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CITY COUNCIL REPORT



MEETING DATE: April 4, 2006

ITEM NO. 13 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Sereno Canyon (Crown Communities) - 1-ZN-2005

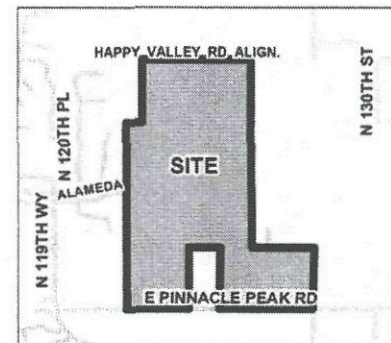
REQUEST

Request:

1. For approval of a density incentive for the Crown Property development, zoned Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL), to increase allowed dwelling units from 101 to 122 dwelling units with amended development standards on 330 +/- acres. This site is located at the east end of Alameda Road near N. 122nd Street (northeast corner of E. Pinnacle Peak Road alignment and N. 122nd Street alignment, north up to Happy Valley Road alignment).
2. To adopt Ordinance No. 3661 affirming the above amended development standards.
3. To adopt Resolution No. 6826 affirming the above density incentive.
4. To adopt Resolution No. 6854 authorizing the Mayor to execute the Development Agreement No. 2006-019-COS.

Key Items for Consideration:

- This is not a rezoning request, but a request to increase density in exchange for more dedicated natural area open space (NAOS).
- The request proposed to increase the number of single-family lots allowed from 102 to 122.
- Over 205 acres of the property will be reserved as NAOS (an increase in NAOS from 42% to 62% of the property).
- Comments from area neighbors have been focused on providing a new alternate road to access this development, instead of the existing Alameda Road. Other neighbors in the vicinity of the alternate roadway, Ranch Gate Road, have indicated their desire to retain Alameda Road as the primary access route, and their opposition to the Ranch Gate Road alternative.
- A companion development agreement assures the construction of Ranch Gate Road as an alternate access road for this development.
- A separate request to remove Alameda Road's minor collector classification from the City's Street Classification Map will be heard with the final plat.
- The developer will construct streets and infrastructure necessary to serve the site. The impacts of additional lots on traffic and infrastructure will be negligible.



- Planning Commission recommended approval of the density increase, 5-0.
- The Transportation Commission recommended approval to remove Alameda Road's minor collector classification from the City's Street Classification Map.

Related Policies, References:

Proposed Amendment to the Streets Master Plan removes Alameda Road east of Happy Valley Road from the City's Street Classification Map.

Case 21-UP-2005 is a future request for a community center within the proposed development.

OWNER

Crown Communities
630-851-5490

APPLICANT CONTACT

John Berry
Berry & Damore, LLC
480-385-2727

LOCATION

N. 122nd Street & Alameda Road

BACKGROUND

Zoning.

The site is zoned Single Family Residential/Environmentally Sensitive Lands District (R1-130/ESL). The R1-130/ESL District allows single-family homes, public schools, churches, and municipal uses. The minimum lot size allowed in this district is 130,000 square feet.

General Plan.

The General Plan Land Use Element designates this area as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land.

The General Plan Character and Design Element designates this area as Rural Desert Character Type. These areas generally contain relatively low-density and large lot development. These areas also provide a rural lifestyle that includes preserving the natural desert character and vegetation, building low profile structures, providing a natural buffer around development, and limiting road access.

The City's Street Classification Map currently classifies Alameda Road as a minor collector street to serve this area.

Context.

This 330-acre property is located at the east end of Alameda Road near N. 122nd Street (northeast corner of E. Pinnacle Peak Road alignment and N. 122nd Street alignment, north up to the Happy Valley Road alignment). The site has dramatic terrain that includes rolling hills, small mountains, large boulder outcrops, heavily vegetated areas, washes, and jeep trails. The property is located within the Upper Desert Landform of the Environmental Sensitive Land Ordinance. The property is surrounded by R1-130 ESL zoning,

and the surrounding area includes higher density subdivisions further to the west and the Planned McDowell Sonoran Preserve further to the south, east, and northeast

Adjacent Uses and Zoning

- North Vacant State Land, zoned R1-130 ESL
- South Vacant and Preserve, zoned R1-130 ESL
- East Vacant and Preserve, zoned R1-130 ESL
- West Vacant and Single-Family Homes, zoned R1-190 ESL

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

This is a request to approve of density incentive and amended development standards for the R1-130 ESL District in exchange for additional natural area open space (NAOS) This is not a request to rezone to another zoning district The request will increase the allowed dwelling units from 102 units to 122 units, and amends the development standards pertaining to lot size, lot width, and setbacks The proposal provides an increased amount of NAOS from 139 acres to 205 acres The amended development standards are outlined in the table below

Development Standard	Required	Amended
Number of Lots	102 lots allowed	122 lots proposed
Lot Size	130,000 square feet	49,000 square feet
Lot Width	200 feet	150 feet
Setbacks	Front 60 feet Side 30 feet Rear 60 feet	Front 45 feet Side 22 5 feet Rear 45 feet
NAOS	139 acres	205 acres

This request also includes a companion development agreement that assures the construction of Ranch Gate Road as an alternate access road for this development

Development information.

- Parcel Size 330 38 gross acres
- Existing Use Vacant land (desert)
- Proposed Use 122-lot single-family subdivision
- Existing Density Allowed 0 31 home per gross acre (102 homes)
- Proposed Density 0 37 homes per gross acre (122 homes)
- Proposed Lot sizes 49,000 square foot minimum
- Building Height Allowed 24 feet
- Building Height Provided 24 feet
- NAOS Required 139 acres (42%)
- NAOS Provided 205 acres (62%)

IMPACT ANALYSIS**Density and Amended Development Standards.**

The Environmentally Sensitive Lands Ordinance allows an applicant to request a density incentive up to 20% of the base density to applicants who provide more meaningful NAOS than is normally required. The bonus must be approved by the City Council providing that the following criteria are met:

- a. The bonus applies only in the R1-43, R1-70, R1-130, and R1-190 residential zoning districts.
- b. The incentive must be calculated using the base NAOS standards for the development project, and cannot be used in combination with any reductions in NAOS.
- c. The additional NAOS must be undeveloped natural area and cannot include revegetated areas.
- d. The additional NAOS must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve.

The ESL Ordinance allows development standards for the underlying zoning district to be amended by the Development Review Board with the Preliminary Plat, as long as the standards are not reduced by more than 25%. The lot width and setback reduction meets the 25% maximum, however, the applicant wishes to reduce the minimum lot size 62% (from 130,000 square feet to 49,000 square feet). The ESL Ordinance allows the City Council to approve amended development standards which exceed 25% pursuant to the following:

1. Application and public hearing procedures of Section 1.600 and 1.700.
2. In reviewing such applications, the City Council shall compare the requested intensity and use to the environmental conditions and to the General Plan to determine the appropriateness of the amended development standards.
3. The applicant shall demonstrate that the stated modifications better achieve the purposes of ESL regulations in Section 6.1011 than the existing zoning.

The road and lot configuration proposed, along with the amended development standards, limit land disturbance and help preserve substantial meaningful natural open space through washes, on steeper slopes, in concentrated vegetation areas, in boulder outcrop areas, and around the perimeter of the property. The proposed decrease in lot size, lot width, and setbacks allow development flexibility, allow an additional 20 lots, and allow 66 acres of additional NAOS.

Traffic.

The request for density incentive approval would allow an increase from 102 single-family dwelling units to 122 dwelling units. This represents an increase in daily trip generation from 976 trips to 1,168 trips. The primary site access will be provided from Happy Valley Road west of the site via Alameda Road. Happy Valley Road is classified as a minor arterial street and is constructed to a four-lane cross section – two lanes each direction with a center landscaped median. There are currently 3,920 daily vehicles on Happy Valley Road in the vicinity of Alameda Road. Alameda Road is classified as a minor collector street and is constructed to a two-lane cross section – one lane in each direction without a center turn lane. It currently terminates near N. 121st Place near the site boundary. There are currently 1,550 daily vehicle trips on

Alameda Road near Happy Valley Road. Alameda Road has no direct residential access, consistent with its collector classification, and has adequate capacity to handle the increase in traffic associated with this request.

Associated with this request for amended development standards is a separate request to remove Alameda Road's minor collector classification from the City's Street Classification Map that was adopted with the Streets Master Plan in October 2003. This request is being made to allow the applicant to install gates on Alameda Road east of the N. 122nd Street alignment, which would prevent public access through the proposed development. This request is the result of a neighborhood involvement program that was initiated by concerns of residents living along Alameda Road west of the site. Neighbors have expressed a desire to reduce the amount of traffic on Alameda Road that would be generated by the proposed development and by eliminating the public street connection from Happy Valley Road to N. 128th Street.

The applicant has proposed to construct an alternative east-west connection north of Alameda Road. The proposed street would follow the Ranch Gate alignment at Happy Valley Road, continue east primarily through undeveloped State Land, and end up on the true Happy Valley Road alignment at N. 128th Street. This new street would be a two-lane local collector street, and the proposed development agreement assures the dedication of Ranch Gate Road prior to any final subdivision plat approval for this development.

In addition to Alameda Road, the proposed development would have access to the north onto this new street, as well as access to 128th Street on the east side. The applicant has agreed not to use Alameda Road for construction traffic associated with home construction.

The request to remove Alameda Road from the Street Classification Map was approved, subject to conditions, by the Transportation Commission on November 17th, 2005, by a vote of 4 to 2. The Transportation Commission staff report and minutes are attached for reference. The Transportation Commission's approval included several conditions that have been incorporated into the case stipulations. These include the following:

- Ranch Gate Road must be constructed between Happy Valley Road and N. 128th Streets to local collector street standards before removal of Alameda Road from the Street Classification Map. The applicant is responsible for securing all necessary rights-of-way.
- Happy Valley Road/118th Street must be constructed from its current termination north to Jomax Road.
- Public trail access must be provided through the Crown property, providing trail access for the residents west of the proposed development to 128th Street.
- Adjacent neighborhoods must be provided vehicular access through the Crown property in the event of an emergency area evacuation.

The separate request to remove Alameda Road from the Street Classification Map will be scheduled for Council action at the time of final plat and after the alternative access routes are provided (Ranch Gate Road and 118th Street) in accordance with the attached stipulations.

In order to assemble and subsequently subdivide the subject property, there are existing roadway easements that will need to be abandoned. There are also several adjacent parcels that will need to retain access through the subject property. These issues are addressed in the stipulations for this case and in the master circulation plan for the proposed development.

Water/Sewer.

The applicant has submitted a Master Plan for water and wastewater, and is responsible for new water and sewer infrastructure to service the site.

Police/Fire.

The nearest fire station is located approximately four miles from the site at 27777 N. Alma School. The increase from 102 lots to 120 lots will not impact police or fire services.

Schools District comments/review.

The surrounding school districts have been notified of this application, and the Cave Creek Unified School District states that the District has adequate school facilities to accommodate the projected number of additional students generated by the proposed density increase.

Community Involvement.

Surrounding property owners have been notified, the site has been posted with informational signs, neighborhood meetings have occurred, and the Transportation Commission held two public meetings regarding Alameda Road. Transportation staff also hosted community meetings to discuss Alameda Road and the Ranch Gate Road alternative. Most recently on January 11, 2006, about 25 residents attended an informational public meeting and provided additional comments about the Transportation Commission recommendation to require the developer of the Sereno Canyon project to construct Ranch Gate/Happy Valley Road between 118th and 128th streets as a two-lane road. Neighbors in the vicinity of Ranch Gate continue to express concerns about the roadway and the elimination of the segment of Alameda through the Sereno Canyon project.

A letter from Troon Highlands Estates supports the increase in dwelling units. Much of the community input received has been directed to concerns regarding more traffic on Alameda Road (with or without the proposed density incentive). After receiving community input, the applicant modified the plan to show Alameda Road as a private street with alternate public access to the north through a future Ranch Gate Road. The applicant also agreed to direct construction vehicles away from Alameda Road during future home construction. (See Citizen Involvement Attachment #11)

Community Impact.

The change to allow 122 lots instead of 102 lots will increase the density allowed on the site, but will have little or no impact on existing infrastructure or services. The development plan provides a significant increase in the amount of natural area open space in this area of rugged terrain. It also provides large lots with limited building envelopes, no perimeter walls, and

limited road access. The current development proposal and site plan assume the removal of Alameda Road from the Street Classification Map, which is a separate process and has been recognized in the attached stipulations.

Policy Implications.

Approval of this case allows the developer to construct an additional 22 lots in exchange for 66 acres of additional NAOS, and should the developer meet the required stipulations, a future change to the City Streets Master Plan will be presented to the City Council for approval allowing Ranch Gate Road to serve the project instead of Alameda Road.

Staff Recommendation.

Staff recommends approval, subject to the attached stipulations.

**OTHER BOARDS AND
COMMISSIONS****Planning Commission.**

The Planning Commission heard this case on November 30, 2005. The Planning Commission discussed the merits and history of the density increase provision, and expressed concerns about this creating a trend for the future. The Commission also discussed circulation through the site, including vehicular, pedestrian, and trail access. The Commission discussed the relationship between the proposed density incentive and the proposed removal of Alameda Road from the City's Street Classification Map. Speakers at the hearing expressed both support and opposition to the density increase, and expressed both support and opposition to the proposal of diverting traffic from Alameda Road to Ranch Gate Road as part of this development plan.

Planning Commission recommended approval of the density incentive and the amended standard, as stipulated, 5-0. Stipulations include the provision for diverting traffic from Alameda Road to Ranch Gate Road as part of this development plan.

Transportation Commission.

The Transportation Commission recommended approval, subject to conditions, of the request to remove Alameda Road from the Street Classification Map on November 17th, 2005, by a vote of 4 to 2. The Transportation Commission minutes and staff report are attached for reference. The Transportation Commission's approval included stipulations pertaining to construction of Ranch Gate Road, N 128th Street, and Happy Valley Road/118th Street, and public trails and emergency evacuation access via the Alameda alignment. The separate request to remove Alameda Road from the Street Classification Map will be scheduled for Council action at the time of final plat and after the alternative access routes are provided.

RECOMMENDATION

Approval of the density incentive and amended development standards, subject to the attached stipulations and the development agreement.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Tim Curtis, AICP
Principle Planner
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E-mail: tcurtis@ScottsdaleAZ.gov

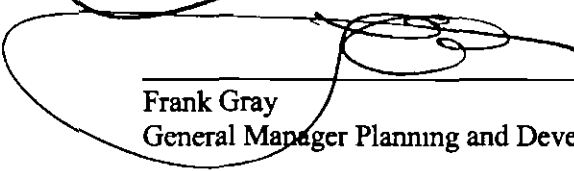
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480-312-7995

E-mail: rgrant@ScottsdaleAZ.gov

APPROVED BY


Randy Grant
Chief Planning Officer

3/24/06
Date


Frank Gray
General Manager Planning and Development Services

3.21.06
Date


Mary O'Connor
General Manager Transportation

3/21/06
Date


Ed Gawf
Assistant City Manager

3/21/06
Date

ATTACHMENTS

- 1 Applicant's Narrative
- 1A Amended Development Standards
- 2 Context Aerial
- 2A Aerial Close-Up
- 3 Land Use Map
- 4 Zoning Map
- 5 Ordinance No 3661
- Exhibit 1 Amended Development Standards
- Exhibit 2 Stipulations
- Exhibit 3 Zoning Map
- 6 Resolution No 6826
- 7 Resolution No 6854
- 8 Development Agreement No 2006-019-COS
- 9 Additional Information
- 10 Transportation Commission Report
- 11 Citizen Involvement
- 12 City Notification Map
- 13 November 30, 2005 Planning Commission Minutes
- 14 November 17, 2005 Transportation Commission Minutes
- 15 Conceptual Land Use Plan w/ Surrounding Property Context
- 16 Site Plan

CROWN COMMUNITIES - 330 ACRES
PROJECT NARRATIVE
(UPDATED 09 28 05)

The Crown Property is a 330 acre site, located at the northeast corner of the Pinnacle Peak Road alignment and the 122nd Street Alignment. The Pinnacle Peak Road alignment serves as the properties southern boundary, while the Happy Valley Road alignment extends across the northern property boundary. The existing communities of Sonoran Crest and Saguaro Canyon are immediately adjacent to the western property boundary of the site

The existing property is an assemblage of 13 private parcels and is generally vacant/undeveloped in character. A series of jeep trails serve as the only man-made impacts on the site. Access to the site boundaries can be achieved via 128th Street to the eastern property edge, or by way of Alameda Road which is improved to the western edge of the property (122nd Street alignment). The City has requested the applicant to submit master plans for the property to supplement the rezoning application. These master plans will outline a cohesive development plan that considers infrastructure and environmental conditions relative to the overall site, as well as demonstrating the benefits of parcel assemblage as a means to promote sensitive design practices. Master planning of the site will encourage the creation of contiguous open spaces and allow for the ability to shift density away from high-value environmental areas.

This application proposes to maintain the existing R1-130 ESL zoning designation on the property with a request for a density incentive that will increase the allowed number of lots from 101 to 122. The ESL Ordinance provides for a density incentive bonus that will not exceed 20% of the permitted density, provided that the applicant agrees to the designation of additional "meaningful natural area open space". Analysis of the site

indicates that 139 acres (or 42% of the gross site area) of open space is required for development approval. The applicant has provided 205 acres (or 62% of the gross site area) of Natural Area Open Space as illustrated in the Preliminary Open Space Plan. Increased open space throughout the project was achieved by reducing development envelope sizes within lots, widening areas that contain sensitive natural habitat and unique environmental features, identifying high-value corridors for connectivity throughout the project and increasing setback buffers to adjacent properties and roadways. The applicant intends to promote the natural setting of the site by minimizing disturbance in high visibility areas and assemble contiguous open space areas that will serve as corridors for wildlife and resident recreation. On a more regional level, the provided open space responds to the existing geographic and topographic characteristics of the area by maximizing connections with planned open space areas to the south and east of the subject property.

Note: A site walk was conducted with City staff on May 3rd, 2005 to assess the specific locations of proposed roadways alignments and development envelopes as identified on the Preliminary Open Space Exhibit and Land Use Plan. Open space connectivity and corridors were examined to ensure adequate buffering and protection of natural features (i.e. major boulders and 50+ cfs wash corridors). The applicant and staff agreed to minor modifications of the land use plan that result in better integration of improvements within the existing environment. The field visit also elevated staff awareness of the specific dynamics and geography of the site and found that provisions for environmental and open space sensitivity (including compliance with the ESL Ordinance) were being adequately addressed by the applicant.

The applicant has also requested amendments to the R1-130 ESL development standards to allow for reduced lot area, dimensions and setbacks. Approval of the amendment request will allow for a site plan configuration that recognizes the sensitive natural features of the site and would permit increased numbers of lots to be located in less sensitive areas of the site. The provided Preliminary Open Space Exhibit with Priority NAOS Areas, demonstrates this design approach by illustrating areas of environmental constraint, locations of natural features and the connectivity of open space areas throughout the site.

The proposed conceptual site plan reflects efforts on behalf of the applicant to ensure a sensitive design approach and to address development concerns of surrounding property owners with regards to vehicular circulation and distribution. The community will be gated, with three resident access locations. The primary entry will be at the eastern terminus of Alameda Road, with a private local collector level roadway that will extend eastward into the heart of the project. Secondary, full access entry gate locations will be located along the northern site boundary (Happy Valley Road alignment) and the eastern site boundary (128th Street alignment). The northern access point will tie into a proposed minor collector alignment that will extend from 118th Street to 128th Street across the State Land property. The eastern gate will serve not only as a resident gate but double as an access option for emergency vehicles needing to service properties along the southern portions of 128th Street.

A public trail segment will be included along the 128th Street frontage. The trail will be dedicated within a 20-foot easement and will meander within the 100-foot scenic corridor easement. This segment will provide a linkage to the proposed McDowell Sonoran Preserve trailhead to be located at the southern terminus of 128th Street.

A designated community center and park site has been identified in the central portion of the project and will serve the overall community. The community center will serve as a focal point for community residents and will incorporate a broad spectrum of amenities in addition to serving as a trailhead for private trails within the proposed project. The proposed private trail network will enhance pedestrian connectivity to all portions of the site.

Utilities, including water and wastewater, will be conveyed to the site via extensions to existing public service lines in Alameda Road and the Happy Valley Road alignment. Please reference the utility master plans submitted in conjunction with this application for a more detailed description of proposed utility locations.

The delineation of preliminary development envelopes for each residential unit have been defined to promote the integration of development into the existing natural environment. Delineated natural open space areas are contiguous, provide ample buffer to adjacent properties and were designed to minimize impacts to the most sensitive natural features on the property. The site contains numerous boulder features that have been specifically integrated into proposed natural open spaces, trail corridors, park sites and community focal points. Major boulder features that meet the criteria for preservation as defined by the ESL Ordinance will be placed in protective easements throughout the site. The preservation of existing native vegetation will be an important component of the open space areas. However, the site was subjected to a large scale wildfire burn approximately 10 years ago and has not recovered to densities and maturities typical of the upper Sonoran Desert. The Concentrated Vegetation Exhibit identifies areas that have demonstrated the greatest levels of vegetation recovery on the site. These areas are typically associated with high-volume wash corridors and have been identified for preservation. Initial site planning and open space determinations were made utilizing a combination of available resources including environmental constraint surveys, topographic mapping and aerial photography. In addition, the City of Scottsdale's NAOS priority maps and the Dynamite Foothills Area Plan Environmental Constraints Map provided guidance as to the location of City prioritized environmental features.

The subject property naturally drains to both the east and west, off of a subtle watershed boundary that extends through the center portion of the property. Offsite drainage generally initiates from the McDowell Mountains to the south and crosses the site in a series of small braided washes. These braided wash corridors lend character to the site, their ephemeral waters slowly shaping the contours of the property into small rolling hills, bisected by intermittent washes.

The site plan proposes a development scenario that seeks to promote the sensitive integration of development into the existing landscape. This sensitive approach not only benefits the unique environmental characteristics of the site by ensuring its preservation, but will add value to future lots that retain the essence of this natural setting even after

the residences have been built. To further this goal of sensitive integration, the applicant has adopted many of the design standards and recommendations identified in the Dynamite Foothills Character Area Plan (DFCAP). The Area Plan will help to promote cohesion of development character in the area and will serve as a guideline for current and future design decisions. One of the design policies put forth by the DFCAP was the recommendation of the elimination of project perimeter walls. The applicant does not intend to construct perimeter walls, and instead proposes a combination of rear lot walls within development envelope areas and the discretionary use of decorative site walls to screen and buffer development from high traffic areas. Site walls will be limited to 4-feet in height and will generally be located in proximity to proposed monumentation and project entry gates only. Rear lot walls will be limited to 6-feet in height and will address security and privacy concerns of individual homeowners. The use of retaining walls may also be necessary in association with roadway and development envelope improvements. In addition, retaining walls will be designed to conform with City of Scottsdale design standards and ESL requirements.

Listed below is a summary of additional conformance standards set forth by the DFCAP and the Scottsdale General Plan. These standards have provided a framework for initial theming and design considerations during the planning process.

Conformance with the Dynamite Foothills Character Area Plan - Design and Performance Guidelines

Low Density Single Family Uses

- Defined construction envelopes that recognize sensitive natural areas
- Wherever possible, development impacts will minimize disturbance to mature Saguaros and Desert Trees
- Maximum building height will be limited to 24' per ESL ordinance
- Lawn/Turf areas will be restricted to enclosed private areas, typically located at the rear of the property
- Colors and textures will blend into the adjacent natural desert setting
- Use of lighting will be restricted to comply with adopted "Dark Sky" Ordinance

Conformance with City of Scottsdale General Plan

Rural Desert Character Types:

- The identity and natural desert character of this district should be strengthened and maintained by preventing encroachment of nonconforming uses and architectural styles, protecting open spaces and vistas, encouraging conservation of desert

vegetation, building low profile structures, discouraging walls, and limiting road access.

- Special care should be taken to preserve the natural character of the land and natural drainage corridors.
- Desert vegetation is maintained in either in common open space areas or on individual lots.
- Site plans for developments on larger vacant tracts should be sensitive to topography, vegetation and natural drainage area.
- The impacts of development on desert preservation should be minimized through the preservation of washes and the use of natural buffers on the perimeter of developments.

Environmentally Sensitive Lands and Native Desert Character Types:

- Any development permitted in this district should be very low density and special care should be taken to minimize the impacts of development on the natural character of the land.
- Low impact recreational opportunities may be considered for these areas, including hiking, mountain biking and equestrian trails.

Recognize the value and visual significance that landscaping has upon the character of the community and maintain standards that result in substantial, mature landscaping that reinforces the character of the city.

- Require substantial landscaping be provided as part of new development or redevelopment.
- Maintain the landscaping materials and pattern within a character area.
- Encourage the use of landscaping to reduce the effects of heat and glare on buildings and pedestrian areas as well as contribute toward better air quality.
- Discourage plant materials that contribute substantial air-borne pollen.
- Encourage landscape designs that promote water conservation, safe public settings, erosion protection, and reduce the "urban heat island" effect.
- Encourage the retention of mature landscape plant materials.



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M E M O R A N D U M

To: Tim Curtis

Co./Dept.: City of Scottsdale

cc:

From: Alex Stadman

Page: 1 of 1

DATE: 10/03/05

JOB NO.: 0425.1

SUBJECT: Crown Property (Sereno Canyon) Zoning Application Resubmittal

Please accept this update to the pending Crown Property zoning application, currently on file with the City of Scottsdale (1-ZN-2005). Enclosed materials have been updated to reflect an updated site plan for the property. Most significantly, the site plan no longer reflects the extension of Alameda Road through the property as a public roadway, ultimately connecting to 128th Street on the eastern edge of the property. This change was made to reflect the desire of area residents to reduce through traffic volumes on Alameda Road. The revised Crown application proposes to gate Alameda at 122nd Street, allowing future residents to utilize this access point, but will prohibit construction traffic and through traffic from using this alignment. An alternative connector alignment, between Happy Valley Road and 128th Street, has been proposed at the Ranch Gate Road alignment (see revised Circulation Master Plan). An application for amendment to the Street Classification Map is being submitted concurrently with this application to substitute the Ranch Gate alignment for the existing Alameda Road connector segment.

Below is a list of the revised/updated rezoning application materials included in this package:

1. Narrative
2. Context Aerial + Context Site Plan
3. Site Plan
4. Overall Land Use Master Plan
5. Project Phasing Plan
6. Environmental Design Master Plan
7. Preliminary NAOS Exhibit
8. Preliminary Archaeological Mitigation Areas
9. Circulation Master Plan (2 Copies)
10. Master Drainage Report (2 Copies)

Please let me know if there are any additional items that you will need to complete your review of the revised materials. Thanks. -Alex

☒ If you have received this in error, please contact LVA and we will retrieve it at no cost.

CROWN PROPERTY
122nd Street & Alameda Road

Amended Development Standards Justification Form
(Please attach the proposed Development Standards to this form)

Which of the following development standards are requested for amendment?

R1-130 ESL:

<input checked="" type="checkbox"/> Lot Size	% of increase or decrease	<u>62%</u>	Minimum Lot Size	<u>49,000 Sq Ft</u>
<input checked="" type="checkbox"/> Lot Width	% of increase or decrease	<u>25%</u>	Minimum Lot Width	<u>150'</u>
<input checked="" type="checkbox"/> Setbacks	% of increase or decrease	<u>25%</u>	Minimum Front Setback	<u>45'</u>
			Minimum Rear Setback	<u>45'</u>
			Minimum Side Setback	<u>22.5'</u>
<input checked="" type="checkbox"/> Sideyard Wall Setbacks	% of inc./dec	<u>100%</u>	Min Sidewall Setback	<u>0'</u>

What are the major environmental features on the site?

The site contains a series of minor washes that are incorporated into the overall site plan as natural open space amenities within the development plan. Impacts to these areas will be generally restricted, with exception of necessary wash crossings for internal vehicular circulation. Drainage corridors have been established between development envelopes to address peak flows across the site and to maintain the integrity of these natural features as an amenity for future homeowners and as habitat for established species. Several large boulder outcroppings are located on the site and have been identified for preservation by the development plan through the dedication of NAOS easements. Development envelopes and on-site infrastructure are cognizant of these features and have provided allowances to prevent encroachment in most cases. The applicant has conducted a joint field visitation with City staff to identify areas of increased environmental value and adjust the preliminary development plan where necessary to avoid impacts to these areas. In addition, the applicant has utilized City resources (i.e. NAOS Priority Maps, Aerial Photography, Topographic Maps, ESLO Maps and Dynamite Foothills Character Area Plan) to promote conformance with the City's prioritized environmentally sensitive areas. The accuracy and relevancy of these plans in relation to the proposed site plan were field verified with staff to ensure that a sensitive development approach is achieved.

Describe how these reductions result in better protection of environmental features than if the property were developed using standard lot sizes and setbacks:

Reductions to the development standards will allow building lot and envelope shapes and sizes to better integrate within the existing natural environment, creating a balanced development scenario that acts to promote the preservation of significant wash corridors, significant boulder outcroppings, habitat areas and other sensitive natural areas.

Sensitive Natural Areas have been identified as areas containing increased vegetation densities and unique environmental features. These areas were identified prior to the site planning process and have been incorporated into the development plan as non-impacted areas. Due to a large-scale wildlands burn that occurred in the mid-1990s across the subject site, very little mature vegetation exists, particularly in increased densities. In spite of this condition, many portions of the site exhibit potential for expedited recovery resulting from their proximate location to seasonally concentrated water sources (ephemeral washes) and protective features such as bolder outcroppings. These areas were identified during the site planning process for preservation and potential rehabilitation.

Building envelopes have been situated to promote sensitive development conditions that largely avoid impacts to these sensitive areas. 50+ cfs washes and areas of increased vegetation density were prioritized for non-disturbance and the Open Space Exhibit illustrates this commitment. These wash corridors will also serve as wildlife corridors and special exceptions have been made to provide connectivity by reducing obstructions that would affect these movements. The building envelopes in this application are proposed to minimize disturbance of existing wash corridors and enhanced environmental value. The applicant has performed a site visit with City Staff to identify areas of increased environmental value and identify logical open space corridors that promote preservation and on-site open space connectivity. Staff has been supportive of these efforts and recognizes the relationship between sensitive environmental areas and the current development plan. The applicant will seek to increase protections of these areas through the establishment of NAOS easements, boulder protection easements, field-defined roadway alignments and development envelopes that are specifically designed to avoid encroachment into sensitive and high-value areas.

What is the minimum NAOS required per ordinance? 139 Acres

What is the amount of NAOS provided by the applicant? 205 Acres

What is the percentage of the overall site (gross parcel size) being dedicated in NAOS? 62%

Will the NAOS be shown in common tracts and dedicated on the final plat? No

Will the NAOS be dedicated with each lot as it comes in for development? Yes

If yes, explain how the City might achieve assurance that NAOS dedications are logical and connect with NAOS areas that will be or have been dedicated.

The final plat will include an N A O S easement dedication.

Is the amount of NAOS being dedicated as part of the NAOS Density Incentive Provision of ESLO?

Yes. The excess provided NAOS area will serve a dual role of justifying amended development standards for the subject property and meeting the qualification requirements for the Density Incentive Provision of ESLO.

Special Circumstances: None

Sec. 5.020. R1-130 single-family residential district.

Sec. 5.021. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

(Ord. No. 2470, § 1, 6-16-92)

Sec. 5.022. Use regulations.

A *Permitted uses* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses

Any use permitted in the (R1-190) single-family residential district (see section 5.012A)

B *Uses subject to conditional use permit*

Any use permitted by conditional use permit in the (R1-190) single-family residential district (see section 5.012B)

(Ord. No. 2394, § 1, 9-16-91, Ord. No. 2430, § 1, 1-21-92, Ord. No. 2431, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92, Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97, Ord. No. 3103, § 1, 1-6-98)

Sec. 5.023. Approvals required.

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1.900 hereof.

(Ord. No. 2470, § 1, 6-16-92; Ord. No. 3225, § 1, 5-4-99)

Sec. 5.024. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-130 district.

A *Lot area*

1 Each lot shall have a minimum lot area of not less than ~~one hundred and thirty thousand (130,000)~~ **forty-nine thousand (49,000)** square feet

2 If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section

B *Lot dimensions*

Width All lots shall have a minimum width of ~~two hundred (200)~~ **one hundred and fifty (150)** feet.

C *Density* There shall be not more than one (1) single-family dwelling unit on any one (1) lot

D *Building height* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII

E. *Yards.*

1 *Front Yard*

a There shall be a front yard having a depth of not less than ~~sixty (60)~~ **forty-five (45)** feet

b Where lots have a double frontage on two (2) streets, the required front yard of ~~sixty (60)~~ **forty-five (45)** feet shall be provided on both streets

c On a corner lot, the required front yard of ~~sixty (60)~~ **forty-five (45)** feet shall be provided on each street No accessory buildings shall be constructed in a front yard *Exception* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2 *Side Yard* There shall be a side yard of not less than ~~thirty (30)~~ **twenty-two and one-half (22.5)** feet on each side of a building

3 *Rear Yard.* There shall be a rear yard having a depth of not less than ~~sixty (60)~~ **forty-five (45)** feet

4 Other requirements and exceptions as specified in article VII

F *Distance between buildings*

1 There shall be not less than ten (10) feet between an accessory building and the main building

2 The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet

G *Buildings, walls, fences and landscaping*

1 Eight-foot walls, fences and hedges are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet are allowed subject to a sixty-foot setback from the side and rear property line. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII. The height of the wall or fence is measured from the inside of the enclosure. *Exception* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements.

2. A minimum of five (5) percent of all parking lot areas shall be landscaped as determined by use permit. All landscaped areas shall be maintained to city standards.

H. *Access* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

I *Corral* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

(Ord No 2470, § 1, 6-16-92, Ord No 2509, § 1, 6-1-93)

Sec. 5.025. Off-street parking.

The provisions of article IX shall apply

(Ord No 2470, § 1, 6-16-92)

Sec. 5.026. Signs.

The provisions of article VIII shall apply

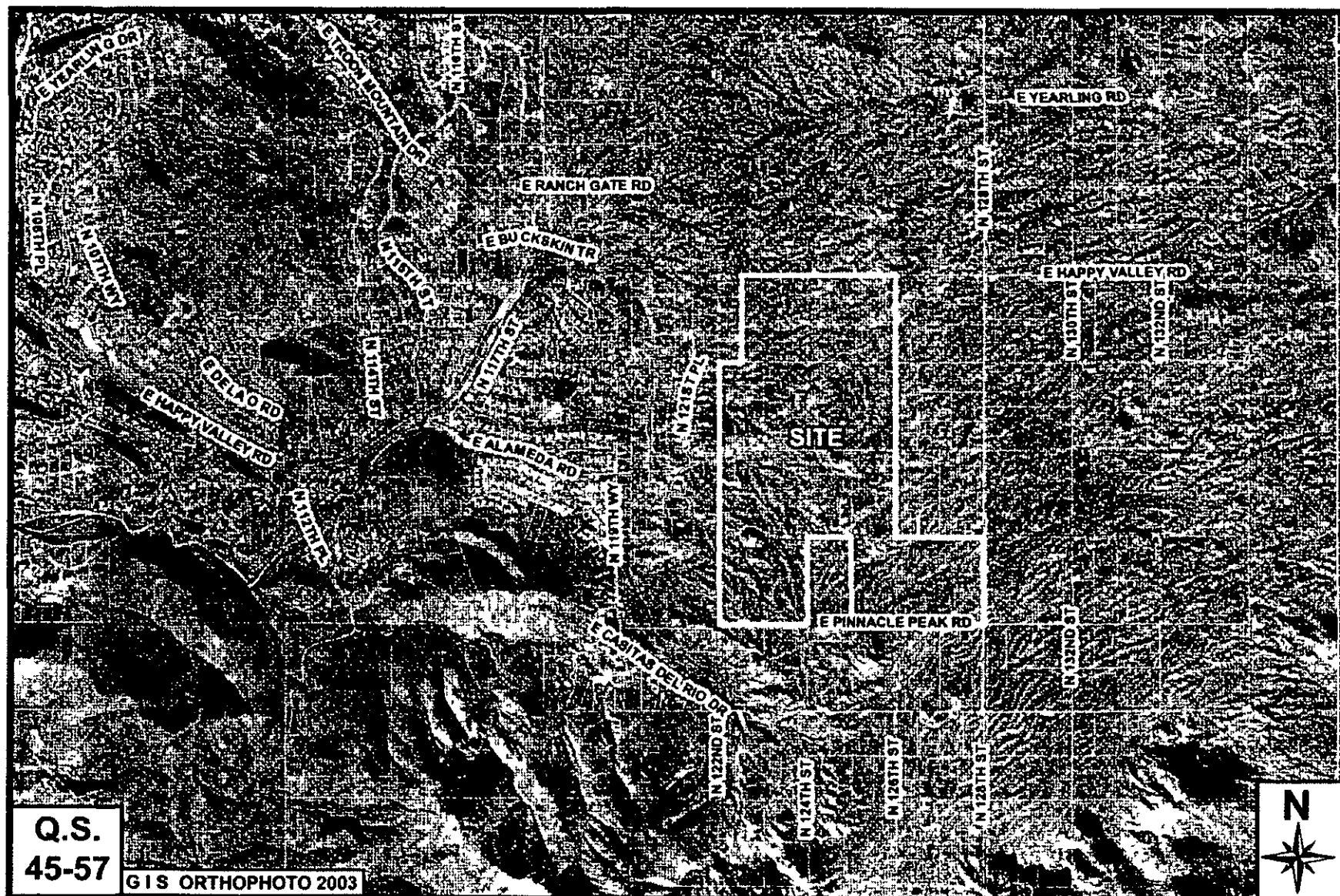
(Ord No 2470, § 1, 6-16-92)

[Secs. 5.027–5.029. Reserved.]

DEVELOPMENT STANDARDS**SUBDIVISION NAME: SERENO CANYON****CASE # 1-ZN-2005****Q S MAP 45-57****ZONING R1 - 130****PCD****RPD****ESL X**

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS	REDUCTION
MIN LOT AREA	<u>130,000</u>	<u>49,000</u>	<u>62%</u>
MIN. LOT WIDTH			
Standard Lot	<u>200'</u>	<u>150'</u>	<u>25%</u>
Flag Lot			
MAXIMUM BUILDING HEIGHT	<u>30'</u>	<u>24'</u>	<u>per E S L</u>
MIN YARD SETBACKS			
FRONT YARD			
FRONT (to face of building)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (corner lot, side street)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (corner lot, side street)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (corner lot, adjacent to key lot, side street)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (double frontage)	<u>60'</u>	<u>45'</u>	<u>25%</u>
SIDE YARD			
Minimum	<u>30'</u>	<u>22 5'</u>	<u>25%</u>
Minimum aggregate	<u>60'</u>	<u>45'</u>	<u>25%</u>
REAR YARD			
Standard Depth	<u>60'</u>	<u>45'</u>	<u>25%</u>
Min. Depth			
(% of difference)			
which can be occupied)			
DISTANCE BETWEEN BUILDINGS (MIN)			
Accessory & Main	<u>10'</u>	<u>10'</u>	<u>0%</u>
Main buildings/adjacent lots	<u>60'</u>	<u>45'</u>	<u>25%</u>
MAXIMUM WALL HEIGHT			
FRONT	<u>3'</u>		
SIDE	<u>8'</u>		
REAR	<u>8'</u>		
CORNER SIDE (not next to key lot)	<u>8' on PL</u>		
CORRAL FENCE HEIGHT (on property line)	<u>6' on PL</u>		
DEVELOPMENT PERIMETER SETBACKS			
APPLICABLE ZONING CASES			

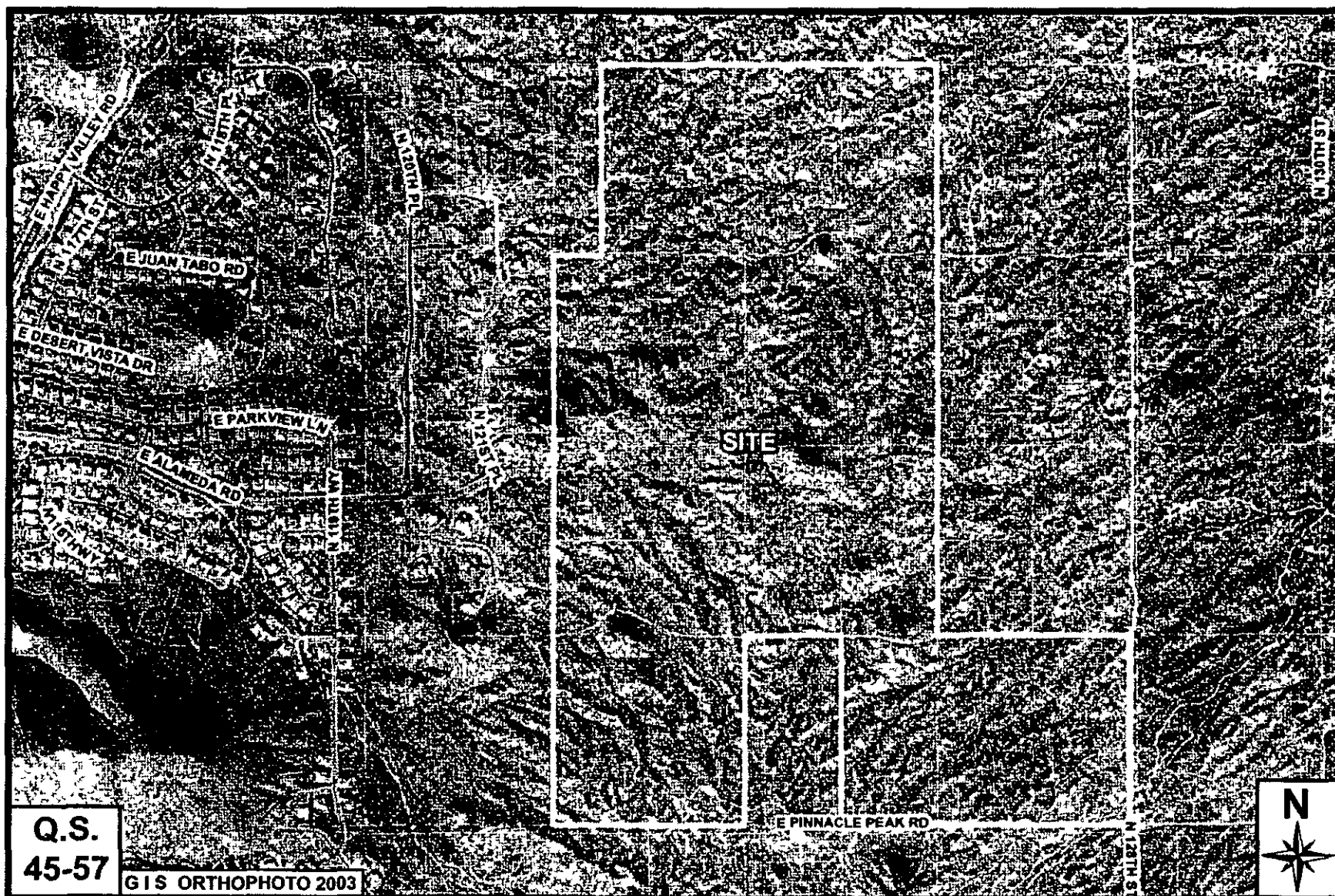
NOTES & EXCEPTIONS



Sereno Canyon

1-ZN-2005

ATTACHMENT #2

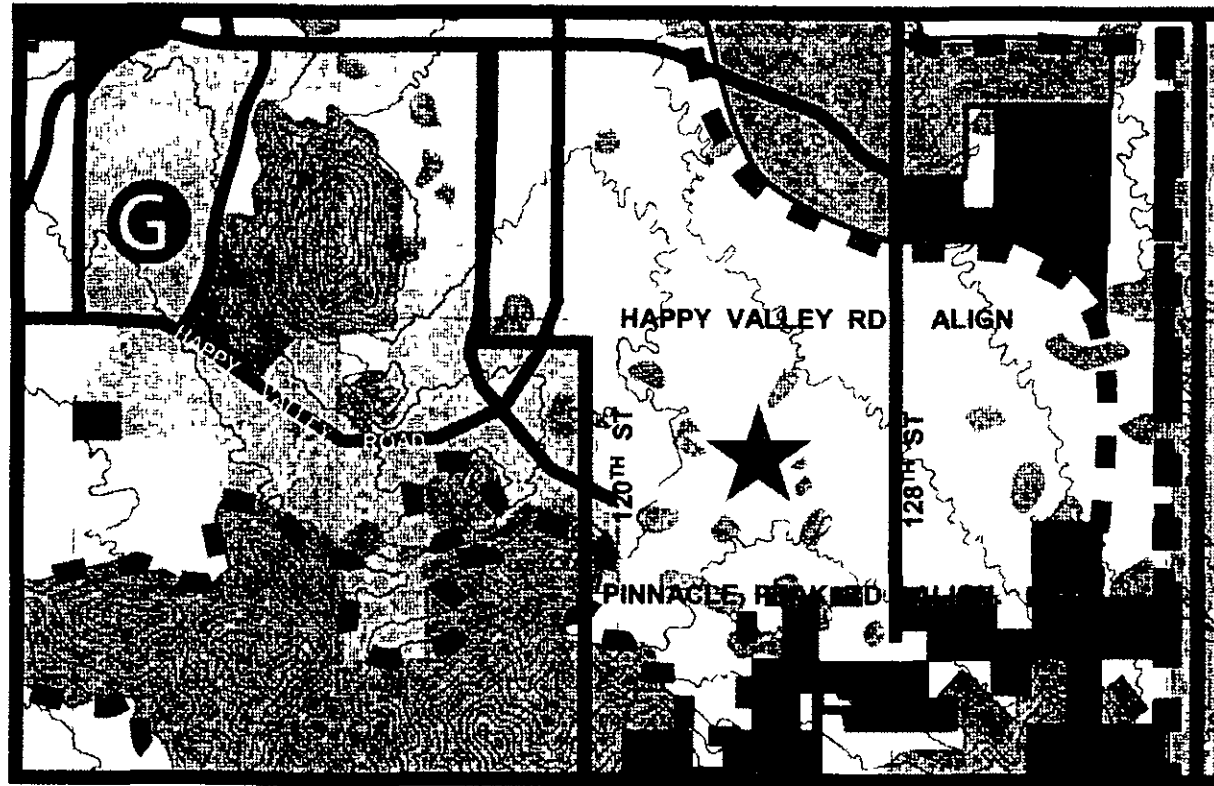


Sereno Canyon

1-ZN-2005

ATTACHMENT #2A

General Plan



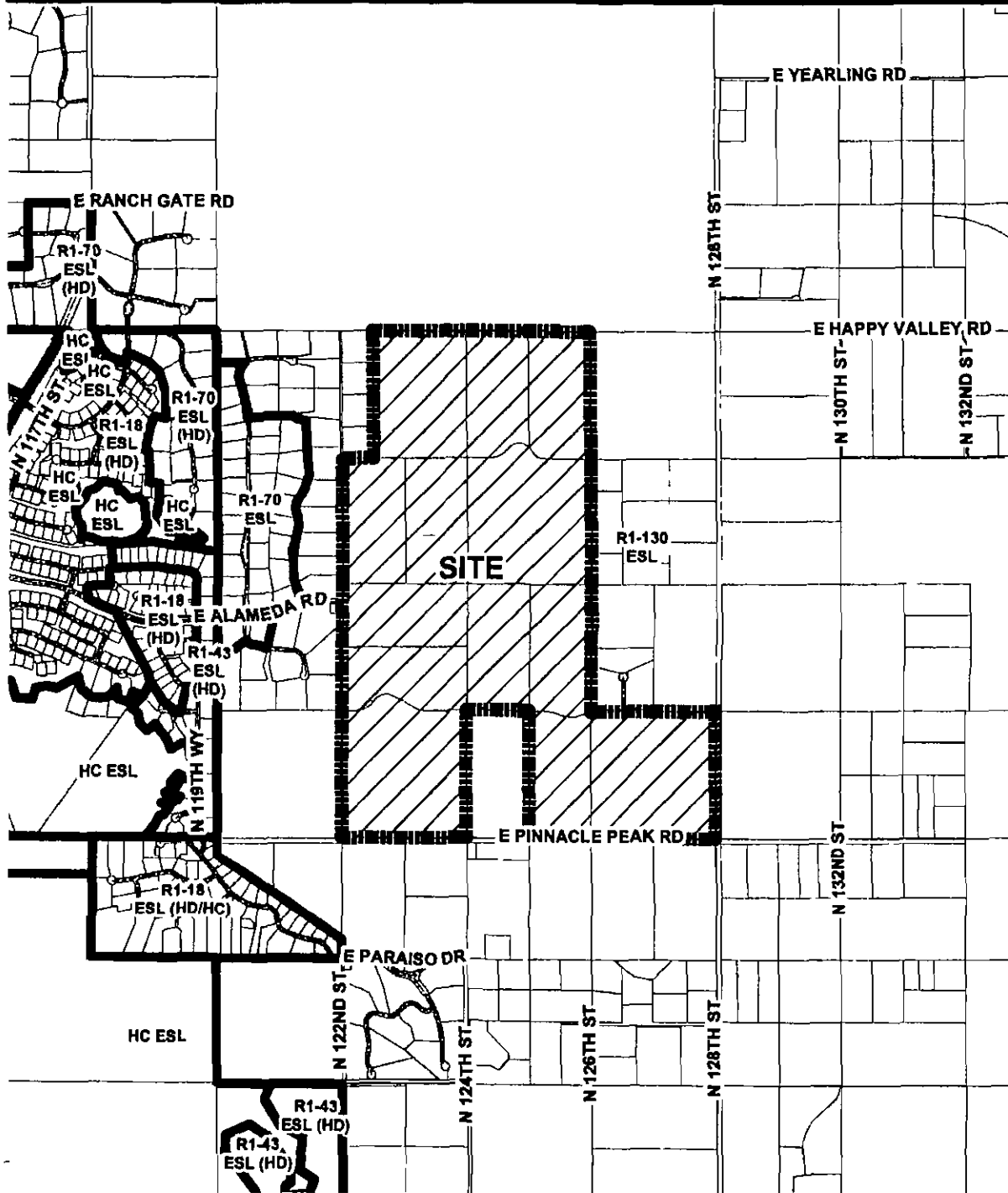
- | | |
|---|--------------------------------------|
| Rural Neighborhoods | Commercial Office |
| Suburban Neighborhoods | Employment |
| Urban Neighborhoods | Natural Open Space |
| Mixed-Use Neighborhoods | Developed Open Space (Parks) |
| Resorts/Tourism | Developed Open Space (Golf Courses) |
| Shea Corridor | Cultural/Institutional or Public Use |
| Mayo Support District | |
| Regional Use District | |
| McDowell Sonoran Preserve (as of 8/2003) | |
| Recommended Study Boundary of the McDowell Sonoran Preserve | |
| City Boundary | Location not yet determined |



Adopted by City Council October 30 2001
 Ratified by Scottsdale voters March 12 2002
 revised to show McDowell Sonoran Preserve as of May 2004
 revised to reflect General Plan amendments through June 2004

1-ZN-2005
ATTACHMENT #3

Approval of Amended Development Standards Pursuant to 1-ZN-2005



1-ZN-2005

ATTACHMENT #4

ORDINANCE NO 3661

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO 455, THE ZONING AMENDING DEVELOPMENT STANDARDS AS APPROVED IN CASE NO 1-ZN-2005, ON PROPERTY ZONED R1-30 ENVIRONMENTALLY SENSITIVE LAND LOCATED AT THE EAST END OF ALAMEDA ROAD NEAR 122ND STREET (NORTHEAST CORNER OF PINNACLE PEAK ROAD ALIGNMENT AND 122ND STREET ALIGNMENT, NORTH UP TO HAPPY VALLEY ROAD ALIGNMENT)

WHEREAS, Planning Commission and City Council have held public hearings and considered Case No 1-ZN-2005, and

WHEREAS, the Council of the City of Scottsdale wishes to amend the development standards as described in the aforementioned case,

WHEREAS the Environmentally Sensitive Land Ordinance allows the City Council discretion to approve amended development standards which exceed 25% when the following findings have been made

- 1 The application and public hearing procedures of Section 1 600 and 1 700 have been followed,
- 2 The City Council compares the requested intensity and use to the environmental conditions and General Plan and determines that the amended development standards are appropriate, and
- 3 The applicant has demonstrated that the stated modifications better achieve the purposes of Environmentally Sensitive Land regulations than the existing zoning

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows

Section 1 That the City Council hereby finds that the hearing procedures have been followed, the amended development standards are appropriate, the modifications better achieve the purposes of the Environmentally Sensitive Land regulations than the existing zoning and the above criteria have been met

Section 2 That the Zoning Ordinance of the City of Scottsdale is hereby amended, as set forth in the amended development standards attached hereto as Exhibit 1 and incorporated herein by reference, conditioned upon compliance with all stipulations attached hereto as Exhibit 2 and incorporated herein by reference for this property located at the east end of Alameda Road near 122nd street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment) as shown on Exhibit 3

PASSED AND ADOPTED by the Council of the City of Scottsdale this 4th day of
April, 2006

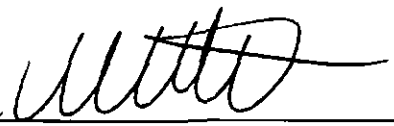
ATTEST

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By _____
Carolyn Jagger
City Clerk

By _____
Mary Manross
Mayor

APPROVED AS TO FORM

By  _____
Deborah Robberson
Acting City Attorney

AMENDED DEVELOPMENT STANDARDS
CHANGES SHOWN IN STRIKE-THROUGHS AND BOLD CAPS

Sec 5 020 R1-130 single-family residential district

Sec 5 021 Purpose

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities
(Ord No 2470, § 1, 6-16-92)

Sec 5 022 Use regulations

A *Permitted uses* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses

Any use permitted in the (R1-190) single-family residential district (see section 5 012A)

B *Uses subject to conditional use permit*

Any use permitted by conditional use permit in the (R1-190) single-family residential district (see section 5 012B)

(Ord No 2394, § 1, 9-16-91, Ord No 2430, § 1, 1-21-92, Ord No 2431, § 1, 1-21-92, Ord No 2470, § 1, 6-16-92, Ord No 3048, § 2, 10-7-97, Ord No 3034, § 1, 11-4-97, Ord No 3103, § 1, 1-6-98)

Sec 5 023 Approvals required

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1 900 hereof

(Ord No 2470, § 1, 6-16-92, Ord No 3225, § 1, 5-4-99)

Sec 5 024 Property development standards

The following property development standards shall apply to all land and buildings in the R1-130 district

A *Lot area*

1 Each lot shall have a minimum lot area of not less than ~~one hundred and thirty thousand (130,000)~~ **FORTY-NINE THOUSAND (49,000)** square feet

2 If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section

B *Lot dimensions*

Width All lots shall have a minimum width of ~~two hundred (200)~~ **ONE HUNDRED FIFTY (150)** feet

C *Density* There shall be not more than one (1) single-family dwelling unit on any one (1) lot

D *Building height* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII

E *Yards*

1 Front Yard

a There shall be a front yard having a depth of not less than ~~sixty (60)~~ **FORTY-FIVE (45)** feet

b Where lots have a double frontage on two (2) streets, the required front yard of ~~sixty (60)~~ **FORTY-FIVE (45)** feet shall be provided on both streets

c On a corner lot, the required front yard of ~~sixty (60)~~ **FORTY-FIVE (45)** feet shall be provided on each street No accessory buildings shall be constructed in a front yard *Exception* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street

2 Side Yard There shall be a side yard of not less than ~~thirty (30)~~ **TWENTY-TWO AND ONE-HALF (22.5)** feet on each side of a building

3 Rear Yard There shall be a rear yard having a depth of not less than ~~sixty (60)~~ **FORTY-FIVE (45)** feet

4 Other requirements and exceptions as specified in article VII

F *Distance between buildings*

1 There shall be not less than ten (10) feet between an accessory building and the main building

2 The minimum distance between main buildings on adjacent lots shall be not less than ~~sixty (60)~~ **FORTY-FIVE** feet

G *Buildings, walls, fences and landscaping*

1 Eight-foot walls, fences and hedges are allowed on the property line or within the required side and rear yard Walls, fences and hedges up to twelve (12) feet are allowed subject to a sixty-foot setback from the side and rear property line Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII The height of the wall or fence is measured from the inside of the enclosure *Exception* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements

2 A minimum of five (5) percent of all parking lot areas shall be landscaped as determined by use permit All landscaped areas shall be maintained to city standards

H *Access* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat

I *Corral* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard
(Ord No 2470, § 1, 6-16-92, Ord No 2509, § 1, 6-1-93)

STIPULATIONS FOR CASE 1-ZN-2005

Stipulations added after the Planning Commission hearing are shown in BOLD CAPS and ~~strikethrough~~

PLANNING/ DEVELOPMENT

- 1 **CONFORMANCE TO SITE PLAN** Development shall conform with the site plan submitted by LVA Urban Design Studio, LLC and dated 10/04/05 by City staff. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 2 **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY** The number of dwelling units on the site shall not exceed 122 units without subsequent public hearings before the Planning Commission and City Council.
- 3 **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS** Development shall conform with the amended development standards dated 11/15/05 by City staff and attached as Attachment 1A. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 4 **PEDESTRIAN CIRCULATION PLAN** With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.
- 5 **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.

