

LAW OFFICES
BISKIND, HUNT & TAYLOR, P.L.C.

KARRIN KUNASEK TAYLOR, P.C.
DIRECT: 602/955-3452
E-MAIL: KARRINT@BISKINDLAW.COM

July 29, 2002

VIA U.S. MAIL

Dr. Walter Brown
Assistant Superintendent
Paradise Valley Unified School District
15002 N. 32nd Street
Phoenix, Arizona 85018

***Re: DMB Associates, Inc. ("DMB") proposed development of the "Stacked 40s" at
Scottsdale Road and Loop 101, Scottsdale***

Dear Dr. Brown:

This letter is written as a brief follow up to our recent meeting regarding proposed development of the Stacked 40s at the intersection of Scottsdale Road and the Loop 101. I wanted to thank you for your time and your support of our efforts with the City of Scottsdale. As you know, DMB is committed to creating a first class mixed-use development that will be an asset to the Paradise Valley Unified School District. As with all DMB developments, every effort is made to communicate plans to all stakeholders and we include you and the District among them. In the event you have any questions regarding our progress through the zoning process, please do not hesitate to call me at 602-955-3452.

Thank you again for your time. Should you have any questions about the Arizona State Land Department's application for Trust Land adjacent to the Stacked 40s, please call Greg Keller at 602-542-2616.

Sincerely,



Karrin Kunasek Taylor, Esq.

cc (via e-mail): Greg Keller, Arizona State Land Department
Charley Freericks, DMB Associates, Inc.

H:\wpdocs\KKTPC\DMB\Stacked 40s\correspondence\brown.ltr.kkt.doc

**345-PA-02
8-07-02**


LAW OFFICES
BISKIND, HUNT & TAYLOR, P.L.C.

SHELLY McTEE, ESQ.
DIRECT: 602/955-2328
E-MAIL: SHELLYM@BISKINDLAW.COM

MEMORANDUM

VIA HAND DELIVERY

TO: Kurt Jones, AICP
City of Scottsdale

FROM: Shelly McTee, Esq. 

DATE: August 29, 2002

SUBJECT: ***DMB Associates, Inc. - Stacked 40s***
Case # 345-PA-02

Pursuant to our discussion early this week enclosed herewith are two (2) copies of a Citizen Review Summary for the above referenced matter. As discussed, this is an interim report and we will provide you with an updated version of the report on September 10, 2002.

Should you have any questions please do not hesitate to give us a call.

enclosures

cc (via facsimile, w/enclosures): Eneas A. Kane, Esq., DMB Associates, Inc.
Gregg Hanks, Esq., Fennemore Craig, P.C.
Nancy Ball, Marley Management Corporation

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LAW OFFICES
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SHELLY McTEE, ESQ.
DIRECT: 602/955-2328
E-MAIL: SHELLYM@BISKINDLAW.COM

MEMORANDUM

VIA HAND DELIVERY

TO: Kurt Jones, AICP
City of Scottsdale

FROM: Shelly McTee, Esq. 

DATE: October 8, 2002

SUBJECT: ***DMB Stacked 40s***
Rezoning Case # 20-ZN-02

Enclosed herewith are two (2) copies of the Supplement to the Final Citizen Review Report for the Stacked 40s rezoning case.

Should you have any questions please do not hesitate to give us a call.

enclosures

cc (via e-mail, w/o enclosure): Eneas A. Kane, Esq., DMB Associates, Inc.

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FAX**Date** October 14, 2002**Number of pages including cover sheet** 2

TO: Kurt Jones
City of Scottsdale
480-312-7088

CC: David Bruner
Circle Road Equities
480-348-1948

Karrin K. Taylor
Biskind, Hunt & Taylor, P.L.C.
602-955-2272

FROM: Keith L. Earnest
Senior Director
Real Estate Development
Opus West Corporation
2415 East Camelback
Road, Suite 800
Phoenix, Arizona 85016

Phone 602/468-7083

Fax Phone 602/468-7045

REMARKS: ☐ Urgent ☒ For your review ☐ Reply ASAP ☐ Please Comment



THE OPUS GROUP
ARCHITECTS
CONTRACTORS
DEVELOPERS

OPUS WEST CORPORATION
2415 East Camelback Road, Suite 800
Phoenix, AZ 85016
Phone 602-468-7000
Fax 602-468-7045
www.opuscorp.com

VIA FACSIMILE (480) 312-7088
& U.S. MAIL

October 14, 2002

Mr. Kurt Jones
Zoning Design Manager
City of Scottsdale
7447 E. Indian School Road
Scottsdale, Arizona 85251

Re: Rezoning Request for the Stacked 40s
Scottsdale, Arizona

Dear Mr. Jones,

Opus West is proud to support the Corrigan-Marley Family request to rezone approximately 160 acres of land located on Scottsdale Road between Thompson Peak Parkway and the future Union Hills Road alignment. As you know, Opus West is the developer of a parcel immediately north of the Stacked 40s that will soon become the corporate headquarters to the Scottsdale based Discount Tire Corporation. As a leader in development of Class A office buildings throughout the Valley and specifically in the City of Scottsdale, we look forward to the exciting mixed-use project and believe that it will be an asset to the surrounding properties.

