

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7630
(480) 429-3000
FAX (480) 429-3100

October 1, 2003

HAND DELIVERED

City Clerk
City of Scottsdale
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

Re: Continuance Request – City Council Review of DRB Approval for Scottsdale First Assembly of
God Dream Center Tower Element
Case # 36-DR-2003

Dear City Clerk:

This letter is a request to continue the City Council's review of the above-noted Development Review Board approval as it relates to the tower element for a period of three (3) months. We are hopeful that within that time period, a signage amendment will be initiated and well underway to address signage issues pertinent to the Dream Center church signage in the Pima Road scenic corridor and other similar non-residential uses in analogous situations.

Moreover, the matter has been scheduled for a Tuesday evening, and Pastor Friend of the First Assembly of God holds sermons on Tuesday evenings, making him and his parishioners unavailable. We respectfully request that this matter be continued to another evening of the week, so that they would be able to attend that hearing.

The first City Council hearing held regarding the appeal took place on September 8, 2003 (Agenda Item #13). Although we understand that pursuant to Section 1907.C., the City Clerk shall schedule the appeal for a City Council agenda, not more than forty (40) nor less than fifteen (15) days following the submittal of the appeal, we waive all rights associated with this provision.

Sincerely

BEUS GILBERT PLLC

Wendy Riddell / mmw

Wendy R. Riddell

cc. Jim Heitel
Tony Nelssen
Kroy Ekblaw
Randy Grant
Pat Boomsma



August 12, 2004

Jack DeBartolo
Debartolo Architects
4450 N 12 St Rm 268
Phoenix, AZ 85014

RE: ONE-YEAR TIME EXTENSION FOR
36-DR-2003-Scottsdale First Assembly of God - Dream Center

Your request for a one-year time extension for Development Review Board Case 36-DR-2003, Scottsdale First Assembly of God - Dream Center, located at South of the SWC of Pima & Via Dona Roads is APPROVED. The one-year time extension is valid until 8/21/2005, and is subject to the original stipulations associated with the case. City staff reserves the right to make any corrections to this approval due to errors or omissions on its behalf.

Please contact me at 480-312-4210 if you have any further questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "Tim Curtis", written over a horizontal line.

Tim Curtis, 480-312-4210
Project Coordination Manager

C: Case File
248-SA-2004 Case File

deBARTOLO architects

date **07 august 2003**

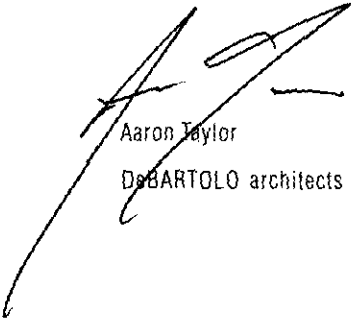
, north twelfth street attention **tim curtis**
number 268 company **city of scottsdale**
phoenix, arizona 85014 fax number **480.312.7088**
tel 602.264.6617 from **aaron taylor | jack debartolo 3 architect**
fax 602.264.0891 pages **--**

Facsimile / Transmittal

regarding scottsdale first assembly **DREAM CENTER | 36 DR 2003**

notes Tim, please find attached the following drawings as requested:

ONE (30 x 42) DR5.0 and DR5.1 as requested
NINE (11 x 17) DR1.0, DR2.0, DR3.0, DR4.0, DR4.1, DR4.2, DR4.3, DR4.4
 DR5.0, DR5.1, DR6.0, DR6.1, DR7.0, DR8.0, DR8.1, DR9.0, DR9.1, DR
 and CIVIL SHEET 2 of 7 MAP OF DEDICATION as requested
ONE (8.5 x 11) published LRV value for Dunn Edwards DE3001 "Charcoal
 Cliff" of 14. The LRV is indicated on the elevations (sheet DR5.0


Aaron Taylor
deBARTOLO architects

cc Pastor Friend (cover via fax)