ENVIRONMENTAL DESIGN

- 1 **NATURAL AREA OPEN SPACE – QUANTITY** There shall be a minimum of 205 acres of NAOS dedicated on the site.
- 2 **NATURAL AREA OPEN SPACE – LOCATION** NAOS shall be dedicated on site, to the satisfaction of City staff, in general conformance with the City's NAOS Priority Areas maps and the Preliminary NAOS Exhibit prepared by LVA Urban Design Studio, LLC dated 10/04/05 by City staff.

CIRCULATION MASTER PLAN

- 1 **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 approval. This plan shall indicate the internal street layout, off-site improvements, street cross sections, public trail locations, access for surrounding parcels, internal roadway easements to be abandoned, and existing and projected traffic volumes.

CIRCULATION

- 1 **STREET CONSTRUCTION** Before issuance of any certificate of occupancy for the site, the

developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
Happy Valley Road/ 118 th Street Minor Arterial	None	Half street; Fig. 5.3-4, 36' CL-BC	A, G
Alameda Road Minor Collector	50' full street	26' BC-BC	B
Ranch Gate Road Local Collector	50' full street	Full street, Fig. 5.3- 16, 28' BC-BC	C, G
128 th Street Minor Collector	40' half street		D
122 nd Street Local Residential	20' half	None	E
126 th Street Local Residential	20' half	None	E
Mariposa Grande Dr. Local Residential	20' half	None	E
Internal Streets Local Residential	40' tract (Private Street)	Full street, Fig. 5.3- 19, 24 ft BC to BC	F, G

- A. The developer shall construct the extension of Happy Valley Road/118th Street from its current termination to Jomax Road prior to the elimination of Alameda Road from the Street Classification Map. The improvement shall consist of a minimum of two lanes and shall transition to the existing improvements at the southern end.
 - B. Alameda Road shall be extended from its current termination to the proposed development gate as a public street. The cross section shall match the existing improvements to the west.
 - C. The developer shall construct Ranch Gate Road from Happy Valley Road to 128th Street prior to the elimination of Alameda Road from the Street Classification Map. The improvements shall include a minimum 4-foot wide trail along the south side of the street within the right-of-way or a public access easement.
 - D. In lieu of improvements for 128th Street, the developer will construct 118th Street from its current termination point to Jomax Road. The right-of-way requirement for 128th Street reflects the Rural/ESL Character cross section with trail.
 - E. Public right-of-way shall be required along these street alignments unless determined to be not necessary at the time of preliminary plat approval. No street improvements shall be required along these local residential streets.
 - F. The local residential street cross section shall include minimum 6 foot shoulders.
 - G. The street cross sections shall be as indicated unless an alternative cross section is approved in the master circulation plan.
2. **IN LIEU PAYMENTS.** At the direction of city staff, before issuance of any building permit for the site, the developer shall not construct the street improvements specified by the **Notes** in the stipulation above, but 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 for the specified half street, including pavement with curb and gutter, 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.
 3. **CONSTRUCTION ACCESS RESTRICTIONS.** ~~All single-family home construction traffic shall be required by the developer to use Ranch Gate Road or 128th Street to access the site; single-family home contractors and their sub-contractors shall not use Alameda Road west of the site. All construction hours shall be restricted as follows:~~

- A. ~~6:30 am to 6:30 pm on Monday through Friday,~~
- B. ~~9 am to 5 pm on Saturday,~~
- C. ~~No construction on Sunday.~~

ALAMEDA ROAD SHALL NOT BE UTILIZED FOR CONSTRUCTION ACCESS RELATED TO THE CONSTRUCTION OF THE RESIDENCES WITHIN THIS PROJECT. HOWEVER, TEMPORARY CONSTRUCTION ACCESS WILL BE ALLOWED ON ALAMEDA FOR THE CONSTRUCTION OF THE SUBDIVISION IMPROVEMENTS AND AMENITIES FOR THIS PROJECT UNTIL SUCH TIME THAT RANCH GATE ROAD IS COMPLETED AND AVAILABLE FOR USE OR FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AS MEASURED FROM THE DATE THE FIRST GRADING PERMIT IS ISSUED FOR THE SUBDIVISION. FURTHERMORE, CONSTRUCTION TRAFFIC USE OF ALAMEDA WILL BE RESTRICTED TO THE HOURS OF 6:30 AM TO 6:30 PM MONDAY THROUGH FRIDAY AND 9:00 AM TO 5:00 PM SATURDAY WITH NO CONSTRUCTION TRAFFIC USE ON SUNDAY. THIS RESTRICTION IS THE RESULT OF AGREEMENTS MADE BETWEEN THE APPLICANT AND ADJACENT RESIDENTS. 128TH STREET OR OTHER ROUTE ACCEPTABLE TO THE CITY MAY BE USED FOR CONSTRUCTION ACCESS AT THE END OF THE AFOREMENTIONED PERIOD SHOULD RANCH GATE ROAD BE UNAVAILABLE. THIS STIPULATION MAY BE AMENDED AS DEEMED NECESSARY WITH THE CONCURRENCE OF CITY STAFF.

4. **RIGHT-OF-WAY ABANDONMENT.** With the final plat submittal, the developer shall submit an application to abandon any existing right-of-way, Goldie Brown roadway easements, and GLO Patent roadway easements that are not to be incorporated in the site street system. The city makes no commitment to approve the application for abandonment.
5. **EXCEPTION PARCEL ACCESS.** Before any final plan approval, the developer shall dedicate an extension of the private street tracts or public right-of-way to provide acceptable access to the following exception parcels: APN 217-01-023D, 217-01-023E, 217-01-023F, 217-01-023G, & 217-01-011A. The access shall be in a form acceptable to city staff or as approved in the master circulation plan. Documentation shall be provided from any of these property owners that will utilize private street access indicating their consent to eliminate their public access prior to city approval of the abandonment of the public roadway easements.
6. **MULTI-USE TRAIL.** Before any certificate of occupancy is issued for the site, the developer shall dedicate and construct the following trails:
 - a. A minimum 4-foot wide multi-use trail along the west side of 128th Street within the required right-of-way.
 - b. A minimum 4-foot wide multi-use trail within a 25-foot wide easement connecting the main development gate on the west side of the property to 128th Street.
 - c. A minimum 4-foot wide multi-use trail along the south side of Ranch Gate Road as noted above.The alignment of these trails 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 - Landscaping and Parks.
7. **PRIVATE STREET CONSTRUCTION.** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - A. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - B. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - C. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer

shall provide a vehicular turn-around between the public street and the security gate

DRAINAGE AND FLOOD CONTROL

- 1 CONCEPTUAL DRAINAGE REPORT With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the approved Storm Water Waiver request (Plan Check #749-05-1), and the Design Standards and Policies Manual - Drainage Report Preparation

WATER

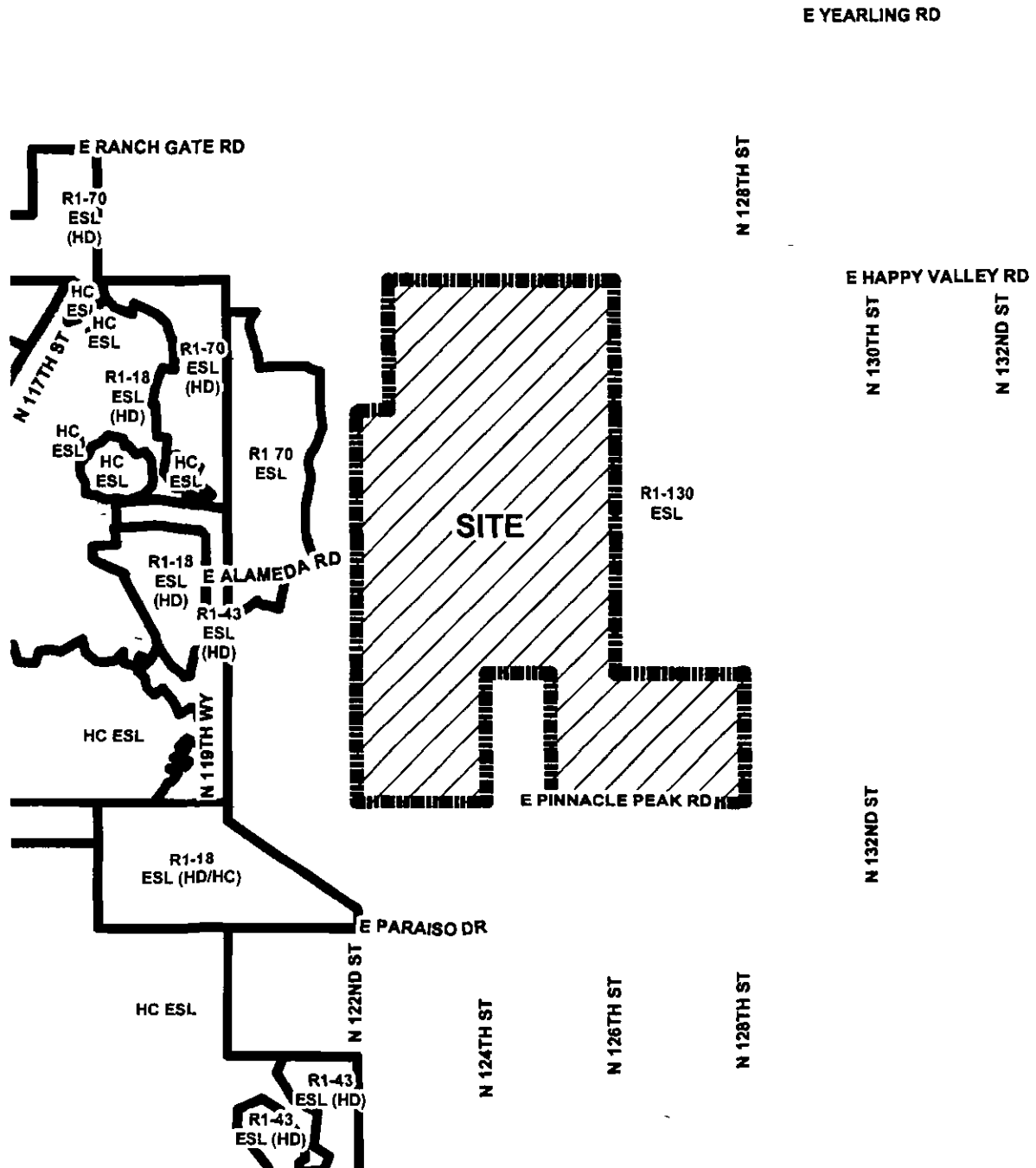
- 1 BASIS OF DESIGN REPORT (WATER) Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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 Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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
- 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 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

Approval of Amended Development Standards Pursuant to 1-ZN-2005



1-ZN-2005

RESOLUTION NO 6826

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, GRANTING A DENSITY INCENTIVE FOR THE CROWN PROPERTY DEVELOPMENT, ZONED SINGLE FAMILY RESIDENTIAL DISTRICT ENVIRONMENTALLY SENSITIVE LANDS (R1-130 ESL), TO INCREASE ALLOWED DWELLING UNITS FROM 102 TO 122 DWELLING UNITS ON 330 +/- ACRES THIS SITE IS LOCATED AT THE EAST END OF ALAMEDA ROAD NEAR N 122ND STREET (NORTHEAST CORNER OF E PINNACLE PEAK ROAD ALIGNMENT AND N 122ND STREET ALIGNMENT, NORTH UP TO HAPPY VALLEY ROAD ALIGNMENT)

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

WHEREAS the Environmentally Sensitive Land Ordinance allows the City Council to grant a density incentive not to exceed 20% of the density allowed to applicants who provide more meaningful Natural Area Open Space than is required provided the following the criteria are met

- a The bonus applies only in the R1-43, R1-70, R1-130, and R1-190 residential zoning districts
- b The incentive must be calculated using the base Natural Area Open Space standards for the development project, and cannot be used in combination with any reductions in Natural Area Open Space
- c The additional Natural Area Open Space must be undeveloped natural area and cannot include revegetated areas
- d The additional Natural Area Open Space must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve

WHEREAS, the City Council, has held a public hearing on January 24, 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 hereby finds that the above criteria have been met

Section 2 That the City Council hereby approves the requested density incentive to increase the allowed dwelling units from 102 to 122 (allowing 20 additional lots), and providing 66 acres of additional Natural Area Open Space for this property located at the east end of Alameda Road near 122nd street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment)

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County,
Arizona this 4thth day of April, 2006

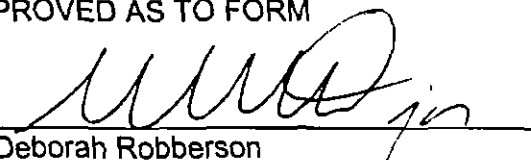
ATTEST

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

RESOLUTION NO 6854

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING A DEVELOPMENT AGREEMENT, CONTRACT NO 2006-019-COS, FOR THE PROPERTY KNOWN AS THE CROWN PROPERTY DEVELOPMENT LOCATED AT THE EAST END OF ALAMEDA ROAD NEAR N 122ND STREET (NORTHEAST CORNER OF E PINNACLE PEAK ROAD ALIGNMENT AND N 122ND STREET ALIGNMENT, NORTH UP TO HAPPY VALLEY ROAD ALIGNMENT)

WHEREAS, Arizona Revised Statutes section 9-500 05 authorizes the City to enter into development agreements with landowners and persons having an interest in real property that is located in the City,

WHEREAS this Property was the subject of Rezoning Case No 1-ZN-2005,

WHEREAS, the City and the Owner desire that the continued development of this Property will proceed and provide the best circulation and means of ingress and egress and it is in the best interest of the City and Owner to enter into this development agreement, Agreement No 2006-019-COS, for this purpose, and

WHEREAS, this development agreement, Agreement No 2006-019-COS, is consistent with the portions of the City's General Plan applicable to the Property on the date this Agreement is executed

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

Section 1 That the Mayor is authorized to sign development agreement, Agreement No 2006-019-COS,

Section 2 That the City Clerk is hereby directed to record the development agreement, Agreement No 2006-019-COS, with the Maricopa County Recorder within ten (10) days of its completion and execution by all the Parties

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County,
Arizona this 4th day of April, 2006

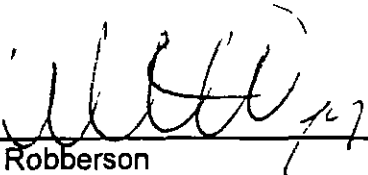
ATTEST

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

When recorded, return to

Carolyn Jagger, City Clerk
and Deborah Robberson, City Attorney
The City of Scottsdale
3939 Drinkwater Blvd
Scottsdale, AZ 85251

City of Scottsdale Agreement No 2006-019-COS

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this ____ day of March 2006, by and between McDowell Mountain Back Bowl, LLC, an Illinois limited liability company ("the Owner") and the City of Scottsdale, Arizona, an Arizona municipal corporation ("the City"), collectively ("the Parties") This Agreement is entered into pursuant to City Resolution Number 6854

RECITALS

WHEREAS, Arizona Revised Statutes Section 9-500 05 authorizes the City to enter into development agreements with lands and persons having an interest in real property that is located in the City,

WHEREAS, the Owner owns approximately three hundred and thirty (330) acres of real property located roughly at the north east corner of E Pinnacle Peak Road Alignment and N 122nd Street Alignment and north up to the Happy Valley Road Alignment ("the Property"), which is more specifically described herein in Exhibit A,

WHEREAS the Property was the subject of Zoning Case No 1-ZN-2005, seeking to amend development standards and grant the Owner a discretionary density increase,

WHEREAS, the Owner has made a commitment to area residents and the City that it will dedicate a new street right-of-way to the north of the Property and desires to enter into an agreement with the City in order to gain approval for this development and Zoning Case No 1-ZN-2005,

WHEREAS, the City desires to obtain dedicated street right-of-way to provide a connection between 118th Street and 128th Street at no expense to the City,

WHEREAS, this Agreement is consistent with the portions of the City's General Plan applicable to the Property on the date this Agreement is executed, and

WHEREAS, the City's governing body has authorized execution of this Agreement by Resolution No 6854

NOW, THEREFORE, in consideration of the foregoing and the terms and conditions hereinafter contained and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows

AGREEMENT

NOW, THEREFORE, the Parties agree as follows

- 1 Incorporation The recitals set forth above and the exhibits attached hereto are hereby incorporated by this reference
- 2 Interest of The Owner The Owner warrants that it is the fee title Owner of the Property and as such is authorized to enter into the Agreement with the City
- 3 Amended Development Standards Development shall conform with the amended development standards and stipulations approved in Zoning Case 1-ZN-2005, attached as Exhibit B Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council
- 4 Dedications and Circulation Owner shall, at its' sole expense, and prior to the City's final plat approval, dedicate the right-of-way set forth in the approved Stipulations for Zoning Case 1-ZN-2005, attached hereto as Exhibit B, pertaining to right-of-way for that portion of Ranch Gate Road extending from 120th Street (west line of Section 2) to 128th Street (east line of section 2) The Owner shall further, at its' sole expense and prior to the City's final plat approval, dedicate a public access easement for the purpose of providing a multi-use trail connection from Alameda to 128th Street through the Property The Owner will also provide emergency access through the Property If such dedications and conditions do not occur, the City will not approve

a final plat for the Property

- 5 Street Master Plan The Owner shall submit a case to amend the Street Master Plan to be in compliance with this Development Agreement and Zoning Case 1-ZN-2005 prior to final plat
- 6 Term This Agreement shall be effective as of its recordation, and shall continue in full force and effect until extinguished by the City or mutual written agreement of the Parties
- 7 Notices All notices and communications provided for herein, or given in connection herewith, shall be validly made if in writing and delivered personally or sent by registered or certified United States Postal Service mail, return receipt requested, postage prepaid to

If to the City Carolyn Jagger, City Clerk
Deborah Robberson, City Attorney
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

If to the Owner McDowell Mountain Back Bowl, LLC
C/O Theresa O Frankiewicz
3600 Thayer Court, Suite100
Aurora, Illinois 60504

or to such other addresses as either Party may from time to time designate in writing and deliver in a like manner. Any such change of address notice shall be given at least ten (10) days before the date on which the change is to become effective. Notices given by mail shall be deemed delivered 72 hours following deposit in the U S Postal Service in the manner set forth above.

7 Waiver No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the Parties of the breach of any provision of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or of any other provision of this Agreement.

8 Headings The descriptive headings of the paragraphs of the Agreement are inserted for convenience only, and shall not control or affect the meaning or construction of any of the provisions of the Agreement.

9 Authority The undersigned represent to each other that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. The Owner represents and warrants that it is duly formed and validly existing under the laws of Arizona and that it is duly qualified to do business in the State of Arizona and is in good standing under applicable state laws. The Owner and the City warrant to each other that the individuals executing the Agreement on behalf of their respective Parties are authorized and empowered to bind the Party on whose behalf each individual is signing. The Owner represents to the City that by entering into this Agreement, the Owner has bound the Property and all persons and entities having any legal or equitable interest therein to the terms of the Agreement.

10 Entire Agreement The Agreement, including its exhibits, constitutes the entire Agreement between the Parties. This provision applies only to the entirety of Agreement No. 2005-011-COS, additional and separate zoning stipulations and agreements with the City may apply to the Property, and this provision has no effect on them.

11 Amendment of the Agreement This Agreement may be amended, in whole or in part and with respect to all or any portion of the Property, only with the mutual written consent of the Parties to this Agreement or by their successors in interest or assigns. The City shall record the amendment or cancellation in the official records of the Maricopa County Recorder.

12 Governing Law The laws of the State of Arizona shall govern the interpretation and enforcement of this Agreement. The Parties agree that venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Maricopa County, Arizona, and the Parties hereby waive any right to object to such venue.

13 Recordation of this Agreement and any Subsequent Amendment or Cancellation This Agreement, and any amendment or cancellation of it, shall be recorded in the official records of the Maricopa County Recorder, no later than ten (10) days after the City and the Owner execute such Agreement, amendment, or cancellation, as required by A.R.S. Section 9-500.05.

14 Attorneys' Fees and Costs If either Party brings a legal action either because of a breach of the Agreement or to enforce a provision of this Agreement, the prevailing Party will be entitled to reasonable attorneys' fees and court costs.

15 Inurement The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the Owner's successors in interest and assigns, in accordance with A R S Section 9-500 05(D) This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in all or part of the Property

16 Notice of Conveyance or Assignment The Owner must give notice to the City of any sale of the entire Property, at least ten (10) days prior to the effective date of the sale

17 No Third Party Beneficiaries There are no third party beneficiaries to this Agreement, and no person or entity not a Party hereto shall have any right or cause of action hereunder

18 No Agency Created Nothing contained in this Agreement shall create any partnership, joint venture, or agency relationship between the Parties

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written

THE CITY OF SCOTTSDALE
an Arizona municipal corporation

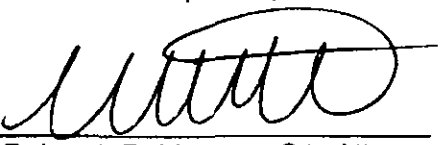
ATTEST

By _____
Carolyn Jagger, City Clerk

By _____
Mary Manross, Mayor

APPROVED AS TO FORM

THE CITY OF SCOTTSDALE
an Arizona municipal corporation

By 
Deborah Robberson, City Attorney

THE MCDOWELL MOUNTAIN BACK BOWL, LLC

By Theresa O. Frankiewicz
Theresa O Frankiewicz
As its Authorized Representative

STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of
_____, 2006, by _____, Mayor of the
City of Scottsdale, Arizona, a municipal corporation

My Commission Expires

Notary Public

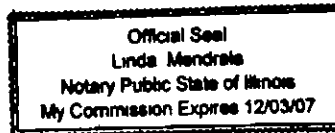
STATE OF ILLINOIS)
County of DuPage) ss

The foregoing instrument was acknowledged before me this 17th day of
February, 2006, by Theresa Frankiewicz, on behalf of
McDowell Mountain Back Bowl, LLC

Linda Mendrale
Notary Public

My Commission Expires

12/03/07



LEGAL DESCRIPTION

Escrow/Title No 2600698 04

Parcel 1

Parcel 10, THE GOLDIE BROWN PINNACLE PEAK RANCH, UNIT ONE, according to Book 191 of Maps, page 26, records of Maricopa County, Arizona,

EXCEPT all minerals in all of said land except the South half of the South half as reserved to the United States of America in the Patent recorded in Docket 304, page 447

Parcel 2

Parcel No 14, GOLDIE BROWN PINACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 Of Maps, Page 26,

EXCEPT the West half of the West half, and

EXCEPT all minerals as reserved in the Patent

Parcel 3

WEST HALF OF PARCEL NO 11, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, A SUBDIVISION RECORDED IN BOOK 191 OF MAPS, PAGE 26 RECORDS OF MARICOPA COUNTY, ARIZONA

EXCEPT ALL MINERALS AS RESERVED IN THE PATENT.

Parcel 4

East half of Parcel 2, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 of Maps, Page 26

Parcel 5

East half of PARCEL NO 15, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 of Maps, Page 26,

EXCEPT all minerals as reserved in the Patent

Parcel 6

Parcel 6, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision recorded in Book 191 of Maps, Page 26, records of Maricopa County, Arizona,

EXCEPT that part of the South half of the Northeast quarter of the Southwest quarter of Section Eleven, Township Four North, Range Five East of The Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows

Beginning at a G L O. Brass Cap that marks the South quarter section corner,

LEGAL DESCRIPTION

Escrow/Title No 2600698 04

thence North 00 degrees 00 minutes 55 seconds West, 1321 65 feet to a 5/8" bar that marks the TRUE POINT OF BEGINNING for this parcel,

thence South 89 degrees 55 minutes 33 seconds West, 454 83 feet to a 5/8" bar,

thence 97 81 feet along a curve to the right of 193 18 foot radius to a 5/8" bar,

thence North 61 degrees 03 minutes 15 seconds West, 119 75 feet to a 5/8" bar,

thence 98 84 feet along a curve to the left of 929 48 foot radius of a 5/8" bar,

thence North 67 degrees 12 minutes 45 seconds West, 66 80 feet to a 5/8" bar,

thence 173 47 feet along a curve to the left of 141 28 foot radius to a 5/8" bar,

thence South 42 degrees 12 minutes 16 seconds West, 57 95 feet to a 5/8" bar,

thence 187 16 feet along a curve to the right of 226 09 foot radius to a 5/8" bar;

thence South 89 degrees 55 minutes 33 seconds West, 149 38 feet to a 5/8" bar that marks the Southwest corner of the parcel,

thence North 0 degrees 00 minutes 33 seconds East, 661 31 feet to a 5/8" bar that marks the Northwest corner of this parcel,

thence South 89 degrees 55 minutes 02 seconds East, 1319 71 feet to a 5/8" bar that marks the Northeast corner of the parcel,

thence South 0 degrees 00 minutes 55 seconds East, 661 51 feet to the Southeast corner of the parcel and the TRUE POINT OF BEGINNING

EXCEPT all minerals as reserved in the patent

Parcel 7

PARCEL 1, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision recorded in Book 191 of Maps, page 26, records of Maricopa County, Arizona,

EXCEPT all minerals as reserved in the patent

Parcel 8

EAST HALF OF PARCEL NO 11, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, A SUBDIVISION RECORDED IN BOOK 191 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA,

EXCEPT all minerals as reserved in the patent

Parcel 9

West half of Parcel No 7, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to

COMML-7/2/93-MAB

CHICAGO TITLE INSURANCE COMPANY

Page 3

LEGAL DESCRIPTION

Escrow/Title No. 2600698 04

the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 of Maps, Page 26,

EXCEPT all minerals as reserved in the Patent

Parcel 10

That part of Parcel 6, THE GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision recorded in Book 191 of Maps, page 26, records of Maricopa County, Arizona, described as follows

A parcel located in the South half of the Northeast quarter of the Southwest quarter of Section 11, Township 4 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County Arizona

BEGINNING at a G L O Brass Cap that marks the South quarter section corner,

thence North 0 degrees 00 minutes 55 seconds West, 1,321 65 feet to a 5/8" bar that marks the TRUE POINT OF BEGINNING for this parcel,

thence South 89 degrees 55 minutes 33 seconds West, 454 83 feet to a 5/8" bar,

thence 97 81 feet along a curve to the right of 193 18 foot radius to a 5/8" bar,

thence North 61 degrees 03 minutes 15 seconds West, 119 75 feet to a 5/8" bar,

thence 98 84 feet along a curve to the left of 929 48 foot radius to a 5/8" bar,

thence North 67 degrees 12 minutes 45 seconds West, 66 80 feet to a 5/8" bar,

thence 173 47 feet along a curve to the left of 141 28 foot radius to a 5/8" bar,

thence South 42 degrees 12 minutes 16 seconds West, 57 95 feet to a 5/8" bar,

thence 187 16 feet along a curve to the right of 226 09 foot radius to a 5/8" bar,

thence South 89 degrees 55 minutes 33 seconds West, 149 38 feet to a 5/8" bar that marks the Southwest corner of the parcel,

thence North 0 degrees 00 minutes 33 seconds East, 661 31 feet to a 5/8" bar that marks the Northwest corner of this parcel,

thence South 89 degrees 55 minutes 02 seconds East, 1,319 71 feet to a 5/8" bar that marks the Northeast corner of the parcel,

thence South 0 degrees 00 minutes 55 seconds East, 661 51 feet to the Southeast corner of the parcel and the TRUE POINT OF BEGINNING

Parcel 11

West half of Parcel NO 15, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision

COMML-7/2/93-MAB

Exhibit A to Agreement No. 2006-019-COS
Page 3 of 6

CHICAGO TITLE INSURANCE COMPANY

Page 4

LEGAL DESCRIPTION

Escrow/Title No 2600698 04

recorded in Book 191 of Maps Page 26, records of Maricopa County Arizona

EXCEPT all minerals as reserved in the patent

Parcel 12

East half of Parcel 7, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191, Page 26

Parcel 13

PARCEL NO 3, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, A SUBDIVISION RECORDED IN BOOK 191 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA,

EXCEPT ALL MINERALS AS RESERVED IN THE PATENT

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1

REQUIREMENTS

Escrow/Title No. 2600698 04

The following are the requirements to be complied with

- 1 Payment to or for the account of the Grantors or Mortgagors of the full consideration for the estate to be insured
- 2 Instruments in insurable form which must be executed, delivered and duly filed for record

SPECIAL REQUIREMENTS

- L Note See attached 13 tax sheets
- N 1 **NOTE:** Pursuant to Arizona Revised Statutes 11-480, effective January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following
 - (a) Print must be ten-point type or larger
 - (b) Margins of at least one-half inch along all sides, including top and bottom, except the top of the first page which must be at least two inches for recording and return address information. The margin must be clear of all information including but not limited to, notaries, signatures, page numbers.
 - (c) Each instrument shall be no larger than 8-1/2 inches in width and 14 inches in length
- N 2 **NOTE:** Arizona notaries who have renewed their commission after July 20, 1996 **MUST** use an ink seal, embosser seals will not be accepted subsequent to such renewal. Out of Country Notaries refer to [http //travel state gov/hague foreign docs html](http://travel.state.gov/hague/foreign/docs.html)
- O End of Requirements

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

Escrow/Title No 2600698 04

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company

- 1 Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by the commitment
- 2 Any American Land Title Association Policy issued pursuant hereto (except extended coverage) will contain under Schedule B the standard exceptions set forth at the inside cover hereof

SPECIAL EXCEPTIONS

- B 1 Taxes for the second half of the year 2005, due on March 1, and delinquent on May 1, of the year 2006 (A lien not yet due, but payable)
- K 2 Taxes for the full year 2006, first half due on October 1, and delinquent on November 1, of said year, second half due on March 1, and delinquent on May 1, of the year 2007 (A lien not yet due and payable)
- A 3 Reservations or exceptions in the Patent to said land or in Acts authorizing the issuance thereof
- C 4 Water rights, claims or title to water, whether or not shown by the public records
- D 5 Easements and rights incident thereto as set forth on the recorded plat of said subdivision
- E 6 Conditions, covenants and restrictions (but omitting, if any, such conditions, covenants or restrictions based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons) contained in instrument recorded in Docket 12325, page 528
- F 7 Resolution No 5447 of the City of Scottsdale in Recording No 00-0034297, records of Maricopa County, Arizona
- G 8 Reservations of Easement in Recording No 00-0034297
- H 9 Memorandums relating to Abandonment of Steets contained in Recording Nos 2004-1264259, 2004-1214265, 2004-1264268, 2004-1264272, 2004-1264277 and 2004-1270836 (Affects Parcel Nos 2, 4, 5, 7, 11, and 13)
- I 10 Rights of lessees under unrecorded leases
- J End of Schedule B

STIPULATIONS FOR CASE 1-ZN-2005

PLANNING/ DEVELOPMENT

- 1 **CONFORMANCE TO SITE PLAN** Development shall conform with the site plan submitted by LVA Urban Design Studio, LLC and dated 10/04/05 by City staff. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 2 **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY** The number of dwelling units on the site shall not exceed 122 units without subsequent public hearings before the Planning Commission and City Council.
- 3 **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS** Development shall conform with the amended development standards dated 11/15/05 by City staff and attached as Attachment 1A. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 4 **PEDESTRIAN CIRCULATION PLAN** With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.
- 5 **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.

ENVIRONMENTAL DESIGN

- 1 **NATURAL AREA OPEN SPACE – QUANTITY** There shall be a minimum of 205 acres of NAOS dedicated on the site.
- 2 **NATURAL AREA OPEN SPACE – LOCATION** NAOS shall be dedicated on site, to the satisfaction of City staff, in general conformance with the City's NAOS Priority Areas maps and the Preliminary NAOS Exhibit prepared by LVA Urban Design Studio, LLC dated 10/04/05 by City staff.

CIRCULATION MASTER PLAN

- 1 **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 approval. This plan shall indicate the internal street layout, off-site improvements, street cross sections, public trail locations, access for surrounding parcels, internal roadway easements to be abandoned, and existing and projected traffic volumes.

CIRCULATION

- 1 **STREET CONSTRUCTION** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street:

improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
Happy Valley Road/ 118 th Street Minor Arterial	None	Half street; Fig. 5.3-4, 36' CL-BC	A, G
Alameda Road Minor Collector	50' full street	26' BC-BC	B
Ranch Gate Road Local Collector	50' full street	Full street, Fig. 5.3- 16, 28' BC-BC	C, G
128 th Street Minor Collector	40' half street		D
122 nd Street Local Residential	20' half	None	E
126 th Street Local Residential	20' half	None	E
Mariposa Grande Dr. Local Residential	20' half	None	E
Internal Streets Local Residential	40' tract (Private Street)	Full street, Fig. 5.3- 19, 24 ft BC to BC	F, G

- A. The developer shall construct the extension of Happy Valley Road/118th Street from its current termination to Jomax Road prior to the elimination of Alameda Road from the Street Classification Map. The improvement shall consist of a minimum of two lanes and shall transition to the existing improvements at the southern end.
 - B. Alameda Road shall be extended from its current termination to the proposed development gate as a public street. The cross section shall match the existing improvements to the west.
 - C. The developer shall construct Ranch Gate Road from Happy Valley Road to 128th Street prior to the elimination of Alameda Road from the Street Classification Map. The improvements shall include a minimum 4-foot wide trail along the south side of the street within the right-of-way or a public access easement.
 - D. In lieu of improvements for 128th Street, the developer will construct 118th Street from its current termination point to Jomax Road. The right-of-way requirement for 128th Street reflects the Rural/ESL Character cross section with trail.
 - E. Public right-of-way shall be required along these street alignments unless determined to be not necessary at the time of preliminary plat approval. No street improvements shall be required along these local residential streets.
 - F. The local residential street cross section shall include minimum 6 foot shoulders.
 - G. The street cross sections shall be as indicated unless an alternative cross section is approved in the master circulation plan.
2. **IN LIEU PAYMENTS.** At the direction of city staff, before issuance of any building permit for the site, the developer shall not construct the street improvements specified by the **Notes** in the stipulation above, but 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 for the specified half street, including pavement with curb and gutter, 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.
 3. **CONSTRUCTION ACCESS RESTRICTIONS.**
Alameda road shall not be utilized for construction access related to the construction of the residences within this project. However, temporary construction access will be allowed on Alameda for the construction of the subdivision improvements and amenities for this project until

such time that Ranch Gate Road is completed and available for use or for a period not to exceed six (6) months as measured from the date the first grading permit is issued for the subdivision. Furthermore, construction traffic use of Alameda will be restricted to the hours of 6 30 am to 6 30 pm Monday through Friday and 9 00 am to 5 00 pm Saturday with no construction traffic use on Sunday. This restriction is the result of agreements made between the applicant and adjacent residents. 128th street or other route acceptable to the city may be used for construction access at the end of the aforementioned period should Ranch Gate Road be unavailable. This stipulation may be amended as deemed necessary with the concurrence of city staff.

- 4 **RIGHT-OF-WAY ABANDONMENT** With the final plat submittal, the developer shall submit an application to abandon any existing right-of-way, Goldie Brown roadway easements, and GLO Patent roadway easements that are not to be incorporated in the site street system. The city makes no commitment to approve the application for abandonment.
- 5 **EXCEPTION PARCEL ACCESS** Before any final plan approval, the developer shall dedicate an extension of the private street tracts or public right-of-way to provide acceptable access to the following exception parcels: APN 217-01-023D, 217-01-023E, 217-01-023F, 217-01-023G, & 217-01-011A. The access shall be in a form acceptable to city staff or as approved in the master circulation plan. Documentation shall be provided from any of these property owners that will utilize private street access indicating their consent to eliminate their public access prior to city approval of the abandonment of the public roadway easements.
- 6 **MULTI-USE TRAIL** Before any certificate of occupancy is issued for the site, the developer shall dedicate and construct the following trails:
 - a A minimum 4-foot wide multi-use trail along the west side of 128th Street within the required right-of-way.
 - b A minimum 4-foot wide multi-use trail within a 25-foot wide easement connecting the main development gate on the west side of the property to 128th Street.
 - c A minimum 4-foot wide multi-use trail along the south side of Ranch Gate Road as noted above.The alignment of these trails 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 - Landscaping and Parks.
- 7 **PRIVATE STREET CONSTRUCTION** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - A No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - B Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - C Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

DRAINAGE AND FLOOD CONTROL

- 1 **CONCEPTUAL DRAINAGE REPORT** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the approved Storm Water Waiver request (Plan Check #749-05-1), and the Design Standards and Policies Manual - Drainage Report Preparation.

WATER

1. **BASIS OF DESIGN REPORT (WATER).** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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 Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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.
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 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.

ADDITIONAL INFORMATION FOR CASE 1-ZN-2005

PLANNING/DEVELOPMENT

- 1 **FINAL LOT LOCATION** The specific location of each lot shall be subject to Development Review Board approval
- 2 **DEVELOPMENT REVIEW BOARD** The City Council directs the Development Review Board's attention to
 - a a plan indicating the treatment of washes and wash crossings,
 - b wall design,
 - c improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included)
 - d major stormwater management systems, and
 - e walls adjacent to NAOS tracts and corridors
- 3 **NOTICE TO PROSPECTIVE BUYERS** The developer shall give the following information in writing to all prospective buyers of lots on the site
 - a The development's private streets shall not be maintained by the city
 - b The city shall not accept any common areas on the site for ownership or maintenance
- 4 **BOULDER AND ROCK OUTCROPS PROTECTION** The protection and maintenance of boulder and rock outcrops shall be subject to Development Review Board approval
- 5 **NATIVE PLANT PRESERVATION** The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale
- 3 **NATURAL AREA OPEN SPACE (NAOS) – IDENTIFICATION** With the Development Review Board submittal, the developer shall submit a plan for the site identifying the required NAOS and a table identifying, as to each lot and tract, the required amount of NAOS, the percentage of slope, and the type of land form (upper desert or hillside)
- 4 **NATURAL AREA OPEN SPACE – DEDICATION, CONVEYANCE AND MAINTENANCE** With the Development Review Board submittal, the developer shall submit documents, to the satisfaction of City staff, showing that all required NAOS shall be dedicated or conveyed in conformance with the Scottsdale Revised Code and permanently maintained as NAOS
- 5 **NATURAL AREA OPEN SPACE – STAKING** Before issuance of any building permit for the site, the developer shall survey all NAOS boundaries and stake all boundaries between NAOS areas and development, in conformance with the approved grading plan. Such surveying and staking shall be subject to inspection and approval prior to construction in each development phase
- 6 **NATURAL AREA OPEN SPACE – PROTECTION DURING CONSTRUCTION** Before any construction on a lot, the developer shall protect the NAOS on and adjacent to the lot to the satisfaction of city staff, so that access to the construction is within the construction envelope or designated driveway
- 7 **NATURAL AREA OPEN SPACE – ADJACENT FENCES** All fences located adjacent to NAOS

shall be constructed as view fences with three (3) feet or less of solid, opaque wall above the natural grade.

8. **NATURAL AREA OPEN SPACE – REVEGETATION.** Before final site inspection, the developer shall revegetate NAOS in conformance with the Scottsdale Zoning Ordinance, to the satisfaction of city staff.
9. **BOULDERS AND BEDROCK OUTCROPS.** With the Development Review Board submittal, the developer shall submit a plan identifying all boulders larger than four (4) feet in diameter and all bedrock outcrops. Boulders and bedrock outcroppings that meet the minimum standards for protection as defined in Scottsdale Zoning Ordinance shall be protected by a boulder easement encompassing the boulder or bedrock outcropping and extending twenty (20) feet from the perimeter of the boulder or bedrock outcrop.
10. **HEIGHT OF NON-INDIGENOUS PLANT MATERIAL.** Non-indigenous plant material which has the potential to reach a mature height greater than twenty (20) feet shall not be planted on the site. A plant list that complies with this stipulation is subject to Development Review Board approval. The developer shall state this stipulation on the final plans.
11. **NON-PROTECTED NATIVE PLANTS.** Native plants which are not protected by the Scottsdale Revised Code native plant provisions, but which are necessary for on-site revegetation, are suitable for transplanting, or are necessarily uprooted for road building or similar construction, as determined by city staff, shall be stockpiled during construction and shall be replanted in on-site landscape areas by the developer before the final site inspection.
12. **LOCATION OF INTERNAL STREETS AND DRIVEWAYS.** Before the Development Review Board submittal, the developer shall stake the alignments for all internal streets and driveways subject to inspection by city staff to confirm that the proposed alignments result in the least environmental and hydrological impact. The Zoning Administrator may approve the use of rectified aerial photographs in lieu of on-site staking.
13. **MAINTENANCE AND PRESERVATION – RECORDED AGREEMENT.** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council.
14. **FINAL CONSTRUCTION ENVELOPES.** Before issuance of any building permit for the site, the developer shall stake the construction envelopes for inspection by city staff. All construction shall take place inside the construction envelopes. With the preliminary plat submittal, the developer shall submit an unrecorded supplemental document identifying the construction (building) envelopes for review by City staff.

ENGINEERING

1. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
2. **STREET CONSTRUCTION STANDARDS.** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.

- 3 **CITY CONTROL OF ACCESS** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.
- 2 **STORMWATER STORAGE WAIVER** The developer currently has a stormwater storage waiver being evaluated by the city staff (Plan Check #749-05-1). It has not been approved at this time. The stormwater storage waiver for this project must have City of Scottsdale approval prior to the preliminary plat submittal.
- 3 **STORM WATER STORAGE EASEMENTS** With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
- 4 **DRAINAGE 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 drainage easements necessary to serve the site.

VERIFICATION OF COMPLIANCE

- 1 **REQUIRED SPECIAL INSPECTIONS** Before the approval of the improvement plans, the Project Quality/Compliance Division staff shall specify those drainage facilities that shall be required to have Special Inspections. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.
- 2 **CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT** Before the issuance of a Grading & Drainage Permit:
 - a The developer shall certify to the Project Quality/Compliance Division, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF), and,
 - b The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.
- 3 **CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE** Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:
 - a The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
 - b The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.
- 4 **AS-BUILT PLANS** City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

OTHER REQUIREMENTS

1. ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS. All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region>.

The developer shall:

- a. Submit a completed Notice of Intent (NOI) to the EPA.
 - b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.
2. NOTICE OF INTENT (NOI). With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.
 3. SECTION 404 PERMITS. With the improvement plan submittal to the Project Quality/Compliance Division, the developer' engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
 4. DUST CONTROL PERMITS. Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
 5. UTILITY CONFLICT COORDINATION. With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
 6. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ). The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
 - a. Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
 - b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
 - c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.

- d Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings**

 - (1) Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall**
 - (2) Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD**
 - (3) Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form**
 - (4) Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities**
 - (5) Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD**

DEVELOPMENT STANDARDS

SUBDIVISION NAME: Sereno Canyon
CASE #: 1-ZN-2005
ZONING R1-130 ESL

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS
A. MIN. LOT AREA	130,000 sf	49,000 sf
B. MIN. LOT WIDTH		
1. Standard Lot	200'	150'
2. Flag Lot		20'
C. MAXIMUM BUILDING HEIGHT	24' per ESL	24' per ESL
D. MIN. YARD SETBACKS		
1. FRONT YARD		
• FRONT (to face of building)	60'	45'
• FRONT (to face of garage)	60'	45'
• FRONT (corner lot, side street)	60'	45'
• FRONT (corner lot, adjacent to key lot, side street)	60'	45'
• FRONT (double frontage)	60'	45'
2. SIDE YARD		
• Minimum	30'	22.5'
• Minimum aggregate	60'	45'
3. REAR YARD		
• Standard Depth	60'	45'
E. DISTANCE BETWEEN BUILDINGS (MIN)		
1. Accessory & Main	10'	10'
2. Main Buildings/Adjacent Lots	60'	45'
F. MAXIMUM WALL HEIGHT		
1. FRONT	3'	3'
2. SIDE	8' (1)	8' on PL
3. REAR	8' (1)	8' on PL
G. APPLICABLE ZONING CASES		1-ZN-2005
H. NOTES & EXCEPTIONS		
(1) Individual lot or site walls shall be setback a minimum of fifteen (15) feet from a side or rear property line, per ESL.		

Transportation Commission Meeting Amendment to Transportation Plan

Proposal: To remove portion of the Alameda Road extension between 122nd Street alignment and 128th Street from the current Street Classification Map.

This application is a request to remove Alameda Road east of Happy Valley Road from the City's Street Classification Map. The applicant proposes a more appropriate substitute alignment to be located approximately ¾-mile north at the Ranch Gate Road alignment (see attached exhibits). This amendment to the Street Classification Map would permit the closure of Alameda Road east of the 122nd Street alignment to public traffic, satisfying the intense desire of existing area residents to reduce traffic volumes associated with the completion of Alameda Road improvements to 128th Street.

Existing Conditions & Traffic Analysis

Existing Alameda Road improvements extend from Happy Valley Road on the west to 122nd Street at its eastern terminus. Alameda Road is identified on the adopted Street Classification Map as a minor collector street (15,000 daily trip capacity). A traffic study for the current Alameda Road extension notes that existing daily traffic volumes average 1,550 trips. The proposed Crown Communities development would contribute an additional 1,168 daily trips to Alameda Road for a combined total of 2,718 trips. This volume is 18% of the local collector capacity of 15,000 daily trips.

Alameda Road currently serves as the only access point for approximately 300 residential units located east of the Happy Valley Road/118th Street alignment. The proposed Crown Communities project with 122 planned residential units, would establish a gated entry on Alameda Road at the 122nd Street alignment and has planned additional access points on the northern and eastern boundaries of the property. These secondary access points would act to reduce volumes on Alameda Road by distributing traffic, and will serve as the ultimate construction ingress/egress points during development.

Community Input

The applicant has sought input from neighborhood groups and property owners adjacent to the existing Alameda alignment to determine their preferences for future roadway improvements and to understand the characteristics of the interim condition. These groups have strongly encouraged the applicant to pursue a method of closing Alameda Road to through traffic citing concerns over unquantifiable future traffic volumes, noise impacts on existing properties and pedestrian safety associated with increased through traffic movement. Residents have reported that existing homes adjacent to Alameda Road are positioned as close as 46 feet to the curb line, with rear yard fences encroaching to within 18 feet of the curb line.

Scottsdale General Plan and Street Classification Map

Community concerns have arisen since adoption of a 2002 amendment to the General Plan, identifying Sonoran Preserve lands in north Scottsdale. The delineation and subsequent siting of a park trailhead location at the southern terminus of 128th Street prompted the City to designate a connector roadway segment from Happy Valley Road, a connection not previously identified on the City's General Plan. The community's foremost concerns over volume and safety are substantiated by the existing Alameda Road's level of service and proximity of adjacent properties. Alameda Road was built to its current cross-section concurrent with adjacent neighborhood development, prior to the Street Classification Map adding the extension. As a result of prior development conditions, provisions for managing elevated traffic volumes were not addressed during the planning process.

Review of the current General Plan, reflecting recent amendments, shows the delineation of a major roadway alignment (classification not specified) crossing from 118th Street to 128th Street planned for the Jomax Road alignment across the State Land properties, thereby reinforcing the concept for an alternate connector alignment to Alameda Road. This alignment is seen as a necessary component of the regional circulation solution and will ensure the connectivity between properties located both east and west of the connector segment.

Proposed Improvements

The proposed closure of Alameda Road at the 122nd Street alignment will require an alternative through route to be delineated on the Street Classification Map. This alignment will be critical to the establishment of a more appropriate east-west connection between 118th Street and 128th Street. The applicant has recommended the extension of Ranch Gate Road (located approximately 3/4-mile north of the Alameda alignment) to provide this connection. Ranch Gate Road would be reclassified as a local collector (50' right-of-way) and follow an alignment proposed in partnership with the Arizona State Land Department and the applicant, to connect with 128th Street at the Happy Valley Road alignment intersection (see attached exhibits).

Traffic Analysis

Alameda Road serves as the primary access point for a number of communities located east of Happy Valley Road. At buildout, there are projected to be approximately 3,850 vehicle trips per day using Alameda Road, including those from the Sereno Canyon property. This presumes that Alameda Road would not extend east to 128th Street, and would be access restricted east of the 122nd Street alignment. A portion of the total Sereno Canyon trips would be absorbed by Ranch Gate Road because of the project's northern and eastern access gates. These volumes, combined with all properties to the east along the 128th Street corridor (presuming existing density entitlements) are expected to generate approximately 2,910 trips per day on the proposed Ranch Gate Road connector. If Alameda Road were to continue through to 128th Street as an unrestricted public street, the projected daily traffic volume on Alameda would be 6,760 trips.

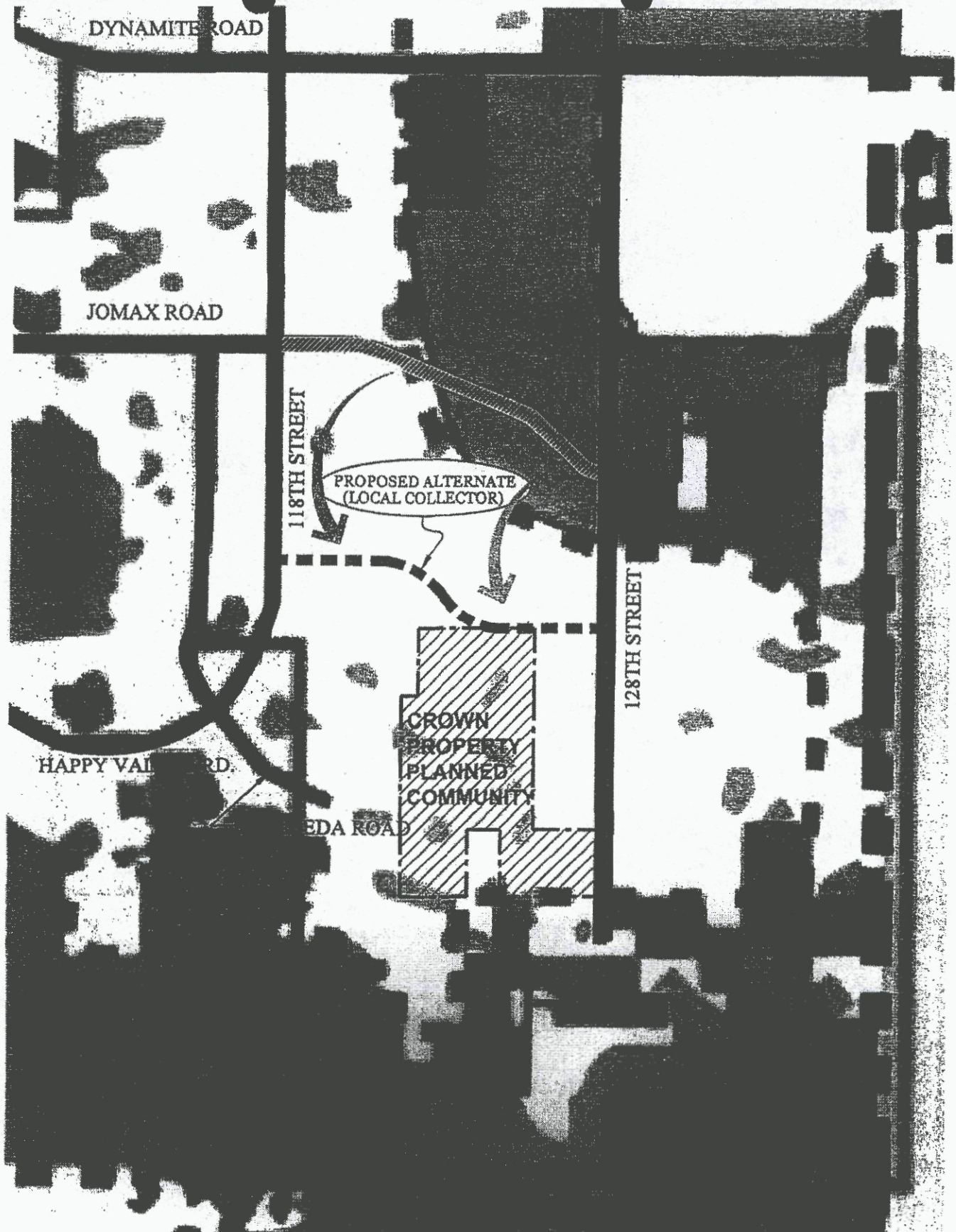
Community Benefits of Proposed Conduition

The benefits of the proposed amendment to the Street Classification Map include an enhanced management of traffic volumes on an adequately sized facility, the establishment of adequate residential setbacks to protect future development from traffic impacts, the balancing of the distribution of westbound traffic at the 118th Street intersection (to Happy Valley Road or Jomax Road), and the promotion of a more balanced distribution of traffic at the 128th Street intersection for properties accessing the street from the north or south.

Conclusion

The Dynamite Foothills community is recognized for its unique rural character and broad vistas in nearly all directions. It is also situated in a portion of the City that will witness a substantial (although reduced) level of new development in forthcoming years. This growth, coupled with the topographic constraints which lend character to this area, present many circulation-based challenges for future and existing residents. The initial Alameda Road delineation and design was not intended to facilitate regional traffic in the manner now proposed by the Street Classification Map. Neighborhood groups strongly believe that the extension of Alameda as a public roadway beyond what is currently built would have a substantial detrimental impact on adjacent neighborhoods.

The applicant does recognize the need for an east-west connection to be established, and proposes an alternative alignment at Ranch Gate Road. This location would more adequately serve the greater community and relieve neighborhood concerns associated with elevated traffic volumes.



