

RESOLUTION NO 6806

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A RESIDENTIAL HEALTH CARE FACILITY LOCATED AT THE SOUTHEAST CORNER OF SCOTTSDALE ROAD AND PINNACLE PEAK ROAD

WHEREAS, the Planning Commission has held a public hearing on November 30, 2005, and

WHEREAS, the City Council, has held a public hearing on January 10, 2006,

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows

Section 1. That the City Council finds that the conditional use permit criteria have been met and that the use will not be materially detrimental to the public health, safety or welfare, that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas and that the proposed conditional use permit meets all the requirements of Section 1403 for Minimal Residential Health Care Facilities

Section 2 That the above conditional use permit is described in Case No 13-UP-2005, and the property is shown on Exhibit 2 and the conditional use permit approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 1 and incorporated herein by reference

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 10 day of January, 2006

ATTEST

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By


Carolyn Jagger
City Clerk

By


Mary Manross
Mayor

APPROVED AS TO FORM

By


Deborah Robberson
City Attorney

STIPULATIONS FOR CASE 15-ZN-2005, 13-UP-2005

Revised stipulations after the Planning Commission hearing are shown in **BOLD CAPS** and ~~strikethrough~~

PLANNING/ DEVELOPMENT

- 1 **CONFORMANCE TO LAND USE PLAN** Development shall generally conform to the land use plan submitted by H&S International with a revision date of 10/4/2005. These stipulations take precedence over the above-referenced land use plan. The applicant understands and agrees that the approved density for each parcel is subject to drainage, topography, and other site planning concerns that will need to be resolved at the time of site plan or preliminary plat approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels. Any proposed significant change, as determined by the ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE**, shall be subject to subsequent public hearings before the Planning Commission and City Council.

- 2 **MAXIMUM DENSITY/INTENSITY** The maximum dwelling units/density and maximum intensity for Parcels shown on the above-referenced land use plan shall be as indicated in the land use budget table below, and as stipulated below.

Parcel	Acres	Comparable Zoning	Land Use	Floor Area/Units
A and B	4.48	C-O	Municipal	45,000 sq ft
C	12.47	C-2	Retail	95,000 sq ft.
D	12.42	C-O	Office	165,000 sq ft.
E	17.47	R-5	Residential	262 units
F	21.82	R-5	Residential	186 units
G	23.77	R-5	Residential	258 units
H	34.26	R-5	Residential	270 units
Wash/ Park	12.92	R-5	Wash/Park	-
Other	20.39	-	Streets, etc	-
Total	160.00			305,000 sq.ft./ 976 units

The specific location of each parcel shall be determined at the time of site plan or preliminary plat review. Any redistribution of floor area or dwelling units is subject to ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE** approval, and limited to the overall total outlined in the land use budget table. Additional floor area may be allowed for municipal uses if determined not to be a significant change as determined by the ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE**. Any redistribution request shall be submitted by the developer with the development review board application and shall include a revised master development plan and a revised land use budget table indicating the parcels with the corresponding reductions and increases. Any proposed significant change, as determined by the ~~Zoning Administrator~~ **CITY MANAGER OR DESIGNEE**, shall be subject to subsequent public hearings before the Planning Commission and City Council.

- 3 **RESIDENTIAL HEALTH CARE FACILITY** The location of the residential health care facility shall be limited to Parcel H, and shall be limited to 60 units.

- 4 **LIVE/WORK UNITS** A maximum of one-third of the dwelling units in Parcel E shall be allowed to be live/work units.

