations for stockpiling excavated material.

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SCHEDULE B (MASTER WATER PLAN)

The Master Water 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 and report shall address, but not be limited to the following:

- A. The location and size of all water system components including both on and off-site lines, pump stations, and storage facilities needed to serve the development.
- B. A table specifying the timing of and responsible party for the construction of the necessary water system.
- C. A summary of revised demands and estimated flows.
- D. An estimation of the peak-day and average-day golf course water requirements.
- E. Compliance with the adopted City Water Plan for the respective area and city design standards.

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SCHEDULE C (MASTER WASTEWATER PLAN)

The Master Wastewater 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 and report shall address, but not be limited to the following:

- A. The location, size, type, and capacity of the wastewater transmission and treatment system components needed to serve the development, both on-site and off-site components.
- B. A table specifying the timing of and responsible party for the construction of the necessary wastewater system.
- C. The revised calculations necessary to substantiate the selection of the sizes, types, and capacities of the wastewater transmission and treatment facilities.
- D. The handling and disposal of the solids generated by the operation of the wastewater treatment plants.
- E. The handling and disposal of untreated wastewater in the event of a plant breakdown or the receipt of wastewater in excess of the plants capacities.
- F. Compliance with the adopted City Sewer Wastewater Plan for the respective area and city design standards.
- G. Line sizing to accommodate contributing off-site flows from an area that can be gravity serviced through the subject property.

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SCHEDULE D (MASTER CIRCULATION PLAN)

The Master Circulation Plan and Report shall be prepared in accordance with the City's design procedures and criteria. The master plan shall include, but not be limited to the following:

- A. Street plan showing estimated average daily volumes for all roadway segments and major intersections.
- B. Street plan showing all street and approximate locations of major driveway access points with proposed median break locations.
- C. Required auxiliary lane locations.
- D. Signalized intersection locations with conceptual geometric design and estimated and peak hour volumes for each movement.
- E. A pedestrian path plan.
- F. A bicycle path plan.
- G. An equestrian trail plan.
- H. A golf cart path plan.
- I. A composite plan showing all of the above elements.
- J. A table specifying the timing of and responsible party for the construction of the improvements indicated by each of the plan elements and any phasing strategies.
- K. A street plan indicating roadway classifications determined by a revised traffic impact study submitted by the applicant and approved by city staff.

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SCHEDULE F (MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN)

The Master Environmental Design Concept Plan shall address the following:

- A. Landscaping
- B. Street lights
- C. Graphics and wall design plan for landscape buffers
- D. Streetscapes including trails and walks
- E. The design and aesthetic concept for all major drainage and detention facilities.
- F. The timing and responsible party for construction of the above facilities.

SCHEDULE G (MASTER GRADING PLAN)

The Master Grading Plan and Report shall be prepared in accordance with the City's design procedures and criteria by a registered professional engineer licensed to practice in the State of Arizona. The master plan and report shall be prepared on a contour map with a scale and contour interval appropriate to the size of the development and the terrain of the property. The map shall show:

- A. The configuration and finished contours of all grading associated with all master planned streets, utility lines, drainage and recreation facilities.
- B. Identification of the types of soils found on or to be placed on the applicant's property, including the identification of any expansive soils.
- C. Identification of the compaction to be provided in fill areas.
- D. Identification of stands or clusters of all trees with a caliper of four (4) inches or greater and cacti six (6) feet or greater in height. The plan should show which of those trees or cacti will be removed.
- E. The locations planned for temporary stockpiling of excavated material and the plan for use or disposal of this material.
- F. If, because of plans for phasing the development over a period of time, the developer wishes to phase the submission of part of the above described information, the Master Grading Plan will indicate this phasing and will include an explanation of when the supplementary plans will be submitted and who will be responsible for submitting them.

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SCHEDULE J (DEDICATION AND IMPROVEMENTS)

<u>STREET NAME</u>	<u>NOTES</u>	<u>MINIMUM RIGHT-OF-WAY</u>	<u>MINIMUM IMPROVEMENTS</u>
Dynamite Blvd.	(Under Construction)		
Northern Loop	A, H	50' (full)	26' (BC-BC)
Alma School Pky.	A, C, D	90' (full)	61' (BC-CL)
Alma School Pky. (North of Dynamite)	A, E, H	70' (full)	41' (BC-BC)
96th Street	A, H	50' (full)	26' (BC-BC)
Collector St. -(from Dynamite south at 100th St. alignment between parcels AA, CC, BB) -(adjacent to parcels Z & Y)	A, H	50' (full)	26' (BC-BC)
Pinnacle Vista Dr.	I	70' (full)	41' (BC-BC)
Res. collector	G	25' (half)	13' (BC-CL)
Res. local	B, F, H	50' (full)	26' (BC-BC)
Commercial		(determined based on density and estimated volume)	
		60' (full)	41' (BC-BC)

- A. Additional easement width may be necessary to accommodate cut or fill slopes, or to protect the natural environment.
- B. The indicated right-of-way shall be dedicated as an easement for emergency/service vehicles where private streets are approved.
- C. South of Dynamite alignment.
- D. The improvements include landscaping within right-of-way, (including median), as necessary to mitigate impact from grading/construction.