EARTH HUES

ALPHABETICAL INDEX

Color Name	No.	Page	LRV
Aerial	DE 3049	16	69
Alec Two	DE 3058	17	27
Allan's Blaze	DE 3079	20	9
Ancient Sea	DE 3111	24	9
Ancient White	DE 3021	12	72
Apothecary	DE 3104	23	67
Arching Coral	DE 3202	37	74
Art What?	DE 3018	11	50
Ayers Rock	DE 3057	17	17
Bag Boy	DE 3206	38	42
Baked Potato	DE 3207	38	32
Baptista	DE 3127	27	15
Bear White	DE 3174	33	76
Berber Cream	DE 3020	11	70
Betsy's Wish	DE 3060	17	47
Bif Range	DE 3084	21	8
Black Branch	DE 3097	22	8
Blackeyes	DE 3083	20	8
Blackjack	DE 3000	9	8
Blow Smoke	DE 3003	9	30
Blueleafed Sage	DE 3125	26	7
Bluff's Red	DE 3196	37	14
Borneo Brown	DE 3070	19	47
Botanical	DE 3150	30	41
Boulder Gray	DE 3005	9	57
Bronze Cargo	DE 3181	34	13
Bronze Nude	DE 3182	35	15
Buttonweed	DE 3162	32	65
Canopy	DE 3153	30	12
Canyon Abyss	DE 3166	32	23
Cape Fear	DE 3133	28	71
Cardamon	DE 3041	14	12
Chamber	DE 3168	33	14
Charcoal Cliff	DE 3001	9	14
Cheep Shot	DE 3120	26	57
Cliff's View	DE 3192	36	54
Cluster	DE 3061	17	58
Congo	DE 3208	38	24
Cool Night	DE 3113	25	15
Copper Age	DE 3055	16	12
Copper Hedge	DE 3042	15	12
Coral Splash	DE 3067	18	26
Corey's Tune	DE 3098	23	8
Country Dancer	DE 3144	29	50
Courtyard Blue	DE 3108	24	34
Critter's Drum	DE 3137	28	27
Cushenbury	DE 3088	21	50
Darkness Doe	DE 3082	20	15
Deccan Plateau	DE 3073	19	34
Delphinium	DE 3175	34	76
Density	DE 3081	20	24
Desert Hue	DE 3178	34	43
Distant Pink	DE 3063	18	69
Donna's Delight	DE 3156	31	33
Dry Dust	DE 3080	20	33
Dry Outpost	DE 3072	19	25
Dusky Chasms	DE 3015	11	17
Eagle	DE 3025	12	29
Earth's Edge	DE 3194	36	29
Easy Do	DE 3032	13	54
Electric Ray	DE 3110	24	16
Emerald Dust	DE 3140	29	11
Empire Rust	DE 3056	17	12

Light Smoke
DE 3004

Fuller, Bonnie

From: jsaleo [jsaleo@msn.com]
Sent: Wednesday, August 20, 2003 9:16 PM
To: Howard Myers; Fuller, Bonnie
Cc: Tony & Marg Nelssen; James & Catherine Heitel; Rick Hess; Linda S Dean
Subject: Re: DRB case 36-DR-2003

Bonnie,

As a Director of the Desert Property Owners' Assn. and participant in both the Desert Foothills Character area and Overlay, I agree with Howard Meyer's statement. In addition, I can't be at the hearing, and ask that the time that I would have taken to express my opinion be given to Tony Nelssen.

Please pass this onto the members of the Development Review Board.

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

From: "Howard Myers" <howard_myers@sensor-tech.com>
To: "Bonnie Fuller" <bfuller@scottsdaleaz.gov>
Cc: "Tony & Marg Nelssen" <redbirdbranch@earthlink.net>; "John & Lora Aleo" <jsaleo@msn.com>; "James & Catherine Heitel" <JTHEITEL@mindspring.com>; "Rick Hess" <ericjhess@msn.com>; "Linda S Dean" <deancuttinghorses@worldnet.att.net>
Sent: Wednesday, August 20, 2003 8:51 PM
Subject: DRB case 36-DR-2003

: Bonnie,

:

: Please distribute the attached memo to members of the DRB prior to
: tonight's meeting. If you have any questions, you can reach me at
: 480-483-1997.

:

: Thanks

:

: Howard Myers

:

Fuller, Bonnie

From: Howard Myers [howard_myers@sensor-tech.com]
Sent: Wednesday, August 20, 2003 8:51 PM
To: Fuller, Bonnie
Cc: Tony & Marg Nelssen; John & Lora Aleo; James & Catherine Heitel; Rick Hess; Linda S Dean
Subject: DRB case 36-DR-2003



Memo_DRB_36-DR-
2003.doc

Bonnie,

Please distribute the attached memo to members of the DRB prior to tonight's meeting. If you have any questions, you can reach me at 480-483-1997.

Thanks

Howard Myers

Dear Development Review Board Members.

I am writing you in reference to case 36-DR-2003, The Dream Center, which you will hear on August 21. I am writing you as the president of the Desert Property Owners' Association, an organization of homeowners in the Desert Foothills character area. This organization, along with many other citizens and City staff, worked long and hard to get the Desert Foothills Zoning Overlay, and changes to ESLO, passed that would protect the character of this area and this case is the first real test of these ordinances. While we have no problem with almost all aspects of this case, we do have a major problem with the height variance proposed for the tower. Height was a critical issue, addressed in both of the above ordinances, to protect views and maintain dominance of desert vegetation, which define the character of this area. Therefore how this case is handled is critical to the future of the area and the City's ability to enforce these ordinances as other cases come forward. While the applicant has the right to ask for a variance, to grant it without an extremely compelling reason, would undermine the height restriction in both these ordinances as well as all the hard work that went into them. We have worked with the applicant to try to resolve this issue before it went to the DRB, but my understanding is that they are still asking for the tower or will use it to bargain for an extremely large monument in the scenic corridor setback. For the record, we agreed to help change the sign ordinance to allow monument and other signs in the scenic corridor setback, however the reasoning was to reduce the size of the sign required because it would be closer to the road and therefore more visible to drivers. We therefore do not support any agreement that would allow a large monument sign in the scenic corridor setback, for any reason. We would be more than happy to support a reasonable size sign (4 to 5 feet maximum height or whatever dimensions come out of the process to change the ordinance), in the scenic setback. I am also a board member of the Friends of the Scenic Drive, an influential citizen group concerned with scenic corridors, and they do support this approach as well, as long as the signs are not obtrusive and are designed to fit the character of the area.