- 5 **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS** Development shall conform with the amended development standards attached as Attachment 1B Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council
- 6 **MUNICIPAL USES AT THE TIME OF FINAL PLATTING**, a minimum of 4.48 acres (Parcels A and B) shall be dedicated to the City for municipal use purposes, ~~of which IT IS INTENDED~~, **BUT NOT REQUIRED, THAT a minimum of 3.48 ACRES WILL BE UTILIZED FOR A PUBLIC LIBRARY** ~~2 acres shall be dedicated along Williams Road for a fire station site~~ This land is separate from other public or semi-public spaces, including but not limited to streets, parks, wash and drainage easements, scenic corridor easements, landscape buffers, and public art areas **ALL MUNICIPAL USES SHALL COMPLY WITH THE MUNICIPAL USE MASTER SITE PLAN PROCESSING REQUIREMENTS**
- 7 **SCENIC CORRIDORS, LANDSCAPED SETBACKS** Scenic corridor width and landscaped setbacks shall comply with the following standards
 - A. The scenic corridor width along Scottsdale Road shall be a minimum of one hundred (100) feet The scenic corridor shall be measured from the outside edge of the ultimate street right-of-way
 - B. The minimum landscaped setback along Pinnacle Peak Road shall be fifty (50) feet
 - C. The minimum landscaped setback along Miller Road shall be thirty (30) feet.
 - D. The minimum landscaped setback along Williams Road **DRIVE** shall be thirty (30) feet
- 8 **SITE CONDITIONS**
 - A. **THE DEVELOPER AGREES THAT** the existing billboard along Scottsdale Road shall be removed **WITHIN SIX (6) MONTHS AFTER THE EFFECTIVE DATE OF THIS REZONING ORDINANCE**, and the scenic corridor shall be revegetated to a natural condition subject to Development Review Board approval
 - B. The wash channel and areas disturbed adjacent to the wash channel shall be revegetated to a natural condition subject to Development Review Board approval
 - C. Areas of the site that have been disturbed shall be revegetated to a natural condition subject to Development Review Board approval
 - D. The disturbed areas shall be revegetated at the time when the individual parcel that contains any disturbance is developed
- 9 **BUILDING HEIGHT LIMITATIONS** ~~Building heights shall conform to the Building Height exhibit submitted by H&S International with a staff date of 10/31/2005 to the satisfaction of the Zoning Administrator~~ With the Development Review Board submittal, the developer shall submit plans demonstrating how the proposed finish floor grades compare with the existing natural grades to maintain ~~This is to demonstrate the spirit and intent of the building height limitations~~ **CONSISTENT WITH THE BUILDING HEIGHT EXHIBIT SUBMITTED BY H&S INTERNATIONAL WITH A STAFF DATE OF 10/31/2005. THIS SHALL BE SUBJECT TO THE SATISFACTION OF THE CITY MANAGER OR DESIGNEE.**
- 10 **PHASING MASTER PLAN** Timing of the development shall be dictated by improvements to the wash and street network, as illustrated on Attachment #12 No office or retail development (Parcels C and D) shall occur until Scottsdale Road and Pinnacle Peak Road are built to their ultimate configurations (6 lanes and 4 lanes respectively) A phasing plan shall be approved by the ~~Planning and Development Services General Manager~~ **CITY MANAGER OR DESIGNEE** prior to construction commencing Any building pad, **INCLUDING MUNICIPAL USES**, which remains undeveloped for a period of 1 year from the completion of internal roadways as determined by the City Manager ~~or more~~ shall be topped with 2" of decomposed granite or Maricopa County approved dust control methods **BY THE RESPECTIVE OWNER**

- 11 **DEDICATIONS** The owner/master developer shall dedicate all required rights-of-way, Scenic Corridor easements, and non-vehicular access easements adjacent to, and for Scottsdale Road, Miller Road, Pinnacle Peak Road, Williams Road **DRIVE** and the internal loop roads, as shown on the **APPROVED PHASING MASTER PLAN AND** prior to the issuance of the first encroachment and/or building permits **ADJACENT TO THESE RIGHTS-OF-WAY AND EASEMENTS AS DETERMINED BY THE CITY MANAGER OR DESIGNEE**
- 12 **DEDICATIONS** Where applicable, the owner/master developer shall dedicate all drainage easements required for the wash channel modifications prior to the encroachment and/or the issuance of a building permit.
- 13 **DEDICATIONS** Each individual parcel owner/developer shall dedicate the all associated easements and rights-of-way as determined by the Development Review Board
- 14 **IMPROVEMENTS** It shall be the responsibility of the owner/master developer for the construction and dedication of all street improvements, water facilities, and wastewater facilities necessary to serve the development **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** prior to the issuance of the first above-ground building permit. The Planning and Development Services General Manager **CITY MANAGER OR DESIGNEE** shall have the option to allow above-grade permits to be issued prior to the completion of the street improvements, water facilities, and wastewater facilities necessary to serve the development if the appropriate related permits have been issued, and substantial assurances (bonding) has been provided to City of Scottsdale for the required improvements
15. **IMPROVEMENTS** If any off-site improvements/facilities that the City of Scottsdale currently has planned to be constructed, and the City of Scottsdale have not yet constructed the improvements, the owner/developer shall construct the any-associated off-site improvements if it is determined by the Development Review Board that the improvements are necessary to serve the development.