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E. Dedications shall be made within 6 months of City Council approval. failure to make required dedications shall result in zoning reverting to prior classification without City Council action.

F. Residential street widths shall be adjusted for development density according to the following:

<u>DENSITY</u> <u>(UNITS PER ACRE)</u>	<u>MIN. STREET WIDTH</u> <u>(B.C. TO B.C.)</u>
0 TO 2.00	23'
2.01 TO 5.99	28'
6.0 or higher	32'

G. At all intersections, 70' right-of-way and 41' (BC-BC) improvements shall be required with sufficient length (100' minimum), to accommodate left-turn storage demand.

H. Local street segments which may be expected to carry more than approximately 700 vehicles per day shall be designated collector streets.

I. Minimum pavement width of 20' required for two-way access.

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SCHEDULE K (TIMING OF RIGHT-OF-WAY DEDICATIONS)

<u>Roadway</u>	<u>When Required</u>
Dynamite Blvd. Alma School Parkway south of Dynamite Pinnacle Vista Drive	(Dedicated)
Internal Res. Collector Internal Res. Local Collector St. intersecting Dynamite at 100th St. Alma School Parkway north of Dynamite	At time of final plat approval or when required for access to internal development from a primary street. Within six months of the date of Council approval.
Internal commercial	At time of Development Review Board approval.

SCHEDULE L (TIMING OF ROADWAY IMPROVEMENTS)

<u>Roadway</u>	<u>When Required</u>
Dynamite Blvd. (Pima Rd. to Alma School Parkway	Full width construction from Pima to the east end of the driving range with first phase, and further to the east half-width, full length construction concurrent with development on adjacent parcels subject to design approval of tapers, transitions, etc.
Dynamite Blvd. (east of Alma School Parkway to development boundary	Half width, full length construction shall occur in conjunction with any adjacent development or in conjunction with Dynamite Blvd. (Rio Verde Drive) realignment east of 112th Street, whichever occurs first. The remaining construction shall occur concurrent with development on adjacent parcels.
Alma School Parkway (Pinnacle Vista Dr. to Dynamite)	Full width, full length construction segments shall occur in conjunction with any adjacent development or half-width, full length construction in conjunction with Dynamite (Rio Verde) realignment east of 112th Street, whichever occurs first.

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Alma School Parkway
(Dynamite to north boundary
of development)

Full width, full length construction segments shall occur in conjunction with any adjacent development or when access to internal development from Alma School Parkway is needed.

All Others Listed on
Schedule G

Full width, full length segments in conjunction with any adjacent development in the area, but construction shall provide for a continuous roadway from Dynamite, Alma School, or other primary streets. City and applicant shall work diligently to provide the Pinnacle Peak Park site with 2-lane improved access by January 1, 1991.

RIGHT TURN LANES

Dynamite Blvd.

Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Dynamite Boulevard.

Alma School Road

Design and construct right turn deceleration lanes for all intersections and access driveways where warranted in conjunction with the design and construction of Alma School Parkway.

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SCHEDULE M (REQUIRED TRAFFIC SIGNAL PARTICIPATION)

The developer shall be responsible for participation in the design and installation of a traffic signal, if warranted as determined by the City, at the following location for the percent of participation indicated:

<u>INTERSECTION</u>	<u>NOTES</u>	<u>PARTICIPATION</u>
Dynamite Blvd./Alma School Pky.	A	100%
Dynamite Blvd./Collector at 100th Street alignment	B	100%
Pinnacle Vista Drive/Alma School Parkway	B	50%

- A. Cash payment for 100% 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 may be required with adjacent development if a signal is determined by the city to be warranted and if such a signal location is consistent with the city's signal location policies in effect at that time.

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The map shows a rectangular area bounded by 92nd Street on the left, 112th Street on the right, and the Hudson River on the top and bottom. The area is divided into several blocks by a grid of streets. The streets are labeled as follows:

- 92ND STREET (left side)
- 112TH STREET (right side)
- STREET 1 (top left block)
- STREET 2 (top middle block)
- STREET 3 (top right block)
- STREET 4 (middle left block)
- STREET 5 (middle middle block)
- STREET 6 (middle right block)
- STREET 7 (bottom left block)
- STREET 8 (bottom middle block)
- STREET 9 (bottom right block)

The Hudson River is labeled on the top and bottom edges of the map.

45-Z-90

EXHIBIT A

NO DEVELOPMENT LINE
ADJUSTMENT STIPULATIONS

1800 ACRE - Pinnacle Peak Village North

- A. Any change in the development plan which was presented as part of the no-development line adjustment must be reviewed by staff and shall achieve all the purposes of the Hillside District as well as the demonstration plan.
- B. The location, design and construction methods for installation of water storage and pumping facilities are to be approved by the Development Review Board prior to approval of any preliminary plat or site plan on the property.
- C. All surplus earthen materials not used for construction shall be removed from the adjusted area.
- D. Any application for a preliminary plat or Development Review Board site plan approval shall include typical designs and plans for the treatment of all cuts and fills and retaining structures and building pads in adjusted area.

640 ACRES - State Land

- A. The proposed adjustment is to be conceptual only and all adjustments are to be contingent on development review approval of the land use and site plan of each parcel prior to its submittal for preliminary plat review.

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