

Letters
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Project Tracking Sheet
Citizen Comment Cards

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Curtis, Tim

From: Curtis, Tim
Sent: Friday, April 13, 2007 11:01 AM
To: 'Neal Pascoe'
Subject: RE: Winstar/REI

Neal,
See Laurie McCammon's email below.

Remember, in January we discussed the rezoning pre-application, and we discussed the S-R expectations of the Council, Staff, and neighborhood.

Thanks,
Tim Curtis

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

From: lmaccrash@cox.net [mailto:lmaccrash@cox.net]

Sent: Wednesday, April 11, 2007 2:11 PM

To: City Council

Subject: Winstar Pro/REI proposed development east of Westworld and south of McDowell Mountain Ranch Road

Contact Information (if blank, user did not provide):

Name: Laurie McCammon

Address: ,

C/S/Z: ,

Phone: 480 419-6296

MESSAGE:

Dear Mayor Manross and Council Members, I am writing to address the proposed two story office development on the Winstar Pro and REI land near Westworld. The MMRCDC and neighbors are supporting Service Residential for these parcels as was our original position in 2003. While many uses have been proposed and explored this is the best use for property in this unique location. We are not supporting two story office buildings and office designation. The additional land acquired by the developers during the process adds greatly to the potential traffic on this already overburdened area. The intersection at MMR Road and TPP has traffic stacked in the south bound turn lanes as well as traffic exiting the Desert Canyon School, Aquatic Center and Arabian Library that has not yet been completed. Safety concerns due to the loop road being lessened to a loop drive that enters TPP at a sharp angle directly into the south travel lane would be negatively impacted by increase in trips caused by higher density two story office buildings. Service Residential was proposed for this property and the south/east corner of Bell and 98th Street in a document supplied by the developer's representative when the process began in 2003. Other properties in the area have been developed in agreement with the document specifically the Bell Road and 98th Street corner which was developed by Shea as SR. The document is signed by both George Bell and Steve Weiss as well as other land owners and Bob Vairo. A copy of the document was provided in my testimony at the GP hearing last fall. MMRCDC will be happy to supply additional copies if requested. At the GP

4/13/2007

hearing our Mayor and City Council Members were direct in their support of SR for the property and spoke of that support in comments to Paul Gilbert. The community thanks you for your insight and work on the community's behalf. We are requesting your continued support of Service Residential that will allow the developer a reasonable use of his property while not negatively impacting our neighborhood safety, traffic and quality of life.

Thank you for your time and please feel free to contact the MMRCDC at any time. Respectfully, Laurie McCammon on behalf of the MMRCDC Imaccrash@cox.net 480 419 6296 fax: 480 502 0461.



City of Scottsdale
Current Planning Services

SCHOOL DISTRICT
Determination of Adequate Facilities

City of Scottsdale Project Number: 5 - PA - 2007

Area in gray to be completed by Applicant.

Project Name: Residences at Thompson Peak

Project Location: West of the SWC McDowell Mtn. Ranch Rd + Thompson Peak Pkwy.

Applicant Name: Beus Gilbert PLLC

Phone: 480 429 3060

Applicant E-mail: npascoe@beusgilbert.com

Fax: 480 429 3100

School District: SCOTTSDALE UNIFIED

I, DAVID PETERSON, hereby certify that the following determination has been made in regards to the above referenced project:

- The school district has adequate school facilities to accommodate the projected number of additional students generated by the proposed rezoning within the school district's attendance area; or
- The school district will have adequate school facilities via a planned capital improvement to be constructed within one (1) year of the date of notification of the district and located within the school district's attendance area; or
- The school district has determined an existing or proposed charter school as contracted by the district can provide adequate school facilities for the projected increase in students; or
- The applicant and the school district have entered into an agreement to provide, or help to provide, adequate school facilities within the school district's attendance area in a timely manner (a copy of said agreement is attached hereto); or
- The school district does not have adequate school facilities to accommodate projected growth attributable to the rezoning.

Attached are the following documents supporting the above certification:

- Maps of attendance areas for elementary, middle and high schools for this location
- Calculations of the number of students that would be generated by the additional homes.
- School capacity and attendance trends for the past three years.

Or

I, _____, hereby request a thirty (30) day extension of the original discussion and response time.

Superintendent or Designee

10/9/10

Date

Planning and Development Services

7447 E Indian School Road, Suite 105
Scottsdale, AZ 85251
Phone: 480-312-7000 • Fax: 480-312-7088

21-ZN-2007
8/9/10

December 21, 2009

Beus Gilbert, PLLC
ATTN: Mr. Neal Pascoe
4800 N. Scottsdale Road, Suite #6000
Scottsdale, Arizona 85251-7630

Dear Neal,

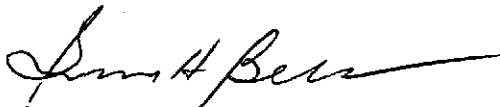
Please be advised that we have changed our mailing address to 16420 N. 92nd Street, Suite #115 Scottsdale, Arizona 85260 and have only just received this letter of yours dated December 2, 2009 to you from Ms. Louisa Garbo from the City of Scottsdale.

Please be advised that we have requested an additional extension to delay the payments on the State Land Parcel, which is one of the land parcels that are a subject of the herein referenced zoning application.

Neal, you will recall that the two WinStar Pro parcels are owned free and clear, however, we have an outstanding debt on the State Land Property and momentarily expect to hear from the State Land Department if it will extend its required now due payment until such time as we can achieve a zoning on the subject property.

Please advise the City of Scottsdale that we will let them know our position on this application just as soon as we receive a decision from the State Land Department.

Respectfully submitted,



George H. Bell
Managing Partner

cc: Ms. Louisa Garbo
cc: Dr. Stephen J. Weiss, Managing Partner

Neal Pascoe

From: Dave Gilbertson [Dave.Gilbertson@wilcox.us]
Sent: Tuesday, April 08, 2008 5:26 PM
To: Neal Pascoe
Cc: Ben Blixt
Subject: FW: Meeting on WestWorld Basin

David A. Gilbertson
GILBERTSON ASSOCIATES, INC.
a Wilcox Company
Ph. 480.607.2244
Fax. 480.607.2299
Email: dave.gilbertson@wilcox.us

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

From: Ben Blixt
Sent: Tuesday, April 08, 2008 5:15 PM
To: Dave Gilbertson
Subject: FW: Meeting on WestWorld Basin

FYI...

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

From: David Johnson [mailto:djohnson@lc.usbr.gov]
Sent: Wednesday, January 16, 2008 2:11 PM
To: Ben Blixt
Cc: Brenda Paquette; Pete Castaneda; Scott Peedle
Subject: Re: Meeting on WestWorld Basin

Thankyou for the followup e-mail message. This helps in my documentation and backup - so I don't forget anything said.

dave

>>> "Ben Blixt" <Ben.Blixt@wilcox.us> 1/15/2008 2:10 PM >>>
Dave,

Thank you for taking the time to meet with us on Friday.

The properties our client would like to develop are located east and north of the WestWorld facility. It is understood that the WestWorld facility is located in the Bureau of Reclamation's drainage basin. The basin was completed in 1978, and is designed to handle runoff from back to back 10,000 year events, and bleed off within 14 days. We understand that development typically is not permitted within Federal Government property, and are not proposing to modify the Federal property with this project. The proposed development is currently in the rezoning stage.

It is our understanding that the Bureau of Reclamation does not have a problem with development on these parcels, as this development was anticipated in the original basin design. The surface runoff will be focused to drain directly to the bureau basin. We will coordinate with WestWorld and Sanctuary Golf Course facilities regarding drainage impact, and a stormwater storage waiver from the City of Scottsdale will be sought.

As this project progresses and a site plan is developed we will provide you the opportunity to comment on the drainage issues and concerns with the proposed site plan.

If you have any questions, please contact me or Scott Peedle (scott.peedle@wilcox.us).

Thank you,

Ben

Benjamin J. Blixt
Project Professional
Wilcox Professional Services, LLC
A Wilcox Associates, Inc. Company
8502 East Princess Drive, Suite 100
Scottsdale, AZ 85255-5465
(480) 607-2244

This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, is confidential, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please, reply to the sender that you have received the message in error, and then please, delete the message. Thank You!



May 31, 2012

Neal Pascoe
Beus Gilbert PLLC
4800 N. Scottsdale Road
Scottsdale, AZ 85251

RE: R.E.I.
22-ZN-2007

Winstar Pro
21-ZN-2007

Winstar Pro LLC
7-AB-2008

Dear Mr. Neal Pascoe:

The Planning, Neighborhood, and Transportation Services Department had completed a review of the above referenced 22-ZN-2007 and 21-ZN-2007 applications submitted on 11/16/2007; however, there has not been activity on the application since the first review letter was sent to you on 12/31/2007. In addition, a review was completed for the 7-AB-2008 application submitted on 6/26/2008, and there has not been activity since the second review letter was sent to you on 11/20/2008. A letter dated 2/9/2011 was sent to your office regarding the inactivity, and in response to your letter dated 2/24/2011, we placed these projects on hold in order to allow additional time for your office to respond to our comments.