With regard to churches in residential districts, this discussion took place when the changes to ESLO were approved and the both the Council and City attorney agreed that churches can be required to conform to our ordinances. Federal law does not allow churches to circumvent local ordinances, it just requires that these ordinances do not discriminate against churches. Clearly in this case, all we are asking is that they do conform to the same regulations as everyone else. To interpret this law any other way is reverse discrimination, which clearly was not the intent. Exceptions should be granted only if required for the practice of their religion or "is compatible with the surrounding development". We don't believe the tower meets either criteria, though the suggested use may seem interesting and unique.

We would hope that when you are done, this development would be an example of how to develop responsibly in the Desert Foothills area rather than something that is inappropriate and sticks out. The rest of the site plan does seem responsible so we would hope that you would insure that all aspects are compatible with the surrounding development and zoning overlay that serves to protect that character.

Since I can't be there when you hear this case, I ask that you grant Tony Nelssen the time he needs to express the position of this organization, as he is the vice president and was also heavily involved with both the Desert Foothills Zoning Overlay and revisions to ESLO.

Thank you for your attention.

Howard Myers
President, Desert Property Owners' Association

Fuller, Bonnie

From: tony nelssen [redbirdbranch@earthlink.net]
Sent: Thursday, August 21, 2003 1:11 AM
To: Fuller, Bonnie
Subject: the law



RLUIPA_106th
CONGRESS.pdf

please see that drb receives this. the first couple of paragraphs
pretty much sums it up.
churches must be treated the SAME as surrounding properties
tony

106th CONGRESS

2d Session

S. 2869

AN ACT

To protect religious liberty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Religious Land Use and Institutionalized Persons Act of 2000'.

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) **SUBSTANTIAL BURDENS-**

(1) **GENERAL RULE-** No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) **SCOPE OF APPLICATION-** This subsection applies in any case in which--

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) **DISCRIMINATION AND EXCLUSION-**

- (1) **EQUAL TERMS**- No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.
- (2) **NONDISCRIMINATION**- No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.
- (3) **EXCLUSIONS AND LIMITS**- No government shall impose or implement a land use regulation that--
 - (A) totally excludes religious assemblies from a jurisdiction; or
 - (B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

- (a) **GENERAL RULE**- No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person--
 - (1) is in furtherance of a compelling governmental interest; and
 - (2) is the least restrictive means of furthering that compelling governmental interest.
- (b) **SCOPE OF APPLICATION**- This section applies in any case in which--
 - (1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or
 - (2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 4. JUDICIAL RELIEF.

- (a) **CAUSE OF ACTION**- A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.
- (b) **BURDEN OF PERSUASION**- If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.
- (c) **FULL FAITH AND CREDIT**- Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.
- (d) **ATTORNEYS' FEES**- Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended--

- (1) by inserting 'the Religious Land Use and Institutionalized Persons Act of 2000,' after 'Religious Freedom Restoration Act of 1993,'; and
- (2) by striking the comma that follows a comma.
- (e) PRISONERS- Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).
- (f) AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT- The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.
- (g) LIMITATION- If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

- (a) RELIGIOUS BELIEF UNAFFECTED- Nothing in this Act shall be construed to authorize any government to burden any religious belief.
- (b) RELIGIOUS EXERCISE NOT REGULATED- Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.
- (c) CLAIMS TO FUNDING UNAFFECTED- Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.
- (d) OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED- Nothing in this Act shall--
 - (1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or
 - (2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.
- (e) GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE- A government may avoid the

preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) **EFFECT ON OTHER LAW**- With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) **BROAD CONSTRUCTION**- This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) **NO PREEMPTION OR REPEAL**- Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) **SEVERABILITY**- If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the 'Establishment Clause'). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term 'granting', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) **DEFINITIONS**- Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2) is amended--

(1) in paragraph (1), by striking 'a State, or a subdivision of a State' and inserting 'or of a covered entity';

(2) in paragraph (2), by striking 'term' and all that follows through 'includes' and inserting 'term 'covered entity' means'; and

(3) in paragraph (4), by striking all after 'means' and inserting 'religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.'.

(b) **CONFORMING AMENDMENT**- Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-3(a)) is

amended by striking 'and State'.

SEC. 8. DEFINITIONS.