The plans for the Stacked 40s will help to ensure that the City of Scottsdale remains the preeminent address for corporate users in the Valley. We believe that this project holds great potential for such office development.

We strongly encourage the City's staff and the City Council to support this application.

Sincerely,

OPUS WEST CORPORATION

Keith L. Earnest
Senior Director
Real Estate Development

KLE/ag

cc: David Bruner, Circle Road Equities (via facsimile 480/348-1948)
Karrin K. Taylor, Biskind, Hunt & Taylor, P.L.C. (via facsimile 602/955-2272)

RAGC\EARNEST\GCK\Jones Rezoning-Corrigan Marley 10-9-02.doc

October 16, 2002

Mr. Kurt Jones
Project Coordination Manager
CITY OF SCOTTSDALE
7447 East Indian School Road, Suite 105
Scottsdale, Arizona 85251

SUBJECT: PROPOSED STACKED 40s DMB DEVELOPMENT

Dear Kurt:

As an owner of residential property in the Stonebrook Phase 2 project, we were excited to learn of the new DMB Stacked 40s project. During the open house presentations that were held in Grayhawk, we spoke with DMB officials and strongly support DMB's zoning request for the new project.

In this morning's paper, we learned that tonight the Planning Commission will consider the project rezoning request. Based on the information we received, we believe that this project will be an asset to the City of Scottsdale and our residential area. Therefore, my wife and I are very supportive of DMB's rezoning request. We encourage city approval that will bring this high quality development into our area.

Thank you for your support in helping the Planning Commission with information that will help gain approval for the rezoning of this property.

Sincerely,

DRY UTILITY SERVICES

A handwritten signature in black ink, appearing to read "Don Robinson".

Don Robinson
8118 East Maria Drive
Scottsdale, Arizona

Faxed



CURRENT PLANNING

One Civic Center Plaza
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251

FAX COVER SHEET

Fax: (480) 312-7088

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

TO:

Karrin Taylor

FROM:

Doris McClay

FAX NUMBER:

602 955-2272

DATE:

October 17, 2002

COMPANY:

Biskind Hunt & Taylor

TOTAL NO. OF PAGES INCLUDING COVER:

2

PHONE NUMBER:

602-955-3452

RE:

20-ZN-2002 City Council Hearing Date

NOTES/COMMENTS:



THE OPUS GROUP
ARCHITECTS
CONTRACTORS
DEVELOPERS

OPUS WEST CORPORATION
2415 East Camelback Road, Suite 800
Phoenix, AZ 85016
Phone 602-468-7000
Fax 602-468-7045
www.opuscorp.com

VIA FACSIMILE (480) 312-7088
& U.S. MAIL

October 14, 2002

Mr. Kurt Jones
Zoning Design Manager
City of Scottsdale
7447 E. Indian School Road
Scottsdale, Arizona 85251

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Scottsdale, Arizona

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Sincerely,

OPUS WEST CORPORATION

Keith L. Earnest
Senior Director
Real Estate Development

KLE/ag

cc: David Bruner, Circle Road Equities (via facsimile 480/348-1948)
Karrin K. Taylor, Biskind, Hunt & Taylor, P.L.C. (via facsimile 602/955-2272)

R:\GC\EARNEST\GC\Jones Rezoning-Corrigan Marley 10-9-02.doc

November 15, 2002

VIA FACSIMILE

480-312-7088

Attention: Mr. Kurt Jones

To the Scottsdale Planning Committee Members:

Re: Stacked 40s - November 19th Hearing

I am a Scottsdale citizen and I live in the Grayhawk community. I attended the Stacked 40s Open House held at Grayhawk Elementary many weeks ago and viewed their development plans along Scottsdale Road.