MASTER PLANS

- 1 **MASTER PLANS GENERALLY** The developer shall have each of the Circulation and Drainage Master Plans prepared by a registered engineer licensed to practice in the State of Arizona. Each Master Plan shall be subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval prior to any other Development Review Board submittal
- 2 **MASTER CIRCULATION PLAN** With the Development Review Board submittal, the developer shall submit a Master Circulation Plan for the site, which shall be subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval. This plan shall indicate the location and design of street intersections, site driveways, internal streets, parking lot access, preliminary roundabout dimensions, and transit facilities. The plan shall also identify the phasing of the street construction for the major streets on the perimeter of the site and the primary internal streets
- 3 **DRAINAGE MASTER PLAN** The developer shall submit a master drainage report and plan subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval. The master drainage report and plan shall conform the approved Drainage Design Report (Plan Check #3678-05) and to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the master drainage report and plan shall address the following:
 - A. Include a complete description of requirements relating to project phasing
 - B. Identify the timing of and parties responsible for construction of all storm water management facilities

- C Identify improvements to the Rawhide Wash, including but not limited to retaining walls, scour walls, head walls, bridges, control structures, street and pedestrian crossing, and open space amenities
 - D Correspondence with State Lands/City of Phoenix to west
 - E Bridge timing/responsibility (Scottsdale Rd and Pinnacle Peak), as determined by Planning and Development Service Manager with **POSSIBLE** grade separated crossing for possible pedestrian access under Pinnacle Peak Road and under Scottsdale Road
 - F Before master drainage report approval, the developer shall, when requested by city staff **CITY MANAGER OR DESIGNEE**, submit two (2) hard copies and one (1) disc copy of the complete master drainage report.
 - G Before the improvement plan submittal, the developer shall have obtained approval of the master drainage report.
- 4 **MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN** Prior to any Development Review Board hearings for any building, owner/master developer shall submit and receive approval from the Development Review Board a Master Environmental Design Concept Plan (MEDCP) The MEDCAP **SHALL** address the following
- A Representative architectural designs for perimeter walls, walls adjacent to the loop internal roads, fencing, drainage headwalls and drainage headwall railings
 - B Representative building material and colors consistent with the Environmentally Sensitive Lands design guidelines
 - C General design and architectural themes, and building orientations, to assure overall design compatibility of all buildings and structures on the site
 - D Entry monuments and master sign program
 - E Outdoor lighting fixture designs
 - F Wash/channel erosion protection and slope stabilization
 - G Overall streetscape concepts which incorporate street side and median landscape design concepts, plant and landscape materials, and perimeter and screen wall designs and locations
 - H Horizontal street and pedestrian designs
 - I Multi-use trails and Multi-use path designs
 - J Master landscape theme and plant palette
 - K Native plant relocation program and revegetation guidelines for each parcel
 - L Median landscaping
 - M Desert, and wash/channel revegetation techniques
 - N Community entry designs
 - O Open space design concepts for open space areas, including the Rawhide Wash and park areas, open space corridors, and bikeways
 - P Street wash crossing, specifically the culvert designs
 - Q Grade and separated grade crossings cross-section of Scottsdale Road and Pinnacle Peak Road
- 5 **LIMITS OF CHANNEL WASH DISTURBANCE** With the Master Environmental Design Concept Plan, the owner/master **DEVELOPER** shall submit a detailed plans clearly defining the limits of construction of all improvements necessary to serve **AND CONSTRUCT** the proposed buildings
- 6 **PUBLIC ART MASTER PLAN** The developer shall provide original works of art costing of a minimum of one (1) percent of the total **NON-RESIDENTIAL** building valuation. The public art shall be installed and maintained in accordance with the provisions of the Scottsdale Zoning Ordinance (~~Sec 5-3083 Cultural improvements program~~), and the Scottsdale Revised Code section ~~20-121 and 20-121.1 (Art in public places program)~~. The developer may pay an amount equal to one (1) percent of the building valuation or any portion of the obligation not used on site into the cultural trust fund in lieu of installing original art work. Such amount shall be disbursed in accordance with the provisions of the art in public places program, provided that art work