For the purpose of our records, we request that you provide complete resubmittals within 30 days of the date of this letter. Please be advised that if we do not receive complete resubmittals, these applications will be considered closed and will be withdrawn from our active applications. This action will necessitate a new application (with accompanying fees) should you decide to proceed.

Sincerely,

Brandon Lebovitz
Planning Specialist

- cc: Steve Weiss
SOVEREIGN REAL ESTATE INVESTMENTS
16611 N 91ST ST STE 105
SCOTTSDALE, AZ 85260-1523
- cc: George H. Bell
LAND RESEARCH AND DEVELOPMENT INC
16611 N 91ST ST STE 105
SCOTTSDALE, AZ 85260-1523
- cc: JAMES ELSON and DAVE SLOGAR
JAMES ELSON ARCHITECT
16420 N 92ND ST STE 100
SCOTTSDALE, AZ 85260
- cc: Paul Gilbert
BEUS GILBERT PLLC
4800 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251
- cc: WILCOX PROFESSIONAL SERVICES OF AZ LLC
8502 E PRINCESS DR STE 100
SCOTTSDALE, AZ 85255-5465

- cc: Steve Weiss
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8502 E PRINCESS DR STE 100
SCOTTSDALE, AZ 85255-5465



May 31, 2012

Neal Pascoe
Beus Gilbert PLLC
4800 N. Scottsdale Road
Scottsdale, AZ 85251

RE: R.E.I.
22-ZN-2007

Winstar Pro
21-ZN-2007

Winstar Pro LLC
7-AB-2008

Dear Mr. Neal Pascoe:

The Planning, Neighborhood, and Transportation Services Department had completed a review of the above referenced 22-ZN-2007 and 21-ZN-2007 applications submitted on 11/16/2007; however, there has not been activity on the application since the first review letter was sent to you on 12/31/2007. In addition, a review was completed for the 7-AB-2008 application submitted on 6/26/2008, and there has not been activity since the second review letter was sent to you on 11/20/2008. A letter dated 2/9/2011 was sent to your office regarding the inactivity, and in response to your letter dated 2/24/2011, we placed these projects on hold in order to allow additional time for your office to respond to our comments.

For the purpose of our records, we request that you provide complete resubmittals within 30 days of the date of this letter. Please be advised that if we do not receive complete resubmittals, these applications will be considered closed and will be withdrawn from our active applications. This action will necessitate a new application (with accompanying fees) should you decide to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Lebovitz".

Brandon Lebovitz
Planning Specialist



February 9, 2011

Neal Pascoe
Beus Gilbert PLLC
4800 N Scottsdale Rd
Scottsdale, AZ 85251

RE: 22-ZN-2007 R.E.I., 21-ZN-2007 Winstar Pro, & 7-AB-2008 Winstar Pro LLC

Dear Mr. Neal Pascoe:

As you are aware that the Planning, Neighborhood, and Transportation Services Department had completed reviews of the above referenced applications submitted on 11/16/2007 for both 21-ZN-2007 and 22-ZN-2007 and 6/5/2008 for 2-AB-2008; however, there has not been any formal resubmittal since our review letters sent to you on 12/31/2007 for the rezoning requests and 12/20/2008 for the abandonment application.

For the purpose of our records, please provide complete resubmittals within 30 days of the date of this letter. Please be advised that if we do not receive complete resubmittals, these applications may be considered closed and withdrawn from our active applications.

Sincerely,

Louisa Garbo, AICP
Senior Planner

cc: Steve Weiss
Sovereign Real Estate Investments
16611 N 91ST Street, Unit 105
Scottsdale, AZ

George H. Bell
Land Research and Development Inc
16611 N 91ST Street Ste 105
Scottsdale, AZ 85260-1523

James Elson and Dave Slogar
James Elson Architect
16420 N 92ND Street, Ste 100
Scottsdale, AZ 85260

Paul Gilbert
Beus Gilbert PLLC
4800 N Scottsdale RD
Scottsdale, AZ 85251

Wilcox Professional Services of AZ LLC
8502 E Princess Dr Ste 100
Scottsdale, AZ 85255-5465

which have not been attended to with the initial submittal are the GLO easements impacting the northern site and the placement of buildings and other improvements in the GLO easements. Natural area open space cannot occur within GLO easements as well. The disposition of the GLO easements in the northern parcels for development need to be attended to effectively in the site planning proposed. The right-of-way for N. Thompson Peak Parkway and E. McDowell Mountain Road need to be provided on the plans. We will need to know the disposition of real property to be dedicated to City for street improvements already in place that affect the southern development site. Please see zoning issue #10.

For practical reasons, the two site plans will need to be modified to accommodate Fire Department requirements for the safe maneuvering of emergency vehicles through the site as noted in the Design Standards and Policies Manual (Section 2-1.602). There are many aspects of the circulation route shown on the conceptual plan offered that are not able to be used by the Fire Department or other service vehicles. For practical reasons, similar concerns arise for solid waste pick up vehicles and other large service vehicles that may use the site if the zoning change occurs. If any of the outside parking is to be covered this also will create impacts on the circulation route for service and emergency equipment that need to be addressed. Single access to either site with emergency access only between the two sites may not be the most appropriate approach to take. Double access to each site to avoid any single access being blocked may be inevitable in the design of the two properties. This might mean a double or split main entrance or two single entry points to each site. The internal circulation as now proposed does not work for emergency or service vehicles and the turning radius they need to maneuver around and through the two sites.

The properties to the west are primarily part of the West World activity area but are downstream of the subject property. The proposed site plans do not address the provision of any storm water detention and the applications do not identify or discuss any request for storm water waivers or wash modifications. Please see drainage issues #18-20.

The City Council action on October 31, 2006 regarding cases 4-GP-2006 and 5-GP-2006 talked to their concern and the community's concern that the non-residential uses on the site should serve as an effective transitional use between the existing homes to the north and east, institutional uses to the south and WestWorld activities to the west. That was why many members and the community representative present at the hearing talked to S-R zoning for the site; less intensity than other non-residential uses and lower building height to impact the existing neighborhood.

The City Council action also guided the applicant and staff to seek the preservation of the Old Verde Canal and the provision of pedestrian trails that link the site to regional trails and activities in the area such as the library and aquatic center to the south, and WestWorld activities to the northwest and west. The record indicated that the applicants would take the recommendations under consideration but that no commitment could be made at that time. The resulting site plan and narrative did little to evidence to staff any concessions to the guidance offered by City Council or neighborhood concerns expressed at this hearing. The suggested S-R zoning recommended by members of the City Council and community were not honored. The proposal made for C-O zoning offers little site sensitivity and very limited response to careful building placement, height of buildings or building mass variation to strike a balance between what the applicant would prefer and what the community expected. The project narrative can be improved considerably to respond to discuss how the plan can respond to community concerns more effectively and to identify any concessions offered to blend what the site can support based on community expectations and the developer's interests. The site plan itself can be substantially modified to address existing site conditions as required of sites in designated environmentally sensitive land areas. The cross-section through the site helps illustrate what the site may allow to soften the community's view into the site, but it is not addressed as effectively as it might be in the narrative for the project.



December 31, 2007

Neal Pascoe
Beus Gilbert PLLC
4800 N Scottsdale Rd
Scottsdale, AZ 85251

RE: **21-ZN-2007 and 22-ZN-2007**
Winstar Pro LLC and 2005 RE Investments I, LLC
"Professional Suites at Thompson Peak"

Dear Mr. Pascoe:

The Planning and Development Services Department has completed the review of the above referenced submittal dated November 15, 2007. The following **1st Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

General Observations:

Given the prior controversy regarding this site and the need to adequately address community compatibility issues, we would offer to work with you on a weekly basis if needed to resolve concerns that have been identified so that we can maintain a reasonable timeline for processing the applications to a public hearing. Of considerable importance will be the preparation of a site plan for the two ownership areas that is an accurate representation of what is able to be achieved on the site as there will need to be a site specific plan offered with the rezoning requests to both the Planning Commission and City Council for their consideration of the zoning change(s) sought for the property. For simplicity, the northern site (**21-ZN-2007**) is the Winstar Pro site; the southern site (**22-ZN-2007**) is the 2005 RE Investments I LLC site. Both sites together are the "Professional Suites at Thompson Peak" as labeled.

Towards that objective the consultant team will need to prepare an analysis that identifies the natural area open space (NAOS) for each site based on the provisions of Section 6.1010 (Environmentally Sensitive Lands Ordinance) within our Zoning Ordinance. Both sites are subject to preservation of natural area open space, existing significant washes or other riparian habitats, wildlife habitats or corridors, natural vegetation, preserving landmarks such as the Old Verde Canal, the existing pedestrian trail through the site and evidencing more innovation or creative solutions to the design of the site that responds to this environmentally sensitive area. The Design Standards and Policies Manual, Section 2-2, also flags the importance of creative and innovative site planning in environmentally sensitive areas which is not evidenced by the site plan presented. Please see the zoning issues identified in the letter, items #7-14.