My concern with the Stacked 40s project is the 60' height of the five buildings that are proposed along Scottsdale Road, between the 101 and Thompson Peak Parkway. When traveling East on the 101, towards the Scottsdale Road exit, the entire north Scottsdale area, especially the area North of the 101, is beautifully laid out. The entire valley of homes and businesses are low lying, with the beautiful mountains surrounding this area. North Scottsdale citizens currently enjoy pristine mountain views. These mountains are simply beautiful at all times of the year, and a wonderful reminder of the natural beauty of our city.

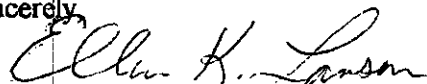
For a developer to build five, five story buildings (60') along Scottsdale Road, for the benefit of only those future building tenants, is selfish at best. The ENTIRE north Scottsdale valley is low lying. The proposed five buildings will permanently obstruct and ruin these beautiful mountain views. If we want to preserve our mountain views, and the magnificent beauty that they add to our city, please do not allow these buildings to be any higher than the 36' height that you allowed at the Thompson Peak Medical Buildings along the service road just North of Thompson Peak.

Each Committee Member needs to drive on the 101, from the 56th Street entrance, East to the Scottsdale Exit, to see that these buildings will be a truly ugly addition to our panoramic views.

Please preserve our mountain views, for everyone's benefit. These buildings will only benefit a handful of tenants, and greatly upset the rest of us.

Thank you for your time and consideration.

Sincerely,



Ellen K. Lawson
Scottsdale, AZ
(480) 419-6611

LAW OFFICES
BISKIND, HUNT & TAYLOR, P.L.C.

KARRIN KUNASEK TAYLOR, P.C.
DIRECT: 602/955-3452
E-MAIL: KARRINT@BISKINDLAW.COM

August 7, 2002

VIA HAND DELIVERY

Kurt Jones, AICP
City of Scottsdale
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

***Re: DMB Stacked 40s LLC. ("DMB")
Rezoning Case # 345-PA-02***

Dear Kurt:

As you know, we represent DMB relative to the rezoning of approximately 160 acres of land located east of Scottsdale Road between Thompson Peak Parkway and Union Hills Drive (the "Stacked 40s"). In conjunction with the rezoning of the Stacked 40s we have prepared a submittal package. Enclosed are the following documents:

Tab 1	Shopping List
Tab 2	Project Application
Tab 3	Application Fee
Tab 4	Letters of Authorization
Tab 5	Citizen Review Plan
Tab 6	Title Commitment
Tab 7	Legal Description
Tab 8	Site Location Map
Tab 9	Assessor Map
Tab 10	Site Context Map with Aerial
Tab 11	Existing Conditions Photographs on diskette
Tab 12	Project Narrative
Tab 13	Amended Development Standards
Tab 14	School Notification
Tab 15	Archaeological Resources Reports
Tab 16	Site Posting Requirements
Tab 17	Development Agreement Statement
Tab 18	Airport Area Development Communication Form
Tab 19	Site Plan
Tab 20	Land Use Budget

Kurt Jones, AICP
Pre-Application Request
August 7, 2002
Page 2

Tab 21	Thematic Images
Tab 22	Drainage Report
Tab 23	Boundary Survey
Tab 24	Topographic Map
Tab 25	Site Cross Sections
Tab 26	Parking Master Plan Statement
Tab 27	Traffic Impact and Mitigation Analysis
Tab 28	Native Plant Inventory
Tab 29	PCD Addendum Statement
Tab 30	Concept Open Space and Buffering

Should you have any questions about the foregoing please do not hesitate to give us a call.

Sincerely,



Karrin Kunasek Taylor, Esq.

enclosures

cc (via hand delivery, w/enclosures): Eneas A. Kane, Esq., DMB Associates, Inc.
Gregg Hanks, Esq., Fennemore Craig, P.C. (3 copies)

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20-ZN-2002
8/30/2002

LAW OFFICES
BISKIND, HUNT & TAYLOR, P.L.C.

KARRIN KUNASEK TAYLOR, P.C.
DIRECT: 602/955-3452
E-MAIL: KARRINT@BISKINDLAW.COM

M E M O R A N D U M

VIA FACSIMILE AND U.S. MAIL

TO: Don Hadder, City of Scottsdale

FROM: Karrin Kunasek Taylor, Esq. *KKT*

DATE: June 9, 2003

SUBJECT: *Stacked 40s; Executed Memorandum of Understanding for the Basis of Design for Center Drive (the "MOU")*

Attached for your records is a copy of the fully executed MOU between the City of Scottsdale and DMB Stacked 40s, LLC, an Arizona limited liability company.

If you have any questions, please do not hesitate to call.