purchased with monies deposited in the cultural trust fund, shall be placed only within the boundaries of this project or within the right-of-way abutting the project (i.e. bus bay wait station), as approved by the Planning and Development Services General Manager. A Public Art Master Plan shall be submitted with the first Development Review Board submittal that demonstrates compliance with the public art requirement, including a location plan and an implementation plan of any phasing of various art components.

WATER

- 1 **BASIS OF DESIGN REPORT (WATER)** Before the improvement plan submittal to the Planning and Development Services Department, 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 approved Master Plan (Plan Check #3046-05), and 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 related 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
- 2 **APPROVED BASIS OF DESIGN REPORT** Before the improvement plan submittal to the Planning and Development Services Department, the developer shall have obtained approval of the Basis of Design Report.
- 3 **WATERLINE EASEMENTS** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

- 1 **BASIS OF DESIGN REPORT (SANITARY SEWER)** Before the improvement plan submittal to the Planning and Development Services Department, 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 approved Master Plan (Plan Check #3046-05), and the Design Standards and Policies Manual. In addition, the basis of design report and plan shall
 - a Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities
 - b Identify the timing of and parties responsible for construction of all sanitary sewer facilities
 - c Include a complete description of requirements relating to project phasing
- 2 **APPROVED BASIS OF DESIGN REPORT** Before the improvement plan submittal to the Planning and Development Services Department, the developer shall have obtained approval of the Basis of Design Report.
- 3 **SANITARY SEWER EASEMENTS** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

PROPERTY CONVEYANCE

- 4 **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-~~ **CONVEYED IN A FORM**

~~Conveyed by a general warranty deed, and
 Accompanied by a title policy in favor of the city, both to the satisfaction of city staff as
 designated by the Asset Management Coordinator CITY MANAGER OR DESIGNEE~~

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, **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in conformance with the Design Standards and Policies Manual

Street Name/Type	Dedications	Improvements	Notes
Scottsdale Road Major Arterial	75' half (55' existing)	Half street, Fig 5 3-2	A, B, C, D, E
Pinnacle Peak Road Minor Arterial	55' half (existing)	Half street, Fig 5 3-5	A, B, C, D, E
Miller Road Minor Arterial	55' half (40' existing)	Half street, Fig 5 3-5	A, B, D, E
Williams Road DRIVE Major Collector	50' half (40' existing)	Half street, Fig 5 3-10	A, B, D, E
Internal Streets Local Collector	50' full	Full street, Fig 5 3-17	A, D, F
Internal Streets Local Residential	46' full	Full street, Fig 5 3-20	A, D, F

- A. The street cross sections noted shall be in conformance with the City's Design Standards and Policies Manual unless otherwise modified through the master circulation plan
- B. The street improvements shall include a minimum eight-foot sidewalk along the street frontages
- C. The Scottsdale Road and Pinnacle Peak Road street improvements shall include bridges at the Rawhide Wash crossings as determined by the drainage analysis. Full width improvements for Pinnacle Peak Road along the site frontage may be completed instead of **BEING RESPONSIBLE FOR** or making an in-lieu payment for Scottsdale Road improvements as outlined in Circulation Stipulation Number 2 below
- D. The street improvements noted shall be completed ~~prior to the issuance of any certificate of occupancy~~ **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** for any parcels per the schedule contained in Circulation Stipulation Number 3 below
- E. The developer shall provide any improvements supported by the approved traffic impact study for the site, as determined by the ~~city staff, unless otherwise approved by the Transportation General Manager~~ **CITY MANAGER OR DESIGNEE**
- F. Internal streets with projected daily traffic volumes exceeding 1,500 vehicles shall be classified as Local Collector streets