The consultant team also needs to identify and plan on addressing the impacts of existing easements and right-of-way that may affect the development of the site. Several examples of this

As discussed on Friday, December 21, 2007, with your traffic consultant and City Staff, there are concerns about the proposed access and circulation issues associated with the N. Thompson Peak Parkway. At least one alternative design solution was offered. Right-of-way for street improvements that exist needs to be worked through. Further discussion with the City's Transportation Department will be needed. Additionally, access into the northern site might not be best served by a driveway located to the far west side of the property. Please see the attachment offered in December, 2007 to your traffic consultant (attachment) regarding the traffic study and comments #29-36 in this letter which also talks to traffic and circulation concerns.

The consultant team needs to take into account that the City's trail system includes a trail along the general alignment of the Old Verde Canal. There is a pedestrian trail in place from E. McDowell Mountain Ranch Road south to N. Thompson Peak Parkway affecting the two development sites that is ignored in the site plans offered which the community is currently using. It would be prudent of your site planners to map the location of the Old Verde Canal inclusive of the side slopes and the existing trail along the west side of the canal and blend these features into a more appropriate site plan and pedestrian circulation system linking the development sites to each other and to the adjoining streets, WestWorld and trail system in the area which is not evidenced by the current proposal.

Ordinance Related Issues

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing.

Application/Legal:

1. We received three title reports. One was submitted for Case 22-ZN-2007 and two were submitted for Case 21-ZN-2007. Please explain the fact that two title reports indicate that the Title with vested interest in the land is with the State Land Department of the State of Arizona with an Exhibit B identifying that there was a consent to assign a certificate of purchase to "2005 RE Investments I, LLC". No such evidence of the complete transfer ownership has been provided. If full and final payment to the State Land Department has occurred, then the title to the site should be vested with the new owners. If the State Land Department remains the actual owner, an agent for the State Land Department then needs to be signing the application or providing a letter authorizing the purchaser to act on their behalf. The other title report indicates that Winstar Pro LLC is the vested owner of the title to their land. The northern site is two separate parcels owned by the same group. The southern property does not have right-of-way issues resolved with N. Thompson Peak Parkway dissecting the lower extremity of that site. Our November 27, 2007 communication identified various concerns about ownership but there was no response to that communication. Please respond at this time.
2. Please note that the Arizona Corporation Commission records show that 2005 RE Investments 1, LLC has two managers. This is most likely why both parties signed the application form. The application form needs to be amended to show that both parties are the agents of the owner not one owner and one developer. If both parties need to sign and be notified as equals (per the LLC operating agreement), then please let us know this fact.
3. Please note that the Arizona Corporation Commission records show that Winstar Pro LLC has three managers: Mr. Weiss, Mr. Sheegl and Mr. Bell. Please advise if two or more managers need to sign on behalf of the LLC or if one party can sign on behalf of the group. Per the LLC operating agreement, do all three managers need to be notified/copied of actions affecting the site?
4. Please explain how the GLO easements currently affecting the property associated with the Winstar Pro LLC site (northern area) will be addressed. The GLO easements affect the building locations within the northern site as well as future natural area open space that would be part of the Old Verde Canal. The site plan for the northern site should evidence all existing easements affecting the property to be more accurate. We would likely recommend

the vacation or abandonment of the GLO easements affecting the northern parcels occur at this time. The site plan is dramatically affected by the existing GLO easements otherwise.

5. Please qualify what the name will be for the two development sites as we go forward. Presently, we have various names used for the two sites other than the case numbers: the Winstar Pro LLC site and the 2005 RE Investments I LLC site and the Professional Suites at Thompson Peak.
6. If Beus Gilbert PLLC is the authorized agent to represent the owners, then Beus Gilbert will be who we send all communications and work with in processing the applications. We will copy the owners and others identified as appropriate.

Zoning:

7. Please explain how the proposed rezoning of the northern portion of the site from R1-35 PCD ESL to C-O PCD ESL is appropriate with the surrounding land use and the current General Plan designation for the site. How is the proposal meeting or exceeding the PCD and ESL requirements? Please see Section 5.2104 B. of the Zoning Ordinance. Also, please refer to the policy section below regarding alternative suggestions.
8. Please provide detailed site plan worksheets that show all required information and the calculations on how the information was arrived at.
9. Please comply with the provisions of Section 6.1060 of the Zoning Ordinance which requires the preservation of sensitive environmental conditions and protection of meaningful desert open space by preparation of a natural area open space analysis of the two properties and the protection of slopes, landforms, desert vegetation, watercourses and such. Such areas are to be preserved as permanent open space.
10. Please explain how you plan on addressing the GLO easements affect the northern portion of the development and that the Winstar Pro site (northern portion) needs a land assemblage as there are two separate parcels that comprise this development site.
11. Please know that both the northern and southern properties need to address adjoining street improvements which may also include dedication of right-of-way. Affecting the northern site adjacent to E. McDowell Mountain Ranch Road is the commitment to a ½ street improvement and there is no evidence that the right-of-way for N. Thompson Peak Parkway has occurred through the southern site. Please get with our Transportation Department on actual improvements and dedication issues. There will also need to be joint access and utility easements between the northern and southern properties if services in addition to access are to be shared.
12. Please evidence how you have complied with the zoning provisions for Commercial-Office zoning. Project site data and summary information did not evidence any calculations to show how the numbers provided were arrived at for the two sites.
13. Please provide all necessary site data on the conceptual site plan and conceptual landscape plan. This is to include but not be limited to: gross site area, net site area, identification of existing and proposed easements, labeling types of easements, front open space required/provided, slope analysis, natural area open space required/provided (NAOS worksheet), volume ratio allowed/provided, floor area ratio allowed/proposed, front yard setbacks, side yard setbacks, parking; vehicles, bicycle and accessible spaces, parking lot landscaping, interior parking lot landscaping, etc.
14. Please show construction envelopes on the natural area open space graphic as well as the conceptual site plan and conceptual landscape plan.

Circulation:

15. Please include the half street improvements needed for E. McDowell Mountain Ranch Road for the northern frontage of the site.

16. The transportation plan was not accepted by the Transportation Department as evidenced in their December, 2007 memorandum to Morrison Maierle, Inc., regarding this issue. Please make the necessary revisions and provide three revised sets to Planning Services for distribution.

Fire:

17. Please show the 25 foot inside radius and the 49 foot outside emergency vehicle turning radius at emergency vehicle paths, plus the 55 foot outside aerial ladder swing at turns.

Drainage:

18. The drainage reports were not submitted to the City until 12-24-2007 (Plan Check 7199-07 and 7200-07). No storm water waivers or wash modifications were requested or submitted on the two applications. Please have the project engineer make a determination with the applicants on how they wish to proceed on these matters before making any resubmittal to our offices. The reports also indicated that FIRM map revisions may be required to remove the site from Flood Zone A. Please explain how you will proceed as there was a Letter of Map Revision already in the appendix.
19. Please submit two (2) copies of the Storm Water Drainage Report and Storm Water Waiver to the One-Stop Shop. Please review Section 4-1.400 and Section 4-1.500 of the Design Standards & Policies Manual (DSPM) for guidance.
20. As noted under Section 4-1.405 of the DSPM, the Environmentally Sensitive Lands Ordinance "directly impacts the location and design of residential, commercial industrial and institutional development" within the City. Protecting significant washes that have a 100 year storm flow of 50 cubic feet per second or greater are to be protected. Please identify if these two sites have such washes and what measures are to be taken to preserve the natural features of these significant washes. There are at least three washes on the site. Please submit two copies of any wash modification request to the Planning and Development Services Office.

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible.

207 Waiver:

21. Please provide either a refusal to waive rights or the agreement to waive rights for both sites (Proposition 207 Waiver) in advance of or shortly after the Planning Commission Meeting. Please have the property owners sign the Proposition 207 Waiver forms and return them to me one week after the Planning Commission hearing.

Site Design:

22. Please work with the Westworld Master Plan and coordinate with Corey Lew (480-312-7769) regarding connections and interface issues between this project site and the Westworld site next door.
23. Please note that staff is not supportive of the proposed circulation identified with this site plan for the two development sites. Designing a project to use an internal double aisle driveway that meanders at various angles through a maze of office buildings creates greater difficulties than solutions for employees, clients, services and emergency vehicles. The project site has been portrayed as two separate building sites accessed from different street locations served only by an emergency access between the two development sites. If that is not what is envisioned, that is not what has been identified or portrayed to occur by the composite site plan offered. The site layout needs to be modified to create if possible a more focused driveway circulation route possibly separate from parking that moves traffic through the site from north to south.
24. Please show all existing and proposed easements and right-of-way impacting both sites.

25. Please consider the provision of one narrative for the combined sites as they are going through the application process together and impact each other in the requests going forward. Please explain why the combined sites were not shared with the public but instead, the out reach identified two separate sites as though they were not associated with each other.