REGIONAL LAND USE
per CITY OF SCOTTSDALE GENERAL PLAN (06/2004)

CROWN COMMUNITIES

SCOTTSDALE, ARIZONA

SCALE: (1"=100')

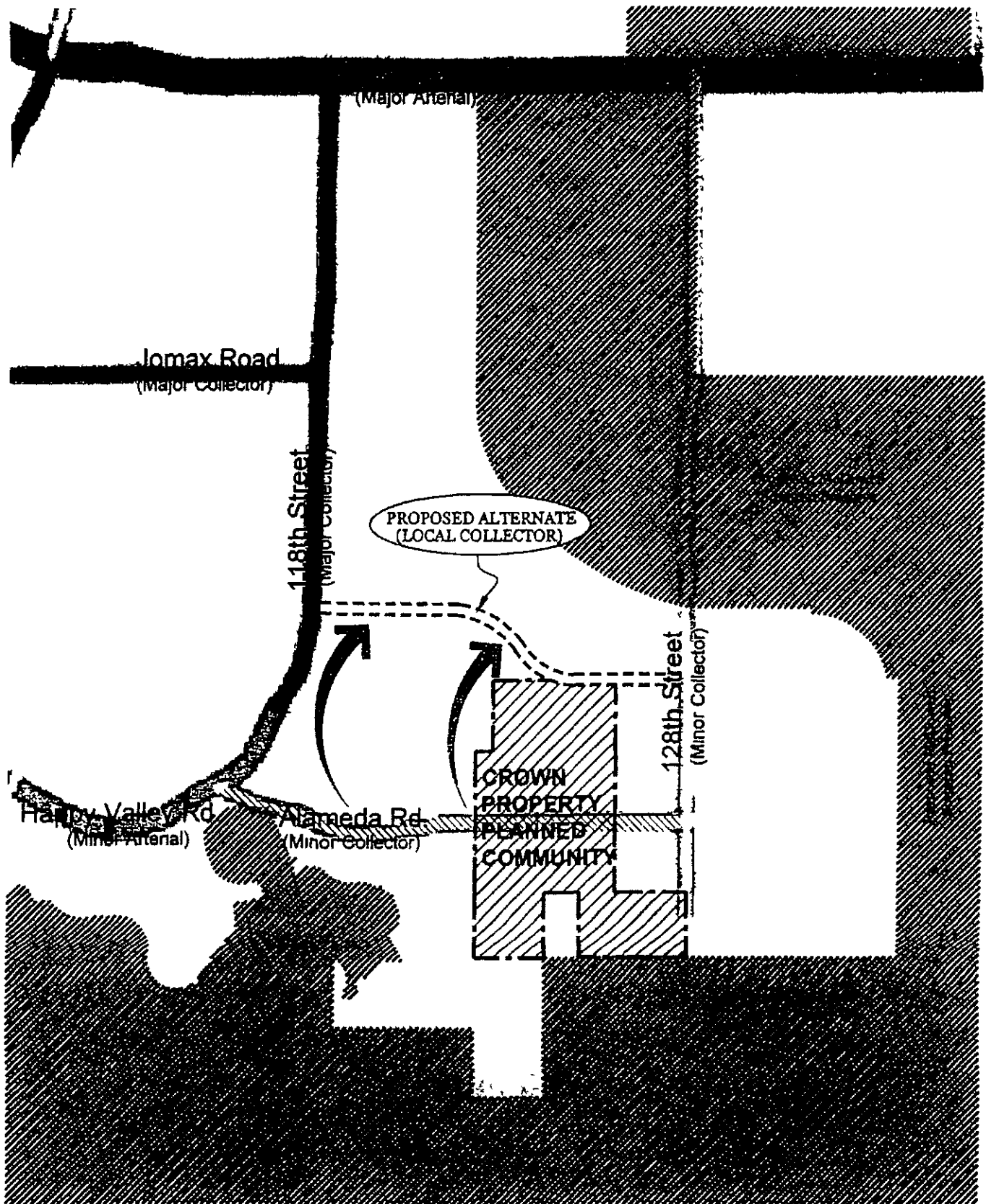


NORTH



LVA
Urban Design
Studio L.L.C.

Scottsdale, Arizona
City of Scottsdale
General Plan
06/2004
06/2004
06/2004
06/2004



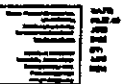
REGIONAL ROADWAY NETWORK w/ PROPOSED ALTERNATE
COLLECTOR ALIGNMENT + 128th ST CROSSING PRESERVE AREA
per CITY OF SCOTTSDALE STREET CLASSIFICATION MAP (10/2003)

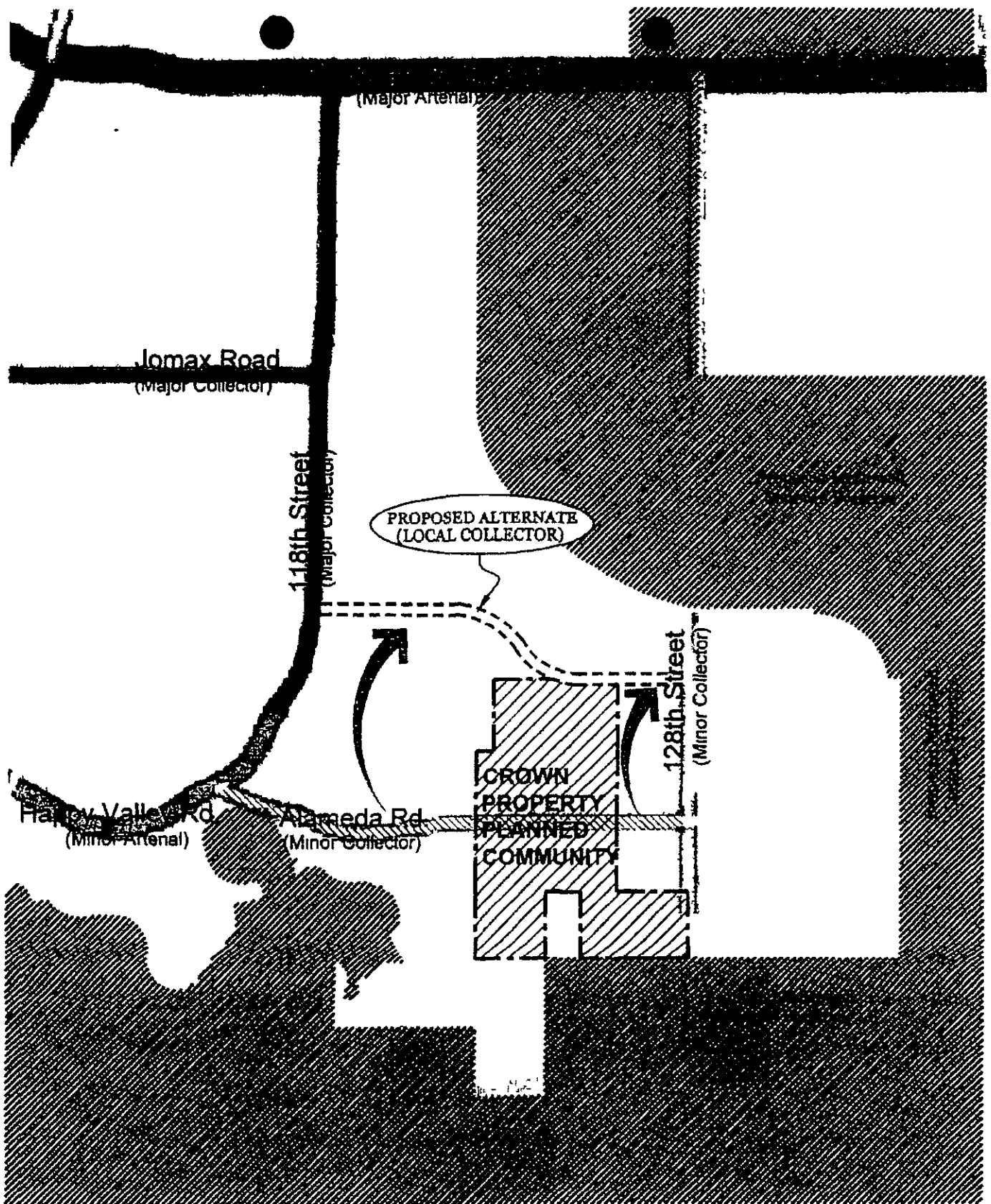
CROWN COMMUNITIES
SCOTTSDALE, ARIZONA

SCALE (1"=100')



NORTH

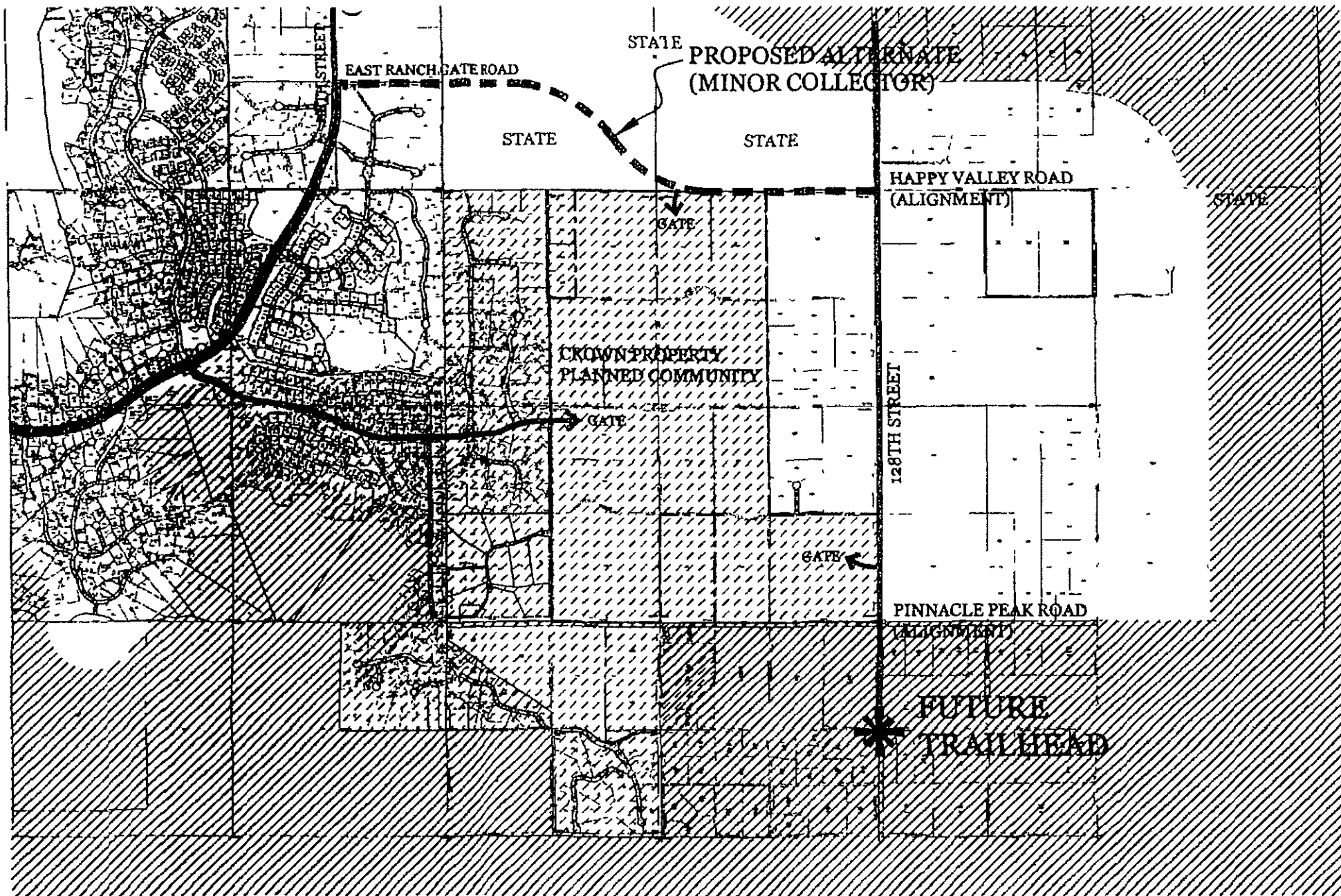




REGIONAL ROADWAY NETWORK w/ PROPOSED ALTERNATE
COLLECTOR ALIGNMENT + 128th ST. NOT CROSSING PRESERVE AREA
per CITY OF SCOTTSDALE STREET CLASSIFICATION MAP (10/2003)

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA





PROPOSED CONDITION - ALAMEDA ROAD CLOSURE

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA

AREAS CONTRIBUTING TRAFFIC TO ALAMEDA ROAD
PROPOSED MCDOWELL SONORAN PRESERVE



CITIZEN OUTREACH REPORT

The Crown development project team has been busy conducting significant outreach in the community to date. We have been meeting with residential neighbors to inform them about the proposed project and to gather their input.

On November 23, 2004 a notification letter about the project was sent to property owners within 750 feet of the project (see attached letter). This letter announced a neighborhood open house, which was held on December 2, 2004. We had several calls from neighbors with questions about the project and had six neighbors attend the open house.

The team has done extensive work door to door in the broader neighborhood, distributing flyers with contact information concerning the project to those who were not available to meet with us or who may have missed the open house. As a result, approximately 160 signatures of support have been gathered.

In addition, we have had numerous smaller meetings with neighbors close to the project including a discussion on the project with the Coalition of Pinnacle Peak (COPP), held on April 12. Several neighbors have expressed concern about the extension of Alameda Road and have suggested Alameda Road be terminated within the project. We have held several meetings with the City Transportation staff who, in turn have met with the neighborhood to discuss the Alameda Road issues.

We will continue to work with the neighbors in an effort to resolve any concerns and to update them on the progress of the project as it moves forward.

ATTACHMENT #11



November 23, 2004

Dear Neighboring Property Owner

The purpose of this letter is to advise you that a request has been submitted by Crown Community Development to the City of Scottsdale to grant a Density Incentive for Open Space in order to build 121 homes on 328 acres located approximately between 122nd Street and 128th Street and the Pinnacle Peak Road alignment and Happy Valley Road alignment. This is not a rezoning request. The request will result in approximately 21 percent more open space than the City currently requires. This new development will be custom homes with public trails built on development envelopes compatible with the terrain.

If you would like more information, you are invited to attend a neighborhood open house to be held Thursday, December 2, from 6 to 7 PM in the Multi Use Room of La Mirada Desert Park, located at 8950 E Pinnacle Peak Road. If you cannot attend the open house, or would like more information, please feel free to call Technical Solutions, who have been working on our behalf in contacting neighborhood property owners about this project, at 602-957-3434. The City of Scottsdale Project Coordinator for this project is Tim Curtis who can be reached at 480-312-4210.

Sincerely,

Teri Frankiewicz
Vice President of Community Development

Cc: Tim Curtis, City of Scottsdale

EARLY NOTIFICATION OF PROJECT UNDER CONSIDERATION

Neighborhood Open House Meeting:
TBD

Site Address: 122nd St & Alameda Rd, Scottsdale, AZ 85255

Project Overview: Crown Communities

- Requesting: A density increase request to allow an increase from 101 to 121 units in a RT-130 ESI district
- Description of Project/Proposed Use: Master Planned Residential Community
- Site: Acreage/Zoning: Approx. 330 acres / RT-130 ESI

Applicant/Contact:

John Berry, 480-385-2727

Paul Smith, 602-957-3434

City Staff Contact:

Tim Curtis

480-312-4210

tc Curtis@scottsdaleaz.gov

Pre-Application Case No: 214-PA-2004

Case File Available at City of Scottsdale: 480-312-7000

Project Info: www.scottsdaleaz.gov/project/ProjectsInProcess

Posting Date: 03/29/05



EARLY NOTIFICATION OF PROJECT UNDER CONSIDERATION

Neighborhood Open House Meeting:
TBD

Site Address: 122nd St & Alameda Rd, Scottsdale, AZ 85255

Project Overview: Crown Communities

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- Description of Project/Proposed Use: Master Planned Residential Community
- Site: Acreage/Zoning: Approx. 330 acres / RT-130 ESI

Applicant/Contact:

John Berry, 480-385-2727

Paul Smith, 602-957-3434

City Staff Contact:

Tim Curtis

480-312-4210

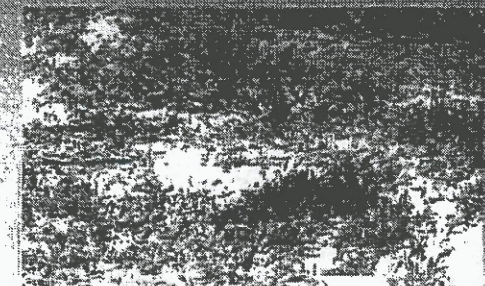
tc Curtis@scottsdaleaz.gov

Pre-Application Case No: 214-PA-2004

Case File Available at City of Scottsdale: 480-312-7000

Project Info: www.scottsdaleaz.gov/project/ProjectsInProcess

Posting Date: 03/29/05



03/29/05

Crown Community Development Project
Case No. 1-ZN-2005
Alameda Rd & 122nd St
Scottsdale, AZ 85255

We, the undersigned, are residents of Troon Saguaro Canyon and Desert Crest. Over the past 6 months, we have been subjected to an intrusive level of construction and sales traffic going to Luxor's Sonoran Crest and Troon Highlands (a total of ~70 homes in these two developments have not even begun construction). There have been afternoons where approximately 100 gravel trucks (12-23-04) and 20 cement trucks (3-10-05) passed by our homes. Besides the noise, the exhaust fumes, at times, are oppressive. Also, many of the trucks and cars are exceeding the 30 mph speed limit as they come down the hill near 119th Way, making a turn onto Alameda from the neighborhoods dangerous. An attempt for a walk is also a dangerous proposition with the heavy traffic and lack of sidewalks. If an entrance to the Crown project is constructed at Alameda & 122nd St, traffic will increase even more from construction, sales, and future residents for many years to come.

Our understanding of the current Crown project proposal is:

- Build one entrance on Alameda and 122nd St.
- Build three entrances on 128th St. (One is an emergency exit/entrance)
- Use 128th St as the construction entrance (verbal agreement on 4-15-05).

We are grateful for the construction entrance, but Alameda must end at 122nd Street.

Therefore, we believe that the Crown project traffic will create an environment that will be materially detrimental to the health, safety and welfare of Troon Saguaro Canyon and Desert Crest residents and we respectfully petition the City of Scottsdale to require:

- All construction traffic (including every delivery truck and construction workers' car) enter and exit the project from 128th Street.
- All sales traffic enter and exit the project from 128th Street.
- An entrance not ever be constructed on Alameda Rd. and 122nd Street. All future resident traffic enter and exit the project from 128th Street.

No	Name	Address	City	State	Zip	Signature
211	RICHARD PEREZ	11746 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
212	RESA LIE PEREZ	11746 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
213	ALAN W. CESTI	11742 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
214	DIANE CESTI	11742 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
215	PATRICK CHIAVERA	11742 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
216	JESSICA CHIAVERA		Scottsdale	AZ	85255	[Signature]
217	JAMES KOLLER	11742 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
218			Scottsdale	AZ	85255	[Signature]

Sonoran Peaks LLC

14901 N. Scottsdale Rd , Ste 201, Scottsdale, AZ 85254

(480)483-8107 (480)483-8172

October 19th, 2005

Tim Curtis
Planning, Building and Zoning
Development Review and Permit Services
7447 E. Indian School Road
Scottsdale, AZ 85258

Re: Case 1-ZN-2005, Crown Communities

Mr. Curtis;

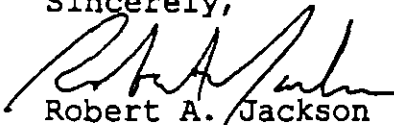
I represent Sonoran Peak LLC, which owns a 70 acre parcel (#217-02-019C,D,E,018A,018B) on the Happy Valley/118th Street n-s alignment. We were recently informed by Crown Communities by letter that there may be a new proposed plan for public access (Option F) to the referenced case site.

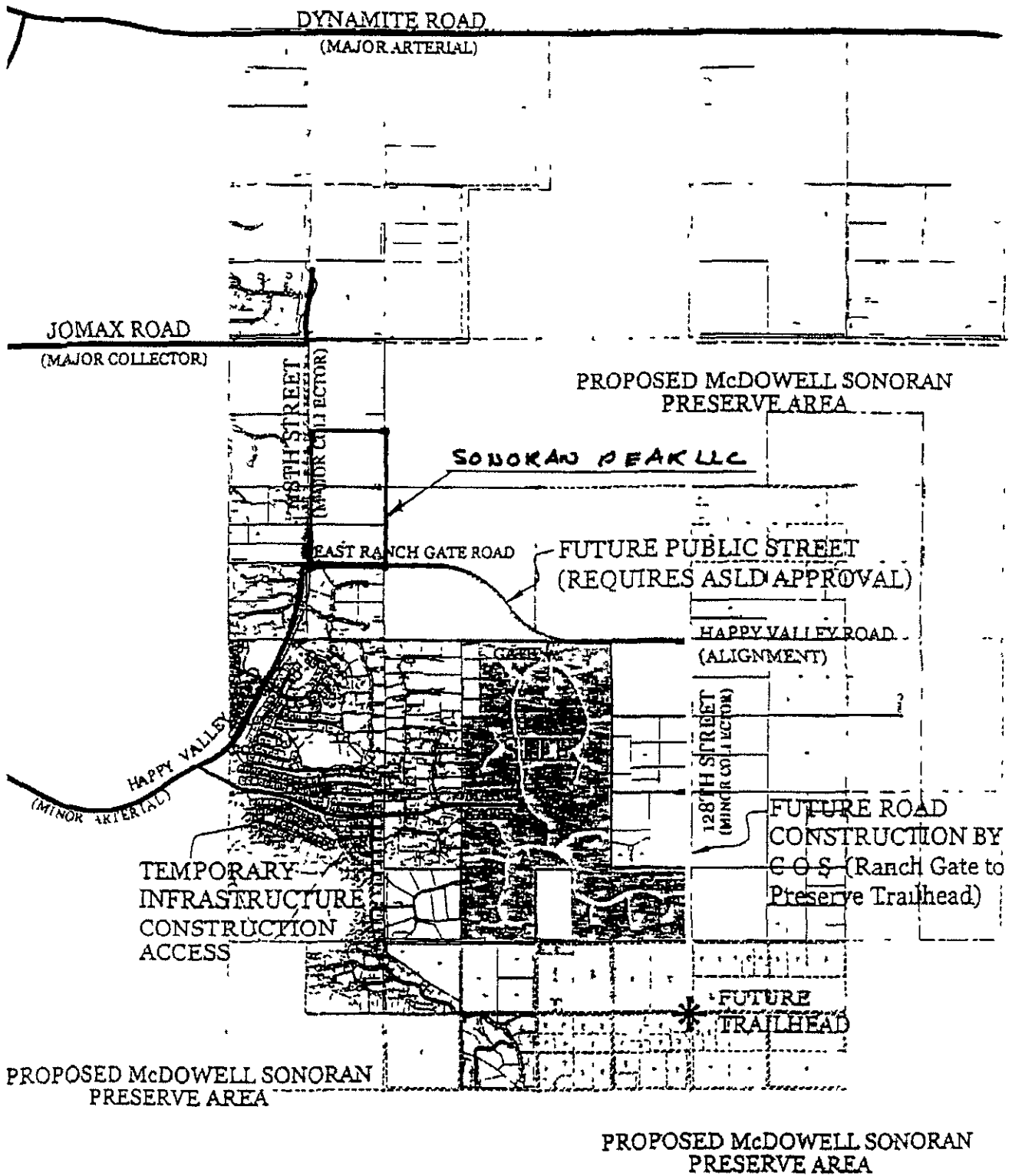
The Crown Communities site is currently accessed by Alameda Road from the west, and 128th Street from the north. The newly proposed road would run e-w along our southern property line to reach the northern part of the Crown Communities site. This proposed alignment was not part of the Circulation Plan when our property was acquired.

We strongly object to this new proposal as it appears it would require dedication of our property for right of way. This new roadway would run through state trust land. It would reduce the size of our property and therefore it's' value. It would also impinge on our design plans for the site.

Mr. Moshe Bar, agent for Sonoran Peak LLC, is available to meet with principals of Crown Communities to discuss this. He can be reached at 480-483-8107.

Sincerely,


Robert A. Jackson
Project Manager
Sonoran Peak LLC



PLANNED REGIONAL ROADWAY EXHIBIT w/ AERIAL OVERLAY
OPTION F

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA





October 10, 2005

Dear Property Owner

Important developments are taking place regarding traffic circulation that may change and/or improve access to your property. You are receiving this letter because Maricopa County records indicate you own property in the area of 128th Street south of Dixileta Road. Community input has driven some proposed changes to the area circulation plan. The proposed plan is under review by the Arizona State Land Department and the City of Scottsdale.

Enclosed please find a map of the area and the proposed circulation changes. If you have any interest in this issue, we would like to discuss these changes with you at your convenience. Technical Solutions is working on behalf of Crown Communities, a developer in the area, to inform property owners and contact neighbors about these proposed changes. You can reach our offices regarding proposal at (602) 957-3434.

Sincerely,

Paul Smith
President

Sonoran Peaks LLC

14901 N. Scottsdale Rd., Ste. 201, Scottsdale, AZ 85254

(480)483-8107 (480)483-8172

November 2nd, 2005

Tim Curtis
Planning, Building and Zoning
Development Review and Permit Services
7447 E. Indian School Road
Scottsdale, AZ 85258

Re: Planned 118th Street Extension

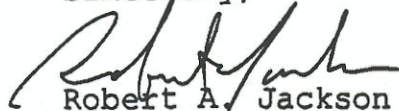
Mr. Curtis;

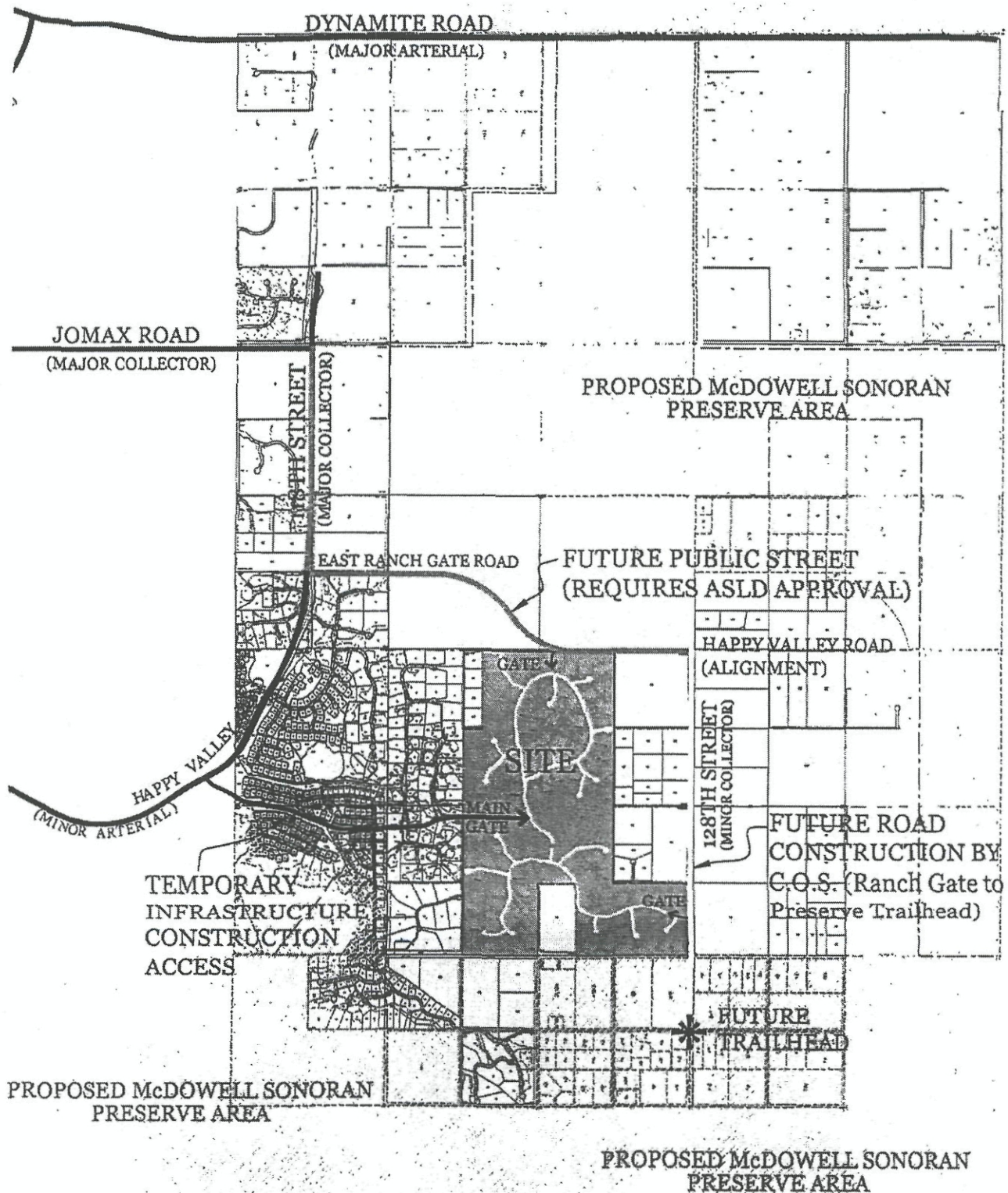
I represent ownership of Parcels #217-02-019A, 217-02-018A, and 217-02-018B located along 118th Street right of way. We are concerned that the Happy Valley/118th Street extension stopped short of our southern property line. It does not appear that the two bordering developments which are served by the current extension were required to extend the street along their entire street frontage. The street is barricaded south of our south property line which precludes immediate access to our site from the south. This brings into question plans for completion of this roadway to our site.

What, if any, are the plans for completion of this roadway? Is there a plan or agreement in place between the City and adjacent property owners to the south of us to finance this construction?

I would appreciate a timely response, in confidence, as apparently there is interest to create a new Happy Valley Road extension further east. Thank you for your consideration.

Sincerely,


Robert A. Jackson
Project Manager
Sonoran Peaks LLC



PLANNED REGIONAL ROADWAY EXHIBIT w/ AERIAL OVERLAY
OPTION: F

CROWN COMMUNITIES
 SCOTTSDALE, ARIZONA

CROWN - 1/2 STREET IMPROVEMENTS
 FUTURE ROADS BY OTHERS
 EXISTING IMPROVED ROADS





October 10, 2005

Dear Property Owner:

Important developments are taking place regarding traffic circulation that may change and/or improve access to your property. You are receiving this letter because Maricopa County records indicate you own property in the area of 128th Street south of Dixieleta Road. Community input has driven some proposed changes to the area circulation plan. The proposed plan is under review by the Arizona State Land Department and the City of Scottsdale.

Enclosed please find a map of the area and the proposed circulation changes. If you have any interest in this issue, we would like to discuss these changes with you at your convenience. Technical Solutions is working on behalf of Crown Communities, a developer in the area, to inform property owners and contact neighbors about these proposed changes. You can reach our offices regarding proposal at (602) 957-3434.

Sincerely,

Paul Smith
President



June 1, 2005

Dear Neighboring Property Owner:

As you know from previous notifications, a request has been submitted by Crown Community Development to the City of Scottsdale to grant a Density Incentive for Open Space in order to build 122 homes on 328 acres located approximately between 122nd Street and 128th Street and the Pinnacle Peak Road alignment and Happy Valley Road alignment. As you will recall from a previous neighborhood open house meeting on December 2, 2004, this is not a rezoning request. The request will result in approximately 21 percent more open space than the City currently requires. This new development will be custom homes with public trails built on development envelopes compatible with the terrain.

We have scheduled another neighborhood open house to be held Monday, June 13, from 6 to 7 PM in a meeting room at Living Water Lutheran Church, located at 9201 E Happy Valley Road. If you cannot attend the open house, or would like more information, please feel free to call Technical Solutions, who have been working on our behalf in contacting neighborhood property owners about this project, at 602-957-3434. The City of Scottsdale Project Coordinator for this project is Tim Curtis who can be reached at 480-312-4210.

Sincerely,

Teri Frankiewicz
Vice President of Community Development

Cc: Tim Curtis, City of Scottsdale

Cox Email

From: "Graham Kettle" <g.kettle@cox.net>
To: "Steve Kensok" <steve.kensok@cox.net>
Sent: Thursday, May 12, 2005 11:42 AM
Subject: Re: Meeting with City

Steve,

I would be happy to come down to the meeting if you would like me there

Graham

— Original Message —

From: Steve Kensok
To: Graham Kettle, Diana Jones, Tim Miller, Brian Coast, May & Tai Vance, Ness & Marilyn Irvine
Cc: Mike Kelley
Sent: Wednesday, May 11, 2005 8:08 PM
Subject: Meeting with City

We have a meeting set up with 4 people from the City of Scottsdale

Tim Curtis—Staff Coordinator for the Crown project
 Mary O'Connor—Traffic Dept Manager
 Dave Meinhardt—Traffic Dept
 Phil Kercher—Traffic Dept

Date: Monday, 5-16-05

Time: 10:00 AM

Location: Scottsdale City Offices, 7447 E Indian School, #105

This is the agenda I sent to Tim Curtis on 5-9

- Our petition requests
- 4-22-05 letter from Technical Solutions regarding the construction traffic / *strip*
- Definition of a "minor collector"
- Results of the traffic study conducted on Alameda Rd during April 2005
- Plans for the ~725 acres east of 128th St, at Alameda (Will all this traffic use Alameda Rd and Happy Valley Rd?)
- Procedure to gate Alameda Rd at Happy Valley Rd
- Equestrian lots causing horse trailer traffic, feed delivery traffic, and manure removal traffic (Plus the smell and flies)
- *pressure*

*define
consumption
+ service
+ sales*

Here are some other items I thought of after I sent the above agenda:

- Crown's proposal to increase the density from 101 to 121 (additional traffic)
- Mary O'Connor's email of 5-10 regarding the traffic counts on Alameda

We are planning to meet at 1:00 on Sunday at my house. You'll need to finish the petitions by then. If you can't attend the Sunday meeting, be sure to arrange getting the petitions to me prior to Sunday.

Also, the Troon Master HOA meeting is Monday 5-16 at 1:00 at the Troon Club on Happy Valley Rd. Tim Miller will arrange for one or more of our group to attend.

Steve Kensok
 11921 E Sand Hills Rd

5/15/2005

Brian Coast

From: "Brian Coast" <bmjet@prodigy.net>
To: <azgov@az.gov>, <mmanross@scottsdaleaz.gov>, <citycouncil@scottsdaleaz.gov>, <tcurtis@scottsdaleaz.gov>, <dmeinhardt@scottsdaleaz.gov>, <psmith@technicalsolutionsaz.com>, <jg@berrydamore.com>, <steve.kensok@cox.net>, "Ness" <nessirvine@msn.com>, <mikenjok@aol.com>, <bmjet@prodigy.net>
Sent: Tuesday, May 03, 2005 2:30 PM
Attach: alam9.JPG
Subject: Opposition voices & votes to Alameda Road extension future plan

The purpose of this letter is to show how the City of Scottsdale is turning Alameda Road, a quiet 2 lane residential street, 21 wide, into a major heavily traveled noisy highway. Alameda street used to end at 119th Way. Luxor homes with about 50 homes extended Alameda to 122 St. That was acceptable by the neighborhood because Shea homes the last developer along Alameda told the homebuyers that Luxor home development would happen. That was supposed to be the end of Alameda. We were told by Shea and Realtors that the future east west traffic in the area would flow on 4 lane Happy Valley. That plan has changed. Future eastbound traffic is planned to flow on quiet 2 lane Alameda to Crown Community Development with a possible 122 homes, then it is possible that future home developments can extend the street all the way to Rio Verde or maybe even Fountain Hills.

There are other alternatives to solve this problem. Alameda Road can end at its present paved position at 122 Street. Traffic can flow into Crown Development by Happy Valley, Jomax, and the best solution Dynamite to 128th Street. Homes built on Alameda were built with the assumption it would stay a quiet neighborhood street. Some homes are as close as 46 feet to Alameda with their fence lines as close as 18 feet. Most of the master bedrooms face Alameda. The back yards all face Alameda and some back yards are actually below the street. As a result of the position of the back yards the homes take in the maximum amount of car exhaust and noise. Health reasons alone should end Alameda street at 122 St. The loss of sleep with construction trucks passing by as early as 4:30 am and other cars passing by with their exhaust fumes going inside the homes is really bad. Some heavily loaded 18 wheel trucks have passed by that actually have shaken the homes. There are many children in the area that have been used to crossing Alameda to see their friends on the other side. With the current plan to extend Alameda, it is very possible that there could be an injury or even death of a child because the child has been used to crossing the street with very little traffic and future plans call for very heavy traffic. It is very hard to change children's habits to tell them they can no longer cross the street after they have been crossing it for years. I don't think anybody involved in the future decisions wants to be responsible for a child's death.

I urge anybody who has been involved in past, current, or future decision on the future of Alameda to physically drive out and look over the street, especially by 119th Way. You cannot just look at a map and say yes that makes sense to extend Alameda. Then drive to the end of 4 lane Happy Valley, and then drive by 4 lane Jomax, and then drive by the most logical east extension Dynamite Road that already goes to Fountain Hills. Gary Haare the president and developer of Luxor homes is also in favor of ending Alameda street at its present paved position 122 ST. RAT which stands for -Reduce Alameda traffic- is a group of unhappy homeowners along Alameda that will fight the extension. RAT has gotten over 100 signatures on a petition opposing the extension of Alameda. The current developed area can be the end of traffic flow to the east. DC Ranch does not flow north into Pinnacle Peak Vistas, and there are other Scottsdale developments that do not flow into each other.

The petition drive is just the start of the fight. COPP group is involved. We the homeowners have many plans to end Alameda St. in its present paved position. We will give the city of Scottsdale a reasonable amount of time to review this Scottsdale which has been known to protect the environment and homeowners is now favoring the developers and home builders. We truly want Scottsdale to keep its great reputation of one of the best spots in America to live in. There are also a few sleeping giants we plan on waking up to let them know what the future east traffic flow will be. The opposition has many voices and votes as evidenced by the over 100 signatures on the petition. The opposition voices are planned to increase.

We have a few questions for anyone who had a involvement in the past, present or future decision the extension of Alameda St.

- 1 Have you driven out to see the end of Alameda at 122 St and the homes that face the street at 119th Way?
- 2 Have you driven out to see the end of Happy Valley, Jomax, Dynamite and most importantly why can't these 4 lane alternative routes be used for east traffic flow?
- 3 When is the paving extension planned to start?
- 4 Was your decisions based on just looking at a MAP?
- 5 Do you think the extension will effect the health and well being of the people around the neighborhood around Alameda?
- 6 How far can a minor connector road go and how many homes can it serve?
- 7 What are the building codes and house setbacks for a minor connector and does Alameda road comply?

This letter is being sent to Tim Curtis Staff Coordinator-City of Scottsdale, Dave Meinhardt, and others in the City planning department. It is also being sent to Scottsdale City Council members, City Mayor Manross, and Janet Napolitano the

5/15/2005

GOVERNOR of the state In summary the most logical and easiest thing to do is end Alameda Street at its present paved position The homeowners in the Alameda area have been there around 10 years living in a quiet, safe, healthy neighborhood and want to keep it that way The City of Scottsdale has been famous for protecting the environment and homeowners,lets keep it that way The homeowners have been there long before Crown Community Development Attached are pictures of Alameda Street.

Best Regards, Brian Coast 11930 E Manposa Grande Dr Scottsdale 85255 602-743-4769



March 30, 2005

Urban Design Studio, L.L.C
Project Manager
7502 E. Main Street
Scottsdale, AZ 85251

RE. Crown Communities, Scottsdale Case # 1-ZN-2005
122nd Street & Alameda Road

To Whom it May Concern.

On behalf of the Troon Highlands Estates Homeowner Association, this letter is written in support of your Conceptual Land Use Plan and request for an increase in the dwelling units from 101 to 121.

If you have any questions, you may reach me at the number listed below

Sincerely,

Sandra Barnett

Cc Tim Curtis, City of Scottsdale



TROON HIGHLANDS ESTATES

March 30, 2005

Brian Bernard, P E
Project Manager
Kimley-Horn and Associates, Inc
7878 N. 16th Street
Suite 300
Phoenix, AZ 85020

RE: Troon Canyon Estates II

Dear Mr. Bernard.

On behalf of the Troon Highlands Estates Homeowner Association, this letter is written in support of your Preliminary Plat design for Troon Canyon Estates II as submitted in your letter of November 12 2004

If you have any questions, you may reach me at the number listed below.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Barnett". The signature is fluid and stylized, with the first and last names being clearly legible.

Sandra Barnett

Cc: Tim Curtis, City of Scottsdale



March 28, 2005

Mr. Steve Kensok
11921 E Sand Hills Road
Scottsdale, AZ 85255

Dear Steve:

Thank you for alerting us to your concerns about potential construction traffic impacts on your neighborhood that could be a result of the proposed Crown Community Development at 118th Street and Pinnacle Peak. We have communicated your concerns to our client and as a result we are actively looking at options to respond to that issue

We will be back in touch with you shortly to update you on our suggested changes to alleviate the construction traffic impacts

Sincerely,

Paul Smith
President

cc: Tim Curtis, City of Scottsdale

1-22-2005

Curtis, Tim

From: Meinhart, Dave
 Sent: Friday, February 11, 2005 4:49 PM
 To: O'Connor, Mary
 Cc: Curtis, Tim
 Subject: FW: Alameda Road

FYI

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

From: Tim Miller [mailto:tjrmiller@msn.com]
 Sent: Friday, February 11, 2005 3:56 PM
 To: dmeinhart@scottsdaleaz.gov
 Cc: moconner@scottsdaleAZ.gov; kekblaw@scottsdaleAZ.gov
 Subject: RE: Alameda Road

Dave,

Thank you for the information on Alameda. My concern is that a large parcel of 328 acres was sold to Crown Development east of where Alameda dead ends today. We are concerned that all this traffic will eventually go down Alameda. Today Alameda does not specifically meet the guidelines for a rural minor connector since it's only two lanes and no center island. Our fence today is about 18 feet from the road and while on the other side of the road has more NAOS it would be a major change to the area.

We are wanting to speak to both the city transportation and planning departments to proactively approach this issue since your plans are also in the early stages. It appears to many of us that Happy Valley and Jomax will or should go east to 128th street with north/south connectors taking traffic off of Alameda and moving it down to Happy Valley. This doesn't appear to be in the plan. I spoke with Wayne Ecton at this week's COPP meeting and he gave me Mary O'Connors name and Kroy Ekblaw. I'm also asking Rossmar and Graham to see if they can get a meeting or Copp to organize a meeting to achieve alternate routes off of Alameda to minor arterial that being Happy Valley if it extends to 128th.

Is your department also involved with the routing of construction traffic? Right now it's an incredible amount of traffic and once the 328 acres starts we want to see that traffic come down Dynamite which is a major arterial and up 128th street to Alameda.

Would you give me some guidance as to who at the city would be most directly involved in this process so we can get the homeowners to become better informed and more involved before the developers convince the city otherwise?

Thanks again for the email. Tim Miller 480-419-3978

>From "Meinhart, Dave" <dmeinhart@scottsdaleaz.gov>
 >To: "tjrmiller@msn.com" <tjrmiller@msn.com>
 >Subject: Alameda Road
 >Date: Fri, 11 Feb 2005 09:57:29 -0700
 >
 >Mr. Miller,
 >

02/14/2005

>I am responding to your recent request for information on the future plans
>for Alameda Road in the area to the east of Troon In the City's Streets
>Master Plan, which was adopted by Council in October 2003, Alameda is
>designated as a minor collector that would continue east to 128th Street A
>minor collector has two travel lanes with a center turn lane/raised median
>The Streets Master Plan road designation map can be found at
><http://www.scottsdaleaz.gov/Traffic/PDF/2003StreetClassMap8x11.pdf>
>
>The City has nothing planned within our 5-Year CIP for extending Alameda to
>the east Beginning later this year, we will be embarking on the
>development of a comprehensive transportation master plan process This
>effort will assess our transportation needs and try to create a system that
>reflects not only travel demands by mode for various parts of town, but also
>looks at how the transportation network "fits" from a land use context It
>is possible that the future designation, or eastern terminus, for Alameda
>may change as a result of this process, although it is unlikely that there
>would ever be more than two travel lanes Please let me know if you have
>any other questions
>
>Dave Meinhart
>Transportation Planning and Transit Director
>

Curtis, Tim

From: VFlanigan@flexcon.com
Sent: Monday, October 17, 2005 4:47 PM
To: dmeinhardt@scottsdaleaz.gov, pkercher@scottsdaleaz.gov, tcurtis@scottsdaleaz.gov
Cc: VFlanigan@flexcon.com
Subject: Proposal to Close Alameda Road east of 122nd

Gentlemen,

I live in Desert Crest III - - my property backs up to Alameda and N 117th Way

- From your drawing it appears the Main Gate for Crown's new development is at Alameda and 122nd or 118th. Would it be possible to relocate the Main Gate access to Ranch Gate Road? As you know Alameda is a minor two-lane road with winding curves. The amount of traffic (even more so with construction traffic) is heavy in the mornings. The volume, curving road, and excessive speeds are not conducive to adding many more cars. Compounding the problem is the increase in families with small children moving in to the communities along Alameda, and cyclist who use Alameda.
- Also, if relocating the Main Gate is not an option, and it remains at Alameda - - would it be possible to direct the Construction Traffic from Alameda to Ranch Gate Road?
- Also, would it be possible to place a sign at the intersection of Happy Valley and Alameda stating there is no outlet?

The existing construction traffic is extremely heavy during the mornings, along with the noise and speeds! Diverting the construction traffic for the new development to Ranch Gate Road entry gate would alleviate some of the nuisance existing residents have put up with for the past two years. In addition, given the Ranch Gate Road is a new development the traffic would not impact any, or very few residents.

Your response and consideration would greatly be appreciated.

Best Regards,
Vic Flanigan
11753 E Parkview Lane
Scottsdale, AZ 85255
480-538-9140

11/22/2005

Curtis, Tim

From. raydawn [raydawn@cox net]
Sent: Monday, October 17, 2005 1 01 PM
To: dmeinhardt@scottsdaleaz gov, pkercher@scottsdaleaz gov, tcurtis@scottsdaleaz gov

We are in receipt of a letter inviting us to hear a proposal by Land Development Services to remove a portion of the Alameda Road Extension. This, we assume, is to make way for yet another development in our area. This is why we need Happy Valley Road widened to four lanes from Pima to Alma School. Are we the only two people in Troon who are stuck behind all the trucks that travel up Happy Valley at 25 mph?

Daune Burdick

Curtis, Tim

From: Steve Kensok [steve.kensok@cox.net]

Sent: Tuesday, June 14, 2005 9:52 PM

To: moconnor@scottsdaleaz.gov; 'Meinhart, Dave'; jb@berrydamore.com; tcurtis@scottsdaleaz.gov; psmith@technicalsolutionsaz.com; Wilgus, Neil; Bill Colston; Bill Sarrubbo; Brian Coast; Dan Molnar; David Bradford; Diana Jones; Dick Morris; Dottie Mitchell; Ervintroon@aol.com; Fernando J. Sam-Sin; Gary & Joyce Lambert; GEdaw@aol.com; Graham Kettle; Helen Anderson; Jack Robinson; JKBILL@aol.com; Jody & John Andino; John & MJ Ungvary; John Taddonio-home; John Thorson; judyfrost@cox.net; L.E. & Rosemary Nickels; Lani Brown; Lin Ogden; May & Tai Vance; Matt Lucky; Maurice Mallette; Mike Kelley; Nancy & Rene Eris; Ness & Marilyn Irvine; Patrick Chiavaroli; Patrick McDonald; R.W. Kreutel; Ron & Jan Gilbert; Ron Fugate; Sonoran@aol.com; Stephen & Linda Patyk; Steve Kensok; Tim & Treva Croddy; Tim Miller

Subject: Neighborhood Open House Meeting--Case #1-ZN-2005, Crown Community Development

Case #1-ZN-2005, Crown Community Development, Alameda & 122nd St.

A Neighborhood Open House Meeting was held on 6-13-05 at the Living Water Lutheran Church, 9201 E. Happy Valley Road.

Attendance was ~76 people (68 signed the guest list)

Listed below were some of the people who spoke to the crowd:

- Mary O'Connor, City of Scottsdale Transportation General Manager
- Dave Meinhart, City of Scottsdale Transportation Planning and Transit Director
- John Berry, Attorney at Law for Crown Development
- Paul Smith, President of Technical Solutions (community outreach for Crown)

Topics and Comments:

- John Berry started the meeting by asking how many people were here about the traffic issue. Everyone raised their hand.
- John Berry stated that Crown has agreed to route all the construction traffic (road construction as well as home construction) on 128th St to Dynamite. This raised some comments about the traffic passing through the proposed Preserve area near Dynamite. It was pointed out that Dynamite passes through the Preserve. Mary stated that the Preserve people would not object to 128th St going through the Preserve. A question was asked about how would the construction traffic routes be enforced. John answered that it could be written in the contracts with the construction companies, by imposing penalties. Another suggestion was a gate at 122nd St.
- John Berry stated that a change in the entrances to the property has been made. A new entrance from the North has been added. Alternate routes to the property were discussed, Jomax angling down from the North, also, "Ranch Gate Rd" from the West. Both of these roads could connect to the new North entrance. Ranch Gate Rd would pass through "State Trust" land. The consensus seemed to be that Ranch Gate Rd should be the primary road to be perused and should be acted on immediately. Gates on Alameda at 122nd and ~126th were discussed.
- Several comments were made regarding "distributing the traffic" on alternate routes to the West (listed above).
- A separate question was raised regarding a gate on Alameda at Happy Valley Road. Approval would be needed by a large percentage of land owners behind the gate.

- A statement was made that a petition with 125+ names states that Alameda should end at 122nd St. That is the reason that 70+ residents were at the meeting. A separate question was raised as to the procedure to end Alameda at 122nd St. This would require a change to the master traffic plan and city council approval.
- A question was asked if Alameda was under consideration to be widened. Mary and Dave answered no.
- A question was asked about traffic volume estimates on Alameda. Mary and Dave said that the current estimated traffic flow is 2500 vpd (vehicles per day). The increased traffic flow is estimated at 2500 vpd, if the current zoned density is maintained, or up to 8000 vpd if the density is increased.
- Complaints were made that "Alameda is a speedway". Mary O'Connor stated that the Transportation Dept could help getting some speed enforcement from the police dept. Other traffic calming methods were discussed (speed humps, photo radar, speed indicators).
- Traffic routes to the proposed preserve trailhead at 128th St and Pinnacle Peak were questioned. Dave said signs would direct people to use routes other than Alameda. Comments from the crowd said that the traffic would still come through on Alameda and a gate somewhere on Alameda would be needed to insure the traffic took the designated route. The parking lot will hold 50-100 cars.

Summary stated by John Berry

- Crown will listen to the neighbors
- Crown wants to be part of the solution
- Crown will work with the neighbors, the city, and the state land dept to acquire alternate routes through the state land (i.e. Ranch Gate Rd and Jomax)
- Crown will investigate a gate on Alameda at the 126th-128th St area

Let this e-notice serve as the official minutes for this Public Meeting on 06-13-05, and, unless those copied on this message have significant corrections, I would respectfully request, Mr. Curtis, that this notice be included in the Planning Commission file described above. Respectfully submitted on 06-14-05, Steve Kensok, Meeting Attendee

Steve Kensok
11921 E. Sand Hills Rd
Scottsdale, AZ 85255

Curtis, Tim

From: Steve Kensok [steve.kensok@cox.net]
Sent: Monday, May 09, 2005 9:27 PM
To: tcurtis@scottsdaleaz.gov
Cc: Tim Miller, Brian Coast, Ness & Marilyn Irvine, May & Tal Vance, Graham Kettle, Diana Jones
Subject: Alameda Rd neighbors

I live in Troon Saguaro Canyon, with my backyard facing Alameda Rd. Our neighborhood has several concerns about the proposed Crown project (Case No. 1-ZN-2005). My neighbor, Ness Irvine, tried unsuccessfully to contact you last week. We have been circulating a petition around the neighborhood that basically requests that Alameda Rd end at 122nd St. We would like to meet with you (May 16 late afternoon would work for us). We could certainly come to your office or you could meet us in the neighborhood and we could discuss the situation firsthand to present the petition and to discuss the following topics:

- Our petition requests
- 4-22-05 letter from Technical Solutions regarding the construction traffic
- Definition of a "minor connector"
- Results of the traffic study conducted on Alameda Rd during April 2005
- Plans for the ~725 acres east of 128th St, at Alameda (Will all this traffic use Alameda Rd and Happy Valley Rd?)
- Procedure to gate Alameda Rd at Happy Valley Rd
- Equestrian lots causing horse trailer traffic, feed delivery traffic, and manure removal traffic (Plus the smell and flies)

Steve Kensok
11921 E Sand Hills Rd
Scottsdale, AZ 85255
steve.kensok@cox.net
480-659-5004 home
480-940-5050 x4511 work

11/22/2005

Curtis, Tim

From: Brian Coast [bmjet@prodigy.net]
Sent: Friday, April 08, 2005 12:09 PM
To: tcurtis@scottsdaleaz.gov
Subject: Fw: HOA Alameda extension

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

From: Brian Coast
To: steve9999@cox.net
Sent: Friday, April 08, 2005 12:07 PM
Subject: Fw: HOA Alameda extension

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

From: Brian Coast
To: mikenok@aol.com
Sent: Friday, April 08, 2005 12:05 PM
Subject: HOA Alameda extension

I, along with many other homeowners would like to see Alameda street end at its current paved position. We do not want any traffic flow from the planned Crown Community Development project. We can put an end to the street if we act fast. D C RANCH traffic does not flow north at all into Pinnacle Peak Vistas development and there are many more examples of developments that do not have traffic flow into each other. The Crown development will have to find another exit out, like Dynamite street. Alameda is a 2 lane road not designed for heavy traffic flow.

Another solution to the problem could be to have a gated community starting at Alameda and Happy Valley and ending at the present paved end of Alameda. The other end gate could be at the present paved end of 119th Way. Windy Walk St in Troon prevents traffic flow from Happy Valley to Jomax by having a gated community. There are many other examples of this. I know our HOA talked about a gated community a few years ago. What permits and approval does it take to get a gated community?

Brian Coast 11930 E. Mariposa Grande DR 480-419-2500

Curtis, Tim

From: Mike Brown [mbrown@matrxindustries.com]
Sent: Tuesday, April 05, 2005 12:51 PM
To: Tim Curtis
Cc: Lani Brown
Subject: Proposed Developments Near 122nd & Alameda

Tim:

We live at 23493 N. 119th Way, Scottsdale 85255. We would like to express our concern about two proposed developments in the area of 122nd & Alameda.

Our concern is the substantial increase in traffic that the combined developments will create on 119th Way, south of Alameda. 119th Way is a relatively narrow residential street designed for local traffic. A dangerous situation exists when there are two vehicles traveling in opposite directions while simultaneously passing each other and when a pedestrian is walking down the street. There are no sidewalks along the street. Several families with children live on or near 119th Way and many of the residents walk, jog or ride bikes on the street. In addition, there is a central mailbox for the Saguaro Canyon development on 119th Way which must be accessed by foot or car. Increased traffic would cause greatly increased safety issues for residents trying to pick up their mail.

A further problem is the steepness of the grade on 119th Way where traffic tends to go faster than normal when traveling downhill.

To date, the situation has been relatively manageable; however traffic has been increasing along with the danger. Several existing and new developments are, at present, under construction along and adjacent to Casitas del Rio located south and east of the end of 119th Way. This is causing increased construction and, ultimately, residential traffic on 119th Way.

There are two new development in the approval process that will impact the future traffic on 119th Way. One is Application Number 214-PA-2004 the other is Troon Canyon Estates. Both projects show building a street at 122nd St. south of Alameda, but ending at the entrance of the Troon Canyon Estates. Neither project shows an extension of 122nd St. to Casitas del Rio or the Pinnacle Peak Road alignment. In addition, Application Number 214-PA-2004 shows Alameda being extended through to 128th St. with no streets passing through to the south. This will cause any traffic, coming from the west to the developments south and east of 119th Way, to use 119th Way as the only convenient way to access those areas.

In addition, a large trailhead parking lot for the McDowell Mountain Preserve is proposed at the south end of 128th Street which will cause much more traffic to use 119th Way.

Under the proposed developments, there will be eight blocks between 119th Way and 128th St. where no traffic will be able to pass to the south. The combination of the above factors will cause a residential street (119th Way) to become a major arterial street with resultant safety, noise and congestion problems.

To avoid this problem, we would suggest the requirement of the proposed 122nd Street to be extended through to Casitas del Rio or the Pinnacle Peak alignment (depending on the ultimate name of the new east-west street) in order to siphon off some of the traffic. In addition, another parallel street to the east between 122nd Street and 128th St. could be built where the public can access new developments to the south and east. The time to act is now when something can still be done to resolve the certain safety problem. We understand the meeting for Troon Canyon Estates will be on April 7, 2005 and the other development "TBD".

Please contact us at 602-431-2444 (work), 602-758-2815 (cell) or 480-342-9423 (home) if you have any questions.