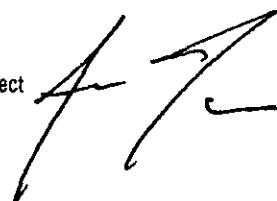
In this Act:

- (1) **CLAIMANT**- The term 'claimant' means a person raising a claim or defense under this Act.
- (2) **DEMONSTRATES**- The term 'demonstrates' means meets the burdens of going forward with the evidence and of persuasion.
- (3) **FREE EXERCISE CLAUSE**- The term 'Free Exercise Clause' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.
- (4) **GOVERNMENT**- The term 'government'--
 - (A) means--
 - (i) a State, county, municipality, or other governmental entity created under the authority of a State;
 - (ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and
 - (iii) any other person acting under color of State law; and
 - (B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.
- (5) **LAND USE REGULATION**- The term 'land use regulation' means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.
- (6) **PROGRAM OR ACTIVITY**- The term 'program or activity' means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).
- (7) **RELIGIOUS EXERCISE**-
 - (A) **IN GENERAL**- The term 'religious exercise' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.
 - (B) **RULE**- The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

D e B A R T O L O architects

date **05 december 2002**

4450 north twelfth street attention **tim curtis**
number 268 company **city of scottsdale**
phoenix, arizona 85014 fax number **480.312.7088**
tel 602.264.6617 from **aaron taylor | jack debartolo 3 architect**
fax 602.264.0891 pages **three**



F a c s i m i l e / T r a n s m i t t a l

regarding **scottsdale first assembly DREAM CENTER**
notes **Tim, please find attached the meeting minutes from 27 November 2002.**


cc. **Tony Nelson**
Pastor Friend
File

debartolo@aol.com if you have any questions or do not receive the entire transmission, please call us at **602.264.6617**

8142 [19]

36-DR-2003
05/20/2003

D e B A R T O L O architectsdate/time **27 november 2002 | 10:00 am**

4450 north twelfth street	project/contract	scottsdale first assembly DREAM CENTER
number 268	project number	0142
phoenix, arizona 85014	meeting number	04 (four)
tel 602.264.6617	present at site	Tony Nelson Pastor David Friend Jack DeBartolo Jr. Jack DeBartolo 3 
fax 602.264.0891		

architects meeting minutes

01. TOWER: Tony complemented the form and twist of the tower. He asked if the steeple could be used as an antenna tower or contain infrastructure for technology installation in the future. Tony has requested that the tower be UNLIT and the top to be UNREFLECTIVE (sandblasted translucent fiberglass.) **RESPONSE:** DA will review the request for an un-illuminated and non-reflective steeple. Allowing for future antenna (conduit) would be feasible and relatively cost effective. DA will need direction from owner to make this addition. NOTE: the limited height of tower and its location within site may not provide adequate coverage for transmissions for commercial use.

BLEND: To mingle, combine, or mix throughout. To harmonize with the surrounding. To complement the context.

02. BATTERED WALLS: Tony would prefer if some of the wall were "battered." He felt the project had modern lines (horizontal + vertical.) **RESPONSE:** The historical use of the 'battered' walls was based upon the limited structural strength of materials. Low bearing strength required wall to be thicker at the base as their height increased. DA is opposed to adding additional materials or systems to the wall to achieve a "battered" appearance. DA and Owner will investigate if 'offset' (stepped course) masonry would be structurally feasible and cost effective at two of the higher sanctuary walls.

03. PERSPECTIVE FROM PIMA ROAD: Tony asked several question regarding the visibility of the project from Pima Road. **RESPONSE:** The building at its closest point is 445 feet away from the edge of paving. The project is maintaining a 100 foot scenic corridor with existing topography and desert vegetation. DA will prepare a series of photographs (taken along Pima Road) with the proposed building superimposed into the context utilizing a three-dimensional digital model. These images will be prepared for the DRB presentation.

D e B A R T O L O architects

4450 north twelfth street

number 268

phoenix, arizona 85014

tel 602.264.6617

fax 602.264.0891

04. BLOCK WALL COLOR: Tony stated his concern with the building "blending" into the desert. His primary concern was the use of "standard concrete block" for the structure. He was to concerned with the "unfinished appearance" and possible "reflectively" of the grey CMU. Tony recommended darkening the block color, especially at the sanctuary - repeating desire for "blending". **RESPONSE:** DA is currently researching integrally colored block (cost implication) considering Western Block "Cocoa Brown."

05. RUSTIC + RURAL: Tony made many references to his personal desire for the area to retain / acquire an equestrian / rural community environment / he suggested conformance with Desert Foothill Guidelines / soon becoming "law" **RESPONSE:** DA believes in the authenticity of the desert and the harmony of architecture with nature. DA has strived to integrate the architecture with the natural environment, the code requirements of access, water storage / drainage requirements, height limitations with program conflict, storm water management, and fire department access, etc. Many of the requirements of the COS are seemingly in conflict with the Desert Foothills Guidelines.

06. SIGN: Tony has had contact with Tim Curtis at the COS regarding this project prior to formal submittal. He mentioned the proposed illuminated sign and asked where it was located. **RESPONSE:** This was part of a preliminary discussion between DA and COS planner, this was not part of the submittal and has since been omitted from the project.

07. ROOF: Tony was concerned with the appearance of the roof of the building if it is in view from Pima Road. **RESPONSE:** See NOTE 03. DA will use a desert color mineral cap sheet that will harmonize with the desert floor color / roof is parapet protected and should not be visible.