Narrative:

26. Please explain the objective for three story offices and range of allowed uses under C-O zoning versus the provisions of S-R zoning suggested by the Mayor and various City Council representatives. If the range of uses is not an issue, then please consider the City Council should be approached about restricting the range of allowed uses through a development agreement that strikes various uses from the development plan. Additionally, if variable height provisions between 18 feet and 36 feet are feasible, why not consider that approach in a proposal that identifies varying building mass for the site, height variations and maximum FAR that strikes a compromise between the S-R provisions and C-O allowances sought? This approach would reduce intensity of development and impacts to the neighborhood while allowing for more height and building coverage than conventional S-R zoning might otherwise allow.
27. Please explain why the S-R zoning height provision does or does not work on this site as opposed to the suggested C-O zoning. The S-R zoning for example has a height allowance of 18 feet whereas C-O zoning allows buildings up to 36 feet in height. The narrative information provided talks to building heights of 26 feet but the elevations show buildings at 32 feet in height. Height is measured from average natural grade. Please explain the inconsistency and what is truly sought for building height on the development site(s).
28. Please consider preparation of a stronger narrative discussion for justification of C-O zoning for the sites versus S-R zoning should be prepared as at least four members of the City Council and the public recommended that the request for rezoning be S-R zoning.

Circulation:

29. For practical reasons, the internal circulation route needs to be realigned to have less angles and softer curves for emergency and service vehicles to navigate through the complex as qualified by the Design Standard and Policy Manual regarding emergency vehicle maneuvering needs (Section 2-1.602).
30. Please develop a more practical and effective internal circulation route through the property that can accommodate reasonable use by tenants, clients, services and emergency vehicles. Please consider use of a main driveway (without parking) through the site.
31. Please provide a pedestrian circulation system through the subject property linking each site's building groups to the adjoining street to the north or south, the building groups to the existing trail to the east of both properties and internally to each other. If there are riparian areas through the site being preserved there can be informal trails through those sites as well to the network of sidewalks through the property.
32. Please coordinate both pedestrian and vehicular access options with the Thomas Property to the east. This may impact the GLO easements affecting the subject site.
33. Access to the site from E. McDowell Mountain Ranch Road should not be from the far west side of the property as emergency vehicles cannot navigate the property around 90 degree corners. The access should be provided at least in a more central location so that a "hammerhead" style arrangement and be worked out to service the northern buildings. Without a route designed to meet Fire Department and service vehicle needs, there cannot be through circulation as suggested. Service would be from the two access drives into the northern and southern sites to a certain point than stop.
34. If there are covered parking spaces, this needs to be designed to avoid conflicts with emergency and service vehicles navigating through the site.

35. It might be possible that two access locations and/or split entrance driveways occur to both sites to address the challenge of more than one way to access both sites, if internal circulation cannot be significantly improved.
36. If you wish to design the site with an internal emergency vehicle route, please work with the Fire Department staff to discuss their needs and turning radius for fire and emergency vehicles.

Design:

37. Please provide a viable circulation route for service vehicles (ex. solid waste management) through the two sites to service all the buildings. Pursuant to an internal meeting of 12/14/07, the plan will need to add at least four refuse enclosures to the site plan. All refuse containment areas need to be identified on the site plan and show acceptable circulation for pick-up by the City's solid waste management team.
38. Please consider working with the Westworld staff to create a joint access location on the far west side of the northern site (contact Corey Lew at 480-312-7769) which could provide an alternative access location for the development site if shared access were possible from the west rather than access solely from the north or south.
39. Please revise the site plan to pull back improvements from the Old Verde Canal side slopes and away from the existing trail at the base of the western side of the Old Verde Canal. The trail is on the City's trails plan. Surveying the location to be accurate on its location and the public access easement needed to protect it would be helpful.

Airport:

40. Please anticipate comments from the Airport Authority if the project site is within 20,000 feet of the airport runway. Disclosure of the airport's proximity to future tenants may be in order.

Landscape Plan:

41. Please identify/note that all the plants utilized are selected from the Environmentally Sensitive Land Ordinance Plant List and/or are existing native plants to remain or salvaged native plants from the site to be used.
42. Please note that 50% of the trees shall be mature as defined by Article III of the Zoning Ordinance. Please indicate both the compliant caliper and industry standard box size in the plant palette. (Section 10.501 B. of the Zoning Ordinance)

Technical Corrections

The following technical corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect the final plans submittal (construction set) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans.

Site:

43. Please provide a comparison in land use intensity between what you might propose for the site that is a compromise between S-R zoning and C-O zoning. Please take into account the natural conditions of the site, the washes, the preservation of natural open space, the orientation and massing of proposed structures, the residential character of the area, provision of adequate off-street parking and circulation, etc.

Landscaping:

44. Please show all native plants to be retained "as is" on site and those which are to be salvaged and reused on site. After conducting a site visit of the property, we would question some of the choices made to remove various native plants such as Saguaro cactus. Further review with staff may be appropriate.
45. Please explain why landscape improvements are shown on the south side of N. Thompson Peak Parkway in an area considerably impacted by existing easements and improvements.

46. Please show the location of all pedestrian circulation from the adjoining streets through each development site and their correlation to any trails to be provided on the site. A pedestrian and vehicular circulation plan might be appropriate.
47. Please show the location of free standing and exterior light fixtures on the landscape plans.
48. Please coordinate the landscape plan with any proposed lighting plan to avoid future conflicts between lighting and mature-size trees and shrubs.
49. Please show the location of all bicycle parking areas for the two sites.
50. If Golden Barrel Cactus are to be used adjacent to any walkways, please locate these plants at least three feet on-center from the back of curb or edge of pavement.
51. Due to the broad arching form, spiky leaves and flower stems of the Red Yucca, please do not install these plants less than five feet on-center from the edge of any pedestrian path or area. This is also true for the Agave shown on the conceptual landscape plans.
52. Please revise the use of Red Bird of Paradise plants so that shade tolerant plants are used in appropriate locations and the Red Bird of Paradise is used in full sun for effective growth and flowering.

Water and Waste Water:

53. Basis of Design Reports #6497-07 (Winstar Pro) and #6504-07 (R.E.I.) were submitted and approved by Water Resources. Please resubmit the reports prior to the formal submittal of any improvement plans to the attention of Doug Mann, Water Resources Department, through the Front Counter, One Stop Shop. There does not appear to be any obstacles to the provision of water or sewer service to the two sites at this time.

Other:

54. Please identify if any Green Building principles and practices are to be applied to the development of the subject property if and when development on the site is to occur.
55. Please evidence how the proposed architecture will be complying with the architectural guidelines of the City when considering the characteristics of the natural and built environment of the area it is within.
56. Please evidence how the proposed architecture will comply with the office design guidelines of the City.
57. Please evidence how the development on the two sites will comply with the City's landscape guidelines.

Elevation Design:

58. Even though elevations would not be reviewed at this time, elevations were submitted to evidence the direction sought by the property owners on the design of the buildings for the site. Please seriously consider modifying the design of all the buildings to vary the building mass and building height for each building group to break up monolithic building mass for the site. Please consider greater consideration of residential elements in the design such as sloped roofs recessed windows and greater articulation in wall planes to emulate residential structures nearby.

Due to the fact that we have an incomplete submittal to work from, which will undergo considerable change(s) to address drainage issues and other key issues noted, the tracking schedule has been adjusted to accommodate a full 30 day review cycle for the next review if we have a complete submittal in place at that time.

Please resubmit the revised legal requirements, please provide the required drainage report, and storm water waiver request, revised plans, and a written summary response addressing each of the comments/corrections identified above as soon as possible for further review (**Please see Attachment A, Resubmittal Checklist, for a consolidated list of information to be**

resubmitted). The City will then review the revisions to determine if it is ready to be scheduled for a hearing date. In an effort to get this development request to a Planning Commission hearing, City staff has identified the following potential schedules (read schedule left to right):

Track	Response/resubmittal by applicant (complete set of revisions)	City to provide status update	Potential PC Hearing Date
9-08	1/17/2008	2/15/2008	4/17/2008
10-08	1/31/2008	2/29/2008	5/01/2008
11-08	2/14/2008	3/14/2008	5/15/2008

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING OR THE ABOVE MEETING SCHEDULE MAY BE AFFECTED. THIS WILL HELP MAKE SURE WE ARE AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS.

This schedule is based on the original submittal track and relies on a timely, complete and accurate response/resubmittal to the items addressed in this letter. Please be advised that the **1st Review Comments** are valid for a period of 45 days from the date on this letter. While the case will remain active, failure to resubmit within the 45 days will require the project to begin a new "First Review" track to refresh the review. Failure to resubmit within 190 days may cause the project to be considered inactive.

If you have any questions, or need further assistance please contact me at 480-312-7976 or at hepstein@scottsdaleaz.gov.