- 2 **IN LIEU PAYMENTS** At the direction of ~~city staff~~ the **CITY MANAGER OR DESIGNEE**, and before the issuance of any building permit for the site, the developer shall elects not to construct the Scottsdale Road street improvements specified by the **Notes** in the stipulation above, but the developer shall make an in lieu payment to the city. Before any final plan approval, the developer shall submit an engineer's estimate for plan preparation, design and construction costs of a major arterial half street, including two lanes of pavement with curb and gutter, half median improvements (curb; gutter and landscaping), and any required drainage structures. The in lieu

payment shall be based on this estimate, plus five percent (5%) contingency cost and other incidental items, as determined by city-staff **CITY MANAGER OR DESIGNEE**

- 3 **TIMING OF STREET IMPROVEMENTS** ~~Prior to any certificate of occupancy for the noted development parcels,~~ The associated street improvements described below shall be completed **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** before the following parcels may receive a Certificate of Occupancy

Residential Parcels E, F, G, & H

- Pinnacle Peak Road – Full street construction (four lanes) from Scottsdale Road to Miller Road
- Miller Road - West half street construction from Pinnacle Peak Road to Williams Road **DRIVE**
- Williams Road **DRIVE**- north half street construction from Scottsdale Road to Miller Road
- Pinnacle Peak Road and Scottsdale Road – Additional interim turn lanes as recommended by the approved Traffic Impact study Mitigation Analysis
- Williams Road **DRIVE** and Scottsdale Road – Traffic signal construction
- Pinnacle Peak Road and Miller Road - Additional turn lanes as recommended by the approved Traffic Impact study Mitigation Analysis
- Williams Road **DRIVE** and Miller Road – Traffic signal construction

Non-Residential Parcels C & D

- Scottsdale Road – Full street construction (six lanes) from Thompson Peak Parkway to Pinnacle Peak Road
- Pinnacle Peak Road and Scottsdale Road – Additional turn lanes as recommended by the approved Traffic Impact study Mitigation Analysis

- 4 **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 **CITY MANAGER OR DESIGNEE**, and construct the following access to the site **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN**. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines) unless otherwise approved through the master circulation plan

- a Scottsdale Road - There shall be a maximum of three site driveways from Scottsdale Road, with a minimum of 600 feet between the driveways and street intersections. Full median openings shall be limited to one-quarter mile spacing. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
- b Pinnacle Peak Road - There shall be a maximum of six site driveways from Pinnacle Peak Road, with a minimum separation of 300 feet between the driveways and street intersections. Full median openings shall be limited to approximately 660 foot spacing, aligning with existing intersections to the north. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
- c Miller Road - There shall be a maximum of six site driveways from Miller Road, with a minimum separation of 300 feet between the driveways and street intersections. Full median openings shall be limited to approximately 660 foot spacing, aligning with existing intersections/driveways to the east. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
- d Williams Road **DRIVE**- There shall be a maximum of six site driveways from Williams Road **DRIVE**, with a minimum separation of 300 feet between the driveways and street intersections. Driveways and street intersections shall align with existing driveways to the south or be offset a minimum distance of 250 feet. The developer shall dedicate a

one-foot wide vehicular non-access easement on this street except at the approved street entrances

- 5 **AUXILIARY LANE CONSTRUCTION** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall dedicate the necessary right-of-way, as determined by ~~city staff~~ **CITY MANAGER OR DESIGNEE**, and construct right-turn deceleration lanes at all site entrances on all arterial street frontages (Scottsdale Road, Pinnacle Peak Road, and Miller Road), **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in conformance with the Design Standards and Policies Manual
- 6 **INTERSECTION RIGHT-OF-WAY** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall dedicate a minimum 25-foot radius right-of-way at the intersection of all major streets, **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in conformance with the Design Standards and Policies Manual
- 7 **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~~ **CITY MANAGER OR DESIGNEE** approval This plan shall indicate the location and width of all sidewalks and pedestrian pathways
- 8 **TRAFFIC SIGNAL PARTICIPATION** ~~Before issuance of any certificate of occupancy for the site, T~~the developer design and construct traffic signals at the following intersections **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN**
 - a Scottsdale Road and Williams Road **DRIVE**
 - b Miller Road and Williams Road **DRIVE**

The developer shall be responsible for the modification of the existing traffic signals at the Scottsdale Road and Pinnacle Peak Road, and Miller Road and Pinnacle Peak intersections associated with any street improvements