08. EXAMPLES: Tony identified the clubhouse at Desert Mountain and the Copper Ridge school at DC Ranch.

end of minutes

If any part of these minutes do not agree with your recollection, please inform DeBartolo architects as soon as possible so that corrections can be made

BEUS GILBERT
PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7630
(480) 429-3000
FAX (480) 429-3100

WENDY RECTOR RIDDELL
DIRECT (480) 429-3018

EMAIL: WRIDDELL@BEUSGILBERT.COM

27072-001

18 August 2003

VIA HAND-DELIVERY

Linda Dean

Re: Case No. 36-DR-2203/ Dream Center Scottsdale First Assembly

Dear Ms. Dean:

As you may know, we are requesting approval from the Development Review Board for the City of Scottsdale (the "City") for our site plan and elevations for Dream Center Scottsdale First Assembly ("Dream Center"). Dream Center will be a place of worship located on approximately twenty-six acres south of Via Dona Road and west of Pima Road.

The architect incorporated a thirty-eight foot (38') tower that would also be an environmentally sensitive cooling tower. We understand several of the neighbors have raised concerns that with the tower the site will be too visible. Accordingly, to resolve the neighbors concerns, we would propose the following:

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We sincerely appreciate your willingness to work toward a resolution of these issues and hope that you are satisfied with the result. If the foregoing is acceptable to you, please acknowledge your assent to this agreement by signing below where indicated. Should you have any questions regarding this agreement, please feel free to contact the undersigned at 602-616-8771.

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7630
(480) 429-3000
FAX (480) 429-3100

WENDY RECTOR RIDDELL
DIRECT (480) 429-3018

EMAIL: WRIDDELL@BEUSGILBERT.COM

27072-001

18 August 2003

VIA HAND-DELIVERY

Howard Myers

Re: Case No. 36-DR-2203/ Dream Center Scottsdale First Assembly

Dear Mr. Myers:

As you may know, we are requesting approval from the Development Review Board for the City of Scottsdale (the "City") for our site plan and elevations for Dream Center Scottsdale First Assembly ("Dream Center"). Dream Center will be a place of worship located on approximately twenty-six acres south of Via Dona Road and west of Pima Road.

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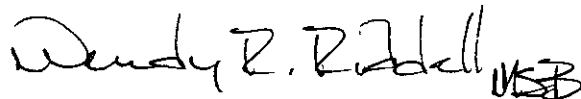
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Howard Myers
18 August 2003
Page 2

Dream Center looks forward to continuing our positive relationship with the community.

Very Truly Yours,

BEUS GILBERT PLLC



Wendy R. Riddell

Reviewed and Agreed to by:

Howard Myers

WRR/MSB:ich

cc: Tim Curtis
Kroy Ekblaw
Kurt Jones
Paul E. Gilbert

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

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DIRECT (480) 429-3018

EMAIL: WRIDDELL@BEUSGILBERT.COM

27072-001

18 August 2003

VIA HAND-DELIVERY

John Aleo

Re: Case No. 36-DR-2203/ Dream Center Scottsdale First Assembly

Dear Mr. Aleo:

As you may know, we are requesting approval from the Development Review Board for the City of Scottsdale (the "City") for our site plan and elevations for Dream Center Scottsdale First Assembly ("Dream Center"). Dream Center will be a place of worship located on approximately twenty-six acres south of Via Dona Road and west of Pima Road.

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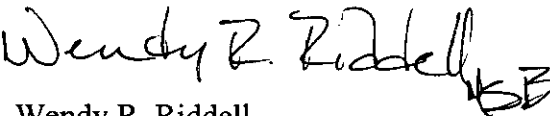
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Dream Center looks forward to continuing our positive relationship with the community.

Very Truly Yours,

BEUS GILBERT PLLC


Wendy R. Riddell

Reviewed and Agreed to by:

John Aleo

WRR/MSB:ich

cc: Tim Curtis
Kroy Ekblaw
Kurt Jones
Paul E. Gilbert

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

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WENDY RECTOR RIDDELL
DIRECT (480) 429-3018

EMAIL: WRIDDELL@BEUSGILBERT.COM

27072-001

18 August 2003

VIA HAND-DELIVERY

Eric Hess

Re: Case No. 36-DR-2203/ Dream Center Scottsdale First Assembly

Dear Mr. Hess:

As you may know, we are requesting approval from the Development Review Board for the City of Scottsdale (the "City") for our site plan and elevations for Dream Center Scottsdale First Assembly ("Dream Center"). Dream Center will be a place of worship located on approximately twenty-six acres south of Via Dona Road and west of Pima Road.

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July 24, 2003

Jack DeBartolo
Debartolo Architects
4450 N 12 St Rm 268
Phoenix, AZ 85014

Re: 88-PA-2001

Applicant:

The City of Scottsdale's Community Development Division has reviewed your development application and determined that your submittal was complete. Your check has been cashed and your application has been assigned **36-DR-2003**.

The next step in the development process is a detailed review of your application by the city staff. Upon completion of this review, you will receive a staff report, which discusses your proposal and includes pertinent development stipulations. That report will be sent to you approximately one week prior to the date of your Development Review Board hearing. Your hearing date has been tentatively set for **August 21, 2003** at 1:00 p.m. in the City Hall Kiva, 3939 North Drinkwater Boulevard, Scottsdale, Arizona.