20-2N-02

H:\WPDOCS\KKT\PC\DMB\STACKED 40S\CORRESPONDENCE\HADDER TRANSMITTAL.KKT.002.DOC

Memorandum of Understanding

Re: Basis of Design for Center Drive Through the Stacked 40s Parcel

This Memorandum of Understanding entered into this 6th day of June, 2003, is intended to document the joint approval and understanding that the attached exhibit prepared by Korve/Wood/Patel and dated April 21, 2003 for "Center Drive" from Scottsdale Road to the 74th Street alignment has been approved by the parties hereto (the "Basis of Design"). The Basis of Design depicts the agreed upon centerline alignment and striping plan for Center Drive from Scottsdale Road to the 74th Street alignment. The Basis of Design shall be the basis for related improvements on Scottsdale Road and on Center Drive from Scottsdale Road to the 74th Street alignment and shall be used in future submittals for Master Plan approvals and Development Review Board applications related to the Stacked 40s project.

It is understood by the parties that the specific dimensions of the street and related improvements will be subject to future refinements and review. The City of Scottsdale will proceed from this point in securing the necessary right-of-way for Center Drive from the 74th Street alignment to Hayden Road across land owned by the Arizona State Land Department.

Accepted by:

CITY OF SCOTTSDALE

By:

John Little

Its:

Transportation General
Manager

CITY OF SCOTTSDALE

By:

Kroy Ekblaw

Its:

Planning and Development
Services Manager

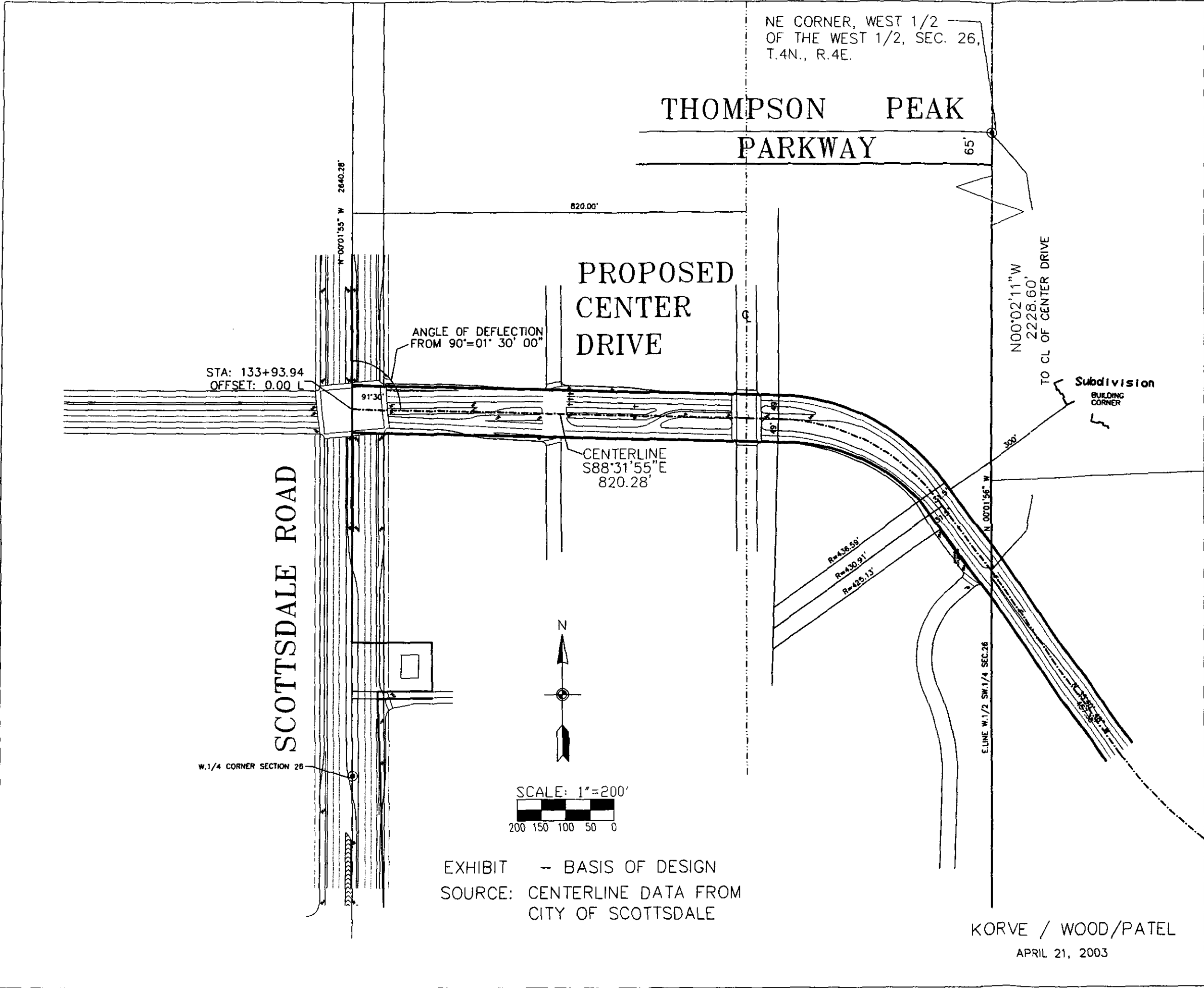
DMB STACKED 40S LLC, an Arizona
limited liability company