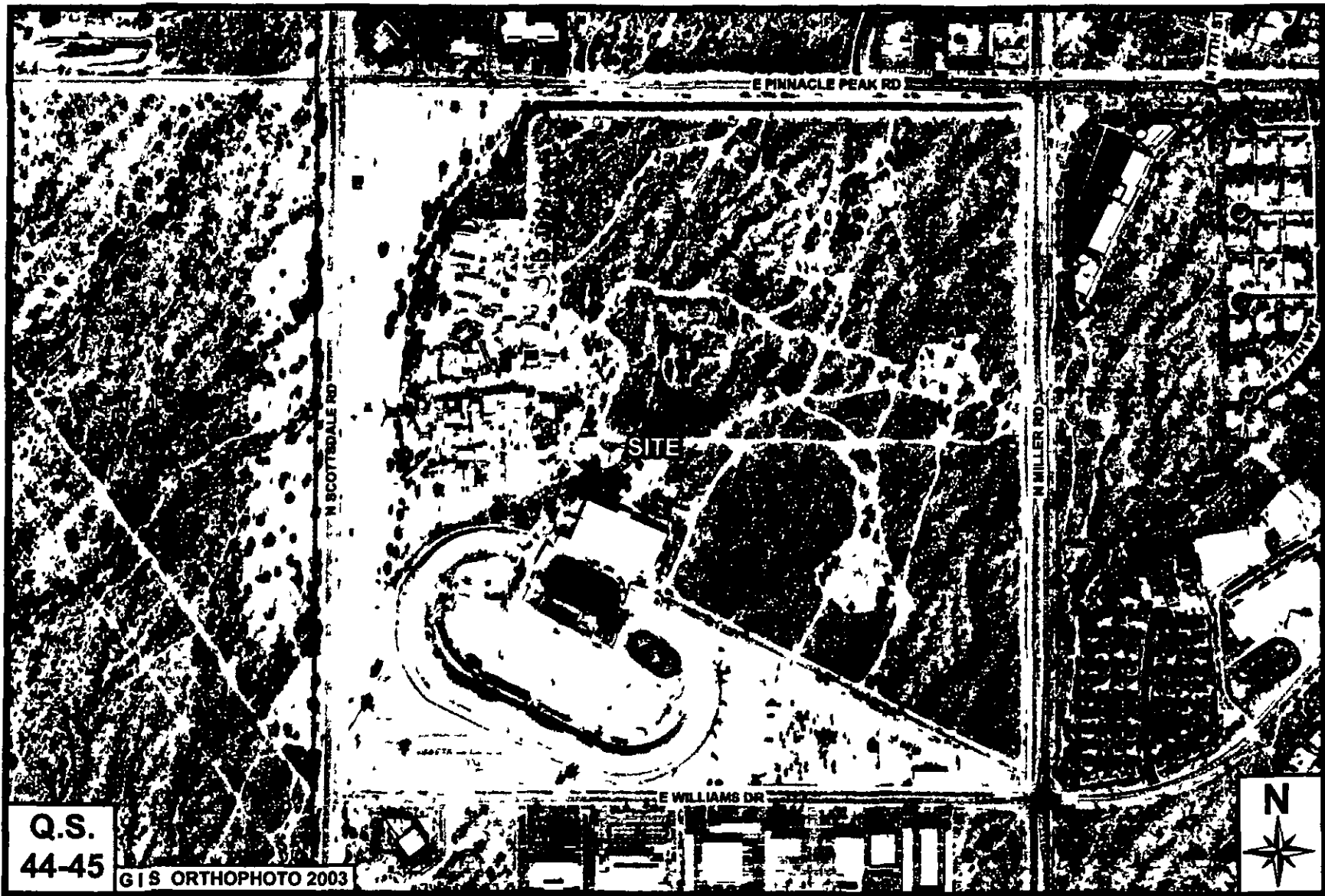
- 9 **MULTI-USE PATH** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall construct a minimum 10-foot wide multi-use path within the Rawhide Wash **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** The path shall be contained within the drainage easement, which shall be dedicated to include public access The developer shall dedicate the easement to the city at time of platting ~~within twelve (12) months of City Council approval~~ **AFTER THE EFFECTIVE DATE OF THIS REZONING ORDINANCE** The alignment of the path shall be subject to approval by the ~~city's Transportation Planning Division staff~~ **CITY MANAGER OR DESIGNEE** prior to dedication The path shall be designed in conformance with the Design Standards and Policies Manual – Transportation, Bikeways Section
- 10 **MULTI-USE TRAIL – SCOTTSDALE ROAD** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall construct a minimum 8-foot wide multi-use trail along Scottsdale Road **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in accordance with the approved Trail System Master Plan The trail shall be contained within the scenic comdor easement, which shall be dedicated to include public access The developer shall dedicate the easement to the city at time of platting ~~within twelve (12) months of City Council approval~~ The alignment of the trail shall be subject to approval by the ~~City's Trails Planner~~ prior to dedication The trail shall be designed in conformance with the Design Standards and Policies Manual – Medians, Parks, and Trails, Non-Paved Trails Section
- 11 **MULTI-USE TRAIL – RAWHIDE WASH** ~~Before issuance of any certificate of occupancy for the site, T~~the developer shall construct a minimum 8-foot wide multi-use trail within the Rawhide Wash **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN AND** in accordance with the approved Trail System Master Plan The trail shall be contained within the drainage