If you have any questions or concerns, contact the Project Coordinator handling your case or the Project Coordination front desk at 480-312-7000.

Thank You.

Bonnie Fuller
Coordination Specialist
Current Planning
City of Scottsdale
480-312-4213



November 13, 2002

City of Scottsdale
7474 N Indian School Road
Scottsdale, AZ 85251

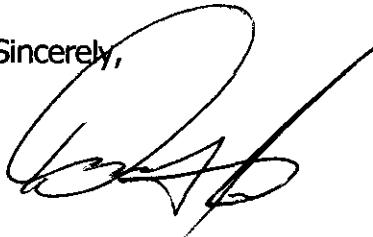
Re: Property on Pima, North of Dynamite

Dear Sirs:

Several months ago we contacted our neighbors who surround our property and we have received favorable responses to our building plans. We are currently in the process of updating them with the recent changes. Some of the property owners are out of state, therefore it may take 30 days to contact everyone.

Thank you for your assistance.

Sincerely,



Pastor David Friend
Senior Pastor

36-DR-2003
05/20/2003

DeBARTOLO architects

date 25 November 2002

4450 north twelfth street attention **Karen Warner**
number 268 company **Water Conservation Specialist**
phoenix, arizona 85014 fax number **480.312 5659**
tel 602.264.6617 from **Jack DeBartolo 3 architect**
fax 602.264.0891 pages **01**



facsimile

regarding **scottsdale first assembly**

notes **karen, we are proposing a 'water feature' for the development of the new Dream Center Scottsdale First Assembly. We are proposing an 8'x8'x2" deep still water reflection pool at the base of a 40' cool tower in a gathering plaza. The still pool of water will conform to all criteria of the SEC 49-242 requirements as follows.**

The proposed water feature shall be:

1. submitted to the city as part of the DRB submittal for approval, prior to obtaining a permit and before commencing construction.
2. outside of the right-of-way and not visible from the street.
3. designed with potable water makeup with backflow preventer - the water shall not be fed from the landscape irrigation system.
4. designed as a still pool on a recirculating pump - thus the maximum amount of water will be recycled with minimum makeup water - there shall be NO overspray.
5. designed using equipment that will minimize leakage throughout the life of the water feature.
6. equipped with a recirculating pump, filtered backwash shall be reused in a beneficial manner to landscaped material - we shall not distribute water into streets.

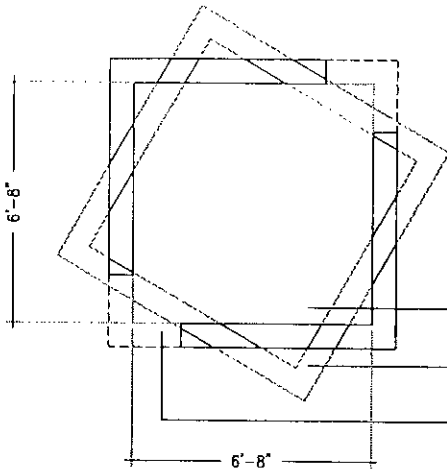
Date 11-25-02 **APPROVED**
Case # _____
Signature [Signature]
480 312-5659

Please stamp for approval.
cc. Tim Curtis @ COS

debartolo@aol.com If you have any questions or do not receive the entire transmission, please call us at 602.264.6617