Sincerely,

Hank Epstein, AICP
Senior Planner
Attachment "A"
Comments from Transportation Department
Courtesy Red Marked Prints

cc: George Bell
Land Research and Development
16611 N. 91st Street, Suite 105
Scottsdale, AZ 85260
Steve Weiss
Sovereign Real Estate Investments
16611 N. 91st Street, Suite 105
Scottsdale, AZ 85260
Jim Elson
James Elson, Architect
16611 N. 91st Street, Suite 105
Scottsdale, AZ 85260
Dave Gilbertson
Gilbertson Associates, Inc.
15974 N. 77th Street
Scottsdale, AZ 85260
Project File

**ATTACHMENT A
Resubmittal Checklist**

Case Numbers: **21-ZN-2007 and 22-ZN-2007**

Please provide the following documents, in the quantities indicated, with the first submittal (all plans larger than 8 1/2 x11 shall be folded):

- One copy: COVER LETTER- Respond to each of the issues identified in the first review comment letter.
- One copy: Revised CD of submittal (DWG format only)
- One original: Prop. 207 Waiver Request- We will provide document for signature after we know the stipulations within one week after PC before CC
- One original: Letter of Authorization-actual owner of record- State Land Department
- One each: Corrected Application Forms
- One copy: Revised Project Data Sheet-both sites
- One copy: Revised Narrative for Project-Both sites as one development site
- 3 Revised Traffic Impact Study-Submit to Planning Services for distribution
copies

Revised Open Space Plan and Construction Envelope Exhibit:

2 24" x 36" 2 11" x 17" 2 8 1/2" x 11"

NAOS Plan:

2 24" x 36" 2 11" x 17" 2 8 1/2" x 11"

Revised Site Plan:

8 24" x 36" 2 11" x 17" 2 8 1/2" x 11"

Revised Landscape Plan:

<input type="checkbox"/> Color	--	24" x 36"	--	11" x 17"	--	8 1/2" x 11"
<input checked="" type="checkbox"/> B/W	<u>2</u>	24" x 36"	<u>2</u>	11" x 17"	<u>2</u>	8 1/2" x 11"

Other Supplemental Materials:

Response to GP direction to rezone to S-R versus C-O and why C-O was chosen; what concessions, if any, are proposed in response to City Council and neighborhood concerns need to be evidenced in the narrative and the site plan(s). If there are no concessions offered, then state this fact.

Two (2) copies of any Wash Modification Request(s) for the two sites- submit to Planning Services

Technical Reports:

- | | | | |
|---------------------------------------|---|----------------|----------------------------|
| <input checked="" type="checkbox"/> 3 | copies of Revised Drainage Report: | Plan Check No. | <u>7199-07 and 7200-07</u> |
| <input checked="" type="checkbox"/> 3 | copies of Storm Water Waiver: | Plan Check No. | <u>Not yet submitted</u> |
| <input checked="" type="checkbox"/> 3 | copies of Revised Water Design Report: prior to final construction plans | Plan Check No. | <u>6497-07 and 6504-07</u> |
| <input checked="" type="checkbox"/> 3 | copies of Revised Waste Water Design Report: prior to final construction plans | Plan Check No. | <u>6497-07 and 6504-07</u> |

Please submit the Revised Drainage Reports and the Storm Water Waiver application to the One-Stop Shop (Permit Services Counter) with any prior City mark-up documents; these are not to be submitted to the Project Coordinator, Planner or Engineer. The report(s) and/or waiver(s) must be logged in by our Permit Services Counter representatives at the One Stop Shop. If you are applying for a wash modification, that request should come through the Planning and Development Services Office.

The Project Coordinators, Planners and Engineers cannot accept the documents or log them into City's case review system.

Your Project Coordinator will verify that the applicable report(s) and/or waiver(s) have been resubmitted at the resubmittal meeting. If these report(s) and/or waiver(s) have not been resubmitted, your resubmittal of this application may be declined.

To assist City Staff, and to facilitate your resubmittal process, please have your engineer prepare the submittal of the Drainage Report and Storm Water Waiver application with the following information on the cover page:

Name of Project: Professional Suites at Thompson Peak

Contact: Applicant/Agent or Engineer-- (telephone number) and (email address)

Report Types: (Drainage Reports and Storm Water Waiver applications)

Case Numbers: 21-ZN-2007 and 22-ZN-2007

Plan Check Numbers: 7199-07 and 7200-07

If you do not print the information above on the corresponding report, please bring a copy of the information with you so that the Permit Services Representative can enter the correct data and accept your submittal for processing. Without the basic information identified, the resubmittal cannot accept for review.



November 20, 2008

Paul Gilbert
Beus Gilbert PLLC
4800 N Scottsdale Rd
Scottsdale, AZ 85251

RE: 7-AB-2008
Winstar Pro LLC

Dear Mr. Gilbert:

The Planning and Development Services Department has completed the review of the above referenced submittal dated 11/10/2008. The following **2nd Review Comments** represent the review performed on the project by our team, and are intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application type.

Ordinance Related Issues

The following ordinance related issues have been identified in this first review of the project and will need to be addressed in a re-submittal prior to scheduling a hearing. Please address the following:

The revised narrative indicated the owner cannot formulate a site plan without the abandonment of the GLO, however, the City cannot release its interest with lack of critical information. As stated in the first review comment letter, without a clear understanding on the proposed circulation alignments, locations of dedicated NAOS areas and the dedicated trail alignment, City staff is unable to provide a comprehensive review on the proposed GLO abandonment request. Also as stated in the first review comment letter, a revised drainage report has not been submitted to the City for review on the rezoning request, it is unclear if any drainage easement dedication may be required that might affect the areas to be abandoned. The GLO application should be reviewed and processed concurrently with the rezoning applications. Please see below the outstanding comments from the first comment letter.

Site Plan

1. A conceptual site plan should accompany the request, and the areas to be abandoned should correspond with the conceptual site plan.

Legal Exhibits/Requirements:

2. For the dedication exhibits as described above, please provide the following legal graphics and descriptions (see COS forms attached and prior communication with staff on the trail dedication):
 - an exhibit with legal graphics descriptions that delineate all areas to be dedicated as NAOS;
 - an exhibit with legal graphics and descriptions that delineate the 25-foot multi public trail easement along the Old Verde Canal; and

Policy Related Issues

The following policy related issues have been identified in the first review of the project. While these issues are not as critical to scheduling the case for public hearing, they may affect the City Staff's recommendation for support of this project and should be addressed as soon as possible.

207 Waiver:

3. As a reminder, a signed copy of the "Agreement for Waiver of Claims" form to be signed by all property owners or a person who has legal authority on behalf of all property owners should be submitted to the office no later than one week after the Planning Commission hearing.

Please resubmit the required material, and a written summary response addressing the comments/corrections identified above before any discussion on a hearing date.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING OR THE ABOVE MEETING SCHEDULE MAY BE AFFECTED. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS.

This schedule is based on the original submittal track and relies on a timely, complete and accurate response/resubmittal to the items addressed in this letter. Please be advised that the 1st **Review Comments** are valid for a period of 45 days from the date on this letter. While the case will remain active, failure to resubmit within the 45 days will require the project to begin a new "First Review" track to refresh the review. Failure to resubmit within 190 days may cause the project to be considered inactive.

If you have any questions, or need further assistance please contact me at 480-312-2671 or at

Sincerely,

Louisa Garbo, AICP

cc:

Winstar Pro LLC
16611 N 91st St
Scottsdale, AZ 85260

**ATTACHMENT A
Resubmittal Checklist**

Case Number: 7-AB-2008

Please provide the following documents, in the quantities indicated, with the second submittal (all plans larger than 8 ½ x11 shall be folded):

- One copy: COVER LETTER- Respond to all the issues identified in the second review comment letter.
 - One original: Signed Prop. 207 Waiver Request
 - Revised NAOS Plan:
_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"
 - Revised Site Plan:
_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"
 - Other Supplemental Materials:
Legal graphic and descriptions and City's forms for NAOS and public trail dedication.
-

BEUS GILBERT
PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7642
(480) 429-3000
FAX (480) 429-3100

WRITER'S DIRECT LINE
(480) 429-3060

96118-002

2 August 2010

VIA U.S. MAIL

Dr. Gary T. Catalani
Scottsdale Unified School District
3811 N. 44th Street
Phoenix, AZ 85018

Re: Proposed General Plan Amendment and Rezoning - McDowell Mountain Ranch
Road West of Thompson Peak Parkway

Dear Dr. Catalani:

This letter is being sent to you pursuant to City of Scottsdale Zoning Code (Ordinance No. 455), Article 1, Administration and Procedures, Section 1.1500, Collaborative City and School Planning.

Please be advised that we are applying for a rezoning application that changes the zoning classification from non-residential to residential classification, and/or changes the residential zoning classification resulting in greater residential density allowed on the subject property. The property is currently zoned for 10 residential units; our application will result in a total of 147 units allowed. Enclosed please find a detailed project narrative, a location map, site plan, and the Determination Form required by the City per the above ordinance. I would like to schedule a meeting with you to discuss the above proposal. I can be reached by phone at 480-429-3060, fax 480-429-3100, e-mail npascoe@beusgilbert.com.