By:

Eneas A. Kane, Esq.

Its:

Vice President



-----Original Message-----

From: Davis, Brian [mailto:DavisBrian@stanleygroup.com]

Sent: Wednesday, October 09, 2002 11:33 AM

To: Ekblaw, Kroy

Subject: Joint Planning Commission-Transportation Commission meeting of 9/ 25/02

Planning Commission members:

Thank you for inviting us at the Transportation Commission for a joint meeting with the Planning Commission on the proposed "Crossroads East" and "Stacked 40's" projects north of the Loop 101-Scottsdale Rd interchange. As a new Transportation Commission member that was my first exposure to the plans for that area.

As you review the details of the proposed developments I would like to echo comments I believe were made by from Commissioner Nelssen during the September 25 joint meeting. We need to control and limit the number of points of access to Scottsdale Road in that area to limit traffic lights. Scottsdale Road needs to be maintained as a viable commuter route for those living in north of the freeway. We do not want to create a situation similar to Camelback Road at 24th Street east of SR 51 where there are seven traffic lights from 16th Street to 28th Street.

The idea of an overpass or underpass was mentioned at the proposed Center Road. That may be a reasonable solution if funding is available. Direct access to the businesses could be limited to mostly right turns only, while crossing traffic, left turns and U-turns would use the overpass or underpass. Through traffic would not be hampered by traffic lights or put at risk from traffic trying to make left turns on to Scottsdale Rd.

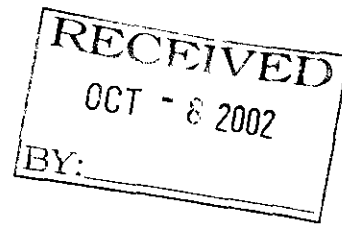
I look forward to seeing more details of the proposed developments and transportation solutions as planning progresses.

Brian Davis
Transportation Commission
(602) 508-3011

20-ZN-02

October 1, 2002

City of Scottsdale
Transportation Commission/Fran La Prairie
7447 E. Indian School Road
Suite 205
Scottsdale, Arizona 85251



RE: September 25, 2002 Special Joint Study Session: Stacked 40s, Crossroads East
Scottsdale Road design/alignment traffic management consideration

Ms. La Prairie:

In attendance at the above and being a twelve year resident in Northeast Scottsdale, I found the issue(s) thought provoking. Herein are two ideas, which I believe should be seriously considered.

- A. Make Scottsdale Road a **Tunnel** (sub-gradient 35-40 feet) begin north of Princess Drive, continuing north to Loop 101 and perhaps north of that too Thompson Peak Parkway. This would be like the 7th St-7th Ave Tunnel in Phoenix, but smaller. The Scottsdale **Tunnel** would be designated for **thru** traffic only. No local/circulating traffic would be allowed. Above the **Tunnel**, at grade, would be the local surface (Scottsdale Road) street servicing the project area. Additionally, at grade, with the non-Thru traffic build pedestrian friendly surfaces and build light rail for east and west of Scottsdale road. Cite example: (Las Colinas, Irving, Texas). In the **Tunnel** the roadway could be widened to 5-6 lanes each direction to service the volume of Thru-traffic and or traffic seeking/departing Loop 101.
- B. The obverse of A above. Specifically excavate beneath Scottsdale road 25-35 feet keeping Scottsdale Road at grade, but beneath it create the local circulating streets/pedestrian/ rail aspects. In this suggestion the greatest disadvantage would be the noise of an elevated Scottsdale Road.

I spoke with Beckye Frye at the Planning Commission about this today. She said she'd contact you for a copy of this letter. Thank you for your time considering the above suggestions. I prefer A. Feel free to contact me 602-803-0144.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark G. Ortega".

Mark G. Ortega
P.O. Box 12605
Scottsdale, Arizona 85267

cc: Beckye Frye



RECEIVED

NOV 08 2002

BY:

COALITION OF PINNACLE PEAK, INC.