36-DR-2003
05/20/2003

88-PA-2001#2

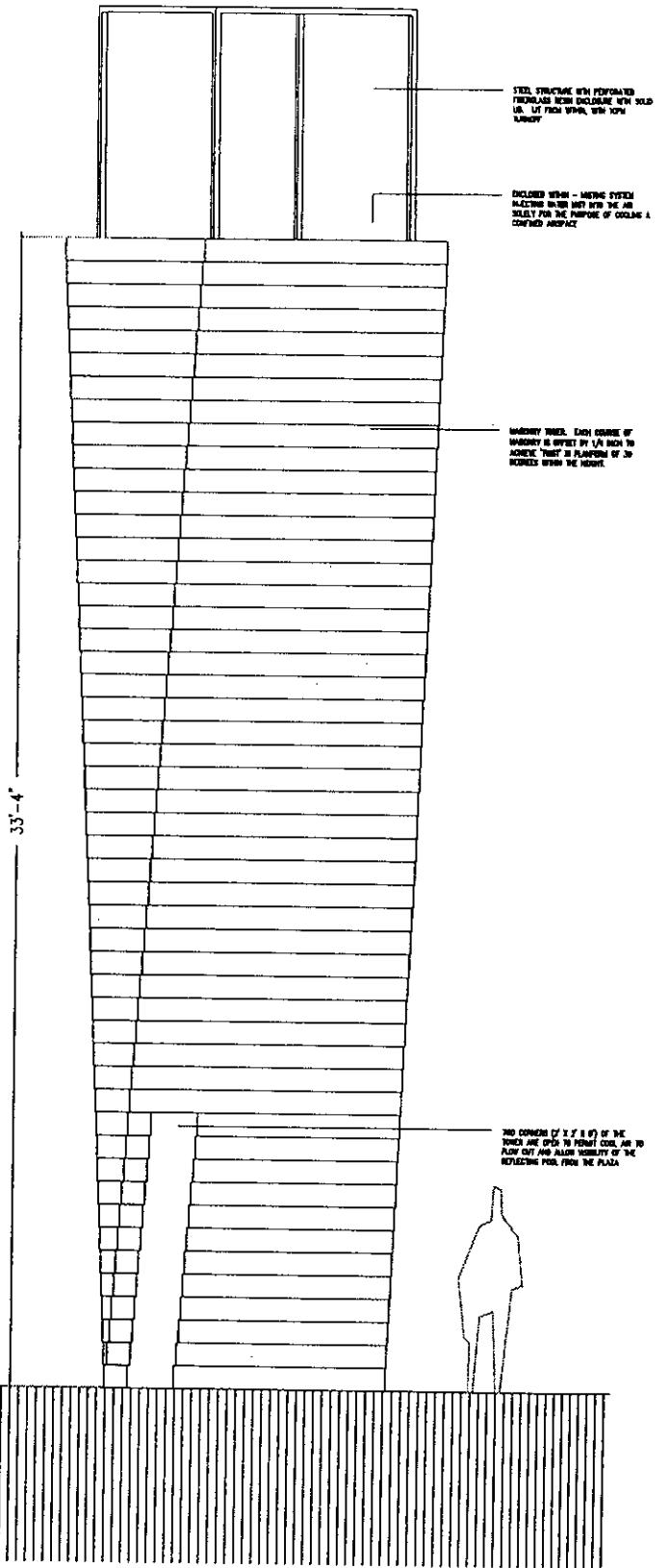


- GENERAL NOTE:
REMARKING: 8" X 8" X 1' DEEP STEEL
WATER REFLECTING POOL (WATER
FEATURE)
1. WATER FEATURE IS BEING SUBMITTED
TO CITY FOR APPROVAL.
 2. WATER FEATURE IS LOCATED OUTSIDE
OF RIGHT OF WAY AND NOT VISIBLE FROM
STREET.
 3. WATER FEATURE IS DESIGNED WITH
PORTABLE WATER HANDUP AND BACKFLOW
PREVENTER - WATER SHALL NOT BE TIED
FROM LANDSCAPE IRRIGATION SYSTEM.
 4. WATER FEATURE IS DESIGNED AS A
STEEL POOL - PAULI MAXIMUM HEIGHT OF
WATER SHALL BE RECYCLED WITH MAXIMUM
HANDUP - POOL SHALL BE AN
OVERCROWD.
 5. WATER FEATURE IS DESIGNED USING
EQUIPMENT THAT WILL MINIMIZE LEAKAGE
THROUGHOUT LIFE OF USE.
 6. WATER FEATURE IS EQUIPPED WITH
RECYCLING PUMP, FILTERED BACKFLOW
SHALL BE RE-USED IN A BOREHOLE
HANDUP TO LANDSCAPE IRRIGATION, AND
SHALL NOT BE DRAINAGE INTO STREET.

8" X 8" X 1' DEEP BLACK BOTTOM
WATER REFLECTING POOL (WATER FEATURE) AT
BASE OF COOL TOWER.

LINE OF TOWER TOP ABOVE

8" X 8" X 1' DEEP OPENING AT CORNER
(TYPICAL OF TWO CORNERS)

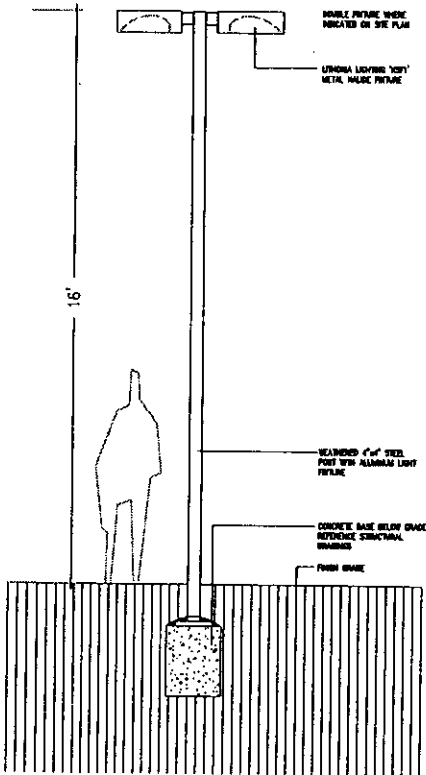


STEEL STRUCTURE WITH PERFORATED
THERMOPLASTIC POLYMER ENCLOSURE WITH SOLID
1/4" TYPICAL WITH 1/4" TYPICAL

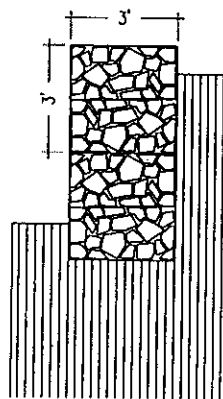
ENCLOSURE WITH - INSIDE SYSTEM
ELECTRIC WATER HEAT WITH THE AIR
SUCKER FOR THE PURPOSE OF COOLING A
CONTAINED AIRSPACE

WATERY TOWER. EACH COURSE OF
WATERY IS OFFSET BY 1/4" INCH TO
ACHIEVE "TOWER" IN PLANNING OF 30
INCHES WITHIN THE TOWER.