easement, which shall be dedicated to include public access. The developer shall dedicate the easement to the city at time of platting ~~within twelve (12) months of City Council approval.~~ The alignment of the trail shall be subject to approval by the City's Trails Planner prior to dedication. The trail shall be designed in conformance with the Design Standards and Policies Manual -- Medians, Parks, and Trails, Non-Paved Trails Section

- 12 TRANSIT FACILITIES ~~Before issuance of any certificate of occupancy for the site,~~ The developer shall construct a bus bay and stop facilities (shelter, bench and trash can) **CONSISTENT WITH THE APPROVED PHASING MASTER PLAN** at the following locations
- Scottsdale Road just north of Williams Road DRIVE,
 - Scottsdale Road just north of the main site entrance,
 - Pinnacle Peak Road just east of Scottsdale Road,
 - Pinnacle Peak Road approximately one-quarter mile east of Scottsdale Road

The design and location of these facilities shall be subject to ~~city staff~~ **CITY MANAGER OR DESIGNEE** approval (Transit Department 480-312-7696) before any final plan approval. The development plan for any assisted living or congregate care facilities shall provide a pick-up area for Dial-A-Ride service.

- 13 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~~ **CITY MANAGER OR DESIGNEE**. 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~~ **CITY MANAGER OR DESIGNEE** 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.



Silverstone

13-UP-2005

Exhibit #2

Councilmember Drake questioned why the project has only a sixty-foot scenic corridor as opposed to the typical 100-foot corridor. She expressed concern about the lack of Design Review Board stipulations for the case.

Mr. Randy Grant explained that the property was rezoned in the mid-1980s. Because the wash serves as drainage for other property to the north, the drainage solution was required to be built to a higher standard as part of the rezoning stipulations. Mr. Grant stated that any design stipulations would be part of a later hearing. The current request is solely for the use permit, and he believes the report reflects compliance with the use permit criteria.

Councilmember Drake said she hopes the design will be reviewed for conformance with the Desert Foothills Character Plan and the Scottsdale Sensitive Design Guidelines.

MOTION AND VOTE – ITEM 10

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF ITEM 10, 14-UP-2005.
COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

REGULAR AGENDA ITEM 28

28. Silverstone Rezoning and Conditional Use Permit Requests:

1. Rezone from Western Theme Park District (W-P) to Planned Community District (PC) with comparable zoning of Central Business District (C-2), Commercial Office District (C-O), and Multiple Family Residential District (R-5), including amended development standards on 160+/- acres located at the southeast corner of N. Scottsdale Road and E. Pinnacle Peak Road.
2. Approve a Conditional Use Permit for a residential health care facility on Parcel H of the 160-acre property located at the southeast corner of N. Scottsdale Road and E. Pinnacle Peak Road.
3. Adopt Ordinance No. 3651 affirming the rezoning and amended development standards.
4. Adopt Resolution No. 6806 affirming the Conditional Use Permit.