Thanks for your consideration.

11/22/2005

Curtis, Tim

From: Maroseskip@aol.com
Sent: Wednesday, March 23, 2005 2:45 PM
To: tcurtis@scottsdaleaz.gov
Subject: Crown Community proposed streets

Hi Tim,

As residents of Saguaro Canyon subdivision, we are concerned that building streets off of Alameda for their development will create many traffic hazards not to mention noise and congestion.

Routing traffic off of 128th makes more sense for those reasons. Alameda is already heavily used.

Please consider this alternative.

Thank you

May and Tal Vance

11/22/2005

Curtis, Tim

From: Gregory Belsher [belsher@incacapital.com]
Sent: Thursday, March 17, 2005 2:30 PM
To: tcurtis@scottsdaleaz.gov
Subject: Crown Communities case

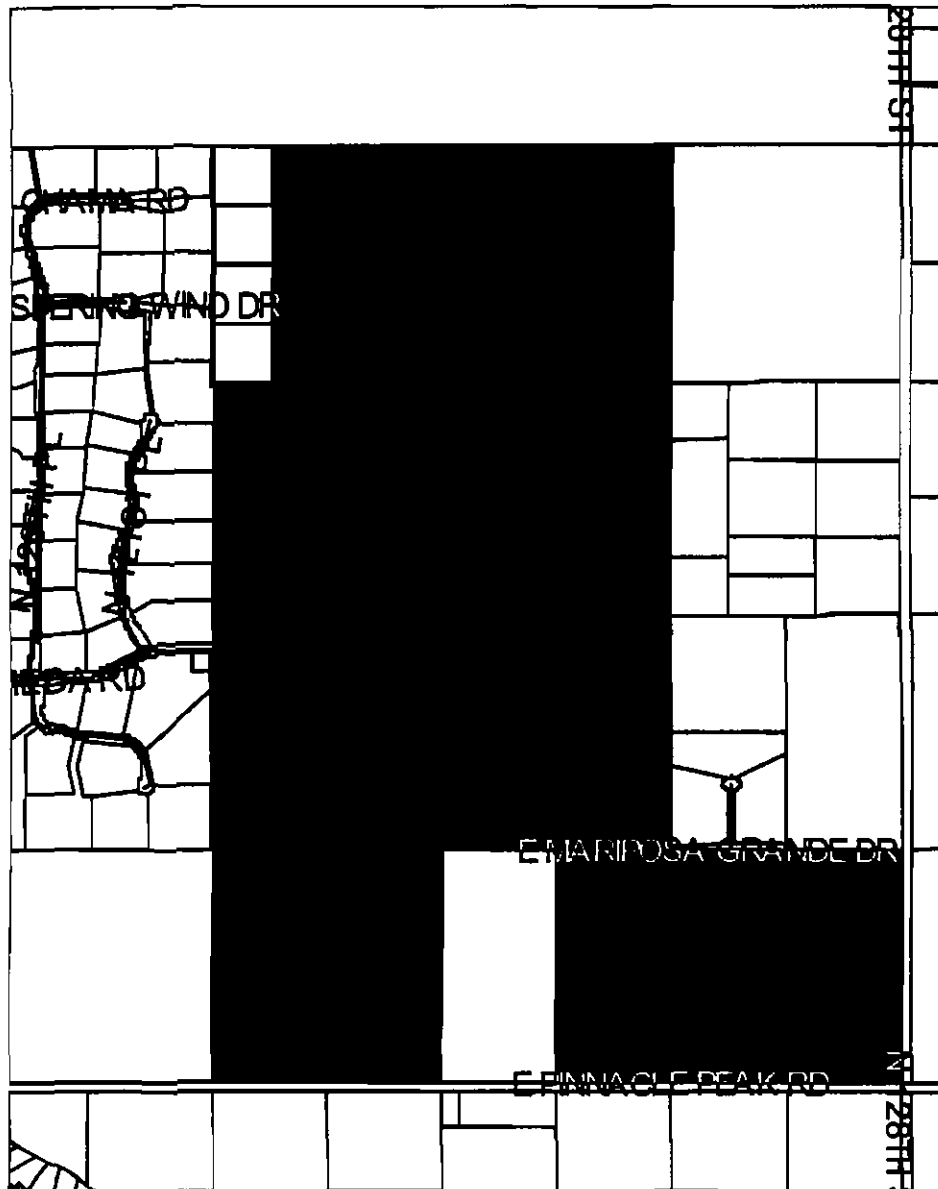
Tim,

I am a property owner just south of the new Crown development and was trying to find out as much information I can regarding their development, including

- 1) Are they trying to rezone the property to fit more lots onto their property?
- 2) When and where is the public hearing going to take place?
- 3) Are they planning to develop "equestrian lots" and if so, what does this mean? Corrals, etc?
- 4) What is their timing in terms of developing the property?
- 5) Is there any intention to develop Pinnacle Peak Road further east to give them access, or are they just extending Alameda Road?

Thank you for your help. Any additional useful comments regarding their development would be greatly appreciated.

Gregory S. Belsher
INCA Capital, LLC
8501 N. Scottsdale Rd., Suite 165
Scottsdale, AZ 85253
480-947-5900 x17 Phone
480-947-5335 Fax
belsher@incacapital.com
www.incacapital.com



Site Boundaries

Notification 750 Feet
Interested Parties List
Adjacent HOAs

ATTACHMENT #12

1-ZN-2005

O'Connor, Mary

From: Gawf, Ed
Sent: Monday, March 06, 2006 10:52 AM
To: Gray, Frank; Grant, Randy; O'Connor, Mary
Subject: FW: Crown Communities 1-ZN-2005

Frank, the presentation Tuesday needs to include the rationale behind supporting a 20% density increase. Lets do a dry run before the meeting. Ed

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

From: Manross, Mary
Sent: Sunday, March 05, 2006 10:25 PM
To: Gawf, Ed
Subject: Fw: Crown Communities 1-ZN-2005

Fyi

M

Sent from my BlackBerry Wireless Handheld

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

From: Howard Myers <howard.myers@sensor-tech.com>
To: Manross, Mary <mmanross@scottsdaleaz.gov>; Littlefield, Robert <rlittlefield@scottsdaleaz.gov>; Robert Littlefield <bobl@netxpertsys.com>; Lane, Jim <JLane@ScottsdaleAZ.Gov>; Drake, Betty <BDrake@ScottsdaleAZ.Gov>; McCullagh, Ron <RMcCullagh@ScottsdaleAZ.Gov>; Osterman, Kevin <KOsterman@ScottsdaleAZ.Gov>
CC: Bob Vairo <Sonoran@aol.com>; Graham Kettle <g.kettle@cox.net>; James & Catherine Heitel <JTHELTEL@cox.net>; John & Lora Aleo <jsaleo@qwest.net>; Linda Whitehead <lwhitehead@cox.net>
Sent: Sun Mar 05 21:05:18 2006
Subject: Crown Communities 1-ZN-2005

Mayor and Council.

Next week another pivotal case will come before you that will have a big influence on how the remaining open land in the northern part of our city will develop. It is important because it will let everyone know if you are going to hold the line on attempts to up zone property or are open to allowing loopholes in our ordinances to be used to increase the density allowed on a property. The case next Tuesday is 1-ZN-2005, Crown Communities.

As I am sure you know, this is a case that is attempting to use the density incentive clause in the ESL Ordinance to justify a 20% increase in the number of lots, which is the maximum allowed to be granted. This clause was really intended to provide an incentive not to touch a very sensitive part of a large parcel at all, but rather to transfer the density to a less sensitive part of the overall development which would require amended standards, particularly for lot size. It was not intended to be used as a vehicle to increase the number of lots anywhere in ESL by providing a little more open space. If you look at the site plan you will find that all the open space, including the so called extra open space, is distributed all over the project on individual lots with the exception of the "community park", which is the major sensitive part of the project. There is no LARGE open space component separated out, as intended to qualify for this exemption. Furthermore because all the open space is on individual lots, again with the small exception of the "community park", it is almost impossible to keep it NAOS. All NAOS is buried in a gated community, on individual lots, far from any other citizens who may have benefited from any additional open space provided.

The "community park is a private park and therefore does not benefit any citizens of this city other than those in this gated community. This project therefore does not provide additional MEANINGFUL open space, which is what is required for this incentive.

I am sure you can see that any boulder features on this land will have a much better chance of survival if there are 20% fewer lots to carve out. No additional open space would be necessary if all the "sensitive" parts were dedicated to open space, which is what any responsible developer would do and also what the city should require. Adding more lots reduces space, and makes it more difficult to avoid environmental features, no matter how you want to argue it. The additional on lot NAOS does nothing to protect those features that need to be protected.

There is nothing in the ordinance that guarantees an applicant additional units if they provide some additional open space. You MAY grant them more, but that is not a guarantee. There is also nothing that says you must give them 20% more units. It says UP TO 20% more. Basically all they are guaranteed of is to build the number of units the zoning allows, no more. You are also not bound to increase someone's profits, especially at the expense of the city. If there was more area that needed to be protected than the percentage they must dedicate without any incentive, then there may have been an argument to "make a deal", but this is not the case.

The reason this is so important is that by approving it you are sending the message that anyone can come in and apply for a 20% increase in the number of units without having a SIGNIFICANT (in a percentage of the total project area) UNIQUE AND SENSITIVE features on the property that the city wants to preserve BEYOND THE NAOS THEY MUST DEDICATE. It therefore opens the door to an across the board 20% increase in the number of units developed on all remaining parcels of undeveloped land. Such an increase is not in the best interest of the city, but rather only benefits those few who reap additional profits from their land by your decision. This case is just an example of pure greed. The owner of this property will make tons of money developing it to the current zoning AND DENSITY.

Why not approve it, they are only asking for 20% more units on this one piece of property? The answer is that there is NO benefit to the city but there are plenty of negatives. While this particular case only increases the number of dwelling units in this area by 21, you can't grant this request, with absolutely no foundation, and then say to the next applicant that they can't have the same 20% increase. What is wrong with giving everyone a 20% increase? The answer is clear if you look at the impact on the city's infrastructure and the cost to taxpayers to resize it. We have been told that all the current infrastructure has been sized assuming the remaining land is developed as zoned and there is no development in the intended preserve. Twenty one more homes may not break the bank, but a 20% increase on the rest of the developable land will. In addition to the city's infrastructure, APS has told us that if the remaining land is not built to the zoning, as they have assumed, they will definitely have to put a major substation in the preserve plus all the supporting infrastructure. The impact on traffic in this area will also be substantial because of the lack of roads that connect to anything. The city has created a situation where there is only one east west road in this area (Dynamite) and only one north south road (Pima Road). There are no other options as Happy Valley has already been compromised as an east west road. There has also been significant density allowed in the Troon area along Dynamite so this road will not be able to handle a lot more and there is still a lot of empty land to be developed east of Alma School. We simply can't afford to allow such increases, especially without a valid reason that would benefit the city.

Even access to this parcel became an issue and it will introduce 122 more housing units with no clear access. The damage is already done so to allow more density than the zoning allows will make traffic in this

area a nightmare These negatives should be a major consideration in your decision, as should the long range impact of this decision Staff will always recommends approval because any impact of this development is minor, but they never look at the cumulative impact of an approval, You must consider the overall impact of this decision, not just this one case We have seen this happen many times before and the traffic problems we have now, which require an outside consultant to try to resolve, are a direct result of such decisions in the past that have increased the density beyond what the zoning and land planning called for

They will argue that the General Plan supports the density they are asking for The General Plan provides ranges based on the range of zoning available in an area, it does not justify increasing the zoning on the lower density parcels to match the higher end of the range in the General Plan If everyone did that, you will get the problems created in other areas that have been developed using the same arguments

Please consider the negative impact of this decision on the city as a whole and not just what benefit it may have to the owners and developers of this property They are a minority, no matter how you look at it, and you should consider the impact on the whole city and its current residents THERE IS NO BENEFIT TO THE CITY, but there are many negative impacts even if there were some benefit

There is an additional violation of the ESL ordinance that they are trying to slip through on this application that definitely does undermine the intent of the ESLO They are asking for the sidewalk setback to be "0" rather than 15 feet which is what the ordinance calls for To get this exemption would require a separate HARDSHIP exemption request, but instead they are trying to slip it through with this case This should not be approved under any circumstances, even with the lot size being reduced to about one acre (which is a crime in itself) If they want this, let them come back with a hardship case, as required by the ordinance

This is just the first of several cases, coming before you, that all try to do the same thing, increase the number of units allowed by 20 to 30% Please look at the benefit provided (if any) and seriously consider the overall negative impact to the city Keep our remaining large lot areas just that, large and open There are plenty of other areas where high density may be appropriate, but this isn't one of them

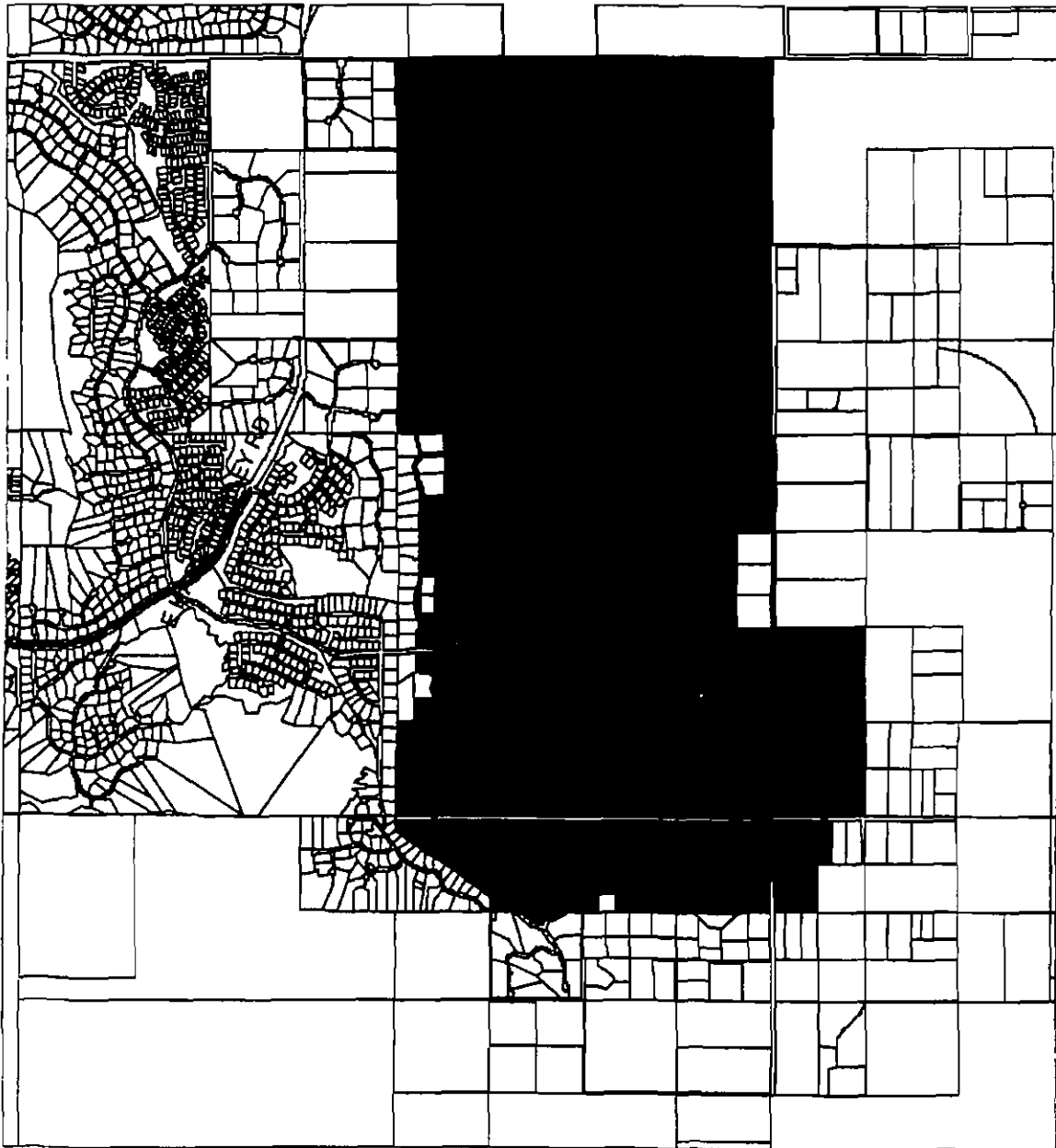
Thank you for your time

Howard Myers
President - Desert Property Owners' Assoc
Treasurer - Friends of the Scenic Drive

--

Howard Myers
Sensor Technologies & Systems
8900 E Chaparral Road
Scottsdale, AZ 85250
480-483-1997 (Voice)
480-483-2011 (fax)
howard.myers@sensor-tech.com

1-ZN-2005
750-Foot Buffer for Labels



Site with 750 Foot Buffer Area for Labels

COMMISSIONER BARNETT MOVED THE APPROVAL OF THE MINUTES OF THE NOVEMBER 9, 2005 REGULAR MEETING AND STUDY SESSION, AS PRESENTED. COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

CONTINUANCES

2. 39-ZN-1992#4 (Mayo Clinic) request by owner to rezone from Commercial Office, Environmentally Sensitive Lands Overlay, Hillside District (C-O ESL (HD)) and Single Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, Hillside District, (C-O S-C ESL (HD)) on a 173.5 +/- acre parcel and to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, (C-O S-C ESL) on a 10 +/- acre parcel. The entire site is located at the northeast corner of 130th Street and Shea Blvd. **Continued to December 14, 2005.**

COMMISSIONER HEITEL MADE A MOTION TO MOVE 39-ZN-1992#4 (MAYO CLINIC) AND 19-ZN-2005 (SIERRA HIGHLANDS) BOTH TO THE DECEMBER 14, 2005 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER HESS AND CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

EXPEDITED AGENDA

2. 14-UP-2005 (Classic Car Spa) request by owner for a conditional use permit for a gasoline service station with a full service car wash facility on a 2.5 +/- acre parcel located at 22111 N Scottsdale Road with General Commercial District (C-4) zoning. Staff contact person is Greg Williams, 480-312-4205. **Applicant contact person is Rick Stertz, 480-993-4211.**

COMMISSIONER BARNETT MADE A MOTION TO APPROVE 14-UP-2005 (CLASSIC CAR SPA), AS LONG AS IT MEETS THE CONDITIONAL USE PERMIT CRITERIA. COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

REGULAR AGENDA

3. 1-ZN-2005 (Sereno Canyon) request by owner for approval of density incentive for current Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL) zoning to increase allowed units from 101 dwelling units to 122 dwelling units with amended development standards on 330 +/- acres. This site is located at the east end of Alameda Road near 122nd Street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment). Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is John Berry, 480-385-2727.**

Chairman Gulino declared a conflict on this item and Vice-Chairman Steinberg chaired the meeting in his absence.

Mr. Curtis made the staff presentation. Highlights of the presentation included Sereno Canyon Floor Plan, Sereno Canyon Request Slide, Sereno Canyon Proposed Conceptual Plan Slide and Items for Consideration. He noted that the Planning Commission is being asked to decide whether the density incentive of 20 lots is appropriate, given the increase of Natural Area Open Space. The stipulations reflect the Transportation Commission's street improvement comments but the cases are not necessarily dependent on one another.

Commissioner Heitel asked about the history and application of the density enhancement bonus. Mr. Hadder explained that the provision has been a part of the ESL ordinance from the outset. To date, only one other case has used the process. It was intended to provide some flexibility. It was also included in the former hillside ordinance. Approximately a dozen cases used that similar provision. The provision was put in the ordinance to try to increase the amount of Natural Area Open Space.

Commissioner Barnett noted that the approval of this item would essentially reduce the building envelope on the lots.

Vice-Chairman Steinberg asked Mr. Curtis whether this kind of upzoning is a trend. He replied that there have been some assemblages. Mr. Curtis added that staff approves the density and the significant amount of open space.

Mr. John Berry of the law firm of Berry & Damore addressed the Commission on behalf of the Applicant. Referring to the 1997 Task Force that worked on the Strategic Plan for a Comprehensive Sonoran Desert Preserve, he noted that the application meets the criteria of the ordinance. The land in question is meaningful open space. The City staff report describes the 330 acres as "dramatic terrain."

Mr. Berry explained that the request is a density incentive as provided under the Environmentally Sensitive Lands Ordinance. Highlights of his presentation included slides of Newly Proposed Lot Plan, Traffic Analysis Graph, Color Aerial/Legend showing routes for emergency vehicles, and Proposed McDowell Sonoran Preserve Area Diagram.

Mr. Berry noted that all City Departments have reviewed this request, and all are in support of this application. The Transportation Commission held two hearings in October and November at which the proposed change to Alameda Road was discussed in great depth. In conclusion, this is a density incentive to provide 66 more acres of preserved desert. This was an assemblage of 13 different properties.

Commissioner Heitel asked Mr. Berry about public trail access on the west side. Mr. Berry said that although the community is gated to prevent vehicle access, there will be no gates on the trail. In response to a follow-up question from Commissioner Heitel, Mr. Berry confirmed that there will be a notice on both sides of the trail.

Commissioner Heitel asked whether the plan allows the trail to be laid out away from the paved roadway. Mr. Berry said a pedestrian circulation plan will be submitted with the preliminary plan.

Commissioner Barnett asked whether the end of Alameda Road will be developed into a secondary trailhead going into the open space area. He asked for the history on how the

developer is going to be paying and taking over a road somewhat distant from his property, the Ranch Gate Road connection to 118th Street.

Mr. Berry explained that the Site Plan currently does not anticipate a second trailhead at this location. There is a turnaround area. The City has a well planned out trailhead plan and neighbors would not want vehicles parking at that location.

In response to inquiry by Commissioner Steinke, Mr. Berry reported that the zoning and density to the west of the Crown property is mostly R1-18 zoning.

In response to further inquiry by Commissioner Steinke, Mr. Dave Meinhart of the Transportation Department outlined the Transportation Commission's recommendation to take Alameda Road as a minor collector off the Streets Master Plan through the Crown site over to 128th Street. For that to occur, Crown would be stipulated to complete the Ranch Gate/Happy Valley Road alignment as a two-lane roadway. In addition, the developer must complete the connection on 118th Street up to Jomax Road and also provide the public trail access and emergency vehicular access.

Commissioner Steinke noted that although the Planning Commission is considering the density incentive, there seems to be some sort of endorsement or attachment to the project with regard to transportation, and requested clarification as to how those two pieces fit.

Mr. Berry explained that if the Alameda Road recommendations of the Transportation Commission were not adopted by the City Council, the Applicant would need to change the site plan. He noted that stipulation #1 in the packet requires conformance to the site plan.

Vice-Chairman Steinberg opened the meeting for public commentary.

Mr. Brian Coast of 11930 East Mariposa Grande Drive has been working with neighbors Tim Miller and Steve Kensok and Mr. Berry, Councilman Ecton and City staff to formulate a plan that would be agreeable to everybody. He is in favor of the proposed increase in density.

Mr. Norbert Kleiner of the Desert Crest Community addressed the meeting. The Applicant's representative and associates had purposefully excluded his immediate neighborhood from the outreach. He is opposed to the proposed increase in density, opining that this will benefit the developer at the expense of the public.

Mr. Steven Kensok of 11921 East Sand Hills Road addressed the meeting. He has been actively working with Mr. Coast, Mr. Miller, and the City through most of the summer. He feels that this is a great compromise as some traffic will be diverted to Ranch Gate Road. He is in favor of the proposed increase in density.

Mr. Robert Jackson, project manager for AIS Properties addressed the meeting, representing Sonoran Peak, LLC. The company is not opposed to density increases in practice but would expect similar consideration if they bring a similar proposal for their parcel. The company is opposed to the Alameda Road closure and has made their position known to the Transportation Commission. Sonoran Peak, LLC believes that there are damages that will affect the entire property in a negative manner. He feels that

Crown failed in its community outreach by not attempting to negotiate with his company sooner. He asked the Planning Commission to be specific as to what street cross sections will be built and where they will be placed. This project can be developed through private or public access of Alameda Road and from the east along the Happy Valley Road alignment.

Mr. Steve Weinberg of 29511 North 140th Place addressed the meeting. He owns a couple of properties to the north and east of the proposed road and is fully in favor of the proposed increase in density. The obvious benefit is the immediate road access and the improved access for emergency vehicles.

Mr. Tim Miller of 11933 East Sand Hills Road addressed the meeting. He presented copies of signatures of residents that are in favor of this application. All but one of the residents of Saguaro Canyon and Desert Crest that are immediately affected are in favor. The compromise the neighbors worked out with the City will improve safety and reduce noise. The City benefits by having a road built at the developer's expense and sooner than this would otherwise have occurred. Additional emergency access is an extra, important benefit. He is in favor of the proposed increase in density.

Neighbors asked him to raise the issue of water pressure which might drop when the new development is built and also requested that cell towers be placed prior to the start of construction to avoid battles in future. He acknowledged that these questions were not on the agenda, but wanted to mention these issues.

Mr. Berry thanked the community members who had taken the time to attend the meeting. He remarked that no one had been deliberately excluded from the outreach, despite Mr. Kleiner's remarks. He clarified that the present application does not involve any roadway abandonment. The Applicant has invested a great deal of time and money on this proposal. For the record, he referred to a map showing the location of Mr. Kleiner's home.

In reply to a question by Vice-Chairman Steinberg, Mr. Berry noted the City's required limit of notification of 750 feet. The Applicant sent notices to residents within 1,000 feet of the property.

Mr. Berry explained that the offer, which other consultants had made on behalf of the Applicant and characterized by Mr. Jackson as "take it or leave it," was the following: Mr. Jackson's client will have a two-lane road built to its final and full configuration at no cost to him, adjacent to his property. When the property is subdivided, the developer will be required by law to dedicate the right of way and make those same half-street improvements. Mr. Berry added that he is befuddled and bemused by their concerns.

Referring to Mr. Miller's question concerning water pressure, Mr. Berry stated that the engineers have indicated that the water pressure will actually improve when the Applicant installs a loop system and other infrastructure improvements.

Brief discussion ensued upon inquiry by Vice-Chairman Steinberg regarding the status of public testimony.

COMMISSIONER STEINKE MADE A MOTION TO RECOMMEND APPROVAL OF THE SERENO CANYON 1-ZN-2005 AS PRESENTED WITH STIPULATIONS FOR

FORWARDING TO THE CITY COUNSEL. THE MOTION WAS SECONDED BY COMMISSIONER BARNETT.

Commissioner Heitel said he would probably support this case, but noted that it raises some very concerning aspects for future cases. He is not totally convinced that on-lot meaningful open space is in the spirit of the ESLO ordinance as it was written. This is a question mark in the ordinance and he is not prepared to hold up the developer, who will probably add a positive aspect to development in north Scottsdale. However, down the road he foresees problems. He asked whether, in a future study session, staff could discuss what they might and might not like to do in terms of recommending clarification of ESLO.

Commissioner Hess shared Commissioner Heitel's opinion. He will support this case with the same reluctance.

Commissioner Steinke said he opined that this is a good proposal. He wants to make sure that City Council is aware of everything and that stipulations are very clear and spelled out.

Vice-Chairman Steinberg opined that Crown did a good job and that the space will be meaningful because the land is so beautiful. He supports the motion.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF 5 (FIVE) TO 0 (ZERO).

Chairman Gulino thanked Vice-Chairman Steinberg and resumed chairing the meeting.

- 4 19-ZN-2005 (Sierra Highlands) request by owner to rezone from Single Family Residential District, Environmentally Sensitive Lands (R1-190 ESL) to Single Family Residential District, Environmentally Sensitive Lands (R1-70 ESL & R1-43 ESL) with amended development standards on a 30.5 +/- acre parcel located at 8500 E Black Mountain Road (Northeast corner Black Mountain Road and 84th Street). Staff contact person is Tim Curtis, 480-312-4210. Applicant contact person is Alex Stedman, 480-994-0994.

Continued to December 14, 2005

- 5 15-ZN-2005 (Silverstone) request by owner to 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 Scottsdale Road and Pinnacle Peak Road. Staff contact person is Tim Curtis, 480-312-4210. Applicant contact person is John Berry, 480-385-2727.
- 6 13-UP-2005 (Silverstone Use Permit) request by owner for a conditional use permit for a residential health care facility on a portion of the 160 +/- acres located at the southeast corner of Scottsdale Road and Pinnacle Peak Road. Staff contact person is Tim Curtis, 480-312-4210. Applicant contact person is John Berry, 480-385-2727.

Mr. Porell noted that staff consider trips generated to and from the site rather than the size of the workforce. Under the original plan to build a hospital at this site, the analysis predicted 104,000 trips per day. Under the proposed site plan and rezoning, the number drops down to approximately 21,000 trips per day.

A discussion ensued between Commissioner McCall and Mr. Porell to clarify the statistics, and identify current traffic flow at the site.

COMMISSIONER HILL MADE A MOTION THAT THE TRANSPORTATION COMMISSION ENDORSE MAYO CLINIC'S REQUEST FOR A VARIANCE TO THE SHEA ACCESS POLICY TO ALLOW THIS MEDIAN BREAK AND FUTURE TRAFFIC SIGNAL AT 132ND STREET AND SHEA BOULEVARD.

Commissioner Hill noted that Commissioner McCall's concerns are worth raising. However, in his opinion, for this terrific community resource and facility, this additional access point will be worthwhile. With proper traffic synchronization, traffic snarls will not be created.

THE MOTION WAS SECONDED BY COMMISSIONER BRUZ AND CARRIED BY A UNANIMOUS VOTE OF 6 (SIX) TO 0 (ZERO)

5 **REQUEST TO MODIFY STREETS MASTER PLAN**

Continued discussion and take action on the proposal by Land Development Services, L L C to remove a portion of the Alameda Road extension between the 122nd Street alignment and 128th Street from the City's Streets Classification Map—Dave Meinhart, Transportation Planning and Transit Director

Mr. Dave Meinhart introduced the item. He noted that if the Transportation Commission approves the request, it would also require approval by City Council. The Applicant was asked to do some follow-up with some of the concerned citizens who spoke at last month's meeting. Staff propose that, should this request be recommended, there be a condition that the streets master plan would not be amended until the alternative east-west corridor is constructed, and that public trail access be provided across the site, as well as emergency vehicular access.

Mr. John Berry addressed the meeting, presenting an overview of the issues and an aerial photo. At the previous meeting, the Commission requested that the Applicant take additional time to perform further outreach in the area.

Mr. Berry noted that the establishment of the McDowell Sonoran Desert Preserve has resulted in a material change to the traffic context for this area. He referred to a Traffic Analysis slide, citing that as a result of the Preserve efforts and the development in the area, current predictions are that area traffic will be reduced by approximately 33%.

The Applicant is requesting that Alameda Road be removed and a more centrally located access road be provided instead. Mr. Berry recalled inquiries at the previous meeting relative to the community benefits. The Applicant is planning to build Ranch Gate Road sooner than planned, at their expense. The Applicant

will also pay for and accelerate construction of the connection of 118th Street to Jomax

Noting that City staff had considered emergency access before bringing this request to the Commission, he displayed a map developed by the Applicant, denoting the location of the new Fire Station 614 on Alma School Road. He pointed out the current routes from the Fire Station to the neighborhood, which are distances of 5.2 and 5.3 miles. If the request is approved, the distance will be shortened to 4.7 miles.

Mr. Berry noted that at the previous meeting there were questions related to trails and bikes. Referring to a slide of Proposed Public Trail Alignments, he identified existing required public trails on the City's master plan. Developers will be required to install the trails as projects develop.

Mr. Berry noted a discussion on October 20 about what is happening on Alameda Road. The Applicant is proposing and is prepared to stipulate to provide public access through the community for walkers and bicycles.

Mr. Berry spoke about the balance of traffic in the area. The current forecast for the traffic volume on Alameda is 6,760 ADT (average daily traffic). If this request is granted, traffic volume on Alameda would go down to 3,850 ADT.

Mr. Berry mentioned that the October 20th meeting demonstrated that there is a great deal of support from the area homeowners. He referred to a color map depicting the Eastern Edge of Property/State Land/Mountain Preserve Addition and denoted ownership patterns. There is one landowner, Mr. Maniotis, who owns 49 percent of the vacant land in the east. The Applicant is not aware of any homes built in the eastern area. Mr. Maniotis has expressed support for this change.

Mr. Berry identified parcels that are owned by non-residents, which represents 33 percent of the land to the east. A total of 82 percent of the land east of the project is either owned by Mr. Maniotis or by individuals who live outside Arizona. The remaining 18 percent is owned by 26 individual landowners who are Arizona residents, although no homes have been built.

Mr. Berry's understanding is that all City departments have reviewed this project, and staff is supportive of this request.

Chairman Gilliland reviewed and summarized the comment cards from members of the public who did not wish to speak. Ten cards were from people in favor of the proposal: Mr. Patrick McDonald, Mr. James Mann, Ms. Sandra Fisher, Ben & Carol Boles, R. W. Kreutel, Ms. Nancy Eris, Leilani and Mike Brown, and Ms. Rochelle Gatt. Three cards were from people opposed to the proposal: Ms. Teresa Kleiner, Mr. Moshe Bar, and Mr. Merle Hinrich.

The following individuals spoke to the Commission

Mr Robert Jackson of 14902 North Scottsdale Road is a project manager for AIS Properties, Inc , expressing opposition to the proposal Referring to the aerial diagram, he said that the road closure would benefit one developer to the detriment of other property owners He opined that the public has not been notified of the proposed extension of Ranch Gate Road When AIS purchased their property in 2004, no one informed them that a public road would be built on their south property line He asserted that if this happens, Sonoran Peaks, L L C (his company) will be filing lawsuits against all parties to this action

Mr Jackson posed a number of questions, which included: Whether the property owners to the east of were publicly informed of the proposed change to Alameda Road, whether City officials have informed the public of the proposed change, and whether a traffic study has been completed

He concluded that the State Land Department seems to be in favor of the new roadway The City has not informed the public about the new roadway and has not responded to his company's request for more information

Mr Tim Miller of 11933 East Sand Hills Road addressed the meeting in favor of the proposed change, citing that at the last meeting he had left a petition with over a hundred signatures

Mr Steve Weinberg of 29511 North 140th Way addressed the meeting in favor of the proposed change, citing that the positives clearly seem to far outweigh the negatives

Mr Norbert Kleiner of 24867 North 119th Place addressed the meeting, expressing opposition to the proposed change Mr Kleiner provided a presentation to the Commission He disputed the traffic statistics that have been quoted and opined that future residents of the Crown property will use Alameda Road whether it is gated or not because it is the most direct route out of the neighborhood The proposed change is unnecessary and there are many things wrong with this proposal Mr Kleiner concluded that there are superior alternatives to the Ranch Gate Plan

Mr Steve Kensok of 11921 East Sand Hills Road addressed the meeting in favor of the proposed change

Mr Brian Coast of 11930 East Mariposa Grande addressed the meeting in favor of the proposed change Noting that some homeowners are bothered by exhaust fumes as well as noise, he said that Alameda Road is not suitable for a high volume of traffic The extension of Ranch Gate Road will better serve the community

Mr Steve Ravnitsky of 12050 East Chama Road spoke in opposition to the proposal He said he was completely left out of the process Although this is a proposal for a two-lane road, Carefree Highway was once a two-way road The area where Ranch Gate would be built is a pristine desert sanctuary today He

feels there are better alternatives and cited the nuisance of noise and light pollution that would result in his neighborhood.

Mr. René Eris of 23557 North 119th Way addressed the meeting in favor of the proposed change. He acknowledged that this is a difficult situation and noted that traffic in the area routinely ignores the speed limit. He feels that the Applicant has done a great job in making this proposal, which deserves serious consideration. He watched the October 20 meeting on television and was distressed that Commissioners voiced concerns in terms of the rights of the speculators who own land to the east of the Crown property. At the invitation of Chairman Gilliland, Commissioner Taunton opined that that was not the only reason for opposition at the last meeting. He added that the word "speculator" was never used in the meeting. Mr. Eris disputed that assertion.

Mr. Neil Dempster of 24573 North 119th Place spoke in opposition to the proposal. Mr. Dempster reviewed the master plan prior to purchasing his home and based his decision to purchase on the knowledge that they were safe from development. He had done due diligence and made a commitment based on information that was available at the time. Mr. Dempster disputed the emergency response time, noting that the response time to homes south of the proposed extension of Ranch Gate Road would actually increase. He believes that this proposal is to the detriment of many people and benefits few. He added that he had only become aware of the proposal thanks to the efforts of Mr. Kleiner.

Commissioner Bruz asked Ms. O'Connor to confirm that as things presently stand, when a developer comes into an area they would be required to extend Alameda Road, but not necessarily exactly on the line shown on the streets master plan. Ms. O'Connor agreed that this is essentially correct.

In response to resident comments regarding noise and environmental studies, Commissioner Bruz inquired regarding the use of such studies. Ms. O'Connor replied that environmental studies are generally required when the City is involved in Federally funded projects. In response to a follow-up question from Commissioner Bruz, Ms. O'Connor explained that when the City widens a roadway, analysis is performed to determine the noise impacts on existing homeowners and whether mitigation is warranted.

Mr. Meinhart added that because this area is under the City's Environmentally Sensitive Lands Ordinance, designs for Ranch Gate Road would be reviewed by the Planning Department. He outlined the volume and speed of traffic that produces noise levels that require mitigation for City roadway projects, noting that a two-lane roadway with 3,000 vehicles a day would not come close to the 64 decibel level at which the City mitigates noise.

In response to inquiry by Commissioner Bruz regarding emergency response times for people south of the project, Mr. Meinhart reported that the City asked that the Crown site provide emergency access to the properties to the south. The proposal would not change anything for the properties to the south.

Commissioner Bruz asked Mr. Berry whether the developer had ever looked at opportunities to carry Alameda Road through the site. Mr. Berry noted that the first plan was a typical subdivision that did not require the developer to come before the Commission. The idea for closing Alameda Road had come from the community members, who wanted to have balanced traffic patterns in the area. The benefits of the proposal far outweigh the costs. The developer has spent the past year working with community members to try and reach a win-win solution, which has delayed construction on the Crown property.

At the request of Chairman Gilliland, Mr. Meinhart reviewed the history of the Ranch Gate Road alignment. Roadways that are smaller than minor collectors are not covered by the streets master plan. Part of the alignment runs across State land and could be acquired upon State Land putting the property up for sale. The Applicant has taken the initiative to approach the State Land Department.

In response to inquiry by Chairman Gilliland, Mr. Berry replied that the owner of the property to the east, Mr. Bar, was in attendance and that Mr. Jackson, who represents him, had addressed the meeting earlier. Mr. Bar's property is not affected by the proposal because an easement for Ranch Gate Road already exists along the southern edge of his property.

Chairman Gilliland requested staff commentary. Mr. Meinhart agreed with Mr. Berry, citing that the City has already set Ranch Gate as an alignment for a future two-lane road.

Mr. Jackson acknowledged awareness of the right-of-way and understands the rules of platting. They understood 118th Street would be built, but were not planning to build East Ranch Gate Road. His company is prepared to make improvements if the City requires this. When notified by a letter from Crown's community outreach firm, they responded asking them to get in touch for further discussions but no one got back to them. They had also asked the City's Planning staff for a meeting and not received a response.

Chairman Gilliland asked what the negative impacts will be. Mr. Jackson said they have not yet platted or planned their subdivision, but they had planned to connect to 118th Street. Mr. Berry has submitted a right-of-way application to the State for the roadway.

Mr. Berry stated that the harm to Mr. Bar's property is that he will be required to dedicate and improve the right-of-way at his cost when he plats the property. Crown is going to pay for the construction and upkeep of the roadway along Ranch Gate Road and for the improvements on 118th Street.

Upon comments from the floor by Mr. Dempster, discussion ensued regarding the protocols for speakers to follow during the meeting.

Commissioner McCall remarked that the community outreach to the homes along Alameda Road was done very nicely, but tonight she is hearing that there are other communities in the neighborhood of the proposed extension of East Ranch Gate Road that were not contacted.

Mr Berry explained that the developer held neighborhood meetings, went door to door and did several mailings and presented a map highlighting the City's notifications

In response to inquiry by Commissioner McCall regarding an environmental impact study, Ms O'Connor explained that these roadways are projected to have less than 5,000 vehicles average daily traffic Environmental impact analysis is geared towards roadways with higher volumes and impacts, as Mr Meinhart stated earlier If a study were undertaken, there would be nothing comparable to benchmark it against Staff tries to work with all stakeholders to come up with a roadway system that will be acceptable

Commissioner McCall expressed concerns about construction traffic disrupting the neighborhood Ms O'Connor noted that construction traffic is always negative for residents, it is a temporary condition and would not justify doing an environmental impact analysis She clarified that Mr Jackson's comments have never been addressed to Transportation staff Staff have never been asked for any information on this and were unaware of his concerns Staff have been working with Mr Kleiner and others

Commissioner Davis noted that one of the reasons the Commission did not take a decision on October 20 was due to the desire to obtain additional public comment There was some discussion in the study session that having the alignment next to or through the Preserve is not desirable

Mr Meinhart acknowledged that the exhibit Mr Kleiner presented was an idea that had been discussed Input obtained from the Preserve staff indicated that they were uncomfortable with this idea He noted that the McDowell Sonoran Preserve Commission also has guidelines intended to minimize the number of roads adjacent to the Preserve boundaries

In response to a request by Commissioner Davis, Mr Meinhart confirmed that no additional Preserve land is planned in that area It is expected that at some point the State land that is not identified as Preserve will be sold for future development

Commissioner Davis noted discussions that at least half of the street right-of-way for East Ranch Gate Road has been dedicated for a road The proposed change would make a connection to 128th Street

Mr Meinhart confirmed and explained that the Applicant is negotiating with the State Land Department to acquire the rights to be able to build the roadway The State has not yet made a formal development plan, but has given support to this alignment

In reply to a follow-up question from Commissioner Davis, Mr Meinhart confirmed that a 27-foot wide right-of-way is already dedicated This represents the south half of the road, plus some additional right-of-way for a trail

Commissioner Davis remarked that the two property owners are apparently not in agreement He asked whether Ranch Gate Road could be built without

additional right-of-way. Mr. Meinhart stated that a minimum of 24 feet of drivable surface is required for a road of this size.

Commissioner Davis asked how the private property is going to be obtained. Mr. Meinhart replied that there is certainly room for more negotiations. The Applicant could construct the road on the 27 feet currently dedicated and build the trail to the north. He added that the Applicant has undertaken to build 118th Street north to Jomax.

Commissioner Davis asked about the current traffic count for Alameda Road, given the construction in the neighborhood. Mr. Meinhart replied that the latest counts are 2,700 vehicles per day on Alameda Road east of 118th street.

Commissioner Hill commented that this has been a long and serious discussion and is not an easy decision. At this time he would vote not to change the streets master plan. Commissioner Hill noted that there are numerous stakeholders whose commitments and investments were based upon existing plans. Eventually the streets master plan will be changed. He believes that Crown Properties' efforts and good work will very likely come to fruition in some manner. He would not rush to vote in a change to the streets master plan, but rather would wait for it to evolve. He thanked everyone who has participated in this.

Upon inquiry by Commissioner Taunton, Mr. Berry confirmed that the assumptions made in the trip generation statistics previously quoted assumed that Ranch Gate Road was built and that Alameda was gated.

In response to further inquiry, Mr. Porell speculated that if Alameda was to be constructed as a public street connecting to 128th Street, the projected volume of traffic would be 6,000 vehicles per day. With the additional developments north of the Crown project that would use the East Ranch Gate alignment, volumes would be a lot less if Alameda were not a public street.

Commissioner Taunton opined that that is one of the crucial issues that has not been addressed and suggested that it would be very helpful to figure out what will happen to the area east of 128th Street in the long-term. He queried why the developer would not consider keeping Alameda as a public street, noting that gates could be placed within the site, rather than closing off a planned minor arterial. He believes that some of the congestion issues along Alameda Road will be mitigated when East Ranch Gate Road is built.

Mr. Berry reminded the Commission that if this proposal is approved, the developer has agreed to improve as a half street and make a connection from Jomax to where 118th Street now ends. The developer has also agreed to immediately install the connection to 128th Street, at the developer's expense.

Commissioner Taunton disagrees somewhat that closing that roadway to public access is better for the transportation infrastructure. Ideally, it is preferable that Alameda Road remain public, and East Ranch Gate Road also be constructed.

Chairman Gilliland invited Mr. Dempster to speak.

Mr Dempster apologized for his earlier statement from the floor. He said it appears to him that the City may have made some errors in judgment in planning this neighborhood. Mr Kleiner proposed an alternative that should be taken into consideration. The route that residents would have to take if Alameda Road is closed is quite circuitous. Alameda Road is the most direct route and people will not give up driving the direct route. Referring to the fire response map, Mr Dempster queried the distances that Mr Berry had quoted.

Mr Berry replied with an explanation of how the Applicant had determined the distances for emergency response time, stressing that Scottsdale emergency vehicles can immediately enter any gated community.

Commissioner Bruz expressed concern about providing adequate access to the four parcels at the northwest corner of the Crown property. He wanted to make sure that the Applicant has talked to those people and resolved the concerns.

Mr Berry acknowledged that members of the Applicant's team had met with and exchanged correspondence with those property owners of the four parcels. In fact, two of those property owners who were in opposition at the last Commission meeting, are in attendance tonight in support of this agenda item.

Commissioner Davis asked staff to confirm that Crown is responsible for obtaining all the right-of-way. Ms O'Connor affirmed, noting that part of the stipulation would be that if this roadway is not built, the Alameda alignment will be required to connect to 128th St.

Commissioner Davis expressed concerns about the Applicant building a full street, not a half street. Mr Berry assured the Commission that the road will be a two-lane road, just as Alameda is today.

Commissioner Davis noted that the application to the Planning Commission mentions trailheads for private trails. He asked whether that would change if the Transportation Commission recommends the change to the streets master plan. Mr Meinhart confirmed that public trail access would be stipulated if the Transportation Commission recommends the change.

Commissioner Davis said it has been mentioned that people in this development will continue to take Alameda. He feels that Ranch Gate Road would be used more by future subdivisions. Mr Meinhart affirmed, citing that the traffic projections that are being developed assume that the majority of traffic from the Crown development site would use Alameda Road.

Commissioner Davis remarked that he is inclined to support this proposal, with some of the stipulations.

Chairman Gilliland clarified that the motion would be of general support for the proposal, with the stipulations that 118th Street and East Gate Ranch Road be constructed prior to the closure of Alameda, and that public trail access and emergency vehicular access be provided across the development site.

Mr. Berry suggested that if the Commission moves forward with a motion, *that they also include that this segment of Alameda Road not be deleted from the streets master plan until whatever condition the Commission sees fit has been met*

CHAIRMAN GILLILAND MADE A MOTION TO RECOMMEND A CHANGE TO THE STREETS MASTER PLAN WITH THE STIPULATIONS AND CONDITIONS NOTED ABOVE. COMMISSIONER DAVIS SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO TWO (2). COMMISSIONERS HILL AND TAUNTON DISSENTED.

Discussion ensued regarding the appropriateness of a motion made by the Chairman. Whereupon,

COMMISSIONER MCCALL MADE A MOTION TO RECONSIDER. COMMISSIONER BRUZ SECONDED THE MOTION. THE MOTION TO RECONSIDER CARRIED BY A UNANIMOUS VOTE OF 6 (SIX) TO 0 (ZERO).

VICE-CHAIRMAN DAVIS MADE A MOTION THAT THE TRANSPORTATION COMMISSION RECOMMEND APPROVAL OF THIS REQUEST, INCLUDING THE CONDITIONS INCLUDED WITH THE MOTION. THE MOTION WAS SECONDED BY COMMISSIONER BRUZ AND CARRIED BY A VOTE OF FOUR (4) TO TWO (2). COMMISSIONERS HILL AND TAUNTON DISSENTED.

**6 DRAFT FY 2006/07 OPERATING BUDGET PRIORITIZATION OF TRANSIT
(Information/Possible Action)**

Commission will review and provide input to prioritize proposed transit system improvements for FY 2006/07—Dave Meinhart, Transportation Planning and Transit Director, Debra Astin, Transit Manager

Chairman Gilliland noted that three more items remained on the agenda. Ms. O'Connor advised the Commission that they have the option to continue these items to the December meeting. She noted that agenda item #7 will be brought back again. It would be possible to hear Ms. Astin's presentation for information and share feedback at a later meeting.

Ms. Debra Astin, Transit Manager, gave a presentation. She noted that FY 2006/2007 will be the first full year that the City receives Proposition 400 funds. Highlights of her PowerPoint presentation included slides depicting Staff Recommendations for Transit Service Improvements, Services for Seniors and People with Disabilities, Fixed Route Services, Circulator Services, Other Potential Improvements, Prop 400 Transit Operating Improvements/20 Years, and Recommended Improvements Chart.

Commissioner McCall thanked Ms. Astin for her presentation. Commissioner McCall asked about the fees for users of Dial-a-Ride and Cab Connection. Ms. Astin replied with details of the fee structure.

Commissioner McCall asked her to explain her statement during the presentation that Cab Connection costs half as much as Dial-A-Ride. Ms. Astin clarified that when she stated a cost per passenger, she meant the cost to the City.



SITE DATA:

GROSS AREA: 330 Acres
 EXISTING ZONING: R1-130 ESL
 PROPOSED ZONING: R1-130 ESL (DI)
 NUMBER OF UNITS: 122 Units (Requires CoS Approval)
 DENSITY: 0.37 Du/Ac
 OPEN SPACE REQUIRED: 139 Acres (42%)
 OPEN SPACE PROVIDED: 205 Acres (62%)

— DEVELOPMENT ENVELOPE

— PROPOSED STREET ALIGNMENTS

BASE DENSITY:

330.38 Acres x 0.31 Du/Ac = 102 Units

DENSITY INCENTIVE:

Required NAOS: 139 Acres (42%)
 Additional Provided NAOS: 68 Acres = 20% (max. allowed)
 $20\% \times 330.38 = 66.08$
 $0.062 \times 330.38 = 20.5$ Units
 Total Units = 122 Units
 Total NAOS Provided: 205 Acres (62%)

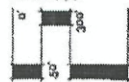
*LOTS, ENVELOPES, STREETS & AMENITIES SUBJECT TO CHANGE

ONCEPTUAL LAND USE PLAN W/ SURROUNDING PROPERTY CONTEXT:

CROWN COMMUNITIES
 SCOTTSDALE, ARIZONA

ATTACHMENT 15

SCALE: (1"=100')



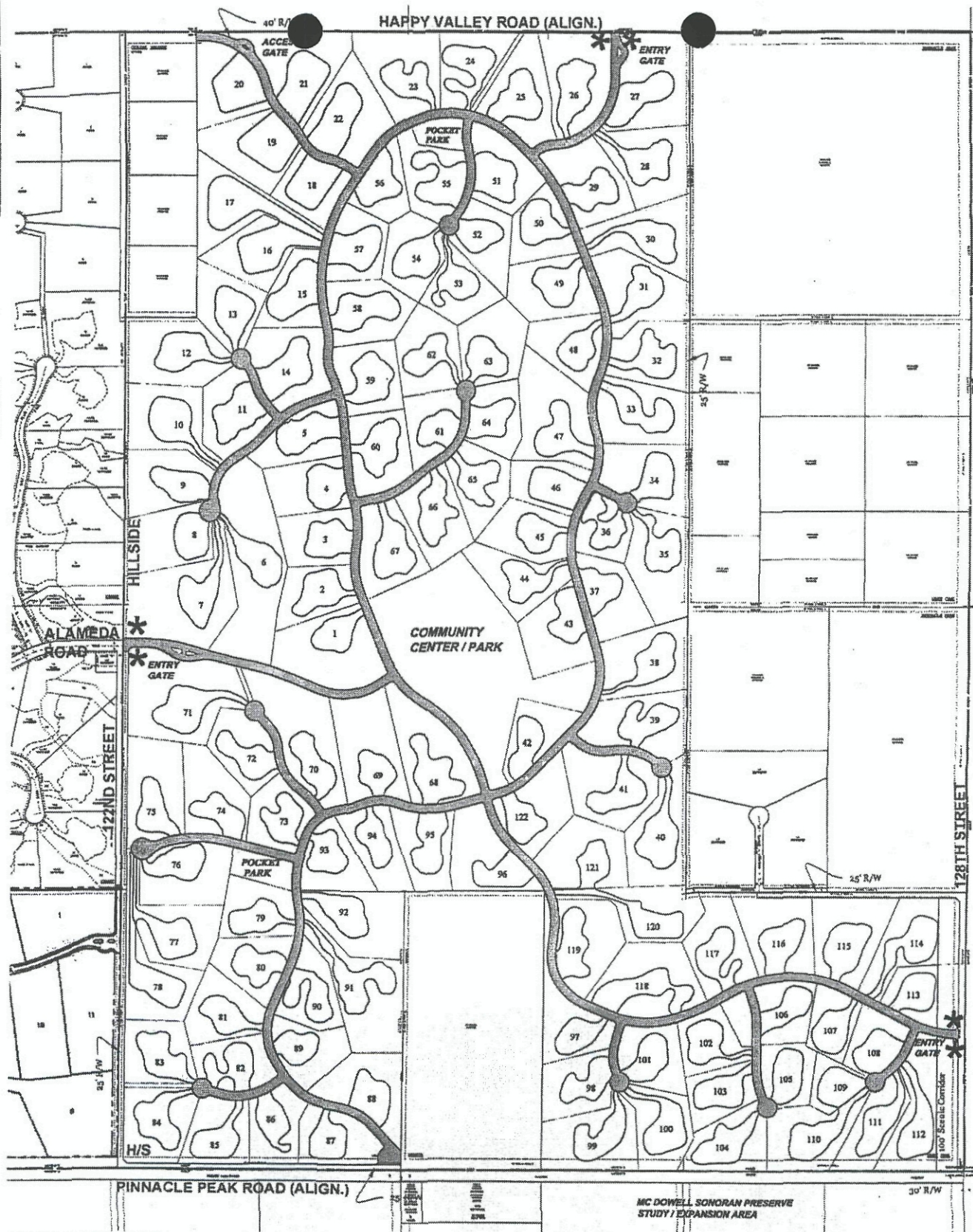
NORTH



LVA
 Urban Design
 Studio, L.L.C.

DATE: 07.12.24
 JOB: 0421
 CITY: AZ
 SHEET: 15 OF 24

1.7N. 1002



SITE PLAN

SITE DATA:

GROSS AREA: 330 Acres
 EXISTING ZONING: R1-130 ESL
 PROPOSED ZONING: R1-130 ESL (DU)
 NUMBER OF UNITS: 122 Units (Requires CoS Approval)
 DENSITY: 0.37 Du/Ac
 OPEN SPACE REQUIRED: 139 Acres (42%)
 OPEN SPACE PROVIDED: 205 Acres (62%)

DEVELOPMENT ENVELOPE

BASE DENSITY: 330.38 Acres x 0.31 Du/Ac = 102 Units
 DENSITY INCENTIVE:
 Required NAOS: 139 Acres (42%)
 Additional Provided NAOS: 66 Acres = 20% (max. allowed)
 20% x 0.31 (base density) = 0.062
 0.062 x 330.38 = 20 Units
 Total Units = 122 Units
 Total NAOS Provided: 205 Acres (62%)

LOTS, ENVELOPES, STREETS & AMENITIES SUBJECT TO CHANGE

ROWAN COMMUNITIES
 OTTSDALE, ARIZONA

ATTACHMENT 16

SCALE (1"=100')



NORTH



LVA
 Urban Design
 Studio L.L.C.