Sincerely,

BEUS GILBERT PLLC



Neal T. Pascoe, AICP
Planning Consultant

NTP:ich

Dr. Gary T. Catalani
2 August 2010
Page 2

Enclosures

cc: ✓ City of Scottsdale Current Planning Services (via U.S. Mail)

21-ZN-2007
8/9/10

16611 North 91st Street
Suite 105
Scottsdale, Arizona 85260
Phone: (480) 538-5474
Fax: (480) 538-5475

**LAND RESEARCH
AND DEVELOPMENT**

Fax

To: Laurie McKammon	From: George H. Bell and Stephen J. Weiss
Fax: (480) 502-0461	Pages: 8 (Including Cover)
Phone:	Date: 10/11/2005
Re: Zoning/12 GPA - 2005 Winstar Pro	CC:

Urgent **x For Review** **Please Comment** **Please Reply** **Please Recycle**

*** Comments:**

Dear Laurie,

Please find enclosed the Guidelines for the "East Bell Road Area Plan" for your review and file.

We are extremely proud of this agreement with the Coalition of Pinnacle Peak (C.O.P.P.) establishing the guidelines for the current development north of West World from the freeway frontage road to 94th Street.

Subsequent to this agreement with C.O.P.P., we attained unanimous participation of all the land owners to form the Bell Road II Improvement District at an approximate cost of some \$7 to \$8 million dollars. These are costs being paid thru a ten year improvement district bond program by the private sector (the land owners). There was no City of Scottsdale participation cost in this project.

We would encourage you to contact Mr. Robert J. Vairo at (480) 585-4463 (home) or (602) 684-1500 (mobile) to substantiate our involvement and the cooperation exhibited by both of our groups to perfect the aforementioned items.

In the spirit of cooperation and at a considerable expense, we withdrew the case approximately two years ago (2003), believing that we had a written agreement with

October 11, 2005

the residents in the area as represented by yourself and Mr. Dan Sommner and, subsequently, Mr. Ron Roeder.

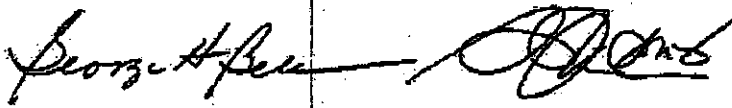
It has taken us this time to get the City of Scottsdale to agree to the zoning and use, R-5 Residential, with your help and confirmation at your meeting with Mr. Ed Gawf, Deputy City Manager.

In our recent meeting with Planning and Zoning Commission, you eluded to our written agreement and density for the project. We have not and you have not, as you have indicated, changed positions.

We look forward to your support, as per our agreement, in this matter. If you believe that it would be beneficial to meet with the other residents, we expect that the meeting would be to reassure the residents of our agreement, and our intentions to proceed in the path that we have chosen.

As always, as residents of McDowell Mountain Ranch, we pride ourselves on keeping to our word and are dealing in good faith.

Respectfully submitted,



George H. Bell and Stephen J. Weiss

For Louise McComan

Bob Vaino Ropp

585-4463

GUIDELINES FOR THE "EAST BELL ROAD AREA PLAN"

The Objective:

To develop an overall plan that will provide land use direction for the owners of property and the City of Scottsdale for parcels East of Pima Road to Thompson Peak Parkway and north of Westworld to Bell Road, as well as property on the north side of Bell Road currently owned by the State Land Department.

The purpose is to achieve a recommended general agreement based upon the following guidelines for the ultimate development of the aforementioned properties.

They are as follows:

- Establish a zoning designation for each portion of the property.
- Use restrictions.
- F.A.R. and other density limitations.
- Height restrictions if not adequately covered by zoning requirements.
- Use of CC&R's and design guidelines to assure quality construction.
- Street setback requirements along Bell Road.
- Landscaping guidelines.
- Extension of Thompson Peak Parkway from DC Ranch to Bell Road.
- Public Park Facilities
- Timing of Construction Permits.

Therefore, it is our opinion based upon what we perceive to be a strong consensus that agreement has generally been reached by the parties herein on the following items and where there is an exception to the rule, it will be referenced as a **recommendation** in the following text.

In reliance upon the approval of zoning case 25-ZN-99 we will list some of the **unprecedented stipulations** agreed to that should be a part of the stipulation package of any subsequent zoning case in the future on the west side properties.

The following items must be completed before any Certificates of Occupancy are issued by the City of Scottsdale.

- The completion of the Pima 101 Freeway to Princess Drive by ADOT.

- The completion of Bell Road to Four lanes from 94th Street to Pima Road, including the installation of a median strip.
- The completion of two left turn lanes going north on 94th Street out to Bell Road.

Conditional Items and/or Continuing Items:

It is understood that the properties west of 94th Street will be predominately industrial (I-1) type zoning with a small amount of commercial retail (C-3) and that the properties east of 94th Street will be predominately residential as evidenced by zoning case 35-ZN-99 and 36-ZN-99 by Effistructure Residential Specialists, L.L.C. with similar type zonings for the properties immediately to the north of these two cases;

- F.A.R. ratio's are not to exceed (25%) on commercial retail parcels.
- F.A.R. ratio's are not to exceed (35%) on industrial parcels.
- We have chosen and recommend the Conditions, Covenants & Restrictions (CC&R's) and Design Guidelines of the Perimeter Center as our standard for development on the west side properties and those of McDowell Mountain Ranch for the east side properties.
- It is recognized by the parties that the builder/developer will be sensitive to landscaping, design elements, color coordination and general aesthetics of the project while preserving the Verde Canal and including multi-use trails in the development.
- Minimum setbacks of 50 feet along Bell Road.
- Limitations and use restrictions as per attached Exhibit A.
- Height limitations for the (I-1) and commercially zoned parcels shall be as follows:
 - A) From the western boundary of the East Bell Road Area Plan to a point 660 feet east of the western boundary.
 1. Building Height: Not to exceed 36 feet above average highest adjacent natural grade.
 2. Maximum height of ancillary roof structures (mechanical equipment and included screening structures)
Not to exceed 6 feet above building height (limited to 40% of roof area).
 3. Total building height, including ancillary roof structures:
Not to exceed 42 feet.

SIGNED BY GEORGE BELL, STEVE WEISS. - OWNERS OF
GP-12-05 PROPERTY

B) From a point 660 feet east of the western boundary of the East Bell Road Area Plan to the western boundary of the 94th Street right of way.

1. Maximum building height, inclusive of mechanical equipment, including ancillary roof structures: Not to exceed 32 feet above average highest adjacent natural grade.

A line of sight diagram has been prepared to illustrate and delineate the impact of 1 story, 2 story and 3 story structures from the freeway vantage point. The survey was prepared by Desert Mountain Surveying, L.L.C., Robert E. Haislip R.L.S. (480-948-0013) for illustrations prepared by Jim Elson, Architect.

Continuing Items:

- All parties generally agree that there will be no park facilities on either the west side or the east side. However, all parties will make a concerted effort to continue a dialogue with the City for such opportunities in the Westworld Park and on the north side of Bell Road. Trail access from Westworld to the future entrance of the McDowell Preserve must be maintained.

All parties will stay involved while considering the same type of facilities for the State Land properties north of Bell Road soon coming up for auction and development.

- All parties are expected to continue the same efforts with City officials to help expedite an early completion of Thompson Peak Parkway from Bell Road through DC Ranch.
- A continuing effort on behalf of the land owner group to investigate and possibly form a Community Facility District and or Improvement District for the completion of all of the infrastructure at one time versus a piecemeal approach for the west side properties only. The benefits are obvious from an economic standpoint and to lessen the inconvenience caused by disruptions of construction and development of the infrastructure and utilities themselves. Our goal is to complete a coordinated and expeditious handling of the infrastructure needs for the entire area.

Another important point worth mentioning is the present undertaking of land assembly wherein we have taken some 45 to 50 different land ownerships and reduced them to approximately 10 to 12 ownerships. This endeavor has allowed us the best opportunity to date to control and thus strive for a much overall higher quality type of development vs. a piecemeal approach. We need to seize this moment of opportunity.

Service Residential zoning may be appropriate for property between 98th Street and 100th Street adjacent to and immediately south of Bell Road, as well as property adjacent to the McDowell Mountain Ranch Road south of the Verde Canal. This provides the surrounding properties with a

THIS IS THE
PROPERTY IN
QUESTION.

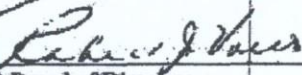
good neighbor who will go home at night and on weekends and should be well received by everyone in the community. The F.A.R. for Service Residential property should not exceed 30%.

Recognizing that Bell Road is the "Gateway" to the McDowell Mountain Preserve, we believe that a citizens committee representing all interests in the area be formed to help monitor and give input reflecting some of our ideas and vision for these sensitive lands as they come to market for sale or lease from the State Land Department.


In conclusion, we feel very strongly that this organized approach to an overall plan for this area referenced as "The East Bell Road Area Plan" is a sound solution that can be supported by a large majority of residents, land owners and the City of Scottsdale.