8912 East Pinnacle Peak Road, Suite 275

Scottsdale, AZ 85255

November 7, 2002

Mayor and City Council
City of Scottsdale
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

Re: Stacked 40s

Dear Mayor and City Council Members:

We have had several meetings on the proposed Stacked 40s project with representatives of DMB Associates, Inc., including a presentation at one of our member meetings. We have been provided with a great deal of information about the project and have also talked to a representative of the Gray Hawk homeowner's association whose members are vitally interested in the proposal.

First let us say that we are pleased with the effort that has been made by DMB to communicate with neighborhood interests; it is highly commendable. Additionally, we are delighted that DMB is the developer, as we believe that their commitment to quality is genuine and has been confirmed by the DC Ranch project. We are confident that such commitment will continue with the Stacked 40s project.

At the same time, we have serious concerns about the future implications of the project and the related proposed zoning changes for the State Land Department. In all the deliberations we have had with our members and others, the overwhelming concern is the increased traffic that will develop from the DMB project and that which will follow from the state land parcels in Scottsdale and Phoenix in the future.

There has been much discussion and general agreement that a regional transportation solution must be achieved if both communities are to avoid the gridlock that can be easily envisioned from a laissez faire approach. That has been the bane of zoning and development in the past and one would hope that such hard lessons have been learned and can be avoided in this instance.

The answer is and must be an agreement on a transportation plan before construction is authorized for this or any other plan to develop the area around the 101/Scottsdale Road regional area. That contemplates the area from 64th Street on the West to Pima on the East between Thompson Peak and Frank Lloyd Wright – the so-called regional quadrant referred to by DMB and the State Land representatives.

It is of no practical value to discuss density or height requirements or limits when no agreement has been reached about how traffic will be moved through the area. There is little benefit to have Scottsdale agree that a new road will be built from Scottsdale Road east when Phoenix still has no plans to move traffic west from the same road. Without an outlet to the west, all local traffic will naturally flow north and south on Scottsdale Road and east to Hayden and Pima – that is simply unacceptable to those who have to use that road for every day needs.

19-2N-2002

On the subject of density, we believe the current plan is excessive. For example, if only the proposed dwelling units were to be built on the 160 acres, there would be 9 units to the acre after a sufficient amount of acreage was set aside for streets, etc. Add to this the hotel, retail and office uses and one can easily conclude that, if approved, the Stacked 40s will become the most densely developed land in Scottsdale.

Nothing in recent memory comes close to this proposed density. How can the City agree to anything of this magnitude when the transportation question remains unanswered? Unconditional authorization for the DMB project without a solution only serves to provide greater impetus for Phoenix to outdo its neighboring city with even greater density than currently discussed, with buildings of six or seven stories in height.

Additionally, it is rather incongruous to permit such density when just a few miles up Scottsdale Road a significant area of state land has just been classified "Rural Desert" in the General Plan as part of the preservation effort. All of these issues need to be carefully considered together since each impacts the other.

It is not unreasonable to ask that something so important to the future of Scottsdale residents should be given more thought. The DMB project is the beginning of what will become an urbanized employment, shopping and residential core in north Scottsdale. Tens of thousands will work, live, shop and recreate in an area that was certainly not planned to handle such intense activity. Couple this with Perimeter Center, the Airpark and the commercial development on Frank Lloyd Wright and it begins to boggle the mind of what it will do to the character of the area.

Whatever is ultimately decided will not be perfect. Traffic studies will confirm that if thus and thus happens, there will be no problem. We all know that every traffic study that was ever done says the same thing, but we, the residents, have to live with the unintended and mostly unplanned consequences. Just look at what has happened on Frank Lloyd Wright in the past five years.

The State Land Department is in the best possible position to encourage a solution and plan for all to support. They are in a position to withhold the auction of land until the transportation question is resolved. Approving the DMB project and the State Land Department request without such a plan will only serve to relinquish the City's last bit of leverage over the future of this critical land use decision that will affect so many of us for years to come.

With these thoughts in mind, we strongly urge you to expressly condition possible approval of the DMB plan and the Crossroads East request upon development of a satisfactory regional transportation plan to be authorized and approved by Scottsdale, Phoenix and the State Land Department. A conditional rezoning of the properties tying construction activities to prior approval and funding of the required roadwork would be the best way to ensure that infrastructure sufficient to accommodate anticipated increases in traffic and other uses will be in place before that additional burden is deposited on roads otherwise unable to handle the demand.