PREPARED FOR:
 ROWAN COMMUNITIES
 PREPARED BY:
 LVA
 DATE:
 04/15/14



CITY COUNCIL REPORT



MEETING DATE: March 7, 2006

ITEM NO. 20 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Sereno Canyon (Crown Communities) - 1-ZN-2005

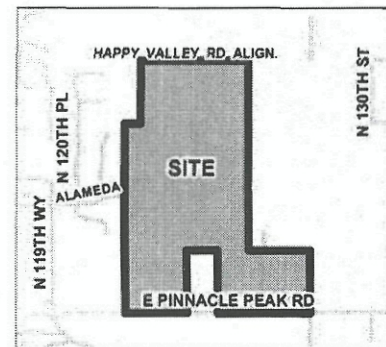
REQUEST

Request:

1. For approval of a density incentive for the Crown Property development, zoned Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL), to increase allowed dwelling units from 101 to 122 dwelling units with amended development standards on 330 +/- acres. This site is located at the east end of Alameda Road near N. 122nd Street (northeast corner of E. Pinnacle Peak Road alignment and N. 122nd Street alignment, north up to Happy Valley Road alignment).
2. To adopt Ordinance No. 3661 affirming the above amended development standards.
3. To adopt Resolution No. 6826 affirming the above density incentive.
4. To adopt Resolution No. 6854 authorizing the Mayor to execute the Development Agreement No. 2006-019-COS.

Key Items for Consideration:

- This is not a rezoning request, but a request to increase density in exchange for more dedicated natural area open space (NAOS).
- The request proposed to increase the number of single-family lots allowed from 102 to 122.
- Over 205 acres of the property will be reserved as NAOS.
- Comments from area neighbors have been focused on providing a new alternate road to access this development, instead of the existing Alameda Road. Other neighbors in the vicinity of the alternate roadway, Ranch Gate Road, have indicated their desire to retain Alameda Road as the primary access route, and their opposition to the Ranch Gate Road alternative.
- A companion development agreement assures the construction of Ranch Gate Road as an alternate access road for this development.
- A separate request to remove Alameda Road's minor collector classification from the City's Street Classification Map will be heard with the final plat.
- The developer will construct streets and infrastructure necessary to serve the site. The impacts of additional lots on traffic and infrastructure will be negligible.



- Planning Commission recommended approval of the density increase, 5-0.
- The Transportation Commission recommended approval to remove Alameda Road's minor collector classification from the City's Street Classification Map.

Related Policies, References:

Proposed Amendment to the Streets Master Plan removes Alameda Road east of Happy Valley Road from the City's Street Classification Map.

Case 21-UP-2005 is a future request for a community center within the proposed development.

OWNER

Crown Communities
630-851-5490

APPLICANT CONTACT

John Berry
Berry & Damore, LLC
480-385-2727

LOCATION

N. 122nd Street & Alameda Road

BACKGROUND**Zoning.**

The site is zoned Single Family Residential/Environmentally Sensitive Lands District (R1-130/ESL). The R1-130/ESL District allows single-family homes, public schools, churches, and municipal uses. The minimum lot size allowed in this district is 130,000 square feet.

General Plan.

The General Plan Land Use Element designates this area as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land.

The General Plan Character and Design Element designates this area as Rural Desert Character Type. These areas generally contain relatively low-density and large lot development. These areas also provide a rural lifestyle that includes preserving the natural desert character and vegetation, building low profile structures, providing a natural buffer around development, and limiting road access.

The City's Street Classification Map currently classifies Alameda Road as a minor collector street to serve this area.

Context.

This 330-acre property is located at the east end of Alameda Road near N. 122nd Street (northeast corner of E. Pinnacle Peak Road alignment and N. 122nd Street alignment, north up to the Happy Valley Road alignment). The site has dramatic terrain that includes rolling hills, small mountains, large boulder outcrops, heavily vegetated areas, washes, and jeep trails. The property is located within the Upper Desert Landform of the Environmental Sensitive Land Ordinance. The property is surrounded by R1-130 ESL zoning,

and the surrounding area includes higher density subdivisions further to the west and the Planned McDowell Sonoran Preserve further to the south, east, and northeast

Adjacent Uses and Zoning

- North Vacant State Land, zoned R1-130 ESL
- South Vacant and Preserve, zoned R1-130 ESL
- East Vacant and Preserve, zoned R1-130 ESL
- West Vacant and Single-Family Homes, zoned R1-190 ESL

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

This is a request to approve of density incentive and amended development standards for the R1-130 ESL District in exchange for additional natural area open space (NAOS) This is not a request to rezone to another zoning district The request will increase the allowed dwelling units from 102 units to 122 units, and amends the development standards pertaining to lot size, lot width, and setbacks The proposal provides an increased amount of NAOS from 139 acres to 205 acres The amended development standards are outlined in the table below

Development Standard	Required	Amended
Number of Lots	102 lots allowed	122 lots proposed
Lot Size	130,000 square feet	49,000 square feet
Lot Width	200 feet	150 feet
Setbacks	Front 60 feet Side 30 feet Rear 60 feet	Front 45 feet Side 22.5 feet Rear 45 feet
NAOS	139 acres	205 acres

This request also includes a companion development agreement that assures the construction of Ranch Gate Road as an alternate access road for this development

Development information.*

- Parcel Size 330.38 gross acres
- Existing Use Vacant land (desert)
- Proposed Use 122-lot single-family subdivision
- Existing Density Allowed 0.31 home per gross acre (102 homes)
- Proposed Density 0.37 homes per gross acre (122 homes)
- Proposed Lot sizes 49,000 square foot minimum
- Building Height Allowed 24 feet
- Building Height Provided 24 feet
- NAOS Required 139 acres (42%)
- NAOS Provided 205 acres (62%)

IMPACT ANALYSIS**Density and Amended Development Standards.**

The Environmentally Sensitive Lands Ordinance allows an applicant to request a density incentive up to 20% of the base density to applicants who provide more meaningful NAOS than is normally required. The bonus must be approved by the City Council providing that the following criteria are met:

- a. The bonus applies only in the R1-43, R1-70, R1-130, and R1-190 residential zoning districts.
- b. The incentive must be calculated using the base NAOS standards for the development project, and cannot be used in combination with any reductions in NAOS.
- c. The additional NAOS must be undeveloped natural area and cannot include revegetated areas.
- d. The additional NAOS must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve.

The ESL Ordinance allows development standards for the underlying zoning district to be amended by the Development Review Board with the Preliminary Plat, as long as the standards are not reduced by more than 25%. The lot width and setback reduction meets the 25% maximum, however the applicant wishes to reduce the minimum lot size 62% (from 130,000 square feet to 49,000 square feet). The ESL Ordinance allows the City Council to approve amended development standards which exceed 25% pursuant to the following:

1. Application and public hearing procedures of Section 1 600 and 1 700.
2. In reviewing such applications, the City Council shall compare the requested intensity and use to the environmental conditions and to the General Plan to determine the appropriateness of the amended development standards.
3. The applicant shall demonstrate that the stated modifications better achieve the purposes of ESL regulations in Section 6 1011 than the existing zoning.

The road and lot configuration proposed, along with the amended development standards, limit land disturbance and help preserve substantial meaningful natural open space through washes, on steeper slopes, in concentrated vegetation areas, in boulder outcrop areas, and around the perimeter of the property. The proposed decrease in lot size, lot width, and setbacks allow development flexibility, allow an additional 20 lots, and allow 66 acres of additional NAOS.

Traffic.

The request for density incentive approval would allow an increase from 102 single-family dwelling units to 122 dwelling units. This represents an increase in daily trip generation from 976 trips to 1,168 trips. The primary site access will be provided from Happy Valley Road west of the site via Alameda Road. Happy Valley Road is classified as a minor arterial street and is constructed to a four lane cross section – two lanes each direction with a center landscaped median. There are currently 3,920 daily vehicles on Happy Valley Road in the vicinity of Alameda Road. Alameda Road is classified as a minor collector street and is constructed to a two lane cross section – one lane in each direction without a center turn lane. It currently terminates near N 121st Place near the site boundary. There are currently 1,550 daily vehicle trips on Alameda Road.

near Happy Valley Road Alameda Road has no direct residential access, consistent with its collector classification, and has adequate capacity to handle the increase in traffic associated with this request

Associated with this request for amended development standards is a separate request to remove Alameda Road's minor collector classification from the City's Street Classification Map that was adopted with the Streets Master Plan in October of 2003 This request is being made to allow the applicant to install gates on Alameda Road east of the N 122nd Street alignment, which would prevent public access through the proposed development This request is the result of a neighborhood involvement program that was initiated by concerns of residents living along Alameda Road west of the site Neighbors have expressed a desire to reduce the amount of traffic on Alameda Road that would be generated by the proposed development and by eliminating the public street connection from Happy Valley Road to N 128th Street

The applicant has proposed to construct an alternative east-west connection north of Alameda Road The proposed street would follow the Ranch Gate alignment at Happy Valley Road, continue east primarily through undeveloped State Land, and end up on the true Happy Valley Road alignment at N 128th Street This new street would be a two-lane local collector street, and the proposed development agreement assures the dedication of Ranch Gate Road prior to any final subdivision plat approval for this development

In addition to Alameda Road, the proposed development would have access to the north onto this new street, as well as access to 128th Street on the east side The applicant has agreed not to use Alameda Road for construction traffic associated with home construction

The request to remove Alameda Road from the Street Classification Map was approved, *subject to conditions*, by the Transportation Commission on November 17th, 2005 by a vote of 4 to 2 The Transportation Commission staff report and minutes are attached for reference The Transportation Commission's approval included several conditions that have been incorporated into the case stipulations These include the following

- Ranch Gate Road must be constructed between Happy Valley Road and N 128th Streets to local collector street standards before removal of Alameda Road from the Street Classification Map The applicant is responsible for securing all necessary rights-of-way
- Happy Valley Road/118th Street must be constructed from its current termination north to Jomax Road
- Public trail access must be provided through the Crown property, providing trail access for the residents west of the proposed development to 128th Street
- Adjacent neighborhoods must be provided vehicular access through the Crown property in the event of an emergency area evacuation

The separate request to remove Alameda Road from the Street Classification Map will be scheduled for Council action at the time of final plat and after the alternative access routes are provided (Ranch Gate Road and 118th Street) in accordance with the attached stipulations

In order to assemble and subsequently subdivide the subject property, there are existing roadway easements that will need to be abandoned. There are also several adjacent parcels that will need to retain access through the subject property. These issues are addressed in the stipulations for this case and in the master circulation plan for the proposed development.

Water/Sewer.

The applicant has submitted a Master Plan for water and wastewater, and is responsible for new water and sewer infrastructure to service the site.

Police/Fire.

The nearest fire station is located approximately 4 miles from the site at 27777 N Alma School. The increase from 102 lots to 120 lots will not impact police or fire services.

Schools District comments/review.

The surrounding school districts have been notified of this application, and the Cave Creek Unified School District states that the District has adequate school facilities to accommodate the projected number of additional students generated by the proposed density increase.

Community Involvement.

Surrounding property owners have been notified, the site has been posted with informational signs, neighborhood meetings have occurred, and the Transportation Commission held two public meetings regarding Alameda Road. Transportation staff also hosted community meetings to discuss Alameda Road and the Ranch Gate Road alternative. Most recently on January 11, 2005, about 25 residents attended an informational public meeting and provided additional comments about the Transportation Commission recommendation to require the developer of the Sereno Canyon project to construct Ranch Gate/Happy Valley Road between 118th and 128th streets as a two-lane road. Neighbors in the vicinity of Ranch Gate continue to express concerns about the roadway and the elimination of the segment of Alameda through the Sereno Canyon project.

A letter from Troon Highlands Estates supports the increase in dwelling units. Much of the community input received has been directed to concerns regarding more traffic on Alameda Road (with or without the proposed density incentive). After receiving community input, the applicant modified the plan to show Alameda Road as a private street with alternate public access to the north through a future Ranch Gate Road. The applicant also agreed to direct construction vehicles away from Alameda Road during future home construction. (See Citizen Involvement Attachment #11)

Community Impact.

The change to allow 122 lots instead of 102 lots will increase the density allowed on the site, but will have little or no impact on existing infrastructure or services. The development plan provides a significant increase in the amount of natural area open space in this area of rugged terrain. It also provides large lots with limited building envelopes, no perimeter walls, and

limited road access. The current development proposal and site plan assume the removal of Alameda Road from the Street Classification Map, which is a separate process and has been recognized in the attached stipulations.

Policy Implications.

Approval of this case allows the developer to construct an additional 22 lots in exchange for 66 acres of additional NAOS, and, should the developer meet the required stipulations, a future change to the City Streets Master Plan will be presented to the City Council for approval allowing Ranch Gate Road to serve the project instead of Alameda Road.

Staff Recommendation.

Staff recommends approval, subject to the attached stipulations.

**OTHER BOARDS AND
COMMISSIONS****Planning Commission.**

The Planning Commission heard this case on November 30, 2005. The Planning Commission discussed the merits and history of the density increase provision, and expressed concerns about this creating a trend for the future. The Commission also discussed circulation through the site, including vehicular, pedestrian, and trail access. The Commission discussed the relationship between the proposed density incentive and the proposed removal of Alameda Road from the City's Street Classification Map. Speakers at the hearing expressed both support and opposition to the density increase, and expressed both support and opposition to the proposal of diverting traffic from Alameda Road to Ranch Gate Road as part of this development plan.

Planning Commission recommended approval of the density incentive and the amended standard, as stipulated, 5-0. Stipulations include the provision for diverting traffic from Alameda Road to Ranch Gate Road as part of this development plan.

Transportation Commission.

The Transportation Commission recommended approval, subject to conditions, of the request to remove Alameda Road from the Street Classification Map on November 17th, 2005 by a vote of 4 to 2. The Transportation Commission minutes and staff report are attached for reference. The Transportation Commission's approval included stipulations pertaining to construction of Ranch Gate Road, N 128th Street, and Happy Valley Road/118th Street, and public trails and emergency evacuation access via the Alameda alignment. The separate request to remove Alameda Road from the Street Classification Map will be scheduled for Council action at the time of final plat and after the alternative access routes are provided.

RECOMMENDATION

Approval of the density incentive and amended development standards, subject to the attached stipulations and the development agreement.

**RESPONSIBLE
DEPT(S)**

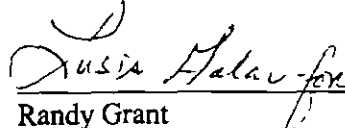
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Current Planning Services

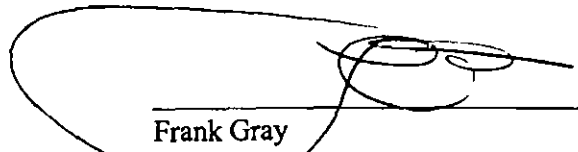
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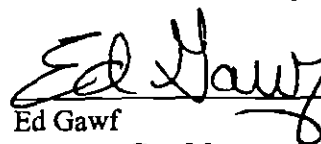
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APPROVED BY


Randy Grant
Chief Planning Officer
Date 2-21-06


Frank Gray
General Manager Planning and Development Services
Date 2-21-06


Mary O'Connor
General Manager Transportation
Date 2/21/06


Ed Gawf
Assistant City Manager
Date 2/21/06

ATTACHMENTS

- 1 Applicant's Narrative
- 1A Amended Development Standards
- 2 Context Aerial
- 2A Aerial Close-Up
- 3 Land Use Map
- 4 Zoning Map
- 5 Ordinance No 3661
 - Exhibit 1 Amended Development Standards
 - Exhibit 2 Stipulations
 - Exhibit 3 Zoning Map
- 6 Resolution No 6826
- 7 Resolution No 6854
- 8 Development Agreement No 2006-019-COS
- 9 Additional Information
- 10 Transportation Commission Report
- 11 Citizen Involvement
- 12 City Notification Map
- 13 November 30, 2005 Planning Commission Minutes
- 14 November 17, 2005 Transportation Commission Minutes
- 15 Conceptual Land Use Plan w/ Surrounding Property Context
- 16 Site Plan



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CROWN COMMUNITIES - 330 ACRES

PROJECT NARRATIVE

(UPDATED 09 28 05)

The Crown Property is a 330 acre site, located at the northeast corner of the Pinnacle Peak Road alignment and the 122nd Street Alignment. The Pinnacle Peak Road alignment serves as the properties southern boundary, while the Happy Valley Road alignment extends across the northern property boundary. The existing communities of Sonoran Crest and Saguaro Canyon are immediately adjacent to the western property boundary of the site.

The existing property is an assemblage of 13 private parcels and is generally vacant/undeveloped in character. A series of jeep trails serve as the only man-made impacts on the site. Access to the site boundaries can be achieved via 128th Street to the eastern property edge, or by way of Alameda Road which is improved to the western edge of the property (122nd Street alignment). The City has requested the applicant to submit master plans for the property to supplement the rezoning application. These master plans will outline a cohesive development plan that considers infrastructure and environmental conditions relative to the overall site, as well as demonstrating the benefits of parcel assemblage as a means to promote sensitive design practices. Master planning of the site will encourage the creation of contiguous open spaces and allow for the ability to shift density away from high-value environmental areas.

This application proposes to maintain the existing R1-130 ESL zoning designation on the property with a request for a density incentive that will increase the allowed number of lots from 101 to 122. The ESL Ordinance provides for a density incentive bonus that will not exceed 20% of the permitted density, provided that the applicant agrees to the designation of additional "meaningful natural area open space". Analysis of the site

indicates that 139 acres (or 42% of the gross site area) of open space is required for development approval. The applicant has provided 205 acres (or 62% of the gross site area) of Natural Area Open Space as illustrated in the Preliminary Open Space Plan. Increased open space throughout the project was achieved by reducing development envelope sizes within lots, widening areas that contain sensitive natural habitat and unique environmental features, identifying high-value corridors for connectivity throughout the project and increasing setback buffers to adjacent properties and roadways. The applicant intends to promote the natural setting of the site by minimizing disturbance in high visibility areas and assemble contiguous open space areas that will serve as corridors for wildlife and resident recreation. On a more regional level, the provided open space responds to the existing geographic and topographic characteristics of the area by maximizing connections with planned open space areas to the south and east of the subject property.

Note: A site walk was conducted with City staff on May 3rd, 2005 to assess the specific locations of proposed roadways alignments and development envelopes as identified on the Preliminary Open Space Exhibit and Land Use Plan. Open space connectivity and corridors were examined to ensure adequate buffering and protection of natural features (i.e. major boulders and 50+ cfs wash corridors). The applicant and staff agreed to minor modifications of the land use plan that result in better integration of improvements within the existing environment. The field visit also elevated staff awareness of the specific dynamics and geography of the site and found that provisions for environmental and open space sensitivity (including compliance with the ESL Ordinance) were being adequately addressed by the applicant.

The applicant has also requested amendments to the R1-130 ESL development standards to allow for reduced lot area, dimensions and setbacks. Approval of the amendment request will allow for a site plan configuration that recognizes the sensitive natural features of the site and would permit increased numbers of lots to be located in less sensitive areas of the site. The provided Preliminary Open Space Exhibit with Priority NAOS Areas, demonstrates this design approach by illustrating areas of environmental constraint, locations of natural features and the connectivity of open space areas throughout the site.

The proposed conceptual site plan reflects efforts on behalf of the applicant to ensure a sensitive design approach and to address development concerns of surrounding property owners with regards to vehicular circulation and distribution. The community will be gated, with three resident access locations. The primary entry will be at the eastern terminus of Alameda Road, with a private local collector level roadway that will extend eastward into the heart of the project. Secondary, full access entry gate locations will be located along the northern site boundary (Happy Valley Road alignment) and the eastern site boundary (128th Street alignment). The northern access point will tie into a proposed minor collector alignment that will extend from 118th Street to 128th Street across the State Land property. The eastern gate will serve not only as a resident gate but double as an access option for emergency vehicles needing to service properties along the southern portions of 128th Street.

A public trail segment will be included along the 128th Street frontage. The trail will be dedicated within a 20-foot easement and will meander within the 100-foot scenic corridor easement. This segment will provide a linkage to the proposed McDowell Sonoran Preserve trailhead to be located at the southern terminus of 128th Street.

A designated community center and park site has been identified in the central portion of the project and will serve the overall community. The community center will serve as a focal point for community residents and will incorporate a broad spectrum of amenities in addition to serving as a trailhead for private trails within the proposed project. The proposed private trail network will enhance pedestrian connectivity to all portions of the site.

Utilities, including water and wastewater, will be conveyed to the site via extensions to existing public service lines in Alameda Road and the Happy Valley Road alignment. Please reference the utility master plans submitted in conjunction with this application for a more detailed description of proposed utility locations.

The delineation of preliminary development envelopes for each residential unit have been defined to promote the integration of development into the existing natural environment. Delineated natural open space areas are contiguous, provide ample buffer to adjacent properties and were designed to minimize impacts to the most sensitive natural features on the property. The site contains numerous boulder features that have been specifically integrated into proposed natural open spaces, trail corridors, park sites and community focal points. Major boulder features that meet the criteria for preservation as defined by the ESL Ordinance will be placed in protective easements throughout the site. The preservation of existing native vegetation will be an important component of the open space areas. However, the site was subjected to a large scale wildfire burn approximately 10 years ago and has not recovered to densities and maturities typical of the upper Sonoran Desert. The Concentrated Vegetation Exhibit identifies areas that have demonstrated the greatest levels of vegetation recovery on the site. These areas are typically associated with high-volume wash corridors and have been identified for preservation. Initial site planning and open space determinations were made utilizing a combination of available resources including environmental constraint surveys, topographic mapping and aerial photography. In addition, the City of Scottsdale's NAOS priority maps and the Dynamite Foothills Area Plan Environmental Constraints Map provided guidance as to the location of City prioritized environmental features.

The subject property naturally drains to both the east and west, off of a subtle watershed boundary that extends through the center portion of the property. Offsite drainage generally initiates from the McDowell Mountains to the south and crosses the site in a series of small braided washes. These braided wash corridors lend character to the site, their ephemeral waters slowly shaping the contours of the property into small rolling hills, bisected by intermittent washes.

The site plan proposes a development scenario that seeks to promote the sensitive integration of development into the existing landscape. This sensitive approach not only benefits the unique environmental characteristics of the site by ensuring its preservation, but will add value to future lots that retain the essence of this natural setting even after

the residences have been built. To further this goal of sensitive integration, the applicant has adopted many of the design standards and recommendations identified in the Dynamite Foothills Character Area Plan (DFCAP). The Area Plan will help to promote cohesion of development character in the area and will serve as a guideline for current and future design decisions. One of the design policies put forth by the DFCAP was the recommendation of the elimination of project perimeter walls. The applicant does not intend to construct perimeter walls, and instead proposes a combination of rear lot walls within development envelope areas and the discretionary use of decorative site walls to screen and buffer development from high traffic areas. Site walls will be limited to 4-feet in height and will generally be located in proximity to proposed monumentation and project entry gates only. Rear lot walls will be limited to 6-feet in height and will address security and privacy concerns of individual homeowners. The use of retaining walls may also be necessary in association with roadway and development envelope improvements. In addition, retaining walls will be designed to conform with City of Scottsdale design standards and ESL requirements.

Listed below is a summary of additional conformance standards set forth by the DFCAP and the Scottsdale General Plan. These standards have provided a framework for initial theming and design considerations during the planning process.

Conformance with the Dynamite Foothills Character Area Plan - Design and Performance Guidelines

Low Density Single Family Uses

- Defined construction envelopes that recognize sensitive natural areas
- Wherever possible, development impacts will minimize disturbance to mature Saguaros and Desert Trees
- Maximum building height will be limited to 24' per ESL ordinance
- Lawn/Turf areas will be restricted to enclosed private areas, typically located at the rear of the property
- Colors and textures will blend into the adjacent natural desert setting
- Use of lighting will be restricted to comply with adopted "Dark Sky" Ordinance

Conformance with City of Scottsdale General Plan

Rural Desert Character Types:

- The identity and natural desert character of this district should be strengthened and maintained by preventing encroachment of nonconforming uses and architectural styles, protecting open spaces and vistas, encouraging conservation of desert

vegetation, building low profile structures, discouraging walls, and limiting road access

- Special care should be taken to preserve the natural character of the land and natural drainage corridors
- Desert vegetation is maintained in either in common open space areas or on individual lots
- Site plans for developments on larger vacant tracts should be sensitive to topography, vegetation and natural drainage area
- The impacts of development on desert preservation should be minimized through the preservation of washes and the use of natural buffers on the perimeter of developments

Environmentally Sensitive Lands and Native Desert Character Types:

- Any development permitted in this district should be very low density and special care should be taken to minimize the impacts of development on the natural character of the land
- Low impact recreational opportunities may be considered for these areas, including hiking, mountain biking and equestrian trails

Recognize the value and visual significance that landscaping has upon the character of the community and maintain standards that result in substantial, mature landscaping that reinforces the character of the city

- Require substantial landscaping be provided as part of new development
- or redevelopment
- Maintain the landscaping materials and pattern within a character area
- Encourage the use of landscaping to reduce the effects of heat and glare on buildings and pedestrian areas as well as contribute toward better air quality
- Discourage plant materials that contribute substantial air-borne pollen
- Encourage landscape designs that promote water conservation, safe public settings, erosion protection, and reduce the "urban heat island" effect
- Encourage the retention of mature landscape plant materials



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M E M O R A N D U M

To: Tim Curtis

Co./Dept.: City of Scottsdale

cc:

From: Alex Stedman

Page: 1 of 1

DATE: 10/03/05

JOB NO.: 0425.1

SUBJECT: Crown Property (Sereno Canyon) Zoning Application Resubmittal

Please accept this update to the pending Crown Property zoning application, currently on file with the City of Scottsdale (1-ZN-2005). Enclosed materials have been updated to reflect an updated site plan for the property. Most significantly, the site plan no longer reflects the extension of Alameda Road through the property as a public roadway, ultimately connecting to 128th Street on the eastern edge of the property. This change was made to reflect the desire of area residents to reduce through traffic volumes on Alameda Road. The revised Crown application proposes to gate Alameda at 122nd Street, allowing future residents to utilize this access point, but will prohibit construction traffic and through traffic from using this alignment. An alternative connector alignment, between Happy Valley Road and 128th Street, has been proposed at the Ranch Gate Road alignment (see revised Circulation Master Plan). An application for amendment to the Street Classification Map is being submitted concurrently with this application to substitute the Ranch Gate alignment for the existing Alameda Road connector segment.

Below is a list of the revised/updated rezoning application materials included in this package:

- 1 Narrative
- 2 Context Aerial + Context Site Plan
- 3 Site Plan
- 4 Overall Land Use Master Plan
- 5 Project Phasing Plan
- 6 Environmental Design Master Plan
- 7 Preliminary NAOS Exhibit
- 8 Preliminary Archaeological Mitigation Areas
- 9 Circulation Master Plan (2 Copies)
- 10 Master Drainage Report (2 Copies)

Please let me know if there are any additional items that you will need to complete your review of the revised materials. Thanks -Alex

If you have received this in error, please contact LVA and we will retrieve it at no cost.

1-ZN-2005
10-4-05

CROWN PROPERTY

122nd Street & Alameda Road

Amended Development Standards Justification Form
(Please attach the proposed Development Standards to this form)

Which of the following development standards are requested for amendment?

R1-130 ESL	
<u>X</u> Lot Size % of increase or decrease <u>62%</u>	Minimum Lot Size <u>49,000 Sq Ft</u>
<u>X</u> Lot Width % of increase or decrease <u>25%</u>	Minimum Lot Width <u>150'</u>
<u>X</u> Setbacks % of increase or decrease <u>25%</u>	Minimum Front Setback <u>45'</u>
	Minimum Rear Setback <u>45'</u>
	Minimum Side Setback <u>22.5'</u>
<u>X</u> Sideyard Wall Setbacks % of inc/dec <u>100%</u>	Min Sidewall Setback <u>0'</u>

What are the major environmental features on the site?

The site contains a series of minor washes that are incorporated into the overall site plan as natural open space amenities within the development plan. Impacts to these areas will be generally restricted, with exception of necessary wash crossings for internal vehicular circulation. Drainage corridors have been established between development envelopes to address peak flows across the site and to maintain the integrity of these natural features as an amenity for future homeowners and as habitat for established species. Several large boulder outcroppings are located on the site and have been identified for preservation by the development plan through the dedication of NAOS easements. Development envelopes and on-site infrastructure are cognizant of these features and have provided allowances to prevent encroachment in most cases. The applicant has conducted a joint field visitation with City staff to identify areas of increased environmental value and adjust the preliminary development plan where necessary to avoid impacts to these areas. In addition, the applicant has utilized City resources (i.e. NAOS Priority Maps, Aerial Photography, Topographic Maps, ESLO Maps and Dynamite Foothills Character Area Plan) to promote conformance with the City's prioritized environmentally sensitive areas. The accuracy and relevancy of these plans in relation to the proposed site plan were field verified with staff to ensure that a sensitive development approach is achieved.

Describe how these reductions result in better protection of environmental features than if the property were developed using standard lot sizes and setbacks:

Reductions to the development standards will allow building lot and envelope shapes and sizes to better integrate within the existing natural environment, creating a balanced development scenario that acts to promote the preservation of significant wash corridors, significant boulder outcroppings, habitat areas and other sensitive natural areas.

Sensitive Natural Areas have been identified as areas containing increased vegetation densities and unique environmental features. These areas were identified prior to the site planning process and have been incorporated into the development plan as non-impacted areas. Due to a large-scale wildlands burn that occurred in the mid-1990s across the subject site, very little mature vegetation exists, particularly in increased densities. In spite of this condition, many portions of the site exhibit potential for expedited recovery resulting from their proximate location to seasonally concentrated water sources (ephemeral washes) and protective features such as bolder outcroppings. These areas were identified during the site planning process for preservation and potential rehabilitation.

Building envelopes have been situated to promote sensitive development conditions that largely avoid impacts to these sensitive areas. 50+ cfs washes and areas of increased vegetation density were prioritized for non-disturbance and the Open Space Exhibit illustrates this commitment. These wash corridors will also serve as wildlife corridors and special exceptions have been made to provide connectivity by reducing obstructions that would affect these movements. The building envelopes in this application are proposed to minimize disturbance of existing wash corridors and enhanced environmental value. The applicant has performed a site visit with City Staff to identify areas of increased environmental value and identify logical open space corridors that promote preservation and on-site open space connectivity. Staff has been supportive of these efforts and recognizes the relationship between sensitive environmental areas and the current development plan. The applicant will seek to increase protections of these areas through the establishment of NAOS easements, boulder protection easements, field-defined roadway alignments and development envelopes that are specifically designed to avoid encroachment into sensitive and high-value areas.

What is the minimum NAOS required per ordinance? 139 Acres

What is the amount of NAOS provided by the applicant? 205 Acres

What is the percentage of the overall site (gross parcel size) being dedicated in NAOS? 62%

Will the NAOS be shown in common tracts and dedicated on the final plat? No

Will the NAOS be dedicated with each lot as it comes in for development? Yes

If yes, explain how the City might achieve assurance that NAOS dedications are logical and connect with NAOS areas that will be or have been dedicated

The final plat will include an N A O S easement dedication

Is the amount of NAOS being dedicated as part of the NAOS Density Incentive Provision of ESLO?

Yes. The excess provided NAOS area will serve a dual role of justifying amended development standards for the subject property and meeting the qualification requirements for the Density Incentive Provision of ELISO.

Special Circumstances. None

Sec. 5.020. R1-130 single-family residential district.

Sec. 5.021. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

(Ord No 2470, § 1, 6-16-92)

Sec. 5.022. Use regulations.

A Permitted uses Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses

Any use permitted in the (R1-190) single-family residential district (see section 5 012A)

B Uses subject to conditional use permit

Any use permitted by conditional use permit in the (R1-190) single-family residential district (see section 5 012B)

(Ord No 2394, § 1, 9-16-91, Ord No 2430, § 1, 1-21-92, Ord No 2431, § 1, 1-21-92, Ord No 2470, § 1, 6-16-92, Ord No 3048, § 2, 10-7-97, Ord No 3034, § 1, 11-4-97, Ord No 3103, § 1, 1-6-98)

Sec. 5.023. Approvals required.

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1 900 hereof

(Ord No 2470, § 1, 6-16-92, Ord No 3225, § 1, 5-4-99)

Sec. 5.024. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-130 district

A Lot area

1 Each lot shall have a minimum lot area of not less than ~~one hundred and thirty thousand (130,000)~~ **forty-nine thousand (49,000)** square feet

2 If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section

B *Lot dimensions*

Width All lots shall have a minimum width of ~~two hundred (200)~~ **one hundred and fifty (150)** feet

C *Density* There shall be not more than one (1) single-family dwelling unit on any one (1) lot

D *Building height* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII

E *Yards*

1 *Front Yard*

a There shall be a front yard having a depth of not less than ~~sixty (60)~~ **forty-five (45)** feet

b Where lots have a double frontage on two (2) streets, the required front yard of ~~sixty (60)~~ **forty-five (45)** feet shall be provided on both streets

c On a corner lot, the required front yard of ~~sixty (60)~~ **forty-five (45)** feet shall be provided on each street No accessory buildings shall be constructed in a front yard *Exception* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street

2 *Side Yard* There shall be a side yard of not less than ~~thirty (30)~~ **twenty-two and one-half (22.5)** feet on each side of a building

3 *Rear Yard* There shall be a rear yard having a depth of not less than ~~sixty (60)~~ **forty-five (45)** feet

4 Other requirements and exceptions as specified in article VII

F *Distance between buildings*

1 There shall be not less than ten (10) feet between an accessory building and the main building

2 The minimum distance between main buildings on adjacent lots shall be not less than sixty (60) feet

G *Buildings, walls, fences and landscaping*

1 Eight-foot walls, fences and hedges are allowed on the property line or within the required side and rear yard Walls, fences and hedges up to twelve (12) feet are allowed subject to a sixty-foot setback from the side and rear property line Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII The height of the wall or fence is measured from the inside of the enclosure *Exception* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements

2 A minimum of five (5) percent of all parking lot areas shall be landscaped as determined by use permit All landscaped areas shall be maintained to city standards

H *Access* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat

I *Corral* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard

(Ord No 2470, § 1, 6-16-92, Ord No 2509, § 1, 6-1-93)

Sec. 5.025. Off-street parking.

The provisions of article IX shall apply

(Ord No 2470, § 1, 6-16-92)

Sec. 5.026. Signs.

The provisions of article VIII shall apply

(Ord No 2470, § 1, 6-16-92)

[Secs. 5.027–5.029. Reserved.]

DEVELOPMENT STANDARDS

SUBDIVISION NAME: SERENO CANYON

CASE # 1-ZN-2005

Q S MAP 45-57

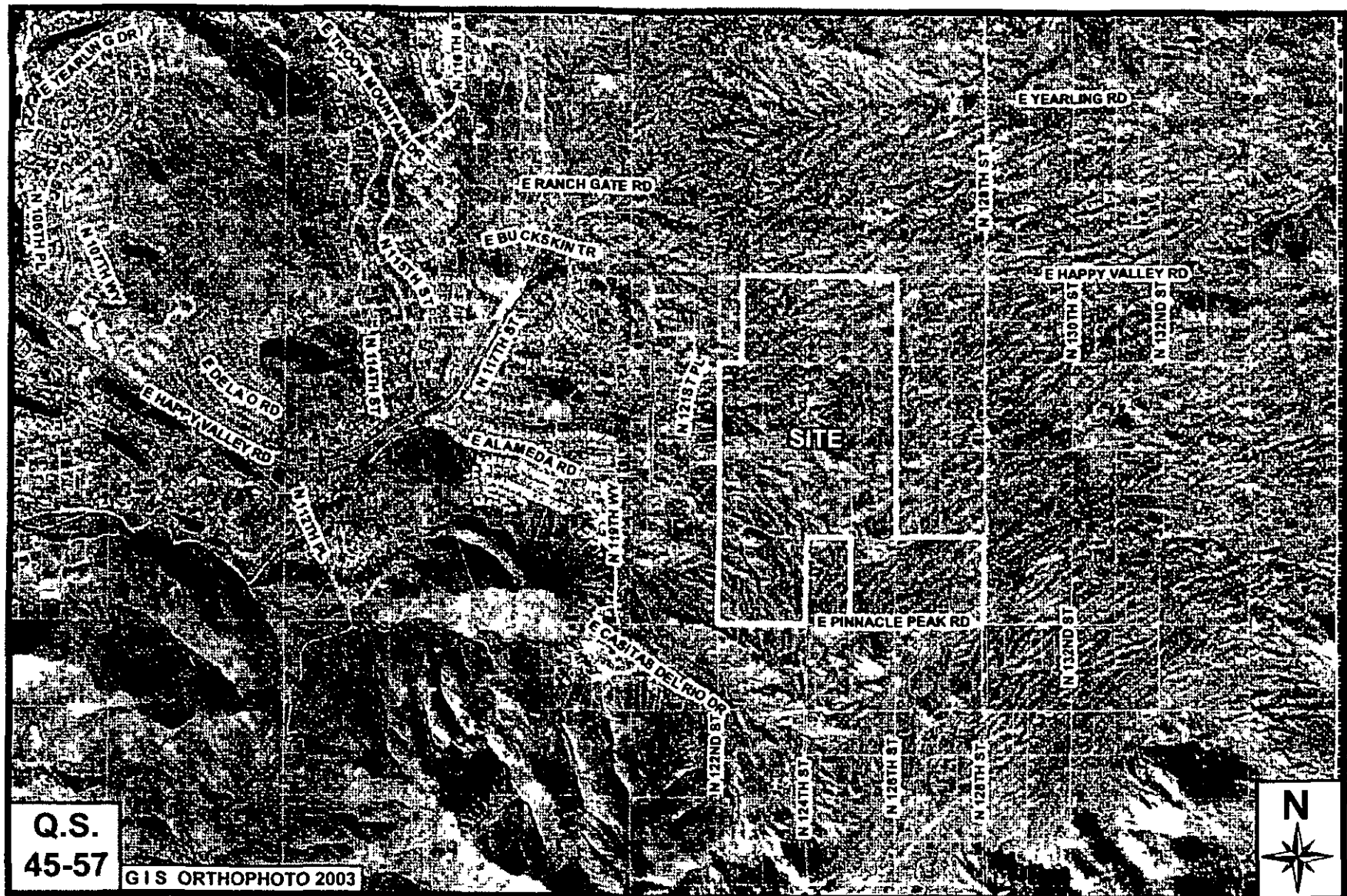
ZONING R1 - 130

PCD

RPD

ESL X

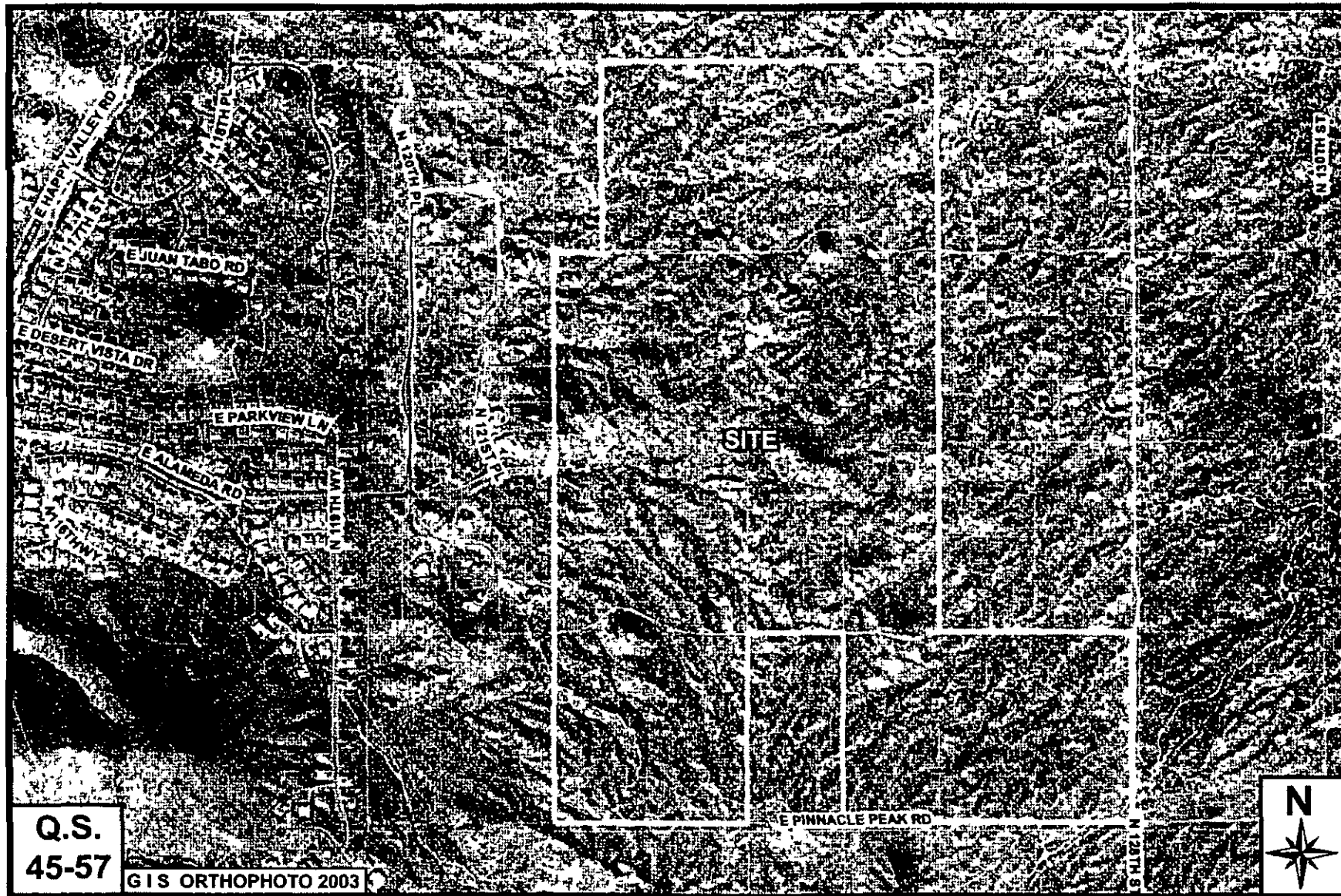
	ORDINANCE REQUIREMENTS	AMENDED STANDARDS	REDUCTION
MIN LOT AREA	<u>130,000</u>	<u>49,000</u>	<u>62%</u>
MIN. LOT WIDTH			
Standard Lot	<u>200'</u>	<u>150'</u>	<u>25%</u>
Flag Lot			
MAXIMUM BUILDING HEIGHT	<u>30'</u>	<u>24'</u>	<u>per E S L</u>
MIN YARD SETBACKS			
FRONT YARD			
FRONT (to face of building)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (corner lot, side street)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (corner lot, side street)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (corner lot, adjacent to key lot, side street)	<u>60'</u>	<u>45'</u>	<u>25%</u>
FRONT (double frontage)	<u>60'</u>	<u>45'</u>	<u>25%</u>
SIDE YARD			
Minimum	<u>30'</u>	<u>22 5'</u>	<u>25%</u>
Minimum aggregate	<u>60'</u>	<u>45'</u>	<u>25%</u>
REAR YARD			
Standard Depth	<u>60'</u>	<u>45'</u>	<u>25%</u>
Min Depth			
(% of difference)			
which can be occupied)			
DISTANCE BETWEEN BUILDINGS (MIN)			
Accessory & Main	<u>10'</u>	<u>10'</u>	<u>0%</u>
Main buildings/adjacent lots	<u>60'</u>	<u>45'</u>	<u>25%</u>
MAXIMUM WALL HEIGHT			
FRONT	<u>3'</u>		
SIDE	<u>8'</u>		
REAR	<u>8'</u>		
CORNER SIDE (not next to key lot)	<u>8' on PL</u>		
CORRAL FENCE HEIGHT			
(on property line)	<u>6' on PL</u>		
DEVELOPMENT PERIMETER SETBACKS			
APPLICABLE ZONING CASES			
NOTES & EXCEPTIONS			



Sereno Canyon

1-ZN-2005

ATTACHMENT #2

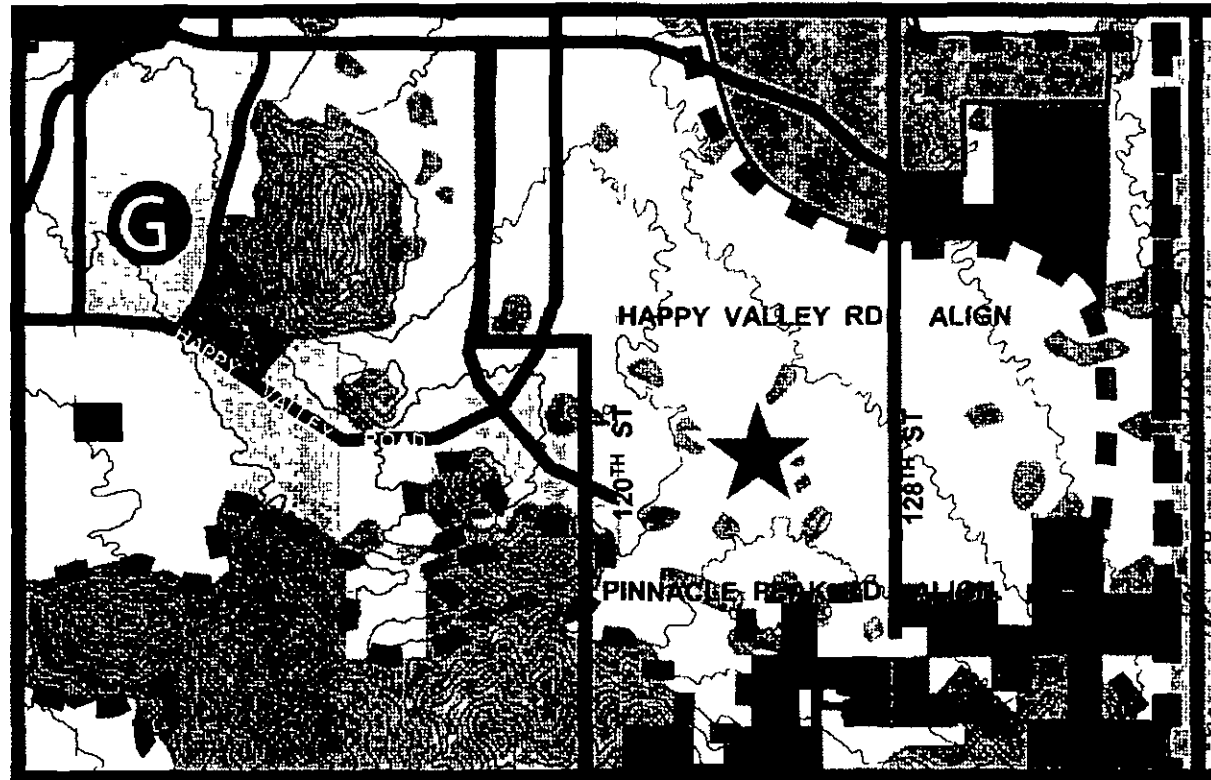


Sereno Canyon

1-ZN-2005

ATTACHMENT #2A

General Plan



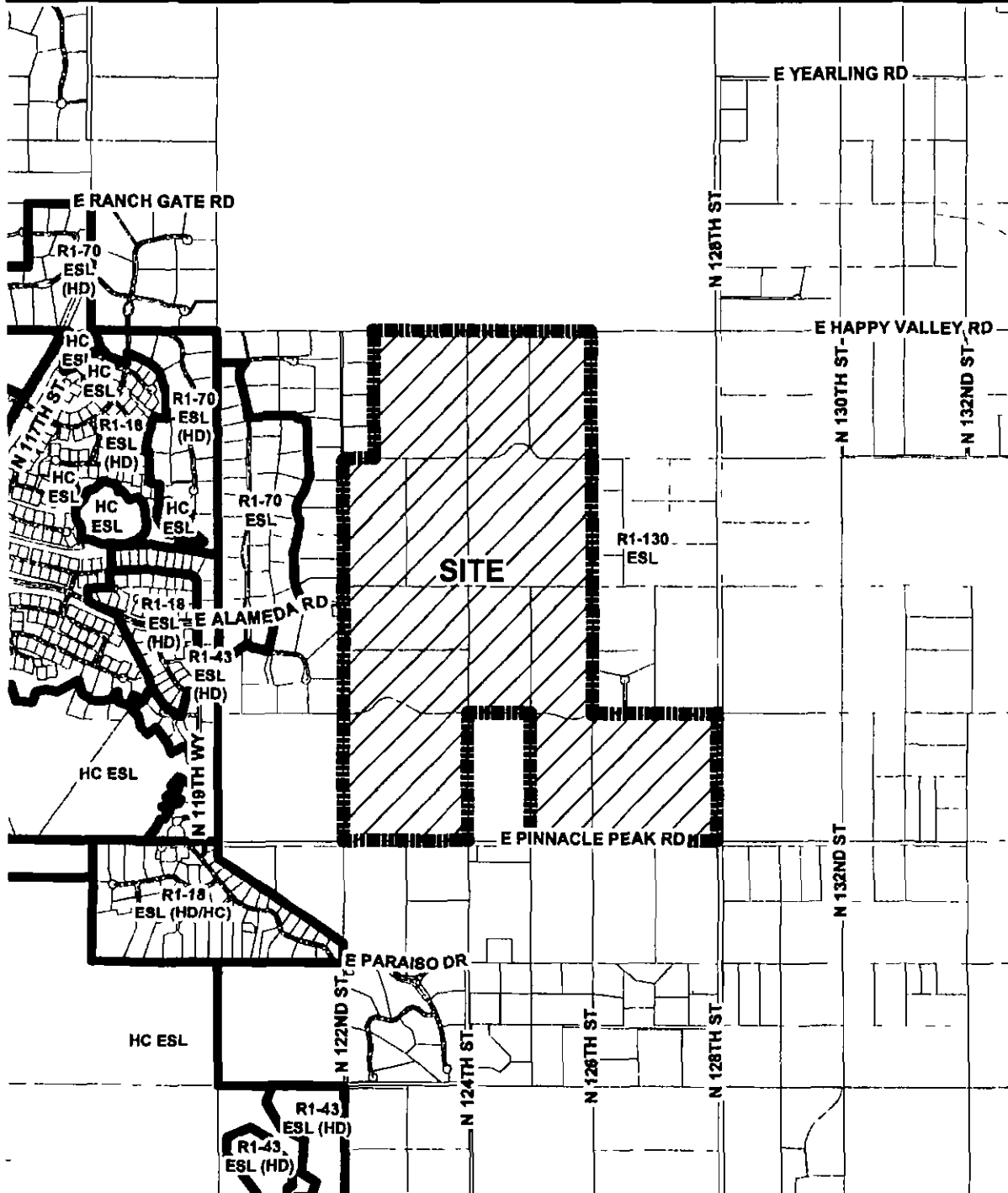
- | | |
|---|--------------------------------------|
| Rural Neighborhoods | Commercial |
| Suburban Neighborhoods | Office |
| Urban Neighborhoods | Employment |
| Mixed Use Neighborhoods | Natural Open Space |
| Resorts/Tourism | Developed Open Space (Parks) |
| Shea Corridor | Developed Open Space (Golf Courses) |
| Mayo Support District | Cultural/Institutional or Public Use |
| Regional Use District | |
| McDowell Sonoran Preserve (as of 8/2003) | |
| Recommended Study Boundary of the McDowell Sonoran Preserve | |
| City Boundary | Location not yet determined |



1-ZN-2005
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004

Approval of density incentive for current Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL) zoning to increase allowed units from 101 dwelling units to 122 dwelling units



1-ZN-2005

ATTACHMENT #4

ORDINANCE NO 3661

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO 455, THE ZONING AMENDING DEVELOPMENT STANDARDS AS APPROVED IN CASE NO 1-ZN-2005, ON PROPERTY ZONED R1-30 ENVIRONMENTALLY SENSITIVE LAND LOCATED AT THE EAST END OF ALAMEDA ROAD NEAR 122ND STREET (NORTHEAST CORNER OF PINNACLE PEAK ROAD ALIGNMENT AND 122ND STREET ALIGNMENT, NORTH UP TO HAPPY VALLEY ROAD ALIGNMENT)

WHEREAS, Planning Commission and City Council have held public hearings and considered Case No 1-ZN-2005, and

WHEREAS, the Council of the City of Scottsdale wishes to amend the development standards as described in the aforementioned case,

WHEREAS the Environmentally Sensitive Land Ordinance allows the City Council discretion to approve amended development standards which exceed 25% when the following findings have been made

- 1 The application and public hearing procedures of Section 1 600 and 1 700 have been followed,
- 2 The City Council compares the requested intensity and use to the environmental conditions and General Plan and determines that the amended development standards are appropriate, and
- 3 The applicant has demonstrated that the stated modifications better achieve the purposes of Environmentally Sensitive Land regulations than the existing zoning

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows

Section 1 That the City Council hereby finds that the hearing procedures have been followed, the amended development standards are appropriate, the modifications better achieve the purposes of the Environmentally Sensitive Land regulations than the existing zoning and the above criteria have been met

Section 2 That the Zoning Ordinance of the City of Scottsdale is hereby amended, as set forth in the amended development standards attached hereto as Exhibit 1 and incorporated herein by reference, conditioned upon compliance with all stipulations attached hereto as Exhibit 2 and incorporated herein by reference for this property located at the east end of Alameda Road near 122nd street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment) as shown on Exhibit 3

PASSED AND ADOPTED by the Council of the City of Scottsdale this 7th day of
March, 2006

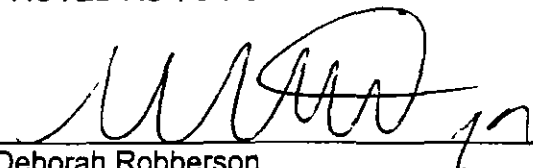
ATTEST

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By _____
Carolyn Jagger
City Clerk

By _____
Mary Manross
Mayor

APPROVED AS TO FORM

By 
Deborah Robberson
Acting City Attorney

AMENDED DEVELOPMENT STANDARDS
CHANGES SHOWN IN STRIKE-THROUGHS AND BOLD CAPS

Sec 5 020 R1-130 single-family residential district

Sec 5 021 Purpose

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities
(Ord No 2470, § 1, 6-16-92)

Sec 5 022 Use regulations

A *Permitted uses* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses

Any use permitted in the (R1-190) single-family residential district (see section 5 012A)

B *Uses subject to conditional use permit*

Any use permitted by conditional use permit in the (R1-190) single-family residential district (see section 5 012B)

(Ord No 2394, § 1, 9-16-91, Ord No 2430, § 1, 1-21-92, Ord No 2431, § 1, 1-21-92, Ord No 2470, § 1, 6-16-92, Ord No 3048, § 2, 10-7-97, Ord No 3034, § 1, 11-4-97, Ord No 3103, § 1, 1-6-98)

Sec 5 023 Approvals required

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1 900 hereof

(Ord No 2470, § 1, 6-16-92, Ord No 3225, § 1, 5-4-99)

Sec 5 024 Property development standards

The following property development standards shall apply to all land and buildings in the R1-130 district

A *Lot area*

1 Each lot shall have a minimum lot area of not less than ~~one hundred and thirty thousand (130,000)~~ **FORTY-NINE THOUSAND (49,000)** square feet

2 If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section

B *Lot dimensions*

Width All lots shall have a minimum width of ~~two hundred (200)~~ **ONE HUNDRED FIFTY (150)** feet

C *Density* There shall be not more than one (1) single-family dwelling unit on any one (1) lot

D *Building height* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII

E *Yards*

1 Front Yard

a There shall be a front yard having a depth of not less than ~~sixty (60)~~ **FORTY-FIVE (45)** feet

b Where lots have a double frontage on two (2) streets, the required front yard of ~~sixty (60)~~ **FORTY-FIVE (45)** feet shall be provided on both streets

c On a corner lot, the required front yard of ~~sixty (60)~~ **FORTY-FIVE (45)** feet shall be provided on each street No accessory buildings shall be constructed in a front yard *Exception* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street

2 Side Yard There shall be a side yard of not less than ~~thirty (30)~~ **TWENTY-TWO AND ONE-HALF (22.5)** feet on each side of a building

3 Rear Yard There shall be a rear yard having a depth of not less than ~~sixty (60)~~ **FORTY-FIVE (45)** feet

4 Other requirements and exceptions as specified in article VII

F *Distance between buildings*

1 There shall be not less than ten (10) feet between an accessory building and the main building

2 The minimum distance between main buildings on adjacent lots shall be not less than ~~sixty (60)~~ **FORTY-FIVE** feet

G *Buildings, walls, fences and landscaping*

1 Eight-foot walls, fences and hedges are allowed on the property line or within the required side and rear yard Walls, fences and hedges up to twelve (12) feet are allowed subject to a sixty-foot setback from the side and rear property line Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII The height of the wall or fence is measured from the inside of the enclosure *Exception* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements

2 A minimum of five (5) percent of all parking lot areas shall be landscaped as determined by use permit All landscaped areas shall be maintained to city standards

H *Access* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat

I *Corral* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard
(Ord No 2470, § 1, 6-16-92, Ord No 2509, § 1, 6-1-93)

STIPULATIONS FOR CASE 1-ZN-2005

Stipulations added after the Planning Commission hearing are shown in **BOLD CAPS** and ~~strikethrough~~

PLANNING/ DEVELOPMENT

- 1 **CONFORMANCE TO SITE PLAN** Development shall conform with the site plan submitted by LVA Urban Design Studio, LLC and dated 10/04/05 by City staff. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 2 **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY** The number of dwelling units on the site shall not exceed 122 units without subsequent public hearings before the Planning Commission and City Council.
- 3 **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS** Development shall conform with the amended development standards dated 11/15/05 by City staff and attached as Attachment 1A. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
- 4 **PEDESTRIAN CIRCULATION PLAN** With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.
- 5 **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.