TWO CORNERS OF 8" X 8" X 1' OF THE
TOWER ARE OPEN TO PERMIT COOL AIR TO
FLOW OUT AND ALLOW VIBRATORY OF THE
REFLECTING POOL FROM THE PLAZA



HEAVENED "TOWER" WITH 4" GAGE WIRE GARDEN
RETAINING WALL FILLED WITH 8" X 8" X 4"
BRICKS ROCK, TO BE APPROVED BY ARCHITECT.
BRICKS SHALL BE 8" X 8" X 4" GARDENED
WIRE GAGES WITH SPREAD WIRE CONNECTORS AT
JOINTS. KEY INTO SOIL 12" MINIMUM AT BOTTOM





NOV. 14. 2002 1:40PM

November 13, 2002

City of Scottsdale
7474 N Indian School Road
Scottsdale, AZ 85251

Re: Property on Pima, North of Dynamite

Dear Sirs:

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Thank you for your assistance.

Sincerely,

Pastor David Friend
Senior Pastor

NO. 0356 P. 2

DeBARTOLO architectsdate **07 January 2003**

4450 north twelfth street attention **tim curtis**
number 268 company **city of scottsdale**
phoenix, arizona 85014 fax number **480.312.7088**
tel 602.264.6617 from **aaron taylor | jack debartolo 3 architect**
fax 602.264.0891 pages **two**

Facsimile/Transmittal


regarding scottsdale first assembly **DREAM CENTER**
notes Tim, please find attached the meeting minutes from 03 JAN 03. Please call if you
have any questions or need any additional information.


Aaron.debarlo@aol.com if you have any questions or do not receive the entire transmission, please call us at **602.264.6617**

0142 [19]

36-DR-2003
05/20/2003

DeBARTOLO architectsdate/time **03 January 2003 | 4:00 pm**

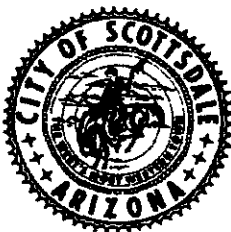
4450 north twelfth street project/contract **scottsdale first assembly DREAM CENTER**
 number 268 project number **0142**
 phoenix, arizona 85014 meeting number **07 (seven)**
 tel 602.264.6617 present at meeting Tim Curtis | Jack DeBartolo 3 | Aaron Taylor 
 fax 602.264.0891

architects meeting minutes

- 01. steeple issue:** Tim restated his interpretation of the city ordinance that the exception for towers | steeples only applies when the tower is integral to a building. When the tower is detached, it is a separate entity | building (but does not meet CoS definition of building) and only 10% of the roof of the separate entity it would be allowed to exceed the 26' height limitation. Tim suggested and DA accepted a meeting with the zoning administrator to discuss this interpretation. Tim will schedule a meeting for late on FRIDAY 10 JAN 03 and will email DA to confirm the meeting location and time.
- 02. steeple images:** DA presented sixteen images from the perimeter of the site depicting of the digital model superimposed on the actual site showing the height and character of the project in context. DA produced the document to help the owner in discussions with neighbors.
- 03. staff comments:** Tim reviewed staff comments and the majority were minor | technical issues required for a construction permit. DA will attempt to make modifications (hatching of NAOS on landscape drawings, verification of parking count and parking worksheets, verification of NAOS calculation | slope analysis, etc) prior to issuance of additional sets for DRB review. DA will request a written listing from Tim to ensure all issues are addressed.
- 04. easement:** Tim stated that one issue that was identified by staff was the request for a 25' roadway easement along the south property line. Tim will review and attempt to eliminate this request within the city and will contact DA with his findings. This could have major impacts to the project (classification of front setback, parking realignment, etc) if required.

end of minutes

if any part of these minutes do not agree with your recollection, please inform DeBartolo architects as soon as possible so that corrections can be made



**AFFIDAVIT OF POSTING
OFFICE OF THE CITY CLERK**

STATE OF ARIZONA

)
) SS

COUNTY OF MARICOPA

I, Constance Sheller, being first duly sworn, depose and say:

That on 9-24-3, I posted notification poster(s) for the property indicated below. The notification was posted on the property site and that said notices remained posted until after said meeting to the best of my knowledge.

Site(s) must be posted on or before:

Wednesday, September 24, 2003

Posting is for the October 14, 2003 City Council hearing

Case(s) # to be Posted:

of Signs

Date Posted:

36-DR-2003

2

9/24/3

By: Constance Sheller

Acknowledged this 6 day of October, 2003

My Commission expires Aug. 15, 2006

Doris C. McClay
Notary Public