The question of excessive density should also get close scrutiny in the context of a daunting transportation problem and the dangerous precedent of approving an unheralded level of density that will be difficult to deny to others when the balance of contiguous state land is developed.

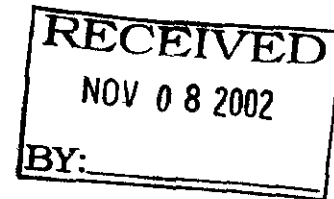
It just makes good sense to slow things down until the best possible solutions can be reached that will serve both the residential and business interests of our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Vairo". The signature is fluid and cursive, with the first name "Bob" and last name "Vairo" clearly distinguishable.

Robert J. Vairo, President
(for) The Board of Directors
Coalition Of Pinnacle Peak, Inc.

C: City of Scottsdale: Janet Dolan, City Manager; Kroy Ekblaw, Chief Development Officer
Eneas A. Kane, Esq., DMB Associates, Inc.
Karin Kunasek Taylor, Esq., Biskin, Hunt & Taylor, P.L.C.
Paul Given, Grayhawk HOA & Neighbors for Grayhawk



COALITION OF PINNACLE PEAK, INC.
8912 East Pinnacle Peak Road, Suite 275
Scottsdale, AZ 85255

November 7, 2002

Mayor and City Council
City of Scottsdale
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

Re: Stacked 40s

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20-ZN-2002

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Nothing in recent memory comes close to this proposed density. How can the City agree to anything of this magnitude when the transportation question remains unanswered? Unconditional authorization for the DMB project without a solution only serves to provide greater impetus for Phoenix to outdo its neighboring city with even greater density than currently discussed, with buildings of six or seven stories in height.

Additionally, it is rather incongruous to permit such density when just a few miles up Scottsdale Road a significant area of state land has just been classified "Rural Desert" in the General Plan as part of the preservation effort. All of these issues need to be carefully considered together since each impacts the other.

It is not unreasonable to ask that something so important to the future of Scottsdale residents should be given more thought. The DMB project is the beginning of what will become an urbanized employment, shopping and residential core in north Scottsdale. Tens of thousands will work, live, shop and recreate in an area that was certainly not planned to handle such intense activity. Couple this with Perimeter Center, the Airpark and the commercial development on Frank Lloyd Wright and it begins to boggle the mind of what it will do to the character of the area.

Whatever is ultimately decided will not be perfect. Traffic studies will confirm that if thus and thus happens, there will be no problem. We all know that every traffic study that was ever done says the same thing, but we, the residents, have to live with the unintended and mostly unplanned consequences. Just look at what has happened on Frank Lloyd Wright in the past five years.

The State Land Department is in the best possible position to encourage a solution and plan for all to support. They are in a position to withhold the auction of land until the transportation question is resolved. Approving the DMB project and the State Land Department request without such a plan will only serve to relinquish the City's last bit of leverage over the future of this critical land use decision that will affect so many of us for years to come.

With these thoughts in mind, we strongly urge you to expressly condition possible approval of the DMB plan and the Crossroads East request upon development of a satisfactory regional transportation plan to be authorized and approved by Scottsdale, Phoenix and the State Land Department. A conditional rezoning of the properties tying construction activities to prior approval and funding of the required roadwork would be the best way to ensure that infrastructure sufficient to accommodate anticipated increases in traffic and other uses will be in place before that additional burden is deposited on roads otherwise unable to handle the demand.

The question of excessive density should also get close scrutiny in the context of a daunting transportation problem and the dangerous precedent of approving an unheralded level of density that will be difficult to deny to others when the balance of contiguous state land is developed.

On the subject of density, we believe the current plan is excessive. For example, if only the proposed dwelling units were to be built on the 160 acres, there would be 9 units to the acre after a sufficient amount of acreage was set aside for streets, etc. Add to this the hotel, retail and office uses and one can easily conclude that, if approved, the Stacked 40s will become the most densely developed land in Scottsdale.

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LAW OFFICES

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KARRIN KUNASEK TAYLOR, P.C.

DIRECT: 602/955-3452

E-MAIL: KARRINT@BISKINDLAW.COM

August 17, 2004

VIA HAND DELIVERY

Don Hadder
City of Scottsdale
7447 E. Indian School Road, Suite 105
Scottsdale, Arizona 85251

***Re: DMB Stacked 40s (Case No. 20-ZN 2002); Proposed driveway locations on
Scottsdale Road***

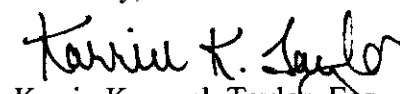
Dear Don:

As you know, this firm represents DMB Stacked 40s LLC ("DMB"), relative to the development of property located on the east side of Scottsdale Road bounded by Thompson Peak Parkway to the north and Loop 101 to the south (the "Stacked 40s"). We are writing to memorialize our discussions relative to the location of proposed driveways into the Stacked 40s, along Scottsdale Road, north of Loop 101.