Therefore:


We the undersigned support and endorse the GUIDELINES FOR THE "EAST BELL ROAD AREA PLAN" and recommend its immediate adoption and approval by the Scottsdale City Council.



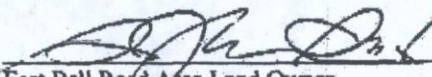
 (For) Board of Directors
 Coalition of Pinnacle Peak, Inc.
 Date: 4/11/00




 East Bell Road Area Land Owner
 William R. Bliss, SDI Group
 Date: 4-7-00



 East Bell Road Area Land Owner
 George H. Bell, Land Research
 Date: 4-7-00



 East Bell Road Area Land Owner
 Dr. Stephen J. Weiss, WingOne
 Date: 4-7-00



 East Bell Road Area Land Owner
 James Elson, Architect
 Date: 4-7-00

FROM : LAND RESEARCH AND DEVELOPMENT
FROM : ROBERT UAIRO

PHONE NO. : 348 7478
PHONE NO. : 480 585 4562

Feb. 17 2001 03:43PM F2
Feb. 15 2001 02:02PM P1



Coalition Of Pinnacle Peak, Inc.

8912 East Pinnacle Peak Road, Suite 275 • Scottsdale, AZ 85253

email: COPPeak@aol.com

website: www.COPPeak.org

February 15, 2001

Mayor and City Council
City of Scottsdale
3809 Drinkwater Blvd.
Scottsdale, AZ 85251

Re: 33-ZN-2000 Horseman's Park FCD

Dear Mayor and Council Members:

This letter is written on behalf of the Coalition and the property owners of Horseman's Park who supported the voluntary guidelines that were agreed upon almost a year ago. This was a joint effort to promote an overall plan for the development of the property that would ensure a planned approach for a number of issues that concern owners and residents alike. For your information, a copy of the guidelines that were supported by the listed owners and the Coalition is enclosed.

While it was understood that the guidelines were voluntary, they represented a serious effort to control certain development issues that were of concern and importance to all who live nearby. There was important consideration given to the view from the Pima Highway to the McDowell and the future use of Bell Road as the gateway to the preserve.

The main issue was the height of buildings. As you will see from the guidelines, we agreed on a limit of 42 feet for about 800 feet east of the Pima Freeway, but felt that 32 feet was more appropriate beyond that point, including all rooftop appurtenances.

Since the guidelines were formulated, we have met with Kurt Jones several times together with certain owners who attended those subsequent meetings. Again, the major issue was height. At the last meeting, a computerized mockup was done of the land looking east to demonstrate how various building heights would appear between the parcels east of the freeway to the state land.

The property owners and the Coalition support the proposed height restrictions in the proposed overlay except for the area immediately south of Bell Road that would allow a 42-foot height from 100 feet to 400 feet south of the road. We think that the proposed 30 feet starting at 70 feet south of the road should continue for the full 400 feet to provide a lower scale that would enhance the view and appearance of buildings along Bell. This would be more in keeping with the original guidelines that were agreed upon.

FROM : LAND RESEARCH AND DEVELOPMENT

PHONE NO. : 348 7478

Feb. 17 2001 03:44PM P:

FROM : ROBERT VAIRO

PHONE NO. : 480 585 4562

Feb. 15 2001 02:02PM P2

While the 42 foot height for the balance of the overlay exceeds the previously agreed upon guidelines, we are satisfied that because the land falls away to the south, the greater height would still provide for the view corridors that was the major driver for lowering building heights.

In summary, we agree with the overlay as proposed except for the height limit in the area from 100 to 400 feet south of Bell Road. We recommend that you amend the overlay so that this area would have a lower height limit of 38 feet for the reasons previously cited.

Sincerely,

Bob Vairo

Robert J. Vairo, President
(For) the Board of Directors

For the Horseman's Park Property Owners

[Handwritten signatures]

cc City of Scottsdale: Kurt Jones

Moriarity, Ben

From: Garbo, Louisa
Sent: Tuesday, December 22, 2009 2:47 PM
To: 'Neal Pascoe'
Cc: Moriarity, Ben
Subject: RE: Winstar Pro & REI

No, I haven't. Thanks for checking in with us. I will ask the Planning Assistants to hold off on closing the file until we receive something in writing.

Thanks Neal.

From: Neal Pascoe [mailto:npascoe@beusgilbert.com]
Sent: Tuesday, December 22, 2009 2:27 PM
To: Garbo, Louisa
Subject: Winstar Pro & REI

Louisa,

I have correspondence from George Bell concerning ZN 21-07 and ZN 22-07 and the companion abandonment indicating their intent to go forward if on-going negotiations with the State Land Dept. are fruitful. The correspondence seemed to be a copy of correspondence to you but I not certain you received an original, so I'm just trying now to close the loop.

Please let me know if you have received a response to your December 2 letter, and if the response is sufficient. If not, I will make sure you get a proper answer.

Thanks,

Neal T. Pascoe, AICP

Beus Gilbert PLLC

4800 N. Scottsdale Rd

Suite 6000

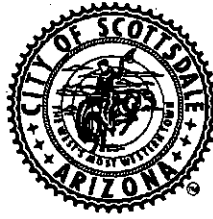
Scottsdale, AZ 85251

Phone: (480) 429-3060

Cell: (602) 478-7316

Fax: (480) 429-3100

e-mail: npascoe@beusgilbert.COM



December 2, 2009

Neal Pascoe
Beus Gilbert PLLC
4800 N Scottsdale Rd
Scottsdale, AZ 85251

RE: Winstar Pro
21-ZN-2007

Dear Mr. Neal Pascoe:

The Planning, Neighborhood, and Transportation Services Department had completed a review of the above referenced application submitted on 11/16/2007; however, there has not been activity on the application since the first review letter was sent to you on 12/31/2007.

For the purpose of our records, please contact our office in writing within 30 days of the date of this letter regarding your intentions for this application. Please be advised that if we do not hear from you, this application will be considered closed and will be withdrawn from our active applications. This action will necessitate a new application (with accompanying fees) should you decide to proceed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Louisa Garbo".

Louisa Garbo, AICP
Senior Planner

cc: George H. Bell
LAND RESEARCH AND DEVELOPMENT INC
16611 N 91ST ST STE 105
SCOTTSDALE, AZ 85260-1523

2007-021
Report No.

Coordinator EPSTEIN



Certificate of No Effect or Certificate of Approval Application Form

RE: ARCHAEOLOGICAL RESOURCES ORDINANCE

Parcel Number: 217 - 14 - 037A, 038A Quarter Section: 35-51

Street Address: 9875 + 9909 E. McDowell Mountain Ranch Rd.

Applicant Name: Paul Gilbert / Beus Gilbert LLC

Address: 4800 N. SCOTTSDALE Rd. Suite 6000
Scottsdale AZ 85251

Telephone Number: 480 429 3100 Fax Number: 480 429 3100 E-Mail: pgilbert@beusgilbert.com

Owner Name: Winstar Pro LLC

Address: 16611 N. 91ST No. 105
SCOTTSDALE AZ 85260

Telephone Number: 480 538 5474 Fax Number: 480 538 5475 E-Mail: ghbell@landvd.com

Notes: (WINSTAR PRO IN CDS)

Development Project Application

- Rezoning
- Preliminary Plat
- Development Rev Board
- Grading Permit

- Use Permit
- Final Plat
- Lot Split
- Infrastructure Imp.

- General Plan
- Master Plan
- Building Permit
- Native Plant

Archaeological Survey & Report

- Archaeological Survey and Report Submitted
- Name of Report: _____
Prepared By: _____

Date: _____

Applicants/Archaeologists Stop Here

Scottsdale Historic Preservation Program

7506 E Indian School Rd, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

THIS SIDE OF FORM TO BE COMPLETED BY CITY

Accepted by: _____
 Complete/Approved: _____
 (Historic Preservation Officer/City Archaeologist)

Date: _____
 Date: _____

CERTIFICATE OF NO EFFECT

Approved, in accordance with the following findings:

- No archaeological resources are located on the property.
- No significant archaeological resources are impacted.
- Significant archaeological resources are protected:
 Type of permanent protection provided LEAVE OLD VERDE CANAL BERM
 Documentation of permanent protection provided and approved _____

Denied, Certificate of Approval Required

Signature: [Signature]
 (Historic Preservation Officer/City Archaeologist)

Date: 12/14/07 PER ACS
REVIEW

CERTIFICATE OF APPROVAL

Dates:

- _____ Submittal of Revised Archaeological Survey and Report
- _____ Approved Revised Archaeological Survey and Report
- _____ Submittal of Mitigation Plan
- _____ Approved Mitigation Plan by HPO/Archaeologist or
- _____ Satisfactory Implementation of Mitigation Plan

Denied: _____

Approved

Signature: _____
 (Historic Preservation Officer/City Archaeologist)

Date: _____

APPEALS

Certificate of No Effect	Certificate of Approval	Mitigation Plan
Appeal Date:	Appeal Date:	Appeal Date:
HPC Hearing:	HPC Hearing:	HPC Hearing:
HPC Decision:	HPC Decision:	HPC Decision:
CC Hearing:	CC Hearing:	CC Hearing:
CC Decision:	CC Decision:	CC Decision:

Scottsdale Historic Preservation Program

7506 E Indian School Rd, Scottsdale, AZ, 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

Epstein, Henry

From: Epstein, Henry
Sent: Tuesday, November 27, 2007 5:11 PM
To: 'npascoe@beusgilbert.com'
Cc: Lamperez, Edmond A
Subject: New Cases to the City--21-UP-2007 and 22-UP-2007

Good Afternoon Mr. Pascoe,

Your client's applications were referred to Eddie Lamperez, Planner, and myself to review and process through the system to the eventual hearings needed. *We look forward to working with you on the two requests.*

We try to keep applicants aware of key issues needing their attention throughout the process of review, not just with the formal comment letters. This alerts applicants of issues sooner than later so that we can keep applications moving forward.