ENVIRONMENTAL DESIGN

- 1 **NATURAL AREA OPEN SPACE – QUANTITY** There shall be a minimum of 205 acres of NAOS dedicated on the site.
- 2 **NATURAL AREA OPEN SPACE – LOCATION** NAOS shall be dedicated on site, to the satisfaction of City staff, in general conformance with the City's NAOS Priority Areas maps and the Preliminary NAOS Exhibit prepared by LVA Urban Design Studio, LLC dated 10/04/05 by City staff.

CIRCULATION MASTER PLAN

- 1 **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 approval. This plan shall indicate the internal street layout, off-site improvements, street cross sections, public trail locations, access for surrounding parcels, internal roadway easements to be abandoned, and existing and projected traffic volumes.

CIRCULATION

- 1 **STREET CONSTRUCTION** Before issuance of any certificate of occupancy for the site, the

developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual

Street Name/Type	Dedications	Improvements	Notes
Happy Valley Road/ 118 th Street Minor Arterial	None	Half street, Fig 5,3-4, 36' CL-BC	A, G
Alameda Road Minor Collector	50' full street	26' BC-BC	B
Ranch Gate Road Local Collector	50' full street	Full street, Fig 5,3- 16, 28' BC-BC	C, G
128 th Street Minor Collector	40' half street		D
122 nd Street Local Residential	20' half	None	E
126 th Street Local Residential	20' half	None	E
Mariposa Grande Dr Local Residential	20' half	None	E
Internal Streets Local Residential	40' tract (Private Street)	Full street, Fig 5 3- 19, 24 ft BC to BC	F, G

- A The developer shall construct the extension of Happy Valley Road/118th Street from its current termination to Jomax Road prior to the elimination of Alameda Road from the Street Classification Map. The improvement shall consist of a minimum of two lanes and shall transition to the existing improvements at the southern end.
- B Alameda Road shall be extended from its current termination to the proposed development gate as a public street. The cross section shall match the existing improvements to the west.
- C The developer shall construct Ranch Gate Road from Happy Valley Road to 128th Street prior to the elimination of Alameda Road from the Street Classification Map. The improvements shall include a minimum 4-foot wide trail along the south side of the street within the right-of-way or a public access easement.
- D In lieu of improvements for 128th Street, the developer will construct 118th Street from its current termination point to Jomax Road. The right-of-way requirement for 128th Street reflects the Rural/ESL Character cross section with trail.
- E Public right-of-way shall be required along these street alignments unless determined to be not necessary at the time of preliminary plat approval. No street improvements shall be required along these local residential streets.
- F The local residential street cross section shall include minimum 6 foot shoulders.
- G The street cross sections shall be as indicated unless an alternative cross section is approved in the master circulation plan.
- 2 **IN LIEU PAYMENTS** At the direction of city staff, before issuance of any building permit for the site, the developer shall not construct the street improvements specified by the **Notes** in the stipulation above, but 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 for the specified half street, including pavement with curb and gutter, 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.
- 3 **CONSTRUCTION ACCESS RESTRICTIONS** ~~All single family home construction traffic shall be required by the developer to use Ranch Gate Road or 128th Street to access the site, single-family home contractors and their sub-contractors shall not use Alameda Road west of the site. All construction hours shall be restricted as follows.~~

- A ~~6:30 am to 6:30 pm on Monday through Friday,~~
- B ~~9 am to 5 pm on Saturday,~~
- C ~~No construction on Sunday.~~

ALAMEDA ROAD SHALL NOT BE UTILIZED FOR CONSTRUCTION ACCESS RELATED TO THE CONSTRUCTION OF THE RESIDENCES WITHIN THIS PROJECT. HOWEVER, TEMPORARY CONSTRUCTION ACCESS WILL BE ALLOWED ON ALAMEDA FOR THE CONSTRUCTION OF THE SUBDIVISION IMPROVEMENTS AND AMENITIES FOR THIS PROJECT UNTIL SUCH TIME THAT RANCH GATE ROAD IS COMPLETED AND AVAILABLE FOR USE OR FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AS MEASURED FROM THE DATE THE FIRST GRADING PERMIT IS ISSUED FOR THE SUBDIVISION. FURTHERMORE, CONSTRUCTION TRAFFIC USE OF ALAMEDA WILL BE RESTRICTED TO THE HOURS OF 6:30 AM TO 6:30 PM MONDAY THROUGH FRIDAY AND 9:00 AM TO 5:00 PM SATURDAY WITH NO CONSTRUCTION TRAFFIC USE ON SUNDAY. THIS RESTRICTION IS THE RESULT OF AGREEMENTS MADE BETWEEN THE APPLICANT AND ADJACENT RESIDENTS. 128TH STREET OR OTHER ROUTE ACCEPTABLE TO THE CITY MAY BE USED FOR CONSTRUCTION ACCESS AT THE END OF THE AFOREMENTIONED PERIOD SHOULD RANCH GATE ROAD BE UNAVAILABLE. THIS STIPULATION MAY BE AMENDED AS DEEMED NECESSARY WITH THE CONCURRENCE OF CITY STAFF.

4. **RIGHT-OF-WAY ABANDONMENT** With the final plat submittal, the developer shall submit an application to abandon any existing right-of-way, Goldie Brown roadway easements, and GLO Patent roadway easements that are not to be incorporated in the site street system. The city makes no commitment to approve the application for abandonment.
5. **EXCEPTION PARCEL ACCESS** Before any final plan approval, the developer shall dedicate an extension of the private street tracts or public right-of-way to provide acceptable access to the following exception parcels: APN 217-01-023D, 217-01-023E, 217-01-023F, 217-01-023G, & 217-01-011A. The access shall be in a form acceptable to city staff or as approved in the master circulation plan. Documentation shall be provided from any of these property owners that will utilize private street access indicating their consent to eliminate their public access prior to city approval of the abandonment of the public roadway easements.
6. **MULTI-USE TRAIL** Before any certificate of occupancy is issued for the site, the developer shall dedicate and construct the following trails:
 - a. A minimum 4-foot wide multi-use trail along the west side of 128th Street within the required right-of-way.
 - b. A minimum 4-foot wide multi-use trail within a 25-foot wide easement connecting the main development gate on the west side of the property to 128th Street.
 - c. A minimum 4-foot wide multi-use trail along the south side of Ranch Gate Road as noted above.The alignment of these trails 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 - Landscaping and Parks.
7. **PRIVATE STREET CONSTRUCTION** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - A. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - B. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - C. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer

shall provide a vehicular turn-around between the public street and the security gate

DRAINAGE AND FLOOD CONTROL

- 1 **CONCEPTUAL DRAINAGE REPORT** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the approved Storm Water Waiver request (Plan Check #749-05-1), and the Design Standards and Policies Manual - Drainage Report Preparation

WATER

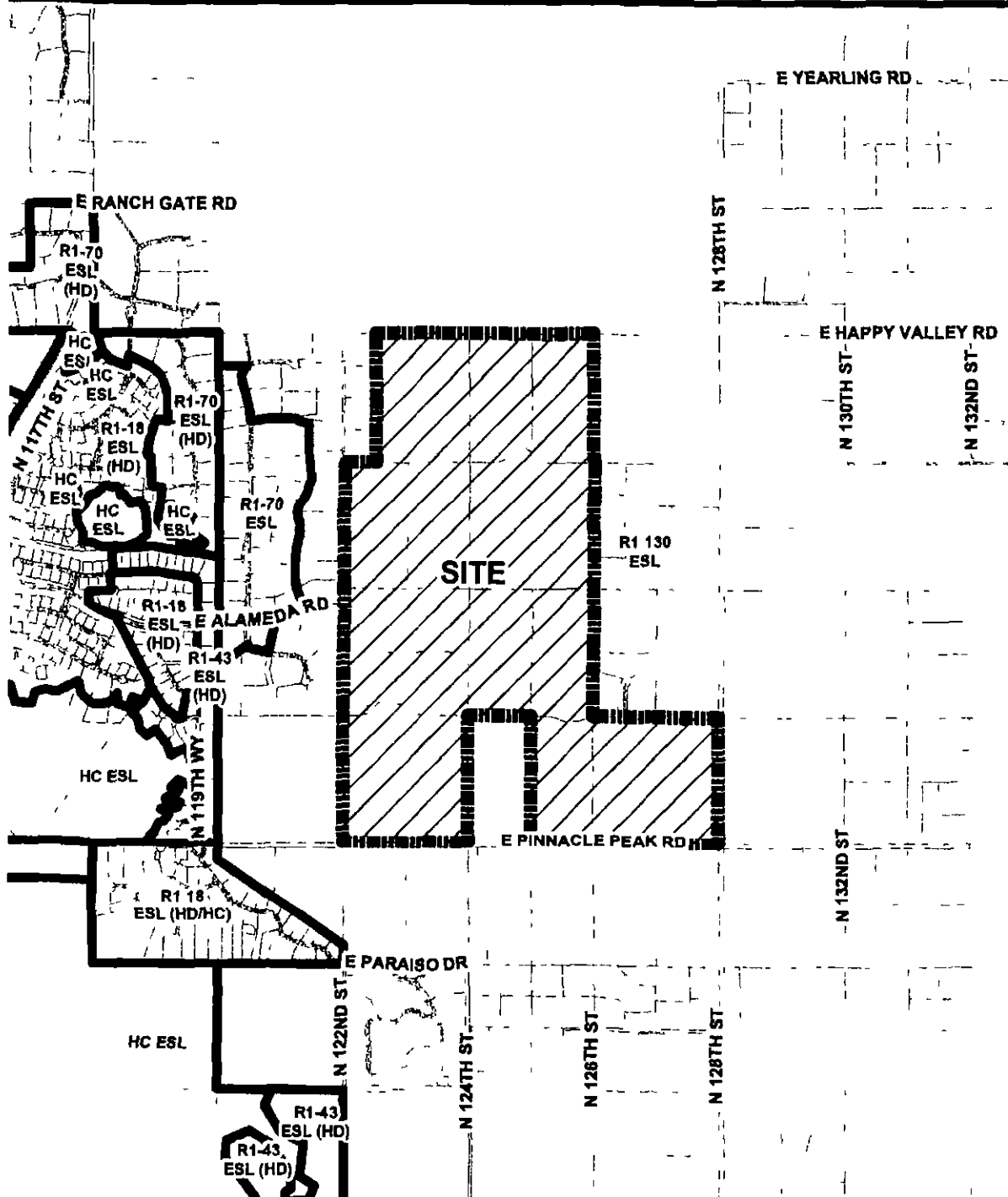
- 1 **BASIS OF DESIGN REPORT (WATER)** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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 Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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
- 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 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

Approval of Amended Development Standards Pursuant to 1-ZN-2005



1-ZN-2005

EXHIBIT 3

RESOLUTION NO 6826

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, GRANTING A DENSITY INCENTIVE FOR THE CROWN PROPERTY DEVELOPMENT, ZONED SINGLE FAMILY RESIDENTIAL DISTRICT ENVIRONMENTALLY SENSITIVE LANDS (R1-130 ESL), TO INCREASE ALLOWED DWELLING UNITS FROM 102 TO 122 DWELLING UNITS ON 330 +/- ACRES THIS SITE IS LOCATED AT THE EAST END OF ALAMEDA ROAD NEAR N 122ND STREET (NORTHEAST CORNER OF E PINNACLE PEAK ROAD ALIGNMENT AND N 122ND STREET ALIGNMENT, NORTH UP TO HAPPY VALLEY ROAD ALIGNMENT)

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

WHEREAS the Environmentally Sensitive Land Ordinance allows the City Council to grant a density incentive not to exceed 20% of the density allowed to applicants who provide more meaningful Natural Area Open Space than is required provided the following the criteria are met

- a The bonus applies only in the R1-43, R1-70, R1-130, and R1-190 residential zoning districts
- b The incentive must be calculated using the base Natural Area Open Space standards for the development project, and cannot be used in combination with any reductions in Natural Area Open Space
- c The additional Natural Area Open Space must be undeveloped natural area and cannot include revegetated areas
- d The additional Natural Area Open Space must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve

WHEREAS, the City Council, has held a public hearing on January 24, 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 hereby finds that the above criteria have been met

Section 2 That the City Council hereby approves the requested density incentive to increase the allowed dwelling units from 102 to 122 (allowing 20 additional lots), and providing 66 acres of additional Natural Area Open Space for this property located at the east end of Alameda Road near 122nd street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment)

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County,
Arizona this 7th day of March, 2006

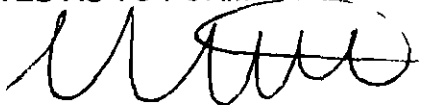
ATTEST

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

RESOLUTION NO 6854

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING A DEVELOPMENT AGREEMENT, CONTRACT NO 2006-019-COS, FOR THE PROPERTY KNOWN AS THE CROWN PROPERTY DEVELOPMENT LOCATED AT THE EAST END OF ALAMEDA ROAD NEAR N 122ND STREET (NORTHEAST CORNER OF E PINNACLE PEAK ROAD ALIGNMENT AND N 122ND STREET ALIGNMENT, NORTH UP TO HAPPY VALLEY ROAD ALIGNMENT)

WHEREAS, Arizona Revised Statutes section 9-500 05 authorizes the City to enter into development agreements with landowners and persons having an interest in real property that is located in the City,

WHEREAS this Property was the subject of Rezoning Case No 1-ZN-2005,

WHEREAS, the City and the Owner desire that the continued development of this Property will proceed and provide the best circulation and means of ingress and egress and it is in the best interest of the City and Owner to enter into this development agreement, Agreement No 2006-019-COS, for this purpose, and

WHEREAS, this development agreement, Agreement No 2006-019-COS, is consistent with the portions of the City's General Plan applicable to the Property on the date this Agreement is executed

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

Section 1 That the Mayor is authorized to sign development agreement, Agreement No 2006-019-COS,

Section 2 That the City Clerk is hereby directed to record the development agreement, Agreement No 2006-019-COS, with the Maricopa County Recorder within ten (10) days of its completion and execution by all the Parties

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 7th day of March, 2006

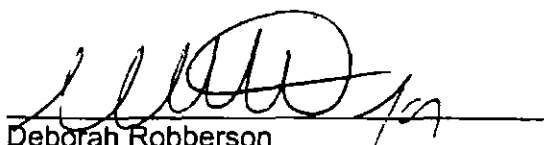
ATTEST

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

When recorded, return to

Carolyn Jagger, City Clerk
and Deborah Robberson, City Attorney
The City of Scottsdale
3939 Drinkwater Blvd
Scottsdale, AZ 85251

City of Scottsdale Agreement No 2006-019-COS

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this ____ day of March 2006, by and between McDowell Mountain Back Bowl, LLC, an Illinois limited liability company ("the Owner") and the City of Scottsdale, Arizona, an Arizona municipal corporation ("the City"), collectively ("the Parties") This Agreement is entered into pursuant to City Resolution Number 6854

RECITALS

WHEREAS, Arizona Revised Statutes Section 9-500 05 authorizes the City to enter into development agreements with lands and persons having an interest in real property that is located in the City,

WHEREAS, the Owner owns approximately three hundred and thirty (330) acres of real property located roughly at the north east corner of E Pinnacle Peak Road Alignment and N 122nd Street Alignment and north up to the Happy Valley Road Alignment ("the Property"), which is more specifically described herein in Exhibit A,

WHEREAS the Property was the subject of Zoning Case No 1-ZN-2005, seeking to amend development standards and grant the Owner a discretionary density increase,

WHEREAS, the Owner has made a commitment to area residents and the City that it will dedicate a new street right-of-way to the north of the Property and desires to enter into an agreement with the City in order to gain approval for this development and Zoning Case No 1-ZN-2005,

WHEREAS, the City desires to obtain dedicated street right-of-way to provide a connection between 118th Street and 128th Street at no expense to the City,

WHEREAS, this Agreement is consistent with the portions of the City's General Plan applicable to the Property on the date this Agreement is executed, and

WHEREAS, the City's governing body has authorized execution of this Agreement by Resolution No 6854

NOW, THEREFORE, in consideration of the foregoing and the terms and conditions hereinafter contained and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows

AGREEMENT

NOW, THEREFORE, the Parties agree as follows

- 1 Incorporation The recitals set forth above and the exhibits attached hereto are hereby incorporated by this reference
- 2 Interest of The Owner The Owner warrants that it is the fee title Owner of the Property and as such is authorized to enter into the Agreement with the City
- 3 Amended Development Standards Development shall conform with the amended development standards and stipulations approved in Zoning Case 1-ZN-2005, attached as Exhibit B Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council
- 4 Dedications and Circulation Owner shall, at its' sole expense, and prior to the City's final plat approval, dedicate the right-of-way set forth in the approved Stipulations for Zoning Case 1-ZN-2005, attached hereto as Exhibit B, pertaining to right-of-way for that portion of Ranch Gate Road extending from 120th Street (west line of Section 2) to 128th Street (east line of section 2) The Owner shall further, at its' sole expense and prior to the City's final plat approval, dedicate a public access easement for the purpose of providing a multi-use trail connection from Alameda to 128th Street through the Property The Owner will also provide emergency access through the Property If such dedications and conditions do not occur, the City will not approve

a final plat for the Property

- 5 Street Master Plan The Owner shall submit a case to amend the Street Master Plan to be in compliance with this Development Agreement and Zoning Case 1-ZN-2005 prior to final plat
- 6 Term This Agreement shall be effective as of its recordation, and shall continue in full force and effect until extinguished by the City or mutual written agreement of the Parties
- 7 Notices All notices and communications provided for herein, or given in connection herewith, shall be validly made if in writing and delivered personally or sent by registered or certified United States Postal Service mail, return receipt requested, postage prepaid to

If to the City Carolyn Jagger, City Clerk
Deborah Robberson, City Attorney
City of Scottsdale
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

If to the Owner McDowell Mountain Back Bowl, LLC
C/O Theresa O Frankiewicz
3600 Thayer Court, Suite100
Aurora, Illinois 60504

or to such other addresses as either Party may from time to time designate in writing and deliver in a like manner Any such change of address notice shall be given at least ten (10) days before the date on which the change is to become effective Notices given by mail shall be deemed delivered 72 hours following deposit in the U S Postal Service in the manner set forth above

7 Waiver No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the Parties of the breach of any provision of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or of any other provision of this Agreement

8 Headings The descriptive headings of the paragraphs of the Agreement are inserted for convenience only, and shall not control or affect the meaning or construction of any of the provisions of the Agreement

9 Authority The undersigned represent to each other that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. The Owner represents and warrants that it is duly formed and validly existing under the laws of Arizona and that it is duly qualified to do business in the State of Arizona and is in good standing under applicable state laws. The Owner and the City warrant to each other that the individuals executing the Agreement on behalf of their respective Parties are authorized and empowered to bind the Party on whose behalf each individual is signing. The Owner represents to the City that by entering into this Agreement, the Owner has bound the Property and all persons and entities having any legal or equitable interest therein to the terms of the Agreement.

10 Entire Agreement The Agreement, including its exhibits, constitutes the entire Agreement between the Parties. This provision applies only to the entirety of Agreement No 2005-011-COS, additional and separate zoning stipulations and agreements with the City may apply to the Property, and this provision has no effect on them.

11 Amendment of the Agreement This Agreement may be amended, in whole or in part and with respect to all or any portion of the Property, only with the mutual written consent of the Parties to this Agreement or by their successors in interest or assigns. The City shall record the amendment or cancellation in the official records of the Maricopa County Recorder.

12 Governing Law The laws of the State of Arizona shall govern the interpretation and enforcement of this Agreement. The Parties agree that venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Maricopa County, Arizona, and the Parties hereby waive any right to object to such venue.

13 Recordation of this Agreement and any Subsequent Amendment or Cancellation This Agreement, and any amendment or cancellation of it, shall be recorded in the official records of the Maricopa County Recorder, no later than ten (10) days after the City and the Owner execute such Agreement, amendment, or cancellation, as required by A R S Section 9-500 05.

14 Attorneys' Fees and Costs If either Party brings a legal action either because of a breach of the Agreement or to enforce a provision of this Agreement, the prevailing Party will be entitled to reasonable attorneys' fees and court costs.

15 Inurement The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the Owner's successors in interest and assigns, in accordance with A R S Section 9-500 05(D) This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in all or part of the Property

16 Notice of Conveyance or Assignment The Owner must give notice to the City of any sale of the entire Property, at least ten (10) days prior to the effective date of the sale

17 No Third Party Beneficiaries There are no third party beneficiaries to this Agreement, and no person or entity not a Party hereto shall have any right or cause of action hereunder

18 No Agency Created Nothing contained in this Agreement shall create any partnership, joint venture, or agency relationship between the Parties

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written

THE CITY OF SCOTTSDALE
an Arizona municipal corporation

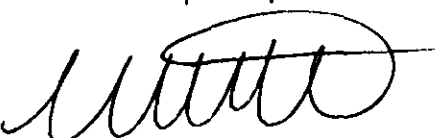
ATTEST

By _____
Carolyn Jagger, City Clerk

By _____
Mary Manross, Mayor

APPROVED AS TO FORM

THE CITY OF SCOTTSDALE
an Arizona municipal corporation

By _____
Deborah Robberson, City Attorney

THE MCDOWELL MOUNTAIN BACK BOWL, LLC

By Theresa O. Frankiewicz

Theresa O Frankiewicz

As its Authorized Representative

STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of
_____, 2006, by _____, Mayor of the
City of Scottsdale, Arizona, a municipal corporation

My Commission Expires

Notary Public

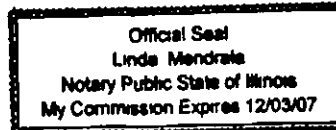
STATE OF ILLINOIS)
County of DuPage) ss

The foregoing instrument was acknowledged before me this 17th day of
February, 2006, by Theresa Frankiewicz, on behalf of
McDowell Mountain Back Bowl, LLC

Linda Mendrale
Notary Public

My Commission Expires

12/03/07



LEGAL DESCRIPTION

Escrow/Title No 2600698 04

Parcel 1

Parcel 10, THE GOLDIE BROWN PINNACLE PEAK RANCH, UNIT ONE, according to Book 191 of Maps, page 26, records of Maricopa County, Arizona,

EXCEPT all minerals in all of said land except the South half of the South half as reserved to the United States of America in the Patent recorded in Docket 304, page 447

Parcel 2

Parcel No 14, GOLDIE BROWN PINACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 Of Maps, Page 26,

EXCEPT the West half of the West half, and

EXCEPT all minerals as reserved in the Patent

Parcel 3

WEST HALF OF PARCEL NO 11, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, A SUBDIVISION RECORDED IN BOOK 191 OF MAPS, PAGE 26 RECORDS OF MARICOPA COUNTY, ARIZONA

EXCEPT ALL MINERALS AS RESERVED IN THE PATENT

Parcel 4

East half of Parcel 2, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 of Maps, Page 26

Parcel 5

East half of PARCEL NO 15, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 of Maps, Page 26,

EXCEPT all minerals as reserved in the Patent

Parcel 6

Parcel 6, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision recorded in Book 191 of Maps, Page 26, records of Maricopa County, Arizona,

EXCEPT that part of the South half of the Northeast quarter of the Southwest quarter of Section Eleven, Township Four North, Range Five East of The Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows

Beginning at a G L O Brass Cap that marks the South quarter section corner,

LEGAL DESCRIPTION

Escrow/Title No 2600698 04

thence North 00 degrees 00 minutes 55 seconds West, 1321 65 feet to a 5/8" bar that marks the TRUE POINT OF BEGINNING for this parcel,

thence South 89 degrees 55 minutes 33 seconds West, 454 83 feet to a 5/8" bar,

thence 97 81 feet along a curve to the right of 193 18 foot radius to a 5/8" bar,

thence North 61 degrees 03 minutes 15 seconds West, 119 75 feet to a 5/8" bar,

thence 98 84 feet along a curve to the left of 929 48 foot radius of a 5/8" bar,

thence North 67 degrees 12 minutes 45 seconds West, 66 80 feet to a 5/8" bar,

thence 173 47 feet along a curve to the left of 141 28 foot radius to a 5/8" bar,

thence South 42 degrees 12 minutes 16 seconds West, 57 95 feet to a 5/8" bar,

thence 187 16 feet along a curve to the right of 226 09 foot radius to a 5/8" bar,

thence South 89 degrees 55 minutes 33 seconds West, 149 38 feet to a 5/8" bar that marks the Southwest corner of the parcel,

thence North 0 degrees 00 minutes 33 seconds East, 661 31 feet to a 5/8" bar that marks the Northwest corner of this parcel,

thence South 89 degrees 55 minutes 02 seconds East, 1319 71 feet to a 5/8" bar that marks the Northeast corner of the parcel,

thence South 0 degrees 00 minutes 55 seconds East, 661 51 feet to the Southeast corner of the parcel and the TRUE POINT OF BEGINNING

EXCEPT all minerals as reserved in the patent

Parcel 7

PARCEL 1, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision recorded in Book 191 of Maps, page 26, records of Maricopa County, Arizona,

EXCEPT all minerals as reserved in the patent

Parcel 8

EAST HALF OF PARCEL NO 11, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, A SUBDIVISION RECORDED IN BOOK 191 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA,

EXCEPT all minerals as reserved in the patent

Parcel 9

West half of Parcel No 7, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to

COMML-7/2/93-MAB

CHICAGO TITLE INSURANCE COMPANY

Page 3

LEGAL DESCRIPTION

Escrow/Title No. 2600698 04

the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191 of Maps, Page 26,

EXCEPT all minerals as reserved in the Patent

parcel 10

That part of Parcel 6, THE GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision recorded in Book 191 of Maps, page 26, records of Maricopa County, Arizona, described as follows

A parcel located in the South half of the Northeast quarter of the Southwest quarter of Section 11, Township 4 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County Arizona

BEGINNING at a G L O Brass Cap that marks the South quarter section corner,

thence North 0 degrees 00 minutes 55 seconds West, 1,321 65 feet to a 5/8" bar that marks the TRUE POINT OF BEGINNING for this parcel,

thence South 89 degrees 55 minutes 33 seconds West, 454 83 feet to a 5/8" bar,

thence 97 81 feet along a curve to the right of 193 18 foot radius to a 5/8" bar,

thence North 61 degrees 03 minutes 15 seconds West, 119 75 feet to a 5/8" bar,

thence 98 84 feet along a curve to the left of 929 48 foot radius to a 5/8" bar,

thence North 67 degrees 12 minutes 45 seconds West, 66 80 feet to a 5/8" bar,

thence 173 47 feet along a curve to the left of 141 28 foot radius to a 5/8" bar,

thence South 42 degrees 12 minutes 16 seconds West, 57 95 feet to a 5/8" bar,

thence 187 16 feet along a curve to the right of 226 09 foot radius to a 5/8" bar,

thence South 89 degrees 55 minutes 33 seconds West, 149 38 feet to a 5/8" bar that marks the Southwest corner of the parcel,

thence North 0 degrees 00 minutes 33 seconds East, 661 31 feet to a 5/8" bar that marks the Northwest corner of this parcel,

thence South 89 degrees 55 minutes 02 seconds East, 1,319 71 feet to a 5/8" bar that marks the Northeast corner of the parcel,

thence South 0 degrees 00 minutes 55 seconds East, 661 51 feet to the Southeast corner of the parcel and the TRUE POINT OF BEGINNING

Parcel 11

West half of Parcel NO 15, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, a subdivision

COMML-7/2/93-MAB

Exhibit A to Agreement No. 2006-019-COS
Page 3 of 6

LEGAL DESCRIPTION

Escrow/Title No 2600698 04

recorded in Book 191 of Maps Page 26, records of Maricopa County, Arizona

EXCEPT all minerals as reserved in the patent

Parcel 12

East half of Parcel 7, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, according to the plat of record in the office of the County Recorder, Maricopa County, Arizona, recorded in Book 191, Page 26

Parcel 13

PARCEL NO 3, GOLDIE BROWN PINNACLE PEAK RANCH UNIT ONE, A SUBDIVISION RECORDED IN BOOK 191 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA,

EXCEPT ALL MINERALS AS RESERVED IN THE PATENT

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1

REQUIREMENTS

Escrow/Title No 2600698 04

The following are the requirements to be complied with

- 1 Payment to or for the account of the Grantors or Mortgagors of the full consideration for the estate to be insured
- 2 Instruments in insurable form which must be executed, delivered and duly filed for record

SPECIAL REQUIREMENTS

- L Note See attached 13 tax sheets
- N 1 NOTE: Pursuant to Arizona Revised Statutes 11-480, effective January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following
 - (a) Print must be ten-point type or larger
 - (b) Margins of at least one-half inch along all sides, including top and bottom, except the top of the first page which must be at least two inches for recording and return address information The margin must be clear of all information including but not limited to, notaries, signatures, page numbers.
 - (c) Each instrument shall be no larger than 8-1/2 inches in width and 14 inches in length
- N 2 NOTE: Arizona notaries who have renewed their commission after July 20, 1996 MUST use an ink seal, embosser seals will not be accepted subsequent to such renewal Out of Country Notaries refer to [http //travel state gov/hague foreign docs html](http://travel.state.gov/hague/foreign/docs.html)
- O End of Requirements

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

Escrow/Title No 2600698 04

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company

- 1 Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by the commitment
- 2 Any American Land Title Association Policy issued pursuant hereto (except extended coverage) will contain under Schedule B the standard exceptions set forth at the inside cover hereof

SPECIAL EXCEPTIONS

- B 1 Taxes for the second half of the year 2005, due on March 1, and delinquent on May 1, of the year 2006 (A lien not yet due, but payable)
- X 2 Taxes for the full year 2006, first half due on October 1, and delinquent on November 1, of said year, second half due on March 1, and delinquent on May 1, of the year 2007 (A lien not yet due and payable)
- A 3 Reservations or exceptions in the Patent to said land or in Acts authorizing the issuance thereof
- C 4 Water rights, claims or title to water, whether or not shown by the public records
- D 5 Easements and rights incident thereto as set forth on the recorded plat of said subdivision
- S 6 Conditions, covenants and restrictions (but omitting, if any, such conditions, covenants or restrictions based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons) contained in instrument recorded in Docket 12325, page 528
- F 7 Resolution No 5447 of the City of Scottsdale in Recording No 00-0034297, records of Maricopa County, Arizona
- G 8 Reservations of Easement in Recording No 00-0034297
- H 9 Memorandums relating to Abandonment of Steets contained in Recording Nos 2004-1264259, 2004-1214265, 2004-1264268, 2004-1264272, 2004-1264277 and 2004-1270836 (Affects Parcel Nos 2, 4, 5, 7, 11, and 13)
- r 10 Rights of lessees under unrecorded leases
- J End of Schedule B

STIPULATIONS FOR CASE 1-ZN-2005

PLANNING/ DEVELOPMENT

- 1 CONFORMANCE TO SITE PLAN Development shall conform with the site plan submitted by LVA Urban Design Studio, LLC and dated 10/04/05 by City staff These stipulations take precedence over the above-referenced site plan Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council
- 2 MAXIMUM DWELLING UNITS/MAXIMUM DENSITY The number of dwelling units on the site shall not exceed 122 units without subsequent public hearings before the Planning Commission and City Council
- 3 CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS Development shall conform with the amended development standards dated 11/15/05 by City staff and attached as Attachment 1A Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council
- 4 PEDESTRIAN CIRCULATION PLAN With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval This plan shall indicate the location and width of all sidewalks and pedestrian pathways
- 5 RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping *The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements*

ENVIRONMENTAL DESIGN

- 1 NATURAL AREA OPEN SPACE – QUANTITY There shall be a minimum of 205 acres of NAOS dedicated on the site
- 2 NATURAL AREA OPEN SPACE – LOCATION NAOS shall be dedicated on site, to the satisfaction of City staff, in general conformance with the City's NAOS Priority Areas maps and the Preliminary NAOS Exhibit prepared by LVA Urban Design Studio, LLC dated 10/04/05 by City staff

CIRCULATION MASTER PLAN

- 1 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 approval This plan shall indicate the internal street layout, off-site improvements, street cross sections, public trail locations, access for surrounding parcels, internal roadway easements to be abandoned, and existing and projected traffic volumes

CIRCULATION

- 1 STREET CONSTRUCTION Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street

improvements, in conformance with the Design Standards and Policies Manual

Street Name/Type	Dedications	Improvements	Notes
Happy Valley Road/ 118 th Street Minor Arterial	None	Half street, Fig 5,3-4, 36' CL-BC	A, G
Alameda Road Minor Collector	50' full street	26' BC-BC	B
Ranch Gate Road Local Collector	50' full street	Full street, Fig 5 3- 16, 28' BC-BC	C, G
128 th Street Minor Collector	40' half street		D
122 nd Street Local Residential	20' half	None	E
126 th Street Local Residential	20' half	None	E
Mariposa Grande Dr Local Residential	20' half	None	E
Internal Streets Local Residential	40' tract (Private Street)	Full street, Fig 5 3- 19, 24 ft BC to BC	F, G

- A The developer shall construct the extension of Happy Valley Road/118th Street from its current termination to Jomax Road prior to the elimination of Alameda Road from the Street Classification Map. The improvement shall consist of a minimum of two lanes and shall transition to the existing improvements at the southern end.
 - B Alameda Road shall be extended from its current termination to the proposed development gate as a public street. The cross section shall match the existing improvements to the west.
 - C The developer shall construct Ranch Gate Road from Happy Valley Road to 128th Street prior to the elimination of Alameda Road from the Street Classification Map. The improvements shall include a minimum 4-foot wide trail along the south side of the street within the right-of-way or a public access easement.
 - D In lieu of improvements for 128th Street, the developer will construct 118th Street from its current termination point to Jomax Road. The right-of-way requirement for 128th Street reflects the Rural/ESL Character cross section with trail.
 - E Public right-of-way shall be required along these street alignments unless determined to be not necessary at the time of preliminary plat approval. No street improvements shall be required along these local residential streets.
 - F The local residential street cross section shall include minimum 6 foot shoulders.
 - G The street cross sections shall be as indicated unless an alternative cross section is approved in the master circulation plan.
2. **IN LIEU PAYMENTS** At the direction of city staff, before issuance of any building permit for the site, the developer shall not construct the street improvements specified by the **Notes** in the stipulation above, but 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 for the specified half street, including pavement with curb and gutter, 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.
- 3- **CONSTRUCTION ACCESS RESTRICTIONS**
Alameda road shall not be utilized for construction access related to the construction of the residences within this project. However, temporary construction access will be allowed on Alameda for the construction of the subdivision improvements and amenities for this project until

such time that Ranch Gate Road is completed and available for use or for a period not to exceed six (6) months as measured from the date the first grading permit is issued for the subdivision. Furthermore, construction traffic use of Alameda will be restricted to the hours of 6 30 am to 6 30 pm Monday through Friday and 9 00 am to 5 00 pm Saturday with no construction traffic use on Sunday. This restriction is the result of agreements made between the applicant and adjacent residents. 128th street or other route acceptable to the city may be used for construction access at the end of the aforementioned period should Ranch Gate Road be unavailable. This stipulation may be amended as deemed necessary with the concurrence of city staff.

- 4 **RIGHT-OF-WAY ABANDONMENT** With the final plat submittal, the developer shall submit an application to abandon any existing right-of-way, Goldie Brown roadway easements, and GLO Patent roadway easements that are not to be incorporated in the site street system. The city makes no commitment to approve the application for abandonment.
- 5 **EXCEPTION PARCEL ACCESS** Before any final plan approval, the developer shall dedicate an extension of the private street tracts or public right-of-way to provide acceptable access to the following exception parcels: APN 217-01-023D, 217-01-023E, 217-01-023F, 217-01-023G, & 217-01-011A. The access shall be in a form acceptable to city staff or as approved in the master circulation plan. Documentation shall be provided from any of these property owners that will utilize private street access indicating their consent to eliminate their public access prior to city approval of the abandonment of the public roadway easements.
- 6 **MULTI-USE TRAIL** Before any certificate of occupancy is issued for the site, the developer shall dedicate and construct the following trails:
 - a A minimum 4-foot wide multi-use trail along the west side of 128th Street within the required right-of-way.
 - b A minimum 4-foot wide multi-use trail within a 25-foot wide easement connecting the main development gate on the west side of the property to 128th Street.
 - c A minimum 4-foot wide multi-use trail along the south side of Ranch Gate Road as noted above.The alignment of these trails 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 - Landscaping and Parks.
- 7 **PRIVATE STREET CONSTRUCTION** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - A No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - B Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - C Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

DRAINAGE AND FLOOD CONTROL

- 1 **CONCEPTUAL DRAINAGE REPORT** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the approved Storm Water Waiver request (Plan Check #749-05-1), and the Design Standards and Policies Manual - Drainage Report Preparation.

WATER

- 1 **BASIS OF DESIGN REPORT (WATER)** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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 Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the approved Master Plan (Plan Check #749-05), 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 Project Quality/Compliance Division, 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
- 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 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

ADDITIONAL INFORMATION FOR CASE 1-ZN-2005

PLANNING/DEVELOPMENT

- 1 **FINAL LOT LOCATION** The specific location of each lot shall be subject to Development Review Board approval
- 2 **DEVELOPMENT REVIEW BOARD** The City Council directs the Development Review Board's attention to
 - a a plan indicating the treatment of washes and wash crossings,
 - b wall design,
 - c improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (*back-of-curb to right-of-way or access easement line included*)
 - d major stormwater management systems, and
 - e walls adjacent to NAOS tracts and corridors
- 3 **NOTICE TO PROSPECTIVE BUYERS** The developer shall give the following information in writing to all prospective buyers of lots on the site
 - a The development's private streets shall not be maintained by the city
 - b The city shall not accept any common areas on the site for ownership or maintenance
- 4 **BOULDER AND ROCK OUTCROPS PROTECTION** The protection and maintenance of boulder and rock outcrops shall be subject to Development Review Board approval
- 5 **NATIVE PLANT PRESERVATION** The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale
- 3 **NATURAL AREA OPEN SPACE (NAOS) – IDENTIFICATION** With the Development Review Board submittal, the developer shall submit a plan for the site identifying the required NAOS and a table identifying, as to each lot and tract, the required amount of NAOS, the percentage of slope, and the type of land form (upper desert or hillside)
- 4 **NATURAL AREA OPEN SPACE – DEDICATION, CONVEYANCE AND MAINTENANCE** With the Development Review Board submittal, the developer shall submit documents, to the satisfaction of City staff, showing that all required NAOS shall be dedicated or conveyed in conformance with the Scottsdale Revised Code and permanently maintained as NAOS
- 5 **NATURAL AREA OPEN SPACE – STAKING** Before issuance of any building permit for the site, the developer shall survey all NAOS boundaries and stake all boundaries between NAOS areas and development, in conformance with the approved grading plan. Such surveying and staking shall be subject to inspection and approval prior to construction in each development phase
- 6 **NATURAL AREA OPEN SPACE – PROTECTION DURING CONSTRUCTION** Before any construction on a lot, the developer shall protect the NAOS on and adjacent to the lot to the satisfaction of city staff, so that access to the construction is within the construction envelope or designated driveway
- 7 **NATURAL AREA OPEN SPACE – ADJACENT FENCES** All fences located adjacent to NAOS

shall be constructed as view fences with three (3) feet or less of solid, opaque wall above the natural grade

- 8 **NATURAL AREA OPEN SPACE – REVEGETATION** Before final site inspection, the developer shall revegetate NAOS in conformance with the Scottsdale Zoning Ordinance, to the satisfaction of city staff
- 9 **BOULDERS AND BEDROCK OUTCROPS** With the Development Review Board submittal, the developer shall submit a plan identifying all boulders larger than four (4) feet in diameter and all bedrock outcrops. Boulders and bedrock outcroppings that meet the minimum standards for protection as defined in Scottsdale Zoning Ordinance shall be protected by a boulder easement encompassing the boulder or bedrock outcropping and extending twenty (20) feet from the perimeter of the boulder or bedrock outcrop
- 10 **HEIGHT OF NON-INDIGENOUS PLANT MATERIAL** Non-indigenous plant material which has the potential to reach a mature height greater than twenty (20) feet shall not be planted on the site. A plant list that complies with this stipulation is subject to Development Review Board approval. The developer shall state this stipulation on the final plans
- 11 **NON-PROTECTED NATIVE PLANTS** Native plants which are not protected by the Scottsdale Revised Code native plant provisions, but which are necessary for on-site revegetation, are suitable for transplanting, or are necessarily uprooted for road building or similar construction, as determined by city staff, shall be stockpiled during construction and shall be replanted in on-site landscape areas by the developer before the final site inspection
- 12 **LOCATION OF INTERNAL STREETS AND DRIVEWAYS** Before the Development Review Board submittal, the developer shall stake the alignments for all internal streets and driveways subject to inspection by city staff to confirm that the proposed alignments result in the least environmental and hydrological impact. The Zoning Administrator may approve the use of rectified aerial photographs in lieu of on-site staking
- 13 **MAINTENANCE AND PRESERVATION – RECORDED AGREEMENT** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council
- 14 **FINAL CONSTRUCTION ENVELOPES** Before issuance of any building permit for the site, the developer shall stake the construction envelopes for inspection by city staff. All construction shall take place inside the construction envelopes. With the preliminary plat submittal, the developer shall submit an unrecorded supplemental document identifying the construction (building) envelopes for review by City staff

ENGINEERING

- 1 **FEES** The construction of water and sewer facilities necessary to serve the site shall not be in lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee
- 2 **STREET CONSTRUCTION STANDARDS** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual

- 3 CITY CONTROL OF ACCESS The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.
- 2 STORMWATER STORAGE WAIVER The developer currently has a stormwater storage waiver being evaluated by the city staff (Plan Check #749-05-1). It has not been approved at this time. The stormwater storage waiver for this project must have City of Scottsdale approval prior to the preliminary plat submittal.
- 3 STORM WATER STORAGE EASEMENTS With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
- 4 DRAINAGE 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 drainage easements necessary to serve the site.

VERIFICATION OF COMPLIANCE

- 1 REQUIRED SPECIAL INSPECTIONS Before the approval of the improvement plans, the Project Quality/Compliance Division staff shall specify those drainage facilities that shall be required to have Special Inspections. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.
- 2 CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT Before the issuance of a Grading & Drainage Permit
 - a The developer shall certify to the Project Quality/Compliance Division, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF), and,
 - b The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.
- 3 CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance
 - a The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
 - b The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.
- 4 AS-BUILT PLANS City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

OTHER REQUIREMENTS

- 1 ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100 Contact Region 9 of the U S Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region>]

The developer shall

- a Submit a completed Notice of Intent (NOI) to the EPA
 - b Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA
- 2 NOTICE OF INTENT (NOI) With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI
 - 3 SECTION 404 PERMITS With the improvement plan submittal to the Project Quality/Compliance Division, the developer' engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States]
 - 4 DUST CONTROL PERMITS Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control Call the county 602-507-6727 for fees and application information
 - 5 UTILITY CONFLICT COORDINATION With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company
 - 6 ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ) The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ In addition
 - a Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD)
 - b Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD This evidence shall be on a document developed and date stamped by the MCESD staff
 - c Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD This evidence shall be on a document developed and date stamped by the MCESD staff

- d Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings
 - (1) Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall
 - (2) Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD
 - (3) Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form
 - (4) Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities
 - (5) Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD

DEVELOPMENT STANDARDS

SUBDIVISION NAME Sereno Canyon
CASE # 1-ZN-2005
ZONING R1-130 ESL

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS
A MIN LOT AREA	130 000 sf	49,000 sf
B MIN LOT WIDTH		
1 Standard Lot	200	150'
2 Flag Lot		20'
C MAXIMUM BUILDING HEIGHT	24 per ESL	24' per ESL
D MIN YARD SETBACKS		
1 FRONT YARD		
• FRONT (to face of building)	60	45'
• FRONT (to face of garage)	60	45'
• FRONT (corner lot side street)	60	45'
• FRONT (corner lot adjacent to key lot side street)	60	45'
• FRONT (double frontage)	60	45'
2 SIDE YARD		
• Minimum	30'	22.5'
• Minimum aggregate	60	45'
3 REAR YARD		
• Standard Depth	60	45'
E DISTANCE BETWEEN BUILDINGS (MIN)		
1 Accessory & Main	10	10'
2 Main Buildings/Adjacent Lots	60	45'
F MAXIMUM WALL HEIGHT		
1 FRONT	3	3'
2 SIDE	8 (1)	8' on PL
3 REAR	8 (1)	8' on PL
G APPLICABLE ZONING CASES		1-ZN-2005
H NOTES & EXCEPTIONS		
(1) Individual lot or site walls shall be setback a minimum of fifteen (15) feet from a side or rear property line per ESL		

Transportation Commission Meeting Amendment to Transportation Plan

Proposal: To remove portion of the Alameda Road extension between 122nd Street alignment and 128th Street from the current Street Classification Map.

This application is a request to remove Alameda Road east of Happy Valley Road from the City's Street Classification Map. The applicant proposes a more appropriate substitute alignment to be located approximately ¾-mile north at the Ranch Gate Road alignment (see attached exhibits). This amendment to the Street Classification Map would permit the closure of Alameda Road east of the 122nd Street alignment to public traffic, satisfying the intense desire of existing area residents to reduce traffic volumes associated with the completion of Alameda Road improvements to 128th Street.

Existing Conditions & Traffic Analysis

Existing Alameda Road improvements extend from Happy Valley Road on the west to 122nd Street at its eastern terminus. Alameda Road is identified on the adopted Street Classification Map as a minor collector street (15,000 daily trip capacity). A traffic study for the current Alameda Road extension notes that existing daily traffic volumes average 1,550 trips. The proposed Crown Communities development would contribute an additional 1,168 daily trips to Alameda Road for a combined total of 2,718 trips. This volume is 18% of the local collector capacity of 15,000 daily trips.

Alameda Road currently serves as the only access point for approximately 300 residential units located east of the Happy Valley Road/118th Street alignment. The proposed Crown Communities project with 122 planned residential units, would establish a gated entry on Alameda Road at the 122nd Street alignment and has planned additional access points on the northern and eastern boundaries of the property. These secondary access points would act to reduce volumes on Alameda Road by distributing traffic, and will serve as the ultimate construction ingress/egress points during development.

Community Input

The applicant has sought input from neighborhood groups and property owners adjacent to the existing Alameda alignment to determine their preferences for future roadway improvements and to understand the characteristics of the interim condition. These groups have strongly encouraged the applicant to pursue a method of closing Alameda Road to through traffic citing concerns over unquantifiable future traffic volumes, noise impacts on existing properties and pedestrian safety associated with increased through traffic movement. Residents have reported that existing homes adjacent to Alameda Road are positioned as close as 46 feet to the curb line, with rear yard fences encroaching to within 18 feet of the curb line.

Scottsdale General Plan and Street Classification Map

Community concerns have arisen since adoption of a 2002 amendment to the General Plan, identifying Sonoran Preserve lands in north Scottsdale. The delineation and subsequent siting of a park trailhead location at the southern terminus of 128th Street prompted the City to designate a connector roadway segment from Happy Valley Road, a connection not previously identified on the City's General Plan. The community's foremost concerns over volume and safety are substantiated by the existing Alameda Road's level of service and proximity of adjacent properties. Alameda Road was built to its current cross-section concurrent with adjacent neighborhood development, prior to the Street Classification Map adding the extension. As a result of prior development conditions, provisions for managing elevated traffic volumes were not addressed during the planning process.

Review of the current General Plan, reflecting recent amendments, shows the delineation of a major roadway alignment (classification not specified) crossing from 118th Street to 128th Street planned for the Jomax Road alignment across the State Land properties, thereby reinforcing the concept for an alternate connector alignment to Alameda Road. This alignment is seen as a necessary component of the regional circulation solution and will ensure the connectivity between properties located both east and west of the connector segment.

Proposed Improvements

The proposed closure of Alameda Road at the 122nd Street alignment will require an alternative through route to be delineated on the Street Classification Map. This alignment will be critical to the establishment of a more appropriate east-west connection between 118th Street and 128th Street. The applicant has recommended the extension of Ranch Gate Road (located approximately 3/4-mile north of the Alameda alignment) to provide this connection. Ranch Gate Road would be reclassified as a local collector (50' right-of-way) and follow an alignment proposed in partnership with the Arizona State Land Department and the applicant, to connect with 128th Street at the Happy Valley Road alignment intersection (see attached exhibits).

Traffic Analysis

Alameda Road serves as the primary access point for a number of communities located east of Happy Valley Road. At buildout, there are projected to be approximately 3,850 vehicle trips per day using Alameda Road, including those from the Sereno Canyon property. This presumes that Alameda Road would not extend east to 128th Street, and would be access restricted east of the 122nd Street alignment. A portion of the total Sereno Canyon trips would be absorbed by Ranch Gate Road because of the project's northern and eastern access gates. These volumes, combined with all properties to the east along the 128th Street corridor (presuming existing density entitlements) are expected to generate approximately 2,910 trips per day on the proposed Ranch Gate Road connector. If Alameda Road were to continue through to 128th Street as an unrestricted public street, the projected daily traffic volume on Alameda would be 6,760 trips.

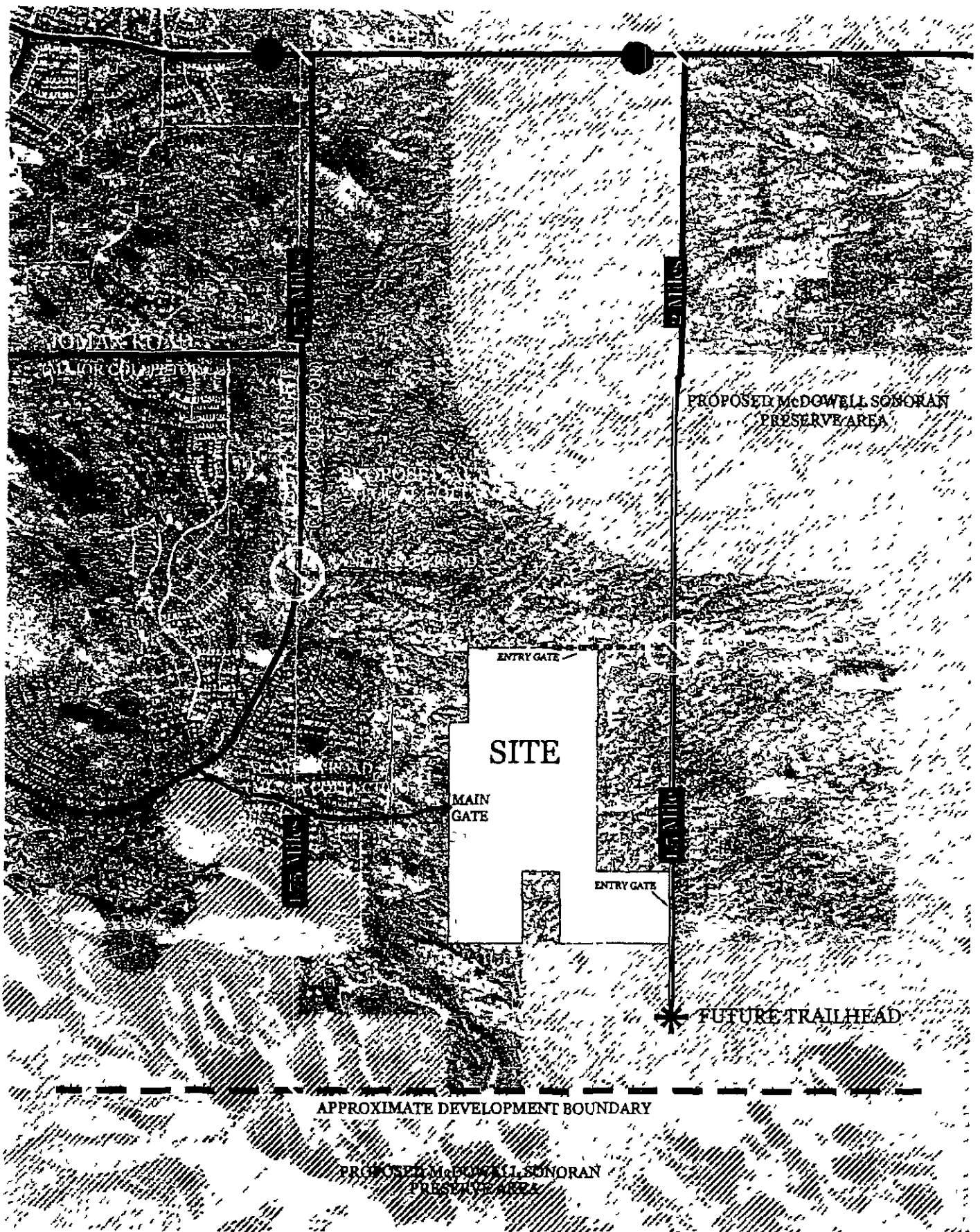
Community Benefits of Proposed Condition

The benefits of the proposed amendment to the Street Classification Map include an enhanced management of traffic volumes on an adequately sized facility, the establishment of adequate residential setbacks to protect future development from traffic impacts, the balancing of the distribution of westbound traffic at the 118th Street intersection (to Happy Valley Road or Jomax Road), and the promotion of a more balanced distribution of traffic at the 128th Street intersection for properties accessing the street from the north or south

Conclusion

The Dynamite Foothills community is recognized for its unique rural character and broad vistas in nearly all directions. It is also situated in a portion of the City that will witness a substantial (although reduced) level of new development in forthcoming years. This growth, coupled with the topographic constraints which lend character to this area, present many circulation-based challenges for future and existing residents. The initial Alameda Road delineation and design was not intended to facilitate regional traffic in the manner now proposed by the Street Classification Map. Neighborhood groups strongly believe that the extension of Alameda as a public roadway beyond what is currently built would have a substantial detrimental impact on adjacent neighborhoods.