As you know, the graphics included with the development agreement dated November 19, 2002, governing development of the Stacked 40s (the "Development Agreement"), were conceptual in nature and all parties to the Development Agreement anticipated that more finite planning would occur as development plans continued to evolve. Following the approval of the rezoning and Development Agreement on November 19, 2004, DMB has continued to refine plans for the Stacked 40s, including the specific placement of site driveways along Scottsdale Road. The enclosed exhibit dated July 29, 2004, prepared by Wood/Patel, depicts the specific locations of Center Drive as well as the proposed driveway locations along Scottsdale Road.

It is our understanding that you will include this letter, including the attached exhibit, in the file for Case No. 20-ZN-2002. If you have any questions regarding the foregoing or the attached exhibit, please do not hesitate to call.

Sincerely,


Karrin Kunasek Taylor, Esq.

attachment

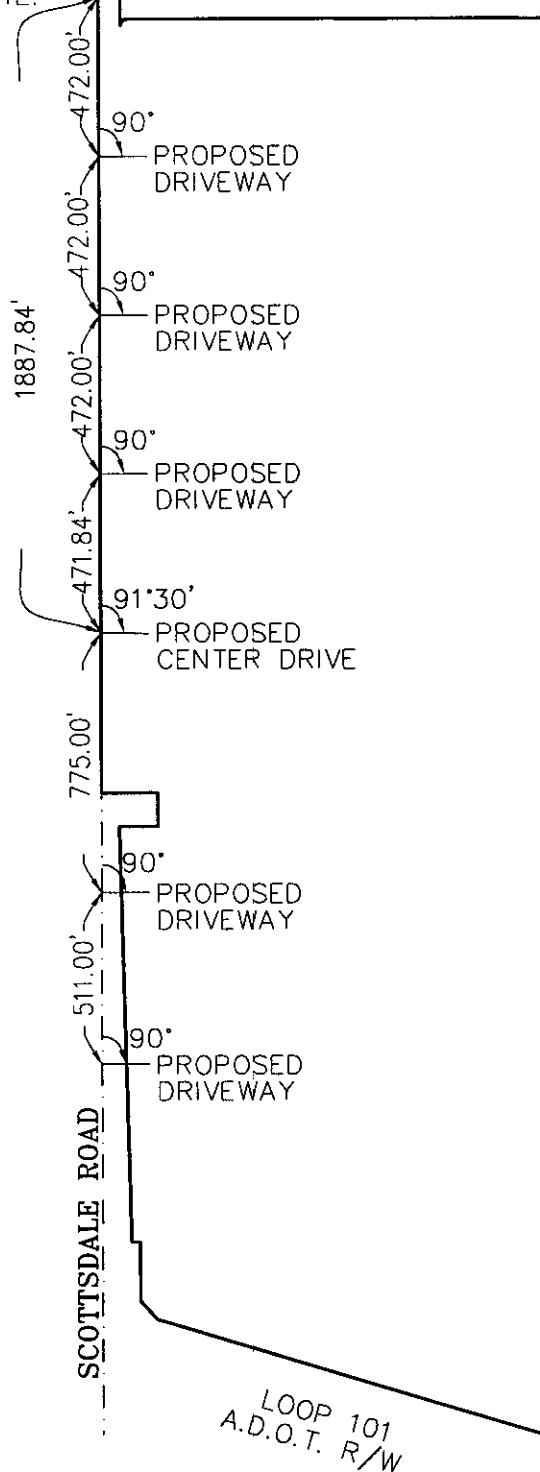
Don Hadder
City of Scottsdale
August 17, 2004
Page 2 of 2

cc: Eneas A. Kane, Esq., DMB Associates, Inc.
David Bruner, Circle Road Equities
Darrel Wood, Wood/Patel

H:\wpdocs\KKTPC\DMB\Stacked 40s\correspondence\hadder.ltr.doc

NW COR. SEC. 26,
T.4N., R.4E.

THOMPSON PEAK PARKWAY



WOOD/PATEL

2051 West Northern
Phoenix, AZ 85021
Phone: (602) 335-8500
Fax: (602) 335-8580

EXHIBIT

STACKED 40'S
07-29-04
WP#042168
PAGE 1 OF 1
NOT TO SCALE

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