One of the first things I check with a new application is the evidence of ownership and authorization for representation.

The title report offered with the southern parcel (22-ZN-2007) shows the United States Government not the applicant...has the vested rights to the land but there appears to be an Exhibit B that refers to a Certificate of Purchase to a 2005 RE Investments 1, LLC. The Arizona Corporation Commission shows that this LLC has both Stephen Weiss and George Bell as Managers for the LLC. There is no indication if they both need to sign for the LLC or one can represent both interests.

The title report offered for the northern two parcels (21-ZN-2007) shows the property vested with Winstar Pro, LLC. Mr. Weiss, Mr. Sheegl and Mr. Bell are the listed managers based on records with the Arizona Corporation Commission. There is no indication that all three need to sign for this LLC or if one can represent the other interests.

With both applications, we have two (2) signatures of which only one can be identified as that of Mr. Bell. The presumption on my part is that the other is from Mr. Weiss. I do not like making assumptions.

We would appreciate your help with the following items:

1. Please qualify with both LLC's if one manager can sign for the other owners or if two or more managers need to sign. If so, we would appreciate some documentation to explain the management structure and identification of who's signatures go with which manager's name. If Mr. Weiss is signing as the second owner contact under the Developer contact location of the application, please edit the qualifier to be "Owner Contact".
2. Please revise the applications for the owner contacts. The owner of record an individual manager or member needs to be listed. With the northern property the owner of record is **Winstar Pro, LLC** not Land Research and Development. If the full ownership group wishes to have Mr. Bell receive all the information and be the contact, we would like to have documentation to that effect from the managers/members. The Owner Contact for the southern property would be **2005 RE Investments 1, LLC** not Land Research and Development. Mr. Bell again can be the contact for the ownership group if that is what they designate.
3. Please qualify why the US Government the listed owner with vested rights in part of the site versus 2005 RE Investments 1, LLC if the transfer or purchase of land has occurred as indicated.
4. **Please have the owners of record provide written authorization for Beus Gilbert PLLC to**

represent them in the applications going forward for both cases. All communications (letters, attachments, guides, red marked prints, etc.) from our office will go to the applicant contact. Copies of periodic review letters done with the completion of each submittal review (letters only) will be sent to the owner, developer, architect, engineer and applicant contacts listed. The comment letters are generally sent electronically, with hard copies and attachments being left at the front counter for retrieval by the applicant's contact. If items are to be mailed out instead of being picked up, we will make those arrangements with the applicant's agent.

5. **Owners of record are the only parties who can sign on behalf of the owners.** Thank you for having the owners sign the application--so often consultants sign and we have to go back and correct the signatures ..the consultants and applicant's contact cannot sign for the owners other than as applicant or as qualified by the owners in writing. Please be sure the authorization to be provided identifies that the applicant's agent not only can submit materials for the applicants but that they can represent the applicants in processing the requests through the City to the public hearing process.
6. Please call **480-312-7000** to schedule any meetings with us. The secretary receiving the call has access to our schedules and can arrange for all parties to be contacted. If there are engineering issues, transportation concerns or other matters needing attention at the meeting, let us know so we can invite the right staff to be available to assist you.
7. Please do not walk in unexpected with submittal materials and anticipate meeting with us without an appointment. Always make the time to arrange for any meetings to discuss your applications with appropriate staff. This will save you time and effort.
8. Please do not drop off items without advance notice if a meeting is not needed. The receptionists are instructed to not accept drop off materials unless they are pre-authorized. This prevents materials being left and lost.
9. The spokesperson for the applicant is the **applicant's contact**. We would appreciate their coordination of the applicant's team effort where feasible. Generally, Planning Services will coordinate all meetings need. However, engineers can directly contact engineers. We would ask that Planning Services be notified of any separate meetings in case we can attend and that we receive meeting notes if we are not present (can be an email summary of what transpired).

Some of this information may be known, but I do not know how often you have dealt with the City in recent history and we have undergone many internal procedural changes and adjustments in the past year. Thank you again for your patience and understanding in advance. We are here to help you and guide you through the process. We are available as needed with a simple phone call or email to set up a mutually convenient time to talk or work through issues.

We will be in touch after we complete our initial review.

Hank Epstein, AICP

Senior Planner
 City of Scottsdale
 Planning and Development Services
 7447 E. Indian School Road, Suite 105
 Scottsdale, AZ 85251
hepstein@ScottsdaleAZ.gov
 (480) 312-7976 direct
 (480) 312-7088 fax
 (480) 312-7000 main-appointments

Curtis, Tim

From: Curtis, Tim
Sent: Friday, April 13, 2007 11:01 AM
To: 'Neal Pascoe'
Subject: RE: Winstar/REI

Neal,
 See Laurie McCammon's email below.

Remember, in January we discussed the rezoning pre-application, and we discussed the S-R expectations of the Council, Staff, and neighborhood.

Thanks,
 Tim Curtis

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

From: lmaccrash@cox.net [mailto:lmaccrash@cox.net]

Sent: Wednesday, April 11, 2007 2:11 PM

To: City Council

Subject: Winstar Pro/REI proposed development east of Westworld and south of McDowell Mountain Ranch Road

Contact Information (if blank, user did not provide):

Name: Laurie McCammon

Address: ,

C/S/Z: ,

Phone: 480 419-6296

MESSAGE:

Dear Mayor Manross and Council Members, I am writing to address the proposed two story office development on the Winstar Pro and REI land near Westworld. The MMR CDC and neighbors are supporting Service Residential for these parcels as was our original position in 2003. While many uses have been proposed and explored this is the best use for property in this unique location. We are not supporting two story office buildings and office designation. The additional land acquired by the developers during the process adds greatly to the potential traffic on this already overburdened area. The intersection at MMR Road and TPP has traffic stacked in the south bound turn lanes as well as traffic exiting the Desert Canyon School, Aquatic Center and Arabian Library that has not yet been completed. Safety concerns due to the loop road being lessened to a loop drive that enters TPP at a sharp angle directly into the south travel lane would be negatively impacted by increase in trips caused by higher density two story office buildings. Service Residential was proposed for this property and the south/east corner of Bell and 98th Street in a document supplied by the developer's representative when the process began in 2003. Other properties in the area have been developed in agreement with the document specifically the Bell Road and 98th Street corner which was developed by Shea as SR. The document is signed by both George Bell and Steve Weiss as well as other land owners and Bob Vairo. A copy of the document was provided in my testimony at the GP hearing last fall. MMR CDC will be happy to supply additional copies if requested. At the GP

4/13/2007

21-ZN-2007
 1ST: 11/15/07

hearing our Mayor and City Council Members were direct in their support of SR for the property and spoke of that support in comments to Paul Gilbert. The community thanks you for your insight and work on the community's behalf. We are requesting your continued support of Service Residential that will allow the developer a reasonable use of his property while not negatively impacting our neighborhood safety, traffic and quality of life.

Thank you for your time and please feel free to contact the MMRCDC at any time. Respectfully, Laurie McCammon
on behalf of the MMRCDC Imaccrash@cox.net 480 419 6296 fax: 480 502 0461

Curtis, Tim

To: Neal Pascoe

Subject: Winstar/REI

Neal,

This is a correction regarding the rezoning preapps we had regarding this project. The current zoning is R1-35 PCD ESL, so you need to make sure your rezoning application includes an NAOS analysis for the ESL overlay district, which should be located in the Old Verde Canal. Also, you need to address the PCD findings in the Zoning Ordinance.

Let me know if you have any questions.

Thanks,

Tim Curtis

1/23/2007

21-ZN-2007
1ST: 11/15/07

12/10/07

Hank/Tim:

A couple of things regarding these zoning cases. I just reviewed the city council video and Randy Grant's presentation gave the council a recommendation to approve the GP (4-GP-2006 and 5-GP-2006) cases with an understanding that the property should be zoned S-R or C-O with amended standards to reduce height and the intensity of the development. During the discussion Councilmember's Drake, Littlefield, Nelson and the Mayor agreed. Also, Councilmember Drake asked for a trail from McDowell Mtn Road to Westworld. There are GLO's on the property that will need to be abandoned.

Eddie