Location: Southeast corner of N. Scottsdale Road and E. Pinnacle Peak Road

Reference: 15-ZN-2005 & 13-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Mr. Grant presented the case and reviewed the Development Plan.

Planned uses:

- 25 acres of commercial
- 97 acres of residential
- 4.5 acres for municipal use
- 13 acres for Rawhide Wash/Park site

Planned roadway improvements

- Miller Road – from two lanes to four lanes
- Williams Drive – from two lanes to four lanes
- Pinnacle Peak Road – from two lanes to four lanes from Scottsdale Road to Miller Road, bridge at Rawhide Wash
- Traffic signals at Scottsdale/Williams and Miller/Williams

The applicant reviewed the new site plan derived from public input

- 100-foot scenic corridor
- Rawhide Wash/Park
- Proposed library on four acres of municipal property
- 1% of property dedicated to public art

Mayor Manross opened public testimony

Joan Fudala, 11707 E Desert Vista Dr, 85255, supported the project because of the library component Ms Fudala said that a library in this area will create more public meeting and community gathering space

Richard Katz, 10784 N 101st St, 85260, said he is very pleased with the development and believes it will be a great asset for the northern part of Scottsdale

Bob Vairo, Coalition of Pinnacle Peak, 10040 E Happy Valley Rd, #451, 85255, said traffic had been a major concern before decisions were made to improve the surrounding streets Mr Vairo urged Council not to allow Phoenix to dump traffic onto Scottsdale Road when they develop the property on the west side of Scottsdale Road

Karen Quinn, 7955 N Via Azul, 85250, supported the plan, especially the library, which she believes is dearly needed in the area

Dean Shepherd, Scottsdale Chamber of Commerce, 7343 Scottsdale Mall, 85251, said the site plan is the best use for the property, and the Chamber recommends approval of the rezoning and conditional use permit

Judy Weller, 23003 N 77th Wy, 85255, spoke in support of the project and remarked how diligent the developer had been in listening to feedback from the neighborhood

Tony Nelssen, Desert Property Owners Association, 7736 E Redbird, requested assurances that the project will be developed as presented He agreed that no curb cuts should be cut into Scottsdale Road for the benefit of Phoenix Mr Nelssen questioned how traffic would be addressed on Scottsdale Road during construction

Stephen Plunkett, 22415 N Los Senda Dr, 85255, supports the project and likes the variety of uses planned for the site

Bud Neal, 10929 E Betony Dr, 85255, expressed his support of the developer

Mayor Manross closed public testimony Four additional comment cards were received from citizens in favor of this item, but not wishing to speak

Council/Staff discussion

- A stipulation regarding a site for a library was clarified as follows "At the time of final platting, a *minimum* of 4.48 acres (Parcels A and B) shall be dedicated to the City for municipal use purposes. It is intended, but not required, that a minimum of 3.48 acres will be utilized for a public library."
- Staff confirmed that money has been budgeted for a library in the area and that the location included in the plan is the preferred location.
- Staff has been working with Phoenix regarding access on Scottsdale Road, and any proposals will be brought back to Council for public discussion.
- Council members fully support the public space being used for a library, but did not wish to preclude other locations.
- Traffic remains a major concern in the area and should be continually monitored.
- The Council appreciated the 1% allocation for art included in the project.

MOTION AND VOTE – ITEM 28

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 28, 15-ZN-2005 AND 13-UP-2005, WITH STIPULATIONS AS PRESENTED, AND THAT THE FINDINGS REQUIRED BY THE ZONING ORDINANCE FOR THE PCD AND THE USE PERMIT ARE MET. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

PUBLIC COMMENT

Kathy Howard, 10642 E San Salvador, 85258, presented a petition (attached) requesting full public disclosure as to all events, facts, and parties involved in the nomination petition challenge.

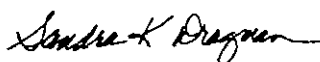
CITY MANAGER'S REPORT - None

MAYOR AND COUNCIL ITEMS - None

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:45 P.M.

SUBMITTED BY



Sandy Dragman
Recording Secretary

REVIEWED BY



Carolyn Jagger
City Clerk

Officially approved by the City Council on February 7, 2006