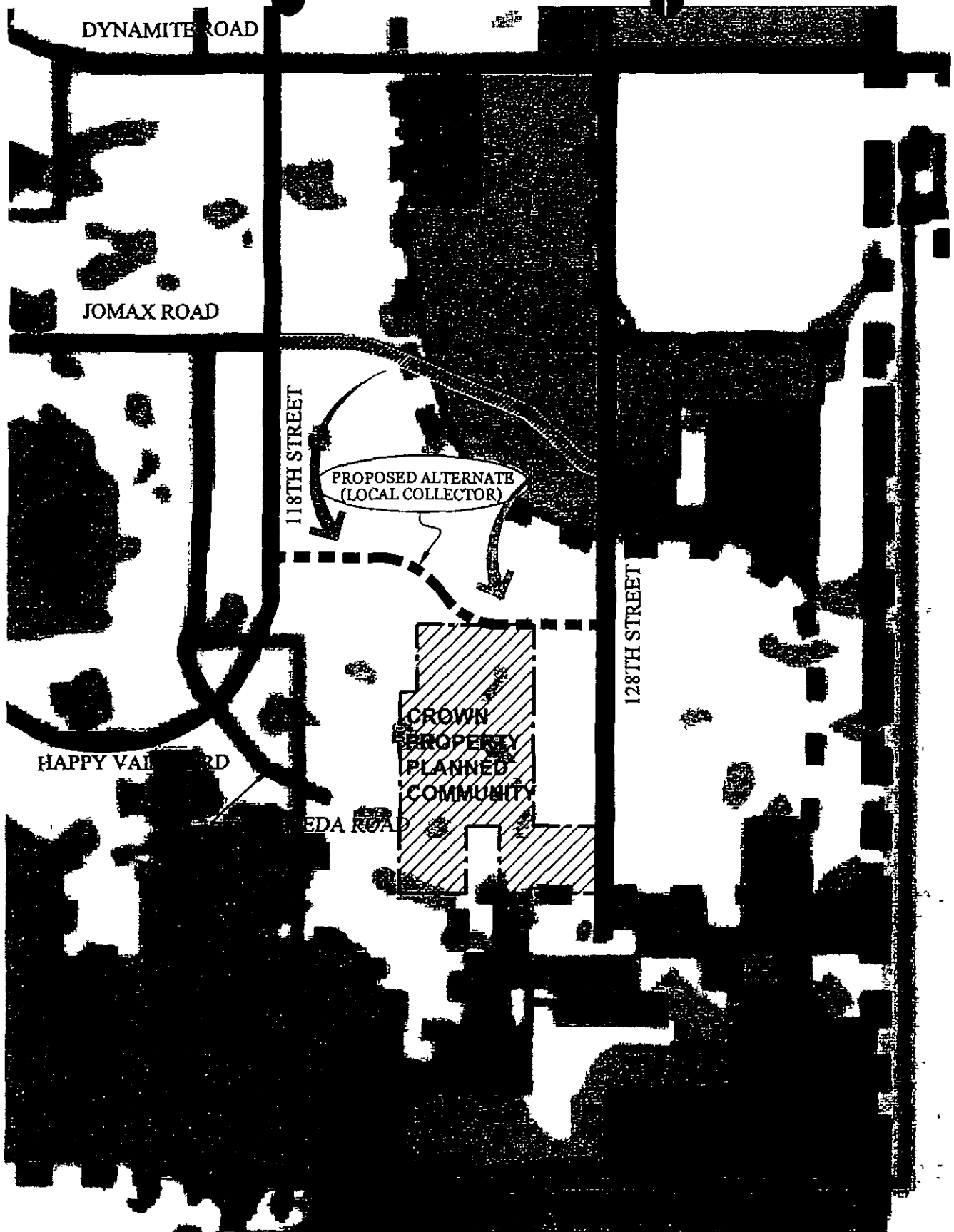
The applicant does recognize the need for an east-west connection to be established, and proposes an alternative alignment at Ranch Gate Road. This location would more adequately serve the greater community and relieve neighborhood concerns associated with elevated traffic volumes.



PROPOSED REGIONAL ROADWAY CONTEXT EXHIBIT W/ AERIAL OVERLAY

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA

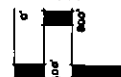




REGIONAL LAND USE
per CITY OF SCOTTSDALE GENERAL PLAN (06/2004)

CROWN COMMUNITIES SCOTTSDALE, ARIZONA

SCALE (1" = 1000')



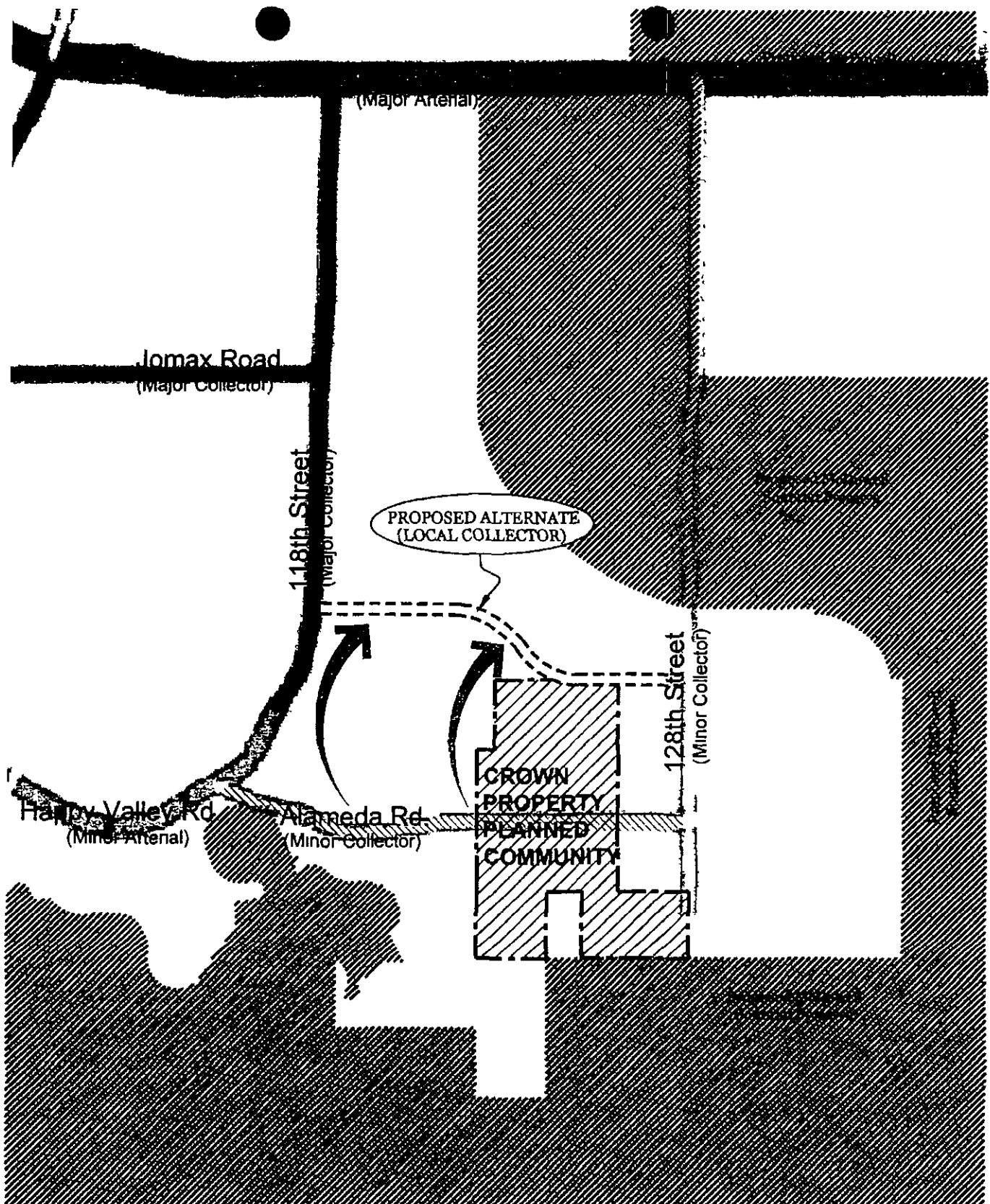
NORTH



LVA
Urban Design
Studio L.L.C.

<ul style="list-style-type: none"> Regional Land Use Community Land Use Neighborhood Land Use Open Space Water Transportation Utilities Other 	<ul style="list-style-type: none"> Regional Land Use Community Land Use Neighborhood Land Use Open Space Water Transportation Utilities Other
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11/15/04



REGIONAL ROADWAY NETWORK w/ PROPOSED ALTERNATE
COLLECTOR ALIGNMENT + 128th ST CROSSING PRESERVE AREA
per CITY OF SCOTTSDALE STREET CLASSIFICATION MAP (10/2003)

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA

SCALE (1"=100')

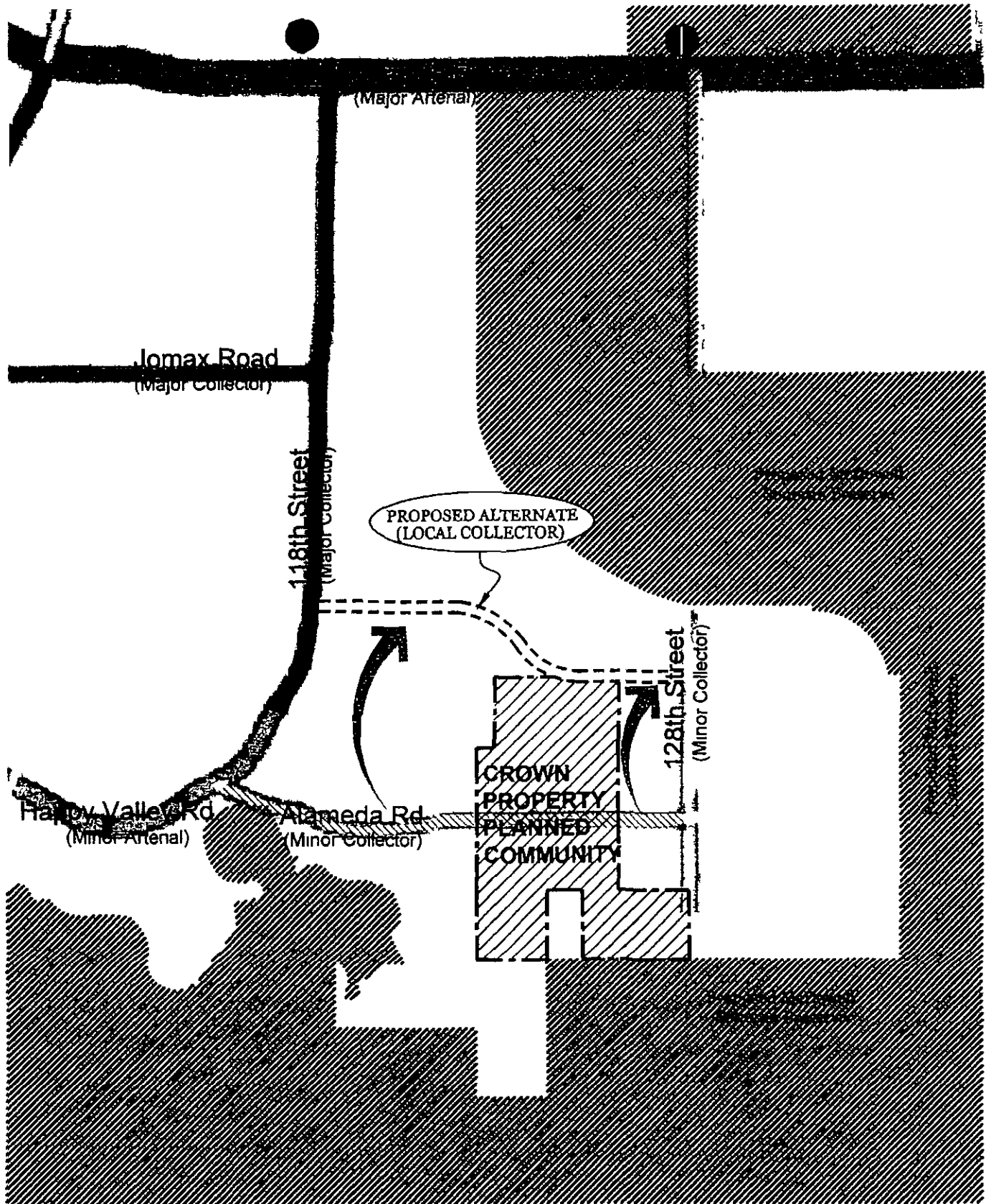


NORTH



LVA
Urban Design
Studio, L.L.C.

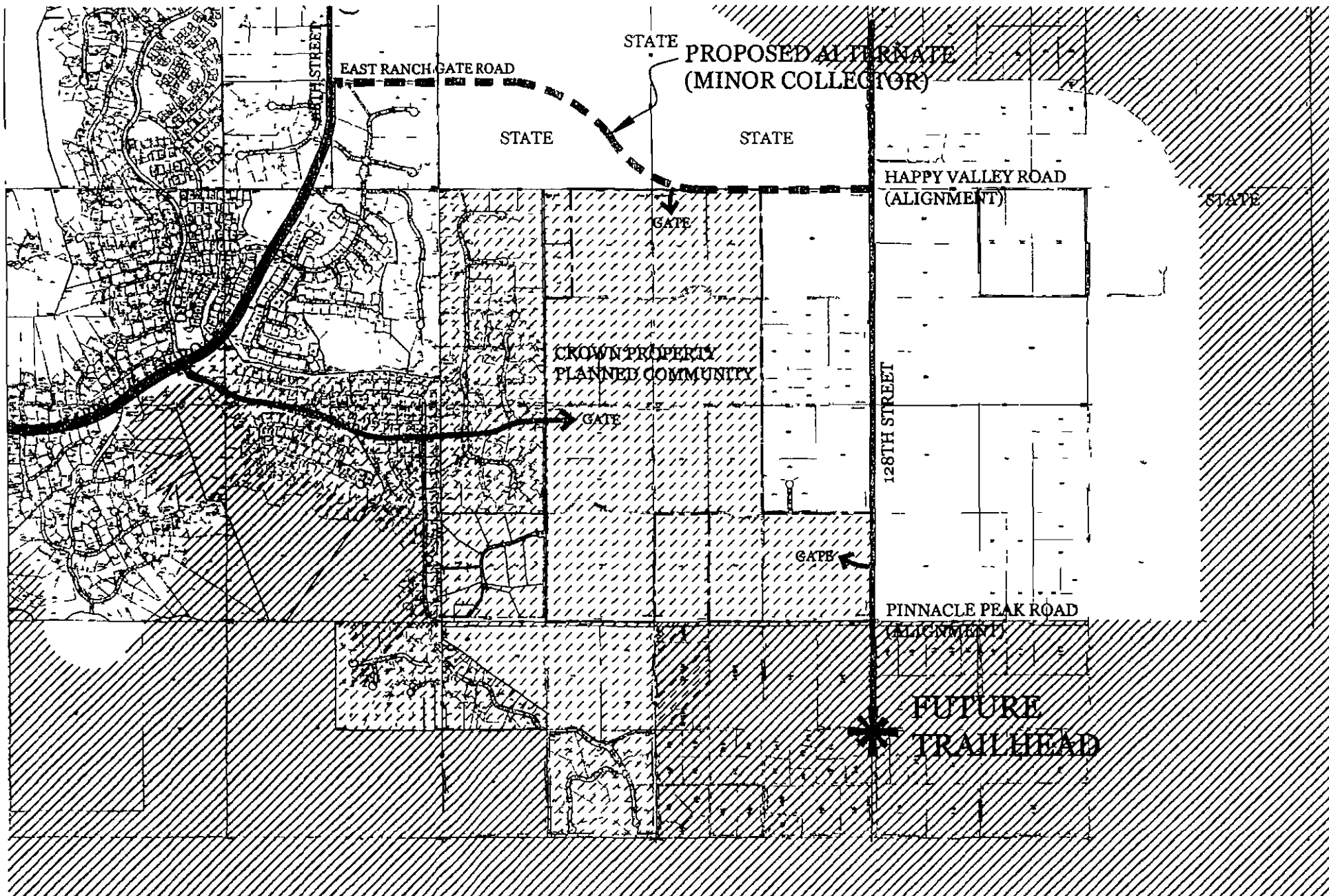
PROJECT
Crown Communities
Scottsdale, Arizona
128th Street Crossing
Preserve Area
10/2003



REGIONAL ROADWAY NETWORK w/ PROPOSED ALTERNATE
COLLECTOR ALIGNMENT + 128th ST NOT CROSSING PRESERVE AREA
per CITY OF SCOTTSDALE STREET CLASSIFICATION MAP (10/2003)

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA





PROPOSED CONDITION - ALAMEDA ROAD CLOSURE

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA

AREAS CONTRIBUTING TRAFFIC TO ALAMEDA ROAD

PROPOSED MCDOWELL SONORAN PRESERVE

SCALE (+/-)



NORTH



DATE: 08.04.04
JOB: 0000
SHEET: 01
SCALE: AS SHOWN
DRAWN BY: JLD
CHECKED BY: JLD
APPROVED BY: JLD

CITIZEN OUTREACH REPORT

The Crown development project team has been busy conducting significant outreach in the community to date. We have been meeting with residential neighbors to inform them about the proposed project and to gather their input.

On November 23, 2004 a notification letter about the project was sent to property owners within 750 feet of the project (see attached letter). This letter announced a neighborhood open house, which was held on December 2, 2004. We had several calls from neighbors with questions about the project and had six neighbors attend the open house.

The team has done extensive work door to door in the broader neighborhood, distributing flyers with contact information concerning the project to those who were not available to meet with us or who may have missed the open house. As a result, approximately 160 signatures of support have been gathered.

In addition, we have had numerous smaller meetings with neighbors close to the project including a discussion on the project with the Coalition of Pinnacle Peak (COPP), held on April 12. Several neighbors have expressed concern about the extension of Alameda Road and have suggested Alameda Road be terminated within the project. We have held several meetings with the City Transportation staff who, in turn, have met with the neighborhood to discuss the Alameda Road issues.

We will continue to work with the neighbors in an effort to resolve any concerns and to update them on the progress of the project as it moves forward.

ATTACHMENT #11



November 23, 2004

Dear Neighboring Property Owner

The purpose of this letter is to advise you that a request has been submitted by Crown Community Development to the City of Scottsdale to grant a Density Incentive for Open Space in order to build 121 homes on 328 acres located approximately between 122nd Street and 128th Street and the Pinnacle Peak Road alignment and Happy Valley Road alignment. This is not a rezoning request. The request will result in approximately 21 percent more open space than the City currently requires. This new development will be custom homes with public trails built on development envelopes compatible with the terrain.

If you would like more information, you are invited to attend a neighborhood open house to be held Thursday, December 2, from 6 to 7 PM in the Multi Use Room of La Mirada Desert Park, located at 8950 E Pinnacle Peak Road. If you cannot attend the open house, or would like more information, please feel free to call Technical Solutions, who have been working on our behalf in contacting neighborhood property owners about this project, at 602-957-3434. The City of Scottsdale Project Coordinator for this project is Tim Curtis who can be reached at 480-312-4210.

Sincerely,

Teri Frankiewicz
Vice President of Community Development

Cc: Tim Curtis, City of Scottsdale

EARLY NOTIFICATION OF PROJECT UNDER CONSIDERATION

Neighborhood Open House Meeting:
TBD

Site Address: 122nd St & Alameda Rd, Scottsdale, AZ 85255

Project Overview: Crown Communities

- Requesting: A density/incentive request to allow an increase from 101 to 121 units in a RT-130 ERL district.

Description of Project/Proposed Use: Master Planned Residential Community
Site Acreage/Zoning: Approx. 330 acres / RT-130 ERL

Applicant/Contact:

John Barry, 480-385-2727

Paul Smith, 602-957-3434

City Staff Contact:

Tim Curllis

480-312-4210

tcurllis@scottsdaleaz.gov

Pre-Application Case No: 214-PA-2004

Case File Available at City of Scottsdale: 480-312-7000

Project Info: www.scottsdaleaz.gov/project/ProjectsInProcess

Posting Date: 03/29/05



EARLY NOTIFICATION OF PROJECT UNDER CONSIDERATION

Neighborhood Open House Meeting:
TBD

Site Address: 122nd St & Alameda Rd, Scottsdale, AZ 85255

Project Overview: Crown Communities

- Requesting: A density/incentive request to allow an increase from 101 to 121 units in a RT-130 ERL district.

Description of Project/Proposed Use: Master Planned Residential Community
Site Acreage/Zoning: Approx. 330 acres / RT-130 ERL

Applicant/Contact:

John Barry, 480-385-2727

Paul Smith, 602-957-3434

City Staff Contact:

Tim Curllis

480-312-4210

tcurllis@scottsdaleaz.gov

Pre-Application Case No: 214-PA-2004

Case File Available at City of Scottsdale: 480-312-7000

Project Info: www.scottsdaleaz.gov/project/ProjectsInProcess

Posting Date: 03/29/05



03/29/05

Crown Community Development Project
Case No. 1-ZN-2005
Alameda Rd & 122nd St
Scottsdale, AZ 85255

We, the undersigned, are residents of Troon Saguaro Canyon and Desert Crest. Over the past 6 months we have been subjected to an intrusive level of construction and sales traffic going to Luxor's Sonoran Crest and Troon Highlands (a total of ~70 homes in these two developments have not even begun construction). There have been afternoons where approximately 100 gravel trucks (12-23-04) and 20 cement trucks (3-10-05) passed by our homes. Besides the noise, the exhaust fumes at times, are oppressive. Also, many of the trucks and cars are exceeding the 30 mph speed limit as they come down the hill near 119th Way, making a turn onto Alameda from the neighborhoods dangerous. An attempt for a walk is also a dangerous proposition with the heavy traffic and lack of sidewalks. If an entrance to the Crown project is constructed at Alameda & 122nd St, traffic will increase even more from construction sales and future residents for many years to come.

Our understanding of the current Crown project proposal is

- Build one entrance on Alameda and 122nd St
- Build three entrances on 128th St (One is an emergency exit/entrance)
- Use 128th St as the construction entrance (verbal agreement on 4-15-05)

We are grateful for the construction entrance, but Alameda must end at 122nd Street

Therefore, we believe that the Crown project traffic will create an environment that will be materially detrimental to the health, safety and welfare of Troon Saguaro Canyon and Desert Crest residents and we respectfully petition the City of Scottsdale to require

- All construction traffic (including every delivery truck and construction workers' car) enter and exit the project from 128th Street
- All sales traffic enter and exit the project from 128th Street
- An entrance not ever be constructed on Alameda Rd and 122nd Street. All future resident traffic enter and exit the project from 128th Street

No	Name	Address	City	State	Zip	Signature
211	RICHARD PEREZ	1178 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
212	KEITH LEE PEREZ	1178 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
213	ALAN L. CREST	1192 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
214	DIANE CREST	1192 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
215	PATRICK CHAVIRA	1178 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
216	JESSICA CHAVIRA	1178 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
217	JOHN ROBERTSON	1178 E SAND HILLS RD	Scottsdale	AZ	85255	[Signature]
218			Scottsdale	AZ	85255	

Sonoran Peaks LLC

14901 N Scottsdale Rd , Ste 201, Scottsdale, AZ 85254

(480)483-8107 (480)483-8172

October 19th, 2005

Tim Curtis
Planning, Building and Zoning
Development Review and Permit Services
7447 E. Indian School Road
Scottsdale, AZ 85258

Re: Case 1-ZN-2005, Crown Communities

Mr. Curtis;

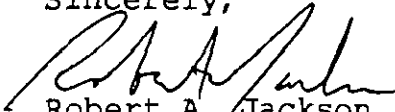
I represent Sonoran Peak LLC, which owns a 70 acre parcel (#217-02-019C,D,E,018A,018B) on the Happy Valley/118th Street n-s alignment. We were recently informed by Crown Communities by letter that there may be a new proposed plan for public access (Option F) to the referenced case site.

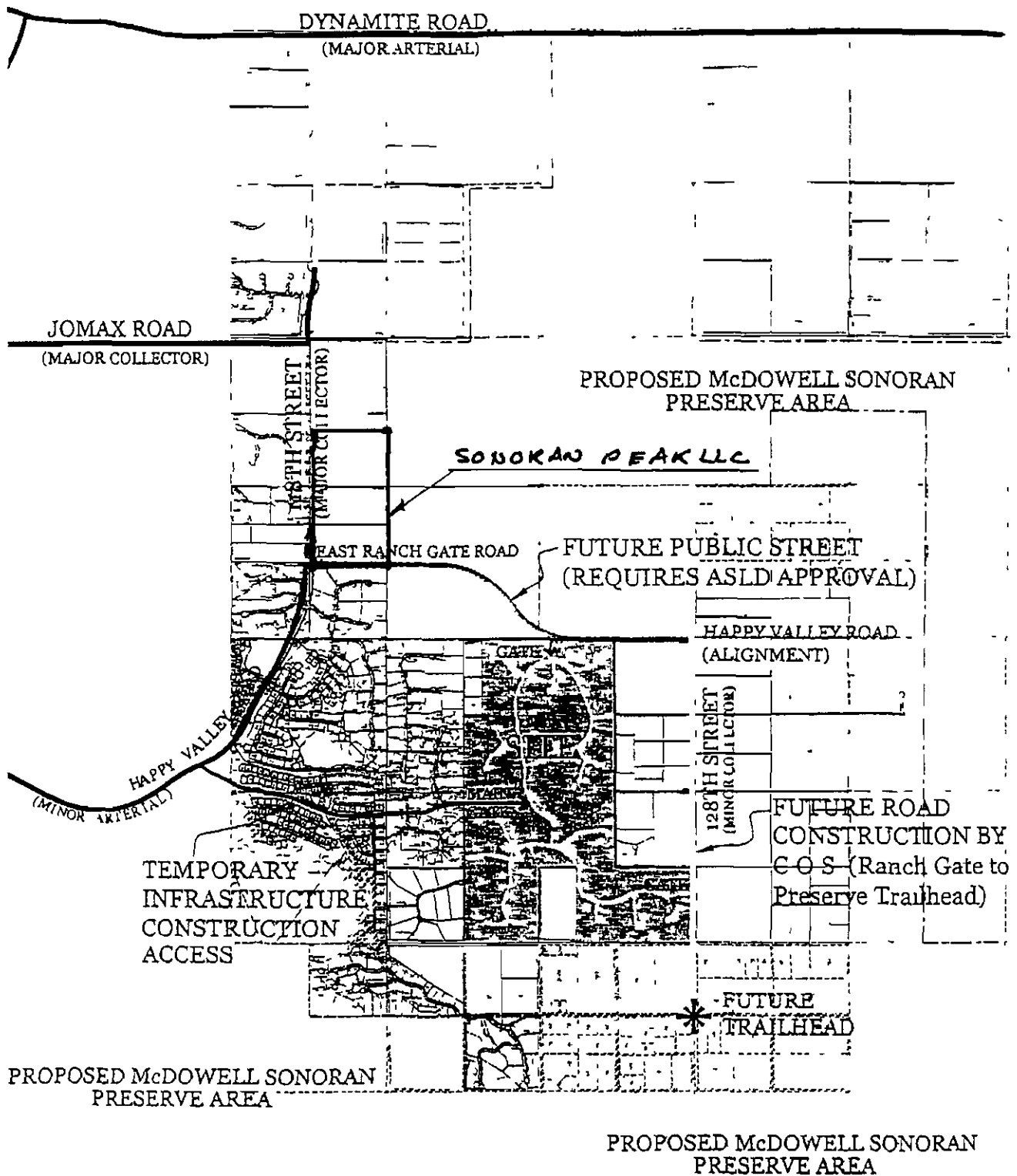
The Crown Communities site is currently accessed by Alameda Road from the west, and 128th Street from the north. The newly proposed road would run e-w along our southern property line to reach the northern part of the Crown Communities site. This proposed alignment was not part of the Circulation Plan when our property was acquired.

We strongly object to this new proposal as it appears it would require dedication of our property for right of way. This new roadway would run through state trust land. It would reduce the size of our property and therefore it's' value. It would also impinge on our design plans for the site.

Mr. Moshe Bar, agent for Sonoran Peak LLC, is available to meet with principals of Crown Communities to discuss this. He can be reached at 480-483-8107.

Sincerely,


Robert A. Jackson
Project Manager
Sonoran Peak LLC



PLANNED REGIONAL ROADWAY EXHIBIT w/ AERIAL OVERLAY
OPTION. F

CROWN COMMUNITIES
SCOTTSDALE, ARIZONA

- CROWN 1/2 STREET IMPROVEMENTS
- FUTURE ROADS BY OTHERS
- EXISTING IMPROVED ROADS





October 10, 2005

Dear Property Owner

Important developments are taking place regarding traffic circulation that may change and/or improve access to your property. You are receiving this letter because Maricopa County records indicate you own property in the area of 128th Street south of Dixileta Road. Community input has driven some proposed changes to the area circulation plan. The proposed plan is under review by the Arizona State Land Department and the City of Scottsdale.

Enclosed please find a map of the area and the proposed circulation changes. If you have any interest in this issue, we would like to discuss these changes with you at your convenience. Technical Solutions is working on behalf of Crown Communities, a developer in the area, to inform property owners and contact neighbors about these proposed changes. You can reach our offices regarding proposal at (602) 957-3434.

Sincerely,

Paul Smith
President

Sonoran Peaks LLC

14901 N Scottsdale Rd , Ste 201, Scottsdale, AZ 85254

(480)483-8107 (480)483-8172

November 2nd, 2005

Tim Curtis
Planning, Building and Zoning
Development Review and Permit Services
7447 E. Indian School Road
Scottsdale, AZ 85258

Re: Planned 118th Street Extension


Mr. Curtis;

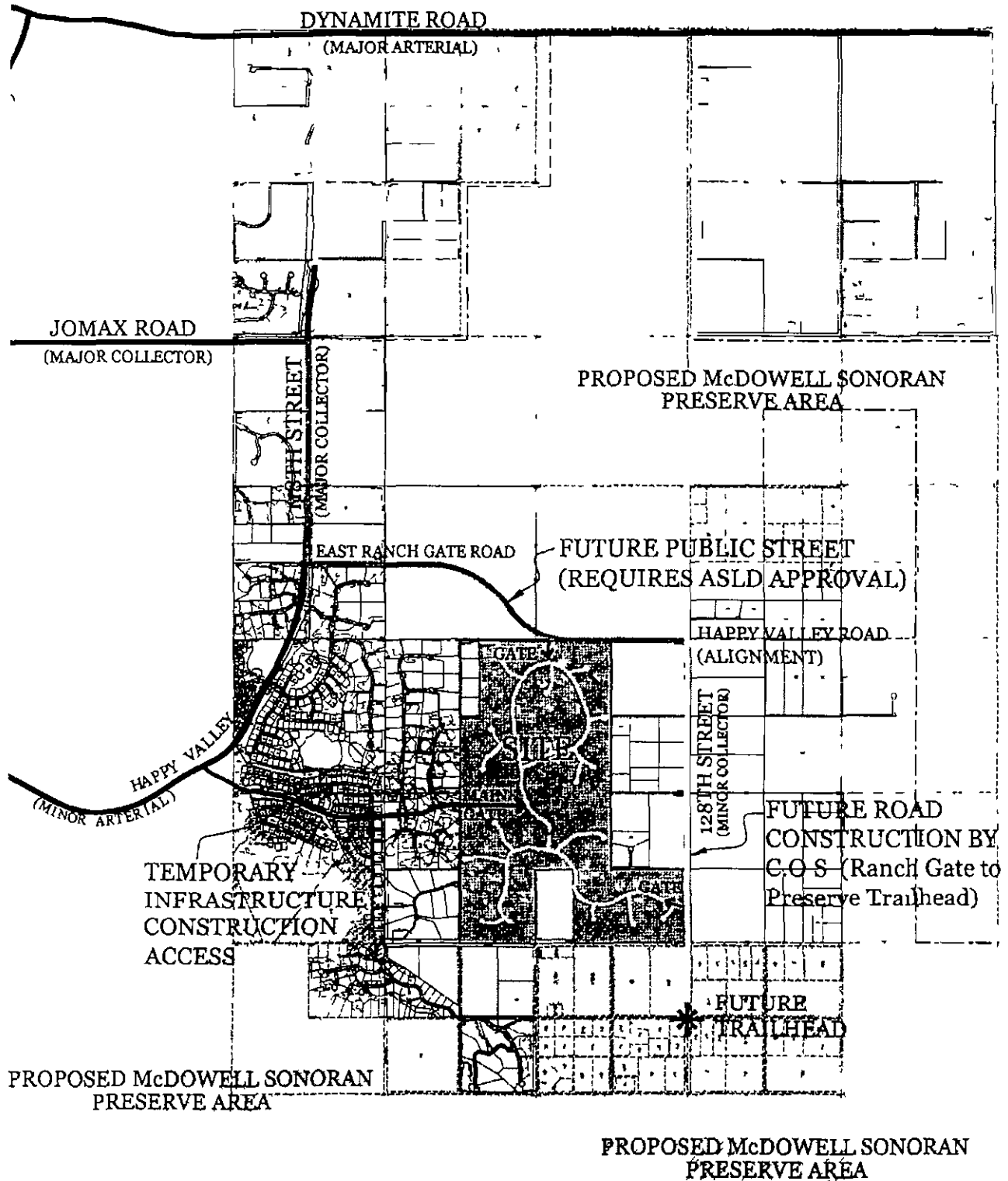
I represent ownership of Parcels #217-02-019A, 217-02-018A, and 217-02-018B located along 118th Street right of way. We are concerned that the Happy Valley/118th Street extension stopped short of our southern property line. It does not appear that the two bordering developments which are served by the current extension were required to extend the street along their entire street frontage. The street is barricaded south of our south property line which precludes immediate access to our site from the south. This brings into question plans for completion of this roadway to our site.

What, if any, are the plans for completion of this roadway? Is there a plan or agreement in place between the City and adjacent property owners to the south of us to finance this construction?

I would appreciate a timely response, in confidence, as apparently there is interest to create a new Happy Valley Road extension further east. Thank you for your consideration.




Sincerely,


Robert A. Jackson
Project Manager
Sonoran Peaks LLC



PLANNED REGIONAL ROADWAY EXHIBIT w/ AERIAL OVERLAY
OPTION F

CROWN COMMUNITIES
 SCOTTSDALE, ARIZONA

-  CROWN - 1/2 STREET IMPROVEMENTS
-  FUTURE ROADS BY OTHERS
-  EXISTING IMPROVED ROADS





October 10, 2005

Dear Property Owner

Important developments are taking place regarding traffic circulation that may change and/or improve access to your property. You are receiving this letter because Maricopa County records indicate you own property in the area of 128th Street south of Dixileta Road. Community input has driven some proposed changes to the area circulation plan. The proposed plan is under review by the Arizona State Land Department and the City of Scottsdale.

Enclosed please find a map of the area and the proposed circulation changes. If you have any interest in this issue, we would like to discuss these changes with you at your convenience. Technical Solutions is working on behalf of Crown Communities, a developer in the area, to inform property owners and contact neighbors about these proposed changes. You can reach our offices regarding proposal at (602) 957-3434.

Sincerely,

Paul Smith
President



June 1, 2005

Dear Neighboring Property Owner

As you know from previous notifications, a request has been submitted by Crown Community Development to the City of Scottsdale to grant a Density Incentive for Open Space in order to build 122 homes on 328 acres located approximately between 122nd Street and 128th Street and the Pinnacle Peak Road alignment and Happy Valley Road alignment. As you will recall from a previous neighborhood open house meeting on December 2, 2004, this is not a rezoning request. The request will result in approximately 21 percent more open space than the City currently requires. This new development will be custom homes with public trails built on development envelopes compatible with the terrain.

We have scheduled another neighborhood open house to be held Monday, June 13, from 6 to 7 PM in a meeting room at Living Water Lutheran Church, located at 9201 E. Happy Valley Road. If you cannot attend the open house, or would like more information, please feel free to call Technical Solutions, who have been working on our behalf in contacting neighborhood property owners about this project, at 602-957-3434. The City of Scottsdale Project Coordinator for this project is Tim Curtis who can be reached at 480-312-4210.

Sincerely,

Teri Frankiewicz
Vice President of Community Development

Cc: Tim Curtis, City of Scottsdale

Cox Email

From: "Graham Kettle" <g.kettle@cox.net>
To: "Steve Kensok" <steve.kensok@cox.net>
Sent: Thursday, May 12, 2005 11:42 AM
Subject: Re: Meeting with City

Steve,
 I would be happy to come down to the meeting if you would like me there
 Graham

— Original Message —

From: Steve Kensok
To: Graham Kettle, Diana Jones, Tim Miller, Brian Coast, May & Tai Vance, Ness & Marilyn Irvine
Cc: Mike Kelley
Sent: Wednesday, May 11, 2005 8:08 PM
Subject: Meeting with City

We have a meeting set up with 4 people from the City of Scottsdale

Tim Curtis—Staff Coordinator for the Crown project
 Mary O'Connor—Traffic Dept Manager
 Dave Meinhardt—Traffic Dept
 Phil Kercher—Traffic Dept

Date: Monday, 5-16-05
 Time: 10:00 AM
 Location: Scottsdale City Offices, 7447 E Indian School, #105

This is the agenda I sent to Tim Curtis on 5-9

- Our petition requests
- 4-22-05 letter from Technical Solutions regarding the construction traffic / *STIP*
- Definition of a "minor collector"
- Results of the traffic study conducted on Alameda Rd during April 2005
- Plans for the ~725 acres east of 128th St, at Alameda (Will all this traffic use Alameda Rd and Happy Valley Rd?)
- Procedure to gate Alameda Rd at Happy Valley Rd
- Equestrian lots causing horse trailer traffic, feed delivery traffic, and manure removal traffic (Plus the smell and flies)
- *Preserve access*

*Defic
 Consumption
 + service
 + sales*

Here are some other items I thought of after I sent the above agenda

- Crown's proposal to increase the density from 101 to 121 (additional traffic)
- Mary O'Connor's email of 5-10 regarding the traffic counts on Alameda

We are planning to meet at 1:00 on Sunday at my house. You'll need to finish the petitions by then. If you can't attend the Sunday meeting, be sure to arrange getting the petitions to me prior to Sunday.

Also, the Troon Master HOA meeting is Monday 5-16 at 1:00 at the Troon Club on Happy Valley Rd. Tim Miller will arrange for one or more of our group to attend.

Steve Kensok
 11921 E Sand Hills Rd

5/15/2005

Brian Coast

From: "Bran Coast" <bmjet@prodigy.net>
To: <azgov@az.gov>, <mmanross@scottsdaleaz.gov>, <citycouncil@scottsdaleaz.gov>, <tcurtis@scottsdaleaz.gov>, <dmeinhardt@scottsdaleaz.gov>, <psmith@technicalsolutionsaz.com>, <jg@berrydamore.com>, <steve.kensok@cox.net>, "Ness" <nessirvine@msn.com>, <mikenjok@aol.com>, <bmjet@prodigy.net>
Sent: Tuesday, May 03, 2005 2:30 PM
Attach: alam9.JPG
Subject: Opposition voices & votes to Alameda Road extension future plan

The purpose of this letter is to show how the City of Scottsdale is turning Alameda Road, a quiet 2 lane residential street, 21 wide, into a major heavily traveled noisy highway. Alameda street used to end at 119th Way. Luxor homes with about 50 homes extended Alameda to 122 St. That was acceptable by the neighborhood because Shea homes the last developer along Alameda told the homebuyers that Luxor home development would happen. That was supposed to be the end of Alameda. We were told by Shea and Realtors that the future east west traffic in the area would flow on 4 lane Happy Valley. That plan has changed. Future eastbound traffic is planned to flow on quiet 2 lane Alameda to Crown Community Development with a possible 122 homes, then it is possible that future home developments can extend the street all the way to Rio Verde or maybe even Fountain Hills.

There are other alternatives to solve this problem. Alameda Road can end at its present paved position at 122 Street. Traffic can flow into Crown Development by Happy Valley, Jomax, and the best solution Dynamite to 128th Street. Homes built on Alameda were built with the assumption it would stay a quiet neighborhood street. Some homes are as close as 46 feet to Alameda with their fence lines as close as 18 feet. Most of the master bedrooms face Alameda. The back yards all face Alameda and some back yards are actually below the street. As a result of the position of the back yards the homes take in the maximum amount of car exhaust and noise. Health reasons alone should end Alameda street at 122 St. The loss of sleep with construction trucks passing by as early as 4:30 am and other cars passing by with their exhaust fumes going inside the homes is really bad. Some heavily loaded 18 wheel trucks have passed by that actually have shaken the homes. There are many children in the area that have been used to crossing Alameda to see their friends on the other side. With the current plan to extend Alameda, it is very possible that there could be an injury or even death of a child because the child has been used to crossing the street with very little traffic and future plans call for very heavy traffic. It is very hard to change children's habits to tell them they can no longer cross the street after they have been crossing it for years. I don't think anybody involved in the future decisions wants to be responsible for a child's death.

I urge anybody who has been involved in past, current, or future decision on the future of Alameda to physically drive out and look over the street, especially by 119th Way. You cannot just look at a map and say yes that makes sense to extend Alameda. Then drive to the end of 4 lane Happy Valley, and then drive by 4 lane Jomax, and then drive by the most logical east extension Dynamite Road that already goes to Fountain Hills. Gary Haare, the president and developer of Luxor homes, is also in favor of ending Alameda street at its present paved position 122 St. RAT, which stands for -Reduce Alameda traffic-, is a group of unhappy homeowners along Alameda that will fight the extension. RAT has gotten over 100 signatures on a petition opposing the extension of Alameda. The current developed area can be the end of traffic flow to the east. DC Ranch does not flow north into Pinnacle Peak Vistas, and there are other Scottsdale developments that do not flow into each other.

The petition drive is just the start of the fight. COPP group is involved. We the homeowners have many plans to end Alameda St. in its present paved position. We will give the city of Scottsdale a reasonable amount of time to review this Scottsdale which has been known to protect the environment and homeowners is now favoring the developers and home builders. We truly want Scottsdale to keep its great reputation of one of the best spots in America to live in. There are also a few sleeping giants we plan on waking up to let them know what the future east traffic flow will be. The opposition has many voices and votes as evidenced by the over 100 signatures on the petition. The opposition voices are planned to increase.

We have a few questions for anyone who had a involvement in the past, present or future decision the extension of Alameda St.

- 1 Have you driven out to see the end of Alameda at 122 St and the homes that face the street at 119th Way?
- 2 Have you driven out to see the end of Happy Valley, Jomax, Dynamite and most importantly why can't these 4 lane alternative routes be used for east traffic flow?
- 3 When is the paving extension planned to start?
- 4 Was your decision based on just looking at a map?
- 5 Do you think the extension will effect the health and well being of the people around the neighborhood around Alameda?
- 6 How far can a minor connector road go and how many homes can it serve?
- 7 What are the building codes and house setbacks for a minor connector and does Alameda road comply?

This letter is being sent to Tim Curtis Staff Coordinator-City of Scottsdale, Dave Meinhardt, and others in the City planning department. It is also being sent to Scottsdale City Council members, City Mayor Manross, and Janet Napolitano the

5/15/2005

GOVERNOR of the state In summary the most logical and easiest thing to do is end Alameda Street at its present paved position The homeowners in the Alameda area have been there around 10 years living in a quiet, safe, healthy neighborhood and want to keep it that way The City of Scottsdale has been famous for protecting the environment and homeowners,lets keep it that way The homeowners have been there long before Crown Community Development Attached are pictures of Alameda Street

Best Regards, Brian Coast 11930 E Manposa Grande Dr Scottsdale 85255 602-743-4769

5/15/2005



March 30, 2005

Urban Design Studio, L L C
Project Manager
7502 E Main Street
Scottsdale, AZ 85251

RE Crown Communities, Scottsdale Case # 1-ZN-2005
122nd Street & Alameda Road

To Whom it May Concern

On behalf of the Troon Highlands Estates Homeowner Association, this letter is written in support of your Conceptual Land Use Plan and request for an increase in the dwelling units from 101 to 121

If you have any questions, you may reach me at the number listed below

Sincerely,

A handwritten signature in black ink that reads "Sandra Barnett". The script is fluid and cursive, with the first name being more prominent.

Sandra Barnett

Cc Tim Curtis, City of Scottsdale



TROON HIGHLANDS ESTATES

March 30, 2005

Brian Bernard, P E
Project Manager
Kimley-Horn and Associates, Inc
7878 N. 16th Street
Suite 300
Phoenix, AZ 85020

RE Troon Canyon Estates II

Dear Mr Bernard

On behalf of the Troon Highlands Estates Homeowner Association, this letter is written in support of your Preliminary Plat design for Troon Canyon Estates II as submitted in your letter of November 12 2004

If you have any questions, you may reach me at the number listed below

Sincerely,

A handwritten signature in cursive script that reads "Sandra Barnett".

Sandra Barnett

Cc Tim Curtis, City of Scottsdale



March 28, 2005

Mr. Steve Kensok
11921 E Sand Hills Road
Scottsdale, AZ 85255

Dear Steve:

Thank you for alerting us to your concerns about potential construction traffic impacts on your neighborhood that could be a result of the proposed Crown Community Development at 118th Street and Pinnacle Peak. We have communicated your concerns to our client and as a result we are actively looking at options to respond to that issue.

We will be back in touch with you shortly to update you on our suggested changes to alleviate the construction traffic impacts.

Sincerely,

Paul Smith
President

cc Tim Curtis, City of Scottsdale

1-22-2005

Curtis, Tim

From: Meinhart, Dave
Sent: Friday, February 11, 2005 4:49 PM
To: O'Connor, Mary
Cc: Curtis, Tim
Subject: FW: Alameda Road

FYI

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

From: Tim Miller [mailto:tjrmiller@msn.com]
Sent: Friday, February 11, 2005 3:56 PM
To: dmeinhart@scottsdaleaz.gov
Cc: moconner@scottsdaleAZ.gov, kekblaw@scottsdaleAZ.gov
Subject: RE: Alameda Road

Dave,

Thank you for the information on Alameda. My concern is that a large parcel of 328 acres was sold to Crown Development east of where Alameda dead ends today. We are concerned that all this traffic will eventually go down Alameda. Today Alameda does not specifically meet the guidelines for a rural minor connector since it's only two lanes and no center island. Our fence today is about 18 feet from the road and while on the other side of the road has more NAOS it would be a major change to the area.

We are wanting to speak to both the city transportation and planning departments to proactively approach this issue since your plans are also in the early stages. It appears to many of us that Happy Valley and Jomax will or should go east to 128th street with north/south connectors taking traffic off of Alameda and moving it down to Happy Valley. This doesn't appear to be in the plan. I spoke with Wayne Ecton at this week's COPP meeting and he gave me Mary O'Connors name and Kroy Ekblaw. I'm also asking Rossmar and Graham to see if they can get a meeting or Copp to organize a meeting to achieve alternate routes off of Alameda to minor arterial that being Happy Valley if it extends to 128th.

Is your department also involved with the routing of construction traffic? Right now it's an incredible amount of traffic and once the 328 acres starts we want to see that traffic come down Dynamite which is a major arterial and up 128th street to Alameda.

Would you give me some guidance as to who at the city would be most directly involved in this process so we can get the homeowners to become better informed and more involved before the developers convince the city otherwise?

Thanks again for the email. Tim Miller 480-419-3978

>From "Meinhart, Dave" <dmeinhart@scottsdaleaz.gov>
>To "tjrmiller@msn.com" <tjrmiller@msn.com>
>Subject: Alameda Road
>Date: Fri, 11 Feb 2005 09:57:29 -0700
>
>Mr. Miller,
>

02/14/2005

>I am responding to your recent request for information on the future plans
>for Alameda Road in the area to the east of Troon. In the City's Streets
>Master Plan, which was adopted by Council in October 2003, Alameda is
>designated as a minor collector that would continue east to 128th Street. A
>minor collector has two travel lanes with a center turn lane/raised median.
>The Streets Master Plan road designation map can be found at
><http://www.scottsdaleaz.gov/Traffic/PDF/2003StreetClassMap8x11.pdf>
>
>The City has nothing planned within our 5-Year CIP for extending Alameda to
>the east. Beginning later this year, we will be embarking on the
>development of a comprehensive transportation master plan process. This
>effort will assess our transportation needs and try to create a system that
>reflects not only travel demands by mode for various parts of town, but also
>looks at how the transportation network "fits" from a land use context. It
>is possible that the future designation, or eastern terminus, for Alameda
>may change as a result of this process, although it is unlikely that there
>would ever be more than two travel lanes. Please let me know if you have
>any other questions.
>
>Dave Meinhart
>Transportation Planning and Transit Director
>

Curtis, Tim

From VFlanigan@flexcon.com
Sent Monday, October 17, 2005 4:47 PM
To dmeinhardt@scottsdaleaz.gov, pkercher@scottsdaleaz.gov, tcurtis@scottsdaleaz.gov
Cc: VFlanigan@flexcon.com
Subject: Proposal to Close Alameda Road east of 122nd

Gentlemen,

I live in Desert Crest III - - my property backs up to Alameda and N 117th Way

- From your drawing it appears the Main Gate for Crown's new development is at Alameda and 122nd or 118th. Would it be possible to relocate the Main Gate access to Ranch Gate Road? As you know Alameda is a minor two lane road with winding curves. The amount of traffic (even more so with construction traffic) is heavy in the mornings. The volume, curving road, and excessive speeds are not conducive to adding many more cars. Compounding the problem is the increase in families with small children moving in to the communities along Alameda, and cyclist who use Alameda.
- Also, if relocating the Main Gate is not an option, and it remains at Alameda - - would it be possible to direct the Construction Traffic from Alameda to Ranch Gate Road?
- Also, would it be possible to place a sign at the intersection of Happy Valley and Alameda stating there is no outlet?

The existing construction traffic is extremely heavy during the mornings, along with the noise and speeds! Diverting the construction traffic for the new development to Ranch Gate Road entry gate would alleviate some of the nuisance existing residents have put up with for the past two years. In addition, given the Ranch Gate Road is a new development the traffic would not impact any, or very few residents.

Your response and consideration would greatly be appreciated.

Best Regards,
Vic Flanigan
11753 E Parkview Lane
Scottsdale, AZ 85255
480-538-9140

11/22/2005

Curtis, Tim

From raydawn [raydawn@cox net]
Sent Monday, October 17, 2005 1 01 PM
To dmeinhardt@scottsdaleaz gov, pkercher@scottsdaleaz gov, tcurtis@scottsdaleaz gov

We are in receipt of a letter inviting us to hear a proposal by Land Development Services to remove a portion of the Alameda Road Extension. This, we assume, is to make way for yet another development in our area. This is why we need Happy Valley Road widened to four lanes from Pima to Alma School. Are we the only two people in Troon who are stuck behind all the trucks that travel up Happy Valley at 25 mph?

Daune Burdick

Curtis, Tim

From Steve Kensok [steve.kensok@cox.net]**Sent** Tuesday, June 14, 2005 9:52 PM

To: moconnor@scottsdaleaz.gov, 'Meinhart, Dave', jb@berrydamore.com, tcurtis@scottsdaleaz.gov, psmith@technicalsolutionsaz.com, Wilgus, Neil, Bill Colston, Bill Sarrubbo, Brian Coast, Dan Molnar, David Bradford, Diana Jones, Dick Morris, Dottie Mitchell, Ervintroon@aol.com, Fernando J. Sam-Sin, Gary & Joyce Lambert, GEdaw@aol.com, Graham Kettle, Helen Anderson, Jack Robinson, JKBILL@aol.com, Jody & John Andino, John & MJ Ungvary, John Taddonio-home, John Thorson, judyfrost@cox.net, L. E. & Rosemary Nickels, Lani Brown, Lin Ogden, May & Tai Vance, Matt Lucky, Maurice Mallette, Mike Kelley, Nancy & Rene Ens, Ness & Marilyn Irvine, Patrick Chiavaroli, Patrick McDonald, R. W. Kreutel, Ron & Jan Gilbert, Ron Fugate, Sonoran@aol.com, Stephen & Linda Patyk, Steve Kensok, Tim & Treva Croddy, Tim Miller

Subject. Neighborhood Open House Meeting--Case #1-ZN-2005, Crown Community DevelopmentCase #1-ZN-2005, Crown Community Development, Alameda & 122nd St

A Neighborhood Open House Meeting was held on 6-13-05 at the Living Water Lutheran Church, 9201 E. Happy Valley Road

Attendance was ~76 people (68 signed the guest list)

Listed below were some of the people who spoke to the crowd

- Mary O'Connor, City of Scottsdale Transportation General Manager
- Dave Meinhart, City of Scottsdale Transportation Planning and Transit Director
- John Berry, Attorney at Law for Crown Development
- Paul Smith, President of Technical Solutions (community outreach for Crown)

Topics and Comments

- John Berry started the meeting by asking how many people were here about the traffic issue. Everyone raised their hand.
- John Berry stated that Crown has agreed to route all the construction traffic (road construction as well as home construction) on 128th St to Dynamite. This raised some comments about the traffic passing through the proposed Preserve area near Dynamite. It was pointed out that Dynamite passes through the Preserve. Mary stated that the Preserve people would not object to 128th St going through the Preserve. A question was asked about how would the construction traffic routes be enforced. John answered that it could be written in the contracts with the construction companies, by imposing penalties. Another suggestion was a gate at 122nd St.
- John Berry stated that a change in the entrances to the property has been made. A new entrance from the North has been added. Alternate routes to the property were discussed, Jomax angling down from the North, also, "Ranch Gate Rd" from the West. Both of these roads could connect to the new North entrance. Ranch Gate Rd would pass through "State Trust" land. The consensus seemed to be that Ranch Gate Rd should be the primary road to be perused and should be acted on immediately. Gates on Alameda at 122nd and ~126th were discussed.
- Several comments were made regarding "distributing the traffic" on alternate routes to the West (listed above).
- A separate question was raised regarding a gate on Alameda at Happy Valley Road. Approval would be needed by a large percentage of land owners behind the gate.

- A statement was made that a petition with 125+ names states that Alameda should end at 122nd St. That is the reason that 70+ residents were at the meeting. A separate question was raised as to the procedure to end Alameda at 122nd St. This would require a change to the master traffic plan and city council approval.
- A question was asked if Alameda was under consideration to be widened. Mary and Dave answered no.
- A question was asked about traffic volume estimates on Alameda. Mary and Dave said that the current estimated traffic flow is 2500 vpd (vehicles per day). The increased traffic flow is estimated at 2500 vpd, if the current zoned density is maintained, or up to 8000 vpd if the density is increased.
- Complaints were made that "Alameda is a speedway". Mary O'Connor stated that the Transportation Dept could help getting some speed enforcement from the police dept. Other traffic calming methods were discussed (speed humps, photo radar, speed indicators).
- Traffic routes to the proposed preserve trailhead at 128th St and Pinnacle Peak were questioned. Dave said signs would direct people to use routes other than Alameda. Comments from the crowd said that the traffic would still come through on Alameda and a gate somewhere on Alameda would be needed to insure the traffic took the designated route. The parking lot will hold 50-100 cars.

Summary stated by John Berry

- Crown will listen to the neighbors
- Crown wants to be part of the solution
- Crown will work with the neighbors, the city, and the state land dept to acquire alternate routes through the state land (i.e. Ranch Gate Rd and Jomax)
- Crown will investigate a gate on Alameda at the 126th-128th St area

Let this e-notice serve as the official minutes for this Public Meeting on 06-13-05, and, unless those copied on this message have significant corrections, I would respectfully request, Mr. Curtis, that this notice be included in the Planning Commission file described above. Respectfully submitted on 06-14-05, Steve Kensok, Meeting Attendee

Steve Kensok
11921 E Sand Hills Rd
Scottsdale, AZ 85255

Curtis, Tim

From Steve Kensok [steve.kensok@cox.net]
Sent Monday, May 09, 2005 9:27 PM
To tcurtis@scottsdaleaz.gov
Cc Tim Miller, Brian Coast, Ness & Marilyn Irvine, May & Tai Vance, Graham Kettle, Diana Jones
Subject Alameda Rd neighbors

I live in Troon Saguaro Canyon, with my backyard facing Alameda Rd. Our neighborhood has several concerns about the proposed Crown project (Case No. 1-ZN-2005). My neighbor, Ness Irvine, tried unsuccessfully to contact you last week. We have been circulating a petition around the neighborhood that basically requests that Alameda Rd end at 122nd St. We would like to meet with you (May 16 late afternoon would work for us). We could certainly come to your office or you could meet us in the neighborhood and we could discuss the situation firsthand) to present the petition and to discuss the following topics:

- Our petition requests
- 4-22-05 letter from Technical Solutions regarding the construction traffic
- Definition of a "minor connector"
- Results of the traffic study conducted on Alameda Rd during April 2005
- Plans for the ~725 acres east of 128th St, at Alameda (Will all this traffic use Alameda Rd and Happy Valley Rd?)
- Procedure to gate Alameda Rd at Happy Valley Rd
- Equestrian lots causing horse trailer traffic, feed delivery traffic, and manure removal traffic (Plus the smell and flies)

Steve Kensok
11921 E Sand Hills Rd
Scottsdale, AZ 85255
steve.kensok@cox.net
480-659-5004 home
480-940-5050 x4511 work

Curtis, Tim

From Brian Coast [bmjet@prodigy net]
Sent Friday, April 08, 2005 12 09 PM
To: tcurtis@scottsdaleaz gov
Subject. Fw HOA alameda extention

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

From: Brian Coast
To: steve9999@cox.net
Sent: Friday, April 08, 2005 12 07 PM
Subject Fw HOA alameda extention

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

From: Brian Coast
To: mikenjok@aol.com
Sent: Friday, April 08, 2005 12 05 PM
Subject: HOA alameda extention

I, along with many other homeowners would like to see Alameda street end at its current paved position We do not want any traffic flow from the planned Crown Community Development project We can put an end to the street if we act fast D C RANCH traffic does not Flow north at all into Pinnacle Peak Vistas development and there are many more examples of developments that do not have traffic flow into each other The Crown development will have to find another exit out, like Dynamite street Alameda is a 2 lane road not designed for heavy traffic flow

Another solution to the problem could be to have a gated community starting at Alameda and Happy Valley and ending at the present paved end of Alameda The other end gate could be at the present paved end of 119th Way Windy Walk St in Troon prevents traffic flow from Happy Valley to Jomax by having a gated community There many other examples of this I know our HOA talked about a gated community a few years ago What permits and approval does it take to get a gated community?

Brian Coast 11930 E Mariposa Grande DR 480-419-2500

11/22/2005

Curtis, Tim

From Mike Brown [mbrown@matrixindustries.com]
Sent Tuesday, April 05, 2005 12:51 PM
To Tim Curtis
Cc. Lani Brown
Subject: Proposed Developments Near 122nd & Alameda

Tim

We live at 23493 N 119th Way, Scottsdale 85255. We would like to express our concern about two proposed developments in the area of 122nd & Alameda.

Our concern is the substantial increase in traffic that the combined developments will create on 119th Way, south of Alameda. 119th Way is a relatively narrow residential street designed for local traffic. A dangerous situation exists when there are two vehicles traveling in opposite directions while simultaneously passing each other and when a pedestrian is walking down the street. There are no sidewalks along the street. Several families with children live on or near 119th Way and many of the residents walk, jog or ride bikes on the street. In addition, there is a central mailbox for the Saguaro Canyon development on 119th Way which must be accessed by foot or car. Increased traffic would cause greatly increased safety issues for residents trying to pick up their mail.

A further problem is the steepness of the grade on 119th Way where traffic tends to go faster than normal when traveling downhill.

To date, the situation has been relatively manageable, however traffic has been increasing along with the danger. Several existing and new developments are, at present, under construction along and adjacent to Casitas del Rio located south and east of the end of 119th Way. This is causing increased construction and, ultimately, residential traffic on 119th Way.

There are two new developments in the approval process that will impact the future traffic on 119th Way. One is Application Number 214-PA-2004 the other is Troon Canyon Estates. Both projects show building a street at 122nd St south of Alameda, but ending at the entrance of the Troon Canyon Estates. Neither project shows an extension of 122nd St to Casitas del Rio or the Pinnacle Peak Road alignment. In addition, Application Number 214-PA-2004 shows Alameda being extended through to 128th St with no streets passing through to the south. This will cause any traffic, coming from the west to the developments south and east of 119th Way, to use 119th Way as the only convenient way to access those areas.

In addition, a large trailhead parking lot for the McDowell Mountain Preserve is proposed at the south end of 128th Street which will cause much more traffic to use 119th Way.

Under the proposed developments, there will be eight blocks between 119th Way and 128th St where no traffic will be able to pass to the south. The combination of the above factors will cause a residential street (119th Way) to become a major arterial street with resultant safety, noise and congestion problems.

To avoid this problem, we would suggest the requirement of the proposed 122nd Street to be extended through to Casitas del Rio or the Pinnacle Peak alignment (depending on the ultimate name of the new east-west street) in order to siphon off some of the traffic. In addition, another parallel street to the east between 122nd Street and 128th St could be built where the public can access new developments to the south and east. The time to act is now when something can still be done to resolve the certain safety problem. We understand the meeting for Troon Canyon Estates will be on April 7, 2005 and the other development "TBD".

Please contact us at 602-431-2444 (work), 602-758-2815 (cell) or 480-342-9423 (home) if you have any questions.

Thanks for your consideration.

11/22/2005

Curtis, Tim

From: Maroseskip@aol.com
Sent: Wednesday, March 23, 2005 2:45 PM
To: tcurtis@scottsdaleaz.gov
Subject: Crown Community proposed streets

Hi Tim,

As residents of Saguaro Canyon subdivision, we are concerned that building streets off of Alameda for their development will create many traffic hazards not to mention noise and congestion.

Routing traffic off of 128th makes more sense for those reasons. Alameda is already heavily used.

Please consider this alternative.

Thank you.

May and Tal Vance

11/22/2005

Curtis, Tim

From Gregory Belsher [belsher@incacapital.com]
Sent Thursday, March 17, 2005 2:30 PM
To tcurtis@scottsdaleaz.gov
Subject Crown Communities case

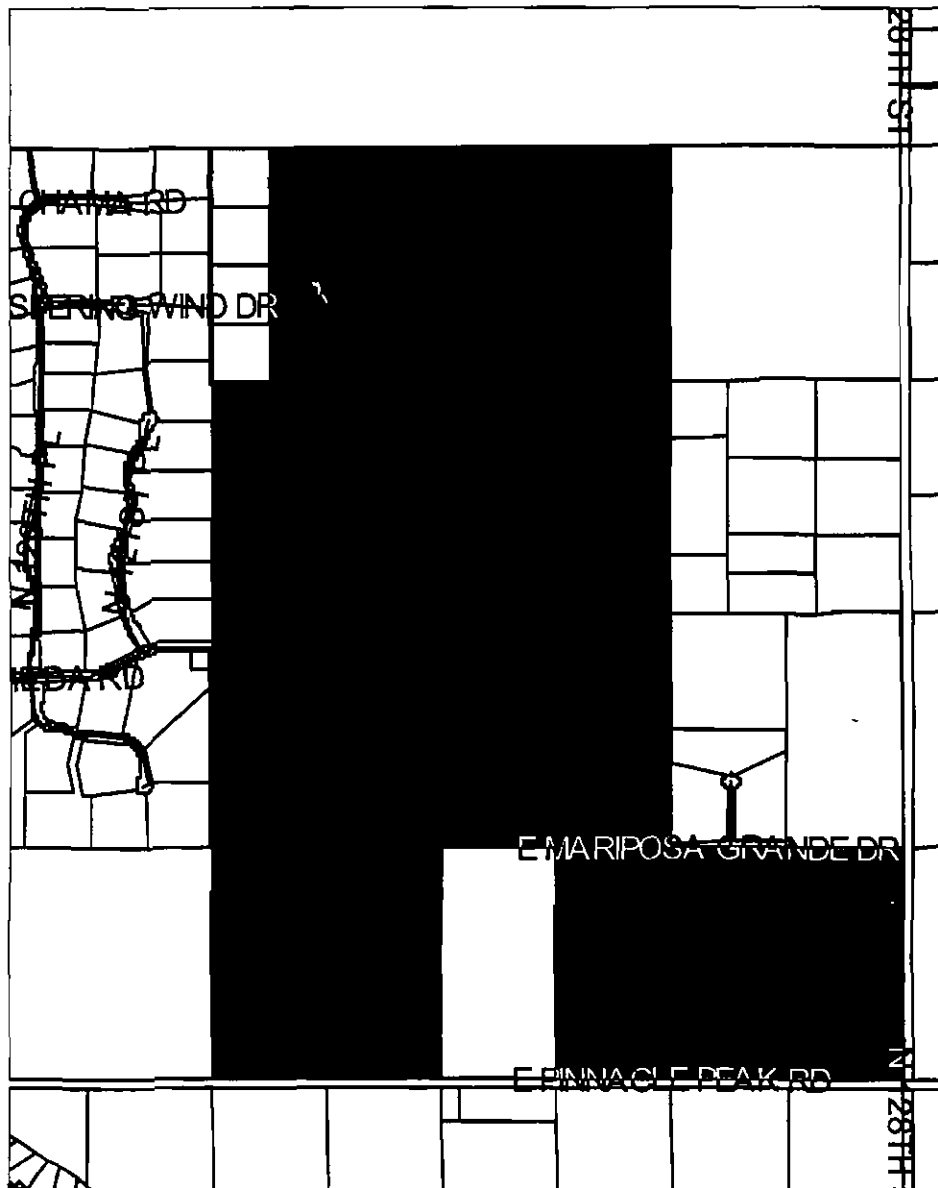
Tim,

I am a property owner just south of the new Crown development and was trying to find out as much information I can regarding their development, including

- 1) Are they trying to rezone the property to fit more lots onto their property?
- 2) When and where is the public hearing going to take place?
- 3) Are they planning to develop "equestrian lots" and if so, what does this mean? Corrals, etc?
- 4) What is their timing in terms of developing the property?
- 5) Is there any intention to develop Pinnacle Peak Road further east to give them access, or are they just extending Alameda Road?

Thank you for your help. Any additional useful comments regarding their development would be greatly appreciated.

Gregory S. Belsher
INCA Capital, LLC
8501 N. Scottsdale Rd., Suite 165
Scottsdale, AZ 85253
480-947-5900 x17 Phone
480-947-5335 Fax
belsher@incacapital.com
www.incacapital.com



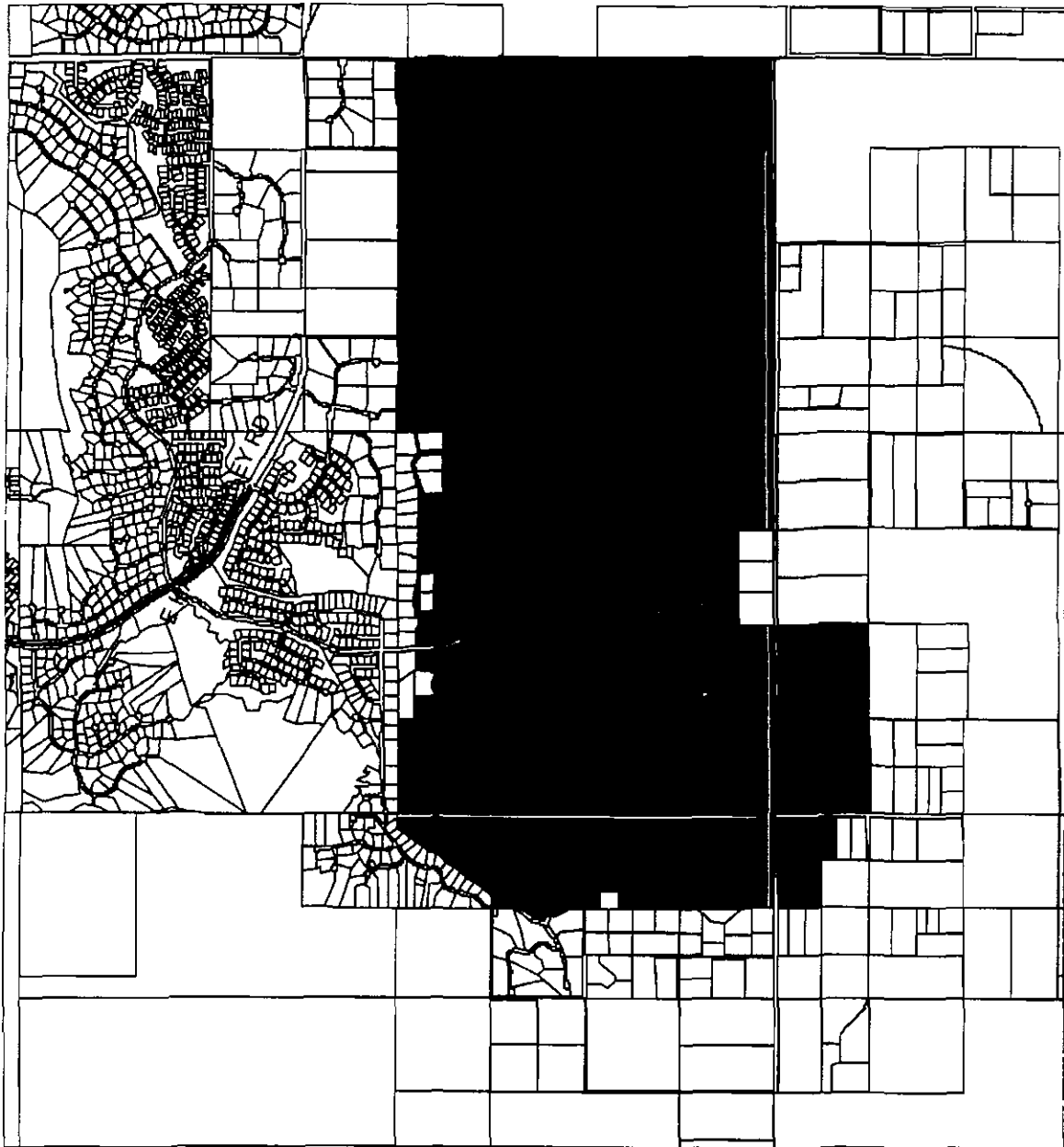
Site Boundaries

Notification 750 Feet
Interested Parties List
Adjacent HOAs

ATTACHMENT #12

1-ZN-2005

1-ZN-2005
750-Foot Buffer for Labels



Site with 750 Foot Buffer Area for Labels

COMMISSIONER BARNETT MOVED THE APPROVAL OF THE MINUTES OF THE NOVEMBER 9, 2005 REGULAR MEETING AND STUDY SESSION, AS PRESENTED COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO)

CONTINUANCES

- 2 **39-ZN-1992#4 (Mayo Clinic)** request by owner to rezone from Commercial Office, Environmentally Sensitive Lands Overlay, Hillside District (C-O ESL (HD)) and Single Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, Hillside District, (C-O S-C ESL (HD)) on a 173 5 +/- acre parcel and to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, (C-O S-C ESL) on a 10 +/- acre parcel The entire site is located at the northeast corner of 130th Street and Shea Blvd **Continued to December 14, 2005.**

COMMISSIONER HEITEL MADE A MOTION TO MOVE 39-ZN-1992#4 (MAYO CLINIC) AND 19-ZN-2005 (SIERRA HIGHLANDS) BOTH TO THE DECEMBER 14, 2005 MEETING THE MOTION WAS SECONDED BY COMMISSIONER HESS AND CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO)

EXPEDITED AGENDA

- 2 **14-UP-2005 (Classic Car Spa)** request by owner for a conditional use permit for a gasoline service station with a full service car wash facility on a 2 5 +/- acre parcel located at 22111 N Scottsdale Road with General Commercial District (C-4) zoning Staff contact person is Greg Williams, 480-312-4205 **Applicant contact person is Rick Stertz, 480-993-4211.**

COMMISSIONER BARNETT MADE A MOTION TO APPROVE 14-UP-2005 (CLASSIC CAR SPA), AS LONG AS IT MEETS THE CONDITIONAL USE PERMIT CRITERIA COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

REGULAR AGENDA

- 3 **1-ZN-2005 (Sereno Canyon)** request by owner for approval of density incentive for current Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL) zoning to increase allowed units from 101 dwelling units to 122 dwelling units with amended development standards on 330 +/- acres This site is located at the east end of Alameda Road near 122nd Street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment) Staff contact person is Tim Curtis, 480-312-4210 **Applicant contact person is John Berry, 480-385-2727.**

Chairman Gulino declared a conflict on this item and Vice-Chairman Steinberg chaired the meeting in his absence

Mr. Curtis made the staff presentation. Highlights of the presentation included Sereno Canyon Floor Plan, Sereno Canyon Request Slide, Sereno Canyon Proposed Conceptual Plan Slide and Items for Consideration. He noted that the Planning Commission is being asked to decide whether the density incentive of 20 lots is appropriate, given the increase of Natural Area Open Space. The stipulations reflect the Transportation Commission's street improvement comments but the cases are not necessarily dependent on one another.

Commissioner Heitel asked about the history and application of the density enhancement bonus. Mr. Hadder explained that the provision has been a part of the ESL ordinance from the outset. To date, only one other case has used the process. It was intended to provide some flexibility. It was also included in the former hillside ordinance. Approximately a dozen cases used that similar provision. The provision was put in the ordinance to try to increase the amount of Natural Area Open Space.

Commissioner Barnett noted that the approval of this item would essentially reduce the building envelope on the lots.

Vice-Chairman Steinberg asked Mr. Curtis whether this kind of upzoning is a trend. He replied that there have been some assemblages. Mr. Curtis added that staff approves the density and the significant amount of open space.

Mr. John Berry of the law firm of Berry & Damore addressed the Commission on behalf of the Applicant. Referring to the 1997 Task Force that worked on the Strategic Plan for a Comprehensive Sonoran Desert Preserve, he noted that the application meets the criteria of the ordinance. The land in question is meaningful open space. The City staff report describes the 330 acres as "dramatic terrain."

Mr. Berry explained that the request is a density incentive as provided under the Environmentally Sensitive Lands Ordinance. Highlights of his presentation included slides of Newly Proposed Lot Plan, Traffic Analysis Graph, Color Aerial/Legend showing routes for emergency vehicles, and Proposed McDowell Sonoran Preserve Area Diagram.

Mr. Berry noted that all City Departments have reviewed this request, and all are in support of this application. The Transportation Commission held two hearings in October and November at which the proposed change to Alameda Road was discussed in great depth. In conclusion, this is a density incentive to provide 66 more acres of preserved desert. This was an assemblage of 13 different properties.

Commissioner Heitel asked Mr. Berry about public trail access on the west side. Mr. Berry said that although the community is gated to prevent vehicle access, there will be no gates on the trail. In response to a follow-up question from Commissioner Heitel, Mr. Berry confirmed that there will be a notice on both sides of the trail.

Commissioner Heitel asked whether the plan allows the trail to be laid out away from the paved roadway. Mr. Berry said a pedestrian circulation plan will be submitted with the preliminary plan.

Commissioner Barnett asked whether the end of Alameda Road will be developed into a secondary trailhead going into the open space area. He asked for the history on how the

developer is going to be paying and taking over a road somewhat distant from his property, the Ranch Gate Road connection to 118th Street

Mr. Berry explained that the Site Plan currently does not anticipate a second trailhead at this location. There is a turnaround area. The City has a well planned out trailhead plan and neighbors would not want vehicles parking at that location.

In response to inquiry by Commissioner Steinke, Mr. Berry reported that the zoning and density to the west of the Crown property is mostly R1-18 zoning.

In response to further inquiry by Commissioner Steinke, Mr. Dave Meinhardt of the Transportation Department outlined the Transportation Commission's recommendation to take Alameda Road as a minor collector off the Streets Master Plan through the Crown site over to 128th Street. For that to occur, Crown would be stipulated to complete the Ranch Gate/Happy Valley Road alignment as a two-lane roadway. In addition, the developer must complete the connection on 118th Street up to Jomax Road and also provide the public trail access and emergency vehicular access.

Commissioner Steinke noted that although the Planning Commission is considering the density incentive, there seems to be some sort of endorsement or attachment to the project with regard to transportation, and requested clarification as to how those two pieces fit.

Mr. Berry explained that if the Alameda Road recommendations of the Transportation Commission were not adopted by the City Council, the Applicant would need to change the site plan. He noted that stipulation #1 in the packet requires conformance to the site plan.

Vice-Chairman Steinberg opened the meeting for public commentary.

Mr. Brian Coast of 11930 East Mariposa Grande Drive has been working with neighbors Tim Miller and Steve Kensok and Mr. Berry, Councilman Ecton and City staff to formulate a plan that would be agreeable to everybody. He is in favor of the proposed increase in density.

Mr. Norbert Kleiner of the Desert Crest Community addressed the meeting. The Applicant's representative and associates had purposefully excluded his immediate neighborhood from the outreach. He is opposed to the proposed increase in density, opining that this will benefit the developer at the expense of the public.

Mr. Steven Kensok of 11921 East Sand Hills Road addressed the meeting. He has been actively working with Mr. Coast, Mr. Miller, and the City through most of the summer. He feels that this is a great compromise as some traffic will be diverted to Ranch Gate Road. He is in favor of the proposed increase in density.

Mr. Robert Jackson, project manager for AIS Properties addressed the meeting, representing Sonoran Peak, LLC. The company is not opposed to density increases in practice but would expect similar consideration if they bring a similar proposal for their parcel. The company is opposed to the Alameda Road closure and has made their position known to the Transportation Commission. Sonoran Peak, LLC believes that there are damages that will affect the entire property in a negative manner. He feels that

Crown failed in its community outreach by not attempting to negotiate with his company sooner. He asked the Planning Commission to be specific as to what street cross sections will be built and where they will be placed. This project can be developed through private or public access of Alameda Road and from the east along the Happy Valley Road alignment.

Mr. Steve Weinberg of 29511 North 140th Place addressed the meeting. He owns a couple of properties to the north and east of the proposed road and is fully in favor of the proposed increase in density. The obvious benefit is the immediate road access and the improved access for emergency vehicles.

Mr. Tim Miller of 11933 East Sand Hills Road addressed the meeting. He presented copies of signatures of residents that are in favor of this application. All but one of the residents of Saguaro Canyon and Desert Crest that are immediately affected are in favor. The compromise the neighbors worked out with the City will improve safety and reduce noise. The City benefits by having a road built at the developer's expense and sooner than this would otherwise have occurred. Additional emergency access is an extra, important benefit. He is in favor of the proposed increase in density.

Neighbors asked him to raise the issue of water pressure which might drop when the new development is built and also requested that cell towers be placed prior to the start of construction to avoid battles in future. He acknowledged that these questions were not on the agenda, but wanted to mention these issues.

Mr. Berry thanked the community members who had taken the time to attend the meeting. He remarked that no one had been deliberately excluded from the outreach, despite Mr. Kleiner's remarks. He clarified that the present application does not involve any roadway abandonment. The Applicant has invested a great deal of time and money on this proposal. For the record, he referred to a map showing the location of Mr. Kleiner's home.

In reply to a question by Vice-Chairman Steinberg, Mr. Berry noted the City's required limit of notification of 750 feet. The Applicant sent notices to residents within 1,000 feet of the property.

Mr. Berry explained that the offer, which other consultants had made on behalf of the Applicant and characterized by Mr. Jackson as "take it or leave it," was the following: Mr. Jackson's client will have a two-lane road built to its final and full configuration at no cost to him, adjacent to his property. When the property is subdivided, the developer will be required by law to dedicate the right of way and make those same half-street improvements. Mr. Berry added that he is befuddled and bemused by their concerns.

Referring to Mr. Miller's question concerning water pressure, Mr. Berry stated that the engineers have indicated that the water pressure will actually improve when the Applicant installs a loop system and other infrastructure improvements.

Brief discussion ensued upon inquiry by Vice-Chairman Steinberg regarding the status of public testimony.

COMMISSIONER STEINKE MADE A MOTION TO RECOMMEND APPROVAL OF THE SERENO CANYON 1-ZN-2005 AS PRESENTED WITH STIPULATIONS FOR

FORWARDING TO THE CITY COUNSEL. THE MOTION WAS SECONDED BY COMMISSIONER BARNETT.

Commissioner Heitel said he would probably support this case, but noted that it raises some very concerning aspects for future cases. He is not totally convinced that on-lot meaningful open space is in the spirit of the ESLO ordinance as it was written. This is a question mark in the ordinance and he is not prepared to hold up the developer, who will probably add a positive aspect to development in north Scottsdale. However, down the road he foresees problems. He asked whether, in a future study session, staff could discuss what they might and might not like to do in terms of recommending clarification of ESLO.

Commissioner Hess shared Commissioner Heitel's opinion. He will support this case with the same reluctance.

Commissioner Steinke said opined that this is a good proposal. He wants to make sure that City Council is aware of everything and that stipulations are very clear and spelled out.

Vice-Chairman Steinberg opined that Crown did a good job and that the space will be meaningful because the land is so beautiful. He supports the motion.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF 5 (FIVE) TO 0 (ZERO)

Chairman Gulino thanked Vice-Chairman Steinberg and resumed chairing the meeting.

- 4 19-ZN-2005 (Sierra Highlands) request by owner to rezone from Single Family Residential District, Environmentally Sensitive Lands (R1-190 ESL) to Single Family Residential District, Environmentally Sensitive Lands (R1-70 ESL & R1-43 ESL) with amended development standards on a 30.5 +/- acre parcel located at 8500 E Black Mountain Road (Northeast corner Black Mountain Road and 84th Street). Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is Alex Stedman, 480-994-0994.**

Continued to December 14, 2005

- 5 15-ZN-2005 (Silverstone) request by owner to 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 Scottsdale Road and Pinnacle Peak Road. Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is John Berry, 480-385-2727.**
- 6 13-UP-2005 (Silverstone Use Permit) request by owner for a conditional use permit for a residential health care facility on a portion of the 160 +/- acres located at the southeast corner of Scottsdale Road and Pinnacle Peak Road. Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is John Berry, 480-385-2727.**

Mr. Porell noted that staff consider trips generated to and from the site rather than the size of the workforce. Under the original plan to build a hospital at this site, the analysis predicted 104,000 trips per day. Under the proposed site plan and rezoning, the number drops down to approximately 21,000 trips per day.

A discussion ensued between Commissioner McCall and Mr. Porell to clarify the statistics, and identify current traffic flow at the site.

COMMISSIONER HILL MADE A MOTION THAT THE TRANSPORTATION COMMISSION ENDORSE MAYO CLINIC'S REQUEST FOR A VARIANCE TO THE SHEA ACCESS POLICY TO ALLOW THIS MEDIAN BREAK AND FUTURE TRAFFIC SIGNAL AT 132ND STREET AND SHEA BOULEVARD

Commissioner Hill noted that Commissioner McCall's concerns are worth raising. However, in his opinion, for this terrific community resource and facility, this additional access point will be worthwhile. With proper traffic synchronization, traffic snarls will not be created.

THE MOTION WAS SECONDED BY COMMISSIONER BRUZ AND CARRIED BY A UNANIMOUS VOTE OF 6 (SIX) TO 0 (ZERO)

5

REQUEST TO MODIFY STREETS MASTER PLAN

Continued discussion and take action on the proposal by Land Development Services, L L C to remove a portion of the Alameda Road extension between the 122nd Street alignment and 128th Street from the City's Streets Classification Map—Dave Meinhart, Transportation Planning and Transit Director

Mr. Dave Meinhart introduced the item. He noted that if the Transportation Commission approves the request, it would also require approval by City Council. The Applicant was asked to do some follow-up with some of the concerned citizens who spoke at last month's meeting. Staff propose that, should this request be recommended, there be a condition that the streets master plan would not be amended until the alternative east-west corridor is constructed, and that public trail access be provided across the site, as well as emergency vehicular access.

Mr. John Berry addressed the meeting, presenting an overview of the issues and an aerial photo. At the previous meeting, the Commission requested that the Applicant take additional time to perform further outreach in the area.

Mr. Berry noted that the establishment of the McDowell Sonoran Desert Preserve has resulted in a material change to the traffic context for this area. He referred to a Traffic Analysis slide, citing that as a result of the Preserve efforts and the development in the area, current predictions are that area traffic will be reduced by approximately 33%.

The Applicant is requesting that Alameda Road be removed and a more centrally located access road be provided instead. Mr. Berry recalled inquiries at the previous meeting relative to the community benefits. The Applicant is planning to build Ranch Gate Road sooner than planned, at their expense. The Applicant

will also pay for and accelerate construction of the connection of 118th Street to Jomax

Noting that City staff had considered emergency access before bringing this request to the Commission, he displayed a map developed by the Applicant, denoting the location of the new Fire Station 614 on Alma School Road. He pointed out the current routes from the Fire Station to the neighborhood, which are distances of 5.2 and 5.3 miles. If the request is approved, the distance will be shortened to 4.7 miles.

Mr. Berry noted that at the previous meeting there were questions related to trails and bikes. Referring to a slide of Proposed Public Trail Alignments, he identified existing required public trails on the City's master plan. Developers will be required to install the trails as projects develop.

Mr. Berry noted a discussion on October 20 about what is happening on Alameda Road. The Applicant is proposing and is prepared to stipulate to provide public access through the community for walkers and bicycles.

Mr. Berry spoke about the balance of traffic in the area. The current forecast for the traffic volume on Alameda is 6,760 ADT (average daily traffic). If this request is granted, traffic volume on Alameda would go down to 3,850 ADT.

Mr. Berry mentioned that the October 20th meeting demonstrated that there is a great deal of support from the area homeowners. He referred to a color map depicting the Eastern Edge of Property/State Land/Mountain Preserve Addition and denoted ownership patterns. There is one landowner, Mr. Maniotis, who owns 49 percent of the vacant land in the east. The Applicant is not aware of any homes built in the eastern area. Mr. Maniotis has expressed support for this change.

Mr. Berry identified parcels that are owned by non-residents, which represents 33 percent of the land to the east. A total of 82 percent of the land east of the project is either owned by Mr. Maniotis or by individuals who live outside Arizona. The remaining 18 percent is owned by 26 individual landowners who are Arizona residents, although no homes have been built.

Mr. Berry's understanding is that all City departments have reviewed this project, and staff is supportive of this request.

Chairman Gilliland reviewed and summarized the comment cards from members of the public who did not wish to speak. Ten cards were from people in favor of the proposal: Mr. Patrick McDonald, Mr. James Mann, Ms. Sandra Fisher, Ben & Carol Boles, R. W. Kreutel, Ms. Nancy Eris, Leilani and Mike Brown, and Ms. Rochelle Gatt. Three cards were from people opposed to the proposal: Ms. Teresa Kleiner, Mr. Moshe Bar, and Mr. Merle Hinrich.

The following individuals spoke to the Commission

Mr Robert Jackson of 14902 North Scottsdale Road is a project manager for AIS Properties, Inc , expressing opposition to the proposal Referring to the aerial diagram, he said that the road closure would benefit one developer to the detriment of other property owners He opined that the public has not been notified of the proposed extension of Ranch Gate Road When AIS purchased their property in 2004, no one informed them that a public road would be built on their south property line He asserted that if this happens, Sonoran Peaks, L L C (his company) will be filing lawsuits against all parties to this action

Mr Jackson posed a number of questions, which included Whether the property owners to the east of were publicly informed of the proposed change to Alameda Road, whether City officials have informed the public of the proposed change, and whether a traffic study has been completed

He concluded that the State Land Department seems to be in favor of the new roadway The City has not informed the public about the new roadway and has not responded to his company's request for more information

Mr Tim Miller of 11933 East Sand Hills Road addressed the meeting in favor of the proposed change, citing that at the last meeting he had left a petition with over a hundred signatures

Mr Steve Weinberg of 29511 North 140th Way addressed the meeting in favor of the proposed change, citing that the positives clearly seem to far outweigh the negatives

Mr Norbert Kleiner of 24867 North 119th Place addressed the meeting, expressing opposition to the proposed change Mr Kleiner provided a presentation to the Commission He disputed the traffic statistics that have been quoted and opined that future residents of the Crown property will use Alameda Road whether it is gated or not because it is the most direct route out of the neighborhood The proposed change is unnecessary and there are many things wrong with this proposal Mr Kleiner concluded that there are superior alternatives to the Ranch Gate Plan

Mr Steve Kensok of 11921 East Sand Hills Road addressed the meeting in favor of the proposed change

Mr Brian Coast of 11930 East Mariposa Grande addressed the meeting in favor of the proposed change Noting that some homeowners are bothered by exhaust fumes as well as noise, he said that Alameda Road is not suitable for a high volume of traffic The extension of Ranch Gate Road will better serve the community

Mr Steve Ravnitsky of 12050 East Chama Road spoke in opposition to the proposal He said he was completely left out of the process Although this is a proposal for a two-lane road, Carefree Highway was once a two-way road The area where Ranch Gate would be built is a pristine desert sanctuary today He

feels there are better alternatives and cited the nuisance of noise and light pollution that would result in his neighborhood

Mr. Rene Eris of 23557 North 119th Way addressed the meeting in favor of the proposed change. He acknowledged that this is a difficult situation and noted that traffic in the area routinely ignores the speed limit. He feels that the Applicant has done a great job in making this proposal, which deserves serious consideration. He watched the October 20 meeting on television and was distressed that Commissioners voiced concerns in terms of the rights of the speculators who own land to the east of the Crown property. At the invitation of Chairman Gilliland, Commissioner Taunton opined that that was not the only reason for opposition at the last meeting. He added that the word "speculator" was never used in the meeting. Mr. Eris disputed that assertion.

Mr. Neil Dempster of 24573 North 119th Place spoke in opposition to the proposal. Mr. Dempster reviewed the master plan prior to purchasing his home and based his decision to purchase on the knowledge that they were safe from development. He had done due diligence and made a commitment based on information that was available at the time. Mr. Dempster disputed the emergency response time, noting that the response time to homes south of the proposed extension of Ranch Gate Road would actually increase. He believes that this proposal is to the detriment of many people and benefits few. He added that he had only become aware of the proposal thanks to the efforts of Mr. Kleiner.

Commissioner Bruz asked Ms. O'Connor to confirm that as things presently stand, when a developer comes into an area they would be required to extend Alameda Road, but not necessarily exactly on the line shown on the streets master plan. Ms. O'Connor agreed that this is essentially correct.

In response to resident comments regarding noise and environmental studies, Commissioner Bruz inquired regarding the use of such studies. Ms. O'Connor replied that environmental studies are generally required when the City is involved in Federally funded projects. In response to a follow-up question from Commissioner Bruz, Ms. O'Connor explained that when the City widens a roadway, analysis is performed to determine the noise impacts on existing homeowners and whether mitigation is warranted.

Mr. Meinhardt added that because this area is under the City's Environmentally Sensitive Lands Ordinance, designs for Ranch Gate Road would be reviewed by the Planning Department. He outlined the volume and speed of traffic that produces noise levels that require mitigation for City roadway projects, noting that a two-lane roadway with 3,000 vehicles a day would not come close to the 64 decibel level at which the City mitigates noise.

In response to inquiry by Commissioner Bruz regarding emergency response times for people south of the project, Mr. Meinhardt reported that the City asked that the Crown site provide emergency access to the properties to the south. The proposal would not change anything for the properties to the south.

Commissioner Bruz asked Mr. Berry whether the developer had ever looked at opportunities to carry Alameda Road through the site. Mr. Berry noted that the first plan was a typical subdivision that did not require the developer to come before the Commission. The idea for closing Alameda Road had come from the community members, who wanted to have balanced traffic patterns in the area. The benefits of the proposal far outweigh the costs. The developer has spent the past year working with community members to try and reach a win-win solution, which has delayed construction on the Crown property.

At the request of Chairman Gilliland, Mr. Meinhart reviewed the history of the Ranch Gate Road alignment. Roadways that are smaller than minor collectors are not covered by the streets master plan. Part of the alignment runs across State land and could be acquired upon State Land putting the property up for sale. The Applicant has taken the initiative to approach the State Land Department.

In response to inquiry by Chairman Gilliland, Mr. Berry replied that the owner of the property to the east, Mr. Bar, was in attendance and that Mr. Jackson, who represents him, had addressed the meeting earlier. Mr. Bar's property is not affected by the proposal because an easement for Ranch Gate Road already exists along the southern edge of his property.

Chairman Gilliland requested staff commentary. Mr. Meinhart agreed with Mr. Berry, citing that the City has already set Ranch Gate as an alignment for a future two-lane road.

Mr. Jackson acknowledged awareness of the right-of-way and understands the rules of platting. They understood 118th Street would be built, but were not planning to build East Ranch Gate Road. His company is prepared to make improvements if the City requires this. When notified by a letter from Crown's community outreach firm, they responded asking them to get in touch for further discussions but no one got back to them. They had also asked the City's Planning staff for a meeting and not received a response.

Chairman Gilliland asked what the negative impacts will be. Mr. Jackson said they have not yet platted or planned their subdivision, but they had planned to connect to 118th Street. Mr. Berry has submitted a right-of-way application to the State for the roadway.

Mr. Berry stated that the harm to Mr. Bar's property is that he will be required to dedicate and improve the right-of-way at his cost when he plats the property. Crown is going to pay for the construction and upkeep of the roadway along Ranch Gate Road and for the improvements on 118th Street.

Upon comments from the floor by Mr. Dempster, discussion ensued regarding the protocols for speakers to follow during the meeting.

Commissioner McCall remarked that the community outreach to the homes along Alameda Road was done very nicely, but tonight she is hearing that there are other communities in the neighborhood of the proposed extension of East Ranch Gate Road that were not contacted.

Mr. Berry explained that the developer held neighborhood meetings, went door to door and did several mailings and presented a map highlighting the City's notifications

In response to inquiry by Commissioner McCall regarding an environmental impact study, Ms. O'Connor explained that these roadways are projected to have less than 5,000 vehicles average daily traffic. Environmental impact analysis is geared towards roadways with higher volumes and impacts, as Mr. Meinhart stated earlier. If a study were undertaken, there would be nothing comparable to benchmark it against. Staff tries to work with all stakeholders to come up with a roadway system that will be acceptable.

Commissioner McCall expressed concerns about construction traffic disrupting the neighborhood. Ms. O'Connor noted that construction traffic is always negative for residents, it is a temporary condition and would not justify doing an environmental impact analysis. She clarified that Mr. Jackson's comments have never been addressed to Transportation staff. Staff have never been asked for any information on this and were unaware of his concerns. Staff have been working with Mr. Kleiner and others.

Commissioner Davis noted that one of the reasons the Commission did not take a decision on October 20 was due to the desire to obtain additional public comment. There was some discussion in the study session that having the alignment next to or through the Preserve is not desirable.

Mr. Meinhart acknowledged that the exhibit Mr. Kleiner presented was an idea that had been discussed. Input obtained from the Preserve staff indicated that they were uncomfortable with this idea. He noted that the McDowell Sonoran Preserve Commission also has guidelines intended to minimize the number of roads adjacent to the Preserve boundaries.

In response to a request by Commissioner Davis, Mr. Meinhart confirmed that no additional Preserve land is planned in that area. It is expected that at some point the State land that is not identified as Preserve will be sold for future development.

Commissioner Davis noted discussions that at least half of the street right-of-way for East Ranch Gate Road has been dedicated for a road. The proposed change would make a connection to 128th Street.

Mr. Meinhart confirmed and explained that the Applicant is negotiating with the State Land Department to acquire the rights to be able to build the roadway. The State has not yet made a formal development plan, but has given support to this alignment.

In reply to a follow-up question from Commissioner Davis, Mr. Meinhart confirmed that a 27-foot wide right-of-way is already dedicated. This represents the south half of the road, plus some additional right-of-way for a trail.

Commissioner Davis remarked that the two property owners are apparently not in agreement. He asked whether Ranch Gate Road could be built without

additional right-of-way Mr. Meinhart stated that a minimum of 24 feet of drivable surface is required for a road of this size

Commissioner Davis asked how the private property is going to be obtained Mr. Meinhart replied that there is certainly room for more negotiations The Applicant could construct the road on the 27 feet currently dedicated and build the trail to the north He added that the Applicant has undertaken to build 118th Street north to Jomax

Commissioner Davis asked about the current traffic count for Alameda Road, given the construction in the neighborhood Mr. Meinhart replied that the latest counts are 2,700 vehicles per day on Alameda Road east of 118th street

Commissioner Hill commented that this has been a long and serious discussion and is not an easy decision At this time he would vote not to change the streets master plan Commissioner Hill noted that there are numerous stakeholders whose commitments and investments were based upon existing plans Eventually the streets master plan will be changed He believes that Crown Properties' efforts and good work will very likely come to fruition in some manner He would not rush to vote in a change to the streets master plan, but rather would wait for it to evolve He thanked everyone who has participated in this

Upon inquiry by Commissioner Taunton, Mr. Berry confirmed that the assumptions made in the trip generation statistics previously quoted assumed that Ranch Gate Road was built and that Alameda was gated

In response to further inquiry, Mr. Porell speculated that if Alameda was to be constructed as a public street connecting to 128th Street, the projected volume of traffic would be 6,000 vehicles per day With the additional developments north of the Crown project that would use the East Ranch Gate alignment, volumes would be a lot less if Alameda were not a public street

Commissioner Taunton opined that that is one of the crucial issues that has not been addressed and suggested that it would be very helpful to figure out what will happen to the area east of 128th Street in the long-term He queried why the developer would not consider keeping Alameda as a public street, noting that gates could be placed within the site, rather than closing off a planned minor arterial He believes that some of the congestion issues along Alameda Road will be mitigated when East Ranch Gate Road is built

Mr. Berry reminded the Commission that if this proposal is approved, the developer has agreed to improve as a half street and make a connection from Jomax to where 118th Street now ends The developer has also agreed to immediately install the connection to 128th Street, at the developer's expense

Commissioner Taunton disagrees somewhat that closing that roadway to public access is better for the transportation infrastructure Ideally, it is preferable that Alameda Road remain public, and East Ranch Gate Road also be constructed

Chairman Gilliland invited Mr. Dempster to speak

Mr. Dempster apologized for his earlier statement from the floor. He said it appears to him that the City may have made some errors in judgment in planning this neighborhood. Mr. Kleiner proposed an alternative that should be taken into consideration. The route that residents would have to take if Alameda Road is closed is quite circuitous. Alameda Road is the most direct route and people will not give up driving the direct route. Referring to the fire response map, Mr. Dempster queried the distances that Mr. Berry had quoted.

Mr. Berry replied with an explanation of how the Applicant had determined the distances for emergency response time, stressing that Scottsdale emergency vehicles can immediately enter any gated community.

Commissioner Bruz expressed concern about providing adequate access to the four parcels at the northwest corner of the Crown property. He wanted to make sure that the Applicant has talked to those people and resolved the concerns.

Mr. Berry acknowledged that members of the Applicant's team had met with and exchanged correspondence with those property owners of the four parcels. In fact, two of those property owners who were in opposition at the last Commission meeting, are in attendance tonight in support of this agenda item.

Commissioner Davis asked staff to confirm that Crown is responsible for obtaining all the right-of-way. Ms. O'Connor affirmed, noting that part of the stipulation would be that if this roadway is not built, the Alameda alignment will be required to connect to 128th St.

Commissioner Davis expressed concerns about the Applicant building a full street, not a half street. Mr. Berry assured the Commission that the road will be a two-lane road, just as Alameda is today.

Commissioner Davis noted that the application to the Planning Commission mentions trailheads for private trails. He asked whether that would change if the Transportation Commission recommends the change to the streets master plan. Mr. Meinhart confirmed that public trail access would be stipulated if the Transportation Commission recommends the change.

Commissioner Davis said it has been mentioned that people in this development will continue to take Alameda. He feels that Ranch Gate Road would be used more by future subdivisions. Mr. Meinhart affirmed, citing that the traffic projections that are being developed assume that the majority of traffic from the Crown development site would use Alameda Road.

Commissioner Davis remarked that he is inclined to support this proposal, with some of the stipulations.

Chairman Gilliland clarified that the motion would be of general support for the proposal, with *the stipulations that 118th Street and East Gate Ranch Road be constructed prior to the closure of Alameda, and that public trail access and emergency vehicular access be provided across the development site*.

Mr Berry suggested that if the Commission moves forward with a motion, *that they also include that this segment of Alameda Road not be deleted from the streets master plan until whatever condition the Commission sees fit has been met*

CHAIRMAN GILLILAND MADE A MOTION TO RECOMMEND A CHANGE TO THE STREETS MASTER PLAN WITH THE STIPULATIONS AND CONDITIONS NOTED ABOVE COMMISSIONER DAVIS SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO TWO (2) COMMISSIONERS HILL AND TAUNTON DISSENTED

Discussion ensued regarding the appropriateness of a motion made by the Chairman Whereupon,

COMMISSIONER MCCALL MADE A MOTION TO RECONSIDER COMMISSIONER BRUZ SECONDED THE MOTION THE MOTION TO RECONSIDER CARRIED BY A UNANIMOUS VOTE OF 6 (SIX) TO 0 (ZERO)

VICE-CHAIRMAN DAVIS MADE A MOTION THAT THE TRANSPORTATION COMMISSION RECOMMEND APPROVAL OF THIS REQUEST , INCLUDING THE CONDITIONS INCLUDED WITH THE MOTION THE MOTION WAS SECONDED BY COMMISSIONER BRUZ AND CARRIED BY A VOTE OF FOUR (4) TO TWO (2). COMMISSIONERS HILL AND TAUNTON DISSENTED

6 DRAFT FY 2006/07 OPERATING BUDGET PRIORITIZATION OF TRANSIT (Information/Possible Action)

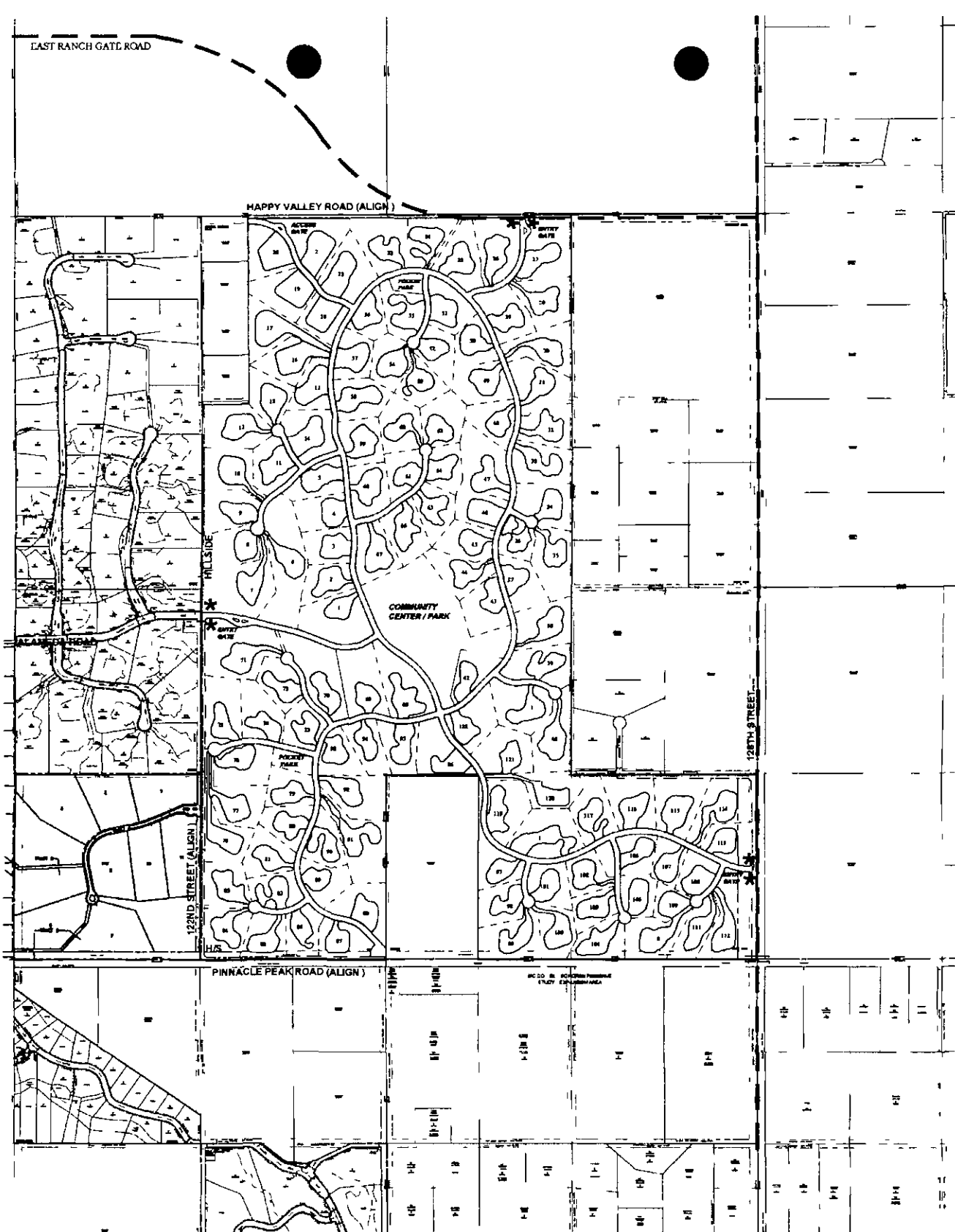
Commission will review and provide input to prioritize proposed transit system improvements for FY 2006/07—Dave Meinhart, Transportation Planning and Transit Director, Debra Astin, Transit Manager

Chairman Gilliland noted that three more items remained on the agenda Ms O'Connor advised the Commission that they have the option to continue these items to the December meeting She noted that agenda item #7 will be brought back again It would be possible to hear Ms Astin's presentation for information and share feedback at a later meeting

Ms Debra Astin, Transit Manager, gave a presentation She noted that FY 2006/2007 will be the first full year that the City receives Proposition 400 funds Highlights of her PowerPoint presentation included slides depicting Staff Recommendations for Transit Service Improvements, Services for Seniors and People with Disabilities, Fixed Route Services, Circulator Services, Other Potential Improvements, Prop 400 Transit Operating Improvements/20 Years, and Recommended Improvements Chart

Commissioner McCall thanked Ms Astin for her presentation Commissioner McCall asked about the fees for users of Dial-a-Ride and Cab Connection Ms Astin replied with details of the fee structure

Commissioner McCall asked her to explain her statement during the presentation that Cab Connection costs half as much as Dial-A-Ride Ms Astin clarified that when she stated a cost per passenger, she meant the cost to the City



SITE DATA

GROSS AREA 330 Acres
 EXISTING ZONING R1 130 ESL
 PROPOSED ZONING R1 130 ESL (D1)
 NUMBER OF UNITS 122 Units (Requires CoS Approval)
 DENSITY 0.37 Du/Ac
 OPEN SPACE REQUIRED 139 Acres (42%)
 OPEN SPACE PROVIDED 205 Acres (62%)

— DEVELOPMENT ENVELOPE

- - - PROPOSED STREET ALIGNMENTS

BASE DENSITY

330.38 Acres x 0.31 Du/Ac = 102 Units

DENSITY INCENTIVE

Required NAOs 139 Acres (42%)

Additional Provided NAOs 86 Acres = 26% (max allowed)

20% x 0.31 (base density) = 0.062

0.062 x 330.38 = 20.5 Units

Total Units = 122 Units

Total NAOs Provided 205 Acres (62%)

*LOTS ENVELOPES, STREETS & AMENITIES SUBJECT TO CHANGE

CONCEPTUAL LAND USE PLAN W/ SURROUNDING PROPERTY CONTEXT

CROWN COMMUNITIES
 SCOTTSDALE, ARIZONA

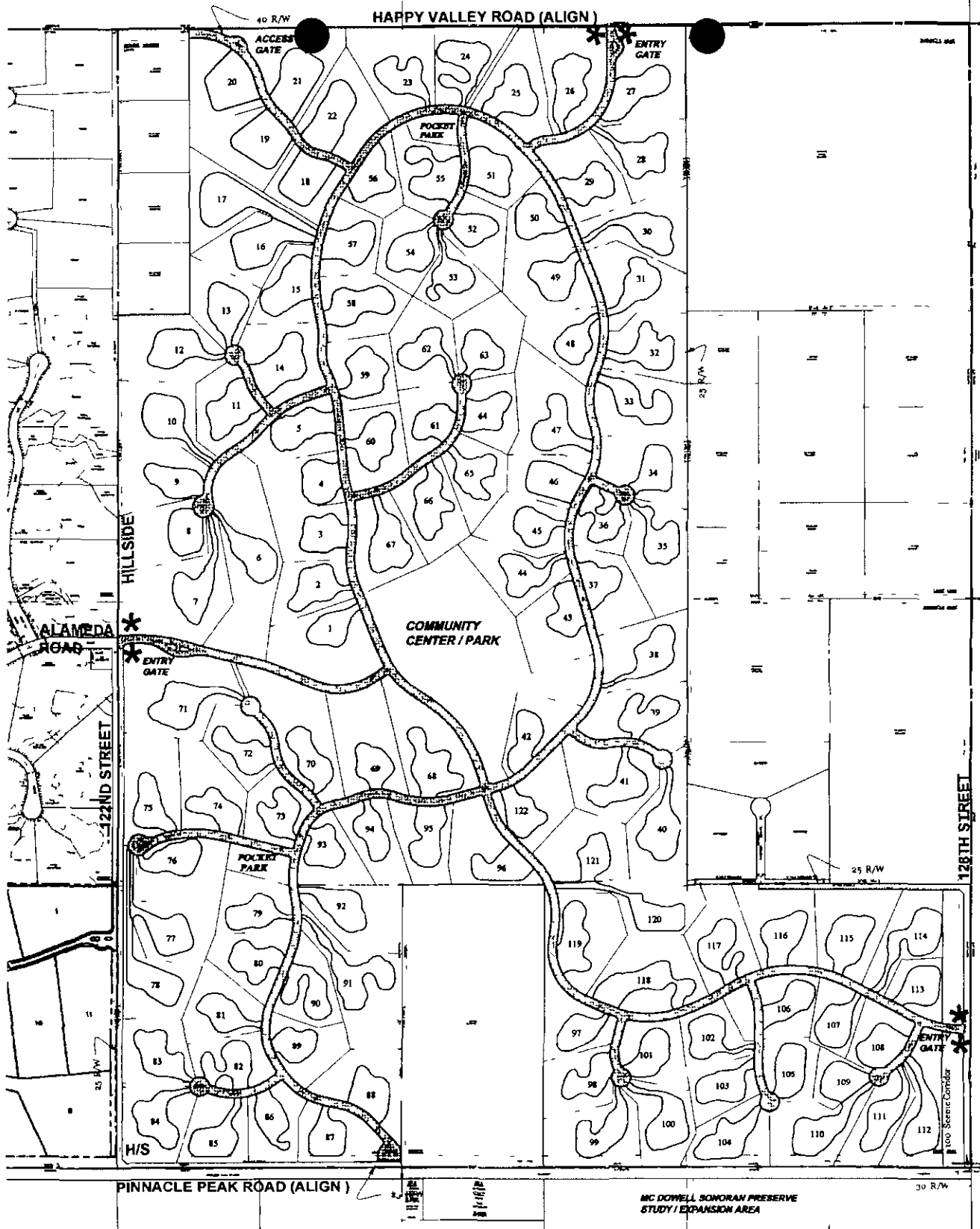
SCALE: (1" = 100')



DATE: 07.15.04
 JOB: 0475
 BY: JLD
 APP: JLD
 10.24.05

1-7-2005
 10 4-05

ATTACHMENT #15



SITE PLAN

SITE DATA

GROSS AREA 330 Acres
 EXISTING ZONING R1 130 ESL
 PROPOSED ZONING R1 130 ESL (DU)
 NUMBER OF UNITS 122 Units (Requires Co's Approval)
 DENSITY 0.37 Du/Ac
 OPEN SPACE REQUIRED 139 Acres (42%)
 OPEN SPACE PROVIDED 205 Acres (62%)

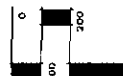
DEVELOPMENT ENVELOPE

BASE DENSITY 330.38 Acres x 0.31 Du/Ac = 102 Units
 DENSITY INCENTIVE
 Required NAOS 139 Acres (42%)
 Additional Provided NAOS 66 Acres = 20% (max. allowed)
 20.4 x 0.31 (base density) = 0.062
 0.062 x 330.38 = 20 Units
 Total Units = 122 Units
 Total NAOS Provided 205 Acres (62%)

LOTS ENVELOPES STREETS & AMENITIES SUBJECT TO CHANGE

ROWAN COMMUNITIES
 PITTSDALE, ARIZONA

SCALE (+/-)



NORTH



DATE: 12-14-05
 JOB: ROWAN COMMUNITIES
 BY: [Signature]
 APP: [Signature]
 REV: [Signature]